

**IN THE CIRCUIT COURT OF  
THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA  
CRIMINAL DIVISION "X"**

**CASE NO.: 2016CF005507AXX**

STATE OF FLORIDA

v.

NOUMAN KHAN RAJA,  
Defendant.

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**MOTION TO CHANGE VENUE**

The defendant moves pursuant to Rule 3.240, *Fla.R.Crim.P.*, Section 47.121, *Florida Statutes*, and the provisions of the United States and Florida Constitutions set forth below, to change the venue in this case from Palm Beach County. The following is offered in support:

**Factual Basis.**

1. Many facts discussed in the media and thus known to prospective jurors would not be admissible at trial and have already prejudiced Mr. Raja. The shooting of Corey Jones has been the subject of extensive media coverage and courthouse press conferences and protests in the wake of notorious police shootings of African Americans throughout the United States. There is unquestionably an inflamed community atmosphere, and the media has published a number of inflammatory opinions of its own as opposed to just reporting the facts. The media has made almost no effort to publicize the substantial facts of this case which support Officer Raja's claim of self-defense, instead taking the popular way out and abandoning engagement in thoughtful analysis while adopting the prosecution version of the events wholesale. In both the general and social media, Officer Raja's case has been unfairly lumped in with otherwise indefensible police shootings elsewhere. The bias against Officer Raja has manifested both in the news and editorial

writings of the major local media outlets as well as Twitter<sup>1</sup> and Facebook. The case has spurred Palm Beach Gardens and state of Florida police body camera legislation, as well as a congressional proposal to limit plainclothes traffic stops. The one-sided law enforcement version of events contained in the Probable Cause affidavit has been disseminated and cited repeatedly in the media and on social media. Officer Raja cannot get a fair trial in Palm Beach County.

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<sup>1</sup> A review of the Twitter hashtag #coreyjones shows the hashtag has trended repeatedly and nearly every tweeter impliedly or expressly declares Officer Raja guilty and many refer to him as a murderer, pig, or similar epithet from the beginning of the case. At least one media commenter took to referring to Officer Raja as an “Indian.”

2. The media barrage began in the days after the shooting, with articles and newscasts critical of Officer Raja and sympathetic to Mr. Jones published almost daily throughout October,<sup>2</sup> 2015, November<sup>3</sup> and December<sup>4</sup>.

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<sup>2</sup> 10/19/2015 Palm Beach Post: Did Corey Jones have a gun? Does it matter? (opinion zone); 10/20/2015 Palm Beach Post: Boynton man killed by Gardens police was former NFL player's brother; 10/21/2015 Sun Sentinel: More details needed in police shooting (opinion); 10/21/2015 Sun Sentinel: Vince Wilfork 'touched very deeply' by death of friend Corey Jones; 10/21/2015 Sun Sentinel: Slain Boynton man's gun was found at scene of police shooting, chief says; 10/21/2015 Palm Beach Post: Texans' Vince Wilfork to visit Corey Jones family before Dolphins game (Daily Dolphin); 10/21/2015 Sun Sentinel: Fatal shooting of Boynton Beach man offers more proof cops need cameras (opinion); 10/22/2015: The Gospel Herald: "What Happened to Christian Musician Corey Jones? Family Demands Answers After Florida Plainclothes Officer Kills Church Drummer;" 10/22/2015 Today News Update: Karine Antonia Raja; Officer Nouman Raja's wife; 10/22/2015 Palm Beach Post: Corey Jones Shooting: Family says 'transparency' key in shooting probe (opinion zone); 10/22/2015 IB Times: Corey Jones Shooting Press Conference: Family Speaks Out Against Lack Of Transparency From Florida Police Department; 10/22/2015 Palm Beach Post: Source: Corey Jones had gun, but may not have known shooter was cop; 10/22/2015 Sun Sentinel: Florida's gun fascination indecent (opinion); 10/22/2015 Sun Sentinel: Mayo: Corey Jones shooting shows the answer isn't more guns; 10/22/2015 Sun Sentinel: Corey Jones was shot three times by officer who never showed badge, lawyers say; 10/23/2015: Sun Sentinel: With no Corey Jones tape, no trust in outcome (opinion); 10/23/2015 Sun Sentinel: Public shows up to town hall meeting to discuss Corey Jones shooting; 10/23/2015 Sun Sentinel: Questions about Corey Jones' shooting should bother us all (opinion); 10/23/2015 Sun Sentinel: Mayo: Justice could prove elusive for Corey Jones; 10/24/2015: Palm Beach Post: Corey Jones shooting: Officer who shot him a study in contradictions; 10/25/2015 Sun Sentinel: An uplifting Sunday service, but also a call for answers at Corey Jones' church; 10/25/2015 Palm Beach Post: Corey Jones shooting: Bamboo Room band benefit becomes emotional tribute; 10/26/2015 Sun Sentinel: Elected officials call for independent investigation, police reform in light of Corey Jones shooting; 10/27/2015 Sun Sentinel: Corey Jones phoned roadside assistance 5 minutes before fatal shooting, records show; 10/27/2015 Sun Sentinel: Conclusions on police shooting premature (opinion); 10/27/2015 Palm Beach Post: Talk Back: Little public confidence in local agencies probing Corey Jones shooting (opinion zone); 10/27/2015 Palm Beach Post: Corey Jones shooting: Aronberg has chance to prove his independence (opinion zone); 10/28/2015 Sun Sentinel: Mayo: Readers sound off on bear hunt, Corey Jones death; 10/28/2015 Sun Sentinel: Officials: Corey Jones shooting makes new case for body cameras; 10/28/2015 Palm Beach Post: Corey Jones shooting: State Attorney speaks to hundreds in crowd at rally; 10/30/2015 Sun Sentinel: Logic could have saved a life (opinion); 10/30/2015 Sun Sentinel: Corey Jones police shooting: Review

3. 2016 saw no letup in the biased media coverage of the case,<sup>5</sup> and with

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of police and city policies underway; 10/30/2015 Palm Beach Post: Editorial: Jones family's dignity a model for community (opinion zone); 10/30/2015 Palm Beach Post: Today's Talk Back Question: Is there some good that can come out of the Corey Jones tragedy? (opinion zone); 10/31/2015 Sun Sentinel: Hundreds come to honor Corey Jones at funeral (pics in folder).

