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IN THE SUPREME COURT OF FLORIDA

CASE NO. SC

CHARLES GROVER BRANT
Petitioner,
v.

MICHAEL D. CREWS
SECRETARY, DEPARTMENT OF CORRECTIONS
Respondent.

PETITION FOR WRIT OF HABEAS CORPUS

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PRELIMINARY STATEMENT

Article l, Section 13 of the Florida Constitution provides: "The writ of habeas corpus shall be grantable of right, freely and without cost." This petition for habeas corpus relief is filed to address substantial claims of error under the Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution and the corresponding provisions of the Florida Constitution. The first claim alleges ineffective assistance of appellate counsel for failing to raise the argument that Mr. Brant's sentence of death was obtained through an appellate process which is arbitrary and capricious and fails to properly narrow the class of death-eligible offenders as required by the Fifth, Eighth and Fourteenth Amendments and violates Brant's equal protection rights. The second claim also alleges ineffective assistance of appellate counsel for failing to raise the claim that the trial court erred in denying Brant's Motion to dismiss the kidnapping count, which Brant expressly preserved for appeal. As such, Brant's death sentence, and any resulting execution, would be unconstitutional under the Fifth, Sixth, Eighth and Fourteenth Amendments of the United States Constitution and the corresponding provisions of the Florida Constitution.

Citations shall be as follows: The record on appeal from Mr. Brant's trial proceedings shall be referred to as "TR" followed by the appropriate volume and page numbers. The post-conviction record on appeal shall be referred to as "R"

followed by the appropriate volume and page numbers. All other references will be self-explanatory or otherwise explained herein.

REQUEST FOR ORAL ARGUMENT

Charles Brant has been sentenced to death. The resolution of issues involved in this action will determine whether he lives or dies. This Court has not hesitated to allow oral argument in other capital cases in a similar posture. A full opportunity to air the issues through oral argument would be appropriate in this case, given the seriousness of the claims at issue and the stakes involved. Charles Brant, through counsel, respectfully requests this Court grant oral argument.

JURISDICTION TO ENTERTAIN PETITION AND GRANT HABEAS CORPUS RELIEF

This is an original action under Florida Rule of Appellate Procedure 9.l00(a). Fla. Const. Art I, § 13 provides that, "The writ of habeas corpus shall be grantable of right, freely and without cost. It shall be returnable without delay, and shall never be suspended unless, in case of rebellion or invasion, suspension is essential to the public safety." This Court has original jurisdiction pursuant to Florida Rule of Appellate Procedure 9.030(a)(3) and Fla. Const. Art V, §3(b)(1) and (9). This petition presents constitutional issues which directly concern the judgment of the Florida State courts and Mr. Brant's death sentence.

This Court has jurisdiction and the inherent power to do justice. *Brown v. Wainwright*, 392 So.2d 1327 (Fla. 1981). The ends of justice call on the Court to grant the relief sought in this case. The petition raises claims involving fundamental state and federal constitutional error. This Court's exercise of its habeas corpus jurisdiction and of its authority to correct constitutional errors is warranted in this action. As the petition shows, habeas corpus relief is proper on the basis of Mr. Brant's claims.

GROUNDS FOR HABEAS CORPUS RELIEF

First, Mr. Brant asserts that his sentence of death was obtained in violation of his rights guaranteed by the Fifth, Eighth, and Fourteenth Amendments to the United States Constitution and the corresponding provisions of the Florida Constitution because this Court's proportionality review fails to properly narrow the class of offenders who are sentenced to death by not considering murder/rape cases where the defendant did not receive death, and that Mr. Brant's sentence of death is not proportional. Brant asserts this as both a substantive claim based on evolving standards of decency and as a claim of ineffective assistance of appellate counsel for failing to raise the claim that this Court's appellate process violates Brant's rights to Equal Protection of the laws, Procedural and Substantive Due Process, and Brant's rights under the Fifth, Sixth, Eighth and Fourteenth Amendments.

Second, Mr. Brant asserts that appellate counsel was ineffective for failing to raise on appeal the trial court's denial of his motion to dismiss the kidnapping count which he expressly preserved for purposes of appeal. Counsel's failures violated Mr. Brant's rights under the Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution and the corresponding provisions of the Florida Constitution.

