

>> HEAR YE HEAR YE HEAR YE,
THE SUPREME COURT OF FLORIDA
IS NOW IN SESSION.
ALL WHO HAVE CAUSE TO PLEA, DRAW
NEAR.

GIVE ATTENTION, YOU SHALL BE
HEARD.

GOD SAVE THESE UNITED STATES,
THE GREAT STATE OF FLORIDA AND
THIS HONING RABBLE COURT--
HONORABLE COURT.

LADIES AND GENTLEMEN, SUPREME
COURT OF FLORIDA.

PLEASE BE SEATED.

>> GOOD MORNING.

WELCOME TO THE FLORIDA SUPREME
COURT.

THE FIRST CASE ON THE DOCKET IS
WOOD V. STATE.

>> MR. CHIEF JUSTICE, THIS
HONORABLE COURT, NADA CAREY
REPRESENTING MANY WOOD. --
MR. WOOD.

I'D LIKE TO FOCUS MY REMARKS
TODAY ON THE PROPORTIONALITY
ISSUES, BUT I WANT TO TOUCH ON
HEARST BRIEFLY AND DIRECT THE
COURT'S ATTENTION TO A NOTICE OF
SUPPLEMENTAL AUTHORITY THAT I
FILED YESTERDAY POINTING OUT A
COUPLE OF CASES FROM ALABAMA
WHICH, AS THE COURT'S AWARE, HAS
A DEATH PENALTY SCHEME VERY
SIMILAR TO THE ONE THAT WAS
OVERRULED IN HEARST.

ON MONDAY THE U.S. SUPREME COURT
VACATED THE DEATH SENTENCE IN A
CASE CALLED RUSSELL.

THEY GRANTED CERT, THEY VACATED
THE DEATH SENTENCE AND REMANDED
TO THE ALABAMA SUPREME COURT IN
LIGHT OF HEARST.

AND IN THAT CASE, THE JURY HAD
UNANIMOUSLY FOUND BEYOND A
REASONABLE DOUBT THE AGGRAVATOR
THAT THE COURT RELIED ON TO
SENTENCE MR. RUSSELL TO DEATH,
AND THE JURY ALSO VOTED 12-0 TO
RECOMMEND DEATH IN THE CASE, AND
YET THE COURT GRANTED CERT AND
APPARENTLY FOUND THE DEATH
SENTENCE UNCONSTITUTIONAL.

I THINK THAT CASE-- AND THERE'S
ANOTHER CASE, THERE MAY BE A

THIRD CASE WHERE THE COURT HAS
VACATED THE DEATH SENTENCE IN
THESE ALABAMA CASES.

I THOUGH IN CONNECTOR CITY IT
WAS ALSO THE JURY HAD FOUND THE
AGGRAVATOR UNANIMOUSLY BEYOND A
REASONABLE DOUBT, AND IT WAS A
12-0 RECOMMENDATION AND YET THE
COURT FOUND ERROR.

I HAVEN'T HAD TIME TO DIGEST
THAT COMPLETELY,

BUT IT SEEMS TO ME
THAT CAN ONLY MEAN ONE THING AND
THAT'S THE WEIGHING FACTS MUST
BE DETERMINED BY A JURY AND A
JURY THAT ALSO HAS NOT HAD ITS
RESPONSIBILITY DIMINISHED BY
BEING TOLD IT'S ADVISORY ONLY.

>> WHAT IN ADDITION TO THE
AGGRAVATING FACTORS DO THEY
DISCUSS IN THAT CASE THAT THE
JURY MUST FIND?

>> THAT THEY--

>> YOU SAID THEY HAVE TO FIND
THE AGGRAVATING FACTORS, AND THE
JURY DID IN THAT CASE FIND THE
AGGRAVATING FACTORS, CORRECT?

>> YES.

>> SO WHAT WAS MISSING THAT
REQUIRED A REVERSAL?

>> WELL, AGAIN, IT WAS A SUMMARY
REVERSAL.

SO MY INTERPRETATION IS THAT THE
ONLY ROB THAT WOULD REQUIRE--
THE ONLY PROBLEM THAT WOULD
REQUIRE REVERSAL IS THAT THE
JURY DID THE WEIGHING AND
RENDERED AN ADVISORY VERDICT,
AND THE JUDGE ACTUALLY POSED THE
SENTENCE.

SEE, THE ONLY PROBLEM THIS COULD
BE IS THAT THE WEIGHING FACTS
MUST BE DETERMINED BY THE JURY
AND BY A JURY THAT HASN'T BEEN
INFORMED THAT ITS DECISION ON
THAT PARTICULAR DETERMINATION IS
ADVISORY ONLY.

>> BUT WE REALLY DON'T KNOW WHAT
THEY MEAN WHEN THEY GRANT CERT.
WE KNOW THE ALABAMA SUPREME
COURT INTERPRETED THEIR STATUTE
ONLY REQUIRE ONE AGGRAVATOR.
BUT LET'S GO TO THE MERITS OF
YOUR CASE.

>> OKAY.
>> YOU WERE SAYING YOU ARE GOING TO ARGUE PROPORTIONALITY UNDER EDMUND TYSON OR UNDER THE STANDARD--
>> YES, UNDER BOTH.
WE'VE ARGUED THAT THE TYSON STANDARD WAS NOT MET HERE WHICH REQUIRES THAT WOOD HAVE ENGAGED IN SOME ACTS KNOWN TO CARRY A GRAVE RISK OF DEATH AND HE AGENT SUBJECTIVELY APPRECIATED THAT HIS ACTS WERE LIKELY TO RESULT.
>> WELL, LET'S START THOUGH IF THERE'S PREMEDITATED-- IF THERE'S ENOUGH EVIDENCE FOR PREMEDITATED MURDER, THEN EDMUND TYSON DOESN'T COME IN.
>> CORRECT.
>> OKAY.
SO YOU'RE-- BUT ON THE OTHER HAND, YOUR PROPORTIONALITY ARGUMENT EVEN IF THERE IS ENOUGH FOR PREMEDITATION, YOU STILL WOULD HAVE-- BE YOU DON'T HAVE CCP AND AVOID ARREST, YOU'RE LEFT WITH ONE AGGRAVATOR.
>> THAT'S RIGHT.
>> SO I GUESS YOU HAVE-- THEY'RE ALL INTERTWINED, BUT HOW DO YOU WANT TO APPROACH IT?
>> THEY'RE INTERTWINED.
I GUESS THE BEST WAY TO APPROACH IT IS TO LOOK AT THE FACTS. THERE'S NO EVIDENCE THAT MR. WOOD EITHER ASSAULTED MR. SHORES OR BEAT HIM WITH A HOE--
>> WELL, HE DID-- EVERYTHING ABOUT EITHER CCP, PREMEDITATION, WHATEVER, COMES FROM MR. WOOD, RIGHT?
HIS STATEMENTS.
>> HIS STATEMENTS--
>> THE STATE WOULD HAVE ENOUGH TO SHOW HE WAS THERE AND PARTICIPATED IN A ROBBERY, A BURGLARY--
>> THAT'S RIGHT.
>> BUT AS FAR AS WHO DID THE KILLING, THE DNA IS NOT ON THE SHOTGUN.
IT CAN'T EXCLUDE OR INCLUDE HIM, BUT IT DOES HAVE THE

CO-DEFENDANTS.

>> THAT'S RIGHT.

