



SCANNED

## In the Missouri Court of Appeals Eastern District

STATE EX REL. JAMES WARD,  
PETITIONER,

vs.

TROY STEELE, RESPONDENT.

) No. ED108108  
)  
) Writ of Habeas Corpus  
)  
)  
)  
)  
)

### ORDER

Relator has filed a Petition for Writ of Habeas Corpus along with Suggestions in Support and Exhibits.

Being duly advised in the premises, the Court hereby DENIES Relator's Petition for Writ of Habeas Corpus.

SO ORDERED.

DATE: August 27, 2019

Sherri B. Sullivan  
Sherri B. Sullivan, Presiding Judge  
Writ Division IV  
Missouri Court of Appeals, Eastern District

[Appendix A]

cc: Troy Steele  
James Ward  
Caroline Coulter



**In the Circuit Court  
Of Washington County, Missouri  
Division 3**

<b>FILED</b>		
O'clock	Minutes	M.
<b>SEP 05 2013</b>		
By <u>PATRICIA J. BOHR</u>		

JAMES WARD,

PETITIONER,

VS.

TROY STEELE,

RESPONDENT.

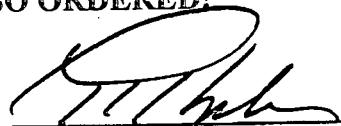
)  
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No.: 13WA-CC00167

**JUDGMENT DISMISSING WRIT OF HABEAS CORPUS**

Now on this 5<sup>th</sup> day of September, 2013, the Court, having reviewed the entire file herein, dismisses Petitioner's Writ of Habeas Corpus for the reasons set forth in Respondent's Responsive Pleadings. Cost assessed against the deposit.

SO ORDERED!

  
\_\_\_\_\_  
JUDGE TROY HYDE  
Dated: 9/5/13

**Appendix B**

# In the Supreme Court of Missouri

January Session, 2020

State ex rel. James Ward,

Petitioner,

No. SC98269      HABEAS CORPUS  
Washington County Circuit Court No. 13WA-CC00167  
Eastern District Court of Appeals No. ED108108

Troy Steele,

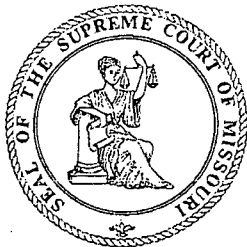
Respondent.

*Now at this day, on consideration of the petition for a writ of habeas corpus herein to the said respondent, it is ordered by the Court here that the said petition be, and the same is hereby denied.*

STATE OF MISSOURI-Sct.

*I, BETSY AUBUCHON, Clerk of the Supreme Court of the State of Missouri, certify that the foregoing is a full, true and complete transcript of the judgment of said Supreme Court, entered of record at the January Session thereof, 2020, and on the 18<sup>th</sup> day of February, 2020, in the above-entitled cause.*

*WITNESS my hand and the Seal of the  
Supreme Court of Missouri, at my office in  
the City of Jefferson, this 18<sup>th</sup> day of  
February, 2020.*



Betsy Aubuchon, Clerk

David S. Knaebel, Deputy Clerk

Appendix C



CIRCUIT ATTORNEY  
CITY OF ST. LOUIS

DEE JOYCE-HAYES

MUNICIPAL COURTS BUILDING  
1320 Market Street, Room 330  
St. Louis, Missouri 63103  
(314) 622-4941  
FAX: (314) 622-3369

12-1-98

DAVE BRUNS

SPD

In re: State vs. JAMES WARD  
Court Number: 981-1080A

Dear DAVE:

My records indicate that you received the following: State's Request for Disclosure; a copy of Information or Indictment;

- (X) Police Reports (CN#) 98003399; 98003491; 98009624; 98022070; 91075977
- ( ) Supp. Report # 97080728; 97075892
- (X) Lab Report # 801123 (1-10-98); 801123 (3-10-98); 801123-1
- (X) ETU Report # 983410
- ( ) Warning & Waiver #
- (X) Line-up Form # 98-9624; 98022070
- (X) Other ME REPORT 98-0649; ME INVESTIGATIVE REPORT (SCHWARTZ)  
MARVIN OWENS TYPE 121 STATEMENT; MURDER VOUCHERS

In addition the following is produced pursuant to your request for discovery: EMS NEW SHEET FOR MARVIN OWENS (4)

EMS NEW SHEET FOR PATRICK BENEFIELD (1); AUDIO TAPE STATEMENTS OF MARVIN OWENS & SECRET WITNESS

The following may be available for inspection at your request:  
(X) Photographs (X) Audiotapes ( ) Videotape

Your client (X) has been (X) may be charged as a (X) prior  
(X) prior and persistent (X) minimum term ( ) class X ( ) prior  
drug ( ) persistent drug offender.

The State's Recommendation is: 30 YEARS OR LIFE CONCURRENT.  
Offer is good until 3-1-99.

(X) I have received no discovery from you.

Very truly yours,

JOHN T. BIRD, #37802  
Assistant Circuit Attorney

Appendix D

JTB/cs  
cc: Court file

EXHIBIT-A

AUTHORIZATION FOR RELEASE OF ATTORNEY CASE FILES

I, James Ward, Social Security Number 494-68-5770, Date of Birth 04/18/59, hereby Authorize the Central PCR Division of the Missouri State Public Defenders System to Release the following Attorney Case Files and/or any files maintained in their custody to me;

State v James Ward #981-1030A

State v James Ward #ED76557

State v James Ward #ED79874

James Ward v State #4092 (PCR)

James Ward v Roper #4;02CV-1541

James Ward v Roper #06-1872 (8th Cir)

I understand that the above-referenced file(s) is the original file and that no copy will be retained by the Public Defender System. I accept the responsibility for the safe-keeping of this file(s).

