

**IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL
CIRCUIT IN AND FOR LEE COUNTY, FLORIDA**

State of Florida	Lee County Case No.	15-CF-000673-B
vs		
Sievers, Mark D	Trial Judge:	Bruce E Kyle
	Appeal Case No.	SC20-225

****Corrected****

RECORD ON APPEAL

THIRD SUPPLEMENTAL REDACTED

****The Victim has Opted into Marsy's Law****

RECEIVED, 02/09/2021 02:41:47 PM, Clerk, Supreme Court

**APPEALS MASTER INDEX
ORIGINAL RECORD ON APPEAL**

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IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR LEE
COUNTY, FLORIDA CRIMINAL DIVISION

STATE OF FLORIDA,

CASE NO.: 15-CF-673B

vs.

MARK D. SIEVERS,
Defendant.

_____ /

**FIRST AMENDED MOTION OPPOSING THE ADMISSIBILITY OF BUSINESS
RECORDS BY CERTIFICATION PURSUANT TO §§90.902(11); 90.803(6) FLA. STATS.**

COMES NOW the Defendant, MARK SIEVERS, by and through the undersigned counsel, and pursuant to §§90.902(11); 90.803(6) Fla. Stats., and hereby moves this Honorable Court to rule the Business Records identified herein as inadmissible prior to trial, and in furtherance thereof, states as follows:

1. On April 22, 2019, May 6, 2019, May 7, 2019, May 20, 2019, May 23, 2019 and September 6, 2019, the Office of the State Attorney submitted several Notice(s) of Intent to Rely upon Certification of Business Records (“Notice of Intent to Rely upon Business Record”).
2. Several of The Notice(s) of Intent to Rely upon Business Record(s) are materially defective.
3. Pursuant to the relevant portion of §90.803(6)(c) Fla. Stat.,

A motion opposing the admissibility of such evidence must be made by the opposing party and determined by the court before trial.

AT&T Records for Phone Number (314) 996-9581

4. On April 22, 2019, the Office of the State Attorney submitted its Notice of Intent to Rely upon Business Record for AT&T records for phone number: (314) 996-9581. A true and

correct copy of the Notice of Intent to Rely upon Business Records is attached hereto as “Defendant’s Exhibit 1.”

5. The Business Record Certification fails to specify:
 - a. That the record(s) the State is seeking to introduce was made at or near the time of the occurrence;
 - b. That the person attesting to the record(s) is a person having knowledge of the matters contained therein;
 - c. That the record(s) was kept in the course of regularly conducted activity;
 - d. That the record(s) was made as a regular practice in the course of regularly conducted business; and
 - e. That the person attesting to the record(s) does so provided that falsely making such a certification or declaration would subject the maker to criminal penalty under the laws of the foreign or domestic location in which the certification or declaration was signed.
6. Additionally, the certification fails to comport with the provisions of §§92.595; 92.50(2) Fla. Stats.¹ when certifying the record(s) in that the document bears an electronic signature.

AT&T Records for Phone Number [REDACTED]

7. On May 3, 2019, the Office of the State Attorney submitted its Notice of Intent to Rely upon Business Records for AT&T records for phone number: [REDACTED] A true

¹ §92.50(2) Fla. Stat. declares: The jurat, or certificate of proof or acknowledgment, shall be authenticated by the signature and official seal of such officer or person taking or administering the same; provided, however, when taken or administered by or before any judge, clerk, or deputy clerk of a court of record, the seal of such court may be affixed as the seal of such officer or person.

and correct copy of the Notice of Intent to Rely upon Business Record is attached hereto as “Defendant’s Exhibit 2.”

8. The Business Record Certification fails to declare that the records are made at or near the time of the occurrence contrary to §90.902(11) Fla. Stat.

AT&T Records for Phone Number [REDACTED]

9. On May 6, 2019, the Office of the State attorney submitted its Notice of Intent to Rely upon Business Records for AT&T records for phone number: [REDACTED]. A true and correct copy of the Notice of Intent to Rely upon Business Records is attached hereto as “Defendant’s Exhibit 3.”

10. The Business Record Certification fails to specify:

- a. That the record(s) the State is seeking to introduce was made at or near the time of the occurrence;
- b. That the person attesting to the record(s) is a person having knowledge of the matters contained therein;
- c. That the record(s) was kept in the course of regularly conducted activity;
- d. That the record(s) was made as a regular practice in the course of regularly conducted business; and

11. Additionally, the certification fails to comport with the provisions of §§92.595; 92.50(2) Fla. Stats. when certifying the record(s) in that the document bears an electronic signature.

AT&T Records for Phone Numbers (404) 376-8649 and (702) 964-3062

12. On May 6, 2019, the Office of the State attorney submitted its Notice of Intent to Rely upon Business Records for AT&T records for phone numbers: (404) 376-8649 and (702) 964-3062. A true and correct copy of the Notice of Intent to Rely upon Business Records is attached hereto as “Defendant’s Exhibit 4.”
13. The Business Record Certification fails to specify:
- a. That the record(s) the State is seeking to introduce was made at or near the time of the occurrence;
 - b. That the person attesting to the record(s) is a person having knowledge of the matters contained therein;
 - c. That the record(s) was kept in the course of regularly conducted activity;
 - d. That the record(s) was made as a regular practice in the course of regularly conducted business; and
14. Additionally, the certification fails to comport with the provisions of §§92.595; 92.50(2) Fla. Stats. when certifying the record(s) in that the document bears an electronic signature.

AT&T Records for Phone Numbers (314) 677-7311

15. On May 7, 2019, the Office of the State attorney submitted its Notice of Intent to Rely upon Business Records for AT&T records for phone number: (314) 677-7311. A true and correct copy of the Notice of Intent to Rely upon Business Records is attached hereto as “Defendant’s Exhibit 5.”
16. The Business Record Certification fails to specify:

- a. That the record(s) the State is seeking to introduce was made at or near the time of the occurrence;
 - b. That the person attesting to the record(s) is a person having knowledge of the matters contained therein;
 - c. That the record(s) was kept in the course of regularly conducted activity;
 - d. That the record(s) was made as a regular practice in the course of regularly conducted business; and
17. Additionally, the certification fails to comport with the provisions of §§92.595; 92.50(2) Fla. Stats. when certifying the record(s) in that the document bears an electronic signature.

AT&T Records for Phone Numbers (727) 412-7736

18. On May 7, 2019, the Office of the State attorney submitted its Notice of Intent to Rely upon Business Records for AT&T records for phone number: (727) 412-7736. A true and correct copy of the Notice of Intent to Rely upon Business Records is attached hereto as “Defendant’s Exhibit 6.”
19. The Business Record Certification fails to specify:
- a. That the record(s) the State is seeking to introduce was made at or near the time of the occurrence;
 - b. That the person attesting to the record(s) is a person having knowledge of the matters contained therein;
 - c. That the record(s) was kept in the course of regularly conducted activity;
 - d. That the record(s) was made as a regular practice in the course of regularly conducted business; and

20. Additionally, the certification fails to comport with the provisions of §§92.595; 92.50(2) Fla. Stats. when certifying the record(s) in that the document bears an electronic signature.

AT&T Records for Phone Numbers (314) 239-0173

21. On May 20, 2019, the Office of the State attorney submitted its Notice of Intent to Rely upon Business Records for AT&T records for phone number: (314) 239-0173. A true and correct copy of the Notice of Intent to Rely upon Business Records is attached hereto as “Defendant’s Exhibit 7.”

