

No. **18-8098**

Supreme Court, U.S.  
FILED

**AUG 31 2018**

OFFICE OF THE CLERK

IN THE SUPREME COURT OF THE UNITED STATES

In Re CHRISTOPHER HANSON,  
Petitioner

vs.

VINCE MOONEY, et al.,  
Respondents

ON PETITION FOR EXTRAORDINARY WRIT OF HABEAS CORPUS  
TO THE COURT OF APPEALS FOR THE THIRD CIRCUIT  
PETITION FOR EXTRAORDINARY WRIT OF HABEAS CORPUS

CHRISTOPHER HANSON

#AY-6423

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Petitioner, Pro Se

**ORIGINAL**

QUESTIONS FOR REVIEW

- I. WHETHER APPELLANT HANSON'S PCRA'S WERE TIMELY UNDER 42 Pa. C.S. §9545(b) DUE TO GOVERNMENT INTERFERENCE AND REFUSAL TO RELEASE DOCUMENTS.
  
- II. WHETHER APPELLANT HANSON'S DUE PROCESS RIGHTS WERE VIOLATED BY GOVERNMENT OFFICIAL'S FAILURE TO DISCLOSE A PLEA AGREEMENT WITH CO-DEFENDANT TIMOTHY SEIP, AND THE REFUSAL TO PROVIDE A COPY OF TIMOTHY SEIP'S MARCH 20, 1986 PCRA HEARING.

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## BASIS FOR JURISDICTION

Petitioner was denied in the United States Court of Appeals for the Third Circuit on June 1, 2018 for an Application to file a Second or Successive Habeas Corpus Petition, Petitioner filed a Petition for Writ of Habeas Corpus (Motion for Relief) to the Third Circuit Court of Appeals on February 19, 2018. The U.S. District Court for the Eastern District of PA entered an Order denying the Revised Petition for Writ of Habeas Corpus on May 15, 2014. Petitioner filed a Revised Petition for Writ of Habeas Corpus on August 29, 2013. The U.S. District Court for the Eastern District of PA entered an Order denying the Writ of Habeas Corpus on April 11, 2012. Petitioner filed a Writ of Habeas Corpus on June 6, 2011.

On July 27, 2015, Petitioner filed a Petition for Post Conviction Relief (PCRA), which was denied as untimely on September 1, 2016. On June 27, 2017, the Superior Court of PA affirmed the PCRA Court's Order. On March 19, 2018, the Petition for Allowance of Appeal was denied by the PA Supreme Court. On April 18, 2014, Petitioner filed a PCRA, which was dismissed as untimely by the Lehigh County Court of Common Pleas on June 3, 2014. The PA Superior Court affirmed the dismissal on April 17, 2015. On September 24, 2015, the PA Supreme Court denied the Petition for Allowance of Appeal. On February 9, 2010, Petitioner filed his first PCRA based on newly discovered evidence that was withheld by the government. On June 11, 2012, the Lehigh County Court of Common Pleas dismissed the PCRA on the merits. On June 27, 2013, the PA Superior Court dismissed the PCRA as untimely. On December 31, 2013, the PA Supreme Court denied Allocatur.

## STATUTORY PROVISIONS FOR JURISDICTION

Petitioner is filing under United States Constitution original jurisdiction under Article III, Section 2, and Rule 17 of the United States Supreme Court, and Rule 20 of the Supreme Court United States, 28 U.S.C. 1651(a) for the Court to issue an Extraordinary Writ of Habeas Corpus which is not a matter of right but discretion. It applies as in Felker v. Turpin, 135 LED 827, 518 U.S. 651.

## CONCISE STATEMENT OF CASE, RULE 14.1g

Petitioner has filed several PCRA's in an attempt to address newly and/or after discovered evidence and government interference regarding his ability to obtain evidence crucial to proving his innocence, only to be denied as untimely, even though he has met the exception requirements pursuant to 42 Pa.CS. §9545(b). All evidence pointed to Mr. Hanson's Co-Defendant as the prime suspect in the case, yet the prosecution made a secret plea deal implicating Chris Hanson as the person responsible for the rape and murder of Flora Reinbold.

In a May 31, 1984 letter to Judge Davison from Attorney Colie Chappelle, who was representing the Reinbold family, the deal for a possible 5 to 10 year sentence for Tim Seip in exchange for testifying against Hanson, and the family's opposition to this deal due to them considering Seip to be the main culprit. The government repeatedly denied any knowledge of this deal or any letter from Attorney Chappelle, and then as Mr. Hanson was able to find information regarding this letter and other exonerating evidence, the Court summarily dismissed his PCRA's as untimely or unfounded.

