

In the Circuit Court of the Ninth Judicial Circuit,
In and For Orange County, Florida

State of Florida case no: 2020-CF-002603-AO
Plaintiff, Division: 20

vs.

Sarah Boone,
Defendant.

MOTION FOR DEFENDANT TO LAWFULLY RECEIVE,
REVIEW, UTILIZE THE ORIGINAL HARDCOPY DIS-
COVERY (2 BOXES-A,B) SUBMITTED TO THE COURT
BY FORMER ATTORNEY(S) ON JUNE 28, 2024 FOR
PREPARATION OF TRIAL IN HER CRIMINAL CASE

Comes now, Sarah Boone, Pro Se Indigent De-
fendant, respectfully requests from the court
to lawfully receive, review, utilize the ori-
ginal hardcopy discovery (2 boxes-A,B) sub-
mitted to the court by former attorney(s) on
JUNE 28, 2024 for preparation of trial in her
criminal case.

Lawful support and valid reasons for this
request made by the Defendant include:

1) Discovery definition:

FILED IN OPEN COURT
Tiffany Moore Russell Clerk Cir Ct Orange Co FL

Deputy Clerk

By

Sarah Boone
2024-06-28

a) Exploration or examination;
Finding something out by search, obser-
vation. - Smart Comm. Tablet Dictionary

b) The process through which attorneys
acquire evidence in a case and encompasses
practically everything an attorney may or
must do under the rules of Criminal procedure
to acquire evidence before trial; can be cate-
gorized such as documentary, testimonial,
and physical. - Bouvier Law Dictionary (2012)

2) Filed and posted on the Clerk of the Court's web-
site by the Judge on July 9, 2024 @ 9:31 AM,
the Evidence Control Sheet states:

" A - Box of Discovery
B - Box of Discovery

The Court will reach out to the jail to in-
quire how to deliver to the Defendant and
will provide written order to release both boxes."

These 2 boxes (A,B) are the Defendant's ori-
ginal discovery she has not seen in full to
the present date, and it is her right to receive
by law to fairly proceed in her defense.

3) FRCP RULE 3.220 Discovery States:

(b)(1) "... shall disclose to the Defendant and permit to inspect, copy, test and photograph the following information...

(F) any tangible papers or objects that were obtained or belonged to the Defendant.

(h) Sanctions

(1) If at any time during the course of the proceedings, it is brought to the attention of the court (higher) that a party has failed to comply with an applicable discovery rule or with an order issued pursuant to an applicable discovery rule, the court (higher) may order the party (court) to comply with the discovery or inspection of materials not previously disclosed or produced, grant a continuance, grant a mistrial... or enter such other order as it deems just under the circumstances.

(2) Willful violation by counsel or a party not represented by counsel (court) of an applicable discovery rule, or an order issued

pursuant thereto, shall subject counsel or the unrepresented party (Court) to appropriate sanctions by the court (higher). The sanctions may include, but are not limited to, contempt proceedings against the attorney or unrepresented party (Court), as well as the assessment of costs (Defendant's time to prepare) incurred by the opposing party, when appropriate.

(3) The signature of the attorney or party (Court) constitutes a certification that the signer has read the request, response, or objection and that to the best of the signer's knowledge, information, or belief formed after a reasonable inquiry it is:

(C) not unreasonable or unduly burdensome or expensive, given the needs of the case and the importance of the issues at stake in the litigation."

4) The government is obligated under Brady and United States v. Agurs, 427 US 97, 96 S.Ct. 2392, 49 L.Ed.2d 342 (1976), to disclose information in its sole possession that is "material" to the issue of guilt or innocence. The govern-

ment places heavy reliance on the cases that hold information is "material" if "there is reasonable probability that, had the evidence (discovery) been disclosed to the defense, the result of the proceeding would have been different." Bagley, 473 US at 682, 105 S.Ct. at 3383.

Any documents or requests made intentionally unavailable to the Defendant through discovery and the Federal Rules of Criminal Procedure are in direct violation of the Defendant's due process with prejudice, and shall not be denied, restricted, or deferred upon request by the Defendant. By doing so, this constitutes intentional misconduct warranting sanctions." - Bouvier Law Library (2012)

- 5) By the court only providing "digital USB" discovery to be viewed solely on the laptop provided by OCCD, and restricted to select times during the day only (motion for extended times in process), without the necessary hardcopies, the Defendant is unable to:

a) review, research, investigate, build her defense at any time; numerous hours are in-

effectual and wasted by not having access to the laptop and by not having the original hardcopies available to use physically during the laptop's "closed" hours.

b) write notes, remarks, interpretations, explanations, make recordings of any kind.

c) transport to meetings in any location, including to the courthouse.

d) make copies for distribution or any necessary presentations in court.

If one form of the Defendant's discovery is unavailable, the other should be available without interruption for unrestricted, full access to equally, at all times, be able to lawfully prepare for her trial.

Both are available to be provided by the Court.

Due to the court's error of not communicating with the defendant foremost to avoid present circumstances, and the jail prior to the implementation of the order on

June 28, 2024, and after the Defendant's July 8, 2024 letter questioning the location of her promised hardcopy discovery (2 boxes - A, B), as a direct result of her extended waiting period for delivery by the court to expeditiously review, research, organize all contents, and attempt to prepare all pre-trial motions as ordered by July 22, 2024, the Defendant is now forced in this abrupt manner to only receive, and be restricted by the court, "USB" copies of her discovery.

(c) It is an obstruction of justice to withhold the Defendant's original hardcopy discovery that has been compiled for ongoing 5 years to properly, fairly, physically construct her rightful defense at all available times necessary to her, and on the sole, independent decision of the court, as the Defendant:

- 1) did not ask for or suggest this "USB" only option.
- 2) was not included in any decision making, collaboration, or equal agreement for "USB" only format to be received.
- 3) was never advised by the court prior to implementation of only receiving "USB" copies.

The Defendant was excluded and avoided in this incredibly restrictive decision.

Time, consideration, and inclusion could and should have been made on the court's behalf to prequelily avoid present disadvantaged circumstances, and the Defendant would not be deprived of her due process and equal opportunities to correctly, fairly represent herself and succeed futuristically.

Wherefore, Sarah Boone, Pro Se Indigent Defendant, respectfully requests to this honorable court in conclusion, to lawfully receive, review, utilize the original hardcopy discovery (2 boxes-A,B) submitted to the court by former attorney(r) on June 28, 2024 for preparation of trial in her criminal case.

By receiving the original hardcopy discovery (2 boxes-A,B) in addition to the "USB" digital copies, the Defendant is capable of viewing all discovery information available in continuous preparation of her trial, enhancing her ability to thrive lawfully in her forced by the court position of Pro Se and representation of self.

OATH

Under the authority of Section §92525 Fl. Statute, and State v. Shearer, 628 So 2d, 1102 (Fl. 1994), the Defendant makes the following oath under the penalties of perjury: "I declare under penalties of perjury, that I have read the foregoing document, and the facts and matters stated are true."

Sarah Boone
Sarah Boone

CERTIFICATE OF SERVICE

I hereby, certify that an original of this document has been HAND DELIVERED to the court of the Ninth Judicial Circuit on this 5th day of August, 2024, and a copy of this original document can be made and e-served via Florida Courts E-Filing Portal System to all attorneys and other parties on record.

Sarah Boone

Sarah Boone

Pro Se Indigent Defendant

#20005623/FDC-B4

P.O. Box 4970

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Ninth Judicial Circuit Court

Judge Michael S. Kraynick

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Orlando, FL 32801

State of Florida, State Attorney

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