

**IN THE SUPREME COURT  
STATE OF FLORIDA**

**Case No.: SC17-506  
DCA No.: 5D16-1348  
Circuit Case No.: 10-1043CF**

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**RODRICK D. WILLIAMS,**

**Appellant,**

**vs.**

**STATE OF FLORIDA,**

**Appellee.**

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On Appeal from the Fifth District Court of Appeal,  
and  
Seventh Judicial Circuit,  
in and for Saint Johns County, Florida

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**APPENDIX**

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RECEIVED, 05/19/2017 04:23:27 PM, Clerk, Supreme Court

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**CERTIFICATE OF SERVICE**

The undersigned counsel hereby certifies that a copy of the foregoing has been served upon the following on this 19th day of May 2017:

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**CERTIFICATE OF TYPEFACE COMPLIANCE**

I certify that the lettering in this brief is Times New Roman 14-point Font and complies with the font requirements of Florida Rule of Appellate Procedure 9.210(a)(2).

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**IN THE SUPREME COURT  
STATE OF FLORIDA**

**Case No.: SC17-506  
DCA No.: 5D16-1348  
Circuit Case No.: 10-1043CF**

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**RODRICK D. WILLIAMS,**

**Appellant,**

**vs.**

**STATE OF FLORIDA,**

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**APPENDIX A**

*Opinion, Williams v. State, 5D14-306 (R.619-622)*

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IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

RODRICK D'ANTHONY WILLIAMS,

Appellant,

v.

Case No. 5D14-306

STATE OF FLORIDA,

Appellee.

\_\_\_\_\_ /

Opinion filed July 10, 2015

Appeal from the Circuit Court  
for St. Johns County,  
J. Michael Traynor, Judge.

Valarie Linnen, Atlantic Beach,  
for Appellant.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Ann M. Phillips,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

ORFINGER, J.

Rodrick D'Anthony Williams, a juvenile at the time the charged crimes occurred, appeals his convictions and sentences for first-degree murder and kidnapping. Williams contends that the trial court erred when it denied his pre-trial motion to suppress his confession, admitted certain evidence at trial, and by imposing a life sentence for first-degree murder. We affirm Williams's convictions without comment. However, we

reverse Williams's sentence for first-degree murder and remand for a new sentencing hearing.<sup>1</sup>

In Miller v. Alabama, 132 S. Ct. 2455, 2469 (2012), the United States Supreme Court held that “the Eighth Amendment forbids a sentencing scheme that mandates life in prison without possibility of parole for juvenile offenders.” Prior to Miller, the only lawful sentence in Florida for premeditated murder committed by a juvenile was life in prison without the possibility of parole. See Washington v. State, 103 So. 3d 917, 918 (Fla. 1st DCA 2012) (observing that only two sentences available under 2009 version of section 775.082(1) for capital felonies were death or mandatory life without possibility of parole, and that Roper v. Simmons, 543 U.S. 551 (2005), had invalidated death penalty for defendants who were juveniles at time offense was committed). No statutory authority existed under Florida law authorizing a sentencing court to comply with Miller, creating considerable uncertainty regarding the proper sentence to impose on a juvenile convicted of first-degree murder.<sup>2</sup> See Hernandez v. State, 117 So. 3d 778, 783 (Fla. 3d DCA 2013) (recognizing that, since Miller was decided, Florida's district courts have uniformly observed that Miller “opened a breach in Florida's sentencing statutes”).

In Horsley v. State, 121 So. 3d 1130 (Fla. 5th DCA), review granted, Nos. SC13-1938, SC13-2000 (Fla. Nov. 14, 2013) (“Horsley I”), this Court, in an effort to fill that breach, adopted the “statutory revival” approach, initially articulated by Judge Makar's

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<sup>1</sup> We do not consider the legality of Williams's fifty-year sentence for kidnapping because that issue was not raised on appeal.

<sup>2</sup> Juveniles are still constitutionally eligible for life without parole, but Miller requires an individualized determination that a defendant is “the rare juvenile offender whose crime reflects irreparable corruption.” 132 S. Ct. at 2469 (quoting Roper, 543 U.S. at 573; Graham v. Florida, 560 U.S. 48, 73 (2010)).

separate opinion in Partlow v. State, 134 So. 3d 1027 (Fla. 1st DCA 2013), and held that the only sentence available in Florida for a juvenile convicted of capital murder was life with the possibility of parole after twenty-five years. We certified to the supreme court the question of what remedy applies for juvenile offenders whose sentences violate the Eighth Amendment based on Miller.

After the Florida Supreme Court accepted jurisdiction in Horsley I, the Florida Legislature, responding to Miller and its predecessor, Graham v. Florida, 560 U.S. 48 (2012), which invalidated life without parole sentences for juveniles convicted of non-homicide offenses, enacted legislation designed to bring Florida's juvenile sentencing statutes into compliance with the United States Supreme Court's Eighth Amendment juvenile sentencing jurisprudence. See ch. 2014-220, Laws of Fla. This legislation provided an effective date of July 1, 2014, leaving open the question of the proper remedy for juvenile offenders, such as Williams, who were sentenced for crimes committed prior to July 1, 2014, but post-Miller.

In Horsley v. State, 160 So. 3d 393 (Fla. 2015) ("Horsley II"), the Florida Supreme Court answered that question, holding that, notwithstanding the prospective nature of chapter 2014-220, Laws of Florida, the appropriate remedy for cases involving juvenile offenders whose sentences are unconstitutional under Miller is to apply chapter 2014-220, Laws of Florida. The court concluded that "applying chapter 2014-220, Laws of Florida, to all juvenile offenders whose sentences are unconstitutional under Miller is the remedy most faithful to the Eighth Amendment principles established by the United States Supreme Court, to the intent of the Florida Legislature, and to the doctrine of separation of powers." Horsley II, 160 So. 3d at 406. In reaching this conclusion, the

supreme court rejected the statutory revival remedy we adopted in Horsley I. Id. at 406-08. Therefore, while the trial court properly followed our direction in Horsley I in imposing Williams's sentence, applying Horsley II, we conclude that Williams is entitled to a new, individualized resentencing hearing.

We thus affirm Williams's convictions, but reverse Williams's sentence for first-degree murder. On remand, the trial court shall hold an individualized sentencing hearing pursuant to section two of chapter 2014-220, Laws of Florida, to consider the enumerated and other pertinent factors "relevant to the offense and [Williams's] youth and attendant circumstances." Ch. 2014-220, § 2, Laws of Fla. Because the jury did not find that Williams actually possessed and discharged a firearm during the crime, the court must make a written finding as to whether Williams killed, intended to kill, or attempted to kill the victim. Ch. 2014-220, § 1, Laws of Fla. Based on that determination, after holding the individualized hearing, the trial court may sentence Williams to life imprisonment if it finds that life is an appropriate sentence. Id. If the trial court determines that life is not an appropriate sentence, then it should sentence Williams to a term of at least forty years' imprisonment. Id. Either way, unless Williams has a prior conviction of a felony enumerated in section three of chapter 2014-220, Laws of Florida, arising out of a separate criminal transaction or episode, he will receive a judicial review of his sentence after fifteen or twenty-five years, depending on the court's determination. See ch. 2014-220, § 3, Laws of Fla.

CONVICTIONS AFFIRMED; REVERSED IN PART FOR NEW SENTENCING HEARING.

LAWSON, C.J. and TORPY, J., concur.

**IN THE SUPREME COURT  
STATE OF FLORIDA**

**Case No.: SC17-506  
DCA No.: 5D16-1348  
Circuit Case No.: 10-1043CF**

---

**RODRICK D. WILLIAMS,**

**Appellant,**

**vs.**

**STATE OF FLORIDA,**

**Appellee.**

---

**APPENDIX B**

*Motion to Empanel a Jury (R.643-647)*

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**IN THE CIRCUIT COURT OF THE  
SEVENTH JUDICIAL CIRCUIT  
IN AND FOR SAINT JOHNS COUNTY, FLORIDA**

**STATE OF FLORIDA,**  
**Plaintiff/Appellee,**  
v.

**APPEAL NO.: 5D14-306**

**L.T. Case No.: 10-1043CF**

**RODRICK D'ANTHONY WILLIAMS,**  
**Defendant/Appellant.**

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**MOTION TO EMPANEL JURY**

Pursuant to Apprendi v. New Jersey, 530 U.S. 466 (2000), Alleyne v. United States, 133 S. Ct. 2151 (2013), and the *Opinion* of the Fifth District Court of Appeal in this case rendered on July 10, 2015, Defendant, RODRICK D'ANTHONY WILLIAMS, by and through the undersigned counsel, moves this Court to empanel a jury to determine whether Defendant "killed, intended to kill, or attempted to kill the victim" and states as follows:

**Facts**

1. Following a jury trial, Defendant was convicted and sentenced for the following offense:
  - a. **Count I:** First Degree Murder with a Firearm, in violation of Sections 782.04(1), 790.001(6), and 777.011, Florida Statutes (2010) (life imprisonment with eligibility for parole after 25 years); and
  - b. **Count II:** Kidnapping in violation of Section 787.01(1)(a)2 and 3, Florida Statutes (2010) (50 years imprisonment).
2. Citing Miller v. Alabama, 132 S. Ct. 2455, 2469 (2012) and Horsley v. State, 160 So. 3d 393 (Fla. March 19, 2015), the Fifth District Court of Appeal

recently reversed Appellant's sentence as to Count I and remanded for resentencing. Specifically, the Court instructed as follows:

On remand, the trial court shall hold an individualized sentencing hearing pursuant to section two of chapter 2014-220, Laws of Florida, to consider the enumerated and other pertinent factors "relevant to the offense and [Williams's] youth and attendant circumstances." Ch. 2014-220, § 2, Laws of Fla. Because the jury did not find that Williams actually possessed and discharged a firearm during the crime, **the court must make a written finding as to whether Williams killed, intended to kill, or attempted to kill the victim.** Ch. 2014-220, § 1, Laws of Fla. Based on that determination, after holding the individualized hearing, the trial court may sentence Williams to life imprisonment if it finds that life is an appropriate sentence. *Id.* If the trial court determines that life is not an appropriate sentence, then it should sentence Williams to a term of at least forty years' imprisonment. *Id.* Either way, unless Williams has a prior conviction of a felony enumerated in section three of chapter 2014-220, Laws of Florida, arising out of a separate criminal transaction or episode, he will receive a judicial review of his sentence after fifteen or twenty-five years, depending on the court's determination. *See* ch. 2014-220, § 3, Laws of Fla.

Williams v. State, 5D14-306 (Fla. 5th DCA July 10, 2015).

3. Because the appellate court directed on remand a finding of fact that would increase the mandatory minimum sentence, Defendant now moves this Court to empanel a jury in order to determine whether Defendant "killed, intended to kill, or attempted to kill the victim".

#### Law

4. Section 775.082(1)(b)(1) provides:
- "A person who actually killed, intended to kill, or attempted to kill the victim and who is convicted under s. 782.04 of a capital felony, or an offense that was reclassified as a capital felony, which was committed before the person attained 18 years of age shall be punished by a term

of imprisonment for life if, after a sentencing hearing conducted by the court in accordance with s. 921.1401, the court finds that life imprisonment is an appropriate sentence. If the court finds that life imprisonment is not an appropriate sentence, such person shall be punished by a term of imprisonment of at least 40 years. A person sentenced pursuant to this subparagraph is entitled to a review of his or her sentence in accordance with s. 921.1402(2)(a).”

5. Section 775.082(1)(b)(2) provides:

“A person who did not actually kill, intend to kill, or attempt to kill the victim and who is convicted under s. 782.04 of a capital felony, or an offense that was reclassified as a capital felony, which was committed before the person attained 18 years of age may be punished by a term of imprisonment for life or by a term of years equal to life if, after a sentencing hearing conducted by the court in accordance with s. 921.1401, the court finds that life imprisonment is an appropriate sentence. A person who is sentenced to a term of imprisonment of more than 15 years is entitled to a review of his or her sentence in accordance with s. 921.1402(2)(c).”

6. Any fact which “increases the prescribed range of penalties to which a criminal defendant is exposed” are elements of a crime and the Sixth Amendment provides the defendant with the right to have the jury find those facts beyond a reasonable doubt. Apprendi v. New Jersey, 530 U.S. 466, 484 (2000).

7. In Alleyne v. United States, 133 S. Ct. 2151 (2013), the defendant was convicted of using or carrying a firearm in a violent crime, which carried a mandatory minimum penalty of five years imprisonment, seven years imprisonment if the defendant was found to have brandished the firearm during the offense, and ten years imprisonment if the defendant discharged the firearm during the offense.

Id. at 2155. During the original trial, the judge – rather than the jury – determined that the defendant brandished the firearm during the offense, which caused the mandatory minimum sentence to rise to seven years rather than five years. Id. at 2156.

8. The Supreme Court of the United States held that the question of whether or not the accused brandished a firearm during the offense was not merely a “sentencing factor” which the trial judge may unilaterally decide, but rather an “ingredient of the offense”, which must be assessed and decided upon by the jury. Id. at 2162-63. “It must, therefore, be submitted to the jury and found beyond a reasonable doubt.” Id. at 2163.

#### Argument

9. As to Count I, Alleync, Apprendi, the directive of the Fifth District Court of Appeal, and Section 775.082(1)(b)(1) require this Court to empanel a jury to determine beyond a reasonable doubt whether Defendant “killed, intended to kill, or attempted to kill” the victim.

10. Whether Defendant “killed, intended to kill, or attempted to kill” the victim constitutes an “ingredient of the offense” which increases the range of punishment:

- a. If found in the **affirmative**, this Court must sentence Defendant to at least 40 years imprisonment and Defendant is
- b. entitled to review of his sentence after 25 years. See Fla. Stat. § 775.082(1)(b)(1); see also Fla. Stat. § 921.1402(2)(a).
- c. If found in the **negative**, there is no mandatory minimum sentence and Defendant is entitled to review of his sentence after 15 years. See Fla. Stat. § 775.082(1)(b)(2); see also Fla. Stat. § 921.1402(2)(c).

11. Because a finding that Defendant killed, intended to kill, or attempted to kill increases the level of punishment to a mandatory minimum of 40 years

imprisonment, a jury must be empaneled to make this factual determination beyond a reasonable doubt pursuant to Alleyne and Apprehndi.

12. In the event that this Court grants this motion, Defendant requests that this Court re-appoint Defendant's trial counsel, PEYTON QUARLES, to conduct the proceeding as he is qualified under the statute to conduct a penalty phase in capital cases. The undersigned counsel wishes to remain as second chair counsel and postconviction resentencing pursuant to the original rule 3.800 motion.

**WHEREFORE**, Defendant requests that this Court empanel a jury to determine whether Defendant "killed, intended to kill, or attempted to kill the victim", reappoint Peyton Quarles as penalty phase counsel, and requests any and all other relief to which he is entitled.

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been furnished to the following by electronic mail or U.S. Mail delivery on this 30<sup>th</sup> day of September 2015:

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**IN THE SUPREME COURT  
STATE OF FLORIDA**

**Case No.: SC17-506  
DCA No.: 5D16-1348  
Circuit Case No.: 10-1043CF**

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**RODRICK D. WILLIAMS,**

**Appellant,**

**vs.**

**STATE OF FLORIDA,**

**Appellee.**

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**APPENDIX C**

*Order Denying Motion to Empanel a Jury (R.665)*

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IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT  
IN AND FOR SAINT JOHN'S COUNTY, FLORIDA

STATE OF FLORIDA,  
Plaintiff,

CASE NO.: 10-1043CF

v.

Appeal No.: 5D14-306

RODERICK D'ANTHONY WILLIAMS,  
Defendant.

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**ORDER DENYING MOTION TO EMPANEL JURY**

THIS CAUSE came before the Court on the *Motion to Empanel Jury*, filed by counsel for Defendant, RODRICK WILLIAMS. The Court has reviewed and considered Defendant's motion, and being otherwise fully advised in the premises, finds as follows:

1. The *Opinion* of the Fifth District Court of Appeal in the above-styled cause direct this Court to resentence Defendant pursuant to Chapter 2014-220, Laws of Florida. (*Opinion* p.4)

2. The *Opinion* further directs as follows: "Because the jury did not find that Williams actually possessed and discharged a firearm during the crime, *the court* must make a written finding as to whether Williams killed, intended to kill, or attempted to kill the victim." (*Opinion* p.4. Emphasis added.)

3. Because the Fifth District ordered this Court to make the finding, rather than a jury, Defendant's *Motion to Empanel Jury* to make said finding is DENIED.

DONE AND ORDERED in Chambers in St. Augustine, St. Johns County, Florida on this \_\_\_\_ day of October 2015.

  
The Honorable J. MICHAEL TRAYNOR  
Circuit Judge

cc:  
Valarie Linnen, Esq.  
Office of the State Attorney

10/07/2015

Filed for record 10/12/2015 09:07 AM Clerk of Court St. Johns County, FL

**IN THE SUPREME COURT  
STATE OF FLORIDA**

**Case No.: SC17-506  
DCA No.: 5D16-1348  
Circuit Case No.: 10-1043CF**

---

**RODRICK D. WILLIAMS,**

**Appellant,**

**vs.**

**STATE OF FLORIDA,**

**Appellee.**

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**APPENDIX D**

*Order (on Intent R.674-680)*

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IN THE CIRCUIT COURT, SEVENTH  
JUDICIAL CIRCUIT, IN AND FOR  
ST. JOHNS COUNTY, FLORIDA

CASE NO.: CF10-1043  
DIVISION: 56

STATE OF FLORIDA,

vs.

RODRICK D'ANTHONY WILLIAMS,  
Defendant.

\_\_\_\_\_ /

**ORDER**

THIS CAUSE came before the Court upon Mandate from the Fifth District Court of Appeal of the State of Florida remanding this case to the trial court with instructions to hold an individualized sentencing in conformance with the framework established in section two chapter 2014-220, Laws of Florida (now codified in sections 775.082, 921.1401, and 921.1402 of the Florida Statutes) and to make a written finding as to whether Defendant killed, intended to kill, or attempted to kill the victim. The Court having heard testimony from counsel, having reviewed the trial transcript and being otherwise fully advised in the premises finds as follows:

On June 26, 2010, Defendant, who was a juvenile, was taken into custody on the charges of principal to first degree murder and kidnapping. On July 7, 2010, the case was transferred and certified to adult court. That same day Defendant was indicted for first degree murder with a firearm (Count I), a capital felony, and kidnapping (Count II), a first degree felony punishable by life. On December 19, 2013, a jury found Defendant guilty as charged of first degree murder and kidnapping. On December 19, 2013, Defendant was sentenced to life in prison with the possibility of parole after twenty-five years on Count I and fifty years in prison on Count II. On June 30, 2014, Defendant filed a Motion to Correct Sentencing Error and Illegal Sentence and on

August 15, 2014, the Court issued an Order Denying Defendant's Motion. On August 5, 2015 the Fifth District Court of Appeal Mandate affirmed Defendant's convictions but reversed Defendant's sentence and remanded for a new sentencing hearing. The Fifth District Court of Appeal ordered the trial court to make a written finding as to whether Defendant killed, intended to kill, or attempted to kill the victim. Based on that determination, the trial court may sentence Defendant to life imprisonment if it finds that life is an appropriate sentence. On September 10, 2015, the Court issued an order scheduling the resentencing hearing for October 30, 2015 and attorney Valarie Linnen was appointed to represent Defendant for the purposes of resentencing.

At the October 30<sup>th</sup> hearing, the State argued that it had successfully proved at trial that the Defendant actually killed or intended to kill the victim. The State argued that it advanced two theories at trial, premeditated murder and felony murder. The State contended that its two principal pieces of evidence at trial were the Defendant's confession and the testimony of Michael Rivers, a jailhouse informant. Mr. Rivers testified at trial that his cooperation resulted in a twelve month reduction of his sentence. Mr. Rivers testified at trial that while they were in custody together, Defendant relayed information to him about the victim's murder. According to Mr. Rivers, Defendant relayed that he brought a handgun and that he hit and punched the victim in the face with a gun. The State pointed out that the victim's face was badly beaten in, thus corroborating Mr. Rivers' testimony. Mr. Rivers also stated Defendant told him he pointed a gun at the victim's head. At trial, Mr. Rivers testified that Defendant told him the murder was all about getting his girlfriend's money back. The State pointed out that Mr. River's testimony was consistent in that Defendant previously stated the murder was about money. Mr. Rivers testified at trial that Defendant told him he drove the victim from Jacksonville to St. Johns County, got

out of the vehicle, and shot the victim twice. The State contended that this is corroborated by the medical examiner's findings that the victim had two gunshot wounds. The State asserted this proves Defendant actually killed the victim. The State argued that even if the Court were to disregard Mr. River's testimony, the State could still prove Defendant intended to kill the victim.

Referring to the trial transcript, in its closing arguments, the State pointed out that Defendant initially lied to the police about his involvement. The State also pointed out that Defendant told his uncle, "My old lady needs help with the robbery. I need to go" and admitted to telling the victim "cooperate and you won't die." At trial, the State introduced a text message to Ms. Parker that it alleged was from Defendant stating: "Bae, thanks. This is Killa. I can't talk because I'm around too many people, but just chill, bae. I'm going to take care of your problems. Just give me the green light." During his interview with the detective, Defendant admitted that his nickname was "Killa." The State pointed out that Defendant initially lied about wearing a shirt around his face to conceal his identity from the victim. Further, Defendant initially told the Detective that he did not hit the victim. Then, at the end of his statement he told the Detective he was forced to hit the victim. Further, in his statement, Defendant said Mr. Henderson and Ms. Parker gave him a gun. The State questioned why they would give the Defendant a gun if he was not participating in the crime. Further, the State argued if Defendant was being threatened, it would be counterintuitive to give him a gun. The State pointed out Defendant also said that he told the victim "just tell them where the safe is, you'll live." The State pointed out Defendant admits that he left with Ms. Parker to go pick up the car in which the victim was thrown in the trunk; Defendant then brought that car to where the victim was being held. Defendant stated that he removed a scooter from the trunk of the car so that they could

place the victim in the trunk. The State argued that Defendant's statement that Ms. Parker made him participate is not believable. The State pointed out that Defendant was in a separate car driving for eight miles back to the trap house. The State argued Defendant could have driven away at that point since there was no one in the car with him. In his statement, Defendant said Harry Henderson had a 9 millimeter handgun and a 40 caliber handgun. The State asserted Defendant said he had a gun as well. The State argued the bullets in the victim did not match the guns Defendant said Harry Henderson possessed. The State argued the logical inference is therefore that Defendant shot the victim. The State disbelieved Defendant's statement that he drove the vehicle to St. Johns and thought they were going to set the victim free. The State asserted that there are several statements that contradict this. For instance, Defendant said he knew what they were going to do the whole time, indicating he knew they intended to kill the victim. The State pointed out that Defendant also said he knew "Harry had his mind made up" and that he was not going to drive the car down there and "catch this murder charge." In his statement, Defendant said he immediately got out of the car so they thought he already killed the victim.

The State argued that the Defendant does not have to have actually killed the victim; he merely must have intended that the victim be killed. The State asked the court to make the finding that Defendant intended for the victim to die. The State concluded that based on Mr. River's testimony, Defendant actually killed the victim. In the alternative, the State concluded that based on Defendant's own testimony, he intended for the victim to die.

In reference to the verdict form used at trial, defense counsel asserted the state had the option of asking the jury to make a specialized finding that Defendant possessed the firearm for

the 1<sup>st</sup> degree murder charge. Defense counsel pointed out that the State asked for a specialized finding for the 2<sup>nd</sup> degree murder and manslaughter charges. Defense counsel argued that because the State did not ask for the specialized finding, the Court should apply the rule of lenity. Defense counsel argued there was no physical evidence presented at trial that linked Defendant to the murder of the victim. Defense counsel argued that the only pieces of evidence linking Defendant to the murder of the victim are the statement Defendant made to Detective Hines and the hearsay testimony made to Mr. Rivers. Defense counsel argued that Defendant said Mr. Henderson shot the victim three times and this statement is corroborated by the fact that the bullets and casings found were not all the same caliber. Defense counsel argued that Mr. Rivers' testimony that Defendant said he tried to cover his face so the victim would not see him does not make sense. Defense counsel questioned why Defendant would cover his face if he intended to kill the victim. Defense counsel pointed out that Mr. Rivers admitted to knowing Mr. Henderson, admitted to reading newspaper articles about the case and had every incentive to lie. Defense counsel argued that hearsay testimony is unreliable. Defense counsel proposed that even if Mr. Rivers' testimony is true, it is plausible Defendant was trying to look tough in the eyes of older inmates (he was sixteen). Defense counsel also pointed out that Mr. Rivers used the phrase how to "accumulate" the crime instead of "accomplish." Defense counsel argued that the misuse of the word "accumulate" indicated Mr. Rivers could not remember the words he was "supposed" to use and had been coached. Defense counsel asserted that during his statement, Defendant maintained that he was not the triggerman. Defense counsel argued that Defendant simply said "he had a feeling" things were about to go bad-not that they told him they were going to murder the victim. Defense counsel pointed out that Defendant told the detective that

Mr. Henderson would kill him if he ran away or told and said he knew what happened to snitches in the neighborhood. Defense counsel argued that Defendant told the detective that Mr. Henderson handed him one of his guns, and the fact that the Defendant did not provide his own gun indicates that he did not intend to kill the victim. Defense counsel concluded that the determination whether Defendant actually killed or intended to kill the victim rests on Defendant's statement verses the jailhouse informant's testimony.

In its rebuttal, the State argued that the verdict form was not an oversight. The State asserted that the 10-20-Life sentencing did not exist at the time of trial, and that at that time first degree murder carried an automatic life sentence. The State noted Mr. Rivers' statement is not hearsay, and was deemed by the court to be admissible in trial. The State argued if someone had coached Mr. Rivers, his testimony at trial would have been much better. The State argued even if the Court discounts Mr. Rivers' testimony the Court can determine Defendant intended to kill the victim because he drove the victim to his death. The State argued the Defendant had control of the vehicle and could have diverted it at any time, but chose not to do so.

The Court finds that based on the testimony of Mr. Rivers and Defendant's own statements, Defendant actually killed the victim. Additionally, even if another court were to find that there is not sufficient evidence that Defendant actually killed the victim, this Court is just as convinced that Defendant intended to kill the victim. Based on Defendant's admissions that he drove the victim to his death, that he knew the victim would be killed, and that he beat the victim, along with the text message sent to Ms. Parker, the Court finds that Defendant also intended to kill the victim. The Court notes that at trial, the jury found Defendant guilty of

kidnapping and therefore rejected the defense of duress.<sup>1</sup> Accordingly, the Court finds that the Defendant both intended to kill and actually killed the victim.

**DONE AND ORDERED** in Chambers, in St. Johns County, St. Augustine, Florida, this 18 day of December, 2015.

  
J. MICHAEL TRAYNOR  
Circuit Judge

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<sup>1</sup> With the exception of felony murder, duress is not a defense to murder. See Stannard v. State, 113 So. 3d 929, 932 (Fla. 5th DCA 2013) (for the proposition that duress is not a defense to murder); Rodriguez v. State, 174 So. 3d 502, 507 (Fla. 4th DCA 2015), reh'g denied (Sept. 30, 2015) (citing State v. Hunter, 241 Kan. 629, 640-641, 740 P.2d 559, 568 (1987)(where duress is a defense to an underlying felony so that felony is justifiable, duress is equally a defense to charges of felony murder)).

