

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 MATERIALS OF WHICH THE
STATE INTENDS TO MAKE USE AT TRIAL**

The Defendant, BRANDON LEE BRADLEY, moves this Court pursuant to article I, sections 2, 9, 16, 17 and 22 of the Florida Constitution and the Fifth, Sixth, Eighth and Fourteenth Amendments of the United States Constitution to enter its order to compel the state to identify specifically of which portions of 71 pages of materials disclosed December 27, 2013 by the State as "MAIL/JOURNAL FROM BRANDON BRADLEY'S JAIL CELL the State intends to make use at trial. For cause the Defendant alleges that:

1. The State has filed its notice of intent to seek the death penalty in this case.
2. The above-described materials disclosed by the State are hand-written, single-spaced and largely illegible.
3. The State presumably will seek to introduce portions of these material alleging that the Defendant wrote them.
4. Disclosure of a large volume of apparently irrelevant and largely illegible documents without also identifying specifically which documents 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 as in Portner, the disclosure of this large volume of illegible hand-written documents, coupled with the State's failure to identify which of the documents the State intends to utilize at trial, is tantamount to non-disclosure.

WHEREFORE, the Defendant moves this court to compel the State to identify specifically which of the above-referenced documents 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 9th day of January, 2014.



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