

[BACKGROUND SOUNDS]

>> THE FINAL CASE TODAY IS
NUMBER 22 THE-210, BEVEL V.
STATE OF FLORIDA.

>> THANK YOU, YOUR HONORS.
MAY IT PLEASE THE COURT, I'M
BARBARA BUSHARIS REPRESENTING
THOMAS BEVEL.

I'VE ASKED TO RESERVE FIVE
MINUTES OF MY TIME.

MR. BEVEL IS ASKING THE COURT
TODAY TO VACATE HIS SENTENCE OF
DEATH.

I SHOULD SAY HIS SENTENCES OF
DEATH.

HE HAS TWO DEATH SENTENCES THAT
WERE IMPOSED FOR THE KILLINGS OF
TWO INDIVIDUALS, AND ONE OF THEM
BEING A 13-YEAR-OLD BOY.

THE FIRST REASON THAT I WOULD,
THE FIRST ARGUMENT I'D LIKE TO
TALK TO YOU ABOUT -- AND I'M
GOING TO RELY ON MY BRIEF FOR A
COUPLE OF THE ARGUMENTS -- IS
THAT THE COURT ABUSED ITS
DISCRETION IN DISREGARDING
UNCONTROVERTED EXPERT TESTIMONY
ABOUT MR. BEVEL'S EXTREME MENTAL
AND EMOTIONAL DISTRESS.

IN THE FORM OF ONGOING
COMPRESSION AND POST-TRAUMATIC
STRESS DISORDER.

THE TRIAL COURT APPEARS TO HAVE
DISREGARDED UNCONTROVERTED
EXPERT EVIDENCE FOR POSSIBLY TWO
REASONS.

ONE, LOOKING AT THE MITIGATING
CIRCUMSTANCES IN THE SENTENCING
STATUTE.

EXCUSE ME.

THE COURT APPEARS ALMOST TO HAVE
COLLAPSED THE FACTORS THAT THE
CAPITAL FELONY WAS COMMITTED
WHILE THE DEFENDANT WAS UNDER
THE INFLUENCE OF EXTREME MENTAL
OR EMOTIONAL DISTURBANCE WITH A
SEPARATE FACTOR THAT THE
CAPACITY OF THE DEFENDANT TO
APPRECIATE THE CRIMINALITY OF
HIS CONDUCT OR TO CONFORM HIS
CONDUCT TO THE REQUIREMENTS OF
LAW WAS SUBSTANTIALLY IMPAIRED.
THESE ARE TWO SEPARATE FACTORS,

AND THE FACTOR THAT WAS CHARGED ON WHICH THE JURY WAS INSTRUCTED, THAT WAS ARGUED AT TRIAL WAS THE CAPITAL FELONY WAS COMMITTED --

[INAUDIBLE]

IN SUPPORT OF THIS FACTOR, THE DEFENSE OFFERED EXTENSIVE EXPERT TESTIMONY THAT WAS NOT REBUTTED BY ANY STATE EXPERT.

AND IN THE BULK OF THAT AS TO THIS FACTOR CAME ARE FROM TESTIMONY OF DR. GOLD WHO EXPLAINED THAT THE DEFENDANT SUFFERED FROM POST-TRAUMATIC STRESS DISORDER AND DEPRESSION LINKED TO NUMEROUS TRAUMATIC AND ADVERSE CHILDHOOD EXPERIENCES MANY MR. BEVEL'S BACKGROUND; HIS MOTHER'S DEATH, DRUG USE, EXPOSURE TO DOMESTIC VIOLENCE, EXPOSURE TO PHYSICAL AND SEXUAL ABUSE AS A CHILD AND SUBSTANCE ABUSE.

THE TRIAL COURT WAS SOMEWHAT DISMISSIVE OF THE EXPERT OPINION AS BEING BASED ON SELF-REPORTING BECAUSE IT IS TRUE THAT SOME OF THE EXPERT TESTIMONY AT TRIAL WAS BASED ON MR. BEVEL'S SELF-REPORTING OF NUMEROUS HEAD INJURIES THAT HE HAD SUFFERED AS A CHILD AND A YOUTH.

BUT DR. GOLD'S OPINION ABOUT POST-TRAUMATIC STRESS DISORDER AND ONGOING DEPRESSION WAS CORROBORATED NOT ONLY BY TWO OTHER EXPERTS, BUT BY LAY WITNESSES WHO CORROBORATED THE EARLY EXPOSURE TO DRUG USE, CORROBORATED SOME OF THE HEAD INJURIES

[AUDIO DIFFICULTY]

CONTRADICTED IN ANY WAY.

