

>> THE NEXT CASE UP IS  
MORRIS v. STATE.  
>> MAY IT PLEASE THE COURT.  
I'M STEVE BOLOTIN FROM THE  
PUBLIC DEFENDER'S OFFICE IN  
BARTOW.  
I REPRESENT THE APPELLANT DONTAE  
MORRIS.  
I START OFF WITH DISCLAIMER,  
CAPITAL CASE, SIX ISSUES, 30  
MINUTES.  
ANYTHING I DON'T GET TO RELY ON  
THE REPLY BRIEF AND NOTICES OF  
SUPPLEMENT AUTHORITY.  
AT TRIAL IN THIS CASE JUDGE  
FUENTE ALLOWED THE REPENTED  
STATEMENT, AT SAME TIME  
PRECLUDED THE DEFENSE FROM  
INTRODUCING EXPERT TESTIMONY  
FROM DR. VALERIE McCLAIN THAT  
MORRIS WAS PSYCHOTIC AN  
DELUSIONAL AT THE TIME HE MADE  
THE STATEMENT.  
DR. McCLAIN'S TESTIMONY WAS  
RELEVANT AND ADMISSIBLE UNDER  
THE FLORIDA EVIDENCE CODE, UNDER  
THE SIXTH AND 14th  
AMENDMENTS OF THE UNITED STATES  
CONSTITUTION, UNDER CRANE VERSUS  
KENTUCKY.  
IN MORRIS'S APPEAL IN THE CASE  
INVOLVING POLICE OFFICERS  
CURTIS, THIS COURT FOUND  
DR. McCLAIN'S TESTIMONY WAS  
RELEVANT AND ADMISSIBLE BUT  
WITHOUT MUCH ELABORATION FOUND  
IT TO BE HARMLESS ERROR IN THAT  
TRIAL.  
IN THIS CASE THE HARMLESS ERROR  
CALCULUS IS COMPLETELY  
DIFFERENT.  
EVIDENCE AT THE TRIAL AND  
PROSECUTOR'S USE OF THE I REPENT  
FOR KILLING STATEMENT IN HIS  
CLOSING ARGUMENT IN THIS CASE.  
TOTALLY DIFFERENT FROM THE OTHER  
CASE.  
IN THIS CASE, THE STATE CAN NOT  
COME CLOSE TO MEETING ITS  
SHOWING THAT THE ERROR COULD NOT

HAVE PLAYED A ROLE IN THE JURY'S DELIBERATIONS AND COULD NOT HAVE CONTRIBUTED TO THE JURY'S VERDICT IN THE POLICE OFFICER CASE--

>> CAN YOU ELABORATE WHY IT IS SO DIFFERENT?

>> WHY IT IS SO DIFFERENT, IN THE POLICE OFFICER CASE THERE IS A DASH-CAM VIDEO INTRODUCED INTO EVIDENCE.

INTRODUCED INTO EVIDENCE IN PENALTY CASE AS WELL, THAT IS ONE OF ISSUES, NOT GOING THERE RIGHT NOW.

THE DASH-CAM VIDEO SHOWS THE CRIME ACTUALLY OCCURRING IN REAL TIME, SHOOTING OF THE TWO POLICE OFFICERS.

PRIOR TO THE SHOOTING DONTAE MORRIS IDENTIFIES HIMSELF BY NAME, AGE AND BIRTHDAY.

THAT IS CORROBORATED BY THAT OFFICER CURTIS FOUND IN NOTES IN HIS CAR.

CORROBORATED BY INFORMATION ENTERED INTO THE COMPUTER.

IN ADDITION TO THAT, THERE IS WITNESS IN THAT CASE, TAMIKA JONES, WHO KNOWS DONTAE MORRIS, WHO IDENTIFIED HIM FROM A STILL PHOTOGRAPH OF, TAKEN FROM THE DASH-CAM VIDEO.

IN ADDITION TO THAT THERE IS, I'M TRYING TO REMEMBER EVERYTHING THERE WAS.

THERE WAS EVIDENCE OF TEXT MESSAGES GOING BACK AND FORTH BETWEEN DONTAE MORRIS AN COURTNEY BRANTLEY, THE OTHER PERSON IN THE VEHICLE AT THE TIME OF THE STOP.

>> WAS IT IN THIS CASE THOUGH AT THAT WE HAVE A WITNESS WHO CLEARLY IDENTIFIES MR. MORRIS AS THE ONE WHO IS STOOD ON THE LOW FENCE, THAT HE CONFESSED TO HER, THE FACTS OF THE CASE.

>> THAT IS NOT AN EYEWITNESS. THIS IS VERY HEAVILY-IMPEACHED

STATEMENT.

>> NOT ON EYEWITNESS.

A PERSON HE TOLD THE STORY TO.

>> A PERSON THE STATE SAYS HE TOLD THE STORY TOO.

THAT IS THE HOT ISSUE IN THE TRIAL.

WHAT BOTH SIDES CLOSING ARGUMENT WAS ASHLEY PRICE'S CREDIBILITY. ASHLEY PRICE IS A FOUR-TIME CONVICTED FELON.

ASHLEY PRICE TESTIFIED THAT HE TOLD HER, HE KNOWS WHERE TO SHOOT A PERSON IN ORDER TO KILL HIM.

THAT HE SHOT THE PERSON, THEY REVERSED WHETHER HE WAS SHOT IN THE BACK OR THE STOMACH.

I BELIEVE ASHLEY PRICE SAID HE WAS SHOT IN THE STOMACH.

AND THE MEDICAL EXAMINER'S TESTIMONY SHOWS HE WAS SHOT IN THE BACK.

ASHLEY PRICE SAID, THAT THE STATE, PROSECUTOR IN THIS CASE ARGUED THAT ASHLEY PRICE IS THE HEART AND SOUL OF THE STATE'S CASE.

THE KEY STATE WITNESS.

SHE WAS NOT KEY STATE WITNESS IN THE OFFICER'S CASE, VERY FAR FROM IT.

THIS WAS A TOTALLY CIRCUMSTANTIAL CASE, BUT FOR ASHLEY PRICE WHO IS HEAVILY, WHOSE CREDIBILITY WAS THE KEY ISSUE IN THE CASE.

>> LET ME TO TO THE.

WHAT ABOUT THE TESTIMONY IN THE CASE THAT SHOULD HAVE BEEN ALLOWED, DR. McCLAIN'S?

>> YES THE SAME ISSUE COME ON TO ALL THREE CASES.

SOMETHING DR. McCLAIN'S SAID JURY WOULD HEAR THE STATEMENT.

?

THE JUDGE SAID WISELY REPENTED FOR KILLING FIVE PEOPLE?

>> I DON'T CONCEDE HE SHOULD HAVE LET IT IN AT ALL.

>> BUT YOU'RE NOT ARGUING THAT WE HAVE CROSSED THAT BRIDGE. NOW, WHAT IS, I ASSUME THERE IS A PROFFER.

WHAT IS SO COMPELLING ABOUT DOCTOR McCLAIN'S TESTIMONY THAT WOULD PUT DOUBT ON WHAT MR. MORRIS SAID WAS NOT THE TRUTH?

>> DR. McCLAIN'S TESTIMONY GOES TO A 11-DAY PERIOD WHEN MORRIS WAS ON SUICIDE WATCH IN THE JAIL.

THERE WAS 24 ROUND-THE-CLOCK LOG.

YOU HAVE TO BASICALLY SEE THE LOG TO SEE WHAT THINGS HE HAS TAKEN OVER DURING THAT PERIOD OF TIME.

>> THEY WOULD HAVE TO THEN, THE STATE, ALLOWED IN THE RETRIAL.

>> ABSOLUTELY THE STATE COULD DO THAT.

>> THE STATE MAY NOT KILL FIVE PEOPLE WOULD COME IN?

>> I DON'T KNOW WHETHER THAT WOULD COME IN OR NOT?

>> FRANKLY I WOULD, THINK, IT WOULD BE BETTER TO LET THAT COME IN, THEN TO LET I REPENT FOR KILLING COME IN WITHOUT ANY EXPLANATION GOING ON AT THAT TIME.

AND THEN HAVE THE PROSECUTOR GO IN.

