

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

STATE OF FLORIDA

CASE NO.: 2021 CF 000054

VS.

JAVIAN NEESMITH  
Defendant.

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**MOTION TO INCUR COSTS & APPOINT FORENSICE EXPERT**

COMES NOW the Defendant, by and through the undersigned counsel, and hereby files his Motion to Incur Costs and Appoint a Forensic Expert and respectfully moves this Honorable Court for JAC funds to retain a Toxicologist and in support thereof states as follows:

1. The Defendant is charged with First Degree Murder by Unlawful Distribution of a Controlled Substance.
2. The Court previously entered an Order Declaring Indigent for Costs on April 13, 2021.
3. The State has toxicology records from an autopsy examination and blood as it relates to the victim that are critical to the case.
4. More specifically, the undersigned has concerns as to the accuracy and/or validity of the testing and alleged results of the Victim.
5. Research conducted by the undersigned has revealed that credible toxicologists throughout the country and the State of Florida are seeking rates in the range of \$400.00 to \$600.00 per hour.
6. The undersigned has spoken in the past with a number of toxicologists who have advised that various courts in Florida have entered Orders granting rates consistent with what such experts are typically awarded and paid.
7. The Defendant is without necessary funds to hire a toxicologist.

8. It would be a denial of due process for the undersigned to attempt to represent the Defendant without the necessary resources to defend his case properly.
9. The undersigned counsel cannot adequately prepare a defense or provide effective assistance of counsel without this expert.
10. The undersigned has been in contact with Stefan Rose, M.D. who is a well-respected expert in the area of forensic laboratory analysis of blood and urine samples for drugs and was the first director of the University of Miami Forensic Toxicology laboratory. He was responsible for analyzing blood and urine samples for the thirty-two law enforcement agencies in Dade County and providing testimony for those cases. He is also trained in clinical psychiatry. Dr. Rose is uniquely qualified to assist the defense regarding the chemical tests of the victim's blood samples and interpreting the clinical effects of drugs found in the samples. Dr. Rose also has over thirty years of experience as an expert. No other JAC vendors with Dr. Rose's qualifications exist.
11. Dr. Rose's CV and summaries of qualification are attached and incorporated by reference to this Motion. (See exhibit "A").
12. This case has multiple levels of complexity that require Dr. Rose's expertise.
13. The undersigned counsel would ask that this Honorable Court appoint Dr. Rose as an Expert for the Defense in this matter and award an hourly rate of \$400.00 for all court and out of court activities for the defense of the Defendant.
14. Stefan Rose, M.D. shall assist the defense in preparing for depositions of Medical Experts and Forensic Chemists and be listed as Defendant's Laboratory Medicine, Forensic Toxicology expert. I estimate we will need more than fifty (50) hours of his time. Defendant needs Dr. Rose's expertise because the case involves a medical conclusion based on toxicology findings of blood evidence and autopsy conclusion based on laboratory results. The alleged victim had multiple narcotics in his system at the time of his death, anyone of

which could have been the cause of death. Dr. Rose is trained in all these fields. He has the same training as a PhD forensic toxicologist as well as his Medical and Psychiatric education and training. Dr. Rose will need time for the collection and inspection of necessary evidence and the (including a view of any blood kit vials) their testing and examination, research, formulating opinions and conferencing with and assisting the undersigned counsel with the defense of this matter including but not limited to identifying any additional discovery that may be needed, preparing for deposition and cross examination of State witnesses and attending proceedings in which State experts will be testifying to assist defense counsel.

15. The undersigned asks for this Court to allow for an additional fifteen (15) hours for the preparation for and attendance in Court for testimony in any proceedings in this matter.
16. Should additional time be needed, the undersigned counsel will submit an additional Motion setting forth generally what work has been done, what remains and why additional time is needed. Until the expert gets into the matter, it is difficult, if not impossible to say how detailed or complicated any particular may become and how much time could be required. Nevertheless, the undersigned counsel reasonably believes the time sought should be sufficient to do what is necessary in this matter based upon what is currently know to the undersign counsel.
17. This Motion is filed in good faith and is deemed necessary and essential by the undersigned counsel. The undersigned does not reasonably believe that a competent and appropriate expert can be retained at the set and/or established rates of the JAC. It would be unfair and unjust for the undersigned to represent the Defendant without the necessary resources to defend his case properly.
18. The undersigned counsel cannot adequately prepare a defense or provide effective assistance of counsel without this expert.

