>>> NEXT CASE ON OUR DOCKET
OF THE DAY IS MCKENZIE V. THE
STATE OF FLORIDA.
>> MAY IT PLEASE THE COURT.
JAMES DRISCOLL, ALONG WITH
DAVID HENDRY, ON BEHALF OF
NORMAN MCKENZIE FROM CCRC
MIDDLE, AND THERE ARE A LOT
OF ISSUES IN THIS CASE, BUT
IT REALLY COMES DOWN TO
WHETHER THIS COURT IS GOING
TO ALLOW THE STATE OF FLORIDA
TO CARRY OUT A SENTENCE OF
DEATH WHEN THERE'S ALL THIS
MITIGATION IN THIS CASE THAT
HAS NEVER BEEN CONSIDERED BY
ANY COURT OR ANY SENTENCER.
AND THAT SHOULDN'T HAVE
HAPPENED, AND WE ASK THAT
MR.†MCKENZIE BE GRANTED
RELIEVE.
>> I'M STRUGGLING TO FIND AN
ISSUE HERE THAT IS NOT A
DIRECT APPEAL ISSUE AND THAT
-- I JUST DON'T UNDERSTAND
WHAT -- WHAT THESE ISSUES --
HOW THEY CAN BE RAISED AT
THIS STAGE OF THESE
PROCEEDINGS?
>> YOUR HONOR, I'M SURE THE
STATE WOULD TAKE A DIFFERENT
POSITION, ALL OF THE ISSUES
ARE NOT PROCEDURALLY FAIR.
WE OFFERED ABOUT SEVEN WAYS
WHICH MR.†MCKENZIE SHOULD
HAVE BEEN ABLE TO HAVE AN
EVIDENTIARY HEARING AND
PRESENT THE MITIGATION, SO
FOR ANY CLAIM WE COULD†--
>>†WE DON'T -- HE WAS THE
CAPTAIN OF THE SHIP.
HE CHOSE WHAT HE WAS GOING TO
DO.
HE WAS DETERMINED TO BE
COMPETENT TO DO THAT.
HE MADE HIS CHOICES.
THAT'S WHAT HE'S GOT.
YOU KNOW, HE CAN'T BRING --
CAN HE BRING A CLAIM OF
INEFFECTIVE ASSISTANCE OF

COUNSEL AGAINST HIMSELF?
>> HE HAS NOT.
>> WELL, SEEMS LIKE IN A WAY,
YOU'RE NOT CALLING IT THAT.
IT SEEMS, IN EFFECT, THAT'S
WHAT THIS IS.
>> MR.†MCKENZIE --
MR.†MCKENZIE WAS PREJUDICE BY
INEFFECTIVE ASSISTANCE OF
COUNSEL BEFORE HE WAIVED HIS
RIGHT TO COUNSEL.
AND THAT HAPPENED WHEN
MR.†MCKENZIE WAS IN JAIL
THROUGHOUT THE STATE AND
NOBODY BOTHERED TO COME SEE
THIS MAN WITH MENTAL ILLNESS,
DELUSIONS, COCAINE
DEPENDENCE, ALL SORTS OF
TRAUMA IN HIS BACKGROUND.
THESE ARE THE TYPE OF FOLKS
THAT CAPITAL DEFENSE
ATTORNEYS DEAL WITH EVERY
DAY, AND TO NOT SEE HIM FOR
MONTHS OR AFTER ARRAIGNMENT
OR GO TRAVEL TO SEE HIM, AND
THEN GO AND WAIVE SPEEDY
TRIAL, WHICH MEANT A LOT TO
MR.†MCKENZIE, AND VIOLATE HIS
TRUST AND -- THERE WAS NO
ATTORNEY-CLIENT RELATIONSHIP
THAT FORMED.
THAT LED MR.†MCKENZIE TO MAKE
AN IMPULSIVE, IRRATIONAL
DECISIONS, AND HE WAS
PREJUDICED BY COUNSEL NOT
DOING A BASIC ACT OF MEETING
WITH MR.†MCKENZIE RIGHT AWAY.
RIGHT WHEN THE CASE BECAME
KNOWN.
>> SO ARE YOU ARGUING THAT
THE TRIAL COURT
INAPPROPRIATELY ALLOWED HIM
TO REPRESENT HIMSELF?
IT SEEMS TO ME, THE TRIAL
JUDGE WENT THROUGH THE
COLLOQUY NECESSARY AND FOUND
HE COULD REPRESENT HIMSELF?
>> TECHNICALLY, THE TECHNICAL
APPLICATION OF THE INQUIRE
WAS UPHELD BY THIS COURT.

IT IS WHAT LED UP TO
MR. MCKENZIE IRRATIONALLY
WAIVING RIGHT TO COUNSEL.
IT HAPPENED BEFORE.
THAT IS AN INEFFECTIVE
ASSISTANCE OF COUNSEL CLAIM,
WHICH REQUIRES TESTIMONY OR
EVIDENCE OUTSIDE OF THE
RECORD, AND WE WERE NOT GIVEN
AN EVIDENTIARY HEARING TO PUT
THAT ON.
>> IS THERE CASE LAW THAT
ADDRESSES THIS POINT, THAT
ESTABLISHES THAT A DEFENDANT
BECOMES ANGRY WITH THE LAWYER
ASSIGNED TO VISIT ON SUNDAY
OR DOESN'T COME ON THE DAY
THAT THE PRISONER DESIRES?
THAT THAT IS A BASIS FOR
INEFFECTIVE ASSISTANCE WHEN
-- BECAUSE HE GETS ANGRY AND
THEN DISCHARGES COUNSEL AND
PROCEEDS TO REPRESENT
HIMSELF?
>> YOUR HONOR, I CAN'T POINT
TO A CASE WHERE COUNSEL
DIDN'T COME ON A SPECIFIC
DAY.
THIS IS ABOUT COUNSEL NOT
COMING AT ALL AND LEAVING A
PARANOID, DELUSIONAL MAN TO
THINK ON HIS OWN TO -- ONLY
TO ARRIVE IN COURT AND FIND
OUT HIS RIGHT TO SPEEDY TRIAL
HAD BEEN WAIVED WITHOUT EVER
CONTACTING OR EVER
SPEAKING --
>> IF YOU COULD GO BACK TO MY
INITIAL QUESTION IT WOULD
HELP ME TREMENDOUSLY.
I SEE WE HAVE A REAL PROBLEM
IN FORMULATING PRINCIPLES OF
LAW.
IT SEEMS THIS IS BECOMING A
REAL TREND FOR PRISONERS TO
DISCHARGE COUNSEL AND THEN GO
ON THEIR WAY, EVEN AFTER
BEING CAUTIONED BY TRIAL
JUDGES, TIME AND TIME AGAIN,
AND THEN AFTER THAT'S ALL

