

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT  
IN AND FOR ESCAMBIA COUNTY, FLORIDA**

**STATE OF FLORIDA,**

Plaintiff,

v.

**Case No.: 2010-CF-1608A**

**Division: "N"**

**TINA LASONYA BROWN,**

Defendant.

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**SUCCESSIVE MOTION TO VACATE CONVICTION AND SENTENCES**

COMES NOW the Defendant, Tina LaSonya Brown, by and through undersigned counsel, and respectfully requests that this Court vacate her conviction and death sentence pursuant to Florida Rule of Criminal Procedure 3.851, based on newly discovered evidence of false testimony at Ms. Brown's trial.

**PROCEDURAL HISTORY**<sup>1</sup>

1. Ms. Brown was indicted in Escambia County and charged with the first-degree murder and kidnapping of Audreanna Zimmerman (R. 1).<sup>2</sup> Her trial began in June 2012 (T. 312). The jury found her guilty of first-degree murder "as charged in the Indictment" (R. 632). After a penalty phase, the jury recommended death by a vote of 12 to 0 (R. 648). The trial court imposed the death sentence in an order characterizing Ms. Brown as the "leader" among her co-defendants

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<sup>1</sup> Citations in this motion are as follows: The abbreviation "R." refers to the first five volumes of the record on appeal for Ms. Brown's direct appeal to the Florida Supreme Court (SC12-2159). "T." refers to the separately paginated trial transcript in volumes six through eleven of the record on appeal. "PCR." refers to the seventeen-volume record on appeal compiled for Ms. Brown's state postconviction appeal to the Florida Supreme Court (SC19-704, SC19-1419). All other cited references will be self-explanatory.

<sup>2</sup> The kidnapping count was dropped via the State's *nolle pros* (T. 9-10).

and the person who lit Zimmerman on fire (R. 689, 700-01). The Florida Supreme Court affirmed. *Brown v. State*, 143 So. 3d 392, 408 (Fla. 2014), reh’g denied (Fla. July 8, 2014), *cert. denied*, 574 U.S. 1034 (2014).<sup>3</sup>

2. In November 2015, Ms. Brown moved for state postconviction relief pursuant to Fla. R. Crim. P. 3.851 (PCR. 379–602). She twice amended the motion (PCR. 775–998; 1597-1862).<sup>4</sup> After an evidentiary hearing (PCR. 2716–3160), this Court denied postconviction relief. *State v. Brown*, No. 2010-CF-001608, 2019 WL 11234115 (Fla. Cir. Ct. April 5, 2019). The Florida Supreme Court affirmed. *Brown v. State*, 304 So. 3d 243 (Fla. 2020), reh’g denied (Fla. Nov. 12, 2020), *cert denied*, 141 S. Ct. 2828 (June 21, 2021).

3. Due to unique procedural issues related to the striking and subsequent amending of her initial 3.851 motion in this Court, Ms. Brown filed a “protective” 28 U.S.C. § 2254 petition in the federal district court prior to exhaustion of her state postconviction claims. *Brown v. Sec’y, Fla. Dep’t of Corr.*, No. 3:16-cv-99, ECF No. 1, (N.D. Fla. March 4, 2016). Her federal litigation was stayed pending exhaustion of state-court proceedings. *See id.*, ECF Nos. 3, 18. After the

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<sup>3</sup> On direct appeal, Ms. Brown raised three claims: (1) challenging the finding of the “cold, calculated, and premeditated” aggravating circumstance; (2) challenging Florida’s death penalty statute under *Ring v. Arizona*, 536 U.S. 584 (2002); and (3) her death sentence was disproportionate. The Court also independently reviewed the sufficiency of the evidence underlying her conviction and sentence.

<sup>4</sup> Ms. Brown raised the following claims in her postconviction motion: (1) ineffective assistance of counsel at jury selection; (2) ineffective assistance of counsel for failing to investigate and challenge the State’s guilt-phase case; (3) ineffective assistance of counsel for failing to investigate and present mitigation evidence at the penalty phase; (4) trial counsel failed to comply with Florida Rule of Criminal Procedure 3.112; (5) prosecutorial misconduct; (6) the State presented testimony that violated *Giglio v. United States*, 405 U.S. 150 (1972); (7) the State withheld evidence in violation of *Brady v. Maryland*, 373 U.S. 83 (1963); (8) newly discovered evidence; (9) cumulative error; and (10) Ms. Brown’s death sentence violated *Hurst v. Florida*, 577 U.S. 92 (2016), and related state-law precedent.

conclusion of state-court litigation, Ms. Brown filed an amended federal habeas petition on December 20, 2021. *See Brown*, ECF Nos. 37, 39.

4. During investigation for the federal litigation, counsel obtained sworn statements from Corie Kendal Russell (formerly Doyle)<sup>5</sup> and Latoria Frazier. Their affidavits form the basis of this newly-discovered-evidence claim. *See id.*, ECF No. 39 at 87-89.<sup>6</sup> This motion is timely filed within one year of obtaining the affidavits of Corie Doyle and Latoria Frazier, which were signed on December 12, 2021, and June 17, 2022, respectively.

### **STATEMENT OF RELEVANT FACTS**

5. The State charged Ms. Brown with the first-degree murder of Audreanna Zimmerman “by setting her on fire” on March 24, 2010 (R. 1), which later caused her death.

6. Evidence presented at Ms. Brown’s trial established that a gravely injured Zimmerman informed first responders that “Tina Brown and Heather” were the individuals responsible for her condition but did not specify “what each individual did.” (T. 359–60, 368–69).

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<sup>5</sup> For consistency, this motion will refer to the witness by her former married name of Corie Doyle, which was her name at the time of Ms. Brown’s trial.

<sup>6</sup> In accordance with Fla. R. Crim. P. 3.851(e)(2)(C)(i) and (ii), the following witnesses support Ms. Brown’s claim and are available to testify under oath at an evidentiary hearing as to the facts alleged in this motion: Corie Kendal Russell, 6 De Luna Dr., Pensacola, FL 32506, (850) 208-8872; Latoria Frazier, transient, (850) 378-6462; Nels Roderwald and Linda McDermott, Office of the Federal Defender for the Northern District of Florida, 227 N. Bronough St., Ste. 4200, Tallahassee, FL 32301, (850) 942-8818; Jayson Shannon, Federal Defender Program, Inc., 101 Marietta St., N.W., Ste. 1500, Atlanta, GA 30303 (727) 403-7478; Kathleen Pafford, Public Defender’s Office, 2<sup>nd</sup> Judicial Circuit, 301 S. Monroe St., Ste. 401, Tallahassee, FL 32301, (850) 606-1000; Emily Collins, 2844 Scarlet Rd., Winter Park, FL 32792, (352) 427-3785; Crystal Torres, 3001 PGA Blvd., Ste. 305, Palm Beach Gardens, FL 33410, (305) 610-6310; Zach Stern, Maricopa County Public Defender, 2345 W. Earll Dr., Phoenix, AZ 85015 (914) 715-9339; Iris Moreland, incarcerated at Lowell Annex, 11120 NW Gainesville Rd., Ocala, FL 34482 (352) 690-8900; Yenys Castillo, Ph.D., 12555 Orange Dr., Ste. 234, Davie, FL 33320, (786) 234-4579; Elizabeth Campbell, 801 Monroe St., Ann Arbor, MI 48109, (734) 615-3600; Dr. Micah Johnson, Ph.D., 10555 Coral Key Ave., Tampa, FL 33647, (813) 833-4367.

En route to the hospital, Zimmerman repeated that “Tina [Brown], Heather [Lee], and Britnee [Miller]” had “poured gas on her and set her on fire.” (T. 376–77). Again, Zimmerman did not delineate who was responsible for each of these actions (T. 380–81). She died of thermal injuries on April 9, 2010 (T. 625, 629).

7. Miller and Lee were also charged with first-degree murder. Because Miller was a juvenile at the time of the crime, she did not face the death penalty. Lee avoided the death penalty by pleading guilty to second-degree murder in exchange for testifying against Ms. Brown (T. 511).

### **Heather Lee’s Trial Testimony**

8. Lee claimed she had been “real close friends” with Zimmerman but was pulling away from Miller and Ms. Brown (T. 513). Ms. Brown and Zimmerman “started having problems about [Zimmerman’s] husband,” and Miller and Zimmerman “started having trouble about [Ms. Brown]” (T. 514). Lee said she had broken up fights between Miller and Zimmerman on several occasions (T. 534–35).

9. In Lee’s version of events, she did not participate in the crime at all (T. 537–38). Zimmerman was already at the trailer when Lee arrived at around 9 PM (T. 514–15). Zimmerman, Miller, and Ms. Brown were in the bathroom, and Lee stood near Mallory Azriel, another resident of the trailer park (T. 515). As Zimmerman walked over to show Lee her new tattoo, Miller and Ms. Brown followed behind her, and Lee noticed a taser in Ms. Brown’s hand (T. 515–16). Lee screamed Zimmerman’s name to warn her before Ms. Brown began tasing Zimmerman (T. 516). Lee claimed that Ms. Brown repeatedly tased Zimmerman as she fell to the ground, and that 13-year-old Azriel and 16-year-old Miller grabbed Lee to stop her from helping Zimmerman (T. 517).

10. Lee testified that Ms. Brown dragged Zimmerman to the bathroom, while Miller and Azriel got rope and a pillowcase to tie Zimmerman and cover her head (T. 518–20). Azriel put

a sock in Zimmerman's mouth to keep her quiet (T. 519, 539). Lee stated that as Ms. Brown, Azriel, and Miller walked Zimmerman towards the truck, Lee "broke and ran out the front door" calling for help (T. 520–21). Ms. Brown jumped in front of her, Miller blocked her off from behind, and Ms. Brown threatened that if Lee did not get in the truck she would tase her, put her in the truck, and go after Lee's children (T. 520–21). Lee got into the back seat of the truck but did not see or hear Zimmerman anywhere (T. 521–22). Ms. Brown drove, with Miller in the front passenger's seat (T. 521–22).

11. According to Lee, they drove into a big clearing that was unfamiliar to Lee (T. 522). Ms. Brown and Miller got Lee out of the truck, then opened the trunk; Zimmerman was there with a pillowcase on her head and hands bound behind her back (T. 522–23). Ms. Brown began "snatching" at Zimmerman to get out of the trunk (T. 523). Lee interjected, but Zimmerman got out and Ms. Brown untied her and removed the pillowcase (T. 523–24). Lee testified that when the pillowcase came off, Zimmerman turned to Lee and Lee told her to run (T. 524). As Zimmerman ran, Ms. Brown and Miller chased her, Zimmerman fell, and Ms. Brown tased her while Miller beat her with a crowbar before swapping items so Miller was tasing and Ms. Brown was using the crowbar (T. 524–25). Miller also hit Zimmerman with her bare hand (T. 527). Lee maintained that she stood at a distance—still at the truck—screaming for Miller and Ms. Brown to stop and let them go, but did not intervene because she was afraid of putting her children in danger (T. 526). Lee claimed Ms. Brown said she would not let Zimmerman go because Ms. Brown would go to jail, but she would let Lee go (T. 526). Lee also claimed Ms. Brown sent Miller to silence Lee, but Miller liked Lee so she did not hurt her (T. 527).

12. According to Lee, Ms. Brown ordered her to bring a gas can from the trunk, but Lee refused (T. 527). Instead, Ms. Brown grabbed the gas can, poured gasoline over Zimmerman

while Lee and Miller remained standing at the truck, set a cloth on fire, and threw it on Zimmerman (T. 527–28). Miller then jumped up and down screaming “burn bitch, burn” and Lee attempted to escape by running away (T. 528). Lee claimed, however, that she ran the wrong direction—towards the truck—because it was dark (T. 528). Ms. Brown and Miller “got [Lee] off the ground” and put her in the truck before driving back to Ms. Brown’s trailer (T. 529-30).

13. Lee claimed Ms. Brown made Lee take her shoes off because she had stepped in blood while attempting to run away, but Lee kept all of her other clothes on because there was nothing on them (T. 530). Ms. Brown had blood on her face, neck, hands, and clothes, as did Miller (T. 531). Ms. Brown and Miller cleaned themselves off (T. 531). Miller left for the hospital because she had injured her arm in the struggle and Lee left for her own trailer, with Ms. Brown following (T. 531–32). When Lee returned home, she did not tell her husband anything that had happened, nor did she call the police (T. 550–52).

14. Lee testified that she did not open the door for the police at first because Ms. Brown told her not to (T. 532–33). But, even when the police separated them and Lee was questioned individually, she did not give the same account as in her testimony (T. 533). Rather, Lee initially said she was home all night cooking and did not know anything about what happened to Zimmerman (T. 505, 537).

15. During her testimony, Lee maintained her innocence despite having lied multiple times regarding her role in Zimmerman’s death (T. 537–38). Lee denied intending to smoke marijuana on the night of the crime (T. 540). She denied showing Ms. Brown how to use the taser, claiming not to know how it worked (T. 539, 543). She alleged the taser belonged to Zimmerman, who had gotten it from a friend of Lee’s named “Teva” that both Zimmerman and Miller were sleeping with (T. 525, 543). She denied stuffing a sock in Zimmerman’s mouth (T. 539). She

insisted Ms. Brown, not Miller, drove to the clearing (T. 540). She claimed Ms. Brown was going to kill Lee's children if Lee did not go along with the murder plot (T. 545). She denied helping to get Zimmerman out of the truck (T. 545). She claimed she was only at the crime scene because she was forced by the others and could not escape because she did not know whether the keys were in the truck's ignition (T. 543, 546). She denied cleaning any blood off her shoes after the crime (T. 540). Essentially, Lee spun out a story on the stand in which she pled guilty to second-degree murder despite staunchly maintaining that she "was not involved" in the crime at all (T. 538).

16. Lee denied telling anyone she had set Zimmerman on fire (T. 547–48). While she acknowledged recognizing Corie Doyle, a fellow inmate, "from seeing her" in jail, Lee claimed to not "really know her" and denied ever discussing her case with Doyle or telling Doyle to contact Lee's lawyer when Doyle claimed to have information that could help Lee's case (T. 548–49).

#### **Corie Doyle's Trial Testimony**

17. Corie Doyle testified that she was housed with Ms. Brown in the Escambia County Jail while serving a sentence for "grand theft auto of [her] own vehicle" (T. 605). Doyle noticed Ms. Brown wearing a lime green prison jumpsuit, whereas Doyle's was dark green (T. 605–06). Doyle testified that she approached Ms. Brown because she did not know why Ms. Brown's jumpsuit was a different color from hers (T. 606). Ms. Brown did not want to discuss it at first, but a few days later, Ms. Brown sat down to have coffee with Doyle in the early morning hours and spontaneously brought up their previous conversation about the jumpsuits (T. 606–07). Ms. Brown said her jumpsuit was a different color "because her, her daughter and another woman had killed a girl" after her daughter and the girl got into a fight over a boy (T. 607). After learning the girl had pulled a taser on her daughter, Ms. Brown said she would "take care of it" (T. 607).

18. Doyle testified that Ms. Brown said she and her daughter picked up another woman, Lee, and did not tell her what they were going to do (T. 607–08). The women then went to pick up Zimmerman—who also resided in the trailer park—beat her up, tased her, and killed her by setting her on fire (T. 608). According to Doyle, Ms. Brown and Miller were the ones who killed Zimmerman (T. 608). “[Ms. Brown] said that Heather Lee -- she said that the other girl was there but she didn’t have anything to do with it” (T. 608). During the time Ms. Brown was purportedly discussing her case with Doyle, Doyle claimed to have “never laid eyes on [Lee]” (T. 608).

19. Later, Doyle was transferred to another area of the jail and assigned the bunk next to Lee (T. 608–09). Doyle testified that one day, based on the information she had learned from Ms. Brown, Doyle told Lee that she did not need to be in jail for murder (T. 609). Lee never spoke to her about the case but referred Doyle to Lee’s attorney (T. 609).

20. On cross-examination, Ms. Brown’s trial counsel expressed general skepticism at Doyle’s remarks. He did not, however, impeach Doyle with her prior jail record, previous convictions, or inconsistencies between her deposition and her trial testimony (T. 610–14).

## CLAIM I

### **NEWLY DISCOVERED EVIDENCE OF CORIE DOYLE’S FALSE TESTIMONY UNDERMINES THE STATE’S CASE AGAINST MS. BROWN AT THE GUILT AND PENALTY PHASES OF HER TRIAL, AND RELIANCE ON THAT FALSE TESTIMONY THROUGHOUT MS. BROWN’S LEGAL PROCEEDINGS VIOLATED HER STATE AND FEDERAL RIGHTS**

This claim is evidenced by the following:

1. All other factual allegations in this motion and in Ms. Brown’s previous motion to vacate, and all other evidence she presented during her trial and previous postconviction proceeding, are incorporated herein by specific reference.



2. Corie Doyle's trial testimony was damaging to Ms. Brown, not only because it alleged a sensational and spontaneous confession by Ms. Brown, but because it bolstered the credibility of Ms. Brown's co-defendant—and the State's star witness—Heather Lee. Doyle claimed to be a completely uninterested party who stumbled upon information that absolved Lee of all culpability in the murder and implicated Ms. Brown as the primary aggressor and direct cause of Zimmerman's death. Further, Doyle's testimony indicated she had gone to great lengths to come forward with the information because Lee did not deserve to be incarcerated for murder.

3. The impact of Doyle's testimony was so weighty that the State repeatedly touted her as the reason a jury could believe what might otherwise be seen as self-serving and suspect testimony from Lee:

“[Defense counsel] knows if he gets you to focus on Heather Lee, the cold-blooded liar, as he referred to her, then maybe you won't focus on his client, the cold-blooded murderer.” (T. 706).

“So Heather Lee is a liar...and Corey [sic] Doyle is a liar. That's what [the defense] wants you to believe....What does Corey [sic] Doyle have to gain? What interest does Corey [sic] Doyle have? She told you, I served my sentence. She's out. And she still came in and testified. She has nothing to gain.” (T. 710).

“What is important about Cory [sic] Doyle's testimony is that she would not have had any of that information if Tina Brown had not told her. And what Tina Brown told her is that Heather was there but really didn't have anything to do with it.” (T. 1068-69).

Because of this, Doyle's testimony was as critical as Lee's to the State's guilt and penalty phase cases against Ms. Brown.

4. Recently discovered evidence that Doyle testified falsely reveals that Ms. Brown's constitutional rights were violated. In light of the testimony's falsity and the significant prejudice it created against Ms. Brown at multiple stages of her capital litigation, her conviction and sentence cannot stand.

### **Relevant Legal Standards for Evaluating Newly Discovered Evidence**

5. Under Florida Rule of Criminal Procedure 3.851, a successive motion for postconviction relief based on newly discovered evidence must be filed within one year of discovery of the new claim. *Jimenez v. State*, 997 So. 2d 1056, 1064 (Fla. 2008).

6. To qualify as newly discovered, the evidence in question “must not have been known by the trial court, the party, or counsel at the time of trial, and it must appear that the defendant or defense counsel could not have known of it by the use of diligence.” *Long v. State*, 183 So. 3d 342, 345 (Fla. 2016) (quoting *Tompkins v. State*, 994 So. 2d 1072 (Fla. 2008)). And, to warrant relief in the form of a new trial, the evidence must be of such nature that it would probably produce an acquittal on retrial or, in the context of sentencing, would probably result in a life sentence rather than the death penalty. *Jones v. State*, 591 So. 2d 911, 915 (Fla. 1991) (*Jones D*); see also *Brown v. State*, 304 So. 3d 243, 273 (Fla. 2020) (quoting *Swafford v. State*, 125 So. 3d 760, 767 (Fla. 2013)).

7. The decisions in *Hurst v. Florida*, 577 U.S. 92, (2016), and *Hurst v. State*, 202 So. 3d 40 (Fla. 2016), are important when considering the probability of a different sentencing outcome for Ms. Brown. Following these decisions, all Florida death row inmates who received a non-unanimous jury death recommendation—and whose sentences were finalized after *Ring v. Arizona*, 536 U.S. 584 (2002)—had their death sentences vacated, and new penalty phases ordered which require unanimous votes for death. So, the question of whether Ms. Brown “probably” would have received a lesser sentence turns on whether a single juror “probably” would have voted for life.

