

*The following is a real-time transcript taken as closed captioning during the oral argument proceedings, and as such, may contain errors. This service is provided solely for the purpose of assisting those with disabilities and should be used for no other purpose. These are not legal documents, and may not be used as legal authority. This transcript is not an official document of the Florida Supreme Court.*

**Robert Anthony Preston, Jr. v. State of Florida**

SC05-781 | SC06-351 LADIES AND GENTLEMEN, THE  
FLORIDA SUPREME COURT.

PLEASE BE SEATED.

OKAY.

THE FINAL CASE ON THE  
CALENDAR THIS MORNING IS  
PRESTON VERSUS STATE OF  
FLORIDA.

STRAIN, ARE YOU READY TO  
PROCEED?

YES, SIR.

IF THE COURT PLEASE,  
ROBERT STRAIN FROM CCRC  
MIDDLE REGION FROM TAMPA FOR  
THE DEFENDANT.

FIRST, MR. PRESTON  
RECOGNIZES THAT THE DNA  
TESTING IN HIS CASE IS MUCH  
LIKE HILDEN IN WHICH THE  
RESULTS OF THE TEST DOES NOT  
MAKE THIS ONE CONCLUSIVE EX  
ON NATION.

MR. PRESTON ALSO RECOGNIZES  
THAT THESE CASES WERE THE  
INNOCENCE IS NOT TOTALLY  
PROVEN BY THE DNA TESTING  
WILL OFTEN TURN ON DIFFICULT  
THIN MARGINS IN THE ANALYSIS  
OF THE IMPACT OF THE NEW  
EVIDENCE CONSISTING OF THE  
DNA TEST RESULTS VERSUS THE  
EVIDENCE THAT MAY EXIST  
AGAINST THE DEFENDANT.

YOUR HONOR, AS I WOULD POINT  
OUT THAT NEITHER THE COURT  
FOLLOWING THE CONCLUSION OF  
THIS PENALTY PHASE,  
POST-CONVICTION PROCEEDING  
PROVIDED THE KIND OF  
ANALYSIS OF THE REMAINING  
EVIDENCE ONCE IT WAS  
ESTABLISHED BY THE DNA  
TESTING THAT THE BELT BUCKLE  
HAIR WAS NOT THAT OF THE  
VICTIM.

I HAVE A PRELIMINARY  
QUESTION.

WAS THERE ANOTHER THEIR WAS

FOUND ON THE JACKET?

YES, MA'AM.

WAS THAT HAIR RETESTED

FOR DNA?

IT WAS NOT OM -- YES, IT

WAS RELEASED FOR TESTING,

YOUR HONOR, AN WE EVEN HAD A

SECOND ORDER BECAUSE THE

FIRST ROUND OF THE

LABORATORIES, THEY NEEDED TO

GO FURTHER AND EVEN WITH THE

SECOND ROUND OF TEST, THEY

DETERMINED THAT THERE WAS

CONCLUSIVE SEQUENCE EVIDENCE

SO THAT NO CONCLUSION OR

FURTHER TESTING THEY COULD

NOT PROCEED WITH THAT

RESPECT.

HOW ABOUT THE BLOOD?

THAT BLOOD TYPING

CONSISTENCY IN THE FIRST GO

AROUND, ANY DNA TESTING ON

THE BLOOD?

NO, YOUR HONOR, THE

JUDGE, IN FACT, DID IN THE

ALLOW THE BLOOD TO BE

RELEASED.

WE HAD SOME PRETTY EXTENSIVE

HEARINGS ON THE DNA MOTION.

AS YOU MAY RECALL, I WAS

FILED PRELIMB PARRY TO THE

NEW RULE, THE NEW STATUTE

FOR THAT, SO MUCH OF IT WAS

KIND OF NEW FOR ALL OF US IN

THAT RESPECT.

BUT THE DETAILS WE EVEN HAD

ORIGINAL BLOOD ANALYSTS COME

DOWN AN TESTIFY AND

SEARCHING FOR THE EVIDENCE

IN THIS CLARK'S OFFICE WAS A

REAL MESS.

THE BLOOD WAS ACTUALLY FOUND

IN UNREFRIGERATED CARDBOARD

CONTAINER AS UNDERSTAND JUST

A FEW INCHES WIDE.

THE SEVERAL VIALS INSIDE

APPARENTLY HAD CASE NUMBERS

OR POLICE REPORT NUMBERS, SO

ONE, WE WERE PRET PRETTY

CERTAIN MIGHT HAVE BEEN THE

BLOOD DRAWN FROM THE VICTIM

BY THE MEDICAL EXAMINER, BUT

AS FAR AS THE OTHER, WE

FIGURED IT PROBABLY WAS

INVOLVED WITH THE PRESSING  
CASE, BUT IT WAS SUCH A MIX.  
YOU HAD NO STANDARDS TO TEST  
FOR THE DNA OF THE VICTIM,  
JUST THE BLD ON THE BACKKET  
OR THE SHIRT?

RIGHT.

IT STAYED THE SAME AS IT  
TWRAS THE TIME OF TRIAL.  
BUT GOING BACK TO THE BELT  
BUCKLE HEY, YOU KNOW AS FROM  
MY ARCMENTS TO THE COURT  
BELOW, WE FEEL THAT THE BELT  
BUCKLE HAIR WAS THE KEY AND  
SEOUL ITEM OF EVIDENCE  
LINKING THE DEFENDANT TO THE  
VICTIM.

I MEAN, THAT CAN'T BE,  
THE BLD ON THE JACKET, THE  
FINGERPRINTS.

THE QUESTION JUSTICE  
LOUIS, OR THE ANSWER, I  
MEAN, IS WHEN, LET ME,  
AGAIN, PREVIOUS, REMIND THE  
COURT THAT THE JUDGE BELOW  
DID NOT ANALYZE LIKE AS THE  
JENS REREQUIRED TO GIVE  
ANALYSIS OF THE WEIGHT OF  
THE NEW EVIDENCE WHICH  
THEREFORE WOULD  
AUTOMATICALLY KICK INTO A  
COST ANALYSIS IF I MAY ARGUE  
OF ANALYZING THE REST OF THE  
CIRCUMSTANTIAL EVIDENCE TO  
SEE IF THERE MAY BE A  
REASONABLE HYPOTHESIS OF  
INNOCENCE OBTAINING EVENT.

AGAIN, --

WAS THERE ANY REQUEST,  
ONCE YOU RECEIVED THE ORDER  
FROM THE TRIAL JUDGE AN REALIZED  
THE DEFICIENCY THAT YOU ARE  
NOW ARGUING, WAS THERE EVER  
A REQUEST MADE TO THE TRIAL  
COURT TO DO THE ANALYSIS?  
YOUR HONOR, I ANTICIPATED  
THAT QUESTION TODAY AN HAVE  
BEEN DOING THIS POST  
CONVICTION WORK FOR SEVEN  
YEAR AND I DONE KNOW IF I  
WILL EVER GET TO THE POINT  
TO WHERE I KNOW WHEN TO TELL,  
ASK THE JUDGE TO REWRITE HIS  
ORDER, SO THAT IT WOULD BE

TIGHT ENOUGH TO MAKE SURE  
THAT WE LOSE.  
WHAT THIS COURT NOT ONLY DB

--

WITH ALL DO RESPECT, IT  
SEEMS LIKE FOR EFFICIENCY  
PURPOSE, IF YOU THINK IT IS  
DEFISH SIT, YOU TALK TO THE  
STATE, YOU AGREE THE JUDGE  
HAS NOT MADE THE ADEQUATE  
EVALUATION, EFFICIENCY  
PURPOSES INSTEAD OF I ASSUME  
A REMEDY HERE WOULD BE TO  
SEND IT BACK TO THE TRIAL  
JUDGE NOW AFTER A COUPLE OF  
YEARS TO SAY PLEASE DO NOUR  
ANALYSIS?

