>> NEXT CASE ON THE DOCKET.
TAKE YOUR TIME.
YOU ARE READY.
>> MAY IT PLEASE THE COURT,
JULIE MORLEY.
>> THIS MAY BE FAIRLY BRIEF.
WITHOUT A PENALTY ISSUES ON THE
CASE, THE CASE FILED IN 2013.
THERE WERE TWO VICTIMS,
ACCORDING TO THE BASIC PERIOD OF
THE CASE, THE DEFENDANTS --
>> HAVING A HARD TIME HEARING
YOU.
>> I WILL PAY MORE ATTENTION TO
THAT.
SKYLER MEEKINS AND DANIEL DYER,
BOTH DEATH SENTENCES WERE
PREDICATED ON 7-5 ADVISORY
VERDICTS.
AND THE PENALTY PHASE ISSUES WE
PRESENTED IN THESE CONVICTION
PROCEEDINGS, AND THIS CASE FALLS
WITHIN THOSE PARAMETERS, AND I
AM NOT PLANNING TO ARGUE ABOUT
THAT WHICH I WANT TO EMPHASIZE
THE OFFICE WORKED HARD, A LOT OF
MITIGATION IN THE CASE, WITH
PRIOR RECORDS, AND EVERYTHING WE
COULD.
AT THE TIME OF TRIAL, THE COURT
GRANTED US AN EVIDENTIARY
HEARING SO ALL OF THAT
INFORMATION IS ON THE RECORD AND
I WOULD HOPE WHAT WE HAVE
ACCOMPLISHED HERE WILL BE OF USE
AS THE CASE GOES FORWARD.
UNLESS THERE ARE ANY QUESTIONS
THAT IS MY PENALTY PHASE FOR
TODAY.
THAT LEADS TO GUILT PHASE
ISSUES, I HEARD ABOUT THE ORAL
ARGUMENTS AND SIMILAR
CONSEQUENCES, I CONCEDE IT IS
THE FIRST CONVICTION, AND IT
DOES HAPPEN AND IDENTIFY, WITH
THE GUILT PHASE ISSUES ARE.
I WOULD LIKE TO TALK ABOUT THE
PETITION WITH APPELLANT COUNSEL,
AND IN PARTICULAR REFERENCE, AND
IN 2007 TWO MONTH BEFORE THE

MURDER, THEY WERE MADE -- SKYLER
MEEKINS'S YOUNGER BROTHER, AND
THEY WERE MADE FROM ST. JOHNS
COUNTY AND FLAGLER COUNTY JAILS,
ALL RECORDED, AND THE DEFENSE
OBJECTED TO THEM.
THERE WERE A NUMBER OF MOTIONS
ON THE RECORD.
I WILL GO INTO WHY THE OBJECTION
WAS MADE.
ULTIMATELY A SHORT TIME BEFORE
THE TITLE, THE COURT AGREED WITH
THE STATE AND FOUND THAT THEY
WERE RELEVANT BECAUSE THERE WAS
EVIDENCE OF MOTIVE.
THE FIRST COMPONENT OF THE
HEAVIEST PETITION OVERLAPS WITH
OUR FIRST ARGUMENT IN APPEAL AND
DENIAL OF 3851 WHICH ALLEGES
THAT THERE WAS A WEALTH OF
EVIDENCE INDICATING THE
RELATIONSHIP BETWEEN BRADBURY
AND SKYLER WAS MORE AMICABLE.
>> I WENT TO MAKE SURE YOU
ESTABLISH IF THE TRIAL APPELLATE
COUNSEL RAISED IT, WE WOULD HAVE
DEEMED IT MERITORIOUS AND WOULD
HAVE REVERSED THE GUILT PHASE.
>> IT IS AN UPHILL BATTLE.
>> I WOULD SAY IT IS A VERY
STEEP MOUNTAIN THAT GETS TO THE
TOP.
>> I FULLY APPRECIATE THAT.
AS IT HAPPENS, LET JUST IDENTIFY
QUICKLY BECAUSE WE WOUND UP
LABELING THE ARGUMENTS IN THE
INITIAL BRIEF FROM HOW THEY WERE
PRESENTED IN 3851, BUT THE GUILT
PHASE REMAINING ARGUMENTS,
ARGUMENT ONE, WHAT I SAID ABOUT
USING ELEMENTS TO REBUT THE
STATE'S THEORY THAT MISTER
GREGORY IS JEALOUS AND OBSESSIVE
PERSON.