WHEREFORE, the Defendant moves this Honorable Court to enter an order granting the Defendant JAC funds to retain Stefan Rose, M.D. and set an hourly rate of \$400.00 per hour with an initial cap of 50 hours.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic service via the Florida Courts E-Filing Portal, in accordance with Administrative Order No. AOSC13-49, to: The Office of the State Attorney at [eserviceflagler@sao7.org](mailto:eserviceflagler@sao7.org), and JAC on this 6th of July 2021.

*/s/ David R. Damore*

DAVID R. DAMORE, ESQUIRE

Florida Bar No. 0172844

555 W. Granada Boulevard G-9

Ormond Beach, Florida 32174

Telephone: (386) 281-5454

Attorneys for Defendant

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## CURRICULUM VITAE

STEFAN ROSE, M.D.

Date: 2021 v. 1.02

Professional Address:  
2740 SW Martin Downs Blvd  
Suite 400  
Palm City, FL 34990  
Phone (561) 795-4452

e-mail [toxdoc@umfe.com](mailto:toxdoc@umfe.com)

### CURRENT CLINICAL QUALIFICATIONS AND POSITION:

Physician, trained in Forensic Toxicology, General Psychiatry, Clinical Pathology

Private Forensic Practice (Alcohol Disorders, Substance Abuse, Criminal and Civil)  
Forensic Consultant (DUI, Alcohol, Drugs, Narcotics Detector Dogs, Criminal and Civil)

1997 - present

Courtesy Professor, Department of Chemistry  
Florida International University, University Park  
Miami, Florida 33199-0001

### HIGHER EDUCATION (Degrees Earned):

Doctor of Medicine, University of Miami School of Medicine, Miami, FL., 1985

Bachelor of Arts (Major: Biological Sciences), Florida Atlantic University, Boca Raton, FL., 1981

### POST-DOCTORAL RESIDENCY TRAINING:

1985 - 1987

Clinical Pathology Resident, Department of Pathology, University of Alabama, Birmingham, Alabama. First year of training consisted of didactic lectures in concert with rotations through clinical chemistry, microbiology, blood bank, hematology and toxicology laboratories. Training the second year consisted of routine service work for all laboratories, three months of blood banking with an emphasis on therapeutic plasmapheresis. Program also included didactic instruction in nosocomial infections concentrating on surveillance, etiology, laboratory diagnosis and prevention.

"EXHIBIT A"

Stefan Rose, M.D.  
Curriculum Vitae  
page two

**1989 - 1991**

**Associate Medical Examiner - Forensic Toxicology Laboratory, Dade County Medical Examiner Department, Miami, Florida.** Two-year training program in the only HRS-licensed Forensic Toxicology Training Laboratory in the State of Florida. Included specimen collection in the morgue, chain of custody procedures, specimen storage, rotations through screening and confirmation sections. Performed qualitative and quantitative analysis utilizing colorimetric, immunoassay (EMIT, TDX), thin layer chromatography (TOXI-LAB), GLC, HPLC, GC/MS techniques on therapeutic drugs and drugs of abuse. Research conducted included analysis of urine, blood, blood clots, brain, liver, and placenta for cocaine, cocaine metabolites, cocaethylene, and ethanol. Review and analysis of drug-related death cases were also done.

**1995 - 1998 Resident Physician, Department of Psychiatry, University of Miami School of Medicine and Jackson Memorial Hospital, Miami, Florida.** Four years of training with the first year in Psychiatry including rotations in Internal Medicine, Neurology, and Family Medicine as well as in-patient care of hospitalized patients on the Adult Psychiatry service. Second and third year included In-patient, Out-patient, Consultation Liaison and Child Psychiatry. Fourth year included Out-patient, Special Immunology, Partial Hospitalization and Consult Liaison.

