

August 17-18, 2026
Transcription & Analysis

1st

Transcription

- **Judge:** All right, case number 2024-CF-52504 State... I sorry, wrong case number. Case number 2007-CF-48580, State versus Larry Donell Goodman.
- **Defense Counsel:** Just to let her know that we're starting... that we had to get started with the trial and to kind of let you know how she wants this handled.
- **Prosecutor:** I don't want to say too much, but I would like to address it because I haven't seen our client. And so if we need to issue a bench warrant...
- **Judge:** Okay, yeah. You can tell her to... if she's in the court house, which I assume she probably is, come up in your court... Okay, so Mr. Goodman, please raise your right hand to be sworn. Do you swear or affirm the testimony you give will be the truth, the whole truth, and nothing but the truth? Please state your full name and date of birth.
- **Defendant:** Larry Donell...
- **Judge:** All right, thank you. Okay, it's my understanding that counsel has gone over jury instructions and that we need to review them to discuss just a couple issues and then hopefully we can get started with the jury. So, can I have...
- **Prosecutor:** I emailed them to you, Your Honor.
- **Judge:** All right, so let's go page by page. We've got... Okay, starting with the first instruction: Introduction to Final Instructions. Any objection?
- **Defense Counsel:** No.
- **Judge:** Statement of the Charge...
- **Defense Counsel:** And obviously, this course is my biggest objection, Your Honor, is that one of the elements... the jury is required to find date that the offense... what it was committed. And here we have... including information that element... taking that out of the province of the jury... I do object to... date of the offense.
- **Judge:** Wait, that's what we went over yesterday. So...

- **Defense Counsel:** And I told Ms. Colon, you know, this is a new issue for everyone. I will fortune... quite a bit. Just that way, you know, this is something unclear, this... Florida needs guidance because you have the jury instructions... and then you have statutes which have not been modified. And so this is an issue that I think is going to be... I think a lot of... I don't want... I do to mess it up. So as far as the jury instructions, of course, it's ultimately upon the trial court to correctly instruct the jury. So I've given my input on certain matters to Ms. Colon, and I'll probably have other objections, but I just want to explain that, you know, I'm not doing this to be difficult, but there is no clear guidance in this case as far as substantive jury instructions. Now, to deal with this issue and everything, first, a finding of... we had to make, you know, alterations to the terminology and I don't think that is appropriate for myself or Ms. Colon to have to do. I think Supreme Court, Board of Bar, that should be on them. So, there will be other objections, but this one is probably going to be my most strenuous objection because this is a jury finding. There's only three elements that the jury is required to find, and this is relieving them of... taking it out of the province of the jury and also relieving the State of their burden to prove...
- **Prosecutor:** Just for the record, I know we discussed this yesterday, but again, he was previously found guilty by a jury back in 2008 when he was convicted, and the date of the offense was inherent in the conviction, is my argument. The jury has already found that he committed a home invasion robbery on that date of the offense that was listed in the information as part of the trial...
- **Judge:** Right. And yes, we did go over this yesterday, and you know, obviously, we took some time to discuss it because of some of the uncertainties. But, you know, I do tend to agree with the State, at least at this juncture, unless we're given additional guidance otherwise from the higher-ups. But the information is inherent in the conviction. That part of everything was done in the trial phase through the verdict. And, you know, so really the issue is... time period within the date of conviction or... the period of time between the two qualifying events.
- **Defense Counsel:** Yes, Your Honor. And again, I understand the complication of having a statute... offset 20 years ago... 2 decades after... And again, trying to preserve the record that way, all of these issues can be correctly brought to higher courts so they can make decisions whether... there is more guidance, more clear instructions on how to proceed. This is just... I object... that much is clear in the verdict. So I do... I will maintain my objection.
- **Judge:** Okay, so noted. All right, moving on to the next...
- **Prosecutor:** Your Honor, I'll give a point to bring this up. So, the verdict form, I know that we sort of briefly talked about it at the beginning, but it seemed like everybody agreed that the jury... only if you get the verdict form, you'll be able to see the verdict form from the trial. And so, I know Mr. Spallone... just to preserve the record, I believe he is

objecting to stipulating to the verdict form coming in. And so, I just want to... the reason why I'm bringing this up is because initially, I thought we put in the statement of the charge that they will see, you'll get a copy of the verdict form to tell them, or do we just...

