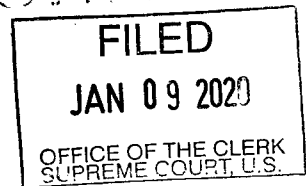


No. **19-7354**

ORIGINAL



---

IN THE  
SUPREME COURT OF THE UNITED STATES

---

LAWRENCE EDWARD MARTIN - PETITIONER

VS.

WENDY KELLEY, DIRECTOR - RESPONDENTS

ON PETITION FOR WRIT OF CERTIORARI TO  
UNITED STATES COURT OF APPEALS FOR  
THE EIGHTH CIRCUIT NO. 19-2660

---

PETITION FOR WRIT OF CERTIORARI

LAWRENCE EDWARD MARTIN #106491

EAST ARKANSAS REGIONAL UNIT

P. O. BOX 970

MARIANNA, ARKANSAS 72360

## QUESTION'S PRESENTED

- (1). WHETHER FINAL JUDGMENT DENYING PETITIONERS PETITION FOR WRIT OF ERROR CORAM NOBIS WAS APPEALABLE.
- (2). WHETHER ORDER DENYING APPOINTMENT OF COUNSEL TO INMATES WHO CLEARLY DEMONSTRATED HIS INABILITY TO AFFORD COUNSEL WERE DIRECTLY APPEALABLE. MARTIN A DEAF INMATE BOTH EARS.
- (3). WHETHER PETITIONER SHOULD BE ALLOWED TO SHOW IN CASE RECORDS THAT CONVICTION AND SENTENCE IN STATE COURT SHOULD BE SET ASIDE ON THE GROUNDS HIS CONSTITUTIONAL RIGHT TO COUNSEL HAD BEEN VIOLATED, AND STATE APPELLATE COURT VIOLATED THE REQUIREMENTS OF ANDERS V. CALIFORNIA 386 U.S. 738, 87 S.C.T. 1396, 18 L.ED 2d 493 [1967].
- (4). WHETHER PETITIONER'S CASE NOT FOLLOWED ON STATE LAW BOUNDS.
- (5). WHETHER A MISARRANGE OF JUSTICE DID OCCURE.
- (6). WHETHER THE RECORDS SHOW THE JURY WAS MISLED ON CHARGES THAT WERE DISMISSED.
- (7). WHETHER PETITIONER WAS ENTITLED TO EVIDENTIARY HEARING WHEN COURT APPOINTED PRIVATE COUNSEL SUBMITTED HIS NO-MERIT BRIEF WITHOUT HIS CLIENTS CONCENT, NOT KNOWING [HE] TOLD THE

## QUESTIONS PRESENTED

STATE APPELLATE COURT HIS CLIENT CONSENTED TO CAPITOL  
MURDER.

- (8). WHETHER STATE COURT VIOLATED A.C. A. § 16-91-202.
- (9). WHETHER ISSUES OF PERJURY AND PROSECUTOR MISCONDUCT DO  
EXIST THAT WARRANT AN HEARING.

## LIST OF PARTIES

[✓] ALL PARTIES APPEARS IN THE CAPTION OF THE CASE ON THE COVER  
PAGE.

## TABLE OF CONTENTS

OPINIONS BELOW	1-4.
JURISDICTION	2-4.
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	4-7.
STATEMENT OF CASE	8.
REASONS FOR GRANTING THE WRIT	8-16.
CONCLUSION	16-17.

## INDEX TO APPENDICES

APPENDIX A-1 / A-2 OPINION OF UNITED STATES COURT OF APPEALS	21/22.
APPENDIX B-1 / B-2 OPINION OF UNITED STATES DISTRICT COURT	23/24.
APPENDIX C-1-7 OPINION OF THE HIGHEST STATE COURT	25-31.

APPENDIX D MOTION FOR REHEARING TREATED FOR MOTION FOR RECON-  
SIDERATION \_\_\_\_\_ 32.

