IN THE SUPREME COURT OF FLORIDA

CASE NO. 65,886

ALFREDO CHAO,

Petitioner,

vs.

THE STATE OF FLORIDA,

Respondent.

_____/

BRIEF OF PETITIONER

BENNETT H. BRUMMER
Public Defender
Eleventh Judicial Circuit of Florida
1352 Northwest 12th Street
Miami, Florida 33125

-and-

BY: MARY V. BRENNAN
Special Assistant Public Defender
606 Petronia Street
Key West, Florida 33134
(305) 294-0762
Attorney for Petitioner

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STATEMENT OF THE CASE AND FACTS

This is a petition for review of a jury conviction of Attempted First Degree Murder, with use of a firearm charged in the information, Florida Statutes 782.04, 775.087, 774.04, Honorable Bill G. Chappell presiding. Alfredo Chao was sentenced to thirty years imprisonment on February 16, 1983. Notice of Appeal was filed March 8, 1983. Chao's conviction was affirmed by the Court of Appeal, Third District in *Alfredo Chao v. The State of Florida*, 453 So.2d 878 (Fla. 3rd DCA 1984) (A. 1).[1/] Notice of Intent to Invoke Discretionary Jurisdiction was timely filed on September 6, 1984. Review was granted by this Court by Order dated March 7, 1985.

Our sole point for review involves the admission of the testimony of Detective Jay Rigdon that Pedro Mendez, while interpreting questions asked by the detective and responses given by Alfredo Chao, related that Chao said he shot Mary Hoef "because he loves her and wants no other man to have her." (T. 122).

Hoef, who was Chao's girlfriend until shortly before the shooting incident, testified that Chao came to her house, pointed the .25 caliber pistol at her and shot her (T. 28, 29). The defense was that the gun, which Chao admitted carrying but not pointing, discharged accidentally (T. 135, 136).

Although only Hoef and Chao were present when the shooting occurred, there was a great deal of testimony at trial about how Chao came to be at Hoef's house with the gun on the day of the incident.

Two days prior to the shooting Chao found the pistol by the side of the road in Islamorada and showed it to two friends, who were also friends of Hoef (T. 141, T. 76). When Hoef's brother learned about the gun he reported to the police that Chao had found it, and they in turn went to Chao's house to investigate.

[1/] "A." refers to the Appendix. "T." refers to the Transcript.

Chao learned from the police that Hoef's brother had reported he had the pistol. He went that night to the two room apartment shared by Hoef and her brother to show it to them and assure them he meant to harm no one with it (T. 94, 95). Chris Hoef, Mary's brother, answered the door armed with his own pistol (T. 94).

Chris refused to allow Chao to speak with Mary and, because he speaks only English, could not understand Chao, who speaks only Spanish (T. 96). Chao indicated he would return with an interpreter, and left the gun with Chris (T. 96).

When the man who frequently interpreted for Chao could not leave his fishing nets to accompany him, Chao returned alone to the Hoef apartment (T. 74). Chris returned Chao's gun to him, told him to come back the next day with his interpreter, and displayed his own weapon to Chao (T. 96).

Chris was out when Chao returned to the apartment the following morning. Mary Hoef's version of what took place there differs from Chao's. Hoef, who admits that she has "memory lapses" about the incident (T. 40) testified that she came to the door and was immediately shot (T. 28, 29). Chao testified that when he came in to the apartment Hoef was in bed watching TV; he came up beside the bed to explain he did not intend to harm her with the pistol but, seeing it, she jumped up, striking his hand, and the bullet discharged (T. 135, 136). The bullet entered her head in front of the left ear and physical evidence indicates the shot had discharged at close range (T. 18, 21). Other evidence found at the scene, including the shell casing found on the shelf directly above the bed and the fact that bloodstains were found only in the bedroom, support Chao's version of the incident (T. 48, 49).

Chao arranged to turn himself in to the police (T. 115). Pedro Mendez took Detective Rigdon to Chao and was still present when Rigdon placed Chao under arrest. Although the decision by the district court implies that Chao had some part in selecting Pedro Mendez as his interpreter for conversing with the police detective, testimony at

trial shows not only that it was Rigdon who chose to question Chao through Mendez, but that Chao did not want to speak with the detective at all (T. 112). There is no evidence suggesting it was Chao who chose Mendez to interpret.