>> WITH THAT, WHAT COULD THE
TRIAL JUDGE HAVE SHOWN OR THE
TRIAL ATTORNEY, MADE VARIOUS
STATEMENTS ABOUT IT, WHAT IS
THERE?
HOW WOULD YOU REBUT THAT?

>> THEY PRESENTED SOME EVIDENCE,
BUT THEY CHERRY PICKED WHAT A
SIDE ORDER OBVIOUSLY DOES AND
PRESENTED MISTER GREGORY THEY
WANTED TO SHOW HIM, THERE WAS A
LOT OF EVIDENCE PRESENTED
THROUGH WITNESSES, ADDITIONAL
PHONE CALLS WERE NEVER
PRESENTED.
ALL SORTS OF SOURCES INDICATE
TWO OF THEM HAD AN AMICABLE AND
PLEASANT RELATIONSHIP RIGHT
UNTIL THE TIME OF THE MURDERS.
>> YOU HAVE BEEN DOING THIS A
LONG TIME.
THE TRIAL COUNSEL WHO TESTIFIED,
THE TRIAL COURT GAVE CREDIBILITY
TO HIS TESTIMONY, I CONSIDERED
ALL OF THIS, MY CONCERN WAS,
THERE WAS NO GETTING AROUND HE
WAS JEALOUS AND OBSESSIVE AND IF
I PUT ON PHOTOS WITH THE VICTIM
THERE WOULD BE MORE SYMPATHY.
THE TRIAL COURT FINDS THAT THIS
WAS REASONABLE STRATEGY.
YOU REALLY HAVE TO ESTABLISH
THIS WAS NOT EVEN REMOTELY
INVESTIGATED, THAT IT WAS AN
UNREASONABLE STRATEGY, WE HAVE
TO SHOW THERE IS SOME
UNDERMINING OF CONFIDENCE IN THE
OUTCOME OF THE GUILT PHASE.
I DON'T SEE HOW YOU GET THERE.
>> THAT IS ANOTHER ONE, I HAVE
TO AGREE.
AND --
>> YOU COULD DO THIS FOR US, YOU
COULD SAY THAT, LIKE THE LAWYER
DID YESTERDAY, WE APPRECIATE IT
SO MUCH.
>> LET ME LABEL THE FIFTH
ARGUMENT THAT SHOULD HAVE BEEN,
PATRICK JEANNIE PURPORTED TO
RECANT HIS TESTIMONY SO HAD
RELINQUISHMENT PROCEEDING THE
LOWER COURT SUMMARILY DENIED
DISTRICT REPORTING ON THAT AND
IT INVOLVES A TRANSCRIPTION
ERROR.
THE ONE THAT I THINK THERE IS AN

INTERESTING EVIDENTIARY AREA IN
CONNECTION WITH THAT SET OF
PHONE CALLS FROM THE JAIL.
WHETHER THAT WOULD CLIMB THE
MOUNTAIN ARE NOT, A SITUATION
LIKE THIS, THE CASE OF TRIAL
COUNSEL IS DENNIS THE STATE
BASED ON SEXTON AND OTHER CASES.
YOU HAVE A SITUATION SIMILAR TO
THIS.
THE QUESTION, IS THAT AN OPEN
DOOR FOR THE PROSECUTION TO
BRING UP EVERY LITTLE LOVER SPAT
THAT HAS OCCURRED ANYTIME IN THE
RELATIONSHIP BECAUSE THE JURY IS
GOING TO BE SEEING THAT WITH
20/20 HINDSIGHT AND ARGUMENT
ABOUT WHERE TO EAT OR SOMETHING
LIKE THAT WILL TAKE ON A
SINISTER CAST.
WHERE IS THE IMITATION HERE?
LOWER COURT DID SIDE WITH THE
STATE AND THE STATE ARGUED
EVERYTHING HERE, ALL THE
EVIDENCE THEY PRESENTED SHOW
THIS OBSESSIVE AND JEALOUS
PERSON WHEN THERE WAS A LOT OF
EVIDENCE SAYING OTHERWISE.
