

>> THE NEXT CASE ON THE COURT'S DOCKET IS BRANT V. STATE.

>> MAY IT PLEASE THE COURT, MY NAME'S JOHN FISHER, I REPRESENT APPELLANT CHARLES BRANT.

HE WAS CHARGED IN 2004 WITH FIRST-DEGREE MURDER, SEXUAL BATTERY, KIDNAPPING, BURGLARY AND GRAND THEFT.

HE ENTERED A PLEA, AND HE ALSO WAIVED A JURY FOR PENALTY PHASE.

>> AND YOU ARE NOT CHALLENGING THE VOLUNTARINESS OF THOSE ACTIONS?

>> NO, I'M NOT.

>> I WANT -- YOU HAVE RAISED PROPORTIONALTY ARGUMENT, AND IN YOUR BRIEF YOU NARRATE THE TESTIMONY, BUT I'D LIKE YOU, I THINK THAT TO ME THE KEY IN THIS, AT LEAST FROM MY POINT OF VIEW ON PROPORTIONALITY, IS TO UNDERSTAND THE MENTAL, MENTAL ILLNESS OR MENTAL HEALTH TESTIMONY AND THE METH SUBSTANCE ABUSE AND ALSO THIS OBSESSIVE SEXUAL DISORDER.

YOU KNOW, I JUST -- IN LOOKING AT THIS IS THERE EVIDENCE THAT HE REALLY CAME IN FOR A LEGITIMATE PURPOSE TO TAKE A PICTURE AND THEN SEES HER AND THEN CAN'T CONTROL HIMSELF, AND IS THAT WHAT THE JUDGE FOUND? SO JUST TRY TO SORT OF IN A SUCCINCT WAY EXPLAIN THE MENTAL

HEALTH TESTIMONY AS FOUND BY THE JUDGE AND AS EVEN FOUND BY THE DEFENSE, BY THE STATE'S EXPERT.

>> RIGHT.

THE COURT DID FIND THAT ALL THE, IT FOUND OUT MENTAL MITIGATORS, IT FOUND ALL THE MITIGATORS SUGGESTED BY THE DEFENSE WERE ESTABLISHED AND WEREN'T REBUTTED.

AND A LOT OF IT IS STUFF DEALING WITH FAMILY MENTAL PROBLEMS, ABUSE OF CHILDHOOD, HIS OWN DRUG ABUSE PROBLEMS, HIS SEXUAL OBSESSIONS.

>> BUT DON'T YOU THINK MOST OF THE CASES WHERE WE'VE HAD, FOUND LACK OF PROPORTION THAT IT WASN'T PROPORTIONAL, DEAL WITH MUCH YOUNGER INDIVIDUALS, AND THIS IS A, WHAT, 39-YEAR-OLD WHEN THIS HAPPENED?

>> HE WAS 39 YEARS OLD AT THE TIME.

>> AND SO WAS, AND HE WAS ABLE TO CONTROL HIS SEXUAL SADISM AND OTHER MENTAL HEALTH THROUGHOUT HIS LIFE, AND THAT'S WHY I THINK THAT FOCUSING ON, YOU KNOW, THE CHILDHOOD AND TRYING TO UNDERSTAND THIS AS TO WHAT OCCURRED IN THE LAST SIX MONTHS OF HIS, BEFORE THIS MURDER SORT OF CHANGED HIS WHOLE PICTURE AND CAUSED THIS BREAKDOWN.

>> WELL, IN THE SIX MONTHS PRIOR

WAS WHEN HE INTRODUCED HIS WIFE TO METH.

HE HAD USED DRUGS BEFORE, AND IT'S UNCLEAR HOW LONG HE WAS USING BEFORE HE INTRODUCED HIS WIFE TO IT.

ALL THE SEXUAL OBSESSION STUFF, THAT WAS LONG TERM WITH HIS WIFE.

HIS DRUG PROBLEMS WERE PROBLEMS THAT WERE HAPPENING CONTINUALLY THROUGH 13 OR 14 YEARS OF MARRIAGE.

>> WHAT IS IT ABOUT -- THIS WAS ACTUALLY SAID, THE SEXUAL TORMENTED BEHAVIOR, SEXUAL SADISM, EVEN THE STATE EXPERT SAID THIS WAS AN ACTUAL DIAGNOSIS.

IS THERE ANYTHING THAT IN HIS CHILDHOOD, WAS HE, THERE'S NO EVIDENCE HE WAS SEXUALLY ABUSED OR THAT HE WAS EXPOSED TO SEXUAL SADISM?

YOU KNOW, I --

>> THE SOURCE OF THAT FROM HIS YOUTH IS NOT CLEAR OTHER THAN, I BELIEVE, IN HIS CONFESSION HE SAID HE HAD SEXUAL OBSESSIONS FROM HIS YOUTH.

BUT THE SOURCE OF THAT I DON'T THINK WAS ELABORATED BY MR. BRANT OR BY IN HIS CONFESSION WHICH IS ALL WE HAVE OF MR. BRANT'S WORDS AND BY THE EXPERTS.

BUT HE AND HIS WIFE WERE HAVING GAMES THAT INVOLVED HIS SEXUAL OBSESSION WHICH --

>> WELL, I KNOW.

NOW YOU'RE STATING FACTS.

BUT AGAIN, NOW WE GO TO THE FACT THAT HE GOES TO THIS PERSON'S HOUSE WHEN HIS WIFE IS OUT AFTER THE WIFE, NOW, HAS DENIED HIM SEX --

>> AND ONCE AGAIN, THAT'S FROM THE CONFESSION THAT WE LARGELY HAVE DETAILS OF WHAT HAPPENED THERE.

AND FROM THE CONFESSION IT COULD BE THAT HE DIDN'T GO IN WITH A PLAN TO RAPE HER, HE WENT IN JUST TO GET PHOTOS OF HIS PRIOR WORK TO PUT IN HIS PORTFOLIO. OR PERHAPS HE DID HAVE IT.

THAT'S NOT ABSOLUTELY CLEAR.

THE QUESTIONING OF THE DETECTIVES WAS LEADING HIM TO MAKE IT LOOK MORE LIKE IT WAS PLANNED OUT, BUT I DON'T THINK THAT THAT'S CLEAR FROM THE CONFESSION.

HE'S SAYING, YEAH, I WENT THERE TO TAKE PHOTOS, AND SHE AGREED TO LET ME IN TO TAKE PHOTOS.

