20-6952

IN THE UNITED STATES SUPREME COURT

Docket No: _____

IN RE Adam Pelletier
Petitioner

PETITION FOR EXTRAORDINARY WRIT HABEAS CORPUS

To: The Honorable Justices Of This Court,

Comes now the Petitioner, Adam Pelletier, proceeding Sui Juris, pursuant to Code 28 U.S.C. § 1651(a), § 2241, or 2254(a), praying this court will entertain this petition for the relief sought.

Questions Presented

Questions Concerning Writ

1) Does the exceptional circumstances within this Writ reach the level required for this Court to use its discretionary powers ?
2) Does ignorance of the law, bar Petitioner from having Right to be Heard, when a Miscarriage of Justice has occurred ?
3) When a Petitioner can show innocence was overcome by Constitutional violations, does Petitioner have Right to be Heard in post conviction proceedings ?

Questions Concerning Actual Innocence and Constitutional Violation Claims

4) Was defense counsel Ineffective for failing to use evidence of innocence in closing argument ?
5) Was defense counsel Ineffective for failing to have trial court weigh trustworthiness of Hearsay testimony ?
6) Did trial court deprive Petitioner 6th Amend. Right to present defense ?
7) Do police violate 4th Amend. by employing citizen to take alcohol to man's home, get him drunk, and then question him about victim ?
8) Was defense counsel Ineffective for failing to object to collection and use of false story ?
9) Was it Prosecutor Misconduct, when trial Prosecutor used specific statements from false story, to convict Defendant ?
10) Does all Appeal and Habeas court's use of false statements, as overwhelming evidence, to deny appeals and Habeas Corpus, deny Petitioner of Due Process ?

Questions Presented Cont.

11) Did the trial Prosecutor commit Fraud Upon The Court ?
12) Once a Prosecutor commits Fraud Upon The Court in a state criminal trial, has Malicious Prosecution occurred, and is the trial void ?
13) Was defense counsel Ineffective for failing to alert Court to prosecutoral Fraud Upon The Court ?
14) Was defense counsel Ineffective for deliberately hiding newspaper article that prejudiced Defendant's trial ?
15) Did trial Court deprive Defendant fair trial by failing to inquire into jury exposure to prejudicial newspaper ?
16) Upon consideration by courts for Habeas, is Petitioner entitled to claim of Newly Discovered Evidence when defense counsel withheld prejudicial item from Petitioner ?
17) Does "trial strategy" protect defense counsel from Ineffectiveness, when counsel deliberately protected the prosecution's case from presenting harmful witness ?
18) Was defense counsel Ineffective for failing to object to Prosecutor failing to establish authentication of D.N.A. blood withdrawling ?
19) Is defense counsel Ineffective for failing to object to Dog Handler as expert witness ?

LIST OF PARTIES

1. Petitioner, Defendant, Adam Pelletier 1006145
address, Sussex II State Prison
24427 Musselwhite Drive, Waverly, VA 23891

2. Respondent, Att. Gen. Mark Herring
address, 900 E. Main St., Richmond, VA 23219

3. Lead Defense Counsel, J. Lloyd Snook
address, P.O. Box 2486, Charlottesville, VA 22902

4. Defense Counsel, Fletcher HarKraider
address,

5. Trial Prosecutor, Don Short
address,

6. Trial Judge, John R. Cullen
address,

TABLE OF CONTENT

APPENDIX ITEMS

- Ex. 1 Tr. Pg. 160 "Officer McKay"
- Ex. 2 Tr Pg. 161 "
- Ex. 3 Tr. Pg. 589 Dorthey Pelletier
- Ex. 4 - 12 Tr. Pg. 590 - 598 " "
- Ex. 13 Investigator's Note Of R.J. Harry
- Ex. 14 - 15 Tr. Pg. 640 - 641 R.J. Harry
- Ex. 16 Tr. Pg. 177 Penny Redecker
- Ex. 17 - 18 Appeal Tr. Pg. 168 - 169 Micheal Taylor
- Ex. 19 Tr. Pg. 121 Darrell Meadows
- Ex. 20 Appeal Tr. Pg. 84 Prosecutor, Judge
- Ex. 21 - 23 Tr. Pg. 214 - 216 State Pathologist
- Ex. 24 Appeal Tr. Pg. 67 Buck Gardner
- Ex. 25 Appeal Tr. Pg. 82 Trial Judge
- Ex. 26 Appeal Tr. Pg. 83 Prosecutor
- Ex. 27 - 28 Appeal Tr. Pg. 121 - 122 Buck Gardner
- Ex. 29 - 30 Newspaper Article
- Ex. 31 Certificate Of Analysis
- Ex. 32 - 33 Appeal Tr. Pg. 33 - 34 Voir Dire Of Gardner