TABLE OF AUTHORITIES CITED

CASES	PAGE NO.
ANDERS V. CALIFORNIA, 386 U.S. 738, 87 S. CT. 1396 _____	I, 7, 8, 12.
BLACKBURN V. STATE OF ALA., 80 S. CT. 224 _____	14.
BLALOCK V. LOCKHART, 898 F. 2d 1367 _____	7, 11.
BROWNING V. STATE, 274 ARK. 13, 621 S.W. 2d 688 1981 _____	14.
COLEMAN V. THOMPSON, 501 U.S. 722, 750 1991 _____	13.
EVANS V. CLARK, 868 F. 2d 267 _____	11.
FORD V. NORRIS, 67 3d 162 8TH CIR. 1995 _____	10.
HENSON V. WYRICK, 634 F. 2d 1080 _____	10.
IMBLER V. PACHTMAN, 424 U.S. 419, 96 S. CT 984, 47 L. Ed 2d 1976 _____	15.
KENNEDY V. BLANKENSHIP, 100 F. 3d 640 _____	13.
MARTIN V. STATE OF ARKANSAS CR-95-1314 _____	9.
MAURER V. DEPT. OF CORRECTIONS, 32 F. 3d _____	10.
MILLER - CI V. COCKRELL, 123 S. CT. 1029 _____	10.

PEREZ V. DURAN, 962 F. Supp. 2d 533	15.
ROBBINS V. MAGGIO, 750 F. 2d 405	6, 9.
ROBBINSON V. STATE, 317 ARK. 512, 819 S.W. 2d 419 1994	14.
STATE V. LARIMORE, 341 ARKANSAS 397, 17 S.W. 3d 87	14.
STATE V. SHERMAN, 305 KAN. 88	10.
TRUJILLO V. STATE, 129 NEV. 706	6, 8, 9, 10.
U.S. V. MORGAN, 74 S.CT. 247	7, 9, 10.
VESQUEZ V. HILLERY, 474 U.S. 254, 1986	10.
5-36-103	10.
5-53-102	6, 7, 13, 14.
16-91-113 [281]	5, 12, 16.
16-91-202	5, 11, 13.
16-112-123	10.
18 U.S.C.A. § 243	10.
6TH AMENDMENT	5, 6, 10, 11, 12, 14, 15.
8TH AMENDMENT	5, 6, 10, 11, 12, 13, 14, 15.
14TH AMENDMENT	5, 6, 10, 11, 12, 13, 14, 15.
EXHIBITS	34-39.

IN THE

SUPREME COURT OF THE UNITED STATES

PETITIONER RESPECTFULLY PRAYS THAT A WRIT OF CERTIORARI  
ISSUE TO REVIEW THE JUDGMENT BELOW.

OPINIONS BELOW

☒ FOR CASES FROM FEDERAL COURTS:

THE OPINION OF THE UNITED STATES COURT OF APPEALS  
APPEARS AT APPENDIX A-1, A-2 TO THE PETITION  
AND IS

☐ REPORTED AT \_\_\_\_\_; OR,

☐ HAS BEEN DESIGNATED FOR PUBLICATION BUT IS NOT YET  
REPORTED; OR,

☐ IS UNPUBLISHED.

THE OPINION OF THE UNITED STATES DISTRICT COURT APPEARS  
AT APPENDIX B-1, B-2 TO THE PETITION AND IS

☐ REPORTED AT \_\_\_\_\_; OR,

☐ HAS BEEN DESIGNATED FOR PUBLICATION BUT IS NOT  
YET REPORTED; OR,

[ ] IS UNPUBLISHED.

[✓] FOR CASES FROM STATE COURTS:

THE OPINION OF THE HIGHEST STATE COURT TO  
REVIEW THE MERITS APPEAR AT APPENDIX C 1-7  
TO THE PETITION AND IS

[✓] REPORTED AT CITE AS 2019 ARK. 167; OR,

[ ] HAS BEEN DESIGNATED FOR PUBLICATION BUT IS NOT  
YET REPORTED; OR,

[ ] IS UNPUBLISHED.

THE OPINION OF THE \_\_\_\_\_  
COURT APPEARS AT APPENDIX \_\_\_\_\_ TO THE PETITION  
AND IS

[ ] REPORTED AT \_\_\_\_\_; OR,

[ ] HAS BEEN DESIGNATED FOR PUBLICATION BUT IS NOT YET  
REPORTED; OR,

[ ] IS UNPUBLISHED.

JURISDICTION

[ ] FOR CASES FROM FEDERAL COURTS:

THE DATE ON WHICH THE UNITED STATES COURT  
OF APPEALS DECIDED MY CASE WAS 12 - 20 - 2019.

[X] NO PETITION FOR REHEARING WAS TIMELY FILED  
IN MY CASE.

