

Self-Defense Training
Study martial arts. Train to be alert, confident and prepared.
karateamerica.info

Fear No Man
Discover What The Martial Artists And The Army Don't Want You To Know
www.TopSecretTraining.com

Are You Normal?
A fun test to see how personality compares
www.chatterbean.com

RONALD CLARK JR'S MEMO RE: JUDGE DAVID WIGGINS' POLITICAL ASPIRATIONS

May 11, 2006

Ronnie Clark asked if I could send you a copy of this MEMO he just wrote up on his trial Judge David C. Wiggins - Apparently the judge is up for reelection this year and Ronnie does NOT feel Wiggins deserves to be reelected. He wants to share his views with as many people as possible. Is there any way you can post it to his site? JK, St. Augustine, Fl

Memo

To: The Tax payers/voters
From: Ronald W. Clark, Jr.
Subject: Judge David C. Wiggins, abuse of power and squandered tax dollars.

The following are the fact's and history behind Judge David C. Wiggins' abuse of power, wasted tax dollar's, and violation's of the Defendant's constitutional right's.

Case No: 90-10067 CF was activated in January of 1990.

Defendant was arrested on February 7, 1990 and was assigned to be represented by The Public Defender's Office (Known as P.D.) They immediately filed a motion to withdraw, due to a conflict.

On February 12, 1990 Judge David C. Wiggins issued an ORDER allowing the P.D. to withdraw, and he appointed Henry E. Davis, Esquire to represent the Defendant in a Capital Murder trial.

Mr. Davis had no prior experience in taking a Capital Murder case to trial. This attorney was so inexperienced, that he failed to hire an investigator to track down witnesses, and look for other pertinent evidence. He failed to call witnesses that could have substantiated his client's story, and demonstrated that a State witness perjured herself on the stand. He failed to properly cross examine several witnesses, one of whom changed her story to favor the State Attorney's Office, and her son, who was receiving a plea agreement from Assistant D.A. Lance M. Day.

Mr. Davis failed to introduce evidence (blood stained clothing) that the Jacksonville Sheriff's Office was in possession of, and that incriminated the State's "star" witness, John David Hatch. D.A. Lance Day did not want that evidence introduced, for that evidence (the bloody clothing) did not favor the prosecution, but did however, favor the defense. Mr. Davis' failure to introduce the bloody clothing and test the results was ineffective assistance of counsel.

Mr. Davis made a few more detrimental mistakes, that resulted in his client Ronald W. Clark, Jr. receiving the death penalty on February 22, 1991.

Direct appeals were denied in 1992, and finalized in late 1993. The case was then turned over to the State agency Capital Collateral Regional Counsel (CCRC) Northern Region (NR).

On November 14, 1994 Defendant's CCRC NR attorney, Stephen M. Kissinger, filed a 3.850 Post Conviction Motion in the Fourth Judicial Circuit. He would file an amended motion on January 11, 1995. Judge Wiggins would take a year and a half to rule on this motion.

On June 18, 1996 Judge Wiggins would grant an evidentiary hearing on several issues dealing with ineffective assistance of counsel on Henry E. Davis. This hearing would be postponed year after year.

In 2003 Defendant got upset and started terminating the appeals because of the case not progressing. Due process was clearly being denied.

On May 19, 2003 Attorney Harry P. Brody of CCRC NR took over the Defendant's case and guaranteed the defendant that if given a chance, he would diligently work the case. The Defendant agreed!

Weeks later Mr. Brody would inform the Defendant that the Governor was closing down CCRC NR, but that he would file a motion to keep the case, and promised that he would remain counsel for the Defendant. On June 16, 2003 the motion was heard. No ruling was issued.

On July 1, 2003, Judge David C. Wiggins would deny Mr. Brody's motion in an ORDER that made a false statement, saying Mr. Brody was never the attorney for the Defendant. (again, see notice of May 19, 2003 showing attorney/client relationship had been established).

The ORDER issued on July 1, 2003 also appointed attorney Dale G. Westling Sr. The appointment sounded like a used car sales pitch. Defendant would soon learn that Mr. Westling and Judge Wiggins had a history, played golf together, families interacted, and had been colleagues in the D.A.'s Office. (This was all later substantiated at the November 8, 2004 hearing to dismiss counsel.) 1.)

Defendant spoke with Mr. Westling days after the July 1, 2003 ORDER appointing him as counsel. Mr. Westling came off with a bad attitude that immediately ruined any chance for an attorney client relationship. Mr. Westling didn't attempt to contact Defendant then until August 26, 2003, some 24 hours before the scheduled August 27 Status Conference.

