

THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT,
IN AND FOR BROWARD COUNTY, FLORIDA

STATE OF FLORIDA,

CASE NO.: 18-1958CF10A

Plaintiffs,

JUDGE: ELIZABETH SCHERER

VS.

NIKOLAS CRUZ,

Defendant,

_____ /

NOTICE OF FILING

THIS CAUSE has come before the Court upon the receipt of the attached,

CORRESPONDENCE RECEIVED IN CHAMBERS

on October 13th, 2022, regarding the above named defendant in this case.

Done and Ordered at Fort Lauderdale, Broward County, Florida, this 13th day of
October, 2022.



ELIZABETH SCHERER
CIRCUIT COURT JUDGE

cc: Office of the State Attorney
Office of the Public Defender

Case Number: _____

JURY QUESTIONS DURING DELIBERATIONS

Your Honor,

I would like to notify you that Melody [redacted], one of the jurors in this case, heard jurors who voted for the death penalty stating that I had already made up my mind on voting for life before the trial started.

This allegation is untrue and I maintained my oath to the court that I would be fair and unbiased.

The deliberations were very tense and some jurors became extremely unhappy once I mentioned that I would vote for life.

I just wanted to make you aware of this matter. If you have any questions, please feel free to call me at [redacted].

All the best to you and yours,

[redacted signature]
Denise [redacted]

10-13-2022

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT,
IN AND FOR BROWARD COUNTY, FLORIDA

STATE OF FLORIDA,

Plaintiff,

v.

NIKOLAS JACOB CRUZ,

Defendant.

CASE NO. 18-001958CF10A

JUDGE: ELIZABETH SCHERER

(SF-229)

NOTICE TO THE COURT

The State of Florida, by and through the undersigned counsel, respectfully files the instant Notice to the Court:

On October 13, 2022, at 2:14 p.m., a support staff member at the State Attorney's Office received a phone message from a female juror in the above-captioned case. The juror told the support staff member that she wanted Mr. Satz to contact her. The juror said that she received what she perceived to be a threat from another juror while in the jury room. The juror provided her contact phone number to the support staff member.

No one from the State Attorney's Office returned the juror's phone call. The juror's identity and contact information will be provided to this Court and opposing counsel once this matter is set down for hearing.

I HEREBY CERTIFY that a true copy hereof has been furnished electronically on this
13th day of October, A.D 2022, to Attorneys for Defendant:

Public Defender's Office: APD Melisa McNeill, Esq., APD David Wheeler, Esq., APD Tamara
Curtis, Esq., and APD Nawal Bashimam, Esq.
Email: discovery@browarddefender.org; msly@browarddefender.org

Respectfully submitted,

/s/ Carolyn V. McCann
Carolyn V. McCann
Assistant State Attorney
Florida Bar #380393
Ph: 954-831-5893
Email: courtdocs@sao17.state.fl.us

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT,
IN AND FOR BROWARD COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,

CASE NO.: 18-1958CF10A

vs.

JUDGE: ELIZABETH SCHERER

NIKOLAS CRUZ,

Defendant.

_____ /

STATE'S MOTION TO INTERVIEW JUROR (SF-230)

The State of Florida, by and through the undersigned Assistant State Attorney, pursuant to Fla. R. Crim. P. 3.575, requests this Court grant an interview of one of the jurors in the State v. Nikolas Cruz trial, and in support thereof shows the following:

At approximately 2:14 p.m. on October 13, 2022, the day the verdict was rendered in the instant case, a juror who shall be referred to for purposes of this pleading as Juror X, called the Office of the State Attorney and requested to speak to Assistant State Attorney Michael Satz. Juror X spoke to a support staff member and informed the support staff member that during deliberations she received what she perceived to be a threat from a fellow juror while in the jury room. The State did not call Juror X back and instead, filed a Notice to the Court. Juror X's identity shall be disclosed to the Court *in camera*. The State¹ requests an interview be granted to investigate this serious allegation because a crime may have been committed.

¹ Rules of Professional Conduct Rule 4-3.5(d)(4) states "after dismissal of the jury in a case with which the lawyer is connected, initiate communication with or cause another to initiate communication with any juror regarding the trial except to determine whether the verdict may be subject to legal challenge; provided, a lawyer may not interview jurors for this purpose unless the lawyer has reason to believe that grounds for such challenge may exist; and provided further, before conducting any such interview the lawyer must file in the cause a notice of intention to interview setting forth the name of the juror or jurors to be interviewed. A copy of the notice must be delivered to the trial judge and opposing counsel a reasonable time before such interview. The provisions of this rule do not

Pozo v. State, 963 So.2d 831, 834 (Fla. 4th DCA 2007) is squarely on point. In *Pozo*, after the verdict, a juror wrote to the judge of her dismay over the jury deliberations. She further added that she was struggling with “the aggressive behavior by two of my fellow jurors.” Upon becoming aware of the *Pozo* juror’s letter, defense counsel filed a notice of intention to interview jurors, claiming that the letter reflected that this juror and possibly other jurors were concerned about possible repercussions to themselves.

Florida Rule of Criminal Procedure 3.575 provides the procedure for interviewing jurors in criminal cases and states:

A party who has reason to believe that the verdict may be subject to legal challenge may move the court for an order permitting an interview of a juror or jurors to so determine. The motion shall be filed within 10 days after the rendition of the verdict, unless good cause is shown for the failure to make the motion within that time. The motion shall state the name of any juror to be interviewed and the reasons that the party has to believe that the verdict may be subject to challenge. After notice, and hearing, the trial judge, upon a finding that the verdict may be subject to challenge, shall enter an order permitting the interview, and setting therein a time and a place for the interview of the juror or jurors, which shall be conducted in the presence of the court and the parties. If no reason is found to believe that the verdict maybe subject to challenge, the court shall enter its order denying permission to interview.

All that is required under Rule 3.575 is a statement of reasons why the verdict may be subject to challenge. Therefore, rejecting juror interviews for the failure to have sworn proof was in error. *Pozo, Id.* at 835.

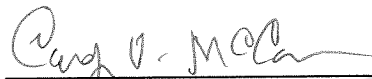
This Court has a duty to investigate this allegation. Since this is a potential crime, the State requests that law enforcement conduct the interview of Juror X rather than the Court or the parties. Other grounds to be argued *ore tenus*.

prohibit a lawyer from communicating with members of the venire or jurors in the course of official proceedings or as authorized by court rule or written order of the court.

WHEREFORE, for the aforementioned reasons, the State's Motion to Interview Juror should be GRANTED.

Respectfully submitted,

HAROLD PRYOR
State Attorney



Carolyn V. MCCANN, Esq.
Assistant State Attorney
Fla. Bar No. 380393
State Attorney's Office
201 SE 6th Street, 7th Floor
Fort Lauderdale, Florida 33301



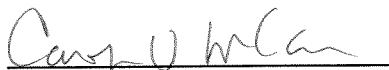
Carolyn Bandklayder, Esq.
Assistant State Attorney
Fla. Bar No. 737161
State Attorney's Office
201 SE 6th Street, 7th Floor
Fort Lauderdale, Florida 33301

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Response was furnished by U.S. Mail and email this 13th day of October, 2022 to: Office of the Public Defender, Attorneys for the Defendant: Melisa McNeill, Esq., David Wheeler, Esq., Tamara Curtis, Esq. and Nawal Bashimam, Esq.

Respectfully submitted,

HAROLD PRYOR
State Attorney


CAROLYN V. MCCANN