WELL, THAT WOULD BE ONE  
REMEDY, BUT MY POSITION,  
JUSTICE BELL, IS THAT THIS  
COURT NOW WAS -- WITH THE  
GUILT, EXCUSE ME, WITH THE  
GUILT PHASE, POST-CONVICTION  
PROCEEDING BEING CONCLUDED  
IN 1986 AND WITH THE 1988  
OPINION, AND NOW WITH OUR  
RESENTENCING POST CONVICTION  
SPREEINGD CONCLUDED THAT YOU  
CAN DO THIS WITHOUT SETTING  
IT BACK, BUT JUSTICE BELL, I  
REMINDE YOU AND THIS COURT  
THAT IN 1988 ON THE CORAM  
NOBIS OPINION THAT YOU  
REJECTED THE NEW EVIDENCE OF  
THE THREE JAIL HOUSE INMATES  
WHO ALERTED COUNSEL THAT  
ROBERT PRESSTON'S BROTHER  
SCOTT HAD CONFESSED TO THIS  
HOMICIDE WITH THEM, THAT  
THIS COURT SIMPLY ALSO  
TALKED ABOUT THE PERSUASIVENESS  
OF THE BLOOD, HAIR, AN  
FINGERPRINT ANALYSIS, BUT  
WITHOUT ANY FURTHER DETAILS  
ABOUT IT.

SO OUR POSITION IS THAT THIS  
COURT, TODAY, IS NOW GIVEN  
THE OPPORTUNITY MUCH LIKE  
OUR CUMULATIVE CLAIM WAS  
PRESENTED ON THE CLOSING  
ARGUMENT FASHION, AN IN  
BRIEFING TO YOU, THAT UNDER  
JONES, YOU ARE REQUIRED TO  
ANALYZE THE WEIGHT OF EACH

ONE OF THESE ITEMS AND THEN CONSIDER WHETHER OR NOT TO REASONABLE CERTAINTY AND MORAL CERTAINTY THAT ROBERT PRESTON --

BACK TO THE QUESTION THAT JUSTICE LEWIS HAD POSED TO YOU, THE FACT IS, THAT IN THE RECORD, THERE IS EVIDENCE OF FINGERPRINTS, CORRECT?

YES, SIR.

AND THERE IS THE FOOD STAIN EVIDENCE?

YES, SIR.

AND THERE IS THE BLOOD ON THE COAT THAT WAS IDENTIFIED AS BEING HAVING FACTORS IN IT THAT WOULD BE CONSISTENT WITH YOUR CLIENT?

CORRECT?

THAT IS CORRECT.

AND SO THERE ARE THESE OTHER MATTER, IN ADDITION TO THE HAIR?

THAT ARE ON THE RECORD THAT WOULD BE FACTORS THAT WOULD WEIGH AGAIN THIS ANNUALLY DISCOVERED EVIDENCE.

JUSTICE WELL, THE QUESTION IS WHETHER UNDER A COST ANALYSIS, ANYTHING THAT CAME OUT AT TRIAL OR RESENTENCING OR ON THE POST CONVICTION THAT ROBERT PRESTON EXPLAINED BY ANY THOSE ITEMS WHAT IMPACT THAT WOULD HAVE AND REALLY THE QUESTION IS SIMPLY WHETHER DEFENSE COUNSEL HAS ANYTHING TO ADDRESS AND QUICKLY THIS IS WHAT THEY ARE.

NUMBER ONE, BLOOD ON THE JACKET JUST PROVES THAT THAT JACKET WAS AT THE CRIME SCENE.

IF THERE IS NO MORE FOR RENSIVE EVIDENCE LINKING THE BLOOD SPOTS TO THE VICTIM.

NUMBER ONE, MR. PRICETON AT ONE OF THE HEARING, IF NOT MORE THAN ONE, INDICATED THAT THE STAINS WERE FOUND BY HIM THE FOLLOWING MORNING

AFTER THE HOMICIDE OF WHEN HE WENT TO GET CIGARETTES AT THAT NEARBY LITTLE CHAMP CONVENIENCE STORE AND THE FINGERPRINT, IF YOU RECALL, NOT ONLY AT THE TRIAL, BUT I BELIEVE, PARTLY IN THE 1986 POST-CONVICTION PROCEEDING, THAT THE ATTORNEYS DID A FAIRLY GOOD JOB IN TRYING TO POINT OUT THAT, WELL, YES, THESE FINGER PRINS WERE FOUND, SELF MAYBE 4 TO 5 INCLUDING A PALM PRINT OF MR. PRESTON ON THE TOP OF THE CARD, ON THE MARBLE CIGARETTE, BUT WHY WAS IT THAT NO FOT PHOTOGRAPHS OF THE LOCATION OF THEM, OF THE CIGARETTES AND THE CAR, THAT WAS THE ONLY PLACE THAT THE DPLIS NOT TAKE PHOTOGRAPH OF ALL OF THE CONTENT, IF GOU THROUGH THE LIST, THIS WAS, THIS CAR WAS FILLED TO THE BRIM WITH ASSORTED STUFF. THE OTHER THING ABOUT IT. WITH A WAS THAT SUPPOSED TO DEMONSTRATE THE FAC THAT NO PICTURE WAS TAKEN TELLS US WHAT?

WELL, THAT IS JUST PART OF IT.

THE OTHER PART IS THAT, IT SEEMS, THE ATTORNEYS AT TRIAL TRIED TO ARGUE THAT IT WAS RATHER IN INCREDIBLE THAT ONLY ONE PERSON'S FINGERPRINTS SHOWED UP ON ALL OF THE PLACES THEY TRIED.

IF THE VICTIM WAS TAKEN AS NO DOUBT ONE CAN SAFELY CONCLUDE TO THAT FIELD IN HER OWN CAR, WHERE WERE HER FINGERPRINTS?

THERE WERE NO FINGERPRINTS THAT THEY IDENTIFIED AT THE CONVENIENCE STORE WITH THE DOOR OR THE COUNTER OR THE MAGAZINE OR THE CASH DRAWER OR WHAT HAVE YOU.

MR. STRAIN, YOU KNOW, THESE ARE THINGS THAT IT

DEPEND ON THE QUESTION THAT ONE MUST ASK AND ANSWER AFTER YOU TALK ABOUT THESE THINGS AN IF IT IS ONE, DOES IT GIVE YOU SOME QUESTION? THE ANSWER MAY BE FAR DIFFERENT BE THAT BASED UPON THIS CHANGE, DOES IT DEMONSTRATE THAT WOULD YOU HAVE A DIFFERENT RESULT. THAT IS WHAT WE ARE HAVING TROUBLE.

