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IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT OF THE STATE OF FLORIDA IN AND FOR PINELLAS COUNTY

STATE OF FLORIDA

v. CASE NO.: 25-06211-CF

JEFFREY DAVID KNIGHT,
Defendant /

DEFENDANT'S MOTION TO PREVENT THE STATE FROM INTRODUCING EVIDENCE OF PRIOR BAD ACTS (WILLIAMS RULE) AND INCORPORATED MEMORANDUM OF LAW

COMES NOW the Defendant, JEFFREY DAVID KNIGHT, by and through undersigned counsel, and respectfully moves this Honorable Court for an order prohibiting the State from introducing any evidence, testimony, or argument concerning a prior boating accident as collateral-act evidence under section 90.404(2), Florida Statutes. The evidence the State proposes is propensity evidence wearing a Williams rule label. In support thereof, the Defendant states as follows:

INTRODUCTION

The State seeks to place before the jury an incident from September 2, 2019 where Mr. Knight was charged with careless operation of a vessel after allegedly failing to maintain a proper lookout and becoming involved in an accident causing injury. That charge was dismissed and never adjudicated. Six years later, the State asks this Court to resurrect the dismissed allegation and present it to a Pinellas County jury as though it proves something about the 2025 charges. Yet the State's notice identifies no meaningful factual nexus between the two events beyond the fact that both occurred on the water in Pinellas County.

Unable to identify a genuine purpose, the State recites nearly all of them. Its notice asserts that the evidence will somehow establish "motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake or accident, common scheme or plan, or pattern of criminality." That is not a theory of admissibility, but instead is a boilerplate "cut and paste" of section 90.404(2). By claiming every purpose, the State has identified none, and it has revealed that it cannot.

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The reason the State reaches for Williams rule evidence is not difficult to discern. As a matter of trial practice, the government typically resorts to collateral-act evidence when it believes its case, standing on its own facts, is weak. A prosecutor confident in the proof of the charged offense has no need to tell the jury what the defendant was accused of six years earlier. The State's notice is, in that sense, an admission: the State does not trust the 2025 evidence to carry the 2025 charges, and it hopes an unadjudicated 2019 allegation will do the work that its proof cannot.

Randall v. State, 760 So. 2d 892, 896 (Fla. 2000), makes the point. At the trial level in *Randall*, Pinellas County Circuit Judge Susan F. Schaeffer explained why Williams rule evidence carried substantial probative value in that case, noting that the State had "a very weak circumstantial case," and it was "the very type of case" in which the connection and striking similarities between two offenses could cause the probative value of the evidence to outweigh its prejudice. *Id.* Those similarities mattered because they tended to identify Randall as the perpetrator. Identity is not, and has never been, disputed here. *Randall* thus illustrates precisely what the State's notice lacks: a disputed material fact that the collateral act actually tends to prove.

The danger of unfair prejudice is not theoretical, but is actually documented. An empirical study of more than 300 criminal trials found that, in cases supported by weak evidence, disclosure of the defendant's prior record was significantly associated with conviction. The authors concluded that juries "appear to rely on criminal records to convict when other evidence in the case normally would not support conviction." Theodore Eisenberg & Valerie P. Hans, *Taking a Stand on Taking the Stand: The Effect of a Prior Criminal Record on the Decision to Testify and on Trial Outcomes*, 94 Cornell L. Rev. 1353, 1357 (2009).

The authors further explained that prior-record evidence may "make[] up" for deficiencies in the evidence or lead jurors to infer guilt in the case being tried. *Id.* at 1386. Although the study examined prior convictions disclosed at trial rather than Williams rule evidence, its lesson is the same: evidence of prior misconduct supplies the persuasive force otherwise missing from a weak case. That is exactly the use the State proposes here. It does not

offer the 2019 incident to prove a fact, but instead offers it to fill a gap.

Nowhere does the State's notice explain how the 2019 incident proves any material fact without passing through the forbidden inference of propensity. Stripped of its labels, the State's theory is that because Mr. Knight was once accused of being a careless boater, he was probably careless again. That is the propensity argument in its purest form, and section 90.404(2)(a) exists to forbid it.

