

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

FILED IN OPEN COURT  
THIS 26 DAY OF August, 2015  
PAULA S. O'NEIL, CLERK & COMPTROLLER  
PASCO COUNTY, FLORIDA

STATE OF FLORIDA :  
V. :  
CURTIS J. REEVES, :  
Defendant :

BY [REDACTED] D.C.  
Second Degree Murder

**STATE'S MOTION TO COMPEL THE IMMEDIATE FILING OF ORIGINAL DEPOSITION TRANSCRIPTS AND TO REGULATE DISCOVERY**

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 requests this Honorable Court to enter an order directing defense counselor to immediately file in the court file of the above-styled cause all original transcripts of the defense discovery depositions previously taken or that will be taken in the above-styled cause and as grounds therefor would state:

1. The Defendant in the above-styled cause is charged with Second Degree Murder. Discovery was requested by the Defendant's defense counsel and pursuant to Fla. R. Crim. P. 3.220(b)(1)(a) was initially supplied by the State in 2014 and periodically updated thereafter.
2. In compliance with the Defendant's request, the State choose to provide the Defendant with a witness list without category designation. After receiving the witness list, the Defendant proceeded to take the depositions of virtually all of the listed witnesses. Presently, over 100 witnesses have been deposed and approximately 20 more depositions are expected. Defense counsel hired Independent Reporting Service, 418 E. Madison St., Tampa, FL 33602 to provide court reporters to attend the depositions and to transcribe them.
3. On August 10, 2015, after reviewing the State's motion and the Defendant's response and oral arguments from the parties, granted the State's motion pursuant to Administrative Order No. PA/PI-Cir-99-35 compelling defense counsel to file the original transcripts of the depositions currently transcribed and those that will be transcribed in the future. The court denied the State's motion for the deposition transcripts to be filed within a specific time period!
4. As of August 24, 2015, none of the discovery depositions taken in the above-styled cause has been filed with the Pasco County, Clerk of Court.
5. Further, as of August 24, 2015, defense counsel has not taken advantage of the remedy available to him pursuant to Administrative Order No. PA/PI-Cir-99-35 to seek an

exception from the Chief Judge, Sixth Judicial Circuit to this court's order to file the original defense discovery deposition transcript with the Pasco County, Clerk of Court.

6. An evidentiary Stand Your Ground hearing is scheduled to begin on Nov. 16, 2015. The trial in the above-styled cause is scheduled to begin on January 11, 2016.

7. The court's order compelling defense counsel to file the original deposition transcripts with the clerk of court without a specific time period for defense counsel to be in compliance with the court order renders the court order meaningless and does not fulfill the intent or the purpose said Administrative Order. The effect of the court's order simply compelling defense counsel to file the original deposition transcripts with the clerk of court without specifying a time period for defense counsel to comply would allow defense counsel to file said depositions at his leisure and advantage without consequences for his gamesmanship.

8. The immediate filing of the original transcript of the defense discovery deposition that have been transcribed and the setting of a specific time period for said depositions to be filed after they have been transcribed would be consistent with the intent and the purpose of said Administrative Order

WHEREFORE, the State respectfully requests this Honorable Court to enter an order compelling defense counsel to immediately file the original transcripts of the defense discovery depositions that are currently transcribed in the above-described court file at the Dade City, Pasco County, Clerk of Court and to order that all future original transcripts of defense discovery depositions be filed in the above-described court file at the Dade City, Pasco County, Clerk of Court within 5 days from the date the court reporter completes the transcription of the deposition; not from the date counsel for the Defendant requests or receives the original or copy of the deposition transcript.

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the *State's Motion to Compel The Immediate Filing of Original Deposition Transcripts and To Regulate 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 28<sup>th</sup> day of August, 2015.

BERNIE McCABE, State Attorney  
Sixth Judicial Circuit of Florida