YOU SEE, I CAN CERTAINLY UNDERSTAND WHERE YOU ARE GOING AND IT RAISES THIS QUESTION AND THAT QUESTION, BUT THE QUESTION WE MUST ANSWER IS WHAT?

WHAT IS THIS QUESTION? THE QUESTION YOU MUST ANSWER AND I BRIEFED IT, IT WAS BRIEFED TO YOU.

I UNDERSTAND, IT IS NOT A MRAL CERTAINTY.

IT IS NOT WHAT YOU JUST STATED.

WHEN THE PROSECUTOR TOLD THE JURY IN CLOSING ARGUMENT.

AGAIN, WHAT THUS HE QUESTION WE MUST ANSWER.

WHETHER THE WEIGHT OF THAT BELT BUCKLE HAIR EQUALS WHAT THE PROSECUTOR TOLD THE JURY THAT HE SHOULD --

THAT IS THE JONES TEST?

WHAT WE MUST HAVE TO GIVE RELIEF?

WHAT WE MUST TEEN GUFF RELIEF IN THE CASE?

THAT THE BELT BUCKLE HAIR WAS VERY SIGNIFICANT EVIDENCE OUT OF THE REST OF THE EVIDENCE.

AGAIN, WHEN THE PROSECUTOR TOLD THE JURY IN CLOSING ARGUMENT THAT MR. PRESTON SHOULD BE CLEARED OR EXCULPATEED AS THE RESULT OF DIANA BUSINESS ANALYSIS CAME OUT DIF RIP.

WHAT ARE THE LEGAL STANDARDS?

ACCEPTING THIS EVIDENCE,

IN OTHER WORDS, WHAT CAN YOU DO JUST STATE TO US AGAIN, THE JONES TAN STANDARD THAT IS A TRIAL COURT MUST APPLY IF IT FINES INDEED THERE IS SOME NEW EVIDENCE. THE STANDARD IS WHETHER OR NOT THE NEW EVIDENCE COMBINED WITH THE AMAUL ZUFS ALL OF THE EVIDENCE THROUGH TRIAL AND THROUGH POST CONVICTION WOULD PROBABLY PRODUCE AN ACQUITTAL. AS JUSTICE, ROBERTS INDICATED IN DECENT IN THE HOUSE CASE, IT IS THE VALUE OF ALL OF THESE. THEN, YOU KNOW, DIFFERENT ISSUE ON CLAIMS AND WHAT HAVE YOU, BUT THE FEDERAL LAW IS MUCH THE SAME. IT IS WHETHER A REASONABLE JURY WOULD FIND REASONABLE DOUBT. NOW, OF COURSE, ON THE HOUSE JUSTICE ROBERT SAID THAT THERE WOULD BE AT LEAST ONE JUROR WHO WOULD SIGN, AND THAT IS WHY HE DEFENDED, BUT THEN, AGAIN, JUSTICE LEWIS, THE REST OF THE KOUR, WHEN THE PROSECUTOR TELL THESE JURY THAT MR. PRESTON SHOULD BE CLEARED, THAT THE BELT BUCKLE HAIR WAS NOT THE VICTIM, THAT IS TELLING, GIVING A JUROR OUT OF 12, ONE PRETTY GOOD DOUBT, WHEN THE, WHEN ON RETRIAL, WHICH IS APPROPRIATE FROM THIS RECORD, WHEN THE DEFENSE ATTORNEYS CAN GO BACK. THAT IS THE ARGUMENT, BECAUSE ARE TWO SAY THAT MAN IS ENTITLED TO AN ACQUITTAL BECAUSE JUST BECAUSE THE PROSECUTORS SAID THAT PARTICULAR PIECE OF EVIDENCE WAS SO IMPORTANT? WHEN WE LOOK AT THIS RECORD, WE KNOW DHA EVEN AT THE TRIAL THE EVIDENCE WAS THAT THIS HAIR COULD, NOT THAT IT WAS, BUT THIS HAIR COULD

HAVE BEEN THE VICTIM'S HAIR  
AND NOW WE HAVE DNA EVIDENCE,  
I ASSUME, A DIFFERENT KIND OF  
DNA TESTING THAT SHOWS THAT  
IT WAS NOT THE VICTIM'S  
HAIR.

SO INSTEAD OF THE JURY AND  
THE COURT CONSIDERING THE  
FACT THAT THIS COULD HAVE  
BEEN, IT IS NOW NOT THE  
VICTIM'S HAIR.

IN RELATIONSHIP TO ALL OF  
THE OTHER EVIDENCE.

AGAIN, THE POINT REMAINS  
THE SAME IS THAT, YES, WE  
RECOGNIZE THAT WHAT DIANA  
BASS TESTIFIED ABOUT WHAT  
COULD HAVE BEEN SIMILAR, A  
BUT WHEN JONES AND ALL OF  
THE OTHER NEW EVIDENCE  
STANDARDS COME AND THIS  
COURT IS REQUIRED WAS THE  
COURT BELOW TO WEIGH THE  
VARIOUS NEW EVIDENCE AGAINST  
THE TOTAL EVIDENCE TO ALL OF  
THE POST-CONVICTION  
PROCEEDINGS, WHAT BETTER  
DEFINITION THAN WHAT THE  
JURY WAS TOLD.

JUSTICE QUINCE, IF THIS JURY  
WAS TOLD, AND THIS IS HOW  
YOU LOOK AT IT, WHEN THEY GO  
IN AND SAY, OH, NO, THE  
PROSECUTOR'S WEIGHT THAT HE  
WAS TELLING YOU IN CLOSING  
ARGUMENT ABOUT CLEARING  
MR. PRESTON, I DON'T SEE HOW  
THERE COULD ALMOST BE ANY  
BETTER DEFINITION OF HOW  
THAT JURY, NOT THE COURT'S  
SUBSEQUENTLY, IF YOU WILL,  
BUT THAT JURY HEARD FROM  
THAT PROSECUTOR THAT THIS  
BELT BUCKLE HAIR WAS THE  
VICTIM'S.

LET ME ASK YOU A QUESTION  
ON THAT.

HOW AT THE EVIDENTIARY  
HEARING WHEN YOU CALLED THE  
TRIAL ATTORNEY AT THE GUILT  
PHASE, HOW DID HE SPEAK TO  
THE IMPORTANCE OF THIS  
EVIDENCE?

WELL, BASICALLY HE TOOK

THE STAND TO TESTIFY AB THE  
UNRELATED CLAIM THAT THE IC  
FOR NOT REQUESTING DIFFERENT  
TO BE LABORATORY TESTS FOR  
PCP PRESENCE THAT MR. CUE  
CHY ESSENTIALLY DISMISSED  
THAT HE FELT THE HAIR  
EVIDENCE WAS NOT IMPORTANT  
SO HE NEVER GOT INTO IT AND  
ATTACKED THAT I MUCH, ALSO,  
HE DID NOT INDICATE AS HIS  
RECORDS SHOW HE DID NOT  
RETAIN AN EXPERT BECAUSE HE  
TESTIFIED THAT HE THOUGHT  
THAT IF HE GOT A HAIR  
ANALYSTS MUCH LIKE DIANA  
BASS THAT THE RESULTS WOULD  
BE IDENTICAL TO HER  
CONCLUSIONS.  
HE DIN BELIEVE THAT THIS  
EVIDENCE WAS MUCH POTENT  
VALUE YOU?

