

Motion No. 20

**IN THE CIRCUIT COURT OF THE
FOURTH JUDICIAL CIRCUIT, IN AND
FOR DUVAL COUNTY, FLORIDA**

CASE NO.: 16-2012-CF-6463-AXXX-MA

DIVISION: CR-D

STATE OF FLORIDA,

VS.

DENNIS THURNADO GLOVER.

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**MOTION TO DECLARE DEATH QUALIFICATION
UNCONSTITUTIONAL DUE TO FAIR CROSS SECTION VIOLATION IN
EXCLUDING THE RELIGIOUS AND CATHOLICS**

Related to a separately-filed motion challenging death qualification based on its inherent racial discrimination, this motion seeks an order from the Court preventing death qualification of Defendant Dennis Glover's jury because death qualification, if permitted here, will violate Mr. Glover's constitutional rights to a fair cross section and to be free from cruel and unusual punishment, under the Sixth, Eighth, and Fourteenth Amendments to the United States Constitution, and Article I §§ 2, 9, 17, 18 and 22 of the Florida Constitution. To uphold the Constitution, this Court should enter an order barring death qualification of Dennis Glover's jury.

I. Background:

A. Death-qualification study

The study of Duval County capital jury selection outlined in Motion Number 15, and attached hereto as Exhibit A did not systematically address the impact of death qualification on excluding religious persons, because, unlike race, religious views were not systematically made part of the record of prior trials. Nor did the questioning in the twelve trials at issue systematically address the role of religion behind the potential jurors' death penalty views. Nonetheless, 50 of the 146 jurors excluded solely for their anti-death penalty views, in response to some question, or on their own initiative, cited their religion as the basis for their beliefs.¹ For example:

- A Black woman was excluded from Keith Collins' capital trial after she said she could not impose death and that she was "not God." Tr. 110. And a second Black woman was also excluded from this trial after saying she could not impose death under any circumstances and, also, "I am not God." Tr. 513.

¹ These 50, and the trials in which they served, are: Boss, Kendal Latorraine; Ponn, Sopharoeun; Weston, Ronnie Leonard; and Wyche, Shandell Lynette (**Bright trial**); Amerson, Patricia; Brereton, Natasha Verdel; Clark, Melissa Shelton; Collins, Tralanda Montricia; Comia, Mercia L; Deberardine, Amy M; Gardner, Daniel Patrick; Lepervanche, Alejandro Jose; Thrower, Stacey Lynne; and Wilhoite, Rebecca Ashley (**Brown trial**); Bryant, Deborah; Chandler, Anita; Meek, Sheila; Pisani, Brianna; Stokes, Derlina; and Williams, Sharon (**Collins trial**); Conner, Wesley; Horace, Priscilla; Whittington, Amanda (**Dubose trial**); Burton, Iris; Gudmundson, Thomas; Ramseyer, Martha; Soto, Amarily; Williams, Terri (**Dennis Glover trial one**); Dally, David; and Street, Rhonda (**Jackson trial**); Vogel, Alethea; and Wallace, Lynn Adona (**McMillian trial**), (**12 from Newberry trial, names not stated here to comply with judicial order**); Hallowes, Dana Christine; Pezzutti Mayrose Cronan; and Pierce, Cynthia Dukes (**Phillips trial**); Johnson, Angelene; and Orcullo, Christopher (**Sparre trial**).

- A Black woman was excluded from David Sparre’s capital trial, after saying: “I believe that God is the only one who has the right to take anyone’s life[.]” Tr. 181.
- A potential juror was excluded from Kim Jackson’s capital trial after saying he had a “religious conviction” against taking a person’s life and didn’t believe in an “eye for an eye” or a “tooth for a tooth.” Tr. 188.
- A potential juror was excluded from Rodney Newberry’s capital trial after she said she was passionate about the Lord, and did not think “man should be able to dish out death.” Tr. 185. Another was excluded from this trial after saying with respect to the death penalty: “I let God be the judge on that.” Tr. 178.
- By far the most common specific religion excluded jurors mentioned was Catholicism (and again there were no systematic or even regular questions about which religion the jurors practiced). Five potential jurors mentioned their Catholic faith in connection with their opposition to the death penalty, before being excluded from the capital trial of Thomas Brown. Tr. 206 (first juror); 208 (second) 209 (third) 214 (fourth); 216 (fifth).

