IN THE COUNTY COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR SARASOTA COUNTY, STATE OF FLORIDA

STATE OF FLORIDA,
Plaintiff,

vs. **CASE NO. 04 CT 14406 SC**

CAROLE BJORKLAND, et al.,
Defendant.
______________________/

FILED FOR RECORD
2005 NOV 10 PM 4:38
CLERK OF CIRCUIT COURT
SARASOTA COUNTY

STATE'S REQUEST FOR A RESPONSE HEARING

COMES NOW the State of Florida represented by Earl Moreland State Attorney for the Twelfth Judicial Circuit, files this Request for a Response Hearing, and states:

Summary

On November 2, 2005, this Court issued an Order compelling the State to produce an EPROM source code belonging to a third party. The Order was based on the Defendant's October 21, 2005 hearing. At that hearing, Defendant solicited expert testimony from Dr. Harley Myler, but the Court did not require the State to present testimony at that time, nor did the Court inquire with the State regarding any response testimony.

Prior to that hearing, the Court made clear that the purpose for the hearing was for the Defendant to establish a showing of materiality and reasonable necessity in the EPROM source code, and only after establishing that standard would the State be asked to respond.

The State was never asked to respond.

Nonetheless, without hearing from the State, the Court issued its November 2 Order finding that the Defense has met its initial burden, and then granted the Defense's request for supplemental discovery. Therefore, the State has been materially and unfairly prejudiced by not having the opportunity to present response testimony contradicting Defendant's expert opinion prior to this Court's ruling on the issue. Below, the State requests that opportunity.

I. State has had no opportunity to bring evidence in this cause, and thus has been deprived of procedural due process.

State has been deprived of a reasonable opportunity to be heard. This Court has ruled on a matter at hand without hearing from one of the parties. Such a hasty order violates fundamental procedural due process. Scull v. State, 569 So.2d 1251, 1252 (Fla. 1990)("The essence of due process is that fair notice and a reasonable opportunity to be heard must be given to interested parties before judgment is rendered.") See, Tibbetts v. Olsen, 91 Fla. 824, 108 So. 679 (1926); Rucker v. City of Ocala, 684 So.2d 836, 841 (Fla.App. 1st DCA 1997)("To qualify under procedural due process standards, opportunity to be heard must be meaningful, full and fair, and not merely colorable or illusive.")

The purpose of the October 21 hearing was to afford the Defense the opportunity to present sufficient evidence to

achieve the threshold of materiality and reasonable necessity. If achieved, the State would be permitted to bring evidence at a later hearing. The State has been denied this opportunity.

A. The October 21 hearing was to allow the Defense the opportunity to reach the threshold of materiality and reasonable necessity.

In numerous hearings and orders prior to October 21, this Court ruled that the October 21 hearing was for a Defensive purpose, that the State would not be obligated to bring any evidence, and only after the Court had ruled that the Defense had achieved their burden of materiality and reasonable necessity would the State be required to present evidence.

1. The June 3, 2005 hearing.[1] At the June 3, 2005 hearing the parties began a discussion regarding the EPROM source code. At that time, this Court indicated that the chronology of the hearing would first require the Defense to establish the relevancy and necessity of the EPROM source code. This Court said that **after the Defense establishes the relevancy and necessity of its request, "then the State may want to produce an expert** or a witness that would testify to the contrary."[2] Further, the Court elaborated, only after the State had its opportunity to be heard, "the Court will be able to make an informed decision."[3]

The Court issued an Order on June 3 denying the Defendant's request for EPROM source code "without prejudice for

the Defense to present testimony that the disclosure of the EPROM source code is either relevant or is reasonably calculated to lead to discoverable evidence." Exhibit B.

2. **The June 8, 2005 hearing.**[4] At the June 8, 2005 hearing, this Court entertained discussion on the record of the EPROM source code again. But no resolution was achieved.

