

SUPREME COURT OF FLORIDA

Brooks v. State

787 So. 2d 765 (Fla. 2001) · No. SC94308 · Decided April 5, 2001

SUMMARY

The Supreme Court of Florida reversed Lamar Brooks's first-degree murder convictions and death sentence because the trial court improperly admitted extensive hearsay statements, including statements by a codefendant and alleged accomplice. The court held that the statements were not properly admissible under the state-of-mind, statement-against-interest, or co-conspirator exceptions and that admission of the codefendant's statements violated the Confrontation Clause. The case was remanded for a new trial.

CASE DETAILS

COURT	Supreme Court of Florida
WRITING FOR THE COURT	Shaw; Anstead; Pariente; Lewis; Quince; Wells; Harding
JURISDICTION	Florida
DECIDED	April 5, 2001
DOCKET	SC94308
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Direct appeal from a judgment adjudicating Brooks guilty of first-degree murder and imposing the death penalty.
STANDARD OF REVIEW	Abuse of discretion for evidentiary rulings and the denial of a change-of-venue motion; harmless error beyond a reasonable doubt for constitutional and evidentiary errors; independent review of Confrontation Clause reliability determinations.
PRECEDENTIAL VALUE	Published, precedential decision of the Supreme Court of Florida; majority opinion is binding on Florida courts.
PARTIES	Lamar Z. Brooks v. State of Florida

TOPICS

- hearsay
- sixth amendment
- evidence
- criminal procedure
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether statements by Carlson concerning her relationship with Davis and intended travel were admissible under Florida's state-of-mind hearsay exception to prove Brooks's conduct or involvement.
2. Whether Davis's pre-murder statements concerning his motive, plans, and intent were admissible under the state-of-mind or co-conspirator hearsay exceptions against Brooks.
3. Whether Davis's statements to investigators that were redacted to remove references to Brooks were admissible as statements against interest without violating Brooks's Sixth Amendment confrontation rights.
4. Whether Davis's statements made after the murders were admissible under the co-conspirator hearsay exception.
5. Whether the cumulative admission of inadmissible hearsay was harmless beyond a reasonable doubt.
6. Whether the trial court abused its discretion by denying a motion for change of venue based on pretrial publicity.
7. Whether autopsy photographs were properly admitted because their probative value was not substantially outweighed by unfair prejudice.

HOLDINGS

1. Under section 90.803(3), a declarant's statement of intent may be used to prove the declarant's subsequent act, not the subsequent act of another person. Carlson's statements were improperly admitted against Brooks to show that Brooks traveled to Crestview with Carlson.
2. Davis's pre-murder statements were inadmissible against Brooks under the state-of-mind exception because that exception permits proof of the declarant's state of mind or subsequent conduct, not another person's motive, intent, or conduct. The statements also did not qualify under the co-conspirator exception because no conspiracy had been shown when most of them were made.
3. Davis's statements to investigators were improperly admitted against Brooks because, although portions were facially self-inculpatory, the statements were made during police questioning after Davis was confronted with inculpatory evidence and were predominantly self-serving attempts to shift blame to Brooks, lacking sufficient guarantees of trustworthiness under the Confrontation Clause.
4. Statements Davis made in the presence of Gilliam and Brooks during the proven conspiracy were admissible under section 90.803(18)(e), but statements Davis made to Jones and Barberree after the murders were inadmissible because a conspiracy ordinarily ends when the crime is completed and the statements were not shown to further a continuing conspiracy.
5. The State failed to prove beyond a reasonable doubt that the numerous hearsay errors did not contribute to the verdict. The cumulative effect of the improperly admitted hearsay substantially prejudiced Brooks and required reversal of the convictions and sentence.

6. The trial court did not abuse its discretion by denying a change of venue. Individual voir dire and challenges for cause adequately addressed juror exposure to pretrial publicity, and the seated jurors represented that they could decide the case based solely on the evidence and instructions.
7. The trial court did not abuse its discretion by admitting five autopsy photographs because they were relevant to the medical examiner's testimony concerning the manner of death, defensive wounds, bruising, and hemorrhaging, and their probative value was not shown to be substantially outweighed by unfair prejudice.

