

IN THE EIGHTEENTH JUDICIAL CIRCUIT COURT
IN AND FOR BREVARD COUNTY

15 June 07 3:37

STATE OF FLORIDA

v. H. Bay D.C.

vs.

05-2006-CF-014592

JAMES P. BARNES
DEFENDANT

1/21

MOTION TO STRIKE COURT COUNSELS
WITNESS LIST

Comes now the Defendant, pro se, requests
this Court bar SAM BAXTER BARWELL
from calling witnesses in the above styled
Cause.

① Defendant, pro se, has requested his
Constitutional right U.S.C.A. SIXTH
under the dictates of FARETTA V.
CALIFORNIA 422 U.S. 806, 95 S. Ct. 2525

② THERE IS NO RULE OF PROCEDURE
ALLOWING Defendants who are pro se
to abrogate Court Counsel's witness
list.

③ THE Defendant pro se, has documents
that show all family members Court
Council has listed as prejudicial
and not probative. See Attached
documents. MYA



① Listed on COURT COUNSELS witness list is Dr. William Riebsame. Previously Court Accepted MOTION TO STRIKE Dr. Riebsames Assessment of Defendant. Attached is Assessment and evaluation. This is also prejudicial and not probative.

② Defendant pro se, was not consulted by SAM Baxter BAROWELL in this matter and feels that not only is the Court parenting the defendant pro se, but negating a valid and promulgated strategy.

Wherefore the defendant pro se, PRAYS this honorable court stroke COURT COUNSELS witness list.

Certificate of Service

I hereby certify that a true and correct copy of the foregoing has been furnished by hand delivery to the office of the STATE ATTORNEY, BREVARD COUNTY, FLORIDA

THIS _____ DAY of _____, 2007

James P. Barnes
JAMES P. BARNES
Pg 1 of 26

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR BREVARD COUNTY, FLORIDA

3

STATE OF FLORIDA,
Plaintiff,

vs.

CASE NO. 052006CF014592AXXX

JAMES PHILLIP BARNES,
Defendant.

COURT COUNSEL'S WITNESS LIST

COMES NOW the Attorney for the Court, and provides the State with the following list of all witnesses, along with their addresses, whom the undersigned expects to call as a witness at the Trial or Hearing in the above-styled cause:

Ann Carolyn Durkin Barnes, Mother
Beth Catron, Siser
4187 Fortuna Avenue
Valkaria, FL 32950


Jeannice Barnes Woods, Twin Sister
843 Thrift Drive
Swainsboro, Georgia 30401

Roberta Barnes Smith, Sister
4009 Coronet Lane
Arlington, Texas 76017

Bryant Barnes, Father
82 Bud Hollow Drive
Palm Coast, FL 32127

Dr. William Riebsame
1555 Port Malabar Blvd., N.E.
Suite 104
Palm Bay, Florida 32905

I HEREBY CERTIFY that a true copy of the foregoing was been furnished to NORMAN R. WOLFINGER, State Attorney, 2725 Judge Fran Jamieson Way Viera, Florida 32940; Randy Moore, Assistant Public Defender, by Courier Delivery; and James P. Barnes (DOB 03/07/1962), Brevard County Detention Center, 860 Camp Road, Cocoa, Florida 32927, by U. S. Mail, this 22nd day of May, 2007.



SAM BAXTER BARDWELL
SAM BAXTER BARDWELL, P.A.
Florida Bar No. 261769
503 Palm Avenue
Titusville, Florida 32796
(321) 269-0606
Attorney for the Court

NARRATIVE CONTINUATION

4

		1. Offense 2. Arrest 1	Juvenile	1. Original 2. Supplement 1
Agency ORI Number FLO 050700	Agency Name MELBOURNE POLICE DEPARTMENT	Agency Report Number Q880416110		
Original Date Reported 04/20/88	Case Reference Homicide	Incident Location [REDACTED]	Patrol Area 9	

On March 3, 1989, I spoke with Ann Barnes, mother of James Barnes. I advised Ann Barnes of the nature of the investigation being conducted and spoke with her regarding James Barnes.

