SC2025-0891
EXECUTION SCHEDULED FOR JULY 15, 2025, at 6:00 P.M.

In the Supreme Court of Florida

MICHAEL BERNARD BELL,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

On Appeal from the Fourth Judicial Circuit,
in and for Duval County, State of Florida
L.T No. 1994-CF-9776

REPLY BRIEF OF APPELLANT

/s/Robert A. Norgard
ROBERT A. NORGARD
P.O. Box 811
Bartow, FL 33831
(863)533-8556
Norgardlaw@verizon.net
Fla. Bar No. 322059
Counsel for Bell

TABLE OF CONTENTS

TABLE OF CITATIONS

Cases

Constitutional Provisions and Statutes

STATEMENT REGARDING REFERENCES

References to the instant record on appeal remain in the form [PCR #]. This original trial transcript remains referenced as [T #], or [PCR #] if included in the instant record. The State's Brief is referenced as [AB #]. Any reference to the 2002 postconviction hearing will track the State's Brief and be in the form [PCR02 #].

ARGUMENT

I. IMPROPER INVOCATION OF THE FIFTH AMENDMENT[1]

A. Improper invocation and waiver

At the evidentiary hearing below, the trial court abdicated its duty to evaluate the assertion of the Fifth Amendment privilege, *St. George v. State*, 564 So. 2d 152, 155 (Fla. 5th DCA 1990), and instead deferred to the witness' invocation after consulting with counsel. See also Order Denying Defendant's Emergency Motion For Reconsideration at PCR 1220-21] The trial court did not articulate any theory under which answers to the questions posed would have incriminated any of the witnesses either in court or in its order denying defense's motion to reconsider. The State, likewise, does not advance any such theories of incrimination here. [AB 56-59]

The Fifth Amendment privilege is not unlimited, for a witness may lose its protection by disclosing information. A witness "may not testify voluntarily about a subject and then invoke the privilege

[1] Even though the State did not argue lack of preservation, in an abundance of caution, Bell points out that he obtained a standing objection [PCR 1431], confirmed the standing objection [PCR 1440], and filed a reconsideration motion which was denied [PCR 1220-22].

against self-incrimination when questioned about the details." *Mitchell v. United States*, 526 U.S. 314, 321 (1999). When the witness testifies, "[t]he privilege is waived for the matters to which the witness testifies." *Id.*

With this background in mind, and because the State downplays just how many times the witnesses were permitted to hide behind the Fifth Amendment, counsel details below [in sections B-F] the instances where witnesses who testified at the June 23, 2025, hearing, improperly invoked the privilege, or chose to answer a question – without invoking the privilege – and then refused to give further details.

B. Ericka Braclet (Williams)

At trial, Williams testified that she was Bell's girlfriend, that she purchased an AK-47 for him and that he made incriminating statements to her. Her trial testimony as to the circumstances of her telling law enforcement about the incriminating statements is as follows: she filed a police report about an AK-47 being stolen, Detective Johnson came to her home to talk to her about the police report, and she told him everything about the case [T 415].

At the June 23, 2025, hearing, Williams presented a much different picture regarding how she came to tell law enforcement incriminating evidence about Bell. The first thing that happened was Bolena left a card on her door which said he needed to talk to her about a "matter of life an death" PCR 1574]. After getting the card, someone from law enforcement showed up at her home and said she had to come downtown right now. After getting a neighbor to watch her sick child, she went downtown [PR 1574]. Her initial reluctance to this was that she was "petrified" [PCR 1575].

Once downtown, she was put in an interrogation room where she was kept for 12 to 14 hours [PCR 1575]. During this period, she had contact with two officers who would come in and out of the room [PCR 1575-76]. The two officers screamed at her and threatened to take her children away. When asked what the officers said or did to finally get her to talk, she pleaded the Fifth [PCR 1577].

