

IN THE CIRCUIT COURT OF THE FIFTH
JUDICIAL CIRCUIT, IN AND FOR MARION
COUNTY, FLORIDA

STATE OF FLORIDA

CASE NO. 20-CF-004668-A-X

vs.

NEELY LAUREN P PETRIE-BLANCHARD,

Defendant.

MOTION FOR NEW TRIAL

COMES NOW the Defendant, NEELY LAUREN P PETRIE-BLANCHARD, through the undersigned counsel and pursuant to Rule 3.600 of the Florida Rules of Criminal Procedure and states the following:

1. The verdict is contrary to law or the weight of the evidence.
2. The Court erred in denying the Defendant's motion for judgment of acquittal after the close of the State's case-in-chief.
3. The Court erred in finding the Defendant competent to proceed with the March 18, 2024, Order, from the March 17, 2024, hearing.
4. The Court erred on April 15, 2024, in denying the defense's motion to continue (Defendant requesting time to hire another private counsel) on the day of Jury Selection. (Trial Tr. 4:22-23, April 15, 2024.) The April 15, 2024, defense's motion to continuance is similar to the defense's motion to continue on April 3, 2024, which was moot because this April 3, 2024, motion was filed by a third party. These motions are recent to the Court Order granting withdrawal of counsel on March 25, 2024 (hearing on March 21, 2024). During this time the Defendant was seeking time to hire new counsel.

5. The Court erred in not granting the Defendant's request for continuance due to the Defendant not being ready for trial. Ms. Megan Sarnac, FDLE, was approved as an expert and rendered an opinion, as to firearms, firearm analysis, and comparison, that the bullets from the deceased were fired from the firearm found in the Defendant's vehicle in Georgia (Trial Tr. 1024 -1034, April 18, 2024). Ms. Megan Sarnac, State's Expert witness, was provided the evidence to test on April 3, 2024. This evidence became part of Exhibit 15. Expert Sarnac was also familiar with State's Exhibit(s) 27, 28, 29, and these Exhibits were entered in trial as S-Q, S-AA, S-BB, S-CC. In short, with the date of offense of November 16, 2020, this expert, Megan Sarnac, did not receive this evidence to begin testing it until April 3, 2024. April 3, 2024 is 14 days *after* the Court orally granted the Defense attorney's March 19, 2024, Motion To Withdrawal. Interesting that the State had been announcing ready for trial and also objecting to the Defendant's repeated requests for continuance, when the State did not have one of their one of two most important witnesses. Megan Sarnac, FDLE, was the only witness that tied the bullets pulled out of the decedent's body to the firearm that was in the vehicle that the Defendant was driving in Georgia. The State filed its Supplemental Discovery Exhibit naming Megan Sarnac as expert witness on April 3, 2024, but no report of Ms. Sarnac is described in the Tangible Evidence section. The State's Supplemental Discovery Exhibit listing Ms. Sarnac's FDLE report was filed on April 8, 2024, **just seven (7) days before picking a jury** on April 15, 2024.
6. The Court erred in the final jury instructions not granting the Defendant's request for "heat of passion" defense. The Court stated, "I think it's inconsistent with the testimony she gave and her theory of temporary insanity. I found no evidence to support giving that

instruction.” “So I’m not going to give that instruction.” (Trial Tr. 1462:17 – 23, April 19, 2024.) During the State’s rebuttal, State expert, Dr. Demery testified, “But having absolute fury and feeling that she was being exploited, that her children were being exploited, calling him a bastard before she shot him”, is testimony by the State’s expert, Dr. Demery provides the basis (along with the Defendant’s testimony) for an alternative defense strategy for the reason why she shot him as opposed to insanity. Dr. Demery continued to state, “Just because you're angry, just because you're having absolute fury wouldn't form the basis for an insanity defense.” The Defendant’s alternate defense theory was if I was not insane, it was in the heat of passion. The Court’s final 7.2 Murder -First Degree jury instruction did not include the heat of passion / blind and unreasoning fury which is below:

Give only if there is evidence that the defendant acted in the heat of passion on legally adequate provocation.

An issue in this case is whether (defendant) did not act with a premeditated design to kill because [he] [she] acted in the heat of passion based on adequate provocation. In order to find that the defendant did not act with a premeditated design to kill because [he] [she] acted in the heat of passion based on adequate provocation:

- a. there must have been a sudden event that would have suspended the exercise of judgment in an ordinary reasonable person; and
- b. a reasonable person would have lost normal self-control and would have been driven by a blind and unreasoning fury; and
- c. there was not a reasonable amount of time for a reasonable person to cool off; and

d. a reasonable person would not have cooled off before committing the act that caused death; and

e. (defendant) was, in fact, so provoked and did not cool off before [he] [she] committed the act that caused the death of (victim).