Ann Barnes stated that James Barnes had always been a pyromaniac since an early age. According to Ann Barnes, there were numerous fires during James' early years. Ann Barnes advised that while living in Maryland around 1967 or 1968 there was a fire that James Barnes was involved in. Ann Barnes further advised that James Barnes set fire to an apartment on University Boulevard in 1979, the year of Hurricane David. Additionally, Ann Barnes advised that James Barnes always claimed he (James Barnes) had set the Maynards house on fire. According to Ann Barnes, she was the person that notified the Satellite Beach Fire Department of the fire at the Maynard residence.

While speaking with Ann Barnes, she advised that she has always been afraid of James Barnes. According to Ann Barnes, James Barnes is con-artist and a sociopath. I asked Ann Barnes if James Barnes was capable of hurting someone. Ann Barnes replied that James Barnes was "capable of killing someone." Ann Barnes advised that James Barnes had threatened to kill her in the past. This occurred when James Barnes was approximately seventeen, the same night that James Barnes was involved in the Zeller incident. Ann Barnes further advised that James Barnes had shoved and pushed her in the past.

According to Ann Barnes, James Barnes was always hurting his brother and sisters. Ann Barnes further advised that she believed James Barnes may have sexually assaulted Roberta and Jeannice Barnes (sisters) while they were growing up. Ann Barnes advised that there had been an incident where James Barnes shot his brother, Mike, with a BB gun. Additionally, there had been instances where James Barnes broke his sisters arms and nose. Ann Barnes advised that James Barnes is always mad. Ann Barnes further advised that there had been an incident where James Barnes had killed the family cats while residing in Satellite Beach, Florida.

Ann Barnes indicated that there had always been problems with James Barnes as he was growing up. Ann Barnes advised that James Barnes wouldn't go to school, but was very smart. According to Ann Barnes, she was always getting calls about James Barnes beating on other kids at places like scouts, little league and church. Ann Barnes advised that James Barnes has never been out of an institution and should not be let out. Ann Barnes further indicated that she did not feel James Barnes could be rehabilitated.

Report Contains: Officer(s) Reporting: I. D. Number(s) Sgt. Dennis Nichols #154	Sworn to and subscribed before me, the undersigned authority this _____ day of _____, 20____ Signature _____ Notary/Law Enf. Officer in Perf of Official Duties						
Related Reports:							
CASE STATUS 1. Inactive 3. Pend-Det. 5. Closed 2. Pend-Pat. 4. Pend-Capias	Case Status	Assigned to ID Number	Clearance Type 1. Arrest 2. Exceptional 3. Unfounded	A-Adult J-Juvenile	Date Cleared	Number Arrested	
Exception Type 1. Extradition Declined 2. Arrested on Primary Offense/Secondary Offense Without Prosecution 3. Death of Offender 4. V/W Refused to Cooperate 5. Prosecution Declined 6. Juvenile/ No Prosecution				Officer Reviewing and I. D. Number	Page	of	Page

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5

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Original Date Reported 04/20/88	Case Reference Homicide	Incident Location [REDACTED]		Patrol Area 9

Ann Barnes advised that James Barnes always stole things, even from family members. According to Ann Barnes, James Barnes alleged that he was a money collector for a drug group. Ann Barnes advised that Bryant Barnes, James's father, was on a guilt trip because he had not been around much while James was growing up. According to Ann Barnes, Chuck Vitalie got custody of James Barnes because he (James Barnes) wouldn't live with anyone else.

Ann Barnes advised that she had not had any contact with James Barnes since 1983. According to Ann Barnes, James Barnes blames her for his problems.

Information obtained from Ann Barnes disclosed a history of arson related activity and violence on the part of James Barnes starting at an early age. Furthermore, even though James Barnes is her son, she indicated her belief regarding James's propensity towards murder.

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						Patrol Area 9

On March 6, 1989, I spoke with Beth (Barnes) Catron, sister of James Barnes. I informed Beth Catron of the nature of the investigation being conducted and the fact that I wanted to talk with her about James Barnes. Beth Catron after being told of the homicide investigation stated "If you think that James killed someone, he probably did."

Beth Catron advised that James Barnes is an arsonist. According to Beth Catron, James Barnes set the Maynards house on fire in Satellite Beach, although it was never proven. Beth Catron advised that James Barnes bragged about setting the fire. Additionally, Beth Catron advised that James Barnes set fire to a house on University Boulevard in Melbourne, as well as setting the woods on fire when they lived in Maryland.

Beth Catron advised that James Barnes is a smart person. Beth Catron further advised that she felt James Barnes was capable of killing someone.

