

Mr. Luc Pierre-Charles Jr.'s 2015 trial transcript of Brian Davis testimony.

1 ready to take the stand the first time.

2 MS. LAVENDER: I don't have any further
3 questions.

4 MR. YEAZELL: Nothing further, Your Honor.

5 THE COURT: Thank you.

6 May this witness be released?

7 MR. YEAZELL: Yes, Your Honor. I believe he
8 can.

9 THE WITNESS: Okay.

10 THE COURT: Thank you, Mr. Blanford. You're
11 free to go.

12 Who's next?

13 MR. YEAZELL: Judge, the Defense could call
14 Brian Davis. I believe he's available.

15 THE COURT: Okay.

16 THE BAILIFF: He's on his way, Your Honor.

17 Cut through there. Before you sit down, just
18 raise your right hand, as best you can. Raise your
19 right hand for the clerk please.

20 THEREUPON,

21 BRIAN DAVIS,
22 the witness, was placed under oath.

23 THE WITNESS: Yes, ma'am.

24 THE BAILIFF: Have a seat. I know it's a
25 little awkward. Slide in as close as you can

1 without being right on top of this thing.

2 THE WITNESS: Yes, sir.

3 THE BAILIFF: Just speak loud enough so
4 everybody can hear you.

5 THE WITNESS: Yes, sir.

6 THE COURT: Go ahead, Mr. Yeazell.

7 MR. YEAZELL: Thank you, Judge.

8 DIRECT EXAMINATION

9 BY MR. YEAZELL:

10 Q Would you state your name for the record, sir.

11 A Brian Davis, sir.

12 Q Okay. Mr. Davis, do you know an individual by
13 the name of Anthony Harris?

14 A Yes, sir.

15 Q Okay. And can you tell me how you know
16 Anthony Harris?

17 A I was housed in A-300, which is ad seg --
18 administration segregation with him.

19 Q Okay. Administrative segregation?

20 A Yes, sir.

21 Q And about how long ago was that that you met
22 him?

23 A A year-and-a-half ago, possibly.

24 Q Okay. And let me ask you something: Prior to
25 that, did you know Anthony Harris?

1 A No, sir.

2 Q Did you know a guy named Frank Harrison prior
3 to that?

4 A No, sir. I've heard of his name.

5 Q Okay. Do you know Luc Pierre-Charles, over
6 here (indicating)?

7 A No. I don't, sir.

8 Q Do you know Andre Pierre-Charles?

9 A No. I don't, sir.

10 Q Okay. Do you -- you didn't grow up with any
11 of those people or have any relationship with any of
12 those people?

13 A No, sir.

14 Q Okay. These people, for the most part, with
15 the exception of meeting Anthony Harris in jail, are
16 complete strangers to you?

17 A Absolutely, sir.

18 Q All right. At some point that you were --
19 were you housed with Anthony Harris? I mean, were you
20 in the same pod or tell me about that.

21 A I was in A-300 with Anthony Harris, sir.

22 Q Okay. At some point when you were housed with
23 him did you have the occasion to talk to Anthony Harris
24 in regard to Luc Pierre-Charles's case?

25 A He came to me.

1 Q Let me just ask you first. Did you have the
2 opportunity to speak to him?

3 A I had never spoke to him.

4 Q No. No. What I'm saying is, did you have the
5 occasion to discuss Luc Pierre-Charles's case with
6 Anthony Harris?

7 A No, sir. Because I knew nothing about it.

8 Q Okay. Did Anthony Harris say something to you
9 about the case?

10 A Yes, he did. He started talking about the
11 case.

12 Q And what did he -- first of all, at that time
13 when he's talking to you, did you know who Luc
14 Pierre-Charles was?

15 A No, sir.

16 Q Okay. What did he tell you?

17 A He told me that he -- he told me about Luc
18 Pierre-Charles's case. I really told him I didn't want
19 to know nothing about it. He kept on and on and on. He
20 tried to antagonize people to jump on people's case.