>> AND THE GUN WASN'T BROUGHT TO THE-- OKAY, SO GOING TO THOUGH HE DOES ADMIT THAT HE BEAT HIM, THAT HE HIT HIM, THAT HE TIED HIM UP--

>> WELL, WITH REGARD TO THE HITTING HIM, I THINK IT'S IMPORTANT WHEN THAT OCCURRED. MR. WOOD WAS IN FRONT OF THE HOUSE TRYING TO GET THE JEEP OUT WHEN MR. SHORES SHOWED UP. THERE WAS A CONVERSATION. MR. SHORES DROVE TO THE BACK OF THE HOUSE.

RASKEY FOLLOWED HIM TO THE BACK OF THE HOUSE.

AND AT SOME POINT WOOD HEARD SOMETHING GOING ON BACK THERE. HE WALKED BACK THERE.

MR. SHORES HAD ALREADY BEEN HIT WITH THE HOE AND WAS ON THE GROUND, AND RASKEY WAS TYING HIM UP WITH THE CHAIN.

THAT CHAIN HAD RASKEY'S DNA ON IT--

>> DID THE CHAIN HAVE MR. WOOD'S DNA ON IT ALSO?

>> IT DID NOT, AND I'M GLAD YOU ASKED THAT BECAUSE THERE'S SOMEWHERE IN THE JUDGE'S SENTENCING ORDER WHERE THE JUDGE SAYS WOOD'S DNA US WITHIN TO THE-- WAS ON THE CHAIN, BUT THAT'S INCORRECT.

THERE'S NO EVIDENCE OF THAT. ONE THING ABOUT OUR BRIEFS, OUR FACTUAL STATEMENTS ARE VIRTUALLY IDENTICAL, THE STATE'S AND MIND. SO THE THING ABOUT THE PUNCH IS--

>> SO, BEFORE WE LEAVE THE DNA--

>> YEAH.

>> WAS THERE, WAS MR. WOOD'S DNA POUND ON ANY ITEM AT THE SCENE.

>> THE ONLY PLACE HIS DNA WAS FOUND WAS ON THE GLOVE BOX OF THE JEEP, THE VEHICLE HE WERE IN THAT GOT STUCK IN THE MUD. AND BACK TO THE PUNCH, SO WOOD SAYS HE WALKED BACK THERE.

HE WAS TYING THE MAN UP, AND HE TOLD MR. WOOD TO GET A, GET SOMETHING TO TIE HIS FEET. AND HE SAYS AT THAT POINT HE MAY HAVE PUNCHED HIM.

THIS IS IN HIS STATEMENT TO POLICE, SO THAT RASKEY WOULDN'T THINK HE WAS GOING TO SNITCH ON HIM.

SO EVEN IN HIS STATEMENT TO THE POLICE WHICH WAS RIGHT AFTER HE GOT OUT OF THE HOSPITAL, THERE'S INDICATIONS THAT HE'S SCARED OF THIS GUY, YOU KNOW, THAT HE'S SEEN WHAT HE'S DONE, AND HE'S GOING ALONG WITH HIM--

>> LET ME JUST-- AND I APPRECIATE WHAT YOU'RE DOING. >> SURE.

>> WE CAN'T LOOK AT THE FACTS OF WHATEVER WOOD SAID IN THE LIGHT MOST FAVORABLE TO WOOD. WE'VE GOT TO LOOK AT IT IN THE LIGHT MOST FAVORABLE TO THE STATE.

AND ALL I'M STRUGGLING WITH, BECAUSE YOU ALWAYS DO A GOOD JOB OF SETTING IT OUT, AND I THINK THERE'S SOME REAL ISSUES HERE, AGAIN, WITH CCP AND AVOID ARREST, BUT I'M STRUGGLING WITH THE ISSUE ON THE PREMEDITATION OR EDMUND TYSON.

SO IF WE GO TO-- TO ME, IT'S SIGNIFICANT THAT THE GUN, AT THAT POINT, THERE'S NO-- THEY DON'T KNOW THERE'S A GUN?

>> RIGHT.

THEY WEREN'T CARRYING ANY GUNS. THEY WERE OUT PLAYING IN THE DIRT, BASICALLY, SPINNING THEIR WHEELS, MUD RIDING, HAVING A GOOD TIME WHEN RASKEY PULLS INTO THIS FARMHOUSE.

WE DON'T KNOW WHY HE TELLS WOOD WE'RE SUPPOSED TO BE HERE.

THEY GO INSIDE, USE THE BATHROOM, THEY'RE SMOKING A CIGARETTE, ETC.

THEY'RE JUST PLAYING AROUND.

THEY DON'T HAVE ANY GUNS.

THEY DON'T EVEN-- IN FACT, THE GUN THAT WAS USED TO SHOOT

MR. SHORES WAS IN THE TRUNK OF

HIS CAR.

SO THAT WASN'T DISCOVERED UNTIL RASKEY'S ALREADY, FOR REASONS UNKNOWN, ATTACKED HIM AND LEFT HIM UNCONSCIOUS ON THE GROUND.

>> RIGHT.

BUT HE MOWS-- AT THE POINT WHERE, DOES HE SEE FLAMMABLE FLUID BEING POURED ON THE VICTIM?

DOES HE SEE THAT HAPPEN?

>> IT'S NOT CLEAR WHETHER HE'S TOLD THAT OR HE SEES THAT.

WE DON'T EVEN KNOW WHERE THAT FLUID CAME FROM.

NOTHING WAS FOUND AT SCENE--

>> BUT THERE'S DNA, I MEAN, THERE'S FORENSIC EVIDENCE THAT THERE'S FLAMMABLE FLUID ON HIM.

>> THERE WAS, THERE WAS KEROSENE OR DIESEL OF SOME KIND, SOMETHING LIKE THAT, ON HIS CLOTHING--

>> I'M CONFUSED WHEN YOU SAY WE DON'T KNOW ABOUT THAT.

DIDN'T THE DEFENDANT'S STATEMENT INDICATE THAT HE HAD BEEN INSTRUCTED BY RASKEY-- PRONOUNCE THAT CORRECTLY-- TO SET HIM AFIRE BY STRIKING MATCHES?

>> YES.

>> AND HE SUBVERTED THAT, HE PRETENDED THAT THEY WOULDN'T LIGHT.

>> YES.

AND WHEN HE WAS ASKED ABOUT THE FLUID, HE SAID I THINK IT CAME FROM THE STP MODEL.

BUT THE STATE'S EXPERT DETERMINED THAT THERE WASN'T ANYTHING IN THE STP BOTTLE THAT MATCHED WHAT WAS ON THE CLOTHING.

>> BUT HE SEES SOMETHING BEING, HE KNOWS SOMETHING'S ON HIM, AND THEN THE CO-DEFENDANT SAYS LIGHT A MATCH.

NOW, CLEARLY, THAT WOULD SAY TO ANY REASONABLE PERSON HE WANTS TO, AGAIN, I'M JUST TRYING TO LOOK AT IT IN THE LIGHT MOST FAVORABLE TO THE STATE, HE WANTS TO KILL HIM BY A FIRE.

