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**Omar Blanco v. State of Florida  
SC03-1328**

AND WE'LL  
TAKE THIS CASE UNDER  
CONSIDERATION.  
THANK YOU.  
READY FOR HOUR SECOND CASE THIS  
MORNING.  
BLANCO VERSUS STATE OF FLORIDA.  
>> MR. STILL?  
>> GOOD MORNING.  
HIGH RA STILL FOR OMAR BLANK  
COVE.  
WE HAVE -- BLANCO.  
WE HAVE TWO POINT THAT WE'RE  
HOPING TO SPEAK ABOUT THIS  
MORNING.  
ONE CONCERNS AN UNSOLVED  
FINGERPRINT THAT WAS NOT HANDLED  
AS PART OF THE HUH HEARING BUT  
THERE WAS A SEPARATE MOTION THAT  
WAS MADE TO THE TRIAL COURT AND  
DENIED HAND THE SECOND ONE IS  
THAT WE'RE ASKING TO REMAND FOR  
ANEST RIFE HEARING SO THAT WE  
CAN -- AN EVIDENTIARY HEARING  
SHOUGH WE CAN MAKE A RECORD  
BASED ON ALL OF THE PROBLEMS  
THAT WE FOUND EXISTED IN THE  
CRIME SCENE FROM REVIEWING THE  
RECORD AND THE POLICE REPORT AND  
CRIME SCENE PHOTOS AND ALL THAT  
TOOK PLACE, AND WE'RE SAYING  
THAT THERE WAS SO MUCH THAT WAS  
AVAILABLE, THAT TRIAL COUNSEL  
WAS TOTALLY INEFFECTIVE IN  
HANDLING THIS.  
SO THOSE ARE THE TWO POINTS THAT  
WEMD LIKE TO MAKE THIS MORNING.  
IF IT'S OK WITH THE COURT, I'LL  
ADDRESS THE AFUS FIRST.  
THE FINGERPRINT THAT WE'RE  
TALKING ABOUT WAS AN UNSOLVED  
FINGERPRINT, FOUND ON THE DOOR  
TO THE BEDROOM, WHERE RIGHT IN  
THE POSITION WHERE THE SCUFFLE

STARTED THE BEDROOM BELONGED TO THE THEN LITTLE GIRL, SHE WAS IN THE ROOM, AND THE UNCLE CAME, THERE WAS A GUNMAN IN THE HOUSE, THERE WAS A STRUGGLE RIGHT THERE.

YES?

>>

[INAUDIBLE]

WASN'T IT ARGUED THAT THE GUN BELONG TO MR. GONZALEZ AND HE AND SOME OTHER PERSON WERE THE MURDERERS, AND WASN'T IT LATER DETERMINED THAT THIS WAS NOT IN FACT HIS FINGERPRINT?

>> WELL, YES.

MR. BLANCO FELT AS THOUGH IT WAS EITHER ENRIQUE GONZALEZ OR FIDEL ROMERO OR RAY ALONZO.

>> THEY WERE ELIMINATED AS THE FINGERPRINT, SO WHAT ARE WE REALLY LOOKING FOR IN THIS CASE? ARE WE ON A FISHING EXPEDITION TRYING TO NOW FIND SOMEONE ELSE, SO YOU CAN ANNOUNCE WAS IN FACT THE MURDERER?

>> WELL, WHETHER BLANCO WAS CORRECT IN HIS GUESS AS TO WHO IT MIGHT BE OR NOT, WE STILL HAVE AN UNSOLVED FINGERPRINT ON A DOOR THAT WAS OPENED AND CLOSED THREE OR FOUR TIMES BY THE INTRUDER.

>> ASSUMING WE FIND IT IS MR. X, Y, Z, HOW IS THAT INDICATIVE OF THE FACTS IN THIS CASE WHICH INDICATES THAT THERE WERE 10 PEOPLE WHO SAW MR. BLANCO, THERE WAS A PURSE FOUND AT THE SCENE, WHICH HAD MR. BLANCO'S I.D. IN IT AND OTHER THINGS THAT CONNECTED HIM TO THIS CRIME, SO HOW WOULD A FINGERPRINT, WHO COULD HAVE BELONGED TO ANYONE, NEGATE THAT?

>> WELL, THERE'S TWO THINGS TO ANSWER IN THAT.

FIRST IS THAT BECAUSE OF THE LOCATION OF THE FINGERPRINT, THAT'S WHAT MAKES IT SO RELEVANT TO THIS CASE.

NOW GRANTED, IF IT WERE TO RUN THROUGH THE AFUS SYSTEM, THERE COULD BE ONE OF THREE RESULTS.

