

APPENDIX A

Third District Court of Appeal

State of Florida

Opinion filed May 29, 2024.

Not final until disposition of timely filed motion for rehearing.

No. 3D23-2156

Lower Tribunal No. F72-722882

Raymond Bradley,
Appellant,

vs.

The State of Florida,
Appellee.

An Appeal from the Circuit Court for Miami-Dade County, Lody Jean,
Judge.

Raymond Bradley, in proper person.

Ashley Moody, Attorney General, and Kayla Heather McNab, Assistant
Attorney General, for appellee.

Before FERNANDEZ, MILLER and LOBREE, JJ.

PER CURIAM.

Affirmed. See Nugent v. State, 338 So. 3d 459 (Fla. 2d DCA 2022),
review denied, SC22-777, 2022 WL 17076108 (Fla. Nov. 18, 2022).

APPENDIX B

IN THE DISTRICT COURT OF
APPEAL
OF FLORIDA
THIRD DISTRICT

July 11, 2024

Raymond Bradley,

3D2023-2156

Appellant(s),

Trial Court Case No. F72-722882

v.

The State of Florida,

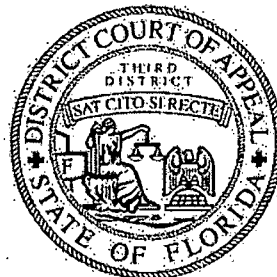
Appellee(s).

Upon consideration, pro se Appellant's Motion for Rehearing and
for certification is hereby denied.

FERNANDEZ, MILLER and LOBREE, JJ., concur.

A True Copy
ATTEST

~~3D2023-2156~~ *Sm. 11/1/24*
Mercedes M. Prieto, Clerk
District Court of Appeal
Third District



CC: Crim Appeals MIA Attorney General
Raymond Bradley
Kayla Heather McNab

LA

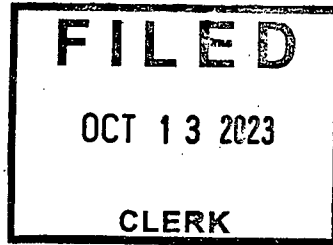
APPENDIX C

F72-722882

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,

v.
RAYMOND BRADLEY,
Defendant,



Case No. F72-7222882
Section No. 15
Judge Lody Jean

ORDER DENYING APPLICATION FOR SENTENCE REVIEW HEARING

THIS CAUSE having come before this Court on the Defendant Raymond Bradley's Application for Sentence Review Hearing filed August 15, 2023 and this Court having reviewed the motion, the court file and records in this case, and being otherwise fully advised in the premises, makes the following findings:

1. On February 24, 1972, the Defendant was charged by way of Indictment with the felony murder of Coral Gables Officer Robert De Korte which occurred on January 21, 1972.
2. The Defendant was 17 years old at the time of the offense.
3. On June 21, 1972, the Defendant pled guilty, was sentenced to life in prison with the possibility of parole.
4. It was not disputed that the Defendant was 17 years old at the time of the offense nor that his sentence made him eligible for parole under the old statute that provided for such.
5. On December 13, 2016, Defendant, through appointed counsel, filed a "Motion to Vacate Illegal Sentence" and asked for a re-sentencing hearing under Miller v. Alabama, 132 S.Ct. 2455 (2012) and Graham v. Florida, 560 U.S 48 (2010).

STATE OF FLORIDA, COUNTY OF MIAMI-DADE
I HEREBY CERTIFY that the foregoing is a true and correct copy of the
original on file in this office

Deputy Clerk

ANTHONY POLLARD 2023



6. The then trial court granted the Defendant's 2016 Motion, but in the interim, the Florida Supreme Court decided State v. Michel, 257 So. 3d 3 (2018) and Franklin v. State, 258 So. 3d 1239 (Fla. 2018). Both of these decisions held, in part, that parole-eligible juvenile defendants are not entitled to resentencing because their sentences are constitutional.

7. Defendant Bradley is a defendant who is parole-eligible.

8. On June 5, 2019, the appellate court vacated the trial court's 2016 order (See 3D17-726).

9. The current motion requests a sentencing review based on Florida Rules of Criminal Procedure 3.802(b)(3) and Florida Statute 921.1402. But the statute does not apply to the Defendant since it only applies to juveniles who committed offenses on or after July 1, 2014. Since the statute does not apply to the Defendant then neither does the rule.

