

19-8916

No. _____

Supreme Court, U.S.
FILED

JUN 26 2020

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

Adam Lee Hamilton — PETITIONER
(Your Name)

vs.

Eileen Ramey — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

The Missouri Supreme Court
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Adam Lee Hamilton
(Your Name)

8200 No More Victim Road
(Address)

Jefferson City, Missouri 65101
(City, State, Zip Code)

N/A
(Phone Number)

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SUPREME COURT, U.S.

QUESTION(S) PRESENTED

Does the State of Missouri have the authority under The Constitution Of The United States to charge, try and convict by a Jury Petitioner of, First degree robbery; First degree assault, and two counts of armed criminal action under Missouri Law (Sections 569.020; 565.050 and 571.015.) And In so doing fail to disclose exculpatory and impeaching evidence newly discovered. (One) U.S. Department of Justice / F.B.I. documents disclose upon request about Andy Todd Wagoner who under oath claim he was train by the F.B.I. in advanced fingerprint identification in fact is not true. Andy Todd Wagoner was the State of Missouri's expert witness in petitioner case. (Two) SouthEast Missouri Crime Lab (SEMO) Crime Lab returned Andy Todd Wagoner training and curriculum vitae prior to the lab merging with the Missouri State Highway Patrol. From 1986-2003 "his personnel file was later given to his family after he died in 2012. (Three) The Pemiscot County Prosecutors Office withheld exculpatory and impeaching evidence of a newly discovered of an Pemiscot County Sheriff's Department (KAB-243) Radio Log dated May 19, 1997 the day after the robbery showing two other males looking for the money from the robber.

The Question(s) Presented are, does the State of Missouri have the authority to deprive petitioner of his liberty under The Constitution Of The United States, The Fourteenth Amendment, Section 1, And overrule, Brady v. Maryland, 373 U.S. 83, 83 S.Ct. 1194, 10 L. Ed. 2d 215 (1963); Napue v. Illinois, 360 U.S. 264, 79 S.Ct. 1173, L. Ed. 2d 1217 (1959); and Ariz. v. Youngblood, 488 U.S. 51.

LIST OF PARTIES

☒ All parties appear in the caption of the case on the cover page.

☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	5-7
CONCLUSION.....	8

INDEX TO APPENDICES

APPENDIX A	<i>Order of the Missouri Supreme Court</i>	1
APPENDIX B	<i>Newly Discovered Evidence</i>	2-24
APPENDIX C	<i>Petition For Writ of Habeas Corpus Filed in Missouri Supreme Court</i>	25-109
APPENDIX D	<i>Order of the Western District Court of Appeals</i>	110
APPENDIX E	<i>Memorandum, Order, And Judgment of Cole County Circuit Court</i>	111-122
APPENDIX F	<i>Sentence and Judgment of the Circuit Court of Pemiscot County, State of Missouri</i>	123-124

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
<i>Ariz. v. Youngblood</i> , 488 U.S. 51,	2, 6
<i>Brady v. Maryland</i> , 373 U.S. 83, 83 S.Ct. 1194, 10 L.Ed. 2d 215 (1963),	2, 5, 7.
<i>Deck v. State</i> , 68 S.W. 3d 418 (Mo. banc 2002),	4
<i>Giglio v. United States</i> , 405 U.S. 150, 153, 92 S.Ct. 763, 31 L.Ed. 2d 104 (1972),	6
<i>Hamilton v. State</i> , 31 S.W. 3d 124 (Mo. App. S.D. 2000),	4
<i>Kyles v. Whitley</i> , 514 U.S. 419, 433, 115 S.Ct. 1555, 131 L.Ed. 2d 490 (1995),	6, 7.
<i>Napue v. Illinois</i> , 360 U.S. 264, 79 S.Ct. 1173, 3 L.Ed. 2d 1217 (1959),	2, 6
<i>State v. Hamilton</i> , 966 S.W. 2d 758 (Mo. App. S.D. 1999),	4
STATUTES AND RULES	
Revised Missouri Statutes, 869.020 ; 565.050 and 571.015,	2
Missouri Supreme Court Rule 91,	4
Missouri Supreme Court Rule 29.15,	4
Missouri Sunshine Law Section 610,	6
OTHER	
The Constitution Of The United States	
Fourteenth Amendment, Section 1,	2, 5, 7.

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

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 _____ 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 _____ 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 appears at Appendix A 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 _____ 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 _____.

☐ 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 including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was April 28, 2020.
A copy of that decision appears at Appendix A.

☐ A timely petition for rehearing was thereafter denied on the following date: N/A See Affidavit w/Ex., 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 including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Constitution Of The United States, Fourteenth Amendment

Section 1. - - - - - 2,57.

STATEMENT OF THE CASE

Petitioner is being restrain from the free exercise of his liberty at the Jefferson City Correctional Center in Jefferson City, Missouri after exculpatory and impeaching evidence was withheld from the jury that convicted petitioner of First degree Robbery, First degree Assault and two counts of Armed Criminal Action. On June 25, 1998 the Circuit Court of Pemiscot County, Missouri sentenced Petitioner as a prior and persistent offender, and sentenced petitioner to 15 years and 25 years consecutively for a total of 40 years.

The basis for the charges stems from a robbery of a HAYS store in Hays, Missouri. The fact is not a person identified petitioner as the robber or shooter, the only testimony linking petitioner is the testimony of Andy Todd Wagoner the State of Missouri expert witness.