Braclet also pleaded the Fifth when asked the following questions:

1. If Bolena used scare tactics with her [PCR 1570]
2. If the two officers threatened to do anything to her if she did not talk to them [PCR 1576]

3. If anybody told her that she could go to jail for ten years [PCR 1576]
4. If anyone threatened her with being charged with accessory after the fact [PCR 1576]
5. If there were any threats during the 12-14 hour time when she was with law enforcement [PCR 1576-77]
6. If she was reminded at a later time that they would take her children from her [PCR 1576-77]
7. If she was told what could happen to her if she changed her statement [PCR 1576-77]
8. If she was afraid she would be charged with perjury [PCR 1577]
9. If she was afraid she could be charged as an accessory [PCR 1576]

It should be stated that when Williams was cross-examined by the State, she could not recall if she had told the truth at trial or at the 2002 postconviction hearing [PCR 1578-79].

In order for a witness to establish a proper invocation of the Fifth Amendment, the witness must establish that they will be incriminated. *State v. Stahl*, 206 So. 3d 124, 131 (Fla. 2d DCA 2016). It is in no way evident, from this record, that if questions about police issuing threats to her were answered, her answers would have been incriminating. Thus, the record of this witness' testimony demonstrates that there was no reasonable basis for the assertion of the privilege. *St. George v. State*, 564 So. 2d 152, 155 (Fla. 5th DCA

1990). The record also establishes the privilege was waived. *Mitchell v. United States*, 526 U.S. 314, 321 (1999).

C. Ned Pryor

At trial, Pryor testified that he was good friends with Bell [T 447], the day before the murders Bell showed him an AK-47 [T 443-44], that he witnessed Bell commit the murders [T 443-47], and that Bell made statements to him [T 447].

His trial testimony as to the circumstances of his telling these things to law enforcement was as follows: he was arrested in October 1994 for criminal mischief, Bolena came to ask him questions about the Moncrief murders and he told Bolena and the State Attorney's Office the same things he testified to at trial [T 448-49]. Pryor said at trial that he did not receive any help or lenient treatment for his testimony [T 435-37, 449].

At the June 23, 2025, hearing, Pryor said that he did not see Bell with a gun the night of the murders [PCR 1584] contrary to his trial testimony [T 443-47]. Pryor also testified that he was not there the night of the murders [PCR 1584-85] contrary to his trial testimony [T 443-47].

When follow up questions were posed to Pryor about these matters, he took the Fifth [PCR 1585]. Thus, the record establishes the privilege was waived. *Mitchell v. United States*, 526 U.S. 314, 321 (1999). Because Pryor pleaded the Fifth, Bell was precluded from further developing his record.

D. Dale George

At trial, George testified that he was a close friend of Bell [T 465], that he was with Bell at the time of the murders and that he fled the scene with Bell [T 465-72].

His trial testimony as to the circumstances of him providing law enforcement with this information was as follows: he lied to Bolena at first and said he knew nothing about the case, but after being arrested for being an accessory to the murders two months later he told Bolena and the State Attorney's Office what he knew [T 474-75].

At the June 23, 2025, hearing, George was questioned regarding the circumstances of his statement to Bolena. George pleaded the Fifth to the following questions:

1. If Bolena "clotheslined" him when he was handcuffed [PCR 1599-1600]
2. If Bolena threatened him [PCR 1600]

3. If he was afraid of the victim's family [PCR 1599-1600]
4. If he was afraid of the State pulling his plea offer [PCR 1601]
5. If he was afraid of perjury charges [PCR 1601]

It is in no way evident, from this record, that if questions about police issuing threats to him and physically assaulting him were answered, his answers would have been incriminating. Thus, the record of this witness' testimony demonstrated that there was no reasonable basis for the assertion of the privilege. *St. George v. State*, 564 So. 2d 152, 155 (Fla. 5th DCA 1990). Had the trial court required George to answer these questions, additional and significant evidence regarding a pattern of police misconduct would have been developed.

E. Charles Jones

At trial Jones testified that Bell tried to sell him an AK-47 after the murders and confessed to him [T 487-90] His trial testimony as to the circumstances of telling law enforcement this was as follows: While Jones was in custody on federal charges Bolena contacted him about an AK-47 and Jones told Bolena and the State Attorney's Office what he testified to in trial [T 490-91]. Jones testified that although it was possible testifying could help him in his federal case he did not think his testimony would net him any benefit and that he was not

hoping for any benefit from it [T 485-87, 491-93]. After trial, prosecutor Bateh assisted Jones in obtaining a downward departure for his federal sentence [PCR 1235-37].

