>> Please rise.
Hear ye, hear ye, hear ye, the Supreme Court of Florida is now in session.
All who have cause to plea, draw near, give attention and you shall be heard.
God save the United States, the great state of Florida and this honorable court.
Ladies and gentlemen, please be seated.
>> Good morning and welcome to this session of the Florida Supreme Court.
I want to start by welcoming the teachers who are here from across the state from our teaching institutes.
We welcome you to the Florida Supreme Court and look forward to your comments.
The case on the court agenda today is Ault versus State.
>> Good morning.
May it please the court.
My name is Jeffrey Anderson, and I represent Mr. Howard Ault.
Just to let this court know where I intend to go, I intend to begin with issues number one and five and both deal with the rejection of the mitigation of brain damage and the rejection of the statutory mental

mitigation.
First issue, issue number one in the briefs is the rejection of brain damage by the trial judge. There was undisputed objective evidence from Dr. Ross who analyzed the test and PET scan test and he found frontal and temporal lobe damage.
>> Did Dr. Ross-- he was a neurologist?
>> Yes.
>> Did he, in his testimony, relate the brain damage to the action on the day of the murder or the night of the murder?
>> No, because I don't think he could.
He did relate the brain damage as to the effect they have on things like judgment and control and mood and emotions and things like that, but he provided a circumstantial case of brain damage.
I don't think you can say at the time, at a particular time, your brain is working a certain way, because that is kind of like direct evidence which you don't have the matters of the brain the way it is working.
Otherwise, in meditation cases would have to be, if you couldn't prove it by circumstantial evidence.

>> I understand that, but it seems to me that it is uncontroverted there was evidence of brain damage.
As to whether it is an ultimately harmful error.
It sure seems to me that with the enormous aggravation in this case, the two murders and sexual assault, and HAC that finding brain damage, but not really having explaining what way that the brain damage led to the crimes in question in compelling detail would tend to make it not a reversible error for us to send it back to either the trial judge or certainly the jury and that is what I'm trying to get at.
So he finds it, then what?
>> Well, you know, he would find it combined with the other testimony that is weighed out throughout the sentencing, the fact that there is a compulsive disorder which I don't think is controverted really either and that the various-- the compulsive disorder would relate to certainly the felony murder aspect of this from the beginning, the abduction, kidnapping and the sexual battery.
The underlying felonies and the

felony murders are part of a capital offense, so the whole disorder and brain damage obviously relates to that.
It seems to be important mitigation altogether.
>> Are you really arguing than that the trial judge should have combined the brain damage and pedophilia and that this would have resulted in a finding of one of the statutory mental mitigators?
>> That is my argument in point 5.
I was asking the question on whether he would be harmless in rejecting the brain damage mitigation.
And I don't think it would in this case.
Particularly-- I know this is a highly aggravated case and I'm not really disputing that, but it seems to me where you have actually three jurors voting for life the only reason to do so is that if they are properly evaluating the mitigation, they have to think that outweighs the aggravation.
>> My problem there is that if the judge-- the remedy might be for the judge to reevaluate and the judge would come up with a different sentencing

recommendation.
There isn't anything you have alleged on any of these points that would, to me, compel a new sentencing phase, because the jury heard all of this and they made the recommendation.
How would it change, given some weight, how would that change the jury recommendation?
Your idea that well, there were three jurors that voted for life, I don't see how that relates to what the judge should or should not have done in his sentencing order.
>> Because I think the jury could have made the same errors that the judge made.
I addressed that in more depth in my reply brief.
And explaining point 5, I think I will cover that and in point 5 I am claiming the rejection of the statutory mental mitigation.
The judge's reason for doing that, and this is an important fact, is that he found Dr. Carter's testimony, the state expert, to be contrary to the defense expert and he was actually misled or misunderstood into doing this.
What happened was, Dr. Carter really wasn't providing the expert.

Dr. Carter's testimony was actually in the form of a transfer from the testimony seven years earlier where the defense was actually presenting a different case as far as the mitigation.
Dr. Carter in this case the transcript shows he was challenging the fact that whether the defendant knew right from wrong or the consequences of what he was doing.
She really wasn't, at the time of the killing, she wasn't addressing what the defense was emphasizing at this moment at the second sentencing through Dr. Kramer.
And that was basically the defendant had this compulsive disorder and his ability to conform his conduct was impaired.
They admitted that he knew the consequences and he knew right from wrong.
That wasn't really being challenged.
So the two doctors were comparing different things.
Also, Dr. Kramer and the defense was focusing in on the total episode from the felony murder standpoint because that is part of a capital offense.

