

No.

IN THE SUPREME COURT OF THE UNITED STATES

TREVANTE TURNER, *Petitioner*

v.

STATE OF FLORIDA, *Respondent*

*ON PETITION FOR A WRIT OF CERTIORARI TO
THE FOURTH DISTRICT COURT OF APPEAL OF FLORIDA*

APPENDIX TO PETITION FOR A WRIT OF CERTIORARI

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DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT

TREVANTE TURNER,
Appellant,

v.

STATE OF FLORIDA,
Appellee.

No. 4D2025-0098

[June 4, 2026]

Appeal from the Circuit Court for the Fifteenth Judicial Circuit, Palm Beach County; Caroline Shepherd, Judge; L.T. Case No. 502023CF002448AXXXMB.

Olivia McBride Goodman of O'Brien Hatfield, P.A., Tampa, for appellant.

James Uthmeier, Attorney General, Tallahassee, and Paul Patti, III, Senior Assistant Attorney General, West Palm Beach, for appellee.

PER CURIAM.

Affirmed.

KUNTZ, C.J., LEVINE and SHAW, JJ., concur.

* * *

Not final until disposition of timely-filed motion for rehearing.

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT, 110 SOUTH TAMARIND AVENUE, WEST PALM BEACH, FL 33401

July 9, 2026

TREVANTE TURNER,
Appellant(s)

v.

STATE OF FLORIDA,
Appellee(s)

CASE NO. - 4D2025-0098

L.T. No. - 502023CF002448AXXXMB

BY ORDER OF THE COURT:

ORDERED that Appellant's June 25, 2026 motion to file supplemental brief is denied.

Served:

Crim App WPB Attorney General

Olivia McBride Goodman

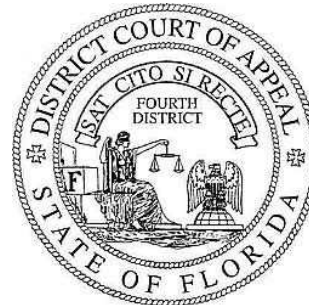
Paul Patti, III

Palm Beach Public Defender

KTH

I HEREBY CERTIFY that the foregoing is a true copy of the court's order.


LONN WEISSBLUM, Clerk
Fourth District Court of Appeal
4D2025-0098 July 9, 2026



STATEMENT OF THE CASE AND FACTS

A. Procedural History

Appellant was charged by Amended Information eight counts (Counts One through Five, and Nine through Eleven) of sexual battery of a minor 12 years of age or older, but less than 16 years, while Appellant was in a position of familial or custodial authority; and three counts (Counts Six through Eight) of lewd or lascivious battery of a minor 12 years of age or older, but less than 16 years. (R-227-231).

On January 16, 2024, the State filed a Notice of Intent to Admit Child Hearsay. (R-130-35). Appellant filed a written Objection to the State's Notice of Intent on February 17, 2024, followed by additional written argument on April 5, 2024. (T-160-87). Following a hearing on April 1, 2024, a written order granting the admissibility of the child hearsay evidence was entered on April 18, 2024. (R-217-222).

On February 17, 2024, Appellant filed a written Objection to a Six-Person Jury and Motion for a Twelve-Person Jury, and a Motion for Jury Questionnaire. (R-141-49, 150-59).

Appellant filed written his first Motions in Limine on February 17, 2024, requesting to:

- Preclude testimony from the State characterizing the allegations as "rape, sexual abuse, or molestation."

- Preclude testimony from CPT interviewer Pamela Artlip-Denson from testifying about “positive findings of sexual abuse.”
- Preclude the State from referring to E.L. as a “victim.”
- Preclude evidence regarding other crimes, collateral conduct, or bad acts not charged in the Information.

(R-160-70). The Second Defense Motion in Limine was filed on April 15, 2024, requesting redactions to Appellant’s recorded statements to law enforcement over the State’s objection. (R-196-201). The Third Defense Motion in Limine was filed on April 18, 2024, requesting redactions to the CPT interview of E.L. (R-210-216).

Following trial, on September 20, 2024, the jury returned a verdict of guilty as charged as to Counts One, Two, Three, Four, Six, Seven, Eight, Nine, Ten, and Eleven. For Count Five, the jury acquitted Appellant of sexual battery and found that Appellant was guilty only of the lesser-included offense of lewd and lascivious molestation without penetration. The jury made special findings of penetration for Counts One, Two, Three, Four, Nine, Ten, and Eleven. (R-310-16).

Appellant filed a Renewed Motion for Judgement of Acquittal on September 29, 2024. (T-323-29). The State was ordered to respond and filed its written response on October 23, 2024. (R-331-36). Renewed judgement of acquittal was denied by written order on November 13, 2024. (R-337-38).

A motion for downward departure sentencing was filed on January 7, 2025. (R-339-51). Appellant's sentencing hearing was conducted on February 7, 2025. Appellant's motion for downward departure was denied. For Counts One through Four, Nine, Ten, and Eleven, Appellant was sentenced to life. As to Counts, Six, Seven, and Eight, the Court imposed concurrent 15-year sentences as to each count. (R-658). Appellant was also designated a sexual predator pursuant to Chapter 794 and § 847.0145. (R-658).

