

SCOTT, Bradley (W/M)

DC # 057405

DOB: 01/18/51

Twentieth Judicial Circuit, Charlotte County, Case # 86-195 CF A

Sentencing Judge: The Honorable William C. McIver

Attorneys, Criminal Trial: Leonard M. Johnson, Esq. & Mark Cooper – APD

Attorney, Direct Appeal: Dennis J. Rehak, Esq.

Date of Offense: 10/12/78

Date of Sentence: 02/08/88

Circumstances of Offense:

Bradley Scott was convicted and sentenced to death for the 10/12/78 murder of 12-year-old Linda Pikuritz.

On the afternoon of 10/12/78, Linda Pikuritz left her home in Charlotte County on her bicycle. Witnesses testified they saw her riding around the neighborhood and in the vicinity of the local "Lil' General" convenience store. When Linda did not return home by 9:00 p.m. that evening, her sister, Deborah Bianchi, filed a missing persons report with the Charlotte County Sheriff's Department. At 11:00 p.m., authorities received a report of a brush fire approximately three miles from the convenience store where Linda was last seen. The body of a young female was discovered at the scene of the blaze and, upon forensic examination, was determined to be that of Linda Pikuritz. An autopsy revealed that a flammable substance had been poured over Linda's body and that she had been set afire while still alive. Smoke inhalation was the cause of death, and Linda was reportedly unconscious at the time of death. There was no evidence of sexual assault or any other injuries not consistent with the fire. Several of Linda's personal items were found at the scene, including one tennis shoe, a pair of underpants, a package of bubble gum and a broken shell necklace. The day following her murder, Linda's bicycle was found stashed in the brush just off the road from the "Lil' General" convenience store.

The investigation into the murder of Linda Pikuritz quickly focused on Bradley Scott as the primary suspect; however, he was able to produce an alibi that included details of his whereabouts on the night of 10/12/78. Scott claimed that, on the evening in question, he and his girlfriend had gone to the Sarasota Mall and purchased a suede jacket from Foxmoor Casuals. Scott was, however, indicted for murder in 1986, seven years and seven months after the crime.

The State based its entire case against Scott on circumstantial evidence. Scott was reportedly seen talking to Linda from his car near the convenience store and again later in the parking lot of the convenience store. Their conversation appeared to be friendly and non-threatening. A classmate of Linda Pikuritz testified that she and Linda had met Scott at that convenience store many times prior to the murder. This classmate reported that Scott would occasionally buy the girls beer and smoke marijuana with them. Another

friend of Linda Pikuritz confirmed that the girls flirted with other older men who bought them beer. Another witness reportedly saw two people, who matched the descriptions of Linda and Scott, talking to one another close to the location where Linda's bicycle was found the day after her murder.

Additionally, Scott's employer and his employer's wife recalled statements that Scott made the day after Linda's murder. When telephoning about his paycheck, Scott reportedly asked his employer's wife if she had "heard about the little girl that had been murdered by [her] house." She asked Scott where he had gotten said information, and Scott replied that he had been stopped by a police roadblock the night before. At trial, it was revealed that Scott had actually had the aforementioned conversation with his employer's neighbor and that she had, in turn, relayed the information to Scott's employer's wife. There was additional controversy over whether Scott had driven his employer and a co-worker to the site where he claimed he was stopped by a police roadblock. The State provided evidence that there was no such roadblock at the location identified by Scott's employer, and that Scott had, in fact, lied about how he found out about the murder. Seven years after the murder, Scott's employer could not remember whether Scott had taken him to the site of the roadblock. Further examination of Scott's employer's testimony revealed several inconsistencies between what he said at trial and his earlier statements.

Regarding the physical evidence, the State presented hair samples that had been forcibly removed and a seashell, which were found in Scott's car approximately one year after Linda Pikuritz's murder. Investigators recovered Scott's car from a used car dealership, where it had been sitting for four months since Scott sold it to them. Investigators retrieved the aforementioned hair samples by vacuuming Scott's car; however, no hair samples had been taken from the victim for comparison. Five years after her murder, investigators were able to obtain two hair samples from a wool ski cap that belonged to Linda Pikuritz. At trial, one expert opined that the hairs obtained from Scott's car were indistinguishable from the hairs taken from the ski cap, matching in all characteristics to Linda Pikuritz's. Another expert countered that positive hair identification was impossible and that an ideal comparison amount was between 15 and 20 hairs, not the two hairs used in the instant case. A small seashell was also found in Scott's car. Linda Pikuritz was wearing a shell necklace on the night of her murder, which was found broken at the scene. The State sought to prove the shell from Scott's car was from Linda's broken necklace; however, Scott's mother testified that she had used Scott's car many times to transport shells and, on occasion, some of the shells spilled or toppled over onto the car's floor.

At the conclusion of the guilt phase of the trial, Scott moved for an acquittal based on the circumstantialities of the evidence, arguing that the State had not proven their case beyond a reasonable hypothesis of innocence. Scott was convicted of the First-Degree Murder of Linda Pikuritz and sentenced to death.