They were just focusing in on this one 10.5 and they were saying the compulsive disorder is an important part of the whole incident, but for the compulsive disorder none of this would have occurred.
And in fact the judge, in his first sentencing order, specifically made the finding that the compulsive disorder was a catalyst for what occurred in the case.
>> Are you saying that the disorder was as a result of the brain damage or was ita result of his formative years being abused by his older brother? What is the testimony revealing?
>> Kramer did not use brain damage.
He used abuse in the formative years along with post-traumatic stress disorder and other problems with Mr. Ault.
When you combine that circumstantially with the brain damage you get a better picture of it.
>> I don't know about how, therefore-- I mean all of this may have contributed to what happened, but I guess to go back to-- I am still not sure you completely answered my question.
It was all put before the jury

and there were no errors you are alleging in how the evidence was presented, so at its best, if we were to agree that, maybe the judge should have given this-- should have given things more weight, wouldn't the only remedy, the appropriate based on case law, be the fact that they are resentencing for the judge to weigh those mitigators? How would this get you a new penalty phase?
>> Because, the reason this may have happened with the trial judge, and that is the presentation, the State relied on an old transcript of Dr. Carter's testimony, which may have misled or caused the court to misunderstand what he was looking at because he made a finding that the defense expert and the state expert were clashing directly contrary to one another.
The jury could have made the same mistake.
>> But that is speculation though.
There was no error, and you are not saying the state shouldn't have put on Dr. Carter to a transcript.
>> But you have to look at Perez, where there were errors

that the judge makes.
These are strictly sentencing errors in the sentencing order.
It is possible, or likely, the jury would make the same error.
You sent it back for a penalty phase in those two cases.
>> I guess I thought your argument really was that the trial court erred because the trial court seems to say that I have already dealt with these mental mitigators as statutory ones and found that they do not exist, so that also takes care of the mental mitigators as nonstatutory, not that there were some real problems with what the trial judge considered.
>> That is another argument in the brief.
That is a separate point.
I think I'm understanding your question.
The judge had to review what is presented as statutory mental mitigation.
It is kind of a necessary.
>> I thought the essence of your argument was that, but now you seem to be focusing in on something totally different.
>> That is another argument and I don't even know which point it is.
These are the first two

arguments, points one and five.
And, like I said, it is an
oddity that the trial court
found this compulsive disorder
to be the catalyst for this
whole incident in this first
sentencing order, which I just
briefly want to bring up.
I think it is point 13, because
this is a bothersome point.
When you are relying on the
judge's sentencing order as to
the conclusions, before he made
the fact in conclusion in his
order, he said it was his duty
to give great weight to the jury
recommendation pursuant to
Tedder and using the Tedder
standard and a sentencing
order-- the standard to me is
rationalizing the jury's verdict
and it is good for life
recommendation cases.
But, in death recommendation
cases you can't make findings
and conclusions.
>> You don't give the
recommendation great weight when
it is a recommendation of death?
>> Your sentencing order is
supposed to be independent.
>> What should a trial judge do
With a jury's recommendation of
death?
>> It is supposed to be an
independent functioning and

shouldn't be really looking at
it.
You should be making independent
findings on conclusions, not
necessarily finding conclusions
that jibe with the
recommendation of death.
If it is a life recommendation,
that is a different situation
because we treat them
differently.
It is, I think, the independence
of the judge is required
because, if you have a runaway
or plain jury you have to know--
you have to have the independent
findings.
>> Well, but is our case law
consistent with what you are
saying in the independent
responsibility of the problem,
and giving great weight to the
jury's advisory?
The case law really brings those
two things together.
It acknowledges the independent
responsibility of the trial
court but also acknowledges the
advisory is not.
>> But it can't work independent
of that finding and conclusions,
which really would, especially
using the Tedder standard--
>> I understand the point you
are making but is it consistent?
>> I don't think we have bent