THIS IS THE OTHER KEY FACTOR OF THE HARMLESS ERROR ARGUMENT. THE PROSECUTOR ARGUED THIS WAS IMPORTANT EVIDENCE.

ARGUED THAT THE STATEMENT WAS --

>> IN THIS CASE, WE HAVE A WITNESS, CLEARLY IDENTIFIES MISTER MORRIS AS THE ONE WHO STOOD ON THE LOW FENCE AND CONFESSED TO HER THE FACTS OF THE CASE.

>> THAT IS NOT AN EYEWITNESS, THIS IS A HEAVILY IMPEACHED --

>> A PERSON HE TOLD THE STORY TO.

>> A PERSON THE STATE SAYS HE TOLD THE STORY TO. THAT WAS THE HOT ISSUE, ABSOLUTELY PRICE HIS CREDIBILITY.

ASHLEY PRICE IS A FOUR TIME CONVICTED FELON, ASHLEY PRICE TESTIFIED THAT HE TOLD HER HE KNOWS WHERE TO SHOOT A PERSON TO KILL HIM AND HE SHOT THE PERSON, THE REVERSE, WHETHER HE WAS SHOT IN THE BACK OR THE STOMACH. ASHLEY PRICE SAID HE WAS SHOT IN THE STOMACH AND THE MEDICAL EXAMINER'S TESTIMONY SHOWS HE WAS SHOT IN THE BACK, PRICE SAID THAT TWICE.

THERE IS ALSO THE PROSECUTOR IN THIS CASE ARGUED THAT ASHLEY PRICE IS THE HEART AND SOUL OF THE CASE.

THE KEY STATE WITNESS, SHE WAS NOT THE KEY STATE WITNESS IN THE OFFICER'S CASE, VERY FAR FROM IT.

THIS WITH A TOTALLY CIRCUMSTANTIAL CASE BUT FOR ASHLEY PRICE WHOSE CREDIBILITY WAS --

>> WHEN YOU GO TO THE TYPE OF TESTIMONY WE SAID IN THE OTHER CASE SHOULD HAVE BEEN ALLOWED, DOCTOR MCLEAN, THE SAME PERSON HERE?

>> YES, THE ISSUE IS COMMON TO ALL THREE CASES.

>> NOTHING DOCTOR MCLEAN SAID, THE JURY WOULD STILL HEAR THE STATEMENT.

>> THE JURY WOULD HEAR ONLY THAT DETECTIVE CLEMENTI HEARD HIM SAY I REPENT FOR KILLING.

>> I REPENT FOR KILLING FIVE PEOPLE.

>> I DON'T CONCEDE HE SHOULD HAVE LET IT IN AT ALL.

>> YOU ARE NOT ARGUING, WE CROSSED THAT BRIDGE.

I ASSUME THERE IS A PROFFER BUT WHAT IS SO COMPELLING ABOUT

DOCTOR MCLEAN'S TESTIMONY THAT WOULD PUT DOWN WHAT MISTER MORRIS SAID WAS NOT THE TRUTH.

>> DOCTOR MCLEAN'S TESTIMONY GOES TO AN 11 DAY PERIOD WHEN MORRIS WAS ON SUICIDE WATCH IN THE JAIL AND THERE WAS -- THE CRAZY THINGS HE WAS SAYING OVER THAT PERIOD OF TIME, THIS IS NOT JUST ONE THING HE SAID WAS GOING ON.

>> A RETRIAL, WHAT WAS BEING SON IN AN 11 DAY PEER, YOU ARE TRYING TO SHOW THIS WAS HALLUCINATORY,

>> THE STATE COULD DO THAT.  
AND

>> I DON'T KNOW, IT WOULD BE BETTER COME IN.

WITHOUT ANY EXPLANATION OF WHAT WAS GOING ON.

AND A STATEMENT WAS CONCLUSIVE OF GUILT.

IT WAS IN HILLSBOROUGH COUNTY JAIL CHARGED WITH CAPITAL MURDER WITH DEREK ANDERSON, AND I REPENT FOR KILLING, HE ADMITS TO KILLING CHARGED WITH A CAPITAL MURDER.

THAT EVIDENCE IN AND OF ITSELF IS PROOF BEYOND AND TO THE EXCLUSION OF ALL REASONABLE DOUBT, NO DOUBT IN THIS CASE WHO THE MURDERER OF DEREK ANDERSON WAS, THIS DEFENDANT SITTING RIGHT HERE.

>> PAINT THE PICTURE, HE IS ON SUICIDE WATCH, WHY DOES THAT MAKE THE STATEMENT LESS RELIABLE.

>> THE REASON HE IS ON SUICIDE WATCH, THE DETENTION SUPERVISOR TESTIFIED HE WAS ACTING CRAZY AND APPEARED TO BE -- THIS WAS UNCHARACTERISTIC OF MORRIS'S BEHAVIOR, PREVIOUSLY UNCHARACTERISTIC OF HIS BEHAVIOR SINCE.

WHILE HE WAS ON SUICIDE WATCH, HE IS PACING, PULLING AT HIS

HAIR AND BEARD, SINGING, MAKING IRRATIONAL STATEMENTS ABOUT THE VODOO.

GIVING HIS ENTIRE BLOODLINE, EVEN THOUGH HE DOESN'T HAVE AIDS, JUST ON AND ON AND ON FOR PAGES IN MY BRIEF, CRAZY STUFF, DOCTOR MCLEAN WOULD HAVE TESTIFIED AT THE TIME THESE STATEMENTS WERE MADE HE WAS IN A SEVERE DEPRESSION WITH PSYCHOTIC FEATURES, ACTIVELY PSYCHOTIC AT THE TIME OF THE STATEMENT.

>> WITH THE STATE BE ABLE TO SAID DOCTOR MCLEAN ADMITTED HE WAS REPENTING FOR KILLING FIVE PEOPLE, HE HAS NOW BEEN, CHARGED AND THE CONVICTION AFFIRMED, KILLING TWO PEOPLE.

IS THERE ANYTHING WE KNOW ABOUT MISTER MORRIS THAT WOULD CAST DOUBT WHETHER HE KILLED FIVE PEOPLE?

IN THE GUILT PHASE THE JURY WOULD HEAR ALL ABOUT CROSS-EXAMINATION, THIS WAS NOT A DELUSIONAL STATEMENT BUT A STATEMENT OF SOMEBODY READY TO MEET HIS MAKER AND WANTED TO KILL HIMSELF.

I AM HAVING TROUBLE WITH YOUR HARMLESS ANALYSIS BECAUSE IT SEEMS TO ME, THERE IS A REASONABLE POSSIBILITY, THE STATE WOULD HAVE TO SHOW. THIS IS TRUE.

>> BE CAREFUL WHAT YOU WISH FOR ARGUMENT.

YOU MIGHT THINK ABOUT INTRODUCING DOCTOR MCLEAN'S TESTIMONY.

THE STATE SAID SOMETHING ABOUT BEING A YOUNG CHILD MOLESTER. HE GAVE HIS WHOLE BLOODLINE AND EVEN THOUGH HE DOESN'T HAVE AIDS, SAID ALL KIND OF CRAZY STUFF, I REPENT FOR KILLING FIVE PEOPLE, IF THERE IS A RETRIAL THERE WILL BE ALL KINDS OF OPENING THE DOOR ISSUES, ALL

KIND OF 9403 ISSUES AS TO WHAT THE PREJUDICE AND PROBATIVE VALUE.

>> NOT IF YOU -- I APPRECIATE IT.

AND THE SENTENCE UPHELD OVER THE DEATH PENALTY OF TWO OFFICERS AND IN THIS CASE, A NEW PENALTY PHASE UNDER HURST.

THE QUESTION, RETRIAL, WOULD SOMEONE THINK THEY PUT ON ALL THAT TESTIMONY.

>> THE DEFENSE STRATEGY QUESTION, CAN'T DO HARMLESS ERROR, WHETHER THAT MIGHT BACKFIRE.