Petitioner contends that his Due Process rights were violated by the intentional actions of government officials who failed to release the May 31, 1984 letter or plea deal to Hanson both prior to and after trial. In addition, they refuse to provide Hanson with a copy of the March 20, 1986 PCRA transcripts of Timothy Seip that was filed based on the May 31, 1984 plea deal. Also, the DNA evidence, which would prove that Tim Seip, not Chris Hanson, was the person who raped and murdered Flora Reinbold, has disappeared. All evidence suggests that the Courts were the last person in possession of this exonerating evidence. This is a direct violation of Brady v. Maryland, 373 U.S. 83; 83 S.Ct. 1196 (1963), which requires the government to turn over all evidence to a defendant.

The District Attorney's Office had an obligation to disclose the plea deal with Tim Seip under Brady, and failure to do so violated Mr. Hanson's due process rights. Absolutely no physical evidence linked Hanson to the crime, yet A.D.A. Tomsho intentionally misled the jury into believing he committed the crime. Knowingly presenting false or misleading testimony is also a violation of Brady v. U.S.

Starusko, 792 F.2d 256, 260 (3d Cir. 1984); Giglio v. U.S., 405 U.S. 150, 154 (1972). A prosecutor is required to turn over all evidence regarding a witness's qualifications and credibility. DeJohn v. Orell, 240 A.2d 472 (Pa. 1968). The May 31, 1984 letter pointed directly to Tim Seip, not being a credible witness, and also proved that the Reinbold family considered him as the prime suspect.

Petitioner claims that he has maintained that his PCRA's were always timely, and that the Habeas Corpus petitions should have been granted due to government interference with access to exculpatory evidence, refusal to release the March 20, 1986 Seip PCRA transcripts, and for violating his Due Process rights. This Petition for Extraordinary Writ of Habeas Corpus under United States Constitution Article III, Section 2, and Rule 17 of this Honorable Supreme Court of the United States in response to the June 1, 2018 Order from the U.S. Court of Appeals denying Hanson's second or successive Habeas Corpus. Petitioner prays this Honorable Court rules in his favor by granting this Writ.

## 28 U.S.C. §2254(b) Habeas Corpus

Petitioner prays this Honorable Supreme Court grants this Extraordinary Writ of Habeas Corpus. The circumstances are extraordinary in this case which would aid this Honorable Court's Appellate Jurisdiction by granting it.

Being a timely filed life sentenced prisoner whom has been denied his right to access to exculpatory evidence in violation of the Due Process Clause under the Fifth Amendment, invoked his right to seek Habeas Corpus relief in pursuit thereof. The Pennsylvania Courts refused to listen, claiming Petitioner was untimely, even though he met the filing exception pursuant to 42 Pa.C.S. §9545(b), by filing within 60 days of receiving newly/after discovered evidence. The U.S. Court of Appeals for the Third Circuit would not grant a Second or Successive Habeas Corpus. Thus, Petitioner is at the Supreme Court's mercy in seeking an Extraordinary Writ of Habeas Corpus.

The use of this exercise of authority by this Honorable Court would show the need for its use, being the last court of resort for the people of this great nation. The use of this sacred tool of justice that has been with our Honorable court since the signing of our Constitution, which no act of Congress has ever taken away going back to First Act of 1789 Act of September 24, 1789, ch. 20, §14, 1 Stat. 82, no act has repealed the Extraordinary Writ, not 1789 Act, 1867 Act, nor 1996 Act. Congress has expressed recently it wished to repeal that Constitutional provision of authority. As the last Court of Resort to protect our citizen's rights, interpret our laws, have the final say in the legality of matters, statutes, law acts of Congress. This petition has a few national issues which this Honorable

Court would benefit for granting extraordinary writ. All citizens of this Great Nation look to this Honorable Supreme Court to see that justice is for all citizens and persons in this jurisdictions, to protect them from violations of their Constitutional rights by government officials.

This Extraordinary Writ would greatly benefit this Honorable Court's appellate jurisdiction in showing, proving to our nation, "We the People" & World, Congress, and all our law enforcement, that no one is above the law when they corrupt our Sacred Institution of Justice & Constitution. Congress wants to take this authority away from this Honorable Court which it should not, its rare use should be exercised for this petition. For it would be a great injustice for this Honorable court not to be able to hear this petition by an act of Congress. This Sacred Institution should preserve its authority and grant Extraordinary Writ, Article III, Sec. 2 of the United States Constitution, under 28 U.S.C. §1651(a), the Habeas Corpus. It would preserve Sacred Institution's authority of justice for all, which will aid this Honorable Court's appellate jurisdiction as Court of last resort. It will also serve as a proper check and balance of the right to due process guaranteed by the United States Constitution.

