

>> TO CONSIDER THE CASE OF
SIMPSON VERSUS THE STATE OF
FLORIDA.
COUNSEL?

>> GOOD MORNING.

I AM JOHN MILLS, COUNSEL FOR
JOHN SIMPSON IN HIS
POSTCONVICTION CHALLENGE.
I WOULD LIKE TO BEGIN TODAY BY
BRIEFLY GIVING THE COURT AN
OVERVIEW OF THE FACTS OF THIS
CASE AND A FEW BIG PICTURE
OBSERVATIONS ABOUT WHAT MAKES
THIS CASE SO DIFFERENT FROM SO
MANY CASES THAT COME BEFORE THE
COURT AND RELENT ONE CLAIM THAT
I THINK IS THE STRONGEST OF MANY
WE PUT BEFORE THIS COURT AND
PROVIDE THE MOST NARROW BASIS
FOR THE COURT TO CONCLUDE AND IN
THE TIME REMAINING I WILL TRY TO
ADDRESS THAT -- OUR CLAIMS.
THIS IS THE DOUBLE ACT MURDER
FROM JACKSONVILLE.

THE VICTIMS WERE A DRUG DEALER
NAMED ARCHIE CROOK AND HIS
PREGNANT GIRLFRIEND KIMBERLI
KIMBLER.

THEY WERE KILLED JULY 19TH EARLY
THE NEXT MORNING 1999 AND
DISMEMBERED.

IT RELIED ON TWO PRONGS OF
EVIDENCE TO CONVICT MISTER
SIMPSON.

THE FIRST WAS THE TESTIMONY OF
MICHAEL DURRANT, ANOTHER DRUG
DEALER.

HE CAME FORWARD TWO YEARS AFTER
THE MURDERS AND SAID TWO YEARS
PRIOR SIMPSON HAD CONFESSED TO
THE MURDERS.

DURANCE WAS SERVING A LONG
SENTENCE FOR COCAINE TRAFFICKING
AND HE HAD LEARNED HE GOT THAT
SENTENCE BECAUSE HE WAS ARRESTED
AS A RESULT OF A WIRETAP ON
WHICH JASON SIMPSON WAS WORKING
AS A CONFIDENTIAL INFORMANT AND
PROVIDED INFORMATION THAT
ALLOWED HIM TO BE ARRESTED.

THE STORY DURANCE CAME UP WITH WAS JASON SIMPSON TOLD HIM THAT HE WENT TO BIG ARCHIE'S HOUSE UNARMED TO KILL BIG ARCHIE, WAITED IN THE BACKYARD SMOKING A BUNCH OF CIGARETTES UNTIL HE HAPPENED TO FIND AND ASK LYING ON THE GROUND.

THEN THROUGH THE KITCHEN WINDOW WITH THE ASK AND WENT INTO THE BEDROOM AND KILLED THE VICTIMS. NOW CIGARETTES WERE FOUND OUTSIDE THE SCENE DESPITE A THOROUGH SEARCH AND WHEN SHOWN CRIME SCENE PHOTOGRAPHS SHOWING NOBODY COULD POSSIBLY HAVE COME THROUGH THE KITCHEN WINDOW DURANCE CHANGED HIS STORY AT TRIAL TO TESTIFY IT MUST HAVE BEEN THE LAUNDRY ROOM WINDOW OR INTERIOR WINDOW BETWEEN THE LAUNDRY ROOM.

HE ADMITTED HE WAS TESTIFYING IN HOPES OF GETTING ASSISTANCE FROM THE STATE ON HIS LONG SENTENCE BUT ALSO ADMITTED HE WOULD LIE UNDER OATH TO GET THAT.

THE SECOND PRONG WAS DNA EVIDENCE SPECIFICALLY SOME CLOTHES FOUND FOUR DAYS AFTER THE MURDER THAT HAD BLOOD FROM THE VICTIMS AND DNA.

THERE WAS NO FORENSIC EVIDENCE WITHIN THE SCENE THE TIDE TO JASON SIMPSON.

IMMIGRANTS WERE FOUND, FOOTPRINTS WERE FOUND, BLOOD WAS FOUND THAT THEY BELIEVED CAME FROM THE ASSAILANT, NONE OF THAT WAS MATCHED TO JASON SIMPSON, NONE.

THE MURDER WEAPON WAS FOUND IN THE YARD AND HAD THE VICTIM'S BLOOD ON IT BUT IT HAD NOTHING FROM JASON SIMPSON.

FINGERPRINTS AND DNA.

A THOROUGH SEARCH OF THE BACKYARD THE DAY AFTER YIELDED NOT ONLY THE ACTS BUT TWO PIECES OF BLACK CLOTH THE TOUR OFF ONTO

A BARBED WIRE FENCE.
DISPLAY THEIR SEARCH THEY NEVER
FOUND THE CLOTHES.
IT WAS FOUR DAYS LATER THAT AN
ENVOY FOR THE CHURCH ON THE
OTHER SIDE OF THAT FENCE CAME
FORWARD TO SAY HE FOUND THE
CLOTHES A FEW YARDS FROM WHERE
THE FENCE WAS.
THE CLOTHES WERE FOUND WITH A
PAIR OF SHOES AND A HAT.
NOW DNA WAS SIMPSON WAS EVER
TIED TO THE HAT WITH THE SHOES
BUT WAS TO THE CLOTHES.
THERE WAS DNA INCLUDING THE
WEARER'S DNA, WOULD WEAR AGAINST
A PERSON AND THAT DNA BELONGS TO
SIMPSON BUT THERE WERE ALSO
MIXTURES OF DNA IN THE MIXTURES
AT THOSE LOCATIONS SHOW THAT ONE
OTHER PERSON HAD ALSO DONE THAT.
JASON SIMPSON WAS A CONFIDENTIAL
INFORMANT AT THE TIME WORKING
FOR THE JACKSONVILLE SHERIFF'S
OFFICE AND CLAY COUNTY AND OTHER
LAW ENFORCEMENT AGENCIES
ARRESTED ON A ROBBERY CHARGE AND
RELEASED EARLY AS A CONFIDENT
INFORMANT AGAINST PEOPLE JUST
LIKE BIG ARCHIE, BIG ARCHIE'S
SON WHO GOES BY LITTLE ARCHIE
AND DURRANT.
AND DEFENSE AT THE TRY WAS
DURANCE IS LYING AND SIMPSON
NEVER CONFESSED, THE REASON
SIMPSON'S DNA WAS ON THE CLOTHES
WAS HE WORE THE CLOTHES, THEY
BELONGED TO HIM BUT A FEW WEEKS
BEFORE THE MURDERS HE HAD GIVEN
THEM TOO LITTLE ARCHIE SO HE
COULD NOT HAVE BEEN MURDERED IN
THE THIRD PART OF HIS DEFENSE
WAS LITTLE ARCHIE WAS MORE
LIKELY THE MURDERER.
NOT ONLY HAD HE TAKEN THE
CLOTHES FOUND AT THE SCENE BUT
THERE WAS CIRCUMSTANTIAL
EVIDENCE OF HIS GUILT.
IT WAS A VERY CLOSE CASE AT
TRIAL, THE JURY CONVICTED

BETWEEN THE GUILT AND PENALTY PHASE, CURRY CODY ATTENDED TO RECANT AND TOLD THE JUDGE SHE DIDN'T THINK THE STATE PROVED ITS CASE.

