

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO COUNTY, FLORIDA
CRIMINAL JUSTICE DIVISION

STATE OF FLORIDA

CASE NO.: 2008-4222CFAES

v.

LUC PIERRE-CHARLES,
Defendant

_____ /

MOTION FOR POST-CONVICTION RELIEF

COMES NOW, the Movant, LUC PIERRE-CHARLES, by and through undersigned counsel, and hereby files this his motion for post-conviction relief pursuant to Fla. R. Crim. P. 3.850, for this Court's order to Set Aside the Judgment and Sentence in the above styled matter and, in support, states as follows:

RULE 3.850 PROCEDURAL STATEMENT

1. On August 14, 2008, the Grand Jury Indicted Luc Pierre-Charles on two counts of Pre-Meditated First-Degree Murder in the shooting deaths of Derek Pieper and Raymond Veluz. The indictment is attached to this motion as exhibit 1.
2. On March 18, 2009, following a jury trial, Luc Pierre-Charles was convicted as charged and on March 19, 2009, Luc Pierre-Charles was sentenced to natural life in prison. The Judgement is attached to this motion as exhibit 2.
3. On February 11, 2011, following an appeal, the Second District Court of Appeals filed an opinion overturning the conviction and remanding the case for a new trial.
4. On May 13, 2011, Christopher E. Yeazell entered his Notice of Appearance on behalf of Luc Pierre-Charles. The Notice of Appearance is attached to this motion as

exhibit 3.

5. On April 1, 2015, following a second jury trial, Luc Pierre-Charles was convicted as charged and on May 14, 2015, he was sentenced to a term of natural life in prison. The Judgment is attached to this motion as exhibit 4.
6. On March 22, 2016, following the denial of the Motion for New Trial, Christopher E. Yeazell filed a Notice of Appeal. The notice is attached to this motion as exhibit 5.
7. On March 23, 2018, the Second District Court of Appeals Per Curiam Affirmed the conviction in a Mandate issued on May 15, 2018. The Mandate is attached to this motion as Exhibit 6.
8. All counts were run concurrent to one another.
9. To the undersigned counsel's knowledge, no other post-conviction motion has been filed in this case.
10. Luc Pierre-Charles seeks for this Court to Set Aside the Judgment and Sentence in the above stated matter, or in the alternative set an evidentiary hearing.
11. Undersigned counsel certifies that Luc Pierre-Charles can understand English.
12. Pursuant to Fla. R. Crim. P. 3.850, a statement of facts in this matter is as follows:

STATEMENT OF FACTS

1. On July 28, 2006 at approximately 5:30 a.m., the bodies of Raymond Veluz and Derek Piper were discovered on a dirt road at 35744 Trilby Rd. Trilby, FL 33525 with multiple gunshot wounds.
2. Later that same morning, law enforcement officers were dispatched to a vehicle fire at 12449 Withlacoochee Boulevard. By the time the fire department was able to put out the fire the vehicle was completely burned. The vehicle was identified as belonging to

victim Raymond Veluz.

3. Crime Scene Analysis of both crime scenes failed to turn up any forensic evidence connecting a potential suspect to the crime.
4. On July 24, 2008, almost exactly two years after the murder, an arrest warrant was issued for Luc Pierre Charles and Tyree Jenkins
5. On August 14, 2008, Luc Pierre-Charles was charged by indictment with two counts of murder in the first degree pursuant to Florida statute 782.04.
6. Luc Pierre-Charles' first jury trial took place March 9, 2009 through March 19, 2009 after which the jury found the Defendant guilty as charged and the court sentenced him to life in prison on March 19, 2009.
7. On February 11, 2011, following an appeal, the Second District Court of Appeals filed an opinion overturning the conviction and remanding the case for a new trial.
8. The second jury trial occurred from March 23, 2015 through April 1, 2015.
9. At this second Jury Trial, the evidence was presented as follows:
10. Toni Woodward, Roger Collins and the perpetuated testimony of Janice Bott were presented to establish the approximate time of the shooting testifying in some regard that they heard between five and eight gun shots at approximately 5:15 a.m. to 5:30 a.m. on July 28, 2006. Ms. Bott testified to leaving her house to go to work at 6:00 a.m. and seeing two bodies in the area of Trilby Road leading her to call 911. (TT 894 – 916)
11. Medical Examiner Noel Palma testified to the identity of the deceased victims, the nature of the gunshot wounds and the cause of death as homicide from multiple gunshot wounds. (TT 928 – 950)

12. Jason Tucker, Dean Yingling, Jonathan Bateman, Melanie Linton-Smith, John Romero, and Charles Faville were the next witnesses called as the first responders, law enforcement officers on the crime scene, and the forensic analysts who processed the evidence collected at the crime scene; they established that there were no witnesses, prints that could be matched to any suspects, and no fire arm that could be matched to any casings recovered from the crime scene. (TT 986-1062)
13. Trishia Rush was next called as Derek Pieper's girlfriend to establish that on the night before his death she had last spoken to him around 10:30 to 11:00 p.m. as they were getting off of work. (TT 1063 – 1069)
14. Troy Davis testified that on July 27, 2006, Derek Pieper, Raymond Veluz and Farrah Hernandez came to his house. They left sometime after midnight and he was not sure where they were going. He testified that the Pasco Woods Apartments were about two to three miles away from his house. (TT 1078 – 1083).
15. Andre Pierre-Charles, the brother of Luc Pierre-Charles, next testified that he knew Derek Pieper from high school, that Mr. Pieper had called him, but he had not sold him any marijuana and did not know if he ever came to the Pasco Woods Apartments before he was discovered murdered. (TT 1084 – 1101)
16. Farrah Hernandez was called next and testified that she knew Raymond Veluz and had met Derek Pieper a few times. Mr. Veluz picked her up shortly before midnight on July 27, 2006 in his green Mitsubishi Galant. Ms. Hernandez testified that after going to Troy Davis' house, they left around 3:00 a.m. to go to the Pasco Woods Apartments. When they arrived, there was a group of people, she was brought around to the far side of the retention pond where someone named "Andre" proceeded to hit

on her. As she was being led away, she claimed to have witnessed a fight and Mr. Pieper being beaten up. When she came back to the parking lot, Raymond Veluz, Derek Pieper and the car were gone. She then went to an apartment before being taken in a truck with “Andre” to another location and then walking home. Ms. Fernandez admitted on cross that she did not observe Luc Pierre-Charles at the apartment or in Mr. Veluz’ vehicle. She testified that she was under the influence of Xanax, marijuana, Klonopin, and rum that evening. She had issues clearly remembering the night and could not identify any of the people she claimed to have observed. (TT 1102-1119)

17. Angel Brooks next took the stand and testified to the only direct evidence placing Luc Pierre-Charles in the same place as Derek Pieper and Raymond Veluz prior to their murder. Ms. Brooks testified that on July 27, 2006, she was babysitting at the Pasco Woods Apartment. At some point she witnessed Luc Pierre-Charles, Andre Pierre-Charles, Darnell Jenkins, and Jeremy Henry hanging out. She witnessed Derek Pieper arrive and when she went down to find her boyfriend Jeremy Henry, she claimed to have seen Mr. Pierre-Charles driving a dark colored Galant with Tyree Jenkins in the passenger seat and two white males in the back seat. She went on to testify to certain admission made to her by Luc Pierre Charles. Specifically, to a speakerphone conversation on Andre Pierre-Charles cell phone where she heard Luc Pierre-Charles tell someone to “get down on your hands and knees and pray”, to Luc Pierre-Charles making a hand gesture the morning after the murder that he had emptied the clip, possibly with a gun in his hand while Tyree Jenkins was laughing, and that on a later date she had heard that they had burned the car but this was not

from Luc Pierre-Charles. (TT 1121 – 1134)

18. On Cross-examination, Angel Brooks admitted that she did not like Luc Pierre-Charles and that her boyfriend of three years, Jeremy Henry, was also present at and around Pasco Woods all that evening and into the early mornings. She admitted that there were issues with Jeremy Henry and Andre Pierre-Charles taking two different girls' cars and disappearing without permission. Ms. Brooks admitted that in prior statements she had admitted that she could not determine the race of the people in the back of the dark colored Galant. She admitted to inconsistencies in her claims about what she heard on Andre Pierre-Charles' phone, specifically that she had not mentioned this conversation until two and a half years after the murder occurred, that she had given earlier statements that she did not know who was on Andre's phone, and that she did not mention that it was a speaker phone in any of her earlier statements. (TT 1134-1148)

19. The next witness was Maria Dejon, the mother of Raymond Veluz, who testified to last seeing Mr. Veluz at 10:30 p.m. on the evening of July 27, 2006 and to not knowing where he was going. She next became aware of an issue when Farrah Hernandez came to her home the following morning at 7:00 a.m. (TT 1162 – 1166)

20. Darlene Rix, Mary Guyer, Cherie Johnson, Jenny Garrison, Kaleigh Adams, Mary Pacheo and Donnie Campbell were called to testify to the discovery of a car on fire at Withlacooche Park at approximately 7:00 a.m. on July 28, 2006 that was determined to be Raymond Veluz's green Galant. Fire investigators could not identify any accelerants used in the fire. Numerous pieces of forensic evidence were collected and tested for fingerprints and DNA including a lighter and a pipe, however none of that

evidence could be matched to Luc Pierre-Charles or the co-defendant Tyree Jenkins.
(TT 1167-1197; 1202-1243; 1276-1285; 1400-1423)

21. Jessica Rotolo and Jessica Velazquez testified however Mr. Rotolo could only say that Andre Pierre-Charles, Jeremy Henry, and Angel Brooks borrowed her car around 7:00 a.m. the morning of or day after the murder and Ms. Velazquez had no recollection of anything based on multiple head injuries. (TT 1197-1200; 1272-1275)
22. Anthony Harris testified to certain admission allegedly made by Luc Pierre-Charles, specifically that in 2006 while doing under cover buys for Agent Christopher Starnes he ran into Luc Pierre-Charles who told him that he had run into two dudes in Wesley Chapel trying to get a pound of weed. That they went to Dade City together where they met up with Tyree Jenkins before going to an abandoned road and robbed them. At that point, they shot them both and burned the vehicle. Mr. Harris claims that he told this to Agent Starnes at the time who told him that he would get the information to the homicide department. He did not hear anything about it until he gave the same information to Detective Schoneman in 2008. Anthony Harris testified that he was convicted of six prior felonies and that he does not believe that the state can do anything to help him in the sentence that he is currently serving. (TT 1314 pg 2 ln 2-6) (TT 1287-1315)
23. On cross-examination Anthony Harris admitted that he had pending charges when he first made these allegations back in 2009. While this was called a sworn statement in front of the jury, it was in fact the first trial date. Mr. Harris admitted that he did contact the state and sheriff's office about making a deal. He admitted that he and Luc Pierre-Charles were not friends and that he was quite a bit older than Mr. Pierre-

Charles. Anthony Harris admitted that he did not provide a statement to Detectives until 2008 when he was in jail on multiple robbery charges. Mr. Harris admitted that he had requested that his murder charges be dropped based on his testimony, admitted that he had written a letter to the state about cutting him a deal for testifying, and that his murder charges were already reduced to a second degree murder and run concurrent with his armed robbery charges. Luc Pierre-Charles' attorney confronted Mr. Harris with other inmates he had approached about getting on this case as well as inmates who heard him say he was fabricating his testimony; although Harris denied it. (TT 1315 – 1399)

24. John Blanford took the stand and stated that he was the cousin of Luc Pierre-Charles. Blanford testified to certain admission by Luc. Specifically, that in 2006 Mr. Pierre-Charles told him that he had bagged his first body, that Tyree had shot one as well, that he shot them in the head, that it occurred in Trilby in the victim's car, and that he had burned the car on river road. Mr. Blanford testified that Luc Pierre-Charles showed him the 9 mm handgun and took him to a lake where he threw it. On cross-examination, John Blanford admitted to having a very poor memory and not recalling when these things were said or where the conversation took place. He admitted that while the conversation took place in 2006, he did not mention it to police until 2007 after he had been arrested. He took police to a lake where he claimed the gun was thrown although nothing was located. He received a dismissal of charges and probation on Possession of Cocaine charge. (TT 1489-1531)

25. Frank Harrison next took the stand and testified that in 2012 while in custody, he was speaking to Anthony Harris when Luc Pierre-Charles approached them and said not to

speak to Harris. Mr. Harrison said that after Harris left, Mr. Pierre-Charles said that Harris made a statement against him, that he and Tyree did a robbery that went bad, and they killed two white boys on a back road in Trilby. Harrison testified to have 14 prior felony convictions and that Mr. Pierre-Charles asked him to write a letter to his lawyer that he would be a defense witness. On Cross-Examination, Frank Harrison admitted that he has known Anthony Harris for years and only knows Luc Pierre-Charles distantly. Harrison admitted to calling from the jail after he had been sentenced to 8 years in prison although he denied that he was seeking to get his sentence reduced. (TT 1543-1582)

26. Finally, the State called Lisa Schoneman who testified that when she took over the case that Luc Pierre-Charles and Tyree Jenkins were the suspects and while Jeremy Henry had been the primary suspect, he had been excluded. (TT 1586-1589)

27. Following the close of the state's case, the Defense called Cory Craig to testify. Mr. Craig testified that he grew up with Frank Harrison as well as Luc Pierre-Charles. He stated that while he was in the Pasco County Jail, Frank Harrison approached him saying that he was unhappy about his 8 years sentence and that he would try and get some years back by jumping on Luc Pierre-Charles' case. Mr. Craig continued that Mr. Harrison told him that he was going to lie and say Luc had killed the two white boys. (TT 1598-1617)

28. The Defense next called Jennifer Scheid and recalled Lisa Schoneman and Andre Pierre-Charles, to present phone records to establish that Andre Pierre-Charles had not received a phone call between 3:00 a.m. and 6:25 a.m. contradicting Angel Brooks testimony of having heard Luc Pierre-Charles on Andre Pierre-Charles phone making

certain admissions to the murder. TT 1692-1720)

29. The Defense called Ralph Blanford and Damon Blandford, the brothers of John Blanford, to testify that John had discussed the situation about testifying against Luc Pierre-Charles with them in 2012 after getting out of prison. During this conversation, John Blanford admitted that he felt coerced to testify based on his fear about his trafficking charges and that he told a story about Luc and apologized. (TT 1757-1771)
30. The Defense next called Brian Davis an inmate who had been housed with Anthony Harris. Mr. Davis testified that he didn't know Mr. Harris or Luc Pierre-Charles however a year and a half before the trial Harris had approached him about lying about knowing things about Luc Pierre-Charles' case. Based on Mr. Harris urging and threats, he had written a letter to the state saying that Luc had admitted to the crime, but this was not true. (TT 1771-1790)
31. The Defense called Jared Bain, Damien Eagen, Lionel Bates, and Eugene Bryant all of whom testified in some regard to Frank Harrison or Anthony Harris having admitted to falsifying their testimony against Luc Pierre-Charles. They testified to admissions that the state had coached them and that they had only learned about the case from the news and internet through their family. (TT 1912-1978)
32. The State called William Bennett in rebuttal. William Bennett was Anthony Harris' attorney and represented him in his murder charge. Mr. Bennett testified that Anthony Harris pled in 2014, that there were no plea deals in place, and that 14 months after sentencing that there is no way to get a reduction in sentence. (TT 1848-1860)
33. The State's second rebuttal witness was Christopher Starnes, a Sargent with the Pasco County Sheriff's Office, who testified concerning his conversation with Anthony

Harris back in 2007. Starnes testified that he was working with Harris on an investigation of a drug dealer by the name of “Noe” when he told him that Luc Pierre-Charles and Tyree Jenkins were involved in a Trilby double homicide. Starnes said that he contacted Pasco Major Crimes with the information. Christopher Starnes admitted on cross-examination that he could not recall the other agent in the car, that he did not record or draft a report concerning the statement, and that at the deposition he had admitted that he had no recollection of the case. (TT 1861-1894)

34. Following closing arguments and the instructions on the law, the Jury convicted Luc Pierre-Charles as charged.

MEMORANDUM OF LAW

The appropriate method to seek post-conviction relief due to ineffective assistance of counsel is that such matter, generally, should be raised in a Fla. R. Crim. P. 3.850 Motion for Post-Conviction Relief. *Kelley v. State*, 486 So.2d 578, 585 (Fla. 1986). “A rule 3.850 movant is entitled to an evidentiary hearing on an ineffective assistance of counsel claim if he specifies facts, not conclusively rebutted by the record, demonstrating counsel's deficiency in performance that prejudiced him.” *Jackson v. State*, 711 So.2d 1371, 1372 (Fla. 4th DCA 1998) See *Rose v. State*, 617 So.2d 291, 296 (Fla.), cert. denied, 510 U.S. 903 (1993).

In *Alcorn v. State*, 121 So. 3d 419, 425 (Fla. 2013) the Court explained that claims of ineffective assistance of counsel are governed by *Strickland v. Washington*, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984) as follows: To prove a claim under *Strickland*, a defendant must show (1) that counsel's performance was deficient and (2)

that the deficient performance prejudiced the defense. *Id.* at 687, 104 S.Ct. 2052. The deficiency prong requires the defendant to establish conduct on the part of counsel that is outside the broad range of reasonableness under prevailing professional standards. *Id.* at 688, 104 S.Ct. 2052. There is a strong presumption that counsel's conduct falls within the wide range of reasonable professional assistance. *Id.* at 689, 104 S.Ct. 2052.

The *Strickland* prejudice prong requires the defendant to establish “a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different.” *Id.* at 694, 104 S.Ct. 2052. “That standard does not ‘require a defendant to show that counsel's deficient conduct more likely than not altered the outcome of his penalty proceeding, but rather that he establish a probability sufficient to undermine confidence in [that] outcome.’” *Parker v. State*, 89 So.3d 844, 855 (Fla.2011) (quoting *Porter v. McCollum*, 558 U.S. 30, 130 S.Ct. 447, 455–56, 175 L.Ed.2d 398 (2009)). *Alcorn*, 121 So. 3d at 425.

“[W]hen a defendant presents competent substantial evidence in support of his ineffective assistance claim[s], the burden shifts to the State to present contradictory evidence.” *Williams*, 974 So.2d at 407 (citing *Green v. State*, 857 So.2d 304, 305 (Fla. 2d DCA 2003)); accord *Thomas v. State*, 117 So.3d 1191, 1194 (Fla. 2d DCA 2013) (“Generally, a defendant has the burden to present evidence at a post-conviction evidentiary hearing, and once he does so, even if only through the presentation of his own testimony, the State must present contradictory evidence.”). While trial counsel's strategic decisions are “virtually unchallengeable,” those decisions which are “patently unreasonable” will not withstand scrutiny. *Light*, 796 So.2d at 616 (first quoting *Downs v. State*, 453 So.2d 1102, 1108 (Fla. 1984); and then quoting *Roesch v. State*, 627 So.2d

57, 58 n.3 (Fla. 2d DCA 1993)). Where there is “no conflicting testimony that required the [postconviction] court to assess the relative credibility of different witnesses,” the issue is not one of witness credibility. *Feldpausch v. State*, 826 So.2d 354, 356 (Fla. 2d DCA 2002); see also *Yarbrough v. State*, 871 So.2d 1026, 1029 (Fla. 1st DCA 2004) (“[T]he evidentiary hearing raised virtually no disputed issues.... Thus, the [postconviction] court needed only to apply these established facts to the law regarding ineffective assistance of counsel.”). “[I]f a defendant's testimony is unrefuted and the postconviction court has not articulated a reason to disbelieve the defendant, the court cannot choose to disregard the defendant's testimony.” *Thomas*, 117 So.3d at 1194.

