

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT IN AND
FOR ORANGE COUNTY, FLORIDA

STATE OF FLORIDA,

CASE NO.: 28-2020-CF 002603-A-O

Plaintiff,

JUDGE: WAYNE WOOTEN

vs.

SARAH BOONE,

Defendant.

**DEFENDANT'S *EX PARTE* MOTION FOR THE
APPOINTMENT OF A FORENSIC MENTAL HEALTH DEFENSE EXPERT
OR SIMILAR EXPERT, FACT INVESTIGATOR, AND FOR APPROVAL
OF OTHER NECESSARY DUE PROCESS COSTS**

COMES NOW the Defendant, SARAH BOONE, by and through undersigned Counsel, and respectfully moves this Honorable Court *ex parte* to enter an order appointing the following individual: mental health (psychologist or psychiatrist) expert or other similar expert at an hourly rate and number of hours to be determined by this Court, or for a flat fee and number of hours to be determined by this Court, plus costs. This Motion has been filed and submitted to the JAC. In support of this Motion, the undersigned states:

Ms. Boone is before this Court charged with Second Degree Murder, in violation of Florida Statutes 782.04(2), 775.087(1) and 775.087(2).

**The Appointment of an Expert is Absolutely Necessary to
Protect Mr. Sarah Boone's Constitutional Rights to a Fair Trial on the
Defining Issue in this Case: her Right to Mount a Complete Defense**

To properly present testimony and evidence relating to the factors set forth by the State, undersigned counsel requires the services of a forensic mental health evaluator or similar expert to review certain evidence and to make a detailed and scientific examination of certain evidence,

recommend/meet with other experts, and testify at hearings and trial of this matter.

A duly qualified forensic mental health expert or similar expert possesses the needed skills and expertise that most lawyers simply do not have. The expert has the training and ability to collect, understand, and evaluate documentary evidence related to the crime charged, and the death investigation, and potentially perform crime scene reconstruction in this case.

Linnda Durré, Ph.D., LMHC, NBFEE, CFMHE, is qualified to serve as a certified expert in this case, in ongoing investigations and to provide testimony at hearings and assist in jury selection at trial. Dr. Durré has been qualified as an expert in her areas of expertise on numerous occasions and in diverse circumstances, including in and out of the courtroom. She has testified as a certified expert in crime scene reconstruction, jury selection, and in other situations that have required her expert qualifications. She is a practicing psychotherapist in Florida and in a total of eleven (11) states across the Country. Her expertise is allowed in numerous jurisdictions.

Dr. Durré is a certified forensic mental health evaluator (CFMHE) and has expertise in the areas of potential defenses in this case, to wit: **Battered Women's Syndrome, Domestic Violence, Personality Disorders, Battering husbands, Infidelity and Alcoholic Blackouts, inter alia**. These are defenses that are necessary in the defense of this case.

Ms. Boone seeks the appointment of Dr. Linnda Durré as a forensic mental health expert in this case for the reasons cited above at an hourly rate and number of hours, or a flat rate all based on hours of work and related expenses and costs to be determined at a hearing in this Court. As an initial matter, Dr. Durré requires a reasonable upfront retainer in the matter. This retainer may be prorated as this Court deems appropriate, based on hours to be worked and expenses and costs. Without the expert and expertise described herein, Ms. Boone would be denied a complete defense

in her case

The curriculum vitae of the proposed desired expert is attached hereto as Exhibit A.

Miscellaneous Costs

Counsel will seek approval for certain costs such as transcripts before ordering them, as required by JAC policy. Counsel will seek specific approval regarding costs/expenses from the Court before conducting any out-of-state travel of the expert, which is not anticipated.

As always, this Court retains its power to approve or deny, on an interim basis and/or at the end of the case, or prior to the conclusion of the case, all specific fees and costs ultimately invoiced that are not covered by this Motion.

WHEREFORE, the Defendant requests that this Motion be granted and that the Court order the following:

1. Appointment of mental health forensic expert Linnda Durré, Ph.D., at a rate to be determined by this Court, to include costs and various expense at a hearing on the matter; and at such time to determine a cap on the expert fees and costs, in defense of the case. Counsel also moves this Court to order an initial fee, to be determined at the hearing, and to be paid once the expert is retained, exclusive of costs.

Respectfully submitted,

By: /s/ Winston E. Hobson
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished this
2nd day of January 2024, by email to the Justice Administration Commission at
pleadings@justiceadmin.org.

Respectfully Submitted,

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