

FIRST DISTRICT COURT OF APPEAL  
STATE OF FLORIDA

---

No. 1D20-2849

---

BRANDON WILLIAMSON,

Petitioner,

v.

STATE OF FLORIDA,

Respondent.

---

Petition for Writ of Habeas Corpus—Original Jurisdiction.

November 18, 2020

ROWE, J.

Brandon Williamson petitions this Court for a writ of habeas corpus, challenging the trial court's order denying his motion to set bail. Williamson argues that he has a right to bail and pretrial release. We denied his petition by unpublished order, and now write to explain our reasons for doing so.

*Facts*

The State charged Williamson with second-degree murder with a weapon. At his first appearance, Williamson entered a plea of not guilty. After finding probable cause to detain him, the first appearance judge declined to allow for Williamson's release.

Williamson then moved to set bail. At the evidentiary hearing on the motion, the trial court considered the arrest and booking report and a surveillance recording depicting the altercation between Williamson and the victim. The court also heard the testimony of one witness.

Based on the evidence presented at the hearing, the trial court denied Williamson's motion for bail. He petitions for a writ of habeas corpus and seeks review of the trial court's order.

### *Analysis*

We review a trial court's order denying bail for an abuse of discretion. *See Mehaffie v. Rutherford*, 143 So. 3d 432, 434 (Fla. 1st DCA 2014).

Article I, section 14 of the Florida Constitution provides:

Unless charged with a capital offense or an offense punishable by life imprisonment and the proof of guilt is evident or the presumption is great, every person charged with a crime or violation of municipal or county ordinance shall be entitled to pretrial release on reasonable conditions. If no conditions of release can reasonably protect the community from risk of physical harm to persons, assure the presence of the accused at trial, or assure the integrity of the judicial process, the accused may be detained.

This provision of Florida's Constitution generally guarantees persons charged with a crime the right to pretrial release. *See id.* But a person charged with a capital offense or life offense may be denied pretrial release where the State can show that "the proof of guilt is evident or the presumption is great." *See Williams v. State*, 266 So. 3d 1197, 1197–98 (Fla. 1st DCA 2018).

The State charged Williamson with an offense punishable by life imprisonment, second-degree murder with a weapon. *See* §§ 782.04(2), 775.087(1), Fla. Stat. (2020). And so the trial court could deny him pretrial release if the State could show that "the proof of guilt is evident or the presumption is great." *Williams*, 266

So. 3d at 1198. To meet that burden, the State had to present more than the indictment or information. *See State v. Arthur*, 390 So. 2d 717, 720 (Fla. 1980). The State had to “present some further evidence which, viewed in the light most favorable to the state, would be legally sufficient to sustain a jury verdict of guilty.” *Id.* That is, the evidence of the accused’s guilt must be manifest, plain, clear, obvious, and conclusive. *See Kirkland v. Fortune*, 661 So. 2d 395, 398 (Fla. 1st DCA 1995).

Based on the evidence presented, the State met its burden to present clear evidence of Williamson’s guilt. First, the court considered the arrest report affidavit. The report stated that Williamson called 911 and advised the operator that he stabbed someone. Police officers arrived at the scene of the altercation, outside Williamson’s apartment. They found the victim suffering from a stab wound to the shoulder. Paramedics arrived and transported the victim to the hospital. But he was later pronounced dead.

The arrest report also reflects that the police interviewed Hamp Green, the property manager at Williamson’s apartment complex. Green stated that Williamson called him on the phone to report that the victim was banging on Williamson’s door. Green heard a verbal altercation between Williamson and the victim. Right afterwards, Williamson asked Green to call 911 and told Green that he had stabbed the victim. Green did not report hearing the victim threaten Williamson in any way.

The arrest report also suggests that the police interviewed an eyewitness to the stabbing, the victim’s friend, Zachary Barrera. Barrera saw the victim knock on Williamson’s door and then walk away when there was not an immediate answer. About thirty seconds later, Williamson opened the door and walked toward the victim. The victim stepped back. Barrera did not observe the victim ever try to enter Williamson’s apartment. Instead, the victim mostly kept his distance from Williamson. Barrera thought at one point the victim took a swipe at Williamson’s cell phone. Williamson then swung his right hand at the victim’s left shoulder, and Barrera realized Williamson stabbed the victim. Barrera believed that the victim was unarmed and did not see the victim

swing at Williamson or spit on him. Barrera did not report that he saw or heard the victim threaten Williamson in any way.

Next, the court considered a post-*Miranda* statement from Williamson. Williamson told officers that he and the victim had been arguing over a hammer and screwdriver that belonged to the victim. Williamson heard the victim banging loudly on the door of his apartment. He called Green from his mobile phone so that Green could listen to what took place. Williamson then grabbed a knife from his kitchen before he opened the door. Williamson stated that the victim started to approach him, so he stepped out of his apartment into the breezeway. Williamson claimed that the victim then “got up in his face” and “spat in his face.” Williamson said that he became disoriented and swung the knife in a downward direction. When he saw the victim begin to fall, he caught him and helped him to the ground.

But to contradict Williamson’s statement and his version of events, the State entered into evidence a surveillance recording (including audio and video) of the breezeway in front of Williamson’s apartment. The recording depicts the victim banging loudly on Williamson’s door and kicking the door. When no one answered, the victim walked away. But about twenty seconds later, Williamson emerged from the apartment. The victim walked back toward Williamson and demanded that Williamson return his screwdriver and hammer.

The surveillance recording then showed that Williamson advanced on the victim. The victim started to step backwards. But Williamson raised his arm and pushed the victim to the ground. The altercation moved off camera, but screams from the victim were still audible. Williamson stood over the victim. He declared that the victim came to his door, spat in his face, and would die if he did not call the police right now. The victim can be heard gasping and wheezing while Williamson repeatedly said that he acted in self-defense. Williamson claimed twice that he was acting in “self-defense” *at the very time he stabbed the victim and forced the victim to the ground*. Williamson told the victim that his actions were in retaliation for the victim spitting in his face. Then, Williamson called 911 and calmly explained his self-defense claim—while the victim was still gasping for air and in distress.

This concluded the State's presentation of evidence at the bail hearing. After hearing argument from the parties, considering the recording of the altercation, and reviewing the arrest and booking report and other documents in the court file, the trial court found that the proof of Williamson's guilt was evident and the presumption was great.

Based on our review of the petition, the response, the reply, and the appendices, we hold that the trial court did not err in denying Williamson's motion for bail. And so, we deny Williamson's habeas petition on the merits.

DENIED.

B.L. THOMAS and M.K. THOMAS, JJ., concur.

---

***Not final until disposition of any timely and authorized motion under Fla. R. App. P. 9.330 or 9.331.***

---

Charlie Coffey, Public Defender, and Elizabeth Hogan Webb, Assistant Public Defender, Jacksonville, for Petitioner.

Ashley Moody, Attorney General, and Trisha Meggs Pate, Assistant Attorney General, Tallahassee, for Respondent.