THE OTHER EXPERT OPINIONS WERE PROVIDED BY A DOCTOR WHO SHOWED, TESTIFIED TO EXTENSIVE TESTING THAT HE DID WITH MR. BEVEL CORROBORATING EVIDENCE OF BRAIN DAMAGE.

AND DR. NEGAN WHO DID, WHO REVIEWED SCANS OF MR. BEVEL THAT THAT, AGAIN, CORROBORATED EXTENSIVE BRAIN DAMAGE AND WERE

CONSISTENT WITH THE CONCLUSIONS
DRAWN BY C. GOLD.

>> AND THE COURT FOUND
MITIGATION ON THAT BASIS, RIGHT?
>> THE COURT FOUND SOME --
RIGHT.

THEY CALLED IT NONSTATUTORY
MITIGATION OF BRAIN DAMAGE.
[INAUDIBLE CONVERSATIONS]

>> -- THE QUESTION FROM, IT
SEEMS LIKE FROM A HARMLESS
ERROR.

I MEAN, I DON'T, I'M NOT
SUGGESTING THAT I AGREE THAT
THERE WAS ERROR ON THE MOTIONAL
DISTURBANCE PART --

>> YES, YOUR HONOR.

>> BUT GIVEN THAT THE COURT DID
TAKE THAT INTO CONSIDERATION
AND, YOU KNOW, ASSIGNED IT THE
WEIGHT THAT THE COURT THOUGHT
WAS APPROPRIATE, IT SEEMS LIKE
IT'S KIND OF, IT WOULDN'T, IT
WOULDN'T HAVE AFFECTED THE
OUTCOME EITHER WAY.

>> YOUR HONOR, MR. BEVEL
DISAGREES BECAUSE THE SIMPLE
FINDING OF BRAIN DAMAGE WHICH
WAS CORROBORATED BY OR
DEMONSTRATED BUT ALL OF THE
EXPERTS IS MUCH NARROWER THAN
STATUTORY MITIGATOR --

>> BUT AM I CORRECT IN
UNDERSTANDING THAT THE EXPERTS
OTHER THAN DR. GOLD DID NOT
OPINE CONCERNING THE EXISTENCE
OF THE EXTREME MENTAL OR
EMOTIONAL DISTURBANCE?

>> THAT'S CORRECT.

>> I MEAN, SO DR. GOLD WAS ALL
HE WAS WITH AN ACTUAL OPINION --

>> IN TERMS OF THE OPINION
SUPPORTING THAT PARTICULAR
AGGRAVATOR, THAT'S CORRECT,
JUSTICE CANADY.

HIS OPINION WAS VERY CLEAR AND
STATED REPEATEDLY THAT HE
BELIEVED THAT THAT AGGRAVATOR
WAS SATISFIED --

>> WELL, WASN'T HE ALSO VERY
CLEAR THAT HE REALLY HADN'T
EXAMINED THE CONFIDENT HERE IN
THE CONTEXT OF THIS CRIME?
HE WAS SIMPLY LOOKING AT THE

CIRCUMSTANCES THAT CREATED THE PTSD AND DEPRESSION?

>> UH-HUH.

>> AND NOT LINKING THAT UP IN ANY WAY WITH THE CIRCUMSTANCES OF THIS CRIME AND NOT -- NO EXPLANATION OF HOW, OF HOW THAT COULD RESULT IN WHAT WAS MANIFESTED IN THIS CASE.

>> I CAN AGREE WITH THAT TO A POINT, JUSTICE CANADY.

>> OKAY.

[LAUGHTER]

I THINK SOMEHOW THAT'S KIND OF CLEAR --

>> I BELIEVE HE DID EXPLAIN HOW MR. BEVEL'S BACKGROUND BROUGHT HIM TO A POINT OF COMMITTING THESE CRIMES OF VIOLENCE.

>> BUT ESSENTIALLY, HE WAS SAYING THAT BECAUSE OF THAT, HE WAS ALWAYS ON THE VERGE OF DOING SOMETHING LIKE THIS.

>> HE WAS -- EXACTLY, YOUR HONOR.

HE WAS ALWAYS UNDER THE INFLUENCE OF EXTREME MENTAL OR EMOTIONAL DISTURBANCE.

