

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

CASE NUMBER: 05-2012-CF-035337-AXXX-XX

STATE OF FLORIDA,

Plaintiff,

-vs-

BRANDON BRADLEY,

Defendant.

**ORIGINAL**

TRANSCRIPT OF DIGITAL  
STATUS CONFERENCE RECORDING

FILED IN 14-01  
CLERK OF DISTRICT  
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SCOTT ELLIS

The transcript of the hearing  
taken in the above-styled cause at Moore Justice Center,  
2825 Judge Fran Jamieson Way, Viera, Florida, 32940, on  
the 13th of January, 2014, before the Honorable  
Morgan Laur Reinman, commencing at 1:20 p.m.

Case # 05-2012-CF-035337-AXXX-XX  
Document Page # 470



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A P P E A R A N C E S

APPEARING FOR PLAINTIFF

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\* \* \* \* \*

## P R O C E E D I N G S

1  
2 THE COURT: Okay. At this time, I'd like to  
3 address the motion for continuance filed by the  
4 State in the Brandon Bradley matter. Just for the  
5 record, this is Case No. 12-35337.

6 And, Mr. Moore, can we waive Mr. Bradley's  
7 presence for purposes of this?

8 MR. MOORE: Yes, yes, Your Honor.

9 THE COURT: Okay. Purposes of this  
10 proceeding, the defendant's presence is waived.

11 Okay, I have reviewed the motion. But,  
12 Mr. McMaster, you may proceed with regard to the  
13 motion to continue.

14 MR. MCMASTER: Judge, as set forth in the  
15 motion, the State has just received a number of  
16 additional experts as potential witnesses in the  
17 case as well as an additional supplemental defense  
18 witness list adding 26 witnesses. And as also set  
19 forth in the motion, we have a scheduling problem  
20 with our medical examiner, Dr. Qaiser.

21 We do have a motion scheduled for this  
22 Thursday afternoon to disclose the raw data that  
23 the defense experts have relied on that we do need  
24 for our experts. Assuming that that motion is  
25 granted and the materials can be obtained in a,

1 relatively, short period of time, we are hopeful  
2 that we can continue in the next trial period and  
3 be ready to try this case at that time.

4 THE COURT: Okay. Just for the record, the  
5 case was scheduled to commence January the 28th and  
6 go through the month of February. The request for  
7 a continuance, do you know how long you're  
8 requesting a continuance?

9 MR. MCMASTER: Well, we were going to ask for  
10 the calendar call on February 26th, which would  
11 normally be the trial period beginning March 3rd.  
12 It appears that there is no court the first  
13 three days of March as presently scheduled. I know  
14 that this Court had made special arrangements to  
15 try the case starting January 28th through the  
16 month of February.

17 Mr. Brown and I discussed -- and I talked  
18 briefly to Mr. Moore -- if possible or if  
19 necessary, we could possibly start jury selection  
20 the last week of February. That would be the 24th,  
21 even before the scheduled calendar call. Do jury  
22 selection that week and then, hopefully, begin the  
23 testimony in March. We are aware of Mr. Moore's  
24 time problems with his pending retirement, so we're  
25 trying to get it done as soon as possible. And the

1 State, also, would like to have the case proceed.  
2 I knew that the Court had blocked that time off  
3 during the last week of February.

4 THE COURT: Yeah. I had February 24th --  
5 that was March, hold on a second. I have  
6 February 24th, that would be -- that's already  
7 blocked off already for the trial.

8 MR. MCMASTER: Yes, ma'am.

9 THE COURT: It went February 24th -- you  
10 know, with all do respect, I am going to be gone  
11 March the 3rd, March the 4th, and March the 5th.

12 MR. MCMASTER: That's fine, Judge. I am  
13 hopeful that the State's experts are going to be  
14 able to complete their review of the materials and  
15 be ready for that proposed timeframe. If the Court  
16 is not available on certain dates, then we'll just  
17 continue on until we're finished.

18 THE COURT: Okay. That would also -- are you  
19 representing that you will be able to get the  
20 depositions? I think you put in your motion you  
21 wanted to do depositions of the two experts, I  
22 think?

23 MR. MCMASTER: We haven't made an ultimate  
24 decision as to whether we're going to depose the  
25 experts or not. It's just going to depend on what

1 their opinions are based on their review of the  
2 defense materials.

3 THE COURT: Okay.

4 MR. MCMASTER: So once we have that, we'll  
5 know for sure about the depositions. I have discussed  
6 with Mr. Moore that we have added an additional  
7 potential witness to the State's case, that is the  
8 co-defendant, Ms. Kirchner. And we have been  
9 discussing times to attempt to depose her. I  
10 believe she's currently scheduled for plea on  
11 January 23rd.