Petitioner cannot receive adequate relief in any other form or court. Antiterrorism Effective Death Penalty Act of 1996, (which ironically took illegal part of Habeas Corpus away and signed into law by President Clinton), took the authority from this Honorable Court to hear appeal on Cert. from Application for Second or Successive Habeas from U.S. Court of Appeals. It is not appealable, petition for certiorari under 28 U.S.C. §2244(b)(3)(e), which leaves only the Extraordinary Writ which our Founding Fathers had the great minds to Put in the Constitution for such cases, instances where this Honorable Court's appellate jurisdiction preserves justice for all, as a last resort.

## REASON FOR NOT FILING IN DISTRICT COURT

Petitioner cannot file in District Court for the Third Circuit because he is barred by Federal Statute, 28 U.S.C. §2244(b)(3)(e), which will not allow a second or successive Habeas Corpus §2254, to be filed in District Court to be heard unless entered by United States Court of Appeals, which the Third Circuit of the United States Court of Appeals denied Petitioner on June 1, 2018.

Congress passed the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), and President Clinton signed it into law on April 26, 1996. Certiorari is not allowed as well. Only the Great Writ of Habeas Corpus.

(all paragraphs above on pages vii,viii for §2254(b) and Reason for not filing in District Court are incorporated herein by reference as if more fully set forth at length below on next pages 1 - 14 in Concise Argument Rule 14.1h and Conclusion on pages 15,16).

CONCISE ARGUMENT, RULE 14.1h

I. WHETHER APPELLANT HANSON'S PCRA'S WERE TIMELY UNDER 42 Pa. C.S. §9545(b) DUE TO GOVERNMENT INTERFERENCE AND REFUSAL TO RELEASE DOCUMENTS.

On September 1, 1983, 18 year old Christopher Hanson and 22 year old Timothy Seip met Seip's ex-girlfriend, Flora Reinbold at the Allentown Fair. Timothy Seip invited Flora Reinbold back to his apartment and purchased beer en route. At the apartment Ms. Reinbold was raped and strangled with her pantyhose. Her body was placed in Tim Seip's car and Hanson and Seip dumped her body in the Lehigh River.

The next day, Hanson went to the police and made a statement outlining the events leading to Reinbold's death. Specifically, Hanson alleged that Seip raped and murdered Reinbold, and that Hanson had taken no part until after Reinbold was dead. Hanson subsequently led the police to Reinbold's body. In contrast, Seip, when providing his statement to the police, alleged that Hanson had been the perpetrator.

Timothy Seip was charged with Criminal Homicide, Rape, and Criminal Conspiracy and was held in the Lehigh County Prison without bail. Chris Hanson was charged with Criminal Conspiracy and was released on \$5,000 bail as an accessory after the fact. All the hair fibers, clothing fibers, and other forensic evidence gathered matched either Timothy Seip and/or Flora Reinbold, while no evidence matched Chris Hanson. Mr. Hanson voluntarily submitted to and passed a Lie Detector Test regarding the actual murder and rape of Flora Reinbold, while Tim Seip declined to take a Lie Detector Test.

On May 31, 1984, unbeknownst to Hanson, Tim Seip entered into a negotiated plea agreement (with the belief that he would receive a

5 to 10 year sentence) in return for testifying against Hanson. On June 4, 1984, Christopher Hanson found out that he was now the main suspect in the Rape and Murder of Flora Reinbold and that Timothy Seip would be testifying against him. Following the June 4, 1984 trial, Hanson was found guilty on all charges and sentenced to Life Without the Possibility of Parole (LWOP) for Second degree Murder, Rape, and Conspiracy, while Timothy Seip ended up with a conviction for Third Degree Murder, despite being the main suspect.

On January 2, 2007, Christopher Hanson filed a PCRA based on newly discovered evidence pursuant to 42 Pa. C.S. §9545(b)(ii). In a conversation with Corrections Counselor Thomas Hughes at S.C.I. Retreat, Mr. Hanson found out about the secret plea agreement with Timothy Seip. According to an affidavit provided by Mr. Hughes, Mr. Seip was advised by Attorney Makoul that he would receive 5 to 10 years of incarceration in return for his testimony and that he, Mr. Seip, was not to mention this promise in court.

During the Evidentiary Hearing on February 19, 2008, Assistant District Attorney Richard Tomsho testified that he did not recall any letter from Attorney Colie Chappelle regarding the May 31, 1984 secret plea agreement or knowledge of any such agreement. On March 27, 2008, the PCRA Court concluded that even though Hanson had sufficiently pled the applicability of 42 Pa. C.S. §9545(b)(1)(ii) so that the court had to entertain the PCRA petitions and address the merits of what was alleged, he had failed to prove that he was entitled to relief based on a Brady violation. Both the PA Superior Court and PA Supreme Court denied Hanson's appeals.