22. The Business Record Certification fails to specify:

- a. That the record(s) the State is seeking to introduce was made at or near the time of the occurrence;
- b. That the person attesting to the record(s) is a person having knowledge of the matters contained therein;
- c. That the record(s) was kept in the course of regularly conducted activity;
- d. That the record(s) was made as a regular practice in the course of regularly conducted business; and

23. Additionally, the certification fails to comport with the provisions of §§92.595; 92.50(2) Fla. Stats. when certifying the record(s) in that the document bears an electronic signature.

AT&T Records for Phone Numbers (573) 864-1179

24. On April 22, 2019, the Office of the State attorney submitted its Notice of Intent to Rely upon Business Records for AT&T records for phone number: (573) 864-1179. A true

and correct copy of the Notice of Intent to Rely upon Business Records is attached hereto as “Defendant’s Exhibit 8.”

25. The Business Record Certification fails to specify:

- a. That the record(s) the State is seeking to introduce was made at or near the time of the occurrence;
- b. That the person attesting to the record(s) is a person having knowledge of the matters contained therein;
- c. That the record(s) was kept in the course of regularly conducted activity;
- d. That the record(s) was made as a regular practice in the course of regularly conducted business; and

26. Additionally, the certification fails to comport with the provisions of §§92.595; 92.50(2) Fla. Stats. when certifying the record(s) in that the document bears an electronic signature.

AT&T Records for Towers

27. On April 22, 2019, the Office of the State Attorney submitted its Notice of Intent to Rely upon Business Record for AT&T records for towers located at: 2741 Rt 94 (DPW Yard) Washingtonville, NY; Dean Hill Road, New Windsor, NY; Tolman Rd and Rt. 207, New Windsor, NY. A true and correct copy of the Notice of Intent to Rely upon Business Records is attached hereto as “Defendant’s Exhibit 9.”

28. The Business Record Certification fails to specify:

- a. That the record(s) the State is seeking to introduce was made at or near the time of the occurrence;

- b. That the person attesting to the record(s) is a person having knowledge of the matters contained therein;
 - c. That the record(s) was kept in the course of regularly conducted activity;
 - d. That the record(s) was made as a regular practice in the course of regularly conducted business; and
 - e. That the person attesting to the record(s) does so provided that falsely making such a certification or declaration would subject the maker to criminal penalty under the laws of the foreign or domestic location in which the certification or declaration was signed.
29. Additionally, the certification fails to comport with the provisions of §§92.595; 92.50(2) Fla. Stats. when certifying the record(s) in that the document bears an electronic signature.

Flight Information, Excel Spreadsheet & Credit Card Token Information

30. On May 7, 2019, the Office of the State Attorney submitted its Notice of Intent to Rely upon Business Records for Flight Information, Excel Spreadsheet & Credit Card Token Information. A true and correct copy of the Notice of Intent to Rely upon Business Records is attached hereto as “Defendant’s Exhibit 10.”
31. The certification fails to comport with the provisions of §§92.595; 92.50(2) Fla. Stats. when certifying the record(s) in that the document is not notarized.
32. It appears that the Excel Spreadsheet was prepared for the express purpose of introduction at trial and not as business record which is made and kept in the regular course of business.

33. Further, due to the fact that the Excel Spreadsheet was prepared for the express purpose of litigation, the Excel Spread sheet is *testimonial* in nature.

Google Account Information for JIMMYRAYROGERS90 Bearing Reference no. 627309

34. On May 23, 2019, the Office of the State Attorney submitted its Notice to Rely upon Business Records for Google Account Information for JIMMYRAYROGERS90 bearing reference no. 627309. A true and correct copy of the Notice of Intent to Rely upon Business Records for the Google documents is attached hereto as “Defendant’s Exhibit 11.”

35. The Certification fails to state the records custodian is, in fact, a records custodian, instead stating “I am employed by Google.”

36. The certification fails to comport with the provisions of §§92.595; 92.50(2) Fla. Stats. when certifying the record(s) in that the document is not notarized.

Fifth Third Bank “checks + deposits”

37. On May 6, 2019, the Office of the State Attorney submitted its Notice of Intent to Rely upon Business Records for Fifth Third “checks + deposits.” A true and correct copy of the Notice of Intent to Rely upon Business Record is attached hereto as “Defendant’s Exhibit 12.”

38. The Business Record Certification purports to the affidavit of PEGGY HOETER of Ohio.

39. While HEATHER METZ affixed her notary endorsement to the affidavit, the affidavit is not actually signed.

40. Pursuant to §92.595(1)(a) Fla. Stat., the verification may be accomplished in the following manner: “Under oath or affirmation taken or administered before an officer authorized under s. 92.50 to administer oaths.”

41. The unsigned, yet notarized, affidavit suggests that the notary, HEATHER METZ, affixed her notary without observing the signature as intended by law.

42. The notary endorsement of HEATHER METZ no longer has any indicia of reliability and should summarily rejected by this court.

A Snapshot of the Email Account Contents as Produced by the Yahoo! Snapshot Tool

43. On May 6, 2019, the Office of the State Attorney submitted its Notice of Intent to Rely upon Business Records for a Snapshot of the Email Account Contents as Produced by the Yahoo! Snapshot Tool. A true and correct copy of the Notice of Intent to Rely upon Business Records is attached hereto as “Defendant’s Exhibit 13.”

44. The certification fails to comport with the provisions of §§92.595; 92.50(2) Fla. Stats. when certifying the record(s) in that the document is not notarized.

AT&T Business Records for [REDACTED]

45. On September 6, 2019, the Office of the State Attorney submitted its Notice of Intent to Rely Upon Business Records for AT&T Business Records for [REDACTED]
[REDACTED] A true and correct copy of the Notice of Intent to Rely Upon Business Records is attached hereto as “Defendant’s Exhibit 14.”

46. The Business Records Certification fails to comport with the provisions of §§92.595; 92.50(2) Fla. Stats. when certifying the record(s) in that the document has an electronic signature and is not notarized.

47. Further, the document purports to comply with the Federal Rules of Evidence rather than the Florida Rules of Evidence as set forth in Florida Chapter 90.

Tower Search: 8894 Chapel Hill Road Hillsboro, MO

48. On September 6, 2019, the Office of the State Attorney submitted its Notice of Intent to Rely upon Business Records for a tower search on 8894 Chapel Hill Road in Hillsboro, Missouri. A true and correct copy of the Notice of Intent to Rely upon Business Records is attached hereto as “Defendant’s Exhibit 15.”

49. The Business Record Certification fails to specify:

- e. That the record(s) the State is seeking to introduce was made at or near the time of the occurrence;
- f. That the person attesting to the record(s) is a person having knowledge of the matters contained therein;
- g. That the record(s) was kept in the course of regularly conducted activity;
- h. That the record(s) was made as a regular practice in the course of regularly conducted business; and

50. Additionally, the certification fails to comport with the provisions of §§92.595; 92.50(2) Fla. Stats. when certifying the record(s) in that the document bears an electronic signature.

ARGUMENT

The above-referenced and attached Notice(s) of Intent to Rely upon Business Records are materially defective for the foregoing reasons. The records sought to be introduced are hearsay as defined in §90.801(c) Fla. Stat,

“Hearsay” is a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted.

