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**Johnny Williamson v. State of Florida**

**SC05-1527**

WE ARE GOING TO DO THE DAILY  
CASE LAST ON THE CALENDAR  
THIS MORNING.

WE WILL MOVE DIRECTLY TO  
WILLIAMSON VERSUS STATE.  
>> MAY IT PLEASE THE COURT,  
GOOD MORNING.

I'M HARRY BRODY WITH I'M  
HERE FOR JOHNNIE WILLIAMSON.  
WE ARE APPEALING THE DENIAL  
OF A SUCCESSOR 3.850 MOTION  
AND THERE'S ESSENTIALLY ONE  
ISSUE IN THIS CASE.

AND THAT IS WHETHER THIS  
DEATH SENTENCE --

>> PUT YOUR MICROPHONE  
CLOSER.

>> WHETHER THIS GUILT  
VERDICT AND DEATH SENTENCE  
WHETHER WITH THIS NEWLY  
DISCOVERED EVIDENCE  
CONSIDERED IN THE LIGHT OF  
THE EXTENSIVE RECORD FROM  
THE FIRST EVIDENTIARY  
HEARING AND THE TRIAL,  
WHETHER THEY ARE RELIABLE.  
AT THIS POINT --

>> IT STANDARD WHETHER IT  
WAS PROBABLY PRODUCED AN  
ACQUITTAL.

THAT'S CORRECT YOUR HONOR.

>> YOU SAID "RELIABLE" AND  
THAT THE STRICKLAND  
STANDARD.

WE'RE HERE ON NEWLY  
DISCOVERED EVIDENCE.

>> THAT'S CORRECT UR -- YOUR  
HONOR.

BUT I BELIEVE THERE'S A  
TOUCH TONE IN THIS AREA OF  
WHETHER THE VERDICT IS  
RELIABLE.

AND YOU'RE RIGHT.

IT'S THE NEWLY DISCOVERED  
EVIDENCE STANDARD IS WHETHER  
IT WILL PROBABLY --

>> YOU GOT THE SANCHEZ VALASQUEZ AFFIDAVIT THE TIME BEFORE HE WAS EXCUTED TO GIVE A DEPOSITION TO PERPETUATE HIS TESTIMONY; CORRECT?

>> HE -- IT'S JUST THE AFFIDAVIT THAT'S IN THE RECORD.

>> BUT THE AFFIDAVIT IS NOT INDEPENDENTLY ADMISSIBLE; IS IT?

>> IT WOULD -- MIGHT BE ADMISSIBLE FOR IMPEACHMENT PURPOSES, ONLY.

>> ALL RIGHT.

SO WE'VE GOT SOMETHING THAT MIGHT BE ADMITABLE FOR IMPEACHMENT AND THEN WE'VE GOT OMAR'S MOTION THAT -- WHICH WAS BROUGHT TO THIS COURT'S ATTENTION TEN YEARS AFTER IT HAD BEEN FILED THE QUESTION OF DUE DILIGENCE.

BUT EVEN IF YOU GET PASSED THAT, HE TESTIFIED AT THE EVIDENTIARY HEARING AND AS DID MR. HARRISON AND ESSENTIALLY EXPLAINED A WAY WHAT WAS IN THE MOTION AND THE TRIAL JUDGE MADE CREDIBILITY FINDINGS AS TO THAT THE MOTION REALLY WAS BLOWING OFF STEAM SO TO SPEAK AND THAT THERE WAS NO EVIDENCE THAT THE PROSECUTOR HAD DONE ANYTHING IMPROPER AT ALL.

SO WITH THAT, AS EVIDENTIARY FINDING AS TO THE CREDIBILITY OF WHAT'S IN THE MOTION AND AN INADMISSIBLE AFFIDAVIT HOW DO YOU EVEN REMOTELY GET TO THE JONES STANDARD?

>> WELL, YOUR HONOR, THE JUDGE -- IF I MAY RESPECTFULLY SUGGEST IS WRONG ABOUT HIS CONCLUSIONS ABOUT OMAR WILLIAMSON. WHEN YOU LOOK AT OMAR WILLIAMSON, HE ADMITTED HE LIED TO SAY HIS 3.850 WAS

JUST BLOWING OFF STEAM HE  
BASICALLY TESTIFIED WHEN I'M  
ANGRY I WILL LIE.

I FILED THE 3.850 BECAUSE I  
WAS ANGRY.

BUT THERE ARE A NUMBER OF  
OUTRIGHTLIES IN THAT.

AND HE ESSENTIALLY SAYS I  
WILL LIE TO SAVE MY SKIN.

AND THAT'S CLEAR.

THAT BECOMES COMPLETELY  
CLEAR.

THIS MAN IS NOT CREDIBLE AT  
ALL AND THAT'S THE HEART OF  
THIS CASE.

THE AFFIDAVIT IS REALLY NOT  
THAT IMPORTANT.

IT GOES TO THE BIAS ISSUE  
AND ABOUT THE LOOKING FOR  
THE KNIFE IN THE PRISON.

AND I DON'T THINK THAT,  
THAT'S IMPORTANT.

BUT OMAR WILLIAMSON IS VERY  
IMPORTANT.

IT IS CLEAR HE TESTIFIED AT  
TRIAL HE WAS THE MAIN  
WITNESS TO -- HE WAS THE  
MAIN WITNESS TO  
PREMEDITATION.

WITHOUT HIM THERE WOULD NOT  
BE A FIRST-DEGREE MURDER.

THEN IT'S TRUE HE FIRED THIS  
3.850 BECAUSE HE FELT HE HAD  
A RAW DEAL.

ALTHOUGH IT'S NOT REALLY  
CLEAR WHAT THAT WAS.

BUT HE FELT HE GOT A RAW  
DEAL.

BUT HE WAS NOT MERELY  
BLOWING OFF STEAM.

IN FACT HE TESTIFIED HE  
WOULD HAVE GONE FORWARD WITH  
THE MOTION IF HE FELT HE  
WOULD HAVE GOTTEN OUT OF  
PRISON.

IF REASON HE STOPPED WAS NOT  
BECAUSE THERE WAS SOMETHING  
IN -- UNTRUE IN THAT.

HOE FELT IT WOULDN'T GET HIM  
OUT OF PRISON SO HE DIDN'T  
PURSUE IT.

