

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

STATE OF FLORIDA.

v.

ANNA MARIE PEHOTA,

Defendant.

CASE NO.: 2015-00777-CFFA  
JUDGE MATTHEW M. FOXMAN

**MOTION TO CONTINUE DOCKET CALL AND TRIAL**

COMES NOW the Defendant, Anna Marie Pehota, by and through her undersigned Assistant Public Defender, and files this Motion to Continue Docket Call and Trial, currently set for April 14, 2016 and April 18, 2016, respectively, pursuant to Rule 3.191(i)(3) and (j), Fla. R. Crim. Proc. (2015) and the inherent authority of this Honorable Court and in support thereof asserts the following facts and circumstances, to-wit:

1. That the Defendant stands before this Court charged by Information with the offense of Second Degree Murder (Firearm), a Life Felony subject to the 10-20-Life statute, in violation of Sections 782.04(2) and 775.087(1) & (2), Fla. Stat. (2014).
2. That the undersigned attorney was present in court last week at or near the conclusion of the March 30th hearing on the Defendant's Motion to Suppress when the Defendant blurted out to the Court that she had no recollection whatsoever of the nearly four hour interrogation that occurred late in the evening of September 23, 2015 in one of the Flagler County Sheriff's Department's interrogation rooms.
3. That the undersigned attorney is aware of the many memory issues presented by the Defendant during that interrogation process, which issues reflect the struggles she repeatedly stated she had with accurately recalling what exactly had occurred earlier that day; her statements about her struggles are preserved in the 188 page transcript placed into the record during the hearing.
4. That on April 1, 2016, the undersigned attorney deposed the Medical Examiner, Dr. Predrag Bulic, M.D., who conducted the autopsy of Mr. Pehota. Dr. Bulic explained the multiple possible interpretations that exist about the sequence of events and location of persons during the infliction of the several bullet wounds, which accentuates the need to understand just how accurate Mrs. Pehota's account of events might actually be. More importantly, Dr. Bulic described the importance of the process by which he discounts or corroborates any suspect's reported statements when those statements conflict with or reinforce the physical evidence on which he relies during the autopsy process.
5. That the undersigned attorney has received during the discovery process a number of intercepted jail letters from the Defendant to her loved ones and other friends and

- relations that include her summary of the events surrounding the death of her husband that are characterized as previously lost memories recovered only after her interactions with mental health staff at the jail facility.
6. That the undersigned attorney struggles with the idea that significant and possibly false memory issues exist for the Defendant, to the extent of his already having had her evaluated for possible dementia by a neuropsychologist and for possible competency or insanity at the time of the commission of the offense by a psychiatrist.
  7. That since Mrs. Pehota blurted out her perception of a complete lack of memory of the nearly four hour interrogation process, the undersigned attorney has consulted with three psychologists for the possibility that the Defendant experienced or now labors under a memory deficit that falls short of either dementia or incompetency, but one that may affect her ability to accurately recall any or all of the events that constitute whatever it was that happened on or about September 23, 2015; he reports to the Court that he is prepared to retain the services of one of the psychologists to evaluate the Defendant in his effort to better understand her apparent memory lapses.
  8. That the undersigned attorney reasonably believes that he will be embarrassed in the full and complete preparation of a defense to the offense charged in the Information if he is not allowed sufficient time by the Court to fully explore the possibility that certain psychological issues exist that may inhibit or block the Defendant from adequately recalling what happened late in the afternoon of September 23, 2015.
  9. That the undersigned attorney waives the Defendant's procedural rights as they are defined in the above-described rules of criminal procedure.
  10. That the undersigned attorney represents to the Court that this Motion to Continue Docket Call and Trial is made in good faith and for purposes of developing a viable defense; it is not filed for purposes of delay.
  11. That the Assistant State Attorney to whom the Defendant's case is currently assigned, Ms. Jennifer L. Dunton, Esq., authorizes the undersigned attorney to represent to the Court in this motion that she does not object to a continuance.

WHEREFORE, the undersigned attorney for the Defendant, Anna Marie Pehota, respectfully requests that this Honorable Court consider the issues he sets forth in this Motion to Continue Docket Sounding and Trial and enter its Order granting the motion, thereby continuing the above-styled cause from the Docket Sounding and Trial set for April 14, 2016 and April 18, 2016, respectively.

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been furnished by delivery to: Ms. Jennifer L. Dunton, Assistant State Attorney, Office of the State Attorney, Homicide Investigations Unit, 2446 Dobbs Road, Saint Augustine, FL 32086, on April 8, 2016.

/s/ Raymond M. Warren

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