<sup>3</sup> 11/4/2015 Palm Beach Post Letters: A gun-free state will ensure safety (Post readers); 11/4/2015 Palm Beach Post: Racially-biased traffic stops: Are some of our police agencies in denial? (opinion zone); 11/8/2015 Sun Sentinel: Corey Jones vigil leads into panel on body cameras; 11/12/2015 Sun Sentinel: Palm Beach Gardens fires officer Nouman Raja after Corey Jones police shooting; 11/13/2015 Vox: The Corey Jones police shooting: What we know about the death of a Florida church drummer; 11/16/2015: Sun Sentinel: Community leaders meet Palm Beach Gardens officials over Corey Jones shooting; 11/17/2015 Palm Beach Post: Corey Jones shooting: Community leaders optimistic Palm Beach Gardens will make changes to policing (NPBC); 11/18/2015 Sun Sentinel: Delray Beach considers equipping officers with body cameras; 11/19/2015 Palm Beach Post: Corey Jones shooting: Protesters must keep family in thoughts, not just prayers; 11/20/2015 Sun Sentinel: Delegation 'very optimistic' in push for Corey Jones law after Washington visit; 11/20/2015 Palm Beach Post: Corey Jones protesters push for peaceful rally at Gardens Mall.

<sup>4</sup> 12/1/2015 Sun Sentinel: Officer who shot, killed Corey Jones expected in court as witness in unrelated case; 12/13/2015 Sun Sentinel: Seeking justice for Corey Jones

<sup>5</sup> 1/1/2016 Palm Beach Post: 2016 resolution: Wrap up Corey Jones shooting probe (opinion zone); 1/3/2016 Palm Beach Post: Editorial: Reducing homicide in 2016 will take work, but must be done; 1/5/2016 Sun Sentinel: In response to Corey Jones shooting, Palm Beach Gardens to vote on police body cams; 1/6/2016 Palm Beach Post: Corey Jones: Police body cameras nothing without policy changes (opinion zone); 1/7/2016 Sun Sentinel: Palm Beach Gardens to fund body cameras in light of Corey Jones shooting; 1/8/2016 Sun Sentinel: Corey Jones shooting: Lawmakers introduce 'Corey's Law' legislation; 1/21/2016 Palm Beach Post: Why can't Florida lawmakers mimic proposed federal Corey Jones Act? (opinion zone); 2/3/2016 Sun Sentinel: Family of Corey Jones sends letter to Gov. Rick Scott over body camera legislation; 2/11/2016 Sun Sentinel: Corey Jones investigation: Over 100 people in 30 states, 3 countries interviewed, prosecutors say; 3/24/2016 Sun Sentinel: Gov. Scott signs bills on body cameras, dental care; 4/26/2016 Sun Sentinel: Corey Jones' family hopes decision on potential charges in shooting is announced Wednesday; 4/27/2016 Sun Sentinel: Corey Jones police shooting case will go to grand jury; relatives disappointed at decision; 4/28/2016 Sun Sentinel: Corey Jones case deserved a decision now; 4/28/2016 Sun Sentinel: Corey Jones' family: We're wary of grand jury in fatal shooting case; 5/12/2016 Palm Beach Post: Letter: State Prosecutor in no-win situation with Corey Jones case (opinion zone); 5/26/2016 Palm Beach Post: POINT OF VIEW: Corruption endemic in county, and Post is key to the fight; 5/31/2016 Palm Beach Post Letter: PBSO's '(Sheriff Ric Bradshaw) has to go, and go

