

In the District Court of Appeal
Fifth District of The State of Florida

John Dobbs,
Appellant,

Vs.

DCA case No. 5D07-1057

State of Florida,
Appellee.

PROVIDED TO APPELLANT BY EU ON
4/15/08 FOR MAILING
DATE (2)

Pro Se Motion to Supplement the record

Appellant, hereby, moves to supplement the record with material verifying his claim, presented in Appellant's Pro Se Motion to enlarge page limit of brief, referencing the Pro Se Initial Brief of Appellant, previously filed with this Honorable Court along with said brief.

In Appellant's motion to enlarge, Appellant asserted: ① that his copies of transcripts (either purchased by his mother Celeste Dobbs or provided by the office of the Public Defender seventh Judicial) are not accurate, are missing statements as well as questions, have altered words, and are uncertified making preparation for his appeal more difficult; and ② that the transcripts have different case numbers from the charge information filed (the charge information reads 48-2006-CF-015201-0, the transcripts read 48-2006-CF-15201, one of the Adversary Preliminary hearing transcripts read 48-2004-CF-15201-0) and Appellant has been given 2 different Adversary Preliminary Hearing transcripts, 1 with 85 pages the 65 pages.

Thus, the Appellant provides along with this motion, to this Honorable Court: ① page 1, page 198, page 199, page 246, page 247, page 430, page 431, page 630, page 631, page 677, page 678, and page 778; of the Trial Proceedings Before The Honorable Lisa T. Munyon, filed May 17, 2007 3:39 pm by Lydia Gardner Clerk of Orange County Court

as provided to the Appellant by the office of Public Defender which he recieved March 17th 2008. Pages 246, 430, 677, and 778 requiring Certification but lacking; and pages 1, 199, 247, 431, 631, 678 case numbers reading 48-2006-CF-15201.

③ page 1, 2, and 65 of the Adversary Preliminary Hearing Before The Honorable Stan Strickland filed June 1, 2007 11:58 am by Lydia Gardner Clerk of Orange County Court, transcribed by Diane S. Hebel, digital Court Reporter of the ninth Judicial Circuit; as provided by the office of the Public Defender which he recieved March 17th 2008. And pages 1, 2, 3, and 85 of the same proceeding transcribed by Margaret L. Raeder Cert# 00245 Certified Electronic Reporter and Transcriber, Notary Public, State of Florida at Large; as provided by the Orange County Public Defenders office. The former bearing the case number 48-06-CF-15201-0 and the latter bearing the case number 48-2004-CF-15201-0 and the Appellant receiving the latter in June of 2007. These proceedings are certified but they differ in their transcriptions of what the Appellant actually said in the begining of the proceeding and neither is truly accurate. Not even when it comes to what was said by the Court. ~~XXXXXXXXXX~~

④ page 1 and 42 of the sentencing proceedings before the Honorable Lisa T. Munyon filed May 17, 2007 3:38 pm by Lydia Gardner Clerk of Orange County Court as provided by the Office of the Public Defender seventh Judicial which the Appellant recieved March 17th 2008. Page 42 requiring but lacking certification, and page 1 case number reading 48-2006-CF-15201-0. Also, Appellant submits to this Honorable Court what the Appellant actually stated during the sentencing proceeding as he read a pre written statement starting page 24 Line 14 thru to page 33 Line 17.

⑤ a clear copy of the charge information pages 1 thru 5 which is refered to as "I F" in appellants Pro Se Initial Brief as well as the charge information pages 1 thru 5 which were provided by the office of the Public Defender seventh Judicial recieved March 17th 2008.

The former being unsigned and unnotarized, and the latter being signed and notarized. Note as argued in Point II of Appellant's Pro Se Initial Brief, Appellant recieved the unsigned, unnotarized copy December 2006 and the signed copy March 2008, yet both are stamped filed NOV. 20 2006 4:37 pm but on different areas of page 1.

Appellant resubmits this clear copy to provide this Honorable Court with a copy other than the one provided by Celeste Dobbs which is labled Exhibit A to eliminate confusion as it should be labled "I F".