>> THE JUDGE'S FINDING THAT  
HIS FIRM UNWAIVERING HEARING  
WAS THAT A PLAN TO MURDER

DREW AND NOTWITHSTANDING WITH EARLIER DENIAL HE WILLINGLY PARTICIPATED IN THAT PLAN.

THIS COURT FIND OMER'S TESTIMONY IN THAT REGARD TO BE CREDIBLE AND PERSUASIVE. YOU WOULD ASK US TO JUST SIMPLY SAY THAT, THAT CREDIBILITY FINDING IS SHOULD BE DISREGARDED.

>> IS NOT SUPPORTED BY COMPETENT SUBSTANTIAL EVIDENCE.

AND I WOULD TELL THE COURT THAT THE STATE WROTE THAT ORDER AND THE JUDGE ADOPTED THE STATE'S ORDER.

THE STATE SENT UP THE FIRST ORDER AND THE JUDGE'S ADOPTED IT WORD-FOR-WORD. HE MADE ONE CHANGE WITH A PENCIL WHICH HE LEFT IN THE ORDER.

BUT IT'S THE STATE'S ORDER.

>> WHAT IS THE SUBSTANTIAL COMPETENT EVIDENCE YOU SAY THAT REFUSED THIS CREDIBILITY DETERMINATION?

>> THE EVIDENCE -- VERY MUCH LIKE IN THE MILLS CASE.

THE EVIDENCE IS THAT OMER WILLIAMSON CANNOT -- IS A LIAR.

WE CAN'T RELY ON HIS TESTIMONY.

HE WOULD SAY ANYTHING TO HEUFPL HIMSELF.

-- TO HELP HIMSELF.

HE'S IN THIS MOTION.

HE SAYS THAT THE STATE THREATENED THAT HE WOULD BE KILLED IF HE DIDN'T LEAVE.

HE SAID HE HAD FIVE MINUTES FROM THE TIME HE WAS ADVISED OF WHAT HE WAS GOING TO HAVE TO PLEAD TO.

HE WAS TOLD BY HIS ATTORNEY WHAT HE NEEDED TO PLEA TO. THE SUBSTANCE.

THEY NEEDED PREMEDITATION. HIS ATTORNEY TESTIFIED THAT, THAT'S WHAT HE NEEDED.

>> SO TO BELIEVE THAT, BUT

NOT THE LATER STATEMENT?

>> I CAN'T URGE THIS COURT  
TO BELIEVE ANYTHING OMER  
WILLIAMSON SAID.

>> YOU CAN'T BELIEVE HE  
WOULD LIE -- WE CAN'T  
BELIEVE HE WOULD LIE TO SAVE  
HIMSELF.

>> I CAN'T BELIEVE HIS WORD  
ON IT.

I BELIEVE THE REVIEWING THE  
RECORD WE CAN COME TO THAT  
CONTEMPLATE KRAOUGS.  
BUT HE SAYS IT WE CAN'T  
BELIEVE IT -- I CANNOT IN  
GOOD FAITH URGE THIS COURT  
TO BELIEVE WHAT HELPS ME AND  
NOT BELIEVE WHAT DOESN'T  
HELP ME.

>> WAS THE CREDIBILITY  
ATTACKED AT THE ORIGINAL  
TRIAL?

>> SOMEWHAT.  
IT WAS.

ALTHOUGH THERE WAS A LOT  
THAT WAS NOT PRESENTED.  
AND A LOT OF THAT CAME UP AT  
THE EVIDENTIARY HEARING.  
IT WAS ALSO ATTACKED THERE.  
SOMEWHAT AT THE FIRST  
EVIDENTIARY HEARING.

>> SO YOU BASIC POSITION  
WOULD BE ANYTIME AFTER A  
TRIAL THAT THERE'S EVIDENCE  
MORE EVIDENCE TO IMPEACH  
SOMEBODY THAT, THAT'S ENOUGH  
TO GRANT A NEW TRIAL?

>> WELL AS LONG AS IT'S  
PROPERLY RAISED.

THERE WAS NO DISPUTE THAT  
THIS WAS PROPERLY RAISED.  
THE ONLY REASON THEY HAPPEN  
TO FIND --

>> PROPERLY MEANING TIMELY?  
>> SURE.

THERE'S A MOTION.  
AND THE ONLY REASON WE FOUND  
THIS 3.850 ALONG WITH  
WILLIAMSON WE WENT OVER TO  
THE COURT AND WERE LOOKING  
FOR JOHNNY WILLIAMSON.  
WE WEREN'T SENT A COPY OF  
THIS.

NOBODY KNEW ABOUT THIS THAT

HE HAD EVEN FILED THIS  
MOTION.

WE WERE OVER THERE WHEN WE  
FIRST GOT ON THE CASE AND WE  
HAD TO -- JUST HAPPENED TO  
FILE IT.

WE WERE LOOKING FOR  
SOMEONE -- SOMETHING IN THE  
OTHER WILLIAMSON CASE.

>> AND HE FILED IN HIS OWN  
CASE.

>> YES.

YES.

HE FILED A 3550.

HE WAS EVIDENTLY ANGRY I  
DON'T KNOW -- THAT HE DIDN'T  
GET A NAME CHANGE.

HE HAD HIS OWN CASE.

HE WAS -- LIKE A PEDOPHILE  
CHARGE OF SOME KIND.

>> LET'S APPROACH IN A  
DIFFERENT WAY.

LET'S TAKE WILLIAMSON AWAY  
FROM THE EQUATION HERE.

WILLIAMSON OMER.

AND BASICALLY THAT'S -- THAT  
TESTIMONY WOULD GO TO  
WHETHER THERE WAS A PREMET  
TATED INOR NOT NOT WHETHER  
OR NOT THE DEFENDANT STABBED  
HIM; CORRECT?

THIS DOESN'T GO AND  
EXONERATE THE DEFENDANT OF  
MURDER.

>> WELL, IF YOU TAKE AWAY  
THE SELF-DEFENSE, THE  
SELF-DEFENSE.

>> IT STILL HAS -- IT STILL  
HAS THE DEFENDANT STABBING  
THE DEFENDANT.

-- STABBING THE VICTIM.

>> THE VICTIM.

>> YES.

THE JUDGE FOUND THE TRIAL  
EVIDENCE WAS OVERWHELMING  
THAT WILLIAMSON STAPLED DREW  
REPEATEDLY WHILE OMER HELD  
HIM.