03/08/11

Date

James Ward  
James Ward

Subscribed and Sworn before me, a Notary Public, on this 8<sup>th</sup> day of March, 2011.

\_\_\_\_\_  
Comm. Expires

Brian Allen  
Notary Public  
BRIAN ALLEN  
My Commission Expires  
March 30, 2011  
St. Francois County  
Commission #07390058



Appendix E

EXHIBIT-B  
1 of 4

MISSOURI CIRCUIT COURT  
TWENTY-SECOND JUDICIAL CIRCUIT  
(ST. LOUIS CITY)

FILED  
JUL 10 1999

STATE OF MISSOURI  
PLAINTIFF

VS.

JAMES Ward  
DEFENDANT

D.O.B. 4-18-59  
SOCIAL SECURITY # 494-69-570

MARIANO J. PAVAZZA  
CLERK, CIRCUIT COURT  
BY ME DEPUTY

CAUSE NO. 981-1030A

DIVISION X CIRCUIT NUMBER 19

   ASSOCIATE NUMBER   

O.C.N. N/A

SENTENCE AND JUDGMENT

PRE-SENTENCE: ☐ ORDERED ☐ WAIVED  
7/8/99 SENTENCE DATE

CIRCUIT ATTORNEY BAR # 37302 ATTORNEY: John Bird  
DEFENSE ATTORNEY BAR # 38665 ATTORNEY: David Bruns

COUNT NO. I  
CHARGE MURDER 1st  
DEGREE

COUNT NO. II  
CHARGE ARMED CRIMINAL  
ACTION

COUNT NO. III  
CHARGE ASSAULT 1st

OFFENSE DATE 1/7/98  
☐ MISDEMEANOR ☒ FELONY  
CLASS: A B C D UNCLAS  
On 5/21/99 in the  
above count, it is adjudged that the  
defendant has been:

OFFENSE DATE 1/7/98  
☐ MISDEMEANOR ☒ FELONY  
CLASS: A B C D UNCLAS  
On 5/21/99 in the  
above count, it is adjudged that the  
defendant has been:

OFFENSE DATE 1/7/98  
☐ MISDEMEANOR ☒ FELONY  
CLASS: A B C D UNCLAS  
On 5/21/99 in the  
above count, it is adjudged that the  
defendant has been:

☐ Found guilty upon a plea of guilty  
☒ Found guilty by a Jury/Court

☐ Found guilty upon a plea of guilty  
☒ Found guilty by a Jury/Court

☐ Found guilty upon a plea of guilty  
☒ Found guilty by a Jury/Court

THE COURT FINDS BEYOND A REASONABLE DOUBT THAT THE DEFENDANT IS A:

☐ Persistent sexual offender  
(558.018 RSMO)

☐ Prior Offender  
(558.016 RSMO)

☐ Dangerous Offender  
(558.016 RSMO)

☐ Prior Drug Offender  
(195.295 and 195.266 RSMO)

☐ Persistent Offender  
(588.016 RSMO)

☐ Not Applicable

☐ Persistent Drug Offender  
(195.295 RSMO)

☐ Class X Offender  
(558.019 RSMO)

☐ The court further finds beyond a reasonable doubt that as a basis for such determination the Defendant has previously been convicted of the following: \_\_\_\_\_

Defendant has been advised of his/her rights under Rule 24.035(29.15) and the Court has found **Appendix F**  
☐ Probable Cause ☒ No Probable Cause to believe that defendant has received ineffective assistance of counsel. **pgs. 1 - 4**

☒ The Court informs the Defendant of verdict / finding. Asks the Defendant whether he/she has anything to say why judgment should not be pronounced, and finds that no sufficient cause to the contrary has been shown or appears to the Court.

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☒ On Count I the Court:  
Sentences and commits the Defendant to the custody of MDC  
for a period of life without parole. Sentence to be served:  
☐ CONCURRENT ☐ CONSECUTIVE WITH \_\_\_\_\_

☐ **Suspends Execution of Sentence.** Defendant is placed on probation for a period of \_\_\_\_\_  
under the supervision of \_\_\_\_\_  
based on the conditions set forth in the order of probation.

☐ **Suspends Imposition of Sentence.** Defendant is placed on probation for a period of \_\_\_\_\_  
under the supervision of \_\_\_\_\_  
based on the condition set forth in the order of probation.

☐ **Fines the Defendant \$** \_\_\_\_\_ **The Court stays \$** \_\_\_\_\_ **with the remainder due**  
**by** \_\_\_\_\_

☒ On Count II the Court:  
Sentences and commits the Defendant to the custody of MDC  
for a period of 30 years. Sentence to be served:  
☒ CONCURRENT ☐ CONSECUTIVE WITH \_\_\_\_\_  
Count I

☐ **Suspends Execution of Sentence.** Defendant is placed on probation for a period of \_\_\_\_\_  
under the supervision of \_\_\_\_\_  
based on the conditions set forth in the order of probation.

