

Dear Bridgette,

Since you've been following my case, I assume you've read the appeal brief that went before the 1st DCA. If you review count 9 – Whether the trial court erred in answering the jury's questions, you will find that judge Healey erroneously instructed the jury on a matter of law, as I've outlined in my post conviction relief petition. This alone warrants a new trial.

As you review the appeal brief, please read the notes on page 109-110. The notes are about judge Healey disallowing exculpatory evidence.

In many murder trials, DNA evidence exonerates the accused. In my case, I have math, science and self-defense law. Using a highly credentialed ballistics expert to examine the undisputed bullet trajectories, we have irrefutable proof that Davis' rear passenger side door was open, and that he had exited the vehicle. This contradicted the state's 3 star witnesses. All 3 claimed that they could not hear everything that Davis was shouting at me, as their music was too loud. These statements did not rebut my testimony that Davis threatened my life.

To summarize, my testimony that Davis threatened to kill me is unrebutted by the state's star witnesses, all of whom were friends of Davis. Physical evidence impeaches their testimony that Davis had not opened his door or exited the vehicle. Expert witness exhibits were not allowed to be presented to the jury. A non-expert was allowed to rebut an expert's testimony, which are additional grounds for a new trial.

The ballistics expert's (Michael Cox) exhibit demonstrated that the passenger side rear door was open during all three shots. It also showed the Durango in motion, reversing out of the parking space as I continued to fire at the same point in space. (I had tunnel vision and did not realize that the vehicle was moving.) Had the passenger side rear door been closed, the dowels in it would be at the same angle as those in the passenger side front door. Judge Healey saw how powerful this evidence was, exclaiming "Whoa! This is a game changer!", then promptly ruled we could not use it, even though this was proof that I acted in self-defense. See Ground #4 of my petition for post conviction relief.

Photos of my Jetta and the Durango parked side by side were also disallowed during a pre-trial evidence hearing. Just about any evidence that bolstered my case was disallowed, even our expert on acute stress.

To create a real-life version of the ballistics expert's exhibit, park any 2 vehicles with 4 doors side by side, in adjacent parking spaces. As established by all parties, the front seats of both vehicles were aligned, so be sure to do so too. Review the photos placed into evidence of the red Durango showing the wooden dowels placed in the bullet holes. Ensure the photo you use for comparison shows an overhead view of the dowels in the passenger side rear door, with the door closed. Run a string from the driver's window sill of the car to the right to the passenger side rear door of the car to the left. You can start the string in the middle of the driver's window sill, though closer to the A-pillar would be more accurate. Run the string to the approximate location of the dowels in the passenger side rear door of the car to the left. The only way to get the dowels to line up with the path of the string is to open the door. From a given point of origin, the closer together you park the cars, in order to line up the dowels with the string, the rear door must be open more, not less. It's simple geometry.