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**Alex Pagan v. State of Florida**

**SC06-378 | SC07-1327**

>> HEAR YE HEAR YE HEAR YE...

THE SUPREME COURT OF FLORIDA IS  
NOW IN SESSION.

ALL WHO HAVE CAUSE, PLEASE DRAW  
NEAR, GIVE ATTENTION, AND YOU  
SHALL BE HEARD.

GOD SAVE THESE UNITED STATES.

THIS GREAT STATE OF FLORIDA.

AND THIS HONORABLE COURT.

LADIES AND GENTLEMEN, THE  
FLORIDA SUPREME COURT.

PLEASE BE SEATED.

>> GOOD MORNING AND WELCOME TO  
THE NOVEMBER 3rd SESSION OF THE  
FLORIDA SUPREME COURT.

THE FIRST CASE ON OUR CALENDAR  
IS PAGAN VERSUS STATE.

ARE THE PARTIES READY TO  
PROCEED?

>> GOOD MORNING JUSTICE QUINCE  
AND FELLOW MEMBERS OF THE COURT  
I'M ROBERT STRAIN FROM REGIONAL  
COUNSEL OFFICE IN TAMPA FOR  
MR. PAGAN, HIS POSTCONVICTION  
WORKUP PRESENTS TWO QUESTIONS  
FOR THE COURT TODAY.

THE FIRST ONE.

>> DID THE RIGHT MAN NAMED RICKY  
OR -- EXCUSE ME, ALEX, GET  
ARRESTED, CHARGED AND CONVICTED  
OF THIS CRIME?

ALONG WITH THE BRADY COMPONENT,  
THIS COURT HAS TO DECIDE WHO IS  
IT WHO IS IN THE -- THE BEST  
ARBITER OF THE IMPACT OF THE  
SUBJECT APRIL 2, 1993 MIRAMAR  
POLICE REPORT THAT WAS NOT  
DISCLOSED TO TRIAL COUNSEL.  
TRIAL COUNSEL TESTIFIED AT THE  
EVIDENTIARY HEARING THAT HIS  
INABILITY TO SEE THAT REPORT,  
DURING HIS MULTI-YEAR WORKUP,  
DURING THE ALMOST 3,000 HOURS HE  
PUT IN THE CASES, WAS PIVOTAL IN  
-- AND WOULD HAVE HAD TREMENDOUS  
IM ACT --

>> ARE YOU TALKING ABOUT THE MEMO AT THE SHERIFFS OFFICE, THAT HAD SOME INFORMATION THAT THE CO-DEFENDANT KNEW ALEX RAMIREZ?

INTO THAT'S CORRECT.

>> WAS AN ASSOCIATE OF ALEX RAMIREZ.

>> YES.

>> AS I UNDERSTAND THE RECORD, THE DEFENSE COUNSEL KNEW THERE WAS AN ALEX RAMIREZ WHO HAD SOME ASSOCIATION WITH THE CO-DEFENDANT AND SO, WHAT WAS NEW IN THE MEMO, AS A DEFENSE ATTORNEY -- THAT THE DEFENSE ATTORNEY DIDN'T ALREADY KNOW.

>> THE WAY THE REPORT WAS PHRASED WAS THAT CO-DEFENDANT WILLIE GRAHAM HAD A KNOWN ASSOCIATE NAMED ALEX RAMIREZ. THE TERMS --

>> ALEX RAMIREZ WAS THE NAME ON THE WARRANT THAT WAS ORIGINALLY ISSUED?

>> IT WAS ACTUALLY ALEJANDRO, A VARIATION OF ALEX, NOT ONLY ON THE SEARCH WARRANT WHICH HAD A BIG IMPACT IN THIS CASE, BECAUSE OF THE MOTION TO SUPPRESS BUT THE --

>>... SEARCHED.

>> TURNED OUT TO BE ALEX PAGAN. LET ME FURTHER EXPLAIN, THE -- TO ANSWER YOUR QUESTION, THE IMPORT IS THAT THE TERM KNOWN ASSOCIATE IS FREQUENTLY SEEING WHEN LAW ENFORCEMENT IS DESCRIBING RELATIONSHIP OF ONE GANG -- CRIMINAL GANG MEMBER TO ANOTHER.

MR. -- THE TRIAL COUNSEL DID NOT HAVE INFORMATION PROVIDED BY THE STATE THAT GAVE THAT RELATIONSHIP OF AN ALEX RAMIREZ TO WILLIE GRAHAM OR TO KEITH JACKSON OR SOME OF THE OTHER PLAYERS.

>> HOW ABOUT GOING BACK, THOUGH, TO THE -- AS I UNDERSTOOD THE QUESTION, IT WAS DIDN'T DEFENSE COUNSEL KNOW ABOUT THIS ALEX, ALSO?

>> WELL, WHAT I'M TRYING TO --

>> I NO, BUT I'M TRYING TO --  
LETS START FROM SQUARE ONE.  
DO YOU AGREE THAT THE DEFENSE  
COUNSEL KNEW ABOUT THIS ALEX,  
WELL BEFORE THE TRIAL --  
>> WELL, IT GOES INTO --  
>> IS THAT CORRECT.  
>> IT GOES INTO THE DETAILS, TO  
ANSWER -- BOTH OF YOUR  
QUESTIONS.  
WHAT MR. --  
>> IN OTHER WORDS, HE KNEW ABOUT  
THIS PERSON.  
>> HE KNEW --  
>> YOUR ARGUMENT IS THAT THERE  
WAS SOME INFORMATION ABOUT THE  
PERSON, OKAY?  
THAT THE POLICE RAD, DEFENSE  
COUNSEL DIDN'T HAVE.  
>> DID NOT HAVE.  
THAT'S RIGHT.  
>> NOW, LET'S -- STOP RIGHT  
THERE FOR A MINUTE, THEN.  
>> OKAY.  
>> OKAY.  
>> WHAT INFORMATION WAS IT THAT  
THE POLICE HAD ABOUT THIS PERSON  
THAT DEFENSE COUNSEL DIDN'T  
HAVE.  
>> THAT ALEX -- NAMED ALEX  
RAMIREZ WAS A KNOWN ASSOCIATE OF  
WILLIE GRAHAM --  
>> AND ALEX, DIDN'T HE WORK WITH  
GRAHAM.  
>> WELL, LET'S --  
>> EMPLOYMENT --  
>> MORE --  
>> SAME JOB.  
>> WHAT MR. COLLERAN WAS GIVEN  
WAS A PAY STUB SHOWING HE WORKED  
AT THE TEMPORARY AGENCY, AND HE  
WAS GIVEN MR. RAMIREZ'S NCIC  
REPORT, OR -- PRINTOUT WHICH  
SHOWED A PRETTY MINIMAL -- LACK  
OF INVOLVEMENT WITH LAW  
ENFORCEMENT.  
HE WAS NOT GIVEN ANY INDICATION  
THAT ALEX RAMIREZ WAS PART OF  
THE CRIMINAL GAIN, HE WAS NOT  
GIVEN ANY --  
>> GIVE US THE EVIDENCE ON THE  
RECORD THAT THIS ALEX WAS PART  
OF A CRIMINAL GANG AND THAT THE  
POLICE KNEW THAT HE WAS PART OF

A CRIMINAL GANG.

