

20-7059
No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

— PETITIONER
(Your Name)

vs.

FILED
JAN 19 2021
OFFICE OF THE CLERK
SUPREME COURT, U.S.

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

(Your Name)

(Address)

(City, State, Zip Code)

(Phone Number)

Question Presented

Was the petitioner deprived of a fair trial when the only Government witness to incriminate him lied to the jury that the defendant appeared before the grand jury and made an incriminating statement upon exiting , when the defendant was not called before the Grand jury, and the Prosecutor lied to the Judge that the defendant did appear in order to avoid defense's callfor a mistrial?

List of Parties

United states of America

(Alll parties shown in Caption

CONSTITUTIONAL AND STATUTORY PROVISIONS

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IN THE SUPREME COURT OF THE UNITED STATES
WASHINGTON D.C.

GLEN THOMAS DOTSON
PETITIONER

V

UNITED STATES OF AMERICA
RESPONDENT

BEFORE CHIEF JUSTICE
JOHN ROBERTS

PETITION FOR A WRIT OF CERTIORI

JURISDICTION

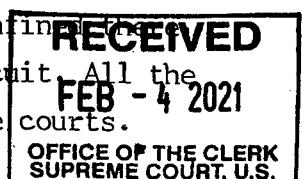
JURISDICTION IS INVOKED PURSUANT TO 28 U.S.C. 1254 (1)

BACKGROUND AND OVERVIEW

The Petitioner, Hereinafter Dotson, was charged with conspiring with one Virgil Lee Jackson, to commit murder, and with providing a weapon to a felon, under 18 U.S.C. 1958, and 18 U.S.C. 922 (d) (1). Dotson was found guilty by a jury on May 12, 2008. (APP. 1)

DotsonAppealed the case to the Eighth Circuit Court of Appeals; the court affirmed and Dotson filed for Certiorari; Dotson v. United States, 570 F3d 1076 (8th cir.) Cert. Denied 558 U.S. 1058, 130 s. ct. 764, 175 L.ED2d 532 (2009). (APP. 2)

Subsequently, Dotson filed a petition for Habeas relief pursuant to 28 U.S.C. 2255. That petition was heard by Distrct court Judge Henry Edward Autrey. The Judge denied the petition and he denied a Certificate of Appealability, 2013 U.S. Dist. Lexis 55519 (E.D. MO. 2013). Dotson Filed for a rehearing Enbanc and a rehearing by the panel; those motions, under 4:10 - cv-00888- HEA, were denied. Dotson filed a successive 2255, it was denied as were a 28 U.S.C. 2241 Habeas he filed in Arkansas while he was confined there and motion for a Certificate of Appealability with the Eighth Circuit. All the motions he filed after the 2255 were denied without comment by the courts.



Dotson is serving two consecutive sentences for an aggregate of 240 months for the two counts for which the jury found him guilty.

A frantic cry of actual innocence that is supported by lack of evidence in the Record may seem to be unrealistic in a legal atmosphere in which the Government seldom loses a case. In this particular case, however, there was no physical evidence against Dotson. Their recordings of telephone calls to Lee Jackson made by Aaron Smith who cooperated with the Government, but Dotson's name did not come up in those conversations. No witness other than Stump implicated Dotson in those crimes, and the record reveals Stump's lie after lie to implicate Dotson; they are documented in the record. The Government introduced many photographs, fundamentally, they were useless, However, they added to the illusion that the Government had overwhelming evidence of Dotson guilt. Dotson does not appear in one of those photos and not one of them casts guilt on Dotson. In the absence of real, physical evidence, the Prosecutor presented evidence and testimony that made a strong case against Virgil Lee Jackson, but which did not incriminate Dotson.

Prosecutor Hoag paraded twenty witness with titles that may have impressive titles. The Prosecutor brought seven Federal Agents before the court and jury; none of whom were able to incriminate Dotson. Six current or former policeman testified for the Government, not one of them produced real evidence against Dotson. Two Sheriff's deputies, one of them a Detective, were Government witness; they did not produce incriminating evidence against Dotson. Five state or county employees took the stand for the Government, but did not connect Dotson with any crime. It was a ploy by the Government; when you don't have evidence divert, and that, the Government did. The Prosecutor made a case against Virgil Lee Jackson and it rubbed off on Dotson.