Although the record only contains these snippets, these and all 146 excluded jurors can and should be interviewed to determine if their religion was the basis for the death-penalty view that ultimately meant their exclusion from these most important jury trials. In addition, they should be asked, if religion was the basis, what religion they practice. Accordingly, Mr. Glover has filed a motion, contemporaneously with this one, seeking judicial leave to interview the excluded jurors so that the Court can be better informed, among other facts, of the magnitude of the religious exclusion at issue here. *See* Motion No. 16.

B. Religion and Catholicism in Duval County

Religion proves integral to identity and culture in Florida and this county. 53% of adults in Florida believe religion is “very important” to their life and 70% of Floridians identify as Christian.² Duval County ranks 2nd among Florida counties in the total number of religious adherents (55.6%), trailing behind tiny Jefferson County (of roughly 15,000) where 61.0% of residents identify as religious.³ Official data from the Association of Religion Data Archives (ARDA) reports that Catholics comprise 9% of the total Duval County population.⁴ The only larger group in Duval County is Evangelical Protestants, while Black and Mainline Protestants trail slightly behind.⁵ The St. Augustine Diocese, which encompasses this county but also other contingent locales, counts within its flock 149,070 Catholics. *See* Diocese of St. Augustine, *Diocesan Statistics*, <https://www.dosafl.com/diocesan-statistics/>.

² Religious Landscape Study, PEW RESEARCH CENTER (2014)

<https://www.pewforum.org/religious-landscape-study/state/florida/>. Sample size of 2,020.

³ ASSOCIATION OF RELIGION DATA ARCHIVES, COUNTY MEMBERSHIP REPORT JEFFERSON COUNTY (FLORIDA),

<https://www.thearda.com/rcms2010/rcms2010a.asp?U=12065&T=county&S=adh&Y=2010;>

ASSOCIATION OF RELIGION DATA ARCHIVES, COUNTY MEMBERSHIP REPORT DUVAL COUNTY (FLORIDA),

<https://www.thearda.com/rcms2010/rcms2010.asp?U=12031&T=county&Y=2010&S=Name>

⁴ ASSOCIATION OF RELIGION DATA ARCHIVES, CATHOLIC COUNTIES 2010,

https://www.thearda.com/ql2010/QL_C_2010_1_26c.asp

⁵ Note 3, *supra* (Duval data).

Catholic doctrine strongly opposes the death penalty, holding that capital punishment is “both cruel and unnecessary.”⁶ Not only has Pope Francis ordered a revision of the Catechism of the Catholic Church to reflect the Church’s view that “the death penalty is inadmissible,”⁷ but diocesan leaders at the local level have widely shared and patiently detailed that message. In his 2020 Pastoral Letter to the Diocese of St. Augustine, entitled *Standing Up for the Dignity of all Human Life*, for example, Bishop Felipe J. Estévez shared the teachings of the Church “about the intrinsic value and God-given dignity of every human life from conception until natural death. We believe that God –and only God – is the author of every human being, and only God should determine the end of that life.” <https://www.dosafl.com/wp-content/uploads/2020/05/PastoralLetter-DeathPenalty-ENGLISH-FINAL-min.pdf>. In turn, local catholic leaders have put their faith and teachings into practice. In 2016, for example, they circulated a petition to churches located in the Jacksonville area to convince the State Attorney not to seek the death penalty in the killing of a local priest.⁸

Similarly, as the Evangelical Christian base has grown more diverse, there has been a shift in thought among its members, with more opposing the death penalty. In 2016, more than fifty religious leaders in Jacksonville, of multiple faiths, gathered for a news conference calling

⁶ *The Church’s Anti-Death Penalty Position*, UNITED STATES CONFERENCE OF CATHOLIC BISHOPS (2019), <http://www.usccb.org/issues-and-action/human-life-and-dignity/death-penalty-capital-punishment/catholic-campaign-to-end-the-use-of-the-death-penalty.cfm>.

⁷ Cindy Wooden, *Pope revises catechism to say death penalty is ‘inadmissible’*, NATIONAL CATHOLIC REPORTER (Aug. 2, 2018), <https://www.ncronline.org/news/theology/pope-revises-catechism-say-death-penalty-inadmissible>.