A week before that, Defendant filed a Notice to the Court, pointing out the stall tactics, year's of delayed appeals, pointing out that Judge Wiggins and the D.A.'s Office were at least partially responsible. The Notice also pointed out Henry E. Davis' incompetence, and the fact that he, now known as Judge Henry E. Davis, presided right down the hall. Also, that Lance M. Day, the Assistant D.A. that prosecuted this case, now presides down the hall as Judge Lance M. Day.

So at the August 27th Conference, Judge Wiggins, Mr. Westling and the new Assistant D.A. Mark Borello leave the Defendant seated outside, while they discuss the Notice to the Court, which also addressed Mr. Brody being returned. When they finally called for the Defendant, some 30 minutes later, the Notice was discussed,

Judge Wiggins blamed the delay's on CCRC, but CCRC doesn't run the court room, therefore, any delay's by CCRC are only permitted through Judge Wiggins approval. So Defendant was being kind by spreading the blame, when in fact all of it lies with Judge Wiggins, whom Defendant felt, but didn't say it, was protecting his two fellow colleagues, Judge Davis and Judge Day, and that is why the case has been stalled, and due process denied.

At the Conference Mr. Borrello asked Judge Wiggins if he and Mr. Westling could go off record and step out into the hall and speak. This request was granted. Anything dealing with this case should have been kept on record. Defendant tried to object, but Judge Wiggins kept stating "Mr. Clark wait!" and would not allow the Defendant to express his

concerns of these two going off record. Judge Wiggins showed anger and hostility towards Defendant.

Upon their return, Judge Wiggins refused to reappoint Mr. Brody. Defendant then requested to proceed with the termination of the appeals. A hostile Judge Wiggins denied that request, electing to help his friend Mr. Westling to profit from the case.

Defendant had a Motion filed the next day, August 28, 2003, to Dismiss Counsel.

A second Motion would be filed in December of 2003. This Motion would be ignored as well. A third Motion to dismiss counsel would be filed in September of 2004. Finally on November 8, 2004 a hearing to dismiss counsel was held.

The friendship was confirmed between Mr. Westling and Judge Wiggins. The Motion was denied, giving the Defendant three options: 1) Accept Mr. Westling, 2) hire counsel, or 3) go Pro Se, representing himself.

On March 22, 2005 a Status Conference was held, Defendant elected to go Pro Se, with no legal training, and a 9th grade education. A suicidal move, representing oneself in a Capital Case with little to no legal knowledge. Judge Wiggins would place Mr. Westling as second chair, still allowing Mr. Westling to compensate off the case.

Judge Wiggins would order Mr. Westling to turn over all the legal material to the Defendant by April 1, 2005. The Assistant Attorney General (A.G.) Meridith Charbula, would request that she be allowed to copy the material's before Mr. Westling turned them over to the Defendant. Judge Wiggins granted her request on record on March 22, 2005, and in doing so, violated Defendant's Constitutional Right's, for the Judge allowed the State to copy post conviction materials, attorney strategies, attorney-client correspondence, attorney-doctor correspondence, I.Q. results, and numerous other document's that the State was not entitled to.

On May 3, 2005 Defendant filed a Motion of Objection for the April 25, 2005 Status Conference. It was confirmed before the conference that Mrs. Charbula had in fact, had in her possession Post Conviction materials that she was not entitled to. This would later be further confirmed in an email dated May 16, 2005, from Mrs. Charbula to Mr. Westling, who was defending himself against a bar complaint, which Defendant filed.

Judge Wiggins ignored this and denied the May 3, 2005 Motion of

Objection.

Before this, on April 14, 2005 Defendant filed his first Pro Se Motion to Disqualify Judge Wiggins on the ground's of conflict of interest surrounding the issue of Judge Davis, and Judge Day presiding in the same Circuit, and the fact that Defendant learned that Judge Thomas E. Penick, Jr. of the Sixth Judicial Circuit, disqualified himself from the Dailey Case on the same grounds. The Order was presented in the April 14th Motion as (exhibit A) Judge Wiggins denied the Motion on May 4, 2005.

On May 9, 2005 Defendant filed a second Motion for the disqualification of Judge Wiggins, on grounds that Judge Wiggins acted in reckless disregard towards the Defendant, allowing the State to copy privileged information. The Motion was also denied.