[ ] A TIMELY PETITION FOR REHEARING WAS DENIED  
BY THE UNITED STATES COURT OF APPEALS ON THE  
FOLLOWING DATE: \_\_\_\_\_, AND A COPY  
OF THE ORDER DENYING REHEARING APPEARS AT  
APPENDIX \_\_\_\_\_.

[ ] AN EXTENSION OF TIME TO FILE THE PETITION FOR A  
WRIT OF CERTIORARI WAS GRANTED TO AND INCL-  
UDING \_\_\_\_\_ [DATE] ON \_\_\_\_\_  
\_\_\_\_\_ IN APPLICATION NO. \_\_\_\_\_ A \_\_\_\_\_.

THE JURISDICTION OF THIS COURT IS INVOLVED UNDER  
28 U.S.C. § 1254(1).



[✓] FOR CASES FROM STATE COURTS:

THE DATE ON WHICH THE HIGHEST STATE COURT  
DECIDED MY CASE WAS MAY 30, 2019

A COPY OF THAT DECISION APPEARS AT APPENDIX C.

[✓] A TIMELY PETITION FOR REHEARING WAS THEREAFTER  
DENIED ON THE FOLLOWING DATE: 8-1-2019, AND  
A COPY OF THE ORDER DENYING REHEARING APPEARS  
AT APPENDIX C-1-7.

[ ] AN EXTENSION OF TIME TO FILE THE PETITION FOR

A WRIT OF CERTIORARI WAS GRANTED AND

INCLUDING \_\_\_\_\_ [DATE] ON \_\_\_\_\_

[DATE] IN APPLICATION NO. \_\_\_\_\_ A \_\_\_\_\_

\_\_\_\_\_.

THE JURISDICTION OF THIS COURT IS INVOLVED

UNDER 28 U.S.C. §1257 [2].

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

WHERE ISSUES OF ARGUEBLE MERIT ARE PRESENT,

APPELLATE REVIEW [CAN NOT] TAKE PLACE WITH OUT A FULLY  
ADVERSARIAL BRIEFING BY COURT APPOINTED PRIVATE COUNSEL,  
J. BLAKE HENDRIX, WHO FILES A [ANDERS BRIEF] ON MARTIN'S  
FIRST DIRECT APPEAL [ CAPITAL CASE ]. 6TH, 8TH, AND 14TH  
AMENDMENT VIOLATIONS; SEE § 16-91-113 [A] AND § 16-91-202  
CAPITAL CASES NO HEARING WAS CONDUCTED.

WHEN THE SENTENCE IS DEATH OR LIFE IMPRISONMENT,  
THE COURT [ MUST ] REVIEW ALL ERRORS PREJUDICIAL TO MARTIN  
IN ACCORDANCE WITH § 16-91-113 [B]. To MAKE THAT REVI-  
EW POSSIBLE, COURT APPOINTED PRIVATE ATTORNEY, J. BLAKE  
HENDRIX, MUST [ ABSTRACT ], [ OR INCLUDE ] IN THE ADDENDUM  
AS APPROPRIATE, [ ALL ] PROCEEDINGS ADVERSE TO HIM [ MADE ]  
BY THE CIRCUIT COURT ON ALL [ OBJECTIONS, MOTIONS, AND REQU-  
ESTS MADE BY EITHER PARTY ] COURT APPOINTED ATTORNEY J. B-  
LAKE HENDRIX DID NOT DO SO ]... TOGETHER WITH SUCH PARTS OF  
THE RECORD [ AS ] NEEDED FOR AN UNDERSTANDING BY HENDRIX ON

MARTIN'S VERY FIRST DIRECT DIRECT APPEAL OF EACH ADVERSE  
RULING. THE PROSECUTING ATTORNEYS OFFICE [DID NOT] M-  
AKE CERTAIN AND [CERTIFY] ALL OF THOSE OBJECTIONS HAVE  
BEEN [ABSTRACTED, OR INCLUDED IN THE ADDENDUM], AND  
DID NOT BRIEF ALL [POINTS] ARGUED BY HENDRIX ON MARTIN'S  
VERY FIRST DIRECT APPEAL [NOR ANY OTHER POINTS] ADDRESS-  
ED IN THIS WRIT THAT POINTS TO INVOLVE PREJUDICIAL ERROR.  
6TH, 8TH, AND 14TH AMENDMENT VIOLATIONS.

