

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND FOR
ORANGE COUNTY, FLORIDA

STATE OF FLORIDA

Plaintiff,

vs.

CASE NO: 48-2022-CF-000688-O

DIVISION: 12

KELLI RENEE LYNCH

Defendant.

Verified Motion to Allow Remote Testimony

COMES NOW, the State of Florida, by and through its undersigned Assistant State Attorney, and moves this court to issue its order allowing two civilian witnesses; to wit: Karim Abbas and Scott McAlpin, to testify virtually at the trial of the above-styled cause. In support the state would show:

Karim Abbas


1. Mr. Abbas is the finance manager at the car dealership who saw the defendant at the scene of the crime. His testimony is crucial as he can identify the defendant and testify as to her impersonating the victim to purchase the vehicle.
2. On July 30, 2024, Mr. Abbas' wife underwent significant surgery at the Mayo Clinic in Jacksonville. She is currently recuperating at home.
3. In addition to tending to his wife, Mr. Abbas is also left to care for their minor children.
4. Depending on his wife's condition, Mr. Abbas may be in Jacksonville during the trial and unable to leave his wife although he can testify remotely using the courtroom's technology.
5. It is necessary to allow Karim Abbas testify remotely to prevent a failure of justice.

Scott McAlpin

6. Mr. McAlpin was the general manager at the car dealership. His testimony is crucial as he can identify the defendant and testify as to her impersonating the victim to purchase the vehicle.
7. Mr. McAlpin is no longer employed at the car dealership and is traveling the western United States and Canada with his wife. They left the State of Florida prior to the court scheduling the defendant's trial for August 12, 2024, and the state could not lawfully serve Mr. McAlpin with a trial subpoena during his travels albeit he made himself available to the prosecution by phone and email.
8. Mr. McAlpin informed the undersigned prosecutor on August 1, 2024, that he is currently in Bozeman, Montana. In July, he informed the undersigned prosecutor that he was "deep in the Pacific Northwest and about to head into Canada"; and that he was unwilling to voluntarily return to Orlando to testify.¹ Mr. McAlpin is willing to testify remotely from Montana. There is not sufficient time to lawfully serve Mr. McAlpin with a subpoena under the Uniform Law to Secure the Attendance of Witnesses from Within or Without the State in Criminal Proceedings, [Fla. Stat. §942.01 to §942.06] and Montana Statute §46-15-112.
9. It is necessary to allow Scott McAlpin to testify remotely to prevent a failure of justice.

WHEREFORE, the state prays this court allows both Karim Abbas and Scott McAlpin to testify remotely using the courtroom's technology.

I solemnly swear that the forgoing is true and correct, based on my discussions and communication with Karim Abbas and Scott McAlpin regarding their respective availability to testify in person at the trial of the above-styled cause.


Richard I. Wallsh
Assistant State Attorney


State of Florida
County of Orange

BEFORE ME, the undersigned authority, duly authorized to administer oaths and take acknowledgments, personally appeared **Richard I. Wallsh**, who being by me first duly sworn, as to the matters herein contained are true and correct. The foregoing was sworn before me this 6th day of August, 2024 by the aforementioned Assistant State Attorney, who is personally known to me.

 ANNETTE MITCHELL
Commission # HH369750
Expires March 11, 2027

Notary Public

I CERTIFY that a copy hereof has been furnished to A. Daniel Holland, allenholland@bellsouth.net, P.O. Box 2892, Orlando, FL 32802 by e-mail on this 6th day of August, 2024.


Richard I. Wallsh
Assistant State Attorney
Florida Bar # 302295
Division12@SAO9.org
PO Box 1673, 415 N Orange Ave
Suite 300
Orlando, FL 32802-1673
407-836-2427

¹ The last time this case was set for trial time certain, Mr. McAlpin agreed to voluntarily return to Orlando from Las Vegas to testify. He detoured his trip to go to Las Vegas to optimize flight options to Orlando. He spent his own money to put his RV into secure storage and to purchase airfare for his wife. The State cannot reimburse Mr. McAlpin for these expenditures.

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AMERICAN
COMMUNICATIONS
EXPRESS



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