- Ex 34 - 36 Sentencing Order, Louisa Circuit Court
- Ex 37 Order of Dismissal, 4th Circuit Court Appeals
- Ex 38 Order of Dismissal, U.S. Dis. Ct. Western Dis. Of VA.

CONSTUTIONAL PROVISIONS

- Actual Innocence
- Authentication Of Evidence
- Due Process
- Ends Of Justice
- Fraud Upon The Court
- Hearsay Rule
- Ineffectiveness Of Counsel
- Malicious Prosecution
- Miscarriage Of Justice
- Newly Discovered Evidence
- Prosecutor Misconduct
- Right To Be Heard
- Right To Present Defense
- Seizure Of Statement

CITATION OF REPORTS

- Sentencing ; Case No. CR01-8193, CR01-8201, CR01-8187, CR01-8186
  Louisa Co. Cir. Ct. , Nov. 4, 2002

- Appeal ; Pelletier v Com. 42 Va. App. 406 (2004),
  Virginia Ct. of Appeals , Denied on Feb. 10 (2004)

- Appeal ; Rec. No. 040553
  Virginia Sup. Ct. , Denied on June 4, (2004)

- Habeas ; Case No. CL05004580-00
  Louisa Co. Cir. Ct. , Dismissed on July 28 (2005)

- Habeas ;
  Virginia Sup. Ct. , Dismissed on Mar 21 (2006)

- Habeas ; Civil Act. No. 7:06-cv-00582
  U.S. Dis. Ct. Western Dis. of VA. , Dismissed on May 8 (2007)

- Habeas ; No. 07-6845
  4th Cir. Ct. of App. , Dismissed Mar 11 (2008)

- Certiorari ,
  U.S. Sup. Ct. , Dismissed on June 9 (2008)

- Motion to Void Judgment for Fraud Upon The Court ; Case No. CL13000140-00
  Louisa Co. Cir. Ct. , Dismissed on July 24 (2013)

- Motion to Void Judgment Appeal ; Rec. No. 131469
  Virginia Sup. Ct. , Dismissed on May 6 (2014)

- Motion to Void Judgment for Fraud Upon The Court ;
  Case No. 7:13-CV-00599
  U.S. Dis. Ct. Western Dis. of VA. , Dismissed on Jan 31 (2014)

CITATION OF REPORTS Cont.

- 2nd Habeas ; Rec. No. 150525
  VA. Sup. Ct. , Dismissed on July 2 (2015)

- 2nd Habeas ; Civil Act. No. 7:15-cv-00427
  U.S. Dis. Ct. Western Dis. of VA. , Dismissed on April 18 (2016)

- Refiled 2nd Habeas ; Civil Act. No. 7:16-cv-00322
  U.S. Dis. Ct. Western Dis. of VA. , Dismissed on May 25 (2017)

- C.O.A. ; No. 17-6742
  4th Cir. Ct. of Appeal , Dismissed on Oct. 26 (2017)

- Application For Successive Habeas ; No. 17-445
  4th Cir. Ct. of Appeal , Dismissed on Jan. 25 (2018)

- ExtraOrdinary Writ , # 7:20-cv-00430 MFU-RSB .
  U.S. Dis. Ct. Western Dis. of VA. Dismissed
  on Avg. 13 (2020)

JURISDICTION

This Writ is filed to serve the ENDS OF JUSTICE.