THAT IS CORE RE.  
YOU ARE INTO YOUR  
REBUTTAL.  
ONE LAST THING.  
PUTTING ALL OF THIS IN  
PERSPECTIVE, REMEMBER THAT  
AFTER THE FIRST OPINION CAME  
OUT ON THE MER RITZ OF THIS  
CASE THAT WAS WHEN THE TRIAL  
COURT SUPPRESSED THE ROOM  
SEARCH AND THE STATE  
APPEALED TO THIS COURT AND  
THAT YOU ACCEPT IT ALL BACK  
DOWN TO THE DTA TO PUT THE  
WHOLE CONTEXT OF THE TONE OF  
WHAT WAS GOING ON WITH  
MR. PRESTON'S CASE AT THE  
TIME REMEMBER THE DCA HAD TO  
DISAPPROVE THE USE OF BLACK  
JACKS AND FIVE CELL  
BATTERIES TO ENCOURAGE  
MR. PRESTON AS A SUSPECT TO  
COOPERATE WITH THE POLICE.  
IT CAME UP DURING  
EVIDENTIARY, ALTHOUGH,  
BECAUSE WE ARE NOT AT ANY  
GUILT PHASE ISSUE, BUT THE  
STATE IS WELL AWARE THAT  
THERE IS A POLICE REPORT 11  
DAYS AFTER THE HOMICIDE THAT  
INDICATES INTELLIGENCE

OFFICER RECEIVE CONFIDENTIAL  
INFORMANTS REPORT THAT SCOTT  
PRESTON AND DONNA MAXWELL  
WERE WITH ROBERT PRESTON  
DURING THIS HOMICIDE.

YOU PU PUT ALL THOSE THINGS  
IN CONTEXT OF WHAT IT WAS  
LIKE IN SANFORD IN 1978  
COMBINED WITH THE  
SHORTCOMINGS OF THE  
FINGERPRINT INVESTIGATION,  
THE FACT THAT THE DEFENDANT'S  
MOTHER SAID IT WAS SCOTT'S  
JACKET, HE HAD WARN IT IN  
THE PAST.

HE SRN CLI HAVE WARN IT THAT  
NIGHT AN THE COUPONS WERE  
ADDRESSED BY MR. PRESTON, WE  
ASK FOR RELEASE.

MAY IT PLEASE THE COURT.  
MY NAME IS BARBARA DAVIS.  
I REPRESENT THE STATE OF  
FLOR DID AS IF AS THE ISSUES  
NUMBER ONE, THE ANNUALLY  
DISCOVERED DNA EVIDENCE, THE  
JONES STANDARD THAT IT  
PROBABLY WOULD PRODUCE AN  
ACQUITTAL ON RETRIAL, THE  
TRIAL JUDGE FOUND THAT  
EXAMINING AND EVALUATING THE  
TOTALITY OF ALL OF THE  
EVIDENCE THAT WAS ADMITTED  
IT WOULD NOT PRODUCE AN  
ACQUITTAL ON RETRIAL.  
THAT STANDARD AND THAT  
CUMULATIVE ISSUE.

FIRST, IN THE CASE YOU  
CITED, AND TO ME, I THOUGHT  
IT WAS STRONGER AS FAR AS  
WANT AGNEW TRIAL.

I SEEM TO SEE HERE A LOT OF  
OTHER EVIDENCE THAT POINTS  
TO THIS DEFENDANT AS THE  
PERSON THAT COMMITTED THIS  
CRIME.

BUT IN LOOKING AT THE  
CUMULATIVE ISSUE, THAT IS,  
WHAT ELSE HAS HAPPENED ON  
THE PAST, THE THREE INMATES  
THAT SAID THAT SCOTT PRESTON  
WAS THE ONE THAT COMMITTED  
THIS MURDER, AND ALSO, THE  
COUNSEL CLAIM BY FAILING TO  
CALL COB AT THIS PARTICULAR

HEARING.

IF THERE WAS SOMETHING ELSE THAT CAME UP NEXT TIME THAT WAS ANOTHER PIECE OF EVIDENCE, AT WHAT POINT DO YOU DO THE CUMULATIVE ANALYSIS AN LOOK TO WHETHER IT UNDERMINES CONFIDENCE IN THE OUTCOME AS OPPOSED TO SIMPLY THE JONES STANDARD THAT WE HAVE GOT TO COME UP AND SAY, WELL, THERE IS A PROCT OF AN ACQUITTAL THAT YOU LOOK AT THE SUM OF EVERYTHING THAT TAKES PLACE IN THE CASE OVER A PERIOD OF YEARS AND SAID SAY, YOU KNOW WHAT?

THERE IS JUST ENOUGH DOUBTS HERE, YOU KNOW, EVIDENCE THAT THE STATE RELIED ON HAS BEEN UNDERMINE.

THE OTHER PIECE OF HAIR EVIDENCE VERIFIED ONE WAY OR ANOTHER THAT YOU SAY THAT THERE IS JUST TOO MANY THINGS OUT THERE, THAT CAUSE YOU TO NOT HAVE CONFIDENCE. WHAT DO YOU SEE THAT NO MATTER WHAT, IF IT IS NEW EVIDENCE, YOU GOT TO JUST EVALUATE IT UNDER THE JONES STANDARD.

WELL, FIRST OF ALL, LET ME SAY, ALTHOUGH, THE JUDGE DID A COMPLETE EVALUATION, COURT HAS PREVIOUSLY REJECTED ALL OF THE CLAIMS THAT MR. STRAIN WAS BRINGING UP AT THE END.

IF I MAY GO THROUGH THE EVIDENCE AGAINST MR. PRESTON AND THE TIME LINE IS VERY IMPORTANT, FIRST OF ALL, LET ME SAY THAT HE WAS SEEN WEARING THIS PACIFIC BACKKET THAT HAS THE BLOOD ON IT AT 2:20 A.M.

COULD YOU ANSWER JUSTIN PARIENTE'S QUESTION FIRST AND THEN GO BACK AN OUTLINE. SHE ASKED SPECIFIC QUESTION? AT WHAT POINT DO YOU REEXAMINE EVERYTHING?

THAT WHAT IS THE TRIAL JUDGE DOES.

HE REEXAMININGS EVERYTHING. HE EVALUATES THE TOTALITY THE EVIDENCE.

AT SOME POINT THAT PROCEDURE MAY UNEARTH TO THE DEFENDANT BUT THAT IS NOT THE CASE AND THAT WHAT IS JONE SAY FUSS LOOK, YOU EVALUATE ALL OF THE EVIDENCE, I LOOK AT IT. THE TRIAL JUDGE IN THIS CASE DID NOT DO THAT. I MEAN, AT LEAST DIDN'T WRITE IT DOWN.

WELL, HE MADE MAY NOT HAVE WRITTEN IT DOWN, BUT HE DID SAY IN THE ORDER RECORD 2133 THAT BECAUSE THE BELT BUCKLE WAS NOT THE ONLY ITEM IN THE EVIDENCE THAT TIED INTO THE VICTIM, IT SHOULD BE DISMISSED, THE BLOOD AND THE FINGER PRINS ARE SUFFICIENT EVIDENCE.