>> WELL, AGAIN THE MIRAMAR REPORT DATED APE PRIM 2, 1993 INVOLVED WILLIE GRAHAM'S SOLICITATION OF A HIT MAN TO ASSASSINATE ONE OF THE DETECTIVES IN THIS PARTICULAR CASE.

THAT IS WHERE ALEX RIOS COMES UP.

>> LET'S -- JUST GIVE THE FULL FLAVOR, AND WE HAVE THE REPORT IN THE RECORD, SO I UNDERSTAND, ALSO, YOU'VE GOT THAT THIS CAME UP IN A SITUATION WHERE THE CO-DEFENDANT WAS BEING ACCUSED OF ANOTHER CRIMINAL ACT. ESSENTIALLY.

WHICH WAS SOLICITING AND MURDER OF ONE OF THE PEOPLE IN THE CASE.

DID THE DEFENSE KNOW ABOUT THAT PART GOING INTO THE TRIAL, THAT.

>> THAT WILLIE GRAHAM HAD TRIED TO SOLICIT THE MURDER OF THE DETECTIVE.

>> THEY WERE AWARE -- NOT ONLY OF WILLIE GRAHAM'S INVOLVEMENT WITH THAT --

NOT ALEX RAMIREZ' --

>> I'M ASKING, BECAUSE THAT IS -- THAT WAS SUPPRESSED NOW MAYBE WE ARE GETTING INTO AN ISSUE ON RELATIVE CULPABILITY BUT THAT WAS KNOWN.

IT WAS KNOWN, YOU SAID YES.

>> IN GENERAL, YES.

>> AND, WAS IT USED AT THE TRIAL BY COLLERAN TO SAY THE GUY HAD -- COLLERAN TO SAY THIS CO-DEFENDANT WAS MORE CULPABLE BECAUSE HE WAS TRYING TO SOLICIT.

>> NO, THERE WAS NO REVERSE WILLIAMS IMPLICATIONS BY THE --

>> NOW INFECT TIFF ASSISTANCE TO SHOW THAT PART WAS INFECT TIFF. -- IN EFFECTIVE.

>> THAT'S CORRECT.

>> AND MY UNDERSTANDING IS THAT THE SENTENCE, WAS NOT NECESSARILY RELATED TO THE ACTUAL SOLICITATION TO TRY TO FIND SOMEONE TO MURDER.

EXPLAIN IN -- FROM YOUR POINTS OF VIEW WHERE IT COMES UP ABOUT THE KNOWN ASSOCIATION WITH ALEX RAMIREZ.

>> JUSTICE PARIENTE.

>> TELL ME WHERE IN THE POLICE REPORT IT COMES UP.

TO SAY, AND ALEX RAMIREZ, A KNOWN ASSOCIATE OF THE CO-DEFENDANT WAS THIS ONE THAT WAS GOING TO TRY TO -- SOLICITED TOR THE MURDER.

>> NO, IT WAS A SIMPLE REFERENCE ABOUT LINKING THE ALEX RAMIREZ AS A KNOWN ASSOCIATE OR OTHER WORDS, A MEMBER OF THE SAME GANG, IF YOU WILL.

>> ONCE YOU GOT THE INFORMATION AND HAD AN EVIDENTIARY HEARING, DID YOU ATTEMPT TO -- WAS ALEC, -- ALEX CALLED AS A WITNESS.

>> MY UNDERSTANDING IS ALEX RAMIREZ WAS NOT LOCATED IN TERMS OF THE POST-CONVICTION INVESTIGATION.

>> AND WAS THERE ANYTHING ELSE PRESENTED TO THE EVIDENTIARY HEARING JUDGE ABOUT HOW THIS -- WHAT YOU SAY IS SO EXCULPATORY EVIDENCE WOULD HAVE BEEN USED, THAT'S WHAT I'M TRYING TO SEE. HOW -- IT IS OUT THERE, AND MAY BE -- I MEAN, OBVIOUSLY THEY THOUGHT HE HAD SOME RELATIONSHIP, I AGREE, IT WASN'T AN INNOCUOUS COMMENT. BUT, HOW WOULD THEN IT HAVE BEEN USED.

>> THIS IS WHAT DENNIS COLLERAN TESTIFIED TO AT THE EVIDENTIARY. HE SAID HAD HE KNOWN ABOUT THE EXISTENCE OF THIS POLICE REPORT, ESPECIALLY AS TO THE MOTION TO DUE EXPRESSION AND HEARING ON THAT, HE INDICATED THAT KNOWING THIS POLICE REPORT AND THE LINKAGE OF WILLIE GRAHAM AND RAMIREZ WOULD HAVE BEEN PIVOTAL. HE CALLED IT APPLES AND ORANGES, THE DIFFERENCE --

>> ARE YOU SAYING INSTEAD OF TRYING TO TAKE THE MOTION TO SUPPRESS AND BASE IT ON THAT THEY HAD A FICTITIOUS PERSON,

EVEN THOUGH COLLERAN KNEW  
RAMIREZ WAS A REAL PERSON THEY  
WOULD HAVE TRIED TO SUPPRESS THE  
EVIDENCE AND HOW, HOW WOULD IT  
HAVE RESULTED IN THE SUPPRESSION  
OF THIS EVIDENCE?

IF THERE WAS A -- A REAL ALEX  
RAMIREZ.

>> REMEMBER... JUSTICE PARIENTE  
THE KEY IS WHAT HE DID KNOW --  
PARIENTE, THE KEY IS WHAT HE DID  
KNOW ABOUT ALEX RAMIREZ, A PAY  
STUB HE WAS A FELLOW WORKER.

>> HE HAD HE KNEW HE HAD A CLEAN  
CRIMINAL RECORD, DIDN'T HE.

>> AT THE PLACE, THAT'S RIGHT.

>> AND HE INVESTIGATED HIM.  
HE HAD --

>> TRIED TO FIND HIM, THAT'S  
CORRECT.

BUT LISTEN TO WHAT MR. COLLERAN  
TESTIFIED TO.

HE SAID THE IMPACT WAS LIKE  
APPLES AND ORANGES, IT WOULD  
HAVE BEEN PIVOTAL.

THIS IS A CASE --

>> HOW IS IT PIVOTAL?

I KNOW WE'RE SAYING WORDS.

BUT YOU'VE GOT TO -- THIS IS AN  
INTERESTING ARGUMENT.

BUT I'M STILL NOT GETTING THE  
DOTS CONNECT IN MY MIND, NOT  
WHAT MR. COLLERAN SAID IT WOULD  
HAVE BEEN PIVOTAL.

HOW, HOW WOULD IT HAVE IN REAL  
LIFE, MOTION TO SUPPRESS IN THE  
TRIAL, HAVE MADE A DIFFERENCE?

HOW DOES IT UNDERMINE OUR  
CONFIDENCE IN THE OUTCOME,  
ASSUMING IT IS EVEN BRADY,  
BECAUSE IT WAS YOU KNOW -- BUT  
THAT IS A -- ASSUME WE GET TO  
THE SECOND TRIAL.