**IN THE SUPREME COURT  
STATE OF FLORIDA**

**Case No.: SC17-506  
DCA No.: 5D16-1348  
Circuit Case No.: 10-1043CF**

---

**RODRICK D. WILLIAMS,**

**Appellant,**

**vs.**

**STATE OF FLORIDA,**

**Appellee.**

---

**APPENDIX E**

*Corrected Judgment and Sentence (R.758-768)*

---

Valarie Linnen, Esq.  
Florida Bar No. 63291  
PO Box 330339  
Atlantic Beach, FL 32233  
888-608-8814  
vlinnen@live.com  
Attorney for Appellant

# CERTIFICATION OF SENTENCE FOR DEPARTMENT OF CORRECTIONS

STATE OF FLORIDA  
COUNTY OF ST. JOHNS

I, HUNTER S. CONRAD, Clerk of Court, Seventh Judicial Circuit, in and for St. Johns County, Florida, DO HEREBY CERTIFY that above and foregoing is a true and correct copy of:

UNIFORM COMMITMENT TO DEPARTMENT OF CORRECTIONS  
JUDGMENT AND SENTENCE  
SENTENCING GUIDELINES SCORE SHEET  
INFORMATION  
PROBABLE CAUSE AFFIDAVIT  
RESTITUTION ORDER  
VICTIM NOTIFICATION SHEET

ALL IN THE CASE OF:           **STATE OF FLORIDA**

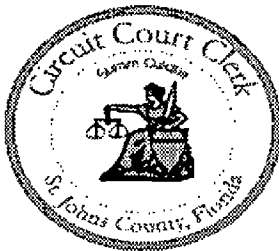
vs.

**RODRICK D'ANTHONY WILLIAMS**

**CASE: 10001043CFMA  
DIVISION: 56B**

as the same appears of record in the office of the Clerk of Circuit Court, St. Johns County, Florida, in the public records of St. Johns County, Florida.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office this Monday, April 18, 2016.



HUNTER S. CONRAD  
CLERK OF CIRCUIT COURT

By:   
DEPUTY CLERK

pg. 1 of 11

**STATE OF FLORIDA  
UNIFORM COMMITMENT TO CUSTODY  
OF DEPARTMENT OF CORRECTIONS**

The Circuit Court of St Johns County in the Fall Term, 2015, in the case of:

**STATE OF FLORIDA**

**vs**

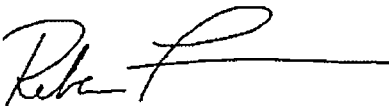
**RODRICK D'ANTHONY WILLIAMS**  
Defendant

**IN THE NAME AND BY THE AUTHORITY OF THE STATE OF FLORIDA, TO THE SHERIFF  
OF SAID COUNTY AND THE DEPARTMENT OF CORRECTIONS OF SAID STATE,  
GREETING:**

The above named defendant having been duly charged with the offense specified herein in the above styled Court, and having been duly convicted and adjudged guilty of and sentenced for said offense by Court, as appears from the attached certified copies of Indictment/Information, Judgment and sentence, and Felony Disposition and Sentence Data form which are hereby made parts hereof:

Now therefore, this is to command you, the Sheriff, to take, keep and within a reasonable time after receiving this commitment, safely deliver the said defendant, together with any pertinent Investigation Report prepared in this case, into custody of Department of Corrections of the State of the Florida: and this is to command you, the said, Department of Corrections, by and through your Secretary, Regional Directors, Superintendents, and other officials, to keep and safely imprison the said defendant for the term of said sentence in the institution in the state correctional system to which you, the said Department of Corrections, may cause the said defendant to be conveyed or thereafter transferred. And these presents shall be your authority for the same. Herein fail not.

WITNESS the Honorable J. MICHAEL TRAYNOR ,  
Judge of Said Court, as also Hunter S. Conrad, Clerk,  
and the Seal thereof, this Monday, April 18, 2016.  
HUNTER S. CONRAD, Clerk of the Circuit Court

By:   
Deputy Clerk

Resentence

IN THE CIRCUIT COURT  
OF THE SEVENTH JUDICIAL CIRCUIT  
IN AND FOR ST. JOHNS COUNTY

State of Florida

Division: 56B

vs.

**RODRICK D'ANTHONY WILLIAMS**

Defendant



### CORRECTED JUDGMENT

The defendant, RODRICK D'ANTHONY WILLIAMS , being personally before this court represented by VALARIE LINNEN , the attorney of record, and the state represented by JASON LEWIS , and having entered a plea of been tried and found guilty to the following crime(s):

Count	Crime	Offense Statute	Deg of Crime		Case Number	OBTS
1	FIRST DEGREE MURDER (FIREARM)	782.04 1a; 775.087; 790.001 6; 777.011	C	F	10001043CFMA	5501087602
2	KIDNAPPING (1 DEG FEL, PBL)	787.01 1a2 & 3	P	F	10001043CFMA	5501087602

- and no cause being shown why the defendant should not be adjudicated guilty, IT IS ORDERED THAT the defendant is hereby ADJUDICATED GUILTY of the above crime(s).
- and being a qualified offender pursuant to s. 943.325, the defendant shall be required to submit DNA samples as required by law.
- and good cause being shown, IT IS ORDERED THAT ADJUDICATION OF GUILT BE WITHHELD.

DONE AND ORDERED in open court in St. Johns County, Florida this Monday, April 18, 2016. Nunc pro tunc 4/12/16

J. MICHAEL TRAYNOR , Circuit Court Judge

THE STATE OF FLORIDA

VS

WILLIAMS, RODRICK D'ANTHONY

CASE #: 10001043CFMA

RIGHT THUMB	RIGHT INDEX	RIGHT MIDDLE	RIGHT RING	RIGHT LITTLE
LEFT THUMB	LEFT INDEX	LEFT MIDDLE	LEFT RING	LEFT LITTLE

FINGERPRINTS TAKEN BY: Deputy G. Atkinson, Badge 3292 DEPUTY SHERIFF I  
HEREBY CERTIFY that the above and foregoing are the fingerprints of the defendant,  
WILLIAMS, RODRICK D'ANTHONY, and that they are placed by the defendant in my  
presence in open court this date.

DONE AND ORDERED in open court in St. Johns County, Florida this Monday, April  
18, 2016.



J. MICHAEL TRAYNOR , Circuit Judge

## SENTENCE (As to Count I )

The defendant, being personally before this court, accompanied by VALARIE LINNEN , the defendant's attorney of record, and having been adjudicated guilty herein, and the court having given defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause bring shown (check one if applicable)

- and the Court having on \_\_\_\_\_ deferred imposition of sentence until this date.
- and the Court having previously entered a judgment in this case on 12/19/13 now resentsences the defendant.
- and the Court having placed defendant on probation/community control and having subsequently revoked the defendant's probation/community control. \_\_\_\_\_

**It Is the Sentence of the Court That:**

- The defendant pay a fine of \$\_\_\_\_\_, pursuant to section 775.083, Florida Statutes, plus \$\_\_\_\_\_ as the 5% surcharge required by section 938.04, Florida Statutes
- The defendant is hereby committed to the custody of the Department of Corrections.
- The defendant is hereby committed to the custody of the Sheriff of St. Johns County, Florida.
- The defendant is sentenced as a youthful offender in accordance with section 958.04, Florida Statutes.

**To Be Imprisoned (Check one; unmarked sections are inapplicable):**

- For a term of natural life.
- For a term of \_\_\_\_\_ as to each count above.
- Said SENTENCE SUSPENDED for a period of \_\_\_\_\_ subject to conditions set forth in this order.

**If "split" sentence, complete the appropriate paragraph.**

- Followed by a period of \_\_\_\_\_ of community control under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order entered herein.
- However, after serving a period of \_\_\_\_\_ imprisonment in, \_\_\_\_\_ the balance of the sentence shall be suspended and the defendant shall be place on probation/community control for a period \_\_\_\_\_ of under supervision of the Department of Corrections according to the terms and conditions of probation/community control set forth in a separate order entered herein.

In the event the defendant is ordered to serve additional split sentences, all incarceration portions shall be satisfied before the defendant begins service of the supervision terms.

## SENTENCE (As to Count II )

The defendant, being personally before this court, accompanied by VALARIE LINNEN , the defendant's attorney of record, and having been adjudicated guilty herein, and the court having given defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause bring shown (check one if applicable)

- and the Court having on \_\_\_\_\_ deferred imposition of sentence until this date.
- and the Court having previously entered a judgment in this case on 12/19/13 now resentsences the defendant.
- and the Court having placed defendant on probation/community control and having subsequently revoked the defendant's probation/community control. \_\_\_\_\_

**It Is the Sentence of the Court That:**

- The defendant pay a fine of \$\_\_\_\_\_, pursuant to section 775.083, Florida Statutes, plus \$\_\_\_\_\_ as the 5% surcharge required by section 938.04, Florida Statutes
- The defendant is hereby committed to the custody of the Department of Corrections.
- The defendant is hereby committed to the custody of the Sheriff of St. Johns County, Florida.
- The defendant is sentenced as a youthful offender in accordance with section 958.04, Florida Statutes.

**To Be Imprisoned (Check one; unmarked sections are inapplicable):**

- For a term of natural life.
- For a term of 50 Years as to each count above.
- Said SENTENCE SUSPENDED for a period of \_\_\_\_\_ subject to conditions set forth in this order.

**If "split" sentence, complete the appropriate paragraph.**

- Followed by a period of \_\_\_\_\_ of community control under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in a separate order entered herein.
- However, after serving a period of \_\_\_\_\_ imprisonment in, \_\_\_\_\_ the balance of the sentence shall be suspended and the defendant shall be place on probation/community control for a period \_\_\_\_\_ of under supervision of the Department of Corrections according to the terms and conditions of probation/community control set forth in a separate order entered herein.

In the event the defendant is ordered to serve additional split sentences, all incarceration portions shall be satisfied before the defendant begins service of the supervision terms.

# SPECIAL PROVISIONS

(As to Count I & II)

By appropriate notation, the following provisions apply to the sentence imposed:

## Mandatory/Minimum Provisions:

- Firearm  It is further ordered that the 3-year minimum imprisonment provisions of section 775.087(2), Florida Statutes, is hereby imposed for the sentence specified in this count. \_\_\_\_\_
- Drug Trafficking  It is further ordered that the \_\_\_\_\_ mandatory minimum imprisonment provision of section 893.135(1), Florida Statutes, is hereby imposed for the sentence specified in this count. \_\_\_\_\_
- Controlled Substance (within 1000 ft. of school)  It is further ordered that the 3-year minimum imprisonment provision of section 893.13(1)(c)1, Florida Statutes, is hereby imposed for the sentence specified in this count. \_\_\_\_\_
- Habitual Felony Offender  The defendant is adjudicated a habitual felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(a), Florida Statutes. The requisite findings by the court are set forth in a separate order or stated on the record in open court. \_\_\_\_\_
- Habitual Violent Felony Offender  The defendant is adjudicated a habitual violent felony offender and has been sentenced to an extended term in accordance with the provisions of section 775.084(4)(b), Florida Statutes. A minimum term of \_\_\_\_\_ year(s) must be served prior to release. The requisite findings of the Court are set forth in a separate order or stated on the record in open court. \_\_\_\_\_
- Three-time Violent Felony Offender  The defendant is adjudicated a three-time violent felony offender and has been sentenced to an extended term in accordance with the provisions of 775.084(4)(c), Florida Statutes. It is further ordered that the \_\_\_\_\_ year mandatory minimum imprisonment provisions of 775.084 (4)(c) is hereby imposed for the sentence specified in this count. The requisite findings of the court are set forth in a separate order or stated on the record in open court. The defendant shall be released only by expiration of sentence and shall not be eligible for parole, control release, or any form of early release. \_\_\_\_\_
- Violent Career Criminal  The defendant is adjudicated a violent career criminal and has been sentenced to an extended term in accordance with the provisions of 775.084(4)(d), Florida Statutes. A minimum term of \_\_\_\_\_ years must be served prior to release. The requisite findings of the court are set forth in a separate order or stated on the record in open court. The defendant is not eligible for any form of discretionary early release, other than pardon or executive clemency, or conditional medical release pursuant to 947.149, Florida Statutes. \_\_\_\_\_
- Law Enforcement Protection Act  It is further ordered that the defendant shall serve a minimum of \_\_\_\_\_ years before release in accordance with section 775.0823, Florida Statutes. \_\_\_\_\_
- Capital Offense  First Degree Murder Prior to 05/25/94 and Other Capital Felonies Prior to 10/01/95. It is further ordered that the defendant shall serve no less than 25 years in accordance with the provisions of section 775.082(1), Florida Statutes. \_\_\_\_\_
- First Degree Murder After 05/25/94 and Other Capital Felonies After 10/01/95. It is further ordered that the defendant shall be ineligible for parole in accordance with the provisions of section 775.082(1), Florida Statutes. \_\_\_\_\_
- Short-Barreled Shotgun,  It is further ordered that the 5-year minimum provisions of section 790.221(2), Florida

- Rifle, Machine Gun \_\_\_\_\_ Statutes, are hereby imposed for the sentence specified in this count. \_\_\_\_\_
- Continuing Criminal Enterprise  It is further ordered that the 25-year minimum sentence provisions of section 893.20, Florida Statutes, are hereby imposed for the sentence specified in this count. \_\_\_\_\_
- Taking a Law Enforcement Officer's Firearm  It is further ordered that the 3-year mandatory minimum imprisonment provision of section 775.0875(1), Florida Statutes, is hereby imposed for the sentence specified in this count. \_\_\_\_\_ (Offenses committed before January 1, 1994)
- Dangerous Sexual Felony Offender  The Defendant is adjudicated a dangerous sexual felony offender. This finding of the court was stated in open court or set forth in a separate order. A minimum term of \_\_\_\_\_ years must be served prior to release in accordance with 794.0015(2)(e), Florida Statutes. The defendant is not eligible for gain-time or any form of discretionary early release, other than pardon, executive clemency or conditional medical release, before serving the minimum sentence. \_\_\_\_\_
- Sexual Offender  It is further ordered that the defendant shall register as a sexual offender pursuant to 943.0435, Florida Statutes. \_\_\_\_\_
- Sexual Predator  It is further ordered that the defendant is found to be a sexual predator pursuant to 775.21, Florida Statutes. This finding by the court is set forth in a separate order. \_\_\_\_\_

**Sexual Offender/Sexual Predator Determinations:**

- Age of Victim  The victim was \_\_\_\_\_ years of age at the time of the offense.
- Age of Defendant  The defendant was \_\_\_\_\_ years of age at the time of the offense.
- Relationship to Victim  The defendant is not the victim's parent or guardian.
- Sexual Activity F.S. 800.04(4)  The offense  did  did not involve sexual activity
- Use of Force or Coercion F.S. 800.04(4)  The sexual activity described herein  did  did not involve the use of force or coercion.
- Use of Force or Coercion/unclothed Genitals F.S. 800.04(5)  The molestation  did  did not involve unclothed genitals or genital area.  
 The molestation  did  did not involve the use of force or coercion.
- Criminal gang Activity  The felony conviction is for an offense that was found, pursuant to section 874.04, Florida Statutes, to have been committed for the purpose of benefiting, promoting, or furthering the interests of a criminal gang.
- Prison Releasee Re-offender  The defendant is adjudicated a prison release re-offender and has been sentenced to an extended term in accordance with 775.082(9), Florida Statutes. The defendant must serve 100 percent of this sentence and shall not be eligible for parole, control release, or any form of early release. \_\_\_\_\_

**Firearm 10-20-Life:**

- Possess  It is further ordered that the defendant shall served a minimum of 10 years before release in accordance with 775.087(2)(a)1, Florida Statutes. The defendant is not eligible for statutory gain-time under 944.275, Florida Statutes, or any form of discretionary early release prior to serving the minimum sentence. \_\_\_\_\_
- Discharge  It is further ordered that the defendant shall served a minimum of 20 years before release in accordance with 775.087(2)(a)2, Florida Statutes. The defendant is not eligible for

statutory gain-time under 944.275, Florida Statutes, or any form of discretionary early release prior to serving the minimum sentence. \_\_\_\_

Death or Great Bodily Harm  It is further ordered that the defendant shall served a minimum of 25 years before release in accordance with 775.087(2)(a)3, Florida Statutes. The defendant is not eligible for statutory gain-time under 944.275, Florida Statutes, or any form of discretionary early release prior to serving the minimum sentence. \_\_\_\_

**Other Provisions:**

Retention of Jurisdiction  The court retains jurisdiction over the defendant pursuant to Jurisdiction section 947.16(4), Florida Statutes (1983)

Jail Credit  It is further ordered that the defendant shall be allowed a total of 1259 days as credit for time incarcerated before imposition of this sentence.

Your Driver's License is Suspended Revoked for \_\_\_\_ Day(s)Month(s) Year(s)  Pursuant to 322.055.  The Court has directed the department to issue a license for driving privileges restricted to business or employment purposes only, as defined by s. 322.271, if the person is otherwise qualified for such a license. Please know that in no case shall a restricted license be available until 6 months of the suspension of revocation period has expired.

**Other:**  Ct 1 - pursuant to 775.082 (b)(1) review for release after a review hearing under 921.1402 (2)(a) after 25 years and Ct 2 - pursuant to 775.082 (c) review for release after a review hearing under 921.1402 (2)(d) after 20 years

TIER Program.

**Restitution:**

No restitution ordered.

Restitution Ordered. To be paid in accordance with separate Restitution Order.

Jurisdiction is reserved to determine restitution upon motion of the State.

Credit for Time Served In Resentencing after Violation of Probation Or Community Control  It is further ordered that the defendant be allowed \_\_\_\_ days time served between the original date of arrest as a violator following release from prison to the date of re-sentencing. The Department of Corrections shall apply original jail time credit and shall compute and apply credit for time served and unforfeited gain time previously awarded on case/count \_\_\_\_ (Offenses committed before October 1, 1989).

It is further ordered that the defendant be allowed \_\_\_\_ days time served between date of arrest as a violator following release from prison to the date of re-sentencing. The Department of Corrections shall apply original jail time credit and shall compute and apply credit for time served on case/count \_\_\_\_ (Offenses committed between October 1, 1989, and December 31, 1993).

The Court deems the unforfeited gain time previously awarded on the above case/count forfeited under section 948.06(7).

The Court allows unforfeited gain time previously awarded on the above case/count. (Gain time may be subject to forfeiture by the Department of Corrections under section 944.28(1)).

It is further ordered that the defendant be allowed \_\_\_\_ days time served between date of arrest as a violator following release from prison to the date of re-sentencing. The Department of Corrections shall apply original jail time credit and shall compute and apply credit for time served only pursuant to section 921.0017, Florida Statutes, on case/count \_\_\_\_ (Offenses committed on or after January 1, 1994)

Consecutive/  It is further ordered that the sentence imposed for this count shall run (check one)

Concurrent As  
To Other Counts

Consecutive to  Concurrent with sentence set forth in count    of this case.

Consecutive/Concurrent  
As To Other Convictions

- It is further ordered that the composite term of all sentences imposed for the counts specified in this order shall run (check one)  consecutive to  concurrent with the following: (check one)
- Any active sentence being served.
- Specific sentences: \_\_\_\_\_.

In the event the above sentence is to the Department of Corrections, the Sheriff of St. Johns County, Florida, is hereby ordered and directed to deliver the defendant to the Department of Corrections at the facility designated by the department together with a copy of this judgment and sentence and any other document specified by Florida Statute.

The defendant in open court was advised of the right to appeal from this sentence by filing notice of appeal within 30 days from this date with the clerk of this court and the defendant's right to assistance of counsel in taking the appeal at the expense of the State on showing of indigency.

In imposing the above sentence, the court further recommends \_\_\_\_\_.

DONE AND ORDERED in open court at St. Johns County, Florida this Monday, April 18, 2016. Nunc pro tunc 4/12/16.



J. MICHAEL TRAYNOR , Circuit Court Judge

IN THE CIRCUIT COURT, OF THE SEVENTH JUDICIAL CIRCUIT,  
IN AND FOR ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA

v.

WILLIAMS, RODRICK D'ANTHONY

CASE#: 10001043CFMA

DIVISION: 56B

**Order/Final Judgment for Charges, Costs, & Fees**

(Fees will be assessed to each case listed on this order as specified.)

-----FINES-----

- \$ \_\_\_\_\_ Total of fines assessed in sentence, pursuant to s. 775.083 (1)(a) through (g) or Chapter 316, F.S.  
 \$ \_\_\_\_\_ Statutorily mandated 5% surcharge/cost if fine assessed (on first line) pursuant to s. 938.04, F.S.  
 \$ 5.00 Emergency Med Trust Fund (Reckless Driving 316.192(4); Leave Accident Scene with Property Damage 316.061(1))

-----MANDATORY COSTS-----

- \$ 418.00 **Felony Standard (assessed to each case)**  
\$3.00 Clearing Trust Fund 938.01(1); \$50.00 Crimes Compensation Trust Fund 938.03; \$225.00 Felony Offense 938.05; \$2.00 Crimes Justice Education by Municipalities and Counties 938.15; \$50.00 County Crime Prevention Fund 775.083(2); \$65.00 Local Programs 939.185(1)(a); \$3.00 Teen Court 938.19(2); \$20.00 Crime Stoppers Trust Fund 938.05(1), F.S.
- \$ 352.00 **Assault & Battery -**  
\$151.00 Rape Crisis Trust Fund 938.085; \$201.00 Domestic Violence Trust Fund 938.08
- \$ 33.00 **Traffic (Violations of 316) -**  
\$33.00 Court Facilities and Radio System Trust Fund 318.18(13)(a) & (17)
- \$ 183.00 **DUI -**  
\$135.00 DUI Cost 938.07; \$33.00 Court Facilities and Radio System Trust Fund 318.18(13)(a) & (17); \$15.00 Alcohol & Drug Abuse TF § 938.13
- \$ 15.00 **County Alcohol & Other Drug Abuse Trust Fund -**  
\$15.00 Alcohol & Drug Abuse Trust Fund § 938.13
- \$ 201.00 **VIOL. INJUNCTION -**  
\$201.00 Domestic Violence Trust Fund 938.08
- \$ 151.00 **Crime Against Minor/Rape Crisis Trust Fund -**  
\$151.00 Crimes against Minors 938.10(1) & Sexual Offenders required to register 943.0435 -or- \$151.00 Rape Crisis Trust Fund 938.085
- \$ 210.00 **BUI -**  
\$135.00 BUI Cost 938.07; \$60.00 EMT 327.35(9); \$15.00 Alcohol & Drug Abuse Trust Fund § 938.13
- \$ 503.00 **Assault/Battery-Minor -**  
\$151.00 Rape Crisis Trust Fund 938.085; \$201.00 Domestic Violence Trust Fund 938.08; \$151.00 Crimes against Minors 938.10(1)
- \$ 98.00 **Reckless Driving & Racing on Highway**  
\$65.00 Department of Health Admin Trust Fund 318.18(20); \$33.00 Court Facilities and Radio System TF 318.18(13)(a) & (17)

-----ADDITIONAL MANDATORY COSTS-----

- \$ 500.00 **BUI Refusal – Civil Penalty, 327.35215(1)**
- \$ 5000.00 **Prostitution, Solicit another – Additional Civil Penalty, 796.07(2)(f)**
- \$ 50.00 **Indigency Application Fee/Public Defender, if not previously collected or waived, 27.52(1)(b)**
- \$ 100.00 **Indigency Defense Cost/Public Defender Fee, 938.29 as determined locally.**
- \$ 100.00 **Prosecution/Investigative Costs, 938.27**

-----DISCRETIONARY COSTS-----

- \$ 100.00 **Operating Trust Fund of the FDLE, 938.055, for violations of 893.13 offenses**
- \$ \_\_\_\_\_ **Cost of Investigation to** , 938.27
- Other: \_\_\_\_\_

- Payment of restitution, charges, costs, and fees is a condition of probation/community control, and is payable to FL DOC, Probation & Parole, pursuant to probation/community control order.
- Payment plan to be set up with the Clerk of Court upon release from jail or prison at a cost of \$25.

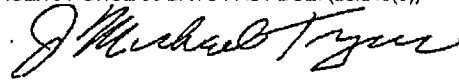
Failure to pay as ordered will result in this Order being recorded as a lien and a \$10 recording fee assessed in accordance with statutes 939.185(1)(d), 28.24(12).

FINES/COSTS/FEEs TO BE TAKEN FROM CASH BOND. (939.17) YOU ARE RESPONSIBLE FOR ANY REMAINING BALANCE. CREDIT TO BE GIVEN ON ALL MONIES PAID TO DATE FOR VIOLATION CASE(S).

FAILURE TO PAY AS ORDERED WILL RESULT IN SUSPENSION OF YOUR DRIVER'S LICENSE. (322.245)

ANY UNPAID BALANCE WILL BE TURNED OVER TO A COLLECTION AGENCY ONCE 90 DAYS PAST DUE. (28.246(6))

DONE AND ORDERED, on the 18 day of April, 2016.  
NUNC PRO TUNC 4/12/16



J. MICHAEL TRAYNOR, CIRCUIT JUDGE

**IN THE SUPREME COURT  
STATE OF FLORIDA**

**Case No.: SC17-506  
DCA No.: 5D16-1348  
Circuit Case No.: 10-1043CF**

---

**RODRICK D. WILLIAMS,**

**Appellant,**

**vs.**

**STATE OF FLORIDA,**

**Appellee.**

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**APPENDIX F**

Transcripts – Intent Hearing (R.1162-1183)

---

Valarie Linnen, Esq.  
Florida Bar No. 63291  
PO Box 330339  
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Attorney for Appellant

1 IN THE CIRCUIT COURT, SEVENTH  
2 JUDICIAL CIRCUIT, IN AND FOR  
3 ST. JOHNS COUNTY, FLORIDA

4 CASE NO.: 2010-1043-CF

5 STATE OF FLORIDA,

6 vs. INTENT HEARING

7 RODERICK D' ANTHONY WILLIAMS,

8 Defendant.

9 \_\_\_\_\_ /

10 \* \* \* \* \*

11 TRANSCRIPT OF PROCEEDINGS  
12 BEFORE THE HONORABLE J. MICHAEL TRAYNOR  
13 CIRCUIT COURT JUDGE

14 \* \* \* \* \*

15 (STENOGRAPHICALLY TRANSCRIBED VIA DIGITAL RECORDING)

16 DATE TAKEN: OCTOBER 30, 2015

17 TIME: COMMENCED AT 10:59 A.M.  
18 CONCLUDED AT 11:22 A.M.

19 PLACE: RICHARD O. WATSON JUDICIAL CENTER  
20 4010 LEWIS SPEEDWAY  
21 ST. AUGUSTINE, FLORIDA

22 STENOGRAPHICALLY SUSAN GARDNER  
23 TRANSCRIBED BY: COURT REPORTER AND NOTARY PUBLIC

24 \* \* \* \* \*

25

26

27 VOLUSIA REPORTING COMPANY  
28 432 SOUTH BEACH STREET  
29 DAYTONA BEACH, FLORIDA 32114  
30 Tel: 386.255.2150 Fax: 386.258.1171  
31 www.VolusiaReporting.com

VOLUSIA REPORTING COMPANY

1 APPEARANCES:

2

JASON LEWIS, ESQUIRE  
Assistant State Attorney  
4010 Lewis Speedway  
St. Augustine, Florida 32084  
T: 904.823.2300  
F: 904.823.2295

5

6

ATTORNEY FOR THE STATE OF FLORIDA

7

VALARIE LINNEN, ESQUIRE  
P.O. Box 220339  
Atlantic Beach, Florida 32233  
T: 888.608.8814

8

9

ATTORNEY FOR THE DEFENDANT

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VOLUSIA REPORTING COMPANY

1	C O N T E N T S	
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1 (Audio begins at 10:59 a.m.)

2 PROCEEDINGS

3 THE COURT: Okay. Go ahead. Let me just put again  
4 on the record, we're here in the matter of State of  
5 Florida v. Roderick Williams. It's Case Number  
6 CF-10-1043. Mr. Jason Lewis is here representing the  
7 State. Mr. Williams is here with his attorney, Valarie  
8 Linnen. And we're ready to go.