All avenues for redress have been attempted and denied. This is Petitioner's last chance, an innocent man, to seek his freedom. The evidence within was Known at trial and was overcome by many egregious Constitutional violations. Petitioner assert he should not suffer at the hands of procedural bars or Rules because he did not understand the law, or Know how to find and present the violations upon his first Habeas. Not understanding the law, must give way to ACTUAL INNOCENCE and must not stop superior court from correcting a grave MISCARRIAGE OF JUSTICE. Ignorance cannot be the reason why an innocent man rots in prison.

RULE 20

Petitioner made application to U.S. Dis. Ct. Western Dis. of Va. and the Writ was dismissed on Aug. 13, 2020, see attached Order in App. #38. A sentencing Order is also attached, see App. #34-36. Petitioner has filed every Writ that can be filed in seeking redress, see Citation Of Reports page .

As explained above, the Petitioner was ignorant to the law and that ignorance allowed all post conviction courts to bar all Writs, never hearing the claims of ACTUAL INNOCENCE, PROSECUTOR MISCONDUCT, FRAUD UPON THE COURT, DENIAL TO PRESENT DEFENSE, and numerous INEFFECTIVE ASSISTANCE OF COUNSEL claims. It is a crime in itself not to hear this Writ and this Court can use its appeallate powers to correct a grave MISCARRIAGE OF JUSTICE by all previous courts in barring Petitioner's Writs. Petitioner asserts that his Claims within are exceptional and warrent this Court's discretion.

Petitioner seeKs Evidentiary Hearing in this Court or the U.S. Dis. Court so his Claims can be validated and ruled upon.

NOTE TO THE COURT

Petitioner will make this Writ out to match the questions with the related Claims. Questions 1, 2, and 3 can only be answered upon conclusion of review of the facts within. Petitioner will make his argument for these questions as if the Court has reviewed all Claims. Claims One and Two are linked to show Actual Innocence. The following Claims are the Constitutional violations that overcame the evidence of innocence.

Question 10, in Claim Three, deals with all the courts that ruled on Petitioner's state appeals and first Habeas. This issue is a major reason why previous courts were all in error and now allows for this Court's appeallate jurisdiction.

Question 16, in Claim Five, deals with the federal court's response to Petitioner's 2nd Habeas. Their response also allows for this court to use it's appeallate jurisdiction to correct errors.

Affidavit of Innocence

I, Adam Pelletier, swear on God's love and justice that this Affidavit of Innocence is true and accurate.

I grew up as a trouble maker. I had no one to correct me past 10 years old. I've done a lot of stupid stuff. I broke into homes. I've stole. I've sold drugs. But I am not a killer. Amiee was my friend. I knew her since I was 7 or 8 years old. Hell, she is the one I lost my virginity to at 11. We partied and had a lot of fun. She was awesome.

Amiee's father could not stand me, nor would he let Amiee hang around me. We would still find ways to hang out. We were still friends all those years later and we were still having sex together. We did what we could to keep her dad from knowing.

The night Amiee died, we were together an hour before, having sex right by my house. When she left, that was the last time I seen her. I had been drinking a lot that night and I knew I could not have been able to walk her home and make it back. From my house to hers was about a 20 minute walk. On one point, I wish I would have walked her home, but then we both might have been shot.

Evidence at trial showed she was in an argument with her dad, 15 minutes before a gun shot was heard. I know in my heart, that argument was about her being with me and her disobeying him. It's the only thing I can think of.

I know why the police targetted me and I know now that I should have came forward about me and Amiee. My dislike for police, the hate I had toward them, prevented that. I had a way of making things worse for myself. A couple of days later, I made some horrible statements about Amiee, to people I thought were friends. Even though what I said was proven false, I should not have said such things. Being drunk is no excuse.

Affidavit. Cont.

I admit to being an idiot, a drunk, a piece of shit at times, but I am not a Killer. Amiee was my friend. I did not kill her.

Jan 6, 21
Date

Adam Pelletier 1006145
Red Onion State Prison
P.O. Box 1900
Pound, VA 24279

STATEMENT OF THE CASE

The Victim, Amiee Meadows, and Defendant/Petitioner, Adam Pelletier, were residents of Louisa County VA. On Nov, 12, 2000, the Victim and Defendent were together until around 9:15pm and she walked home. At 10:15pm, an argument was heard between the Victim and her father, Darrell Meadows. At 10:30pm, a gun shot was heard. The next day her body was found dead, with a gun shot wound, in Lake Louisa.