3. **The July 28, 2005 hearing.**[5] At the July 28, 2005 hearing, this Court entertained discussion on the record of the EPROM source code again, and the issue of a bifurcated hearing. This Court repeatedly expressed that it wanted expert testimony, discussed the bifurcation issue, and then finished the hearing by ruling that the bifurcation issue "wasn't argued."[6]

The court appearance record from July 28 indicates that the State's Motion to Bifurcate did not reach a resolution. Exhibit C.

4. **The September 15, 2005 hearing.**[7] At the September 15, 2005 hearing the State moved to strike the Defense's pleading claiming it did not indicate what facts the Defense intended to prove, did not indicate what exhibits or documents it would be using, nor did it state with any particularity what legal grounds upon which facts would be placed. At the September 15 hearing, the Defense argued that they would put the State on notice of those facts at the hearing itself.

Therefore, placing the State on notice of the Defense's argument at the hearing itself necessitates a second hearing.

The State has a due process right for reasonable preparation of its expert. Scull at 1252. Such preparation cannot take place if the State is discovering the Defense's facts and legal grounds supporting its Motion for the first time at the hearing on the Motion.

The Court agreed that the twenty-first hearing was for the Defense when it stated:

> The [hearing on the] twenty-first is not to determine, uh, whether or not I'm gonna automatically order the State to produce the source code. It's whether or not [the Defense] can meet **that first burden** of materiality; and to do that, that's why we're having the expert come in and testify.
>
> ***
>
> **I'm not ordering that the discovery be produced…at the twenty-first hearing**; I'm ordering that we have a hearing so I can determine whether or not the State -- or [pause] the Defense can satisfy that burden such that I would later require [the State] to produce the discovery requested…
>
> ***
>
> It's the Defendant's burden to produce sufficient information to satisfy the Court that they have a material basis upon which their requesting this information. **I'm not requiring the State to do anything at this point**…I agree with you that the Defendant has the burden; I agree with you that they have to show materiality. That's why I gave them the opportunity to do so at the October 21 hearing…
>
> ***
>
> Just so we're clear. I'm not requiring the State to do anything at this point. **The only thing the State has to do on the twenty-first is show up.**
>
> ***
>
> Mr. Varn is right. What I stated was, is that it's the Defendants' burden to provide materiality through

> expert testimony based upon all the orders that were being submitted to me, and some of the Defense counsel that was at the last hearing was quoting from isolated transcripts of expert testimony, testifying at other hearings throughout the State. I said, "that's not gonna work." ... [The Defense has] the burden. That's what I've ruled. **The State is not required to provide with any expert witnesses unless they are required to under the rules of discovery. They're not, pursuant to my order of June 3rd.**[8]

Therefore, this Court's language reflects its understanding that the October 21 hearing was for a defensive purpose; was to afford the Defense the opportunity to meet its threshold burden of materiality and reasonable necessity. The State was not required to present its case at that time. Only after the Court found that the Defense had met this burden would the State be asked to proceed.

5. **The October 21, 2005 hearing.**[9] At the October 21 hearing the Court instructed the parties to proceed from the close of examination of the Defense's sole witness directly to argument on the issue. The record is clear that the Court never invited the State to present any evidence or testimony. Thus, by failing to invite the State to present any evidence or testimony, the Court indicates its understanding that the procedure includes a separate hearing for the State to present responsive testimony.

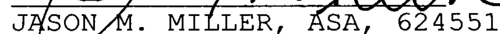
B. The State has been deprived of its opportunity to be heard, in violation of fundamental procedural due process.

The court records are clear. The October 21, 2005 hearing was for the Defense to bring testimony and evidence to establish the burden of materiality and reasonable necessity. The Court ruled consistently with this interpretation on numerous occasions. Then, at the October 21 hearing, the Defense presented evidence and testimony, some of which was presented to the State for the first time. On November 2, 2005, the State discovered that the Defense had met its initial burden when it received this Courts order awarding the Defense the supplemental discovery.