The testimony shows that Rigdon handed a card containing writted *Miranda* warnings, in English and in Spanish to Chao (T. 119). Detective Rigdon neither spoke nor understood Spanish (T. 116) and did not question Chao as to whether he could read either language (T. 118). Rigdon then utilized Mendez as an interpreter, without making any attempt to determine whether Mendez understood sufficient English to interpret fairly.

Mendez was called as a witness by the State at trial but testified only that Chao said he did not wish to answer any questions (T. 112). Rigdon nevertheless questioned Chao through Mendez and was allowed by the court to testify, over continuous objection by defense counsel, to statements he says Mendez made to him in response to questions he asked of Chao (T. 120-122). This included the statement that Chao said he'd shot Hoef because he loved her and wanted no other man to have her (T. 122, 121).

At trial, Mendez was asked no questions regarding statements Chao made to him on the day of the arrest. Detective Rigdon testified that, as he understood no Spanish, his testimony as to Chao's "confession" was based entirely upon what Mendez told him (T. 124).

II
ISSUE FOR REVIEW

WHETHER A DETECTIVE'S TESTIMONY RECOUNTING AN INTERPRETER'S TRANSLATION OF A DEFENDANT'S REMARKS CONSTITUTES IMPERMISSIBLE HEARSAY AMOUNTING TO PREJUDICIAL ERROR.

III
ARGUMENT

A. TESTIMONY RECOUNTING AN INTERPRETER'S TRANSLATION CONSTITUTES IMPERMISSIBLE HEARSAY WHERE THE INTERPRETER IS NOT CALLED TO TESTIFY TO THE CONTENT OF THE DEFENDANT'S REMARKS.

Rigdon's testimony recounting the interpreter's translation of Chao's remarks falls squarely within the definition of hearsay set out in Florida Statutes 90.801(1)(c). It is "a statement, other than one made by the declarant while testifying at the trial or hearing, offered in evidence to prove the truth of the matter asserted." The interpreted remarks were not testified by Mendez, yet they were offered in evidence to prove the truth of the matter asserted, i.e. that Chao shot Hoef due to jealousy, contradicting the accidental injury testified to by Petitioner.

Section 90.801(2) excludes from the definition of hearsay certain out-of-court statements by a witness who testifies at trial. Although Mendez did testify at trial as a State witness, his statements as testified to by Rigdon are not excludable from the definition of hearsay. Under Florida Statutes 90.801(2), to be excluded from hearsay a statement must not only be made by a declarant testifying at trial and subject to cross examination, but must also be either inconsistent or consistent with declarant's trial testimony (and offered for certain purposes) or be one of identification. Mendez did not testify at trial as to any statements made by Chao. Rigdon's recount of Mendez's translation was thus neither consistent nor inconsistent with the trial testimony of Mendez. Nor did the statements go to identification. As such Rigdon's recounting falls within the statutory definition.

Florida Statutes 90.802 makes hearsay evidence inadmissible, except as provided by statute. The Law Revision Council Note to that section, quoting *State Farm Mutual Auto Insurance Co. v. Ganz*, 119 So.2d 319, 321 (Fla. 3rd DCA 1960), observes that

> The general rule which bars admission of evidence falling within the definition of hearsay is so firmly established and so well known that the citation of authority affirming the general principle seems hardly warranted.

The exceptions "provided by statute" to the general rule of inadmissibility are listed at Florida Statutes 90.803; none of these bolster the admissibility of Detective Rigdon's testimony. The only section with even possible relevance is 90.803(18), creating

an exception for statements made by a "representative" of a party or adopted by him. The possibility that Rigdon's recount of Mendez's translation might be inadmissible as an adoption of the interpreter's words was explicitly rejected in *Rosell v. State*, 433 So.2d 1260 (Fla. 1st DCA 1983). The instant case is factually indistinguishable from *Rosell*. There, as here, the mental state of the defendants was the crucial issue. Rosell and his co-defendant were arrested when their truck, stopped for unrelated reasons, was found to be carrying nine opaque garbage bags of marijuana. Apart from a search issue, their only defense was that they had found the bags so had no knowledge that they contained marijuana.

As in the instant case, the defendants neither spoke nor understood English, only Spanish, and the police officer performing the in-custody interrogation, as here, utilized an interpreter to converse. At trial, the defendants testified, as here, as to their mental state. Again as in the instant case, the interpreter was called to testify that she interpreted between the defendants and the officer but was not questioned as to the substance of the statements she translated. Instead, as in this case, the officer was asked to testify as to what the interpreter told him the defendants said. As in this case, defense counsel objected on hearsay grounds, was overruled, the officer testified that the interpreter told him the defendants made a statement contrary to the knowledge they claimed at trial regarding what was in the bags, and they were convicted.