PROCEDURAL HISTORY

On direct appeal, this Court affirmed Mr. Brant's convictions and sentence of death. *Brant v. State*, 21 So.3d 1276 (Fla. 2009).[1] Appellate counsel raised only one claim in his Brief to this Court, that Brant's death sentence was disproportionate compared to other cases where the death penalty was imposed. He further did not file a petition for writ of certiorari to the Supreme Court of the United States. Mr. Brant timely filed a Motion to Vacate Judgments of Conviction and Sentence and the lower court granted an evidentiary hearing. The lower court denied Mr. Brant's 3.851 Motion on January 13, 2014, and his Motion for Rehearing on February 21, 2014. Mr. Brant timely appealed the denial of relief to this Court under case SC14-787. This Habeas Petition is filed contemporaneously with Mr. Brant's Initial Brief in SC14- 787.

[1] Appellate counsel raised the claim that Brant's death sentence was disproportionate. But did not challenge this Court's proportionality analysis. This Court rejected his claim. *Brant v. State*, 21 So.3d 1276, 1288 (Fla. 2009).

INTRODUCTION

Appellate counsel had the "duty to bring to bear such skill and knowledge as will render the [appeal] a reliable adversarial testing process." *Strickland v. Washington*, 466 U.S. 668 (1984). To establish that counsel was ineffective, *Strickland* requires a defendant to demonstrate (1) specific errors or omissions which show that appellate counsel's performance deviated from the norm or fell outside the range of professionally acceptable performance, and (2) the deficiency of that performance compromised the appellate process to such a degree as to undermine confidence in the fairness and correctness of the appellate result. *Wilson v. Wainwright*, 474 So.2d 1162, 1163 (Fla. 1985).

In order to grant habeas relief based on ineffectiveness of appellate counsel, this Court must determine "whether the alleged omissions are of such magnitude as to constitute a serious error or substantial deficiency falling measurably outside the range of professionally acceptable performance and, second, whether the deficiency in performance compromised the appellate process to such a degree as to undermine confidence in the correctness of the result." *Pope v. Wainwright*, 496 So.2d 798, 800 (Fla. 1986).

Appellate counsel's failure to raise the meritorious issues addressed in this Petition proves his advocacy involved "serious and substantial deficiencies" which establishes that "confidence in the outcome is undermined". *Fitzpatrick v.*

Wainwright, 490 So.2d 938, 940 (Fla.1986); *Barclay v. Wainwright*, 444 So.2d 956, 959 (Fla. 1984); *Wilson v. Wainwright*, 474 So.2d 1162 (Fla. 1985).

<u>Claim I</u>: Appellate Counsel failed to raise the argument that this Court's proportionality review fails to consider rape/murder cases where the State either did not seek death or where the jury recommended a life sentence and therefore, in Mr. Brant's case, this Court's proportionality review fails to sufficiently narrow the class of offenders, violates Mr. Brant's right to equal protection of the laws and fails to recognize and give weight to the evolving standards of decency that mark the progress of a maturing society. This Court should find his death sentence is not proportionate with sentences other defendants have received in other rape/murders.

Prevailing norms require capital appellate counsel to be familiar with prevailing norms which instruct capital appellate lawyers that it is crucial to preserve issues for appeal, especially in light of the procedural hurdles capital litigants face as a result of the AEDPA. Capital counsel should, *at every stage*, consider, assert and/or preserve all available legal claims. ABA Guidelines for the Appointment and Performance of Counsel in Death Penalty Cases 10.8(2003). The Commentary explains that in a death penalty case, "counsel must be significantly more vigilant about litigating all potential issues at all levels in a capital case than in any other case."

Capital punishment must be reserved for those crimes that are "so grievous an affront to humanity that the only adequate response may be the penalty of death." *Kennedy v. Louisiana*, 554 U.S. __ at 26 (2008); *see also* Margaret J. Radin, *Cruel Punishment and Respect for Persons: Super Due Process For Death*, 53 S. Cal. L.

Rev. 1143, 1162 (1980) ("[Death is] 'enormous,' mysterious, of overwhelming gravity, and incommensurate with prison, even for life.") (citing *Furman v. Georgia*, 408 U.S. 238, 286-88 (1972)) (Brennan, J., concurring). Second, the exceptional nature of the punishment calls for appellate review that is exceptional in its range and intensity – indeed, after *Furman*, the Court must address sentencing issues unlike those in other cases, by means rarely, if ever, employed in other cases. See *Caldwell v. Mississippi*, 472 U.S. 320, 329 (1985)("[T]he qualitative difference between death and all other punishments requires a correspondingly greater degree of scrutiny of the capital sentencing determination.") (quotation omitted).

