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FILED
THOMAS D. HALL

2007 AUG 21 A 8: 54

CLERK, SUPREME COURT

IN THE CIRCUIT COURT
OF THE EIGHTEENTH JUDICIAL
CIRCUIT IN AND FOR BREVARD
COUNTY, FLORIDA

CASE NO 05-1991-7249-AXXX

BY _____
STATE OF FLORIDA,
Plaintiff,

v

MARK DEAN SCHWAB,
Defendant
_____ /

FILED IN TPL-01
CLERK OF CIR CT
BREVARD CO FL
2007 AUG 20 A 10 54

SCOTT ELLIS

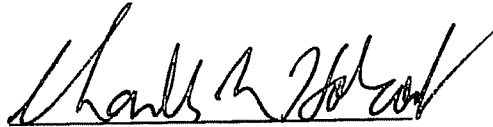
ORDER ON MOTION FOR JUDICIAL NOTICE

This matter came before the Court upon the Defendant's Motion for Judicial Notice. The Defendant asked the Court to take judicial notice of the proceedings in *State v Lightbourne*, Circuit Court Case No 1981-170-CF-A-01, Marion County. At a status hearing held before the Court on August 17, 2007, at which the Defendant and the State were represented by counsel, the State stipulated that it had no objection to the Court taking judicial notice of *Lightbourne* and proffered a CD-ROM copy of the *Lightbourne* transcript. The Court, however, having determined that an evidentiary hearing on the Defendant's Motion to Vacate Sentence was not warranted, declines to take judicial notice of the *Lightbourne* transcript.

THEREFORE it is ORDERED and ADJUDGED

1 The Defendant's Motion for Judicial Notice is DENIED

DONE AND ORDERED in Titusville, Brevard County, Florida this 20 day
of August 2007


CHARLES M HOLCOMB
Circuit Court Judge

Case # 05-1991-CF-007249-AXXX-XX
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was provided by facsimile to Peter Cannon, Mark Gruber and Daphne Gaylord, Capital Collateral Regional Counsel, Middle District, 3801 Complex Drive, Suite 210, Tampa, FL 33619, fax (813) 740-3554, Wayne Holmes, Assistant State Attorney, fax (321) 617-7542, Ken Nunnelley and Barbara Davis, Office of the Attorney General, 444 Seabreeze Blvd , Fifth Floor, Daytona Beach, FL 32118-3951, fax (386) 226-0457 this 20 day of August 2007

Marcia Newell

Marcia Newell
Judicial Assistant
Eighteenth Judicial Circuit
Titusville Courthouse
506 S Palm Ave
Titusville, FL 32796