Information obtained from Beth Catron indicated that James Barnes has a history of arson related activity. Additionally, it was noted that Beth Catron, although related to James Barnes, expressed strong beliefs concerning the possibility of James Barnes and his ability to commit murder.

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On March 6, 1989, I spoke with Roberta Barnes, sister of James Barnes. I advised Roberta of the nature of this investigation and asked to speak with her about her brother, James Barnes and incidents in his past while growing up.

According to Roberta, James Barnes was always in trouble. Roberta advised that James Barnes has no guilt or remorse. Roberta went on to state that James Barnes is very smart and can cover his tracks very well. Roberta advised that James intimidates people and that she was afraid of him.

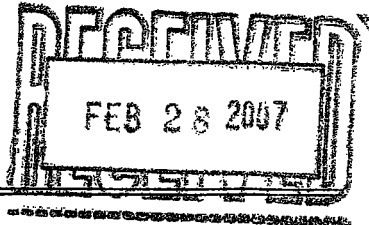
Roberta advised that James Barnes had been involved in setting the woods on fire when they lived in Edgewater, Maryland. According to Roberta, this occurred around 1967 or 1968. Roberta advised that James Barnes was involved in the incident with two boys that were several years older than James at the time. According to Roberta, the last name of the two boys was West. Roberta advised that the West boys were charged in connection with the incident, however, James was not charged.

Roberta further advised that James Barnes was responsible for setting fire to the Maynards house in Satellite Beach, Florida. Roberta advised that the Maynards had a son named Steven, and that James Barnes hated Steven. Roberta advised that she knows James went into the Maynard residence and James claimed the fire started because he (James Barnes) knocked a lamp over on some papers.

Roberta advised that in the past James Barnes broke Beth's (sister) nose. Additionally, when they lived in Satellite Beach, James Barnes once tied Mike's (brother) hands behind his back with a belt and beat on him. Roberta further recalled a time when James Barnes killed the kittens that the family cat had.

Roberta advised that her father, Bryant Barnes, traveled extensively when they were growing up. According to Roberta, James Barnes was beaten as a form of discipline when he got in trouble.

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SUMMARY REPORT

TO: Attorney Sam Baxter Bardwell

FROM: TERRI G. SIROIS

DATE: February 27, 2007

RE: Mitigation regarding James Phillip Barnes

DRAFT ONLY

NOT COMPLETED

On Friday, February 16, 2007, this licensed private investigator met for 3.5 hours with Defendant James Phillip Barnes at the Brevard County Jail. This investigator had not yet read any discovery prior to meeting with Mr. Barnes. The only information I had prior to meeting with Mr. Barnes was a telephonic conversation with Mr. Bardwell on 02/14/07 followed up with a letter of instruction sent to me by Attorney Bardwell and received on 02/15/07. This information was relayed to Mr. Barnes upon my introduction to him. He immediately demanded to see the letter in my file that Mr. Bardwell had sent to me. I declined to show him this correspondence but did tell him that they were my instructions from Mr. Bardwell. I told him that Mr. Bardwell had spoken with Randy Moore about his case and possible mitigation. He wanted to know what they spoke about. I advised him that the only information that was indicated in my letter was that Mr. Moore had spoken to Bryant Barnes, father of James Barnes regarding mitigation. Mr. Barnes indicated that he could not provide any mitigating circumstances but would present evidence that his son raped his sisters and that until he owned up to that, the father would not speak to him. Mr. Barnes was extremely agitated by this information being in my letter. He wanted to make an issue over it stating that he is to be given a copy of every piece of paper in his case and how Mr. Moore has betrayed him.

Once we moved on, I found Mr. Barnes to be highly intelligent and articulate. Mr. Barnes was respectfully uncooperative and carefully chose what he would talk about. Mr. Barnes was very concerned that Mr. Bardwell was going to interfere with his strategy. I asked him several times to outline his strategic plans concerning his case, which he would not divulge. He said twice that he was going to throw Mr. Bardwell under the bus. I asked him what he meant by that and he would not elaborate. He told me that he did not want to hurt me.