ON DIRECT APPEAL THE COURT CONCLUDED THAT HAD A LEGAL EFFECT BUT THE POINT FOR NOW WAS THIS WAS A RAZOR THIN CASE AND THE PREJUDICE BURDEN FOR US SHOULD BE VERY LOW, BUT COULD MEET THE HIGHEST LEVEL.

WE HAVE BRIEFED 25 CLAIMS FROM 38-51 ON THIS APPEAL AND FILED A HABEAS CORPUS AND RAISING TWO MORE, CLAIMS THAT IT HAS TO DISPOSE OF.

WE'VE OVERWHELMED THE COURT WITH A NUMBER OF PAGES IN OUR BRIEF, THE NUMBER OF PAGES IN THE 12 DAVID AND JERRY HEARING WITH 37 WITNESSES IN THE OVERALL SIZE OF THIS CASE.

THE COURT'S INDULGENCE WITH BIG PICTURE IDEAS WITH CONTEXT, THEN DRILL DOWN INTO THE ONE CLAIM THAT YOU CAN RESOLVE THIS ON. THIS IS AN UNUSUAL CASE, THE AMICUS IN FLORIDA, ONLY THEIR THIRD AND WHILE WE DECLINE TO ASK THEM, WE THINK THE AUTHORS OF THAT BRIEF.

THAT BRIEF HIGHLIGHTS THAN ANY COMMON CHARACTERISTIC WHERE INNOCENT MEN AND WOMEN HAVE BEEN EXONERATED IN THE DEATH PENALTY PHASE ACROSS THE COUNTRY.

THE STATE'S ANSWER BRIEF IS EXTRAORDINARY, NEVER SEEN ANYTHING LIKE IT.

AND IT WAS THE TRIAL COURT'S RULING.

AND THE FACT WE RESIDED, IT RARELY ADDRESSES THE ARGUMENT WE MADE OTHER THAN VOTING ON THE GROUNDS OF EACH SECTION ENDS WITH A COUPLE OF THINGS.

I THINK OUR REPLY BRIEF TIED ALL THIS UP VERY NEATLY AND SHOULD BE A GUIDE TO ALL THESE CASES

AND MAKE THE LIMITED TIME I HAVE TODAY A LITTLE EASIER.

ONE OF THE THINGS IS AS LONG AS IT WAS YOU DON'T HAVE TO READ ANYTHING ABOUT THE CASE OR KNOW ANYTHING ABOUT THE CASE, TWO GLARING IMPORTANT ERRORS.

TO APPLY CUMULATIVE PREJUDICE INTO THESE CLAIMS, HE DENIED TWO OF THE CLAIMS, OR OTHER MURDERS. THE ONLY VOICE DENYING THAT WAS PREJUDICE.

BEYOND THAT A BUNCH OF CLAIMS WERE DENIED ON MULTIPLE GROUNDS INCLUDING PREJUDICE, CLAIMS ONE 346, 9 THROUGH 14, 19, 21, 26 AND 30.

IT WAS A REFUSAL TO CONDUCT PREJUDICE REVIEW.

AND EACH TIME THE COURT RULED AGAINST US ON A FINDING THAT WE HAD NOT PROVEN THE CONSTITUTION THE VIOLATIONS WOULD HAVE RESULTED, BUT CONSTITUTIONAL VIOLATIONS, THAT IS NOT OUR STANDARD.

WE DO NOT HAVE TO PROVE THAT, CERTAINLY NOT ON OUR INEFFECTIVE SYSTEM.

ALL WE NEED TO PROVE IS THERE'S A REASONABLE CHANCE THE JURY WOULD HAVE RULED DIFFERENTLY BUT FOR THESE CONSTITUTIONAL VIOLATIONS AND COMBINATION WITH NEWLY DISCOVERED EVIDENCE.

THE LAST BIG PICTURE THING ABOUT THIS CASE THAT IS SO IMPORTANT AND SETS IT APART FROM SO MANY CASES, NOT JUST DEATH PENALTY CASES THAT ANY CRIMINAL CASES IS THE DEFENDANT WAIVED HIS RIGHT AGAINST SELF-INCRIMINATION AND TESTIFYING.

HE CAME HERE AND TESTIFIED AND PROCESSED HIS GUILT, THE REASON THAT RARELY HAPPENS IS EVEN WHEN THE DEFENDANT IS INNOCENT AND TESTIFIES COMPLETELY TRUTHFULLY, NOT DIFFICULT FOR SCHOOL PROSECUTOR TO FIND MINOR

INCONSISTENCIES AND MAKE IT LOOK LIKE A THE DEFENDANT IS LYING. THE MILITARY -- NOT TELLING THE TRUTH ON ONE THING, THEY WILL CONVICT HIM AND THAT IS WHAT HAPPENED HERE.

ONE THING IN A FEW PAGES LIKE THIS CASE, NOT HAVE TO REVIEW ALL THE OTHERS.

ON PLAN 17, THE DATE HE WAS RELEASED, TO START WORKING. SIMPSON TOOK THE STAND, LOOKED THE JURY IN THE EYE, PROFESSED HIS INNOCENCE, GAVE HIS EXPLANATION FOR THE DNA ON THE CLOSEST.

DURANCE'S TESTIMONY ONLY HAD COULD ABILITY WHEN VIEWED IN CONJUNCTION WITH THE DNA.

IF THE JURY, GAVE THE CLOSE TO LITTLE ARCHIE, THE DNA EVIDENCE IS GONE.

IT IS NOT SUFFICIENT AS A MATTER OF LAW TO SUPPORT THE CONVICTION BUT EVEN IF IT SHOULD HAVE GRAVE CONCERNS AND NO-CONFIDENCE THE JURY WOULD HAVE CONVICTED BASED ON THAT, SIMPSON TESTIFIED HE DID NOT REMEMBER THE EXACT DATE OF THIS MEETING WITH LITTLE ARCHIE A FEW WEEKS AFTER HE HAD BEEN RELEASED BUT THIS WAS 7 YEARS AGO.

MORE THAN 7.

HE DIDN'T REMEMBER THE DATE HE WAS RELEASED BUT SHORTLY AFTER HE WAS RELEASED HE HAD ALL THE DETAILS.

