Filing # 174907985 E-Filed 06/08/2023 02:00:31 PM

IN THE SUPREME COURT OF FLORIDA

EVERETT G. MILLER,

Appellant,

vs. CASE NO. SC22-745

STATE OF FLORIDA,

Appellee.
_____/

APPEAL FROM THE CIRCUIT COURT
IN AND FOR OSCEOLA COUNTY, FLORIDA

REPLY BRIEF OF APPELLANT

Respectfully submitted,

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POINT ONE

IN REPLY: THE TRIAL JUDGE ERRED IN ALLOWING THE STATE TO INJECT RACE, RELIGION AND POLITICAL BELIEFS INTO THE TRIAL DENYING THE APPELLANT A FAIR TRIAL IN VIOLATION OF FIFTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION.

In the State's Answer brief, it presents the narrative that all the prejudicial evidence of Mr. Miller's racial bigotry, Islamic religious beliefs and anti-government political beliefs were relevant to help the jury understand motive. The state claims that without this evidence the jury would wonder how could a Marine hero with an exemplary military career commit such a heinous act. The Appellant respectfully diagrees. After the state presented it's case to the jury, there was no mystery to Mr. Miller's motive.

The state explained motive by introducing social media posts that demonstrated great animus and distrust of law enforcement. The state also introduced the testimony of Julian Albright, a fellow veteran and friend that served with the Appellant. Albright testified that he met with the Appellant just weeks before the murders of Officer Howard and Officer Baxter. During their meeting, the Appellant explained that he was "not going to be a statistic, I'm not gonna be caught driving while black."

By this, the Appellant meant he was not going to be another black man killed by law enforcement. During this statement to Albright the Appellant displayed an AR-15 and implied that if he felt threatened by law enforcement he was ready for them and would defend himself.

Albright's testimony gave the jury the likely explanation for the motive of the Appellant's actions. After the Appellant's initial confrontation with Officer Baxter, Officer Baxter asked for Appellant's license. After Officer Howard arrived, the young people recording the Appellant were ordered to leave. Appellant was extremely agitated and uncooperative with the Officers. During the likely police response to the Appellant's conduct, the Appellant felt threatened (unjustifiably) and acted out just as he told Julian Albright just weeks before.

Improper Evidence of Racial Bigotry

In its Answer Brief, the State argues that Mr. Miller's anti-white beliefs were relevant "to his motive not just for committing the crime in general, but for who he targeted and why." AB 41 This claim belies the facts. Neither of the police officer victims were white.[1] The anti-white beliefs of Mr. Miller played no role on who he targeted and why. The State

[1] The victim Officer Howard was black and the victim Officer Baxter was hispanic.

further argues generally that "Without some exploration of Appellant's social media posts.....this crime in a vacuum (and) makes no sense." AB 42. This claim also belies the facts. The Appellant's relevant social media posts expressed extreme animus towards law enforcement echoing the anti-police rhetoric promulgated by the national media in response to high profile deaths of young black men during encounters with law enforcement. The anti-police social media evidence, together with Julian Albright's testimony, provided all the relevant evidence necessary to explain motive to the jury.

The State does not specifically comment on the undue prejudice of introducing social media posts expressing Appellant's anti-white beliefs. This may be because racial epithets and racial slurs ordinarily are so prejudicial to make them inadmissible. See Guerrero v. State, 125 So.3rd 811 (Fla. 4th DCA 2013) This is especially true in the capital sentencing context. In Robinson v. State, 520 So.2d 1 (Fla. 1988) this Court recognized that in a capital sentencing proceeding before a jury, the jury is called upon to make a "highly subjective, unique, individualized judgment regarding the punishment that a particular person deserves." Robinson at 7 (citing Turner v. Murray, 476 U.S. 1 (1986)) As this Court explained in Robinson, in the capital sentencing context, there is a greater likelihood for

racial bias to affect a juries' judgement because of the individualized judgment that the jury must make in a capital sentencing proceeding, rather than its traditional fact finding mission. Robinson at 8.

Improper Evidence of Religious Beliefs

The evidence of Appellant's religious beliefs are not relevant in this case and did not assist the jury in deciding any matter at issue in this case.[2] Nonetheless, over objection the State insisted on painting the Appellant as a convert to a fringe part of Islam by being a member of the Islamic Moor religious community. How does this prejudice the Appellant?