THAT WAS HIS OPINION, THAT HE HAD UNTREATED POST-TRAUMATIC --

[AUDIO DIFFICULTY]

>> WHEN THE DEFENDANT WAS, OH, UNDER THE INFLUENCE OF EXTREME EMOTIONAL DISTURBANCE?

>> YEAH.

>> THAT CONDITION WAS PRESENT AND AFFECTING HIM.

AND THAT'S EXACTLY WHAT DR. GOLD SAID.

HE SAID IT WAS TRUE BEFORE AND DURING THE COMMISSION OF THE CRIMES.

HE, MR. BEVEL SUFFERED FROM CONDITIONS THAT WERE ONGOING. IT'S LIKE HAVING, I DON'T KNOW, UNTREATED, UNTREATED DIABETES. YOU DON'T, YOU DON'T STOP HAVING IT FOR TWO HOURS AND THEN HAVE IT AGAIN.

IT'S AN ONGOING CONDITION.

SO MR. BEVEL'S CONDITION WAS ALSO ONGOING.

AND CLEAR TESTIMONY FROM THE EXPERT THAT HE WAS UNDER THE

INFLUENCE OF THOSE CONDITIONS AT THE TIME THE CRIMES WERE COMMITTED WAS DISREGARDED BY THE COURT.

AND THAT'S WHY, JUSTICE MUNIZ, GOING BACK TO YOUR QUESTION, THE FACT THAT THE TRIAL COURT DID ACKNOWLEDGE THE ALSO UNCONTROVERTED EVIDENCE OF BRAIN DAMAGE DOES NOT CURE THE ERROR IN DISREGARDING UNCONTROVERTED EXPERT TESTIMONY ABOUT THE EMOTIONAL DISTURBANCE, MENTAL OR EMOTIONAL DISTURBANCE MITIGATOR. IF THERE ARE -- IF YOU HAVE NO FURTHER QUESTIONS ON THAT MITIGATOR, I WAS GOING TO MOVE ON TO THE SECOND PART OF THE ARGUMENT WHICH IS THE JURY INSTRUCTION.

REQUESTED JURY INSTRUCTION.

THANK YOU, YOUR HONORS.

THE JURY INSTRUCTION ARGUMENT IS, I THINK, VERY STRAIGHTFORWARD.

THIS COURT HAS REJECTED SIMILAR ARGUMENTS IN THE PAST.

WE BELIEVE THAT THE COURT SHOULD RECONSIDER THAT REJECTION IN THE CONTEXT OF THE WAY THE DIFFERENT PARTS OF THE CURRENT JURY INSTRUCTIONS WORK TOGETHER.

MR. BEVEL REQUESTED AN INSTRUCTION THAT ENCOMPASSED SOME LANGUAGE THAT IS IN THE-- JURY YOU MUST CONSIDER WHETHER THE AGGRAVATING FACTOR OUTWEIGHS THE MEDICAID AND FACTORS YOU FOUND, THAT IS CONSISTENT WITH STANDARD INSTRUCTIONS REGARDLESS OF YOUR FINDINGS.

ONLY ON THE EVIDENCE YOU HEARD FROM TESTIMONY OF WITNESSES IN THE FORM OF THE EXHIBITS AND EVIDENCE.

YOUR DECISIONS MUST NOT BE BASED ON THE FACT YOU FEEL SORRY FOR ANYONE OR ANGRY AT ANYONE.

A LINE ABOUT DON'T HATE THE LAWYERS.

FINAL INSTRUCTION, YOUR DECISION SHOULD NOT BE INFLUENCED BY PREJUDICE OR RACIAL OR ETHNIC BIAS IN YOUR DECISIONS MUST BE

BASED ON EVIDENCE AND LAW
CONTAINED IN THESE INSTRUCTIONS.

>> MY QUESTION, THIS IS ABUSE OF
DISCRETION.

LET'S SAY THE JUDGE ADOPTED YOUR
PROPOSED JURY INSTRUCTION.

HELP ME IDENTIFY WHAT WAS ABUSE
OF DISCRETION.

DID THE JUDGE HAVE TO ADOPT JURY
INSTRUCTION WORD FOR WORD AS
PROPOSED, IT SEEMS YOU COULD
MAKE AN ARGUMENT THE ORDERING OF
THE PROVISIONS COULD MAKE THINGS
CLEARER OR MORE FAVORABLE OR
LESS FAVORABLE BUT WE DID TRIAL
COURT DISCRETION ABOUT THIS.

WHAT YOU ARE SAYING IS ABUSIVE,
I HAD NOT SEEING THAT.

