

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA, IN AND FOR PINELLAS COUNTY
CASE NUMBER CRC23-03157CFANO

STATE OF FLORIDA,

Plaintiff,

vs.

THOMAS ISAIAH MOSLEY,

Defendant.

_____ /

PROCEEDINGS: STATUS CHECK HEARING

BEFORE: THE HONORABLE SUSAN ST. JOHN
Circuit Court Judge

DATE: July 2, 2025

PLACE: Courtroom 2
Pinellas County Justice Center
14250 - 49th Street North
Clearwater, Florida 33762

REPORTER: Linda K. Fritsch
Registered Merit Reporter

(Pages 1 to 10)

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PROCEEDINGS

THE COURT: All right. Good morning,
Mr. Mosley.

All right. So this is -- we kind of talked
about this, last week -- but we're dealing with the
motion to compel disclosure of the questionnaire
that Dr. Railey used in his testing.

Is that correct?

MR. RUSSELL: That's correct, your Honor.

THE COURT: All right. Any additional
argument you'd like to make?

MR. RUSSELL: Only -- if I may approach, and
I did provide a bunch of materials to Ms. Ellis,
to provide to Dr. Railey.

These are the American Psychological
Association guidelines, that clearly provide for
the release of test data, in response to a court
order.

If I may approach, I'll provide them to the
Court?

THE COURT: Yes, sure. Thank you.

Does that deal with test data being provided
to another doctor, or being provided to the
lawyers?

MR. RUSSELL: Being released to the lawyers.

1 THE COURT: Okay.

2 MR. RUSSELL: And also, we do have methods,
3 and I have done it in prior cases, with the WAIS,
4 which is a much more proprietary, not open-source
5 manual and test, where it's been important to have
6 it entered in the record.

7 And so, what's happened is, the courtroom has
8 been sealed, the materials were sealed, and filed
9 in the record, under seal, and, you know, the
10 discussion was had outside of the public hearing.

11 So there are ways, in order to protect --
12 should the Court find, for some reason, that the
13 WHODAS data is actually proprietary and is not for
14 public consumption.

15 THE COURT: Okay.

16 MR. RUSSELL: So, I could seal that.

17 MS. ELLIS: Christie Ellis, for the State.

18 I did call Dr. Railey, on Friday afternoon.
19 He is maintaining that it's proprietary, and that
20 he gave it over to Dr. McClain, and he will not
21 give it to us. He has requested a hearing, if you
22 want to court-order him to do it, or he's going to
23 hire his own counsel to come fight giving up that
24 actual sheet.

25 Knowing that, I reached out to Defense, on

1 Monday, and I said that if they composed an order
2 compelling Dr. McClain, who didn't seem to have an
3 issue with it, at least at first, to disclose that
4 data sheet, that I would review it, and we would be
5 prepared for today. And then, they came back and
6 said Dr. McClain does have an issue with it,
7 because my understanding is that she can't release
8 another doctor's work product or testing, and that
9 she has a problem with turning that over to us now.

10 THE COURT: But if Dr. McClain thinks it's not
11 proprietary, why does she have an issue turning it
12 over?

13 MS. ELLIS: I'm gonna let the Defense speak
14 on that. She talked to Dr. McClain, and I'm just
15 being --

16 THE COURT: Okay.

17 MS. ELLIS: -- relayed the information --

18 THE COURT: Got it.

19 MS. ELLIS: -- but that's -- that's where
20 we are.

21 THE COURT: Okay.

22 MR. RUSSELL: Your Honor, I have some more
23 excellent things from Harcourt Publishing, which
24 publishes the WAIS and the WISC, and all of those.
25 Harcourt actually has a policy and a position

1 statement that says, that based on, one expert
2 cannot release the data of another expert, without
3 that expert's consent.