Before the June 23, 2025, hearing, Jones signed a sworn affidavit in which he recanted his trial testimony against Bell. It also provided details regarding police and prosecutorial misconduct [PCR 1232-34].

At the June 23, 2025, hearing, the trial court allowed Jones to take the Fifth to virtually every question regarding the affidavit. [PCR 1425-40] Jones did, however, answer one very significant question:

> Q Okay. I want you to look at this. I'm holding it up where you can see it. Let me know. I affirm under the penalty for perjury that I have read the foregoing and the facts contained therein and true. They are true. Did you —- you signed that, right?
>
> A Yes.

[PCR 1437]

When asked a follow up to this question, he again took the Fifth [PCR 1437-38]. The State did not cross-examine Jones at all [PCR 1440-41], not even on the matter of him acknowledging he signed the affidavit under penalty of perjury and that the facts contained therein

were true. The record of this witness' testimony establishes the privilege was waived as to statements made in the affidavit. *Mitchell v. United States*, 526 U.S. 314, 321 (1999).

F. Henry Edwards

At trial, Edwards testified that he knew Bell, had seen him 35 times prior to identifying him, and that while he was outside in the parking lot he witnessed Bell commit the murders [T 307-13]. His trial testimony about the circumstances of telling law enforcement this is as follows: While he was in Duval County jail, Bolena came to see him about the incident and he told Bolena everything he said at trial [T 314]. He then told the State Attorney's Office the same thing [T 314]. He didn't ask Bolena for any help or leniency and the State made him no promises [T 315, 317]. He claimed that pending charges he had were dropped after "they" investigated and determined he was "innocent" [T 313].

Prior to the June 23, 2025, hearing, Edwards signed a sworn affidavit providing detailed information regarding police and prosecutorial misconduct and recanting his eyewitness trial testimony [PCR 1227-29].

At the evidentiary hearing, when Edwards was questioned regarding his affidavit, he made numerous statements disavowing the affidavit [PCR 1445-60]. Edwards' disavowal of his affidavit was based on repeated claims that the affidavit was untrue, that he thought the investigators were making a movie, that he just went along with what they said, and that he did not read it. [PCR 1445-60]

When further questioned about his disavowal, Edwards pleaded the Fifth to the following:

1. Whether he was inside and Bolena told him to say he was outside [PCR 1449-50]
2. If he could actually identify the perpetrator [PCR 1452-56] (This was after he admitted he didn't know Bell as well as he claimed he did at trial.)
3. If Bolena took him on furloughs from jail to visit his wife [PCR 1460-61]
4. If he had contact with the surviving female victim who told him facts about the shooting [PCR 1461-62]
5. If he was threatened by Bolena [PCR 1462]

This was not a legitimate invocation of the Fifth and was not in good faith because the record does not establish how answering questions about police misconduct would incriminate Edwards. Regardless, Edwards' did not commit to his invocation. His repeated, voluntarily explanations for the statements in the affidavit would

constitute a waiver of the Fifth Amendment privilege. Because of his invocation, the defense was unable to fully confront Edwards about his disavowals, which impaired Bell's ability to show the disavowal was not credible.

Additionally, the questions regarding his ability to identify the perpetrator, if in fact he was outside like he claimed at trial, were important because at the evidentiary hearing, Edwards testified that he didn't know Bell and might have seen him one time prior to trial [PCR 1451-52], contrary to his trial testimony that Bell was well known to him in an eyewitness identification case.

It should be noted that although Edwards said the facts stated in the affidavit were lies, the furloughs from Duval County jail that he detailed in the affidavit were testified to by his ex-wife Cathy Robertson [PCR 1602-05]. And Edwards' close working relationship with Bolena – which he detailed in the affidavit then later denied on the stand – was testified to by Robertson [PCR 1602-05] and Glory Mitchell [PCR 1611-13]. So, there is record evidence to support his affidavit and rebut his disavowal.