AFTER HE WAS RELEASED HE MOVED TO A TRAILER AND LIVED THERE A FEW WEEKS UNTIL HE MOVED TO HIS MOTHER'S HOUSE THAT IS WHEN THE MURDERS OCCURRED.

WHEN HE WAS AT THE TRAILER, WENT TO HIS MOTHER'S HOUSE, LITTLE ARCHIE AND HE DROVE BACK TO HIS TRAILER A LITTLE ARCHIE SAID ARE YOU WEARING A WIRE, YOU JUST GOT RELEASED FROM JAIL.

GET TO THE TRAILER LITTLE ARCHIE

SAYS I GOT TO GO HIT A LICK.
THAT IS A TERM THAT MEANS COMMIT
A CRIME.

I NEED TO BORROW SOME THINGS.
JASON SIMPSON'S JOB WAS TO BE
GATHERING INFORMATION OF
COLLECTIVITY AGAINST LITTLE
ARCHIE AND OTHER PEOPLE AND SO
HE SAID SURE AND POINTED TO A
PILE OF DIRTY LAUNDRY AND SAID
THERE ARE SOME SWEAT CLOTHES
THERE, HELP YOURSELF.

SIMPSON WENT TO THE SHOWER AND
WHEN HE GOT OUT OF THE SHOWER
LITTLE ARCHIE WAS GONE, CLOTHES
WERE GONE, ON THE DRESSER WAS A
BUSINESS CARD.

CLEARLY LITTLE ARCHIE HAD FOUND
OUT JASON WAS WORKING WITH THE
TESTIMONY.

NOT BY CONTRARY EVIDENCE OR
LITTLE ARCHIE DENIED THE CLOTHES
AND YOU GOT TO BE LEAVE LITTLE
ARCHIE, YOU ATTACKED IT ONLY ONE
WAY.

THEY FABRICATED AN INCONSISTENCY
WITH HIS TIMELINE.

MARK KALIL, THE LEAD PROSECUTOR
ON PAGES 14-19-24.

JASON SIMPSON WAS CONVICTED
BECAUSE HE WAS IMPEACHED ON HIS
TIMELINE.

MARK KALIL SAID YOU WERE
RELEASED IN MARCH.

ITEM HAS BEEN SO LONG I CAN'T
REMEMBER.

KALIL HAMMERED HIM AGAIN AND
AGAIN.

THAT WAS WHY IT WAS SO
INCONSISTENT WITH SAYING IT WAS
A MATTER OF WEEKS TWEEN RELEASE.
AND THAT REPRESENTATION, THEY
WERE FALSE.

JASON SIMPSON WAS NOT RELEASED
IN MARCH.

IT WAS RELEASED FROM THE DUVAL
COUNTY JAIL IN MARCH.

WAS TAKEN OVER TO COLUMBIA
COUNTY.

AND IT IS INCREDIBLY

IMPORTANT.

THE SAME STATE ATTORNEY OFFICE,
PUT HIM ON DEATH ROW WENT TO
COLUMBIA COUNTY, CALL THE STATE
ATTORNEY'S OFFICE OR THE JUDGE
IN COLUMBIA COUNTY AND SAID
MISTER SIMPSON, HE WAS IN
VIOLATION OF PROBATION CHARGE
CAN YOU PLEASE RELEASE MISTER
SIMPSON SO HE CAN WORK AS A
CONFIDENTIAL INFORMANT FOR US IN
JACKSONVILLE.

THAT IS WHAT THE COLUMBIA COUNTY
COURT DID AND ON JUNE 9TH JASON
SIMPSON WAS RELEASED FROM
CUSTODY, THAT FITS HIS TIMELINE
PERFECTLY.

THE TRIAL COURT SAID MISTER
KALIL NEVER PUT ON ACTUAL
EVIDENCE, THE STATE INSINUATES A
FALSE FACT DISCOUNTS THE SAME
AND THE STATE IS NOT CHALLENGED
THEM.

INSTEAD THE STATE MADE A BRIEF
CURSORY ARGUMENT THAT HE MADE AN
HONEST MISTAKE.

THE LAW WAS CLEAR ON THAT AND
THAT IS THE FACT OF FIG LEO.
IT DOESN'T MATTER IF IT WAS AN
HONEST MISTAKE WAS ANOTHER
PERSON IN THE SAME OFFICE KNEW
THE TRUTH AND THE FAILURE TO
COMMUNICATE IS NOT A DEFENSE, IT
ESTABLISHES THE CLAIM.

THE TRIAL COURT'S ALTERNATIVE
RATIONALE WAS THIS WASN'T
MATERIAL IT DIDN'T MATTER, THE
TIMING DIDN'T MATTER.

ALL THAT MATTERED WAS SIMPSON
SAID AT SOME POINT BEFORE THE
MURDERS, THAT IS EXTREMELY
UNREASONABLE AND ALL YOU'VE GOT
TO LOOK AT IS THE CLOSING
ARGUMENT THEY MADE IT A FEATURE
A CLOSING ARGUMENT IS ON PAGE
1618, KALIL TOLD THE JURY, WAS
IDLY IMPORTANT.

IT DOES NOT JUST MEAN MUCH MORE
MATERIAL.

HE DIDN'T STOP THERE.

LOOK AT PAGES 1643-1644.
THIS IS WHAT MARK KALIL SAID
ABOUT THE MARCH 1999 FAST
RELEASE, THIS IS, QUOTE, THE
MOST IMPORTANT INCONSISTENCY.
TOLD HIM SIMPSON SAID
DEFINITELY IN THE FIRST 2 OR 3
WEEKS AFTER I GOT OUT OF JAIL I
WAS STAYING IN THE TRAILER.
HE CRITICIZED SIMPSON FOR NOT
PUTTING ON EVIDENCE TO SHOW THAT
WASN'T TRUE BUT THE BURDEN ON
SIMPSON, QUOTE, ON PAGE 24 WHEN
DIRECTLY CONFRONTED ABOUT THIS
BLATANT INCONSISTENCY HE HAS TO
HEDGE BACK.
DEFENSE COUNSEL WASN'T PREPARED.
THEY SHOULD HAVE BEEN PREPARED.
WE HAVE AN ALTERNATIVE, THEY HAD
IN THEIR OWN FILES IT IS EASY TO
GET.
THE DEFENSE COUNSEL DIDN'T TRY
TO CORRECT IT AT TRIAL OR TELL
THE JURY THERE IS NO EVIDENCE OF
THE MARCH OF 1999, ON REBUTTAL,
THE PROSECUTOR SAID THEY DON'T
HAVE AN ANSWER TO IT.
IF WE HAD ANY DOUBT AT ALL, THE
HEAD OF THE PROSECUTOR'S
HOMICIDE ROSE A MEMO.
HE WROTE A MEMO TO THE OFFICE
THAT SAID MARK KALIL SECURED
THIS CONVICTION THROUGH
CROSS-EXAMINATION.
THERE WAS NOTHING MORE MATERIAL
IN THIS CASE THAN SIMPSON'S
TESTIMONY AND THE ONLY WAY THEY
CONVINCED THIS JURY TO DISREGARD
THAT TESTIMONY WAS FALSE
REPRESENTATION.
REAL BRIEFLY, A COUPLE NOVEL
ARGUMENTS THAT I WOULD LIKE TO
ADDRESS.
THE FIRST IS THEY SAY THE
TESTIMONY FROM DETECTIVE HENSON
SHOWED THAT MARK KALIL WAS WRONG
IN THE JURY DISBELIEVED THAT
STUFF.
HE DID TESTIFY THAT ON
JUNE 21ST, 1999, JASON SIMPSON

CALLED HIM AND SAID LITTLE ARCHIE CAME OVER AND USE THE SAME PHRASE, THE STATE IS CORRECT.

