

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA IN AND FOR PINELLAS COUNTY

15-00226-CF-I
522015CF000226000APC

STATE OF FLORIDA

v. MURDER IN THE FIRST DEGREE; AGG
ASSAULT WITH DEADLY WEAPON ON
LEO; AGGRAVATED FLEEING &
ELUDING

JOHN NICHOLAS JONCHUCK, JR
PID: 2923683

MOTION TO RE-DEPOSE DEFENDANT'S SANITY EXPERTS

COMES NOW, Bernie McCabe, State Attorney for the Sixth Judicial Circuit, and moves this Honorable Court to allow the State to re-depose the Defendant's sanity experts in this case (i.e., Dr. Maher, Dr. Machlus, and Dr. Otto), and as grounds therefore would show:

1. On September 14, 2018, the Defendant provided the State the attorney/client file of the Defendant and his civil attorney, Genevieve Torres.

2. The depositions of all three defense sanity experts were taken prior to the State receiving the above-mentioned attorney/client file.

3. Contained within the attorney/client file are many emails from the Defendant to Attorney Torres. They include two emails sent hours before the murder. The first email was sent on January 7, 2015, at 8:27 p.m. The second email was sent on January 7, 2017, at 10:25 p.m. The murder occurs shortly after midnight between January 7, 2015 and January 8, 2015.

4. The State was not aware of the content of these emails and could not question Dr. Maher, Dr. Machlus and Dr. Otto about them.

5. The State is unaware if any of these doctors were aware of these emails at the time of their depositions. The

doctors did not mention them in their individual reports, nor did they mention them at their individual depositions.

6. The State wishes to re-depose these doctors for the limited purpose of these emails and the impact they have upon the opinions of the three sanity experts.

WHEREFORE, the State prays this Honorable Court permitting the State to re-depose Dr. Maher, Dr. Machlus and Dr. Otto concerning the emails found within the recently provided attorney/client file.

I HEREBY CERTIFY that a copy of the above has been furnished to Jessica Manuele, Assistant Public Defender, Attn: PUBLIC DEFENDERS OFFICE, CLEARWATER, FL 33762, pubdef-efiling@co.pinellas.fl.us, by e-service or personal service or U.S. Mail this 27th day of September, 2018.

BERNIE McCABE, State Attorney
Sixth Judicial Circuit of Florida

By: /s/ Douglas Ellis
Assistant State Attorney
Bar No. 515884
SA6eservice@co.pinellas.fl.us
P.O. Box 5028
Clearwater, Florida 33758
(727) 464-6221

[MOTN]
DE-gn