

IN THE
SUPREME COURT OF THE UNITED STATES
NO. 19-5225

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SUPREME COURT U.S.

JONATHAN E. BRUNSON,
PETITIONER,

VS,

ERIK A. HOOKS, ETAL.,
RESPONDENTS.

PETITION FOR REHEARING OF
PETITION FOR A WRIT OF HABEAS
CORPUS (CORRECTED)

TO THE HONORABLE JUSTICES OF THE ABOVE NAMED SUPREME COURT:

JONATHAN E. BRUNSON, PETITIONER PROSE, RESPECTFULLY PETITIONS THIS COURT FOR REHEARING OF PETITION FOR A WRIT OF HABEAS CORPUS PURSUANT TO SUPREME COURT RULE 44.2. IN SUPPORT OF THIS PETITION, MR. BRUNSON SHOWS THE FOLLOWING:

GROUND ONE: SHOWING OF ACTUAL INNOCENCE BY TRIAL COURT'S DENIAL OF MR. BRUNSON'S CONSTITUTIONAL RIGHT TO DISCOVER EXCULPATORY SOCIAL SERVICES RECORDS OF THE PROSECUTING WITNESS IN VIOLATION OF THE 14TH AMENDMENTS DUE PROCESS CLAUSE UNDERLYING PENNSYLVANIA V. RITCHIE, 480 U.S. 39, 58 (1987). (U.S. CONST. AM. 5, 14) (PREVIOUSLY PRESENTED)

MR. BRUNSON MADE A SHOWING OF ACTUAL INNOCENCE IN HIS PETITION BASED UPON A TEN (10) YEAR RITCHIE VIOLATION. THE RITCHIE SUPREME COURT HELD THAT "THE CONSTITUTIONAL OBLIGATION IMPOSED BY RITCHIE IS ONE IMPOSED UPON THE STATE, WHICH MEANS UPON THE JUDGE AS WELL AS ALL OTHER STATE ACTORS INVOLVED IN THE PROCESS OF INSURING IN CAMERA INSPECTION OF EVIDENCE SUFFICIENTLY SHOWN, UNDER RITCHIE, TO BE SUBJECT TO THAT INSPECTION, IF INSPECTION IS EFFECTIVELY DENIED BY ANY ACTOR IN THE CHAIN, INCLUDING THE JUDGE AS FINAL ACTOR, THE FACT THAT SOME OTHER ACTORS IN THE CHAIN MAY HAVE DISCHARGED THEIR PORTION OF THE OBLIGATION CANNOT INSULATE THE VIOLATION FURTHER ON. NEITHER CAN THE OBLIGATION OF THE JUDGE, AS FINAL ACTOR IN THE PROCESS, BE AVOIDED BY DRAWING ON STATE LAW REQUIREMENTS WHICH MAY BE — AND UNDOUBTEDLY ARE — MORE STRINGENT THAN THE MERELY 'PLAUSIBLE SHOWING' WHICH, UNDER RITCHIE, SUFFICES TO REQUIRE IN CAMERA INSPECTION." Id. AT 58 n 15. NOTWITHSTANDING, THE TRIAL COURT FAILED ITS CONSTITUTIONAL OBLIGATION IMPOSED BY RITCHIE BY DENYING MR. BRUNSON HIS CONSTITUTIONAL "RIGHT TO DISCOVER EXCULPATORY EVIDENCE... AND A FAIR TRIAL." Id. AT 41. THE STATE GOVERNMENT FAILED ITS CONSTITUTIONAL "OBLIGATION TO TURN OVER EVIDENCE IN ITS POSSESSION THAT IS BOTH FAVORABLE TO [MR. BRUNSON] AND MATERIAL TO GUILT OR PUNISHMENT," Id. AT 57. THE TRIAL COURT FAILED ITS CONSTITUTIONAL OBLIGATION TO REVIEW THE CONFIDENTIAL SOCIAL SERVICES RECORDS "TO DETERMINE WHETHER IT CONTAINS INFORMATION THAT PROBABLY WOULD HAVE CHANGED THE OUTCOME OF [MR. BRUNSON'S] TRIAL [TO DETERMINE] IF... HE MUST BE GIVEN A NEW TRIAL." Id. AT 58. IN THE CASE OF RITCHIE, THIS SUPREME COURT REMANDED TO ALLOW THE TRIAL

