

>> ALL RISE.
>> SUPREME COURT OF FLORIDA IS NOW IN SESSION, PLEASE BE SEATED.
>> THE NEXT CASE ON THE DOCKET IS KING VERSUS THE STATE OF FLORIDA.
>> MY NAME IS GONZALO ANDUX AND I REPRESENT MISTER T.
THIS IS A CASE WHERE A 3851 HEARING WAS HAD IN TRIAL COURT, AND WAS GRANTED, THE PENALTY PHASE.
AND THE EXACT REASON WHY THIS SHOULD BE REVERSED EVEN THOUGH THERE'S A LOT OF EVIDENCE LINKING CECIL SHYRON KING TO A CRIME ON THE SCENE.
AND HIM WITH A LOT OF PROPERTY THAT BELONGS TO THE VICTIM AND ALSO HAD A PIECE OF CANTALOUPE IN THE DINING ROOM OF THE HOUSE WHERE THIS HAPPENED.
THERE WAS A MATCH ACCORDING TO HIT VERSUS STATE'S DNA EXPERT. WITH VERY HIGH FREQUENCY.
>> CAN WE JUST, I KNOW YOU ARE GOING TO SAY WHY OUR CONFIDENCE SHOULD BE UNDERMINED.
ON THE DNA AND THE CANTALOUPE, THE MATCH, THIS IS ONE OF THE HIGHEST MATCHES.
DO YOU AGREE WITH THAT?
>> THE PROFILE WAS BEYOND IT.
>> THEY CONSULTED WITH DNA EXPERT WHO SAID YOU DON'T WANT ME, BECAUSE HE WILL NOT PUT ANY HOLES IN THE DNA AND THE EXPERT AT TRIAL WAS PUT ON, NOT A TRIAL AT THE EVIDENTIARY AREA HEARING, ONE OF THE 7 THERE IS SOME ISSUE.
IF WE TAKE THE DNA AND ALL OF THE PROPERTY THAT WAS FOUND, WHERE IS IT THAT YOU GO, OUR CONFIDENCE IS UNDERMINED BY SOME DEFICIENCY.
>> THIS IS EXACTLY WHAT I WENT TO GET TO.
I NEED TO START FROM THE

BEGINNING, THE CIRCUMSTANTIAL EVIDENCE CASE, THIS IS A FIRST-DEGREE MURDER WHERE YOU HAVE DEATH FROM A TABLE IN FRONT OF THE JERRY AND WHO DID THIS FILING IS VERY IMPORTANT IN THIS CASE.

IN THIS CASE, AS TO WHO DID THE KILLING, THERE IS NO FASHION TO LINK MISTER KING AS THE ACTUAL KILLER.

THIS IS IMPORTANT, IN THIS CASE, THE FACT OF THAT CIRCUMSTANTIAL EVIDENCE, PREMEDITATION, OR SOMETHING ELSE WAS LOST WHEN THE FIRST DETECTIVE WAS PUT ON THE STAND BY DEFICIENCIES.

AND THE REASON WAS THIS.

DETECTIVE CAYENNE WAS PUT ON IS THE FIRST MAJOR INTEREST, HE TOLD THE STORY, THERE WAS NO EVIDENCE THAT HE WAS A KILLER OTHER THAN THAT HE WAS -- WE DON'T KNOW WHEN HE WAS THERE.

WE ARE GOOD DETECTIVES AND HONEST MEN, YOU ARE A LIAR.

I KNOW YOU DID THE KILLING.

I KNOW YOU DID THE KILLING, IF I KNOW THE AREA YOU GOT THIS PROPERTY FROM.

>> DIDN'T THE DEFENSE ATTORNEY HAVE AN OPPORTUNITY TO SIT DOWN AND READ ACT ALL OF THOSE THINGS THAT WERE PROBLEMATIC.

>> HE DID AN ABSOLUTE DEFICIENT PERFORMANCE IN THE REDACTION.

>> THERE WERE OBJECTIONS HE MADE TO CERTAIN COMMENTS THAT WERE IMPROPER.

THIS WAS NOT A CASE WHERE HE WAS GIVING HIS OPINION.

EACH OF THOSE, IN RESPONSE TO THE CONFESSION OF THE DEFENDANT, THAT WERE OBJECTED TO THAT WERE NOT RAISED ON DIRECT APPEAL AND YOU HAVEN'T PURSUED A ABS CASE AND APPELLATE COUNSEL.

