

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

**CASE NO.: 05-2012-CF-035337-AXXX-XX**

**SUPREME COURT CASE NO.: SC14-1412**

**STATE OF FLORIDA,  
Plaintiff,**

**v.**

**BRANDON BRADLEY,  
Defendant.**

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**NOTICE TO APPEAR  
FOR STATUS CONFERENCE**

**TO:** Stacey E. Kircher, Esq.  
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The Supreme Court of Florida relinquished jurisdiction to this Trial Court to clarify the record. (See attached). Notice is hereby given that a status conference in the above-styled case has been scheduled for **Friday, February 20, 2015, at 1:45 P.M. in Courtroom 3E** at the Moore Justice Center, 2825 Judge Fran Jamieson Way, Viera, Florida 32940. This Court has reserved **thirty (30) minutes** for this proceeding. The parties may appear by telephone by calling (321) 617-7272 fifteen minutes prior to status conference. Defense counsel is responsible for arranging with the Florida Department of Corrections for the Defendant's appearance by telephone for this status conference, if the Defendant desires to attend.

**DONE AND ORDERED** at the Moore Justice Center, Viera, Brevard County, Florida, this 18<sup>th</sup> day of Feb., 2015.

  
**MORGAN LAUR REINMAN**  
**CIRCUIT JUDGE**



**ATTN: PERSONS WITH DISABILITIES.** If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator at Court Administration, 2825 Judge Fran Jamieson Way, 3rd floor, Viera, Florida, 32940-8006, (321) 633-2171 ext. 2 at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.

cc: Brandon Lee Bradley  
DOC #E34418  
Florida State Prison  
7819 N.W. 228<sup>th</sup> Street  
Raiford, Florida 32026-1000

Brevard Associated Court Services  
14 Suntree Place  
Melbourne, Florida 32940

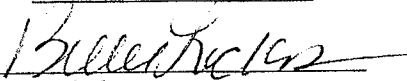
Phil Archer, State Attorney  
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Blaise Trettis, Public Defender  
2725 Judge Fran Jamieson Way  
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2825 Judge Fran Jamieson Way  
Viera, Florida 32940

John A. Tomasino  
Clerk, Supreme Court  
500 South Duval Street  
Tallahassee, Florida 32399-1927

I do certify that copies of this Order  
have been provided by e-mail delivery/ U.S. Mail to  
the above addresses on this 18<sup>th</sup>  
day of Feb, 2015.

  
Billie Lockaby  
Judicial Assistant

# Supreme Court of Florida

WEDNESDAY, FEBRUARY 11, 2015

CASE NO.: SC14-1412

Lower Tribunal No(s): 05-2012-CF-  
035337

BRANDON LEE BRADLEY

vs. STATE OF FLORIDA

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Appellant(s)

Appellee(s)

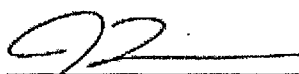
Appellant's Motion to Relinquish Jurisdiction to Clarify the Record is granted and the jurisdiction of the above cause is temporarily relinquished to the trial court for a period of sixty days.

Counsel for the parties are hereby directed to file Status Reports with this Court every thirty days as to the progress of the relinquishment proceeding.

LABARGA, C.J., and PARIENTE, LEWIS, QUINCE, CANADY, POLSTON, and PERRY, JJ., concur.

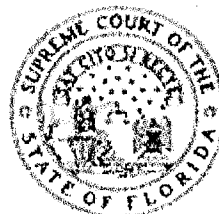
A True Copy

Test:



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John A. Tomasino  
Clerk, Supreme Court



tw

Served:

CHRISTOPHER SINCLAIR QUARLES  
STACEY E. KIRCHER  
HON. SCOTT ELLIS, CLERK  
HON. MORGAN LAUR REINMAN, JUDGE  
PHILIP GLEN ARCHER

IN THE SUPREME COURT OF FLORIDA

BRANDON BRADLEY, )  
 )  
 Appellant, )  
 )  
 vs. )  
 )  
 STATE OF FLORIDA, )  
 )  
 Appellee. )  
 \_\_\_\_\_ )

CASE NUMBER SC14-1412

**MOTION TO RELINQUISH JURISDICTION TO CLARIFY THE RECORD**

Appellant, by and through the undersigned counsel, respectfully requests that this Court relinquish jurisdiction for clarifying the existing record on appeal. As grounds for this motion, Appellant states:

1. Following a jury trial, including a penalty phase, the trial court sentenced Appellant to death. This is Appellant's first direct appeal. It is apparent from the record on appeal that no live court reporter was used at Appellant's trial. Rather, as so many courtrooms have recently instituted, the trial was recorded by an electronic system commonly referred to as a "blue man." While the system usually works during testimony, it sometimes fails during jury selection and bench conferences. Undersigned counsel has determined that such is the case with this record.