☐ **Suspends Imposition of Sentence.** Defendant is placed on probation for a period of \_\_\_\_\_  
under the supervision of \_\_\_\_\_  
based on the condition set forth in the order of probation.

☐ **Fines the Defendant \$** \_\_\_\_\_ **The Court stays \$** \_\_\_\_\_ **with the remainder due**  
**by** \_\_\_\_\_

☒ On Count III the Court:  
Sentences and commits the Defendant to the custody of MDC  
for a period of 15 years. Sentence to be served:  
☐ CONCURRENT ☒ CONSECUTIVE WITH \_\_\_\_\_  
Count I + II

☐ **Suspends Execution of Sentence.** Defendant is placed on probation for a period of \_\_\_\_\_  
under the supervision of \_\_\_\_\_  
based on the conditions set forth in the order of probation.

☐ **Suspends Imposition of Sentence.** Defendant is placed on probation for a period of \_\_\_\_\_  
under the supervision of \_\_\_\_\_  
based on the condition set forth in the order of probation.

☐ **Fines the Defendant \$** \_\_\_\_\_ **The Court stays \$** \_\_\_\_\_ **with the remainder due**  
**by** \_\_\_\_\_

**SUPPLEMENTAL SENTENCE AND JUDGMENT FORM**

COUNT NO. IV

CHARGE ARMED CRIMINAL

Action

OFFENSE DATE 1/7/99

☐ MISDEMEANOR ☒ FELONY

CLASS: A B C D UNCLASS

On 5/21/99 in the above count, it is adjudged that the defendant has been:

- ☐ Found guilty upon a plea of guilty  
☒ Found guilty by a Jury/Court

COUNT NO. \_\_\_\_\_

CHARGE \_\_\_\_\_

OFFENSE DATE \_\_\_\_\_

☐ MISDEMEANOR ☐ FELONY

CLASS: A B C D UNCLASS

On \_\_\_\_\_ in the above count, it is adjudged that the defendant has been:

- ☐ Found guilty upon a plea of guilty  
☐ Found guilty by a Jury/Court

☒ On Count IV the Court:

**Sentences and commits** the Defendant to the custody of MOC  
for a period of 15 YEARS. Sentence to be served:

☒ CONCURRENT ☐ CONSECUTIVE WITH Count III

☐ **Suspends Execution of Sentence.** Defendant is placed on probation for a period of \_\_\_\_\_  
under the supervision of \_\_\_\_\_  
based on the conditions set forth in the order of probation.

☐ **Suspends Imposition of Sentence.** Defendant is placed on probation for a period of \_\_\_\_\_  
under the supervision of \_\_\_\_\_  
based on the condition set forth in the order of probation.

☐ **Fines the Defendant \$** \_\_\_\_\_ **The Court stays \$** \_\_\_\_\_ **with the remainder due**  
**by** \_\_\_\_\_

☐ On Count \_\_\_\_\_ the Court:  
**Sentences and commits** the Defendant to the custody of \_\_\_\_\_  
for a period of \_\_\_\_\_ . Sentence to be served:

☐ CONCURRENT ☐ CONSECUTIVE WITH \_\_\_\_\_

☐ **Suspends Execution of Sentence.** Defendant is placed on probation for a period of \_\_\_\_\_  
under the supervision of \_\_\_\_\_  
based on the conditions set forth in the order of probation.

☐ **Suspends Imposition of Sentence.** Defendant is placed on probation for a period of \_\_\_\_\_  
under the supervision of \_\_\_\_\_  
based on the condition set forth in the order of probation.

☐ **Fines the Defendant \$** \_\_\_\_\_ **The Court stays \$** \_\_\_\_\_ **with the remainder due**  
**by** \_\_\_\_\_

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**THE COURT FURTHER ORDERS:**

- ☒ That judgment is entered in favor of the State of Missouri Crime Victim Compensation against the Defendant for the sum of \$ 68.00
- ☒ Costs taxes against Defendant
- ☐ Costs waived
- ☐ Amounts due are payable through the Office of Probation and Parole
- ☐ Restitution Ordered: \_\_\_\_\_
- ☐ The following special conditions of probation: \_\_\_\_\_
- ☒ Jail time allowed
- ☐ Other, see attached.
- ☐ 217.785 RSMO Missouri Post Conviction Drug Treatment Program
- ☐ Non-institutional
- ☐ Institutional
- ☐ 217.362 RSMO. Long term treatment program for cocaine dependents
- ☐ 217.378 RSMO. Regimented discipline program
- ☐ 217.777 RSMO. Community corrections program for intensive supervision
- ☐ The clerk to deliver a certified copy of the judgment and commitment to the Sheriff:

DEFENDANT

CIRCUIT ATTORNEY

DEFENSE ATTORNEY

SO ORDERED:

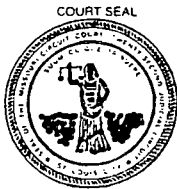
JUDGE

BAR #

DATE

COURT REPORTER

I CERTIFY THAT THE ABOVE IS A TRUE COPY OF THE ORIGINAL JUDGMENT AND SENTENCE OF THE COURT IN THE ABOVE CAUSE. AS IT APPEARS ON RECORD IN MY OFFICE.



