

9. Fla.R.Crim.P. 3.220(n)(2) provides that, in cases of willful violation of a discovery rule, the court may award costs including attorney's fees. Willful violation would particularly include cases where the other side refuses to respond to good-faith efforts to resolve the discovery violations, such as are present here where Defendant's counsel has written and telephoned and received no response.

10. The Defendant is entitled to a just, inexpensive, and speedy resolution of this matter. Toward that end, she has not waived speedy trial. Indeed, she has no intention of waiving speedy trial, and it would be unjust to permit the State, by delaying its discovery response, to "run the clock" and needlessly increase her costs of litigation.

Wherefore, Ellen H. Brodsky prays this court enter an order;
(a) requiring compliance with the discovery requests; and
(b) awarding fees and costs for this motion.

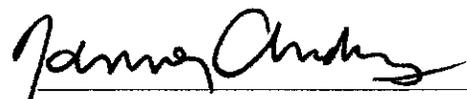
Certificate of Service

I certify that a copy hereof has been furnished to all parties listed below by the method indicated for each party.

Done this 9 day of December, 2008.

State of Florida (by mail)
Joshua Widlansky, Esq.,
Office of the State Atty,
201 SE 6th St.,
Ft. Lauderdale, FLA 33311.

Respectfully submitted,



Tanner Andrews
Fla. Bar #21426
Counsel for Ellen H. Brodsky
Tanner Andrews, P.A.
112 W. New York Ave., #203
P.O. Box 1208
DeLand, FLA 32721
pho +1 386 490 1128
fax +1 386 734 2116
tanner@sunshine-lawyer.com



app.

A

letter to s.a.

Tanner Andrews,
Tanner Andrews, P.A.,
112 W. New York Ave., #203,
P.O. Box 1208,
Orlando, FLA 32721.
04-Dec-2008

Joshua Widlansky, Esq.,
Counsel for State of Florida,
201 SE 6th St.,
Ft. Lauderdale, FLA 33311.

by fax +1 954 831 6198

Dear Sir:

Refs: State v. Brodsky, #2008-026997-MM10A

I represent Ellen H. Brodsky in the above-referenced matter.

On 17-Nov-2008 (effectively 18-Nov-2008 because the time was after 1700), I furnished my client's *Notice of Discovery* pursuant to Fla.R.Crim.P. 3.220(a). As you will recall, the rules provide that, within fifteen days after receipt of that notice, the state attorney's office is to furnish their discovery exhibit.

It may surprise you that I have not yet received your discovery exhibit. There is certainly a possibility that it is in transit and that this message is crossing. If you have sent it to the correct address (note the P.O. box, as shown above), let us give it a couple more days to arrive.

If you have not yet sent your discovery exhibit, please be so kind as to fax it promptly. The fax number is 386 734 2116. Alternatively, you may wish to e-mail a pdf of the exhibit to the address shown on the notice.

If, for some reason, you do not intend to furnish the exhibit, please let me know promptly. If there is a good reason for the failure to comply, then I would prefer to avoid making a motion to compel and using up the court's time.

Thank you for your attention to this matter.

Yours,



Tanner Andrews
Fla. Bar #21426