8. In determining whether newly discovered evidence compels a new trial or sentencing proceeding, the reviewing postconviction court must “consider all newly discovered

evidence which would be admissible” and must “evaluate the weight of both the newly discovered evidence and the evidence which was introduced at trial.” *Jones*, 591 So. 2d at 916. Further, under the expanded guidance of *Jones v. State*, 709 So. 2d 512, 526 (Fla. 1998) (*Jones II*), a postconviction court “must consider the effect of the newly discovered evidence, in addition to **all of the admissible evidence that could be introduced at a new trial**, and conduct a cumulative analysis of all the evidence so that there is a ‘total picture’ of the case and ‘all the circumstances of the case.’” *Hildwin v. State*, 141 So. 3d 1178, 1187-88 (Fla. 2014) (quoting *Swafford*, 125 So. 3d at 776) (emphasis added). This includes evidence “that was previously excluded as procedurally barred or presented in another postconviction proceeding[.]” *Hildwin v. State*, 141 So.3d at 1184 (citing *Swafford*, 125 So.3d at 775-76, and *Lightbourne v. State*, 742 So. 2d 238, 247 (Fla. 1999)).

9. If there is dispute regarding whether evidence is newly discovered, or about the quality of the newly discovered evidence, an evidentiary hearing is necessary. *Id.*; see also *Maharaj v. State*, 684 So. 2d 726, 728 (Fla. 1996) (factual allegations as to the merits of a constitutional claim, as well as to issues of diligence, must be presumed true); *Card v. State*, 652 So. 2d 344, 346 (Fla. 1995) (in successive postconviction motions, allegations of previous unavailability of new facts, as well as diligence of the movant, warrant evidentiary development if disputed or a procedural bar does not “appear[] on the face of the pleadings.”).

#### **The Newly Discovered Evidence: Corie Doyle Testified Falsely at Trial**

10. On December 12, 2021, Corie Kendal Russell, also known as Corie Doyle, signed a sworn affidavit “subject to the penalty of perjury” that she testified untruthfully at Ms. Brown’s trial (12/12/2021 Affidavit of Corie Russell, hereinafter “App. B”, at 3). Doyle stated that, contrary to her trial testimony, she knew of Lee prior to being housed with Ms. Brown (App. B at 1). Doyle’s friend, Latoria Frazier, had warned her to stay away from Lee, who was aggressive and

hostile towards other inmates (App. B at 1). Because Lee herself wore lime green jumpsuit at the time, Doyle knew prior to being housed with Ms. Brown that the color meant the jumpsuit's wearer was a high-risk offender or facing serious felony charges such as murder (App. B at 1). Additionally, the meaning of a lime green jumpsuit was common knowledge among inmates (App. B at 1).

11. When Doyle was later transferred and housed with Ms. Brown, she observed that Ms. Brown did not seem capable of taking care of herself (App. B at 1). Ms. Brown was heavily medicated, often sleeping or laying down on her bunk all day, rarely speaking and slurring her words when she did speak (App. B at 1). It appeared to take a lot of effort for Ms. Brown to move at all (App. B at 1). When Ms. Brown was not laying down, she rocked back and forth (App. B at 1). She seemed to be an addict, and Doyle later learned from other inmates that Lee's husband sold drugs to Ms. Brown (App. B at 1).

12. When Doyle was transferred back to Lee's dorm, she was assigned the bunk next to Lee, within arm's reach of her (App. B at 2). She was afraid of Lee, but over time discussed Lee's case with her (App. B at 2). Lee admitted to being involved in Zimmerman's murder (App. B at 2). Lee provided details of the crime, including that she had used the taser on Zimmerman in the trailer (App. B at 2). Lee admitted that she sat in the backseat holding onto Zimmerman's hair while the group drove out to the clearing where the murder occurred, and she used the taser on Zimmerman whenever Zimmerman spoke or pleaded with Lee to let her go (App. B at 2).

13. Lee informed Doyle that she would put her attorney, Randall Etheridge, in contact with Doyle (App. B at 2). She directed Doyle to make false statements regarding Ms. Brown's alleged confession to Doyle about her role in the murder to Mr. Etheridge, the State Attorney's Office, and anyone else who took Doyle's statement (App. B at 2). Lee claimed the murder took

place because Miller had a fight with Zimmerman over a young boy they were both interested in (App. B at 2). Lee asked Doyle to testify that Ms. Brown said Lee had nothing to do with the murder, and to say that Lee and Doyle had no conversations about her case (App. B at 2).

14. Lee threatened Doyle, telling her to “not fuck up” any statements or testimony Lee had asked her to give about Ms. Brown’s alleged confession—“or else” (App. B at 2). Lee stated that if Doyle did what she asked, everything would be fine (App. B at 2–3). Doyle understood this as a threat that if she did not give the statements and testimony Lee asked her to, Doyle could be physically harmed or killed (App. B at 3).

15. Under great pressure and duress from Lee’s threats, Doyle testified untruthfully at Ms. Brown’s trial that (1) Ms. Brown had said the impetus for the murder was an altercation between Miller and Zimmerman over a young boy and (2) Ms. Brown had said Lee was not involved in the attack (App. B at 3). Ms. Brown never said either of these things to Doyle, but Doyle testified that she had, feeling that she had no choice in light of Lee’s threats (App. B at 3). For a long time after her trial testimony, Doyle was afraid to come forward with the fact that her testimony was not true (App. B at 3).

16. Latoria Frazier, the inmate Doyle named in her affidavit as having warned Doyle to stay away from Lee, also signed a sworn affidavit on June 17, 2022 (6/17/2022 Affidavit of Latoria Frazier, hereinafter “App. C”, at 2). Frazier’s affidavit corroborates Doyle’s. In the early 2010s, she was incarcerated at the Escambia County Jail with Lee and Doyle (App. C at 1). She knew Lee from growing up with her and knew Doyle from the streets (App. C at 1). Frazier knew that Lee was in jail for the murder of a young woman (App. C at 1).

17. While in jail, Doyle approached Frazier to talk about Lee. Doyle told her that Lee had asked her to testify in Lee’s murder trial and to lie on Lee’s behalf (App. C at 1). Doyle asked

Frazier what she should do (App. C at 1). Frazier told her that she should not testify and that she should stay away from Lee (App. C at 1).

### **Impact of the Newly Discovered Evidence**

18. The evidence of Corie Doyle's false testimony is newly discovered. It could "not have been known by the trial court, the party, or counsel at the time of trial," and Ms. Brown and her counsel "could not have known of it by the use of diligence." *Long*, 183 So. 3d at 345. Doyle acknowledged in her affidavit that, due to Lee's coercion and threats of violence toward her, and her genuine belief that Lee would "physically hurt or kill[]" her, she lied to the State during its investigation and at trial. App. B at 3. Doyle also explained that, "[s]ince testifying at Tina's trial [she has] been afraid to come forward with [the truth] because of the threats [Lee] made toward" her. *Id.* Similarly, Frazier's corroboration of Doyle's affidavit could not have been discovered earlier because Frazier's identity was only discovered through Doyle's affidavit.

19. Viewed in light of all the circumstances of the case, the new evidence renders Ms. Brown's conviction and sentence unreliable, and warrants relief. The affidavits from Doyle and Frazier undermine the State's arguments that Ms. Brown was "the initiator" and "the aggressor" in Zimmerman's murder (T. 703–04, 708); that "Tina Brown is the one who actually poured the gas on Audreanna's body and lit her on fire" (T. 684); and that Lee's role in the murder "[did] not rise to the level of what Tina Brown did to [Zimmerman]" (T. 1068).

20. Doyle's testimony not only directly supported the State's contention by alleging a spontaneous confession by Ms. Brown (T. 607–08), but also bolstered the credibility of an otherwise incredible witness, co-defendant Lee. The State's narrative of Ms. Brown as the primary aggressor flowed directly from Lee's testimony that she was "not involved" and that Ms. Brown was the one who set Zimmerman on fire (T. 527–28, 538). Doyle's supposedly disinterested

testimony corroborated Lee's. Doyle testified that Ms. Brown told her Lee was present at the scene, but otherwise uninvolved in the murder (T. 607–08). Doyle also stated that Lee never spoke about her case, and that Doyle's testimony was motivated only by her belief that Lee was not culpable (T. 609, 611–14). Doyle was, therefore, a key component to the State's case that it was Ms. Brown, not Lee, who was the ringleader in orchestrating Zimmerman's death and the person who physically lit her on fire. The strength of Doyle's testimony was bolstered by her apparent impartiality, as she claimed to have no pre-existing relationship with either Ms. Brown or Lee that would lead her to shade her testimony one way or another.

21. In guilt phase closing arguments, the State repeatedly relied on the narrative—perpetuated by Lee and bolstered by Doyle—that Ms. Brown was “the initiator” (T. 703–04) and the “aggressor” (T. 708) in Zimmerman's death. The State emphasized to the jury that Lee's testimony was believable because Doyle was an uninterested party corroborating Lee's version of events:

“[T]he evidence in this case proves beyond a reasonable doubt that Tina Brown is the one who actually killed Audreanna....Tina Brown is the one who actually poured the gas on Audreanna's body and lit her on fire.” (T. 684).

“[Defense counsel] knows if he gets you to focus on Heather Lee, the cold-blooded liar, as he referred to her, then maybe you won't focus on his client, the cold-blooded murderer....[W]hat the State is suggesting to you is that Tina Brown was the aggressor. It wasn't Heather Lee. It was Tina Brown....Tina Brown poured that gas, lit Audreanna on fire, and never looked back[.]” (T. 706, 709).

“So Heather Lee is a liar...and Corey [sic] Doyle is a liar. That's what [the defense] wants you to believe. . . .What does Corey [sic] Doyle have to gain? What interest does Corey [sic] Doyle have? She told you, I served my sentence. She's out. And she still came in and testified. She has nothing to gain.” (T. 710).

“What is important about Cory [sic] Doyle's testimony is that she would not have had any of that information if Tina Brown had not told her. And what Tina Brown told her is that Heather was there but really didn't have anything to do with it.” (T. 1068-69).

22. In urging the jury to sentence Ms. Brown to death at the close of the penalty phase, the State again relied upon the combined impact of Lee and Doyle's testimony, and painted Ms. Brown not simply as a participant in the crime, but as the dominant actor and more culpable than her co-defendants:

“[A]ll the facts that you heard [at the guilt phase]...all the testimony that you heard is to be considered by you during this phase[.]” (T. 1054).

“It was like a pack of wolves on a small prey. With the main aggressor being Tina Brown...” (T. 1060).

“Ladies and gentlemen what is more wicked or evil than pouring gasoline on someone's body and lighting them on fire?” (T. 1060).

“Let's talk briefly about Heather Lee....I can only speculate that [the defense] will ask you to consider the fact that Heather Lee is not facing the death penalty. But what you have to consider is who did what that night. . . .Heather Lee's actions or inactions while despicable do not rise to the level of what Tina Brown did to [Audreanna] Zimmerman. . . .Tina Brown was the instigator. Tina Brown was the aggressor. You heard [Corie] Doyle....What is important about [Corie] Doyle's testimony is that she would not have had any of that information if Tina Brown had not told her. And what Tina Brown told her is that Heather was there but really didn't have anything to do with it. Heather Lee was there, Heather Lee stood there, but ladies and gentlemen, Tina Brown killed [Audreanna] Zimmerman in one of the worse ways possible, by fire.” (T. 1067–69).

23. Had it not been for Doyle's false testimony, Ms. Brown's jury would have found Lee's testimony less credible, and would likely have rejected the State's theory of Ms. Brown as the primary aggressor in Zimmerman's murder. Further, the new evidence from Doyle and Frazier reveals that Lee was lying at Ms. Brown's trial when she said she “was not involved” in the murder (T. 538). The Doyle and Frazier affidavits reveal that Lee threatened a fellow inmate to lie on her behalf in order to cover up the extent of her involvement in killing Zimmerman. All of this evidence—particularly when viewed alongside Lee's plea to second-degree murder and avoidance of the death penalty—is of such a nature that it would probably produce an acquittal or lesser sentence for Ms. Brown on retrial. *See Jones I*, 591 So. 2d at 915. In other words, with all of the



evidence presented to a jury, it is likely that they would not sentence her to death. Even more probable is that at least one juror would vote for life.

24. Further impacting Ms. Brown's trial outcome, the State's sentencing memorandum urged this Court to impose a death sentence, arguing that "[t]he uncontradicted evidence presented in this case showed that this Defendant, Tina Brown, was the mastermind, the aggressor, and the major participant in the kidnapping and murder of Audreanna Zimmerman." (R. 654).

25. Similarly, the trial court's order sentencing Ms. Brown to death relied on its belief that "[t]he evidence introduced at trial proves the Defendant was the *leader* of the efforts to murder Audreanna Zimmerman. It is clear the Defendant poured gasoline on Zimmerman and set the victim on fire." (R. 701) (emphasis in original). That belief—supported by Doyle's testimony—underpinned this Court's acceptance of the State's proposed aggravating factors and rejection of statutory mitigators. If not for Doyle's false testimony and its bolstering effect related to Lee's testimony, this Court's weighing of the aggravators and mitigators would strike a different balance.

26. The false testimony also infected each of Ms. Brown's subsequent proceedings. In finding Ms. Brown's death sentence proportionate on direct appeal, the Florida Supreme Court's opinion was tainted in two ways by Doyle's untruthfulness at trial. First, the Florida Supreme Court adopted this Court's findings regarding aggravators and mitigators, which were skewed in large part by Doyle's testimony supporting the narrative of Ms. Brown as the primary aggressor. Second, in finding Ms. Brown's sentence proportionate despite the disparity with Lee's lesser sentence, the Florida Supreme Court found that "the evidence presented during trial demonstrates that Brown was the ringleader of this criminal episode, and that Lee, the only other eligible adult for the death penalty, did not share equal culpability with Brown in the murder of Zimmerman."

*Brown*, 143 So. 3d at 407. This flowed from that Court’s finding that “Brown [was the one who] set Zimmerman...on fire[.]” *id.*, which in turn flowed from the testimony of Lee and Doyle.

27. Ms. Brown’s initial postconviction proceedings were similarly undermined by Doyle’s untruthfulness. This Court found that Ms. Brown’s trial counsel performed deficiently in failing to call Terrance Woods to impeach Lee. The deficiency satisfied the first half of the two-pronged ineffective assistance of counsel test articulated in *Strickland v. Washington*, 466 U.S. 668 (1984). However, this Court denied that Ms. Brown’s Sixth Amendment rights had been violated because “[e]ven if the jury had discounted [Lee’s] testimony, the evidence at trial was that Defendant was very active in the attack on the victim; in fact, it was Defendant who was the major aggressor against the victim.” (PCR. 5268). Had it not been for Doyle’s false testimony, the prejudice prong would have been satisfied and Ms. Brown would have received postconviction relief related to her counsel’s ineffectiveness.

28. Similarly, in affirming this Court, the Florida Supreme Court found that although “trial counsel was deficient for failing to present Terrance Woods and Darren Lee to impeach Heather Lee’s trial testimony and implicate her as the ringleader[.]” *Brown v. State*, 304 So. 3d at 269, there was no prejudice due to “the overwhelming evidence of Brown’s involvement and culpability in the victim’s murder from the sources other than Lee[.]” *Id.* at 270. Corey Doyle’s false testimony—that Ms. Brown spontaneously confessed to orchestrating Zimmerman’s murder and said Lee had nothing to do with the murder—was a linchpin of that evidence.<sup>7</sup>

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<sup>7</sup> Doyle’s false testimony even impacted the outcome of Ms. Brown’s state habeas proceedings. In denying Ms. Brown’s claim of ineffective assistance of appellate counsel related to improper prosecutorial comments bolstering Doyle’s credibility and asking “how Doyle . . . would have learned information about the victim’s murder apart from gaining it from Brown[.]” *Brown*, 304 So. 3d at 279, the Florida Supreme Court emphasized that “the record establishes that Doyle’s testimony contained details of the victim’s murder . . . that Doyle learned . . . from [] Brown and

29. Under the Eighth Amendment, Ms. Brown’s “punishment must be tailored to [her] personal responsibility and moral guilt.” *Enmund v. Florida*, 458 U.S. 782, 800 (1982). Doyle’s false testimony, in its own right and in its bolstering of Lee’s testimony, prevented Ms. Brown’s jury, trial court, and reviewing courts from having an accurate picture of “the character and record of the individual [defendant,]” before them. *Woodson v. North Carolina*, 428 U.S. 280, 304. Doyle’s untruthfulness therefore deprived Ms. Brown of “the type of individualized consideration...required by the Eighth and Fourteenth Amendments in capital cases[.]” *Eddings v. Oklahoma*, 455 U.S. 104, 105 (1982) (quoting *Lockett v. Ohio*, 438 U.S. 586, 606 (1978)).

### **Cumulative Review**

30. The newly discovered evidence contained in Doyle and Frazier’s affidavits, when considered cumulatively with “all of the admissible evidence that could be introduced at a new trial,” *Hildwin v. State*, 141 So. 3d at 1187–88, paints a remarkably different picture of “all the circumstances of the case.” *Swafford*, 125 So. 3d at 776. In light of the combined evidence, Ms. Brown’s culpability is greatly lessened, and her conviction and sentence are rendered unreliable.

31. Regarding Lee’s role in the murder, numerous lay witnesses have testified that Lee was the actual orchestrator of Zimmerman’s death. Lee’s husband, Darren Lee, testified to his wife’s motive for the crime as well as her confession to the murder. Darren Lee confirmed that he was sleeping with Zimmerman at the time of her murder. (PCR. 2802–03). He recalled a conversation with his wife that took place on the night of the murder. He said that Lee had recounted “how [Zimmerman] was on one leg, like, begging for her life or something. And . . . that’s when [Lee] said she poured gas on her” and lit her on fire. Several days after the murder,

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not the news.” *Id.* at 279-80. Doyle’s affidavit, however, shows a third, likelier option: she learned it from Lee.

Lee told her husband and Terrance Woods that Darren Lee “wouldn’t be sleeping with [Zimmerman] anymore” (PCR. 2803–06).

32. Terrance Woods testified that he and Lee had grown up in the same neighborhood and had had a sexual relationship (PCR. 3118). He described that when Lee discovered the affair between her husband and Zimmerman, she physically fought Zimmerman (PCR. 3118). Days before the murder, Woods was in Lee’s trailer when “Heather busted in and said she was going to kill the bitch,” referring to Zimmerman (PCR. 3119–20). And, shortly after the murder, Woods recalled Lee making statements that “Darren wouldn’t be fucking his girlfriend anymore . . . because [Lee] killed her” (PCR. 3120). She said that she had poured gasoline on Zimmerman and set her on fire (PCR. 3121).

33. Wendy Moye, Lee’s cellmate at the Escambia County Jail, testified about a conversation she had had with Lee, discussing “very few details” of why Lee was in jail (T. 637–39). These details included driving down a road, beating a girl, and Lee lighting her on fire (T. 639). Nicole Henderson, a former acquaintance of Lee’s, testified that she met Lee in 2009 due to a fight Lee had with Henderson’s younger sister over Lee’s boyfriend (PCR. 2817). Later, while housed at the Escambia County Jail, Henderson encountered Lee again (PCR. 2818). Henderson overheard Lee tell another inmate that “[s]he was going home because she was going to blame it all on Britnee [Miller] and [Brown], and she’s going to get off and live her life” (PCR. 2818–19). Lee further stated that the reason she had killed Zimmerman “was because her boyfriend had got another young lady pregnant” (PCR. 2819). Several other women, including Jessica Swindle, Shayla Edmonson, and Tajiri Jabali, similarly testified that Lee had boasted about killing the woman who was sleeping with her husband and then blaming it on someone else (PCR. 2813, 2816, 2831, 2838–39).

34. More recently, Iris Moreland signed a sworn affidavit pertaining to a period of time when she was incarcerated with Lee at Homestead Correctional Institution. (12/8/21 Affidavit of Iris Moreland, herein after “App. D” at 1). Lee and Moreland were placed in the same dorm when Lee arrived at Homestead, and the two became close friends (App. D at 1). After befriending Lee, other inmates from the Pensacola area who knew of Lee sought Moreland out to inform her why Lee was incarcerated (App. D at 1). Moreland was disturbed, and confronted Lee about the allegations (App. D at 1). In response, Lee informed Moreland that “she bought the gas that was used in the murder and that the ‘bitch deserved to die.’” (App. D at 1).

35. The Florida Supreme Court found that trial counsel rendered deficient performance by failing to call Woods and Darren Lee, who could have “lessen[ed] [] Brown’s culpability, show[n] that Heather Lee was the ringleader, and corroborate[d]” each other’s “similar[ly] powerful impeachment evidence” regarding these facts. *Brown*, 304 So. 3d at 261–62. The Court found that Darren Lee’s testimony in particular would have impeached Lee’s testimony in which she attempted to minimize her role in the victim’s murder and described Brown as the ringleader.” *Id.* at 262–63. And, his testimony regarding his sexual relationship with both Brown and Zimmerman “could have been used to explain Heather Lee’s motive for participating in the murder and her bias for testifying and attempting to minimize her role in comparison to [] Brown’s.” *Id.* at 263.