>> YES.
>> RIGHT?
OKAY.
SO NOW WE HAVE THE ISSUE THAT HE
SAYS I PRETENDED I WAS LIGHTING
THOSE MATCHES.
>> YES.
>> DO WE HAVE TO-- AND THEN THE
JUDGE FINDS THAT, HE INTERPRETS
THAT AS BEING, NO, HE REALLY
WAS-- COULDN'T LIGHT THEM
BECAUSE THEY WERE WET.
>> RIGHT.
>> NOW, THERE'S NO EVIDENCE OF
THAT, RIGHT?
>> CORRECT.
>> SO WHAT DO WE DO?
TO ME, THAT'S SORT OF A CRITICAL
STATEMENT.
IF YOU BELIEVE THAT THE
DEFENDANT-- WHICH IS, AGAIN, WE
ONLY HAVE HIS STATEMENT-- WAS
NOT WANTING TO, DID NOT INTEND
TO KILL HIM, IS THAT-- HOW DO
WE INTERPRET THAT
IN A LEGAL WAY BASED ON A
FACT THAT IS FROM A STATEMENT
FROM THE DEFENDANT'S OWN MOUTH?
SEE WHAT I'M-- BECAUSE I THINK
THAT'S A CRITICAL POINT.
>> YES, IT ABSOLUTELY IS.
WHAT I WOULD ARGUE IS THAT
WOOD'S STATEMENT IS CONSISTENT
WITH ALL THE STATE'S EVIDENCE.
THERE'S ABSOLUTELY NOTHING TO
CONTRADICT WHAT HE SAID.
AND HE TOLD THE POLICE IN HIS
TESTIMONY, HE MADE EXCULPATORY
STATEMENTS.
HE ADMITTED TYING HIM UP.
HE ADMITTED WHEN HE WAS IN THE
CAR WHEN THEY WERE BEING CHASED
BY THE TROOPER THAT WHEN DYLAN
ASKED HIM TO GET THE GUN, HE
PULLED THE GUN UP IN THE FRONT
SEAT.
AND, IN FACT, WHEN HE WAS ASKED
BY THE POLICE ABOUT THE MATCHES,
HE DIDN'T SAY I DON'T KNOW WHERE
THE MATCHES CAME FROM OR DYLAN
LIT THEM AND TRIED TO LIGHT HIM
ON FIRE.
HE SAID, OH, THE MATCHES, YEAH.
HE TOLD ME TO SET THE MAN ON

FIRE.

BUT I GOT-- I PRETENDED,
BECAUSE I KNEW HE WAS STILL
ALIVE, AND THERE'S NO WAY I
WOULD KILL SOMEONE.

I'D RATHER DIE MYSELF.

SO I THINK BECAUSE HIS
STATEMENT, HIS TESTIMONY'S
CONSISTENT WITH ALL THE OTHER
EVIDENCE, THE COURT CAN'T REACH
SOME OPPOSITE CONCLUSION LIKE
THE JUDGE DID--

>> WELL, ISN'T IT ADDITIONALLY
PROBLEMATIC HERE THAT THE JUDGE
RELIES ON A FACT THAT IS THE
FACT THE MATCHES WERE WET, THAT
IS A MATTER OF PURE SPECULATION?

>> EXACTLY.

THE JUDGE SPECULATED IN HIS
EDMUND TYSON ORDER AND IN BOTH
OF THE FINDINGS ON THE
AGGRAVATORS, STILL THE
SPECULATION.

I POINTED SOME OF THOSE OUT IN
MY BRIEF.

THE JUDGE IS BASICALLY AT ONE
POINT SAID, YOU KNOW, THE MOST
LOGICAL INTERPRETATION OF WHAT
HAPPENED IS THAT THEY BOTH WENT
THERE AND THEY PLANNED TO KILL
THIS GUY, AND THEY DID IT
TOGETHER.

THERE'S EVEN ONE POINT WHERE I
THINK THIS MIGHT BE THE STATE--

>> NOW, WHAT WAS THAT BASED ON?
MANY?

>> NOTHING.

>> THE PLAN TO KILL?

>> NOTHING.

THE JUDGE JUST SAID I THINK THIS
IS WHAT HAPPENED.

THERE WAS NEVER-- THE JUDGE
NEVER POINTED TO ANY EVIDENCE TO
SUGGEST THAT THAT HAPPENED.

AND EVEN THE STATE AT TRIAL, THE
STATE ARGUED LIKE WE'LL NEVER
KNOW HIS, WOOD'S TRUE
INVOLVEMENT--

>> LET ME ASK YOU THIS, DID THE
STATE ARGUE THAT.

>> THEY WALKED OVER, POINTED THE
TRIGGER.

SOMEHOW THEY BOTH DID IT
TOGETHER WHERE THERE'S

ABSOLUTELY NO EVIDENCE THAT
HAPPENED THAT WAY AT ALL.
>> YOU MADE A-- YOU HAVE IN
YOUR BRIEF ABOUT THAT HE PLACED
A PHONE NEAR THE VICTIM--
>> YES.
>>-- TO HELP HIM.
WE COULDN'T FIND THAT, AND
THERE'S NO CITATION IN THE
RECORD.
OF DO YOU HAVE A CITATION TO
THAT?
AND IF YOU CAN'T FIND IT RIGHT
NOW--
>> [INAUDIBLE]
>> IT'S CLEARLY SOMETHING HE
SAID IN THE STATEMENT.
>> HE SAID THAT IN HIS
TESTIMONY.
>> WAS THERE ANY EVIDENCE THAT
THE PHONE WAS FOUND BY THE
VICTIM--
>> NO.
HE SAID THAT WHEN RASKEY WENT
BACK WITH THE GUN AND SHOT, THAT
HE CAME BACK WITH THE GUN--
WITH THE PHONE IN HIS HAND.
SO RASKEY FOUND IT THERE.
>> HE LATER WAS INVOLVED IN A
CHASE WITH AN ALABAMA TROOPER,
RIGHT?
>> YES.
>> AT 130 MILES PER HOUR.
AND THEN THEY USED THE SHOTGUN
TO SHOOT AT THE TROOPER.
>> YES.
RASKEY WAS DRIVING THE JEEP, AND
RASKEY--
>> IS THERE ANY EVIDENCE AS TO
WHO SHOT AT THE TROOPER?
WHICH ONE?
>> YES.
THE EVIDENCE SHOWS THAT RASKEY
FIRED THE GUN THROUGH THE
DRIVER'S SIDE.
THE TROOPER SAW THE DRIVER FIRE
THE GUN AT HIM THROUGH THE
DRIVER'S SIDE--
>> DID HE, DID HE JUST SEE THE
SHOTGUN, OR DID HE SEE THE
ACTUAL DRIVER?
>> I THINK HE JUST SAW THE
SHOTGUN.
BUT AFTER BOTH, AFTER THE

COLLISION WOOD WAS IN THE PASSENGER SEAT, AND RASKEY HAD EXITED THE VEHICLE. HIS FLIP-FLOPS WERE OUT BY THE DOOR, AND HE RAN OFF. AND THE ROOMER STARTED FIRING-- THE TROOPER STARTED FIRING AT THE VEHICLE WHERE WOOD WAS IN THE PASSENGER SEAT WITH HIS HANDS UP, AND HE WAS SHOT MULTIPLE TIMES IN THE HANDS AND THE WRIST.

>> OKAY.

>> SO I THINK IT'S PRETTY CLEAR THAT WOOD WAS A PASSENGER IN THAT CAR.

>> YOU-- I THINK YOU MISSPOKE. YOU SAID THAT RASKEY WAS DRIVING THE JEEP.

IT'S THE CAMRY AT THAT POINT.

>> THE CAMRY.

>> WAS RASKEY THE DRIVER THROUGHOUT?

BECAUSE APPARENTLY THIS WAS RASKEY'S FRIEND'S JEEP IS AND ACCORDING TO, AGAIN, I GUESS TO THE TESTIMONY THAT'S NOT CONTRADICTED, IT WAS REALLY RASKEY WHO HAD THE RELATIONSHIP WITH THE GIRL WHO TOOK THE JEEP INITIALLY.

>> YES.

>> AND RASKEY'S THE ONE WHO HAD THE OUTSTANDING WARRANT.

>> YES.