He was very aware that I was there not by his wishes but as an agent for Mr. Bardwell to interview him and determine if there is any mitigation. He was agitated by this because it was not his wishes. He was respectful at all times and spoke candidly about his diagnosis, calling himself a psychopath and admitting to committing other murders. It is unknown to this investigator whether there is any credence to this or whether he was just using this for shock value. He spoke about humiliation and asked this investigator if she had ever been humiliated. I told him that I believe that most everyone has felt humiliation in their life at one time or another. He would not expound on the humiliation that he has incurred in his life but it was clear that this was an issue with him.

Mr. Barnes spoke openly about his family, providing me with their names and locations, advising that his brother Michael had committed suicide.

He advised that his mother Ann Carolyn Durkin Barnes resides with his sister Beth Catron in Malabar. He advised that her husband Tom Catron does not like him. His twin sister Jeannice lives in Georgia. His sister, Roberta was an alcoholic and stripper and did not advise where she lives. His father, Bryant Barnes resides in Palm Coast and works at a correctional institution.

He told this investigator that for his entire life his mother was an alcoholic who drank during her pregnancy of her twins which resulted in his and his sister's premature birth. He described his father as a man who never allowed him to have his own identity. That was the only comment he made about his father. He told this investigator that he had been molested by a next door neighbor man when he was a young boy and in retaliation he set his house on fire. He told this writer that he was a constant bed wetter to the age of 14. He advised that bed wetting was from trauma but he refused to elaborate. When questioned about his family, especially his father, he was very defensive and did not want to discuss it. He did express a lot of disappointment in his parent's lack of love but would not go in depth and stated that he didn't want to hurt anyone to use as mitigation in his case.

He told me that at the age of 15, he moved in with an older man, Charles Vitale. I asked him how this came about. He would not answer questions about this relationship.

He told me about his father's lack of visiting him while in prison and how it hurt him especially after his father returned to this country from Saudi Arabia where he worked. He expressed that he felt much rejection by his father's lack of caring. Mr. Barnes eluded to the reason that he refused mitigation was that he had some kind of understanding with his father that if he did not fight this, that his father would come to visit him.



Before I left, I told Mr. Barnes that I would be going to the State Attorney's Office to copy his entire file. He asked me not to look at the photographs in the file. He said he had a real problem when they were shown in court and he did not want me to see them.

On Monday, February 19, 2007, this investigator spent the majority of the working day at the State Attorney's Office and copied all of the material given to me as the discovery in this case. Pursuant to your written request, I asked ASA Sue Garrett if she would give me a list of all items in her possession that she claims as a privilege and did not provide to me. She denied your request, advising "no".

On Monday, February 19, 2007, I meet with Public Defender Randy Moore regarding this case for possible leads regarding mitigation.

Two copies of the Spencer Hearing were ordered from King Reporting, to be picked up the following day.

The next few days, I spent numerous hours reading the reports, transcripts and documents that composed the discovery in this case. As I went through these items, I started outlining the steps of my investigation.

I recalled reading in a Département of Corrections Pre-Sentence Investigation dated December 12, 2007 by Nancy Boyett, Correctional Probation Specialist, that "According to the prison intake on 06/14/05, the subject's mother and sisters Jeannice and Roberta are deceased. The report goes on to say that Bryant Barnes, (which I believed is a typo and should say James Barnes) "stated that his mother and sisters are alive. When previously interviewing him, it was my understanding that only his brother was deceased.

On Sunday, 02/25/07, this investigator went to the Brevard County Jail to meet with James Phillip Barnes. This investigator had prepared medical releases for his signature. I also brought for Mr. Barnes, the three volumes of transcripts from the Spencer Hearing pursuant to your directions.

Mr. Barnes came into the visitation booth and told me that he thought about my investigation and decided that he would not talk to me and handed me a letter, which he said would explain his decision. I told him how much work I have already put into his case this week and asked him to reconsider. I told him that I had printed several articles for him to read regarding mitigation in death penalty cases. He refused to take my research but did take the transcripts that I had brought.



11

JEANNICE DEGGENDORF
(478) 237-7985

On 02/25/06, at approximately 3:30 p.m., I initiated a computer search for Jeannice Deggendorf, twin sister of James Phillip Barnes. This investigator located two individuals and phone numbers that were in common with the reports last known address of Ms. Deggendorf. The first phone call turned out to be the neighbor across the street from her. He advised that she resided with Ernest Jackson, who was the second party on my report. I verified the phone number with him and he confirmed that I had the correct number. Ms. Deggendorf resides at 25 Quick Loop, Lot 4, Swainsboro, Georgia 30401.