Appellate review of a death sentence is among the most important safeguards against the unjust imposition of the death penalty. "[M]eaningful appellate review of death sentences promotes reliability and consistency." *Clemons v. Mississippi*, 494 U.S. 738, 749 (1990); *see also Parker v. Dugger*, 498 U.S. 308, 320-21 (1991) ("We have emphasized repeatedly the crucial role of meaningful appellate review in ensuring that the death penalty is not imposed arbitrarily or irrationally."); *Zant v. Stephens*, 462 U.S. 862, 885 (1983)("[A]lthough not every imperfection in the deliberative process is sufficient, even in a capital case, to set aside a state-court judgment, the severity of the sentence mandates careful scrutiny in the review of every colorable claim of error."); *State v. Dixon*, 283 So.2d 1, 10 (Fla. 1973) (holding that capital appellate review insures that "[n]o longer will one man die and another

live on the basis of race, or a woman live and a man die on the basis of sex."),*cert. denied sub nom., Hunter v. Florida*, 416 U.S. 943 (1974).

As the United States Supreme Court has observed "[t]he fundamental respect for humanity underlying the Eighth Amendment's prohibition against cruel and unusual punishment gives rise to a special 'need for reliability in the determination that death is the appropriate punishment' in any capital case." *Johnson v. Mississippi*, 486 U.S. 578, 584 (1988) (citations omitted). Furthermore, when a defendant's life is at stake, a court must be "particularly sensitive to insure that every safeguard is observed." *Gregg v. Georgia*, 428 U.S. 153, 187 (1976).

This heightened standard of reliability is "a natural consequence of the knowledge that execution is the most irremediable and unfathomable of penalties; that death is different." *Ford v. Wainwright*, 477 U.S. 399, 411 (1986). Death, in its finality, differs more from life imprisonment than a 100-year prison term differs from one of only a year or two. Because of that qualitative difference, there is a corresponding difference in the need for reliability in the determination that death is the appropriate punishment in a specific case. *Woodson v. North Carolina*, 428 U.S. 280, 305 (1976).

The United States Supreme Court has repeatedly emphasized the principle that because of the exceptional and irrevocable nature of the death penalty, our system of justice must go "to *extraordinary measures* to ensure that the prisoner

[facing the possibility of being] sentenced to be executed is afforded process that will guarantee, as much as is humanly possible, that the sentence was not imposed out of whim, passion, prejudice, or mistake." *Eddings v. Oklahoma*, 455 U.S. 104, 118 (1982) (O'Connor, J., concurring) (emphasis added). See also *Gardner v. Florida*, 430 U.S. 349, 357-58 (1977).

This Court, in accordance with the above-stated law and principles, has conducted proportionality review for forty years, having determined that death is different and that Fla. Stat. 921.141 and Fla. R. App. Pro. 9.142(a)(5) require proportionality review in capital cases. *State v. Dixon*, 283 So. 2d 1, 10 (Fla. 1973). More recently, in *Yacob v. State*, 136 So. 3d 539 (Fla. 2014), this Court reaffirmed the importance of proportionality review. "Because death is a unique punishment, it is necessary in each case to engage in a thoughtful, deliberate proportionality review to consider the totality of the circumstances in a case, and to compare it with other capital cases." *Yacob*, 136 So. 3d at 546-47 (quoting *Porter v.State*, 564 So. 2d 1060, 1064 (Fla. 1990) (citations omitted)). The purpose of this function is to "ensure the uniformity of death-penalty law," and a "high degree of certainty in procedural fairness as well as substantive proportionality." *Id*. at 547 (citations omitted). This Court also recognized that the Supreme Court upheld Florida's death penalty statute against constitutional attack, in part because of the proportionality review set out in *Dixon, supra. Id.* at 548 (citing *Profitt v. Florida*,

428 U.S. 242, 251 (1976)). This Court has also recognized that Equal Protection requires that "persons similarly situated be treated similarly." *Duncan v. Moore*, 754 So. 2d 708, 712 (2000).