WILLIAMSON'S OWN STATEMENT,  
THAT'S THE DEFENDANTS AND  
THE TESTIMONY OF NUMEROUS  
WITNESSES ASIDE FROM OMER  
ESTABLISHED THAT FACT.

DO YOU STILL HAVE IAZ WAS

ONE OF SEVERAL INMATE  
WITNESSES CALLED TO TESTIFY.  
HE TESTIFIED ON DIRECT THAT  
WILLIAMSON ASKED HIM FOR A  
SHANK BEFORE LUNCH TIME ON  
THE DAY DREW WAS KILLED AND  
SAID HE WANTED TO QUOTE  
"KILL THE SON OF A BUSH"  
FOLLOWING CROSS-EXAMINATION  
AND THEN HE SAID FURTHER  
ABOUT THE KNIFE ON THE  
AFTERNOON OF THE MURDER.  
SO YOU'VE GOT OTHER  
WITNESSES.

YOU'VE GOT STEVEN BISHOP.  
YOU'VE GOT VARIOUS PEOPLE  
THAT EITHER TESTIFIED TO  
WHAT HAPPENED LEADING UP TO  
THE MURDER OR WITNESSED THE  
STABBING.

>> YES.

AND THERE WERE -- AT THE  
EVIDENTIARY HEARING THERE  
WAS AT LEAST THREE  
WHPBS -- WITNESSES THAT  
THE VICTIM HAD THE KNIFE.  
THAT WERE PRESENTED AT THE  
EVIDENTIARY HEARING.  
THERE WAS NO  
REASON -- JOHNNIE  
WILLIAMSON -- JOHNNY  
WILLIAMSON HAD NO REASON TO  
KILL THE VICTIM.  
HE WAS FRIENDS WITH THE  
VICTIM.

ALL HE WAS DOING WAS TRYING  
TO HELP OMER.  
OMER OWED THE VICTIM MONEY.  
HE WASN'T GOING TO BE ABLE  
TO PAY HIM.

FRANKLY OMER'S WIFE WAS IN  
DANGER.

OMER ENGINEERED THIS.  
JOHNNY WAS GOING TO GO AND  
HELP TALK TO HIM.

THEN THE VICTIM PULLED THE  
KNIFE ACCORDING TO JOHNNY.

>> BUT THEN YOU WOULD HAVE  
TO SAY THAT BIAZ WAS LYING.

>> BIAZ I DON'T BELIEVE HE  
TESTIFIED THAT HE SAW IT.  
HE WAS ONE OF THE WITNESSES  
WHO TESTIFIED, I BELIEVE  
THAT JOHNNY ASKED HIM FOR A

KNIFE.  
AND THAT HE WANTED TO KILL  
THE ST. SON OF A BUSH."  
RIGHT.  
>> THAT'S WHAT -- SON OF A  
BITCH".  
IT SOUNDS PRETTY  
PREMEDITATED.  
WE'RE NOT HERE ON WHETHER  
CERTAINLY IT IS SUFFICIENT  
EVIDENCE ASIDE FROM OMER  
WILLIAMSON TO CONVICT THE  
DEFENDANT OF MURDER.  
THE ISSUE IF YOU HAVE  
PRODUCED ANYTHING IN THIS  
EVIDENTIARY HEARING THAT  
WOULD LEAD TO A PROBABILITY  
OF AN ACQUITTAL OF  
PREMEDITATED MURDER.  
>> CORRECT?  
-- PARTIALLY.  
ALTHOUGH THERE WOULD BE  
WITHOUT OMER WILLIAMSON  
THERE WOULD BE AN ISSUE OF  
SELF-DEFENSE.  
THAT THE KNIFE WAS THE  
VICTIMS AND THAT HE PULLED  
THE KNIFE.  
>> THIS GOES BACK TOCK THE  
TRIAL COURT FOUND OMER  
WILLIAMSON AND WHAT HE SAID  
AT THE EVIDENTIARY HEARING  
REAFFIRMING WHAT HE SAID AT  
TRIAL WAS CREDIBLE.  
SO I, AGAIN, HAVE PROBLEMS  
WITH HOW WE JUMP OVER AND  
SAY WE -- IST SAYING THERE  
IS OTHER -- I WAS SAYING  
THERE WAS OTHER EVIDENCE  
ASIDE OMER WILLIAMSON.  
I DON'T SEE YOU YOU CAN  
IGNORE THE TRIAL COURT'S  
FINDING THAT WHAT WILLIAMSON  
SAID AT THE EVIDENTIARY  
HEARING WAS CIDABLE AND  
CONSISTENT WITH HIS TRIAL  
TESTIMONY.  
>> I BELIEVE THE COURT  
REVIEWED THE 3.850 WHICH WAS  
SWORN TESTIMONY AND HIS  
HEARING TESTIMONY THE COURT  
WILL UNDERSTAND THAT THIS  
MAN IS NOT A CREDIBLE  
WITNESS.

HE ADMITTED THAT HE WOULD LIE TO SAVE HIMSELF. THIS CASE IS FULL OF CONDUCT BY THE WAY.

IT TOOK PLACE IN THE PRISON FOR THERE TO BE OUTSIDE WITNESSES.

>> WELL, OF COURSE.

RIGHT.

JOHNNY WILLIAMSON HAD NO MOTIVE.

HE WOULD GET OUT IN A YEAR OR TWO.

>> THAT'S A PERFECT ARGUMENT THAT WAS MADE AT TRIAL.

I MEAN AT THE HEARING HE FURTHER -- HE FINALLY COMES BACK TO SAYING THAT, THAT THERE WAS A PLAN, AT ONE POINT, HE SAY THERE WAS NO PLAN.

THERE WAS NO PREMEDITATION, AND THEN, HE COMES BACK AT THE HEARING AND SAYS, WELL, THERE WAS A PLAN, BUT HE IS THE ONLY ONE THAT HAD ANYTHING TO GAIN, AND I DO BELIEVE THAT THE COURT IS NOT GOING TO WANT TO HAVE A DEATH SENTENCE AND THE COURT'S FINDING THAT HE WAS CREDIBLE AN BELIEVABLE, THAT YOU DID TAKE ONE THING THAT HE SAYS AND SAYS WELL HE WAS BLOWING OFF STEAM OR IT IS SWARN TESTIMONY AND WHEN HE SAYS I WOULD LIKE TO SAVE MYSELF, WELL, HE TOTALLY DOESN'T MEAN THAT.

