

# The Death Row Poet

## The Evidence

Here, we're going to be examining evidence and testimony that the jury never saw due to my incompetent attorney/current judge Henry E. Davis, as well as my prosecutor/current judge Lance M. Day, and due to the fact that my trial judge David C. Wiggins held up an evidentiary hearing for over a decade until Harry P. Brody finally sabotaged the evidence you're about to see. He tried to procedurally bar it. Welcome to the corrupt United States justice system.

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Please view [Exhibit \(A\)](#), the July 19, 1990 FDLE lab report. View exhibits 35 through 39. This is the clothing that Hatch (my co-defendant) and I were wearing the night the murder took place. The prosecutor, Lance M. Day, concealed this clothing from the jury and my attorney; Henry E. David failed to examine it.

Please see [Exhibit \(B\)](#) and [\(C\)](#) pages 57 and 70 of Judge Henry E. Davis' testimony at the February 26, 2007 evidentiary hearing. Questions (Q) by Mr. Brody, answers (A) by Judge Davis:

Page 57 lines 17 through 24

17. Q: Did you have any other people working with
18. you on the case?
19. A: Other than the witnesses who were the experts
20. who were appointed I did not hire...did not
21. retain a private investigator on the case cause I didn't
22. really want a private investigator on the case.
23. Q: You didn't want one?
24. A: No, sir.

Let's now look at [Exhibit \(C\)](#) page 70 of Judge Davis' testimony. 70 lines 8 through 18:

8. Q: Do you recall if you ever went to the
9. sheriff's office to examine the things that they had
10. gathered in their investigation?
11. A: I have no independent recollection of that,
12. but typically any criminal case whether it's first
13. degree murder or stealing a car or something, you
14. would – I would ask to see all of the states evidence
15. before trial, the actual physical evidence, and I would
16. get that from the state's attorney's office. I wouldn't go
17. to the sheriff's office. I would look at what the state
18. represented it had.

This is why the prosecutor was able to keep the clothing out of the court evidence. This is why he didn't track down any witnesses, so we lost the testimony of the clerk in the country store 15 to 20 minutes before the murder who could have identified the clothing. We lost the testimony of the clerk in the Little Champ store at Imason Park, the waitress at Jackie's Seafood and at the Huddle House on I-16 in Georgia. Mr. Brody helped protect the honor and integrity of Judge Davis by not bringing this evidence out at the evidentiary hearing. So neither the jury nor the court has ever seen the blood-soaked clothing of John David Hatch. Never seen the testimony of Mecca Ann Bailey, of Officers Sares and Hodges, or any of these witnesses, which you're about to see.

Before we get into that, I want to show you the testimony of Joseph Lee Strickland and

show you how then prosecutor now judge Lance M. Day had this witness lie and mislead the jury.

Please view [Exhibit \(D\)](#), which is Joseph Strickland's sworn testimony taken the night of the incident of January 13, 1990 and view page 10 and 11.

Strickland is Hatch's friend, and he has no idea of who I am, so he's referring to me as the blonde-headed boy. See page 10, lines 7-9

- 7. The blonde-headed boy, he was walking around
- 8. like he was on, you know, something besides
- 9. life.

When asked again about our intoxication see page 11 lines 1 and 2 and lines 9-11

- 1. The boy, he was falling-down drunkness, the
- 2. blonde-headed boy.
  
- 9. From what I understood, yeah from what I seen
- 10. and understood, they-the blonde-headed boy, he was- I
- 11. don't know, he acted like he was on something.

This is Joseph Lee Strickland's testimony before it's tampered with. As you can see, he's testifying that I'm out of it. I had been popping pills and drinking for over 24 hours straight. I passed out for about an hour early that morning. The prosecutor was holding over Strickland's head 1) sales and distribution of an illegal drug and 2) perjury for lying in this sworn statement about not selling the drugs or firing the gun. 3) possession of stolen property 4) convicted felon in possession of a firearm and 5) child endangerment for leaving his infant son in that truck with a loaded gun. This is why Joseph changed his testimony and lied to the jury. So let's look at the lie by viewing [Exhibit \(E\)](#) pages 426 and 427 from my January 20, 1991 trial transcripts, starting at line 23:

- 23. Q: Did you ever work as a bartender?
- 24. A: Yes
- 25. Q: And how long ago was that?