(2) A statement is not hearsay if the declarant testifies at the trial or hearing and is subject to cross-examination concerning the statement and the statement is:

(a) Inconsistent with the declarant’s testimony and was given under oath subject to the penalty of perjury at a trial, hearing, or other proceeding or in a deposition;

(b) Consistent with the declarant’s testimony and is offered to rebut an express or implied charge against the declarant of improper influence, motive, or recent fabrication; or

(c) One of identification of a person made after perceiving the person.

Pursuant to §90.802 Fla. Stat., Except as provided by statute, hearsay evidence is inadmissible.

The State intends to offer various exhibits as a Business Records exception to the hearsay rule pursuant to §90.803(6)(a) Fla. Stat.,

A memorandum, report, record, or data compilation, in any form, of acts, events, conditions, opinion, or diagnosis, made at or near the time by, or from information transmitted by, a person with knowledge, if kept in the course of a regularly conducted business activity and if it was the regular practice of that business activity to make such memorandum, report, record, or data compilation, all as shown by the testimony of the custodian or other qualified witness, or as shown by a certification or declaration that complies with paragraph (c) and s. 90.902(11), unless the sources of information or other circumstances show lack of trustworthiness. The term “business” as used in this paragraph includes a business, institution, association, profession, occupation, and calling of every kind, whether or not conducted for profit.

The State intends to introduce the business records pursuant to §90.902(11) Fla. Stat.

an original or a duplicate of evidence that would be admissible under s. 90.803(6), which is maintained in a foreign country or domestic location and is accompanied by a certification or declaration from the custodian of the records or another qualified person certifying or declaring that the record:

- (a) Was made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person having knowledge of those matters;*
- (b) Was kept in the course of the regularly conducted activity; and*
- (c) Was made as a regular practice in the course of the regularly conducted activity,*

provided that falsely making such a certification or declaration would subject the maker to criminal penalty under the laws of the foreign or domestic location in which the certification or declaration was signed.

Pursuant to *Yisrael v. State*, 986 So.2d 491 (Fla. 2008) quoting *Johnson v. Dep't of Health & Rehab. Servs.*, 546 So.2d 741, 743 (Fla. 1st DCA 1989) states as follows:

If evidence is to be admitted under one of the exceptions to the hearsay rule, it must be offered in strict² compliance with the requirements of the particular exception.

The enumerated paragraphs identify the exhibits and list the various defects that preclude introduction.

Special consideration should be given the Excel Spreadsheet. The Excel Spreadsheet appears to have been prepared for the express purpose of litigation thereby changing the character of the proposed evidence from a record regularly kept in in the course of business (ordinarily an exception to §90.802 Fla. Stat. pursuant to §90.803(6) Fla. Stat.) to testimonial hearsay. *Crawford v. Washington*, 541 U.S. 36 (2004) specifically addresses the constitutional dilemma of denying a Defendant the right to face his accuser contrary to the Confrontation Clause of the Sixth Amendment to the Federal Constitution as selectively incorporated to State's rights by the Fourteenth Amendment. Accordingly, even a valid, properly submitted business record exception cannot cure a constitutional defect (see *Johnson v. State*, 929 So.2d 4 (Fla. 2d

² For purposes of complying with legal writing standards the quoted portions are uniformly italicized. In the actual opinion, the word "strict" is italicized for emphasis.

DCA 2005); *Martin v. State*, 936 So.2d 1190 (Fla. 1st DCA 2006); *State v. Johnson*, 982 So.2d 672 (Fla. 2008)). Accordingly, the Notices of Business Records should be rejected by this Court.

The foregoing enumerated exhibits the State intends to introduce pursuant to §§90.803(6); 90.902(11) Fla. Stats. are materially defective and, consequently, inadmissible.

WHEREFORE the Defendant, MARK SIEVERS, hereby moves this Honorable Court to rule the Business Records identified herein as inadmissible prior to trial and for such further relief as this Honorable Court deems just and proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been electronically furnished to the persons and entities appearing upon the Service list below on this 6th day of September, 2019.

Service List:

Office of the State Attorney
Servicesao-lee@sao.cjis20.org

Respectfully submitted,

MUMMERT & STARLING, PLLC

/s/ Michael Mummert
Michael Mummert, Esq. FBN. 10069

Peter Starling, Esq. FBN. 77088

Gabriel Veliz, Esq. FBN. 114275

2675 Winkler Ave, Suite 450

Fort Myers, FL 33901

Tel: (239) 597-9999

Fax: (239) 597-9974

Attorney for Defendant, Mark D. Sievers

The email address for electronic service of all pleadings in this case under Rule 2.516 is as follows: mmummert@msslawpllc.com, primary
service@msslawpllc.com, secondary
jwood@msslawpllc.com, secondary

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been furnished to Kathleen M. Fitzgeorge, Assistant Public Defender, Office of the Public Defender, 1700 Monroe Street, Fort Myers, FL 33901; Michael E. Mummert, Attorney for the Defense, Michael Mummert, Esquire, 1152 N Goodlette Frank Road, Naples, FL 34102 by United States Mail/Hand Delivery/Electronic Transmission this April 22, 2019.



Hamid N. Hunter
Assistant State Attorney



National Court Order Compliance

11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
1-800-635-6840
1-888-938-4715 (Fax)

DECLARATION OF AUTHENTICITY OF AT&T RECORDS

STATE OF FLORIDA
COUNTY OF PALM BEACH

My name is Robin Beckman. I am over the age of 18 and qualified to process this affidavit. I am employed by AT&T as a Legal Compliance Analyst and also serve as the Custodian of Records for AT&T. I have been employed by AT&T since April 17, 2006. Attached to this Declaration are true and correct copies of subscriber information and/or call detail issued by AT&T for the following accounts:

Cellular Number(s): (314) 996-9581

Pursuant to 28 U.S.C. Sec.1746, I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on August 14, 2015

/s Robin Beckman

Robin Beckman.
Compliance Security Analyst

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been furnished to Kathleen M. Fitzgeorge, Assistant Public Defender, Office of the Public Defender, 1700 Monroe Street, Fort Myers, FL 33901; Michael E. Mummert, Attorney for the Defense, Michael Mummert, Esquire, 1152 N Goodlette Frank Road, Naples, FL 34102 by United States Mail/Hand Delivery/Electronic Transmission this May 3, 2019.



Hamid N. Hunter
Assistant State Attorney



National Court Order Compliance

Three AT&T Plaza
308 S. Akard Street, 14th Floor
Dallas, TX 75202
1-800-635-6840
1-888-938-4715 (Fax)

VERIFICATION OF AUTHENTICITY OF AT&T RECORDS

STATE OF TEXAS
DALLAS COUNTY

BEFORE ME, the undersigned authority, personally appeared Rebecca Mata, who being duly sworn, deposes and says:

My name is Rebecca Mata. I am over the age of 18 and qualified to process this affidavit. I am employed by AT&T as an Accounting Clerk and also serve as the Custodian of Records for AT&T. I have been employed by AT&T since 09/25/00.

Attached to this Affidavit are true and correct copies of subscriber information and/or call detail issued by AT&T for the following accounts:

Target Number: (636) 225-4222

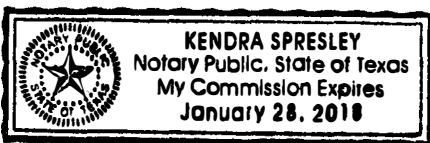
The attached copies of billing records are maintained by AT&T in the ordinary course of business. I maintain and routinely rely on these documents in the course of my duties as Custodian of Records and Accounting Clerk.

