

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

STATE OF FLORIDA,
Plaintiff

CASE NO.: 052015CF039871AXXXXX
JUDGE: LEMONIDIS

vs.

DANA LYNN LOYD,
Defendant

_____ /

RESPONSE TO DEFENDANT'S DEMAND FOR DISCOVERY AND STATE'S
DEMAND FOR NOTICE OF INTENTION TO CLAIM ALIBI

COMES NOW the State of Florida, by and through the undersigned Assistant State Attorney, pursuant to Defendant's Demand for Discovery and pursuant to Fla.R.Crim.P. 3.220, submits the following and hereby demands notice of intention to claim alibi:

1. The names and addresses of all persons known to the prosecutor to have information that may be relevant to any offense charged, or any defense, or to any similar fact evidence to be presented at trial under section 90.404(2), Florida Statutes, are as follows:

CATEGORY A:

SCOTT ARMSTRONG
2108 GRANT PL 6
MELBOURNE, FL 32901

BETTY HINSON BAGLEY
400 W ROBINSON ST S-1129
ORLANDO, FL 32801

ONEIL BROOKS
6905 N WICKHAM RD
VIERA, FL 32940

PATTI BUCHANAN
2700 JUDGE FRAN JAMIESON WAY
VIERA, FL 32940

DEBRA CHRISTIANSEN
CHILD PROTECTION TEAM
6905 NORTH WICKHAM ROAD, SUITE 403
MELBOURNE, FL 32940

LANDIS ENDER
1317 WINEWOOD BLVD 202
TALLAHASSEE, FL 32399

DEP ROBERT P. FISCHER, #1304
BREVARD COUNTY SHERIFF'S OFFICE - ROCKLEDGE
340 GUS HIPP BOULEVARD
ROCKLEDGE, FL 32955

DARRYL JOHNSON, #2048
BREVARD COUNTY SHERIFF'S OFFICE WEST

AMY MARTO
860 CAMP RD
COCOA, FL 32927

DEP MICHAEL MAZZONE, #960
BREVARD COUNTY SHERIFF'S OFFICE (CID)
340 GUS HIPP BOULEVARD
ROCKLEDGE, FL 32955


C/O PARENT OR GUARDIAN




INTERNATIONAL PALMS RESORT
1300 NORTH ATLANTIC AVENUE
COCOA BEACH, FL 32931



JOSEPH C MOLITOR
1345 28TH ST
BOULDER, CO 80302

KEVIN MURTHA

7351 OFFICE PARK PL
VIERA, FL 32940

AGT DANIEL OGDEN, #669
CONFIDENTIAL ADDRESS
C/O STATE ATTORNEY'S OFFICE

DEP MATTHEW PRESTON, #1042
BREVARD COUNTY SHERIFF'S OFFICE-WEST
BRAVO SQUAD

THERESA SMITH
2640 PENNSYLVANIA ST
WEST MELBOURNE, FL 32904

KRISTIN SOROKIN
8751 TRAFFORD DR
VIERA, FL 32940

DEP MICHELLE STAFFORD, #654
CONFIDENTIAL ADDRESS
C/O STATE ATTORNEY'S OFFICE

DALE YOUNG
OFFICE OF THE PUBLIC DEFENDER
2725 JUDGE FRAN JAMIESON WAY BLDG E
VIERA, FL 32940

This list of witnesses is not necessarily limited to those named but also includes any witnesses mentioned in any material made available for defendant's discovery pursuant to Fla.R.Crim.Pro. 3.220.

2. The undersigned Assistant State Attorney has indicated "Yes" below for each subparagraph listing items in the State's possession or control. The same are available for your inspection, copying, testing or photographing at the office of the undersigned upon timely and reasonable notice made to the undersigned. If you desire to copy and/or photograph same, copies will be provided upon signed receipt for same. The name(s) of confidential informant(s) will not be supplied unless the State intends to use same as witness(es) at the trial or unless required by court order after notice and hearing.

You must give the undersigned 48 hours (excluding weekends and holidays) written notice of the time you will appear for inspection of the disclosures herein and set the time for the same between 8:30 a.m. and 5:00 p.m. any regular business day.

- a. Statements given by person(s) listed in Paragraph 1 above.
 Yes None
- b. Written, recorded and/or oral statements of defendant.
 Yes None
 - **ANY ADMISSIONS/STATEMENTS MADE BY DEFENDANT AND CONTAINED OR REFERENCED IN ANY REPORT, AUDIO TAPE, OR VIDEO TAPE**
 - **REFER TO ALL DISCOVERY AND STATEMENTS CONTAINED IN RECORDED INTERVIEW ON CD/DVD**
- c. Written, recorded and/or oral statements of co-defendants.
 Yes None
- d. Recorded Grand Jury Testimony of defendant.
 Yes None
- e. Tangible papers or objects obtained from or belonging to defendant.
 Yes None
- f. Material or information provided by confidential informant.
 Yes None
- g. Electronic surveillance of premises of defendant or of conversations to which defendant was a part.
 Yes None
- h. Search and seizure.
 Yes None
- i. Documents related thereto.
 Yes None
 - **PROPERTY/INVENTORY/EVIDENCE RECEIPTS OR RECORDS**
- j. Reports or statements of experts.
 Yes None
- k. Tangible papers or objects not obtained from or belonging to defendant which the State intends to use at hearing or trial.
 Yes None

