

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

CASE NO.

IN RE: INVESTIGATION OF
ABUSE OF AN ELDERLY PERSON

MOTION TO COMPEL PRODUCTION OF DOCUMENTS

COMES NOW the State of Florida by and through the undersigned Assistant State Attorney and respectfully requests the Court to enter its Order which will compel the production of records from Hospice by the Sea located at 1531 West Palmetto Park Road, Boca Raton, FL 33486, and in support of such request would show as follows:

1. That Detective Nicole Underwood of the Palm Beach County Sheriff's Office, is currently investigating the alleged abuse of Frank Carlucci, DOB 2/22/32. (Agency Case number 06-124893.)

2. That Det. Underwood believes and has reason to believe that the records sought are relevant to her investigation in that they will reveal the identity of the possible suspect(s) and the nature of the alleged abuse. An Affidavit of Det. Underwood is attached hereto as Exhibit "A".

3. That pursuant to standard procedure, Det. Underwood requested assistance of the Office of the State Attorney in securing such records, in as much as the custodian of those records will not release them in the absence of a subpoena duces tecum and Order of this Court.

WHEREFORE, the undersigned respectfully requests the Court to enter its Order which will authorize the issuance of a subpoena duces tecum and Order of this Court.

DATED this 7th day of February, 2007.

Respectfully submitted,

Preston Mighdoll
Assistant State Attorney
401 North Dixie Highway
West Palm Beach, Florida 33401

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ORDER GRANTING MOTION TO COMPEL PRODUCTION OF MEDICAL RECORDS

This matter was presented to the Court upon the Motion to Compel Production of Medical Records along with the Affidavit of Det. Underwood of the Palm Beach County Sheriff's Office. The Court finds that the records sought are relevant to an ongoing criminal investigation. It is, thereupon

ORDERED AND ADJUDGED that the Records Custodian of Hospice by the Sea, 1531 West Palmetto Park Road, Boca Raton, FL 33486, shall produce and release said medical records of Frank Carlucci, DOB 2/22/1932 to Det. Nicole Underwood of the Palm Beach County Sheriff's Office, 3228 Gun Club Road, West Palm Beach, FL 33406; telephone 561-688-4146 and FAX: 561-688-4125.

DONE AND ORDERED in chambers at West Palm Beach, Palm Beach County, Florida this _____ day of February, 2007.

CIRCUIT/COUNTY COURT JUDGE

copies furnished:
State Attorney's Office
Det. Underwood
Records Custodian, Hospice by the Sea

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_____ /

ORDER TO SEAL

THIS CAUSE having come before the Court upon the Motion of Assistant State Attorney, Preston Mighdoll, of the Office of the State Attorney to Compel Medical Records on dated February 7, 2007; it is hereby

ORDERED AND ADJUDGED that the motion and order is hereby sealed until further order of the Court.

DONE AND ORDERED at West Palm Beach, Palm Beach County, Florida, this ___ day of February, 2007.

CIRCUIT/COUNTY COURT JUDGE

copies furnished to :

State Attorney's Office

Det. Underwood

Records Custodian, Hospice by the Sea