Rebecca Mata

Rebecca Mata
July 27, 2015

The foregoing affidavit was sworn to and subscribed before me by Rebecca Mata, who is personally known to me.

July 27, 2015



Kendra Spresley
Notary Public, State of Texas
Printed Name - Kendra Spresley

AT&T Subpoena Compliance Center

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA CRIMINAL ACTION

STATE OF FLORIDA CASE NO: 15-CF-000673 A
vs. 15-CF-000673 B
JIMMY RAY RODGERS
MARK D. SIEVERS

NOTICE OF INTENT TO RELY UPON CERTIFICATION OF BUSINESS RECORD

THE STATE OF FLORIDA, represented by Amira D. Fox, State Attorney for the Twentieth Judicial Circuit of the State of Florida, pursuant to F. S. 90.803(6)(c), hereby serves notice of its intent to offer evidence of AT&T business records, to wit:

Cellular Number (858) 336-2941

The offered evidence, pursuant to F.S. 90.803(6)(a) and 90.902(11) is certified by the custodian of record, who is subject to criminal penalties, that the record was made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person having knowledge of those matters; was kept in the course of the regularly conducted activity; and was made as a regular practice in the course of the regularly conducted activity.

AMIRA D. FOX
State Attorney



BY:

Hamid N. Hunter
Assistant State Attorney
Florida Bar Number 0194468
2000 Main Street, 6th Floor
Fort Myers, Florida 33901
(239) 533-1330
eService: ServiceSAO-LEE@sao.cjis20.org

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been furnished to Kathleen M. Fitzgeorge, Assistant Public Defender, Office of the Public Defender, 1700 Monroe Street, Fort Myers, FL 33901; Michael E. Mummert, Attorney for the Defense, Michael Mummert, Esquire, 1152 N Goodlette Frank Road, Naples, FL 34102 by United States Mail/Hand Delivery/Electronic Transmission this May 3, 2019.



Hamid N. Hunter
Assistant State Attorney



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DECLARATION OF AUTHENTICITY OF AT&T RECORDS

STATE OF FLORIDA
COUNTY OF PALM BEACH

My name is Anne Ouellette. I am over the age of 18 and qualified to process this affidavit. I am employed by AT&T as a Legal Compliance Analyst and also serve as the Custodian of Records for AT&T. I have been employed by AT&T since **02/12/1990**. Attached to this Declaration are true and correct copies of subscriber information and/or call detail issued by AT&T for the following accounts:

Cellular Number(s): (858) 336-2941

Pursuant to 28 U.S.C. Sec.1746, I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on February 2, 2016

Anne Ouellette
Compliance Security Analyst

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA CRIMINAL ACTION

STATE OF FLORIDA CASE NO: 15-CF-000673 A
vs. 15-CF-000673 B
JIMMY RAY RODGERS
MARK D. SIEVERS

NOTICE OF INTENT TO RELY UPON CERTIFICATION OF BUSINESS RECORD

THE STATE OF FLORIDA, represented by Amira D. Fox, State Attorney for the Twentieth Judicial Circuit of the State of Florida, pursuant to F. S. 90.803(6)(c), hereby serves notice of its intent to offer evidence of AT&T business records, to wit:

Cellular Number(s) (404) 376-8649; (702) 964-3062

The offered evidence, pursuant to F.S. 90.803(6)(a) and 90.902(11) is certified by the custodian of record, who is subject to criminal penalties, that the record was made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person having knowledge of those matters; was kept in the course of the regularly conducted activity; and was made as a regular practice in the course of the regularly conducted activity.

AMIRA D. FOX
State Attorney



BY:

Hamid N. Hunter
Assistant State Attorney
Florida Bar Number 0194468
2000 Main Street, 6th Floor
Fort Myers, Florida 33901
(239) 533-1330
eService: ServiceSAO-LEE@sao.cjis20.org

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been furnished to Kathleen M. Fitzgeorge, Assistant Public Defender, Office of the Public Defender, 1700 Monroe Street, Fort Myers, FL 33901; Michael E. Mummert, Attorney for the Defense, Michael Mummert, Esquire, 1152 N Goodlette Frank Road, Naples, FL 34102 by United States Mail/Hand Delivery/Electronic Transmission this May 3, 2019.



Hamid N. Hunter
Assistant State Attorney



National Court Order Compliance

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1-800-635-6840
1-888-938-4715 (Fax)

DECLARATION OF AUTHENTICITY OF AT&T RECORDS

STATE OF FLORIDA
COUNTY OF PALM BEACH

My name is Laurice Fasullo. I am over the age of 18 and qualified to process this affidavit. I am employed by AT&T as a Legal Compliance Analyst and also serve as the Custodian of Records for AT&T. I have been employed by AT&T since **May 1993**. Attached to this Declaration are true and correct copies of subscriber information and/or call detail issued by AT&T for the following accounts:

Cellular Number(s): (404) 376-8649 (702) 964-3062

Pursuant to 28 U.S.C. Sec.1746, I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on January 29, 2016

Laurice Fasullo
Compliance Security Analyst

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR LEE COUNTY, FLORIDA CRIMINAL ACTION

STATE OF FLORIDA CASE NO: 15-CF-000673 A
vs. 15-CF-000673 B
JIMMY RAY RODGERS
MARK D. SIEVERS

NOTICE OF INTENT TO RELY UPON CERTIFICATION OF BUSINESS RECORD

THE STATE OF FLORIDA, represented by Amira D. Fox, State Attorney for the Twentieth Judicial Circuit of the State of Florida, pursuant to F. S. 90.803(6)(c), hereby serves notice of its intent to offer evidence of AT&T business records, to wit:

Cellular Number (314) 677 7311

The offered evidence, pursuant to F.S. 90.803(6)(a) and 90.902(11) is certified by the custodian of record, who is subject to criminal penalties, that the record was made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person having knowledge of those matters; was kept in the course of the regularly conducted activity; and was made as a regular practice in the course of the regularly conducted activity.

AMIRA D. FOX
State Attorney

[Handwritten signature of Amira D. Fox]

BY:

Hamid N. Hunter
Assistant State Attorney
Florida Bar Number 0194468
2000 Main Street, 6th Floor
Fort Myers, Florida 33901
(239) 533-1330
eService: ServiceSAO-LEE@sao.cjis20.org

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been furnished to Kathleen M. Fitzgeorge, Assistant Public Defender, Office of the Public Defender, 1700 Monroe Street, Fort Myers, FL 33901; Michael E. Mummert, Attorney for the Defense, Michael Mummert, Esquire, 1152 N Goodlette Frank Road, Naples, FL 34102 by United States Mail/Hand Delivery/Electronic Transmission this May 6, 2019.



