

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

SWORN STATEMENT

State of Florida v. Katherine Magbanua
Case No. 2016CF3036

BEFORE ME, the undersigned personally appeared, **Christopher M. DeCoste**, who after being duly sworn, deposes and states as follows:

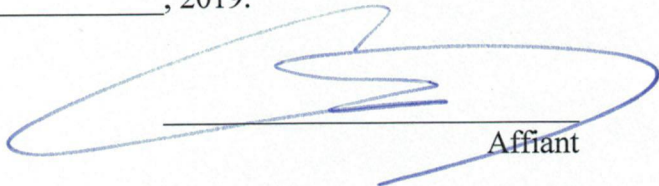
Wendi Jill Adelson was served with a defense subpoena on April 19, 2019, to appear for deposition in Miami-Dade County on May 10, 2019. On May 9, 2019, the trial court entered an order granting her motion for protective order and an order denying Ms. Magbanua's motion for continuance.

On May 6, 2019, undersigned communicated with Assistant State Attorney Georgia Cappleman over text message, email and eventually on a phone call. Tara N. Kawass, co-counsel to Katherine D. Magbanua, was also on that call. The reason for the communications was to ascertain the government's position on a defense continuance given the amount of late discovery and the outstanding depositions *yet to be set*. Mrs. Cappleman said the government objected to a defense continuance. Undersigned responded that this would force the defense to unwillingly proceed to trial without the taking of these depositions and how that relates to the effectiveness of counsel. Ms. Adelson's deposition was not a subject of these communications as at the time of the communication, her deposition was coordinated and set, and absent intervention by the trial court, going to proceed.

Any communications had with Mrs. Cappleman after May 6, 2019, was and continued to be a reiteration that the defense was being forced to go forward without the remaining depositions, not that the defense was willing to go forward without the depositions.

Under penalties of perjury, I declare that I have read the foregoing and that the facts stated herein are true and correct.

Sworn to and dated this 24th of May, 2019.


_____ Affiant



Notary

Type of Identification: _____

Personally known: _____



CLAUDIA LOPEZ
Commission # GG 281155
Expires December 2, 2022
Bonded Thru Budget Notary Services

Sworn to and subscribed before me this 24th day of May, 2019.