>> THE KEY COMPONENTS IN  
RESPONSE ARE, NUMBER ONE,  
REMEMBER THAT KEITH JACKSON  
NAMED ALEX RAMIREZ AS A  
PARTICIPANT, NOT ONLY IN THE  
JANUARY BURGLARY OF THE VICTIM'S  
HOME BUT THE FEBRUARY BURGLARY  
AND HOMICIDE.

KEITH JACKSON PROVIDED THE NAME  
ALEX TO LAW ENFORCEMENT.

AND LAW ENFORCEMENT USED THIS

NAME ALEJANDRO.

THE VERSION OF -- VARIATION OF  
ALEX ON BOTH THE ARREST WARRANT  
AND THE SEARCH WARRANT.

FOR MR. PAGAN AND AGAIN, JUSTICE  
PARIENTE, REMEMBER HOW CONFUSING  
AND COMPLICATED ALL OF THE  
INFORMATION ABOUT THIS GANG OF  
KIDS AND THEIR FAMILY MEMBERS  
AND THEIR CUSSES TO LAW  
INFORMANT, IT WAS.

-- COUSINS AND LAW ENFORCEMENT  
IT WAS.

>> LET'S STOP AT ONE POINT AND  
YOU SAID THEY NAMED ALEX BUT  
WASN'T THERE ALSO A DESCRIPTION  
GIVEN OF THE ALEX THEY WERE  
TALKING ABOUT, AND DIDN'T THAT  
DESCRIPTION ACTUALLY FIT ALEX  
PAGAN?

>> THERE WERE SEVERAL  
DESCRIPTIONS REGARDING HEIGHT,  
WEIGHT AND SKIN COLOR OF THE  
ALEX INVOLVED BY SEVERAL  
DIFFERENT PEOPLE, JUSTICE QUINCE  
BUT NOTHING SO INSTRUMENTAL THAT  
IT LINKED UP IN MY VIEW TO ONLY  
ALEX PAGAN.

AND, RECALL THAT THIS WAS A --  
WHEN I TALK ABOUT THE  
COMPLICATED FEATURES OF -- OR  
THE COMPONENTS OF THIS GANG,  
REMEMBER THAT SHARON FOSTER  
INDICATED THAT ERIC MILLER WAS  
ONE OF THE -- HAD PLANNED THE  
WHOLE BURGLARY OR THE TWO  
BURGLARIES AND THE HOMICIDE.  
REMEMBER, THAT A COUSIN NAMED  
FEATHERSTONE ENDED UP WITH SOME  
OF THE STOLEN JEWELRY FROM THE  
JANUARY BURGLARY.

>> NOW YOU'RE GOING, YOU KNOW,  
BEYOND ... PART OF WHAT WE ARE  
LOOKING FOR HERE IS THAT HERE  
THE NAME ALEX, THIS PERSON,  
ALEX, WAS KNOWN TO DEFENSE  
COUNSEL.

WAS KNOWN TO HAVE A RELATIONSHIP  
WITH THE CO-DEFENDANT.

YOU'RE SAYING THAT SOMEHOW THIS  
ALEX, OKAY, THAT IS REFERRED TO  
IN THE POLICE DEPARTMENT  
RECORDS, WOULD HAVE MADE A HUGE  
DIFFERENCE, OKAY, TO THE WAY

DEFENSE COUNSEL APPROACHED THE CASE.

THAT IS AS IF SAYING ON FURTHER INVESTIGATION, THIS ALEX TURNED OUT TO BE THE JACKAL, THE WORLD'S FOREMOST ASSASSIN OR SOMETHING.

OR, YOU KNOW, SOME -- IN OTHER WORDS, THERE WAS SOME EVIDENCE ABOUT HIM THAT DEFENSE COUNSEL COULD HAVE USED TO REALLY MAKE A CASE THAT HE WAS REALLY THE ONE THAT DID THIS KILLINGS.

NOW, HELP US WITH THAT.

DO YOU HAVE ANYTHING MORE THAN APPLES AND ORANGES?

I MEAN, WHAT DO YOU HAVE AS FAR AS ANY SUBSTANCE THAT THIS ALEX WOULD HAVE TURNED OUT TO BE JUST AN ABSOLUTE CONCRETE SUSPECT IN THIS CASE?

WHAT DID YOU PUT ON AT THE EVIDENTIARY HEARING TO SHOW THAT THERE WAS SOME MEAT AND POTATOES BEHIND JUSTICE THE REFERENCE?

>> WELL, AGAIN AT THE EVIDENTIARY HEARING IT WAS MR. COLLERAN WHO HAD TO EXPLAIN JUST WHAT IMPACT HE FELT THE MISSING REPORT DID.

AGAIN, JUSTICE ANSTEAD, MR. COLLERAN DID NOT KNOW THERE WAS A RELATIONSHIP OF ALEX RAMIREZ WITH THE --

>> WHAT EVIDENCE DID HE PUT ONTO SHOW THAT THERE REALLY COULD HAVE BEEN A CASE MADE THAT THIS OTHER -- ALEX REALLY WAS THE KILLER?

>> MR. --

>> DID YOU PUT ANY EVIDENCE ONTO THAT EFFECT?

>> THE EVIDENTIARY HEARING AS TO THIS MATTER INVOLVED ATTORNEY COLLERAN'S TESTIMONY, AND THE IMPACT --

>> BUT NO EVIDENCE WAS PUT ONTO LINK THIS ALEX, THEN TO THE KILLINGS.

>> THERE -- THE MIRAMAR POLICE REPORT, NO.

>> AND I'M SURE YOU ASKED AS FAR AS BRADY IF OTHER SUSPECTS WERE INVESTIGATED, DID THE STATE EVER



BASED BASED ON KEITH JACKSON'S TESTIMONY, DID THE STATE EVER INVESTIGATE AL ELECTIONS RAMIREZ AS A POSSIBLE SUSPECT IN THIS -- ALEX RAMIREZ AS A POSSIBLE SUSPECT IN THE CASE.

>> NO.

>> AGAIN WE DON'T EVEN HAVE THE GUY AS BEING A POSSIBLE ALTERNATIVE SUSPECT.

>> BUT WE DO, IF YOU LOOK AT KEITH JACKSON'S INTENTIONAL MISLEADING OF THE POLICE, AND HIM BEING THE -- ONE OF THE TWO INITIAL SUSPECTS, WITH THE CASE

--

>> GIVEN -- YOU TOLD THE POLICE THAT ALEX RAMIREZ WAS A -- AN ASSOCIATE OF WILLIE GRAHAM. DIDN'T YOU SAY THAT EARLIER? HE DIDN'T HAVE HIS LAST NAME BUT HE THOUGHT IT WAS --

>> ALEX, THAT'S CORRECT.

>> BUT HE GAVE THEM THAT INFORMATION.

>> WELL, NO, WELL, YES, AND NO. AT DIFFERENT TIMES, DURING KEITH JACKSON'S LYING TO THE POLICE. REMEMBER THAT THE IDEA OF WHO WERE THE PERPETRATORS OF THE HOMICIDE, WHO WERE THE TWO PEOPLE INSIDE THE HOUSE, COULD NOT HAVE BEEN DISCLOSED BECAUSE OF THE FACT THAT BOTH PERPETRATORS WERE WEARING SKI MASKS AND GLOVES AND WHAT HAVE YOU.