36. The Supreme Court also found that the testimony of Swindle, Edmonson, and Jabali “would challenge Lee’s credibility as to her role in the events . . . show her lack of remorse . . .and suggest an additional reason that she may want to blame [] Brown and Miller.” *Id.* at 275. Their testimony

would likely have some effect, given the importance of the issue on which Lee would be impeached and the number and diversity of additional witnesses—not

only those who met Lee in prison but also those who knew her before the crime—who could come forward on the matter at a retrial. Thus, at a new trial where Swindle and Edmonson’s testimony was presented, Lee would have even less credibility than she had at Brown’s original trial, and it would be more difficult for the State to rely on the position it took at trial that Brown was the one with motive and the one who poured gasoline on the victim and lit her on fire, while Lee’s involvement was comparatively minimal.

*Id.* at 276. It “would impeach Lee on a major point the State relied on in support of the death penalty: that Brown was the ‘main aggressor’ and the one who lit the fire.” *Id.* at 276–77. The Florida Supreme Court concluded that the additional impeachment of Lee by Swindle, Edmonson, and Jabali “*might* result in a lesser sentence at a retrial.” *Id.* at 277. The Doyle and Frazier affidavits, coupled with further new corroboration from Iris Moreland, tip the scale towards a result that “*would probably*” be a lesser sentence. *Id.*

37. In addition to the evidence of Lee’s heightened culpability in Zimmerman’s murder, this Court must consider the ample evidence of Brown’s reduced culpability. The “total picture” of all the evidence shows not only Ms. Brown’s minimized role in the murders as compared to Lee, but substantial mitigating evidence that could be produced at a retrial or resentencing. *See Hildwin*, 141 So. 3d at 1184.

38. This mitigating evidence includes the fact that Ms. Brown was at least the third generation of her family to experience incest, and that she was taught from an early age to be quiet, please others, and mask her discomfort with laughter (Report of Yenys Castillo, hereinafter, “App. E” at 3). As a child, she experienced frequent parental absence and neglect (T. 759, 760, 778–79, 791). She was deprived of basic needs, including food and medical care (App. E at 7, 11). She witnessed domestic violence between her parents, including an incident when she was four years old that necessitated police intervention (App. E at 8).

39. After Ms. Brown's mother eventually fled the physical abuse (T. 860–61), Ms. Brown and her brother were sexually assaulted by her father, Willie. (App. E at 8; T. 795–96; 861). When Willie remarried, Ms. Brown believed her stepmother, Melinda, was the “saving grace” to make the molestation stop. (App. E at 9). Instead, Willie and Melinda began using the home as a crack house and sexually trafficked Ms. Brown to fund their own drug habits (Report of Elizabeth Campbell, hereinafter “App. F” at 4; Report of Micah Johnson, hereinafter “App. G” at 5; T. 763, 817; 863–64). They plied Ms. Brown with alcohol, cigarettes, and drugs in an attempt to silence her (App. E at 9; T. 800), and the physical violence continued (T. 863–64).

40. In her attempts to escape the trafficking and the rampant violence in her home (T. 763–64; 818), Ms. Brown was thrust into housing insecurity (App. E at 7–12; T. 796–97). She left home the age of 15 or 16 and lived in the projects, where she began shooting up heroin and was again sexually exploited (T. 766–67; 805). Although Ms. Brown tried to get sober and obtain an education (T. 806), she was plagued by cognitive difficulties and struggled to function independently (App. E at 5). These impediments derailed her attempts to establish a more secure life (App. E at 5, 13). Struggling to survive, she became increasingly dependent on abusive men and the commodification of her body as a stripper and sex worker (App. E at 11–14; T. 891, 897–98).

41. Drugs helped Ms. Brown cope with her repeated victimization (App. E at 4–6, 9, 12, 15). She became addicted, which led to the further breakdown of her few positive relationships, including the termination of her parental rights regarding her sons (App. E at 4–5, 14–15). Her years of exposure to complex trauma led to physiological brain changes, cognitive misperceptions, a learned helplessness, periods of deep depression, anxiety and panic attacks, hallucinations, and suicidality (App. G at 6; App. E at 12–13). These catastrophic effects kept Ms. Brown trapped in

a repetitive cycle of trying to get clean and on a more fulfilling path, then being unable to support herself and getting sucked back into old patterns of abuse and victimization because “[h]er lack of internal and external resources precluded her from abandoning harmful circumstances or attaining positive goals.” (App. E at 18; T. 900–905).

42. This pattern culminated in Ms. Brown’s present circumstances. Desperate for a change in her life, Ms. Brown acquiesced to her friend Pamela Valley’s invitation to move from Illinois and live with her in Pensacola, Florida (App. E at 16). However, when Ms. Brown rejected Valley’s sexual advances, Valley kicked her out of the house (App. E at 16). Ms. Brown was forced to move into a trailer park where she was surrounded by drugs, relapsed in her addiction, and became dependent on her neighbors and drug suppliers, Heather and Darren Lee (App. E at 16).

43. When Ms. Brown’s newly discovered evidence regarding Doyle’s false testimony—and its implications regarding Lee’s role in Zimmerman’s murder and the lengths Lee went to conceal that role—is reviewed cumulatively with all of the previously presented evidence and other admissible evidence, new proceedings are required. The totality of evidence indicates that it was Lee, not Ms. Brown, who was the “aggressor” in Zimmerman’s murder (T. 708), and that one of the most critical witnesses against Ms. Brown lied on the witness stand. This wholly changes the context of Ms. Brown’s case, especially given a) the emphasis the State placed on its argument that Ms. Brown was the primary aggressor; b) the weight this Court placed on that belief when sentencing her to death; and c) the Florida Supreme Court’s statements regarding the impact of previously presented impeachment of Lee’s testimony during initial postconviction proceedings.

44. Ms. Brown submits that the newly discovered evidence of Doyle’s false testimony reveals violations of her Sixth, Eighth, and Fourteenth Amendment rights, and would probably



produce an acquittal of first-degree murder and/or a life sentence upon retrial. Her conviction and death sentence are therefore unreliable.

### **CONCLUSION AND RELIEF SOUGHT**

Based on the foregoing, Ms. Brown requests the following relief:

1. Conduct an evidentiary hearing on this motion and allow Ms. Brown to introduce testimony in support of her allegations; and/or
2. Vacate her conviction of first-degree murder and conduct a new trial; and/or
3. Vacate the sentence of death previously imposed and conduct a new penalty phase proceeding.

### **CERTIFICATION OF COUNSEL**

Pursuant to Florida Rule of Criminal Procedure 3.851(e), the undersigned counsel certifies that she has discussed the contents of this motion with the Defendant, Tina Brown, who consents to its filing. Counsel further certifies that the motion is filed in good faith, and counsel has complied with Rule 4-1.4 of the Rules of Professional Conduct.

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic service to all counsel of record, on this 15th day of August, 2022.

Respectfully Submitted,

/s/ Dawn B. Macready  
DAWN B. MACREADY  
Chief Assistant CCRC-North  
Florida Bar No. 542611  
1004 DeSoto Park Drive  
Tallahassee, FL 32301  
(850) 487-0922  
Dawn.Macready@ccrc-north.org

# Appendix A



STATE OF FLORIDA

V.

TINA LASONYA BROWN  
DEFENDANT.

2010 CF 001608 A

CASE NUMBERS

**FINGERPRINTS OF DEFENDANT**

1. RIGHT THUMB

2. RIGHT INDEX

3. RIGHT MIDDLE

4. RIGHT RING

5. RIGHT LITTLE



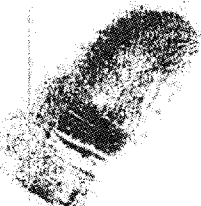
1. LEFT THUMB

2. LEFT INDEX

3. LEFT MIDDLE

4. LEFT RING

5. LEFT LITTLE



FINGERPRINTS TAKEN BY:

*RSCABE*

*L. FAMES*  
NAME

*#623*

*DST*  
TITLE

I HEREBY CERTIFY that the above and foregoing are the fingerprints of the defendant,

TINA LASONYA BROWN

and that they were placed thereon by the defendant in my presence in open court this date.

DONE AND ORDERED in open court in

ESCAMBIA

County, Florida, this

28TH

day of

SEPTEMBER

2012

*[Signature]*  
Judge

STATE OF FLORIDA  
VS.

IN THE CIRCUIT COURT, FIRST JUDICIAL CIRCUIT  
IN AND FOR ESCAMBIA COUNTY, FLORIDA  
Division N

TINA LASONYA BROWN  
DEFENDANT

2010 CF 001608 A  
Case Number(s)

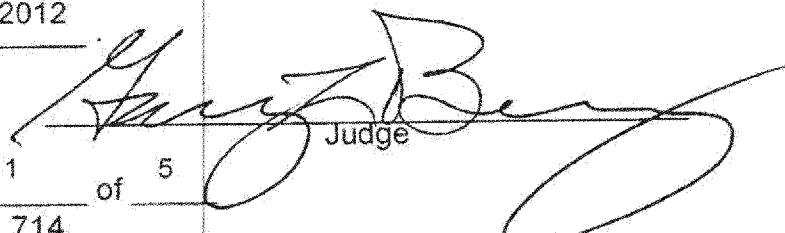
CHARGES/COSTS/FEEES

The defendant is hereby ordered to pay the following sums (if checked):

- \$50.00 pursuant to section 938.03, Florida Statutes  
(Crimes Compensation Trust Fund)
- \$3.00 as a court cost pursuant to Section 938.01, Florida Statutes  
(Criminal Justice Trust Fund)
- \$2.00 as a court cost pursuant to Section 938.15, Florida Statutes  
(Criminal Justice Education by Municipalities and Counties)
- A sum of \$225.00 pursuant to Section 938.05, Florida Statutes  
(Additional Court Costs - Felony)
- A sum of \$65.00 pursuant to Section 939.185(1), Florida Statutes  
(Additional Court Costs - County)
- A sum of \$50.00 pursuant to Section 775.083(2), Florida Statutes  
(Crime Prevention Programs)
- A sum of \$3.00 pursuant to CO 05.51 and Section 938.19, Florida Statutes  
(Teen Court)
- \$20.00 to Crimestoppers® pursuant to Section 938.06, Florida Statutes
- A sum of \$101.00 pursuant to Section 938.10(1), Florida Statutes  
(Child Advocacy Trust Fund)
- A sum of \$151.00 pursuant to Section 938.085, Florida Statutes  
(Rape Crisis - Sexual Assault/Battery)
- A sum of \$201.00 pursuant to Section 938.08, Florida Statutes  
(Domestic Violence Trust Fund)
- Restitution \_\_\_\_\_
- A sum of \$ \_\_\_\_\_ pursuant to Section 938.29, Florida Statutes  
(Public Defender Fees)
- A sum of \$50.00 pursuant to Section 27.52(1)(c), Florida Statutes  
(Public Defender Application Fee)
- A sum of \$ \_\_\_\_\_ pursuant to Section 938.27, Florida Statutes  
( Prosecution /  Investigative Costs) to: \_\_\_\_\_
- All money obligations to be reduced to lien

Other \_\_\_\_\_

DONE AND ORDERED in open court at ESCAMBIA County, Florida, this 28TH  
day of SEPTEMBER, 2012

  
\_\_\_\_\_  
Judge

Defendant TINA LASONYA BROWN

Case Number 2010 CF 001608 A

## SENTENCE

As To Count 1

The defendant, being personally before the court, accompanied by the defendant's attorney of record, and having been adjudicated guilty herein, and the court having given the defendant an opportunity to be heard and to offer matters in mitigation of sentence, and to show cause why the defendant should not be sentenced as provided by law, and no cause being shown

(Check one if applicable)

\_\_\_\_\_ and the court having on \_\_\_\_\_ deferred imposition of sentence until this date.  
(Date)

\_\_\_\_\_ and the court having previously entered a judgment in this case on \_\_\_\_\_ now re-sentences the defendant.  
(Date)

\_\_\_\_\_ and the court having placed the defendant on  probation /  community control and having subsequently revoked the defendant's  probation /  community control.

### It Is The Sentence Of The Court That:

\_\_\_\_\_ The defendant pay a fine of \$ \_\_\_\_\_, pursuant to Section 775.083, Florida Statutes, plus \$ \_\_\_\_\_ as the 5% surcharge required by Section 938.04 Florida Statutes.

The defendant is hereby committed to the custody of the Department of Corrections.

\_\_\_\_\_ The defendant is hereby committed to the custody of the Sheriff of Escambia County, Florida.

\_\_\_\_\_ The defendant is sentenced as a youthful offender in accordance with Section 958.04, Florida Statutes.

To Be Imprisoned (check one); Unmarked sections are inapplicable:

\_\_\_\_\_ For a term of natural life.

For a term of DEATH

\_\_\_\_\_ Said SENTENCE SUSPENDED for a period of \_\_\_\_\_ subject to conditions set forth in this order.

If "Split" Sentence, Complete the Appropriate Paragraph.

\_\_\_\_\_ Followed by a period of \_\_\_\_\_ on  probation /  community control under the supervision of the Department of Corrections according to the terms and conditions of supervision set forth in separate order.

\_\_\_\_\_ However, after serving a period of \_\_\_\_\_ imprisonment in \_\_\_\_\_, the balance of the sentence shall be suspended and the defendant shall be placed on probation/community control for a period of \_\_\_\_\_ under supervision of the Department of Corrections according to the terms and conditions of  probation /  community control set forth in a separate order.

In the event the defendant is ordered to serve additional split sentences, all incarceration portions shall be satisfied before the defendant begins service of the supervision terms.

**SPECIAL PROVISIONS**

As to Count 1

By appropriate notation, the following provisions apply to the sentence imposed:

**Mandatory / Minimum Provisions:****Firearm**

\_\_\_\_\_ It is further ordered that the 3-year minimum imprisonment provision of Section 775.087(2), Florida Statutes, is hereby imposed for the sentence specified in this count.

**Drug Trafficking**

\_\_\_\_\_ It is further ordered that the \_\_\_\_\_ mandatory minimum imprisonment provision of Section 893.135(1), Florida Statutes, is hereby imposed for the sentence specified in this count.

**Controlled Substance Within 1,000 Feet of School**

\_\_\_\_\_ It is further ordered that the 3-year minimum imprisonment provision of Section 893.13(1)(e)1, Florida Statutes, is hereby imposed for the sentence specified in this count.

**Habitual Felony Offender**

\_\_\_\_\_ The defendant is adjudicated a habitual felony offender and has been sentenced to an extended term in accordance with the provisions of Section 775.084(4)(a), Florida Statutes. The requisite findings by the court are set forth in a separate order or stated on the record in open court.

**Habitual VIOLENT Felony Offender**

\_\_\_\_\_ The defendant is adjudicated a habitual violent felony offender and has been sentenced to an extended term in accordance with the provisions of Section 775.084(4)(b), Florida Statutes. A minimum term of \_\_\_\_\_ year(s) must be served prior to release. The requisite findings of the court are set forth in a separate order or stated on the record in open court.

**Law Enforcement Protection Act**

\_\_\_\_\_ It is further ordered that the defendant shall serve a minimum of \_\_\_\_\_ year(s) before release in accordance with Section 775.0823, Florida Statutes.

**Capital Offense**

\_\_\_\_\_ It is further ordered that the defendant shall serve no less than 25 years in accordance with the provisions of Section 775.082(1), Florida Statutes.

**Short-Barreled Rifle, Shotgun, Machine Gun**

\_\_\_\_\_ It is further ordered that the 5-year minimum provisions of Section 790.221(2), Florida Statutes, are hereby imposed for the sentence specified in this count.

**Continuing Criminal Enterprise**

\_\_\_\_\_ It is further ordered that the 25-year minimum sentence provisions of Section 893.20, Florida Statutes, are hereby imposed for the sentence specified in this count.

**Taking a Law Enforcement Officer's Firearm**

\_\_\_\_\_ It is further ordered that the 3-year mandatory minimum imprisonment provision of Section 775.0857(1), Florida Statutes, is hereby imposed for the sentence specified in this count.

**Prison Releasee Re-offender**

\_\_\_\_\_ It is further ordered that the defendant shall serve a minimum of \_\_\_\_\_ year(s) in accordance with Section 775.082, Florida Statutes.

Defendant: TINA LASONYA BROWN

Case: 2010 CF 001608 A

**SPECIAL PROVISIONS**

As to Count 1

**Other Provisions:**

**Retention of Jurisdiction**

         The court retains jurisdiction over the defendant pursuant to Section 947.16(3), Florida Statutes (1983).

**Jail Credit**

  X   It is further ordered that the defendant shall be allowed a total of   904   days as credit for time incarcerated before imposition of this sentence.

**CREDIT FOR TIME SERVED  
IN RE-SENTENCING AFTER  
VIOLATION OF PROBATION  
OR COMMUNITY CONTROL**

         It is further ordered that the defendant be allowed                  days time served between date of arrest as a violator following release from prison to the date of re-sentencing. The Department of Corrections shall apply original jail time credit and shall compute and apply credit for time served and un-forfeited gain time previously awarded on case/count                          ( Offenses committed before October 1, 1989 ).

         It is further ordered that the defendant be allowed          days time served between date of arrest as a violator following release from prison to the date of re-sentencing. The Department of Corrections shall apply original jail time credit and shall compute and apply credit for time served on case/count                          (Offenses committed between October 1, 1989 and December 21, 1993 )

         The court deems the un-forfeited gain time previously awarded on the above case/count forfeited under Section 948.06(6).

         The court allows un-forfeited gain time previously awarded on the above case/count. (Gain time may be subject to forfeiture by the Department of Corrections under Corrections under Section 944.28(1).

         It is further ordered that the defendant be allowed                  days time served between date of arrest as a violator following release from prison to the date of re-sentencing. The Department of Corrections shall apply original jail time credit and shall compute and apply credit for time served only pursuant to Section 921.0017, Florida Statutes, on case/count                          ( Offense committed on or after January 1, 1994 )



Defendant: TINA LASONYA BROWN

Case Number: 2010 CF 001608 A

**Consecutive/Concurrent as to Other Counts**

It is further ordered that the sentence imposed for this count shall run (check one)  
\_\_\_\_\_ consecutive to \_\_\_\_\_ concurrent with  
the sentence set forth in count \_\_\_\_\_ of this case.

**Consecutive/Concurrent as to Other Convictions**

It is further ordered that the composite term of all sentences imposed for the  
counts specified in this order shall run (check one) \_\_\_\_\_ consecutive to  
\_\_\_\_\_ concurrent with the following (check one):

\_\_\_\_\_ Any active sentence being served.

\_\_\_\_\_ Specific sentences: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In the event the above sentence is to the Department of Corrections, the Sheriff of  
**ESCAMBIA** County Florida, is hereby ordered and directed to deliver the defendant to the  
Department of Corrections at the facility designated by the department together with a copy of this  
judgment and sentence, and any other documents specified by Florida Statute.

The defendant in open court was advised of the right to appeal from this sentence by filing  
notice of appeal within 30 days from this date with the clerk of this court and the defendant's right to  
the assistance of counsel in taking the appeal at the expense of the state on showing of indigency.

In imposing the above sentence, the court further recommends \_\_\_\_\_

Count 2-- State Announced Nolle Prosequi on 6/18/2012

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Defendant remanded to custody to begin serving sentence.

DONE AND ORDERED in open court at **ESCAMBIA** County, Florida, this 28TH  
day of SEPTEMBER, 2012

  
Judge

# Appendix B

State of Florida            )  
  )  
County of Escambia        )        SS

**AFFIDAVIT/DECLARATION OF CORIE KENDAL RUSSELL**

**PURSUANT TO 28 U.S.C. § 1746**

I, CORIE KENDAL RUSSELL, having been first duly sworn or affirmed, hereby state the following as true and correct:

1. My name is Corie Kendal Russell. Corie Doyle was my married name. I reside in Escambia County, Florida. From 2011 through 2012, I was incarcerated at the Escambia County Jail, serving a sentence for grand theft auto for taking my boyfriend's car.
2. I was housed on 4 West (4W) dorm inside the jail before later moving to 4 East (4E). A friend of mine, <sup>CK</sup> ~~Latoria~~ LATORIA Frazier, warned me to stay away from a particular woman. Though I did not know her name at that point, I later learned that it was Heather Lee. Heather was aggressive and hostile towards other inmates.
3. I knew what the lime green jumpsuit Tina Brown wore meant before I met her in 4E. Heather Lee wore the same jumpsuit. It meant she was a high risk offender or facing serious felony charges such as murder. This was common knowledge among inmates.
4. For the several weeks I was in 4E, Tina did not appear to be capable of taking care of herself. She was heavily medicated, often sleeping or laying down on her bunk all day, and she slurred her words when she spoke, which was rarely. It appeared to me that it took a lot of energy for her to even move. When she was not laying down, she often sat, rocking back and forth. I learned later from talk among inmates that Heather's husband sold drugs to Tina. Tina seemed to be an addict.