Since 9/11 a widely discussed topic in American media is the link between the Islamic religion and terrorism. Despite efforts to expel the idea that all Muslims are terrorists, there is a general sense in American culture that radicalized Islamic extremists are incessantly conspiring to harm Americans. American Muslims face a society that, despite the rise of multi-culturalism and religious tolerance, has identified Islam as the enemy. A series of Pew Research Center surveys separately asked Americans to rate religious groups. In these surveys, Muslims were consistently ranked

[2] The Appellant concedes that Courts have found religious beliefs relevant when there is some nexus between the religious belief and the crime that was committed. There was no such nexus in this case.

most negatively.[3] According to American popular opinion, Islamic extremists are violent, irrational, and opposed to liberal values. Consequently, it is a popular view that Americans do not need to tolerate Islamic extremists because they threaten the very foundation of American culture. Religion should never be part of a criminal case except in those rare cases where a defendant's religion helps a jury in its fact finding mission. See generally, Torres v. State, 124 So.3rd 439 (Fla. 1st DCA 2013)

Improper Evidence of Political Beliefs

In the penalty phase the state's faux expert, J.J. MacNab, explained to the jury the anti-government political/religious movement known as Moor sovereign citizens. She described Moor sovereign citizens as highly distrustful of government and having a dislike for law enforcement. MacNab also detailed violent clashes between Moor Sovereign Citizens and law enforcement. This Court has held that the introduction of political beliefs is error. See Johnson v. State, 61 So.2d 179 (Fla. 1952).

The Appellant recognizes that the trial judge limited MacNab's testimony. In the proffer of MacNab's testimony, she opined that in her

[3] Besheer Mohamed, Muslims are a growing presence in U.S., but still face negative views from the public, pewresearch.org, September 1, 2021.

"expert" opinion the Appellant was a member of the Moor sovereign citizen movement. After the trial judge heard the proffer, he ruled that the State could not ask MacNab's opinion as to whether the Appellant was a member of the Moor Sovereign Citizen movement. If MacNab was precluded from testifying that the Appellant was a member of the Moor Sovereign Citizen movement, why was MacNab permitted to testify on these issues at all? The inability of MacNab to tie the Appellant to the Moor Sovereign Citizen movement greatly lessened the probative value of MacNab's testimony in this area.

The Appellant had anti-law enforcement beliefs, and specifically expressed that he would be armed and defend himself if he felt threatened by law enforcement. This was the Appellant's motive for his heinous actions. Evidence of the Appellant's religious, racial and political beliefs were not relevant and were unduly prejudicial and denied the Appellant a fair trial.

POINT TWO

IN REPLY: THE TRIAL COURT ABUSED ITS DISCRETION IN FINDING STATE WITNESS MACNAB AN EXPERT CONTRARY TO THE DICTATES OF THE DAUBERT AMENDMENT TO FLORIDA STATUTES 90.702 and 90.704 DENYING THE APPELLANT A FAIR TRIAL IN VIOLATION OFTHE FIFTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION.

The State is asking this Court to accept the trial court's ruling finding that State witness J.J. MacNab is an expert on anti-government extremism. The state makes the general conclusionary statement that "It is clear from the record that MacNab was qualified to give an expert opinion in her field and that her "content analysis" approach was reliable and sound." AB 53

The Appellant respectfully disagrees.

A careful review of the State's proffer of MacNab's testimony is very telling. MacNab by her own omission is not an academic. (T 2819) In fact, according to MacNab there are no academic conferences that engage in her type of study. (T 2826) MacNab disclosed that she studied international relations and then began a career as a San Francisco-based financial planner. In her job as a financial planner, MacNab was approached by clients to review the propriety of tax avoidance schemes being marketed in her area. (T 2822) On her own time, MacNab began

identifying and reporting the peddlers of tax fraud schemes to the IRS. After being satisfied with her work against tax fraud schemes, MacNab returned to her financial planning career in the mid-2000s. (T 2823) The killing of two police officers in Memphis, Tennessee in 2010 brought MacNab back into studying the violent aspects of extremism. (T 2824) ab revealed that her expert opinions are based upon the use of "content analysis." MacNab defined content analysis as "looking at someone's writings, their statements, the things like tattoos, it's -- their videos, looking for all of it, combing it, looking for markers of a particular ideology." (T 2829) In this case MacNab's content analysis concentrating on "markers" was flawed. MacNab by her own words is a non-academic person on a "crusade" against anti-government extremists. Her agenda driven orthodoxy or bias clouded her objectivity in reviewing the data submitted to her by the State. Moreover, the data that MacNab reviewed was skewed because the State "cherry picked" the items for MacNab to review which made an incomplete data set.[4] The trifecta of being a non-

