

## TO WHOM IT MAY CONCERN:

The documents included herewith are not correspondence and are private.

The documents included herewith are statements prepared by a witness in a criminal case which Mandi May Jackson is a defendant in.

Inmate Mandi May Jackson has a right to possess and examine these statements and materials under the Sixth Amendment of The United States Constitution.

**IN THE DISTRICT COURT OF APPEAL, FIFTH DISTRICT  
STATE OF FLORIDA**

DCA CASE NO. 5D19-3411

MANDI MAY JACKSON,

Appellant,

vs.

STATE OF FLORIDA,

Appellee.

\_\_\_\_\_/

**APPEAL FROM THE CIRCUIT COURT  
IN AND FOR SEMINOLE COUNTY, FLORIDA**

**MOTION TO REMOVE COUNSEL H. KYLE FLETCHER**

**COMES NOW** the undersigned Appellant, Mandi May Jackson, and moves this Court to remove Counsel H. Kyle Fletcher from this case, and as grounds states:

1. The undersigned has a right "to have the Assistance of Counsel" in matters pertaining to judicial errors in the trial by jury in this case, pursuant to the Sixth Amendment to the United States Constitution.

2. While Attorney H. Kyle Fletcher has submitted documents, he has failed to provide relevant or material assistance in this case.

3. H. Kyle Fletcher submitted a brief which appears to have simply been copied from Scott Love's case without even changing the name from Scott Love to Appellant Mandi May Jackson in most places, as seen in attached Exhibit A.

4. H. Kyle Fletcher submitted a brief which was not relevant to Appellant's case; It does not include any work to address the numerous, actual, and specific judicial errors in Appellant's case, such as rulings on motions in limine for specific evidence, and disallowed testimony. The submitted brief appears to represent less than 20 minutes work for a six-day first-degree murder trial.

5. As one of many examples, on page 3 of this brief H. Kyle Fletcher made the following statement:

**The first neighbor remembered that he was woken up around 6:30 a.m. by "yelling and banging and moving around in the apartment right above me, including furniture being moved on the balcony." (T100-118).**

In fact, this quote comes from day 2, transcript 95, pdf 1-50, of Scott Love's trial the previous year, as attached in Exhibit B. Nowhere in pages 100 to 118 of Appellant's trial, does anyone mention "banging." So H. Kyle Fletcher signed and submitted a false statement to the Court, and did so knowingly, given that he had no basis to assume that quote actually occurred in Appellant's transcript.

6. As another of many examples, on page 23 of this brief H. Kyle Fletcher states:

**There was no evidence presented by the State that contradicts or is inconsistent with Appellants theory of the case that the victim**

**consented to Mr. Love coming into the apartment, the gun belonged to the victim, the victim was the aggressor, and the credit card was found after leaving the apartment.**

As seen on page 1458 line 16 of Appellant's trial transcript in attached Exhibit C, Counsel argued "Scott comes in and sees Mandi with Mr. Mulrenin. Scott pulls Mandi from him, puts a gun to her head." H. Kyle Fletcher recklessly and intentionally misrepresented the appellants theory of the case at trial to the panel.

7. H. Kyle Fletcher represented Maletta Young in Seminole County 2018 CF 451B where she made a deal to swear lies against Appellant as show in attached Exhibit D and Exhibit E. H. Kyle Fletcher is still Maletta Young's attorney of record according to the Seminole County online docket as shown in Exhibit F. Maletta Young is a potential witness in this case who was subpoenaed by the defense to testify for the defense at Appellant's trial.

WHEREFORE, the undersigned Appellant Mandi May Jackson respectfully requests the Court remove Counsel H. Kyle Fletcher from this case.