HARMLESS ERRORS ABOUT WHAT HAPPENED AT THIS TRIAL AND WHAT HAPPENED AT THIS TRIAL IS SPECULATION TO SAY WHAT THE STATE WOULD OR COULD HAVE DONE, THEY COULD HAVE BROUGHT IN, I REPENT FOR KILLING FIVE PEOPLE. I SHOT THE WHITE GUY BECAUSE MY GIRL TERESA PUT SOMETHING ON ME. THE WHITE GUY, RODNEY JONES IS BLACK, HAROLD RIGHT IS BLACK ON DEREK ANDERSON IS BLACK, THE ONLY WHITE PEOPLE THAT WERE SHOT WERE THE TWO OFFICERS, HE DIDN'T SAY I SHOT THE TWO OFFICERS OR THE TWO WHITE GUYS, HE SAID I SHOT THE WHITE GUY.

WHAT HE SAID WAS VERY NONSPECIFIC.

YOU WOULDN'T SAY IT HAS ANYTHING TO DO WITH DEREK ANDERSON.

WHO WAS THE WHITE GUY?

I REPENT FOR KILLING FIVE PEOPLE, CONVENIENT FOR THE STATE TO ASSUME THAT MUST MEAN THE FIVE PEOPLE HE IS CHARGED WITH AND IN EACH OF THESE CASES, PARTICULARLY HARMFUL IN THIS CASE, THEY TELL THE JURY HE ADMITTED TO KILLING DEREK ANDERSON.

THAT IS NOT WHAT HAPPENED AND THIS HAS TO GO BACK FOR A NEW PENALTY PHASE NOT ONLY BECAUSE

OF HURST BUT OTHER REASONS.  
>> IS THAT -- THE JUDGE DID IT  
ON HIS OWN.  
>> THE DEFENSE ARGUMENT IS THAT  
IT SHOULD NOT HAVE BEEN  
ADMITTED.  
>> ONCE IT WAS GOING TO BE  
ADMITTED THAT THE FENCE DIDN'T  
SAY THEY WOULD LIKE IT LIMITED.  
>> MOST OF MY RECOLLECTION THE  
JUDGE SAID THIS IS SOMETHING,  
COMING BACK INTO MY MIND THE  
STATE CONCEDED WHAT IS  
REDIRECTED TO THE BEST OF MY  
RECOLLECTION.  
THE THING ABOUT IT, NO DETAIL TO  
WHERE YOU CAN ASSUME HE IS  
TALKING ABOUT THE DEREK ANDERSON  
HOMICIDE.  
HE SAID THE CASE WILL HAVE TO GO  
BACK BASED ON THE HURST ERROR  
AND NOT GO BACK BECAUSE OF  
PROPORTIONALITY AND I HOPE I  
HAVE TIME TO ADJUST THAT.  
THE CHANGE OF VENUE.  
>> PROPORTIONALITY, WHAT MAKES  
THIS NOT A PROPORTIONATE  
SENTENCE.  
>> A SINGLE AGGRAVATE HER CASE.  
>> THE SINGLE AGGRAVATE HER.  
>> IT IS AN AGGRAVATED THAT  
HAPPENS AFTER THE COMMISSION.  
WHEN YOU LOOK AT THIS CRIME, AND  
DEREK ANDERSON, NO STATUS  
AGGRAVATE HER'S AT THE TIME OF  
THE KILLING OF DEREK ANDERSON.  
AND THE DEATH SENTENCE, IT IS  
IMPROPER, IT IS AN EIGHTH  
AMENDMENT PROBLEM.  
IT IS ARBITRARY AND CAPRICIOUS  
BECAUSE THE ONLY THING THAT  
CONVERTS THIS FROM 0 AGGRAVATED  
CASE WHERE THE STATE COULD NOT  
QUALIFY THE JURY, THE DEATH  
WOULD NOT BE A POSSIBLE  
PUNISHMENT MUCH LESS  
DISPROPORTIONATE PUNISHMENT.  
THE ONLY THING THAT IS A  
POTENTIAL DEATH CASE IS THE  
ORDER IN WHICH IT IS RETRIED.

THE DEREK ANDERSON CASE WAS THE FIRST OF THE CRIMES COMMITTED, FIRST OF THE MURDERS COMMITTED, THE LAST ONE TRIED.

>> THE STATUS OF THE OTHER -- IS THERE ANOTHER CAPITAL CASE PENDING?

>> NO.

THE CASES ARE THIS, THE LAST ONE TO OCCUR AND THE SECOND -- THERE IS THE RODNEY JONES CASE WHICH OCCURRED BETWEEN AND WAS THE FIRST ONE TRIED AND THAT, THE FIRST ONE WHERE THE STATE, AND AGGRAVATE HER AND THE JUDGE SAID TRYING IT FIRST.

AND THE DEATH SENTENCE IN THIS CASE.

THE DEATH CASE, THE STRATEGIC OR FORTUITOUS ORDER IN WHICH CASES WERE TRIED.

I CAN'T IMAGINE ANYTHING MORE ARBITRARY AND CAPRICIOUS.

AND WAS BASICALLY A THIRD DEATH SENTENCE FOR CURTIS AND IF THERE WAS ANY DOUBT ABOUT THAT YOU HAVE TO LOOK AT THE DASH CAM VIDEO ISSUE BECAUSE THAT BECAME THE OVERWHELMING FEATURE OF THE PENALTY PHASE IN CONTRAVENTION OF EVERYTHING THE COURT HAS EVER SAID ABOUT THE FELONIES THAT COULD NOT BE -- INTRODUCED WITH PREJUDICE OF PROBATIVE VALUE OR WHERE IT BECOMES FEATURE OF THE CRIME.

A CHANGE OF VENUE, THE SINGLE BIGGEST PROBLEM OUT OF MANY PROBLEMS IN THIS CASE IS THE FACT THAT WE HAVE A JURY, THERE WAS NO OPPORTUNITY -- WHAT THEY KNOW ABOUT THE CASE WHICH WAS ENORMOUS PUBLICITY IN THE TAMPA BAY MEDIA MARKET.

THE IRON HE IS THIS CASE IS A LOW-PROFILE CASE, BUT THE OTHER IS A HIGH PROFILE CASE.

>> THE PROSPECT OF JURORS, WERE NOT INTERROGATED WITH REGARD TO KNOWLEDGE OF POLICE OFFICER

CASE.

>> THE REASON -- THEY WERE NOT  
-- THEY WERE -- AND --

>> WAIT, WAIT.

I READ THE BRIEFS.

IT SEEMS AS THOUGH THE TRIAL  
JUDGE, THIS PROSPECTIVE JURORS  
INTERROGATED.

WITH REGARD TO THE POLICE  
OFFICER SHOOTING AS IF THEY HAD  
A KNOWLEDGE OF THAT.

THAT WAS NOT CORRECT.

>> THE JURORS WERE ASKED IF THEY  
RECOGNIZED THE NAMES DEREK  
ANDERSON, DANTE MORRIS AND  
COURTNEY BRANTLEY.

THE POLICE OFFICERS WERE NOT  
MENTIONED.

OF THE JURORS WHEN THEY HEARD  
THE NAME DANTE MORRIS OR THE  
OTHER NAMES, THAT IS WHAT THEY  
REMEMBER.

>> 40%.

>> THAT IS THE CASE ABOUT THE  
TWO POLICE OFFICERS?

>> IF BY THE PROMPT, DEREK  
ANDERSON, COURTNEY BRANTLEY,  
DANTE MORRIS, A JUROR SAID THAT  
IS THE CASE WITH THE TWO POLICE  
OFFICERS OR --

>> THOSE INDIVIDUALS DID HAVE  
SOMETHING TO DO WITH POLICE  
OFFICERS YOU MEAN.

>> 40% OF THE JURORS RECOGNIZE  
THE NAME DANTE MORRIS AND  
CONNECTED THERE WITH THE POLICE  
OFFICERS.

THE PROBLEM IS ANY JUROR THAT  
RECOGNIZED AND CONNECTED DANTE  
MORRIS TO THE POLICE OFFICER  
SHOOTING WAS RELEASED AND --

>> ANY JUROR WHO RECOGNIZED THE  
NAME DANTE MORRIS AND CONNECTED  
IT TO THE POLICE OFFICER  
SHOOTING WERE EXCUSED.