Page 427 lines 1-12

- 1. A: In '85 and '86
- 2. Q: All right, and did you have occasion to see a lot of people
- 3. Under the influence of alcohol?
- 4. A: Yes
- 5. Q: Let me ask you this, how would you describe the mannerisms
- 6. of the defendant as you saw him that day; did you ever see him
- 7. staggering?
- 8. A: No
- 9. Q: Did you ever see him talking with his speech slurred?
- 10. A: No
- 11. Q: Did he appear to know what was going on around him?
- 12. A: Yes.

That's the lying testimony that then prosecutor/current judge Lance M. Day used to mislead the jury. And my attorney Henry E. Davis failed to impeach Strickland on. And then Harry P. Brody would not present during my 3,850 evidentiary hearing. We're now going to look at the other available evidence that Mr. Brody should have presented during the evidentiary hearing to prove an ineffective assistance of counsel claim on Henry E. Davis.

The three key witnesses in this case that solidified the prosecutor's conviction were Mary Hatch who puts me in possession of the gun 15 to 20 minutes before the murder, John David Hatch, who testifies that I'm the shooter, and Billy Jo Beeman, John David Hatch's sister-in-law, who testifies that I'm in possession of the gun 30 minutes after the murder. So we're going to examine the testimony of Hatch, his mother and sister-in-law, and the testimony and evidence that should have been brought out at trial, as well as brought out in my evidentiary hearing.

Please view [Exhibit \(F\)](#) pages 28 and 29 of John David Hatch's June 27, 1990 sworn statement. On page 28, line 13, Hatch states we spoke two weeks ago and he and I were in Nassau County Jail, when I allegedly told him this story about what we should have done. And Hatch testifies to this story at trial. [See Exhibit \(G\)](#) pages 475 and 476

of trial transcripts. Now please view [Exhibit \(H\)](#), which is a General Incident Report written by Officer Sares, witnessed by Officer Hodges dated May 5, 1990, over one month before Hatch alleges this conversation took place. And he has threatened to kill me. Which shows that we're not on speaking terms. And it also shows that precautions were being taken to keep Hatch and I separated. He was in pod one and I was in pod three. The prosecutor was supposed to turn this document over to my trial attorney and didn't. But had Mr. Davis hired an investigator, he would have discovered this document on his own. Mr. Brody was also supposed to produce this document at the February 26, 2007 evidentiary hearing and produce Officer Sares, Hodges, and their OIC (Officer In Charge) who signed off on this document to prove that Hatch and I were not ever in a situation where we could have had this conversation. The testimony of these officers would have carried greater weight than that of Hatch, who was lying in order to get a plea bargain.

Harry P. Brody told me the judge no longer wanted to hear this issue, but not to worry we would get it before the Florida Supreme Court. Well, this was untrue. This issue was supposed to be heard, and the evidence and testimony should have been presented.

Let's look at this lie, where Hatch is lying about where he steals the gun from Mrs. Bailey's house. See [Exhibit \(I\)](#) page 479 of trial transcripts where Hatch testifies that he stole the gun off Mrs. Bailey's headboard on her bed in her bedroom. Mrs. Mecca Ann Bailey was never called to testify. Please see [Exhibit \(J\)](#) Mecca Ann Bailey's June 6, 1990 deposition page 9. Mrs. Bailey would have testified that there was no headboard on the bed. It's not made for one. Which would have shown the judge and jury that Hatch was once again lying to the court. Mr. Davis should have taken photos of the bed and had Mrs. Bailey testify. And Mr. Brody should have brought this forward at the evidentiary hearing, to show that an investigation was needed and would have turned up this witness and established a pattern of Hatch lying.

Let's view another lie Hatch told the jury and court using his own testimony. Please see [Exhibit \(K\)](#) page 463 of trial transcripts line 19. Hatch says, "Me and Ronald Clark left and paid for the beer." That was a lie. Please see attached [Exhibit \(L\)](#) pages 18 and 19 of John David Hatch's sworn statement page 19 lines 19 through 21: "So we left out of the back of Jackie's Seafood, we left the hitchhiker in there to pay for the bill or whatever he done." These are small lies, but what they do is establish a pattern for the jury to see. Since Hatch and I are the only two witnesses, we need to establish credibility. Please view [Exhibit \(M\)](#), which is my February 7, 1990 written statement that Det. Jerry Jesonek took. View page 1 lines 18 through 21 where I state that I'm located at the time of the shooting "And I, Ronald Clark, walked towards the back end of the truck and that's when I, Ronald Clark, heard at least 6 (six) shots." This was also my testimony at trial.

