

DEATH WARRANT
COPY

CLERK, SUPREME COURT
BY _____

IN THE SUPREME COURT OF FLORIDA

CASE NO.: SC02-1

Lower Tribunal No.:

CRC 77-02173 CFANO &

CRC 77-01696 CFANO

AMOS LEE KING VS. STATE OF FLORIDA

Capital case, death warrant
signed; execution scheduled
for January 24, 2002

MOTION TO DECLARE ATTORNEYS
INCOMPETENT, FOR NEW POSTCONVICTION
APPEAL WITH NEW ATTORNEYS, AND
FOR STAY OF EXECUTION

Initially Defendant respectfully requests Chief Justice Wells, Justices Harding and Shaw to recuse themselves for repeated bias against Defendant. Defendant sought these recusals in the past. See his Petition For Extraordinary Relief filed in this court July 9, 1998 and his

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complaint before the JQC against former Justice Overton and Judge Patterson and Andrews. Defendant's fear is well-founded that he cannot obtain a fair hearing before the Chief Justice and others mentioned. Past lawyers of Defendant's has spoken of this bias and this court's casual denials of Defendant's pleadings.

The basis upon which Defendant moves his attorneys be declared incompetent, requests a stay of execution and for new postconviction proceedings is attorney Richard Kiley's oral arguments before this court on January 15, 2002.

During oral argument Mr. Kiley was asked by the court more than once is this Defendant's first request for DNA evidence or questioning of the vaginal washing's sample conclusion in 25 years after a third death warrant to which Mr. Kiley responded yes.

This answer isn't true.

The pleadings filed by initial collateral counsel Baya Harrison in November 1981 sought time and financial resources to verify or refute expert testimony given by a state expert

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witness relating to blood type comparisons, which were unchallenged by the defense at trial".

Judge Schaeffer attached pleadings to her denial from 1981 attesting to this.

The Defendant and Mr. Kiley with others during a conference call talked of this. It is also documented in the Nelson hearing record that was recently ordered by this court. In that same hearing it came out that defendant had pursued DNA testing in 1989, 1990 and a bit after that and that the attorney who represented defendant then, were ready to testify to this which was one of the specific issues dealt with at the hearing that CCAC-M admitted it had dropped the ball on.

Then why is Mr. Kiley and CCAC-M working against defendant their client in this fashion. The truth is defendant questioned this vaginal washings blood grouping at trial, again in his initial collateral pleadings in 1981, sought DNA testing of it in 1989, 1990 and a bit thereafter, all of which were known by Mr. Kiley and CCAC-M.

Mr. Kiley's responses to "What about the pants?" twice are unacceptable to defendant

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and detrimental.

Defendant worked with Mr. Kiley about mid 2000 in an effort to recover the pants. The Defendant honestly sought the pants from death row in the late 1970s. A paralegal who became a lawyer searched for the pants in 1981 with Defendant's assistance or did an investigator in 1980s. Amazingly one of the persons allowed near Defendant during his 1990 evidentiary hearing was his ex common law wife his trial counsel learnt Defendant was having sexual relations with while at the work release center. Most of that short conversation turned on the clothes. The Defendant's mindset after he left the Center was to stay away till captured knowing his version of events wouldn't be believed over the counsel's so his clothes were changed to look different than counsel evidence. The person who took Defendant's clothes passed on long ago and likely wore the clothes. There are potential black witnesses encountered by Defendant who'd testify Defendant's crotch wasn't bloodied, if they could recall. Defendant's trial attorneys never mentioned the clothes.

Mr. Kiley and his office knew much of

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this history about the pants. Contrary to the trial court and the detectives' story about the pants/clothes, defendant sued the detectives about circumstance to do in which defendant allegedly gave them the run-around about the clothes over twenty years ago defendant believes it was and has shown the detectives lied about many things.

For Mr. Kiley to not inform the court of efforts and investigations to retrieve the white pants, whose crotch wasn't bloodied, is the equivalence of treason. To not tell this to the court or anyone leaves the impression the defendant is incriminated by the pants and wants them concealed. After defendant learnt of his alleged involvement in a murder he turned himself in, was never told about his alleged bloody crotch by trial counsel and was ambushed at trial with this pants business.

Again CCRC-11 greatly diserved its client.

Claim VI of the recently denied habeas corpus was Claim XIII in Defendant's 1997 Pro se habeas and should not be procedurally barred.

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These habeas corpus claims would've been filed in the 1980s before there were time limits on collateral appeals but for judges, lawyers and The Florida Bar denying Defendant access to his trial record for roughly twenty years which is documented. A Church paid for a trial record which wasn't produced in 1987. And now to hold a capital case, death sentenced Defendant procedurally barred after her documented evidence of his diligence. Had Defendant's trial record been produced, reasonably produced he'd filed promptly, ahead of time as he did within two months of receiving most of the trial record. Defendant should not be punished for the willful neglect and obstructions by officers of the court and state. In any event an evidentiary hearing is due in the least to determine the veracity of Defendant's affirmative defense to the alleged procedural bar. Due process requires no less.

Contrary to the determination by the trial court at the Nelson hearing Defendant's claim to do with a second Paring Knife was not raised directly.

Against this backdrop it's understandable why Defendant feels certain claims are yet due

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full consideration.

Therefore, Defendant prays this court grants a stay of execution, find his representation not of quality and outright detrimental in some respects, appoint replacement attorneys, recall its mandate, allow new postconviction proceedings and a fully pled new habeas corpus based on the foregoing allegations.