21 Q Okay.

22 A To lie --

23 MR. GARCIA: Judge, I object as to that
24 statement and move to strike it.

25 THE COURT: Sustained.

1 Q (MR. YEAZELL) Let's just talk about what
2 he did with you. Okay?

3 MR. GARCIA: That's stricken from the record,
4 Judge, the jury to disregard that?

5 MR. YEAZELL: Hold on.

6 THE COURT: All right. The jury will
7 disregard the statement about jumping on other
8 people's case.

9 Q (MR. YEAZELL) All right. Let's -- I want
10 to keep you directed at just what he was doing with
11 you. Okay?

12 A Okay.

13 Q So what did he -- what did he tell you?

14 A He threatened me. He threatened to harm my
15 family. He knows one of my cousins very well who stayed
16 in Dade Oaks for several years in Dade City.

17 Q Well, why was he threatening you? What did he
18 want you to do?

19 A He wanted me -- this is what I'm getting to,
20 sir.

21 Q Okay.

22 A He wanted me to lie and say -- because I was
23 housed with Luc Pierre-Charles for, like, two days maybe
24 and I went to medical.

25 Q Okay.

1 A But I don't know him. I never said a word to
2 him ever.

3 Q Okay. Didn't know anything about him?

4 A No, sir.

5 Q Okay. Go ahead.

6 A And he more or less put down on me and told me
7 that he was going to either write the State about my
8 case or for me to lie and say that I knew this and this,
9 all this stuff about his case that I don't know. And
10 this is what he told me: He told me that --

11 Q Wait a minute. Let me ask you about that.
12 When you say "his case", he wanted to you lie about Luc
13 Pierre-Charles's case?

14 A Correct.

15 Q Okay. Go ahead.

16 A Correct. I'll be more specific. Sorry.
17 About Luc Pierre-Charles's case.

18 Q Right.

19 A He ended up writing a statement to the State
20 without me knowing. Then told me that he wrote a
21 statement to the State with my name and that he wanted
22 me to take the stand on him. And I told him I wasn't
23 with it. Well, he -- that's when he came up with the
24 threats and he threatened either -- he threatened to
25 harm my family -- whether it was true or not, but I

1 didn't want to jeopardize their life or whatever it may
2 be. Because he already was facing, you know, some
3 serious charges, Anthony Harris. And I heard stories
4 about him. I know --

5 Q Don't talk about what you heard.

6 A Okay. But --

7 Q Did he try to give you what he was saying were
8 facts about Luc Pierre-Charles's case?

9 A Yes. He told me -- I only know by what the
10 statement that he wrote.

11 Q Okay. Well, what I'm asking you is, he was
12 trying to get you to say that those statements were
13 confessed to you by Luc Pierre-Charles?

14 A He wanted me to lie and say that I was housed
15 with Luc Pierre-Charles and that Luc Pierre-Charles came
16 up to me and asked me if I knew a guy by the name
17 Anthony Harris, a/k/a Tony the Seed (phonetic). And
18 that he was like, damn. I messed up. I told Anthony
19 Harris -- I told Anthony Harris that I killed Sean
20 Spates (phonetic) or two -- two somebodies on the back
21 roads of Trilby.

22 Q So he --

23 A I don't know specifically who they were
24 though.

25 Q So he wanted you to say that Luc had said that

1 to you?

2 A Yes. And that he -- that Luc said to me that
3 he messed up and told Anthony Harris, a/k/a Tony the
4 Seed, who he didn't know was a DEA agent on the street,
5 worked for the DEA.

6 Q Okay.

7 A That -- you know, that he messed and told him
8 about his charges. That's what he wanted me to say.

9 Q What did you tell Mr. Harris?

10 A Whether that was for him to reap the benefits,
11 I have no idea, but that's what he threatened me with.

12 Q Okay. And what did you tell Mr. Harris?

13 A I told Mr. Harris that I'm not going to do it.

14 Q Okay.

15 A And he kept threatening me so I got scared.
16 So when he State came, I kind of, like -- was just like,
17 yeah. Like, basically with the same thing said --

18 Q Did you actually make a statement to the State
19 at one point?

20 A Yes. But I didn't know how to come out and
21 tell them out of fear because I was housed in the same
22 dormitory with him. So I ended up going psych. Due to
23 the pressure he was applying on me, I went psychological
24 emergency. Went to medical. Stayed up there for, like,
25 two weeks. They let me off. Put me back A-300 with

1 Anthony Harris. I was there for, like, a week and they
2 put me in general population. And then shortly after
3 that, I took a plea and went to prison.