Hamid N. Hunter
Assistant State Attorney



National Court Order Compliance

11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
1-800-635-6840
1-888-938-4715 (Fax)

DECLARATION OF AUTHENTICITY OF AT&T RECORDS

STATE OF FLORIDA
COUNTY OF PALM BEACH

My name is Robin Beckman. I am over the age of 18 and qualified to process this affidavit. I am employed by AT&T as a Legal Compliance Analyst and also serve as the Custodian of Records for AT&T. I have been employed by AT&T since April 17, 2006. Attached to this Declaration are true and correct copies of subscriber information and/or call detail issued by AT&T for the following accounts:

Cellular Number(s): (314) 677-7311

Pursuant to 28 U.S.C. Sec. 1746, I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on August 14, 2015

/s/ Robin Beckman

Robin Beckman.
Compliance Security Analyst

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR LEE COUNTY, FLORIDA CRIMINAL ACTION

STATE OF FLORIDA CASE NO: 15-CF-000673 A
vs. 15-CF-000673 B
JIMMY RAY RODGERS
MARK D. SIEVERS

NOTICE OF INTENT TO RELY UPON CERTIFICATION OF BUSINESS RECORD

THE STATE OF FLORIDA, represented by Amira D. Fox, State Attorney for the Twentieth Judicial Circuit of the State of Florida, pursuant to F. S. 90.803(6)(c), hereby serves notice of its intent to offer evidence of AT&T business records, to wit:

Cellular Number(s) (727) 412-7736

The offered evidence, pursuant to F.S. 90.803(6)(a) and 90.902(11) is certified by the custodian of record, who is subject to criminal penalties, that the record was made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person having knowledge of those matters; was kept in the course of the regularly conducted activity; and was made as a regular practice in the course of the regularly conducted activity.

AMIRA D. FOX
State Attorney

[Handwritten signature]

BY:

Hamid N. Hunter
Assistant State Attorney
Florida Bar Number 0194468
2000 Main Street, 6th Floor
Fort Myers, Florida 33901
(239) 533-1330
eService: ServiceSAO-LEE@sao.cjis20.org

CERTIFICATE OF SERVICE

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Hamid N. Hunter
Assistant State Attorney



National Court Order Compliance

11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
1-800-635-6840
1-888-938-1715 (Toll)

DECLARATION OF AUTHENTICITY OF AT&T RECORDS

STATE OF FLORIDA
COUNTY OF PALM BEACH

My name is Robin Beckman. I am over the age of 18 and qualified to process this affidavit. I am employed by AT&T as a Legal Compliance Analyst and also serve as the Custodian of Records for AT&T. I have been employed by AT&T since April 17, 2006. Attached to this Declaration are true and correct copies of subscriber information and/or call detail issued by AT&T for the following accounts:

Cellular Number: (727) 421-7736

Pursuant to 28 U.S.C. Sec. 1746, I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on August 11, 2015

/s/ Robin Beckman

Robin Beckman,
Compliance Security Analyst

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA CRIMINAL ACTION

STATE OF FLORIDA

CASE NO: 15-CF-000673 B

vs.

MARK D. SIEVERS

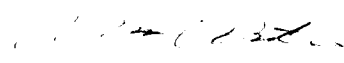
NOTICE OF INTENT TO RELY UPON CERTIFICATION OF BUSINESS RECORD

THE STATE OF FLORIDA, represented by Amira D. Fox, State Attorney for the Twentieth Judicial Circuit of the State of Florida, pursuant to F. S. 90.803(6)(c), hereby serves notice of its intent to offer evidence of AT&T business records, to wit:

Cellular Number (314) 239 0173

The offered evidence, pursuant to F.S. 90.803(6)(a) and 90.902(11) is certified by the custodian of record, who is subject to criminal penalties, that the record was made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person having knowledge of those matters; was kept in the course of the regularly conducted activity; and was made as a regular practice in the course of the regularly conducted activity.

AMIRA D. FOX
State Attorney

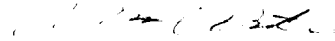


BY:

Hamid N. Hunter
Assistant State Attorney
Florida Bar Number 0194468
2000 Main Street, 6th Floor
Fort Myers, Florida 33901
(239) 533-1330
eService: ServiceSAO-LEE@sao.cjis20.org

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been furnished to Kathleen M. Fitzgeorge, Assistant Public Defender, Office of the Public Defender, 1700 Monroe Street, Fort Myers, FL 33901; Michael E. Mummert, Attorney for the Defense, Michael Mummert, Esquire, 1152 N Goodlette Frank Road, Naples, FL 34102 by United States Mail/Hand Delivery/Electronic Transmission this May 20, 2019.



Hamid N. Hunter
Assistant State Attorney

1931677 AS



National Court Order Compliance

11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL. [REDACTED]
1-800-635-6840
1-888-938-4715 (Fax)

DECLARATION OF AUTHENTICITY OF AT&T RECORDS

STATE OF FLORIDA
COUNTY OF PALM BEACH

My name is Avinash Singh. I am over the age of 18 and qualified to process this affidavit. I am employed by AT&T as a Legal Compliance Analyst and also serve as the Custodian of Records for AT&T. I have been employed by AT&T since January 2010. Attached to this Declaration are true and correct copies of subscriber information and/or call detail issued by AT&T for the following accounts:

Cellular Number(s): (314) 239-0173

IP Address(es):

Pursuant to 28 U.S.C. Sec.1746, I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on January 16, 2016

Avinash Singh
Compliance Security Analyst

78339

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR LEE COUNTY, FLORIDA CRIMINAL ACTION

STATE OF FLORIDA CASE NO: 15-CF-000673 A
vs. 15-CF-000673 B
JIMMY RAY RODGERS
MARK D. SIEVERS

NOTICE OF INTENT TO RELY UPON CERTIFICATION OF BUSINESS RECORD

THE STATE OF FLORIDA, represented by Amira D. Fox, State Attorney for the Twentieth Judicial Circuit of the State of Florida, pursuant to F. S. 90.803(6)(c), hereby serves notice of its intent to offer evidence of AT&T business records to wit:

Cellular Number(s) (573) 864-1179

The offered evidence, pursuant to F.S. 90.803(6)(a) and 90.902(11) is certified by the custodian of record, who is subject to criminal penalties, that the record was made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person having knowledge of those matters; was kept in the course of the regularly conducted activity; and was made as a regular practice in the course of the regularly conducted activity.

AMIRA D. FOX
State Attorney

[Handwritten signature]

BY:

Hamid N. Hunter
Assistant State Attorney
Florida Bar Number 0194468
2000 Main Street, 6th Floor
Fort Myers, Florida 33901
(239) 533-1330
eService: ServiceSAO-LEE@sao.cjis20.org

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been furnished to Kathleen M. Fitzgeorge, Assistant Public Defender, Office of the Public Defender, 1700 Monroe Street, Fort Myers, FL 33901; Michael E. Mummert, Attorney for the Defense, Michael Mummert, Esquire, 1152 N Goodlette Frank Road, Naples, FL 34102 by United States Mail/Hand Delivery/Electronic Transmission this April 22, 2019.



Hamid N. Hunter
Assistant State Attorney



National Court Order Compliance

11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
1-800-635-6840
1-888-933-4715 (Fax)

VERIFICATION OF AUTHENTICITY OF AT&T RECORDS

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, personally appeared Francis McMahon, who being duly sworn, deposes and says:

My name is Francis McMahon. I am over the age of 18 and qualified to make this affidavit. I am employed by AT&T as a Legal Compliance Analyst and also serve as the Custodian of Records for AT&T. I have been employed by AT&T since August 1978. Attached to this Affidavit are true and correct copies of subscriber information and/or call detail issued by AT&T for the following accounts:

Cellular Number(s): (573) 864-1179

The attached copies of billing records are maintained by AT&T in the ordinary course of business. I maintain and routinely rely on these documents in the course of my duties as Custodian of Records and Legal Compliance Analyst.

Francis McMahon

The foregoing affidavit was sworn to and subscribed before me by Francis McMahon, who is personally known to me.

