

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT,  
IN AND FOR LEE COUNTY, FLORIDA

Case No.: 23-DR-343523

Division: CIVIL

Tammy Gunsboro,

Petitioner,

and

Juan Times,

Respondent.

**ORDER ON MOTION FOR SCIENTIFIC PATERNITY TESTING**

This cause having come to be heard on **4/28/2023**, upon a motion/stipulation for scientific paternity testing, and the Court having been fully advised in the premises, it is therefore FOUND:

1. That the Court has jurisdiction over the parties and subject matter of this action.
2. a.  That the natural mother of the dependent child(ren) at issue was not married to any individual at the time of conception or birth of the child(ren).  
b. \_\_\_\_ That the natural mother of the dependent child(ren) at issue was married to an individual other than the alleged father at the time of conception or birth of said child(ren); however, a court order has determined that said individual is not the child(ren)'s father.

It is therefore **ORDERED**:

3. The above motion is GRANTED.
4. Petitioner, Respondent, and the minor child(ren) shall appear for the purpose of appropriate scientific paternity testing:
  - a. \_\_\_\_ immediately.
  - b. \_\_\_\_ at \_\_\_\_\_ a.m./p.m. on {date} \_\_\_\_\_ at {location} \_\_\_\_\_
  - c.  at a time and place to be specified by the Florida Department of Revenue. Appropriate scientific paternity testing on Petitioner, Respondent, and the minor child(ren) shall be in Fort Myers, Florida, with at least 30 days advance written notice. If the Florida Department of Revenue fails to notify the party(ies), the party(ies) shall contact the Florida Department of Revenue for further instructions.

5. The costs of the scientific paternity testing shall be assessed:  
( ) at a later date ( ) against Petitioner ( ) against Respondent (  ) Other **At a shared cost of fifty percent to Petitioner and Respondent.**
6. The test results, together with the opinions and conclusions of the test laboratory, shall be filed with the Court. Any objection to the test results must be made in writing and must be filed with the Court at least 10 days before the hearing. If no objection is filed, the test results shall be admitted into evidence with no further predicate. Nothing in this paragraph prohibits a party from calling an outside expert witness to refute or support the testing procedure or results or the mathematical theory on which they are based.
7. Test results are admissible in evidence and should be weighed along with other evidence of the paternity of the alleged father unless the statistical probability of paternity equals or exceeds 95 percent. A statistical probability of 95 percent or more creates a rebuttable presumption that the alleged father is the biological father of the child(ren). If the party fails to rebut the presumption of paternity, the Court may enter a summary judgment of paternity. If the test results show the alleged father cannot be the biological father, the case shall be dismissed with prejudice.
8. The Court reserves jurisdiction over the parties and the subject matter of this action to enforce the terms and provisions of this and all previous orders as well as to enter such other orders as may be just.

DONE AND ORDERED on **5/2/2023**, in Fort Myers, Florida.

*Mona Lewsky*  
CIRCUIT JUDGE

I CERTIFY that a copy of **ORDER ON MOTION FOR SCIENTIFIC PATERNITY TESTING** was (  ) mailed ( ) faxed and mailed ( ) e-mailed ( ) hand-delivered to the parties and any other person(s) or entities listed below on **5/2/2023**.

CLERK OF THE CIRCUIT COURT



By: Erica Roberts  
Deputy Clerk

Petitioner: Tammy Guns, 221 25<sup>th</sup> Street SE, Fort Myers, FL 33991

Petitioner's Attorney of Record: Forbes Hiles, 1335 Thornton Street, Suite 3, Fort Myers, FL 33961

Respondent: Juan Times, 732 Carlton Avenue, Fort Myers, FL 33991

Respondent's Attorney of Record: Teresa Pepper, 362 Cleveland Avenue, Fort Myers, FL 33961