If you have a reasonable doubt about whether the defendant acted with a premeditated design to kill because [he] [she] acted in the heat of passion based on adequate provocation, you should not find [him] [her] guilty of First Degree Premeditated Murder.

It was up to the jury to determine if the Defendant's fear of her children being sex trafficked was adequate provocation.

7. The Court erred in not granting a couple hours continuance sua sponte to allow the Defendant to get underwear, bra, (Trial Tr. 968:9-12, April 18, 2024.) and the rest of her discovery materials from her cell. She also was not allowed use of the telephone and therefore she could not call one of her witnesses (She did have access to video messaging). This day at trial was the scheduled day for the Defendant to open her case-in-chief. The Defendant made a what seem at the moment a spurious allegation that either the prosecutors called or Dr. Demery called the jail and told the jail that the Defendant was suicidal. The Defendant stated she "was thrown in suicide prevention naked last night, was not allowed to go back to my pod and to get any of my evidence to submit into the record." ((Trial Tr. 968:14-17, April 18, 2024.) The Court stated to the Defendant, that the Defendant was "strategically doing things to try to either continue the case or....or cause a mistrial." One of the prosecutors stated that a prosecutor did call the jail about the Defendant's suicidal ideations and felt obligated to inform the jail. In short, the Defendant's statement to the Court was correct. Does throwing an in-custody Pro Se Defendant in a First Degree Murder Trial during the night before the Defendant's case-in-chief create an unfair trial? Is calling the jail on the in-custody Pro Se Defendant stating that this Defendant is suicidal an inappropriate trial tactic or just good safety precautions? If this same in-

custody Pro Se Defendant is considered by the prosecutors as worthy to call suicidal ideations report/concern, should not the same prosecutor(s) request the Court to take a one-day break for a proper evaluation of said Defendant? Or should the Court on its of motion, grant a mistrial based on the Defendant's loss of trial preparations and emotional disruption not brought on by herself? Also, the Court erred in not allowing the Defendant time to examine the jury instructions when the Defendant (Trial Tr. 1452:4-6, April 19, 2024.) and (Trial Tr. 1442:14-15, April 19, 2024.) was not allowed back to her room by the Sheriff's Department before that day's trial. While the Court has no jurisdiction on the Sheriff, the Court could have given an in-court recess for the Defendant to fully examine the earlier proposed jury instruction before those final instructions are approved.

8. The Court erred in not granting Defendant's cause challenge for juror #25. (Trial Tr. 221:7-8, April 15, 2024.) Juror #25 stated he worked (professionally) with the prosecutor and further that the wives of both knew and worked with each other. "Prosecutor: He did say he worked cases with me. He said that he can be fair and impartial. He said mainly that he –he know –he knew me through my wife because his wife and my wife – Court: His wife – Prosecutor – worked together previously in the school system." (Trial Tr. 211:11-17, April 14, 2024.) The Prosecutor later stated as to juror #25, "But, yes, he did say that he worked some cases with me. I honestly don't recall working very many cases with him.....But, I mean, I'm aware of –that he was at OPD and all that." (Trial Tr. 211, 19-24). The Court should have granted the Defendant's cause challenge for juror #25 even though this juror spoke the magic words "I can be fair." Juror #25 worked for OPD, the Ocala Police Department, worked on this Prosecutor's cases. This prosecutor is known for handling murder cases. Juror #25's spouse knows and had worked with this same Prosecutor's spouse. Sometimes the magic words, I can

be fair, are unbelievable / absurd. The Pro-Se Defendant did properly expend a preemptory challenge, which did lead her to run out of preemptory challenges towards the end and later caused the Defendant difficulty toward the end including choosing an alternate.

9. The Court erred in conducting a competency hearing during the third day of trial (2nd day of testimony). The Court erred in conducting this second competency hearing without appointing counsel for the purposes of conducting a competency hearing, especially given that Dr. Krop gave an opinion that the Defendant is incompetent. While the Court does not have to accept an opinion from an expert, there is sufficient evidence that this particular Defendant should have appointed counsel for the purpose of the competency hearing.

10. The Court erred during the third day of trial when it held a competency hearing with Dr. Krop and Dr. Demery, the Court did not allow the Defendant to ask questions of Dr. Krop. The State and then the Court asked questions. Dr. Krop rendered his opinion that the Defendant is not competent to represent herself and not competent to testify. (Trial Tr. 928:25 to Trial Tr. 929:2, April 17, 2024.) Dr. Krop continued to state, "I originally diagnosed her for the purposes of my testimony with a brief psychotic disorder and a delusional disorder. I think right now my diagnosis would be a delusional disorder." The State then called Dr. Demery, who gave his opinion, "But in terms of the capacity to testify relevantly, I don't believe that she has an impairment in that particular domain." Again, with Dr. Demery called as a witness, only the State asked questions. The Court had no further questions. The Defendant was also not allowed to ask questions of the State's expert Dr. Demery in this competency hearing held at the end of the third day of trial. The Court found the Defendant competent to proceed. (Trial Tr. 957:24-25, April 17, 2024.) If the Defendant was not competent to ask / cross the two experts during this competency hearing, then this Defendant cannot be competent for this First Degree Murder trial.