>> WAS HE STILL, WAS HE STILL LIVING WITH HIS WIFE AND CHILDREN AT THE TIME THIS HAPPENED?

>> YES, HE WAS.

THAT EVENING THEY WENT TO --

>> AND SO IF HIS INTENT WAS TO GO IN THERE AND JUST TAKE PICTURES OF THE TILE, THEN WHY WOULD HE WAIT UNTIL THE WIFE AND KIDS GO TO THE MOVIES? HE COULD HAVE DONE THAT ANYTIME AND NOT BE A PROBLEM.

>> WELL, MS. RADFAR HAD A JOB. HE WOULD DO IT IN THE EVENING. THIS ISN'T SOMETHING SPELLED OUT IF YOU'RE ASKING ME HYPOTHETICALLY.

>> WELL, YOU SEEM TO BE SAYING THAT HIS INTENTION TO HARM THIS WOMAN MAY HAVE HAPPENED AFTER HE WAS IN THERE FOR A LEGITIMATE PURPOSE TO TAKE PICTURES OF THE TILE.

HOWEVER, HE COULD HAVE --

>> BY THE FACTS OF THE CASE, THAT'S POSSIBLE, BUT I DON'T KNOW.

>> HE COULD HAVE PERFORMED THAT LEGITIMATE PURPOSE ANYTIME, BUT HERE HE WAITED UNTIL THE WIFE AND KID WENT TO THE MOVIES. ALSO A SEARCH OF HIS APARTMENT PRODUCED THE VICTIM'S DEBIT CARD, CAR KEYS, HOUSE KEYS AND SO ON.

SO THERE WAS MORE THAN JUST RAPE.

>> OH, YES.

HE WAS CHARGED WITH GRAND THEFT, ALTHOUGH I BELIEVE THAT WAS FOCUSING LARGELY ON AN

AUTOMOBILE THAT WAS REMOVED FROM THE PREMISES AND TAKEN A SHORT WAYS AWAY.

I BELIEVE THAT THE STUFF THAT HE TOOK WAS ALL IN THE GARBAGE. HE TOOK THINGS, AND HE TOSSED THE PLACE AND AFTER THE FACT, AFTER THE MURDER TO MAKE THE PREMISES LOOK LIKE THAT THERE HAD BEEN A BURGLARY.

>> AND THAT SEEMS TO BE SORT OF A PROBLEM IN TERMS OF THIS PROPORTIONALITY ISSUE WHICH IS THAT THE STATE DOCTOR SAYS THAT HE DID HAVE A SUBSTANTIAL IMPAIRMENT IN HIS ABILITY TO PERFORM HIS REQUIREMENT WITH CONDUCT TO THE SEXUAL SADISM AS FAR AS THE SEXUAL BATTERY BUT DOESN'T FIND, AND THE SUBSTANTIAL IMPAIRMENT GOING TO THE MURDER.

AND WHAT DID THE JUDGE FIND --

>> THE JUDGE FOUND THAT IT WENT TO THE MURDER, AND THE JUDGE GAVE THAT MODERATE WEIGHT.

>> DOES THE JUDGE EXPLAIN, AND I KNOW THERE'S A LONG SENTENCING ORDER, AND I WAS GOING BACK TO TRY TO LOOK AT THIS, DOES THE JUDGE EXPLAIN WHY IN THE WEIGHING, WHY --

>> WHY HE DISCUSSED THAT PART OF THE STATE'S EXPERT TESTIMONY?

NO, HE DID NOT.

>> I MEAN, IN OTHER WORDS, AFTER

GOING THROUGH 41 PAGES ALL OF A SUDDEN IT GOES, FIRST OF ALL, HE GIVES LITTLE WEIGHT TO THE PRIOR CRIMINAL ACTIVITY, DOESN'T EXPLAIN WHY.

WHICH SOMEBODY MIGHT SAY SOMEBODY THAT'S BEEN LAW-ABIDING HIS WHOLE LIFE THEN THAT WOULD BE -- WHY NOT GIVE THAT SUBSTANTIAL WEIGHT?

YOU DON'T REALLY ARGUE THAT.

AND THEN SAYS HE DOESN'T, HE KIND OF GOES THROUGH THEM ALL WITHOUT, YOU KNOW, ACCORDS IT MODERATE WEIGHT THAT HE HAD, YOU KNOW, DIAGNOSED WITH SEXUAL OBSESSIVE DISORDER.

SO THERE'S NOT REALLY AN EXPLANATION --

>> OF HIS REASONING BEHIND IT, CORRECT.

>> YOU AGREE?

>> I AGREE THAT IT'S NOT FULLY EXPLAINED.

>> BUT YOU'RE NOT ATTACKING THE ORDER AS NOT BEING COMPLYING WITH OUR PRIOR OPINIONS?

>> WELL, THIS COURT CERTAINLY HAS, WOULD BE DOING A PROPORTIONALITY REVIEW REGARDLESS --

>> YEAH, BUT IF YOU TAKE A CASE LIKE CROOK --

>> DONNY CROOK, YES.

>> THIS IS AN 8 -- HOW OLD WAS MR. CROOK?

>> WASN'T HE, LIKE, 20 OR SOMETHING?

>> HE HAD HAD, YOU KNOW, HE WAS ON SOCIAL SECURITY DISABILITY FOR MENTAL IMPAIRMENT, HE COMES INTO A BAR AND THEN NEXT, AND THEN HE DOES THIS HORRIBLE ACT, AND THAT, YOU KNOW, NO ATTEMPT TO COVER IT UP.

GOES AWAY ON HIS BICYCLE.

WHAT CASE DO YOU SEE AS BEING THE CLOSEST TO THIS ON SAYING THIS IS NOT A PROPORTIONATE SENTENCE FOR A DEFENDANT?

>> WELL, I SEE IT AS THERE IS, THERE ARE 13 MITIGATORS FOUND HERE.

>> BUT YOU KNOW WE DON'T COUNT MITIGATORS.

I'M SAYING WHAT IS THE CLOSEST CASE IN -- BECAUSE IT'S THE MENTAL MITIGATORS THAT ARE GOING TO, THE THREE THINGS THAT WE SEEM TO FOCUS ON ARE LOOKING AT THESE CASES THE AGE OF THE DEFENDANT, THE EXISTENCE OF SUBSTANTIAL MENTAL MITIGATION THAT'S A CAUSATIVE FACTOR IN THE CRIME, AND IT BEING SOMETHING THAT'S NOT JUST, YOU KNOW, DREAMED UP AFTER THE MURDER BUT ACTUALLY THAT THERE'S SOME, YOU KNOW, HISTORY OF IT BEFOREHAND. AND THE, THE LACK OF CRIMINAL, YOU KNOW, OF THERE BEING PRIOR CRIMINAL ACTIVITY.