There was a Bill before the Missouri Legislature to lessen restrictions in the Law to prevent certain felons from obtaining a license to be a General Bail Bondsman; they were, under then current law, only permitted to work as Bail Bond agents under the umbrella of a licensed General Bail Bondsman. The Bill was opposed by a vocal, formal State Representative, Gerald Cox; who was himself, the proprietor of a Bail Bond Company Cox operated his business in the same area of Missouri, as Jack Allison, who held the general license under which Virgil Lee Jackson worked and under which Jackson could hire lower echelon Bail Bonds Men and Bounty Hunters (to catch Bond violators).

Dotson was a Part-time "Bounty Hunter" who worked for Virgil Lee Jackson. He was required to "recover" people on Bond who had violated the conditions of their release on Bond. Dotson had a day job moving house trailers.

Dotson did not know Gregory Stump prior to Stump seeking work. Stump was the Government's all-important witness; absent Stump, the Government had no case. Stump was working for a garage door company when he encountered general BailBondsman Jack Allison. The two men conversed and Allison gave Stump the telephone number of Virgil Lee Jackson.

Stump phoned Jackson who then gave him the telephone number of Dotson. The petitioner, Dotson, returned Stump's call. There after, Stump accompanied Dotson on about ten bounty missions; apparently, only one of those resulted in a "recovery". Stump did not testify to having contact with Dotson beyond the ten occasions when he accompanied Dotson to make a "Recovery".

Never the less, Stump testified that at some point, Dotson telephoned to ask Stump if he had a throw-away gun; one that was untraceable. It was for Dotson's son at home to have. At first he said he didnt have one, but then he recalled an old, inoperable pistol he owned. Stump said he agreed to sell that gun to Dotson for One Hundred dollars.

According to Stump, Dotson and he met at a volleyball court, the following day. Stump and Dotson drove their vechiles beside one another; and Stump testif ied that he passed the gun, wrapped in a towel, to Dotson. Dotson passed a one hundred dollar bill to him.

On cross examination, Stump denied that he lied to Agent Heitzler, however, he had told that agent he had purchased the gun from a deceased blind man. He denied that he told that to the Agent. Defense counsel confronted him with the Agents report.

Under redirect examination, Stump admitted to lying when he told the agent he had procured the gun from a deceased, blind man, Mark Listner. The prosecutor asked, "why did you lie?" Stump answered, " I was trying to protect my friend Pat Dannegger."

Stump's friend and former employer, Patrick Dannegger lied as to where he had gotten the gun; but in his file he wrote that the gun was from "uncle Bill". The truth was that he purchased the gun from one Gus Loness who brokered the sale between Loness and Dannegger. Dannegger testified that he lied about the source of the gun to protect a Police man.

Stump testified that after he sold the gun to Dotson, Dotson told him he had gotten the gun repaired at a shop located in New Melle, Mo when ATF agent interviewed Jack and Jill McCellan, owners of that gun shop, Jill McCellan picked two photos from a photo spread and said the individuals resembled people who had been in the shop. Jack McCellan said he did not recognize the gun as one he had worked on. Mr. McCellan searched his firearm repair log book but there was no record of the gun Stump claimed he sold Dotson and which Dotson said he had repaired at the New Melle gun shop.

When Stump purchased the gun from Dannegger, Stump assured Dannegger he would sell it back to Dannegger if ever he decided to "get rid of it". Stump lied again, he testified that he sold it to Stump that was a lie to but, never the less, he did not keep his word to his friend Patrick Dannegger.

In a declaration dated 11-06-09, Virgil Lee Jackson denied that Dotson provided him with a firearm, "Glen did not give, transfer, sell or loan me a firearm at any time." (APP. 9).

The most serious, the most flagrant lie Stump told is ahead as the topic for argument.