Procedural due process and fundamental fairness allow the State the opportunity to bring its side of the issue.[10] As such, the State requests this Court stay its previous Order from November 2, 2005 and provide the State the opportunity to present its evidence and testimony.

WHEREFORE, the State moves this Honorable Court to stay its November 2, 2005 Order, and allow the State the opportunity to present testimony and evidence at a Response Hearing in this cause.

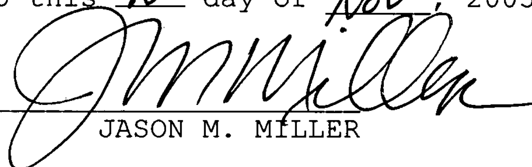
Respectfully submitted,
EARL MORELAND, STATE ATTORNEY

BY: 

JASON M. MILLER, ASA, 624551

Office of the State Attorney
2071 Ringling Blvd., Suite 400
Sarasota, Florida 34237-700

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by hand to: Robert Harrison, Esquire, 825 S. Tamiami Trail, Ste. 2, Venice FL 34285 this 16th day of Nov, 2005.

BY: 
JASON M. MILLER

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[1] The following transcriptions are made in light of the immediacy of this filing. Attached with this Motion as Exhibit A, please find CD copies from all of the hearings mentioned in this filing.

Transcribed from the June 3, 2005 hearing recording:

At 2:59:33:

[COURT] I don't care how you get the [EPROM] information before the court. But I need the information to make the determination. And if the Defense is able, through an expert or two to establish if [the discovery request is] relevant and necessary or would lead to relevant evidence, then the State may want to produce an expert or a witness that would testify to the contrary. Then, based upon that, the Court will be able to make an informed decision. Right now, the Court can't make an informed decision.

[2] **See endnote 1.**

[3] **See endnote 1.**

[4] **Transcribed from the June 8, 2005 hearing recording:**

At 4:17:00:

[STATE] Judge Denkin, Mr. Harrison and I have an issue that we argued with you last Friday and need to find out a little guidance whether I need to file a formal motion….[EPROM discussion].

[5] **Transcribed from the July 28, 2005 hearing recording:**

At 3:37:24:

[COURT]…I want expert testimony. I thought we made that clear in our earlier order. If it is not, I apologize. I want expert testimony. Just like they had on the east coast. If I'm gonna order us the source code, I want expert testimony. The documents [the Defense has] attached are not sufficient.

[Mr. HARRISON] My understanding was that we needed to have something to explain what the EPROMs does. I thought those documents were. That's where -- I'm sittin' here trying to see is, those documents self-explanatory, if we want to put together testimony as to what those documents are, we are prepared to do that.

At 3:39:22:

[COURT]…in discussing it with Judge Bonner, its my belief that she's in agreement that we need some testimony with regard to the source code before we can rule; and documents aren't sufficient in and itself….

At 3:39:58:

[STATE]…we would request the opportunity to bifurcate the hearing; indicate…what I mean by that is, that the Defense…that we put first things first. The Defense have the opportunity to bring their expert to testify on any one particular day. And then we would then have the opportunity on another day to retain an expert to go over that testimony, and, um, to bring them on a second day.

[COURT] Why would you need to do that?
[STATE] To have…to respond to any of that expert's testimony. To review the testimony or documents entered by the Defense.
[COURT] It's your machine.
[STATE] Correct.
[COURT] You know how that machine…your experts, I assume, know how the machine works; knows what's relevant and what's not relevant in regards to the machine. [The Defense is] coming in blind. You've got all the information. You've got the person who has the, uh, the privacy issue. You've got the person that made the machine. I don't understand why you need time to review what their expert says and then come back a month or two later.
[STATE] I imagine that that - because the, perhaps, the Motion to Strike ended a certain way, our Motion to Bifurcate really is for tomorrow. If he was going to be holding it tomorrow, and was going to present testimony tomorrow, we would need time to then retain and….
[COURT] I understand that argument. But what I'm hearing is - is Mr. Harrison is going to reschedule those Motions to bring about his expert. He's going to provide the State with the name and address of that expert. Correct?
[Mr. HARRISON] That's correct. But just dealing with bifurcating, I would….
[COURT] We're not talking about bifurcating anymore.
[Mr. HARRISON] Right, because I want my expert, because if he puts expert testimony, we need it for rebuttal….