#### **ADDITIONAL POST-DOCTORAL TRAINING:**

**1990 - 1991**

**Clinical Research Fellow - Department of Neurology (Experimental Toxicology - Neurotoxicology), University of Miami School of Medicine, Miami Florida.** Performed method development and sample analysis of post-mortem human brain specimens and emergency department admission blood and urines for cocaine, benzoylecgonine, and cocaethylene utilizing GC and GC/MS instrumental analysis. Conducted in-vitro experiments incubating human liver homogenates and cellular subfractions to investigate the metabolic formation of cocaethylene from cocaine and ethanol. Performed comparative cocaine, cocaethylene LD<sub>50</sub> study to investigate toxic effects of cocaethylene.

**1988 - 1989**

**Graduate School, Exercise Physiology, University of Miami, Miami, Florida.** One-year of didactic instruction, plus lab experience. Performed literature review on cocaine and human physiology.

Stefan Rose, M.D.  
Curriculum Vitae  
page three

**BOARD CERTIFICATION & LICENSES:**

Diplomate, National Board of Medical Examiners, July 1, 1989 - #311676  
Diplomate, American Board of Forensic Examiners, June 1998  
Florida Medical License - #58314 (1990 to current)  
State of Florida Clinical Chemistry Technologist - 12/08/1989 to 06/30/1998 - #TN29074  
(formerly #JC0020704)  
Certified Health Care Risk Manager - 07/21/1989 to 01/31/2002 - #5500523 (Florida)

**Other Professional Training:**

Certificate of Completion, F. A. A. Medical Review Officer Training Seminar, 1991  
National Highway Transportation Safety Administration (NHTSA) Drug Recognition Expert  
Certification (Auditor Status), 1992  
Symposium on Alcohol and Drug Enforcement, Institute of Police Technology and Management,  
University of North Florida, Jacksonville, Florida, July 20-22, 1992  
Toxi-Lab 3 Day Basic Workshop, Fort Lauderdale, Florida, September 15-17, 1993

**Most Recent Professional Experience:**

1992 - 1994

**Assistant Professor**

Department of Epidemiology and Public Health, University of Miami School of Medicine  
Director, Forensic Toxicology Laboratory

Responsible for obtaining service contract with Metro Dade County to qualitatively and quantitatively analyze blood and urine specimens for ethanol, illicit and therapeutic drugs from impaired drivers.

Responsible for designing and overseeing construction of comprehensive toxicology laboratory including security, sample storage, laboratory and administrative work areas.

Responsible for supervising all analytical work, performing blood alcohol, blood drug and urine drug analyses and providing expert testimony for the State Attorney's Office regarding issues of forensic integrity, analytic accuracy, and driver impairment.

**Teaching Experience:**

Course Coordinator/Instructor - Chemical Dependency Training Institute, University of Miami School of Continuing Studies, Miami Florida, 1991.

Instructor, Florida International University, CHS-5539, Forensic Toxicology 2007-2008

**Stefan Rose, M.D.**  
**Curriculum Vitae**  
**page four**

**Other Professional Experience:**

Medical Review Officer - Federal Transportation Worker's Pre-Employment and License Renewal Urine Drug Testing, 1991.

Expert Witness - Forensic Toxicology (Retained as expert witness on Civil and Criminal Cases including DUI and Workers Compensation Exposure Claims, 1991 - present.

MADD Advisory Board, Dade County Chapter, 1992 - 1995

Laboratory Technician, Department of Pharmacology, University of Miami School of Medicine, 1976 -1978. Performed clinical assessment of over the counter decongestant medications in human clinical trial and performed spectrophotometric analysis of ionophore kinetics and micellar membranes.

**PAPERS, ABSTRACTS, PRESENTATIONS:**

Philip Davis, B.Sc., **Stefan Rose M.D.**, Kenneth G. Furton, Ph.D.  
"An Investigation into Volatile Organic Compounds That Have the Potential to Cause False Positives in routine Blood Ethanol Analysis using dual column GC-FID"  
Attacking and Defending Drunk Driving Tests by Don Bartell. 2021. James Publishing.  
ISBN-978-1-58012-251-1

Poster Presented at the AAFS Annual Meeting February 18-23, 2013 Washington, DC  
Philip Davis, B.Sc., Kenneth G. Furton, Ph.D., Stefan Rose M.D.  
"An Investigation Into Volatile Organic Compounds That Have the Potential to Cause False Positives in Blood Alcohol Analysis"  
Department of Chemistry and Biochemistry and International Forensic Research Institute Florida  
International University, Miami, FL USA

Schreiber Compo, N., Evans, J.R., Carol, R., Kemp, D.C., Villalba, D., Ham, L. & Rose, S.  
Alcohol intoxication and memory for events: A snapshot of alcohol myopia in a real-world drinking scenario. *Memory*. 2011 Feb;19(2):202-10. doi: 10.1080/09658211.2010.546802.