After questionable investigation, Pelletier was arrested on Nov, 17, 2000, and charged with murder. A few months later the charges were upgraded to Capital Murder, Rape, and 2 firearm charges. Defendant went to trial on June, 3, 2002, with court appointed lawyers. Defendant was found guilty by a jury on June, 10, 2002, and sentenced by the judge on Nov, 4, 2002, to serve 2 Lifes and 5 years.

Petitioner has been through appeal and Habeas. Every route has been tried in seeking redress.

PRESENT PETITION

Argument For Questions 1, 2, 3.

Q1. Does the exceptional circumstances within this Writ reach the level required for this Court to use its discretionary powers ?

1 Petitioner will argue these questions as if the Court has reviewed all the Claims within. In doing this, he must ask this Court, ISN'T IT EASY ? Isn't it easy to see that what has happened to Petitioner, and still is, is the most heinous thing that can happen to an American Citizen ? The facts within cannot be taken lightly and such violations demand immediate action.

2 Are these circumstance exceptional ? There beyond that ! They show and prove a court appointed lawyer aiding a malicious prosecution by a prosecutor, so bent on a conviction, he deliberately fabricated evidence to the judge. Petitioner can show he is innocent. He can show he was not the last person to see the victim. He can prove without any doubt, there was no rape. How can the facts within not be exceptional.

Q2. Does ignorance of the law, bar Petitioner from having Right to be Heard, when Miscarriage Of Justice has occurred ?

3 The Petitioner never had any knowledge of law before trial and it has taken almost 20 years for him to be able to present evidence, not only of his innocence, but of how that evidence was overcome by so many Constitutional violations. His past ignorance of the law should not stop this Court, or any court, from taking action to stop the continued Miscarriage Of Justice. Prohibitions and all procedural bars, due to ignorance of the law, must give way to innocence.

4 Petitioner's Right to a fair trial was completely shut down. If he had any Knowledge of law, he would have fired the court appointed lawyer and represented himself. At least then he

would have then stood a fighting chance. When your attorney is set out to help the prosecution convict you, how can anything but a Miscarriage Of Justice happen ?

Q3. When a Petitioner can show innocence was overcome by Constitutional violation, does Petitioner have Right to be Heard in post conviction proceedings ?

There is caselaw saying, "Newly Discovered" evidence of actual innocence overcomes the burden for courts to hear successive writs. WHY does the evidence have to be newly discovered ? Shouldn't it be, as long as the evidence is reliable, and no Constitutional violations exist, then what does it matter if it is old or new ? Innocence is innocence no matter if it is old or new ! Doesn't an innocent man deserve to be Heard ?

Claims One and Two clearly show Petitioner is innocent. The rest show that Constitutional violations blinded the jury to Petitioner's innocence, well before trial even started. Such reliable evidence should grant him the Right to have his Writ Heard and that this Court must use it's appeallate jurisdiction to correct all lower court's dismissals.

CLAIM ONE

Facts

During trial, witnesses testified to a series of events that time-lined the Defendant being at home, while the Victim was shot else where. These events are :

A disturbance occurred at Defendant's home and officer was called, (App. Ex 1. Tr. Pg. 160). Defendant's brother was in the area and spoke with the officer, (App. Ex. 2 Tr. Pg 161). The Defendant testified that Victim and him were together until just before 9:30 pm, when the Victim walked home. Defendant's mother testified that, Defendant's brother left the Pelletier home around 9:00pm - 9:30pm and that

Defendant came into the house right after, (App. Ex. 3 Tr. Pg. 589). She further testified that Defendant remained home, (App. Ex. 4-12 Tr. Pgs. 590-598).

9. A neighbor of the Victim heard an argument between the Victim and her father, Darrell Meadows, at 10:15 pm, at her home which is more than a mile from Defendants, (App. Ex. 13 Investigator's Notes and Ex. 14 and 15 Tr. Pgs. 640-641). The neighbor stated, at the end of the argument, Darrell Meadows was screaming her name.

