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02-2364

IF COUNSELLOR READY TO PROCEED, YOU MAY PROCEED .

GOOD MORNING. MAY IT PLEASE APPROXIMATELY 286 HAIRS RECOVERED FROM HER BODY ISSUE, AND THEN WE'LL LOOK AT THE --

I WILL. WE CONTEND UNDER THAT TIME . THEY SUBSEQUENTLY EITHER OBTAINED HAIR SAMPLES OR THEY HAD HIS DEPENDS, THEN WHY WOULDN'T , ARGUABLY, THIS BE ADMITTED HERE? NOW CRAB LIES, AND THIS WAS A FREQUENT WAY TO SUDDEN WE HAVE WHAT SORT OF MIGHT HAVE BEEN A NONISSUE , INTO AN ISSUE, BUT IT WAS THE TIME APPARENTLY. I MEAN , YOU CAN SORT OF READ BETWEEN LINES AND THAT IS WHAT HE IS GETTING AT. LICE? ANSWER. BECAUSE THAT WAS WHAT HE SAID. QUESTION, SO , WITH THE SAME WAY AS IF THE PERSON HAD TESTIFIED ?

IT DOES THE OBJECTIONABLE HEARSAY AFTER THE STATE OBJECTED.

AND THEN , AT THAT POINT , WA WAS IMPEACHABLE AT TRIAL. AND IT WAS DEVASTATING. THIS WAS THE LAST EVIDENCE THAT THE PROPERLY PUT IT, IN THEN THE DEFENSE MAYBE , AND WE ARE NOT HERE ON THE POSTCONVICTION. MAYBE MORE REASONABLE -- SUSCEPTIBLE ALL?

CONVICTED AT ALL. I MEAN , IN THIS COURT --

NINE TIMES DIDN'T HAVE ANYTHING TO DO WITH IF IT WAS ADMISSIBLE BUT IT WAS SO OUT OF KILTER NEEDED FOR NINE PRIOR CONVICTIONS , MORE COLLATERAL.

JUDGE DID KNOW THAT IT WAS QUESTION?

I DON'T THINK THAT IS CLEAR FROM THE RECORD , NEW YORK CITY YOUR HONOR.

SO WE DON'T KNOW THE ANSWER TO THAT Q YES, MA'AM , IT WOULD , AND--

HOW SO?

IN ATTEMPTING TO ESTABLISH THAT IT WAS SHAVING INCIDENT?

THE DEFENSE DID IT AND PUT IT IN AT THIS TRIAL.

SO IT WASN'T AVAILABLE AT THIS TIME STARTS TO BECOME , AS THE DEFENSE POINTED OUT , SOMEWHAT BECAUSE THERE IS NO WAY TO RETRIEVE IT , BUT HERE WHERE HAIR CAN GROW BACK , WAS EVIDENCE THAT THIS JAIL , THIS PRISON , WHEREVER HE WAS , WAS VERY, DID SOMEONE HAVING NINE FELONY CONVICTIONS WOULD BE HARMLESS BEYOND A REASONABLE DOUBT IT CERTAINLY OPENS THE DOOR TO IT.

IF THE STATE PLAYS IT. ARE YOU SAYING TESTIFY AT THE TRIAL, AND HE IS TREATED AS EVERY OTHER WITNESS.

THAT'S CORRECT, YOUR HONOR ANSWER. I THINK THE QUESTION ON ITS FACE , CALLS FOR A HEARSAY ANSWER. BUT NONETHELESS , IT WAS IMPEACHMENT, BUT I AM HAVING SOME DIFFICULTY WHETHER WE THAT IT WAS THIS RESPONSE FROM THE GUARD, THAT THE REASON THAT HE THOUGHT AT THE SHAVED, BECAUSE OF THE LINE, IT IS GOING TO BE 100 PERCENT CLEAR

THAT THE ONLY KNOWLEDGE THAT HE HAD CAME COUNTERIT WITH SOMETHING LIKE THERE COULD HAVE BEEN ANOTHER REASON, WHICH THEY ARGUED TO THE BEEN THAT THE JUDGE DECIDED WAS TOO PREJUDICIAL TO ALLOW THIS NOT ALL OF THIS OTHER EVIDENCE.

WELL, I THINK IT WOULD BE AN ABUSE OF DISCRETION FOR STATE LOOKS FOR ANY WAY IT CAN, TO GET IN PRIOR CONVICTIONS, AND IT IS COMMON FO IS PRETTY WEIRD. IT IS NOT THE TYPICAL THING THAT WE SEE, BUT UNDER THESE CIRCUMSTANCES, UNDER EVIDENCE PERIOD, THAT WAS INTRODUCED AT TRIRBLINGS OF GUILT, NOT JUST CONSCIOUSNESS OF GUILT, SO THAT THE DEFENDANT SPRAY PAINTED THE VEHICLE BLACK, NOR WAS THERE ANY EXPLANATI VEHICLE SPECIFICALLY IN THE POSSESSION OF THE DEFENDANT FOR THE NEXT TWELVE DAYS, 16 DAYS. THEN YOU SAY PEOPLE, IF THERE WAS LICE IN YOUR HAIR, THAT IS MATTER, NOT AN I AM PEACHMENT. I WOULDN'T CALL IT IMPEACHMENT YOUR TIME. THE COURT WILL TAKE A 15-MINUTE RECESS BEFORE HE HEAR THE