SO WHICH CASES DO YOU SEE AS BEING CLOSEST TO THIS ON PROPORTIONALITY?

>> OFF THE TOP OF MY HEAD, VOORHEES AND SAGER ARE TWO CASES THAT THERE'S TWO AGGRAVATING CIRCUMSTANCES, BUT, OF COURSE, THOSE ARE DIFFERENT KINDS OF CRIMES.

THERE ARE MANY CASES THAT HAVE BEEN CITED BY THE STATE IN ITS BRIEF THAT ARE STRANGULATION CASES, BUT THEY ARE LARGELY CASES THAT HAVE MORE AGGRAVATING CIRCUMSTANCES.

>> SO YOU'VE GOTTA, AGAIN, BECAUSE THIS IS A CONSTITUTIONAL ISSUE WHETHER --

>> CORRECT.

>> -- THIS DEFENDANT IS, TO SUBJECT HIM TO THE DEATH PENALTY WOULD BE AN UNUSUAL PUNISHMENT GIVEN THAT WE HAVE REDUCED SIMILAR MURDERS TO LIFE.

AND I'M, YOU KNOW, AGAIN, I CAN READ ALL THOSE CASES, TOO, AND WE'VE BEEN INVOLVED IN MANY OF THEM.

I'M STRUGGLING, AND I'M ASKING YOU AS HIS ADVOCATE WHAT CASES DO YOU SEE AS BEING, YOU KNOW, COMPELLINGLY CLOSE TO THIS CASE?

>> WELL, AS YOU'VE POINTED OUT, MANY OF THE CASES THAT ARE BEST ON THIS HAVE, INVOLVE VERY YOUNG PEOPLE, AND HE IS NOT VERY

YOUNG.

HE ISN'T IN HIS LATE TEENS OR
EARLY 20s.

BUT IT IS ALSO IMPORTANT THAT
THERE IS ALL THIS STRONG MENTAL
MITIGATION, AND THE MENTAL
MITIGATION IS INTERWOVEN IN MANY
OF THE MITIGATORS THAT ARE
FOUND, AND THEY ALSO GO TO
SOMEWHAT OFFSETTING THE
AGGRAVATING CIRCUMSTANCES OF
WHAT HAPPENED.

THE RAPE IS A PRODUCT OF HIS
SEXUAL OBSESSIOS, AND OF HIS
METH ABUSE AND, APPARENTLY, NOT
SLEEPING FOR DAYS AND DAYS ON
END, PERHAPS BEING UP FOR A WEEK
AT THE TIME OF THE OFFENSE.

AS FAR AS HAVING ONE CASE THAT'S
ABSOLUTELY ON POINT ON THIS, I
DON'T HAVE IT.

I DON'T THINK THAT THAT HAPPENS.
IT'S ALWAYS SOMEWHAT EXAMINING
APPLES AND ORANGES.

BUT I BELIEVE THAT IN OTHER
STRANGULATION CASES THAT HAVE
BEEN FOUND PROPORTIONAL, THERE'S
MORE AGGRAVATION THAN THERE IS
IN THIS CASE AND LESS MITIGATION
THAN IS FOUND IN THIS CASE.

>> ARE YOU GOING TO ARGUE ANY
OTHER ASPECT OF THIS CASE?

I BELIEVE YOU DO HAVE A
DEFICIENCY OF THE EVIDENCE TYPE
ARGUMENT ABOUT ENTRY OF THE
PLEA.

>> NOT REALLY.

>> OKAY.

>> HE ENTERED A PLEA RESERVING A RIGHT TO APPEAL A MOTION TO DISMISS KIDNAPPING CHARGE.

THE KIDNAPPING CHARGE WAS NOT USED AS AN AGGRAVATING CIRCUMSTANCE IN THIS CASE.

THE MOTION TO DISMISS KIDNAPPING WAS BASED ON A DIFFERENT SUBSECTION OF KIDNAPPING THAN HE WAS CHARGED UNDER, AND THAT'S WHY IT WAS DENIED.

THAT WAS ALL THAT WAS RESERVED WITH THE ENTRY OF THE PLEA.

>> ALL RIGHT.

WELL, IF YOU HAVE NOTHING MORE TO ADD, YOU CAN SAVE YOUR TIME FOR REBUTTAL.

>> THANK YOU.

>> MS. BLANCO?

>> MAY IT PLEASE THE COURT, MY NAME IS KATHLEEN BLANCO REPRESENTING THE STATE OF FLORIDA IN THIS DEATH PENALTY APPEAL.

THERE IS ONE ISSUE THAT HAS BEEN RAISED, AND THAT IS THE ISSUE OF PROPORTIONALITY.

OPPOSING COUNSEL HAS ARGUED THIS MORNING THAT HE DOESN'T HAVE A CASE THAT REALLY HELPS THE DEFENSE.

HE CITES THE TWO CASES, PRIMARILY VOORHEES AND SAGER --

>> [INAUDIBLE]

>> YES, YOUR HONOR.

>> LET ME TELL YOU WHAT MY CONCERN IN TERMS OF THIS PROPORTIONALITY ISSUE.

FIRST OF ALL, WE'VE GOT A DEFENDANT THAT TURNED HIMSELF IN, THAT REMORSE WAS FOUND, AND IT SEEMS AS THOUGH THERE WAS GENUINE REMORSE --

>> YES, YOUR HONOR.

>> YES.

AND WE HAVE CASES WHERE SOMEONE TRIES TO ARGUE REMORSE.

HE IS CLEARLY GENUINELY SORRY FOR WHAT HAPPENED, AND IT'S A PRETTY EMOTIONAL STATEMENT.

YOU'VE GOT SOMEBODY THAT DOES, IT'S FOUND THAT HAS NO SIGNIFICANT HISTORY OF CRIMINAL BEHAVIOR.

THAT'S FOUND.

THEY, THE JUDGE DID NOT FIND SEVERAL OF THE AGGRAVATORS THAT WERE PROPOSED INCLUDING CCP AND FINANCIAL GAIN.