The Court of Appeal, First District, declared the officer's testimony under these circumstances to be hearsay:

> We note that the trial court also erred in admitting, over objection, Deputy Tucker's testimony as to what Mary Aldridge, the interpreter, told him concerning the statements which appellants made to Ms. Aldridge. Deputy Tucker's testimony is clearly hearsay. *State Farm Mutual Automobile Insurance Co. v. Ganz*, 119 So.2d 319 (Fla. 3rd DCA 1960).
>
> Appellee's argument that the testimony is admissible because appellant's adopted the statements is specious. That argument is premised on the assumption that appellants under-

> stand English. The evidence in the record that appellants do not understand English is uncontroverted.

433 So.2d at 1260, 1263. Interestingly, an earlier third district decision cited by *Rosell* in the excerpt above, *State Farm Mutual Automobile Insurance Co. v. Ganz, supra*, also holds that testimony as to an interpreter's translation is excludable hearsay. In that case the plaintiff, Ganz, an attorney, alleged that State Farm interfered with certain attorney-client contracts entered into between him and 26 farm workers injured in an automobile-bus accident. State Farm appealed from a judgment in favor of Ganz, contending that the trial court erred in admitting the testimony of Ganz as to what the injured workers told him through the interpreter.

The third district reversed, holding that Ganz's "testimony as to what an interpreter told him someone else said was incompetent as hearsay and should have been excluded." 119 So.2d 319, 321.

The decision of the district court in the instant case cites *Rosell* and *Ganz* but attempts no distinction between our facts and those in *Rosell* and *Ganz* except to suggest that in those cases the person whose translated statements are introduced did not select or participate in the selection of the translator. But those cases are in fact indistinguishable from the one at bar.

Chao had no part in selecting Mendez as his interpreter for the purposes of conversing with Detective Rigdon. The record reflects that, although Chao utilized Mendez as the means by which he turned himself in to the police (T. 117), that did not extend to "selecting" Mendez to translate between him and Detective Rigdon. The uncontroverted testimony of Mendez himself demonstrates that Chao did not "select" Mendez or anyone else as an interpreter. Mendez testified that Chao wanted nothing to do with the written *Miranda* warnings handed to him by Rigdon and that Chao indicated he "don't want to talk nothing" (sic) to Rigdon (T. 112). Rigdon nevertheless continued to question him.

Chao's decision to cooperate with Detective Rigdon after his arrest, by answering the questions posed through Mendez, is not a "selection" of Mendez as interpreter. The record clearly shows that the detective wanted to talk to Chao, and utilized the only person who happened to be in the vicinity--Mendez.

At trial, the issue of who *chose* Mendez as interpreter was never raised. But even the terms in which the prosecutor couched his questions acknowledge that Mendez was acting for Rigdon, not for Chao. Mendez is asked, for example:

> "--did you translate for Detective Rigdon, so he could talk to--" (T. 109)
>
> "Did Detective Rigdon . . . have you read Alfredo a little card?" (1. 110)
>
> "Did Detective Rigdon make him [Alfredo Chao] answer questions" (T. 111)

And Detective Rigdon is asked:

> "Did you have occasion to use Mr. Mendez to translate between yourself and the defendant during this time" (T. 116)

to which Rigdon responds:

> "Yes, I did" (T. 116)

and

> "who was present when you talked to the defendant through Mendez?" (T. 117).

(our emphasis).

And when the particular words complained of on this appeal were allegedly spoken to Rigdon, it was because, in the words of Detective Rigdon,

> "I asked Mr. Mendez to please ask Mr. Chao why did he shoot the girl. They had a conversation in Spanish. Mr. Mendez replied to me, "He says he shot her because he loves her and wants no other man to have her."

(T. 122) (our emphasis).

Nowhere is there testimony that Chao asked Mendez to translate, or that anyone

believed Mendez was present at the arrest as an interpreter for Chao. Detective Rigdon was in fact asked by the prosecution why Mendez was present, and he testified it was "because he is related to Alfredo Chao and he is the one that arranged his surrender." (T. 117) Not even Rigdon suggests Mendez was there to interpret for Chao.

