

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff

CASE NO.: 052013CF064037BXXX

vs.
WILLIAM MATHEW DUPREE,
Defendant

RESPONSE TO NOTICE OF DISCOVERY AND
DEMAND FOR NOTICE OF INTENTION TO CLAIM ALIBI

TO: FRITZ SCHELLER, ESQUIRE
200 E. ROBINSON ST., SUITE 1150
ORLANDO, FLORIDA 32801

SCOTT ELLIS
2013 NOV 13 A 10:10
FILED IN VERA-06
CLERK OF CIR. CT.
BREVARD CO. FL.

COMES NOW the State of Florida, by and through the undersigned Assistant State Attorney, pursuant to Defendant's Demand for Discovery and pursuant to Fla.R.Crim.P. 3.220, submits the following and hereby demands notice of intention to claim alibi:

1. The names and addresses of all persons known to the prosecutor to have information that may be relevant to any offense charged, or any defense, or to any similar fact evidence to be presented at trial under section 90.404(2), Florida Statutes, are as follows:
SEE ATTACHED WITNESS LIST.

This list of witnesses is not necessarily limited to those named but also includes any witnesses mentioned in any material made available for defendant's discovery pursuant to Fla.R.Crim.Pro. 3.220.

2. The undersigned Assistant State Attorney has initialed "Yes" below for each subparagraph listing items in the State's possession or control. The same are available for your inspection, copying, testing or photographing at the office of the undersigned upon timely and reasonable notice made to the undersigned. If you desire to copy and/or photograph same, copies will be provided upon signed receipt for same. The name(s) of confidential informant(s) will not be supplied unless the State intends to use same as witness(es) at the trial or unless required by court order after notice and hearing.

You must give the undersigned 48 hours (excluding weekends and holidays) written notice of the time you will appear for inspection of the disclosures herein and set the time for the same between 8:30 a.m. and 5:00 p.m. any regular business day.

a. Statements given by person(s) listed in Paragraph 1 above.
Yes Yes _____ None

b. Written, recorded and/or oral statements of defendant.
Yes Yes _____ None

c. Written, recorded and/or oral statements of co-defendants.
Yes Yes _____ None

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- d. Recorded Grand Jury Testimony of defendant.
_____ Yes WMD None
- e. Tangible papers or objects obtained from or belonging to defendant.
WMD Yes _____ None
- f. Material or information provided by confidential informant.
_____ Yes WMD None
- g. Electronic surveillance of premises of defendant or of conversations to which defendant was a part.
WMD Yes _____ None
- h. Search and seizure.
WMD Yes _____ None
- i. Documents related thereto.
WMD Yes _____ None
- j. Reports or statements of experts.
WMD Yes _____ None
- k. Tangible papers or objects not obtained from or belonging to defendant which the State intends to use at hearing or trial.
WMD Yes _____ None
3. All tangible objects as provided by Fla. R. Crim. P. 3.220(b)(1)(vi) and RCrP 3.220(b)(1)(xi), unless "NONE" initialed below, may be inspected, photographed, copied and tested during regular and ordinary business hours at:

- a. STATE ATTORNEY'S OFFICE
- b. FLORIDA DEPARTMENT OF LAW ENFORCEMENT
- c.

This document will serve as authorization for above addressee, the attorney for the defendant, or his designated representative to conduct the said discovery of tangible objects, in the above-styled cause, with reference to agencies case numbers as follows:

- a. # 052013CF064037AXXX
- b. # E1-14-0118
- c.