>> THE ABUSE OF DISCRETION, THE
CONTEXT OF THE FINAL
INSTRUCTIONS I JUST READ, THAT
LINE ABOUT YOU ARE NEVER
COMPELLED THE SENTENCE OF DEATH
DOES NOT CONVEY A JUROR
INDIVIDUALLY, MERCY INTO THE
EQUATION.

>> THE TRIAL COURT ABUSES ITS
DISCRETION WHEN IT SAYS TO THE
JURY YOU ARE NOT PROPELLED TO DO
SO.

WHAT IS THE ABUSE OF DISCRETION?

>> TO SAY THAT BY ITSELF ISN'T
ABUSE OF DISCRETION, BUT TO
LIMIT THOSE GENERAL RULES SAYING
YOU HAVE TO FOLLOW THE LAW AND
ONLY THE LAW GIVEN TO YOU.

>> SOUNDS LIKE ABUSE OF
DISCRETION.

>> WHEN THAT LEAVES NO ROOM FOR
CONSIDERATION OF MERCY.

IN THE FOUR CORNERS OF THE COURT
ROOM, EXTENDING THAT MERCY.

>> WE ASK JURIES ALL THE TIME TO
LIMIT CONSIDERATION FOR EVIDENCE
PRESENTED.

>> WHAT IS DIFFERENT IS THIS IS
A LIFE OR DEATH DECISION AND WE
RECOGNIZE.

>>, YOU ARE FREE TO CONSIDER
THINGS OUTSIDE THE 4 CORNERS OF
THIS COURT ROOM.
AND IS THAT SOMEHOW LESS ABUSIVE

--

>> I WILL NOT ARGUE THAT.

THE REQUESTED JURY INSTRUCTION
YOU MAY ALWAYS CONSIDER MERCY IN
MAKING DETERMINATION WAS
APPROPRIATE, LEGALLY CORRECT AND
SERVED AS A COUNTERBALANCE TO
THE REST OF THE LIMITING
INSTRUCTIONS ESPECIALLY THE
LINE, YOUR DECISION MUST NOT BE
BASED ON THE FACT YOU FEEL SORRY
FOR ANYONE OR ARE ANGRY AT
ANYONE.

IF YOU JUST HAVE A JUROR WHO
HEARD THE TYPE OF MITIGATION
PRESENTED IN MANY OF THESE
CASES, YOU FEED THEM AS I DO.
THOMAS BEVEL'S CASE HAD
EXTENSIVE LITIGATION, HE HAD A
CHILDHOOD NONE OF YOU WOULD WISH
ON ANYONE.

TO TELL.

OR AT THE END OF THE MITIGATION
PHASE WHEN THEY ARE RETIRING TO
DELIBERATE, YOU CAN'T BASE YOUR
DECISION ON FEELING SORRY FOR
ANYONE.

REMOVES THAT ELEMENT OF BEING
ABLE TO EXTEND MERCY BASED ON
THE DEFENDANT'S CIRCUMSTANCE.
I AM NOT ARGUING THAT.

I DON'T WANT TO OVERSTATE THAT
THE JURY SHOULD CONSIDER
ANYTHING OR BRING IN THEIR VIEWS
OF WHAT IS GOING ON OUTSIDE THE
COURT ROOM.

THAT WOULD BE A FORM OF JERRY
NOLL A ACACIAN.

THE STANDARD INSTRUCTIONS
ESPECIALLY WITH THAT FINAL LINE
IN IT DO NOT ADEQUATELY TELL THE
JURY WHAT IT CAN CONSIDER IN
REACHING ITS DECISION.

OUR LAW SAYS THE JURY CAN ALWAYS
EXTEND MERCY.

THE US SUPREME COURT HAS
REPEATEDLY RECOGNIZED MERCY BUT
THE SINGLE-LINE, THAT YOU ARE
NOT REQUIRED TO PROPOSE A DEATH
SENTENCE, THAT YOU CAN'T MAKE A
DECISION BASED ON FEELING SORRY
FOR ANYONE DOES NOT TELL THE
JURY.

>> THIS IS THE SCHEME OF
MEDICATION, ABOUT MERCY.

WE WILL TAKE THESE THINGS INTO

ACCOUNT THAT ARE NOT DIRECTLY RELATED TO CIRCUMSTANCES OF THE CRIME.