HE DOESN'T MEAN HE WILL PUT A MACHINE ON DEATH REAND LET THAT MAN DIANE SO HE DOESN'T FAITH THE DEATH SENTENCE OR SO THE STATE, SO HE WON'T BE KILLED, HE DOESN'T MEAN THAT, BUT WE CAN PICK AN CHOOSE.

HE IS NOT A RELIABLE WITNESS, THE STATE CAN NOT BELIEVE ANYTHING THIS MAN SAYS AND I RESPECTFULLY SUGGEST THAT OUTSIDE OF HIS TESTIMONY, WITHOUT HIS TESTIMONY, THERE IS NOT

ENOUGH EVIDENCE TO SUSTAIN  
EITHER THE CONVICTION TO SAY  
THERE IS NOT A PROBABILITY  
THAT MR. WILLIAMSON WOULD BE  
ACQUITTED ON THE CHARGE OF  
MURDER, FIRST-DEGREE MURDER,  
OR THAT HE WOULD RECEIVE THE  
DEATH PENALTY, IT IS VERY  
MUCH LIKE THE MILLS CASE  
WHERE I BELIEVE JUDGE EATON  
CONCLUDED THAT, YOU KNOW, I  
JUST CAN'T BELIEVE ANYTHING  
THAT THIS CODEFENDANT IS  
SAYING.

>> THE PROBLEM IS, IT IS POT  
VERY MUCH LUKE THE MILLS  
CASE, BECAUSE THERE THE  
TRIAL JUDGE MADE THE  
CREDIBILITY DETERMINATION.

>> THAT IS CORRECT, YOUR  
HONOR.

BUT IN THIS CASE, THE STATE  
WROTE THE ORDER, THAT THE  
JUDGE SIGNED.

>> YOU ARE WELL INTO YOUR  
REBUTTAL.

>> GOOD MORNING.

MAY IT PLEASE THE COURT, MY  
NAME IS MEREDITH KARBULA, AN  
ASSISTANT ATTORNEY GENERAL  
AN REPRESENT THE STATE OF  
FLORIDA IN THE CASE.

MR. WILLIAMSON'S ARGUMENT  
RISK RESTS PRIMARILY AND HE  
HAS ARGUED HERE TODAY THAT  
THIS COURT MUST OR SHOULD  
REJECT THE COURT'S SPECIFIC  
FINDINGS THAT OMER  
WILLIAMSON, WILL USE THE  
WORD OMER, BOTH THE  
DEFENDANT AND THIS WITNESS'S  
NAME WILLIAMSON AND THEY ARE  
NOT RELATED, THE COURT  
SPECIFICALLY FOUND OHMER'S  
TESTIMONY AT THE EVIDENTIARY  
HEARING HELD ON THE SUCCESS  
OF CLAIM CREDIBLE AND AND  
MR. WILLIAMSON, OMER  
WILLIAMSON AFFIRMED IT WAS  
ABSOLUTELY CORE REMEMBER,  
BUT IF YOU LOOK --

>> THAT TESTIMONY, IN THE  
TESTIMONY HERE, SUPPLIES, IS  
IT ONLY HIS TESTIMONY THAT

SUPPLIES THAT AGREEMENT TO  
KILL AND THAT JOHNNY  
WILLIAMSON ACTUALLY  
COMMITTED THE STABBING?  
>> NO, MA'AM, BECAUSE WE ARE  
GOING TO LOOK -- WHEN WE ARE  
LOOKING AT THE JONE  
STANDARD, WE'RE GOING TO  
LOOK FORWARD TO A RETRIAL,  
SO WHAT WOULD THE EVIDENCE  
BE CONSIDERING THIS NEWLY  
DISCOVERED EVIDENCE  
PRESENTING IT IS ADMISSIBLE  
AND THE EVIDENCE THAT WAS  
ADMITTED AND IS THERE A  
PROBABILITY OF AN ACQUITTAL?  
AT TRIAL, KEN BAE ZSAID  
BEFORE LUNCHTIME ON THE DAY  
OF THE MURDER WHICH WAS JULY  
20th, 1985, MR. WILLIAMSON  
CAME TO HIM AND SAID "KEN,  
YOU HAVE A SHANK?"  
>> IS DEFENDANT.  
>> WILLIAMSON, NICKNAMED  
ALABAMA, ALABAMA DIME HIM IN  
THE MORNING OF JULY 20th,  
1985, AND SAID, KEN, YOU  
HAVE GOT A SHANK? I AM GOING  
TO KILL THE SON OF THE  
BITCH.  
MR. BAE ZTESTIFIED HE DID  
NOT IDENTIFY THE S SO B HE  
WAS REFERRING TO.  
HE SAID NO, I DON'T HAVE A  
SHANK.  
STEVEN MARK BISHOP TESTIFIED  
AND THERE IS NOTHING IN THE  
SANCHEZ-VELASKO AFFIDAVIT.  
THE SANCHEZ-VELASKO WAS  
TESTIFIED TO BEFORE JULY OF  
1995 BECAUSE IT WAS REFERRED  
TO IN A MOTION TO RECALL THE  
MANDATE, WE DON'T KNOW THE  
DATE, BECAUSE IS WAS NOT  
ADMITTED AT THE EVIDENTIARY  
HEARING BUT THE TRIAL COURT  
DID FIND THAT THE CLAIM WAS  
UNTIMELY, BUT IN ANY EVENT,  
STEVEN MARK BISHOP TESTIFIED  
AT TRIAL ON THE MORNING OF  
THE MURDER, HE APPROACHED  
MR. WILLIAMSON AND OMER WHO  
WERE SITTING ON THE STEPS  
MARE THE B AND C DORM AN

DURING THAT CONVERSATION,  
THEY ASKED HIM FOR A KNIFE.  
HE BELIEVED IT WAS  
MR. WILLIAMSON WHO WAS THE  
ONE THAT ACTUALLY ASKED HIM  
ALABAMA, ALABAMA WAS THE ONE  
WHO ACTUALLY ASKED HIM FOR  
THE KNIFE.

