

'Ebonics' letter cited in bid to reduce sentence

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STUART — On the witness stand Tuesday, defense attorney David Lamos at first frowned a bit when he read the cover letter of the three-page fax from 1999 that JoAnn Barone had just handed him.

Lamos then seemed to smile slightly a couple of times as he studied the next two pages. In October 1999, the date on the message, Lamos represented J.B. "Pig" Parker, who is on death row for his role in the 1982 kidnapping and murder of Jensen Beach store clerk Frances "Franny" Slater.

"Do you recognize the fax?" Parker's attorney, Barone, asked Tuesday.

"I'm still reading it," Lamos replied, then looked the letter over again before shrugging his shoulders and adding: "It is a jest."

Barone used the "joke" fax, addressed from Lamos to then prosecutor Lawrence Mirman and typed in a dialect a defense expert later said appeared to be "ebonics," to try to argue that Lamos wasn't acting in Parker's best interest in 2000 when a judge sentenced him to death for a second time.

"As you can see, my writing improves with revision" Lamos wrote to Mirman in the cover letter and later asked: "Ask Bruce if I can have a job?" referring to 19th Circuit State Attorney Bruce Colton.

Parker, 45, has been in and out of a Martin County courtroom since late last week as prosecutors and Barone presented evidence before Circuit Judge Gary Sweet, who will decide by late June whether to uphold Parker's death sentence or commute it to life in prison.

Parker was one of four men convicted in Slater's murder and prosecutors believe he is the one who fatally shot her. John Earl Bush, who stabbed the 18-year-old Slater before she was shot, was executed in 1996 for his role in the killing.

Another man, Alphonso Cave, is also on death row for his role in the case and Terry Wayne Johnson, who testified at Tuesday's hearing, is serving a life sentence and last year was given a parole date of 2032.

Tuesday's testimony marked the end of a two-day hearing in Parker's case. Among other arguments, Barone has said that Lamos was negligent for not trying to impeach the testimony of one witness at Parker's 2000 sentencing and not getting live testimony from a former Martin County jail inmate who said he overheard an argument between Bush and Cave in which Bush allegedly implicated Cave as the shooter.

Lamos testified at the start of the day and said he didn't want to call the former inmate to testify because he wanted to rely on the transcript of his testimony from a prior hearing and didn't want to risk him giving a different account on the witness stand.

Lamos also dismissed the letter to Mirman, saying it was given to him and translated into the dialect from "a ridiculous piece of web-based software."

The letter, which starts with Parker's name and includes the words "dig dis" in the first sentence, goes on to cite case law in broken English and includes a passage about another case.

"His posishun wuz rejected by de Flo'ida Supreme Court. Man!" the letter said. "He awaits 'esecushun. De state be dig itably distressed cuz de kicker be on da oda' foot. Man!"

Barone tried to get Lamos to read the letter aloud in the courtroom above the objections of Assistant State Attorney Ryan Butler, but Sweet instead read the letter to himself and asked Barone to move on in her questioning.

Johnson also testified, albeit reluctantly, at the hearing Tuesday and alleged that he testified against Parker on a previous occasion because he thought it would help his chances at getting parole.

Testimony in the hearing ended Tuesday afternoon, but attorneys on both sides have until early May to submit their closing arguments in writing. Sweet is expected to issue a ruling by late June.