

No. TBA

IN THE
Supreme Court of the United States

LEONARD L. LITTLE, JR. ,,
Petitioner,

versus

SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS, Mark S. Inch,
and
ATTORNEY GENERAL OF FLORIDA, Ashley Moody,
Respondent(s).

APPENDIX

Appendix A Order Denying JOA from Pinellas County, Florida.

Appendix B Order from the District Court of Appeal, State of Florida.

Appendix C The Mandate from the District Court of Appeal, State of Florida.

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Appendix A

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT OF
THE STATE OF FLORIDA IN AND FOR PINELLAS COUNTY
CRIMINAL DIVISION

STATE OF FLORIDA,

CASE NO: 16-06942-CF

UCN: 522016CF00694200

DIVISION: D

v.

LEONARD L. LITTLE, JR.,

Person ID: 2312164; Defendant. /

KEN BUCKE
CLERK OF CIRCUIT COURT
AND COMPTROLLER

2018 JUN -8 PM 2:35

FILED
CRIMINAL COURT

**ORDER DENYING DEFENDANT'S "RENEWED MOTION FOR JUDGMENT
OF ACQUITTAL OR IN THE ALTERNATIVE MOTION FOR A NEW TRIAL"**

THIS CAUSE came before the Court upon the Defendant's "Renewed Motion for Judgment of Acquittal or in the Alternative Motion for a New Trial," (hereinafter "Renewed Motion"), filed on May 28, 2018, pursuant to Florida Rules of Criminal Procedure 3.380(c) and 3.600. Having reviewed the Renewed Motion, the record, and applicable law, the Court finds as follows:

Procedural History

The Defendant was charged by indictment with one count of murder in the first degree. Trial commenced on May 15, 2018. The Court denied the Defendant's motion for judgment of acquittal made at the conclusion of the State's case. On May 18, 2018, the jury found the Defendant guilty as charged, and on the same date he was sentenced to life imprisonment.

The Renewed Motion

In his Renewed Motion the Defendant contends that he is entitled to a judgment of acquittal based on insufficient evidence. In addition, he argues that two grounds in support of a new trial. The Defendant first alleges that the State made improper argument concerning the Defendant having been in jail for the last three years which would have led the jury to believe that the Defendant was in jail on additional charges since the charge in the above-styled case was made less than two years before the time of trial. Second, the Defendant argues that the admission of Frank Freeman's grand jury testimony when Mr. Freedman testified that he could not recall was error and deprived him of the right to confront the witness. The Defendant objected both to the State's comment on the Defendant's pre-trial incarceration and to the admission of Frank Freeman's prior testimony.

A motion for new trial or for judgment of acquittal must be raised within 10 days after the rendition of the verdict. See Fla. R. Crim. P. 3.380(c); Fla. R. Crim. P. 3.590. The verdict was rendered on May 18, 2018. Accordingly, the Defendant's Renewed Motion filed May 28, 2018, is timely. After considering the sufficiency and weight of the evidence submitted at trial the Defendant's motion for judgment of acquittal based on sufficiency of the evidence is denied. These factors were considered by the Court in denying the motion for judgment of acquittal at the conclusion of the State's case. Likewise, the Court considered the Defendant's present arguments in overruling the Defense objections to State's comment on the length of the Defendant's incarceration before trial the admission of Mr. Freeman's prior testimony. The Court finds that the Defendant's substantial rights were not affected by the State's comment on the Defendant's pre-trial incarceration and the State's comment did not deprive the Defendant of a fair trial. The Court relies on its previous findings regarding the admission of Mr. Freeman's prior testimony.

Accordingly, it is,

ORDERED AND ADJUDGED that the Defendant's Renewed Motion is hereby **DENIED**.

DEFENDANT IS HEREBY NOTIFIED that he has thirty (30) days from the date of this order in which to file an appeal, should he choose to do so.

DONE AND ORDERED in Chambers at Clearwater, Pinellas County, Florida, this 7 day of June, 2018. A true and correct copy of the foregoing has been furnished to the parties listed below.

cc: Office of the State Attorney

J. Jervis Wise, Esquire
Attorney for Defendant



Joseph A. Bulone, Circuit Judge

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Appendix B

NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING
MOTION AND, IF FILED, DETERMINED

IN THE DISTRICT COURT OF APPEAL
OF FLORIDA
SECOND DISTRICT

LEONARD L. LITTLE, JR., DOC# G18700,)
Appellant,)
v.)
STATE OF FLORIDA,)
Appellee.)
_____)

Case No. 2D18-2377

Opinion filed July 12, 2019.

Appeal from the Circuit Court for Pinellas
County; Joseph A. Bulone, Judge.

Howard L. Dimmig, II, Public Defender, and
J. L. "Ray" LeGrande, Special Assistant
Public Defender, Bartow, for Appellant.

Leonard L. Little, Jr., Appellant.

Ashley Moody, Attorney General,
Tallahassee, and Peter Koclanes, Assistant
Attorney General, Tampa, for Appellee.

PER CURIAM.

Affirmed.

KHOUZAM, C.J., and LUCAS and ROTHSTEIN-YOUAKIM, JJ., Concur.

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Appendix C

M A N D A T E

from

DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA

SECOND DISTRICT

THIS CAUSE HAVING BEEN BROUGHT TO THIS COURT BY APPEAL, AND
AFTER DUE CONSIDERATION THE COURT HAVING ISSUED ITS OPINION,

YOU ARE HEREBY COMMANDED THAT SUCH FURTHER PROCEEDINGS
BE HAD IN SAID CAUSE, IF REQUIRED, IN ACCORDANCE WITH THE OPINION OF
THIS COURT ATTACHED HERETO AND INCORPORATED AS PART OF THIS ORDER,
AND WITH THE RULES OF PROCEDURE AND LAWS OF THE STATE OF FLORIDA.

WITNESS THE HONORABLE NELLY N. KHOUZAM CHIEF JUDGE OF THE
DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA, SECOND DISTRICT, AND
THE SEAL OF THE SAID COURT AT LAKELAND, FLORIDA ON THIS DAY.

DATE: August 13, 2019

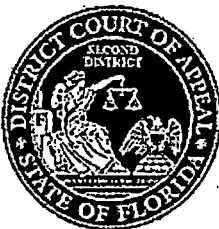
SECOND DCA CASE NO. 18-2377

COUNTY OF ORIGIN: Pinellas

LOWER TRIBUNAL CASE NO. 16-06942-CF

CASE STYLE: LEONARD LITTLE

v. STATE OF FLORIDA



Mary Elizabeth Kuenzel
Mary Elizabeth Kuenzel
Clerk

cc:

Attorney General, Tampa
Peter Koclanes, A.A.G.

J. L. "Ray" Le Grande, Esq. Howard L. Dimmig, II, P. D.
P.D.10 S.A.P.D. Leonard Little
Ken Burke, Clerk

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