

IN THE CIRCUIT COURT OF THE
THIRD JUDICIAL CIRCUIT, IN AND
FOR COLUMBIA COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,

CASE NO.: SC19-953
L.T. No.: 12-2018-CF-667-A

VS.

TRANSCRIPT ON APPEAL

ROBERT E. CRAFT,
Defendant.

PROCEEDING: CASE STATUS REVIEW/CHANGE OF PLEA

BEFORE: The Honorable
Paul S. Bryan

DATE: March 27, 2019

TIME: 1:30 p.m.

PLACE: Columbia County Courthouse
Lake City, Florida

REPORTED BY: Laurie Ann Chaffin,
Registered Professional Reporter
Third Judicial Circuit

APPEARANCES:

JOHN DURRETT, ESQUIRE
Assistant State Attorney
173 NE Hernando Ave., Ste 420
Lake City, Florida 32055
Appearing for the State

NATHAN MARSHBURN, ESQUIRE
Assistant Public Defender
173 NE Hernando Ave., Ste 115
Lake City, Florida 32055
Appearing for the Defendant

JEFF SIEGMEISTER, ESQUIRE
State Attorney
173 NE Hernando Ave., Ste 420
Lake City, Florida 32055
Appearing for the State

M. BLAIR PAYNE, ESQUIRE
Public Defender
173 NE Hernando Ave., Ste 115
Lake City, Florida 32055
Appearing for the Defendant

Laurie Ann Chaffin
Registered Professional Reporter
4424 NW American Lane, Suite 101
Lake City, Florida 32055

P R O C E E D I N G S

March 27, 2019

2:05 p.m.

(The following proceedings were held in open court, with the defendant and his counsel present, to-wit:)

THE COURT: Did you have sufficient time to confer with your client?

MR. MARSHBURN: I believe so, Your Honor. I'll let him put on the record if he needs more time to talk to me.

THE DEFENDANT: No, Your Honor.

THE COURT: So you had adequate time to talk to him?

THE DEFENDANT: Yes, Your Honor.

THE COURT: You do not need extra time?

THE DEFENDANT: No, Your Honor.

THE COURT: Okay. If you would tell me your name, sir.

THE DEFENDANT: Robert Craft, sir.

THE COURT: And your date of birth?

THE DEFENDANT: 8/15/1990, sir.

THE COURT: Who is that on your right-hand side?

THE DEFENDANT: My attorney, Nathan Marshburn.

THE COURT: Okay. And do you know who the

*Laurie Ann Chaffin
Registered Professional Reporter
4424 NW American Lane, Suite 101
Lake City, Florida 32055
(386) 754-7067*

gentleman is over here? You might not know him by name, but do you know what he does for a living?

THE DEFENDANT: State attorney, sir.

THE COURT: All right. And you know what I do for a living?

THE DEFENDANT: Judge, sir.

THE COURT: Okay. What about the man over there in green?

THE DEFENDANT: Bailiff, sir.

THE COURT: And what about this lady right here?

THE DEFENDANT: One of your clerks, sir.

THE COURT: Okay. And she's a special kind of clerk because you see her fingers moving?

THE DEFENDANT: (Nods head.)

THE COURT: She's taking down everything we say, so she's a court reporter and the clerks are right over here.

THE DEFENDANT: Yes, sir.

THE COURT: What is the nature of the proceeding today?

MR. DURRETT: Your Honor, we're here in State v. Mr. Robert Craft, 18-667-CF.

We had been before the Court back in January for a pretrial conference. At that time, and I would rely upon Mr. Craft to correct me if I misstate, but my

1 recollection was that Mr. Craft at that time indicated
2 several things to the Court; one, his desire to
3 represent himself; two, his desire to enter a plea of
4 guilty to the charge and waive a right to his jury
5 trial; additionally, waive right to a jury as to a
6 sentencing phase in this capital case and receive an
7 imposition of a death sentence.

8 At that point in time we had a discussion
9 concerning the rights that one can waive. And the
10 understanding and agreement I believe was that most, if
11 not all, of those things can be waived; the right to a
12 trial, the right to a jury, so on and so forth. But
13 given the gravity of the charge, the case, the Court
14 ordered that competency evaluations be conducted of
15 Mr. Craft and the Court had appointed in an order
16 following court, I believe it may have been signed the
17 next day, appointing Doctor Blandino and Doctor Mhatre
18 to conduct the evaluations.

19 There was some issues with Doctor Mhatre being
20 allowed entrance to the Florida State Prison, or at
21 least passing a background check. There was an issue
22 with it and Doctor Mhatre then -- it had reached a
23 point in time where he was unable to make it to the FSP
24 to conduct the evaluation prior to the court date that
25 we're here for today, so Your Honor had signed an

1 amended order following motion by the State to appoint
2 Doctor Chris Robison as the second evaluator.

3 And then Doctor Robison as well as Doctor Blandino
4 both met with Mr. Craft at Florida State Prison Monday,
5 two days ago, for purposes of a competency evaluation
6 and to discuss the issues that were brought forth in
7 court while we were all last here.

8 And so we are here today to revisit the pretrial
9 of Mr. Craft and the issues that he raised before Your
10 Honor last time and to address any issues of his
11 competency.

12 **THE COURT:** And, Mr. Marshburn, you have been
13 appointed -- the public defender's office has been
14 appointed in this case; is that correct?

15 **MR. MARSHBURN:** Yes, sir, Nathan Marshburn for
16 Mr. Craft.

17 **THE COURT:** All right. Did you receive a copy of
18 the confidential psychological evaluation, one by North
19 Florida Forensic Psychology Associates, which is Chris
20 Robison, and a second by Salvatore M. Blandino, Ph.D.?

21 **MR. MARSHBURN:** I did, Your Honor.

22 **THE COURT:** Have you reviewed them?

23 **MR. MARSHBURN:** I have, Your Honor.

24 **THE COURT:** Would you agree that they both come to
25 the conclusion that he is competent to proceed?

1 **MR. MARSHBURN:** I do.

2 **THE COURT:** State, do you agree that's what they
3 find?

4 **MR. DURRETT:** I agree they both find Mr. Craft
5 competent to proceed.

6 **THE COURT:** There are many other findings, but
7 among the finding is the finding that he is competent
8 to proceed.

9 **MR. DURRETT:** Yes, Your Honor.

10 **THE COURT:** Do either one of you want to be heard
11 on that issue of his competency?

12 **MR. DURRETT:** Only to ask that the Court deem
13 Mr. Craft competent to proceed. I would furnish the
14 Court with a written order to that effect following
15 today's proceedings.

16 **THE COURT:** Defense want to be heard on that?

17 **MR. MARSHBURN:** Other than to make sure that --
18 nothing, Your Honor, other than to make sure that the
19 reports, assuming they're going to be filed, are
20 noticed as confidential filings not available to the
21 public.

22 **THE COURT:** They certainly should be. They should
23 be sealed. And one of them actually, in large letters
24 at the top, the one from Robison says confidential and
25 the other one, I don't know if it says it, but they

1 will be confidential. They're certainly not
2 confidential from your client, from you, from the
3 State, from me, but they're not public records for
4 disclosure.

5 Mr. Craft, have you read or gone over the two
6 reports that I'm talking about?

7 **THE DEFENDANT:** No, Your Honor.

8 **THE COURT:** Okay. Would it be appropriate for him
9 to see them at this point?

10 **MR. DURRETT:** I think it would be.

11 **MR. MARSHBURN:** No objection.

12 **THE COURT:** Do you want to see them because
13 they're literally in my hands right now. If you want
14 to see them, I'll give you my copies to look at if you
15 would like to.

16 **THE DEFENDANT:** I was there live in the matter,
17 Your Honor.

18 **THE COURT:** And it was just a couple of days ago.

19 **THE DEFENDANT:** Yes, sir.

20 **THE COURT:** Did you know they were going to come
21 to the conclusion that you were competent?

22 **THE DEFENDANT:** Yes, Your Honor.

23 **THE COURT:** Of course you were telling me that I
24 think before, weren't you?

25 **THE DEFENDANT:** Yes, Your Honor.

1 **THE COURT:** You were saying that you were not
2 incompetent and I sort of in effect took it on myself
3 to say I want to have you examined and make absolutely
4 sure, and that's what this does. So you're not asking
5 to look at them before we proceed with this proceeding
6 today?

7 **THE DEFENDANT:** No, Your Honor.

8 **THE COURT:** I do make a specific finding that he's
9 competent. I believe the law is in Florida that a
10 person is competent until found incompetent, but
11 irrespective of what that is, I now find based on two
12 separate psychological evaluations that he is competent
13 to proceed.

14 What would be the next matter we need to take up
15 today?

16 **MR. MARSHBURN:** Your Honor, I believe Mr. Craft
17 has asked the Court to represent himself, and so
18 I believe a Faretta inquiry would be the next thing
19 that is appropriate.

20 **THE COURT:** And have I done at least one Faretta
21 inquiry earlier in the proceedings when he was asking
22 to represent himself?

23 **MR. DURRETT:** I don't think, Your Honor, it was
24 -- we started to talk about it, but then, it's my
25 recollection, then Mr. Craft engaged in a conversation

1 with Your Honor as to his desire to receive a death
2 sentence. I don't believe that one was conducted
3 sufficiently to address all facets of a Faretta
4 inquiry.

5 **MR. MARSHBURN:** That's my recollection. We
6 started into it, but did not do a complete Faretta
7 inquiry.

8 **THE COURT:** Give me just a moment.

9 *(Brief pause in the proceedings.)*

10 **THE COURT:** Mr. Craft, I'm going to ask you
11 questions. If any of my questions are not clear,
12 please tell me so, I'll try to state them a different
13 way. If at any moment in this proceeding you want to
14 speak with your attorney, who is right on your
15 right-hand side, you just do that, but I will suggest
16 you step back a couple of steps if you do that. This
17 is a very sensitive mike. If you stay as close as you
18 are right now, it will pick up your conversation.
19 That's why a minute ago I actually turned the system
20 off so y'all could talk yourselves.

21 So if you want to talk, you don't even have to ask
22 me. You can always talk to Mr. Marshburn, just start
23 talking to him, but I would strongly suggest you back
24 up a couple of feet if you do that so the mike doesn't
25 pick you up.

1 **THE DEFENDANT:** Yes, Your Honor.

2 **THE COURT:** If you have questions, it's okay for
3 you to ask questions, too. And in fact I strongly
4 encourage it because I'm trying to make sure in this
5 inquiry that you want to represent yourself, that
6 there's no question that you want to do that. But if
7 you have any questions about it, you go ahead and ask
8 them now because things are going to proceed in your
9 case from here forward. Do you understand that?

10 **THE DEFENDANT:** Yes, Your Honor.

11 **THE COURT:** Tell me in your own words, do you want
12 representation, do you not want legal representation,
13 do you want to represent yourself? Where is Mr. Craft
14 on that right now? What do you want to do?

15 **THE DEFENDANT:** I wish to proceed fully pro se,
16 Your Honor.

17 **THE COURT:** Okay. Do you want an attorney, what
18 one might call a standby counsel that you can ask
19 questions to if you wanted to?

20 **THE DEFENDANT:** No, Your Honor.

21 **THE COURT:** Do you specifically refuse that? Are
22 you saying don't make me do that, I don't want to have
23 somebody there with me?

24 **THE DEFENDANT:** I don't want nobody, but I'm not
25 going to refuse the Court, Your Honor.

1 **THE COURT:** Well, there's advantages to that in
2 that you may be somewhat familiar with court
3 proceedings, but you're not nearly as familiar with
4 court proceedings as, for instance, Mr. Marshburn.
5 I could start asking him questions about how many cases
6 has he had, how many cases has he tried. It's going to
7 be a whole lot more of them than you have. You would
8 agree with that, right?

9 **THE DEFENDANT:** Yes, Your Honor.

10 **THE COURT:** He's also been to law school for three
11 years, taken a bar exam and goes to CLEs, continuing
12 legal education, and so forth. That would be of a
13 great advantage. Now I'm sort of talking about a
14 standby counsel, but I'm going to go back to the very
15 first thing about whether you want to represent
16 yourself or not. Do you understand the dangers of
17 representing yourself?

18 **THE DEFENDANT:** Yes, Your Honor.

19 **THE COURT:** Tell me what they are.

20 **THE DEFENDANT:** I put myself more at risk with a
21 limited education in the law, courtroom procedures and
22 it's not a great advantage for me, Your Honor.

23 **THE COURT:** And how might that affect you during a
24 trial or penalty proceedings or a motion hearing, how
25 could that affect you? I'm going to ask you first and

1 then I'm going to tell you what I think it might
2 affect.

3 **THE DEFENDANT:** It could affect a lot of things
4 because there's a lot of things I don't know.

5 **THE COURT:** If you tried to put on evidence for
6 something like that and didn't know exactly how to do
7 it in the way that the law requires, the State could
8 object and they may say -- they may say a word like
9 this, I object, improper predicate.

10 You might know what that means, but you might not
11 know what that means or you might know it means
12 something, but I can't tell specifically what it means
13 and they are on that. And I have to rule on their
14 objection and if I say sustained and you're still
15 sitting there what does that even mean, an improper
16 predicate. And then you may want to ask me what that
17 means, what do you mean by that ruling, what can I do
18 and what can I do. I cannot represent you, Mr. Craft.
19 I have to stay neutral on the whole matter and be the
20 judge in the case. Do you understand that?

21 **THE DEFENDANT:** Yes, Your Honor.

22 **THE COURT:** I can't help you alone. I can't say
23 the next thing you ought to say is this or if you want
24 to put that piece of evidence in, the next thing you
25 ought to do is this. I can't do that. That takes me

1 out of my role as a judge and almost has me somewhat
2 representing you and I can't do that. I can't help the
3 State, I can't help you either. Does that make sense?

4 **THE DEFENDANT:** Yes, Your Honor.

5 **THE COURT:** Okay. So you listed that as a
6 disadvantage. I'm going to give you another one.
7 Let's say you wanted to call a witness or you wanted to
8 testify yourself. Tell me what that would look like if
9 you wanted to testify yourself and you didn't have an
10 attorney. How would that look? Tell me what would
11 happen.

12 **THE DEFENDANT:** I thought about that, Your Honor,
13 and I can't come up with --

14 **THE COURT:** Asking your own self questions. It
15 seems kind of odd, doesn't it?

16 **THE DEFENDANT:** It would make me seem incompetent,
17 Your Honor.

18 **THE COURT:** Right. Well, like you want to give
19 your name and date of birth, how do you do that? I can
20 think of some ways you do it, but you kind of wouldn't
21 want to walk over here to the podium and say state your
22 name and then walk over here and say my name is Robert
23 Craft, how old are you, well, I'm this many years old
24 or you might do a narrative kind of testimony, but it
25 wouldn't be the way an attorney might would try to

1 bring out every detail that needs to be brought out by
2 questioning. I think that's another disadvantage.

3 You may or may not know how the proceedings are
4 different in a capital case than in any other type of
5 case. And when I say a capital case, that's a case
6 that could be eligible for the death penalty. It
7 doesn't mean it will be, it means it could be eligible
8 for the death penalty. They're very technical.
9 I suspect that the man standing on your right-hand
10 side, I know for a fact he's tried those cases, but
11 I strongly suspect he's been to seminars that were
12 specifically geared to that kind of case.

13 Would I be right in thinking that, Mr. Marshburn?

14 **MR. MARSHBURN:** That's correct, Your Honor.

15 **THE COURT:** Have you been to *Death is Different*?

16 **MR. MARSHBURN:** I have.

17 **THE COURT:** Have you been to it more than once?

18 **MR. MARSHBURN:** I've been to *Death is Different*
19 once. I've been to *Life Over Death* more than once.

20 **THE COURT:** And those are multiple day seminars,
21 they're done by professionals who have tried numerous
22 cases. You have persons who are very qualified in
23 evidence, how to present evidence, all kinds of things
24 like that at those seminars specifically about capital
25 cases; am I right about that?

1 **MR. MARSHBURN:** That's correct, Your Honor.

2 **THE COURT:** Now a lot of what you're taught there
3 can be used in other cases, but these are very
4 specific. You don't have that advantage. Now I'm not
5 sure all the thoughts are going through your mind nor
6 do I necessarily need you to express every one of them.
7 You may have already come to a conclusion in your mind,
8 Judge, all that might be true and I know that might be
9 a disadvantage, but I don't mind, that's fine because
10 I've already made the decision this is how I want
11 things to go. I want to represent myself, I don't want
12 to put on any mitigation or I want to put the
13 mitigation on myself the way I want to as long as it's
14 within what the Court allows because of the rules of
15 evidence, and I want that issue regarding whether it's
16 death or life imprisonment to be determined. I don't
17 want a trial to determine factually whether I'm guilty
18 or not, I just want to proceed right to that issue of
19 what the penalty will be.

20 You may have thought all that through yourself,
21 but you don't really have anybody to -- I don't want to
22 make this sound less important, but to bounce things
23 off of. That's not a really good term. To ask and get
24 a response, ask, get a response.

25 Have you thought through all of that and said

I just don't -- I don't want to consult with a lawyer, I don't want to talk to a lawyer, I don't want them to talk for me. I've just decided all that myself and I don't want any of that. Is that the conclusion you've come to?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Can you tell me how you came to that conclusion?

THE DEFENDANT: My first conclusion, Your Honor, was the time frame as far as like I didn't want to drag the case out over a long period of time, I wanted to get it over with. I don't want to have anyone speak for me, I want to be able to address the Court and speak on my own issues. And there's a few things I don't know if I'm allowed to say.

THE COURT: I missed the last part.

THE DEFENDANT: There's a few things I want to say, but I don't know if I'm allowed to say.

THE COURT: Well, if you had a lawyer, you could ask a lawyer whether you could say it or not, right, and they'll be right nine or more times out of ten because they're trained in this.

Some things have to have a court ruling about whether you can or can't say something, but a lot of things they can just say you're not going to be able to

1 say that, but you could do this this way or something
2 like that. If you don't know how to do it and they do
3 know how to do it, that to me is another big
4 disadvantage to you.

5 **THE DEFENDANT:** Yes, Your Honor.

6 **THE COURT:** How far did you go in school?

7 **THE DEFENDANT:** Ninth grade, Your Honor. I'm
8 continuing still in GED classes.

9 **THE COURT:** You're continuing your GED. You read
10 and write?

11 **THE DEFENDANT:** Yes, Your Honor.

12 **THE COURT:** What's the last book you read?

13 **THE DEFENDANT:** The last book I read was Cave Bear
14 Clan [sic].

15 **THE COURT:** Cave Bear Clan?

16 **THE DEFENDANT:** Yes, sir.

17 **THE COURT:** All right. A fairly recent book?

18 **THE DEFENDANT:** Yes, sir.

19 **THE COURT:** What's one before that if you can
20 remember? And it might not have to be the very last
21 one, but what's the last couple you read?

22 **THE DEFENDANT:** Several James Patterson's in the
23 last two or three weeks, Your Honor.

24 **THE COURT:** Do you remember the title?

25 **THE DEFENDANT:** Three [sic] Blind Mice, Alex

1 Cross.

2 **THE COURT:** Is he one of your favorite authors to
3 read?

4 **THE DEFENDANT:** It's easy to get a hold of, Your
5 Honor.

6 **THE COURT:** The library is somewhat limited where
7 you are?

8 **THE DEFENDANT:** Yes, sir.

9 **THE COURT:** But you like those particular books.
10 So we talked about your education, we talked about
11 you're still reading books and things of that nature.
12 Have you done any of your own research about your case?

13 **THE DEFENDANT:** Yes, Your Honor.

14 **THE COURT:** I'm talking about legal research.

15 **THE DEFENDANT:** Yes, Your Honor.

16 **THE COURT:** Okay. And how do you go about doing
17 that? How do you do it?

18 **THE DEFENDANT:** Through the law library, Your
19 Honor.

20 **THE COURT:** And so you get a pass to go to the law
21 library or how does that work?

22 **THE DEFENDANT:** I'm in a lockdown cell, so I
23 submit an inmate request to the law library and they
24 bring the materials to me.

25 **THE COURT:** They bring it to you?

1 **THE DEFENDANT:** Yes, Your Honor.

2 **THE COURT:** And you do your research inside your
3 cell?

4 **THE DEFENDANT:** Yes, Your Honor.

5 **THE COURT:** Do you see how it might be
6 advantageous to have a lawyer who has a staff that
7 includes an investigator that could help with things
8 like that? Do you see that as an advantage?

9 **THE DEFENDANT:** Yes, Your Honor.

10 **THE COURT:** Do you see it as a disadvantage to not
11 be able to do that?

12 **THE DEFENDANT:** Yes, Your Honor.

13 **THE COURT:** But ultimately having considered the
14 advantages and disadvantages you've still come to the
15 conclusion, I know that, Judge. I'm not -- I'm not
16 ignorant of that fact, I understand that that would
17 help, I just don't want it. Have you come to that
18 conclusion --

19 **THE DEFENDANT:** Yes, Your Honor.

20 **THE COURT:** -- I don't want it? Have you
21 discussed this with either family, other legal
22 advisors, whether they're lawyers or not, other lawyers
23 or anyone else? Have you discussed this decision to
24 help you formulate this decision or to, as I said,
25 bounce off of them is this a good idea or bad idea?

1 Have you talked to other people about it?

2 **THE DEFENDANT:** Yes, Your Honor.

3 **THE COURT:** If it's a lawyer you talked to,
4 I don't want you to talk to me about that other than to
5 say, yes, I did talk to a lawyer if you want to tell me
6 that, but anything between you and a lawyer is private
7 between yourself. Also, there's other special
8 privileges like things between a psychologist and you,
9 things between a clergyman and you, you know, a
10 preacher or something like that, so you don't have to
11 reveal exactly what they were.

12 But whatever conversations you had, they helped
13 you get to this conclusion, or at least you explained
14 it to them and said this is what I plan to do so that
15 you had somebody to in fact converse back and forth.
16 Have you done that with several different people?

17 **THE DEFENDANT:** Yes, Your Honor.

18 **THE COURT:** And still come to the same conclusion
19 that you would like to represent yourself and not have
20 an attorney?

21 **THE DEFENDANT:** Yes, Your Honor.

22 **THE COURT:** I'm going to ask counsel, both
23 counsel, what additional questions they would suggest
24 that I ask on this issue.

25 **MR. DURRETT:** Judge, I would suggest --

1 **THE COURT:** Let's wait just a minute. I think
2 they're conferring. I'm going to put the sidebar on so
3 they can talk. Wait just a minute. That noise is
4 there so I don't hear what's going on.

5 *(Brief pause in the proceedings.)*

6 **THE COURT:** Yes, sir, Mr. Marshburn.

7 **MR. MARSHBURN:** Your Honor, it would probably be
8 helpful to also inquire of Mr. Craft the limitations
9 that he would have, even if he admits guilt and wants
10 to waive a penalty phase jury or waive mitigation, that
11 he's going to be limited in his -- if he wants to put
12 on mitigation pro se, he's going to be limited in what
13 he can do being locked in a jail cell.

14 As an example, I'm still attorney of record and
15 I'll put on the record that there's an aunt of
16 Mr. Craft that lives in Ohio and I was advised by my
17 mitigation specialist that she's in hospice, she
18 doesn't have long to live. So I've already sent my
19 mitigation specialist to Ohio to video record her
20 testimony, get the mitigation on the record. These are
21 the sorts of things that Mr. Craft will not be able to
22 do pro se and I ask that the Court make sure he
23 understands that.

24 **THE COURT:** Could you hear what Mr. Marshburn
25 said?

1 **THE DEFENDANT:** Yes, Your Honor.

2 **THE COURT:** You know who he is talking about? I
3 don't know her name. Do you know who he's talking
4 about?

5 **THE DEFENDANT:** Yes, Your Honor.

6 **THE COURT:** Okay. And you understand what he's
7 talking about, that from inside your cell, you can't go
8 do a motion to perpetuate testimony or you can't go get
9 her videotaped. He has people that can do that, but
10 that would be through his office and through his
11 representation of you. Do you understand you might
12 lose that advantage, also?

13 **THE DEFENDANT:** Yes, Your Honor.

14 **THE COURT:** And that's not significant to you, not
15 significant enough to where you want to be represented?

16 **THE DEFENDANT:** No, Your Honor.

17 **THE COURT:** Anything else, Mr. Marshburn?

18 And, Mr. Durrett, I think you had said something
19 and I didn't finish -- I didn't hear what you said.

20 **MR. DURRETT:** Yes, sir.

21 **THE COURT:** Other areas of inquiry.

22 **MR. DURRETT:** I would ask that an inquiry be
23 conducted with respect to Mr. Craft's understanding
24 exactly of the severity of the charge and the penalty
25 that he is facing, the potential sentence in this case

1 of course being death, that he understand that and
2 affirmatively represent that he does. And that would
3 be the first part, Your Honor, and the most significant
4 to me.

5 And I don't think it's -- we've already addressed
6 somewhat his competence as it was related through the
7 reports that we received, but just an inquiry as to
8 whether or not Mr. Craft is taking any sorts of
9 medications at the time or presently or if he's feeling
10 any effects of things such as that or if he feels in
11 any way coerced or mistreated by anyone in the criminal
12 justice system or at the prison to enter into this
13 decision.

14 But the gravity of this case and the charge, his
15 mental status a little more and whether or not he feels
16 as though he's been pressured or threatened in any way
17 to make him make this decision.

18 **THE COURT:** Mr. Craft, I'm going to ask you some
19 additional questions and I'm going to keep asking
20 questions until I'm fully informed about what you're
21 thinking, how you've made this decision and then we'll
22 go from there.

23 Are you on any medications right now?

24 **THE DEFENDANT:** No, Your Honor.

25 **THE COURT:** Have you been on medications in the

1 last month or two months, three months? When was the
2 last time you were on any medications?

3 **THE DEFENDANT:** I'm currently prescribed
4 medication, Your Honor, but I've refused it the past
5 three days.

6 **THE COURT:** Do you know what it is?

7 **THE DEFENDANT:** It's Zoloft, Your Honor, for
8 anxiety.

9 **THE COURT:** And how does it affect you when you
10 take it?

11 **THE DEFENDANT:** It makes me feel like I'm high on
12 methamphetamines.

13 **THE COURT:** Makes you what?

14 **THE DEFENDANT:** Makes me feel like I'm high on
15 methamphetamines.

16 **THE COURT:** Okay. Does it make it harder for you
17 to understand things?

18 **THE DEFENDANT:** No, sir, it makes me --

19 **THE COURT:** You still understand things, but you
20 just feel a high is what you call it?

21 **THE DEFENDANT:** Yes, Your Honor.

22 **THE COURT:** Right. When you don't take it for two
23 or three days, you've just told me you have not taken
24 it, you've refused it. They brought it to you, but you
25 just said I'm not taking it; is that right?

1 **THE DEFENDANT:** Yes, Your Honor.

2 **THE COURT:** What happens when you don't take it
3 for a couple or three days?

4 **THE DEFENDANT:** I feel the same, it's just not so
5 antsy. When I'm on it, it makes me extremely focused.
6 I lock in on things. It's hard to concentrate on other
7 things that I want to.

8 **THE COURT:** When you take it, it makes you focus
9 on a single thing and not other things?

10 **THE DEFENDANT:** Yes, Your Honor.

11 **THE COURT:** You would rather take it or not take
12 it?

13 **THE DEFENDANT:** I do not want to take it, Your
14 Honor.

15 **THE COURT:** In the last month how many times have
16 you taken it? Let's say in a 30-day period. You had
17 30 days to take it. How many of those 30 days did you
18 take it?

19 **THE DEFENDANT:** I've only been on it I believe two
20 weeks, Your Honor.

21 **THE COURT:** Two weeks. Okay. So in the last 14
22 days how many times have you taken it?

23 **THE DEFENDANT:** Maybe six, Your Honor.

24 **THE COURT:** Did you take it six in a row?

25 **THE DEFENDANT:** Yes, Your Honor.

1 **THE COURT:** Okay. During those six days you felt
2 this what you're talking to me about, feeling a little
3 bit high and being very focused on one thing, but not
4 being able to focus on other things. That's what you
5 felt when you had it?

6 **THE DEFENDANT:** Yes, Your Honor.

7 **THE COURT:** Don't let me put words in your mouth.
8 I'm trying to listen and learn from you, but I don't
9 want you to adopt what I'm saying, I want to hear what
10 you're saying. Does that make sense?

11 **THE DEFENDANT:** Yes, Your Honor.

12 **THE COURT:** And now how many days in a row have
13 you not had it?

14 **THE DEFENDANT:** I haven't had it since Saturday,
15 Your Honor.

16 **THE COURT:** So you didn't take Saturday's dose?

17 **THE DEFENDANT:** No, Your Honor.

18 **THE COURT:** Or Sunday's.

19 **THE DEFENDANT:** No, Your Honor.