10. WHEREFORE, it is ORDERED AND ADJUDGED that the Defendant's Application for Sentence Review Hearing is hereby DENIED. Since these issues were litigated in 2016 and 2017 where the Defendant had court-appointed counsel's assistance, it is not necessary for this Court to re-appoint counsel.

— The Defendant, RAYMOND BRADLEY, is hereby notified that he has the right to appeal this order to the District Court of Appeal of Florida, Third District within thirty (30) days of the signing and filing of this order.

In the event that the Defendant takes an appeal of this order, the Clerk of this Court is hereby ordered to transport, as part of this order, to the appellate court the following:

1. Defendant's Application for Sentence Review Hearing.

2. Copy of the 2016 Motion to Vacate Illegal Sentence.
3. Judge Walsh's order dated July 11, 2019.
4. Copy of case 3D17-726.
5. This Order.

DONE AND ORDERED at Miami, Miami-Dade County, Florida, this 13th day

of October, 2023. ~~Order has been furnished to~~

CLERK
OCT 18 2023
ANTHONY POLARIS 206197
Deputy Clerk
day Jean
CIRCUIT JUDGE

cc: Raymond Bradley #034973, Dade Correctional Institution, 19000 SW 377 Street,
Florida City, FL 33034

9/20
Div 15

Legal Mail
Received
JUL 11 2023
Dade C.I.

IN THE CIRCUIT COURT
OF THE ELEVENTH JUDICIAL
CIRCUIT IN AND FOR MIAMI-
DADE COUNTY, FLORIDA

RAYMOND BRADLEY,
Petitioner,

v.

Case No.: F-72-722882

STATE OF FLORIDA
Respondent.

FILED FOR RECORD
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**APPLICATION FOR
SENTENCE REVIEW HEARING**

Now Come the Qualified Offender, Raymond Bradley, hereinafter called "qualified offender", respectfully moves this Honorable Court to hold a sentence review hearing. This application and request is being filed to Florida Rules of Criminal Procedure 3.802(b)(3) and Florida Statute 921.1402. The following is being submitted and presented to this Court as grounds for relief:

GROUND FOR RELIEF

The Qualified Offender is aware that there are two (2) requirements in which an Qualified Offender or Youthful Offender must meet, (1) The crime must have been committed before July 1st, 2014, and (2) the sentence

imposed on the qualified offender as youthful offender must be a life sentence or a equivalent of a life sentence. See *Pedroza v. State*, 291 So.3d 541, 548 (Fla. 2020).

The qualified offender Raymond Bradley was tried and convicted of his crimes on June 21, 1972 and sentence to life on June 21, 1972 so the qualified offender has met both terms and requirements. See *Drayton v. State*, 321 So.3d 921, 921 (Fla. 1st DCA 2021). Florida Legislature has enacted Ch. 2014-220, Law of Florida which has been codified in 775.082, 921.1401 and 921.1402, Fla. Stat. Chapter 2014-220 requires that juvenile offenders (as qualified offenders) who committed offenses before July 1st, 2014 receive a review hearing and an opportunity for early release after serving 15, 20, or 25 years depending on the crime committed and the length of the prison sentence. See *Warthen v. State*, 265 So.3d 695, 2019.

In *Williams v. State* 211 So.3d 1070, 2017 the offender served 15 years of his life sentence and in *Elkin v. State*, 249 So.3d 1316, 2018 the offender applied for sentence review after serving 15 years.

CONCLUSION/RELIEF REQUESTED

WHEREFORE, the qualified offender Raymond Bradley humbly request that a sentence review hearing is granted. If such hearing is granted the qualified offender will need for this Honorable court to appoint

the Petitioner Raymond Bradley counsel for his sentence review hearing ...
The Petitioner is indigent (Fla. Stat. 57.085), and does not plan to use or
utilizes his right to self representation.

CERTIFICATE OF SERVICE

I Hereby Certify that a true and correct copy of this Application for
Sentence Review has been furnished to the state Attorney's Office located
at 1351 N.W. 12th Street, Miami, Florida 33168. This was done via U.S.
Postal The below Inmate Qualified offender certify that he has placed this
legal document in the hands of the Legal Mail staff for mailing out ... this
was done on the _____ of 7-5, 2023.