KEY QUOTATIONS

“Under this exception, however, a declarant's statement of intent under section 90.803(3) is only admissible to infer the future act of the declarant, not the future act of another person.” (770-771)

“For purposes of section 90.803(18)(e), a conspiracy ordinarily ends when the crime has been committed.” (779)

“Accordingly, we conclude that the State has not demonstrated beyond a reasonable doubt that the error “did not contribute to the verdict or alternatively stated, that there is no reasonable possibility that the error contributed to the conviction.”” (780)

FACTUAL BACKGROUND

Rachel Carlson and her three-month-old daughter were found stabbed to death in Carlson's vehicle in Crestview, Florida. Brooks and Walker Davis were charged with the murders, but no physical or direct evidence linked Brooks to the crimes. The State introduced extensive hearsay statements by Carlson and Davis, as well as testimony from cooperating witnesses, to connect Brooks to Davis's motives, plans, and conduct. Brooks was convicted and sentenced to death.

PROCEDURAL HISTORY

Brooks was convicted of first-degree murder and sentenced to death in the trial court. He raised fifteen issues on direct appeal. The Supreme Court of Florida held that the admission of extensive inadmissible hearsay substantially prejudiced Brooks, reversed the convictions and sentence, and remanded for a new trial; it resolved certain additional issues that could recur on retrial.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Reverse Brooks's convictions and death sentence and remand for a new trial. On retrial, exclude the inadmissible hearsay identified in the opinion and do not suggest to the jury that excluded portions of Davis's statements contained additional damaging evidence.

CASES CITED

- Davis v. State, 728 So. 2d 341 (Fla. 1st DCA 1999)
- Bailey v. State, 419 So. 2d 721, 722 (Fla. 1st DCA 1982)
- Woods v. State, 733 So. 2d 980, 987-88 (Fla. 1999)
- Stoll v. State, Stoll v. State, 762 So. 2d 870, 874-75 (Fla. 2000)
- State v. Bradford, 658 So. 2d 572, 574-75 (Fla. 5th DCA 1995)
- Foster v. State, 679 So. 2d 747, 753 (Fla. 1996)
- Jones v. State, 440 So. 2d 570, 577 (Fla. 1983)
- Sandoval v. State, 689 So. 2d 1258, 1259 (Fla. 3d DCA 1997)
- United States v. Trowery, 542 F.2d 623, 626 (3d Cir. 1976)
- Williamson v. United States, 512 U.S. 594, 599-600, 604 (1994)
- Lilly v. Virginia, 527 U.S. 116, 134-40 (1999)
- Franqui v. State, 699 So. 2d 1332, 1335, 1339 (Fla. 1997)
- State v. Edwards, 536 So. 2d 288, 292 (Fla. 1st DCA 1988)
- Larzelere v. State, 676 So. 2d 394, 406 (Fla. 1996)
- Romani v. State, 542 So. 2d 984, 986 (Fla. 1989)
- Calvert v. State, 730 So. 2d 316, 319 (Fla. 5th DCA 1999)
- Burnside v. State, 656 So. 2d 241, 245 (Fla. 5th DCA 1995)
- Usher v. State, 642 So. 2d 29, 31 (Fla. 2d DCA 1994)
- Moore v. State, 503 So. 2d 923, 924 (Fla. 5th DCA 1987)
- Wells v. State, 492 So. 2d 712, 719 (Fla. 1st DCA 1986)
- Krulewitch v. United States, 336 U.S. 440, 444 (1949)
- State v. DiGuilio, 491 So. 2d 1129, 1135 (Fla. 1986)
- Selver v. State, 568 So. 2d 1331 (Fla. 4th DCA 1990)
- Walker v. State, 707 So. 2d 300, 310 (Fla. 1997)
- Rolling v. State, 695 So. 2d 278, 284-85 (Fla. 1997)
- McCaskill v. State, 344 So. 2d 1276, 1278 (Fla. 1977)
- Henyard v. State, 689 So. 2d 239, 245 (Fla. 1996)
- Cole v. State, 701 So. 2d 845, 853-54 (Fla. 1997)
- Irvin v. Dowd, 366 U.S. 717, 723 (1961)
- Mansfield v. State, 758 So. 2d 636, 648 (Fla. 2000)
- Bush v. State, 461 So. 2d 936, 939 (Fla. 1985)
- Larkins v. State, 655 So. 2d 95, 98 (Fla. 1995)
- Richardson v. Marsh, 481 U.S. 200, 203, 209 (1987)
- Gray v. Maryland, 523 U.S. 185, 196-97 (1998)
- Bruton v. United States, 391 U.S. 123 (1968)