12 THE COURT: Okay. Response from the defense?

13 MR. MOORE: Well, Your Honor, all of the  
14 disclosures were timely. But when we got the  
15 information, the State got it. But that's, you  
16 know, as far as their preparation is concerned, I  
17 think their point is a valid one with the -- you  
18 know, the Court is aware that I'm not going to be  
19 able to be here to be a part of this. And I've  
20 been, you know, from the beginning, I've been a big  
21 part of it. It's my case, our case, so I want to  
22 get this done before I leave. So if we -- I  
23 think --

24 THE COURT: It's my understanding, Mr. Moore,  
25 I thought that your last day was March the 1st?

1 MR. MOORE: March 31st.

2 THE COURT: March 31st, okay, that does make  
3 a difference.

4 MR. MOORE: And I will be able to -- special  
5 arrangements can be made for me to work past that.  
6 So, I mean, unless it gets put off until May or  
7 June, then that would be a problem. But,  
8 otherwise, if there is a continuity where we start  
9 at the end of February and continue into March and  
10 maybe, perhaps, into April, then I can be here to  
11 try that.

12 Most of the witnesses that we disclosed, with  
13 the exception of the experts, are witnesses,  
14 penalty-phase witnesses, that traditionally are not  
15 deposed by the State. And so I think a realistic  
16 estimate is that we can begin to start, at least  
17 the jury selection, at the end of February and  
18 probably wind this up before I leave, which would  
19 be March 31st. So I don't object.

20 THE COURT: I thought there was a  
21 representation that at least one of the expert --  
22 experts you were planning to call in the guilt  
23 phase and the penalty phase?

24 MR. MOORE: Two of them.

25 THE COURT: Two of them?

1 MR. MOORE: Yes. In the guilt phase and the  
2 penalty phase.

3 THE COURT: Okay.

4 MR. MOORE: I expect -- well, I don't know  
5 what the State is going to do with that, but we'll  
6 make the files available to the State, the data  
7 available to the State. And they should have ample  
8 time between now and the end of February to  
9 be prepared. As far as Dr. Qaiser is concerned,  
10 Your Honor, we would even stipulate to his  
11 testimony. We stipulate to his report. So that  
12 shouldn't be an impediment to the State.

13 They can even have another expert come in as  
14 they often do when they run into a problem where a  
15 medical examiner is not available. They call  
16 another expert especially where the cause and  
17 manner of death is not disputed. There is no  
18 reason why the State couldn't proceed with another  
19 expert. Dr. Podjaski, perhaps, with the Medical  
20 Examiner's Office. Just throwing that out there.  
21 That should, in itself, should not be a reason for  
22 a delay.

23 THE COURT: Well, if I grant the continuance,  
24 and I grant it for the last week -- to start the  
25 last week in February, then that resolves that.



1 Then that is not a problem with Dr. Qaiser.

2 MR. MCMASTER: That's correct. And just for  
3 the Court's consideration, Mr. Moore has been able  
4 to make arrangements with the public defender to  
5 continue on if the case is not concluded by  
6 March 31st. If the Court wishes not to  
7 inconvenience the jurors, we can start on March 6th  
8 with jury selection, and the Court would initially  
9 start the trial period.

10 THE COURT: Well, with all do respect, we  
11 have kind of moved heaven and earth to get the case  
12 set for the end of this month and have coverage of  
13 my other docket while I'm -- while we're proceeding  
14 with this case. So I need to see -- I need to talk  
15 to court administration about the dates and what  
16 would be more convenient for the Court whether to  
17 start. I just soon start February the 24th, and  
18 then we'll take those three days off, and then come  
19 back on the 6th.

20 MR. MOORE: I would propose that as well. I  
21 would endorse that as well. That's the best way to  
22 proceed if we're going to get it done.

23 THE COURT: I do have no court February 24th  
24 and 25th as well. I try to coordinate my days off  
25 when my son is out of school. And my son and I do

1 have some trips planned, and those are the days  
2 he's off. And I can't change those so. But, I  
3 mean, probably during after three weeks of trial --

4 MR. MCMASTER: Are you saying the 24th and  
5 25th of February?

6 THE COURT: March 24th and 25th. But  
7 probably, with all do respect, after three weeks of  
8 trial, you'll probably appreciate two days off.  
9 But I do have on my calendar right now -- and I  
10 have to check why they were off. I can't recall,  
11 but I do think they were breaks from school. He  
12 gets two breaks in the spring.

13 So I think March 3rd, 4th, and 5th -- and I  
14 know we have a trip planned then -- and then March  
15 24th and March 25th. And then if I look, I was  
16 supposed to be out April 2nd, 3rd, and 4th. And I  
17 do think I have a trip planned then. But we'll  
18 just have to work around those dates.

19 Okay, I'm going to grant the motion for a  
20 continuance. I'm not going to give you the dates  
21 as of this moment. I'm going to need to check with  
22 court admin, and then I'll do a court order with  
23 the dates. What I anticipate happening is that  
24 we'll start February the 20 -- the week of February  
25 the 24th.