AFTER THE MURDER, RONNY  
PRESLEY WHO SAW HIM  
IMMEDIATELY FOLLOWING THE  
MURDER WITH BLOOD ALL OVER  
HIS PANTS, IN FACT, HE  
WALKED HIM BACK TO THE  
LAUNDRY ROOM AND SHIELDED,  
ATTEMPTED TO SHIELD HIM FROM  
THE CORRECTIONAL OFFICERS  
WHO MIGHT SEE HIM EN ROUTE,  
HE TOLD RON PRESLEY THAT,  
THE SON OF BITCH WOULDN'T  
DIANE HE ALSO TOLD HIM THAT,  
I THOUGHT I COULD GET AWAY  
THIS, BUT NOW, IT IS CLEAR,  
I CAN'T.

SO HE TOLD RONNY PRESLEY  
THAT MR. WILLIAMSON HIMSELF  
TESTIFIED DURING' THE  
PENALTY PHASE OF HIS CAPITAL  
TRIAL AND ADMITTED THAT HE  
PROBABLY SAID THAT TO RONNY  
PRESLEY.

SO WE DO HAVE EVIDENCE OF  
PREMEDITATION.

WE ALSO HAVE EVIDENCE, EVEN  
INTRODUCED AT THE  
EVIDENTIARY HEARING ON THE  
INITIAL POST CONVICTION THAT  
HE WAS SEEN IN THAT AREA  
WITH A GROUP INCLUDING OMER  
WILLIAMSON WHICH IS  
CONSISTENT WITH OMER  
WILLIAMSON'S TESTIMONY.

WE HAVE OMER WILLIAMSON'S  
TESTIMONY THAT THE PLAN WAS  
TO GIVE DANIEL DREW A \$5  
BILL IN ORDER TO ENSURE THAT  
THERE COULD BE NO CLAIM THAT,  
UM, HE, THEY WERE ATTEMPTED  
TO ROB HIM, INSTEAD, THEY  
THAT THEY WOULD GIVE HIM \$5  
AND IF LATER THEY HAD TO  
EXPLAIN THEMSELVES, THEY  
COULD CLAIM THAT THEY GAVE  
HIM \$5 EVEN THOUGH THEY OWED

HIM MORE, AN THAT WAY IT WOULD LOOKIC HE GOT MAD AND PULLED A KNIFE AND THEY HAD TO KILL HIM IN SELF DEFENCE. THE \$5 BILL WAS FOUND BY THE LAB IN HIS BLOODY PANT, DANIEL DREW, THE VICTIMS AND HIS BLOODY PANTS, MORE COLLABORATION FOR OMER'S TESTIMONY ABOUT THE PLAN AND IT WAS ALABAMA WHO SUGGESTED THAT MR. BRODIE SUGGEST THAT ALABAMA HAD NO PRIOR MOTIVE TO KILL DANIEL DREW.

MR. OMER WILLIAMSON TESTIFIED THAT HE WENT TO WILLIAMSON WHO WAS HIS PARTNER, HIS RUNNING BUD DIN PRISON.

THEY WATCHED EACH OTHER'S BACK.

THEY DEALT DRUGS FOR DANIEL DREW AND TOLD HIM I OWE DANIEL DREW \$15 AND I AM NOT GOING TO PAY HIM BECAUSE I THINK HE IS LYING US TO ABOUT SOME -- AND HE TESTIFIED IT WAS ABOUT DOPE FROM A PREVIOUS DEAL AND IF HE GIVES ME A HARD TIME.

I WILL BUST HIS HEAD.

THE MEDICAL EXAM NEVER TESTIFIED AT TRIAL THAT DANIEL DREW IS 5'7" AND 144 POUND, HE IS A PRETTY LITTLE GUY, SO I AM GOING TO BUST HIS HEAD.

JOHNNY WILLIAMSON SAID TO HIM, DREW IS A COUNTRY BOY. HE IS GOING TO STAB YOU IF YOU DON'T PAY HIM.

SO IF YOU ARE NOT GOING TO PAY HIM.

WE'LL HAVE TO KILL HIM.

SO OMER TESTIFIED IT WAS JOHNNY WILL YOUIAMSON WHO SUGGESTED THAT THE ONLY WAY THAT OMER WAS GOING TO GET OUT FROM DANIEL DREW IS TO KILL HIM.

EVEN ONE WITNESS, I THINK, KENNETH HAGGARD AS THE POST-TRIAL EVIDENTIARY HEARING TESTIFIED THAT DANIEL DREW

WAS, UM, A QUIET GUY, WHO KEPT TO HIMSELF, DIDN'T LOOK FOR TROUBLE, SO I THINK THAT THAT IS CONSISTENT TESTIMONY. WHEN YOU LOOK AT AT SELF-DEFENSE, EVEN JOHNNY WILLIAMSON, I MEAN JOHNNY WILLIAMSON MADE TWO STATEMENTS -- ONE OF WHICH CAME OUT AT TRIAL AN ONE OF WHICH CAME OUT EVIDENTIARY HEARING.

THE ONE THAT CAME OUT OF TRIAL WAS THAT HE, YOU KNOW, HE STARTED TO WUK AWAY FROM DANIEL DREW AFTER DANIEL DREW SEEMED APPEASED AT THE \$5 HE WAS GIVING AND WILLIAMSON'S PROMISE TO GIVE HIF MORE, HE TURNED AROUND, OMER HAD JUMPED ON DREW. AT SOME POINT, HE TRIED TO GRAB THE NAIF AND GOT CUT. THERE WAS CUT ON THE PALM OF HIS HAND, WHICH IS ENTIRELY CONSISTENT, MAYBE WITH GRABBING IT, BUT ALSO STABBING SO VICIOUSLY, THAT THERE IS NO DISPUTE THIS WAS VICIOUS STABBING, WOULD CUT YOUR OWN HAND.

THE -- MR. WILLIAMSON TESTIFIED THAT, YOU KNOW, ALL OF THE SUDDEN, HE HEARD HIS NAME CALLED. HE WAS ON TOP OF DANIEL DREW AND COVERED WITH BLOOD. SO WILLIAMSON NEVER DENIED HE WAS THE STABBER. EVEN THE WITNESSES AT THE INITIAL EVIDENTIARY HEARING TESTIFIED THAT THEY SAW DANIEL DREW WITH THE KNIFE FIRST, UM, AN THAT THERE IS EVIDENCE THAT WILLIAMSON TOOK IT AWAY FROM HIM, THEN AFTER HE HAD OVERPOWERED HIM, STABBED HIM. SIGNIFICANTLY; HOWEVER,, DR. MAT TRA TESTIFIED. HE WAS CALLED BY THE DEFENSE IN ORDER TO SHOW THAT INEFFECTIVE FOR CALLING MENTAL MITIGATION.

