

IN THE CIRCUIT COURT OF THE
FOURTH JUDICIAL CIRCUIT IN AND
FOR DUVAL COUNTY, FLORIDA.

STATE OF FLORIDA

-vs.-

MICHAEL DUNN
Defendant

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CASE NO. 16-2012-CF-11572
DIVISION: CR-D

DEFENDANT'S MOTION FOR CHANGE OF VENUE

COMES NOW the Defendant, MICHAEL DUNN, by and through the undersigned Attorney, and moves this Honorable Court, pursuant to the Florida Rule of Criminal Procedure 3.240, the Constitution of the State of Florida, and the Constitution of the United States to change venue so that fair and impartial jurors will be selected to try this case from qualified persons residing in another county in the State of Florida. As grounds in support, the Defendant would state the following:

- 1) This case has generated a tremendous amount of pretrial publicity in Duval County, Florida, some of which has been erroneous and misleading, and all of which has been extremely prejudicial to the Defendant.
- 2) The local newspaper, *The Florida Times Union*, as well as the three major local media news stations have published over fifty articles or news stories concerning this matter since Mr. Dunn's arrest. These articles have disclosed numerous specific facts that would not normally reach the general public, all of which have created an extreme amount of prejudice against this Defendant, as evidenced by the comments posted online in reference to most published articles. Specifically, over 20 articles or news reports have been published since the first verdict in this matter leading up to the second re-trial.
- 3) In addition, this case has generated over 55 total regional and national news stories both on television and through the Internet including *The Rolling Stone* and *Jet Magazine*.
- 4) The victim's parents, Lucia McBath and Ron Davis, have appeared either separately or together on various television programs including HLN, CNN, MSNBC, CSPAN, *Good Morning America*, and local news stations approximately sixteen times.

- 5) The three local television stations, which cover the Duval County area, are available in most homes within the county.
- 6) All of the aforementioned articles, videos, comments, and information are currently available on the Internet and have been continuously available on the Internet since it was originally published or shown on television.
- 7) Due to the tremendous amount of pretrial publicity, and the fact that the victim, and his family, are fairly now well known in Duval County, Florida, there has been much discussion amongst the citizens of Duval County concerning this case. During depositions in this matter, several witnesses have relayed having heard numerous rumors and discussions about this matter.
- 8) Although the undersigned would concede that a criminal case cannot be tried in a vacuum, it is apparent that the Defendant has been tried and convicted by the media outlets which serve this county. Furthermore, it is just as apparent that this case has generated much discussion amongst the Duval County community, which has resulted in the Defendant also being tried and convicted in the court of public opinion.
- 9) Due to the foregoing, it is abundantly clear that the Defendant, MICHAEL DUNN, cannot, under any circumstances, receive a fair trial in Duval County, Florida.
- 10) The Defendant has attached three (3) affidavits to this Motion. The terms of the affidavits are incorporated herein.
- 11) It is further certified that the undersigned is filing this motion in good faith.

WHEREFORE, the Defendant, MICHAEL DUNN, respectfully requests this Honorable Court to grant this Motion and change the venue in this case so that it can be tried by qualified jurors residing in another county in the State of Florida and so that the Defendant can receive a fair trial, by fair and impartial jurors who have not been tainted by pretrial publicity, public opinion, or any other factor.

DATED this 2nd day of September, 2014.

I HEREBY CERTIFY that a copy hereof has been furnished by electronic e-filing and emailed to Angela Corey, Assistant State Attorney, this 2nd day of September, 2014.

JEFFREY E. LEWIS,
REGIONAL CRIMINAL CONFLICT
& CIVIL COUNSEL

By: Waffa J. Hanania
Waffa J. Hanania
Assistant Regional Counsel
Fla. Bar No. 888631
100 W. Bay Street, Ste. 600
Jacksonville, FL 32202
Phone: (904) 301-1112
Fax: (904) 301-1120

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AFFIDAVIT

STATE OF FLORIDA
COUNTY OF DUVAL


Before me, the undersigned authority, personally appeared, MICHAEL DUNN, who was sworn and says:

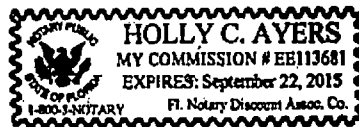
1. I am the Defendant in above styled case and I am also a resident of Duval County, Florida.
2. I have read the Defendant's Motion for Change of Venue that my attorney has filed on my behalf and I swear that the factual assertions contained therein are true and correct.