OVER, THEN WE SPEND WEEKS AND
MONTHS LITIGATING ON ISSUES
THAT ARE ESSENTIALLY, AS
JUSTICE CANADY SAID, THAT
WOULD BE TRADITIONAL
INEFFECTIVE ASSISTANCE
CLAIMS.
I'M AT A LOSS.
WE'RE GOING TO THROW THE
SYSTEM INTO ABSOLUTE TURMOIL
IS WHAT MY CONCERN IS.
THAT'S WHY I'M LOOKING FOR
HELP OR GUIDANCE ON CASES.
>> YOUR HONOR, I THINK THERE
-- I THINK YOU'RE POINTING TO
AN OVERALL ISSUE, AND IT
COMES DOWN TO SOMEBODY LIKE
WITH A POSSESSION OF COCAINE
OR THIRD-DEGREE FELONY.
THIS IS A DEATH CASE.
>> I REALIZE THAT.
YOU THINK I DON'T KNOW THAT?
>> I'M CALLED ON TO DO EXTRA
ANALYSIS AND DETERMINE
WHETHER PROPORTIONALITY AS
PART OF FLORIDA'S
CONSTITUTIONAL†--
>>†FINE, I'M ASKING YOU ABOUT
THE INEFFECTIVE ASSISTANCE
CLAIMS THAT ARE BEING MADE
HERE.
>> THERE'S ONE.
AND THAT WAS IT.
AND THAT LED TO
MR.†MCKENZIE'S WAIVER, AND
THAT WAIVER SHOULDN'T HAVE
HAPPENED.
>> NOW, DID THE TRIAL COURT
FOLLOW THE APPROPRIATE
PROCEDURES WHEN A DEFENDANT
DOESN'T WANT TO PUT ON
MITIGATION?
>> YES, THAT WAS UPHELD ON
DIRECT APPEAL.
>> SO THE TRIAL COURT DID, AS
REQUIRED, UNDER THOSE
CIRCUMSTANCES, UNDER THE
APPROPRIATE PSI?
>> PSI WAS NOT APPROPRIATE.
>> NOW WE'RE GOING TO GET

INTO LITIGATING WHETHER WE
LIKE THE PSI'S OR NOT?
>> YOUR HONOR, THE PSI WAS
INADEQUATE, AND THE COURT
SAID IT WAS DOING --
PURSUANT, THIS WASN'T A CASE
MR.†MCKENZIE WAS WAIVING
MITIGATION.
THIS IS A CASE WHERE
MR.†MCKENZIE, AFTER THE TRUST
WAS VIOLATED, ATTEMPTED TO
PUT IT ON HIMSELF, AND WHAT
IT COMES DOWN TO IS, IT'S NOT
AS IF DEATH IS CONSTITUTIONAL
IN EVERY CASE.
IT COMES DOWN TO WHETHER
MR.†MCKENZIE'S CASE IS ONE OF
THE MOST AGGRAVATED AND LEAST
MITIGATED, AND THERE IS
SUBSTANTIAL MITIGATION THAT
WASN'T CONSIDERED BY ANYBODY,
AND THAT WAS PART 2 OF THE
BRIEF AND IT GOES INTO GREAT
DETAIL.
THERE REALLY COMES A POINT
WHEN SOMEBODY HAS SUFFICIENT
MITIGATION THAT DEATH IS
UNCONSTITUTIONAL, AND WE
WOULD -- AT LEAST SHOULD HAVE
BEEN ALLOWED TO SHOW THAT,
THAT DEATH IS NOT PERMISSIBLE
IN THIS CASE BECAUSE OF
MR.†MCKENZIE'S GREAT
MITIGATION.
>> I'D LIKE TO GO BACK TO
JUSTICE CANADY'S FIRST
QUESTION.
I'M LOOKING AT THE DIRECT
APPEAL, AND IT SPECIFICALLY
DEALT WITH THE ISSUE THAT IS
-- WHICH IS THE NELSON
INQUIRY, INCOMPETENCY TO THE
POINT OF COUNSEL IS THE
REASON FOR DISCHARGING
COUNSEL THAT THE TRIAL COURT
HAS TO MAKE A SUFFICIENT
INQUIRY OF THE DEFENDANT AND
THEN ALSO, IF THE TRIAL COURT
FINDS REASONABLE CAUSE THAT
THERE IS -- THAT THE

COUNSEL'S NOT RENDERING
EFFECTIVE ASSISTANCE OF
COUNSEL, THEN THE TRIAL JUDGE
SHOULD APPOINT SUBSTITUTE
COUNSEL.
SO THE COURTS, OVER THE
YEARS, HAVE REFINED THE
PROCESS, AND WE FOUND ON
DIRECT APPEAL IT WAS
FOLLOWED.
I WOULD ECHO WHAT JUSTICE
CANADY SAYS, THAT WHAT YOU'RE
SAYING IS YOU WANT A SECOND
OPPORTUNITY TO SHOW THAT IT
WAS INEFFECTIVE ASSISTANCE OF
COUNSEL THAT LED TO
MR.†MCKENZIE'S MOVE TO
REPRESENT HIMSELF, AND I
DON'T SEE HOW THAT IS ALLOWED
WHEN WE HAVE A SPECIFIC
PROCEDURE THAT WAS RAISED ON
DIRECT APPEAL AND IT WAS
FOUND ADVERSELY TO YOUR
CLIENT?
DO YOU ACKNOWLEDGE THAT THAT
HOLDING, THAT IS THAT NELSON
PROVIDES FOR WHAT YOU'RE
TALKING ABOUT, WHEN A
DEFENDANT HAS GENUINE
CONCERNS ABOUT THE
REPRESENTATION?
TRIAL COURT HAS A DUTY TO
INQUIRE, THAT'S THE FIRST
STEP.
FARETTA ISN'T THE FIRST STEP
WHERE THERE'S A COMPLAINT,
AND THAT WAS FOLLOWED HERE,
AND THE COURT UPHELD IT.
SO YOU'RE REALLY SAYING YOU
WANT ANOTHER CHANCE TO UNDO
THIS TRIAL BY NOW HAVING AN
EVIDENTIARY HEARING, AND I
THINK WE WOULD HAVE TO CHANGE
THE LAW OF NELSON IN ORDER TO
ACCEPT YOUR POSITION.
>> WELL, NELSON -- NELSON
TAKES -- IT CONSIDERS WHAT
THE PARTIES SAY IN THEIR
COMPLAINTS, AND BASICALLY
MR.†MCKENZIE -- MR.†MCKENZIE,

