# CAPTION: STATE V. BROWN

**08-10-22**

APPEAL NO.: C-210355

TRIAL NO.: B-2002726

KEY WORDS: EVIDENCE – SUFFICIENCY – ROBBERY – MOTION FOR NEW TRIAL – DISCLOSURE – MATERIAL EVIDENCE

SUMMARY:

Defendant’s conviction for robbery was not supported by sufficient evidence where the evidence failed to establish that the defendant threatened harm to coerce the alleged victim to relinquish property. [*But see* DISSENT: Where the owner of the money handed it to a friend, defendant pulled out a gun and demanded the money from the friend, defendant undoubtedly saw the exchange of the money from the owner to the friend, and defendant was in close proximity to the owner and the friend while brandishing a gun, both the owner of the money and the friend are victims, and defendant’s conviction for robbery of the owner was supported by sufficient evidence.]

The trial court abused its discretion by denying defendant’s motion for a new trial because the state’s failure to disclose material evidence of the victim’s investigation that led to her identification of the defendant as the robber affected defendant’s substantial rights. [*But see* DISSENT: The trial court did not err in denying defendant’s motion for a new trial where the evidence was not exculpatory and the evidence was available at trial and defendant did not raise the alleged *Brady* violation.]

JUDGMENT: REVERSED, APPELLANT DISCHARGED IN PART, AND CAUSE REMANDED

JUDGES: OPINION by ZAYAS, P.J.; BOCK, JJ., CONCURS and WINKLER JJ., DISSENTS