Respectfully submitted,

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Mandi May Jackson, G90650  
Florida Women's Reception Center  
3700 NW 111th Place  
Ocala, Florida 34482-1479

I HEREBY CERTIFY that true and correct copies of the foregoing have been mailed using USPS to Appellee at

Office of the Attorney General  
444 Seabreeze Boulevard, fifth floor  
Daytona Beach, FL 32118

and mailed using USPS to Attorney H. Kyle Fletcher at

Fletcher Law Firm, P.A.  
3743 Savannah Loop  
Oviedo, FL 32765

Both on this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_

Mandi May Jackson

## INDEX OF EXHIBITS

- A) Examples of H. Kyle Fletcher not even changing the name in the brief from Scott Love to Appellant Mandi May Jackson
- B) Trial transcript page 95 of Scott Love, showing quote in brief which did not even occur in Appellant's trial transcript
- C) Trial transcript page 1458 of Appellant Mandi Jackson, showing Appellant's theory of the case at trial
- D) Discovery showing H. Kyle Fletcher's client Maletta Young at one point claimed to have heard statements from Appellant
- E) Minutes of her sentencing where Maletta Young promised to testify against Appellant with H. Kyle Fletcher as her attorney
- F) Screen grab of Seminole County online docket showing H. Kyle Fletcher as Maletta Young's attorney on 12/16/2020

## EXHIBIT A

were being sought with particularity. The State relied on the meaning of the foregone conclusion to be applied to the passcode; however, it is the passcode that is protecting the contents for which the foregone conclusion applies. The State was compelling Mr. Love to provide them access to the cellphone because they did not know the information in its contents and had expectations of finding incriminating evidence. This act results in an illegal search and a violation of Mr. Love's Fifth Amendments rights.

Since the judgment was filed in this case, the Fourth District of Appeals has held in *G.A.Q.L. v. State*, that cell phone passcodes are testimonial. *G.A.Q.L. v. State*, 257 So.3d 1058 (4th DCA 2018). "Without reasonable particularity as to the documents sought behind the passcode wall, the facts of this case 'plainly fall outside' of the foregone conclusion exception and amount to a mere fishing expedition." *Id.* at 1064. The court held "this holding, which focuses on the passcodes rather than the data behind the wall, misses the mark." *Id.* at 1063. The *G.A.Q.L.* court certified conflict with the *Stahl* case, finding that a passcode is a protected testimonial communication under the Fifth Amendment. The *G.A.Q.L.* court specifically disagreed with *Stahl* regarding the use of the foregone conclusion. The court found that it is important to consider is what is behind the passcode, not the passcode itself.

## EXHIBIT B

95

1           Q     And, Mr. Ashcroft, taking you back to that early  
2 morning hours of that day, do you recall about what time you  
3 woke up that morning?

4           A     In the 6:00 o'clock hour, 6:30-ish, I think -- I  
5 believe.

6           Q     And why do you know or estimate that it was  
7 approximately that 6:30-ish hour?

8           A     My alarm is set off at 7:30 to take me to the gym  
9 and I remember feeling that I had an hour to try to fight  
10 through whatever noise was going on and getting that last hour  
11 of sleep.

12          Q     And you said noise. What woke you up that morning?

13          A     There was a lot of yelling and banging and moving  
14 around in the apartment right above me, including furniture  
15 being moved on the balcony right above me.

16          Q     Now, you say the apartment right above you. Would  
17 that be apartment 515?

18          A     Yes.

19          Q     And you're 415?

20          A     Yes.

21          Q     And this yelling, could you describe to the jury  
22 what this yelling that you heard?

23          A     It was angry yelling. As I said, I had lived in the  
24 apartment for four or five years, so there had been parties  
25 going on in that time period and multiple different people had



## EXHIBIT C

1458

1 the Lofts in that outfit. You see her go back out  
2 wearing a jacket that appears to -- must have been  
3 Mr. Mulrenin's, and then going back in with him.

4 And you heard from Kaylee Simmons it was a  
5 Glock. It clearly was not a Glock. Mr. Stone did  
6 touch on that, but I'll -- I'm going to go into that  
7 a little bit more as well.

8 Now remember, it's Scott Love's DNA on the zip  
9 ties, not Mandi Jackson's. It's Scott Love's DNA on  
10 the gloves, not Mandi Jackson. Scott shoots Mr.  
11 Mulrenin. Mr. Mulrenin goes to get away, jumps or  
12 falls to his untimely death.