CONFLICT BETWEEN MARTIN, AND DISTRICT COURT'S  
OVER RULING TRUJILLO V. STATE, 129 NEV. 706, MARTIN'S WRIT  
OF ERROR CORAM NOBIS IS APPEALABLE. AND THE DENYING OF  
APPOINTMENT OF COUNSEL IS APPEALABLE. SEE ROBBINS V. MAGGIO  
/ 750 F.2d 405.

ON / FIRST DIRECT APPEAL [CAPITAL MURDER CASE], COURT  
APPOINTED PRIVATE COUNSEL IN HIS NO-MERIT BRIEF TO STATE  
APPELLATE COURT STATED: HIS CLIENT CONSENTED TO CA-  
PITAL MURDER, WITHOUT MARTIN'S CONSENT OR KNOWLEDGE. PE-

JURY 5-53-102, MARTIN IS ENTITLED TO A HEARING. SEE

BLALOCK V. LOCKHART, 898 F.2d 1367.

MARTIN, IN HIS CAPITAL SENTENCE, SHOULD BE ALLOWED TO HAVE THE [C]OURT REVIEW HIS 135 PAGE PETITION TO SHOW IN HIS [CRIMINAL CASE RECORDS] THAT: HIS CONVICTION AND SENTENCE IN STATE COURT SHOULD BE SET ASIDE, COURT APPOINTED PRIVATE ATTORNEY [FAILED TO ARGUE MERITED ISSUES] ON MARTIN'S FIRST DIRECT APPEAL [CAPITAL MURDER CASE], THE STATE APPELLATE COURT [DID NOT REVIEW MARTIN'S RECORDS. SEE ANDERS V. CALIFORNIA, 386 U.S. 738 S.C.T. 1396, 18 L.Ed. 493 1967; AND U.S. V. MORGAN, 74 S.C.T. 247.

### STATEMENT OF CASE

THERE IS THE EXISTENCE OF A CONFLICT BETWEEN THE DECISION OF STATE APPELLATE COURT, PETITIONER PROVED IN HIS 135 PG. PETITION THAT THE DISAGREEMENTS MUST BE RESOLVED, A MISCARRAGE OF JUSTICE OCCURED. PETITIONER PROVED IN TRIAL RECORDS THAT THE CONVICTION AND SENTENCE IN STATE COURT SHOULD BE SET ASIDE ON GROUNDS THAT MARTIN'S CONSTITUTIONAL RIGHT TO COUNSEL HAD BEEN VIOLATED, AND THE STATE APPELLATE COURT CLEARLY VIOLATED THE REQUIRMENTS OF ANDERS V. CALIFORNIA, 386 U.S. 738 S. CT. 1396, 18 L. ED 493 1967.

WHERE ISSUES OF ARGUEBLE MERIT ARE PRESENT, APPELLATE REVIEW CANNOT TAKE PLACE WITHOUT A FULLY ADVERSARIAL BRIEFING BY COURT APPOINTED PRIVATE COUNSEL J. BLAKE HENDRIX WHO FILES A ANDERS BRIEF ON FIRST DIRECT APPEAL. THE STATE APPELLATE COURT WOULD NOT ALLOW THE 135 PETITION TO BE REVIEWED, AND THE DISTRICT COURT REFUSE TO REVIEW. PLUS THE DISTRICT COURT OVERRULED TRUJILLO V. STATE, 129 NEV. 706, PETITIONER'S PETITION FOR WRIT OF ERROR CDRAM NOBIS IS APPEALABLE.

### REASONS FOR GRANTING THE WRIT

ARGUMENT (1). PETITIONER'S FINAL JUDGMENT DENYING HIS

PETITION FOR WRIT OF ERROR CORAM NOBIS IS APPEALABLE.

SEE TRUJILLO V. STATE, 129 NEV. 706, AND OPINION DELIVERED MAY 30, 2019 SUPREME COURT OF ARKANSAS NO. CR-95-1314 LAWRENCE EDWARD MARTIN V. STATE OF ARKANSAS. THE LEGAL BASIS FOR THE MAJORITY'S DECISION IS TO KEEP THE COURT FROM REVIEWING A MISARRANGE OF JUSTICE.

ARGUMENT (2). ORDER'S DENYING APPOINTMENT OF COUNSEL TO PETITIONER, A INMATE, DEAF BOTH EARS, WHO DID DEMONSTRATE HIS INABILITY TO AFFORD COUNSEL, IS APPEALABLE. SEE ROBBINS V. MAGGIO, 750 F. 2d 405.

