

1 substantially more time than what he actually  
2 received.

3 THE COURT: Yeah.

4 MR. YEAZELL: And that's it.

5 THE COURT: Uh-huh.

6 MR. YEAZELL: Okay.

7 (OPEN COURT.)

8 THE COURT: Good morning, ladies and  
9 gentlemen. Welcome back.

10 Were all of you able to abide by my  
11 instructions during the recess?

12 THE JURY PANEL: (Responding.)

13 THE COURT: All right. We've had some  
14 technical difficulties of another sort today. So  
15 sorry for the late start. I think we're ready to  
16 begin at this point.

17 State.

18 MR. GARCIA: Your Honor, the State would call  
19 Bill Bennett.

20 THE COURT: All right.

21 THE BAILIFF: Mr. Bennett, just pause one  
22 second. Raise your right hand and receive the oath  
23 from the clerk please.

24

25

1 THEREUPON,

2 WILLIAM BENNETT,

3 the witness, was placed under oath.

4 THE WITNESS: I do.

5 THE BAILIFF: Mr. Bennett, just come through  
6 here. A little step up. Just be careful.

7 Have a seat. Get comfortable. You don't have  
8 to be right on top of the microphone but close  
9 enough to be picked up but not muffled. Thank you,  
10 sir.

11 THE COURT: Good morning, Mr. Bennett.

12 THE WITNESS: Good morning, Judge.

13 THE COURT: Go ahead, Mr. Garcia.

14 MR. GARCIA: Judge, can we approach again real  
15 briefly?

16 THE COURT: Yes.

17 (BENCH CONFERENCE.)

18 MR. GARCIA: Judge, I know Mr. Yeazell has  
19 been instructed not to ask that question, but I  
20 just wanted to make sure that Mr. Bennett knew not  
21 to say what he was --

22 MR. YEAZELL: That's probably a good idea  
23 because he may blurt out.

24 THE COURT: Okay. What about -- do you want  
25 me to tell the jury that this witness is being

1 taken out of order?

2 MR. GARCIA: Yeah.

3 MR. YEAZELL: Yeah. I think that would be a  
4 good idea, just for logistic purposes. Both the  
5 next two witnesses actually.

6 THE COURT: Right.

7 MR. GARCIA: Can we talk to him now, Judge?

8 THE COURT: Go ahead.

9 MR. GARCIA: Okay, Judge.

10 THE COURT: Okay.

11 (OPEN COURT.)

12 THE COURT: Ladies and gentlemen, this witness  
13 and the next witness is being taken out of order so  
14 we don't have to keep you waiting unnecessarily.

15 MR. GARCIA: Thank you, Your Honor.

16 May it please the Court.

17 Counsel.

18 Ladies and gentlemen, good morning.

19 DIRECT EXAMINATION

20 BY MR. GARCIA:

21 Q Mr. Bennett, if you would, please, can you  
22 state your full legal name.

23 A It's William Bennett.

24 Q And your profession?

25 A I'm a lawyer.

1 Q And how long have you been practicing in the  
2 State of Florida?

3 A Since 1987.

4 Q And are you a criminal defense lawyer now?

5 A Yes, I am.

6 Q Did you have the pleasure or the privilege of  
7 representing Anthony Harris?

8 A Yes, I did.

9 Q And you represented him on a murder case?

10 A Yes, I did.

11 Q And you also -- technically you were not the  
12 lawyer on the robbery; however, you helped him with that  
13 as well?

14 A That's correct. Mark Joseph was the lawyer on  
15 the robbery.

16 Q Okay. And did Mr. Harris subsequently plead  
17 to the armed robbery and the murder?

18 A Yes, he did.

19 Q And would that have been in January of 2014?

20 A Correct.

21 Q And throughout the course of your  
22 representation of Mr. Harris, was he constantly writing  
23 letters?

24 A Yes, he was.

25 Q And were you provided those letters by the

1 State Attorney's Office?

2 A Yes, I was.

3 Q And did you explicitly tell him that there  
4 were no --

5 MR. YEAZELL: Objection, Judge, to what he  
6 told him as being relevant, not to mention hearsay  
7 as well.

8 THE COURT: I'll have to sustain.

9 MR. GARCIA: All right.

10 Q (MR. GARCIA) The bottom line, Mr. Bennett,  
11 there were no deals in either of his two cases,  
12 right?

13 A No.

14 Q No promises?

15 A No.

16 Q No inducements?

17 A No.

18 Q All right. Now, let's talk about a person  
19 who's been sentenced to the Department of Corrections  
20 for 20 years. And his sentence was January of 2014.  
21 Fourteen months later, is there a vehicle or an avenue  
22 of Mr. Harris getting a reduction in his sentence?