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now (opinion zone); 6/1/2016 Palm Beach Post Corey Jones: What the charges against former officer Nouman Raja mean; 6/1/2016 Palm Beach Post: The last words Corey Jones uttered before ex-officer Raja killed him; 6/1/2016 Sun Sentinel: Mayo: Corey Jones shooting a textbook study in bad policing; 6/1/2016 Sun Sentinel: Corey Jones police shooting: Ex-officer Nouman Raja faces manslaughter , attempted murder charges; 6/2/2016 Palm Beach Post: Police union blasts Raja probe, says report 'doesn't tell full story'; 6/2/2016 Sun Sentinel: Corey Jones's family: Audio recording of police shooting reason for charges against ex-cop; 6/2/2016 Sun Sentinel: Corey Jones: A tragedy and a crime; 6/3/2016 Sun Sentinel: Ex-officer charged in Corey Jones' death now back home on house arrest; 6/3/2016 Palm Beach Post: Nouman Raja's case assigned to Circuit Judge Samantha Schosberg Feuer; 6/3/2016 Palm Beach Post: Roadside failure: Corey Jones' 62 minutes stuck on hold; 6/3/2016 Palm Beach Post: PBSO: Nouman Raja returns home on house arrests; 6/5/2016 Sun Sentinel: Criminal charges for cops who kill are rarely seen in South Florida; 6/7/2016 Palm Beach Post: Comments; 6/8/2016 Palm Beach Post EXCLUSIVE: Deputies raid Lee County home of Anonymous-group Aronberg protester; 6/9/2016 Sun Sentinel: Ex-cop pleads not guilty in Corey Jones shooting; 6/13/2016 Palm Beach Post: In wake of Corey Jones Shooting, police union backs off walk-throughs; 6/27/2016 Sun Sentinel: Ex-officer charged in Corey Jones shooting now must report his errands, including haircuts, records show; 7/6/2016 Palm Beach Post: Corey Jones' family sues Raja, Palm Beach Gardens for wrongful death; 7/6/2016 Palm Beach Post: Corey Jones shooting: 911 call made by Officer Nouman Raja released; 7/6/2016 Sun Sentinel: 911 recording in Corey Jones police shooting released; 'I just shot one person,' officer says; 7/6/2016 WPEC: 911 calls released in Corey Jones 'unjustified' shooting; 7/6/2016 WPBF NEW: 911 call made by Officer Nouman Raja released; 7/6/2016 WPTV: Nouman Raja 911 Corey Jones shooting call released by Palm Beach Gardens; 7/7/2016 Sun Sentinel: Corey Jones' parents offer support to mom of man killed by police in Minnesota; 7/7/2016 Palm Beach Post: Corey Jones' family weighs in on recent police shootings; 7/8/2016 Sun Sentinel: After week of tragedy, South Florida police, black leaders say dialogue and peace should prevail; 7/11/2016 VOX: My husband is a cop. I'm tired of trying to convince people he is not a monster; 7/15/2016 Sun Sentinel: Corey Jones died from gunshot wound to chest, medical examiner's report shows; 7/19/2016 Palm Beach Post: Corey Jones shooting: Nouman Raja pushes house arrest changes; 7/19/2016 Sun Sentinel: Defense slams prosecutors for "pandering" to community, rush to judgment; 7/23/2016 Palm Beach Post: Editorial: Union's words, actions matter in police shootings; 8/1/2016 WFLX: Palm Beach Gardens Officers now using body cams; 8/3/2016 Palm Beach Post: FDLE to investigate all future Boynton officer-involved shootings; 10/14/2016 Palm Beach Post: Corey Jones Shooting: A year later, peaceful talks bring changes; 10/18/2016 Sun Sentinel: Corey Jones' family holds graveside ceremony a year after police shooting; 10/18/2016 New York Times: Should we see everything a cop sees?; 10/18/2016 Palm Beach Post: Brother Corey Jones was part of me; 10/19/2016 Palm Beach Post Judge in Corey Jones manslaughter case aims for trial next year; 10/19/2016 Sun Sentinel: Corey Jones police shooting: Judge wants summer trial for ex-cop Raja; 10/19/2016 WPLG: Judge aims to set trial date in Corey Jones fatal shooting for summer 2017 (Local 10 News); 10/20/2016 Palm Beach Post: Corey Jones manslaughter case may be tried in summer; 11/16/2016 Palm Beach Post: Boldin, others on Capitol Hill to talk about police brutality; 11/18/2016 Palm Beach Post: Delray budgets \$1M to equip cops with body cams within five years; 12/9/2016: Palm Beach Post: City Donates Jones Painting; 12/16/2016 Huffington Post:

the release of the video walk through and highlighting of police investigators and prosecutors' improper, unsubstantiated opinions that Officer Raja was lying during it, neither did 2017.<sup>6</sup>

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When Killer Cops Go On Trial, Their Fate Is Mostly In White Hands; 12/20/2016 Palm Beach Post: Video: Boy who lost his arms gets drum lesson from Corey Jones.

<sup>6</sup> 1/17/2017 Sun Sentinel: Prosecutors release recording of Corey Jones' final words in police shooting; 1/17/2017 Palm Beach Post: Blood-covered Raja on night of Corey Jones shooting: "I need to wash this off me" - Video of walk-through linked to this article; 1/17/2017 Palm Beach Post UPDATE: Prosecutors say officer lied in Corey Jones shooting; 1/17/2017 Miami Herald: Phone recording contradicts cop in I-95 roadside shooting of musician Corey Jones; 1/18/2017 Palm Beach Post: Officer's anguish: "Wash this off me"; 1/18/2017 Palm Beach Post: Prosecutors: Raja Lied; 1/18/2017 Palm Beach Post: Candid comments from the brother of Corey Jones shooter Nouman Raja; 1/19/2017 Palm Beach Post: Raja's brother says family grieved over shooting; 1/20/2017 Palm Beach Post: Operator who heard Corey Jones shooting recalls encounter; 1/21/2017 Sun Sentinel: "The Corey Jones police shooting: A look at evidence in the case;" 1/25/2017 Palm Beach Post: Post In Depth Corey Jones Shooting Corey Jones shooting call to a toll on dispatcher FBI Animation was linked to this article; 1/26/2017 Sun Sentinel: Corey Jones death: More evidence of a crime | Editorial; 1/27/2017 Palm Beach Post: Judge denies Raja's plea on School play; 2/3/2017 Sun Sentinel: Corey Jones family renews call to speed up case against former officer in shooting; 2/3/2017 WSVN: Family of Corey Jones celebrates his 33rd birthday; 3/28/2017 Sun Sentinel: Officer charged in Corey Jones killing to go on trial Oct. 30, judge rules; 3/28/2017 Palm Beach Post: Corey Jones slaying trial set for October; Raja lawyers want more time; 3/29/2017 Palm Beach Post: Jones slaying trial set for October; 4/4/2017 Miami New Times: Corey Jones' Killing Could End 28-Year Streak of Florida Cops Not Being Convicted; 5/11/2017 Sun Sentinel: Ex-cop accused in Corey Jones shooting to remain on house arrest before trial; 5/12/2017 Palm Beach Post: Judge refuses to lift Raja's house arrest; 6/20/2017 Sun Sentinel: Trial delayed to April for ex-cop in fatal shooting of Corey Jones; 6/20/2017 WPTV: Nouman Raja trial in Corey Jones case delayed until April 2018; 7/4/2017 AOL News: Minnesota judge backs jurors who acquitted officer of black motorist's death; 7/19/2017 Palm Beach Post: Corey Jones shooting; Nouman Raja pushes house arrest changes; 8/16/2017 Palm Beach Post: Witnesses may have heard Corey Jones, Nouman Raja before shots; 8/29/2017 Palm Beach Post: Nouman Raja accused of shooting Corey Jones sues home insurer; 9/29/2017 Palm Beach Post: Justices overturn 'stand your ground' ruling; 10/3/2017 Wikipedia: Shooting of Corey Jones; 10/18/2017 Palm Beach Post: Corey Jones family mourns, officer who killed him prepares for trial; 10/19/2017 Palm Beach Post: 2 years later Jones case prepares for trial; 10/22/2017 Palm Beach Post: Commentary: Focus on real issue behind NFL protests: racial injustice; 10/25/2017 Sun Sentinel: Ex-cop who shot and killed Corey Jones can look at evidence in private without prosecutors in the room; 10/25/2017 WPTV: Judge grants motion for independent evidence review in Nouman Raja's case; 11/1/2017 October Press (comments).

