

>> SECOND CASE ON OUR DOCKET TODAY IS BRADDY VERSUSES THE STATE OF FLORIDA.

>> MAY IT PLEASES THE COURT, MR. BRADDY'S CONVICTION MUST BE REVERSED BECAUSE THE TRIAL COURT FAILED TO TIMELY RULE ON THE OCTOBER 11th AND OCTOBER 19TH, 2006 MOTION TO DISQUALIFY THE JUDGE.

HEARD AND DECIDED THOSE MOTIONS BEFORE DENYING THE MOTION TO SUPPRESS, THE MOTION WITHOUT RESOLVING THE MOTION -- AND ON THE MERITS, THOSE MOTIONS... SUFFICIENT.

ON OCTOBER 3, 2006, MR. BRADDY WAS A PRO SE DEFENDANT AND ASKED THE COURT FOR STAMPS IN ORDER TO SERVE PAPERS, THE JUDGE SAID, I COULDN'T GIVE THEM TO YOU -- COULD GIVE THEM TO YOU BUT I'M NOT AND... [INAUDIBLE] PRIOR TO 1984.

AND, WHEN MR. BRADDY COMPLAINED THAT IT WAS UNFAIR THE JUDGE SAID, WELL, IF IT'S NOT FAIR WITH YOU PRO SE I CAN ALWAYS... [INAUDIBLE] ON OCTOBER 11th, MR. BRADDY FILED THE MOTION TO DISQUALIFY, AND, ON OCTOBER 19, HE FILED ANOTHER.

AND THE OCTOBER 11th MOTION, WE KNOW WAS FILED IN OPEN COURT, AND SERVED UPON THE JUDGE THERE. WE KNOW THIS, BECAUSE WHEN THE JUDGE, 8 MONTHS AFTER THE MOTION WAS FILED, FINALLY RULED UPON IT, MR. BRADDY POINTED OUT TO THE COURT, ACCORDING -- HE SAID, WHAT MOTIONS ARE THOSE, I DON'T KNOW ABOUT THEM AND MR. BRADDY POINTED OUT IN VOLUME 43, PAGES 105 AND 122, HE SAID, THE JUDGE -- GAVE THOSE TO YOU IN COURT AND THE JUDGE SAID, BUT I RULED

ON THOSE AND HE SAID NO, NO, NOT THESE AND THE JUDGE PERSISTED -- NOT THAT THE MOTIONS WERE NOT -- [INAUDIBLE].

>> IS THE MOTION... [INAUDIBLE].
>> CERTIFICATE OF SERVICE ON THE OCTOBER 11 THth MOTION ITSELF. HOWEVER, IN ADDITION TO IT BEING PROVIDED IN OPEN COURT WHICH WAS NOT DISPUTED --

>> DID THE RECORD REFLECT THAT IT WAS SERVED IN OPEN COURT.

>> OTHER THAN MR. BRADY'S UNDISPUTED STATEMENT THE NATURE OF THE FILE STAMP IS DIFFERENT THAN A STAMP AT THE CLERK'S OFFICE, STAMP, BUT I CANNOT POINT TO SOMETHING I...

[INAUDIBLE].

USED THE FILE STAMP.

>> MOREOVER, ONCE IT WAS FILED, AND PROVIDED TO THE CLERK, MR. BRADY AS AN UNREPRESENTED LITIGANT, WAS ENTITLED TO SERVICE BY CLERK UNDER RULE 1.080-G, AND, RULE 1.080 IS THE RULE FOR SERVICE, CROSS-REFERENCED BY THE RULE OF JUDICIAL ADMINISTRATION, 2.330, AND 2.060, PREVIOUSLY... AND MOREOVER ON JANUARY 2ND, OF 2007, MR. BRADY FILED AND SERVED UPON THE COURT TWO PLEADINGS.

ONE, WAS -- EMERGENCY MOTION FOR AN EXPEDITED HEARING, AND, THE OTHER, WAS A MOTION TO HAVE THE -- PLEADING THAT THE COURT FAILED TO RULE, TIMELY, ON THE INITIAL OCTOBER 11th AND 19th MOTIONS, WHEN... [INAUDIBLE] POINTING OUT THAT HE WAS ENTITLED TO RELIEF UNDER THE RULES, CITING 2.160-J, WHICH I THINK... [INAUDIBLE] 2.330-J, SAME PROVISION THAT SAYS YOU ARE

ENTITLED TO REASSIGNMENT.

... [INAUDIBLE] SERVED IT ON THE COURT AND, MOREOVER THE SAME DAY, 12:05 OF THE RECORD AND 12:06 OF THE RECORD HE FILES AND SERVES THE EMERGENCY MOTION WHICH HAS ATTACHED TO IT THE ORIGINAL MOTION... [INAUDIBLE]. ON JUNE 4TH, AND JUNE 15th, THE MOTION... [INAUDIBLE] JUNE 4TH, MR. BRADY FILED A MOTION DISQUALIFYING COUNSEL AND RE... COUNSEL AND IN THE MOTION CLEARLY STATES AT RECORD 4:18:82 AND JUNE 15th MOTION AT RECORD 18:56.

CLEARLY STATES THAT HE WAS ENTITLED TO DISQUALIFICATION OF JUDGE, CITES THE RULE, STATES IT MORE THAN... [INAUDIBLE] AND THIS WAS ALL IN FRONT OF THE COURT WHEN ULTIMATELY RULED ON THE MOTION ON JUNE 18TH, AFTER RENDERING THE DECISION ON THE MOTION TO SUPPRESS.

NOW, THIS COURT HAS SAID THAT WHEN THE TRIAL COURT FAILS TO ACT IN ACCORDANCE WITH THE STATUTE AND PROCEDURAL REQUIREMENTS, THE RULES OF JUDICIAL ADMINISTRATION, THE COURT WILL VACATE THE TRIAL JUDGMENT THAT FLOWS FROM THE ERA AND INCLUDES... [INAUDIBLE] AND THE PREVIOUS DECISION IN CAGE VERSUS STATE WHERE A PROCEDURAL ERROR IN DECIDING A MOTION TO DISQUALIFY, CAUSED THE COURT TO VACATE A CAPITAL PENALTY PHASE. AND --

RESENTENCING HEARING.

THE COURT ALSO CANNOT RULE WHILE A MOTION IS PENDING.

AND, THE STATUTE GOVERNING DISQUALIFICATION, RULE 38.10, ITSELF SAYS THE JUDGE MUST

PROCEED NO FURTHER UPON
RECEIVING A MOTION TO DISQUALIFY
AND OTHER... [INAUDIBLE] A
MOTION THAT... JUDGMENT ENTERED
WHILE THE MOTION WAS STILL
PENDING ARE VOID.

AND YOU CAN LOOK --...

[INAUDIBLE] VERSUS STATE, A
HABEAS WAS FILED BECAUSE THE
JUDGE HAD RULED ON A MOTION TO
INCREASE BONDS.

WITHOUT RESOLVING THE MOTION TO
DISQUALIFY.

THAT HABEAS WAS GRANTED AND
BERKOWITZ VERSUS RISER, SECOND
DISTRICT DECISION, THERE WAS AN
INDIRECT INTENT FINDING WHICH
WAS REVERSED BECAUSE THE JUDGE
HAD NOT YET RESOLVED WHAT THE
COURT DECIDED WAS AN
INSUFFICIENT MOTION TO
DISQUALIFY AND HADN'T BEEN
VERIFIED AND NEVERTHELESS, THE
JUDGE DIDN'T RULE ON THAT AND
THE FINDING OF CONTEMPT WAS
VACATED.

ON THE MERITS, THE JUDGE HERE
TREATED MR. BRADY WITH
UNDISGUISED CONTEMPT.

WHEN HE WAS ACTING AS HIS OWN
LAWYER.

WHEN MR. BRADY TOLD THE JUDGE,
MR. BRADY HAD ATTEMPTED TO FILE
A PREVIOUS MOTION TO DISQUALIFY
THE JUDGE.

AND, THAT WAS, HAD A CERTIFICATE
OF FILING FOR THE 26th OF
SEPTEMBER.

UNFORTUNATELY, IT WASN'T STAMPED
IN UNTIL OCTOBER 3RD, BECAUSE HE
HAD ATTACHED TO IT AN ENVELOPE
THAT SAID IT WAS RETURNED FOR IN
SUFFICIENT POSTAGE, THE SAME
DAY, THE HEARING COMPLAINED
ABOUT IN THE OCTOBER 11th MOTION
HE ASKED THE JUDGE, JUDGE, I...

STAMPS AND THE JUDGE SAID, THE STATE WILL NOT GIVE YOU ANYTHING AND... [INAUDIBLE].

CITING AUTHORITY.

HE SAID CAN'T.

AND I'VE DONE IT.

AND, HE SAID, JUDGE I'M TRYING TO DO WHAT I CAN HERE, TRYING TO... [INAUDIBLE] FOR THE COURT, ASK THE CORRECTIONS OFFICERS, I'M NEVER GIVING THEM ANY TROUBLE AND THE JUDGE LAUNCHED INTO SARCASTIC EXCHANGES REGARDING THE FACT THAT MR. BRADDY WAS CONVICTED IN 1984 OF ASSAULT ON A CORRECTIONS GUARD.