>> THERE WERE NO TRUE OBJECTIONS ON THIS CASE AS TO ANY OF THESE. THE TRIAL COUNSEL SAID I

REJECTED CERTAIN THINGS.
THE BOTTOM LINE, THEY MADE AN
AGREEMENT AS TO WHAT SHOULD COME
IN.

IN THIS CASE, THIS IS A KIN TO
SPARKMAN AND JACKSON.

THIS IS NOT A CASE THAT IS NOT
SOLICITING A RESPONSE WHO THE
KILLER IS.

>> IF WE DISAGREE WITH YOU THAT
THIS WASN'T A CASE THAT THESE
WERE THE OPINIONS OF THE POLICE
OFFICER, I VERY MUCH AGREE IT IS
A MATTER OF LAW, AND THE
COMMENTS THAT YOU HAVE POINTED
OUT WERE COMMENTS DESIGNED TO
ELICIT A RESPONSE IN CONTEXT,
DON'T YOU LOSE ON THAT IF ON THE
LAW IF WE DISAGREE WITH YOU ON
THE LAW AND IF CORRECT THE LAW
IS SUCH THAT IN THIS SITUATION
IT IS APPROPRIATE TO SAY THESE
KINDS OF THINGS TO ELICIT A
RESPONSE.

>> APOLOGIZE FOR THE WAY I SAID
THAT, IT IS VERY DIFFERENT AND
VERY DANGEROUS AND THERE MUST BE
CAUTION, THIS IS A KIN TO THE
JACKSON CASE, THERE NEEDS TO BE
AN ACTUAL RESPONSE.

THEN YOU DO A 90.401 ANALYSIS.

>> YOU HAVE A SHORT AMOUNT OF
TIME, WHEN YOU SAY THE FIRST
THING THEY DID WAS THE
TESTIMONY, THE DETECTIVE GIVE
TESTIMONY AT TRIAL THAT WAS HIS
OPINION OF GUILT OR WHAT YOU
WERE OBJECTING TO, THE JUDGE
SHOULD HAVE SUSTAINED THE
OBJECTION OR THE DEFENDANT
SHOULD HAVE MADE ADDITIONAL
OBJECTIONS IN THE INTERVIEW.

>> HE MADE STATEMENTS, WHEN
TALKING ABOUT MUMFORD, I THOUGHT
MUMFORD WAS FORTHRIGHT AND HE
WAS HONEST.

>> I THOUGHT ISSUE ONE WAS
WHETHER TRIAL COUNSEL OBJECTED
TO STATEMENTS IN KING'S
INTERROGATION VIDEO.

WHERE IS IT SO THE SECOND ONE IS FAILING TO OBJECT TO THE TRIAL TESTIMONY?

>> BASED ON EITHER HEARSAY OR THOSE KINDS OF THINGS.

>> THOSE TO ME WERE DIFFERENT OBJECTIONS THAN GIVING HIS OPINION ABOUT THE GUILT.

>> I AGREE WITH YOU EXCEPT THAT IF A DETECTIVE SAYS THAT MAN GAVE ME A CAR THE DETECTIVE SAYS I THOUGHT HE WAS BEING HONEST AND FORTHRIGHT.

THAT IS NOT RIGHT.

>> WHICH RECORD PAGE IS THAT? YOU CAN DO THIS ON REBUTTAL.

>> IT IS IN THE MOTION.

>> THAT YOU CLAIMED AS AN ISSUE, MANY OF THEM.

>> IF I COULD GO BACK, THIS IS A KIN TO JACKSON AND WHAT THE DETECTIVE DID WAS HE USED IMPROPER HEARSAY EDITS OR IMPROPER EVIDENCE AND PAINTED A PICTURE FOR THIS JERRY, AND TRIAL COURT, THE TRIAL COURT DID AN ORDER SAYING A LOT OF THESE WERE NOT HARMFUL WITH A LOT OF THESE STATEMENTS DON'T REALLY MATTER AND THEY DO BECAUSE IT ALLOWED THE DETECTIVE TO GET ON THE STAND AND GIVE HIS OWN STATEMENT AND TAKE FROM THE JURY ANY THOUGHT, AND THAT THERE MAY BE A PROBLEM WITH BEING A KILLER.