Florida law does not permit the State to use collateral-act evidence to establish bad character or propensity. The 2019 incident is not similar to the charged conduct, is not relevant to any material issue genuinely in dispute, and does not logically establish any permissible purpose under the Williams rule. Whatever sliver of probative value it carries is substantially outweighed by the danger of unfair prejudice. The evidence must be excluded.

LEGAL STANDARD

Section 90.404(2)(a), Florida Statutes, permits collateral-act evidence only when it is relevant to prove a material fact in issue and not when it is offered solely to demonstrate bad character or propensity. Before admitting Williams rule evidence, the Court must determine whether clear and convincing evidence establishes that the defendant committed the collateral act, whether the collateral and charged conduct are sufficiently similar, and whether the collateral act is too remote to retain meaningful probative value. *Robertson v. State*, 829 So. 2d 901, 907–10 (Fla. 2002).

When the evidence is offered specifically to establish absence of mistake or accident, substantial similarity is required, and the charged and collateral acts must share some unique characteristic or combination of characteristics that distinguishes them from other offenses. *Id.* at 910. Even when some relevance is shown, the Court must exclude the evidence if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of issues, misleading the jury, or needless presentation of cumulative evidence. § 90.403, Fla. Stat. The *Robertson* court noted that its exhaustive review of cases cited by the parties showed that prior criminal acts were "uniformly excluded" where those prior acts involved different victims and different offenses. *Id*. at 909.

The burden is the State's alone. It must demonstrate both a legitimate, non-propensity purpose and a logical connection between the collateral act and a material issue in the case. The

State has not carried that burden here, and on this record it cannot.

ARGUMENT

The statutory terms are theories of relevance, not incantations. Writing "absence of mistake or accident" in a notice does not make one accident relevant to another. Evidence offered to disprove accident ordinarily involves prior conduct that makes a claim of accident in the charged case less plausible. Here, however, the State proposes something novel: using an allegation of carelessness arising from one accident to prove that Mr. Knight was careless in another, six years later. That inference rests on propensity, and no statutory label can make it permissible.

The 2019 incident involved an allegation that Mr. Knight failed to maintain a proper lookout. It involved no purposeful collision, no calculated act, and no execution of any design. The State nevertheless invokes "common scheme or plan." A common scheme or plan, by definition, requires a scheme or a plan. Two accidents occurring six years apart are not a plan. They are two accidents.

The fact that both incidents involved pontoon-type vessels with flat decks does not supply the missing connection. Unless the State contends that Mr. Knight spent six years lying in wait for an opportunity to crash into another flat-deck pontoon boat, the vessel design proves nothing about motive, intent, preparation, or plan. While both incidents also occurred on the water, as is true with every boating accident, the 2019 accident occurred in daylight aboard a recreational vessel, with the allegation centered on a failure to maintain a proper lookout. The present case involves a commercial ferry at night, where visibility, lighting, and compliance with maritime safety requirements are central. The vessels, operating conditions, and alleged contributing factors differ. What remains is the State's real theory: because Mr. Knight was accused of failing to maintain a proper lookout once before, he probably did so again. That is precisely the propensity inference section 90.404(2)(a) prohibits.

Robertson is particularly instructive. There, the Florida Supreme Court held that a threat made six years earlier against a different victim and involving a different weapon was not sufficiently similar to prove absence of accident in the charged case. 829 So. 2d at 909–11. The same six-year interval exists here, and the factual connection is even more attenuated. The State

does not offer two distinctive intentional acts exhibiting a common design, but offers two unrelated accidents and asks the Court to treat their occurrence on the water as a signature.

The First District rejected a similar attempt to substitute statutory labels for a logical connection in *Tollefson v. State,* 525 So. 2d 957 (Fla. 1st DCA 1988). There, the State argued that evidence of statements made by the defendant in a prior DUI case was relevant to establish lack of mistake, modus operandi, and course of conduct in the present case. *Id*. at 960. The court held that those "labels" had been advanced without any connection to the facts of the charged case and that the differences between the incidents overshadowed their single similarity. *Id*. Here, the State recites motive, intent, preparation, plan, knowledge, and absence of accident without explaining how the 2019 incident proves any of them. It gives the Court six labels to choose from in hopes that one will stick.