THERE WEREN'T ANY FINGERPRINTS OR OTHER EVIDENCE.

>> YOU NO, YOU HAVE INDICATED THAT YOU HAD ANOTHER ISSUE THAT YOU WANTED TO ADDRESS TO THE COURT.

AND YOU HAVE BEGUN INTO YOUR REBUTTAL TIME.

IF YOU WOULD LIKE --

>> I'M SORRY.

>> LIKE TO ADDRESS THE SECOND ISSUE THAT YOU WANTED TO --

>> I'LL RESERVE FOR REBUTTAL.

THANK YOU VERY MUCH, JUSTICE.

>> MS. CAMPBELL.

>> MAY IT PLEASE THIS COURT, GOOD MORNING, LESLIE CAMPBELL

WITH THE ATTORNEY GENERAL'S  
OFFICE, ON BEHALF OF THE STATE.  
TO ANSWER --.

>> THE -- IS THIS INFORMATION  
BRAID MATERIAL OR NOT.  
IT INDICATES THE CO-DEFENDANT  
AND MR. RAMIREZ WERE ASSOCIATES.  
IS THERE ANYTHING ELSE IN THAT  
REPORT THAT WOULD TIE  
MR. RAMIREZ TO THIS CRIME.

>> THIS IS NOT BRADY MATERIAL.  
THERE IS NOTHING ELSE THAT HAS  
BEEN PRESENTED THAT WOULD TIE  
MR. ALEJANDRO ALEX RAMIREZ TO  
THE CRIME.

>> BUT IT WAS A POLICE REPORT  
INVESTIGATING NOT AN UNRELATED  
CRIME, IT WAS A -- OR WHATEVER,  
WHAT SHOULD WE CALL IT, WHAT IT  
WAS.

>> AN INCIDENT REPORT, WHERE  
THEY UNCOVERED THAT MR. GRAHAM  
WAS SEEKING TO SOLICIT A MURDER.  
OF DETECTIVE PELUSO.

>> SO IT'S NOT A -- LIKE  
SOMETHING THAT OCCURRED, A  
PUBLIC ROBBERY, YOU KNOW, SO IT  
HAS A RELATIONSHIP, AND THE ONLY  
THING, THE THING I'M CONCERNED  
ABOUT, AS FAR AS WHETHER IT IS  
BRADY, WHICH IS THE -- WE CAN  
SAY, KNEW THERE WAS AN ALEX  
RAMIREZ BUT THE REPORT SAYS HE'S  
A KNOWN ASSOCIATE.

NOW, I THINK SOMEWHERE THE  
STATE'S BRIEF, IT MADE IT SOUND  
LIKE MAYBE HE WAS A FRIEND OF  
GRAHAM AND WE KNOW YOU WILL NOT  
PUT IN A POLICE REPORT WHO  
WILLIE GRAHAM'S FRIENDS AND  
FAMILY ARE, THIS ISN'T LIKE A --  
YOU KNOW, SOMETHING FOR ONE OF  
THE CELLULAR PHONE COMPANIES, MY  
NETWORK.

SO WHAT IS IT THAT IS -- WHY WAS  
ALEX RAMIREZ'S NAME IN THAT  
REPORT?

>> NOT THAT ANY EVIDENCE WAS PUT  
ON THE EVIDENTIARY HEARING.  
HOWEVER, THERE WAS THE ALEX  
RAMIREZ REFERENCE AND USE IN THE  
SEARCH WARRANT, AND ALSO ON THE  
ARREST WARRANT.  
AND THAT CAME BECAUSE

MR. JACKSON HAD SAID THAT ALEX DID IT, HE THOUGHT POSSIBLY MAYBE THE NAME WAS ALEX RAMIREZ AND THOUGHT THE MOTHER'S NAME WAS RAMIREZ.

SO, THEN THE POLICE HAD GONE TO OLSON TEMPORARY SERVICES, FOUND -- TEMPORARY SERVICE, FOUND AN ALEJANDRO RAMIREZ THERE AND THAT IS THE GENESIS HOW WE GOT TO ALEX RAMIREZ AND WAS CONTINUED ON IN THIS BECAUSE WE HAVE ANOTHER, NOW, MR. GRAHAM IN VEIL, SOLICITING THIS -- IN JAMES SOLICITING THIS MURDER.

>> SOLICITING ALEX RAMIREZ TO DO THE MURDER.

>> IT IS JUST YOU A COMMENT THAT HE IS ALSO A KNOWN ASSOCIATE OF ALEX RAMIREZ AND YOU CAN EXTRAPOLATE.

>> TO SEPARATE HIM FROM ALEX PAGAN?

>> NO, BECAUSE I'M NOT SURE THEY KNEW AT THAT TIME THAT -- WELL, THEY KNEW AT THAT TIME BUT I THINK THAT IT WAS A CONTINUATION OUT OF ALEX RAMIREZ.

IT IS UNCLEAR HOW ALEX RAMIREZ ACTUALLY GOT PUT IN HERE.

>> I HAVE A HARD TIME, NOT THINKING THIS IS BRADY, BECAUSE IT DOES GO AHEAD AND TAKE A LINK THE POLICE IS MAKING BETWEEN THE CO-DEFENDANT AND ALEX RAMIREZ AND WHETHER IT ENDS UP BEING -- COMING UNDER THE SECOND PRONG MAYBE YOU OUGHT TO ADDRESS THAT. BUT IT SEEMS TO ME THIS IS THE KIND OF THING WITH THERE BEING SO MUCH MIX-UP ABOUT ALEX RAMIREZ THAT THAT STATEMENT BY THE POLICE THAT IT WAS AN OFFICIAL STATEMENT THAT THOSE TWO -- CO-DEFENDANT AND ALEX -- CO-DEFENDANT AND ALEX RAMIREZ IN SOLICITATION OF A WITNESS INVESTIGATING THIS MURDER, THOSE WERE KNOWN ASSOCIATES, THAT SEEMS TO ME, I DON'T KNOW HOW I WOULD USE IT OKAY, THAT IS WHERE -- BUT IT SEEMS LIKE IT IS INFORMATION THAT WOULD HELP ME FIGURE OUT IF I BETTER DO MORE

CHECKING OUT ABOUT THE ALEX  
RAMIREZ.

SO HELP ME THEN ON THE -- IF I  
JUST -- LET'S SAY, MY COLLEAGUES  
MAY DISAGREE BUT THAT IT IS  
BRADY.

WHAT... HOW DO YOU ANSWER THE  
SECOND PRONG.

>> WITH THE UNDERSTANDING THE  
STATE DOESN'T BELIEVE IT IS  
BRADY.

>> I UNDERSTAND.

>> OKAY.

.  
FIRST OF ALL, --

>> ALTHOUGH IT IS THIS KIND OF  
THING I HOPE IN THE FUTURE THE  
STATE WOULD SAY, IF IN DOUBT,  
TURN IT OVER.

ALL RIGHT.

