

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

2007 SEP 21 A 11: 48

STATE OF FLORIDA,

Plaintiff,

v.

HENRY DICKENS,  
CHARLES ENFINGER,  
[REDACTED]  
RAYMOND HAUCK,  
[REDACTED]  
HENRY MCFADDEN, JR.,  
KRISTIN SCHMIDT,  
JOSEPH WALSH II,

Defendants.

Case Nos.:

06-4016CFMA

06-4016CFMB

06-4016CFMD

06-4016CFMF

06-4016CFMG

06-4016CFMH

HAROLD BAZZEL  
CLERK CIRCUIT COURT  
BAY COUNTY, FLORIDA

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**TRIAL MANAGEMENT ORDER**

A prejudicial exhibition of emotion may deprive a defendant of a fair trial. *Buckner v. State*, 714 So.2d 384 (Fla. 1998). It is the duty of this Court to protect the due process rights of the Defendants in this case under the Sixth and Fourteenth Amendments to the U.S. Constitution, and to protect the right of the people of the State of Florida to a trial by a panel of impartial, indifferent jurors whose verdict is based solely upon the evidence developed at the trial. It is the further duty of the Court to safeguard against the intrusion of factors into the trial process tending to subvert this purpose. *See Woods v. Dugger*, 923 F.2d 1454 (U.S. 11<sup>th</sup> Cir. 1991) (citing *Irvin v. Dowd*, 366 U.S. 717 (1961) and *Estes v. Texas*, 381 U.S. 532 (1965) (Warren, C.J., concurring)). To that end,

It is hereby **ORDERED AND ADJUDGED**:

- (1) That no one in the courtroom shall wear any shirts, buttons, ribbons, or other attire reflecting a bias for or against either the State, the victim, the Defendants in this case, or law enforcement in general. *E.g., Bell v. State*, --- So.2d ----, 32 Fla. L. Weekly S307 (Fla. June 7, 2007) (upholding a defendant's conviction where a spectator wore a t-shirt with the victim's photograph on it during the voir dire proceeding only because the prospective jurors said that they did not know who the person in the photograph was and that having seen it briefly would not affect their verdict); *Pozo v. State*, --- So.2d ----, 32 Fla. L. Weekly D1985 (Fla. 4<sup>th</sup> DCA Aug. 8, 2007) (in a case of vehicular homicide where the victim was the daughter of a law enforcement officer, the Court remanded for inquiry of jurors as to whether the presence of many uniformed law enforcement

officers in the gallery, in violation of a pretrial order precluding spectators from wearing buttons or t-shirts reflecting a bias for or against the state or the victim, may have influenced their verdict); and

- (2) That all attorneys in the case are subject to the same restrictions as the general public, and shall not wear any attire outlined above; nor shall they wear any attire advertising their businesses or profession. *See Sandstrom v. State*, 309 So.2d 17 (Fla. 4<sup>th</sup> DCA 1975) (holding that the judicial branch has the inherent power to regulate the professional conduct of all lawyers, and that a trial judge has the authority to impose dress requirements upon lawyers appearing before him/her in judicial proceedings).

This order applies both to the jury selection proceeding and to the trial itself.

**DONE AND ORDERED** in Panama City, Bay County, Florida, this 21st day of September 2007.

A large, stylized handwritten signature in black ink, consisting of a long horizontal stroke with a large loop at the end and a smaller loop at the beginning.

**HONORABLE MICHAEL C. OVERSTREET,  
CIRCUIT JUDGE**

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