Now let's look at Hatch's statement and testimony. Please view [Exhibit \(N\)](#), John David Hatch's written statement taken January 21, 1990, see page 1 lines 16 through 19. "I told the driver that we wanted to get out. Mr. Willis stopped the truck on the west shoulder of the road and I got out. As I, John David Hatch, was taking a leak, I heard 7 or 8 gun shots."

Now let's view [Exhibit \(O\)](#) page 7 of John David Hatch's June 27, 1990 sworn statement. See lines 15-17 quoting Hatch, "And after I got out I started walking down toward, you know, toward off to the side of the road." Let's now examine [Exhibit \(P\)](#) page 448 trial transcript of Hatch's trial testimony lines 14-16 "I got out and started walking back towards the back of the truck and that is when I heard the gun go off. As you see, Hatch has now adopted my testimony and location. Why lie about this? Well, the only possible reason to lie about your real location at that very moment is if you're trying to cover something up and the only thing to cover up at that moment is who is in possession of the gun pulling the trigger actually committing the murder! And Mr. Hatch's testimony is inconsistent at the moment of the trigger being pulled because he wants to be taking a leak, walking down towards the ditch or back to the truck. Any place other than the place he was and that was standing at the passenger door pulling the trigger on the 3.80 semiautomatic pistol that he stole from Mecca Ann Bailey's closet and murdered Ronald Willis with.

We also saw in [Exhibit \(N\)](#) page 1 line 16 that it's Hatch who tells Mr. Willis to stop and that's substantiated in Hatch's September 4, 1990 Deposition on page 31 line 7 so it's

Hatch who picks this dark isolated area at the exact moment when no traffic is coming which is confirmed in the trial transcripts page 504 lines 6-11 luring Mr. Willis to his death. And why does Hatch want to stop? Allegedly to walk back to the Little Champ store and buy cold beer to drink in 40-degree weather and finish hitchhiking the 6.2 miles to Dunn Avenue where Mr. Willis was going. It's completely illogical to even think about accepting. Hatch could not have taken Mr. Willis' truck on Dunn Avenue, which was a highly populated area. There was a Little Champ store maybe 20 yards in front of the bowling alley which is maybe 100 yards from the Admiral Inn, Mr. Willis' destination. A good competent attorney who had investigated the matter would have destroyed Hatch on the stand and exposed the perjured testimony Hatch gave to the jury. Mr. Davis was incompetent not to do so and Brody had no intention of making Judge Henry E. Davis look like some bumbling incompetent fool. But I have no problem doing so and I'm not done yet. An investigation of the clothing would have revealed the following: Hatch states that I'm in control the whole time, that I run around, open the driver's door and push Mr. Willis's lifeless body out of the way, taking Mr. Willis' place behind the wheel of the truck and I drive down Bird Road. Photos of the crime scene (truck) showed that Mr. Willis bled heavily onto the driver's door panel and the driver's seat, so whoever immediately takes Mr. Willis' spot would have sat in blood. When we view [Exhibit \(A\)](#) the July 19, 1990 FDLE Report and view exhibit marked Sheriff's exhibit 37 the hand drawn diagram of the pants, the area marked #3 is the left buttock. The owner of these pants is clearly the person that drove the truck away. We know these pants belong to Hatch because he's the shorter of the two, and exhibit 38 show that these are the longer of the two. So 37 are Hatch's pants. The jury should have seen the pants and Hatch should have been cross-examined on this for the jury to see. Now I have informed Mr. Brody of all this and yet Mr. Brody failed to examine the clothing and bring it into the evidentiary hearing.

I want you to view [Exhibit \(Q\)](#) pages 42-44 of Det. Jerry Jesonek's My 16 1990 Deposition. As you can see, he's testifying that Hatch indicated to him that I made the alleged statement before Ronald Willis stops. See page 43 lines 4-6. Det. Jesonek indicated what Hatch has told him: "he indicated to me that there had been a statement made by Mr. Clark that they were going to kill the first son of a bitch that they saw." This was never brought out at trial. Hatch testified at trial that no such statement was made before getting into the truck. Please see [Exhibit \(R\)](#) page 498 of trial transcripts lines 7-13 Questions by Mr. Davis, answers by Hatch.

7. Q: When you stated that Clark said something
8. to you at some point, what was that?
9. A: That he was going to take the man's truck
10. as soon as he stopped to let us out.
11. Q: Had there been any discussion of that
12. before you got in the truck
13. A: No sir.

Yet we know that he told Det. Jesonek that there had been. And Det. Jesonek would have testified to that, had Henry E. David been competent enough to read over the deposition and properly examined and cross-examined witnesses.