THAT IS POWERFUL EVIDENCE THAT JASON WAS TELLING THE TRUTH. THE STATE SAW THAT TOO AND TOOK AWAY THE POWER.

ON PAGE 1643-44 MARK KALIL NEW THAT WAS A POTENTIAL ARGUMENT AND HE SAID THERE WAS NO MENTION OF BORROWING CLOTHES OR THESE OTHER THINGS.

WHAT KALIL SAID WAS SINCE HE WAS RELEASED IN MARCH AND THAT WAS BEFORE HAND, WE KNOW THAT THE JUNE 21ST CALL IS NOT ONE LITTLE ARCHIE CAME -- HE DIRECTLY SAYS IT, NOT WHAT WE ARE TALKING ABOUT.

THE ANSWER BRIEF SHOWS HOW MATERIAL THIS WAS.

THE ACTUAL RELEASE DATE OF JUNE 9TH FITS PERFECTLY.

A FEW WEEKS AFTER JUNE 9TH, JUNE 21ST, WE HAVE A LAW ENFORCEMENT OFFICER CONFIRMING AT LEAST ONE DEAL -- ONE DETAIL FROM THIS MEETING, AND THEN IT FITS THE TIMELINE.

THE STATE COMES UP WITH A CRAZY ARGUMENT ABOUT MOTIVE, THIS SHOWS A MOTIVE FROM JASON WHEN CLOSER IN TIME TO THE MURDERS THAN NOT.

FIRST OFF THAT DOESN'T MATTER. IT COULD BE A PERFECT MOTIVE, COULD BE THE BEST MOTIVE IN THE WORLD BUT THAT PROVIDED EVIDENCE THOSE CLOTHES LEFT JASON'S POSITION FOR THE MURDERS.

HE HAD NO MOTIVE, NEVER A MOTIVE PROVEN IN THE WAY WE KNOW THAT, THE PROSECUTOR, NO SHRINKING VIOLET.

IN THE EVIDENTIARY EVERY HEARING, HE COULDN'T ASCERTAIN WHAT A MOTIVE IS.

WHY WOULD JASON SIMPSON -- A CONFIDENTIAL INFORMANT AGAINST

ARCHIE, WHY WOULD HE KILL
SOMEBODY HE IS INFORMING AGAINST
UNDER THE SUPERVISION OF LAW
ENFORCEMENT.

HE HAD A MOTIVE DO NOT KILL HIM.
MOREOVER THE TIMELINE CONFIRMS
THAT IT WAS LITTLE ARCHIE, NOT
BIG ARCHIE, IT WAS LITTLE ARCHIE
WHO FOUND OUT HE WAS WORKING AS
A CONFIDENTIAL INFORMANT.

IF THE MOTIVE WAS TO KNOCK OFF
SOMEBODY WHO KNOWS YOU ARE
WORKING WITH THE POLICE, THAT
WOULD BE MOTIVE TO KILL LITTLE
ARCHIE, NOT BIG ARCHIE.

THE STATE'S ARGUMENT DOES SHOW
THE LITTLE ARCHIE HAD A MOTIVE
IT WAS CLOSE IN TIME.

RIGHT BEFORE THESE MOTORS --
MURDERS HAPPEN JASON SIMPSON
SNITCHING ON HIM, HE BORROWS
JASON SIMPSON'S DIRTY CLOTHES
WHICH HAVE HIS DNA AND THOSE
CLOTHES BY ALL APPEARANCES WERE
PLANTED FOUR DAYS AFTER THE
MURDER.

PARKER CRIME SCENE INVESTIGATION
NOT FIND THESE YARDS AWAY,
MATERIAL THEY KNEW WAS RELEVANT,
THEY SAVED IT.

THIS EVIDENCE WAS YOU DON'T NEED
TO GO ANY FURTHER.

WE HAVE SO MANY CLAIMS I CAN'T
WAIVE THESE THINGS, THEY ARE ON
VALID AND A BUNCH OF THEM ONLY
MAKE CLEARER THE DEFENSE THAT
LITTLE ARCHIE DID THIS, A SOLID
DEFENSE WOULD HAVE PREVAILED.

I DON'T KNOW IF THEY BOTHERED TO
TRY HIM BUT THE EVIDENCE THAT
WAS AVAILABLE WAS CONCEALED BY
THE STATE OR DEFENSE COUNSEL
FAILED, WOULD HAVE DEVASTATED
THE STATE'S CASE.

FIRST OFF WE HAVE A NEWLY
DISCOVERED EVIDENCE AND
POSTCONVICTION TESTIMONY, LITTLE
ARCHIE SHOCKED US OFF.

THE TIME THAT IS GONE BY SINCE
THE TRIAL HADN'T BEEN GOOD TO

HIM AND HAD A WAY TO TESTIFY.
IN THE TRIAL HE DENY GOING TO
JASON SIMPSON'S HOUSE.

IN POSTCONVICTION HE REMEMBERED
GOING TO JASON SIMPSON'S HOUSE,
NOT JUST HIS HOUSE, HIS TRAILER
AND REMEMBERED SOME DETAILS,
BEING SUSPICIOUS THAT JASON
SIMPSON WAS A CONFIDENTIAL
INFORMANT AND JUST BEEN
RELEASED.

THAT IS WHAT JASON SIMPSON SAID
HAPPENED.

HE CONFIRMED AT THE TRAILER
JASON SIMPSON WENT AND SHOOK --
TOOK A SHOWER AND SIMPSON WAS IN
THE SHOWER HE FOUND A BUSINESS
CARD OF THE DETECTIVE.

THESE ARE SPECIFIC DETAILS THAT
HAD NOW BEEN CONFIRMED BY THE
PERSON WE THINK COMMITTED THE
MURDER.

HE NOW ADMITTED THESE FINDINGS
AND CERTAINLY HE DIDN'T ADMIT HE
BORROWED THE CLOTHES BECAUSE
THAT WOULD BE THE END OF THE DIG
BUT THIS IS DEVASTATING.