Initially, Stump was the focal point of the investigation; he diverted attention to Dotson four days later by reporting that Dotson called him in search of a throw-away gun.

ARGUMENT

Dotson was not summoned to appear before the Grand Jury. He was not called and he did not appear before it. (APP.4). Dotson does not know if A.U.S.A. Hoag presented the case to the Grand Jury or if some other Government Attorney sought the indictment against Dotson, however, it is illogical that a government Attorney taking a case to trial would not know who did and

who did not appear before the Grand Jury, the Government attorney presents the evidence to them and it is he who will be summoned and, under Rule 6, of the Federal rules of Crimmlinal Procedures, he is the only Attorney allowed in the Grand Jury Proceedings.

Furthermore, the knowledge of all of the Prosecutors revelant to a particular case is imputed to the case prosecutor. Giglio V. united States, 405 U.S. 150, 154, 92 s.ct.763,31 Led 2d 104(1972).

The following colloquy took place between prosecutor Hoag and his witness Gregory Stump:

Q. Okay, now did you ever have occassion then to run into Mr. Dotson in the court house?

A. Yes.

Q. When was that approximately?

A. That was when I had to testify in front of the Grand jury

Q. All right, and when you saw him, what if anything did the defendant say to you,

A. the first time he looked at me, he asked me what I was doing here.

Q. Okay.

A. And then the second time was when he come out from the grand jury and he looked at me and he said, I didn't tell them a thing.

Q. All right.. (Tr Iv, 125:17 - Tr 126:6)

Mr. Jenkins, defense counsel quickly moved for a mistrial. Jenkins complained that Stump's testimony was a "direct reference to my client's failure to testify in this in the case before the Grand jury. It's the first time I've heard it." (Tr.IV ,126:11-14)

It seems obvious that defense counsel was unaware of the truth; Dotson had not been in the courthouse as Stump testified he was. Dotson did not enter the Grand jury room and, therefore, obviously did not tell Stump, "I didn't tell them a thing."

Mr. Hoag, the prosecutor defended Stump's Testimony.

Mr. Hoag; Its not a statement that is made in custodial. It's not an officer testifying about it. It is a witness that he attempted to intimidate, and and I think it's consciousness of guilt, and it's admissible for that. (Tr. IV126 22-),

Counsel Jenkins, unaware that Dotson had not been before the grand jury, pressed his argument that it was a statement that it was a direct comment about Dotson pleading the "fifth before the Grand jury ". (Tr IV , 126; 22-TrIV 127 : 1). (APP 4).

The defense counsel did not know who the witness were , who appeared before the Grand jury; the government is not obligated to provide the defense with a list of such witnesses. Weatherford V. Bursey, 429 U.S.545, 559, 97 S.CT 837, 51 L.Ed 3d 30 (1977). However, Prosecutor Hoag, and officier of the court, told the Judge:

Mr. Hoag: No, it's not. " I didn't them a thing" is consciousness of guilt. " I didn't testify" . that is absolutely true, I would say that, but I know he did testify. (Tr.IV 127:12-15).(APP. 4)

The Prosecutor. Mr. Hoag, argued to Judge Autrey that the false statement, wrongfully attributed to Dotson, "I didn't tell them a thing", " is consciousness of guilt". (Tr. IV 127: 13-15); but see (APP. 4)

It is incredible that an attorney for the United States would Intentionally, and knowingly lie in court to a Federal District judge; Not once but twice. Prosecutor Hoag lied to Autrey when he argued that Dotson attempted to intimidate Stump. That cannot be called anything except what it is- A Lie created out of whole cloth. When the Government Attorney, Mr. Hoag told Judge Autrey "...But I know that He did testify ", the Prosecutor lied with full knowledge that Dotson did not appear before the Grand jury in the case. (Tr. IV 126:18- 127:15),. (App.4)

The Government Attorney decides who will be summoned to testify before the Grand jury. The Government Attorney is the only Attorney allowed to be present when evidence is presented and witness brought before the Grand jury. It is the Government Attorney who develops the case upon which the Grand jury under the

Federal rules of criminal procedure. The Government Attorney must know who and what was said before the Grand jury in order to organize his case, even if he did not preside over the grand jury proceeding, the information relevant to the case is expected to be communicated to every Lawyer who deals with it. *Giglio v. United States*, 405 U.S. 150, 154, 92 S. Ct. 763, Ld 2d 104 (1972).

