

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT

IN AND FOR BREVARD COUNTY, FLORIDA

STATE OF FLORIDA,

Plaintiff,

v. CASE NO.: 05-2007-CF-048580-AXXX-XX

LARRY DONELL GOODMAN,

Defendant.

**DEFENDANT’S OMNIBUS MOTION FOR NEW TRIAL AND POST-CONVICTION RELIEF
BASED ON NEWLY DISCOVERED EVIDENCE (EXHIBIT A) AND CUMULATIVE TRIAL AND
CONSTITUTIONAL ERRORS (EXHIBITS B–J)**

COMES NOW the Defendant, LARRY DONELL GOODMAN, by and through undersigned counsel, and respectfully moves this Honorable Court for an Order granting a new trial, vacating his conviction and sentence, and/or providing post-conviction relief. This Motion is grounded upon newly discovered evidence (Exhibits A1 & A2) and a pervasive pattern of cumulative trial, procedural, and constitutional errors (Exhibits B through J). In support thereof, Defendant states as follows:

I. PRELIMINARY STATEMENT & SUMMARY OF THE ARGUMENT

1. A criminal defendant is entitled to a fair trial under the Due Process Clauses of the Fifth and Fourteenth Amendments to the United States Constitution and Article I, Section 9 of the Florida Constitution. When newly discovered evidence undermines confidence in the outcome of a conviction, or when a series of individual errors cumulatively deprives a defendant of a fundamental fair trial, relief must be granted.
2. Newly discovered evidence in the form of a sworn statement (Exhibit A) establishes critical factual contradictions and supports Defendant’s claim of innocence/improper conviction.
3. Furthermore, when analyzed in conjunction with Exhibits B through J, the cumulative impact of judicial misconduct, lack of oath, unconstitutional speedy trial violations, discovery withholding, improper sentence enhancements, and structural trial defects demonstrates that Defendant’s conviction and sentence cannot stand.

II. EXHIBIT A: NEWLY DISCOVERED EVIDENCE (SWORN STATEMENT)

4. **Newly Discovered Evidence Standard:** To obtain relief based on newly discovered evidence, the evidence must have been unknown by the trial court, by the party, or by counsel at the time of trial, and it must appear that the defendant or his counsel could

not have known it by the use of diligence. Second, the newly discovered evidence must be of such a nature that it would probably produce an acquittal on retrial. *See See v. State*, 496 So. 2d 128, 131 (Fla. 1986); *Jones v. State*, 709 So. 2d 512, 521 (Fla. 1998).

5. As set forth in Exhibit A (comprising 2 files), Defendant presents a newly discovered, sworn statement that directly impeaches core prosecution evidence and establishes material facts unknown at the time of trial despite due diligence.
6. Had this sworn statement been available to the finder of fact, it would have substantially altered the evidentiary picture, likely producing an acquittal or a different verdict upon retrial.

III. EXHIBITS B THROUGH J: CUMULATIVE ERRORS

Where individual errors might not independently warrant reversal, the cumulative effect of multiple errors can yield a trial so fundamentally unfair that it violates due process. *See State v. DiGuilio*, 491 So. 2d 1129 (Fla. 1986); *Heath v. State*, 648 So. 2d 660, 664 (Fla. 1994).

EXHIBIT B: Todd Corey Deratany Disbarment & Legal Misconduct

- **Evidence:** Exhibit B contains complete records and a summary detailing the disbarment, misconduct, and disciplinary history of Todd Corey Deratany.
- **Legal Analysis:** Representation or involvement by counsel subjected to severe professional misconduct/disbarment compromises a defendant's Sixth Amendment right to effective assistance of counsel. The systemic breakdown in representation reflected in Deratany's disbarment directly impaired Defendant's defense.

EXHIBIT C: "REFUSED" Speedy Trial Waiver

- **Evidence:** Exhibit C consists of the court records and accompanying summary showing an explicit "REFUSED" speedy trial waiver.
- **Legal Analysis:** Defendant explicitly refused to waive his fundamental right to a speedy trial under Rule 3.191, Florida Rules of Criminal Procedure, and the Sixth Amendment. Forcing Defendant to trial past the statutory and constitutional timeframes without a valid, signed waiver violated his constitutional right to a prompt trial and requires dismissal or vacatur.