THE DEFENSE, THE STATE EXPERT, YOU KNOW, I COULD COUNT ON ONE HAND THE TIMES THAT A STATE EXPERT ACTUALLY DOESN'T FIND SOMEBODY MALINGERING OR DOESN'T DISPUTE MOST OF THE DIAGNOSIS, FINDS THAT HE DID HAVE A SUBSTANTIAL IMPAIRMENT IN HIS ABILITY TO CONFORM MISCONDUCT WITH THE REQUIREMENTS OF LAW ON THE SEXUAL BATTERY.

>> THAT'S CORRECT, YOUR HONOR.

>> AND, YOU KNOW, I, I THINK THAT THE QUESTION ABOUT TRYING TO SLICE THE, YOU KNOW, THE CRIME THAT IS THAT HE GOES IN THERE, HE CAN'T CONTROL HIMSELF, HE THEN, HE PUTS THE SOCK IN HER -- WHICH HE HAD DONE WITH HIS WIFE BEFORE -- AND THIS IS NOW FOUND TO BE A PRODUCT OF A MENTAL IMPAIRMENT.

I, IF HE WERE IN HIS 20s VERSUS HIS 30s, DON'T YOU THINK WE HAVE A LOT OF CASES THAT WOULD FIND THAT THIS WAS NOT A PROPORTIONATE DEATH SENTENCE HERE?

>> NOT UNDER THE FACTS OF THIS CASE, YOUR HONOR, THE HORRIFIC FACTS OF THIS CASE, NO, I DON'T. THIS DEFENDANT WAS 22 YEARS AWAY FROM THE HOME OF WHAT WAS DESCRIBED AS AN ABUSIVE STEPFATHER, ABUSIVE EMOTIONALLY. THE DEFENDANT, THERE'S NEVER BEEN AN ALLEGATION THAT HE HAD EXPERIENCED SEXUAL ABUSE IN HIS LIFE.

AND WHAT YOU HAVE IN THIS CASE ARE TWO VERY POWERFUL AGGRAVATORS, AND THE HAC AGGRAVATOR ESSENTIALLY IS TRIPLED IN THE SENSE THAT IT IS, WAS A SUPER PROTRACTED CRIME.

>> BUT THE FACT THAT IT WAS SUPER PROTRACTED, THIS IS ALWAYS

ONE OF THOSE THINGS THAT IF HE HAD COME IN WITH A GUN TO RAPE HER AND THEN SHOOT HER, YOU KNOW, YOU WOULDN'T HAVE THE HAC, AND THEN WE'D HAVE CCP.

IT'S ALMOST AS IF THIS IS A, THE ISSUE OF THIS MURDER IS AN AFTERTHOUGHT AND BECAUSE HE'S INEPT AT MURDERING HER, HE FIRST TRIES TO PUT HER SOCK, AND THEN SHE'S RUSHING, YOU KNOW, AWAY AND THEN HE TRIES AGAIN.

SO I UNDERSTAND THAT HAC IS FOUND, AND I AGREE THAT HAC IS FOUND, BUT IT'S NOT AS IF HE SET OUT -- AND WE'VE HAD, YOU KNOW, CASES WHERE TO TORTURE SOMEBODY -- AND SO IN TERMS OF HAC AND A RAPE I -- DON'T YOU SEE AND CAN'T YOU THAT IT COMES FROM NOT HAVING THEN PLANNED AN ADVANCE, BUT RATHER SOMEBODY WHO IS AN INEPT MURDERER?

>> WITH GREAT RESPECT, JUSTICE PARIENTE, I MUST DISAGREE. AND THE REASON FOR THAT IS THIS DEFENDANT HAD, IN FACT, EVIDENCED ON MULTIPLE OCCASIONS INSTANCES WHERE HE DID, IN FACT, CONTROL THOSE SEXUAL URGES. AND THAT TESTIMONY WAS DEVELOPED THROUGH THE STATE'S EXPERT, DR. TAYLOR, AND ALSO THROUGH THE DEFENSE EXPERT, AND THAT'S DR. MAHER. AND BY THAT --

>> BUT THE JUDGE FOUND,
DR. TAYLOR TESTIFIED AND THE
JUDGE FOUND THAT HE HAD A
SUBSTANTIAL IMPAIRMENT WITH THE
SEXUAL BATTERY.

>> CERTAINLY, AND HE GAVE HIM --
THE TRIAL JUDGE IN THIS CASE,
JUDGE FUENTE FROM HILLSBOROUGH
COUNTY, GAVE THE DEFENDANT EVERY
CONCEIVABLE BENEFIT OF THE
DOUBT.

HE GAVE THEM EVERY MITIGATOR
THAT WAS PROPOSED BY THE DEFENSE
AND, OF COURSE, THE WEIGHT TO BE
GIVEN FOR THE MITIGATION, AND
THE DEFENSE HAS CERTAINLY NOT
ARGUED THAT THE WEIGHT GIVEN WAS
INSIGNIFICANT.

AND HE DID GIVE MODERATE WEIGHT
ON THREE OF THE 13 FACTORS, BUT
LET'S TAKE A LOOK AT THAT CRIME
WITH RESPECT TO THE NOTION THAT
HE WAS UNABLE TO CONTROL HIS
IMPULSES AND THAT IT WAS AN
AFTERTHOUGHT BECAUSE WITH GREAT
RESPECT AGAIN, JUSTICE PARIENTE,
I STRONGLY DISAGREE WITH THAT
SUGGESTION.

AND I CERTAINLY APPRECIATE THE
QUESTION, BUT MUST POINT OUT THE
FOLLOWING: DURING THE TESTIMONY
OF DR. MAHER, YOU HAVE QUESTIONS
WITH REGARD TO PRIOR INCIDENTS
AGAINST THE WIFE, MELISSA, WHERE
THERE IS AN ESCALATING PATTERN
OF THIS RAPE-INTRUDER EPISODE.

AND DR. MAHER WAS ASKED, WHEN YOU TALKED TO THE DEFENDANT AND THE DEFENDANT'S EX-WIFE, DID THEY BOTH TELL YOU THERE WERE TIMES WHEN MELISSA RESISTED OR SAID NO TO THOSE RAPE INTRUDERS? IT APPARENTLY ESCALATED.

AT THE BEGINNING SHE WAS NOT OBJECTING TO IT, BUT WHEN SHE DID OBJECT TO IT, HE WOULD HONOR THAT.

HE WOULD NOT FORCE HIMSELF ON HER WHEN HE VOICED THOSE PARTICULAR OCCASIONS, AND HE WOULD MASTURBATE INSTEAD OR NOT COMPLETE THE SEXUAL ACT WITH HER.