20 **THE COURT:** Or Monday's or Tuesday's or
21 Wednesday's, so that's five days?

22 **THE DEFENDANT:** Yes, Your Honor.

23 **THE COURT:** Did you feel a change during that five
24 days to how you feel physically?

25 **THE DEFENDANT:** Yes, Your Honor.

1 **THE COURT:** Mentally did you feel something
2 change? Was it slow, fast, what changed? How did you
3 feel differently five days ago than you do now?

4 **THE DEFENDANT:** My anxiety has dropped back down.
5 When I started taking it, it made my anxiety go through
6 the roof. It was hard to sleep, racing thoughts, rapid
7 breathing and all that's went back to normal now.

8 **THE COURT:** That's when you were taking it that
9 was happening?

10 **THE DEFENDANT:** Yes, Your Honor.

11 **THE COURT:** When you got back off of it five days
12 ago, that slowly come back to a normal state --

13 **THE DEFENDANT:** Yes, Your Honor.

14 **THE COURT:** -- as far as you're concerned? So
15 when you met with these psychologists or doctors, you
16 had been off of it for several days?

17 **THE DEFENDANT:** Yes, Your Honor.

18 **THE COURT:** Did you tell them that?

19 **THE DEFENDANT:** Yes, Your Honor.

20 **THE COURT:** Okay. Mr. Craft, some things are so
21 abundantly clear and I know the answer to them, but
22 I have to hear it from you.

23 Do you know what the penalty is that you can
24 receive in the state of Florida for what you're charged
25 with?

1 **THE DEFENDANT:** Yes, Your Honor.

2 **THE COURT:** What is the maximum penalty?

3 **THE DEFENDANT:** Death penalty, Your Honor.

4 **THE COURT:** And do you know how that is carried
5 out?

6 **THE DEFENDANT:** Yes, Your Honor.

7 **THE COURT:** How?

8 **THE DEFENDANT:** Sentenced to death. I go to death
9 row. Go to the Supreme Court's appeals, they
10 automatically do the appeals, and then the governor
11 signs your death warrant one day and your day comes.

12 **THE COURT:** And you've thought about all of that,
13 too?

14 **THE DEFENDANT:** Yes, Your Honor.

15 **THE COURT:** Mr. Craft, you're not one of those
16 people that wants to go to death row because you get a
17 color TV, are you? You're smiling, but you know what
18 I'm talking about.

19 **THE DEFENDANT:** Yes, Your Honor.

20 **THE COURT:** Do you know some people like that?

21 **THE DEFENDANT:** Yes, Your Honor.

22 **THE COURT:** And you're not one of them, are you?

23 **THE DEFENDANT:** It has its advantage, but that's
24 not the reason I'm asking for it.

25 **THE COURT:** What's the advantage?

1 **THE DEFENDANT:** To me, death -- being sentenced to
2 death and a life sentence is the same thing.

3 **THE COURT:** You said it's the same thing. You
4 just said there's advantages. What are the advantages?

5 **THE DEFENDANT:** Comfortability.

6 **THE COURT:** On death row?

7 **THE DEFENDANT:** Yes, Your Honor.

8 **THE COURT:** Brought about by what?

9 **THE DEFENDANT:** Your own space, your own time,
10 more peace.

11 **THE COURT:** Is that what drives you to want to do
12 what we're talking about today?

13 **THE DEFENDANT:** It's one of the reasons, Your
14 Honor.

15 **THE COURT:** Tell me the others.

16 **THE DEFENDANT:** I refuse to do life in prison,
17 Your Honor.

18 **THE COURT:** Hard time.

19 **THE DEFENDANT:** Yes, Your Honor.

20 **THE COURT:** Very hard time.

21 **THE DEFENDANT:** Yes, Your Honor.

22 **THE COURT:** How long have you been there?

23 **THE DEFENDANT:** This being now -- this is my third
24 incarceration.

25 **THE COURT:** First time at FSP?

1 **THE DEFENDANT:** Yes, Your Honor.

2 **THE COURT:** Is it worse than others?

3 **THE DEFENDANT:** No, Your Honor.

4 **THE COURT:** Where you've been, not a good place to
5 be, right?

6 **THE DEFENDANT:** Yes, Your Honor.

7 **THE COURT:** When Mr. Marshburn or his people that
8 work with him have talked with you -- I don't want to
9 know the subject of your conversations. What I want to
10 know is do you get along okay with them.

11 **THE DEFENDANT:** Yes, Your Honor.

12 **THE COURT:** They talk to you, you talk to them,
13 you share things with them, they share things with you
14 and that's worked out okay. You're not mad at anybody.

15 **THE DEFENDANT:** No, Your Honor.

16 **THE COURT:** You're not trying to say I hate you,
17 I dislike you, I can't stand you, I can't stand the way
18 you do that. It's none of that. You've just come to
19 this conclusion on your own after looking at
20 everything. You're not mad at them, that's not why you
21 want to fire them.

22 **THE DEFENDANT:** No, Your Honor.

23 **THE COURT:** You don't feel like they don't know
24 what they're doing. That's not why you want to fire
25 them.

1 **THE DEFENDANT:** No, Your Honor.

2 **THE COURT:** You feel like they do know what
3 they're doing.

4 **THE DEFENDANT:** Yes, Your Honor.

5 **THE COURT:** And they want to help you with this.

6 **THE DEFENDANT:** Yes, Your Honor.

7 **THE COURT:** But their help would be in helping you
8 in the guilt phase of the case, to hopefully not have
9 you convicted of first degree murder, and also helping
10 you with the penalty phase if you were convicted of
11 first degree murder. You know that's what they want to
12 do on your behalf, correct?

13 **THE DEFENDANT:** Yes, Your Honor.

14 **THE COURT:** And you do not want that?

15 **THE DEFENDANT:** No, Your Honor.

16 **THE COURT:** Other questions? Did I hit the topics
17 that you were talking about?

18 And by the way, there are members of the bar in
19 here, at least two or three that I see that aren't
20 right before me. If you have suggestions, I'm glad to
21 hear them. I want to make a full and complete inquiry.
22 Any other suggestions by members of the bar, either who
23 are right here before me or members of the bar in the
24 room?

25 **MR. SIEGMEISTER:** Your Honor, Jeff Siegmeister,

Laurie Ann Chaffin
Registered Professional Reporter
4424 NW American Lane, Suite 101
Lake City, Florida 32055
(386) 754-7067

1 the state attorney. I conveyed with Mr. Durrett during
2 the break and he's asked the Court to inquire.

3 **THE COURT:** Mr. Payne, anything else?

4 **MR. PAYNE:** No, sir, I think your inquiry has been
5 very thorough.

6 **THE COURT:** Any other areas of inquiry suggested?

7 **MR. MARSHBURN:** Nothing from the defense, Your
8 Honor.

9 **THE COURT:** I want to see counsel briefly at the
10 bench. I'll see y'all at the bench, but then I want
11 you to convey what we talked about to Mr. Craft, okay?
12 So let me see y'all at the bench right over here,
13 please.

14 *(The following proceedings were held at sidebar*
15 *without the defendant present, to-wit:)*

16 **THE COURT:** I have not read recent case law about
17 either hybrid representation or standby counsel.
18 I have not read any lately. I frankly -- maybe y'all
19 told me this was coming today right after lunch, but
20 I didn't realize it. I didn't try to research that.

21 Are any of y'all very familiar with what the
22 requirements are about standby counsel? Hybrid
23 representation I feel fairly comfortable that's not
24 usually allowed, hybrid representation, but standby
25 counsel I think normally is, particularly in a case

1 like this, but I haven't researched that recently. Are
2 any of y'all familiar with what the status of that is?

3 **MR. MARSHBURN:** Well, Your Honor, my understanding
4 would be, and I don't have a case to cite, but if Your
5 Honor were to appoint us as standby counsel, I'm not
6 going to do research for him, I'm not going to do any
7 mitigation investigation for him. If he wants a trial,
8 a bench trial or a jury trial, I'm going to stand in
9 the corner on that day and answer questions. That's
10 about it for standby counsel.

11 **MR. PAYNE:** I agree with him. I've been standby
12 counsel before, and this was a pretty good while ago,
13 but you just can't interject yourself into the
14 proceedings at all. You can't make -- you're running
15 the risk, even if you make suggestions to the client,
16 of impeding his right to proceed pro se.

17 **THE COURT:** Oh, I think he's the lawyer and he
18 handles it, but one of the reasons you have standby
19 counsel is so a lawyer who's heard everything from the
20 very beginning of that case -- it's my understanding is
21 I have to repeatedly ask him if he still wants to
22 represent himself. Well, on the second day of the
23 trial he says, no, I realize now I cannot represent
24 myself, I need somebody helping me, I've got an
25 attorney there who was there with the limitations that

1 they couldn't do all the things they would have done,
2 but they've at least heard everything in that trial all
3 the way up to that moment when they might become
4 counsel. And I'm not saying that artfully, but I
5 understand that's one of the reasons for standby
6 counsel, so we don't start all over again.

7 **MR. SIEGMEISTER:** Yes, sir. And I was going to
8 comment that I think I may have been the most recent
9 standby counsel in my private practice. And that's
10 essentially you sit here and you don't -- you're not
11 there to be their legal clerk, but to be ready at the
12 Court's discretion if he chooses to need counsel at
13 that time and rescind his Faretta request then.

14 **THE COURT:** Is it your understanding that if
15 I find that he's competent to make the decision about
16 this Faretta about self-representation, I make that
17 ruling, but then it's up to me -- it's a discretionary
18 matter with me whether I appoint standby counsel? He
19 could even say I don't really want standby counsel, but
20 that's really a decision for me, not a decision for
21 him. Do y'all believe that's the status of the law?

22 **MR. SIEGMEISTER:** I believe so.

23 **MR. DURRETT:** I think so, yes, sir, and I think it
24 should happen.

25 **MR. PAYNE:** I would think that's right, but not

1 enough to bet money on it.

2 **THE COURT:** I'll tell you, after this hearing
3 we're all going to do a little research and find out if
4 that is the status, but that is where I would intend to
5 go. I think I've -- I believe I've done enough about
6 whether he can represent himself and I think you can
7 see where that conclusion is going to come, that he's
8 competent to represent himself, he can represent
9 himself. But if it is discretionary with the Court,
10 I'm going to appoint standby counsel. I think it's the
11 only wise thing to do. If we see some case law that
12 says, no, you can't do that or you have to ask these
13 other five questions, I'll be asking these other five
14 questions, but I'm not aware of that. I think that's
15 discretionary with me I believe.

16 **MR. DURRETT:** I agree.

17 **MR. SIEGMEISTER:** I agree. In fact I discussed
18 with Mr. Marshburn, if he passes the
19 self-representation today and pleads, we could very
20 well come back for a bench trial sentencing and he
21 decides he needs counsel and that would be the purpose
22 of standby counsel, the changes of the status and the
23 procedures. My gut tells me that's the right thing to
24 do, Judge. I can't say there's a case that says that.

25 **THE COURT:** Once I find that he can represent

1 himself, once I make that finding on the record,
2 Mr. Marshburn, do you know, is he intending to plead
3 today? Are we going to also have the plea colloquy
4 today?

5 **MR. MARSHBURN:** Yes, it's my understanding that he
6 wants this case resolved as fast as possible and
7 whatever he can get done today, he wants to get done.

8 **THE COURT:** Well, if he enters that plea, we
9 aren't really ready to go to the sentencing portion of
10 that. Is he aware of that?

11 **MR. MARSHBURN:** He's aware of that.

12 **THE COURT:** We wouldn't do that today.

13 **MR. MARSHBURN:** He's aware.

14 **THE COURT:** I want you to have time to communicate
15 with him about what we said here at the bench and then
16 I'll make my findings on the record and then I'll make
17 the appointment that I'm talking about.

18 **MR. MARSHBURN:** Your Honor, I will say that if I'm
19 appointed standby counsel, my intent would --

20 **THE COURT:** It would be your office. I think it
21 would be Mr. Marshburn, right?

22 **MR. MARSHBURN:** I would attend all the court dates
23 and just be there basically in case he has any
24 questions, but if at any point, even if it's in the
25 middle of a trial, he decides that he wants an attorney

1 and I'm on the case, I'm going to ask for a
2 continuance, Your Honor. I need to do a mitigation
3 investigation. It's just I'm going to ask to put the
4 brakes on everything.

5 **THE COURT:** I'm afraid we'll have to handle --
6 cross that bridge when it gets there, but that's
7 another thing. When I get ready to appoint standby
8 counsel, I'll try to inform him of that. And, please,
9 if you think more information needs to get to him, say
10 so because it seems a big thing to him is not to delay,
11 not to have continuances and if we say that could
12 happen, because we all know it could happen, there may
13 be a delay at that time. I think we need to make him
14 aware of that. Thank you.

15 *(Brief pause in the proceedings.)*

16 *(The following proceedings were held in open court*
17 *with the defendant and his counsel present, to-wit:)*

18 **THE COURT:** Have you had sufficient time to speak
19 with Mr. Craft again about our sidebar conference?

20 **MR. MARSHBURN:** Yes, Your Honor.

21 **THE COURT:** All right. Mr. Craft, you feel fully
22 informed of what we talked about up here?

23 **THE DEFENDANT:** Yes, Your Honor.

24 **THE COURT:** Okay. I'm going to ask you a few more
25 questions. I started into that area of inquiry about

1 do you know what the penalty could be. That's one of
2 the penalties. That is in fact the highest penalty is
3 the death penalty. But on a first degree murder, do
4 you know what the lowest penalty you could receive is?

5 **THE DEFENDANT:** Yes, Your Honor.

6 **THE COURT:** What is that?

7 **THE DEFENDANT:** A life sentence, Your Honor.

8 **THE COURT:** A life sentence. And that's without
9 parole at this point, is it not, Mr. Marshburn?

10 **MR. MARSHBURN:** That is correct, Your Honor.

11 **THE COURT:** So you would be in there for life even
12 if you didn't receive the death penalty, do you
13 understand that?

14 **THE DEFENDANT:** Yes, Your Honor.

15 **THE COURT:** Was there another area you asked me to
16 go into, Mr. Durrett?

17 **MR. DURRETT:** The only thing I said was whether he
18 felt coerced or intimidated --

19 **THE COURT:** Yes.

20 **MR. DURRETT:** -- or pressured by anyone to make
21 this decision.

22 **THE COURT:** Has anybody threatened you to make --
23 have you make this decision today?

24 **THE DEFENDANT:** No, Your Honor.

25 **THE COURT:** Has anybody promised you a certain

1 outcome?

2 **THE DEFENDANT:** No, Your Honor.

3 **THE COURT:** And I'm going to ask you a pretty
4 specific question. I don't want to know who in --
5 particularly if it was an attorney, which I don't think
6 an attorney would ever do this, but has anybody said if
7 you'll go represent yourself and plead and tell them
8 you want the death penalty, then you'll never get it
9 because that will show that this or that or the other.
10 Has anybody told you anything like that?

11 **THE DEFENDANT:** Several people, Your Honor.

12 **THE COURT:** Did you believe them?

13 **THE DEFENDANT:** No, Your Honor.

14 **THE COURT:** Okay. You don't believe that?

15 **THE DEFENDANT:** No, Your Honor.

16 **THE COURT:** Good. I'm glad you don't believe
17 that. So no one's threatened you, no one's pressured
18 you, no one's made promises to you. Right this minute
19 if you were convicted of first degree murder, there's
20 only two penalties you can get, and that is life
21 imprisonment without parole or the death penalty.

22 You also realize the death penalty is not carried
23 out quickly in Florida. I know that you know that
24 because you just told me it automatically goes to the
25 Florida Supreme Court and so forth. You know that

1 there's a time delay.

2 **THE DEFENDANT:** Yes, Your Honor.

3 **THE COURT:** So if in your mind you're saying if
4 I do this, then this will get carried out quickly and
5 I can quit being in prison, I can be dead, but I can
6 quit being in prison. If you think that's all going to
7 happen quickly, it's not going to happen quickly. Do
8 you understand that?

9 **THE DEFENDANT:** Yes, Your Honor.

10 **THE COURT:** And average time is years.

11 **THE DEFENDANT:** Yes, Your Honor.

12 **THE COURT:** Do you understand that?

13 **THE DEFENDANT:** Yes, Your Honor.

14 **THE COURT:** Any other areas of inquiry,
15 Mr. Marshburn, or counsel here?

16 **MR. DURRETT:** I don't --

17 **MR. MARSHBURN:** Go ahead.

18 **MR. DURRETT:** I was going to say no.

19 **MR. MARSHBURN:** Your Honor, is it a separate line
20 of inquiry on the standby counsel?

21 **THE COURT:** Yes.

22 **MR. MARSHBURN:** Okay.

23 **THE COURT:** I do want you to know this, Mr. Craft.
24 From my inquiry already I have determined that you're
25 competent to decide to represent yourself. Whether

1 it's a good idea, I have a totally different opinion.
2 I don't think it is a good idea. I really think it's a
3 very poor idea on your part, but we have gone over the
4 advantages and disadvantages, you still have the right
5 to represent yourself and I'm going to find that you
6 can represent yourself. At this moment, you're
7 competent to do that. You can represent yourself.

8 However something that I get to decide is whether
9 you would have standby counsel, or actually -- that's
10 the best way to say it, standby counsel. They don't
11 operate as your attorney, they don't make objections,
12 they don't bounce out of the chair and say wait a
13 minute, that's hearsay, I object. They don't do that
14 because you're acting as your attorney, but they sit
15 there quietly basically and they watch the proceedings,
16 they keep up with what's going on in the proceedings,
17 and if at some point they need to become your counsel,
18 they're already up to speed on what happened during
19 that trial or during that hearing. Do you understand
20 that?

21 **THE DEFENDANT:** Yes, Your Honor.

22 **THE COURT:** Now in saying that, for a moment
23 I want to give you an example. Let's say we're in day
24 two of a proceeding or the second hour of a proceeding
25 and you realize, hrm, this wasn't a really good idea.

1 Hrm is hmm hmm, u-m-m-m [sic]. Hrm, that's not a good
2 idea, I need an attorney. And you look at me and,
3 Judge, I want to talk to you and I say, yes, sir,
4 Mr. Craft. And I maybe get the jury out if the jury is
5 here or maybe there's not a jury and you say I have
6 looked at this now and I think I made a mistake and I
7 need a lawyer involved in this case. And I say okay,
8 Mr. Marshburn or someone from that office, now you'll
9 take over as counsel. It will actually take a little
10 longer than that, I'll ask a few more questions, but
11 when I clearly know you want to have counsel, they come
12 in to the case.

13 But you're talking about disadvantages, they'll be
14 at a disadvantage then. Do you know what those
15 disadvantages would be? How much they prepared your
16 case before it came to trial. Mr. Marshburn's got a
17 whole list in his head or on a piece of paper, more
18 likely in a computer somewhere, of the things he would
19 do on your case. He won't be doing those things
20 because you're representing yourself.

21 He will be there, he will or someone from that
22 office will be there, and they'll listen to everything
23 and they'll be as up to speed as they can be, but if
24 they suddenly become your lawyer, a lot of things they
25 would have done won't have been done and they may not

1 get done. Does that make sense to you?

2 **THE DEFENDANT:** Yes, Your Honor.

3 **THE COURT:** I'm going to use the example of your
4 aunt. Right now he may want to go get a video or have
5 that in the process. That may stop at this point and
6 you'll never have that videotape of your aunt, you'll
7 never have that to put on. Maybe you don't care, but
8 it can't be done if we're in the middle of the
9 proceeding and they say there's these five other things
10 I want to do and they're going to take four or five
11 weeks to do them, the answer to that is most likely
12 going to be no. Do you understand that?

13 **THE DEFENDANT:** Yes, Your Honor.

14 **THE COURT:** The case is going to go on. And
15 you're going to represent yourself and then you put
16 them in the middle of representing you, but without
17 having all the things that they wanted to do before
18 they got there. All that makes sense to you?

19 **THE DEFENDANT:** Yes, Your Honor.

20 **THE COURT:** And you know that can happen?

21 **THE DEFENDANT:** Yes, Your Honor.

22 **THE COURT:** And they're going to look at you and
23 say why didn't you just let me be your attorney,
24 I could have done all these things. And you said
25 I made this decision, it's my life, it's my case, this

1 is what I want to do. Do we understand each other?

2 **THE DEFENDANT:** Yes, Your Honor.

3 **THE COURT:** And you still want to do that?

4 **THE DEFENDANT:** Yes, Your Honor.

5 **THE COURT:** Okay. I would intend to appoint
6 standby counsel, but, remember, they're not acting as
7 your attorney, they're not somebody to prepare your
8 case and prepare your questions and decide whether or
9 not you -- they don't decide whether you testify, but
10 to caution you about testifying or not. All that would
11 be on you.

12 You would be your own lawyer, just like you're
13 asking to be, but they would be sitting there. It
14 won't be a situation where you lean over and say what's
15 the next question I should ask and they tell you and
16 then you ask what's the next question I ask after that.
17 No, they're not representing you that way. They're
18 sitting, they're watching, they're keeping up, but
19 they're not your counsel. Does that make sense to you?

20 **THE DEFENDANT:** Yes, Your Honor.

21 **THE COURT:** Do I need to explain that further or
22 about the potential delay or standby counsel, anything
23 else I should go into?

24 **MR. MARSHBURN:** Other than asking him if he wants
25 standby counsel, no, Your Honor.

1 **THE COURT:** I don't mind you expressing to me
2 whether you want standby counsel or not. I'll be glad
3 to hear what you want to say. I think it's ultimately
4 my decision. Do you want standby counsel?

5 **THE DEFENDANT:** Yes, Your Honor.

6 **THE COURT:** Okay. And I will appoint the public
7 defender's office as standby counsel in this case and
8 allow Mr. Craft to represent himself on the case.

9 Having made those inquiries and those decisions
10 and those rulings, is there something else to come
11 before the Court at this time?

12 Since you are representing yourself, I'm going to
13 ask you. Is there something else you want to come
14 before the Court today? Do you have any motions, any
15 desires to enter any kind of pleas, anything of that
16 nature? Is there anything else you want to come before
17 the Court today because you're now representing
18 yourself?

19 **THE DEFENDANT:** I would like to enter a plea of
20 guilty.

21 **THE COURT:** Mr. Craft, I normally require any
22 pleas of guilty to be in writing. That means I would
23 have to take a short break now. I would be taking a
24 break, but it would actually be written up. I probably
25 wouldn't take an oral plea to this. I will ask you a

1 lot of questions if you plead, but there's a written
2 document that's about two pages. I think it's two
3 pages long.

4 **MR. DURRETT:** The one we typically use --

5 **THE COURT:** Or three pages.

6 **MR. DURRETT:** -- there's four.

7 **THE COURT:** Four pages. And I want you to read --

8 **MR. DURRETT:** A lot of it won't apply to a
9 potential sentence that Mr. Craft could receive.

10 **THE COURT:** I would want your plea to be in
11 writing is what I'm saying.

12 Do you have a shorter plea form that doesn't have
13 the parts or could you create -- when I say create one,
14 take out the parts that would not apply to this case
15 and have one ready in a matter of minutes?

16 **MR. DURRETT:** I could do it.

17 **THE COURT:** Mr. Craft, here's where we would go
18 from here because I require it to be in writing. They
19 will take what is the usual plea -- it says offer of
20 plea. A lot of it doesn't apply to your case, it
21 doesn't apply to this kind of case. They're going to
22 take out the paragraphs that don't apply to your case,
23 but they're still going to have a number of paragraphs.

24 It will probably have 12 or 15 paragraphs in it.
25 They're not real long, but I want you to read every

1 word of it and decide if that's what you want to do.
2 If you change your mind, you tell me you want to change
3 your mind, but then I will go into an inquiry with you
4 today, this afternoon, about your plea of guilty. Your
5 sentence would not be today, do you understand that?

6 **THE DEFENDANT:** Yes, Your Honor.

7 **THE COURT:** It would not be today. That would be
8 set to a later time. And with that, my thought is
9 I would just adjourn court -- or actually recess court
10 so you're allowed time to do that. Mr. Craft is
11 allowed time to read through that form.

12 And I would actually like you to sign that in
13 front of me. You can be completely ready to sign it,
14 but I would like you to sign it in front of me where
15 I see you do that.

16 **THE DEFENDANT:** Yes, Your Honor.

17 **THE COURT:** I think we'll take that break now. Is
18 there anything else before I take a break?

19 **MR. PAYNE:** Yes, sir.

20 **THE COURT:** Yes, sir.

21 **MR. PAYNE:** If I may, Judge, seeing how we're
22 still standby counsel, I am assuming we will stay on
23 the service list of the clerk's electronic filing
24 system. Would that be correct, Madam Clerk?

25 **THE COURT:** Absolutely. Anything that comes into

1 this file, a copy needs to go to standby counsel, which
2 is Mr. Marshburn.

3 **MR. PAYNE:** We should be getting it through the
4 automatic service. That raises the question, though,
5 on how Mr. Craft gets pleadings filed by the State and
6 how Mr. Craft files pleadings directly to the State.

7 **THE COURT:** And I think we'll have to discuss
8 exactly how that's done. Let's prepare this now and
9 let's be thinking about --

10 **MR. PAYNE:** I just raise that issue.

11 **THE COURT:** Let's be thinking about that issue
12 about how Mr. Craft gets things filed with the clerk
13 and how the clerk gets things that have been filed to
14 Mr. Craft. Let's think about that during this break
15 because they do have to get to you. There's no way to
16 get email to you where you are, is there?

17 **THE DEFENDANT:** No, sir.

18 **THE COURT:** Okay. So it would have to be by
19 written. And you have the ability to have either a
20 typewriter, a computer or handwriting on a piece of
21 paper if you needed to send something to the clerk,
22 don't you?

23 **THE DEFENDANT:** Handwriting, Your Honor, yes.

24 **THE COURT:** And you have stamps and the ability to
25 mail?

1 **THE DEFENDANT:** Yes, Your Honor.

2 **THE COURT:** And you write I think legal mail on
3 there or something of that nature and it goes into a
4 bin that goes right out?

5 **THE DEFENDANT:** Yes, Your Honor.

6 **THE COURT:** So there will be a few days' delay
7 each time, but as -- after we take this plea, I'll be
8 setting this for a specific date and you'll already
9 know when that is. And then if you have something in
10 writing you're wanting to file, we'll talk about it and
11 probably hand you something that has the address.
12 I believe you already have the address to the clerk,
13 don't you?

14 **THE DEFENDANT:** Yes, Your Honor.

15 **THE COURT:** You've already sent some things to the
16 clerk, haven't you?

17 **THE DEFENDANT:** Yes, Your Honor.

18 **THE COURT:** It would be that same address and then
19 we'll go from there.

20 So thank you for bringing that up, Mr. Payne,
21 I appreciate that. We'll come back to that subject,
22 but I think we would actually want to put something in
23 his hand with the address, even though we know he has
24 it. We want him to have something that has the clerk's
25 office address on it and to what division it would go

1 and we'll give that to him when we come back.

2 All right. Suggested amount of time, 15 minutes,
3 20 minutes? How long do you want to get that form
4 prepared, to get it to him and let him look at it?

5 **MR. DURRETT:** I can have it typed in 5. 15 to 20?

6 **THE COURT:** We'll take a 20-minute break right
7 now.

8 **MR. DURRETT:** Yes, sir.

9 **THE COURT:** They're going to prepare that, get it
10 to you. As soon as you get it finished, let's get it
11 to him. You look over every word of it. You certainly
12 can talk with Mr. Marshburn about it. And then we'll
13 come back -- I'll come back to open court again.

14 **THE DEFENDANT:** Yes, Your Honor.

15 *(The above-styled proceedings were recessed at*
16 *2:56 p.m. and recalled at 3:29 p.m. The following*
17 *proceedings were held in open court with the defendant*
18 *present, to-wit:)*

19 **THE COURT:** We're now back on the record in the
20 case of Robert Croft. This is case --

21 **THE DEFENDANT:** Craft.

22 **MR. DURRETT:** It's Craft, Your Honor.

23 **THE COURT:** Craft. I said Croft, I meant Craft.
24 It's Case Number 18-667. Am I getting that right?

25 **MR. DURRETT:** You are, Judge.

1 **THE COURT:** Mr. Craft?

2 **THE DEFENDANT:** Yes, Your Honor.

3 **THE COURT:** You're the same Mr. Craft that was up
4 in front of me a few moments ago when we took a few
5 minutes' break so the State could print out something.

6 Has that been printed and handwritten or otherwise
7 typed into the appropriate blanks?

8 **MR. DURRETT:** Yes, Your Honor, it has been. And
9 Mr. Craft and I went over everything in it. And while
10 we were doing that, there was one paragraph that
11 referenced discussing things with his attorney, so on
12 and so forth, the paragraph four in that document, that
13 that was what I went back and took out and went back
14 and sat down with Mr. Craft and went over it. The
15 substantive portions did not change at all, it was just
16 the references to his attorney that I took out. And
17 I believe we are ready to go forward, Your Honor.

