

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

CASE NO 05-2012-CF-35337-AXXX-XX

STATE OF FLORIDA,

Plaintiff,

vs

BRANDON LEE BRADLEY

Defendant,

DEATH PENALTY MOTION LIST

- 1 Motion to Declare Section 921 141(7), Florida Statutes, Unconstitutional and for Pretrial Determination of Admissibility of all "Victim Impact" evidence under §§90 104(2), 90 105, 90 403, Florida Statutes
- 2 Demand for Disclosure of Favorable Evidence
- 3 Motion to Declare § 921 141(2) & (3), Florida Statutes, Unconstitutional (Mitigation must "Outweigh" Aggravation)
- 4 Motion for Notice of Aggravating Factors
- 5 Defendant's Request the Trial Court to State Basis of its Ruling
- 6 Motion to Preclude Capital Punishment as a Possible Sentence
- 7 Motion to Declare § 921 141(1), Florida Statutes Unconstitutional and in the Alternative to Bar the State's use of Hearsay Evidence at Penalty Phase
- 8 Motion to Declare Section 921 141(5)(i) Florida Statutes, Unconstitutional as Written and Applied

- 9 Objection to Death Qualification of Jury, Motion to Bar Imposition of Death Sentence and Memorandum of Law re Unconstitutionality of Florida's Capital Sentencing Procedure
- 10 Motion to Declare Section 921 141(5)(e) Florida Statutes Unconstitutional as Written and Applied
- 11 Motion to Declare Section 921 141(5)(b) Florida Statutes Unconstitutional as Written and Applied
- 12 Motion to Declare Section 921 141(5)(d) Florida Statutes Unconstitutional as Written and Applied
- 13 Motion for Findings of Fact by the Jury
- 14 Lethal Injection Motion to be filed at a later date
- 15 Motion to Preclude Improper Argument and Tactics
- 16 Motion to Compel the State to Furnish Penalty Phase Witness List
- 17 Motion to Declare Florida's Death Penalty and Section 921 141, Florida Statutes, Unconstitutional (Faulty Appellate Review)
- 18 Defendant's Motion for Jury Instruction Delineating all Mitigating Factors Under Florida Statutes, 921 141(6)(h)
- 19 Motion in Limine Re Procedures
- 20 Motion for Disclosure of Impeaching Information
- 21 Motion for Individual and Sequestered Voir Dire
- 22 Motion in Limine Regarding Reference to Non-Enumerated Mitigating Factors
- 23 Motion in Limine and to Strike Portions of "Florida Standard Jury Instructions in Criminal Cases" Re Caldwell v Mississippi

- 24 Motion for Interrogatory Penalty Phase Verdict
- 25 Motion in Limine Re Grand Jury
- 26 Motion in Limine Re Photographs
- 27 Motion for Disclosure of Penalty Phase Evidence
- 28 Objections to Standard Penalty Phase Jury Instructions
- 29 Motion for Additional Peremptory Challenges due to Numerical Disparity Regarding Peremptory Challenges Provided by Rule 3.350(A), Florida Rules of Criminal Procedure and Section 913.08, Florida Statutes, (1995), and due to Sensitive Voir Dire Issues in this Case
- 30 Motion for Juror Questionnaire to Supplement Voir Dire and Proposed Sample Questionnaire
- 31 Motion for List of Prospective Jurors
- 32 Motion for Discovery of Prosecutorial Investigations of Prospective Jurors
- 33 Motion to Sequester Jury
- 34 Motion for Voir Dire after Guilty Verdict
- 35 Motion for Special Verdict as to Theory of Guilt
- 36 Objection to Standard Instruction on "Premeditated Murder" and Motion for Corrected Instruction on First Degree Murder from Premeditated Design
- 37 Motion to Declare Section 921.141, Florida Statutes Unconstitutional in Light of Apprendi v. New Jersey Because Only a Bare Majority of Jurors is Sufficient to Recommend a Death Sentence

- 38 Motion to Declare Section 921.141, Florida Statutes Unconstitutional for Failure to Provide Jury Adequate Guidance in the Finding of Sentencing Circumstances, and to Preclude Death Sentence
- 39 Motion to Exclude Evidence or Argument Designed to Create Sympathy for the Deceased
- 40 Memorandum, Endnotes, Attachments and Appendix to objections to Florida's Standard Penalty Phase Jury Instructions

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 10th day of January, 2014



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