0 Another witness testified that she heard a gunshot at 10:30 pm, (App. Ex. 16 Tr. Pg. 177), 15 minutes after the argument.

1 Nothing presented at trial disputed the testimony above, except the false story made up by Defendant (Claim 3). This testimony received no attention once known. Defense counsel Snook failed to make this evidence the main issue for the jury in closing argument.

ARGUMENT

Q4. Was defense counsel Ineffective for failing to use evidence of innocence in closing argument?

2 Defense counsel Snook failed to utilize the testimony to show that the Defendant was not the last person to see the Victim and that he was home when the Victim was shot. To not use evidence of innocence in your closing argument is the most incompetent and Ineffective thing a defense counsel can do. This clearly prejudiced the Defendant's trial and deprived him of his 6th Amend. Right.

CLAIM TWO

Facts

3 During trial, defense sought to introduce testimony by Micheal Taylor, a friend of the Victims. Taylor was to testify that, two days prior to her death, the Victim told him she had been having sex for months with Defendant, (App. Ex. 17-18 Tr. Pg. Appeal 168-169). On objection by the prosecutor, the court ruled it Hearsay and, inadmissible. Taylor's testimony was to refute Darrell Meadows

testimony that, his daughter was chaste and no relationship existed between her and Defendant, (App. Ex. 19 Tr. Pg. 121).

14 Taylor's testimony was supported by the state's pathologist testimony that, Victim's body bore no signs of rape / vaginal trauma, (App. Ex. 20-22 Tr. Pg. 214-216).

15 Snook never asked the court to weigh the trustworthiness of Taylor's testimony to overcome the Hearsay Rule.

ARGUMENT

Q5 Was defense counsel Ineffective for failing to have trial court weigh trustworthiness of Hearsay testimony?

16 When Petitioner looked up Hearsay in the law library, he immediately came across so much case law, where the trustworthiness of Hearsay was weighed, so the testimony could be allowed. Lawyers are to be ready for objections they know will come and how to defend the evidence. If Petitioner, a prisoner, can find this caselaw, then why didn't counsel? Snook never cared enough to defend the testimony from objection, so that the jury could hear testimony that clearly refutes the charge of rape and Darrell Meadow's testimony. Not being ready for trial proves that counsel was ineffective and prejudiced Defendant's trial, when the evidence was discarded by the court.

Q6 Did trial court deprive Defendant 6th Amend. Right to present defense?

17 All judges are to ensure that a Defendant receives a fair trial. The testimony of Taylor cut to the very heart of defense. There is no greater defense against rape than the Victim admitting to having regular sexual relations with Defendant. It was the only thing to refute Darrell Meadows testimony. Without it, the jury was allowed to believe that no relationship existed between the Victim and Defendant. When the trial judge denied Defendant the Right to confront witness, he clearly denied him the Right to present defense, 6th Amend.

CLAIM THREE

Facts

18 During the investigation into the Victim's death, the Louisa police employed an acquaintance of Defendants, Sean Lamb, to wear a wire. The police advised Lamb to take alcohol, get Defendant drunk, then question him about the Victim. Lamb did so and in an intoxicated state, the Defendant made up a story about the Victim. Roughly put, the Defendant said: he met the Victim, took her to a wooded area, got her naked, smacked her ass, smacked her, hit her, pistol whipped her, viciously raped her, took her out on a boat, and shot her, killing her.

19 Defendant testified that the story was made up to make two other people present laugh and to mess with Lamb's head. The other two individuals testified that they believe Defendant was joking. The state pathologist testified that the Victim's body bore no signs of bumps, bruises, whelps, no pistol whipping, no vaginal trauma, no violence what so ever but a gun shot wound. (App. Ex. 21-23 Tr. Pg. 214-216).

20 The prosecutor picked out specific statements from the story to use as his basis for conviction. These same statements; "I viciously raped her", and "I shot and Killed her", are the same statements used by every Appeal and Habeas court to deny petitions, claiming overwhelming evidence. Defense counsel never objected to the collection and use of the story/statement.

ARGUMENT

Q7. Do police violate 4th Amend. by employing citizen to take alcohol to man's home, get him drunk, and then question him about Victim?