9 All right. Go ahead, Mr. Lewis.

10 MR. LEWIS: As the Court's aware, we had a trial, I  
11 believe it was in fall of 2008, fall of -- I'm sorry,  
12 2012, 2013 in this case. And just to highlight the  
13 evidence, the State's position, Judge, obviously the  
14 statute requires us to prove to the Court in a sentencing  
15 hearing that Mr. Williams killed -- actually killed,  
16 intended to kill or attempted to kill the victim in this  
17 case. And what we want to articulate to the Court, as the  
18 Court's aware, at trial the State won under two theories  
19 at trial. We won under premeditated murder, and also we  
20 won under felony murder.

21 And it's the State's position, as we're here today,  
22 that the State at trial successfully proved that the  
23 defendant actually killed or intended to kill Vincent  
24 Brookins in this case, Judge. I want to highlight those  
25 facts that I believe are important. So I want to just

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1 highlight the facts, Judge, that the State believes  
2 illustrate the defendant's participation in the crime and  
3 his intent to kill or his actual killing in this case.

4 If you remember the main pieces of evidence in the  
5 case were his actual confession, is the one piece of  
6 evidence. And then the secondary main piece of evidence  
7 in the case was Michael Rivers who was an individual who  
8 was cooperating.

9 Let's talk about Michael Rivers first. Michael  
10 Rivers, the testimony at trial established that his  
11 cooperation led to him I believe getting 12 months to 18  
12 months off of his sentence when he came before the  
13 Honorable Court. Mr. Rivers was in custody with the  
14 defendant in St. Johns County jail. While they were in  
15 custody together, they became friendly. They're around  
16 the same age. Mr. Rivers testified at trial that during  
17 the course of their conversations Mr. Williams would relay  
18 information about the murder that happened.

19 He relayed the fact that Roderick Williams actually  
20 had a handgun, that he had grabbed a handgun to go there.  
21 He told us that Roderick relayed to him that Roderick  
22 actually hit and punched the victim in the face with the  
23 gun.

24 If you remember the testimony of the medical  
25 examiner in this case, Vincent Brookins' face was badly

1       beaten in which would be consistent with being beat by a  
2       gun or something along those lines.

3               He also indicated that Roderick Williams told him  
4       that he pointed the gun at the victim's head. He  
5       illustrated it through his testimony that the defendant  
6       also told him that this was all about getting money back.  
7       And if you remember the story about the background of this  
8       case, it was a situation where Sharina Parker was robbed  
9       by Lance, who was the cousin of Vince Brookins, and based  
10      on that, Sharina actually was boyfriend and girlfriend of  
11      the defendant, and this defendant actually in response to  
12      her reaching out for help, he agreed to come over that day  
13      and help resolve it.

14             So Mr. Rivers' testimony is consistent with the fact  
15      that he was there to help retrieve some of the money.  
16      When he goes on further to say, which is super important  
17      here, is Mr. Rivers testified that this defendant admits  
18      that he drives the vehicle down to St. Johns County from  
19      Jacksonville. He gets out of the vehicle and he shoots  
20      him twice and kills him.

21             What's important about that, Judge, if you remember  
22      the testimony from the medical examiner, is there was two  
23      gunshots in the victim's body. So that is consistent with  
24      the testimony and it can be corroborated by that.

25             So the first foundation I want to just lay is the

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1 State believes based on Mr. Rivers' testimony that we  
2 actually proved that he did the killing. If the Court  
3 wants to set aside Mr. Rivers' testimony, though, and rely  
4 on the defendant's statement itself, the State still  
5 believes that we can prove and it was proven that he  
6 intended to kill the victim.

7 And here's the reason why. If you remember the  
8 testimony from the trial, at trial Mr. Williams' statement  
9 was obviously played and there was transcripts. And if  
10 you remember my closing argument, I went line for line of  
11 those what was important. The first thing that he said  
12 that's important is he articulates that -- he tries to  
13 blame Harry Henderson for the shooting, but he tells us  
14 specifically in his statement that Harry Henderson had a  
15 9mm handgun and a .40 caliber handgun. So what's  
16 interesting about that is the defendant in his statement  
17 admits he has a gun too.

18 If you remember the testimony from the medical  
19 examiner -- not the medical examiner, it would have been  
20 the firearms examiner, the caliber of bullets that were in  
21 the victim were .380s, so they don't match up to the  
22 bullets that Harry Henderson had in the guns that this  
23 defendant himself said Harry Henderson possessed. So he  
24 was the only other person with the gun. So logically from  
25 that we can infer that he was the one who did the

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1 shooting.

2 But what was more interesting about his statement  
3 was, we charged him as a principal to the premeditated  
4 murder, and also the jury had alternate theories along  
5 with the felony murder. But as being part of the  
6 principal, he told us in his statement, he said he drove  
7 the vehicle down to St. Johns County. Well, he was trying  
8 to be clever with Detective Hines and he had said that he  
9 thought they were gonna come down and just set  
10 Mr. Brookins free, just drive him down here and leave him.

11 But if you remember, there's two important  
12 statements that we had pulled out at trial that we  
13 highlighted. The one was, he says, I knew what they were  
14 gonna do for the whole time, which is an articulation that  
15 he knew they were gonna kill him, so his driving the  
16 vehicle down here means he intended and participated, to  
17 intend to kill. And he also said he knew Harry had his  
18 mind made up.

19 And he went on further to say, "I'm not driving the  
20 car down there and catching the murder charge." So he  
21 slipped up in his statements. He tried to cover his  
22 tracks but there's several statements where he slips up,  
23 and that's especially one where he says, "I'm not driving  
24 the car down there, I'm gonna catch the murder charge."

25 This defendant knew when he left Jacksonville,

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1 driving that vehicle, that the intent was to kill Vince  
2 Brookins when they got down here. And then what further  
3 supports that, Judge, is from his statement he says, "I  
4 immediately got out of the car and hope that they think I  
5 did it." Meaning killing him. So he tried to say before  
6 that when he left he thought they were just gonna leave  
7 him there. But he says specifically when he gets out of  
8 the car, he runs to the car where he parks it and jumps in  
9 the car with them and hopes that they think he had already  
10 killed Vince Brookins.

11 So he knew specifically and actually what was going  
12 to happen. He intended for Vince to die and he  
13 participated in that. He doesn't have to be the actual  
14 killer. The Legislature has articulated that it's someone  
15 who either killed, intended to kill. And it's the State's  
16 position in this case that Mr. Williams absolutely  
17 intended to kill Vince Brookins. Either he did it  
18 himself, which is our first position based on Mr. Rivers'  
19 testimony, or, alternatively, based on his own testimony,  
20 he intended for Vince Brookins to be killed.

21 The State would ask the Court to make that finding,  
22 and then we can move forward to the second stage at a  
23 later time, Judge. Thank you.

24 THE COURT: All right. Thank you.

25 Ms. Linnen?

1           MS. LINNEN: Your Honor, I'd like to start just for  
2 purposes of the record to renew my objection to the Court  
3 making the finding of fact pursuant to Alleyne v. United  
4 States. And then first and foremost, I want the Court --  
5 to direct the Court to the verdict form, and as to the  
6 charge guilty of first-degree murder, the State had the  
7 option of asking the jury to make a specialized finding as  
8 to whether or not Roderick actually possessed a firearm in  
9 the murder of the victim.

10           They asked for that for second-degree murder, and  
11 they asked for that for manslaughter, but they didn't ask  
12 for it as to the charge of the crime of first-degree  
13 murder. Because they didn't ask for that, similar to the  
14 rule of lenity, we would ask that that be construed in  
15 favor of Roderick Williams. The State failed to ask for  
16 it and so that should go in Roderick's favor.

17           Now, turning to the evidence presented at trial,  
18 there was no physical evidence that linked Mr. Williams to  
19 the murder of the victim. There was no fingerprints, no  
20 DNA, no murder weapon. In fact, the only DNA found with  
21 the victim's body matched that of Harry Henderson, and  
22 that was on the T-shirt. So what we have now is  
23 Mr. Williams' statement that he made to Detective Hines,  
24 and then we have the hearsay statement of the jailhouse  
25 informant, Michael Rivers. So essentially it's just

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1 Michael Rivers' statement. That is the only evidence, the  
2 only testimony to indicate that Roderick actually killed  
3 this victim.

4 So I know that we're here on a factual finding  
5 today, but I just want to direct the Court to some legal  
6 authority. The American Bar Association in February,  
7 February 14, 2005, passed a resolution that urges no  
8 prosecution should occur based solely upon uncorroborated  
9 jailhouse informant testimony. That's really all we have  
10 here, is Mr. Rivers' testimony.

11 Now, the Tenth Circuit, the Federal Tenth Circuit in  
12 United States v. Singleton wrote, "If justice is perverted  
13 when a criminal defendant seeks to buy testimony from a  
14 witness, it is no less perverted when the government does  
15 so. The judicial process is tainted and justice is  
16 cheapened when factual testimony is purchased whether with  
17 leniency or money."

18 And on that same note, it's not authority but  
19 statistics from the Innocence Project, of the first 111  
20 death row exonerations, wrongful convictions for death row  
21 inmates, jailhouse snitches accounted for 45.9 percent of  
22 the those wrongful convictions. Now, compare that to  
23 eyewitness identification, wrongful eyewitness  
24 identification, that accounted for only 25.2 percent of  
25 those 111 exonerations.

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1           So the basis is that it's hearsay. It's inherently  
2 unreliable because Mr. Rivers, he had reason, he had  
3 incentive to come up with this testimony. So as Mr. Lewis  
4 pointed out, he did receive a substantial reduction in  
5 sentence. In fact, his sentence was reduced by 12 months.  
6 And he told the jury that he expected to get out of jail  
7 the next day.

8           So he then -- of course, he says that Roderick shot  
9 the victim twice, but Roderick said that he -- that  
10 Mr. Henderson -- and that Roderick maintained that  
11 Mr. Henderson was the shooter. Roderick said that he shot  
12 three times. Well, there were two projectiles -- I mean,  
13 one projectile and two casings recovered from the trunk of  
14 the vehicle. The bullets didn't all match up. They  
15 weren't the same. They were not -- they didn't all match.  
16 They weren't all the same caliber of ammunition. So that  
17 substantiates Roderick's statement.

18           And then Mr. Rivers, in the -- I have the record on  
19 appeal, transcript page 321, so I guess that's transcript  
20 page 321, Mr. Rivers says that Roderick covered his face  
21 to hide his identity from the victim. But then a few  
22 pages later Mr. Rivers claimed that Roderick shot the  
23 victim twice because the victim knew his identity. Well,  
24 there would have been no point in covering his face if he  
25 knew he was going to kill the victim or he knew he wanted

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1 to because the victim wouldn't be around to tell anybody  
2 that it was Roderick Williams that shot him. So that is  
3 an inconsistency in his testimony there.

4 And then another real problem comes up that  
5 Mr. Rivers admitted that he knew the victim. He also knew  
6 Harry Henderson. He was housed with him for a month and a  
7 half. And while he claimed that Mr. Henderson was  
8 antisocial and didn't like to talk about his case, he  
9 wasn't so antisocial that he didn't help Mr. Rivers write  
10 a motion that got his drug charge dropped. He admitted to  
11 reading newspaper articles about the case. Again, he had  
12 every reason to -- every incentive to come up with his  
13 testimony.

14 So even assuming that he and Roderick did have a  
15 conversation about this case, there are a couple of  
16 scenarios that are quite plausible, could have happened.  
17 In any scenario, this is why hearsay is inherently  
18 unreliable. It could have been, hey, what are you in jail  
19 for? They said I murdered this guy. Well, then he could  
20 have interpreted that to mean or him to say, I murdered  
21 this guy when he just said this is what I'm here for.

22 It's kind of like that grade school game, telephone,  
23 where you start at the -- you whisper something in  
24 somebody's ear and it goes down the line, down the line,  
25 down the line until you get to the end, and then it's

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1 completely -- the story is completely changed afterwards  
2 because it's not somebody who's seen it, witnessed it with  
3 their own eyes. Here's heard it. It's been relayed to  
4 him. He turns around and relays it to someone else.

5 Now, another possible scenario is that you know  
6 Roderick was a 16-year-old kid and he was housed at the  
7 big-boy jail with other adults. If he said something to  
8 that nature, it's quite plausible that he was saying it to  
9 make himself look meaner, look tougher, look more street  
10 credible in the eyes of older -- older inmates.

11 So I also want to point out something that struck me  
12 quite odd about Mr. Rivers' testimony, and I am not  
13 insinuating that the State Attorney's Office has coached  
14 him about what to say, but it does sound like somebody  
15 told him this is the story you need to tell because he  
16 says -- and this is in the transcript at page 318, 319.  
17 They sat down and plotted a scheme of what they were going  
18 to do and how to accumulate the crime. And he says it  
19 twice, "accumulate the crime" rather than accomplish the  
20 crime. He couldn't remember the exact words he was  
21 supposed to use.

22 So, Your Honor, I submit to the Court that  
23 Mr. Rivers' statement, it's hearsay. He wasn't a witness.  
24 He wasn't there. It's inherently unreliable. It's rather  
25 extraordinary, especially when he comes to the part about

1 they found \$300,000 in the victim's safe, and that they  
2 divided it three ways. Roderick bought his mother a house  
3 and a new car, and then he buried the rest of the money.  
4 When in fact on cross-examination it came out that  
5 Roderick and his mother had recently been evicted from  
6 their rental house.

7 So his testimony is incredible and it should not be  
8 believed. And going under the ABA guidelines, when we get  
9 to that, whether he actually killed, intended to kill or  
10 attempted to kill, this is the only evidence that points  
11 to that.

12 Now looking at Roderick's statement to Detective  
13 Hines, he maintained over and over that Harry Henderson  
14 shot the victim. He didn't do it. In fact, his words,  
15 "I'm not the trigger man." When Detective Hines leaves  
16 the room, and it's just Roderick and his mother alone and  
17 he thinks no one is watching, he tells his mother over and  
18 over I didn't do it, I'm a witness, I'm not the trigger  
19 man.

20 So when he says -- I know Mr. Rivers said that  
21 Roderick hit the victim in the face with a gun. Well,  
22 Roderick admitted that to Detective Hines. That was not  
23 news. And then he says regarding the caliber of the  
24 weapons, if you'll look at Roderick's statement, he  
25 actually says, I think or I believe that they were a 9mm

1 and a .40. He wasn't sure about the caliber of the  
2 weapons. He wasn't definite on that. I believe his exact  
3 words were, "I believe."

4 And then when it comes to the intent of he knew they  
5 were going to murder the victim, Roderick tells Detective  
6 Hines, I just had a feeling. I knew things were going  
7 bad. I had a feeling. He didn't say they told me they  
8 were gonna do this, but he had a feeling that things were  
9 about to go bad, especially when they bound the victim  
10 with duct tape and tried to load him into the trunk of a  
11 car. Obviously, that does say that something is going to  
12 go bad.

13 As for driving the vehicle, Roderick told Detective  
14 Hines, duress, essentially, that he was afraid that Harry  
15 Henderson would kill him, and in fact Harry Henderson,  
16 according to Roderick, threatened him. And if he ran  
17 away, that they would kill him. Or if he told. He said I  
18 know what happens to snitches in the neighborhood, and  
19 it's not good things. So this was a 16-year-old kid with  
20 a 29-year-old woman, and a 30-something year old man.

21 And on that note, I believe that's -- let's see  
22 here. So, Your Honor, it just comes down to Roderick's  
23 statement versus a jailhouse informant, and we would ask  
24 the Court to find that Roderick, especially in light of  
25 there was not a specialized verdict form here, that

1 Roderick did not actually kill. He didn't intend to kill.  
2 He did not attempt to kill this victim.

3 May I consult with Mr. Williams really quick?

4 THE COURT: You may, sure.

5 (Defense attorney conferring with defendant.)

6 MS. LINNEN: And he does want me to point out that  
7 he told Detective Hines obviously that Harry Henderson had  
8 two guns, a 9mm and a .45, and that Henderson handed him  
9 one of those guns. Roderick didn't just show up with his  
10 own gun, that these were Harry Henderson's guns, so that  
11 would indicate or evince that he did not intend to kill  
12 this victim.

13 Thank you, Your Honor.

14 THE COURT: All right. Thank you.

15 Mr. Lewis, the State has the burden here, if there's  
16 any rebuttal you want to deal with, I'll be glad to let  
17 you do that. If you don't have any, that's fine too. I  
18 just didn't want to not give you that opportunity.

19 MR. LEWIS: Just to really quickly address the  
20 verdict form. The reason the verdict form is set up that  
21 way, Judge, because at the time first-degree murder was an  
22 automatic life sentence, so 10-20-Life wasn't really an  
23 issue at that time to be implicated on the verdict form.  
24 So just to address, that's not any oversight. That was  
25 specifically done.

1           You know, saying Michael Rivers' testimony is  
2           hearsay, I think we all understand the evidence code. Any  
3           statement that this defendant makes to him is hearsay.  
4           It's admissible and it comes in, Judge. So to claim that  
5           that's hearsay I think is misplaced, and I don't think  
6           that's an accurate characterization of it. It clearly is  
7           something that is admissible in trial, that's why the  
8           Court let it in.

9           The credibility of Mr. Rivers, to say that someone  
10          told him what to say, I mean, if someone told him what to  
11          say, his story would be ten times better, but he just told  
12          what he was relayed by the defendant. And, you know, I  
13          really think the Court, based on the facts of the case,  
14          even if you discount Mr. Rivers' testimony, you can  
15          clearly make the determination from the facts at trial  
16          that the defendant intended to kill the victim. And the  
17          statute is clear that more than one person can be  
18          responsible for the killing.

19          In this case this defendant knew when he got in that  
20          vehicle with Mr. Brookins in the back of that trunk, that  
21          they were going down there to kill him. And he drove  
22          Mr. Brookins to his death. He put him in that trunk and  
23          he helped with it. He denies it, but he had control of  
24          the vehicle. He could have diverted at any time and saved  
25          his life. But instead he went down to a spot, rural spot

1 here in St. Johns County, pulled the vehicle over and he  
2 knew that Vince was gonna get killed. Either he was gonna  
3 do it or Harry did it. He knew it. I think it clearly  
4 fits in the facts of the case. We'd ask that you find  
5 that. Thank you, sir.

6 THE COURT: All right, counsel, I'll go back and  
7 look again through the parts of the transcript that you  
8 all pointed out and that you asked me to in light of your  
9 positions.

10 Ms. Linnen, we had discussed previously with  
11 Mr. Lewis the availability of your witnesses regarding any  
12 mitigation. My understanding is, for all of our  
13 scheduling purposes, we're gonna schedule this, the  
14 sentencing part of this, after the first of the year.  
15 Okay.

16 I'd ask you both to talk to respective families to  
17 make sure they understood at the next hearing I'll be  
18 taking testimony from various witnesses regarding  
19 imposition of a sentence, but that because the Court, I  
20 think, is required to give a written finding, depending on  
21 what the sentence is, that I will not actually sentence  
22 him on that date. It will be at a later date but it will  
23 be within a relatively quick period thereafter. Okay.

24 Mr. Williams, you had a chance to talk to  
25 Ms. Linnen?

1 THE DEFENDANT: Yes.

2 THE COURT: Okay. Did you need to speak to him some  
3 more now? Do you want to do that?

4 MS. LINNEN: If that's all right, Your Honor.

5 THE COURT: Okay. And then I'll talk to the jail  
6 personnel about what we had talked about before.

7 MS. LINNEN: Okay.

8 THE COURT: Okay is there anything else, counsel?

9 MR. LEWIS: The November 30th date has been  
10 canceled, correct, Judge?

11 THE COURT: The November 30th date is canceled, and  
12 if you haven't gotten anything in writing regarding that,  
13 I'll make sure that you get an email at least that takes  
14 it off.

15 MR. LEWIS: I don't think anything in writing as  
16 long as you tell me, then we're going to go.

17 THE COURT: We're fine. Okay. And if there's an  
18 issue regarding your witness, Ms. Linnen, will you let  
19 Mr. Lewis know so that we can have a further discussion if  
20 we need to, okay?

21 MS. LINNEN: Yes, Your Honor.

22 THE COURT: Okay. All right. Thank you.

23 MR. LEWIS: The only thing I'd ask, Judge, just to  
24 be clear, I think in January I'm in trial with you. We're  
25 going to be trying Timothy Johnson. I think if we can

1 push this probably to February it would be better.

2 THE COURT: It will probably be either late January  
3 or early February.

4 MR. LEWIS: Okay. Yes, sir.

5 THE COURT: I think that's consistent with what  
6 Ms. Linnen thought anyway.

7 MS. LINNEN: Yes, Your Honor.

8 THE COURT: All right. Thank you all.

9 MR. LEWIS: Thank you. May I be excused, sir?

10 THE COURT: You may be. Thank you all.

11 MR. LEWIS: Have a good weekend, Judge.

12 THE COURT: All right. Thank you.

13 (Audio ends at 11:22 a.m.)

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## 1 REPORTER'S CERTIFICATE

2

3 STATE OF FLORIDA )

4 COUNTY OF VOLUSIA )

5

6 I, SUSAN G. GARDNER, Court Reporter, do hereby  
7 certify that the foregoing pages constitute a true and  
8 complete transcript of the proceedings transcribed  
9 stenographically via digital recording by me to the best of my  
10 ability in the aforementioned cause.

11

12 I further certify that I am not a relative,  
13 employee, attorney, or counsel of any of the parties, nor am I  
14 a relative or employee of any of the parties' attorneys or  
15 counsel connected with the action, nor am I financially  
16 interested in the action.

17

18 Witness my hand this 3rd day of May 2016.

19

20

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24

25

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**IN THE SUPREME COURT  
STATE OF FLORIDA**

**Case No.: SC17-506  
DCA No.: 5D16-1348  
Circuit Case No.: 10-1043CF**

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**RODRICK D. WILLIAMS,**

**Appellant,**

**vs.**

**STATE OF FLORIDA,**

**Appellee.**

---

**APPENDIX G**

Transcripts – Resentencing (R.1184-1309)

---

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1 IN THE CIRCUIT COURT, SEVENTH  
2 JUDICIAL CIRCUIT, IN AND FOR  
3 ST. JOHNS COUNTY, FLORIDA

4 CASE NO.: 10-1043CF

5 STATE OF FLORIDA

RESENTENCING -- APPEAL

6 vs.

7 RODRICK D'ANTHONY WILLIAMS,

Defendant.

8 \* \* \* \* \*

9 TRANSCRIPT OF PROCEEDINGS  
10 BEFORE THE HONORABLE J. MICHAEL TRAYNOR,  
11 CIRCUIT COURT JUDGE

(STENOGRAPHICALLY TRANSCRIBED VIA DIGITAL RECORDING)

12 \* \* \* \* \*

13 DATE TAKEN: APRIL 12, 2016

14 TIME: AUDIO BEGINS AT 8:32 A.M.  
15 AUDIO ENDS AT 11:18 A.M.

16 PLACE: RICHARD O. WATSON JUDICIAL CENTER  
17 4010 LEWIS SPEEDWAY  
18 ST. AUGUSTINE, FLORIDA

19 STENOGRAPHICALLY  
20 TRANSCRIBED BY: DEBBIE A. SINER, RPR,  
21 COURT REPORTER

22 \* \* \* \* \*

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ALSO PRESENT:

RODRICK WILLIAMS, DEFENDANT

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1	C O N T E N T S	
2	DEFENDANT'S WITNESSES:	
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1 PROCEEDINGS

2 (Audio begins at 8:32 a.m.)

3 THE COURT: You get settled for a minute and then  
4 we'll get started.

5 All right. Mr. Lewis, you ready to be begin?

6 MR. LEWIS: Yes, Judge, the State's ready, sir.

7 THE COURT: All right. Ms. Linnen, you ready to  
8 begin?

9 MS. LINNEN: Yes, Your Honor.

10 THE COURT: Okay. We are here in Case Number  
11 CF10-1043, State of Florida versus Rodrick Anthony --  
12 D'Anthony Williams. We're here for a resentencing as to  
13 Count I, and then I also have a motion to correct  
14 illegal sentence as to Count II. As to that motion, the  
15 motion as far as asking me to determine that the prior  
16 sentence was unconstitutional, I'm going to deny that  
17 part of it. As to the part that says that it did not  
18 comport with 921, that wasn't in existence at the time.

19 The question is -- Ms. Linnen, the question you  
20 raised is is section -- is a 50 year sentence basically  
21 a life sentence, okay. There is a case out of the  
22 Second that says that it is not a de facto life sentence  
23 if the defendant is given an opportunity for meaningful  
24 review and release, okay. As you're aware, because of  
25 the change in statute since this case was tried, a

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1 sentence of 50 years on a kidnapping would require a  
2 review I believe under section 40 -- under the (2) part,  
3 it would be a 20 year review, and so the sentence as to  
4 that will be amended to provide a review after 20 years,  
5 okay, so I'm just dealing with that.

6 However, I'm going to reserve on making that a  
7 final decision until I've heard the testimony and the  
8 evidence presented as to Count I. Since I have to  
9 consider that anyway, I'm going to consider that as a  
10 whole. But as far as the -- as far as the 50 years,  
11 even if it were to be considered a life expectancy  
12 thing, I will be hearing evidence today regarding Count  
13 I, which is basically the same evidence. But in any  
14 event, the 50 year, if it stays, will have the  
15 meaningful review for opportunity for release after 20  
16 years, okay. All right. All right. Which I think  
17 answers the unconstitutionality of the provision.

18 So now with that said, I think we're ready to  
19 proceed with resentencing as to Count I. And it's my  
20 understanding that you would have some witnesses.

21 Now, the one thing I did in terms of reading your  
22 motion, and I just want to put this on the record, I saw  
23 where you quoted sections of the Center for Disease  
24 Control life expectancy thing, I did -- I did take the  
25 liberty, since you referred to that, of reading the

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1 whole thing, okay, all 63 pages, okay, so I just want  
2 you to know that I just -- only because I didn't -- you  
3 know, one table in the middle of something didn't make  
4 any sense to me, so I did read the whole thing. I don't  
5 know if you did or not, Mr. Lewis, but --

6 MR. LEWIS: I did not, Judge. I'm not as diligent  
7 as the Court.

8 THE COURT: Okay. But I did do that. So at any  
9 rate, Ms. Linnen, if you're ready to proceed, who was  
10 going to be your first witness?

11 MS. LINNEN: I have three witnesses, Your Honor. I  
12 don't know if you want to just swear them all today.  
13 And if I could just clarify something really quickly --

14 THE COURT: Yeah.

15 MS. LINNEN: -- did the Court plan on imposing  
16 sentence today or were we coming back at another date to  
17 do that?

18 THE COURT: My intent was originally to impose  
19 sentence, okay.

20 MS. LINNEN: Okay.

21 THE COURT: Unless there's something at the end of  
22 this that the two of you think I should wait for some  
23 reason. But I'm open to whatever -- I mean, you know,  
24 I'll discuss that at the end, but my intent was to  
25 impose sentence.

1 MS. LINNEN: Okay.

2 THE COURT: All right.

3 MS. LINNEN: Would you like for all three witnesses  
4 to come forward to be sworn or --

5 THE COURT: You don't have any -- there's no rule  
6 here that you're going to do --

7 MR. LEWIS: I'm not --

8 THE COURT: -- so you can just do one at a time and  
9 just -- I'll make it easy for them. Who do you want to  
10 call first?

11 MS. LINNEN: Defense first calls Carronto Clark.

12 THE COURT: Okay. Ms. Clark, would you come up,  
13 please, ma'am. And if you would come up to this chair,  
14 please. Okay. And, Ms. Clark, what I'd like you to do  
15 is stand by the chair and raise your right hand for me,  
16 please.

17 Okay. Madam Clerk.

18 THE CLERK: Do you solemnly swear or affirm the  
19 testimony you're about to give will be the truth, the  
20 whole truth, and nothing but the truth?

21 THE WITNESS: I do.

22 THE COURT: Would you have a seat. And if you need  
23 to adjust that microphone, feel free to do so. And move  
24 a little bit closer so they can hear you. Thank you.

