

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,

v.

BRANDON LEE BRADLEY,

Defendant.

FILED IN VERA-C  
CLERK OF CIR. CT.  
BREVARD CO., FL.

2014 MAR 27 P 5:32

SCOTT ELLIS

**SECOND SUPPLEMENTAL ORDER RE: DEFENDANT'S "MOTION IN LIMINE 3" –  
AMANDA OZBURN**

THIS CAUSE came before the Court on March 18, 2014, on the Defendant's "Motion in Limine 3," filed on February 19, 2014. On February 27, 2014, the Court entered an "Order Re: Defendant's 'Motion in Limine 3' and 'Motion in Limine 4 – Detective Gregory Guillette.'" In the February 27, 2014 order, the Court reserved ruling on the issue of Amanda Ozburn in the Defendant's "Motion in Limine 3." On March 20, 2014, the Court entered a "Supplemental Order Re: Defendant's "Motion in Limine 3," in which this Court continued to reserve ruling as to paragraph two of the Defendant's "Motion in Limine 3" regarding testimony by any witness or Amanda Paige Ozburn "that she had seen the Defendant with a gun before March 6, 2012, or felt one in his waistline; or that she heard the Defendant say 'it will always be my life over others' or alleged statements to that effect." On March 27, 2014, the State proffered Ms. Osburn's testimony. After hearing the proffer, the Court orally ruled that Ms. Osburn's



testimony was admissible, and Ms. Osburn's testimony was presented to the jury immediately thereafter.

The purpose of this Second Supplemental Order is to memorialize in writing the Court's ruling on the Defendant's "Motion in Limine 3" as to Ms. Osburn. Based on a review of the official Court file, the State's proffer of Amanda Osburn's testimony on March 27, 2014, and being otherwise fully advised, the Court makes the following findings of fact and conclusions of law:

a. In her proffered testimony, Amanda Osburn testified that six months prior to the shooting of Deputy Pill, she and the Defendant were friends. Ms. Osburn testified that in December 2011, she and the Defendant saw a number of police vehicles, the Defendant became nervous, stated that he knew he had outstanding arrest warrants, and told her he would try to run, if police tried to take him into custody. Osburn admitted that she told police in a sworn statement three days after Deputy Pill was shot, "He [Defendant] even said, if he got pulled over they're going to have to hold court in the street because I'm going out like a soldier." However, Osburn testified in the proffer that she has no current or independent memory that Defendant made that particular statement to her. Osburn also testified that in the months prior to Deputy Pill's shooting, she saw the Defendant carrying the firearm allegedly used to kill Deputy Pill.

b. The Court finds that the proffered testimony by Osburn is relevant evidence, tending to prove or disprove material facts at issue in this trial, and its probative value is not substantially outweighed by the danger of unfair prejudice, confusion of issues, misleading the jury, or needless presentation of cumulative evidence. §§ 90.401, 90.403, Fla. Stat. (2012).

c. Ms. Osburn's testimony is relevant to prove disputed issues at trial; specifically, the Defendant's awareness of outstanding arrest warrants for him prior to the shooting of Deputy Pill, in addition to motive, intent, and Defendant's possession of the murder weapon that allegedly killed Deputy Pill. See e.g., Escobar v. State, 699 So. 2d 988 (Fla. 1997) (testimony that defendant stated he would kill a police officer before he would go back to jail was admissible to provide motive for the murder, establish defendant's then existing state of mind, and explain subsequent conduct), abrogated on other grounds by Connor v. State, 803 So. 2d 598 (Fla. 2001); Jackson v. State, 498 So. 2d 406 (Fla. 1986) (testimony that defendant said she was not going back to jail was relevant to prove motive of defendant killing police officer), cert. denied, 483 U.S. 1010 (1987); Hardy v. State, 716 So. 2d 761, 764 (Fla. 1998) (Prior statement by defendant regarding Rodney King beating incident that "[i]f it ever came down to me and a cop, it was the cop" was admissible in defendant's murder trial two months later for killing a law enforcement officer as statement showed defendant's intent to resolve any police confrontation with violence and it showed motivation for the murder, in that he would rather kill than be arrested for being in possession of a stolen gun); Brooks v. State, 918 So. 2d 181, 204 (Fla. 2005) (Defendant's statement that he was "going to have to shoot" an approaching officer provided proof of consciousness of guilt), receded from on other grounds, State v. Sturdivant, 94 So. 3d 434 (Fla. 2012); Partin v. State, 82 So. 3d 31 (Fla. 2011) (Statement by defendant that he would consider using a gun if police attempted to arrest him was admissible), cert. denied, 133 S.Ct. 107, 184 L.Ed.2d 49 (2012); Griffin v. State, 639 So. 2d 966 (Fla. 1994) (how murder weapon was obtained admissible to identify the gun and establish possession of murder

weapon), cert. denied, 514 U.S. 1005 (1995); Grossman v. State, 525 So. 2d 833 (Fla. 1988) (Evidence of defendant's prior burglary during which defendant stole a handgun was admissible in prosecution for the first degree murder of the officer), cert. denied, 489 U.S. 1071 (1989), receded from on other grounds by Franqui v. State, 699 So. 2d 1312 (Fla. 1997).

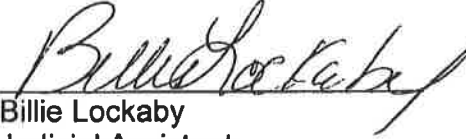
Accordingly, it is **ORDERED AND ADJUDGED** that the Defendant's "Motion in Limine 3" as it pertains to paragraph two regarding testimony by Amanda Paige Ozburn about observing the Defendant with the alleged murder weapon (firearm), and statements made by the Defendant that he was aware of outstanding arrest warrants for him and what he would do if he encountered law enforcement is **DENIED**.

**DONE AND ORDERED** at the Moore Justice Center, Viera, Brevard County, Florida, this 27<sup>th</sup> day of March, 2014.

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

CERTIFICATE OF SERVICE

I do certify that copies hereof have been furnished to **James D. McMaster and Tom Brown, Assistant State Attorneys, Office of the State Attorney**, 2725 Judge Fran Jamieson Way, Building D, Viera, Florida 32940, [BrevFelony@sa18.state.fl.us](mailto:BrevFelony@sa18.state.fl.us) and **Randy Moore, Esq., Michael Mario Pirolo, Esq., Mark Lanning, Esq.**, Assistant Public Defenders, Attorneys for Defendant, 2725 Judge Fran Jamieson Way, Building E, Viera, Florida 32940, [BREVARDFELONY@PD18.NET](mailto:BREVARDFELONY@PD18.NET) by hand delivery/courier/e-service/U.S. Mail this 27<sup>th</sup> day of March, 2014.

  
**Billie Lockaby**  
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Moore Justice Center  
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