

IN THE CIRCUIT COURT OF THE
NINETEENTH JUDICIAL CIRCUIT
IN AND FOR MARTIN COUNTY, FLORIDA

STATE OF FLORIDA

-vs-

Austin Kelly Harrouff
Defendant(s)

Case No. 43-2016-CF-000883-A
Demand For Notice of Alibi
Demand for Reciprocal Discovery
State's Discovery Exhibit

COMES NOW the State of Florida, by and through its undersigned State Attorney and files this Discovery Exhibit, Demand for Reciprocal Discovery and Demand for Notice of Alibi pursuant to Fla. R. Crim. P. 3.220 and 3.200 as follows:

DEMAND FOR NOTICE OF ALIBI

(1) As particularly as is known to the undersigned State Attorney, the place, date, and time of the commission of the crime charged is:

DATE (on or about) From: August 15, 2016
DATE (on or about) To:
TIME (at or about)/PLACE: 2130///19010 SE Kokomo Lane

(2) The state herewith files this Demand for Notice of Intention to Rely Upon Alibi Defense pursuant to Fla. R. Crim. P. 3.200 demanding that the defendant furnish the prosecutor with a Notice of Alibi not less than ten (10) days prior to trial, stating the place the defendant claims to have been at the time of the offense and the names and addresses of witnesses he proposes to use to establish that alibi, if such a defense will be relied upon at trial.

DEMAND FOR RECIPROCAL DISCOVERY

The State has submitted its witness list and demands within fifteen (15) days a written list of the names and addresses of all witnesses the defense expects to call at the trial or hearing. In addition, the State demands a discovery exhibit which shall disclose to and permit the prosecutor to inspect, copy, test and photograph the statements of any persons listed by the defendant, reports or statements of experts made in connection with the particular case and any tangible papers or objects that the defendant intends to use in the hearing or trial.

STATE'S DISCOVERY EXHIBIT

(1) Pursuant to Fla. R. Crim. P. 3.220(b)(1)(B) through (L), the State discloses to the defendant, and will permit the defendant to inspect, copy, test, and photograph the information and material within the State's possession or control as specifically identified below.

(A) Fla. R. Crim. P. 3.220 (b)(1)(A) The names and addresses of all persons known to the prosecutor to have information which may be relevant to any offense charged, or to any defense thereto, or to any similar fact evidence to be presented at trial under section 90.404(2), Florida Statutes, are listed below.

- (i) Category A Witnesses: Pursuant to Fla. R. Crim. P. 3.220 (b)(1)(A)(i), the State identifies witnesses encompassed by this section with an 'A' preceding their name. Separately identified within this category are persons who were present when a recorded or unrecorded statement was taken from or made by a defendant or codefendant, and these witnesses names are preceded by an 'S'.
- (ii) Category B Witnesses: Pursuant to Fla. R. Crim. P. 3.220 (b)(1)(A)(ii), the State identifies witnesses encompassed by this section with a 'B' preceding their name.
- (iii) Category C Witnesses: Pursuant to Fla. R. Crim. P. 3.220 (b)(1)(A)(iii), the State identifies witnesses encompassed by this section with a 'C' preceding their name.

Expert S David(MD)F/H Abis, St. Mary's Medical Center, 901 45th Street, West Palm Beach, FL 33407

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Expert S Berman Alexis (RRT)(H), St. Mary's Medical Center, 901 45th Street, West Palm Beach, FL 33407

S Amy Allison, 800 S.E. Monterey Rd., Stuart, FL 34994 Related To: Martin County Sheriffs Office

Expert S Julie (RN)(F) Arboleda, St. Mary's Medical Center, 901 45th Street, West Palm Beach, FL 33407

Expert S Kathleen Basch(RN)(H), St. Mary's Medical Center, 901 45th Street, West Palm Beach, FL 33407

S Laura J. Bassett, CONFIDENTIAL Contact Info-for SA19 Only, Related To: LEFTAGENCY

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S Judy Brandt, Palm Beach Gardens Police Department, 10500 N Military Trail, Palm Beach Gardens, FL 33410

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S Brian Kevin Broughton, 800 S.E. Monterey Rd., Stuart, FL 34994 Related To: Martin County Sheriffs Office

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S Michael J. Dougherty, 800 S.E. Monterey Rd., Stuart, FL 34994 Related To: Martin County

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S Justin L. Doyle, 800 S.E. Monterey Rd., Stuart, FL 34994 Related To: Martin County Sheriffs Office

S Sandra Droun, 210 Military Trail, Jupiter, FL 33458 Related To: Jupiter Police Dept.