G. The materiality of the testimony is not speculative

Counsel knew what the answers to these questions were based on what the witnesses told investigators during the post-warrant investigation. Counsel expected the answers to help Bell prove newly discovered evidence or else he would not have subpoenaed these witnesses to the hearing. So, contrary to the State's speculation argument [AB 59], it is reasonable to assume had the trial court compelled these answers, additional and significant evidence about false testimony as well as police and prosecutorial misconduct during Bell's original trial would have been developed which is newly discovered evidence in and of itself but also obviously supports the credibility of the two recantations.

II. NEWLY DISCOVERED EVIDENCE AND *BRADY* / *GIGLIO*

The State claims Bell doesn't have enough proof of new or suppressed evidence, but it had a direct hand in shutting down Bell's witnesses. And the State's attempts to use the 1994 facts of the murders to argue lack of prejudice obscures that what Bell was able to present at the 2025 hearing – despite the State's perjury

interference and the trial court's refusal to limit the witnesses' abuse of the Fifth – calls into question the very facts of this case.

A. Timeliness & due diligence

The State admits [AB 32] that at the 2002 hearing, Edwards, Jones, Pryor, George, and Williams all stood by their trial testimony and that Detective Bolena likewise testified that he did not commit any misconduct. The State also concedes that *Waterhouse* applies, which holds that postconviction counsel is not required to re-investigate claims unless and until a new reason to do so arises.

The State then inexplicably claims, contrary to *Waterhouse*, that CHU-Middle should have re-investigated this issue prior to learning there was any possibility anyone wanted to recant, and ignores key facts that were developed at the June 23, 2025, hearing:

- CHU-North and CHU-Middle are separate offices [PCR 1471]
- CHU-Middle was not aware of any possibility of any recantation until June 13, 2025 [PCR 1419-20]
- CHU-North disclosed this possibility to CHU-Middle after the death warrant had been signed [PCR 1420]
- CHU-North learned of this possibility within the past "couple of months" [PCR 1420]
- CHU-Middle investigators acted on this information immediately [PCR 1421]
- Prior to this information, CHU-Middle had no idea any trial witness wanted to recant [PCR 1421-22]

- Edwards was the first witness to be re-interviewed [PCR 1474]
- Edwards recanted [PCR 1227-29, 1480]
- Other witnesses were tracked down and interviewed to corroborate the police and prosecutorial misconduct included in Edwards' recantation [PCR 1482-84]
- Jones was interviewed last due to scheduling logistics with the prison he resides in [PCR 1485-86]
- Jones also recanted and provided information about the police and prosecutorial misconduct [PCR 1232-34, 1492]

So, prior to June 13, 2025, Bell's attorneys had no reason to think any witness would recant their trial testimony. And as to the written and orally amended claims involving the other witnesses, until Jones and Edwards recanted, there was no reason to re-interview Goins, Williams, Pryor, or George. *See Waterhouse.*

B. Goins, Williams, Pryor, and George provided new evidence and proved the State violated *Brady / Giglio*

A comparison of the testimony that Goins, Williams, Pryor, and George gave against Bell at trial to their testimony on June 23, 2025, makes clear that (1) they were not truthful at Bell's trial, (2) the State knew of their falsehoods, and (3) the State concealed evidence of misconduct, as well as impeachment evidence:

PAULA GOINS	
Significant Changes in Testimony	Bell confessed directly to her, said "I got [him]", told her details of the murders [T 502-14, 519-21] **vs.** Only overheard Bell talking to Williams, Bell said "we got him" [PCR 1556, 1562-63]
Police or Prosecutorial Misconduct	None at trial. **vs.** Bolena fed her testimony / told her what to say at trial and physically intimidated her during interrogation [PCR 1550-56, 1562]
Impeachment Evidence	None at trial. **vs.** Bolena told her she'd lose home, job, child custody [PCR 1551-56]

ERICKA BRACLET (WILLIAMS)	
Significant Changes in Testimony	Bought AK-47 for Bell, Bell confessed to murders, falsely reported AK stolen for Bell [T 401-16] **vs.** Doesn't recall if she told truth at trial [PCR 1578-79]
Police or Prosecutorial Misconduct	None at trial. **vs.** Kept in interrogation room for 12+ hours [PCR 1574-77]
Impeachment Evidence	None at trial. **vs.** Threatened with losing child custody [PCR 1574-77]