BY THE TIME HE WENT TO
FARETTA, IT WASN'T THERE.
BUT†--
>>†WASN'T WHERE?
>> HE WAS TRYING TO REPRESENT
HIMSELF BY THAT TIME.
THERE WAS A NELSON HEARING,
AND THE COURT FOUND THAT THEY
WERE NOT INCOMPETENT AT THE
TIME, ENOUGH TO REMOVE THEM
AT THAT POINT.
BUT SIMPLY BECAUSE SOMEBODY,
A DEFENDANT, LOSES A NELSON
HEARING DOESN'T MEAN THERE
CAN'T BE INEFFECTIVE
ASSISTANCE OF COUNSEL CLAIMS.
>> WHERE IS THE CASE LAW FROM
THIS COURT THAT ESTABLISHES
THAT WHEN WE'VE GOT THIS
PROCEDURE FOR NELSON AND THAT
THE DEFENDANT ELECTS TO
REPRESENT HIMSELF, NOT SAY,
WELL, LISTEN, THIS IS THE
BEST I HAVE, I'M GOING TO
HAVE THIS LAWYER AND THEN
I'LL COMPLAIN, THAT THERE IS
A CHANCE TO RAISE THIS AGAIN
ON POST-CONVICTION.
WHAT CASE DO WE HAVE?
>> YOUR HONOR, I DON'T
BELIEVE ANYTHING LIKE THIS
HAS HAPPENED VERY MUCH.
>> IT HAPPENS -- DOESN'T
HAPPEN ALL THE TIME, BUT WE
CERTAINLY HAVE -- WE HAD ONE
YESTERDAY WHERE A DEFENDANT
ELECTED TO REPRESENT HIMSELF
AFTER BEING REPEATEDLY
CAUTIONED.
I DON'T SEE HOW WE CAN ALLOW
A DEFENDANT TO MAKE THAT
DECISION AND THEN COME BACK
AFTERWARDS AND TRY AGAINST --
GET A NEW TRIAL.
IN MY VIEW, EVERY DEFENDANT
WOULD DO THIS AND WE'D HAVE
SOMEWHAT OF A CHAOTIC SYSTEM.
I DON'T SEE THAT THE LAW
REQUIRES IT FOR JUSTICE TO BE
DONE.

IS THERE ANY OTHER STATE THAT
ALLOWS WHAT YOU'RE TALKING
ABOUT?
THE UNITED STATES SUPREME
COURT ALLOW THIS TO BE THE
PROCEDURE?
>> YOUR HONOR, ONE OF THE
POINTS WE MADE IS HE HAD
COUNSEL AND HE WAS ENTITLED
TO COUNSEL.
WHILE HE HAD COUNSEL, THEY
WERE INEFFECTIVE, WHICH LED
TO THE WAIVER.
>> THAT'S WHAT NELSON'S
ABOUT.
THAT'S WHY THE JUDGE INQUIRED
AND MADE A FINDING ON THE
RECORD AND WHAT THE
COMPLAINTS ARE, AND IF
THERE'S A REASONABLE BASIS.
BUT TOO OFTEN, A DEFENDANT
HAS MAYBE REALISTIC BUT
UNREALISTIC EXPECTATIONS OF
WHAT THE DEFENSE COUNSEL
SHOULD BE DOING, AND YOU
KNOW, THAT'S WHAT MAY HAVE
OCCURRED IN THIS CASE.
>> THAT ALSO -- WHEN THE
COURT MADE THE NELSON
DECISION, THAT WAS WITHOUT
KNOWING THE INFORMATION THAT
WE HAVE, OUTSIDE OF THE
RECORD, WHICH WE SINCE
DEVELOPED THROUGH
DR.†CUNNINGHAM.
THE COURT MADE A NELSON
INQUIRY IN A VACUUM AND DID
NOT KNOW THE SPECIAL NEEDS OR
SPECIAL CHALLENGES THAT
MR.†MCKENZIE WOULD PRESENT TO
ANY -- ANY CAPITAL DEFENSE
ATTORNEY, BUT THAT'S WHAT WE
CALL UPON IN THIS STATE FOR
CAPITAL DEFENSE ATTORNEYS TO
DO, AND TO NOT SEE HIM WHEN
HE'S DELUSIONAL, WHEN HE HAS
TRUST ISSUES, WHEN HE SUFFERS
ALL SORTS OF TRAUMAS.
>> ARE YOU SAYING HE WAS NOT
COMPETENT TO REPRESENT

HIMSELF?
>> HE WASN'T COMPETENT TO
REPRESENT HIMSELF.
>> AGAIN, NOW YOU WANT TO
RAISE THAT ISSUE ON
POST-CONVICTION?
>> HE DOESN'T HAVE TO BE
COMPETENT -- HE HAS TO PASS
FARETTA TO REPRESENT HIMSELF.
HE WAS NOT CAPABLE OF
REPRESENTING HIMSELF, IF YOU
MEAN COMPETENCE IN A GENERAL
SENSE.
AND I BELIEVE†--
>>†DO YOU MEAN COMPETENT
MENTALLY OR COMPETENT TO KNOW
THE RULES AND REGULATIONS OF
CONDUCTING A TRIAL?
>> I WOULD SAY HE WOULD HAVE
PASSED COMPETENCY TO STAND
TRIAL.
COMPETENCY TO REPRESENT
HIMSELF.
IT'S NOT THAT DIFFICULT OF A
STANDARD.
HE CAN ANSWER THE QUESTIONS
RIGHT, AND THEN COMPETENCY TO
ACTUALLY TO DO IT FAIRLY AND
DECENTLY.
IT WOULDN'T HAPPEN.
>> WE WOULD HAVE TO DO AWAY
WITH PEOPLE HAVING THE
ABILITY TO REPRESENT
THEMSELVES ON MURDER CASES,
THEN?
>> WE COULD DO THAT.
>> WE HAVE TWO TRIALS EVERY
TIME.
ONE I REPRESENT MYSELF, I
LOSE, AND THEN I†--
>>†INDIANA V. EDWARDS MAYBE
CHANGED THE LANDSCAPE HERE.
I DON'T THINK WE CAN ENTIRELY
SAY IN A CAPITAL CASE THAT
THE DEFENDANT'S NEVER GOING
TO HAVE THE RIGHT TO
REPRESENT HIMSELF.
WE COULDN'T SAY THAT, COULD
WE?
>> YOUR HONOR, YOU COULD SAY