Prior Record:

Date	Location	Charge	Disposition
09/26/1968	Hillsborough County	I. Burglary II. Petit Larceny III. Vehicle Theft	Dismissed
04/11/1970	Hillsborough County	I. Possession of Stolen Property	Dismissed
04/14/1970	Vero Beach	I. Vehicle Theft	6 Months in Co. Jail
07/20/1971	Indian River	I. Probation Violation	Convicted
07/07/1975	Hillsborough County	I. Aggravated Assault II. Aggravated Assault	Disposition Unknown
01/15/1976	Pasco County	I. Damage Property II. Trespassing After Warning	Disposition Unknown
01/30/1976	Hillsborough County	I. Delivery of Barbiturates II. Violation of Drug Abuse Law III. Receiving Stolen Property	18 Months
12/22/1978	Desoto County	I. Aggravated Assault II. Strong Arm Rape	1 Year
03/06/1982	Lake Worth	I. Petit Theft	6 Months Probation
03/16/1982	Palm Beach County	I. DUI	Dismissed
03/05/1983	Palm Beach County	I. DUI	Probation
01/16/1986	Lantana	I. Solicitation of Prostitution	Disposition Unknown

Trial Summary:

- 05/29/86 Defendant arrested.
- 06/09/86 Defendant indicted on the following:
 Count I: First-Degree Murder
- 03/16/87 Motion for change of venue.
- 06/30/87 Motion for change of venue denied.
- 01/28/88 The defendant was found guilty of First-Degree Murder, as charged in the indictment.
- 01/29/88 Upon advisory sentencing, the jury, by an 8 to 4 majority, voted for the death penalty.
- 02/08/88 The defendant was sentenced as followed:
 Count I: First-Degree Murder – Death
- 05/30/91 Upon Direct Appeal, the Florida Supreme Court reversed the conviction, vacated the death sentence, and remanded with instructions for the trial court to enter an order of acquittal on the grounds of a violation of due process.

Appellate Summary:

Florida Supreme Court, Direct Appeal

FSC # 72,091

581 So. 2d 887

- 03/14/88 Appeal filed.
05/30/91 FSC reversed the convictions and vacated the death sentence, with instructions to the trial court to enter an order of acquittal.
07/26/91 Rehearing denied.

Case Information:

Scott filed a Direct Appeal in the Florida Supreme Court on 03/14/88. Scott raised seven issues on appeal; however, the Florida Supreme Court focused its discussion on the effects that the seven-year, seven-month indictment delay had on Scott's due process rights and the circumstantial evidence upon which Scott's conviction was based. *Rogers vs. State* (511 So. 2d 526 (Fla.1987)) dictated:

When a defendant asserts a due process violation based on pre-indictment delay, he bears the initial burden of showing actual prejudice If the defendant meets this initial burden, the court must then balance the demonstrable reasons for delay against the gravity of the particular prejudice on a case-by-case basis. The outcome turns on whether the delay violates the fundamental conception of justice, decency, and fair play embodied in the Bill of Rights and the Fourteenth Amendment.

In attempting to show the prejudice that the seven-year delay caused, Scott pointed out that the evidence that could have verified his alibi was lost or no longer available. Scott's argument focused on his claim that he and his girlfriend had gone to the Sarasota Mall and purchased a suede jacket from Foxmoor Casuals. Specifically, Scott claimed that the sales receipts from Foxmoor Casuals could have proven the purchase of the leather jacket and that the work schedule of Sambo's Restaurant could have proven that his girlfriend had the night off from work. By the time of the trial, all such records were lost or unavailable. Other investigative police reports concerning the alibi were also missing. The initial investigating officers did, however, testify that the alibi had checked out in 1978-79 and the State Attorney's Office refused to indict at that time because of the alibi.

Scott also claimed that he was denied the chance to present evidence that Phillip Drake, another police suspect and marijuana dealer to the victim, could have killed Linda Pikuritz. Two witnesses who could have placed Phillip Drake's car in close proximity to the murder scene died prior to Scott's indictment.

Scott also raised many questions regarding the reliability of the hair analysis. He pointed out that there was a five-year delay in obtaining a hair sample from the victim, and even when a hair sample became available, it was much less than the ideal sample amount.

In examining Scott's claims, the Florida Supreme Court opined:

...that the seven-year delay, seven month delay in the prosecution of this cause [violated] the due process clause of the fourteenth amendment and that the state [was not] able to show that the circumstantial evidence in this cause [was] not only consistent with the defendant guilt but also inconsistent with any reasonable hypothesis of innocence.

The Florida Supreme Court reversed Scott's convictions, vacated his death sentence and remanded with instructions to the trial court to enter an order of acquittal.

Law Enforcement/ Prosecution Statements:

A letter requesting comment was sent to the Charlotte County Sheriff's Department on 05/01/02. No response has been received to date.

Assistant State Attorney Dean Plattner of the 20th Circuit issued the following statement regarding the Scott case:

Mr. Scott was prosecuted because we felt that the evidence proved his guilt. Despite the very high burden involved in proving guilt beyond a reasonable doubt, a jury of 12 citizens believed we had met our burden and convicted him. The same jury recommended the death penalty. A trial judge heard the evidence and also felt it was legally sufficient to support the conviction, and the judge also accepted the jury recommendation and imposed the death penalty.

The Supreme Court reversed the conviction based on a legal issue (pre-indictment delay), and their view that the circumstantial evidence did not support the conviction (appeals courts do not usually re-weigh the evidence like this, as that's normally the province of the jury, but they did so in this case). The court obviously has the power and authority to make this ruling, but we respectfully disagree with the reasoning. No one else has been prosecuted for this murder, nor really any evidence developed pointing to anyone else. We still believe the correct person was prosecuted, but obviously accept and abide by the court's ruling.

Defense Statements:

A letter requesting comment was sent to defense attorney Dennis Rehak, Esq. on 05/06/02. No response has been received to date.

Defense Attorney Leonard Johnson was contacted on 05/13/02 and is preparing a comment on the case, although no comment has been received to date.

Current Status:

According to NCIC, Bradley Scott has had no arrests subsequent to release.

Report Date: 03/07/02 ew
Approved: 03/13/02 ws
Updated: 05/29/02 ew