

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

CASE NUMBER: 2020-CF-002603-A-O

DIVISION 20

STATE OF FLORIDA

Plaintiff,

vs.

SARAH BOONE

Defendant.

ORDER ON DEFENDANT'S MOTION FOR A RIGHT TO HAIR, COSMETICS, AND
CIVILIAN CLOTHING WITHOUT RESTRAINTS FOR TRIAL

THIS CAUSE came before the Court on October 2, 2024, on the *Defendant's Motion For A Right To Hair, Cosmetics, And Civilian Clothing Without Restraints For Trial E-Filed 09/27/2024* (the "Motion"). The Court having reviewed the Motion, having reviewed the court file, having considered the arguments offered by counsel for State, and having considered the arguments offered by counsel for Defendant, finds as follows:

- A. The Court provided an *ore tenus* ruling on October 3, 2024 regarding Defendant appearing in civilian clothing for trial and Defendant's access to cosmetics and hair styling throughout the trial.
- B. The Court reserved ruling on Defendant appearing before the jury free from physical restraints.
- C. In deciding whether to physically restrain a defendant and what method to use, the court must balance its obligation to maintain courtroom safety against the risk "that the security measures may impair the defendant's presumption of innocence." See *Diaz v. State*, 513 So.2d 1045, 1046 (Fla.1987).
- D. "A court may order physical restraints only if it is found to be necessary to maintain the security of the courtroom. Before ordering a defendant shackled at trial, the trial court must make a case-specific and individualized assessment that considers: (1) the

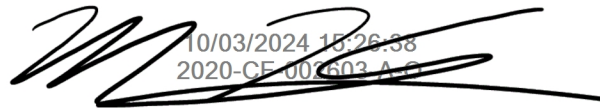
defendant's criminal history and the nature of the pending charges, with special attention to whether either involved violent acts; (2) whether the defendant has disrupted criminal proceedings in the past; and (3) whether the defendant has engaged in any threatening behavior.” See *Carlisle v. State*, 105 So. 3d 625, 627 and FN 1 (Fla. 5th DCA 2013)

- E. There was no evidence that Defendant has any criminal history.
- F. Defendant is charged by way of an Information filed 03/23/2020 with a single count of second-degree murder.
- G. There was no evidence that Defendant has disrupted criminal proceedings in the past or been a contumacious defendant during court proceedings. See *Dufour v. State*, 495 So. 2d 154, 162 (Fla. 1986).
- H. There was no evidence that Defendant has engaged in any threatening behavior.

ORDERS AND ADJUDGES AS FOLLOWS:

The **Motion** is hereby **GRANTED**. Defendant’s shackles and hand cuffs be removed during trial proceedings.

DONE AND ORDERED in Chambers, at Orlando, Orange County, Florida this 3rd day of October, 2024.



10/03/2024 15:26:38
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eSigned by Michael Kraynick 10/03/2024 15:26:38 Q6TZcTf9

Michael S Kraynick
Circuit Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing was filed with the Clerk of the Court this 3rd day of October, 2024 by using the Florida Courts E-Filing Portal System. Accordingly, a copy of the foregoing is being served on this day to all attorney(s)/interested parties identified on the ePortal Electronic Service List, via transmission of Notices of Electronic Filing generated by the ePortal System.

STATE OF FLORIDA

STATE ATTORNEY FOR THE NINTH JUDICIAL

CIRCUIT OF FLORIDA

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SARAH BOONE

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c/o TONY LEON HENDERSON, Esquire

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Anita Berrios, Judicial Assistant to Judge Michael S Kraynick