over to the recommendation of death.
In life we have, because there is a different reason for that, but not death.
We have tried to-- I think we tell jurors that, to make sure they are responsible, they take their responsibility seriously.
I don't think we mean to, in reviewing things, to skew things because of the recommendation.
I think we want the judge to give independent facts and conclusions in his order so this court can review the case.
>> What weight do you say Florida law requires be afforded the jury recommendation?
We know that Tedder is an override situation.
We know that just doesn't apply here, but what weight do you say that Florida law-- and what is the weight process of that?
Ignored?
>> We let the jury know we are going to give the great weight but in actuality the sentencing judge has to be independent.
>> I understand that, but again no weight to the jury recommendation?
>> I don't think he should in the sentencing order, which is supposed to be totally

independent, and then of course this court will review a lot of things based on discretion and giving discretion to the trial judge.
>> If the trial judge is not to give some weight to what a jury does, what is the purpose of the jury making the recommendation other than to comply with the statute?
>> Because we want to-- it is supposed to be the voice of the community making a decision on that.
It is important certainly and very viable in a life recommendation case, but like I said, that is different.
>> A judge is not supposed to hear that if it is a death recommendation?
>> I don't think you should be spewing his findings and conclusions.
Very briefly, one last point in the brief, and this is where the judge did accept some mitigation that we are arguing his discretion in how he waived a mitigation is not unbridled.
That is the mitigation where Mr. Ault was a prior victim, and after he abused her, he told her to turn him in.
The trial court minimized the

weight of that, saying it only shows a spark in humanity or decency.
>> Where is our case law in regards to how we look at the amount of weight that a trial judge gives any particular mitigation?
>> It is his discretion.
I can see that, but it is not unbridled.
This is a circumstance where he says it only shows a spark of humanity or decency.
That, to me, is like giving someone directions or opening the door for him or petting a dog.
This is a lot stronger and I don't think, first of all, any reasonable person could have minimized this particular mitigation to that degree, saying it only shows a spark of humanity.
>> You are well into your rebuttal.
>> I will save the rest of my time.
Thank you.
>> Good morning.
May it please the court.
Leslie Campbell with the Attorney General's office on behalf of the State.
>> Before you get into the

argument, could you paint a
picture of the date of this
crime.
I think he was--
>> 30 or so.
>> He was married and had a
child.
>> Yes.
>> Take the five years preceding
this crime.
What was going on in his life?
Where were the prior crimes in
relation to his crimes?
What kind of treatment-- what
kind of medication was he under?
What was going on in his life?
>> His first crime was in 1996,
when he assaulted an off-duty
police officer.
Excuse me-- 86 when he assaulted
an off-duty police officer.
His next crime was in 88, when
he invaded-- just to use the
initials of the victim, ML.
>> What happened after that?
Was that the victim that said,
"He said, I can't stop myself,
please turn me in?"
>> I believe so, yes.
>> What happened then?
He is admitting he has this
compulsive disorder, and he was
convicted of a crime.
What kind of sentence did he
get?
>> I don't remember the length

of the sentence but he is
incarcerated and he does
complete the sentence.
>> This is before Jimmy Ryce?
>> It is not a civil program.
>> Is he getting ongoing
treatment for this disorder?
>> This is not in this record,
but the argument was made that
the treatment he was getting was
insufficient and there was lack
of funding.
Also his treatment, when he was
documented, his control was
insufficient and he wasn't
supervised.
>> Is that the prior sentencing?
They didn't try to use that in
this?
>> They put that as a possible
mitigator.
It was addressed by the court,
but there was not that much
evidence presented to the jury
on those factors.
The major portion of this
evidence came out through the
two doctors, Dr. Kramer--
Dr. Kramer and Dr. Ross.
>> 1988 was when he had the
crime, where he said to the
young girl, "You have got to
turn me in."
And how many years after was
this crime?
>> There were two intervening.

In 94 he fondled a girl in the neighborhood that he had taken to the Target store, and then on the way back he fondled her, and 10 months before this particular crime, he assaulted again TW back in 1995.
>> And that resulted in prison sentences?
>> He was on community control at the time.
T W did not--he was not arrested.
>> At the same time, was he working?
>> On and off, but he was not working around the time of this crime.
>> He had a community control officer.
>> He had a child.
>> She was working in Palm Beach County and he drove up there and picked her up at night.
So the evidence that we have before the jury in this particular case before the judge in this particular resentencing comes from Dr. Carter, Dr. Ross and a private investigator.
>> You agree that doctor Carter's testimony came in in the prior sentencing?
>> Dr. Carter's testimony came in the prior sentencing, however, also in that prior

sentencing they were talking
about the pedophilia and this
post-traumatic stress because of
the prior molestation
allocation of prior molestation.
>> Here is my problem.
I had the prior sentencing order
and used Dr.Carter.
The prior sentencing order said
Dr. Carter stated psychopathy,
his ability to relate to others
and his ability to control his
behavior and act in an
appropriate, socially acceptable
way is extremely impaired.
Then the judge concludes the
evidence indicates the defendant
was significantly impaired in
his ability to control his
behavior, particularly with
respect to the compulsive nature
of pedophilia.
The judge goes on to say the
opinion of the court, the
defendant experienced mental and
emotional problems in his life
and it is clear the compulsive
nature of pedophilia was a
catalyst leading to the death of
Ann Mumin and Lisa Johnson.
Then he goes into why.
If the same testimony, but more
is before the same judge, I
don't understand the sentencing
order, the new one that just
basically doesn't give any

attention to the brain damage,
to the mental illness, to all of
the different things that seem
pretty uncontroverted.
>> I believe the court does take
a look at the brain damage and
let me digress for one moment.
The court rejects completely
Dr. Kramer's testimony that the
defense of expert testified with
the experts because it was so
controverted by Dr. Carter, and
I agree that her testimony was
from the prior sentencing.
However, it is still rebutted,
the allegations of PTSD, and how
the pedophilia came into play
and his depression, and also the
substance abuse allegations that
were represented by Dr. Kramer.
Dr. Kramer's testimony is
leaving us with Dr. Ross'
testimony and Dr. Ross'
testimony was based on the PET
scan and the EEG.
Those results-- he did not make
any findings as to a major
mental illness or any of the
statutory mental mitigators.
He merely said there is brain
damage-- I see brain damage in
the frontal and temporal lobes.
In the frontal lobe, that is the
analytical thinking.
In the temporal lobe, we are
talking about his emotions.

How he reacts to certain things.
>> Is Dr. Kramer the doctor who made the pedophilia diagnosis?
>> Yes.
>> You are saying the trial judge rejected pedophilia totally?
>> No, I am not saying that. I am saying that Dr. Kramer's testimony was rejected in total, but what we are looking at is Dr. Ross' and for Dr. Ross' we are looking strictly at brain damage.
Dr. Ross did not link--
>> Did Dr. Ross also say there was pedophilia here?
>> He made the comment that in pedophiles, we see similar brain damage.
It is not a correlation, and in fact--
>> Can we conclude from that that he also concluded that Mr. Ault suffers from pedophilia?
>> I think that is pretty obvious.
>> I guess, for me, because I am already thinking of the post-conviction, in the first case the judge found this and then he went on with the case. Isn't it pretty obvious that, since compulsive disorder-- it was the driving force in the

initial crime, but the
aggravation in this case is such
that, with the two murders, with
him making a conscious decision
to kill both the little girls to
avoid arrest, by the way he
killed them, that no matter how
you slice this and give it some
weight, that this judge is not
coming to a different
conclusion?
There is no way this sentence
isn't proportional with many
cases.
Unfortunately, with pedophilia
this is what happens and there
have been many attempts to try
to do something, so this will
never reach this stage as far as
the laws of the state, but I
think if we say the judge is
okay in rejecting brain damage
and okay with rejecting low IQ,
okay in not finding pedophilia,
we are sitting there saying okay
in rejecting Dr. Kramer.
So, inevitably, it will say in
the last case, look how much
better they did when the judge
found these things that we know
still didn't make a difference.
So what is the argument?
I guess that is your fall-back.
>> That would be their argument.
However, there is also evidence
the trial court or the jury, for

that matter, does not have to accept the decisions that were the opinions of the mental health expert, whereas Your Honor has recognized the facts of the crime controvert that decision.
In this particular case, yes, he may have picked up the girls for the intention of having sex with them, however the fact that he had taken them before and gotten them in the car before, the fact he knew he could get them in the car once again easily, because he had gotten him in the car once before, all of that preplanning negates any brain damage and then the post-abduction scenarios and thought process again rebut.
>> You could say that brain damage could come in at the point where after he panicked and he committed the sexual act, he panicked.
>> The state was not asking for that.
>> But that is where it would come in, wouldn't it?
If the judgment is impaired, he is panicking and the only thing he knows-- we have had that in cases here.
>> We have the defendant's statement saying, "I killed her

because she said she was going
to report me."
This is the older victim, TM.
"And I killed the other child
after smoking a cigarette and
thinking about it."
I killed the younger child
because she witnessed this.
And then what we have the
defendant doing is, we have the
defendant hiding the bodies.
We have the defendant taking the
ladder away and putting it
outside so no one would think to
look in the attic for those
bodies.
We have the defendant in a very
calm and cool way answering the
mother's plea for, "Where are my
children," answering his
community control officers visit
to the house and answering a
police officer's call to the
house.
None of his actions raise any
red flags with any of these
individuals.
>> Are you arguing that, because
there was evidence of planning
here, that that negates brain
damage?
Or are you arguing-- because I
am not sure that we have ever
said-- or that you can actually
say that, because a person has
some capacity to do some

planning, that that does not
mean that the person is
brain-damaged?
Or is your argument really that,
yes, he is brain-damaged, but
that did not contribute to this
crime?
Which of those are you arguing?
>> The trial court found that
yes, the scans are
uncontroverted that there are
these deficits in his brain, but
because of the circumstances of
the crime, he did not find that
this was affecting him at the
time, so there were no effects
of the brain damage at the time
of the crime.
>> The judge-- that is one of
their points on appeal.
He addressed the issue as a
statutory mitigator that he
suffers from brain damage but
then he said he doesn't have any
face to consider this as a
nonstatutory mitigator.
That is a clear error.
You may give that moderate
weight or little weight, but it
is a different consideration as
to whether it affects the person
at the time of the crime so that
its extreme emotional distress
are under the implements.
>> It is not the most artful
sentencing order in that

respect, however, based on what the court is finding--
>> We have been working so hard for judges to do so much better, and I am surprised with the re-sentencing order, frankly. It is saying something that is an error as a matter of law, which is, having looked at it, is nonstatutory and he has no basis to consider it as nonstatutory, and that is just not the law.
>> That is how it seems to be written, but if you again read how he discussed it and addressed it and as a statutory mitigator he is rejecting brain damage as having any effect in this particular case. Therefore, he is rejecting brain damage and, if he rejects it, here there is no need to reconsider whether or not there is brain damage under the nonstatutory. It is the thought process that I read or I gleaned from the sentencing order.
>> But, if you consider that, if there is, in fact, evidence that he has brain damage, evidence that he suffers from pedophilia and there are other post-traumatic stress and all of this, a trial judge cannot-- you

look at all of that and you yield nothing, even on a nonstatutory mitigating basis?
>> I think he can do that in this case, given all of the circumstances.
>> He can do that if he in fact has said, seems to me, in the effect that even under the nonstatutory, that I have looked at all of this, that this case has this in it and that in it and none of these factors even put together demonstrate anything but to say I have a basis just seems really--
>> I think some of the confusion comes in, is that the brain damage was presented as a pure nonstatutory issue.
It wasn't presented, and there was no request for all of his mental difficulties to be used under the nonstatutory mental mitigation.
There wasn't the extreme or the substantial impairment, which is a different issue, which is Issue 4, and which I think Your Honor was discussing with Mr. Anderson.
>> I have another basic problem here, which is that the judge, in lumping these nonstatutory mitigators together, he puts in number two, he has an

eighth-grade education and number three, he attempted suicide at age 14.
When the defendant was in his formative years, he was sexually abused and raped by his older brother, Charles.
Those are limited education, suicide at 14 and then the judge goes on and says, "I'm going to confine one through nine, which includes everything on environment, the brother putting a gun to his head before sexual relations" and say there were hardships.
They give little weight.
I understand what is supposed to afford aggression, but it is a little hard for me to understand how we can just go-- that makes sense.
If he rejected he was sexually abused, molested and raped, I would understand, but if he just says, I am lumping it together, I can give that little weight.
How do you lump those things together with somebody who has an eighth-grade education versus somebody who is continuously through his formative years raped by his older brother?
>> This court has never said you can't lump similar things together.