ARGUMENT (3). PETITIONER SHOULD BE ALLOWED TO SHOW IN 135 PAGE PETITION, HIS CRIMINAL CASE RECORDS, THAT HIS CONVICTION AND SENTENCE IN STATE COURT SHOULD BE SET ASIDE COURT APPOINTED PRIVATE COUNSEL FAILED TO ARGUE MERITED ISSUES ON FIRST DIRECT APPEAL CAPITOL MURDER CASE, STATE APPELLATE COURT FAIL TO REVIEW THE RECORDS. U.S. V. MORGAN, 74 S. CT. 247.

ARGUMENT (4). PETITIONER'S CASE IS NOT FOLLOWED

ON STATE LAW GROUNDS. SEE U.S. V. MORGAN, 74 S. CT. 247, AND  
TRUJILLO V. STATE, 129 NEV. 706.

ARGUMENT (S). A MISCARRAGE OF JUSTICE DID OCCURE PROSECUTOR VOUCHER FOR ONLY BLACK JUROR [DOWLEY] WHO DID VOLUNTEER WORK FOR PROSECUTOR'S OFFICE, PROSECUTOR USED PEREMPTORY STRIKES AGAINST ALL OTHER AFRICAN AMERICANS. SEE MILLER V. COCKRELL, 123 S. CT. 1029; VASQUEZ V. HILLERY, 474 U. S. 254, 1986; FORD V. NORRIS, 67 3d 162 [8TH CIR. 1995].

THERE WAS PREJUDICE FROM JURY SELECTIONS, AVOIDABLE AND VISABLE NEGATIVE RESPONSES IN THE COURT ROOM [WARRANTS] A NEW TRIAL. SEE HENSON V. WYRICK, 634 F. 2d 1080, TRANSCRIPT RECORDS 281-282; 291-292. SEE 18 U. S. C. A. § 243, MAURER V. DEPT. OF CORRECTIONS, 32 F. 3d

SPECIAL PROSECUTOR REDUCED THEFT OF PROPERTY 5-36-103 TO A MISDEMEANOR. BUT GAVE THE JURY INSTRUCTIONS ON THEFT OF PROPERTY AND THEFT OFFENCES ANYWAY. UNETHICAL PROSECUTOR CAN NOT BE TOLERATED. SEE STATE V. SHERMAN, 305 KAN. 88. PETITIONER SHOULD BE ISSUED AN ILLEGAL IMPRISONMENT WARRANT § 16-112-123; 6TH, 8TH, 14TH AMENDMENT VIOLATIONS. SEE EXHIBITS ELECTRONICALLY

FILED PULASKI COUNTY CIRCUIT COURT JULY 6, 2017.

PETITIONER IS ENTITLED TO HAVE HIS DIRECT  
APPEAL REINSTATED. SEE EVANS V. CLARK, 868 F.2d 267.

THE ACTS WERE MALICIOUSLY AND WITHOUT PROBABLE  
CAUSE. SEE A.C.A. § 16-91-202 CAPITOL CASES, NO HEAR-  
ING WAS CONDUCTED.

ON FIRST DIRECT APPEAL, COURT APPOINTED PRIVATE  
COUNSEL FILED A NO-MERIT BRIEF, WITHOUT HIS CLIENTS  
CONSENT OR KNOWLEDGE. COUNSEL IN HIS NO-MERIT BRIEF  
TOLD THE STATE APPELLATE COURT HIS CLIENT CONSENTED  
TO CAPITOL MURDER MARTIN IS ENTITLED TO A EVIDENTI-  
ARY HEARING, MARTIN DID NOT CONSENT TO ANYTHING, IT  
WAS NOT KNOWING, OR HAVING OPPORTUNITY TO VIEW  
THE BRIEF HE SECRETLY FILED. SEE BLALOCK V. LOCKHART,  
898 F.2d 1367.

ARGUMENT [6]. THE RECORDS SHOW THE JURY  
WAS MISLED ON CHARGES THAT WERE DISMISSED SEE JURY  
INSTRUCTIONS AND PAGE 3 OF 43 VIOLATIONS, 6TH, 8TH, 14  
TH AMENOMENT VIOLATIONS.