IF YOU FOCUS ON THOSE PHONE
CALLS AND NONE OF THEM CONTAIN
THREATS OF FUTURE HARM, NONE
CONTAIN THREATS AT ALL, THEY ARE
THE TYPE OF STATEMENTS YOU WOULD
EXPECT FROM A HURT LOVER WHO IS
BEGGING TO CONTINUE THE
RELATIONSHIP, THEY ARE PLEASED
TO RELENT AND THINGS OF THAT
SORT, THEY DON'T FALL WITHIN THE
OTHER CRIMES ARE BAD ACTS
CATEGORY BECAUSE THEY ARE NOT
AND THE PREJUDICIAL VALUES AS
POINTED OUT BY DEFENSE COUNSEL
WAS THESE ARE FROM THE JAIL.
YOU HEAR IT ON THE CALLS
THEMSELVES SO YOU ARE ALREADY
DEMONSTRATING PROPENSITY TO
COMMIT A CRIME TO A JURY SIMPLY
BY VIRTUE OF WHERE THEY CAME
FROM.
IT IS ALSO A FACT THAT MISTER

GREGORY HIMSELF USE PROFANITY
AND VULGARITY, SO -- AND THE
FURTHER ARGUMENT WAS CONSTITUTED
VICTIM IMPACT EVIDENCE PRESENTED
DURING THE STATE'S CASE, THE
COURT SIDED WITH THE STATE AND I
WOULD SUBMIT THAT THE COURT DID
AIR.
I THINK I MADE ALL THE POINTS I
CAN MAKE HERE.
I RESERVE IF NEEDED.
>> GOOD MORNING, MAY IT PLEASE
THE COURT, STACY KERCHER FROM
THE OFFICE OF THE ATTORNEY
GENERAL ON BEHALF OF THE STATE
IN THIS CASE.
FIRST I WOULD LIKE TO BEGIN WITH
THE PENALTY PHASE ISSUE.
I AM WELL AWARE THE COURT HAS
NOT YET FOUND HARMLESS ERROR,
SENTENCING ERROR TO BE HARMLESS
AND ANY CASE THAT IS NOT A
UNANIMOUS VERDICT AND WE HAVE
TWO, 7-5 VERDICT AND POSTERING
BUT I WOULD BE REMISS IF I DID
NOT ARGUE IN THIS CASE THE
STATE'S POSITION IS ANY
SENTENCING ERROR UNDER HURST
WOULD BE HARMLESS BECAUSE OF THE
FOUR AGGRAVATED HIS THAT WERE
FOUND, THREE WERE BASED ON
UNDERLYING UNANIMOUS JURY
FINDINGS AND THE FOURTH BEING
CCP UNDER THIS COURT'S ANALYSIS
IN HALL BASED ON THE EGREGIOUS
FACT THAT THE JURY WOULD HAVE
HEARD IT IS INDISPUTABLE THAT
HAD THE JURY BEEN INSTRUCTED
PROPERLY AS TO HER SENTENCING
AND WHAT THEY FOUND, VERY
BRIEFLY THE DEFENDANT WAS ON
FELONY PROBATION, TEN USED IN OF
FELONY PROBATION, HE WAS ALSO ON
PENDING TRIAL ON AGGRAVATED
BATTERY WHILE MAKING JAIL CALLS
THAT ARE THE FOCUS OF OUR
ARGUMENT TODAY.
THAT CASE WAS ACROSS ON FELONY
PROBATION.
THE SECOND AGGRAVATE ARE FOUND

HE WAS GUILTY OF PRIOR VIOLENT
FELONY.
THERE ARE TWO MURDERS.
HE WAS ALSO CONVICTED OF A PRIOR
PRIOR VIOLENT FELONY BUT THE
COURT RELIES ON CONTEMPORANEOUS
MURDER FOR FINDING THAT
SUBSTANTIAL WEIGHT.
IT WAS DURING THE COURSE OF AN
ARMED BURGLARY RESULTING IN
ASSAULT AND BATTERY WHICH HE WAS
FOUND GUILTY OF
CONTEMPORANEOUSLY FOR BREAKING
INTO THE HOME AND HE WAS ALSO
FOUND GUILTY OF POSSESSION OF A
FIREARM BY A CONVICTED FELON AND
THE FOURTH BEING CCP.