⁸ Michael J. O’Loughlin, *Friends of slain Florida priest rally against the death penalty*, AMERICA: THE JESUIT REVIEW (Nov. 30, 2016), <https://www.americamagazine.org/content/all-things/friends-slain-florida-priest-rally-against-death-penalty>.

for the suspension of the death penalty in Duval County.⁹ Joel Hunter, a retired pastor of a church in Florida with a congregation of 20,000, explained, “Many of us in the evangelical Protestant community are coming to where the Catholics have been for a while: pro-life in terms of whole life, all vulnerable life, whether in the womb or on death row.”¹⁰

A strong religious base in Florida and Duval County oppose the death penalty. The religious of this county stand at continuing risk of unconstitutional disqualification in violation of the law set forth below.

II. Exclusion of the religious, and of Catholics, in particular, would violate Dennis Glover’s Eighth Amendment rights.

A sentencing decision is “largely a moral judgment.” *Caldwell v. Mississippi*, 472 U.S. 320, 340 n.7 (1985); *Penry v. Lynaugh*, 492 U.S. 302, 319 (1989) (quoting *California v. Brown*, 479 U.S., 538, 545 (1987), *Penry* overruled on other grounds in *Atkins*) (“Thus, the sentence imposed at the penalty stage should reflect a reasoned moral response to the defendant's background, character, and crime.”). This moral question is predominantly a “question of mercy.” *Kansas v. Carr*, 136 S.Ct. 633, 642 (2016) (“[J]urors will accord mercy if they deem it appropriate, and withhold mercy if they do not, which is what our case law is designed to achieve.”). Preventing jurors from using their moral judgment, including their religious beliefs, culls from the jury pool those who are doing precisely what the law requires – considering mercy. *Cf. Ring v. Arizona*, 536 U.S. 584, 614 (2002) (Breyer, J., concurring) (explaining that

⁹ Ethan Calloway, *Faith leaders call for suspension of death penalty in Duval County*, NEW4JAX (Aug. 23, 2016, 10:47 PM), <https://www.news4jax.com/news/florida/duval-county/report-14-of-floridas-death-sentences-came-from-duval-county>.

¹⁰ Maurice Chammah, *Are Evangelicals Ditching the Death Penalty? As demographics change, a move toward mercy*, The Marshall Project (Aug. 14, 2016), <https://www.themarshallproject.org/2016/08/14/are-evangelicals-ditching-the-death-penalty/>

juries represent “community’s moral sensibility” because they “reflect more accurately the composition and experiences of the community as a whole”). When a juror takes into consideration her religion in weighing what punishment best fits a crime, she does not fail to follow the law, but rather acts within the discretion granted to her by Supreme Court precedent. The application of juror disqualification to religious citizens due to their moral scruples or “bias” against the law, in favor of life, would unfairly favor the State, and violate the Eighth and Fourteenth Amendments.

III. Exclusion of the religious, including but not limited to Catholics, would violate Mr. Glover’s rights to a jury drawn from a fair cross section of this community.

Constructing a jury using death qualification, to which the State has no constitutional right, would violate Mr. Glover’s rights, under the Sixth and Fourteenth Amendments of the U.S. Constitution and Article I §§ 9, 17, 22 of the Florida Constitution, and deprive him of his right to an impartial jury and to be tried by a “petit jury selected from a fair cross section of the community.” *Duren v. Missouri*, 439 U.S. 357, 358-59 (1979).

Juries play a vital role in the democratic process of the criminal justice system. Repeatedly, the Supreme Court has emphasized the belief that jurors represent the “conscience of the community.” *Lockhart v. McCree*, 476 U.S. 162, 197 (Marshall, J., dissenting); *see, e.g., Duncan v. Louisiana*, 391 U.S. 145, 149 (1968) (“[T]rial by jury in criminal cases is fundamental to the American scheme of justice.”); *Witherspoon v. Illinois*, 391 U.S. 510, 519 n.15 (1968) (“[O]ne of the most important functions any jury can perform in making . . . a selection (between life imprisonment and death for a defendant convicted in a capital case) is to maintain a link between contemporary community values and the penal system.”); *Woodson v. North Carolina*, 428 U.S. 280, 293 (1976) (relying on jury determinations as one of the “crucial indicators of

evolving standards of decency”); *Ring*, 536 U.S. at 614 ((Breyer, J., concurring) (explaining that juries represent “community’s moral sensibility” because they “reflect more accurately the composition and experiences of the community as a whole”). The exclusion of religious people from the jury “inhibits the functioning of the jury as an institution to a significant degree.” *Ballew v. Georgia*, 435 U.S. 223, 231 (1978) (finding five-member jury deprived defendant of Sixth and Fourteenth Amendment right to trial by jury).

