

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

STATE OF FLORIDA,

Plaintiff,

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

vs.

DANA LYNN LOYD

Defendant.

MOTION IN LIMINE TO EXCLUDE DEFENDANT'S AT&T PHONE LOG

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 phone records for the Defendant **DANA LYNN LOYD** 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 of the Defendant **DANA LYNN LOYD**'s AT&T Mobility Usage Report, phone call log from April 17, 2015 through May 19, 2015.

5. Defense counsel believes that the State should be limited in the usage of the Defendant's AT&T Wireless Records to only show records from the date in question in which the alleged phone call was made, April 29, 2015.

6. Any information contained in the Defendant's AT&T Wireless Records outside the scope of the actual call should be considered irrelevant.

7. To bring in any evidence regarding The Defendant's AT&T Wireless Records for any and all dates other than April 29, 2015 would not only be irrelevant 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 from the Defendant's Call Log outside of the scope of the date of the actual phone call 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 7th day of November, 2016.

Respectfully,

/s/ JESSICA BURGESS, ESQ. /s/
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