Schreiber Compo, N., Evans, J. R., Carol, R., Villalba, D., Hernandez, E., Kemp, D., Linarte, C., Peirano, P., Lobos, A., Stauffer, D., Perez, A., Roditti, M., Galliani, G., Ramjattan, A., Cosano, D., Schneider, A., Rodriguez, M., Cochran, J., & **Rose, S.** *Interviewing intoxicated witnesses: The use of different question formats.* Paper presented at the American-Psychology and Law conference, San Antonio, TX (2009).

Kemp, D., Schreiber Compo, N., Evans, J., Carol, R., Villalba, D., Hernandez, E., Linarte, C., Peirano, P., Lobos, A., Stauffer, D., Perez, A., Roditti, M., Galliani, G., Ramjattan, A., Cosano, D., Schneider, A., Rodriguez, M., Cochran, J., & **Rose, S.** *The effects of Alcohol on declarative memory.* Paper presented at the American-Psychology and Law conference. San Antonio, TX (2009).



**Stefan Rose, M.D.**  
**Curriculum Vitae**  
page five

**PAPERS, ABSTRACTS, PRESENTATIONS:**

Carol, R. N., Schreiber Compo, N., Evans, J. R., Villalba, D., Kemp, D., Linarte, C., Hernandez, E., Peirano, P., Lobos, A., Stauffer, D., Perez, A., Roditti, M., Galliani, G., Ramjattan, A., Cosano, D., Schneider, A., Rodriguez, M., Cochran, J., Linares, D., & Rose, S. *Intoxicated Witnesses and Trait Anxiety*. Paper presented at the American-Psychology and Law conference, San Antonio, TX (2009).

Mendez E., Rose S., Holness H., Furton K. Poster "The Response of Intoxilyzer 5000 and Intoximeter ECIR to Volatile Organic Compounds Found in the Human Breath at Physiologic Concentrations," Pittcon 2010, Orlando, Florida. February 2010.

Mendez E., Rose S., Holness H., Furton K. "The Response of the Intoxilyzer 8000 to Volatile Organic Compounds Found in the Human Breath at Physiologic Concentrations" FAME, Orlando, Florida. May 2009.

Mendez E. Rose S., Holness H., Furton K. "The Response of the Intoxilyzer 8000 to Volatile Organic Compounds Found in the Human Breath at Physiologic Concentrations" Second Annual Life Sciences Research Symposium, Miami Florida. March 28, 2009. Award: Best Poster Presentation

Hernandez, E., Schreiber Compo, N., Evans, J., Carol, R., Diaz, V., Rodriguez, E., Ortega, L., Sylvester, K., Charosky, M., Kemp, D., Lobos, A., Stauffer, D., Wood, S., Perry, A., Villalba, D., & Rose, S. (March 2008). *Eyewitness memory and intoxicated witnesses: Are they more confident than sober or placebo witnesses?* Paper presented at the American Psychology-Law Society Conference, Jacksonville, FL.

Schreiber Compo, N., Evans, J., Ham, L., Garcia, T., Rose, S., Pignatello, V., Carol, R., Perry, A., Villalba, D., Diaz, V., Rodriguez, E., Turner, G., Wood, S., Abril, L. & Alonso, T. (July 2007). *Intoxicated Witnesses: Are they more vulnerable to misinformation?* Paper presented at the Seventh Biennial Meeting of the Society for Applied Research in Memory and Cognition, Bates College, Lewiston, ME.