- **Judge:** Whatever evidence they are given to consider is what they're given to consider. I don't... I mean, I don't think that they need to be told what they're going to be getting through the jury instructions.
- **Prosecutor:** Okay. I mean, there's arguments... that's what arguments are for, to help guide the jury.
- **Judge:** That's fine. Just for purposes of admitting it, then I will... I'll hold off on...
- **Judge:** Okay. Are you... Are you going to be seeking to admit a copy of it into evidence? Because I can take judicial notice of whatever I want. I mean, under the rules, but does that mean that they get a copy of it back in the jury room if it's not an exhibit? Judicial notice would be for the purpose of like authenticity or, you know, to affect its admissibility, but then are you going to be physically seeking admission of the document in evidence?
- **Prosecutor:** I will... I will ponder on that right now.
- **Judge:** All right, we've got habitual felony offender findings... Beyond the HFO findings...
- **Judge:** The other thing that we can do, just for the purpose of time, because I... I have to... The only thing I'm going to be reading to them right now, unless it's requested to read more, would be the preliminary instruction, which is standard. The final instructions would be after lunch.
- **Prosecutor:** That's fine. I typically like to show the at least elements portion. So, if we can at least just agree on that...
- **Judge:** Show it when?
- **Prosecutor:** During close... like during argument.
- **Judge:** So, during closings? Right, right. So, yeah, that's what I'm referring to as well. Like, the only thing right now that I would be reading to them is 2.1 preliminary instructions. And then we can get started with everything. When they break for lunch, you know, we can finish either on the front end of lunch or back end of lunch, we can finish going over the final instructions so that you have them, because I mean, we're going to have to launch into that pretty quickly prior to closings, and then you can use whichever instructions you want then.

- **Prosecutor:** Okay, fine.
- **Judge:** So, the only... Okay. Yeah, all of the instructions that you guys have proposed would... would be for that secondary phase, not... not for doing right now. So, we'll head to bring the jury in...
- **Defense Counsel:** And just handle these... after?
- **Judge:** When I dismiss them for lunch. All right, let's go ahead and bring them in. And then also, I'll read them the 2.1A note-taking by jurors.
- **Prosecutor:** Yeah, that's fine. I also... I need to print out the instruction for redactions... that will be read to them.
- **Judge:** So, is it 2.2 instruction on edited recording? Is that the one you're referring to, or is there another redactions? Because I have... I have that one.
- **Prosecutor:** Oh, okay. Yes. If there's a different one, let me know.
- **Defense Counsel:** Just to be clear before we get started, defense offers continuous objection on... 3 being... for the decision to find that the... rule on robbery...
- **Judge:** Yeah, 2.2... That's the one I was referring to. Okay, perfect.
- **Prosecutor:** I just... I had previously where we did something similar to this and there was a request for readback, so I just wanted to know if that was...
- **Judge:** I mean, I would assume there's going to be openings, so they know what they're...
- **Prosecutor:** For witnesses or...
- **Judge:** Correct. What I typically do is I'll go through preliminary instructions and then basic state at this time, you know, the parties are going to present their opening statements to you. Okay, let's bring them in.

2nd

Transcription

- **Judge:** Anything that you want to discuss?
- **Prosecutor:** Okay, um... So... The court has a copy of the verdict?

- **Judge:** I didn't get a copy...
- **Prosecutor:** Just for the record, I am... I'm not going to have them marked just yet, but it's a copy of the... prior conviction. It's the order taking judicial notice of the fingerprint card that was previously filed. A lot of these are marked, and we had intended to do it the first... the last resentencing. So I don't know if I could just put a sticker over it and it'll be okay. She's nodding yes. And then the fingerprint card from the prior offense. So... I want to get them out of my folder because I keep shuffling papers around and I don't want to get mixed up.
- **Judge:** So any... because I'm anticipating issues come up with respect to... just based on what I heard you say earlier, Mr. Spallone, I'm anticipating some objections. Do we want to kind of get ahead of that and... in kind of... I know you guys aren't prepared to argue it, but then I can... if I'm not prepared to give you an answer, then I can certainly be prepared by tomorrow morning.
- **Defense Counsel. (MR. Spellacy):** I mean, I'm actually not prepared to argue... more about the exhibit.
- **Prosecutor:** Yeah, that's fine. That's why I didn't have the large... I just wanted to get them out of my folder, case law, and other documents, so that way it's not mixed up. And then the other... the other thing that might benefit everybody if we at least talk about now is the jury instructions. I know the court said it might be a good idea to put the other standard instructions... which I have. And so, I ended up... I will send everyone this updated version. But I did include weighing the evidence, I also included... rules for deliberation, and then I included the cautionary instruction and submitting the case to a jury. I highlighted some portions that I think we could probably take out or that I've edited just to reflect what we're doing here today as opposed to the jury deciding on a verdict. But... I also... as far as statement of the charge, this is where I'm thinking Mr. Spellacy would have an objection to, which is based on the court's ruling as far as the date the offense was committed that the jury has already found guilty of. I included in statement of the charge, I included "On March 21st, 2008, Larry Donell Goodman, the defendant in this case, was found guilty of the crime of home invasion robbery in case number 2007-CF-48580 which was committed on May..." I just added that language, what the court read to them. But I think based on the court's ruling, I think that would be okay for the jury to... that fact for the jury to receive and putting it in there. And so I just... I can make that change... know about it whenever objections need to be made...
- **Defense Counsel:** Yeah... Yeah, on the same grounds that we discussed earlier, Fred.
- **Judge:** All right, so noted. And we'll... when we're going through, I guess, the instructions themselves, I typically will go instruction by instruction to either say agreed or object, and then we'll address it right then and there. So, do you anticipate having... having the instructions ready to review in the morning or... I guess what we could... what

