

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?