This investigator spoke with Ms. Deggendorf approximately one hour. I explained to her briefly the crime that her brother has been found guilty of. I explained to her that I had been hired by Attorney Sam Baxter Bardwell, who had been ordered by the court as special counsel to present mitigating evidence that can be used in the penalty portion of James Barnes' trial. I explained to her that this is over the objection of Mr. Barnes and that he has no desire to participate or cooperate in the process of collecting potential mitigating information. She explained that she rarely speaks to anyone in her family.

Ms. Deggendorf, who is Mr. James Barnes' twin sister, told this investigator of her own criminal troubles in her life, including prostitution and drug addiction. She stated that she is a reformed drug addict who is still working on getting her life together and bases her life change on maturity and becoming a Christian.

She told this investigator that she has been diagnosed with clinical depression, post traumatic stress disorder and panic attacks. She takes prescribed medications to assist her in dealing with these conditions. She attributes her disorders with her dysfunctional childhood and believes that she was continually raped and molested. I asked her if she knew who raped and molested her. She advised that she does not know if it was her brother or father. ~~She advised that her mother was a verbally abusive, alcoholic.~~ She stated that her mother was a bad mother and that she neglected her children especially when their father was away on business. She stated that her father had confirmed to her that her mother continuously drank alcoholic beverages and smoked during her entire pregnancy when she was carrying her and her brother James.

She said as a young girl her home life upset her so much that she would put her hand through the glass window making sure it would bleed profusely. She said that the bleeding made her feel like she was venting her anger.



Ms. Deggendorf stated that James was frequently beaten by their father with a belt and she couldn't stand to watch. She said she witnessed her father "beat the hell out of James with his fists" on numerous occasions. She described their father as being a very cold man. She recounted that the father would have a "Blanket Party". She explained to me that the father would only do this to James. She stated that when James was bad her father would take a blanket and put it over James and beat him with a belt. Then the father would make each of the siblings take turns hitting him with the belt and if they didn't do it hard enough, he would take the belt from them and hit James harder. She said she could never hit him hard because that was her twin brother and she loved him. She said that she would cry for him when this would happen. She stated that James became progressively mean.

She remembered when they were approximately 10 years old, they had a swimming pool at their house and James had a BB gun. He would shoot frogs in the pool and watch the BB's come out of their stomach. She also recalled a time when James chased his brother Michael around the yard shooting him with his BB gun.

She stated her brother began skipping school and smoking pot. She stated that he was very good looking but he was always an outcast. She stated that she remembers that one time when their father was out of town, her mother couldn't handle James anymore and the courts took him from their mother. She stated that when he was about 15 years of age, he moved in with a man who was about twice his age. She stated that his name was Chuck Vitale. She stated that he lived in a residence right on the beach across from the bowling alley in Satellite Beach. She is convinced that he had seduced her brother into performing sexual acts in return for all of the things he did for her brother. She described Mr. Vitale as a short, fat ugly looking man.

Ms. Deggendorf provided me with her sister Roberta's phone number. She described her sister as a self mutilator and that she has attempted suicide. She advised on one occasion that it took over 200 stitches in her neck to close the self inflicted wound.

On 02/26/07, at approximately 6:30 PM, this investigator called Ms. Deggendorf to ascertain the name and location of the hospital that she and her brother were born. She located a copy of her birth certificate and advised me that it was Baltimore Memorial Hospital in Baltimore City, Maryland. I asked her if her birth certificate indicated her birth weight. She examined the document and advised that it did not indicate her birth weight or length.

Ms. Deggendorf was agreeable to come to Florida to testify about their childhood and her relationship with her twin brother if it were not for fear of being arrested on two outstanding misdemeanor warrants. I have attached those cases to this report. I told her that I would advise you of this situation and that I would be back in contact with her.



ROBERTA BARNES SMITH
(817) 561-6499

On Monday morning, 02/26/07, this licensed private investigator telephonically interviewed Roberta Barnes Smith, 41 years of age, the youngest child in the Barnes Family. Mrs. Smith resides in Arlington, Texas.

Mrs. Smith is also estranged from her family. She advised that she hadn't seen her father in ten years and the last time she has seen or talked to him was in 2004 at her nephew's funeral. She advised that her sister, Beth's son had died in a traffic accident.