GOING TO THE ARGUMENT, THE HAY
BS ARGUMENT, TAKING MY OPPONENT
ARGUMENTS IN ORDER HERE, THE
CLAIM OF INEFFECTIVE ASSISTANCE
OF APPELLATE COUNSEL FOR FAILING
TO ARGUE THE COURT ERRED WHEN
THEY ADMITTED THE JAIL PHONE
CALLS, THOSE WERE OBJECTED TO,
THE SUBJECT OF SEVERAL PRETRIAL
MOTIONS, TRIAL COUNSEL DID A
GOOD JOB MAINTAINING HIS
OBJECTION THROUGHOUT EVERY CALL.
THERE WERE 18 SEPARATE CALLS
ADMITTED INTO EVIDENCE, THAT
WERE PLAYED FOR THE JURY AND
THERE WAS A DEMONSTRATIVE AID OF
THE TRANSCRIPT PROVIDED THE JURY
IN EACH OF THOSE CASES AND
COLLECTED AFTER THE PLAYING OF
EACH OF THOSE CALLS SO THERE
WERE NUMEROUS JAIL PHONE CALLS,
AND THAT OBJECTION WITH THE
EXCEPTION OF ONE, TRIAL COUNSEL
DID OBJECT TO THOSE WHICH CASE
LAW IS CLEAR THAT JUST BECAUSE
AN OBJECTION IS PRESERVED FOR
APPELLATE REVIEW DOES NOT MEAN
THAT IS NECESSARILY MERITORIOUS.
THE ARGUMENT WAS MADE IN THE
HANDIEST PETITION THAT GREGORY
WOULD HAVE BEEN BETTER SERVED BY
AN ANDERS BRIEF, HE HAD NO HELP
ESSENTIALLY IN THE APPELLATE

FRONT, THERE WERE FIVE ISSUES
THAT WERE RAISED.
>> WHAT WAS THE LENGTH OF THE
BRIEF?
>> I HAVE IT.
28 PAGE BRIEF.
>> THE FACT -- I DIDN'T TAKE
NOTES, THAT IS NOT THE TEST.
IN THAT SHORT PAGE LIMIT, A
NUMBER OF ISSUES RAISED, WITH
APPROPRIATE CASE LAW, AND OF
COURSE WHAT WE WOULD HAVE TO
PROVE ON THE HANDIEST FRONT IS
THOSE ISSUES WOULD HAVE LED TO A
REVERSAL OF HIS CONVICTION, AND
THE DEFICIENCY IS A PRESERVED
ISSUE, QUESTION OF PREJUDICE IN
THESE APPELLATE CASES WOULD HAVE
REVERSED AND I THINK MISTER
GUBER IS FORTHRIGHT ON THAT.
>> IT WOULD HAVE BEEN UNDER
ABUSIVE DISCRETION STANDARD AND
THE COURT MAKES SPECIFIC
FINDINGS IN THOSE PRETRIAL
MOTIONS REGARDING PHONE CALLS
BUT NOT ONLY ARE SOME OF THE
CALLS AND THE COURT SPECIFICALLY
POINTS OUT EACH ONE, NOT ONLY
WERE THEY RELEVANT TO MOTIVES IN
SOME CASES BUT RELEVANT TO
DEMONSTRATE THE PRIOR KIND OF
CONTROLLING OBSESSIVE NATURE OF
THEIR DOMESTIC RELATIONSHIP AND
IN OTHERS IT WAS TO SHOW THE
FACT THAT HE WAS ATTEMPTING TO
GET HIS FAMILY TO ESTABLISH AN
ALIBI FOR HIM SO EACH OF THOSE
CALLS WAS RELEVANT AND
SUBSTANTIALLY PROBATIVE, AND
WHERE IT NEEDED TO BE REDACTED
THOSE REDUCTIONS WERE MADE, THAT
WOULD HAVE BEEN A DIFFICULT,
THERE WOULDN'T HAVE BEEN A
REVERSAL ON APPEAL.
