

IN THE DISTRICT COURT OF APPEAL
FOURTH DISTRICT OF FLORIDA

LANCELOT URILEY ARMSTRONG,
Appellant

Vs.

Case No. 4D08-990

STATE OF FLORIDA,
Appellee

MOTION TO RELEASE APPELLANT PERSONAL
PROPERTY BY REQUIRING SHERIFF AL
LAMBERTI, AND THE STATE TO COMPLY.

COMES NOW, Appellant, Lancelot U. Armstrong, in proper person pursuant to Florida Rules of Criminal and Civil Procedure and moves this Honorable Court to grant this motion and enter an order requiring the state of Florida, and State's agency Broward County Sheriff Al Lamberti, to produce all of Appellant's personal property, which documents evidence was illegally obtain to block Appellant litigation. Appellant was in possession information and legal books, transcripts while preparation of this case and otherwise. The B.S.O. sheriff's deputies failure to leave said personal property with Appellant on December 5, 2007, and requests was ignored. Appellant obtain newly exculpatory documents from private attorneys and investigators resentencing/re-investigation of the cases at issue as grounds therefore would allege as follows:

- 1.) Appellant was returned from Florida State Prison, to Broward County Sheriff's main jail. Lower tribunal for the purpose of a re-sentencing trial on June 4, 2004, regard *Armstrong v. State*, 642 So.2d 730, 733 (Fla. 1994).
- 2.) Appellant indicated that sufficiently clear material documents and State's agencies administrative record to confirm infringement, to interfered with Appellant's litigation while seeking vacation of conviction, because Appellant did not have any prior conviction.
- 3.) Additional documentation from the court records to clarify this matter, which state retaliate program misled the court, in order to deprive Appellant civil rights.
- 4.) There was untried complaints currently which Appellant has begun to speak with witnesses and re-investigate state's agencies to the extent of preparing witnesses and evidence for civil rights litigation.
- 5.) Appellee, and their state's agencies illegally in possession of Appellant's legal transcripts and exculpatory documents, information which tend to negate guilt or minimize life sentence. Newly exculpatory evidence case the state, and state's agency to illegally take Appellant's personal property during the initial trial and otherwise cause clerical errors, and state's witnesses who recant their initial testimony.

- 6.) Appellant is in possession of grievances record of state, and state's agencies infringement which happen to diminish the effectiveness of meaningful material facts.
- 7.) That the Appellant would request that the Appellee divulge any and all statement that have been known through said infringement, to the state of Florida at the original trial and at recent re-sentencing trial.
- 8.) Said material information would further ensure due process of law and the right to a fair trial as guaranteed by the constitution of the United States and the constitution of the state of Florida.
- 9.) The State's agencies aid within the illegal suppression by the prosecution of evidences favorable to Appellant violate due process where the evidence is material either to guilt or to punishment, irrespective to goof faith with the prosecution.
- 10.) In Giglio v. United States, 405 U.S. 150, 153 (1972), the Supreme Court recognized that prosecutor is:

The representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore in a criminal

prosecution is not that it shall win a case, but that justice shall be done.

Wherefore, the Appellant Lancelot U. Armstrong, pray this Honorable Court to grant this motion and enter an order requiring Sheriff Al Lamberti and the State of Florida to produce any and all Appellant personal property which in their possession or within their knowledge regarding any information received by virtue of the preparation of these cases for litigation, transportation, are for re-investigation and re-sentencing of the case on this 31 day of December, 2008.

Respectfully Submitted

Lancelot Armstrong, Pro-se.

Lancelot U. Armstrong, 693504
Union Correctional Institution
7819 N.W. 228th Street
Raiford, Florida 32026-4410

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by U.S. mail to Sheriff Al Lamberti, 2601 W. Broward Blvd., Broward County Sheriff's Office, Fort Lauderdale, Florida 33312 and Bill McCollum, Attorney General, Joseph A Tringali, Assistant Attorney General, Bar No. 0134924, 1515 North Flagler Drive, Suite 900, West Palm Beach, Florida 33401, and to: Clerk of

the Court , District Court of Appeal, Fourth District, 1525 Palm Beach Lakes
Blvd., West Palm Beach, Florida 33401 on this 31 day of December 2008.

Respectfully Submitted

Lancelot Armstrong, pro-se.

Lancelot U. Armstrong, #693504
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