THERE NEEDED TO BE AT LEAST
AN EVALUATION SO WE KNOW WHO
THIS PERSON IS BEFORE WE LET
THEM LOSE TO THE JURY.
YOU COULD SAY A LOT OF
THINGS, AND SAY THIS LEVEL OF
MITIGATION THAT WE REALLY
NEED TO CONSIDER THAT BEFORE
WE ALLOW THE STATE TO EXECUTE
SOMEBODY.
>> WE HAVE THAT IN A NUMBER
OF CASES, EVEN WHEN WE HAVE
WONDERFUL COUNSEL, WE DON'T
HAVE A FULL RECORD OF IT, BUT
COUNSEL WANTS TO PUT ON
MITIGATION, AND DEFENDANT
PROHIBITS COUNSEL FROM USING
CERTAIN THINGS, AND THEN
LATER ON, A NEW LAWYER PICKS
IT UP AND ALL OF A SUDDEN,
THE DEFENDANT WANTS TO HAVE A
NEW TRIAL ON ALL THAT
MITIGATION THAT COULD HAVE
BEEN PRESENTED AND DOES OUR
LAW ALLOW THAT?
>> NOT NECESSARILY.
IT DEPENDS WHETHER COUNSEL
WAS PROPERLY ADVISING THE
CLIENT, ENGAGING WITH THE
CLIENT.
>> SO THE BASIC ANSWER IS,
NO, WE DON'T ALLOW THAT
BECAUSE IT'S BEEN PRECLUDED
BY THE DEFENDANT'S ACTIONS.
AND THAT'S REALLY WHERE THIS
COMES BACK TO.
>> WE'RE NOT IN AN INSTANCE
WHERE MR.†MCKENZIE DIDN'T --
MR.†MCKENZIE, WHAT HE TRIED
TO PRESENT, WHICH YOU CAN SEE
IN THE SHADOWS OF HIS
PRESENTATION, WHAT YOU COULD
SEE IS HE WANTED TO PRESENT
HIS TRAUMATIC BACKGROUND,
COCAINE DEPENDENCE, ALL OF
THAT.
IT WASN'T ANYTHING OUT OF THE
ORDINARY.
COUNSEL JUST HAD TO HAVE NOT
VIOLATED HIS TRUST.

>> DID THE TRIAL COURT
PRECLUDE THIS DEFENDANT FROM
PUTTING ANY EVIDENCE ON THAT
THE DEFENDANT WANTED TO PUT
ON PROPERLY?
>> IT WASN'T -- IT WASN'T AS
IF, IN SOME WAYS MR.†MCKENZIE
BY RULES OF EVIDENCE WAS
PRECLUDED.
>> YOU ARE GOING TO SAY THE
RULES OF EVIDENCE DON'T
APPLY.
>> YOU'RE ALSO LOOKING AT A
CASE, TOO, WHERE THAT COURT
SHOULD HAVE SEEN THE
VIDEOTAPES, WHICH I
SUPPLEMENTED THE RECORD WITH,
THAT SHOW MR.†MCKENZIE IN
THAT STATE AND UNDER
MOHAMMED, EXERCISE THE
DISCRETION TO HAVE
MR.†MCKENZIE EVALUATED.
THAT DIDN'T EVEN HAPPEN IN
THIS CASE.
THE FACT THAT THE COUNSEL
ISSUE IS ONE THING, BUT
THERE'S ALSO INSTANCES WHERE
THE STATE WENT AND SPOKE WITH
MR.†MCKENZIE AND TOLD HIM
THAT HE COULDN'T PUT ON
EVIDENCE ABOUT HIS -- WHAT HE
SAID IN HIS FIRST CONFESSION.
THERE'S ALL SORTS OF OTHER
REASONS WHY HIS MITIGATION
SHOULD HAVE BEEN HEARD.
>> ARE YOU SAYING THAT ONCE A
DEFENDANT UNDERTAKES
SELF-REPRESENTATION, THAT THE
PROSECUTOR IN THE CASE CANNOT
TALK WITH THE PERSON WHO'S
REPRESENTING THEMSELVES?
>> THEY CAN.
I COULDN'T FIND A RULE WHERE
THEY COULDN'T.
>> THAT'S THE PROBLEM.
>> THE PRACTICE IS IT
SHOULDN'T HAVE HAPPENED.
IT SHOULD HAVE BEEN WITH A
COURT REPORTER SO WE WOULDN'T
HAVE THE†--

>>†IS THERE A CASE THAT SAYS
THAT?
>> NO, YOUR HONOR.
I COULDN'T FIND ONE.
>> YOU ARE CARVING NEW
GROUND, IS WHAT YOU'RE TRYING
TO DO.
LAWYERS, THAT'S WHAT WE GET
PAID TO DO.
I UNDERSTAND THAT.
>> YOUR HONOR, I UNDERSTAND
SOME OF THIS IS DIFFERENT AND
SO FORTH.
WHAT I'M REALLY TRYING TO DO
IS HAVE AT LEAST SOMEBODY
CONSIDER A MENTALLY ILL,
DELUSIONAL MAN'S MITIGATION
AND LET IT BE CONSIDERED.
THAT COULD HAVE HAPPENED
THROUGH EVALUATION AT TRIAL.
IT COULD HAVE BEEN JUST A
LITTLE BIT MORE THAT WOULD
HAVE OPENED UP THE GATE TO
ALL OF THIS VERY, VERY
COMPELLING MITIGATION.
SO I RAISED IT EVERY WHICH
WAY I COULD.
I'LL BE STRAIGHT WITH YOU†--
>>†I UNDERSTAND, AND YOU NEED
TO BE.
>> BUT THE BOTTOM LINE IS,
YOUR HONOR, THIS MAN HAS DEEP
MITIGATION AND IT WAS NEVER
HEARD.
AND WE CAN'T HAVE A SYSTEM IN
THIS STATE WHERE THERE'S THAT
MITIGATION OUT THERE AND IT'S
NEVER CONSIDERED.
THAT'S UNFAIR AND IT'S
UNCONSTITUTIONAL†--
>>†AND I DON'T DISAGREE ABOUT
SOME OF THE DIRECT APPEAL
ISSUE ABOUT THE WAIVER, BUT
WHAT YOU'RE ASKING US TO DO
IS TO OVERTURN ALL OF OUR
PRECEDENT THAT ALLOWS THIS,
AND I DON'T SEE HOW WE DO
THAT ON A POST-CONVICTION
MOTION.
SO, AGAIN, WAY INTO YOUR