WOOD ALSO KNEW KELLY, BUT ALSO RASKEY'S DNA WAS RECOVERED FROM, I THINK, THE STEERING WHEEL AND THE DRIVER'S SIDE, SEVERAL PLACES ON THE DRIVER'S SIDE OF THE JEEP AND NO DNA FROM WOOD WAS RECOVERED FROM THE JEEP.

>> SEE, IT WOULD MAKE MORE SENSE FOR WOOD TO BE LEANING OVER SHOOTING OUT FROM THE PASSENGER SIDE WHILE THE DRIVER'S ACTUALLY DRIVING THE CAR AS OPPOSED TO THE DRIVER WITH ONE HAND ON THE WHEEL AND ONE HAND ON THE HOT GUN SHOOTING AT THE TROOPER-- SHOTGUN SHOOTING AT THE TROOPER. THAT'S THE REASON I ASKED THE QUESTION.

>> YEAH, IT MIGHT MAKE MORE

SENSE, BUT RASKEY WAS THE
LUNATIC HERE.
HE WAS UNHINGED.
AND WOOD EVEN STATED IN HIS
STATEMENT, HE WAS DRIVING CRAZY
ALL DAY.
WE DON'T KNOW WHY RASKEY DID
THIS.
THE ODD THING ABOUT THIS CASE IS
WOOD HAS BEEN SENTENCED TO DEATH
FOR THE ACTIONS OF THIS OTHER
MAN THAT WE KNOW NOTHING ABOUT.
BUT WOOD TESTIFIED RASKEY'S DNA
WAS FOUND ON THAT GUN.
IT WAS THE SAME GUN THAT HE USED
TO SHOOT MR. SHORES.
WOOD'S DNA WAS NOT ON ANY OF THE
GUNS.
>> OKAY.
>> WELL, IT WAS, AGAIN, IT
COULDN'T BE EXCLUDED OR
INCLUDED, BUT DEFINITELY
RASKEY--
>> YES.
>> AND IT'S THE SAME SHOTGUN
THAT WAS USED TO KILL THE
VICTIM.
>> THAT'S CORRECT.
>> I'M ASSUMING, BECAUSE IT'S
SORT OF INTERESTING THE WAY--
ABOUT-- THE TESTIMONY ABOUT
WHAT HAPPENED WITH THE TROOPER
WAS USED, I GUESS, AS
INEXTRICABLY INTERTWINED
EVIDENCE RATHER THAN-- WAS HE,
WOOD, CONVICTED OR CHARGED WITH
THE--
>> AT THE TIME OF THE TRIAL--
>> OKAY.
>>-- THERE WAS NO--
>> I MEAN, I SORT OF LOOKED AT
THAT EVIDENCE AS ALMOST
SUPPORTING THAT RASKEY WAS THE
DOMINANT MOVER HERE BECAUSE OF
THE FACT THAT IT LOOKED LIKE
WOOD WASN'T GOING ANYWHERE.
HE COULD HAVE GOTTEN OUT OF THE
CAR, I GUESS, AT THE SAME TIME.
>> RIGHT.
>> AND HE HAS HIS HANDS UP.
I MEAN, THAT'S PRETTY WELL--
>> YES, YOUR HONOR.
THROUGHOUT RASKEY APPEARS TO BE
THE DOMINANT PLAYER.

AND, IN FACT, I MEAN, WOOD WAS TAKEN TO THE HOSPITAL, AND THEN AS SOON AS, YOU KNOW, OPIATES, ETC., AND TAKEN TO THE POLICE STATION, HE PRETTY MUCH CAME CLEAN.

BOTH OF THE DETECTIVES WHO INTERVIEWED HIM SAID HE WAS VERY COOPERATE I, HE ANSWERED-- COOPERATIVE, HE ANSWERED ALL THEIR QUESTIONS.

HE WAS IN A LOT OF DISTRESS FROM HIS INJURIES.

WHEREAS RASKEY, THEY TALKED TO HIM BRIEFLY, AND HE SAID I DIDN'T HAVE ANYTHING TO DO WIT. I DON'T KNOW ANYTHING.

>> IS THERE A VIDEOTAPE OF HIS-- THE ONLY THING WE COULD FIND WAS AN AUDIOTAPE--

>> JUST AN AUDIO, YEAH.

JUST AN AUDIO.

IF THE COURT HAS NO FURTHER QUESTIONS, I'LL SAVE THE REST OF MY TIME FOR REBUTTAL.

>> MAY IT PLEASE THE COURT, ASSISTANT STATE ATTORNEY BERDENE BECKLES REPRESENTING THE STATE OF FLORIDA.

THE EVIDENCE IN THIS CASE SHOWS THAT ZACHARY WOOD WAS A MAJOR PARTICIPANT IN THIS CRIME AND IN THE MURDER OF THIS VICTIM.

STARTING WITH THE PREMEDITATION THAT THE COURT WAS QUESTIONING ABOUT, MR. WOOD WAS WITH RASKEY, AND HE ADMITS THAT THEY GOT TO THIS PROPERTY, AND THEY WERE PLUNDERING THE PROPERTY, AND THEIR JEEP WAS STUCK.

>> OKAY.

JUST WHEN WE START WITH THE PLUNDERING OF THE PROPERTY, IS THERE-- THERE'S NO EVIDENCE THAT EITHER OF THEM, THAT THEY HAD A GUN IN THEIR VEHICLE.

>> AT THE TIME, NO.

>> OKAY.

IS THERE ANY EVIDENCE THAT-- AND IT LOOKED, DID IT LOOK LIKE THE PROPERTY WAS ABANDONED?

>> I BELIEVE THAT'S WHAT HE SAID, IT LOOKED LIKE NOBODY WAS THERE.

>> OKAY, BUT--
>> NOBODY WAS LIVING THERE, THE VICTIM WAS LIVING IN A TRAILER BEHIND THE PROPERTY.
>> SO IN TERMS OF-- SO YOU WERE SAYING ABOUT, SO THE PLAN, WHATEVER PLAN THERE WAS REGARDING THE VICTIM DIDN'T START AT THE POINT THEY GOT SUCK IN THE MUD-- STUCK IN THE MUD OR DID IT?
>> NO.
>> OKAY, SO--
>> IT STARTED WHEN THE VICTIM ARRIVED.
WHEN THE VICTIM ARRIVES, HE TELLS THEM TO GET OFF HIS PROPERTY, AND HE TELLS THEM HE'S GOING TO CALL THE SHERIFF. HE ALSO TAKES DOWN THEIR LICENSE PLATE NUMBER.
>> DIDN'T HE TELL THEM HE'S GOING TO CALL THE SHERIFF TO HELP THEM?
HE WANTS THE VEHICLE OFF, BUT HE'S GOING TO ASK THE SHERIFF TO COME OR THE POLICE SO THEY CAN HELP THEM PULL THE JEEP OUT OF THE MUD?
?
>> YES.
AND THEN WOOD SAYS ALSO THAT RASKEY DIDN'T WANT THE SHERIFF CALLED.
WOOD WAS AWARE THAT HE HAD A WARRANT, THAT THEY HAD WENT INTO THE VICTIM'S HOME, HE WAS AWARE OF THE THINGS THEY HAD BEEN DOING.
AND AT THAT POINT WE HAVE THE VICTIM GOING, DRIVING HIS CAR TO THE BACK OF THE ABANDONED HOME. WOOD IN HIS SELF-SERVING TESTIMONY SAYS THAT RASKEY WENT BACK THERE AND BEAT THE VICTIM WITH THE HOE, BUT WE HAVE TESTIMONY THAT THE VICTIM WAS PUNCHED IN THE FACE TWICE AND THAT WOULD HAVE OCCURRED PRIOR TO THE BEATING WITH THE HOE, PRIOR TO THE VICTIM FALLING DOWN AND GETTING BASHED IN THE HEAD 15 TIMES.
AND THEN WE HAVE WOOD ADMITTING

TO GOING INTO THE VICTIM'S HOME,
GETTING A SHIRT AND TYING UP THE
VICTIM'S LEGS WHILE THE VICTIM
IS UNCONSCIOUS.

