

Florida:

IN THE NINTH JUDICIAL CIRCUIT  
IN AND FOR OSCEOLA COUNTY

In re,

Case # 2024-CF-000990-0

State Of Florida  
(Plaintiffs)

v.

Jeremy C. Dewitte  
(Defendant, Pro Se)

Before The Honorable Keith Carsten, Presiding

FILED IN OFFICE  
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JEREMY C. DEWITTE  
AND C.

IN A TIMELY MOTION UNDER RULE 3.800(c), F.R.C.P.  
RE~FOR REDUCTION OR MODIFICATION OF SENTENCE

COMES NOW the Defendant, Jeremy C. Dewitte, in propria persona, in the above-styled action, in the above-referenced case, and respectfully moves His Honor for a Downward Departure/Reduction in sentence that was imposed by His Honor.

In support hereof Defendant details the following factors to be considered that were not raised and revealed at the hearing:

1. Significant Other, Jennifer Burton, wanted to rent car(s) for the Holidays to travel to see family. However, Enterprise Rental Cars new rental policy was changed to require a debit or credit card have an RFID Chip (which she did not have) or no car could be rented;

2. Ms. Burton then tried to use my credit card (which did have an RFID Chip) but was advised Rental cannot be done unless Drivers License and name on Credit card matched. Ms. Burton then contacted me and asked to use my information to match my Credit card for the rental. She then used my such information to match my credit card for rental;

system" inadmissible because unreliable and not generally accepted in scientific field to which it belongs); *United States v. Brown*, 557 F.2d 541, 558–559 (CA6 1977) (expert identification based on "ion microprobiotic analysis of human hair" not admissible because insufficiently reliable and accurate, and not accepted in its field); *United States v. Addison*, 162 U.S.App.D.C., at 203, 498 F.2d, at 745 (expert identification based on voice spectrogram inadmissible because not shown reliable); *United States v. Hearst*, 412 F.Supp. 893, 895 (ND Cal.1976) (identification testimony of expert in "psycholinguistics" inadmissible because not demonstrably reliable), *aff'd* on other grounds, 563 F.2d 1331 (CA9 1977).

10 The Court observes that this well established rule is a matter of evidence law, not constitutional law. *Ante*, at 3397, n. 6. But the principle requiring that capital sentencing procedures ensure reliable verdicts, see *supra*, at 3393, which the Court ignores, and the principle that due process is violated by the introduction of certain types of seemingly conclusive, but actually unreliable, evidence, see *supra*, at 3393, and n. 7, which the Court ignores, are constitutional doctrines of long standing. The teaching of the evidence doctrine is that unreliable scientific testimony creates a serious and unjustifiable risk of an erroneous verdict, and that the adversary process at its best does not remove this risk. We should not dismiss this lesson merely by labeling the doctrine nonconstitutional; its relevance to the constitutional question before the Court could not be more certain.

11 In one study, for example, the only factor statistically related to whether psychiatrists predicted that a subject would be violent in the future was the type of crime with which the subject was charged. Yet the defendant's charge was mentioned by the psychiatrists to justify their predictions in only one third of the cases. The criterion most frequently cited was "delusional or impaired thinking." Coccozza & Steadman, *supra*, n. 2, 29 Rutgers L.Rev., at 1096.

12 For one thing, although most members of the mental health professions believe that such predictions cannot be made, defense lawyers may experience significant difficulties in locating effective rebuttal witnesses. Davis, Texas Capital Sentencing Procedures: The Role of the Jury and the Restraining Hand of the Expert, 69 J.Crim.L. & Criminology 300, 302 (1978). I presume that the Court's reasoning suggests that, were a defendant to show that he was unable, for financial or other reasons, to obtain an adequate rebuttal expert, a constitutional violation might be found.