As stated in (C) of this motion Appellant brings before this Honorable court what the sentencing transcript should actually read between pages 24 line 14 and page 33 line 17. (There are many other altered words in each transcript as mentioned yet the Appellant can not be as accurate with those altered words or missing statement as he can with this one in particular because this was a pre written address to the court,) Appellant submits that the audios of his proceedings if reviewed by a professional in audio research would verify his claim.

The sentencing transcript

Page 24.

Line 14 reads - 'Okay. I am charging Orange County, in the State of'
Line 14 should read: 'Okay. I have been charging Orange County and the State of'

Line 15 reads - 'Florida, \$350,000 per day until I am released, Since'

Line 15 should read - 'Florida, \$350,000 per day until I am released, since'

Line 16 reads - 'January 17th, to date, that amounts to \$17.5 million. I'

Line 16 should read - 'January 17th, Today that amounts to \$17.5 million. I'

Line 18 reads - 'what I'm already charging Orange County, in the State of'

Line 18 should read - 'what I'm already charging Orange County and the State of'

Page 25

Line 17 reads - 'artists, talking of strategies with misdirection. They'

Line 17 should read - 'artists, talking of strategies with no direction. They
Lines 24 thru 25 read - 'Catherine's closing argument was repetitious
and, at times -- and time consuming. She merely quoted law and
Lines 24 thru 25 should read - 'Catherine's closing argument was repetitious
and time consuming. She merely quoted law and'

p.26

Line 2 reads - 'She allowed herself to seem at a loss of support of'
Line 2 should read - 'She allowed herself to seem at a loss of supportive'
Line 25 reads - 'I fear that they intended to bring certain evidence'
Line 25 should read - 'I fear that they intended to block certain evidence'

page 28

Line 8 reads - 'testimony that I was surrounded by all but one of the'
Line 8 should read - 'testimony that I was surrounded, And all but one of the'
Lines 11 thru 12 read - 'They did not respect that no one but me and Mr.
Talton (sic) having seen any knife, or any other'

Lines 11 thru 12 should read - 'They did not respect that no one but me admits
to having seen a knife, or any other

Line 22 reads - 'hearing that he ran over, saw Andre approach me
and started

Line 22 should read - 'hearing that he ran over, after he saw Andre
approach me and start'

page 29

Line 4 reads - 'Jury did not recognize that Andre Blanco was saying'
Line 4 should read - 'The jury did not recognize that Andre Blanco
saying'

Line 6 reads - 'the fight against me, meaning that at the time that'
Line 6 should read - 'the fight against me. Means that at the time that'

Line 9 reads - 'The only important question during the course of the'
Line 9 should read - 'The only question during the course of the'

Line 21 reads - 'pretty small club. And although Philip Westmore (sic)'

Line 21 should read - 'pretty small club. And although Phillip Westfall'

Line 25 reads - 'unintentionally -- Philip Westmore describes that they'

Line 25 should read - 'unintentionally, Phillip Westfall describes that they'

page 30

Line 2 reads - 'hearing. And Justin Idle describes the malice of the'

Line 2 should read - 'hearing. And Justin Idle describes the malice of their'

Line 11 reads - 'closest to the club, giving them no reason to have went'

Line 11 should read - 'closest to the club, gives them no reason to have went'

Line 15 reads - 'Myself, Andre Blanco, Francisco Gotay, Anthony Riollano,'

Line 15 should read - 'Myself, and Deanna Washington of course Francisco

Gotay, Anthony Riollano,'

page 31

Line 15 reads - 'seconds. I was helpless and out of control, screaming,

Line 15 should read - 'seconds. I was helpless and out of control swinging,

page 32

Line 19 reads - 'of 24. I imagine these guys drunk after leaving 2 strip'

Line 19 should read - 'of 24. I imagine these guys drunk after leaving 3

strip'

Line 20 reads - 'club and seeing me alone with my girl.'

Line 20 should read - 'clubs and seeing me alone with my girl.'

page 33

Lines 14 thru 16 read - 'of George Bush, Steiner (ph), on the rule of law: Only the United States of America has the more leadership and means to back it up.'

Lines 14 thru 16 should read - 'of George Bush, senior, on the rule of law: Only the United States of America has the moral leadership and the means to back it up.'

