

FILED FOR RECORD  
PASCO COUNTY, FLORIDA  
2015 MAY 21 PM 3:07  
Paula E. O'Neil  
Clerk & Deputy Clerk  
Pasco County, Florida

IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PASCO COUNTY, FLORIDA

STATE OF FLORIDA,

Plaintiff,

v.

Case No. CRC14-00216CFAES

CURTIS REEVES,

Defendant,

STATE'S RESPONSE TO MOTION TO COMPEL DISCLOSURE AND MOTION TO  
RESTRICT DISCLOSURE OF DISCOVERY

COMES NOW, Bernie McCabe, State Attorney for the Sixth Judicial Circuit, by and through the undersigned Assistant State Attorney, and responds to the Defendant's, Curtis Reeves', motion to compel discovery. In responding to the motion to compel, the State also moves this Court for an order to restrict disclosure of the discovery materials requested pursuant to Florida Rule of Criminal Procedure 3.220(e), (1). In support of the response and motion, the State of Florida shows the following:

1. On or about May 21, 2015, the Defendant filed a motion to compel the State to provide the following items to him unsupervised and uninterrupted for his experts to inspect: 1) shoes of Curtis Reeves, 2) firearm of Curtis Reeves, 3) ammunition of Curtis Reeves, 4) cellphone of Chad Oulson and 5) DVR from surveillance cameras of Cobb Theater. The Defendant

wants these items from 9:00 am on June 1, 2015 through 3:30 pm on June 5, 2015.

2. The State objects to the Defendant receiving these items unsupervised and uninterrupted. See Siegel v. State, 68 So. 2d 281, 289-90 (Fla. 4th DCA 2011) (rejecting motion to compel that reached too far). The State is responsible for maintaining chain of custody of all evidence in criminal cases. It will not agree to release items of evidence to experts for inspections without maintaining chain of custody. Maintaining chain of custody requires law enforcement officers, evidence technicians or other trained staff to supervise the experts while they inspect the evidence. The State does not object to the Defendant viewing 1) shoes of Mr. Reeves, 2) firearm of Mr. Reeves, 3) ammunition of Mr. Reeves, and 4) DVR from surveillance cameras of Cobb Theater under the close supervision of law enforcement to maintain the chain of custody.

3. The State notes that the Defendant has not served or notified law enforcement (the Pasco County Sheriff's Office) about this hearing. They are an essential party to this motion because they are the agency in possession of the evidence that the Defendant is requesting. The Sheriff's Office may have further input on the Defendant's motion.

4. There is no constitutional right to discovery. Weatherford v. Bursey, 429 U.S. 545, 555 (U.S. 1977). Instead,

criminal discovery is provided to parties based on rules of procedure. And Florida Rule of Criminal Procedure 3.220(e) allows this Court to restrict how evidence is disclosed during discovery. The Defendant's motion to compel discovery is overly broad, requiring the State to turn over items of evidence without supervision or without maintaining their chain of custody for purposes of trial. Instead, this Court can require the evidence only be viewed when law enforcement can supervise the Defendant's experts.

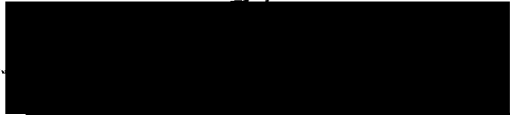
5. Likewise, Rule 3.220(1)(1) allows this Court to restrict disclosure to "protect a witness from harassment, unnecessary inconvenience, or invasion of privacy[.]" On May 29, 2015, Nicole Oulson, wife of the deceased, Chad Oulson, objected to the disclosure of the content of Chad Oulson's cell phone because it would be an invasion of privacy. The State agrees with the response of Nicole Oulson, who has proper standing to object on behalf of herself and the deceased. In addition, the State adds an additional objection: relevance. The State fails to see how the contents of the victim's cell phone is relevant, and the Defendant has not shown how the contents itself would be relevant.

WHEREFORE, the State respectfully requests this Court deny the Defendant's motion to compel because it is overly broad and does not comply with chain of custody requirements. In the

alternative, the State proposes that the Defendant can view 1) shoes of Mr. Reeves, 2) firearm of Mr. Reeves, 3) ammunition of Mr. Reeves, and 4) DVR from surveillance cameras of Cobb Theater under the close supervision of law enforcement.

Respectfully submitted,

**BERNIE MCCABE**  
**STATE ATTORNEY**

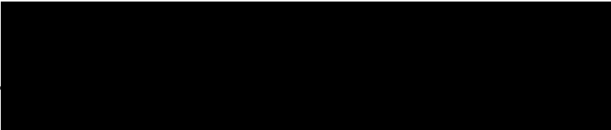


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COUNSEL FOR THE STATE

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to the Richard Escobar, Esq., Escobar and Associates, P.A., 2917 West Kennedy Boulevard, Suite 100, Tampa, Florida 33609, this 27th day of May, 2015.



**SARA ELIZABETH MACKS**  
Assistant State Attorney

COUNSEL FOR THE STATE