NED PRYOR	
Significant Changes in Testimony	Saw Bell & George at Moncrief Liquors, saw Bell with AK-47, heard shots after he saw Bell approaching victim's car [T 438-59] **vs.** He never saw Bell with a gun, and he wasn't even at Moncrief Liquors that night [PCR 1584-85]
Police or Prosecutorial Misconduct	None at trial. **vs.** Doesn't recall saying he was threatened, doesn't recall saying Bateh wanted him to say Bell was the shooter [PCR 1584]
Impeachment Evidence	No deal with State in re open case [T 434-37] **vs.** Got released on time served but claims it had nothing to do with case [PCR 1586-87]

DALE GEORGE	
Significant Changes in Testimony	Bell planned to kill victim, he heard shots, saw Bell shoot into crowd, then drove Bell from scene [T 462-73] **vs.** Took the Fifth about Bateh threatening him, then claimed he didn't recall saying Bateh threatened him to pin murders on Bell [PCR 1595-96]
Police or Prosecutorial Misconduct	None at trial. **vs.** Took the Fifth about Bolena "clotheslin[ing]" him [PCR 1599]; Took the Fifth on whether physical violence by police motivated his trial testimony [PCR 1600]
Impeachment Evidence	Lied to Bolena at first, then came clean without any promises of leniency, deal for five years as accessory for truthful testimony negotiated by his lawyer [T 474-75, 462] **vs.** Took the Fifth about Bolena promising him leniency prior to testifying [PCR 1596]

C. Jones' new evidence proves State violated *Brady / Giglio*

Jones admitted he signed an affidavit under penalty of perjury which stated that his key trial testimony that Bell confessed and tried to sell the murder weapon was false and gave specific evidence of police misconduct in Bell's case. [PCR 1232-34] Because he improperly took the Fifth, Bell was unable to develop further facts.

D. Edwards' new evidence proves State violated *Brady / Giglio*

Edwards signed an affidavit which stated that his key trial testimony that he witnessed Bell commit the murders was false and

provided specific evidence of police misconduct similar to the misconduct Jones' described. [PCR 1227-29] Even though he admitted to signing the affidavit under penalty of perjury, he was permitted to take the Fifth repeatedly – despite waiving the privilege by voluntarily answering several questions about his recantation – leaving Bell unable to develop further facts and unable to sufficiently confront Edwards.

E. The recantations are admissible and not rebutted

The State relies on highly distinguishable case law to argue that the recantations in this case are inadmissible. [AB 43-44] *See Robinson v. State*, 707 So. 2d 688, 691-92 (Fla. 1998) (finding recantation not credible where affidavit was "unauthenticated" and the recanting witness "did not testify"). *See also Dailey v. State*, 279 So. 3d 1208, 1213-14 (Fla. 2019) (finding recantation not proven where witness took the Fifth even after being ordered to answer).

Jones when questioned about his affidavit said that he signed the corresponding oath that certified the contents were true and correct. Jones then took the Fifth to any follow up questions about the details of the recantation. Edwards also admitted that he signed

the affidavit's oath, he just disavowed the contents in a completely incredible manner especially when viewed in the context of impeaching witnesses Robertson and Mitchell. So, there is evidence other than the affidavits themselves, in the form of direct testimony from both Jones and Edwards about their recantations.

Moreover, in addition to Jones and Edwards, other witnesses (Goins, Pryor, Williams, and George) provided "independent corroborating evidence" that "lent credence" to the new version of events detailed in Jones' and Edwards' recantations. *State v. Spaziano*, 692 So. 2d 174, 176 (Fla. 1997).

The State only called one witness at the June 23, 2025, hearing – prosecutor George Bateh. But he did not sufficiently rebut Bell's evidence. He only made a very general comment that he did nothing wrong in Bell's case and was not questioned about any of the defense's specific allegations of misconduct. Detective Bolena is deceased and thus was not confronted with these new allegations.