23 A Not that I know of. Not by any laws of  
24 procedure -- criminal procedure.

25 Q Okay. Did you advise Mr. Harris that you

1 would not receive any -- he would not receive any deals?

2 MR. YEAZELL: I'm going to object, Your Honor.

3 Again, hearsay.

4 MR. GARCIA: No. I said, did he advise

5 Mr. Harris.

6 "Did you advise Mr. Harris that would he not  
7 receive any deals as a result of testifying in this  
8 case?"

9 THE COURT: I'm going to overrule.

10 THE WITNESS: Can I answer that, Judge?

11 THE COURT: Yes.

12 A Yeah. I was appointed on October 5, 2010.

13 And from that date on, I did inform Mr. Harris there  
14 were no deals.

15 MR. GARCIA: Okay. Thank you, sir.

16 MR. YEAZELL: Thank you, Judge. Just briefly.

17 CROSS-EXAMINATION

18 BY MR. YEAZELL:

19 Q Good Mr. Morning, Mr. Bennett.

20 A Good morning.

21 Q Nice to see you again.

22 You've indicated that you represented  
23 Mr. Harris on this murder in -- I believe it was deposed  
24 of January 2014; does that sound correct?

25 A That's correct.

1 Q All right. When did you start your  
2 representation of him?

3 A I filed my notice of appearance October 5,  
4 2010.

5 Q Okay. And he also had a robbery pending at  
6 that time that you also handled?

7 A Yes. I didn't handle it. The attorney  
8 appointed to that case was Mark Joseph.

9 Q Okay. Did you handle it at the end when the  
10 case was actually deposed of or not at all?

11 A I asked permission from Mr. Joseph to try to  
12 negotiate based on my case --

13 Q Okay.

14 A -- a disposition.

15 Q All right. So somewhat working together on  
16 that other charge?

17 A Well, I talked to Mr. Joseph about it. But at  
18 the end of the day, I had my case, and I thought we had  
19 a good case, so I asked to negotiate both at same time.

20 Q I got you. So you were involved in that. And  
21 the bottom line is here, he had a murder charge pending  
22 and he had a robbery charge pending. Two separate  
23 charges and they were deposed of on the same day; is  
24 that correct?

25 A That's correct.

1 Q All right. How long have you practiced law?

2 A I've been practicing since 1987.

3 Q Okay. A long time.

4 A Yes.

5 Q And your practice -- you've been practicing  
6 criminal law that long?

7 A Yeah.

8 Q And are you in private practice?

9 A Yes, I am.

10 Q How many criminal jury trials would you say  
11 you've handled up to this point?

12 A A couple hundred.

13 Q Okay. When he came in, he came in on a  
14 first-degree murder, correct?

15 A That is correct.

16 Q All right. When the case was resolved, he  
17 actually entered a plea to a second-degree murder?

18 A That is correct.

19 Q All right. And is second-degree murder a  
20 lesser offense?

21 A Yes, it is.

22 Q Now, when you have two cases that are pending  
23 at the same time -- and in this particular case we have  
24 a murder and we have a robbery. All right. You would  
25 agree both serious cases?



1           A     Yes.

2           Q     Can there be different types of sentences  
3 along the way of concurrent and consecutive sentences?

4           A     Yes.

5           Q     Okay. Can you explain what a concurrent  
6 sentence is to the jury?

7           A     A concurrent sentence is a sentence that runs  
8 at the same time. They may not end at the same time,  
9 but they would run at the same time so you would get  
10 time on both charges at the same time.

11          Q     Okay. And what would a consecutive sentence  
12 be?

13          A     Consecutive is you start one sentence, you  
14 finish it, and then you start the other sentence.

15          Q     Okay. And so, obviously, in a consecutive  
16 sentence you serve a heck of a lot more time, right?

17          A     Yes.

18          Q     Let's say you get -- and this is just -- you  
19 know, 20 years on one, 20 years on the other; you're  
20 actually doing 40 years, right?

21          A     Yeah. Most likely.

22          Q     Okay. Versus if they're running concurrent,  
23 you still only do the 20 --

24          A     Correct.

25          Q     -- by way of for example; is that correct?

1           A     That would be correct.

2           Q     All right.  In this particular case,  
3 Mr. Harris ultimately pled to a reduced charge of  
4 second-degree murder, correct?

5           A     That is correct.

6           Q     And he also pled to a concurrent disposition,  
7 meaning that his time on his robbery and his time on his  
8 murder were going to run at the same time?

9           A     That is correct.

10          Q     Now, Mr. Bennett, would it be fair to say that  
11 that deal that you were able to obtain is significantly  
12 better or better than what the law could require?