Mariano V. Favazza

CIRCUIT CLERK

ISSUED ON 7-8-99 DATE

BY:

DEPUTY CLERK

Received

DEPUTY SHERIFF

Date:

22981-01030A

ST V JAMES H WARD

Security Level: 1 Public

<b>Case Type:</b>	CC Felony	<b>Case Filing Date:</b>	24-Mar-1998
<b>Status:</b>	Warrant Recalled/Withdrawn		
<b>Disposition:</b>	Jury Verdict - Guilty	<b>Disposition Date:</b>	21-May-1999
<b>OCN#:</b>	Not on File		
<b>Arresting Agency:</b>	MOSPD0034		
<b>Related Case(s):</b>	1522-CC11162	JAMES H WARD VS STATE OF MISSOURI	
	2201P-04092	JAMES H WARD V STATE OF MISSOURI	
	22981-01030B	ST V JEROME OWENS	

	<u>Release/Status Change Date</u>	<u>Reason</u>
Judge	TIMOTHY J WILSON (23161)	
Defendant	JAMES H WARD (WARJH5770)	
Circuit Attorney	JOHN TIMOTHY BIRD (37802)	
Special Public Defender	DAVID A BRUNS (38665)	

**Current Bond:** Bond Set ; 07-Apr-1998

	<b>Charge #</b>	<b>Charge Date</b>	<b>Charge Code</b>	<b>Charge Description</b>
<b>Original Charge:</b>	1	07-Jan-1998	1002100	Murder 1st Degree (Felony A RSMo: 565.020)
<b>Text :</b>	PR AND PER OFFENDER			
<b>Disposition:</b>	21-May-1999	Jury Verdict-Guilty		
<b>Order Date:</b>	08-Jul-1999	<b>Sentence or SIS :</b>	Incarceration DOC	
<b>Length :</b>	LIFE WITHOUT PAROLE	<b>Start Date :</b>	08-Jul-1999	
<b>Original Charge:</b>	2	07-Jan-1998	3101000	Armed Criminal Action (Felony Unclassified RSMo: 571.015)
<b>Text :</b>	PRIOR OFFENDER			
<b>Disposition:</b>	21-May-1999	Jury Verdict-Guilty		
<b>Order Date:</b>	08-Jul-1999	<b>Sentence or SIS :</b>	Incarceration DOC	
<b>Length :</b>	30 Years	<b>Start Date :</b>	08-Jul-1999	
<b>Text :</b>	MISSOURI DEPT. OF CORRECTIONS			
<b>Conc/Cons :</b>	CONCURRENT WITH 981-0001030A CT-01			
<b>Original Charge:</b>	3	07-Jan-1998	1302000	Assault - 1st Degree (Felony B RSMo: 565.050)
<b>Text :</b>	PRIOR OFFENDER			
<b>Disposition:</b>	21-May-1999	Jury Verdict-Guilty		
<b>Order Date:</b>	08-Jul-1999	<b>Sentence or SIS :</b>	Incarceration DOC	
<b>Length :</b>	15 Years	<b>Start Date :</b>	08-Jul-1999	
<b>Text :</b>	MISSOURI DEPT. OF CORRECTIONS			
<b>Original Charge:</b>	4	07-Jan-1998	3101000	Armed Criminal Action (Felony Unclassified RSMo: 571.015)
<b>Text :</b>	PRIOR OFFENDER			
<b>Disposition:</b>	21-May-1999	Jury Verdict-Guilty		
<b>Order Date:</b>	08-Jul-1999	<b>Sentence or SIS :</b>	Incarceration DOC	
<b>Length :</b>	15 Years	<b>Start Date :</b>	08-Jul-1999	
<b>Text :</b>	MISSOURI DEPT. OF CORRECTIONS			
<b>Conc/Cons :</b>	CONCURRENT WITH 981-0001030A CT-02 AND CT-03			

**Filing Date**

24-Mar-1998

**Description**

Grand Jury Indictment Filed

INDICTMENT FILED, CASE ASSIGNED TO DIV 25 WARRANT ISSUED, GIVEN TO SHERIFF

Appendix G  
pgs. 1 - 7

Case continued from previous page.