13 There was no struggle on the balcony, unlike  
14 Kaylee Simmons said. Russell Songer and Denise Smith  
15 both told you that they only saw one person on the  
16 balcony. But right before that, they heard a  
17 domestic dispute. Mr. Mulrenin saving Mandi Jackson  
18 from the monster, Scott Love, going to get her -- to  
19 get his property? Scott comes in and sees Mandi with  
20 Mr. Mulrenin. Scott pulls Mandi from him, puts a gun  
21 to her head. Mr. Mulrenin goes to get Mandi from  
22 Scott. He gets her -- he gets her, turns, gets shot  
23 in the leg. Tries to get down to the balcony.  
24 Remember, the gunshot is in the back of his leg.

EXHIBIT D

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT  
IN AND FOR SEMINOLE COUNTY, FLORIDA

STATE OF FLORIDA,  
Plaintiff,  
vs.

CASE NUMBER: 592016CF003668BXXXXX

MANDI MAY JACKSON,  
Defendant,  
\_\_\_\_\_ /

**SUPPLEMENTAL DISCOVERY**

The State of Florida, by and through the undersigned Assistant State Attorney, pursuant to Florida Rule of Criminal Procedure 3.220(a), hereby discloses the following witnesses, tangible papers or objects which are available for inspection, copying, testing, and photographing as previously indicated in the State's Answer to Demand for Discovery filed in this cause:

CATEGORY A – PRESENT FOR A STATEMENT OF THE DEFENDANT

MALETTA YOUNG  
C/O OFFICE OF THE STATE ATTORNEY  
101 ESLINGER WAY  
SANFORD, FLORIDA 32773

(THE STATE WILL PRODUCE MALETTA YOUNG FOR A DEFENSE DISCOVERY  
DEPOSITION)

Maletta Young was present for statements made by Mandi Jackson, the substance of which are as follows:

# EXHIBIT E

IN THE CIRCUIT COURT OF THE 18TH JUDICIAL CIRCUIT, IN AND FOR SEMINOLE COUNTY, FLORIDA  
AMENDED MINUTES  
06/15/2018 3:29 PM  
STATE OF FLORIDA vs YOUNG, MALETTA RAE

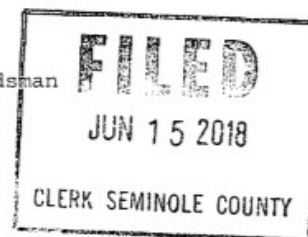
Page: 1  
Case # 2018CF000451B  
OBTS # 5902258782

Agency: SOSC CD: 5C Log: 200/22Tape:  
SENTENCING Opened At 03:28 PM on 06/15/2018 In Courtroom 5C, With the Following:

Circuit Judge: MARLENE M ALVA  
State Attorney: MATTHEW FUTCH  
Public Defender:  
Court Reporter: DIGITAL

Deputy Clerk: PATRICIA TABOR  
Defense Attorney: FLETCHER, HUBERT K JR  
Deputy Sheriff/Bailiff: E. RUIZ

| Description                                | Charge(s):<br>Citation | Bond | Bondsman |
|--|------------------------|------|----------|
| 1 POSSESSION OF FENTANYL W/INTENT TO SELL/ |                        |      |          |
| 2 POSSESSION OF METHAMPHETAMINE W/INTENT T |                        |      |          |
| 3 POSSESSION OF COCAINE W/INTENT TO SELL/D |                        |      |          |
| 4 POSSESSION OF HEROIN W/INTENT TO SELL/DE |                        |      |          |
| 5 POSSESSION OF HYDROCODONE                |                        |      |          |
| 6 POSSESSION OF MORPHINE                   |                        |      |          |
| 7 POSSESSION OF A FIREARM BY A CONVICTED F |                        |      |          |



Defendant Was: Present for SENTENCING  
State Attorney MATTHEW FUTCH Was Present  
Defense Attorney FLETCHER, HUBERT K JR Was Present

## For All Charges:

Defendant continued on ROR  
The Court granted defense motion to continue

Sentencing set for 07/11/2018 at 08:30 AM in Courtroom 5C, at the Criminal Justice Building, 101 Eslinger Way, Sanford, FL 32773 before Judge MARLENE M ALVA

BENCH CONFERENCE HELD.