HERE IS WHERE THE PROBLEM LIES.

>> OTHER QUESTIONS COUNSEL  
WANTED TO ASK ABOUT THAT?

>> THAT IS WHERE THE PROBLEM  
LIES BECAUSE NO EVIDENCE WOULD

BE AT THE TRIAL OF THE POLICE OFFICER SHOOTING BUT THERE WAS GOING TO BE PLENTY OF EVIDENCE IN THE PENALTY PHASE ABOUT THE POLICE OFFICER SHOOTING. THE PROBLEM IS ALL THESE JURORS, POTENTIALLY, NOT EVERYBODY REMEMBERS THE NAME.

A PRIME EXAMPLE IS THE FACT THERE WERE 15 JURORS IN THIS CASE, 15 JURORS WHO INITIALLY DIDN'T CONNECT THE NAME DANTE MORRIS WITH THE POLICE OFFICER SHOOTING WHO BEFORE IT WAS OVER SPONTANEOUSLY REMEMBERED AND SAID NOW I REMEMBER.

>> JUSTICE LAWSON ASKED A DIFFERENT QUESTION.

HE ASKED WHETHER THE DEFENSE COUNSEL IS PRECLUDED ARE PROHIBITED FROM ASKING ADDITIONAL QUESTIONS ABOUT POLICE OFFICER SHOOTING.

>> OF DEFENSE COUNSEL - HE WASN'T PRECLUDED FROM DOING IT BUT AS A PRACTICAL MATTER HE COULDN'T DO IT BECAUSE IF HE SAID WHAT DO YOU KNOW ABOUT THE SHOOTING OF THE OFFICERS, HAVE YOU FORMED AN OPINION, HE WOULD HAVE BEEN GIVING MAJORITY INFORMATION BECAUSE THE JURY TO BE EXCLUDABLE.

>> I FIND IT -- DO WE HAVE FORTIFICATIONS THAT THEY -- THAT SAY YOU MUST CHANGE OF VENUE? THE DEFENSE LAWYER WAS AFRAID TO ASK ABOUT OTHER EVENTS THAT MAYBE THEY WERE AWARE OF?

>> THE JUDGE PREVENTED THE STATE FROM INTRODUCING EVIDENCE IN THE GUILT PHASE ABOUT POLICE OFFICERS MURDERED BECAUSE IF THEY KNEW ABOUT THAT THERE WOULD BE NO SENSE HAVING A TRIAL.

>> WE ARE NOT TALKING ABOUT THE GUILT PHASE.

YOU ARE TALKING ABOUT VENUE, TALKING ABOUT WHAT A DEFENSE ATTORNEY MUST DO TO ESTABLISH

VENUE SHOULD BE A CHANGE?

>> ANY JUROR, IF YOU HEARD OF OFFICERS CURLCAB AND CURTIS, THE JURY WOULD HAVE TO GO.

AS A PRACTICAL MATTER JURORS COULD NOT BE ASKED ABOUT THAT.

>> THAT WOULD BE IN EVERY VENUE CASE IF YOU ARE SAYING HAVE YOU HEARD ABOUT XYZ YOU CAN'T ASK ABOUT IT.

>> THE TYPICAL VENUE CASE, TED BUNDY FOR EXAMPLE, YOU ARE TALKING ABOUT THE EVIDENCE YOU ARE GOING TO HEAR, THIS -- THE BIZARRE THING ABOUT THIS CASE, THE RODNEY JONES CASE WHAT THEY DID, THE VENUE WAS CHANGED AND THE STATE FILED A MOTION TO RECONSIDER SAYING EVERYTHING IS FINE IN TAMPA BAY AND DEFENSE OBJECTED STRENUOUSLY.

THE FIRST CASE TRIAL OF RODNEY JONES WAS LOADED OF CASE THE WHAT WAS DONE COULD HAVE WORKED BECAUSE YOU COULDN'T JUST ASK THE JURY IF YOU HEARD OF DANTE MORRIS OR RODNEY JONES AND IF THE JURORS DIDN'T CONNECT WITH POLICE OFFICERS NOTHING WOULD HAPPEN IN THE TRIAL TO PROMPT THEM TO SAY HE IS THAT GUY. THE POLICE OFFICERS DIDN'T COME IN IN THE RODNEY JONES TRIAL BECAUSE IT WAS NOT RELEVANT TO THE GUILT PHASE AND THERE WAS NO PENALTY PHASE.

IN THE OFFICER'S TRIAL ITSELF, CONCEIVABLY YOU CANNOT HAVE HAD A CHANGE OF VENUE.

NOT SAYING IT SHOULDN'T HAVE BEEN, WHAT YOU COULD HAVE DONE, THE CASE IS ABOUT THE MURDER OF THE TWO POLICE OFFICERS, THEY GO TO THAT.

>> THEY SHOULD NOT HAVE ASKED ABOUT THE OFFICERS NAMES?

>> THEY COULDN'T ASK ABOUT THE OFFICERS NAMES.

THEY COULDN'T ASK ABOUT THE OFFICERS NAMES.

THE JUDGE HIMSELF SAID IF THEY CONNECT HIM WITH THE OFFICERS, THIS TRIAL IS A FOREGONE CONCLUSION.

>> IS YOUR ARGUMENT THE CHANGE OF VENUE IS NECESSARY FOR THE PENALTY PHASE?

>> BECAUSE -- THERE WAS ONLY ONE JURY.

>> YOU ARE NOT MAKING AN ARGUMENT, THE FACT THAT THERE WAS NO CHANGE IN VENUE DID NOT PREJUDICE YOUR CLIENT AT ALL WITH RESPECT TO THE GUILT PHASE.

>> UNLESS THE DOOR REMEMBERED SPONTANEOUSLY THAT IS TRUE. THAT IS NOT THE RELIEF I AM ASKING FOR.

THE ERROR WITHIN HILLSBOROUGH COUNTY UNDER THESE CIRCUMSTANCES BECAUSE THEY CANNOT DO THE JOB BUT WE WILL FIND IT HARMFUL. THE COURT COULD DO THAT. IT IS SPONTANEOUSLY.

>> I WILL MOVE TOWARD THE ISSUE TO DO WITH REPEATED ACCESS, IN THE GUILT PHASE.

IN THAT REGARD, TO REFER TO THE NOTICE OF SUPPLEMENTAL AUTHORITY I FILED IN MAY -- I DON'T KNOW WHY I DIDN'T FIND THOSE CASES AT THE TIME OF THE BRIEFS.

>> THERE WERE THREE OBJECTIONS.

>> IS YOUR MAIN ARGUMENT BECAUSE THE COLD-BLOODED KILLING STATEMENTS.

THE STONE COLD KILLER, AND WAS DONE TO PRECONDITIONED THE JURY THE PREDISPOSING AGAINST FAT, 7 TIMES IN OPENING, WANTED TO HAVE INITIAL CLOSING ARGUMENT.

THERE ARE A LOT OF BAD THINGS THAT PERMEATED THE CLOSING ARGUMENT.

THE BIG ONE IS THE MISUSE OF THE TAPE JAIL CONVERSATION BETWEEN MORRIS AND HIS STEPBROTHER AND HIS COUSIN AT ASHLEY PRICE AND ASHLEY'S SISTER.

WHAT YOU HAVE IS THE PROSECUTOR

NOT ONLY SHOUTING FOR ASHLEY'S CREDIBILITY.

AND GIVING HIS TRANSLATION FOR PARTIES TO THE CONVERSATION MEND.

AND WHAT MORE SAID IN THAT COMBINATION, PART OF THE CONVERSATION FOR ASHLEY PRICE --

>> IS THIS PART OF THE ARGUMENT OBJECTED TO?

>> IT IS NOT.

THERE ARE OBJECTIONS TO PROPER VOUCHING, BURDEN SHIFTING, AND OBJECTION TO IMPROPERLY BRINGING OUT THE FACT ASHLEY PRICE DIDN'T BEFORE PRIOR CONVICTIONS OCCUR AT THE TIME OF THE STATEMENT TO THE POLICE.

