

APPEAL TRANSCRIPT

1 THE COURT: That's it? Okay.

2 Court will be in recess until 1:15 for the
3 attorneys.

4 (Court recessed at 12:44 p.m. and reconvened at
5 1:21 p.m., after which the following proceedings were
6 had:)

7 THE BAILIFF: All rise.

8 THE COURT: Please be seated.

9 Let's go back on the record.

10 State of Florida versus Jonathan Canales,
11 2014-00956.

12 All right. Let me start with -- Mr. Wood, have
13 you had enough time now to talk to Mr. Canales
14 about --

15 MR. WOOD: Yes, sir, I did.

16 THE COURT: All right. So, Mr. Canales, this is
17 where we talked about having a discussion on whether
18 you're going to testify in this case. So have you had
19 enough time to think about that and talk to your
20 attorney, Mr. Wood, about that decision?

21 THE DEFENDANT: I've thought about it. I'm going
22 to go ahead and plead the Fifth.

23 THE COURT: Okay. So you understand, you don't
24 have to say -- in other words, you don't have to take
25 the stand and plead the Fifth Amendment. All you have

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1 to do is tell me now that I'm not going to testify, if
2 that's your decision, and then Mr. Wood will not call
3 you as a witness. So the -- the jury -- you don't
4 have to get up in front of the jury and say, I plead
5 the Fifth Amendment or anything. You're just not
6 going to testify.

7 Did I get that correctly?

8 THE DEFENDANT: I'm pleading the Fifth.

9 THE COURT REPORTER: I'm sorry. I didn't hear
10 you.

11 THE COURT: I'm pleading the Fifth, is what he
12 said.

13 Are we saying the same thing?

14 MR. WOOD: I think you are, Judge.

15 THE COURT: Okay. Okay. Do you understand what
16 I'm saying?

17 THE DEFENDANT: Yeah.

18 THE COURT: Okay. Okay. So that being said --

19 MS. CLARK: And if we could just be clear, so
20 that when we visit this, if we ever have to visit this
21 again, he understands he can take the stand, but he's
22 choosing not to take the stand?

23 THE COURT: That's my understanding. And I'll
24 clarify that.

25 Again, Mr. Canales, I don't want to belabor this,

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1 but I do want to make sure you and I are on the same
2 page.

3 So you understand you have the right to testify
4 in this case. Right?

5 THE DEFENDANT: Uh-huh.

6 THE COURT: And you have the right not to testify
7 in this case.

8 THE DEFENDANT: Right.

9 THE COURT: And you're exercising your right not
10 to testify in this case. Correct?

11 THE DEFENDANT: Correct.

12 THE COURT: All right. Very good.

13 Thank you, sir.

14 MS. CLARK: Thank you.

15 THE COURT: Thank you for clarifying that with
16 us.

17 Okay. So that being said, on timing, we are
18 going to -- when we get the jury back in, I'm going to
19 ask you to call your next witness, you can rest.

20 Rebuttal from the State?

21 MS. CLARK: Just one brief witness, Judge, with
22 Anna Cox. I don't think she'll take very long.

23 THE COURT: Okay. So then we'll get Ms. Cox.
24 And then following Ms. Cox, closings, and then we'll
25 get the instructions and I'll read the instructions.