**Stefan Rose, M.D.** and Kenneth G. Furton, Ph.D.

Fundamentals of Forensic Breath and Blood Alcohol Analysis in Chapter Five, Introduction to Blood Alcohol Analysis, Drunk driving defense by Lawrence Taylor, Steven Oberman. 6th ed. Published by Aspen Publishers, ISBN 0-7355-5429-3

Sabucedo AJ, Gutierrez MA, Mueller KC, Bellissima BL, Hsu YL, Rose S, Furton KG. "Sex, lies, and Viagra." JAMA. 2004 Feb 4;291(5):560-2. Letter

**Stefan Rose, M.D.** and Kenneth G. Furton, Ph.D.,

Variables Affecting the Accuracy and Precision of Breath Alcohol Instruments Including the Intoxilyzer 5000, Georgia DUI Law, A Resource for Lawyers and Judges, George Stein, Author. Published by Michie ISBN: 0327162961

Lorenzo N, Wan T, Harper RJ, Hsu YL, Chow M, Rose S, Furton KG, "Laboratory and field experiments used to identify *Canis lupus var. familiaris* active odor signature chemicals from drugs, explosives, and humans". Anal Bioanal Chem. 2003 Aug;376(8):1212-24. Epub 2003 Jul 04.

**Stefan Rose, M.D.**  
**Curriculum Vitae**  
page six

**PAPERS, ABSTRACTS, PRESENTATIONS:**

Furton KG, Hong YC, Hsu YL, Luo T, Rose S, Walton J., " Identification of odor signature chemicals in cocaine using solid-phase microextraction-gas chromatography and detector-dog response to isolated compounds spiked on U.S. paper currency", *J Chromatogr Sci.* 2002 Mar;40(3):147-55.

K.G. Furton, Y.-L. Hsu, T. Luo, A. Norelus and S. Rose, " Field and Laboratory Comparison of the Sensitivity and Reliability of Cocaine Detection on Currency Using Chemical Sensors, Humans, K-9's and SPME/GC/MS/MS Analysis" in *Investigation and Forensic Science Technologies*, K. Higgins, V.M. Baylor, and LI Rudin, Editors, Proc. SPIE Vol. 3576. (1999)

K.G. Furton, Y.-L. Hsu, T. Luo, F. Lopez and S. Rose, Diffusion Studies and SPME/GC/MS/MS Analysis of Volatile Drug Components and the Relevance to Detector Dog Alerts to Suspected Drug Money, 50th Annual Meeting of the American Academy of Forensic Sciences, San Francisco, California, February 9 - 14, 1998, B49

K.G. Furton, Y.-L. Hsu, T. Luo, J. Wang and S. Rose, " Odor Signature of Cocaine Analyzed by GC/MS and Threshold Levels of Detection for Drug Detection Canines", *Curr. Top. Forensic Sci., Proc. Meet. Int. Assoc. Forensic Sci.*, 14<sup>th</sup>, vol. 2, 1997, 329-332

K.G. Furton, Y.-L. Hsu, T. Luo, J. Wang and S. Rose Odor Signatures of Narcotics Analyzed by GC/MS and Threshold Levels of Detection for Drug Detection Canines Under Field Conditions, 14th Meeting of the International Association of Forensic Sciences (IAFS), Tokyo, Japan, August 26 - 30, 1996. Recipient of a Young Investigators' Award.

K.G. Furton, Y.-C. Hong, Y.-L. Hsu and S. Rose, Drug Money and Detection Dogs: What Are They Really Smelling and What Does it Mean?, 48th Annual Meeting of the American Academy of Forensic Sciences, Nashville, Tennessee, February 19 - 24, 1996.

K.G. Furton and S. Rose, Cocaine Contaminated Currency, Metro-Dade Police Department Narcotics Canine Course, Miami, Florida, August 29 - September 2, 1994.

Suguihara C, Devia C, Rose S, Huang J, Orchard E and Hehre D. "Pharmacodynamics of Cocaine in Pregnant Sows." *Pediatric Research (Abstracts)*, 1993.

Hearn WL, Rose S, Andollo W, Hime GW. "Fatality associated with enflurane and butorphanol." *Amer. Acad. Forensic Sci. (Abstracts)*, 91-2:179, 1991.

Hearn WL, Hime GW, Confino J, and Rose S. "Detection of cocaethylene as a major cocaine metabolite." *Amer. Acad. Forensic Sci. (Abstracts)*, 91-2:174, 1991.

Rose S, Confino J, Hearn WL, Hime GW. "Investigation of the metabolic formation of cocaethylene." *Amer. Acad. Forensic Sci. (Abstracts)* 91-2:174, 1991.