4 I had no way of contacting the State -- the
5 State, due to low funds, on the phone or nothing to let
6 them know that I have -- I didn't know how to come
7 forward with this information because I was kind of
8 scared. I was kind of in a bind, in a predicament at
9 the time.

10 Q Okay. And did Luc Pierre-Charles ever say
11 anything to you ever about anything?

12 A Never.

13 Q Okay. You didn't even know Luc
14 Pierre-Charles?

15 A No.

16 Q Okay.

17 A No.

18 Q Thank you.

19 A Yes, sir.

20 MR. YEAZELL: Nothing further.

21 THE COURT: Cross.

22 MR. GARCIA: May it please the Court.

23 Counsel.

24

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CROSS-EXAMINATION

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BY MR. GARCIA:

Q Mr. Davis, good afternoon.

A Good afternoon, sir.

Q When did this conversation take place with Luc
-- I'm sorry. When did this conversation take place
with Anthony Harris?

A I don't remember the exact month.

Q Why not?

A I can't remember the exact month, off the top
of my head, sir.

Q Do you have trouble remembering things?

A Yes, sir. I take psychological medication,
sir.

Q So you're on psych medication?

A Yes, sir.

Q Were you on psych medication when this alleged
conversation took place with Anthony Harris?

A Yes, sir.

Q What's your diagnosis?

A Manic bipolar and depression. Manic
depression. Manic bipolar.Q Okay. And what type of medication were you
taking?

A At that time -- I've been through so many,

1 sir. I can't tell you. I can tell you what I take now,
2 though, sir.

3 Q Well, I want to know what you took then,
4 whenever this conversation took place. Have they added
5 more medications to the medications you were taking?

6 A I done been sent to prison and they changed my
7 medications. I'm in DOC right now, sir.

8 Q You're in prison?

9 A Correct.

10 Q Okay. And you're serving a very, very lengthy
11 sentence, correct?

12 A Correct, sir.

13 Q So can you even give us a year when this
14 conversation took place?

15 A 2014.

16 Q Okay. And where did this conversation take
17 place?

18 A Where?

19 Q Yes, sir.

20 A A-300 in ad seg, administrative segregation.

21 Q And why were you in administrative segregation
22 at that time?

23 A Due to the --

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

1 MR. GARCIA: I think it's a valid question,
2 Judge.

3 MR. YEARELL: As to relevance to the issues in
4 this case.

5 MR. GARCIA: And, Judge, I think he already
6 said he was on psychotropic medication.

7 THE COURT: I'm going to --

8 MR. GARCIA: I want to know why he was in ad
9 seg.

10 Q (MR. GARCIA) Why were you in ad seg?

11 THE COURT: I'm going to allow it a little
12 bit. Overruled.

13 Q (MR. GARCIA) Why were you in ad seg?

14 A Incompatibilities. Getting in disputes with
15 people.

16 Q Okay. So you've gotten in disputes with other
17 inmates then?

18 A Correct, sir.

19 Q Did you have any disputes with Anthony Harris?

20 A No, I haven't. I've never had no dispute with
21 him.

22 Q Okay. All right. So let's go back to 2014.

23 You don't know what month he told you this?

24 A No. I don't, sir.

25 Q And you've testified to the jury he threatened

1 you, right?

2 A Correct, sir.

3 Q And he told you, "If you do not lie -- " or
4 "If you don't come forward on Luc's case, I'm going to
5 jump on your case"?

6 A He told me that -- he didn't -- more or less
7 he said jump on my case. He said he would write the
8 State Attorney's Office --

9 Q Okay.

10 A -- and tell them that I confessed my crimes to
11 him and it would make my time harder on me, sir.

12 Q And you said you didn't know Anthony Harris
13 prior to this, right?

14 A No, sir.

15 Q How did he know your family? Because you
16 indicated he knew a cousin or something?

17 A He knew one of my cousins because he's from
18 Dade City. It's kind of a smaller city.

19 Q Okay.

20 A And she stayed in the housing section
21 development off of Lock Street in Dade Oaks, sir.

22 Q Okay. So, thus far, we know you were in
23 A-300; it was sometime in 2014.

24 A Correct, sir.

25 Q Who else was in ad seg at the time, what other

1 inmates?