REBUTTAL.
THAT'S THE CONCERN IS WHAT
WAS RAISED AT THE BEGINNING,
WHICH IS†--
>>†YOUR HONOR, WE'RE ASKING
THIS COURT -- THERE'S ALL
SORTS OF DIFFERENT REMEDIES
WE HAVE.
ONE WOULD BE JUST TO HAVE
SOMEBODY CONSIDER THIS MAN'S
MITIGATION BEFORE HE SUFFERS
THE ULTIMATE PENALTY BECAUSE
IT IS DEEP, AND IT IS
PROFOUND, AND IF WE DON'T
CONSIDER THAT, THERE'S
SOMETHING WRONG WITH THE
SYSTEM.
AND IT BROKE DOWN AND IT WAS
-- MR.†MCKENZIE HAD HIS PART
IN IT.
THIS IS A DELUSIONAL,
MENTALLY ILL MAN WHO
SHOULDN'T BE MAKING THOSE
DECISIONS.
>> LET ME ASK YOU THIS†--
HE CONDUCTED THE TOTAL GUILT
PHASE OF THE TRIAL HIMSELF?
>> YES, YOUR HONOR.
>> THERE WERE RED FLAGS TO
ALERT THE JUDGE THAT THIS MAN
IS NO LONGER COMPETENT?
>> HE DID NOT ASK ANY
QUESTIONS.
>> HE LAID OUT WHAT HAPPENED,
DIDN'T HE?
>> YES, THAT COULD BE
CONSISTENT WITH A MAN, A MAN
WHO IS REMORSEFUL, IN FACT,
FOR WHAT HE JUST DIDN'T
UNDERSTAND.
HEY, MAYBE WE SHOULD JUST
HAVE A PENALTY PHASE OR
DIFFERENT THINGS LIKE THAT.
>> MAYBE COUNSEL, YOU SHOULD
HAVE A†--
>>†IT'S TRUE.
BEING A FOOL CAN ALSO MEAN
BEING GREATLY MENTALLY ILL
AND NOT BEING ABLE TO MAKE
WISE DECISIONS THAT ARE FREE

FROM IMPULSIVITY.
MR.†MCKENZIE, HE DIDN'T
ANSWER IT IN A VACUUM, AND
THE DEFENSE COUNSEL COULD
HAVE WORKED WITH HIM, THEY
NEEDED TO SEE HIM INITIALLY
AND SAY, MR.†MCKENZIE, WE'RE
THE DEFENSE ATTORNEYS, NICE
TO MEET YOU.
WE NEED MORE TIME, WE NEED TO
WAIVE SPEEDY TRIAL AND WE'RE
GOING TO WORK WITH AND YOU
PRESENT MITIGATION AND TAKE
YOUR INPUT AND PRESENT IT IN
A WAY YOU'RE COMFORTABLE
WITH.
THAT'S WHAT CAPITAL DEFENSE
ATTORNEYS DO.
I SEE THAT MY TIME IS UP.
>> I'LL GIVE YOU ANOTHER
TIME.
ONE MINUTE FOR REBUTTAL.
>> THANK YOU, YOUR HONOR.
>>> MY NAME IS MITCH BISHOP,
ON BEHALF OF THE APPELLEE IN
THE STATE OF FLORIDA.
THERE IS AN ARGUMENT THAT
MCKENZIE HAD THAT WASN'T
PRESENTED AND THAT MAKES HIS
SENTENCE UNCONSTITUTIONAL IS
CLASHING WITH MR.†MCKENZIE'S
RIGHT TO SELF-DETERMINATION
AND EXERCISE HIS OWN FREE
WILL.
HE PRESENTED SOME MITIGATION
ABOUT HIS DRUG ABUSE AND THAT
WAS ALL HE PRESENTED.
IF HE DIDN'T DO A GOOD JOB OF
THAT BECAUSE HE'S NOT A
SKILLED LAWYER, THEN THAT'S
THE BURDEN HE TOOK ON WHEN HE
ELECTED TO WAIVE HIS RIGHT TO
COUNSEL.
>> BUT IF WE HAVE -- IF YOU
TAKE ISSUE WITH THE ASSERTION
THAT THIS IS A SEVERELY
MENTALLY ILL INDIVIDUAL?
>> I DO, JUSTICE PARIENTE.
THERE IS A RECURRING THEME
THROUGHOUT THE APPELLANT'S

ARGUMENT AND PLEADINGS THAT
MR.†MCKENZIE HAS THIS
GENERICALLY DESCRIBED MENTAL
ILLNESS.
I WOULD POINT OUT THAT EVEN
IN DR.†CUNNINGHAM'S PROFFER,
OR WHAT'S IN THE BRIEF AND
CLAIMED TO VARIOUS
MITIGATION, DR.†CUNNINGHAM
TALKS ABOUT THE PSYCHOTROPIC
EFFECTS OF MR.†MCKENZIE'S
COCAINE USE AND SOME OF THE
DELUSIONAL EFFECTS OF THAT.
BUT TO ARGUE HE WAS MENTALLY
ILL OR AS THEY ARGUE IN THE
THROES OF MENTAL DELUSION IS
NOT ACCURATE INTO TAKING INTO
CONTEXT WHAT DR.†CUNNINGHAM
SAYS.
HE DOESN'T PINPOINT IT TO A
PARTICULAR MENTAL ILLNESS.
DR.†CUNNINGHAM, WHAT THEY
PROFFERED IN THE INITIAL
BRIEF, DOESN'T COME CLOSE TO
SAYING HE SUFFERS FROM THIS
MENTAL ILLNESS OR THIS MENTAL
ILLNESS UNDER WHAT WOULD THEN
BE THE DSM IV, THE OPERATIVE
TEXT AT THAT POINT IN TIME.
HE TALKS ABOUT THE EFFECTS
THAT THE DRUG ABUSE HAD ON
HIS JUDGMENT AND REASONING
ABILITIES, THAT'S ESSENTIALLY
IT.
WITH REGARD TO THE REST OF
THE MITIGATION THAT THEY ARE
PROFFERING, DR.†CUNNINGHAM
OUTLINES IT IN, I THINK, 26
DIFFERENT FORMS OF
MITIGATION, THAT CAN REALLY
ALL BE CONDENSED DOWN TO
SOMETHING ABOUT DRUG ABUSE, A
LITTLE SOMETHING ABOUT CHILD
ABUSE, AND MAYBE SOME MORE OF
HIS FAMILY BACKGROUND.
>> DOES DR.†CUNNINGHAM FIND
ANYTHING CONCERNING
MR.†MCKENZIE'S ABILITY TO
REPRESENT HIMSELF?
>> DOES NOT.

