

IN THE CIRCUIT COURT OF THE  
17TH JUDICIAL CIRCUIT, IN AND  
FOR BROWARD COUNTY, FLORIDA

STATE OF FLORIDA

vs.

LEE R KENWORTHY,  
Defendant.

CASE NO.: 21006419CF10A

JUDGE: MCCARTHY

**DEMAND FOR DISCOVERY**

COMES NOW the Defendant, by and through the undersigned attorney, and respectfully **demands** that the State Attorney's Office and/or the Municipal Prosecutor's Office, within 15 days from the filing of this pleading, pursuant to Fla.R.Cr.P. 3.220(a), disclose to defense counsel and permit defense counsel to inspect, copy, test and photograph the following information and material within the State's possession or control:

1. The names and addresses of all persons known to the prosecutor to have information which may be relevant to the offense charged, and to any defense with respect thereto including, but not limited to informant witnesses.
2. The statement of any person whose name is furnished in compliance with the preceding paragraph.
3. Any written or recorded statement and the substance of any oral statements made by the Defendant and known to the prosecution or their agents, together with the name and addresses of each witness to the statement.
4. Any written or recorded statements and the substance of any oral statement made by an accomplice or co-defendant together with the name and address of each witness to the statement.
5. Those portions of recorded grand jury minutes that contain testimony of the Defendant.
6. Any tangible papers or objects which were obtained from or belonged to the Defendant.
  - a. If applicable, when, where and under what circumstances said seizure was conducted.
  - b. Names and addresses of persons conducting search and seizure.
  - c. Any documents relating to said search and seizure, including, but not limited to, search warrants and supporting affidavits.
  - d. Whether seizure was made pursuant to search warrant, as incident to lawful custodial arrest, under plain view doctrine, under theory of abandoned property, under theory of inventory search or based on the Defendant's consent.
  - e. If consent is alleged to be given by someone other than the Defendant, the name and address of said person and consenting person's relationship to the Defendant.
7. Whether the State has any material or information which has been provided by an informant witness.
  - a. the substance of any statement allegedly made by the defendant about which the informant witness may testify;
  - b. a summary of the criminal history record of the informant witness;
  - c. the time and place under which the defendant's alleged statement was made;
  - d. whether the informant witness has received, or expects to receive, anything in exchange for his or her testimony. The term "anything" includes, but is not limited to, any deal,

promise, inducement, pay, leniency, immunity, personal advantage, vindication, or other benefit that the prosecution, or any person acting on behalf of the prosecution, has knowingly made or may make in the future.;

e. the informant witness' prior history of cooperation, in return for any benefit, as known to the prosecutor.

8. Whether there has been any electronic surveillance, including wire-tapping, of the premises of the Defendant, or of conversations to which the Defendant was a party; and any documents relating hereto.

a. If applicable, the specific court orders or warrants upon which surveillance was predicted.

b. Names and addresses of the affiants upon whose sworn testimony said orders or warrants were based.

c. When, where and in what manner said surveillance was conducted.

d. Names and addresses of those persons who conducted said surveillance.

e. If applicable, a copy of all documents or subpoenas sent to the communications common carrier by a law enforcement agency or employee of the State Attorney's Office in connection with a request for the communications common carrier to provide information or documentation regarding a subscriber's account.

f. If applicable, a copy of all documents provided to the law enforcement agency or State Attorney's Office by the communications common carrier.

g. Copies of telephone subscriber/customer information or telephone billing records reflecting incoming and outgoing telephone calls acquired by the police or prosecution, including the documents used to acquire these records.

h. If the police or prosecution acquired historic, prospective or real-time cell-site information,<sup>1</sup> please provide copies of this information, including the documents used to acquire this information. If the police or prosecution engaged in real-time tracking, disclose whether a device known as a "trigger-fish" was used.

i. If a mobile tracking device was used, please provide the documents authorizing its use.

9. Whether any identification procedures, such as lineups, photographic displays, showups or confrontations of any kind, involving the Defendant and relevant to this cause have been conducted; and any books, papers, documents, photographs or other objects of any kind relating thereto.

a. If applicable, when, where, under what circumstances and by whom such identification procedures were conducted.

b. Names and addresses of all individuals who were present at the aforesaid identification procedures and the exact manner and extent to which each individual so named participated therein.

c. As to each witness who viewed such identification procedures, whether said individual was able to identify the Defendant as the perpetrator of the alleged crime.

