

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

JOHN NICHOLAS JONCHUCK, JR  
PID: 2923683

MOTION TO RE-DEPOSE DEFENDANT'S WITNESS, HEATHER DAVIS

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 witness, Heather Davis, and as grounds therefore, shows:

1. The defense has alleged on November 5, 2018, that Heather Davis overheard inflammatory statements of Dr. Lazarou prior to her first evaluation of the Defendant at the North Florida Treatment Center.
2. Heather Davis was deposed by the State on September, 13, 2018.
3. When asked by the State, "Were you told by the defense why they listed you as a witness?" (page 6, lines 16-17), Ms. Davis replied, "It's my understanding that there's some disagreement about whether or not John is mentally ill or not; so they want people who treat him currently to express an opinion." (page 6, lines 18-21 of her deposition on September 13, 2018).
4. Ms. Davis was not asked about such inflammatory statements by the Assistant State Attorneys in this case, as those Assistant State Attorneys had no knowledge that Ms. Davis alleges to have heard the inflammatory statements.

5. Ms. Davis, during that deposition on September 13, 2018, never volunteered that she had heard such inflammatory statements from Dr. Lazarou.

6. At the deposition of September 13, 2018, all three Assistant Public Defenders present asked questions of Ms. Davis, but not one of them asked Ms. Davis about the inflammatory statements she alleges to have heard made by Dr. Lazarou.

7. The State wishes to re-depose Ms. Davis for the limited purpose of (a) her recollection of these statements and the circumstances surrounding it; and (b) her conversations with the Assistant Public Defenders about these statements.

WHEREFORE, the State prays that this Honorable Court permit the State to re-depose Heather Davis concerning the inflammatory statements that she allegedly heard Dr. Lazarou make prior to the first interview of the Defendant.

I HEREBY CERTIFY that a copy of the above has been furnished to Jessica Manuele, Assistant Public Defender, Attn: PUBLIC DEFENDERS OFFICE, CLEARWATER, FLORIDA 33762, pubdef-efiling@co.pinellas.fl.us, by e-service or personal service or U.S. Mail this 7th day of November, 2018.

BERNIE McCABE, State Attorney  
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