AND DR.†CUNNINGHAM DOES NOT
SAY THAT -- HE SAYS
AFFIRMATIVELY, BASED ON WHAT
WE HAVE FROM THE APPELLANT,
HE'S NOT PSYCHOTIC OR
SCHIZOPHRENIC.
HE MAKES THOSE STATEMENTS IN
WHAT WE GET FROM
DR.†CUNNINGHAM.
THE DEFENDANT WAS EVALUATED,
AND I THINK IT'S DISCUSSED,
AND THERE'S A LITTLE
DISAGREEMENT BETWEEN THE
COUNSEL HERE ABOUT WHO SAID
WHAT ABOUT HIS COMPETENCY
EVALUATION BEFORE TRIAL.
I THINK AT ONE TIME I SAID
MCKENZIE -- OR DEFENSE
LAWYERS SAID MCKENZIE HAD
BEEN EVALUATED, IT WAS
MCKENZIE HIMSELF WHO SAID HE
WAS EVALUATED.
>> IN WHAT SETTING?
>> COMPETENCY TO STAND TRIAL.
>> THE TRIAL JUDGE ACTUALLY
APPOINTED EXPERTS TO EVALUATE
HIM?
>> NO, YOUR HONOR, SINCE THE
PUBLIC DEFENDER VALERINO
DURING PERIOD OF
REPRESENTATION BEFORE FARETTA
HAD HIM EVALUATED.
THEY DISCUSSED AT THE ONSET
OF THE PENALTY PHASE WHEN
THEY WERE REAPPOINTED FOR A
NIGHT AND THE NEXT MORNING
MCKENZIE COMES BACK AND
THOUGHT ABOUT IT AND DECIDES
HE WANTS TO GO FORWARD BY
HIMSELF.
SO MCKENZIE SAYS SOMETHING
ABOUT THAT, AND IN A COLLOQUY
WITH THE COURT IN A PRETRIAL
HEARING ABOUT -- SOMETHING TO
THE EFFECT, AND I'M
PARAPHRASING, THEY'VE GOT TWO
EVALUATIONS TO SHOW I'M
COMPETENT.
THEY CAN SHOW THOSE TO YOU
RIGHT NOW, INDICATING TOWARDS

THE DEFENSE ATTORNEYS.
AND AT THE PENALTY PHASE,
MR.†VALERINO SAYS THE SAME
THING AND SAYS WE HAVE NOT
HAD HIM EVALUATED FOR MENTAL
HEALTH EVALUATION.
WE HAD HIM EVALUATED FOR
COMPETENCY, AND THAT WAS
ESSENTIALLY IT.
AS TO THE OTHER MITIGATION,
MCKENZIE WAS ADAMANT HE
WANTED TO PRESENT ONLY WHAT
HE WANTED, AND HE PRESENTED
AT THE END -- HE ARGUED AT
THE END ABOUT DRUG ABUSE.
THE COURT WAS VERY LENIENT
AND ALLOWED HIM TO PRESENT
BANK RECORDS TO SHOW
FINANCIAL TRANSACTIONS TO
SHOW HE WAS WITHDRAWING LARGE
SUMS OF MONEY TO PURCHASE
DRUGS, AND THE COURT WAS
LENIENT AND ALLOWED THEM TO
DO THAT.
SHOWED DRUG ABUSE IN
MITIGATION.
>> DOESN'T MEAN A CONCERN
APPLICABLE TO THIS CASE.
YOU ARE REALLY ARGUING THE
DIRECT APPEAL ISSUE WHICH IS
THAT HE WASN'T PRECLUDED FROM
PRESENTING MITIGATION AND HE
WAS COMPETENT TO WAIVE HIS
RIGHT TO COUNSEL.
WHAT I'M HEARING BEING SAID
TODAY IS THAT THAT WAS ONE
PICTURE, BUT REALLY -- BUT
THAT WASN'T THE REAL PICTURE.
THE REAL PICTURE IS THIS WAS
A SERIOUSLY MENTALLY ILL
PERSON WHO HAD DELUSIONS WHO
COULDN'T DO THIS.
AND THEREFORE, THE DEATH
PENALTY ISN'T RELIABLE
BECAUSE THERE'S A WHOLE OTHER
THING OUT THERE.
WHAT YOU'RE GIVING US IS THAT
EVEN THOUGH THERE'S SOME
PROFFERS IN THE RECORD, IT'S
NOT THAT SITUATION -- I MEAN,

THERE COULD BE A SITUATION,
BUT THIS ISN'T THAT CASE.
IS THAT WHAT I'M HEARING?
THERE ISN'T REALLY A
DIAGNOSIS OF WHAT WE WOULD
THINK OF AS THE DSM MENTAL
ILLNESS THAT MIGHT PREVENT
HIM FROM BEING ABLE TO SEE TO
REPRESENT HIMSELF, THE
INDIANA V. EDWARDS SITUATION.
>> CORRECT, YOUR HONOR, I
WOULD AGREE WITH THAT.
BUT AGAIN, THE IDEA THAT HE
COULDN'T DO THIS -- I THINK
THE BEST WE CAN GET FROM THE
APPELLANT'S ARGUMENT AT THIS
POINT AS JUSTICE PERRY
POINTED OUT, MAYBE HE DIDN'T
DO A GOOD JOB.
DIDN'T KNOW THE RULES OF
PROCEDURE ALL THAT WELL, AND
WAS PREVENTED BY THE RULES OF
EVIDENCE FROM ARGUING A
CERTAIN THING, AND THAT'S A
BURDEN HE TOOK ON WHENEVER HE
WAIVED HIS RIGHT TO COUNSEL.
BUT WE DON'T HAVE THE
SITUATION WHERE HE WAS
INCOMPETENT TO PROCEED OR
SUFFERED FROM SOME MENTAL
ILLNESS.
AND THE LAST THING I'LL SAY
ABOUT THE MITIGATION IS THAT
MCKENZIE WAS CLEAR THAT HE
DIDN'T WANT HIS LAWYERS
INVESTIGATING MITIGATION.
HE WAS PREVENTING THEM FROM
DOING THAT OR ARGUING WITH
THEM WHETHER THEY SHOULD DO
THAT OR NOT, AND IN THE
PRESENTENCING INVESTIGATION
WHEN THE SISTER WAS
INTERVIEWED, SHE INDICATED HE
DIDN'T WANT HER GOING INTO
FAMILY BACKGROUND.
HE DIDN'T WANT TO DRAG THEIR
FAMILY THROUGH THE PROCESS AS
WELL.
HE HAS THE RIGHT TO THAT
SELF-DETERMINATION, TO