GO AHEAD.

WELL I WOULD FOLLOW-UP ON JUSTICE PARIENTE'S QUESTION, WE HAVE SAID VERY CLEARLY, HAVE WE NOT, THAT FOR ANNUALLY-DISCOVERED EVIDENCE, THAT IT HAS TO BE SOMETHING, THAT THERE IS A PROCT THAT THERE WOULD BE A DIFFERENT RESULT UPON RETRIAL, CORRECT?

YES, SIR.

WE STALLLY -- WE ACTUALLY, THIS COURT, HAS SET EVEN MORE RIG LOUSE STANDARD, CORRECT?

YES, SIR.

BUS THAT WAS POSSIBILITY STANDARD THAT WAS FIRST SET AN IN SO FAR AS ANNUALLY DISCOVERED EVIDENCE IS CONCERNED WHAT THE COURT HAS TRADITIONALLY BEEN CONCERNED ABOUT THAT IS ANNUALLY DISCOVERED EVIDENCE STRIKES AT THE VERY FOUNDATION OF FINALITY TO THE FACT THAT YOU DON'T GET THE EVIDENCE DURING THE FIRST TRIAL,

CORRECT?

YES, SIR.

WHICH IS VERY DIFFERENT  
THAN IN STRICKLAND WHERE YOU  
ARE EVALUATING THE COUNSEL  
DID AND SO THAT IS A  
DIFFERENT STANDARD OF LACK  
OF CONFIDENCE ON THE OVERALL  
OUTCOME, CORRECT?

YES, SIR.

AND IF I MAY JUST ADDRESS  
THE EVIDENCE IN THIS CASE,  
THE TIMELINE IS VERY  
IMPORTANT BECAUSE  
MR. PRESTON LEFT THE HOUSE  
SAYING WAS GOING TO ROB  
SOMEBODY.

ASKING SCOTT AND DONNA, HIS  
BROTHER, HIS GIRLFRIEND TO  
COME HELP HIM.

COB SAW HIM AT 2:20 AT THE  
JACK IN THE BOX WHICH IS  
NEAR THE CONVENIENCE STORE.  
EARL EARLINE WALKER DID THE  
LAST TRANSACTION AT 2:45,  
THE OFFICER SAW HER MISSION  
AT 3:30.

WAE AS JUKED BETWEEN 2:4 AND  
3:30 A.M. MR. PRESTON WAS  
BACK AT HOME AT 4:3 A.M.  
TELLING HIS BROTHER IT DID  
HAVING A SUBSTANTIAL A. CAR,  
HAVING FOOD STAMPS THAT WERE  
TORN FROM THE BACK WHICH  
MATCHED THE CONVENIENCE  
STORE, UM, SO THE TIMELINE  
US VERY IMPORTANT.

DID VERY THE FOOD STAMPS  
THAT POINT? I MEAN, AS YIND  
STEER STOOD IT, THEY FOUND  
THE FOOD STAMPS LATER?

DID SCOTT OR THE GIRLFRIEND  
EVER TESTIFY THAT HE HAD THE  
FOOD STAMPS AT 4:30?

I DON'T RECALL ABOUT FOOD  
STAMPS BUT THEY FOUND THEM  
IN THE TRASH THE NEXT DAY  
PURSUANT TO A CONCEPT  
SEARCH.

HE TESTIFIED AT TRIAL, HE  
HAD FOUND THEM ON THE  
ROADWAY.

BUT YOU HAD JUST SAID,  
JUST SO I MAKE SURE, THE

TYPELINE THAT YOU SAID THEY GOT BACK AT THAT TIRJ HE HAD THE FOOD STAMPS WITH HIM.

I AM SORRY.

THAT IS NOT ESTABLISHED.

HE HAD SUBSTANTIAL AMOUNT OF CASH AND HE SAID I IT DID.

DIDN'T HE SAY, I DID IT WAS THAT HE SUPPOSEDLY COMES UP WITH THE STORY THAT HE HAD ROBBED SOME POKE AT A GAY BAR OR SOMETHING? THE STATE HAD SECURITY GUARDS.

HE DIDN'T SAY I DID IT, LIKE I DID IT, LIKE I KILLED AERLINE WALKER.

A NO, HE SAID I IT DID.

HE HAD GONE TO ROB SOMEBODY. HE CAME BACK.

I DID IT.

I HAVE THE MONEY.

THEN, HE SAID TO HIS BROTHER, AGAIN, IN THE MORNING, AND TO DONNA, AT 9:00, THEY FOUND THE BODY OUT IN THE WOODS.

HE HAD DUMPED HER, WHERE HE HAD FINALLY KILLED HERS WITH A QUARTER MILE FROM HIS HOUSE.

HE SAID AT 9:00 A.M., THAT THERE WAS, THEY HAD FOUND THE BODY.

A LOVE OF THIS OF WHAT YOU ARE SAYING RELIES ON THE CREDIBILITY OF THIS BROTHER AND HIS GIRLFRIEND?

YES.

SO WHAT ABOUT -- HAS THE EARLIER TESTIMONY, OR THE EARLIER CASE WHERE THERE WERE INDIVIDUALS THAT SAID THAT THIS GUY SCOTT PRESTON IS THE PERSON THAT COMMITTED THIS MURDER?

THERE IS ANYTHING TO THAT? I MEAN, IN OTHER WORDS, ARE THEY STILL AS CREDIBLE AS WITNESSES?

NO.

THE JURY EVALUATED THEIR CREDIBILITY IN THE ORIGINAL

TRIAL.

MR. PRESTON TESTIFIED ALSO,  
THEY CONVICTED HIM.

BUT I AM SAYING

SUBSEQUENTLY, AS THERE BEEN  
ISSUES CONCERNING THE  
CREDIBILITY OF EITHER DONNA  
MAXWELL OR SCOTT PRESTON?

NO.

YOU ALL HAVE ADDRESSED THIS  
TIME AND TIME AGAIN IN THE  
PRIOR -- REMEMBER, THIS IS  
THE 11th PUBLICED OPINION  
THAT THE OPINION FROM  
RESENTENCING AN ALL OF THESE  
ISSUES WHERE THEY BROUGHT IN  
THE AFFIDAVITS FROM JAIL  
MATES WHO WHO WERE FRIENDS  
OF SCOTT PRESTON, OR FRIENDS  
OF BOB PRESTON AND SAYING  
SCOTT PRESTONS THE BAD GY  
AND HE DILT.

WHEN I ASKED EARLIER,  
THOUGH, ABOUT, AT SOME  
POINT, WE SAID, WELL, AT  
THAT POINT, WE SAID, YI,  
THERE IS THE HAIR ON THE  
BELT BUCKLE.

YOU KNOW?

IN OTHER WORDS, AT WHAT  
POINT DOES THE BUILDING  
BLOCK, YOU LOOK AT ONE POINT  
AND TIME, AND IT IS REALLY  
LOOKS SOLID BECAUSE YOU GOT  
ALL OF THIS SORT OF PHYSICAL  
EVIDENCE, THEN, DOWN THE  
ROAD, YOU GO, WELL, WAIT A  
SECONDS, NOW, AIM LOOKING  
BACK AT -- I AM LOOKINGKING  
BACK, WHAT IF THE ANNUALLY  
DISCOVERED EVIDENCE HAD COME  
UP BEFORE THIS EM WE HAVE  
LOOKED A THAT HE NEWLY  
DISCOVERED EVIDENCE PLUS  
THIS.