Even if prospective jurors only read the headlines generated during the past two years, they would believe the Stand Your Ground defense was already rejected both by the trial judge and appellate court. There were significant and recent press reports from the time the SYG motion was filed,<sup>7</sup> through the hearing,<sup>8</sup> the briefing,<sup>9</sup> the trial court's denial of the motion,<sup>10</sup> the filing of the

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<sup>7</sup> 3/27/2018 Sun Sentinel: "Hearings delayed in Corey Jones shooting;" 3/26/2018: WPTV: "State responds, objects to Nouman Raja motion to dismiss over 'Stand Your Ground' law;" 1/30/2018 Sun Sentinel: "Ex-police officer's 'stand your ground' defense unbelievable" | Letters (opinion); 1/29/2018 Sun Sentinel: "Could Corey Jones have used 'stand your ground' defense?" | Letters; 1/28/2018; Sun Sentinel: "Ex-cop in Corey Jones shooting death bases 'stand your ground' claim on Broward deputy's successful case;" 1/28/2018 NY Times: "Officers in Florida Shootings Say They Can Stand Their Ground Too;" 1/27/2018 Palm Beach Post Editorial: "'Stand Your Ground' threatens to kill trial of Jones' killer;" 1/24/2018 Palm Beach Post: "Ex-Officer Nouman Raja expected to testify in March hearing;" 1/23/2018 Sun Sentinel: "'Stand your ground' damage clear in Corey Jones shooting case" | Randy Schultz (opinion); 1/19/2018 Sun Sentinel: "Former Florida Police Officer Says Fatal Shooting was Self-Defense;" 1/18/2018 Palm Beach Post: "Ex-cop says fatal shooting of Corey Jones was 'classic case of self defense'" ; 1/18/2018 WPTV: "Nouman Raja attorneys file motion to dismiss charges under 'stand your ground' law."

<sup>8</sup> 5/12/2018 Palm Beach Post: LETTERS "A doctor doubts Jones trial doctor" (from post readers);" 5/10/2018 Weirton Daily Times: "Ex Police Chief - Officers actions led to motorists shooting;" 5/9/2018 Tampa Bay Times: "Judge to rule within a month of Officer shooting of motorist;" 5/8/2018 WPEC: "Corey Jones trial: Raja does not testify, judge to rule on Stand Your Ground claim later;" 5/8/2018 Sun Sentinel: "Corey Jones shooting: Judge to rule on ex-cop's stand your ground claim;" 5/8/2018 Palm Beach Post: "'Stand Your Ground' was Jones' right, not Raja's, Jones family says;" 5/7/2018 Sun Sentinel: "Corey Jones shooting: Audio recording disputed in ex-cop's 'stand your ground' claim;" 5/7/2018 Palm Beach Post: "Corey Jones Shooting: Nouman Raja begins 'Stand Your Ground' fight;" 5/6/2018 Sun Sentinel: "Shooting case at critical juncture."

<sup>9</sup> 5/19/2018 Palm Beach Post: "Final 'stand ground' arguments made on Raja."

<sup>10</sup> 6/8/2018 Sun Sentinel: "Editorial: Nouman Raja Lost - So did stand your ground;" 6/2/2018 Palm Beach Post: "Judge rejects Raja's stand - ground claim;" 6/1/2018 CBS News "Judge: Fired officer must stand trial for killing black motorist;" 6/1/2018 WTVJ "Florida Judge Denies Ex-Cop's 'Stand Your Ground' Claim."

writ and resulting continuance of trial,<sup>11</sup> as well as the Fourth District's denial of the writ.<sup>12</sup> None of this would be admissible at trial, and all of it is highly prejudicial to the defense. Other prejudicial and inadmissible facts would also have been learned by prospective jurors who had read even some of the articles or watched any one of several news stations.