25 Okay. Ms. Linnen, you may inquire.

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1 DIRECT EXAMINATION

2 BY MS. LINNEN:

3 Q Can you tell the Court your name, please.

4 A Carronto Michelle Williams Clark.

5 Q How do you know the Defendant?

6 A That's my son.

7 THE COURT: Ms. Clark, I'm going to ask you one  
8 thing, okay, would you spell your first name for me.

9 THE WITNESS: C-A-R-R-O-N-T-O.

10 THE COURT: Okay. Thank you. And Mr. Williams is  
11 your son?

12 THE WITNESS: Yes, that's my son.

13 THE COURT: Thank you.

14 Go ahead, Ms. Linnen.

15 BY MS. LINNEN:

16 Q When was Robert born?

17 A 7/26/93.

18 Q And how old were you at the time?

19 A I had just turned 17.

20 Q Who is Rodrick's father?

21 A I don't know.

22 Q Does he -- so if you don't know Rodrick's father,  
23 obviously Rodrick's father didn't know about him?

24 A No.

25 Q Was there any father figure involved for Rodrick?

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1 A Not really except my dad.

2 Q Your dad. That would be Rodrick's grandfather?

3 A Right.

4 Q And were you working at the time that Rodrick was  
5 born?

6 A When I had Rodrick, no, I wasn't working.

7 Q Were you -- who was supporting you at the time?

8 A My daddy and the government.

9 Q Okay. Were you into illegal drugs or anything at  
10 that point in time when Rodrick was little?

11 A Yes, God.

12 Q Can you tell me a little bit about your drug  
13 problem.

14 A I used to try to just get high so I wouldn't feel  
15 anything. So every time you see me, I had a little brown bag  
16 with me, some coke and weed, cigarettes and my cigars.

17 Q Were you high some of the time, every once in a  
18 while, most of the time?

19 A Majority of the time.

20 Q And at some point did you leave Jacksonville?

21 A Yes. I went to Connecticut.

22 Q And tell me about life in Connecticut.

23 A It was a lot different than here. I couldn't get  
24 to the drugs like I wanted to so it gave me a fresh start.  
25 The only -- we was actually doing good up there, but we had

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1 to come back down here because it was too cold.

2 Q Now, when you say we, you had Rodrick with you?

3 A Right. And then I brought him back down here and  
4 left him and I went back to Connecticut for probably like  
5 five, six months or more and then came back down here where  
6 he was at.

7 Q Now, when you left Rodrick down here and went back  
8 to Connecticut, who did you leave him with?

9 A I left him with my daddy.

10 Q And did you find something that had happened to  
11 Rodrick while you were gone?

12 A Yes.

13 Q Can you tell us about that.

14 A I found out that my daddy had beat my son real bad  
15 so I hurry up and got down here.

16 MR. LEWIS: I'm sorry, what -- her -- beat him real  
17 badly and then I couldn't understand what --

18 THE WITNESS: I found out that my father had beat  
19 my son real bad so it made me hurry up and come down  
20 here.

21 MR. LEWIS: Okay.

22 BY MS. LINNEN:

23 Q And did you have boyfriends through the years?

24 A Yes.

25 Q Were those boyfriends around Rodrick?

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1 A Yeah, they was.

2 Q And were any of them violent towards Rodrick?

3 A All of them.

4 Q Can you describe some of the violence.

5 A Well, they all sold drugs. They all was from out  
6 the hood. They all just had this overrated jealousy where  
7 they always end up fighting. We fight every other day. The  
8 last one before the good guy I got now, he fought me every  
9 single day. I ended up at the Hubbard House. Of course  
10 Rodrick was supposed to come, but he was too embarrassed. I  
11 was kind of embarrassed, so I let him stay with my sister  
12 back there and my daddy and my other sister, so he stayed  
13 with a couple of family members while I was at the Hubbard  
14 House by the jailhouse in Jacksonville.

15 Q Were any of them violent with Rodrick?

16 A Yes.

17 Q Can you describe that.

18 A One of them punched him in his chest, but I did get  
19 on his behind. And he used to give him hard punishments, no  
20 TV and stuff for months and stuff. And then the one, Anthony  
21 Watts, that I was talking about, he pulled a gun out on me  
22 and my son and he fought me and my son a lot.

23 Q About how old was Rodrick around this time?

24 A I think Rodrick was either 13 -- I think he was 13  
25 because I remember some boys jumped my baby, like some grown

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1 men, they thought he was older than what he was, so I think  
2 he was like around 13.

3 Q Now, can you describe your -- you and Rodrick lived  
4 with your father, Rodrick's grandfather; is that correct?

5 A Right.

6 Q And who else lived in the house with you?

7 A My stepmother, my stepsister. One of the girls is  
8 my daddy daughter; then one girl he didn't raise, she stayed  
9 there; and then my little brother. Sometime my step-momma  
10 two sisters stayed there and some of her other family members  
11 stayed there.

12 Q Now, describe your brothers. They lived in the  
13 house with you, correct?

14 A One brother is in the rehab, he was on drugs, too.  
15 We used to do drugs together, but then his drug expanded to  
16 other something stronger. And then the other brother who  
17 just died he used to like stealing and stuff like that, but  
18 that just was Junior.

19 Q Can you describe your father and how he was with  
20 Rodrick.

21 A My daddy, he was a strong, firm man. He -- you  
22 know, he worked all the time so be tired and stuff so he was  
23 kind of like groggy all the time. He loved my baby. He just  
24 had that real old, these things where you're gonna get a  
25 whipping and you're not going to be outside in the yard when

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1 it get dark and the street lights come on, you're going to be  
2 in the yard, you're not going to have all that company in my  
3 yard and stuff like that.

4 Q Would you describe him as tough love?

5 A Yes.

6 Q And was he tough love with you and your siblings as  
7 well?

8 A I think he was very tough on me.

9 Q Can you -- was there an aunt that had some  
10 involvement with Rodrick?

11 A Yes. Tonda.

12 Q Can you explain that.

13 A She's a good person, too. He end up going to stay  
14 at her house, but I end up getting jealous that he was down  
15 there, so I started raising all kind of sayings so he could  
16 bring his butt back home. She also, though, had kind of like  
17 aggressive husband, too, but they both treated him okay.

18 Q Was there -- to your knowledge was Rodrick molested  
19 in any way in your father's house or by a family member?

20 A I can't really say that, but I just know so many of  
21 them liked him, you know, so I really can't actually say  
22 because I heard one of the aunts, Nadine, supposed to slept  
23 with him, but I'm hoping that's not true.

24 Q When you say Nadine supposed to slept with him, you  
25 mean with Rodrick?

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1 A Right, but I'm hoping that's not true.

2 Q Okay. And about how old would Rodrick have been at  
3 that time?

4 A I say still around 12, 13.

5 Q Now, can you describe the neighborhood. What  
6 neighborhood did you live in?

7 A We stayed in a couple of neighborhoods, but every  
8 neighborhood we stayed in was the hood. We stayed in Mixon  
9 Town majority of our life. Then we stayed in Lackawanna.  
10 We've also stayed on the south side, Silver Creek. We stayed  
11 in all hoods.

12 Q Now, around the time of the offense you lived on  
13 Myra Street; is that correct?

14 A Correct.

15 Q And that's in Jacksonville?

16 A Correct.

17 Q Can you describe that neighborhood.

18 A Now Myra Street was a alright place. It just when  
19 you leave out the yard that's when, you know, you in the  
20 hood, but we kind of like was tucked off a little bit from  
21 the hood, but -- we in the hood, but our house hide away from  
22 the hood.

23 Q So now you call it the hood, can you describe it.  
24 Were -- describe the hood. What does that mean?

25 A I call it a hood where, you know, you got low

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1 income and everybody know pain, everybody know kind of like  
2 the same kind of pain, everybody done live the same kind of  
3 life. You know, it's a little cold in there, if somebody  
4 hurt you, then you gonna help them out, you know, stuff like  
5 that. That different from other neighborhoods. Other  
6 neighborhoods, you know, most people call 911, most people,  
7 you know, don't see this or don't see that, and --

8 Q Let's talk about that for a second. What happens  
9 in your neighborhood if you call the police?

10 A You going to get your behind killed, what you think  
11 gonna happen to you?

12 Q Is there a term --

13 A I'm sorry, but you gonna get killed. I mean, you  
14 just -- a snitch get in the ditch.

15 Q Now, were drugs and crime common in the  
16 neighborhood?

17 A Yes, ma'am. They still is.

18 Q Were there lots of people going to college and  
19 graduating high school in the neighborhood?

20 A I can't really name nobody.

21 Q Now, around the time -- without talking about the  
22 actual offense, around the time of the offense what was your  
23 life like?

24 A Around the offense my dad had just passed away. A  
25 lot of emotions was running everywhere because me and him

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1 went to a aunt house and she -- her daughter made us a  
2 sandwich, and she beat her daughter down with her fist. I  
3 didn't want my sandwich (indiscernible), Rodrick wanted his,  
4 so I started really getting higher, instead of the normal  
5 high I was -- I advanced to smoking like at least 50 to \$100  
6 worth of drugs a day, and then he would say you fix me  
7 something to eat, I'm so sick of hot dogs and noodles, and  
8 sometime I just be a little bit tired. But I am -- I just  
9 want to say that I am a year and five months clean now by  
10 myself, no rehab.

11 Q Now, would you say that Rodrick had a lot of adult  
12 supervision at that time?

13 A Not really, but kind of like because even though I  
14 was on drugs, I still was a good mom. I did turn around and  
15 get myself a good job. I did, you know, try to make sure I  
16 was there for my son. To me my son only problem was he was  
17 girl crazy. He didn't just have one girlfriend, he had a  
18 couple of girlfriends, even at the time of the accident he  
19 had a couple of girlfriends. So I'm not going to say drugs  
20 made me a terriblemomma because it didn't. I would walk  
21 anywhere any time of the day and go looking for him after I'm  
22 finished with my high and it go down a little bit because  
23 when you getting high for the reason I was getting high, you  
24 tired, you don't feel like going nowhere, you sleepy, you  
25 know --

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1 Q So let's take a step back from this. Now, up until  
2 this point in time in Rodrick's life had he ever had a strong  
3 positive stable role model in his life?

4 A Not that I can say.

5 Q Did his grandfather ever tell Rodrick he loved him?

6 A I don't remember him telling me he loved me.

7 Q Okay. Now, without talking about the actual  
8 offense itself, how did Sharina Parker come into your life?

9 A This girl come like a nightmare out of nowhere. I  
10 end up meeting her, I was high one night, and I wake up to  
11 them sexing, but I didn't really too much complain because I  
12 was still -- I had somebody keep him occupied where I could  
13 go back in my room and smoke because he always had a problem  
14 with me smoking, and I wanted to fix it, but at that time I  
15 couldn't fix it. And one day I needed her to take him to get  
16 something to eat because I didn't feel like cooking, and  
17 that's how she entered into our life. I thought I was asking  
18 her for a favor.

19 Q Okay. That's all I want to ask you. I just wanted  
20 to -- now, since the offense what are your observations of  
21 Rodrick now?

22 A I feel like my son have really learned to calm down  
23 off women, to not worry about them. He got a daughter. If  
24 you can --

25 Q What's his relationship like with his daughter?

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1           A     Man, they relationship is wonderful. When I take  
2 him to go -- when I take his daughter to go see him, he don't  
3 even come and stay with me, he hug me, hey, momma, how are  
4 you doing, the rest of the visit be her. I act like a kid  
5 getting a little bit jealous. The warden come and they keep  
6 me company. And she really love her daddy. If she know I  
7 came here today, she wouldn't talk to me probably like the  
8 rest of the day. She had to go to school. Her mom, you  
9 know, kind of like be hard getting her backwards and forwards  
10 to me and stuff, but I have her a lot. But she --

11          Q     How does Rodrick feel towards his daughter?

12          A     That's about the best thing that boy feel like he  
13 ever accomplished. He love to tell me that's his baby.

14          Q     Has fatherhood changed Rodrick?

15          A     A lot.

16          Q     Now, you go visit Rodrick when you can at the  
17 prison?

18          A     Yes, I do.

19          Q     And is Rodrick working to your knowledge now?

20          A     He was doing laundry down there, then he started  
21 doing the landscaping. I asked him was that him making them  
22 collard greens down there.

23          Q     There's just -- let's see here. Let me look here.  
24 Do you have a nickname for Rodrick?

25          A     Yes, I do. I know. I know. Everybody told me why

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1 did I do that, but I named him Killer.

2 Q When did you name him Killer?

3 A When he was a baby.

4 Q So not when he was a teen-ager?

5 A He been called Killer all his life. People done  
6 cuss me and talked about me all my life, which not the hood,  
7 just older people, why you call him that. One day  
8 (indiscernible) if he ever get in trouble. But to me it's  
9 just, I'm tell you-all what I told him as a kid because he  
10 started coming from school one day telling me call me  
11 Rodrick, and I was like, boy, please, your name don't make  
12 you, you make you.

13 Q Is there anything about -- this is my last  
14 question. Is there anything about Rodrick today that you  
15 think the Court should know?

16 A I do. I think the Court should really look back at  
17 the times that Rodrick been locked up in jail, look at the  
18 times that he was locked up and almost killed, look at his  
19 behavior, look at the pattern of who he really is, look at  
20 the stuff that you-all really truthfully, truthfully have to  
21 look at, be honest to yourself. That's all. I don't really  
22 have to say anything but look at those cameras, listen at the  
23 jails, listen at the prisons, they always say, this boy got a  
24 lot of respect to be in here, you know, and most people who's  
25 young like Rodrick that done came in the system, they be

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1 thugged out and they be mad and (indiscernible). My son  
2 smiles because he have a nervous condition, so when he's  
3 smiling, he's not smiling because he thinks it's funny, he's  
4 smiling because this is a young boy who's nervous. So, yeah,  
5 I think my son has turned into a greater man because he was a  
6 alright kid.

7 Q Is he functioning as a child or functioning as a  
8 man now?

9 A He functioning as a man now. He helps me out right  
10 now.

11 MS. LINNEN: Okay. Thank you, Your Honor. That's  
12 all I have.

13 THE COURT: All right. Thank you, Ms. Linnen.

14 Mr. Lewis --

15 MR. LEWIS: Thank you, Judge.

16 THE COURT: -- you may inquire.

17 CROSS EXAMINATION

18 BY MR. LEWIS:

19 Q Good morning, ma'am. How are you today?

20 A Good morning.

21 Q You are a good mother, correct?

22 A I am.

23 Q And you took care of Rodrick as best as you could,  
24 correct?

25 A I did.

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1 Q You taught him right from wrong?

2 A I did.

3 Q So he knew the difference between doing something  
4 wrong and getting in trouble, correct?

5 A I wish.

6 Q In fact, didn't he try to get you off drugs?

7 A He only tried to talk to me about it, but he  
8 couldn't get me off drugs if God can't get me off.

9 Q I guess what I'm asking you more importantly, if  
10 you can listen to my question, though, he wanted to get you  
11 off drugs?

12 A He asked me to stop, yes.

13 Q So he knew drugs were bad?

14 A Yes, he did.

15 Q Okay. So you would agree --

16 A But let me finish that, you know he was also  
17 smoking drugs. No drug is greater than the other. He was on  
18 drugs his self.

19 Q Yes. I understand, ma'am. And he sold drugs, too?

20 A I don't know if he sold them. I know he was  
21 smoking weed.

22 Q Okay. You would agree that he's a pretty smart  
23 kid, correct?

24 A Every mother say that they kid is smart.

25 Q Okay. Well, I'm asking you, you're his mother, I'm

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1 not his mother.

2 A I would like to hope he is.

3 Q Well, you have seen him more than anybody else, 17  
4 years he's been around you?

5 A Correct.

6 Q Would you agree he is a smart kid?

7 A I would like to hope he is.

8 Q Was he able to understand how to brush his own  
9 teeth?

10 A Of course.

11 Q Was he able to, if he made his bed, make his own  
12 bed?

13 A I cleaned his room every day for him and made his  
14 bed and swept it out.

15 Q Was he able to get up every day and go to school if  
16 he was in school and come home?

17 A Half of the time he be late, I have to call the  
18 school to come get him, also I had to call police to take his  
19 behind to school.

20 Q You would agree he was street smart, right, he knew  
21 how to be on the streets?

22 A In his situation he just in I say no.

23 Q So you're saying he didn't know how to be on the  
24 streets?

25 A I say he didn't.

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1           Q     Well, he was able to pick woman after woman,  
2 correct?

3           A     It don't take a lot for that. You a man.

4           Q     Well, I mean --

5           A     It don't take anything to talk a woman out of their  
6 panties, sir.

7           Q     Huh. Okay. So you're saying that he wasn't street  
8 smart?

9           A     I'm saying he couldn't have been street smart to  
10 mess with the wrong woman to end up in this situation right  
11 here.

12          Q     Unless he was really smart enough and knew what he  
13 was getting into, right?

14          A     Exactly.

15          Q     Right. Okay. Let me ask, your father was a role  
16 model, you said your father was tough love, I guess that's  
17 what Ms. Linnen said, because he didn't want bad people  
18 hanging out in the front of the yard, he didn't want folks  
19 congregating and doing bad stuff out in front of the yard;  
20 that's what you're saying that was his tough love?

21          A     That's not why I say tough love. The reason I say  
22 tough love is because my daddy behind, he whooped us for  
23 every single thing he thought we did wrong. It's not a such  
24 thing called punishment with him, it's called I'm pull that  
25 two by four that you put in your window so nobody break in

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1 your house, it's called he used that to beat your little  
2 behind. It's called that water hose that you ain't finished  
3 with, he going to cut it in half and beat your butt.  
4 Sometimes you lucky --

5 Q Let me ask you this.

6 A -- and gonna get the switch.

7 Q Let me ask you this, ma'am.

8 A You want to know the answer?

9 Q Listen to my questions, okay.

10 A Okay. I thought I was answering.

11 Q Can you -- ma'am. Can you respond --

12 THE COURT: Wait a minute. I'll do it. I'll do  
13 it. I need you to just like you listened to  
14 Ms. Linnen's questions and answer her questions, answer  
15 Mr. Lewis' questions the same way, okay.

16 THE WITNESS: Yes, sir.

17 THE COURT: Okay. Thank you.

18 BY MR. LEWIS:

19 Q So you're saying because your dad disciplined you  
20 for things that you thought maybe at the time weren't wrong  
21 but he did that that made him a bad person?

22 A I'm saying the actions he took.

23 Q Okay. So you knew all those actions but you chose  
24 to leave your child with him and leave the state?

25 A He was better off when he came down here. He

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1 wanted to stay with my little brother because he got an uncle  
2 his same age, so I left him down here, yes, I did.

3 Q So the answer to the question is you thought he was  
4 better off with your father even though you knew all these  
5 terrible things about what your father did?

6 A Yes, I did. I was young and immature.

7 Q Because in fact you -- the stuff your dad did, it  
8 wasn't really that bad, he just disciplined you when you made  
9 mistakes, right?

10 A Exactly.

11 Q Okay. And Ms. Linnen asked you about the  
12 allegations of molestation, you don't really have any  
13 personal knowledge of that, do you, ma'am?

14 A Only just one, and because I talk to this young  
15 lady I don't want to believe it. I heard it. I don't want  
16 to believe it.

17 Q Okay. And your opinion is that would have occurred  
18 at 12 or 13, correct?

19 A Correct.

20 Q Not between the ages of five and six or seven?

21 A Not that I know of. The one they saying about my  
22 little sister, Crystal, I'm not -- I blocked that out. I  
23 have a little sister, Crystal, but --

24 Q That would have been between 12 and 13, though,  
25 right?

1           A     That has been when I been leaving him at home, but  
2 I don't want to be believe that either. That's my little  
3 sister.

4           Q     Okay. Do you think Rodrick was mature for his age,  
5 for a 17-year-old, pretty mature?

6           A     Not really.

7           Q     Why not?

8           A     Because everything about Rodrick was girl, girl,  
9 girl, girl, girl and having fun and playing, nothing was  
10 really like serious at that time for him.

11          Q     So you don't think he showed any maturity when he  
12 tried to get you to stop using drugs?

13          A     Not really because he would say that, but then time  
14 I gave him \$10 he running off to the store or want to hang  
15 with his friends or something, so he knew if I had money he  
16 knew what I was finna go do.

17          Q     So you don't think that's responsible to try and  
18 get a parent --

19          A     I think that's lovable.

20          Q     Lovable. So if a child is with their parent and  
21 their parent is going to drink and drive and that child says,  
22 no, you shouldn't drink and drive, you don't think that shows  
23 any maturity or responsibility?

24          A     I think that shows love. I mean, you gonna get A  
25 plus just because you tell me not to do it, I thank you for

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1 doing that. I think concerned. I think it's concern. I  
2 think it's lovable. I also think it's smart. I think it's  
3 smart.

4 Q That's what I'm just asking.

5 A Yeah, I think it's smart.

6 MR. LEWIS: Thank you, ma'am. Have a great day.  
7 Appreciate it.

8 THE COURT: Just wait a minute. Wait a minute.  
9 Ms. Linnen, did you have any other questions?

10 MS. LINNEN: I don't have any further questions.  
11 Thank you.

12 THE COURT: Okay. Thank you.

13 Ms. Clark, thank you very much. If you can have a  
14 seat, please. Thank you.

15 THE WITNESS: Thank you.

16 (Witness steps down.)

17 THE COURT: Ms. Linnen, who's your next witness?

18 MS. LINNEN: I call Warden Ron McAndrew.

19 THE COURT: Okay. Sir, would you come up here,  
20 please, to this chair. Thank you. And if you would  
21 raise your right hand for me, please.

22 Madam Clerk.

23 THE CLERK: Do you solemnly swear or affirm the  
24 testimony you're about to give will be the truth, the  
25 whole truth, and nothing but the truth?

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1 THE WITNESS: I swear.

2 THE COURT: Okay. Thank you very much. If you'd  
3 have a seat, please. And if you need to adjust that  
4 microphone, feel free to do so.

5 THE WITNESS: Thank you, Your Honor.

6 THE COURT: You're welcome. And let me just ask,  
7 would you state your name, please.

8 THE WITNESS: Ronald D. McAndrew. I do business as  
9 Ron McAndrew.

10 THE COURT: Is it M-C then capital A --

11 THE WITNESS: Capital A-N-D-R-E-W, yes, sir.

12 THE COURT: Thank you.

13 All right, Ms. Linnen, you may inquire.

14 MS. LINNEN: Thank you.

15 DIRECT EXAMINATION

16 BY MS. LINNEN:

17 Q Warden McAndrew, can you state your occupation.

18 A I'm a prison and jail consultant.

19 Q And how long have you been a prison and jail  
20 consultant?

21 A A little over ten years.

22 Q Can you briefly describe your educational  
23 background.

24 A Yes. I went into the United States Air Force  
25 straight out of high school graduation for four years and

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1 seven months. I went to the University of Maryland while I  
2 was in the United States Air Force. My schooling required a  
3 number of semester hours. I then worked for the federal  
4 government for a couple of years in France where I was  
5 discharged. At that time I joined a European firm and worked  
6 for the next 17 years in Europe, Middle East, Far East and  
7 Southeast Asia. When the war was over in Vietnam, I returned  
8 to the United States in 1977. In late -- 1978, sorry. 1978  
9 I came to Florida, I had lost my employment with that  
10 European firm, and I joined the Florida Department of  
11 Corrections at the lowest pay level of a recruit correctional  
12 officer. I also started back to school at that time, night  
13 school, at Miami Dade College where I obtained my AA degree  
14 in criminal justice administration.

15 Further into my career in corrections I was  
16 selected to be a part of the Florida State University Center  
17 for Public Management Program as a certified public manager  
18 program, a two-year program, a pass, fail program, and I  
19 completed that as a certified public manager. That is not a  
20 bachelor's degree, it's a state certification.

21 Q And describe --

22 A I had 12 career development courses through the  
23 Florida Department of Law Enforcement, all job related, each  
24 a 40 hour course, each taught in a community college, also a  
25 pass, fail course.

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1           Q     Can you describe your employment with the Florida  
2 Department of Corrections.

3           A     As I said, I started out at Dade Correctional  
4 Institution at the bottom level as a recruit. From there I  
5 went to the academy and became a certified correctional  
6 officer. I climbed through all of the gut level ranks of  
7 sergeant, lieutenant, captain, investigator, inspector,  
8 major. I skipped over major and I was appointed as a deputy  
9 warden in 1988. In 1992 I was appointed as a new warden to  
10 open a yet new prison in Gulf County, Florida. Four and a  
11 half years later I was appointed as the warden of Florida  
12 State Prison in Starke, Florida. Two years after that I was  
13 appointed as the warden of Central Florida Reception Center  
14 in Orlando. And four and a half years after that in 2001 I  
15 retired from state employment for five days at which time I  
16 was asked to take over the Orange County Jail. I first  
17 refused and then later with some encouragement accepted the  
18 job contingent upon them doing a national search for a new  
19 director. That took almost a year. After that I went back  
20 into my private life and got into politics briefly as a city  
21 councilman. I ran for mayor in the city where I live and  
22 lost my bid. And then in 2005 was my first job as a prison  
23 and jail consultant working for a law firm out of Panama  
24 City, Florida.

25           Q     And since that time you've been prison consulting?

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1           A     I was retained for my 258th case yesterday.

2           Q     And what sort of testimony do you offer for both  
3 the State -- is it for both the State and the Defense?

4           A     I work both sides of the fence as long as my  
5 expertise fits.

6           Q     Okay.

7           A     I work for law firms. I work for the state and  
8 federal agencies, law schools, even foreign courts. I worked  
9 for attorneys out of Dublin, Ireland. I work for private  
10 individuals. I do some pre-incarceration training. But most  
11 of my cases are civil cases involving a multitude of things.

12          Q     Okay. And I want to go back for just a moment.  
13 You were the warden at Florida State Prison in Starke; is  
14 that correct?

15          A     I was.

16          Q     Can you describe your duties at Florida State  
17 Prison.

18          A     Well, operational control of the prison. It's two  
19 units, the main unit housing about 1150 inmates all in single  
20 cells, also includes death row and the death chamber. And  
21 then the O unit, which is a -- sort of a minimum custody unit  
22 just outside the walls of the main unit, inmates that worked  
23 on DOT squads, the yellow trucks you see up and down the  
24 interstates cleaning the highways and doing that sort of  
25 work.

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1 Q Florida State Prison, is that a maximum security?

2 A It's "the" maximum security prison in Florida.

3 Q And are there plenty of inmates there serving a  
4 life sentence?

5 A Out of the 1100 at the time I was there more than  
6 800 were doing life.

7 Q How many were serving death sentences?

8 A It was close to -- at that time I think it was  
9 about 360. It's up right at 400 right now.

10 Q And did you oversee executions?

11 A I did.

12 Q How many?

13 A Three at Florida State Prison, and then I trained  
14 on five at -- in Huntsville, Texas at the Walls.

15 Q And do you currently give presentations or lectures  
16 about prison issues?

17 A Not currently. I did up until three years ago, but  
18 I've -- I'm retained on two cases, one out of Louisiana, one  
19 out of Tennessee that is -- that involves the death penalty,  
20 and part of my retainer agreement is that I will not speak  
21 publicly on that subject.

22 MS. LINNEN: Your Honor, at this time I tender  
23 Warden McAndrew as an expert in prison affairs.

24 THE COURT: I'll leave the Warden to give opinions.  
25 He'll be permitted to give opinions.

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1 BY MS. LINNEN:

2 Q Did you evaluate the Defendant in this case?

3 A I did.

4 Q And can you identify him in the courtroom?

5 A I beg your pardon?

6 Q Can you identify him in the courtroom?

7 A I can. It's the gentleman right here in the red.

8 Q Okay. Where did you -- did you evaluate him at the  
9 St. Johns County Jail or at Madison CI?

10 A Madison Correctional Institution.

11 Q Okay. And did you review his jail records before  
12 going out there?

13 A I did.

14 Q And what did your review of the records indicate?

15 A I reviewed his jail records where he spent three  
16 and a half years at the St. Johns County Jail, and his  
17 records since that time in the Florida Department of  
18 Corrections.