11. On March 21, 2024 Defendant's due process right to a fair and impartial trial were prejudiced when the court erred to order a competency evaluation on defendant and schedule and conduct a competency hearing. Defendant's counsel told the court that Defendant was not competent and was in need of a psychological evaluation. Counsel asked the court to order an evaluation and the court did not order one at that time.

12. The Court erred and Defendant did not receive a fair and impartial trial after granting the Defendant's attorney's Motion To Withdrawal, without immediately assigning the Office of the Public Defender to work with the Defendant as to her next course of action. The Defendant was indigent and had a fundamental right to Assistance of counsel. The Court erred when it did not conduct an adequate Faretta inquiry on Defendant given the circumstance that the Defendant's withdrawing private counsel believes his soon to be former client is incompetent. Further, the Court never inquired into whether the Defendant could financially employ counsel or financially qualify for the services of the Office of the Public Defender. In addition, the Defendant's attorney had just filed his Motion To Withdraw just two days before on March 19, 2024, prior to the Court's March 21, 2024, hearing on this matter, giving no time for an in custody Defendant to react and prepare. Alternatively, the Defendant's attorney's Motion To Withdrawal filed, had content within, that suggests the Defendant was incompetent by not understanding the adversarial nature of this complex first degree murder trial and how the Defendant did not have the present ability to consult with counsel with a reasonable degree of rational understanding. Also, it brings into question, the capacity of the Defendant to disclose to her current counsel facts pertinent to the case and her inability to testify relevantly and coherently. The Court should have appointed the Office of the Public Defender immediately upon granting the Defense attorney's March 19, 2024, Motion To Withdrawal. The Defendant after meeting with appointed counsel

could then have had the opportunity to be counselled by the Office of the Public Defender and would have allowed another “second pair of eyes” criminal defense attorney to assess the Defendant. Finally, standby counsel, would have been an appropriate tool in this complex case. Defendant told the court that she wanted assistance of counsel and the Defendant never made an understanding and intelligent waiver of assistance of counsel.

13. The Court erred in denying the Defendant’s request for appointed counsel on April 17, 2024. (Trial Tr. 713:11 and Trial Tr. 721:2-3, April 17, 2024.)

14. The Court, at the March 27, 2024 hearing, should not have accepted the Defendant’s waiver of appointed counsel given her mental / emotional difficulties as expressed by her previously hired private attorney. The Defendant’s waiver could have been heard again at a later time after the Office of the Public Defender was appointed and that Office had met with the Defendant. There was no proper inquiry.

15. The Court erred in not appointing the Office of the Public Defender on April 15, 2024. (Trial Tr. 4:17 to Trial Tr. 15:19, April 15, 2024.) During the Court’s query to the Defendant and the Defendant’s ambiguous responses, the Defendant did not make an intelligently and understandingly waiver of her rights to appointed counsel.

16. The Court erred in overruling the Defendant’s repeated objections of the testimony of rebuttal witness, Dr. Demery. Dr. Demery testified over Defendant’s objections on the topics of sovereign citizen and QAnon. Dr. Demery was declared an expert witness forensic neuropsychology and insanity. (Trial Tr. 1344:19, April 19, 2024.) Dr. Demery was not declared an expert witness in these American social subgroups.

17. The Court erred in overruling the Defendant’s objection to the State’s expert creating a new numerical standard of the Florida Standard Jury Instruction on reasonable doubt. Dr.

Demery testified that, “Beyond a reasonable doubt would be 95 percent” when questioned by the prosecutor. The Court ruled, “within his realm as an expert.” (Trial Tr. 1351:17, April 19, 2024.)

18. The Court erred in sustaining the prosecutor’s irrelevant objection (Trial Tr. 1389:25 to Trial Tr. 1390:1, April 19, 2024.) when the Defendant cross-examined the State’s rebuttal expert witness, Dr. Demery, on materials provided to this expert from her mother. Earlier during direct to the response to the prosecutor’s questions, Dr. Demery gave a non-exhaustive list of materials he received in this case. Further in the Defendant’s cross of Dr. Demery, he stated, I read your mother’s narrative and –.” Thus, showing that the Defendant’s Mother’s input was part of the expert’s materials to which he made his opinion to the jury.

