

**IN THE CIRCUIT COURT OF THE SEVENTH CIRCUIT
IN AND FOR PUTNAM COUNTY, FLORIDA**

STATE OF FLORIDA

CASE NO: 14-576CFFA

v.

ROBERT ZETROUER

MOTION IN LIMINE: PRIOR CRIMES

Defendant, Robert Zetrouer, by and through the undersigned attorney hereby files this Motion in Limine and requests the Court enter an order instructing the State's Prosecutor and any and all state witnesses to refrain from making mention by statement or interrogation, directly or indirectly, in any manner whatsoever, the following:

1. Any uncharged offense or criminal allegation against the Defendant, not already including the Information herein.
2. In addition, B.P., the brother of the alleged victim herein, has alleged that on an unknown date, he saw the alleged victim exit a bathroom, followed by seeing the Defendant with his pants down (note: during a deposition of B.P., he changed this story to say that the alleged victim was laying on the bed watching a video with him, and the Defendant was seen with his pants down).
3. Any testimony that the Defendant showed porn to the alleged victim.

In order to be admissible, the burden is on the State's Prosecutor to prove that:

- a. the evidence offered by the State is relevant to any issue in dispute in the present case;
- b. the evidence offered by the State concerning an alleged prior act by the Defendant is similar to the charged offense;
- c. the alleged prior act, as shown by clear and convincing evidence, was committed by the Defendant;
- d. the evidence sought to be introduced is sufficiently recent in time to be relevant to the present offense;
- e. the evidence sought to be introduced is relevant to prove a material fact in

issue in the present offense; or

f. the evidence sought to be introduced provides probative value and is overly prejudicial to the Defendant and therefore admissible.

It should be noted that the Information herein alleges that the Defendant committed three counts of Lewd or Lascivious Battery, between May 1, 2014 and June 30, 2014.

WHEREFORE, Defendant requests that the Court grant this motion and order the State's Prosecutor not to mention or allude to the aforementioned in any manner in the presence of the jury until a hearing has been held outside the presence of the jury and prior to the Court's determination of relevancy as specified in this motion.

Certificate of Service

I certify that a copy of this document was electronically served via the Florida Courts E-Filing Portal to the State's Attorney on October 6, 2015.

Respectfully submitted,

By: /s/ Garry Wood

Garry Wood
Florida Bar No. 616796
415 St. Johns Ave.
Palatka, FL 32177
Tel. (386) 326-3993
Fax (386) 312-0221
E-Mail: garrywood2011@hotmail.com
Attorney for Robert Zetrouer