Certificate of Service

I hereby certify copies of the foregoing will be faxed to the following: Supreme Court of Florida to Tanya Carroll; Fax 850/488-2100. John B. Jennings; Fax 813/740-3544, (SC) 512f 1000, Tampa, Fla. Carol Dittmar, Assistant Atty. Gen; Fax 813/356-1292 (SC) 514-0876, Tampa, Fla.

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"Under the penalties of perjury, I declare that I have read the foregoing and the facts stated in it are true." Section 92.525 (2000)

Amos Lee King
Signature

Executed on January 21, 2002

3-page Exhibit herewith.

A.K. January 21, 2002

STATE OF FLORIDA

vs.

AMOS LEE KING, JR.,
Defendant.

12/15/81

IN THE CIRCUIT COURT OF
THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY,
FLORIDA.

CRIMINAL DIVISION

CASE NOS.: 77-1696 and
77-2173 (Consolidated)

MOTION FOR THE CONTINUANCE OF A
FULL FLA. R. CRIM. P. 3.850
EVIDENTIARY HEARING, MOTION FOR
STAY OF EXECUTION AND OTHER
RELIEF

FILED
NOV 10 1981 ✓
KARLEEN F. DeBLAKER
CLERK CIRCUIT COURT
S. H. Caldwell, Deputy Clerk

COMES NOW Amos Lee King, Jr., the defendant, by his undersigned attorneys, and moves for a continuation of a full evidentiary hearing in this cause pursuant to Fla. R. Crim. P. 3.850 for at least ninety (90) days and for a stay of his execution, stating:

1. On July 8, 1977, the defendant was sentenced to death based upon a conviction of murder in the first degree.
2. On May 8, 1980, the defendant's judgment of guilt and sentence of death was affirmed by the Supreme Court of Florida. Rehearing was denied by that Court. The defendant's petition for certiorari was denied by the Supreme Court of the United States.
3. On October 7, 1981, the defendant's request for clemency was presented to the Governor and Cabinet of the State of Florida.
4. On or about October 9, 1981, the defendant filed the motion to set aside his judgment of guilt of murder in the first degree and sentence of death pursuant to Fla. R. Crim. P. 3.850.
5. On November 2, 1981, the Honorable Bob Graham, Governor of the State of Florida, signed a death warrant (a copy of which is attached hereto and its terms incorporated herein)

(d) Thus far, the undersigned's time since his appointment has been spent in studying a lengthy, complex trial and appellate record, preparing for clemency and this 3.850 proceeding and handling his obligations to other clients.

(e) Despite the aforementioned limitations, the undersigned and his designee have visited the defendant on several occasions at Florida State Prison, filed a lengthy 3.850 motion, located certain witnesses to testify at the hearing set for November 13, 1981, compiled certain documentary evidence and otherwise attempted to prepare for a full 3.850 evidentiary hearing. However, it is practically impossible to adequately and fully prepare for such a hearing within the time constraints imposed by this Court and the Governor of Florida. Thus for example:

(i) Our investigation has revealed the names of approximately nine (9) character witnesses who were prepared to testify at the sentencing phase of the trial in behalf of the defendant (Jonny Lee Henry, Robert Zackary, Clarence Henry, Howard Hires, Will Scott, J. T. Reading, J. Gardner, Leroy Campbell and W. M. Brown). Thus far, the undersigned has been unable to locate the whereabouts of these character witnesses.

(ii) The undersigned has not had the financial resources or time to obtain the services of an expert witness to evaluate the State's evidence regarding the consistency of the victim's wounds with the paring knife introduced in evidence at trial.

(iii) The undersigned has not had the resources or time to obtain the services of an expert to challenge the State's evidence to the effect that the deceased was killed as a result of "karate chops."

(iv) The undersigned has not has a sufficient amount of time or the financial resources to determine whether in fact the paring knife introduced into evidence came from Mrs. Brady's kitchen.

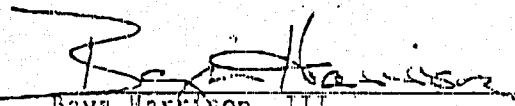
(v) The undersigned has not had sufficient time to locate and speak with former clients of the trial attorney known to the defendant, in order to show the basis for the defendant's mistrust of his trial counsel and his desire to dismiss trial counsel and represent himself.

(vi) The undersigned has not had sufficient time or the financial resources to verify or refute expert testimony given by a state expert witness relating to blood type comparisons, which were unchallenged by the defense at trial.

9. The undersigned hereby certifies that this motion is filed in good faith and not for the purpose of delay.


WHEREFORE the Court is requested to continue the hearing in this cause for at least ninety (90) days, stay the defendant's execution until the conclusion of a full evidentiary hearing pursuant to Fla. R. Crim. P. 3.850, require the County of Pinellas to pay for all expenses and costs reasonably necessary and incurred by defense counsel in the prosecution of the motion to vacate judgment and sentence providing other proper relief.

Respectfully submitted,


 Baya Harrison, III
 FULLER, JOHNSON AND HARRISON, P.A.
 Post Office Box 1739
 Tallahassee, FL 32302
 (904) 224-4663

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the Motion For The Continuance Of A Full Fla. R. Crim. P. 3.850 Evidentiary Hearing And Motion For Stay of Execution has been served on the State of Florida by mailing a copy of the aforesaid application to the Honorable James T. Russell, State Attorney, 416 Pinellas County Courthouse, Clearwater, Florida 33516 and the Honorable Michael J. Kotler, Assistant Attorney General, Park Trammel Bldg., 8th floor, 1313 Tampa Street, Tampa, FL 33602 on this the 8th day of November, A.D. 1981.


 Baya Harrison, III