ARGUMENT [7]. PETITIONER IS ENTITLED TO A HEARING  
APPOINTED PRIVATE COUNSEL FILED ANDERS BRIEF WITHOUT MAR-



TIN'S KNOWLEDGE OR CONSENT ON FIRST DIRECT APPEAL, TOLD  
STATE APPELLATE COURT HIS CLIENT CONSENTED TO CAPITAL MURDER,  
MARTIN IS ENTITLED TO A EVIDENTIARY HEARING. THE STATE A-  
PPELLATE COURT VIOLATED THE REQUIRMENTS OF ANDERS V. CALI-  
FORNIA, 386 U.S. 738 S. CT. 1396, 18 L. ED 493 [1967] DID NOT  
REVIEW MARTIN'S RECORDS.

MARTIN WAS DENIED FAIR PROCEEDURES 6TH, 8TH AND 14TH  
AMENDMENT VIOLATIONS; A. C. A. § 16-91-113 [A]. MARTIN'S CASE IN-  
VOLVED RECORDS OF ARGUABLE MERIT [THAT COULD NOT] HAVE BEEN  
DECIDED [WITHOUT] THE FULL BENEFIT OF AN ADVERSARIAL PRESENT-  
ATION, ISSUES DO EXSIST.

ARGUMENT (8) MARTIN'S CAPITAL CONVICTION AND SENT-  
ENCE WAS AFFIRMED ON DIRECT APPEAL, COURT APPOINTED PRIVATE ATT-  
ORNEY FILED A NO-MERIT BRIEF, LIED TO JUSTICES SAID ~~IN~~ CONSEN-  
TED TO CAPITAL MURDER WITH OUT MY CONSENT OR KNOWLEDGE 6TH  
8TH, AND 14TH AMENDMENT VIOLATION, THE STATE APPELLATE COURT DID  
NOT REVIEW THE RECORDS IN MY CAPITAL MURDER CASE, THE PULASKI C-  
OUNTY CIRCUIT COURT WHOM ALLOWED THE JURY TO BE MISLED ON  
CHARGES THAT WAS DISMISSED TWO WEEKS AFTER AFFIRMANCE OF MY

FIRST DIRECT APPEAL DID NOT CONDUCT A HEARING NOR ENTERED A WRITTEN ORDER APPOINTING COUNSEL TO REPRESENT PETITIONER, MARTIN IN A POST-CONVICTION PROCEEDING UPON ISSUANCE OF THE MANDATE BY THE APPELLATE COURT. A MISCARRAGE OF JUSTICE OCCURED AND §16-91-202 CAPITAL CASES VIOLATION, 8TH AND 14 AMENDMENT VIOLATIONS; THIS IS THE IMPORTANCE TO THE PUBLIC OF THE ISSUES AND TO RESOLVE THE ISSUES/ DISAGREEMENT AMONG LOWER COURTS OF SPECIFIC RECORDS OF CONFLICTS, LONG DISCARDED AND UNRESOLVED MATTERS OF PETITIONERS LIFE.

THE DUE PROCESS CLAUSE OF THE 14TH AMENDMENT, NOT LAWS GOVERNS PROCEDURES WHICH LOWER COURTS MUST FOLLOW IN DEPRIVING MARTIN OF HIS SUBSTANTIVE LIFE, AND LIBERTY INTERESTS. SEE KENNEDY V. BLANKENSHIP, 100 F.3d 640; COLEMAN V. THOMPSON, 501 U.S. 722, 750 [1991].

ARGUMENT (9). ISSUES OF PERJURY AND PROSECUTOR MISCONDUCT DO EXIST THAT WARRANT AN HEARING, ON 5-31-95 MARTIN, A DETAINEE, WAS ORDERED TO THE STATE CRIME LAB FOR A VIDEO TAPE DEPOSITION MEDICAL PG. 26 OF 43 DOCKET SHEETS. CAPTURED MATERIAL

EVIDENCE WAS WITHHELD, ALTERED, PER JURY IN OFFICIAL PROCEEDINGS. THE MEDICAL EXAMINER STATED IN THE VIDEO ONE PERSON COULD NOT HAVE COMMITTED THE CRIME, THAT TWO PEOPLE HAD TO DO IT DUE TO THE DEPTHS OF THE WOUNDS. MATERIAL EVIDENCE WAS ALTERED TO A WRITTEN DEPOSITION FALSIFIED EVIDENCE PRESENTED IN CIRCUIT COURT, DESTROYED MATERIAL EVIDENCE NOT ARGUED ON FIRST DIRECT APPEAL 6TH, 8TH, 14TH AMENDMENT VIOLATIONS. THE DUE PROCESS CLAUSE OF THE 14TH AMENDMENT FORBIDS FUNDAMENTAL UNFAIRNESS IN THE USE OF EVIDENCE. SEE BLACKBURN V. STATE OF ALA., 80 S. CT. 224; STATE V. LARIMORE, 341 ARK. 397, 17 S. W. 3d 87.