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S William Fraser, 401 N. Dixie Hwy., West Palm Beach, FL 33401 Related To: State Attorneys Office PBC

S Kevin R. Fritchie, 800 S.E. Monterey Rd., Stuart, FL 34994 Related To: Martin County Sheriffs Office

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S Jodi Mishcon, 20505 E Country Club Dr, Miami, FL 33180

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S Austin Moore, 215 Sela Cove Circle, Apollo Beach, FL 33572

S Kevin Moore, 800 S.E. Monterey Rd., Stuart, FL 34994 Related To: Martin County Fire Rescue

S Kevin Moore, 800 S.E. Monterey Rd., Stuart, FL 34994 Related To: Martin County Fire Rescue

S William Murphy, 245 Golfview Drive, Tequesta, FL 33469

S Karl John Nelson, 800 S.E. Monterey Rd., Stuart, FL 34994 Related To: Martin County Sheriffs Office

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Expert S Gary (RN)(F) ODonnell, St. Mary Medical Center, 901 45th Street, West Palm Beach,

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S Ezekiel Spence, 800 S.E. Monterey Rd., Stuart, FL 34994 Related To: Martin County Sheriffs Office

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Expert S Craig(MD)F/H Thame, St. Mary's Medical Center, 901 45th Street, West Palm Beach, FL 33407

Expert S M.(MEP)(F) Torres, St. Mary's Medical Center, 901 45th Street, West Palm Beach, FL 33407

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S Gavin Werner, 800 S.E. Monterey Rd., Stuart, FL 34994 Related To: Martin County Sheriffs Office
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Expert S Walter Zoller, 796 Florencia Circle, Titusville, FL 32780
S Grace Marie Zopf, 800 S.E. Monterey Rd., Stuart, FL 34994 Related To: Martin County Sheriffs Office

The following list of discovery is being provided:

(B) Fla. R. Crim. P. 3.220 (b)(1)(B) The statement of any person whose name is furnished above.

(C) Fla. R. Crim. P. 3.220 (b)(1)(C) Any written or recorded statements made by defendant and substance of any oral statements made by defendant. Witness who heard oral statement and summary of statement: Response at end of this section.

(F) Fla. R. Crim. P. 3.220 (b)(1)(F) Any tangible papers or objects that were obtained from or belonged to the accused:

(H) Fla. R. Crim. P. 3.220 (b)(1)(H) Whether there has been any electronic surveillance, including wiretapping, of the premises of the defendant or of conversations to which the defendant was a party and any documents relating thereto:

(I) Fla. R. Crim. P. 3.220 (b)(1)(I) Whether there has been any search and seizure, and any documents relating thereto:

(J) Fla. R. Crim. P. 3.220 (b)(1)(J) Reports or statements of experts made in connection with the particular case, including results of physical or mental examinations and of scientific tests, experiments, or comparisons:

(K) Fla. R. Crim. P. 3.220 (b)(1)(K) Any tangible papers or objects that the prosecuting attorney intends to use in the hearing or trial and that were not obtained from or that did not belong to the accused:

"(C) and/or (D)" RESPONSE:

-To Jeffrey Fisher - "you don't want to," or something to the effect of "you don't want this, you don't want a part of this."

-To Deputy Trocan - "fucking kill me, fucking kill me, shoot me, now, I deserve to die."

-To Deputy Day - "please help me, please help me, I know I ate bad things." Deputy Day asked him what he had eaten and he (Harrouff) stated "I ate humans."

-To Sergeant Dykes - "help me" two or three times and then said "I ate something bad." - Sergeant Dykes stated that he believed Harrouff was referring to him ingesting dangerous narcotics, so he asked him what he ate. Sergeant Dykes stated Harrouff responded "humans." Sgt. Dykes then asked Harrouff if he had taken any drugs and Harrouff stated "no he did not use drugs, you could drug test him."

-To EMT Laurie O'Loughlin - she heard Harrouff say "kill me."

-To Paramedic Kevin Moore - Paramedic Moore stated he asked Harrouff "if he took anything?" to which Harrouff replied that he "smoked some weed and drank some alcohol."

-To EMT Andrew Johnson - EMT Johnson stated that Harrouff was screaming "fuck you, just kill me, I want to die."

-To Paramedic James Lee - he heard Harrouff state "Fuck America, just kill me."

-To Detective Marcaida - at St. Mary's Hospital, when Harrouff was being admitted, he asked Harrouff what his name was and he replied "Austin Moore."

-VIDEO - See file "Photos taken by Deputy A. Urribiera," go to video "100_0135" wherein the defendant can be heard saying "help, I can't breathe." This is a 26 second video.

ALL TANGIBLE OBJECTS as provided by Fla. R. Crim. P. 3.220 (b)(1)(F), (K) and (L) may be inspected, copied, tested, and photographed at:

State Attorney's Office
Martin County Sheriff's Office

Law enforcement agencies maintain records and tangible items at its offices. You should not assume that the State Attorney's Office possesses copies of all of these items. This document will

serve as authorization for Robert J. Watson, attorney for the defendant, or the defendant's designated representative to inspect, copy, test, and photograph information and material specified in Rule 3.220(b)(1) at the agencies listed above.

I HEREBY CERTIFY that a true copy of the foregoing has been furnished to Robert J. Watson, 3601 SE Ocean Blvd, Ste 4, Stuart, FL 34996 by eservice/email at the designated email address of Rjwpa@yahoo.com & rjwatsonlaw@gmail.com or by mail on November 13, 2016.

RESPECTFULLY SUBMITTED
BRUCE H. COLTON, State Attorney

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