

IN THE CIRCUIT COURT, SEVENTH
JUDICIAL CIRCUIT, IN AND FOR
FLAGLER COUNTY, FLORIDA

STATE OF FLORIDA,

v.

GIUSEPPE VERDONE, JR.,

Defendant.

CASE NO.: 2013-00904-CFFA
JUDGE J. DAVID WALSH

MOTION FOR NEW TRIAL

COMES NOW the Defendant, Giuseppe Verdone, Jr, by and through his undersigned Assistant Public Defender and moves this Honorable Court to grant a new trial because the weight of the evidence, credibility of witnesses is contrary to the verdict and improper comments:

1. The victim's memory was not consistent to all the details and was shown in his deposition that facts known in trial were not clearly known or articulated on the day of the incident and day of deposition. This is a material witness and would have probably produced a different result at trial.
2. During the defense's cross-exam, the interpreters would question defense about the nature and substance of the question rather than translating it to the witness as spoken which leads Defense to believe they were biased.
3. On more than one occasion, the interpreters and witness would converse during the cross-examination when a question was asked and not respond as to what was said during the conversation.
4. The State made an improper statement as to the law regarding the verdict.
5. The State made an improper statement "facts were being twisted as in this case" to the jury during its rebuttal to suggest that Defense was twisting the facts to mislead the jury thus seriously affected the fairness of the trial.
6. The testimony from St. John's case was unfairly prejudicial and defendant did not receive a fair and impartial trial.

WHEREFORE, Defendant prays this Honorable Court grant this Motion.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by delivery to: Christina Opsahl, Assistant State Attorney, 1769 East Moody Blvd., Bldg. #1, Bunnell, FL 32110, and to the defendant, on June 26, 2015.

/s/ Regina Nunnally

REGINA NUNNALLY

ASSISTANT PUBLIC DEFENDER

Florida Bar Number: 0638900

1769 East Moody Blvd., Bldg. #1

Bunnell, Florida 32110

(386) 313-4545

nunnally.regina@pd7.org