The district court ruled that it was "not at liberty to follow" the rationale of the *Rosell* or *Ganz* decisions cited above, given this Court's decision in *Meacham v. State*, 45 Fla. 71, 33 So. 983 (1903), (A. 3, n. 3)

In that case Meacham, the defendant, was convicted of embezzling the proceeds of 63 boxes of cigars, from one Galvin.

At trial, Meacham claimed he purchased the cigars from Galvin with the understanding he would pay Galvin for them at a later time. Galvin testified, through an interpreter, that he gave the cigars to Meacham to sell for a commission, but that Meacham sold the cigars and pocketed the money. On cross-examination, Galvin denied having admitted to Meacham, in a conversation translated by H.D. Webster, that he'd sold the cigars to Meacham, to be paid for later.

Meacham then presented the testimony of Webster, the interpreter, to the effect that he had, at the request of Galvin, interpreted a conversation between Galvin and Meacham, and that in it Galvin did admit he'd sold the cigars to Meacham, to be paid for later.

Meacham next called at Robert Lore, who recounted the conversation which Galvin and the defendant had, through Webster as interpreter, including Galvin's admission as interpreted by Webster.

Lore's testimony was excluded as hearsay, because he could not understand the Spanish spoken by Galvin, only Webster's translation in English.

After reciting the facts outlined above and finding Lore's testimony relevant, *Meacham* announces that "it only remains to consider whether it [Lore's testimony] could

properly be excluded because hearsay." (A, p. 335, 983).

The Court then cites a Massachusetts decision holding that each party conversing through an interpreter "adopts" the interpreter's words as his own, and rules that the trial court erred in excluding Lore's testimony.

With the exception of one decision handed down by the Third District two weeks prior to the decision appealed from here, which will be discussed below, the issue here has reached appellate courts only twice in the 81 years since *Meacham*. In both those cases, *State Farm Mutual Automobile Ins. Co. v. Ganz*, *supra*, and *Rosell v. State*, *supra*, the district courts concluded that testimony recounting an interpreter's translation was improperly admitted hearsay.

In the decision appealed from here, the district court declared itself "compelled by the lone and unaltered binding authority of *Meacham v. State* . . .to hold that [testimony recounting a translated conversation] is not hearsay." (A, p. 3). It found itself "not at liberty to follow" *Rosell* or *Ganz*, both of which it believes to "overlook *Meacham* and suggest a contrary rule." (A., p. 3).

Petitioner submits that the *Rosell* and *Ganz* decisions do not "overlook" *Meacham* and suggest a rule contrary to it. *Rosell* and *Ganz* simply present a factual situation distinguishable from that facing the Court in *Meacham*. In the latter case the interpreter was called to the stand and testified not only to the fact that he translated the conversation in question, but also to the content of the translated statements. In *Rosell* and *Ganz*, the interpreter either did not testify at all or testified only as to the fact of interpretation, not to the content of the translated statements themselves.

Thus, *Henao v. State*, 454 So.2d 19 (Fla. 3rd DCA 1984), decided by the third district two weeks prior to the case at bar and cited by the decision in affirming petitioner's conviction (A., p. 3), may very well be, as the court asserted, controlled by the rule in *Meacham*. In *Henao* the interpreter was called and testified, without

objection, as to the content of the statements he translated.

But in *Rosell*, in *Ganz*, and in the case at bar the interpreter did not so testify. Mendez was not asked a single question regarding the content of Chao's alleged statements to the detective. When asked if he acted as interpreter for the conversation at issue Mendez replied that he did not remember "exactly" what was said, (T. 112) but there was absolutely no attempt to elicit any recount of Chao's statements from Mendez.

Testimony by the interpreter as to the content of the translated statements is particularly significant where, as here, the quality and accuracy of the translation itself is made suspect by an imperfect understanding on the part of the "interpreter" of at least one of the languages "translated."

The transcript of Mendez's testimony at trial shows clearly how little he understands and how poorly he speaks the English language. His testimony covers less than 7 pages yet he fails to comprehend his examiners' questions at least 9 times (T. 107, line 15; T. 109, line 7; T. 109, line 20, T. 111, line 15; T. 111, line 20; T. 113, line 10; T. 113, line 18; T. 114, line 1).

The prosecutor himself begins his examination of Mendez by acknowledging that he understands Mendez "may have some problems understanding me", to which Mendez responds "Uh, right." (T. 107). The prosecutor then states that if he and Mendez are not able to understand each other, he'll "see if we can work it out." (T. 107)

That exchange at trial illustrates precisely the reason a third party's recount of an interpreter's translation should be admissible at trial only if the interpreter himself testifies to the translated statements, if at all. Only by such testimony can any failures in communication be "worked out."