1           That's when I'm going to shoot for unless  
2           there's a problem with coverage from another judge,  
3           that would be the only reason to change those  
4           dates. Now, we have some -- here's another break.  
5           They have another break because they're not public  
6           school. The other thing is we had scheduled for  
7           the 16th, those were -- death penalty motions were  
8           scheduled for the 16th and the 21st at 3:00 p.m.

9           Is there any reason we can't go forward with  
10          those?

11          MR. MCMASTER: No, Your Honor.

12          THE COURT: Those dates?

13          MR. MOORE: That's fine.

14          THE COURT: And then we had on the 27th, we  
15          had scheduled hearings all day for non-death  
16          penalty motions.

17          Do we want to keep the 27th?

18          MR. MOORE: We don't need all day unless the  
19          State has motions to file that I'm not aware of.  
20          But as far as we're concerned, we won't take but  
21          maybe an hour.

22          THE COURT: Do we have enough time on the  
23          16th and the 21st starting at 3:00 p.m.? That  
24          would be, like, two hours on the 16th and two hours  
25          on the 21st. Is that enough time for the

1 death penalty motions?

2 MR. MCMASTER: We'll know better on the 16th.  
3 Let's see how far we get through the death penalty  
4 motions. I think he's got a total of 41?

5 MR. MOORE: Right.

6 THE COURT: That was my concern. Do you  
7 think we have enough time?

8 MR. MOORE: Well, we've got two days,  
9 four hours. And if we can get those done, we can  
10 probably do the non-death motions too in that  
11 timeframe.

12 THE COURT: Okay.

13 MR. MCMASTER: I just ask that it be left on  
14 for the 27th at this point. And if we can get to  
15 them on the 16th or the 21st, we'll do them then.

16 THE COURT: Well, what's going to happen in  
17 January 27th, I'm going to lose my senior judge  
18 coverage, probably. And if we all are -- that's a  
19 trial week. I need to be the one to try those  
20 cases. I can't have another judge come in one day  
21 and then me try them the second and third.

22 So what I'll probably do is give you -- I  
23 won't set it for the 27th, I'll probably take that  
24 day back. But if we don't get done on the 16th and  
25 the 21st with all of the motions, then I'll carve

1 out a time date. We'll figure out how much time we  
2 need, and I'll get a time in between now and the  
3 time the trial starts.

4 MR. MCMASTER: That's fine, Judge.

5 THE COURT: Okay. Anything else?

6 MR. MOORE: I'd ask the Court to enter an  
7 order to have Ms. Kirchner held at the courthouse  
8 when she comes to enter a plea so we can take her  
9 deposition.

10 THE COURT: Okay. She's going to be here --  
11 I mean, right now the plea is scheduled for the  
12 23rd at 3:00 p.m. So I'll enter that order at that  
13 time that she's to be held. And maybe  
14 Mr. McMaster, he'll know if the depositions have  
15 been scheduled or not as of that time.

16 MR. MOORE: Well, they will. If the Court is  
17 going to enter that order, I'll set it up.

18 THE COURT: Okay. Go ahead and set it up so  
19 I can make sure she's held until after the depo and  
20 I'll have a date. Okay, I think Mr. Pirollo wants  
21 to --

22 MR. MOORE: We -- supposed to be, we, both  
23 sides are supposed to be provided with a venire  
24 list by January 17th.

25 THE COURT: That will probably change. Like

1 I said, we've made lots of arrangements. I've  
2 already spoke with lots of people about getting --  
3 about what we were doing, so that date will change.

4 MR. MOORE: We put for in the vicinity of  
5 February 18th, will be about, approximately, a week  
6 and a half before trial.

7 THE COURT: Okay. I will work on that, and  
8 that will be in the order too.

9 MR. MOORE: Okay.

10 THE COURT: I need to talk with them to see  
11 if they can get it. You know, with all do respect,  
12 we ordered extra jurors, so I'll have to make  
13 arrangements with regard to that. I hope we have  
14 enough time to get extra jurors. There's a certain  
15 turnaround time. We made it before, I hope we have  
16 enough time to get the extra jurors for that -- the  
17 end of February.

18 Okay, anything else? If anything else comes  
19 up like the venire list -- and we didn't mention it  
20 at today's hearing -- I would appreciate if you  
21 would bring it to my attention.

22 MR. MOORE: Nothing else, Your Honor.

23 MR. MCMASTER: Thank you.

24 THE COURT: Okay, thank you.

25 \* \* \* \* \*

C E R T I F I C A T E

STATE OF FLORIDA            )  
  )  
COUNTY OF BREVARD        )

I, JESSICA CRUZ-SEGARRA, Court Reporter and Notary Public, transcribed to the best of my ability the audio recording of the foregoing proceedings held.

Dated this 26th of September, 2014.

*Jessica Cruz-Segarra*  
\_\_\_\_\_  
JESSICA CRUZ-SEGARRA, Notary Public  
State of Florida, My Commission:  
FF35359, Expires: July 11, 2017

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