

AMERICAN ME

Re: John Wesley Dobbs, case no.48-2006-CF-15201-0, inmate no. (DC)C00618.

John, went to Florida to visit his three children, as he done many times in the past ever since, his children and their mother moved from New York to Florida. John was in Florida for two days, before leaving Florida to go home to Georgia, his live in girlfriend Deanna of three years, asked him if they could stop at a club before they leave for Georgia.

The incident occurred on October 25, 2006 they arrived at the Doll House Club on 2500 W Colonial Dr. Orlando, Florida at 1:30 a.m., the club closed at 2:00 a.m.

John and Deanna, left the club and went to their car, he opened the passenger door for her and went around to the drivers side, he opened the door and was about to sit down, when Deanna and John noticed a man coming towards them, John got out of the car and close the door, he walked to the passenger side of the trunk and stood there (John is a rap artists and kept his CD's, music in the trunk of his car, were he distributed to people that are interested in his music).

John was ambushed by four (4) unknown men, by the rear of his car on the passenger side, they surround him, punching, cutting and beating him to the ground. Deanna, jumped out of the car yelling and screaming at John's attackers to get off him, they didn't stop beating him so Deanna tried to help him by jumping on one of his attackers by hitting him with her hands and yelling. John heard her hysteric cries. In his concern for the woman he loved, he pulled out his pocket knife. What stated out as a fist fight with four unknown attackers, ended up with him having to not only defend him self, but Deanna also. Seconds, after Deanna enter the fist fright yelling and screaming, John pulled out his pocket knife, he stabbed and cut his attackers, killing one of them.

John worked for a constructing company for many years in New York, he left New York moved to Georgia for steady employment. John worked on the jack hammer, sometimes he had to cut the ropes with his knife, because the knife was of legal length, he continued to carrying it. John could not have foreseen and, or stopped the incident that could have taking his life and the life of the women he loved, instead he was force to defend her and him shelf against four (4) unknown attackers, who he thought was trying to kill him. The day of the incident, John only had one (1) drink at the club, John was the designated driver. His attackers said at trial that they were out celebrating, going from one club to another, drinking.

The incident occurred on October 25, 2006, the incident was clearly an self defense incident according to the Police Narrative (the witnesses and the victims, stated that John was standing by the trunk of his car on the passenger side, when the alleged victims approached him). My son was given a life sentence, for second degree murder, base on a law that has been revised and put into effective October 1, 2005, S 776.013 (3) Fla. Stat regarding the duty to retreat is as follows: A person who is not engaged in an unlawful activity and who is attacked by any other where he or she has the right to be has no duty to retreat and has the right to stand his or her ground and meet force with force, including deadly force if he or she reasonable believes it is necessary to do so to prevent death or great bodily harm to him self or herself or to prevent the commission of a forcibly. Based on this law one of arguments during appeal must be improper jury instruction; because the sixth elements of necessity which was added.

I suspect, because the decease William John Troy IV, came from a powerful wealthy influential family, State Official conspire to convict an innocent man to appease a wealthy family by means of:

Conviction is:

- (1.) Selective prosecution.
- (2.) Contrary to the evidence.
- (3.) Prosecutor misconduct.
- (4.) Confusing jury instructions on the law of self defense.

John Dobb , inmate no. C00618, was given:

(a.) Two (2) different Charge Information- the first (1) was given to him by way of PD Catherine Chien, it was not signed, John waited until he was transferred to mail it to me his mother Mrs. Celeste, it was stamped Provided to Santa Rosa C.I. Dec.16, 2007, for mailing. On January 31, 2008, Mrs. Dobbs, received John's request legal documents from Ms. Chien, in the box was the unsigned duplicate Charge Information, she gave to John.

The second (2) Charge Information, was faxed to Mrs. Dobbs on February 26, 2008, by John's appeal attorney Kevin Holtz, who called to inform Mrs. Dobbs that he found a Charge information and it was signed (**Note:** Federal law- in the U.S. and some other countries/regions, regulations require that your name and number appear on each fax page, this shows where the fax came from)

The Charge Information pages faxed to Mrs. Dobbs , from Kevin Hlotz does not have a name and number on any of the fax pages showing where faxed came from( John received the signed duplicate Charge Information from Kevin Holtz, after John dismissed him.

(b.) unsigned , Subpoenas with the case no. 48-2006CF

0015201-0.

(c.) John was given four (4) case numbers, for the one (1) incident that occurred on October 25, 2006 they are: (1.) 48-2006-CF-15201-0, (2.) 48-2006-CF- Q15201-0, (3.) 48- 2006-CF- 0015201- 0, (4.) 48 - 2004 -CF-15201-0.

(d.) Two (2), different "Adversary Hearing Preliminary Transcript of Proceedings," (AHP): Both dated December 22, 2006, 9:32 am, Before the Honorable Stan Stickland, with different testimonies, they differ from page to page, ( one has 85 pages, with case no. 48-2004-CF-15201-0, the other (AHP) has 65 pages, with the case no. 48-2006-CF-15201-0.

