

**IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY, FLORIDA**

STATE OF FLORIDA,

Case No: 05-2020-CF-040351-XXXX-XX

Plaintiff,

v.

MICHAEL BASS LOCKE,

Defendant.

_____ /

NOTICE OF DEFENDANT'S INTENT TO PARTICIPATE IN DISCOVERY

The Defendant, MICHAEL BASS LOCKE, by and through undersigned counsel, and pursuant to Rule 3.220, Fla.R. Crim. P., hereby served this notice of intent to participate in discovery and request the following information be provided by the prosecution for inspection, copying, testing, or photographing:

PROSECUTOR - PLEASE NOTE:

1. Each specific elaboration, clarification, or specification [in brackets] following each general discovery rule herein which the defendant is demanding.
2. The additional entitlements authorized by constitutional and case law.
3. That any written response, by check-off form, or otherwise, by the State will be understood by the defendant to be:
 - A. That the State's total reply and total answer (to all the defendant's entitlements) is contained within the State's written answer.
 - B. That if no answer is given regarding the item such lack of answer will be understood to mean that no such item exists, or still exists, if it once did exist.

C. If the State's answer lists more than one location for any paper or item, the defendant will conclusively presume all items are at the state attorney's office unless the State specifically lists which papers or items are only located at one of the other listed locations. Therefore, specifically notify the defendant in writing as to each and any of these items, including the bracketed things or items which exist, and the physical location of each. If the State has any of these items or things and believes it is not required to respond under this notice regarding them, please notify the defendant so that a hearing on compliance may be scheduled by the defendant.

DISCOVERY REQUIRED BY FLA. R. CRIM. P. 3.220

The above named defendant, by and through his undersigned attorneys hereby notices his/her intention to participate in discovery as provided by RCrP 3.220(a)(1) and RCrP 3.220(a)(2) and Rules 1.200, 1.280 and 1.340 Rules Civil Procedure, that the State Attorney furnish and produce for inspection, copying, testing, and photographing all information and items as provided in said discovery rules. Specifically including:

(A) The names and addresses of all persons known to the prosecutor to have information which may be relevant to the offense(s) charged, and to any defense with respect thereto, or to any similar fact evidence to be presented at trial under section 90.404(2), Florida Statutes. The names and addresses of persons listed shall be clearly designated in the following categories:

(i) Category A. These witnesses shall include (1) eye witnesses, (2) alibi witnesses and rebuttal to alibi witnesses, (3) witnesses who were present when a recorded or unrecorded statement was taken from or made by a defendant or codefendant, which shall be separately identified within this category, (4) investigating officers, (5) witnesses known by the prosecutor to have any material information that tends to negate the guilt of the defendant as to

any offense charged, (6) child hearsay witnesses, (7) expert witnesses who have not provided a written report and a curriculum vitae or who are going to testify, and (8) informant witnesses, whether in custody, who offer testimony concerning the statements of a defendant about the issues for which the defendant is being tried.

(ii) Category B. All witnesses not listed in either Category A or Category C.

(iii) Category C. All witnesses who performed only ministerial functions or whom the prosecutor does not intend to call at trial and whose involvement with and knowledge of the case is fully set out in a police report or other statement furnished to the defense;

(B) the statement of any person whose name is furnished in compliance with the preceding subdivision. The term “statement” as used herein includes a written statement made by the person and signed or otherwise adopted or approved by the person and also includes any statement of any kind or manner made by the person and written or recorded or summarized in any writing or recording. The term “statement” is specifically intended to include all police and investigative reports of any kind prepared for or in connection with the case, but shall not include the notes from which those reports are compiled;

(C) any written or recorded statements and the substance of any oral statements made by the defendant, including a copy of any statements contained in police reports or report summaries, together with the name and address of each witness to the statements;

(D) any written or recorded statements and the substance of any oral statements made by a codefendant;

(E) those portions of recorded grand jury minutes that contain testimony of the defendant;

(F) any tangible papers or objects that were obtained from or belonged to the defendant;

(G) whether the state has any material or information that has been provided by a confidential informant;

(H) whether there has been any electronic surveillance, including wiretapping, of the premises of the defendant or of conversations to which the defendant was a party and any documents relating thereto;

(I) whether there has been any search or seizure and any documents relating thereto;

(J) reports or statements of experts made in connection with the particular case, including results of physical or mental examinations and of scientific tests, experiments, or comparisons;

(K) any tangible papers or objects that the prosecuting attorney intends to use in the hearing or trial and that were not obtained from or that did not belong to the defendant.

(L) any tangible paper, objects or substances in the possession of law enforcement that could be tested for DNA.

(M) whether the state has any material or information that has been provided by an informant witness, including:

(i) the substance of any statement allegedly made by the defendant about which the informant witness may testify;

(ii) a summary of the criminal history record of the informant witness;

(iii) the time and place under which the defendant's alleged statement was made;

(iv) whether the informant witness has received, or expects to receive, anything in exchange for his or her testimony;

(v) the informant witness' prior history of cooperation, in return for any benefit, as known to the prosecutor.

BRADY DEMAND

1. Any material information within the State's possession or control which tends to negate the guilt of the accused as to the offense charged.
2. Any and all criminal arrest records, rap sheets, or judgments of guilty of any witness disclosed by the State as a potential witness in this case.
3. The Defendant further specifically demands to know whether there has been any kind of hypnosis by any witness, or of any witness, in this case.
4. Any "Brady Material" BRADY v. MARYLAND, 373 U.S. 83, 83 S. Ct. 1194, 10 L.Ed.2d. 215 (U.S. Sup.Ct. 1963) The defendant specifically demands notice of and an opportunity to see, examine and copy all such information, statements, objects, expert opinions, test results, or other "Brady Material" which is, or may be, exculpatory to, or of, the defendant (regarding the issues of guilt or punishment) specifically regarding and including any: Firearms; Blood, Breath, Urine, Semen or other Bodily Fluids; Fingerprints; Hair, Powder Burns, Handwriting, Photos, Witness Statements; Test Equipment, (including within the last twelve months any: breakdowns, malfunctions, erroneous operation, erroneous calculations or erroneous conclusions; and/or repairs.)
5. All information regarding: The payment, or promise to pay, of any money, property, or other consideration [other than the normal statutory witness fees for court] given, paid, or promised to be paid to any state witness, expert or confidential informant including:
 - A. The amounts of such money, property, or other consideration given, paid or promised.
 - B. The manner, method and reason such payments were made or promised.
 - C. The number of times and the dates of such payments.

- D. The name of the person or other legal entity making or receiving such payments
and the source of such funds or property used as payment.

STATEMENT OF PARTICULARS

The Defendant moves the State Attorney to:

1. Specify the exact date of the alleged offense.
2. Specify the exact place of the alleged offense.
3. Specify the exact time of the alleged offense stated as a bracket of the time not exceeding 4 hours.

The undersigned attorney certifies that this notice is filed in good faith pursuant to Rule 3.220(n)(3), Fla.R. Crim. P.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served by Email via Florida e-Filing Portal to the following: Phil Archer, State Attorney at BrevFelony@sa18.org on this October 20, 2020.

EISENMENGER, ROBINSON, BLAUE & PETERS P.A.

/s/ R. Scott Robinson

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