

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

STATE OF FLORIDA,

Plaintiff,

vs.

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

DANA LYNN LOYD

Defendant.

_____ /

MOTION FOR CONTEMPT AND SANCTIONS

COMES NOW, the Defendant DANA LYNN LOYD, by and through the undersigned counsel and hereby files this Motion for Contempt and Sanctions and would therefore state as follows:

1. On or about December 29, 2015, the State of Florida filed a Motion to Determine Confidentiality of Court Records pursuant to Florida Rule of Judicial Administration 2.420.
2. On or about January 8, 2016, oral argument was heard by the parties. The Court reserved ruling and asked that the Defendant DANA LYNN LOYD file her objection with the Court.
3. On or about January 11, 2016, the Defendant DANA LYNN LOYD filed an Objection to the entirety of the file being held confidential.
4. On or about January 13, 2016, this Honorable Court ordered that the entirety of this file remain confidential and to keep such materials from public access. The Court further ordered that materials may only be disclosed: (a) to any judge of this Circuit for case-related reasons; (b) to the Chief Judge or his or her designee; (c) to authorized government agencies; (d) to defense counsel of record; or by further order of the Court.

5. During docket sounding on April 15, 2016, the undersigned counsel announced to the Court that she had a hearing scheduled in the family portion of this matter pertaining to the gag order currently placed on the minor child and the former wife on April 19, 2016.

6. In open court, on April 19, 2016, the attorney for the Former Husband [REDACTED], Mark Peters, Esquire, announced that the State Attorney had contacted him and sent him a copy of the amended witness list in which the minor child had been moved to a Category C Witness. Mr. Peters held up a copy for the Court of the document in which he received.

7. After court, the undersigned counsel contacted the State of Florida attorney to discuss this breach of confidentiality in which is was admitted that the two had been in contact.

8. Mistake or inadvertence is not an excuse to this breach of confidentiality that was initially requested by the State of Florida. Florida Rule of Judicial Administration 2.420(i) provides for sanctions for any person that violates confidentiality.

9. The Defendant DANA LYNN LOYD, as a result of these actions requests that this Court hold the State of Florida in Contempt, issue sanctions and as a result remove the Order of Confidentiality of this entire file. In the alternative, the Defendant DANA LYNN LOYD requests that this Court remove the Order of Confidentiality and allow the file to remain as public record with the name of the alleged victim and the minor child to be held as confidential.

WHEREFORE, the Defendant respectfully moves this Honorable Court for an Order holding the State of Florida in Contempt and as such sanction them by lifting the Order of Confidentiality on this file and awarding any other relief as the Court deems just and proper.

I HEREBY CERTIFY that a true and correct copy has been forwarded by U.S. EMail Delivery to the Office of the State Attorney, 400 South Street, Suite 4D, Titusville, FL 32780, this 9th day of May, 2016.

Respectfully,

Law Office of Jessica Burgess, P.A.

/s/ JESSICA BURGESS, ESQ. /s/

Law Office of Jessica Burgess, Esq.

14 East Marina Isles Blvd.

Indian Harbour Beach Fl., 32937

Florida Bar No.: 115698

Phone: (321) 759-7626

Primary: pleadingsburgess@mail.com

Secondary: burgess.jessica87@gmail.com

Denise6040@yahoo.com

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 9th day of May, 2016.

Respectfully,

Law Office of Jessica Burgess, P.A.

/s/ JESSICA BURGESS, ESQ. /s/

Law Office of Jessica Burgess, Esq.

14 East Marina Isles Blvd.

Indian Harbour Beach Fl., 32937

Florida Bar No.: 115698

Phone: (321) 759-7626

Primary: pleadingsburgess@mail.com

Secondary: burgess.jessica87@gmail.com

Denise6040@yahoo.com