Mrs. Smith acknowledged that she has had severe emotional problems and confirmed that she has/is a self mutilator and did attempt suicide when she was approximately 18 years of age which required over 200 stitches in her neck to close the self inflicted wound.

She described her mother as an alcoholic who was verbally abusive to all of her children. She stated that she was not nurturing or affectionate. She described her father as a "bastard". She stated that he hit all of the siblings with a belt. She described him as a very cold man. She recalled an incident when their father had an orange GMC truck and the kids were told to sit in the bed of the truck. She stated that she believes that James and Jeannice were about 10/12 years of age at the time. She stated that James and Jeannice did not obey and sat on the bed rails. She stated that her father purposely hit the accelerator "gunned it" throwing both of them to the ground where he left them.

I asked her to put the siblings in order of age.....Beth, then James and Jeannice, then Michael and Roberta was the baby. She told this investigator that her brother Stephen was the favorite child. She said all of the siblings knew it. She said that her father had always put a lot of pressure on him about becoming something by the time you turn 30 years old. Mrs. Smith stated that in the 1990's he had moved to Dallas, where she was living. She stated that he had a job for a year as a restaurant manager and got laid off. She stated that he killed himself with a 45 caliber gun. He left no suicide note. She stated at this time in her life that she was addicted to drugs and was hoping that they would live together. She stated that he was the only sibling not to have a drug addiction. She blames the suicide on her father for all of the pressure he put on her brother.

She stated that she believes that the sibling's problems were genetic and relayed that her maternal grandmother was diagnosed with dementia at the age of 40 and was remanded to a mental hospital where she was permanently placed. She confirmed the incidents of her sister Jeannice being so upset as a child, that she would bust out windows in their home with her bare hands, making sure they would bleed profusely. She stated that her sister turned out to be a drug addict and prostitute and has no contact with her.



I asked her if her brother James had raped or sexually molested her when they were children. She stated that they had an incestuous relationship. I asked her if she could elaborate. She stated that they inappropriately touched each other. She advised that her brother, James was a bed wetter until he was about 16 which she believes shows that he had some severe problems.

When I asked her about her brother James, she described him as a bully and that he was always mean to her. She states that she believes that her mother was not able to properly love and feed the twins and this may have affected James and Jeannice. She believes her mother was not equipped to care for two babies at the same time. She stated that she believes that James was mean to her because she was the youngest. She stated that she was always afraid of him. She has memories of James chasing her brother Michael around the house and continually shooting him with a BB gun.

She stated that she was unaware if her and her brother were premature but stated that she believes all of the children were born with a low birth weight.

She remembered that James was taken to a counselor in Rockledge when he was a young teenager for his behavior problems. She stated that she knows that tests were conducted but could not advise any further. She also recalled that the Courts placed James in a juvenile facility when her mother said that she could no longer handle him.

She stated that none of her siblings have been able to pass psychological employment examinations, including herself.

I asked Ms. Smith her thoughts about her brother receiving the death penalty. She stated that for purely selfish reasons, she would like to see him receive another life sentence. She said it would just be more trauma for her to endure.

BRYANT BARNES

On Monday afternoon, 02/26/07, this private investigator called James Barnes' father Bryant Barnes in an effort to meet with him in Palm Coast, Florida to interview him for mitigation purposes. He declined my request advising that he had no interest in talking to me or assisting me in any way.

After explaining to Mr. Barnes the purpose of my call, he advised that he hates what his son did and wants to see him get the death penalty, that he feels the death penalty is appropriate and that his only complaint was how long it takes. He told me that he lived in Saudi Arabia for 14 years and that punishment was swift and that is how it should be carried out.



15

He asked me if I had read the reports and seen the pictures. I told him that I had. Mr. Barnes said this call was very irritating to him.

I asked him if he still worked as a corrections officer. He replied that he did. I asked him if it were true that he did not want anyone at his institution to know that James Phillip Barnes was his son. He told me that where he works, "we hate these types of inmates." I asked him if he made some kind of deal with his son regarding his decision not to provide mitigation and in return he promised him that he would visit him in jail. He did not respond.

I told him that I had interviewed two of his daughters. He wanted to know how I found them and what they told me. I told him that I am a private investigator and I was able to obtain their information. I told him that they both described their family situation as extremely dysfunctional. He told me that they were not supposed to be contacted. I told him that I was not apprised of that information and they both spoke freely to me..