WOOD ALSO ANYTIME -- AND
ESPECIALLY AT THE SPENCER
HEARING-- THAT HE GOT THE STP
GAS TREATMENT AND Poured THAT ON
THE VICTIM, STOOD OVER THE
VICTIM'S--

>> I'M SORRY, I COULDN'T HEAR
YOU.

HE GOT WHAT NOW?

>> THE STP TREATMENT THAT WAS
EMPTY AND Poured IT ON THE
VICTIM, STOOD OVER THE VICTIM'S
BODY AND WAS STRIKING MATCHES.

>> OKAY, THAT'S WHERE THE
CRITICAL PART COMES, ABOUT THE
STRIKING OF THE MATCHES.
FIRST OF ALL, ALTHOUGH WOOD SAID
IT WAS STP, YOUR MEDICAL--
FORENSICS--

>> THEY SAID IT WAS A MEDIUM
AROMATIC WHEREAS IT WAS A HEAVY
PETROLEUM--

>> SO I DON'T KNOW-- WHAT DOES
THE STATE ATTRIBUTE THE
SIGNIFICANCE AS TO WOOD SAID IT
WAS STP?

HE WASN'T THE ONE THAT Poured
IT, WAS HE?

>> HE SAYS HE Poured THE STP ON
THE VICTIM THOUGH.

>> HE SAYS THAT--

>> EVEN THOUGH THE FORENSIC
MEDICAL EXAMINER FOUND SOMETHING
ELSE ON THERE AS WELL, WOOD SAYS
HE'S THE ONE WHO Poured STP ON
HIM.

WHETHER OR NOT IT COULD ACTUALLY
LIGHT OR IT WAS FLAMMABLE, WE'RE
NOT SURE BECAUSE THE FIRE--

>> SO THERE WERE TWO SUBSTANCES
Poured ON THE VICTIM?
BECAUSE I THOUGHT THE RECORD
ALSO SAID THAT WOOD SAID THAT
RASKEY Poured A FLAMMABLE LIQUID
ON THE VICTIM.

>> IN HIS INITIAL STATEMENT TO
THE POLICE, HE SAID STP WAS
Poured ON THE VICTIM.

AT TRIAL HE TRIES TO SAY RASKEY
IS WITH ONE WHO Poured IT, AND

AT THE SPENCER HEARING HE SAYS
HE POURED IT.
BUT THE FIRE CHIEF SAYS IT WAS A
HEAVY DISTILLATE THEY FOUND ON
THE BODY, SO WE'RE NOT SURE--
>> DID HE SAY IT WAS STP OR STP
OR SOMETHING LIKE THAT?
>> I'M NOT SURE ABOUT THAT
PART--
>> OKAY.
>> BUT--
>> WELL, HE WAS VERY SPECIFIC IN
WHAT HE, IN HIS DESCRIBING OF
WHAT IT WAS THAT HE POURED ON
THE VICTIM.
>> CORRECT.
AND THEN HE WAS SPECIFIC THAT HE
STOOD OVER HIS BODY STRIKING
MATCHES.
AND I KNOW THAT IN THE
SENTENCING ORDER THE JUDGE SAID
THAT THE MATCHES POSSIBLY WERE
WET, BUT WE ALSO HAVE A PICTURE
SHOWING A MATCH THAT WAS
ACTUALLY STRUCK THAT WAS BLACK,
THE HEAD OF THE MATCH IS BLACK,
AND THAT WAS ENTERED INTO
EVIDENCE AS WELL.
>> BUT ISN'T THIS WHAT-- THIS
IS A PRETTY CRITICAL PART,
RIGHT?
BECAUSE AT THIS POINT IF WOOD
INTENDS THAT THIS VICTIM BE
KILLED, WHICH IS WHAT YOU'RE
SAYING--
>> YES.
>>-- AND IT DOESN'T MATTER THEN
IF HE'S KILLED AFTERWARDS BY A
HOT GUN THAT HE DIDN'T KNOW AT
THAT POINT EXISTED, BUT IF
THE-- THERE ISN'T-- IF WE HAVE
TO SPECULATE AND SAY THAT HIS
TESTIMONY, WOOD, IS I NEVER
INTENDED TO KILL THIS VICTIM, I
WAS-- I PRETENDED TO DO THIS
AND THEN I PUT IT AWAY AND I PUT
A CELL PHONE THERE, AND THAT'S
WHAT I DID.
NOW, DON'T WE HAVE TO DO WHAT
THE JUDGE DID?
DON'T WE HAVE TO SPECULATE THAT
WOOD IS NOT TELLING TRUTH
ALTHOUGH HE'S, IT'S THE ONLY
THING THE STATE'S RELYING ON AND

THAT WE ARE GOING TO SPECULATE
THAT REALLY IT WAS THAT WOOD
INTENDED TO LIGHT THIS
DEFENDANT, I'M SORRY, THE VICTIM
ON FIRE.

AND I THINK THAT'S CRITICAL,
RIGHT?

BECAUSE THAT'S WHERE I SEE IT
GOING TO EITHER IT'S RECKLESS
DISREGARD, IT'S PREMEDITATION,
IT'S ALL OF THOSE THINGS.

SO I THINK IT'S PRETTY CRITICAL
HOW WE INTERPRET JUST THOSE FEW
STATEMENTS ABOUT WHAT HAPPENED
ABOUT THE MATCHES, WHETHER IT
WAS WOOD WHO SEEMS TO BE
CONSISTENT AS THE DEFENSE, AS IS
SAID WHERE HE'S ADMITTING THINGS
THAT HE DIDN'T HAVE TO ADMIT.
HE COULD HAVE SAID NOTHING, AND
THE STATE WOULD HAVE HAD A
PRETTY-- IN MY VIEW-- A PRETTY
HARD TIME OF SHOWING JUST ABOUT
MiG.

SO WHAT IS THAT-- ANYTHING.

SO WHAT IS THAT, THAT YOU CAN
SAY, NO, WE CAN DISREGARD WHAT
HE SAYS, I TRIED TO LIGHT-- I
PRETENDED TO LIGHT THE MATCH?

>> WE DO HAVE PICTURE, SOMETHING
ENTERED INTO EVIDENCE SHOWING
THAT A--

>> HOW MANY WERE LIT?

>> FIVE MATCHES.

HE STOOD OVER THE BODY
CONTINUOUSLY ATTEMPTING TO LIGHT
THESE MATCHES OVER THE BODY THAT
HE KNEW HE Poured SOMETHING IN
AN ATTEMPT TO BURN HIM.

WE ALSO HAVE, THOUGH, WOOD
ADMITTING THAT HE TOOK THE
LICENSE TAG OFF OF THE JEEP AND
PUT IT IN THE TRUNK.

AND ALTHOUGH HE TRIED TO SAY AT
TRIAL HE DIDN'T KNOW THE GUNS
WERE IN THE TRUNK, HE STATED
THAT HE TOOK THE SHOTGUNS OUT
OF THE TRUNK AND PUT THEM
INTO THE BACKSEAT OF THE CAMERA.
SO WE ALSO KNOW WOOD WAS THE ONE
WHO SAW THE GUNS WERE IN
THERE--

>> CAN I JUST GO BACK TO THIS
ISSUE OF THE POURING ON VICTIM?