Furthermore, please view [Exhibit \(S\)](#) page 526 and 527 of the trial transcripts, questions by Lance Day, answers by Mary Hatch, starting on page 526 lines 20-23

19. Q: Who had the gun?
20. A: Well they were both handling it in the
21. trailer but whenever they left the trailer, Ronald
22. Clark had it in his pocket

That's the testimony the jury saw. If you view [ages 527 lines 14 and 15 by Mr. Davis:

14. Mr. Davis: I don't have any questions,
15. Your Honor

So there was no cross-examination. The witness was allowed to take the stand and place the gun in my hand. Now let's look at what Mr. Davis should have cross-examined Mary Hatch with. See [Exhibit \(T\)](#) pages 20 and 21 of Mary Hatch's September 7, 1990 deposition. Questions by Mr. Davis, answers by Mary Hatch. Page 20 lines 24 and 25

24. Q: Did either one of them have a firearm when they

Page 21 lines 1-4

- 1 A: Now I don't know whether they took it with them
- 2 Or not. I know that Ronnie was holding the—the kind of
- 3 pistol I just told you about with the clip in it. And
- 4 that's all I know.

The jury never got to hear that. When Mary Hatch gave the deposition she had me in possession of the gun in her trailer, not realizing her son David had already admitted to loading the gun there in the trailer. A good attorney would have not only cross-examined her, but would also have destroyed her credibility, showing she was perjuring herself in order to protect her son. Mr. Brody was supposed to bring this out in the evidentiary hearing, but he refused to do so. Let me show you some more proof of ineffective assistance of counsel and evidence and testimony that Brody failed to bring to the attention of the court.

Please see [Exhibit \(U\)](#) pages 432-435 of Mr. Davis' cross-examination of Joseph Strickland. And as you will see, Mr. Davis doesn't even use Joseph Strickland's January 13, 1990 sworn statement to bring out the fact that Strickland had testified that Clark the blonde headed boy was falling down drunk see [Exhibit \(D\)](#) pages 10 and 11 and compare it to [Exhibit \(U\)](#) page 435 of the trial transcripts. Mr. Davis did nothing to bring out the intoxication level. Let me show you what Davis could and should have brought out. And what Mr. Brody should have brought out at the evidentiary hearing in order to support an IAC (Ineffective Assistance of Counsel) claim. Hatch testified at trial that he split a 12 pack of beer with his boss, Don Lee, before arriving home on page 484 lines 10-14 of the trial transcripts. Hatch testified on page 491 line 18 that he had only consumed 6 to 8 that night leading up to the shooting. The following is testimony from Hatch's September 4, 1990 deposition starting on page 15 line 5. Questions by Mr. Davis, answers by Hatch.

Q: Had you seen Ronald Clark consume any alcoholic beverages before the homicide?

A: Yeah.

Q: How much had he consumed prior to the homicide to your knowledge?

A: He was drinking when I come home. Me and him drunk a 12 pack before we left.

Q: After you got home?

A: Right.

Q: When you got home... from work, you mean?

A: Right

Q: After you got home from work, you consumed another 12 pack each?

A: No. A 12 pack between us.

Q: So the Busch was consumed before you got home, I assume?

A: Yes sir.

Q: And the 12 pack of Budweiser was consumed after you got home?

A: Yes.

Had Mr. Davis got the receipt from the country store for the Busch beer and the Budweiser with Hatch's testimony above and cross examining Hatch's mother, who would have testified that I was sitting outside drinking for two hours while waiting on Hatch to get home, this would have shown the jury that at the time of the murder I had consumed a confirmed 19 beers that's on the record.

I showed up at Hatch's at approximately 5 pm to split the 12 pack of Busch with him. Due to the delay in Don Lee and Hatch getting their pay checks I had consumed the 12 pack of Busch confirmed in the trial transcripts page 440 lines 10-19 Hatch testifies that I consumed the 12 pack of Busch before he arrives home. Testifies that he splits a 12 pack with Don Lee and that he and I go to the country store and get a 12 pack that we consume before leaving. We know that's true because had there been any more beer left there would have been no need to stop at the country store to buy a beer a piece. Now that Hatch is showering and cleaning up, getting ready to go out, so I'm drinking while he's doing this, which shows that it's highly likely that I consumed more beer than Hatch. And Hatch's testimony at trial page 491, line 18 is that he only drank between 6 and 8 beers and remember that he had already split a 12 pack with Don Lee. The record supports that I've already had a minimum of 19 beers in this 4 to 5 hour period leading up to the murder. The jury never heard this. The shooter hits Mr. Willis without shooting out any windows or putting any bullet holes in the truck. Again, none of this is

brought to the attention of the jury. Why? Because Mr. Davis was an ineffective attorney who failed to conduct an investigation and failed to properly cross-examine witnesses. Mr. Brody did not bring this to light because he was more concerned about protecting Judge Henry E. Davis.