On June 1, 2005 a status conference was held. A few day's later, on June 3, 2005, Defendant received a typed Motion from Mr. Westling, and a letter. The letter stated that he was withdrawing completely. Defendant signed the Motion and returned it. The Motion was granted.

On June 13, 2005 Defendant received an envelope from Mr. Westling, which contained a letter from Mr. Westling to Judge Wiggins, along with a ~~URDER~~ ORDER Westling had prepared, stating that Mr. Westling is allowed to withdraw, and that Mr. Christopher Anderson, Esquire is being appointed as counsel for the Defendant. Defendant would later receive that ORDER granted on June 13, 2005, which was prepared by Mr. Westling.

A second order, almost identical to the one prepared by *MR. westling* would be filed on June 14, 2005. On June 20, 2005 a Motion of Objection to those orders would be filed by the Defendant. On June 19th an email would be sent to Mr. Westling questioning him about who gave him the authority to prepare that order appointing Mr. Anderson. On June 20th Mr. Westling would respond, " The Judge simply asked the prosecutor and I to make a suggestion. We both checked around and Mr. Anderson was not maxed out."

Now remember, Defendant was Pro Se. Mr. Westling was not active counsel, per April 1, 2005 order. So the email shows an ex-parte communication between Judge Wiggins, the prosecutor, and an attorney Mr. Westling, who is not acting on the Defendant's behalf.

On June 21st, Defendant met with Mr. Anderson, and explained the situation. Mr. Anderson and Defendant agreed to work together.

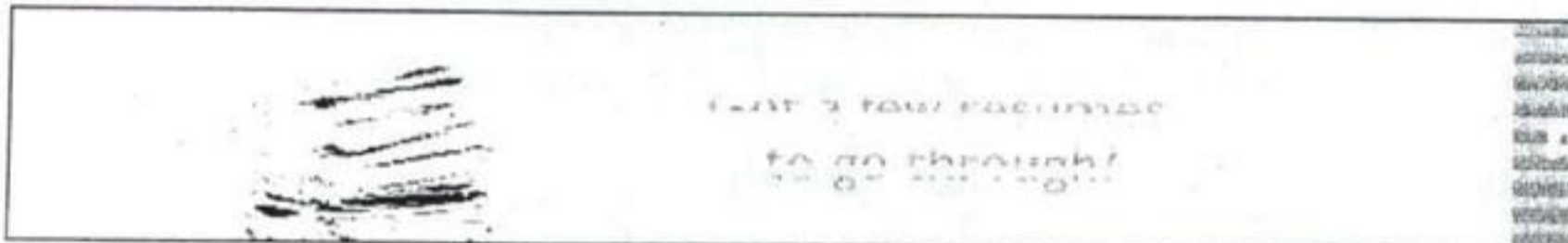
Defendant filed a Motion for appointment of Counsel on June 27, 2005 to preserve the issue on appeal, showing that he had been entitled to Mr. Brody's representation.

On June 28, 2005 at a status conference Mr. Anderson came out of nowhere and filed a Motion to withdraw. He states because of Judge Davis.

On July 18, 2005 Defendant files a Motion of objection to the appointment of counsel coming out of the Fourth Circuit, using the same grounds that Judge Wiggins allows Mr. Anderson to withdraw on. All through July and August Judge Wiggins does nothing but stall.

Finally on September 8, 2005 an order is issued by Judge David C. Wiggins reappointing attorney Harry P. Brody as counsel for the Defendant. Over two years wasted. Abuse of power and squandered tax dollar's. Clearly an individual without integrity, without honor, and not worthy of sitting upon the bench. Actions speak louder than words, and his actions have... and continue to cost you, the tax payer.

The real question is, Is this an individual that you would want sitting on the bench hearing your case or your son's or daughter's case? I think not. A vote for Wiggins in "06" is a vote for waste!



And in the end, Harry P. Brody screwed me over. That's the U.S. Judicial system for you. screw the poor, and Favor the Rich.

OPINION: THE DEBATE STARTS HERE

OUR VIEWS
PRISON HEALTH CARE

Florida must end privatized health care for prisons

Florida's Department of Corrections needs to assemble an exit strategy for the state's disastrous experiment with prison health privatization, and quickly.

That was abundantly clear from the alarming discoveries of Palm Beach Post investigative reporter Pat Beall, whose project, "Prisoners dying for care," exposed neglect and cruelty on the part of the state's contractors, especially Missouri-based Corizon Inc., which has a \$1.08 billion, five-year contract to provide health care at approximately 44 Florida institutions. Another firm, Wexford Health Sources of Pittsburgh, has a contract worth \$245 million over five years.

