

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

**STATE'S MOTION TO COMPEL ADDITIONAL DISCOVERY
RELATING TO DEFENSE EXPERT VERNARD I. ADAMS, M.D.**

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 request this Honorable Court to enter an order compelling the Defendant to immediately provide to the State the below-identified material and as good cause would show:

1. On September 11, 2015 the Defendant filed his Notice of Reciprocal Discovery listing in paragraph B. expert witnesses he expects to call, including Dr. Vernard I. Adams. Fla. R. Crim. P. 3.220(d)(1)(A). The notice failed to identify a report or a statement by Dr. Vernard I. Adams. The notice also failed to identify the results of physical or mental examinations and of scientific tests, experiments, or comparisons. Fla. R. Crim. P. 3.220(d)(1)(B)(ii). Further, the notice failed to identify any tangible papers or objects the defendant intends to use in any hearing or trial. Fla. R. Crim. P. 3.220(d)(1)(B)(iii).
2. As has become the practice in Florida since Kidder v. State, 117 So.3d 1166 (Fla. 2nd DCA 2013), criminal defense attorneys are frequently asking defense expert witnesses not to complete reports. The State does not anticipate a report or statement from Dr. Vernard I. Adams. The fact that no "report" will be forthcoming from him does not relieve the Defendant from providing the results of any physical or mental examinations and of any scientific test, experiments, or comparisons that would normally be summarized in his "report".
3. The State knows through defense pleadings that Dr. Vernard I. Adams was provided with the following non-work product: a complete copy of autopsy of report and photographs regarding Chad Oulson, medical records regarding Chad Oulson, photographs of Chad Oulson and the State witness defense deposition of Dr. Jon Thogmartin, M.D.
4. The Defendant obtained a court order to enter Cobb Theater to conduct his own examination of the crime scene. The State reasonable believes that Bruce E. Koenig or another representative from Bek Tek was present along with Michael Knox, Knox &

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Associates, Forensic Consulting or another representative from Knox & Associates and Dr. Philip Hayden. The State reasonable believes that the purpose was to conduct an on-site evaluation to record visual information of the theater, including the evaluation of equipment that cannot be removed from the theater (Infra-red cameras & DVRs). The State also reasonable believes that photographs, measurements, notes, sketches and videos were made and will be used by these experts to support their opinions or to create demonstrative aids the experts, including Dr. Vernard I. Adams will use to explain their testimony to the court or to the jury.

5. The State reasonable believes that material issues relating to the shooting event are being examined by defense experts Bruce Koenig, (Video expert), Michael Knox (Crime Scene Expert), Vernard Adams, M.D. (Forensic Pathologist), Dr. Philip Hayden (Use of force expert) and Michael Foley, M.D. (Forensic Radiologist) The State reasonable believes that the expertise of each defense expert is sufficiently interwoven that the work of one expert can be used by one or more of the other defense experts in an attempt to support their respective conclusions and/or opinions or to general explain a particular concept or issue to the trier of fact.
6. The State anticipates Dr. Vernard I. Adams, M.D, a forensic pathologist will be called by the Defendant as an expert, to include muzzle to target distance determinations.
7. On a showing of materiality, the court may require such other discovery to the parties as justice may require. Fla. R. Crim. P. 3.220(f).
8. The State anticipates the defense will attempt to use Dr. Vernard I. Adams to explain general concepts relating to the relative position of the shooter and the victim at the time the fatal shot was fired and/or to opinion as the muzzle to target distance at the time the fatal shot was fired.
9. Justice requires that the below-described material be provided to the State by the Defendant prior to the taking of the discovery deposition of defense expert Dr. Philip Hayden.
 - a. Current C.V. for Dr. Vernard I. Adams, M.D. and all individuals who in any way provided any services of any kind regarding the work requested by the Defendant.
 - b. All material, including but not limited to reports, photographs, letters, correspondence, emails, submissions, sketches, diagrams, videos, crime scene mapping Dr. Vernard I. Adams received from Michael Knox, Knox & Associates (Forensic Consulting), Dr. Philip Hayden (Use of force expert) and/or Bruce Koenig (Video Expert)
 - c. All material, including but not limited to reports, photographs, videos, letters, correspondence, emails, submissions, sketches, diagrams Dr. Vernard I. Adams sent to Michael Knox, Knox & Associates (Forensic Consulting), Dr. Philip Hayden (Use of force expert) and/or Bruce Koenig (Video Expert)

- d. Any and all written or tapped statements of individuals who have information that is relevant to the State or the defense that was provided to Dr. Vernard I. Adams
 - e. All defense deposition transcripts provided to Dr. Vernard I. Adams to include but not limited to: Dr. Jon Thogmartin, MEO.
10. Further, in order to be able to take a meaningful, economical discovery deposition of Dr. Vernard I. Adams, the State is requesting the Defendant to provide to the State any tangible papers or objects that the defendant intends to use at any hearing or trial, including but not limited to the above-described items the State reasonably believes is specific and unique to defense expert Dr. Vernard I. Adams. Fla. R. Crim. P. 3.220 (d)(1)(B).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the *State's Motion To Compel Additional Discovery Relating to Defense Expert Dr. Vernard I. Adams* 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 10th day of October, 2015.

BERNIE McCABE, State Attorney
Sixth Judicial Circuit of Florida