>> YOU SAY THERE IS ONLY CIRCUMSTANTIAL EVIDENCE, HE SAID HE WASN'T AT THE HOUSE, SHE INVITED HIM IN FOR CANTALOUPE. AND HE LIED REPEATEDLY INSIDE THE HOUSE.

HE ADMITS HE HAD THE PROPERTY, SHORT OF A CONCESSION, NOT SURE HE WASN'T THE KILLER.

AND OTHER THAN MONTFORD, HIS DNA WAS ON THE CADILLAC FOR WHICH IT WAS RULED OUT.

DID YOU POINT TO MONTFORD AS BEING THE KILLER.

AND THERE WAS EVIDENCE OF ANOTHER KILLER OR SOMETHING WRONG WITH THE DNA.

>> THIS IS A CASE THAT CAN STILL BE ARGUED IF GIVEN A CHANCE IN -- THERE IS MORE THAN ONE PERSON INVOLVED IN THIS CASE BUT THE TIMING OF THIS CASE, THE TIMING, THE VICTIM WAS IN THE HOUSE AT THE TIME OF THE KILLING AND WHO DID THE KILLING IS IMPORTANT. COUNSEL, THIS IS OUTLINING COUNSEL, USED UNFAIR ADMISSION, UNRELIABLE EVIDENCE, THERE WERE TWO POINTS OF ENTRY TO POINT OUT.

ONE WAS SCREEN DOOR AND ONE WAS THE GARAGE DOOR.

AND NOT LINKED TO ANYONE ELSE. THE VICTIM LIVED ALONE, AND THAT IS IMPORTANT.

THERE ARE ISSUES ON CELL PHONE, LOCATION OF THE CELL PHONE AND BEFORE THE CRIME.

BUT THE TESTIMONY WAS TOTALLY UNSCIENTIFIC AND THERE WAS -- THEY CAN'T SIT THERE, THEY CAN'T SAY IT IS THE DIRECTION, FACING THIS DIRECTION.

THEY PUT ON AN EXPERT TO SAY THE TOWER HAS ANTENNAS YOU CAN'T SEE.

THE TESTIMONY BY THE DETECTIVE IS SCIENTIFICALLY WRONG AND THE JURY GOT THE IDEA THAT THEY WERE FACING THE BUS STATION, AND THEY WOULD PICK UP THE PHONE SIGNAL BUT THAT WAS TOTALLY WRONG.

>> THE DECISION TO CROSS-EXAMINE RATHER THAN PUT ON THEIR OWN EXPERT?

THEY HAVE IN MY VIEW AND OTHER ISSUES, THEY HAD A REASON FOR NOT PUTTING ON A CELL PHONE EXPERT AND A LAWYER THAT WAS ABLE TO SEE IN THE TRIAL JUDGE SAW AND CROSS-EXAMINE, THE EVIDENCE ON THE CELL PHONE.

>> THAT MAY BE.

WHEN YOU MAKE DECISIONS WHAT

EXPERT YOU HIRE BUT AN INFORMED
DECISION AND NOT HIRING.
AND BASICALLY DIDN'T EVEN GIVE
HIM THE BENCH NOTES ON THIS DNA.
THEY WOULD HAVE FOUND CERTAIN
THINGS.

IN THE CASE THAT WAS IMPORTANT,
COULD HAVE PRESERVED THE
CANTALOUPE BY FREEZING IT.
TWO WHEEL SUGGEST THERE WAS
ANOTHER PERSON IN THE HOUSE ON
HER SIDE.

THERE WERE TWO POINTS OF ENTRY.
AND THE PRINTS ON THE GARAGE
DOOR CLAIMED EVIDENCE TECHNICIAN
WHO BASICALLY GAVE TESTIMONY
THAT IS INCORRECT, NOT
SCIENTIFICALLY ACCURATE, THESE
WERE LARGE SHOES AND THE
MEASUREMENT WAS 11.61 INCHES SO
THAT IS A LARGE SHOES CONSISTENT
WITH THE 12 OR 13 THAT MISTER
KING HAS.

EXPERTS SAY YOU CAN'T DO IT THAT
WAY.

THAT IS NOT WHAT THE SCIENCE IS.
HE FOUND IT WAS 11.41 WHICH IS 8
OR 9 SIZE SHOE WHICH IS MUCH
MORE THAN MISTER KING.