WOOD IN HIS STATEMENT TO
LIEUTENANT BROCK SAYS-- AND
THERE WAS SOME KIND OF CHEMICAL
ON WOOD.

DYLAN WANTED ME TO CATCH THE OLD
MAN ON FIRE, AND BROCK SAID WHAT
DID YOU POUR ON HIM?

WOOD: I THINK IT IS STP
GAS TREATMENT HE Poured.
AND EVERY MATCH WAS LIT, BUT
WHAT I DID WAS STRUCK IT AND
THREW IT, BUT IT WOULDN'T LIGHT.

LIEUTENANT BROCK: SO YOU DIDN'T
ACTUALLY THROW IT ON HIM?

WOOD: NO, BECAUSE I DIDN'T WANT
HIM TO CATCH ON FIRE.

NOW, THAT STATEMENT-- I DON'T
KNOW IF THAT'S THE ONE HE GIVES
WHILE HE'S STILL IN THE
HOSPITAL, BUT HOW, HOW DO YOU
DISREGARD THAT STATEMENT THAT HE
DID NOT WANT TO KILL THIS MAN,
AND THE ONLY WAY HE WOULD HAVE
KNOWN ABOUT KILLING, YOU KNOW,
THE ISSUE OF PUTTING HIM ON
FIRE?

DO WE HAVE TO JUST SAY THAT'S A
LIE?

BUT IF THAT'S A LIE, THEN HOW DO
YOU CREDIT SOMETHING THAT'S
INCUHPATORY TO HIM?

THAT'S WHAT I'M STRUGGLING WITH.
>> WE ALSO HAVE FURTHER ACTIONS.

IT'S NOT JUST THE STRIKING--
THAT IN PARTICULAR IS HIS
ATTEMPT TO KILL THE VICTIM.

WE HAVE HIM PUNCHING THE VICTIM,
POURING FLUID ON HIM, ATTEMPTING
TO STRIKE THE MATCHES--

>> AGAIN, THE PART I READ, WHICH
IS HIS STATEMENT, IS HE DID NOT
POUR THE FLUID ON HIM.

AND HE SAID SPECIFICALLY I
PRETENDED.

I DID NOT WANT TO KILL THIS MAN.
AND TYING SOMEBODY UP TO GET
AWAY IN THEIR CAR IS CERTAINLY A
ROB-- I MEAN, YOU KNOW, WE'RE
LOOKING HERE AT A MAN THAT IS
GOING TO HAVE A LIFE SENTENCE NO
MATTER WHICH WAY THIS GOES.

SO THE QUESTION IS, IS THIS A
DEATH PENALTY CASE.

THAT'S REALLY WHAT WE'RE DEALING

WITH BECAUSE THERE'S FELONY MURDER, AND I DON'T THINK THEY'VE ARGUED THERE'S NOT FELONY MURDER.

SO WE'VE GOT A MAN WITH A LIFE SENTENCE.

NOW WE HAVE TO JUST LOOK AT IS THIS A CASE THAT IS, SHOULD BE A DEATH PENALTY--

>> WE'RE LOOKING PAST EVEN THE ACTIONS OF THE STRIKING THE MATCHES.

AND WE HAVE WOOD BEING THE ONE MOVING THE SHOTGUNS FROM THE TRUNK OF THE CAR INTO THE CAR. AND ALTHOUGH WE DON'T EVEN HAVE HIS FINGERPRINTS ON THAT, HE ADMITS TO MOVING THEM--

>> WE DON'T HAVE HIS-- WAIT, JUST SAY AGAIN, WE DON'T HAVE HIS FINGERPRINTS?

?

>> ON THE ACTUAL-- OR THE DNA, SORRY, ON THE GUN THAT WAS USED THAT RASKEY WAS HOLDING AT THE TIME.

BUT WE KNOW HE'S THE ONE WHO MOVED THE GUNS, THE SHOTGUNS FROM THE TRUNK INTO THE CAR. HE'S THE ONE WHO KNEW WHERE THEY WERE.

SO FOR WOOD TO SAY-- HE KNEW THAT THE PLAN WAS TO ATTEMPT TO KILL THIS VICTIM, AND HE WAS PARTICIPATING IN IT EVEN THOUGH HE'S TRYING TO SAY I DIDN'T WANT TO OR MY INTENT WASN'T TO FULFILL IT.

HE WAS STILL ACTIVELY PARTICIPATING.

BY POURING THIS TREATMENT ON HIM AND EVEN TRYING TO THROW MATCHES TO THE SIDE, IT'S POSSIBLE HE COULD HAVE STILL BEEN LIT ON FIRE.

WE HAVE ANOTHER, A PROPORTIONALLY CASE CALLED BUSH V. STATE WHERE THAT CASE BUSH STATES I DIDN'T KNOW THE INTENT WAS TO ROB OR TO KILL THE VICTIM.

WE ARRIVED AT THE SCENE AND HAD THE VICTIM GO OUT, I WAS TOLD TO KILL HER, AND I SUPERFICIALLY

STABBED THE VICTIM WITH A KNIFE WHICH WAS SUPPORTED BY THE M.E.'S TESTIMONY.

BUT THEN THE CO-DEFENDANT CAME AND SHOT THAT VICTIM.

AND THIS COURT FOUND CCP AND UPHELD HIS DEATH SENTENCE.

THIS IS A SIMILAR SITUATION WHERE WOOD IN HIS OWN TESTIMONY IS SAYING I DIDN'T REALLY WANT TO KILL HIM, SO I KIND OF PRETENDED I WAS GOING TO.

BUT THE VICTIM STILL DIES.

HE KNOWS WHAT THE INTENT IS.

HE KNOWS THE PLAN IS TO KILL THIS VICTIM.

IN REGARDS TO HEARST AND THE CASES THAT MY OPPONENT WAS MENTIONING, THE ALABAMA CASES, AS THIS COURT MENTIONED, WE DON'T REALLY KNOW WHY THE SUPREME COURT REMANDED THAT CASE BACK.

WE DON'T KNOW WHAT IS GOING TO HAPPEN WHEN ALABAMA REVIEWS THAT CASE.

ONE OF THE THINGS WE DO KNOW THOUGH IS IN READING ONE OF THE BRIEFS THAT WERE WRITTEN, THE DEFENDANT HAD NOT RAISED A RING CLAIM BELOW TO THE ALABAMA COURT.

SO THE OPINION THAT CAME UP DIDN'T HAVE ANY RULING ON RING. BUT WHAT THEY'RE GOING TO DO ABOUT THAT, WHAT THEIR HOLDING'S GOING TO BE OR WHY THEY REVERSED AND REMANDED IT, WE DON'T REALLY KNOW.

HOWEVER, IN THIS CASE WE DO BELIEVE THAT HEARST IS NOT APPLICABLE BECAUSE WE DO HAVE A CONTEMPORANEOUS CONVICTION. THE BURGLARY OF A STRUCTURE WITH A FIREARM AND ROBBERY WITH A FIREARM, THAT SUPPORTS ONE OF THE AGGRAVATORS THAT WAS FOUND BY THE TRIAL COURT.

>> WHAT ABOUT THE OTHER TWO AGGRAVATORS THAT SEEM TO BE OF CONCERN HERE IS WHAT EVIDENCE DO WE HAVE THAT AVOID ARREST WAS THE DOMINANT MOTIVE FOR THE MURDER HERE?

>> WELL, WE DO KNOW THAT THE BURGLARY HAD ALREADY ENDED WHEN THE VICTIM CAME.

THERE WAS NO--

>> THAT THE BURGLARY HAD ENDED?

>> YES.