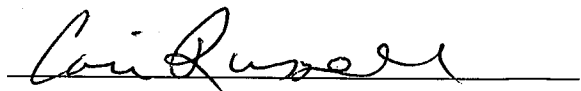
5. I later returned to 4W. I was placed in a bunk next to Heather Lee. We were within arm's reach of each other. Heather was not approachable, and I understood what ~~Letrovia~~ <sup>Q/B - LH TO RIA</sup> meant earlier. I was afraid to talk to Heather and upset her.
6. Over time it was easier to have a conversation with Heather. When Heather and I became more acquainted, I decided to approach her with information about her case involving her co-defendants, Tina and Britnee Miller. Ultimately, Heather and I discussed the case. Heather said she would contact her attorney, Randall Etheridge, and have him speak to me.
7. During the conversation, Heather admitted to me her involvement in Audreanna Zimmerman's murder. Heather told me that she and Tina attacked and used a Taser on Audreanna at a trailer. Audreanna was dragged into a car. Tina drove while Heather was in the backseat holding onto Audreanna's hair. Britnee Miller, Tina's daughter, was also with them. Heather used the Taser on Audreanna whenever she spoke or pleaded to Heather to let her go. Heather was involved in Audreanna's death.
8. Heather directed me to make false statements about Tina's alleged confession to Heather's attorney, the State Attorney's Office, and anyone else who collected my statements about this. Heather led me to believe Audreanna's death was caused by Tina and Britnee because Britnee and Audreanna had a fight over a young boy they were both interested in. Heather asked me to testify that Tina informed me that Heather had nothing to do with the murder but knew about it. Heather asked me to testify that she and I had no conversations about her case and that she only told me to get in contact with her attorney.
9. Heather threatened me to "not fuck up" any statements or testimony I would give regarding Tina's alleged confession - "or else". If I were to do what she asked, Heather

said everything would be fine. I took this as a threat that I could either be physically hurt or killed. I believed correctional officers and law enforcement could not protect me if I did not agree to Heather's demands. Life inside jail does not guarantee anyone's safety. I know because I have experienced it.

10. Tina did not tell me the altercation between Britnee and Audreanna was over a young boy. Tina did not tell me that Heather was not involved in the attack on Audreanna.
11. I have reviewed my testimony to the above and I acknowledge it was untrue. Before and during my testimony at Tina's trial, I was under great pressure and duress from Heather's threats to testify untruthfully. I felt I had no other choice but to maintain what I provided in previous statements to attorneys.
12. Since testifying at Tina's trial I have been afraid to come forward with the above information because of the threats Heather made toward me.

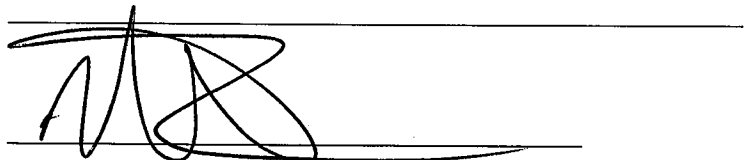
I hereby certify that the facts set forth are true and correct to the best of my personal knowledge, information, and belief, subject to the penalty of perjury, pursuant to 28 U.S.C. §1746.

FURTHER AFFIANT SAITH NAUGHT,



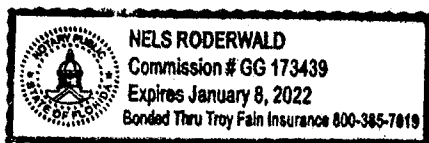
Corie Kendall Russell

Sworn to (or affirmed) and subscribed before me this 12th day of December, 2021 by Corie Kendal Russell who is personally known to me or who has provided the following identification:



Notary Public, State of Florida

SEAL:



# Appendix C

State of Florida  
County of Escambia

Pursuant to

~~Affidavit~~/Declaration of Latoria Frazier 28 OSC § 1746  
I, Latoria Frazier, having been first duly sworn or affirmed, hereby state the following as true and correct.

1.) My name is Latoria Frazier I reside in Escambia County, Florida.

2.) In the early 2010s I was incarcerated at the Escambia County Jail with Heather Lee and Corie Kendall Dagle. I knew Heather from growing up with her, and I knew Kendall from the streets. Heather was in for the murder of a young woman.

3.) ~~Corie~~ Kendall came up to me at the jail about Heather. Kendall said Heather asked her to lie, to testify for her case. Kendall did not know what to do. I told her to not do it and to stay away from Heather.

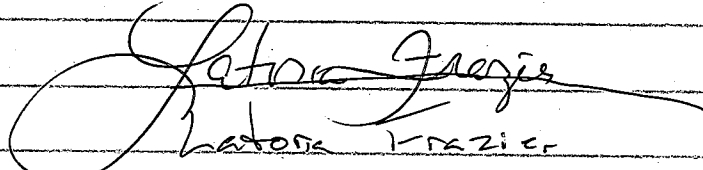
4.) No one has contacted me about Heather Lee's or Tim Brown's case.

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J page 1 of 2

I hereby certify that the facts set forth are true and correct to the best of my personal knowledge, information, and belief, subject to the penalty of perjury, pursuant to 28 USC 1746.

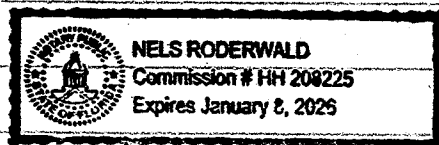
Further Affiant Swith Naught,

  
Latonia Frazier

Sworn to (or affirmed) and subscribed before me this 17th day of June, 2022 by Latonia Frazier who is personally known to me.



Notary Public, State of Florida  
Seal:



LF

page 2 of 2



# Appendix D

STATE OF FLORIDA  
COUNTY OF MARION

AFFIDAVIT OF IRIS MORELAND

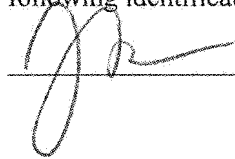
I, **IRIS MORELAND**, having been duly sworn and affirmed, hereby state the following as true and correct:

- IM 1. My name is Iris Moreland. I am currently incarcerated at Lowell Correctional Institution in Marion County, Florida. I am over 18 years of age.
- IM 2. Between 2012 and 2014, I personally knew Heather Lee while incarcerated at Homestead Correctional Institution in Dade County, Florida. *Heather and I were close friends*. We met when Heather arrived at Homestead C.I., and she was placed in the same dorm as me.
- IM 3. *After a while*, other inmates, from Pensacola, sought me out because they wanted to inform me why Heather was incarcerated. After hearing the details of the crime, I was very disturbed and wanted to discuss it with Heather.
- IM 4. I confronted Heather about this. Heather told me she bought the gas that was used in the murder and that the "bitch deserved to die."
- IM 5. On December 8 2021, I met with Jayson Shannon, CCRC-N investigator supervisor. I understand he works for Tina Brown's legal defense team. This statement is based on what I told him. Nothing has been changed or altered in any way. I swear this statement is true, correct and voluntary.

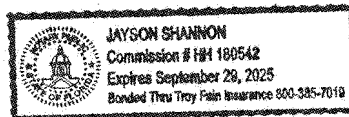
FURTHER AFFIANT SAYETH NAUGHT

  
Iris Moreland, DC# Y03341

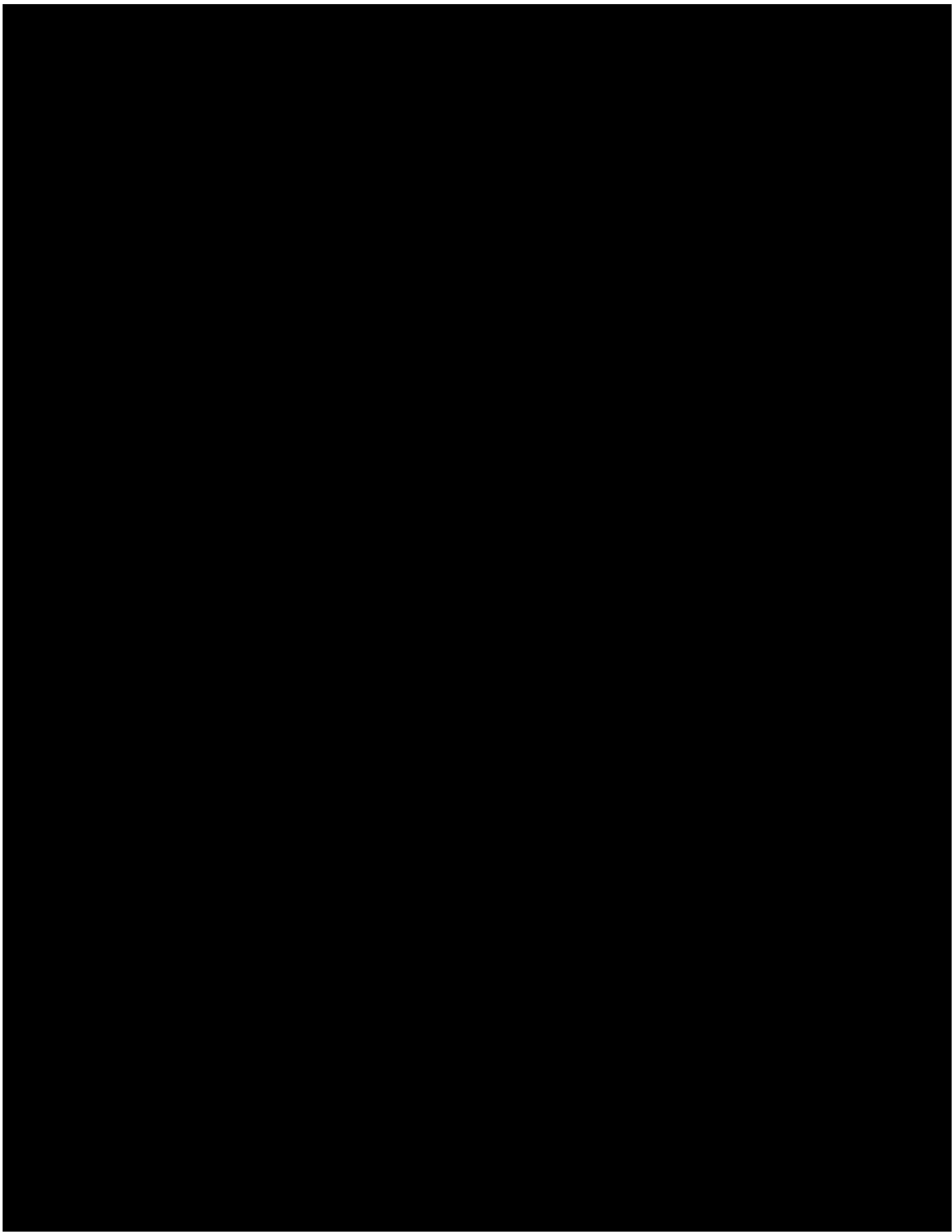
Sworn to and subscribed before me, this 8<sup>th</sup> day of December, 2021. Affiant provided the following identification: FL DOC ID: Y03341