2 A Some -- a guy named David. I can't remember
3 his last name. And a guy they call Cheddar. I don't
4 know his first name. His last name is Dely.

5 Q Okay. Edner Dely?

6 A Yeah. That's his name, sir.

7 Q Okay. Well, you were afraid of Mr. Harris,
8 right?

9 A Correct, sir.

10 Q You were so afraid that you reported it to the
11 corrections officers, right?

12 A No. I didn't report it to the correction
13 officer, sir. I didn't know what to do.

14 Q The allegation is he was threatening you and
15 you didn't come forward and tell them, I'm being
16 threatened?

17 A He threatened to harm my family on the
18 outside, sir.

19 Q Okay.

20 A And he threatened to jump on my case, sir.

21 Q And my question to you is: Did you contact a
22 corrections officer, somebody and say, "Hey, Anthony
23 Harris is threatening me"?

24 A No. I just psychological emergency, sir.

25 Q What do you mean "psychological emergency"?

1 A I went to the officer and told him I felt like
2 harming myself. So they took me to medical and stuck me
3 in a green suit for two weeks. And then they stuck me
4 back in A-300 for a little less than a week and they put
5 me in general population.

6 Q So you would agree with me then that you were
7 unstable?

8 A Correct, sir.

9 Q Okay. You were contemplating suicide?

10 A I did that to get out of the dorm with Anthony
11 Harris, sir.

12 Q Okay. Well, you likewise -- the same way you
13 did that, you could have told the correction officer,
14 "Hey. Anthony Harris is threatening me", right? "I
15 need to call law enforcement; I need to report this",
16 right?

17 MR. YEAZELL: Judge, I'm going to object. He
18 asked the question; he responded that he didn't
19 know how to handle it. And that's his response.

20 MR. GARCIA: Judge, I don't think I've gotten
21 an answer. I've been trying to get an answer from
22 him.

23 MR. YEAZELL: It's been asked and answered,
24 Judge.

25 MR. GARCIA: He hasn't answered me.

1 THE COURT: All right. Just answer the
2 question.

3 Q (MR. GARCIA) Do you need me to repeat the
4 question or did you understand my question?

5 A Yes, sir.

6 Q Okay. So --

7 A Repeat the question, sir.

8 Q Why didn't you report it to law enforcement?
9 Tell them, "Hey. Anthony Harris has been threatening
10 me"?

11 MR. YEAZELL: The same objection, Judge. He
12 answered this.

13 A Because he didn't threaten to put his hands on
14 me, sir. And, at the same time, I didn't want to do
15 that. I've never really went to the cops before on
16 anything in my life. And that's just something that I
17 have never done.

18 Q You don't like going to law enforcement; you
19 don't like cops or what's the problem?

20 MR. YEAZELL: Judge, objection. The State's
21 being argumentative with him.

22 MR. GARCIA: Judge, I'm not being
23 argumentative. He's the one that's saying these
24 things.

25 THE COURT: Overruled. Overruled.

1 Q (MR. GARCIA) So why don't you like cops?
 2 MR. YEAKEL: Objection. He didn't say he
 3 didn't like cops. He said he just doesn't normally
 4 go to them. He didn't say he didn't like them.
 5 THE COURT: Rephrase.
 6 Q (MR. GARCIA) Do you like cops?
 7 A Yes. I don't have a problem with law
 8 enforcement officers, sir.
 9 Q Okay. So why didn't you go to one and report
 10 at them?
 11 A Because I've never done anything like that in
 12 my life. He didn't threaten to put his hands on me,
 13 sir.
 14 Q So when did you finally come forward with this
 15 information about Anthony Harris?
 16 A When the state came out and seen me when I was
 17 housed in A-300. I don't remember the exact time or
 18 date.
 19 Q When the state came out to see you?
 20 A I believe it was the somebody from the state
 21 Attorney's Office. Somebody I spoke with, sir. I
 22 imagine it would have been somebody from the state
 23 Attorney's Office.
 24 Q Okay. It wasn't myself, right?
 25 A No, sir.

