



Attorneys want murder trial moved

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Attorneys for the man accused of stabbing Marques Butler to death during Fantasy Fest 2009 want to have his murder trial moved out of Key West.

Biased media coverage and an angry citizenry bent on revenge for the death of a well-known and established Key West family member will make it impossible to seat an impartial jury, Miami-based defense lawyers Ed O'Donnell and Carlos Gonzalez said in a 30-page change of venue motion filed on Feb. 9.

Prosecutors say Nicholas Ferro stabbed Marques Butler during an altercation between two groups of people at about 4 a.m. Oct. 31 in the 500 block of Caroline Street.

“The first stories about this case emerged within hours of the incident here,” the motion states. “Rather than offering a fair and balanced overview of the case, the media decided to paint a false and very misleading picture of Nicholas [Ferro] and Butler. From the beginning, Butler -- the aggressor -- was painted as the victim.”

The defense claims Butler's and Ferro's separate groups of friends got into a physical fight over a comment made in the street and Ferro, in self defense, pulled a knife that Butler ran into.

The motion also warns of potential violence that could result if Ferro is acquitted, as the case is “highly publicized and racially charged,” Gonzalez wrote. Ferro is white and Butler is black.

“In Key West, it appears that the prosecution here will use race to argue that Nicholas [Ferro] killed out of hatred for black people, and not because he was violently attacked and took steps to defend himself,” the motion states.

Circuit Judge David Audlin had not ruled on the motion as of Friday. Judges typically may not rule on such motions until jury selection begins, O'Donnell said.

“We have to wait for that ruling, which may not come until the middle of jury selection,” O'Donnell said.

The state still must respond to the motion, which it had not yet done as of Friday, according to court records.

Ferro is charged with second-degree murder and is scheduled to go to trial March 5.

Defense attorneys previously tried to get the murder charge dropped by citing Florida's controversial Stand Your Ground self-defense law, saying Ferro was legally defending himself. Audlin disagreed and denied the request in June. The 3rd District Court of Appeal in November also denied Ferro's Stand Your Ground petition that painted him as a Good Samaritan who was trying to avoid fighting and helping to keep a friend from getting killed.

Ferro, 24, of Hollywood, Fla., remained at the Monroe County Detention Center on Stock Island under no bail Friday.

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