>> THE STATE DIDN'T ATTEMPT TO
SAY THE PRINTS WERE HIM.

>> THEY ARGUED THAT THAT THESE
ARE ASSISTED WITH A MAN WITH
LARGE SHOES.

THEY ABSOLUTELY DID THAT.
BASICALLY, WHAT I'M TRYING TO
SAY IS THIS WAS NOT CORRECT
SCIENTIFIC EVIDENCE.

YOU HAVE TO AS EVENT ATTORNEYS
WHEN TALKING ABOUT PHYSICAL
EVIDENCE HAVE THE ABILITY TO
HIRE CONFIDENTIAL EXPERTS TO SEE
THE SIZE THE STATE IS USING IS
DNA, AM I INCORRECT, THAT THE
DEFENDANT ADMITTED TO HIS LAWYER
THAT I COMMITTED THIS MURDER AND
THE LAWYER USED THAT AS PART OF
THE RATIONALE TO SAY I DO NOT
WONDERED TO FURTHER INCULCATE MY
CLIENT BY GOING AFTER MORE DNA

INFORMATION.
THAT IS NOT IN THIS RECORD.
>> WHAT IS IN HIS RECORD.
>> THIS LAWYER DID NOT TESTIFY
TO THAT.
>> THEY TESTIFIED --
>> TO THE FACT I MENTIONED.
>> IF I COULD JUST --
>> DON'T SHAKE YOUR HEAD AND SAY
IT IS NOT THERE WHETHER IT IS IN
THE RECORD.
>> I AGREE THAT IT IS THERE BUT
IT IS IMPORTANT TO REALIZE --
THAT DOESN'T AFFECT HOW A LAWYER
SHOULD ATTACK EVIDENCE AND TEST
THE EVIDENCE.
>> WHEN REPRESENTING A DEFENDANT
AND THE DEFENDANT GIVES ME
INFORMATION THAT WOULD LEAD ME
TO NOT GO FURTHER ON SCIENTIFIC
INFORMATION AND PUT THE FINAL
NAIL IN HIS COFFIN, THAT IS AN
APPROPRIATE DECISION-MAKING BY A
TRIAL LAWYER.
>> THAT WOULD BE APPROPRIATE,
THAT IS NOT WHAT HAPPENED.
THEY WERE UNSIGNED, WITH AN
ALLEGED CONFESSION THAT WAS
NEVER SIGNED BY MISTER KING, AND
WHEN WE SEE WHEN THIS WAS
WRITTEN THAT INVESTIGATOR HAD
NOT GONE TO THE JAIL -- BOTH
LAWYERS ADMITTED THEY NEVER
TALKED TO MISTER KING ABOUT THAT
CONCESSION.
>> YOU EXHAUSTED HALF OF YOUR
REBUTTAL TIME.
YOU HAVE A MINUTE AND 30 SECONDS
LEFT.
IF YOU WANT TO CONTINUE, YOU MAY
AND I WILL GIVE YOU THE EXTRA
MINUTES.
YOU HAVE AN EXPERT TO AT A HALF
MINUTES.
>> MAY IT PLEASE THE COURT, MY
NAME IS JENNIFER KEEGAN.
THE CLAIMS DEPEND ON WHETHER
TRIAL COUNSEL USED STRATEGIC
REASONABLE DECISION-MAKING, AND
WHETHER THEY WILL PREJUDICE THIS

CASE, NO QUESTION THE TRIAL COUNSEL WAS EXPERIENCED, WITH THE PUBLIC DEFENDER'S OFFICE IN JACKSONVILLE, BETWEEN THE TWO OF THEM THEY HAD COMBINED EXPERIENCE OF 70 YEARS OF TRIAL PRACTICE.

THESE WERE HIGHLY QUALIFIED PRACTITIONERS.

>> A QUESTION ABOUT THE BODY SHIRT.

IT DIDN'T BECOME A FEATURE TRIAL BUT IT WAS A BLOODIED SHIRT IN HIS HOUSE.

I CAN UNDERSTAND OTHER STRATEGIC DECISIONS, BUT TO USE THAT IS SLOPPY POLICE WORK, TO ALLOW THAT EVIDENCE ABOUT THIS BLOODIED SHIRT.

CAN YOU EXPLAIN THAT AS A MATTER OF STRATEGY?