THEY HAD COME OUT THE HOUSE ALREADY, AND THEY WERE JUST TRYING TO DIG OUT THEIR JEEP TO GET OUT AT THAT POINT.

THERE WAS NO OTHER REASON TO KILL THE VICTIM THAN TO AVOID ARREST.

THEY KNEW HE WAS PLANNING TO CALL--

>> JUST BECAUSE, I MEAN, I THINK YOU HAVE TO HAVE A LITTLE MORE THAN THE FACT THAT THEY COULD BE ARRESTED IF HE CALLED THE POLICE.

TELL ME SOMETHING ELSE IN THE RECORD OTHER THAN THE MERE FACT THAT HE SAID I WANT THIS JEEP GONE AND IF YOU DON'T GET IT OUT OF HERE, I'M GOING TO CALL THE POLICE THAT WOULD SAY THIS MURDER-- THE DOMINANT MOTIVE FOR THIS MURDER WAS TO AVOID ARREST.

WAS MR. WOOD UNDER ANY KIND OF PROBATION OR ANYTHING THAT COULD BE REVOKED?

WAS HE--

>> NOT THAT WE KNOW OF.

I DO KNOW, I BELIEVE THAT THE SENTENCING JUDGE FOUND THAT HE HAD BEEN CONVICTED OF IDENTITY THEFT.

>> HE HAD WHAT?

>> BEEN CONVICTED OF IDENTITY THEFT.

BUT I'M NOT SURE IF THAT CONVICTION HAPPENED AFTER THIS CASE OR IN BETWEEN THERE.

BUT THEY HAD BEEN AT THIS HOME, THEY HAD BEEN IN ANOTHER HOME THAT WOOD ADMITTED TO PLUNDERING AS WELL, ANOTHER ABANDONED HOME, AND THEY KNEW THEIR CAR HAD THINGS IN IT AS WELL THAT BELONGED TO THIS VICTIM TOO, HIS CHECKBOOK IN PARTICULAR.

AND AS WE SAID BEFORE, AFTER THEY GO ON THIS, YOU KNOW,

SHOPPING SPREE, THEN THEY'RE SHOOTING AT THE TROOPER TRYING TO PULL THEM OVER MORE JUST A SPEEDING SITUATION. SO THEY DID NOT WANT TO GET ARRESTED. AND WOOD KNEW THAT RASKEY HAD A WARRANT AS WELL--

>> DO WE LOOK AT THAT SOMETHING THAT HAPPENS AFTER THE ACTUAL MURDER TO SUPPORT--

>> NOT NECESSARILY--

>>-- THAT THIS MURDER WAS TO AVOID I A REST?

>> NO.

BUT IT SHOWS, I GUESS, THEIR INTENT OR THEIR MINDSET AT THE TIME.

BUT FOR SURE WE KNOW THAT THEY KNEW THIS VICTIM TOOK DOWN THEIR TAG AND WAS PLANNING TO CALL THE SHERIFF.

WOOD STATES THAT HE DIDN'T KNOW RASKEY HAD TAKEN THE JEEP OR STOLEN THE JEEP FROM THE KELLY GIRL.

HE KNEW THEY HAD TAKEN THE JEEP AS WELL.

AND BOTH OF THESE GUYS WERE CHEWING METH AT THAT TIME, TOO, THEY ADMIT.

ALSO-- YEAH, THEY WERE CHEWING METH AT THAT TIME.

AND, I MEAN, WE CAN'T COMPLETELY SPECULATE AS TO WHAT THEY WERE THINKING, BUT WE KNEW THAT THEY-- HE, WOOD, WAS AWARE THAT THE VICTIM WAS GOING TO CALL THE SHERIFF.

IF THERE ARE NO FURTHER QUESTIONS, WE'RE ASKING THAT THE COURT PLEASE AFFIRM THE SENTENCE OF DEATH AND THE CONVICTION.

>> JUST BRIEFLY ON THE HEARST ISSUE, IF THE COURT WOULD LIKE US TO FILE A SUPPLEMENTAL BRIEFING ON WHAT THOSE CERT GRANTED AND VACATING SENTENCE AND REMANDS IN ALABAMA MIGHT MEAN FOR FLORIDA'S STATUTE, WE'D BE HAPPY TO DO THAT.

>> DID WOOD NOT ADMIT AT SOME POINT THAT HE Poured THIS LIQUID, STP OR WHATEVER IT WAS,

IN THIS BOTTLE?
>> HE WAS ASKED, I BELIEVE THIS WAS AT THE SPENCER HEARING. HIS OWN ATTORNEY WAS ASKING HIM, AND YOU DID THIS, YOU TIED THE SHIRT, YOU POURED THE LIQUID, AND HE ANSWERED, YES.
IT'S NOT CLEAR WHETHER HE WAS SAYING I PERSONALLY DID IT. BUT AS-- BACK TO THE STP BOTTLE, WHAT THE EVIDENCE SHOWED IS THAT WHATEVER WAS IN THAT BOTTLE WAS NOT-- WAS IN THAT BOTTLE WAS NOT WHAT WAS ON MR. SHORES' CLOTHING. SO WE DON'T KNOW WHERE WHATEVER WAS ON HIS CLOTHING CAME FROM.
>> WELL, WAS HE SATURATED IN SOMETHING?
WAS IT-- OR, I MEAN, IN OTHER WORDS--
>> NO.
IT WAS JUST, IT WAS ON HIS PANTS AND HIS SHIRT, I BELIEVE.
>> DID THE--
>> IT'S NOT CLEAR WHETHER IT WAS WET OR ANYTHING LIKE THAT WHEN THEY FOUND HIS BODY. I MEAN, I DON'T KNOW. I WONDERED IF IT WAS ALREADY ON HIS CLOTHING. WHO KNOWS?
BUT WOOD DID TALK ABOUT SOMETHING BEING POURED ON HIM. WE JUST DON'T KNOW WHAT IT WAS OR WHERE IT CAME FROM.
>> DID IT SHOW THAT IT JUST WASN'T STP OR THAT WHAT WAS ON THE VICTIM WAS NOT EXACTLY WHAT WAS IN THE BOTTLE?
>> THE LATTER.
THE EXPERT EXAMINED THE BOTTLE AND DETERMINED WHAT WAS IN THE BOTTLE AND SAID WHATEVER WAS IN THIS BOTTLE WAS NOT ON THE CLOTHING.
>> DID THEY DETERMINE WHAT WAS IN THERE?
>> WHAT WAS IN THE BOTTLE?
>> YEAH.
>> YES.
>> WHAT WAS IT?
>> IT WAS SOME SORT OF AROMATIC SOMETHING.