Moreover, the "concept of proportionality is central to the Eighth Amendment," *Yacob*, at 553 (Labarga, J., concurring), and that the Eighth Amendment calls for a "'precept of justice that punishment for crime should be graduated and proportioned'" to both the offender and the offense. *Id.* (citing *Weems v. United States*, 217 U.S. 349, 367 (1910)).

Further, while the Supreme Court has stated that comparative proportionality review is not essential to the constitutionality of a capital sentencing scheme, *Pulley v. Harris*, 465 U.S. 37 (1984), in a state such as Florida, where the scheme is an outlier which allows for the sentence of death by a mere majority of jurors, this Court's proportionality analysis is even more necessary. *State v. Steele*, 921 So. 2d 538 (Fla. 2005). Further, evolving standards of decency require this court to continually consider whether a certain class of offenders may be sentenced to death and adjust its proportionality analysis accordingly, e.g. juveniles and thus 18-21 year olds eligibility; the intellectually disabled and thus, the severely mentally ill's eligibility.

Unlike the more familiar proportionality analysis under the Eighth Amendment, which involves the "abstract evaluation of the appropriateness of a

sentence for a particular crime . . ., comparative proportionality review presumes that the death penalty is not disproportionate to the crime in the traditional sense." *State v. Godsey,* 60 S.W.3d 759, 782 (Tenn. 2001)(quotations omitted). Rather, it requires an appellate court to determine whether a death sentence is excessive "in a particular case because similarly situated defendants convicted of similar crimes have received lesser sentences." Donald H. Wallace & Jonathan R. Sorensen, *A State Supreme Court's Review of Comparative Proportionality: Explanations for Three Disproportionate and Executed Death Sentences*, 20 T. Jefferson L. Rev. 207, 207 (1998)(studying executions in Missouri).

"By comparing any given death sentence with the penalties imposed on others convicted of death-eligible crimes, proportionality review is intended to ensure, first, that there is a rationally defensible basis for distinguishing those sentenced to die from those who are not, and second, that death sentences predicated on constitutionally impermissible factors, such as economic status or racial identity, whether of the defendant or the victim, are overturned." Timothy V. Kaufman-Osborn, *Proportionality Review and the Death Penalty*, 29 Just. Syst. J. 257, 257-58 (2008); *see also* Hon. David S. Baime, *Comparative Proportionality Review: The New Jersey Experience*, 41 No. 2 Crim. Law Bull. 7, at 2 (April 2005) (purpose of proportionality review is "to ensure that a specific defendant's death sentence is not disproportionate when compared to similarly situated defendants");

Richard Van Duizend, *Comparative Proportionality Review in Death Sentence Cases*; *What? How? Why?*, 8 St. Ct. J. 9, 10 (1984)(noting that role of court is "to determine whether the distinctions made between those who are given a life sentence and those who are given a death sentence are rational and consistent with state practice"). "`Proportionality review has a function entirely unique among the review of proceedings in a capital proceeding.'" *State v. DiFrisco*, 900 A.2d 820, 830 (N.J. 2006)(quoting *State v. Ramseur*, 524 A.2d 188, 291 (N.J. 1987), *cert. denied sub nom. Ramseur v. Beyer*, 508 U.S. 947 (1993)).

After *Gregg*, many states adopted an appellate review statute modeled after Georgia's, and the Court continued to tout the importance of proportionality review. *Zant*, 462 U.S. at 890 ("Our decision in this case depends in part on the existence of an important procedural safeguard, the mandatory appellate review of each death sentence by the Georgia Supreme Court to avoid arbitrariness and to assure proportionality."); *Proffitt v. Florida*, 428 U.S. 242, 259 (1976) ("[Florida] has several times compared the circumstances of a case under review with those of previous cases in which it has assessed the imposition of death sentences. . . . By following this procedure the Florida court has in effect adopted the type of proportionality review mandated by the Georgia statute.").

