Attachment
A
**ITEMIZED CALLS**

**AT&T COMMUNICATIONS** BILLING INQUIRIES CALL 1-800-222-0300

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I hope they lose the key, Judge tells convicted murderer.
Jury recommends life sentence for man convicted in girl’s killing

By PAT MIESBOL
ST. PETERSBURG TIMES Staff Writer

A jury recommended on Tuesday that Jack Pearcy spend the rest of his life in prison for the brutal stabbing of a 14-year-old girl who died while apparently fighting off a sexual attacker in May 1985.

The vote against the death penalty came after an emotional hearing in which witnesses said they believed Pearcy was innocent and after one of Pearcy’s attorneys, in his closing argument, told jurors he disagreed with the guilty verdict they rendered Sunday night.

Pearcy’s mother, Sally Coburn, hugged her son’s lawyers on hearing that his life apparently had been spared.

“Jack knew that he had to pay some sort of price for being where Shelly Boggio was murdered,” she had told the jury earlier.

“He told me he didn’t do it,” she said, “and that he knew the first thing he should have done was to go to the police.”

Pearcy moved to Seminole from Olathe, Kan., three months before Ms. Boggio’s beaten body was pulled from the Intracoastal Waterway near the Indian Rocks Beach bridge. Ms. Boggio, a seventh-grader at 16th Street Middle School, had been beaten, choked and stabbed 31 times on May 5, 1985. She was still alive when she was dragged into the water.

Her nude body was discovered the next day.

Pearcy, a 31-year-old construction worker, had taken Ms. Boggio to several bars on the night she died. He claimed he woke up from a drunken stupor too late to stop his friend, James M. Dailey, from stabbing the Kenneth City girl.

For two weeks afterward, he spent time “in the mountains of Colorado searching his own soul,” said his mother, who called the police to make an appointment for Pearcy to surrender.

One of the people who testified on Pearcy’s behalf Tuesday was Mark A. Davis, an accused murderer and Pearcy’s cellmate in the Pinellas County jail. He swore he overheard co-defendant Dailey take full responsibility for Ms. Boggio’s murder. Dailey is scheduled for trial on Dec. 2.

A witness for the state — sheriff’s detective John Halliday — pointed out the knife wounds on the 14-year-old’s blood-stained skirt.

And prosecutors asked the jury not to be swayed by tears for a man they called morally bankrupt.

“I wonder how many times Shelly Boggio cried out that night with each stab wound... and whether she had any cry left in her when she was being carried out to the water,” Assistant State Attorney Beverly Andrews said.

Pearcy had no business taking a 14-year-old to bars, defense attorney Ky Koch conceded. But he said the “major participant” in Ms. Boggio’s awful death was James Dailey. I do disagree with y’all’s verdict,” Pearcy was convicted largely on the basis of his own changing stories. The key witness, who said Pearcy stabbed Ms. Boggio to “take the fight out of her,” was a jail inmate who has spent years in mental institutions. Also, a detective testified that Pearcy admitted stabbing Ms. Boggio once in the hand and said he helped carry her to the water.

Pearcy will be sentenced Jan. 9 to life in prison, unless Judge Thomas E. Penick overrules the jury’s recommendation.

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Prosecutors say defendant admitted hitting murder victim
Attachment

B
IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT,
IN AND FOR PINELLAS COUNTY, FLORIDA

STATE OF FLORIDA,
Plaintiff,
v.
Case No. 1985-CF-007084

JAMES DAILEY,
Defendant.

_______________________________/

DIRECTIONS TO THE CLERK

Defendant, James Dailey, by and through undersigned counsel, hereby directs the Clerk as
specified in Florida Rule of Appellate Procedure 9.200(a)(1) to include all items filed in this post-
conviction proceeding in the record on appeal, including: all pleadings and attachments to
pleadings; original documents; transcripts of all proceedings including status hearings; and all
exhibits which have been filed with the Clerk of Court at trial and during all post-conviction
proceedings, whether accepted into evidence or not.

Respectfully submitted,

/s/ Chelsea Rae Shirley
Chelsea Rae Shirley
Florida Bar. No. 112901
Assistant Capital Collateral Counsel
Shirley@ccmr.state.fl.us

Counsel for Mr. Dailey
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing motion has been filed with Clerk for the 6th Judicial Circuit, Pinellas County, and served upon Assistant Attorney General Christina Pacheco (Christina.Pacheco@myfloridalegal.com and capapp@myfloridalegal.com); Assistant State Attorney Sara Macks (smacks@co.pinellas.fl.us); Assistant State Attorney Kristi Aussner (SA6appealservice@co.pinellas.fl.us); Seth Miller, Innocence Project of Florida (smiller@floridainnocence.org); and The Honorable Frank Quesada (bfedersp@jud6.org) on this 9th day of April, 2018.

Respectfully submitted,

/s/ Chelsea Rae Shirley
Chelsea Rae Shirley
Florida Bar. No. 112901
Assistant Capital Collateral Counsel
Shirley@ccmr.state.fl.us

/s/ Maria E. DeLiberato
Maria E. DeLiberato
Florida Bar No. 664251
Assistant Capital Collateral Counsel
deliberato@ccmr.state.fl.us

/s/ Julissa R. Fontán
Julissa R. Fontán
Florida Bar. No. 0032744
Assistant Capital Collateral Counsel
12973 N. Telecom Parkway
Temple Terrace, FL 33637
813-558-1600
Fontan@ccmr.state.fl.us

/s/ Laura Fernandez
Laura Fernandez
Yale Law School
127 Wall Street
New Haven, Connecticut 06511
203-432-1179
laura.fernandez@yale.edu

Counsel for Mr. Dailey