SO WHEN HE SAID YOU CAN ASK THE CORRECTIONS GUARD HE SAID I ASSUME YOU ARE TALKING ABOUT THE OFFICERS WHO DON'T ALLEGE YOU TRIED TO KILL THEM, RIGHT AND HE SAYS JUDGE I'M NOT SPEAKING ABOUT THE OTHER OFFICERS, I'M TALKING ABOUT SINCE NOVEMBER 8, 1998 AND FINALLY MR. BRAID TOLD THE COURT IT WAS UNFAIR AND NOT BEING TREATED FAIRLY AND WANTED TO OBJECT FOR THE RECORD AND THE JUDGE SAYS, CAN I GIVE YOU A PROPOSED ANSWER FOR THIS AND HE DISCUSSES HOW IF HE FEELS IT IS UNFAIR HE CAN ALWAYS OVER MR. BRADDY'S OBJECTION REVOKE THE RIGHTS OF SELF-REPRESENTATION AND FORCE HIM TO TAKE COUNSEL.

>> ISN'T -- TERMS OF THE MERITS OF THIS, I HAVEN'T LOOKED AT ALL THE COLLOQUY BUT YOU HAVE A SITUATION WHERE THIS IS A -- WOULD YOU CHARACTERIZE MR. BRADDY AS A DIFFICULT DEFENDANT FOR A COURT?

I MEAN, THIS CASE WAS -- HOW LONG DID THE CASE TAKE TO GET TO

TRIAL.

>> NINE YEARS.

>> AND WHAT WAS HAPPENING IN THE NINE YEAR PERIOD.

>> THERE WERE A NUMBER OF DIFFERENT ATTORNEYS.

>> HE KEPT ON, SOMETIMES WANTED TO --

>> [INAUDIBLE] SOME LAWYERS HAD PROBLEMS WITH HIM AND --

>> WOULD IT BE FAIR TO SAY, THAT HE WOULD BE CONSIDERED TO BE A CHALLENGE FOR A TRIAL JUDGE.

>> TRYING TO KEEP AN ORDERLY PROCESS IN THE COURTROOM?

IN TERMS OF ORDERLY PROCESS I HAVE A PROBLEM WITH THAT.

WAS IT CHALLENGING --

>> WEREN'T THERE MANY TIMES WHERE HE WAS INTERRUPTING WHAT WAS GOING ON.

>> LOOK AT THE OCTOBER 3RD TRANSCRIPT HE'S NOT INTERRUPTING AND SPEAKS WITHOUT INVITATION BECAUSE THE COURT WILL NOT LISTEN TO HIM.

AND YOU HAVE TO REALIZE HE'S TRYING TO ACT AS HIS OWN LAWYER AND THE STATE MAKES AN ARGUMENT AND MR. BRADDY SAYS, YOUR HONOR, MAY I RESPOND TO THAT?

NO.

THE COURT ASKS A QUESTION REGARDING A DISCOVERY MATTER AND BOTH THE STATE AND THE --

MR. BRADDY, AT THE SAME TIME ANSWER, NO, THAT... [INAUDIBLE] AS COUNSEL MIGHT.

COUNSEL ON THEIR OWN BEHALF SPEAK UP.

HE WAS NOT BEING OBSTREPEROUS OR SPEAKING OVER ANYONE.

HE WAS TRYING TO HAVE THE OPPORTUNITY TO SPEAK ON HIS OWN BEHALF AND THE STATE SAID,

WELL... REMOVED FROM THE COURT

AT ONE POINT.

>> I'M GOING TO ASK YOU, YOU HAVE RAISED MANY CHUS ISSUES IN THIS BRIEF AND SOME OF THIS IS WHETHER IT IS PRESERVED OR NOT. WHAT IS YOUR -- ARE YOU GOING TO BE ARGUING ANY OTHER POINTS THIS MORNING.

>> CERTAINLY, INTEND TO ARGUE OTHER POINTS AND I'LL MAKE SURE I LAY OUT THE BASIS FOR THIS MOTION AND ANSWER ANY QUESTIONS THE COURT HAS ABOUT IT. AND IF THE COURT WOULD LIKE, I CAN MOVE ON TO THE 5TH AMENDMENT MOTION.

AND THE QUESTION THERE IS, WHETHER OR NOT -- AT THE END OF THE DAY, MR. BRADY VOLUNTARILY WANTED TO INCRIMINATE HIMSELF AS HE SAT DOWN BACK AT THE STATION HOUSE, HAVING BEEN PHYSICALLY ATTACKED BY THE POLICE OFFICERS, HAVING -- WHETHER OR NOT THE COURT AGREES WITH THESE ASSERTIONS OF HIS RIGHT TO COUNSEL, HAVING REFUSED TO INCRIMINATE HIMSELF, FOR HOURS, HE'S SIGNED THE MIRANDA WAIVER AT 9:35 AND WOULD NOT MAKE ANY INCRIMINATING STATEMENTS --

>> LET ME GO BACK TO THAT. YOU HAVE NOW, SOME OF THOSE -- FIRST TIME WHEN -- YOU HAVE AGREED IF WE -- THE 5TH AMENDMENT... [INAUDIBLE] TO THE U.S. SUPREME COURT IS DISPOSITIVE OF THAT ISSUE.

>> I AGREE.

>> SO WHAT IS YOUR BEST -- YOU HAVE THREE INSTANCES. WHAT IS YOUR BEST ARGUMENT AS TO WHEN HE REVOKED HIS RIGHT TO REMAIN SILENT.

>> I WOULD SAY THAT THE OTHER INSTANCES ARE PART OF THE

TOTALITY OF THE CIRCUMSTANCES, WHEN WE GET OUT IN THE EVER GLADES AND TO THE STATION FOR THE FINAL STATE AND THE SOLID INDICATION IS WHEN MR. BRADY SAID I'M TIRED OF YOU TALKING, TALKING TO YOU, TAKE ME TO JAIL AND IN OTHER ITERATIONS OF THAT, THE DETECTIVE SAID, TOLD US HE DIDN'T WANT TO TALK TO US ANYMORE AND THE STATE USES THAT CHARACTERIZATION, WHEN IT ARGUES THE MOTION, THERE IS REALLY NO QUESTION THAT THAT WAS AN INVITATION OF THE RIGHT TO SILENCE AND THE ISSUE IS THE QUESTION OF REINITIATION AND THAT IS WHERE MR. BRADY, THEY COME BACK... QUESTIONING AND HE CAME UP TO THE DOOR AND SAID, I'LL TAKE YOU TO... [INAUDIBLE]. NOW, THEY DID NOTHING ELSE AT THAT POINT.

AND UNDER -- ARGUING BRADSHAW THE COURT SAID IT IS NOT JUST THE FACT THAT SOMEBODY INITIATED IT.

THAT IS NOT ENOUGH TO SAY ON ITS OWN WE HAVE IN FACT REINITIATION IS GOOD ENOUGH AND THE COURT APPLIED BRADSHAW, COUNSEL -- THE COUNSEL CASE TO INDICATION OF THIS RIGHT TO SILENCE AND -- WELCH AND WELCH THE COURT SAID, WELL, WHERE SOMEBODY VOLUNTARILY APPROACHED THE POLICE, AND... THEN WE'RE GOING TO FIND THAT THAT WAS A NEW WAIVER OF THE RIGHTS.

WHETHER OR NOT WELCH REQUIRES MIRANDA AS THE REMEDY, ALTHOUGH OTHER POLICE SEEM TO RECOGNIZE THEY HAVE TO DO SOMETHING TO REMIND THE DEFENDANT THEY'LL BE GIVING UP THEIR RIGHTS ALREADY INVOKED.

IT CERTAINLY REQUIRES SOMETHING MORE, AND BRADSHAW SAID NOT ON ITS OWN.

[INAUDIBLE] IS NOT ENOUGH.

WHAT WAS THE SOMETHING MORE THE STATE DID?

WELL, THE NEXT THING THE STATE DID WITH REGARD TO MR. BRADY'S... WAS VIOLATED THEM AND DETECTIVE SMITH, RAGGE -- DRAGGED HIM OUT OF THE POLICE CAR.

>> WHAT IS THE TIMEFRAME, HE SAYS HE DOESN'T WANT TO SPEAK ANYMORE AND IS TAKEN TO JAIL AND WHAT IS THE TIMEFRAME BETWEEN THAT, WHEN HE SAYS SHOW THEM WHERE IT IS AND WHEN -- THE INCIDENT WITH THE DETECTIVE OCCURRED.

>> 9:00.

HE TELLS HIM HE DOESN'T WANT TO SPEAK TO HIM ANYMORE AND AT THAT POINT THEY DON'T TAKE HIM TO JAIL.

THEY PLAN TO COME BACK AND HAVE ANOTHER CRACK AT HIM AND COME BACK AT 11:30 AND THEY SAY HE TOLD THEM HE WENT TO TAKE THEM TO WHERE SHE WAS.

AND, AT 12:00 OR SO THEY DRIVE HIM UP TO THE PALM BEACH SITE. THERE, HE DOESN'T GIVE THEM ANY INFORMATION OTHER THAN TO SAY, MAYBE IT IS OVER THERE, MAYBE IT IS OVER THERE AND 2:30, THE DETECTIVE DRAGS HIM OUT OF THE CAR AND THROWS HIM UP AGAINST IT AND THROWS HIS ARM THROWS HIS THROAT AND PINS HIM DOWN TO THE CAR WITH HIS ARM ACROSS HIS THROAT AND IT WENT ON AS MANY AS 15 SECONDS, DETECTIVE SMITH SAYING THIS IS WHAT HAPPENED. SCREAMING AT HIM EMOTIONAL, WHERE IS SHE, WHERE IS SHE.

TELL US WHERE -- AND THEN TELLS MR. BRADDY... DOWN THE ROAD AN WALKS ALONE WITH HIM ALONG A CANAL, AND DETECTIVE SMITH WASN'T THE ONLY ONE DOING SOMETHING WRONG.

ALL THE OTHER POLICE OFFICERS SAW THAT HAPPEN, WERE AWARE IT HAPPENED, SO, SOME WOULD SAY, WELL, I HEARD SOMETHING BUT I WASN'T LOOKING AT THAT MOMENT AND I DIDN'T SEE ANY OF IT, BUT NOBODY TOOK MR. BRADDY OUT OF THE CUSTODY OF THE POLICE OFFICER, PHYSICALLY ASSAULTED HIM AND INSTEAD LET HIM BE QUESTIONED BY THE OFFICER FOR A PERIOD UP TO AN HOUR AS THEY WALKED ALONE AND THE DETECTIVE CHARACTERIZES IT, AS -- THEY WALKED TWO MILES AND KEEP IN MIND, MR. BRADDY AT THAT TIME, WAS SHACKLED AND WEARING A LEG BRACE WHICH HE SAID CAUSED HIM TO HOBBLE, DURING THE FRIENDLY CHAT THE NEXT TWO MILES, HE WAS SHUFFLING AND LIMPING AND HE WAS LEFT ALONE IN THE CUSTODY OF THE MAN WHO JUST ASSAULTED HIM AND NO POLICE OFFICER SAID YOU CANNOT DO THAT AND, LET'S GET YOU OUT OF HERE.

>> MR. BRADDY ACTUALLY SAID SOMETHING AT WHAT POINT?

>> AFTER THIS IS OVER --

>> EVENTUALLY BUT HE MAKES MORE STATEMENTS FIRST.

>> FIRST WHAT, WHERE?

WHAT INCRIMINATING STATEMENT DOES HE MAKE ON THE SCENE.

>> HE ASKS HOW LONG HE THINKS IT WILL TAKE A BODY TO FLOAT AND HE ALSO USES STATEMENTS ABOUT HIS KNOWLEDGE OF THE EF GLADES AGAINST HIM AS WELL --

EVERGLADES AGAINST HIM AS WELL

DURING THE COURSE OF CUSTODIAL INTERROGATION BY A MAN WHO ASSAULTED HIM AND HE WAS ASKING QUESTIONS ABOUT HIS BACKGROUND AND CONSTANT, HE SAID, SAID WHERE IS SHE, WHERE IS SHE, HELP US FIND HER.

>> THE STATEMENTS HE MADE AT THAT POINT WAS, HOW LONG DOES IT TAKE A BODY TO FLOAT AND WHAT ELSE?

>> OTHER STATEMENTS ABOUT, BACKGROUND AND KNOWLEDGE OF THE EVERGLADES, USED AS EVIDENCE AGAINST HIM AT TRIAL.

ALL OF THOSE ARE PART OF THE INITIAL ROUND OF STATEMENTS.

>> ASSUMING WE -- WHAT ELSE ARE YOU SAYING WAS IMPROPERLY GOTTEN FROM MR. BRADY.

>> THE NEXT STATEMENT, STILL AT THE PALM BEACH SCENE TO DETECTIVE DIAZ, WHO SWITCHED IN AND SMITH WALKED BEHIND HIM AS THEY TALKED.

AGAIN --

>> STILL OUT AT THE EVERGLADES.

>> WEST PALM BEACH, PALM BEACH SITE, AND, HE MAKES ANOTHER STATEMENT ABOUT HIM FLOATING -- DIAZ SAYS, SHE'S NOT HERE, IS SHE AND MR. BRADY AT THAT POINT AGREED TO TAKE THEM TO THE I-75 SITE IN BROWARD AND NOW THEY'RE IN THE COMPANY OF DIAZ AND SMITH, SMITH -- WASN'T -- IN THE CAR, WITH MR. BRADY AS THEY DROVE TO THE BROWARD SITE, AND HE WAS WITH MR. BRADY, AS THEY WENT DOWN BY THE BRIDGES AND CANALS TO LOOK AT VARIOUS PLACES HE SUGGESTED.

THAT THE CHILD MIGHT BE.

HE WAS WITH HIM ALL THAT TIME.

NOW, THEREAFTER THERE WAS ANOTHER STATEMENT BACK AND WHILE

HE'S AT THAT SCENE, MAKES MORE
-- ADVISED HIM TO SAY WHEN YOU
DO THIS AUTOPSY YOU'LL SEE I DID
NOT ABUSE HER, INCRIMINATING
STATEMENTS.

MADE IN THE PRESENCE OF THIS
DETECTIVE SMITH.

WHEN THEY GET BACK TO THE
STATION, THEY LEAVE THAT SCENE
4:00.

AND WHEN THEY GET BACK TO THE
STATION, THEY DO NOT REMIRANDIZE
HIM AND THEY PUT HIM IN A ROOM
AND LET HIM COOL HIS HEELS AND
THE DETECTIVES WHO COME INTO
INTERROGATE HIM AGAIN START
TO... DIAZ, WHO WAS THERE THE
WHOLE TIME AND WHO WALKED BEHIND
HIM AS HE WAS IN THE CUSTODY OF
SMITH...

>> YOU ARE GETTING CLOSE TO THE
END OF TOUR IM, TELL US WHAT
THEN WAS GOTTEN AT THAT POINT.

>> AT THAT POINT --

>> INCRIMINATING.

>> A FULL CONFESSION AND HE
STATES THAT HE TOOK MS. MAYCOCK,
AND TOOK THE DAUGHTER AS WELL,
AND... ENDED UP CONSCIOUS AND
TOOK HER AWAY AND TOOK HER TO
THE PALM BEACH SITE AND LEFT
HER, HE THOUGHT ALIVE AND TOOK
THE CHILD, TO THE BROWARD SITE
AND LEFT HER ON THE SIDE OF THE
ROAD, KNOWING THAT SHE WOULD
PROBABLY BE DEAD, THAT HE LEFT
HER THERE, BECAUSE HE KNEW THAT
SHE HAD SEEN TOO MUCH.

THAT STATEMENT COMES FROM ONE OF
THE PEOPLE WHO WAS THERE, DURING
THE SMITH INTERROGATION, AND,
ONE OF THE PEOPLE WHO NEVER
STOPPED TO... IN THE COMPANY OF
SMITH, ONE OF THE PEOPLE WITH
SMITH AS THEY SEARCHED THE
BROWARD LOCATION, AND, HE REFERS

BACK TO THE STATEMENT THAT
MR. BRADDY HAD GIVEN IN A --
OKAY.

BACK AT THE SCENE HE SAID THAT
HE DIDN'T MOLEST HER AND LEFT
HER ON THE SIDE OF THE ROAD AND
SAID THAT -- THE OTHER SIDE OF
THE STORY AND OKAY.

HERE'S YOUR CHANCE, EXPLAIN YOUR
SIDE OF THE STORY AND MR. BRADDY
AT THIS POINT DOESN'T KNOW THEY
WILL NOT BE ABLE TO USE THOSE
STATEMENTS AGAINST HIM AND
NOBODY SAYS YOU CAN HAVE A
LAWYER NOW AT THIS POINT AND HE
SAYS I KNOW THE LAW, I DON'T
HAVE TO TALK TO YOU.

BUT AT THAT POINT, HE'S STILL
VERY MUCH IN THE COMPANY OF
OFFICERS WHO ARE PARTICIPANTS IN
THE COERCED INTERROGATION AND
THE FACT SMITH WASN'T THERE
DOESN'T CHANGE THE FACT OTHER
OFFICERS WERE THERE.

AND THAT -- THERE WAS NO...

[INAUDIBLE] AFTER THIS DATE.

>> DO YOU HAVE ANY CASE LAW THAT
STANDS FOR THE PROPOSITION ONCE
IMPROPER PHYSICAL FORCE IS USED
AGAINST A SUSPECT THAT
EVERYTHING THAT HAPPENS AFTER
THAT IS ESSENTIALLY TAINTED?
IS THERE ANY CASE THAT HOLDS
THAT?

>> NO, NOT AS A HARD AND FAST
RULE.

THE COURT WILL LOOK AT
DIFFERENT... IN THE CASE OF
BRYANT VERSUS OKLAHOMA, THE
COURT WILL ASK ITSELF WHETHER
THERE WAS AN INITIATION OF
RIGHTS, WHETHER THE PERSONNEL
WERE DIFFERENT AND THERE WAS A
DIFFERENT LOCATION AND... TIME,
PLACE OR WHAT.

>> THE OTHER VICTIM, THE MOTHER,

LIVED, AND SHE TESTIFIED.
AND TESTIFIED ABOUT COMING TO
THE HOUSE AND TAKING THEM AWAY
AND KNOCKING HER OUT AND ALL OF
THOSE -- THAT -- SHE ACTUALLY
TESTIFIED TO THAT, CORRECT.

>> SHE DID.

>> OKAY.

BUT OF COURSE, IT WAS QUITE
DAMNING EVIDENCE TO HAVE, GIVEN
A COUNT THAT LARGELY
CORROBORATED THAT AND CERTAINLY
AN EXTENSIVE... CONFESSION DID
NOT CONTRIBUTE TO THE VERDICT
AND MOREOVER, THE STATEMENTS --
[INAUDIBLE].

>> I'M SORRY.

YOUR VOICE KEEPS GOING DOWN.

>> AT THE PENALTY PHASE IS, MORE
THAN CLEARLY CONTRIBUTED TO A
FINDING, RECOMMENDATION, THE
ULTIMATE FINDINGS OF WITNESS
ELIMINATION.

[INAUDIBLE].

>> THE JUDGE FOUND -- I MEAN,
THERE IS NO QUESTION BUT THERE
WAS A PHYSICAL FORCE AND DID THE
JUDGE MAKE A FINDING THAT IT WAS
ATTENUATED BETWEEN WHEN THE
FORCE WAS AND THE CONFESSION, IS
THAT HOW HE ENDED UP DENYING THE
MOTION TO SUPPRESS.

>> HE FOUND THERE WAS AFTER THE
ATTACK, FOUND... [INAUDIBLE] BUT
THERE WAS NO QUESTIONING, NO
STATEMENTS OBTAINED AFTER THAT.
AND... THE COURT ULTIMATELY
FINDS THAT THE FINAL STATEMENT
IS ATTENUATED.

>> AND IN OUR REVIEWING IT, IS
THAT A FINDING OF FACT?

OR IS THIS SOMETHING THAT WE
WOULD LOOK AT DE NOVO?

>> OBVIOUSLY THE FACTS FOUND BY
THE COURTS, FOR THE -- TO THE
EXTENT THEY ARE SUPPORTED BY THE

RECORD.

AS WAS REFERRED TO.

APPLICATION OF THE LAW, TO THOSE
FACTS, THERE ARE CERTAINLY CASES
THAT SEEM TO SAY THE JUDGE'S
DETERMINATION, ATTENUATION -- IS
A FACTUAL DETERMINATION.

I WOULD SUBMIT, HOWEVER, WHAT WE
ARE DOING AT THAT POINT IS
APPLYING THE LAW TO THE KNOWN
FACTS AS DETERMINED BY THE
COURT.

>> WAS ANY OF THIS VIDEOED?

>> NO.

>> NO PART OF THE -- NOTHING --

>> NO.

NO.

>> QUESTIONING FROM THE
BEGINNING UNTIL --

>> NOT AT ALL.

THE STATE SAID THEY WOULD NOT
AGREE TO GIVING A TRANSCRIBED
STATEMENT.

>> THEY WOULD HAVE VIDEOED
EVERYTHING BUT BRADDY IS SAYING
HE DIDN'T WANT TO BE VIDEOED.

>> THEY DID NOT VIDEOED HIM.

>> WOULD IT HAVE BEEN DONE IF
BRADDY AGREED TO IT.

>> THEY DID NOT SAY THAT.

CLEARLY THEY HAVE THE FACILITIES
FOR DOING THAT SECRETLY.

IF I MAY I WOULD... [INAUDIBLE].

>> PLEASE THE COURT, ASSISTANT
ATTORNEY ON BEHALF OF THE STATE.

THERE IS NOTHING IN THIS RECORD
TO SHOW THE JUDGE WAS SERVED
WITH A MOTION FOR DISQUALIFYING,
BEFORE HE RULED ON THE CASE.

THE RECORD FROM THE DAYS WHEN
THEY WERE ALLEGEDLY FILED DON'T
SHOW THEY WERE SERVED AND A
CERTIFICATE OF SERVICE...

[INAUDIBLE] ON THE CERTIFICATE
OF SERVICE.

AND SO THE LACK OF SERVICE

PRECLUDES THE 30-DAY PERIOD.
WITH REGARD TO THE MERITS OF THE
MOTION, THE DEFENDANT WAS BEING
OBSTREPEROUS AND CONTINUALLY
REARGUING THE SAME MOTIONS AND
REFILING THE SAME MOTIONS AND
REARGUING AFTER THE TRIAL COURTS
RULED, AT THE POINT WHERE THE
JUDGE IS TALKING TO HIM ABOUT
THE FACT THAT THE CORRECTIONS
OFFICERS DON'T KNOW YOU -- DON'T
KNOW YOU ATTEMPTED TO KILL A
CORRECTIONS OFFICER AND HE WENT
INTO A TIRADE, THE TAXPAYERS PAY
HIS SALARY AND YOU NEED TO BE
NICE TO ME AND THE JUDGE IS
TELLING AN OBSTREPEROUS LITIGANT
YOU ARE BEING AN OBSTREPEROUS
LITIGANT AND IF YOU KEEP IT UP
I'LL REAPPOINT HIM WHICH HE'S
REQUIRED TO DO AND THE DIS
QUALIFICATION POINT IS
MERITLESS.

>> [INAUDIBLE].

>> NO.

EVERY TIME A JUDGE RULED AGAINST
HIM HE MOVED TO DISQUALIFY THE
JUDGE.

>> [INAUDIBLE].

>> NO, THEY TRANSFERRED OUT
OF... [INAUDIBLE] A NEW JUDGE
WOULD COME IN AND WOULD RULE
AGAINST HIM, AND, HE'D HAVE A
NEW MOTION TO DISQUALIFY, I
BELIEVE A TOTAL OF 9 MOTIONS TO
DISQUALIFY FILED BY MR. BRADY
PERSONALLY AND HIS COUNSEL NEVER
FILED ANY AND HE CONTINUALLY
MOVED TO DISQUALIFY COUNSEL
BECAUSE COUNSEL WOULDN'T DO
THINGS THE WAY HE WANTED THEM
DONE AND WANTED QUESTION ASKED
IN DEPOSITION AND YOU ARE ASKING
ABOUT A SEARCH AN REPEAT THE VIN
NUMBER OF THE CAR EVERY TIME AND
WHEN COUNSEL REFUSED TO DO THAT

HE'D MOVE TO DISQUALIFY COUNSEL
AND THERE WAS --

>> WHEN, IN THE -- I DON'T KNOW
WHETHER WE'LL GET TO IT.

IN TOTAL, BUT, WHEN THE PENALTY
PHASE AND GUILT PHASE ARGUMENTS
WERE MADE, WAS HE REPRESENTED BY
COUNSEL AT THAT TIME.

>> YES.

>> ANY OF THE OKAY.

BECAUSE THEY SEEM LIKE PRETTY --
SOME WERE TIMELY OKAY.

AND IS NOT MR. BRADY, HE HAD
COUNSEL.

>> NO.

WHAT HAPPENED IS, FINALLY TO THE
POINT WHERE THEY FINISH THE
DISCOVERY AND THE JUDGE IS LIKE,
OKAY.

NOW WE'LL GO TO TRIAL AND AT
WHICH POINT THE DEFENDANT GOES,
I CAN'T DO THAT AND WE HAVE
COUNSEL APPOINTED AND THE MOTION
TO SUPPRESS AND FROM THAT POINT
FORWARD, HE'S REPRESENTED.

>> [INAUDIBLE].

>> THE JUDGE IS NOT NAMED IN THE
CERTIFICATE OF SERVICE, JUST THE
STATE AND HE'S REQUIRED TO SERVE
THE JUDGE PERSONALLY UNDER THE
RULES FOR DISQUALIFICATION.

>> [INAUDIBLE].

>> WELL, ONE PUTS THE JUDGE'S
NAME ON THE CERTIFICATE OF
SERVICE, ONE -- IF ONE CAN'T
MAIL HIM A COPY, ONE PERSONALLY
HANDED HIM A COPY.

>> [INAUDIBLE].

>> YOU MAIL STUFF.

OR YOU HAND IT OVER.

>> [INAUDIBLE].

>> HE SAID HE COULDN'T GET
STAMPS AND THE FIRST TIME THAT
CAME UP WAS YEARS EARLIER AND
THE JUDGE NEED YOU NEED
CORRECTIONS HERE AND HE NEVER

FILED A MOTION AND NEVER BROUGHT CORRECTIONS THERE AND THEY BRING IT UP AND HE WANTS THE STATE'S OFFICE, WHO DOESN'T HAVE CORRECTIONS THERE TO DEAL WITH THIS AND IT IS CORRECTIONS THAT IS RESPONSIBLE FOR THE STAMP, NOT THE STATE ATTORNEY.

>> SO I UNDERSTAND THE PROCEDURE, FILE A MOTION TO DISQUALIFY THE JUDGE...

[INAUDIBLE].

>> YES.

>> IS THE STATE CHALLENGING THE FACT THAT THE COURT DID NOT RECEIVE A COPY OF IT, OUT OF A DEFENSE -- [INAUDIBLE] RULING THE JUDGE DID.

>> WELL THE JUDGE'S NAME ON THE CERTIFICATE OF SERVICE AT WHICH POINT IT IS PRESUMPTIVE THAT YOU DID IN FACT SERVE THE JUDGE. HE DIDN'T PUT THE JUDGE'S NAME THERE.

>> ASSUMING HE PUT THE JUDGE'S ON THE CERTIFICATE --

>> THEN YOU HAVE AN ISSUE WHERE WE WOULD HAVE TO LITIGATE WHETHER OR NOT THE CERTIFICATE OF SERVICE WAS CORRECT BUT THE JUDGE'S NAME IS NOT ON THE CERTIFICATE OF SERVICE, LIKE I SIGN A BRIEF AND I SAY I SERVED OPPOSING COUNSEL AND IF OPPOSING COUNSEL WANTS TO SAY I DIDN'T SERVE THEM THEY NEED TO PRESENT EVIDENCE I DIDN'T SERVE THEM SINCE I'VE SIGNED I SERVED THEM. AND HERE HE NEVER SERVED THE JUDGE IN THE CERTIFICATE OF SERVICE, THE JUDGE IS NOT NAMED, JUST THE STATE ATTORNEY AND YOU HAVE TO SERVE THE JUDGE IN ORDER TO KICK IN THE 30-DAY PERIOD.

>> [INAUDIBLE] USE OF THE WORD "SERVE."

[INAUDIBLE] YOU ARE TALKING ABOUT A CERTIFICATE OF SERVICE.
>> I'M TALKING ABOUT SERVICE LIKE SERVICE OF A PLIED, NOT SERVICE OF A COMPLAINT.
>> ALL RIGHT.
THE MOTION TO SUPPRESS.
>> MOTION TO SUPPRESS.
>> THIS IS I GUESS, MAYBE NOT UNIQUE IN POLICE ANNALS, BECAUSE THINGS ARE CAPTURED ON VIDEO BUT THE DETECTIVE SAYS HE LOST IT. IS THAT WHAT HAPPENED, HE LOST IT.
>> HE LOST IT.
WHAT HAPPENS AND THE REASON IT IS NOT REPORTED ACCORDING TO THE TRANSCRIPT THEY DIDN'T HAVE THE FACILITIES TO VIDEOTAPE IT AT THE TIME.
THAT IS WHAT IS SAID ON THE RECORD ABOUT WHAT HAPPENED WITH VIDEOTAPING.
>> ANYWAY, THIS IS AN APPEAL.
>> AN APPEAL.
>> IN TERMS OF CONTEXT, DO YOU SEE TERMS OR -- I'M TIRED OF TALKING TO YOU, TAKE ME TO JAIL.
>> IF YOU ARE NOT GOING TO BELIEVE ME I'M TIRED OF TALKING TO YOU, TAKE ME TO JAIL.
>> YOU DON'T AGREE THAT THAT IS AN INDICATION OF ANYTHING --
>> I AGREE THE TRIAL COURT FOUND IT WAS EQUIVOCAL AND THAT IS A FINDING OF FACT AND HAVEN'T --
>> BECAUSE IT'S NOT JUST I'M TIRED OF TALKING TO YOU, IT IS TAKE ME TO JAIL, BECAUSE HE SAID -- WHAT WAS THE FIRST PART?
>> IF YOU ARE NOT GOING TO BELIEVE ME.
>> IF YOU ARE NOT GOING TO BELIEVE ME, I'M TIRED OF TALKING TO YOU, TAKE ME TO JAIL.
WHEN THEY GAVE HIM HIS MIRANDA

RIGHTS AND TALKED ABOUT THE RIGHT TO REMAIN SILENT, WHAT DID THEY TELL HIM.

>> STANDARD MIRANDA RIGHTS FORM, HAS A RIGHT TO THE REMAIN SILENT.

>> DON'T THEY ACTUALLY SAY SOMETHING -- THAT MEANS YOU DON'T HAVE TO TALK TO ME.

>> YES.

>> THEY GO THROUGH, MIAMI-DADE WARNINGS ARE MORE EXTENSIVE AND INCLUDE SUCH THINGS AS YOU HAVE THE RIGHT TO INVOKE THIS RIGHT NOW, DURING INTERROGATION OR AT ANY TIME HERE AFTER.

>> THEY ARE GOOD, EXTENSIVE AND TELL HIM, MEANING YOU DON'T HAVE TO TALK TO ME AND WHEN HE SAYS I DON'T WANT TO TALK TO YOU ANYMORE, WHY ISN'T THAT BASED ON THE MIAMI-DADE FORMS, AN UNDERSTANDING OF WHAT IT IS, HE'S SAYING I DON'T WANT TO TALK TO YOU, YOU KNOW, GET OUT. TAKE ME TO JAIL.

>> BECAUSE THE JUDGE FOUND THAT EQUIVOCAL BASED ON THE TOTALITY OF WHAT WAS SAID.

AND ALSO, EVEN IF IT WAS AN UNEQUIVOCAL INVOCATION THE POLICE LEFT HIM, I BELIEVE --

>> WHERE?

>> LEFT HIM IN THE INTERROGATION ROOM AND HAD BEEN GOING ALL RIGHT.

>> HE HAS BEEN ARRESTED ALREADY, CORRECT.

>> HE'S PICKED UP AT A GAS STATION AND VOLUNTARILY COMES AND THEY HAD PROBABLE CAUSE AND HE'S NOT LEAVING.

>> BUT HE SAYS, TAKE ME TO JAIL AND THEY DON'T.

>> THEY HAVE BEEN UP, PICKED HIM UP, BETWEEN 6:00 AND 7:00 P.M.

AND HAVE BEEN QUESTIONING HIM ALL NIGHT AND WERE THERE AND GO TO BREAKFAST, THEY ARE HUNGRY AND COMING BACK AND TAKING HIM TO JAIL, AND WHEN THEY COME BACK HE'S --

>> HOW LONG DID THEY LEAVE HIM THERE?

A FEW HOURS.

>> COUPLE HOURS.

>> 8:30 TO 11:00?

>> A LONG BREAKFAST.

>> THIS IS THE TESTIMONY, WHAT WAS IN FRONT OF THE JUDGE, THEY LEFT HIM THERE AND WENT TO BREAKFAST AND COME BACK AND WHEN THEY GO TO OPEN THE DOORS, THE DEFENDANT WHO IS UP ON A CHAIR TRYING TO PRY OPEN A METAL GRATE TO GET INTO THE CEILING, JUMPS DOWN, SAYS I'LL SHOW YOU WHERE SHE IS AND THE POLICE DON'T ASK HIM A SINGLE QUESTION, THEY WALK AWAY TO MAKE ARRANGEMENTS TO TAKE HIM TO THE FIELD.

>> SO THE POLICE UNDERSTOOD WHAT HE HAD SAID AT 8:30 AS BEING AN INVOCATION OF THE RIGHT TO REMAIN SILENT --

>> RIGHT.

BUT THAT IS NOT -- THEY CEASED QUESTIONING, YEAH.

>> THE CONTEXT, HE HAS BEEN UP ALL NIGHT AND DOESN'T HAVE A -- WHEN HE'S ARRESTED THAT NIGHT, HE'S STILL IN A ROOM ALL NIGHT AND --

>> HE'S IN THE ROOM AND HE HAS TIME TO SLEEP AND TIME TO SLEEP WHILE THEY'RE AT BREAKFAST.

>> IS THERE A BED THERE.

>> NO BUT THERE DOESN'T HAVE TO BE.

>> WE'RE TRYING TO GET THE CONTEXT OF WHAT THE -- PICTURE. WE DON'T HAVE A VIDEO.

HE THEN, THEY TAKE HIM OUT, AND SO, IN THE CONTEXT OF THE TOTALITY OF THIS CIRCUMSTANCES, YOU DON'T THINK THIS IS A BIG DEAL, AFTER HE HAS SANCTION ALL OF THIS PRECEDED IT, THAT HIS -- THE POLICE, THAT IS, WHO IS INTERROGATING HIM, SLAMS HIM AGAINST THE VEHICLE --

>> I MOST CERTAINLY DON'T THINK THAT WAS APPROPRIATE.

I UNDERSTAND BEING UPSET, YOU HAVE A DEFENDANT, YOU HAVE A FIVE-YEAR-OLD WHO IS MISSING, WHO YOU HOPE TO FIND ALIVE.

>> THE CONSTITUTIONAL MANDATES ARE TO THE DEFENDANT --

>> ABSOLUTELY.

>> SO --

>> I MUST TELL YOU, THIS IS ONE OF THE FIRST PHYSICAL VIOLENCE SITUATIONS THAT I HAVE HAD TO CONFRONT SINCE BEING WITH THE INSTITUTION.

SO WOULD YOU TAKE IT FROM THERE, BECAUSE, IT DOES SEEM THIS IS SOMETHING OUT OF THIS --

TWILIGHT ZONE ON THE ADMITTED ABUSE, CONTRARY TO EVERYTHING WE BELIEVE IN AS AMERICANS.

>> I ABSOLUTELY AGREE.

>> AND, WE GO FROM THERE THEN.

>> WHAT HAPPENS THEN IS, THE DEFENDANT CONTINUES -- THERE IS A BRIEF SHOVING MATCH AND THE DEFENDANT CONTINUES TO GIVE THE POLICE THE SAME STORY FOR THE NEXT HOUR.

HE DOESN'T CHANGE WHAT HE'S TELLING --

>> YOUR OPPOSITION RELATES DIFFERENT FACTUAL SCENARIO, THEY LEAD THIS -- THE SUSPECT, ON A TWO MILE WALK, WITH LEG IRONS, SO CAN YOU --

>> THEY HAVE BEEN DRIVING AROUND

IN THE CAR PHONE AN HOUR, AROUND THE SAME FIELD.

>> THIS IS BEFORE OR AFTER THE --

>> BEFORE --

>> DRAGGING AROUND THE FIELD --

>> PLEASE GO FORWARD WITH THE FACTS IN THIS RECORD, AS BEST WE CAN, BECAUSE WE'LL ONLY GET THERE IF WE DISCUSS WHAT THE FACTS ARE.

>> THAT IS WHAT I'M TRYING TO DO, THEY ARE DRIVING AROUND THE --

>> I SEE --

>> HE CONTINUES TO SAY THE GIRL IS IN THE FIELD.

THE DEFENDANT AS THEY ARE WALKING AROUND, IS ADMITTING HE, HIMSELF, ADMITS THEY SAT AND CHIT-CHATTED ABOUT HUNTING AND FISHING.

>> LET'S GO TO WHAT THAT ACTUALLY MEANS.

SO WE GET THE PICTURE, HOW MANY OTHER POLICE OFFICERS ARE AT THE SCENE.

>> THERE ARE SEVERAL HUNDRED --

>> HOW MANY IN THE IMMEDIATE VICINITY INVOLVED IN INTERROGATING MR. BRADY.

>> AT THE CAR THERE ARE TWO OR THREE WHO ARE THERE --

>> THEY SEE THIS HAS HAPPENED AND DON'T DO ANYTHING, AND DON'T

-- ALLOW THIS DEFENDANT TO BE TAKEN ON A TWO-MILE WALK IN LEG IRONS WITH THE POLICE OFFICER, WHO IS -- HAS LOST IT AND ABUSED SOMEBODY WHO IS CHANGED.

IS THAT CORRECT.

>> WELL, A LEG BRACE, NOT IRONS --

>> DIDN'T HAVE -- NO HANDCUFFS.

>> HE HAD HANDCUFFS --

>> THEY ARE NOT -- THERE IS NO

ONE ELSE THERE, BUT HE AND THE POLICE OFFICER -- THAT IS NOT CORRECT.

>> THERE ARE DIFFERENT PEOPLE, ABOUT TEN OFFICERS WHO ARE ALL WALKING AROUND HERE, NOTHING IS HAPPENING TO THE DEFENDANT. EXCEPT HE'S CHIT-CHATting ABOUT HUNTING AND FISHING AND THE DEFENDANT ADMITS THAT THAT IS WHAT IS GOING ON.

>> THEN MR. STANTON WAS INCORRECT IN THE RECORD WHEN HE SAID AFTER THAT, THAT HE AND THE DETECTIVE WENT ON A TWO-MILE WALK WHERE NO ONE ELSE WAS THERE

--

>> HE AND A GROUP OF DETECTIVES WENT ON A TWO MILE WALK.

>> EVERYBODY COULD HEAR WHAT WAS GOING ON.

>> YES.

AND THE DEFENDANT HIMSELF WITH THE MOTION TO SUPPRESS HEARING ADMITS THEY WERE CHIT-CHATting ABOUT HUNTING AND FISHING.

>> [INAUDIBLE].

>> AS THEY ARE WALKING AROUND CHIT-CHATting ABOUT HUNTING AND FISHING AND THE TRIAL COURT FINDS THE SPONTANEOUS STATEMENT THE DEFENDANT TURNS AROUND TO THE DETECTIVE AND SAYS, HOW LONG DO YOU THINK IT WOULD TAKE A DEAD BODY TO FLOAT AND DETECTIVE SMITH SAYS, LIKE WHAT?

WHAT DO YOU MEAN BY THAT AND THE DEFENDANT DOESN'T RESPOND.

THIS WALK IS ABOUT AN HOUR, DETECTIVE SMITH WALKS AWAY, SITTING WITH DETECTIVE DIAZ, EATING LUMP AND AT THAT POINT THE DETECTIVE SAYS SHE'S REALLY NOT HERE, IS SHE AND THE DEFENDANT GOES, NO BUT IF YOU AGREE TO ONLY TAKE A FEW OF THE

OFFICERS, KEEP IN MIND THEY'VE GOT THIS HUGE GROUP OF PEOPLE, WHERE THEY ARE IN PALM BEACH COUNTY IS WHERE HE DUMPED THE MOTHER AND THERE ARE SEVERAL HUNDRED PEOPLE OUT THERE SEARCHING FOR THE MISSING FIVE-YEAR-OLD IN THE FIELD. IF YOU AGREE TO TAKE ONLY A FEW OFFICERS WITH US, I'LL SHOW YOU WHERE IT REALLY IS AND THEY DO THAT AND GO OUT THERE, IT IS 3:30 WHEN THAT HAPPENS AND THEY GET OUT AND DRIVE AROUND LOOKING AT THE BRIDGES, GET OUT AND LOOK OVER THE BRIDGES AND CAN'T SEE ANYTHING AND THE DEFENDANTIC MAGGING SPONTANEOUS STATEMENTS ABOUT, WHEN YOU DO THE AUTOPSY YOU'LL SEE I DIDN'T ABUSE HER. THEY ARE NOT ASKING ABOUT THAT. THEY ARE TRYING TO FIND THE FIVE-YEAR-OLD.

>> THERE IS NO INTERROGATION, AND IN THE VEHICLE, RIDE OUT I-75 --

>> I HAVE -- SHOWING THEM WHERE TO GO.

>> I'M SORRY?

>> OTHER THAN HIM TELLING THEM WHERE TO GO, NO.

>> UP TO THE TIME WHEN THERE WAS A PHYSICAL DISPLAY OF FORCE, HAD THERE BEEN ANY INCRIMINATING STATEMENTS MADE BY MR. GRIFFIN.

>> THERE WAS FALSE EXCULPATORY --

>> I'M SORRY.

MR. BRADDY.

>> THERE WERE FALSE EX-CULL -- EXCULPATORY STATEMENTS.

>> HOW LONG AFTER THE FORCE WAS ADMINISTERED.

>> I BELIEVE A HALF-HOUR TO AN HOUR AFTERWARD AND HE BLURTS OUT THE AUTOPSY COMMENT.

AND THAT'S NOT IN RESPONSE TO ANYTHING THE POLICE ARE SAYING TO HIM.

THAT'S HIM SAYING ---ED .

>> HOW LONG -- [INAUDIBLE].

>> HALF-HOUR TO AN HOUR AND AUTOPSY STATEMENTS ARE ONCE THEY GET -- I HAVE THEM BACKWARDS --

>> WHAT HAPPENED TO MR. GRIFFIN --

>> BRADDY.

>> BRADDY, I'M SORRY.

HE HAS BEEN IN CUSTODY QUITE A WHILE, AT THIS POINT.

IS THERE ANYTHING IN THE RECORD ABOUT THEM EVER GIVING HIM ANY FOOD, ALLOWING HIM TO TAKE BREAKS?

ANY OF THAT.

>> YES.

HE WAS ALLOWED TO TAKE BREAKS, WHEN HE IS THERE WITH OFFICER DIAZ AT THE END OF THE WALK AND FINALLY IS TALKING TO THE OFFICER, OFFICER DIAZ IS FEEDING HIM OFFICER DIAZ'S LUNCH.

>> AT THAT POINT, HOW LONG HAD HE BEEN IN CUSTODY?

>> PICK UP SHORTLY AFTER 7:00. HE WAS OFFERED FOOD AND DRINKS AND DRANK A PEPSI AND REFUSED BREAKFAST IN THE MORNING AND THEY BOUGHT HIM BREAKFAST ANYWAY AND I DON'T KNOW HE ATE IT, I'M NOT SURE IF THAT IS IN THE RECORD, THEY FED HIM LUNCH AND DINNER.

HE WAS GIVEN BREAKS AND WATER AND ALLOWED TO USE THE BATHROOM AND THE TRIAL JUDGE ENDS UP FINDING THAT WHILE THIS COURSE OF ACTIVITY OCCURRED IT -- AND THE QUESTION IS UNDER THE TOTALITY OF THE CIRCUMSTANCES WHETHER THAT TAINTS...

STATEMENTS, HE SAID...

[INAUDIBLE] WHEN HE WAS PUSHED
BECAUSE HE KEPT GIVING THE
OFFICERS THE SAME STATEMENT.

>> HE MADE THE STATEMENT ABOUT
THE FLOATING BODY... WHERE WERE
THEY.

>> STILL IN PALM BEACH COUNTY.

>> WERE THEY STILL ON THE TWO
MILE WALK OR HAD THEY COME BACK
TO WHERE THE OTHER OFFICERS
WERE.

>> THEY WERE WALKING AN END THE
CANAL, THE OFFICERS, IT IS A BIG
TRAIN, NOT HIM AND OFFICER SMITH
ALONE, THERE'S A WHOLE GROUP OF
PEOPLE WALKING.

KEEP IN MIND... EXTREME ESCAPE
RISK.

>> HOW MANY OFFICERS?

>> I BELIEVE LIKE 5 TO 10.

AND THERE'S A TRAIN OF OFFICERS
WALKING AROUND, THE AREA WHERE
THEY'VE DRIVEN AROUND, AND HE'S
TELLING THEM THE SAME STORY HE
HAS BEEN TELLING THEM AND THEY
ARE CHIT-CHATTING ABOUT HUNTING
AND FISHING.

YOU FINALLY GET TO 3:30, THEY
STOP AND SIT DOWN AND THIS IS
AFTER HE SAYS TO SMITH, HOW LONG
WILL THE BODY FLOAT, UPONSTAIN
-- SPONTANEOUSLY.

>> NOT WHEN --

>> THEY ARE TALKING AROUND THE
CANAL.

>> THE TWO MILE REFERENCE IS NOT
TWO MILES, ONE WAY.

WALKING IN A CIRCLE.

>> WALKING AROUND IN A CIRCLE
WITH A GROUP OF OFFICERS
TRAILING THEM, I MEAN, THE
DEFENDANT CHOKED OUT A...

[INAUDIBLE].

ESCAPED FROM A HOSPITALS AFTER
BEING CAUGHT THE FIRST TIME.

AND THEY FIND OUT HE'S

ATTEMPTING TO ESCAPE CAN'T THAT DAY AND THEY ARE CAUTIOUS ABOUT HAVING LOTS OF PEOPLE, MR. BRADDY IS A BIG PERSON AND THEY ARE MAKING SURE THAT HE HAS

--

>> AGAIN, THE IMAGE THAT YOU WANT US TO UNDERSTAND, OR BELIEVE, IS THAT AFTER HE HAS BEEN PHYSICALLY ASSAULTED BY THE -- HIS -- THE POLICE OFFICER, THAT HE JUST -- AFTER HE HAS BEEN UP ALL NIGHT, FOR, YOU KNOW, PROBABLY NOW 36 HOURS, OR SOMETHING, THEY ARE JUST WALKING, YOU KNOW, LIKE TAKING A WALK IN THE PARK AND CHIT-CHATTING ABOUT HUNTING AND FISHING.