6. From the extensive pretrial publicity, prospective jurors would have also been subjected to a constant media drumbeat of prejudicial and inadmissible facts and opinions, including: a grand jury found Raja's use of force unjustified and investigators say Officer Raja was lying on the walk through video;<sup>13</sup> The "Stand Your Ground defense is repeatedly referred to as controversial or otherwise criticized; that Officer Raja was fired as an LEO as a result of the shooting; the investigators thought Officer Raja violated SO rules; the decedent, instead of Mr. Raja, was entitled to stand his ground, the defense sought to exclude the state's expert witness ;<sup>14</sup> Officer Raja did not testify at SYG hearing;

7. Television broadcasts were no different, consistently criticizing Officer Raja's conduct: In a July 6, 2016, telecast, WPBF news Channel 25 headlined the release of the 911 call made by

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<sup>11</sup> 6/21/2018 Sun Sentinel: "Corey Jones killing: Trial delayed as ex-cop Raja appeals over 'stand your ground' denial;" 6/20/2018 WPEC: "Judge cancels July trial date for Raja in Corey Jones killing;" 6/20/2018 Palm Beach Post: "Nouman Raja trial delayed amid self-defense appeal."

<sup>12</sup> 8/24/2018 Palm Beach Post: "Former cop's 'stand your ground' appeal denied in Corey Jones killing;" 8/23/2018 WTVJ TV: "Florida Appeals Court Rejects Officer's 'Stand Your Ground' Defense in Corey Jones Shooting;" 8/23/2018 Miami New Times: "Ex-Cop Nouman Raja Loses Stand Your Ground Argument After Killing Stranded Motorist;" 8/23/2018 Sun Sentinel: "Ex-cop Nouman Raja loses 'stand your ground' appeal in killing of stranded motorist."

<sup>13</sup> 6.20.18 Sun Sentinel: walk through video.

<sup>14</sup> 4/25/2018 Sun Sentinel: "Raja's lawyers out to exclude expert witness;" 4/24/2018 Sun Sentinel: "Corey Jones shooting: Sides clash over expert who calls ex-cop's actions unjustified;" 4/18/2018 WPTV: "Judge grants request to reinterview state witness in Nouman Raja Case;" 4/18/2018 Palm Beach Post: "Raja attorneys can question expert before 'Stand Your Ground' hearing."



Officer Raja, and during that story advised the public: “The 911 call is very different from the audio recording that night, in which Jones says he is good, then Raja says to put his hands up.”

“A grand jury later ruled that the shooting was unjustified.”

“They said that at no time did Raja identify himself as a police officer.”

“They also said it was clear his only goal was to kill Corey Jones.”

8. In early February of 2017, the family’s celebration of what would have been Corey Jones’ 33d birthday was publicized. The Miami station WSVN sympathetically reported the family’s remembrance. It also reported their attorney Benjamin Crump’s inflammatory statements that: “Even though he had a license permit, he ran, and [Raja] hunted him down and killed him like a dog.”

9. This negative coverage has continued through 2018 and into this year. After the SYG hearing on May 8, 2018, CBS channel 12 broadcast a news segment which was headlined Raja did not testify, and included the following testimony from the state expert Libby adopting Mr. Jones’ point of view, which will not be admissible at trial: Libby called the shooting unjustifiable. “If you look at this from Mr. Jones’ point of view, he sees a white (unmarked) van go the wrong way (and) a gentleman who is not identifiable as a police officer jumping out and running at him. He’s a citizen,” said Libby, referring to Jones. “If I was sitting there, I tell you right now, I would’ve had my gun ready.”

10. A reporter assigned to the case by the Palm Beach Post, in early 2018 described Mr. Raja’s prosecution as “the only local test case in a national debate over law enforcement officers’ use of deadly force against mostly young black men.” 1.5.2018 PB Post.<sup>15</sup> The article repeats the investigators’ claims “Raja was not telling the truth.” In that same article, the reporter analyzes the

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<sup>15</sup> “Corey Jones shooting: Nouman Raja defense list ties to other big cases”

defense use of force experts, pointing out one defense expert also weighed into the case involving the controversial shooting of Tamir Rice, opining the shooting of the twelve-year-old black child who was holding a toy gun was justified. The article also links another defense expert, Knox, to a book describing opinions about the George Zimmerman trial, another racially charged case.

11. On March 9, 2018, the Sun-Sentinel headlines said “New video shows cop reenacting deadly stop,” with a headline below it blaring: “Expert: Tape doesn’t support account of Jones Shooting.” The story has a photo of Corey Jones over a photo of Officer Raja. The article<sup>16</sup> told the prospective jurors the “police union” was paying Mr. Raja’s legal bills, and would not allow its members to do any more walk throughs after Officer Raja was charged based on his. Additional observations of the PBA President Kazanjian were also provided. As with most articles, this one also repeated the grand jury found the shooting “unjustified,” and investigators concluded Officer Raja was not telling the truth about the shooting.

12. A May 8, 2018, US News article<sup>17</sup> highlighted the state expert Libby’s (inadmissible) opinions that the shooting was “unjustified”, that Raja was “lazy and reckless”, and the improper complainant perspective that if he was Mr. Jones, he would have “had his gun out.”

13. A June 1, 2018 article and broadcast on CBS News “Crimesider” set forth the defense damaging findings of the judge in denying the Stand Your Ground motion. Headlined “Fired Officer Must Stand Trial for Killing Black Motorist,” the media reported the judge found Officer Raja’s report of the shooting “unreliable and not credible.” The article also reported the judge denied the motion, finding Office Raja’s action “was not objectively reasonable and not justified

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<sup>16</sup> “Dramatic new video shows Officer speaking to investigators hours after shooting and killing Corey Jones”

<sup>17</sup> “Judge to rule within month on officer shooting of motorist.”

under Florida law.” The article also says Officer Raja was on his probationary period and was fired.