THE TESTIMONY OF THE M  
NATE, THE BELT BUCKLE HAIR  
IS INSIGNIFICANT.

BACK TO THE TIMELINE, THEY  
FOUND HER BODY AT 1:45.

THEY DID CONSENT SEARCH.

THEY FOUND THE FOOD STAMPS  
IN HIS TRASH CAN THAT THE  
MOTHER HAD AGREED TO CONSENT

SEARCH, THEY FOUND BLOOD ON THE JACKET, HE WAS WEARING THAT COB SAW HIM IN AT 2:20 WHEN ARLENE WAS BE A JUKED BETWEEN 245 AND 3:30.

HIS FINGERPRINTS.

THERE WERE THREE FINGERPRINTS OF HIS INSIDE OF THE VEHICLE.

ONE ON A CIGARETTE PACK, WHICH HE SMOKED.

IT WAS MAR BORROW CIGARETTE PACK AND A PACK TAT THE HOUSE.

RED AND WHITE CIGARETTE PACK.

AND THEN THE BLOOD ON THE JACKET WAS ANALYZED AND THE LAB ANALYSTS DID AS MUCH AS THEY COULD BACK IN 1980 MATCHED THE PROTEIN TO THE VICTIM AND THE ENZYME TO THE VICTIM AND SAID THAT THOSE TWO MATCHES WOULD ONLY HAPPEN IN ONE PERCENT OF THE POPULATION, SO THE FOOD STAMP, THE FINGERPRINT, THE TIMELINE, THE BLOOD ON THE BACKKET, CLEARLY POINT TO PLR PRESTON.

WAS THERE ANY ATTEMPT AT THE TRIAL TO EXPLAIN, DID MR. PRESTON KNOW THE VICTIM, AT ANY OTHER TIME, THE FINGERPRINTS WOULD COUP HAVE GOTTEN WHERE THEY WERE?

NO, IN FACT, HE DENIED THAT IN EVERY STATEMENT, WHEN HE TVRED.

HE DENIED THAT HE HAD BEEN AT THAT STORE, HE KNEW WALKER OR ANY OTHER WAY THE FINGERPRINTS COULD HAVE GOTTENEN SIDE OF THE CAR. THERE WAS POSSIBILITY THE CIGARETTE COULD HAVE TRANSFERRED THE FINGERPRINT, BUT NOT THE PRINCE INSIDE OF THIS CAR.

MISS DAVIS, AN IMPORTANT PART IT SEEMS TO ME OF THE MAJORITY IN THE CASE WAS THE FACT THAT THE STATE REALLY DID NOT FILE A RAPE CASE OR

A SEXUAL ASSAULT CASE AN REALLY HAD NOT PLACED THAT MUCH EMPHASIS OR WEIGHT DURING A PROCEEDINGS ON WHAT WAS FOUND ON THE LAUNDRY BASKET.

IN THE CASE, AS I AM LOOKING THROUGH, LOOKING AT THE CLOSING ARGUMENT, IT SEEMS TO ME THAT THIS MAY TAKE IT TO A DIFFERENT LEVEL, BECAUSE THEY ARE TALKING ABOUT SCIENTIFIC PROOF AN NOT ONE, BUT TWO REFERRING TO THE HAIR FINDINGS, DOES THAT TAKE THIS CASE, INTO A DIFFERENT LEVEL, BECAUSE OF THE WAY THE STATE APPROACHED A PARTICULAR PIECE OF THIS?

NO, SIR.

REMEMBER, THIS WAS NOT SEXUAL-BATTERY CASE EITHER. I UNDERSTAND.

AND THE THING WITH THE HAIR IS, DIANA BASS TESTIFIED THIS POSSIBLY COULD HAVE COME FROM THE VICTIM.

AND SHE WAS RIGOROUSLY CROSS-EXAMINED.

WAS NO FORCIBLE EXTRACTION, NO HAIR FOLLOW CULE.

IN THE STATE'S YUS OF ENCLOSING ARGUMENT.

THAT WAS ONE PAGE OUT OF 42 PAGES OF CLOSING ARGUMENTS WHERE HE WAS ADDRESSING THE PUBIC HAIR BECAUSE, UM, THE -- TO SHOW -- WELL, LET ME JUST SAY, THERE WERE A LOT OF HAIRS ON THE JACKET.

THAT THEY EXTRACTED.

DIANA BASS COULD NAIL IT DOWN.

SHE SAID BETWEEN 1 AND 12.

THERE WERE MORE THAN 1 HAIR, SO THE ONE PUKE IN HAIR IN THE BELT BUCK APPROXIMATELY, THERE WERE ALSO OTHER HAIR, WHICH THE ONE HAIR THEY HAD TESTED AT TRIAL WAS INCONCLUSIVE.

THE ONE PUBIC HAIR, I MEAN,

CLOSING ARGUMENT IS NOT EVIDENCE.

AND --

WELL RING IT THEORY OF THE STATE'S CASE AND THE WEIGHT THAT THE STATE IS PLACING ON IT AND TRYING TO CONVINCING THE JURY AND IT IS WHERE YOU WILL FIND THE POSITION OF THE STATE WITH REGARD TO WHAT IS REALLY SIGNIFICANT EVIDENCE, WHAT IS NOT.

WELL, THAT WAS NOT THAT SIGNIFICANT.

YOU MEAN, THE STATES WITH AGGRESSIVELY ARGUING EVERY PIECE OF EVIDENCE, BUT THE MAIN PARTS OF THE EVIDENCE ARE THE TIMELINE WITH ROBERT PRESTON'S COMING AND GOING AND BEING SEEN IN THAT JACKET, THE BLOOD ON THE JACKET, THE FOOD STAMPS AND THE FINGERPRINTS UNDER THE CAR, WHERE WE SAID HE HAD NOT BEEN, HE DIDN'T KNOW HER, HE HAD NEVER BEEN IN THE CAR, THE BODY IS A QUARTER MILE FROM THE HOUSE.

AND AS IF AS THE BLOOD ON THE JACKET, I MEAN, THAT WAS VERY STRONG EVIDENCE.

THE FINGERPRINTS.

EVEN DEFENSE COUNSEL, THE GUILT PHASE COUNSEL, AT THE HEARING WE HAD ON THIS SAID THAT THE BELT BUCKLE HAIR WAS NOT SIGNIFICANT.

I WAS ONE THEIR WAS NOT FORCIBLY BE A STRUCK AED THAT POS MIA HAVE COME FROM THE VICTIM, AND IT WAS JUST NOT SIGNIFICANT, GIVEN THE TOTALITY OF ALL OF THE EVIDENCE AND THAT IS WHAT THE TRIAL JUDGE FOUND.

AND I THINK THAT EVERYTHING IF THERE IS ANY OTHER QUESTIONS I WOULD BE HAPPY TO ANSWER THEM FOR THE COURT.