we can do... because the preliminary instruction, as long as there's no issue with that, I can just read through that. And then, during the break, you know, when I let them go for lunch, either on the front side or the back side of lunch, we can go through the... the instructions if we have time at that point.

- **Prosecutor:** Yeah, I'm fine with that. I know sometimes the court will give them a copy beforehand. Okay. Okay. I was going to say, that was the only thing I was unsure about, I didn't know if you give them a copy to review or if we keep it to the side.
- **Judge:** No, I don't... They don't get copies until they go into deliberate because... if they have them in their hand, my concern is that they're not paying attention to what they're... or giving their full attention to, you know, evidence being presented or arguments being made.
- **Prosecutor:** Okay.
- **Judge:** So, I do use... you know, allow attorneys to utilize the instructions, copies of them, you know, during closing arguments. So, typically read the instructions... before your closings so that they've heard them, and then that allows you to kind of use them as illustrative, you know, to your arguments if that's what you choose to do.
- **Prosecutor:** Okay. I can... again, these are just the standard instructions I thought are relevant. I will send the court and defense counsel a copy... if Mr. Spallone has any additional that you want to add, just let me know tonight. So that way, when we come tomorrow, we can have a pretty good draft of the final instructions.
- **Judge:** That sounds good. All right. Any other matters for today's purposes?
- **Defense Counsel:** No, ma'am.
- **Judge:** Nothing else from the State?
- **Prosecutor:** No, Your Honor.
- **Judge:** All right. So, we... just for the purpose of the State's other cases tomorrow, it looks like we start at 8:30 on bond hearings, and then 8:45, I believe... then we have the order to...

Analysis

Case Summary

- **Case Number:** 2007-CF-48580

- **Case Name:** *State of Florida v. Larry Donell Goodman*
- **Offense:** Home Invasion Robbery (originally committed in May 2007; defendant found guilty in March 2008)

Key Legal Issues & Discussion

- **Jury Instructions & Offense Date (Defense Objection):**
 - Defense Counsel (Mr. Spellacy) raises a **strenuous objection** regarding the "Statement of the Charge" instruction. He argues that the date of the offense is an essential element that must be found by the jury.
 - Defense contends that removing/modifying this element takes it out of the province of the jury and improperly relieves the State of its burden of proof.
 - The State (Ms. Colon) argues that the conviction date and underlying offense date are already inherent in the 2008 verdict and prior court findings.
 - The Judge sides tentatively with the State, noting that the prior conviction and verdict established the underlying offense details, but acknowledges the legal ambiguity under Florida law and notes defense's objection for appeal record preservation.
- **Evidentiary/Exhibits & Judicial Notice:**
 - The State plans to introduce certified copies of the prior conviction, an order taking judicial notice of fingerprint cards, and related records for habitual felony offender (HFO) / sentencing enhancement purposes.
 - Discussion arises on whether taking judicial notice of a document automatically makes it a physical exhibit provided to the jury during deliberation. The judge clarifies that judicial notice goes to authenticity/admissibility, but exhibits sent back to the jury room require formal admission.
- **Trial Procedure & Schedule:**
 - **Preliminary Phase:** The court swears in the defendant and prepares to read standard preliminary instructions (Instruction 2.1) and juror note-taking rules (Instruction 2.1A) before opening statements.

- **Final Instructions Review:** The court and attorneys schedule a detailed line-by-line review of final jury instructions during the lunch break.
- **Juror Copies:** The Judge confirms jurors will *not* receive written copies of instructions until deliberations begin, to prevent distraction during witness testimony and closing arguments.
- **Next Day Schedule:** Court resumes at 8:30 AM for bond hearings before proceeding with the trial proceedings at 8:45 AM.