CASE IT IS IMPORTANT THIS COURT LOOK TO THE HARMFUL EFFECT AND THE FACT MORRIS WAS DENIED A FAIR TRIAL BY THE REPEATED AND PERMEATING PROSECUTORIAL MISCONDUCT, IMPORTANT TO LOOK AT THE STATE CONVERSATION BECAUSE THAT TAKES, BOTH OF THOSE WHICH THE DEFENSE HAD NO OPPORTUNITY TO ADDRESS.

WHAT THE PROSECUTOR SAYS, AMONG OTHER THINGS, MORRIS TOLD, TALK TO ASHLEY PRICE BRIEFLY AND DID NOT THREATEN HER IN ANY WAY.

WHEN TALKING TO HIS BROTHER, STEPBROTHER OR COUSIN, BEAR IN MIND WHEN YOU LISTEN TO THE STAPLE LANGUAGE IS PRETTY ROUGH. THAT IS THE WAY HE TALKS, HIS BROTHER AND COUSIN TALK, WHEN YOU LOOK TO WHAT HE SAID, HE SAYS FOUR TIMES, I WANTED TO TALK TO MY ATTORNEY AND TELL THE MAN THE TRUTH.

WHAT HE IS SAYING, NOT SAY I NECESSARILY KNOW THAT THIS IS TRUE BUT WHAT HE IS SAYING IS SHE IS TELLING THE POLICE THESE LIES AND I WANT HER TO TELL THE POLICE THE TRUTH.

IS HE MAD AT ASHLEY BECAUSE SHE IS TELLING THE POLICE THE TRUTH

AND HE WANTS HER TO LIE OR IS HE MAD AT ASHLEY BECAUSE HE IS LYING TO POLICE AND ONCE HER TO TELL THE TRUTH OR WHAT SHE IS AND ONCE TO FIND OUT OR WHAT CASE SHE IS TALKING ABOUT BECAUSE NOTHING SPECIFICALLY REFERENCES DEREK ANDERSON. NOTHING IN THIS SPECIFICALLY REFERENCES DRUG DEALING AND I HOPE TO GET TO THAT FOR A MINUTE.

FOUR TIMES HE USES THE PHRASE 17 TIMES IN THE CONVERSATION USES THE PHRASE YOU SMELL ME.

FOUR TIMES WHEN HE SAYS I WANT HER TO TELL MY ATTORNEY THE TRUTH HE SAYS YOU SMELL ME. THERE IS TESTIMONY AT A PRETRIAL HEARING THAT IS A VERBAL TIC OF HIS, HE SAYS IT ALL THE TIME. IT MEANS DO YOU KNOW WHAT I MEAN?

THE PROSECUTOR ARGUES THIS MEANS, HE MEANS THE OPPOSITE OF WHAT HE SAYS.

YOU SMELL ME AS SOME SORT OF CODE FOR HE IS TELLING HIS BROTHER OR COUSIN THE OPPOSITE OF WHAT HE SAYS.

WHAT HE IS REALLY SAYING IS I WANT HER TO STOP TELLING THE POLICE THE TRUTH AND TELL LIES TO MY ATTORNEY BUT THE PROSECUTOR GOES THROUGH THIS FOR 14 PAGES PLAYING EXCERPTS FROM THIS AUDIOTAPE AND GIVING RUNNING COLOR COMMENTARY ON IT WHERE HE IS GIVING HIS PERSONAL OPINION WHAT THE WORDS MEAN, WHAT THE INFLECTIONS MEAN, THIS IS WHAT HE MEANS WHEN HE SAYS THIS KIND OF THING.

IN MY NOTICE OF SUPPLEMENTAL AUTHORITY, BASICALLY IT IS A SERIOUS ERROR THAT UNDERMINES FAIRNESS OF THE TRIAL FOR THE PROSECUTOR TO IMPLY THE DEFENDANT OR DEFENSE COUNSEL IS GOING TO TAMPER WITH A WITNESS

WHERE THERE IS NO EVIDENTIARY SUPPORT.

THERE ARE CASES WHERE THERE IS EVIDENCE, IT IS ADMISSIBLE AS CONSCIOUSNESS OF GUILT.

IF YOU LOOK WHERE IT HAS BEEN ADMISSIBLE IT IS SOMETHING LIKE I AM GOING TO KILL THAT WITNESS AND THINGS LIKE THAT.

THE JURY WOULD TAKE THE OTHER PART OF THAT IS REALLY OUTRAGEOUS, THERE IS A PART WHERE HE SAYS THIS, PLAYING THE AUDIO, CAUSE THE RECORDING, SAYS TO THE JURY, HE WANTS HER THERE AT 3:00.

LISTEN TO THE SNAP 2 ATTITUDE, WHEN HE SAID I NEED YOU TO MAKE A FEW MOVES, LISTEN TO THE CONTROL HE HAD TO REACH OUT TO THE HEART OF THE STATE'S CASE THROUGH THREE PEOPLE, MULTIPLE THREE WAY CALLS, THE CONTROL THIS DEFENDANT EXERTED OVER THESE PEOPLE, HIS BROTHER, NONE OF THEM HESITATED A QUESTIONS HIM IN ANY WAY, THAT TELLS YOU CORROBORATION OF HIS INTENT TO CONTROL AND DOMINATE THE DRUG TURF THAT HE RAN WHY ADDISON'S LIKE WAS SNATCHED AWAY IN A RUTHLESS AND COLD-BLOODED MANNER, THE DESIRE TO DOMINATE AND CONTROL, THERE WAS 0 EVIDENCE MORRIS'S DRUG DEALING WITH ANYTHING OTHER THAN CELLO SELLING OF WEED IN THE JOHNSON KENNETH APARTMENTS.

THERE IS NO EVIDENCE THAT HE RAN A DRUG TURF, IF YOU BELIEVE ASHLEY PRICE, SHE WAS THE ONLY EVIDENCE OF ANY DRUG SELLING ACTIVITY WHATSOEVER.

IF YOU BELIEVE ASHLEY PRICE, MORRIS SOLD WEED AT THE APARTMENTS AND DIDN'T WANT DEREK ANDERSON DOING SO.

>> NO EVIDENCE YOU HAVE ANY CONTACT.

>> IT GOES FAST.

>> MAY IT PLEASE THE COURT, MY MY NAME IS MARYLIN MUIR BECCUE AND I REPRESENT THE STATE OF FLORIDA, THE CHANGE OF VENUE ISSUE, IT IS FRAMED AS A CHANGE OF VENUE ISSUE AND NOT AN ISSUE OF THE COURT ABUSING ITS DISCRETION FOR NOT ALLOWING DEFENSE COUNSEL TO INQUIRE ABOUT THE OTHER CASE BECAUSE THAT DIDN'T HAPPEN. DIDN'T HAPPEN IN THE SENSE THAT COUNSEL DID NOT INQUIRE TO THE JURY IF THEY KNEW OF THE OTHER CASE OTHER THAN THE INDIVIDUALS WHO INDICATED THEY HEARD OF MISTER MORRIS AND WERE EXCUSED.

>> YOU SEE THE DILEMMA THE DEFENSE LAWYER WAS IN, START TO ASK JURORS ABOUT THIS POLICE SHOOTING IN THIS CASE.

>> THAT IS A DILEMMA FACED IN MANY CASES.

IF THEY CHANGED VENUE, YOU NEED TO ESTABLISH THE JURORS YOU ARE TALKING TO WERE PREJUDICED ARE BIASED BECAUSE THE QUESTION ISN'T DO YOU KNOW MISTER MORRIS OR ABOUT THE CASE, THE QUESTION IS EVEN IF YOU DO KNOW ABOUT THE CASE CAN YOU BE FAIR AND IMPARTIAL?

IF THEY WANT TO RAISE ON APPEAL CHANGE OF VENUE THEY NEED TO ESTABLISH OTHER THAN SPECULATION THAT SOMEONE MIGHT REMEMBER.

>> THEY HAD ALREADY CHANGED THE VENUE AND IT SEEMED TO HAVE WORKED IN THE OTHER TRIALS THAT TOOK PLACE.

THE PROSECUTOR ESTABLISHED GOOD CAUSE HERE TO CHANGE THE VENUE BACK.

>> WHAT HAPPENED IS ALL OF THE MURDERS COMMITTED BY MISTER MORRIS WERE COMMITTED IN 2010 IN A TWO MONTH PERIOD SO HAPPENED IN A CONCENTRATED TIME. THIS TRIAL HAPPENED IN 2015. THERE WAS QUITE A BIT OF TIME

FROM THE INITIAL MURDERS, THAT INCLUDED THE MURDERS OF THE POLICE OFFICERS TO THE TRIAL OF THIS CASE.

>> WHEN WAS THE TRIAL OF OTHER CASES?

>> POLICE OFFICERS?

>> WASN'T THERE ANOTHER TRIAL.

>> THERE WAS ANOTHER TRIAL THAT WASN'T A DEATH PENALTY CASE. AND IN 2013.

>> JUST A YEAR OR TWO BEFORE THIS CASE.

>> IF YOU WANT TO CHANGE THE VENUE TO ESTABLISH THAT PRESENTLY, WHERE THE VICTIM IS DEREK ANDERSON, SO INFECTED WITH PREJUDICE AGAINST MISTER MORRIS.

>> WHAT YOU WANT TO FOLLOW UP ON, THE PROBLEM BECOMES THEY MAY OR MAY NOT AFFECT THE GUILT PHASE BUT IN THE PENALTY CASE, CONVICTIONS ALREADY OCCURRED EVEN THOUGH THOSE CRIMES WERE AFTER THIS CRIME.

AT THAT POINT, WOULD THERE HAVE BEEN A REQUEST TO ASK JURORS NOW, YOU WILL HEAR EVIDENCE OF THESE TWO OTHER MURDERS THAT HE HAS BEEN CONVICTED OF, WAS THERE ANYTHING LIKE THAT WHERE JURORS GO THERE WAS AN AWFUL COP KILLER, I DON'T THINK I CAN BE FAIR IN THIS CASE?

>> ABSOLUTELY NOT.

THE RECORD DOESN'T SUPPORT THAT. ANYBODY WHO REMEMBERED WHO MISTER MORRIS WAS.

THE RECORD REFUTES IT BECAUSE THE JUDGE WAS VERY CAREFUL AND AWARE THIS WAS AN ISSUE IN THIS CASE REGARDING CHANGE OF VENUE. THE JURY WAS SEQUESTERED, HAVE YOU HEARD ANYTHING OR EXPOSED TO ANYTHING, GENERALLY SPEAKING WITH REFERENCE TO THE CASE, PUBLICITY, AND ON A COUPLE OCCASIONS, HAD ANYBODY HAD RECALL REFRESHED ABOUT ANYTHING FOR MISTER MORRIS.

AND IN 1632 WAS ANYBODY EXPOSED TO ANYTHING ABOUT MISTER MORRIS DURING RECESS.

>> DID THE FIRST CASES, THE TRANSFER, THE CASE, TRANSFER TO ORLANDO, THE JURY WAS BROUGHT FROM ORLANDO TO TAMPA.

HAD THAT BEEN DONE, THE JUDGE ORDERED THAT OR THE STATE AGREED, HOW DID THAT HER?

>> THE MURDERS OF THE OFFICERS, YES.

THE JUDGE DID ORDER IT, THERE WAS A CHANGE OF VENUE MOTION. I DON'T KNOW IF IT IS AGREED TO BY THE STATE BECAUSE IT IS NOT IN THIS PARTICULAR RECORD BUT MAYBE BECAUSE OF THE NATURE OF THAT PARTICULAR CRIME.

>> WHY WAS THE OTHER ONE, WHEN WAS THAT WHAT YOU SAID WAS NON-DEATH PENALTY CASE WAS THE DEATH PENALTY THOUGHT?

>> I DON'T BELIEVE SO.

>> WHAT MADE THAT CASE SUBJECT TO THE CHANGE OF VENUE AND NOT THIS CASE?

>> I DON'T KNOW BUT I WOULD BE GETTING TO SAY IT WITH EITHER THE TIMING CLOSE TO THE TRIAL OF THE OTHER ONE OR THEY HAD JUST DONE IT WITH --

>> THE TRIAL JUDGE INDICATED, ALL OF THESE CASES WOULD BE TRIED AT THE CHANGE OF VENUE THAT THE JURY WOULD BE FROM THE OTHER COUNTY.

>> THE MOTION WERE FILED IN THESE CASES.

AND IT WAS RULED ON INSTEAD OF CHANGE OF VENUE MOTION WE HAD MOTION FROM THE STATE TO RECONSIDER CHANGES.

>> WHICH GOES BACK TO MY ORIGINAL QUESTION NUMBER WHAT DID THE STATE SHOW WITH THIS CASE, THAT ORIGINAL CHANGE OF VENUE IS NOT PROPER.

>> A NUMBER OF THINGS, THERE WAS NO HEAVY PUBLICITY.

IT SHOWED HILLSBOROUGH COUNTY,  
AND THE NUMBER OF PEOPLE MOVING  
IN AND OUT OF HILLSBOROUGH  
COUNTY, AND IT IS FAIR AND  
IMPARTIAL, >> THIS CASE DID TAKE  
PLACE IN HILLSBOROUGH COUNTY.  
AND THEIR KNOWLEDGE OF PRIOR  
CASES.

>> IF ANYONE KNEW THE NAME DANTE  
MORRIS.

AND THE DRIVER OF THE CAR.  
AND DEREK ANDERSON IS OUR VICTIM  
IN THIS CASE THERE WERE SOME  
JURORS, AND THOSE JURORS ANY  
RECOLLECTION OF MISTER MORRIS OR  
BRANTLEY OR ANY CASE INVOLVING  
MISTER MORRIS OR CORLEY BRANTLEY  
THEY WERE EXCUSED.

THEY WERE NOT ATTEMPTED TO BE  
REHABILITATED WHICH THEY COULD  
HAVE BEEN REHABILITATED OR AN  
ATTEMPT COULD HAVE BEEN MADE TO  
REHABILITATE THEM BECAUSE IT  
HAPPENS IN LOTS OF CASES, IT IS  
CAN YOU STILL BE FAIR EVEN IF  
THEY DO.

AND IT IS INDIVIDUALLY, AND  
EXCUSE THEM FOR A CAUSE AND NO  
ONE HAD A PROBLEM WITH THAT.

I WANTED TO A OUT TOO --

>> I THOUGHT HIS ARGUMENT WAS  
WERE NEVER GIVEN THE NAMES OF  
OFFICERS SPECIFICALLY, SO THEY  
WERE NEVER ASKED, DOES THE NAME,  
ONE OF THEM'S NAME WAS RIGHT.

>> THAT WAS THE OTHER  
INDIVIDUAL.

>> THEY WERE NEVER ASKED DO YOU  
RECOGNIZE THESE NAMES?

>> THAT IS CORRECT BUT THERE IS  
NO ORDER IN THIS RECORD THAT  
SAYS YOU CANNOT ASK THEM THAT  
QUESTION WAS THE ISSUE IS NOT I  
WAS NOT ALLOWED TO ASK THE  
QUESTION BECAUSE THERE IS NO  
ORDER THAT SAYS THEY WEREN'T  
ALLOWED TO ASK THE QUESTION.  
THEY MIGHT HAVE GREAT REASONS  
THEY DIDN'T WANT TO DO THAT BUT  
IF YOU WANT TO CLAIM YOUR JUROR

WAS INFECTED WITH PREJUDICE, AND  
IN THE RECORD THERE IS NOTHING  
IN THE RECORD TO ESTABLISH THAT  
IS WHAT HAPPENED.

AND HAD A CONVERSATION, IN THE  
GUILT PHASE, AND THE DASH CAM  
VIDEO, A WHOLE DISCUSSION, AND  
INTRODUCE THE DASH CAM VIDEO.  
IN THE GUILT PHASE.

IF THESE PEOPLE FIND OUT HE HAS  
BEEN CONVICTED OF MURDERING TWO  
POLICE OFFICERS THERE IS NO  
POINT OF PROCEEDING.

AND I CAN'T GO THERE WITH THIS  
JURY.

AND IN HILLSBOROUGH COUNTY  
WE NEED TO HAVE AN  
ARGUMENT ABOUT IT.

