

JAN 15 2021

BY: _____
FOR MAILING

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1/14/2020

Honorable Chief Justice Canady
Florida Supreme Court
500 Duval Street
Tallahassee, Florida

Re: Reply to Appointed Counsel Response
Case No: SC20-1261

Received, Clerk, Supreme Court

JAN 21 2021

Honorable Chief Justice;

I address you and this court in reply to the response appointed Counsel Nicole Engebretsen submitted to this court. Counsel Engebretsen has long known of my conflict with her representation but claims to be unaware of what the conflict is. (line 11 of Counsel's response) My previous court hearings and court communications made clear that I had irreconcilable differences and a basis for it.

The lawyer attempts to misdirect the focus of Florida statute 27.703 by quoting subsection (1). When my argument is directed towards subsection (1) but that which pertains to the dismissal/withdrawal of counsel once a conflict arises.

Appointed Counsel denies actively representing conflicting interest but the record will show the contrary. On 7/29/2020 during my hearing Counsel Engebretsen states to the court that she has no good faith basis to include the claims I requested she include. (see Exhibit B pg. 21, lines 15-21) That is simply untrue, there is clearly a good faith basis for the claims I wanted. The lower court had already established the deficiency of trial counsel and this court agreed.

In this court's order addressing the issue, it states the trial court found my trial counsel was notified of a potential challenge to a juror (who subsequently became my jury foreman) and the defense counsel took no action, so the issue was waived. (R 3676-87)

According to the court "In the absence of a showing of some bias or prejudice on the part of the juror, the defense has waived any right to challenge the verdict on this basis, particularly where counsel made no inquiry during voir dire and could have readily discovered the basis for the challenge. We affirm the trial court's decision." Willacy v State 640 So.2d 1079 (AL 1994)

These are definitely claims worthy of good faith basis submission to the court. Appointed Counsel completely disregarded this and my wishes and in the process has jeopardized my appellate opportunity and my life. This has absolutely created a conflict because she is not acting on my behalf, in my best interest and we have become adversarial.

The Conflict of Interest issue was raised and acknowledged in the lower court, it was a part of my hearing addressing my successive 3.851. Yet the Record on Appeal does not mention this and none of it was raised in my initial brief to this court. How can my best interest be pursued when all that is excluded.

The bar complaint was accepted and given a file number. It was not deemed frivolous or unacceptable, it was reviewed. Counsel Engbretsen had made personal and inappropriate comments that showed me they would be adversarial and that my place as an inmate client was to "let her do her job without causing static".

As an officer of the court they have misrepresented their affirmative representation of my case and my interests. This is a death penalty case and as such it must be given the special consideration and review it deserves. I have not been given the opportunity to raise my Ineffective Assistance of Trial Counsel claims or have the issue reviewed on the merits due to this conflict and the ongoing disregard for my wishes to be honored. I do have the right to be the captain of my own defense.

I respectfully ask this Court to allow me to perfect my appeal with new counsel or any other resolution the Court deems appropriate.

Thank You for your time

Sincerely,

Chadwick Willacy
CHADWICK WILLACY