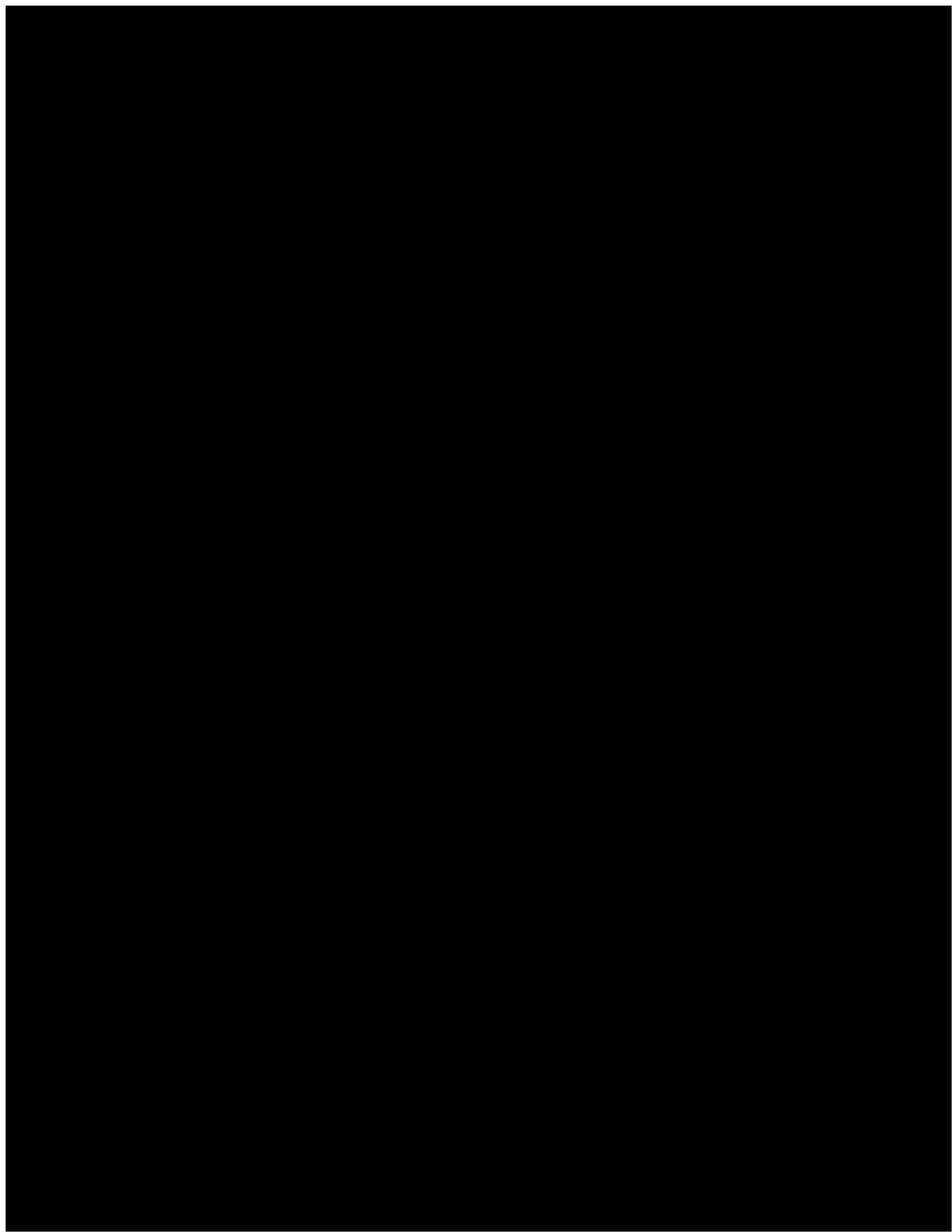


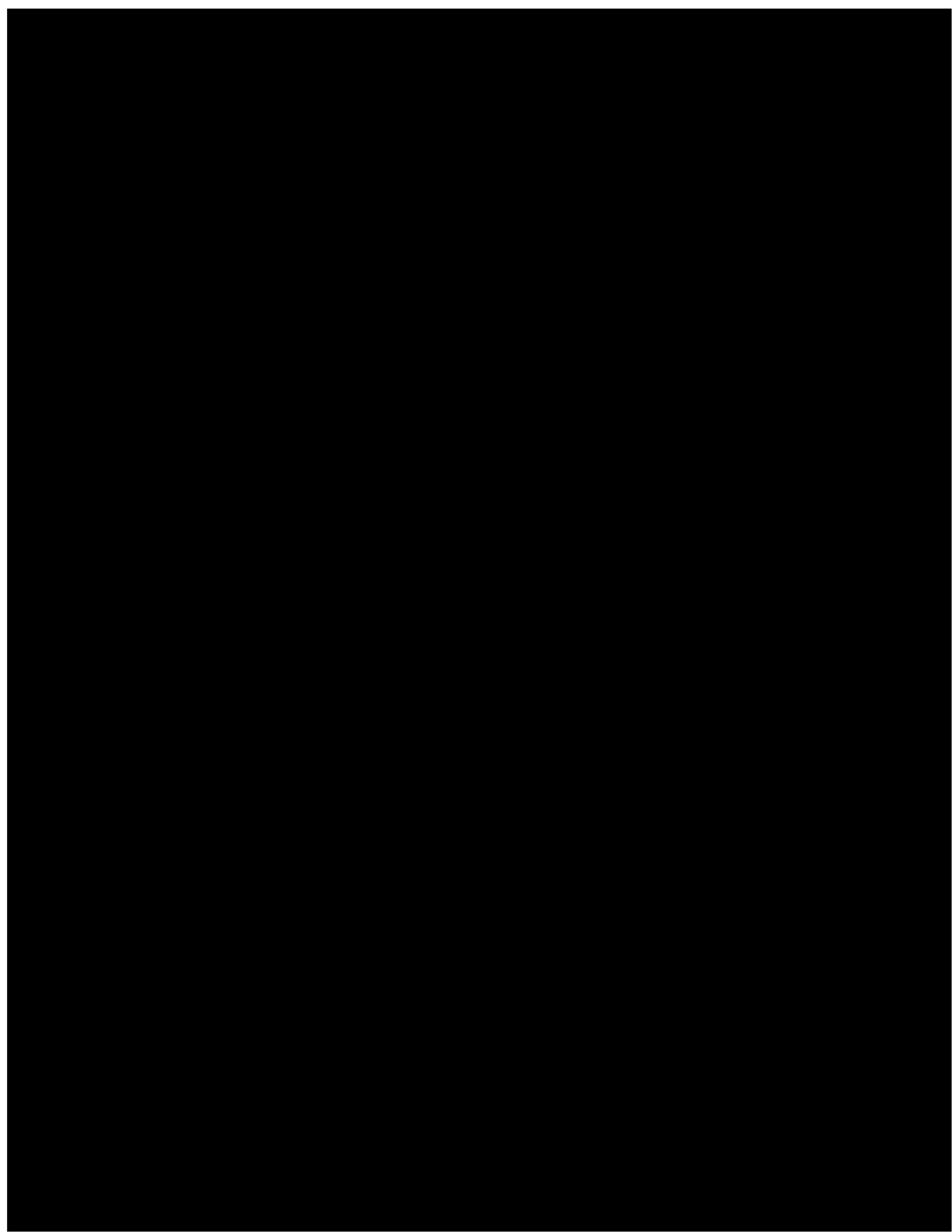
Notary Public

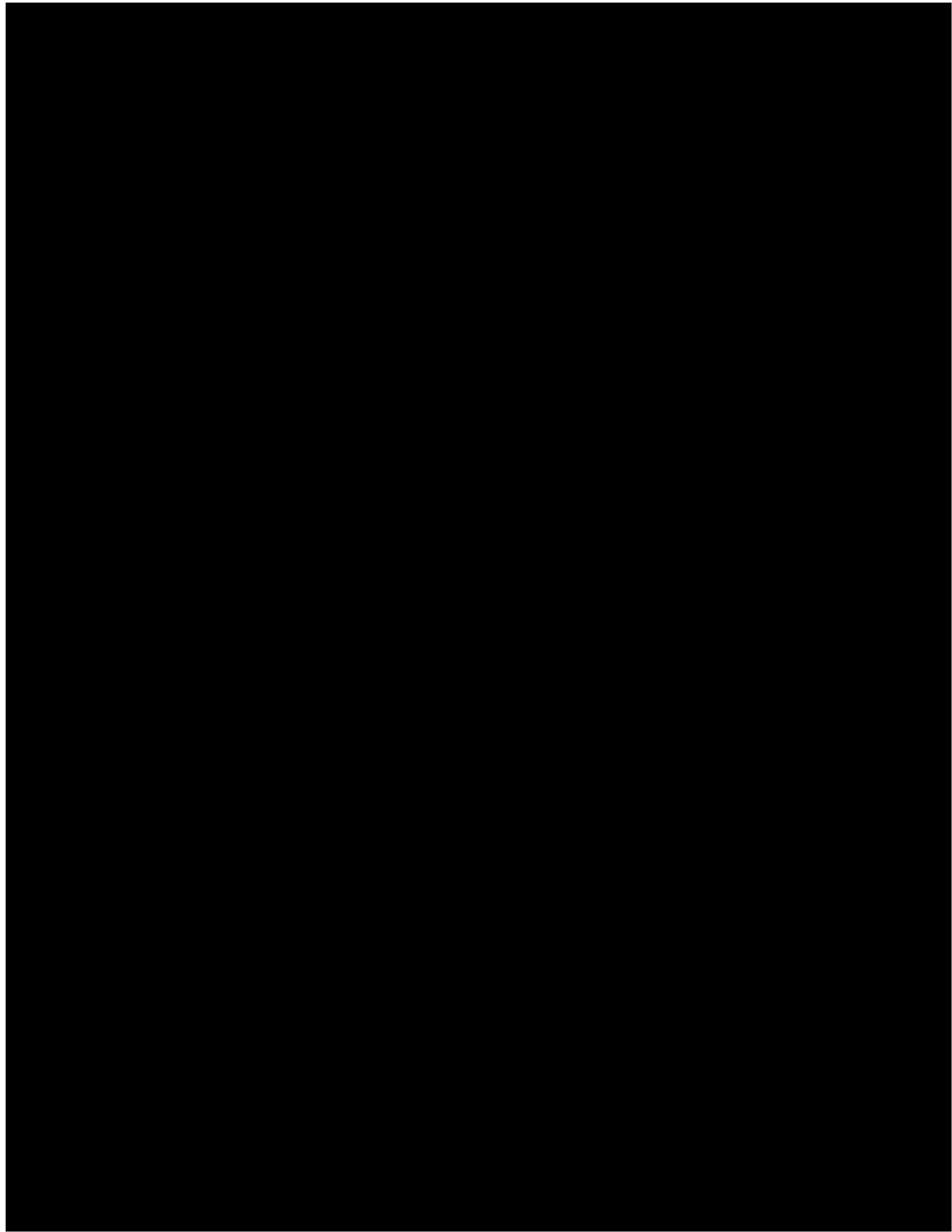


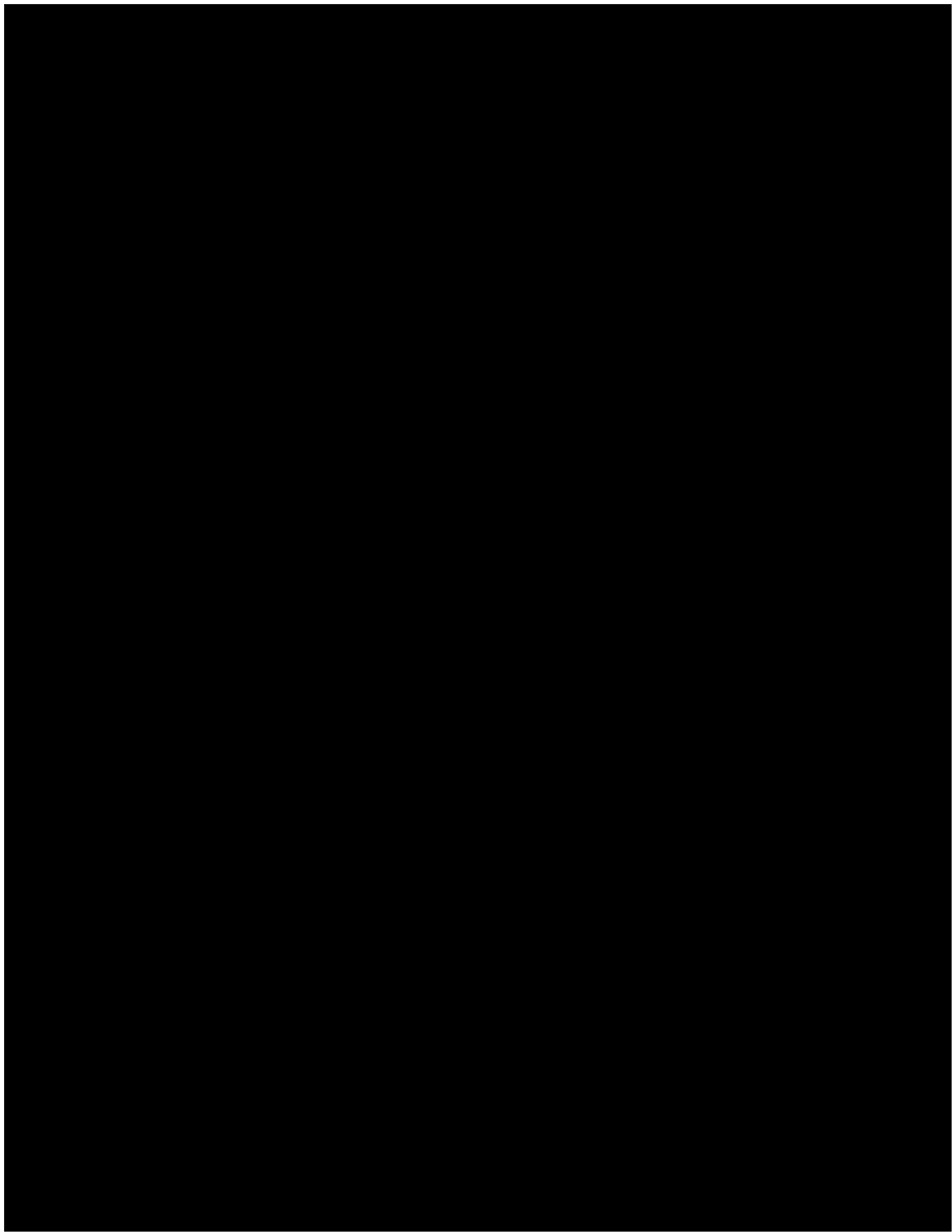
# Appendix E



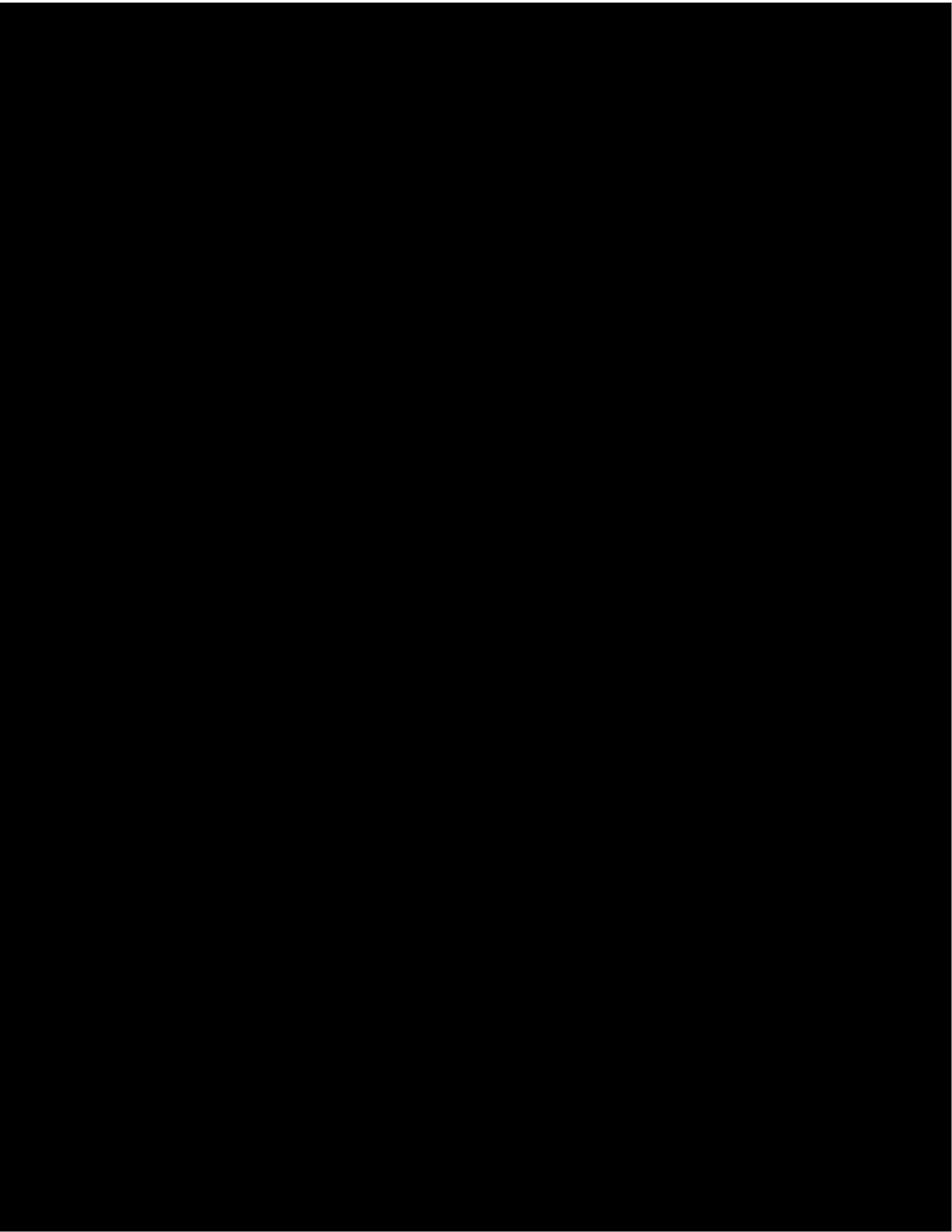


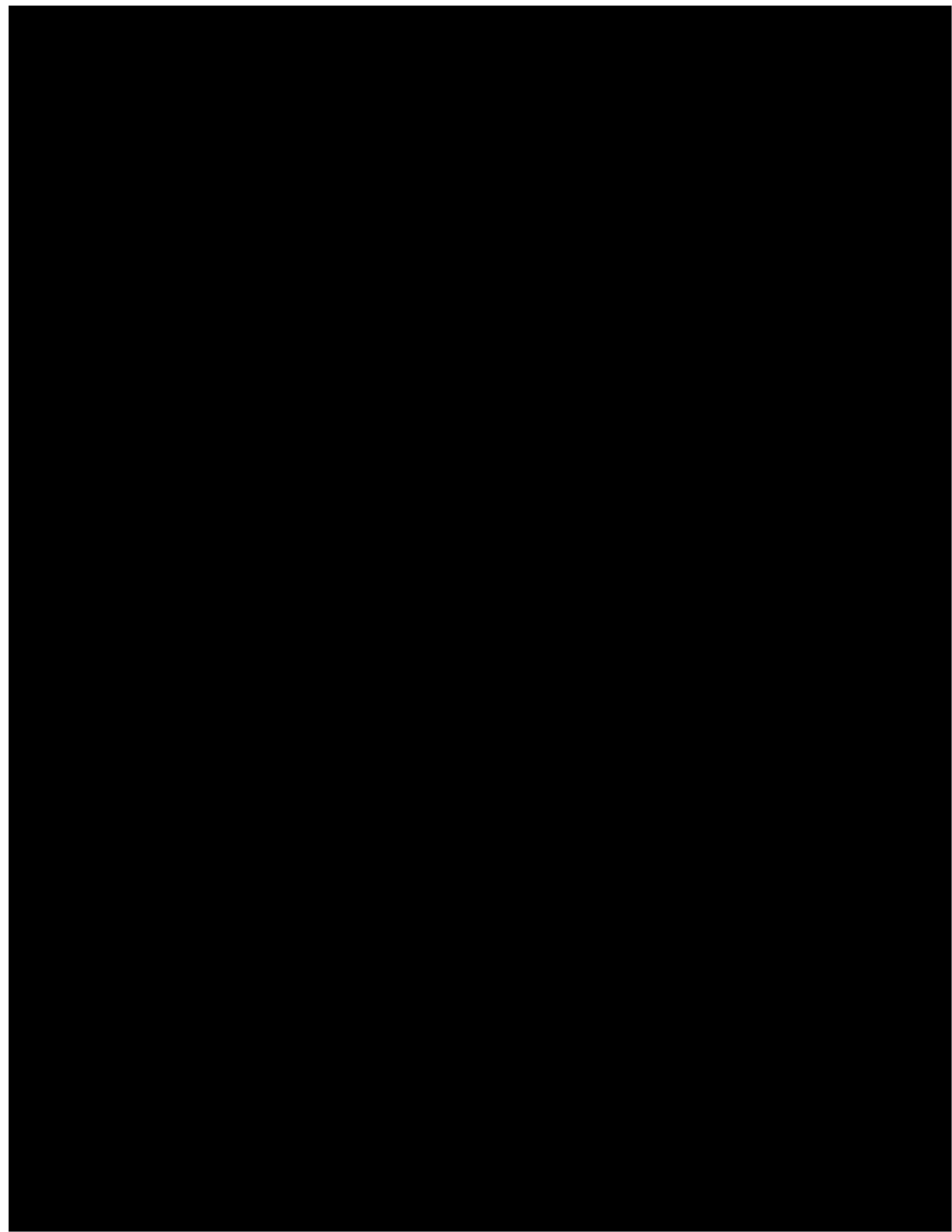


