IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA IN AND FOR PASCO COUNTY
2014CF005586CFAXWS
SECTION 3

STATE OF FLORIDA

vs.

ADAM MATOS

MOTION FOR JUDGMENT OF ACQUITTAL OR IN THE ALTERNATIVE FOR A NEW TRIAL

ADAM MATOS moves this Court to enter an order for Judgment of Acquittal or in the alternative for a new trial and in support thereof would show unto the Court as follows:

1. The Defendant has been charged by Indictment on September 7, 2017, with four counts of Murder in the First Degree and the Public Defender has been appointed to represent him.

2. The State filed Notice of Intent to Seek Death Penalty on September 7, 2017.

3. Trial on the guilt phase of this case was held from October 30th, 2017, and November 16th, 2017, at which time the Defendant was found guilty as charged of four counts of murder in the first degree.

4. The penalty phase of the trial was held on November 20th, and 21st, 2017, and the Defendant was sentenced to four consecutive life sentences on November 21, 2017.

5. The Trial Court erred to the substantial prejudice of the Defendant by overruling the Defendant's objection to the "911 tape".

6. The Trial Court erred to the substantial prejudice of the Defendant by overruling the Defendant's objection to the admission of "William's Rule" evidence.

7. The Trial Court erred to the substantial prejudice of the Defendant by overruling the Defendant's objections to the admission of gruesome and inflammatory

photographs.

8. The Trial Court erred to the substantial prejudice of the Defendant by denying the Defendant's request for jury instructions concerning gruesome and inflammatory photographs.

9. The Trial Court erred to the substantial prejudice of the Defendant by overruling the objection to the testimony of Linda Thomas as irrelevant, hearsay and unresponsive.

10. The Trial Court erred to the substantial prejudice of the Defendant by overruling the Defendant's hearsay and lack of foundation objections to the testimony of Tanya Carlson about text messages received by Megan Brown from the Defendant.

11. The Trial Court erred to the substantial prejudice of the Defendant by denying the Defendant's motion to disqualify judge.

12. The Trial Court erred to the substantial prejudice of the Defendant by overruling the Defendant's objection to the testimony of James Sigler which contained hearsay statements of Megan Brown and improper opinion testimony that Megan Brown was frightened.

13. The Trial Court erred to the substantial prejudice of the Defendant by denying the Defendant's motion for Judgment of Acquittal at the conclusion of the State's case because the evidence was insufficient to prove that the Defendant was the one who actually killed the alleged victims.

14. The Trial Court erred to the substantial prejudice of the Defendant by overruling the objections to the testimony of Sharon Mann.

15. The Trial Court erred to the substantial prejudice of the Defendant by sustaining the State's objection to the Defendant's testimony concerning the activities of August 28, 2017.

16. The Trial Court erred to the substantial prejudice of the Defendant by sustaining the State's objection to the Defendant's testimony concerning his acquisition

of a bicycle.

17. The Trial Court erred to the substantial prejudice of the Defendant by sustaining the State's objection to the Defendant's testimony about how and why he remained in the home after the events of the day.

18. The Trial Court erred to the substantial prejudice of the Defendant by sustaining the State's objection to the Defendant's testimony explaining why he left the child at the home alone.

19. The Trial Court erred to the substantial prejudice of the Defendant by sustaining the State's objection to the Defendant's testimony about how he met Megan Brown.

20. The Trial Court erred to the substantial prejudice of the Defendant by sustaining the State's objection to the Defendant's testimony about the phone calls between the Defendant and Nicholas Leonard.

21. The Trial Court erred to the substantial prejudice of the Defendant by denying the Defendant's request for special jury instruction.

22. The Trial Court erred to the substantial prejudice of the Defendant by overruling the Defendant's objection to the inclusion of the second paragraph of the "Verdict" instruction instructing the jury to return a verdict for the highest offense proven.

23. The Trial Court erred to the substantial prejudice of the Defendant by denying the Defendant's motion for Judgment of Acquittal at the conclusion of the evidence.

24. The Defendant reasserts all issues preserved by contemporaneous objection during the trial of this case.

Wherefore, the Defendant moves for a judgment of acquittal or in the alternative a new trial.

I CERTIFY that a copy of the foregoing has been furnished by email/delivery to the State Attorney, West Pasco Judicial Center, New Port Richey, Florida, on November 28, 2017.

Dean N. Livermore, Attorney at Law
Fla. Bar Number: 724556, For
PUBLIC DEFENDER, SIXTH JUDICIAL CIRCUIT
West Pasco Judicial Center
7530 Little Road
New Port Richey, FL 34654 (727)847-8155