I ALREADY TALKED ABOUT SIMPSON
NOT HAVING A MOTIVE BUT THERE
WAS A CLEAR MOTIVE FOR LITTLE
ARCHIE.

I WILL CONCEDE THEY DID HEAR
SOME OF THIS EVIDENCE ALTHOUGH
IT WAS IN DIRECT TESTIMONY AND
LITTLE ARCHIE SAYING MAYBE I
TOLD SOMEBODY I WAS UPSET AND
THE BABY NEVER SAW THE LIGHT OF
DAY AND WOULD KILL ALL THREE OF
THEM.

HE MAY HAVE SAID THAT AT TRIAL.
THERE WAS MUCH BETTER EVIDENCE
HAD THEY BOTHERED TO INVESTIGATE
THIS CASE A LITTLE BIT, THEY
WOULD HAVE KNOWN OR DISCOVERED
EVIDENCE FROM SHANNON NELLY WHO
PRESENTED MULTIPLE PEOPLE FROM
TESTIFYING, THEY DIRECTLY HEARD
HIM SAY THIS MULTIPLE TIMES
CLOSE IN TIME BEFORE THE MURDER.
HE WAS GOING TO COMMIT THE

MURDER SO HE HAS MOTIVE.
THE NEXT THING WE LOOK AT HIS
OPPORTUNITY.
WHO HAD OPPORTUNITY TO GET INTO
THAT HOUSE, JASON SIMPSON DID
NOT HAVE, DARREN SAID HE WENT TO
THE KITCHEN WINDOW AND CHANGED
IT TO THE LAUNDRY ROOM WINDOW
AND JUST AS DEFENSE COUNSEL USED
THOSE TO SAY IT'S IMPOSSIBLE TO
GO TO THE KITCHEN WINDOW AND
POSTCONVICTION, THE SAME
PHOTOGRAPHS, THE SAME STATE
WITNESS, DETECTIVE CHASE LOOKED
AT THOSE PHOTOS, THERE'S PHOTOS
OF THE LAUNDRY WINDOW INSIDE AND
OUT, HE TESTIFIED HE CAN LOOK AT
THOSE AND JUST IDEA THAT THERE
IS A WINDOW BETWEEN THE LAUNDRY
ROOM AND THE KITCHEN IS
DISPROVEN BY THE LAYOUT OF THE
HOUSE, THE 2 DIAGRAMS OF WHERE
THE ROOMS ARE SO SIMPSON COULD
NOT HAVE COME THROUGH A WINDOW.
IS A SMART GUY AND I THINK HE
KNEW THAT.

AT TRIAL HE CHANGED HIS THEORY.
HE DIDN'T ARGUE THE JURY CAME
THROUGH THE WINDOW.
HE HAD A NEW THEORY WHICH WAS
SIMPSON CAME THROUGH AN UNLOCKED
REAR DOOR IN THE REASON THAT WAS
UNLOCKED WAS LITTLE ARCHIE SAID
SHORTLY BEFORE THE MURDERS HE
WAS THERE AND SIMPSON WAS
WAITING IN THE BACKYARD.
THE PROBLEM IS EVERYBODY SHOULD
HAVE KNOWN BECAUSE THEY TOOK A
DEPOSITION, WHO TESTIFIED AS A
DEFENSE WITNESS, HARRY THOMPSON
SAW IN HIS COUSIN LITTLE ARCHIE
AFTER HE LEFT, TESTIFIED AND
IMMEDIATELY AFTER THAT, HARRY
THOMPSON AND KRISTI PARRY WENT
BACK TO THEIR TRAILER THEY WERE
MOVING INTO WHICH WAS ON BIG
ARCHIE'S PROPERTY SO THEY ARE
RIGHT ACROSS THE DRIVEWAY FROM
BIG ARCHIE'S HOUSE, IT WAS
LOCKED.

THIS REQUIRES A KEY, TO UNLOCK IT OR LOCK IT FROM THE INSIDE OR OUTSIDE.

THERE IS NO WAY JASON SIMPSON COULD HAVE GOTTEN IN THAT DOOR. IT WAS LOCKED EVERY LITTLE ARCHIE LEFT, JASON COULDN'T HAVE LOCKED IT, HE DIDN'T HAVE A KEY, COULDN'T HAVE UNLOCKED IT, HE DIDN'T HAVE A KEY.

LITTLE ARCHIE HAD A KEY AND WAS THERE.

LITTLE ARCHIE WAS ALSO THERE WITH SOMEBODY ELSE, WITH SEAN SMALLWOOD, WE DON'T KNOW WHAT HE WOULD SAY BECAUSE HE HOPPED IN A MOTORCYCLE IN DELAWARE AND THE MOTORCYCLE BLUE UP, THE ACCELERATOR HIT, LIKE SO MANY WITNESSES HE IS GONE SO WE DON'T KNOW WHAT HE WOULD SAY.

WE KNOW FROM LITTLE ARCHIE AND POLICE REPORTS THAT BOTH THOSE MEN WERE THERE THAT NIGHT WITHIN AN HOUR OF THE MURDERS AND WE KNOW THAT BECAUSE THERE WAS RED PARTICULATE MATTER IN BIG ARCHIE'S DIGESTIVE TRACT AND THE MEDICAL EXAMINER WHO LOOKED AT IT SAID THAT WAS EATEN WITHIN AN HOUR OF DEATH AND IS CONSISTENT WITH CHERRIES OR STRAWBERRIES AND THAT IS IMPORTANT BECAUSE THAT IS WHAT LITTLE ARCHIE SAID. CHERRY PYRO STRAWBERRY CAKE, SOME RED PARTICULAR.

AN HOUR OF DEATH, ONE OF THEM HAD A VERY EMOTIONAL MOTIVE, HATED HIS FATHER FOR WHAT HIS FATHER WAS DOING, THIS IS A GRUESOME ASKED MOTOR.

PICTURES OF THE BLOOD AND EVERYTHING, PHYSICALLY IMPOSSIBLE.

JASON SIMPSON OR ANY OTHER HUMAN BEING COULD NOT HAVE COMMITTED THIS CRIME WEARING THAT SHIRT. THEY COULDN'T HAVE BEEN COMMITTING THE MURDER AND THERE IS NOT A DROP OF BLOOD.

WEARING A SWEATSHIRT, THIS IS GRUESOME BUT CLOSE YOUR EYES FOR A SECOND AND THINK ABOUT WHAT WOULD HAPPEN IF YOU WERE WEARING A SHIRT, AND YOU ASK SOMEBODY LYING IN BED REPEATEDLY CAUSING THESE GAPING WOUNDS AND BLOOD TO GO EVERYWHERE.

YOU HAVE BLOOD ALL OVER YOUR SLEEVE.