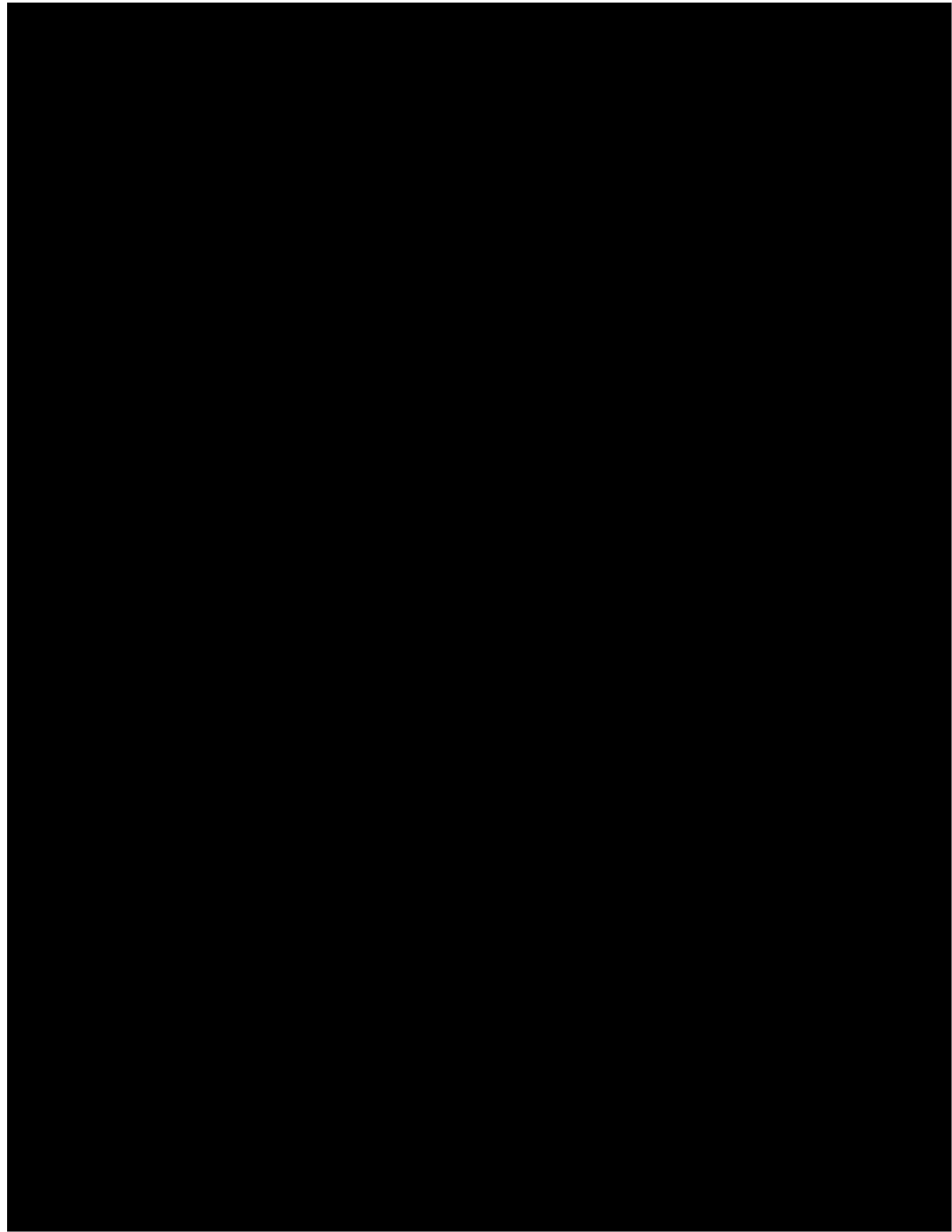


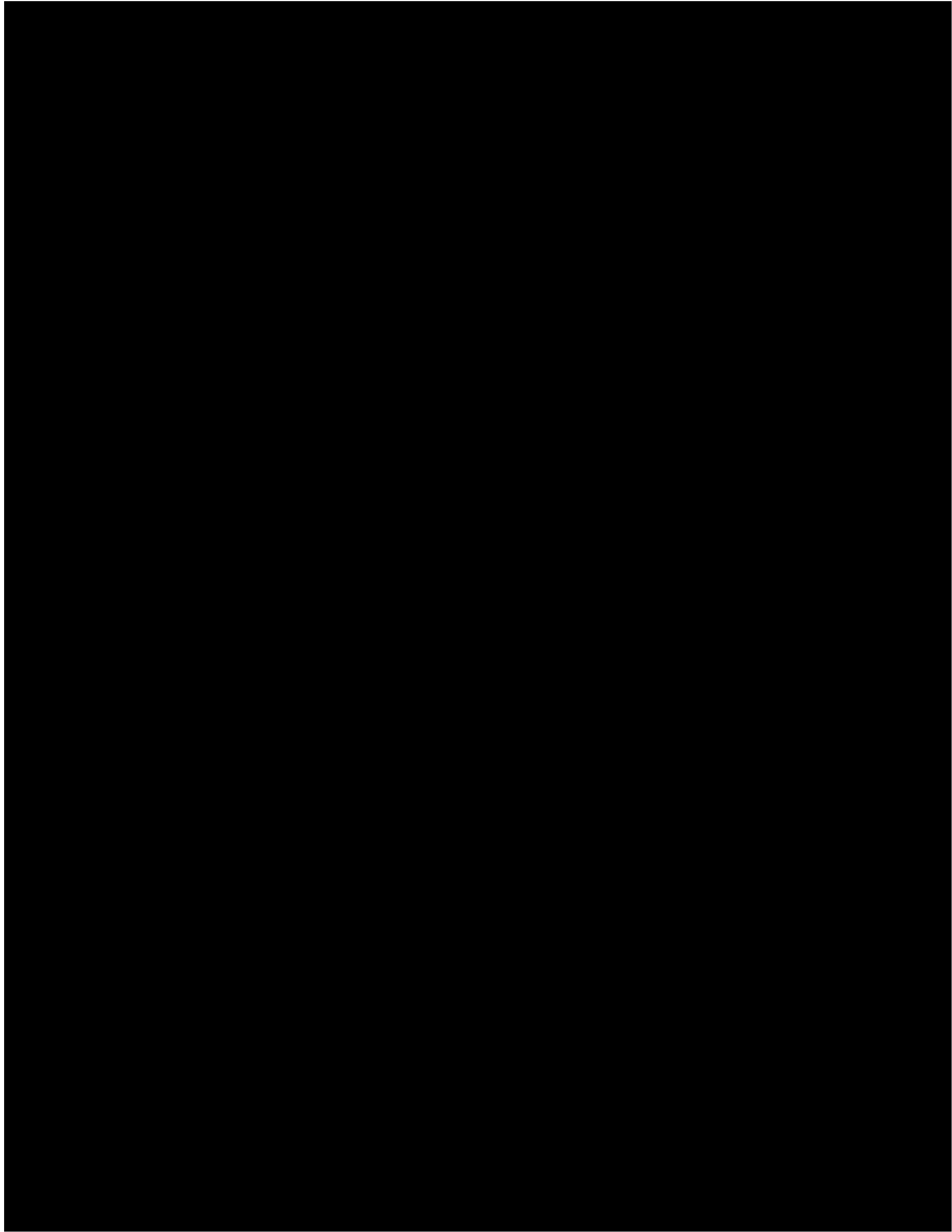






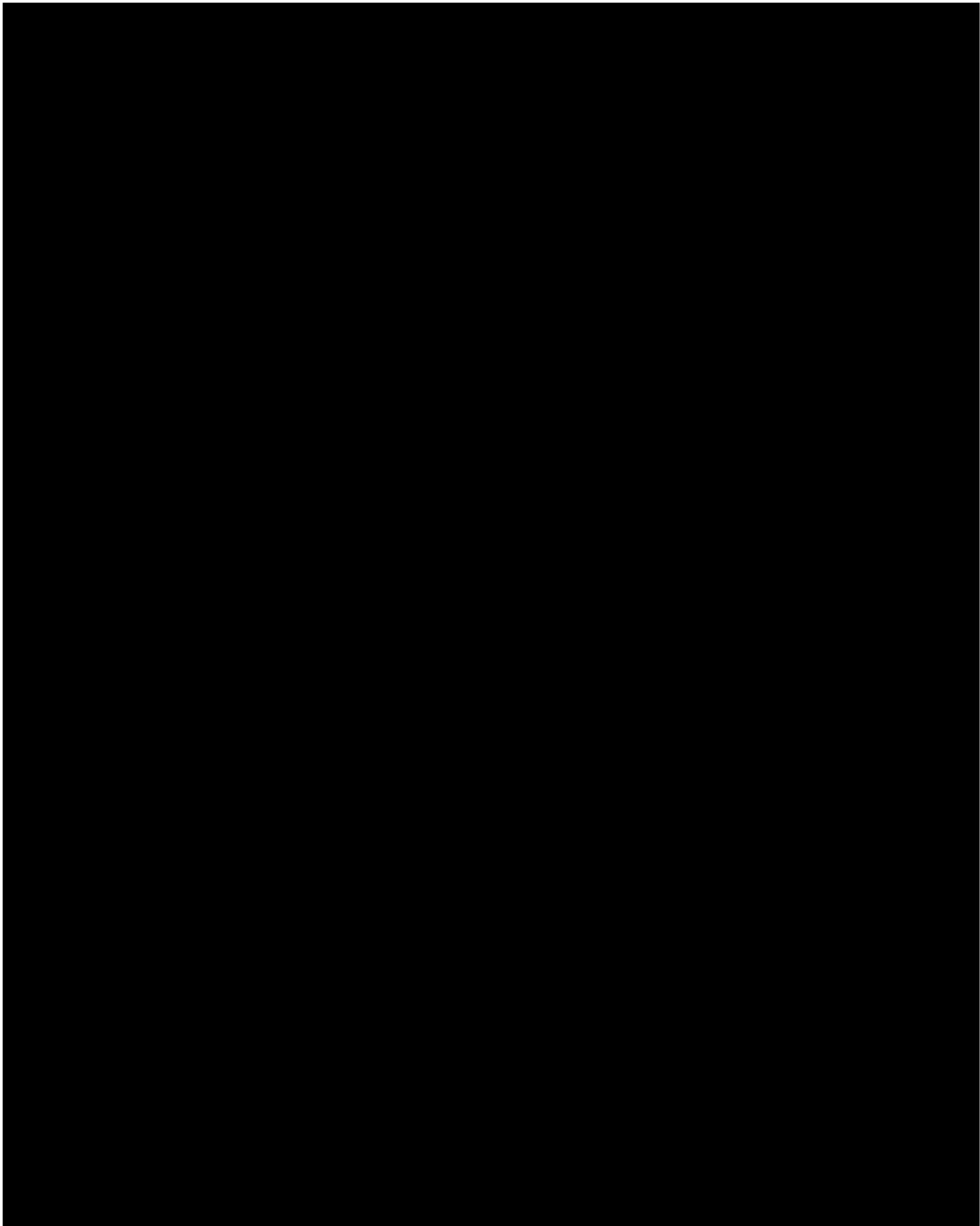


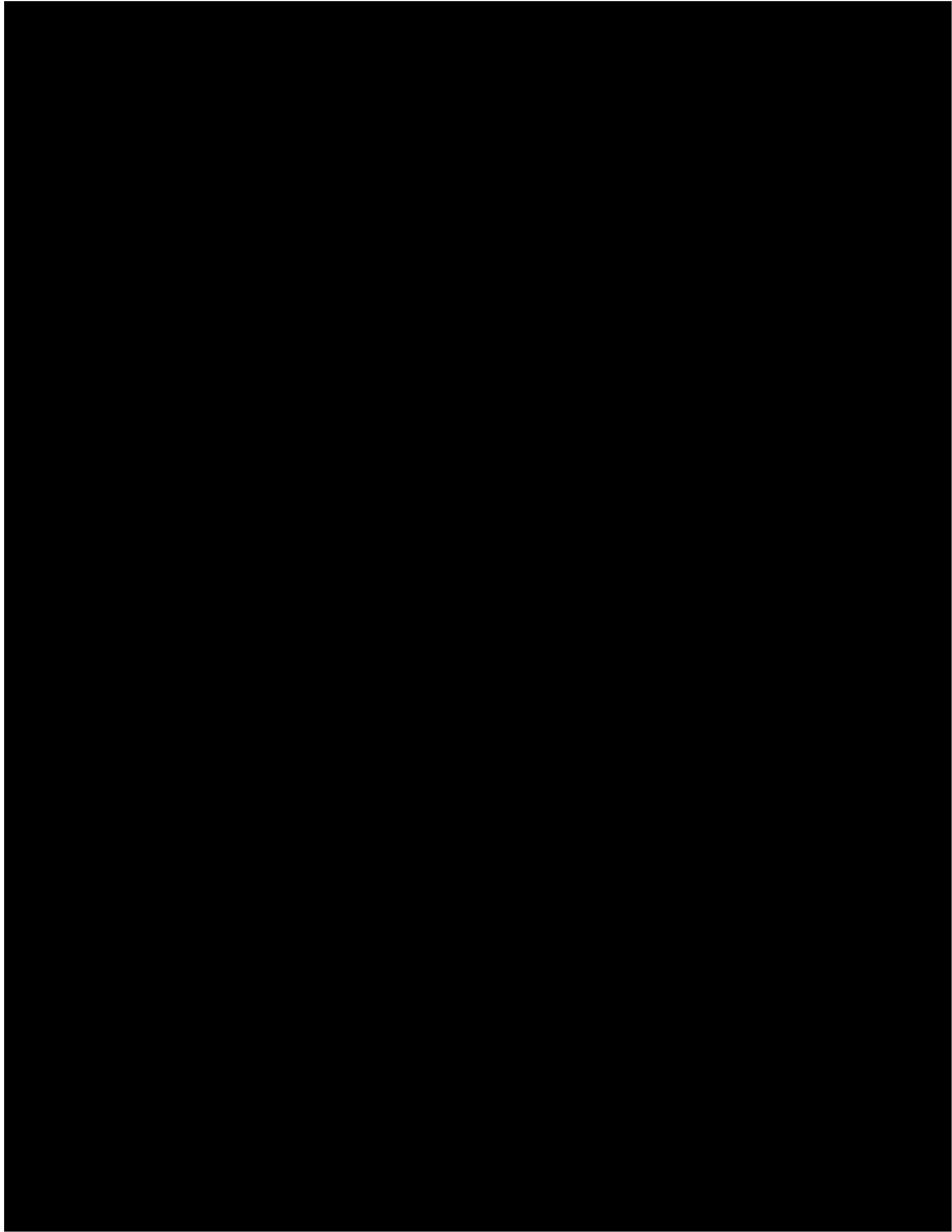




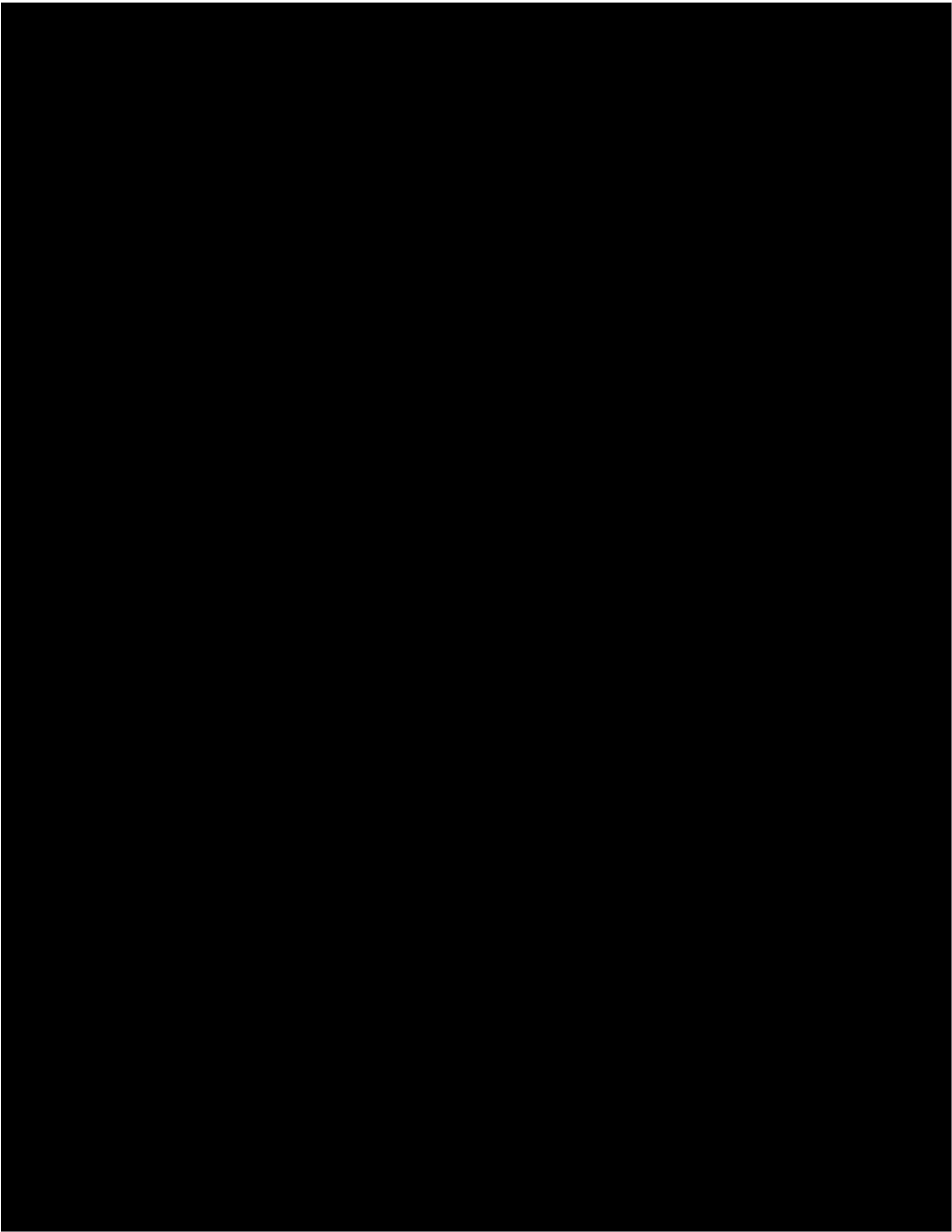


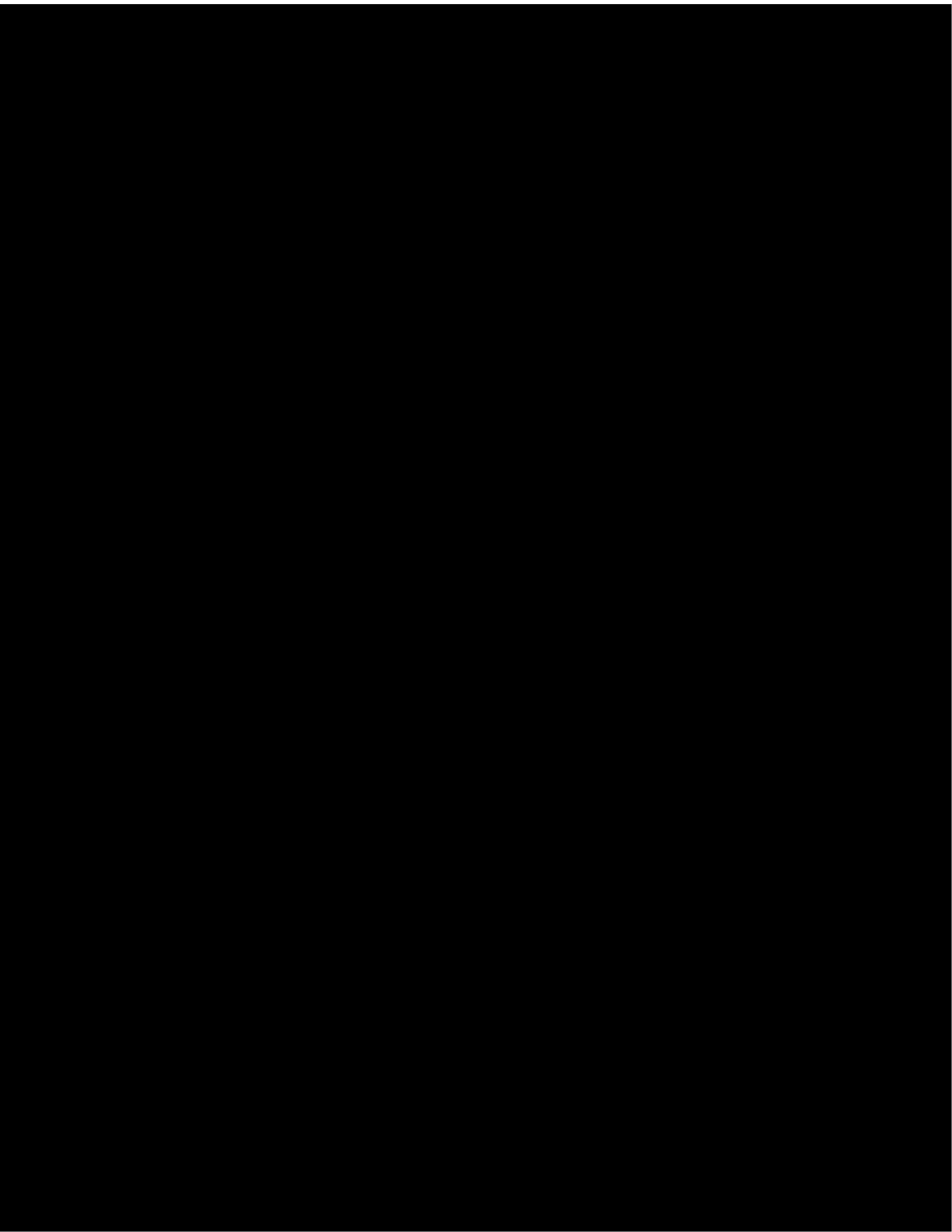


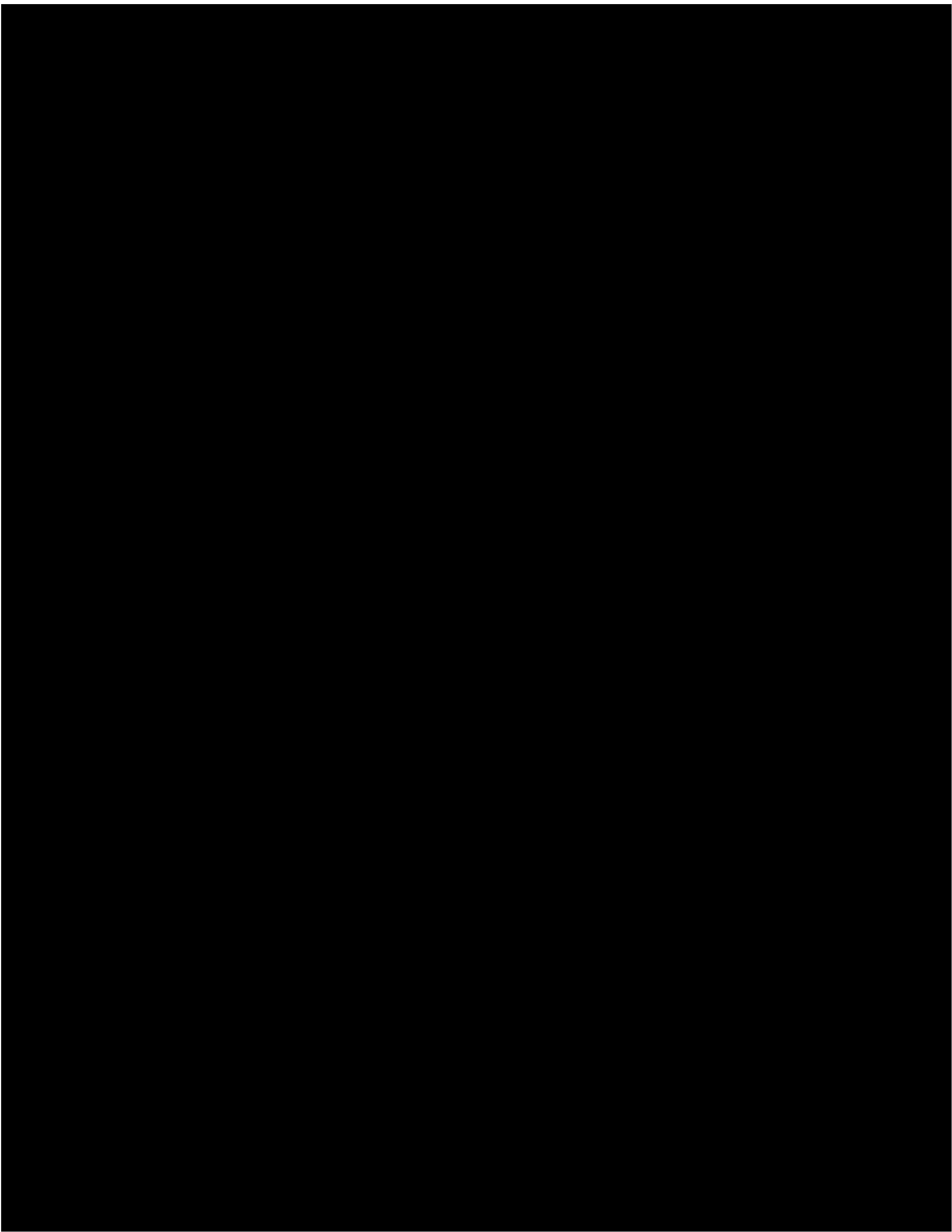