21 The Petitioner asserts that when a citizen is employed by police to do something for them, then that citizen is to be held to the same standard as them. To intentionally take alcohol to give to a man first before questioning him, shows police coercion to obtain

information by overpowering Defendant's self determination. Petitioner asserts that to do this, even through citizen, violates the 4th Amend.

Q8. Was defense counsel Ineffective for failing to object to collection and use of false story ?

22 Counsel should have studied case law to be prepared for trial. Virginia has case law that deals directly with the collection and use of false statement. Sadly, a jury will rely heavily upon them. Police coercion was apparent. Using alcohol to alter a man's state of mind before questioning him, is plain wrong and counsel should have objected to how the story was collected. Even worse is the fact that counsel, Knowing the story was false, still allowed the prosecutor to use specific statements out of the story. Not objecting proves counsel was Ineffective. The jury was allowed to hear false statements that made Defendant look guilty, prejudicing his trial.

Q9. Was it Prosecutor Misconduct, when trial prosecutor used specific statements from false story, to convict Defendant?

23 It is evident from the state's pathologist testimony that the story was false. The prosecutor, Don Short, was aware of this. For him to deliberately choose to use specific statements from the story, shows he <u>intentionally</u> used false statements to convict. If it wasn't intentional, then why didn't he use the rest of the story in his closing argument ? This goes beyond the level of Prosecutor Misconduct, to the level of Malicious Prosecution.

Q10. Does all Appeal and Habeas court's use of false statements, as overwhelming evidence to deny appeals and Habeas Corpus, deny Petitioner of Due Process ?

24. The use of these false statement has prejudiced every Appeal and Habeas petition that has been filed. Every court has used these statements as "overwhelming evidence". Such false statement should not have prevented a fair Hearing on the Constitutional violations.

Petitioner never received a fair Hearing for Appeal and Habeas to date. This clearly makes way for this Court to use it's appeallate jurisdiction to correct every Due Process violation to date, see Citation of Reports.

CLAIM FOUR

Facts

25 Trial prosecutor sought to introduce Blood Hound dog trailing evidence. The court stated, it would follow the standards of, Epperly v Com., 224 VA. 214 (1982). One standard being that the dog be placed on the trail where evidence shows, the party to be trailed, had been. Dog handler, Buck Gardner, testified under Voir Dire that he followed a trail of Defendant, from where the Victim's body was pulled from water to land, to Defendant's home. Both prosecution and defense asked Gardner, What evidence he had that placed Defendant at the place where the dog trail started ? Gardner stated, "I had none", (App. Ex. 24 Appeal Tr. Pg. 67). Defense objected to the testimony, stating the standard had not been met. Judge then asked the prosecution to specify what evidence he had of Defendant being at that spot, because the court did not think the standard had been met, (App. Ex. 25 Appeal Tr. Pg. 82).

26 The prosecutor then told the judge 4 misrepresentations of evidence (App. Ex. 25-26 Appeal Tr. Pg. 82-83). The prosecutor's statements had no evidence to support them. One of the lies was, that Defendant and Victim went to the "pool scent" area, but when testimony of "pool scent" was introduced, Gardner stated he did not do scent check of Defendant at that spot, (App. Ex. 27-28 Appeal Tr. Pg. 121-122). The prosecutor made up false evidence before witness testified that none existed.

27 The judge overruled objection and allowed testimony based solely on prosecutor's statements, (App. Ex. 25-26 Appeal Tr. Pg. 83-84). Defense counsel Snook denied to object to misrepresentations, stating he would address them on appeal, but never did.

ARGUMENT

Q 11. Did trial prosecutor commit Fraud Upon The Court ?

28 Case law varies little as to what amounts to Fraud Upon The Court. Petitioner understands it as a series of events: 1. A court officer, 2. That deliberately fabricates evidence, and 3. Those fabrications are relied upon to alter the trial.

29 It is all too easy to see from the transcript that the prosecutor deliberately made fabrications to the judge to deceive the court into allowing testimony to the jury. The prosecutor's case depended on him linking Defendant to the "assumed" crime scene / Victim's dead body, to make him look guilty, thus altering the trial. The standards for Fraud Upon The Court have been met.