MATERIAL EVIDENCE WAS WITHHELD AND NOT ARGUED ON FIRST DIRECT APPEAL TRANSCRIPT PAGES 181-184 PER JURY IN THE OFFICIAL PROCEEDINGS THE PROSECUTOR COMMITTED PER JURY 5-53-102. THE POLICE FILE'S ESSENTIALLY [IS] THE PROSECUTOR'S FILE, AND THE PROSECUTOR IS CHARGED WITH KNOWLEDGE OF EVERYTHING IN THE POLICE FILE WHETHER SEEN OR NOT. ROBINSON V. STATE, 317 ARK. 512, 879 S. W. 2d 419 [1994]. SEE BROWNING V. STATE, 274 ARK. 13, 621 S. W. 2d 688 [1981]. ABSTRACT OF TRANSCRIPT PAGE 184 LINES 4-11 AS FOLLOWS:

Q. WHO IS WRONG?

A. WE DIDN'T HAVE THE FINGER PRINT AT THAT TIME.

Q. I DIDN'T THINK YOU DID EITHER. CHANDLER HAS SWORN UNDER OATH THAT THAT IS NOT THE CHRONOLOGY OF THE EVENTS AND WE KNOW THAT IS NOT THE CHRONOLOGY OF EVENTS. HE HAS LIED TO THE ISSUING MAGISTRATE TO GET THIS ARREST WARRANT NOW HASN'T HE?. SEE TRANSCRIPT RECORDS 207-208 COURT APPOINTED PRIVATE ATTORNEY SAID: HE WOULD NOT LET THE MATTER PASS. JURISDICTION WAS LOST IN THE PROCEEDINGS, PROSECUTOR EXCUSED CHANDLER FROM THE PROCEEDINGS. 6TH, 8TH, AND 14TH AMENDMENT VIOLATIONS.

WHEN A [POLICE OFFICER AND PROSECUTOR] CREATES FALSE INFORMATION TO INFLUENCE A JURY'S DECISION THEY VIOLATE MARTIN'S CONSTITUTIONAL RIGHT TO A FAIR TRIAL. SEE PEREZ V. DURAN, 962 F. SUPP. 2d 533.

THE DUTY TO DISCLOSE EVIDENCE FAVORABLE TO THE ACCUSED EVEN CONTINUES AFTER TRIAL. SEE IMBLER V. PACHTMAN, 424 U.S. 409, 96 S. CT. 984, 47 L. ED. 2d 128 [1976].

WHEN THE SENTENCE IS DEATH OR LIFE IMPRISONMENT, THE

COURT MUST REVIEW ALL ERRORS PREJUDICIAL TO MARTIN IN ACCORDANCE WITH ARK. CODE ANN. §16-91-113 [B]. TO MAKE THAT REVIEW POSSIBLE ON FIRST DIRECT APPEAL COURT APPOINTED PRIVATE ATTORNEY J. BLAKE HENDRIX [MUST] ABSTRACT, OR INCLUDE IN THE ADDENDUM, AS APPROPRIATE, ALL PROCEEDING ADVERSE TO MARTIN MADE BY THE CIRCUIT COURT ON ALL OBJECTIONS, MOTIONS, AND MADE BY EITHER PARTY [HENDRIX] DID NOT DO SO OF EACH ADVERSE RULING. THE PROSECUTING ATTORNEY DID NOT MAKE CERTAIN AND CERTIFY ALL OF THE OBJECTIONS HAVE BEEN ABSTRACTED, OR INCLUDED IN THE ADDENDUM, AND DID NOT BRIEF ALL POINTS ARGUED BY HENDRIX ON MARTIN'S VERY FIRST APPEAL, NOR ANY OTHER POINTS ADDRESSED IN THE MATTER'S NOW BEFORE THE COURT THAT POINTS TO INVOLVE PREJUDICIAL ERROR.

THE IMPRISONMENT DOES NOT CONFORM TO THE FUNDAMENTAL REQUIREMENTS OF LAW, MARTIN SHOULD BE ENTITLED TO HIS IMMEDIATE RELEASE.

