

IN THE CIRCUIT COURT OF THE 17<sup>TH</sup>  
JUDICIAL CIRCUIT IN AND FOR  
BROWARD COUNTY, FLORIDA

CASE #: 19-001872CF10A  
JUDGE: SIEGEL

STATE OF FLORIDA

v.

JAMELL DEMONS  
\_\_\_\_\_ /

**VICTIM'S OBJECTION AND RESPONSE TO DEFENDANT'S EMERGENCY MOTION FOR  
VICTIM'S RELEASE FROM MEDICAL CARE AND SUPPLEMENTAL EMERGENCY  
MOTION FOR RELEASE FROM MEDICAL CARE**

**VICTIM'S ELECTION OF CONSTITUTIONAL RIGHTS UNDER MARSY'S LAW**

COMES NOW, and appears the undersigned attorney on behalf of the victims in this matter, the family of Christopher Thomas, Jr., and files this Response to the Emergency Motion for Release from Medical Care and the Supplemental Emergency Motion for Release from Medical Care filed on behalf of Defendant Mr. Demons. The victims and their counsel also hereby invoke Marsy's Law, encoded in Article 1, Section 16 of the Florida Constitution. In support thereof, the family of victim Christopher Thomas, Jr., states:

1. We represent the family of victim Christopher Thomas, Jr.

**Marsy's Law**

2. Marsy's Law is a constitutional amendment that was passed on November 26, 2018. Modeled after a similar measure in California, Marsy's Law broadens the rights of crime victims and codifies them into the Florida Constitution.
3. Marsy's law consists of two parts: (1) automatically granted constitutional rights and, (2) constitutional rights a victim must elect to receive.
4. Under Article I, Section 16(b), Marsy's law is designed to, "preserve and protect the rights of crime victims to achieve justice, ensure a meaningful role throughout the criminal and juvenile justice systems for crime victims, and ensure that crime victims' rights and interests are respected and protected by law in a manner no less vigorous than protections afforded to criminal defendants and juvenile delinquents."

5. Those words provide intentionally strong rights to victims- "meaningful role throughout... for crime victims" and guarantees, "no less vigorous than the protections afforded to criminal defendants."
6. The "automatic" rights of victims include:
  - a. The right to due process and to be treated with fairness and respect,
  - b. The right to be free from intimidation, harassment, and abuse,
  - c. The right to be reasonably protected from the accused and any person acting on behalf of the accused,
  - d. The right to have the safety and welfare of the victim and the victim's family considered when setting bail, including setting pretrial release conditions that protect the safety and welfare of the victim and the victim's family, and
  - e. The right to prevent the disclosure of information or records that could be used to locate or harass the victim or the victim's family, or which could disclose confidential or privileged information of the victim.
7. But there are also rights the victim must elect. Specifically, the Constitution mandates, "A victim shall have the following specific rights upon request."
8. These secondary rights are:
  - a. The right to reasonable, accurate, and timely notice of, and to be present at, all public proceedings involving the criminal conduct, including, but not limited to, trial, plea, sentencing, or adjudication, even if the victim will be a witness at the proceeding, notwithstanding any rule to the contrary. A victim shall also be provided reasonable, accurate, and timely notice of any release or escape of the defendant or delinquent, and any proceeding during which a right of the victim is implicated.
  - b. The right to be heard in any public proceeding involving pretrial or other release from any form of legal constraint, plea, sentencing, adjudication, or parole, and any proceeding during which a right of the victim is implicated.
  - c. The right to confer with the prosecuting attorney concerning any plea agreements, participation in pretrial diversion programs, release, restitution, sentencing, or any other disposition of the case.
  - d. The right to provide information regarding the impact of the offender's conduct on the victim and the victim's family to the individual responsible for conducting any presentence investigation or compiling any presentence investigation report, and to have any such information considered in any sentencing recommendations submitted to the court.

- e. The right to receive a copy of any presentence report, and any other report or record relevant to the exercise of a victim's right, except for such portions made confidential or exempt by law.
  - f. The right to be informed of the conviction, sentence, adjudication, place and time of incarceration, or other disposition of the convicted offender, any scheduled release date of the offender, and the release of or the escape of the offender from custody.
  - g. The right to be informed of all postconviction processes and procedures, to participate in such processes and procedures, to provide information to the release authority to be considered before any release decision is made, and to be notified of any release decision regarding the offender. The parole or early release authority shall extend the right to be heard to any person harmed by the offender.
  - h. The right to be informed of clemency and expungement procedures, to provide information to the governor, the court, any clemency board, and other authority in these procedures, and to have that information considered before a clemency or expungement decision is made; and to be notified of such decision in advance of any release of the offender.
9. Section 16(b)(6)(b) is possibly the most unique, and moderately revolutionary, amendment to Florida's criminal justice system in quite some time. It is one many prosecutors, defense lawyers and judges have not yet dealt with, as some rights must be specifically elected and victim's rights under the amendment have, frankly, not been exercised under Florida jurisprudence.
10. Given the nature of this case, Mr. Thomas's family hereby exercises all of the rights granted them, and guaranteed to them, under the Florida Constitution.