Mendez may have failed to comprehend the questions Detective Rigdon asked him to translate for Chao at the scene of the arrest in the same way he failed to comprehend his examiners' questions at trial. And he may have given his "translation" of Chao's

answers to Rigdon in the same poor English he displayed in answering at trial. See, for example, his response to the prosecution's question regarding what question the Detective asked him to ask Chao:

> Oh, well, you know, he told me the question. He told me only the - he cited that and read it and he don't want it, you know? He don't want to talk nothing, you say, same to the papers. (T. 112)

Under such circumstances it is imperative for the trier of fact to hear, in the interpreter's own words rather than in paraphrasing by a police detective, the interpreter's "translation" of the defendant's statements. English this poor can be understood to mean any number of things.

Testimony by the interpreter is even more important where, as here, the person whose statements are translated shows no indication at all during the conversation (such as motioning or shaking his head) that might confirm the accuracy of the responses given by the interpreter. (T. 120).

We respectfully submit that this Court should not therefor rule that, under these circumstances, Detective Rigdon's testimony recounting Mendez's translation is excepted from the hearsay rule.

B. THE TRIAL COURT'S ERROR IN ADMITTING THE HEARSAY TESTIMONY WAS PROPERLY PRESERVED FOR APPELLATE REVIEW.

In response to Petitioner's Brief filed in the district court below, the State claimed only that petitioner failed to preserve the hearsay issue raised here. The district court properly rejected that contention:

> We reject the State's claim that the defendant failed to preserve his asserted error. At the outset of the prosecutor's questioning of Rigdon, defense counsel objected on the stated grounds that there was no predicate laid that Mendez was a qualified interpreter or translator and that anything that Mendez said to Rigdon would be hearsay. The court sustained the lack of predicate objection, and shortly thereafter, apparently satisfied that a proper predicate had been laid by Rigdon's testimony that he could see no reason why Mendez

> would not translate truthfully and that Mendez seemed to understand Rigdon's questions and the defendant's answers, permitted Rigdon to relate what Mendez had told him.
>
> Despite the State's urging that the defendant's failure to renew his hearsay objection after the trial court's ruling constituted a waiver of the objection, we believe that under the circumstances of this case the defendant's initial objection adequately preserved the point for appellate review. (A., p. 2).

C. THE HEARSAY TESTIMONY IMPROPERLY ADMITTED BY THE TRIAL COURT AMOUNTS TO PREJUDICIAL ERROR.

The improper admission of hearsay testimony has frequently been found to be reversible error, particularly in criminal cases. See *Libertucci v. State*, 395 So.2d 1223 (Fla. 3rd DCA 1981); *Kennedy v. State*, 371 So.2d 1020 (Fla. 5th DCA 1980); *Perez v. State*, 371 So.2d 714 (Fla. 2nd DCA 1979); *Lornitis v. State*, 394 So.2d 455 (Fla. 1st DCA 1981).

The test is the probable impact of the evidence on the jury:

> In determining whether the improper admission of evidence was prejudicial error, a determination must be made of the probable impact of the improper evidence on the minds of the average jury. 385 So.2d 1020, 1023 (citations omitted)

If there is "more than a reasonable possibility" *Lornitis v. State, supra* at 459, that the improperly admitted testimony contributed to the conviction, that conviction must be reversed. There is much more than a "reasonable possibility" that the hearsay statements Rigdon was allowed to testify to contributed to Chao's conviction. There are in fact three separate and distinct reasons, each of which standing alone has been found sufficiently prejudicial to warrant reversal of a conviction, why admission of the hearsay statements here was prejudicially erroneous:

1. they were lent credibility by Rigdon's status as a police officer;
2. they went directly to an essential element of the offense, premeditation; and
3. they constituted an improperly admitted "confession" by Appellant.

Inadmissible testimony suffering from any one of these infirmities has been held

reversible error.

In *Perez v. State, supra*, the appellant's conviction for first degree murder and aggravated battery was reversed after a police officer was allowed to testify as to inadmissible hearsay statements by another state witness testifying at trial. The court noted that

> When a police officer, who is generally regarded by the jury as disinterested and objective and therefore highly credible, is the corroborating witness, the danger of improperly influencing the jury becomes particularly grave. Under the circumstances, the error in admitting this hearsay testimony cannot be considered harmless. 371 So.2d 714, 717.

