

IN THE CIRCUIT COURT OF THE FOURTEEN JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA IN AND FOR BAY COUNTY
CRIMINAL JUSTICE DIVISION

STATE OF FLORIDA

CASE NO.: 06-4016CF

vs.

HENRY DICKENS
CHARLES ENFINGER

06-4016CFMA
06-4016CFMB

[REDACTED]
RAYMOND HAUCK

[REDACTED]
06-4016CFMD

[REDACTED]
HENRY MCFADDEN, JR.
KRISTIN SCHMIDT
JOSEPH WALSH II

[REDACTED]
06-4016CFMF
06-4016CFMG
06-4016CFMH

2007 SEP 19 A 9 10
HAROLD BAZZEL
CLERK CIRCUIT COURT
BAY COUNTY FLORIDA

FILED

**STATE'S MOTION FOR IN CAMERA REVIEW
OF RECORDS UNDER SUBPOENA**

THE STATE OF FLORIDA, by and through the undersigned Assistant State

Attorney, hereby requests the Court to perform an in camera review of records from Life Management Center of Northwest Florida, and in support thereof states the following:

1. On August 30, 2007, pursuant to a motion by the defense, the Court entered an Order for Life Management Center of Northwest Florida to provide medical records for Martin Lee Anderson. At the hearing on August 30, 2007, the State requested the records be provided for in camera review before being provided to the defense or the State. The Court ordered that the records be disclosed directly to the parties, and orally ordered that the records not to be disclosed to any person outside the litigation of this case.

2. The purpose stated for the issuance of the subpoena for records from Life Management Center of Northwest Florida was to discern whether Martin Lee Anderson had been diagnosed with a seizure disorder and prescribed anti-seizure medication.
3. On September 14, 2007, the State was informed by Life Management Center of Northwest Florida that it had provided the records in its possession pertaining to Martin Lee Anderson, except for a record that pertained to Martin Lee Anderson's mother, Gina Williams (now known as Gina Jones). The State has been informed that the records have been provided to attorney Jim White, counsel for defendant Raymond Hauck. The State has been informed that Life Management Center of Northwest Florida has also informed Mr. White about the existence of the record pertaining to Martin Lee Anderson's mother, but has not as yet provided the record to Mr. White.
4. The State has been informed by Life Management Center that the record they have not provided is part of the Martin Lee Anderson chart, but the record does not pertain to any medical condition of Martin Lee Anderson. The record in question is an Adult Adolescent Parenting Profile on Gina Williams, done when Martin Lee Anderson was 4 years old. The record arguably is a psychological/social assessment pertaining to Martin Lee Anderson's mother, and not a medical record pertaining to Martin Lee Anderson.
5. The State has not been provided the record in question. Based on the description provided to the State by Life Management Center, however, the Adult Adolescent Parenting Profile on Gina Williams does not appear to have

any possible relevance to this case. Furthermore, the record does not appear to be a record that pertains to any medical condition of Martin Lee Anderson that was the basis for the Court's order to issue a subpoena.

6. Because the record in question arguably qualifies as a psychological record for someone other than Martin Lee Anderson, and the State has specifically been made aware of this issue, the State feels it is appropriate to renew its request for the Court to conduct an in camera review. Since Life Management Center has already disclosed to the defense all other records in its possession pertaining to Martin Lee Anderson, the only record subject to in camera review would be the Adult Adolescent Parenting Profile on Gina Williams. The State feels that an in camera review of this record would be appropriate to protect the rights of the parties, as well as the rights of Gina Williams (now known as Gina Jones). If the record in question is a psychological record pertaining to Gina Williams, the record is privileged and should not be released to the parties absent compelling reasons to breach the privilege. If the record does not contain any information relevant to the issues in this case, the record should not be released to the parties in this case.

I HEREBY CERTIFY that a copy of the foregoing has been furnished to Hoot Crawford, attorney for Henry Dickens, at 748 Jenks Avenue, P.O. Box 1103, Panama City, Florida 32402; Walter B. Smith, Deputy Public Defender, attorney for Charles Enfinger, at 115 East 4th Street, P.O. Box 580, Panama City, Florida 32402-0580; Robert Sombathy, attorney for [REDACTED], at P.O. Box 430, Panama City, Florida 32402;

James H. White, Jr., attorney for Raymond Hauck, at 229 McKenzie Avenue, Panama City, Florida 32401; [REDACTED]

327, Panama City, Florida 32402-0327; Jonathan Dingus, attorney for Henry McFadden, Jr., at 527 Jenks Avenue, Panama City, Florida 32401; Ashley Benedik, attorney for Kristin Schmidt, at 1004 Jenks Avenue, Panama City, Florida 32401; and Robert Pell, attorney for Joseph Walsh II, at 514 Magnolia Avenue, P.O. Box 651, Panama City, Florida 32401, via U.S. mail and facsimile, on this 17th day of September, 2007.

MARK A. OBER
STATE ATTORNEY



Michael C. Sinacore
Assistant State Attorney
Florida Bar #0868523