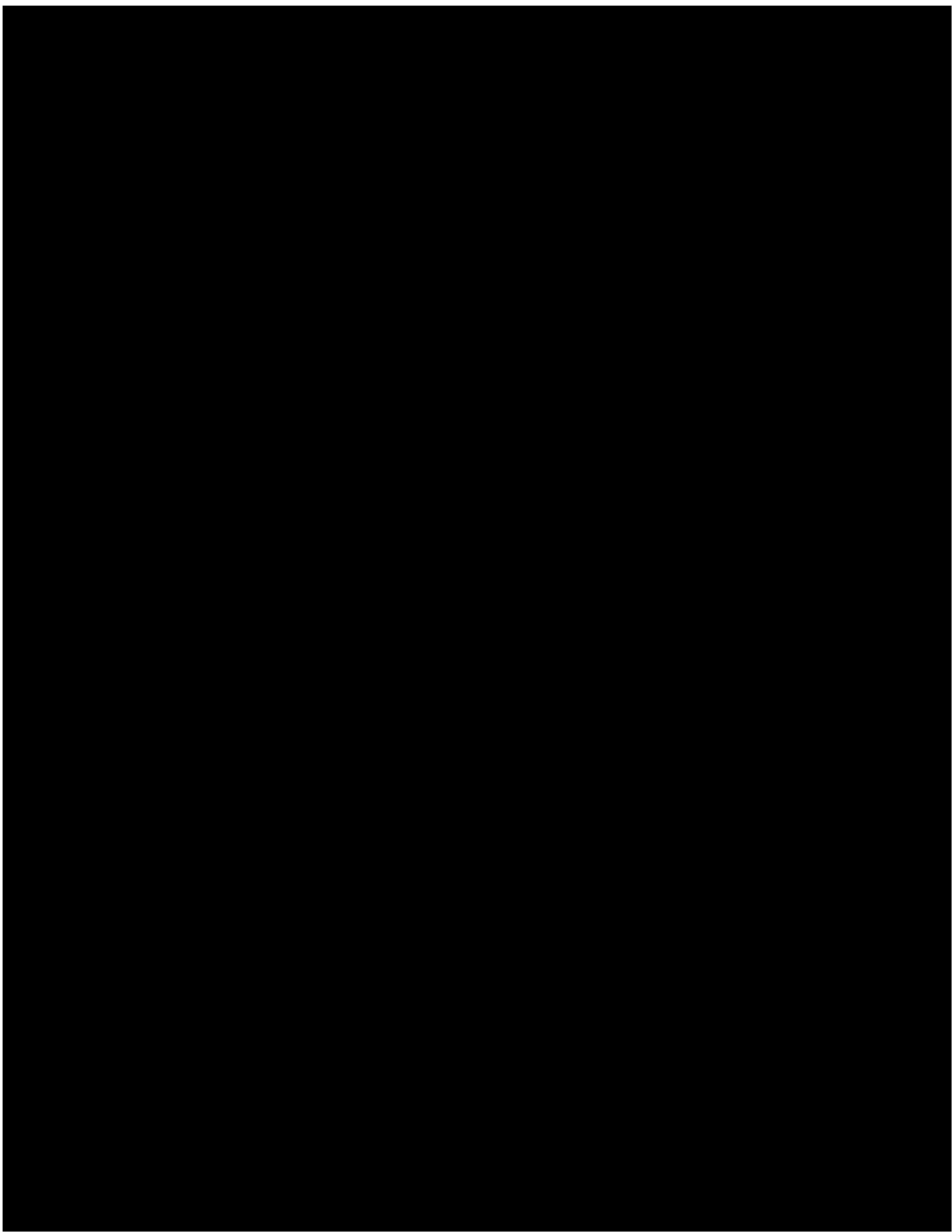


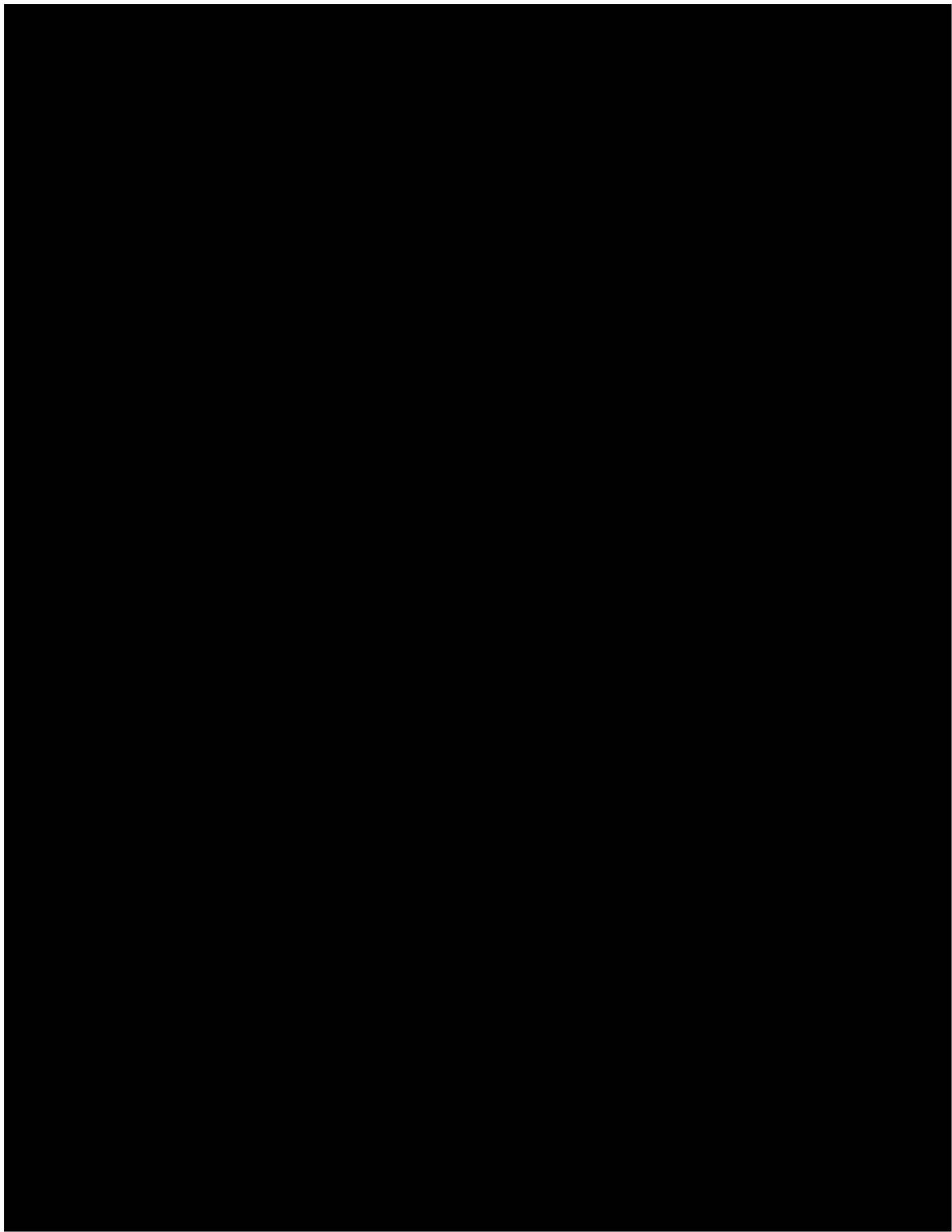


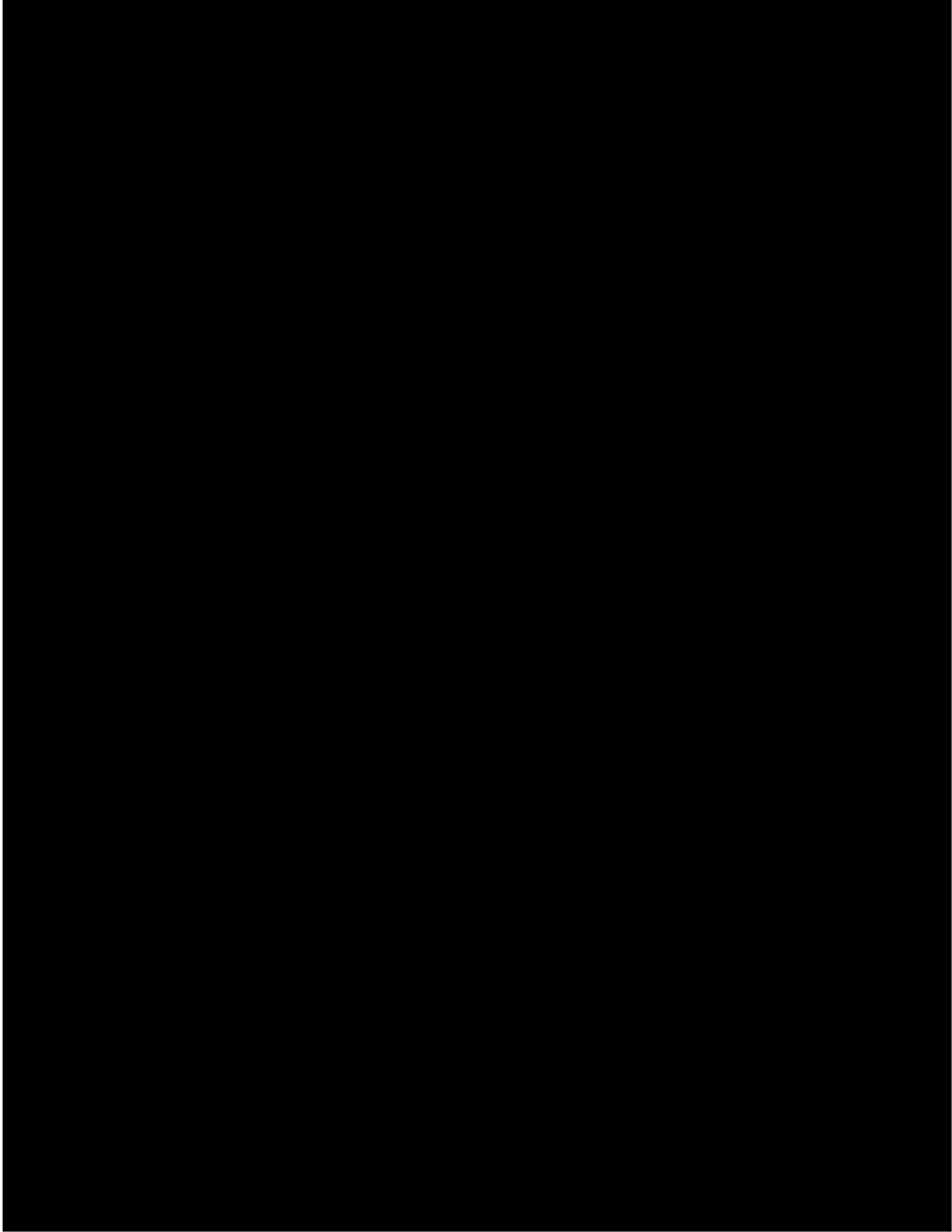


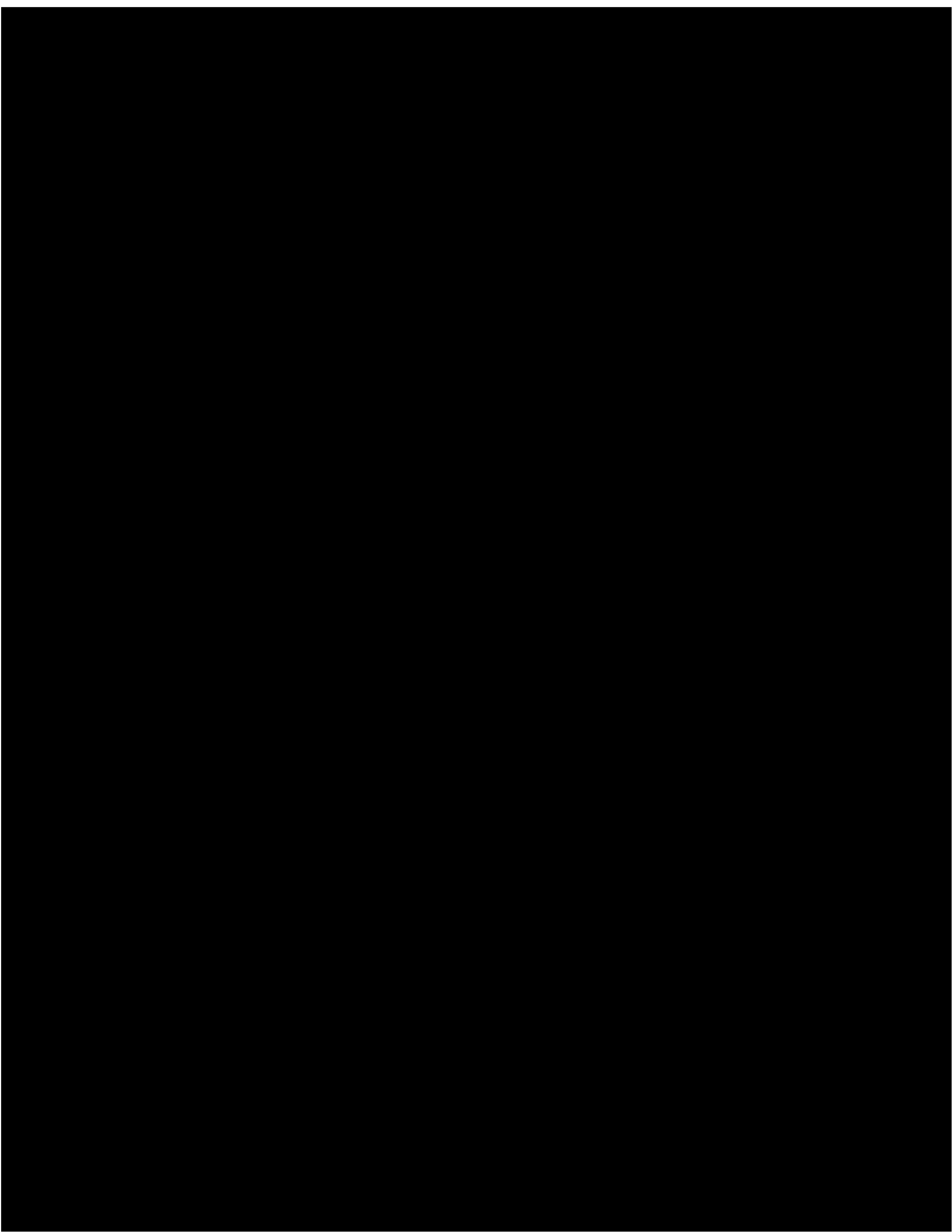


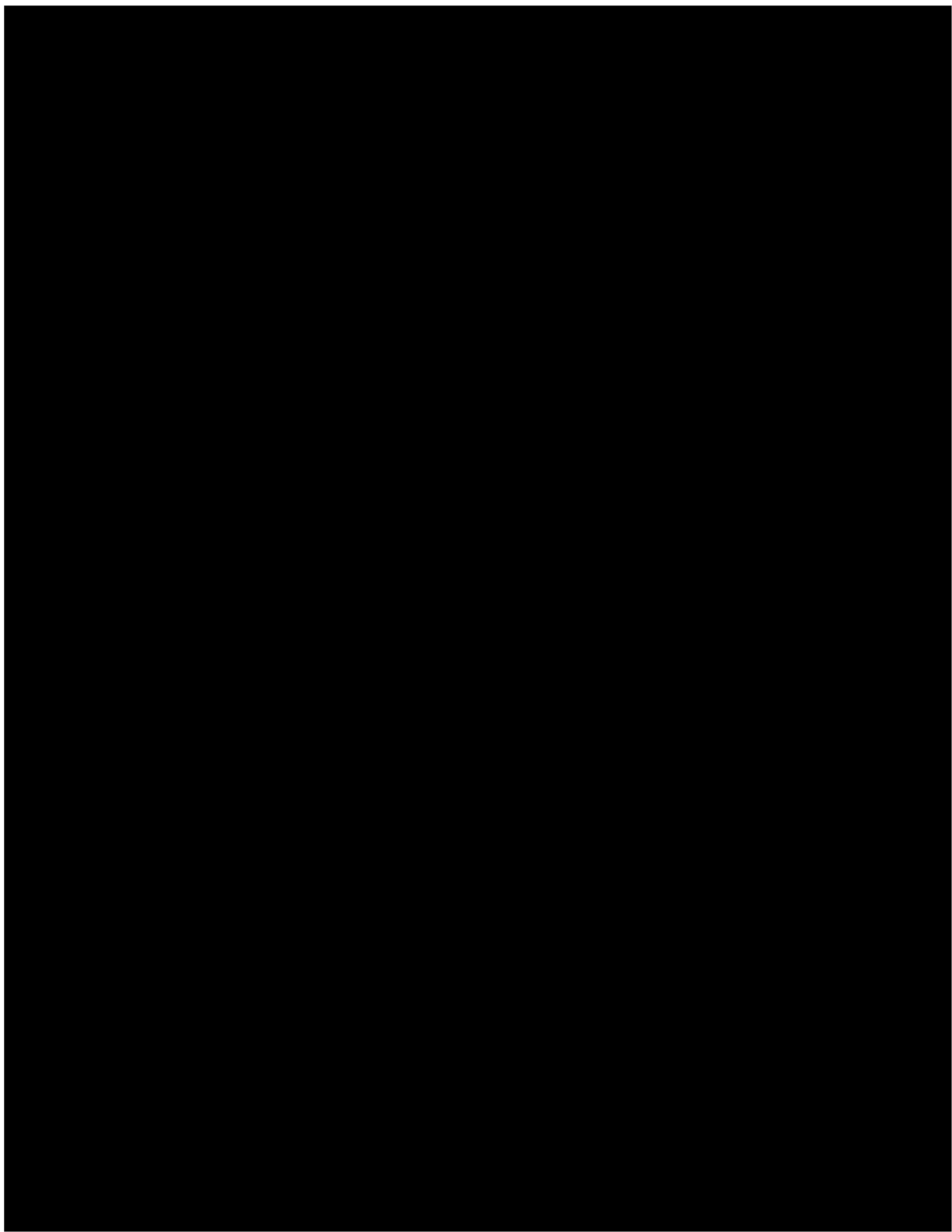




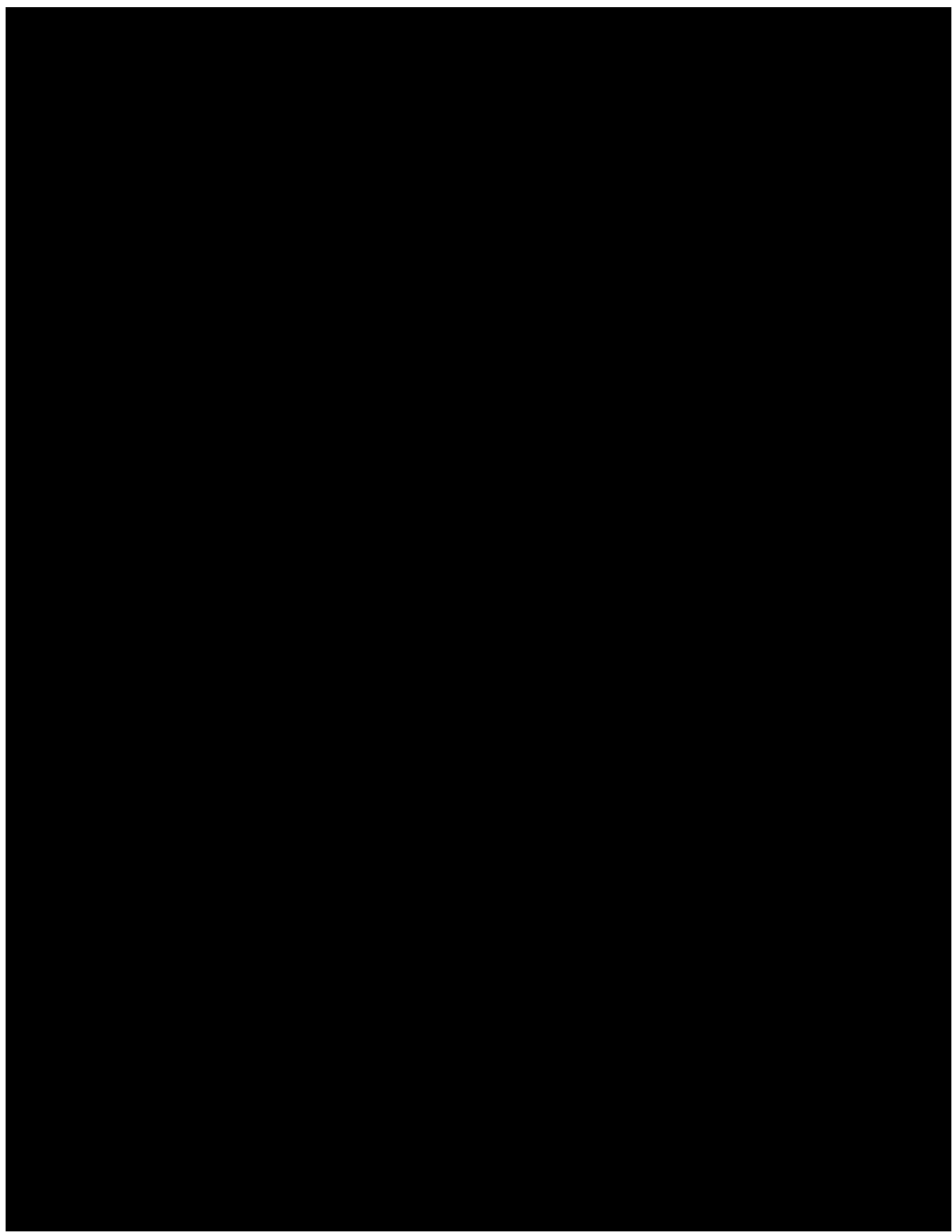