THERE NEEDS TO BE A MOTION  
REGARDING IS THAT.

AND WITHIN THAT MOTION IT DOES  
NOT MEAN PRETRIAL PUBLICITY,  
THAT MOTION WAS FILED IN ALL THE  
CASES AND THE MOTION START OUT  
AND DEALS WITH THE CASE  
REGARDING THE POLICE OFFICERS  
THAT WAS TRIED TWO YEARS BEFORE  
THIS CASE AND ACTUAL MURDERS  
WERE FIVE YEARS BEFORE THIS  
CASE.

AND THE MASSIVE PUBLIC TODAY AS  
IT HAS BEEN TERMED.

IN 2010-2011, THERE WERE NO NEW  
ARTICLES THAT ARE OUT, IT WAS  
MENTIONED THIS TRIAL WAS  
HAPPENING.

IT NOTHING TO INDICATE IT IS  
INFLAMMATORY OR PRESIDENTIAL OR  
WOULD CAUSE THE INDIVIDUALS NOT  
TO GIVE MISTER MORRIS A FAIR  
TRIAL.

>> THE OTHER ISSUE THAT CONCERNS  
THE PROSECUTORIAL MISCONDUCT.  
SOME ARE PRESERVED AND SOME ARE  
NOT.

>> THE ONLY OBJECTIONS, THE ONLY  
ONES PRESERVED WITH A STATEMENT  
IN OPENING WHERE THE PROSECUTOR  
STARTS TALKING ABOUT THE TIMING  
OF ASHLEY PRICE'S FELONY

CONVICTIONS AND ANTICIPATES  
BASED ON PREVIOUS TRIAL, THIS  
COMES OUT AS A WAY TO IMPEACH  
HER CREDIBILITY, THEY HAD A  
VIOLATION OF PROBATION IF I'M  
NOT MISTAKEN.

AND CURATIVE -- DID NOT GIVE IT  
BECAUSE OF WHAT LAWYERS SAY.  
NO REQUEST FOR A MISTRIAL.  
ANY ERROR THE COURT CAN FIND  
REGARDING THAT PARTICULAR  
STATEMENT.

THE OTHER OBJECTION WAS IN  
DEALING WITH ASHLEY PRICE THE  
PROSECUTOR INDICATED THERE WAS  
NO -- I DON'T HAVE THE LANGUAGE  
IN FRONT OF ME, THE OBJECTION  
WAS BURDEN SHIFTING.

TO MISLEAD THE JURY ABOUT HIS  
BURDEN IS TO PROVE BEYOND A  
REASONABLE DOUBT THAT MISTER  
MORRIS COMMITTED THESE CRIMES,  
THIS WAS THE COMMENT ON THE FACT  
THAT MISS PRICE GOT UP AND  
TESTIFIED AND THROUGH  
CROSS-EXAMINATION COUNSEL DID  
NOT ESTABLISH THE SHE HAD ANY  
REASON TO LIVE, ONE OF THE  
THINGS THE JURY CAN CONSIDER IN  
DETERMINING WHETHER OR NOT A  
WITNESS IS CREDIBLE.

THIS ESSENTIALLY DEALT WITH HOW  
WELL SHE KNEW MISTER MORRIS, IF  
SHE KNEW HE HAD A CHILD AND  
OTHER THINGS ABOUT MISTER MORRIS  
BECAUSE THE DEFENSE WAS TRYING  
TO ESTABLISH THEY HAD THE KIND  
OF RELATIONSHIP WHERE MISTER  
MORRIS WOULD TELL HER THAT HE  
KILLED MISTER ANDERSON.

AND A FELONY CONVICTION DID COME  
OUT, THE TIMING WAS BENEFICIAL  
TO MISTER MORRIS BECAUSE IT WAS  
JUST THE FACT SHE IS A CONVICTED  
FELON IN THE JURY WAS INSTRUCTED  
TO CONSIDER THAT WITH REFERENCE  
TO HER CREDIBILITY.

THE DISCUSSION ABOUT THE TAPE  
AND CONTEXT AND CONTENT OF THE  
TAPE THAT WAS NOT OBJECTED TO

AND IT WAS WRITTEN -- IN REBUTTAL ARGUMENT, THE DEFENSE INITIALLY DISCUSSES THE TAPE AND URGES THE JURY TO GO BACK AND LISTEN TO IT AND INTERPRET FROM IT, MISTER MORRIS WAS TRYING TO GET ASHLEY PRICE TO TELL THE TRUTH, THAT SHE HAD LIED AND HE IS TRYING TO GET HER TO TELL THE TRUTH.

IN REBUTTAL, THE STATE PRESENTS MORE OF THE CONVERSATION, MORE OF THAT TAPE AND URGES THE JURY TO LISTEN TO IT IN CONTEXT, LISTEN TO IT WITH THE KNOWLEDGE THAT MISTER MORRIS KNEW HE WAS BEING RECORDED, AND REASONABLY ARGUED BASED ON TOTALITY OF THE EVIDENCE THAT WAS PRESENTED, WAS NOT SOMEONE --

>> ONE OF THE THING THAT CONCERNED ME, DURING THE PLAYING OF THE TAPE THE PROSECUTOR WAS GIVING HIS INTERPRETATION OF WHAT WAS BEING SAID BY THE DEFENDANT.

IS THAT THE CASE?

>> I DON'T KNOW THAT HE WAS GIVING HIS INTERPRETATION. HE WAS CERTAINLY ARGUING THE JURY COULD CONCLUDE BASED ON THE EVIDENCE THAT WAS PRESENTED IN THE CASE IN ADDITION TO WHAT WAS BEING SAID AND WHAT CONVERSATION, HOW IT FLOWED. MISTER MORRIS WAS NOT TRYING TO GET MISPRICED TO TELL THE TRUTH, WANTED HER TO COME THIS DAY, SHE AGREES TO SEE HIM IN JAIL THE NEXT DAY BUT ACTUALLY SHE NEVER DOES AND THEY ASKED HER WHILE SHE IS ON THE STAND WHETHER SHE WENT TO SEE HIM AND SHE SAYS SHE DID NOT THOUGH SHE AGREED TO DO SO.

THAT IS FAIR COMMENT AND WASN'T OBJECTED TO.

THE COURTS WOULD HAVE TO FIND THAT IT WAS FUNDAMENTALLY UNFAIR TO HAVE ANY CONCERNS ABOUT THAT

PARTICULAR ARGUMENT.

I WANTED TO TALK ABOUT DOCTOR  
MCLEAN, THE EXCLUSION OF DOCTOR  
MCLEAN'S TESTIMONY.

I SLIGHTLY AGREE THAT THIS ISSUE  
-- I DISAGREE THAT THIS ISSUE  
WAS PRESENTED -- THE DECISION  
WAS DOCTOR MCLEAN, ABOUT HIS  
MENTAL STATE I REPENT FOR  
KILLING.

THE ARGUMENT THAT WAS MADE IN  
THE POLICE OFFICER CASE.

>> THE HARMLESS ERROR ANALYSIS  
IS DIFFERENT.

>> THE HARMLESS ERROR ANALYSIS,  
AND ABUSE OF DISCRETION HARMLESS  
ERROR ANALYSIS --

>> THE ERROR IN THE COURT TO  
EXCLUDE DOCTOR MCLEAN'S  
TESTIMONY.

>> TO THE EXTENT IT IS HARMLESS,  
THERE WAS NO ANALYSIS.

>> YOU WERE CONTESTING WHETHER  
IT WAS ERROR OR NOT.

>> I'M CONTESTING WHETHER IT WAS  
ERROR OR NOT.

AND BASED ON WHAT WOULD HAVE  
HAPPENED.

>> THERE WERE TWO PARTS OF WHAT  
THEY WERE ARGUING AND TRYING TO  
UNDERSTAND IT.

THEY WANTED DOCTOR MCLEAN TO  
TALK ABOUT THAT HIS STATE OF  
MIND WAS SUCH AT ANY STATEMENT  
THAT WAS MADE DURING THAT PERIOD  
WOULD BE UNRELIABLE AND  
SHOULDN'T COME, ASKING  
SUPPRESSION OF THE EVIDENCE.  
IS THAT CORRECT?

