



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,

Defendant.

MOTION FOR DISCLOSURE OF PENALTY PHASE EVIDENCE

The Defendant, BRANDON LEE BRADLEY, moves this Court for an Order requiring that the State of Florida disclose to defense counsel and permit defense counsel to inspect, copy, test and photograph, the following information and material within the State's possession or control as they relate to the issue of penalty phase:

A. The names and addresses of all persons known to the prosecutor to have information which may be relevant to the issue of punishment in this cause.

B. Statement of any person whose name is furnished in compliance with the preceding paragraph. The term "statement" as used herein means a written statement made by said person and signed or otherwise adopted or approved by him or a stenographic, mechanical, or electrical, or other recording, or a transcript thereof, or which is a substantially verbatim recital or an oral statement made by said person to an officer or agent of the State and recorded contemporaneously with the making of such oral statements.

C. Any written or recorded statement and the substance of any oral statements made by the Defendant, including a copy of any statement contained in police reports or report summaries, together with the name and address of each witness to the statement.

D. Those portions of recorded Grand Jury minutes that contain testimony of the Defendant.

E. Any tangible papers or objects which were obtained from or belonged to the Defendant.

F. Whether the State has any information which has been provided by a confidential informant.

G. Whether there has been any electronic surveillance, including wiretapping, of the premises of the Defendant, or of conversations to which the Accused was a party; and any documents relating thereto.

H. Whether there has been any search or seizure and any documents relating thereto.

I. Reports or statements of experts made in connection with the particular case, including results of physical or mental examinations and of scientific tests, experiments or comparisons.

J. Any tangible papers or objects which the prosecuting attorney intends to use in the penalty phase hearing and which were obtained from or belonged to the Defendant.

K. Any material information within the State's possession or control which tends to negate the guilt of the Defendant as to the offense charged or which mitigates the punishment.

L. Any material information within the State's possession or control which tends to negate or assist the defense with respect to the aggravating circumstances of Section 921.141, Florida Statutes.

M. Any material information within the State's possession or control which tends to assist or otherwise help the Defendant in preparing mitigating circumstances pursuant to Section 921.141, Florida Statutes.

N. Any material information within the State's possession or control which tends to assist or otherwise help the Accused in preparing mitigating circumstances not specifically listed in Section 921.141, Florida Statutes.

As grounds for this Motion, the Accused would allege as follows:

1. The Defendant in this above-styled cause is charged by Indictment with Murder in the First Degree, a capital offense.

2. The Defendant has been declared indigent and the Office of the Public Defender has been appointed to represent him.

3. Disclosure of the above-styled information is required by Florida Rule of Criminal Procedure 3.220.

4. Disclosure as the above-styled information is required pursuant to Section 921.141, Florida Statutes.

5. Disclosure of the above-styled information is required by article I, sections 1, 2, 9, 16, 17, 21, and 22, Florida Constitution.

6. Disclosure of the above-styled information is required pursuant to Amendments V, VI, VIII, and XIV, United States Constitution.

WHEREFORE, the Defendant requests an Order requiring the State Attorney to disclose to defense counsel the above-styled information and permit defense counsel to inspect, copy, test and photograph those materials as they relate to the issue of penalty phase.

CERTIFICATE OF SERVICE

I HEREBY certify a true copy has been filed by e-service to the Office of the State Attorney, Brevard County, Florida, this 8th day of November, 2013.



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