

IN THE COUNTY COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
IN AND FOR PALM BEACH COUNTY, FLORIDA

STATE OF FLORIDA

CASE NO: 50-20XXCT-0XXXXXX-XXX

v.

LTB

DIVISION: Division X

AGREED MOTION FOR CONTINUANCE

COMES NOW, Defendant, LTB, by and through her undersigned counsel, pursuant to Rule 3.190(g), Fla. R. Crim. P. and files this ~~Agreed~~ Motion for Continuance and in support thereof states as follows:

PROCEDURAL HISTORY

On March 22, 20XX, Defendant was involved in a car accident that resulted in property damage and her admission to the hospital. Defendant was charged with one count of DUI property damage, one count of reckless driving and one count of DUI on May 28, 20XX. Defendant was also cited for several civil infractions arising out of the same incident. The State filed a motion requesting that the Court issue an investigatory subpoena for Defendant's hospital records. The State's motion was heard and granted on August 2, 20XX. Defendant's Motion for Depositions was also heard and granted on August 2, 20XX.

The Court set a trial date of October 13, 20XX at the close of the hearing held on August 2, 20XX. The undersigned requested a later date due to the possibility that the supplemental discovery, consisting of hospital records, may not be received in time to take depositions and otherwise adequately prepare for trial. The Court noted the undersigned's position and instructed the undersigned to file a Motion for a Continuance in the event that there was insufficient time to prepare for trial subsequent to receiving the supplemental discovery.

The State received the requested records from the subpoena on or about September 18, 20XX and has made arrangement for the documents to be provide to the undersigned via US Mail. The undersigned anticipates receiving those documents within the week. The undersigned is not

in receipt of the supplemental discovery as of the filing of this motion.

BASIS FOR RELIEF

Fla. R. Crim. P. 3.190(g)(3) states that all motions for continuance must be made prior to the trial date being set or at the time that the trial date is being set. A motion to continue after a trial date has been set must be for either good cause or because the facts giving rise to the basis for the motion arose after the case was set for trial.

Good cause exists to continue the October 13, 20XX trial date. Supplemental discovery was requested and obtained by the State. The undersigned has not yet received the supplemental discovery. The contents of the supplemental discovery will have a substantial impact on the way the undersigned chooses to handle the cases including, but not limited to, who to deposition and whether an expert witness for the defense is necessary. The undersigned is set to begin a felony trial on September 29, 20XX which is anticipated to last one week. The defense is not able to adequately prepare for trial or intelligently proceed until the undersigned has had a meaningful opportunity to review all of the supplemental discovery and depose the appropriate witnesses.

~~The undersigned has conferred with counsel for the State. Counsel for the State agrees to a defense continuance in this matter subject to the court's approval.~~

Choose one of these three:

- 1) The undersigned has conferred with counsel for the State and the parties have been unable to reach an agreement concerning this motion;
- 2) The undersigned has attempted to confer with counsel for the State concerning this motion. However, the undersigned has been unable to contact counsel for the State;
- 3) The undersigned did not communicate with counsel for the State prior to filing this motion as circumstances dictated that this motion be filed without delay. The undersigned will attempt to confer with counsel prior to the hearing on this matter.

CERTIFICATE OF GOOD FAITH

The undersigned does hereby certify that this this motion is being filed in good faith for the reasons set forth herein and not for purposes of obstruction or delay in accordance with Fla.

R. Crim P. 3.190(g)(4).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the Office of the State Attorney by Electronic Delivery on September 22, 20XX.

Respectfully submitted,

The Law Offices Michael A. Dye

By: /s/ Michael A. Dye

Michael A. Dye, Esq.

The Law Offices of Michael A. Dye, PA