Q 12. Once a prosecutor commits Fraud Upon The Court in a state criminal trial, has a Malicious Prosecution occurred, and is the trial void ?

30 To commit Fraud Upon The Court, means it is deliberate. To commit a Malicious Prosecution, the act must also be deliberate. Prosecutors are under oath to only use the truth, not create false statements of evidence. His intent was to seek conviction at all cost, deceiving the trial court and depriving Defendant of a Fair Trial. His actions were deliberate and equal a Malicious Prosecution.

31 Petitioner notes that when caselaw shows Fraud Upon The Court, it shows that hearing void. In this state criminal case, Petitioner demands the same. The trial was altered by his deceit, therefore it is void.

Q 13. Was defense counsel Ineffective for failing to alert Court to prosecutoral Fraud Upon The Court ?

32 Defense counsel was protecting the prosecution's case and this Claim further proves it. Snook knew the prosecutor lied and denied to alert the court to it. That in itself is Fraud and proves he was Ineffective. He further failed to raise the issue on appeal after

assuring Defendant he would. Allowing this to happen, allowed the prosecutor to claim in his closing argument, that Defendant was present at that spot / area and this links him to the Victim's dead body. This prejudiced the entire trial because it is all false! Counsel prejudiced the trial and violated Petitioner's 6th Amend.

CLAIM FIVE

Facts

33 Before trial in early 2002, a local Louisa county newspaper, The Central Virginian, printed a story by Irene Luck that told of the upcoming trial and that a bullet found in Defendant's home "matched" the one pulled from the Victim's body, (App. Ex. 29-30 Article). The Division Of Forensic Science provided a Certificate of Analysis on March, 19, 2001, (App. Ex 31), that stated the bullet could <u>not</u> be matched. This Certificate was in an open casefile with the court.

34 Defendant had to threaten Snook with a civil suit to obtain the casefile. The paper was found within, so Snook was aware of it. At no time did defense counsel bring up the paper and neither did the court. The question about prejudice should have been asked of the jury, as to the Louisa paper. The court did question them about a Charlottesville paper.

ARGUMENT

Q14. Was defense counsel Ineffective for deliberately hiding newspaper article that prejudice Defendant's trial?

5 There can be no more convicting evidence than a bullet found to match. To print such a false claim, made Defendant look guilty to every citizen that read the paper. Being that the paper and jurypool were local, it is certain that they were exposed.

16 For Snook to intentionally hide this paper within the casefile and not bring attention to it, shows he was sabotaging Defendant's trial. He had a duty to protect Defendant's character and trial. There can be no

question to Snook's Ineffectiveness and his betrayal prejudiced Defendant's entire trial.

Q 15. Did trial court deprive Defendant fair trial by failing to inquire into jury exposure to prejudical newspaper?

37 The judges who preside over criminal trials are to protect Defendant's Right to a fair trial and impartial jury. Here, the judge inquired after another paper before trial, so he was well aware of the presses presence. It is clearly obvious that the paper is prejudical and makes Defendant look guilty. The jury should have been questioned about the paper. Petitioner asserts that this failure violated his Right to a fair trial.

Q 16. Upon consideration by courts for Habeas, is Petitioner entitled to a claim of Newly Discovered Evidence when defense counsel withheld prejudical item from Petitioner?

38 When Petitioner filed for a 2nd Habeas and Successive Application, (see Citation of Reports) the federal courts stated Petitioner did not deserve it under Newly Discovered Evidence, because defense counsel is seen the same as Petitioner. HOW? How can he be seen as defense when he hid item that prejudiced the entire trial? This cannot be! Counsel deserve no protection and Petitioner's Writs should not now suffer, for what counsel did then. To deny the Writs, is to deny Petitioner the Right to be Heard.

CLAIM SIX

Facts

39 During Defedant's jail time, awaiting trial, he spoke with one Mark Stanley and he advised Defendant that the Louisa police hired him to sign a false statement against Defendant. In exchange the prosecutor's office would drop pending charges. Stanley agreed and signed his name to a statement made up by lead detective, Ike King. During opening statements, the prosecution mentioned Stanley's

testimony.

