

IN THE SUPREME COURT OF FLORIDA

AMOS KING
V.
STATE OF FLORIDA

CASE NO. 77-02173
CFANO & 77-0169
CFANO

FILED
THOMAS D. HALL

JAN 08 2002



Death Warrant Pending.
Execution Date January 24, 2002

CLERK, SUPREME COURT
BY _____

MOTION TO DISMISS PRO-STATE
ATTORNEYS, APPOINT REPLACEMENTS
AND FOR STAY OF EXECUTION OR
IN THE ALTERNATIVE DISMISS
APPEAL

Under Peede v. State, 748 So. 2d 253 (1999)
and Chapter 27, 710 F.S. (Supp. 1998) Defendant
moves this court for dismissal and punishment
of current counsels, stay of execution, appointment
of other attorneys with sufficient time to prepare
and defend at this most critical juncture or
in the alternative dismiss his appeal.
Initially, Defendant rejected the acceptance

of Bill Jennings director of CCRC-M as counsel due to grave concern that what has happened would happen. A concern most of his office clients and many in the public have.

On June 4, 2001 Defendant filed in the lower court to transfer his case to CCRC-N. That motion was denied. On July 4, 2001 Defendant filed a renewed motion to appoint outside conflict-free counsel. Defendant had been represented by atty. Joseph Hobson of CCRC-M whom Mr. Jennings fired after his appointment. This latter motion was pending when Defendant's death warrant was signed 19th November 2001.

On about 26th November 2001 Defendant talked with Mr. Jennings on the phone and assured him politics and personal issues wouldn't interfere with his representation and promised to hire an outside consultant to manage the case then rattled off the names of Mark Olive, Richard Burr, David Bruck and a Clark of Mississippi all of whom reportedly refused, the first due to also having a client under warrant. Days later a Mr. Larry A. Hammond of Arizona was reportedly

hired who to date has neither called nor shown up.

In court on November 29, 2001 Defendant accepted CCRC-M as counsel, specifically Mrs. April Haughey and whomever might assist her.

On 15TH December 2001 Mrs. Haughey reported the prison wouldn't let her visit to go over the successive motion then due on the 17TH so the court allowed an extra day to file.

When Mrs. Haughey visited on the 17TH Defendant gave her evidence for two claims: the three (3) letters dealing with Claim VIII and a Police Report that documented the prosecution sending a detective Pondakos to find another Paring knife that was founded and discarded. Mrs. Haughey immediately gained access to the prison's fax, faxed the evidence to her office and via cell phone dictated the issues to a colleague for inclusion in the postconviction motion being filed that day. There are claims IV and XI in Defendant's Pro se essentially filed several times in trial court due to politics over a five-year period. Mrs. Haughey had read the claims but didn't know of the existence of the evidence.

On January 4, 2002 while reading the Huff Hearing transcript of December 21, 2001 in which the court went over the eight claims with opposing counsel Defendant discovered the second Paring Knife and Knives claim isn't included nor the Ex Parte claim presented as he was told it would be.

In Defendant's January 2, 2002 letter to the governor — as an exhibit herewith — Defendant mentioned threatening to toss in his appeal in 1989 and 1990 if DNA testing wasn't done. Defendant perceived a technological window of opportunity existed at that time. Contact was made with part attorneys who were willing to testify / provide affidavits to this. Phone numbers relayed to Mrs. Haughey who told Defendant the court allowed her to enter evidence of this at the Huff Hearing. This too is false. It isn't in the record.

Since before trial in 1977 the work release Center counselor defendant allegedly attempted to murder has been held sacrosanct. After Defendant presented attorneys of CCRC-M with evidence that the counselor was very likely bloodied before their encounter he got

no response. That contrary to the counselor's testimony there was no completed count and three (3) inmates unaccounted for at the time of the scuffle. Same. That there were wide open doors all over the center at the time the counselor reported he caught defendant trying to burgle his way back into the center. Same. Counselors did note that the counselor's trial testimony is virtually identical to his pre trial deposition — because he'd hid his depo on the stand ^{defendant} told them. This lying is the state's case. A former investigator on the case who saw these lies and wanted them challenged was terrorized for it. This took place without defendant's knowledge at the time.

Defendant In her preliminary denial at the Huff Hearing mentioned the judge says if a new trial was held today nothing would be different, that ~~I~~ don't challenge the knife or anything nor present different evidence. The attorney removed the knife-kniver claim then stood mute nor said a word after the court told them it intended to accredit lying detectives' stories they were given the run-around about defendant's clothes — there are answers to

this clothes matter already given.

CCAC-M refuses to pursue the doctor who reportedly discredited Dr. Wood's bloody catch testimony.

The Defendant had been transported to the Pinellas County Jail at the time of the Huff Hearing and the judge was very willing to abandon her St. Pete court and use her Clearwater courtroom so Defendant could attend since he was there but his attorneys Mrs. Haughey and Kiley waived his presence for obvious reasons now. They knew Defendant would've brought much of this out in court.

The Defendant also read the December 16, 2001 hearing record that dealt with Public Records, Dr. Wood's deposition-taking request, all pending motions and Motion For DNA Testing and made comment that contrary to the court, witness Larry Bedore and the state, right on the Medical Examiner's 1977 stationery is his toxicologist's name William M. Rice, M.S. Also that chemist Marion Hill never mentioned receiving a bloody, murky or congealed sample. One can extrapolate just the opposite. No response from Mrs. Haughey and Mr. Kiley. Also that samples were sent to the F.B.I. for blood

grouping. Same.

Mrs. Haughey told Defendant that his former attorney Joseph Hobson erased all his computer notes on the case and waived record production on another possible suspect who wrecked his car near the victim's home and car had blood in it. Defendant isn't so sure of this now and would like it explored.

CCRC-MI and Mrs. Haughey have been absolutely rude to concerned friends who called up with Defendant's blessings inquiring about his fate not telling them anything including cursing a nun.

Defendant and Mrs. Haughey were in touch almost daily till the Huff Hearing. Not for over a week now. She cannot be reached.

This type of behavior has been typical of all of Defendant's attorneys over the years. Therefore as officers of the court they've waived the doctrines of newly discovered evidence, due diligence and adherence to procedure and endorsed Defendant's execution. This has been more than torture because Defendant has consistently complained about this.

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The Defendant knows this is the very worst of times to be complaining about corrupt and incompetent counsel and from the dept of his heart wish it wasn't so. Scores of outside persons and inmates told Defendant this would happen but he hoped against hope and knew he'd no right to attorney of choice.

Therefore, Defendant prays the court grants the requested relief and anything it deems appropriate or cancel further litigation.

Certificate Of Service

I do hereby certify a copy of this motion has been placed in U.S. Mail to Bill Jennings, CCRC-M 3801 Corporex Park Drive, Suite 210, Tampa, FL 33619 and Carol Dittmar, Assistant Attorney General Westwood Building, 7th Floor, 2002 N. Lois Avenue, Tampa, FL 33607, Commission on Capital Cases, 402 S. Monroe Street, Tallahassee FL 32399-1300.

A copy will be hand-delivered to an employee of

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Mr. Jennings this week if possible and Defendant will urge prison officials to allow faxing of copies to the Clerk and others if possible due to time.

Under the penalties of perjury, I declare that I have read the foregoing and the facts stated in it are true." Section 92.525(2) F.S. (1991)

Amos L. King, Jr.
Signature

Executed on: January 7, 2002