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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 JUROR QUESTIONNAIRE TO SUPPLEMENT VOIR DIRE
AND PROPOSED SAMPLE QUESTIONNAIRE

The Defendant, BRANDON LEE BRADLEY, moves this Honorable Court pursuant to Rule 3.300, Florida Rules of Criminal Procedure, to order that voir dire in this cause be supplemented by a juror questionnaire submitted for completion to each prospective juror. The Defendant asserts the following grounds in support of this motion:

1. Defendant has been indicted for first degree premeditated murder.
2. A prospective questionnaire is attached and incorporated herein by reference. Use of this questionnaire will substantially reduce the time it will take to seat an impartial jury in this case, and result in more open and honest responses from the venire.
3. To deny this motion will deny the Defendant the right to due process, a fair trial, and an impartial jury as guaranteed by the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution and Article I, Section 9 and 16, Florida Constitution.

PROPOSED PREFACE INSTRUCTION FOR JUROR QUESTIONNAIRE

“You have been summoned as a potential juror in a case wherein the charge is Murder in the First Degree. Murder in the First Degree is a capital felony for which there are but two possible penalties if the Defendant is found guilty. The two possibilities are:

1. Life imprisonment without possibility of parole, or
2. Death.

Because this is a capital case, the trial may be broken down into two phases. The first phase is the guilt phase. Evidence will be presented for your consideration and at the conclusion of this portion, the jury will be asked to return a verdict as to this charge by unanimous decision. In order for you to return a verdict of guilty, the State must prove the elements of the crime charged beyond a reasonable doubt. With respect to the crime charged, you may find the Defendant guilty as charged, guilty of a lesser included offense, or not guilty.

Only in the event that you make a unanimous finding that the Defendant is guilty of Murder in the First Degree will it be necessary to proceed to the second phase of the trial.

If there is a second phase, the jury will hear evidence of both aggravating and mitigating factors, the arguments of both lawyers and the Court's instructions. The jury must then deliberate to determine which of the aggravating circumstances have been proven beyond every reasonable doubt, and whether the aggravating circumstances outweigh, or are merely equal to, the mitigating circumstances, which need only be reasonably established and not proved beyond a reasonable doubt. Once a decision is reached, the jury will recommend that the Court impose a sentence of death or a sentence of life in prison without possibility of parole.

The attached questionnaire is designed to obtain information with respect to your qualifications to sit as a juror in the pending case. By the use of the questionnaire, the process of jury selection may be shortened. Please respond to the following questions as completely as possible. During the oral questioning by the attorneys, you will be given an opportunity to explain or expand any answers, if necessary.

If you wish to make further comments regarding any of your answers, please do so on the explanation sheet at the back of your questionnaire.

As you answer the questions that follow, please keep in mind that there are no "right" or "wrong" answers. Thank you for your cooperation."

PROPOSED SAMPLE QUESTIONNAIRE

NAME: _____ JUROR #: _____

1. In what city within Broward County do you reside? _____
2. How long have you lived in Broward County? _____
3. Where did you live before moving to Broward County? _____
4. What is your occupation? _____
5. What is your current marital status? _____
6. What is your spouse's occupation? _____
6. Do you have children? _____ How many? _____
7. What are the ages and occupations of your children? _____

8. Do you read or speak any language other than English? _____
9. What is the highest grade you have completed in any school? _____

10. Are you friends with, or related to anyone involved in law enforcement?

Who? _____ How do you know them? _____

11. Have you or anyone in your family ever been involved in a Court case or lawsuit?

In what way? _____

12. Have you or any family member been accused of a crime? _____

13. Have you ever served in the military? _____

14. Have you ever served on a jury before? _____

15. Do you have any health problems that would make it difficult for you to sit as a juror? _____ What are they _____

16. Have you or any family member or friend ever been the victim of a crime? __

Please explain _____

17. Do you have strong feelings about the criminal justice system? _____ If so, what are they? _____

18. Do you have any experience, training, or education in the fields of psychology, social work, counseling, or law enforcement? _____ Please explain _____

19. You may be expected, in the course of this trial, to view photographs of the deceased victim which are unpleasant. How do you feel about this?

20. Have you seen, heard, or read anything about _____? If yes, please explain what you have heard

21. Did you form any opinion about the case? _____ Please explain.

PENALTY PHASE ISSUES

1. Please tell us in as much detail as possible, your views on the death penalty. ____

2. In what type of cases, if any, do you believe that the death penalty should be imposed?

3. Do you believe that a person convicted of first degree murder should always be sentenced to death?

4. Do you believe that the death penalty should never be imposed, even in the case of the most horrible and outrageous murder, or murders? _____ If yes, please explain

5. Would your feelings regarding the death penalty prevent you from the following the court's instructions regarding a finding of guilty or not guilty of First Degree Murder, Second Degree Murder, Manslaughter, or any other lesser included offenses? _____

PROPOSED LETTER TO JURORS
IN THE CIRCUIT COURT FOR THE _____ JUDICIAL CIRCUIT
_____ COUNTY, FLORIDA

Dear Potential Juror:

Your name has been drawn from the list of jurors to serve as a potential juror.

Before a trial begins, lawyers must often ask many questions of each juror during the jury selection process to ensure that a constitutionally fair jury may be selected. This process may last a long time. To save both you and the Court time, and still provide the necessary answers for the lawyers, I enclose a questionnaire which you should fill out and return.

It is necessary that these questions be answered within five days of your receipt of this letter, so that the jury selection process may proceed at the appointed time. The questionnaire must be signed in the appropriate place. I remind you that jury service is a serious responsibility, and you must answer these questions upon penalty of perjury to the best of your ability and as fully as possible.

The questionnaire must be returned in the attached self-addressed envelope.

You should not ask for anyone's help in completing this questionnaire (unless you need help reading the questions or writing in your answers). The answers must be your own. You should not talk to anyone about anything pertaining to your jury duty from this point until the completion of the trial in which you will serve, if you are selected.

JUDGE, CIRCUIT COURT

IMPORTANT: The attached questionnaire must be completed and returned within five days of the receipt of this letter.

Juror Number: _____

Juror please sign full name here _____

Date signed _____

WHEREFORE, the Defendant respectfully requests that this Honorable Court enter an Order granting this Motion for Juror Questionnaire to Supplement Voir Dire and Proposed Sample Questionnaire.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by e-service to the Office of the State Attorney, Brevard County, Florida, this 8th day of November, 2013.



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