Even when the Supreme Court held that comparative proportionality review was not required by the Eighth Amendment, it cited such review as "an additional

safeguard against arbitrarily imposed death sentences. . . ." *Pulley v. Harris*, 465 U.S. 37, 50 (1984); see Steven M. Sprenger, *A Critical Evaluation of State Supreme Court Proportionality Review in Death Sentence Cases*, 73 Iowa L. Rev. 719, 725 (1988) ("Though *Pulley* arguably departs from the Court's previous ringing endorsement of proportionality review as a constitutional requirement, it does not contradict the language in *Gregg* indicating that proportionality review is important because it can eliminate 'wanton' and 'freakish' sentences."). The American Bar Association has cited the lack of proportionality in capital sentencing, which is largely the product of either no or deficient appellate proportionality review, as one of the principal flaws in the administration of the death penalty. *See* Deborah Fleischaker, *ABA State Death Penalty Assessments: Facts (Un)discovered, Progress (To Be) Made, and Lessons Learned*, 34 Human Rights 10, 13-14 (Spring 2007).

This Court, while continuing to recognize the essential link between proportionality review and the risk of the arbitrary imposition of the death penalty, did not, however, consider in its proportionality review of Brant's case, those classes of first-degree murder/rape cases where the defendant did not receive death, either through the standardless prosecutorial decision-making which exists in this State, or through a jury verdict of life. This resulted in a death sentence for Brant – who has no prior record and extensive mitigation - that is random, arbitrary and capricious. Due to the prosecutor's decision-making, which varies widely by county in this

State, a murder defendant in Miami is many times less likely to face the death penalty than a murder defendant in Duval County/Jacksonville for the same or similar murder with the same or similar aggravating factors. Thus, the death penalty in Florida is applied discriminatorily against certain classes of defendants in violation of the due process and equal protection clauses of the Constitution of the State of Florida and the Fifth, Eighth and Fourteenth Amendments to the Constitution of the United States as a result of the unbridled prosecutorial discretion which allows prosecutors to determine which defendant deserves death without any written guidelines or standards.

The Florida statutory scheme grants such broad discretion to prosecutors and juries that there is no meaningful narrowing of the class of persons against whom the death penalty can be sought and obtained. Cases that are noticed and receive death penalty sentences in one jurisdiction are not noticed for death in other jurisdictions. This is particularly true in cases such as the case *sub judice* where there is only a single victim and a resulting wide disparity between circuits as to whether the death penalty is sought.

Likewise, there is a wide disparity even within the Thirteenth Judicial Circuit, in that not all rape/murder cases are death noticed. In fact, at the time of Brant's case, another defendant, *with a prior record*, murdered a man while his wife was made to watch and then raped her repeatedly. He pled to a life sentence. See

Hillsborough County Circuit Court, Case# 03-CF-017367, *State v. Chatsiam Adam Lioy*. There is no rational distinction between those cases that are death noticed and those that are not death noticed among prosecutors within the State. Likewise, there is no distinction between those cases that get the death penalty and those that receive a lesser sentence, either through the plea bargaining process or through trial. More egregious cases than the case *sub judice* are often not death noticed or receive a sentence less than death. Indeed, in 2001, Meldon Rich raped and strangled a woman in Escambia County and was sentenced to life in prison. *Rich v. State*, 21 So. 3d 842 (Fla. 1st DCA 2009). Unlike Mr. Brant, but like Mr. Lioy, Rich had a prior history of rape and other violent crimes. *See:* http://www.dc.state.fl.us/ActiveInmates/detail.asp?Bookmark=1&From=list&SessionID=666863106 .

This case is not one of the few cases where death should be imposed. "Only the appellate court whose obligation over time has included reviewing other capital cases can determine whether a defendant's death sentence is inconsistent with the punishment usually imposed for the crime." Penny J. White, *"Can Lightning Strike Twice? Obligations of State Courts After Pulley v. Harris,"* 70 U. Colo. L. Rev. 813, 867-68 (1999)(citing *Furman*, 408 U.S. at 313)(White, J., concurring)[2] ; see also Steiker & Steiker, *Sober Second Thoughts*, *supra*, at 369 ("[T]o treat like cases

[2] Professor White is a former Associate Justice of the Tennessee Supreme Court.

alike, sentencers must have access to information about relevant likenesses and differences.").

This Court should find that Brant's sentence of death is disproportionate and that appellate counsel was ineffective in failing to raise the claim that this Court must consider other rape/murders where the defendant was not sentenced to death, either through plea or jury verdict, in its proportionality review. There exists a reasonable probability this Court would have set aside his sentence of death.

CLAIM II: Appellate counsel was ineffective for failing to raise on appeal the denial of Brant's Motion to Dismiss the Kidnapping Count, which he expressly reserved for appeal when he entered his guilty plea.

