

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

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

STATE OF FLORIDA,

Plaintiff,

vs.

BRANDON LEE BRADLEY

Defendant,

MOTION TO COMPEL STATE TO IDENTIFY RECORDED JAIL CALLS

The Defendant, BRANDON LEE BRADLEY, moves this Court to enter its order to compel the state to identify specifically: of which of the numerous recorded jail calls involving and disclosed to the Defendant the State intends to make use at trial. For cause the Defendant alleges that:

1. The State has disclosed to the Defendant six CDs of recorded jail calls which include over 160 recorded phone calls involving the Defendant, and approximately 20 involving the co-defendant, most of which are over seventeen minutes in duration, for a total of approximately 40 hours of recorded phone calls.

2. Undersigned counsel has listed to a substantial number of these calls, which appear not to be relevant or admissible for any purpose.

3. Disclosure of a large number of lengthy phone conversations without also identifying specifically which recorded calls the State intends to utilize during the jury trial in this cause does not sufficiently comply with the State's discovery obligation imposed by Fla.R.Crim.P. 3.220(b). See Portner v. State, 802 So.2d 442, 445 (Fla. 4th DCA 2001) (Deposition given by defendant charged with aggravated stalking, in defendant's civil action against complainant, was not a "pleading" in civil action, and state's pretrial notice to defendant of its intent to rely on "all pleadings" from civil action did not encompass such deposition, offered by state to impeach defendant's testimony in the criminal trial). Although the State has not misled the Defendant by

inaccurately describing disclosed materials, because of the sheer volume of recorded calls, the State has not effectively disclosed which of the recorded calls the State intends to utilize at trial, which is tantamount to no disclosure.

WHEREFORE, the Defendant moves this court to compel the State to identify specifically which recorded jail calls the State intends to use at trial.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing has been furnished E-service to the Office of the State Attorney, Brevard County, Florida, this 9 day of January, 2014.



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