[4] The State gathered in excess of six thousand pages of social media content created by the Appellant. Of this the state only provided MacNab the Appellant's handwritten notes, a few YouTube videos, 8 or 9 screen grabs from his Facebook page, and a list of reading materials that Appellant requested while he was incarcerated. (T2835)

academic; being biased; and having incomplete data made her “expert” opinions unreliable.

MacNab has no academic credentials, has never published a peer- reviewed document, has no training in the use of true Qualitative Content Analysis methodology,[5] and has never been declared an expert on extremism in any court of law. (T 2878, 2880) One major tenet of Qualitative Content Analysis methodology is the **objective** review of communication. MacNab’s lack of objectivity was on display during this proffer exchange:

Eckert: So we went through a number of pages from the Facebook. How many pages from Facebook were you given?

MacNab: I think 23.

Eckert: And how many were there total on his Facebook page?

MacNab: Thousands, my understanding.

Eckert: And did you look at those thousands?

MacNab: I did not.

Eckert: Why not?

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[5] Qualitative Content Analysis is "a research technique for the objective, systematic and quantitative description of the manifest content of communication." Berelson, B. (1952). Content Analysis in Communication Research. Glencoe: Free Press. p. 18.

MacNab: I was not provided them.

Eckert: Wouldn't looking at all of his social media give you a better idea of where he's coming from?

MacNab: I was looking for indicators. I found indicators.

Eckert: What is confirmation bias?

MacNab: When you look for indicators hoping to find them.

Eckert Okay. So it's kind of what you did here?

MacNab: No .

Eckert: You didn't look at the other 6,000 pages?

MacNab: No .

Eckert: Okay. If you wanted to rule out that he was Moorish or a sovereign citizen, you would have looked at the other 6,000 pages?

MacNab: Why would I rule out if he is self-identifying as a Moor?

Eckert: So you weren't looking to rule that out?

MacNab: No.

Eckert: Did you look to rule out that he was a sovereign citizen?

MacNab: No .

Eckert: Why not?

MacNab: Because there's evidence that he was.
(T 2871)

To pad MacNab's resume, the state argued that MacNab is qualified because she has testified on extremism before government bodies. This Court should not accept this argument as persuasive. Witnesses before government bodies are selected because they have an agenda and possess a known particular point of view on a subject which serves the political purposes of the government body that invites them.[6]

In her own words, J.J. MacNab is a San Francisco based anti-extremism "crusader" that has no record of study of the methodology and scientific rigors of content analysis, and has never been qualified as an expert in any court of law. (T 2881) Her history does not demonstrate any understanding of the objectivity of the scientific method and the discipline that the scientific method requires. The folly and unreliability of MacNab's brand of content analysis was for all to see during her proffered testimony. At the proffer one of MacNab's examples of the Appellant's extremist Moor beliefs was the Appellant's use of the of the social media moniker "Top Scout 0241." Based upon MacNab's unreliable lay brand of content analysis, Top Scout 0241 is a Moor supremacist "marker" because 2 plus 4

[6] See Senate Committee Hearings: Arranging Witnesses, https://crsreports.congress.gov/product/pdf/RS/98-336, Page 1.

plus 1 equals the number 7, which is a sacred number in Moor supremacist circles. (T 2854) MacNab's "expert opinion" in this instance is gibberish.

The Appellant was a career Marine with the nickname "Top Miller" and his numerical Military Occupational Specialties (MOS) was 0241: Intelligence Imagery Analysis Specialist.[7] The Appellant's social media moniker was a combination of his military nickname and his MOS. For MacNab to suggest that the Appellant was a Moor supremacist based upon the Appellant's social media moniker Top Scout 0214 is absurd on its face. This misstep by MacNab should have been a red flag to Judge Tynan that MacNab's approach lacks the reliability to testify at this Capital trial.

