

Mr. Luc Pierre-Charles Jr.'s 2015 trial transcript of State Attorney, Mr. Manny Garcia rebuttal concerning Anthony Harris threats towards Brian Davis, another jailhouse informant.

1 MR. YEAZELL: All right. May I talk to him
2 first, Judge, to find out what's going on?

3 THE COURT: Which one?

4 MR. YEAZELL: My witness Ralph Blanford. Find
5 out what was said.

6 THE COURT: All right. It's always --

7 MS. SWEET: Do you need Jessica here? She's
8 here now.

9 MR. YEAZELL: I don't know.

10 THE COURT: All right. Go ahead. You can
11 talk to them.

12 (RECESS.)

13 (OPEN COURT.)

14 (Defendant present.)

15 (Jury absent.)

16 MS. LAVENDER: I think there's several issues.

17 MR. GARCIA: Judge, I have an issue with the
18 testimony of Brian Davis.

19 THE COURT: Brian Davis?

20 MR. GARCIA: Yes, ma'am.

21 THE COURT: All right. That's a new name
22 today.

23 MR. GARCIA: Judge, the problem that I have
24 with Brian Davis, if he's going to be called as a
25 witness, I believe they're trying to impeach

1 Anthony Harris. But he testified in his deposition
2 that basically Anthony Harris came to him and told
3 him, "You have to write this letter. If you don't
4 write this letter, I'm going to jump on your case."

5 Now, Mr. Davis says there was a letter
6 written. He says he didn't write the letter. He
7 believes Anthony Harris wrote it. He wasn't going
8 along with this. And then at some point in time he
9 ends up getting sentenced. I think he had an
10 aggravated child abuse. He got 25 years Department
11 of Corrections. He started thinking about it and
12 said he wasn't going to go along with this and then
13 he comes forward. And he's one of the ones that
14 flips at some point in time. I guess he was a
15 State witness, now he's a defense witness.

16 The only thing he'd be prepared to testify to
17 was that Anthony Harris threatened him, which is a
18 prior bad act that he would be introducing. And
19 that he told him if he didn't write the letter, he
20 was going to jump on his case. So he ended up
21 pleading to 25 years in the Department of
22 Corrections. I don't know how that's relevant to
23 impeachment of Mr. Harris.

24 THE COURT: Response.

25 MR. YEAZELL: Judge, the State continues to

1 try to keep me from putting my very legitimate
2 witnesses on. I don't even understand his
3 argument. There couldn't be a more relevant
4 witness.

5 This witness was threatened by Anthony Harris.
6 He was told to write false statements about Luc
7 Pierre-Charles. He was told to jump on the case
8 and say that he confessed to him. He said he would
9 do things. If he didn't do -- if he didn't do what
10 Anthony Harris told him to do in regard to Luc
11 Pierre-Charles, he said he would do things to my
12 family. His quote was, "I'll make sure your family
13 pays if you don't."

14 And let's see. He said he came forward
15 because he decided to plead and not go to trial.
16 "Anthony Harris told me to say Luc Pierre-Charles
17 told me that he messed up and told Anthony Harris
18 that he committed this crime."

19 It couldn't be clearer impeachment. I mean,
20 Anthony Harris is running around the jail trying to
21 get people to testify against Luc. This is a guy
22 that is a particularly credible witness, which is,
23 I suspect, why the State doesn't want to him to
24 testify because he is completely unrelated to these
25 people. He doesn't know any of their group, unlike

1 a lot of the other witnesses in the case where
2 they're known to each other and they've been
3 friends or acquaintance or involved with each
4 other, involved with each other's families. This
5 guy doesn't know any of them. He doesn't know any
6 of their witnesses. He has no involvement.

7 All he knows is Anthony Harris came up and
8 basically told him he's got to jump on Luc's case
9 and lie about him and if he doesn't, there would be
10 consequences.

11 So it's extremely relevant and it's clear
12 impeachment and, actually, a real strong indication
13 of what's actually going on with Anthony Harris.
14 And it is a completely unbiased witness.
15 Completely unbiased.

16 MR. GARCIA: Judge, the problem we have, I
17 don't remember him ever cross-examining Anthony
18 Harris about Brian Davis threatening him.

19 MR. YEAZELL: I did. I did. In fact, I asked
20 him each one of the statements. I can pull it out
21 of my examination, if the Court would like me to.

22 MR. GARCIA: Judge, even so, it's a prior bad
23 act and we all know that that can't be introduced
24 into evidence. And I don't know how it goes
25 towards impeachment if Mr. Davis is going to come

1 in and say, "Oh, Anthony Harris threatened me and
2 say if I don't jump on Luc's case, he's going to
3 jump on my case."

4 THE COURT: What are we talking about here?
5 You know, let's break it down for the rules.

6 Again, as I've said many times, I don't care
7 what comes in and what doesn't or how important it
8 is to anybody's case; I want to know if it's
9 relevant and admissible.

10 So, State, you're arguing that it is --

11 MR. GARCIA: Judge, I'm arguing that the only
12 reason they're bringing that in is to show a bad
13 act on the part of the Anthony Harris, that he
14 allegedly threatened Brian Davis and told him, "You
15 need to write a statement; you need to jump on
16 Luc's case; if you don't, I'm going to jump on your
17 case."

18 MR. YEAZELL: I don't think I need to argue
19 any more, Judge. I don't know what could be more
20 relevant. I mean, that's clear impeachment.