At 3:41:44:
[COURT] Let me back up for a second, and then you can ask whatever question you want to ask. Your Motions for tomorrow are being continued, correct?
[Mr. HARRISON] Continued or cancelled.
[COURT] Cancelled. You are going to present expert testimony with regard to the necessity of the State providing the source software code for the EPROM, correct?
[Mr. HARRISON] Correct.
[COURT] Alright. You are going to provide the State with the name of your expert and the address of your expert, correct?
[Mr. HARRISON] Yes, sir.
[COURT] Alright. I find that based upon that, there's no need to bifurcate the issues. Let's move on to your next question.

At 3:50:13:
[COURT] Actually, well just show the record that um, Mr. Harrison withdrew his Motion after the Court, um, before the Court could rule on whether or not to grant the State's motion to Strike.
[Mr. DEIRMAN] Judge, I'll do the same. I'll withdraw my Motion.
[COURT] Ok.
[Mr. HARRISON] Probably, it would save time if we would have a notation that, about the bifurcation so we won't have to go through that again; if we had that notation on the court appearance record.
[COURT] I'm old, but I won't forget. Don't worry about that. It wasn't argued, so.
[COURT] When you argue the Motion I would strongly suggest that you don't use big words. Use real small words when you talk to me.

[6] **See endnote 5.**
[7] **Transcribed from the September 15, 2005 hearing recording.**

At 3:53:00:

[STATE]…depending on what the State, er, the Defense might produce, which they haven't put into their Motion, in their grounds for their Motion, they've put no facts upon which we know, we only know from representations that they may be calling Dr. Mylar; we have not received in discovery any exhibits so, in that regard Judge, we're being … we're blindsided; but we sort of know what they might be doing….

At 3:54:44:

[STATE] … I'm saying that I don't know we're gonna call any [witnesses]. Here's one of our problems. Because the Defendant failed to plea any facts in his Motion that would cause us to know what it is are you going to try to prove if we have a hearing on the evidence ….

[COURT] Ok. That's a separate issue.

At 3:55:19:

[STATE]…and then, if necessary, but I say if necessary, uh, the State's rebuttal with other witnesses.

[COURT] Ok, alright. That answers that question. Ok. Thank you.

At 4:10:58:

[Mr.BYRD] Judge, my understanding is, is that you issued an order, saying that when we first asked for the source code that you needed to hear expert testimony, why this stuff was material, why this was even relevant; why would you need it. We then complied with that by going out an hiring an expert - our expense -- not the State's expense; Dr. Myler from Texas. I don't think that they don't have notice as to what we're seeking because Mr. Hartery just gave a fourty-five minute argument as to him seemingly knowing everything we're seeking. [The Defense has] a right to have a hearing. The way we're gonna prove its necessity; the way we're gonna prove its material is when we have the hearing, when we put on live testimony as to why the revelation of the source code is necessary for us to have it, why its material for us to have it. We filed a very…I don't think there's anything ambiguous about the Motion, the Motion for Supplemental Discovery. The supplemental discovery we need is the source code.

At 4:15:40:

[STATE]…If they have grounds for the Motion, they should state the grounds; and I don't mean in conclusory terms.