Hanson was able to obtain confirmation from Colie Chappelle, the

attorney for the Reinbold family, stating that he could provide testimony verifying the "Secret Deal" that existed between A.D.A. Tomsho and Timothy Seip in exchange for testifying against Hanson. On April 5, 2010, within 60 days of receiving this letter, Mr. Hanson filed a second PCRA pursuant to 42 Pa. C.S. §9545(b)(1)(ii). On July 6, 2010, the Court deemed this PCRA untimely.

On June 8, 2010, the PA Superior Court vacated the PCRA Court's Order and remanded the case for further proceedings. On April 30, 2012, another Hearing was held where the Court entered an Order dismissing the PCRA on its merits. The PA Superior Court (1877 EDA 2012) denied Hanson's request for PCRA relief as untimely on July 24, 2013, and the PA Supreme Court (536 MAL 2013) denied the Petition for Allowance of Appeal on December 31, 2013.

On July 11, 2015, Attorney Colie Chappelle sent correspondence to Christopher Hanson stating that he had found a copy of the May 31, 1984 letter to Judge Davison regarding the plea agreement with Tim Seip of 5 to 10 years in exchange for testifying against Hanson. Enclosed was a copy of the missing letter, which also stated that the Reinbold family was against Mr. Seip receiving a reduced sentence due them considering him to be the prime suspect in the death of their daughter.

On July 27, 2015, Chris Hanson filed a third PCRA based on the receipt of the long lost letter to Judge Davison from Attorney Colie Chappelle that both the Court and Prosecution denied existed. At the April 20, 2016 PCRA Hearing, the Clerk of Courts testified that the May 31, 1984 letter confirming the plea agreement for 5 to 10 years for Tim Seip was time stamped on May 31, 1984 by the Clerk's Office. At the time of trial, this letter was in the Clerk's possession, but

was intentionally withheld in violation of Brady v. Maryland, 373 U.S. 83; 83 S.Ct. 1196 (1963).

Despite this newly discovered evidence, on August 12, 2015, Judge Ford dismissed Hanson's PCRA as untimely. The Superior Court affirmed the PCRA Court's Order, and the PA Supreme Court denied the Petition for Allowance of Appeal. It should be noted that Judge Ford was the Prosecutor in Tim Seip's case in 1984.

On March 20, 1986, Timothy Seip had a PCRA Hearing based on the same May 31, 1984 handwritten and time stamped letter to Judge Davison regarding the proposed 5 to 10 year sentence for Seip in exchange for testifying against Hanson. This is the same letter the Lehigh County Court and District Attorney's Office has repeatedly denied existence of to Hanson.

On October 13, 2011, Judge Ford had Ordered that all documents be turned over to Defendant Hanson, but the Lehigh County Court of Common Pleas has steadfastly refused to provide Hanson with the transcripts of the March 20, 1986 PCRA Hearing for Tim Seip. Where evidence is material to the guilt or punishment of the accused is withheld, irrespective to the good or bad faith of the prosecutor, a violation of due process has occurred. Brady, 373 U.S. at 87.

Hanson would be remiss if he failed to mention that all DNA evidence pointing to Timothy Seip, thus exonerating Hanson as the prime suspect, has been "lost." On December 5, 1991, Mr. Hanson received a letter from Vincent F. Cordova, Dir. of Criminalistics for National Medical Services, Inc., stating that they have the Vaginal Slides and other evidence in their possession. On January 23, 2003, Victoria A. Davis, the Forensic Chemistry Group Leader at National Medical Serv-

ices, Inc. provided a letter stating that all the forensic evidence is somehow missing. On August 27, 2003, Lynn Flaherty from National Medical Services stated that the evidence is not lost, that it is entirely feasible that it was taken by the Courts.

Christopher Hanson mentions this fact of the "lost" DNA evidence in furtherance of how for the past 35 years the Government has intentionally impeded his ability to pursue his Constitutional right to an appeal. This pattern of abuse, the failure to disclose the plea agreement with Tim Seip, the inability to remember or locate the Mat 31, 1984 letter regarding that plea agreement, and the "lost" DNA evidence, all point to violations of Mr. Hanson's rights.

To cover up this pattern of abuse, the Courts have dismissed Hanson's appeals as untimely or lacking evidence to show merit. This included the Commonwealth refusing to release the necessary evidence, including the March 20, 1986 transcripts of Timothy Seip's PCRA Hearing, despite Judge Ford's Court Order.