**22981-01030A****ST V JAMES H WARD****Security Level: 1 Public**

24-Mar-1998	<b>Filing:</b> BOND SET; NO BOND ALLOWED
07-Apr-1998	<b>Entry of Appearance Filed</b> DAVID A. BRUNS (SD) ENTERS APPEARANCE FOR DEFT <b>Bond Set</b> BOND SET; \$250,000.00 SECURED JUDGE STEVEN R. OHMER, DIV 25 <b>Entry of Appearance Filed</b> RACHEL A. SMITH (CA) ENTERS APPEARANCE FOR STATE OF MISSOURI <b>Arraignment Held</b> DEFENDANT ARRAIGNED, CASE ASSIGNED TO DIV 16 JUDGE STEVEN R. OHMER <b>Hearing Scheduled</b> CASE SET FOR INITIAL APPEARANCE 05/04/98 09:30AM DIV 16 JUDGE STEVEN R. OHMER, DIV 25
15-Apr-1998	<b>Filing:</b> LETTER FILED FROM DAVID BRUNS, ASPD.
06-May-1998	<b>Hearing Scheduled</b> CONTINUED BY DEFENDANT 06/01/98 09:30AM DIV 16 JUDGE MARGARET M. NEILL, DIV 16
01-Jun-1998	<b>Order Withdrawing Attorney:</b> RACHEL A. SMITH (CA) WITHDRAWS AS ATTORNEY FOR STATE OF MISSOURI <b>Entry of Appearance Filed</b> PHILIPPA E. BARRETT (CA) ENTERS APPEARANCE FOR STATE OF MISSOURI
04-Jun-1998	<b>Hearing Scheduled</b> CONTINUED BY DEFENDANT 07/27/98 09:30AM DIV 16 JUDGE MARGARET M. NEILL, DIV 16
25-Jun-1998	<b>Filing:</b> LETTER FILED FROM PHILIPPA BATRETT, ASST. CIRCUIT ATTORNEY
08-Jul-1998	<b>Filing:</b> LETTER FILED
29-Jul-1998	<b>Order Withdrawing Attorney:</b> PHILIPPA E. BARRETT (CA) WITHDRAWS AS ATTORNEY FOR STATE OF MISSOURI <b>Entry of Appearance Filed</b> JOHN T. BIRD (CA) ENTERS APPEARANCE FOR STATE OF MISSOURI
30-Jul-1998	<b>Hearing Scheduled</b> CONTINUED BY DEFENDANT 08/10/98 09:30AM DIV 16 JUDGE MARGARET M. NEILL, DIV 16
13-Aug-1998	<b>Hearing Scheduled</b> CONTINUED FOR WANT OF TIME BY DEFENDANT 10/13/98 09:30AM DIV 16 JUDGE MARGARET M. NEILL, DIV 16
14-Sep-1998	<b>Standard Discovery Filed</b> DISCOVERY NOTICE FILED.
15-Oct-1998	<b>Hearing Scheduled</b> CONTINUED BY STATE 11/09/98 09:30AM DIV 16 JUDGE MARGARET M. NEILL, DIV 16
12-Nov-1998	<b>Hearing Scheduled</b> CONTINUED BY DEFENDANT 11/30/98 09:30AM DIV 16 JUDGE MARGARET M. NEILL, DIV 16
01-Dec-1998	<b>Substitute Information Filed</b> SUBSTITUTE INFORMATION IN LIEU OF INDICTMENT FILED CHARGING DEFENDANT WITH PRIOR & PERSISTENT OFFENDER <b>Filing:</b> CT-01, MURDER 1ST DEGREE - PRIOR OFFENDER, (F) AMENDED TO MURDER 1ST DEGREE - PR AND PER OFFENDER, (F) <b>Standard Discovery Filed</b> DISCOVERY NOTICE FILED.
03-Dec-1998	<b>Hearing Scheduled</b> CONTINUED BY STATE 01/04/99 09:30AM DIV 16 JUDGE MARGARET M. NEILL, DIV 16 <b>Motion to Suppress</b> MOTION TO SUPPRESS EVIDENCE FILED BY DEFENDANT

Case continued from previous page.

22981-01030A

ST V JAMES H WARD

Security Level: 1 Public

03-Dec-1998      **Motion to Suppress**  
MOTION TO SUPPRESS IDENTIFICATION FILED BY DEFENDANT  
**Motion to Sever Case**  
MOTION TO SEVER DEFENDANTS FILED BY DEFENDANT  
**Filing:**  
LETTER FROM DAVID BRUNS, FILED.

17-Dec-1998      **Motion to Suppress**  
MOTION TO SUPPRESS STATEMENTS FILED BY DEFENDANT

24-Dec-1998      **Filing:**  
LETTER FILED

07-Jan-1999      **Hearing Scheduled**  
CONTINUED FOR WANT OF TIME BY COURT 02/01/99 09:30AM DIV 16 JUDGE THOMAS C. GRADY, DIV 16

22-Jan-1999      **Filing:**  
NOTICE OF DEPOSITION FILED.

04-Feb-1999      **Hearing Scheduled**  
CONTINUED BY DEFENDANT 03/15/99 09:30AM DIV 16 JUDGE THOMAS C. GRADY, DIV 16

05-Feb-1999      **Motion for Habeas Corpus-TES**  
WRIT OF HABEAS CORPUS AD TESTIFICANDUM RECEIVED AND FILED. WRIT RETURNABLE FEBRUARY 8TH 1999, AT 9:00 A.M. IN DIVISION 25, COPY SENT TO ST. LOUIS COUNTY JAIL BY CERTIFIED MAIL.

08-Feb-1999      **Affidavit Filed**  
AFFIDAVIT FILED.

18-Mar-1999      **Hearing Scheduled**  
CONTINUED FOR WANT OF TIME BY STATE 05/17/99 09:30AM DIV 16 JUDGE THOMAS C. GRADY, DIV 16

06-May-1999      **Motion for Habeas Corpus-TES**  
WRIT OF HABEAS CORPUS AD TESTIFICANDUM RECEIVED AND FILED. WRIT RETURNABLE MAY 17TH 1999, AT 9:00 A.M. IN DIVISION 16, COPY SENT TO FULTON RECEPTION/DIAGNOSTIC CENTER BY CERTIFIED MAIL.  
**List of Witnesses**  
ENDORSEMENT OF WITNESSES BY DEFENDANT FILED