THE GUILT PHASE ISSUES, THE
FIRST ISSUE DEALS SPECIFICALLY
WITH JAIL PHONE CALLS, ARGUMENT
ONE WHERE TRIAL COUNSEL, ARGUING
TRIAL COUNSEL IS INEFFECTIVE FOR
FAILING TO REBUT THE STATE'S

THEORY THAT GREGORY WAS
MOTIVATED BY JEALOUS ANGER.
CCRC ARGUES TO DO THAT IS
THEY SHOULD HAVE ADMITTED THREE
ADDITIONAL JAIL CALLS THAT SHOW
SKYLER WAS HAVING A BACK AND
FORTH EXCHANGE, THEY HAD AN
ONGOING RELATIONSHIP AND TO
PROVE THAT THAT RELATIONSHIP WAS
AMICABLE TO SUBSTANTIATE THE
FACT, WOULDN'T HAVE KILLED HER
BASED ON THE FACT SHE HAD A NEW
BOYFRIEND.
THERE IS NO DEFICIENCY HERE
BECAUSE TRIAL COUNSEL WAS VERY
CLEAR THEY HAD ALL THESE JAIL
CALLS TRANSCRIBED, HAD ALL OF
THEM IN THIS FILE, WAS AWARE OF
WHAT THEY SAID IT WAS
STRENUOUSLY OBJECTING TO ANY OF
THOSE COMING IN.
HE SAID I THOUGHT ABOUT IT, I AM
PARAPHRASING, THE REASON I
DIDN'T ADMIT THOSE IS THE
PICTURES OF A HAPPY, SMILING
SKYLER, THE VOICE OF A
17-YEAR-OLD GIRL IN A
RELATIONSHIP, THOSE WORKED AS
VICTIM IMPACT EVIDENCE AND I
DON'T WANT THE JURY TO JUXTAPOSE
THAT HAPPY SMILING PICTURE OF A
17-YEAR-OLD GIRL ALONG WITH A
VERY GRUESOME AUTOPSY PHOTO
WHERE HALF OF HER FACE IS
MISSING, THAT WILL WORK AGAINST
MY CLIENT'S ATTORNEY WOULD ALSO
STATED IT WAS NOT HIS
UNDERSTANDING AND THE ADMISSION
OF THE THREE CALLS MY OPPONENT
IS DISCUSSING THAT WERE ADMITTED
IN THE EVIDENTIARY HEARING IT
DID NOT IN FACT ESTABLISH AN
AMICABLE RELATIONSHIP BETWEEN
GREGORY AND THE VICTIM.
I SUBMIT THAT THAT IS IN
EVIDENCE.
YOU CAN LISTEN TO THOSE CALLS
AND SEE THE TRANSCRIPTS BUT IT
DOES DEFINITELY ESTABLISH THE
FACT THAT GREGORY IS OBSESSIVELY

CALLING THE VICTIM, ATTEMPTING
TO REENGAGE HER, PROFESSING HIS
LOVE AND TURN THIS ATTENTION TO
THEIR CHILD AND SHE WILL
TERMINATE THE PHONE CALL.
EVEN IF THOSE CALLS HAD BEEN
ADMITTED, TRIAL COUNSEL THOUGHT
THAT WAS A BENEFICIAL MOVE FOR
HIS CLIENT, THAT INFORMATION
CAME ANYWAY AND TRIAL COUNSEL
WOULD HAVE THE ATTENDANT'S
MOTHER TESTIFY THAT TWO TIMES A
WEEK BEFORE THE WEEK BEFORE THE
MURDERS, GREGORY STAYED THE
NIGHT AT SKYLER'S HOME, THE
DEFENDANT'S SISTER TESTIFIED
THAT WHEN HE WAS RELEASED FROM
JAIL ON THE AGGRAVATED BATTERY
CHARGE, SHE TOOK HIM TO SKYLER'S
HOME SO THERE WAS SUBSTANTIAL
EVIDENCE ALREADY ADMITTED THAT
SHE HAD AN ONGOING RELATIONSHIP.
THE DEFENDANT'S BROTHER TALKED
ABOUT THE FACT THAT EVEN THOUGH
SHE BEGAN A NEW RELATIONSHIP
WITH THE MURDER VICTIM, MISTER
DYER ON JULY 4TH THAT SHE AND
MISTER GREGORY CONTINUED TO SEE
EACH OTHER AND HAD A FRIENDSHIP
BENEFIT.
