

IN THE CIRCUIT COURT, FOURTEENTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA, IN AND FOR BAY COUNTY

FILED

2007 SEP 21 A 11: 48

STATE OF FLORIDA,

Plaintiff,

Case No.: 06-4016

HAROLD BAZZEL
CLERK CIRCUIT COURT
BAY COUNTY, FLORIDA

vs.

HENRY DICKENS
CHARLES ENFINGER

RAYMOND HAUCK

HENRY MCFADDEN, JR
KRISTIN SCHMIDT
JOSEPH WALSH

06-4016CFMA

06-4016CFMB

06-4016CFMD

06-4016CFMF

06-4016CFMG

06-4016CFMH

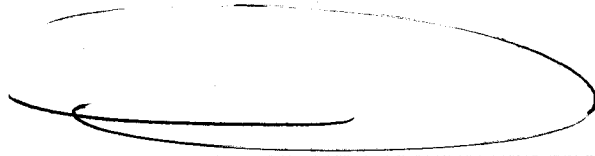
Defendant.

**ORDER GRANTING DEFENDANTS' MOTION FOR THE JURY
INSTRUCTION ON THE LESSER CHARGE OF "CULPABLE NEGLIGENCE"**

This Court being fully advised and having reviewed the Defendants' Motion and the heard the State's response does hereby **GRANT** the Defendants' motion for a standing and continuing objection to the Court's prior ruling allowing the State's requested instruction on the lesser charge of "neglect of a child". The Court acknowledges that the Defense request for the lesser charge of "culpable negligence" does not waive the Defendants' objection to the Court's inclusion of any non-homicide lesser.

It is hereby **ORDERED** and **ADJUDGED** that pursuant to the Defendant's standing objection to non-homicide lesser included offenses, the Court nevertheless **GRANTS** the Defendants' motion to include the second degree misdemeanor charge of "culpable negligence" as a lesser charge in this case.

DONE AND ORDERED at the Bay County Courthouse, Panama City, Florida,
this 21 day of September, 2007.



HONORABLE MICHAEL OVERSTREET
CIRCUIT JUDGE

Copies furnished to:

Honorable Michael Sinacore, Assistant State Attorney

Robert S. Sombathy, Attorney for Patrick Garrett

James H. White, Attorney for Raymond Hauck

[REDACTED]

Jonathan Dingus, Attorney for Henry McFadden, Jr.

Robert Pell, Attorney for Joseph Walsh

Ashley Benedict, Attorney for Kristen Schmidt

Hoot Crawford, Attorney for Henry Dickens

Walter Smith, Attorney for Charles Enfinger