COURT ORDERS ALL MINUTES AND AMENDED MINUTES, IF ANY, FROM MOTION HEARING DATED APRIL 18, 2018 ARE TO BE SEALED IN THE COURT FILE UNTIL FURTHER ORDER OF THE COURT.  
CORRECTED TO REFLECT CORRECT DATE IS APRIL 18, 2018.  
DONE AND ORDERED IN OPEN COURT:

Judge: 

## RECEIPT OF DEFENDANT:

I hereby acknowledge receipt of the foregoing

x

  
Defendant's Signature

Address (include City, State & Zip)

Phone Number

# EXHIBIT F



**GRANT MALOY**  
CLERK OF THE CIRCUIT COURT AND COMPTROLLER  
SEMINOLE COUNTY, FLORIDA



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## Case Details - Summary



|                          |  |                           |                       |
|--------------------------|--|---------------------------|-----------------------|
| <b>Case Number:</b>      | 2018CF000451B                          | <b>View Status:</b>       | PUBLIC                |
| <b>Case Style:</b>       | STATE OF FLORIDA VS YOUNG, MALETTA RAE | <b>Case Status:</b>       | CLOSED                |
| <b>Case Type:</b>        | CF - FELONY                            | <b>Division:</b>          | J                     |
| <b>Closed Date:</b>      | 10/08/2018                             | <b>Clerk's File Date:</b> | 02/07/2018            |
| <b>UCN:</b>              | 592018CF000451B000XX                   | <b>Speedy Trial Date:</b> | 07/31/2018 Waived? No |
| <b>Co-Defendants:</b>    | <a href="#">2018CF000451A</a>          | <b>Agency Rpt Number:</b> | 201800001005          |
| <b>Judge:</b>            | SOUTO, MELISSA D.                      |                           |                       |
| <b>Arrest Date:</b>      | 02/06/2018                             |                           |                       |
| <b>Agency:</b>           | SEMINOLE COUNTY SHERIFF                |                           |                       |
| <b>Case Bond Amount:</b> | \$ 0.00                                |                           |                       |

## Party Information



| NAME (Aliases)                  | DETAILS   | CONTACT | ATTORNEY DETAILS   |
|---------------------------------|---|---------|--|
| DEFENDANT<br>YOUNG, MALETTA RAE | <b>DOB:</b> 02/10/1987<br><b>Race:</b> WHITE/HISPANIC<br><b>Sex:</b> F<br><b>Eye Color:</b> GREEN<br><b>Hair Color:</b> OTHER<br><b>Height:</b> 5 (ft) 02 (in)<br><b>DL:</b> Y520556875501<br><b>DL State:</b> FL<br><b>DL Class:</b> E<br><b>DL Coutry:</b> US<br><b>DL Comm:</b> NO |         | <b>Type:</b> REGISTRY ATTORNEY<br><b>Name:</b> FLETCHER, HUBERT K JR<br><b>Bar Number:</b> <a href="#">930628</a><br><b>Email(s):</b> <a href="mailto:HKYLEFLETCHER@AOL.COM">HKYLEFLETCHER@AOL.COM</a><br><b>Phone:</b> 407-971-4727<br><b>Address:</b> 3743 SAVANNAH LOOP<br>OVIEDO, FL 32765 |

**IN THE DISTRICT COURT OF APPEAL, FIFTH DISTRICT  
STATE OF FLORIDA**

DCA CASE NO. 5D19-3411

MANDI MAY JACKSON,

Appellant,

vs.

STATE OF FLORIDA,

Appellee.

