

**IN THE CIRCUIT COURT, FOURTH
JUDICIAL CIRCUIT, IN AND FOR
DUVAL COUNTY, FLORIDA**

STATE OF FLORIDA

**CASE NO.: 16-2023-CF-002862 (A)
DIVISION: CR-B**

v.

MARIO FERNANDEZ SALDANA

MOTION REQUESTING SPECIFIC DISCOVERY

Defendant, **MARIO FERNANDEZ SALDANA**, moves the court to compel State, pursuant to Rule 3.220, Florida Rules of Criminal Procedure, to provide discovery, and in support states the following:

1. On March 16, 2023, Defendant was arrested for one count of murder in the first degree, one count of conspiracy to commit murder in the first degree, one count of solicitation to commit murder in the first degree, and one count of child abuse.
2. Henry Arthur Tenon has been listed as a Co-Defendant in Mr. Fernandez's case. Mr. Tenon's case has been filed under Case No. 2023-CF-000888.
3. On March 15, 2023, Mr. Tenon provided a sworn statement in which he implicated Mr. Fernandez in the crimes for which he's been charged in this case. As of the filing of this Motion, the March 15, 2023 sworn statement is the only testimony that has been made by Mr. Tenon and provided to the Defense.
4. On February 4, 2025, the Defense received an email from the State that contained a hyperlink to additional discovery. Upon downloading this material, Defense counsel discovered the Transcript of Proceedings Status Hearing for State v. Henry Tenon on January 13, 2025, which has been attached hereto as "**Exhibit A.**"
5. As contained in the attached Transcript, Mr. Tenon in no uncertain terms informed the Court that he wanted to bring to the Court's attention that his prior testimony was "false testimony."
6. Mr. Tenon goes on to request another attorney. No further action is taken by the Court regarding this request by Mr. Tenon.

7. The Court addressed Mr. Tenon and told him that his case would be temporarily passed (so he could speak with his lawyer in private) and the Court will then have another conversation with Mr. Tenon. The Court asked Mr. Tenon if that would be okay with him, and Mr. Tenon responded “Okay.”
8. Inexplicably, Mr. Tenon is never brought back out into the courtroom, he is never able to address the Court, and his case is passed until January 22, 2025. There is no further conversation with the Defendant, Mr. Tenon.
9. On January 15, 2025, per an email from Judge Kite’s Judicial Assistant, Mr. Tenon’s case is passed nearly three months, to April 14, 2025, meaning Mr. Tenon will not appear or have any opportunity to address the Court for over three months since the time he informed the Court he provided “false testimony.”
10. Since the time Mr. Tenon has indicated that he has given “false testimony,” it has been over three weeks and other than the Transcript of the proceedings, the Defense has been provided no additional information.
11. In light of the information contained in the Transcript of Proceedings Status Hearing for State v. Henry Tenon, the Defense requests that the following information be provided as soon as practically possible:
 - a. Any information, correspondence, conversation summaries/notes, sidebar conversations, emails with Mr. Tenon’s counsel, the Court’s Judicial Assistant, the Clerk’s office, and/or the Court that provide information as to why Mr. Tenon was not brought back out to the courtroom (after the Court temporarily passed his case to allow him to speak with counsel) on January 13, 2025.
 - b. Any information, correspondence, conversation summaries/notes, sidebar conversations, emails with Mr. Tenon’s counsel, the Court’s Judicial Assistant, the Clerk’s office, and/or the Court that provide information as to why Mr. Tenon’s court date was reset from January 22, 2025, to April 14, 2025.
 - c. Any and all actions taken by the State Attorney’s Office to inquire as to what testimony Mr. Tenon has given that is “false testimony”. Additionally, we seek all notes, logs and records of any meetings between the State Attorney’s Office and any law enforcement agent/agency, regarding information directly/indirectly provided as to the statements made by Mr. Tenon in Court on January 13, 2025.

This request includes any and all information regarding the context of the false testimony, including Mr. Tenon's current state of mind and participation as a State witness.

- d. Now that the State is on notice that Mr. Tenon has not testified truthfully, we are seeking information regarding what steps the State has taken to void his plea agreement, or in the alternative, learn why his plea agreement should not be rescinded. In the alternative, we are seeking any correspondence, conversation summaries, or any information regarding statements the State has made to the Defense or Mr. Tenon regarding how the State will proceed if Mr. Tenon does not rescind or recant his statements made in Court on January 13, 2025.
12. Where undersigned counsel has worked diligently to obtain the requested records and materials, the Defense respectfully requests that this Court enter an order compelling the State to provide the requested discovery.
 13. Given the nature and severity of the allegations in this case, the Defense cannot proceed in their preparation of Defendant's case without the requested materials.

MEMORANDUM OF LAW

Pursuant to Fla. R. Crim. P. 3.220(b)(1), "Within 15 days after service of the Notice of Discovery, the prosecutor shall serve a written Discovery Exhibit which shall disclose to the defendant and permit the defendant to inspect, copy, test and photograph the following information and material within the state's possession or control..." While the prosecutor in Defendant's case has served multiple written Discovery Exhibits, the Defense has not had an opportunity to inspect, copy, test, or photograph the above requested materials said to be in the State's possession or control.