THERE MAY BE NO MATCH, WHICH WOULD LEAVE IT RAW DATA, WHICH AT THAT POINT THE DEFENSE HAS TRIED TO TURN OVER EVERY STONE ON THAT, AND IT WILL HAVE GONE UNSOLVED.

THE OTHER ONE IS THAT IT MAY COME OUT TO BE SOMEBODY, MAYBE A HOUSEKEEPER OR SOMEBODY THAT OBVIOUSLY WASN'T INVOLVED IN THE CASE, AND THERE AGAIN, IT ENDS THERE.

THE THIRD POSSIBILITY IS THAT IT DOES MATCH AND AT THAT POINT, IT'S NO LONGER -- WELL, IT DOES MATCH SOMEBODY IN THE AFUS SYSTEM, COMES THROUGH AFUS AND WE HAVE A MATCH.

OF COURSE AT THAT POINT, YOU HAVE TO HAVE A FINGERPRINT EXAMINER ACTUALLY DO THE COMPARISON.

BUT AT THAT POINT, WE'D BE IN A BETTER POSITION TO TELL WHETHER THE -- THAT WOULD AFFECT THE OUTCOME AND HOW THAT WOULD AFFECT ALL OF THE OTHER PARTS OF THE CRIME SCENE EVIDENCE.

BUT AGAIN, EVEN IF IT MATCHES SOMEBODY ELSE, ALL THAT PROVES IS THAT SOMEBODY ELSE WAS AT SOME POINT IN THE HOUSE.

IT DOESN'T PROVE THAT THIS PERSON MURDERED ANYBODY, WAS EVEN UNINVITED INTO THE HOUSE.

>> I CAN'T TELL YOU THAT NOW, BECAUSE WE DON'T KNOW -- WE HAVEN'T BEEN ABLE TO RUN IT.

>> WHAT'S THAT FINGERPRINT GOING TO PROVE OTHER THAN THAT PERSON WAS IN THE HOUSE?

>> YES.

AND IF IT TURNS OUT TO BE SOMEONE THAT SHOULDN'T HAVE WITHIN

-BEEN IN THE HOUSE HAND THAT FINGERPRINT IS THERE, THEN THAT WOULD GIVE US AN OPPORTUNITY TO RUN THAT PERSON'S BACKGROUND AND TO FIND OUT WHO IT WAS AND TO SEE --

>> DID TRIAL COUNSEL KNOW ABOUT THIS FINGERPRINT AT TRIAL?

>> THEY KNEW THERE WAS AN UNSOLVED PRINT.

>> DIDN'T THEM USE THAT UNSOLVED PRINT TO SAY THIS COULD HAVE BEEN GONZALEZ' PRINT?

>> I THINK THAT THEY DID.

>> SO IF COUNSEL WANTED TO RUN A CHECK, IF THEY WANTED TO PERFORM SOME TESTS ON THE FINGERPRINT, THEY HAD THE OPPORTUNITY BEFORE TRIAL TO DO THAT?

>> NOT REALLY, BECAUSE THE AFUS SYSTEM DIDN'T COME INTO BEING UNTIL AFTER THE TRIAL IN ABOUT 1990, SO AT THE TIME OF THE TRIAL, IT WAS JUST A MATTER OF COMING UP WITH SOME SUSPECTS, MAYBE DOING SOME COMPARISONS, AND TRIED TO SEE WHO IT WAS AT THAT POINT, BUT OTHERWISE, THE EVIDENCE WAS JUST -- WOULD BE UNSOLVED, BUT WHEN THE AFUS SYSTEM CAME ABOUT, AND NOW WE'VE GOT YEARS AND YEARS OF DATA GOING INTO THE AFUS SYSTEM AND IT'S A SIMPLE AND ECONOMIC PROCEDURE --

>> AND THIS WAS IN 1990, THE AFUS SYSTEM?

>> I THINK IT WAS IN 1990.

>> AND WHAT DATE WAS THE MOTION FILED?

>> WE FILED THE MOTION -- I DON'T RECALL, WHEN WE FILED THE MOTION, IT MUST HAVE BEEN TWO OR THREE YEARS AGO.

>> SO AFTER 2000?

>> OH YEAH.

>> SO DEFENDANT WAITED MORE THAN 10 YEARS AFTER THE AFUS SYSTEM TO ASK FOR THE AT THEES TO BE CONDUCTED?

>> WELL, YOU KNOW WHAT HAPPENED, THIS IS PART OF WHAT WE FEEL IS INEFFECTIVE WITH TRIAL COUNSEL AND SOME OF THE COUNSEL THAT COME BEFORE US.