Mrs. Celeste Dobbs, also received a copy of the "Adversary Preliminary Hearing Transcript of Proceedings," with the case no. 48- 2004-CF-15201-0, 85 pages, with a big black stamp on the front page "**ORIGINAL**," before the Honorable Stan Strickland, on Friday, December 22, 2006, beginning at 9:32 a.m., at Orange County Courthouse, 425 North Orange Avenue, Courtroom 6-D, Orlando, Florida. Certificate of Transcriptionist was signed with Official Seal on February 23, 2007 by Maegaret L. Raeder, cert.00245, # DD255438, expire: January 19, 2008.

(e.) Jury Instructions: John was given two (2) jury instructions, the first (1) jury instruction (is mark part 5 (1 of 26) on the top of each page by Mrs. Dobbs) other than the names of the people involved , in the incident typed in **big bold letters**, this jury instructions, has some **black bold words** making what appear to be impressive suggestive and leading the jury. This jury instruction was hand delivered to John by way of his PD, when he was in jail shortly after his sentencing, alone with other legal documents,

( this, jury instructions with the **black bold words** was not put into the courts "Records").

The second (2) jury instructions: With the stamp Filed in Orange Court, the 1 Day of March 2007, Lydia Gardener Clerk, by (initial) D. C., was mail to John Dobbs by way of his appeal attorney Kevin Holtz after John dismissed him. This jury instruction is part of the courts "Records," (**note**: on every page submitted into the courts records, there are big black numbers on the bottom corner of each page. Page 326 and page 327 is missing from the subtitle "Record" on the website "[americanmakinguniversal.org](http://americanmakinguniversal.org), Mrs. Celeste Dobbs misplaced them, but requested to purchase a clear singed copy of the Trail Proceedings, before the Honorable Lisa T. Munyon, In the Orange Courthouse, courtroom 10 D, February 27, 2007, page 430 ( certificate) and The Record page 326 and 327 ( in the jury instruction) from Lydia Gardener (Criminal Division), money order no. 16712188694, for the amount of four dollars and fifth cents (\$4.50). She received from Lydia Gardner (criminal division) a clear sign copy of the Trial Proceeding, page 430 also a clear copy of page 326 and 327, **but** missing is the big black

numbers on the bottom corner of the pages that she purchased (showing proof that the pages are part of the courts records).

Mrs. Celeste Dobbs, also was mailed a duplicate of the jury instruction with the same stamp on it from Lydia Gardner date 1, March 2007, on January 31,2008, by way of PD Catherine Chien.

(f.) Sentencing Proceedings Transcripts: He was also given two (2) Sentencing Proceedings Transcripts, both are dated March 8,2007, Before the Honorable Lisa T. Munyon, both transcripts, are 42 pages long, but differ from page to page (**note** : you can find the first Sentencing Proceedings Transcripts in the Courts Records as well as on the website " [americanmakinguniversal.org](http://americanmakinguniversal.org)." The second Sentence Proceedings Transcript was purchased on July 15,2007,by Mrs. Celeste Dobbs, money order receipt no. 49386043828 for the amount of fourth two dollars (\$ 42.00) from the Official Court Reporters (407) 836-2280, this transcript can only be found on the website, "[americanmakinguniversal.org](http://americanmakinguniversal.org) " and by request to Mrs. Dobbs.

(g.) John's inmate no. was changed from Coo618 to 000618, by the Fifth District Court of Appeals, clerk of the Court (5DCA), in his Case Docket number, 5D07-1057, because of Mrs. Dobbs weeks of constant phone calls to the 5 DCA clerk of the court complaining about this error, she force them to correct their error, Mrs. Celeste Dobbs, fell very strongly if she had not been persistent with weeks of constant phone calls about the error, they would not have change it. She suspected that this so call error was done intentionally, their attempt to cause confusion and maybe lose John in the system.

(I.) Mrs. Dobbs, requested to purchase the signed judge (s) signatures, from the 5DCA, clerk of the court many times, they refuse to allow me to purchase them, she has seen any judge (s) signatures on any of John's legal documents from the 5DCA, marked Orders and / or Stricken.

(j.) His Notice of Inquiry: ( each inquiring of ten (10) points with eighteen (18) questions in all) this "Notice of Inquiring," was never put into his case docket, the clerk of court Susan Wright, told Mrs. Dobbs they never received John's notice of inquiry and that's the reason why they did not put it into his case docket, Mrs. Dobbs, consistent phone calls insisting they had it was to no avail, she waited a few weeks and called back she spoke to another clerk of the courts about the notice of inquiry since John told her he made copies for the clerk of the court and the attorney general, as well as to Mrs. Dobbs, she asked that person to please check to see if the attorney general received his copy, the clerk returned to the phone and told her the attorney general's copy was on top of his deck. Mrs. Dobbs, suspected that this was another attempt to sabotage John's case to appease the decease wealthy family because he mailed it out with other legal documents that they did filed (**note**: the "Notice of Inquiry," dated May 20,2008, Provided to Apalachee CI/EU, with inmate initial, seven (7) pages, also mailed out with the "Notice of Inquiry , was a one (1) page "Legal Mail receipt, for the "Notice of

