

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

STATE OF FLORIDA,
Plaintiff,

CASE NUMBER
05-2012-CF-035337-AXXX-XX

vs.

BRANDON BRADLEY,
Defendant.

STATEMENT OF JUDICIAL ACTS TO BE REVIEWED


COMES NOW the Defendant by his undersigned counsel and pursuant to Florida Rules of Appellate Procedure 9.140(d) designates as Judicial Acts to be reviewed the following:

1. On February 25, 2014, the Court sustained State objection to defense counsel's voir dire questions about whether venire persons could remain fair and impartial and consider mitigating circumstances after hearing the specific aggravating circumstances listed pretrial by the State. See Geralds v. State, 111 So.3d 778, headnote 50; and Wyatt v. State, 78 So.3d 512, headnotes 25 and 26.
2. Court refused to strike juror [REDACTED] for cause when [REDACTED] said [REDACTED] would consider drug addiction as an aggravating circumstance.
3. On March 14, 2014, the Court overruled Defendant's objection to prosecutor's analogy of principal theory to football team being penalized for infraction committed by a single player, as a misstatement of the law.
4. On March 18, 2014, the Court denied portions of Defendant's motion in limine #3; and the Court denied portions of Defendant's motion in limine #4.
5. On March 18, 2014, the Defendant rejected the jury panel and renewed all previous objections.
6. On March 18, 2014, over the Defendant's objection, Agt. Carson was permitted to testify that, in his opinion, a photograph allegedly of the Defendant, found on line but not introduced into evidence, depicted the same person pictured on the Defendant's driver's license. The internet picture was shown by Agt. Carson several months earlier to Robert Marks who identified the person in the internet picture as the person who had purchased the murder weapon from him. Mr. Marks was unable to identify the Defendant in the courtroom.
7. On March 19, 2014, over the Defendant's objection, Agt. Carson was permitted to testify that witnesses Andrew Jordan and Vanessa McNerney viewed a mug shot line-up not introduced into evidence and selected the Defendant.
8. On March 25, 2014, over the Defendant's objection, Amanda Ozburn was permitted to testify that the Defendant had said that if he was ever stopped "*they'll have to hold court in the streets*".

9. On March 31, 2014, the Court overruled the Defendant's objection to State witness, Dr. Patricia Zapf sitting in the courtroom to listen to testimony by the Defendant's expert witness, Dr. Jacqueline Olander.
10. On April 3, 2014, the Court granted State's objection to testimony during penalty phase of Ron McAndrew, an expert in prison conditions. Mr. McAndrew's testimony was proffered.
11. On April 8, 2014, the Court sustained the Defendant's objection during the State's penalty phase closing that "*the law enforcement community and the victim's family demand/want death*", but denied a motion for mistrial.
12. On April 8, 2014, the Court overruled the Defendant's objection during the State's penalty phase closing that "*the evidence demands death,*" and denied a motion for mistrial.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by e-filing to: the Office of the State Attorney, brevctycourtappeals@sa18.state.fl.us and to the Office of the Attorney General, CapApp@MyFloridaLegal.com, this 11 day of July, 2014.


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