EXHIBIT D: Total Absence / Non-Disclosure of Discovery

- **Evidence:** Exhibit D establishes the complete absence/withholding of compulsory discovery disclosures during trial proceedings.
- **Legal Analysis:** Suppressing or failing to disclose mandatory discovery violates *Brady v. Maryland*, 373 U.S. 83 (1963) and Rule 3.220, Florida Rules of Criminal Procedure. The State's failure to provide mandatory discovery deprived the defense of the ability to prepare an adequate defense, test prosecution evidence, or present exculpatory material.

EXHIBIT E: Trial Transcript Errors (Pages 228 and 229)

- **Evidence:** Exhibit E contains pages 228 and 229 of the original trial transcript.

- **Legal Analysis:** The transcript pages reveal critical trial court errors, improper evidentiary rulings, and improper statements before the jury that prejudiced Defendant's standing and compromised jury neutrality.

EXHIBIT F: Lack of Official Oath – Lawrence Johnston III

- **Evidence:** Exhibit F includes official email correspondence confirming the absence/lack of a required official oath for Lawrence Johnston III.
- **Legal Analysis:** An unsworn official or officer of the court acting in an official capacity without taking the constitutionally required oath violates basic jurisdictional prerequisites and due process, rendering the resulting trial proceedings legally defective.

EXHIBIT G: Four (4) Unconstitutional / Illegal Sentences

- **Evidence:** Exhibit G contains records establishing the imposition of four illegal sentences against Defendant.
- **Legal Analysis:** Under Rule 3.800(a), Florida Rules of Criminal Procedure, an illegal sentence that exceeds statutory limits or violates double jeopardy/due process standards must be corrected or vacated. The imposition of four separate illegal sentences constitutes fundamental error.

EXHIBIT H: Peacock Transcripts

- **Evidence:** Exhibit H contains official transcript records involving Judge Aaron J. Peacock.
- **Legal Analysis:** The transcripts reflect structural flaws, procedural irregularities, and judicial overreach during critical stages of the trial and post-conviction proceedings, compounding prejudice against Defendant.

EXHIBIT I: Winter Motion Proceedings & Reassignment Outcome

- **Evidence:** Exhibit I contains the court records and order regarding the Defendant's Motion for Disqualification (Administrative Order No. 25-33-B reassigning Judge Aaron J. Peacock's caseload to Judge Charlie Crawford).
- **Legal Analysis:** The abrupt reassignment of judicial caseloads following disqualification challenges highlights systemic judicial irregularities and conflicts within the circuit, further demonstrating an unreliable environment during Defendant's post-conviction and trial review processes.

EXHIBIT J: Ad-Hoc Verdict Form & Jury Instruction Modifications

- **Evidence:** Exhibit J includes the official transcription and analytical summary of the August 17–18, 2026 proceedings.
- **Legal Analysis:** During the August 2026 proceedings, the trial court improperly altered the "Statement of the Charge" and created an ad-hoc verdict process. Over defense counsel's continuous objections, the court removed the essential element of the date of the offense from the jury's province, erroneously ruling that the date was already established by the prior 2008 conviction. Removing required factual elements from the jury's determination improperly relieved the State of its constitutional burden of proof

beyond a reasonable doubt, violating *Apprendi v. New Jersey*, 530 U.S. 466 (2000) and Defendant's Sixth Amendment rights.

IV. CUMULATIVE ERROR DOCTRINE REQUIRES RELIEF

7. Even if any single exhibit (B through J) were deemed insufficient on its own to mandate a new trial, the **cumulative impact** of these errors—spanning unsworn officials, suppressed discovery, refused speedy trial waivers, disbarred counsel misconduct, illegal sentencing, and ad-hoc jury instructions—completely undermined the integrity of the trial process.
8. Combined with the newly discovered sworn statement in Exhibit A, the record demonstrates a fundamental miscarriage of justice that can only be remedied by vacating the conviction and ordering a new trial.

V. PRAYER FOR RELIEF

WHEREFORE, Defendant, LARRY DONELL GOODMAN, respectfully requests this Honorable Court to:

1. Grant an Evidentiary Hearing on the newly discovered evidence presented in Exhibit A;
2. Vacate Defendant's judgment and sentence in Case No. 05-2007-CF-048580-AXXX-XX;
3. Order a NEW TRIAL based on newly discovered evidence and cumulative errors detailed in Exhibits A through J; and
4. Grant any other relief that this Court deems just and proper.