IF NORTH, I WOULD ASK THE COURT TO AFFIRM THE TRIAL

JUDGE, THANK YOU VERY MUCH.  
THANKS.  
DO YOU HAVE A COUPLE  
MINUTES.  
OKAY.  
JUST A FEW CORRECTIONS, I  
BELIEVE, TO WHAT MY  
COLLEAGUE HAS STATED.  
I DISAGREE WITH HER  
INDICATION THAT THE INMATE'S  
STATEMENTS HAVE BEEN  
DISCREDITED WHEN THE COURT  
FINALLY CONSIDERED IT IN THE  
1990 DB -- EXCUSE ME, 1988  
CORAM NOBIS OPINION AS NEW  
EVIDENCE THEN, THIS COURT  
INDICATED THAT MOST, BRING  
ABOUT AN ACQUITTAL, I THINK  
ONE OF THE JUSTICES  
INDICATED HOW THE PROBLEM  
WITH THE JILL HOUSE  
CONFESSIONS COMING AT LAST  
MINUTE WOULD HAVE YOU AND  
THAT IS SRN THINK CASE, BUT  
NEVERTHELESS, THEY, THE  
COURT DID INDICATE THAT IT  
COULD BE USED AS DISCREDITING  
AND AT MOST, ONE FURTHER  
INVITATION OF THE IMPORTANCE  
THAT THE STATE HAS PLACED ON  
THE BELT BUCKLE HAIR CAME  
OUT DURING THE HUFF HEARING  
ON SEPTEMBER 1, 2000, WHEN  
THE PROSECUTORS BELOW WHILE  
WE WERE DISCUSSING THE  
HISTORY OF THE BROTHER'S  
CONFESSIONS TO THE THREE  
PRISON INMATES INDICATED,  
WELL, THAT WOULD NEVER WASH,  
BECAUSE THERE IS ALWAYS THE  
PUBIC HAIR ON THE BELT, SO  
EVEN BEFORE THIS STATE TRIED  
TO STOP THE DNA TESTING THEY  
WERE TELLING, THEY POST  
CONVICTION JUDGE THAT THAT  
PUBIC HAIR HAD TOTALLY  
SIGNIFICANT WEIGHT AND THIS  
COURT'S OPINION AS IN HILDEN  
AND OTHERS THROUGH RECOGNIZE  
WHAT THAT JURY HEARD AND THE  
TREMENDOUS IMPACT THAT THIS  
NEW SCIENCE OF DNA TESTING.  
SEE, BUY LOOK AT THAT  
OPINION FROM 1988 AN AND

WHEN WE TALK ABOUT THE  
AFFIDAVITS WE SAY WELL THE  
CASE AGAINST HIM WAS BASED  
ON CIRCUMSTANTIAL EVIDENCE,  
IT WAS NEVER A STRONG CASE.  
THE EVIDENCE CONCERNING THE  
FINGER PRIN, THE BLOOD, THE  
FOOD STAMPS WAS MOST PER  
SWAFS.

WE DON'T EVEN MENTION THE  
HAIR WHEN WE ARE TALKING  
ABOUT IT.

JUSTIN PARRY ENTITY, THAT  
IS WHAT I WAS RESPECTFULLY  
CRITICIZING THE COURT DURING  
DIRECT HERE IS THAT WHEN THE  
COURT IN 1988 TALKED ABOUT  
THE MOST PRESWASIVE FEATURE  
THAT JUST LIKE THE COURT  
BELOW, THE COURT DID NOT  
EVER OFFER ANY ELABORATION  
OF WHY YOU THOUGHT IT WAS  
PERSUASIVE AND THAT IS WHAT  
I AM ASKING THE COURT TO DO  
TODAY IN COMBINED THE  
EXPLANATIONS OF ONE BY ONE  
AS COX REQUIRES AND JONES  
REQUIRES TO ANALYZE THE  
WEIGHT OF EACH OF THESE  
ITEMS WAS IN CONNECTION WITH  
THE SIGNIFICANT IMPACT OF  
DNA TESTING COMBINED WITH  
WHAT I HAVE ALLUDED TO THAT  
TRIAL COUNSEL ON RETRIAL AT  
GUILT PHASE WOULD HAVE  
PLENTY TO SAY LOOKING  
FORWARD THAT ONE JUROR WHO  
WOULD HAVE ONE DOUBT TO GIVE  
MR. PRESTON A FAIR TRIAL  
AFTER ALL OF THESE YEARS.

THANK YOU VERY MUCH.

THANK YOU VERY MUCH.

THE COURT WILL STAND IN  
RECESS.

ALL RISE, PLEASE.

WELCOME TO CAPITOL

UPDATE.

IT HAS BEEN A WEEK SINCE  
TORNADOES AND STORMS TORE  
THROUGH CENTRAL FLORIDA  
KILLING 20 PEOPLE AND  
VICTIMS LEFT BEHIND HAVE  
SPENT THE TIME REMEMBERING  
THOSE LOST AND PICKING UP

THE PIECES.

GOVERNOR CRIST AND OTHERS  
STATE LEADERS SURVEYED THE  
DAMAGE THROUGHOUT THE WEEK  
STOPPING TO TALK TO FIRST  
RESPONDERS WHILE IN TEARS  
AND TO THE VICTIMS.

MORE DISASTER AID IS NOW  
AVAILABLE TO THOSE PEOPLE  
EFFECTED BY THE FEBRUARY 2<sup>nd</sup>  
STORMS AN AS MR. BROWN  
REPORT, DISASTROUS  
ORIGINALLY DENIED THE  
VICTIMS WHO EXPERIENCED A  
CHRISTMAS DAY TORNADO IN  
THEIARS NOW ON THE WAY.  
IS A DS EAR DECLARATION  
MAKES THE SEVERE STORMS THAT  
HIT CHRISTMAS STORM ELIGIBLE  
FOR FEDERAL AID.

WE MADE THE RECK MEJDATIONS  
TO APPROVE THE DECORATIONS  
WHO DID NOT HESITATE  
ALTHOUGH WE SIGNED OFF ONE  
LAST NIGHT AS WE WERE FLYING  
IN.

AS THE AID FOR LAST  
WEEK'S TORNADO VICTIMS WAS  
APPROVED THE STATE APPEALED  
TO THE FEMA DIRECTOR TO TAKE  
ANOTHER LOOK AT DAMAGE LEFT  
BE HIND ON CHRISTMAS DAY.

THIS LATEST SEPARATION COMES  
AS VICTIMS CONTINUE TO CLEAN  
UP ONE WEEK AFTER LAST  
WHACK'S STORMS AN TORNADOES  
THAT RAVAGED VOLUSIA, LAKE,  
SUMTER, SEMINOLE COUNTY,  
KBOF NOR CRIST HAS BEEN A  
FREQUENT VISITOR TO THE AREA  
TOURING THE DAMAGE BY AIR  
AND THE DESTRUCTION LEFT  
BEHIND ON THE GROUND IN LAKE  
COUNTY, HE SAID MOST OF THE  
TIME TALKING TO FAMILIES WHO  
SURVIVED THE STORM, BUT LOST  
EVERYTHING.

BYRD AND HER DOG MADE IT  
THROUGH, HER HOME DID NOT.

THIS IS WHERE YOU LIVE?

YES, THIS IS MY HOUSE.

I WAS IN IT.