The decision in *State v. Lawrence*, 26 Fla. L. Weekly Supp. 890a (Fla. 20th Cir. Ct. Jan. 2, 2019), is likewise persuasive. In that vehicular homicide prosecution, the State sought to introduce evidence that the defendant had blocked a roadway and confronted another driver two weeks earlier, contending that the prior incident established intent and absence of mistake. The court excluded the evidence because the incidents were dissimilar and lacked a logical nexus, leaving propensity as the only available inference. *Id.* If a prior roadway confrontation occurring only two weeks before a charged vehicular homicide did not establish intent or absence of accident, an unrelated boating accident occurring six years earlier cannot possibly do so here.

The State's notice does not cure these deficiencies. Mr. Knight's identity is not disputed, and the notice identifies no motive or common plan connecting the incidents and no knowledge gained in 2019 that bears on the charged conduct. Its claim of absence of accident still requires the Court to assume that Mr. Knight operated carelessly in 2019 and infer that he probably did so again in 2025. Section 90.404(2)(a) prohibits that propensity inference.

If the Court nevertheless searches the two incidents for a pattern, the comparison cannot stop with the facts the State finds convenient. In both incidents, Mr. Knight remained at the scene, sought emergency assistance, and rendered aid to those involved. If two accidents

occurring six years apart establish any pattern at all, it is a pattern of staying, calling for help, and helping. That, presumably, is not the "pattern of criminality" the State hoped to prove, and is the pattern the State's comparison leaves out.

The Defendant therefore makes the State an offer. If the purpose of the 2019 evidence is to show similarity, to establish that when Mr. Knight is involved in a vessel crash he remains on the scene, summons help, and assists the injured, the Defendant has no objection whatsoever. He will stipulate to that pattern and welcome the jury hearing it. If instead the State wants the jury to hear only the accusation and none of the conduct, then it is not offering similarity evidence at all. It is offering character evidence, and the Court should call it what it is.

One fact conspicuously absent from the public narrative surrounding Mr. Knight is that after the 2019 trial commenced, the court granted a motion to dismiss. The docket does not identify the basis for that ruling, but what is clear is that the supposed "prior bad act" produced no adjudication that Mr. Knight committed even the civil infraction of careless operation of a vessel. Although the absence of a conviction does not categorically bar collateral-act evidence, it forecloses the State from presenting the underlying allegation as an established fact.

Before the jury may hear one word about 2019, the State must prove by clear and convincing evidence that Mr. Knight committed the alleged act. *Robertson*, 829 So. 2d at 907–09. A charge that was dismissed after trial is not clear and convincing evidence of anything and a notice describing that dismissed charge does not carry the State's burden.

Finally, whatever sliver of relevance the State attributes to the 2019 incident is substantially outweighed by every danger section 90.403 was written to guard against. Introducing the incident would require a trial within the trial over an unrelated accident, the evidence presented in the earlier proceeding, and the circumstances resulting in its dismissal. It would pull the jury away from the charged conduct, confuse the issues, and invite a verdict resting not on proof of what happened in 2025, but on the suggestion that Mr. Knight is a "dangerous boater." Section 90.403 exists for exactly this evidence.

CONCLUSION

The State's attempt to introduce the 2019 boating incident is an effort to place

inadmissible propensity evidence before the jury under the guise of the Williams rule. An unadjudicated and dismissed allegation from six years ago, arising from different conditions, a different vessel, and different alleged causes, offered for every purpose because it serves none is not even a close call. The prior incident is dissimilar, the State has identified no legitimate non-propensity purpose for its admission, and its prejudicial effect substantially outweighs any conceivable probative value. Its admission would unfairly prejudice Mr. Knight and would inject a substantial and entirely avoidable risk of reversible error into this trial.

WHEREFORE, the Defendant respectfully requests that this Court enter an order prohibiting the State from introducing any evidence, testimony, or argument relating to the 2019 boating incident, at any stage of trial, and granting such further relief as this Court deems just and proper.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished electronically via the E-Filing Portal to the Pinellas Clerk of Court and to the Office of the State Attorney for Pinellas County, on this 28th day of September, 2026.

THE LAW OFFICES OF CARLSON HAYSLETT, P.A.

/s/ J. Kevin Hayslett

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