

**IN THE COUNTY COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT
IN AND FOR SEMINOLE COUNTY, FLORIDA**

**STATE OF FLORIDA,
Plaintiff,**

Case #: 59-2024 -MM-4847-A

vs.

**GIOVANI ANGELO WILLIAMS,
Defendant.**

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ORDER GRANTING NEW TRIAL

THIS CAUSE came to be heard before the Court on the Court's own Motion for New Trial based upon Florida Rule of Criminal Procedure 3.580. The Court, having heard the testimony presented, considered the evidence, the arguments of counsel and being otherwise fully advised in the premises, makes the following findings of fact and conclusions of law:

The Defendant's jury trial was held on February 18, 2025. During the trial, the Defendant took the stand in his own defense. On cross examination, the State inquired as the Defendant's prior felony convictions and crimes of dishonesty. The Defendant was unable or unwilling to answer the State's questions with a definitive answer. Thereafter, the State produced and sought to admit three (3) Judgment and Sentences as to the Defendant's prior felony convictions and one (1) Judgment and Sentence as to a crime of dishonesty. The Defense objected and argued that the State had not disclosed these Judgment and Sentences. The State admitted they had not disclosed the Judgment and Sentences because they believed they did not have to make such disclosure pursuant to the rules. The Defense argued that this

was improper impeachment and a discovery violation. The Court over-ruled the objection as to improper impeachment and also denied the Defense objection as to a discovery violation. The jury returned a verdict of Guilty and the Defendant was adjudicated Guilty by the Court.

During the Trial, the Court erred in its decision as to the alleged discovery violation. Florida Rule of Criminal Procedure 3.220(k) provides the prosecuting attorney must disclose:

Any tangible papers or objects that the prosecuting attorney intends to use in the hearing or trial and that were not obtained from or that did not belong to the Defendant. (Fl. R. Crim. P. 3.220(k)).

The Court erred in its belief that the Judgment and Sentences “belonged to the Defendant.” They are clearly tangible papers that were not obtained from nor belonging to the Defendant, and therefore, the Court should have held a Richardson hearing outside of the jury’s presence to determine if the violation of the discovery requirements prejudiced the Defendant’s right to a fair trial. (Carter v. State, 665 So.2d 1112 (Fla. 4th DCA 1996)). If such hearing had occurred, the Court may have concluded that the violation did procedurally prejudice the Defendant’s ability to prepare for trial because counsel for the Defendant was not able to properly advise their client prior to him taking the stand. Additionally, as a potential remedy of the violation, the Court may have excluded the Judgment and Sentences from being entered into evidence and, therefore, taken into the jury deliberations and potentially used by the jury in their ultimate determination as to the Guilt of the Defendant. As

the Defendant testified at trial, the Court finds that the credibility of the Defendant was a crucial aspect of the trial.

Pursuant to Florida Rule of Criminal Procedure 3.600, the Court shall grant a new trial if substantial rights of the Defendant were prejudiced because the Court erred in a decision of law arising during the course of the trial. (Fl. R. Crim. P. 3.600(b)(6)). THEREFORE, it is ORDERED AND ADJUDGED:

1. The Defendant's Judgment and Sentence is VACATED.
2. The Court hereby GRANTS the Defendant a new trial.
3. This matter shall be set for trial and placed on the next available Docket

Review before this Court.

DONE AND ORDERED in chambers, Sanford, Seminole County, Florida this Wednesday, March 5, 2025.

59-2024-MM-004847-A 03/05/2025 08:50:21 AM



Debra Krause, County Judge

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