AND SO DR. MAHER AGREED THAT, YES, THERE WERE OCCASIONS WHERE THE DEFENDANT WAS ABLE TO CONTROL HIMSELF ON THAT FRONT. NOW, WHAT YOU HAVE IN THIS CASE THAT SHOWS THAT HE WAS UNABLE TO CONTROL HIMSELF TO THE CONTRARY, YOUR HONOR, YOU HAVE A METHODOLOGICAL PLANNING AND A CRIME OF OPPORTUNITY AS HAS BEEN POINTED OUT THIS MORNING.

THIS DEFENDANT ON THE NIGHT THAT HE KILLS SARA RADFAR -- AND REMEMBER SHE'S 21 YEARS OLD. HE USED TO LIVE IN THE SAME HOUSE.

HE'S FAMILIAR WITH SARA, AND HE'S ALSO FAMILIAR WITH THE FACT THAT SARA'S BOYFRIEND HAD MOVED

OUT OF THE RESIDENCE IN THE
PREVIOUS TWO WEEKS.

SO HE KNOWS THAT SARA, WHO'S A
BEAUTIFUL YOUNG WOMAN, WAS ALONE
AND VERY VULNERABLE AND THAT SHE
KNEW HIM.

WHEN HIS WIFE MELISSA GOES OUT
TO THE MOVIES THAT EVENING, SHE
INVITES THE DEFENDANT TO GO
SEE -- SHE WAS TAKING THE
CHILDREN TO SEE "SPIDER-MAN."
SHE INVITES THE DEFENDANT TO SEE
IT WITH THEM.

HE DECLINED.

DOES HE TELL HIS WIFE, I'M
ESTABLISHING MY PORTFOLIO?
DOESN'T MENTION ONE WORD ABOUT
IT.

INSTEAD, HE TAKES THE
OPPORTUNITY TO HAVE HIS WIFE AND
CHILDREN OUT OF THE HOUSE TO GO
OVER TO SARA'S HOUSE.

NOW, WITH RESPECT TO THE NOTION
THAT HE WAS TAKING PICTURES,
LEGITIMATELY THERE TO TAKE
PICTURES FOR HIS PORTFOLIO, AS A
PRACTICAL MATTER THERE WAS NEVER
A CAMERA FOUND, THERE WERE NO
PHOTOGRAPHS FOUND, THERE'S
NOTHING TO SUBSTANTIATE THAT
OTHER THAN THAT'S BEEN THE
DEFENDANT'S STORY ALL ALONG,
THAT'S HOW HE GOT INTO THE
HOUSE.

WHAT DOES HE DO WHEN HE GETS
THERE?

REMEMBER, SARA: 21 YEARS OLD,
5-1, SMALL OF STATURE.

HE ATTACKS HER.

HE SHOVES A SOCK IN HER MOUTH,
HE WRAPS A STOCKING AROUND HER
NECK.

THE LIGATURE IS TIED ON THE
BACK, AND THE PICTURES BOTH THE
PICTURES OF SARA WHEN SHE WAS
ALIVE AND ALSO THE PICTURES OF
HER BODY WHEN SHE WAS FOUND IN
THE BATHTUB, AND YOU CAN SEE THE
FIRST LIGATURE YOU HAVE IS A
BLACK STOCKING THAT IS TIED
TIGHTLY ON THE BACK OF HER NECK.

DR. LEE, THE MEDICAL EXAMINER,
SAYS SARAH WAS ATTACKED FROM
BEHIND, AND WE KNOW THAT FROM
THE BRUISES AND THE MECHANISM OF
CHOKING HER.

SO WE HAVE THAT.

IN ADDITION, YOU HAVE THE RAPE
WHERE SHE IS RAPED ON THE BED,
AND HE LEAVES HER BELIEVING SHE
IS UNCONSCIOUS, DEAD, WHATEVER.
SHE IS UNRESPONSIVE AT THIS
POINT.

SARA GETS UP AND MAKES A RUN FOR
THE DOOR OR TRIES TO ESCAPE.

AT THAT POINT SHE TELLS HIM THE
MONEY'S IN THE CLOSET, SO SARA
IS SOMEHOW ABLE TO SPEAK AT THIS
POINT, SO WE KNOW SHE'S
CONSCIOUS, SHE'S TRYING TO
ESCAPE.

HE THEN TAKES HER BACK TO THE

BED WHERE HE PROCEEDS TO STRANGLE HER AGAIN, SUFFOCATE HER, AND IN THE PROCESS OF DOING THAT HE PLACES A HEATING PAD CORD THAT'S WRAPPED TWICE AROUND HER NECK.

THERE'S ALSO A BAG OVER HER HEAD.

IT'S A PLASTIC BAG, AND YOU CAN TELL IN THE PHOTOGRAPHS THAT ARE IN VOLUME FIVE IT'S ONE OF THOSE FROM THE LARGE TISSUE PAPERS.

THAT'S PLACED OVER HER HEAD.

HE ADMITS HE PLACED HIS HANDS OVER HER NOSE AND HER MOUTH, AND THERE'S A FINAL LIGATURE ADDED, AND THAT IS A DOG LEASH THAT IS ALSO WRAPPED TWICE AROUND.

SO YOU HAVE SARA WHO SURVIVES THE FIRST ATTACK OF CHOKING WITH THE SOCK IN HER MOUTH AND THE STOCKING TIED AROUND HER NECK.

SHE TRIES TO ESCAPE, THERE IS THE SECOND ATTACK ON HER WHICH IS WHY I SAID THIS IS REALLY A TRIPLE, OR TRIPLE PROTRACTED HAC CASE.

THEN YOU HAVE THE LIGATURE WITH THE PLASTIC BAG AND THE DOG LEASH ON TOP OF THE HEATING PAD CORD.

THEN HE DUMPS HER TINY BODY INTO THE BATHTUB.

HER HANDS ARE NOT BOUND, THE PHOTOS IN THE BATHTUB YOU'LL SEE IN THE DESCRIPTION DR. LEE GAVE.

AS HE DUMPS HER BODY INTO THE BATHTUB -- AND HE IS 185 POUNDS ACCORDING TO THE RECORD -- HE PUTS HER SO THAT SHE'S IN A FETAL POSITION.

HE PUTS HER FEET SO THAT THEY ARE AT THE, ESSENTIALLY WHERE THE SPIGOT WOULD BE, AND HE TURNS HOT WATER ON HER.

