

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 STRIKE PARAGRAPH 1. A. OF
DEFENDANT'S NOTICE OF RECIPROCAL DISCOVERY**

COMES NOW, BERNIE McCabe, State Attorney for the Sixth Judicial Circuit, in and for Pinellas County, FL by and through the undersigned Assistant State Attorney, hereby moves this Honorable Court to strike the paragraph 1. A. of Defendant's Notice Of Reciprocal Discovery and as grounds therefore would show:

1. The Defendant, Curtis Reeves, has elected to participate in Discovery pursuant to Rule 3.220.
2. On September 11, 2015 the defense filed a Defendant's Notice Of Reciprocal Discovery which stated in part: 1. "Pursuant to Fla. R. Crim. P. 3.220(d)(1)(a), all persons whom the Defendant expects to call as witnesses at the trial or hearing: A. All witnesses listed by the State in its answer to Defendant's Notice of Discovery. Defense counsels then listed by name and address all 135 State's witnesses.
3. The above-described reciprocal witness list fails to comply with Rule 3.220(b). It is the Defendant's obligation to "furnish to the prosecutor a written list of names and addresses of all witnesses whom the defendant expects to call as witnesses at the trial or hearing". In good faith, the Defendant can not "expect" to call every witness listed on the State's witness list.

Patricia S. O'Neil
Clerk & Comptroller
Pasco County, Florida

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FILED FOR RECORD
PASCO COUNTY, FLORIDA

4. "The defense is certainly not prohibited from listing as its own those witnesses already listed by the state, but it must do so conscientiously, naming only those it actually expects to call." Dufour v. State, 495 So.2d 154, 162 (FL 1986).

WHEREFORE, the State of Florida respectfully requests this Honorable Court to enter an order striking paragraph 1. A. of the Defendant's Notice Of Reciprocal Discovery and require the defense to file a reciprocal witness list containing names and addresses of those witnesses the Defendant in good faith expects to call at trial.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the *State's Motion To Strike Paragraph 1. A. Of Defendant's Notice Of Reciprocal Discovery* 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 16th day of October, 2015.

BERNIE McCABE, State Attorney
Sixth Judicial Circuit of Florida