19 Q Now, when he was at the county jail, do you recall  
20 how old he was?

21 A I think he was 16 --

22 Q Okay.

23 A -- when he was at St. Johns.

24 Q Did he get into some trouble there at the county  
25 jail?

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1           A     He -- he did have three issues that were the types  
2 of issues that I would expect of a juvenile in a jail.

3           Q     So let's back up for a second. You were the  
4 warden -- or you oversaw the Orange County Jail, correct?

5           A     I did.

6           Q     And then also state prisons, correct?

7           A     I did.

8           Q     Can you describe the difference between the county  
9 jail and the state prison?

10          A     A state prison is a place where you sort of settle  
11 down and you know what your sentence is and how long you're  
12 going to be there, and it's -- it's sort of like a permanent  
13 station. You know where your bed's going to be tonight and  
14 tomorrow night and what your schedule's going to be. In a  
15 jail the turnover is horrendous. Inmates are being arrested  
16 and booked every day and inmates are being sentenced or  
17 released every day. So if you're in a pod of 20 or 30  
18 inmates, probably 25 percent of those inmates are going to  
19 change every day so you're constantly dealing with new  
20 people, which means new personalities in terms of doing your  
21 time in the county jail.

22          Q     What happens when a new person comes into the pod?

23          A     There's usually a pecking order. It's always the  
24 biggest and the baddest that has to come to the front of the  
25 class, so to speak, and --

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1           Q     On that note, would you describe Rodrick's stature  
2 for the Court?

3           A     He's a big guy. He's six feet, six one, about  
4 185 pounds.

5           Q     So would you say hypothetically that Rodrick would  
6 be potentially one of those big kids that had to come to the  
7 front of the class?

8           A     Probably so.

9           Q     Okay. And would his age, 16, 17 years old, housed  
10 with adults, would that play into that as well?

11          A     Without question.

12          Q     What are some of the things that happen to  
13 juveniles when they are incarcerated with adults?

14          A     They have to -- they have to get into that pecking  
15 order and find an area of comfort, and that's -- that's  
16 pretty difficult because you're going to be challenged.

17          Q     What are some of the dangers?

18          A     Oh, it's the worse that can happen. At least  
19 fights, having your personal property or your canteen taken  
20 away from you. There's usually what's called the TOH, test  
21 of heart, new inmates coming in every day, somebody who  
22 thinks they're the most senior person in that group may  
23 challenge them for whatever property they might have, like a  
24 watch or a necklace, pair of tennis shoes. These things that  
25 don't mean a whole lot to the average citizen are of enormous

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1 value in jails and prisons.

2 Q What's the worse that could happen to a juvenile  
3 incarcerated with adults?

4 A Could die.

5 Q Would you expect rape in there as well?

6 A Oh, that's the --

7 Q I'm not saying that we have any information about  
8 Rodrick.

9 A That's the number one fear of inmates of all sizes,  
10 all races, of all walks and talks that come into places of  
11 incarceration is the fear of being raped, especially being  
12 gang raped.

13 Q Okay. Is it possible to get drugs in prison and in  
14 the jail?

15 A Oh, yes.

16 Q How does that happen?

17 A Well, drugs are introduced into jails and prisons  
18 by various means. Of course, the prisoners aren't allowed to  
19 run out down to the corner and buy drugs and bring them back  
20 to the prisons, which means someone has to bring them inside  
21 the prison and then distribute them, sell them, in other  
22 words. So it was my experience over many years of working  
23 with -- especially as an investigator, the introduction of  
24 drugs about half came through visitors in body cavities and  
25 the other half came from unscrupulous members of the staff.

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1 Q Okay. Now, when juveniles are incarcerated with  
2 adults do they have a tendency to lie about their offense or  
3 inflate their role in the offense?

4 A Oh, yes.

5 Q And why do they do that?

6 A They do it to -- it's part of the pecking order.  
7 You'll have a car thief that will come in and he's afraid,  
8 he's trying to find that area of comfort, a place where he  
9 thinks he can lay down and sleep without getting hit with a  
10 lock in a sock and get a night's sleep, and they'll  
11 exaggerate their crimes to make it sound as though they're  
12 tougher than they may actually be.

13 Q And is that -- is it sort of a coping mechanism for  
14 inmates, survival mechanism by chance?

15 A Yes, indeed.

16 Q Okay. Now, after Rodrick left the St. Johns County  
17 Jail, where did he go from there?

18 A He went to reception medical center first --

19 Q Okay.

20 A -- in Lake Butler.

21 Q And then after that?

22 A He went to Hamilton Correctional.

23 Q And what -- is there a nickname for Hamilton  
24 amongst the corrections community?

25 A It's a gladiator camp.

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1 Q Gladiator camp, okay. And why is it called  
2 gladiator camp?

3 A Prisons have reputations, and these reputations are  
4 developed sometimes in short periods of time and sometimes  
5 it's over a long period of time. In my opinion the  
6 reputation of a prison is determined by its leadership.

7 Q Okay. I'll leave it at that. Where was Rodrick  
8 housed at Hamilton? Was he in a single cell dorm, two man  
9 dorm, open dorm?

10 A At Hamilton he was in open dorm, in an open bay  
11 with approximately 50 other inmates.

12 Q Now, describe what an --

13 A Initially.

14 Q Initially.

15 A At some point in his incarceration there at  
16 Hamilton he did get into a two man cell.

17 Q Okay. In that open dorm, can you describe it for  
18 the Court?

19 A Well, it's -- it's as if -- it's a room about the  
20 size of this courtroom, and there are 50 beds, so if you're  
21 in bed -- row three, bed nine, you'd be sitting somewhere  
22 close to where the Assistant State Attorney is, let's say,  
23 and, in other words, you would have someone sleeping  
24 three feet to the right of your head, someone sleeping  
25 three feet to the left of you, someone three feet behind your

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1 head, and someone three feet from your feet. So you are  
2 surrounded by other men. It's like an ocean of inmates.

3 Q So as opposed to a -- in a two man cell the inmate  
4 only has to worry about the other man in a cell with him,  
5 correct?

6 A That's correct.

7 Q But when you're in an open bay dorm like that, the  
8 inmate has to worry about how many other men at night?

9 A Oh, yes, in deed.

10 Q And does it tend to promote violence?

11 A The most violent things in my experience were in  
12 open bays because once something breaks out there and you  
13 have the potential of all 50 people becoming involved or a  
14 number of those folks, it's much more difficult to put down,  
15 it's -- it's an area -- the dead bodies that I've carried out  
16 of prisons came out of open bays.

17 Q And was Rodrick subject to violence in that open  
18 bay dorm from your review?

19 A He was.

20 Q Can you tell the Court what the records established  
21 on that?

22 A Yes. He was cited for being in an unauthorized  
23 area, for disrespect, and for possession of synthetic  
24 cannabis.

25 Q Specific to the incident where Rodrick was injured

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1 in that open bay dorm, can you tell the Court what happened?

2 A I have to apologize, but I don't remember the level  
3 of the injury.

4 Q If I say Rodrick was stabbed, does that ring a  
5 bell?

6 A Yes. Yes. But I don't -- I can't remember just  
7 how serious that stabbing was.

8 Q Okay. And in your review of Rodrick's records at  
9 Hamilton, did he have any known gang affiliation according to  
10 those records?

11 A Not that I can see.

12 Q Okay. And then going back to -- what happens to  
13 snitches in prison?

14 A Snitch goes to the ditch, as you may have heard a  
15 little earlier here at this testimony. It's the worse thing  
16 that can happen to an inmate is to be labeled as a snitch.

17 Q Now, when I say snitch, that's a, you know, popular  
18 term, what would get someone labeled as a snitch? What would  
19 they do to get labeled as a snitch?

20 MR. LEWIS: Judge, I'm going to object as to the  
21 relevance, if any of this is relevant to Mr. Williams.  
22 We're going around the prison lifestyle, but if we can  
23 relate it specifically to this Defendant who we're here  
24 for otherwise we can have a three hour course on  
25 prisons.

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1 MS. LINNEN: Sure, Your Honor.

2 THE COURT: I'm going to --

3 MS. LINNEN: Mr. Williams was stabbed --

4 THE COURT: Okay.

5 MS. LINNEN: -- and in the records in the  
6 investigation, I do expect Mr. Lewis to question the  
7 warden about that, it showed that Rodrick did not -- he  
8 was not forthcoming in the investigation, it's one of  
9 his disciplinary reports, and so that's what I'm trying  
10 to establish.

11 THE COURT: Okay. Here's the thing that I'm  
12 looking at is -- well, let me ask one question: If the  
13 sentence were 25 years instead of 50 years, would the  
14 prison situation be any different?

15 THE WITNESS: No, sir.

16 THE COURT: Okay. All right. So that's the only  
17 point I'm trying to figure out here, okay.

18 MS. LINNEN: I can move on, Your Honor.

19 THE COURT: Okay.

20 BY MS. LINNEN:

21 Q So after that incident Rodrick was transferred to  
22 another prison; is that correct?

23 A He was, to Madison.

24 Q And you visited him at Madison?

25 A I did.

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1 Q Okay. And can you tell the Court about some of the  
2 things Rodrick's doing to improve himself at Madison?

3 A Well, actually in the very beginning he attempted  
4 to work with his -- on his GED as far back as the St. Johns  
5 County Jail and later on at Hamilton. And finally he  
6 continues to do that. In fact, at the time of my visit he  
7 was at the point that he could take his examination. I don't  
8 know if he's had the opportunity to take his final exam yet  
9 or not, but he was right at that juncture.

10 Q Is he working?

11 A Beg your pardon?

12 Q Is he working?

13 A Yes.

14 Q Describe his work.

15 A He's -- he was trained on -- as a groundskeeper, in  
16 other words, he helps keep up the grounds at the prison and  
17 all of the vegetation that's on the inside. He also worked  
18 as an orderly in the dormitory. And he has had a very  
19 serious adjustment in a positive way after arriving at  
20 Madison.

21 Q Did he talk to you about who he's housed with now,  
22 the units he's in?

23 A Yes. It's older inmates in the --

24 Q So is Mr. Williams the youngest in that unit?

25 A Yes, he is, the youngest in that pod.

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1 Q Okay. And did he relay to you what sort of effect  
2 they have on him?

3 A He said that they had given him a lot of positive  
4 guidance. He said they've sort of taken him under their  
5 wing, so to speak, taking care of him, making sure he's  
6 staying out of trouble. And they told him how to do these  
7 things. And he said he's gotten some very good advice from  
8 the older inmates there. He said it's a dormitory where you  
9 don't have the fights, you don't have the stabbings, you  
10 don't have the constant noise and what have you that you will  
11 find, I think in the language that we used, with the  
12 jitterbugs, which means younger inmates.

13 Q Were you able to offer him some counseling about  
14 rehabilitation, about what he needed to do to rehabilitate  
15 himself?

16 A I did.

17 Q And what did you recommend?

18 A Well, I told him the importance, of course, of  
19 being discipline free. And I told him, I said, I know you  
20 cannot go around here looking like you're a buddy buddy with  
21 anybody wearing an officer's uniform, that would be deadly,  
22 but at the same time there's nothing wrong with showing  
23 respect to all these people.

24 Q Okay.

25 A And he agreed with that. And in fact the officer

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1 that brought him in, including the classification officer,  
2 they both told me that he was a very respectful offender and  
3 that they had no issues with him.

4 Q And was Rodrick attending church services when he  
5 could or occasionally?

6 A I didn't get that, I'm sorry.

7 Q Was Rodrick attending church services?

8 A Yes. He said it was sporadic because the dorm  
9 officers don't like everybody to go out at the same time, and  
10 when they do -- a lot of them do go out for services like  
11 that they like for the orderlies to stay behind, it's a good  
12 chance to clean up and get all the garbage cans emptied and  
13 that sort of thing.

14 Q Okay. These are my last couple questions. When  
15 you met with Mr. Williams, did he maintain eye contact with  
16 you?

17 A Oh, yes.

18 Q Now, as someone who's a former warden, would you  
19 expect an inmate to maintain eye contact with you?

20 A Not ordinarily.

21 Q Okay. And was he well-groomed?

22 A I wrote notes on that. Mr. Williams made a  
23 positive impression, was well-groomed, good eye contact, well  
24 spoken, positive. He asked good questions. Didn't hesitate  
25 to respond to questions, very open. That was my final note.

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1 Q Did he talk to you about his daughter?

2 A Yes, he did. In fact, he said that was the best  
3 thing that's ever happened to him. He said that if there was  
4 anything that created a light at the end of a tunnel, he said  
5 no matter how long that tunnel is, he says that little girl's  
6 at the end. He said and -- he said some day he just hopes to  
7 have the opportunity to be a part of her life in a very  
8 positive way as a contr -- he wanted to be a contributor both  
9 as a father and provider.

10 Q Now, in your 30 plus years of experience in the  
11 Department of Corrections in your opinion what are Rodrick  
12 Williams' chances for rehabilitation?

13 A I think he's done some very serious growing in the  
14 Department of Corrections. Looking at his records, looking  
15 at his discipline, he had a little adjustment period at the  
16 jail and at Hamilton, really minor things, things I would  
17 expect younger inmates to do, and it wasn't that much, in  
18 fact. And now for over a year he is totally discipline free  
19 and has a very positive attitude. He said no matter how  
20 things turn out he says they're not going to take this away  
21 from me. He said, I've learned how to be positive about all  
22 this, and that's how I'm going to stay.

23 MS. LINNEN: Thank you.

24 THE WITNESS: Yes, ma'am.

25 MS. LINNEN: No further questions, Your Honor.

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1 THE COURT: All right. Thank you, Ms. Linnen.

2 Mr. Lewis.

3 MR. LEWIS: Thank you, Judge.

4 CROSS EXAMINATION

5 BY MR. LEWIS:

6 Q Sir, good morning. How are you today?

7 A Good morning, sir.

8 Q Real fast, just to clarify, in the 258 cases you've  
9 been hired, you've never been hired by a prosecutor, correct?

10 A No, sir. But I'm available to your office should  
11 you need me.

12 Q I understand. The question is you've never been  
13 hired -- or no prosecutor's ever hired you for a case,  
14 correct?

15 A No, sir.

16 Q Okay.

17 A Not yet.

18 Q Okay. Let's be extra clear, you did participate in  
19 some executions that occurred, correct?

20 A I did.

21 Q But now your position is you're adamantly against  
22 the death penalty, right?

23 A I'm an abolitionist.

24 Q Right. So you've changed your position quite a bit  
25 since the time you've been a warden?

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1           A     I don't know what you mean by quite a bit, but I've  
2     changed my position, yes.

3           Q     Well, you were willing to participate in executions  
4     back then, and now you actually -- before you were hired by  
5     these other folks, you lectured about the death penalty and  
6     how bad it was and it should be abolished, correct?

7           A     I don't remember if I said how bad it was. I think  
8     I said that it was something that I supported at one time  
9     that I had decided at a certain point in my life that I would  
10    no longer support it.

11          Q     Yes, sir. And that was after you didn't work at  
12    the Department of Corrections any more?

13          A     No. I was saying this while I still worked with  
14    the Department of Corrections. I started this in 1998, '99,  
15    2000 were the first times that I spoke out on the death  
16    penalty.

17          Q     And then you I guess retired in '01, correct?

18          A     I did.

19          Q     Yes, sir. In reference to your preparation for  
20    this case, you didn't review the St. Johns County records,  
21    did you, the jail records from St. Johns County?

22          A     Yes.

23          Q     You did?

24          A     I did, yes.

25          Q     Do you remember on March 17th we had a deposition

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1 and you said you hadn't reviewed those?

2 A I didn't have them with me at that particular time.

3 Q That wasn't -- no. I had asked you had you  
4 reviewed them, and you said, no, I did not review them.

5 A That's a mistake. I'm sorry.

6 Q So you have reviewed them?

7 A I have, yes.

8 Q Okay. And just so we're clear, you never spoke to  
9 Mr. Williams' mother, correct?

10 A I did not until this morning.

11 Q Yes, sir. You didn't ever talk to the mother of  
12 his child, correct?

13 A I did not, no, I haven't.

14 Q Did you talk to any of the detectives in this case?

15 A I had no reason to.

16 Q Well, you're making a decision about the  
17 rehabilitation of someone, so do you think that maybe getting  
18 all the background about that person might be important?

19 A I'm not making a decision about the rehabilitation  
20 of someone. I'm not a sociologist. I'm not a psychologist.  
21 I'm a retired prison warden. My expertise is related to  
22 my -- having my own professional dealings with offenders.

23 Q I thought you had said your last statement with  
24 Ms. Linnen was he's a good candidate for rehabilitation;  
25 that's what your opinion just was.

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1 A Yes.

2 Q Okay. And you did not review any of the actual  
3 case in this, you didn't review the police reports really?

4 A No.

5 Q Didn't talk to any of the detectives?

6 A The police report, yes, was part of the records.

7 Q Which police report did you review?

8 A But I did not peruse that thoroughly because it was  
9 not going to be a part of my -- of my expertise.

10 Q Okay. Did you talk to any detectives in the case?

11 A I had no reason to. I've never been a sworn law  
12 enforcement --

13 Q It's just a yes -- it's just a yes or no question,  
14 sir.

15 A It's no.

16 Q No, okay. So did you talk to any of the  
17 eyewitnesses to the murder?

18 A No.

19 Q Did you ever review any of the transcripts from the  
20 trial?

21 A No.

22 Q Did you review any of the depositions in the case?

23 A No.

24 Q Did you review any of the videotapes that were  
25 taken of the crimes?

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1           A     No.

2           Q     Okay.  And you spent about two and a half hours  
3 with Mr. Williams on the date you met him, correct?  That's  
4 what you told us in the deposition, unless it's different.  
5 You can check, sir.

6           A     Two and a half hours, you're right.

7           Q     Yes, sir.  Okay.  So in that two and a half hours  
8 you talked about his background and other things like that,  
9 correct?

10          A     We talked about his incarceration.

11          Q     Okay.  Did you talk about what he does for his  
12 daughter?  You said his daughter makes this big impact on his  
13 life; what positive impact is he making on her life now?

14          A     She comes with his mother to visit him, and he  
15 spends as much time as he can with her.  He tries to teach  
16 her things while she's there.

17          Q     What is he trying to teach her?

18          A     He didn't say exactly what it was.  He said I'm  
19 trying to teach her things.  And I guess she's at a very  
20 young age and learning to talk and walk and do all those  
21 things that children do, and he said he wants to be a part of  
22 that.

23          Q     Certainly.  And his time that he's saying this has  
24 all been when he was incarcerated when he -- his daughter is  
25 born, correct?

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1           A     That's correct.

2           Q     Okay.  So he hasn't even been out there with her to  
3 have this positive impact on her in the community, has he,  
4 sir?

5           A     No, sir.

6           Q     And you sit here today and you tell the Court after  
7 two and a half hours of talking to Mr. Williams, who by the  
8 way, sir, he knew you were coming, didn't he?

9           A     He did.

10          Q     Yes.  And he knew why you were there, correct?

11          A     Yes, he did.

12          Q     He knew you were there to try and help him get a  
13 lesser sentence in court, correct?

14          A     I don't know if that -- I don't know that at all.

15          Q     Why did he think you were there, to provide him  
16 cookies and milk?

17          A     No.  I told him why I was there, and so did his  
18 attorney before I got there.

19          Q     Right.  You were there to help him with his  
20 resentencing to get a better sentence, sir, correct?

21          A     No, that is not true at all.

22          Q     Isn't that why you were hired to provide mitigation  
23 in a sentencing?

24          A     Yes.

25          Q     Which would get him a better sentence, correct,

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1 sir?

2 A I don't -- I'm not a judge and I'm not a jury, I am  
3 a prison expert, so what you're talking about is not even  
4 related to my work.

5 Q But my question for you is when you met with  
6 Mr. Williams you weren't just some person off the street  
7 there meeting with him just to get some, you know, neutral  
8 information from him, you were there to try and help him get  
9 a better sentence in this case, correct, sir?

10 MS. LINNEN: Your Honor, I object because there's  
11 been no question about whether Rodrick -- what Rodrick  
12 knew.

13 THE COURT: Sustained. Move along, Mr. Lewis.

14 MR. LEWIS: Yes, sir.

15 BY MR. LEWIS:

16 Q And just so we're clear, you spent two and a half  
17 hours with him, today, based on reviewing the records for the  
18 last three or four years, your opinion is he is a good  
19 candidate for rehabilitation, correct?

20 A Speaking as a correctional professional and based  
21 on the inmates I have seen come to prison and leave prison  
22 and those that did come back and those that did not come  
23 back, yes, indeed, he fits the category of inmates that I  
24 have seen leave out the front door and they didn't come back  
25 in the back door.

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1           Q     What are the characteristics one looks for to  
2 determine the rehabilitation of someone who won't  
3 recidivus -- be recidivus?

4           A     Attitude while they're in prison whether it's  
5 negative or positive, the trace of discipline,  
6 the involvement --

7           Q     Prior criminal history would you --

8           A     -- involvement in programs, whether they still have  
9 family ties or not, whether they have friends or not, whether  
10 they're corresponding with anyone or not, whether they have  
11 telephone privileges and are using them or not, whether  
12 they're in disciplinary confinement or out of disciplinary  
13 confinement, there's a long shopping list, and these are the  
14 things, of course, that I look at when I go to interview  
15 someone like Mr. Williams.

16          Q     And certainly you, sir, as an expert in doing this  
17 for as long as you have, you would agree that a short time  
18 window that you've had to look at this you would much rather  
19 be able to look at it in 25 or 30 years to make a decision  
20 whether or not he was actually suitable for rehabilitation,  
21 correct?

22          A     I'm sorry, I don't understand that question at all.

23          Q     So you had a two and a half hour timeframe to talk  
24 to him and you reviewed some records, and it's your opinion  
25 that he can be rehabilitated based on that, correct, sir?

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1           A     Well, I had about four hours of reviewing his  
2 records. I had an hour of being deposed by you.

3           Q     That doesn't have anything to do with him.

4           A     It was all about him. It wasn't about anybody but  
5 him.

6           Q     Okay. Just so we're clear you spent two and a half  
7 hours with him, correct?

8           A     I did.

9           Q     Okay. And you reviewed records for four hours?

10          A     And I was deposed for an hour.

11          Q     Okay. So let's even give you being deposed, I'm  
12 not sure how that implicates him because that's me asking you  
13 questions, but for -- let's say eight hours you have spent in  
14 this case, correct, plus what you're in here today for?

15          A     Exactly.

16          Q     Okay. And by the way you're getting paid to be  
17 here, right, you're not doing this for free?

18          A     That's correct. This is my job.

19          Q     Okay. And how much are you getting paid --

20          A     It's what I do for a living.

21          Q     Right. How much do you get paid per hour, sir?

22          A     \$200.

23          Q     Okay. So based on eight hours of work it's your  
24 opinion that you can make a decision that he is suitable, and  
25 we're talking about only two and a half hours with him, that

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1 he's going to be rehabilitated and be fine when he's out of  
2 prison?

3 A No one can ever give guarantees, but based on  
4 exactly what I've seen, on what I've examined, and what I  
5 learned throughout my interview with Mr. Williams and based  
6 on my experience with inmates that left prison and came back  
7 and inmates that left that didn't come back he certainly fits  
8 the group of inmates according to my experience that don't  
9 come back.

10 Q How many studies have you read on that, sir? And  
11 if you could cite those specifically. Remember you were  
12 going to get those to me if you had them.

13 A Twenty-three years of working virtually every  
14 possible position that a correctional officer can work.

15 Q That wasn't my question, sir. Do you have any  
16 specific articulable studies that you can cite with authors  
17 that stand for your proposition?

18 A A 23-year study of working 8 or 16 hours a day,  
19 depending on the day of the week --

20 Q I'm sorry, let me rephrase it one more time. Do  
21 you have any specific studies, not from yourself, where  
22 someone is an author that's been peer reviewed that supports  
23 your position, sir?

24 A My work was in fact a study in progress.

25 Q Yes, sir.

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1           A     Every day that I went to work I learned something  
2 new.

3           Q     Yes, sir. So the answer would be no?

4           A     No. The answer is, yes, that my 23-plus years in  
5 corrections gave me a world of experience in working directly  
6 with the people that we're talking about on a one to one  
7 basis, on a one to one thousand basis --

8           Q     I have no doubt about that, sir.

9           A     -- and processing people into prison and out of  
10 prison, that was a 23-year study. If there was ever a study,  
11 that was a study.

12          Q     So the answer is, no, you don't have any specific  
13 studies by an author or a scientist or anybody who is a  
14 sociologist that you can cite to besides your case study of  
15 23 years, correct?

16          A     I don't know. I've read a hundred books on  
17 corrections --

18          Q     Yes, sir.

19          A     -- in my time. I've taken, as I mentioned, career  
20 development courses that involved the treatment of offenders,  
21 and these were all excellent courses sanctioned by the  
22 Florida Department of Law Enforcement. I've done a lot of  
23 training other than that. I've been to seminars all over the  
24 country related to my work. I still study corrections and  
25 the people that are in corrections, both staff and offenders.

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1 Q Let me ask you this, sir: You would agree that  
2 Mr. Williams is well spoken, correct?

3 A Yes, he is.

4 Q And he seems pretty articulate with you?

5 A He does, yes.

6 Q He seems intelligent, he can relate things to you?

7 A Yes.

8 Q You had no concerns about his ability to function  
9 or communicate as a human being, correct?

10 A No.

11 MR. LEWIS: Okay. Thank you, sir.

12 THE COURT: Any redirect?

13 MS. LINNEN: Just a couple questions, Your Honor.

14 THE COURT: Sure.

15 REDIRECT EXAMINATION

16 BY MS. LINNEN:

17 Q Now, Warden, Mr. Lewis asked you about whether you  
18 talked to any of the detectives or witnesses in the case; is  
19 that correct?

20 A Correct.

21 Q Now, do you from your records indicate how old  
22 Rodrick was when the offense occurred?

23 A Yes, they do. I would have to go back and look at  
24 those to see the exact age.

25 Q Okay. If I said 16, does that sound about right to

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1 you?

2 A Yes.

3 Q Okay. And do you know how old he is now?

4 A Thirty-one.

5 Q No.

6 MR. LEWIS: I'm going to ask that she just let him  
7 answer if he knows. If he doesn't --

8 BY MS. LINNEN:

9 Q If you don't know, just say you don't know.

10 A I did know, but it's something I would have to go  
11 back to my records and check. I don't -- I don't remember  
12 his present age.

13 Q Would you agree from the records that he's several  
14 years removed from the offense? Would you agree from your  
15 review of the records that he's several years removed from  
16 the offense?

17 A Yes.

18 Q And was he a juvenile when the offense was  
19 committed?

20 A He was.

21 Q Do you see him now as a juvenile or as a man?

22 A I do not see him as a juvenile.

23 Q Okay. So in your opinion 30 plus years of  
24 experience with inmates, and let me just make sure that  
25 started at the bottom, entry level, right, and went all the

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1 way to the top as a warden, correct?

2 A I did.

3 Q Is fatherhood a motivating factor for inmates to  
4 turn their life around?

5 A Oh, yes. And that's strongly recognized today in  
6 the Florida Department of Corrections by programs that  
7 they're setting up all the over the state where they are  
8 painting Walt Disney type characters on walls of the visiting  
9 parks and they're cornering off areas for fathers to bond  
10 with their children.

11 Q Do some of the correctional institutes have -- even  
12 have playgrounds outside now --

13 A They do.

14 Q -- on the grounds now so that fathers can interact?

15 A Yes. And it's a wonderful program so these  
16 children will know as they're growing up that they actually  
17 do have a parent and that they can spend some quality fun  
18 time with them.

19 Q Now, these inmates when they're incarcerated are  
20 they able to earn a couple dollars through working?

21 A No.

22 Q Okay. So when Rodrick's working in the landscaping  
23 or laundry or whatever, is he earning any money?

24 A No.

25 Q Okay. So do inmates have a way of financially

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1 supporting their children?