The prosecutor staunchly defended the testimony of his key-witness, Gregory Stump. During His support of Stump's testimony, the prosecutor injected his own false statement, "...But I know he did testify". there was no basis for that statement in the testimony, or in defense counsel's objection, nor in the record itself. (TR. IV 126:7- Tr IV,127: 18. The Government Attorney had no

Defensible reason to say he knew that Dotson did testify before the Grand jury. There was no reason for him to argue that to the Judge. The Prosecutor betrayed himself with that statement; perhaps it was in reality a freudian -slip. Whatever it was, it was a lie, he knew that it was a lie. It reeks of collision between the Prosecutor and his witness Gregory Stump on whom a conviction relied. The Prosecutor knew Stump lied and he knew that he himself lied.

Dotson had NO opportunity to tell Counsel Jenkins that he did not testify before the Grand jury. When Stump completed making his false accusation, Attorney Jenkins was immediately on his feet requesting a side bar; after which he moved for a mistrial. (Tr, IV126: 11-17). Subsequently, the Judge denied a mistrial (Tr. Iv127: 19-20).

Prosecutor Hoag, argued against a mistrial:

Mr. Hoag: No it's not, it's not." I didn't tell them a thing" is consciousness of guilt. " I didn't testify." that is true, I would say that but I know he did testify. (Tr IV, 127: 12-15); (TR IV, 126: 18- 21).

Dotson agrees with Prosecutor Hoag that the statement, in an actual truthful situation could likely be admissible as consciousness of guilt. In this case, Stumps testimony, which was totally fictitious, however, the jury never knew that, and as the Prosecutor advised the Judge, that the statement was consciousness of guilt.

Once Judge Autrey denied the defense motion for a mistrial, the jury was left to believe that the encounter with Dotson at this courthouse did, in fact, take place, the jury would, as the Government Attorney argued, view the false statement as evidence of guilt.

" As long ago as Mooney V holohan, 294 U.S. 103, 112, 79 L.ed 791, 794 55s. ct. 340, 98 ALR 406 (1935), This court made clear that deliberate deception of a court and Judges by presentation of known false evidence is incompatible with "Rudimentary demands of justice." This was reaffirmed in Pyle V Kansas 317 U.S. 213,87 L.ed 214, 63 S.ct 177 (1972). In Napue V Illinois, 360 U.S.264,3Ld 2d 1173, (1959) . We said "[t]he same result obtains when the state, although not soliciting false evidence, allows it to go uncorrected when it appears,"id,at 269,3 L.Ed 2d at 1221. Thereafter Brady V Maryland, 373 U.S., at 87,10 L.Ed at218,83 S.ct1194 (1963). Held that suppression of material evidence justifies a new trial " Irrespective of the good faith or bad faith of the Prosecution". Giglio V United States, 405 U.S. 150, 154, 92 S.ct. 763, 31 L.Ed 104 (1972).

Prosecutor Hoag may deny that he knew Dotson did not testify before the Grand jury However:

"The role of a prosecutor is to direct the Grand jury in its investigation but to avoid taking control of such inquiry. United States V Cosby, 601 F.2d 754,758 (5th cir 1979)." United V Heffington,682 F.2d 1075, 1080 (5th and 11th cir 1982).

The Supreme court has visited the issue of what the Prosecutor is responsible for being aware of.

" The Prosecutor's office is an entity, and such it is the spokesman for the Government. A promise made by one Attorney must be attributed,

for these purposes, to the Government. See restatement (second) of Agency § 272. See also American Bar Association project on standards for criminal justice, discovery procedure before trial § 2.1 (d). To the extent this places a burden on the larger Prosecution offices, procedures and regulations canbe established to carry that burden and to insure communion of all revelant information of each case to every Lawyer who deals with it." Giglo V united States, 405 US at 154.