Also, this Court should not ignore that prosecutor Bateh and Detective Bolena have been credibly accused of the same kinds of misconduct before in other cases, including in a case currently being

reviewed by the State Attorney's Office Conviction Integrity Division. *See* Nichole Manna articles in Initial Brief at 41-42.

And Bateh's win-at-all-costs approach to prosecuting capital cases is not news to this Court. *See Urbin v. State*, 714 So. 2d 411, 418–19 (Fla. 1998) (granting new trial based on Bateh's prosecutorial misconduct during closing argument and counting him among those "who would ignore our warnings concerning the need for exemplary professional and ethical conduct in the courtroom."); *Brooks v. State*, 762 So. 2d 879, 905 (Fla. 2000) (granting another new trial based on Bateh's prosecutorial misconduct and noting his "track record" for misconduct).

F. Credibility findings

The credibility determinations made by the trial court should not be deferred to since they seemingly turned on whether the witness said something helpful or hurtful to Bell, not on competent, substantial evidence.

The trial court gave disparate credibility treatment to witnesses who took the Fifth. As to Jones – who took the Fifth as to the details of his recantation but admitted that the facts in his recantation

affidavit were true – the trial court said that he "did not recant and did not testify, leaving the Court nothing to evaluate the credibility of." [PCR 1209] When it came to Edwards though – who also took the Fifth several times about statements in his affidavit but ultimately disavowed his recantation – the trial court found him to be "sincere" and "genuine" in his assertion that he did not know what was in the affidavit. But this assertion included Edwards claiming that he did not give the CHU-Middle investigator any information and only went along with what they told him, which is incredible when you consider that part of his sworn affidavit included information about his furloughs from jail orchestrated by Bolena, which his ex-wife confirmed [PCR 1602-05], and which the CHU-Middle investigators would have had no way of knowing but for Edwards telling them about it. This credibility finding also skips over Edwards's most fanciful accusation – that CHU-Middle investigators tricked him into thinking this was a movie script [which is incredible on its face].

The trial court likewise found Pryor was "not credible" when he admitted on the witness stand that he did not see Bell (contrary to his trial testimony that Bell was the gunman). But, immediately after

this admission, Pryor took the Fifth to any follow up questions. The reasonable inference is that under the threat of perjury, after consulting with an attorney, Pryor did not want to be challenged or go into detail about the material change in his trial testimony. And despite taking the Fifth to everything but standing by his trial testimony, George was found to be credible [PCR 1212]. The trial court found Goins credible when she said she testified truthfully at trial but unreliable when she qualified this point (and said she was told what to say by Bolena and Bateh). [PCR 1214]

G. Materiality

The recantation of an eyewitness who testified at trial that Bell committed the murders alone (Edwards), the recantation of a witness who testified that Bell possessed the murder weapon and confessed (Jones) combined with new testimony about how an overzealous prosecutor and corrupt detective influenced the facts of this case through coercion and threats is material to Bell's guilt and his death sentence. Best case scenario, the new facts call into question Bell's guilt itself as the strength of a case with this level of police and prosecutorial misconduct is significantly weakened. But at the very

least, the new facts suggest that Bell was not the only shooter and that the manner of the murders is not as aggravated as was portrayed in 1994. This would impact a jury's deliberations about the sufficiency of the CCP and the great risk to others aggravators (if another person – like Pryor or George – was the shooter, it's possible neither aggravator could be imputed to Bell even if he was also there and participated), or deliberations on concepts like relative culpability. Because the manner of the murders would impact the sufficiency of the aggravation and the weighing process, these new facts establish prejudice.

III. PERJURY THREAT

The State mistakenly claims [AB 60] that *Martinez v. Ct. of Appeal of California, Fourth App. Dist.*, 528 U.S. 152, 155-64 (2000), which holds that *Faretta v. California*, 422 U.S. 806 (1975), did not confer a right to self-representation on direct appeal, means that Bell cannot complain about the State's interference with his witnesses at the evidentiary hearing (which was granted for the express purpose of testing the recantations). Of course, *Martinez* holds no such thing.