14. On August 27, 2018, the Palm Beach Post reported on the Fourth District Court of Appeals’ denial of the writ challenging the trial court’s denial of Raja’s Stand Your Ground motion.<sup>18</sup> The article again detailed the trial court’s rationale for denying the Stand Your Ground motion, including her finding Officer Raja “acted unreasonably and not as a prudent person under the circumstances and the law.” Quoting the judge, the article repeated her findings that “the manner in which Defendant approached Jones – in the middle of the night, driving the wrong way up the ramp, in an unmarked van, parking head-on diagonal to Jones’s vehicle just feet away, jumping out of his vehicle, in plain clothes, **with his firearm drawn** with no indication he was a police officer-would not afford an ordinary citizen Stand Your Ground immunity.” (emphasis added). Not only does the article remind potential jurors both the trial and appellate court rejected Raja’s SYG motion, it repeats the totally unsubstantiated finding of the trial court that Officer Raja drew his gun first.

15. An August 23, 2018 article by the New Times<sup>19</sup> presented an extremely biased portrayal of the shooting. It demeaned Raja’s invocation of SYG immunity, strongly implies he made up his testimony about the shooting and reports his attorneys continue to “push the story”, among other extraordinarily biased statements.

16. When the trial date was most recently set, the Palm Beach Post’s August 31, 2018 article<sup>20</sup> repeated the trial judge’s reasoning for denying SYG protection and that the Fourth

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<sup>18</sup> “Judge: no ‘stand your ground’ immunity for former Fla. cop.”

<sup>19</sup> “Ex-Cop Nouman Raja loses stand your ground argument after killing stranded motorist.” Modified August 27, 2018.

<sup>20</sup> “Video: Trial date set for ex officer in fatal shooting of Corey Jones.”

District denied relief. The Sun-Sentinel published a similar report,<sup>21</sup> regurgitating the trial judge's faulty rationale for denying relief, including that court's rejection of Raja's walk-through testimony as "unreliable" and the false and unsupportable finding Officer Raja drew his gun first. A January 11, 2019, WPTV broadcast published information about jury selection, repeating the fact a trial judge had denied the SYG motion. A January 22, 2019 Sn Sentinel article on the trial date began with how Corey Jones's family had been "waiting three years for justice," as if Officer Raja should not have been able to have due process and properly prepare for trial. It continued with its own repetition of how the SYG motion had been rejected.

On February 9, 2019, The Palm Beach Post reported this Court's order precluding the state expert from relying on violation of police practices and procedures, virtually ensuring prospective jurors will be aware of that inadmissible evidence.<sup>22</sup>

17. An affidavit by Defendant's Nouman K. Raja is attached as Exhibit 1.

18. Affidavits by Flynn P. Bertisch, Esq., and Gregory Salnick, Esq., are attached as Exhibits 2 and 3 respectively.

#### MEMORANDUM OF LAW

This Court should order venue of this case changed to a location in which Mr. Raja has the opportunity for a fair trial before impartial jurors. That cannot happen here. As the Florida Supreme Court said long ago in *Singer v. State*, 109 So.2d 7, 14 (Fla.1959), "[e]very reasonable precaution should be taken to preserve to a defendant trial by such a jury and to this end if there is reasonable

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<sup>21</sup> "Trial to start in February for ex-cop in Corey Jones' shooting death."

<sup>22</sup> 2/9/2019 – Palm Beach Post: Judge sets rules for ex-cop's coming manslaughter trial. Prosecution can't use police-practices expert; Defense files paperwork for change of venue; Request denied to relax house arrest limits.

basis shown for a change of venue a motion therefor properly made should be granted.” The standards are not just governed by rule and statute:

Ultimately, those standards derive from the Fourteenth Amendment’s due process clause, which safeguards a defendant’s Sixth Amendment right to be tried by “a panel of impartial, ‘indifferent’ jurors.” *Irvin v. Dowd*, 366 U.S. 717, 722, 81 S.Ct. 1639, 1642, 6 L.Ed.2d 751 (1961).

The trial court may be unable to seat an impartial jury because of prejudicial pretrial publicity or an inflamed community atmosphere. In such a case, due process requires the trial court to grant defendant’s motion for a change of venue, *Rideau v. Louisiana*, 373 U.S. 723, 726, 83 S.Ct. 1417, 1419, 10 L.Ed.2d 663 (1963), or a continuance, *Sheppard v. Maxwell*, 384 U.S. 333, 362–63, 86 S.Ct. 1507, 1522, 16 L.Ed.2d 600 (1966). At issue is the fundamental fairness of the defendant’s trial, *Murphy v. Florida*, 421 U.S. 794, 799, 95 S.Ct. 2031, 2035, 44 L.Ed.2d 589 (1975).

*Coleman v. Kemp*, 778 F.2d 1487, 1489 (11<sup>th</sup> Cir. 1986)(vacating state court capital convictions). *Accord, Manning v. State*, 378 So. 2d 274, 276 (Fla. 1979).