Similarly, in *Kennedy*, cited above, a conviction for first degree murder was reversed due to the introduction of improper hearsay evidence. The court focused on the fact that the improper testimony went to prove an essential element of the crime, premeditation:

> Because premeditation is an essential element of the crime for which appellant was convicted, the introduction of inadmissible hearsay testimony to prove this element was clearly erroneous. 385 So.2d 1020, 1022 (citations omited).

The situation in the instant case is the same: Detective Rigdon's hearsay testimony was introduced solely to prove premeditation on the part of Petitioner. Moreover, it was evidence of a type which "strikes directly at the heart of the defense" 385 So.2d 1020, 1023 in that Chao denied not the shooting incident but the premeditated nature alleged by the State.

In reaching its conclusion that the admission of such hearsay evidence constituted prejudicial error the *Kennedy* court noted that

> The quantum of prejudice . . . is highest when the circumstantial facts in the statement are intimately related to the issue to be proved. 385 So.2d 1020, 1023 (citations omitted).

Here the facts in Rigdon's hearsay statements are not only intimately related but are precisely the issue to be proved: that Chao shot Hoef deliberately and with

premeditation.

The *Kennedy* court concluded that reversal was required because the facts indicated "more than a reasonable probability that the improperly admitted evidence contributed to the verdict" and noted that the "average jury could have found the State's case significantly less persuasive" in the absence of the improperly admitted hearsay testimony. 385 So.2d 1020, 1023.

Hoef's own testimony about the incident sheds no light on either the absence or presence of premeditation. Apparently due to the "memory lapses" (T. 40) she claims to have about the incident, she testified only to the fact of the gun being discharged. Even her testimony as to where that event took place is contradicted by the location of the physical evidence, the blood and shell casing found by police not in the living room where Hoef testified the incident occurred, but in the bedroom as testified to by Chao.

As such, the situation is analogous to that in *Libertucci v. State*, supra, where the court stated that because

> the hearsay testimony was the only evidence which tended to cast (appellant's) activities in a sinister light, we conclude that the error in admitting this testimony injuriously affected substantial rights of (appellant), and that therefore we must reverse for a new trial. 395 So.2d 1223, 1226 (citations omitted).

Even if Hoef's testimony alone was considered to be sufficient evidence to support a guilty verdict of Attempted First Degree Murder, the fact that the hearsay statements testified to by Detective Rigdon constituted an improperly admitted confession by Chao is significant. In *Henthorne v. State*, 409 So.2d 1081 (Fla. 2nd DCA 1982) the court found that the erroneous admission of a confession in evidence was not harmless error, "although the victim's testimony in and of itself would have been sufficient to support a guilty verdict." 409 So.2d 1081, 1082.

The district court below properly rejected the State's contention of "harmless error":

> Only the defendant and the victim were present when the shooting occurred. Thus, the testimony of Rigdon, which so obviously undermined the accident defense, was critical to the case, and had we found the admission of this testimony to be error, such error could hardly be considered harmless as the State suggests.

The erroneously admitted testimony that Chao said he shot Hoef, coupled with facts that this testimony was lent credibility by being testified to by a police officer and went directly to an essential element of the offense, warrants reversal of petitioner's conviction.

IV
CONCLUSION

It is respectfully submitted that Appellant's conviction should be reversed, and this cause should be remanded to the trial court for a new trial. The testimony of Detective Rigdon as to statements made to him by Pedro Mendez are hearsay and inadmissible by the terms of relevant Florida statutes, come within no exception to the hearsay rule and were erroneously admitted by the trial court over objection by defense counsel. The admission of this hearsay evidence was prejudicially erroneous as there is more than a reasonable possibility, on the facts of the case, that it contributed to Chao's conviction. The statements were lent credibility by being testified to by a police officer, they went directly to an essential element of the offense, premeditation, and they constituted an improperly admitted confession by Petitioner.

V
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was mailed this 27th day of March, 1985, to: Office of Attorney General, 401 N.W. Second Avenue, Miami, Florida

33128.

Respectfully submitted,

BENNETT H. BRUMMER
Public Defender
Eleventh Judicial Circuit of Florida
1352 N.W. 12th Street
Miami, Florida 33125

-and-

MARY V. BRENNAN
Special Assistant Public Defender
606 Petronia Street
Key West, Florida 33134

BY: Mary V. Brennan
MARY V. BRENNAN

CHAO-BRPET/amt