MICHAEL DUNN

Sworn to and subscribed before me on this 2nd day of September, 2014, by
MICHAEL DUNN who is:

- personally known to me; OR
 produced the following proof of identification jail arm band.


NOTARY PUBLIC
My Commission Expires



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CASE NO. 16-2012-CF-11572
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AFFIDAVIT

STATE OF FLORIDA
COUNTY OF DUVAL

Before me, the undersigned authority, personally appeared, Blake G. Johnson,
who was sworn and says:

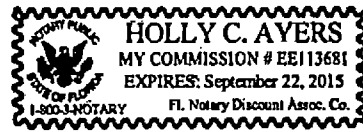
1. I am an Attorney at Law in good standing with the Florida Bar. I have practiced criminal law in the Fourth Judicial Circuit, including Duval County, for approximately 9 years. I am also a resident of Duval County, Florida.
2. I am aware of the above styled criminal case against the Defendant, MICHAEL DUNN, involving the death of Jordan Davis. This case has generated a tremendous amount of pretrial publicity in Duval County, Florida.
3. The local newspaper, *The Florida Times Union*, has published numerous articles concerning this matter since Mr. Dunn's arrest. Many of these articles have emphasized and disclosed numerous specific facts that would not normally reach the general public.
4. The Jacksonville news stations, which cover the Duval County area and are available in most homes within the county, have also highly publicized this case. Many of these news stories have also included much of the same information and facts that have appeared in *The Florida Times Union*.
5. As a resident of Duval County, Florida, and having many friends, family members, and acquaintances within our community, I am aware that there has been much discussion amongst its citizens concerning this case. Much of this discussion in our community has been spawned by the tremendous amount of pretrial publicity which has occurred in the local media.

Blake Johnson

Sworn to and subscribed before me on this 24 day of September, 2014, by
Blake Johnson who is:

- personally known to me; OR
 produced the following proof of identification _____

Holly C. Ayers
NOTARY PUBLIC
My Commission Expires



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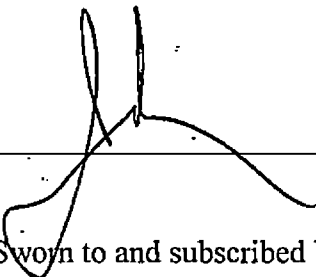
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AFFIDAVIT

STATE OF FLORIDA
COUNTY OF DUVAL

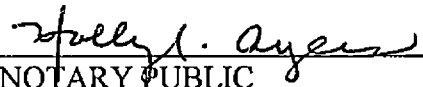
Before me, the undersigned authority, personally appeared, IAN WELDON,
who was sworn and says:

1. I am an Attorney at Law in good standing with the Florida Bar. I have practiced criminal law in the Fourth Judicial Circuit, including Duval County, for approximately 13 years. I am also a resident of Duval County, Florida.
2. I am aware of the above styled criminal case against the Defendant, MICHAEL DUNN, involving the death of Jordan Davis. This case has generated a tremendous amount of pretrial publicity in Duval County, Florida.
3. The local newspaper, *The Florida Times Union*, has published numerous articles concerning this matter since Mr. Dunn's arrest. Many of these articles have emphasized and disclosed numerous specific facts that would not normally reach the general public.
4. The Jacksonville news stations, which cover the Duval County area and are available in most homes within the county, have also highly publicized this case. Many of these news stories have also included much of the same information and facts that have appeared in *The Florida Times Union*.
5. As a resident of Duval County, Florida, and having many friends, family members, and acquaintances within our community, I am aware that there has been much discussion amongst its citizens concerning this case. Much of this discussion in our community has been spawned by the tremendous amount of pretrial publicity which has occurred in the local media.



Sworn to and subscribed before me on this 2nd day of September, 2014, by
Jan Weldon who is:

- personally known to me; OR
- produced the following proof of identification _____.



NOTARY PUBLIC
My Commission Expires