Nab's "0214 error" is a classic example of "Ipse Dixit." In a legal context, *ipse dixit* refers to trial testimony that is not substantiated by other evidence but accepted based on the authority of the person delivering it. The concerns over the introduction of flawed science by "crusaders" into courtroom testimony, including opinions based on pure feelings, unreliable methodology, and personal experience, is what led to the Daubert decision in 1993. In Daubert, the United States Supreme Court held that expert

[7] See https://en.wikipedia.org/wiki/List_of_United_States_Marine_Corps_MOS#02_Intelligence

witnesses needed to back up their assertions with peer-reviewed articles, tests, statistics, and descriptions of their methodology. The Justices also ruled that trial judges should limit *ipse dixit* evidence and closely scrutinize the applicability and trustworthiness of such evidence.

Finally, whether to hold that content analysis as used in this case has sufficient scientific reliability is of first impression to this Court. The state's legal authority to accept content analysis is a pre-trial Order in a federal trial court in the case of US v. Batiste, 2007 WL 5303503 (S.D. Fla. Oct. 26, 2007).[8] In that case the Southern District Court of Florida accepted Dr. Raymond Tanter's content analysis testimony as the product of reliable principles and methods. This Court should not find the State's argument persuasive because the District Court's order has not been through the rigor of appellate review by a higher federal court. Moreover, when reviewing the credentials of Dr. Tanter and J.J. MacNab we are not comparing apples to apples. Unlike J.J. MacNab, Dr. Tanter was found to

[8] The charges against Batiste stem from his alleged plans to use explosives to destroy the Sears Tower building in Chicago, Illinois, and his alleged support for a purported plan of al Qaeda, a foreign terrorist organization, to use explosives to destroy the offices of the Federal Bureau of Investigation ("FBI") in five cities in the United States, including one in North Miami Beach, Florida.

possess the following:

1) Dr. Tanter is an academic with 40 years' experience researching, writing, teaching, and lecturing about terrorism, and that he has been previously qualified as an expert on domestic terrorism;

2) Dr. Tanter's methodology regarding the classification of a terrorist and the radicalization process is a social science based on academic, intellectual research as well as significant topical work experience;

3) Dr. Tanter's opinions have been subject to peer review, as Dr. Tanter has published, consulted, and presented extensively in the field of terrorism.

The eminent qualifications of Dr. Tanter vs. J.J. MacNab's meager qualifications distinguishes the Order in the Baptiste case from the ruling by Judge Tynan in the case at bar.

The Appellant contends that this Court should not accept content analysis as a reliable science in the criminal court context. It may be useful for plaintiffs in defamation civil cases, or social scientists surveying bias in the media. But, it is unreliable when used in a Capital criminal case when a defendant's life is in the balance. The Baptiste Order was entered after the dust settled from the al Qaeda terrorist attack on September 11, 2001. This Court should view the Order as an outlier with no precedential value.

Finally, undersigned counsel has reviewed appellate decisions throughout our state courts and could not find any state jurisdiction where an appellate court held that an expert using content analysis in a criminal case met the Daubert criteria for reliability and admissibility.

To be sure, having J.J. MacNab declared an expert and then testify to Appellant's religious, racial, and political beliefs was not relevant and were unduly prejudicial and denied the Appellant a fair trial.

POINT THREE

THE TRIAL JUDGE ERRONEOUSLY FOUND THE COLD, CALCULATED, AND PREMEDITATED AGGRAVATING FACTOR IN VIOLATION OF THE EIGHTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION.

The appellant relies upon the initial brief in reply to the appellee.

POINT FOUR

THE APPELLANT WAS WRONGFULLY DENIED AN AFFIRMATIVE DEFENSE WHEN THE TRIAL JUDGE WITHHELD EVIDENCE OF APPELLANT'S MENTAL-HEALTH ISSUES DENYING THE APPELLANT A FAIR TRIAL IN VIOLATION OF THE FIFTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION.

The appellant relies upon the initial brief in reply to the appellee.

POINT FIVE

FLORIDA'S CAPITAL SENTENCING SCHEME RISKS THE ARBITRARY AND CAPRICIOUS APPLICATION OF THE DEATH PENALTY AND, THEREFORE, VIOLATES THE EIGHTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION.

The appellant relies upon the initial brief in reply to the appellee.