CLAIM 1

**LUC PIERRE-CHARLES WAS DENIED
EFFECTIVE REPRESENTATION OF COUNSEL
WHEN HIS ATTORNEY FAILED TO
INVESTIGATE AND CALL ALIBI WITNESS
ASHLEY SAMELTON AT TRIAL**

Luc Pierre-Charles was denied effective representation of counsel when his attorney failed to investigate potential alibi testimony in the form of Jamal Sampson’s sister, Ashley Samelton, after becoming aware through Jamal Sampson’s deposition that she was with Mr. Pierre-Charles all night and into the morning of July 28, 2006 after Mr. Sampson had gone to bed. This testimony would have provided credible alibi testimony to establish that Mr. Pierre-Charles could not have been at the Pasco Woods apartments when the victims arrived there and could not have been at the scene of the crime at the time of the murder. Luc Pierre-Charles was prejudiced by the failure to investigate as there was no alibi defense presented at his trial Had the Jury been able to consider

credible alibi testimony, in addition to the major weakness in the state's case, there is a reasonable probability that the outcome of the trial would have been different, and Mr. Pierre-Charles would have been acquitted.

Under *Strickland*, counsel has a duty to make reasonable investigations or to make a reasonable strategic decision making such investigations unnecessary. *Strickland*, 466 U.S. at 691. To establish ineffective assistance of counsel based on counsel's failure to call a witness, the Movant must set forth the following allegation:

- (1) the identity of the prospective witnesses;
- (2) the substance of the witnesses' testimony;
- (3) an explanation as to how the omission of the testimony prejudiced the outcome of the trial; and
- (4) an assertion that those witnesses would in fact have been available to testify at trial.

See *Odom v. State*, 770 So. 2d 195,197 (Fla. 2d DCA 2000) (holding that the first three allegations are required); see also *Nelson v. State*, 875 So. 2d 579, 584 (Fla. 2004) (adding requirement that defendant allege availability of witness to testify at trial).

"The failure to call witnesses can constitute ineffective assistance of counsel if the witnesses may have been able to cast doubt on the defendant's guilt, and the defendant states in his motion the witnesses' names and the substance of their testimony, and explains how the omission prejudiced the outcome of the trial." *Ford v. State*. 825 So. 2d 358, 360-61 (Fla. 2002) (quoting *Jackson v. State*. 711 So. 2d 1371, 1372 (Fla. 4th DCA 1998)). A claim that counsel failed to call a witness who could establish an alibi states a facially sufficient ground for relief. *Peter v. State*, 844 So. 2d 699 (Fla. 4th DCA 2003)

Although not always a requirement for defense counsel to attempt to discover defense witnesses, the courts have found some special situations require it. *Light v. State*. 796 So.2d 610 (Fla. 2d DCA 2001). For example, when defense counsel fails to investigate that which would require minimal effort, while likely to produce results, and simultaneously allowing an authoritative State witness to present undisputed testimony, the courts have found defense counsel to be ineffective under the law. *Id.* Consider *Light v. State*, where the Second District Court of Appeals found defense counsel ineffective for failing to call defense witnesses when the only state testimony came from a police officer pitted against the nine-time-convicted defendant, and a crowd of potential witnesses was present during the crime, making additional defense investigation essential as it was likely to be "fruitful." 796 So. 2d. 610,616 (Fla, 2d DCA 2001). The *Light* court decided that counsel failed to investigate and present the relevant bystander testimony, which was a reasonable trial strategy under the facts, and there was a reasonable probability that, but for counsel's errors, the result of the trial would have been different. *Id.* These findings met the court's *Strickland* requirements and the *Light* case was reversed and remanded for an immediate new trial. *Id.*

In this case, Jamal Sampson was listed by the defense through a reciprocal witness list and a deposition of Mr. Sampson was taken on March 8, 2013 by Assistant State Attorneys Manuel Garcia and Michelle Lavender. The Deposition is attached to this motion as exhibit 7. Luc Pierre-Charles' attorney Christopher Yeazell was present at that deposition. During this deposition, Mr. Sampson testified that Luc Pierre-Charles was at his house on the evening of July 27, 2006, the night before the murder, and that he stayed there overnight. (DT pg 12 ln 14 – 17) He went on to testify "Luc was staying there all

through the week, because I guess he stopped staying with his mom or something, I don't even know'. I don't know, but he kept staying at our house, he had clothes there and all. So that's how I know he was there. And around that summer, he stayed there” (DT pg 15 ln 3-8). On page 18 and 19 of the depositions Jamal Sampson specifically recounts the evening of July 27, 2006:

12 Q Did you at any point when Luc came over
13 there that night -- you think he was there all night,
14 or you don't really know what time he got there?

15 A I went to sleep around 11, 10:30 or 11,
16 around that time. So he had to be there before then,
17 because he was in the room laying down.

18 Q And you said you slept on the couch?

19 A Yeah..

20 Q So did you sleep through the night?

21 A Yes.

22 Q And did you at any point ever get up during
23 the night?

24 A No.

25 Q So how do you know that Luc stayed in the
1 room that night?

2 A My sister.

3 Q How do you know 'from your sister?

4 A My sister said he never left.

5 Q And how does your sister know?

6 A Because she slept in the living room.

Jamal Sampson was present at the trial but was not called as a defense witness. The issue in using Mr. Sampson was that despite the fact he claimed that Mr. Pierre Charles spent that night at his house, he went to sleep long before the window of time when Luc Pierre-Charles was alleged to have been at the Pasco Woods Apartments and when the murder would have been committed. Mr. Sampson testified that he went to sleep sometime between 10:30 p.m. and 11:00 p.m. and that he slept through the night until he “woke up around 8”. (DT 16 ln 3) At trial, witness Toni Woodward testified to hearing gun shots coming from the area of Trilby, where the bodies were located, at sometime between 5:15 a.m. and 5:30 a.m. on July 28, 2006. (TT 894 ln 22 to 24) Farrah Hernandez testified that she and the victims, Derek Pieper and Raymond Veluz, did not leave Troy Davis’ house to go to the Pasco Woods Apartments until around 3:00 a.m. on July 28, 2006. (TT pg 1104 ln 5 to 17) Ms. Hernandez went on to testify, that when they arrived, she was brought away from the parking lot around the side of the retention pond. She stated that she returned a short time later and Raymond Veluz, Derek Pieper, and the car were no longer there. Angel Brooks testified at trial that she witnessed Luc Pierre-Charles and Tyree Jenkins driving a green Gallant, alleged to have belonged to Raymond Veluz, with two unknown white males in the back seat. (TT pg 1125 ln 11 to 19). While she did not know the time, she described it as late in the evening. Based on the evidence and testimony, this relevant period of time occurred somewhere between 3:00 a.m. and 5:30 a.m. Jamal Sampson’s sworn testimony of seeing Luc Pierre-Charles at 10:30 or 11:00 p.m. on the evening of July 27, 2006, before he went to sleep, and then at 8:00 a.m.

on the morning of July 28, 2006 when he woke up would not have established an alibi for Mr. Pierre-Charles being at Pasco Woods Apartments sometime after 3:00 a.m. and the shooting occurring around 5:15 a.m.. However, Mr. Sampson's testimony at the deposition clearly establishes that his sister may have been an alibi witness based on his statement that his sister told him that, "he [Luc Pierre-Charles] never left." Earlier in the deposition, Jamal Sampson, states that he has a sister named "Ashley" (DT pg 8 ln 15-16)

The Court in *Light* focused on the fact that the witness could have been located with minimal effort, would have produced results at trial by casting doubt on the state's case and could have rebutted an important state witness. Jamal Sampson's sister was available to defense counsel, as Jamal Sampson was a defense witness who was testifying on behalf of Luc Pierre-Charles. Mr. Sampson was in contact with his family and if requested could have provided "Ashley's" phone number and address. This witness was reasonably likely to cast doubt on the state's case, as if she testified consistently with Jamal Sampson's deposition testimony she would have provided an alibi showing that Mr. Pierre-Charles could not have been present at the time that Angel Brooks claims she saw him driving the green Galant from the Pasco Woods Apartments. This testimony could have rebutted the testimony of Angel Brooks, the only evidence placing Luc Pierre Charles in the vehicle with Raymond Veluz and Derek Pieper the last time they were seen alive. Ms. Brooks was the most important state witness for this fact. It should be noted, that there were no other witnesses or forensic evidence that put Mr. Pierre-Charles with the victims that evening or morning, in the Green Galant, or at the crime scene. All of the other evidence offered against Mr. Pierre-Charles was based on allegations of admissions and actions allegedly made after the fact as described in detail in the

“statement of facts” of this motion. This testimony was all challenged based on bias and motive to lie if not outright admissions to falsifying testimony against Mr. Pierre-Charles.

Exhibit 8 of this motion is the sworn affidavit of Ashley Samelton, the sister of Jamal Sampson, and the sister referenced in the Sampson deposition transcript. In her affidavit, Ms. Sampson provides direct alibi testimony for the early morning hours of July 28, 2006. Ms. Samelton states that she was with Luc Pierre-Charles until at least 4:00 a.m. at her house and that Mr. Pierre-Charles did not leave during that time. This would mean that he could not have been at the Pasco Woods Apartments shortly after 3:00 a.m. when Angel Brooks claims she saw him driving Mr. Veluz’s green Mitsubishi Galant. This alibi testimony would have directly contradicted the only witness that could testify that Mr. Pierre-Charles was with the victims in the early morning hours before the murder. Ms. Samelton goes on to state that she did not know that she could have provided alibi testimony and knew that her brother was a witness for Mr. Pierre-Charles. She stated that she has lived in Dade City since 2006 and remained in close contact with her brother the whole time. Ms. Samelton states that she was never contacted by anyone from the Defense about what she could have testified to at trial. Her sworn testimony in this affidavit clearly meets the four requirements for a facially sufficient claim of failure to call a witness as described in *Odom* and *Nelson*.

A reasonably prudent attorney, having heard Jamal Sampson’s testimony at his deposition, would have asked Mr. Sampson for his sister’s contact information and would have contacted her about what she recalled from the evening of July 27, 2006 to the morning of July 28, 2006. It is clear from Jamal Sampson’s deposition testimony that

there was a reasonable probability that her testimony could have supported an alibi defense based on Mr. Sampson's testimony that he knows Luc Pierre-Charles didn't leave after he went to bed because his sister stayed up with him. Despite this, counsel failed to investigate Jamal Sampson's sister and failed to make any effort to further develop this potential alibi. While trial counsel's strategic decisions are "virtually unchallengeable," those decisions which are "patently unreasonable" will not withstand scrutiny. *Light*, 796 So.2d at 616. Counsel's failure to follow up on potential alibi testimony that came out of a deposition would not have been a reasonable trial strategy and any claimed strategy would certainly be "patently unreasonable" under *Strickland*.

The patent unreasonableness of such a decision would be especially true in a case like this with no forensic evidence connecting the Defendant to the crime and only one witness testifying to having seen the Defendant with the victims prior to the murder. This alibi could have substantially strengthened the Defense case beyond the detailed cross-examination presented against Ms. Brooks, that she did not like Luc Pierre-Charles, she had made early inconsistent statements to her trial testimony, and the issues with the reliability of her identification. To further show that the Defendant had a credible alibi that he was somewhere else at the time, would have robbed Angel Brook's trial testimony of any credibility in the eyes of the jury leaving only the testimony of Mr. Pierre-Charles admissions that were impeached by the defense. Had a credible alibi defense been presented at trial, there is a reasonable probability that the outcome would have been different, and that Luc Pierre-Charles would have been acquitted of the murder of Derek Pieper and Raymond Veluz.

CLAIM 2(A)

LUC PIERRE-CHARLES WAS DENIED EFFECTIVE REPRESENTATION OF COUNSEL WHEN HIS ATTORNEY FAILED TO IMPEACH WILLIAM BENNET'S TRIAL TESTIMONY WITH THE LAW CONTAINED IN FLORIDA STATUTE 921.186.

Luc Pierre-Charles was denied effective representation of counsel when his attorney failed to impeach the incorrect and misleading testimony of William Bennett by confronting him with a Florida Statute that directly rebutted his testimony. The failure to do so left the testimony of an authoritative state witness unchallenged and allowed the State to argue that these witnesses could not receive a benefit from their testimony, which was simply not the case as the future actions of the state have demonstrated. If the jury could have considered the legitimate motive to fabricate testimony on top of other impeachment there is a high likelihood that they would have completely disregarded this testimony and acquitted Mr. Pierre-Charles at trial.

“Although [the courts have] not been able to formulate any verbal criteria that will define for all situations conduct which measures up to ‘effective assistance’, it may be said with reasonable assurance that the delivery of effective assistance requires the attorney involved to make a reasonable investigation into the facts of the case and to acquaint himself with the law pertinent to the facts.” *Nelson v. State*, 274 So. 2d 256, 258 (Fla. 4th DCA 1973) In *Jennings v. State*, 123 So. 3d 1101, 1119 (Fla. 2013), the Florida Supreme Court found that, “Determining the credibility of a witness is up to the jury, and by failing to question Cheney about her potential motivations and biases in this case, regardless of whether any such biases influenced her testimony, counsel deprived the jury

of the ability to make a fully informed decision about Cheney's credibility. This is not a case where the jury had other “ample information from which to assess [the witness's] credibility and weigh [her] testimony accordingly.” *Robinson v. State*, 707 So.2d 688, 694 (Fla.1998). Furthermore, there is no suggestion that trial counsel had any strategic reason to limit his cross-examination of Cheney. *See, e.g., Hannon v. State*, 941 So.2d 1109, 1122 (Fla.2006) (finding no deficient performance when defense counsel made “reasonable strategic decisions ... in an attempt to avoid confusing the jury by attacking a witness that was not relevant to the defense case”). Thus, given the available impeachment evidence and the incriminating nature of Cheney's testimony, trial counsel's failure to adequately prepare for and cross-examine Cheney was deficient performance.”

The court in *Klaus v. State*, 236 So. 3d 483 (Fla. 5th DCA 2018) found that a criminal defendant raises a legally sufficient claim of ineffective assistance of counsel where he or she specifies what portion of a witness's testimony could have been impeached with a prior inconsistent statement and how counsel's failure to impeach prejudiced defendant. *See Delarosa v. State*, 24 So.3d 741, 742 (Fla. 2d DCA 2009); *see also Willich v. State*, 79 So.3d 76 (Fla. 1st DCA 2011). In *Kelly v. State*, 198 So. 3d 1077 (Fla. 5th DCA 2016) the court found “Failure to impeach a key witness may amount to ineffective assistance of counsel, warranting relief. *Tyler v. State*, 793 So.2d 137, 144 (Fla. 2d DCA 2001). This is especially true in cases involving credibility contests, as the relative credibility of the witnesses becomes central to the trial.”

At trial, the State of Florida called Anthony Harris to testify to admissions made by Luc Pierre-Charles about his role in the murder of Derek Piper and Raymond Veluz. Mr. Harris testified at trial to a conversation with Mr. Pierre-Charles in 2007, while he was working as a confidential informant, and gave the following testimony about what he was told:

“Luc Pierre-Charles told me that he had ran into two dudes in Wesley Chapel. He said that they was trying to get off some pounds of weed. He said he told the dudes he know where they could get off the weed at.

He told me he took the dudes to Dade City and met up with Tyree Jenkins. He said him and Tyree Jenkins talked about where they was going to rob the dudes at and what they was going to do to the dudes.

He said he took them to a back road in Trilby. Directed the dudes to get out of the vehicle. When the dudes got out of the vehicle, they had firearms in their hand. He said he told the dudes to lay down face first on the ground. He said, he unloaded numerous times in back of one of the dudes' heads and he said Tyree Jenkins unloaded numerous times in the back of one of the dudes' head.

He said after that, they got into the vehicle then they fled. He said they rode through and then he said they burned the vehicle”

(TT pg 1305 ln through pg 1306 ln 14)

At the end of the state's direct, Assistant State Attorney Manuel Garcia asked Anthony Harris specifically, "Mr. Harris, as you sit here today, do you believe the State Attorney's Office can do anything for you here today on your past cases. To which Mr. Harris replied "no" (TT pg 1314 ln 2-6) This question followed an objection by the Defense to the question "At this point, the office of the State Attorney cannot do anything for you" (TT pg 1311 ln 21-22) The Defense approached and argued that, Mr. Harris was not a legal expert, and it only mattered what he believed. The Judge sustained that objection and left it at what the client believed the state could do. Counsel did not put forth any argument that this was a misstatement of the law in the underlying issue of whether they state could do anything for Mr. Harris.

On Cross-examination, Defense Counsel brought out that when Mr. Harris first made the statement to Detective Schoneman in 2008 he was facing serious robbery charges and was more recently charged with first degree murder. (TT pg 1323 ln 1 to ln 9) He admitted to contacting the State Attorney's Office as well as law enforcement agencies and having been an informant against various defendants for money and legal help in the past. Mr. Harris was questioned about a letter he sent to the State Attorney's Office in 2012 requesting that his murder charges be dropped before he testified against Luc Pierre-Charles saying that if his matter wasn't taken care of, he would not feel good about testifying against Luc. (TT pg 1384 ln 18-24) He then admitted that he resolved his murder charge to a 2nd degree murder and had the sentence run concurrently with the robbery charges. (TT pg 1386 ln 10 to ln 19)

Later in the state's case, Frank Harrison was called to testify to another alleged admission made by Luc Pierre-Charles. Mr. Harrison testified that in 2012 he was having

a conversation with Anthony Harris, when Luc Pierre-Charles approached and said, “that I shouldn’t be talking to that nigga because he wrote a statement against him.” When Anthony Harris left and he asked Mr. Pierre-Charles what happened Luc said, “that him and Tyree had did a robbery that went bad where they had to kill two little white boys back there in Trilby on one of those dirt roads.” (TT pg 1553 ln 4 -14). Frank Harrison went on to testify that he did not have any pending charges at the time he heard this statement and did not have any pending charges now.

On Cross-examination, Frank Harrison admitted that he had called law enforcement from the jail about Mr. Pierre-Charles statement and that this was after he had been sentenced to eight years in prison. (TT pg 1560 ln 22 to pg 1561 ln 2) The Defense confronted him with the fact that he did not want to serve this 8-year sentence and that he had requested that the state reduce it. After Mr. Harrison denied this, the Defense impeached him with a letter that he wrote to the State Attorney’s Office where he stated that he wants to go home and does not want to return to Cross City Correctional Institution. (TT pg 1566 ln 11 to 23) He admitted that he wrote to the state that “you said you were going to try for me” and there are other options besides going back to prison. (TT pg 1567 ln 15-25) On re-direct, Assistant State Attorney Manny Garcia, brought out that he pled to his charges in 2012, that everyone wants to go home, and that the state attorney’s office cannot do anything to which Mr. Harris stated, “Can’t do nothing for me at all, man.” (TT pg 1578 ln 1 – 12) There were no objections to this line of questioning and while there was some re-cross examination on the letter and his request for help there was never any questioning or argument on the issue of whether he could in fact receive a reduction of sentence.

After the defense's case, the State called William Bennett to testify. William Bennett identified himself as the attorney of Anthony Harris representing him in his murder case. Mr. Bennett testified that Anthony Harris pled to the armed robbery and murder in January of 2014. (TT pg 1850 ln 16-20). At the end of his direct he had the following exchange with the state:

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 or
24 procedure – criminal procedure.

(TT pg 1851)

There were no objections to this statement and while the Defense did cross-examine Mr. Bennett on the lesser charge and concurrent sentences in the disposition of the murder and armed robbery, they never addressed this statement.