"The presumption of access of information available to the public domain does not apply where the untimely PCRA petitioner is pro se." Com. v. Burton, 158 A.3d 618, 625 (Pa. 2017). The May 31, 1984 letter regarding the plea deal just prior to trial fails squarely within the "unknown facts" exception set forth in §9545(b)(1)(ii), especially since this "after-discovered evidence" was intentionally withheld from Hanson in violation of Brady. Thus, Hanson has established that he did not know of this "secret plea agreement" at the time of trial, or that Flora Reinbold's family believed Timothy Seip was the main perpetrator. This evidence was crucial in proving Hanson's innocence during the June 4, 1984 trial and would have posed reasonable doubt

for consideration by the jury.

The PA Supreme Court has defined exculpatory evidence as that which "extrinsically tends to establish a defendant's innocence of the crimes charged, as differentiated from that which, although favorable, is merely collateral or impeaching." Com. v. Gee, 354 A.2d 875, 878 (Pa. 1978); adopted by Com. v. Redmond, 577 A.2d 547, 552 (Pa. Super. 1990); Com. v. Hicks, 411 A.2d 1220, 1222 (Pa. Super. 1979). The PA. Superior Court described that after-discovered evidence is evidence that, if offered at trial, would negate evidence of defendant's guilt. Undoubtedly, the evidence withheld from Hanson would have very likely proven his innocence.

A petition seeking collateral relief under PCRA must be filed within one year of the date the conviction becomes final unless an enumerated exception applies. 42 Pa.C.S. §9545(b)(1). Mr. Hanson's PCRAs assert that his failure to raise these claims previously were the result of interference by government officials with the presentation of the claims in violation of the Constitution or laws of this Commonwealth or the Constitution or law of the United States. (42 Pa. C.S. §9545(b)(1)(i)), or the facts upon which the claims are predicated were unknown to the petitioner and could not have been ascertained by the exercise of due diligence. (42 Pa.C.S. §9545(b)(1)(iii)).

Each time Chris Hanson obtained new evidence (that was being withheld by the government), he filed a timely PCRA within 60 days as required under 42 Pa.C.S. §9545(b). If not for the serial interference by the government, it is likely that Hanson would not have been convicted at trial. The May 31, 1984 letter from Attorney Colie B. Chappelle to Judge Davison stated as follows:

Dear Judge Davison,

My name is Colie B. Chappelle attorney hired by the Reinbold family. On May 29th I spoke with Deputy District Attorney Richard Tomsho at his urgent request RE: Timothy Seip case. Mr. Tomsho wanted me to suggest to the Reinbolds to go along with the agreement made whereby Mr. Seip pleads guilty to something less than 3rd degree with assurance of 5 to 10 years sentence in exchange for testifying for the Commonwealth against Christopher Hanson. My clients do not support this, believing evidence already proves Mr. Seip main culprit.

Respectfully,  
Colie B. Chappelle  
May 31, 1984  
FILED  
MAY 31 10:09 AM '84  
COMMON PLEAS  
CRIMINAL JUVENILE  
LEHIGH COUNTY, PA

Not only does this letter verify that Timothy Seip had negotiated a deal with Deputy District Attorney Tomsho for a sentence of 5 to 10 years in exchange for testifying against Christopher Hanson, but it also indicates that the Reinbold family believed that the evidence proved Timothy Seip was the main culprit. This evidence was crucial to proving Chris Hanson's innocence at trial and was intentionally withheld in violation of Brady.

In Tarselli v. S.C.I. Greene, 2018 U.S. App. LEXIS 7339 (3d Cir. 2018), the Court held that he could not be found dilatory for failing to assert a right he was not aware of. The record speaks for itself: Christopher Hanson has been diligent in his quest for justice, and all facts point to the government withholding the necessary evidence.

The U.S. District Court for the Eastern District has found the following:

"Claims which concern a violation of petitioner's constitutional rights based on alleged newly discovered evidence of his possible innocence" to be meritorious. Perez v. Varano, 2013 U.S. Dist. LEXIS 107622 (E.D. Pa. July 24, 2013); claims potentially meritorious because of plausible allegations, even absent current access to record evidence. Mobley

v. Coleman, 2010 U.S. Dist. LEXIS 5206380, at \*4 (E.D. Pa. Jan. 28, 2010); A claim potentially meritorious even absent access to record evidence because, if true, allegations established a constitutional violation. Green v. Folino, 2006 U.S. Dist. LEXIS 51103 (E.D. Pa. July 26, 2006); Claims potentially meritorious because they "allege violations of... constitutional rights that could serve as grounds for grant of writ of habeas corpus if supported by sufficient facts."). Bartelli v. Wynder, 2005 U.S. Dist. LEXIS 9096 (E.D. Pa. May 12, 2005).

