**Here is the response from the Broward State Attorney’s Office:**

As you know, Amy Bloom was terminated from her position as an assistant state attorney on June 1, immediately after she made comments that compared people who were lawfully exercising their constitutional right to protest and people accused of committing crimes to “animals” at the zoo. The views she expressed are entirely inconsistent with the ideals and principles of the Broward State Attorney’s Office and the duties and responsibilities of an assistant state attorney. Prosecutors are required to be impartial and fair.

After the termination, State Attorney Mike Satz directed senior prosecutors to review all 10/20/Life cases that she had closed. (Open cases were assigned to other prosecutors.) The Broward State Attorney’s Office also invited defense attorneys to notify our office about any case they felt had been handled inappropriately. One case has been flagged and that was by our prosecutors’ review.

During the review initiated by our prosecutors this year, one case – the one involving Alex Arreaza’s client – was identified as having information that was not turned over to the defense.

Records showed that, on May 8, 2017, a Brady notice and an attached police report were provided to the defense attorney, noting that the victim had heard that someone other than the defendant had shot him and that the victim no longer wanted to prosecute the defendant. (The defense has now acknowledged receiving this 2017 notification.)

Separately, the reviewing prosecutor found a 2018 closeout memo written by ASA Bloom stated that the defense was aware that the victim did not want to prosecute but the reviewing prosecutor could not locate any 2018 Brady notice listing a waiver of prosecution signed by the victim in May of 2018.

ASA Neva Raiford Smith, who reviewed the case this summer, contacted the defense attorney Alex Arreaza, who stated that he was not aware of the 2018 waiver of prosecution.

Because there is no Brady notice that lists the 2018 waiver of prosecution and our office was unable to document that it was mailed, emailed or provided to the defense, the Broward State Attorney’s Office agreed to allow the defendant to withdraw his plea. The plea and sentence have now been withdrawn. There is sufficient evidence to allow the prosecution to go forward with the case. While it would be inappropriate to detail the other evidence available, many cases are proven without the victim being able to identify their assailant. A calendar call is scheduled in December.

In summary, it was the State Attorney’s Office that discovered and provided the missing document to the defense attorney, Alex Arreaza. The State Attorney’s Office also allowed the defendant to withdraw his plea.

**Additional detail:**

The case was originally handled by Assistant State Attorney Scott Strauss. On May 8, 2017, he filed a Brady Notice with an attached supplemental report authored by Det. L. Heath dated 7/21/16. The 2017 Brady notice mentioned the attached police report but also specifically stated that the victim had told Det. Heath that he had heard on the streets that someone other than the defendant had shot him and that he did not want to prosecute the defendant. The victim indicated that on the date of the incident he had been positive that it was the defendant who shot him.

In the summer of 2017, the case was taken over by then-ASA Amy Bloom. Ms. Bloom negotiated a resolution with the defense consisting of a year and a day in prison (already served while awaiting trial), followed by probation. In May of 2018, shortly before the change-of-plea date, ASA Bloom had the victim sign a waiver of prosecution, attached to the defense’s motion to withdraw the plea. In that waiver, the victim reiterates that he’d been shot, that on the day of the incident he identified the defendant as the shooter, that he located the defendant on Facebook and provided a photo of him to the police and eventually identified the defendant again from a photographic line up. The waiver goes on to say that the victim had identified the defendant because others said it was him, that he would testify that he did not know who shot him, and that he did not want to proceed with the prosecution.

There was other evidence to establish the defendant’s guilt but going forward on a case with a victim who is not interested in prosecution is always difficult, so a plea was negotiated.

The defense scheduled depositions on two occasions but never took them during the two years the case was pending.

After ASA Bloom’s employment was terminated, prosecutors reviewed her closed TTL (10/20/Life) cases Several senior assistant state attorneys were assigned to review the cases. ASA Neva Raiford Smith reviewed this case and noted that ASA Bloom mentioned in her closeout memo that the defense was aware of the victim’s position. However, ASA Raiford Smith did not locate a Brady notice listing the waiver of prosecution. ASA Raiford Smith then contacted the defense attorney, Alex Arreaza, and asked if he was aware of the 2018 waiver of prosecution. Mr. Arreaza told ASA Raiford Smith that he had never received any information regarding the victim equivocating regarding his identification or prosecution. (He later acknowledged he received the 2017 Brady notice and police report.)

ASA Raiford Smith notified ASA Maria Schneider, who also reviewed the case. ASA Schneider located the 2018 waiver of prosecution and the 2017 Brady Notice supplied by ASA Strauss. ASA Schneider contacted Mr. Arreaza and confirmed what ASA Raiford Smith had communicated. ASA Schneider asked Mr. Arreaza whether he’d seen the 2017 Brady notice and police report provide by ASA Strauss, which contained the same substantive information as the waiver of prosecution and he said he had not. ASA Schneider told Mr. Arreaza that the 2017 Brady Notice was in the court file and our system showed it had been sent to him. He denied that he had ever received it and challenged ASA Schneider to prove that he had. She explained that he would have received a notice from the clerk of court that the 2017 Brady Notice had been filed even if he had neglected to review the copy the State Attorney’s Office sent him and he hung the phone up on her, she said. (The defense later acknowledged receiving it.)

There is no 2018 Brady Notice listing the Waiver of Prosecution in the court file and our office has no documentation that it was mailed, emailed or otherwise provided to Mr. Arreaza. As a result, the state attorney’s office agreed the defendant could withdraw his plea. The sentence was withdrawn and the matter has now been scheduled for a calendar call in December.

Please also note that under the state law at the time, this case was mandatorily direct filed as an adult case. The defendant was over 16 and it was a 10/20/Life case. The law in effect at the time did not give prosecutors the ability to file it as a juvenile case.