The framers afforded the jury right to stop “oppression by the Government.” *Duncan*, 391 U.S. at 155. Its purpose was to serve as a roadblock to prosecution based on the malice or incompetence of government officials. *Williams v. Florida*, 399 U.S. 78, 100 (1970) (quoting *Duncan*, 391 U.S. at 156). The right protects a criminal defendant’s interest “in having the judgment of his peers interposed between himself and the officers of the state who prosecute and judge him[.]” *Apodaca v. Oregon*, 406 U.S. 404, 411 (1972).

The term “Peers” has constitutional significance: it means “a representative cross section of the community[.]” serving as “an essential component of the Sixth Amendment right to a jury trial.” *Taylor v. Louisiana*, 419 U.S. 522, 528 (1975).

When *Lockhart v. McCree*, 476 U.S. 162 (1986) was decided – rejecting a fair-cross section challenge to death qualification – only 23% of Americans opposed the death penalty. *Favor or Oppose Death Penalty for Murder*, GSS DATA EXPLORER, <https://gssdataexplorer.norc.org/trends/Civil%20Liberties?measure=cappun>. Execution support was climbing to an all-time high while those who opposed it had dwindled considerably. During this time, the effects of death qualification were arguably at their smallest. But the opposite trend has since taken hold. Increasing numbers oppose the death penalty, resulting in a greater

percentage of prospective jurors who are likely to be excluded through the death qualification process. Recent polls show that, as of 2018, opposition to the death penalty is shared by over 40% of Americans. Justin McCarthy, *New Low of 49% in U.S. Say Death Penalty Applied Fairly*, GALLUP (Oct. 22, 2018), <https://news.gallup.com/poll/243794/new-low-say-death-penalty-applied-fairly.aspx>. Further, 45% of Americans believe the death penalty is applied unfairly and 29% believe the death penalty is applied too often. *Id.* The existence of a substantially larger group of opponents – compared to 16% of death penalty opponents in the early 1990’s – necessarily means that death qualification more significantly impacts the composition of juries than previously considered. *See also* Jeffrey M. Jones, *U.S. Support for Death Penalty Holds Above Majority Level*, Gallup (Nov. 19, 2020), <https://news.gallup.com/poll/325568/support-death-penalty-holds-above-majority-level.aspx> (“Americans’ support for the death penalty continues to be lower than at any point in nearly five decades. For a fourth consecutive year, fewer than six in 10 Americans (55%) are in favor of the death penalty for convicted murderers. Death penalty support has not been lower since 1972, when 50% were in favor.”). And this case shows, death-penalty opposition runs high amongst the religious and Catholics in particular.

To establish a prima facie violation of the fair cross section requirement, the defendant must show: “1) that the group alleged to have been excluded is a ‘distinctive group’ in the community; 2) that the representation of this group in venires from which juries are selected is not fair and reasonable in relation to the number of such persons in the community; and 3) that this underrepresentation is due to systematic exclusion of the group in the jury-selection process.” *Duren*, 439 U.S. at 364.

With respect to *Duren*'s first criterion, long ago, the U.S. Supreme Court counted religious groups among those cognizable for fair cross-section purposes. *See Thiel v. Southern Pacific Company*, 328 U.S. 217, 220 (1946). Florida courts, applying Florida law, have agreed. *See Jackson v. State*, 191 So.3d 423, 427 (Fla. 2016) (citing article I, section two of the Florida Constitution as defining the protected classes as "race, religion, national origin, or physical disability"); *Joseph v. State*, 636 So. 2d 777, 781 (Fla. 3d DCA 1994) (finding members of the Jewish religion a cognizable class under the standard articulated in *Allen v. State*, 616 So.2d 452, 454 (Fla. 1993), and that their exclusion violated Article 1, Section 16 of the Florida Constitution, guaranteeing the accused an impartial jury); *Olibrices v. State*, 929 So. 2d 1176, 1180 (Fla. 4th DCA 2006) (finding potential juror's "membership within the objectively discernible group of Pakistani Muslims" to violate Equal Protection Clause of Florida Constitution); *See Pacchiana v. State*, 240 So.3d 803, 815 (2018) (finding "even if the strike were genuinely based on the juror's religion," (as Jehova's Witness) "a member of a religion that is a cognizable class is protected from being struck from a jury based solely on her faith where there is no evidence that her faith would prevent her from being a fair and impartial juror"), *quashed on failure to preserve grounds by State v. Pacchiana*, 289 So.3d 857 (Fla. 2020). *See also State v. Gilmore*, 511 A.2d 1150, 1159 n.3 (N.J. 1986) ("[A]t minimum, cognizable groups include those defined on the basis of religious principles, race, color, ancestry, national origin, and sex (all of which are suspect or semi-suspect classifications triggering strict or intermediate scrutiny under federal equal protection analysis [.])"); *Commonwealth v. Soares*, 387 N.E.2d 499, 516–17 (Mass. 1979) (holding that excluding jurors based on "sex, race, color, creed, or national origin" violates the fair cross-section requirement of the Massachusetts Constitution); *Fields v. People*, 732 P.2d 1145, 1153 n.15, 1155–56 (Colo. 1987) (citing *Batson v. Kentucky*,