>> YOU'RE NOT ARGUING INEFFECTIVENESS AS FAR AS THE FINGERPRINT.

>> YOU'RE ARGUING THAT THE TRIAL COURT ERRED IN DENYING YOUR MOTION TO TEST IT?

>> WHEN WE BROUGHT THE MOTION.

THE PROBABLE POLICEMEN WAS WHEN WE DID -- WE DID A FULL FORMAL EVIDENCE REVIEW.

WE WASN'T DOWN AND PHOTOGRAPH AND VIDEOTAPED ALL THE EVIDENCE, OPENED ALL THE PACKAGES AND ACTUALLY, WE WERE TOLD BY THE STATE ATTORNEY, THAT IT WAS THE FIRST TIME IN ANY ONE OF THESE CASES THAT ANYONE HAD DONE THAT. IT SEEMS RUDD MEANTRY TO -- RUDEMENTRY IN A CASE OF THIS MAGAZINE ANY THEWED THAT COUNSEL SHOULD LOOK AT ALL OF THE EVIDENCE AND QUESTION IT AND COMPARE IT AGAINST POLICE REPORTS AND SO FORTH AND IT WAS CLEAR FROM THE RECORD THAT THE TRIAL COUNSEL DIDN'T DO THAT. SO WHEN WE FINAL MY DID THAT HAND WE -- THE DEFENSE BROUGHT IN A LATENT FINGERPRINT EXAMINER TO MAKE THE COMPARISON, IT WAS AT THAT POINT THAT THE -- OUR EXAMINER SAID WELL IT'S NOT ENRIQUE, IT'S NOT SOME OF THESE OTHER PEOPLE YOU'VE SHOWN US, BUT IT WAS OF AFUS QUALITY, SO THEN WE IMMEDIATELY TURNED AROUND, FILED THE MOTION AND TRIED TO GET THE COURT TO OPEN THE DOOR FOR US TO RUN IT THROUGH THE AFUS SYSTEM TO SEE WHAT WAS THERE.

AND I THINK THAT -- YOU KNOW, THERE IS THAT QUESTION OF WELL,

IT'S A STATE OWNED PROCEDURE, A POLICE OWNED PROCEDURE, AND WE HAVE -- WE DON'T HAVE AN OPPORTUNITY TO GET IN THAT DOOR, SO IF THE STATE WON'T AGREE TO RUN IT, THEN WE NEED THE COURT TO GIVE US AN ORDER TO HAVE IT RUN.

WE WERE WILLING TO PAY FOR WHATEVER COSTS WOULD BE INVOLVED AND TO SEE IF SEEMS LIKE A SIMPLE PROCEDURE, BUT IT CERTAINLY WOULD ANSWER A QUESTION IN A CASE OF THIS MAGNITUDE WHERE DEATH IS SO DIFFERENT, THAT IT JUST SEEMS THAT WE SHOULD ANSWER THAT

SYSTEM.

AND I KIND OF GOT OFF THE TRACK OF JUSTICE QUINCE'S QUESTION BECAUSE YOU SPOKE ABOUT THE PERSON THAT WAS IN THE CRIME SCENE.

>> ALL OF THE EVIDENCE THAT WAS GATHERED AND USED, I NEED YOU TO ANSWER HOW THIS ONE FINGERPRINT WOULD KNEE GATE THIS EVIDENCE TO THE EXTENT THAT MR. BLANCO -- [INAUDIBLE]

>> I'M NOT CERTAIN THAT THIS ONE FINGERPRINT WOULD, BUT I'LL SAY THIS, BUT LOOK, THIS IS THE OTHER POINT OF THE PART OF THE POINT THAT WE WANTED TO MAKE OF HOW THERE WAS ABSOLUTELY NO ANALYSIS DONE OF THE CRIME SCENE.

FIRST OF ALL, OFFICER PEREZ WAS CALLED TO THE CRIME SCENE BECAUSE ONCE THE POLICE GOT THERE, THEY WERE INTERCEPTING PHONE CALLS TO THE HOUSE THAT WERE IN SPANISH, AND THEY DIDN'T KNOW WHO THEY WERE, WHO WAS CALLING.

AND THEY FELT LIKE THAT WAS PART OF THE SITUATION, BECAUSE THE LITTLE GIRL HAD SAID THAT THE INTRUDER WAS HISPANIC.

SO WHEN HE GOT THERE, HE WENT IN THE HOUSE.

WE FIND THAT UNLIKE ANY OTHER CRIME SCENE THAT I'VE EVER DEALT WITH OR ANALYZED, THERE WAS NO LOG ON THE CRIME SCENE.