40 Defendant told Snook to not say anything about Stanley. To let him testify so the truth could be told about the detective hiring him to lie. During Snooks opening statement, he alerted the prosecutor that it would be detrimental to the case, if they put Stanley on the stand. Doing this made the prosecution drop Stanley as a witness. Snook denied to secure him as a witness to show police prejudice and misconduct in the investigation.

ARGUMENT

Q 17. Does "trial strategy" protect defense counsel from Ineffectiveness, when counsel deliberately protected the prosecutions case from presenting harmful witness ?

11 For a lead detective to make up a false statement, for hired witness to testify to, proves prejudice and corruption within the investigation. Defense counsels are given a lot of leeway for strategy, but some moves are so stupid and harmful to the defense, they can only be called Ineffective. Protecting the prosecution's case goes beyond Ineffective, to sabotage.

2 Stanley would have admitted to being hired to lie. He should have been secured as a witness. The jury needed to see the investigators were corrupt and ensuring Defendant look guilty. Being denied this by Snook, prejudiced the trial. Protecting the prosecutor case also prejudiced the trial. Petitioner asserts that in this case, trial strategy, does not protect counsel's Ineffectiveness, violating the 6th Amend.

CLAIM SEVEN

Facts

13 At trial, D.N.A. evidence was introduced. At no time did the prosecution present testimony to establish authentication of the drawing of blood, labeling, sealing, or a Certificate of Blood Withdrawl Form. The only testimony given, was of a detective issuing

warrant, putting samples in a cooler, and driving them to lab. Code of VA. § 46.2-341.26:6, states that the person to seal the vials shall complete the Cert. Of Blood Withdrawl Form. This must be adhered to or the chain of authentication has failed.

ARGUMENT

Q18. Was defense counsel Ineffective for failing to object to prosecutor failing to establish authentication of D.N.A. blood withdrawling ?

44 Lawyers are to know the case law and Codes surrounding a subject to be raised at trial. Failure to be prepared for D.N.A. evidence, when he knew it was to be presented, proves defense counsel was Ineffective. Knowing the Code would have validated objection and objection would have altered the trial. Such failure prejudiced the Defendant's trial and violated 6th Amend.

CLAIM EIGHT

Facts

15 During trial, the prosecution sought to introduce Blood Hound Dog Trailing testimony by way of detective Gardner. Under Voir Dire, Gardner testified that he was experienced and trained his own dog. That he was a member of dog trailing organizations in VA. and that he never testified in a Circuit court (App. Ex. 32-33 Appeal Tp. Pg. 33-34). Under no objection from Snook, Gardner was allowed to testify as an expert.

ARGUMENT

Q19. Is Defense counsel Ineffective for failing to object to Dog Handler as expert witness ?

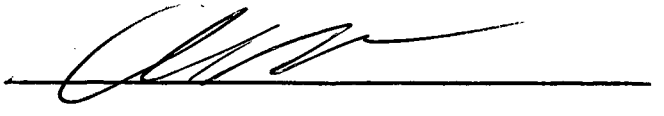
16 Every expert is relied upon heavily by a jury. That is why every witness, in criminal case, be mandated to produce Cert. concerning their dog and self, as to being certified in that field. This would

verify expertise. Defense counsel failed to object to Gardner's testimony as expert. Presenting proper foundation for expert is fundamental concept for all lawyers. Failing this only shows he was Ineffective. Not objecting prejudiced Defendant's trial, by allowing detective to testify as expert and violated Petitioner's 6th Amend.

Personal Note To Court / Conclusion

47 The Petitioner has clearly shown that defense counsel was working with the prosecution to ensure a conviction. No man should be subject to a court appointed lawyer sabotaging the defense. Petitioner prays this Court can see the unjustice done and will take steps to remedy it.

Respectfully Submitted,



Adam Pelletier 1006145
Red Onion State Prison
P.O. Box 1900
Pound, VA 24279

Jan 6th 2021
Date

A copy has been forwarded to Respondent on 1,6,21, at the address below.

VA. Attorney General
900 E. Main St. Richmond, VA 23219