18 **THE COURT:** Mr. Craft, as a matter of fact you
19 have discussed things with an attorney, but at this
20 moment you're representing yourself; is that correct?

21 **THE DEFENDANT:** Yes, Your Honor.

22 **THE COURT:** So it's both. If he had left the
23 paragraph that said I've discussed things with my
24 attorney, you have discussed a lot of things with your
25 attorney before you became your own attorney today,

I correct?

2 **THE DEFENDANT:** Yes, Your Honor.

3 **THE COURT:** All right. I'm going to go over a few
4 things. Where is the document right now? Where is the
5 piece of paper?

6 **MR. DURRETT:** Mr. Craft has it in front of him,
7 Judge.

8 **THE COURT:** Okay.

9 **MR. DURRETT:** None of us have signed it.

10 **THE COURT:** And I would like to see, if I could
11 see, the State sign the document, see Mr. Craft sign
12 the document and then it can come up to me.

13 **MR. DURRETT:** Yes, sir.

14 *(Brief pause in the proceedings.)*

15 **MR. DURRETT:** There's two lines for Mr. Craft. It
16 was his signature and then again another one indicating
17 defense counsel saying waived by the defendant.

18 **THE COURT:** And I'm watching Mr. Craft pick up a
19 pen now to sign it and he's signing it now.

20 During this inquiry I'm going to be using some of
21 the language from a case named Lynch versus State,
22 841 So. 2d 362, and then we'll expand upon that
23 language.

24 Mr. Craft, I just saw you sign this document in
25 front of me and this document is named offer of plea.

1 Is that what you just signed in front of me? I watched
2 you do it.

3 **THE DEFENDANT:** Yes, Your Honor.

4 **THE COURT:** Before you signed it, did you have
5 adequate time to go over it?

6 **THE DEFENDANT:** Yes, Your Honor.

7 **THE COURT:** You actually saw an earlier version
8 maybe 30 minutes ago and then the State changed some
9 things about the paragraphs that talked about you
10 having advice of counsel because you now are
11 representing yourself. Do you understand that?

12 **THE DEFENDANT:** Yes, Your Honor.

13 **THE COURT:** All right. Did anyone promise you
14 anything different than what's in this plea in order
15 for you to sign this plea and enter it today?

16 **THE DEFENDANT:** No, Your Honor.

17 **THE COURT:** Do you understand you have a right to
18 a trial by a jury on what you're charged with, first
19 degree murder, capital murder, in this case,
20 2018-667-CF?

21 **THE DEFENDANT:** Yes, Your Honor.

22 **THE COURT:** Do any questions come to your mind at
23 this moment about the offer of plea? Do you have any
24 questions? I'm going to have some for you, but do you
25 have any for me right this minute?

1 **THE DEFENDANT:** The only question I have, Your
2 Honor, is in one of the subsections it says I have the
3 right to waive a jury --

4 **THE COURT:** Yes.

5 **THE DEFENDANT:** -- for the sentencing and I wish
6 to do so.

7 **THE COURT:** You want to waive a jury for the
8 sentencing phase or the penalty phase of your
9 proceeding?

10 **THE DEFENDANT:** Yes, Your Honor.

11 **THE COURT:** You understand in a capital case,
12 there's two different proceedings. You obviously
13 understand because of the questions you're asking. But
14 in one phase, the only question for the jury to decide
15 is has the State proven its case beyond and to the
16 exclusion of every reasonable doubt. That's the first
17 phase of the trial, the guilt or innocence phase.

18 By a plea, you're totally substituting this plea
19 for any jury trial on whether you're guilty or not.
20 You're saying I'm guilty and I offer my plea to that so
21 we totally dispense with that part. Do you understand
22 that?

23 **THE DEFENDANT:** Yes, Your Honor.

24 **THE COURT:** In a death penalty case, there's a
25 second part -- or a capital case, there's a second part

1 where the jury listens to aggravators and mitigators
2 the State has to prove -- and I want counsel to listen
3 carefully. If I get any of this even slightly
4 different than what the law requires, please alert me
5 right away.

6 The State's required to prove to that jury of
7 twelve people any aggravator. Merely being convicted
8 of first degree murder does not open the door to you
9 receiving the death penalty. The State has to prove
10 additionally aggravating factors against you. You
11 understand that, correct?

12 **THE DEFENDANT:** Yes, Your Honor.

13 **THE COURT:** They have to prove those beyond and to
14 the exclusion of every reasonable doubt. And unlike
15 years before, now the law in Florida is the jury has to
16 go back and they have to look at that first aggravator
17 that they tried to prove and they say we find that it
18 was proven or not and the vote is. And now the vote
19 must be twelve to zero. They have to all agree that
20 aggravator has been proven.

21 Then they go -- if there's a second aggravator,
22 they have to make another decision, has this aggravator
23 been proven, and that has to be twelve to zero in order
24 to count to make the possibility of a death penalty --
25 to make there be a possibility of a death penalty. Do

1 you understand that?

2 **THE DEFENDANT:** Yes, Your Honor.

3 **THE COURT:** Then they go to the third aggravator.
4 However many aggravators the State has tried to prove,
5 they have to go one by one and say, yes, we all agree
6 twelve to zero they've proven that one; they've proven
7 that one; no, we don't agree they've proven number
8 three; yes, they have proven number four. And then
9 instead of having four that the Court -- the sentencing
10 court would look at, there's only three.

11 After they look at that, then the jury has to look
12 at all mitigators. Those do not have to be proven by
13 twelve to zero. You put those on, you or if you were
14 represented by counsel, counsel puts those on. There's
15 a number of them, there's a whole number.

16 Aggravating factors are listed in the statute.
17 They can only use the ones that are listed in the
18 statute. Mitigators are both statutory mitigators and
19 there are non-statutory mitigators.

20 Any mitigator must be considered by the trier of
21 fact, the jury. They have to look at the aggravators,
22 they have to look at the mitigators. And it's not just
23 numerically, well, there's four on this side and two on
24 this side, or whether two over here and nine over here,
25 they have to look at the whole thing and decide is this

1 a case in which the death penalty should be imposed.

2 When they've looked at all of that, then they have
3 to vote twelve to zero for the death penalty to be
4 imposed. Only then can the death penalty be imposed.
5 Do you understand that process?

6 **THE DEFENDANT:** Yes, Your Honor.

7 **THE COURT:** Have you actually already gone over
8 that with your attorney, those kind of things?

9 **THE DEFENDANT:** Yes, Your Honor.

10 **THE COURT:** The fact there have to be aggravators,
11 the fact that you have mitigators, the fact that a jury
12 determines all those, have you gone over that with your
13 attorney?

14 **THE DEFENDANT:** Yes, Your Honor.

15 **THE COURT:** Okay. Did you understand it?

16 **THE DEFENDANT:** Yes, Your Honor.

17 **THE COURT:** As I explained it to you do you
18 understand it?

19 **THE DEFENDANT:** Yes, Your Honor.

20 **THE COURT:** In Florida you can waive a jury on
21 that second part, which is the penalty phase. Once
22 I accept this plea, we're beyond the first phase. The
23 first phase is over, you have pled guilty so there is
24 no phase in front of a jury.

25 On the second phase you can have a jury or you can

1 waive a jury. You brought up the issue that you wanted
2 to waive the jury in the second part; is that correct?

3 **THE DEFENDANT:** Yes, Your Honor.

4 **THE COURT:** In the penalty phase, do you
5 understand that even if you waive a jury, there still
6 must be a presentation by the State and you're allowed
7 to make a presentation, you don't have to, but you're
8 allowed to make a presentation of mitigators or to
9 argue why those aggravators should not yield a death
10 penalty. We still have to have that hearing. Do you
11 understand that?

12 **THE DEFENDANT:** Yes, Your Honor.

13 **THE COURT:** And that won't happen today.

14 **THE DEFENDANT:** Yes, Your Honor.

15 **THE COURT:** After that is finished, then the
16 Court -- the Court being the judge. The judge has to
17 go back and do what the jury would have done, which is
18 weigh each one and decide has it been proven or not.
19 Does that make sense?

20 **THE DEFENDANT:** Yes, Your Honor.

21 **THE COURT:** Then the judge has to do what the jury
22 would have done and go back and look and determine,
23 okay, this one has been proven, this one hasn't been
24 proven, this one has been proven and I have to make a
25 written finding here's the aggravators that I find and

1 here's what I find about those aggravators and whether
2 they're a strong aggravator or are weak or whether
3 they're considered very, very important or not as
4 important in this case. And then I have to consider
5 the mitigators, I have to consider all of them together
6 and then determine whether a death sentence should be
7 imposed.

8 So part of what you're waiving in doing what
9 you're doing here is you had one set of people called
10 jurors who would have had to make all those
11 determinations twelve oh to start with. Only then can
12 a judge look at whether the death penalty is -- could
13 be imposed.

14 Now if you waive that, we're at the point strictly
15 if you present -- the State presenting their evidence,
16 you presenting your evidence and the jury becomes a
17 jury of one, and that would be me, assuming I'm
18 available, not sick or out of town or something, it
19 would be me that would decide that.

20 And I make the same -- I go through the same
21 process, but instead of being -- there are two
22 processes, one of which has to be twelve people
23 agreeing every time, it's one person looking at it, and
24 that would be the judge, and then I make that weighing
25 decision and then come to an ultimate conclusion of

1 what should be imposed. Do you understand that?

2 **THE DEFENDANT:** Yes, Your Honor.

3 **THE COURT:** And there's only two -- I'm going over
4 some things I've already hit. There's only two
5 possible penalties when it's first degree murder of the
6 type you're charged with; one is life in prison with no
7 possibility of parole, the other is imposition of
8 death, capital punishment. That's the only two
9 options. You could argue any way you wanted to and the
10 State could argue any way they wanted to. It can't be
11 less than that. It's either life imprisonment or
12 death, that's the only two options. Do you understand
13 that?

14 **THE DEFENDANT:** Yes, Your Honor.

15 **THE COURT:** I keep saying do you understand. I'm
16 watching your face. I can tell you understand, it's
17 very clear. Your facial expressions are telling me
18 you're following every word I say, you're nodding at
19 appropriate times, even the movement of your mouth and
20 your face show me you understand, but I have to get it
21 on the record. This is very, very important.

22 And at any time you change your mind about
23 anything, whether it's about having counsel, whether
24 it's wanting more time, whether it's presenting your
25 case a different way, you let me know. Do you

I understand that?

THE DEFENDANT: Yes, Your Honor.

THE COURT: Okay. We've already established that you read, write and speak the English language and you've just read a couple books, which you put on the record what they were.

Have you had any drugs or alcohol in the last 24 hours?

THE DEFENDANT: No, Your Honor.

THE COURT: Last 48 hours?

THE DEFENDANT: No, Your Honor.

THE COURT: Are you taking any antidepressants?

THE DEFENDANT: No, Your Honor.

THE COURT: Sleeping pills?

THE DEFENDANT: No, Your Honor.

THE COURT: Any kind of strong medicine other than the one that you have already told me about?

THE DEFENDANT: No, Your Honor.

THE COURT: Do you feel you're absolutely capable of exercising your best judgment today?

THE DEFENDANT: Yes, Your Honor.

THE COURT: How many weeks or months have you thought about this?

THE DEFENDANT: I've thought about this since May 15th of 2018, Your Honor.

1 **THE COURT:** So for ten months you've had a chance
2 to think about this and this is the way you want to go?

3 **THE DEFENDANT:** Yes, Your Honor.

4 **THE COURT:** Do you understand that if you plead
5 not guilty, you deny the charge and you make the State
6 prove the case beyond and to the exclusion of every
7 reasonable doubt to a jury or to a judge. Do you
8 understand that?

9 **THE DEFENDANT:** Yes, Your Honor.

10 **THE COURT:** And that if you plead guilty, you're
11 admitting the truth of the charge, that you are guilty
12 of first degree murder?

13 **THE DEFENDANT:** Yes, Your Honor.

14 **THE COURT:** Do you understand that at a trial by a
15 jury, you are able to assist in the selection of the
16 jury. You can see, hear, face and cross-examine the
17 witnesses against you in open court. You have subpoena
18 power to call witnesses on your behalf. Even if they
19 didn't want to come, they have to come if they're
20 subpoenaed. You have the right to testify or to remain
21 silent. Your silence cannot be held against you. You
22 have the right to be represented by a lawyer or lawyers
23 at the trial and at the second phase of the trial, but
24 if you enter a plea of guilty, you waive all of those
25 rights regarding trial, give up those rights, you will

1 never get them back again, there will be no trial. Do
2 you understand that?

3 **THE DEFENDANT:** Yes, Your Honor.

4 **THE COURT:** Has anyone threatened you or coerced
5 you into entering this plea?

6 **THE DEFENDANT:** No, Your Honor.

7 **THE COURT:** Has anyone promised any leniency or
8 reward for you to enter this plea?

9 **THE DEFENDANT:** No, Your Honor.

10 **THE COURT:** Have there been any on-the-record or
11 off-the-record assurances made to you by your lawyers
12 or anyone else as to what the ultimate sentence will
13 be?

14 **THE DEFENDANT:** No, Your Honor.

15 **THE COURT:** You signed this offer of plea. I'm
16 looking at it here. Where it says defense counsel, it
17 says waived by defendant, that's been typed in
18 underneath. Do you still intend to waive counsel and
19 enter this plea today?

20 **THE DEFENDANT:** Yes, Your Honor.

21 **THE COURT:** Have you reconsidered, even at this
22 last moment, and said, Judge, let me have a lawyer?

23 **THE DEFENDANT:** No, Your Honor.

24 **THE COURT:** Can you tell that I wanted you to have
25 a lawyer?

1 **THE DEFENDANT:** Yes, sir.

2 **THE COURT:** Can you tell that?

3 **THE DEFENDANT:** Yes, Your Honor.

4 **THE COURT:** Do you understand that if you had a
5 lawyer -- some of this is a little repetitious -- they
6 would have worked on mitigators to show at the second
7 phase of the trial. Not only would they have worked on
8 the guilt or innocence phase, they would have worked on
9 the second phase trying to do mitigators, one of which
10 you heard about, the aunt that's in another state.
11 They've already been working on that, you know that,
12 and that work will stop. Do you understand that?

13 **THE DEFENDANT:** Yes, Your Honor.

14 **THE COURT:** And you will have a hard time
15 preparing that kind of thing from your cell, in fact
16 you really won't be able to very well. Do you
17 understand?

18 **THE DEFENDANT:** Yes, Your Honor.

19 **THE COURT:** Okay. Do you also understand that
20 there may have been motions filed by your attorney or
21 that you and your attorney filed together, and by
22 entering a plea of guilty, a lot of those are no longer
23 points on appeal. They cannot be a reason to reverse
24 your case because you have entered a plea of guilty.

25 **THE DEFENDANT:** Yes, Your Honor.

Laurie Ann Chaffin
Registered Professional Reporter
4424 NW American Lane, Suite 101
Lake City, Florida 32055
(386) 754-7067

1 **THE COURT:** Are there other questions suggested by
2 any counsel, either counsel of record on this case or
3 other attorneys presently in the room?

4 **MR. DURRETT:** No, sir.

5 **THE COURT:** Do you have any questions, Mr. Craft.

6 **THE DEFENDANT:** Well, I spoke to the State about
7 it. I had two motions. One of them I don't need now
8 because I'm putting in a plea of guilty, but I have one
9 that I was going submit, a demand for discovery.
10 Because I was sent a discovery, but from the index,
11 going over the index part, the whole discovery is not
12 there.

13 **THE COURT:** Do you want to wait on taking your
14 plea until after you have received that other discovery
15 or you just want it for your own records later?

16 **THE DEFENDANT:** I want it for my own records
17 later, Your Honor.

18 **THE COURT:** That's really important because if
19 there's anything in that discovery that might affect
20 whether you want to plead guilty, then it needs to be
21 in your hands and you need to review it before you
22 plead guilty. If you're telling me, regardless of what
23 it says, I want to plead guilty. I want those papers,
24 but it's not going to affect my plea. Do you want to
25 plead today even without those papers?

1 **THE DEFENDANT:** Yes, Your Honor.

2 **THE COURT:** Are you familiar with what he's
3 talking about?

4 **MR. DURRETT:** Yes, Your Honor. We spoke over
5 there when we were going over the plea, and just what
6 Your Honor touched upon with Mr. Craft. I indicated
7 that with this concern or desire to have all documents
8 in discovery, that the Court would of course inquire
9 further as to whether or not we would be going forward
10 with a plea today and we had a discussion about all of
11 that.

12 And just as he indicated to the Court, no, it's
13 nothing affecting my desire to go ahead and enter into
14 this guilty plea, it's just I want to have them for
15 myself to have. And we had a lengthy discussion about
16 how I would again make copies of everything that I had
17 provided to the defense counsel as well as any discs in
18 the State's possession, photographs, things of that
19 nature, that I would provide them to him with the
20 caveat that discs and things of that nature would be
21 subject to the Florida State Prison's own restrictions
22 on what is admissible, how I could not even go in there
23 with a tiny flash drive attached to my keychain, that
24 they probably will not allow him to have a CD as it is
25 an electronic storage device. He indicated to me,

Laurie Ann Chaffin
Registered Professional Reporter
4424 NW American Lane, Suite 101
Lake City, Florida 32055
(386) 754-7067

1 well, the doctors had come in with their laptops and
2 I said, yes, that required special approval from the
3 warden that I had to call and ask for, that I can't
4 tell you that they're going to let you have those
5 things, but I would make a copy of everything, I will
6 bring it to the Florida State Prison either in person
7 or call them and tell them I am mailing it and sending
8 it to them and they will have to make the decision as
9 to the compact discs.

10 **THE COURT:** Do you understand that, sir?

11 **THE DEFENDANT:** Yes, Your Honor.

12 **THE COURT:** They're not providing you equipment to
13 play it on, they're not assuring you that you'll be
14 allowed to use equipment to play it on, they're
15 providing you with the discovery. And if the rules of
16 the Department of Corrections say no CDs come in here,
17 then you won't be getting them. You'll be offered
18 them, but they won't actually get to you. Do you
19 understand that?

20 **THE DEFENDANT:** Yes, Your Honor.

21 **THE COURT:** Anything else?

22 **MR. DURRETT:** I don't believe so, Your Honor.

23 **THE COURT:** From Mr. Marshburn as standby counsel,
24 is there anything that you would alert the Court to,
25 anything to further inquire?

1 **MR. MARSHBURN:** No, Your Honor.

2 **THE COURT:** All right. Mr. Craft, it would
3 appear -- I don't know that I asked you if you're an
4 American citizen, so I'll ask you now. Are you an
5 American citizen?

6 **THE DEFENDANT:** Yes, Your Honor.

7 **THE COURT:** I think deportation consequences would
8 be a very small thing for you to be thinking about
9 right now, but that is something I should inform you
10 about.

11 **MR. DURRETT:** Judge, given the nature, the State
12 would request to put forth a factual basis to support
13 the plea.

14 **THE COURT:** Please do so.

15 **MR. DURRETT:** Yes, Your Honor. The indictment in
16 this case and the evidence that supports it were that
17 Mr. Craft on May the 16th, on or about on that date,
18 2018, in Columbia County, specifically at the Columbia
19 Correctional Institution, unlawfully and from a
20 premeditated design and intent to effect the death of
21 [REDACTED] did kill him by inflicting
22 upon him mortal wounds and injuries, specifically
23 Mr. Craft beat Mr. [REDACTED] and strangled him.

24 As he just indicated during the plea colloquy, it
25 was in terms of how long he had been thinking about it

1 of note, since May 15th, that was while he was in a
2 cell with Mr. [REDACTED] prior to the killing, further
3 indicating a premeditated design and intent to effect
4 the death of his cellmate.

5 They were -- on May the 16th, Columbia
6 Correctional Institute personnel arrived at Mr. Craft's
7 cell. Mr. Craft indicated to them that he had killed
8 his cellmate. He then reiterated the same, indicating
9 the manner in which he had done it, by beating and
10 strangling him, in further interviews to the Florida
11 Department of Law Enforcement and further detailed in
12 letters and correspondence that he has sent to the
13 office of the state attorney of his plan to effect the
14 death of Mr. [REDACTED] and his actions in carrying out said
15 acts. All again occurring within Columbia County,
16 contrary to Florida Statute 782.041.

17 **THE COURT:** Mr. Craft, are you pleading guilty to
18 what he just said?

19 **THE DEFENDANT:** Yes, Your Honor.

20 **THE COURT:** Your plea is accepted on a finding
21 it's given freely, voluntarily, knowingly and
22 intelligently given. He has had adequate consultations
23 with attorneys, but has decided as of today to
24 represent himself. He has made it clear that he wants
25 to take this plea today, that he wants to plead guilty

1 to first degree murder, realizing that the only thing
2 left now will be a sentencing proceeding that will come
3 at a later time, and the Court now accepts his plea,
4 and I will sign the plea.

5 Do we have a date? And please keep in mind there
6 are some other things going on here at the courthouse
7 that I wouldn't want it right in the middle of some
8 certain other things, like long cases.

9 **MR. DURRETT:** Yes, Your Honor. Judge, we would be
10 requesting a PSI be ordered in Mr. Craft's case prior
11 to the sentencing phase.

12 He has indicated to me his desire to waive his
13 right to a jury for the sentencing phase and for it to
14 be conducted solely before Your Honor and I told him
15 that that is of course his right and the Court would
16 address it with him and that it would probably take
17 between four to six weeks for the Department to prepare
18 the report they needed and to coordinate with the
19 Court's calendar, but that if he came back on that
20 date, he would then again be instructed upon his rights
21 to counsel and to a jury trial, and if he desired
22 either at that point, then the issue could be revisited
23 at that point.

24 As to --

25 **THE COURT:** As to the second phase. As to the

1 first phase --

2 **MR. DURRETT:** As to part two.

3 **THE COURT:** Right.

4 **MR. DURRETT:** The plea has been accepted as to
5 that. It is only as to the sentencing phase.

6 As to a date, to answer your question, Your Honor.
7 We have court dates of -- looking to May, and as it
8 presently stands beginning May 20th through the end of
9 the month, the Court and the State, at least this part
10 of the State, are occupied with a separate capital
11 case.

12 We have May the 1st is a violation of probation
13 date before Your Honor. May the 8th is an arraignment
14 and motion date. May the 15th is a VOP date or we
15 could potentially try to schedule a date specific
16 solely for Mr. Craft.

17 **THE COURT:** The likely least populated day with
18 cases is the 15th, is it not? That would be the VOP
19 day, setting him in the afternoon of that date?

20 **MR. DURRETT:** We could make it so, as there are no
21 speedy trial constraints and we can manipulate the
22 manner in which hearings are set, be it for the 1st or
23 the 5th of June, but we can certainly make that
24 afternoon available.

25 **THE COURT:** Mr. Marshburn?

1 **MR. MARSHBURN:** Presently I am scheduled to be in
2 a homicide trial in Dixie County on May 15th.

3 **THE COURT:** And what was the date one week -- is
4 it the 7th?

5 **MR. DURRETT:** There was May the 1st was a VOP date
6 or May the 8th is a motion date.

7 **MR. MARSHBURN:** May the 1st we are probably going
8 to be in New York.

9 **MR. DURRETT:** We are. May 1st Mr. Marshburn and
10 I will be in New York for a deposition.

11 **THE COURT:** But the date we're setting it is for
12 the actual sentencing proceeding?

13 **MR. DURRETT:** Yes, Your Honor.

14 **THE COURT:** The length of that would you expect to
15 be -- you must put on evidence.

16 **MR. DURRETT:** We will. At least half a day.

17 **THE COURT:** I don't think we ought to set it that
18 day. I think you better get in touch with my office
19 and we find a full day, don't you think?

20 **MR. DURRETT:** I will. Yes, Your Honor, I will.

21 **THE COURT:** I want Mr. Marshburn obviously to be
22 there. To the extent y'all can share your calendars to
23 make sure that we don't set it on a day when you're
24 unavailable or that you're unavailable.

25 **MR. DURRETT:** Yes, Your Honor.

1 **THE COURT:** And I'll try to move something if
2 I have to. I'll have somebody else cover something for
3 me if necessary.

4 **MR. DURRETT:** Yes, sir.

5 **THE COURT:** But I would think we need to give it
6 four to six weeks for the PSI.

7 **MR. DURRETT:** Yes, Your Honor. I will contact
8 your judicial assistant for a date beyond four weeks
9 out from today.

10 **THE COURT:** I'm going to make the PSI available
11 May 1st.

12 **MR. DURRETT:** Yes, Your Honor.

13 **THE COURT:** You want to write that on here, May
14 1st. Now you need to get that to them today.

15 **MR. DURRETT:** I will call the Department of
16 Corrections when we leave court to let them know to
17 begin.

18 **THE COURT:** And a copy of that -- this will be
19 very different for them, a copy of that must go to him
20 when they get it finished.

21 **MR. DURRETT:** Yes, Your Honor.

22 **THE COURT:** And it's not a public record, so of
23 course they would have to seal it up and send it to
24 him.

25 You'll be getting a copy of the PSI sometime

1 probably the last week of April.

2 Did you say there was any other motions that you
3 wanted heard now?

4 **THE DEFENDANT:** No, Your Honor.

5 **THE COURT:** Any other motions? You said there was
6 more than one, but one of them you don't need to hear
7 because you entered the plea.

8 **THE DEFENDANT:** Yes, Your Honor.

9 **THE COURT:** All right. I'm ordering a PSI. That
10 will be done by the Department of Corrections. They'll
11 end up interviewing you probably for that document. It
12 usually turns out to be six to ten pages long, and when
13 it's finished, they send a copy to me, a copy to
14 Mr. Durrett, send a copy to you.

15 **THE DEFENDANT:** Yes, Your Honor.

16 **THE COURT:** And that will be before the sentencing
17 proceeding. We don't know the exact day of the
18 sentencing proceeding. Because of the length of that
19 proceeding, I'm not going to set it on a regular VOP
20 day. We did this today and we had the time today, but
21 I don't want -- I want to have a full day.

22 **THE DEFENDANT:** Yes, Your Honor.

23 **THE COURT:** So we'll look for a full day and we'll
24 make him aware of that. As soon as we set that, I want
25 to do that by written order. I'm going to send a copy

1 to him so he knows exactly what day we're going to do
2 the sentencing proceeding.

3 **MR. DURRETT:** Yes, Your Honor.

4 **THE COURT:** Okay. Is there anything else with
5 Mr. Craft today?

6 **MR. DURRETT:** No, sir.

7 **THE COURT:** Mr. Craft, anything else, sir?

8 **THE DEFENDANT:** No, Your Honor.

9 **THE COURT:** Anything else?

10 All right. That will end our proceedings on
11 Mr. Craft at this time.

12 Was he brought from the Department of Corrections?

13 **THE BAILIFF:** Yes, sir.

14 **THE COURT:** Will he be taken back to the
15 Department of Corrections today?

16 **THE BAILIFF:** Yes, sir.

17 **THE COURT:** And do we have something where we can
18 give him the address of the clerk's office, although
19 I believe he already has it? Do we have something?

20 **THE CLERK:** I already wrote it out.

21 **THE COURT:** I don't doubt that at all. If you
22 would give that to Mr. Durrett or to the bailiff and
23 let Mr. Craft have that.

24 Was that our last case today?

25 **MR. DURRETT:** Yes, sir, it is.

1 **THE COURT:** All right. Court's now adjourned.
2 I will watch the fingerprinting however.
3 *(Proceedings concluded at 3:58 p.m.)*

REPORTER'S CERTIFICATE OF ACCURACY

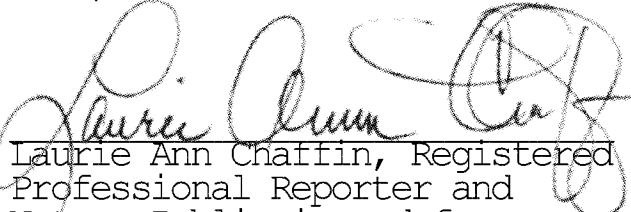
STATE OF FLORIDA)

COUNTY OF COLUMBIA)

I, Laurie Ann Chaffin, Registered Professional Reporter and Notary Public in and for the State of Florida at Large, do hereby certify that the **CASE STATUS REVIEW/CHANGE OF PLEA** was taken in re: The Circuit Court of the Third Judicial Circuit, in and for Columbia County, Florida, SC19-953, L.T. No. 12-2018-CF-667-A, **THE STATE OF FLORIDA**, Plaintiff, versus **ROBERT E. CRAFT**, Defendant, on the 27th day of March, A.D., 2019;

That I was authorized to and did report the foregoing **CASE STATUS REVIEW/CHANGE OF PLEA**, and that the transcript, numbered 1 through and including 76, constitute a true and correct transcription of my stenographic notes taken aforesaid, which were reduced to printing under my personal supervision.