At 4:18:57:

[STATE]…They need to tell us what is it that they have a right to get; and what are their legal and factual grounds that, if proved, if proved at the hearing, would enable the court to grant their prayer…I don't know what exhibits they might intend to offer…They haven't pled it; and there's no reason for us to have to have such an expensive and burdensome hearing if they cannot put in writing what they are the factual and legal grounds to justify the court granting their prayer for relief…So I say they have the cart before the horse. They want to have the hearing first….

At 4:20:54:

[STATE] … That they would have to allege actual grounds upon which … that would show that the thing that they're asking for is necessary, uh, in order to obtain the trade secret.

[COURT] And one way that they could do that is having an expert testify telling me why its important that they get this information…and that's what I've asked them to do…and that's what we have set for the twenty-first.

At 4:21:27:

[COURT] The twenty-first is not to determine, uh, whether or not I'm gonna automatically order the State to produce the source code. Its whether or

not [the Defense] can meet that first burden of materiality; and to do that, that's why we're having the expert come in and testify.

At 4:21:40:

[COURT] You're saying the same thing I always hear Mr. Varn offer to the defense, and that's 'you can take his deposition, find out exactly what it is they have to say." And…you know who the expert is, and I'll require the Defense to make him available prior to the twenty-first. You'll know exactly what he has to say, and you'll have the opportunity to determine whether or not what he says is wrong, and produce experts to show to the contrary…and then this court can make an informed decision as to whether or not their request is sufficient….

At 4:23:10:

[COURT] To get discovery [the Defense has] to show materiality…I'm not ordering that the discovery be produced…at the twenty-first hearing; I'm ordering that we have a hearing so I can determine whether or not the State - [pause] - the Defense can satisfy that burden such that I would later require [the State] to produce the discovery requested…

At 4:24:41:

[COURT] It's the Defendant's burden to produce sufficient information to satisfy the Court that they have a material basis upon which their requesting this information. I'm not requiring the State to do anything at this point…I agree with you that the Defendant has the burden; I agree with you that they have to show materiality. That's why I gave them the opportunity to do so at the October 21 hearing…

At 4:25:19:

[COURT] Just so we're clear. I'm not requiring the State to do anything at this point. The only thing the State has to do on the twenty-first is show up.

At 4:34:19:

[STATE]…(by Mr. Varn)I think based upon what was said today, I don't know that we even have to call a witness [at the October 21 hearing]. So I don't know why we would.

At 4:35:07:

[COURT] Mr. Varn is right. What I stated was, is that it's the Defendants' burden to provide materiality through expert testimony based upon all the orders that were being submitted to me, and some of the Defense counsel that was at the last hearing was quoting from isolated transcripts of expert testimony, testifying at other hearings throughout the State. I said, 'that's not gonna work.' ... [The Defense has] the burden. That's what I've ruled. The State is not required to provide with any expert witnesses unless they are required to under the rules of discovery. They're not, pursuant to my order of June 3rd.

[8] **See endnote 7.**

[9] **Transcribed from the October 21, 2005 hearing.**

At 4:42:50:

[COURT] May we excuse the witness?
[Mr. HARRISON] Yes.
[COURT] Thank you for your time, sir.
[Mr. HARRISON] Thank you, Doctor.
[STATE] Thank you, Doctor.
[COURT] Alright, does anyone know how to turn him off so he can really leave? We're still looking at you, so keep that in mind.
[LAUGHTER]
[COURT] Alright, you're gonna turn yourself off. Alright.
[SYSTEM OFF 4:43:38]

[SYSTEM ON 4:43:51]

[COURT] How much time are you asking for at this point, gentleman, to argue, assuming that you want to orally argue?

[STATE] Fifteen minutes.

[COURT] Can we agree on ten each? Thank you. Is that agreeable? No, the panel says two each.

[LAUGHTER]

[COURT] Ten is fine. Alright. Let's go…You're Motion; wanna go first [to the Defense]? You gonna argue Mr. Byrd; you gonna argue Mr. Harrision?

[Mr. BYRD] We're arguing over who's going to argue.