>> AND WHAT WAS--
>> I'M SORRY, YOUR HONOR.
IT'S IN THE, IT'S IN THE FACTS.
I DON'T REMEMBER EXACT WORDS.
>> OKAY.
>> ALL I KNOW IS WHAT WAS ON
MR. SHORES, IT WASN'T GASOLINE.
IT DIDN'T COME FROM THE CAR, AND
IT WASN'T WHAT WAS EVER IN THE
STP BOTTLE.
IT WAS SOME--
>> WAS IT FLAMMABLE?
>> THEY-- WHAT WAS ON HIM?
THEY SAID IT WAS SOME SORT OF
KEROSENE OR DIESEL WHICH, YES, I
ASSUME WOULD BE FLAMMABLE.
>> A PETROLEUM PRODUCT OF SOME
KIND.
>> THAT SOUNDS CORRECT.
>> FAIR STATEMENT TO THAT?
>> YES.
>> WHAT-- DOES IT MAKE A
DIFFERENCE ON WHAT WAS ACTUALLY
IN?
IF I SEE A GAS CAN AND IT MAY
HAVE SOMETHING OTHER THAN
GASOLINE BUT I BELIEVE IT TO BE
SOMETHING FLAMMABLE AND I POUR
IT ON SOMEONE, IS, DOES THAT
MAKE A DIFFERENCE WHAT'S
ACTUALLY IN IT IF IT'S DIFFERENT
THAN WHAT I BELIEVE IT TO BE?
>> I DON'T THINK SO.
I THINK THE ISSUE HERE IS
WHETHER WOOD ACTUALLY
PARTICIPATED IN DOING ANYTHING
THAT COULD CAUSE THIS MAN HARM.
IN HIS TESTIMONY IS THAT, NO, HE
ABSOLUTELY DID NOT AND WOULD
NOT.
AND THERE'S ALSO A BREAK AT THAT
POINT, SO THAT DOESN'T WORK.
AND THEN DYLAN, WE DON'T KNOW
WHAT DYLAN'S DOING.
HE'S RUNNING AROUND.
MAYBE HE'S ALREADY LOOKED IN THE
CAMERA AND FOUND THE GUNS.
WE DON'T KNOW THAT.
HE TELLS WOOD AT THAT POINT GO
GET TAG OFF THE JEEP.
WOOD DOES THAT.
HE PUTS IT IN THE TRUNK.
FOR ALL WE KNOW, THE TRUNK'S
ALREADY OPEN.

THEY PUT THE GUNS IN THE CAR,
AND THEN IT'S ONLY AT THAT POINT
THAT DYLAN APPARENTLY GETS THE
GUN OR HAS THE GUN AND SHOOTS
MR. SHORES.

NOW, WOOD MAY HAVE THOUGHT THIS
MAN'S CRAZY, I DON'T KNOW WHAT
HE'S GOING TO DO.

HE'S BEAT THE GUY UP.

MAYBE HE'S THINKING MAYBE WE'LL
JUST LEAVE, OR MAYBE HE'S GOING
TO SHOOT HIM.

BUT REGARDLESS OF WHAT HE'S
THINKING, THERE'S NO INTENT ON
HIS PART TO SHOOT OR KILL
MR. SHORES.

HE'S JUST THERE.

AND THAT'S NOT, THAT'S NOT
ENOUGH--

>> HE SAID HE DID POUR THIS
MATERIAL ON HIM, RIGHT?

HE SAID THAT.

>> YES.

>> SO REGARDLESS THE, THE
STRIKING OF THE MATCHES COME
LATER.

IF RASKEY HAD BEEN THE ONE
ACTUALLY AND THEY HAD SUCCEEDED
IN LIGHTING THIS MAN ON FIRE AND
KILLING HIM THAT WAY, WOULD HE
HAVE THEN BEEN A MATERIAL
PARTICIPANT IN THIS WORTHY OF
THE DEATH PENALTY OR NO?

>> I DON'T KNOW.

>> SO DOESN'T THAT GO TO INTENT?

>> NOT WHEN HE'S BEING TOLD TO
DO THESE THINGS BY ANOTHER MAN,
AND WE DON'T KNOW THE EXACT
ORDER OF WHEN IT HAPPENED.

YOU KNOW, MAYBE DYLAN COMES
OVER, SAYS POUR THIS ON HIM,
LIGHT THE MATCHES, SET HIM ON
FIRE X HE'S ALREADY HIKING I'M
NOT GOING-- THINKING I'M NOT
GOING TO DO IT, YOU KNOW?

>> COULD I JUST-- AS FAR AS,
YOU KNOW, YOU SAID HE-- AND I
REALIZE WE'RE--

>> YES.

>> WHAT HE SAYS IN THE SPENCER
HEARING IN RESPONSE TO-- THE
JURY DIDN'T HEAR THAT.

>> CORRECT.

>> AREN'T WE, IN TERMS OF

DECIDING WHETHER THE JURY,
WHETHER THERE'S SUFFICIENT
EVIDENCE OF CCP AND AVOID
ARREST--
>> AND PREMEDITATION, YES.
>>-- THAT WE'VE GOT TO LOOK AT
WHAT WAS BEFORE THE JURY--
>> EXACTLY.
>> OKAY.
SO BACK TO THIS ISSUE OF THE
GUN.
>> YES.
>> AGAIN, AND WHAT HE SAYS
TO THE JURY IS VERY CLEAR WHICH
WAS WHAT HE SAID TO THE POLICE
WHICH IS THIS GUY Poured, I DID
NOT, I DID NOT WANT THIS VICTIM
KILLED.
NOW, THE GUN ISSUE THOUGH.
THE STATE SAYS THAT THERE WAS,
THAT HE, WOOD, FOUND THE GUNS
AND TOOK THEM OUT OF THE TRUNK
AND PUT THEM IN THE BACKSEAT--
PUT THEM IN THE BACKSEAT.
COULD YOU-- BECAUSE, TO ME, THE
ISSUE OF THE GUNS IS PRETTY
IMPORTANT.
WHAT IS THE EVIDENCE MOST
FAVORABLE TO THE STATE ON ISSUE
OF WHO DISCOVERED THE GUNS AND
WHO PUT THE GUNS IN A PLACE
WHERE IT WAS ACCESSIBLE TO BE
USED IN--
>> THERE'S NO EVIDENCE AS TO
WHICH OF THE TWO FOUND THE GUNS.
THERE'S SIMPLY NO EVIDENCE ON
THAT.
THE ONLY EVIDENCE--
>> WELL, WHAT IS-- DID MR. WOOD
SAY-- WHAT DID HE SAY?
>> WOOD SAYS HE PUT THE GUNS IN
THE BACKSEAT OF THE CAMERA.
>> OKAY.
SO HE--
>> SO THAT'S-- WE DON'T KNOW IF
THE GUNS HAD BEEN FOUND BEFORE
THAT.
>> ALL RIGHT.
BUT HE PUT THEM IN THE BACKSEAT.
>> YES.
>> AT WHAT POINT, ACCORDING TO
HIS TESTIMONY?
>> IT'S RIGHT BEFORE THEY LEFT.
IT'S AFTER--

>> AFTER THE SHOOT, RIGHT?
>> NO.
IT'S-- WELL, IT'S NOT CLEAR.
IT'S JUST NOT CLEAR.
IT'S AFTER THE FAILED--
>> I THOUGHT IT WAS THAT HE TOOK
THEM OUT OF THE TRUNK, PUT THEM
ON THE INSIDE, AND THEN
MR. RASKEY TOOK ONE AND SHOT THE
VICTIM.
>> YES.
>> ISN'T THAT THE WAY HE--
>> YES.
>>-- SORT OF EXPLAINS IT?
>> YES.
>> I MEAN, THERE'S NOT ANYBODY,
UNDER WHAT WOOD SAYS HE TOOK
GUN, GAVE IT TO RASKEY TO GO
SHOOT THE VICTIM.
>> NO.
NO.
HE SAYS THEY'RE LEAVING, AND HE
WENT BACK RIGHT BEFORE THEY LEFT
WITH THE GUNS.
IF THERE ARE NO OTHER
QUESTIONS-- OH, ONE MORE POINT.
I'LL JUST POINT OUT ON THE
PROPORTIONALITY ISSUE.
THE STATE HAS NOT CITED ONE
SINGLE CASE SIMILAR TO THIS CASE
WHERE THE COURT HAS UPHELD THE
DEATH PENALTY.
THERE ARE NO OTHER QUESTIONS,
THANK YOU, YOUR HONOR.
>> THANK YOU FOR YOUR ARGUMENTS.