COUNSEL RECOGNIZE THAT IS A GOOD THEORY THAT FITS LIKE A GLOVE. READ THE CLOSING ARGUMENT, COULD HAVE AT A CRIME SCENE EXPERT, WE PROVIDED ONE, MADE IT CLEAR IT IS IMPOSSIBLE BUT EVEN WITHOUT THAT IT IS COMMON SENSE.

THE POSITION OF THE BODY, THERE WAS EVIDENCE HE TOLD DETECTIVE WILLIAMS FOUR DAYS AFTER, AND LITTLE ARCHIE WAS LYING ON THE FLOOR.

COULD HAVE ONLY KNOWN THAT IN THAT ROOM COMMITTING MURDERS. IF IT WAS FOUR DAYS AFTERWARDS THAT MAKES A LOT OF SENSE, PLENTY OF TIME TO HEAR.

DEFENSE COUNSEL WASN'T PREPARED AND WASN'T READING THE REPORT CORRECTLY.

HE HAD A REPORT IN HIS HANDS, AND 24 DAYS AFTER THE MURDER, THAT WAS NOT TRUE.

ARE YOU HAVE TO DO IS LOOK AT THE REPORT AND PUT IT IN EVIDENCE, WILLIAMS TESTIFYING AT THE EVIDENTIARY HEARING.

THAT WAS THE DAY AFTER THE MURDERS.

HE RUNS TOWARDS THE SCENE AND WAS IMMEDIATELY ARRESTED AFTER HE TALKED TO HIM ABOUT IT. THAT IS AT THE MEMORIAL BUILDING AND GIVES THIS INCRIMINATING STATEMENT.

HAD THE JURY KNOWN THAT WAS THE SAME DAY, WHAT IS MORE INCRIMINATING THAN THAT.

>> COUNSEL, YOU ARE NOW INTO YOUR REBUTTAL TIME BY A COUPLE

MINUTES.

YOU CAN CONTINUE BUT I WANT TO BRING THAT TO YOUR ATTENTION.

>> IT WOULD TAKE THAT TO GET THROUGH ALL THESE THINGS.

THESE ARE SERIOUS CLAIMS.

WE HAVE DNA EVIDENCE CLAIMS, DISRUPTION OF EVIDENCE CLAIMS. DURANCE RECANTED THAT WE MET THE TEST, REFUSED TO EVEN APPLY. REPORT FOUND DURANCE WOULDN'T EVEN TESTIFY BECAUSE OF THAT. WE DON'T NEED TO IMPEACH HIM BECAUSE HE WON'T TESTIFY AND HE ADMITTED TO ME AND THE INVESTIGATOR THAT HE LIED, GAVE US THE DETAILS WHERE THEY CAME FROM INCLUDING A VOTE FROM A DEAN FOODS NOVEL -- DEAN KOONTZ NOVEL.

1999 AT THE TIME OF THE MURDERS THERE'S A DEAN KOONTZ NOVEL TALKING ABOUT THAT.

YOU NEED TIME TO HEAR WHAT THE STATE SAYS THAT ALL OUR CLAIMS SHOW THEY CAN'T COMPARE THAT AT THE TRIAL WHEN HE SHOULD HAVE HIS CONVICTION SET ASIDE.

>> COUNSEL.

>> MAY IT PLEASE THE COURT. MICHAEL CAMP FOR THE STATE OF FLORIDA.

THIS WAS A GRUESOME MURDER, IT WAS IN ASK MURDER.

THERE ARE 3 LEGS TO THE STOOL, YOU HAVE THE CONFESSION FROM THE APPELLATE TO DURANCE, THE DNA EVIDENCE, BLACK SWEAT CLOTHES FOUND BEHIND THE AIR CONDITIONER, BEHIND THE CHURCH, BEHIND THE HOME OWNED BY THE VICTIMS, THE VICTIM'S BLOOD DNA WAS FOUND ON HIS CLOTHES AS OF DNA FROM THE APPELLATE.

THERE WAS BEHAVIOR AFTER THE MURDER.

THE APPELLATE STARTED HIS ARGUMENT TALKING ABOUT OVERARCHING THEMES.

AS FAR AS CHEMO OF PREJUDICE

GOES THERE IS NO CUMULATIVE
PREJUDICE ANALYSIS UNLESS THERE
ARE MULTIPLE ERRORS.

THE TRIAL COURT DID NOT FIND A
SINGLE VIOLATION OF BRADY,
FIGLIO, STRICKLAND OR THINK THE
CLAIM FOR UNDISCOVERED EVIDENCE.

THERE IS NO CUMULATIVE
PREJUDICE, THERE HAD BEEN NO
VIOLATIONS LITTLE ON
MULTIPLIERS.

THE LAW IS VERY CLEAR.

I WANT TO HIGHLIGHT THIS IS NOT
A SIMPLE TRIAL WHERE THE INITIAL
BRIEF IS PLEADING.

JUST BECAUSE THE STATE DID NOT
RESPOND TO EVERY SINGLE ARGUMENT
RAISED OR 400 PAGES OF BRIEFING
DOESN'T MEAN THE STATE ADMITS
ANY OF THAT.

THIS IS AN APPEAL IN
POSTCONVICTION AND THE DECISIONS
OF TRIAL COURTS COME TO THIS
COURT CLOSE WITH A PRESUMPTION
OF CORRECTNESS.

EVEN IF THE STATE DOESN'T HAVE
THE CASE, LOWER COURT DECISIONS
WITH A PRESUMPTION OF
CORRECTNESS AND POWERFULLY TO
ACKNOWLEDGE THAT WE JUST WHY WE
ARE HERE, THE TRIAL COURT'S
DECISION TO DENY INITIAL MOTION
FOR THE DEATH PENALTY CASE.

THERE IS A STANDARD THAT
APPLIES.

IS THERE COMPETENT EVIDENCE TO
SUPPORT FACTUAL FINDINGS
RELEVANT TO THAT CLAIM AND UNDER
THAT STANDARD DID THEY APPLY THE
LAW BUT WOULD WE DON'T SEE IN
400 PAGES IS ANY DETAILED
ANALYSIS SUCH AS HERE ARE
FINDINGS OF FACT THE TRIAL COURT
MADE ASSOCIATED WITH HIS CLIENT.
HERE IS WHY THESE FINDINGS ARE
FACT ASSOCIATED WITH HIS CLIENT,
NOT SUPPORTED BY COMPETENT
SUBSTANTIAL EVIDENCE.

HERE IS WHY THEY ARE INCORRECT.
WHAT WE SEE OVER AND OVER IN 400

PAGES AND ORAL ARGUMENT, WE HAVE
FACTUAL INNOCENCE.

WE HAVING CONSISTENCY IS, MOTIVE
AND OPPORTUNITY, LITTLE ARCHIE
TESTIFIED ENDURANCE TESTIFY,
THEY MADE GOOD ABILITY
DETERMINATION THAT REJECTED
TESTIMONY OF THE APPELLATE AND
FOUND HIM GUILTY.

