

19-7354

IN THE

SUPREME COURT OF THE UNITED STATES

LAWRENCE EDWARD MARTIN - PETITIONER

VS.

WENDY KELLEY, DIRECTOR, A.D.C. - RESPONDENTS

PETITION FOR REHEARING AND SUGESTION FOR
REHEARING EN BANC, FOUR JUDGES

PETITION FOR REHEARING

LAWRENCE EDWARD MARTIN

NO. 106491

EAST ARKANSAS REGIONAL UNIT

P.O. BOX 470

MARIANNA, ARKANSAS 72360

RECEIVED

MAY - 4 2020

OFFICE OF THE CLERK
SUPREME COURT, U.S.

GROUND'S FOR GRANTING PETITION FOR REHEARING.

11. PROSECUTORS DID WITHHOLD MATERIAL EVIDENCE TO MISLEAD LOWER COURTS, AND THIS COURT AS TO CONSTITUTIONAL DEPRIVATIONS. THE EXHIBITS IN THIS PETITION FOR REHEARING IS UNDISPUTED. THE CONSTITUTIONALITY OF A WARRANTLESS ARREST DEPENDS UPON WHETHER AT THE MOMENT THE FACTS AND CIRCUMSTANCES WITHIN THE ARREST WAS MADE. OFFICER F. CHANDLER HAD NO PROBABLE CAUSE TO MAKE IT. UNITED STATES V. FIGUEROA, 818 F.2d 1020, 1023 1ST CIR. 1987; REVIEW TRANSCRIPT PAGES 179-184 THE LITTLE ROCK POLICE ADMITTED TO PERJURY IN PETITIONERS CRIMINAL PROCEEDINGS. THE POLICE FILE ARE THE PROSECUTORS FILES, THE PROSECUTOR IS CHARGED WITH KNOWLEDGE OF EVERYTHING THATS IN THE POLICE FILES WHETHER SEEN OR NOT. ROBINSON V. STATE, 317 ARK. 512, 879 S.W. 2d 419 1994. A MISSTATEMENT OF LAW WHETHER BY THE PROSECUTOR OR THE COURT DENIED PETITIONER A FAIR TRIAL. RELEVANT EVIDENCE IS EVIDENCE HAVING THE TENDENCY IN REASON TO PROVE ANY MATERIAL FACTS. K.S.A. 60-401 (B).

- 2). THE PROSECUTOR FALSIFIED MATERIAL EVIDENCE JUDGEMENT AND COMMITMENT ORDER, J. BLAKE HENDRIX WAS PETITIONER'S COURT APPOINTED LEGAL COUNSEL. SEE JUDGEMENT AND COMMITMENT ORDER, AND DOCKET SHEET PAGE 5 OF 43; ORDER APPOINT COUNSEL J. BLAKE HENDRIX ON 8-22-1994 @ 11:59 PM; PERJURY 5-53-102, HENDRIX WAS PAID \$ 7,991 BY COURT ORDER TO REPRESENT PETITIONER, LAWRENCE MARTIN.
3. THE PROSECUTOR DID WITHHOLD FAVORABLE MATERIAL EVIDENCE, ALTERED THE VIDEO DEPOSITION TO A WRITTEN DEPOSITION. PERJURY 5-53-102 IN PETITIONER'S CRIMINAL PROCEEDINGS. ON 5-31-1995 PETITIONER WAS ORDERED TO THE STATE CRIME LAB FOR A VIDEO TAPED DEPOSITION. SEE DOCKET SHEET 26 OF 43; AND BUCKLEY V. NORRIS, 201D WL 419414; BUCKLEY V. STATE, 210 ARK. 154; AUTOPSY REPORTS VIDEO AND ALTERED WRITTEN DEPOSITION. ARK. CODE. ANN. §12-12-313. ALTERATIONS IN REPORTS GO'S TO WEIGHT, NOT ADMISSIBILITY. LARIMORE V. STATE, 317 ARK. 111, 877 S.W. 2d 510 1994. EVIDENCE OF PROSECUTOR ALTERING THE VIDEO TO A WRITTEN DEPOSITION CHANGE-

ING THE MEDICAL EXAMINERS OPINION COMMITTING
PERJURY S-53-102 IS EXCULPATORY UNDER BRADY
BECAUSE IT OPENED UP FOR IMPEACHMENT OF THE
MEDICAL EXAMINER WHO THE PROSECUTOR HOODWIN-
KED. STATE V. LARIMORE, 341 ARK. 397, 17 S.W.3d
87, 101 ALR 5TH 695 2000.

- 4). THE PROSECUTOR DID MISLEAD THE JURY ON CHARGES
THAT WERE DISMISSED, AND THE STATE APPELLATE COURT
MENTIONED [ROBBERY CONVICTION] IN MARTIN V. STATE,
328 ARK. 420; SEE DOCKET SHEET PAGE 3 OF 43; SEE
TRANSCRIPT PAGES 800-801; SEE ORDER STATE OF ARK-
ANSAS V. LAWRENCE MARTIN CASE NO: CR 1994-21
46. SEE FELONY INFORMATION COUNT 1 THE
UNDERLINE CHARGE, [AGGRAVATED ROBBERY] IN CA-
PITAL MURDER WAS DISMISSED. PETITIONER COULD NOT
BE CHARGED WITH CAPITAL MURDER. 6TH, 8TH AND
14TH AMENDMENT VIOLATIONS.

PETITIONER, PRAYS A PETITION FOR REHEARING BE IS-
SUED, IT IS SO PRAYED,

CONCLUSION

ON THIS DATE 4-23-2020, 2020. AS REQUIRED
BY THE SUPREME COURT RULE 29 I HAVE SERVED THE
ENCLOSED PETITION FOR REHEARING ON THE PARTY TO THE
ABOVE PETITION ON 4-23-2020 BY DEPOSITING AN
ENVELOPE CONTAINING THE ABOVE DOCUMENTS IN THE U.S.
MAIL PROPERLY ADDRESSED TO EACH OF THEM AND WITH
FIRST CLASS POSTAGE PRE-PAID, OR BY DELIVERY TO A
THIRD-PARTY COMMERCIAL CARRIER FOR DELIVERY W-
ITHIN 3 CALENDER DAYS.

THE NAMES AND ADDRESSES OF THOSE INVOLVED AS FOL-
LOW: WENDY KELLEY, DIRECTOR, ARKANSAS DEPT. OF COR-
RECTIONS P.O. BOX 8707 PINE BLUFF, ARKANSAS 71611.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOLLOW-
ING IS TRUE AND CORRECT.

EXECUTED ON 4-23-2020, 2020

STATE OF ARKANSAS

Janet M. Martin

COUNTY OF LEE.

SUBSCRIBED AND SWORN TO BEFORE ME, A NOTARY PUBLIC
ON THIS 23rd, DAY OF April, 2020

MY COMMISSION EXPIRES 1-25-2027.

NOTARY PUBLIC Stephen Lane Sr

4.



**Additional material
from this filing is
available in the
Clerk's Office.**