[LAUGHTER]

[Mr. HARRISON] (Begins closing argument)

[10] State herein proffers to the Court what it would bring at its hearing, including the following witnesses, already provided to the Defense in discovery:

Laura Barfield, FDLE: Ms. Barfield will testify to the basic policy and procedures of FDLE including the requirements of 11D-8, FAC, the 1984, 1993, 1997, 2003, and 2005 approval studies; the lack of any trade secret protection clause in any written, oral, or implied contract between FDLE and CMI, Inc.; the lack of any written contract between FDLE and CMI, Inc.; the reasons for the software revision from versions 900.08 and 900.10 and the follow-up approval studies; among other facts.

William Schofield and/ or Glen Gilbreth, CMI, Inc.: An engineer(s) from CMI, Inc. will testify to the specific software revision from versions 900.08 and 900.10, the specific circuit board requirements of 900.10 and any normal observable differences between them, the effect any changes have on any breath test results, the available alternatives to production of the source code, the reasons for invoking the trade secret requirement, among other facts.

Deputy Jared Seckendorf, SSO: Dep. Seckendorf will testify to the history of the instruments as utilized in this case, including the yearly and monthly compliance requirements, and various test results, among other facts.

State v. B[illegible]

04-CF-4406-SC

Exhibit A

IN THE COUNTY COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR SARASOTA COUNTY, FLORIDA

State of Florida
Plaintiff,

vs. CASE NO. 2005 CT 905 NC

Amber Paddock et al
Defendant.

ORDER

THIS CAUSE having come before the Court on Plaintiff's/Defendant's

Motion: Robert Harrison, Varna VanNess, Jason Miller

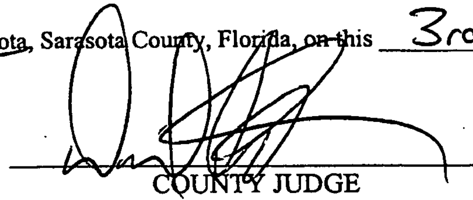
Present are Motion for supplemental Discovery and notice was/was not given.

The Court having heard argument of counsel and/or the parties, and being otherwise advised in the premises, it is hereby:

ORDERED AND ADJUDGED that said Motion be, and the same is hereby:

Denied without prejudice for the Defense to present testimony that disclosure of the EPROM source code is either relevant or ~~would lead~~ is reasonably calculated to lead to discoverable evidence.

DONE AND ORDERED in Chambers at Venice/Sarasota, Sarasota County, Florida, on this 3rd day of June, 2005.



COUNTY JUDGE

FILED FOR RECORD
2005 JUN -3 PM 3:54
KAREN E. RUSHING
CLERK OF CIRCUIT COURT
SARASOTA COUNTY, FL

Copies Furnished To:

Plaintiff ________ by hand/mail

Defendant ________ by hand/mail

EXHIBIT B
STATE v. CAROLE BJORKLAND, et al.
04 CT 14406 SC

IN THE COUNTY/CIRCUIT COURT IN AND FOR SARASOTA COUNTY, FLORIDA
COURT APPEARANCE RECORD

TAPE METER

STATE OF FLORIDA CASE #: **2005 CT 004730 NC** OBTS #: 5801072206

VS

MAGDALIK, DAVID R

JUDGE: ***DENKIN, DAVID LEE*** TYPE OF PROCEEDING: CMOT
DATE: *07/28/2005*

APPEARANCE: ☐ PRESENT ☑ PRESENT WITH ATTORNEY ☐ NOT PRESENT-WRITTEN NOT GUILTY PLEA ☐ FAILED TO APPEAR

COURT ORDERED: ☐ BW ☐ CAPIAS ☐ BOND SET ______ ☐ NO MOD ☐ BOND FORFEITED ☐ SUMMONS ______ ☐ D-6

COURT APPOINTED ATTORNEY: ☐ PUBLIC DEFENDER ☐ SPECIAL P.D. ☐ DEFENDANT WAIVED RIGHT TO COUNSEL

CHARGES OF: CT	SQ		BOND	TYPE	PLEA: G	NG	NOLO	AB	ADJUDICATION: G	NG	W/H	N.P.	D
1	1	316.193(3C1) DUI AND DAMAGE PROPERTY- VEHICLE	CASH	$2,000.00	☐	☐	☐	☐	☐	☐	☐	☐	☐

