

IN THE SUPREME COURT OF FLORIDA

JOHN MAREK,

Appellant

v.

CASE NO. SC09-1080

STATE OF FLORIDA,

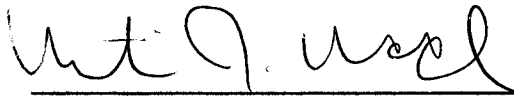
Appellee.

\_\_\_\_\_ /

NOTICE OF PROFFER

COMES NOW, **JOHN MAREK**, by and through undersigned counsel, in the above-entitled matter and respectfully provides this notice of a proffer from Leon Douglass as to what he would testify to at a hearing on the motion to correct the transcript. Due to the difficulty of obtaining access to incarcerated prisoners, it was not possible to arranged to obtain the affidavit sooner.

**I HEREBY CERTIFY** that a true copy of the foregoing notice has been furnished by United States Mail, first class postage prepaid, to Carolyn Snurkowski, Assistant Deputy Attorney General, Department of Legal Affairs, The Capitol PL01, Tallahassee, Florida 32399-1050, on this 2<sup>nd</sup> day of July, 2009.



\_\_\_\_\_  
MARTIN J. MCCLAIN  
Florida Bar No. 0754773  
McClain & McDermott, P.A.  
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Attorney for Mr. Marek

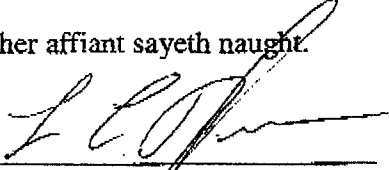
STATE OF FLORIDA     )  
                                          )  
COUNTY OF MADISON    )

**AFFIDAVIT**

I, Leon Douglas, having been duly sworn or affirmed, do hereby depose and say:


1. My name is Leon Douglas, DC# 541168. I am currently incarcerated at Madison Correctional Institution.
2. On June 1, 2009, I testified in Broward County in the case of Marek v. State in regards to my knowledge of an individual I knew as Raymond Wigley.
3. During my testimony I was asked to describe Wigley, and I described him as best as I could remember.
4. I have now reviewed a transcript of my testimony. In the transcript, I am attributed with describing Wigley as a black male. I am sure the transcript is inaccurate. I am well aware that Raymond Wigley was a white male. I cannot imagine ever describing him as a black male unless I misspoke. I know that if asked what was Wigley's race, I would have stated he was white.
5. Prior to my testimony I identified Raymond Wigley's photograph to both Investigator Daniel Ashton and Attorney Linda McDermott. The photograph was of a white male who was the Raymond Wigley that I knew.

Further affiant sayeth naught.

  
\_\_\_\_\_  
Leon Douglas

Sworn and subscribed before me this 30<sup>th</sup> day of June 2009, by Leon Douglas who is personally known to me or has produced the following identification:

DC# 541168

  
\_\_\_\_\_  
Notary Public, State of Florida  
My commission expires:

