

IN THE CIRCUIT COURT, SEVENTH JUDICIAL CIRCUIT
IN AND FOR FLAGLER COUNTY, FLORIDA

CASE NUMBER: 17-00431-CFFA

STATE OF FLORIDA,

Plaintiff,

vs.

DOROTHY CALISTA SINGER,

Defendant.

_____ /

DEFENDANT'S MOTION TO DISQUALIFY TRIAL JUDGE

COMES NOW the DEFENDANT, Dorothy Calista Singer, by and through the undersigned attorney, pursuant to the Florida Rule of Judicial Administration 2.330, and moves this Court to disqualify himself and shows:

1. That the Defendant, Dorothy Singer, reasonably fears that she will not receive a fair and impartial trial because of statements made by the Court.

2. That at docket sounding on April 25, 2018, while discussing defense concern about an FDLE report that was verbally disclosed the day before, this Court made several statements attesting to the credibility of the FDLE agent and report.

3. That on May 4, 2018, the undersigned attorney was on a cell phone participating in a hearing with this Court relating to a written motion to continue this case that was filed.

4. That during the hearing, the Court made several statements that suggested that this Court had made a credibility determination as to the FDLE agent who did the DNA testing and report.

5. That the statements made by the Court included the statement that it would be a colossal mistake if FDLE somehow took the blood and say that this blood was that of the person who killed in this case when it was not; that how, under any scenario, there could be any doubt, let alone a reasonable doubt that the blood would not have been that of Charles Singer.

6. That this Court's statements also included the statement that how could FDLE take this sample and be so wrong that not only is it not who defendant said the blood should be but that miraculously for the state it came out to be Charles Singer's blood.

7. That not only did this Court made statements that suggest the Court has made a credibility determination as to an FDLE agent, but this Court went further to say that defense's desire to get another expert to test the blood would be a waste of the state's money.

8. That there have been cases and incidents of experts who have been found to have made mistakes, whether intentional or otherwise, to include Dr. Sashi Gore, the ex-medical examiner for Orange and Osceola counties, Donna Birk, a fingerprint expert from Seminole county and Marco Palacio, a fingerprint expert in Orange and Osceola counties.

9. Defendant, Dorothy Calista Singer, by and through her signature below, attests and swears that the statements made by the Court causes her to have a reasonable fear that she will not receive a fair and impartial trial.

OATH OF DEFENDANT

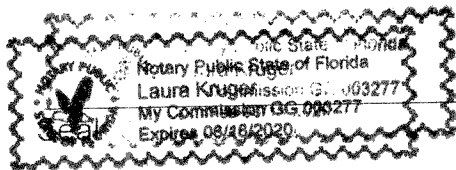
Personally appeared before me, the undersigned authority, the Defendant, Dorothy Singer, who having been duly placed under oath states that the true and correct allegations set forth in this Motion to Disqualify Trial Judge has created in her a well-founded fear that she will not be able to obtain a fair trial before this Court.

Dorothy Singer
Dorothy Calista Singer

SWORN TO AND SUBSCRIBED before me at

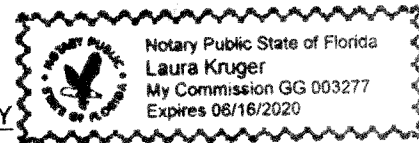
Seventh Judicial Circuit Court in and for the County of Brevard, Florida

Florida, this the 9 day of May, 2018.



Laura Kruger

Notary



CERTIFICATION OF ATTORNEY

The undersigned attorney hereby certify that this Motion and the client's statements are made in good faith and that said Motion has been delivered by hand/efile/email to the Honorable Judge Dennis Craig, Circuit Judge in and for the Seventh Judicial Circuit in the above cause and to the Office of the State Attorney, 2446 Dobbs Road, St. Augustine, Florida 32086, this the 9th day of April 2018.

Junior A. Barrett

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Florida Bar No. 785687

Assistant Regional Counsel

Office of Regional Criminal Conflict &

Civil Regional Counsel, 5th District

101 Sunnyside Road, Suite 310

Casselberry, FL 32707

(407) 389-5140

jbarrett@rc5state.com

tcollins@rc5state.com