As stated in Claim 1, prevailing norms require capital appellate counsel to be familiar with prevailing norms which instruct capital appellate lawyers that it is crucial to preserve issues for appeal, especially in light of the procedural hurdles capital litigants face as a result of the AEDPA. Appellate Counsel was deficient in failing to preserve and litigate this issue before this Court. On April 12, 2007, Mr. Brant filed a Motion to Dismiss- Kidnapping. TR V 2, p. 398 – 400. The State filed a traverse. TR V 3, p. 401-04. On May 14, 2007, the trial court entered a written order denying Mr. Brant's motion. Id. at 412- 418. Mr. Brant subsequently entered a plea of guilty to all counts, including the kidnapping count, but expressly reserved his right to appeal the denial of his Motion to Dismiss. TR V. 4, p. 644, 785-87.

Brant argued that based on his statement to law enforcement, the movement of the victim in her home did not rise to the level of kidnapping as it was "merely incidental to the felony, inherent in the nature of the felony and had no significance independent of the felony by making it substantially easier" to commit or lessened the risk of detection. Id. TR V. 2, p. 398-99. Brant relied on this court's opinion in *Faison v. State,* 426 So. 2d 963 (Fla. 1983), *Gray v. State*, 939 So. 2d 1095 (Fla. 1st DCA 2006) and *Carron v. State,* 414 So. 2d 288 (Fla. 2d DCA 1982). The State argued that Brant was charged with kidnapping to commit bodily harm or terrorize and relied on this Court's opinion in *Bedford v. State*. TR V. 3, p. 403 -04.

The trial court denied Brant's Motion but in so doing allowed the State to proceed with a charge in which it was unable to establish a prima facie case. The facts as set out in Brant's statement – the only evidence of the kidnapping as conceded by both parties – fail to establish a prima facie case of kidnapping with intent to commit bodily harm or terrorize the victim. This was a Due process violation as Brant later pled to a crime which the State could not prove. There was simply not enough evidence before the Court to establish this crime. Although this court found the plea colloquy to be sufficient, Brant argues that the factual basis failed to sufficiently establish this crime. The State gave the following factual basis:

> As to Count 3, which was the subject of a motion to dismiss *** the State alleged that the defendant forcibly, secretly and by threat confined and abducted and imprisoned the victim with the intent to inflict bodily harm and to terrorize the victim. The facts of the case,

> Your Honor, in addition to grabbing the victim as she came out of the bathroom, leading her to the bathroom – to the bedroom and throwing her on the bed, the defendant came at a time where he thought that she was either unconscious or dead. While the defendant was searching or going through the victim's residence, she got up, she managed to get up and attempt her way out towards the front door whereby the defendant grabbed her, took her back to the bedroom and proceeded to choke her to death. And then at that point, he picked her body up and took her to the bathroom. [The victim was still alive, and then Brant] attempted to clean her.

TR V 4, p. 753- 789.

While the facts of the crime are very sad and one cannot help but feel for the victim in this case, the factual description fails to establish a kidnapping – as any movement was inherent in the crimes and, there is no testimony that Brant moved the victim to terrorize her. As such, appellate counsel should have raised and preserved the denial of Brant's Motion to dismiss the kidnapping charge. Failure to do so was deficient performance which prejudiced Mr. Brant. But for counsel's deficient performance, there exists a reasonable probability Brant would have received a life sentence on appeal, as his was not the most aggravated and least mitigated of cases. *See Brant v. State,* 21 So. 3d 1276, 1283 (Fla. 2009) (the trial court found only two aggravating circumstances).

CONCLUSION AND RELIEF SOUGHT

For all the reasons discussed herein, Mr. Brant respectfully urges this Honorable Court to grant habeas relief and set aside his sentence of death.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Petition for Writ of Habeas Corpus has been electronically filed with the Clerk of the Supreme Court and electronically delivered to Sara Macks, Assistant Attorney General at sara.macks@myfloridalegal.com and CapApp@myfloridalegal.com on this 20th day of November, 2014. I further certify that a true copy of the foregoing was mailed to Charles Grover Brant, DOC#588873, Union Correctional Institution, 7819 NW 228th Street, Raiford, FL 32026-4430.

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CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing Petition for Writ of Habeas Corpus, was generated in a Times New Roman, 14 point font, pursuant to Fla. R. App. P. 9.210.

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