19. The Court erred in sustaining the prosecutor’s relevance objection to the Defendant’s cross-examination question (Trial Tr. 1394:24 to Trial Tr. 1395:3, April 19, 2024.) “... And from 2007 until you went into full-time practice in 2021, who were you were working in an affiliation with?” The Defendant’s question is allowable and important to the prosecutor’s direct examination their expert witness as to the expert’s work experience. Thus, it is an appropriate cross examination question.

20. The Court erred in sustaining the prosecutor’s repeated objections to the Defendant’s continued questioning on his (Dr. Demery) qualifications in different States. ((Trial Tr. 1395:6, April 19, 2024.) Dr. Demery then later (Trial Tr. 1396, April 19, 2024.) that he had cases in Georgia, Missouri and the State of Washington. These unnecessary objections break the flow of the Defendant’s cross examination of the pivotal State expert. The prosecutor’s relevance questions continue into a new series on page 1399 and later 1401. The State expert was finally able to respond to the Defendant’s question of his forensic work in both Federal and State and certain Government Agencies.

21. The Court erred in objecting to the Defendant's question, "Do you have any Q beliefs?" to the expert witness who on direct testified to QAnon and sovereign citizens beliefs / subculture(s).

22. The Court erred in denying the Defendant's April 3, 2024 and April 15, 2024, Motion For Continuance. Since Defendant's private attorney was allowed to withdraw from the in-custody Defendant on March 21, 2024, the State filed Supplemental Discovery Exhibits on March 25, 27, 28, and April 3, 5, 5, 8, 8, 10, 2024. The State also filed Notice of Intent to Rely Upon Business Record Certification on April 5, 5, 10, 2024. The State also filed two Request For Judicial Notice on April 10, 2024. The record is clear that Defendant's former attorney attended court on March 28, 2024, attesting that all the Discovery he had was provided to his former client. All certificates of service, after March 21, 2024, by the State, are addressed to the Defendant in the Marion County Jail. Given the complexity of a First Degree Murder trial, the Court should have granted the Defendant's request(s) to pursue private counsel or prepare against any new Discovery Exhibits and Notices. Further the Court should have granted the Defendant's request for continuance to pursue private counsel for the competency hearing which are complex by themselves. The April 10, 2024, State's Notice Of Intent To Rely Upon Business Record Certification states: Medical Records for Neely Petrie-Blanchard From Lowndes County Georgia, which those medical records and certificate are Exhibit ID S-JJ admitted at trial on 04/19/2024 as "Medical Records from Lowndes County Sheriff's Office & Bus. Rec Cert. This late supplemental exhibits by the State would prejudice any seasoned trial attorney with so few days before jury selection. A seasoned trial attorney would have requested a continuance.

23. The Court erred in overruling the Defendant contemporaneous objection to the State Exhibit D, now State's Exhibit 5, edited body cam video of witness, Deputy Manchester. The

Defendant's objection was to the original being edited and she has not reviewed it (edited version). (Trial Tr. 450:15-18, April 16, 2024.)

24. The Court erred in denying the Defendant's speculation objection to the prosecutor's question to Detective John Lightle of the Marion County Sheriff Office "...but can you briefly describe what a – the QAnon conspiracy is?" (P. (Trial Tr. 818:15-17, April 17, 2024.) The witness then went on to give his opinion. The question by the prosecutor was not in the form of give me your opinion, but there is no record of John Lightle being qualified an expert in these matters nor a member of either sovereign citizen or QAnon. Witness Lightle testified as these groups. Defendant, during this analysis on QAnon by Detective Lightle, further validates the Defendant's the "lack of personal knowledge" objection which was also overruled by the Court. The witness' denigrated view of "I guess millions of people believe that – that in this theory – it basically asserts that there's sex-trafficking children." "And the government's behind it or the government's covering it up, things of the nature, **what I've read and what I've --- conversations that I've had about it.**" (Trial Tr. 818: to Trial Tr. 819:14, April 17, 2024.) Detective John Lightle does not state any expertise in this area and should not be allow to testify about his knowledge or lack of knowledge of these subgroups. Given the testimony of John Lightle it appears he may be dismissing the well documented history that later came out on Jeffrey Epstein and his sex trafficking of underage girls to powerful adults.

WHEREFORE, the Defendant, NEELY LAUREN P PETRIE-BLANCHARD, humbly request this Honorable Court to grant his motion for new trial.

**Office of Michael A. Graves
Public Defender
Fifth Judicial Circuit**

s/ Julia J Williamson

I HEREBY CERTIFY that a copy of the foregoing has been furnished to the State Attorney's Office, 110 North West 1st Avenue, Suite 5000, (Eservicemarion@Sao5.Org), Ocala, FL 34475, by hand, mail and/or e-service this 22nd day of October, 2026.

**Office of Michael A. Graves
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s/ Julia J Williamson

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