POLICE DIDN'T HAVE TO SIGN IN OR SIGN THEIR TIME INTO THE CRIME SCENE, SO WE REALLY HAVE NO RECORD AS TO WHO CAME AND WENT FROM THAT CRIME SCENE.

C.S.I. MATHSON WAS THE ONE WHO DID THE CRIME SCENE ANALYSIS. HE TOOK ONE ROLL OF PHOTOGRAPHS AND I'VE NEVER SEEN A CASE OF THIS MAGNITUDE WHERE THERE HASN'T BEEN 250, 300, 35 WHO PHOTOGRAPHS.

-- 350 PHOTOGRAPHS.

HE TOOK 24 PHOTOGRAPHS OF THE CRIME SCENE, AND THE PURSE ONLY APPEARS IN ONE PHOTOGRAPH.

IT'S AT A DISTANCE AND IT'S  
LAYING AGAINST THE WALL.  
MATHSON TESTIFIED THAT HE FOUND  
THE PURSE AT TRIAL, HE FOUND THE  
PURSE THAT HE TOOK THE PURSE AND  
GAVE IT OVER TO DETECTIVE WALLY,  
WHO KEPT IT FOR SOMETIME, AND  
THEN BROUGHT IT BACK TO MATHSON.

>> WHERE DOES ALL OF THIS LEAD?  
ALL OF THIS GET US TO WHAT  
POINT?

>> WELL, WHAT IT GET TO IS THE  
FACT THAT THE TRIAL COUNSEL WAS  
SO INEFFECTIVE THAT OFF THE  
RECORD ITSELF, THE DETAILS OF  
THIS --

>> THE FAMILY TO ARGUE THAT  
THERE WAS NOT ENOUGH PHOTOGRAPHS  
TAKEN OF THE CRIME SCENE AND  
WHAT ELSE?

>> WELL, YES, AND ALONG WITH THE  
PHOTOS, THE NORMAL PROCEDURE IS  
WHEN YOU FIND A PIECE OF  
EVIDENCE LIKE THAT, YOU DOCUMENT  
IT BY GOING INTO IT WITH YOUR  
PHOTOGRAPHS.

YOU PHOTOGRAPH THE I'VE  
TEMPERATURE, YOU OPEN -- ITEM,  
YOU PHOTOGRAPH EACH THING AS YOU  
TAKE IT OUT AND THAT WAY IT'S  
DOCUMENTED AS PART OF THE CRIME  
SCENE.

THAT WASN'T DONE IN THIS CASE.  
WE ALSO HAD DETECTIVES THAT ONCE  
THEY LEARNED FROM OMAR BLANCO  
WHAT HIS ADDRESS WAS, THEY LEFT  
THE SCENE AND WENT DOWN TO  
HOLLYWOOD TO HIS ADDRESS.

DETECTIVE WALLY SAYS THAT HE HAD  
A KEY TO HIS APARTMENT AND HE  
WENT DOWN AND TALKED TO THE  
APARTMENT MANAGER TO COMPARE  
THAT KEY AND SEND IT TO THE  
F.B.I., SO WE KNOW THAT THERE  
ARE PEOPLE LEAVING THE SCENE AND  
GOING DOWN THERE, AND DETECTIVE  
WALLY TESTIFIED THAT HE TOOK  
CUSTODY OF THE PURSE, AND  
RETAINED CUSTODY OF THE PURSE,  
UNTIL HE PUT IT IN TO EVIDENCE.

WE HAVE DETECTIVE WALLY SAYING I  
FOUND THE PURSE, THEN I SHOWED  
IT TO THE CRIME SCENE TECH, WE  
HAVE OF THE CRIME SCENE TECH

SAYING HE FOUND THE PURSE, AND  
GAVE IT TO DETECTIVE MATSON.  
ALL OF THESE THINGS RELATE TO  
RELIABILITY AND CREDIBILITY OF  
THE EVIDENCE AND NONE OF THIS  
WAS APPROACHED BY TRIAL COUNSEL  
AT ALL.

AND IT WAS JUST SO GLARING.  
ONCE YOU BEGIN TO READ THE  
RECORD AND SOME OF THE APPENDIX  
ITEMS THAT WE ATTACHED ON POLICE  
REPORTS, BUT THE POINT IS, WE  
HAVEN'T BEEN GIVEN A HEARING ON  
THIS AND WE FEEL AS THOUGH WE  
SHOULD HAVE A HEARING TO BE ABLE  
TO DEVELOP THIS.

TO DO A CRIME SCENE  
RECONSTRUCTION AND TO BRING IN  
AN EXPERT AND TO HAVE TESTIMONY  
AND MAKE A RECORD BEFORE IT  
COMES UP TO THE COURT.