THE DOCTOR TESTIFIED THAT  
WHAT JOHNNY WILLIAMSON TOLD  
HIM HE NOTICED THAT DANIEL  
DREW HAD A KNIFE.

>> WHAT IS IT THAT WE SHOULD  
BE LOOKING AT TO DETERMINE  
WHETHER OR NOT THIS IS KIND  
OF EVIDENCE THAT WOULD  
PROBABLY PRODUCE AN  
ACQUITTAL ON A RETRIAL?  
ARE WE LOOKING AT  
ELIMINATION NATING --  
ELIMINATING OMER'S TESTIMONY  
ALTOGETHER OR WHAT IS IT IT  
THAT WE ARE LOOKING AT TO  
DETERMINE WHETHER OR NOT THE  
ACQUITTAL ON PROBABILITY OF  
ACQUITTAL ON RETRIAL?

>> WELL, THINK, WHAT THIS  
COURT HAS TO DO IS LOOK AT,  
LOOK AT THE JONE'S STANDARD,  
ARE YOU TO LOOK AT THE  
CUMULATIVE EFFECT.  
ONE OF THE THINGS THAT THE  
COURT HAD SAID IN  
RUTHERFORD, WAS THAT WHEN  
YOU CONSIDER, UM, ALL THE  
NEWLY DISCOVERED EVIDENCE  
THAT WOULD BE ADMISSIBLE,  
FIRST OF ALL, I DON'T THINK  
THAT THE ONLY THING THAT  
WOULD BE ADMISSIBLE  
REGARDING OMER WILLIAMSON'S  
38-50 MOTION WOULD BE  
IMPEACHMENT.

AN SO IT WOULDN'T BE  
ADMISSIBLE, SUBSTANTIVE  
EVIDENCE, IT MIGHT BE  
ADMISSIBLE AS IMPEACHMENT  
EVIDENCE, THEN, YOU LOOK,  
YOU EVALUATE THE WEIGHT OF  
THE NEWLY DISCOVERED  
EVIDENCE, THE EVIDENCE  
INTRODUCED AS TRIAL, WELL,  
THE ONLY THING THAT  
MR. WILLIAMSON SWORN MOTION  
WOULD BE ADMISSIBLE FOR  
IMPEACHMENT, WHEN YOU LOOK  
AT ALL OF THE OTHER EVIDENCE  
THAT WAS INTRODUCED AT TRIAL,  
UM, THAT IS YOUR STANDARD  
THAT YOU OUTLINE IN JONES  
AND REITERATED CONSTANTLY,  
IN THIS COURT'S DECISION IN

BROWN, UM, THIS COURT WAS FACED, IN WHICH THIS COURT HAS CITED, THIS COURT HAS CITED BROWN FOR THE NOTION THAT RECAN TATION OF A WITNESS EVEN IF YOU ASSUME WHICH IT IS NOT, IF YOU LOOKED AT THE BOD OF THE MOTION, OMER WILLIAMSON CLEARLY SAY THAT JOHNNY WILLIAMSON REPEATEDLY STABBED DANIEL DREW. HE NEVER RECAN TED. BUT EVEN IF HE YOU, UM, YOU LOOK AT THAT EVIDENCE AND LOOK AT THIS COURT'S DECISION IN BROWN WHERE IN THAT CASE MR. FLOYD GAVE A EX PARTE STATEMENT TO THE DEFENSE COUNSEL AND THEN LATER AT AN EVIDENTIARY HEARING UNDER OATH THE CROSS-EXAMINATION REAFFIRMED THE PROCESS, THIS COURT SAID THAT WAS NOT SUFFICIENT TO GRANT A NEW TRIAL. THAT IS STILL GOOD LAW. THIS IS VERY SIMILAR TO THE SITUATION WE HAVE HERE. EXCEPT IN THAT CASE, MR. FLOYD, IT IS SHOWN HERE, IN THAT CASE, MR. FLOYD, IN HIS POST-TRIAL STATEMENT TO DEFENSE COUNSEL SAID, YOU KNOW, ESSENTIALLY EX KAMENTATED THE DEFENDANT AND THEN LATER AT THE EVIDENTIARY HEARING SAID,, NO MY TRIAL TESTIMONY WAS RU. HERE, WE HAVE 38-50 MOTION SWORN BY MR. WILLIAMSON IN 1993 THAT SAYS MR. WILLIAMSON IS A STABBER AND, YOU KNOW, I ENDED UP HAVING TO GO ALONG WITH IT. NOT OF MY OWN FREE WILL, BUT, YOU KNOW, HE NEVER SAID THERE WAS NOT A PLAN. HE NEVER SAID HE DIDN'T PARTICIPATE LIKE THE COLATERAL COURT FOUND. HE ONLY SAID, HE TRIED TO DIMINISH HIS OWN CULPABILITY WHEN HE CAME BACK, HE SAID

THAT I WAS ANGRY, I THOUGHT  
THAT THE STATE HAD  
OVERREACHED BY ONLY GIVING  
ME FIVE MINUTES, I THOUGHT I  
GOT A RAW DEAL BECAUSE THE  
STATE BREACHED THE PROMISES  
TO IMPOSE A CONCURRENT  
SENTENCE OR TO RECK MEN.  
WAS MAD.

I WAS NOT RU.  
HEED WITH HAD A PLAN.  
WE ALWAYS HAD A PLAN TO KILL  
DANIEL DREW AND THAT IS WHAT  
WE DID.

I THINK THIS COURT'S  
DECISION AN BROWN IS  
DISPOSITIVE OF THIS ISSUE.  
I WOULD LIKE TO JUST BRIEFLY,  
MR. WILLIAMSON IS ALLEGING  
THAT THE COURT, THE  
COLLATERAL COURT ADOPTED THE  
STATE'S PROPOSED ORDER IN  
THAT ORDER THE CONTRARY TO  
COUNSEL'S REPRESENTATION,  
THERE IS NO DISPUTE THAT  
OMER WILLIAMSON CLAIM WAS  
PROPERLY FILED.