IN WITNESS WHEREOF, I have hereunto affixed my hand the 19th day of June, A.D., 2019.



Laurie Ann Chaffin, Registered
Professional Reporter and
Notary Public in and for
the State of Florida

Laurie Ann Chaffin
Registered Professional Reporter
4424 NW American Lane, Suite 101
Lake City, Florida 32055
(386) 754-7067

IN THE CIRCUIT COURT OF THE
THIRD JUDICIAL CIRCUIT, IN AND
FOR COLUMBIA COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,

CASE NO.: SC19-953
L.T. No.: 12-2018-CF-667-A

VS.

TRANSCRIPT ON APPEAL

ROBERT E. CRAFT,
Defendant.

PROCEEDING: PUNISHMENT PHASE HEARING

BEFORE: The Honorable
Paul S. Bryan

DATE: May 13, 2019

TIME: 9:00 a.m.

PLACE: Columbia County Courthouse
Lake City, Florida

REPORTED BY: Laurie Ann Chaffin,
Registered Professional Reporter
Third Judicial Circuit

APPEARANCES:

JOHN DURRETT, ESQUIRE
Assistant State Attorney
173 NE Hernando Ave., Ste 420
Lake City, Florida 32055
Appearing for the State

NATHAN MARSHBURN, ESQUIRE
Assistant Public Defender
173 NE Hernando Ave., Ste 115
Lake City, Florida 32055
Standby counsel for Defendant

JEFF SIEGMEISTER, ESQUIRE
State Attorney
173 NE Hernando Ave., Ste 420
Lake City, Florida 32055
Appearing for the State

Laurie Ann Chaffin
Registered Professional Reporter
4424 NW American Lane, Suite 101
Lake City, Florida 32055
(386) 754-7067

P R O C E E D I N G S

May 13, 2019

9:43 a.m.

(The following proceedings were held in open court with the defendant present, to-wit:)

THE COURT: Let's go around the room, at least inside the bar, and say who is here.

My name is Paul Bryan. I'm the circuit judge conducting this matter.

If we could go right over here to the clerk. If you would just announce your name, please.

THE CLERK: Valeria Cole.

THE COURT: And then the bailiff?

THE BAILIFF: Deputy Jack Craig.

THE COURT: And then the defendant?

THE DEFENDANT: Robert Craft.

MR. DURRETT: John Durrett.

MR. SIEGMEISTER: Jeff Siegmeister.

THE COURT: And there are other people here in the room that are watching. And we also have the court reporter taking down everything, but we're also recording this digitally at this time.

Mr. Craft, first thing, if you could just raise your right hand, please. I'm going to have you take

*Laurie Ann Chaffin
Registered Professional Reporter
4424 NW American Lane, Suite 101
Lake City, Florida 32055
(386) 754-7067*

1 the oath.

2 *(The defendant acknowledged being duly sworn.)*

3 **THE COURT:** I think the mike is pointed pretty
4 much at you. Tell me your name and date of birth.

5 **THE DEFENDANT:** Robert Craft, sir. 8/15/1990,
6 sir.

7 **THE COURT:** Mr. Craft, where are you right now?

8 **THE DEFENDANT:** At the Lake City courthouse.

9 **THE COURT:** Okay. Where were you early this
10 morning?

11 **THE DEFENDANT:** Florida State Prison, sir.

12 **THE COURT:** Do you remember being checked out from
13 the prison to come to this proceeding?

14 **THE DEFENDANT:** Yes, sir.

15 **THE COURT:** Were you expecting this proceeding
16 today?

17 **THE DEFENDANT:** Yes, sir.

18 **THE COURT:** Okay. And what is the proceeding
19 today?

20 **THE DEFENDANT:** A sentencing, sir.

21 **THE COURT:** Okay. You have elected to represent
22 yourself. Your standby counsel is seated right behind
23 you, maybe five, six feet away. Mr. Marshburn, he's
24 seated right behind you.

25 I'm going to ask you some questions. They're

1 going to seem repetitious to you, and that's about
2 whether you intend to continue to waive counsel and
3 represent yourself.

4 I've gone through this with you more than once,
5 but I'm going to go through it with you again this
6 morning. Do you understand that?

7 **THE DEFENDANT:** Yes, Your Honor.

8 **THE COURT:** Are you clear-minded this morning?

9 **THE DEFENDANT:** Yes, Your Honor.

10 **THE COURT:** Have you had any medications, alcohol,
11 drugs, anything that would affect your reasoning or
12 understanding today?

13 **THE DEFENDANT:** No, Your Honor.

14 **THE COURT:** Do you understand you have a right to
15 an attorney if you cannot afford one?

16 **THE DEFENDANT:** Yes, Your Honor.

17 **THE COURT:** Is there a reason that you want to
18 represent yourself as opposed to having an attorney?

19 **THE DEFENDANT:** Yes, Your Honor.

20 **THE COURT:** What is that?

21 **THE DEFENDANT:** To speed my case up, to be able to
22 be active in it myself.

23 **THE COURT:** You realize that even though
24 previously you have said I want to represent myself and
25 I've asked you a number of questions about that, you

1 could change your mind. You could change your mind
2 right now this morning and say, you know, I think it's
3 a better idea if I have an attorney. Do you want to
4 change your mind, do you want an attorney, do you want
5 to represent yourself? You tell me where you are on
6 that issue.

7 **THE DEFENDANT:** I want to represent myself, Your
8 Honor.

9 **THE COURT:** Without any doubt in your mind?

10 **THE DEFENDANT:** Yes, sir.

11 **THE COURT:** You remember the discussion we had
12 about things that an attorney would know how to do that
13 you probably do not know how to do, that they're
14 trained in the law? You remember all that discussion I
15 had with you previously?

16 **THE DEFENDANT:** Yes, Your Honor.

17 **THE COURT:** You've considered all of that, and
18 even this morning you've reconsidered that and you
19 still wish to represent yourself?

20 **THE DEFENDANT:** Yes, Your Honor.

21 **THE COURT:** Do you know that we're at the point in
22 your trial where you have admitted your guilt and the
23 only thing left is the sentencing? Do you understand
24 that?

25 **THE DEFENDANT:** Yes, Your Honor.

1 **THE COURT:** In Florida, when we're talking about a
2 capital case, a case where the death penalty could be
3 imposed, you have a right to a second hearing that's
4 beyond the trial. You're aware of that, that's this
5 hearing now. Do you understand that?

6 **THE DEFENDANT:** Yes, Your Honor.

7 **THE COURT:** It's like an aggravation and a
8 mitigation hearing. It's a decision where normally
9 there's a jury that listens to all this second phase of
10 the trial and then they make a recommendation to the
11 Court. In Florida now that recommendation has to be
12 twelve to zero. It has to be a twelve person jury and
13 they have to recommend twelve to zero that the death
14 penalty be imposed. Do you understand that?

15 **THE DEFENDANT:** Yes, Your Honor.

16 **THE COURT:** If less than twelve recommend that, if
17 it's eleven to one, ten to two, any other combination,
18 if it's anything other than twelve zero, the Court
19 cannot impose the death penalty. Do you understand
20 that?

21 **THE DEFENDANT:** Yes, Your Honor.

22 **THE COURT:** Knowing that, do you still want to
23 waive your right to a jury trial on the second phase
24 about the penalty?

25 **THE DEFENDANT:** Yes, Your Honor.

1 **THE COURT:** You understand that that second phase
2 is an adversarial process, and by that I mean the State
3 can put on evidence, but your attorney or you can
4 contest that evidence. You can question it. You can
5 say I don't think that's accurate, I don't think that
6 piece of paper or that prior judgment and sentence is
7 accurate or whatever. There's many, many ways you test
8 the sufficiency of the evidence. You can question the
9 evidence, you can talk on your own behalf opposite to
10 the evidence the State may put in.

11 You can offer mitigation that the State wouldn't
12 normally offer. They would offer aggravating
13 circumstances, which are put out in the statute, it
14 says these are the aggravating circumstances that they
15 can put on, then you're allowed to put on, not only
16 statutory mitigating circumstances which are listed in
17 a statute, it says here are mitigating circumstances
18 that a trier of fact must consider. Then there's
19 another level of mitigating circumstances which are not
20 in the statute, but which you may wish to offer or your
21 attorney may wish to offer.

22 Do you understand you have all of those rights and
23 you have a right to have an attorney assist you with
24 that? Do you understand that?

25 **THE DEFENDANT:** Yes, Your Honor.

Laurie Ann Chaffin
Registered Professional Reporter
4424 NW American Lane, Suite 101
Lake City, Florida 32055
(386) 754-7067

1 **THE COURT:** And you want to waive that?

2 **THE DEFENDANT:** Yes, Your Honor.

3 **THE COURT:** Am I right in saying you want to waive
4 it? I do not want to put words in your mouth. Is it
5 your own personal decision I don't want that, I don't
6 want an attorney, I don't want a jury, I want to go
7 forward with this by myself without a jury?

8 **THE DEFENDANT:** Yes, sir, I wish to waive it off.

9 **THE COURT:** Mr. Marshburn, as standby counsel, are
10 there any other questions that you believe the Court
11 should ask regarding waiver of counsel or waiver of a
12 jury in the second phase, the penalty phase?

13 **MR. MARSHBURN:** No, Your Honor.

14 **THE COURT:** And, Mr. Marshburn, have you had a
15 chance to speak with Mr. Craft today to confirm to
16 yourself that he does not want to have counsel? He's
17 certainly confirmed it to me.

18 **MR. MARSHBURN:** I have not spoken with Mr. Craft
19 at all today.

20 **THE COURT:** Okay. Do you wish to speak with
21 Mr. Marshburn about this issue?

22 **THE DEFENDANT:** No, sir.

23 **THE COURT:** Okay. Mr. Durrett or Mr. Siegmeister,
24 any other questions that the Court should ask?

25 **MR. SIEGMEISTER:** Not as to those issues, Your

1 Honor, counsel and waiver of jury trial.

2 **THE COURT:** Is it the State's intention to offer
3 aggravating circumstances at this hearing --

4 **MR. SIEGMEISTER:** Yes, Your Honor.

5 **THE COURT:** -- today?

6 **MR. SIEGMEISTER:** I do want, for the record, waive
7 -- we had filed a notice pursuant to the statute and
8 rule of the five aggravating circumstances we believe
9 the evidence may show. We are hereby not going to
10 proceed with the fifth aggravator, which is gang
11 affiliation, so we're asking the Court to disregard it
12 and we would not present evidence or argue that that
13 exists as an aggravator in this case.

14 **THE COURT:** You filed a notice of five
15 aggravators. You intend to offer evidence only of four
16 and are abandoning that particular one?

17 **MR. SIEGMEISTER:** Yes, Your Honor.

18 **THE COURT:** Do you understand that, Mr. Craft?

19 **THE DEFENDANT:** Yes, sir.

20 **THE COURT:** And with that, does any member of the
21 bar or persons before the rail request that I ask any
22 other questions before we begin the proceedings?

23 **MR. SIEGMEISTER:** There are two issues, Your
24 Honor, I would like to clarify for the record.

25 Mr. Craft wrote a letter I believe to Your Honor, but

1 we of course got a copy. One dealt with his desire not
2 to present mitigation, but then he touched on DOC not
3 letting him have the discovery we had sent to him and
4 he has at least clarified this morning that the
5 discovery does not change his opinion as to mitigation,
6 but I think DOC did not let him have the pictures of
7 the crime scene or the videos related for security
8 reasons or other grounds, but we did send it to the
9 prison the best we could.

10 I just wanted to clarify that as well as it
11 indicated he doesn't want to come back and the State's
12 position is I don't know if he can waive the final
13 imposition of sentence at a Spencer hearing unless the
14 Court imposes life here today.

15 **THE COURT:** Let me touch on those issues, and if I
16 miss any issue, please remind me of that.

17 Mr. Craft, the State says they sent some other
18 information to the prison for you as part of the
19 discovery process. It appears it was pictures and/or
20 video. It might have been both.

21 **MR. SIEGMEISTER:** We sent the entire file, Your
22 Honor, and I think we made sure he got all the reports
23 and stuff. We had to call out there, but they
24 explained that they wouldn't let him have the pictures
25 and videos.

1 **THE COURT:** So it was pictures and a video or
2 strictly pictures?

3 **MR. SIEGMEISTER:** Both, Your Honor.

4 **THE COURT:** Mr. Craft, do you understand they say
5 they sent it, the prison said they were not going to
6 give that to you. Does that in any way influence your
7 decision to go forward today?

8 **THE DEFENDANT:** No, sir.

9 **THE COURT:** Do you want to go forward even though
10 you may not have seen those pictures, may not have seen
11 that video?

12 **THE DEFENDANT:** Yes, sir.

13 **THE COURT:** And the second thing, Mr. Siegmeister,
14 you said I should inquire about or may want to inquire
15 about?

16 **MR. SIEGMEISTER:** He expressed it to be over
17 today, Your Honor, and our concern is I don't know if
18 he can waive his absence if the Court is going to
19 consider other issues and issue a final written order
20 at some later date.

21 **THE COURT:** Mr. Craft, let me explain this this
22 way. There will probably be another hearing, almost
23 surely there will be another hearing, and here's what
24 happens. I've not heard any evidence this morning on
25 aggravators and mitigators. You have said you don't

1 intend to place any mitigation into evidence. The
2 State has said they're going to place four aggravators
3 into evidence. I've not heard that yet.

4 Once I hear that, the law requires me to go and
5 reflect upon that and to write a written order before
6 I impose sentence. Likely that cannot happen today,
7 there will probably be another date you would come back
8 for that where I would actually pronounce the sentence.

9 The only exception to that would be if
10 I pronounced a life sentence today, if I came to the
11 conclusion very rapidly at the end of this hearing that
12 I was going to pronounce a life sentence, I was not
13 going to pronounce a death sentence. Likely I won't
14 make that decision today. I'm going to listen to what
15 there is. There's a recording being made of all this,
16 there's a transcript that's -- I say a transcript. The
17 court reporter is taking all this down. Normally that
18 last thing, which is the actual pronouncement of
19 sentence, comes at a later time. You need to be aware
20 of that. It may not all be over today. Do you
21 understand that?

22 **THE DEFENDANT:** Yes, sir.

23 **THE COURT:** Does that have any influence about
24 whether you want to go forward today or go forward
25 without a lawyer today?

1 **THE DEFENDANT:** No, sir.

2 **THE COURT:** You want to go forward today?

3 **THE DEFENDANT:** Yes, sir.

4 **THE COURT:** Anything else?

5 **MR. SIEGMEISTER:** No, sir.

6 **THE COURT:** The State may begin the process of the
7 presentation of evidence. Do you wish to make any
8 opening statement?

9 **MR. SIEGMEISTER:** No, Your Honor.

10 **THE COURT:** Okay. Mr. Craft, do you wish to make
11 any opening statement today?

12 **THE DEFENDANT:** No, Your Honor.

13 **THE COURT:** All right. State may begin.

14 **MR. DURRETT:** Your Honor, the State would call
15 Special Agent Terrence Tyler of the Florida Department
16 of Law Enforcement as a witness.

17 **THE COURT:** When you are up at the chair, if you
18 would remain standing for just a moment and face the
19 clerk or the deputy clerk and raise your right hand.
20 They will swear you in. One of them will swear you in.

21 **TERRENCE TYLER**

22 acknowledging having been duly sworn to tell the truth, was
23 examined and testified on his oath as follows:

24 **THE COURT:** Mr. Craft, you need to understand,
25 when they ask their questions, I'm going to look over

Laurie Ann Chaffin
Registered Professional Reporter
4424 NW American Lane, Suite 101
Lake City, Florida 32055
(386) 754-7067

1 at you and say -- and ask you do you have any
2 questions. You may have questions, you may not, but
3 I'm at least going to give you the opportunity. I'm
4 going to look over and ask you that. Do you
5 understand?

6 **THE DEFENDANT:** Yes, sir.

7 **THE COURT:** Mr. Durrett.

8 **MR. DURRETT:** Thank you, Your Honor.

9 **DIRECT EXAMINATION**

10 **BY MR. DURRETT:**

11 **Q** Good morning.

12 **A** Good morning.

13 **Q** Can you state your name for the record, please?

14 **A** Terrence Tyler.

15 **Q** And your occupation is?

16 **A** I'm currently a special agent with the Florida
17 Department of Law Enforcement.

18 **Q** And how long have you been a special agent with
19 the Florida Department of Law Enforcement?

20 **A** June will make five years.

21 **Q** Agent Tyler, we're here today in reference to
22 Mr. Craft's case and the death of Inmate [REDACTED]. Are
23 you familiar with this case?

24 **A** Yes, sir, I am.

25 **Q** In what capacity were you involved in this case?

I **A** As an agent with the Florida Department of Law
2 Enforcement, we have an MOU with the Department of
3 Corrections in which we respond to death investigations and
4 uses of force that rise to the level of, you know,
5 likelihood of death or possible death. So we were requested
6 to respond to the scene based on the death investigation.

7 **Q** You said an acronym in there, I believe an MOU,
8 memorandum of understanding --

9 **A** Yes, sir, I apologize.

10 **Q** -- between the FDLE and the Department of
11 Corrections?

12 **A** Yes, sir.

13 **Q** So you were contacted to respond to Columbia
14 Correctional Institution?

15 **A** Yes, sir.

16 **Q** When or what time did you arrive there at the
17 scene and what day was it?

18 **A** It was May 16th, 2018. And I think I was
19 contacted at 7:28 p.m. and then responded shortly
20 thereafter.

21 **Q** Where was the scene specifically within the
22 prison?

23 **A** So it's the annex at Columbia Correctional
24 Institute and it was in N Dormitory.

25 **Q** Is N Dormitory a confinement dormitory?

1 **A** Yes, sir.

2 **Q** And specifically where within the N Dormitory?

3 **A** It would be N Dormitory, the fourth quad in N
4 Dormitory in the cell 4106.

5 **Q** And who occupied cell 4106 on May 16th, 2018?

6 **A** It would be Inmate [REDACTED] and Inmate Craft.

7 **Q** When you got to the prison, did you conduct
8 interviews with the individuals who had discovered Inmate
9 [REDACTED] body?

10 **A** Yes, sir, I did.

11 **Q** If you would go through them with us, please,
12 beginning with Wallace.

13 **A** Yes, sir. So I spoke with the officers that were
14 working N Dormitory that night and I spoke with inmate --
15 or, excuse me, Officer Kevin Wallace.

16 Officer Wallace was assigned to N Dormitory that
17 evening. And around 6:30 p.m. they were in their officers'
18 station and they were approached by an inmate that's the
19 orderly that has like clean-up duty and helps the officers
20 serve food. That inmate's name was Charles Thomas. He
21 suggested to the guards that they should go do their checks.
22 And there was a sergeant in the office and he said, yeah,
23 it's that time.

24 And Officer Wallace said he began walking around N
25 Dormitory, which would include all four quads. And when he

1 got to the fourth quad, and like I said, cell 4106, he made
2 contact with Inmate Craft and Inmate Craft told him that his
3 cellmate, Inmate [REDACTED] was deceased.

4 Q Okay. Anything else of note that Officer Wallace
5 conveyed to you?

6 A So Officer Wallace looked in, he could see that
7 what he believed -- Inmate [REDACTED] did not look right. He got
8 on the radio and contacted his sergeant. His sergeant
9 responded to the cell. They utilized the radio to call for
10 backup from all over the institution.

11 While they were waiting for backup, Officer
12 Wallace said that Inmate Craft told him that he had killed
13 Inmate [REDACTED] and that he hoped any attempts to resuscitate
14 him would be unsuccessful.

15 Q As to the other officers, Sergeant Bell and one
16 who spells his name P-r-o-u-l-x. Do you recall how that one
17 pronounces his last name?

18 A I believe it's Proulx.

19 Q Did Sergeant Bell or Officer Proulx convey
20 anything to you as to what they had seen or observed there
21 in the confinement dormitory that evening?

22 A Sergeant Bell said -- stated the same thing about
23 the inmate orderly coming to their office and saying that
24 they should do their check. When inmate -- Officer Wallace
25 called on the radio, he responded to the cell and said that

1 Inmate Craft was standing at the door and Inmate [REDACTED] was
2 on his bunk. He described Inmate [REDACTED] as being lifeless
3 and pale and that Inmate Craft had told him that he had
4 killed his roommate.

5 Q Did either or any of the officers indicate to you
6 anything abnormal about Inmate [REDACTED] neck?

7 A When I spoke with Officer Proulx, who was also
8 working N Dormitory, he responded after the other two
9 officers who responded, when officers entered the cell, they
10 secured Inmate Craft and began doing lifesaving measures on
11 Inmate [REDACTED] and Officer Proulx -- when medical people were
12 there, they noticed there was a white cloth tied around his
13 neck and he was present when they cut that cloth off his
14 neck, if that's what you're referring to.

15 Q That's what I'm referring to. Officer Proulx
16 indicated to you there was a white cloth tied around Inmate
17 [REDACTED] neck?

18 A Yes, sir, and he -- I think he assisted the
19 medical people in removing the cloth and took it into
20 evidence and then turned that evidence over to me.

21 Q During the course of your investigation, were you
22 able to determine where that white cloth had come from?

23 A Yes, sir. So when I arrived, I inspected the cell
24 and there was a pair of blue DOC pants, uniform pants, and
25 there's a white piece of cloth that creates a stripe going

1 down both legs. And there was a pair of pants on Inmate
2 Craft's bed that had the white stripe or white cloth
3 removed. It's sewn in, so it's a separate piece of cloth,
4 and then blue that makes the pant leg and that cloth had
5 been removed. And then in interviewing Inmate Craft, he
6 said that he had removed that cloth and placed it around
7 Inmate [REDACTED] neck, so it was consistent with the evidence
8 that I found in the cell.

9 Q And the officers had indicated to you that an
10 inmate had come and gotten their attention and told them the
11 need for security checks or whatnot should take place. Did
12 you speak with that inmate who came to the officers and
13 informed them?

14 A Yes, sir. His name was Inmate Charles Thomas.

15 Q And what did Inmate Charles Thomas say to you?

16 A He said that after they had served dinner to the
17 inmates that evening, that his duty would be to clean up the
18 dormitory. And as he was making his rounds sweeping up the
19 cell -- around the cells in like the common area -- like all
20 the cell doors are shut and the inmates are all inside, he's
21 working the common area in cleaning it up.

22 As he came around to cell 4106, he said that
23 Inmate Craft made contact with him and told him that he had
24 some trash. And Inmate Thomas told him to slide the trash
25 under the door and Inmate Thomas said that Inmate Craft was

1 referring to his deceased roommate, Inmate [REDACTED]

2 **Q** Okay. Did you review the security cam footage
3 from that confinement dorm?

4 **A** Yes, sir, I did.

5 **Q** And from your review of that footage, at any time
6 between dinner served and the body discovered, did anyone
7 enter or leave that cell?

8 **A** No, sir.

9 **Q** Approximately what time was the body discovered?

10 **A** So Inmate Thomas -- the officers told me around
11 6:30. In reviewing the surveillance video, it was right
12 around 6:28 p.m. when Inmate Thomas approached the door and
13 then walked off to find the officers and it was like around
14 6:30 when the officers entered. So the officers told me
15 6:30 and I confirmed that with the fixed wing surveillance
16 video.

17 **Q** Did you yourself personally view the scene?

18 **A** Yes, sir, I did.

19 **Q** Was Inmate [REDACTED] body present when you did?

20 **A** Yes, sir.

21 **Q** Were photographs taken?

22 **A** Yes, sir.

23 **MR. DURRETT:** Your Honor, may I approach the
24 witness?

25 **THE COURT:** You may. Yes, sir, anytime you need

1 to.

2 **MR. DURRETT:** For the record, I'm going to show
3 first to Mr. Craft some photographs.

4 **Q** (*Mr. Durrett continues*) Agent Tyler, I want to
5 show you what has been marked for identification purposes at
6 this point as a composite exhibit, State's 3, consisting of
7 six separate photographs labeled 3(a) through 3(f), and ask
8 you to take a look at them, please. And when you're ready
9 to speak as to them, let me know.

10 **A** (*Complying.*) Okay. I've viewed them.

11 **Q** Do these photographs fairly and accurately depict
12 the scene as you observed it that evening at Columbia
13 Correctional Institution?

14 **A** Yes, sir.

15 **Q** Do they appear to have been manipulated or altered
16 in any manner?

17 **A** No, sir.

18 **THE COURT:** You said evening. I thought you said
19 you were there in the morning.

20 **THE WITNESS:** No, sir, it was in the evening.

21 **THE COURT:** In the evening. I'm sorry. Thank
22 you. Go ahead.

23 **MR. DURRETT:** Your Honor, at this time, the State
24 would offer what's marked ID purposes State's 3
25 composite consisting of six photographs labeled 3(a)

1 through 3(f) as State's Exhibit 3.

2 **THE COURT:** Mr. Craft, you've seen the
3 photographs. Do you have any objection to the
4 photographs?

5 **THE DEFENDANT:** No, sir.

6 **THE COURT:** They're now received in evidence.

7 **Q** (Mr. Durrett continues) Agent, as we look at 3(a),
8 what is this a picture of, sir?

9 **A** That would be the area that was contained by the
10 Department of Corrections as a crime scene. As I arrived
11 I took a picture of what I observed when I got on scene.

12 **Q** And that's within Quad 4?

13 **A** Yes, sir.

14 **Q** And 4106, that cell would be on the right-hand
15 side in this photograph?

16 **A** Yes, sir.

17 **Q** As we look at 3(b), what is this a photograph of?

18 **A** That is a closer image of the actual cell 4106.

19 **Q** That was the cell where Inmate Craft and Inmate
20 [REDACTED] were housed?

21 **A** Yes, sir.

22 **Q** What are we looking at in Photograph 3(c)?

23 **A** So that would be the door to -- the cell 4106 with
24 the door open. So prior to entering the cell, I took a
25 photograph from outside the cell capturing what was inside.

1 **Q** Is that Inmate [REDACTED] upon the bed?

2 **A** Yes, sir.

3 **Q** Photograph 3(d), is this Inmate [REDACTED] as you
4 observed him?

5 **A** Yes, sir.

6 **Q** Same question as to 3(e), is this Inmate [REDACTED] as
7 you observed him that evening?

8 **A** Yes, sir.

9 **Q** And 3(f), what are we looking at in this
10 photograph?

11 **A** So that was the blue pair of DOC pants with the
12 white stripe or the white strip of material removed from
13 them.

14 **MR. DURRETT:** Would Your Honor prefer the
15 photographs to you or to the clerk?

16 **THE COURT:** To the clerk to be marked as in and
17 then I'll look at them after that. They're now in
18 evidence by the same numbers that you gave.

19 **MR. DURRETT:** Thank you, Your Honor.

20 **THE COURT:** Composite 3(a) through (f).

21 **Q** (Mr. Durrett continues) Now, Agent Tyler, did you
22 interview Mr. Craft?

23 **A** Yes, sir.

24 **Q** Where did the interview take place?

25 **A** I conducted two interviews, one was at the annex

I that evening at Columbia and then there was a second
2 interview that was conducted at Florida State Prison.

3 **Q** I want to talk to you -- we're going to address
4 the one at Columbia first. So you spoke with him that
5 evening?

6 **A** Yes, sir.

7 **Q** And was anyone else present with you when you
8 spoke to Mr. Craft?

9 **A** Yes, there would have been DOC Inspector Chris
10 McGauley and I believe DOC Inspector John Senterfitt
11 [phonetic] I believe.

12 **Q** Was your conversation with Mr. Craft recorded?

13 **A** Yes, sir.

14 **Q** In its entirety?

15 **A** Yes, sir.

16 **Q** Agent Tyler, I want to show you now what's marked
17 for identification purposes only as State's Exhibit 5 and
18 ask you if you recognize that disc.

19 **A** Yes, sir.

20 **Q** And what is contained on that disc?

21 **A** It would be the interviews at Columbia CI and then
22 the second interview at Florida State Prison with Inmate
23 Craft.

24 **Q** So State's ID 5 contains both interviews you
25 conducted with Inmate Craft?

1 **A** Yes, sir.

2 **Q** And how is it, Agent Tyler, that you're able to
3 look at this CD of all CDs in the world and tell that this
4 is in fact one that contains those interviews?

5 **A** I listened to both interviews and then I initialed
6 and dated the disc identifying it as that.

7 **Q** And this disc does bear your initials and the day
8 that you reviewed it?

9 **A** Yes, sir.

10 **Q** And, Agent Tyler, were the interviews manipulated
11 or altered in any way?

12 **A** No, sir.

