

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

CASE NO.: 2012-CF-35337-A

STATE OF FLORIDA,

Plaintiff,

vs.

BRANDON LEE BRADLEY, a.k.a.
BRANDON LEE BRANTLEY,

Defendant.

MOTION IN LIMINE- UNIFORMED POLICE PRESENCE IN COURTROOM

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, and Article I, Sections 2, 9, 17, and 22 of the Florida Constitution, and moves this Honorable Court to limit the amount of uniformed law enforcement officers in the courtroom during the trial in the above-captioned matter.

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

1. The Defendant was indicted on First Degree Premeditated Murder of a Law Enforcement Officer with Firearm, Robbery, Fleeing or Attempting to Elude- High Speed or Wanton Disregard, and Resisting an Officer With Violence.
2. The Defendant reasonably anticipates an enormous amount of law enforcement officers entering and exiting the courtroom throughout the trial in this matter. In addition, the Defendant reasonably anticipates said officers to be uniformed and to observe considerable portions of the trial.
3. The large presence of uniformed law enforcement in the gallery presents an inherent


prejudice against the Defendant and will violate his fundamental right to a fair and impartial jury.

4. The Court is "*not free to disregard factors external to the evidence, such as the atmosphere in and around the courtroom, which may influence a jury's verdict.*" Shootes v. State, 20 So.3d 434, 438 (Fla. 1st DCA 2009).
5. The United States Supreme Court has acknowledged that a defendant may not receive a fair trial when there is a roomful of uniformed and armed law enforcement officers. Holbrook v. Flynn, 475 U.S. 560, 570 (1986).
6. The large amount of law enforcement officers in the gallery during trial will make the jury susceptible to the impression the officers are there "*to communicate a message to the jury.*" Woods v. Dugger, 923 F.2d 1454, 1459 (11th Cir. 1991).

WHEREFORE, the Defendant respectfully seeks limitation of the amount of uniformed law enforcement officers able to sit in as spectators 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 6th day of January, 2014.


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