HER HEAD IS STILL WRAPPED WITH THE PLASTIC AND THE LIGATURES, AND SHE'S HICCUPPING.

SO WHATEVER AIR SHE WAS ABLE TO GASP WOULD HAVE BEEN QUICKLY DIMINISHED BY THE FACT OF THE PLASTIC BAG AND THE LIGATURES.

SO CERTAINLY THIS IS A HORRIFIC CASE FROM THE HAC PERSPECTIVE.

WITH RESPECT TO DURING THE COURSE OF THE SEXUAL BATTERY, THAT'S UNDISPUTED, AND RIGHTFULLY SO.

IN ADDITION, OF COURSE, TO HIS ADMISSIONS AND THE INJURIES ON SARA, THE DNA EVIDENCE FROM THE VAGINAL SWABS AND SARA'S TINY BODY ALSO LINKED TO THE DEFENDANT.

AND THE AFTER-THE-FACT STEPS THIS DEFENDANT TOOK TO AVOID DETECTION.

YOU HAVE HIM CLEANING UP THE SCENE AS BEST HE COULD, YOU HAVE HIM TAKING CLOTHES FROM THE VICTIM'S HOME TO KIND OF DISGUISE HIMSELF.

THERE WAS A SHIRT THAT WAS DESCRIBED BY THE VICTIM'S EX-BOYFRIEND THAT, APPARENTLY, HE USED.

HE TOOK THE VICTIM'S CAR. DIDN'T TAKE IT VERY FAR BUT PUT IT AWAY FROM THE HOUSE SO THAT ANYBODY THAT WOULD BE DRIVING BY THE HOUSE WOULD NOT SEE HER CAR THERE.

THE NEXT DAY HE GOES BACK IN AGAIN, DELIBERATELY TO TRY AND RETRACE HIS STEPS AND ELIMINATE ANY EVIDENCE LINKING HIM TO THIS PARTICULAR CRIME.

WHEN LAW ENFORCEMENT OFFICERS TALK TO HIM, THEY TALK TO HIM AS -- THEY BELIEVE -- A CONCERNED NEIGHBOR, THAT HE GIVES THEM SEVERAL DIFFERENT VERSIONS.

FIRST HE TELLS THEM THAT, YES, HE KNEW SARA, THAT SARA HAD ASKED HIM TO CHECK ON THE HOUSE BECAUSE SHE WAS CONCERNED.

ONE OF THE VERSIONS WAS THAT THERE WAS A MAN IN A RED CAR FOLLOWING SARA, AND THIS WOULD BE A FEW NIGHTS EARLIER.

AND SO WOULD BRANT -- CHUCK BRANT WHO'S THE DEFENDANT IN THIS CASE, CHARLES BRANT -- PLEASE CHECK HER WINDOWS, WHICH HE SAID HE DID.

WE DO KNOW THAT HE BUSTED OUT THE BACK WINDOW AND ESCAPED AND

WHEN LAW ENFORCEMENT CAME TO THE SCENE AND FOUND SARA'S BODY THAT SECOND DAY.

HE ALSO TELLS THEM THAT HE HAS SEEN, HE SAW SARA ARRIVE THE NIGHT BEFORE SHE'S MURDERED, THAT HE GIVES A DESCRIPTION OF A PHANTOM SUSPECT.

WELL, THE PHANTOM SUSPECT IS WEARING THE SAME CLOTHES THAT, APPARENTLY, BRANT STOLE FROM THE HOUSE.

AND SO SEVERAL REASONS FOR THIS ONE COULD BE IF SOMEBODY ELSE SAW SOMEONE WITH THESE KIND OF CLOTHES, THE STORIES WOULD MATCH.

AND THEN THE DAY THAT HER BODY IS DISCOVERED, SARA'S MOTHER REPORTS HER MISSING, AND SO HER MOTHER AND A LAW ENFORCEMENT OFFICER GOES TO SARA'S HOUSE AROUND 3:00 THE AFTERNOON THAT SHE HAS BEEN KILLED, AFTER SHE HAS BEEN KILLED.

AND BRANT IS INSIDE THE HOUSE CLEANING UP AT THAT POINT IN TIME.

AND SO HE MANAGES TO ESCAPE. WHEN THE OFFICERS TALK TO HIM AGAIN THAT AFTERNOON, HE SAID, OH, THAT HE HAD SEEN SOMEONE RUNNING IN A YELLOW RAIN COAT. SO YOU HAVE VERSIONS THAT ARE LOGICAL IN THE SENSE THAT HE WAS TAKING STEPS TO CLEAN THE SCENE,

HE WAS TRYING TO AVOID
DETECTION, HE TOOK AN
OPPORTUNITY TO ATTACK THIS
VULNERABLE YOUNG WOMAN WHEN HIS
WIFE AND CHILDREN WERE NOT
AROUND SO TO LIMIT THE CHANCE OF
HIM NOT GETTING AWAY WITH WHAT
HE WANTS TO GET AWAY WITH.

SO, AND THE CASES THE STATE HAS
CITED WITH RESPECT TO
PROPORTIONAL -- AND REMEMBER,
JUSTICE PARIENTE, YOU MENTIONED
AGE.

HE'S 22 YEARS AWAY FROM ANY
ALLEGED ABUSE IN HIS HOME.
HE HAS SHOWN THAT HE CAN LEAD A
PRODUCTIVE LIFE, AND WHAT DO I
MEAN BY THAT?

HE'S WORKED AS AN ELECTRICIAN, A
TILE SETTER.

THE INDIVIDUALS THAT HE WORKED
WITH SAID THAT HE WAS A QUICK
STUDY, THAT HE WAS ABLE TO PICK
UP THINGS, AND THIS IS
CONSISTENT WITH THE MENTAL
HEALTH TESTING, TOO, WITH THE
SCORES THAT DR. McCLAIN FOUND,
I BELIEVE.

HE'S GOT A 99 ON HIS PERFORMANCE
SCORES, HE'S IN, I BELIEVE, 75
IN HIS VERBAL APTITUDE, SO SHE
WAS CONCERNED THAT THERE WAS A
DISCREPANCY THERE, BUT IT WAS
EXPLAINED.

AND IT WAS EXPLAINED THAT THE
LEVEL OF EDUCATION HE HAD, THE

A.D.D. THAT HE MAY HAVE HAD,
ALTHOUGH EVEN DR. MAHER WOULD
NOT GO SO FAR AS TO MAKE AN
ACTUAL DIAGNOSIS OF THAT, BUT HE
SAID IT COULD BE A CONTRIBUTING
FACTOR.