>> THIS WAS NOT A BLOODSOAKED SHIRT IF YOU WILL.

IT WAS DISCOVERED DURING AN INTERROGATION OF KING, A SEARCH WARRANT BEING EXECUTED AND LAW ENFORCEMENT OFFICERS FINDING EVIDENCE.

THEY DID NOT KNOW WHAT IT LOOKED LIKE YOU DESCRIBED IT TO HIM, AGGRANDIZED IT AND MADE IT SEEM LIKE A VERY BODY SHIRT, WHAT IS IT DOING IN YOUR HOUSE?

IT HAS COME OUT IN POSTCONVICTION PROCEEDINGS THAT IT WAS SIGNIFICANTLY LESS BLOODIED SHIRT.

THERE IS NOT A PHOTO OF THIS SHIRT, IT WAS AN ACTUAL PHYSICAL PIECE OF EVIDENCE THAT WAS INTRODUCED BUT THERE WAS TESTIMONY OF THREE SMALL STATES, RELATIVELY SMALL SHIRT, KING WAS 6 FOOT 5.

AND IT WOULD BARELY COVER HIS CHEST.

AND THEY ARE COMING BACK TO THIS SHIRT SAYING BE STRAIGHT WITH US.

AND --

>> DNA ON HIS SHIRT OR ANYBODY'S DNA.

>> ROMANCING INTO UNKNOWN PROFILE.

AND EXCLUDED IT FROM MISTER KING.

>> THERE ARE TWO AREAS, THAT BOTHERS ME AND THE OTHER THING THAT BOTHERS ME, THERE ARE AREAS WITH THE CONCESSION OR COLLOQUY OR MADE THE DECISION NOT TO OBJECT AGAIN TO PRESERVE THE OBJECTION FOR THE APPEAL OF CERTAIN OTHER STATEMENTS DID NOT SERVE TO ELICIT STATEMENTS.

ON THIS BLOODIED SHIRT, YOU THINK IT IS A REASONABLE STRATEGIC DECISION THEY WANTED TO ALLOW ALL THAT IS AS OPPOSED TO SEEKING TO EXCLUDE THE INTERROGATION PARTS AND EXCLUDE THE BLOODIED SHIRT FROM TRIAL. WOULDN'T THE TRIAL JUDGE OF DONE THAT IF A PROPER MOTION HAD BEEN MADE?

>> A MOTION WAS MADE. IN THE MOTION LIMITING TO REJECT MENTION OF VARIOUS ASPECTS OF THE INTERROGATION --

>> THE BLOODIED SHIRT, THE MOTION ILLUMINATED --

>> INCLUDED MENTION OF THE BODY SHIRT.

THEY WERE TRYING TO EXCLUDE PORTIONS OF THE INTERROGATION VIDEO EXCLUDING EXCLUSION OF THE BODY SHIRT.

AFTER SOME TIME PASSED AND PRESUMABLY MORE TIME TO LOOK AT THE EVIDENCE AND EVALUATE STRATEGIES, GETTING CLOSER TO TRIAL, HE AND THE STATE CAME TO AGREEMENT WHAT TO EXCLUDE AND HE CHOSE NOT TO EXCLUDE THAT.

HE USED THE EVIDENCE TO DEMONSTRATE ESTHER KING'S ADMISSIONS WERE SUSPECT IN THE INTERROGATION VIDEO.

HE GOT QUITE A LOT OF MILEAGE THAT KING SAID THIS IS MY SHIRT

WHEN IT CLEARLY WAS NOT HIS SHIRT.

HE SPENT A LOT OF TIME ON THAT, WE CAN'T BELIEVE HIM SAYING HE WAS IN THE HOUSE AND EASILY DAMAGING THINGS HE SAID ANY INTERROGATION VIDEO, HE SAID THE SHIRT WAS HIS WHEN IT WASN'T. IT WAS A REASONABLE STRATEGIC DECISION FOR TRIAL COUNSEL TO DO THIS PRESUMABLY BASED ON YEARS OF TRIAL EXPERIENCE.

AND THIS WAS A WAY TO ATTACK SOMETHING DAMAGING TO HIS CASE. THE OVERALL THEME, THERE WERE PROBLEMS WITH THE SCIENCE AND HOLES THAT HAVEN'T BEEN PATCHED UP AND OPEN QUESTIONS THE STATE IS NOT CONCLUDED.