COURT TO PROCURE AND REVIEW THE SOCIAL SERVICES RECORDS PURSUANT TO THE COMMANDS OF RITCHIE. IN MR. BRUNSON'S CASE, THERE IS NO PHYSICAL EVIDENCE AND THE TRIAL JUDGE BELIEVED THE PROSECUTING WITNESS'S "TESTIMONY IS NOT TRUE". (JUNE 16, TP. 8). THE ONLY DEFENDING EVIDENCE IN THE CASE IS THE CONFIDENTIAL SOCIAL SERVICES RECORDS THAT, AS ADMITTED TO BY SOCIAL WORKERS W. NUNNERY AND L. GOODE-EATMON, CONTAINS AS PART OF THEIR INVESTIGATION: 1) A 1999 DSS/CPS COMPLAINT OF THE PROSECUTING WITNESS; 2) TWO (2) GYNECOLOGY REPORTS OF THE PROSECUTING WITNESS; 3) A PSYCHOLOGY REPORT OF THE PROSECUTING WITNESS; 4) A PSYCHIATRY REPORT OF THE PROSECUTING WITNESS; 5) A LYME DISEASE REPORT OF THE PROSECUTING WITNESS; 6) INTERVIEWS WITH PSYCHOLOGIST DR. ELLIS; 7) INTERVIEWS WITH PSYCHIATRIST BARR; AND, AMONG OTHER THINGS, 8) INVESTIGATIVE NOTES. THIS RITCHIE EVIDENCE IS ALL EXCULPATORY AS MR. BRUNSON WAS CONVICTED BASED SOLELY ON THE TESTIMONY OF THE PROSECUTING WITNESS. DRS. ELLIS AND BARR WERE NOT CALLED BY THE STATE TO TESTIFY ON BEHALF OF THE PROSECUTING WITNESS, NOR THE DOCTOR(S) PERFORMING THE TWO (2) GYNECOLOGICAL EXAMS. GIVEN THE OPPORTUNITY TO PRESENT THIS EXCULPATORY RITCHIE EVIDENCE AT TRIAL, NO JUROR, ACTING REASONABLY, WOULD HAVE VOTED TO FIND MR. BRUNSON GUILTY BEYOND A REASONABLE DOUBT. THUS, THE STATES DENIAL OF MR. BRUNSON'S CONSTITUTIONAL "RIGHT TO DISCOVER EXCULPATORY EVIDENCE" AND "A FAIR TRIAL" RESULTED IN A MISCARriage OF JUSTICE AND CONVICTION AND IMPRISONMENT OF AN INNOCENT PERSON.

GROUND TWO: SHOWING OF ACTUAL INNOCENCE BY INEFFECTIVE ASSISTANCE

OF COUNSEL IN VIOLATION OF THE GUARANTEE OF THE ASSISTANCE OF COUNSEL.
(U.S. CONST. AM. 5, 6, 14). (NOT PREVIOUSLY PRESENTED).

FACTS :

1. MR. BRUNSON'S FIRST APPOINTED COUNSEL, DEBRA PRICE, FILED A RITCHIE MOTION ON 25 MARCH 2009 INVOKING HIS CONSTITUTIONAL RIGHT TO IN CAMERA JUDICIAL ACCESS TO CONFIDENTIAL SOCIAL SERVICES RECORDS.
2. MR. BRUNSON WAS APPOINTED VARIOUS ATTORNEYS, INCLUDING DEBRA PRICE, CARL IVARSSON, JR., AND JEFF NULL THAT REPRESENTED HIM FOR AN APPROXIMATE PERIOD OF TWENTY-SEVEN (27) MONTHS.
3. DURING THE APPROXIMATE 27 MONTH REPRESENTATION, THE ATTORNEYS ALL COLLECTIVELY FAILED TO PURSUE THE RITCHIE MOTION.
4. DURING THE APPROXIMATE 27 MONTH REPRESENTATION, THE ATTORNEYS ALL COLLECTIVELY FAILED TO OBTAIN IN CAMERA JUDICIAL ACCESS TO MR. BRUNSON'S EXCULPATORY RITCHIE EVIDENCE NECESSARY TO PREPARE HIS TRIAL DEFENSE.
5. DURING THE APPROXIMATE 27 MONTH REPRESENTATION, THE ATTORNEYS ALL COLLECTIVELY FAILED TO PREPARE A TRIAL DEFENSE OF ANY KIND FOR MR. BRUNSON, ESPECIALLY ONE BASED UPON THE EXCULPATORY RITCHIE EVIDENCE FAVORABLE TO HIM.

6. MR. BRUNSON, PRO SE, WAS TRIED AND CONVICTED WITHOUT THE DEFENSE OF HIS EXCULPATORY RITCHIE EVIDENCE AND BASED SOLELY ON THE TESTIMONY OF THE PROSECUTING WITNESS THAT THE TRIAL JUDGE BELIEVED HER "TESTIMONY IS NOT TRUE". (JUNE 16, TP. 8).

7. THE APPOINTED ATTORNEYS' COLLECTIVE FAILURE TO PURSUE AND OBTAIN IN CAMERA JUDICIAL ACCESS TO MR. BRUNSON'S EXCULPATORY RITCHIE EVIDENCE WITHIN THE APPROXIMATE 27 MONTHS PRIOR TO TRIAL SUBSTANTIALLY IMPAIRED HIS ABILITY TO DEFEND AGAINST THE SOLE TESTIMONY OF THE PROSECUTING WITNESS THAT THE TRIAL JUDGE BELIEVED HER "TESTIMONY IS NOT TRUE" (JUNE 16, TP. 8).

GIVEN THE OPPORTUNITY TO PRESENT THIS EXCULPATORY RITCHIE EVIDENCE AT TRIAL, NO JUROR, ACTING REASONABLY, WOULD HAVE VOTED TO FIND MR. BRUNSON GUILTY BEYOND A REASONABLE DOUBT. THE APPOINTED ATTORNEYS' FAILURE TO PURSUE AND OBTAIN MR. BRUNSON'S EXCULPATORY RITCHIE EVIDENCE IN PREPARATION OF HIS ONLY DEFENSE RESULTED IN AN UNFAIR TRIAL, A MISCARriage OF JUSTICE, AND A CONVICTION AND IMPRISONMENT OF AN INNOCENT PERSON.

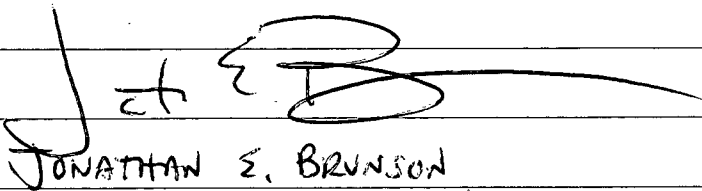
PRAYER FOR RELIEF

WHEREFORE, MR. BRUNSON RESPECTFULLY MOVES THIS COURT FOR ORDERS
(5)

PROVIDING THE FOLLOWING RELIEF :

1. ISSUING ITS WRIT OF HABEAS CORPUS;
2. VACATING MR. BRUNSON CONVICTIONS AND ORDERING A NEW TRIAL;
3. REMANDING TO ALLOW THE TRIAL COURT TO PROCURE AND REVIEW CONFIDENTIAL SOCIAL SERVICES RECORDS PURSUANT TO RITCHIE;
4. SUCH FURTHER RELIEF AS THE COURT FIND TO BE JUST AND PROPER.

RESPECTFULLY SUBMITTED THIS THE 6th DAY OF NOVEMBER 2019.



J. S. BRUNSON

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