>> But Campbell requires this thoughtful weighing process. That is the only way we can have some idea and refer to the fact-finding of whether the sentences is a proportion of a sentence that we have to have meaningful evaluation of the mitigation by the trial judge for us to be able to do our proportionality review.
>> Clearly, he considered all of those factors and he considered it under a dysfunctional family. And I believe he did that because it was controverted as far as the sexual abuse.
It was controverted as far as the PTSD.
It was controverted as far as--
>> You are saying you believe that is what there is, but you are saying the judge goes on and explains why he or she is accepting or rejecting it so that we can understand-- well, wait, maybe the sexual abuse didn't happen, although the judge found it in the last sentencing order, so it is a hard thing to think that somebody was going to lie about years and years of sexual abuse is possible, but if the judge found that, that it was not credible, then I would

understand your position.
>> Again, the information that came out in the prior sentencing is very different from the information that was presented in this sentencing.
So yes, you may want to look at what the court did in the prior sentencing, but it really should have little impact on what he did in the sentencing because this sentencing is based on Dr. Kramer, Dr. Ross, Dr. Carter, the State and the defense private investigator.
>> You know, when I look at the prior sentencing order, it is not the substance really of any prior sentencing order but I look at it for its thoroughness of the prior sentencing order as compared to the short shrift that is given many of these things in the new sentencing order.
That is what I find most troubling.
>> It is the same judge.
I would only be speculating as to why he was a little more terse in his sentencing order the second time versus--
>> He got fed up with the defendant?
One other point, and you are almost out of time, but I am

very concerned about the conference that took place with the lawyer and the judge outside the prison of the defendant, where the lawyer is complaining about this defendant to the judge.
When did those kinds of things become permissible?
>> Your Honor, I don't believe this should really concern the court.
There was nothing of substance. There was a pretrial discussion. It was by far the defendant had been in court, was in court, and defense counsel asked for a sidebar and it was for merely informational purposes.
I see that I am almost out of time, so if I could just answer this question.
What the defense counsel was trying to say is, I have a lawsuit that has been filed against me, a federal lawsuit, a 1983 action.
It is not going to impact what I'm doing in court right now, but should Mr. Ault file something with the Florida bar, then I am going to be in a different position because, if I'm going to defend myself, I may have to disclose something.
Nothing of substance was

disclosed to the court other
than a 1983 action had been
filed.
There was no prejudicial
information related to the trial
court, and the trial court took
no action.
So, this is nothing really that
should concern the court, and
certainly there was nothing the
trial judge did to impact
Mr. Ault at all, so I ask you to
affirm and affirm the sentence
for these two victims.
Thank you.
>> Very briefly, a couple of
points about the harmless error
from the judge's sentencing.
If we order a resentencing
standpoint because the judge
wouldn't change his mind based
on what he sees in the order,
utilizing the Tedder standard,
corrupts our view of the case
because he is doing it to
rationalize the death
recommendation and I don't know
if he won't change it, if he is
told not to use that standard.
And also, where he is not
understanding this is a
balancing process between
aggregators and mitigators.
When he is not understanding and
improperly weighing things on
the mitigation side, regardless

of what the other side is, it
could change his mind if he
comes to a proper understanding
and valuation of the mitigation.
After all, that is why I made
the point the three jurors in
this case, despite the
aggravation, understood the
mitigation and voted for life.
There could be a difference.
Just a couple of factual
corrections--
the abuse that occurred, where
Mr. Ault asked the victim to
turn him in, was the immediate
offense prior to this incident
just 10 months before.
It wasn't one year earlier.
If you look, there is evidence
from failed treatment in this
case that was described by
Dr. Kramer and it is volume 8,
1055 and particularly 1064 where
it is relayed that Mr. Ault back
in 1992 or 1994 was complaining
his treatment wasn't working and
he tried to tell his wife and
other people about this.
Nothing happened as a result of
that.
Finally, Dr. Carter in this
case--
Our argument is her testimony,
as far as the mitigation that
Dr. Kramer was presenting, was
consistent with it.

Dr. Carter also diagnosed
Mr. Ault as a pedophile.
She even called it a mental
illness.
She wouldn't define it as major
because he knew right from
wrong.
She included that was in her
definition of the major mental
illness, but she did say it was
a mental illness and he suffered
from it.
Some of the other things-- the
substance abuse and there was
also mention of hallucination.
Those are things Dr. Kramer
didn't rely on, even the defense
expert, so everything was
consistent between Carter and
Kramer as far as what Kramer was
offering, as far as mental
mitigation.
Thank you very much.
>> Thank you both for your
arguments here today.
The court will now be in recess.
>> Please rise.