WE DON'T WANT TO BE TEN YEARS  
AFTER -- I MEAN, I'M NOT GOING  
TO GET INTO THE DEBATE ON THIS.  
SOMEONE CAN HEAR THE ORAL  
ARGUMENT AND DECIDE WHETHER IN  
THIS KIND OF CASE IT SHOULD HAVE  
BEEN TURNED OVER BUT BE THAT AS  
IT MAY, THE SECOND PRONG.

>> WITH THE SECOND PRONG WE HAVE  
MR. JACKSON TESTIFYING AND  
ACTUALLY TAKING THE POLICE TO  
THE FRONT DOOR OF MR. PAGAN.  
WE HAVE OTHER INFORMATION, OTHER  
THAN JUST THE DESCRIPTION OF THE  
DEFENDANT'S PHYSICAL  
DESCRIPTION, WE HAVE -- KNOW  
THAT HE -- MR. JACKSON IS SAYING  
THAT PAYING UP BEGAN GOT OUT OF  
PRISON, AND THERE IS OTHER  
INFORMATION.

>> JACKSON ISN'T -- JACKSON,  
HIMSELF, IS A FELON, AND WAS  
MAKING THE DEAL, SO LET'S GET --  
I MEAN, I'M NOT SURE I WOULD  
SAY, WELL, JACKSON, YOU KNOW,  
COULD HAVE BEEN TRYING TO PIN IT  
ON ALEX PAGAN WHEN IT WAS REALLY  
ON ALEX RAMIREZ SINCE THEY ARE  
ALL TOGETHER.

THAT IS WHAT I MIGHT ARGUE TO A  
JURY.

AND SO GIVE ME SOMEONE OTHER  
THAN KEITH JACKSON THAT REALLY  
NAILS IT AS FAR AS PAGAN BEING

THE --

>> MR. C -- QUEZADA TESTIFIED THAT HE DROVE THEM TO THE RESIDENCE AND KNEW ABOUT THE PRIOR ROBBERY AND KNEW THE PRIOR ROBBERY WAS NOT AS SUCCESSFUL AS GRAHAM AND PAGAN HAD WISHED. THEY WERE GOING TO GO BACK, HE ACTUALLY DROVE THEM THERE. HE HAD TAKEN THEM HOME TO GET THE EQUIPMENT THEY NEEDED, AND THEN, DROVE THEM TO --

>> ANOTHER CRIMINAL ASSOCIATE.

>> HE WAS NEVER INVOLVED IN --

>> HE KNEW ABOUT THE CRIME AND DROVE THEM TO COMMIT THE OTHER MURDER?

>> HE WAS NEVER CHARGED.

YES, HE WAS INVOLVED ON DRIVING THEM THERE.

HOWEVER, HE WAS NOT INVOLVED IN THE ACTUAL CRIMINAL --

>> LIKE AGAIN, IF WE ARE TRYING TO THINK OF WHO NAILS IT, AND WE THINKING OF AN ALTERNATIVE THAT THERE IS A SETUP, THAT IT IS REALLY NOT ALEX PAGAN, THESE OTHER PEOPLE WHO ARE PART OF SOME CRIMINAL GANG, DECIDED TO GANG UP AND SAY, YOU KNOW, PAGAN IS A GOOD ONE BECAUSE HE JUST GOT OUT OF PRISON, LET'S NAIL IT ON HIM AND PAGAN ADMITS THAT HE WAS PART OF THE FIRST ROBBERY, DOES HE ADMIT THAT OR AM I...

>> WELL, THERE WAS EVIDENCE THAT HE HAD.

I DON'T KNOW THAT HE ADMITTED TO THAT.

I DON'T RECALL HIM ACTUALLY COMMIT -- ADMITTING TO IT.

HE HAD THE JEWELRY AND CLEARLY HE WAS A PARTICIPANT IN IT.

>> IS THAT ALL WE HAVE?

WE DON'T HAVE DNA, NO FINGER PRINTS, NO IDENTIFICATIONS.

WE HAVE GOT A KNOWN FELON THAT IS CONVICTED THAT IS GETTING 40 YEARS, KEITH JACKSON AND SOME --

>> KEITH JACKSON IS NOT GETTING 40 YEARS, YOUR HONOR.

>> HOW MUCH DID HE GET.

I THOUGHT WHEN HE RECANTED ON HIS PLEA DEAL, AM I... AT THIS

TIME.

>> NO, I THINK, MAYBE -- THERE WAS A 40-YEAR POSSIBILITY.

ON THE PLEA DEAL FROM DADE, HE COULD RECEIVE EITHER FIVE YEARS PROBATION, UP TO TEN YEARS IN PRISON.

IF HE DID NOT FOLLOW THROUGH AND TESTIFY --

>> AND WHAT WAS THE CRIME THAT HE WAS PLEADING TO?

>> HE WAS PLEADING TO AN ATTEMPTED MURDER, AND ALSO, A ROBBERY OF THE DRUG --

>> AGAIN THIS IS NOT EXACTLY -- YOU KNOW, IF YOU ARE A JUROR TRYING TO EVALUATE CREDIBILITY, THIS IS, YOU KNOW, WE DON'T HAVE -- SO IS THAT ALL WE HAVE IN THIS CASE?

WE HAVE GOT TWO WITNESSES, I MEAN, TWO PEOPLE THAT PAGAN SUPPOSEDLY EITHER TOLD THINGS TO OR KNEW THINGS THAT ARE BOTH -- HAVE SOME TIES AND WE HAVE GOT JEWELRY, ANYTHING ELSE?

>> WE DO NOT HAVE THE GUN BECAUSE THAT WAS DESTROYED BY MR. PAGAN.

THAT IS ESSENTIALLY IT.

BUT, THAT IS VERY VERY, STRONG EVIDENCE, YOUR HONOR.

ALSO, IF YOU THEN TAKE YOU A LOOK AT WHAT WE HAVE ON ALEX RAMIREZ, WE HAVE A CLEAN CRIMINAL HISTORY, WE HAVE HIM MERELY ASSOCIATED AT THE TEMPORARY EMPLOYMENT SERVICE, WE HAVE SEVERAL YEARS WHERE MR. COLLERAN INVESTIGATED AND TRIED TO FIND THE LINK AND DIDN'T.

>> BUT CAN YOU TELL ME AGAIN, HE IS WORKING AT A -- THE SAME TEMP AGENCY.

THE POLICE DON'T USE THE WORDS "KNOWN ASSOCIATE" FOR SOMEBODY THAT IS A COWORKER, DO THEY?

>> YOUR HONOR, WE DON'T HAVE ANY EVIDENCE AS TO WHY THEY USED THOSE WORDS.

AND THAT WOULD HAVE BEEN THE DEFENDANT'S BURDEN TO PUT ON AT THE EVIDENTIARY HEARING TO MAKE

THE LEARNING.

WE JUST HAVE THOSE WORDS AND  
WHAT WE ARE UNFORTUNATELY LEFT  
WITH.

THE PROBLEM THAT THE DEFENSE HAS  
HERE IS THAT EVERYTHING ELSE,  
WHETHER IT BE FROM A CRIMINAL,  
CRIMINAL EYEWITNESS, TO A  
CRIMINAL WHO KNEW ABOUT IT,  
EVERYTHING ELSE LINKS TO ALEX  
PAGAN.