Sign Raymond Bradley
Raymond Bradley ID# 034973
Dade Correctional Institution
19000 SW 377th Street
Florida City, Florida 33034-6409

Legal Mail
Received
JUL 05 2023
Dade C.I.

Legal Mail
Received
AUG 08 2023
Dade C.I.

Legal Mail
Received
AUG 09 2023
Dade C.I.

Legal Mail
Received
JUL 11 2023
Dade C.I.

6-18-2023

I, Raymond A Bradley

would like to take you on a journey that started in 1972, when I was just seven-teen 17th year old. a juvenile. I'm no longer the person I use to be, I'm now 69th year old. I was convicted and sentenced to life and (30) in June 21, 1972 for first degree murder on a Coral Gables police office, I have been incarcerated since (1972)

as of this moment, I have been disciplinary free now for (28th) long years. the Department of Corrections files will show my over all conduct has been above satisfactory even now. in (1999) at Belle Glade Corrections institution, I was transfer to Glade work camp with a life sentenced. my custody level was lowered to minimum, which put me out side the institution gate. on a work squad. for (5) five years I worked out side on a squad. I move on with my life, in 2005 I was transfer from the work camp, to pompano FL, work release center which I earned a little more freedom, where I was allowed to go home every weekend to be with my family I NEVER got into any trouble. I were doing great. I even worked Davie Highway Patrol Station, then out of no where the FL Parole Commission, no given reason suspended my release date of 6-21-2007. the Commission still haven't given me a reason for suspending my release date, and today my institutional file show tentative release date to 6-21-2007

years have gone by and I'm still with out any disciplinary acts, and why is teens sentenced to life sentences are taken back to court and resented to a term of

time working out side in the community problems and the adjustments that I have at that point shows that I am entitled to a

cc
Exh: Bif / 11

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

CASE NO. F72-722882
SECTION: 15
JUDGE: MIGUEL DE LA O

STATE OF FLORIDA,

Plaintiff,

vs.

MOTION TO VACATE ILLEGAL
SENTENCE

RAY BRADLEY

Defendant.

The defendant, Ray Bradley, by and through undersigned counsel, and, pursuant to Florida Rule of Criminal Procedure 3.781 and 3.850, and *Falcon v. State*, 162 So. 3d 954 (Fla. 2015) and *Arwell v. State*, — So. 3d —, No. SC14-193 (Fla. Jun. 9, 2016), moves this Court to vacate his illegal sentence. In support of this motion, the defendant states as follows:

Statement of Facts

1. On February 24, 1972, the defendant was charged by indictment with one count of first degree murder stemming from an incident that occurred on January 21, 1972.
2. The defendant was born on February 4, 1954, and was 17 years old at the time of the offense.
3. On June 21, 1972, in exchange for the State of Florida to waive the death penalty the defendant pled guilty to the charge and received a life sentence with parole.
4. At the sentencing hearing, the trial court did not consider the factors contained in Florida Statute 921.1401.
5. At the time of the defendant's sentencing he would have been eligible for parole consideration.

6. The defendant's presumptive parole release date is currently suspended. He had a previous presumptive parole release date in 2007.
7. The defendant has not had a disciplinary report in prison since April 5, 1997.
8. The defendant has served 45 years in prison.
9. The defendant's sentence currently does not provide for any judicial review, and does not contain a meaningful or realistic opportunity for release.

Legal Argument

"[C]hildren are constitutionally different from adults for purposes of sentencing." *Miller v. Alabama*, 132 S.Ct. 2455, 2464 (2012). Because juveniles have "lessened culpability," they are "less deserving of the most severe punishments." *Graham v. Florida*, 560 U.S. 48, 68 (2010) (citing *Roper v. Simmons*, 543 U.S. 551, 569 (2005)). This reduced culpability stems from the fact that juveniles, as compared to adults, "have a 'lack of maturity and an underdeveloped sense of responsibility'; they are more vulnerable or susceptible to negative influences and outside pressures, including peer pressure; and their characters are 'not as well formed.'" *Id.* (quoting *Roper*, 543 U.S. at 569-70).

