

JUL 31 2020

BY: BS
FOR MAILING

IN THE SUPREME COURT OF FLORIDA

CRAIG ALAN WALL, SR.,

Appellant

v.

CASE NO: SC19-1727

STATE OF FLORIDA,

Appellee.

ON APPEAL FROM THE CIRCUIT COURT
OF THE SIXTH JUDICIAL CIRCUIT
PINELLAS COUNTY, FLORIDA

**ADDENDUM TO PRO SE SUPPLEMENTAL BRIEF
(PURSUANT TO COURT ORDER DATED JUNE 18, 2020)**

CRAIG ALAN WALL, SR.
Pro Se Appellant
Union Correctional Institution
P.O. Box 1000
Raiford, FL. 32083

Received, Clerk, Supreme Court

AUG - 6 2020

ADDITIONAL ARGUMENT

Appellant would present further argument addressing Appellee's violation of Judicial Estoppel by changing Appellee's previous declarations and position in her supplemental brief regarding Gordon v. State, 75 So.3d 200 (Fla. 2011), as well as whether capital appellants should be allowed to proceed pro se after discharging CCRC.

Appellant would note that this addendum may become moot should this Court grant Appellant's "Motion to Strike Supplemental Answer Brief of Appellee for Judicial Estoppel," because this addendum only addresses what Appellee stated in her supplemental answer brief, where Appellee changed positions previously declared to this Court.

Contrary to previous position, Appellee now claims the following as reasons to **not** allow capital appellants to be pro se, and for this Court to **not** reconsider Gordon (all the following is found on page 14 of Appellee's supplemental answer brief):

(a). "in certain cases additional safety measures would need to be enacted"

Answer: This is false. The exact same measures are used whether appellants are pro se or have counsel. Appellant sits at the same defense table, and no changes

are made. This statement by Appellee is not supported by reality, nor does Appellee offer evidence or argument to support this new claim.

(b) “evidentiary hearings would likely be delayed or prolonged”

Answer: Capital appellants have one (1) year to file a 3.851 motion, and within the time remaining after filing that (and after this Court issues its mandate), the appellant must file his Federal Habeas Corpus before the remaining time on the one (1) year expires. Because the one (1) year time limit is written in stone, there is absolutely no way to “delay”, “prolong”, get extensions of time to file, nothing. If a pro se appellant wishes to waste his/her one (1) year “playing games” in the lower tribunal, it only harms appellant and he forfeits Federal claims once the one (1) year expires. It is impossible to delay or prolong proceedings due to this, and that was the whole point of enacting this, carved in stone, one (1) year limit. So this claim of Appellee also is without merit.

(c) “hybrid representation would likely become the norm”

Answer: There are already procedures and laws regarding what happens when a defendant becomes pro se, and all those rules and procedures would apply to Capital postconviction pro se. One of those laws being that once a defendant becomes pro se, the Court AUTOMATICALLY assigns previous counsel as “STANDBY COUNSEL.” This is law in Florida. A defendant “must agree” to standby counsel BEFORE he is allowed to be pro se. In postconviction that would

mean CCRC would become standby counsel for appellants. The reason for standby counsel, as this Court knows, is so that if the court revokes pro se status or defendant relinquishes his pro se status, standby counsel steps smoothly in and there is no interruption in proceedings. Also, as is known, standby counsel is present at all hearings; sits with defendant at counsel table; visits with defendant; accepts calls from defendant; and renders assistance with questions, filings, etc. should defendant request it. With CCRC as “standby counsel”, following all the rules and procedures regarding that role, there would never be any “hybrid representation.” If/when this Court allows pro se in capital postconviction, all pro se rules, procedures and case law would apply, and that includes “standby counsel” and even “Independent Special Counsel” should this Court require it in certain situations (such as an appellant seeking death). This claim of Appellee is without merit as “hybrid representation” is not legal in Florida, and therefore is a non-issue. CCRC would be “standby counsel” and render the limited assistance as permitted under that law.

CONCLUSION

The assertions Appellee makes as excuses and reasons to not reconsider Gordon, or not allow capital appellants to proceed pro se, are without merit and unsupported by reality. The security and safety measures for death sentenced appellants at the lower tribunal are the exact same whether represented by counsel or pro se; hearings and filings cannot be delayed or prolonged due to the one (1) year time limitation; and there would be no hybrid representation because Florida law requires all pro se defendants to have standby counsel as a requisite to pro se status.

The Appellee's change in position regarding Gordon, in violation of Judicial Estoppel, is not supported by fact or reality, as Appellant has shown herein.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, on this 31st day of July, 2020, that a true and correct copy of the foregoing was sent via U.S. Mail to: Asst. Attorney General Marilyn Beccue, 3507 E. Frontage Road, Suite 200, Tampa, Florida 33607; and Capital Collateral Regional Counsel, 12973 N. Telecom Pkwy., Temple Terrace, Florida 33637.

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that the size and style used in this brief is in compliance with Fla.R.App.P. 9.210(a)(2).

Respectfully Submitted,



Craig Alan Wall, Sr., #140726
Union Correctional Institution
P.O.Box 1000
Raiford, FL. 32083