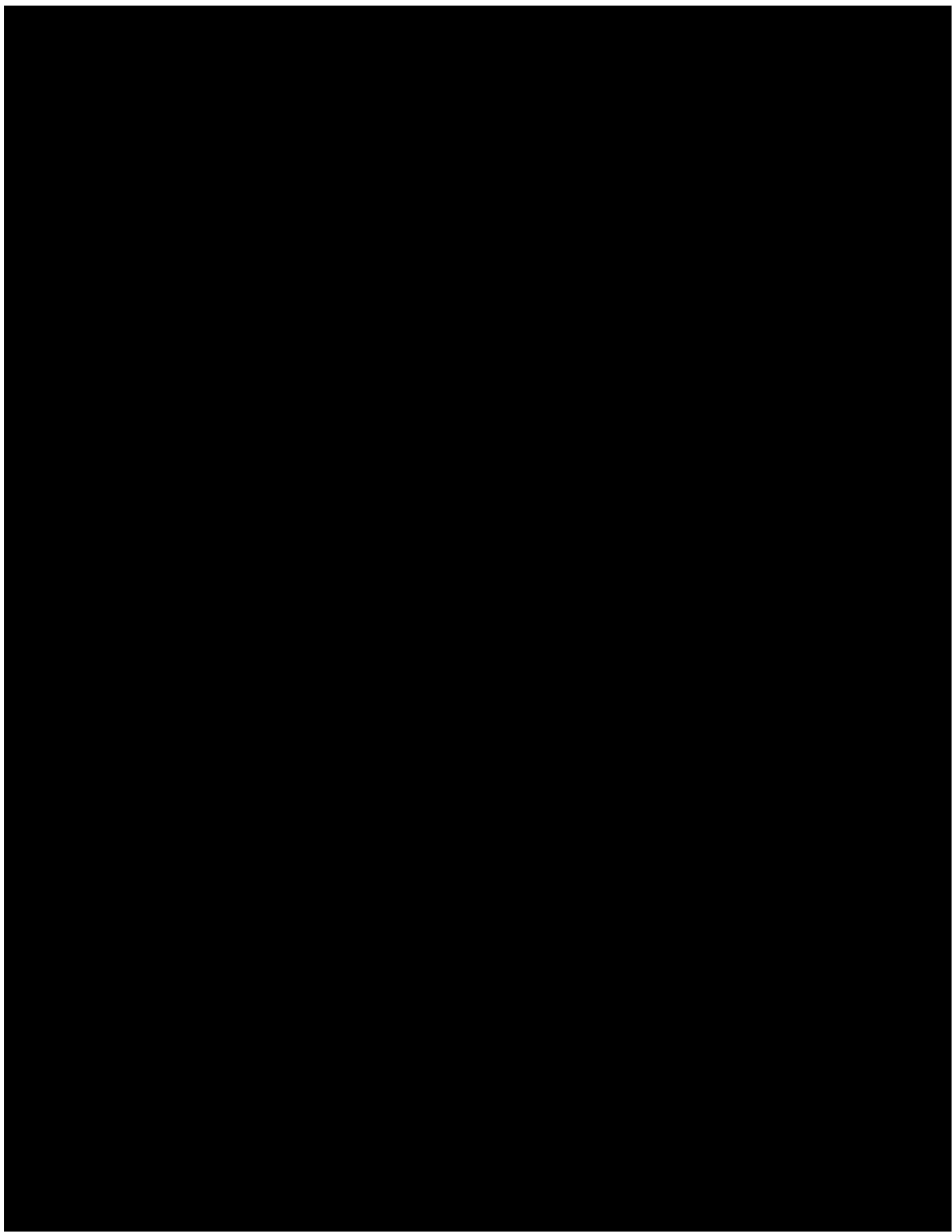




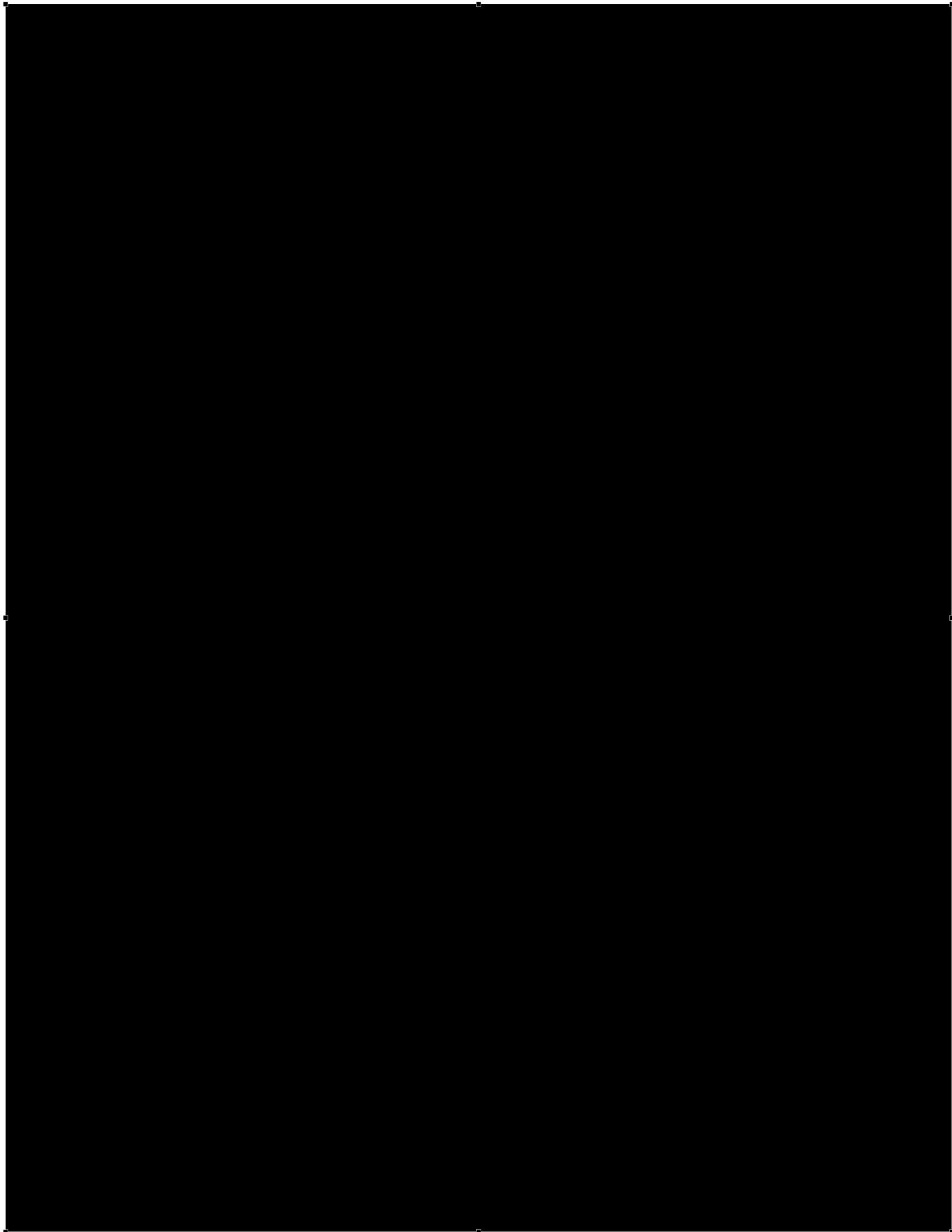


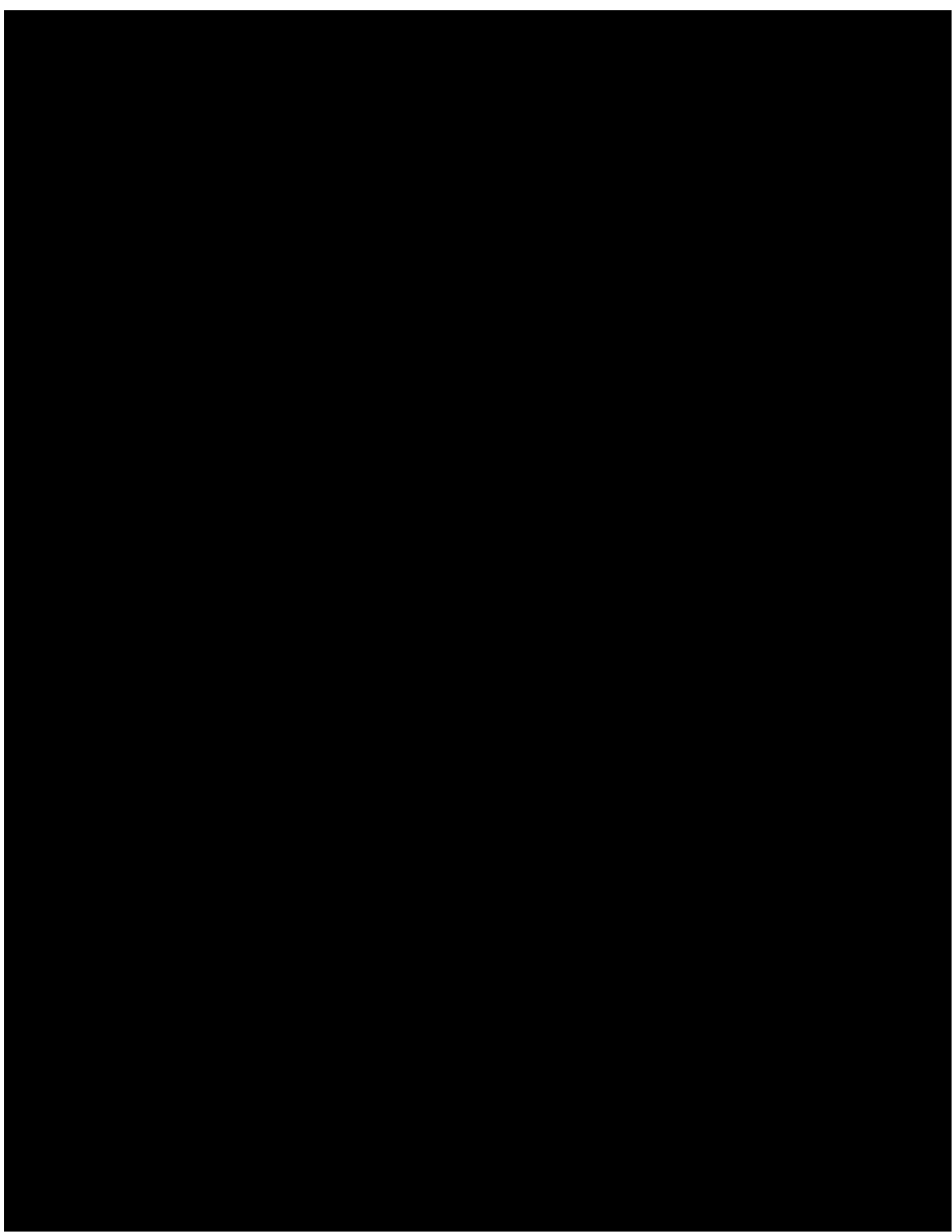


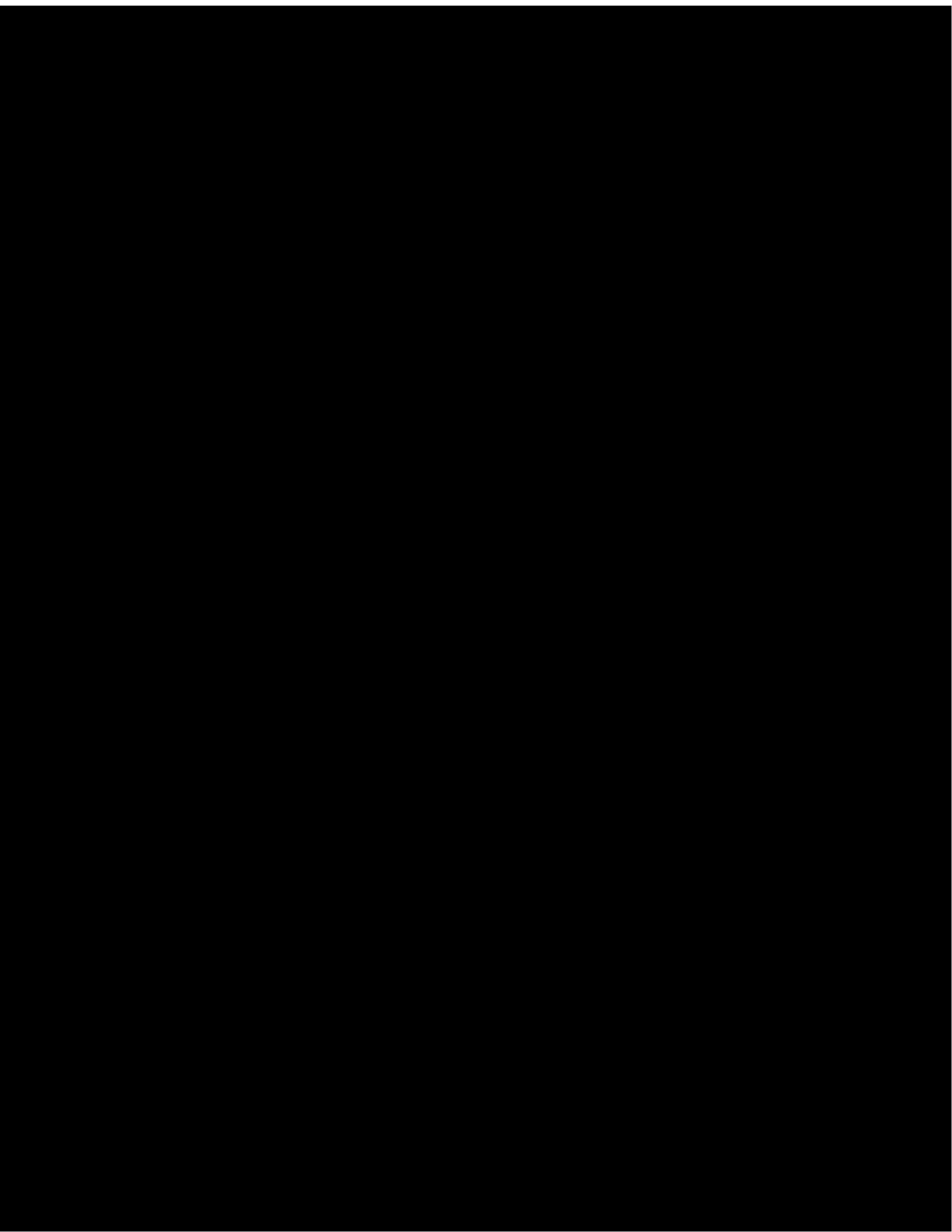


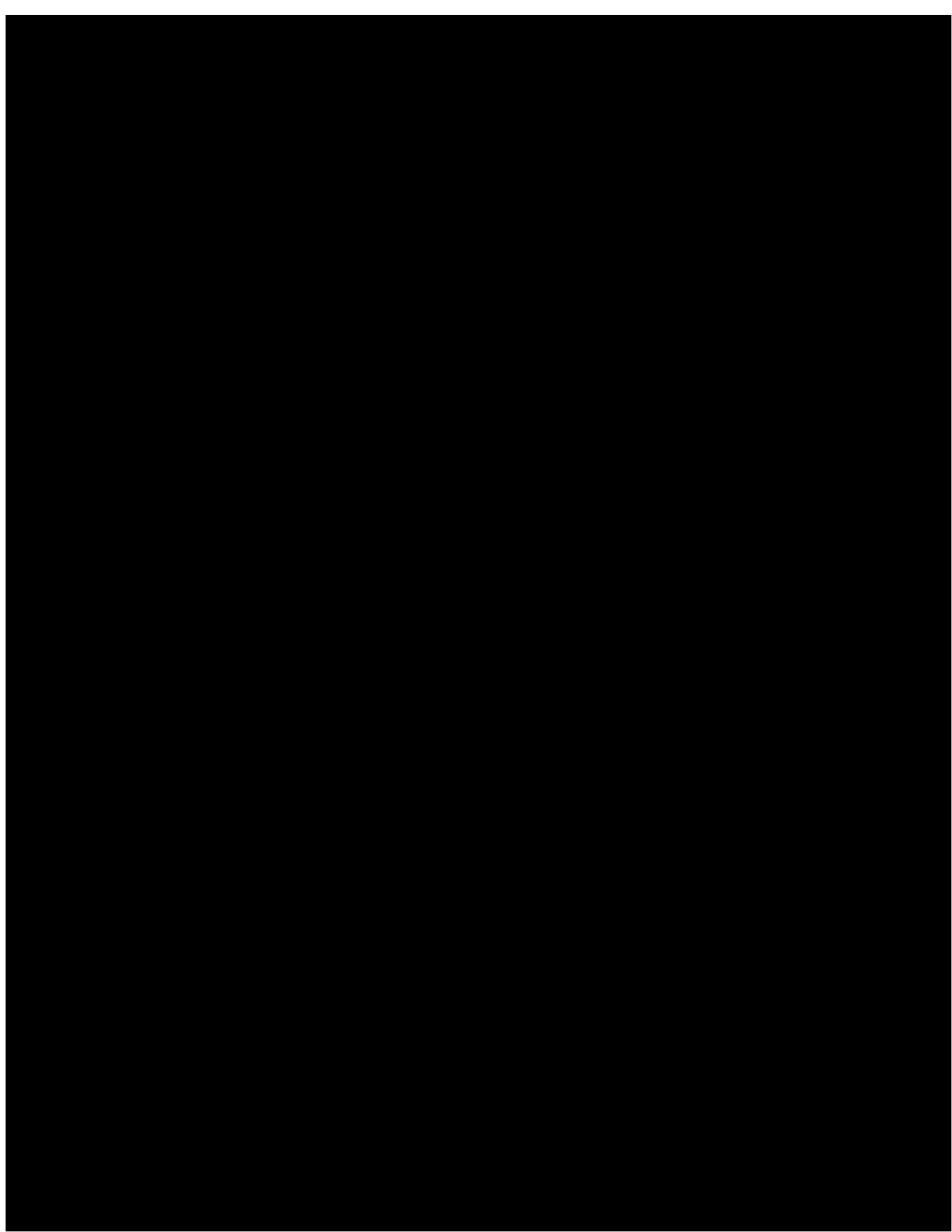


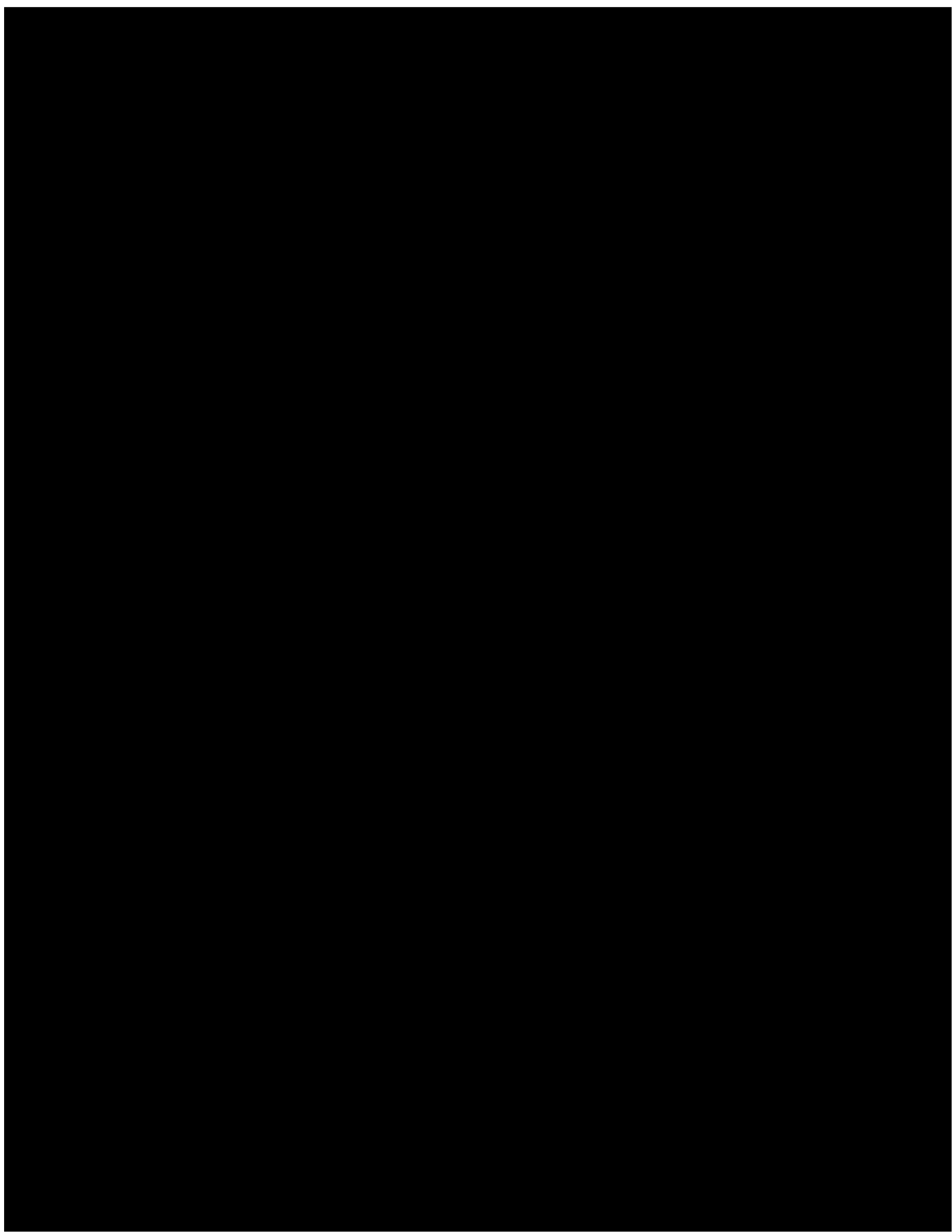
# Appendix F













# Appendix G