476 U.S. 79, 99 (1986) (concluding, with reference to *Batson*'s concern about fostering public trust in criminal trials, that peremptory strikes based on religion violate the Sixth Amendment to the federal constitution and the right to an impartial jury under the Colorado Constitution).

The test under Florida law whether a group is cognizable is two-fold. *Alen*, 616 So.2d at 454. First, is the group's population large enough to be recognized as an identifiable group? *Id.* Second, does the group have internal group cohesiveness? *Id.* See also *Willis v. Zant*, 720 F.2d 1212, 1216 (11th Cir. 1983) (holding test for distinctiveness is whether "1) the group is defined and limited by some factor; 2) that a common thread or basic similarity in attitude, ideas, or experience runs through the group; and 3) that there is a community of interest among members of the group such that the group's interests cannot be adequately represented if the group is excluded from the jury selection process").

As noted above, several excluded jurors in the 12 capital trials under study noted their Catholicism as their basis for their disqualifying death-penalty views. Others mentioned their religion or belief in God more generically. Just as members of the Jewish faith, Islam, and Jehova's Witnesses are cognizable groups, *see supra*, clearly Catholics are too. As noted above, Catholics are the second largest religious group in this county, in a county itself amongst the most religious in the state. *See notes 2-5, supra.* They have undeniable group cohesiveness, exemplified by a shared communion and catechism stretching back twenty centuries, and grounded in some of the most iconic and cognizable symbols and beliefs known to human kind, including the Holy Trinity, the Holy Eucharist, the Pope, and the Communion of Saints.¹¹ Similarly, applying the standard set out in federal law, the group is limited by their affiliation

¹¹ See, e.g., *Catechism of the Catholic Church - PART 2 SECTION 2 CHAPTER 1 ARTICLE 3*, www.scborromeo.org. 1323.

with the Catholic Church; and too, it holds basic similarity in attitude, ideas, or experience based on these teachings, and the community of interest among its members cannot be adequately represented if the group is excluded from the jury selection process. *Willis*, 720 F.2d at 1216.

Moreover, within the dozens of excluded jurors in these twelve trials (or more once additional trials become available for study), other cognizable and systematically excluded groups are likely to emerge as well, which will be ascertainable and documented assuming the Court grants the motion filed contemporaneously for permission to interview excluded jurors. See Motion No. 16.

Duren's second criterion asks whether the representation of the excluded cognizable group is not fair and reasonable in relation to the number of such persons in the community. *Duren*, 439 U.S. at 364. Here again, Mr. Glover will establish that Catholics, and other religious groups to emerge, are not represented in fair and reasonable numbers in relation to their numbers in this community once the Court permits interview of the excluded jurors and fuller numbers therefore become available.

As to the third factor under *Duren*, requiring systematic exclusion, although the Court in *Lockhart v. McCree* concluded that the death qualification process did not violate the fair cross section requirement because it did not involve systematic exclusion of a distinctive group in the community, empirical evidence, unavailable at the time of *Lockhart*, will demonstrate that excluding people who oppose the death penalty effectively means that members of these cognizable religious groups will be excluded. That is evident from the large number of people excluded from the trials documented in the report of Dr. Gau, showing that the number of people

excluded based in part or wholly on inability to consider a death sentence exceeded, and in most cases far exceeded, every other outcome for potential jurors in the study:

Table 1. Outcomes across all Venires, excluding those Not Reached

<i>Outcome</i>	<i>Percent (n)</i>
Death Disqualification	22.3 (n = 179)
Defense Peremptory	15.0 (n = 120)
Prosecution Peremptory	13.5 (n = 108)
For Cause	13.7 (n = 110)
Automatic Death Penalty	6.5 (n = 52)
Other Removal	7.6 (n = 61)
Seated as Juror or Alternate	21.4 (n = 172)
	Total N = 802

See Exhibit A, at 4, Table 1. See also Exhibit A, at 8, Table 3 (documenting 146 excluded under more conservative definition of exclusion solely due to death penalty views). The relative magnitude of this exclusion with respect to religious adherents, including Catholics, as compared to other groups, is touched on above in the examination of the 50 jurors who happened to volunteer that faith was at the core of their belief system before they were excluded. But a more robust review will be presented once the motion to interview excluded jurors is resolved. It is anticipated that the proof Mr. Glover will be able to present will meet based on an indisputable “demonstration that a large discrepancy occurred not just occasionally but” over a period of years and every capital trial available since 2010 “manifestly [indicating] that the cause of the underrepresentation was systematic – that is, inherent in the particular jury selection process

utilized.” *Duren*, 439 U.S. at 366 (finding such systemic exclusion based on a year’s worth of data week to week).

At the final step of the *Duren* analysis, once the defendant has established a prima facie case, the burden shifts to the State to demonstrate that the State’s interest outweighs the defendant’s constitutional right to a jury drawn from a fair cross section of the community. *Duren*, 439 U.S. at 368. The State cannot do so here.

Florida law anticipates sentences of life imprisonment. Fla. Stat. § 921.141 (3)(a) (“If the jury has recommended a sentence of: (1) Life imprisonment without the possibility of parole, the court shall impose the recommended sentence.”). Indeed, more than 27,000 people are sentenced to life imprisonment without release in Florida, including 1,833 from this county. *See* Florida Department of Corrections, Public Records Requests for the OBIS Database, http://www.dc.state.fl.us/pub/obis_request.html. Many of these are convicted, as is Mr. Glover, of first-degree murder. Those sentenced to death by contrast make up the exception (338 total in the state, and 39 from this county). *Id.* “[L]egislative will is not frustrated if the [death] penalty is never imposed[.]” *Furman v. Georgia*, 408 U.S. 238, 311 (1972) (White, J., concurring). Further, the choice of a life sentence, based on mercy and the morality at the heart of Catholicism and other faiths, aligns too with the Eighth Amendment, which dictates that jurors apply a “largely [] moral judgment.” *Caldwell*, 472 U.S. at 340 n.7.

In comparison to the religious positions that would thus lead to lawful outcomes under Florida law and the Eighth Amendment by *inclusion* of the religious and Catholics, the State’s desired punishment of death is just that a preference among lawful options. It “lie(s) somewhat further from the heart of a fair, effective criminal justice system.” *Luis v. United States*, 578 U.S.

5, 136 S. Ct. 1083, 1093 (2016). The State's desired punishment cannot trump the constitutional concerns of systematically excluding cognizable groups in violation of the Constitution. *See id.* (holding prosecutor's desire to impose punishment of restitution, and victim's interest in restitution, could not trump Sixth Amendment right to counsel).

Death qualification will exclude people of faith who make up cognizable groups, including but not limited to Catholics. This runs counter to the tradition of using juries as "a body truly representative of the community." *Smith v. Texas*, 311 U.S. 128, 130 (1940). "[T]he counterbalancing of various biases is critical to the accurate application of the common sense of the community to the facts of any given case." *Ballew*, 435 U.S. at 234. By excluding Catholic or other religious prospective jurors based on opposition to the death penalty, death qualification would create a jury that is homogenous and unrepresentative of the views of the community in this county. If permitted, the resulting trial would violate Mr. Glover's constitutional rights.

WHEREFORE Mr. Glover respectfully requests that this Court find that the current method of death qualification violates the Sixth, Eighth, and Fourteenth Amendments to the United States Constitution, and Article I §§ 9, 17, and 22 of the Florida Constitution, and issue an order barring it in Mr. Glover's pending capital trial.

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CERTIFICATE OF SERVICE

I hereby certify that this motion today has been served, via the electronic portal, on the State of Florida, represented by Assistant State Attorney Alan Mizrahi.

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This 17th day of February, 2022