

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

STATE OF FLORIDA

CASE NO.: 2020-CF-2361

LAURIE SHAVER
Defendant.

**MOTION IN LIMINE AS TO DELAY IN CHARGING LAURIE SHAVER AND
DECISION NOT TO CHARGE OTHER POTENTIAL DEFENDANTS**

COMES NOW, the State of Florida, by and through the undersigned Assistant State Attorney and moves this Honorable Court to enter an order GRANTING the State's Motion in Limine. As grounds thereof, the State alleges the following:

1. The State requests this Honorable Court to prevent Defendant from eliciting any testimony, either directly or indirectly or arguing in any fashion about the delay in charging Defendant in connection with this case. Such evidence and argument is irrelevant because it in no way tends to prove or disprove any material fact at issue in the case and would only tend to cause needless confusion in the mind of the jury.

It is well settled that the decision to prosecute or not lies in the complete discretion of the State Attorney. State v. Bloom, 497 So.2d 2 (Fla. 1986). The factors and reasoning that contribute to such a decision, as well as the timing of such a decision, also lies in the discretion of the prosecutor unless some improper motivation is alleged, which is discussed below.

Additionally, the decision not to charge another as a co-defendant or an aider or abettor is not prejudicial to the charged defendant nor is it contrary to the essential requirements of the law.

Newman v. State, 196 So.2d 897 (Fla. 1967). Furthermore, the decision to charge only some offenders is not grounds for a claim of denial of equal protection because such a decision rests solely in the discretion of the prosecutor. State v. J.A.S., 686 So.2d 1366 (Fla. 5th DCA 1997).

The discretion of the prosecutor in determining who to charge criminally based on the degree of proof and amount of evidence will only be curbed by the judiciary in those instances where impermissible motives such as race, religion, or bad faith can be shown. See Bloom, 497 So.2d 3 (Fla. 1986).

In the instant case, there is no claim nor evidence that the decision to charge Defendant and not to charge others with these crimes arose out of any impermissible motive, such as race, religion or gender discrimination. Without any evidence or a finding of such a motive, any argument by Defendant suggesting such a motive would be improper. Such an argument would be used only to divert the jury's attention away from the material issues and evidence presented to them and would only cause unfair confusion. To allow such an argument to be made would be to infringe upon the ultimate discretion of the prosecution and would cause the prosecutor himself to become a witness in the case to explain the legal decision-making process he underwent in making the decision of who to prosecute and why, as well as to discuss the details of the investigation in order to explain the delay in charging Laurie Shaver.

Relevant evidence is defined as that evidence which tends to either prove or disprove a material fact at issue in the case. Only relevant evidence is admissible. Whether or not another person should also be charged or why there was a delay in the prosecutor filing a specific charge in no way tends to prove or disprove Defendant's guilt and therefore, is irrelevant. The only implication that can be made if Defendant were allowed to argue this, would be that there was some improper motive by the State in its decision of who to prosecute and when charges were filed and, as stated above, there is no evidence or implication of any such improper motive. Based on the above authority and argument, Defendant should not be permitted to argue either directly or indirectly that another person should also have been charged with these crimes or

elicit testimony or advance argument regarding the delay in charging Laurie Shaver.

WHEREFORE, the State of Florida respectfully requests this Honorable Court to grant the above Motion in Limine.

Respectfully submitted this 3rd day of August, 2024.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to Jeffrey Wiggs, Attorney for Defendants, via eservice this 3rd day of August, 2024.

/s/ Richard Buxman
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