Rose S, Hearn WL, Hime GW, Wedli CV, Ruittenber AJ, and Mash DC. "Cocaine and cocaethylene concentrations in human post mortem cerebral cortex." *Society for Neurosci.* 16:14, 1990.

Mash DC, Ciarleglio A, Tanis DC, Schrank KS, Augenstein JS, Rose S, Hearn WL, and Stitt FW. "Toxicology screens for cocaethylene in emergency department and trauma admissions associated with cocaine intoxication." *Comm. Prob. Drug Dependence, Monograph Series*, 1991 page 489.

**Stefan Rose, M.D.**  
**Curriculum Vitae**  
**page seven**

**PAPERS, ABSTRACTS, PRESENTATIONS:**

Hime GW, Hearn WL, **Rose S**, and Cofino J. "Analysis of cocaine and cocaethylene in blood and tissue by GC-NPD and GC-Ion Trap mass spectrometry. J. Analytical Toxicology. 1991.

Hearn WL, **Rose S**, Wagner J, Ciarleglio AC, and Mash DC. "Cocaethylene is more potent than cocaine in mediating lethality." Pharmacol., Biochem. and Behavior 39:531-533, 1991.

Hearn WL, Flynn DD, Hime GW, **Rose S**, Mantero-Atienza E., Cofino JC, Wetli CV, and Mash, DC. "Cocaethylene: A Unique metabolite displays high affinity for the dopamine transporter." J. of Neurochem. 56:698-701, 1991.

**LECTURES GIVEN:**

May 21, 2021  
Florida Online Presentation  
Florida Bar Masters of DUI  
The Science of Breath Testing

November 7, 2020  
California Online Presentation  
CACJ – California Attorneys for Criminal Justice  
Challenge the State Witness Testimony through Effective Cross Examination of Their Credentials

March 6, 2020  
Fort Lauderdale, Florida  
Florida Bar – Masters of DUI  
Synthetic Cannabinoids

July 27, 2019  
San Francisco, CA  
CDLA CLE  
Forensic Pharmacology of Marijuana and LC-MS-MS Analysis THC

April 5, 2019  
Fort Lauderdale, Florida  
Florida Bar – Masters of DUI  
Update on Breath, Blood Ethanol and Blood Drug Testing

April 27, 2018  
Fort Lauderdale, Florida  
Florida Bar – Masters of DUI  
Neuropsychiatric Effects of Airbag Deployment

April 28, 2017  
Tampa, Florida  
Florida Bar – Masters of DUI  
Hospital Serum Ethanol Errors

**LECTURES GIVEN:**

**Stefan Rose, M.D.**

**Curriculum Vitae**

**page eight**

March 4, 2017

The Georgia Association of Criminal Defense Lawyers  
DUI Boot Camp - Advanced Room  
Challenging a Hospital Serum Ethanol Test Result

October 22, 2016

Cole-Huff

South Carolina DUI Lawyers' Group  
Greenville, South Carolina  
Challenging Hospital Serum Ethanol Tests

May 1, 2016

Online Presentation, MCLE approved  
California Defense Lawyers Association  
Forensic Pharmacology of Marijuana

April 8, 2016

Tampa, Florida

Florida Bar – Masters of DUI  
Marijuana Forensic Pharmacology

March 27, 2015

Fort Lauderdale, Florida  
Florida Bar – Masters of DUI  
Breath Test Errors 101

October 11, 2014

Orange County Airport Hilton  
CALIFORNIA DUI LAWYERS ASSOCIATION  
BLOOD IS THICKER THAN BREATH

May 31, 2014

Online Webinar

Georgia and South Carolina Defenders of Accused Drunk / Drugged Drivers  
Wild Dunes Resort in Isle of Palms, S.C.  
SFST's Neurologic Failure Guaranteed

February 21, 2014

Effective Use of Scientific Testimony: Managing Your Expert  
Tampa Airport Marriot  
Florida Bar - Masters of DUI

March 1, 2013

Online Webinar

Blood Alcohol Errors 2  
"Challenging the Scientific Evidence"  
Miami Dade Public Defender

