

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT  
IN AND FOR BROWARD COUNTY, FLORIDA

CRIMINAL DIVISION  
CASE NO: 2004-015633CF10A

STATE OF FLORIDA,

vs.

OMAR LOUREIRO.  
\_\_\_\_\_ /

**ORDER DENYING LEAVE OF COURT FOR NON-PARTIES TO FILE  
MEMORANDUM IN SUPPORT OF THE NON-PARTIES' POSITION  
ON DEFENDANT'S PENDING MOTION TO DISMISS INDICTMENT  
AND/OR PRECLUDE THE STATE FROM SEEKING THE DEATH PENALTY**

THIS MATTER is before the Court on papers filed by counsel on behalf of the Honorable Ana I. Gardiner, former trial judge in this case, who has previously recused herself, and is now disqualified from acting in this case, as well as counsel on behalf of Howard M. Scheinberg, former prosecutor in this case, who is no longer a member of the 17<sup>th</sup> Judicial Circuit prosecutor's office. Judge Gardiner and Mr. Scheinberg seek leave of court to file a memorandum in support of their position with respect to a currently pending defense motion. Neither is a party to this case.

The Court has reviewed the papers filed on behalf of Judge Gardiner and on behalf of Mr. Scheinberg, each bearing the correct case number, and an incorrect court designation, and the Court being otherwise fully advised, finds as follows:

1. Neither Judge Gardiner nor Mr. Scheinberg has legal standing in this matter to support the relief requested.
2. Neither Judge Gardiner nor Mr. Scheinberg is a party to this case, their self-designated status as "interested party" notwithstanding.

Accordingly, it is

ORDERED AND ADJUDGED that the "Motion for Leave of Court for Interested Party to File Memorandum in Support of Denying Defendant's Motion to Dismiss Indictment and/or Preclude the State From Seeking the Death Penalty" filed on behalf of Judge Gardiner is hereby STRICKEN; leave of court to file memorandum is DENIED, and

the paper filed on behalf of Judge Gardiner shall not be considered for any purpose. It is further

ORDERED AND ADJUDGED that the "Motion by Interested Party; Howard Scheinberg's Motion to Adopt Motion and Memorandum Filed by Witness Ana Gardiner" is hereby STRICKEN; leave of court is DENIED, and the paper filed on behalf of Mr. Scheinberg shall not be considered for any purpose.

**DONE AND ORDERED** in Chambers, at West Palm Beach, Palm Beach County, Florida, this 14<sup>th</sup> day of NOVEMBER, 2009.

  
LUCY CHERNOW BROWN  
Acting 17<sup>th</sup> Judicial Circuit Judge

Copies furnished to:  
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MICHELLE MILLER, DEPUTY CLERK – 15<sup>TH</sup> JUDICIAL CIRCUIT – PBC COURTHOUSE

**ORIGINAL ORDER SENT TO:**  
BROWARD COUNTY CLERK OF COURT  
FELONY CRIMINAL DIVISION  
201 SE 6<sup>TH</sup> ST.

FT. LAUDERDALE, FL 33301