

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

CASE NO.: 16-00855-CFFA

STATE OF FLORIDA

VS.

**MARIA ROSE HOWELL
DEFENDANT.**

STATE'S THIRD MOTION IN LIMINE

COMES NOW, R.J. LARIZZA, State Attorney for the Seventh Judicial Circuit of Florida, by and through the undersigned Assistant State Attorney, and files this Motion in Limine for the court to allow the State in any trial in this cause to introduce into evidence testimony which would show that the defendant and the victim T.L.V. smoked cannabis together in St. Augustine, that the defendant and victim smoked cannabis together in Port St. Lucie, and that the defendant committed the uncharged crime of lewd and lascivious molestation on T.L.V. in Port St. Lucie, Florida . In support of this motion, the State would show the following:

1. During the CPT interview as well as the deposition of T.L.V., the victim testified that she was with the defendant from the time she left Epic Theater on June 10, 2016, in Flagler County, until she was recovered by the Port St. Lucie Police Department on June 11, 2016, at approximately 8:00P.M.
2. T.L.V. testified in her deposition that during the time she was with the defendant, the two of them traveled to an unknown residence in St. Augustine, Florida. While at that residence, T.L.V. testified that she and the defendant smoked cannabis together. T.L.V. further testified that she and the defendant slept on the garage floor of this residence on the evening of June 10, 2016.
3. T.L.V. testified in her deposition that on June 11, 2016, she and the defendant traveled together to Port St. Lucie, Florida. T. L.V. testified that while in Port St. Lucie, Florida, the defendant and T.L.V. smoked cannabis together. T.L.V. further testified that while in Port St. Lucie, Florida, the defendant placed her hand on the victim's breast, buttocks, and vaginal area. T.L.V. further clarified that the defendant touched her in those locations both over and under her clothing. T.L.V. further testified that she

touched the defendant's breasts over the defendant's clothing while in Port St. Lucie, Florida.

4. The defendant was contacted by the Port St. Lucie Police Department and admitted to fondling T.L.V.'s breast, buttocks, and vagina over her clothing while they had been together between June 10, 2016, and June 11, 2016.
5. The evidence set forth above is necessary to adequately describe the deed, provide an intelligent account of the crimes charged, establish the entire context out of which the charged crime arose, or to adequately describe the events leading up to the charged crime, and is admissible under F.S. 90.402 because it is relevant.
6. Such evidence is so intrinsically intertwined with the facts of the charges that to not allow the State to elicit such information and present it to the fact-finder would be a miscarriage of justice.
7. Such evidence is not so unfairly prejudicial to the Defendant as to warrant exclusion under the Florida Rules of Evidence.

WHEREFORE, the State prays that this Court will enter an order allowing the State to present evidence of such in its case-in-chief.

R.J. LARIZZA
STATE ATTORNEY

By: s/MELISSA L CLARK
ASSISTANT STATE ATTORNEY
Florida Bar No.: 0499625
ESERVICEFLAGLER@SAO7.ORG

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy hereof has been furnished by mail/delivery to WILLIAM M BOOKHAMMER, 1769 EAST MOODY BLVD BUILDING 1, KIM HAMMOND JUSTICE CENTER, BUNNELL, FL 32110-1448, on January 14, 2018.

s/MELISSA L CLARK _____
ASSISTANT STATE ATTORNEY
Florida Bar No.: 0499625
1769 EAST MOODY BLVD BLDG 1
THIRD FLOOR
BUNNELL, FL 32110
(386) 313-4300
ESERVICEFLAGLER@SAO7.ORG