In light of the above, *Miller* held that imposing a mandatory sentence of life without parole on a juvenile convicted of homicide violates the Eighth Amendment. *Miller*, 132 S.Ct. at 2460. The Court emphasized that the "foundational principle" of *Roper* and *Graham* is that the "imposition of a State's most severe penalties on juvenile offenders cannot proceed as though they were not children." *Id.* at 2466. Although *Miller* did not "foreclose a sentencer's ability to [sentence a juvenile to life in prison] in homicide cases, we require it to take into account how children are different..." *Id.* at 2469 (emphasis added). It is therefore mandatory for trial courts to consider the mitigatory effect of a juvenile's "youth and attendant characteristics" before "imposing a particular penalty." *Id.* at 2471.

In *Atwell v. State*, — So. 3d —, No. SC14-193 (Fla. May 26, 2016), the Florida Supreme Court held that imposing an automatic sentence of life with parole on a juvenile violates *Miller*. This holding stemmed from the fact that Florida's parole process "fails to take into account the offender's juvenile status at the time of the offense, and effectively forces juvenile offenders to serve disproportionate sentences of the kind forbidden by *Miller*." *Id.* at *4. Because the "Eighth Amendment categorically prohibits certain punishments without considering a juvenile's lessened culpability and greater capacity for change," *id.* at *15 (quotations omitted), the defendant's mandatory life sentence must be vacated and this matter set for resentencing "in conformance with chapter 2014-220." *Id.* at *5; Fla. R. Crim. P. 3.781(a).

The constitutional deficiencies with the defendant's sentence began with the initial sentencing hearing itself. As noted, *Miller* established the "requirement of individualized sentencing considerations for juvenile offenders." *Atwell*, No. SC14-193 at *2. The pre-1994 first-degree murder statute, however, required a mandatory sentence of death or life in prison following a conviction for first degree murder. § 775.082(1), Fla. Stat. (1992). Consequently, it "treated juveniles exactly like adults and precluded any individualized sentencing consideration." *Id.* at *2.

Florida's parole system likewise fails to "provide for individualized consideration of [a defendant's] juvenile status at the time of the murder," as required by *Miller*. *Id.* at *1. The parole criteria applied by the commission instead "give primary weight to the seriousness of the offender's present criminal offense and the offender's past criminal record." § 947.002, Fla. Stat. (2015). The parole commission has no obligation to consider mitigating circumstances, and none of the enumerated mitigators recognized by it "provide for the level of consideration of the diminished culpability of youth at the time of the offense as sentencing judges now consider

post-*Miller*.” *Atwell*, No. SC14-193 at *7 (citing § 947.172(3), Fla. Stat. (2015)). In the same vein, none of the enumerated mitigators in Fla. Admin. Code R. 23-21.010 “have specific factors tailored to juveniles. In other words, they completely fail to account for *Miller*.” *Id.* at *8.

“Even a cursory examination of the statutes and administrative rules governing Florida’s parole system demonstrates that a juvenile who committed a capital offense could be subject to one of the law’s harshest penalties without the sentencer, or the Commission, ever considering mitigating circumstances.” *Id.* Unlike the individualized sentencing contemplated by *Miller* and now required by section 921.1401, the parole process treats juveniles like “miniature adults.” *See Miller*, 132 S.Ct. at 2470. As a result, in Florida a sentence of life with the possibility of parole for first-degree murder “actually resembles a mandatorily imposed life sentence without parole that is not ‘proportionate to the offense and the offender.’” *Atwell*, No. SC14-193 at *7 (quoting *Horsley*, 160 So. 3d at 406).

From the initial sentencing hearing to the parole criteria employed by the parole commission, the defendant has been afforded “no special protections” and “no consideration of [his] diminished culpability [as a] youth at the time of the offense.” *Id.* at *9. “Parole is, simply put, ‘patently inconsistent with the legislative intent’ as to how to comply with *Graham* and *Miller*.” *Id.* (quoting *Horsley*, 160 So. 3d at 395). Because the defendant has never “receive[d] the type of individualized sentencing consideration *Miller* requires,” he must be resentenced “in conformance with chapter 2014-220.” *Id.* at *10.

Conclusion and Nature of Relief Sought

WHEREFORE, the defendant respectfully requests this Court to vacate the unconstitutional life sentence in this case and set this matter for a re-sentencing hearing pursuant to sections 775.082(1)(b) and 921.1401.

I CERTIFY that a copy of this Motion has been hand-delivered to and/or eServed upon the Office of the State Attorney, 1350 NW 12th Avenue, Miami, Florida 33136 on December 13, 2016.