POINT SIX

THE DEFENSE REQUEST FOR AN EXPRESS JURY INSTRUCTION ON MERCY SHOULD HAVE BEEN GRANTED.

POINT SEVEN

IN REPLY: THE ADMISSION AND PRESENTATION OF VICTIM IMPACT EVIDENCE RENDERED APPELLANT'S TRIAL FUNDAMENTALLY UNFAIR, IN VIOLATION OF THE SIXTH, EIGHTH AND FOURTEENTH AMENDMENTS OF UNITED STATES CONSTITUTION.

Appellee argues that the admission of victim impact statements into evidence was not an abuse of discretion or overly prejudicial, and asserts that defense counsel's objection to the presentation of additional victim impact evidence before the defense expert witness testified was "essentially withdrawn" and this issue was not preserved. Appellant writes here to rebut the latter argument.

To be clear: Appellant never withdrew his objections to the prejudicial timing and presentation of additional victim impact evidence.

Defense counsel repeatedly preserved and renewed the arguments against and objections to victim impact testimony and evidence. The issues are reviewed for abuse of discretion. Kalisz v. State, 124 So.3d 185 (Fla. 2013).

Penalty phase proceedings were heard in this case during November 5-13, 2019. (T 3468-4890). Some motions relating to these proceedings

were heard on November 4, 2019. (T 2036-2111).

As a preliminary matter, the prosecution specifically told Judge Tynan that in regard to the victim impact edits they needed to make, they could edit the PowerPoint for use that day, but were unable to edit the victim impact video that day. (T 3471). For that reason, they asked to be allowed to play those videos in their rebuttal case. (T 3471).

Appellant's counsel Ms. Eckert objected to the video being played in rebuttal because victim impact is not part of rebuttal. (T 3471)

Judge Tynan expressed his understanding that the information was provided to the defense months earlier and the first objection was raised on Sunday [November 3, 2019]. (T 3471)

Ms. Eckert explained to the Court that she was counsel of record but the State never sent that information to her personally. (T 3471) Instead, it was sent to the court-appointed attorneys, neither of whom sent it to her. (T 3471-3472). Further, she spoke with Assistant State Attorney Mr. Williams the previous week and told him she was not prepared to go forward, and they rescheduled it for Monday. (T 3472). He never suggested to her that by agreeing to a delay he wouldn't be able to edit the video. (T 3472).

Defense counsel objected to the video being placed in rebuttal, she

objected to the entire video, she objected on constitutional grounds to the victim impact evidence, and stated further that to allow it to become a feature of the rebuttal – closer in time to jury deliberation – is a problem. (T.3472). Her grounds for the placement of the victim impact evidence are that it is not rebuttal to anything and thus doesn't belong in that part of the trial. (T.3473). She asked that the case be continued a day so the prosecution could edit the video. (T.3473).

The Court found that the information (in the victim impact video) was available to the defense team, and Ms. Eckert may or may not have gotten it. (T 3473) The court then found that this type of information can be presented and is authorized by the Florida and federal Constitutions and the Florida Statutes. (T 3474) The court would give limiting instructions at the time information is given for the purpose it is being given. (T 3474)

The Court estimated the length of victim impact evidence at one hour, 23 minutes, including the two memorial service photo montages. (T4454)

The defense objection that victim impact evidence cannot be played in the rebuttal portion of the State's case was overruled, and the issue was thus preserved. (T 3472-3474) Additionally, defense counsel raised

the objection again when the prosecution marked State's #10, exhibit I. (T 4454) Just prior to the State's introduction of six victim impact witnesses during rebuttal, defense counsel again renewed the objections on constitutional, general, and specific objections to victim impact testimony. (T 3606) The objections were renewed and preserved again on a constitutional basis prior to testimony by Brandon Nicholson. (T 3631) And before the testimony of Elizabeth Salyers. (T 3636) Renewed before the testimony of Jeffrey Surran. (T 3642-3643) Constitutional objections were again renewed by defense counsel before the testimony of Sadia Baxter. (T 3648)

On November 12, 2019, following some of the State's rebuttal, defense counsel filed a motion for reconsideration of the court's ruling that the State could produce additional and cumulative victim impact evidence at the conclusion of the penalty phase. (T 4427) She argued that, regardless of the reason victim impact evidence is being presented nearly before closing argument. Whether it was possibly due to failures on the part of trial counsel or the State, it would be extremely prejudicial to play the victim impact statement near the close of trial. (T 4427-4428)