Florida Statute 921.186 entitled "Substantial Assistance" reads as follows:

"Notwithstanding any other law, the state attorney may move the sentencing court to reduce or suspend the sentence of any person who is convicted of violating any felony offense and who provides substantial assistance in the identification, arrest, or conviction of any of that person's accomplices, accessories, coconspirators, or principals or of any other person engaged in criminal activity that would constitute a felony. The arresting agency shall be given an opportunity to be heard in aggravation or mitigation in reference to any such motion. Upon good cause shown, the motion may be filed and heard in camera. The judge hearing the motion may reduce or suspend the sentence if the judge

finds that the defendant rendered such substantial assistance.” This statute has regularly been utilized by the State Attorney’s Office to reduce sentences well past the 60-day requirement on a Motion for Reconsideration of Sentence as evidence in *McFadden v. State*, 177 So. 3d 562 (Fla. 2015). This statute has an effective date of July 1, 2010 and was the controlling law during Luc Pierre-Charles’ 2015 trial.

Clearly based on this statute, William Bennet was providing incorrect and misleading testimony. His statement to the effect that there was no statute or criminal procedure that allowed a defendant to reduce his sentence is directly contradicted by 921.186. The testimony was especially prejudicial, as Mr. Bennett was presented as a highly experienced criminal defense attorney practicing for many years with hundreds of jury trials under his belt. His testimony would have been given significantly added weight by a jury and would have strongly bolstered the testimony of Anthony Harris and Frank Harrison that there was no way for them to get a reduction in sentence. As the court stated in *Nelson* “delivery of effective assistance requires the attorney involved to make a reasonable investigation into the facts of the case and to acquaint himself with the law pertinent to the facts.” Here Mr. Pierre-Charles counsel was aware that Frank Harrison and Anthony Harris would be testifying, based on the witness lists and depositions, and knew that they had been sentenced before the start of the trial, yet he failed to acquaint himself with the law as it relates to reductions in sentences based on substantial assistance. This was not a brand-new law as it had been in effect for five years since 2010. The failure to familiarize himself with the law at trial and impeach the testimony of William Bennett allowed Anthony Harris and Frank Harrison to substantially bolster their testimony that they were testifying as it was the right thing to

do rather than trying to get a reduction in their sentence. This testimony along with the arguments of the state in closing, discussed in the next claim, mislead the jury to believe that these crucial witnesses against Luc Pierre-Charles knew that they were not getting any benefit for their testimony and therefore had no motive to lie. If the Jury was properly instructed that they could have absolutely had their sentences reduced based on the testimony that they were providing, there is a reasonable probability that the outcome of the trial would have been different, and Mr. Pierre-Charles would have been acquitted.

It is worth noting on this as well as the other claims raised in this motion, that there was very little evidence presented against Luc Pierre-Charles aside from these admissions. That is the reason for such a detailed “statement of facts” in this motion. There was no forensic evidence and the only witness who put Mr. Pierre-Charles with the victims or at least in Raymond Veluz’s car prior to the murders was Angel Brooks who was clearly biased against Mr. Pierre-Charles. There was no other witness testimony to anything other than these admissions after the fact. This is truly a case built upon alleged admissions brought out by people currently serving lengthy prison sentences or who had previously served prison sentences. Little pieces of impeachment and arguments about the reliability of this impeachment testimony was crucial to the Jury’s determination of guilt. So, where in a case with eyewitness testimony and physical evidence directly connecting a defendant such argument may not have been enough to actually show prejudice under the *Strickland* prong, of their being a reasonable probability that the outcome of the trial would have been different, in Mr. Pierre-Charles case this impeachment likely could have changed the outcome of the trial.

This claim, as well as the other sub-claims to follow, are especially egregious because on July 12, 2016 the State Attorney's Office, who elicited this testimony from Anthony Harris, Frank Harrison and William Bennett and made these arguments, filed a motion to modify or reduce the sentence of Frank Harrison based on Florida Statute 921.186. This motion was filed less than five months after the denial of Luc Pierre-Charles' Motion for New Trial on March 22, 2016. On August 15, 2016, Frank Harrison's sentence was modified and the balance of his eight-year prison sentence was reduced to 2 years of probation. The state's motion and the order of disposition are attached to this motion as Exhibit 9. Anthony Harris likewise filed a motion for reduction of his sentence through his attorney Kelly McCabe on January 29, 2016, however the motion was denied as it was not filed by the Office of the State Attorney and was therefore governed by the 60-day rule for a Motion for Reconsideration of Sentence under Rule 3.800(c). This motion and the order are attached to this motion as Exhibit 10. In 2017 and 2019, Anthony Harris sent letters to the Judge requesting a hearing under Fla. Stat. 921.186 based on the substantial assistance he gave in multiple cases. These letters are attached to the motion as Exhibit 11.

CLAIM 2(B)

LUC PIERRE-CHARLES WAS DENIED EFFECTIVE REPRESENTATION OF COUNSEL WHEN HIS ATTORNEY FAILED TO OBJECT TO THE REPEATED CLAIM THAT ANTHONY HARRIS AND FRANK HARRISON COULD NOT HAVE THEIR SENTENCES REDUCED AS A MISTATEMENT OF THE LAW

Luc Pierre-Charles was denied effective representation of counsel when his attorney failed to object to the repeated misstatement of the law made by Assistant State Attorney, Manuel Garcia, during his closing arguments. This misstatement gave the jury the impression that Anthony Harris and Frank Harrison could not receive any benefit from their testimony against Mr. Pierre-Charles and therefore did not have a motive to lie. The credibility of these witnesses and their testimony that Luc Pierre-Charles admitted to having committed these murders was a crucial issue in the case where there was no forensic evidence and very minimal direct evidence of Mr. Pierre-Charles involvement. Had the jury been properly instructed on the law and been able to consider that these witnesses could in fact have their sentences reduced based on their testimony, there is a reasonable probability that the outcome of the trial would have been different, and the Defendant would have been acquitted

It is error for a prosecutor to misstate the law during closing arguments. See, e.g., *Evans v. State*, 177 So. 3d 1219, 1235 (Fla. 2015); *Charriez v. State*, 96 So.3d 1127 (Fla. 5th DCA 2012). “The failure to preserve a potentially reversible error for appeal has been found to constitute ineffective assistance of counsel, sufficient to support a rule 3.850 motion.” *Daniels v. State*, 806 So.2d 563, 564 (Fla. 4th DCA 2002). The movant, however, has the difficult burden of demonstrating prejudice under *Strickland v. Washington*, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984). The court in *Hardman v. State*, 584 So.2d 649 (Fla. 1st DCA 1991), recognized that difficulty but reversed for an evidentiary hearing on the issue. See also *Rogers v. State*, 567 So.2d 483 (Fla. 1st DCA 1990) (holding that the defendant failed to satisfy the requirement of demonstrating prejudice-after an evidentiary hearing).

In *Williams v. State*, 515 So. 2d 1042 (Fla. 3rd DCA 1987) the court found that, “At the post-trial evidentiary hearing, Williams presented un rebutted expert testimony establishing that a reasonably competent attorney would have objected to the inadmissible and harmful testimony. It is clear from the record that counsel's failure to act resulted in the jury's hearing damaging evidence and rendered his representation “outside the wide range of professionally competent assistance.” *Strickland*, 466 U.S. at 690, 104 S.Ct. at 2066, 80 L.Ed.2d at 695. See *Wright v. State*, 446 So.2d 208, 210 (Fla. 3d DCA 1984) (counsel's performance was rendered ineffective by introducing harmful and inadmissible evidence concerning defendant's prior convictions).

In the Assistant State Attorney Manuel Garcia’s rebuttal closing arguments he made the following statements about the ability of Frank Harrison and Anthony Harris to get any consideration based on their testimony on their sentences:

1 And, again, you know, they're wanting to say
2 that he had a deal and he was looking for deals,
3 well, folks, the bottom line is, he's in the
4 Department of Corrections for the next eight years.
5 Is that a deal? No.
6 And you heard Mr. Bennett say there's
7 absolutely no vehicle for a reduction in his
8 sentences. He's doing eight years is the bottom
9 line.

(Trial Transcript 2189)

4 Folks, Anthony Harris pled to 20 years in the
5 Department of Corrections on the second-degree
6 murder and the armed robbery. You heard
7 Mr. Bennett say that there was no way of getting
8 the 20-year sentence reduced. There were no

9 vehicles for that.
(Trial Transcript 2191)

This argument by Manuel Garcia was a clear misstatement of fact based on the “Substantial Assistance” law in Florida Statute 921.186. As discussed in claim 2(A), that statute allows a testifying witnesses’ sentence to be reduced at any times based on providing testimony for the State of Florida. By claiming that “he’s doing eight years is the bottom line”, the Assistant State Attorney is misleading the jury into believing that there is no motive for this witness to fabricate testimony against Luc Pierre-Charles. In actuality, this witness would not be serving his eight-year sentence and Mr. Manuel Garcia himself would file a motion to reduce his sentence pursuant to Fla Stat. 921.186 within five months of the court’s denial of Mr. Pierre-Charles’ motion for new trial. Had the Defendant’s trial counsel familiarized himself with the law pertinent to the issues in the case he would have known that this was a misstatement of the law specifically designed to mislead the jury into believing that Anthony Harris and Frank Harrison could receive no benefit for this testimony. Had the jury been properly instructed on the law that under Fla Stat. 921.186 that these witnesses could specifically receive reductions in their sentences for the testimony they provided, and as discussed in later claims were well aware of that fact, there is a reasonable probability that the Jury would not have found these witnesses credible and would have found Mr. Pierre-Charles not guilty.

CLAIM 2(C)

ASSISSTANT STATE ATTORNEYS COMMITTED A GIGLIO VIOLATION WHEN THEY KNOWINGLY ELICITED TESTIMONY AND CALLED A WITNESSE TO TESTIFY THAT THERE WAS NO WAY FOR AN INMATE WHO HAD ALREADY BEEN SENTENCED TO RECEIVE A REDUCTION IN THAT SENTENCE KNOWING THAT THIS WAS FALSE TESTIMONY

Assistant State Attorneys Manuel Garcia committed a Giglio violation when HE presented the false testimony of Anthony Harris, Frank Harrison and William Bennett to testify that since Mr. Harris and Mr. Harrison had already been sentenced prior to Luc Pierre-Charles trial that they could not receive any benefit from their testimony arguing that they were testify because it was the right thing to do. This testimony is clearly false and misleading under Fla Stat. 921.186 and not only did they fail to correct it when elicited through Harris and Harrison they then propogated it through William Bennet. The Assistant State Attorney's knew this evidence was false based on the fact that they so quickly utilized this statute after trial in reducing Frank Harrison's sentence and based clear inferences from certain jail conversations with Anthony Harris. This false testimony was material as it likely affected the outcome of the trial by significantly bolstering the credibility of Anthony Harris and Frank Harrison's testimony to admissions by the defendant in a case where there was no physical evidence and very minimal direct evidence placing Mr. Pierre-Charles anywhere near the victims on the morning leading up to their murders.

Giglio stands for the proposition that a prosecutor "has a duty to correct testimony he or she knows is false when a witness conceals bias against the defendant through that

false testimony.” *Routly v. State*, 590 So.2d 397, 400 (Fla.1991). “The thrust of *Giglio* and its progeny has been to ensure that the jury know the facts that might motivate a witness in giving testimony, and the prosecutor not fraudulently conceal such facts from the jury.” *Robinson*, 707 So.2d at 693 (quoting *Routly*, 590 So.2d at 400); see *Craig*, 685 So.2d at 1226-27. To establish a *Giglio* violation, a defendant must establish: (1) the prosecutor presented or failed to correct false testimony; (2) the prosecutor knew the testimony was false; and (3) the false evidence was material. If the first two prongs are established, the false evidence is deemed material if there is any reasonable possibility that it could have affected the jury's verdict. The State must then “prove that the false testimony was not material by demonstrating it was harmless beyond a reasonable doubt.” Under the harmless error test, the State must prove “there is no reasonable possibility that the error contributed to the conviction.” *Allen v. State*, 261 So. 3d 1255, 1286 (Fla. 2019) “In analyzing this issue ... courts must focus on whether the favorable evidence could reasonably be taken to put the whole case in such a different light as to undermine the confidence in the verdict.” *White v. State*, 729 So.2d 909, 913 (Fla.1999).

In this case, the defense has established that the testimony of state witnesses Anthony Harris, Frank Harrison, and William Bennett was false. There was absolutely a means for Mr. Harris and Mr. Harrison to have their sentences reduced after trial despite the fact that they had both been previously sentenced based on Fla Stat. 921.186. The state not only had the witnesses testify that they could not receive a benefit from their testimony but called an experienced defense attorney to come in and say that there was no procedure for this to happen. This false testimony was reiterated throughout closing arguments to mislead the jury into believing that these witnesses were testifying because

it was the right thing to do and without a motive to fabricate.

The next issue is was this false testimony knowingly presented by the state. The Defense would argue that there is clear evidence that the Assistant State Attorneys in this case would have been aware of Fla Stat. 921.186 and were knowingly disregarding it in eliciting testimony. For starters, this was not a new statute and had been on the books for five years since 2010. We know from specific jail calls that Anthony Harris' attorney was in contact with the Pinellas County State Attorney's Office about the reduction for Mr. Harris after he testified. These calls will be discussed in greater detail in Claim 3, however it boils down to the fact that Kelly McCabe's Office, on three separate occasions both shortly after the plea and in the months before the Luc Pierre-Charles trial, stated that they had spoken to the "State" and "Pinellas County" and that they have agreed to a reduction as soon as Mr. Harris finished testifying. It should be noted here that while the Pasco County State Attorney's Office was prosecuting Luc Pierre-Charles both Pinellas and Pasco are the same office under elected State Attorney Bernie McCabe. Finally, as discussed in Claim 2(a), Assistant State Attorney Manuel Garcia, who elicited this false testimony and argued it in closing, filed a motion himself under Fla Stat. 921.186 to reduce the sentence of Frank Harrison on July 12, 2016. This motion and order of disposition are attached as Exhibit 8. Manuel Garcia's signature is clearly visible on the motion to reduce Mr. Harrison's sentence and if there is any question, as there is no printed name on the Harrison motion, Manuel Garcia's signature on a Notice of Additional Discovery above his printed name is attached to the motion as Exhibit 12. The idea that the Pasco County Assistant State Attorney who elicited the testimony did not know that the substantial assistance statute was a legal option at the time of trial and

only uncovered it less than five months after the denial of Motion for New Trial when he filed the motion himself is absolutely unbelievable.

The Defense would argue that this false testimony was clearly misleading to the case. As discussed above and shown through the “Statement of Facts” of this case, this was a case built on jail informants and admissions. There was no physical evidence that placed either Luc Pierre-Charles or the Co-Defendant, Tyree Jenkins, at the crime scene or the location where the victim’s vehicle was found burned. The only direct evidence to even put Mr. Pierre-Charles with the victims prior to the murder was the testimony of Angel Brooks, who had an admitted hatred for Mr. Pierre-Charles and had provided multiple inconsistent statements about what she had seen and heard that night. All the other inculpatory witnesses were there to testify to alleged admissions made to them by Mr. Pierre-Charles long after the crime had occurred. The reliability of these jail informants was a crucial aspect of the state’s case. This can be demonstrated by the efforts taken in the state’s rebuttal case to corroborate their witnesses’ testimony. That being the case, issues of credibility of these jail witnesses were incredibly important to the jury in determining the reliability of the testimony. One of the main arguments that the state relied on to build this credibility was that these witnesses had not received a deal in their original sentences and there was no benefit that they could receive now based on their testimony against Luc Pierre-Charles. The state elicited testimony from Anthony Harris and Frank Harrison that yes, they were serving prison sentences, but they had been sentenced well before this trial and that they both knew that the state could not do anything for them. This was bolstered by the testimony of William Bennett who was called for the purpose of saying that there was no earlier deal with Anthony Harris and

that there was no legal means for a Defendant to have his sentence reduced more than 60 days after the sentence became final. The state relied on this testimony to argue in their closing arguments that these two witnesses had no motive to fabricate any that this was simply the right thing to do. By presenting this knowingly false testimony at trial and then using it to argue the reliability of these admissions, the state was improperly bolstering crucial witness inculcating Mr. Pierre-Charles. It is fair to say that had the jury heard that there was a means to have these sentences reduced, and the fact that they believed these sentences would be reduced as discussed in claim 3, they certainly would have believed that there was a motive to fabricate these admissions against Mr. Pierre-Charles undermining the reliability of the Jury's verdicts. This ground is sufficiently pled where the burden should shift to the state to show how this false testimony did not contribute to Mr. Pierre-Charles' conviction.

CLAIM 3

LUC PIERRE-CHARLES WAS DENIED EFFECTIVE REPRESENTATION OF COUNSEL WHEN HIS ATTORNEY FAILED TO INVESTIGATE JAIL CALLS AND FAILED TO IMPEACH KEY STATE WITNESSES WITH STATEMENTS WITHIN THESE CALLS

Luc Pierre-Charles was denied effective representation of counsel when his attorney failed to investigate the jail calls of state witness Anthony Harris. These jail calls would have impeached Mr. Harris by showing his belief that he was going to get a reduction in his sentence after testifying against Luc Pierre-Charles and Tyree Jenkins. Had counsel requested these publicly available recordings and presented them as

impeachment evidence at trial, it is likely the jury would have completely disregarded Anthony Harris' testimony based on a total lack of credibility. The contents of these calls would also have allowed the jury to make the reasonable inference that the State Attorney's Office was agreeing to reduce Mr. Harris' sentence after he testified against Mr. Pierre-Charles creating a clear motive to fabricate. Had the jury been able to consider the impeachment evidence contained in these calls there is a reasonable probability that they would have acquitted Mr. Pierre-Charles at trial.

Under *Strickland*, counsel has a duty to make reasonable investigations or to make a reasonable strategic decision making such investigations unnecessary. In *Jennings v. State*, 123 So. 3d 1101, 1119 (Fla. 2013), the Florida Supreme Court found that, "Determining the credibility of a witness is up to the jury, and by failing to question [a witness] about her potential motivations and biases in this case, regardless of whether any such biases influenced her testimony, counsel deprived the jury of the ability to make a fully informed decision about Cheney's credibility. This is not a case where the jury had other "ample information from which to assess [the witness's] credibility and weigh [her] testimony accordingly." *Robinson v. State*, 707 So.2d 688, 694 (Fla.1998). Furthermore, there is no suggestion that trial counsel had any strategic reason to limit his cross-examination of Cheney. *See, e.g., Hannon v. State*, 941 So.2d 1109, 1122 (Fla.2006) (finding no deficient performance when defense counsel made "reasonable strategic decisions ... in an attempt to avoid confusing the jury by attacking a witness that was not relevant to the defense case"). Thus, given the available impeachment evidence and the incriminating nature of Cheney's testimony, trial counsel's failure to adequately prepare for and cross-examine Cheney was deficient performance."

The court in *Klaus v. State*, 236 So. 3d 483 (Fla. 5th DCA 2018) found that a criminal defendant raises a legally sufficient claim of ineffective assistance of counsel where he or she specifies what portion of a witness's testimony could have been impeached with a prior inconsistent statement and how counsel's failure to impeach prejudiced defendant. *See Delarosa v. State*, 24 So.3d 741, 742 (Fla. 2d DCA 2009); *see also Willich v. State*, 79 So.3d 76 (Fla. 1st DCA 2011). In *Kelly v. State*, 198 So. 3d 1077 (Fla. 5th DCA 2016) the court found “Failure to impeach a key witness may amount to ineffective assistance of counsel, warranting relief. *Tyler v. State*, 793 So.2d 137, 144 (Fla. 2d DCA 2001). This is especially true in cases involving credibility contests, as the relative credibility of the witnesses becomes central to the trial.