>> ADMITTED THAT THAT IS WHAT IS GOING ON -- IT IS NOT JUST THE POLICE OFFICERS, THE DEFENDANT ADMITTED --

>> THE DEFENDANT HIMSELF -- HIS SEARCH SHOWS HE WAS NOT COERCED INTO MAKING THIS CONFESSION.

>> HIS TESTIMONY -- TOTALITY OF THE CIRCUMSTANCES SHOW THAT HE WAS NOT... THEY THEN FINISH OFF, OUT THERE, GETTING DARK, CAN'T REALLY SEE, AND DRIVE BACK TO DADE COUNTY, BACK TO THE POLICE STATION, FEED HIM DINNER, DETECTIVE SMITH IS GONE --

>> I HAVE ANOTHER QUESTION ABOUT THE PICTURE, WHAT RACE IS MR. BRADDY.

>> AFRICAN-AMERICAN.

>> AND HOW ABOUT THE PERSON WHO ASSAULTED HIM.

>> WHITE.

>> AND WHAT ABOUT THE OTHER NINE OR TEN OFFICERS AROUND HIM?

>> I DON'T KNOW ALL OF THEM. I BELIEVE PAT DIAZ WOULD BE HISPANIC BUT, OTHER -- I CAN'T

TELL YOU.

>> WHAT DID THE POLICE...

[INAUDIBLE] DURING THE WHOLE
SEARCHING PROCESS?

>> THEY STARTED TO BECOME
CONCERNED THE CHILD WAS DEAD
WHEN HE TALKED ABOUT THE BODY
FLOATING.

THEY WERE HOPING TO FIND THE
LIVE CHILD.

>> WHILE THIS WAS GOING ON THEY
WERE IN EMERGENCY MODE TRYING TO
FIND THE CHILD ALIVE.

>> ABSOLUTELY, TRYING TO FIND A
LIVE CHILD, NOT TRYING TO FIND A
DEAD BODY.

>> THEY WENT FROM THE PALM BEACH
AREA, DIRECTLY OUT TO --
ALLIGATOR ALLEY.

>> ALLIGATOR ALLEY.

>> AND BACK TO DADE.

>> BACK TO DADE COUNTY.

THEN FEED HIM DINNER, AND THEN
ONLY AFTER THAT IS THE STATEMENT
WHICH IS NOTHING BUT A PACK OF
LIES ANY WAY THAT'S STATE ARGUED
AT TRIAL, AND, THE STATE DIDN'T
ARGUE THAT WAS EVIDENCE OF HIS
GUILT PER SE, BUT LOOKING AT HIM
LYING TO THE POLICE OFFICERS AN
JERKING THEM AROUND AND THE LAST
STATEMENT HE'S GOT -- SHOWS UP,
AND MAYCOCK FLASHES HIM AND
PULLS THE KNIFE ON HIM AND HE'S
DEFENDING HIMSELF AND DIDN'T DO
ANYTHING WRONG.

AND LEFT THE CHILD BY THE SIDE
OF THE ROAD AND THE CHILD IS
DOWN ON ROCKS.

NONE OF THAT WAS TRUE.

AND IT WAS PRESENTED NOT AS HERE
HIS CONFESSION, AND HE'S GUILTY,
IT IS HERE'S THE PACK OF LIES HE
GAVE US AND HE STARTED BY SAYING
I KNOW MY RIGHTS AND I WANT TO
TALK TO YOU ANYWAY AND UNDER

THOSE CIRCUMSTANCES THE TRIAL COURT PROBABLY FOUND...

>> ONCE AGAIN, THE INFORMATION -- THIS IS HIS VERSION OF HOW HE ENCOUNTERED THE VICTIM AND HER MOTHER.

IS THAT --

>> IT IS UNDISPUTED HE KNEW THE VICTIM'S MOTHER AND --

>> I UNDERSTAND THAT.

I'M SAYING THE STATEMENT, HOWEVER, IS REALLY ABOUT WHAT HAPPENED THE NIGHT OF THE --

>> YES.

HE SAYS I COME TO THE HOUSE. SHE IS CLAD ONLY IN A TOWEL, FLASHES ME AND WHEN I TURN HER TOWN, SHE THREATENS TO TELL MY WIFE, AND PULL A KNIFE ON ME. I HAVE CHOKED HER JUST TO CALM HER DOWN BECAUSE -- GET THE KNIFE AWAY FROM HER AND TOOK HER TO THE HOUSE SO I COULD TALK TO HER.

YOU KNOW, I WASN'T MEANING TO HURT HER.

WE GET TO PALM BEACH AND SHE ATTACKS ME AGAIN AND THAT IS WHY SHE ENDS UP LEFT UP THERE AND I TOOK THE CHILD WITH ME BECAUSE MOM WASN'T IN GOOD ENOUGH SHAPE TO TAKE CARE OF HER AND I DROPPED THE CHILD OFF, AT A BRIDGE AND I DON'T HURT HER, INJURE HER AT ALL, I LEAVE HER STANDING BY THE SIDE OF THE ROAD, ALLIGATOR ALLEY, THE MIDDLE OF THE NIGHT.

>> THE POLICE AT THIS POINT, HAVE THEY TALKED TO THE MOTHER.

>> THE MOTHER HAS BEEN INTERVIEWED BY THE -- SOME OF THE DETECTIVES AND TOLD US WHO DID IT AND THE LANDLORD TOLD US HE SEEN THE DEFENDANT AND CAR THERE, THAT NIGHT WITH THE

LITTLE GIRL LEAVING AND DOESN'T
SEE MOM BECAUSE MOM IS
UNCONSCIOUS IN THE BACK SEAT.
AND --

>> CONTRADICTION EVIDENCE THAT
THE POLICE -- WHEN THEY CAME
BACK FROM THE BREAK AT 8:00.

>> HE JUST SAYS, I -- I LIKE
YOU, I'M WILLING TO CLEAN THIS
UP AND, GIVES THE STATEMENT, I
DON'T BELIEVE THERE IS ANY
EVIDENCE THEY CONFRONTED HIM
WITH CONTRADICTION INFORMATION.

>> WHEN WAS THE TIME THEY TOLD
HIM, LIED TO HIM THEY...

[INAUDIBLE] MOTHER HAD HAD A
HEART ATTACK.

>> IN THE MIDDLE OF THE NIGHT
BEFORE WE GET TO THE --

>> THE THING ABOUT THE -- IF YOU
ARE NOT GOING TO BELIEVE ME, I'M
TIRED, I WANT TO GO TO JAIL IS
IN THE MORNING AND THAT WAS IN
THE MIDDLE OF THE NIGHT.

>> SO, AT THAT POINT WHEN THEY
SAID HIS MOTHER HAD A HEART
ATTACK WAS THERE ANYTHING MORE
ABOUT WHAT DID HE...

>> HE KEPT FEEDING HIM THE SAME
LINE HE KNEW NOTHING AND HAD
NOTHING TO DO WITH THAT.

>> I WANT TO ASK YOU A QUESTION
ABOUT -- THE PROSECUTOR IN THIS
CASE, IS SHE AN EXPERIENCED
PROSECUTOR?

>> YES.

>> TO ME, AND, I -- I'LL -- ON
THE PENALTY PHASE, NUMEROUS
COMMENTS THAT WE HAVE EITHER
PREVIOUSLY CONDEMNED...

[INAUDIBLE] OR HAVE -- ARE
IMPERMISSIBLE AND I'M SORT OF
WONDERING HOW AN EXPERIENCED
PROSECUTOR WHO HAS SUCH A STRONG
CASE, WOULD VENTURE INTO AREAS
THAT WE HAVE ALREADY SAID, YOU

KNOW, LIKE THE IMAGINARY --
THINKING ABOUT -- THINK ABOUT
THIS FOR FIVE MINUTES, LIKE
SAYING THAT THE STATE EVENTUALLY
DOESN'T ASK FOR THE DEATH
PENALTY IN EVERY CASE BUT LIKE
DENIGRATING DEFENSE LAWYERS,
THAT HE IS GOING TO GET UP HERE
AND SCREAM AND SHOUT AND --
MITIGATING EVIDENCE, AND SAYING
HOW COULD HE BRING IN 13
WITNESSES, THAT IS SOMETHING
THAT IS IMPERMISSIBLE OR
IMPROPER AND I COULD GO ON AND
ON, BUT, AND YOU HAVE BEEN HERE
ON MANY CASES, AND, YEAH, WISH
THEY HADN'T SAID THAT, OR, I
JUST DON'T GET THAT.

>> YOU HAVE TO EXPLAIN THE FEAR
TO THE DOER --

>> YOU KNOW, THERE WERE MANY
PLACES, I COULD GO THROUGH HER
ARGUMENT AND SAY, 80% OF IT, IS
FINE.

AND, IN OTHER WORDS, SHE KNOWS
HOW TO ARGUE IN A -- A PROPER
WAY, SO THE QUESTION IS, SOMEONE
KNOWS HOW TO ARGUE IN A PROPER
WAY, WHY DO THEY GO AND -- GO
AND RISK A CONVICTION, OR A -- A
SENTENCE BEING OKAY.

>> THEY ARE TRYING TO CONVINCING
THE JURY, THEY ARE DOING IT OFF
THIS CUFF.

IT IS NOT A PLANNED ARGUMENT, IN
FRONT OF A BUNCH OF LAWYERS AN
JUDGES, WHO ARE MUCH MORE --

>> SPONTANEOUS -- SHE DIDN'T
KNOW WE HAVE SAID OVER AND OVER
YOU DON'T TALK ABOUT THE STATE,
MAKES DECISIONS, FOR WHICH --
DEATH PENALTY --

>> HE DIFFERENT SAY THAT, SHE'S
INTRODUCING THE CONCEPT OF
AGGRAVATORS AND MITIGATORS AND
TELLING THE JURY NOT EVERY FIRST

DEGREE MURDER MERITS THE DEATH PENALTY AND YOU HAVE TO HAVE AGGRAVATED -- AND AGAINST THE MITIGATORS.

