

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 REGARDING
CONTACT MADE WITH TITUSVILLE POLICE DEPARTMENT AND
BREVARD COUNTY SHERIFF'S OFFICE**

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 Titusville Police Department and Brevard County Sheriff's Office 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. The State has yet to file on the cyberstalking charge that the Defendant was arrested on simultaneously.

4. Defense Counsel believes that the State intends to offer evidence regarding allegations that the Defendant DANA LYNN LOYD over the years of 2004 through 2015 has “repeatedly provided the phone number 321-591-7964 to Titusville Police Department and Brevard County Sheriff’s Office.”

5. Defense counsel believes that the mention of this would be highly prejudicial and improper and will distract and confuse members of the jury from the crime in which the Defendant is charged. There is no evidence that the phone number provided was the Defendant DANA LYNN LOYD’s and that she was the person that called Titusville Police Department and Brevard County Sheriff’s Office “repeatedly” during the years of 2004 through 2015.

6. Any allegations regarding phone calls placed to Titusville Police Department and Brevard County Sheriff’s Office “repeatedly” during the years of 2004 through 2015 are wholly irrelevant 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.

7. The probative value is substantially outweighed by the danger of unfair prejudice, confusion of issues, misleading the jury, or needless presentation of cumulative evidence.

8. To bring in any evidence regarding any phone calls placed to Titusville Police Department and Brevard County Sheriff’s Office “repeatedly” during the years of 2004 through 2015 allegedly made by the Defendant DANA LYNN LOYD 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 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 any alleged phone calls placed to Titusville Police Department and Brevard County Sheriff's Office "repeatedly" during the years of 2004 through 2015 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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