13 **MR. DURRETT:** Your Honor, we would offer at this
14 time what's marked ID purposes as State's Exhibit 5 as
15 State's Exhibit 5.

16 **THE COURT:** Mr. Craft, any objection to that?

17 **THE DEFENDANT:** No, Your Honor.

18 **THE COURT:** It's received in evidence, Exhibit 5.

19 **Q** *(Mr. Durrett continues)* Was Mr. Craft Mirandized
20 during the recording?

21 **A** Yes, sir.

22 **Q** And did he understand his rights?

23 **A** Yes, sir.

24 **Q** And did he agree to speak with you?

25 **A** Yes, sir.

1 **MR. DURRETT:** And, Your Honor, I have addressed
2 with Mr. Craft this morning prior to the Court's
3 arrival the idea that this is a complete unredacted
4 recording of his interviews with Agent Tyler.

5 I informed Mr. Craft that we had also prepared a
6 redacted version taking out some material, some
7 statements that would not otherwise be what we perceive
8 as admissible, but Mr. Craft indicated to me that he
9 desired for the full interview to be played and I would
10 ask that the Court inquire of Mr. Craft as to the
11 accuracy of that statement.

12 **THE COURT:** Did you understand what he was talking
13 about?

14 **THE DEFENDANT:** Yes, Your Honor.

15 **THE COURT:** And redacted means certain portions
16 were taken out and there was a second copy made of
17 evidence they think may not be able to come into
18 evidence, but he has told me that you want the whole
19 thing to come in as it is; is that correct?

20 **THE DEFENDANT:** Yes, Your Honor.

21 **THE COURT:** You're not making any objections to
22 the part that they would have removed?

23 **THE DEFENDANT:** No, Your Honor.

24 **THE COURT:** It's received in evidence as is, 5.

25 **MR. DURRETT:** Your Honor, the State would ask

1 permission to publish this recorded interview.

2 **THE COURT:** You may.

3 *(State's Exhibit 5, a CD, was played for the Court*
4 *as follows, to-wit:)*

5 **CD:** Come up here. I wouldn't sit too far back,
6 man, because that pressure on your hand, the handcuffs
7 start where that circulates. What's your name?

8 Robert Craft, sir.

9 Robert Craft?

10 Yes, sir.

11 And what's your DOC number?

12 C00181.

13 C00181?

14 Yes, sir.

15 That's pretty short. All right. Due to the fact
16 that you're in confinement and *[indiscernible]* I got to
17 read you something. Okay?

18 Okay.

19 All right. You have the right to remain silent.
20 Anything you say can and will be used against you in
21 court. You have the right to call or obtain an
22 attorney at this time or have one present now or at any
23 time during questioning. If you cannot afford an
24 attorney and want one present during questioning, one
25 will be provided for you. If you decide to answer any

1 questions now, you have the right to stop answering at
2 any time. Do you understand these rights?

3 Yes, sir.

4 Okay. What's your date of birth?

6 And what's your social?

8 And where were you last housed, what dorm?

9 N Dorm.

10 N Dorm?

11 Yes, sir.

12 Okay. Is that confinement?

13 Yes, sir.

14 Do you know what cell?

15 4106.

16 Okay. How long have you been in confinement?

17 Since Saturday.

18 Since Saturday. What are you doing confinement
19 for?

20 Assault on another inmate.

21 Okay. What happened tonight?

22 Killed my roommate.

23 You killed your roommate?

24 Yes, sir.

25 Why is that?

1 He told me he was a child molester.

2 Okay. And when did he move in?

3 I was put in that room with him.

4 So when you went in Saturday, he was already
5 there?

6 I was in Wing 1 by myself and then they put me in
7 there I think Monday. Monday. I don't remember what
8 time.

9 Okay. He was already there when you moved in
10 Monday. Okay. And how did things go since Monday?

11 I've been fighting with him since Monday.

12 So when did you find out he was a child molester?
13 Monday.

14 And did he tell you that he was or you heard?

15 Every roommate I come across, I ask them what
16 they're in prison for.

17 Okay. And he said I'm a child molester and you've
18 been fighting ever since?

19 Yes, sir.

20 What was so sophisticated it took several days for
21 you to come up with the idea I'll kill him.

22 Well, I wanted to notify my family first and --

23 So you called your family and told them?

24 No, sir, I wrote my family. I wrote my sister and
25 told her that I was going to catch a body.

Laurie Ann Chaffin
Registered Professional Reporter
4424 NW American Lane, Suite 101
Lake City, Florida 32055
(386) 754-7067

1 Is this your first one?

2 Yes.

3 So you just wanted to give your family heads up
4 that this was going to happen?

5 Yes, sir. I didn't have no remorse, no regrets,
6 nothing. He deserved it.

7 So tell me what happened then.

8 Asked him what he was in prison for. He said
9 don't judge me, I'm a Christian now, that I was in the
10 Navy and they messed up my head, but I'm from
11 Cleveland, Ohio, and I done something that I'm not
12 proud of.

13 Okay.

14 So he told me that and I said [indiscernible]. He
15 wouldn't go into detail after that.

16 Okay. So what happened tonight?

17 Well, I was just -- I was going to wait to do it
18 in the morning because I wanted to eat chicken and
19 biscuits first, but I decided, okay, this is an
20 opportunity and I took it.

21 What did you do?

22 I choked him out and beat him.

23 Choked him out and beat him. Choked him out with
24 your hands or did you --

25 I choked him out with my hands for about four

1 minutes. It takes a long time with the hands.

2 And you beat him after you choked him out?

3 Yes, sir. And then I tied a piece of cloth around
4 his neck. Then I put a soaking wet towel over his
5 face, picked him up, put him in his bed and covered him
6 up.

7 And then you beat him?

8 Yes, sir.

9 How long did you beat him?

10 [Indiscernible]. I beat him a while.

11 How long --

12 But he kept twitching.

13 All right. So at what point in your activity did
14 you feel he was actually dead? With your hands?

15 About 30 minutes of it. When his feet turned
16 purple.

17 So you think he was alive for 30 minutes of this?

18 He kept moving.

19 Was he talking?

20 No.

21 Was he unconscious?

22 He had -- his eyes were bugged out and he had dark
23 blood coming out his nose and his chest would come up
24 and his arms would move. I wanted to make sure he was
25 dead.

Laurie Ann Chaffin
Registered Professional Reporter
4424 NW American Lane, Suite 101
Lake City, Florida 32055
(386) 754-7067

1 So did you try to kill him fast or did you torture
2 him?

3 I tortured him.

4 So you did it on purpose?

5 Yes, sir.

6 Just because he was a child molester and you
7 wanted him to suffer?

8 If he hurt a kid, [indiscernible] to hurt him.

9 Okay. Is this something, this philosophy you
10 developed -- I mean is -- when you come across that you
11 felt this was your mission to --

12 I been wanting to kill him, you know, but --

13 Since you've been in. How long have you been in
14 DOC?

15 On this stint right here, about four and a half
16 years.

17 And you had served time before that?

18 Yes, sir.

19 What are you in here for now?

20 Aggravated assault, armed kidnapping, aggravated
21 battery.

22 Okay. So this is your second time in jail?

23 Yes, sir.

24 Okay. And you've been wanting to do it since --
25 both times you've been in?

1 The first time was boot camp, so you're not around
2 them. They don't live in boot camp.

3 So you were a juvenile?

4 Yes, sir.

5 Okay. And I mean did you express that you were
6 intending to do this to him or you just kind of kept --
7 you told him I'm going to kill you?

8 I told him, I said, man, you don't deserve to
9 live, you don't deserve to live.

10 And what did he say?

11 He said you can't judge me for that, y'all let God
12 judge me for that. I've got devil horns on my hand.

13 Somewhere in those tattoos?

14 Yes, sir. And I told him -- he was eating, he was
15 eating little chicken fritters and beans. I said
16 that's pretty fucked up, that was your last meal and he
17 smiled at me. Evidently he didn't take me serious.

18 All right. So you choked on him for -- you tried
19 to strangle him with your hands for four minutes.

20 I think he was dead then.

21 Okay. Then what did you do next?

22 I stomped on his neck.

23 So he was on the floor?

24 Yeah.

25 Stomped on his neck. How many times did you stomp

1 on his neck?

2 A few times. I can't -- I really don't remember
3 it like that.

4 Okay. Then what did you do next?

5 Beat on him.

6 With your fists?

7 Yes, sir.

8 Are you in the face, hitting his face?

9 Like I would stab him on his head.

10 Are you injured at all?

11 My hands are swelling, swolled up.

12 Okay. So you hammer fist him in the face. Then
13 what did you do?

14 Choked him again. And then I tied this piece of
15 cloth around his neck and then wrapped his face up with
16 a soaking wet towel and laid him in his bed and covered
17 him up and beat on him again.

18 How long did you beat on him while he was in bed?

19 A few minutes.

20 And what time do you think this started tonight?

21 I'm not even sure, sir. As soon as they left the
22 wing from picking up trays [indiscernible].

23 So they fed chow, took the -- came and picked up
24 all the trays.

25 And then the security check.

1 That was after that?

2 Yes, sir.

3 Okay. And how long do you think you left him in
4 bed before they came around to get him? Did you bang
5 on the door or did they just do --

6 The inmate, the orderly, was cleaning. I told him
7 to come get the trash. He said, well, throw it under
8 the door. I told him it was a dead body, it won't fit.
9 He said what. So I showed him and then he went and got
10 the officers. They came to do their security check.

11 So when you said come get the trash, you're
12 referring to your cellmate. What's his name?

13 I don't even know.

14 You don't know your cellmate's name? Okay. Other
15 than sending a letter to your sister, have you talked
16 to anybody else about this?

17 I told a few of my friends on the wing, hey,
18 I killed my roommate.

19 I mean --

20 People that know me, my yes is yes, my no is no.
21 So they were like, man, don't do it, don't do it. It
22 ain't worth it. You just gave time back. Don't do it.

23 And you still felt inclined to do it? I mean you
24 said you had no remorse. You're kind of smiling about
25 it at certain points of time.

1 He deserved it.

2 And you thought it was your mission.

3 [Indiscernible] within a few years. Ex-navy, went
4 to law enforcement, was a resource officer in
5 Cleveland, Ohio.

6 Who are we talking about?

7 My victim, the one I killed.

8 How do you know all that?

9 I talked to him.

10 So you learned all that about him before?

11 The kids he was supposed to protect. When he was
12 a resource officer he was hurting them.

13 He was like a law enforcement school resource
14 officer?

15 I'm sure.

16 That's what he told you or you're assuming it?

17 That's what he said.

18 Anything else you can think of that would be
19 relevant to what happened?

20 He's dead and I'm guilty.

21 He's dead and you're guilty and no remorse.

22 I say it with a smile.

23 You say it with a smile. I mean what happens the
24 next time you're put with a child molester?

25 I kill again.

1 So this is your --
2 It's my sole purpose.
3 What was your EOS prior to tonight?
4 2030 with twelve years and then add an eight-year
5 federal count at the end.
6 So you had 20 years left?
7 I'm 27 now so no life to live.
8 I mean 47 is not an old man.
9 *[Indiscernible]*.
10 So you're just going to be a menace or are you
11 just going to be what you call --
12 I don't belong in society.
13 No, I'm talking about in here, though.
14 Yes, sir.
15 If they place you around anybody like this, you're
16 going to do it again and you feel it's your mission?
17 Yes, sir. *[Indiscernible]*.
18 You mean only child molesters?
19 I mean I have no problems with other people.
20 I get along great with everybody.
21 Just child molesters.
22 I hate people that prey on the weak. And whenever
23 you do something to a kid, that's like that's going to
24 be your last breath.
25 So Craft with a K?

Laurie Ann Chaffin
Registered Professional Reporter
4424 NW American Lane, Suite 101
Lake City, Florida 32055
(386) 754-7067

1 With a C.

2 With a C. I'm looking right at it. When was that

3 picture taken?

4 A while ago.

5 Yeah, I can tell. You had hair and less art. Was

6 [REDACTED] your cellmate?

7 That's a picture of him I think. Yeah.

8 That's him?

9 That's him.

10 So [REDACTED] Why was he in confinement?

11 Request for protection, which is completely

12 [indiscernible].

13 So he requested to be protected?

14 I stomped somebody's head in, so they put me in

15 confinement and then they put me in a room with

16 somebody that requested protection.

17 That doesn't make sense.

18 At all. He got a DR for refusing to go back out

19 to the unit.

20 Did you talk to him about why he felt threatened?

21 Yeah, he said he got into -- we're housed in the

22 protection unit. They got me in a protection unit

23 because I tried to kill a Blood and I'm on a hit list.

24 So they said that he got to the unit and a Spanish guy

25 approached him and said, hey, man, you got to leave or

I'm going to stab you, which the dude's very -- he just -- he's [indiscernible]. He won't come out of confinement. You know, the dude's not a threat.

Well, I mean if he's got -- everyone's coming after him because he's a child molester allegedly, I mean is that what --

Yeah.

I mean I guess that's how he has operated, right? Because there's people out there like you. Let me take some pictures of your injuries. So just your hands?

Yes, sir.

If that can be done. Just your hands, is that the only thing hurting?

Yes, sir, just one hand swollen.

Stand up. We're going to put your hands in front of you.

Yes, sir.

So other than your hands, you're not injured at all?

No, sir.

Have you received medical treatment for the injuries here yet?

To get into the door -- they wouldn't medical process me like that. They just had to do it through the door.

1 Where is it swollen?
2 Right here.
3 That's from doing hammer fists?
4 Yes, sir.
5 Anything -- put both hands up for me. All right.
6 Turn them where they're kind of up. Now can you lift
7 your hands up to where I can see the bottom of your
8 hands? And open them up where I can see your palms.
9 Anything on the inside?
10 No, sir.
11 Anything else on you that's injured from this?
12 No, sir.
13 Did he fight back at all?
14 [Indiscernible].
15 So when you were strangling him, he didn't strike
16 you at all?
17 He couldn't reach me.
18 So how did this start? Like was he on his bunk?
19 Yeah, he was stretched out and I went over
20 there --
21 You can sit down. He was sitting down where?
22 He was laying in his bed.
23 Okay.
24 And I smacked him on the feet.
25 Yeah.

Laurie Ann Chaffin
Registered Professional Reporter
4424 NW American Lane, Suite 101
Lake City, Florida 32055
(386) 754-7067

1 Gave him a pinch. As soon as he sat up, I hit
2 him.

3 Did you punch him in the face.

4 Yes, sir.

5 Okay.

6 Go back --

7 Okay. What happened?

8 He fell back. When he fell back I did
9 [indiscernible] to him.

10 This was all on his bunk.

11 Yes, sir.

12 I wish we could get some brighter fluorescents.
13 Can I get that from somebody? Jacked up the way they
14 were supposed to be. All right. So you hit him on his
15 feet, he sat up, you punch him in the mouth.

16 Yeah.

17 On the bunk. You get on top of him.

18 With my left hand I was trying to pinch, like grab
19 his throat. And it ain't like [indiscernible]. I was
20 choking him and choking him and choking him and he
21 started screaming you can't, so [indiscernible] with
22 both hands. He tried to push me on my chest, tried to
23 push me off. I kneed him in the ribs to get down on
24 him. He tried to push me off again and I snatched him
25 off the bunk by his feet. He tried to scream for help

1 and that's when I put my feet against the wall and
2 I just -- I laid on him and choked him.

3 So like he was laying on his back and then you're
4 on -- you put your feet up against the wall for what?
5 What was that going to do?

6 So I could push down.

7 On his throat?

8 Yes, sir.

9 With your hands?

10 Yes, sir.

11 Okay.

12 Then he had -- *[indiscernible]* this dark blood
13 started coming out his nose.

14 From being punched or just from being strangled.

15 No, I think a stranglehold.

16 You guys got anything else? Is there anything
17 else you can think of that I've not asked you that
18 would be relevant in this storyline?

19 Huh-uh.

20 I mean what do you got to say to the people that
21 are going to be making a judgment upon your actions?

22 I'm guilty, I ain't going to trial, the situation
23 brings. Seriously.

24 I don't think that's how it works, but how old are
25 you again?

1 27.

2 27 years old.

3 They put me around another one, I'll do it again.

4 I mean it's our job to alert them so it doesn't
5 happen again. We don't need people getting hurt by you
6 doing that.

7 They deserve it [indiscernible].

8 Well, they screwed up, that's why they're here.

9 [Indiscernible].

10 You're not a part of the sentence, you're not a
11 part of the punishment, you're not a part of that.

12 I'm not, but these people come here, they get a
13 short sentence and they go home and they do it again.
14 It takes them two or three times before they actually
15 get some time.

16 I agree that there's mistakes made, I agree that's
17 there's people that fall through the cracks, I agree
18 that they should be punished to the furthest extent of
19 the law, but does that include --

20 You're having a child molester get anywhere from
21 10 to 20 years. You get caught with a key of cocaine
22 or a pound of weed, you get 10 to 20 years. What's the
23 justice in that? They get out and they do it again.
24 It's a sickness they live with.

25 All right. Is there anything else you can think

1 of that would be relevant to this?

2 No, sir.

3 [Indiscernible] to the best of your ability? Do
4 you swear and affirm this statement is the truth to the
5 best of your knowledge?

6 Yes, sir.

7 All right. You got any questions of me?

8 Am I charged with murder?

9 I mean I just got here five minutes ago, so I
10 wanted to talk to you. They said you were willing to
11 talk. So that's kind of further down the road.

12 Yes, sir.

13 But it's not what you're here to do, man. I know
14 you're taking enjoyment in this for some reason, but I
15 would prefer if you did it, I don't need to be coming
16 out at nine o'clock at night for you taking out these
17 people. All right. Thank you. You can step on out.

18 Have a good night.

19 You, too.

20 (Portion of CD concluded.)

21 **Q** (Mr. Durrett continues) Agent Tyler, when we
22 showed you the disc earlier, you indicated how you had gone
23 and interviewed Mr. Craft a second time at the Florida State
24 Prison.

25 **A** Yes, sir.

1 **Q** Why did you go back and talk to him a second time?

2 **A** He had written several letters to the state
3 attorney's office with -- I guess providing further
4 witnesses that needed to be spoke -- like interviewed. And
5 based on those letters being written, I followed up with him
6 to have another conversation with him.

7 **Q** Okay.

8 **MR. DURRETT:** Your Honor, at this time we would
9 request permission to publish to the Court the
10 interview that was conducted at FSP that was contained
11 on that same disc, State's Exhibit 5. It's already in
12 evidence.

13 **THE COURT:** When was that interview?

14 **THE WITNESS:** September 11th, 2018.

15 **THE COURT:** And it's on the same disc that you
16 were just playing?

17 **MR. DURRETT:** Yes, Your Honor. There's two tracks
18 on that disc, both were unredacted.

19 **THE COURT:** Mr. Craft, you understand they're now
20 going to play the second interview that was at Florida
21 State Prison?

22 **THE DEFENDANT:** Yes, Your Honor.

23 **THE COURT:** Any objection to that?

24 **THE DEFENDANT:** No, Your Honor.

25 **THE COURT:** Are you asking for any redactions or

1 anything of that nature? Things taken out?

2 **THE DEFENDANT:** No, Your Honor.

3 **THE COURT:** You want it played just like it was?

4 **THE DEFENDANT:** Yes, Your Honor.

5 **THE COURT:** Yes, sir, it's in evidence. That's
6 the same number?

7 **MR. DURRETT:** Yes, sir. Still State's 5, just the
8 interview at FSP.

9 **Q** *(Mr. Durrett continues)* Was he advised of his
10 Miranda rights again, Agent Tyler?

11 **A** Yes, sir.

12 **Q** Did he understand them?

13 **A** Yes, sir.

14 **Q** Did he agree to speak with you?

15 **A** Yes, sir.

16 *(State's Exhibit 5, a CD, was played for the Court*
17 *as follows, to-wit:)*

18 **CD:** You all right, man? You remember me from
19 Columbia; is that right?

20 A little bit, yes.

21 I guess you sent some letters to the state
22 attorney's office. Do you remember doing that?

23 Yes, sir.

24 That's why I'm here, just to talk about the
25 letters and I guess you said you wanted to make more of

1 a statement I guess; is that correct?

2 Pretty much. I told the state attorney
3 everything.

4 Okay. Well, before we do, let me just read you
5 your rights again just because you are in custody. You
6 have the right to remain silent. Anything you say can
7 and will be used against you in court. You have a
8 right to call or obtain an attorney at this time or
9 have one present now or any time during questioning.
10 If you cannot afford an attorney and you want one
11 before or at any time during questioning, one will be
12 provided for you. If you decide to answer any
13 questions now, you have the right to stop answering at
14 any time during questioning. Do you understand these
15 rights?

16 Yes, sir.

17 [Indiscernible] it's 7:00 a.m. on September 11th,
18 2018. This is Special Agent Terrence Tyler and DOC
19 Inspector [indiscernible]. And for the record, sir,
20 can you state your name?

21 Robert Craft.

22 And, Mr. Craft, what's your DOC number?

23 C00181.

24 Okay. So first let me ask you, do you recognize
25 these letters [indiscernible] June 14th to the state

1 attorney's office in Columbia County? [Indiscernible].

2 Yes, sir.

3 Did you write that letter?

4 Yes, sir.

5 Okay. It's the same ones -- it's to the lawyers
6 or FDLE. You [indiscernible] as well?

7 Yes, sir.

8 I didn't know that. So you wrote that letter
9 that's undated?

10 Yes, sir.

11 Okay. And then there was this letter of
12 August 24th, 2018. Do you recognize that letter as a
13 letter you've written?

14 Yes, sir.

15 Okay. Is there anything about the -- I mean you
16 kind of indicated that you -- like the first one, you
17 said you wanted like [indiscernible] statements. Is
18 there anything else you want to add to what you stated
19 that night at Columbia CI?

20 Not really.

21 Okay. You also gave me three names of inmates
22 that you may have sent sign language to or prior to,
23 like Inmates Andrews, Bullett and Michael Smart?

24 Yes, sir.

25 Okay.

I I talked to them like -- if you review the audio,
2 you'll hear that I talked to them verbally.

3 Before or after?

4 Before.

5 Okay.

6 And after.

7 Okay. I tried reviewing the audio, it doesn't
8 really -- I don't hear anything. People say there's
9 microphones in those cameras, I don't hear you talking.
10 But when did you talk to them prior to the incident?

11 Bullett, they took him out of the room and put me
12 in a room and I told him that I came in that morning --
13 that night when he showers. I told him from the
14 showers that night. And he was like, man, don't do it,
15 don't do it. He's like [indiscernible] don't do it.

16 Do you know why they moved you to that cell?

17 Because I was on compound and I tried to kill a
18 dude in the dorm. I stomped his head to the ground.

19 Which dorm was that?

20 That was in O Dorm.

21 Okay.

22 That was the dude, James Tyson -- Tillson. He was
23 outside medical, but the people in the dorm stopped me.
24 They played superman and they stopped it.

25 So you were trying to kill him?

Laurie Ann Chaffin
Registered Professional Reporter
4424 NW American Lane, Suite 101
Lake City, Florida 32055
(386) 754-7067

1 Yeah.

2 Okay.

3 So they sent him to confinement, put
4 [indiscernible]. And I told the sergeant, I said put
5 me in a room [indiscernible]. I got somebody for you
6 so I can get a roommate. Well, that was Saturday.

7 So when you got transferred from O Dorm to
8 confinement, you initially didn't get a roommate?

9 No, I was housed alone.

10 Okay.

11 I was in --

12 Which quad were you in?

13 N-1.

14 N-1. Okay.

15 [Indiscernible].

16 Okay.

17 Monday he come back to work.

18 Was it the same sergeant? Which sergeant are you
19 talking about?

20 Sergeant Bell.

21 Okay.

22 Monday he came back to work and he said I got a
23 roommate for you and that's when he put me in the -- he
24 moved the dude out of the room, out of the room in Quad
25 4 and put me in the room.

1 Okay. Did Sergeant Bell tell you about Inmate
2 [REDACTED] at all?

3 Huh-uh.

4 Okay.

5 Not at all. The only thing is before he left,
6 I think it was Saturday, when he put me in the room by
7 myself, he said I got somebody for you, but they always
8 say that. I ain't saying he put me in that room to
9 kill the man because he didn't tell me to kill this
10 dude.

11 Okay.

12 But he took me and put me in there.

13 Okay. Did you talk to anyone else besides
14 Bullett, Andrews or Smart?

15 [Indiscernible]. I just don't know their legal
16 names.

17 [Indiscernible], Andrews?

18 Yeah.

19 You know them from way back, right?

20 Yeah, I've known [indiscernible] for years.

21 Okay. How do you know Michael Smart?

22 From the P unit.

23 At Columbia?

24 Yeah, he -- supposedly he was a high rank above me
25 and everything and had a 500,000-dollar hit on his

1 head.

2 Okay. And when you talk to him, was it through
3 sign language?

4 No, verbally.

5 Okay. Y'all were in cells next to each other?

6 Yeah, because I was in six, he was in four, but
7 I could see. I could talk to him through the door. I
8 talked to his roommate, too.

9 What was his roommate's name?

10 Some guy named Mocha.

11 Mocha? Okay. You gave the names Andrew and
12 Bullett. I went and talked with them. And I guess do
13 you remember telling them -- did you take Inmate

14 [REDACTED] a blue uniform?

15 Yeah.

16 Okay. What was that about?

17 I took his clothes when I killed him. I was
18 wearing his clothes, and when I killed him, I put those
19 clothes back on him. I didn't want blood on my
20 clothes.

21 Okay. So you took the uniform off of him?

22 Yeah.

23 And then what did you do with it?

24 Kill him.

25 Okay.

1 And then put the uniform back on him.

2 Okay. And then did you wear his uniform out?

3 No, I wore my uniform out.

4 Okay. So they were making it seem like you
5 indicated you had got a new set of blues.

6 No, see -- yeah, there was another set in the
7 room.

8 Okay.

9 That was the band that was tied around his neck,
10 that was the white stripe that runs up and down the
11 side of the pants.

12 Okay.

13 And that's -- they was in a locker. I wore them
14 and that's where I got the white stripe off of them.

15 Do you remember making a statement that you felt
16 the soul leave [REDACTED] body?

17 Yeah.

18 What was that about?

19 Just what it sounds like. I had like hand-to-hand
20 combat with [indiscernible]. It was a powerful
21 experience.

22 Okay. Any other statements you can remember
23 making that night or anybody else you need me to talk
24 to?

25 A lot of people in that dorm. David Ambrosio.

1 Who is he to you?

2 He was -- he came to Columbia with me, but that
3 night in the shower, I told him that I was going to
4 kill the dude. He showed me a knife, asked me if
5 I wanted the knife and I said, no, I don't use weapons.

6 So that was in the shower?

7 Yeah.

8 Y'all were side by side with each other?

9 No, he was in --

10 He was across -- he was in his cell and you were
11 signing?

12 Upstairs.

13 Okay. So you were in the shower, he was in his
14 cell?

15 Yes, sir.

16 Anybody else?

17 His roommate. A Spanish guy. I can't remember
18 his name now.

19 You were signing with him, too?

20 I was talking to both them verbally.

21 Are you sticking by your statement that you gave
22 me that night and everything you've written in the
23 letters is true?

24 Yes, sir.

25 All three letters? Okay. Is there anything else

1 that I need to follow up on as an investigator in this
2 case?

3 That's pretty much everything against me.

4 Okay. Do you got any questions of me?

5 What's the dude's name?

6 The inmate that died?

7 Yeah.

8 [REDACTED]
9 [REDACTED] All right. Do you know his last
10 name, what --

11 No, I don't know anything.

12 I think he was Jewish.

13 Did he tell you he was a child molester?

14 Yeah.

15 Because I don't see anything in his criminal
16 history that shows he was a child molester. He may
17 have had, you know, another -- like a child pornography
18 charge or something. I mean what did he describe to
19 you that he was in there for?

20 He said that he was in the Navy, and when he was
21 in the Navy, he discovered he was gay.

22 Okay.

23 He used to get picked on and beat on all the time
24 in the Navy. So when he got out of the Navy, he got
25 into law enforcement, school resource or something like

1 that.

2 Okay.

3 And that's whenever he started messing with kids.

4 Did he get charged with it?

5 He didn't really give me no details on that.

6 How long have you been institutionalized? How
7 long have you been in DOC custody?

8 Since I was 16.

9 Okay. So in that time, in your experience, is it
10 normal for inmates to come out and tell you that they
11 have a history of abusing children? I mean isn't that
12 something that's targeted?

13 Yeah.

14 So why would -- what was his motivation in telling
15 you that?

16 Because he kept all of his property inside of a
17 pillowcase on his bed and hiding [indiscernible] in
18 terms of a threat. I asked him did he do drugs, he
19 didn't do drugs. So you don't do drugs, you don't
20 burglarize, you don't steal, you don't do nothing.
21 [Indiscernible]. So what's the next thing? He's a
22 predator. So that's when I asked him and he told me,
23 he's like, no, no, no, no, no, I'm in prison for
24 burglary. I said, man, you ain't in prison for
25 burglary. So we had an altercation and I got

1 aggressive with him and that's when he broke down and
2 cried and told me some story.