>> AND THEN, OVERALL, SHE GOES BACK AGAIN AND ACTUALLY SAYS WHERE THE STATE IS SEEKING THE DEATH PENALTY WHAT WE HAVE TO LOOK AT -- DOESN'T SOUND TO YOU PRETTY CLOSE TO WHAT WE HAVE SAID -- LISTEN, IT IS TRUE, IT IS TRUE THAT THE STATE DOES THAT, BUT, IT'S NOT SOMETHING THAT MAKES THE -- SEEM LIKE THE STATE IS ALREADY SELECTED THE CASE FOR YOU, AND THEREFORE, IT SHOULD BE ENTITLED TO GREATER CONSIDERATION.

>> THAT DEPENDS ON WHO YOU INTERPRET THE WORD "WE", WE THE PEOPLE, DECIDING TO GIVE THE DEATH PENALTY OR THE STATE.

>> IS THE STATE IS SEEKING IS WHAT SHE SAYS.

>> WHERE THE STATE IS SEEKING THE DEATH PENALTY, WE, EVERYONE MAKING A DECISION, HAS TO LOOK AT THE AGGRAVATORS AND MITIGATORS.

YES.

I WOULD PREFER THAT BE PHRASED MORE CLEARLY BUT THESE ARE PEOPLE TALKING OFF THE CUFF.

IT'S NOT AT THIS TIME SITTING THERE WITH THE PLANNED SPEECH.

>> THE PREDICATE FOR WHAT SHE IS SAYING, WHERE THE STATE IS SEEKING THE DEATH PENALTY, NOT HOW THE STATE MAKES THE DECISION, ABOUT WHAT HAPPENS AFTER THE DECISION.

>> YES.

>> AND --... LANGUAGE.

>> THAT IS HOW I UNDERSTAND THAT LANGUAGE AND I CERTAINLY THINK IT COULD BE CLEARER, BUT, THAT

IS WHAT SHE IS TRYING TO TELL THE JURY, IS YOU HAVE TO LOOK AT THE AGGRAVATORS AND MITIGATORS. AND, THE JUDGE DID SUSTAIN AN OBJECTION TO THINK ABOUT IT FOR FIVE MINUTES, AND, SIMPLE -- ASKING TO THINK ABOUT THAT WAS A COMPLETELY SUSTAINED INSTRUCTION TO DISREGARD IS NOT GROUND FOR A MISTRIAL.

>> COURT HAS NO FURTHER QUESTIONS... [INAUDIBLE].

>> JUST A COUPLE OF THINGS I'D LIKE TO CLEAR UP.

FIRST OF ALL, IN ANSWER TO THE -- JUSTICE PARIENTE'S QUESTION, I DID NOT MEAN TO IMPLY, THE DETECTIVES WERE COMPLETELY ALONE, BUT IT'S NOT TRUE ALL THE OTHER DETECTIVES AROUND, COULD HEAR THE CONVERSATION, AND, [INAUDIBLE] COULDN'T HEAR THEM AND I SWITCHED PLACES.

>> ISN'T IT SIGNIFICANT THAT MR. BRADDY, AFTER THIS HAPPENED, THEY START CHIT-CHATTING ABOUT HUNTING AND FISHING LIKE, THEY WERE ENGAGED IN GUY TALK?

>> WELL, KEEP IN MIND, THROUGHOUT THE CHIT-CHAT, THE DETECTIVE IS SAYING, YOU HAVE TO TELL US WHERE SHE IS AND -- IT WAS LIKE THAT THROUGHOUT THE CONVERSATION, AND, IT'S NOT INCONSISTENT WITH HAVING YOUR WILL OVER-- [INAUDIBLE] TALK ABOUT THE THINGS YOUR ABUSER WANTS TO TALK ABOUT.

OKAY, SMITH, YOU WANT TO TALK ABOUT YOUR EXPERIENCE HUNTING AND FISHING?

LET ME CURRY FAVOR WITH YOU AND SAY, OH, YES.

I HAVE DONE SIMILAR THINGS, TRY AND MAKE NICE WITH THE PERSON WHO JUST ATTACKED YOU.

I DON'T THINK IT IS
INCONSISTENT.

>> WAS HE ACTUALLY -- WERE THERE
BRUISES, EVIDENCE OF THE ATTACK
OR -- HOW SIGNIFICANT WAS THE
ATTACK?

>> WELL, I DON'T KNOW TO WHAT
EXTENT THAT KIND OF CHOKING --
THERE WAS SOME INDICATION, IN
THE MEDICAL RECORDS, I'M AFRAID
I DON'T HAVE THE RECORD SITE IN
FRONT OF ME, THERE WAS SOME NECK
ISSUES, WHEN YOU ARE EXAMINED IN
THE JAIL.

AND... CONCLUSIVE AS TO WHERE
THEY CAME FROM, LONGSTANDING...
[INAUDIBLE].

>> [INAUDIBLE]?

>> NOT SPECIFICALLY DIRECTED.
NOT LIKE THEY SAID WE BETTER...
[INAUDIBLE].
TREATMENT.

AS TO THE SHACKLES, THEY WERE
THERE IN THE... [INAUDIBLE].
THE STATE SAYS, OH, WELL THE
INVITATION TO TALK TO YOU WAS
CONDITIONAL, BECAUSE IF YOU ARE
NOT GOING TO BELIEVE ME, THEY
DIDN'T COME UP WITH THAT, UNTIL
THE TRIAL AND AT THE MOTION TO
SUPPRESS, THE -- POLICE OFFICER
SIMPLY SAID... [INAUDIBLE] TIRED
OF TALKING TO US AND WANTED TO
BE TAKEN TO JAIL, AND, WITHOUT
ANY CONDITIOAL PARAMETERS AND,
JUST THE TIMELINE --
[INAUDIBLE].

IT IS A TIGHTER SEQUENCE THAN
THAT.

AT 6:15 A.M. THEY TELL HIM HIS
MOTHER HAD A HEART ATTACK, AT
7:45 A.M., MR. BRADDY MAKES THE
REMARK TO DETECTIVE CHAMBERS, I
DON'T WANT TO INCRIMINATE
MYSELF.

[INAUDIBLE], COMES BACK AND AT

8:00, WHEN THEY COME BACK HE
MAKES HIS FIRST INCRIMINATING
STATEMENT THE GIRL WAS LEFT WITH
THE MOTHER AND 9:00 MAKES THE
INVITATION TO... [INAUDIBLE]
WANT TO TALK TO HIM ANYMORE.
>> YOU HAVEN'T ALLEGED THAT
THERE WAS FOOD AND...
[INAUDIBLE] OR DO YOU.
>> IT IS CLEAR HE HAD GONE A
LONG TIME -- I DON'T THINK THERE
IS ANY EVIDENCE THAT HE ACTUALLY
DID SLEEP, THEY LEFT HIM ALONE
AND HE WAS -- GAVE HIM THE
OPPORTUNITY -- NO, HE WAS NOT
DEPRIVED OF FOOD.
NOR WAS HE KEPT UP FOR 48 HOURS
OR 72 HOURS, BUT HE WAS -- HE
WAS CHOKED.
WHICH IS EVEN MORE TELLING...
[INAUDIBLE] INTERROGATION BY
ITSELF AND AS FOR THE
CERTIFICATE OF SERVICE, I DON'T
WANT THE COURT TO LOSE SIGHT OF
THE FACT THAT THERE WAS A
CERTIFICATE OF SERVICE UPON THE
COURT, JANUARY 2ND, 2007 MY
KNOWLEDGE, WHICH ATTACHED TO IT
THE ORIGINAL MOTION, IF THE
COURT DIDN'T KNOW ABOUT THAT
BEFORE, AS IT DID, BY JANUARY
2ND, THE COURT HAD SERVED UPON
IT, UNDISPUTEDLY A COPY OF BOTH,
THE MOTION SAYING, IT WAS...
[INAUDIBLE] ENTITLED TO DIS
QUALIFICATION AND THE STATE SAYS
YOU CAN DISPUTE SERVICE AND THE
FACT THAT THERE IS PRIMA FACIE
SERVICE THERE ON THE
CERTIFICATE, DOESN'T CHANGE THE
FACT ALSO AS TO OCTOBER 11th,
THE ONLY EVIDENCE AS TO THAT IS
MR. BRADDY'S STATEMENT, YES,
I... WE KNOW THAT HE AT THAT
POINT DIDN'T HAVE ANY OTHER WAY
TO FILE THINGS, AND, THE JUDGE

SAYS, I RULED ON THAT.

>> PRIOR DIS QUALIFICATION OF A JUDGE...

>> JUDGE, NO.

THERE HAD BEEN NO PRIOR DIS QUALITY FIX BUT IN TERMS OF THE NUMBER OF MOTIONS FILED, BACK IN -- TOWARD THE BEGINNING OF THE CASE, THERE WERE TWO MOTION FILED, AGAINST JUDGE SCHUMACHER AND NOT UNTIL 2006, MR. BRADDY FILED HIS NEXT MOTION, ALL THE NEXT SIX MOTIONS WERE DIRECTED AT JUDGE GLICK.

THANK YOU, YOUNG.

-- THANK YOU, JUDGE.

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>> THE COURT WILL NOW TAKE 10 MINUTES -- A 10 MINUTES RECESS.

>> PLEASE RISE.