2 A No.

3 Q Okay. Now, going back to this recidivism studies,  
4 again, you worked at all levels of the Department of  
5 Corrections, right --

6 A I did.

7 Q -- is that correct?

8 A Most all levels. I skipped over colonel.

9 Q Do you need an academic study to tell you about  
10 what you saw in 30 years for inmates?

11 A I do not.

12 Q Do you need a study to tell you about their  
13 behavior?

14 A No.

15 Q Do you need a study to explain to you why some of  
16 them go out the front door and come back in the back door the  
17 next week?

18 A No.

19 MS. LINNEN: Okay. That's all I have, Your Honor.

20 THE COURT: Is it fair to say that the longer  
21 someone is in prison the more accurate assessment a  
22 panel or a group would be able to view in terms of  
23 whether he should be released or not?

24 THE WITNESS: Yes, Your Honor. Yes.

25 THE COURT: All right. All right. Any other

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1 questions?

2 (Inaudible response.)

3 THE COURT: All right. Mr. McAndrew, thank you  
4 very much. You're free to go about your business. You  
5 can stay or leave, I don't know what your plans are, but  
6 you're free to go.

7 THE WITNESS: Thanks, Your Honor.

8 THE COURT: Thank you.

9 (Witness excused.)

10 THE COURT: Ms. Linnen, who's your next witness?

11 MS. LINNEN: Is it possible to take a five minute  
12 restroom break, Your Honor?

13 THE COURT: We can, sure. Court will be in recess  
14 for five minutes, please.

15 (Audio stops at 9:39 p.m.)

16 (WHEREUPON, there was a brief recess.)

17 (Audio resumes at 9:47 a.m.)

18 THE BAILIFF: -- come to order.

19 THE COURT: All right. Thank y'all very much. Be  
20 seated, please, ladies and gentlemen.

21 Ms. Linnen, who's your next witness?

22 MS. LINNEN: Dr. Stephen Bloomfield.

23 THE COURT: Okay. Doctor?

24 MS. LINNEN: Dr. Stephen Bloomfield.

25 THE COURT: Mr. Bloomfield -- Dr. Bloomfield, would

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1           you come up, please, sir.

2           THE WITNESS:   Sure.

3           THE COURT:   Dr. Bloomfield, if you'd stand by that  
4           chair, please, and raise your right hand for me, please.  
5           Madam Clerk.

6           THE CLERK:   Do you solemnly swear or affirm the  
7           testimony you're about to give will be the truth, the  
8           whole truth, and nothing but the truth?

9           THE WITNESS:   Yes, I do.

10          THE COURT:   Okay.  Dr. Bloomfield, if you could  
11          have a seat, and if you need to adjust that microphone,  
12          do so, okay.  Thank you.  Make yourself comfortable.

13          THE WITNESS:   Thank you.

14          THE COURT:   Ms. Linnen, you may inquire.

15                               DIRECT EXAMINATION

16  BY MS. LINNEN:

17          Q       Can you state your name for the record.

18          A       Stephen I. Bloomfield, B-L-O-O-M-F-I-E-L-D.

19          Q       And what's your occupation?

20          A       I'm a psychologist.  I'm licensed in both Florida  
21          and Massachusetts.

22          Q       And how long have you been a psychologist?

23          A       I was first licensed in Massachusetts in 1984, and  
24          I maintain that license, and I became licensed in Florida in  
25          1992, and I maintain that license since then.

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1           Q     Can you briefly describe your educational  
2 background.

3           A     Sure. I have a bachelor's degree in psychology  
4 from Long Island University, and I received that in 1967.  
5 And then I worked in the field of mental health for a number  
6 of years and attended a master's and completed a master's  
7 program in guidance and psychological services at Springfield  
8 College in Springfield, Massachusetts. Then once I got my  
9 master's I then again worked for a couple of years and then  
10 was accepted into a doctoral program at the University of  
11 Massachusetts, which I completed in 1982. Did a  
12 post-doctoral residency and became licensed as a psychologist  
13 in Massachusetts in 1984. I had been licensed prior to that  
14 from the time I completed my master's program as a licensed  
15 mental health counselor.

16          Q     And can you describe your professional background.

17          A     Well, I have -- I have two professional  
18 backgrounds, pre-licensure and post-licensure. Pre-licensure  
19 as a psychologist I began my work in 1968 with street gangs  
20 in New York City working with juveniles. I worked at a  
21 number of different settings for juveniles in both New York  
22 and in Massachusetts. I worked in residential programs for  
23 delinquent kids. I directed a neighborhood youth center  
24 which I had a full range of children, juveniles, some  
25 involved with criminal justice and some not. I became the --

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1 in Massachusetts the area director for the Department of  
2 Mental Health specifically for children, youth, adolescents  
3 and substance abuse services. I then did that for a while  
4 and moved through the system in the Department of Mental  
5 Health and Mental Retardation for the Executive Office of  
6 Human Services. Then I began my doctoral program.

7 And in my doctoral program I consulted and worked  
8 both at University of Massachusetts and Hampshire College  
9 doing a variety of things.

10 Once I received my doctorate I became the executive  
11 director of a community mental health center. I stayed in  
12 that position for five to six years and left and became a  
13 consultant to -- clinical consultant doing evaluations  
14 predominately to a number of mental health centers in Weston,  
15 Massachusetts. I then became the clinical director of a  
16 substance abuse clinic which had outpatient services and  
17 residential services. And the last five years I spent in  
18 Massachusetts I was one of the two psychological consultants  
19 to the Department of Social Services working with dependency,  
20 adoption, juvenile issues.

21 I moved to Florida and I began a private practice.  
22 For the first two years I continued consulting in  
23 Massachusetts and several other states and commuting and  
24 building a practice here. After a few years I stopped  
25 traveling and developed a practice in Jacksonville -- located

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1 in Jacksonville, but providing services mostly in the Fourth  
2 and the Seventh Circuit, but throughout Florida and also with  
3 the United States Probation and Pretrial Services. And I've  
4 been doing that I guess for about 19 years.

5 Q Now, specific to juvenile offenders what is your  
6 experience?

7 A Well, I began early in my career with working with  
8 street gangs. I've worked --

9 Q When did you start working with -- what year?

10 A 1968. Worked with juvenile offenders in  
11 Massachusetts in residential services and outpatient  
12 services. Massachusetts had what they call the  
13 institutionalized, the state schools which are the  
14 residential programs for delinquent kids, and tried to  
15 provide those services on a community basis. I worked very  
16 closely with the courts. I was the liaison through the court  
17 for that program. Then I worked at a youth center.

18 More currently and probably more relevantly for the  
19 last 20 or so years in Florida I've been doing -- I do an  
20 extensive amount of evaluations of juveniles, adults as well,  
21 but certainly juveniles. I don't know how many, a couple  
22 of -- you know, hundreds, I --

23 Q What's your experience working with prisoners?

24 A With?

25 Q Prisoners, with inmates?

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1           A     With inmates. My experience with inmates is  
2     evaluative. I've never worked in a jail or a prison -- for a  
3     jail or prison. I evaluate people in jails and prisons, and  
4     I have an extensive experience with men and women on  
5     supervised release and probation as well as pretrial  
6     services.

7           Q     Did I understand you to say you had a contract at  
8     one point with the bureau of prisons, the federal bureau --  
9     or Department of Probation?

10          A     Yes. I had -- our practice had a contract with  
11     United States government to provide services, substance abuse  
12     services, mental health services, and then for about two of  
13     the ten years sex offender services with U.S. Probation and  
14     U.S. Pretrial Services. And --

15          Q     Do you know how many times approximately you've  
16     testified as an expert witness?

17          A     Several hundred, five hundred times maybe. A lot.

18          Q     Has it always been for the defense or sometimes for  
19     the State?

20          A     No, it's not always been for the defense.

21          Q     Okay. And do you lecture or write presentations  
22     about your work?

23          A     Can you say the second --

24          Q     Do you lecture or give presentations about your  
25     work?

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1           A     I do. I do. I give presentations and I train. In  
2     our practice for four years we had four -- each year for four  
3     years had different post-doctoral students in forensic  
4     psychology, and I try and do a presen -- I try and put  
5     together a presentation either for attorneys or for  
6     psychologists and mental health providers at least once or  
7     twice a year. I find that it keeps me current -- the selfish  
8     part is that it keeps me current because answering questions  
9     where you do a presentation you kind of have to stay on top  
10    of what's going on, so I do that regularly.

11           MS. LINNEN: Okay. Your Honor, at this point I'd  
12    like to tender Dr. Bloomfield as an expert in  
13    psychology.

14           THE COURT: I'll let Dr. Bloomfield give opinions.

15           MS. LINNEN: Okay. Thank you.

16    BY MS. LINNEN:

17           Q     Have you evaluated the Defendant in this case?

18           A     Yes, I have.

19           Q     And can you point him out?

20           A     Yeah. He's sitting at the defense table. He's  
21    wearing a red shirt and he's handcuffed.

22           Q     Okay. How many times have you evaluated the  
23    Defendant?

24           A     Well, I evaluated him -- one could count it as two  
25    or three. I count it as two. I evaluated him in 2010 in the

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1 initial case, and then I evaluated him recently, but I did  
2 part of the evaluation at the St. Johns County jail and part  
3 of it at Madison Correctional Institution.

4 Q What year did you evaluate him the first time?

5 A I believe it was 2010.

6 Q And was that a broad spectrum evaluation or was it  
7 limited?

8 A It was pretty limited. I administered -- I  
9 reviewed the interrogation at the time. I administered an IQ  
10 test.

11 Q What was Rodrick's IQ?

12 A I'm sorry?

13 Q What was Rodrick's IQ?

14 A At that time his IQ -- well, IQ is measured in five  
15 broad areas and each area is a range, but his full scale IQ  
16 was 82 falling into about the 12th percentile, and between 78  
17 and 86 at the 95 percent confidence interval, meaning --

18 Q Can you -- okay. Go ahead.

19 A I'm sorry?

20 Q Can you explain what an 82 IQ --

21 A Yeah. IQ has -- is a number, it -- but it's more  
22 accurate to explain it in terms of confidence intervals, so  
23 we explain it either at the 90 percent or 95 percent  
24 confidence interval, meaning that on any given day we're  
25 95 percent sure that the IQ falls between 78 and 86. For a

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1 specific number since there are both educational as well as  
2 legal reasons we -- they developed the specific number, which  
3 is 82, so his range falls from the highest end of the  
4 borderline range of intellectual functioning to the low end  
5 of the low average range. On any given day he's probably  
6 functioning at the low average range. In most areas in some  
7 specific subtests, there are ten subtests which make up the  
8 Wechsler Adult Intelligence Scale, some of the subtests were  
9 lower than others, and he may fall at the highest end of the  
10 borderline range of functioning.

11 Q So does someone's IQ improve over time or does that  
12 tend to stay static?

13 A Typically it's static.

14 Q Okay. So from the time you evaluated him in 2010  
15 to when you evaluated him in 2015 you don't expect his IQ to  
16 change?

17 A I wouldn't -- I wouldn't expect much change. I  
18 didn't give him a new IQ test this year.

19 Q Okay. And what was his verbal comprehension skill  
20 level in 2010?

21 A His verbal comprehension composite score was 80  
22 placing him at the 90th percent -- the 9th, I'm sorry,  
23 9th percentile and between 75 and 86 at the 95 percent  
24 confidence interval. Again, this was very close to his full  
25 scale IQ, a little bit lower, but on any given day they could

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1 be the same. So the percentile rank of 9 versus 12 means  
2 that -- percentile rank of 9 means that 91 percent of people  
3 his age -- in his age cohort score higher than him, and when  
4 it's 12 it's 88 percent score -- of his age cohort score  
5 higher than him.

6 We used to do mental age, but we don't anymore. We  
7 used to try and equate a mental age, but in psychology we  
8 found -- in neuropsychology we found that it really isn't  
9 useful. It's helpful in some context because it's easy to  
10 say, well, a person has a mental age of eight, nine, ten, but  
11 it's not useful because it's not true. So he compares as  
12 about -- you know, on average about to -- in those two scales  
13 to about a percentile rank between 9 and 12, maybe 10, so  
14 about 90 percent of people his own age, his age cohort do  
15 better than him in verbal comprehension and full scale IQ.  
16 He had some strengths --

17 Q So let's talk about that verbal comprehension, go  
18 back to that really quick.

19 A Sure.

20 Q What's that mean, Rodrick wouldn't necessarily  
21 understand what someone is saying to him or he wouldn't get  
22 the full meaning of it, what does that mean?

23 A He would understand mostly what people are saying  
24 to him if he understood the vocabulary words. His vocabulary  
25 score was one of his lowest scores, but it was six, ten being

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1 average, but it's how he comprehends detailed and complex  
2 information verbally either spoken or written. He's not  
3 deficit in terms of he doesn't have an intellectual  
4 disability.

5           We just moved recently from the DSM-IV to the  
6 DSM-V, and we moved from a diagnostic category called mental  
7 retardation to intellectual disabilities. So he doesn't fall  
8 into that range, but it's something that one would take into  
9 account in providing services to him, in putting him -- in  
10 seeing what his level of understanding was. So I did it in  
11 that first evaluation because it was important because I was  
12 asked to look at specific things, including his interrogation  
13 and his compliance and --

14           Q     Now, you did view the interrogation video; is that  
15 correct?

16           A     Yeah.

17           Q     And what was your observations or your conclusions  
18 about that video?

19           A     Well, I didn't -- at the time I was asked to see if  
20 it were what we call a false confession, whether it was a  
21 coerced confession or false confession, and I opined that it  
22 wasn't. I opined that he was very emotional. His mother was  
23 there. That he was immature. He was a child. But I didn't  
24 think it was -- I offered the attorney at that time the  
25 opinion that I didn't think it was challengeable as a coerced

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1 or false confession. I've done a reasonable amount of work  
2 in false confessions, and I think it's general acceptability  
3 that false confessions exist --

4 Q Let me stop you right there, though, you did find  
5 him competent to proceed, though, right?

6 A Of course. The first -- the first -- the first  
7 issues -- always the first thing I -- well, I'm going to  
8 backtrack on that, sometimes it's the second thing, but I  
9 always look at mental status, mental control with competence  
10 when I'm doing work in the criminal arena because I can't go  
11 on. If someone's incompetent, I really can't go on because  
12 they can't competently answer any of the questions.

13 Q Now, did you evaluate him as a juvenile or as an  
14 adult in 2010?

15 A At the time, gosh, I think it was -- I think he had  
16 been certified as an adult. It's from --

17 Q But did you evaluate him as a juvenile or as an  
18 adult?

19 A I'm not sure what you mean.

20 Q In your testing and your procedures that you --

21 A Oh, okay. I evaluated him using adult instruments.

22 Q Adult instruments. But you did find that he was  
23 immature --

24 A Correct.

25 Q -- is that correct?

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1           Now, was his brain in your opinion functioning as  
2 an adult or as a juvenile?

3           A     A juvenile. His brain was -- it was in formation  
4 probably still a little bit, but we know pre -- we know  
5 definitely people's brains and personalities are  
6 developmental. And there have been numerous studies, there  
7 were Amicus briefs by the American Psychiatric Association  
8 and the American Psychological Association to the United  
9 States Supreme Court as well as numerous neurological,  
10 neuropsychological and cognitive studies. It's -- and so the  
11 brain forms -- the brain forms from the back to the front.  
12 The back are the lower functioning tasks, vision,  
13 discrimination, visual discrimination. The frontal lobes is  
14 where executive functioning is formed, and we know that those  
15 form last. It's not that they don't exist in younger -- in  
16 young adults and adolescents, but they're not fully formed,  
17 so the outcome of that is that certain areas, decision  
18 making, consequences, impulsivity, the capacity to resist  
19 negative influences, all of those areas are less well  
20 developed on the --

21           Q     What about for a 16-year-old boy, how would -- how  
22 susceptible are they to peer pressure or familial pressure?

23           A     Very susceptible. And so when I say that, it's  
24 contextual, if you're around pro-social people, people who  
25 are doing what we call the right things, pro-social, a

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1 psychological word for it, versus asocial people, you'll  
2 develop pro-socially. And if you're around asocial people,  
3 you'll develop asocially.

4           The other thing that happens, though, it's kind  
5 of -- not everything's negative about the brain developing.  
6 One of the things that's positive is a higher propensity and  
7 potential for rehabilitation because the brain's not fully  
8 formed and the personality's not fully formed.

9           Q     Let's still talk about the downside of the  
10 16-year-old boy brain.

11          A     Okay.

12          Q     Would he be -- how would he be able to regulate his  
13 behavior, self-regulate his behavior?

14          A     It would be lower than as he got older. He's more  
15 impulsive, more risk taking, more reckless, more apt to  
16 follow along, more susceptible to people leading him as  
17 opposed to not.

18          Q     Would he be worried -- overly worried about what  
19 people think about him, his neighborhood thinks about him or  
20 his friends?

21          A     Very likely.

22          Q     Would he -- how would his ability to weigh  
23 short-term gains versus long-term consequences, what would we  
24 expect there?

25               MR. LEWIS: Judge, I'm just going to object and ask

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1           it be related specifically to Mr. Williams as opposed to  
2           the general population.

3           MS. LINNEN: Your Honor, much was made in Graham  
4           versus Florida and Miller versus Alabama about the  
5           development of the juvenile brain. Dr. Bloomfield did  
6           evaluate him in 2010, he did find him to be immature,  
7           I'm just trying to establish the basics of that.

8           THE COURT: Okay. Well, I think what Mr. Lewis'  
9           objection is is to form the opinion in relation to  
10          Mr -- Mr. Williams as opposed to just in general. I  
11          mean, I'm assuming that's what his opinions are going to  
12          get to, but I understand.

13          MS. LINNEN: Yes, Your Honor.

14 BY MS. LINNEN:

15          Q     Okay. Dr. Bloomfield, were you able to make  
16          determinations about Rodrick specifically about his  
17          maturity?

18          A     Yes.

19          Q     Was Rodrick susceptible in your opinion, especially  
20          after watching the video, to peer pressure or family  
21          influence?

22          A     Yes.

23          Q     Was he impulsive?

24          A     Yes.

25          Q     And obviously you said he was immature, was Rodrick

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1 able to weigh the long-term consequences against short-term  
2 gains of his behavior?

3 A He was able to weigh them, but he would put more  
4 emphasis -- did put more emphasis when I saw him in 2010 on  
5 short-term gains versus long-term consequences, specifically  
6 he -- as well as, you know, generally in terms of, you know,  
7 what we know about brain developments because we would  
8 expect -- the reason that general -- certainly it's specific  
9 to him, but what we want to see is those change over time.

10 Q Okay. And speaking of change over time, when did  
11 you evaluate Rodrick again?

12 A In 2015.

13 Q Okay. And that was one or two visits?

14 A Since I visit -- I don't have the exact date, I'd  
15 have to just check here.

16 Q That's okay.

17 A But two visits, one visit here at St. Johns County  
18 Jail and one visit at Madison CI.

19 Q And what were your initial observations of Rodrick  
20 in 2015?

21 A That he had matured. He certainly physically  
22 matured. He was more in control of his emotions. He -- in  
23 both cases, both the jail and the prison, I was actually  
24 impressed with his interactions with authority, not only me  
25 but with jail and prison personnel. He was joking with them.

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1 They joked with him here and there. He was more comfortable  
2 there than he was here.

3 Q Is it typical for all inmates to interact with the  
4 guards that way?

5 A Some inmates get really mean and nasty and some  
6 don't. He didn't. I don't know what's really typical, but I  
7 do know that there are some inmates that are always looking  
8 to angle a guard into some -- something that benefits them  
9 versus just being more affable and cooperative.

10 In general my mental status examination, which, as  
11 I said earlier, is kind of the first thing I do, his mental  
12 status is intact and he's an affable and cooperative young  
13 man.

14 Q Had he made some gains from 2010 to 2015?

15 A Yeah. Yes. He started to look -- he started to  
16 look to the future. I know there's been a lot of talk about  
17 his child. His -- the impact -- my opinion about the impact  
18 of his child -- him having a child was helping him understand  
19 longer term consequences and what it means to be incarcerated  
20 for that period of time. I think in 2010 he was scared, in  
21 the interrogation tape he cried, so he was frightened, but  
22 normally, you know, it's expected, he was young.

23 Q So when a person becomes -- specifically when a  
24 young man becomes a father is there some amount of -- so with  
25 the juveniles they're kind of self-centered; is that correct?

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1 A Correct.

2 Q And when a child comes along how does that change?

3 A Well, it depends on the person.

4 Q How did it change for Rodrick?

5 A He seemed to have -- it seemed to help him have a  
6 bigger view of himself in the world and the way he fit in,  
7 not so much self-centered, not so much immediate  
8 gratification, but, you know, delayed -- more delayed  
9 gratification. He understood that his relationship with his  
10 child was going to be limited. He enjoyed the visits with  
11 his -- that his -- you know, that his mother brought the  
12 child and that they were visits. He understood that they  
13 were happy times but artificial times. He understood that  
14 raising a child -- that if he had the opportunity to raise a  
15 child -- this child there's a lot of work. This is what he  
16 talked -- some of what we talked about. He understood it was  
17 more than just the visit, but -- so whereas in 2010 he might  
18 have gotten into, oh, isn't it wonderful, that's my child,  
19 it's a reflection of me, now he would talk about his child  
20 as, you know, a developing human being and having a limited  
21 role in her life.

22 Q Okay. Now, just yes or no, did he talk to you in  
23 2015 about his family background and his youth?

24 A Yes.

25 Q And did he reveal to you or claim to you that he

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1 had been sexually molested at some point?

2 A Yes.

3 Q Can you describe what he relayed to you?

4 A He related that his aunt sexually molested him, she  
5 fondled him and became -- and she did -- that's what he --  
6 yes, that's what he said.

7 Q Now, yes or no because I don't want to talk about  
8 the (indiscernible) conduct, did he talk to you about someone  
9 named Sharina Parker?

10 A Yes.

11 Q Did he -- what did he describe to you about her?

12 A That they had a relationship. That she was older  
13 than him. They met at a gas station and began flirting. He  
14 initially didn't call her. He ran into her again, she wanted  
15 him to call her. He called her. They began having intimate  
16 sexual relationship.

17 Q Did Rodrick talk to you about his mother growing  
18 up?

19 A Yes.

20 Q Did he view her as a stable parent figure in his  
21 youth?

22 A It was mixed. It was mixed. He was -- certainly  
23 loved his mother. One of the words he used was now she's  
24 perfect, but he -- at the time he felt a little bounced  
25 around. He felt a little abandoned. He felt he was

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1 placed -- his mother left and left him with grandparents, and  
2 he described that as, quote, hell.

3 Q Would it be unexpected for a 16-year-old boy to  
4 take up with an older woman who perhaps maybe provided some  
5 stability, would that be expected for Rodrick or unexpected;  
6 what would you think?

7 A I didn't view it that way.

8 Q Okay. That's fine.

9 A I didn't view it as that she was providing  
10 stability. I viewed it that she was providing a high risk  
11 reckless -- reckless impulsive lifestyle where he was having  
12 sex with an older woman and doing drugs with her.

13 Q Okay. And to you is that demonstrative of his  
14 immaturity at the time?

15 A Yes.

16 Q And my -- can Rodrick be rehabilitated?

17 A I think so.

18 Q Is he on the road to rehabilitation?

19 A I think so. I think there are some factors that  
20 are demonstrable that go towards a good prognosis for  
21 rehabilitation. His -- starting with his mental status, his  
22 mental status is within normal limits. He's not psychotic.

23 Q What sort of plan would you recommend for Rodrick?

24 A I'm sorry?

25 Q What sort of rehabilitation plan would you

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1 recommend for Rodrick?

2 A Upon release or in the jail?

3 Q Moving towards release.

4 A Work skill development, a reentry program, learning  
5 how to cope with money, learning how to cope with  
6 relationships, learning how to develop relationships in a new  
7 way, learning about the responsibilities of parenting,  
8 developing pro-social solutions to problems, learning the  
9 value of work. I mean, he's young, he never really worked.  
10 So there are a number of reentry programs, some affiliated  
11 with prisons and some not. Baker County Correctional  
12 Institute has one that's affiliated with it. New Hope in  
13 Jacksonville is a reentry program. And basically it's a  
14 comprehensive -- it's teaching all the skills that he doesn't  
15 have or didn't learn. So he's capable of learning those  
16 skills because his IQ is not intellectually disabled. His  
17 mental status is within normal limits, not psychotic, that  
18 doesn't stand in the way. He appears motivated. So those  
19 are the -- those are the pro -- those are the pro-factors.  
20 He has to overcome his history, and so some therapy to deal  
21 with that and why -- some of his feelings about that. And  
22 the hope is that there are protective factors, and protective  
23 factors are supportive family, maybe a program.

24 So when I look -- from a psychological perspective  
25 when I look at the potential for rehabilitation, I look at

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1 historical issues, and those are problematic. He has to deal  
2 with his history. I look at clinical issues, and that's not  
3 problematic, that gives a good prognosis. And then I look at  
4 what we call protective factors, and that's something that  
5 could be put in place. So something to deal with his  
6 history, looking at that, looking at the problems he had and  
7 the things he did, and then -- so we don't need therapy to  
8 deal with psychosis or medication or anything like that, so  
9 the clinical issues are intact. And then to make sure there  
10 are protective factors intact, job relationships, and knowing  
11 how to enter into relationships so he doesn't get involved in  
12 the same kinds of relationships that he had been in. And it  
13 being a very supervised -- a very supervised -- well, a  
14 supervised release, I mean --

15 Q Okay. I just have one last question for you.

16 A Yeah. Sure.

17 Q In terms of 16-year-old Rodrick's ability to  
18 appreciate the criminality of his conduct, his culpability,  
19 would you rate Rodrick's culpability for the offense at 16  
20 years of age as -- compared to an adult similarly situated as  
21 less culpable, equally culpable, or more culpable?

22 A Less culpable, but nonetheless culpable.

23 MS. LINNEN: Okay. Thank you.

24 That's all I have, Your Honor.

25 THE COURT: All right, Ms. Linnen, thank you.

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1 Mr. Lewis.

2 MR. LEWIS: Thank you, Judge.

3 CROSS EXAMINATION

4 BY MR. LEWIS:

5 Q Doctor, good afternoon --

6 A Afternoon.

7 Q -- or morning still.

8 A Morning, I'm sorry.

9 Q Did you review any of the depositions in this case?

10 A I believe I did review a deposition.

11 Q Which deposition is that, sir?

12 A I'm trying -- I'm trying to do it from memory. I  
13 don't recall. I thought -- it was either a deposition or a  
14 hearing.

15 Q Well, you need to tell me, I don't know, because I  
16 remember in our depo that I took of you you said you didn't  
17 review any depositions.

18 A I think you could be right. I thought it was -- I  
19 may have just misspoke. I thought it was a hearing that I  
20 reviewed, transcript of a hearing.

21 Q Do you have it with you to look at, sir?

22 A Yeah. It will take a second to find it.

23 Q Okay. Take your time.

24 A A minute or two. I'm not easily finding it. I  
25 don't know what the -- maybe it's in this file. I have two

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1 different files.

2 Q If you don't have it, that's fine, sir.

3 A I have -- I have what's -- I'm trying to see what  
4 this is. This is a case summary, I'm sorry.

5 Q Okay. So would it be fair to say you've reviewed  
6 no depositions in this case?

7 A Yes. That would be fair, yes, sir.

8 Q You haven't talked to any of the detectives?

9 A No. No.

10 Q You haven't reviewed any statements of anybody  
11 except for Mr. Williams, correct?

12 A That's correct. And this case summary.

13 Q Right. Right. But you never -- you didn't review  
14 any statement -- who gave you that case number summary?

15 A I believe it was Ms. Quetti.

16 Q Okay. So you're not even relying on anything  
17 that's official, you're relying on what's been provided by a  
18 defense attorney, correct, as a case summary?