BY SOME OBJECTIVE STANDARD, MIGHT FOR THAT CRIME, TAKE INTO ACCOUNT WHAT FITS THIS DEFENDANT OR WHAT THE DEFENDANT COMES FROM, SEEMS TO ME ANYTHING TO TRIGGER THAT NIGHT, IN FACT THOMAS BEVEL GOT UP AT 8:00 IN THE MORNING, KNOCKED ON MR. STRAYFIELD'S DOOR, SURPRISED MEN SHOT HIM IN THE HEAD, KILLING HIM.

THERE WAS NO PROVOCATION, THERE WAS NO ARGUMENT.

HE PROCEEDED TO SHOOT AT MRS. SMITH WHO WAS IN THE ROOM WITH HIM, 13 TIMES, NO PROVOCATION AND LEFT HER WHAT HE THOUGHT TO BE DEAD.

HE THEN WENT OUT INTO THE LIVING ROOM, 13-YEAR-OLD SON SITTING ON THE COUCH WITH A REMOTE CONTROL IN HIS HANDS AND SHOT HIM TWICE IN THE HEAD.

NO PROVOCATION.

NOTHING THAT WOULD TRIGGER PTSD.

THE JUDGE TOOK INTO

CONSIDERATION THOMAS BEVEL'S ACTIONS AFTER THE MURDER.

HE PROCEEDED TO ASK MISS DUMAS'S TO LEAVE WITH HIM.

THE REASON HE DID NOT KILL HER IS SHE WAS PREGNANT WITH HIS CHILD.

BEFORE HE LEFT, HE SECURED THE FRONT OF THE DOOR WHICH MADE IT DIFFICULT TO ENTER A HOME.

HE HAD THE THOUGHT TO LEAVE WITH MISS DUMAS'S, HE KNEW HE COULD CONVINCER HER TO BE HIS ALIBI AND CHANGE HER STORY TO COMPORT WITH HIS.

HE WAS ABLE TO EVADE THE POLICE FOR A MONTH AND WHEN HE WAS CAUGHT, HE HAD MULTIPLE STORIES ABOUT WHAT HAPPENED THAT EVENING FROM I DIDN'T HEAR ANYTHING FROM TWO OTHER PEOPLE DID IT, TO MR. STRINGFIELD IS GOING TO KILL ME AND I WAS IN FEAR.

NONE OF THAT WAS SUBSTANTIATED DUE TO THE TESTIMONY OF THE

SURVIVING VICTIM.

IN FACT, IT ALL CORROBORATED THE FACT THAT THIS WAS AN UNPROVOKED MURDER.

>> THE DEFENSE'S THEORY ABOUT THIS PTSD, IF THE DEFENDANT PUT OUT A CONTRACT HINT ON SOMEONE, JUST BECAUSE THEY HAD A SCORE TO SETTLE OVER A DEBT OR SOMETHING LIKE THAT, THAT WOULD BE UNDER THE INFLUENCE.

HE HAS GOT IT ALL THE TIME LIKE EVERYTHING HE DOES BECAUSE OF THAT.

SEEMS TO PROVE A LOT TOO MUCH.

>> I COMPARE IT TO SOMEONE WHO HAS CANCER, THE CANCER DIDN'T CAUSE THE DEATH.

A HEART ATTACK DID.

THE FACT THESE WALKING AROUND WITH PTSD DOES NOT EXPLAIN WHAT HE DID THAT EVENING WITHOUT HAVING SPOKEN TO HIM AND GOTTEN SOME INFORMATION.

THE REASON HE WAS TESTIFYING WAS TO GATHER MEDICATION FOR THE DEFENSE.

EVERYTHING HE TESTIFIED TO REGARDING HIS UPBRINGING, SEXUAL ABUSE, VIOLENCE, BEING SHOT AT.

ALL THAT MITIGATION DOCTOR GOLD FOUND WAS FOUND BY THE TRIAL COURT AS NONSTATUTORY MITIGATION.

ALL OF THAT WAS CONSIDERED BY THE COURT AND GIVEN LITTLE TO NO WEIGHT.

I DON'T BELIEVE THAT EDWARD FLEMING 0 -- I DON'T BELIEVE THOMAS BEVEL HAS PROVEN HE WAS UNDER THE INFLUENCE OF ANY EMOTIONAL DISTURBANCE AT THE TIME OF THE MURDERS.

ANY MORE QUESTIONS ON THAT CLAIM?

I WILL ANSWER AS TO THE NEXT LANGUAGE.

