

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

STATE OF FLORIDA

CASE NO. 21006419CF10A

vs.

JUDGE: MCCARTHY

LEE KENWORTHY,  
Defendant.

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**MOTION FOR RELEASE ON RECOGNIZANCE OR  
IN THE ALTERNATIVE TO REDUCE BOND**

**Question Presented**

Kenworthy's income is \$0 and he must pay a \$15,000 bond in order to be free prior to trial. One's financial posture, in light of the bond amount, may be unreasonable and excessive. The State's particular concern for the safety of the community—one of several bond factors—can be calmed by other conditions. Therefore, is Kenworthy entitled to pretrial release on reasonable conditions under *Fla. Const. Art. I §14*?

**Facts**

Prior to Kenworthy's captivity, he served in several capacities at a restaurant and in construction. He does have funds in his account but lives unemployment check to unemployment check; the amount available isn't substantial. In the midst of working, he dealt with mental adversity. His wife, Shayling Kenworthy, was killed in his presence. Her life was cut short by law enforcement. And as a result, he was diagnosed with Post Traumatic Stress Disorder. This diagnosis lingers, as one therapist or psychiatrist put it, "Kenworthy suffered irreparable harm by seeing his wife die." The entire incident caused

him to pick up drug use and be subjected to homelessness. He hasn't been the ordinary Lee Kenworthy that is why he's in this predicament today.

### **Authorities**

One is entitled to a reasonable bond because of their specific financial circumstance. *Id.*; *Byrd v. Mascara*, 197 So.3d 1211, 1213 (Fla. 4<sup>th</sup> DCA 2016). Bail is meant to relieve the accused of imprisonment, to lessen the State's burden of detaining the accused, and to place the accused under the court's influence as if he were in custody. *Norton-Nugin v. State*, 179 So. 3d 557, 559 (Fla. 2<sup>nd</sup> DCA 2015). Finally, one's mental condition under out of custody treatment is relevant to the court's consideration too. *Fla. Stat. § 903.046 (2) (c)*.

### **Argument**

Kenworthy is not charged with a capital or life offense and he is incarcerated at the Broward County Jail. He is charged with Aggravated Battery causing Bodily Harm or Disability. This is not a capital or life offense.

While out of custody, he is productive in the hospitality and construction industries. These tasks were, at one point, a steady stream of income prior to the losing his wife and while he faced the reality of his wife's abrupt death. It is a strong possibility for him to return to work and continue treatment on a steady schedule.

Kenworthy's additional grounds for release will be verbally argued before the court.

Therefore he prays this court would grant his release because of these factors.

I 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 20, 2021.

GORDON WEEKES  
Public Defender  
17th Judicial Circuit

s/ BRYTON OMAR WEATHERS

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