Respectfully submitted,

CARLOS J. MARTINEZ
Public Defender
Eleventh Judicial Circuit of Florida
1320 NW 14 Street
Miami, Florida 33125
(305) 545-1958

BY: _____

Gale Lewis
Assistant Public Defender
Florida Bar No. 0899127

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,

vs.

RAY BRADLEY,
Defendant

Case No: F72-722882

Judge Lisa Walsh

FILED

JUL 11 2019

CLERK

ORDER DENYING DEFENDANT'S MOTION TO VACATE ILLEGAL SENTENCE

THIS CAUSE, having come before the Court on the Defendant's "Motion to Vacate Illegal Sentence" and this Court having reviewed the motion, and being otherwise fully advised in the premises therein, hereby **DENIES** the Defendant's "Motion to Vacate Illegal Sentence" on the following grounds:

In accordance with the Third District Court of Appeal's opinion issued June 5, 2019, the Circuit Court order entered by the Honorable Miguel de la O granting the Defendant's "Motion to Vacate Illegal Sentence" is hereby **VACATED**.

ORDERED AND ADJUDGED that the Defendant's "Motion to Vacate Illegal Sentence" is hereby **DENIED**.

The Defendant, Ray Bradley, is hereby notified that he has the right to appeal this order to the District Court of Appeal of Florida, Third District, within thirty (30) days of the signing and filing of this order.

In the event that the Defendant takes an appeal of this order, the Clerk of the Court is hereby ordered to transport, as part of this order, to the appellate court the following:

1. Defendant's "Motion to Vacate Illegal Sentence"
2. The Third District Court of Appeal's June 5, 2019 order
3. This order

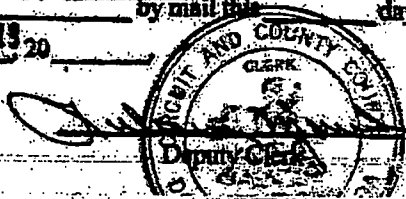
DONE AND ORDERED at Miami, Miami-Dade County, Florida, this the 11 day of

July, 2019


Lisa Walsh
CIRCUIT JUDGE

cc: Assistant State Attorney Genevieve Valle
Assistant Public Defender Gale Lewis, Counsel for Defendant

I CERTIFY that a copy of this order has been furnished to
ATTORNEY CARLOS J. MARTINEZ
the 30 day by mail this 11 day
of JUL 23 2019



Third District Court of Appeal

State of Florida

Opinion filed June 5, 2019.

Not final until disposition of timely filed motion for rehearing.

No. 3D17-726

Lower Tribunal No. 72-722882

The State of Florida,
Appellant,

vs.

Ray Bradley,
Appellee.

FILED FOR RECORD
2019 JUN 24 PM 4:27
CLERK, CIRCUIT COURT, MIAMI-DADE COUNTY, FLA.
CRIMINAL #15

An Appeal from the Circuit Court for Miami-Dade County, Miguel M. De La O, Judge.

Ashley Moody, Attorney General, and Nikole Hiciano, Assistant Attorney General, for appellant.

Carlos J. Martinez, Public Defender, and Jonathan Greenberg, Assistant Public Defender, for appellee.

Holland & Knight and Frances Guasch De La Guardia, Miriam Ramos, City Attorney, for City of Coral Gables, as amicus curiae.

Before EMAS, C.J., and SALTER and FERNANDEZ, JJ.

PER CURIAM.

On Remand from the Supreme Court of Florida

Upon consideration of the opinion of the Supreme Court issued May 3, 2019,¹ quashing this Court's opinion of May 30, 2018, in this case,² the Court withdraws its opinion of May 30, 2018, and substitutes the following opinion in its place and stead.

The circuit court order of March 17, 2017, granting defendant/appellee Ray Bradley's motion to vacate illegal sentence pursuant to Florida Rule of Criminal Procedure 3.800, is hereby vacated. The case is remanded to the trial court for entry of an order denying Bradley's motion. State v. Michel, 257 So. 3d 3 (Fla. 2018); Franklin v. State, 258 So. 3d 1239 (Fla. 2018).

Reversed and remanded.

¹ State v. Bradley, No. SC18-922 (Fla. May 3, 2019).

² State v. Bradley, 43 Fla. L. Weekly D1213 (Fla. 3d DCA May 30, 2018).