

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

STATE OF FLORIDA,

CRIMINAL DIVISION "W"  
CASE NO. 502010CF005829AXXXMB

vs.

JOHN B. GOODMAN,

Defendant.

2014 JAN - 8 PM 3: 1  
PALM BEACH COUNTY  
CIRCUIT CRIMINAL

**ORDER DENYING DEFENDANT'S MOTION TO RE-DEPOSE TATE YEATMAN**

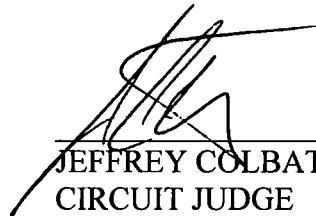
**THIS CAUSE** came before the Court on Defendant's Motion to Re-Depose Tate Yeatman, filed on December 26, 2013 pursuant to Florida Rule of Criminal Procedure 3.220(h). After reviewing the Motion, hearing the argument of counsel at the hearing held on January 3, 2014, and considering relevant case law, it is hereby **ORDERED AND ADJUDGED** as follows:

Florida Rule of Criminal Procedure 3.220(h) provides that "no person shall be deposed more than once except by consent of the parties or by order of the court issued on good cause shown." "Matters relating to granting or limiting discovery rest within the sound discretion of the trial judge." *Freeman v. State*, 818 So. 2d 580, 583 (Fla. 5th DCA 2002) (citing *Woodson v. State*, 739 So. 2d 1210, 1211 (Fla. 3d DCA 1999)). In his Motion, Defendant seeks permission from the Court to depose Tate Yeatman for the second time.

Defendant's counsel on retrial concedes that this witness was deposed prior to the first trial but contends that former counsel's failure to explore Mr. Yeatman's method of testing and evaluating Defendant's blood sample for hydrocodone entitles counsel to a second deposition. The Court finds that good cause has not been shown. *See Holland v. State*, 773 So. 2d 1065, 1072 (Fla. 2000) ("The fact that there was a retrial in this case with a different attorney does not,

by itself, amount to “good cause.”); *J.S. v. State*, 45 So. 3d 910, 911 (Fla. 4th DCA 2010) (holding trial court’s denial of defense request for a second deposition after the State amended the charges was not an abuse of discretion because “defense counsel’s oversight is not the sort of ‘good cause shown’ to subject the victim to a second deposition.”). Accordingly, Defendant’s Motion to Re-Depose Tate Yeatman is hereby **DENIED**.

**DONE AND ORDERED**, in Chambers at West Palm Beach, Palm Beach County, Florida this 8 day of January, 2014.

  
\_\_\_\_\_  
JEFFREY COLBATH  
CIRCUIT JUDGE

Copy provided to:

Al Johnson, Esq., 401 North Dixie Highway, West Palm Beach, Florida 33401

Sherri Collins, Esq., 401 North Dixie Highway, West Palm Beach, Florida 33401

Douglas Duncan, Esq., P.O. Box 770, West Palm Beach, Florida, 33402

Elizabeth Parker, Esq., 515 N. Flagler Drive, Suite 325, West Palm Beach, Florida 33401

Scott Richardson, Esq., 1401 Forum Way, Suite 720, West Palm Beach, Florida 33401