3 Okay. So I mean did you force it out of him or he
4 just finally said, okay, I don't want you to hurt me.

5 Basically forced it out of him so I wouldn't hurt
6 him.

7 All right. You said this is your second body.
8 Where was your first body?

9 In Polk County.

10 Is this something that was ever investigated?

11 I was never charged, but --

12 Who did you kill?

13 Some dude out of Bartow.

14 In Bartow?

15 Yeah.

16 Did law enforcement talk to you about it?

17 No.

18 I mean law enforcement knows -- I mean they know
19 someone was killed?

20 Oh, yeah.

21 So they found the body?

22 Yeah.

23 Who was the guy?

24 His name was -- I don't know if I should tell you.

25 You don't remember?

1 Huh-uh.

2 What were the circumstances?

3 Meth.

4 Was it like a robbery or fighting over meth or
5 what? [Indiscernible] did something stupid.

6 Sold him meth and -- sold him fake meth and he
7 came back for the real meth and there wasn't no real
8 meth.

9 Do you know where it occurred in Bartow?

10 Yeah.

11 The place you used to live?

12 No [indiscernible].

13 Do you know what that's called or the address?

14 It's a store [indiscernible] the courthouse.

15 In Bartow?

16 Yeah.

17 There's only one courthouse in Bartow?

18 Yeah.

19 When did this happen?

20 This was in -- see, [indiscernible] in '13. Late
21 '13.

22 Okay. Late 2013?

23 Yes, sir.

24 How did you kill him?

25 Shot him.

1 Shot him with what?

2 A .37.

3 Okay. Was anybody else around or it was just the
4 two of you?

5 There was people around.

6 Okay. Why were you never -- if people saw you,
7 why didn't you ever get questioned about it?

8 She wasn't going to tell on me?

9 A girl? What was her name?

10 I'm not going to involve her in it.

11 I mean you're telling me everything else, you
12 might as well tell me this.

13 Nah.

14 If there's a case out there that is unsolved and
15 we can solve it and get closure for whoever is working
16 that case and that family, I would appreciate it if we
17 could do that.

18 I'm not going to involve her, though.

19 Okay. Will you give me the rest of the details?

20 Yeah.

21 Okay. So late 2013. Was it a white male?

22 Yeah.

23 Do you remember what his nickname was or what his
24 name was?

25 Yeah. I won't talk no more about that case.

1 Okay. All right. Anything else we need to know
2 about?

3 When am I going to be charged?

4 What happens is I collect all the facts and
5 circumstances and I file that in a report and send it
6 to the state attorney's office. They'll make the
7 decision on whether or not they'll charge you or not.
8 I think we're getting near that. Like when you sent
9 that letter with all the names on it, that just sent me
10 out to do more work and [indiscernible] today instead
11 of typing and getting it done. So I mean it will be
12 sooner than later, but all I do is compile a report and
13 send it to them and they make that decision.

14 Do you know what time [indiscernible] look for?

15 No.

16 Do you know, is this considered a hate crime with
17 him being killed because of his charges and because he
18 was Jewish and ex-Navy?

19 Well, that will be up to -- if those are the facts
20 and circumstances, I have to verify them. You're
21 telling me and you're telling them that's your
22 motivation, so it's a potential. I mean that's what
23 you think you're doing it to him for, yeah, then that
24 would definitely be something -- some aggravating
25 factors and circumstances on why you did it. You

1 didn't do it because you wanted to take money from him,
2 you did it because you didn't like him because he was
3 Jewish?

4 Yeah. I would try to make it what's called CCP,
5 cold, calculated and premeditated.

6 Okay. So you wanted to find a way to make it all
7 those?

8 Yeah. I was wanting to sodomize him, but
9 I couldn't do that. After I killed him, I was going to
10 do that just to, you know, *[indiscernible]*.

11 You drew the line there?

12 Yeah.

13 That's a line you didn't want to cross?

14 Yeah.

15 So you didn't do it because he was Jewish. Did
16 you do it because he was gay?

17 Yeah.

18 And you did it because you thought he was a child
19 molester?

20 Uh-huh.

21 Any other motivations why you did it?

22 Ex-Navy.

23 You don't like the Navy?

24 I respect and understand the service, but, you
25 know, you got them dudes that go across seas, they

1 target kids, they target women, they rape, they pillage
2 and things likes that.

3 In the Navy?

4 Yeah.

5 So you've read cases about this --

6 Yeah.

7 -- or heard cases?

8 Yeah.

9 How long did you live in Bartow? Is that where
10 you're from?

11 No, I'm from Lakeland.

12 Did you ever live in Bartow?

13 A little bit.

14 All right. You got any questions?

15 No.

16 You have anything else? You want to write me that
17 or you're done talking about it?

18 I'll write you.

19 Okay. [Indiscernible]. You swear or affirm to
20 the best of your ability this is the truth and nothing
21 but the truth?

22 Yes, sir.

23 All right. Thank you very much. Have a good
24 [indiscernible].

25 (CD concluded.)

1 **THE COURT:** You've now handed that disc back to
2 the clerk?

3 **MR. DURRETT:** Yes, Your Honor. State 5 tendered
4 to the clerk.

5 **Q** *(Mr. Durrett continues)* The inmates that Mr. Craft
6 was indicating to you that he had communicated his intent to
7 kill his cellmate prior to killing his cellmate, did you
8 speak with those individuals, those inmates?

9 **A** Yes, sir, I did.

10 **Q** What specifically did Inmate Bullett have to tell
11 you about Mr. Craft's indication of what he intended to do?

12 **A** Inmate Bullett was actually housed with Inmate
13 [REDACTED] prior to Inmate Craft and was aware of [REDACTED] and was
14 there for the transfer of him leaving and Craft coming in.

15 In regards to the actual homicide, Inmate Bullett
16 stated that the day after Craft was moved in, that he was in
17 the shower across -- that Inmate Craft was in the shower
18 across from his cell and through sign language Inmate Craft
19 told him that he was going to kill his roommate and then --
20 so prior to the incident, that's the only communication they
21 had was sign language from shower to the cell.

22 **Q** Okay. So sign language from Mr. Craft to the cell
23 of Mr. Bullett indicating his intent to kill Inmate [REDACTED]

24 **A** Yes, sir.

25 **Q** And the body was discovered the evening of May

1 16th, correct?

2 **A** Yes, sir.

3 **Q** So when was this conversation, this signing taking
4 place?

5 **A** Inmate Bullett indicated it was the day prior.

6 **Q** Day prior?

7 **A** Yes, sir.

8 **Q** Okay. And were there any other inmates that
9 indicated to you that they had had any sort of communication
10 with Mr. Craft about his intent and/or plan to kill his
11 cellmate?

12 **A** Prior to, yes, sir. Inmate Steven Andrews, which
13 was one of the inmates that Craft wrote about, also through
14 sign language said several times that Inmate Craft indicated
15 that he was going to kill his cellmate and that he wanted to
16 go to death row because he wanted a color TV and was tired
17 of serving time. Inmate Craft told Inmate Andrews that
18 [REDACTED] had 15 counts of child molestation, which made him a
19 good target to kill. Inmate Andrews told Craft that killing
20 his cellmate would be wrong and he should not do it. Inmate
21 Andrews believed that Craft wanted to kill someone and that
22 the fact that his cellmate was a child molester was an easy
23 justification.

24 Both Inmates Bullett and Andrews spoke to Craft
25 after the homicide as well. Do you want me to talk about

I that?

2 **Q** No, just the idea of what, you know, he had
3 conveyed to them beforehand, but he conveyed to both at
4 least one day prior of his intent to kill his cellmate?

5 **A** Yes, sir.

6 **Q** And Inmate Smart I believe was also mentioned by
7 Inmate Craft. Did you speak with Inmate Smart to
8 determine --

9 **A** Yes, sir, I spoke to him on two different
10 occasions and he did not wish to speak with me about the
11 incident.

12 **Q** And what about the inmate David Ambrosio that
13 Mr. Craft indicated in his statement that he had
14 communicated with?

15 **A** He said he had communicated with him after the
16 homicide.

17 **Q** Inmate Ambrosio indicated he had spoken to
18 Mr. Craft after the homicide?

19 **A** Yes, sir, through sign language.

20 **Q** Through sign language again?

21 **A** Yes, sir.

22 **Q** Okay. What did he indicate Mr. Craft had
23 communicated to him?

24 **A** Afterwards he said he signed with Inmate Craft and
25 Inmate Craft had told him he had killed his cellmate because

1 he was a child molester and that Craft told him he was going
2 to be sent to death row.

3 **Q** Is that something they can communicate merely
4 through hand signals or are they actually verbalizing these
5 things?

6 **A** They can communicate a lot through hand signs. I
7 mean they're proficient at it because -- especially in a
8 confinement cell. They don't have the access to speak. I
9 mean if you're cell to cell, they can talk, but other than
10 that. The way the cells are set up, there would be a wall
11 of cells and the showers are on the other side of the
12 dormitory and that way they can actually see each other,
13 otherwise they're all facing out the windows and can't see.

14 So when they're in the showers, they're, you know,
15 facing each other and that's kind of when they can send
16 messages back and forth and that's why everyone is taking
17 advantage of being in the shower because they're facing each
18 other and can actually see each other and can communicate at
19 that time.

20 **Q** Okay. What did Inmate Bullett and/or Inmate
21 Andrews have to say to you about the communications they had
22 with Mr. Craft after the homicide? You were starting to go
23 into it earlier before I cut you off. Did they have any
24 communications with him after the fact?

25 **A** Yes, sir. So Inmate Bullett said after they ate

1 dinner on the 16th, which is the day that Inmate [REDACTED] was
2 found, that Inmate Craft began to yell. He said that Inmate
3 Craft said that he felt the soul leave his body and that he
4 had gotten him one. Inmate Bullett said he didn't believe
5 that Inmate Craft had killed his cellmate and that Inmate
6 Craft began to yell to Inmate Andrews. So like they were
7 housed close enough at this point where they could yell back
8 and forth and they were actually communicating verbally.

9 Inmate Bullett said that Craft stated there was
10 blood and green stuff coming out of Inmate [REDACTED] nose and
11 blood was coming out of Inmate [REDACTED] ear. He also said
12 that there was a sheet around Inmate [REDACTED] neck and Inmate
13 Bullett said he asked Craft if he was for real and Craft
14 told him yes. He said they spoke about 20 minutes through
15 the door until the inmate orderly came through and that's
16 when Inmate Craft told the orderly to get the officers, that
17 his cellmate was deceased.

18 Q What about Inmate Andrews?

19 A After Inmate [REDACTED] was killed, Inmate Andrews said
20 that Craft yelled at him and said I got me one and that he
21 had mentioned Inmate Craft told him he had gotten a new set
22 of blue uniforms. And he heard that Inmate Craft -- he
23 heard Inmate Craft tell the orderly to go get the security
24 staff because he just killed his cellmate.

25 Q Okay. Thank you.

1 **MR. DURRETT:** May I have just a moment, Judge?

2 **THE COURT:** You may.

3 *(Brief pause in the proceedings.)*

4 **MR. DURRETT:** Your Honor, we would tender for
5 cross.

6 **THE COURT:** Mr. Craft, do you have any questions
7 you want to ask this witness?

8 **THE DEFENDANT:** No, Your Honor.

9 **THE COURT:** You understand you have the right to
10 ask him questions if you wish to?

11 **THE DEFENDANT:** Yes, sir.

12 **THE COURT:** And I said that before he started.
13 I'm asking you now, and this will be the last time
14 I ask for this witness, any questions for this witness?

15 **THE DEFENDANT:** No, Your Honor.

16 **THE COURT:** Thank you. Next witness.

17 **MR. DURRETT:** Your Honor, the State would call
18 Doctor Peter Gillespie.

19 **THE COURT:** If you would remain standing and face
20 the clerk right here.

21 **PETER ANDREW GILLESPIE**

22 acknowledging having been duly sworn to tell the truth, was
23 examined and testified on his oath as follows:
24
25

DIRECT EXAMINATION**BY MR. DURRETT:****Q** Good morning.**A** Good morning.**Q** Could you state your name for the record, please?**A** Peter Andrew Gillespie.**Q** And, Mr. Gillespie, what do you do for a living, sir?**A** I'm associate medical examiner at the District IV Medical Examiner's Office in Jacksonville, Florida.**Q** Could you tell us a bit this morning about your qualifications, your training and experience?**A** Sure. I have a bachelor of science degree in biology. Following that, I attended medical school where I got my MD degree in 1995. Following that, I did five years of general pathology training at Dartmouth Hitchcock Medical Center in Hanover, New Hampshire. And after that, I did a year of specialized forensic pathology training in Fort Lauderdale, Florida. I finished that in 2001 and have worked as a medical examiner since that time.**Q** How long have you been in District IV?**A** I'm sorry?**Q** District IV, how long have you been there?**A** I've been there since July of 2014.**MR. DURRETT:** Your Honor, the State would offer

*Laurie Ann Chaffin
Registered Professional Reporter
4424 NW American Lane, Suite 101
Lake City, Florida 32055
(386) 754-7067*

1 Doctor Gillespie as an expert in the field of forensic
2 pathology and we would tender for voir dire, if
3 Mr. Craft desires to question the doctor's credentials.

4 **THE COURT:** Mr. Craft, do you have any questions
5 regarding his qualifications as a pathologist?

6 **THE DEFENDANT:** No, Your Honor.

7 **THE COURT:** He may give his opinions.

8 **MR. DURRETT:** Thank you, Judge.

9 **Q** *(Mr. Durrett continues)* Doctor Gillespie, we're
10 here today concerning Mr. Craft's case and then your
11 involvement in it as conducting the autopsy of [REDACTED].
12 Is that accurate, you conducted the autopsy of [REDACTED]

13 **A** Yes, I did, on the morning of May 17th, 2018.

14 **Q** And do you employ any sort of unique
15 identification numbers or anything so that you can
16 distinguish one autopsy from another?

17 **A** Yes, we do. In this case the unique number was
18 Case 18-1058.

19 **MR. DURRETT:** Your Honor, may I approach this
20 witness?

21 **THE COURT:** Yes, sir, anytime you need to.

22 **MR. DURRETT:** Thank you.

23 **Q** *(Mr. Durrett continues)* Doctor, I'm going to show
24 you what's marked for identification purposes as State's
25 Exhibit 4, a composite exhibit consisting of four

1 photographs lettered -- numbered, pardon, 4(a) through 4(d),
2 and ask you to look at them. And then when you're ready to
3 speak about them, to let me know, please.

4 **A** (Complying.) I'm ready.

5 **Q** All right. Doctor, are these photographs taken
6 from the autopsy you performed on [REDACTED]

7 **A** Yes, they are.

8 **Q** Have they been altered or manipulated in any way
9 from when they were taken?

10 **A** No, sir.

11 **MR. DURRETT:** Your Honor, we would offer what's
12 marked for ID purposes as State's Composite Exhibit 4,
13 4(a) through 4(d), four separate photographs, as
14 State's 4.

15 **THE COURT:** Which I saw you show those to
16 Mr. Craft.

17 Any objection to those Mr. Craft?

18 **THE DEFENDANT:** No, Your Honor.

19 **THE COURT:** All right. They're received in
20 evidence, 4(a), (b), (c), (d).

21 **Q** (Mr. Durrett continues) Doctor, when we're looking
22 here at State's Exhibit 4(d), what is that a picture of?

23 **A** That's actually the picture of the x-ray that was
24 taken at the autopsy of the decedent's hyoid bone.

25 **Q** Okay. I want to get back to that in a minute.

1 But from your autopsy that you performed on [REDACTED], could
2 you indicate for us today what injuries or trauma you
3 observed to his person?

4 **A** Certainly. Do you want me to start in any
5 particular order or anything?

6 **Q** Well, I have a copy of your report. And with the
7 report that I have a copy of, it begins with injuries noted
8 to the head.

9 **A** Okay.

10 **Q** So if we could start at that point, Doctor. What
11 wounds or injuries or trauma did you note to the head of

12 [REDACTED]
13 **A** Sure. The left upper and lower eyelids were both
14 swollen and ecchymotic, which means they were purple
15 colored. There was swelling of most of his left cheek. He
16 had multiple punctate or very small abrasions on the right
17 cheek and the right side of the jaw. There were multiple
18 contusions or what are called bruises of the oral mucosa,
19 that's the lining of the inside of the mouth.

20 There were a large number of acute hemorrhages in
21 the tongue on both sides, on the left and right sides of the
22 tongue. And then on the deeper aspects of the left side of
23 his temporal in what's called the left temporalis muscle,
24 there was an area of acute hemorrhage and bruising.

25 And then once the brain was removed, we saw that

1 there was a small amount of subarachnoid hemorrhage. That's
2 an acute hemorrhage under one of the membranes over the
3 brain, over the base of the right frontal lobe of the brain.

4 Q Okay. Those injuries that you observed to his
5 head, in your opinion what are those injuries indicative of?

6 A Well, they're inflicted injuries of some kind. We
7 do see them in people who have been beaten or struck with
8 objects, we also can see those kinds of injuries, the
9 superficial injuries, in people that have falls or car
10 crashes. Things like the hemorrhages of the oral mucosa and
11 in the tongue and things like that, we usually see in severe
12 assaults and homicides, things like that.

13 Q You also note injuries to the neck in your report.
14 What injuries did you observe to the neck of [REDACTED]

15 A [REDACTED] had extensive injuries on both the
16 outside of the neck and in the deep layers in the neck.
17 I'll start from the outside and sort of work my way in.

18 Q Yes, sir.

19 A On the upper right side of the neck there was a
20 moderately sized abrasion. And extending from that, there
21 was a very faint impression on the right side of his neck.
22 There were a lot of punctated, very small red contusions or
23 bruises in the mid-line of the neck that extended onto the
24 left side of his neck. And on the left side of the neck,
25 there were four abrasion-like lesions or almost scrape-like

1 lesions on the left side of the neck that ranged in size
2 from a half inch up to one inch in the maximum length.

3 Once the -- the neck was actually opened up and we
4 examined the deeper structures in the neck. We saw that
5 there were extensive bilateral hemorrhages in both sides of
6 the strap muscles of the neck in the superficial as well as
7 the deeper layers of the neck. There are four layers of the
8 neck and there were hemorrhages in all the layers on both
9 sides.

10 He also had -- there was a large amount of
11 hemorrhage or bleeding where the thyroid cartilage and the
12 right side of the trachea come together. There were also
13 some -- a bony injury of the hyoid bone, which is fractured
14 on the right-hand side of the hyoid bone. And the superior
15 horn of the thyroid cartilage, that's the top part on the
16 right-hand side of the thyroid cartilage, that was also
17 fractured.

18 **Q** What is the hyoid bone?

19 **A** The hyoid bone is a very small bone. It's above
20 the so-called Adam's apple, what we would call the thyroid
21 prominence of the neck, and it's used as sort of an
22 anchoring or a tethering point for the muscles of the neck
23 that allow you to move your head up and down and left and
24 right. It's right above the Adam's apple.

25 **Q** Okay. And these injuries, Doctor, from your

1 training and experience and based upon your expert opinion,
2 how might one typically suffer injuries of this nature?

3 **A** These kinds of injuries are what we see with
4 strangulation homicides.

5 **Q** And in order to achieve these semblance of
6 injuries, is this a minor amount of force that an individual
7 would apply to the neck and throat of an individual or what
8 or can you weigh in on that?

9 **A** Well, it's hard to put an exact number on how many
10 pounds of pressure, but I would say a considerable amount of
11 force would have to be applied for a length of time to
12 produce these kinds of injuries.

13 **Q** And you say for a length of time. What did you
14 determine the cause and manner of death of [REDACTED] to be?

15 **A** The cause of death was determined to be
16 strangulation and blunt force head trauma and it was
17 classified as a homicide.

18 **Q** And as to the time it would take in your opinion
19 for an individual being strangled to die, what would be your
20 opinion as to that?

21 **A** Well, when a person is being strangled, it takes
22 four or five minutes of constant pressure blocking the blood
23 flow to the brain to start to cause lethal brain injury, and
24 then after that, they rapidly die after that. So it takes
25 four to five minutes at least of applied pressure to produce

1 those kinds of injuries and subsequent death.

2 Q And would an individual be cognizant, awake, alive
3 during that point in time, that four to five minutes?

4 A It's possible he could have. It's hard to say
5 after the fact just judging on the anatomic injuries, but
6 that is possible.

7 Q The only manner in which it wouldn't be possible
8 if what, he were knocked unconscious?

9 A You could be knocked unconscious if you're beaten
10 or sometimes people who are -- I mean in other cases, not
11 this case, who are intoxicated, under the influence of
12 things and they're unconscious when they are strangled. So
13 I mean those kinds of people are unconscious, but in this
14 case we know his toxicology was negative, so we can rule
15 that out. So, again, it's hard to say after the fact just
16 based on the injuries if a person is conscious or not.

17 Q Sure. But it takes about four to five minutes of
18 this sort of pressure to achieve the result?

19 A Yes, sir.

20 Q And what was the approximate size of [REDACTED]

21 A Actually he was -- I described him as a thin
22 individual. He was 65 inches in height and 113 pounds when
23 we received him at my office.

24 Q Five foot five, 113 pounds?

25 A Yes, sir.

1 **Q** And could you kind of describe for us, you know,
2 and you were talking about it, but what exactly happens to a
3 person as they're experiencing the trauma as it relates to
4 this strangulation? What exactly are they going through,
5 their body?

6 **A** Well, their body, their brain is going through a
7 lack of oxygen or blood flow because that's what
8 strangulations usually do, is to block the flow of blood
9 through the carotid arteries and jugular veins. So you may
10 get kind of -- feel light-headed or what we would call
11 anoxic, and towards the end, you probably do lose
12 consciousness. And then after that four or five minutes,
13 like I said, you've suffered irreversible brain damage
14 because of the lack of blood flow to your brain and then you
15 expire shortly after that.

16 **Q** Okay.

17 **MR. DURRETT:** May I have just a moment, Your
18 Honor?

19 **THE COURT:** Yes, sir.

20 *(Brief pause in the proceedings.)*

21 **MR. DURRETT:** Nothing further, Judge. We would
22 tender the witness for cross-examination.

23 **THE COURT:** Mr. Craft, do you have any questions
24 you want to ask this witness, Doctor Gillespie?

25 **THE DEFENDANT:** No, Your Honor.

1 **THE COURT:** Thank you. You may step down. Is
2 there anything he needs to leave with us or the clerk?

3 **MR. DURRETT:** Yes, Your Honor. He's left them
4 here on the rail, or I did.

5 **THE COURT:** Before the doctor walks out -- if you
6 would stop him just a second. Just a second.

7 You had started a question about 4(d). You then
8 said I'll come back to that. If you didn't intend to
9 come back to it, that's fine, or maybe you've asked
10 everything you wanted to. I just had a note you were
11 asking about 4(d) and an x-ray.

12 **MR. DURRETT:** I did and we talked about it through
13 his testimony. The 4(d), the x-ray, was an x-ray of
14 the hyoid bone and the doctor did talk about it, Your
15 Honor.

16 **THE COURT:** That's fine. Thank you, sir.

17 *(Brief pause in the proceedings.)*

18 **MR. SIEGMEISTER:** Your Honor, may I proceed?

19 **THE COURT:** You may, yes, sir.

20 **MR. SIEGMEISTER:** Briefly -- and I've shown all
21 these items to Mr. Craft.

22 The first is State's Exhibit 1 for identification
23 we would move into evidence as a certified copy of a
24 judgment out of Polk County, Florida, in Case Number --
25 let me make sure I get this right -- 14-9534-CF.

1 **THE COURT:** State the number again. 14-95 --

2 **MR. SIEGMEISTER:** 9534-CF.

3 **THE COURT:** Thank you.

4 **MR. SIEGMEISTER:** In which Mr. Craft was convicted
5 of -- in Count I, felony battery; Count III, aggravated
6 battery with a deadly weapon; Count IV, aggravated
7 assault with a deadly weapon; and Count V, armed false
8 imprisonment, a lesser included offense. We are --
9 although they all may be allegedly violent, Your Honor,
10 we're specifically admitting this as a certified copy
11 as to Counts III, IV and V, which is the aggravated
12 battery, aggravated assault and false imprisonment as
13 they are felony crimes of violence.

14 **THE COURT:** And you're seeking to admit them as
15 certified copies of convictions from Polk County?

16 **MR. SIEGMEISTER:** Yes, sir.

17 **THE COURT:** Mr. Craft, anything -- have you looked
18 at those?

19 **THE DEFENDANT:** Yes, sir.

20 **THE COURT:** Do you have any questions about them?

21 **THE DEFENDANT:** No, Your Honor.

22 **THE COURT:** They're admitted into evidence.

23 **MR. SIEGMEISTER:** Your Honor, State's Exhibit 2 is
24 a certification of what is commonly known as a time and
25 crime report from DOC. It's certified by Ramona

1 Cox-Pye from DOC. And I've shown this to Mr. Craft and
2 I would admit it as State's Exhibit 2.

3 **THE COURT:** Mr. Craft, you've seen it. Is there
4 any questioning of that, of what they call the time and
5 crime report?

6 **THE DEFENDANT:** No, Your Honor.

7 **THE COURT:** All right. It's admitted as Exhibit
8 2.

9 **MR. SIEGMEISTER:** Lastly, Your Honor, and I'm
10 going to be real careful here. I did show these to
11 Mr. Craft and explained. This is State's Composite
12 Exhibit 6 and it is four of his letters that are
13 contained within the court file, although I'm sure the
14 Court has read the file more than once and probably
15 will read it again. We are specifically entering
16 letters from Mr. Craft dated 8/24 of '18, November 18th
17 of 2018, November 24th of 2018 and April 7th of 2019.

18 **THE COURT:** The last was April what?

19 **MR. SIEGMEISTER:** April 7th of this year, Your
20 Honor.

21 **THE COURT:** Thanks.

22 **MR. SIEGMEISTER:** And I have highlighted in
23 yellow -- I don't know how that will be on the
24 appellate record -- the things that I'm asking the
25 Court to consider since -- as with the previous

1 confession or statements of Mr. Craft, there contains
2 within these letters some items that I don't think we
3 would be able to admit before a jury as to future
4 activities, so these only relate to the aggravators,
5 particularly heinous, atrocious and cruel and cold,
6 calculated and premeditated.

7 I have shown them to Mr. Craft, and although they
8 are in his writing, he's looked at them.

9 **THE COURT:** Mr. Craft, did you see these, Exhibit
10 Number 6, which is four letters that you sent to
11 someone here at the courthouse, either to myself, to
12 the state attorney's office, have you looked at them?

13 **THE DEFENDANT:** Yes, Your Honor.

14 **THE COURT:** Are those -- do you recognize them?

15 **THE DEFENDANT:** Yes, Your Honor.

16 **THE COURT:** Do you have any objection to them
17 coming into evidence?

18 **THE DEFENDANT:** No, Your Honor.

19 **THE COURT:** They are received as Exhibit 6. And
20 did you give them an (a), (b), (c), (d) or just --

21 **MR. SIEGMEISTER:** I did not, Your Honor.

22 **THE COURT:** The date's fine.

23 **MR. SIEGMEISTER:** I would state, just to clarify
24 the record, the April letter, Your Honor, was written
25 to you, the other three from 2018 were written to the

I state attorney generically.

2 **THE COURT:** They're all admitted.

3 **MR. SIEGMEISTER:** If I could have a second, Your
4 Honor.

5 **THE COURT:** Yes.

6 *(Brief pause in the proceedings.)*

7 **MR. SIEGMEISTER:** Your Honor, the State would
8 announce that it rests, however we do want to address
9 some issue of mitigation at some point.

10 **THE COURT:** All right. Mr. Craft, the State has
11 now announced rest on their aggravating circumstances
12 case in this penalty proceeding. Do you wish to
13 present any mitigation at this time?

14 **THE DEFENDANT:** Myself, no, I don't, Your Honor,
15 but --

16 **THE COURT:** You said myself I don't. Were you
17 intending to have anyone else present mitigation on
18 your behalf?

19 **THE DEFENDANT:** I have family here. If they wish
20 to speak, I wish for them to be allowed to speak.

21 **THE COURT:** Are you calling them for that purpose?
22 Do you wish for them to speak? They may wish to speak.
23 Are you calling them for the purpose of speaking?

24 **THE DEFENDANT:** For their conscience purpose, yes,
25 Your Honor.

1 **THE COURT:** All right. Mr. Siegmeister, do you
2 have any objection to that, the persons one by one
3 coming up here to the witness stand?

