

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

STATE OF FLORIDA,

Plaintiff,

vs.

DANA LYNN LOYD

Defendant.

CASE NO.: 05-2015-CF-039871-AXXX-XX

MOTION IN LIMINE TO EXCLUDE ALLEGATIONS IN COLORADO

COMES NOW, the Defendant, **DANA LYNN LOYD**, by and through her undersigned attorney and respectfully moves this Honorable Court to enter an Order in Limine preventing the State Attorney or any State witness(es) from offering evidence regarding allegations of the Defendant DANA LYNN LOYD contacting an employer of the alleged victim in Colorado and as grounds therefore would states as follows:

1. The Defendant, DANA LYNN LOYD was arrested and is being prosecuted for one count of Making a False Report of Child Abuse, Abandonment or Neglect.

2. The Defendant DANA LYNN LOYD has been charged under Florida Statute 39.205(9) which states

"A person who knowingly and willfully makes a false report of child abuse, abandonment, or neglect, or who advises another to make a false report, is guilty of a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083. Anyone making a report who is acting in good faith is immune from any liability under this subsection."

3. Defense Counsel believes that the State intends to offer evidence regarding allegations that the Defendant DANA LYNN LOYD contacted the potential employer in

Colorado for the alleged victim, [REDACTED] by the name of Jay Molitor. Jay Molitor is a proprietor of a hotel in Colorado in which the State alleges that Ms. LOYD contacted regarding the alleged victim [REDACTED]. The State further alleges that Mr. [REDACTED] lost a job as a result of the Defendant's contact with the Colorado hotel manager, which is wholly untrue and prejudicial to the Defendant DANA LYNN LOYD's prosecution.

4. The State has yet to file on the cyberstalking charge that the Defendant was arrested on simultaneously.

5. Any allegations regarding alleged contact with the hotel proprietor Jay Molitor are wholly irrelevant to and would have occurred prior to the phone call placed on April 29, 2015, the subject of the crime in which the Defendant has been charged. Any mention of alleged contact to Colorado would be greatly irrelevant to the crime in which the Defendant is charged.

6. To bring in any evidence regarding any contact between the Defendant DANA LYNN LOYD and the hotel proprietor, Jay Molitor, would not only be irrelevant to the crime in which the Defendant is charged, but would be improper and highly prejudicial pursuant to Sections 90.403 and 90.404 of the Florida Evidence Code.

WHEREFORE, based on the above and foregoing, the Defendant DANA LYNN LOYD, requests this Honorable Court to enter an Order prohibiting the State of Florida from bringing in any and all evidence pertaining to Jay Molitor, the hotel proprietor or any potential employment in Colorado of the alleged victim, [REDACTED], or otherwise referring to in any way these alleged facts in trial of this cause.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was forwarded via U.S. EMail to: Brevfelony@sa18.state.fl.us this 6th day of November, 2016.

Respectfully,

/s/ JESSICA BURGESS, ESQ. /s/

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