THERE IS A DISPUTE, THE  
COLLATERAL COURT  
SPECIFICALLY FOUND THAT  
BECAUSE THE DEFENDANT DIDN'T  
RAISE SUFFICIENT ALLEGATIONS  
TO OVERCOME THE TIME BAR.

>> I AM A LITTLE CONCERNED,  
THOUGH, DURING THE COURSE OF  
THE HEARING, THE STATE  
DIDN'T, ON THAT ISSUE, ON  
THE TIME BAR, THAT THE STATE  
DID NOT PURSUE THAT ISSUE  
AND SO UNTIL THE FINAL ORDER  
WAS ENTERED, THERE WAS  
REALLY NOT AN OPPORTUNITY  
FOR THEM TO BE UNNOTICED  
THAT THE STATE WAS  
CONTINUING TO ASSERT A TIME  
BAR.

WHAT DO YOU SAY ABOUT THAT?

>> WELL, IF YOU LOOK AT THE  
HUFF HEARING, WHICH WAS HELD  
ON THIS CLAIM, THE INITIAL  
ARGUMENT, THEY ARGUED THE  
SANCHEZ-VELASCO AFFIDAVIT  
FIRST AP THEN OMER  
WILLIAMSON.

WE ALERTED THE TIME BAR IN SANCHEZ-VELASCO WHEN MR. BRODIE GOT UP TO ARGUE OMER WILLIAMSON. HE MADE A CLAIM, HE SAID, WELL, I THINK CLEAR LET US NOT TIME BARRED.

AT THAT POINT, PROSECUTORS SAID, WELL, EVENTUALLY, OUT OF ABUNDANCE OF CAUTION, I THINK THIS COURT SHOULD GRANT A LIMITED EVIDENTIARY HEARING ON OMER WILLIAMSON CLAIM.

LIMITED TO THE ALLEGATIONS MADE TO SPECIFICALLY IN OMER WILLIAMSON'S 388.50 MOTION. THE TRIAL COURT LOOKED TO MR. BRODIE AND SAID ANY OBJECTION, HE SAID NO. SO CERTAINLY, HE WAS AWARE OF OF TIME CONCERNS HE INITIALLY BROUGHT IT UP WITH THE BLANKET STATEMENT, I THINK IT IS TIME, NOT TIME BARRED.

THE COLLATERAL COURT ASKED EACH PARTY TO SUBMIT A PROPOSED ORDER AND I THINK SEVERAL TIMES IT HAS BEEN IMPLIED THAT THE STATE HAS, OR THE COLLATERAL COURT ACTED IMPROPERLY IN SIGNING THE STATE'S ORDER AND, IN FACT, BOTH PARTIES WERE INVITED TO SUBMIT A PROPOSED ORDER, BOTH PARTIES SUBMITTED A MIRROR IMAGE TO THE JUDGE, I THINK, THE DEFENSE WAS MORE, WHICH IS VERY COMMON.

THERE WAS NO OBJECTION.

>> DOES IT MAKE ANY KIND OF BINDING OR ANY KIND OF INDICATION ON THE RECORD AS TO WHAT WOULD BE THE OUTCOME OF THE HEARING?

>> HE DID NOT.

>> I DON'T RECALL ANYTHING FROM THE RECORD.

HE SIMPLY ASKED THE PARTIES TO SUBMIT A CLOSING ARGUMENT, I MEAN, A PROPOSED ORDER, BOTH PARTIES DID SO,

THEY WERE SERVED ON EACH OTHER, AN NO OBJECTION WAS MADE BY MR. WILLIAMSON TO THE STATE'S PROPOSAL OR A MOTION FOR REHEARING BASED ON ANY IMPROPER CONDUCT BY THE STATE IN A THINK THAT EVEN SO AT THE END OF THE DAY, THE, UM, THE TRIAL JUDGE'S ORDER AS WRITTEN IS SUPPORTED BY CONFIDENCE SUBSTANTIAL EVIDENCE AND LASTLY, UM, YOUR HONORS, IF YOU HAVE NO FURTHER QUESTIONS.

THE STATE WOULD ASK THAT YOU WOULD AFFIRM THE COLLATERAL COURT'S ORDER DENYING MR. WILLIAMSON'S SUCCESSIVE MOTION POST-CONVICTION RELIEF.

THANK YOU.

>> BRODY?

>> THE DEFENSE SUBMITTED A WRITTEN CLOSING ARGUMENT.

WE DID SUBMIT A PROPOSED ORDER.

>> WERE YOU GIVEN AN OPPORTUNITY?

>> WE WERE NOT SUBMIT A PROPOSED ORDER UPON REASON WE WOULD LOSE.

WE WOULD NOT DO THAT.

WE DID SUBMIT -- HE ASKED FOR WRITTEN CLOSURE?

>> YOU HAVE BEEN RAISED AS A SEPARATE GRANT FOR APPEAL OR A POINT OF ERROR THAT THE --

>> OKAY.

I DIDN'T SAY ANYTHING WRONG NECESSARILY.

I SAID WHEN YOU ARE CONSIDERING THE, THE, WHAT THE CIRCUIT COURT BASED ITS PLOSION ON THAT I THINK YOU CAN CONSIDER THAT HE SIGNED THE STATE'S ORDER WITHOUT CHANGING IT.

>> DO WE HAVE A CASE THAT SAYS IF WITH PROPER OPPORTUNITY TO BE HEARD THAT A TRIAL JUDGE ADOPTS THE ORDER THAT THOSE CREDIBILITY FINDINGS ARE ENTITLED.

>> NO, YOUR HONOR.

YOU KNOW?

I JUST THINK THE COURT HAS INDICATED THAT IT PREFERRED FOR THE COURT TO WRITE IS OWN ORDERS IN GENERAL IN THESE MATTERS.

THE SANCHEZ-VELASCO, THIS CASE, OUR ARGUMENT BOILS DOWN TO OMER WILLIAMSON, I DO BELIEVE WHEN THE COURT LOOKS AT, LOOKS AT ALL OF HIS STATEMENTS AND THE TESTIMONY OF THIS COURT IS NOT GOING TO BE COMFORTABLE RELYING UPON A DEATH SENTENCE BASED VERY IMPORTANTLY AND VERY SUBSTANTIALLY UPON HIS TESTIMONY, BAE ZAND THE OTHER PEOPLE, THE OTHER PRISONERS ARE VERY PER REF RAL, VERY SMALL POTATOES COMPARED TO OMER WILLIAMSON. OMER WILLIAMSON WOULD SAY ANYTHING TO HELP HIMSELF AND THAT IS EXACTLY WHAT DID HE IN THE CASE.