13 "Although jurors may treat mitigating psychiatric evidence with skepticism, they may credit psychiatric evidence demonstrating aggravation. Especially when jurors' sensibilities are offended by a crime, they may seize upon evidence of dangerousness to justify an enhanced sentence." Dix, n. 2, *supra*, at 43, n. 215. Thus, the danger of jury deference to expert opinions is particularly acute in death penalty cases. Expert testimony of this sort may permit juries to avoid the difficult and emotionally draining personal decisions concerning rational and just punishment. *Id.*, at 46. Doctor Grigson himself has noted both the superfluousness and the misleading effect of his testimony:

"I think you could do away with the psychiatrist in these cases. Just take any man off the street, show him what the guy's done, and most of these things are so clearcut he would say the same things I do. But I think the jurors feel a little better when a psychiatrist says it—somebody that's supposed to know more than they know." Bloom, Killers and Shrinks, Texas Monthly, pp. 64, 68 (July 1978) (quoting Doctor Grigson).

14 The Court is far wide of the mark in asserting that excluding psychiatric predictions of future dangerousness from capital sentencing proceedings "would immediately call into question those

3. She then obtained rental. I never saw the car, never drove the car, nor in any way had access to the rental (which she drove north to visit family) at any time. I only provided money and information for rental.

I had no idea that I must or was required to advise the State concerning a rental vehicle - that I never had access to. I was only considerably providing a way for a loved-one to rent a car for the Holidays. I was totally unaware it was a crime. There was never any knowledge - aforesight.

My "best interests" in the *nolo contendere* plea was owing to the pressure of having to cope and deal with all the other charges levied against me - which were much more weightier - and unreasonably unwarranted - in the extreme.

Therefore, the \*downward departure factors I would Your Honor consider in reduction of sentence are:

\* (See also, 366 So.3d 1016 (Fla. 2023) - Amendment to Rule 3.992, Fl. R. Cr. P. - *Factors to be considered are not limited to those specifically enumerated*)

Legitimate, uncoerced plea bargain

The defendant cooperated with the State to resolve the current offense or any other offense.

The offense was committed in an unsophisticated manner and was isolated incident for which the defendant has shown remorse.

Wherefore, Defendant respectfully entreats Your Honor grant downward departure for the foregoing reasons and reduction of sentence - and whatever other relief Your Honor deems fair and just.

Executed on this 1st  
day of April 2025

Respectfully,

(Defendant, in propria persona)

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other contexts in which predictions of future behavior are constantly made." *Ante*, at 3397. Short-term predictions of future violence, for the purpose of emergency commitment or treatment, are considerably more accurate than long-term predictions. See APA Brief 12, n. 7; Monahan, Prediction Research and the Emergency Commitment of Dangerous Mentally Ill Persons: A Reconsideration, 135 *Amer.J.Psychiatry* 198 (1978); J. Monahan, *Clinical Prediction*, at 59-60; Schwitzgebel, *supra*, n. 2, at 786. In other contexts where psychiatric predictions of future dangerousness are made, moreover, the subject will not be criminally convicted, much less put to death, as a result of predictive error. The risk of error therefore may be shifted to the defendant to some extent. See *Addington v. Texas*, 441 U.S. 418, 423-430, 99 S.Ct. 1804, 1807-1812, 60 L.Ed.2d 323 (1979). The APA, discussing civil commitment proceedings based on determinations of dangerousness, states that in light of the unreliability of psychiatric predictions, "[c]lose monitoring, frequent follow-up, and a willingness to change one's mind about treatment recommendations and dispositions for violent persons, whether within the legal system or without, is the *only* acceptable practice if the psychiatrist is to play a helpful role in these assessments of dangerousness." APA, *Clinical Aspects*, at 30 (emphasis supplied). In a capital case there will be no chance for "follow-up" or "monitoring." A subsequent change of mind brings not justice delayed, but the despair of irreversible error. See Bonnie and Slobogin, *The Role of Mental Health Professionals in the Criminal Process: The Case for Informed Speculation*, 66 *Va.L.Rev.* 427, 442-446 (1980).

15 The Court's focus in the death penalty cases has been primarily on ensuring a fair procedure:

"In ensuring that the death penalty is not meted out arbitrarily or capriciously, the Court's principal concern has been more with the *procedure* by which the State imposes the death sentence than with the substantive factors the State lays before the jury as a basis for imposing death, once it has been determined that the defendant falls within the category of persons eligible for the death penalty." *California v. Ramos*, — U.S. —, —, 103 S.Ct. 3446, 3451, 75 L.Ed.2d — (1983) (emphasis in original).

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(4/14/2025)

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Att: The Honorable Keith A. Carsten

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