Defense counsel argued that each person who wanted to give a statement was allowed to do so, and had the opportunity to present photos

to the jury, so there's no prejudice. (T 4428) She believed there is extreme prejudice to Mr. Miller regardless of who is at fault, and it could rise to the level of fundamental error given the timing of the proposed playing of the videos. (T 4429)

Defense counsel argued further that the State was getting two chances to present victim impact evidence and the court has authority to keep inflammatory and highly prejudicial evidence from going to the jury. (T 4430) In the alternative, she asked that they play it during rebuttal before Dr. Cohen testifies so that it is not played directly before they go into closing argument. (T 4430)

The Court decided to allow the playing of the videos that morning, first thing. (T 4430) The Court would read a limited instruction before and after the videos were played. (T 4430)

Defense counsel told the Court this is still over her objection. (T 4431) When the court later asked whether there were any objections to the videos, defense counsel clearly stated that it was subject to her previous objections. (T 4452)

The court read a short instruction to the jury before State's Exhibit No. 10 was shown. (T 4456-4457) Additionally, the court read a short

Instruction to the jury after the video was played. (T 4457)

The victim impact memorial video showing the photo montages of Ofc. Baxter and Sgt. Howard is 8 minutes and 15 seconds long. (State's 0, penalty phase); (T 4455; T 4457) It includes photo after photo after photo of each of the two officers, in uniform, at family gatherings and in casual and formal settings. It was shown to the jury on the final day of testimony and was followed by just three short state witnesses: Robert Cohen, PsyD, a behavioral health officer in the Army Guard who evaluated Mr. Miller, and Wendell Glover, who came into contact with Mr. Miller when he had a gun 26 years ago, and Dr. Michael Gamache, a psychologist, all of whom testified in the State's rebuttal. (T 4458-4569; T 4579-4589; T 4589-4697)

The memorial video-photo montages were played during the rebuttal portion of the penalty phase before the case was submitted to the jury. Although the memorial videos were played for the jury without music, the timing and placement of the evidence creates the danger that the jury rendered their verdict based on emotion, rather than on the facts of the case.

An intrinsic problem with the presentation of victim impact evidence during the State's rebuttal is that jurors may understand the term "rebuttal"

as a response to the defense case where the value of the defendant's life is measured against the value of the decedents' lives. As such, victim impact evidence should always be presented separately from the rebuttal part of the trial, lest it provoke a visceral response in the jurors to the detriment of Appellant.

The mere fact that defense counsel, after the trial court had overruled the objection, tried to persuade the court to lessen the impact does not equate to acquiescence nor did the defense retract Appellant's constitutional objections. This is particularly true where counsel repeatedly renewed defense objections.

The United States Supreme Court has suggested one of the Constitutional underpinnings for Appellant's argument:

> "In the event that victim impact evidence is introduced that is so unduly prejudicial that it renders the trial fundamentally unfair, the Fourteenth Amendment's Due Process Clause provides a mechanism for relief."

Payne v. Tennessee, 501 U.S. 808, 809 (1991). This Court so holds in Wheeler v. State, 4 So.3rd 599, 609 (Fla. 2009) In the case at bar, the victim impact evidence and the placement of that evidence within the State's penalty phase rebuttal was fundamentally unfair and should result in a remand for a new penalty phase trial.

CONCLUSION

Based upon the foregoing cases, authorities, policies, and arguments, as well as those cited in the Initial Brief, appellant respectfully requests this Honorable Court to reverse the sentences of death and order an new penalty phase trial with a new jury, or in the alternative reverse the sentences of death with directions that the appellant be sentenced to life in prison.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been emailed to the Office of the Attorney General, Assistant Attorney General, Doris Meacham, at capapp@myfloridalegal.com and mailed to Mr. Everett Miller, DOC# W91529, Union Correctional Institution, PO Box 1000, Raiford, FL 32083, on this 10th day of June, 2023.

CERTIFICATE OF FONT

I hereby certify that the size and style of type used in this brief is point proportionally spaced Arial, 14 pt.

/s/ George D.E. Burden
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ASSISTANT PUBLIC DEFENDER