I continued to ask him questions. I asked him if his former wife was an alcoholic. He confirmed that she is an alcoholic and smoked and drank throughout their marriage. I asked him if the twins James and Jeannice were premature and he said, "I can't recall." I asked him, based on the statements by Ms. Deggendorf and Ms. Smith, if he would acknowledge that all of his five children have/had serious drug and/or emotional problems. He acknowledged it but responded that only one turned out to be a murderer. I asked him if he hit James with a belt more than any of his other children. He acknowledged that he did.

I asked him if he recalled the "blanket party". He became quiet. I asked him if he recalled putting a blanket over James head and commenced to beat him with a belt and then making his siblings take turns hitting him. When the siblings didn't hit him hard enough, he would take the belt from them and hit his son harder. He first said that he didn't recall. I asked him if that meant it didn't happen. He said he did remember them taking the belt and hitting their brother. He again said that he did not recall. He told this investigator that he had no interest participating in any mitigation regarding his son.

I asked him if he had accused his son of raping or sexually molesting his sisters. He said that he was told by his daughter Beth that her brother James and his friends had "nailed them all." I asked Mr. Barnes if he ever plans on visiting his son and he would not immediately respond. After a few moments he said, "I don't think so".

NOT COMPLETED

STATE OF FLORIDA
Plaintiff

16

vs.

CASE NO. 05-2006-CF-014592

JAMES P. BARNES
DEFENDANT

SCOTT ELLMS
2007 JAN 17 AM 10:27
FILED IN VERA JUD
CLERK OF CIRCUIT
BREVARD COUNTY FL

MOTION TO STRIKE Dr. Riebsame's
ASSESSMENT OF DEFENDANT

Dr. Riebsame was COURT ORDERED sua sponte to submit a psychological evaluation and assessment of the Defendant JAMES P. BARNES against the Defendant's wishes.

1. This report is an opinion and not a psychological evaluation as Dr. Riebsame has admitted.

2. Dr. Riebsame states he met briefly with the Defendant and that he conducted a mental status evaluation. Dr. Riebsame did not mention the 60 seconds we spent in the Quad Guarddeck of 300 Area at Brevard County Jail followed a direct order by a correctional officer.

16

... to get fully dressed and an order to cuff up put me under duress as I attempted to hand him the cite on Estelle vs. Smith.

3. Dr. Riebsame states he relied upon third party information that was between 9 years old and 18 years 6 months old.

4. No psychological tests were administered.

5. No psycho-neuro tests were performed.

6. Dr. Riebsame states he analyzed hearsay materials from third party sources and applied this to a Hare Psychopathy Checklist Revised, Second Edition (Hare PCL-R-2nd edition) in order to fully describe my (defendant's) possible psychological disturbance.

7. The American ^{Psychiatric} ~~Psychological~~ Association does not support psychological assessments via third party sources as a means to enter psychological evaluations as evidence in court proceedings.