17-May-1999      **Transfer Filed**  
CAUSE ASSIGNED TO DIVISION 19 FOR FURTHER PROCEEDINGS.  
**Transfer Filed**  
CAUSE ASSIGNED TO DIVISION 24 FOR FURTHER PROCEEDINGS.  
**Filing:**  
DEPOSITIONS 2 FILED  
**Filing:**  
JURY TRIAL. STATE BY ASSISTANT CIRCUIT ATTORNEY JOHN BIRD DEFENDANT IN PERSON AND BY ATTORNEY DAVID BRUNS THE COURT ORDERS COURT REPORTER TO TAKE NOTES TO PRESERVE THE EVIDENCE.  
**Jurors Sworn In**  
PANEL OF 66 JURORS CALLED. MAI-CR 300.02 INSTRUCTION PARTIALLY READ TO PANEL. JURY PANEL SWORN. MAI-CR 300.02 INSTRUCTION COMPLETED.  
**Voir Dire Began-Jury Not Sworn**  
EXAMINATION OF JURY PANEL ON VOIR DIRE BEGUN NOT CONCLUDED  
**Filing:**  
RECESS CALLED. MAI-CR INSTRUCTION 300.04.1 READ.  
**Voir Dire Began-Jury Not Sworn**  
EXAMINATION OF JURY PANEL ON VOIR DIRE CONTINUES NOT CONCLUDED  
**Filing:**  
RECESS CALLED MAI-CR INSTRUCTION 300.04.2 READ. COURT ADJOURNED UNTIL TUES., MAY 18, 1999 AT 9 AM IN DIV. 19 JUDGE TIMOTHY J. WILSON, DIV 19 COURT REPORTER: RITA DEFILIO

18-May-1999      **Jury Trial Conducted**

Case continued from previous page.

22981-01030A

ST V JAMES H WARD

Security Level: 1 Public

JURY TRIAL RESUMES. STATE APPEARS BY ASSISTANT CIRCUIT ATTORNEY JOHN BIRD  
DEFENDANT APPEARS IN PERSON AND BY ATTORNEY DAVID BRUNS

Voir Dire Began-Jury Not Sworn

EXAMINATION OF JURY PANEL ON VOIR DIRE CONTINUES NOT CONCLUDED

Filing:

RECESS CALLED. MAI-CR INSTRUCTION 300.04.2 READ.

Voir Dire Began-Jury Not Sworn

EXAMINATION OF JURY PANEL ON VOIR DIRE CONTINUES CONCLUDED

Filing:

RECESS CALLED. MAI-CR INSTRUCTION 300.04.2 READ.

Filing:

JURY OF 12 AND 3 ALTERNATES SELECTED NOT SWORN

Filing:

RECESS CALLED. MAI-CR INSTRUCTION 300.04.2 READ.

Filing:

JURY OF 12 AND 3 ALTERNATES SWORN.

Filing:

MAI-CR 3D INSTRUCTION NUMBERS #300.06, 302.01 AND. 302.02 READ TO JURY.

Filing:

OPENING STATEMENTS MADE BY STATE AND DEFENDANT.

Filing:

TESTIMONY OF STATE'S WITNESSES BEGUN NOT CONCLUDED

Filing:

RECESS CALLED MAI-CR INSTRUCTION 300.04.2 READ. COURT ADJOURNED UNTIL WED., MAY  
19, 1999 AT 9 AM IN DIV. 19 JUDGE TIMOTHY J. WILSON, DIV 19 COURT REPORTER: RITA  
DEFILIO

19-May-1999

Jury Trial Conducted

JURY TRIAL RESUMES. STATE APPEARS BY ASSISTANT CIRCUIT ATTORNEY JOHN BIRD  
DEFENDANT APPEARS IN PERSON AND BY ATTORNEY DAVID BRUNS

Jury Trial Conducted

TESTIMONY OF STATE'S WITNESSES CONTINUES NOT CONCLUDED

Filing:

RECESS CALLED. MAI-CR INSTRUCTION 300.04.2 READ.

Jury Trial Conducted

TESTIMONY OF STATE'S WITNESSES CONTINUES NOT CONCLUDED

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TESTIMONY OF STATE'S WITNESSES CONTINUES NOT CONCLUDED

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RECESS CALLED. MAI-CR INSTRUCTION 300.04.2 READ.

Jury Trial Conducted

TESTIMONY OF STATE'S WITNESSES CONTINUES NOT CONCLUDED

Filing:

RECESS CALLED. MAI-CR INSTRUCTION 300.04.2 READ.

Filing:

COURT IS ADJOURNED UNTIL THURS., MAY 20, 1999 AT 9AM IN DIV. 19 JUDGE TIMOTHY J.  
WILSON, DIV 19 COURT REPORTER: RITA DEFILIO

20-May-1999

Jury Trial Conducted

JURY TRIAL RESUMES. STATE APPEARS BY ASSISTANT CIRCUIT ATTORNEY JOHN BIRD  
DEFENDANT APPEARS IN PERSON AND BY ATTORNEY DAVID BRUNS

Jury Trial Conducted

Case continued from previous page.

22981-01030A

ST V JAMES H WARD

Security Level: 1 Public

TESTIMONY OF STATE'S WITNESSES CONTINUES CONCLUDED

**Filing:**

STATE RESTS.

**Motion Filed**

AT THE CLOSE OF THE STATE CASE DEFENDANT MAKES ORAL MOTION FOR JUDGMENT OF ACQUITTAL. MOTION HEARD AND DENIED

**Judge/Clerk - Note**

DEFENSE RESTS.

**Motion Filed**

AT THE CLOSE OF THE ENTIRE CASE DEFENDANT MAKES ORAL MOTION FOR JUDGMENT OF ACQUITTAL. MOTION HEARD AND DENIED

**Filing:**

JURY VIEWS EXHIBITS .

