

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT,  
IN AND FOR MANATEE COUNTY, FLORIDA  
CRIMINAL DIVISION**

**STATE OF FLORIDA,**  
**Plaintiff,**

**CASE NO.: 2022 CFR 000615 AX**

**v.**

**KRISTEN WATTS,**  
**Defendant.**

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**SENTENCING MEMORANDUM**

COMES NOW, Defendant, KRISTEN WATTS, by and through her undersigned counsel, files this Sentencing Memorandum in anticipation of Defendant's plea, and in support thereof offers the following:

- 1. Defendant respectfully requests that this Honorable Court exercise its discretion under Fla. Stat. §775.08435 to withhold adjudication on the charge of Fleeing or Eluding a Law Enforcement Officer, a second-degree felony.**

- a. Mitigating Facts and Circumstances**

Pursuant to Florida Statute §775.08435, second-degree felony convictions may be withheld if the court finds that the facts and circumstances of the case warrant a withhold of adjudication. The public has seen the very dramatic dashcam video from the day of this event. What the public has not seen is the equally dramatic, but less cinematic, work and recovery Ms. Watts has experienced.

With respect to the attendant facts and circumstances, the Defendant in this case is 53 years old with no prior record. She holds both Bachelor's and Master's degrees in communication and journalism, and has worked extensively in the field of public relations. It was not until the early 2000's that Ms. Watts began to experience severe depression and anxiety. In fact, just prior to

2009 Ms. Watts's depression and anxiety prohibited her from participating in the workforce, leaving her to rely on long-term medical disability. In order to cope with these crippling disorders, Ms. Watts turned to alcohol and controlled substances.

In 2021, Ms. Watts elected to participate in the Right Step Rehabilitation treatment program in Houston, TX. Unfortunately, this program did little to assist her with persistent paranoia, hallucinations, and psychotic episodes. And, as these symptoms became increasingly debilitating, Ms. Watts once again turned to alcohol. It was the culmination of these uncontrolled issues that ultimately led to the incident in question. If there were any doubt as to Ms. Watts' state of mind at the time of the incident, on March 23, 2022, Dr. Christine Ryan diagnosed Ms. Watts with bipolar disorder and deemed her incompetent to proceed to trial. Consistent with Dr. Ryan, on May 10, 2022, Dr. Valerie McClain also found Ms. Watts incompetent to proceed. On June 1, 2022, this Honorable Court made a finding of incompetency and committed Ms. Watts to the Department of Children and Families. Ms. Watts was admitted to the South Florida Evaluation and Treatment Center, and after treatment there, Ms. Watts was found competent to proceed and deemed *low risk for reoffending*.

Since the incident in question, Ms. Watts has committed herself to making a complete recovery. On November 11, 2022, immediately after posting bond, Ms. Watts voluntarily admitted herself to Footprints Beachside Recovery, where she successfully completed a 50-day dual diagnosis treatment program.<sup>1</sup> She has consistently participated in all recommended counseling, been compliant with prescribed medications, and has continued to make strides in her recovery. After completing her residential treatment she moved into a sober living house and continues to live there.

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<sup>1</sup> Ms. Watts served 240 days in custody prior to posting bond.

As of this date, Ms. Watts has continued to demonstrate her commitment to sobriety, working through the 12-step program with a sponsor and attending AA meetings five times a week. Ms. Watts is also enrolled at St. Petersburg College and is completing Abnormal Psychology and Lifespan Psychology prerequisites for prospective PsyD programs. Additionally, Ms. Watts obtained her Addiction Studies Certificate at SPC with a 4.0 G.P.A. In August of this year, Ms. Watts was re-evaluated by Dr. McClain who confirmed she is now competent to proceed and is a *low level for re-offense*.

It is also critical to note that Ms. Watts continues to express sincere remorse throughout the pendency of her case. In fact, despite the risk of self-incrimination, Ms. Watts was adamant about issuing a direct apology to Trooper Schuck. A written copy is attached. With the Court's permission, Ms. Watts hopes to read this letter to the Court and Trooper Schuck.

**b. Extralegal Considerations for a Felony Conviction**

The somewhat unusual circumstances surrounding this case warrant a brief exploration of the *extralegal* implications of a felony conviction for both Ms. Watts and the community at-large. As outlined above in detail, Ms. Watts continues to manage her mental health issues requiring intensive, ongoing medical supervision. In fact, it was only after inpatient treatment, outpatient counseling, and a delicate balancing of psychotropic medications that Ms. Watts' mental health has stabilized, and her secondary substance abuse issues have been under control. From a practical standpoint, a felony conviction will most certainly limit Ms. Watts' employment opportunities and, consequently, her ability to obtain health insurance or otherwise afford to comply with this critical regimen. Without proper resources, there is a legitimate concern for Ms. Watts' potential decompensation. This is most certainly counterproductive to our shared goals of protecting the

community and preventing reoffending and could potentially undo the remarkable progress Ms. Watts has made thus far.

Should the Court agree to withhold adjudication, Ms. Watts would of course be under both DOC and professional mental health supervision. And because a withhold of adjudication does not carry the same prohibitions and exclusions as a felony conviction, withholding adjudication will enable Ms. Watts to demonstrate to this Court that she can participate safely and responsibly in her community.

Lastly, even if this Court were to withhold adjudication on the Fleeing or Eluding charge, the accompanying misdemeanor DUI carries the following penalties: mandatory adjudication of guilt; 12 months of probation; DUI school and any recommended treatment; 50 public service hours; no alcohol, bars, or clubs; one Victim Impact Panel; a 10-day vehicle impound; and (presumably) comply with any and all psychological treatments and/or recommendations. As the Court is aware, the mandatory adjudication of guilt on the DUI will also preclude Ms. Watts from sealing the Fleeing or Eluding charge in the future.

WHEREFORE, Defendant respectfully requests this Honorable Court grant Defendant's request and sentence her to a withhold of adjudication and an appropriate period of probation.

**CERTIFICATE OF SERVICE**

I CERTIFY that a true and correct copy of the foregoing has been forwarded by electronic mail to State Attorney Manatee County, at [saorounds@sao12.org](mailto:saorounds@sao12.org) and filed with the Clerk of the Court utilizing the State's E-filing Portal this 26<sup>th</sup> day of September 2023.

/s/ Bruce H. Denson \_\_\_\_\_

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