2. Florida Rule of Judicial Administration 2.535(h) provides: , 939 So. 2d 966, 1027 (Fla. 2006):

(h) Court Reporting Services in Capital Cases. On or before January 1, 2001, the chief judge, after consultation with the circuit court judges in the circuit, shall enter an administrative order developing and implementing a circuit-wide plan for court reporting in all trials in which the state seeks the death penalty and in capital postconviction proceedings. The plan shall require the use of all measures necessary to expedite the preparation of the transcript, including but not limited to:

- (1) where available, the use of a court reporter who has the capacity to provide real-time transcription of the proceedings;
- (2) if real-time transcription services are not available, the use of a computer-aided transcription qualified court reporter;
- (3) the use of scopists, text editors, alternating court reporters, or other means to expedite the finalization of the certified transcript; and
- (4) the imposition of reasonable restrictions on work assignments by employee or contract court reporters to ensure that transcript production in capital cases is given a priority.

In re Amendments to the Florida Rules of Judicial Admin.--Reorganization of the Rules, 939 So. 2d 966, 1027 (Fla. 2006).

3. Florida Rule of Appellate Procedure 9.200 (f) provides:

1) If there is an error or omission in the record, the parties by stipulation, the lower tribunal before the record is transmitted, or the court may correct the record.

(2) If the court finds the record is incomplete, it shall direct a party to supply the omitted parts of the record. No proceeding shall be determined, because of an incomplete record, until an opportunity to supplement the record has been given.

4. Originally, the 18th circuit Office of the Public Defender designated that the court reporter transcribe only certain parts of jury selection, thereby excluding portions that that office determined were unnecessary. Subsequently, on motion filed by the Office of the Attorney General, this Court ordered that the record be supplemented with the excluded portions of voir dire. When the 13 volumes of supplemental record arrived, undersigned counsel had not even started reading the jury selection portion contained in original the record, since it was incomplete at the time. When undersigned counsel read the 13 volumes of supplemental record, the number of unintelligible portions of the record appeared to be staggering. While the meaning of some portions containing "unintelligible" can be fathomed in context, some portions cannot.

5. To complicate matters, the supplemental record containing 13 volumes of jury selection contain **only** the previously omitted portions. This results in a very disjointed transcript making it impossible to determine the proper order in which the proceedings occurred. Undersigned counsel had anticipated that the entire jury selection process would be re-transcribed in the proper order.

Unfortunately, this did not happen. Counsel is still trying to determine if it might be necessary to ask this Court to order the re-transcription of jury selection in its entirety and in the proper order. Undersigned counsel has yet to determine whether the other portions of jury selection previously transcribed are understandable.

6. Appellant emphasizes that his case is a capital one where the death penalty was imposed. Such cases frequently get litigated for years, even decades. Hence, an accurate and complete record on appeal is essential to establish and memorialize while still possible to do so.

7. At this point in time, counsel has attached three separate portions from the record on appeal to illustrate to this Court at least two instances that need to be clarified by the court reporter or by the parties and the trial court. The first portion is simply an example, based on the number of "unintelligible" notations by the court reporter, of the difficulty in reading the transcript in its current form.

(Supplemental Record XIII 2028-9)

8. The second portion (Supplemental Record X 1553-83) is an excerpt of juror number 184's views on the death penalty. Appellant has included only defense counsel's individual and sequestered voir dire of juror 184 because that is where the confusion lies. For the most part, the trial court and the prosecutor asked questions requiring only a yes or no answer during their examination of



6

juror 184. Defense counsel asked him more open-ended questions requiring more expansive responses from the potential juror. Ultimately, the trial court denied Appellant's challenge for cause on juror 184. As this Court can see from the attached portion of the record on appeal, it is impossible to determine the potential juror's true feelings from the existing transcript. The court reporter may have been rushed in the preparation of this supplemental record where this Court set a tight time line for its filing. Ultimately, the court reporter needed additional time to complete the preparation. This may account for the lack of a complete, coherent transcript of the proceedings below.

8. The third excerpt from the record on appeal is from the prosecutor's opening statement where defense counsel objected, seemingly based on argumentative grounds. (R XXIV 157-61) At the bench conference, defense counsel, Mr. Pirolo says, "Judge, I'm going to object to be argumentative on those grounds." (R XXIV 158) Undersigned counsel strongly doubts that the record accurately reflects defense counsel's objection. The trial court ultimately overruled defense counsel's objection. This also should be clarified by either the court reporter or the parties below.

9. Appellant points out that the inability to provide a complete record on appeal, especially in a capital case, may lead to the grant of a new trial in its

entirety. Delap v. State, 350 So. 2d 462 (Fla. 1977).

WHEREFORE, Appellant asks this Honorable Court to relinquish jurisdiction so that the record on appeal can be clarified on these matters.

Respectfully submitted,

*Christopher S. Quarles*

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been emailed to the Office of the Attorney General, 444 Seabreeze Blvd., 5<sup>th</sup> Floor, Daytona Beach, Florida, 32118, capappdab@myfloridalegal.com, on this 31st day of December, 2014.

Christopher S. Quarles

CHRISTOPHER S. QUARLES  
Assistant Public Defender