

SUPREME COURT OF FLORIDA

Braddy v. State

111 So. 3d 810 (Fla. 2012) · Decided November 15, 2012

SUMMARY

The Florida Supreme Court reviews Harrel Franklin Braddy’s convictions and death sentence for the murder of Quatisha Maycock, along with related convictions. Braddy raised numerous guilt- and penalty-phase challenges, including suppression of statements and evidence, Miranda rights, evidentiary rulings, sufficiency of the evidence, jury and prosecutorial issues, and the constitutionality and proportionality of the death sentence. The court affirms the convictions and sentences, concluding that the challenged errors provide no basis for relief.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| COURT                 | Supreme Court of Florida                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| WRITING FOR THE COURT | Per curiam; Canady; Labarga; Lewis; Pariente; Perry; Polston; Quince                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| JURISDICTION          | Florida                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| DECIDED               | November 15, 2012                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| DISPOSITION           | affirmed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| PROCEDURAL POSTURE    | Direct appeal from convictions and sentences, including a first-degree murder conviction and death sentence, entered by the Eleventh Judicial Circuit Court in and for Miami-Dade County.                                                                                                                                                                                                                                                                                                                                                                                                     |
| STANDARD OF REVIEW    | The court reviewed suppression rulings under a presumption of correctness as to historical facts, reversing factual findings only if unsupported by competent, substantial evidence, while independently reviewing mixed questions of law and fact involving constitutional issues. It reviewed disqualification rulings de novo, denial of a mistrial for abuse of discretion, closing-argument rulings for abuse of discretion subject to harmless-error or fundamental-error principles, sufficiency of the evidence de novo, and the proportionality of the death sentence independently. |
| PRECEDENTIAL VALUE    | published precedential opinion                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| PARTIES               | Harrel Franklin Braddy v. State of Florida                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

TOPICS

sentencing

miranda rights

suppression of evidence

criminal procedure

appellate procedure

## PRACTICE AREAS

criminal law

capital punishment

criminal procedure

constitutional law

appellate procedure

## QUESTIONS PRESENTED

1. Whether Braddy's statements and related evidence were obtained in violation of Miranda, his right to remain silent, or the constitutional requirement that statements be voluntary.
2. Whether the trial court's rulings on Braddy's motions to disqualify were untimely or substantively insufficient.
3. Whether venue was properly established in Miami-Dade County for the murder and attempted-murder offenses.
4. Whether the second search warrant for the rental car and its affidavit were inadmissible hearsay or violated the Confrontation Clause.
5. Whether testimony referring to Braddy's prior history required a mistrial.
6. Whether prosecutorial comments during the guilt and penalty phases required reversal or a new sentencing proceeding.
7. Whether sufficient evidence supported the convictions for burglary, child neglect causing great bodily harm, and attempted escape.
8. Whether the trial court improperly treated nonstatutory mitigation as a single mitigating factor.
9. Whether the victim-impact evidence, evidence of prior convictions, capital-sentencing procedure, and cumulative alleged errors required relief.
10. Whether the first-degree murder conviction was supported by sufficient evidence and whether the death sentence was proportionate.

## HOLDINGS

1. The Metro-Dade Miranda form adequately informed Braddy of his right to have counsel present during questioning, and his waiver was valid.
2. After a valid Miranda waiver, Braddy's statements, silence, and requests to speak with individual detectives did not constitute an unequivocal or unambiguous invocation of his right to terminate questioning.
3. Braddy's incriminating statements were voluntary under the totality of the circumstances and were not coerced by the detective's brief use of physical force.
4. The trial court's denial of Braddy's motions to disqualify was timely and substantively proper because the motions were not properly served on the trial judge and did not establish an objectively reasonable fear of partiality.

5. Venue was properly laid in Miami-Dade County because conduct constituting the charged felony-murder and attempted-felony-murder offenses began there, and Braddy waived any independent venue objection by waiting until after trial.
6. The second search warrant and supporting affidavit were properly admitted because they were introduced to establish the foundation and legality of the search, not for the truth of the facts asserted, and therefore did not constitute hearsay or trigger a Confrontation Clause violation.
7. The evidence was sufficient to support the convictions for burglary with assault or battery, child neglect causing great bodily harm, and attempted escape.
8. Any improper or questionable comments during the guilt and penalty phases, considered individually and cumulatively, did not constitute fundamental error, deprive Braddy of a fair trial, or require a new sentencing proceeding.

#### KEY QUOTATIONS

*“Because the use of force — although highly inappropriate — did not coerce Braddy to make any incriminating statement, we hold that Braddy’s confession to Detective Diaz was voluntary.” (832)*

*“The search warrant and affidavit were not introduced for the purpose of establishing the truth of the facts contained therein.” (836)*

*“We likewise hold today that given the full context of the penalty phase trial, any errors in the State’s closing argument did not deprive Braddy of a fair penalty phase.” (856)*

#### FACTUAL BACKGROUND

Braddy attacked Shandelle Maycock in her Miami-Dade apartment, kidnapped Shandelle and her five-year-old daughter Quatisha, and transported them through multiple counties. Shandelle escaped after being placed in the trunk of a car and later found in a remote area; Quatisha was eventually found dead in a canal along Alligator Alley. Police questioned Braddy after advising him of his Miranda rights, and he made statements directing officers to locations where he had left Quatisha. The jury convicted Braddy of multiple offenses, and the trial court imposed death after finding five aggravating factors and weighing statutory and nonstatutory mitigation.

#### PROCEDURAL HISTORY

A jury convicted Braddy of first-degree murder, attempted first-degree murder, two counts of kidnapping, burglary of a structure with an assault or battery therein, child neglect causing great bodily harm, and attempted escape. The jury recommended death by an eleven-to-one vote, and the trial court imposed the death sentence plus consecutive sentences for the remaining offenses. The Supreme Court of Florida reviewed the convictions and sentences on direct appeal and affirmed.

#### DISPOSITION

affirmed

#### CASES CITED

- *Miranda v. Arizona*, 384 U.S. 436 (1966)
- *Florida v. Powell*, 559 U.S. 50 (2010)
- *State v. Powell*, 998 So. 2d 531 (Fla. 2008)
- *State v. Owen*, 696 So. 2d 715 (Fla. 1997)
- *Davis v. United States*, 512 U.S. 452 (1994)
- *Almeida v. State*, 737 So. 2d 520 (Fla. 1999)
- *Schoenwetter v. State*, 931 So. 2d 857 (Fla. 2006)
- *Liteky v. United States*, 510 U.S. 540 (1994)
- *Faretta v. California*, 422 U.S. 806 (1975)
- *Delgado v. State*, 776 So. 2d 233 (Fla. 2000)
- *Bradley v. State*, 33 So. 3d 664 (Fla. 2010)
- *Jackson v. State*, 25 So. 3d 518 (Fla. 2009)
- *Mosley v. State*, 46 So. 3d 510 (Fla. 2010)
- *Urbain v. State*, 714 So. 2d 411 (Fla. 1998)
- *Wade v. State*, 41 So. 3d 857 (Fla. 2010)
- *Card v. State*, 803 So. 2d 613 (Fla. 2001)