

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA IN AND FOR PASCO COUNTY
CRC14-00216CFAES

STATE OF FLORIDA

V.

CURTIS J. REEVES

FILED FOR RECORD
PASCO COUNTY, FLORIDA
2016 MAY - 2 PM 2: 09
Paula S. O'Neil
Clerk & Comptroller
Pasco County, Florida

**STATE'S MOTION TO ENFORCE THE COURT'S ORDER OF
SEPTEMBER 8TH, 2015 TO FORTHRIGHT¹ FILE ALL DEFENSE DISCOVERY
DEPOSITION TRANSCRIPTS WITH THE PASCO COUNTY CLERK OF COURT**

COMES NOW BERNIE McCABE, State Attorney for the Sixth Judicial Circuit in and for Pasco County, Florida by and through the undersigned Assistant State Attorney hereby respectfully requests this Honorable Court to enforce its order of September 8th, 2016 commanding the defense attorney in the above-styled cause to forthright file all defense discovery deposition transcripts with the Pasco County Clerk of Court and as good cause shows as follows:

1. On September 8th, 2015 the court entered its order commanding the defense attorney in the above-styled cause to immediately fill all defense deposition transcripts with the Pasco County Clerk of Court.
2. The Defendant filed in the Second District Court of Appeal a Petition for Writ of Certiorari challenging the courts order on numerous grounds.
3. On February 26, 2016 the Second District Court of Appeal dismissed the Defendant's Petition for Writ of Certiorari PER CURIAM. The Second District Court of Appeal found that the court in signing the order compelling the Defendant to file the transcripts of all criminal discovery depositions in the above-styled cause did not depart from the essential requirements of the law and that the filing of said depositions did not result in a manifest injustice against the Defendant.
4. The Defendant filed in the Second District Court of Appeal a motion for rehearing, rehearing en banc, issuance of a written opinion and for certification of a question of great public importance and/or direct conflict.

¹ "forthright" – without hesitation. www.Merriam-Webster.com/dictionary. Straightaway; at once; immediately. He saw forthright that such an action was folly. www.Dictionary.com.

5. On April 19, 2016 the Second District Court of Appeal **denied** the Defendant's motion for rehearing, rehearing en banc, issuance of a written opinion and for certification of a question of great public importance and/or direct conflict.

6. The Defendant by not initially seeking relief from the Chief Judge as contemplated by Administrated Order PA/PI-CIR-99-35 has waived his right to now seek relief from the Chief Judge.

7. The Defendant has no other remedies available because he has exhausted or waived all available remedies and must now follow the court's prior order.

WHEREFORE, the State of Florida respectfully asks this court to enter its order commanding defense counsel to immediately file the transcripts of all defense criminal discovery deposition taken in the above-styled cause or that will be taken with the Pasco County Clerk of Court. Further, the transcripts of all defense criminal discovery depositions that have been ordered but yet transcribed be filed within 30 days of the court's order. Further, the decision to order the transcripts of defense criminal discovery depositions that have yet to be ordered transcribed, be made within 30 days of the court's order and filed within 30 days of ordering the deposition transcribed. Further, the defense criminal discovery depositions that have yet to be taken be ordered within 30 days of the taking of the deposition, whether or not the deposition has been completed, and then filed within 30 days of ordering of the deposition.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the *State's Motion To Enforce The Court's Order Of September 8th, 2015 To Forthright File All Defense Discovery Deposition Transcripts With The Pasco County Clerk Of Court* was furnished to Richard Escobar, Esq., Escobar & Associates, P.A., 2917 West Kennedy Blvd., Ste 100, Tampa, FL 33609, Attorney for the Defendant by U.S. Mail / Hand / Facsimile this 19th day of April, 2016.

BERNIE McCABE, State Attorney
Sixth Judicial Circuit of Florida

By:


Glenn L. Martin, Jr.
Assistant State Attorney