

IN THE CIRCUIT COURT FOR PINELLAS COUNTY, FLORIDA
23-03157-CF
SECTION K

STATE OF FLORIDA

vs.

THOMAS ISAAH MOSLEY Person ID: 3322179

DEFENDANT'S OBJECTION TO ISSUANCE OF INVESTIGATIVE
SUBPOENA NO. 23-03157CF-K

The Defendant, Thomas Mosley, by and through undersigned counsel, and pursuant to the privacy protections in the United States and Florida Constitutions, as well as Florida Statutes §395.3025 and §456.057, objects to the State issuing a subpoena for his medical records from St. Anthony's Hospital. Mr. Mosley requests a hearing as soon as practicable for the following reasons:

1. Mr. Mosley was arrested for murder on March 31, 2023 while undergoing surgery at St. Anthony's Hospital. As of the date of this objection, the State has not formally charged him. No affirmative defenses have been raised. The State has not indicated whether it will be seeking the death penalty in Mr. Mosley's case.
2. By letter dated April 4, 2023, the State Attorney noticed his intent to subpoena Mr. Mosley's medical records from St. Anthony's Hospital. The notice states that the subpoena will issue in fifteen days if no action is taken.
3. This objection is timely and filed within the fifteen-day period.
4. A patient's medical records are protected under state and federal rights to privacy. *See* U.S. Const. amend I & XIV; Fla. Const. art. I, § 23. The government must demonstrate a compelling state interest before intruding into a fundamental privacy right. *Guardado v. State*, 61 So. 3d 1210, 1212-13 (4th DCA 2011). *See also Schwenk v. Kavanaugh*, 4 F. Supp. 2d 110 (N.D. N.Y. 1998).
5. This Court must act as a shield to protect the Defendant's right to privacy by determining whether the requested medical records are relevant to a pending criminal investigation. *Hunter v. State*, 639 So. 2d 72, 74 (5th DCA 1994). The State bears the burden of

convincing the Court that the subpoena is narrowly tailored to serve a legitimate purpose and establish a clear connection between alleged illegal activity and the requested records, before invading a citizen's privacy. *Leka v. State*, 283 So. 3d 853, 856-57 (2nd DCA 2019); *Guardado*, 61 So. 3d at 1212-13.

WHEREFORE, Thomas Mosley, objects to the issuance of a subpoena for his medical records from St. Anthony's Hospital, and requests that the Court make a determination as to whether the State has proven both relevance and a compelling state interest that merit disclosure of private medical information.

I do certify that a copy hereof has been furnished by email/physical delivery to the State Attorney, County Justice Center, Clearwater, Florida, on April 11, 2023.



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