**Filing:**

EVIDENCE HAVING BEEN ADDUCED, THE COURT FINDS BEYOND A REASONABLE DOUBT, THAT THE DEFENDANT IS A PRIOR AND PERSISTENT OFFENDER

**Filing:**

INSTRUCTIONS READ. ARGUMENTS MADE BY COUNSELS FOR STATE AND DEFENDANT. SHERIFF'S SWORN.

**Filing:**

JURY RETIRES TO DELIBERATE AT 3:15 PM

**Order for Discharge**

ALTERNATE JURORS DISCHARGED.

**Questions to Judge from Jury**

QUESTION FROM THE JURY AT 4:15 PM RECEIVED AND ANSWERED BY THE COURT.

**Filing:**

JURY RETURNED TO THE COURTROOM BY THE COURT.

**Jury Instructions Filed**

OVERNIGHT INSTRUCTION PURSUANT TO 494.495RSMO. READ TO THE JURY.

**Filing:**

COURT IS ADJOURNED UNTIL FRI, MAY 21, 1999 AT 9 AM IN DIV. 19 JUDGE TIMOTHY J. WILSON, DIV 19 COURT REPORTER: RITA DEFILIO

21-May-1999

**Jury Trial Conducted**

JURY TRIAL RESUMES. STATE APPEARS BY ASSISTANT CIRCUIT ATTORNEY JOHN BIRD DEFENDANT APPEARS IN PERSON AND BY ATTORNEY DAVID BRUNS

**Filing:**

AT 9:30 AM JURY DELIBERATIONS RESUMED.

**Filing:**

AT 5:05 PM JURY RETURNS A VERDICT AS FOLLOWS:

**Filing:**

DEFT APPEARS REPRESENTED BY COUNSEL DAVID A. BRUNS STATE OF MISSOURI APPEARS REPRESENTED BY COUNSEL JOHN T. BIRD

**Order**

CT-01, MURDER 1ST DEGREE - PR AND PER OFFENDER, (F). JURY FINDS THE DEFT GUILTY; TRIAL DAYS: 5 JUDGE TIMOTHY J. WILSON, DIV 19 COURT REPORTER: RITA DEFILIO

**Order**

CT-02, ARMED CRIMINAL ACTION - PRIOR OFFENDER, (F). JURY FINDS THE DEFT GUILTY; TRIAL DAYS: 5 JUDGE TIMOTHY J. WILSON, DIV 19 COURT REPORTER: RITA DEFILIO

**Order**

CT-03, ASSAULT 1ST DEG - PRIOR OFFENDER, (F). JURY FINDS THE DEFT GUILTY; TRIAL DAYS: 5 JUDGE TIMOTHY J. WILSON, DIV 19 COURT REPORTER: RITA DEFILIO

**Order**

CT-04, ARMED CRIMINAL ACTION - PRIOR OFFENDER, (F). JURY FINDS THE DEFT GUILTY; TRIAL DAYS: 5 JUDGE TIMOTHY J. WILSON, DIV 19 COURT REPORTER: RITA DEFILIO

Sentencing Hearing Scheduled

Case continued from previous page.

22981-01030A

ST V JAMES H WARD

Security Level: 1 Public

CONTINUED FOR SENTENCING BY COURT 07/08/99 02:00PM DIV 19 JUDGE TIMOTHY J.  
WILSON, DIV 19**Filing:**

VERDICT FORMS RECEIVED AND FILED.

**Order for Discharge**

JURY POLLED. JURY DISCHARGED.

**Order Granting Ext of Time**

DEFENDANT GRANTED 10 ADDITIONAL DAYS TO FILE MOTION FOR NEW TRIAL.

**Filing:**

COPY OF FOOD BILLS FILED.

**Filing:**

QUESTIONS FILED.

**Filing:**

INSTRUCTIONS FILED.

**Filing:**

JURY PANEL LIST AND JURY LIST FILED.

**Filing:**

WITNESS LIST FILED.

**Commitment Order**DEFENDANT REMANDED TO THE CUSTODY OF THE SHERIFF. JUDGE TIMOTHY J. WILSON, DIV  
19 COURT REPORTER: RITA DEFILIO**Jury Verdict - Guilty**

JURY FINDS THE DEFT GUILTY

**Judgment CVC Entered**

Judgement Against: JAMES H WARD; Amount: \$68.00; Satisfied Date:

08-Jun-1999

**Motion for Acquittal**

MOTION FOR JUDGMENT OF ACQUITTAL OR IN THE ALTERNATIVE, FOR A NEW TRIAL. FILED

10-Jun-1999

**Motion for New Trial**SUPPLEMENTAL MOTION FOR NEW TRIAL OR IN THE ALTERNATIVE, MOTION FOR ACQUITTAL  
FILED

08-Jul-1999

**Motion Denied**MOTION FOR JUDGMENT OF ACQUITTAL OR IN THE ALTERNATIVE, FOR A NEW TRIAL. DENIED  
JUDGE TIMOTHY J. WILSON, DIV 19**Defendant Sentenced**IN ACCORDANCE WITH THE JURY'S VERDICT ENTERED ON MAY 21, 1999 ALLOCUTION IS  
GRANTED AND DEFENDANT IS SENTENCED AS FOLLOWS;**Filing:**DEFT APPEARS REPRESENTED BY COUNSEL DAVID A. BRUNS STATE OF MISSOURI APPEARS  
REPRESENTED BY COUNSEL JOHN T. BIRD**Defendant Sentenced**DEFT SENTENCED ON CT-01 TO LIFE WITHOUT PAROLE IN THE CUSTODY OF MISSOURI DEPT. OF  
CORRECTIONS JUDGE TIMOTHY J. WILSON, DIV 19 COURT REPORTER: RITA DEFILIO**Order**