As discussed in detail in claim 2 Anthony Harris was a key state witness to admissions allegedly made by Luc Pierre-Charles. Mr. Harris was particularly important to the state’s case as he claimed that he was out of custody working as an undercover informant when he had this conversation with Mr. Pierre-Charles. Mr. Harris claimed that while he was in custody facing charges when he contacted the Homicide Detectives about this case, he had initially informed Officer Christopher Starnes in the undercover case when was not facing any charges and therefore did not have a reason to lie. Defense Counsel attacked this claim based on the fact there was no record of this statement to Officer Starnes and the fact that it was not reported to homicide detectives at the time. The Defense also spent a substantial amount of time attempting to impeach Mr. Harris about his attempts to get a deal on his pending charges as shown through a letter to the State and statements made in depositions. The state rebutted this cross-examination by calling Officer Starnes to claim that he did have a recollection of Anthony Harris making

this statement in 2007. Officer Starnes did admit that he did not make any report of the statement, had claimed that he had no recollection of such a statement during his sworn deposition, and claimed that he had refreshed this recollection with an intelligence report that makes no mention of such a statement.

As to the claim that Anthony Harris was seeking a deal when he contacted the homicide detectives in 2008, the State elicited testimony that those cases had been resolved in 2014, well before the current trial, and asking him “Mr. Harris, as you sit here today, do you believe the State Attorney’s Office can do anything for you here today on your past cases. To which Mr. Harris replied “no” (TT pg 1314 ln 2-6) The state further corroborated this testimony by calling Mr. Harris’ attorney from 2014, William Bennett, to testify that Mr. Harris did not receive a deal on his 20 year murder sentence and there was no mechanism by which a 14 month old sentence could be reduced. This claim was argued by the state in closing and unrebutted by the defense. Now beyond the prior arguments in claim 2, that there was a mechanism to reduce a sentence this long after the fact, Anthony Harris jail calls show that he absolutely knew about this mechanism and fully believed that he was going to get a specific reduction in sentence.

On May 19, 2014, shortly after accepting his plea, Anthony Harris called Kelly McCabe’s office through his family in jail call 29447148 and spoke to her legal assistant “Ashley”. On this call, “Ashley” told Mr. Harris that Kelly spoke to the state and so long as you testify at the trials, Kelly will file a motion and they will reduce the sentence. She specifically tells Anthony Harris that Kelly has been “communicating with the state to make this arrangement” that so long as he testifies to the information that he provided the state has agreed to the reduction and while they have not agreed to that number,

typically it is a large reduction as your testimony is very useful. Mr. Harris then informs her that he is likely to be transported to prison soon and to have Kelly McCabe see him as soon as possible. After hanging up with “Ashley”, Anthony Harris and his grandmother have a discussion as to what they retained Kelly McCabe to do. Mr. Harris said that he read the law and he knows that after he testifies they will reduce his sentence, so he hired Ms. McCabe for 1,500.00 to talk to the state and act as a witness that this conversation occurred and that there was in fact a deal for the reduction.

Later that same day, Anthony Harris called his Cousin in jail call 29447474. On that call Anthony Harris discussed the conversation he had with his attorney Kelly McCabe. Mr. Harris stated that Ms. McCabe came out to see him and told him that she spoke to the state and that the state has agreed to a significant reduction and that her goal is for them to reduce the sentence by 10 years. He stated that Ms. McCabe specifically told him the state said that “yes we will reduce his time” and now he just has to wait until “those boy’s trial in August and September”. Mr. Harris stated that I’ve already served six years so with another ten years off of a twenty-year sentence he’ll only serve about one more year. He tells his family that he will be returned to prison in the next few days and will be returned for the trials. It should be noted that according to Luc Pierre-Charles’ docket under the above number, on April 2, 2014 the jury trial was continued to September 15, 2014. In the docket for Mr. Pierre-Charles codefendant, Tyree Jenkins, in case 2008-CF-4223, on March 11, 2014 the case was set for trial on August 11, 2014. While both of these trials would ultimately be continued to 2015, at the time that Mr. Harris made these calls the trials, where he was a listed witness in each, were set for

August and September. Clearly these conversation concern Anthony Harris' testimony in Luc Pierre-Charles and Tyree Jenkins' cases.

On January 7, 2015 in jail call 32906135, Anthony Harris called the office of his attorney, Kelly McCabe, and spoke to her legal assistant "Ashley" to let her know that he had arrived back in the Pasco County Jail to provide testimony in the case of Luc Pierre-Charles and Tyree Jenkins. While he does not specifically say the Co-Defendant's names in the call it is clear based on the timeline, the location of the trial, and the dates of trial that he is speaking about these two cases. On this call he asks to speak to his attorney, who is not available, and is told by "Ashley" that Pinellas County has agreed, and they are just waiting on the other cases to wrap up so we can get is taken care of. "Ashley" assures Mr. Harris, that Kelly is going to take care of it. Later on that same date of January 7, 2015, in jail call 31906766, Anthony Harris called his family to tell them that he is now in the Land O Lakes Jail and let them know that after his is done testifying in these two cases that he is going to get a reduction in his sentence. He specifically told his family that the Pinellas Office of the State Attorney has already agreed to take off 12 years from his sentence and he just has to wait for his testimony to be done in the "Dade City" cases. Again, it should be noted that both Mr. Pierre-Charles and Tyree Jenkins were tried in the Dade City courthouse. Over the course of this call, Mr. Harris repeatedly asserts that he has spoken to his attorney and they state has already agreed to reduce the sentence or possibly just suspend the sentence after his is done testifying.

On January 14, 2015, in jail call 33003890, Anthony Harris again called his family to says that his attorney, Kelly McCabe, came out and spoke to him. That she told him that the Pinellas County State Attorney's Office already agreed to the reduction, will be

taking 12 years off of his sentence and that after the second trial her office will file the reduction motion. Mr. Harris tells his family that “as long as I do a good job, I get what I want so I am going to do good” On March 20, 2015, in jail call 33939185 Anthony Harris calls an investigator for the Pasco County Office of the State Attorney and says that he received his subpoena and to tell Manny Garcia that “I’m going to try and put them away”. On March 27, 2015, in jail call 33998718, Mr. Harris called Kelly McCabe’s office and spoke to “Ashley”. On this call, Mr. Harris told “Ashley” that he believes that he is going to testify tomorrow or shortly thereafter and that after that he has the trial in April and that he is all done. “Ashley” responded that once Mr. Harris does that last case in April, Ms. McCabe will file the motion and get this taken care of for you. It should be noted that Anthony Harris testified against Luc Pierre-Charles on March 27, 2015 in Dade City (TT Vol 10). According to the docket at the time of Mr. Pierre-Charles case, Tyree Jenkins case was set for April 20, 2015.

While the Defense would certainly agree that an attorney would not have been ineffective for not requesting a jail call during the trial, such as the call on March 27, 2015, this call merely establishes that the earlier conversations were unquestionably concerning the Luc Pierre-Charles trial. On the other hand, the call in 2014 and the three January calls were clearly available to be requested well in advance of trial. A reasonably competent attorney would be aware that such calls were available by request and were subject to disclosure based on public records laws. Jail calls are regularly utilized by the state in the prosecution of defendants and are likewise utilized by defense attorneys to impeach trial testimony of jail informants. In a case like this where there was so little direct evidence of Mr. Pierre-Charles involvement in the crime, all means of attacking the

reliability of the witnesses testifying to his admissions were crucial to the defense. A reasonably prudent attorney being aware of the testimony of these witnesses based on their depositions and prior testimony, would know that they would attempt to argue that they were getting no benefits for providing testimony against Mr. Charles. Jail calls would have been a readily available source of information to demonstrate what their actual beliefs were about the benefit that they would receive. These calls are easily requested and an excellent means of impeachment.

The contents of the calls outlined above would have been hugely helpful to the defense. Anthony Harris testified at trial that he had been sentenced in 2014 and did not believe that he could get any benefit for testifying against Luc Pierre-Charles in 2015. The 2014 and January calls clearly established that not only did he believe that he was going to get a reduction in his sentence based on his testimony but that his lawyer was telling him he would get specifically 12 years off of his sentence and that the Pinellas Office of the State Attorney had already agreed to this reduction. It should be noted that while the Pasco County State Attorney's Office was prosecuting Luc Pierre-Charles both Pinellas and Pasco are the same office under elected State Attorney Bernie McCabe. These phone calls would have directly impeached his trial testimony and would have shown that he absolutely had a motive to falsify testimony against Luc Pierre-Charles for a reduction in his sentence, that he felt was guaranteed so long as he testified well. His statement to his family on the January 14, 2015 call was "as long as I do a good job, I get what I want so I am going to do good". On March 20, 2015 right before the trial he tells Manny Garcia's investigator, "tell Manny that I'm going to try and put them away." The contents of these calls would have discredited anything that Mr. Harris testified to as

clearly being based on his motive to ensure that he got the deal that had been agreed to. Likewise, this testimony would have likely kept the state from calling William Bennet to bolster the idea that Mr. Harris could not get a deal. While William Bennet was misleading in his testimony, the contents of these jail calls would clearly show that whether true or not Kelly McCabe's office was telling Mr. Harris in the months before the trial that so long as he testified well in Luc Pierre-Charles and Tyree Jenkins' trial that they would file a motion and that the State Attorney's Office had agreed to reduce his sentence by 12 years. The jury may have also made the reasonable inference that in fact that State was telling Mr. Harris' attorney that if he testified well, he would get a set number of years off of his sentence. This type of an inference could have called into question the entire State's case. Had the contents of these calls been utilized at trial there is a reasonable probability that Luc Pierre-Charles would have been acquitted of the charges against him. The full jail calls are in the possession of undersigned counsel and will be produced in their entirety at the evidentiary hearing for Mr. Luc Pierre-Charles to satisfy his burden under *Strickland*.

CLAIM 4

LUC PIERRE-CHARLES WAS DENIED EFFECTIVE REPRESENTATION OF COUNSEL BASED ON THE CUMULATIVE EFFECTS OF THE SPECIFIC ALLEGATIONS OF INEFFECTIVE ASSISTANCE DESCRIBED IN THE PRECEDING CLAIMS

Luc Pierre-Charles was denied effective representation of counsel where, if any one error is not sufficient to meet the prongs of *Strickland*, the cumulative effect of those

errors when viewed in their entirety would have demonstrated a reasonable probability that the outcome of the trial would have been different.

Where multiple errors are found, even if deemed harmless individually, “the cumulative effect of such errors” may “deny to defendant the fair and impartial trial that is the inalienable right of all litigants.” *Brooks v. State*, 918 So.2d 181, 202 (Fla.2005) (quoting *Jackson v. State*, 575 So.2d 181, 189 (Fla.1991)); see also *McDuffie v. State*, 970 So.2d 312, 328 (Fla.2007). Where several errors are identified, the Court “considers the cumulative effect of evidentiary errors and ineffective assistance claims together.” *Suggs v. State*, 923 So.2d 419, 441 (Fla.2005). However, where the alleged errors urged for consideration in a cumulative error analysis are individually “either procedurally barred or without merit, the claim of cumulative error also necessarily fails.” *Israel v. State*, 985 So.2d 510, 520 (Fla.2008) (quoting *Parker v. State*, 904 So.2d 370, 380 (Fla.2005)); see also *Rogers v. State*, 957 So.2d 538, 555 (Fla.2007); *Wright v. State*, 857 So.2d 861, 871 (Fla.2003); *Downs v. State*, 740 So.2d 506, 509 n. 5 (Fla.1999).

CONCLUSION

Based upon the forgoing argument and citation to authority, Luc Pierre-Charles was deprived of his right to the effective assistance of counsel, and this Court should vacate his Judgment and Sentence, and allow Mr. Pierre-Charles to proceed to trial, or in the alternative, order a full and fair evidentiary hearing with Luc Pierre Charles present and represented by counsel in order for Mr. Pierre-Charles to sustain his burden of proof.

Respectfully submitted,

//S//

Dan Ripley, Esq., FBN 0070423
Attorney for the Defendant
Ripley Whisenhunt, PLLC
8130 66th St. N Suite 3
Pinellas Park, FL 33710
(813) 812-5294
efile@rightingwrongsflorida.com

OATH

Under penalties of perjury, I declare that I have read the foregoing motion and that the facts stated in it are true.

Luc Pierre-Charles

Luc Pierre-Charles

Movant

EXHIBIT

1

THIS DAY OF August, 2008
Jed Pittman, Clerk of Circuit CourtINDICTMENT BY Baird Caranica D.C.IN THE CIRCUIT COURT FOR THE SIXTH JUDICIAL CIRCUIT
OF FLORIDA, IN AND FOR PASCO COUNTY

SPRING TERM, in the year of our Lord two thousand eight

CRC08-04222CFAES-01

STATE OF FLORIDA

INDICTMENT FOR

vs.

LUC PIERRE CHARLES
SPN 00554765
B/M; DOB: 2/5/88
SSN: [REDACTED]

1. MURDER IN THE FIRST DEGREE,
Capital Felony
2. MURDER IN THE FIRST DEGREE,
Capital Felony

IN THE NAME AND BY THE AUTHORITY FOR THE STATE OF FLORIDA:

The Grand Jurors of the State of Florida, impaneled and sworn to inquire and true charge make in and for the body of the County of Pasco, upon their oath do charge that

LUC PIERRE CHARLES

in the County of Pasco and State of Florida, on the 28th day of July, in the year of our Lord, two thousand six, in the County and State aforesaid unlawfully and from a premeditated design to effect the death of Derek Pieper, did discharge and shoot the said Derek Pieper with a firearm, and as a direct result thereof, the said Derek Pieper died; contrary to Chapter 782.04(1)(a)/775.087/777.011, Florida Statutes, and against the peace and dignity of the State of Florida. [L2]

COUNT TWO 08A0347CFAES

And the Grand Jurors of the State of Florida, impaneled and sworn to inquire and true charge make in and for the body of the County of Pasco, upon their oath do charge that LUC PIERRE CHARLES, in the County of Pasco, State of Florida, on the 28th day of July, in the year of our Lord, two thousand six, unlawfully and from a premeditated design to effect the death of Raymond Veluz, did discharge and shoot the said Raymond Veluz with a fireram, and as a direct result thereof, the said Raymond Veluz died; contrary to Chapter 782.04(1)(a)/775.087/777.011, Florida Statutes, and against the peace and dignity of the State of Florida. [L2].

PD 10/14 Ally Richard Witt 12.10.08

I, Bruce L. Bartlett, Chief Assistant State Attorney for the Sixth Judicial Circuit of Florida, have advised the Grand Jury returning the above Indictment, as authorized and required by law.

B. L. Bartlett
BRUCE L. BARTLETT,
Chief Assistant State Attorney for the Sixth
Judicial Circuit of the State of Florida,
Prosecuting for said State

Presented in open Court by the Grand Jury and filed this 14 day of
August, A.D., 2008.

Jed Pittman
Clerk of the Circuit Court

By Barbara Caramico
Deputy Clerk

This information encompasses the transaction
and all charges listed on Docket Number

Assistant State Attorney

IN CIRCUIT COURT
SIXTH JUDICIAL CIRCUIT
PASCO COUNTY, FLORIDA

The State of Florida

vs.

LUC PIERRE CHARLES

Indictment for

MURDER IN THE FIRST DEGREE,
Capital Felony

A TRUE BILL.

Steven E. Pappas
Foreman of the Grand Jury

EXHIBIT
2

IN THE COURTS OF THE SIXTH JUDICIAL
CIRCUIT IN AND FOR PASCO COUNTY, FLORIDA

STATE OF FLORIDA
VS.

LUC PIERRE CHARLES

CASE NO. 0804222CFAES
SPN: 00554765
DOC NUM:

Community Control Violator
 Probation Violator
 Retrial
 Re-sentence

*****JUDGMENT*****

The Defendant, LUC PIERRE CHARLES, being personally before this court represented by LANE LASTINGER, the attorney of record, and the State represented by MANUEL GARCIA and having

X been tried and found guilty by jury/by court of the following crime(s)
 entered a plea of guilty to the following crime(s)
 entered a plea of nolo contendere to the following crime(s)

Count	Crime	OBTS Num.	Statute & Degree
1	MURDER IN THE FIRST DEGREE, CAPITAL FELONY		782.04(1)(a)/ 775.087/777.011 1 ST DEG FELONY
2	MURDER IN THE FIRST DEGREE, CAPITAL FELONY		782.04(1)(a)/ 775.087/777.011 1 ST DEG FELONY

FILED FOR RECORD
 PASCO COUNTY, FLORIDA
 2009 MAR 25 PM 2:25
 Manuel S. O'Connell
 Clerk of County of Pasco
 Pasco County, Florida

X And no cause being shown why the defendant should not be adjudicated guilty, IT IS ORDERED THAT the defendant is hereby ADJUDICATED GUILTY of the above crime(s).

And good cause being shown; IT IS SHOW THAT ADJUDICATION OF GUILT BE WITHHELD.

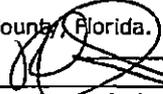
The Court hereby stays and withholds the imposition of sentence as to count(s) _____
And places the defendant on _____
under the supervision of the Department of Corrections (conditions of probation and/or community control set forth in a separate order).

The Court defers imposition of sentence until _____

The Court finds that the defendant violated all the conditions alleged in the affidavit, a copy of which is attached as exhibit 1.

The defendant in open court was advised of his right of appeal from this judgment by filing notice of appeal with the Clerk of Court within thirty days following the date sentence is imposed or probation is ordered pursuant to this adjudication. The defendant was also advised of right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigence.

Dated this 19 day of MARCH, 2009 in Pasco County, Florida.



Circuit Judge Pat Siracusa

Book 16 B Page 1589

State of Florida

Case Num: 0804222 cfa13
SPN: 558539
DOC Num:

Vs

Luc Pierre - Charles

FINGERPRINTS OF DEFENDANT

1. Right Thumb 	2. Right Index 	3. Right Middle 	4. Right Ring 	5. Right Little 
6. Left Thumb 	7. Left Index 	8. Left Middle 	9. Left Ring 	10. Left Little 

Fingerprints taken by *Dr. P. Neuburn*

I HEREBY CERTIFY that the above and foregoing are the fingerprints of the defendant, Luc Pierre - Charles, and that they were placed thereon by the defendant in my presence in open court this date.

DONE AND ORDERED in open court in Pasco County, Florida, This 19 day of March, 2009.

[Signature]
Circuit Judge
Pat Stracusa

BOOK 14B PAGE 1590

In the Courts of the Sixth Judicial Circuit In And For Pasco County, Florida

STATE OF FLORIDA VS

LUC PIERRE CHARLES

Case Num: 0804222CFAES Spn Num: 00554765 DOC Num:

CHARGES/COSTS/FEES

The Defendant is hereby ordered to pay the following sums if checked:

- X \$3.00 as a court cost pursuant to Section 938.01, Florida Statutes (Additional court costs for Clearing House Fund). lien
X \$50.00 pursuant to Section 938.03, Florida Statutes (Crimes Compensation Trust Fund). lien
X \$2.00 as a court cost pursuant to Section 938.15, Florida Statutes (Criminal Justice Education by Municipalities and Counties). lien

A fine in the sum of _____ pursuant to Section 775.0835, Florida Statutes. (This provision refers to the optional fine for the Crimes Compensation Trust Fund and is not applicable unless checked and completed. Fines imposed as a part of a sentence to Section 775.083, Florida Statutes are to be recorded on the sentence page(s)).