THIS ADMISSION FROM KING, THINGS OF THAT NATURE THREW A WRENCH INTO HIS OVERALL THEME SO BEING ABLE TO ATTACK THAT REALLY HELPED HIM MOVE THE THEORY OF HIS CASE FORWARD.

IS NO QUESTION IT WASN'T PREJUDICIAL.

THEY DO NOT RELY ON THIS FOR ANY PURPOSE, IT WAS NOT MENTIONED IN OPENING OR CLOSING.

THEY INTRODUCE THE SHIRT FOR THE PURPOSE OF EXPLAINING IN THE PROCESS OF THIS INVESTIGATION, DID NOT REVEAL ANY INFORMATION OR EVIDENCE THAT WOULD TIE INTO THE CASE.

WHEN THE FINGER PRINT ANALYST AND DNA EVIDENCE WERE UNDERSTAND THEY TESTIFIED ABOUT THINGS THAT DIDN'T MATCH.

THEY TOOK THIS LIFT AND IT TURNED OUT TO BE OF NO VALUE OR SWABBED THESE THINGS INTO AND DEVELOP AN DNA PROFILE.

IT FOR THE STATE'S PATTERN OF TRYING TO EXPLAIN WE TOOK THESE STEPS ENDED DUE DILIGENCE AND TIED UP ALL THE HOLES THAT WE COULD BUT THIS DIDN'T MATCH OR TIE TOGETHER.

THAT WAS THE EXTENT OF THEIR USE OF IT AND IT WAS NOT PREJUDICIAL IN THAT REGARD.

>> THERE WAS THE DEFENSE ATTORNEY SPENDING 100 HOURS ON WHAT THEY AGREED ON.

THEY HAD THE ROW WORK BY THE ATTORNEY BUT THERE WAS A MOTION IN LIMITING TO SEEK TO REACT ADDITIONAL ASPECTS OF THE INTERROGATION.

IS THAT CORRECT?

>> THERE WAS A MOTION TO ILLUMINATE TO REDACT PORTIONS OF THE INTERROGATION.

>> WAS THAT RULED ON BY THE JUDGE?

>> NOT THAT I SAW.

>> IF THERE WERE WITHIN THE MOTION OF LIMITING THOSE POINTS, OTHER OBJECTIONABLE COMMENTS, WHAT WAS MISTER TILLER --

>> MISTER TILL HANDLED THE INTERROGATION.

>> IS THAT THE VIDEO THE COURT IS REFERRING TO?

>> MOTION LIMITING REGARDING THE OTHER PARTS THEY THOUGHT SHOULD HAVE COME IN.

WHAT WAS THEIR REASON FOR NOT GETTING A RULING FROM THE JUDGE AND NOT OBJECTING AT THE TIME THAT PART OF THE INTERROGATION CAME IN.

>> COUNSEL IS GUIDED AT THE TIME AND I WANT TO CLARIFY THE LAW THAT EXISTED AT THE TIME. OPPOSING COUNSEL MENTIONED THE JACKSON CASE AND RELIED ON A DIFFERENT JACKSON CASE IN ITS BRIEFING.

IN 2009 THE FLORIDA SUPREME COURT ISSUED A JACKSON CASE WHEN THE CITATION WAS 1016 ISSUED IN 2009.

WHEN MISTER TILL IS TESTIFYING AT THE EVIDENTIARY HEARING IS TALKING ABOUT A JACKSON CASE, THE CASE HE WAS TALKING ABOUT. JACKSON ACT AS A GUIDING HAND

FOR HIS ANALYSIS OF WHAT WAS PREJUDICIAL OR APPROPRIATE OR NOT APPROPRIATE AND HE DETERMINED THESE STATEMENTS THAT WERE LEFT IN THE INTERROGATION VIDEO WERE PERMISSIBLE UNDER JACKSON.

JACKSON STANDS FOR THE CONCEPT OF IF YOU ARE ABLE TO ELICIT A RESPONSIVE ANSWER FROM THE DEFENDANT THE LAW ENFORCEMENT OFFICER AT STATEMENT IS ALLOWED IN FOR THE PURPOSE OF ESTABLISHING --

>> ARE YOU SAYING JACKSON CAME OUT BETWEEN THE TIME OF ACTION AND THE TIME OF TRIAL?

>> KNOW.

