

IN THE CIRCUIT COURT OF THE FIFTH JUDICIAL CIRCUIT,
IN AND FOR LAKE COUNTY, FLORIDA

STATE OF FLORIDA,

Case No.: 2020-CF-2361

Plaintiff,

v

LAURIE LEIGH SHAVER,

Defendant.

_____ /

**MOTION TO COMPEL DEPARTMENT OF CHILDREN
AND FAMILIES TO PROVIDE ELECTRONIC COPIES
TO DEFENSE COUNSEL OF FILES REGARDING
LAURIE SHAVER/FILMER
(Amended)**

COMES NOW, the undersigned attorney, and moves this court to direct that the Department of Children & Families provide electronic, and certified copies of all documents held by the Department of Children and Families in the above and related cause involving the defendant; the minor children; and Travis Filmer; and Michael Shaver; and in support counsel would allege:

1. THAT, previously this court authorized the release of copies of records as they pertain to Laurie Leigh Shaver and Michael Shaver. The court entered an Order approving their release.
2. THAT, the Office of the State Attorney has provided a multitude of records, however, such records did not include past complaints having involved the Department

of Children and Families as they involved Michael Shaver. Further, The Dept of Children and Families has possession of documents which involve the current husband Travis Filmer and the minor children of Laurie Shaver. Neither were any records supplied that have been certified by the Department of Children and Families.

3. THAT, turning to the Department of Children and Families, the defense advised that the defense could appear at the Department; with their own paper and copy hard documents at their office. No documents would be certified to be used at the date of trial, and neither were any documents identified by the Department.

4. THAT, further it was brought to the attention of this court that the wife recently was involved with the present husband wherein one of the minor children armed themselves in order to protect the natural mother. While this fact was unreported in the incident report, it was, (*allegedly*) reported by DCF. This report has yet to be released to defense counsel together with any supporting evidence associated, to wit: photos. Neither has the Office of the State Attorney sought out this evidence in as much as it has a chilling impact on the State's case.

5. THAT, the defense has further filed a Williams Rule Notice. The document held by the Department of Children and Families, potentially may support the the assertion that the defendant has been victimized by the deceased for a term of years. A production of the respective documents is thus requested.

6. THAT, no victim may assert any privilege against disclosure, for the documents involve the defendant in this matter.

7. THAT, while it is the responsibility of the Office of the State Attorney to search out this data, and not simply reveal its fact if they should come upon it, limited actions have transpired by the State to assist the defense.

In *United States V. Bagley*, 473 U.S. 667 (1985) the U.S. Supreme Court held:

“By requiring the prosecutor to assist the defense in making its case, the Brady rule represents a limited departure from a pure adversary model. This is because the prosecutor’s role transcends that of an adversary. The prosecutor is the representative not of an ordinary party to a controversy, but of a sovereignty... whose interest... in a criminal prosecution is not that it shall win a case, but that justice shall be done.”

8. THAT, further, the State may not sit silent and simply reveal what may be found by the State. Instead, the Supreme Court has declared that they. . .the State must search it out and provide it, *Kyles v Whitley*, 514 U.S. 419 (1995). In that case, the U.S. Supreme Court stated:

“A prosecutor’s Brady disclosure obligation is not limited to information of which a prosecutor has actual knowledge. Rather, a prosecutor has a non-delegable duty to learn of Brady information in the case.” (*Kyles* at 437)

9. THAT, at the present time the State has been advised of the existence of Brady evidence in the form of “Williams Rule” evidence favorable to the defendant. They have

not attempted to secure this same evidence on behalf of the defense through the Department of Children and Families. Instead they have left it upon the defense to seek a motion directing the release of records held by the Department of Children and Families, thus burying their head to what is otherwise compelling defense evidence. Again, these facts having been brought to the attention of the Court and the State.

WHEREFORE, the defense would move the Office of the State Attorney and Department of Children and Families to provide certified copies of all records held by the Department of Children and Families on the following:

- a.) All records of past violence by Michael Shaver as known and reported to the Department of Children and Families.
- b.) All records in all form pertaining to incidents of violence by and involving Travis Filmer as known by the Department of Children and Families.
- b.) All records of inspections by the Department of Children and Families pertaining to Laurie Shaver, n.k.a., Laurie Filmer as they pertain to either any incident involving Laurie Shaver or Laurie Filmer.
- c.) All other forms of evidence, including statements, reports, third party documents, held by the Department in any manner, to include photographic evidence.
- d.) That all said records be directed to be electronically transferred with a Certificate of Authentication as to each record or document in any manner.
- e.) That the office of the JAC pay all of the respective costs for production and certifying of said documents.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that a true and accurate copy of the above pleading be sent to the Office of the State Attorney, 550 W. Main St. Tavares, Fl. via that address as registered with the Clerk of the Court; the Department of Children and Families, 1300 Duncan Dr. Tavares, Fl. 32778 via the E. portal delivery system; the Lake County Sheriff's Office via e service at: Derrick Schroth via dschroth@bowenschtoh.com together with the JAC; via the address of pleadings@justiceadmin.org on this the: 6/14/23.

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