WE ARE IN POSTCONVICTION
FOCUSING ON THE TRIAL COURT
MAKING A MISTAKE, DENIED THE
CLAIMS OF POSTCONVICTION RELIEF.

>> COULD YOU ADDRESS ISSUE 8 OF
THE BRADY CLAIM, THE FAILURE TO
DISCLOSE LITTLE ARCHIE WAS A
CONFIDENTIAL INFORMANT IN
ANOTHER CASE.

>> HE WAS NOT A CONFIDENTIAL
INFORMANT AND THEY WORKED ON
THAT CORRECTLY.

THERE IS EVIDENCE THE STATE, LAW
ENFORCEMENT USED INFORMATION
THAT WAS PROVIDED BY LITTLE
ARCHIE BUT THERE WAS NO
AGREEMENT, HE WAS NOT A
CONFIDENTIAL INFORMANT PAID FOR
HIS TESTIMONY, WASN'T GIVEN ANY
KIND OF NEGOTIATED PLEA OR
SENTENCE, HE PROVIDES
INFORMATION.

IT IS NOT A BRADY VIOLATION, NO
MATERIAL.

WHICH THE TRIAL COURT CORRECTLY
FOUND.

TURNING TO CLAIM 17 UNDERNEATH
THAT CLAIM OR TWO SUB CLAIMS.

THERE IS A STRICKLAND CLAIM.

THE APPELLATE ARGUES A QUESTION
POSED BY THE PROSECUTION TO THE
DEFENDANT DURING

CROSS-EXAMINATION IS A VIOLATION
OF FIGLIO.

IT IS VERY CLEAR, AND THE
QUESTION POSED BY PROSECUTION TO
THE DEFENDANT IS NOT EVIDENCE.

IT FAILED THE FIRST PRONG OF
FIGLIO.

THE DEFENDANT WOULD HAVE TO SURE
DEFENDANT WOULD HAVE TO SHOW THE

PROSECUTOR KNEW IT WAS FALSE.
THE APPELLATE WAS RELEASED BY
DEVOL COUNTY JAIL AND THAT IS
WHAT THE PROSECUTOR REFERENCED.
IN THE TRIAL COURT ORDER ON PAGE
131, THE PROSECUTOR REFERENCED
THE MARCH OF 1999 LEASE WAS FROM
DO ALL COUNTY JAIL RENDERING
THOSE STATEMENTS TRUE SO IT
FAILS THE SECOND PRONG OF
FIGLIO.

GOING TO THE THIRD PRONG THE
TRIAL COURT FOUND NOT MUCH
MATERIAL.

LITTLE ARCHIE TESTIFIED HE WENT
IN A FEW MONTHS OF THE MURDERS
CONSISTENT WITH THE TESTIMONY
THAT LITTLE ARCHIE CAME TO HIS
HOME PRIOR TO THE MURDERS.
WHEN EXACTLY THE COURTESY
MATERIAL.

THE REASON, THE REASON THE
APPELLATE I USE THIS IS
IMPORTANT IS THAT IS THE TIME
LITTLE ARCHIE SUPPOSEDLY TOOK
CLOTHES FROM THE APPELLATE.
THE TESTIMONY OF DETECTIVE
VINCENT CORROBORATES THAT
VERSION OF EVENTS THAT THE TRIAL
COURT FOUND TESTIMONY SUPPORTS
STATEMENTS THAT THE VISIT TO THE
TRAILER OCCURRED IN JUNE OF 1999
SO THERE'S NO MATERIAL THERE.
THERE IS NO PREJUDICE UNDER
STRICKLAND FOR THE SAME REASON
AND AS FAR AS THE PERFORMANCE
PRONG THERE IS NO REPORT BECAUSE
THE DEFENSE COUNSEL SAID THE
TRIAL COURT FOUND IN POST
CONVICTION BUT TO CLEAR UP THAT
AMBIGUITY REGARDING THE RELEASE
DATE THE DEFENSE WOULD HAVE TO
ADMIT THERE WAS A SECOND
CRIMINAL VIOLATION IN COLUMBIA
COUNTY, TO SHOW I WAS RELEASED
FROM DO ALL COUNTY JAIL IN MARCH
I WOULD HAVE TO ADMIT THERE WAS
A SEPARATE CRIME THAT OCCURRED
IN COLUMBIA COUNTY.

VERY REASONABLE FOR DEFENSE

COUNSEL TO SAY I'M NOT GOING TO GO WITH THAT.

>> WOULD YOU ADDRESS THE ARGUMENT WHICH SOUNDS REASONABLE THAT IT IS DIFFICULT TO CONCLUDE THE DATE OF RELEASE WAS NOT MATERIAL TO THE IMPEACHMENT THE WAY THE IMPEACHMENT PLAYED OUT GIVEN THE PROSECUTOR'S RELIANCE ON THAT REPEATEDLY IN CLOSING ARGUMENT.

>> A FAIR QUESTION BUT NOT A VALID POSTCONVICTION CRIME. IT WOULD BE MORE APPROPRIATE CLAIM FOR DIRECT APPEAL, NOT POST CONVICTION.

THE PROSECUTOR'S QUESTIONS, FOCUSING ON CLOSING ARGUMENT, THAT IS MORE APPROPRIATE FOR DIRECT APPEAL, NOT POSTCONVICTION.

IF YOU ARE TRYING TO ARGUE FIGLIO, THE PROSECUTOR KNOWINGLY ELICITED FALSE TESTIMONY OKAY, THEY ARE READY ARGUED IT IS NOT TESTIMONY BECAUSE THIS QUESTION, AND WASN'T FALSE BECAUSE HE WAS RELEASED IN JUNE AND THERE IS NO ARGUMENT THAT THE COUNSEL WAS INEFFECTIVE DURING CLOSE ARGUMENT FOR NOT ADDRESSING THAT POINT.

IF THAT ANSWERS YOUR QUESTION.] IS CLAIM 17.

THERE IS A LOT OF ARGUING OF FACT IN THIS ORAL ARGUMENT, NOT A LOT OF PROTESTS ON STANDARD, TO SUPPORT FACTUAL FINDINGS AND DID THE TRIAL COURT APPLIED THE LAW?

THAT'S MISSING AND ORAL ARGUMENTS AND PROOFS.

>> JUST TO ADDRESS 30, LITTLE ARCHIE AND WHETHER OR NOT HIS TESTIMONY IN POSTCONVICTION SUPPORTS WHAT IT DIDN'T BEFORE. IMPORTANT TO HIGHLIGHT DURING THE TRIAL LITTLE ARCHIE WAS ASKED A COMPOUND QUESTION, DID YOU SEE THE BUSINESS CARD AND

DID YOU TAKE THE CLOTHES?
LITTLE ARCHIE MAINTAINED HE
NEVER TOOK THE CLOTHES, NEVER
KILLED HIS FATHER, ABSENT
ADDITIONAL QUESTIONS THE STATE
ASKS THIS COURT AFFIRMED THE
TRIAL COURT'S DENIAL OF THE
POSTCONVICTION MOTION.

