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PAGE 1.)

" PART TWO "

THE EVIDENCE THE JURY NEVER SEEN

Case of Ronald W.Clark Jr

While still in the Summerville South Carolina jail,waiting on the interstate compact and my transfer back to Florida about 1:30 am February 8,1990, a Detective Jerry Jesonek from the Jacksonville sheriff's department met with me. I told him I wasn't interested in talking. He then showed me a four page written statement that David had made.See EXHIBIT (A). After reading that I made a statement to defend myself.See EXHIBIT (B) As you can see the statements are almost identical,except it places into question who the trigger man is. David admits that he's the one who gets Mr Willis to stop the truck there just pass pecan park road. See page 1, line 15 -16 "Where I told the driver that we wanted to get out." So you can't argue that he set the murder up. Now David is represented by the public defenders office. Wish I could have been so blessed to have them represent me. When I get back to Jacksonville, I'm housed in the Duval county jail, David is housed in the Nassau county jail for the murder of Charles Carter, another 38 year old white male. My case is assigned to Judge David C. Wiggins. He has to appoint me conflict free counsel. Since David and I can't both be represented by the PD office. So Wiggins appoints Henry Davis as my counsel. He was a nice guy, I liked him as a person, but he had no trial experience with a capital murder case. And he should not have been solely appointed to represent me. If anything judge Wiggins should have appointed co-counsel to assist Mr Davis in this case. It would have been the right thing to do. According to the law today, they would have had to do this. Back then they got away with unscrupulous garbage like your about to witness. Mr Davis was so incompetent as counsel, that not only does he not ask for co-counsel he doesn't even ask the court to appoint an investigator. And your going to see why an investigator was needed and how important it would have been to have an investigator. Early on in the case David gets the plea bargain. The first to turn always gets the deal. The District Attorney Lance Day, drops David's murder charges down to second degree murder and offers him 25 years for the Willis murder. And 5 years for accessory after the fact for the murder of Charles Carter. These are run concurrent. David should have only done 10 years. But he got into some trouble once for being drunk another time for having a shank (prison knife) and was placed under investigation for assault, where he and several other inmates wearing mask jumped on another inmate. Due to those incidences he served 11 years 2 months. I was offered two life sentences running current.Under that system I would have had to serve 25 years before being eligible for parole. I turned it down for several reasons, one I didn't feel it was fair, David being the orchestrator of both murders and the trigger man as well. Secondly I'm a 21 year old uneducated kid who's got the mentality of about a 15 year old. My dad was 42 years old. I looked at him as an old man, and I wouldn't be getting out of prison until I was 46 years old. Now I wish I would have taken the deal. A good attorney would have gotten me a better deal. That's the price of being poor uneducated white trash in America, your life is not as valuable, and your expendable to America's machinery of death. So I elect to go to trial, not realizing how badly the deck is stacked! And god how its stacked!! Remember David and I change clothes. So

the clothing that David and I are wearing the night Mr Willis is killed, well its behind the seat of the truck. See what we're going to refer to as EXHIBIT (C) FDLE report showing all the items that are removed from the victims truck. You'll see grainy black and white photos as well as descriptions of the clothing that was taken into evidence. You would think this whole case would be hinged on the clothing, which has the victims blood on it. Yet the prosecutor Lance Day doesn't even introduce it to the court. And my counsel, well he's so incompetent that he doesn't even walk across the street to the sheriff's department and look at the evidence that was collected. See EXHIBIT (D) pages 57,59-61and 70 from the February 2007 evidentiary hearing, Where Mr Davis, now Judge Davis testifies that he didn't have anyone working on the case with him. Page 70 lines 11 through 19 Judge Davis admits he never went and examined any of this evidence. Failure to hire, and conduct an investigation, when your clients life is in jeopardy,"cannot be considered trial strategy!!" Because you don't know what your potential investigation is going to turn up. These are the witnesses that Mr Davis should have tracked down.

1.) The waitress at the Huddle House off I-16 in Georgia, who would have testified that when John David Hatch walked in he was covered in the victims blood, and was able to spin a convincing lie on the spot about hitting a deer to ease her mind. She could have also testified that Hatch is making all the decisions. But she's never interviewed much less called as a witness.

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2.) The Hitchhiker from Interstate 10. He could have easily been tracked down by going to that store, and identifying who picked up and signed for a western union wire on Saturday, January 13, 1990 between the hours of 2 to 5 pm. The hitchhiker would have verified that Hatch was the decision maker, and running the show. That he never seen me with the gun. And that he was left at Jackie's seafood stuck with the entire bill. Which Hatch said under oath that we paid for our beer and left. Also Hatch stated their was a charity car wash going on at this gas station, some little black kids seen me with the gun, asked about it ,where I allegedly told them,"oh I've got it because I use it on people." An investigation would have shown that Hatch is perjuring himself lying under oath before he even takes the stand!

3.) The witnesses at the Rosemont Apartments, not only witnessed David Hatch being slapped, but they witnessed Billy Jo Beaman trying to talk David into leaving. Hatch and Billy Jo said that I got out of the truck with the gun, and I point it at Chris Sweringer. We've got twenty or more people witnessing this, yet my attorney doesn't track any of them down. Chris Swearinger is never even called to testify!! This would have been the most damaging witness against me, had it been true. It wasn't! There's no doubt that the DA Lance Day talked to Chris Swearinger, who didn't corroborate this lie. That's why the DA didn't call him as a witness. Cause he would have punched holes in Hatch's and his sister laws testimony, perjuring both of them. As would the the other 20 to 30 witnesses who stood there witnessing that event. Mr Davis should have had an investigator talk to everyone that was present and witnessed those events.