Each time new evidence was disclosed to Hanson, within 60 days of this discovery, a PCRA was filed in accordance with 42 Pa. C.S. §9545 (b). Chris Hanson was forced to file his PCRA's piecemeal due to government officials failure to disclose this information, and only addressing the issues after Hanson was diligent in obtaining verification of their existence. Despite Mr. Hanson's extraordinary efforts in seeking justice, each PCRA was summarily dismissed as untimely and/or lacking merit.

Based on the record in this case, it must be determined that Christopher Hanson was timely in the filing of his PCRA's, and that the Federal Courts should have determined that the State Courts erred by determining that Hanson did not meet the timeliness exception pursuant to 42 Pa. C.S. §9545(b). In the interest of justice, this Honorable Court should grant this request for Extraordinary Relief.

II. WHETHER APPELLANT HANSON'S DUE PROCESS RIGHTS WERE VIOLATED BY GOVERNMENT OFFICIALS' FAILURE TO DISCLOSE A PLEA AGREEMENT WITH CO-DEFENDANT TIMOTHY SEIP, AND REFUSAL TO PROVIDE A COPY OF TIMOTHY SEIP'S MARCH 20, 1986 PCRA HEARING.

On September 1, 1983, Appellant Christopher Hanson and Co-Defendant Timothy Seip were involved in an incident regarding the Rape and Murder of Flora Reinbold, where all evidence pointed to Tim Seip as the prime suspect, and Chris Hanson as an after-the-fact accomplice based on Hanson assisting in disposing of the body. On September 2, 1983, Hanson told the Allentown Police what happened, and led them to Ms. Reinbold's body, which was in the Lehigh River.

Both Hanson and Seip were arrested; Seip was held without bail based on his role in the rape and Murder of Flora Reinbold, while Hanson was released on \$5,000 bail due to his minor after-the-fact role.

Unbeknownst to Mr. Hanson, on May 31, 1984, on the Friday before trial, Timothy Seip and his lawyer made a secret plea agreement for a possible 5 to 10 year sentence in exchange for testifying and accusing Christopher Hanson as the perpetrator of these crimes. On Tuesday, June 4, 1984, Chris Hanson was ambushed at trial by discovering he was now the prime suspect in a capitol case. Consequently, Hanson was convicted of Second Degree Murder, rape, and Criminal Conspiracy and received a Life Without Parole (LWOP) sentence, while Tim Seip plead guilty to Third Degree Murder for a sentence of 10 to 20 years.

In January of 2007, Christopher Hanson filed a PCRA based on newly-discovered evidence after finding out about the May 31, 1984 "secret plea deal" with Timothy Seip from Corrections Counselor Thomas Hughes. At the PCRA Hearing, Deputy District Attorney Richard Tomsho denied any knowledge of this plea deal. Subsequently, the PCRA was dismissed as unfounded.

In 2010, Chris Hanson was able to procure confirmation from Attorney Colie Chappelle, the Attorney for the Reinbold family and author of the May 31, 1984 letter to Judge Davison, of existence of this "secret plea deal." Again, Mr. Hanson filed a PCRA, only to have the Court first dismiss it as untimely, then on remand to claim that it had no merit.

In July of 2015, Attorney Chappelle located and forwarded a time-stamped copy of the infamous May 31, 1984 letter detailing the "secret plea deal" with Tim Seip in exchange for testifying against Hanson. This letter also brought to light another interesting and crucial fact - that the Reinbold family was opposed to Mr. Seip receiving a reduced sentence due to them considering him the prime suspect in the murder and rape of their daughter.

In July of 2015, Mr. Hanson filed a third PCRA based on this letter to Judge Davison from Attorney Colie Chappelle that both the Court and Prosecution denied existed. Even though the Clerk of Courts testified that the May 31, 1984 letter was time stamped by the Clerk's Office on May 31, 1984, and had been on file ever since, Judge Ford dismissed the PCRA as untimely.

On March 20, 1986, Timothy Seip had a PCRA Hearing based on the May 31, 1984 handwritten and time stamped letter to Judge Davison that both the Court and District Attorney's Office claimed did not exist during Chris Hanson's three PCRA Hearings. Hanson has repeatedly requested copies of transcripts of the March 20, 1986 Seip PCRA Hearing, but has been consistently denied access.

Chris Hanson also filed a PCRA based on DNA evidence that would implicate Timothy Seip as the rapist and Murderer of Flora Reinbold, and exonerate him in the process. Even though Vaginal Slides, Pubic

Hairs, Clothing Fibers, and other evidence were previously confirmed to be in the possession of National Medical Services, Inc., when needed to prove Mr. Hanson's innocence, they could no longer be located and possibly in the possession of the Courts.

