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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 STRIKE STATE'S SECOND AMENDED WILLIAMS-RULE NOTICE OR, ALTERNATIVELY, REQUIRE A PARTICULARIZED PROFFER

The Defendant, JEFFREY DAVID KNIGHT, through undersigned counsel, moves to strike the State's Second Amended Notice of Intent to Use Evidence of Other Crimes, Wrongs or Acts, filed September 10, 2026, or, alternatively, to require the State to file a particularized proffer before any *Williams*-rule hearing. In support, the Defendant states:

1. The State has charged Mr. Knight with twenty-four counts arising from a single collision. Eight of those counts allege that he failed to maintain a proper lookout in violation of Navigation Rule 5. Absent a departure, his lowest permissible sentence exceeds twenty years.

2. The State now proposes to tell the jury that Mr. Knight was accused of the same thing in 2019: failing to keep a proper lookout and operating a vessel carelessly. That accusation was a noncriminal boating infraction, not a misdemeanor or a felony, and it was dismissed. It was never proven in any forum.

3. The Second Amended Notice does not say why a dismissed infraction from six years ago is admissible in this prosecution. Paragraph 3 recites motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake or accident, common scheme or plan, and "pattern of criminality," the last of which appears nowhere in section 90.404(2)(a), Florida Statutes, and is an odd label for a dismissed civil infraction. The notice never says which purpose the State actually relies on, what material fact is in dispute, or how the 2019 allegation tends to prove it.

4. A list of statutory words is not a theory of admissibility. Section 90.404(2)(a) admits similar-fact evidence only "when relevant to prove a material fact in issue," and it excludes such evidence "when the evidence is relevant solely to prove bad character or propensity." The proponent must identify the material fact and the chain of inference that reaches it without passing through character. *Williams v. State*, 110 So. 2d 654 (Fla. 1959). The State has not done so.

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5. Most of the purposes the State recites cannot apply on their face. Identity is not in dispute; no one contends that anyone other than Mr. Knight was operating his vessel. Motive, preparation, plan, and common scheme describe deliberate conduct; a lookout violation is a failure of attention, not a design. Nothing about a 2019 accident tends to show that Mr. Knight planned or intended a 2025 collision.

6. That leaves knowledge and absence of mistake or accident, and the notice commits to neither. If the State claims knowledge, it must identify what Mr. Knight supposedly learned in 2019 that he would not otherwise have known, and why that knowledge bears on whether he kept a lookout in 2025. Every vessel operator is already charged with knowing Rule 5; a prior accusation adds nothing. If the State claims absence of mistake or accident, it must identify the mistake or accidental explanation it contends the 2019 incident rebuts. The notice answers neither question.

7. Stripped of its labels, the State's inference is this: Mr. Knight was accused of inattention once before, so he was probably inattentive again. That is precisely the propensity inference section 90.404(2)(a) forbids. The erroneous admission of collateral-act evidence is presumed harmful "because of the danger that a jury will take the bad character or propensity to crime thus demonstrated as evidence of guilt of the crime charged." *Straight v. State*, 397 So. 2d 903, 908 (Fla. 1981).

8. The State also faces a threshold proof problem it has not addressed. Before similar-fact evidence may be admitted, the trial court must find that the collateral act has been proven by clear and convincing evidence. *McLean v. State*, 934 So. 2d 1248, 1256 (Fla. 2006). The 2019 charge was dismissed and the notice does not identify what evidence, if any, the State intends to use to prove an infraction the State itself declined to pursue to adjudication.

9. *Kirkland-Williams v. State*, 230 So. 3d 580, 584 (Fla. 2d DCA 2017), does not relieve the State of this obligation. The Second District held there that a *Williams*-rule notice need not itself recite every reason for admission, but only because the notice in that case was accompanied by a supplement that "detailed specific reasons and explained why the evidence was relevant" and "detailed the similarities between the incidents." *Id.* at 584–85. *Kirkland-Williams* assumes exactly what is missing here: that the defendant is told, before the hearing, the actual theory he must answer to. The State has provided nothing comparable.

10. Had the defense filed a motion to suppress alleging only that evidence was obtained in violation of the Fourth, Fifth, Sixth, and Fourteenth Amendments, without identifying the challenged conduct, the supporting facts, or the basis for relief, the State would move to strike it as legally insufficient, and it would be right to do so. The State should be held to the same standard when it seeks to introduce one of the most prejudicial categories of evidence the rules permit. It should not be allowed to obtain admission through a generic list of legal grounds while requiring the defense to prepare against all of them.

11. The Florida Supreme Court has emphasized that "the policy of avoiding trial by ambush or surprise has even greater application in the criminal context." *Scipio v. State*, 928 So. 2d 1138, 1144–46 (Fla. 2006).

12. The Second District has likewise held that a deficient *Williams*-rule notice is not harmless where it causes "actual prejudice or unfair surprise" or prejudices the preparation of the defense. *Gardner v. State*, 821 So. 2d 1220, 1222 (Fla. 2d DCA 2002). A notice that names the incident but conceals the theory creates the same danger: the defense must either prepare against ten theories at once or confront the State's real theory for the first time at the hearing or at trial.

13. The State's selective use of "absence of mistake" deserves mention. The captain of *Maddie's Crossing* operated that vessel on the night of this collision without the stern light the navigation rules require, and the evidence shows he had operated it without that light on numerous prior occasions. If a prior navigational violation proves that a later one was neither mistake nor accident, the captain's repeated operation of the same vessel without the same required light is the textbook application of that theory. The State charged him with a single count and allowed him to resolve it as a civil infraction.

14. That disparity does not decide whether the 2019 incident is admissible. It does show how far the State is reaching. It invokes absence of mistake against the one operator in this collision it chose to prosecute, on the strength of a dismissed infraction, while treating the other operator's repeated and documented violations as a civil matter. A defendant facing twenty-four counts and more than twenty years in prison should not have to guess why a single dismissed infraction is supposedly admissible against him.

15. Even if the State could articulate a legitimate purpose, the evidence should be excluded under section 90.403. Whatever marginal probative value a dismissed 2019 infraction carries is substantially outweighed by the danger of unfair prejudice, confusion of the issues, and misleading the jury. The evidence invites the jury to decide this case on the proposition that Mr. Knight is a careless boater, and it would require a trial within a trial over an incident the State never proved. With twenty-four counts before the jury, that risk is compounded, not diluted.

16. Having elected to seek admission of the 2019 incident, the State should be required to identify the material fact the evidence proves, the specific purpose on which it relies, and the logical chain by which the evidence proves that fact without relying on propensity. The Second Amended Notice does none of this and should be stricken.

17. At a minimum, the State should be required to file a particularized statement identifying its actual theory before any *Williams*-rule hearing, and any evidence admitted should be limited to the specific purpose and the specific counts approved by the Court. Should the Court permit such a supplement, the Defendant requests a reasonable time to investigate and respond to any newly articulated theory.

WHEREFORE, the Defendant respectfully requests that this Court strike the State's Second Amended Notice of Intent to Use Evidence of Other Crimes, Wrongs or Acts and exclude all evidence of the 2019 incident. Alternatively, the Defendant requests that the Court require the State to file, before any *Williams*-rule hearing, a particularized statement identifying the specific purpose, the material fact in issue, the non-propensity theory of relevance, and the evidence by which it intends to prove the 2019 incident; limit any evidence admitted to the purpose and counts approved by the Court; and afford the Defendant a reasonable time to prepare.

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 6th day of October, 2026.

THE LAW OFFICES OF CARLSON HAYSLETT, P.A.

/s/ J. Kevin Hayslett

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