SENTENCE STATE ATTORNEY: Miller DEFENSE ATTORNEY: [illegible]

CT1 SQ FINE C.J. DOC YEARS MONTHS DAYS C.T.S. SUSP. JAIL ☐ CONC W/ ☐ CONSEC TO ☐ COTERM W/

☐ COURT COSTS AS SHOWN ON COST SHEET PROVIDED ☐ PAYMENT PLAN ☐ REDUCE TO JUDGMENT ☐ DUE OVER PROBATION
☐ SUSPEND JAIL CONDITIONS: ______
☐ WK WKNDS ______
☐ STRAIGHT WKNDS

PROBATION / COMMUNITY CONTROL

CT 1 SQ1 SA DOC YEARS MONTHS DAYS CONCURRENT/W CONSECUTIVE TO RESTITUTION

☐ EARLY TERMINATION ______ ☐ NO EARLY TERMINATION

COURT COMMENTS: Motion to Strike: ~~[illegible]~~ Withdrawn

Motion to Bifurcate: ~~[illegible]~~ not necessary ~~[illegible]~~ Judge request expert witness

CASE PLACED ON: ☐ NON-FILED STATUS ☐ OPEN DOCKET MOTION(S) ☑ HEARD ☐ CANCELLED ☐ UNDER ADVISEMENT

SPECIAL CONDITIONS

☐ ATTEND & COMPLETE DUI SCHOOL ☐ ADVANCED DUI SCHOOL ☐ DRUG ☐ ALCOHOL - EVALUATION ______
☐ ATTEND & COMPLETE VICTIM IMPACT PANEL ☐ NO CONTACT ☐ NO HARMFUL CONTACT - WITH VICTIM
☐ B.P.O. LICENSE - MAY APPLY ☐ DRIVER'S LICENSE REC. BY CLERK ☐ FINGERPRINTS TAKEN IN COURT AT SENTENCE
☐ IMPOUND VEHICLE ☐ 10 ☐ 30 ☐ 90 DAYS ☐ ATTEND & COMPLETE TRAFFIC SCHOOL ☐ LONG ☐ SHORT
☐ PUBLIC SERVICE ______ HOURS ☐ DRIVER'S LICENSE SUSP / REV ______
☐ LIFE MANAGEMENT PROGRAM ______

NEXT COURT APPEARANCE ☑ SARASOTA ☐ VENICE

☐ ARRG ______ AT ____/M ☐ PTC ______ AT ____/M ☐ C.I.P. ______ AT ____/M
☐ VOP ______ AT ____/M ☐ CM ☐ DS ______ AT ____/M ☐ PLEA ON ______ AT ____/M
☐ HEARING ______ AT ____/M ☐ NJT ☐ JT ______ AT ____/M ☐ H.C.C. ______ AT ____/M

2005 JL 28 PM 5:13

CERTIFICATE OF SERVICE
I HEREBY CERTIFY THAT THE FOREGOING HAS BEEN ☑ HAND-DELIVERED / ☐ MAILED TO THE DEFENDANT AT ______, THIS 28 DAY OF July, 2005.

CLERK OF THE CIRCUIT COURT, SARASOTA COUNTY, FLORIDA

BY: [signature]
DEPUTY CLERK

Case: 2005 CT 004730 NC

EXHIBIT C

STATE v. CAROLE BJORKLAND, et al.
04 CT 14406 SC