The case studies were appalling: With tumors bulging from Donna Pickelsimer's arm, Hernando prison staff from Corizon prescribed warm compresses and Tylenol for her pain. When she wept that she wanted to cut her arm off, she was thrown in solitary confinement. Six weeks later she was dead from cancer that had spread throughout her body.



Horn

At Columbia Correctional, inmate George Horn must sleep in a wheelchair because he lacks a hip joint. Wexford Health Sources allowed his long-recommended surgery to remove an infected hip joint, but his follow-up surgery to install a hip prosthesis has been delayed, so he lives with none at all. Meanwhile, the painkillers he had taken for two years were abruptly stopped, causing him extreme suffering. He still has no hip.

Beall's analysis proved those anecdotes weren't anomalies. She found that the count of inmate deaths had spiked to a 10-year high months after Florida privatized its prison health-care services, perhaps a reflection

The Post found that the count of inmate deaths spiked to a 10-year high months after Florida privatized prison health care services.

of the fact that, according to The Post's analysis, the number of seriously ill prisoners sent for outside hospital care had plummeted. It was on track to drop by 47 percent this year, compared with 2012, alarming doctors.

Florida is getting precisely what it paid for, though.

As Beall noted, Gov. Rick Scott campaigned in 2010 on privatizing prison medical care as a way to save tax dollars. Legislators seized on the idea.

Corizon, in its pitch to Florida, touted its record of cutting costs elsewhere.

In Maine in 2011, Corizon said, "We have developed a new working definition of 'medically necessary care,'" which cut prices to health-care providers outside the prison by 30 percent. Refusing to test inmates for cancer until they're nearly dead is one way of cutting costs, apparently.

After weeks of taking questions from Beall about its prison health care, Florida Department of Corrections Secretary Michael Crews last week rightly threatened to stop payments to Corizon, noting he had not been satisfied with the company's responses to his concerns.

Corizon's problems may reflect its parent company's apparent financial difficulties, yet another reason the state Corrections Department needs an exit plan.

Corizon is part of Valitas Health Services, of Brentwood, Tenn., which is majority-owned by a Chicago private equity group, Beecken Petty O'Keefe & Co. Corizon was created out of a costly merger of PHS Correctional Healthcare and Correctional Medical Services in 2011. In August, Moody's Investors Service downgraded Valitas to Caal, which means, "judged to be of poor standing and very high credit risk."

From 1986 to 1993, Florida's prison health system was under court-ordered federal oversight due to poor care. Without a major change, a return to federal oversight seems inevitable.

Those promises of taxpayer savings? They will be nonexistent. Just like George Horn's hip.

YOUR VIEWS
LETTERS@
PBPOST.COM

Conservatives still off base on climate

While it is heartening to read that some conservatives have evolved to acknowledge that global warming is not a liberal hoax, Patrick Allitt clearly struggles to adopt a coherent message from his partial acceptance of scientific truth ("To save lives, we may have to risk future ones," Wednesday commentary).

Allitt's issues with "environmentalists," who in his view were wrong in sounding alarm bells about overpopulation and overuse of the planet's natural resources in the late 20th century, are beyond philosophical. One would have to have his head buried in the Georgia sand to not think that these critical issues have been struggled with for decades and are at the root of some of today's global problems.

His view that our warming planet simply needs to be managed better, with improved technologies so that more countries can industrialize, is not a workable plan. Current evidence strongly suggests that similarly minded conservatives will not accept this fact until it is too late.

Finally, Allitt's conclusion that the industrialized needs of actual lives on the planet today outweigh the needs of hypothetical future lives is an ironic statement from someone who does not believe in an actual pregnant woman's right to make decisions about a hypothetical future life.
GEOFF SHAUGHNESSY,
ROYAL PALM BEACH

Check incumbents at VoteSmart.org

A recent letter-writer wished there were a way she could see the voting records of all incumbents ("Incumbents guide would help voters," Wednesday). Wish granted. Just go to VoteSmart.org and type in the incumbent's name, or type in your ZIP code for a list of incumbents, and you can see their key votes, biographies, issue positions, special-interest ratings, and endorsement comments and endorsements. Or you can call 888-VoteSmart and talk to a real person.

Project Vote Smart refuses financial assistance from all organizations and special-interest groups that lobby for or against any candidate or issue. People as diverse as former Presidents Jimmy Carter and Gerald Ford, former

*Blog Follower,
This is Florida
Prison health care.
Ronald W. Clarke*