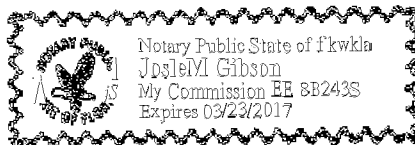
November 13, 2015

Notary Public, State of Florida

Printed Name

Serial Number (if any)

National Court Order Compliance



IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA CRIMINAL ACTION

STATE OF FLORIDA CASE NO: 15-CF-000673 A
vs. 15-CF-000673 B
JIMMY RAY RODGERS
MARK D. SIEVERS

NOTICE OF INTENT TO RELY UPON CERTIFICATION OF BUSINESS RECORD

THE STATE OF FLORIDA, represented by Amira D. Fox, State Attorney for the Twentieth Judicial Circuit of the State of Florida, pursuant to F. S. 90.803(6)(c), hereby serves notice of its intent to offer evidence of AT&T business records, to wit:

Towers located at

2741 Rt 94 (DPW Yard) Washingtonville, NY
Dean Hill Road, New Windsor, NY
Tolman Rd and Rt 207 New Windsor, NY

The offered evidence, pursuant to F.S. 90.803(6)(a) and 90.902(11) is certified by the custodian of record, who is subject to criminal penalties, that the record was made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person having knowledge of those matters; was kept in the course of the regularly conducted activity; and was made as a regular practice in the course of the regularly conducted activity.

AMIRA D. FOX
State Attorney



BY: _____

Hamid N. Hunter
Assistant State Attorney
Florida Bar Number 0194468
2000 Main Street, 6th Floor
Fort Myers, Florida 33901
(239) 533-1330
eService: ServiceSAO-LEE@sao.cjis20.org

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been furnished to Kathleen M. Fitzgeorge, Assistant Public Defender, Office of the Public Defender, 1700 Monroe Street, Fort Myers, FL 33901; Michael E. Mummert, Attorney for the Defense, Michael Mummert, Esquire, 1152 N Goodlette Frank Road, Naples, FL 34102 by United States Mail/Hand Delivery/Electronic Transmission this April 22, 2019.



Hamid N. Hunter
Assistant State Attorney



National Court Order Compliance

11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
1-800-635-6810
1-888-938-1715 (Toll)

DECLARATION OF AUTHENTICITY OF AT&T RECORDS

STATE OF FLORIDA
COUNTY OF PALM BEACH

My name is Robin Beckman. I am over the age of 18 and qualified to process this affidavit. I am employed by AT&T as a Legal Compliance Analyst and also serve as the Custodian of Records for AT&T. I have been employed by AT&T since April 17, 2006. Attached to this Declaration are true and correct copies of usage details issued by AT&T for the towers that are located at the following address/es or latitude & longitude location/s:

AMERICAN TOWERS LLC, 2741 RT 94 (DPW YARD) WASHINGTONVILLE NY
CROWN ATLANTIC CO LLC DEAN HILL ROAD, NEW WINDSOR NY
SUNRISE BROADCASTING CORP TOLMAN ROAD AND RT 207 NEW WINDSOR NY

Pursuant to 28 U.S.C. Sec.1746, I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on August 18, 2015

/s/ Robin Beckman

Robin Beckman,
Compliance Security Analyst

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR LEE COUNTY, FLORIDA CRIMINAL ACTION

STATE OF FLORIDA CASE NO: 15-CF-000673 A
vs. 15-CF-000673 B
JIMMY RAY RODGERS
MARK D. SIEVERS

NOTICE OF INTENT TO RELY UPON CERTIFICATION OF BUSINESS RECORD

THE STATE OF FLORIDA, represented by Amira D. Fox, State Attorney for the Twentieth Judicial Circuit of the State of Florida, pursuant to F. S. 90.803(6)(c), hereby serves notice of its intent to offer evidence of Delta Airlines, Inc business records, to wit:

- 1. Passenger Name Record (PNR) for Mark Sievers, and
2. Excel spreadsheet of all tickets purchased 08May15 to 29Jun15 with Mark Sievers' credit card ending
3. Credit card token information for Mark Sievers.

The offered evidence, pursuant to F.S. 90.803(6)(a) and 90.902(11) is certified by the custodian of record, who is subject to criminal penalties, that the record was made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person having knowledge of those matters; was kept in the course of the regularly conducted activity; and was made as a regular practice in the course of the regularly conducted activity.

AMIRA D. FOX
State Attorney

[Handwritten signature]

BY:

Hamid N. Hunter
Assistant State Attorney
Florida Bar Number 0194468
2000 Main Street, 6th Floor
Fort Myers, Florida 33901
(239) 533-1330
eService: ServiceSAO-LEE@sao.cjis20.org

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been furnished to Kathleen M. Fitzgeorge, Assistant Public Defender, Office of the Public Defender, 1700 Monroe Street, Fort Myers, FL 33901; Michael E. Mummert, Attorney for the Defense, Michael Mummert, Esquire, 1152 N Goodlette Frank Road, Naples, FL 34102 by United States Mail/Hand Delivery/Electronic Transmission this May 6, 2019.



Hamid N. Hunter
Assistant State Attorney

BUSINESS RECORD CERTIFICATION

C. Fears, hereby certify that I have personal knowledge of the business filing records system of
known as Delta Air Lines, Inc. located at the following address:

Boulevard, Atlanta, Georgia 30320.

I have reviewed the attached business records, described briefly below and certify that these business
records were taken from the ordinary business records of the entity named herein.

Passenger Name Record (PNR) for Mark Sievers

Excel spreadsheet of all tickets purchased 08May15 to 29Jun15 with Mark Sievers' credit card

link

Credit card token information for Mark Sievers.

I certify that based upon my review of these records:

The records were made at or near the time of the occurrence of the matters set forth by, or
from information transmitted by, a person with knowledge of those matters:

The records were kept in the course of the regularly conducted activity of the above named
business entity; and

The records were made by the regularly conducted activity as a regular practice.

In accordance with Title 28, United States Code, Section 1746, I declare, certify, verify, and state under the
penalty of perjury that the foregoing is true and correct.

This 02 day of November, 2015.

Paula C. Fears November 2,
Signature Date 2015

Security
Security Programs
773-0054
773-6425
CFears@delta.com

DELTA

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA CRIMINAL ACTION

STATE OF FLORIDA

CASE NO: 15-CF-000673 B

vs.

MARK D. SIEVERS

NOTICE OF INTENT TO RELY UPON CERTIFICATION OF BUSINESS RECORD

THE STATE OF FLORIDA, represented by Amira D. Fox, State Attorney for the Twentieth Judicial Circuit of the State of Florida, pursuant to F. S. 90.803(6)(c), hereby serves notice of its intent to offer evidence of Google, Inc. business records, to wit:

1. Data pertaining to the Google account holder(s) identified as JIMMYRAYRODGERS90 with Google Ref. No. 627309
2. Attached Document containing a list of hash values corresponding to each file.

The offered evidence, pursuant to F.S. 90.803(6)(a) and 90.902(11) is certified by the custodian of record, who is subject to criminal penalties, that the record was made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person having knowledge of those matters; was kept in the course of the regularly conducted activity; and was made as a regular practice in the course of the regularly conducted activity.