WE FEEL HAS THOUGH WE SHOULD  
HAVE HAD A HEARING ON THAT.

>> IF YOU WANT TO PROCEED TO  
YOUR OTHER ARGUMENT, YOU'RE  
RAPIDLY APPROACHING YOUR TIME.

>> I WAS KIND OF HITTING THAT  
SECOND POINT IN TERMS OF A CRIME  
SCENE.

I'LL SIT DOWN NOW.

>> YOU HAVE TIME.

I JUST WANT TO BE SURE YOU HAVE  
AN OPPORTUNITY TO ADDRESS YOUR  
POINT.

>> THANK YOU.

THANK YOU.

NOW, THERE WAS NOTHING IN THE  
RECORD THAT -- NO FORENSIC  
EVIDENCE THAT TIED OMAR TO THE  
PURSE.

THERE WAS NO BLOOD, THERE WAS NO  
D.N.A., THERE WAS NO TESTIMONY  
THAT THE PURSE WAS HIS.

INSIDE THE PURSE THEY FOUND A  
WALLET AND THE WALLET HAD HIS  
LICENSE, HIS SOCIAL SECURITY  
CARD, AND HIS BOAT LIFT I.D.

>> ALL THE ITEMS ARE INSIDE THE  
PURSE.

>> WELL, I DON'T THINK IT TIES  
HIM TO THE PURSE.

I THINK THE TRIAL COURT BELOW  
KEPT TALKING ABOUT THE FACT,  
WELL, WHY WAS OMAR'S PURSE IN

THE ROOM, AND THAT'S A POINT THAT I WANTED TO MAKE, THAT THE PURSE ITSELF HAS NO TIE TO OMAR, BUT THE WALLET INSIDE, OF COURSE IS OMAR'S.

>> HE SAW A MAN STANDING IN THE HALLWAY WITH A GUN AND A PURSE?

>> YEAH, I THINK SHE SAID THAT HE HAD SOMETHING UNDER HIS ARM.

>> NOT SIMPLY A PURSE?

>> I'M NOT SURE SHE USED THE WORD PURSE OR NOT.

>> DID SHE IDENTIFY HIM OUT OF A LINEUP THE DAY AFTER?

>> THEY DID, YES.

THERE AGAIN, THIS IS PART OF THE CUMULATIVE EFFECT OF THE WHOLE SITUATION IS SHE LEFT THE HOUSE, SAID SHE UNBOLTED THE FRONT DOOR, AND WALKED OUTSIDE AND THE EYEWITNESS SAID THAT HE SAW THE -- HE SAW SOMEBODY WALK OUT THE FRONT DOOR AND WALK DOWN THE STREET TOWARD THE EAST, TOWARD BAY VIEW DRIVE.

BUT WE KNOW THAT COULDN'T HAVE HAPPENED, AND THIS WAS NEVER AGAIN, NEVER CHALLENGED BY TRIAL ATTORNEYS, THIS COULDN'T HAVE HAPPENED, BECAUSE HOW COULD THE INTRUDER HAVE WALKED OUT THE FRONT DOOR AND THEN CLOSED IT AND CLOSED THE BOLT LOCK THAT WOULD THEN HAVE BEEN LOCKED FOR FAILURE TO COME OUT?

>> WELL, WE'RE HERE AFTER A SECOND PENALTY PHASE, RIGHT? SO AS FAR AS YOUR GUILT PHASE ISSUES, WHY AREN'T THOSE PROCEDURALLY BARRED, EITHER YOU RAISED THEM BEFORE OR YOU SHOULD HAVE RAISED THEM BEFORE, BUT ALL OF THAT WAS BEFORE WE'VE HAD A NEW PENALTY PHASE PROCEEDING, WHY AREN'T YOU JUST LIMITED TO ARGUING INHEY IF HE!!!!!!!!!!!!!!!!!!!! EFFECTIVE AVE STANDS OF -- ASSISTANCE OF COUNSEL AT THE NEW PENALTY PHASE?

>> I DON'T THINK THAT ANYONE HAS EVER RAISED THE ISSUE OF THIS -- THESE PROBLEMS WITH THE CRIME SCENE AND THEY'RE JUST SO GLARING --

>> THE PROBLEM ISN'T WHETHER

THEY'VE RAISED THEM.  
YOU HAD THE OPPORTUNITY TO RAISE  
THEM IN THE FIRST POST  
CONVICTION PROCEEDING.  
SO WHY AREN'T YOU BARRED NOW  
FROM RAISING ALL THOSE PHASE  
ISSUES AFTER THE NEW PENALTY  
PHASE PROCEEDING?

