

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, a.k.a.
BRANDON LEE BRANTLEY,

Defendant.

**MOTION IN LIMINE- DEFENDANT'S ALLEGED STATEMENTS
AS INTERPRETED BY ANDRIA KERCHNER**

COMES NOW the DEFENDANT, BRANDON LEE BRADLEY, a.k.a. BRANDON LEE BRANTLEY, by and through undersigned counsel, pursuant to the Fifth, Sixth, Eighth, and Fourteenth Amendments of the United States Constitution, Article I, Sections 2, 9, 16, 17, and 22 of the Florida Constitution, and Sections 90.403 and 90.701 of the Florida Statutes, and moves this Honorable Court to limit State witness Andria Michelle Kerchner's testimony during the trial in the above-captioned matter.

As grounds for this motion, the Defendant states the following:


1. The State has listed the co-defendant, Andria Michelle Kerchner (hereinafter referred to as "Kerchner") as a witness in the above-captioned matter.
2. The State proffered Kerchner's testimony on January 15, 2014. See attached. Kerchner had her counsel present, however, counsel for Mr. Bradley was not present.
3. Kerchner's deposition was taken on January 23, 2014 by Mr. Bradley's attorneys. See attached.

4. The Defendant anticipates that Kerchner will state the Defendant allegedly told Kerchner that he did not want to go back to prison and he would do whatever he could including shooting at police officers. Kerchner cannot remember the exact words the Defendant used "*but that's what he was getting at.*" In addition, Kerchner does not know whether she remembers this or if it is something she read. Proffer of Andria Michelle Kerchner on January 15, 2014 at page 10, lines 1-16.
5. The Defendant also anticipates that Kerchner will state after the shooting they were outside someone's residence and they saw law enforcement approaching. After seeing law enforcement approaching, Kerchner directed the Defendant to leave because she was concerned that either law enforcement was going to shoot at her and the Defendant, or that the Defendant would shoot again. Proffer of Andria Michelle Kerchner on January 15, 2014 at page 20, lines 13-23.
6. This testimony is pure speculation regarding the Defendant's perceptions and thought processes.
7. Furthermore, the probative value of these statements is substantially outweighed by unfair prejudice, and it would confuse the jury as to the issues at hand.

WHEREFORE, the Defendant respectfully seeks limitation of Kerchner's testimony during the trial in this matter.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing has been furnished electronically (by E-service) to the Office of the State Attorney, Viera, Brevard County, Florida, this 17th day of March, 2014.



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