EVIDENCE AS FAR AS THE JERRY IS  
CONCERNED, HIS -- JEWELRY IS  
CONCERNED, HIS STATEMENTS TO HIS  
ASSOCIATES, AND NORMALLY, IF YOU  
ARE GOING TO HAVE SOMEONE FLIP,  
IT IS NOT GOING TO BE, YOU KNOW,  
THE INNOCENT PARTY.

YOU ARE NORMALLY GOING TO HAVE  
PEOPLE WHO ARE EITHER KNOW OF OR  
ARE INVOLVED IN THE CRIME, SO  
THIS AUTOMATICALLY SAY JUST  
BECAUSE MR. JACKSON HAPPENED TO  
KNOW ABOUT THE CRIME AND THERE  
IS -- THIS WHOLE CRIMINAL GANG  
GOING ON, AND MR. QUEZADA DROVE  
THEM THERE, THEY SHOULD BE  
DISCOUNTED IS A DISSERVICE TO  
THE EVIDENCE ITSELF.

>> I'M NOT SAYING SOMEBODY WHO  
IS A CRIMINAL DEFENDANT COULDN'T  
GIVE TRUTHFUL TESTIMONY.

I'M SAYING THAT I WAS HOPING  
THERE MIGHT BE SOME OTHER  
PHYSICAL EVIDENCE THAT LINKED  
HIM OR SOMETHING THAT WOULD  
REALLY -- AND THIS MAY BE --

>> THERE IS.

>> SMOKE AND MIRE RESOURCE ON  
THE APPLES AND ORANGES, I THINK,  
JUST... MEAT AND POTATOES, WHERE  
THIS IS BEEF, SO TO SPEAK INTO  
THERE IS ANOTHER PIECE OF  
EVIDENCE, I JUST RECALLED, THERE  
WAS GLASS ON THE BOTTOM OF  
MR. GRAHAM'S BOOTS.

THAT MATCHED.

THAT WAS UNDER THE -- I THINK  
THE SPECTROMETER, MATCHED THE  
SLIDING GLASS DOOR THAT WAS...

>> MR. GRAHAM'S BOOTS.

>> YES.

>> BUT WE'RE HERE ON MR. PAGAN.

>> BUT ALTOGETHER, IF YOU TAKE

ALL OF THIS EVIDENCE TOGETHER,  
IT IS AN ADDITIONAL PIECE OF  
EVIDENCE THAT THEY WERE -- THEY  
WERE THERE THAT NIGHT.  
YOU HAVE QUEZADA AND JACKSON  
PUTTING THEM THERE AND PAGAN'S  
STATEMENTS REGARDING WHAT HE  
DID.

>> WHO WAS THE ONE THAT GAVE THE  
-- WHAT THE DEFENDANT OR THE  
PERPETRATOR LOOKED LIKE?  
YOU NO, THAT MATCHED ALEX PAGAN  
VERSUS ALEX RAMIREZ?  
WHO GAVE THAT DESCRIPTION.

>> MR. JACKSON.  
BUT ALSO, MR. QUEZADA IS TALKING  
ABOUT WHAT GRAHAM AND PAGAN  
TALKED ABOUT IN THE -- BEFORE ON  
THE WAY THERE.  
THEY WERE GOING TO HAVE TO KILL  
EVERYONE, THAT THEY DIDN'T --  
THEY WEREN'T SATISFIED WITH THE  
PRIOR PROCEEDS OF THE PRIOR  
ROBBERY.

AND I MEAN, IT IS NOT JUST  
MR. JACKSON SAYING WELL, IT IS  
ALEX RAMIREZ.  
THE TOTALITY OF THE EVIDENCE IS  
PRETTY OVERPOWERING HERE.  
AND THERE THERE IS ABSOLUTELY  
NOTHING LINKING THE EMPLOYEE  
ALEJANDRO RAMIREZ TO THESE  
EVENTS.

NOTHING AT THE TRIAL, NOTHING  
BROUGHT UP, THE -- THERE IS  
NOTHING AT THE EVIDENTIARY  
HEARING.

AND AS FAR AS MR. JACKSON BEING  
INVOLVED, THAT NIGHT, THE  
DEFENSE MADE THE BEST OF IT BY  
JUST SAYING THAT THE EMPLOYMENT  
RECORDS MIGHT NOT BE ACCURATE.  
HOWEVER, THEY DID HAVE THE STATE  
DID PUT ON MR. JACKSON'S  
EMPLOYER AND MR. JACKSON'S  
EMPLOYER SAID HE WAS THERE THE  
WHOLE NIGHT.

HE WAS THERE FROM MIDNIGHT UNTIL  
AT LEAST 10:00 OR 11:00 THE NEXT  
MORNING, SO, MR. JACKSON'S NOT  
INVOLVED IN THE ACTUAL CRIME, HE  
MAY HAVE KNOWN ABOUT IT BEFORE.  
MR. RAMIREZ FROM OLSON TEMPORARY  
SERVICES HAS NOT BEEN LINKED TO



THIS AND WE HAVE STATEMENT FROM JACKSON, PAGAN'S ADMISSIONS TO JACKSON AND QUEZADA AND HIS TESTIMONY SAYING IT WAS GRAHAM AND PAGAN WHO COMMITTED THESE MURDERS.

>> SO THIS IS...

>> WAS THERE JEWELRY TAKEN.

>> THE SECOND MURDER THERE WERE THINGS TAKEN BUT THE CAR WAS TAKEN, THE JEEP WAS TAKEN. DURING THE MURDERS.

THE JEWELRY TAKEN IN THE FIRST CRIME AND LITTLE TAKEN IN THE SECOND AND AS I SAY THE JEEP WAS TAKEN AND WAS FOUND BEHIND THE EXTRA SUPERMARKET.

>> WAS THE JEWELRY IDENTIFIED LATER?

WAS THE JEWELRY IDENTIFIED LATER.

>> THE JEWELRY WAS IDENTIFIED.

>> BY THE OWNER, THE SURVIVING VICTIM, MRS. JONES.

>> THE JEWELRY FROM --

>> THE FIRST --

>> HOW ABOUT FROM -- WAS ANYTHING TAKEN THE SECOND ROBBERY MURDER THAT WAS IN THE LINKED TO EITHER OF THE CO-DEFENDANTS?

>> I DON'T BELIEVE ANGLE WAS TAKEN THAT ACTUALLY GOT IDENTIFIED.

, HOWEVER, DURING MRS. JONES'S TESTIMONY, SHE IS TALKING ABOUT THE FACT THAT THE DEFENDANTS WERE COMPLAINING THEY DIDN'T GET ENOUGH THE FIRST TIME.

SO THERE IS CLEARLY A LINK BETWEEN THIS FIRST AND THIS SECOND.

ROBBERIES, YOU KNOW, ARMED, ARMED ROBBERS AND THE BURGLARY THE FIRST BURGLARY AND ROBBERY.

>> WAS THERE ANY -- ANYTHING THAT LINKED EITHER THE DEFENDANTS TO THE PARTICULAR VICTIMS?

THERE WAS SOMETHING ABOUT ONE OF THE VICTIMS BEING A DRUG DEALER OR ANYTHING, ANYTHING THAT LINKED THEM AS KNOWING THEM.