- X A sum of \$225.00 pursuant to Section 938.05, Florida Statutes (Fine & Forfeiture Fund). lien
X A sum of \$100.00 pursuant to Section 938.27, Florida Statutes (Prosecution Costs). lien
A sum of _____ pursuant to Section 938.27, Florida Statutes (Investigation Costs).
A sum of _____ pursuant to Section 938.29, Florida Statutes (Public Defender Fees).
A sum of _____ for restitution:
A sum of _____ pursuant to Section 938.25, Florida Statutes (FDLE Operating Fund).
A sum of _____ fine pursuant to Section 775.083, Florida Statutes.
A sum of _____ pursuant to Section 938.04, Florida Statutes (%5 Fine Surcharge).
X A sum of \$50.00 pursuant to Section 27.52, Florida Statutes (Criminal Indigent Defense Trust Fund Application Fee). lien
X A sum of \$3.00 pursuant to Section 938.19, Florida Statutes and Ordinance 05-25 (Teen Court). lien
X A sum of \$50.00 pursuant to Section 775.083(2), Florida Statutes (Crime Prevention Court Cost). lien
A sum of _____ pursuant to Section 938.10, Florida Statutes (Crimes Against Minors).
A sum of _____ pursuant to Section 938.08, Florida Statutes (Domestic Violence Trust Fund).
A sum of _____ pursuant to Section 938.085, Florida Statutes (Rape Crisis Program Trust Fund).
X A sum of \$65.00 pursuant to Section 939.185, Florida Statutes and Ordinance 04-23 (Costs for County Programs). lien
A sum of _____ pursuant to Section 318.18(13)(a), Florida Statutes and Ordinance 04-24 (Traffic Surcharge/Court Facilities).
X A sum of \$25.00 pursuant to Section 28.24(26)(c), Florida Statutes (Payment Plan). lien
X A sum of \$7.00 pursuant to Section 943.325, Florida Statutes (DNA Testing). lien
Other: _____

IF YOU ARE UNABLE TO PAY YOUR FINANCIAL OBLIGATIONS TODAY, OR AS OTHERWISE DIRECTED BY THE COURT, YOU MUST GO TO THE CLERK'S OFFICE TO SET UP A PAYMENT PLAN AND PAY \$25.00 APPLICATION FEE (F.S. 28.246). FAILURE TO DO SO MAY RESULT IN SUSPENSION OF YOUR DRIVER'S LICENSE

Dated this 19 day of MARCH 2008 In Pasco County, Florida.

Circuit Judge Pat Siracusa

Book 16B Page 1591

Defendant: LUC PIERRE CHARLES

Case Num: 0804222CFAES
SPN: 00554765
DOC Num:

SENTENCE

(As To Count 1 and Count 2)

The Defendant, being personally before this court, accompanied by the Defendant's attorney of record, LANE LASTINGER and having been adjudicated guilty herein, and the court having given the Defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown

_____ and the Court having on _____ deferred imposition of sentence until this date

_____ and the Court having previously entered a judgment in this case on _____ now re sentences the Defendant

_____ and the Court having placed the Defendant on probation/community control and having subsequently revoked the Defendant's probation/community control. The Court found the Defendant in violation of specific conditions of probation/community control, see attached affidavit.

It Is The Sentence Of The Court That:

_____ The Defendant pay a fine of _____ pursuant to section 775.083, Florida Statutes, plus _____ as the 5% additional court cost (Fines & Bail Bonds) required by section 938.04, Florida Statutes.

X The Defendant is hereby committed to the custody of the Department of Corrections.

_____ The Defendant is hereby committed to the custody of the Sheriff of Pasco County, Florida.
()OPTION (A)-Unless otherwise prohibited by law, the Sheriff is authorized to release the Defendant on electronic monitoring or other sentencing programs subject to the Sheriffs discretion.
()OPTION(B)-The Sheriff is not authorized to release the defendant on electronic monitoring or other sentencing programs.

_____ The Defendant is sentenced as a youthful offender in accordance with section 958.04, Florida Statutes.

To Be Imprisoned (Check one; unmarked sections are inapplicable):

X For a term of natural life.

_____ Said SENTENCE SUSPENDED for a period of _____ subject to conditions set forth in this order.

If "split" sentence, complete the appropriate paragraph.

_____ Followed by a period of _____ under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order entered herein.

_____ However, after serving a period of _____ Imprisoned in _____, the balance of the sentence shall be suspended and the defendant shall be placed on probation/community control for a period of _____ under supervision of the Department of Corrections according to the terms and conditions of probation/community control set forth in a separate order entered herein.

In the event the Defendant is ordered to serve additional split sentences, all incarceration portions shall be satisfied before the Defendant begins service of the supervision terms.

Page _____ of _____

Book 14B Page 1592

Defendant: LUC PIERRE CHARLES

Case Num: 0804222CFAES

SPN Num: 00554765

DOC Num:

SPECIAL PROVISIONS

Other Provisions:

Retention of Jurisdiction _____ The court retains jurisdiction over the defendant pursuant to section 947.16(3), Florida Statutes (1983).

Jail Credit X It is further ordered that the defendant shall be allowed a total of 163 days as credit for time incarcerated before imposition of this sentence.

Prison Credit _____ It is further ordered that the defendant be allowed credit for all time previously served on this count in the Department of Corrections prior to re sentencing.

Consecutive/ Concurrent As To Other Counts X It is further order that Count 2 shall run concurrent with Count 1.

Consecutive/ Concurrent As To Other Convictions _____ It is further ordered that the composite term of al sentences imposed for the counts specified in this order shall run (check one)

_____ consecutive to _____ concurrent with the following: (check one)

_____ any active sentence being served,

_____ specific sentences: _____

No Contact _____ It is further ordered that the defendant is prohibited from having contact with the Victim, directly or indirectly, including through a third person, for the duration of the sentence.

In the event the above sentence is to the Department of Corrections, the Sheriff of Pasco County, Florida is hereby ordered and directed to deliver the defendant to the Department of Corrections at the facility designated by the department together with a copy of this judgment and sentence and any other documents specified by Florida Statute.

The defendant in open court was advised of the right to appeal from this sentence by filing notice of appeal within 30 days from this date with the clerk of this court and the defendant's right to the assistance of counsel in taking the appeal at the expense of the State on showing of Indigence.

In imposing the above sentence, the court further recommends

deceased victim: Derek Pieper
7014 Avocet Dr.

deceased victim: Raymond Veluz
1247 Ocean Reef Rd.

Wesley Chapel, FL 33544

Wesley Chapel, FL 33543

DONE AND ORDERED in open court at Pasco County, Florida this 19 day of

MARCH , 2009.



Circuit Judge Pat Siracusa

Book 148 Page 1593

EXHIBIT
3

7/6

**IN THE COUNTY COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO COUNTY, FLORIDA, CRIMINAL LAW DIVISION**

State of Florida
v.

CASE #: 08-CRC0804222CFA-ES

554765

LUC PIERRE-CHARLES.

NOTICE OF APPEARANCE

COMES NOW, Christopher E. Yeazell, Esquire and Laurie K. Sweet, Esquire, of The Law Offices of Yeazell and Sweet, Counsel for Defendant, and hereby enters this Notice of Appearance on behalf of the Defendant, in the above-styled cause.

DEMAND FOR COPY OF INDICTMENT OR OTHER CHARGING DOCUMENT

COMES NOW, the Defendant, by and through the undersigned attorney, and demands a copy of the indictment or in the alternative any other charging document filed herein.

DEMAND FOR JURY TRIAL

The Defendant, by and through the undersigned attorney, files this DEMAND FOR JURY TRIAL, in the above-styled cause..

DEMAND FOR DISCOVERY

The Defendant, by and through the undersigned attorney, demands the prosecutor to disclose all discovery material to Defendant's counsel, pursuant to Rule 3.220 of the Florida Rules of Criminal Procedure.

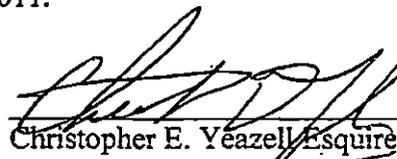
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via Regular U.S. mail to Manny Garcia, State Attorney, 38053 Live Oak Ave, Clearwater City, Florida 33523, this 13 day of May 2011.

Paula S. Dyer
Clerk & Court Officer
Pasco County, Florida

2011 MAY 18 AM 11:39

FILED FOR RECORD
PASCO COUNTY, FLORIDA



Christopher E. Yeazell, Esquire
Florida Bar No.: 832375
Laurie K. Sweet, Esquire
Florida Bar No.: 0417777
The Law Offices of Yeazell and Sweet
13575 58th Street North, Suite #: 191
Clearwater, Florida 33760
Telephone No.: (727) 538-7704
Facsimile No.: (727) 538-4265
Counsel for Defendant

50612

EXHIBIT

4

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
AND FOR PASCO COUNTY, FLORIDA

STATE OF FLORIDA
VS

Luc Pierre-Charles

DIVISION 01
CASE NO: 0804222CFAES
SPN NO: 554765
DOC NO: _____

___ Comm Ctr/ Violator ___ Retrial

~JUDGMENT~ ___ Probation Violator ___ Resentence

The Defendant, Luc Pierre-Charles, being personally before this court represented by, Christopher Yeazell the attorney of record, and the State represented by, Michelle Lavendar and having:

- been tried and found guilty by jury/by court of the following crimes(s)
 entered a plea of guilty to the following crime(s)
 entered a plea of nolo contendere to the following crime(s)

Count	Crime	Statute and Degree	
1	Murder in the First Degree	782.04(1)(a)/775.087/777.011	1F
2	Murder in the First Degree	782.04(1)(a)/775.087/777.011	1F

FILED FOR RECORD
 PASCO COUNTY, FLORIDA
 2015 MAY 14 PM 3:18
 Michelle S. O'Neil
 Clerk & Comptroller
 Pasco County, Florida

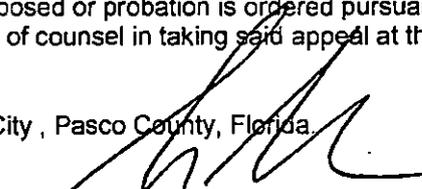
and no cause being shown why the defendant should not be adjudicated guilty, IT IS ORDERED THAT the defendant is hereby **ADJUDICATED GUILTY** of the above crime(s)

___ and good cause being shown; IT IS ORDERED THAT ADJUDICATION OF GUILT BE **WITHHELD**.
 ___ The Court hereby stays and withholds the imposition of sentence as to count(s)
 ___ and places the defendant on
 ___ under the supervision of the Department of Corrections (Conditions of probation and/or community control set forth in a separate order)
 ___ Being a qualified offender pursuant to s. 943.325, the defendant shall be required to submit to DNA samples as required by law.
 ___ The Court defers imposition of sentence until _____
 ___ The Court finds that the defendant violated all the conditions alleged in the affidavit, a copy of which is attached.

The defendant in open court was advised of his right to appeal from this judgment by filing notice of appeal with the Clerk of Court within thirty days following the date sentence is imposed or probation is ordered pursuant to this adjudication. The defendant was also advised of his right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigence.

Done and Ordered this 14th day of May, 2015, in Dade City, Pasco County, Florida.

Nunc Pro Tunc: May 13, 2015
 88



 Susan L. Gardner, Circuit Judge -

BOOK _____ PAGE _____

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO COUNTY, FLORIDA

STATE OF FLORIDA
VS
Luc Pierre-Charles

DIVISION 01
CASE NO: 0804222CFAES
SPN NO: 554765
DOC NO:

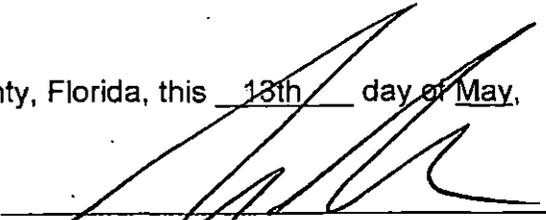
~FINGERPRINTS OF DEFENDANT~

1. Right Thumb	2. Right Index	3. Right Middle	4. Right Ring	5. Right Little
				
6. Left Thumb	7. Left Index	8. Left Middle	9. Left Ring	10. Left Little
				

Fingerprints taken by James G. Dome, Bailiff. *JP 1282*

I HEREBY CERTIFY that the above and foregoing are the fingerprints of the defendant, Luc Pierre-Charles, and that they were placed thereon by the defendant in my presence in open court this date.

DONE AND ORDERED in open court in Pasco County, Florida, this 13th day of May, 2015


Circuit Judge Susan L. Gardner

BOOK _____ PAGE _____

STATE OF FLORIDA
VS
Luc Pierre-Charles

DIVISION: 01
CASE NO: 0804222CFAES
SPN NO: 554765
DOC NO:

-ORDER FOR CHARGES / COSTS / FEES-

The defendant is hereby ordered to pay the following sums, if checked:

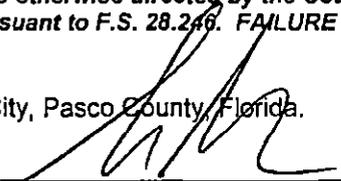
- A sum of \$ 3.00 Pursuant to Section 938.01, F. S. (Additional Court Costs for Clearing House Trust Fund).
- A sum of \$ 50.00 Pursuant to Section 938.03, F. S. (Crimes Compensation Trust Fund).
- A sum of \$ 2.00 Pursuant to Section 938.15, F. S. (Criminal Justice Education by Municipalities and Counties).
- A sum of \$ _____ A fine, pursuant to Section 775.0835, Florida Statutes. (This provision refers to the optional fine for the Crimes Compensation Trust Fund and is not applicable unless checked and completed. Fines imposed as part of a sentence to Section 775.083, Florida Statutes are to be recorded on the sentence page(s)).
- A sum of \$ 225.00 Pursuant to Section 938.05, Florida Statutes (Fine and Forfeiture Fund).
- A sum of \$ _____ Pursuant to Section 938.27(1), Florida Statutes (Cost of Investigation/Recovery).
- A sum of \$ 20.00 Pursuant to Section 938.06, Florida Statutes (Crime Stoppers Trust Fund).
- A sum of \$ 100.00 Pursuant to Section 938.27(8) (State Attorney Cost of Prosecution)
- A sum of \$ _____ Pursuant to Section 938.29, Florida Statutes (Public Defender/Court Appointed Fees).
- A sum of \$ _____ For Restitution
- A sum of \$ 100.00 Pursuant to Section 938.25, Florida Statutes (FDLE Operating Fund).
- A sum of \$ 125.72 Fine pursuant to Section 775.083, Florida Statutes
- A sum of \$ 6.28 Fine Surcharge pursuant to Section 938.04, Florida Statutes
- A sum of \$ 50.00 Pursuant to Section 27.52, Florida Statutes (Criminal Indigent Defense Fund).
- A sum of \$ 50.00 Pursuant to Section 775.083(2), Florida Statutes (Crime Prevention Court Cost).
- A sum of \$ 151.00 Pursuant to Section 938.10, Florida Statutes (Crimes Against Minors)
- A sum of \$ 201.00 Pursuant to Section 938.08, Florida Statutes (Domestic Violence Trust Fund).
- A sum of \$ 151.00 Pursuant to Section 938.085, Florida Statutes (Rape Crisis Program Trust Fund).
- A sum of \$ 65.00 Pursuant to Section 939.185, Florida Statutes and Ordinance 04-23 (Costs for County Programs)
- A sum of \$ 30.00 Pursuant to Section 318.18(13)(a), Florida Statutes and Ordinance 04-24 (Traffic Surcharge)
- A sum of \$ 3.00 Pursuant to Section 938.19, Florida Statutes and Ordinance 05-25 (Teen Court)
- A sum of \$ 3.00 Pursuant to Section 318.18(17), Florida Statutes (State Radio Systems)
- A sum of \$ 135.00 Pursuant to Section 938.07, Florida Statutes (DUI Cost)
- A sum of \$ 7.00 Pursuant to Section 943.325, Florida Statutes (for collecting DNA sample)
- A fine of \$ _____ Pursuant to Section 893.13, Florida Statutes plus a 5% surcharge of \$ _____ Pursuant to 938.04, Florida Statutes
- Other \$ 25.00 Payment plan fee. All costs listed are filed as a lien

If you are unable to pay for financial obligations today or as otherwise directed by the Court, you must go to the Clerk's Office to set up a payment plan and pay a \$25.00 application fee pursuant to F.S. 28.246. FAILURE TO DO SO MAY RESULT IN SUSPENSION OF YOUR DRIVER'S LICENSE.

Done and Ordered this 14th day of May, 2015, in Dade City, Pasco County, Florida.

Nunc Pro Tunc: May 13, 2015

sc


Susan L. Gardner, Circuit Judge

STATE OF FLORIDA
VS

CASE NO: 804222CFAES
SPN NO: 54765
OBTS NO:
DOC NO:

DEFENDANT: Luc Pierre-Charles

SENTENCING ORDER
(As To Counts 1 and 2)

The Defendant, being personally before this court and accompanied the defendant's attorney of record, Christopher Yeazell, and having been adjudicated guilty herein, and the court having given the Defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the Defendant should not be sentenced as provided by law, and no cause being shown

_____ and the Court having on _____ deferred imposition of sentence until this date
_____ and the Court having previously entered a judgment in this case on _____ now resentsences the Defendant
_____ and the Court having placed the Defendant on probation / community control and having subsequently revoked the defendant's probation / community control. The Court found the defendant in violation of specific conditions of probation/community control, see attached affidavit.

It is The Sentence Of The Court That:

X The Defendant pay a fine of \$ 125.72 pursuant to section 775:083, Florida Statutes, plus \$ 6.28 (5% as the surcharge) required by section 938.04, Florida Statutes.

X The Defendant is hereby committed to the custody of the Department of Corrections.
_____ The Defendant is hereby committed to the custody of the Sheriff of Pasco County, Florida.
_____ Option A Unless otherwise prohibited by law, the Sheriff is authorized to release the defendant on electronic monitoring or other sentencing programs subject to the Sheriff's discretion.
_____ Option B The sheriff is not authorized to release the defendant on electronic monitoring or other sentencing programs.

_____ The Defendant is sentenced as a youthful offender in accordance with section 958.04, Florida Statutes.

To Be Imprisoned (Check one; unmarked sections are inapplicable):

X For a term of natural life, with a minimum term of not less than 25 years and not more than life in prison per F.S. 775.087(3)(a)

_____ For a term of _____

_____ Said SENTENCE SUSPENDED for a period of _____ Subject to conditions set forth in this order.

if "split" sentence, complete the appropriate paragraph.

_____ Followed by a period of _____ Community Control / Probation under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order entered herein
_____ However, after serving a period of _____ Imprisoned in _____ the balance of the sentence shall be suspended and the Defendant shall be placed on probation / community control for a period of _____ under the supervision of the Department of Corrections according to terms and conditions of supervision set forth in a separate order entered herein.

In the event the Defendant is ordered to serve additional split sentences, all incarceration portions shall be satisfied before the Defendant begins service of the supervision terms.

VS

SPN NO:

54765

DEFENDANT:

Luc Pierre-Charles

DOC NO:

Special Provisions / Other Provisions:

Retention of Jurisdiction This court retains jurisdiction over the defendant pursuant to section 947.16(3), Florida Statutes (1983).

Jail Credit X It is further ordered that the defendant shall be allowed a total of 206 days as credit for time incarcerated before imposition of this sentence.

Prison Credit X It is further ordered that the defendant be allowed credit for all time previously served on this count in the Department of Corrections prior to resentencing.

Consecutive / Concurrent As to Other Counts X It is further ordered the sentence imposed for count 2 shall run concurrent with the sentence set forth in count 1.

Consecutive / Concurrent As To Other Convictions It is further ordered that the composite term of all sentences imposed for the counts specified in this order shall run (check one)

consecutive to concurrent with the following (check one) any active sentence being served specific sentences:

No Contact It is further ordered that the defendant is prohibited from having contact with the Victim, directly or indirectly, including through a third person, for the duration of the sentence.