19 A Yeah. I'm trying to see who -- yes. Yes.

20 Q Okay.

21 A I just wanted to see who -- whether it was signed  
22 by anyone.

23 Q Did you review Mr. Henderson's, who's a  
24 co-defendant, eight-hour statement in this case?

25 A No.

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1 Q So you don't have any insight from his providing  
2 information about what happened in the case; is that correct?

3 A That's correct.

4 Q Did you review Sharina Parker's multiple statements  
5 that she gave to the police in reference to this case?

6 A No.

7 Q So you're basing your opinion solely on what  
8 Mr. Williams told you and your reviewing his statement, not  
9 taking into account what Ms. Parker said in her statements,  
10 correct?

11 A Somewhat. I'm not -- I'm not -- I didn't take what  
12 Ms. Parker said into account, but I'm not basing it solely on  
13 what he told me, I also gave a battery of psychological  
14 testing and interviewed and assessed things, so --

15 Q Right.

16 A But -- but -- but it's -- but it's him, yes.

17 Q Well, the final question asked to you was his  
18 culpability, was it less culpable, more culpable or I guess  
19 greater culpable, my question to you is you haven't reviewed  
20 this case fully to know every specific articulable fact from  
21 the case, have you?

22 A Yeah, but I'm not doing it from a legal  
23 perspective. I assumed that the question was from a  
24 psychological perspective, not from -- I can't make a  
25 judgment, that's the Court's decision whether he was more or

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1 less culpable based on the facts of the case.

2 Q Well, let ask it this way: If you had a situation  
3 where you had a statement from somebody, and I'm going to  
4 give a hypothetical, where that individual takes a saw and  
5 chops someone up into 15, 20 pieces, you couldn't use that in  
6 your decision making to determine culpability on the part of  
7 somebody?

8 A I'm not sure. I'm not even sure I understand what  
9 you're asking me to tell you the truth.

10 Q Well, let me ask this: Have you reviewed Michael  
11 Rivers' testimony from the trial who indicated he spoke to  
12 your client, so some more of your client's statements -- not  
13 your client, but Ms. Linnen's client or the Defendant?

14 A No.

15 Q Okay. So would it surprise you to find out that  
16 Mr. Rivers indicated that your client or the Defendant is the  
17 one who actually took a gun out, walked up to a trunk and  
18 shot the victim twice in his chest?

19 A I'm sorry, we're talking about different things.

20 Q Well, we're here today for you -- you're making a  
21 decision about his culpability, you said he's less culpable  
22 than adults, that's what the question was.

23 A I'm providing information to the Court on  
24 culpability from a psychological basis, not from a factual  
25 basis. My task is not a trier of fact or an interpreter of

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1 fact, that certainly is the task of the Court, and the Court  
2 does it much, much better than I would. What I answered -- I  
3 answered a very specific question in a very specific manner  
4 based upon my expertise, which is psychological.

5 Q Well, can I ask a question --

6 A And so -- and so --

7 Q I --

8 THE COURT: Let him finish.

9 THE WITNESS: And so when I talk about his  
10 culpability, I'm talking about what I perceive to be  
11 his -- the way he thinks about things from a  
12 psychological perspective. And at the time of the  
13 offense it is my opinion that he has less culpability  
14 because of a variety of factors, which include his IQ,  
15 his brain development, his immaturity, his impulsivity,  
16 his recklessness, his inability to delay gratification,  
17 those sorts of things. I'm not -- I can't argue or  
18 discuss with you something that's not in my area of  
19 expertise, which is very narrow and which just provides  
20 the Court with information so the Court can make a  
21 decision about sentencing, and I would never presume  
22 that I was making a decision about sentencing.

23 What I can provide and attempt to is a reasonable  
24 to the extent of my psychological certainty of whether  
25 he's culpable, whether he -- how he functions, whether

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1 he's rehabilitatable, and certainly there can be  
2 disagreements from a different perspective, for example,  
3 from the legal perspective or from the factual basis,  
4 and I rely on the Court to weigh the psychological  
5 evidence and information versus the factual evidence and  
6 information, and I don't attempt to do that.

7 BY MR. LEWIS:

8 Q I guess I'm slightly confused because to me you're  
9 an expert who relies on facts to -- or information to make  
10 your psychological assessment, correct?

11 A Somewhat, yes.

12 Q Right. Well, you can't do it without it otherwise  
13 you'd --

14 A That's not true. That's what you're saying.  
15 That's not what I'm saying.

16 Q Could you just walk in here and look at  
17 Mr. Williams and say based on looking at him without  
18 reviewing any information or reviewing anything I can tell  
19 you this, can you do that, or would that be just speculation  
20 on your part?

21 A No, it would be absurd actually --

22 Q Right.

23 A -- but -- but --

24 Q I just want to ask you --

25 A -- but I can -- can I answer?

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1 THE COURT: You keep wanting to not let him answer,  
2 I want to hear the whole --

3 MR. LEWIS: But he doesn't answer the question,  
4 Judge, he just puts his own --

5 THE COURT: Then ask it differently after he  
6 answers, okay. Maybe be more precise.

7 THE WITNESS: But I can talk about Mr. Williams'  
8 psychological make-up, his mental status and a variety  
9 of other things, I can't talk about whether he even did  
10 the crime to tell you the truth.

11 BY MR. LEWIS:

12 Q More importantly you're making it about his  
13 impulsivity, correct, you said something about that, correct,  
14 you're testifying here --

15 A I did, yes.

16 Q Okay. So clearly I just want to focus on  
17 impulsivity for a second.

18 A All right.

19 Q Would you not agree that if you had every fact or  
20 reviewed every fact you might be able to apply that  
21 impulsivity to him specifically more carefully?

22 A I'm not sure I comprehend what you're saying.

23 Q Okay. So if I gave you all the facts in the case  
24 would you not be able to apply your assessment of impulsivity  
25 on his part specifically to him to what happened in this

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1 case?

2           A     You're trying to make me something I'm not. First  
3 of all -- please let me answer the question, you asked me a  
4 question, I'm trying to answer it, you may not like the  
5 answer, I'm sorry. First of all, you couldn't provide me  
6 with all the facts. You could provide me with some of the  
7 facts, most of the facts. I'm not a trier of fact. I'm very  
8 clear about that. I mean, I can't imagine how clear I am  
9 about that. I teach it. My task is not to weigh the factual  
10 basis, that's been decided. That's been decided by a court  
11 based upon testimony of people who have factual information.  
12 I'm attempting in a small way to provide the Court with the  
13 psychological information regarding Mr. Williams, period,  
14 that's it. You may want to believe that I could do it  
15 differently, and I may have a different opinion of whether I  
16 could do it differently, but then we just disagree.

17           Q     Okay. So let's ask -- I'm going to make it very  
18 crystal clear.

19           A     I thought you had been.

20           Q     Okay. Impulsivity, what specifically are you  
21 saying about that incident that occurred was impulsive on his  
22 part?

23           A     I'm saying that in general in everything he did and  
24 does he was impulsive, and it just relates to his state of  
25 mind at the time of the offense and his age at the offense

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1 and how he viewed everything, the acts. He was an impulsive  
2 16-year-old child.

3 Q So you're not here today to testify or nor can you  
4 testify because you don't have the factual background to do  
5 that to say that specifically in this instance, this case, he  
6 was impulsive with the crime that was committed, you're  
7 saying in general, right?

8 A No. I'm saying from the best of my psychological  
9 certainty based upon his psychological make-up, based upon my  
10 evaluation of same that he was more likely than not to be  
11 impulsive in almost everything he was doing, including the  
12 offense.

13 Q But you didn't review any of the depositions, none  
14 of the trial transcript, none of the statements, none of  
15 the -- I guess any of the witnesses' statements, any of the  
16 co-defendants' statements, you didn't review any of the text  
17 messages, you didn't review any of the other information, but  
18 you're making the statement here today that his impulsivity  
19 because he's 16 he was impulsive, that's what you're  
20 saying --

21 A No.

22 Q -- without those facts?

23 A Wrong. I'm saying because he is who he is or was  
24 and based upon my evaluation of him at the time I relate it  
25 to the fact that he was 16, and I relate it -- I relate it to

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1 the fact that his brain was not fully developed, and I relate  
2 it to the fact that his personality was fully -- not fully  
3 developed, but to answer your question I didn't do any of  
4 that.

5 Q Right. You didn't do any of that, correct?

6 A I didn't think I needed to. I still don't.

7 Q Okay. I understand your position you don't think  
8 you do, sir.

9 A Well, but it is my expertise, not yours.

10 Q Well, that's what you're here to claim. You've  
11 been qualified.

12 A I'm not -- I'm not claiming anything.

13 THE COURT: Okay. Let's stop the debate about  
14 credentials at this point. I've already said Dr.  
15 Bloomfield can give opinions, let's go on.

16 MR. LEWIS: Yes. Yes, Judge.

17 BY MR. LEWIS:

18 Q And you took him at his word for most things; is  
19 that correct? You didn't talk to his mother?

20 A You're asking me two questions.

21 Q Did you talk to his mother?

22 A No.

23 Q Did you talk to the mom of his child?

24 A No.

25 Q Did you talk to any of his friends and family?

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1 A No.

2 Q Did you talk to any of the detectives who  
3 interviewed him?

4 A No.

5 Q So outside of talking to just him and Ms. Linnen  
6 you have spoken to no one else specifically about him?

7 A That's right.

8 Q Okay. How old was he -- and it was glossed over,  
9 but he told you he was molested at what age?

10 A Young. Between 10 and 12.

11 Q That's -- okay. Do you remember giving a  
12 deposition in this case, sir?

13 A Yes, I do.

14 Q Okay. Do you have a copy of it there?

15 A No.

16 Q I'm going to refer you to page 22.

17 A Okay.

18 Q Do you have any notes that may give you better  
19 insight?

20 A Yes.

21 Q Would you like to review those before I show you  
22 your deposition, sir?

23 A Sure. Six to ten years old.

24 Q Okay. So --

25 A And -- yes, six to ten years old by an aunt who is

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1 eight years older than he.

2 Q Correct. So it was six to ten, not ten to  
3 twelve --

4 A Yes.

5 Q -- or twelve to thirteen like his mother said it  
6 would have been?

7 A This is what he said.

8 Q Right. So you didn't follow-up and check with his  
9 mother on that stuff, correct?

10 A Check with his mother?

11 Q Or talk to her about it?

12 A No.

13 Q Okay. Mr --

14 A No, I didn't talk to his mother about anything  
15 actually.

16 Q Precisely, I know.

17 A I know.

18 MS. LINNEN: Your Honor, I actually object because  
19 this is protected by patient confidentiality. It's not  
20 whether -- Dr. Bloomfield without Rodrick's consent is  
21 not free to go talk to his mother or anyone else about  
22 what is disclosed to Dr. Bloomfield.

23 MR. LEWIS: I disagree. It's open game. He's  
24 putting it as a mitigating factor in his case. He can't  
25 claim that it's confidential and then come in here --

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1 MS. LINNEN: In court. In court we are.

2 THE COURT: Right this minute. Right this minute.  
3 Okay. I heard the question, he said he didn't talk to  
4 her, that I know -- okay. Move on.

5 MR. LEWIS: Yes, sir. I was moving on. Just  
6 responding. I'm sorry.

7 BY MR. LEWIS:

8 Q You would agree the older you get the harder it  
9 gets to rehab someone?

10 A Yes.

11 Q And in Department of Corrections generally he's --  
12 all those treatments you talked about, he's not going to  
13 receive those; is that correct, sir?

14 A Probably not.

15 Q In your experience he probably won't?

16 A Yeah. In my experience probably not, yeah.

17 Q Mr. Williams knew why you were coming to see him;  
18 is that correct, Dr. Bloomfield?

19 A Probably.

20 Q Okay. So he was aware that you were there to  
21 assist him in his mitigation in this case?

22 A Mitigation, most likely, and I explained it to him,  
23 so, sure.

24 Q Okay. And you obviously are paid for your  
25 services; is that correct, sir?

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1 A Yes, I am.

2 Q Okay. And --

3 A I'm paid by the JAC.

4 Q But hired by this --

5 A Retained by Ms. Linnen, but --

6 THE COURT: Don't forget, I did enter an order on  
7 this, I do know how this works. Okay. Move on.

8 MR. LEWIS: Yes, Judge. Yes, sir. I don't have  
9 any other questions, Judge. Thank you.

10 THE COURT: Thank you. Ms. Linnen, any additional  
11 questions?

12 MS. LINNEN: Just a couple of quick follow-up, and  
13 I'll be brief.

14 REDIRECT EXAMINATION

15 BY MS. LINNEN:

16 Q Now, when you evaluated him in 2010, you just  
17 didn't walk in and look at him, did you apply some tests,  
18 administer some tests?

19 A Yes, I did. Sure.

20 Q And just without -- because we didn't go into that  
21 on direct, is that how you came to the conclusion through  
22 these tests that Rodrick was impulsive, et cetera?

23 A Yes. And a structured interview.

24 Q Okay. And also is that just -- these things, are  
25 they generally known about 16-year-old boys and 16-year-old

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1 brain development in general?

2 A Both, both generally, and the protocol is pretty  
3 specific on how to evaluate someone.

4 Q Okay. So were you there for the offense?

5 A No.

6 Q Okay. Was -- the detectives, were they there for  
7 the offense?

8 A As far as I know, no.

9 Q And as far as you know was Rodrick's mother there  
10 for the offense?

11 A As far as I know, no.

12 Q So was there any benefit in speaking to them?

13 A I didn't believe there was. If there was -- had  
14 been a benefit, I would have requested of his counsel at that  
15 time or you to do that, but I didn't see the benefit. I  
16 mean, I could be wrong, but I didn't see a benefit.

17 Q Now, the co-defendants, presumably they would have  
18 been represented by counsel; is that what you presume?

19 A I would assume, yes.

20 Q And would you be able to interview them without  
21 their counsel's permission?

22 A Typically not.

23 MS. LINNEN: Okay. That's all I have, Your Honor.

24 Thank you.

25 THE COURT: All right. Thank you.

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1 Anything else, Mr. Lewis?

2 MR. LEWIS: Just real fast.

3 RE CROSS EXAMINATION

4 BY MR. LEWIS:

5 Q The co-defendants, did you inquire if they were  
6 already sentenced years previously?

7 A No.

8 Q So you didn't inquire, you didn't want to talk to  
9 them, you didn't inquire about that? It wasn't that that was  
10 a concern of yours and they were represented by a lawyer,  
11 correct?

12 A No.

13 MR. LEWIS: Okay. Thank you.

14 THE COURT: May Dr. Bloomfield be excused?

15 MS. LINNEN: Yes.

16 MR. LEWIS: Yes, sir. Thank you, Judge.

17 THE COURT: Have a good day. Thank you.

18 (Witness excused.)

19 THE COURT: Ms. Linnen, did you have any other  
20 witnesses?

21 MS. LINNEN: I do not, Your Honor.

22 THE COURT: All right. Mr. Lewis, do you have any  
23 witnesses that you wish to call?

24 MR. LEWIS: Yes, Judge. Ms. Redding.

25 THE COURT: Okay. Ms. Redding, would you come up,

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1 please. Ms. Redding, if you would come up to this  
2 chair, please, and raise your right hand.

3 Madam Clerk.

4 THE CLERK: Do you solemnly swear or affirm the  
5 testimony you're about to give is the truth, the whole  
6 truth, and nothing but the truth?

7 THE WITNESS: I do.

8 THE COURT: Okay. If you'd put your hand down.  
9 Would you state your name, please.

10 THE WITNESS: Mildreda Redding.

11 THE COURT: Mildreda?

12 THE WITNESS: Mildreda.

13 THE COURT: Would you spell it, please.

14 THE WITNESS: M-I-L-D-R-E-D-A.

15 THE COURT: All right. Thank you, Ms. Redding.  
16 You may inquire, Mr. Lewis.

17 MR. LEWIS: Thank you, Judge.

18 DIRECT EXAMINATION

19 BY MR. LEWIS:

20 Q Ma'am, can you tell the Judge how you're related to  
21 Mr. Brookins, the victim in this case.

22 A He was my son.

23 Q Can you tell us his full name.

24 A James Vincent Brookins.

25 Q How old was he when he was murdered?

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1           A     Forty-five.

2           Q     Tell us -- I know there's a lot of other family  
3 members, and I had spoke to you about maybe just synthesizing  
4 or you relaying all the information, can you tell us a little  
5 bit about his background and his family life and a little bit  
6 about that, ma'am.

7           A     Yes. I was a single parent, and I raised him with  
8 the help of my mom and my sisters. Vincent went through  
9 college. He was -- he went through dent -- he was a dentist  
10 technology -- dental technology and jewelry designer. As  
11 his -- as the economy changed and things got stressful, he  
12 began to make gold teeth, and that brought him into contact  
13 with a lot of people that I thought was -- he didn't need to  
14 be dealing with, and I dealt with -- I advised him on a  
15 regular basis not to deal with them. I spent a lot of time  
16 and a lot of money trying to instill in him good values and  
17 education.

18                   He had nine children, and at the time one was not  
19 born yet. The latter two don't have any memory of him at  
20 all. The baby will be six this year, and she's never met  
21 him. All four of his boys were all teen-agers at the time,  
22 and since his death I've had to draw close to them and try  
23 and keep them on the straight and narrow because they don't  
24 have his influence. I spend a lot of time with them trying  
25 to help them understand not having their father with them. I

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1 have two, one that's 10 and one that's 14 that's -- they  
2 going to psychiatric treatment since their father was killed.

3 My sisters helped tremendously in rearing Vincent,  
4 so -- we called him Vincent, so they've all felt like  
5 additional moms instead of aunties. I have six sisters. My  
6 mom passed away in '88, and on her death bed she asked him to  
7 hold the younger generation together, so all of his little  
8 cousins and stuff, they called him big Cuz, and they  
9 gravitated towards him on a regular basis, so we all miss and  
10 love him more than I can ever explain.

11 Q Was Vince -- he was -- participated with his  
12 children and he was active in their life; is that correct?

13 A He was.

14 Q And even though there may have been -- you know,  
15 several of them had different mothers, did he still provide  
16 child support and assist in taking care of the children?

17 A He did. He had one of them living with him at the  
18 time.

19 Q How has the loss of Vince affected you  
20 specifically, ma'am?

21 A Vincent was my only child. We were very close, so  
22 there's a void in my life. It's taken a toll on my health.  
23 I been in and out of the hospital more since his death than  
24 I've ever been in my entire life. There isn't a day that I  
25 don't think about him or miss him.

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1           Q     And I know you're a pretty religious woman and you  
2 had a chance to sit through everything today; has your  
3 perspective or opinion about what you think should happen to  
4 Mr. Williams changed at all or are you still of the same  
5 opinion knowing -- let me just phrase it this way: That no  
6 matter what the Judge does today, in 20 or 25 years he'll  
7 have a review of his sentence where he can possibly, you  
8 know, show the factors where he could get out; what is your  
9 opinion about what the Judge should do to sentence him?

10          A     I didn't know nor do I know Rodrick, okay. I know  
11 from my grandkids, the boys, that they knew him because he  
12 came to my son's shop on a regular basis, and they knew him.  
13 And I know that my son tried to help him. And in view of  
14 what Vincent did to try and help him get his life  
15 straightened out and he could do this to my child, I don't  
16 think my opinion would ever change. I don't think that a  
17 person could -- and I may be wrong, I stand to be corrected,  
18 but I don't think that a person could consciously do  
19 something to someone that they know and supposed to respect  
20 is going to change. I think that's in them.

21                     And, Your Honor, if I can say something, I don't do  
22 anything to --

23                     THE COURT: Wait a minute. Wait a minute. I'm  
24 not -- I think you need to answer a question. I can't  
25 just let you start talking, okay.

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1 THE WITNESS: I'm sorry. Mr. Lewis --

2 BY MR. LEWIS:

3 Q It's kind of my last question, is there something  
4 else additional that you think is relevant to tell the Judge?

5 A Yes.

6 Q Okay.

7 A I don't -- I don't know how to say this. I think  
8 that in view of his children, I've talked to all of them, his  
9 children feel that Rodrick should not be released for what he  
10 did because they never get a chance to see their dad again.  
11 They loved him, too. And they asked me to stress the point  
12 that they miss and love their father, and it's not fair for  
13 him to be released to enjoy his child when they can't enjoy  
14 their father anymore.

15 MR. LEWIS: Thank you, ma'am.

16 No other questions, Judge.

17 THE COURT: Ms. Linnen, do you have any questions?

18 MS. LINNEN: No, sir.

19 THE COURT: Okay. Thank you.

20 Okay. Thank you.

21 THE WITNESS: Thank you.

22 (Witness steps down.)

23 THE COURT: Do you have any other witnesses,

24 Mr. Lewis?

25 MR. LEWIS: I do not, Judge.

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1 THE COURT: All right.

2 Okay. Ms. Linnen, did you have a chance to review  
3 the presentence investigation that was prepared by  
4 Department of Corrections?

5 MS. LINNEN: Yes, Your Honor. We have no  
6 objections or corrections to it.

7 THE COURT: Okay. Mr. Lewis, same question?

8 MR. LEWIS: Yes. I've reviewed it, sir, yes, sir.

9 THE COURT: Okay. All right. Counsel, positions?

10 MS. LINNEN: Your Honor, I prepared a sentencing  
11 memorandum. I'm passing one to Mr. Lewis right now.

12 THE COURT: All right.

13 MS. LINNEN: One for you as well. And it details  
14 the factors in the new sentencing statute. But just  
15 from an overall perspective I don't know what else to  
16 say other than this kid didn't have a chance. We heard  
17 today about his single mother, about drugs and violence  
18 and sexual molestation and excessive punishment and lack  
19 of supervision, his low IQ, his tender age, how snitches  
20 are viewed in the neighborhood. But what I haven't been  
21 able to present to you today was someone -- some of us  
22 have a really fond memory of a family member or a  
23 teacher or someone who stepped into our lives and said  
24 you're going down the road -- wrong road, let me get you  
25 back on track, and I haven't been able to present that

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1 to the Court today because I wasn't able to find one.  
2 It didn't happen for Rodrick Williams. There wasn't  
3 someone to stand up to Rodrick to give him some  
4 supervision and say straighten up or you are going to  
5 prison or worse. There wasn't someone to tell Rodrick  
6 that they loved him or that they were proud of him or  
7 that he did good. And certainly when he messed up,  
8 because all teen-agers do, there wasn't anyone to pick  
9 him up and say, Rodrick, you messed up and I'm mad at  
10 you, but I love you anyways. There was not that figure  
11 for this young man. So when we look at a kid without  
12 that person and all the circumstances of his youth, he  
13 didn't have a chance.

14 And if we could briefly go through the factors  
15 under the new sentencing statute, which is on page two  
16 of the memo. That's section 921.1402, the nature and  
17 the circumstances of the offense. This Court's well  
18 apprised of the facts, but I do want to point out that  
19 Sharina Parker was 32 years old. Harry Henderson was 32  
20 years old. And Rodrick Williams was 16 years old. He  
21 was the child here.

22 Sharina Parker directed this entire operation. It  
23 was Sharina Parker and Harry Henderson who were upset  
24 that the victim had robbed them. It was Sharina Parker  
25 and Harry Henderson who wanted access to the victim's

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1 safe. And it was Sharina Parker and Harry Henderson who  
2 wanted revenge on the victim.

3 Sharina directed Harry and Rodrick, according to  
4 the State's case, to keep the victim at the trap house  
5 and then to beat him. It wasn't Rodrick's idea,  
6 accepting the State's case as true, to load the victim  
7 in the trunk and to drive him down here to St. Johns  
8 County.

9 So the effect on the victim's family and the  
10 community, we just heard from Ms. Brookins, and I think  
11 that stands for itself. Obviously factor (c) is his  
12 age, maturity, intellectual capacity, and mental and  
13 emotional health at the time of the offense. He was 16  
14 years old with a sixth grade education and an IQ of 82.  
15 His verbal comprehension score was just 80, which means  
16 that 91 percent of the population could comprehend  
17 verbal statements better than Rodrick.

18 Factor (d) is his background. We've talked much  
19 about that today about the crime-ridden, drug-infested  
20 neighborhood that he grew up in, about the excessive  
21 punishment, his mother's drug issues, and being molested  
22 by his own family members.

23 The effect of his immaturity, impetuosity, or  
24 failure to appreciate the risks and consequences on his  
25 participation in the offense. That is factor (e).

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1           Again, as Dr. Bloomfield testified, Rodrick's brain was  
2           not fully developed. He was not fully capable of  
3           accurately weighing the long-term consequences against  
4           short-term gains, and he was very susceptible to peer  
5           pressure, especially as being viewed as a snitch. In  
6           fact, in a statement to Detectives Hines, and this is on  
7           the trial transcripts at page 222 and 228, Rodrick  
8           expresses to Detective Hines that he doesn't want to be  
9           perceived as a snitch in the neighborhood. He says, and  
10          I quote him, if you talk, you get killed, you  
11          understand, that's the way it is. And he also told  
12          Detective Hines that he was afraid that Harry Henderson  
13          and Sharina Parker would kill him if he didn't comply.  
14          So that's factor (e), which is the effect of peer  
15          pressure on the defendant's actions.

16                 It is to be noted also that Rodrick as a  
17          16-year-old child was in a sexual relationship with a  
18          30-year-old woman. Again, that is the effect of Sharina  
19          told him to do this. Sharina said keep the victim at  
20          the trap house. Sharina orchestrated this entire  
21          offense.

22                 Now, the (h) factor is the effect of Mr. Williams'  
23          youth on his judgment. And we talked about that in  
24          length with Dr. Bloomfield so I won't go through it  
25          again today -- or now, and the possibility of

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1           rehabilitating Mr. Williams. Dr. Bloomfield testified  
2           that his potential for rehabilitation is good. Warden  
3           McAndrew testified that Rodrick's got a good chance,  
4           that the main factor here, of course, is that Rodrick's  
5           young and he still has the ability to conform his  
6           behavior. That youth makes him a good candidate for  
7           rehabilitation and thus a lengthy prison sentence is not  
8           necessary to protect the public.

9           The statute always -- or also lets the Court look  
10          at other factors, and those I have listed under (j).  
11          Rodrick's remorseful, and he expressed remorse back in  
12          2010. He told Detective Hines that his victim -- the  
13          victim's death, and I quote him, hurt me to my soul. To  
14          my soul. That is in the transcript on page 235. And as  
15          we stand before you today, Mr. Williams is still  
16          remorseful. And I expect him to address the Court after  
17          we finish with argument.

18          Demonstrated maturity. He is now six years older  
19          and six years removed from the offense. He's working.  
20          He's learning a skill. And he's learning about how to  
21          be a father. And he's strongly bonded with his  
22          five-year-old daughter. He has no known gang  
23          affiliation, and that is significant given that  
24          Mr. Williams is six-foot two and 185 pounds, I believe  
25          is what the presentence investigation listed me at --

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1 listed him at. He's also an African-American male. In  
2 coming from someplace like Hamilton where gangs were a  
3 problem, that is significant that he has managed to stay  
4 away from gangs.

5 The cost of incarceration is not a statutory  
6 factor, but I did want the Court to consider it.  
7 Under -- the Department of Corrections estimates the  
8 yearly cost of incarceration to be per inmate roughly  
9 \$18,000, and if we multiply that out over 50 years,  
10 which is the current sentence on Count II, then the  
11 total expense is \$900,000 to the taxpayer, and that's  
12 just unnecessary expense to the taxpayer to protect  
13 them.

14 The final one is proportionality, which the Eighth  
15 Amendment does require. Sharina Parker, again,  
16 orchestrated this entire offense, and she acted as the  
17 puppeteer for both Mr. Williams and for Harry Henderson.  
18 She was sentenced to 30 years imprisonment.

19 Harry Henderson openly pled guilty and this Court  
20 sentenced him to life imprisonment on both counts. He  
21 was 32 years old at the time of the offense, not a young  
22 kid like Mr. Williams.