Inquiry," dated 5/20/08 ) all was in the same envelop, addressed to the 5DCA. In the envelop were copies with the addresses to the Honorable Bill Mc Collum Attorney General's Office, 444 Seabreeze Boulevard, Fifth Floor, Daytona Beach , Florida 32118; and to the Clerk of Court, Fifth District Court of Appeal 300 South Beach Street, Daytona Beach, Florida 32114, ( the 5DCA clerk of the court explained to Mrs. Dobbs , once the envelop reaches the 5DAC's office the content is distributed to the intended departments ).

On June 14, 2008 Mrs. Dobbs mailed a money order no. 100741928089 to the 5DCA clerk of the court of appeal, for the amount of eight dollars (\$8.00) requesting to purchase the "Notice of Inquiry," seven (7) pages and the "Legal Mail Receipt for the notice of inquiry" dated 5/20/08, one (1) page.

Mrs. Dobbs, received from the 5DCA clerk of the court the requested copies of the "Notice of Inquiry," seven (7) pages, with the clerk of the court stamp on the front page, stating "Received May 23, 2008." and the "Legal Mail for the notice of inquiry," one (1) page. Yet the "Notice of Inquiry," has not been filed in John's case docket.

(k.) John's medical records: The facility John was attended to was Orange County Corrections Medical Department, P.O. Box 4970, Orlando, Florida 32802, (407) 254-0825. The medical records was purchased by They Mrs. Dobbs from Universata Inc. Medical Records Processing Emrx, P.O. Box 403747, Atlanta, Ga. 303843737, phone no. (407) 523-6511. These copies are fraudulent medical documents. only one medical document is signed, the signature is from Jason Liu, M.D./sglenn, Radiologist, on page 4 of 30. Note: John does not have any history of alcohol abuse in his medical records.

**Jury Instruction Argument:**

1. **Trail courts jury instruction misstated current law governing self defense .Such as that reversal of battery conviction was warned although court properly a limited or express referenced to "duty to retreat", jury instruction court left in language explaining that the defended should try to "avoid the danger" before using force and under new statue which expanded right of self defense and a limited "duty to retreat" before using deadly force in certain circumstances a person who was attacked was allow to stand his ground and "meet force with force".**

**Mc Whorter vs State, Appellant 4<sup>th</sup>**

**District,9717 2 Section 154,2007,2007 case.**

2. **. In instructing the jury, the trail court must insure that the jury is fully and correctly instructed as to the applicable of the law.**

**1. Allen vs State 9397 2 Section 273,276 Florida 4 DCA,2006 .**

3. **"When a trail judge gives an instruction that is an incorrect statement of the law and necessary misleading to the jury and the affect of the instruction is to non gate the defenders only defense, it is fundamental error and highly prejudice to the defense".**

**William vs State 982 2 Section @ 1194,33 Florida law weekly D 1298,Florida APP. 4 District 2008.**

4. **S 776.013 (3) Fla. Stat.**

**effective October 1,2005 regarding the duty to retreat is as follows :**

**A person who is not engaged in an unlawful activity and who is attacked by any other place where he or she has a right to be has no duty to retreat and has the right to stand his or her ground and meet force with force, including deadly force if he or she reasonably believes it is necessary to do so to prevent death or great bodily harm to him self or herself or another or to prevent the commission of a forcible felony. Based on this law one of arguments during appeal must be improper jury instruction; because the sixth elements of necessity which was added.**

5. **The State argued that the error was invited because the defense never objected to the instructions , but they still found it was fundamental error, therefore this trail pertain to Johns case even through this error was invited and John had previously said that the necessary instruction was a different defense from self defense.**

The 2006 Florida Statutes:

**837.021 Perjury by contradictory Statements.**

**(1.) Except as provided in subsection (2), whoever, in one or more official proceedings, willfully makes two or more material statements under oath which contradict each other, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.**

**(2.) Who ever, in one or more official proceedings that relate to the prosecution of a capital felony, willfully makes two or more material statements under oath with contradict each other, commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.**

**(3.) In any prosecution for perjury under this section:**

**(a) The prosecution may proceed in a single count by setting forth the willful making of contradictory statements under oath and alleging in the alternative that one or more of them are false.**

**(b) The question of whether a statement was material is a question of law to be determined by the court.**

**(c) It is a defense that the accused believed each statement to be true at the time the statement was made.**

**(d) It is a defense that the accused believed each statement to be true at the time the statement was made.**

**(4.) A person may not be prosecuted under this section for making contradictory statements in separate proceedings if the contradicting statement made in the most recent proceeding was made under a grant of immunity under s. 914.04; but such person may be prosecuted under s. 837.02 for any false statement made in that most recent proceeding, and the contradictory statements may be received against him or her upon any criminal investigation or proceeding for any perjury.**