In the event the above sentence is to the Department of Corrections, the Sheriff of Pasco County, Florida is hereby ordered and directed to deliver the defendant to the Department of Corrections at the facility designated by the department together with a copy of this judgment and sentence and any other documents specified by Florida Statute.

The defendant in open court was advised of the right to appeal from this sentence by filing notice of appeal within 30 days from this date with the clerk of this court and the defendant's right to the assistance of counsel in taking the appeal at the expense of the State on showing of indigence.

In imposing the above sentence, the court further recommends

Table with 2 columns and 6 rows, currently empty.

DONE AND ORDERED in open court at Pasco County, Florida this 14 day of May, 2015.

Nunc Pro Tunc: May 13, 2015

Signature of Susan L. Gardner, Circuit Judge

EXHIBIT
5

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO COUNTY, FLORIDA
CRIMINAL LAW DIVISION

State of Florida

v.

CASE #: 08-CRC-04222-CFA-ES

AUX: 15A0146CFAES

LUC PIERRE-CHARLES.
Spn 00554765

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that Luc Pierre-Charles, Appellant, appeals to the District Court of Appeal, Second District, State of Florida, the Verdict, Judgment and Sentence, said trial being held on March 23, 2015 through April 1, 2015, the sentence imposed on May 13, 2015, and the Motion For New Trial and Motion To Interview Jurors held on March 14, 2016.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion for Order Directing Court Reporters to Transcribe Proceedings and to Tax Costs has been furnished to the Office of the Attorney General, Concourse Center 4, 3507 E. Frontage Road, Suite 200, Tampa, FL 33607-7013, and the Office of the State Attorney, this 22nd day of March, 2016.



Christopher E. Yeazell, Esquire
Florida Bar No.: 0832375
Laurie K. Sweet, Esquire
Florida Bar No.: 0417777
The Law Offices of Yeazell and Sweet
13575 58th Street North, Suite 191
Clearwater, Florida 33760
Telephone No.: (727) 538-7704
Facsimile No.: (727) 538-4265
Counsel for Defendant/Appellant

EXHIBIT

6

M A N D A T E

from

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA

SECOND DISTRICT

THIS CAUSE HAVING BEEN BROUGHT TO THIS COURT BY APPEAL, AND AFTER DUE CONSIDERATION THE COURT HAVING ISSUED ITS OPINION;

YOU ARE HEREBY COMMANDED THAT SUCH FURTHER PROCEEDINGS BE HAD IN SAID CAUSE, IF REQUIRED, IN ACCORDANCE WITH THE OPINION OF THIS COURT ATTACHED HERETO AND INCORPORATED AS PART OF THIS ORDER, AND WITH THE RULES OF PROCEDURE AND LAWS OF THE STATE OF FLORIDA.

WITNESS THE HONORABLE EDWARD C. LAROSE CHIEF JUDGE OF THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA, SECOND DISTRICT, AND THE SEAL OF THE SAID COURT AT LAKELAND, FLORIDA ON THIS DAY.

DATE: May 15, 2018

SECOND DCA CASE NO. 2D16-1248

COUNTY OF ORIGIN: Pasco

LOWER TRIBUNAL CASE NO. 0804222CFAES

CASE STYLE: LUC PIERRE-CHARLES v. STATE OF FLORIDA

FILED FOR RECORD
PASCO COUNTY, FLORIDA
2018 MAY 17 AM 11:21
Paula S. O'NEIL
Clerk & Comptroller
Pasco County, Florida



Mary Elizabeth Kuenzel

Mary Elizabeth Kuenzel
Clerk

cc: (Without Attached Opinion)

P.D.10 S.A.P.D.
Luc Pierre-Charles

David B. Falstad, Esq.

Michael Schaub, A.A.G.

mep

EXHIBIT

7

1 IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
2 OF THE STATE OF FLORIDA, IN AND FOR PASCO COUNTY

3 -----
4 STATE OF FLORIDA,
5 Plaintiff,
6 vs.
7 LUC PIERRE CHARLES,
8 Defendant.
9 -----

#554765

CASE NO. 08-04222CFAES

10
11 DEPOSITION OF: JAMAL SAMPSON

12
13
14 DATE: March 8, 2013

15
16 PLACE: Pasco County Courthouse
Dade City, Florida

17
18 REPORTED BY: Lisa M. Fackender
19 Court Reporter
20 Notary Public
State of Florida at Large

21
22
23
24
25
2013 MAR 12 AM 9:54
CLERK OF COUNTY, FLORIDA
Paula S. O'Neil
Clerk of County Controller
Pasco County, Florida

ELITE REPORTING OF PASCO
P.O. BOX 1535 DADE CITY, FL 33526
PHONE NO (352) 521-0188

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APPEARANCES:

Manuel E. Garcia,
Michelle Lavender
Assistant State Attorney
Dade City, Florida
Appearing on behalf of
the State of Florida

Christopher Yeazell, Esquire
1901 Ulmerton Rd.
Suite 435
Clearwater, Florida 33762
Appearing on behalf of
the Defendant

1 THEREUPON,

2 JAMAL SAMPSON,

3 the deponent herein, being first duly sworn, was
4 examined and testified as follows:

5 DIRECT EXAMINATION

6 BY MR. GARCIA:

7 Q Mr. Sampson, good morning. As you know my
8 name is Manny Garcia, I'm one of the Assistant State
9 Attorneys here. Ms. Lavender -- do you know
10 Ms. Lavender, she's also an Assistant State Attorney
11 here. Your name has been provided to us as a witness
12 in the case of State of Florida vs Luc Pierre Charles,
13 so we have this opportunity to ask you questions to
14 find out what you would testify to in the event it
15 ends up going to trial. If for any reason you don't
16 understand one of my questions, let me know and I will
17 rephrase it; otherwise, we're going to assume the
18 answer that you gave us was the one that you meant to
19 give us.

20 A All right.

21 Q Additionally, you need to answer out loud
22 either yes or no. You can't shake your head from side
23 to side or up or down because it's very hard for the
24 court reporter to determine if it's a yes or a no.
25 You can't say uh-huh or uh-uh because, likewise, it's

1 very hard for her to determine if it's a yes or no.
2 If for any reason you don't understand one of my
3 questions, just tell me, "I don't understand what
4 you're asking me," and I will try to rephrase it for
5 you, all right?

6 A Yes.

7 Q Any questions before we get started?

8 A No.

9 Q All right.

10 MR. YEAZELL: Manny, if I could just put
11 something on the record?

12 MR. GARCIA: Sure.

13 MR. YEAZELL: It is my understanding --
14 since I'm at a little bit of a disadvantage since
15 I'm not the one that tried the case in the
16 beginning -- I cannot find anything in the
17 Clerk's record that indicates that he has
18 previously been deposed.

19 MR. GARCIA: Right.

20 MR. YEAZELL: I know you've maybe spoken to
21 him before, but there isn't any indication of a
22 deposition. So I just wanted to confirm that
23 with you because obviously if you had, then we
24 would have to discuss that.

25 MR. GARCIA: Right. I can't find a depo.

1 MR. YEAZELL: All right.

2 MR. GARCIA: And we looked and we checked
3 the Clerk.

4 MR. YEAZELL: All right. I did the same and
5 I couldn't either, so I just wanted to confirm
6 that.

7 MR. GARCIA: Right.

8 MR. YEAZELL: Because he remembered that --
9 and you may have talked to him as part of an
10 invest or something like that --

11 MR. GARCIA: I think so.

12 MR. YEAZELL: -- but there wasn't any
13 indication of a deposition or a transcript in the
14 court file.

15 MS. LAVENDER: Do you recall that, do you
16 recall a court reporter being present before?
17 Because I know we spoke to you years ago.

18 THE DEPONENT: I don't -- I didn't know what
19 was going on then.

20 MS. LAVENDER: Okay.

21 MR. YEAZELL: The key to me was he indicated
22 that there was not a defense attorney with him at
23 the time that you spoke to him.

24 MR. GARCIA: That's true, I remember that.
25 I know we spoke to him in the library here, and I

1 think it was during the initial investigation of
2 the case, which was years ago.

3 MR. YEAZELL: All right.

4 THE DEPONENT: Yeah. So I really don't know
5 nothing.

6 MR. GARCIA: Okay.

7 Q (By Mr. Garcia) Mr. Sampson, can you state
8 your full legal name for us, please.

9 A Jamal Rakeen Sampson.

10 Q Date of birth?

11 A 10/05/90.

12 MR. YEAZELL: She needs a middle name.

13 THE DEPONENT: Rakeen.

14 Q Can you spell that for her.

15 A R-A-K-E-E-N.

16 Q And your Social Security number, if you know
17 it.

18 A (Off the record.)

19 Q Mr. Sampson, where are you currently living
20 at?

21 A Um, 14509 North 13th Street, Dade City,
22 Florida, 33523.

23 Q Are you working?

24 A No, sir.

25 Q How do you support yourself?

1 A Well, I try -- well, it's little temporary
2 jobs trying to mow, I clean up people's yards.

3 Q Oh, okay.

4 A I work out. That's basically all I do.

5 Q Who do you live there with?

6 A Grandmother.

7 Q What's your grandmother's name?

8 A Cora Bell Hill.

9 Q Cora?

10 A Yeah.

11 Q Is that with a C or a K?

12 A C.

13 Q C-O-R-A?

14 A Yes, sir.

15 Q And what was her last name?

16 A Hill.

17 Q Okay. Is she employed?

18 A Yes, sir.

19 Q Where does she work?

20 A Cares.

21 Q Care?

22 A Cares.

23 Q Cares?

24 A Yeah.

25 Q What is Cares?

1 A Like a nursing --

2 Q Nursing home or something like that?

3 A It's not a nursing home, they like help
4 people.

5 Q Okay. So she's like a CNA or a nurse?

6 A Yeah.

7 Q Okay. Anyone else live there with her, or
8 is it just you?

9 A Yeah. My mom, my sister, my brother comes
10 sometimes.

11 Q What's your mom's name?

12 A Rosilyn.

13 Q Rosy?

14 A Rosilyn.

15 Q Rosilyn. And your sister?

16 A Ashley.

17 Q And your brother?

18 A Jamius.

19 Q How do you spell that?

20 A J-A-M-I-U-S.

21 Q Anyone else?

22 A No, that's it.

23 Q Do you know Luc Pierre Charles?

24 A Yes. That's my cousin.

25 Q Blood relative?

1 A Yes, sir.

2 Q What about Tyree Jenkins?

3 A No. He just -- I just know him from his
4 little brother, we played football together our whole
5 life.

6 Q Speaking of football, what happened to your
7 scholarship?

8 A They sent me to -- through the
9 investigation, I guess some detectives came to my
10 practice. And my coach -- my scouts that was there
11 seen them come, my USF scout, and they left me alone
12 because they thought I was trouble, they didn't know
13 what it was about.

14 Q You had gotten a scholarship --

15 A Yeah, I ended up going to Iowa.

16 Q Yeah, that's what I'm talking about.

17 A Yeah. And then I transferred to FAMU.
18 Because I didn't like it, they sent me to, like, a
19 JUCO (Phonetic.) I didn't like it, I just started
20 just going to school.

21 Q And then you said you went to FAMU?

22 A Yeah.

23 Q Now, what were you talking about detectives
24 seeing you at FAMU, where was this?

25 A No, not at FAMU at Pasco, Pasco High.

1 Q Oh, okay.

2 A During my practice.

3 Q Oh, you're saying -- okay. Prior to you
4 getting your --

5 A And my scout, my USF scout, he was there
6 watching me practice, and I guess he heard -- he seen
7 the police coming --

8 Q Right. Okay, I got you. Now I understand.
9 All right. So you know Luc obviously, he's
10 your cousin. You know Tyree through his younger
11 brother, you played football with him.

12 A Yeah.

13 MR. MARTIN: What little brother?

14 THE DEPONENT: Greg Jenkins.

15 Q (By Mr. Garcia) You know Darnell Jenkins
16 then?

17 A Yeah. I know his whole family.

18 Q Do you know a person by the name of Boo Rat,
19 B-O-O-R-A-T?

20 A Uh-uh.

21 Q Never heard of that?

22 A No -- well, I heard of it, but I don't know
23 nobody like that by that name.

24 Q You've heard of Boo Rat?

25 A Boo Rat? Yeah, I do know a Boo Rat, Marcus.

1 Q What's his name?

2 A Marcus.

3 Q Marcus what, I don't know?

4 A I don't know his last name, Marcus though.

5 Q You know him as Marcus?

6 A Yeah.

7 MS. LAVENDER: How old is he?

8 THE DEPONENT: I don't know his age.

9 MS. LAVENDER: Is he around your age or
10 older?

11 THE DEPONENT: I don't know, he's probably
12 younger than me. I think he's younger than me.

13 Q (By Mr. Garcia) Do you ever recall having a
14 conversation with Boo Rat where you indicated that Luc
15 and Tyree had brought clothing to you that had blood
16 all over it, and they asked you to burn the clothing.
17 And you said as a result of them giving you their
18 clothing you got blood on your clothes, and you not
19 only burned their clothes, but you also burned your
20 clothes in a barbeque grill at your house?

21 A No, sir.

22 Q Supposedly you said that to Boo Rat.

23 A No, sir.

24 Q You never had that conversation?

25 A No, sir.

1 MR. YEAZELL: Who was it that came to him
2 Tyree and who else?

3 MR. GARCIA: Tyree and Luc.

4 MR. YEAZELL: Okay.

5 Q (By Mr. Garcia) Do you recall the date of
6 July 27th, 2006?

7 A Sir?

8 Q Do you recall July 27th, 2006?

9 A Well, now that I have to remember it, I
10 recall it a little bit.

11 Q Okay. What do you recall about that date?

12 A Because I remember the detectives coming to
13 my house questioning me about the murder.

14 Q Had you been with Luc Pierre Charles that
15 day?

16 A Yes. Because he was -- he stayed the night
17 at my house.

18 MS. LAVENDER: And clarify, when did he stay
19 at your house, when the police came and talked to
20 you or the night of the murders?

21 THE DEPONENT: Around the murders. They
22 questioned me about was he there. And I stated
23 he was, he slept in my room while I was on the
24 couch.

25 Q (By Mr. Garcia) What about Andre?

1 A No, Andre didn't stay there.

2 Q Had he been with you that day?

3 A No.

4 Q Do you recall talking to Detective Steve
5 Foshey?

6 A No. I don't remember names.

7 Q All right. Do you remember telling him that
8 you believed Andre came over to your residence earlier
9 in the day, but left your house sometime before
10 midnight?

11 A I probably did.

12 Q You just don't remember?

13 A I don't remember, like, hanging out with him
14 somewhere else. He probably did come by my house. He
15 used to always pop up and leave.

16 Q What time did Luc get to your house?

17 A I thought he was there all day. Because
18 I -- he probably was there all day, like I say.

19 Q So you believe it was all day?

20 A Probably.

21 Q Okay.

22 A He was staying there.

23 Q Do you remember telling Steve Foshey that
24 you thought he may have come between midnight and
25 12:30?

1 A No, I don't recall. I don't know.

2 Q Was your memory better then than it is now?

3 A I can't even say, my memory always good,
4 sir.

5 Q And you believe that Luc spent the night?

6 A Yes, sir. I know that for a fact.

7 DIRECT EXAMINATION

8 BY MS. LAVENDER:

9 Q How do you know for a fact that he spent the
10 night with you?

11 A Because my mom, she left the house because
12 her and her boyfriend was getting into it. So she --

13 Q Who is her boyfriend?

14 A Bill.

15 Q What's his last name?

16 A I don't know his last name.

17 Q Are they still dating?

18 A No, ma'am.

19 Q Does he still live in this area?

20 A I'm not -- I don't even know.

21 Q So they got into an argument?

22 A Ma'am?

23 Q They got into an argument?

24 A Yes, ma'am.

25 Q Okay. Go ahead.

1 A So she let my sister watch me and my little
2 brother. Because I was going to camp, football camp
3 around that time. And Luc was staying there all
4 through the week, because I guess he stopped staying
5 with his mom or something, I don't even know. I don't
6 know, but he kept staying at our house, he had clothes
7 there and all. So that's how I know he was there.
8 And around that summer, he stayed there.

9 Q So how do you know it was this specific
10 night of the homicides, though, if he was staying
11 there all week?

12 A Because that's something I would want to
13 remember. I don't want to get in trouble and make up
14 a lie or anything.

15 Q Do you remember what day of the week the
16 homicides were?

17 A Um, I don't remember the exact date.

18 Q Was it Monday, Tuesday, Wednesday, Thursday?

19 A I don't remember the exact date.

20 Q Do you remember if it was a --

21 A I remember it was through the week, because
22 I was going to football camp.

23 Q Where was your football camp?

24 A Pasco.

25 Q At the high school?

1 A Yeah. With the team.

2 Q And what time would you go to camp?

3 A I would usually wake up around 8. And we'll
4 have camp until probably like 3 or 2, sometimes 12.
5 Come home around 12, 2, or 3, it depends on when coach
6 wants to release us.

7 Q Now, that specific day when he spent the
8 night, when you woke up, was he still there?

9 A Was he still there?

10 Q Was Luc still there?

11 A Yes. Because my sister wanted me to wake
12 him up, she cooked breakfast. And she would like to
13 talk, too, if you wanted to question her about it.

14 Q Okay. And that's -- how old was she at that
15 time?

16 A Wow. If I was around 14 or 15, she was
17 around 19 or 20.

18 MR. YEAZELL: She's 19 or 20 now?

19 THE DEPONENT: No. She's 28 -- no, 27.

20 Q (By Ms. Lavender) Okay. Do you remember
21 what she cooked for breakfast that morning?

22 A Um, all I eat was probably pancakes.

23 Q Well, I don't want you to say probably, I
24 want you to be sure.

25 A Oh, pancakes, sausage, eggs, and biscuits.

1 Q Did Luc get up?

2 A Yeah. Luc had got up and he went in the
3 bathroom, that's the first place he went. And I left.

4 Q Did you talk to him before you left?

5 A No. I just told him, "Get up, Ashley
6 cooked," and I left.

7 Q What time did you come home that day?

8 A Right after practice.

9 Q Was he there when you got home?

10 A Yes, I'm quite sure he was.

11 Q Well, I don't want you to guess.

12 A Yeah, I don't want to guess neither. Yeah,
13 I think he -- yes. Yes, he was.

14 Q Was he there by himself?

15 A No, my sister was there.

16 Q Did Tyree come over any time during that
17 week?

18 A No. Tyree barely came to my house.

19 Q So the night of the murders, you never saw
20 Tyree?

21 A No.

22 Q Did you see him the following day?

23 A No.

24 Q What about Darnell?

25 A No.

1 Q What about Jeremy Henry?

2 A No.

3 Q What about Angel Brooks?

4 A No.

5 Q Did you know Jeremy Henry?

6 A Yes.

7 Q Did you hang out with him?

8 A No.

9 Q Did you like him?

10 A Yeah, he was all right. He was my family.

11 He just played too much.

12 Q Did you at any point when Luc came over
13 there that night -- you think he was there all night,
14 or you don't really know what time he got there?

15 A I went to sleep around 11, 10:30 or 11,
16 around that time. So he had to be there before then,
17 because he was in the room laying down.

18 Q And you said you slept on the couch?

19 A Yeah.

20 Q So did you sleep through the night?

21 A Yes.

22 Q And did you at any point ever get up during
23 the night?

24 A No.

25 Q So how do you know that Luc stayed in the

1 room that night?