EXERCISE FREE WILL, AND DO
THAT IF HE WANTS TO.
THIS COURT SAID THAT AS FAR
BACK AS HAMBLIN IN 1988 HE
HAS THE RIGHT TO CONTROL HIS
OWN DESTINY.
THIS RECENTLY IN BOYD IN 2005
ALLOWED THE DEFENDANT TO
PRESENT WHAT HE WANTED TO
PRESENT, EVEN THOUGH THERE IS
MITIGATION OR PART OF A
BIGGER PICTURE HE CHOOSES NOT
TO PRESENT BECAUSE OF HIS OWN
FREE WILL.
>> LET ME ASK YOU THIS†--
LAWYERS WERE PRESENTED,
REAPPOINTED, AND EVEN IF IT
WAS JUST FOR A DAY.
>> YES, YOUR HONOR.
>> DID THEY HAVE ANY
OBLIGATION TO PRESENT TO THE
COURT ANYTHING THAT THEY HAD
FOUND EVEN THOUGH THAT WAS A
SHORT PERIOD OF TIME FOR THEM
TO HAVE FOUND SOMETHING?
WERE THEY OBLIGATED TO DO
THAT?
>> IN THE TIME FRAME THEY
HAD, I WOULD SAY NO, YOUR
HONOR.
HERE'S HOW THAT PLAYED OUT AT
TRIAL.
THE VERDICT CAME OUT.
THE JURY WAS EXCUSED.
THERE IS PROCEDURAL MATTERS
GOING ON, THE JUDGMENT AND
SENTENCE IS HANDED TO THE
DEFENDANT.
HE TAKES A MOMENT AND HE'S
ALLOWED BY THE TRIAL COURT TO
GO OUT AND DISCUSS WHAT HE
WANTS TO DO NEXT WITH HIS
STAND-BY COUNSEL, VALERINO,
AND MR.†QUETTY.
>> HE HAD THE STAND-BY
COUNSEL.
>> THE CAPITAL PUBLIC
DEFENDERS WERE STAND-BY
COUNSEL THROUGH THE PROCESS.
HE GETS A CHANCE TO TALK TO

THEM.
HE ASKS TO HAVE LAWYERS
REAPPOINTED FOR THE PENALTY
PHASE.
THE COURT SAYS OKAY, AND THE
LAWYERS ASKED FOR -- THEY'RE
GOING TO ASK FOR CONTINUANCE,
AND THEY'RE GOING TO NEED
MORE TIME TO PREPARE, THEY'RE
ASKING FOR A COUPLE OF
MONTHS, AND THE COURT'S GOING
TO COME BACK THE NEXT MORNING
AND HANDLE A FEW MORE
PROCEDURAL MATTERS AND EXCUSE
THE JURY FOR THE TIME PERIOD.
>> WHEN THEY HAVE THE COURT
STAMPED, YES, WE'RE GOING TO
GIVE YOU MORE TIME TO GET
THIS TOGETHER?
>> THE COURT RULED -- I'M
SORRY, THE COURT DID INDICATE
THEY WERE GOING TO CONTINUE
THIS OUT.
AND I BELIEVE THAT'S VOLUME 6
OF THE DIRECT APPEALS RECORD.
I APOLOGIZE I DON'T HAVE THE
EXACT PAGE NUMBER.
I REMEMBER READING THAT AS
SOON AS LAST NIGHT.
THE COURT DID SAY WE'RE GOING
TO ALLOW YOU TO CONTINUE AND
THEN THEY CAME BACK THE NEXT
MORNING.
THEY WERE GOING TO GO THROUGH
MORE PROCEDURAL MATTERS AND
EXCUSE THE JURY, AND MCKENZIE
CHANGED HIS MIND.
THEY STOOD UP AND WENT
THROUGH ANOTHER COMPLETE
FARETTA INQUIRY WHICH THE
COURT RECOGNIZED IN THE
DIRECT APPEAL OPINION.
IF THERE ARE NO FURTHER
QUESTIONS?
>> HE CLAIMED THAT THE --
[INAUDIBLE]
>> HE WAS NOT, JUSTICE PERRY.
MR.†MCKENZIE WAS WANTED IN
MARION COUNTY FOR VARIOUS
ARMED ROBBERIES AND

CARJACKINGS HE COMMITTED IN
THE MONTHS PRIOR TO THE
MURDERS IN THIS CASE.
HE WAS ARRESTED AND INDICTED
IN OCTOBER 2006 AND TAKEN OUT
OF ST.†JOHN'S COUNTY.
HE WAS BROUGHT BACK IN
FEBRUARY OF '07 FOR INITIAL
APPEARANCE.
AT THAT POINT HE INDICATED
FIRST HE WAS GOING TO HIRE A
LAWYER BUT DIDN'T DO THAT.
FILED FOR STATUS LATER AND
PUBLIC DEFENDER WAS
APPOINTED.
A COUPLE OF WEEKS LATER, THE
STATE INDICATES IT'S GOING TO
SEEK THE DEATH PENALTY AND
FILED THAT NOTICE AND CAPITAL
QUALIFIED PUBLIC DEFENDERS
ENTERED NOTICE OF APPEARANCE,
AND WHEN THEY TRIED TO VISIT
MR.†MCKENZIE IN JAIL, HE WAS
TAKEN OUT OF THE JAIL.
IT APPEARS IT WAS A CHASE TO
FIND HIM BECAUSE, FOR THE
NEXT STATUS CONFERENCE, THE
TRIAL COURT ISSUES A
TRANSPORT ORDER, AND IT
ISSUES IT TO ONE OF THE
COUNTIES.
WHEN HE GOES THERE, HE'S NOT
THERE.
HE'S IN ANOTHER COUNTY.
WHEN THEY FILE FOR FOLLOW-UP
STATUS CONFERENCE, HE'S
SERVING THE SENTENCE.
AND THEY FINALLY FIND HIM IN
THE DEPARTMENT OF CORRECTIONS
AND BRING HIM TO ST. JOHNS
COUNTY.
IT TOOK SEVERAL MONTHS TO
MAKE ALL OF THAT HAPPEN.
>> LET ME GET CLEAR IN MY
MIND.
WHAT WAS THE TIME FRAME FROM
THE TIME HE WAS ARRESTED ON
THIS MURDER AND THE TIME THAT
HE EXPRESSED HIS
DISSATISFACTION WITH HIS