4 **MR. SIEGMEISTER:** I do not, Your Honor. I don't
5 know their names. I did watch them come in and I
6 assumed they were Mr. Craft's family, but -- and that
7 was going to be one of the issues. There were letters
8 attached to the PSI that I was going to mention, but
9 these may be the same individuals that wrote those
10 letters.

11 **THE COURT:** All right. Be sure to mention that at
12 some point if you wish to do so.

13 **MR. SIEGMEISTER:** Yes, sir.

14 **THE COURT:** And, Mr. Craft, who would you like
15 first?

16 **THE DEFENDANT:** My sister, Jessica Craft, sir.

17 **THE COURT:** The sister, if you would come up,
18 please, to the witness stand.

19 What was the name?

20 **THE DEFENDANT:** Jessica Craft.

21 **THE COURT:** As you've seen the other persons do,
22 when you get up there, if you would just raise your
23 hand and face the clerk, she'll swear you in. Raise
24 your right hand. Your other hand. There you go.

25 *(Witness acknowledged being duly sworn.)*

1 **THE COURT:** Please have a seat. And once you're
2 seated, face towards the mike. It will bend any way
3 you need it to. You need to be fairly close to it.

4 Mr. Craft, were you intending to ask her questions
5 or did you want her to just give a statement?

6 **THE DEFENDANT:** Freely speak, Your Honor.

7 **THE COURT:** I'm listening to you, Ms. Craft. You
8 do need to start with your name, though, please.

9 **THE WITNESS:** My name is Jessica Craft. Robert
10 Craft, he's also known as Bobby, he's my second oldest
11 brother. When he stated the guy was -- whenever he
12 kept bragging to Bobby about being a child molester,
13 Bobby was messed with when he was younger, so it was a
14 flashback. And if he did tell the officer that he was
15 a child molester, y'all knew to take him out of the
16 cell, so as I look at it, y'all set him up.

17 And to me, looking around the courtroom, none
18 of -- y'all can care less about him. All I look around
19 is y'all on your cell phones, so to him, y'all just
20 want to get the case over to go home.

21 No, he's my blood. He not only -- not only is he
22 my brother -- I'm sorry. Not only is my brother, he's
23 my best friend. He's also my protector. When I was in
24 middle school, there was this group of guys that kept
25 messing with me, so I told him. Every day when I would

1 get off the bus, every morning I had to walk to school,
2 he was right there beside me.

3 To him -- he's just an inmate number to y'all. To
4 me, he's my blood, he's my brother, he's my best
5 friend, my protector. So, no, he does not deserve what
6 he's about to be sentenced.

7 I did write an email to one of the judges. I was
8 told to give him -- I wrote multiple things in there.
9 My mother who passed away in June almost a year, she
10 led my brothers down the wrong path. She always said
11 that she wanted to get them on drugs. If it wasn't for
12 her, I see Bobby going a long way.

13 He also has a son named Robert Craft. When I do
14 talk to him, he does ask about his father. Some things
15 I cannot answer, but I do let him know he's okay. When
16 I look at his son, it looks just like him.

17 **THE COURT:** And, ma'am, I hate to make you repeat.
18 I could not understand the last thing you just said.
19 You said something about looks like him. I don't know
20 what you said.

21 **THE WITNESS:** Okay. What I was saying, Bobby has
22 a son named Robert, Robert Shane, he goes by Shane.
23 When I do speak -- I will speak to his son. The last
24 time I spoke to his son was on his birthday to let him
25 know happy birthday. And his son's grandmother would

1 try to remind him who I am. He goes no. He's like I
2 know who she is, she's my Aunt Jessica. He will ask me
3 about his dad. All I can tell him is that his dad is
4 okay and that I do speak with him. When I look at
5 Shane, I see Bobby and he looks just like him.

6 When y'all look at Bobby, he's not what y'all see.
7 He's only wanting the death penalty because he thinks
8 he's going to get a good life out of it. He doesn't
9 deserve it.

10 And then when he was in here before, he was
11 sentenced to the 15 years. My brother did speak -- I'm
12 sorry, my mother did speak with the girl that got him
13 locked up. She claimed that she made it up and she
14 dropped the charges. My mom did not get a chance to
15 turn in the papers or any proof because she did pass
16 away, so I would like if y'all did not sentence him to
17 life or death because if I lose him, I'm losing a part
18 of me and I cannot stay on this earth without him.
19 Losing my mom hurt a lot, but losing my brother would
20 kill me.

21 I have wrote him a couple of years ago, but every
22 time he wrote me, he would be upset claiming that he
23 did not get the letters. I assumed it was because my
24 last name was Craft, so I had to change my last name on
25 the letters to Chapple and he all of a sudden got them.

Laurie Ann Chaffin
Registered Professional Reporter
4424 NW American Lane, Suite 101
Lake City, Florida 32055
(386) 754-7067

1 And I did want to let Bobby know that I did just
2 send him \$60 not long ago to help him in there. I just
3 beg y'all to please not to give him life or death, just
4 give him the sentence he already had.

5 And I did see in one of the letters that he said
6 he has told some of the guards to get the guy out of
7 the cell. Not only did y'all did get him out -- y'all
8 did not get him out, y'all left him in there. I feel
9 like he was set up.

10 The Bobby -- the tattoos that he has is not him.
11 That's a way for him to get -- to survive in there.
12 None of us knows how it feels except him. So to me,
13 the guy raped -- I'm sorry. The molester, he did, he
14 bragged about children. I think he deserved what he
15 got. If Bobby didn't do it, somebody else would have.

16 I just wanted to say that I cannot lose him.

17 **THE COURT:** Any questions? Did you finish your
18 statement? I want to make sure you had time to finish.

19 **THE WITNESS:** Yeah, I want to give my other ones a
20 chance to talk.

21 **THE COURT:** Any questions?

22 **MR. SIEGMEISTER:** No, Your Honor.

23 **THE COURT:** Thank you, Ms. Craft. You can step
24 down, Ms. Jessica Craft.

25 Mr. Craft, who else did you want to call?

1 **THE DEFENDANT:** My brother, Jessie Chapple.

2 **THE COURT:** Your mother?

3 **THE DEFENDANT:** My brother.

4 **THE COURT:** Brother.

5 **THE DEFENDANT:** Yes, Your Honor.

6 **THE COURT:** All right. Your brother. Which is
7 the brother?

8 **THE WITNESS:** *(Indicating.)*

9 **THE COURT:** What's his first name?

10 **THE DEFENDANT:** Jessie.

11 **THE COURT:** Jessie?

12 **THE DEFENDANT:** Yes, Your Honor.

13 **THE COURT:** Mr. Craft *[sic]*, when you get right up
14 by that chair, if you would turn this way and face the
15 clerk, raise your right hand and take the oath, please.

16 *(Witness acknowledged being duly sworn.)*

17 **THE COURT:** Thank you, sir. If you can just turn
18 sideways and, again, bend that mike. You're close
19 enough. I think that's fine.

20 Did you just want him to give a statement?

21 **THE DEFENDANT:** Yes, Your Honor.

22 **THE COURT:** Okay. Yes, sir. I'm listening to
23 you. Spell your first name first. Is it J-e-s-s-i-e?

24 **THE WITNESS:** Yeah.

25 **THE COURT:** Got it.

1 **THE DEFENDANT:** The last name is Chapple, Your
2 Honor.

3 **THE COURT:** Excuse me?

4 **THE DEFENDANT:** Chapple, C-h-a-p-p-l-e.

5 **THE COURT:** I'm listening to you, sir.

6 **THE WITNESS:** Well, I really don't -- not much
7 of -- a man of much words, but at least I get to see
8 his face and finally see him.

9 We had a really rough childhood and upbringing.
10 We didn't have no dad around, it was just my mom with
11 six kids and she was on drugs, so we was always tossed
12 around the family a lot while she was locked up a lot.

13 I know what I say is not going to matter or change
14 anything, but Bobby, he's the crazy one of us six kids.
15 He's always been on medication growing up. He's
16 bipolar and all that. And he likes to make up some
17 stuff sometimes.

18 But I'm not sure if what happened is true,
19 I just -- I just know he said there was a child
20 molester in there and that he was just trying to rape
21 him and I think he said he might have raped him,
22 I don't know.

23 But I just feel like it was self-defense. I feel
24 he was just trying to protect himself. He shouldn't
25 have been locked up in the first place. They gave him

1 15 years because his girlfriend lied and said that he
2 was holding her against her will or something, but come
3 to find out she said none of that was true, she was
4 making it all up. So the charges, he never should have
5 been in prison in the first place. So it's -- I blame
6 it on the State, I blame it on the cops and everybody
7 for putting him there. And they turned him into
8 something that you can't control.

9 And I just want you to know I love you.

10 **THE COURT:** I want to tell both you -- your last
11 name is Craft?

12 **THE WITNESS:** Chapple.

13 **THE COURT:** Chapple, C-h-a-p-p-e-l?

14 **THE WITNESS:** L-e.

15 **THE COURT:** L-e.

16 **THE WITNESS:** Yes, sir.

17 **THE COURT:** Excuse me. C-h-a-p-p-l-e.

18 **THE WITNESS:** Yes, sir.

19 **THE COURT:** And your relationship to Mr. Craft
20 that's having the hearing today is?

21 **THE WITNESS:** I'm his older brother.

22 **THE COURT:** Older brother. How is it you have a
23 different name?

24 **THE WITNESS:** We have different dads. We've got
25 the same mom, different dads.

1 **THE COURT:** Now sometimes -- I tell you this
2 really also so that Jessica can hear this, too.

3 Sometimes when someone is testifying, I'm not
4 looking directly at them, but there's a reason that I'm
5 not. I'm a note taker. I just take lots of notes.

6 **THE WITNESS:** Right.

7 **THE COURT:** This lady writes down every word you
8 say, plus we're recording this. But for myself, I take
9 notes of things I want to remember and recall.

10 **THE WITNESS:** Yes, sir.

11 **THE COURT:** So just because I'm not looking at you
12 doesn't mean I'm not listening to what you say.

13 **THE WITNESS:** Oh.

14 **THE COURT:** I can tell you pretty closely to
15 exactly what you just said.

16 **THE WITNESS:** Yes, sir.

17 **THE COURT:** Was there anything else you wanted to
18 tell me?

19 **THE WITNESS:** I don't know. Like I said, nothing
20 I say is going to matter and it ain't going to change
21 nothing because --

22 **THE COURT:** Have you been at any of the prior
23 hearings where Mr. Craft was here in front of me --

24 **THE WITNESS:** No.

25 **THE COURT:** -- where I had long involved

1 questioning of him about --

2 **THE WITNESS:** No, sir.

3 **THE COURT:** -- was he sure he wanted to do this,
4 was he sure he wanted to waive a trial.

5 **THE WITNESS:** Right.

6 **THE COURT:** Was he sure he wanted to waive a jury.
7 Were you here at the beginning of this hearing?

8 **THE WITNESS:** No, I wasn't.

9 **THE COURT:** I did a lot of those questions again
10 so trying to be sure that he knows what he is doing and
11 what the consequences can be.

12 **THE WITNESS:** Yeah.

13 **THE COURT:** State, any questions?

14 **MR. SIEGMEISTER:** No, sir.

15 **THE COURT:** You may step down. I asked if you had
16 something else. Was there something else you wanted to
17 say?

18 **THE WITNESS:** Yeah, I was just going to bring up,
19 when he wrote me a letter, he said he was -- that the
20 dude -- with the child molester and he just wanted to
21 get the death penalty. I don't think he really knows.
22 He said he thinks it's going to be lot better, he can
23 spit dip and watch TV and all that, but I just ask you
24 to have mercy on his soul.

25 **THE COURT:** Would it surprise you to know that

1 when he entered his plea I asked him those very
2 questions about are you doing this by any chance
3 because you want a better cell or want to be on death
4 row because you have a TV. I don't know the exact
5 question I asked, but things along that line. Would it
6 surprise you to know I asked him all that before he
7 entered his plea?

8 **THE WITNESS:** Oh, yeah, I'm sure you did.

9 **THE COURT:** All right. Any other questions for
10 him?

11 **MR. SIEGMEISTER:** No, Your Honor.

12 **THE COURT:** You may step back down, sir.

13 **THE DEFENDANT:** I would like to call my sister,
14 Destiny Chapple.

15 **THE COURT:** She may come right up.

16 Ma'am, just as you've seen the others, you'll step
17 up right here. When you get beside the chair or you
18 can be seated, then you'll raise your right hand and
19 face the clerk.

20 *(Witness acknowledged being duly sworn.)*

21 **THE COURT:** The first thing you need to do is just
22 tell me your name. If you feel like you need to spell
23 any of it like I did with Mr. Chapple, please do.

24 **THE WITNESS:** It's Destiny Chapple, D-e-s-t-i-n-y.

25 **THE COURT:** And it's C-h-a-p-p-l-e?

1 **THE WITNESS:** Yes.

2 **THE COURT:** Was there something you wanted --
3 again, Mr. Craft, do you want to ask her questions or
4 just let her make a statement?

5 **THE DEFENDANT:** Let her make a statement, Your
6 Honor.

7 **THE COURT:** I'm listening, ma'am.

8 **THE WITNESS:** I just want to start off by
9 saying --

10 **THE COURT:** Speak a little closer to the mike.
11 Thank you.

12 **THE WITNESS:** -- that God does forgive and I hope
13 that other family does seek forgiveness in their heart
14 because it's a heavy weight to have hatred in your
15 heart and not forgive.

16 I had to forgive the man that did rape me and that
17 tore my family apart. It happened to Bobby, it was in
18 his heart. And I feel like -- I was pregnant with my
19 daughter. I feel like all that drove him to that point
20 of knowing what happened to us as kids.

21 I don't hate the man that ran over my mom, but
22 I seek forgiveness and I hope the other family does,
23 too.

24 Bobby is not an evil person, but in the letter he
25 did ask to get switched in cells because the man kept

1 mocking him and no one would listen to him. And I do
2 recall that when the man did pass away, when they took
3 Bobby out of the cell, the guard did say one less like
4 child molester. He said a nickname for it, but I don't
5 recall what the nickname was.

6 And like my brother said, I know y'all probably
7 have in your heart what you're going to do because half
8 the people I have seen on phones and they just care
9 about going home, but he is not just an inmate, he is a
10 brother, he is a father and he is an uncle. And I want
11 to state my daughter won't know who he is and I really
12 wanted him to see her.

13 I just want to say God's love is unconditional and
14 no one is here to judge but God. It's not no one's
15 place to say who lives or dies.

16 I just want y'all to seek forgiveness because this
17 ain't right. This is not right.

18 **THE COURT:** As I've said to the others, just
19 because I'm not making eye contact with you all the
20 time doesn't mean that I'm not listening to every word
21 you said.

22 **THE WITNESS:** I understand.

23 **THE COURT:** Was there anything else you wanted to
24 say? Just take a minute. Take a couple of deep
25 breaths and you decide.

1 **THE WITNESS:** I can't think of anything. I just
2 want forgiveness and him to know that I love him
3 unconditionally. No matter what he does, this family
4 loves him and we're here to support him no matter -- he
5 can never do no wrong in our eyes, just as God, he'll
6 like forgive you.

7 And hopefully one day you'll be free from this
8 world that's done you so wrong for so many years and
9 the justice that done you wrong for so many years that
10 you did not even deserve to be where you were at. You
11 deserve to be there for your son and your family and
12 that I love you.

13 **THE COURT:** Anything else, ma'am?

14 **THE WITNESS:** No, sir.

15 **THE COURT:** Wait just a minute. Anything else,
16 Mr. Craft, that you wanted to bring out through her?

17 **THE DEFENDANT:** No, Your Honor.

18 **THE COURT:** Anything else from the State?

19 **MR. SIEGMEISTER:** Nothing from the State, Your
20 Honor.

21 **THE COURT:** Now you may step down. Thank you,
22 ma'am.

23 Anyone else, Mr. Craft?

24 **THE DEFENDANT:** If it's not too late, I would like
25 -- wish to make a statement, Your Honor.

1 **THE COURT:** Are those all the witnesses that you
2 wish to call?

3 **THE DEFENDANT:** Yes, Your Honor.

4 **THE COURT:** Okay. And, Mr. Craft, you said you
5 would like to make a statement yourself?

6 **THE DEFENDANT:** Yes, Your Honor. I wish to make a
7 statement, Your Honor.

8 **THE COURT:** All right. Mr. Marshburn, I saw you
9 attempting to speak with Mr. Craft. Do you need to
10 speak a little bit longer with him?

11 **MR. MARSHBURN:** No, Your Honor. I was just
12 conveying that another family member wanted to speak.

13 **THE COURT:** Okay. Do you understand there's
14 another family member that may want to speak?

15 **THE DEFENDANT:** Yes, Your Honor.

16 **THE COURT:** Do you want that person to come speak
17 or not? That's up to you.

18 **THE DEFENDANT:** I want to make a statement to
19 clear --

20 **THE COURT:** I couldn't hear you.

21 **THE DEFENDANT:** I want to make a statement to
22 clear everything up, Your Honor, that's it.

23 **THE COURT:** But you do not want to call this other
24 person?

25 **THE DEFENDANT:** Yes, Your Honor.

1 **THE COURT:** Yes, sir, I'm listening to you,
2 Mr. Craft.

3 **THE DEFENDANT:** I thought this case was going to
4 be easy. I had my mind made up, what I wanted.
5 I wasn't expecting my family to get involved. And the
6 reason I took a plea deal to avoid trial is because
7 I didn't want my loved ones to get on the stand as they
8 did today because I know the pain they're going through
9 because I go through that pain every day. Every day
10 I wake up in my prison cell, I'm alone. I gave up a
11 long time ago.

12 I'm not a monster. I'm not evil. I did kill a
13 man, and if I'm placed in the same place again, will
14 I do it again? Yes.

15 I'm not a saint. I mean I explore things in my
16 life. I try to give my life to God. I try to do
17 things, but honestly I think I do them out of boredom.

18 This man that I did kill, he didn't threaten me,
19 he didn't try to rape me, nothing like that. I know
20 his family is going through pain just as my family is,
21 but I'm the one that's dealing with it.

22 The reason I requested the death penalty, and
23 I state this so my family will know, if I'm given a
24 life sentence, it's without parole which means I do day
25 for day and I grow old and I die in prison and I got to

1 spend the rest of my life around people with chaos.
2 That's hostile. It's miserable. It's torture.

3 I'm in a maximum unit right now and 24/7 is noise.
4 I have no peace. I turn my radio up as loud as I can
5 and it's still chaos. There's never no peace. I sleep
6 an average two or three hours a night, and that's just
7 because I'm exhausted, I pass out. I'm forced to close
8 my back window and it's starting to heat up in the
9 summertime and the heat is torturous, but if I open my
10 back window, I'm subject to homosexual conversation.
11 It's just everybody around me is -- prison made me
12 where I hate people. I want to be by myself.

13 And, yes, prison is turning me into an animal.
14 I mean I control my thoughts, I control my ways.
15 I chose to do what I did. I don't regret it.

16 I'm sorry that my family is suffering from it, but
17 this is me and I'm the one that's got to suffer the
18 rest of my life in prison.

19 Death row is the capital cruelest punishment that
20 you can get, but it's also a privilege because it takes
21 you away from where you don't want to be. I prefer to
22 be by myself, I prefer to be isolated. If I'm able to
23 buy a TV, I'm going to watch television that works, I
24 order canteen. I want privileges. I can enjoy the
25 rest of my life versus just suffer the rest of my life.

Laurie Ann Chaffin
Registered Professional Reporter
4424 NW American Lane, Suite 101
Lake City, Florida 32055
(386) 754-7067

1 Yes, on death row my life span is probably going
2 to be anywhere from five to 20 years and I'm okay with
3 that versus doing the next 45 to 50 years of hell every
4 day.

5 That's one thing I'm sorry that I did is to my
6 family. I'm not sorry for what I done, but I'm sorry
7 for my family suffering behind it.

8 And that's it.

9 **THE COURT:** Any questions of Mr. Craft?

10 **THE DEFENDANT:** No, Your Honor.

11 **MR. SIEGMEISTER:** No, Your Honor. Sorry. No,
12 Your Honor.

13 **THE COURT:** Any rebuttal to any of the testimony
14 that I've heard on mitigation?

15 **MR. SIEGMEISTER:** Your Honor, none that's not
16 already in evidence. I do want -- one of the letters
17 that's in State's Composite Exhibit 6 in reference to
18 his underlying offenses, I'm trying to find the passage
19 regarding his admission that he had preyed on a female
20 when he was talking about how he viewed those that
21 preyed on children and the weaker and that he would
22 regret it for the rest of his life, but I think it was
23 at least one of his siblings maybe testified that he
24 was not guilty of the offense that put him in prison
25 for 15 years, but it's already in evidence. I would

1 just bring that for record purposes, that that was in
2 one of his letters.

3 I do have some additional comments on mitigation
4 that is not rebuttal, Your Honor.

5 **THE COURT:** All right. Whatever comments you
6 have, this would be the time.

7 **MR. SIEGMEISTER:** Your Honor, not anticipating his
8 family was going to show up, I did my best to come up
9 with a range of non-statutory mitigators or I guess
10 statutory under 921.142(7)(h), which are unlisted
11 mitigation, and this is for the record. This is based
12 on the PSI, all the family statements attached to the
13 PSI, both mental health evaluations and other facts
14 gleaned from within the entirety of the court file.

15 I would submit to the Court that there's at least
16 an allegation attached to the PSI that the mother of
17 Mr. Craft had drug use in utero, that although
18 Mr. Craft in the PSI denied, it has been repeated here
19 today that there was either physical or sexual abuse of
20 Mr. Craft when he was a child.

21 There's significant physical injury he sustained
22 in a motor vehicle accident with a possible frontal
23 lobe injury to his head.

24 I put those three along with the dysfunction or
25 the nature of the family unit and the history under

1 education and acting out in school as basically
2 childhood trauma.

3 I would also ask the Court to consider his close
4 family ties, especially his sister Jessica. That was
5 before she came and testified today, nothing has
6 changed. She wrote an email I believe that Mr. Roberts
7 attached to the PSI.

8 I would also include to the Court that the record,
9 although the Court did inquire, the colloquy about his
10 desire to be alone, that was borne out, and
11 I apologize, I think it was in Doctor Blandino's
12 report, it may be in Doctor Robison's report, that he
13 stated that was one of his motivations for the
14 intentional killing of [REDACTED] He's repeated
15 that here today in his own testimony.

16 And then general mental health mitigation. I do
17 not recall any of the professionals saying that he had
18 bipolar, that it was testified here -- that he was
19 bipolar, that that was testified here today. There is
20 a range of things. I specifically would suggest to the
21 Court that being -- Doctor Robison concluded that he
22 might be psychopathic and I would argue that is not
23 mitigation.

24 But those are the eight I guess non-statutory
25 mitigators that I can glean and I think for -- I

1 explained to Mr. Craft I felt compelled to present
2 those to the Court and make a record of it. Unless he
3 objected, that was going to be my position, the Court
4 at least consider those things.

5 **THE COURT:** Anything else from Mr. Siegmeister?

6 **MR. SIEGMEISTER:** No, sir.

7 **THE COURT:** Anything else from Mr. Craft?

8 **THE DEFENDANT:** No, Your Honor.

9 **THE COURT:** So that everyone will know where
10 things go from here, if we're at the end of any
11 testimony or any argument -- Mr. Siegmeister, were you
12 going to make any argument beyond what you just said?

13 **MR. SIEGMEISTER:** Briefly, Your Honor.

14 **THE COURT:** I'll be glad to hear it. Now after he
15 argues, I'll look at you and say do you want to say
16 anything. Do you understand that?

17 **THE DEFENDANT:** Yes, Your Honor.

18 **THE COURT:** Yes, sir.

19 **MR. SIEGMEISTER:** Your Honor, notwithstanding the
20 mitigators, particularly the mental health mitigators
21 that I think there are, Mr. Craft I think sent the
22 Court -- I know he sent it to us, but the Court is
23 probably aware of the Gill case out of Union County in
24 which Mr. Craft I think sent it to all parties, but it
25 is in the court file. And for the record it's cited as

1 14 So. 3d 946, 2009 Florida Supreme Court case.

2 I cite the Gill case not just for the factual
3 similarities, but for the fact that even though in a
4 case where the defendant waived jury and mitigation
5 evidence, the Court took notice of substantial or
6 significant mitigators. The Supreme Court in that case
7 determined that they didn't outweigh or overcome the
8 CCP aggravator.

9 And I think it's clear that Mr. Craft was in fact
10 an inmate. He was convicted of one or more violent
11 felony offenses that put him in prison as a prison
12 releasee reoffender. And those I think are uncontested
13 in any way.

14 I think the more serious ones are the cold,
15 calculated and premeditated evidence in this case as
16 well as the heinous, atrocious and cruel aggravators,
17 which I would suggest that weigh significantly, not
18 only under the status of the law, but also in this
19 case.

20 And the Court's heard the evidence, and much of it
21 comes from Mr. Craft's own written and verbal
22 assessment, almost all of it corroborated by the
23 evidence in the case. But this was a violent beating,
24 an attack, a strangulation by hand, and whether the
25 garrote actually was postmortem or not we don't know,

Laurie Ann Chaffin
Registered Professional Reporter
4424 NW American Lane, Suite 101
Lake City, Florida 32055
(386) 754-7067

1 but it clearly shows the cold, calculated -- I mean the
2 heinous, atrocious and cruel nature of the killing of
3 [REDACTED]

4 As the ME testified, Mr. Craft crushed [REDACTED]
5 throat, he had major head injuries, petechiae in his
6 eyes. He was strangled to death. And the picture is
7 now in evidence. He was beaten premortem.

8 Basically under the HAC aggravators,
9 consciencelessness and pitiless. And I don't know if
10 the facts, you know, not withstanding Mr. Craft's
11 voluntary statements on multiple occasions both in
12 written and verbal form, but as he sat here today, he's
13 sorry for his family, but absolutely was cold in the
14 calculation and the killing of [REDACTED] And
15 strangulation is a presumption that, if it's premortem,
16 it does meet for criteria the heinous, atrocious and
17 cruel aggravators.

18 As to the letters that were put in as to that
19 aggravator, he mentions multiple times joy, smiling and
20 that he thought about it for several days. He was not
21 out of his mind as he said in his second statement to
22 Agent Tyler, he thought about other acts and declined
23 to pass that line in his own moral compass. He did not
24 do things to the body that he felt were inappropriate.

25 As he testified in his own statement here in his

1 mitigation, the victim in this case didn't attack him,
2 didn't threaten him. And as Doctor Gillespie
3 testified, he was five foot five, 113 pounds. He was a
4 slight man. And as the defendant testified multiple
5 times, he was scared, even was refusing to come out of
6 confinement. He got a DR because he didn't want to be
7 out on the compound for his own protection.

8 And finally the cold, calculated and premeditated
9 without pretense or moral, legal justification. Was it
10 cold in the fact that it was the product of calm and
11 cool reflection. And I would submit that both of his
12 statements and his written statements and his testimony
13 here today all corroborate that he reflected for
14 several days. He told Agent Tyler that the minute that
15 he got in that cell with [REDACTED] on the 14th, he knew
16 he was going to kill him and he wanted time to write to
17 his family to say he was going to catch a body, which
18 is prison slang for commit a murder.

19 And so not only did he think about it for two
20 days, he wrote to people to tell people he was going to
21 do it. He then decided how he was going to do it, and
22 as he testified in his statement to Agent Tyler, he was
23 going to wait until breakfast because I believe it was
24 chicken and biscuits he wanted to eat, but instead
25 decided to up it to the night before and take it while

1 he had the opportunity.

2 He's been very calm throughout. I would think the
3 Court should take notice that he did show emotion
4 because his family is close to him. He obviously cares
5 about his family, his family cares about him.

6 But he thought about this and how to do it and
7 ultimately decided that he was going to do it with his
8 hands, which he did. He told cellmates or people in
9 the prison wing with him that he was going to kill his
10 cellmate and then did it and then talked about it or
11 yelled about it and the rush it created for him.

12 And any pretense or moral or legal justification,
13 this wasn't an accident, misfortune or self-defense.
14 At best it's Mr. Craft's idea that killing someone who
15 harmed a child, which has not been proven before this
16 Court, it's been stated by people through Mr. Craft
17 that that was why he did it, but there's no evidence
18 before this Court or in the record that [REDACTED] was
19 in fact a child molester. And even if that was true,
20 that's not a moral or legal justification for what he
21 did and I would submit to the Court that the CCP
22 aggravator is also proven and should weigh strong.

23 Could I have one second, Judge?

24 **THE COURT:** Yes, sir.