2 A My sister.

3 Q How do you know from your sister?

4 A My sister said he never left.

5 Q And how does your sister know?

6 A Because she slept in the living room.

7 Q And this is the same sister you're talking
8 about that cooked breakfast?

9 A Yeah.

10 Q And you're saying you don't recall whether
11 or not Andre came over?

12 A No.

13 Q Was Luc driving a car during that time?

14 A No.

15 Q How did he get to your house?

16 A Getting rides.

17 Q But do you specifically know that day how he
18 got to your house?

19 A Probably Denise.

20 Q Gibson?

21 A White lady, yeah.

22 Q Did you actually see her drop him off?

23 A No. But if he wasn't at our house, he
24 usually be at her house. And she the only one with a
25 car that usually give rides.

1 Q Do you know where Tyree was staying during
2 that time?

3 A Um, probably with his mom. I'm not sure.

4 Q So is it fair to say you didn't really talk
5 to him that much during this time?

6 A Um, when I used to come around, he'll talk,
7 we'll talk, or just kick it because of Greg. I used
8 to go to his mom's house and play a game or something
9 like that. So, yeah, I usually speak to him. But as
10 far as, like, hanging around, I wasn't allowed to hang
11 with anybody like that.

12 Q Okay.

13 A I only hung with Luc because he was my
14 cousin and my mom allowed that.

15 Q So I take it you're related to the
16 Blandford's, as well?

17 A Yeah.

18 Q And how are they related?

19 A Well, from my understanding -- I really -- I
20 never really knew them like that when I was younger,
21 I'm just now meeting them. My mom -- I didn't even
22 know they was my cousins until all this went on in the
23 court. Because I didn't know who John was until he
24 testified. I heard of him, but not as far as me
25 hanging around with him or like he being my family or

1 something, I didn't know that until my auntie said he
2 was kin, we all was kin.

3 Q So you never talked to them or hung out with
4 any of the Blanford's during this time?

5 A No.

6 Q As far as the night or the morning after the
7 homicides, at any time did you see Donovan Parker?

8 A No, ma'am.

9 Q Were you hanging out with Donovan Parker at
10 the time?

11 A No, ma'am.

12 Q Were you friends with him?

13 A That was my cousin. He used to stay with us
14 until he started stealing.

15 Q When did he leave your house from staying
16 with you, in relation to the murder?

17 A He wasn't staying with us at all for, like,
18 a couple of months probably because he got caught
19 stealing. And my mom's boyfriend, they got in an
20 altercation and she kicked him out.

21 Q So do you have any idea why people are
22 saying that you and Donovan Parker possibly picked up
23 Luc and Tyree the morning of the homicides?

24 A No. Because I wasn't driving.

25 Q Was Donovan Parker driving at that time?

1 A Donovan wasn't with me.

2 Q And do you know why all the witnesses would
3 be saying that they overheard you talking about Luc
4 and Tyree coming to your house and burning their
5 clothes?

6 A I don't know why because I barely hang with
7 anyone.

8 Q So you never had that conversation?

9 A No, ma'am.

10 Q Do you own a barbeque grill?

11 A Come on, 16 years old? No, ma'am.

12 Q Did you have one at your house?

13 A No, ma'am.

14 Q You don't have a barbeque grill at all?

15 A No, ma'am.

16 Q When your mom works, does she work during
17 the day or at night time back at this time?

18 A At that time, she probably -- she worked
19 early in the morning until -- I'm not sure because she
20 wasn't staying with us. So I didn't know what her
21 schedule was, she stopped stay us with.

22 Q So during this time your mom wasn't living
23 at the house?

24 A No, my mom wasn't living with us.

25 Q So at the time that Luc is accused of these

1 REDIRECT EXAMINATION

2 BY MS. LAVENDER:

3 Q Who drove a Jeep during that time?

4 A Who?

5 Q A Jeep. Did you know anybody that drove a
6 Jeep during that time?

7 A A Jeep? No.

8 Q No?

9 A No.

10 Q Did you ever see Donovan in a Jeep?

11 A No.

12 Q What about Tyree?

13 A No.

14 Q And Tyree never called you on the phone and
15 said to you, "To make sure that you burn that stuff"?

16 A No.

17 Q Have you ever had a conversation with Tyree
18 about the case?

19 A No, ma'am.

20 Q Do you hang out with Regis Valburn?

21 A Yeah, that's my sister's -- I talk to him,
22 that's my sister's child's father.

23 Q That would be Ashley's?

24 A No, Jasmyn.

25 Q Jasmyn. So it's Jasmyn's --

1 A Child's father. A baby daddy.

2 Q Jasmyn who?

3 A Sampson.

4 Q Sampson, okay. Do you still hang out with
5 him?

6 A Yeah, I see him.

7 Q And what about Andre, do you know where he
8 is, do you hang out with him?

9 A I thought he was home.

10 Q At his mom's house?

11 A Yeah. He went back there for a couple of
12 days, that's what he told me. He don't tell me where
13 he stay, because I don't know.

14 Q When was the last time you talked to him?

15 A Probably like two days ago, probably three
16 days ago.

17 Q And where did you see him at?

18 A I ain't seen him, he called me.

19 REDIRECT EXAMINATION

20 BY MR. GARCIA:

21 Q What's his number?

22 A I don't know his number by heart.

23 Q Don't tell me you don't know, where's your
24 phone?

25 A In my pocket.

1 Q You don't have him on your phone?

2 A No. Hold on.

3 MR. YEAZELL: This is for Regis Valburn?

4 MR. GARCIA: No, this is for Andre.

5 A Oh, no, I don't got --

6 Q Do you know why his mother and father would
7 tell our investigator that they haven't seen him, they
8 don't know where he's at, if he went home to his
9 house?

10 A That's what I'm telling you, that's what he
11 be telling me. He don't never be straight up with me
12 and tell me where he is. It's always been like that.

13 Q Okay. Well, getting back, what's his phone
14 number?

15 A He call me from different phones, man.

16 Q Well, try to see how many phone numbers you
17 have for him.

18 REDIRECT EXAMINATION

19 BY MS. LAVENDER:

20 Q So is it fair to say he never has the same
21 phone?

22 A Sometimes. Hold on.

23 MR. GARCIA: Do you have him in your phone
24 under A for Andre?

25 THE DEPONENT: Oh, no. That's what I'm

1 PLEASE ATTACH TO THE DEPOSITION OF: Jamal Sampson
2 IN THE CASE OF: State of Florida vs. Luc Pierre Charles

3 ERRATA SHEET

4 Please read the transcript of your
5 deposition and make note of errors or amendments in
6 transcription on this page. DO NOT MARK on the
original transcript itself. Please sign and date this
sheet.

7 PAGE LINE ERROR OR AMENDMENT REASON FOR CHANGE

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18 I have read the transcript and except for
19 any corrections or amendments noted above, I hereby
subscribe to the transcript as an accurate record of
the statements made by me.

20 Signature _____

21 Date: _____

22

23

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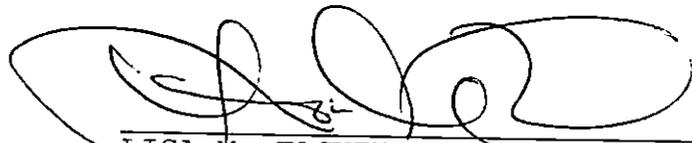
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1 STATE OF FLORIDA)
2 COUNTY OF PASCO)

3 I, LISA M. FACKENDER, Court Reporter in and
4 for the Sixth Judicial Circuit of the State of
5 Florida,

6 DO HEREBY CERTIFY, that the deponent herein
7 personally appeared before me and was duly sworn.

8 WITNESS my hand and official seal this 11th
9 day of March, 2013.



LISA M. FACKENDER
Notary Public
State of Florida



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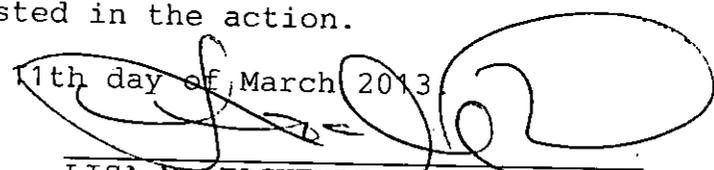
1 STATE OF FLORIDA)
2 COUNTY OF PASCO)

3 I, LISA M. FACKENDER, Court Reporter in and
4 for the Sixth Judicial Circuit of the State of
5 Florida,

6 DO HEREBY CERTIFY that I was authorized to
7 and did stenographically report the foregoing
8 deposition; and that the transcript is a true and
9 correct record of the testimony given by the witness.

10 I FURTHER CERTIFY that I am not a relative,
11 employee,, attorney or counsel of any of the parties,
12 nor am I a relative or employee of any of the parties'
13 attorneys or counsel connected with the action, nor am
14 I financially interested in the action.

15 Dated this 11th day of March 2013

16 
17 _____
18 LISA M. FACKENDER
19 Court Reporter
20 Sixth Judicial Circuit
21
22
23
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EXHIBIT

8

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO COUNTY, FLORIDA

STATE OF FLORIDA

CASE NO.: 08-4222-CF

v.

LUC PIERRE-CHARLES
Defendant

_____ /

WITNESS AFFIDAVIT

State of FLORIDA

County of Pasco

Before me this day personally appeared Ashley Samelton who, being duly sworn deposes and says:

My name is Ashley Samelton and I currently reside at [REDACTED] [REDACTED] FL, 33523. On July 27, 2006, I was living with my Mother, Rosilyn Sampson and my brothers Jamal Sampson and Jamius Sampson at the Trueblood Apartments in Dade City.

I remember July 27, 2006, because it was my best friend's birthday and we were at my apartment having a low-key celebration. This was during the part of the summer when my mother was working nights and I would stay home to watch my brothers as they were still in school and were taking part in football and camps. While my friend and I were there celebrating, my brother and Luc Pierre-Charles were also at the apartment sitting on the living room couch watching TV. My friend left the house around midnight and my brother went to bed around 11:30 p.m., as he had to be up early for summer football practice. Luc and I stayed up on the couch watching TV and talking until almost 4:00 a.m. on July 28, 2006. Luc never left the house that evening.

Years later I heard about Luc being arrested on a murder from that date. I also heard from my brother, Jamal Sampson, that he was testifying to the fact that Luc was at our house on that evening. At that time, I did not know what time the crime was supposed to have occurred or that it would have been after my brother had gone to sleep and when it was just Luc and me. I was never contacted by anyone involved in his defense. Since, 2006 I have lived in Dade City and have remained in close contact with my brother and family. My brother always had my phone number and address. Had I been interviewed; I would have testified to what is contained in this affidavit and would have been available to testify at trial in 2008 or 2015.

I have not been offered anything for my testimony and am simply relying on my memory of what occurred that evening in providing this written statement.

Ashley Samelton
signature of affiant

Sworn to (or affirmed) and subscribed before me this 24 day of April, 2020, by Ashley Samelton who [] is personally known to me or [] produced a Dh as identification.



Raelle Gigliotti
notary public signature

Raelle Gigliotti
notary public printed name

EXHIBIT

9

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA IN AND FOR PASCO COUNTY

CRC10-06090CFAES; CRC11-00586CFAES; CRC11-06626CFAES

STATE OF FLORIDA :
V. :
FRANK ADAMS HARRISON, JR. :
SPN 00085754 :

MOTION TO MODIFY OR REDUCE SENTENCE

Comes now, BERNIE McCABE, State Attorney for the Sixth Judicial Circuit of Florida, and respectfully requests this Honorable Court that the sentences in the above-referenced cases be modified, and as grounds therefore would state:

1. Pursuant to Florida Statute 921.186, Notwithstanding any other law, the State Attorney may move the sentencing court to reduce or suspend the sentence of any person who is convicted of violating any felony offense and who provides substantial assistance in the identification, arrest or conviction or any of that person's accomplices, accessories, conspirators or principals or of any other person engaged in criminal activity that would constitute a felony.

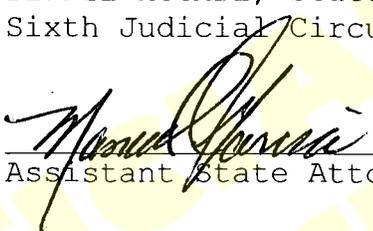
2. Upon good cause shown, the Motion may be filed and heard in camera.

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2016 JUL 12 PM 2:18
Paula S. O'Neil
Clerk & Comptroller
Pasco County, Florida

3. The DEFENDANT FRANK ADAMS HARRISON, JR. provided substantial assistance in a First Degree Murder.

WHEREFORE, the State of Florida prays that this Honorable Court grant said relief.

BERNIE McCABE, State Attorney
Sixth Judicial Circuit of Florida


Assistant State Attorney

MG/0712kg19

UNOFFICIAL
DOCUMENT

IN THE COURTS OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO COUNTY, FLORIDA

STATE OF FLORIDA

Date: 08/15/16

VS

Spn: 00085754

Frank Harrison

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PASCO COUNTY, FLORIDA
2016 AUG 15 PM 5:40
JANICE D. COOPER
Clerk & Comptroller
Pasco County, Florida

ORDER OF DISPOSITION

Please be advised that the Honorable Judge has made the following disposition on the above named defendant at this time:

<u>CASE NUMBER:</u>	<u>DOC</u>	<u>PROB/CC</u>	<u>PCDC</u>
<u>1100586CFAES</u>	_____	<u>2 yrs</u>	_____
<u>1106626CFAES</u>	_____	<u>2 yrs</u>	_____
<u>1006090CFAES</u>	_____	<u>2 yrs</u>	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

_____ Concurrent _____ Consecutive _____ Remanded _____ Reside _____ DNA

() The Defendant must call the Operation Payback Office at the Land O' Lakes Detention Center between the hours of 1:00 p.m. and 4:00 p.m., Monday through Friday to make an appointment for processing within 7 days of the date of sentence. The phone number is 800-854-2862 ext 6145.

Comments: Balance of prison sentence converted to 2 yrs probation.

DONE AND ORDERED in, Pasco County, Florida.

Trial Clerk Present: J. Amburgey

[Signature]
Presiding Judge, Susan G. Barthle

EXHIBIT
10

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA, IN AND FOR PASCO COUNTY**

STATE OF FLORIDA,
Plaintiff,

CASE NO: 2010CF003880A

Vs.

DIVISION:

ANTHONY HARRIS,
Defendant.

Spn 00195042

_____ /

MOTION FOR RECONSIDERATION OF SENTENCE

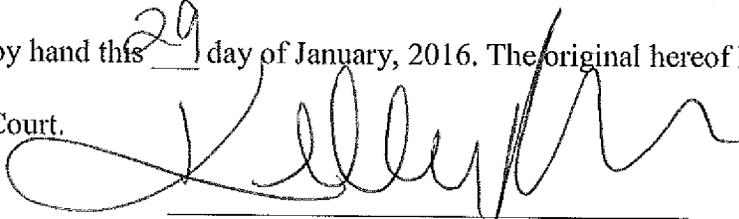
COMES NOW THE DEFENDANT, by and through the undersigned client and moves this Court for reconsideration of his sentence, and as grounds states:

1. On January 9, 2014 the Defendant entered into a plea for 20 years Department of Corrections for Second Degree Murder and Robbery with a Gun.
2. Defendant has since testified in three Murder in the First Degree trials as a state witness and is filing this Motion for reconsideration of his sentence.
3. Two of the cases are in Pasco County and one case is in Pinellas County.

WHEREFORE, the Defendant moves this Court for a reconsideration of sentence.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished, by mail, to the State Attorney's Office, by hand this 29 day of January, 2016. The original hereof has been furnished to the Clerk of Court.



Kelly McCabe, Esq.
Florida Bar No.: 0855731
Doyle & McCabe, LLC
4419 Park Blvd
Pinellas Park, FL 33781
727-824-5727
727-895-5432

UNOFFICIAL
DOCUMENT

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT OF
THE STATE OF FLORIDA IN AND FOR PASCO COUNTY
CRIMINAL DIVISION

STATE OF FLORIDA,

v.

ANTHONY J. HARRIS,
SPN: 00195042, Defendant. /

REF: CRC10-03880CFAES
UCN: 512010CF003880A000ES
DIV: 2

**ORDER DISMISSING DEFENDANT'S
MOTION FOR RECONSIDERATION OF SENTENCE**

THIS CAUSE is before the court on Defendant's "Motion for Reconsideration of Sentence," filed on February 1, 2016. Based on the content of Defendant's motion, the court will treat same as a motion to modify or reduce sentence under Florida Rule of Criminal Procedure 3.800(c). Having reviewed the motion, court record, and applicable law, the court finds as follows:

On January 9, 2014, Defendant entered a guilty plea in this case to one count of attempted murder and was sentenced to 20 years' incarceration. (*Exhibit A: Judgment and Sentence*). Defendant did not file a direct appeal. In the motion counsel for Defendant requests that this court reconsider his sentence, citing that Defendant has since testified in three murder cases as a State witness. Since Defendant was sentenced in this case on January 9, 2014, the court is without jurisdiction to consider Defendant's request because it is untimely.

Rule 3.800(c) provides that "[a] court may reduce or modify...a legal sentence imposed by it within 60 days after the imposition...or within 60 days after receipt by the court of a certified copy of an order of the appellate court dismissing an original appeal from the judgment and/or sentence...." Having filed his motion well outside the 60 day time frame provided for under Rule 3.800(c), Defendant's motion is untimely and must be dismissed. Furthermore, even

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PASCO COUNTY, FLORIDA
2016 FEB 15 AM 9:58
Paula S. O'Neil
Clerk & Computer
Pasco County, Florida

if Defendant's motion was timely, the court would deny the request to reduce Defendant's sentence.

Accordingly, it is:

ORDERED AND ADJUDGED that Defendant's motion is hereby **DISMISSED**.

DONE AND ORDERED in Chambers at New Port Richey, Pasco County, Florida, this 10th day of February, 2016. A true and correct copy of the foregoing has been provided to the parties listed below.



Pat Siracusa, Circuit Judge

cc: State Attorney; Staff Attorney

Kelly McCabe, Esq.
4419 Park Blvd.
Pinellas Park, FL 33781

Anthony J. Harris; DC# R39548
Tomoka Correctional Institution
3950 Tiger Bay Road
Daytona Beach, Florida 32124-1098

State of Florida

vs

Anthony James Harris

In The Circuit Court of the Sixth Judicial Circuit In And For Pasco County, Florida

Division: 02
Case Num: CRC1003880CFAES
SPN: 00195042
DOC Num:
Soc. Sec. :



___ Comm. Control Violator ___ Retrial
___ Probation Violator ___ Resentence

JUDGMENT

The Defendant, Anthony James Harris, being personally before this court represented by William B Bennett, the attorney of record, and the State represented by Manuel Garcia and having

- ___ - been tried and found guilty by jury/by court of the following crime(s)
- X - entered a plea of guilty to the following crime(s)
- ___ - entered a plea of nolo contendere to the following crime(s)

PAULA S. O'NEIL, Ph.D. PASCO CLERK & COMPTROLLER
02/05/14 11:47 AM 1 of 7
OR BK **8990** PG **3160**

Count	Crime	OBTS Num	Statute and Degree
001	Amended Murder in the Second Degree		782.04(2)1775.087(2)(a)3 Second Degree Felony First

X and no cause being shown why the defendant should not be adjudicated guilty, IT IS ORDERED THAT the defendant is hereby ADJUDICATED GUILTY of the above crime(s)

___ and good cause being shown; IT IS SHOWN THAT ADJUDICATION OF GUILT BE WITHHELD.

___ The Court hereby stays and withholds the imposition of sentence as to count(s)

___ under the supervision of the Department of Corrections
(Conditions of probation and/or community control set forth in a separate order)

___ The Court defers imposition of sentence until

___ The Court finds that the defendant violated all the conditions alleged in the affidavit, a copy of which is attached as exhibit 1.