In Mr. Raja’s instance, his case has received both prejudicial pretrial publicity and the community atmosphere remains inflamed. Since the media coverage has not dwindled in the time since Mr. Raja’s arrest, and in fact spikes every time there is a hearing, a continuance of the trial would not cure the fundamental issues of fairness here. Instead, a change of venue is required. Due to the extensive, biased pretrial publicity in this case, prejudice is presumed:

Prejudice is presumed from pretrial publicity when pretrial publicity is sufficiently prejudicial and inflammatory and the prejudicial pretrial publicity saturated the community where the trials were held. *Rideau v. Louisiana*, 373 U.S. at 726–27, 83 S.Ct. at 1644–45; *Murphy v. Florida*, 421 U.S. at 798–99, 95 S.Ct. at 2035; *Mayola v. Alabama*, 623 F.2d 992, 997 (5th Cir.1980), 2 cert. denied, 451 U.S. 913, 101 S.Ct. 1986, 68 L.Ed.2d 303 (1981); see also *Sheppard v. Maxwell*, 384 U.S. 333, 86 S.Ct. 1507, 16 L.Ed.2d 600 (1966); *Estes v. Texas*, 381 U.S. 532, 85 S.Ct. 1628, 14 L.Ed.2d 543 (1965). The presumed prejudice principle is “rare[ly]” applicable, *Nebraska Press Ass’n v. Stuart*, 427 U.S. 539, 554, 96 S.Ct. 2791, 2800, 49 L.Ed.2d 683 (1976), and is reserved for an “extreme situation.” *Mayola*, supra, at 997.

778 F. 2d at 1490. This is just such an “extreme situation.” Media and public attacks on Mr. Raja have made a fair trial in this county impossible. Because prejudice is presumed, the Court should grant this motion prior to even beginning jury selection.

However, should this Court determine there is an insufficient showing of prejudice at this point, it should reconsider this motion after an attempt is made to seat a jury. In *Dubose v. State*, 210 So. 3d 641, 654 (Fla. 2017) the Florida Supreme Court recently summarized the applicable law:

This Court has determined that some knowledge of the case by potential jurors is not sufficient reason standing alone to require a change of venue. In *McCaskill v. State*, 344 So.2d 1276 (Fla. 1977), we articulated the test as follows:

Knowledge of the incident because of its notoriety is not, in and of itself, grounds for a change of venue. The test for determining a change of venue is whether the general state of mind of the inhabitants of a community is so infected by knowledge of the incident and accompanying prejudice, bias, and preconceived opinions that jurors could not possibly put these matters out of their minds and try the case solely upon the evidence presented in the courtroom.

*Id.* at 1278 (quoting *Kelley v. State*, 212 So.2d 27, 28 (Fla. 2d DCA 1968)); accord *Manning v. State*, 378 So.2d 274, 276 (Fla. 1979).

As this Court made clear in *Rolling v. State*, 695 So.2d 278, 285 (Fla. 1997), in ruling on a motion for a change of venue, the trial court should consider: “(1) the extent and nature of any pretrial publicity; and (2) the difficulty encountered in actually selecting a jury.” In evaluating the first prong,

the trial court must consider numerous factors, such as: (1) the length of time that has passed from the crime to the trial and when, within this time, the publicity occurred; (2) whether the publicity consisted of straight, factual news stories or inflammatory stories; (3) whether the news stories consisted of the police or prosecutor’s version of the offense to the exclusion of the defendant’s version; (4) the size of the community in question; and (5) whether the defendant exhausted all of his peremptory challenges.

*Id.* at 285 (citations omitted). Factors 1-4 all counsel a change of venue. The difficulty in selecting a jury factor can only be determined as jury selection progresses.

**CERTIFICATE OF GOOD FAITH**

I certify that the above Motion for change of venue is made in good faith and based upon a true belief in the facts stated therein.

/s/ Richard G. Lubin, Esq.  
RICHARD G. LUBIN

WHEREFORE, the defendant, Nouman K. Raja moves this Court to change the venue of this trial.

**I HEREBY CERTIFY** that a true copy hereof has been electronically provided to **BRIAN FERNANDES, ESQ.**, ([bfernandes@sa15.org](mailto:bfernandes@sa15.org)), Office of the State Attorney and **ADRIENNE ELLIS, ESQ.**, ([aellis@sa15.org](mailto:aellis@sa15.org)), Office of the State Attorney, 401 North Dixie Highway, West Palm Beach, FL 33401 on this 11<sup>th</sup> day of February, 2019.

Respectfully submitted,

**RICHARD G. LUBIN, P.A.**  
Second Floor, Flagler Plaza  
1217 South Flagler Drive  
West Palm Beach, FL 33401  
Telephone: 561/655-2040  
Facsimile: 561/655-2182  
[rich@lubinlaw.com](mailto:rich@lubinlaw.com)

By: /s/ Richard G. Lubin  
**RICHARD G. LUBIN**  
Fla. Bar No. 182249

**SCOTT N. RICHARDSON, P.A.**  
1401 Forum Way, Suite 720  
West Palm Beach, FL 33401  
561-471-9600  
561-471-9655 FAX  
[snr@scottnrichardsonlaw.com](mailto:snr@scottnrichardsonlaw.com)

By /s/ Scott N. Richardson  
**SCOTT N. RICHARDSON, ESQ.**  
FLA. BAR NO.: 266515

**RALPH E. KING, III**  
Palm Beach County PBA  
2100 North Florida Mango Road  
West Palm Beach, FL 33409  
Telephone: 561-689-3745  
Facsimile: 561-687-0154  
[rickk@pbcpba.org](mailto:rickk@pbcpba.org)

By: /s/ Ralph E. King  
**RALPH E. KING, ESQ.**  
Fla. Bar No.90473

**STEVEN H. MALONE**  
707 North Flagler Drive  
West Palm Beach, FL 33401  
Telephone: 561-805-5805  
[stevenhmalone@bellsouth.net](mailto:stevenhmalone@bellsouth.net)

By: /s/ Steven H. Malone  
**STEVEN H. MALONE, ESQ**

NOT A CERTIFIED COPY



# EXHIBIT 1

NOT A CERTIFIED COPY

IN THE CIRCUIT COURT OF  
THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA  
CRIMINAL DIVISION "X"

CASE NO.: 2016CF005507AXX

STATE OF FLORIDA

v.