25 *(Brief pause in the proceedings.)*

1 **MR. SIEGMEISTER:** Your Honor, that's all I have.
2 I would just suggest that the four aggravators are
3 extremely strong, but I do want the Court to consider
4 the significant mitigation, not just the things
5 Mr. Craft said or his family said, but also those
6 things that I think can be gleaned from the documents
7 within the court file.

8 **THE COURT:** Before I ask for any reply from
9 Mr. Craft, if you would look at the statute itself
10 where it shows the aggravating factors, 6, which is (a)
11 through (p), the four that you are pointing out are
12 labeled by what letters?

13 **MR. SIEGMEISTER:** Let me get my notice, Judge.
14 Sorry.

15 **THE COURT:** I can wait a minute.

16 **MR. SIEGMEISTER:** Specifically, Your Honor --
17 excuse me. Are you ready?

18 **THE COURT:** Yes, sir.

19 **MR. SIEGMEISTER:** 6(a), 6(b), 6(h) and 6(i). We
20 have waived 6(n), which is the criminal gang member.

21 **THE COURT:** (a), (b), (h), (i).

22 **MR. SIEGMEISTER:** Yes, sir. Did you want me to
23 spell out which was which?

24 **THE COURT:** No, I do not need you to do that.

25 Mr. Craft, they have said they were going to argue

1 four aggravating circumstances. They have now argued
2 them. Those four are (a), the capital felony was
3 committed by a person previously convicted of a felony
4 and under sentence of imprisonment or placed on
5 community control or felony probation.

6 (b), the defendant was previously convicted of
7 another capital felony or of a felony involving the use
8 or threat of violence to the person.

9 (h), the capital felony was especially heinous,
10 atrocious or cruel.

11 And, (i), the capital felony was a homicide and
12 was committed in a cold, calculated and premeditated
13 manner without any pretense of moral or legal
14 justification.

15 You are not required to reply to those at all, but
16 you can if you want to. Those are the four they're
17 arguing for the imposition of the death penalty. Do
18 you want to say anything else?

19 **MR. DURRETT:** May I have just a moment? Judge,
20 there was something brought by his family to us
21 earlier.

22 *(Brief pause in the proceedings.)*

23 **MR. DURRETT:** Your Honor?

24 **THE COURT:** Yes.

25 **MR. DURRETT:** Not to speak for Mr. Craft, but we

1 just had a conversation wherein his sister Jessica, who
2 addressed the Court earlier, she wished to actually
3 read the letter, the email that she had written here in
4 court. Mr. Craft indicated he would like for her to be
5 able to have that opportunity to do so. And then
6 there's another family member that wants to address the
7 Court.

8 **THE COURT:** All right. The first person was
9 Jessica?

10 **MR. DURRETT:** Yes, Your Honor.

11 **THE DEFENDANT:** Yes, Your Honor.

12 **MR. DURRETT:** Jessica Craft.

13 **THE COURT:** If she wants to come forward. Again,
14 we have to have you up here. And bring whatever that
15 is you want to read with you.

16 *(Witness acknowledged being previously duly*
17 *sworn.)*

18 **THE COURT:** Ma'am, you were placed under oath
19 previously. You're still under that same oath. We
20 don't need to do that again. Tell -- but say your name
21 into the mike.

22 **THE WITNESS:** Jessica Craft.

23 **THE COURT:** Okay. And was there something you
24 wanted to read?

25 **THE WITNESS:** Yes, the email I sent.

1 **THE COURT:** Okay. When was this sent and to who?

2 **THE WITNESS:** It was sent to -- I think it was
3 Judge [sic] Aaron Roberts on April 30th at 4:54 p.m.

4 **THE COURT:** You called him Judge Aaron Roberts,
5 but I believe he's a part of the Department of
6 Corrections. He was writing the presentence
7 investigation.

8 **THE WITNESS:** Oh, okay.

9 **THE COURT:** Okay. But go ahead. To Aaron
10 Roberts. Yes, ma'am.

11 **THE WITNESS:** Uh-huh. Do you want me to go ahead
12 and read it?

13 **THE COURT:** If you want to read it, yes, ma'am.

14 **THE WITNESS:** Okay. I said I'm writing this email
15 in regards to Robert Craft, also known as Bobby. I'm
16 hoping you will read this with passion in your heart
17 and care in your eyes.

18 Bobby is a wonderful guy, but beyond the tattoos,
19 then all you'll see is someone that's hurt.
20 Protective, kind and someone that's been through hell
21 and back all his life.

22 Him being locked up in his cell all his life like
23 an animal and not being able to see or have any contact
24 with his family is driving him insane.

25 Not only is Bobby my older brother, but he is also

1 my best friend and protector. When I would be scared
2 to walk to the bus stop in the morning and after school
3 because these groups of guys would mess with me, Bobby
4 would walk me every morning. And once I got off from
5 school, he would be standing in the same spot waiting
6 for me.

7 He has been through so much his whole childhood
8 from being messed with when he was a little boy, having
9 to go out and find food for his siblings because our
10 mom was a drug addict. I will always love my mom and
11 miss her now that she's passed away, but she introduced
12 the boys to drugs and led them down the wrong path.

13 Yes, what Bobby did was wrong, but I also -- when
14 he bragged about what he did to the kids, it gave Bobby
15 a flashback and he blacked out from there.

16 I honestly think Bobby did everyone a favor when
17 he did that. He asked the guards multiple times to get
18 the man out of his cell, but not once did any of them
19 take him out. They knew what was going to happen if
20 they put him in a cell with someone else.

21 Also, those tattoos on his face are not him at
22 all. He had to get those to survive in there. Bobby
23 is not all what he seems.

24 If I lost him, then I would lose a part of me and
25 I'm not sure how I'll be able to live without him.

Laurie Ann Chaffin
Registered Professional Reporter
4424 NW American Lane, Suite 101
Lake City, Florida 32055
(386) 754-7067

1 And then I will be trying to make it at his court
2 date May 13th. Please do me, him and his family a
3 favor, do all that you can for him.

4 And it just says I would also love to speak for
5 him, speak on behalf of him. I'll do what it takes for
6 my own blood.

7 Thank you so much for taking the time to read
8 this.

9 **THE COURT:** And is that what you wanted to read,
10 that email?

11 **THE WITNESS:** Yeah, that email I sent.

12 **THE COURT:** Mr. Siegmeister, do you remember if
13 that email was attached to the PSI?

14 **MR. SIEGMEISTER:** It is, Your Honor.

15 **THE COURT:** What happens with the PSI, so you
16 know, a PSI is prepared, a copy is given to Mr. Craft,
17 a copy is given to the State, a copy is given to me.
18 To that they attach certain things. That email was
19 attached. I have actually already read it, but now you
20 have read it in court and it's part of my
21 consideration. Okay? Thank you.

22 **MR. SIEGMEISTER:** And for the record, Judge,
23 that's where I got the argument before Ms. Jessica
24 Craft came here today, that I had read the statement as
25 well.

1 **THE COURT:** And, Mr. Craft, did you say there's
2 someone else that wants to be heard?

3 **MR. MARSHBURN:** May I have a moment with him, Your
4 Honor?

5 **THE COURT:** You can speak, yes, sir. I'm going to
6 put it on sidebar.

7 *(Brief pause in the proceedings.)*

8 **THE COURT:** Mr. Marshburn, I saw you conferring
9 with Mr. Craft.

10 As a result of that conference, Mr. Craft, is
11 there anyone else you wish to call?

12 **THE DEFENDANT:** My aunt, Michele Griggs.

13 **THE COURT:** Where is she? The lady right here?
14 You said Michele Griggs?

15 **THE DEFENDANT:** Yes, Your Honor.

16 **THE COURT:** Ms. Griggs, just like the others, as
17 you step up there, while you're still standing, if you
18 would raise your right hand and face the clerk, please.

19 *(Witness acknowledged being duly sworn.)*

20 **THE COURT:** If you would first state your name.

21 **THE WITNESS:** My name is Michele Griggs.

22 **THE COURT:** And since there's more than one way to
23 spell both of those names, tell me how --

24 **THE WITNESS:** M-i-c-h-e-l-e. Griggs is
25 G-r-i-g-g-s.

1 **THE COURT:** Okay. Yes, ma'am. How are you
2 related to Mr. Craft? And then if you have a
3 statement, now is the time.

4 **THE WITNESS:** I'm his aunt. I would just like,
5 you know, to say something. I would want -- I want him
6 to know that I love him, I love him unconditionally.

7 Bobby has been a part of my heart. When you don't
8 have kids of your own and you have all these nieces and
9 nephews, they become a part of your heart.

10 And Bobby and I have been through correspondent
11 courses, he was doing correspondence courses through
12 bible class and he was doing really good and I believe
13 that he'll continue to do good.

14 And I want him to not hate yourself. And I want
15 you -- the number one thing to do is forgive yourself
16 and just know that you have family that love you. We
17 love you. And sister said she loves you and your
18 granny said she loves you, but I want to make sure you
19 forgive yourself because you're not going to be free
20 until you do.

21 And I love you with all my heart. You could call,
22 write me, however they do it here. Continue to write.
23 Please do.

24 And that's all I wanted to say.

25 **THE COURT:** Any questions from the State to

1 Ms. Griggs?

2 **MR. SIEGMEISTER:** No, Your Honor.

3 **THE COURT:** Mr. Craft, any questions you wanted to
4 ask her that she didn't cover?

5 **THE DEFENDANT:** No, Your Honor.

6 **THE COURT:** Thank you.

7 **THE WITNESS:** I would like to say one thing. I do
8 want to apologize to the family of the other -- the
9 other person, so that's one more thing I would like to
10 say. And I love you, Bobby.

11 **THE COURT:** Thank you, ma'am. You may step down.
12 Is there anyone else?

13 **THE DEFENDANT:** No, Your Honor.

14 **THE COURT:** Have we completed this part of the
15 proceedings?

16 **MR. SIEGMEISTER:** That's all from the State, Your
17 Honor.

18 **THE COURT:** From here, I'm not going to set a
19 specific date while I'm sitting here on the bench,
20 I need to get back with my judicial assistant to
21 calendar this. There will be a break in time. It
22 could be days, more likely it will be weeks, but I'm
23 not sure. I have to go check my calendar and see.

24 Mr. Craft, you'll be noticed of that and of course
25 brought back here to court for the actual pronouncing

1 of sentence.

2 There's a process the Court must go through prior
3 to that time, which I will do before we have that next
4 proceeding.

5 Is there anything else today?

6 **MR. SIEGMEISTER:** No, Your Honor.

7 **THE COURT:** Anything else?

8 **THE DEFENDANT:** No, Your Honor.

9 **THE COURT:** Anything else from the bailiff?

10 **THE BAILIFF:** No, sir.

11 **THE COURT:** Thank you. That will end our
12 proceeding today and I will turn the system off. Court
13 is now adjourned.

14 *(Proceedings concluded at 12:01 p.m.)*

REPORTER'S CERTIFICATE OF ACCURACY

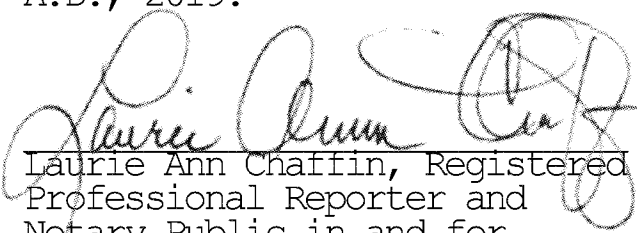
STATE OF FLORIDA)

COUNTY OF COLUMBIA)

I, Laurie Ann Chaffin, Registered Professional Reporter and Notary Public in and for the State of Florida at Large, do hereby certify that the **PUNISHMENT PHASE HEARING** was taken in re: The Circuit Court of the Third Judicial Circuit, in and for Columbia County, Florida, SC19-953, L.T. No. 12-2018-CF-667-A, **THE STATE OF FLORIDA**, Plaintiff, versus **ROBERT E. CRAFT**, Defendant, on the 13th day of May, A.D., 2019;

That I was authorized to and did report the foregoing **PUNISHMENT PHASE HEARING**, and that the transcript, numbered 1 through and including 117, constitute a true and correct transcription of my stenographic notes taken aforesaid, which were reduced to printing under my personal supervision.

IN WITNESS WHEREOF, I have hereunto affixed my hand the 19th day of June, A.D., 2019.



Laurie Ann Chaffin, Registered
Professional Reporter and
Notary Public in and for
the State of Florida

Laurie Ann Chaffin
Registered Professional Reporter
4424 NW American Lane, Suite 101
Lake City, Florida 32055
(386) 754-7067

IN THE CIRCUIT COURT OF THE
THIRD JUDICIAL CIRCUIT, IN AND
FOR COLUMBIA COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,

CASE NO.: SC19-953
L.T. No.: 12-2018-CF-667-A

VS.

TRANSCRIPT ON APPEAL

ROBERT E. CRAFT,
Defendant.

PROCEEDING: SPENCER HEARING

BEFORE: The Honorable
Paul S. Bryan

DATE: June 7, 2019

TIME: 10:00 a.m.

PLACE: Columbia County Courthouse
Lake City, Florida

REPORTED BY: Laurie Ann Chaffin,
Registered Professional Reporter
Third Judicial Circuit

APPEARANCES:

JOHN DURRETT, ESQUIRE
Assistant State Attorney
173 NE Hernando Ave., Ste 420
Lake City, Florida 32055
Appearing for the State

NATHAN MARSHBURN, ESQUIRE
Assistant Public Defender
173 NE Hernando Ave., Ste 115
Lake City, Florida 32055
Standby counsel for Defendant

JEFF SIEGMEISTER, ESQUIRE
State Attorney
173 NE Hernando Ave., Ste 420
Lake City, Florida 32055
Appearing for the State

M. BLAIR PAYNE, ESQUIRE
Public Defender
173 NE Hernando Ave., Ste 115
Lake City, Florida 32055

Laurie Ann Chaffin
Registered Professional Reporter
4424 NW American Lane, Suite 101
Lake City, Florida 32055

P R O C E E D I N G S

June 7, 2019

10:12 a.m.

(The following proceedings were held in open court, with the defendant and his counsel present, to-wit:)

THE COURT: Good morning. Let's start with just introductions.

My name is Paul Bryan, I'm the circuit judge that will be conducting these proceedings.

Sir, if you would state your name.

THE DEFENDANT: Robert Craft, defendant, sir.

THE COURT: And your name, sir?

MR. DURRETT: John Durrett, assistant state attorney.

MR. SIEGMEISTER: Jeff Siegmeister, state attorney.

THE COURT: Mr. Craft, we're at a proceeding, the sentencing proceeding in your case. Up to now you have waived counsel at each portion of your proceedings.

Mr. Marshburn is sitting right behind you. He was appointed as standby counsel.

At each proceeding I offer you again the opportunity to have an attorney. Do you wish to have an attorney?

*Laurie Ann Chaffin
Registered Professional Reporter
4424 NW American Lane, Suite 101
Lake City, Florida 32055
(386) 754-7067*

1 **THE DEFENDANT:** No, Your Honor.

2 **THE COURT:** Do you wish to represent yourself?

3 **THE DEFENDANT:** Yes, Your Honor.

4 **THE COURT:** Have you considered the many times
5 I've talked to you about this and what the advantages
6 and disadvantages -- really advantages to having an
7 attorney, have you considered that even again and
8 decided you want to represent yourself?

9 **THE DEFENDANT:** Yes, Your Honor.

10 **THE COURT:** Has anyone promised you something
11 because of that?

12 **THE DEFENDANT:** No, Your Honor.

13 **THE COURT:** Has anyone threatened you and said you
14 better not ask for an attorney?

15 **THE DEFENDANT:** No, Your Honor.

16 **THE COURT:** Do you understand I will appoint you
17 an attorney right now if you say I would like to have
18 an attorney sit with me, I would like to have an
19 attorney assist me, I will appoint you one right away.
20 Do you know that?

21 **THE DEFENDANT:** Yes, Your Honor.

22 **THE COURT:** Are there any other inquiries
23 suggested by the State regarding the waiver of counsel?

24 **MR. SIEGMEISTER:** No, Your Honor.

25 **THE COURT:** Mr. Craft, we have been through a

1 sentencing proceeding at an earlier time, also there
2 was a presentence investigation prepared before that.
3 You were provided with a copy of that presentence
4 investigation, correct?

5 **THE DEFENDANT:** Yes, Your Honor.

6 **THE COURT:** I think I've asked you this question
7 before, but whether I did or I didn't, I'm asking you
8 again. Is there anything in the presentence
9 investigation that you want to speak to, correct, add
10 to, say it should be deleted, is there anything about
11 the presentence investigation that you want to be heard
12 on?

13 **THE DEFENDANT:** No, Your Honor.

14 **THE COURT:** State, anything in the presentence
15 investigation you want to be heard on?

16 **MR. SIEGMEISTER:** Nothing other than we addressed
17 at the punishment phase, Your Honor.

18 **THE COURT:** Mr. Craft, I've received -- you
19 realize -- we've talked about this before. You've sent
20 me a number of letters. And then when you send me a
21 letter, I send a copy to your standby counsel, to the
22 State, which I'm required to do.

23 I have two of those still in my possession, one of
24 them came in on April 11th, one of them came in on
25 April 17th.

I I'm going to ask the bailiff, please, if you would
2 just go show these to Mr. Craft so he can identify them
3 and then I'm going to give them to the clerk for
4 filing.

5 *(Brief pause in the proceedings.)*

6 **THE DEFENDANT:** Yes, Your Honor.

7 **THE COURT:** Are those your letters?

8 **THE DEFENDANT:** Yes, Your Honor.

9 **THE COURT:** All right. If you would hand those to
10 the clerk. They're to be made part of the permanent
11 court file now. Copies have already been distributed
12 to the parties.

13 At this time is there anything else to be offered
14 by the State in this case?

15 **MR. SIEGMEISTER:** No, Your Honor.

16 **THE COURT:** Mr. Craft, is there anything else to
17 be offered by you that has not been offered previously?

18 **THE DEFENDANT:** No, Your Honor, just a request.
19 If the sentencing today does involve the death penalty,
20 would the Court order for the clerk to e-fax the
21 sentencing to the central office so it could be
22 processed?

23 **THE COURT:** It will go through its normal process.
24 I don't think that's done electronically. I can ask
25 the clerk.

1 That's not normally done electronically, is it?

2 **THE CLERK:** No.

3 **THE COURT:** It would be sent in a written form,
4 but I'll send you a copy of it if you want.

5 **THE DEFENDANT:** Yes, Your Honor.

6 **THE COURT:** Do you want a copy sent to you?
7 That's what I would normally do.

8 **THE DEFENDANT:** Yes, Your Honor.

9 **THE COURT:** Mr. Craft, at this proceeding right
10 now I just ask you if you have anything else to offer.

11 We had a sentencing proceeding where the State
12 offered certain aggravating circumstances, some of your
13 family members testified and so forth at that. All of
14 those things I have considered, all of those will be
15 part of the consideration before pronouncement of
16 sentence.

17 Do you have anything else you wish to present at
18 this time?

19 **THE DEFENDANT:** No, Your Honor.

20 **THE COURT:** Mr. Craft, and the State's already
21 aware of this, you're probably aware of it, also. The
22 sentence -- the findings that I make have to be reduced
23 to writing. I have done many of the considerations
24 already, but I had to give one more opportunity for you
25 to be heard if you wanted to be heard. You've now

I waived that, said you don't want to be heard on
2 anything else. I will have the written order prepared
3 in a very short period of time and will come back.

4 So what's going to happen now, I'm going to take a
5 recess. I'm going to prepare the written order. My
6 clock is saying 10:16. I think I can have that ready
7 in about 20 to 30 minutes. Let's just say that we will
8 reconvene at 10:40. Will that work for everyone?
9 We'll reconvene at that time, 10:40.

10 **MR. SIEGMEISTER:** That will work for the State,
11 Your Honor.

12 **THE COURT:** Sir?

13 **MR. SIEGMEISTER:** Yes, sir.

14 **THE COURT:** And, Mr. Marshburn, is there anything
15 -- I didn't ask you specifically. You're standby
16 counsel in the case. Is there anything else that you
17 wanted to bring up before I make that last
18 determination?

19 **MR. MARSHBURN:** No, Your Honor.

20 **THE COURT:** All right. Thank you very much.
21 We'll meet back at 10:40. Court's in recess.

22 *(A recess was held from 10:18 a.m. to 11:00 a.m.*
23 *at which time the following proceedings were held in open*
24 *court, with the defendant present, to-wit:)*

25 **THE COURT:** It took a little bit longer than

I thought it was going to, but I'm now ready to present sentence.

Mr. Craft, if you would stand up right where you are. I'm now going to pronounce sentence in your case. Do you have anything to say before I pronounce sentence?

THE DEFENDANT: No, Your Honor.

THE COURT: On October 1st -- give me just a moment.

On March 27th of 2019 the defendant was permitted to represent himself upon waiving counsel and immediately pleading guilty to first degree murder.

At that time the defendant was advised that pursuant to his guilty plea, he could be sentenced to either life in prison without the possibility of parole or death. He was also advised that he was entitled to a jury for the penalty phase and elected to waive his right to a jury.

On May 13th of 2019, this Court presided over the penalty phase where the State and the defendant were permitted to present evidence in aggravation and mitigation.

I should have mentioned that he was appointed standby counsel long ago.

After that hearing on May 13, this Court

1 considered and weighed the evidence considering the
2 aggravating and mitigating evidence. Ultimately this
3 Court found that the State proved all four aggravators
4 that it presented beyond a reasonable doubt.

5 First, that the capital felony was committed by a
6 person previously convicted of a felony and under
7 sentence of imprisonment or placed on community control
8 or on felony probation. This Court assigned this
9 aggravator great weight.

10 Second, that the defendant was previously
11 convicted of another capital felony or of a felony
12 involving the use or threat of violence to the person.
13 This Court assigned this aggravator great weight.

14 Third, that the capital felony was especially
15 heinous, atrocious or cruel. This Court assigned this
16 aggravator very great weight.

17 And, fourth, that the capital felony was a
18 homicide and was committed in a cold, calculated and
19 premeditated manner without any pretense of moral or
20 legal justification. This Court assigned this
21 aggravator very great weight.

22 Although the defendant did not present any
23 mitigating evidence, this Court considered the
24 defendant's family's statements, the presentence
25 investigation report, the defendant's mental health

1 evaluations and the argument made by the State on the
2 defendant's behalf.

3 This Court found that no statutory mitigating
4 circumstances applied, but that four non-statutory
5 mitigators applied in this case.

6 First, the defendant suffered a traumatic
7 childhood. This Court assigns this mitigating
8 circumstance little weight.

9 Second, the defendant clearly possesses close
10 family ties. This Court assigned this mitigating
11 circumstance slight weight.

12 Third, the defendant likely suffers from a number
13 of mental health disorders that have negatively
14 impacted him. This Court assigned this mitigating
15 circumstance some weight.

16 And, fourth, the defendant exhibited good behavior
17 during the proceedings of this trial. This Court
18 assigned this mitigating circumstance little weight.

19 This Court, having compared the mitigating factors
20 against the aggravating factors which is further
21 delineated in this Court's written order, which is much
22 longer than what I am reading, will be distributed to
23 the defendant, his standby counsel and the State at the
24 conclusion of the oral pronouncement.

25 The Court finds the aggravating factors clearly,

1 convincingly and beyond a reasonable doubt outweigh the
2 mitigating factors. In fact the mitigating evidence is
3 minimal and does not come close to outweighing the
4 aggravating factors.

5 In other words, although the number of mitigating
6 factors is equal to the number of aggravating factors,
7 the relevant inquiry and determination is not the sheer
8 number, but rather the weight afforded to each factor.
9 Here, the nature and the quality of the mitigating
10 evidence pales in comparison to the enormity of the
11 aggravating factors proved in this case.

12 It is now the judgment and sentence of this Court,
13 for the first degree murder of [REDACTED],
14 [REDACTED] the defendant is sentenced to be put to
15 death in the manner prescribed by law.

16 It is ordered that the defendant be taken by the
17 proper authority to the Florida Department of
18 Corrections to be housed there until the date execution
19 is set.

20 It is further ordered that on such scheduled date,
21 the defendant be put to death.

22 The defendant has 30 days from the date of this
23 sentence to appeal the sentencing judgment and
24 conviction of this Court.

25 The defendant has the right to counsel to assist

1 in the preparation, filing and argument of the appeal.
2 If the defendant cannot afford counsel, counsel will be
3 appointed upon request to the Court.

4 Even if the defendant elects not to appeal, the
5 judgment of conviction and sentence of death is subject
6 to automatic review by the Supreme Court of Florida
7 pursuant to Statute 921.141(5), Florida Statutes.

8 A copy of this Court's lengthy and specific
9 written order is now going to be distributed to the
10 parties.

11 Mr. Bailiff, if you would give a copy to
12 Mr. Craft, a copy to his standby counsel and here's two
13 more copies that can go to the State.

14 In that particular order I've made very specific
15 findings of each and every matter. It is far longer
16 than what I've read in court. I do not believe it
17 needs to be read in its entirety. Does either party
18 believe that it does?

19 **MR. SIEGMEISTER:** No, Your Honor.

20 **THE DEFENDANT:** No, Your Honor.

21 **THE COURT:** Any questions, Mr. Craft?

22 **THE DEFENDANT:** No, Your Honor.

23 **THE COURT:** Any questions from the State?

24 **MR. SIEGMEISTER:** Your Honor, not as to the
25 sentence. I would like to address, and I think I spoke

1 with Mr. Payne from the public defender's office
2 regarding appeal and appointment for that purpose based
3 on the automatic nature of the review and his
4 understanding of the status of Florida case law
5 regarding the appointment of counsel for appeal.

6 **THE COURT:** And after that discussion?

7 **MR. SIEGMEISTER:** He's of the belief, and I
8 have no reason to disagree, that the public defender
9 should be appointed assuming that Mr. Craft doesn't
10 hire other counsel, and I think he remains indigent.

11 Mr. Payne and I discussed the case law that,
12 though the U.S. Supreme Court has said it's up to the
13 states to either prohibit pro se representation,
14 I think Florida's Supreme Court has ruled that they
15 don't allow that, though. He can still write to the
16 Court and waive certain things.

17 We would ask that the public defender be appointed
18 and I think Mr. Payne has prepared an order.

19 **THE COURT:** Mr. Craft, do you want to be heard on
20 that? Mr. Payne's in the room right now, the public
21 defender.

22 **THE DEFENDANT:** Yes, Your Honor.

23 **THE COURT:** You want to be heard?

24 **THE DEFENDANT:** Yes, sir.

25 **THE COURT:** Yes, sir. I'm listening.

1 **THE DEFENDANT:** I would like to talk to Mr. Payne
2 because I want to understand more about it.

3 **THE COURT:** All right. The public defender is
4 appointed to your case for appeal. You may speak with
5 Mr. Payne. If that leads to any other motions needing
6 to be made, they can be made at a later time.

7 Is there anything else today?

8 **MR. SIEGMEISTER:** No, Your Honor.

9 **THE COURT:** Mr. Craft?

10 **THE DEFENDANT:** No, Your Honor.

11 **THE COURT:** May God have mercy on your soul.

12 This Court is adjourned.

13 He's being fingerprinted in the presence of the
14 Court. Thank you.

15 *(Proceedings concluded at 11:10 a.m.)*

REPORTER'S CERTIFICATE OF ACCURACY

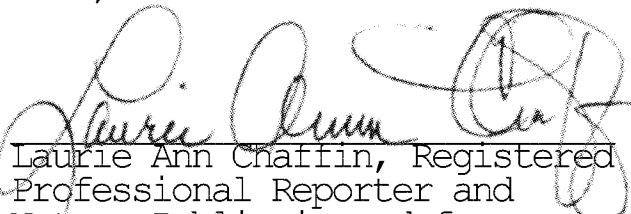
STATE OF FLORIDA)

COUNTY OF COLUMBIA)

I, Laurie Ann Chaffin, Registered Professional Reporter and Notary Public in and for the State of Florida at Large, do hereby certify that the **SPENCER HEARING** was taken in re: The Circuit Court of the Third Judicial Circuit, in and for Columbia County, Florida, SC19-953, L.T. No. 12-2018-CF-667-A, **THE STATE OF FLORIDA**, Plaintiff, versus **ROBERT E. CRAFT**, Defendant, on the 7th day of June, A.D., 2019;

That I was authorized to and did report the foregoing **SPENCER HEARING**, and that the transcript, numbered 1 through and including 14, constitute a true and correct transcription of my stenographic notes taken aforesaid, which were reduced to printing under my personal supervision.

IN WITNESS WHEREOF, I have hereunto affixed my hand the 19th day of June, A.D., 2019.



Laurie Ann Chaffin, Registered
Professional Reporter and
Notary Public in and for
the State of Florida

Laurie Ann Chaffin
Registered Professional Reporter
4424 NW American Lane, Suite 101
Lake City, Florida 32055
(386) 754-7067