- **CAD REPORT**
- **CASE REPORT AND SUPPLEMENTS**
- **COST OF INVESTIGATION AFFIDAVIT**
- **DVDs, CDs**
- **PROPERTY IN EVIDENCE**
- **WITNESS STATEMENTS / AFFIDAVITS**
- **BCSO REPORT 09-214149**
- **DCF intake report for 4/29/2015 Quest Elementary call**
- **Copy of Agent Young's 2009 BCSO case report (09-214149)**
- **DCF intake audio and outgoing recording**
- **Reports emailed by Kevin Murtha**
- **Copies of Dana Delaney's Brevard's Best News articles**
- **Computer-Aided Dispatch comments from 4/29/2015 service call**
- **AT&T subpoena response**
- **Copy of Agent Mazzone's 2011 BCSO case report (11-040714)**
- **Copy of Agent Stafford's 2011 BCSO case report (11-191837)**
- **DCF intake report for 4/29/2015 Quest Elementary call**
- **Copy of Judge Maxwell's court order from 2011**
- **Copy of Judge Maxwell's court order from 2013**
- **DCF abuse hotline information and penalties for false reporting**
- **Printout of timeline prepared by [REDACTED]**
- **Copy of Dr. Day's 2010 evaluation of [REDACTED], [REDACTED], and [REDACTED]**
- **Records pertaining to substitute teachers in Quest Elementary and named Theresa Smith**
- **Printouts of Brevard's Best News articles pertaining to [REDACTED] and [REDACTED]**

l. Tangible paper, objects or substances in the possession of law enforcement that could be tested for DNA.

Yes None

m. Material or information provided by informant witness.

Yes None

3. All tangible objects as provided by Fla. R. Crim. P. 3.220(b)(1)(vi) and RCrP 3.220(b)(1)(xi) may be inspected, photographed, copied and tested during regular and ordinary business hours at:

a. STATE ATTORNEY'S OFFICE

b. BREVARD COUNTY SHERIFF'S OFFICE - ROCKLEDGE

This document will serve as authorization for above addressee, the attorney for the defendant, or his designated representative to conduct the said discovery of tangible objects, in the above-styled cause, with reference to agencies case numbers as follows. Note: if the Florida Department of Law Enforcement (Crime Lab) is listed in paragraph 3.c., *above*, then discovery is limited to the approved/final lab report(s) for the FDLE number listed below:

- a. # 052015CF039871AXXXXX
 - b. # 15142492
4. The State has herein submitted its witness list and expects the defense to submit its corresponding witness list within fifteen (15) days as provided in Fla. R. Crim. P. 3.220(d)(1). It is requested that defense disclosures of witness statements, reports of experts and tangible papers and objects to be made at the time you appear for inspection of items detailed in Paragraph (2) above, but in no case later than 15 days from the time you inspect the State's evidence.
 5. The State furnishes the following particulars:
 - a. As specifically as is known to the State, the offense was committed by the defendant, DANA LYNN LOYD
 - b. The crime(s) charged occurred on or within 24 hours either side of 04/17/2015.
 - c. The place of the crime(s) charged was in Brevard County, Florida.
 - d. The defendant is charged as a principal in the first degree as defined by Section 777.011 of the Florida Statutes.
 6. The State has supplied the above Particulars without requiring a Court Order, as set out in RCrP 3.140(n). Any other Particulars requested, if not already disclosed by other Discovery submitted, will be submitted only if ordered by the Court, as the Rule provides.
 7. Under Rule 3.200, Florida Rules of Criminal Procedure, if you intend to offer evidence of an alibi in your defense, you are hereby required to serve upon me, the undersigned Assistant State Attorney for the Eighteenth Judicial Circuit, in and for Brevard County, Florida, not less than ten (10) days before trial or at such time as the Court may direct, a

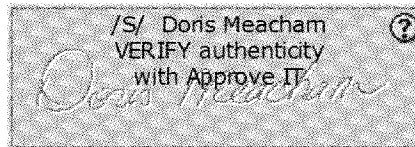
notice in writing of your intention to claim alibi, which said notice shall contain specific information as to the place at which you claim to have been at the time of the alleged offense and, as particularly as it is known to you or your attorney, the names and addresses of the witnesses through whom you propose to establish such alibi. You are under a continuing duty to disclose promptly to me the names and addresses of any additional witnesses which may come to your attention subsequent to the filing of your witness list.

If you fail in any particular to comply with the provisions of said Rule 3.200 a motion will be made to exclude any and all evidence, except your own testimony, offered by you for the purpose of proving an alibi.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by **E-MAIL** to JESSICA BURGESS, ESQUIRE, Attorney for Defendant, at PLEADINGSBURGESS@MAIL.COM, BURGESS.JESSICA87@GMAIL.COM this 18th day of December, 2015.

PHIL ARCHER
STATE ATTORNEY



BY:

DORIS MEACHAM
ASSISTANT STATE ATTORNEY
FLORIDA BAR NO. 63265
400 SOUTH STREET, SUITE 4D
TITUSVILLE, FL 32780
(321) 264-6933, EXT: 46287
Eservice: BrevFelony@sa18.org