These minor alterations or even the more dramatic ones change the entire definitions of these statements. There are many more critical alterations and missing statements throughout the trial transcripts that can not be as accurately corrected, based on the fact that the Appellant only took quick notes, that are in direct conflict with the notes and

his vivid memory. While as mentioned before from page 24 Line 14 thru page 33 Line 17 of the sentencing transcript was a prepared speech. The Appellant had written 4 versions before settling on the one read and had previously claimed that Line 25 of page 26 should read correctly the word hide instead of bring but has errored and the proper word used in the final edit was block. Please excuse. The Appellant also claimed that Line 12 of 33 correctly read through the court rather than to the court. That was also an error, reviewing his speech he found that to the court is correct.

As well another clear alteration is well as missing statement, starts with Line 1 page 777 of the trial transcript which states that the defendant said "I am disgusted, disgusted" it should read "This is disgusting, disgusting." Also p. 777 is missing the Appellant's statement in which he reminded the court of his charge stating "I am still charging Orange County \$50,000 ^{per day} until I am released" as he has told the court on the record since his first pre trial hearing January 17th 2006, before he left any court appearance, other than the trial which he did not mention it until after the verdict. Also omitted from the trial transcript is the direct question and statement between trial counsel and Phillip Westfall where he is asked directly whether he knew who threw the first punch and he answers 'no'. Appellant was surprised by this answer and took notes as Westfall had continuously insinuated that the defendant had thrown the first punch. And the Appellant has not found in the transcript, the hearing or inquisition, held by Judge Munyon of one of the jurors, whom Judge Munyon questioned after she brought to counsel's attention that the juror had been caught conversing with the father of William Troy the deceased. The Appellant mentions this Lines 11 thru 15 page 25 of the sentencing transcript.

These and other alterations and omissions do not allow for a fair and impartial review by this Honorable Court. Thus, the Appellant has done his best to bring out his most valid arguments, reflected in the

record as provided. And submits that the 60 page enlargement of his hand written Pro Se Initial Brief is necessary, as the Appellant must argue these things on his direct appeal. Appellant does have other valid arguments which would call for reversal yet has refrained because of this page limit. Appellant is not a lawyer but has tried his best to present respectable arguments before this Honorable Court. The lack of certification on these transcripts infers that the transcribers were aware of the errors and therefore refused to sign them.

This Court has recognized that due process entitles a criminal defendant to appellate review and if "incomplete record cannot provide meaningful review, the defendant is entitled to a new trial." The right of one convicted of a crime to an appellate review of such judgement of conviction as may be rendered against him is a necessary ingredient of due process of law and guaranteed by the constitution of this state. "Smith V. State, 801 So.2d 198, 199 (Fla. 4th DCA 2001) (quoting from Simmons V. State, 200 So.2d 619, 620-21 (Fla. 1st DCA 1967)." Once a criminal defendant has chosen to exercise his right to appeal, he is entitled to a full transcript of the trial record. "Hamilton V. State, 573 So.2d 109, 110 (Fla. 4th DCA 1991).

Please note: Pretrial hearing transcripts have not been provided.

The Appellant also wishes to provide this Honorable court with what is referred to as 'special exhibit 12K' in his Pro Se Initial Brief, once it is furnished, which would verify his claim that his only felony conviction is a 'D' felony in his native New York which is the equivalent of a misdemeanor in this state. Not a 3rd degree felony as claimed by the prosecution.

Appellant pleads with this Honorable Court to accept his brief and grant his motions to supplement the record as he is Pro Se and fights for his life as well as constitutional rights. Appellant erred in his motion to enlarge as he claimed that the state provided 2 witnesses to the incident as the state provided 3 one of which actually participated in the altercation, also where he claimed 1 defense witness as there were 2. Therefore the Appellant respectfully request this Honorable Court show

lenience, and order the Attorney General's office to rebut the arguments.

I Hereby Certify that a true copy of the foregoing as well as the following documents has been mailed to: The Honorable Bill McCollam, Attorney General, 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.

Under the penalties of perjury, I declare that the facts as stated in this Pro Se Motion to Supplement the record are true and correct.

Respectfully
Submitted,
John Dolbe
DC# C00618