

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT,
IN AND FOR ALACHUA COUNTY, FLORIDA

STATE OF FLORIDA
Plaintiff,

vs.

ANDRE ABRAMS SR
Defendant.

CASE NUMBER: 01-2021-CF-003691-A

DIVISION I

**DEFENDANT'S MOTION TO EXCLUDE BODY CAMERA VIDEO DEPICTING
STATEMENTS OF OFFICER PEREZ**

COMES NOW the Defendant, Andre Abrams Sr, by and through the undersigned counsel, pursuant to Florida Statutes §§ 90.401, 90.403, and 90.801, and respectfully moves this Court to exclude portions of Gainesville Police Officer Perez body camera video depicting a post-Miranda conversation between the Defendant and Officer Perez, in which the officer provided his opinion regarding the legal and factual conclusions he drew from his observations of surveillance video.¹

AS grounds the Defendant states the following:

1, The body camera video contains statements by Officer Perez in which he expresses his opinion that what he observed on a surveillance camera video constitutes aggravated assault. The officer was not present at the time of the incident in question and did not witness the events firsthand.

2. The officer states in the video that his rationale for concluding that the weapon in question placed the alleged victim in reasonable fear was based on the weapon's proximity to the alleged victim. The Defendant disputed that he had any intent to place the alleged victim in fear, which is an essential element of the charged offense.

¹ The specific portion of GPD Officer Perez's body camera recording to which the defense objects occurred during the period measured by the on-screen timestamp, between **15:44:24 and 15:45:15**

3. The officer's statements regarding his interpretation of the surveillance footage were made outside of court and are not relevant to establishing any material fact. Therefore, the statements constitute inadmissible hearsay. See Florida Statutes §§ 90.401, 90.801.

4. Further, the officer's opinion improperly invades the province of the jury by making a legal conclusion regarding the nature of the Defendant's actions. It is the exclusive role of the jury to determine whether the evidence supports a finding of aggravated assault. Allowing the officer's opinion would usurp the jury's function and improperly influence its decision-making.

5. The Florida Supreme Court has noted that courts have consistently held that police officers may not testify to ultimate legal conclusions, as such testimony is both prejudicial and improper. See Jackson v. State, 107 So. 3d 328 (Fla. 2012).

WHEREFORE, the Defendant respectfully requests this Court enter an Order excluding any body camera video depicting statements of opinion by law enforcement officers, as well as any testimony referencing the officer's factual opinions or legal conclusions.

CERTIFICATE OF SERVICE

THE UNDERSIGNED CERTIFIES that a true and correct copy of the foregoing has been furnished to Pamela C. Goeckel, Assistant State Attorney, , eservice@sao8.org, via E-Service, on January 30, 2025.

s/ **Aubroncee S. Martin**
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