As the Third Circuit Court of Appeals has observed, "it is indisputably true that a criminal defendant has the right to an adequate review of his conviction, i/e., a sufficiently complete record." Fahy v. Horn, 516 F.3d 169, 190 (3d Cir. 2008). This right, arising under the Due Process Clause, was recognized by the Supreme Court in Mayer v. City of Chicago, 92 S.Ct. 410 (1971). Mr. Hanson's right to such a review has been thwarted by the Court's repeated interference with access to his complete record, and the March 20, 1986 PCRA Hearing of Co-Defendant Timothy Seip.

Hanson contends that the Government violated his Fifth Amendment right to Due Process because it consistently denied knowledge of the plea deal with Timothy Seip, hid the documentation of the May 31, 1984 letter from Attorney Colie Chappelle to Judge Davison verifying that plea deal and the Reinbold family's opposition to it due to their belief that Seip was the actual culprit, and refusal to release the March 20, 1986 Seip PCRA Hearing. Under Brady v. Maryland, 83 S.Ct. 1194 (1963), the government's suppression of exculpatory or impeachment evidence material to the defendant's guilt or to punishment, irrespective of good or bad faith, violates due process. Id.; U.S. v. Risho, 445 F.3d 296, 303 (3d Cir. 2006). The Brady rule has been extended to require the prosecution to disclose exculpatory information material to the guilt or punishment of an accused even absent of a specific request. U.S. v. Agurs, 427 U.S. 97, 107 (1976).

Exculpatory evidence also includes evidence of an impeachment nature that is material to the case against the accused. Napue v. Illinois, 360 U.S. 262, 269 (1959). Any implication, promise or understanding that the government would extend leniency in exchange for a witness' testimony is relevant to the witness's credibility. Giglio v. U.S., 405 U.S. 150, 154; 92 S.ct. 763 (1972). Therefore, the government had an obligation to disclose the plea deal with Timothy Seip to Chris Hanson prior to trial. Brady's mandate is not limited to pure exculpatory evidence; impeachment also falls within Brady's parameter and therefore must be disclosed by prosecutors. U.S. v. Bagley, 473 U.S. 667, 677 (1985); Com. v. Nero, 2012 WL 6131118 (Pa. Super. 2012).

When the failure of the prosecution to produce impeachment evidence raises a reasonable probability that the result of the trial would have been different if the evidence had been produced, due process has been violated and a new trial is warranted. Bagley, at 678. Impeachment evidence is material and thus subject to obligatory disclosure, if there is a reasonable probability that had it been disclosed the outcome of the proceedings would have been different. Id. See also Agurs 427 U.S. at 112; Com. v. Wallace, 455 A.2d 1187, 1192 (1983). Hanson contends that the withheld evidence would have presented reasonable doubt sufficient for his acquittal.

Under Brady, "exculpatory evidence includes material that goes to the heart of the defendant's guilt or innocence as well as that which may well alter the jury's judgment of the credibility of a crucial prosecution witness. U.S. v. Starusko, 792 F.2d 256, 260 (3d Cir. 1984)(citing Giglio v. U.S., 405 U.S. 150, 154 (1972)). Not only did the prosecution hide the May 31, 1984 letter, they also may have destroyed the DNA evidence, and have withheld crucial other evidence

proving Hanson's innocence.

In Banks v. Dretke, 540 U.S. 668, 702 (2004), the U.S. Supreme Court admonished prosecutors for letting statements by an informant, which they believed to be false, stand uncorrected throughout the proceedings. The Court concluded that "prosecutors represented at trial and in State post conviction proceedings that the State held nothing back... it was not incumbent on Banks to prove these representations false; rather, Banks was entitled to treat the prosecutor's submissions as truthful." 540 U.S. at 698.

At trial, the prosecutor knowingly allowed Timothy Seip to testify that Chris Hanson was the person who raped and killed Flora Reinbold, knowing full well that all evidence pointed to Seip as the person responsible. To add insult to injury, for over 25 years they denied any existence of the May 31, 1984 letter from Attorney Chappelle regarding the Reinbold family being strongly opposed to any plea deal for Seip due to him being the person who actually raped and murdered their daughter. On April 20, 2016, at the PCRA Hearing, the Clerk of Courts confirmed that the handwritten note from Attorney Colie Chappelle was time stamped and had been in the Clerk's Office since May 31, 1984. In addition, the DNA evidence mysteriously disappeared when Hanson attempted to prove his innocence by having it tested.