13          A     On both cases or one case?

14          Q     On -- well, both cases.  Could he have gotten  
15 much more on the murder case, for example?

16          A     Yes.

17          Q     Could he have gotten much more on the robbery  
18 case?

19          A     Yes.

20          Q     All right.  You were not the attorney that  
21 represented him back in -- or you did not represent him  
22 as his attorney in 2006, correct?

23          A     I was appointed in 2010.

24          Q     All right.  So you didn't represent him in  
25 2007; you didn't represent him in 2008; you didn't

1 represent him in 2009?

2 A That's correct.

3 Q All right. So you didn't represent him on his  
4 robbery charges back in 2008 when he made these  
5 allegations, did you?

6 A No.

7 MR. YEAZELL: I have nothing further, Judge.

8 THE COURT: Thank you. Redirect?

9 MR. GARCIA: Briefly, Judge.

10 THE COURT: Uh-huh.

11 REDIRECT EXAMINATION

12 BY MR. GARCIA:

13 Q Mr. Bennett, as a lawyer representing  
14 Mr. Harris is it your obligation and duty to evaluate  
15 the State's case?

16 A Absolutely.

17 Q As far as if it's a strong case, you know, a  
18 mediocre case, a weak case?

19 A That's correct.

20 Q In your opinion, in your representation of  
21 Mr. Harris as to the murder, --

22 MR. YEAZELL: Judge, may we approach?

23 THE COURT: Yes.

24 (BENCH CONFERENCE.)

25 MR. YEAZELL: Judge, I'm going to object to

1 this line of questioning. I was precluded from  
2 getting into detail about what ultimately he could  
3 have been sentenced to and what ultimately he  
4 received. I was left to be very, very general.  
5 And now he is going to be getting into -- delving  
6 into the specific what was going on in that  
7 particular murder case. And I think it's  
8 objectionable. I mean, that is potentially opening  
9 the door to a whole other case and a big mess.

10 MR. GARCIA: A whole other case?

11 MR. YEAZELL: Well, I assume what you're going  
12 to get -- be getting into right now is why he got  
13 what he got on the murder case based on the facts  
14 of the case.

15 MR. GARCIA: He's going to say, in his  
16 opinion, Judge, it wasn't a strong case.

17 THE COURT: He already said that.

18 MR. YEAZELL: He already stated that.

19 MR. GARCIA: He did?

20 MR. YEAZELL: He did.

21 THE COURT: He was very specific. It was as a  
22 side note, but I'm going to allow that to that  
23 extent.

24 MR. YEAZELL: Okay.

25 THE COURT: And be done with it.

1 MR. GARCIA: Okay.

2 THE COURT: You can ask him about, you know,  
3 are there a lot of reasons why --

4 MR. GARCIA: Cases are negotiated?

5 THE COURT: Right.

6 MR. YEAZELL: Okay. Is he required to keep it  
7 general then, that there are a lot of reasons that  
8 deals are negotiated?

9 THE COURT: He can say, such as the strength  
10 of the case. But after that --

11 MR. GARCIA: No. That's all I was going to  
12 do.

13 MR. YEAZELL: Okay. I don't have any problem  
14 with those two questions.

15 MR. GARCIA: You don't have a problem with him  
16 answering that it was a weak case?

17 THE COURT: No.

18 MR. YEAZELL: Judge, I didn't hear what he  
19 said.

20 THE COURT: He's going to respond that it was  
21 a weak case, possibly.

22 MR. YEAZELL: I'm going to object to that,  
23 Judge. Again, we're getting into the facts of that  
24 case. I think it's fair to say that there's a lot  
25 of reasons that a deal can be negotiated and him

1           responding to that.

2           Mr. Bennett has already indicated -- I think  
3 he said it was -- did he use the word "weak"? So  
4 now we're bolstering it by getting him to ask it  
5 again when it's already been answered.

6           THE COURT: Well, so just a yes or no, that  
7 there's a lot of reasons.

8           MR. YEAZELL: That there's a lot of reasons.

9           MR. GARCIA: Okay.

10         (OPEN COURT.)

11           MR. GARCIA: May I proceed, Judge?

12           THE COURT: You may.

13           Q         (MR. GARCIA) Mr. Bennett, is it fair to  
14 say that there are numerous reasons why cases are  
15 negotiated?

16           A         Yes.

17           MR. GARCIA: Okay. I don't have any further  
18 questions, Judge.

19           THE COURT: Thank you.

20           MR. YEAZELL: Nothing further, Your Honor.

21           THE COURT: May this witness be released?

22           MR. YEAZELL: Yes, ma'am.

23           THE COURT: Thank you, Mr. Bennett.

24           THE WITNESS: Thank you, Judge.

25           THE COURT: Who's next?

To

1852<sup>3</sup>  
and  
before

Objections to protection system

\* Limitation on Bennett

objection overrule on what had been

objection overrule

1859, 1860 didn't say it.