10. The transcript of any adversary preliminary hearing held in this cause.

a. If the record of said adversary preliminary hearing, or any part thereof, has been transcribed at the request of the prosecution, pursuant to Fla.R.Cr.P. 3.131(b)(4), a copy of this transcript shall be furnished free of cost to the Defendant or defense counsel.

11. Whether there has been any search or seizure and any documents relating hereto, including search warrants and affidavits.

12. Whether any physical or mental examinations or any scientific tests were made by experts in connection with this case.

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<sup>1</sup> For purposes of this pleading, "real-time" cell site information refers to data used by the government to identify, with varying degrees of accuracy, the location of a phone at the present moment. "Real-time" cell site information is a subset of "prospective" cell site information, which refers to all cell site information that is generated after the government has received court permission to acquire it. Whereas, "historical" cell site information are records stored by the wireless service provider that detail the location of a cell phone in the past (i.e., before the entry of a court order authorizing government acquisition).

13. Reports or statements of experts made in connection with this case, including results of physical or mental examinations and of scientific tests, experiments or comparisons.
14. Any tangible papers or objects which the prosecuting attorney intends to use in the hearing or trial and which were not obtained from or belonged to the Defendant.
15. Any photographs or other visual reproductions of the scene of the alleged crime and/or alleged victim(s) of the alleged crime, or otherwise relating to this cause.
16. Concerning polygraph examination, commonly referred to as a "lie detector test," whether any person with knowledge or information relating to this case was administered a polygraph examination; the name of the examiner; his opinion; and the test questions, charts, pre and post test interviews, and other pertinent documents.
17. Copy of any and all video and/or audio recording taken by car or body cameras by any and all police units and personnel on scene at the defendant's stop, arrest and/or statements.
18. Any and all evidence favorable to the accused on the issues of guilt, or punishment. *Brady v. Maryland*, 373 U.S. 83 (1963); *United States v. Agurs*, 427 U.S. 97 (1976); *Giles v. Maryland*, 386 U.S. 66 (1967).
19. Any evidence relating to impeachment, motive, or bias, including but not limited to: (a) whether there has been any promise of leniency and/or promise of financial remuneration to any witness(es). *Giglio v. United States*, 405 U.S. 150 (1972); *DeMarco v. United States*, 415 U.S. 449 (1974); *Ring v. United States*, 419 U.S. 18 (1974); *United States v. Bagley*, 473 U.S. 667 (1985); (b) whether the State of Florida or any political sub division thereof, or municipality thereof, or the United States Government or any subdivision thereof, or agency thereof, has contributed moneys for the payment of legal services for any co defendant(s), or witness(es) in said cause; (c) any and all evidence whether it be testimonial or documentary in nature which would contradict, or be inconsistent with, proof the State intends to introduce at trial.
20. Has any victim received or made application for a U Nonimmigrant Visa commonly known as a "crime victim" visa. See USCIS Form I-918. The prosecution and/or investigating agency are involved in this process, because the law requires that the prosecutor or investigating officer certify to the Federal government that the victim "has been helpful, is being helpful, or is likely to be helpful" in the investigation or prosecution of the criminal activity.
21. If there is a violation of probation or community control, provide the entire probation file in this cause.

**WHEREFORE**, said Demand for Discovery by the Defendant being material and relevant to the proper defense of Defendant under applicable rules, cases and constitutional provisions, Defendant requests that this demand be answered in all respects.



I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by e-service to the Office of the State Attorney, , at courtdocs@sao17.state.fl.us, Broward County Courthouse, Fort Lauderdale, Florida, this July 13, 2021.

GORDON WEEKES  
Public Defender  
17th Judicial Circuit

s/ BRYTON OMAR WEATHERS

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BRYTON OMAR WEATHERS  
Florida Bar No. 1028567  
Assistant Public Defender  
Attorney for Defendant  
discovery@browarddefender.org  
(954) 831-6108