The defendant in open court was advised of his right to appeal from this judgment by filing notice of appeal with the Clerk of Court within thirty days following the date sentence was imposed or probation is ordered pursuant to this adjudication. The defendant was also advised of his right to the assistance of counsel in taking said appeal at the expense of the State upon showing of indigence.

Dated this 28th day of January, 2014 in Pasco County.

Book ___ Page ___

NUNC PRO TUNC January 9, 2014

Pat Siracusa
Circuit Judge

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Clerk & Comptroller
Pasco County, Florida

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO COUNTY, FLORIDA

STATE OF FLORIDA
VS

CASE NO: 100 3880 CLEAR
SPN NO: 00195042
DOC NO: _____

Anthony Harris

OR BK **8990** PG **3161**
2 of 7

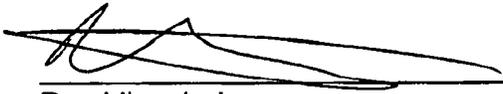
-FINGERPRINTS OF DEFENDANT-

1. Right Thumb	2. Right Index	3. Right Middle	4. Right Ring	5. Right Little
				
6. Left Thumb	7. Left Index	8. Left Middle	9. Left Ring	10. Left Little
				

Fingerprints taken by Juan Perez-Moreira, Bailiff.

I HEREBY CERTIFY that the above and foregoing are the fingerprints of the defendant,
Anthony Harris, and that they were placed thereon by the defendant in
my presence in open court this date.

DONE AND ORDERED in open court in Pasco County, Florida, this 9 day of
January 2014.



Presiding Judge,

STATE OF FLORIDA

VS

Anthony James Harris

In The Circuit Court Of The
Sixth Judicial Circuit In And
For Pasco County, Florida

Division: 02
Case Num: CRC1003880CFAES
SPN Num: 00195042
DOC Num:

OR BK **8990** PG **3162**

3 of 7

CHARGES/COSTS/FEEs

The defendant is hereby ordered to pay the following sums if checked:

\$3.00 as a court cost pursuant to Section 938.01, Florida Statutes (Additional court costs for Clearing House Fund). Lien

\$50.00 pursuant to Section 938.03, Florida Statutes (Crimes Compensation Trust Fund). Lien

\$2.00 as a court cost pursuant to Section 938.15, Florida Statutes (Criminal Justice Education by Municipalities and Counties). Lien

A fine in the sum of _____ pursuant to Section 775.0835, Florida Statutes. (This provision refers to the optional fine for the Crimes Compensation Trust Fund and is not applicable unless checked and completed. Fines imposed as a part of a sentence to Section 775.083, Florida Statutes are to be recorded on the sentence page(s)).

A sum of \$225.00 pursuant to Section 938.05, Florida Statutes (Fine and Forfeiture Fund). Lien

A sum of \$100.00 pursuant to Section 938.27, Florida Statutes (Prosecution Costs). Lien

_____ A sum of _____ pursuant to Section 938.27, Florida Statutes (Investigation Costs)

_____ A sum of _____ pursuant to Section 938.29, Florida Statutes (Public Defender Fees).

A sum of \$100.00 pursuant to Section 938.29, Florida Statutes (Regional Counsel Fees). Lien

_____ A sum of _____ for restitution.

_____ A sum of _____ pursuant to Section 938.25, Florida Statutes (FDLE Operating Fund).

A sum of \$125.72 fine pursuant to Section 775.083, Florida Statutes. Lien

A sum of \$6.28 pursuant to Section 938.04, Florida Statutes (%5 Fine Surcharge).Lien

_____ A sum of _____ pursuant to Section 27.52, Florida Statutes (Criminal Indigent Defense Trust Fund Application Fee).

A sum of \$3.00 pursuant to Section 938.19, Florida Statutes and Ordinance 05-25 (Teen Court). Lien

A sum of \$50.00 pursuant to Section 775.083(2), Florida Statutes (Crime Prevention Court Cost). Lien

_____ A sum of _____ pursuant to Section 938.10, Florida Statutes (Crimes Against Minors).

A sum of \$201.00 pursuant to Section 938.08, Florida Statutes (Domestic Violence Trust Fund). Lien

A sum of \$151.00 pursuant to Section 938.085, Florida Statutes (Rape Crisis Program Trust Fund). Lien

A sum of \$65.00 pursuant to Section 939.185, Florida Statutes and Ordinance 04-23 (Costs for County Programs). Lien

_____ A sum of _____ pursuant to Section 318.18(13)(a), Florida Statutes and Ordinance 04-24 (Traffic Surcharge/Court Facilities).

A sum of \$25.00 pursuant to Section 28.246, Florida Statutes (Payment Plan)

_____ A sum of _____ pursuant to Section 943.325, Florida Statutes (DNA Testing).

A sum of \$20.00 pursuant to Section 938.06, Florida Statutes (Crime Stoppers Trust Fund) Lien

VS

Anthony James Harris

Case Num: CRC1003880CFAES
SPN Num: 00195042

OR BK **8990** PG **3163**

4 of 7

_____ A sum of _____ pursuant to Section 318.18(17), Florida Statutes (State Radio Systems)

_____ A sum of _____ pursuant to Section 938.13, Florida Statutes and Ordinance 34-6 (Substance Abuse Surcharge)

X Other: All costs imposed as liens, with the exception of the Felony Fine
Fine Surcharge, Prosecution costs, Court appointed attorney fee, and
payment Plan, court costs are concurrent with 0700391CFAES

The defendant having been given notice that funds in the commissary account may be applied to the above charges and the court having considered the defendant's objections, the Pasco County Sheriff is ordered to forward all funds in the defendant's commissary account to the Pasco Clerk of the Circuit Court when the defendant is released from the Pasco County Jail if the amount of the funds is at least ten dollars (\$10.00).

If you are unable to pay for financial obligations today, or as otherwise directed by the Court, you must go to the Clerk's Office to set up a payment plan and pay a \$25.00 application fee pursuant to F.S. 28.246. FAILURE TO DO SO MAY RESULT IN SUSPENSION OF YOUR DRIVER'S LICENSE.

Dated this 27th day of January, 2014 in Pasco County, Florida.

Book _____ Page _____

Pat Siracusa
Circuit Judge

Defendant: Anthony James Harris

Case Num: CRC1003880CFAES
SPN: 00195042
OBTS Num: 5102066248
DOC Num:

SENTENCE OR BK **8990** PG **3164**
5 of 7
(As To Count 001)

The Defendant, being personally before this court, accompanied by the Defendant's attorney of record, William B Bennett, and having been adjudicated guilty herein, and the court having given the Defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the Defendant should not be sentenced as provided by law, and no cause being shown

- and the Court having on _____ deferred imposition of sentence until this date
- and the Court having previously entered a judgment in this case on _____ now resentsences the Defendant
- and the Court having placed the Defendant on probation/community control and having subsequently revoked the Defendant's probation/community control. The Court found the Defendant in violation of specific conditions of probation/community control, see attached affidavit.

It Is The Sentence Of The Court That:

- The Defendant pay a fine of \$125.72 pursuant to section 775.083, Florida Statutes, plus \$16.28 as the 5% additional court cost (Fines & Bail Bonds) required by section 960.25, Florida Statutes.
- The Defendant is hereby committed to the custody of the Department of Corrections.
- The Defendant is hereby committed to the custody of the Sheriff of Pasco County, Florida.
 - () OPTION (A)-Unless otherwise prohibited by law, the Sheriff is authorized to release the Defendant on electronic monitoring or other sentencing programs subject to the Sheriff's discretion
 - () OPTION (B)-The Sheriff is not authorized to release the Defendant on electronic monitoring or other sentencing programs
- The Defendant is sentenced as a youthful offender in accordance with section 958.04, Florida Statutes.

To Be Imprisoned (Check one; unmarked sections are inapplicable):

- For a term of natural life.
- For a term of 20 Years.
- Said SENTENCE SUSPENDED for a period of _____ subject to conditions set forth in this order.

If "split" sentence, complete the appropriate paragraph.

- Followed by a period of _____ under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order entered herein.
- However, after serving a period of _____ imprisoned in _____, the balance of the sentence shall be suspended and the Defendant shall be placed on probation/community control for a period of _____ under supervision of the Department of Corrections according to the terms and conditions of probation/community control set forth in a separate order entered herein.

In the event the Defendant is ordered to serve additional split sentences, all incarceration portions shall be satisfied before the Defendant begins service of the supervision terms

Defendant: Anthony James Harris

Case Num: CRC1003880CFAES

SPN Num: 00195042

DOC Num:

OR BK **8990** PG **3165**
6 of 7

Special Provisions

Other Provisions:

Criminal Gang Activity

The felony conviction is for an offense that was found, pursuant to section 874.04, Florida Statutes, to have been committed for the purpose of benefiting, promoting, or furthering the interests of a criminal gang.

Retention of Jurisdiction

The court retains jurisdiction over the defendant pursuant to section 947.16(3), Florida Statutes (1983).

Jail Credit

It is further ordered that the defendant shall be allowed a total of 1297 days as credit for time incarcerated before imposition of this sentence.

Prison Credit

It is further ordered that the defendant be allowed credit for all the time previously served on this count in the Department of Corrections prior to resentencing.

Consecutive / Concurrent As To Other Counts

Consecutive / Concurrent As To Other Convictions

It is further ordered that the composite term of all sentences imposed for the counts specified in this order shall run (check one)

consecutive to concurrent with the following:(check one)

any active sentence being served,

specific sentences: _____

No Contact:

It is further ordered that the defendant is prohibited from having contact with the Victim, directly or indirectly, including through a third person, for the duration of the sentence.

In the event the above sentence is to the Department of Corrections, the Sheriff of Pasco County, Florida, is hereby ordered and directed to deliver the defendant to the Department of Corrections at the facility designated by the department together with a copy of this judgment and sentence and any other documents specified by Florida Statute.

The defendant in open court was advised of the right to appeal from this sentence by filing notice of appeal within 30 days from this date with the clerk of this court and the defendant's right to the assistance of counsel in taking the appeal at the expense of the State on showing of indigence.

In imposing the above sentence, the court further recommends _____

Dated this 20th day of January, 2014 in Pasco County, Florida.


Pat Siracusa
Circuit Judge

STATE OF FLORIDA

CASE NO 1003880CFAES

VS

SPN 00195042

ANTHONY HARRIS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished to:

(X) Personal Service to State Attorney for Sixth Judicial Circuit, Pasco County, Florida

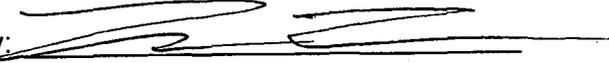
() Personal Service (X) U.S. Mail

To: Attorney of Record Marc Joseph
Address:

() Personal Service () U.S. Mail

To: _ Defendant
Address:

DATED this 30 day of January, 2014

By: 
Deputy Clerk

Office of Paula S. O'Neil
Clerk & Comptroller
Pasco County, Florida

EXHIBIT
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page (1.)

IN THE CIRCUIT COURT OF THE SIXTH
JUDICIAL CIRCUIT IN AND FOR PINELLAS
AND PASCO COUNTY, FLORIDA CRIMINAL
DIVISION

PROVIDED TO TOMOKA ON 11-18-17
FOR MAILING BY AH.

STATE OF FLORIDA 921.186 Substantial Assistance

FELONY COURT

V.S.

CASE NUM:

Anthony James Harris
SPN 00195042 DEFENDANT

CRC1003880CFAES

CRC0700391CFAES

2017 NOV 17 AM 9:16

UNITED STATES CONSTITUTION 14 ADMEWMENT DUE PROCESS
MOTION OF NOTICE TO INFORM THE STATE OF
FLORIDA, TO ALL AND SINGULAR THE SHERIFFS
STATE ATTORNEY INVESTIGATORS AND AGENTS
OF THE FLORIDA DEPARTMENT OF LAW ENFOR-
CEMENT AND AGENTS OF THE FEDERAL DEPA-
RTMENT OF LAW ENFORCEMENT OF A MAJOR
ISSUE THAT HAVE ARISEN I WOULD LIKE FOR
A SPECIAL HEARING TO PLEASE BE CONDUCTED SOO-
N AS POSSIBLE CONCERNING A 921.186 SUBS-
TANTIAL ASSISTANCE HEARING TO ADDRESS
SOME VERY IMPORTANT MATTERS ON
RECORD I ANTHONY JAMES HARRIS HAVE
RENDERED SUCH-GREAT SUBSTANTIAL ASSIS-
TANCE BY LAW BY COOPERATING-ASSISTING
WITH LAW ENFORCEMENT THATS LISTED CONCE-
RNING DRUG DEALERS- GUN DEALERS- MURDER-
S-SEX OFFENSES- DRUG TRAFFICKERS- ARM
TRAFFICKERS- GANG MEMBERS- ARM BUR-
GLARY- ARM ROBBERY- FELONS IN POSSESSION
OF FIREARMS AND OTHERS I ANTHONY JAMES
HARRIS HAVE ALSO TESTIFIED IN 4
MURDERS ONE OF TAMPA COURTS OF RECORD ONE
OF PASCO COUNTY COURTS 2 COURTS ONE OF
PINELLAS COUNTY COURTS AND A SEX OFFENSE
ALSO IVE WORE WIRE DEVICES FOR LAW ENF-
ORCEMENT I HAVE HELPED SERVE A GREAT AMOU-

Sent to
Judge Benthin
11-17-17

NT OF Justice By law with that being said
I have been place under Great Danger
That the word have been put out there
That IVE worked for the FEDS-police
AND HAVE TESTIFYED IN A LOT OF MURDER
CASES THE GANG MEMBERS OF THE LATIN
KINGS THE FOLK NATION THE A.B'S AND THE
BLOODS HAVE PLACED A STATE WIDE plate
on my head meaning that any prison that
I go to OF THE STATE OF FLORIDA DEPAR-
TMENT OF CORRECTIONS I AM GOING TO HAVE
TO BE FULLY AWARE BECAUSE SOME INMATE
OR INMATES IS GOING TO BE OUT TO KILL ME
WITH THAT BEING SAID I AM AND FEAR OF
MY LIFE GREAT FEAR AND I AM ASKING
FOR THE STATE OF FLORIDA TO PLEASE REDUC-
E MY SENTENCE OR EMERGENCY RELEASE ME BA-
CK TO MY LOVE ONES MY FAMILY SOON AS POS-
SIBLE THIS IS A VERY SERIOUS MATTER HE-
RE AND I AM VERY SCARED STATE OF Flor-
IDA COULD YALL PLEASE HAVE ME PLACED
UNDER FEDERAL JURISDICTION DO TO THE
FACT THAT ALL OF THE DAMAGE-HARM
HAVE BEEN COMMITTED UNDER THE STATE
OF FLORIDA JURISDICTION WICH I HANDED
DOWN GREAT TESTIMONY IN JURY TRIALS
OF SOME VERY HIGH PROFILE CASES CONCERNING
putting murderers AWAY SOME GANG
MEMBERS IN THE STATE OF FLORIDA
DEPARTMENT OF CORRECTIONS WERE THE CRIMIN-
ALS ARE SERVING LIFE SENTENCES OTHERS
SEX OFFENSES 30 years OTHERS MURDERER 30
TO 40 YEARS STATE OF FLORIDA COULD YALL PLEASE
REMOVE ME OUT OF THE STATE OF FLORIDA-

JURISDICTION DO TO HIGH SAFETY ISSUES AND
HAVE ME PLACED UNDER FEDERAL JURISDICTION-
CUSTODY DO TO HIGH PROFILE SAFETY STAND-
ARDS I DO NOT WANT TO BE DAMAGED OR
KILLED SO WE NEED TO PREVENT THIS FROM
HAPPENING IN THE GOD WE TRUST THAT'S
WHAT I LIVE BY I AM ASKING FOR THE
EQUAL PROTECTION OF THE LAW ACT UNDER
THE UNITED STATES CONSTITUTION THE 14TH ADM-
ENDMENT DUE PROCESS ACT BY LAW UNITED
STATES DEPARTMENT OF JUSTICE IMPORTANTS-
COULD YOU PLEASE HAVE THE UNITED STATES
MARSHAL'S SERVICE TRANSPORT ME BACK TO
THE PASCO COUNTY SHERIFF'S OFFICE
OF THE LAND O LAKES DETENTION CENTER JAIL
AND PLEASE HAVE ME DETAIN THERE UNTILL WE
CAN GET THESE MATTERS RESOLVED BY
LAW UNDER THE DEPARTMENT OF JUSTICE
I HAVE SOME MENTAL HEALTH DISORDERS OF
S.L.D AND I AM CLAUSTROPHOBIC I HAVE
VERY BAD ANXIETY ATTACKS WHEN BEING
AND A CLOSE AREA TO LONG WITH THE DOOR
CLOSED. COULD WE PLEASE ADDRESS
THESE ISSUES SOON AS POSSIBLE UNDER A
SPECIAL HEARING OF A SUBSTANTIAL ASSIST-
ANCE HEARING ADDED BY LAWS 2010.C.2010-
218 & 1 EFF JULY 1, 2010 MY LIFE IS UNDER
GREAT DANGER-HARM SO COULD WE
PLEASE ADDRESS THESE MATTERS SOON AS
POSSIBLE I DO NOT WANT TO DIE THANK YOU
AND GOD BLESS THIS IS A VERY SERIOUS
MATTER THAT NEED TO BE ADDRESS A.S.A.P

THY GOD TRULY I AM IN NEED OF ANY GOOD OR
GREATNESS THY GOD SEND IT ALL FOR YOUR WILL IT

May Be Done Glory And praise Be to Thy God

DATED 11, 14, 17

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT A TRUE AND CORRECT
COPY OF THE FOREGOING WAS FURNISHED VIA U.S.
MAIL TO THE OFFICE OF PAULA S. O'NEIL AS CLERK
AND COMPTROLLER OF SAID COURT AT 38053 LIVE
OAK AVENUE DADE CITY FL, 33523.

Paula S. O'Neil
Honorable
Suzon G. Bartle

Bernie McCabe - State Attorney

Manuel III Garcia, State Attorney

United States Attorney
U.S. W. Stephen Millstone

my # 727-824-5727
Attorney At Law Kelly McCabe, Esq.

Respectfully yours Anthony James Horvath, C.I.
C.S.

Thy Witness

Valid & Solid

In Thy God We Trust

From: Anthony James Horvath D.C R39548
Teresa K. Correctional Institution
3950 Tiger Bay Road Daytona Beach
Florida, 32124

UNOFFICIAL
DOCUMENT

To: TBe

5.0

Can

Can

53g

David

Legal Mail

EXHIBIT
12

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA IN AND FOR PASCO COUNTY

CASE NO. CRC0804222CAES- 01

STATE OF FLORIDA

VS

LUC PIERRE CHARLES
SPN 00554765

ACKNOWLEDGEMENT OF ADDITIONAL TANGIBLE EVIDENCE

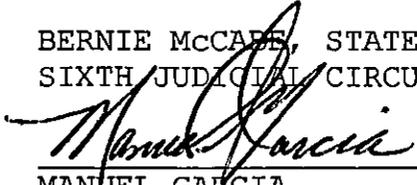
PURSUANT TO RULE 3.220 (f) FLORIDA RULES OF CRIMINAL PROCEDURE

The State Attorney hereby furnishes the following list of additional tangible evidence which may be used by the State in the trial of the above-styled cause:

1. JUDGMENT & SENTENCES OF DEFENSE WITNESSES:
EUGENE BRYANT
ERNEST WATSON

I DO HEREBY CERTIFY that a copy of the above has been furnished to ~~CHRISTOPHER YEAZELL~~, ESQ, Attorney for the Defendant, by personal service, this 27 day of MARCH, 2015.

BERNIE McCADE, STATE ATTORNEY
SIXTH JUDICIAL CIRCUIT OF FLORIDA



MANUEL GARCIA
Assistant State Attorney