>> REBUTTAL.

>> MY FRIEND DID NOTE THERE WAS
CIRCUMSTANTIAL EVIDENCE, ABOUT
LEAVING AND INTERVIEW.
THAT WAS MINOR EVIDENCE, WE
DESTROY EVERY SINGLE PIECE OF IT
IN OUR FINAL CLAIMS BUT MOST
WERE THE RESULT OF THE POLICE
UNINTENTIONALLY GIVING US THEIR
HANDWRITTEN NOTES TAKEN AT THE
TIME WHICH CONTRADICT POLICE
REPORTS PREPARED AFTER THEY
THOUGHT JASON SIMPSON DID IT
MANY YEARS LATER AFTER THE
CONFESSION.

ALL THOSE CLAIMS WERE MILDLY
SUSPICIOUS CIRCUMSTANCES AND
NONE OF THEM WERE TRUE.

THE LAST PERSON TO PAY BIG
ARCHIE WAS LITTLE ARCHIE AND WE
DIDN'T ADDRESS FINDINGS OF FACT,
VERY FEW WERE UNFAVORABLE TO US.
THEY WERE ALMOST ALL FAVORABLE
TO US.

THE FEW THAT ARE SUPPORTED WE
HAVE ADDRESSED ALREADY.
MOST OF THE ISSUES WERE JUST
APPLYING THE LAW.

>> YOU ASKED ABOUT THE CLAIM
ABOUT LITTLE ARCHIE BEING A
CONFIDENTIAL INFORMANT.

THAT IS CLAIM 15 FROM OUR
PETITION AND WE PROVED IT.
THERE IS NO QUESTION.

WE DID NOT THINK HE WAS A
CONFIDENTIAL INFORMANT THE
BROADER SCHEME.

WE DID PROVE HE WAS A
CONFIDENTIAL INFORMANT FOR JS SO
AGAINST OF ALL PEOPLE MIKE
DARREN.

WE KNOW THAT BECAUSE HIS NAME IS

IN THE WIRETAP.
THE SAME WIRETAP AFFIDAVIT WHERE
JASON WAS WORKING AS A
CONFIDENTIAL INFORMANT SAID
CONFIDENTIAL SOURCE NUMBER ONE,
WE PROVED THAT WAS LITTLE ARCHIE
AND HE SAID THIS WAS NOT ONLY
WITH LITTLE ARCHIE SAYING HE WAS
DOING DRUG DEALS, LITTLE ARCHIE
TOLD THE PROSECUTOR THAT DURANCE
MURDERED A DRUG DEALER IN WEST
PALM BEACH AND WE KNOW THAT
AFTER THIS TRIAL THEY CHARGED
DURANCE WITH THAT CRIME AND
LITTLE ARCHIE TESTIFIED AND THEY
PLAYED THE TESTIMONY THAT HE
WOULD LIE UNDER OATH AND THEY
CONVICTED DURANCE AND HE IS
SERVING A LIFE SENTENCE SO
ABSOLUTELY LITTLE ARCHIE WAS A
CONFIDENTIAL INFORMANT WORKING
FOR THE STATE, THEY HAD LOTS OF
REASONS TO NOT POINT THE BLAME
TO HIM.

>> WHAT DIFFERENCE DID THAT MAKE
IN THIS CASE?

>> IT SHOWED WHY THE PROSECUTOR
-- THEY DIDN'T INVESTIGATE
LITTLE ARCHIE.

THEY LET HIM GO ALMOST
IMMEDIATELY AFTERWARDS.
NEVER ARRESTED HIM FOR ANYTHING,
DIDN'T LOOK AT HIM AS A SERIOUS
SUSPECT.

EVEN THOUGH ALL THE EVIDENCE WE
DISCUSSED POINTS TO LITTLE
ARCHIE.

AS FOR THIS IDEA, I AGREE WITH
MY BROTHER, DEFENSE COUNSEL
ABSOLUTELY SHOULD HAVE OBJECTED
AT CLOSING ARGUMENT WHEN KHALIL
STARTED SAYING THIS.

WE HAVE A POSTCONVICTION CLAIM
WHERE YOU ARE SUPPOSED TO RAISE
IT AND IT WAS INEFFECTIVE.
COULD HAVE DONE TWO THINGS,
COULD HAVE JUST OBJECTED, MOVED
FOR A MISTRIAL BECAUSE THE STATE
ATTORNEY WHO CERTAINLY KNOWS
WHEN PEOPLE ARE RELEASED FROM

JAIL MADE FALSE REPRESENTATION
OR HE COULD HAVE COME BACK AND
SAID IN CLOSING THERE IS NO
EVIDENCE OF THAT, CAN'T CONVICT

-

>> CAN YOU ADDRESS THE ARGUMENT
THAT APPEARS TO BE CORRECT, YOUR
CLAIM 17 REQUIRES FALSE
TESTIMONY.

>> IT DOES NOT REQUIRE FALSE
TESTIMONY, WE CITED CASES, I
DON'T HAVE THEM HANDY.
THAT MAKES VERY CLEAR A
REPRESENTATION OF FACT BY A
PROSECUTOR, DIDN'T TESTIFY UNDER
OATH IS IRRELEVANT.

THE PROSECUTOR SAID THE PERSON
BEFORE THE JURY IN CHARGE OF LAW
ENFORCEMENT IN THE JURISDICTION
SPEAKING FOR THE STATE, WHO HAS
ACCESS TO ALL THESE RECORDS,
WHEN THAT PERSON MAKES A
REPRESENTATION, THE DEFENDANT IS
LYING BECAUSE WE HAVE HIS
RECORDS, HE DID THAT WITH OTHER
THINGS TOO.

LOOK AT OUR CLOSING ARGUMENT
ISSUE.

THERE'S LOTS OF THEM.
THEY WOULD REQUIRE RELIEF IN A
CIVIL CASE.

CERTAINLY THEY REQUIRE RELIEF
HERE, THE STATES THAT WE'VE GOT
MORE EVIDENCE, MARCH 19TH, 1999,
WAS ONE MORE EXAMPLE.

>> YOU SHOULD FREE JASON
SIMPSON.

HE DID NOT COMMIT THESE MURDERS.
AT THE LEAST YOU CAN HAVE 0
CONFIDENCE AT ALL THAT A JURY
HEARING THE TRUTH WOULD CONVICT
HIM.

IF YOU DISAGREE WITH THAT, GIVE
HIM A NEW TRIAL, WE ARE READY TO
GO, THEY DON'T HAVE A PRAYER,
THANK YOU.

>> THANK YOU.

WE THANK YOU BOTH FOR YOUR
ARGUMENTS.

THAT CONCLUDES THIS SESSION.