SO IN THIS CASE YOU HAVE A
SENTENCING ORDER WHERE THE TRIAL
JUDGE IS METICULOUS IN GOING
THROUGH ALL THE EVIDENCE
PRESENTED, GIVES THE DEFENDANT
EVERY BENEFIT OF THE DOUBT, YOUR
HONOR, WITH RESPECT TO IS THERE
ANYTHING IN MITIGATION THAT
WOULD MEAN THAT THE DEATH
SENTENCE SHOULD NOT BE IMPOSED
IN THIS CASE.

AND WHEN YOU LOOK AT THE
HORRIFIC FACTS OF THE CASE AND
YOU LOOK AT THE DEFENDANT'S
BACKGROUND AND ALL OF THE
MITIGATION, WE WOULD SUBMIT THAT
UNDER THIS COURT'S CASE LAW THAT
THIS DEATH SENTENCE IS, INDEED,
PROPORTIONATE.

AND I HAVE SOME CASES I WOULD
LIKE TO POINT THE COURT'S
ATTENTION TO.

AND WE'VE HAD THE BENEFIT IN THE
STATE'S BRIEF OF SEVERAL CASES
THAT THIS COURT HAS
DISTINGUISHED THE BULK OF CASES
CITED BY THE DEFENSE.

AND IT'S MY RECOLLECTION THAT
THE ONLY CASE CITED BY THE
DEFENSE THAT WAS A SEXUAL

BATTERY CASE WOULD BE CROOK.
AND CROOK WAS, INDEED, A VERY
DISTURBING SET OF CIRCUMSTANCES.
YOU HAD A 20-YEAR-OLD DEFENDANT,
YOU HAD, I BELIEVE, TESTIMONY
WITH REGARD TO MENTAL
RETARDATION OR BORDERLINE MENTAL
RETARDATION AND EVEN STATEMENTS
IN THERE THAT HE HAD THE
DEVELOPMENTAL AGE OF A 3 OR
4-YEAR-OLD CHILD.
AND WHEN YOU COMPARE THIS CASE
TO CONAHAN, WHICH WAS VICTIM
STRANGULATION THAT INCLUDED HAC
FOR NONSTATUTORY MITIGATING
FACTORS, YOU HAVE JOHNSON.
THERE IS ACTUALLY ONE JOHNSON
CASE AND TWO JOHNSTON CASES WE
WOULD STRONGLY RELY ON.
JOHNSON YOU HAVE HAC, AND THIS
COURT DISTINGUISHED BOTH SAGER
AND VOORHEES.
YOU ALSO HAVE THE PHYSICAL AND
SEXUAL ABUSE THAT THE DEFENDANT
SUSTAINED FROM HIS FATHER AND
OTHER FAMILY MEMBERS.
YOU HAVE MANSFIELD WHICH IS A
SEXUAL ASSAULT AND
STRANGULATION.
THIS COURT DISTINGUISHED THE
DEFENDANT'S CASES, ROBINSON,
LIVINGSTON, AND URBIN.
IN TANZI, MOST RECENTLY, A
STRANGULATION CASE THIS COURT
UPHELD THE DEATH PENALTY, AND
YOU CITED TO JOHNSTON.

RAY LAMAR JOHNSTON, THAT'S A HILLSBOROUGH COUNTY CASE. TWO CASES BOTH OF WHICH THE DEATH PENALTY WAS HELD IN THAT CASE.

YOU HAD 26 NONSTATUTORY MITIGATING FACTORS IN THAT CASE, AND DEATH PENALTY WAS UPHELD. AND YOU UPHELD IT ON THE BASIS IN TANZI OF JOHNSTON.

BOTH MENTAL HEALTH MITIGATING FACTORS, AND IN THAT CASE LIKE THIS DEFENDANT YOU HAD A RELIGIOUS BACKGROUND, THAT HE HAD, YOU KNOW, WHAT MAY BE DEEMED A DEPRIVED CHILDHOOD BUT AND HAD BEEN A MODEL PRISONER, EXCUSE ME, WITH RESPECT TO WILLIAMS, BUT THE DEATH PENALTY WAS UPHELD IN THAT CASE.

AGAIN, YOUR HONORS, YOU'VE BEEN -- THERE'S ONE OTHER THING I WOULD JUST LIKE TO NOTE.

THERE WAS A MENTION WITH RESPECT TO THE EVIDENCE THAT WAS FOUND. THERE WERE DIFFERENT ISSUES WITH RESPECT TO THE GARBAGE.

THERE WAS ABANDONED GARBAGE OUTSIDE THE HOME THAT THE OFFICERS WENT THROUGH EARLY ON AND THEN THEY ULTIMATELY GOT A SEARCH WARRANT FOR THE DEFENDANT'S RESIDENCE.

AND IN THAT SEARCH, EXCUSE ME, IN THE ABANDONED GARBAGE, THE BAGS OF GARBAGE THAT WERE OUT OF

THE STREET THAT THEY WENT THROUGH EARLY ON IN THIS CASE TRYING TO FIND CLUES, YOU HAVE THE WHITE COTTON SHIRT, A SHIRT THAT WAS DESCRIBED BY THE DEFENDANT AND THE STATEMENT TO LAW ENFORCEMENT OFFICERS.

YOU FOUND THE LATEX GLOVES, YOU FOUND THE VICTIM'S DEBIT CARD, AND THIS SHOWS HER PHOTOGRAPH, CERTAINLY, WITH HER NAME AND PHOTO, HER KEY CHAIN.

YOU ALSO FOUND AN EMPTY LEGG'S HOSIERY BOX.

THE VICTIM'S BOYFRIEND TESTIFIED THAT THAT TYPE OF HOSIERY WAS THE SAME TYPE AS THE VICTIM WOULD WEAR.

THERE'S AN EMPTY BOX OF LATEX GLOVES AND, ALSO, A GREEN POST-IT NOTE.

THE REASON THAT BECAME SIGNIFICANT WAS YOU HAD A NOTE FROM THE DEFENDANT THAT SAID, HI, THIS IS CHUCK.

GIVE ME A CALL.

AND IT HAD HIS PHONE NUMBER ON THERE.

AND THAT GREEN POST-IT NOTE MATCHED LATER TO THE EVIDENCE IN THIS CASE FROM, THAT WAS OBTAINED FROM THE SEARCH WARRANT.