Now [Exhibit \(V\)](#) is Billy Jo Beeman's deposition. You see the prosecutor showing her a single picture of the gun, asking her, "Is this the gun you saw Mr. Clark with?" She states it is. This was always improper identification. See now [Exhibit \(W\)](#) pages 529-532 of Trial Transcripts, where the state put Billy Jo Beeman on the stand and had her place the gun in my hand after the murder, and on page 532, lines 10-12 you see my lawyer Henry E. Davis doesn't cross-examine the witness. Any good lawyer will tell you that the testimony should have been thrown out for the improper identification procedure seen in [Exhibit \(V\)](#). Furthermore Mr. Brody should have brought this out at the evidentiary hearing to prove the Ineffective Assistance of Counsel claim against Mr. Davis.

Let me show you other issues that Mr. Brody failed to bring to light at the February 26, 2007 evidentiary hearing. See [Exhibit \(X\)](#) page 56 from the February 26, 2007 evidentiary hearing, lines 7-9. Question by Mr. Brody:

7. Q: Was there any negotiations at any time any
8. Kind of plea negotiations or anything. Did you get
9. anyway?

Now the answer by Mr. Davis lines 10-13

10. A: No sir, that's where you start in a criminal
11. defense case, what can we do to avoid the death penalty
12. at a minimum. But the state was adamant they were going
13. to seek the death penalty in the Nassau and Duval.

Now please turn to [Exhibit \(Y\)](#) where you see the phonogram dated September 21, 1990 to Mr. Davis from prosecutor Lance M. Day stating that I had until September 25, 1990 to take the life sentence they offered me. Mr. Brody failed to produce [Exhibit \(Y\)](#) at the evidentiary hearing and failed to bring out the fact that Mr. Davis' memory is not as good as he thought it was, and bring this to the attention of the court. Mr. Brody therefore allowed more inaccurate statements into an already flawed record. See pages 59-61 of the evidentiary hearing as [Exhibit \(Z\)](#). Questions are still by Mr. Brody and answers by Mr. Davis.

On page 59 line 5 we see when Davis was asked if he hired any experts that he didn't. We see lines 12-16 Brody ask Davis about finding witnesses and Davis responds on lines 17-18 yes that would be something that he would want to do. Yet we know that he didn't. Now view page 60 lines 18-25 and page 61 lines 1-25. We see that Davis didn't hire blood splatter experts and didn't investigate the clothing or properly prepare for this case. But furthermore Brody should have produced the FDLE Report [Exhibit \(A\)](#) at the evidentiary hearing and he clearly does not do so.

Let's look further at how the jury is misled. Pages 455 and 456 of the trial transcripts which we will mark as [Exhibit \(Z-1\)](#). We see Hatch's testimony line 8 and 9. David Hatch tells the jury that I pulled the gun out at the Rosemont Apartments and pointed the gun at his best friend Chris Swaeringer. The Jury heard that. Now look at page 456 lines 4-6. We see the other prosecutor Howard Maltz saying that, placing the gun in my hand at that point is very much relevant. Mr. Davis doesn't contest it. Please view [Exhibit \(Z-2\)](#) which consists of pages 705, 706, 713 and 716 of the trial transcripts page 705 lines 2-9 we see the prosecutor making it a point to the jury that Mary Hatch testified that I left with the gun and Billy Jo Beeman sees me after with murder with the gun which the prosecutor reiterates again on page 713 lines 5-8 and again on page 718 lines 14-17. Mr. Davis failed to cross-examine Mary Hatch and Billy Jo Beeman. Mr. Davis failed to investigate this case, failed to interview witnesses, failed to hire blood splatter experts, failed to call relevant witnesses to show John David Hatch was lying.

Mr. Davis was an inexperienced and incompetent attorney who is now a Fourth Judicial Circuit Court Judge that Mr. Brody has gone above and beyond to protect and that, my friend, is evident. If you know of anyone who Mr. Brody is currently representing, I encourage you to download this material and provide him or her with a copy.