THERE WAS SUBSTANTIAL BENEFIT OF
AN ONGOING RELATIONSHIP BUT THAT
RELATIONSHIP WAS NEVER AMICABLE
AND THAT IS EVIDENT FROM THE
MULTIPLE PHONE CALLS THAT ARE IN
EVIDENCE, TERMINATED THE CALL TO
COLTON, GREGORY IS ASKING HERE
IS HER PASSWORD, LOG INTO HER
EMAIL, IS SHE HANGING OUT WITH
ANY GUYS, DELETE EMAILS FROM
GUYS, JULIE HER DATING PROFILE,
IT IS CLEAR THERE IS A VERY
OBSESSIVE CONTROLLING
RELATIONSHIP AT THE HEART OF
THIS CRIME THAT LED TO THE
MURDER, THE MURDERS.
APPROXIMATELY TWO DAYS BEFORE
THE MURDER, THE TESTIMONY CAME
OUT FROM A FRIEND THAT MISTER
DYER RECEIVED A CALL FROM

GREGORY STATING THANK YOU, I
WANT TO PERSONALLY THANK YOU FOR
RUINING MY LIFE.
TRIAL COUNSEL WOULD WAS WELL
AWARE AND THE TESTIMONY WAS VERY
CLEAR THAT THERE WAS NOT ANY
ACCEPTANCE ON THE PART OF MISTER
GREGORY THAT MISTER DYER WAS IN
THE PICTURE, HE WAS VERY UNHAPPY
ABOUT IT AND CONTINUED TO BE SO,
LEADING UP TO THE MURDERS.
THE SECOND GUILT PHASE ISSUE WAS
NOT SPECIFICALLY ADDRESSED BY MY
COLLEAGUE HERE AND THAT IS
FAILURE TO CALL THIS WEEKINS AS
A WITNESS.
THE THIRD ISSUE WAS THE CLAIM
THE TRIAL COUNSEL DID NOT
ADEQUATELY IMPEACH GIOVANNI AND
GRAVES.
THERE IS NO DEFICIENCY FOR
EITHER OF THESE AND I WILL
ADDRESS THEM SEPARATELY BECAUSE
THEY DO TALK ABOUT DIFFERENT
THINGS BUT BOTH OF THESE
GENTLEMEN, MISTER GRAVES AND
MISTER GIOVANNI WERE JAILHOUSE
INFORMANTS, TWO OF FOUR OF A
TOTAL OF 24 STATE WITNESSES
CALLED TO TESTIFY DURING THE
TRIAL, THE STATE PUT ON THE CASE
IN PUZZLE PIECES AND EACH OF
THESE DENTAL BLUE HAD BASICALLY
ONE HELPFUL PIECE OF TESTIMONY
BUT THE CONTENTION THAT THE
STATE HINGED ON THEM, MAIN OR
KEY WITNESSES IS NOT THE CASE
AND THE TESTIMONY MISTER
GIOVANNI GAVE AND MISTER GRAVES
GAVE CAME OUT THROUGH OTHER
WITNESSES.
MISTER GIOVANNI TALKS ABOUT THE
FACT IN HIS TESTIMONY WHICH HAS
SINCE BEEN RECANTED AND SUBJECT
OF THE RELINQUISHMENTS, MISTER
GIOVANNI BASICALLY SAID THAT
AFTER THEY SIGNED WAIVERS, THEY
WERE NOT TALKING TO EACH OTHER
ABOUT THEIR CASE AND PROCEEDED
TO TALK TO EACH OTHER ABOUT

THEIR CASES, MISTER GREGORY SAID
THE STATE IS WORRIED ABOUT THE
TIMELINE BETWEEN MY HOUSE AND
MISS MEEKINS HOUSE DURING THE
TIME THE MURDER HAPPENED, BUT
THAT IS STUPID BECAUSE I GOT A
RIDE.
HE TESTIFIED TO THE FACT HE GOT
A RIDE.
