

1 A Myself and of course consultation with the
2 doctors who had seen him in the past and of course there
3 were names in those reports of people you could find. I
4 may have had someone help me find a witness or two, but
5 I didn't hire an expert to just do that. Of course,
6 there's investigator I used to use during that time, his
7 name was Walter Wright, that would just be to find
8 somebody if we had been given a name and he could find
9 them. Get him to find that particular person but not to
10 go and develop -- not to interview people and develop
11 mitigation.

12 Q Would it be fair to say that certainly if you
13 could find witnesses, if you could find witnesses that
14 would support your theory that Hatch was the shooter,
15 that would be something you would want -- would have
16 wanted to do?

17 A Yes, sir, of course, that would be something
18 that we would want to do, yes, sir.

19 Q And in your opinion that would have taken it
20 out of a death penalty situation?

21 A Well, yes, it would be my opinion if it were
22 shown that he was not the shooter that would be my
23 opinion, yes, sir.

24 Q Is it your recollection, did the State pursue
25 both the felony murder and a premeditated murder?

1 A Yes, sir.

2 Q In your opinion did the State -- State's
3 approach to both the way it presented the facts in both
4 cases, was the State consistent in presenting the facts?

5 A I don't believe I understand the question.

6 Q Well, did the State in the Nassau, did they
7 change any of their arguments from the Nassau case to
8 the Duval case?

9 A Other than the fact they were different cases.

10 Q Right, but they didn't try to characterize
11 testimony one way in Nassau and characterize it another
12 way in Duval?

13 A I don't recall having that impression they
14 were doing anything different.

15 Q I'm not asking that question very lucidly and
16 I apologize.

17 A Yes, sir.

18 MR Brody Q But I think that's good enough. Did you hire
19 any kind of forensic expert?

20 A You mean, like, blood spatter?

21 Q Blood spatter?

22 A No, no, sir.

23 Q Any recollection was there any blood spatter
24 issue in the case?

25 A I don't recall the State making it an issue
He don't recall any cause he was too
incompetent to walk across the street
and look at the evidence!
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1 and I didn't make it an issue because the arrest in this
2 case were made several days later, they had changed

3 clothing and that sort of thing, so I don't know what
4 you could have done at that point. *And the clothes was behind the seat of the truck see Exhibit (A)*

5 Q Blood spatter can be used to -- as evidence as
6 to who the shooter is, can it not?

7 A Yes, sir, you can get testimony from experts
8 based on blood spatter as to who the shooter was if
9 there's evidence collected at the scene that would allow
10 them to make that determination.

11 Q So where the blood -- the amount of blood and
12 the direction that the blood is moving can help an
13 expert determine where a person wearing those clothes
14 might have been standing relative to the victim?

15 A Yes, I've heard such testimony in court, yes,
16 sir.

17 Q In your recollection there was no issue in
18 this case, though?

19 A No, sir, I think the arrests were made
20 several -- not several but a few days after, and I think
21 they had gone to Georgia and changed clothes, taken a
22 bath, living in a motel or something of that nature. So

23 I don't know if the clothing was still available. *see Exhibit (A)*

24 Q In your recollection there was some bloody
25 clothing, was there not?

1 A I don't recall. I don't know what I would
2 have said other than what's in those reports, that the
3 judge asked for a summary of what was in the reports, I
4 would have provided it but they were detailed reports,
5 they were current. And as far as I'm concerned it
6 provided information sufficient to provide a basis for a
7 life sentence but that didn't happen so we're here.

→ 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 in 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 State's evidence
15 before trial, the actual physical evidence, and I would
16 get that from the State Attorney's Office, I wouldn't go
17 to the Sheriff's Office, I would look at what the State
18 represented that it had. So I am certain that I saw
19 that if the gun was recovered or if bloody clothing was
20 recovered I'd look at it for what it was worth, but it
21 really didn't bear much -- didn't have a whole lot of
22 relevance under the facts of the case as I saw it.

23 Q What was your reaction when the Supreme
24 Court -- were you surprised when the Supreme Court set
25 aside the death penalty in the Nassau case?