Counsel agrees with the legal theory stated in State's footnote

13 at AB 61. But the trial court compounded the State's pressure on the witnesses to lock in their previous testimony by warning them all in colloquys that they could be exposed to perjury not for false testimony that day but instead for any testimony "contradict[ory]" or "different" to prior testimony. [PCR 1397, 1402-03, 1531, 1537] It's no wonder they all doubled down on their trial testimony. Had they not been dissuaded, there is reason to believe that the trial court would have found two separate recantations credible.

IV. INADEQUATE TIME AND ACCESS TO COURTS

The State argues that the 32-day warrant period is not unconstitutionally short. Based on the unique facts and circumstances of this case, it is. This violates Bell's due process rights guaranteed by the Eighth and Fourteenth Amendments and Article I, Section 9, 16, and 17, of the Florida Constitution.

After the warrant was signed, CHU-Middle for the first time learned from CHU-North that there was reason to believe there were *Brady* / *Giglio* issues regarding Edwards and Jones. So, the investigation into this didn't begin until after the warrant was signed. Until then, there would not have been any reason to investigate these

witnesses based on their 2002 testimony where they affirmed their 1994 trial testimony and claimed no police or prosecutorial misconduct.

Once this information was learned, there began an extremely rushed investigation, including locating and interviewing Edwards and then finding witnesses to corroborate his recantation. Some of these witnesses were located, interviewed, and served a subpoena to testify last week. Due to Jones being in prison, and being transferred during the investigation, he was not interviewed until June 18th. Numerous documents accumulated over thirty years had to be reviewed, including the trial transcripts and the prior 2002 hearing. Voluminous other records had to be reviewed to locate corroborating documents. A thorough review was impossible based on the shortness of time.

As to the State's illusory argument [AB 70], no one knows what could have been found due to the short warrant period. There was no opportunity for a meaningful investigation. Still, significant evidence was developed that would reasonably indicate more exists.

As to timeliness [AB 73-74], drafting a legally sufficient pleading of this magnitude takes time. This is especially true when the facts are

only being discovered contemporaneously. If given adequate and reasonable time, there would have been no issue regarding legal sufficiency of the pleadings. When an attorney is given such limited time, it is unfair to say that everything should have just been done faster.

This Court should (1) remand Bell's case for a new guilt phase and / or penalty phase trial, or (2) grant a stay of execution and remand for a new evidentiary hearing with adequate time to investigate, plead, and present evidence of recantations, suppressed evidence of police and prosecutorial misconduct, and suppressed impeachment material, and where record development is not hampered by the specter of perjury or by the trial court's refusal to compel key witnesses to answer crucial questions.

Respectfully submitted,

/s/Robert A. Norgard
ROBERT A. NORGARD
P.O. Box 811
Bartow, FL 33831
(863)533-8556
Fax (863)533-1334
Norgardlaw@verizon.net
Fla. Bar No. 322059
Counsel for Bell

CERTIFICATE OF SERVICE

We certify that the foregoing has been served electronically upon the Clerk of the Circuit Court, The Office of the Attorney General (capapp@myfloridalegal.com), Assistant Attorneys General Jonathan Tannen (jonathan.tannen@myfloridalegal.com), Christina Pacheco (christina.pacheco@myfloridalegal.com), Joshua Schow (joshua.schow@myfloridalegal.com), as well as Paula Montlary (Paula.Montlary@myfloridalegal.com) and Stephanie Tesoro (Stephanie.Tesoro@myfloridalegal.com), Assistant State Attorney Alan Seth Mizrahi (amizrahi@coj.net), the Florida Supreme Court (warrant@flcourts.org), Duval County Clerk James Hathaway (James.Hathaway@DuvalClerk.com), and The Honorable Jeb T. Branham (kbend@coj.net) on this 30th day of June 2025.

/s/Robert A. Norgard
ROBERT A. NORGARD

CERTIFICATE OF COMPLIANCE

I certify that this document complies with by Fla. R. App. P. 9.210(a)(6) as it is less than 25 pages, excluding this certificate page. I further certify that this document complies with the typeface requirements of Fla. R. App. P. 9.045 (b).

/s/Robert A. Norgard
ROBERT A. NORGARD