1 felony convictions then?

2 A Correct, sir.

3 MR. GARCIA: May I have a moment, Judge?

4 THE COURT: You may.

5 MR. GARCIA: I don't have any further
6 questions.

7 REDIRECT EXAMINATION

8 BY MR. YEAZELL:

9 Q Mr. Davis, do you have any doubt at all in
10 your mind that you are remembering this correctly in
11 regard to the statements that Mr. Anthony Harris made to
12 you?

13 A Yes. I'm remembering it quite well, sir.

14 Q And you're a hundred percent sure of that?

15 A Absolutely, sir.

16 Q There's nothing about the medications that you
17 have taken are preventing you from remembering that; is
18 that true?

19 A No, sir.

20 Q Okay. One other question. When he said he
21 was going to jump on your case, did he say what he was
22 going to say about you?

23 A No, sir. He didn't say. He just said that he
24 was going to write the State Attorney's Office and make
25 sure that whatever he said -- he said he made sure it

1 would stick and it would make my time harder on me.

2 MR. YEAKELT: Okay. Nothing further.

3 MR. GARCIA: None, Judge.

4 THE COURT: May this witness be excused?

5 MR. YEAKELT: Yes, Your Honor.

6 You want to keep going?

7 THE COURT: Do we have time for one more?

8 MR. YEAKELT: Whatever you want to do.

9 THE COURT: We're going to do one more

10 witness.

11 MR. YEAKELT: Judge, the Defense would then

12 call Damon Blanford to the stand.

13 MS. LAVENDER: Judge, if we could approach?

14 THE COURT: While he's coming.

15 (BENCH CONFERENCE.)

16 MS. LAVENDER: This is going to be the same

17 situation as his brother Ralph. I want to make

18 sure he's been instructed not to be ad-libbing.

19 MR. YEAKELT: Judge, Ralph testified to

20 exactly what he testified to in the deposition. I

21 disagree. Now, I would agree that we can't have

22 them just keep talking like they were talking.

23 THE COURT: That's true, and probably the

24 best way to do that is to keep your questions

25 straightforward and short.

1 MS. LAVENDER: What I'm objecting about is the
 2 fact that we specifically had talked about them not
 3 being allowed to say, I know he lied or I know he
 4 lied and that's exactly what he did. That's what
 5 I'm talking about.
 6 THE COURT: I know. That was -- and he -- I
 7 believe that he said that he lied. He did at some
 8 point.
 9 MR. YEAZELL: Judge, he only added two
 10 statements. Basically that -- three statements.
 11 THE COURT: All right. Neither have really
 12 said that. All right? Be careful. If you don't,
 13 you know -- the fewer questions, the fewer
 14 opportunities.
 15 MR. YEAZELL: Judge, I do need to advise him
 16 of how many felonies he has. He has no idea. And
 17 the state's numbers were different than ours, then
 18 we corrected them. So I just need to let him know.
 19 MS. LAVENDER: I'll ask him because he used
 20 his brother's name.
 21 MR. YEAZELL: Well, I'm not going to go along
 22 with that. He can't do that -- she can't do that.
 23 She's saying --
 24 MS. LAVENDER: As far as credibility, he's
 25 used his brother's name before.

1 MR. YEAZELL: I would be objecting to that.
2 She can't just get into any lie that he's ever told
3 in his life.

4 THE COURT: That's not -- was he charged and
5 convicted of that?

6 MS. LAVENDER: He was convicted under his
7 brother's name and they had to straighten it out
8 through fingerprints and everything else.

9 MR. YEAZELL: It's not proper
10 cross-examination, Judge.

11 THE COURT: Was he convicted of that crime?

12 MS. LAVENDER: I don't know.

13 THE COURT: If he wasn't convicted of that
14 dishonest crime, don't go there..

15 MS. LAVENDER: Okay.

16 (OPEN COURT.)

17 THE BAILIFF: Step up there. Careful, a
18 little step up.

19 Before you sit down, stand up one second.
20 Raise your right hand and receive your oath from
21 the clerk please.

22 THEREUPON,

23 DAMON BLANFORD,
24 the witness, was placed under oath.

25 THE WITNESS: Yes, ma'am.

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 Blandford. 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?