As outlined by Fla. R. Crim. P. 3.220(n), "If, at any time during the course of the proceedings, it is brought to the attention of the court that a party has failed to comply with an applicable discovery rule or with an order issues pursuant to an applicable discovery rule, the court may order the party to comply with the discovery or inspection of materials not previously disclosed or produced, grant a continuance, or enter such other order as it deems just under the circumstances." Thus, Defendant requests this Court to issue an order requiring the State Attorney's Office to comply with the discovery or inspection of materials not previously disclosed or produced to Defense, or to enter such other orders as it deems just under the circumstances.

WHEREFORE, Defendant requests this Court to enter an Order compelling the State Attorneys Office to comply with the discovery or inspection of materials not previously disclosed or produced to Defense, or to enter such other orders as it deems just under the circumstances.

Respectfully Submitted,
TASSONE & DREICER, LLC.

/s/ Jesse N. Dreicer
JESSE N. DREICER, ESQUIRE
Bar No.: 47505
FRANK J. TASSONE
Bar No.: 165611
JAMES P. HILL, ESQUIRE
Bar No.: 0073828
SHANNON L. DAY, ESQUIRE
Bar No.: 124078
1833 Atlantic Boulevard
Jacksonville, Florida 32207
P: 904.396.3344
F: 904.396.3349
Email: jesse@tassonelaw.com
ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to the office of the State Attorney, via e-file this 5th day of February, 2025.

/s/ Jesse Dreicer
JESSE DREICER, ESQ.

EXHIBIT A

IN THE CIRCUIT COURT, FOURTH
JUDICIAL CIRCUIT, IN AND FOR
DUVAL COUNTY, FLORIDA

CASE NO.: 2023-CF-005452
DIVISION: CR-B

STATE OF FLORIDA

vs.

HENRY TENON

**TRANSCRIPT OF PROCEEDINGS
STATUS HEARING**

DATE TAKEN: January 13, 2025
TIME: 9:30 a.m. - 9:44 a.m.
PLACE: Duval County Courthouse
501 West Adams Street
Jacksonville, Florida 32202
BEFORE: The Honorable London Kite

This cause came on to be heard at the time and place
aforesaid, when and where the following testimony and
proceedings were reported by:

Tiffany Jones, Court Reporter
Official Reporters, Inc.
10950-60 San Jose Boulevard
Jacksonville, Florida 32223

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A P P E A R A N C E S

CHRISTINA STIFLER, Esquire

Office of the State Attorney
311 West Monroe Street
Jacksonville, Florida 32202

Attorney appearing on behalf of the
Plaintiffs.

ALAN CHIPPERFIELD, Esquire

Office of the Public Defender
407 North Laura Street
Jacksonville, Florida 32202

Attorney appearing on behalf of the
Defendant.

- - -

1 P R O C E E D I N G S

2 January 13, 2025

9:03 a.m.

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MS. STIFLER: Christina Stifler on behalf
of the State. May we next address the cases of
Henry Tenon, Nos. 29 and 30 on the Court's
calendar.

9

THE COURT: What is that buzzing?

10

11

MS. STIFLER: I'm sorry. I was texting
Mr. Adkinson.

12

THE COURT: Oh.

13

All right. Good morning.

14

15

16

MR. CHIPPERFIELD: Good morning, Your
Honor. Alan Chipperfield for Mr. Tenon. Your
Honor, I think we just need a pass date.

17

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THE COURT: I was just checking in
because I hadn't seen Mr. Tenon since last
year. I was just making sure everything was
okay.

21

22

MR. CHIPPERFIELD: I think he's doing
okay.

23

THE COURT: Okay.

24

25

MR. TENON: Your Honor, may I say
something?

1 THE COURT: Talk to Mr. Chipperfield
2 first. Tell him what you want to tell me.
3 Okay?

4 MR. TENON: I just want to bring to your
5 attention that my testimony --

6 THE COURT: No, no, no.

7 MR. TENON: -- false testimony --

8 THE COURT: Hold on.

9 MR. CHIPPERFIELD: Mr. Tenon we need to
10 talk about that.

11 MR. TENON: I need another attorney.

12 THE COURT: Okay. Let me pass it
13 temporarily. Have a conversation with
14 Mr. Chipperfield, and then I'll have a
15 conversation with you, Mr. Tenon. Okay?

16 MR. TENON: Okay.

17 (Mr. Tenon exits the courtroom.)

18 * * * * *

19 THE COURT: All right. On Henry Tenon,
20 we're not going to bring him back out. I'm
21 going to pass him until next week, January
22 22nd. January 22nd, 9:00 a.m., status hearing.

23 MR. CHIPPERFIELD: Thank you.

24 THE COURT: Thank you.

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C E R T I F I C A T E

STATE OF FLORIDA)
)
COUNTY OF DUVAL)

I, Tiffany Jones, Notary Public in and for the State of Florida, do hereby certify that the case of STATE OF FLORIDA versus HENRY TENON was heard before the Honorable London Kite, Circuit Judge, in open court, Duval County Courthouse, Jacksonville, Duval County, Florida, on January 13th, 2025; that I was authorized to and did report in stenotype the hearing in said cause, and the foregoing transcript, pages numbered 1 through 4, inclusive, constitutes a true and correct computer-aided transcription of my stenotype notes of the said hearing.

DATED this 21st day of January, 2025.

Tiffany Jones, Court Reporter