

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA, PINELLAS COUNTY

STATE OF FLORIDA,

Plaintiff,

Case No. CRC15-00226CFANO

vs.

JOHN N. JONCHUCK,

Defendant.

/

PROCEEDINGS: Motion
DATE: December 10, 2018
BEFORE: The Honorable Chris Helinger
Circuit Court Judge
PLACE: Pinellas County Justice Center
14250 49th Street North
Clearwater, Florida
REPORTER: Jill D. Gershon
Digital Court Reporter

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A P P E A R A N C E S

APPEARING ON BEHALF OF THE STATE OF FLORIDA:

Douglas R. Ellis, Assistant State Attorney
Office of Bernie McCabe, State Attorney
Sixth Judicial Circuit, Pinellas County
14250 49th Street North
Clearwater, Florida 33762

APPEARING ON BEHALF OF THE DEFENDANT:

Jessica Manuele, Assistant Public Defender
Jane A. McNeill, Assistant Public Defender
Office of Bob Dillinger, Public Defender
Sixth Judicial Circuit, Pinellas County
14250 49th Street North
Clearwater, Florida 33762

P R O C E E D I N G S

1 THE COURT: So all we have left is Jonchuck.

2 THE CLERK: And what exactly (unintelligible), I
3 wasn't (unintelligible).
4

5 THE COURT: Jonchuck is the State's motion to
6 strike the defendant's motion to exclude Dr. Lazarou
7 as a -- as a State witness.

8 (Unrelated conversations.)

9 THE COURT: So this is the State's motion to
10 strike the defense motion to exclude State witness
11 Dr. Lazarou as a witness.

12 Are you waiving Mr. Jonchuck's presence?

13 MS. MANUELE: We are, Judge.

14 THE COURT: Okay. For the defense,
15 Jessica Manuele and Jane McNeill. For the State,
16 Doug Ellis.

17 As I told Mr. Ellis this morning and you,
18 Ms. Manuele, I spent the day yesterday on this. I'm
19 not complaining; it was fascinating. I watched
20 about -- I want -- I watched all of Day 1 -- the
21 interaction and questions and the answers between
22 Mr. Jonchuck and Dr. Lazarou and, more particularly,
23 I watched it to see the actual -- not the technique,
24 but the actual background that she was familiar with
25 or not familiar with and that's primarily was my

1 motivation in watching it.

2 I also read the AAPL practice guideline for
3 forensic psychiatric evaluation of defendants raising
4 the insanity defense, which the defense has mentioned
5 as -- even though it might be not a determinative --
6 rules about what to do, but that that would be
7 helpful in making a decision about whether or not in
8 my mind to have a *Frye* hearing.

9 I read every single case, every single page
10 on -- and all these purple tabs are things that I
11 have to put on the record.

12 So I will be happy to hear anybody argue
13 anything for as long as you want. I have a really
14 good handle on the law and I -- you know, I only have
15 the evidence that's been presented to me. I don't
16 have her deposition; I don't have her report. I
17 don't know what's in there, but I based -- I'm basing
18 my decision, unless I'm swayed one way or the other,
19 based on what is available to me. And that's what's
20 available to me.

21 Okay. So, Mr. Ellis. It's your motion. Do you
22 want to say anything?

23 MR. ELLIS: Just briefly, Judge.

24 As the Court's aware under *Delisle*,
25 D-e-l-i-s-l-e, versus *Crane*, we've gone from *Daubert*