ATTORNEYS?
>>†HE WAS ARRESTED ON THE
MURDER CHARGE IN OCTOBER
2006.
THE TIME HE STARTED IN OPEN
COURT IN ST. JOHNS COUNTY
EXPRESSING DISSATISFACTION
WITH LAWYERS IS JULY '06.
>> HE WAS ARRESTED†--
I'M SORRY?
>> OCTOBER OF '06.
>> AND?
>> '07 OF JULY.
>> THEY DIDN'T SEE HIM THE
ENTIRE TIME OR ONLY SAW HIM
ONCE?
>> ALLEGATION IS NOBODY CAME
AND SAW HIM WHEN -- THEY
TRIED TO SEE HIM AT THE ST.
JOHNS COUNTY DETENTION
FACILITY AND HE WASN'T THERE.
HE WAS TRANSPORTED TO OTHER
COUNTIES.
IT APPEARS THE ALLEGATION --
AND I DON'T WANT TO PUT WORDS
IN OPPOSING COUNSEL'S MOUTH
-- THEY DIDN'T GET IN A CAR
AND DRIVE TO SEE HIM WHEREVER
HE WAS TRAVELING BACK AND
FORTH BETWEEN THE OTHER
JURISDICTIONS.
IF THERE WERE NO FURTHER
QUESTIONS, WE ASK THE COURT
AFFIRM THE SUMMARY DENIAL OF
MOTION CLAIMS.
THANK YOU, YOUR HONOR.
>> JUST BRIEFLY, THEY DIDN'T
EVEN CALL HIM BEFORE THEY
WAIVED SPEEDY TRIAL?
THEY WAIVED SPEEDY TRIAL AT
WHAT POINT?
>> THEY WAIVED SPEEDY TRIAL,
I BELIEVE IT WOULD HAVE BEEN
IN MARCH.
>> THAT'S THE FIRST TIME THE
CASE CAME UP?
>> THE CASE HAD COME UP FOR
ARRAIGNMENT.
>> WAS THAT THE CASE HE WAS
ARRAIGNED AND THE CASE WAS

THEN SET FOR TRIAL?
AM I CORRECT?
>> EVENTUALLY.
WHAT HAD HAPPENED IS
MR.†MCKENZIE -- SOME OF THE
AGGRAVATORS IN THIS CASE HAD
OTHER CASES.
HE WAS ARRESTED ON OCTOBER
5TH, WHICH YOU HAVE THE VIDEO
OF THAT INTERROGATION.
HE WASN'T SERVED WITH AN
ARREST WARRANT UNTIL FEBRUARY
7TH, THE DAY AFTER THE POLICE
INTERVIEWED HIM AGAIN.
>> THE POINT I'M TRYING TO
MAKE IS, HAVE YOU EVER HEARD
OF A FIRST-DEGREE MURDER CASE
WHERE THE STATE IS SEEKING
DEATH, GOING TO TRIAL THE
FIRST TIME THAT CASE IS
CALLED?
>> NEVER HAPPENED.
>> SO THERE'S ALWAYS GOING TO
BE A WAIVER OF SPEEDY TRIAL.
IT'S NOT THAT BIG A DEAL.
>> AFTER MEETING YOUR CLIENT,
OR AT LEAST SPEAKING TO HIM
ON THE PHONE -- THAT'S
GENERALLY THE PRACTICE --
UNLESS THERE IS A REASON TO
GO QUICKLY, AND THAT COULD
HAVE BEEN DISCUSSED†--
>>†HE COULD HAVE DEMANDED
SPEEDY TRIAL ANY TIME HE
WANTED.
>> HE DID.
>> AND WOULD HAVE GOTTEN IT.
>> HE SET IT CLOSE TO THE
TIME AND NEVER FILED AN
EXPIRATION.
THERE WAS NEVER ANY
EVALUATION FOR MITIGATION,
THERE WAS A -- THIS IS JUST
SPOKEN ABOUT ON THE RECORD.
THERE WAS PERHAPS AN
EVALUATION THAT COUNSEL DID
AS A DEFENSIVE MECHANISM TO
FIND OUT WHETHER HE WAS
COMPETENT AND THAT WAS ALL
THAT WAS DONE.

IT WASN'T AS IF THEY WERE†--
>>†I THOUGHT THAT'S WHAT HE
SAID, THERE WAS NEVER AN
EVALUATION.
>> THAT'S, I BELIEVE
CORRECTLY, WHAT HAPPENED.
I JUST WANT TO ASK THAT YOU
PLEASE AT LEAST CONSIDER
DR.†CUNNINGHAM'S EVALUATION.
HE POINTS TO A LOT OF
DIFFERENT -- THERE ARE SO
MANY THINGS THAT HAPPENED IN
THIS MAN'S LIFE AND SO MANY
THINGS THAT HAPPENED TO HIM,
I ASK THAT YOU PLEASE VIEW
THE INTERROGATION WITH
MR.†MCKENZIE.
YOU CAN'T HELP BUT WALK AWAY
AND THINK THERE'S A LOT OF
MITIGATION HERE, AND THAT WAS
NEVER CONSIDERED BECAUSE
NOBODY INTRODUCED OR BROUGHT
UP THE DVDS OF HIS FIRST
INTERROGATION AT TRIAL OR ANY
TIME.
I SEE MY TIME'S UP.
THANK YOU VERY MUCH.
>> THANK YOU FOR YOUR
ARGUMENTS.