This is not the first instance where A.D.A. Tomsho has withheld exculpatory evidence in a highly publicized homicide case. Another example was the failure of the Commonwealth to disclose upon request "the exculpatory statements of Mrs. Counterman and the inculpatory statements of Counterman violated Rule 305(B). Com. v. Counterman, 719 A.2d 284 (Pa. 1988). Footnote 8 of that case states, "We take this opportunity, however, to point out that "[t]he purpose of Rule 305 is to prevent trial by ambush." Com. v. Ulen, 539 Pa. 51, 59, 650 A.2d 416, 419 (1994). Moreover, the gamesmanship of the district attorney in this case implicates not only the Commonwealth's duty under Rule 305, but also a prosecutor's professional responsibility. See: Rule of Professional Conduct 3.8(d)."

It is evident that A.D.A. Tomsho has also violated due process regarding Christopher Hanson's case by not turning over the evidence of the secret plea deal for it's star witness, Timothy Seip. The Courts have acknowledged that credibility of a witness is the most substantial element of his qualification as a witness. DeJohn v. Orell 240 A.2d 472 (Pa. 1968). Tim Seip's credibility is seriously in question based on the undisclosed plea agreement in exchange for blaming Chris Hanson as the main suspect in exchange for receiving a significantly reduced sentence.

The emphasis in the United States Supreme Court's Brady jurisprudence on fairness in criminal trials reflects Brady's concern with the government's unquestionable advantage in criminal proceedings, which the Court has explicitly recognized in Strickler, 527 U.S. at 281, [reasoning that the "special status" of the prosecutor in the American legal system, whose interest "in a criminal prosecution is not that [he] shall win the case, but that justice shall be done... explains... the basis for the prosecution's broad duty of disclosure]. (quoting Berger v. U.S., 295 U.S. 78, 88 (1935)).

The conduct of Prosecutor Tomsho undoubtedly fell far short of the Brady standard of fairness, resulting in Hanson being unjustly convicted of a crime he did not commit. For over three decades, Mr. Hanson has suffered as a result of this outrageous violation of his due process rights. For justice to be properly served, this Honorable Court must act on Christopher Hanson's behalf to prevent this matter from going forever without resolution.

## CONCLUSION

Petitioner prays this Honorable Court grants his Petition for Extraordinary Writ of Habeas Corpus for the following reasons:

Four days before Petitioner Christopher Hanson's June 4, 1984 trial, a secret plea deal was made with Co-Defendant Timothy Seip in exchange for a sentence of 5 to 10 years to testify against Hanson as the person who raped and murdered Flora Reinbold. Prior to this May 31, 1984 plea deal, Seip was the primary suspect, with Hanson only being implicated for his role as an after-the-fact accomplice. Consequently, Chris Hanson was convicted for these crimes and received a sentence of Life Without Parole (LWOP).

Attorney Colie Chappelle, who represented Flora Reinbold's family wrote a letter to Judge Davison on May 31, 1984, expressing the Reinbold's opposition to Tim Seip receiving a reduced sentence based on their belief that Seip was the main culprit. This letter was never disclosed prior to trial, and in the years to follow, the Prosecution and Court denied any knowledge of this letter, despite it being cited at Tim Seip's March 20, 1986 PCRA Hearing.

The Government's interference with Petitioner Hanson's access to exculpatory evidence (the May 31, 1984 letter), and refusal to release the transcripts of Tim Seip's PCRA Hearing, qualifies as exceptions pursuant to 42 Pa. C.S §9545(b) for timely filing of a PCRA. The PCRA Courts have dismissed Hanson's PCRAs as untimely, refusing to acknowledge the timely filing, despite their being filed within 60 days of obtaining newly discovered evidence.

Under Brady v. Maryland, 373 U.S. 83; 83 S.Ct. 1196 (1963), the prosecution is required to disclose exculpatory evidence material to the guilt or punishment of an accused even absent a specific request. This failure to disclose vital evidence, and the refusal to release Tim Seip's 1986 PCRA transcripts, violates Hanson's Due Process rights under the Fifth Amendment.

The United States District Court and Third Circuit Court of Appeals were remiss in recognizing the timeliness of Petitioner's PCRA's, and that but for the constant government interference, Hanson would have been able to present these claims in a timely manner. The record shows that each time he did obtain new evidence, Hanson filed within the 60 day requirement.

An Extraordinary Writ of Habeas Corpus is the only viable option left to vindicate the violation of Mr. Hanson's Constitutional rights by government officials who intentionally withheld crucial exonerating evidence from Hanson. Wherefore, Petitioner prays this Honorable Court will grant this Petition for Extraordinary Writ of Habeas Corpus

Respectfully Submitted,

Date: \_\_\_\_\_

8.27.18

*Christopher Hanson*

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