SO THIS IS A HEARTBREAKING CASE, CERTAINLY, AND ONE THAT, BUT ONE THAT THE DEATH PENALTY SHOULD,

INDEED, BE UPHELD, AND I WOULD
ASK THAT YOU AFFIRM THE
WELL-REASONED SENTENCING ORDER
IMPOSING THE DEATH PENALTY FOR
THE MURDER OF 21-YEAR-OLD SARA
RADFAR.

THANK YOU, YOUR HONOR.

>> THANK YOU.

MR. FISHER?

>> YES.

THE PROBLEMS WITH THE SEXUAL
DEVIANCY WITH THE GAMES WITH HIS
WIFE, THAT WAS ESCALATING.
HIS USE OF METH WAS ESCALATING.
HIS LACK OF SLEEP WAS
ESCALATING.

THERE WAS A PROBLEM, HIS WIFE
TOLD HIM TO STOP DOING IT, BUT
HE CONTINUED TO DO IT.

THEY APPARENTLY HAD AN INCIDENT
ABOUT IT THE PRECEDING NIGHT
BEFORE THE INCIDENT.

TO SAY THAT HE HAD THIS ALL
UNDER CONTROL I DON'T BELIEVE IS
SUPPORTED BY THE RECORD.

THE STATE CERTAINLY WAS TRYING
TO PRESENT A CASE AND

QUESTIONING DURING THE
CONFESSION THE POLICE WERE
TRYING TO BRING OUT THAT THIS
WAS METHODICALLY PLANNED.

BUT IT LARGELY APPEARS NOT TO BE
METHODICALLY PLANNED, AND THE
COURT ITSELF REJECTED METHODICAL
PLANNING IN EXAMINING THE
HEIGHTENED PREMEDITATION FOR

CCP, FOR CALCULATING
PREMEDITATED.

THE STUFF ABOUT HIM BEING A
QUICK STUDY, THAT RELATED TO
MECHANICAL ABILITIES AND HIS
VERBAL ABILITIES WERE DIFFERENT,
AND THE EXPERTS FOUND THAT THAT
WENT TO MENTAL PROBLEMS THAT HE
HAD.

HIS FALSE STATEMENTS TO THE
POLICE WERE GIVEN THE DAY THE
BODY WAS DISCOVERED.

HE WAS LARGELY DESCRIBING
HIMSELF.

A MAN WITH LONG HAIR.

HE HAD CUT OFF THE HAIR, AND
THAT'S WHAT WAS DISCOVERED IN
THE GARBAGE BAGS AMONG OTHER
THINGS.

THE DAY AFTER THE CRIME HE WAS
SEEKING TO TURN HIMSELF IN IN
ORLANDO WHERE HE WENT TO STAY
WITH HIS FAMILY.

THEY WERE UNSUCCESSFUL.

APPARENTLY, THEY TRIED TO TURN
THEMSELVES IN AT A SUBSTATION
AND WERE TOLD THAT HE SHOULD GO
BACK TO HILLSBOROUGH COUNTY.

THE REMORSE WAS UNREBUTTED AND
FOUND BY THE COURT.

YES, CROOK IS A STRONG CASE FOR
THIS, BUT THE MITIGATION IN
CROOK IS JUST OFF THE MAP.

I BELIEVE THAT IN DONNY CROOK'S
CASE THAT HE WAS FOUND TO HAVE
THE MENTAL ABILITY OF A 3 OR

4-YEAR-OLD.

AND I CAN'T SAY THAT THIS IS
EXACTLY LIKE THAT.

NOT ONLY WAS CROOK, LIKE, ABOUT
20 YEARS OLD, BUT HE HAD THE
MENTAL ABILITY OF A CHILD, OF AN
INFANT.

HOWEVER, CASES LIKE JOHNSON ONCE
AGAIN THAT WAS A
THREE-AGGRAVATOR CASE.

THIS IS A TWO-AGGRAVATOR CASE,
AND I BELIEVE THAT'S
SIGNIFICANT.

IN JOHNSTON, THAT'S ANOTHER
STRANGULATION CASE, AND IT HAS
THE PRIOR VIOLENT FELONY AND
HEINOUS, ATROCIOUS, AND CRUEL
AGGRAVATOR.

BUT THERE'S ONLY ONE STATUTORY
MITIGATOR FOUND IN THAT CASE,
TWO NONSTATUTORY MITIGATORS.

THE CASE DOES NOT SAY WHAT
WEIGHT WAS GIVEN TO THOSE.

>> LET ME ASK YOU ABOUT ON THE
STATUTORY MITIGATORS.

IT APPEARS THAT THE ONLY
ARGUMENT WAS MADE FOR THE
STATUTORY MITIGATOR OF THE
CAPACITY TO CONFORM THE CONDUCT
TO THE LAW WAS SUBSTANTIALLY
IMPAIRED RATHER THAN ARGUING
EXTREME STRESS.

IN SOME OF THE CASES TRYING TO
DISTINGUISH, WELL, BOTH MENTAL
MITIGATORS WERE FOUND.

BUT IT WOULD SEEM IN THIS CASE

THAT, I MEAN, IS THERE ANYTHING
DISCLOSED ON THE RECORD AS TO
WHY THEY DIDN'T ASK FOR BOTH
MENTAL MITIGATORS?

BECAUSE THE TESTIMONY FROM ALL
THREE EXPERTS MIGHT SUPPORT
BOTH.

>> WOULD SEEM TO SUPPORT BOTH,
YES.

BUT, NO, THE RECORD DOESN'T
DISCLOSE WHY THEY WERE NOT
REQUESTED.

>> SO IF WE WERE TO MAKE A
DISTINCTION BECAUSE IN ANOTHER
CASE EXTREME EMOTIONAL DISTRESS
WAS ALSO FOUND, THERE'S JUST NO
EXPLANATION HERE AS TO WHY THAT
WASN'T ALSO PRESENTED AND FOUND.

>> IT IS IMPLIEDLY THERE IN ALL
THE NUMEROUS MITIGATORS THAT
WERE FOUND IN THIS CASE.

IT ALL BUT SAYS THE EMOTIONAL,
BUT, YEAH.

I'M SORRY, DO YOU HAVE ANY
FURTHER QUESTIONS?

>> WELL, WE THANK YOU VERY MUCH
FOR YOUR ARGUMENTS.

THANK BOTH OF YOU.

THE COURT WILL NOW TAKE ITS
MORNING RECESS FOR 10 MINUTES.

THANK YOU.

>> PLEASE RISE.