23 Rodrick's inability to regulate his actions, his  
24 immaturity, his impulsivity render him less deserving of  
25 the punishments that Sharina Parker and Harry Henderson

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1 received.

2 And finally, Your Honor, we spent a lot of time  
3 talking about the bad things in Rodrick's life, but I  
4 want to point out the good things, the things that  
5 Rodrick has in his favor. Going forward I want this  
6 Court to know and I want Rodrick Williams to know that  
7 he is worth more than the sum of his past mistakes, that  
8 he has the will and the ability and the motivation, that  
9 little girl is quite the motivation, I'm sorry she  
10 couldn't be here today, to turn his life around, and so  
11 I would ask this Court, I would ask this Court not to  
12 sentence Rodrick to spend the rest of his life in  
13 prison. Thank you.

14 THE COURT: All right, Ms. Linnen, thank you. Did  
15 Mr. Williams want to say anything before I let Mr. Lewis  
16 speak?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: All right. Mr. Williams.

19 THE DEFENDANT: I mean, is it all right if I  
20 address the family first, Your Honor?

21 THE COURT: You can address them by talking to me.  
22 I don't know if they want you to turn around and talk to  
23 them directly. That's something I'm not sure they do,  
24 so just tell me or say it -- say what you want to say to  
25 them, but look at me as you're saying it. It may be

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1 hard, but I think it's, you know, concerning.

2 THE DEFENDANT: Well, I would like to begin by  
3 extending my condolences -- I would like to extend my  
4 condolences to the family because I know after six years  
5 that six years is quite awhile, but I know the  
6 unconditional love it can still bring pain when you lost  
7 somebody that's really loved. And I hope that just  
8 because the situation that I'm in and me being the  
9 alleged perpetrator that they don't feel some type of  
10 way about my position and automatically feel as though  
11 I'm guilty. And if they do, I ask that if they -- if I  
12 can't change they mind, that they have forgiveness in  
13 their heart to forgive me if not.

14 I also would like to say to you, Judge, I actually  
15 understand from when the first time when you sentenced  
16 me and gave me all that time. I know beyond a  
17 reasonable doubt if you would've sent me up the road  
18 with 10, 20 years and I know that I would return freely  
19 back my life, I still wouldn't have had this exact  
20 understanding that I got for life now. My whole train  
21 of thought was so different back then. It was like,  
22 okay, well, I'll be home anyway. It didn't mean too  
23 much to me then, but now to know that it ain't no  
24 possible way that I can just keep going all my life just  
25 seeing my daughter through visitations and stuff, stuff

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1           like that, it's just -- it get difficult.

2                     But in order to understand my train of thought, you  
3           would have to place yourself in my position and  
4           understand that I ain't have a normal childhood. And  
5           I'm not saying that everybody did, but compare myself to  
6           the ones who did have a normal childhood, when we was  
7           growing up from ages 1 through 16 the regular American  
8           boy used to dream of going to school, playing  
9           basketball, attending meetings, having girlfriends and  
10          being a doctor or lawyer, teacher or something. When I  
11          was growing up, I used to have the same dreams until  
12          around like seven, eight when all this extra stuff  
13          occurred when I returned back to Jacksonville. My  
14          dreams no longer was to play basketball and stuff like  
15          that because I was an immediate struggle.

16                    Going to school, I used to go to school to learn at  
17          first. After I started getting so much attention from  
18          females, it was just like I got female crazy like it was  
19          already pointed out, but it was the attention that I was  
20          always seeking. I always seeked attention because I  
21          always wanted to be in the spotlight to feel love. Not  
22          saying that I didn't have that love, but it was the love  
23          that I wanted showed to me.

24                    And during all the process of that it was just --  
25          like even today sometimes, sometimes I wake up in the

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1 morning and I just be like, man, it's another day. You  
2 got a dude that's incarcerated with me, this dude may  
3 have two months, other dude got two years, other dude  
4 have 20, and I got a life sentence, but every last one  
5 of those people could actually say I woke up today and  
6 it's a day closer to my freedom. I'm the only one who  
7 wake up every morning and be like it's just another day,  
8 and I gotta make the best of whatever I can. I was  
9 sentenced to life of 50 years.

10 I've encountered some people, even law enforcement,  
11 and we'll be talking, and we'll be hanging out and we're  
12 on a positive note, and they'll be like, kid, what did  
13 you do. Why is you even in here. And I be like, I  
14 don't want to get into that. People like, come on, man,  
15 just tell me. What you -- what, you rob somebody or  
16 something, snatched a purse or something. I be like,  
17 nah, you know what I'm saying, but I don't want to get  
18 into the facts of my case. And then they'll go look me  
19 up and be like are you serious. And the way that they  
20 judge me after that, they just -- some people change  
21 they mind and be like, wow, kid, I don't even want to be  
22 around you no more, but some people will look at me and  
23 say if you did do it, I see the change because that's  
24 one incident compared to all the other things that I  
25 done in life. The good gotta weigh out the negativity.

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1           You gotta -- you gotta go through hell to appreciate  
2           heaven.

3           I felt the pain. And I know other people feel the  
4           pain as well. And I know a life was took. And that  
5           dude was a good dude, and I'm not going to ever refute  
6           that because he was a -- he was a stand-up guy. He  
7           tried to teach me how to do things. Like I was on  
8           probation for a while, he wouldn't even smoke with me,  
9           and we used to always smoke together, he wouldn't even  
10          smoke with me. I remember when I used to try and drink,  
11          and he know I couldn't handle my drink, he wouldn't let  
12          me drink around him. He'd shoo me away from the shop.  
13          Those was the things that I do remember. I remember  
14          this person like my friend. I used to call this man  
15          Uncle Vincent. And I didn't even know his parents, but  
16          I did know his kids. And I used to hang with his kids.  
17          All of us used to hang on a positive note.

18          And it hurt me to find that somebody would think  
19          that I have disloyalty in me to choose a female over my  
20          friends because that is not what took place, but not to  
21          go into details about my case because I am trying to  
22          fight to come back home on appeal. It's not that I  
23          don't have remorse. It's not that I don't feel as  
24          though I should be punished, whether I did or did not do  
25          it, whether I did or did not report the car, but I do

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1           feel like I should still have a chance. It's no need  
2           for two of us to die. Me sitting in prison for the rest  
3           of my life is not going to bring that man back.

4           And I'm not going to sit up here, like I said, to  
5           tell you that, oh, yeah, I should go home today; I  
6           should go home tomorrow; I should have went home last  
7           year, but I do feel as though that I should have a  
8           chance of meaningful opportunity to go home one day and  
9           let me have a chance to be with my child, let me have a  
10          chance to be with my family.

11          I'm the only child as well as he was and still to  
12          this day, I mean, I finally got a positive role model in  
13          my family now, a step-daddy, do everything he can. He  
14          teaching me to be a man as well, and he don't even  
15          realize it from on the inside and the outside. I sit  
16          and I watch and observe how he treat my mother. I sit  
17          and observe how he treat my child. This man ain't know  
18          me from Adam and Eve, he automatically took me in and  
19          took my daughter in as well as my mother. That's a man.  
20          That's the man that I want to become. I learned that  
21          you can't always just judge somebody off the cover or  
22          you can't just judge somebody off a summary of  
23          something, you got to actually get to know that person.  
24          The only thing anybody in here really know me off  
25          besides my family is the paperwork, but they don't know

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1 me as a person. If you got to know me as person, you  
2 would actually give me a chance, I believe, it's my  
3 belief, anyone who does actually have.

4 And at the end of day I just pray that everything  
5 go well for me. And I still pray for forgiveness on  
6 behalf of the family --

7 THE COURT: All right.

8 THE DEFENDANT: -- if they felt I did it or not.

9 THE COURT: Okay. Thank you, Mr. Williams. Okay.  
10 Mr. Lewis.

11 Go ahead and have a seat, please.

12 MR. LEWIS: Thank you, Judge. Not all murderers,  
13 Judge, deserve to be in jail forever. Not all people  
14 who kill people, the circumstances of that murder  
15 necessitate being incarcerated forever. But when you  
16 look at this case and you look at the facts and  
17 circumstances that surrounded it, this is one of those  
18 situations with the brutality, the horror, and just  
19 frankly the horrific nature of what happened that  
20 requires the individual responsible or part of that to  
21 spend the rest of his life in jail. This is a case  
22 where if you were looking at it from a death penalty  
23 analysis to see how many aggravating factors applied,  
24 you would apply four, possibly five aggravating factors  
25 to this case.

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1           Vince was held captive in a home for hours and  
2 hours. He was tortured. He was taped. He was beat.  
3 And he was on the cusp of being killed several times.  
4 This Defendant participated in that. This Defendant was  
5 part of that. Not only did they do that to Vince in  
6 Jacksonville, they decided to put him in the trunk,  
7 drive him 45 minutes down into the middle of the woods,  
8 open a trunk and shoot him several times.

9           I understand Mr. Williams was a child at the time  
10 according to the law, he was 16, but if you look at his  
11 actions that day and you look at what he did, he does  
12 not deserve that mercy. He does not qualify under the  
13 statutory authority.

14           Dr. Bloomfield sat here and he testified that it  
15 doesn't make a difference what happened that day, that  
16 in his opinion generally Mr. Williams lacked the  
17 maturity to be treated as an adult, but I think it's  
18 important if anyone is going to assess what happened on  
19 a specific instance and apply that to the facts you have  
20 to know all the facts. You have to listen to all the  
21 statements. You have to review everything and not turn  
22 a blind eye and say, well, I'm a psychologist, I can  
23 tell you that psychologically this is what it was. I  
24 submit to you, Judge, that that just wasn't a fair  
25 assessment of the situation.

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1           The Defense had Mr. McAndrew come in, and  
2           Mr. McAndrew spent two and a half hours with the  
3           Defendant and he came to the opinion that he's able to  
4           be rehabilitated. I submit to you, Judge, you can't  
5           tell if someone's going to be able to be rehabilitated  
6           until you spent years and years time after time with  
7           them and seen them in a consistent basis in the  
8           community or area they are at, not when you're talking  
9           to them when they know they're going to help you.

10           The factors that apply in this case, Judge, if you  
11           go down those factors and the Court weighs those, the  
12           State believes that the Court would come to no other  
13           conclusion than to sentence Mr. Williams to the life in  
14           prison. The Court has that discretion, and I believe  
15           based on the facts and circumstances of this case along  
16           with the Defendant's mental state and his abilities at  
17           that time necessitate that. Thank you, Judge.

18           THE COURT: All right. All right. Mr. Lewis,  
19           Mr. Linnen, Mr. Williams, will you come up, please.

20           Mr. Lewis, did you prepare a new score sheet?

21           MR. LEWIS: I did not, Judge. In reference to -- I  
22           don't even think a score sheet would be applicable in  
23           this situation, but I'll prepare one for the Court.

24           MS. LINNEN: Your Honor, I have the old score  
25           sheet --

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1 THE COURT: If you have that one, that's --  
2 nothing's changed since then, if I can imagine. Okay.

3 MS. LINNEN: I only have one copy --

4 MR. LEWIS: That's fine.

5 THE COURT: I think I ran one off, too, but let me  
6 see.

7 Okay. And both of you did say you did review and  
8 consider the presentence investigation that was prepared  
9 by the Department?

10 MR. LEWIS: Yes, sir.

11 THE COURT: All right. This will be in the matter  
12 of the State of Florida versus Rodrick D'Anthony  
13 Williams, CF10-1043. Mr. Williams, this is a  
14 resentencing pursuant to the dictate of the Fifth  
15 District Court of Appeal for the State of Florida as to  
16 Count I, and I will also reaffirm in terms of a time and  
17 additional review what I'm going to impose on Count II  
18 for clarification by the -- for the clerks so that they  
19 understand it. It will be a new sentencing packet I  
20 think needs to be sent, and so I want to include both  
21 counts on that sentencing packet.

22 Based on the -- based on the indictment that was  
23 presented in this case and your having been found guilty  
24 after trial at which this Court presided in Count I of  
25 the first degree capital murder charge of first degree

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1 murder with a firearm, and in Count II the first degree  
2 felony punishable by life of kidnapping, it is the  
3 order, judgement, and sentence of this Court that you be  
4 adjudicated guilty of both of those offenses. That as  
5 to Count I that you be committed to the Department of  
6 Corrections for a period of your natural life with the  
7 possibility of meaningful release by way of a review  
8 hearing after 25 years of your incarceration. That as  
9 to Count II that you be committed to the Department of  
10 Corrections for a period of 50 years, that again with  
11 meaningful opportunity for your release after a review  
12 hearing after the -- after a period of 20 years.

13 That those are pursuant to, and the clerk needs to  
14 include this in the -- in the sentencing form, that as  
15 to Count I this is pursuant to Florida statute 775.082  
16 paren b(1), and the review hearing is to be pursuant to  
17 Florida statute 921.1402 paren 2 paren a. That as to  
18 Count II the review hearing is to be pursuant to Florida  
19 statute 775.082(c), and the review hearing is pursuant  
20 to Florida statute 921.1402(2)(d).

21 That you'll pay court costs that have already been  
22 imposed but I'll reiterate them for the purpose of the  
23 record of \$418 court costs. There was a hundred dollar  
24 cost of prosecution. I don't believe any other fees  
25 were assessed other than the Public Defender fees and

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1 costs, which will be reassessed. And I'll deal with --  
2 Ms. Linnen, you'll have to submit a thing to the JAC  
3 regarding this resentencing on that.

4 MS. LINNEN: Yes, sir.

5 THE COURT: But I'll assess the standard costs and  
6 fees regarding that as well.

7 All right. Mr. Lewis, is there anything else that  
8 you feel that the Court needs to address at this time?

9 MR. LEWIS: Nothing further, Judge.

10 THE COURT: Anything else, Ms. Linnen?

11 MS. LINNEN: No, Your Honor.

12 THE COURT: Ms. Linnen, I recognize what was said  
13 today, and it is my hope just because of the way the  
14 statute reads that your client understands he is  
15 entitled to a meaningful review after that period of  
16 time and to take advantage of that opportunity that the  
17 law affords him.

18 You are advised, Mr. Williams, that you do have a  
19 right to appeal within 30 days; you do have a right to  
20 have an attorney assist you in that appeal. If you  
21 can't afford one, I'll appoint one to represent you. I  
22 do need you to step over there, please, and be  
23 fingerprinted. Thank you.

24 All right. Counsel, if that's all there is --

25 MR. LEWIS: Yes, sir.

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1 THE COURT: -- I'm going to excuse you both at this  
2 time.

3 MS. LINNEN: One last matter.

4 THE COURT: Yes, ma'am.

5 MS. LINNEN: Is it possible to get Mr. Williams  
6 transported back to the Department of Corrections?

7 THE COURT: He will be transported back as soon as  
8 the jail's able to arrange that. Believe me, they try  
9 to do that as soon as possible. And I'll have that  
10 done.

11 MS. LINNEN: Okay. Thank you.

12 MR. LEWIS: Thank you. May I be excused, Judge?

13 THE COURT: You may be. Thank you-all.

14 MR. LEWIS: Have a good day, sir. Thank you.

15 THE COURT: Mr. Ferebee, Mr. Morris, Ms. Barger,  
16 I'll be with y'all in about five minutes, okay.

17 MS. BARGER: Yes, sir.

18 THE COURT: Okay. If y'all just wait til they  
19 clear off, take defense table and then we'll go from  
20 there, okay. Thank you.

21 Ms. Linnen, if you don't mind, Mr. Lewis, if you  
22 don't mind, I want to do this, too.

23 MR. LEWIS: Yes, sir.

24 THE COURT: For the record if it were to be  
25 considered that the sentence of 50 years is the

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1 equivalent of a life sentence, I want the record to  
2 reflect that the hearing today covered all the same  
3 topics that a hearing on that count if it were done  
4 separately would have done. And I did -- just so you  
5 both know for the record, I did in imposing the sentence  
6 take that into account in reaffirming the sentence that  
7 I did. But I wanted to make sure that that was not an  
8 issue for you-all both later on. I did -- and I did, as  
9 I indicated to you, Ms. Linnen, previously, the reason  
10 I'm saying that is because I did read and understand the  
11 tables that were presented regarding this, okay, so --  
12 okay. Thank you.

13 MR. LEWIS: Thank you, Judge.

14 THE CLERK: (Indiscernible) to --

15 THE COURT: Oh, you need the sections?

16 THE CLERK: Under Count I.

17 THE COURT: Hang on. Under Count I the statute is  
18 775.082(b)(1).

19 THE CLERK: B like boy?

20 THE COURT: B as in boy, small (b)(1). But the  
21 resentencing is pursuant to 921.1402 paren 2(a), small  
22 a.

23 THE CLERK: And that's as to Count I?

24 THE COURT: That's as to Count I. As to Count II  
25 the statute is 775 --

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1 THE CLERK: (Indiscernible.)

2 THE COURT: Huh? You don't care about that?

3 THE CLERK: No. No. No. No. (Indiscernible.)

4 THE COURT: Okay.

5 THE CLERK: Okay. So under Count II --

6 THE COURT: The statute that I'm dealing with in  
7 terms of re -- is 775.082 paren c, small c. And then  
8 the review hearing is pursuant to 921.1402 paren 2 paren  
9 small d.

10 THE CLERK: I have first two (indiscernible) or is  
11 it just --

12 THE COURT: It's 9402 (verbatim) then paren 2.  
13 See, in other words, the other one was 9401 (verbatim),  
14 this is 9402 (verbatim) paren 2(d). So you have two  
15 twos in a row if you're looking at your --

16 THE CLERK: Okay. And that's after 20 years?

17 THE COURT: And that's after 20 years. Okay.

18 THE CLERK: Pursuant to the statute (indiscernible)  
19 --

20 THE COURT: Yeah.

21 THE CLERK: -- after the review hearing pursuant to  
22 the 921 after 25 years (indiscernible).

23 THE COURT: Yeah. I did this on the score sheet.  
24 I don't know if it's going to help or hurt, but I did it  
25 the way I wanted to do it so you-all can take a look at

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1           it.

2                   Adrian, when you get a chance, give me my notes,  
3           okay.

4                   Mr. Williams, I didn't put it on the record, but  
5           you're going to be given credit for all the time you  
6           have. I just -- they -- DOC has to calculate that out,  
7           okay. They will give you credit for the time that we  
8           have for the jail, but all the time you've been in  
9           they'll give you credit for that. If you run into a  
10          problem with that, ask Ms. Linnen to address it with me,  
11          and I'll be glad to do that, okay.

12                   (Audio ends at 11:18 a.m.)

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## 1 CERTIFICATE OF REPORTER

2

3 STATE OF FLORIDA )

4 COUNTY OF VOLUSIA )

5

6 I, DEBBIE A. SINER, RPR, do hereby certify  
7 that the foregoing pages constitute a true and  
8 complete transcript of the proceedings transcribed  
9 via digital recording by me to the best of my  
10 ability in the aforementioned cause at the time and  
11 place herein set forth.

12 I further certify that I am not a  
13 relative, employee, attorney, or counsel of any of  
14 the parties, nor am I a relative or employee of any  
15 of the parties' attorneys or counsel connected with  
16 the action, nor am I financially interested in the  
17 action.

18 Witness my hand this 10th day of May,  
19 2016.

20

21 S/DEBBIE A. SINER, RPR  
22 Volusia Reporting Company  
23 432 South Beach Street  
Daytona Beach, Florida 32114  
Telephone: (386) 255-2150

24

25

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**IN THE SUPREME COURT  
STATE OF FLORIDA**

**Case No.: SC17-506  
DCA No.: 5D16-1348  
Circuit Case No.: 10-1043CF**

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**RODRICK D. WILLIAMS,**

**Appellant,**

**vs.**

**STATE OF FLORIDA,**

**Appellee.**

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**APPENDIX H**

*Opinion, Williams v. State, 5D16-1348*

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IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

RODERICK D'ANTHONY WILLIAMS,

Appellant,

v.

Case No. 5D16-1348

STATE OF FLORIDA,

Appellee.

\_\_\_\_\_ /

Opinion filed February 10, 2017

Appeal from the Circuit Court  
for St. Johns County,  
J. Michael Traynor, Judge.

Valarie Linnen, Atlantic Beach, for  
Appellant.

Pamela Jo Bondi, Attorney General,  
Tallahassee, and Kristen L. Davenport,  
Assistant Attorney General, Daytona  
Beach, for Appellee.

WALLIS, J.

Roderick D'Anthony Williams ("Appellant") appeals his sentences for first-degree murder and kidnapping. We find that one of Appellant's arguments on appeal warrants discussion. Appellant argues the trial court erred by denying his motion to empanel a jury to make a factual finding as to whether he actually killed, intended to kill, or attempted to kill the victim. We affirm the trial court's denial of Appellant's motion to empanel a jury and

uphold his sentences, but we certify a question to our supreme court as one of great public importance.

In 2010, the State charged Appellant, then sixteen years old, by grand jury indictment with first-degree murder (count 1) and kidnapping (count 2) for his role in the death of James Vincent Brookins (the "victim"), whose body was discovered in the trunk of an abandoned car in rural St. Johns County. With regard to count 1, the State charged Appellant with premeditated first-degree murder, but also included theories of felony murder and accessory to first-degree murder. Ultimately, the verdict form listed only "First Degree Murder," without differentiating between premeditated and felony murder. The jury convicted Appellant as charged, and the trial court sentenced Appellant to life imprisonment with the possibility of parole after twenty-five years on count 1 and fifty years' incarceration on count 2.

Appellant directly appealed his convictions and sentences, challenging several rulings on the admissibility of evidence at trial. While his direct appeal was pending, Appellant filed a Florida Rule of Criminal Procedure 3.800(b) motion to correct his sentence, reasoning that the United States Supreme Court's decision in Miller v. Alabama, 132 S. Ct. 2455 (2012), rendered unconstitutional his life sentence for first-degree murder. Williams v. State, 171 So. 3d 143, 144 (Fla. 5th DCA 2015). Our court agreed with Appellant, reversing and remanding for resentencing under chapter 2014-220, Laws of Florida. Id. at 145. Our court elaborated on its instructions upon remand as follows:

Because the jury did not find that [Appellant] actually possessed and discharged a firearm during the crime, the court must make a written finding as to whether [Appellant] killed, intended to kill, or attempted to kill the victim. Based on

that determination, after holding the individualized hearing, the trial court may sentence [Appellant] to life imprisonment if it finds that life is an appropriate sentence. If the trial court determines that life is not an appropriate sentence, then it should sentence Appellant to a term of at least forty years' imprisonment. Either way, unless [Appellant] has a prior conviction of a felony enumerated in section three of chapter 2014-220, Laws of Florida, arising out of a separate criminal transaction or episode, he will receive a judicial review of his sentence after fifteen or twenty-five years, depending on the court's determination.

Id. (citations omitted).

Upon remand, Appellant moved to empanel a jury, arguing that a jury, not the trial court, must make the determination as to whether he actually killed, intended to kill, or attempted to kill the victim pursuant to Alleyne v. United States, which held that "any fact that increases the mandatory minimum is an 'element' that must be submitted to the jury." 133 S. Ct. 2151, 2155 (2013). The trial court denied Appellant's motion, reasoning that our court in the predecessor case specifically ordered the trial court to make the aforementioned factual finding. After a hearing, the trial court entered an order finding that Appellant actually killed and intended to kill the victim, subsequently resentencing Appellant to life imprisonment with a review hearing after twenty-five years on count 1 and fifty years' imprisonment with a review hearing after twenty years on count 2.

"The legality of a sentence is a question of law and is subject to de novo review." Pinkard v. State, 185 So. 3d 1289, 1289-90 (Fla. 5th DCA 2016) (quoting Flowers v. State, 899 So. 2d 1257, 1259 (Fla. 4th DCA 2005)). The relevant statutory section at issue in this case provides:

1. A person who actually killed, intended to kill, or attempted to kill the victim and who is convicted under s. 782.04 of a capital felony, or an offense that was reclassified as a capital felony, which was committed before the person attained 18

years of age shall be punished by a term of imprisonment for life if, after a sentencing hearing conducted by the court in accordance with s. 921.1401, the court finds that life imprisonment is an appropriate sentence. If the court finds that life imprisonment is not an appropriate sentence, such person shall be punished by a term of imprisonment of at least 40 years. A person sentenced pursuant to this subparagraph is entitled to a review of his or her sentence in accordance with s. 921.1402(2)(a).

2. A person who did not actually kill, intend to kill, or attempt to kill the victim and who is convicted under s. 782.04 of a capital felony, or an offense that was reclassified as a capital felony, which was committed before the person attained 18 years of age may be punished by a term of imprisonment for life or by a term of years equal to life if, after a sentencing hearing conducted by the court in accordance with s. 921.1401, the court finds that life imprisonment is an appropriate sentence. A person who is sentenced to a term of imprisonment of more than 15 years is entitled to a review of his or her sentence in accordance with s. 921.1402(2)(c).

3. The court shall make a written finding as to whether a person is eligible for a sentence review hearing under s. 921.1402(2)(a) or (c). Such a finding shall be based upon whether the person actually killed, intended to kill, or attempted to kill the victim. The court may find that multiple defendants killed, intended to kill, or attempted to kill the victim.

§ 775.082(1)(b), Fla. Stat. (2016).

In Alleyne, the defendant was convicted of robbery with a firearm. 133 S. Ct. at 2156. The applicable sentencing statute prescribed mandatory-minimum sentences of five years for carrying a weapon, seven years for brandishing a weapon, and ten years for discharging a weapon during the commission of a crime of violence. Id. at 2155-56. The jury found that the defendant used or carried a firearm during his offense, but did not find that he brandished or discharged the weapon. Id. However, the trial court nonetheless found that the defendant brandished a weapon during the commission of his offense and

applied the seven-year minimum. Id. The Supreme Court reversed, reasoning that, "[b]ecause the finding of brandishing increased the penalty to which the defendant was subjected, it was an element, which had to be found by the jury beyond a reasonable doubt. The judge, rather than the jury, found brandishing, thus violating petitioner's Sixth Amendment rights." Id. at 2163–64.

Appellant contends that the trial court similarly erred by failing to empanel a jury to determine whether he actually killed, intended to kill, or attempted to kill the victim. Because the affirmative finding in the case at bar increases both the mandatory-minimum from zero years to forty years—if the sentencing court determines that life is not an appropriate sentence—and the time for a sentence review hearing from fifteen years to twenty-five years, Appellant argues this issue must be determined by the jury by proof beyond a reasonable doubt.

Although Appellant's argument initially appears to have merit, we note that our supreme court, under circumstances similar to those in this case, did not direct a jury to make the factual finding as to whether the juvenile defendant actually killed, intended to kill, or attempted to kill the victim. Falcon v. State, 162 So. 3d 954, 963 (Fla. 2015). Rather, the court specifically directed the trial court to make this finding, reasoning that the record did not "conclusively establish this fact" because "the jury did not find [the defendant] to have had actual possession of a firearm during the attempted armed robbery." Id. at 963 n.4.

In light of Falcon, we find that the trial court did not err by denying Appellant's motion to empanel a jury. Our supreme court has expressly authorized a trial court to make the factual determination as to whether a defendant actually killed, attempted to kill,

or intended to kill a victim. See id. at 963. However, because Falcon did not address the applicability of Alleyne—as it does not appear that either party raised that issue—we certify the following question to the Florida Supreme Court as one of great public importance:

DOES ALLEYNE V. UNITED STATES, 133 S. CT. 2151 (2013), REQUIRE THE JURY AND NOT THE TRIAL COURT TO MAKE THE FACTUAL FINDING UNDER SECTION 775.082(1)(b), FLORIDA STATUTES (2016), AS TO WHETHER A JUVENILE OFFENDER ACTUALLY KILLED, INTENDED TO KILL, OR ATTEMPTED TO KILL THE VICTIM?

AFFIRMED; QUESTION CERTIFIED.

EVANDER and LAMBERT, JJ., concur.