AMIRA D. FOX
State Attorney



BY: _____

Hamid N. Hunter
Assistant State Attorney
Florida Bar Number 0194468
2000 Main Street, 6th Floor
Fort Myers, Florida 33901
(239) 533-1330
eService: ServiceSAO-LEE@sao.cjis20.org

CERTIFICATE OF SERVICE

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Hamid N. Hunter
Assistant State Attorney

CERTIFICATE OF AUTHENTICITY

I hereby certify:

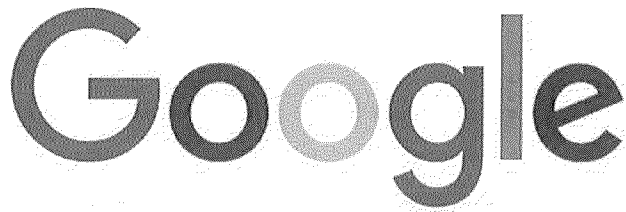
1. I am employed by Google Inc. ("Google"), located in Mountain View, California. I am authorized to submit this affidavit on behalf of Google. I have personal knowledge of the following facts, except as noted, and could testify competently thereto if called as a witness.
2. Google provides Internet-based services.
3. Attached is a true and correct copy of 1 CD of data pertaining to the Google account-holder(s) identified as *JIMMYRAYRODGERS90*, with Google Ref. No. 627309 ("Document"). Accompanying this Certificate of Authenticity as Attachment A is a list of hash values corresponding to each file.
4. The Document attached hereto is a record made and retained by Google. Google servers record this data automatically at the time, or reasonably soon after, it is entered or transmitted by the user, and this data is kept in the course of this regularly conducted activity and was made by regularly conducted activity as a regular practice of Google.
5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.



(Signature of Records Custodian)

Date: November 2, 2015

Sarah Rodriguez
(Name of Records Custodian)



Attachment A: Hash Values for Production Files (Google Ref. No. 627309)

jimmyrayrodgers90.AccountInfo.Preserved.txt:

MD5- 47d621485f7e3c27cd58b31cef87d1
SHA512-
976537779ad37eef4e219000151660b0ff159a12c80036dd1800b2c83521b04a5a0f078a5a97e1f07
2f6d029669c86b1b441cbf8c0bd4a6d1148b18a4708851d

jimmyrayrodgers90.AccountInfo.txt:

MD5- f33454de0c706957aca7dfc1cbb7834f
SHA512-
8cab4d21717fe5f754b97fd70e9e844dd7d85d5e0d1b9698479e31e590fabd33fe920c8db6a950fb6f
f3987e6b6d1669fc24a3053929e48edaef533cccef4359

jimmyrayrodgers90.Gmail.Contacts.Preserved.vcf:

MD5- 65c659ac52b9fb69698254d0f390be5a
SHA512-
5f858fba370f5d26947d4dfa3d661a6a86379215e640fee19a22fc805849e7aaecfcfc0603f2cd1e1e2
bb3aed8b921200a86e1b0e220475c0a2556e46a452f92

jimmyrayrodgers90.Gmail.Contacts.vcf:

MD5- 65c659ac52b9fb69698254d0f390be5a
SHA512-
5f858fba370f5d26947d4dfa3d661a6a86379215e640fee19a22fc805849e7aaecfcfc0603f2cd1e1e2
bb3aed8b921200a86e1b0e220475c0a2556e46a452f92

jimmyrayrodgers90@gmail.com.Gmail.Content.Preserved.mbox:

MD5- 4bd6afaa7349ecb6033a889c25d172ad
SHA512-
0f0fa6b6cb472d81b7eb139459324a77c3163a894fcb51c75e893f881a54a57a34276ede35773cd0
7d7f2ebe036dee1d59c8a8cb8ed796a6d556920ffc7f97b

jimmyrayrodgers90@gmail.com.Gmail.Content.mbox:

MD5- b8b49c657904f845ec6261da6727b82d
SHA512-
91dbb557f507b1e9eddf0055815661af1d7e79934de385b651ad26b2cbd1b348eeeff2ca3a5e89677
e7697e16eeb635f1020bae08430e855a26875d843367e88

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been furnished to Kathleen M. Fitzgeorge, Assistant Public Defender, Office of the Public Defender, 1700 Monroe Street, Fort Myers, FL 33901; Michael E. Mummert, Attorney for the Defense, Michael Mummert, Esquire, 1152 N Goodlette Frank Road, Naples, FL 34102 by United States Mail/Hand Delivery/Electronic Transmission this May 3, 2019.



Hamid N. Hunter
Assistant State Attorney

BUSINESS RECORD CERTIFICATION

Pursuant to Section 90.803(6) and 90.902(11), FLORIDA STATUTE

1. I, PEGGY Hoeter am currently employed with:

Business Name: Fifth Third Bank

Business Address: _____

**Fifth Third Bank
Legal Operations
5050 Kingsley Drive
Cincinnati, OH 45263**

2. I am custodian of records maintained by this business, or a person otherwise qualified to make this certification. **MOC2Q**

3. The attached record(s) are either originals or duplicate copies described as:

Statements - checks & deposits

4. The attached record(s) were made at or near the time of occurrence of the matters set forth by, or from information transmitted by, a person having knowledge of those matters.

5. The attached record(s) were kept in the course of the regularly conducted activity of our business

6. The attached record(s) were made as a regular practice in the course of the regularly conducted activity of our business.

7. I am aware that falsely making this Certification or Declaration would subject me to criminal penalty under the laws of the foreign or domestic location in which this certification or declaration was signed.

8. I have signed this Certification under oath.

I do hereby swear or affirm that this certification and the attached records are true and accurate.

(Affiant Signature)

Sworn to and Subscribed before me this 28 day of July, 2015.

Heather Metz
Notary Public

My Commission Expires: 9/23/18

Personally Known: X

Produced Identification: _____

Type of Identification Produced: _____



Heather Metz
Notary Public, State of Ohio
My Commission Expires 09-23-2018

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA CRIMINAL ACTION

STATE OF FLORIDA CASE NO: 15-CF-000673 A
vs. 15-CF-000673 B
JIMMY RAY RODGERS
MARK D. SIEVERS

NOTICE OF INTENT TO RELY UPON CERTIFICATION OF BUSINESS RECORD

THE STATE OF FLORIDA, represented by Amira D. Fox, State Attorney for the Twentieth Judicial Circuit of the State of Florida, pursuant to F. S. 90.803(6)(c), hereby serves notice of its intent to offer evidence of Yahoo! Inc. business records, to wit:

(1) a snapshot of the email account contents as produced by the Yahoo Snapshot Tool.

The offered evidence, pursuant to F.S. 90.803(6)(a) and 90.902(11) is certified by the custodian of record, who is subject to criminal penalties, that the record was made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person having knowledge of those matters; was kept in the course of the regularly conducted activity; and was made as a regular practice in the course of the regularly conducted activity.

AMIRA D. FOX
State Attorney



BY:

Hamid N. Hunter
Assistant State Attorney
Florida Bar Number 0194468
2000 Main Street, 6th Floor
Fort Myers, Florida 33901
(239) 533-1330
eService: ServiceSAO-LEE@sao.cjis20.org

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been furnished to Kathleen M. Fitzgeorge, Assistant Public Defender, Office of the Public Defender, 1700 Monroe Street, Fort Myers, FL 33901; Michael E. Mummert, Attorney for the Defense, Michael Mummert, Esquire, 1152 N Goodlette Frank Road, Naples, FL 34102 by United States Mail/Hand Delivery/Electronic Transmission this May 3, 2019.