#### **Election of Rights Under Marsy's Law: Objection to Release**

11. My clients, by and through our office, hereby elect:
- a. The right to be heard in any public proceeding involving pretrial or other release from any form of legal constraint, plea, sentencing, adjudication, or parole involving this Defendant.
  - b. The right to be heard in any proceeding during which a right of the victim is implicated.
12. Additionally, they rely on their "automatic" rights of: victims include:
- a. The right to be free from intimidation, harassment, and abuse,
  - b. The right to be reasonably protected from the accused and any person acting on behalf of the accused, and

- c. The right to have the safety and welfare of the victim and the victim's family considered when setting bail, including setting pretrial release conditions that protect the safety and welfare of the victim and the victim's family.

13. Based thereon, my clients file this objection to any "release" and request their attorney be heard if this matter is considered.

### **Objection to Release**

14. On or after April 3, 2020, and then again on April 6, 2020, the family of Christopher Thomas, Jr., became aware of Motions filed by former counsel for Jamell Demons, Bradford Cohen, Esq.

15. The Motion was quickly circulated around social and news media.

16. On July 1, 2019, Bradford Cohen, Esq., unquestionably withdrew from representation of the Defendant. We do not see where he appeared again on the record and thus the Motion was filed by an attorney who is no longer counsel of record and may thus be due to be denied / stricken on its face.

17. Making matters worse, Mr. Cohen goes by the name "lawronin" on the social media platform *Instagram* and quickly followed his motion with a screen-grab of his motion and the following commentary:

- a. "I have filed a motion on behalf of Jamell Demons to have him released to a hospital for any treatment necessary for his diagnosis of COVID19. It's a scary situation for all inmates in the jails, as I believe most jails think they can handle this outbreak and my opinion is they cannot. They must loosen the regulations on soap, hand sanitizer and wipes. They currently are banded because of alcohol content. Jails and prisons need to get ahead of this curve if it already isn't too late. The Federal BOP stated on March 26, 2020 that they can handle it and there is a low amount of positives. 5 days later that number increased 6 fold and 3 individuals died. I do not think any prison or jail is prepared for something like this...some cities even with the federal government helping aren't prepared, so how do we think our jails and prisons are?"

18. He followed that up with another post, while displaying media attention his Motion gained, with the following comment:

- a. "Just an update we are waiting to hear from the judge regarding the release of Mr Demons to recieve (sic) medical care and treatment. Supplemental motion was filed today detailing the jail

having Mr. Demons share a cell with another COVID19 positive inmate. This is not recommended by any medical physician. The jails and prisons are not prepared to handle this crisis. Rules on alcohol based hand sanitizer and wipes must be lifted at a bare min. Inmates are passing trays, jail phones and shared items that are not sanitized when passed between inmates."

19. Prior to filing these Motions, Mr. Cohen posted on social media, "this will be an interesting trial, I am not (sic) longer representing Melly in this matter, but I predict a not guilty based on all of the evidence I have viewed."
20. One could say Mr. Cohen is using social media and news media to promote his name and use the court of public opinion to not only try Mr. Demons defense in the media, but also to garner sympathy for him both in the short-term and long-term.
21. The Motion cites medical recommendations without a single affidavit or piece of evidence.
22. Based thereon, this Motion is due to be denied procedurally.
23. Additionally, it is due to be denied on its substance.
24. In every instance, the premise of any "release" causes extreme distress to the victims and their family.
25. On October 26, 2018, Jamell Demons (aka "YNW Melly") was charged with the first-degree murder of Mr. Thomas and another individual. He was indicted by a Florida Grand Jury and faces the death penalty.
26. He was arrested on February 13, 2019 and is held without the possibility of bond.
27. According to the arrest affidavit, Jamell Demons caused or contributed to the murder of Anthony Williams and Christopher Thomas, Jr., at or near the intersection of US 27 and SW 208<sup>th</sup> Street in Miramar, Florida at approximately 4:00 AM on October 26, 2018.
28. A notice of intent to seek the death penalty was filed on April 18, 2019 by the State of Florida. It was a particularly bloody scene and callous set of facts.
29. Police have publicly indicated Demons and/or Henry shot and killed Williams and Thomas and then concocted a plan to say Thomas and

Williams were victims of a drive-by shooting, and Henry later dropped the dead bodies off at the hospital.