#### CONCLUSION

IT IS SO PRAYED THAT RELIEF IS GRANTED, THAT ALL CON-

FLICTS ARE RESOLVED, AND RESOLVE THE DISAGREEMENTS OF ALL  
LEGAL QUESTIONS, AND THE PUBLIC NEED TO KNOW THAT MARTIN WAS  
SUBJECTED TO UNFAIR CRIMINAL PROCEEDINGS IN HIS CAPITAL  
CASE. THE PETITION FOR A WRIT OF CERTIORARI SHOULD BE GRANTED

RESPECTFULLY SUBMITTED,

\_\_\_\_\_  
DATE: \_\_\_\_\_

No. \_\_\_\_\_  
\_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES  
\_\_\_\_\_

LAWRENCE EDWARD MARTIN - PETITIONER

VS.

WENDY KELLEY, DIRECTOR - RESPONDENT [S]

PROOF OF SERVICE

I, LAWRENCE EDWARD MARTIN, DO SWEAR OR DECLARE THAT

APPROXIMATELY ON 08/28/2019 THE CLERK OF THE COURT OF APPEALS, EIGHTH CIRCUIT MR. MICHAEL E. GANS DOCUMENTED IN THE ELECTRONIC FILES AND INFORMED APPELLANT MARTIN AND THE COURT THAT APPELLANT, LAWRENCE MARTIN IS THE ONLY - PARTY TO CASE NO. 19-2660.

NEVERTHELESS, IT IS ELECTRONICALLY FILED WITH SERVICE THAT APPELLANT, LAWRENCE MARTIN APPROXIMATELY ON 08/28/2019 DID MAIL DIRECTOR, WENDY KELLEY @ P.O. BOX 8707, PINE BLUFF, ARKANSAS 71611-8707 A. NOTORIZED MOTION FOR LEAVE TO PROCEED ON APPEAL IN FORMA PAUPERIS W/ATTACHED AFFIDAVIT. THE DIRECTOR, WENDY KELLEY RETURNED MY DOCUMENTS TO ME THROUGH THE EAST ARKANSAS REGIONAL UNIT LAW LIBRARY SUPERVISOR MS. STACY ROEBUCK DISCUSSING THE MATTER WITH HER INMATE LAW LIBRARY CLERKS. WHAT WAS RETURNED TO ME FROM DIRECTOR, WENDY KELLEY WAS FORWARDED AND DOCUMENTED @ THE CLERK: U.S. COURT OF APPEALS, EIGHTH CIRCUIT, MR. MICHAEL E. GANS WHO INFORMED ME AND DOCKETED THAT THERE WAS [NO PARTY BUT APPELLANT, LAWRENCE EDWARD MARTIN,] HAS NO PARTY'S INVOLVED AGAINST HIM IN THE MATTER NOW BEFORE THE COURT 8TH CIR CASE NO. 19-2660 THAT THE COURT WILL INFORM [HIM], APPELLANT, LAWRENCE WHEN THE COURT MAKES IT'S DECISION / ACTS, WHICH WAS 12-20-2019.

ON THIS DATE 1-8-2020, ~~2020~~ AS REQUIRED BY SUPREME

COURT RULE 29 I HAVE SERVED THE ENCLOSED, THE MOTION FOR LEAVE  
TO PROCEED IN FORMA PAUPERIS AND PETITION FOR A WRIT OF CERTIORARI  
ON THE ABOVE PARTY DIRECTOR, WENDY KELLEY IN THE UNITED STATES  
MAIL PROPERLY ADDRESSED FIRST CLASS POSTAGE PREPAID.

THE PARTY NAME AND ADDRESS'S OF THOSE SERVED ARE AS FOLLOWS:

CENTRAL OFFICE, DIRECTOR, WENDY KELLEY, P.O. BOX 8707, PINE  
BLUFF, ARKANSAS 71611-8707.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE  
AND CORRECT.

EXECUTED ON 1 - 8 - , 2020.

STATE OF ARKANSAS

Judith Math

COUNTY OF LEE

SUBSCRIBED AND SWORN TO BEFORE ME, A NOTARY PUBLIC ON THIS  
08 DAY OF 01 , 2020.

MY COMMISSION EXPIRES 10/10/2026.

NOTARY PUBLIC Tyrone Allison Sr.