**Stefan Rose, M.D.**  
**Curriculum Vitae**  
**page nine**

**LECTURES GIVEN:**

February 28, 2013  
Online Webinar  
Blood Alcohol Errors I  
"Challenging the Scientific Evidence"  
Miami Dade Public Defender

November 3, 2012  
Online Webinar  
Blood Alcohol Errors  
"What they are and how to use them to challenge the Scientific Evidence!"  
California DUI Lawyers Association

February 25, 2012  
Online Webinar  
Pharmacology/Toxicology Principles in the Courtroom:  
DUID and Drug Cases

"CNS Stimulants: Cocaine, Amphetamines, and Others—mechanisms, therapeutic uses, and behavioral effects"  
Scientific Law Forums, Inc. Medical-Legal Seminar, Atlanta, Georgia

February 12, 2012  
Online Webinar  
"Inspecting Blood Ethanol Chromatograms III"  
California DUI Lawyers Association

September 24, 2011  
Online Webinar  
"Inspecting Blood Ethanol Chromatograms II"  
California DUI Lawyers Association

July 8, 2011  
Online Webinar  
"Inspecting Blood Ethanol Chromatograms I"  
California DUI Lawyers Association

May 20, 2011  
Online Webinar  
"Serum Ethanol False Positives Due To NADH"  
National College for DUI Defense

April 8, 2011  
Online Webinar  
"Serum Ethanol False Positives"  
Criminal Defense Attorneys

**Stefan Rose, M.D.**  
**Curriculum Vitae**  
**page ten**

**LECTURES GIVEN:**

September 23, 2010  
Continuing Legal Education  
Florida Association of Criminal Defense Lawyers  
Orlando, Florida "How to Challenge the Scientific Evidence with an Expert"

February 16, 2010  
Guest Lecture  
CHS 5539 Forensic Toxicology  
Florida International University, Miami, Florida  
"Forensic Pharmacology of Ethanol"

February 25, 2010  
"1-8000 False Positive Results Due to VOC's (volatile organic compounds) in the Human Breath"  
Lyons and Lyons DUI Seminar  
Key West, Florida

September 25, 2009  
Continuing Legal Education  
Florida Association of Criminal Defense Lawyers  
Orlando, Florida  
"How to Handle Blood Alcohol Evidence"

October 3, 2008  
Continuing Legal Education  
Palm Beach County Public Defender  
West Palm Beach, Florida  
"Errors in Breath Testing and the Intoxilyzer 8000"

September 25, 2008  
Continuing Legal Education  
Florida Association of Criminal Defense Lawyers  
Orlando, Florida  
"How the Intoxilyzer 8000 is Supposed to Work"

December 18, 2007  
Continuing Legal Education  
Broward Association of Criminal Defense Lawyers  
Fort Lauderdale, Florida  
"How the Intoxilyzer 8000 is Supposed to Work"

September 27, 2007  
Continuing Legal Education  
Florida Association of Criminal Defense Lawyers  
Orlando, Florida  
"How the Intoxilyzer 8000 is Supposed to Work"

**Stefan Rose, M.D.**  
**Curriculum Vitae**  
**page eleven**

**LECTURES GIVEN:**

February 11, 12, 2006  
Continuing Legal Education  
Dade County Public Defender  
Miami, Florida  
"Errors in Breath and Blood Alcohol Testing"

November 18, 2005  
Continuing Legal Education  
Embassy Suites Hotel  
Orlando, FL  
"Errors in Breath Testing"

September 29, 2005  
Department of Justice  
Advanced Money Laundering Seminar  
Columbia, SC  
"Narcotics Detector Dog Update"

July 21, 2005  
Department of Justice  
Seventh Circuit Asset Forfeiture Component Conference  
Madison, WI  
"Drug Dog Sniff Cases"

April 27, 2005  
Department of Justice  
Sixth Circuit Asset Forfeiture Component Conference  
Nashville, TN  
"Narcotics Detector Dog Update"

December 7, 2004  
Forensic Toxicology, CHS 5539  
Florida International University  
"Errors in Breath and Blood Alcohol Testing"

November 19-21, 2004  
Continuing Legal Education  
Airport Hilton, West Palm Beach, Florida  
"Errors in Breath Testing"