HE OBJECTED TO THE MOTION LIMITING.

THAT ALIBI IS SHOT.

I KNOW YOU DID IT AND THAT IS ONE PART OF IT.

>> WHAT I'M ASKING, THAT IS NOT LIMITING.

>> THAT STATEMENT I KNOW YOU DID IT WAS OBJECTED TO.

>> IT WAS NOT.

>> ARE THERE PORTIONS?

DIDN'T HE GET A RULING ON IT TO ALLOW THAT TO BE AN ISSUE ON APPEAL?

>> HE DID HIS DUE DILIGENCE. IT IS NOT ON THE RECORD OF THE EVIDENCE YEAR HEARING BUT HE PRACTICED THE METHODOLOGY FOR THE PRACTICE TRIAL LAWYERS AND ASKED FOR MORE THAN HE THOUGHT HE COULD GET IN HIS MOTION BUT YOU ASK FOR MORE THAN YOU EXPECT TO GET AND THAT PUTS YOU IN POSITION TO NEGOTIATE.

HE SAT DOWN WITH THE STATE ATTORNEY FILING THAT MOTION AND NEGOTIATED WITH THE STATE ATTORNEY AND TESTIFIED HE REDACTED ALL THE PORTIONS HE THOUGHT WERE IMPERMISSIBLE. EVERYTHING HE LEFT AND INVOLVED A RESPONSE FROM THE DEFENDANT OR

PROVIDING CONTEXT FOR SOMETHING THAT WAS VALUABLE EVIDENCE IN TRIAL SO THAT STATEMENT THAT THE COURT MENTIONED, MISTER KING STEPS INTO AN EXPLANATION OF HIS COUSIN'S FAULT, THE STATE ESTABLISHMENT, FOR THESE INTIMIDATING PIECES OF EVIDENCE WERE INCREDIBLE.

AND THIS WAS PART OF THE DEMONSTRATION.

FOR DEFENSE COUNSEL TO REDACT THAT, IT WASN'T NECESSARY UNDER JACKSON BUT IF THEY HAD REDACTED THAT, WHAT MISTER KING GAVE WOULD HAVE MADE NO SENSE, NO CONTEXT BECAUSE WE WOULDN'T HAVE BEEN ABLE TO SEE WHAT HE WAS RESPONDING TO.

THIS COURT AS EXPLAINED IN THE QUARTERS THAT JURIES ARE PRESUMED TO UNDERSTAND STATEMENTS MADE FOR THE PURPOSE OF ELICITING A CONFESSION FROM THE DEFENDANT.

THEY ARE NOT STATEMENTS THAT ARE MEANT TO BE PASTE IN -- TAKEN FOR THE TRUTH.

NOT STATEMENTS OF BIAS OR BOLSTERING WITNESSES THAT ARE INTENDED TO BE SEEN AS STRATEGIC METHODS IF YOU WILL AND IT IS EXPECTED THE JURY WILL UNDERSTAND THAT.

I BELIEVE OPPOSING COUNSEL MENTIONED QUICKLY REGARDING DNA SHE PRINT EVIDENCE AND THE LIKE, THEY TESTIFIED ON THE FACT THAT THEIR DECISIONS WHAT EXPERTS TO CALL, WHAT EXPERTS TO CONSULT WITH WAS INFORMED BY MISTER KING'S CONFESSION TO THE DEFENSE TEAM INVESTIGATOR.

AND HE WAS THE SOLE ACTOR IN THE MURDER.

AND EVIDENCE AGAINST THE CLIENT.

AND THEY TEST THESE CONFIDENTIALITY.

THE QUESTION THEY NEED A MOTION

AND WOULD SET UP A FLARE TO THE STATE ATTORNEY'S OFFICE TESTING THESE ITEMS.

IF THEY ARE NOT PRODUCING ANY EXPERT REPORT OR PRESENTING ANY EXPERT EVIDENCE, THE STATE KNOWS THAT IS EVIDENCE AGAINST A CLIENT THEY COULD LOOK AT. THAT IS WHAT THEY WERE TRYING TO AVOID DOING AND THEY MADE A DECISION NOT TO GO DOWN THAT ROAD, NOT TO RETEST THINGS. THEY DIDN'T WANT ADDITIONAL EVIDENCE AGAINST THEIR CLIENT. I BELIEVE THAT CONCLUDES ALL THE POINTS I WANTED TO ADDRESS. OF THE COURT HAS NOTHING FURTHER I ASK THE COURT AFFIRMED THE.