4 THE COURT: Okay.

5 MR. RUSSELL: So, really, this is,
6 unfortunately, Dr. Railey's fight, and Dr. McClain
7 is caught in the middle.

8 Of course, I'm sure that she would comply with
9 a court order, if she were ordered to, but she
10 maintains that it is against both the APA ethical
11 standards and Harcourt Publishing's ethical
12 standards --

13 THE COURT: Okay.

14 MR. RUSSELL: -- to produce another expert's
15 data, if they are objecting.

16 THE COURT: What date did we have Dr. Railey
17 scheduled for?

18 MS. SEIFER-SMITH: Thursday.

19 THE COURT: Okay.

20 Are you-all here tomorrow? I know your office
21 is closed, but, by any chance, are you two here
22 tomorrow?

23 MS. SEIFER-SMITH: I wasn't planning on it.
24 I have an 8:30 meeting, but I can make myself
25 available.

1 THE COURT: Is there a day, next week,
2 Dr. Railey is available to come in?

3 MS. ELLIS: Besides?

4 THE COURT: Besides the 10th.

5 MS. ELLIS: I have not checked with him.

6 THE COURT: Can you check with him, and let
7 me know tomorrow?

8 MS. ELLIS: Yes.

9 THE COURT: And that way, he can come in on
10 the 8th or the 9th, and we can have a conversation;
11 and then, I will take some testimony from him, and
12 ask him some questions about that. I don't want to
13 make a decision without hearing from him --

14 MS. ELLIS: I understand that.

15 THE COURT: -- I don't.

16 MS. ELLIS: And I know he wants
17 representation, so I will relay that to him.

18 MS. SEIFER-SMITH: I believe that Dr. Railey
19 has relocated to Tallahassee.

20 THE COURT: Oh. Okay.

21 MS. ELLIS: He will be here, on the 10th, so
22 he may be here early, like the day before.

23 THE COURT: Okay. Well, he can always --
24 well, I don't like doing Zoom, especially on death
25 penalty cases -- but, I would assume, you would

1 want me to do that before the 10th? Yes?

2 MR. RUSSELL: Of course, this data is the
3 only thing that Dr. Railey used to assess Thomas
4 Mosley's --

5 THE COURT: I don't know that, though. Right?
6 I know you're telling me that, and I'm hearing a
7 bunch of different stuff. I need to sort that out.

8 What I'm asking is, I would assume you would
9 want me to have a hearing with him, before the
10 10th --

11 MR. RUSSELL: Yes.

12 THE COURT: -- because you would want that.
13 If I require him to give it to you, you're going
14 to want that before questioning.

15 MR. RUSSELL: If at all possible.

16 THE COURT: Okay. So I don't necessarily want
17 to make him drive down here, on the 8th or the 9th
18 -- and I'm fine with whatever the answer is -- are
19 you comfortable with him appearing via Zoom, on
20 either seven, eight or nine, so we can at least
21 have that conversation? If the answer is no,
22 that's fine. I understand this is a death penalty
23 case, and so on. Otherwise, we're just going to
24 wind up talking to him on the 10th.

25 MR. RUSSELL: Yes, your Honor, I think that

1 we would need his in-person testimony, to preserve
2 Mr. Mosley's rights of confrontation.

3 THE COURT: I'm totally fine with that.

4 So, let's just have him be prepared to have
5 that conversation on the 10th. I'd like to do as
6 much of his testimony, as we can, on the 10th, with
7 the understanding, we may have to reschedule for
8 you-all to come back and ask him some more
9 questions about that testing. Okay?

10 Provided I agree with you, and have him give
11 over those documents, we're going to have to, I
12 guess, bifurcate his testimony, so you-all can ask
13 those questions. All right?

14 Anything else we need to talk about, for
15 today's purposes?

16 MS. ELLIS: I don't believe so, your Honor.

17 THE COURT: All right.

18 So, Madam Clerk, we're going to add the Motion
19 to Compel to July 10th, and we'll go from there.

20 All right. Thank you, everybody.

21 MR. RUSSELL: Thank you, your Honor.

22 (THE HEARING CONCLUDED.)
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CERTIFICATE OF REPORTER

STATE OF FLORIDA)

COUNTY OF PINELLAS)

I, Linda K. Fritsch, Registered Merit Reporter,
certify that I was authorized to and did stenographically
report the foregoing proceedings and that the transcript
is a true record.

DATED this 5th day of August, 2025.

/S *Linda K. Fritsch*
Linda K. Fritsch
Registered Merit Reporter