Appellant's notice of appeal was timely filed on January 10, 2025. (R-365-66). Appellant remains incarcerated today.

POINT TWO

THE TRIAL COURT ABUSED ITS DISCRETION IN DENYING APPELLANT'S PRETRIAL MOTIONS

A. Standard of Review

A trial court's ruling as to a motion in limine is reviewed under the abuse of discretion standard. *Edwards v. State*, 39 So. 3d 447, 448 (Fla. 4th DCA 2010). "However, the trial court's discretion is limited by the rules of evidence, and a trial court abuses its discretion if its ruling is based on an 'erroneous view of the law or on a clearly erroneous assessment of the evidence.'" *Id.* (quoting *McDuffie v. State*, 70 So.2d 312, 326 (Fla. 2007)).

B. Argument on the Merits

Appellant filed several pretrial motions and motions in limine to exclude irrelevant and prejudicial evidence. As discussed in detail for each motion below, the lower court abused its discretion in denying Appellant's Motions in favor of the State, and Appellant is therefore entitled to a new trial free from prejudice.

i. Motion for a 12-Person Jury

On February 17, 2024, Appellant filed a motion requesting that his case be tried in front of a 12-person jury rather than a six-person jury, asserting that a six-person jury was unconstitutional under the Sixth and Fourteenth Amendments of the Constitution of the United States. (R-141-

49). This motion was denied by the trial court, and Appellant's case was tried by a six-person jury. (R-410-20).

Appellant recognizes that the state constitution provides that the "qualifications and the number of jurors, not fewer than six, shall be fixed by law," see art. I, § 22, Fla. Const.; that section 913.10, Florida Statutes, provides for six jurors except in capital cases (see also Fla. R. Crim. P. 3.270); and that the Supreme Court held in *Williams v. Florida*, 399 U.S. 78, 86 (1970), that juries as small as six were constitutionally permissible. However, Appellant asserts that *Williams* is impossible to square with the Supreme Court's ruling in *Ramos v. Louisiana*, 140 S. Ct. 1390 (2020), which concluded that the Sixth Amendment's "trial by an impartial jury" requirement encompasses what the term "meant at the Sixth Amendment's adoption." *Id.* *Ramos* held that the Sixth Amendment requires a unanimous verdict to convict a defendant of a serious offense. In reaching that conclusion, the *Ramos* Court overturned *Apodaca v. Oregon*, 406 U.S. 404 (1972), a decision that it faulted for "subject[ing] the ancient guarantee of a unanimous jury verdict to its own functionalist assessment." 140 S. Ct. at 1401-02.

That reasoning undermines *Williams* as well. *Ramos* rejected the same kind of "cost- benefit analysis" the Court undertook in *Williams*, observing that it is not the Court's role to "distinguish between the historic features of

common law jury trials that (we think) serve ‘important enough functions to migrate silently into the Sixth Amendment and those that don’t.’” 140 S. Ct. at 1400-01. Ultimately, the *Ramos* Court explained, the question is whether “at the time of the Sixth Amendment’s adoption, the right to trial by jury included” the particular feature at issue. *Id.* at 1402. As the history summarized above establishes, there can be no serious doubt that the common understanding of the jury trial during the Revolutionary War era was that twelve jurors were required—“a verdict, taken from eleven, was no verdict at all.” See 140 S. Ct. at 1395 (quotation marks omitted).

Therefore, Appellant respectfully asserts that his trial before a jury of only a six-person jury was violative of the Sixth and Fourteenth Amendment to the Constitution of the United States. Appellant requests this Court to reverse and remand this matter for a new trial before a 12-person jury.

ii. Motion to Exclude Evidence of Suicidal Ideations

Appellant filed a motion in limine and request for redactions to prevent evidence related to perceived suicidal ideations by Appellant after he and E.L. were found together into the garage. Appellant’s motion was denied. (R-196-200, 495-507, 552). The entire family was immediately notified of what Jesse L. discovered in the garage, and an altercation erupted. Appellant left the house, drove around, and later sent Jospeh L. a text

message: “If the sherrifs are still there let them know they’ll find me in my car somewhere on alligator alley unresponsive so I won’t be a threat.” (R-678). During Appellant’s interrogation, the detectives made several comments about Alligator Alley and Appellant contemplating suicide. (R-197-98).

In *Sloan v. State*, 104 So. 3d 1271 (Fla. 4th DCA 2013), after the defendant learned that an investigation had commenced against him for molestation of a child, the defendant fled the State and told witnesses that he was doing so because the victim had produced “very stressful circumstances” and because he believed the child’s parent was trying to have him arrested. Law enforcement later indicated that Appellant had made a suicide attempt to avoid prosecution. *Id.* at 1272. The defendant challenged the trial court’s ruling to admit this evidence on appeal, and the Fourth District walked through the *Penalver* analysis. *Penalver v. State*, 926 So.2d 1118 (Fla. 2006). In *Penalver*, the Supreme Court of Florida found that a defendant’s statements that he “might as well be dead” or that he “want[ed] to kill [himself]” were insufficient to suggest a nexus between the defendant’s actions and a desire to evade prosecution. *Id.* at 1134.

The *Sloan* opinion applied the *Penalver* analysis but arrived at a different conclusion and affirmed the lower court’s ruling. *Sloan*, 104 So. 3d at 1272-74. The defendant in *Sloan* took clear steps to evade prosecution

by leaving the state, told others that he was intending to leave to evade arrest, and then made a clear suicide attempt.

Unlike the defendant in *Sloan*, Appellant never manifested a clear intent to evade prosecution. Appellant never fled the state to avoid arrest, and actually agreed to come speak with detective for hours that same day that the text messages were sent. Appellant never attempted suicide. The message in question was specifically sent to Appellant's husband, and in the context of the messages Appellant was expressing heartbreak and grief over what he perceived as the certain end to their marriage and partnership, rather than contemplation of potential prosecution or punishment. Appellant specifically said that he did not want law enforcement to be worried that he was a threat. Therefore, the facts of this case were insufficient to prove a suicide attempt showing consciousness of guilt.

The evidence was prejudicial because the jury was presented with vague testimony implying that Appellant was erratic, manipulative, and that he knew he was guilty of molesting a child, all designed to paint him in a negative light. Any probative value, which Appellant asserts was none, was far outweighed by the danger of unfair prejudice, confusion of issues, misleading the jury, or needless presentation of cumulative evidence. §

90.403, *Fla. Stat.* (2022). Accordingly, the Appellant is entitled reversal of the conviction and sentence or, in the alternative, a new trial by jury.

iii. Motion to Exclude Statements Regarding E.L. "Pleading"

Appellant filed a Motion in Limine to exclude portions of his interrogation where detectives told Appellant that E.K. was pleading for his mother as an interrogation tactic: "Then on top of that you have [E.L.] pleading with his mom, 'I'm so sorry, mom. I don't want you to feel pain anymore. I'm sorry, mom.' He's pleading with his own mom so he's conflicted." The defense objected to the admission of these statements as irrelevant, inflammatory, confusing, misleading as to the ultimate issues in this case and unduly prejudicial. (R-533). See §§ 90.401-90.402, *Fla. Stat.* Relevant evidence "is inadmissible if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of issues, misleading the jury, or needless presentation of cumulative evidence." § 90.403, *Fla. Stat.*, *See also, Steverson v. State*, 695 So.2d 687 (Fla. 1997).

These statements had zero relevance to for the State's case, and what little relevance could be attributed to them was far outweighed by the danger of unfair prejudice, confusion, misleading the jury as to the ultimate issues. A child pleading for his mother is the exact type of evidence that would inflame the passions of the jury, and cause them to make decisions based

on considerations outside of whether the State had met their burden. Further, the statements were inherently confusing, and Jesse L.'s tragic circumstances (her home burning down, the death of her husband, her physical injury) were also improperly highlighted by this portion of the record, casting her in a very sympathetic light for the jury.

These statements did not go to any material fact at issue. Nothing about the State's case would have been prejudiced by the exclusion of these statements. However, Appellant was materially harmed when the jury was permitted to hear these highly-emotional statements that E.L. was pleading to his mother, and that he did not want his mother to feel any more pain. The trial court abused its discretion in denying Appellant's motion in limine, and Appellant requests that this Court reverse and remand this matter for a new trial free from such error.

iv. Motion to Exclude Portions of CPT Interview

The Appellant filed a motion in limine to exclude certain portions of the CPT interview after Appellant's objection to the introduction of the child hearsay was overruled. (R-210-16). The court overruled Appellant's objections in several key aspects: statements related to the death of E.L.'s father and the grief of E.L.'s family (R-579-80); E.L.'s opinions that Appellant was not a good husband to Joseph L. because he took him on dates only

out of pity (R-580-82); and that E.L. had a panic attack after his mother found him with Appellant (R-591-93).

These portions of E.L.'s CPT interview were not relevant, as they did not tend to prove or disprove any material issue in this case. § 90.401, Fla. Stat. Further, any relevance (which was none) of the traumatic impact of the death of E.L.'s father, E.L.'s negative opinions of Appellant, and E.L.'s panic attacks, was outweighed by the danger of unfair prejudice, confusion of the issues, and misleading the jury. Additionally, E.L.'s negative opinions of Appellant were an improper character evidence and improper comment on Appellant's credibility. *Jackson v. State*, 107 So.3d 328, 339 (Fla. 2012). Finally, the comments were outside the scope of descriptions of child sexual abuse as delineated by Fla. Stat. § 90.803(23).

The trial court abused its discretion in partially denying Appellant's motion in limine, and Appellant respectfully requests that this Court reverse and remand this matter for a new trial free from such error.