

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,

MOTION FOR CHANGE OF VENUE

The Defendant, BRANDON LEE BRADLEY, moves this Court to enter its order to change the venue of the jury trial, outside of Brevard County, scheduled to begin Jan. 28, 2014, pursuant to Art. I, §§ 2, 9, 16, 17 & 22 of the Florida Constitution and the Fifth, Sixth, Eighth and Fourteenth Amendments of the United States Constitution and, Fla.R.Crim.P. 3.240. For cause the Defendant would state:

1. The State has filed its notice of intent to seek the death penalty in this case.
2. This case involves the alleged first degree murder of Brevard County Deputy Sheriff Barbara Pill on March 6, 2012. Deputy Pill had served for 30 years in law enforcement, with the most recent 15 years as a Brevard County Deputy Sheriff.
3. One of her sons is an officer with the Melbourne Village Police Department; another son is a Brevard County deputy; Dep. Pill's daughter-in-law is a crime scene investigator with the Brevard County Sheriff's Office.
4. The Court room deputies, with whom the Jury will have significant contact both in and outside the court room, are employed by the Brevard County Sheriff's Office and will be wearing the

same type of uniform as Dep. Pill.

5. There has been extensive Media coverage, on television and in the newspapers, on a regular basis - weekly at least and sometimes daily, since March 2012 -- reporting details of this homicide, as well as numerous tributes to, and memorials for Dep. Pill, as well as articles about her family.

6. Due to the significant exposure of the venire to this media coverage and the jury's close proximity and 'working relationship' with Brevard County court room deputies during the trial, there is a significant and inevitable risk of the jury being influenced by matters extraneous to the evidence and testimony which may properly be presented to them. This risk may be reduced or eliminated only by moving the trial of this case outside Brevard County.

6. In Armstrong v. State, 862 So.2d 705, 718-719 (Fla. 2003), a capital homicide case involving extensive pretrial publicity, in which the defendant was sentenced to death, the Florida Supreme Court held that the defendant's "motion for change of venue was prematurely filed before an attempt to select an impartial jury". Armstrong @ 719. However, Fla.R.Crim.P. 3.240(c) provides "a motion for change of venue shall be filed no less than 10 days before the time case is called for trial unless good cause is shown...".

WHEREFORE, the Defendant moves this Court to enter its order to change the venue of the jury trial in this case outside of Brevard County.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing has been furnished by E-service to the Office of the State Attorney, Brevard County, Florida, this 10th day of January, 2014.



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