April 2, 2004  
Drug Detection Canine Record Keeping and Court Testimony Seminar  
Orlando Worldgate Resort, Kissimmee, Florida  
"Odor Signature Chemicals Used by Detector Dogs to Locate Forensic Specimens"

**Stefan Rose, M.D.**  
**Curriculum Vitae**  
**page twelve**

**LECTURES GIVEN:**

November 19-21, 2004  
Continuing Legal Education  
Airport Hilton, West Palm Beach, Florida  
"Errors in Breath Testing"

April 2, 2004  
Drug Detection Canine Record Keeping and Court Testimony Seminar  
Orlando Worldgate Resort, Kissimmee, Florida  
"Odor Signature Chemicals Used by Detector Dogs to Locate Forensic Specimens"

March 19-21, 2004  
Continuing Legal Education  
Airport Hilton, West Palm Beach, Florida  
"Errors in Breath Testing"

March 16, 2004  
Florida Highway Patrol Academy, Tallahassee, Florida  
"Odor Signature Chemicals Used by Detector Dogs to Locate Forensic Specimens"

February 28, 2004  
Nova Southeastern University, Fort Lauderdale, Florida  
Fort Lauderdale Forensic Conference  
"Detector Dog Reliability"

December 3, 2003  
Forensic Toxicology, CHS 5539  
Florida International University  
"Errors in Breath Alcohol Testing"

June 26-28, 2003  
Continuing Legal Education  
Hutchinson Island Resort, Stuart, Florida  
"Errors in Breath Testing"



**Stefan Rose, M.D.**  
**Curriculum Vitae**  
**page thirteen**

**PROFESSIONAL ORGANIZATIONS:**

American College of Forensic Examiners  
American Academy of Forensic Sciences  
Society of Forensic Toxicology

**High Profile Forensic Cases**

State of Florida vs. William Kennedy Smith

Commonwealth of Virginia vs. Mary Albert

State of Florida vs. Bobby Brown

State of Florida vs. David Farrall

State of Florida vs. Jose Canseco

State of Florida vs. Dan Catalfumo

State of Florida v. James Leyritz

UNITED STATES OF AMERICA v. \$22,474.00 IN U.S. CURRENCY

(This case is important as it is the first Ninth Circuit decision to acknowledge the reliability of an alert  
by a properly trained narcotics detection dog in an asset forfeiture case)

**Tamara Szabo**

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**From:** Lake, Christian <christian.lake@justiceadmin.org> on behalf of JAC Pleadings <pleadings@justiceadmin.org>  
**Sent:** Tuesday, July 13, 2021 1:58 PM  
**To:** David Damore; Tamara Szabo  
**Subject:** FW: SERVICE OF COURT DOCUMENT CASE NUMBER 182021CF000054XXXXXX STATE OF FLORIDA vs. NEESMITH, JAVIAN LATRELLE  
**Attachments:** Motion.pdf

Dear Mr. Damore:

The Justice Administrative Commission (JAC) has received and reviewed the Motion to Incur Costs & Appoint Forensic Expert as to the above-referenced matter. JAC will not be filing a formal response and takes no position as to your motion except JAC objects to any rate in excess of the established rates absent a showing of necessity to exceed those rates. Rate charts are posted on [JAC's website](#). JAC does not request to participate in any hearing set for this matter. You may utilize this email in lieu of a formal response and should attach it to your motion when you provide it to the court.

Please be aware that the proposed order needs to contain the following information: (1) identity or type of expert; (2) amount authorized (cap) for the expert services; and (3) rate(s) authorized for the expert services. An order lacking this information may result in delay in payment to the expert.

If the Defendant is convicted, the **defense must file an accounting with the trial court within 90 days of disposition** per s. 27.52(5)(i), F.S. Failure to file this accounting will delay JAC from processing any pending due process services bills for payment.

Sincerely,

Christian Lake  
Assistant General Counsel  
Justice Administrative Commission  
227 N. Bronough Street, Suite 2100  
Tallahassee, FL 32301  
Tel.: 850.488.2415  
JAC Website: <https://www.justiceadmin.org>

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**From:** eservice@myflcourtaccess.com [mailto:eservice@myflcourtaccess.com]  
**Sent:** Tuesday, July 6, 2021 3:19 PM

Sent to Pleadings 7/13