

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

BRANDON B. WILSON,

Appellant,

v.

STATE OF FLORIDA,

Appellee.

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

CASE NO. 1D13-5025

Opinion filed May 12, 2015.

An appeal from the Circuit Court for Alachua County.
Stanley H. Griffis, III, Judge.

Nancy A. Daniels, Public Defender, and David A. Davis, Assistant Public
Defender, Tallahassee, for Appellant.

Pamela Jo Bondi, Attorney General, and Lauren Brudnicki, Assistant Attorney
General, Tallahassee, for Appellee.

PER CURIAM.

AFFIRMED.

THOMAS and ROWE, JJ., CONCUR; MAKAR, J., SPECIALLY CONCURS.

MAKAR, J., specially concurring.

Appellant, convicted and sentenced to life imprisonment for first-degree murder based on eyewitness identification of him as the shooter, asks this Court to certify a question of great public importance based on the trial court's exclusion of his proposed expert on the fallibility of eyewitness identification. His request is based on Justice Pariente's concurring opinion in Peterson v. State, 154 So. 3d 275 (Fla. 2014), which suggests that such proposed expert testimony should be generally admissible to assist the jury in determining the reliability of eyewitness identifications, especially in cases resting substantially or entirely on eyewitness testimony in light of scientific research showing the prevalence of wrongful convictions based on erroneous eyewitness testimony. Because Appellant's conviction was based on multiple eyewitness who identified him specifically, however, there was no substantial likelihood of misidentification on this record; the trial court did not abuse its discretion.