NOUMAN KHAN RAJA,  
Defendant.

\_\_\_\_\_ /

AFFIDAVIT OF NOUMAN KHAN RAJA IN SUPPORT OF MOTION TO CHANGE  
VENUE

I, NOUMAN KHAN RAJA, being of sound mind, after being properly sworn, state that I have read the foregoing Motion to change Venue and, under penalty of perjury, I swear that the factual assertions contained therein are true and correct.

Dated this 11<sup>th</sup> day of February, 2019.

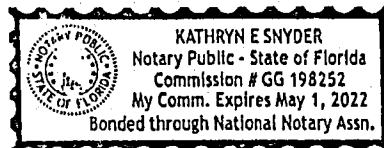
  
\_\_\_\_\_  
NOUMAN K. RAJA

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 11 DAY OF February, 2019.

  
\_\_\_\_\_  
NOTARY PUBLIC

Personally known to me, or X Produced Identification



# EXHIBIT 2

NOT A CERTIFIED COPY

IN THE CIRCUIT COURT OF  
THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA  
CRIMINAL DIVISION "X"

CASE NO.: 2016CF005507AXX

STATE OF FLORIDA

v.

NOUMAN KHAN RAJA,  
Defendant.

\_\_\_\_\_ /

**AFFIDAVIT OF FLYNN P. BERTISCH, ESQ., IN SUPPORT OF MOTION TO  
CHANGE VENUE**

STATE OF FLORIDA                    }  
COUNTY OF PALM BEACH        }

BEFORE ME, the undersigned authority, personally appeared Flynn P. Bertisch, Esq.,  
who being duly sworn on oath, deposes and says:

1. I am over the age of eighteen (18) years at the time of making this affidavit and I have personal knowledge of the affirmations contained herein.
2. I am a resident of Palm Beach County.
3. I believe that it is not possible for the Defendant, Nouman Raja, to obtain a fair and impartial trial in Palm Beach County, Florida.
4. The negative pre-trial publicity and negative media coverage have prejudiced the Defendant, such that it is impossible to obtain a fair and impartial trial.

FURTHER AFFIANT SAYETH NAUGHT.

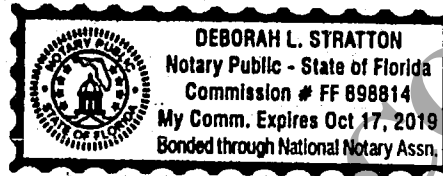
Dated this 11<sup>th</sup> day of February, 2019.

  
\_\_\_\_\_  
FLYNN E. BERTISCH, ESQ.

SWORN TO AND SUBSCRIBED BEFORE ME

This 11<sup>th</sup> day of February, 2019.

  
\_\_\_\_\_  
NOTARY PUBLIC



Personally known to me, or  Produced Identification

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# EXHIBIT 3

NOT A CERTIFIED COPY

IN THE CIRCUIT COURT OF  
THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA  
CRIMINAL DIVISION "X"

CASE NO.: 2016CF005507AXX

STATE OF FLORIDA

v.

NOUMAN KHAN RAJA,  
Defendant.

\_\_\_\_\_ /

**AFFIDAVIT OF GREGORY SALNICK, ESQ., IN SUPPORT OF MOTION TO  
CHANGE VENUE**

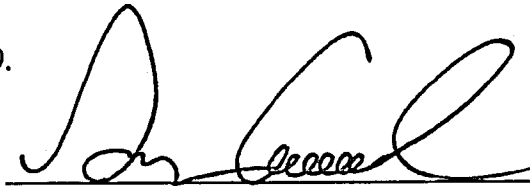
STATE OF FLORIDA            }  
COUNTY OF PALM BEACH    }

BEFORE ME, the undersigned authority, personally appeared Gregory Salnick, Esq.,  
who being duly sworn on oath, deposes and says:

1. I am over the age of eighteen (18) years at the time of making this affidavit and I have personal knowledge of the affirmations contained herein.
2. I am a resident of Palm Beach County.
3. I believe that it is not possible for the Defendant, Nouman Raja, to obtain a fair and impartial trial in Palm Beach County, Florida.
4. The negative pre-trial publicity and negative media coverage have prejudiced the Defendant, such that it is impossible to obtain a fair and impartial trial.

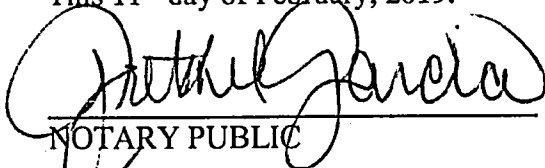
FURTHER AFFIANT SAYETH NAUGHT.

Dated this 11<sup>th</sup> day of February, 2019.

  
GREGORY SALNICK, ESQ.

SWORN TO AND SUBSCRIBED BEFORE ME

This 11<sup>th</sup> day of February, 2019.

  
NOTARY PUBLIC



GRETCHEL GARCIA  
MY COMMISSION # FF 229991  
EXPIRES: July 31, 2019  
Bonded Thru Budget Notary Services

\_\_\_\_\_ Personally known to me, or \_\_\_\_\_ Produced Identification

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