COREY GREGORY, LINDA, PROBERT,
AND DEFENDANT'S MOTHER TESTIFIED
TO THE FACT, THE VICTIM'S
MOTHER'S STEPMOTHER AS WELL,
FATHER TESTIFIED TO THE FACT
THAT GREGORY WOULD COME TO THE
HOUSE OFTEN UNINVITED, HE WOULD
SHOW UP AFTER HE HAD BEEN ASKED
TO LEAVE IN DIFFERENT WAYS, HE
WOULD TAKE A TAXI, TAKE HIS BY
COURT SKATEBOARD BUT THAT
INFORMATION CAME OUT, TRIAL
COUNSEL TESTIFIED HE HAD BOTH OF
THESE DEPOSITIONS TRANSCRIBED,
HE WAS AWARE OF BOTH OF THESE
GENTLEMEN AND THE PROCEDURE IN
CLOSE TO CROSS-EXAMINATION, BOTH
OF THESE WITNESSES I DID NOT
THINK THE STATE HAD A VERY GOOD
WITNESS, DID NOT HAVE MUCH TO
SAY AND I SUFFICIENTLY IMPEACHED
THEM BOTH WITH CONVICTIONS, THE
FACT THAT THEY HAD MADE A DEAL
WITH STATE AND IN MISTER
GRAVES'S CASE HE WAS NOT EVEN
ABLE TO IDENTIFY MISTER GREGORY
IN THE COURTROOM SO HE DIDN'T
KNOW --
>> YOU WOULD AGREE WITH GIOVANNI
THAT IF HE HAD PROVIDED CRITICAL
TESTIMONY, THE FACT IT IS
RECANTED ALMOST GOES HAND IN
HAND, BUT YOUR POINT FOR
GIOVANNI IS HE WASN'T A CRITICAL
WITNESS, HE WAS SUFFICIENTLY
IMPEACHED AND THE RECANTATION
COULD NOT CONSTITUTE NEWLY
DISCOVERED EVIDENCE TO BE A
PROBABILITY OF AN ACQUITTAL.
>> THE TRIAL COURT MAKES A
FACTUAL FINDING THAT NEITHER OF

THESE WITNESSES WAS BENEFICIAL
SO THE STATE'S CASE TO THE
CANNOT BE PRESIDENTIAL.
>> GETTING THEM A LOT, IT IS
ALWAYS A TWO EDGED SWORD FOR THE
STATE AND THIS IS AN EXAMPLE.
>> TO BREAK IT DOWN, THE
TESTIMONY AMOUNTED TO HE GOT A
RIDE, I DID WHAT I HAD TO DO,
THAT WAS THE WHOLE OF THE
TESTIMONY, BEING ASKED --
>> WHAT DOES HE SAY?
WE DON'T KNOW.
THE JUDGE DID NOT HAVE AN
EVIDENTIARY HEARING.
WHAT DOES HE SAY?
>> HE NEVER TALKED TO ME ABOUT
THE CASE, IT WAS NOT A
RECANTATION THE TRIAL COURT
DISAGREED.
THE WAY THE AFFIDAVIT WAS
WRITTEN, HE WASN'T NEGATING
THOSE THINGS.
HE NEVER TOLD ME HE DID IT,
WHICH HE NEVER TESTIFIED HE TOLD
HIM HE DID IT BUT AS IT IS,
MISTER GRAVES WHO IS NOT ABLE TO
IDENTIFY MISTER GREGORY AS THE
PERSON HE TALKED TO, MISTER
GRAVES WAS AN INDIVIDUAL WHO WAS
BULLIED AND HER FAMILY BLOCKED
THE DEFENDANT FROM CALLING HER
HOME, HE WOULD CALL MULTIPLE
MULTIPLE TIMES A DAY AND IN ONE
CASE EIGHT CALLS WERE ADMITTED,
JULY 26TH SO HE WOULD CALL AND
CALL AND CALL AND YOU HAVE GOT
TO QUIT CALLING FOR ONLY ONE
MORE TIME AND I HAVE GOT TO GET
OFF THE PHONE BUT AT ONE POINT
HER FAMILY BLOCKED HIS CALL, HE
BEGAN TO USE TYRONE GRAVES'S PIN
NUMBER TO CIRCUMVENT HIS CALLS
BEING RECORDED UNDER HIS INMATE
PIN NUMBER AND TO GET THROUGH
THE HOUSEHOLD.
