

NATIONAL LEGAL PROFESSIONAL ASSOCIATES

Margaret A. Robinson Advocacy Center

11331 Grooms Road, Suite 1000

Cincinnati, OH 45242

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MEMORANDUM

TO: ALL INTERESTED COUNSEL

FROM: NATIONAL LEGAL PROFESSIONAL ASSOCIATES (NLPA)

RE: HOW TO USE DNA TESTING TO OBTAIN A NEW TRIAL

NAME: BRITT

NLPA is often contacted by defendants and their attorneys in cases where the defendant has been convicted despite a presentation of all available evidence. The case of State of Florida v. Cheydrick Britt, case number 02-CF-15542 (13th Cir. 2002) demonstrates how NLPA can assist counsel in the preparation of research that can hold the prosecution to its burden to provide all available discovery and to have relevant scientific testing performed on such evidence.

Mr. Britt was charged with three sexual offenses by the grand jury for Hillsborough County, Florida in 2002. Mr. Britt proceeded to a jury trial in the Thirteenth Judicial Circuit Court in May 2004. During trial, testimony was presented that a rape kit was prepared by law enforcement officials, with the kit containing two smears, pubic hair combings, vaginal swabs, possible hairs collected from vaginal swabs, additional swabs, saliva sample, the victim's panties, and possible hair collected from the panties. **However, this evidence was not tested for DNA.**

NLPA was hired to assist Mr. Britt's attorney, Charles A. Murray, Esq., to force the state of Florida to test the rape kit for DNA evidence. Accordingly, NLPA aided in the preparation of a post-conviction motion for DNA testing pursuant to Florida Rule of Criminal Procedure 3.853. The motion was granted, and the rape kit evidence was tested for DNA. The results of the testing called into question the propriety of Mr. Britt's convictions, forcing the trial court to vacate his convictions and sentences in 2013 and order that a new trial be had, should the government wish to continue prosecution.

Critical to the success of the request for DNA testing was to demonstrate that testing would likely uncover evidence that Mr. Britt did not commit the crimes at issue. By reviewing every page of the trial transcript, NLPA discovered that a witness for the prosecution stated that the victim's mother could not be excluded as a DNA donor to a sock and the victim's bed sheet, which were tested in this matter.

As you can see from the attached letter from Mr. Murray, NLPA's efforts were greatly appreciated and resulted in the court ordering a new trial for Mr. Britt. If your client is innocent and wants a new trial, please contact NLPA.

The bottom line is that just because an individual is convicted does not mean that the individual was properly convicted and that all attempts to obtain justice must cease. Instead, by carefully reviewing all evidence and every action that has occurred in a case, possible means of challenging an unjust conviction will often come to light. NLPA has been at the forefront of attacking unjust convictions. Should your clients find themselves in similar situations to Mr. Britt, NLPA stands ready to assist you in the research and preparation of any motions and/or research necessary to assist you in the vigorous defense of your clients.

NLPA, WE CARE, WE LISTEN, WE GET RESULTS!

DISCLAIMER: This informational memorandum is designed to introduce you to NLPA. As NLPA is not a law firm, professional services are only provided to licensed counsel in all areas that involve the practice of law.

Nothing presented herein is intended to be legal advice. Such advice can only be provided by a local licensed attorney based on a full discussion of a client's individual facts and circumstances. The contents of this document are provided solely for general informational purposes. Always seek the advice of a licensed attorney for specific legal problems.

LAW OFFICES
CHARLES A. MURRAY, P.A.
27911 CROWN LAKE BLVD., SUITE 226
BONITA SPRINGS, FLORIDA 34135-4219

Licensed to Practice:

State Courts:

State of Florida
State of Maryland
District of Columbia
DC Superior Court
DC Court of Appeals

U.S. District Courts:

Northern District of Florida
Middle District of Florida
Southern District of Florida
Western District of Tennessee
Eastern District of Wisconsin
Western District of Wisconsin
District of Columbia

U.S. Courts of Appeal:

First Circuit
Third Circuit
Fourth Circuit
Fifth Circuit
Sixth Circuit
Seventh Circuit
Eighth Circuit
Ninth Circuit
Tenth Circuit
Eleventh Circuit
DC Circuit

U.S. Court of Federal Claims

U.S. Supreme Court

Various Military Tribunals

Memberships:

National Association of
Criminal Defense Lawyers

Academy of Florida
Trial Lawyers

Association of Trial Lawyers
of America

Association of Federal
Defense Attorneys

Education:

B.S. - U.S.M.A. 1962
J.D. - U. Maryland 1971
M.A. - C.M.U. 1978

October 9, 2013

Via Email

Mr. Wesley Robinson
National Legal Professional Associates
Margaret A. Robinson Advocacy Center
11331 Grooms Road
Suite 1000
Cincinnati, OH 45242

Re: Cheydrick Britt

Dear Mr. Robinson:

As you are aware, my client, Cheydrick Britt was sentenced on May 18, 2004, in the Circuit Court of the 13th Judicial Circuit in and for Hillsborough County. He was found guilty of Count One, sexual battery with a familial or custodial authority, Count Two, lewd or lascivious molestation battery, and Count Three, lewd or lascivious molestation forcing or enticing. Britt was sentenced to a term of 30 years imprisonment as to Count One, and 15 years as to Count Three, to run concurrent.

A Motion for Post Conviction Relief and to Vacate Judgment and Sentence Pursuant to Fla. R. Crim. P. 3850 was filed on his behalf on 2008. On September 24, 2013, Mr. Britt's Conviction was vacated, and after 10 years of incarceration he is currently free.

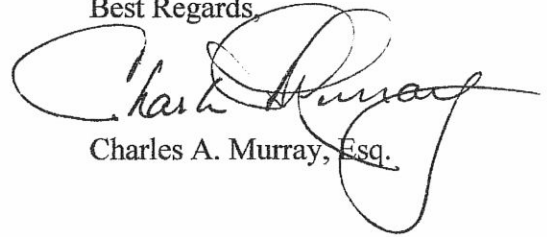
As of today, my office has spent five (5) years to achieve this first successful step. Also, the Court ordered a new trial for Mr. Britt. (see attached order)

With the help of N.L.P.A, which contributed by conducting research, and keeping my office informed of all the recent cases that could apply to this particular case, we are able to add this case to our Victory List. Thank you.

It is evident that without the assistance of N.L.P.A., the outcome would not have been the same. I consider N.L.P.A. to be one of the strongest and necessary tools in practicing post conviction law.

Thank you for your efforts and hard work on this case. We are confident there will be many more to come in the future.

Best Regards,

A handwritten signature in cursive script, appearing to read "Charles A. Murray".

Charles A. Murray, Esq.

CAM/cg

Enclosures: Orders Vacating Judgment and Sentence and Ordering a New Trial.

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT, IN AND FOR
HILLSBOROUGH COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,

v.

CHEYDRICK BRITT,
Defendant-Movant.

Case No. 02-CF-15542

DC # 521689

ORDER VACATING JUDGMENT AND SENTENCE AND ORDERING A NEW TRIAL

THIS CAUSE, having come to be heard upon the Defendant's Ore Tenus Motion to Vacate Judgment and Sentence made on September 24, 2013, and the Court having heard from counsel for the State and Defense, the Court finds that in light of the newly discovered DNA evidence, it is hereby

ORDERED that the Judgment and Sentence entered against the Defendant on May 18, 2004, is hereby vacated and it is further

ORDERED that the Defendant is granted a new trial in this case and it is further

ORDERED that the Defendant shall be released on his own recognizance with a GPS monitoring device, and it is further

ORDERED that the Defendant shall not have contact with the victim or her relatives, and it is further

ORDERED that the Defendant shall appear at 8:30 AM on November 20, 2013, in this Court, Courtroom 15.

Done and ordered in open court at Tampa, Hillsborough County, Florida on this 24th day of September, 2013.

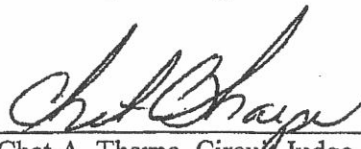
STATE OF FLORIDA)
COUNTY OF HILLSBOROUGH)

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE
AND CORRECT COPY OF THE DOCUMENT ON FILE IN
MY OFFICE. WITNESS MY HAND AND OFFICIAL SEAL
THIS 24th DAY OF September 20 13



PAT FRANK
CLERK OF CIRCUIT COURT

BY Pat Frank p.c.


Chet A. Tharpe, Circuit Judge