

IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR MARTIN COUNTY, FLORIDA

STATE OF FLORIDA,

v.

CASE NO.: 43-2016-CF-000883A

AUSTIN KELLY HARBOUFF,

Defendant,

NOTICE OF DEFENDANT'S INTENT TO RELY ON INSANITY DEFENSE

COMES NOW the Defendant, AUSTIN KELLY HARBOUFF, by and through undersigned counsel, NELLIE L. KING, and pursuant to Fla.R.Crim.P. 3.216(h), and hereby serves this Notice of Intent to Rely on an Insanity Defense. As grounds therefore, the Defendant would state:

1. The Defendant is charged with two (2) counts of First-Degree Murder with a Weapon, as per Fla. Stat. §§ 782.04(1)(a)2; 782.04(1)(a)1 and 775.087, one (1) count of Attempted First-Degree Murder with a Weapon, as per Fla. Stat. §§ 782.04(1)(a), 777.04 and 775.087, and Burglary of a Dwelling with an Assault or Battery while Armed, as per Fla. Stat. §§ 810.03(2)(a) and (b).

2. At the time of the commission of the acts constituting the offenses, the Defendant, AUSTIN KELLY HARBOUFF, had a mental infirmity, disease, or defect and because of that condition: [a] he did not know what he was doing or its consequences, or [b] although he knew what he was doing and its consequences, he did not know it was wrong.

3. On August 15, 2016, the Defendant, AUSTIN KELLY HABROUFF, was insane at the time of the acts which led to the charge[s] that he is now facing based on Florida law. At the time of the charged offenses (on or about August 15, 2016), the Defendant, AUSTIN KELLY HABROUFF, was suffering from a full-blown psychotic episode. The Defendant will show the insanity by calling Dr. Phillip Resnick, Director of Forensic Psychiatry at University Hospitals Cleveland Medical Center, Walker Building, Room 7133, 10624 Euclid Avenue, Cleveland, Ohio 44106.

CERTIFICATE OF GOOD FAITH

Undersigned counsel hereby certifies that this Notice of Intent to Rely on insanity Defense is filed in good faith pursuant to Fla.R.Crim.P. 3.216(h).

Respectfully submitted,

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/s/ Nellie L. King
NELLIE L. KING, ESQUIRE
Florida Bar No.: 0099562

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to ASA Jeffrey Hendricks and ASA Nita Denton the Office of the State Attorney, 100 East Ocean Boulevard, Ste. 400, Stuart, FL 34994, by the Florida E-Portal at sal.services@saofl.org, on this 5th day of December, 2017.

/s/ Nellie L. King
NELLIE L. KING, ESQUIRE
Florida Bar No.: 0099562