>> ONE QUESTION.

THERE WAS AN INTERIM MOTION THAT CAME TO THIS COURT THAT WAS ADDITIONAL TESTING THAT THEY WANTED.

IT NEVER HAPPENED AND HASN'T BEEN PURSUED.

>> THERE WAS DNA TESTING.

THEY ASKED FOR THE SHIRT TO BE RETESTED, THE SHIRT WITH 3 BLOODSTAINS, ASKED FOR THAT DNA TESTING TO BE DONE AND ASK FOR FIBERS OFF OF THE SHIRT TO BE RETESTED AND TO BE TESTED BECAUSE THEY WERE NEVER TESTED. THEY ASKED FOR FINGERNAIL CLIPPINGS FROM THE VICTIM WHICH RETURNED NO DNA EVIDENCE TO BE TESTED AND REQUESTED A SHOTGUN AND SHOCK AND SHELLS IN A DEFENDANT'S HOME IN HIS SEARCH WORD WAS EXECUTED.

THE TRIAL COURT DENIED ALL THOSE REQUESTS EXCEPT THE FINGERNAILS, SHE CONCEDED THEY WERE RETESTED AND THE RESULTS MATCHED WHAT THE STATE EXPERT DEMONSTRATED. AND THE COURT DETERMINED IT WAS AN INTERROGATORY APPEAL. AND THE STANDARD DETERMINED THERE WAS NO MISCARRIAGE OF JUSTICE THAT WOULD HAPPEN ON THE

ISSUE.

THE FACT IT WAS NOT RAISE NOW
DEMONSTRATES IT HAS BEEN
ABANDONED.

>> IF THERE IS NOTHING FURTHER I
ASK THE COURT TO AFFIRM THE
TRIAL COURT'S RULING.

>> THE REDUCTIONS.

THERE WAS A MOTION FILED.
THE MOTION IS NOT FOLLOWED
THROUGH ON.

THESE STATEMENTS AFTER THE JURY
HEARS THAT, THEY'RE ONLY THOUGHT
IS MISTER KING IS A RUTHLESS
KILLER AND THE DETECTIVES KNOW
WHO DID IT.

THIS IS AN ISSUE LIKE MICHAEL
JACKSON CASE THAT WAS VERY CLEAR
THAT WAS BE LAW OF THE TIME.
THIS IS WHAT HAPPENED IN THE
MICHAEL JACKSON CASE WHEN THE
COURT REVERSED ON THE REDACTION
ISSUE, THE SAME ISSUE FILED BY
ANOTHER LAWYER, OBJECTING TO ALL
OF THIS.

THEY BASICALLY ABANDONED IT BY
NEGOTIATING THE STATEMENTS AND
THESE ARE THE SAME LAWYERS
INVOLVED.

IT IS THE SAME ISSUE AND
INCREDIBLY PREJUDICIAL.

I UNDERSTAND DEFENSE COUNSEL'S
HAVE TO BE CAREFUL WHAT THEY
TEST AND DON'T TEST.

YOU CAN HAVE CONFIDENTIAL
TESTING WITH NO REPORTS.
DIDN'T EVEN TRY TO GET AN
EXPERTS, AND MORE THAN ONE
PERSON WAS INVOLVED.

IF YOU GET MORE THAN ONE
INVOLVED AND CAN'T ARGUE WHO THE
KILLER IS, YOU HAVE ISSUES WHICH
ARE IMPORTANT AND WHETHER IT
SHOULD BE RETRIED, WHETHER IT IS
FIRST-DEGREE PREMEDITATED,
JURIES DON'T LIKE FELONY MURDER
IF THAT IS WHAT YOU RELY ON.
THERE'S A CHANCE THEY COULD HAVE
GOTTEN A REASONABLE CHANCE OF A
DIFFERENT VERDICT, NOT GUILTY

BUT UNLESS THERE IS SOMETHING
ELSE, IT WOULD HAVE EFFECTED
WHETHER THEY BELIEVED THIS
PERSON SHOULD GET LIFE OR DEATH.
NONE OF THAT WAS DONE.
>> TIME IS EXPIRED.
>> THANK YOU FOR YOUR ARGUMENTS.