The three most damaging witnesses in this case,against me, is Mary Hatch Davids mother, who puts the gun in my hand 20 minutes before the murder. David who puts the gun in my hand during the murder. And David's sister law Billy Jo Beaman who puts the gun in my hand an hour or so after the murder. So these are three witnesses, that you absolutely need to discredit and perjure. Now Mr Davis let's Mary Hatch take the stand, give testimony that puts the gun in my hand, and Mr Davis doesn't even do a cross examination. Look at what he could and should have done. Look at EXHIBIT (E) Page 20 and 21 of Mary Hatch's Sworn deposition, Where on page 20 line 24 and 25 they ask Mrs Hatch "Did either one of them have a firearm when they left? " On page 21,lines 1 and 2. Mary Hatch states," Now I don't know if they took it with them or not." Yet she got on the stand see EXHIBIT (F) page 526 and 527 of the trial transcript, line 20 through 23 Question, " Who had the gun?" Answer," Well they were both handling it in the trailer but when ever they left the trailer, Ronald Clark had it in his pocket. She stated 4 months earlier under oath that she didn't know whether or not we took the gun with us." See page 527 lines 14 and 15 Mr Davis states that he has no questions. He just let her get on the stand "LIE" and convince the jury that I left with the gun in my pocket. And how important is this ? Well the prosecutor reiterates it a half a dozen times or more during the closing arguments to embed it into the jury's mind. So its obviously pretty damn important to put that gun in my hand.

Now let's look at Billy Jo Beaman's testimony.EXHIBIT (G) page 529 - 532 of the trial transcripts. We see she gets on the stand puts the gun in my hand and gets off the stand. We see on page 532 lines 10 and 11 Mr Davis allows her to lie to the jury, and again no cross

examination to correct and bring to light what really happened. Now let's look at EXHIBIT (H) The Sworn statement of Billy Jo Beaman taken June 26, 1990 "some five months after the incident" on page 6 lines 20-23 we see they show her a photo of the gun, and ask her is this the gun you seen Ronald Clark with? She says, "Yes." This was improper identification! Proper identification, would have been a page containing several different firearms, they present it to her, where she should have been asked to identify the firearm she seen. She couldn't have done it. She didn't see that gun. It was under the seat of the truck where David was keeping it. And from where the police retrieve it, when they took possession of the truck the next day. Mr Davis should have objected based on this alone, and had that testimony struck. Again Chris Swearinger could have discredited her testimony where she's saying that I'm pointing a gun at Chris. And again we've got 20 plus witnesses who could have testified, that they didn't see this. And they talk to her five months after the incident allowing her David and David's mother to get their stories right. Which they didn't do that good of a job of, and I'll be showing you that here shortly. But Mr Davis let the DA get up there, and put on the show of a life time, doing any and everything they wanted unchallenged! For you just seen two key witnesses take the stand back to back place the gun in my hand without any cross examination! No challenge whatsoever!! This is either one or two things, Ineffective Assistance of Counsel, called IAC, at its worst, or the biggest railroad job there is, where Mr Davis is assisting the state in my conviction. Which I honestly believe happened. No one is this incompetent! Which is why your going to see where Judge Wiggins delays my appeals for over a decade, and then further railroads me with counsel that he puts in place. When I tell you the deck was stacked! It was stacked!!!

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I'm going to now show you how Assistant DA Lance Day and Howard Maltz unequivocally puts on perjured testimony. For this we need to look at Joseph Lee Strickland Sr. We're going to look at his sworn statement taken Saturday January 13, 1990 at 8:20 pm. Which we will list as EXHIBIT (I) . This was taken just a few hours after everything unfolded. Now he knows David but refers to him as John. He refers to me as the blond headed boy. If we turn to page 10 lines 4-9 Questions by Mr Maltz Answer by Strickland

Q. Did they seem to know what was going on around them? They weren't walking around like in a daze or anything like that, were they?

A. The blond - headed boy he was walking around like he was on ,you know, something besides, you know, life.

We go down to lines 17-25 Questions by Mr Maltz, answers by Strickland.

Q. Okay. You obviously know there are different levels of drunk there's having a buzz and there's just falling down- -

A. Oh this is - - they got - - they had a hell of a buzz.

Q. Okay. But some people are just falling down with absolutely no clue of where they are.

A.No this ain't no falling-down drunk.

Q. I see. Okay. They weren't that - -

continue on page 11 lines 1-11

A.The boy, he was falling-down drunkness, the blond headed boy.

Q. Okay. They - -

A.But John - - John he wasn't - - he wasn't.

Q. Okay. They still knew where they were, they knew what was going on around them?

A. Apparently.

Q. Okay. From what - -

A. From what I understood, yeah. From what I seen and understood, they - - the blond headed boy, he was - - I don't know, he acted like he was off on something.

Here we are able to understand and see mine and Hatch's level of intoxication level before the DA starts manipulating the witness and influencing the perjured testimony.

Okay we're now going to look at EXHIBIT (J) page 526 and 527 Which if Joseph Strickland's trial testimony. Questions by Mr Maltz, Answers by Strickland. Starting on page 526 lines 19-25

Q. All right now have you ever been around people who are under the influence of alcoholic beverages?

A. Yes.

Q.Did you ever work as a bartender?

A. Yes

Q.And how long ago was that?

Continued on page 427 lines 1-14

A. In'85 and ,86.

Q. All right. And did you have the occasion to see a lot of people under the influence of alcohol?

A. Yes.