21 Anthony Harris is a common theme. Anthony
22 Harris is telling lies about Luc Pierre-Charles.
23 Anthony Harris is going around trying to get other
24 people to tell lies about Luc Pierre-Charles and,
25 in some cases, has been successful.

1 The State chose not to call a couple of other
2 witnesses that Anthony Harris set up to testify
3 against Luc because, quite frankly, ultimately they
4 either backed out or we were able to impeach them.

5 So it's clear impeachment if Anthony Harris
6 has run around -- is trying to get people to lie
7 about Luc and to make statements about Luc. It
8 goes to Anthony Harris's credibility. It goes to
9 his bias and motive to lie. And it's -- to me,
10 it's not even close; it's clear impeachment.

11 THE COURT: All right. When it comes to proof
12 of bias or interest, that's generally fair game as
13 to someone's credibility. Let me -- prior bad act
14 is your argument why -- amongst others?

15 MR. GARCIA: Yes.

16 THE COURT: And the prior bad act being
17 that --

18 MR. GARCIA: Well, he threatened him and his
19 family if he didn't go along with this alleged
20 written statement and jump on Luc's case.

21 MR. YEAZELL: Yeah, Judge. Exactly. That's
22 not the only thing that he's testifying to. That's
23 kind of secondary.

24 The first thing he's going to testify to is
25 that he tried to get this witness, this unbiased

1 witness, to testify against Luc and to make lies up
2 about Luc. And then when this particular witness
3 was hesitant to do so, then he threatened him that
4 if he didn't, there would be other consequences.

5 So it's not like it's just a bad act. It's
6 a -- that's just a -- frankly, a product of this
7 witness deciding that he wasn't going to do it.

8 THE COURT: All right. Here's the rule:

9 608.5. Impeachment. Proof of bias or interest.
10 Section 90.608(2) provides that: Credibility may
11 be attacked by showing that the witness is biased.

12 Included within the types of matters that
13 demonstrate bias are those that relate to the
14 interest of the witness, favoritism and corruption.

15 A person's emotions and feelings may
16 consciously or subconsciously taint the person's
17 perception of the events about which he or she is
18 testifying.

19 Interest, motive, and animus are never
20 collateral matters on cross-examination and are
21 always proper.

22 A witness's relationship to a party, the
23 personal obligations of witness to a party, the
24 friendly or unfriendly feelings of a witness toward
25 a party or the victim, the fact that a witness is

1 being paid by a party, the fact that a prosecution
2 witness is under actual or threatened criminal
3 charges or has entered into a plea bargain or is on
4 probation, a romantic involvement between the
5 witness and the party, the witness's membership in
6 an organization which is relevant to demonstrate
7 bias, prejudice or hostility toward a party,
8 threats made to the witness, the financial stake of
9 a witness in the outcome of the case --

10 I can go on.

11 All have been recognized by the Florida courts
12 as proper questions on cross-examination going to
13 the interests and bias of the witness. Whether a
14 particular matter demonstrates bias or interest
15 will depend on the facts in the particular case.

16 So I think that is --

17 All right. Evidence relating to bias and
18 prejudice is admissible when it is probative of the
19 credibility of the witness. Conversely, evidence
20 of bias that is not probative of credibility should
21 not be admitted.

22 Evidence of bias, prejudice or interest is
23 subject to Section 403 balancing, and is
24 inadmissible when its unfair prejudice to a witness
25 or party substantially outweighs its probative

1 value.

2 The question whether a particular question
3 properly goes to interest, bias or prejudice lies
4 within the discretion of the trial judge.

5 In this case, the facts that I've been
6 presented with would appear to go directly to the
7 credibility of Mr. Harris. So I don't see anything
8 prohibiting it.

9 The prior bad act argument would not -- if it
10 was some other act done not to this witness,
11 absolutely. It would have nothing to do with this
12 witness. But because the act described is one
13 which is encompassed in this witness's testimony,
14 then I think it is there.

15 I'm going to overrule the State's objection as
16 to Mr. Davis.

17 MR. YEAZELL: Judge, in regard to
18 Mr. Blanford, the State had brought him up just
19 prior to the break.

20 THE COURT: Uh-huh.

21 MR. YEAZELL: I just asked him very briefly.
22 I don't know if the Court wants to voir dire him or
23 not. It may be appropriate.

24 He indicated to me that he and John were just
25 talking, not about the case. And then John did

1 make a comment about not wanting to be here. After
2 he said that, I didn't really elaborate much more
3 on it. He said they didn't continue to talk about
4 the case, but John did make a couple comments to
5 him.

6 THE COURT: If that's the only comment, then I
7 don't think that really matters.

8 MR. YEAZELL: Yeah. I don't know --

9 THE COURT: That's not really talking about
10 the case. Probably a lot of folks don't really
11 want to be here today.

12 MR. YEAZELL: I just didn't know if you wanted
13 to push it, you know --

14 THE COURT: State?

15 MR. YEAZELL: -- see anything else that he
16 said.

17 MS. LAVENDER: I just don't want any new
18 statements coming out.

19 MR. YEAZELL: And I don't know. I mean, I've
20 got to tell you, I'm kind of inclined to ask him
21 what else was said, but I don't know.

22 MR. GARCIA: Judge, I think in the abundance
23 of caution we need to bring him in and ask him what
24 else was said.

25 THE COURT: Which one, Ralph?