

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

STATE OF FLORIDA

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

Plaintiff,

vs.

DIVISION: 12

KELLI RENEE LYNCH

Defendant.

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STIPULATED MOTION TO TAKE DEPOSITION TO PERPETUATE TESTIMONY

COMES NOW the State of Florida, by and through its undersigned Assistant State Attorney, and moves this court to enter its order allowing the parties to perpetuate the testimony of Officer Ariel Clabaugh of the Orlando Police Department as a witness to be used in the trial of the above-styled cause by taking her deposition. In support, the state would show the following:

1. This matter is currently set for trial beginning May 6, 2024.
2. Officer Ariel Clabaugh of the Orlando Police Department is essentially a chain-of-custody witness regarding evidence she received from another police officer and then submitted into OPD evidence.
3. Officer Ariel Clabaugh of the Orlando Police Department will be unavailable to testify the week of May 6, 2024, as she will be out of the state on personal leave.
4. Counsel for the defendant consents to substituting her deposition testimony in lieu of Officer Ariel Clabaugh's live, in-court testimony.
5. The state has arranged for the deposition to be both stenographically and video recorded at the Office of the State Attorney on the afternoon of Friday, May 3, 2024, at a time to be determined.
6. The defendant will be noticed by her attorney and allowed to attend the deposition.

7. The State of Florida will bear all financial costs for the deposition including the costs, if any, for the defendant and her attorney to appear for the deposition.

WHEREFORE, the State of Florida respectfully requests that the court grant its stipulated motion.

I CERTIFY that a copy hereof has been furnished to Gary J. Schwartz, gschwartz@rc5state.com; tthomson@rc5state.com, 101 Sunnyside Road, Suite 310, Casselberry, FL 32707 by e-mail on this 25th day of April, 2024.



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