30. Investigators have also said ballistics tests apparently show the drive-by was staged, as they reveal that many of the shots came from inside the vehicle, therefore disproving the defense's story.
31. The prosecution also allegedly used cellphone tracking data to prove Demons was at the scene at the time.
32. Even from jail, Mr. Demons somehow maintains and is very active on his "verified" social media accounts. He released new music and his family or business associates are constantly hinting at release dates, bond and other information which is only causing less and less of a chance of a fair trial. All of this is tormenting the victims, given a general lack of information available to them. If he is released, his reach, harassment and threat will be far worse.
33. The family of Mr. Thomas consider Mr. Demons to be a threat to them and other witnesses.
34. Additionally, the Defendant's own statements have revealed such concerning and malicious behavior that the victims request to be protected and more involved with the case.
35. For instance, a week before his arrest, Demons sat down for an interview in New York City. During that interview, Demons allegedly referred to his own, "mixed personalities." According to the article written about that interview, "Demons possesses six different personalities in total, he says, but he's waiting to reveal them all. For now, the world has been introduced to Melly and his alter ego, Melvin."
36. Demons elaborated, "Melvin's not an alter ego; it's a person," and, "I got mixed personalities. It's another person." Days later, during a radio interview Demons purportedly alleged that he, "has been diagnosed with bipolar disorder and attention-deficit/hyperactivity disorder (ADHD)."
37. As of this interview (which after the murder of Williams and Thomas but before his arrest), Demons referenced an upcoming album, the article in *The Complex* says, "Demons emphasizes that "Melly is the rapper," but he says Melvin recently started collaborating on music, too. "Melly and Melvin, they made a mixtape," he reveals. "Well an album, actually. It's going to be released, but I feel like I might make the world wait. I'll probably wait till next year to put that out."

38. The subject album, entitled "Melly vs. Melvin," was released on November 22, 2019. It has been widely promoted and publicized, including from Mr. Demons while in jail.
39. The lyrics indicate more than just an artist's imaginary storytelling. While the family quietly and patiently awaits justice, they have to see large companies like Spotify and Apple Music promote the horrific retelling of murder and revenge.
40. In the song, "Two Face," within seconds of starting the beginning of the album, the listener is faced with a cold reality- someone bragging about their "split personality" being a murderer:

*I am two face, slime, slime  
I commit all Melly crime  
I will never let him drop a dime  
Melvin kill you, and he do the time  
I'm a slimeball  
Watch your back, we'll slime y'all  
Uh, uh, I'm a slime ball, uh  
Watch your back, we'll slime y'all*

41. And, the song continues, threatening of Melvin's criminal retaliation:

*I am Melvin, yeah  
I'm really steppin', yeah  
The Smith & Wesson, yeah  
I want a F&N now  
Give me that, uh, give me racks  
I'm cockin' the semi back  
I'm bustin' it at your ass  
No cap, no cap, bitch  
I ain't with the rap shit  
Nigga want pressure, we pull up  
Hold up, that was a sneak diss  
Hold up, wait, wait, bitch  
Do you like to see this?*

42. And, then Melly and Melvin threaten anyone willing to testify or release information, saying:

*Don't snitch to the cops  
Don't fuck with the opps  
You niggas don't want it  
You're gamblin' with your life*

43. In "Murder on my Mind," a song on the same album, Mr. Demons raps:

*Yellow tape around his body, it's a fucking homicide  
His face is on a T-Shirt and his family traumatized  
I dodn't even mean to shoot 'em, he just caught me by surprise  
I reloaded my pistol, cocked it back, and shot him twice  
His body dropped down to the floor and he had teardrops in his  
eyes  
He grabbed me by my handa and said he was affaid to die  
I told 'em it's too late my friend, its time to say, "goodbye"  
And he died inside my arms, blood all on my shirt.*

44. In the same song, he continues to threaten other with murder.

45. Under Marsy's law, as encoded in Article I, Section 16 of the Florida Constitution, the victims hereby file this objection to any release of the Defendant.

46. Victims have the right to be reasonably protected from the accused and any person acting on behalf of the accused, including their alleged murderous split personality.

47. Victims have the right to have their safety and welfare, as well as that of the victim's family, considered when setting bail, including setting pretrial release conditions that protect the safety and welfare of the victim and the victim's family.

48. While the victims sympathize with the alleged medical condition Mr. Demons faces, Mr. Demons presents a threat to the family, to society and cannot sufficiently be restricted if released.

49. Certainly, Broward County is able to provide him with hospitalization and medical treatment outside of jail, as same is not uncommon for sick inmates, but "release" is too great a threat.

