

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

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

v.

Sarah Boone
Defendant.

REC'D FROM JUDGE

MOTION TO OBJECT BY THE DEFENDANT TO
STATE'S DIGITAL EVIDENCE (USB JUMP DRIVE)

Come now, the Defendant, Sarah Boone, by way
of Prose, respectfully requests from this Honorable
Court, that my motion be heard as to my reasons
why I am objecting to the state's evidence
against me, and to exclude or limit the
following particular items attempting to be
admitted into my criminal case by the state.

Objections are for digital contents specifically and
only located on the USB Jump Drive titled as:

"2020-CF-002603-0

BOONE, Sarah

Digital Discovery Compilation" which was
submitted to Defendant on August 9, 2024.

Objections by Defendant are as follows:

A) "Suitcase Videos" - 3 items:

- These files were obtained from my personal cell-phone
- ✗ There are no videos located in this folder on Jump Drive

1. IM6-1061: photograph of suitcase
2. IM6-1062: audio: 2 minutes and 3 seconds
3. IM6-1063: audio: 22 seconds

a) Lack of authenticity - There is no one to testify that the picture and audio are the same as the scene was at the time the audio was recorded and photograph taken.

The Prosecution fails to establish authenticity in any of these 3 items submitted.

- Florida Statutes Section 90.901
- supporting case law:
 - 1) Cooper v. State, 45 So. 3d 490 (Fla 4th DCA 2010)

b) Potential for unfair prejudice - I believe that the singular reason to utilize this audio is for the State to heavily prejudice the jury against me based on my statements in the audio to Jorge Torres.

The Prosecution's evidence is more prejudice than probative.

- Florida Statute Section 90.403

- supporting caselaw:

- 1) *Geosciminski v. State*, 132 So. 3d 678 (Fla. 2013)

- 2) *State v. McClain*, 525 So. 2d 420 (Fla. 1988)

c) Violation of Fourth Amendment Rights,

Unlawful Search and Seizure - This audio was obtained by an unlawful search and seizure of my personal cell-phone, and the Defense moves to exclude under my Fourth Amendment Right.

- Supporting caselaw:

- 1) *Mapp v. Ohio*, 367 U.S. 643 (1961)

- 2) *Wong Sun v. United States*, 371 U.S. 471 (1963)

B) "Bodycams" - 4 items:

1. 20-17904 - DEATH INVESTIGATION

2. AXON - Flex - 2 - video - 2020-02-24 - 1309

3. AXON - Flex - 2 - video - 2020-02-24 - 1322

4. AXON - Flex - 2 - video - 2020-02-24 - 1442

- a) Lack of authenticity - All of the bodycam videos obtained from uniform officers on the date of incident are time stamped and documented incorrectly during the entire use while at the crime scene.
- Florida Statute Section 90.901
 - Supporting caselaw:
 - 1) Cooper v. State, 45 So. 3d 490 (Fla. 4th DCA 2010)
- b) Violation of Best Evidence Rule - The State fails to provide the best version of this evidence. Under the Best Evidence Rule, the State has not provided true and accurate video evidence, and the Defense moves to exclude these bodycam videos.
- Florida Statute Section 90.952
 - Supporting caselaw:
 - 1) McCoy v. State, 853 So. 2d 396 (Fla. 3d DCA 2003)
- c) Violation of Miranda Rights - The bodycam videos recorded me making statements and providing information prior to me being given any Miranda Warning.

These are illegal interrogations and a violation of my Fifth Amendment rights, and should be excluded under the exclusionary rule.

- supporting caselaw:

- 1) Miranda v. Arizona, 384 U.S. 436 (1966)
- 2) Edwards v. Arizona, 457 U.S. 477 (1981)

C) "DEF's interviews" - 1 item:

1. 48-2020-CF-002603-0_ 48-2020-CF-002603-0
_ video6922_ 2- Sarah Boone_ interview_ 2

- a) Lack of authenticity - This interrogation video has no time stamp throughout its entirety of 2 hours, 06 minutes, and 03 seconds.

- Florida Statute section 90.901

- supporting caselaw:

- 1) Cooper v. State, 45 So. 3d 490 (Fla. 4th DCA 2010)

- b) Violation of Best Evidence Rule - The State fails to provide the best version of this evidence. Under the Best Evidence Rule, the State has not provided true and accurate video evidence, and the Defense moves to exclude this interrogation video.

- Florida Statute Section 90.952
- supporting caselaw:
 - 1) McCoy v. State, 853 So. 2d 396 (Fla. 3d DCA 2003)

The Defendant requests that the due date be extended to submit objections based upon:

The Defendant:

- 1) is unable to utilize her Sixth Constitutional Amendment Right to Counsel;
- 2) has never been Pro Se before;
- 3) is not an attorney or officer of the legal system;
- 4) lacks requisite professional competency, experience, expertise in the legal field;
- 5) is currently incarcerated;
- 6) has extremely limited and restricted resources to conduct extensive legal research to further support objections (no Internet);
- 7) does not have full-time use and access to laptop;

- 8) does not have full-time use and access to tablet;
- 9) does not have access to privacy (temporary) for in-depth review of discovery;
- 10) has limited access to Defense team (Investigator) to collaborate and complete greater work product.

These objections were done as expeditiously as possible based on my current circumstances.

The process for a Pro Se Defendant requires much more time, especially while incarcerated, than that of an unrestricted, well educated, resourceful attorney who is fully capable, and has all of the aforementioned availabilities.

Also, I reserve my reasoning(s) for my objections for in-court oral arguments.

Wherefore, the defendant, Sarah Boone, by way of Pro Se, respectfully moves this Honorable Court in conclusion, to hear my reasons why I am objecting to the State's evidence against me, and to exclude

or limit the included particular items attempting to be admitted into my criminal case by the State.

OATH

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

Sarah Boone
Sarah Boone

CERTIFICATE OF SERVICE

I hereby, certify that an original of this document has been MAILED USPS to the court of the Ninth Judicial Circuit on this 22nd 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 court record.

Sarah Boone

Sarah Boone

Pro Se Defendant

#20005623/FDC-B4

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Ninth Judicial Circuit

Judge Michael S. Kraynick

State of Florida, State Attorney

Billy Lane, Investigator, Prison Break Investigations

Mr. Boone

#20005023/FDC-B4

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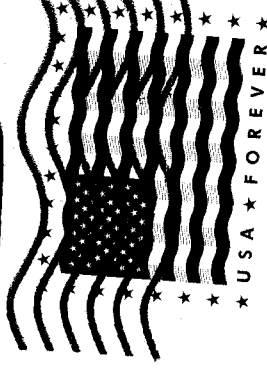
Orlando, FL 32802-4970

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