>> SUPPOSEDLY THEY KNEW OF THEM,

THEY WERE NOT ASSOCIATES.

>> AND HOW ABOUT THE JEEP?

WAS ANYTHING -- NO FINGERPRINTS

OR --

>> I DON'T BELIEVE THEY FOUND

ANY FINGERPRINTS.

>> I THINK YOU WOULD REMEMBER IF  
THEY DID.

>> RIGHT.

I DON'T RECALL FINGERPRINTS IN  
THE JEEP.

>> AGAIN WHEN YOU SAY YOU DON'T  
RECALL, THIS IS IMPORTANT.

OBVIOUSLY IF THE DEFENDANT'S  
FINGERPRINTS WERE FOUND ON THE  
JEEP THAT WOULD BE --

>> PRO PROBABLY BE SOMETHING  
THAT --

>> YOU WOULD REMEMBER.

>> THE COURT WOULD HAVE PUT IN  
ITS ORIGINAL OPINION.

ASSUMING THE SECOND ISSUE, THE  
COURT HAS ANY OTHER QUESTIONS ON  
THE FIRST ISSUE, AND JUST TAKING  
A GUESS THE SECOND ISSUE WILL BE  
MR. MALNIK'S CLAIM OF  
INEFFECTIVENESS FOR NOT PUTTING  
ON THE MENTAL HEALTH EXPERT AT  
THE TIME OF -- PENALTY PHASE  
BEFORE THE JURY AND ALSO,  
FAILURE TO CHALLENGE THE  
INDECENT ASSAULT LET ME QUICKLY  
TOUCH ON THOSE.

MR. MALNIK TESTIFIED AT THE  
EVIDENTIARY HEARING HE  
THOROUGHLY INVESTIGATED THE  
CASE, THAT HE HAD THE PRIOR  
COUNSEL'S INVESTIGATION AND  
TALKED TO DR. RICH, HE ALSO HAD  
THE SCHOOL RECORDS WHICH HE GAVE  
OVER TO HIS MENTAL HEALTH EXPERT  
AND THEN HE ALSO HAD THE JAIL  
RECORDS, THE PRIOR VIOLENT  
FELONY, PUBLIC DEFENDER RECORDS,  
AND ALSO, THE RECORDS FROM THE  
PRISON -- PRISON RECORDS.

>> THE PRIOR FELONY WAS A SEXUAL  
ASSAULT OF AN UNDERAGE.

>> 13-YEAR-OLD GIRL.

>> 13-YEAR-OLD GIRL, AND THERE  
WAS EVIDENCE THAT SHE LIKED THE  
DEFENDANT, AND... BUT AS I  
UNDERSTAND THE RECORD,  
MR. PAGAN'S STATEMENT ACTUALLY

CAME IN THAT SAID THIS WAS ALL  
CONSENTUAL?

>> THAT WAS HIS TAKE ON THE  
INCIDENT, YES.

>> SO WHAT IS IT THAT THE  
DEFENSE COUNSEL -- AND I  
UNDERSTAND IT, DEFENSE COUNSEL  
ALSO KEPT OUT THE FACT THAT THIS  
YOUNG LADY HAD BEEN A VIRGIN AND  
THOSE KINDS OF THINGS AND SO, I  
GUESS, I REALLY SHOULD, I GUESS,  
ASK THE DEFENDANT ABOUT WHAT IS  
IT THAT -- WHAT MORE COULD  
DEFENSE COUNSEL HAVE DONE.

>> THE ALLEGATIONS, THE AT THE  
-- IN THE POST-CONVICTION MOTION  
WERE THAT MR. HOWARD, WHO IS A  
15-YEAR FRIEND OF MR. PAGAN'S  
SHOULD HAVE BEEN CALLED TO  
TESTIFY.

THAT -- SOMETHING TO THE EFFECT  
THAT MS. BARRY, THE VICTIM,  
WOULD HAVE SAID THAT SHE WAS --  
GOING TO GET ALEX.

AND ALSO, THAT HE SHOULD HAVE,  
MR. MALNIK SHOULD HAVE BROUGHT  
ON THE DEFENDANT'S SISTER,  
YVETTE PAGAN TO TESTIFY.

>> THIS IS A PLEA AGREEMENT AND  
SO THAT WOULD THAT HAVE -- IT IS  
A FACT THAT THIS WAS A PRIOR  
FELONY.

>> THAT'S CORRECT.

>> AND SO, THIS WAS GOING TO BE  
BROUGHT OUT TO, WHAT, MITIGATE  
THE PRIOR FELONIES.

>> YES.

THAT IS THE ALLEGATION.

>> THAT WERE ALSO USED IN THIS  
CASE.

>> THAT IS CORRECT.

BUT THE REAL IMPORT HERE IS THAT  
MR. MALNIK HAD THE PUBLIC  
DEFENDER'S FILE FROM THAT  
INDECENT ASSAULT.

HE LOOKED AT IT AND NEW  
MS. BARRY AND TO THIS DAY, THERE  
HAS NOT BEEN AN ALLEGATION  
MS. BARRY IS RECANTING, SO HE  
DID NOT WANT TO MAKE THIS A  
FEATURE OF THE TRIAL.

IT WAS -- THERE WAS NO WAY TO  
WIN EVEN IF HE SAID IT WAS  
CONCENTUAL, A 19-YEAR-OLD MAN

AND 13 -- CONSENTUAL AND A 19-YEAR-OLD MAN AND 13-YEAR-OLD GIRL AND LEFT IT AS IT WAS AND OBJECTED TO CERTAIN INFORMATION COMING IN, AND HE WAS ABLE TO GET IN MR. PAGAN'S EXCULPATORY STATEMENT AND THOUGHT THAT WAS THE BEST THAT HE COULD DO, AND SHOULD DO, WITHOUT MAKING THIS A FEATURE OF THE TRIAL.

AND, YES,, YOUR HONOR, YOU ARE CORRECT, WE ARE STILL LEFT WITH TWO AGGRAVATED BATTERIES FOR THE PRIOR VIOLENT FELONY AS WELL AS THE CONTEMPORANEOUS ATTEMPTED MURDERS AND THE MURDER OF EACH DEFENDANT -- EACH VICTIM.

AND WITH REGARD TO MR. MALNIK'S DECISION TO PUT ON HIS MENTAL HEALTH EXPERT ONLY AT THE SPENCER HEARING HE THOUGHT THAT WAS THE BEST PLACE FOR HER, TO TESTIFY, THAT THE EVIDENCE IN MITIGATION WOULD NOT HAVE BEEN -- WASN'T THAT STRONG AND PROBABLY WOULD NOT HAVE BEEN UNDERSTOOD BY THE JURY AS WELL AS BY THE JUDGE AND IT CERTAINLY KEPT AWAY FROM THE JURY THE ALLEGATIONS OR THE FINDING BY THE STATE EXPERT THAT THE DEFENDANT HAD AN ANTI-SOCIAL PERSONALITY DISORDER.