8. Dr. Riebsame is acting as a conduit for hearsay information against the Crawford ruling.

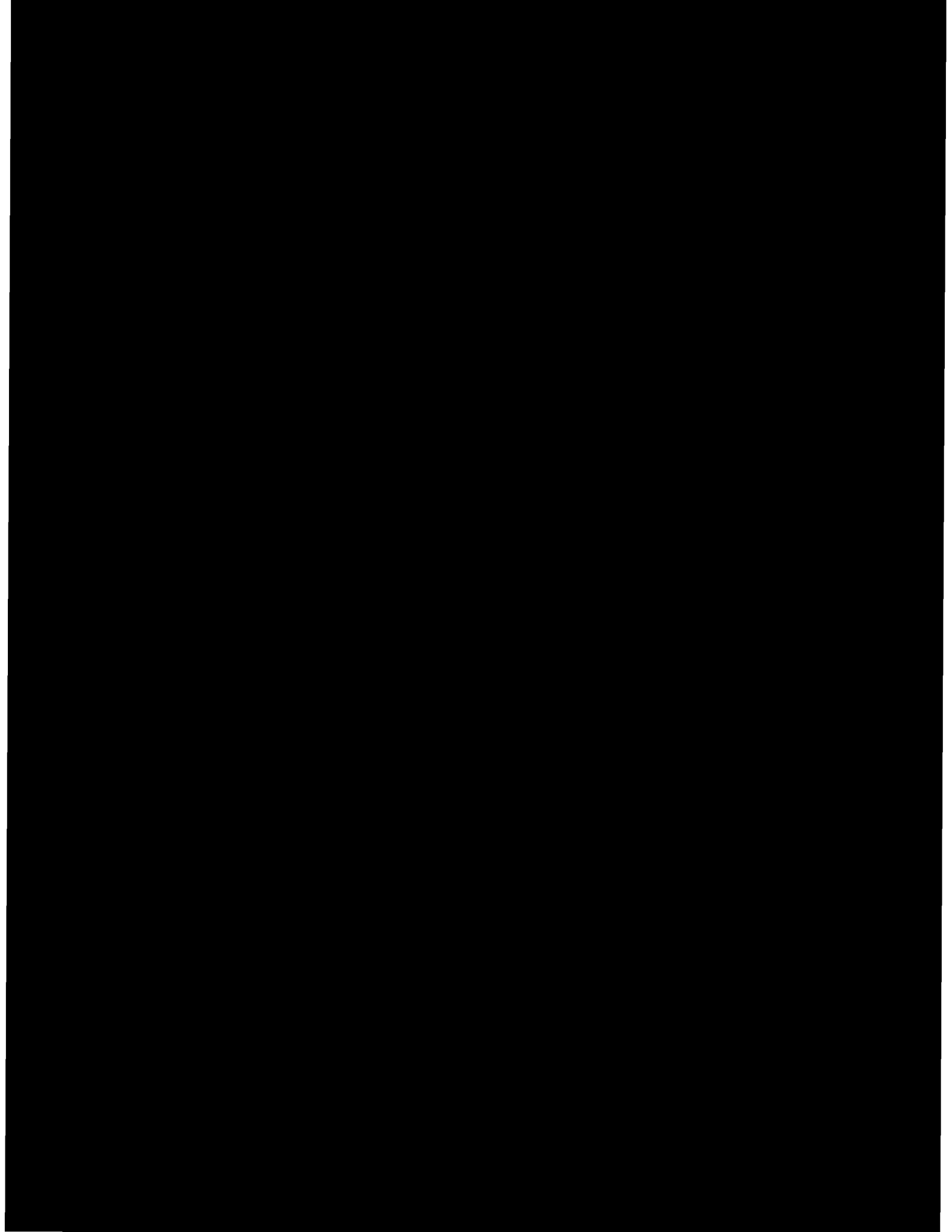
9. Dr. Riebsame was appointed against the wishes of the defendant.
10. This report amounts to nothing more than an end run around the defendant's wishes to introduce psychological evidence.
11. There is an insufficient basis to give an opinion.

Wherefore, the Defendant moves this Court to enter its order and strike Dr. Riebsame's report to this Court regarding the defendant.

Certificate of Service

I hereby certify that a true and correct copy of the foregoing has been furnished by hand delivery to the BREVARD COUNTY STATE ATTORNEY'S OFFICE, on this 12 day of JUN 2007.

Jane P. Barnes
Defendant



The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry, no matter how small, should be recorded to ensure the integrity of the financial data. This includes not only sales and purchases but also expenses and income. The text suggests that a systematic approach to record-keeping is essential for identifying trends and making informed decisions.

Next, the document addresses the issue of budgeting. It explains that a well-defined budget is a critical tool for managing resources and controlling costs. By setting clear financial goals and allocating funds accordingly, individuals and organizations can avoid overspending and ensure that their financial objectives are met. The text provides practical advice on how to create a realistic budget and stick to it throughout the year.

The third section focuses on the importance of regular financial reviews. It argues that periodic assessments of financial performance are necessary to catch any deviations from the budget or to identify areas for improvement. This involves comparing actual results against the budgeted figures and analyzing the reasons for any variances. The document encourages a proactive approach to financial management, where potential issues are identified and addressed before they become major problems.

Finally, the document discusses the role of technology in modern financial management. It highlights how various software solutions and digital tools can streamline accounting processes, reduce errors, and provide real-time insights into financial data. While technology offers significant benefits, it also stresses the importance of maintaining a strong understanding of the underlying financial principles and ensuring that data security is always a top priority.