WERE YOU IN THERE?

YEAH.

I WAS IN THERE.

MY WORD.

Reporter: NEIGHBORS AN  
EVEN STRANGERS ARE HELPING  
HER AND OTHER VICTIMS PICK  
UP THE PIECES.

20 PEOPLE WERE KILLED IN  
ALMOST 1,000 HOMES  
DESTROYED.

THE STORMS THAT CAUGHT MANY  
BY SURPRISE.

SO FAR, BUSINESSES IN  
VOLUSIA ARE ELIGIBLE TO  
RESEEK SHORT-TERM LOANS  
EARLIER IN THE WEEK, THE  
GOVERNOR ANNOUNCED THE  
ESTABLISHMENT OF THE FLORIDA  
DISASTER RECOVERY FUND AND  
EXTENSION OF THE FUND SET UP  
DURING THE 2004-2005  
HURRICANE SEASON.

IT GIVES PRIVATE DONATIONS  
TO NON-PROFIT ORGANIZATIONS  
HELPING VICTIMS RECOVER.

IT IS TO HELP THE PEOPLE  
RIGHT HERE?

IT IS TO HELP THE PEOPLE  
FROM ANY FLORIDA DISASTER  
THAT MAY BEE FALL OUR STATE  
BUT OBVIOUSLY THE PLEA AND  
THE CALL RIGHT NOW IS TO  
HELP THIS DISASTER IN  
CENTRAL FLORIDA.

THE DAMAGE IN SOME PLACES  
AS FAVOR AS THE EYE CAN SEE.  
TREES SNAPPED IN HALF.

DOCKS DESTROYED.

TRUCKS SMASHED.

IT WAS THE FIRST RESPONDERS  
WHO HELPED PULL PEOPLE OUT  
OF THIS RUBBLE, LIEUTENANT  
GOVERNOR AND THE GOVERNOR  
SAT DOWN WITH SOME OF THE  
FIRST RESPONDERS ON ONE OF  
THEIR VISITS.

ON THE FIRST COUPLE OF  
DAYS AFTER THE STORM,  
REALLY, THE TIME FOR SEARCH  
AND RESCUE, IS TIME TO  
PROVIDE HOPE.

NEVER EXPERIENCED  
ANYTHING LIKE THIS.

IT IS KIND OF A HUMBLING  
EXPERIENCE.

I APPRECIATE YOU WHAT YOU DO  
HAVE, NOT WORRY ABOUT WHAT  
YOU DON'T.

AS OF MOST DISASTER,  
RECOVERY IS GOING TO TAKE  
SOME TIME.

STATE LEADERS SAY, THEY WILL  
BE THERE TO HELP.

FOR CAPITOL UPDATE, I AM  
DRAS BROWN.

IF YOU WOULD LIKE TO  
DONATE OR CONTRIBUTE IN  
ANYWAY TO HELP VICTIMS OF  
THE CENTRAL FLORIDA STORMS  
YOU CAN CONTACT THE FLORIDA  
DISASTER RECOVERY FUND BY  
CALLING 1-800-825-3786.

A NEW PANEL CHARGED WITH  
DEVELOPING LONG-TERM  
SOLUTIONS FOR IMPROVING  
FLORIDA'S HOMES AGAINST WIND  
DAMAGE MET FOR THE FIRST  
TIME THIS WEEK.

THE WINDSTORM MITIGATION  
STUDY COMMITTEE MET IN  
TALLAHASSEE TO REVIEW  
CURRENT PROGRAMS AND EVALUATE  
THEIR EFFECTIVENESS.

THE 8-MEMBER BODY OF  
CONSUMER ADVOCATE IS,  
BUILDING EXPERTS LISTENED TO  
FIVE HOURS OF PRESENTATIONS  
FROM GOVERNMENT AGENCIES AND  
UNITS?

AMONG THE MEMBERS IS  
REPRESENTATIVE, HE HELPED  
DRAFT THE BILL THAT CREATED  
THINK COMMITTEE DURING LAST  
MONTH'S SPECIAL SESSION.

THERE IS GREAT STUFF  
GOING OUT WILLING.

PROBABLY AN OPPORTUNITY TO  
HARNESS SOME OF THAT AND MAKE  
KITS A LITTLE BIT BETTER.

WE ARE THE SMART STATE IN  
THE COUNTRY AS IT RELATES TO  
HURRICANE RISK MANAGEMENT.

THE PANEL WILL NEXT MEET  
FEBRUARY 15th TO HEAR PUBLIC  
INPUT. A FINAL REPORT IS DUE  
BY MARCH 6th. THE COMMITTEE  
PLANNED TO MAKE RECOMMEN-  
DATIONS TO IMPROVE THE MY  
SAFE FLORIDA HOMES PROGRAM.

CFO TERMINATED THE STATE'S CONTRACT WITH THE FEDERAL ALLIANCE FOR SAFE HOMES WHICH HAD BEEN HIRED TO LAUNCH THE PROGRAM ACCORDING TO THE STATE.

THE CONTRACT HAD IMPROPERLY INCREASED FROM LESS THAN \$500,000 TO ALMOST \$3 MILLION.

LAWMAKERS SAY FLORIDA'S FINANCIAL FORECAST MAY NOT BE AS ROSY AS FIRST THOUGHT A DEKRAENS THE SLOWDOWN IN THE ECONOMY ARE PARTLY TO BLAME.

NUMB MEMBERS OF THE HOUSE BUDGET, THE POLICY COUNCIL DISCUSSED THE NUMBERS SAYS DURING THE MONTH OF NOVEMBER THE GENERAL REVENUE COLLECTIONS FELL 160 MILLION BELOW THE ESTIMATE.

MONEY COLLECTED FROM STAMPS THE STATE SALES TAX HELPS FUND THE STATE'S BUDGET.

LAWMAKERS WILL USE THE ESTIMATE GIVEN DURING THE UPCOMING MARCH 12th MEETING.

IF THE TREND CONTINUES AS OF JANUARY THE PAST THREE MONTHS INTO FEBRUARY WHAT WE ARE LOOKING AT IS JUST A CONTINUATION BUDGET.

THAT IS WHAT THE FUND, WHAT WE FUND LAST YEAR, WE WERE TRYING TO FUND THIS YEAR. NOTHING NEW.

LAWMAKERS HEARD PRESENTATION GOVERNOR'S PROPOSED BUDGET WHICH INCLUDES SEVERAL PROPOSALS SOME LAW MARKERS EXPRESSED CONCERN OVER HOW LOCAL GOVERNMENTS ARE GOING TO BE EFFECTED.

ONE PROPOSAL IS TO DOUBLE THE HOMESTEAD EX FROM 25,000 TO 50,000 DOLLARS.

FLORID ARE INS COULD VOTE ON THE MEASURE IN A NOVEMBER SPECIAL ELECTION.

LET ME TAKE THIS OPPORTUNITY TO DO SELF-WEREDUCTION, I WILL START WITH AGAIN SOONER

SENATOR CRIST AND YOU  
PROBABLY KNOW A LOT MORE  
ABOUT HIM THAN DOW BECAUSE  
YOU HAVE HAD HIM ALL FOR HOW  
MANY YEARS?  
I WILL START WITH HIM AND GO  
TO MY LEFT.