

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

STATE OF FLORIDA,
Plaintiff

CASE NO.: 052013CF064037AXXX

vs.
MITCHELL AARON NEEDELMAN,
Defendant

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

TO: WARREN LINDSEY, ESQUIRE
POST OFFICE BOX 505
WINTER PARK, FL 32790

2013 SEP 13 P 4:28
SCOTT ELLIS
CLERK OF CIR. CT.
BREVARD CO. FLA.

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.

WLL Yes _____ None

- b. Written, recorded and/or oral statements of defendant.

WLL Yes _____ None

- c. Written, recorded and/or oral statements of co-defendants.

WLL Yes _____ None

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- d. Recorded Grand Jury Testimony of defendant.
 Yes NOT None
- e. Tangible papers or objects obtained from or belonging to defendant.
NOT Yes None
- f. Material or information provided by confidential informant.
 Yes NOT None
- g. Electronic surveillance of premises of defendant or of conversations to which defendant was a part.
NOT Yes None
- h. Search and seizure.
NOT Yes None
- i. Documents related thereto.
NOT Yes None
- j. Reports or statements of experts.
NOT Yes None
- k. Tangible papers or objects not obtained from or belonging to defendant which the State intends to use at hearing or trial.
NOT 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, MITCHELL AARON NEEDELMAN
 - 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 mail to the above addressee, Attorney for the Defendant this 13th day of September, 2013.

PHIL ARCHER
STATE ATTORNEY

BY: 

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

DEFENDANT: MITCHELL AARON NEEDELMAN
CLERK NO: 052013CF064037AXXX

WITNESS LIST:

CATEGORY A:

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WILLIAM MATTHEW DUPREE
CO-DEFENDANT

ROSE HARR
CO-DEFENDANT

CATEGORY B:

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SUPERVISOR OF ELECTIONS
2725 JUDGE FRAN JAMIESON, BLDG. C
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