>> I THINK ARGUE BRILL THE  
ATTORNEYS THAT HANDLED THE CASE  
PRIOR COULD HAVE.

I DON'T THINK ANYBODY HAS.  
I DON'T THINK ANYONE HAS LOOKED  
AT THIS, THAT IT'S -- THIS  
SHOULD BE THE FIRST THING THAT  
EPP OF THE ATTORNEYS HAVE DONE  
WHEN THEY COME ON THE CASE,  
WHETHER AT TRIAL OR PENALTY  
PHASE, THEY SHOULD HAVE REDONE  
THE CRIME SCENE TO SEE WHAT WAS  
WHAT AND I'M POSITIVE FROM  
HAVING DONE THIS, THAT NO ONE  
ELSE HAS.

>> YOU'RE WELL IN TO YOUR  
REBUTTAL NOW.

>> I'M SORRY.

MS. CAMPBELL?

>> MAY IT PLEASE THE COURT,  
LESLIE CAMPBELL WITH THE  
ATTORNEY GENERAL'S OFFICE.  
JUST TO FOLLOW UP ON JUSTICE  
CAN'T'S -- JT CAN'T'S INITIAL --  
JT CAN'T!!!!!!!!!!!!!!!!!!!!!!AT THE STATE COURT LEVEL AND  
FEDERAL COURT LEVEL.

MOST OF THESE QUESTIONS HAVE  
BEEN ANSWERED AS FAR AS PROBLEMS  
WITH IDENTITY AN THINGS LIKE  
THAT.

THE GUILT PHASE ISSUES ARE  
THOROUGHLY AND COMPLETELY  
REVIEWED.

ALSO, WITH REGARD TO JUSTICE  
BELL'S COMMENT, THIS COURT FOUND  
IN HEY FIRM WILLING THE --  
AFFIRMING THE INITIAL CONVICTED  
AND SENTENCE THAT IT WAS  
TESTIFIED THAT SHE SAW A MAN  
STANDING IN THE HALL WAVE  
HOLDING A GUN, AND CARRYING A  
BROWN WALLET-TYPE OBJECT UNDER  
HIS ARM.

SO THAT SHOULD SOLVE THE  
QUESTION OF WHERE THE MAN'S  
PURSE OR WALLET-TYPE ITEM CAME

FROM.

IT WAS THERE AT THE TIME THAT MR. BLANCO FIRST ENCOUNTERED FALIO AND WE CAN ONLY ASSUME THAT HE LEFT IT THERE DURING THE STRUGGLE OR AT SOMETIME.

ALSO WAS IN THAT WALLET --

>> I THINK COUNSEL'S POINT WAS YOU MAY HAVE THE PURSE, BUT THIS WALLET CAME FROM SOMEWHERE ELSE AND GOT INTO SOMEBODY ELSE'S PURSE.

IS THERE ANY HINT OF THAT?

>> I DON'T BELIEVE SO, YOUR HONOR.

WHETHER SOMEBODY, YOU KNOW, DESCRIBES AN HIGH TEMPERATURE AS A WALLET TYPE, I MEAN, IT'S A MAN'S PURSE.

LONG WALLET, SMALL WALLET, IT'S A WALL TYPE HIGH TEMPERATURE.

AND -- WALLET TYPE ITEM AND

WITHIN THAT WAS NOT ONLY MR. BLANCO'S I.D. AND OTHER ITEMS, BUT FALIO'S WATCH, SO WE KNOW THAT SOMETHING WAS PUT IN THAT AT THE CRIME SCENE.

IF WE COULD GET AWAY FROM THE GUILT PHASE ISSUES, AS FAR AS JUST A GENERAL TACK, SINCE THERE WAS A SECOND PENALTY PHASE, HOWEVER, DURING THAT PENALTY PHASE, THERE WAS ANOTHER 3851 PROCEEDING WHERE THERE WAS AN EVIDENTIARY HEARING.

DURING THAT PROCEEDING, MR. BELONG COPUT ON SEVERAL WITNESSES AND CLAIMED THAT IT WAS MR. GONZALEZ WHO WAS THE ACTUAL MURDERER.

THOSE TYPE OF ALLEGATIONS HAVE BEEN REITERATED AGAIN IN THIS BRIEF AND THEREFORE THE TRIAL COURT WAS MORE THAN WILLING TO ORDER A TESTING OF THIS UNIDENTIFIED FINGERPRINT TO SEE IF IT DID MATCH MR. GONZALEZ'.