>> THERE WERE TWO COMPONENTS THE  
ONES THAT IT WAS NOT RELEVANT,  
IT WAS NECESSARY TO CHALLENGE  
THE RELIABILITY FOR THE JURY.

>> I WAS TRYING TO LOOK AT THIS,  
GOING TO ADMISSIBILITY, BECAUSE  
OF THE NATURE.

BE THAT AS IT MAY, THE JUDGE  
RULED THERE COULD BE OTHER  
WITNESSES WHO TESTIFY ABOUT HIS  
STATE, WHAT HE WAS SAYING DURING

THAT TIME.

JUST NOT THE EXPERT, WAS SHE BEING OFFERED, HAD SHE SEEN HIM DURING THAT TIME, DOCTOR MCLEAN?

>> YES.

>> IT IS SOMEBODY, WOULD SHE HAVE BEEN ABLE TO TESTIFY AS TO WHEN SHE OBSERVED?

>> WHEN MAKING THE STATEMENTS, SHE DID SEE HIM AROUND THAT TIME BECAUSE THIS STARTED AS A COMPETENCY ISSUE.

>> SHE WOULD HAVE TESTIFIED -- WHAT DOES THE RECORD REFLECT AS TO WHAT SHE WOULD HAVE SAID?

>> ACCORDING TO HER DEPOSITION SHE WOULD HAVE TESTIFIED SHE WOULD HAVE INTERVIEWED MISTER MORRIS AND REVIEWED LOGS FROM DOC LOGS FROM HIS MONITORING AND HER DEPOSITION TESTIMONY, A RULE OUT HYPOTHESIS DIAGNOSIS OF DEPRESSION WITH PSYCHOTIC FEATURES.

WHEN WE LOOK AT ABUSE OF DISCRETION HARMLESS ERROR OR HOWEVER YOU WANT TO VIEW IT, TO EXAMINE MISTER MORRIS DURING THAT PERIOD OF TIME AND THE STATE'S EXPERT, ADJUSTMENT DISORDER WITH DEPRESSED MOOD, PROBABLY MOLLY GRAND AS ANTISOCIAL PERSONALITY DISORDER.

>> MALINGERING WHEN HE SAID I KILLED FIVE PEOPLE?

>> PROBABLY MALINGERING IN THE SENSE STATEMENTS REGARDING HEARING VOICES, AND IN A PSYCHOTIC STATE.

ACCORDING TO DOCTOR TAYLOR, IT IS NOT THE TYPE OF INFORMATION HE WOULD CONSIDER IS A PSYCHOTIC BREAK, MALINGERING -- WHEN I HEAR HIS REPORT.

WHEN GETTING THE TESTIMONY IN THE STATE SAYS WOULD LIKE TO COMPEL MISTER MORRIS'S MEDICAL RECORDS AND PSYCHOLOGICAL RECORDS AND ALREADY HAS AT LEAST DOCTOR TAYLOR WHO COULD COME IN

AND TESTIFY HE IS LINGERING AND ANTISOCIAL PERSONALITY DISORDER. IF ALL OF THIS EVIDENCE COMES IN, AND ARGUABLY MORE HARMFUL TO INCLUDE.

AND THE JUDGE SAW THE WRITING ON THE WALL, AND ALLOW THE TESTIMONY TO COME IN.

AND TO EXPLAIN WHY PEACEFUL -- FALSELY UNDER INTERROGATION. AND THE HYPOTHESIS -- PSYCHOTIC FEATURES THE STATE TO REBUT VIGOROUSLY.

>> THE TESTIMONY WAS THOUGHT TO OFFER THE CIRCUMSTANCES SURROUNDING THE STATEMENT AND MADE THE STATEMENT TO CAST DOUBT ON THE CREDIBILITY OF THE STATEMENT HE MADE.

>> THE JUDGE DIDN'T SAY IT WASN'T RELEVANT, HE SAID IT WAS MISLEADING AND CONFUSING AND WASN'T GOING TO ALLOW AN EXPERT TO TESTIFY TO THESE FACTS. AND HIS MAIN CONCERN THAT IT WAS MISLEADING TO THE JURY.

AND INDICATES THERE WAS SOME MENTAL DISORDER MISTER MORRIS HAD THAT IS MY REASON TO MAKE THESE STATEMENTS.

>> HE MAKES A CONFESSION WHEN I KILLED THIS PERSON, ALL PART OF THIS -- WHICH WAY IT WOULD GO. AS TO KILLING THIS PERSON WHEN THAT IS OUT OF CONTEXT.

>> THAT IS THIS WOULD HAVE GONE DOWN THIS ROAD.

HE DID KILL 5 PEOPLE WITH 5 PEOPLE PART DID COME IN, AND REPENTING FOR HIS KILLING. AND THE JUDGE UNDERSTOOD WHERE THIS WAS COMING, TO BE THE JURY AND CONFUSE THE JURY.

>> WHAT MISTER BOLTON BROUGHT UP, WHAT ASK THE COURT TO AFFIRM.

>> I WILL GIVE YOU TWO MINUTES, KEEPING AND I ON THE CLOCK.

>> THE COURT SHOULDN'T FIND HARMLESS ERROR, AND WE DON'T

KNOW HOW THE JUDGE WOULD HAVE RULED, HARMLESS ERROR HAS TO DO WITH CONSIDERATION OF THE EVIDENCE OF THE CASE, AND THE EFFECT OF THE ERROR ITSELF, LOOK AT WHAT THE PROSECUTOR DID WITH IT.

THE EVIDENCE WAS SO COMPLETELY DIFFERENT FROM THE OTHER CASE BUT WHAT WAS HARMLESS AND THE POLICE OFFICERS CASE IS NOT HARMLESS HERE IF THE COURT FOLLOWS FEDERAL COURT WERE TO FOLLOW CHAPMAN VERSUS CALIFORNIA.

THE JUDGE RULED THE TESTIMONY WAS RELEVANT.

JUDGE FUENTE WAS CONFUSED ON A LOT OF POINTS, IT IS NOT RELEVANT BECAUSE WHEN THE DEFENSE IS RUNNING AN INSANITY DEFENSE WE KNOW UNDER CRANE THAT IS NOT TRUE.

DOCTOR MCLEAN'S TESTIMONY HAD NOTHING TO DO WITH HIS MENTAL STATE AT THE TIME.

NOTHING TO DO WITH HIS MENTAL STATE AT THE TIME OF THE STATEMENT AND THAT THIS THING WISHES THE CASE THE STATE RELIES ON.

ON THE CHANGE OF VENUE ISSUE THE JURORS DIDN'T HAVE TO SPONTANEOUSLY REMEMBER THE POLICE OFFICERS, IT WOULD BE A PROBLEM DID THE INTERVIEW SPONTANEOUSLY REMEMBER ANYTHING AND THEY ALL SAID NO.

I WILL GO WITH THAT BUT IN THE PENALTY PHASE WHEN THE PROSECUTOR GETS UP AND SAYS I HAVE EVIDENCE OF THE MURDER OF POLICE OFFICERS DAVID CURTIS AND JEFFREY COOK, THE JURORS GO OH MY GOD, HE IS THAT GUY AND WHEN THEY SEE THE DASH CAM VIDEO WHICH WAS FEATURED --

>> YOU ARE ARGUING THE CHANGE OF VENUE AS IT RELATES TO THE PENALTY PHASE.

>> EVEN IF IT WAS ARGUABLY  
HARMLESS AS TO THE GUILT PHASE

--

>> HE WILL PROBABLY --

>> I SUPPOSE IF HE GETS A HEARSE  
REVERSAL THE CHANGE OF VENUE MAY  
BE MOOT AS TO THE PENALTY PHASE.  
HE SHOULD GET A CUT DOWN TO LIFE  
IN PRISON BASED ON THE EIGHTH  
AMENDMENT ISSUE OF THIS ONLY  
BEING A POTENTIAL DEATH CASE  
BECAUSE OF THE FORTUITOUS OR  
STRATEGIC ORDER IN WHICH THESE  
CASES WERE TRIED.

>> YOU ARE DONE.

WE WILL RECESS FOR 10  
MINUTES.