7.11 IS CONSIDERED BY THIS COURT, THE INSTRUCTION PROPOSED WAS NOT REQUIRE TO CONSIDER MITIGATING FACTORS AND FAILURE TO GIVE SPECIAL INSTRUCTIONS DOES NOT CONSULT 8 -- CONSTITUTE ERROR TO ADDRESS THE LEGAL

STANDARDS WHICH THIS JURY
INSTRUCTION DID.

ADDITIONALLY, DEFENSE COUNSEL
WAS ABLE TO ARGUE MERCY.

AS HE STATED IN HIS ARGUMENT, IT
IS A DECISION THAT I URGE YOU,
IF YOU GO BACK TO THAT
DELIBERATION ROOM AND SITTING ON
THE FENCE AS TO WHAT WOULD BE
APPROPRIATE FOR THOMAS BEVEL ON
THIS DAY, I URGE YOU TO HER ON
THE SIDE OF MERCY AND THE LAW
CONTEMPLATES MERCY BECAUSE IT
TELLS YOU AND IS -- WILL
ACTUALLY BETTER THE WORDS AS HE
DID IN JURY SELECTION AND BEFORE
STARTING THIS TRIAL.

THE LAW NEITHER REQUIRES NOR
COMPELS.

THIS WAS AN ACCURATE INSTRUCTION
AND NO DISCRETION.

IF THERE ARE NO FURTHER
QUESTIONS THE STATE WOULD
RESPECTFULLY ASK THAT YOU AFFIRM
THOMAS BEVEL'S DEATH SENTENCES.
THANK YOU.

>> THANK YOU, YOUR HONORS.
THE EXPERTS DID NOT TALK TO
THOMAS BEVEL ABOUT HIS STATE OF
MIND AT THE TIME OF THE MURDERS
OR THE DETAILS OF THE MURDERS.
BUT DOCTOR GOLD TESTIFIED
UNEQUIVOCALLY THAT THOMAS BEVEL
WAS SUFFERING POSTTRAUMATIC
STRESS DISORDER.

THE IDEA OF BEING TRIGGERED,
PUTS POSTTRAUMATIC STRESS
DISORDER DOESN'T AFFECT YOU AND
THEY BLOW UP AND DO SOMETHING
AND GO BACK TO NORMAL IS
SOMETHING THAT MIGHT COME FROM A
POLICE SHOW OR A TV SHOW BUT NOT
HOW POSTTRAUMATIC STRESS
DISORDER WORKS AND DOCTOR GOLD
EXPLAINED TO THAT IN HIS
TESTIMONY.

HIS CONDITION WAS ONGOING AND
NOT INFLUENCING THOMAS BEVEL.
AT THE TIME OF THE KILLINGS,
BEFORE AND AFTER.

IF ANYTHING, IF YOU WERE LOOKING
AT WHETHER THERE IS SOMETHING TO
TRIGGER HIM THAT MIGHT BE
GETTING YOU INTO THE REALM OF

SUBSECTION F WHERE SOMEBODY BECAME UNABLE TO CONTROL OR CONFORM CONTACT REQUIREMENTS OF LAW, TALKING ABOUT SUBSECTION B WHICH DOES NOT HAVE THE SAME REQUIREMENT.

JUSTICE CANNADY, YOUR QUESTION ABOUT PUTTING OUTTA CONTRACT IS INTERESTING, WHAT I WOULD TAKE ISSUE WITH, ANYTHING HE DOES IS BECAUSE OF HIS PTSD, THAT'S NOT WHAT WE ARE SAYING.

IT IS CONCEIVABLE --

>> IT IS INFLUENCED -- IF HE FINDS -- IF HE FINDS THE AGGRAVATE HER EXISTS, HE'S INFLUENCED.

>> NOT NECESSARILY CAUSATION.

>> SOME CONNECTION, WE HAVE TO UNDERSTAND WHAT THE LEGISLATOR IS GETTING AT, THE POINT OF THE WHOLE LIST.

>> THE LIST OF MITIGATING FACTORS FOR VARIOUS CIRCUMSTANCES THAT MAY MAKE SOMEBODY LESS CULPABLE THAN ANOTHER INDIVIDUAL.

VARIOUS FACTORS --

>> MAKING IT RELEVANT TO CULPABILITY'S, AFFECTING WHAT HAPPENED.

>> I DISAGREE.

YOU ARE IMPOSING A NEXUS REQUIREMENT THAT DOES NOT EXIST AND HAS BEEN PROJECTED.

THANK YOU.

>> WE ARE ADJOURNED FOR TODAY,