YOU CAN'T TAKE ONE, ONE THING HE SAYS AN BELIEVE IT, AND ANOTHER THING AND NOT BELIEVE IT.

>> GIVE ME, AGAIN, YOUR BEST SHOT AS TO WHY BAE ZFROM WHO WILLIAMSON REQUESTED THE SHANK AND MADE THE STATEMENT IS SMALL POTATOES?

>> THERE WERE A LOT --

>> FROM MY POINT OF VIEW, THAT IS COMPELLING TESTIMONY.

>> WELL, THERE WERE A LOT OF WITNESSES LIKE THAT.

WE HAD A NUMBER OF WITNESSES, TOO, EYEWITNESSES TO THIS KILLING THAT STATED WAS COMPLETE SELF-DEFENSE KILLING.

THERE WERE THREE OF THOSE.

BAE ZDIDN'T WITNESS THE KILLING.

THE STATE HAD NO EYEWITNESSES TO THE THING OR THAN OMER.

THERE WERE THREE WITNESSES  
THAT SAID THIS WAS SELF  
DEFENCE.

NOW HE MADE CONFLICTING  
STATEMENTS IN HIS DEPOSITION  
AS TO THESE THINGS IN THE  
GRAND JURY TESTIMONY AT THE  
EVIDENTIARY, KEY HAVE BEEN  
IMPEACHED.

THERE WAS IAC CLAIM AT THE  
EVIDENTIARY HEARING OF  
FAILURE TO IMPEACH HIM, BUT  
HIS TESTIMONY WAS NOT, IS  
NOT NEARLY, I BELIEVE, AS  
YOUR HONOR ARE SAYS IT IS.  
CERTAINLY AS TO THE DEATH  
SENTENCE.

>> I GUESS WHAT I AM SAYING  
THAT IS YOU ARE TALKING  
ABOUT OMER WILLIAMSON WHICH  
A JURY EVEN AT THE ORIGINAL  
TRIAL WOULD THINK AS A  
MOTIVE TO PIN THIS ON JOHNNY  
WILLIAMSON, SO I WOULD  
ASSUME THAT DURING THE  
ORIGINAL TRIAL, THAT THE  
MOTIVES OF OMER WILLIAMSON,  
TESTIFYING TO THIS PLAN WHEN  
HE ALREADY HAS DEAL TO GET  
WEISS WEISE, HE GIS GOING TO  
BE LOOKED AT WITH A CRITICAL  
EYE BY THE JURY.

>> SOMEWHAT, ALTHOUGH, I  
THINK, IN THE CASE, EVERY  
WITNESS WAS LOOKED LIKE THAT  
FROM THE JURY.

EYE GUESS THAT WHAT HAPPENS  
WHEN THERE IS A PRISON  
MURDER.

>> THAT IS RIGHT.  
WHY IT WOULD NOT BE A DEATH  
PENALTY-TYPE CASE.

YOU DON'T SEE A LOT OF THESE  
BECAUSE THE TESTIMONY IS SO  
UNRELIABLE.

IN THE CAVE, IT HAS GONE  
FURTHER THAN JUST THE TRIAL  
TESTIMONY, BUT OMER  
WILLIAMSON FURTHER WENT  
AHEAD AP FILED THE 3850,  
WHICH I DON'T NOISE, WE CAN  
ARGUE ABOUT THE  
ADMISSIBILITY ABOUT IT.  
I BELIEVE IT WOULD BE

ADMISSIBLE AND HAS MADE CONTINUING CONFLICTING STATEMENTS AND I THINK THAT THIS COURT, THAT WITHOUT HIS TESTIMONY YOU WOULD NOT HAVE A CONVICTION BUT ABSOLUTELY, WOULD YOU NOT HAVE A DEATH SENTENCE WITHOUT HIS.

JOHNNY WILLIAMSON HAD NO REASON FOR THIS KILLING AND THE STATE ACKNOWLEDGED IN A NOTE THAT ITS BIG PROBLEM ON THE CASE WAS THERE WAS NO MOTIVE.

DREW WAS DANGEROUS MAN. THE RECORD WILL BEAR THIS OUT.

THIS WAS NOT A QUIET GUY HIMSELF.

HE WAS THE MAIN DRUG DEALER. HE WAS THE ONE THAT JOHNNY WILLIAMSON WORKED FOR.

HE SUPPLIED JOHNNY WILLIAMSON WITH THE DRUGS THAT HE SOLD.

JOHNNY WILLIAMSON WHO WAS BASICALLY KILLING THE GUY THAT GOT HIM THE MARIJUANA THAT HE SOLD.

IN THE PRISON.

OMER WILLIAMSON OWED THIS GOY A VERY DANGEROUS MAN, OWED HIM DISPUTED AMOUNT OF MONEY.

WILLIAMSON TRIED TO MEDIATE A DEAL.

OMER WAS THE ONE THAT WAS GOING TO BE KILLED IF THIS WAS NOT TAKEN CARE OF.

SO THAT IS WHAT, THAT IS THE ONLY, THAT IS WHAT THE RECORD WHAT SHOW, THEN YOU HAVE OMER COMING WIN HIS STATEMENT OF THE SUPREME MEDITATED PLAN, BUT THERE IS STILL NO REASON, THERE IS NO MOTIVE IN THE CASE AN I JUST, I URGE THE COURT TO SERIOUSLY LOOK AT OMER WILLIAMSON IN HIS CASE AND THE VARIOUS TESTIMONIES YOU GIVE AND THE ARGUMENT AS WELL AS WE COULD SET IT OUT BUT WITHOUT HIM, CERTAINLY,

LIKE IN MILLS, YOU DON'T  
HAVE IT, THIS IS NOT A DEATH  
CASE.

>> MR. BROYD, THANK YOU,  
WITH OUR ASSIST IN, HAVE  
USED THE TIME.

THE COURT WILL TAKE THE  
MORNING RECESS.

>> ALL RISE.

>> GOOD MORNING.

THE FLORIDA SUPREME COURT IS  
BACK IN SESSION.

PLEASE BE SEATED.

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