

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

STATE OF FLORIDA,

Plaintiff,

vs.

CASE NO.: 05-2023-CF-012875-AXXX-XX

JOSHUA ADAM MORRIS,

Defendant.

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**MOTION TO COMPEL DISCOVERY**

COMES NOW, the Defendant, **JOSHUA ADAM MORRIS**, by and through his undersigned attorney and, pursuant to Fla. R. Crim. P. 3.220(f) and Fla. R. Crim. P. 3.220(n), hereby moves this Honorable Court for an Order granting this Motion to Compel Discovery. In support thereof, the Defendant alleges the following grounds:


1. Defendant, **JOSHUA ADAM MORRIS**, was arrested on or about January 23, 2023, and subsequently charged by Information as follows: Count 1 – Possession of Firearm by Convicted Felon; Count 2 – Fleeing or Attempting to Elude a Police Officer; Count 3 – Battery of Law Enforcement Officer; Count 4 – Battery of Law Enforcement Officer; Count 5 – Resisting an Officer With Violence; Count 6 – Resisting an Officer Without Violence; Count 7 – Driving While License Suspended (First Offense); Count 8 – Resisting Arrest with Violence; Count 9 – Possession of Firearm by Convicted Felon; Count 10 – Use or Display of a Firearm in Commission of a Felony; Count 11 – Child Neglect without Great Bodily Harm.

2. The State disclosed discovery in the case, including media files consisting of videos and photographs. Specifically, the State disclosed three videos, one long video and two shorter videos.
3. The long video is from a surveillance camera outside of Defendant's home with an angle that left and down toward the front yard). The video depicts the following events:
  - 3:43:04 - Defendant arrives in a white compact car and parks in the front yard.
  - 3:43:06 - Defendant exits the car. Defendant [REDACTED] gets out shortly thereafter.
  - 3:43:24 - Defendant is standing with his arms extended outward to the side as he faces the road back while looking to the right. (video skips back and pauses momentarily)
  - 3:43:17 - It appears Agent Taylor Dunn is now standing in front of Defendant but the picture appears distorted almost as if Agent Dunn is standing both in front of Defendant and on the left side of Defendant. (video skips ahead)
  - 3:43:39 - Defendant maintains a stance with his hands down at his side. (video skips ahead)
  - 3:43:50 - Defendant is being attacked by Agent Dunn, who appears to have Defendant's back as Defendant is going face down toward the flower beds in front of his residence. Agent Magill appears to approach as these events unfold.
4. The second video is from a surveillance camera on the outside of Defendant's residence with an overhead view from above the garage. It is less than two minutes in length but depicts only one singular video frame:
  - 3:41:59 - Kansas City Chiefs flag protruding from above the garage on Defendant's residence. The flag partly obscures one of the two cars parked in the driveway of the residence.

5. The third video contains the same angle as the second video. The following events are depicted on the third video:
  - 3:38:18 – Defendant walks out to a white car parked at the end of the driveway of the residence.
  - 3:38:28 – Defendant enters the white car on the driver's side.
  - 3:38:43 – Defendant [REDACTED] walks out to the car and gets in front passenger seat.
  - 3:39:07 – The white car backs out of the driveway and drives away.
6. As of the date of this filing, the State has not provided any video footage from the surveillance camera on Defendant's residence depicting the altercation between Agent Dunn and Defendant from the top of the garage camera angle. As of the date of filing, the State has not provided any video of the altercation between Agent Dunn and Defendant that does not have glitches and gaps missing.
7. Defendant is seeking an order compelling the State and/or the Brevard County Sheriff's Office to disclose the missing video footage. It is Defendant's reasonable belief that the missing video will be mitigating, if not exculpatory. The information requested is discoverable as it is reasonably calculated to lead to relevant admissible evidence and is therefore material to the preparation of the defense. This information is necessary to properly prepare and present a defense on Defendant's behalf, pursuant to Rule 3.220, *Florida Rules of Criminal Procedure*, and as is guaranteed by the Sixth Amendment to the United States Constitution.

**WHEREFORE**, the Defendant, **JOSHUA ADAM MORRIS**, respectfully requests this Honorable Court to issue an Order granting this Motion to Compel Discovery.

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Compel Discovery has been furnished by electronic mail transmission to the Office of the State Attorney on this 8<sup>th</sup> day of September 2023



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