NOW, WHILE THIS COURT HAS FOUND THAT TO BE POSSIBLY A MITIGATOR, IT CERTAINLY IS WITHIN THE DEFENSE COUNSEL'S PROFESSIONAL RESPONSIBILITY TO ASSESS THAT, AND FINDING THAT THE JURIES DO NOT NORMALLY FIND THAT TO BE MITIGATING IN ACTUALITY, HE FELT IT BETTER TO BE JUST PRESENTED AT THE SPENCER HEARING.

WHERE THEY DID CHALLENGE THAT FINDING BY DR. STOCK BUT IT STILL WAS SOMETHING THAT WAS BEFORE THE TRIAL COURT.

IF THERE AREN'T ANY OTHER QUESTIONS I WOULD RELY ON MY BRIEF AND ASK YOUR -- YOUR HONORS TO AFFIRM THIS DENIAL OF POST-CONVICTION RELIEF AND ALSO TO DENY THE HABEAS.

THANK YOU.

>> QUICKLY, IN REBUTTAL, RECALL THAT AT LEAST THREE INDIVIDUALS POSSESSED PART -- PARTS OF THE JEWELRY THAT WERE TAKEN FROM THE JANUARY BURGLARY.

THERE WAS SOME FOUND -- THE SEARCH WARRANT, THE AT ALEX PAGAN'S HOUSE.

>> THE DAY OF HIS ARREST THEY FOUND SOME OF LATASHA'S JEWELRY AT PAGAN'S HOUSE.

>> AND THERE WERE PEOPLE INVOLVED, SHARON FOSTER, ONE OF THE TWO WOMEN WHO MADE THIS FIRST CONFIDENTIAL CALLS TO THE POLICE WITHIN DAYS AFTER THE HOMICIDE, SHE SAID HER NEPHEW, MR. FEATHERSTONE, GOT SOME OF THE JEWELRY FROM THE JANUARY BURGLARY AND THEN THE -- THE PAWN TICKETS REFLECTED --

>> THERE WAS A PERIOD OF TIME BETWEEN THE BURGLARIES AND MURDER AND PAGAN'S ARREST. HOW LONG --

>> OH, YEAH.

WELL, AND I DON'T HAVE THE DATES MEMORIZED, THE PAWN TICKETING THAT WILLIE GRAHAM AND MS. CHAPMAN WENT IN BUT IT WAS OVER SOME PERIOD OF SOMETIME.

>> SOME OF THE JEWELRY FROM LATASHA -- THAT SHE HAD, WAS IN PAGAN'S HOUSE, THE DAY HE WAS ARRESTED.

CORRECT.

>> THAT'S RIGHT.

>> AND ALSO JACKSON TESTIFIED THAT HE SAW SOME OF THE JEWELRY SOMETHING THAT HAD LATASHA'S NAME ON IT, ON THE DATE -- AT THE TIME THAT HE SAW PAGAN, CORRECT.

>> CORRECT, JUSTICE WELLS AND CONSIDER THE SOURCE AS JUSTICE PARIENTE WAS ASKING MY COLLEAGUE AT THE BAR HERE.

REMEMBER, ALSO, THAT I BELIEVE THE RECORD WILL SHOW THAT KEITH JACKSON RECEIVED PROBATION. FOR HIS INVOLVEMENT AND ESCAPING AS THIS ORIGINAL SUSPECT, AND CERTAINLY FOR ALL OF THE --

>> WE DON'T REALLY HAVE ANY

EVIDENCE THAT LINKS HIM TO THE  
CRIME, DO WE?

MR. JACKSON?

HE WAS IN FACT CONVICTED OF SOME  
OTHER OFF FENCES.

>> THE WHOLE --

>> AND PART OF THE E WHOLE PLEA  
AGREEMENT HE WAS GOING TO  
TESTIFY AGAINST THESE  
DEFENDANTS.  
CORRECT.

>> AND THE BIG PICTURE, JUSTICE  
QUINCE, IS DID QUEZADA WHO I  
BELIEVE WAS ALSO CHARGED AS AN  
ACCESSORY AND PLED OUT FOR HIS  
TESTIMONY, WHEN YOU GET A GANG  
OF CRIMINALS LIKE THIS, AND THE  
-- THEY DON'T GET AND FBI REPORT  
WHERE THIS FLOW CHARTS ARE MADE  
THEY HAD TO FIGURE OUT WHO WAS  
WHO AND WHO DID WHAT AND OUR  
POINTED REMAINS WHEN THE ARREST  
WARRANT -- OUR POINT REMAINS  
WHEN THE ARREST WARRANT AND THE  
SEARCH WARRANTS AND THE  
ASSASSINATION REPORT ON THE  
DETECTIVE ALTOGETHER LIST AN  
ALEX OR ALEJANDRO RAMIREZ THE  
QUESTION HAS TO REMAIN WAS THE  
RIGHT ALEX BEING MR. PAGAN THE  
PERSON INVOLVED IN THE FEBRUARY  
HOMICIDE.

>> I WANTED TO MAKE IT CLEAR.  
WE DO HAVE IN THIS RECORD, THE  
DEFENSE ATTORNEY, INVESTIGATED  
ALEX RAMIREZ, FOUND THAT HE HAD  
NO CRIMINAL RECORD, SAID,  
BASICALLY, THAT HE WAS A PRETTY  
GOOD GUY, WE HAVE THAT  
INFORMATION ON THE RECORD, DON'T  
WE.

>> LET ME CORRECTED YOU IN PART.  
HE RECEIVED THE NCIS REPORT WITH  
THAT NAME FROM THE STATE.  
IN ADDITION TO A WORK STUB.  
WHAT YOU ARE REFERRING TO, JUST  
CONVINCE, IS THE TRIAL COURTS  
AND YOUR COURT'S PREVIOUS  
ANALYSIS OF THE SUPPRESSION  
HEARING.

>> DIDN'T HE ALSO TESTIFY AT  
THIS EVIDENTIARY HEARING THAT HE  
HAD THIS INFORMATION AND HE HAD  
DONE THIS INVESTIGATION.

>> WELL, THE LANGUAGE YOU JUST QUOTED, THOUGH, WAS IN HIS COVER LETTER TO ONE OF THE INVESTIGATIVE FIRMS THAT HE WAS -- HE SAID, GO OUT AND SEE, IS THERE A RELATIONSHIP OF ALEX RAMIREZ TO WILLIE GRAHAM, ANTHONY GRAHAM AND KEITH JACKSON?

HE DID NOT KNOW FROM THE STATE'S DISCOVERY, SO THAT IS WHERE IT CAME FROM AND THAT LITTLE BIT AND HIS INSTRUCTION LETTER TO INVESTIGATORS, DOES NOT REFER TO A CONCLUSION HE MADE, BUT, ONLY TO THE SEVERELY LIMITED INFORMATION THAT HE HAD OF WHAT THAT NAME WENT.

-- MENTAL.

HE DID NOT KNOW IF ALEX RAMIREZ WAS YOU A GANG MEMBER, WHEN IT APPEARS THAT THE MIRAMAR POLICE DEPARTMENT ON APRIL 2, 1993 --

>> WE STILL DON'T KNOW THAT, DO WE.

>> NO, MA'AM.

WITH THIS INFORMATION, WE ASK FOR RELIEF.

THANK YOU VERY MUCH.

>> THANK YOU.

THANK YOU BOTH FOR YOUR ARGUMENT.