50. Meanwhile, the Defendant has failed to explain how his incarceration and medical limitations thus far have in any way prejudiced his medical care, other than speculation and contrast to irrelevant comparisons.

51. Finally, Mr. Demons, through his music and his own statements, has shown an extreme lack of responsibility by his claims of "mixed personalities" in an effort to gain notoriety and fame by boasting about murder and revenge under the guise of art. Some might say he's been allowed to live out the beginning of the song- committing crime, being reckless and violent. If he is released, he may be able to live the second part of the song. He's warned his audience, "You're gamblin' with your life."



52. Please do not put witnesses, victims and others in that position by releasing someone who has been indicted for murder.

**Election of Additional Rights Under Marsy's Law**

53. This notice is provided herein, as required by the Florida Constitution.

54. Under Marsy's law, "the term "victim" includes the victim's lawful representative, the parent or guardian of a minor, or the next of kin of a homicide victim.

55. Marsy's law states, "The victim, **the retained attorney of the victim**, a lawful representative of the victim, or the office of the state attorney upon request of the victim, **may assert and seek enforcement of the rights enumerated in this section** and any other right afforded to a victim by law in any trial or appellate court, or before any other authority with jurisdiction over the case, **as a matter of right**. The court or other authority with jurisdiction shall act promptly on such a request, affording a remedy by due course of law for the violation of any right. The reasons for any decision regarding the disposition of a victim's right shall be clearly stated on the record."

56. My clients, by and through our office, hereby elect the following rights:

- a. The right to be heard in any public proceeding involving pretrial or other release from any form of legal constraint, plea, sentencing, adjudication, or parole involving this Defendant.
- b. The right to be heard in any proceeding during which a right of the victim is implicated.
- c. The included right to attend any and all depositions.
- d. The included right to be heard at depositions and hearings, if appropriate, on issues pertaining to the criminal case where the victim's rights are implicated.
- e. The right to reasonable, accurate, and timely notice of all discovery and discovery responses.
- f. The right to reasonable, accurate, and timely notice of all public proceedings involving the criminal case.
- g. The included right to have her counsel served with all filings.
- h. The right to confer with the prosecuting attorney concerning any plea agreements, participation in pretrial diversion programs, release, restitution, sentencing, or any other disposition of the case.
- i. The right to provide information regarding the impact of the offender's conduct on the victim and the victim's family to the individual responsible for conducting any presentence investigation or compiling any presentence investigation report, and to have any

such information considered in any sentencing recommendations submitted to the court.

- j. The right to receive a copy of any presentence report, and any other report or record relevant to the exercise of a victim's right, except for such portions made confidential or exempt by law.
- k. The right to be informed of the conviction, sentence, adjudication, place and time of incarceration, or other disposition of the convicted offender, any scheduled release date of the offender, and the release of or the escape of the offender from custody.
- l. The right to be informed of all postconviction processes and procedures, to participate in such processes and procedures, to provide information to the release authority to be considered before any release decision is made, and to be notified of any release decision regarding the offender. The parole or early release authority shall extend the right to be heard to any person harmed by the offender.
- m. The right to be informed of clemency and expungement procedures, to provide information to the governor, the court, any clemency board, and other authority in these procedures, and to have that information considered before a clemency or expungement decision is made; and to be notified of such decision in advance of any release of the offender.

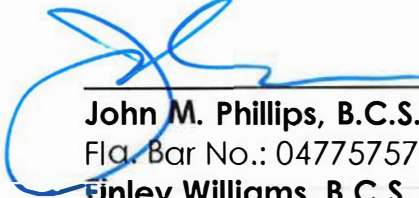
57. If there is any objection to this, we request to be heard. However, there is no motion due to be filed by a victim, as the Constitution only requires they make an election. **This is that election.**

58. My clients have retained me to ensure they have a **"meaningful role throughout"** the criminal case, to ensure that their rights and interests are respected and protected by law in a **manner no less vigorous than protections afforded to criminal defendants and juvenile delinquents,** and that they have, **"The right to be heard in any proceeding during which a right of the victim is implicated."**

WHEREFORE, the victim's family respectfully requests denial of any Motions to Release Jamell Demons and hereby invokes their constitutional rights and requests the Court take judicial notice of same, that the undersigned by served with all pleadings, including retroactively and that the undersigned be coordinated in all attempts at depositions, proceedings and otherwise that all parties hereto respect the victim's election to have a meaningful role in the remainder of this case.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished to the Office of the State Attorney; Ravon Ramona Liberty, Esq.; Michelle Bruce Polay, Esq.; and Michele K. Rayner, Esq., via electronic delivery on this Thursday, April 9, 2020.



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