JAIL TIME ALLOWED. JUDGE TIMOTHY J. WILSON, DIV 19

**Defendant Sentenced**DEFT SENTENCED ON CT-02 TO SERVE 30 YEARS IN THE CUSTODY OF MISSOURI DEPT. OF  
CORRECTIONS SENTENCE TO RUN CONCURRENT WITH CT-01 JUDGE TIMOTHY J. WILSON,  
DIV 19 COURT REPORTER: RITA DEFILIO**Order**

JAIL TIME ALLOWED. JUDGE TIMOTHY J. WILSON, DIV 19

**Defendant Sentenced**DEFT SENTENCED ON CT-03 TO SERVE 15 YEARS IN THE CUSTODY OF MISSOURI DEPT. OF  
CORRECTIONS SENTENCE TO RUN CONSECUTIVE WITH CT-01 AND CT-02 JUDGE TIMOTHY J.  
WILSON, DIV 19 COURT REPORTER: RITA DEFILIO**Order**

JAIL TIME ALLOWED. JUDGE TIMOTHY J. WILSON, DIV 19

Case continued from previous page.

**22981-01030A****ST V JAMES H WARD****Security Level: 1 Public**

08-Jul-1999 **Defendant Sentenced**  
DEFT SENTENCED ON CT-04 TO SERVE 15 YEARS IN THE CUSTODY OF MISSOURI DEPT. OF  
CORRECTIONS SENTENCE TO RUN CONCURRENT WITH CT-02 AND CT-03 JUDGE TIMOTHY J.  
WILSON, DIV 19 COURT REPORTER: RITA DEFILIO  
**Order**  
JAIL TIME ALLOWED. JUDGE TIMOTHY J. WILSON, DIV 19  
**Filing:**  
CONVICTION AFTER TRIAL JUDGE TIMOTHY J. WILSON, DIV 19  
**Costs Ordered to Def**  
COURT COSTS ORDERED, CVC JUDGMENT \$68.00 ORDERED JUDGE TIMOTHY J. WILSON, DIV  
19

19-Jul-1999 **Filing:**  
MOTION TO PROCEED IN FORMA PAUPERIS FILED. JUDGE TIMOTHY J. WILSON, DIV 19  
**Notice of Appeal Filed**  
NOTICE OF APPEAL TO THE MISSOURI COURT OF APPEALS EASTERN DISTRICT FILED IN  
FORMA PAUPERIS.  
**Filing:**  
CRIMINAL CASE INFORMATION FORM FILED  
**Filing:**  
CASE INFORMATION FILED.  
**Filing:**  
BRIEF DESCRIPTION OF CASE FILED.  
**Filing:**  
BOND SET; NO BOND SET JUDGE TIMOTHY J. WILSON, DIV 19

28-Jul-1999 **Notice of Appeal Filed**  
COPY OF NOTICE OF APPEAL MOTION TO PROCEED IN FORMA PAUPERIS, CASE  
INFORMATION, BRIEF DESCRIPTION OF CASE AND SENTENCE AND JUDGMENT SENT TO THE  
MISSOURI COURT OF APPEALS EASTERN DISTRICT AND THE ATTORNEY GENERALS OFFICE  
BY CERTIFIED MAIL (P 251-490-979 & P 251-490-980) AND SERVED ON THE CIRCUIT  
ATTORNEYS OFFICE.

03-Aug-1999 **Ackn Notice of Appeal Filed**  
LETTER OF ACKNOWLEDGMENT FROM THE MISSOURI COURT OF APPEALS FILED

25-Aug-1999 **Filing:**  
LETTER REQUESTING LEGAL FILE FROM DAVE HEMINGWAY, APPELLATE PUBLIC DENFEN.  
FILED

06-Sep-1999 **Filing:**  
CERTIFIED COPY OF LEGAL FILE PREPARED/SEE FILE

17-Nov-1999 **Appeal Filed**  
TRANSCRIPT ON APPEAL FILED VOLUME #1

09-Jan-2001 **Mandate from MO Ct of Appeals**  
JUDGMENT AFFIRMED PER MANDATE AND ORDER OF THE MISSOURI COURT OF APPEALS  
FILED.

13-Feb-2001 **Motion Filed**  
POST CONVICTION RELIEF MOTION UNDER SUPREME COURT RULE 29.15 FILED.

10-Aug-2005 **Warrant Recalled/Withdrawn**  
WARRANT RECALLED  
**Warrant Recalled/Withdrawn**  
COURT WARRANT RECALL FAILED.

24-Mar-2010 **Offender Mail Received**  
Letter from the defendant requesting statements made by co-defendant, statements made by  
witnesses, detective reports, DNA matches from the crime scene and all fingerprint analysis. Sent to  
Judge Wilson and the Circuit Attorney Office.

23-Nov-2015 **Filing:**  
Post Conviction Relief motion under Supreme Court Rule \_29.15 filed. PCR 1522-CC11162  
**Offender Mail Received**  
Motion to vacate, set aside or correct the judgment or sentence. Forwarded to certified copy to process.