MISTER GRAVES'S TESTIMONY AND
THE ARGUMENT BY WHICH IT IS
ARGUED, SHOULD HAVE FURTHER
IMPEACHED MISTER GRAVES, GRAVES

SAID I DIDN'T HANG AROUND AND
LISTEN TO HIS PHONE CALLS EVEN
THOUGH HE WAS HANDING HIM THE
PIN NUMBER ON OCCASION SO HE HAD
TO BE SOMEWHAT NEARBY.
THE ARGUMENT IS TRIAL COUNSEL
WOULD SHOULD HAVE IMPEACHED HIM
BECAUSE LATER HE TESTIFIES WHEN
HE WOULD CALL SKYLER MEEKINS AND
SHE WOULDN'T ANSWER HE WOULD GET
ANGRY.
THE ARGUMENT IS SUPPOSED TO BE
HOW DO YOU KNOW HE WOULD GET
ANGRY IF YOU WERE NOT LISTENING
TO HIS PHONE CALLS.
THE FACT THAT YOU ARE NOT
LISTENING TO EVERY WORD ON THE
PHONE CALL DOES NOT MEAN MISTER
GRAVES WASN'T ABLE TO SEE HIS
DEMEANOR AND HE WAS NEARBY
BECAUSE HE HAD HIS INMATE PIN
NUMBER.
OKAY.
THE OTHER ARGUMENT WAS HE SHOULD
HAVE BEEN IMPEACHED ON THE FACTS
OF THE CASE HE GOT WRONG BUT HE
NEVER TESTIFIED IN THE FACTS OF
THE MURDER, THAT NEVER CAME OUT
IN TRIAL, COULD NOT HAVE BEEN
IMPEACHED ABOUT SOMETHING HE DID
NOT TESTIFY TO.
WAYNE LAND TRIP, HE OFTEN GAVE
RIDES TO THE DEFENDANT AND WOULD
DROP HIM OFF AT SKYLER MEEKINS
ABDOMEN THAT IS IN THE DIRECT
APPEAL RECORD SO THAT IS ALL
MISTER GIOVANNI ADDED TO THE
CASE.
THE LAST GUILT PHASE CLAIM,
WHICH MY OPPOSING COUNSEL DID
NOT SPEAK DIRECTLY ON, SUFFICE
IT TO SAY, THE ALLEGED MISS
TRANSCRIPTION OF THE PEJORATIVE
FROM THE NOUN FORM TO THE
ADJECTIVE WARM TRIAL COUNSEL
WOULD TESTIFIED THEY MADE NO
DIFFERENCE TO THE MEANING OF THE
CALL AND HE WOULD NOT HAVE
ADDRESSED THE COLONY DIFFERENTLY
BUT THE ARGUMENT WAS THAT

TRANSCRIBING IT AS THE NOUN FORM
MADE IT SEEM AS THOUGH MISTER
GREGORY WAS ANGRY AT DANIEL DYER
AND HAD IT BEEN DIRECTLY
TRANSCRIBED TO THE ADJECTIVE
FORM, THAT WOULD SHOW HE WAS
USING IT AS A MANNER OF SPEECH
AND HE IS NOT ANGRY AT DANIEL
DYER.
TRIAL COUNSEL WOULD WAS VERY
CLEAR IN THAT IT WAS CLEAR FROM
THE CONTEXT AND ALL THE OTHER
CALLS THAT HE WAS NOT HAPPY,
MISTER GREGORY WAS NOT HAPPY
THAT DANIEL DYER WAS IN THE
PICTURE WITH WEBER.
IT WOULD NOT HAVE CHANGED THE
OUTCOME OF THE CALL WHATSOEVER
SO UNLESS YOU HAVE ANY FURTHER
QUESTIONS, THE STATE WOULD ASK
THAT YOU AFFIRM THE
POSTCONVICTION COURT AFTER
DENIAL OF RELIEF, THANK YOU.
>> REBUTTAL.
>> 28 PAGES.
IF THE COURT DOES NOT HAVE
FURTHER QUESTIONS, THEN I THANK
YOU FOR YOUR ATTENTION.
>> COURT IS IN RECESS UNTIL
TOMORROW AT 9:00.