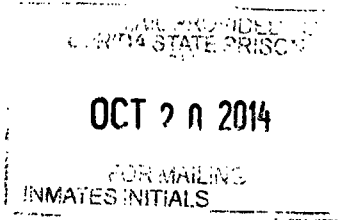


IN THE SUPREME COURT OF FLORIDA

JAMES ROBERTSON,
Appellant

VS.

STATE OF FLORIDA,
Appellee



FILED
JOHN A. TOMASINO
2014 OCT 23 AM 10:01
CLERK, SUPREME COURT

BY _____
CASE NO: SC13-443

APPELLANT'S PRO SE SUPPLEMENTAL BRIEF

JAMES ROBERTSON, pro se
Florida State Prison
7819 N.W. 228th St.
Raiford, FL 32026

ARGUMENT

(Herein all reference to the Appellant will be in the first-person sense)

Appellate counsel was directed to prosecute this appeal for the benefit of the Court in meeting its statutory and constitutional duties, but has raised issues that are ordinarily raised by postconviction motion because to quote him, "To require an adversary appeal without requiring an adversary penalty proceeding in the trial court is like trying to build a skyscraper starting from the upper floors". Basically he is using this appeal as a format to voice his frustration Klokoc doesn't apply at the trial court level but that begs the question, why should a defendant lose his rights guaranteed under the Constitution just because he chooses to be represented by a trained professional instead of playing jailhouse lawyer? Another question I have is that if the Court is required to look at more than what is mandated by section 921.141(4), Florida Statutes (2013), which provides that the judgment and sentence are subject to automatic appellate review, particularly as it concerns sufficiency of evidence and proportionality, then what good are the rights I have under Durocher? I can understand that society has an interest that death sentences not be imposed arbitrarily, but there is ample evidence to support the verdict and the sentence is appropriate in light of other sentences imposed under similar

circumstances. Please see Blackwelder v. State, 851 So.2d 650 (Fla. 2003); and Gill v. State, 14 So.3d 946 (Fla. 2009).

Appellate counsel's brief cites case law that when read in its entirety actually supports the trial court's decision in this case, but he quotes from them in such a way that completely changes their context, which is tactic commonly used by his ilk to cause delays of executions. As an example, please see page 11 of the pre-sentence investigation form where there is a heading entitled "ASSESSMENT & RECOMMENDATION", obviously the officer who conducted the investigation must have been statutorily required to make a recommendation, otherwise that heading wouldn't have been on the form!

My life is an open book, I've been incarcerated in prison since 1980 and was part of the juvenile system before that, everything about my family history, mental health, education, etc. is well documented and already part of the record.

My mother was elderly and had cancer (she has since died) and I didn't want her knowing what was going on, that's why she was never questioned not because I had anything to hide. What could she have told them anyway that they don't already know!

CONCLUSION

Based on the foregoing argument, reasoning, and citation of authority, my sentence CAN be upheld.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was delivered by U.S. Mail to the following parties:

CLERK OF COURT

John A. Tomasino
Supreme Court of Florida
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Tallahassee, FL 32399

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On this 20 day of October, 2014.

/s/ *James Robertson*
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