IT WAS AT THE HEARING THAT THE COURT WAS INFORMED THAT THE DEFENSE HAD ALREADY CONDUCTED THAT HEARING -- THAT IDENTIFICATION AND DETERMINED THAT IT WAS NOT MR. GONZALEZ'. SO THE COURT ITSELF THOUGHT THAT

THIS WOULD HAVE BEEN A FISHING EXPEDITION.

WE, YOU KNOW, -- IT HAD ALREADY BEEN DETERMINED THAT IT WAS MR. GONZALEZ' --

>> WAS THERE EVIDENCE CONCERNING SOMEONE WHO IDENTIFIED A DEFENDANT AT THE CRIME SCENE ABOUT WEARING MITTENS OR GLOVES? WHAT WAS THE EVIDENCE ABOUT THAT?

>> THE EVIDENCE WAS THAT AT SOME POINT, MR. GONZALEZ WAS WEARING -- EXCUSE ME, MR. BLANCO WAS WEARING SOCKS ON HIS HANDS, BUT WE ALSO KNOW HAT SOME POINT HE LOST THE SOCKS, THOSE SOCKS REMAINED IN THE ROOM AND THEY WERE COLLECTED IN TO EVIDENCE. WE ALSO HAVE GUNSHOT RESIDUE TESTS, THAT SHOWS THAT THERE WAS GUNSHOT RESIDUE ON MR. BLANCO'S HANDS AFTER THE -- AFTER THIS INCIDENT.

SO WE DO KNOW THAT HE HAD FIRED A GUN AFTER LOSING THOSE SOCKS. WE ALSO DURING --

>> WAS HE THE ONE WHO SAID HE HAD SOCKS ON HIS HANDS?

>> I BELIEVE SHE DID, YES, WHEN SHE FIRST SAID SOMETHING, HE WAS WEARING SOMETHING ON HIS HANDS. SO DURING THE STRUGGLE OR DURING THE TIME THAT HE'S IN THE HOUSE, PICKING UP FALIO'S WATCH FOR ONE ITEM, HE LOSES THE SOCK.

WE ALSO HAVE DURING THE 3851 WHERE HE BROUGHT ON -- WHERE MR. BLANCO BROUGHT ON NEW EVIDENCE, THAT IT WAS MR. GONZALEZ, WE ALSO HAVE SEVERAL WITNESSES TESTIFYING THAT MR. GONZALEZ -- MR. BLANCO HAD ACTUALLY CONFESSED TO THIS CRIME.

HE HAD SPOKEN TO MR. CHUNG AND HAD EXPLAINED AFTER THE SURROUNDING CIRCUMSTANCES THAT HE HAD BEEN PART OF A CREW THAT WAS GOING TO ROB OR TO BURGLARIZE THIS PARTICULAR HOUSE, BECAUSE THEY KNEW THAT THE VICTIM HAD MONEY HAND JEWELRY, AND THAT HE HAPPENED TO

OVERSLEEP THAT NIGHT.

AND WHEN HE WOKE UP, HIS COME  
PAY!!!!!!COME PATRIOTS WERE GONE AND THIS  
IS THE NIGHT HE ATTACKED AND  
KILLED MR. RYAN.

AS FAR AS ANY QUESTION OF  
LOOKING AT THIS FINGERPRINT ANY  
FURTHER, IT SEEMS LIKE A FISHING  
EXPEDITION, SOMETHING THAT  
CERTAINLY ISN'T GOING TO PRODUCE  
ANYTHING THAT'S GOING TO COME  
ANYWHERE CLOSE TO EXONERATING  
MR. BLANCO, THERE WAS A CLEAR  
I.D. OF HIM, MS. FALIA WAS ABLE  
TO SEE HIM FOR A GOOD 10, 15  
MINUTES DURING THIS -- DURING  
THE COURSE, AND THEN WE DID HAVE  
ANOTHER PERSON I.D. HIM AS  
HAVING THE SAME PROFESSOR FILE  
AND THE SAME CLOTHING ON, AND HE  
WAS CAPTURED APPROXIMATELY A  
MILE AND A HALF AWAY, FROM THE  
CRIME SCENE,, WITHIN AN HOUR OF  
THE CRIME.

YES, HE WAS RIVING A BICYCLE,  
BUT EVEN THOUGH HE HAD LEFT ON  
FOOT DURING HIS -- OR DURING THE  
TESTIMONY, DURING THE 30 HATE  
50, THE BICYCLE HAD BEEN HIDDEN  
SOMEPLACE CLOSE BY, BUT I DON'T  
FEEL THAT THIS COURT SHOULD HAVE  
ANY QUALMS ABOUT THE TRIAL  
COURT'S DENIAL OF RUNNING THIS  
ONE UNIDENTIFIED FINGERPRINT IN  
A HOUSE FULL OF RESIDENTS AND  
FRIENDS OR INVITED GUESTS.