Hamid N. Hunter
Assistant State Attorney

BUSINESS RECORDS DECLARATION

Request for information regarding:)
waynewright3884@yahoo.com)
_____)

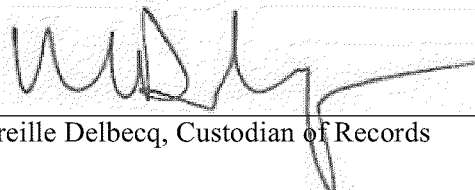
**DECLARATION OF
MIREILLE DELBECQ**

I, Mireille Delbecq, declare:

1. I am a Custodian of Records for Yahoo! Inc. ("Yahoo"), located in Sunnyvale, California. I am authorized to submit this declaration on behalf of Yahoo. I make this declaration pursuant to the Federal Rules of Evidence Rule 902(11) and the California Code of Evidence section 1561 and in response to a search warrant dated April 27, 2017 ("the request"). I have personal knowledge of the following facts, except as noted, and could testify competently thereto if called as a witness.
2. Attached hereto is 1 disc that contains true and correct copies of the following data pertaining to the user account identified in the request: (1) a snapshot of the email account contents as produced by the Yahoo Snapshot Tool. Yahoo's servers record this data automatically at the time, or reasonably soon after, it is entered or transmitted, and this data is kept in the course of this regularly conducted activity and was made by regularly conducted activity as a regular practice. Yahoo may not require or verify user information because it offers many of its services to users for free.
3. To the extent any document attached hereto contained information that exceeded the scope of the request, is protected from disclosure, or is otherwise not subject to production, such information has been redacted or otherwise removed.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

DATED: _____ May 26, 2017 _____



Mireille Delbecq, Custodian of Records

Internal reference number: 343411

66423

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA CRIMINAL ACTION

STATE OF FLORIDA CASE NO: 15-CF-000673 A
vs. 15-CF-000673 B
JIMMY RAY RODGERS
MARK D. SIEVERS

NOTICE OF INTENT TO RELY UPON CERTIFICATION OF BUSINESS RECORD

THE STATE OF FLORIDA, represented by Amira D. Fox, State Attorney for the Twentieth Judicial Circuit of the State of Florida, pursuant to F. S. 90.803(6)(c), hereby serves notice of its intent to offer evidence of AT&T business records, to wit:



The offered evidence, pursuant to F.S. 90.803(6)(a) and 90.902(11) is certified by the custodian of record, who is subject to criminal penalties, that the record was made at or near the time of the occurrence of the matters set forth by, or from information transmitted by, a person having knowledge of those matters; was kept in the course of the regularly conducted activity; and was made as a regular practice in the course of the regularly conducted activity.

AMIRA D. FOX
State Attorney

A handwritten signature in cursive script, appearing to read "Amira D. Fox".

BY: _____

Hamid N. Hunter
Assistant State Attorney
Florida Bar Number 0194468
2000 Main Street, 6th Floor
Fort Myers, Florida 33901
(239) 533-1330
eService: ServiceSAO-LEE@sao.cjis20.org

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been furnished to Kathleen M. Fitzgeorge, Assistant Public Defender, Office of the Public Defender, 1700 Monroe Street, Fort Myers, FL 33901; Michael E. Mummert, Attorney for the Defense, Michael Mummert, Esquire, 2675 Winkler Avenue, Suite 450 by United States Mail/Hand Delivery/Electronic Transmission this September 6, 2019.



Hamid N. Hunter
Assistant State Attorney



AT&T
11760 US HWY 1, SUITE 300
NORTH PALM BEACH FL 33408

(800) 635-6840
(888) 938-4715 (Fax)

CERTIFICATE OF AUTHENTICITY OF DOMESTIC RECORDS PURSUANT TO
FEDERAL RULES OF EVIDENCE 902(11) AND 902(13)

I, Brian Faulkner, attest, under penalties of perjury by the laws of the United States of America pursuant to 28 U.S.C. § 1746, that the information contained in this certification is true and correct. I am employed by AT&T, and my title is Legal Compliance Analyst. I am qualified to authenticate the records attached hereto because I am familiar with how the records were created, managed, stored, and retrieved. I state that the records attached hereto are true duplicates of the original records in the custody of AT&T. I further state that:

- a. All records attached to this certificate were made at or near the time of the occurrence of the matter set forth by, or from information transmitted by, a person with knowledge of those matters, they were kept in the ordinary course of the regularly conducted business activity of AT&T, and they were made by AT&T as a regular practice; and
- b. Such records were generated by AT&T's electronic process or system that produces an accurate result, to wit:
 1. The records were copied from electronic device(s), storage medium(s), or file(s) in the custody of AT&T in a manner to ensure that they are true duplicates of the original records; and
 2. The process or system is regularly verified by AT&T, and at all times pertinent to the records certified here the process and system functioned properly and normally.

I further state that this certification is intended to satisfy Rules 902(11) and 902(13) of the Federal Rules of Evidence.

August 27, 2019

Brian Faulkner

Date

Signature

89080

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing has been furnished to Kathleen M. Fitzgeorge, Assistant Public Defender, Office of the Public Defender, 1700 Monroe Street, Fort Myers, FL 33901; Michael E. Mummert, Attorney for the Defense, Michael Mummert, Esquire, 2675 Winkler Avenue, Suite 450 by United States Mail/Hand Delivery/Electronic Transmission this September 6, 2019.



Hamid N. Hunter
Assistant State Attorney



National Court Order Compliance

11760 US HIGHWAY 1, SUITE 600
NORTH PALM BEACH, FL 33408-3029
1-800-635-6840
1-888-938-4715 (Fax)

DECLARATION OF AUTHENTICITY OF AT&T RECORDS

STATE OF FLORIDA
COUNTY OF PALM BEACH

My name is Nicole Henderson. I am over the age of 18 and qualified to process this affidavit. I am employed by AT&T as a Legal Compliance Analyst and also serve as the Custodian of Records for AT&T. I have been employed by AT&T since **09/18/1995**. Attached to this Declaration are true and correct copies of subscriber information and/or call detail issued by AT&T for the following accounts:

TOWER SEARCH(s): 8894 CHAPEL HILL ROAD, HILLSBORO,MO

IP Address(es):

Pursuant to 28 U.S.C. Sec.1746, I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on October 2, 2015

Nicole Henderson

Compliance Security Analyst

CERTIFICATE OF CLERK

STATE OF FLORIDA,
COUNTY OF LEE

I, LINDA DOGGETT, Clerk of Court, In and For Lee County, Florida DO HEREBY CERTIFY that the foregoing record inclusive contain a true and correct copy of the case of:

State of Florida
vs
Sievers, Mark D

and a true and correct recital and inclusion of all such copies of official imaged documents and proceedings in said cause as they appear from the records and files of my office that have been included in said record pursuant to Florida Rules of Appellate Procedures.

In Witness Whereof, I have hereunto set my hand and affixed the Seal of said Court at Fort Myers, Lee County, Florida on November 6, 2020.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the record on appeal in the above styled case has been mailed to:

Attorney General

crimapptpa@myfloridalegal.com

Public Defender

Tenth Judicial Circuit
255 N. Broadway
Bartow, FL 33830

LINDA DOGGETT
Clerk of Court

By: Lori Slisz
Deputy Clerk
(239) 533-2856
Info_appeals@leeclerk.org