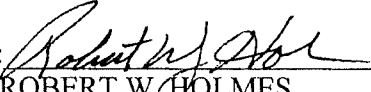
4. The State has herein submitted its witness list and expects the defense to submit its corresponding witness list within fifteen (15) days as provided in Fla. R. Crim. P. 3.220(d)(1). It is requested that defense disclosures of witness statements, reports of experts and tangible papers and objects to be made at the time you appear for inspection of items detailed in Paragraph (2) above, but in no case later than 15 days from the time you inspect the State's evidence.
5. The State furnishes the following particulars:
 - a. As specifically as is known to the State, the offense was committed by the defendant, WILLIAM MATHEW DUPREE
 - b. The crime(s) charged occurred on or between March 16, 2012 and January 7, 2013.
 - c. The place of the crime(s) charged was in Brevard County, Florida.
 - d. The defendant is charged as a principal in the first degree as defined by Section 777.011 of the Florida Statutes.
6. The State has supplied the above Particulars without requiring a Court Order, as set out in RCrP 3.140(n). Any other Particulars requested, if not already disclosed by other Discovery submitted, will be submitted only if ordered by the Court, as the Rule provides.
7. Under Rule 3.200, Florida Rules of Criminal Procedure, if you intend to offer evidence of an alibi in your defense, you are hereby required to serve upon me, the undersigned Assistant State Attorney for the Eighteenth Judicial Circuit, in and for Brevard County, Florida, not less than ten (10) days before trial or at such time as the Court may direct, a notice in writing of your intention to claim alibi, which said notice shall contain specific information as to the place at which you claim to have been at the time of the alleged offense and, as particularly as it is known to you or your attorney, the names and addresses of the witnesses through whom you propose to establish such alibi. You are under a continuing duty to disclose promptly to me the names and addresses of any additional witnesses which may come to your attention subsequent to the filing of your witness list.

If you fail in any particular to comply with the provisions of said Rule 3.200 a motion will be made to exclude any and all evidence, except your own testimony, offered by you for the purpose of proving an alibi.

CERTIFICATE OF SERVICE

I hereby CERTIFY that a copy of the foregoing was furnished by E-MAIL to FRITZ SCHELLER, ESQ., ATTORNEY FOR DEFENDANT, at FSCHELLER@FLUSALAW.COM, this 7th day of November, 2013.

PHIL ARCHER
STATE ATTORNEY

BY: 

ROBERT W. HOLMES
ASSISTANT STATE ATTORNEY
FLORIDA BAR NO. 285951
2725 JUDGE FRAN JAMIESON WAY,
BLDG D
VIERA, FL 32940
(321) 617-7510
Eservice: BrevFelony@sa18.state.fl.us

DEFENDANT: WILLIAM MATTHEW DUPREE
CLERK NO: 052013CF064037BXXX

WITNESS LIST:

CATEGORY A:

OFF DANIEL CONNER AUGUSTYNIAK
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2331 PHILLIPS ROAD
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ROBERT BALDWIN
402 ANCHOR KEY
MELBOURNE BEACH, FL 32951

CAROL BRANCATO
410 HARWOOD AVE
SATELLITE BEACH, FL 32937

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213 NORTH MAIN STREET
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TIGHTLINE PRODUCTIONS, OFFICE MANAGER
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ED BRYANT
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TIM BUCKLEY
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SEAN CAMPBELL
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TRAVERSE CITY, MI 49696

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FDLE
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NICK GEANEY
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CADILLAC, MI 49601

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622 SANDERLING DRIVE
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MELBOURNE, FL 32901

MARY BOLIN LEWIS
4765 HIDDEN CREEK ROAD
MELBOURNE, FL 32935

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BREVARD COUNTY SHERIFF'S OFFICE
ROCKLEDGE PRECINCT: 340 GUS HIPP BOULEVARD
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CINDY RABE
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SAINT CLOUD, FL 34771

ANALYST CALLIE RHOADS, CERTIFIED SENIOR CRIME
INTELLIGENCE ANALYST II
FLORIDA DEPARTMENT OF LAW ENFORCEMENT
OFFICE OF EXECUTIVE INVESTIGATIONS
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COMPUTER SYSTEM INNOVATIONS
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TYLER WINIK
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ROSE MARY HARR
CO-DEFENDANT

MITCHELL NEEDELMAN
CO-DEFENDANT

CATEGORY B:

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SUPERVISOR OF ELECTIONS
2725 JUDGE FRAN JAMIESON, BLDG. C
VIERA, FL 32940

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LEGAL ORDER PROCESSING
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CUSTODIAN OF RECORDS - REGIONS BANK
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