TO SEE ANYTHING MORE ABOUT THIS  
PARTICULAR CRIME.

IF THE COURT HAS ANY OTHER  
QUESTIONS THAT I COULD REST ON  
MY BRIEF AND ASK THAT YOU  
CONFIRM THE DENIAL AND POST  
CONVICTION RELIEF.

>> THANK YOU VERY MUCH.

MR. STILL?

>> THIS INFORMATION IS THE FIRST  
I HEARD OF THE DISCUSSION  
BETWEEN THESE WITNESSES.

WE FEEL AS THOUGH THE -- THERE  
IS UNSOLVED EVIDENCE RIGHT  
THERE, WHERE THE SCUFFLE TOOK  
PLACE, WHERE SOMEONE TOUCHED THE  
DOOR THAT WAS NARROWED DOWN TO  
THE GUNMAN.

AND IT IS NOT HOE MARCH BLANCO,  
AND I THINK THAT'S HEY SINKS.  
I THINK THE FIRST THING THAT  
SHOULD HAPPEN, WE WOULD ASK THIS  
COURT TO REMAND IT TO THE TRIAL  
COURT SO ALLOW THE AFUS SYSTEM  
TO RUN THE FINGERPRINT AND AT  
THAT POINT IN TIME, WE'LL KNOW  
IF THERE IS NEWLY DISCOVERED  
EVIDENCE.

THE NEWLY DISCOVERED EVIDENCE IS  
NOT THE FINGERPRINT, THE LATENT  
LIFT.

THE NEWLY DISCOVERED EVIDENCE  
WOULD BE THE SOLVING OF THAT  
THROUGH THE AFUS.

>> WHAT WAS YOUR REFERENCE TO  
NARROWED DOWN TO THE GUNMAN?  
YOU JUST SAID THAT IS TRUE  
FINGERPRINTS WERE NARROWED DOWN  
TO THE GUNMAN.

I'M NOT SURE WHAT CONTEXT YOU'RE  
RECOVERING THAT?

>> THE TRIAL TESTIMONY OF FALIA,  
SHE SAID THAT THE GUNMAN CAME  
INTO HER ROOM SEVERAL TIMES,  
THAT HE OPENED THE DOOR, HE HE  
CLOSED THE DOOR, HE OPENED THE  
DOOR, CLOSED THE DOOR, AND THAT  
HE WAS TOUCHING IT RIGHT IN THAT  
AREA WHERE THE PRINT WAS FOUND.

>> SO THAT'S WHAT YOU'RE  
REFERRING TO?

>> YES.

>> DO WE NOVEMBER AT THAT POINT  
HE STILL HAD THE SOCKS ON HIS  
HAND?

>> FALIA TESTIFIED THAT HE HAD A  
RED GLOVE ON ONE OF HIS HANDS,  
AND THEN SHE TESTIFIED THAT WHEN  
SHE WAS SHOWN THE SOCKS, THAT  
THEY WEREN'T HERS, SHE HADN'T  
SEEN THEM BEFORE.

THEN THERE WAS SOME CHANGE  
DURING HER STATEMENTS WHERE THE  
GLOVES WERE PICKED UP AND  
SUGGESTED TO HAVE BEEN ON HIS  
HANDS.

IF THAT'S THE CASE, THEN THERE  
WOULD BE A QUESTION, WOULD THE  
GUNSHOT RESIDUE TEST BECAUSE THE  
EXPERT SAID THAT IF YOU HAD  
GLOVES OR SOCKS ON YOUR HANDS,  
YOU WOULDN'T BE ABLE TO DETECT

BARIUM, AN THEY DETECTED VERY SMALL TRACES ON OMAR'S HANDS. SO WHETHER THERE WERE SOCK ON THE HAND OR GLOVES ON THE HAND, WE DON'T KNOW, BUT WE HE DO KNOW THERE WAS A FINGERPRINT RIGHT THERE IN THAT AREA, AND WHAT WE'RE SUGGESTING IS THAT IT'S A RELATIVELY SIMPLE PROCEDURE TO TAKE THIS ONE STEP AND SEE IF IT SOLVES OUT ANYTHING.

WE MAY OR MAY NOT HAT THAT POINT BE ABLE TO ARGUE THAT IT'S NEWLY DISCOVERED EVIDENCE.

THANK YOU.

>> THANK YOU VERY MUCH.

THE COURT WILL THANK ITS MORNING RECESS.