Petitioner appealed the judgment of conviction, *State v. Hamilton*, 966 S.W.2d 758 (Mo. App. S.D. 1999), timely filed a 2915 post-conviction motion, denied without an evidentiary hearing. It was appealed and, denied, *Hamilton v. State*, 31 S.W.3d 124 (Mo. App. S.D. 2000). Petitioner timely filed a federal Habeas Corpus petition U.S. Dist. Court, Eastern Dist. Mo. No. 4:01CV659TJA, denied. The Missouri Supreme Court in *Deck v. State*, 68 S.W.3d 418 (Mo. banc 2012) abrogated *Hamilton v. State*, 31 S.W.3d 124 (Mo. App. S.D. 2000).

Petitioner filed a Petition for Writ of Habeas Corpus pursuant to Mo. Sup. Ct. R. 91, in the Circuit Court of Cole County, Missouri Case No. 16 AC-CC00038, denied. Proceeded to the Missouri Court of Appeals, Western District, Case No. WD81031, denied. Petitioner sought habeas relief before the Missouri Supreme Court, Case No. SC98333, denied.

REASONS FOR GRANTING THE PETITION

This Honorable Court may exercise its discretion to entertain this action because of the nature and circumstances of the question(s) presented is such public importance that the settled law issued by this court and the failure of the State of Missouri to apply settled law as determined by The United States Supreme Court.

The State of Missouri, failure to disclose exculpatory and impeaching evidence. The States expert witness Andy Todd Wagoner falsely claimed he was train in school in Quantico Virginia for advanced finger print identification. In fact he attended a seminar Norfolk Virginia for Gunpowder and Primer Residue School. The State of Missouri violated petitioner right to due process of law under the Constitution Of The United States, Fourteenth Amendment, Section 1., also the settled law of Brady v. Maryland, 373 U.S. 83, 83 S.Ct. 1194, 10 L. Ed. 2d 215 (1963), this is favorable to petitioner because it is exculpatory and impeaching, and that this evidence was either willfully or inadvertently, and prejudice must have ensued.

The only person that testified about the palm print that link petitioner to crime seen exit door of the HAYS store was Mr. Wagoner. Had the State of Missouri disclosed the document's that is favorable to petitioner Mr. Wagoner would have been impeached about his training without the newly discovered document petitioner was prejudice. Andy Todd Wagoner testimony under oath was false, his deception of the court and jurors by the presentation of known false evidence is incompatible with rudimentary demands of justice.

Giglio v. United States, 405 U.S. 150, 153, 92 S.Ct. 763, 31 L. Ed. 2d 104 (1972). The State took active steps to erase in bad faith his action at the South East Missouri Crime Laboratory. Under the Missouri Sunshine law Section 610., Andy Todd Wagoner's training, certification, curriculum vitae and all documents used by him testing and otherwise is subject to disclosure under the law. The State of Missouri (SEMO) Laboratory returned these records to Andy Todd Wagoner prior to the laboratory merging with the Missouri State Highway Patrol Crime Laboratory in 2006. It is unknown to me why Mr. Wagoner work for the lab ended in 2003, but his personnel file after he passed away in 2012 was given to his family. A copy of the files and other documents under Missouri law must be held. Petitioner's position is that Mr. Wagoner was let go prior to the merging to prevent his fraud from being discover by the Missouri State Highway Patrol that was going to be audited and accredited in 2008 by ASCLD/LAB.

This was done in bad faith and in violation of Missouri Law Section 610, Sunshine law and in violation of petitioner right to due process of law. See., *Ariz v. Youngblood*, 488 U.S. 51, . His false testimony runs contrary to *Napue v. Illinois*, 360 U.S. 264, 79 S.Ct. 1173, 3 L. Ed. 2d 1217 (1959). Petitioner was prejudice.

The document's from the U.S. Department Of Justice / F.B.I are favorable evidence and is material, there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different. *Kyles v. Whitley*, 514 U.S. 419, 433, 115 S.Ct. 1555, 131 L. Ed. 2d 490 (1995).

The State of Missouri, (Pemiscot County Prosecutors Office) failed to disclose the Pemiscot County Sheriff's Department (KAB-243 Radio Log,) dated May 19, 1997. Officer 503 radio in the following; REPORT OF 2 BLK MALES IN BLUE 4DR

CAVILER GOING TO LOOK FOR THE
MONEY ON 61 AT GAS STATION"

The fact that the State fail to disclose this Radio log was was prejudicial. Petitioner stood trial alone with evidence pointing to others that may have committed the Crime. Just from the Radio log two others took active steps to "look for the money on 61 at gas station". The fact is they wer in the same place the gun used to shoot a victim was found and yards away from a mask was found on May 18, 1997 the night of the robbery. Steven Cole and Larry Cutler Jr. identified two men one was 5'6" - 5'8" 165 to 175 lbs. The other 6'0" or more 200lbs. Two fingerprints wer found on the exit door of the Hays store and never identified, also footprints that did not match petitioners shoes. This newly discovered Radio log is favorable evidence that is material for Brady purposes. The failure to disclose this material evidence denied petitioner Due process of law under the Constitution Of The United States Fourteenth Amendment, Section 1,. Had this been disclosed there is a reasonable probability that the results of the proceedings would have been different. *Brady v. Maryland*, 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215 (1963); *Kyles v. Whitley*, 514 U.S. 419, 433, 115 S. Ct. 1555, 131 L. Ed. 2d 490 (1995).

Petitioner prays this Honorable Court finds that a solid
Case of a violation of the Fourteenth Amendment, Section 1,
has happened here.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Adam Lee Hamilton

Date: June 23, 2020

Subscribed and sworn to before me this 23 day
of June in the year 2020.

Susan Ditch



SUSAN DITCH
My Commission Expires
May 27, 2024
Cole County
Commission #16322131