\_\_\_\_\_/

**APPEAL FROM THE CIRCUIT COURT  
IN AND FOR SEMINOLE COUNTY, FLORIDA**

**MOTION TO SUPPLEMENT THE RECORD**

**COMES NOW** the undersigned Appellant, Mandi May Jackson, and files this motion to supplement the record. In support of this motion, Appellant states as follows:

1. The undersigned Appellant was convicted by a jury of First Degree Felony Murder in November of 2019.
2. During jury selection, the Defense moved for a mistrial. This motion was denied.

3. During jury selection, the jury was provided with instructions for how to interpret evidence and find guilt, including instructions for how to interpret circumstantial and other types of evidence.

4. During jury selection, the jury was exposed to information about the case, including a prospective juror who sat in the jury box and claimed she had inside information about the case, which information proved Appellant's guilt and precluded her from finding Appellant not guilty.

WHEREFORE, the undersigned Appellant Mandi May Jackson respectfully moves this Court to supplement the record with a transcript of jury selection.

Respectfully submitted,

---

Mandi May Jackson, G90650  
Florida Women's Reception Center  
3700 NW 111th Place  
Ocala, Florida 34482-1479

I HEREBY CERTIFY that true and correct copies of the foregoing have been mailed using USPS to Appellee at

Office of the Attorney General  
444 Seabreeze Boulevard, fifth floor  
Daytona Beach, FL 32118

and mailed using USPS to Attorney H. Kyle Fletcher at

Fletcher Law Firm, P.A.  
3743 Savannah Loop  
Oviedo, FL 32765

Both on this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

---

Mandi May Jackson

**IN THE DISTRICT COURT OF APPEAL, FIFTH DISTRICT  
STATE OF FLORIDA**

DCA CASE NO. 5D19-3411

MANDI MAY JACKSON,

Appellant,

vs.

STATE OF FLORIDA,

Appellee.

\_\_\_\_\_/

**APPEAL FROM THE CIRCUIT COURT  
IN AND FOR SEMINOLE COUNTY, FLORIDA**

**MOTION FOR LEAVE TO FILE AMENDED BRIEF**

**COMES NOW** the undersigned Appellant, Mandi May Jackson, and moves this Court to allow Appellant additional time to file an amended brief. In support of this motion, Appellant states as follows:

1. The undersigned Appellant was previously assigned a registry attorney H. Kyle Fletcher who filed an initial brief in May of 2020.
2. Appellant has argued in a separate motion, that H. Kyle Fletcher did little work on this brief, made inaccurate statements in this brief, failed to mention the specific



judicial acts and errors of relevance in Appellant's trial, and has represented another party who was a witness in this case, to where it is not appropriate to attempt to contemplate whether H. Kyle Fletcher or his other client may have interests adverse to Appellant.

3. The judicial acts which the current brief fails to address include the allowance of improper testimony and failure to remedy improper testimony over the objections of the Defense, the allowance of certain evidence and exhibits over the objections of Defense, the disallowing of appropriate cross examination and exploration of certain testimony in front of the jury as guaranteed by the Sixth Amendment to the United States Constitution, the disallowing of certain exhibits which Appellant had a right to show the jury pursuant to the Sixth Amendment to the United States Constitution, and judicial errors too numerous to contemplate and enumerate in this document.

WHEREFORE, the undersigned Appellant Mandi May Jackson respectfully moves this Court to give Appellant until May 1, 2021 to file an amended brief.

Respectfully submitted,

---

Mandi May Jackson, G90650  
Florida Women's Reception Center  
3700 NW 111th Place  
Ocala, Florida 34482-1479

I HEREBY CERTIFY that true and correct copies of the foregoing have been mailed using USPS to Appellee at

Office of the Attorney General  
444 Seabreeze Boulevard, fifth floor  
Daytona Beach, FL 32118

and mailed using USPS to Attorney H. Kyle Fletcher at

Fletcher Law Firm, P.A.  
3743 Savannah Loop  
Oviedo, FL 32765

Both on this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

---

Mandi May Jackson

Clerk of the Court - Filing  
The Fifth District Court of Appeal  
300 South Beach Street  
Daytona Beach, FL 32114