At this beginning of this case, the focus o the investigation was on Gregory Stump. (Tr. IV 67: 6 -8) . It was only when Stump was asked if he sold the gun to Jackson that suddenly he remembered that he sold to Dotson. (Tr. IV 67: 9 -10) ^{APP. 7} Until that moment, it probably would have been Stump's name on the indictment, Not Dotson's name. Stump knew Jackson was a felon. (Tr. IV 145: 23-24),

Stump told agent Heitzler that he, Stump, purchased the gun from a deceased blind man, Mark Listner. (Tr. IV 141:17 Tr. Iv 142: 11). Stump admitted that he was not true.

On redirect, Prosecutor Hoag aksed Stump why he had lied to the agent when he said he had gotten the gunfrom the blind man. Mark Listner. Stump admitted he lied but he attemped to mitigate that lie by saying: " I was trying to protect my friend Pat dannegger." Tr IV, 159: 24 - Tr IV, 160:9).

Stump was asked, " Did you say anything at that time about Mr. Dotson calling and saying that this gun was for his son?) Stump replied that he had, but counsel called Stump's attention to the Agent's report that did not agree with him. Mr. Hoag intervened to rescue Stump by offering to stipulate that it was not

written in the Agent's report. Another Stump lie, again Stump was defended by Prosecutor Hoag. (Tr. IV 147: 1- 21). Stump testified that Dotson telephoned Stump on his cellphone at about 10:00 pm at night on a friday night. Stump testified that, " He asked me if I had an untracable gun, a throw-away. He said he was wanting to put something together for his boy at the house." (Tr. IV 115: 5-23).

Gregory Stump, under cross examination, testified that the gun did not work.

Q. Twice when Mr. Hoag was asking you questions about this weapon, Exhibit 1, you stated it didn't work; Correct?

A. Correct, it did not work when I had it. (Tr. IV 131: 12- 14).

Stump stated that the trigger assembly did not appear to be the the one he recalled being on the gun when he sold it. (TR. IV 124: 125-4).

Prosecutor Hoag asked if Dotosn had told him where he had gotten the gun fixed. Stump answered:

A. He said a place in New Melle. He said the guy acted kind of funny about it. About why he wanted to have an old gun gun fixed like that, that it wasn't worth the price to have it fixed--

Q. Okay. (Tr. IV 125: 6-10)..

Agent Heitzler visited " The gun shop" , located in New Melle Mo., where he interviewed Mr. James "Jack" L. McClelland, the owner, Agent Heitzler asked "if JM remembered someone coming into buisness in October of 2005 and having JM look at or work on the revolver shown to him, JM replied that he did not have any

recollection of the revolver.

Jill McClelland the wife and "JM" were shown a "photographic" "line up of six (6) white male subjects, which included a piture of Glen Thomas Dotson." JM stated that nc one looked familiar to him. Jill McClelland picked picture #4, the picture of Glen Dotson and picture #1, a picture of Jack Latimer (an anonymous white male subject not affiliated in any way to this case), as persons that may have been in the shop at one time. Jill McClelland was not positive on those identifications, just that the two looked familiar.

At that time, Jill McClelland produced "the gun shops" firearm repair log book, which would include firearms worked on by JM and "the gun shop". A check of September, October and November 2005 turned up negative for the H&R .38 S&W caliber, 5-shot revolver (ATF item # 00004).

That visit to "the gun shop" established once again that Gregory Stump did not testify truthfully. (APP. 3) Once again Prosecutor Hoag allowed Stump to testify without correcting him although Mr. Hoag possessed Agent Heitzler's report of 03-28-06, included here with as appendix 3.

"The most rudimentary of the access-to-evidence cases impose upon the prosecution a constitutional obligation to report to the defendant and to the trial court whenever government witnesses lie under oath. Napue *v.* Illinois, 360 US 264, 269-272, 36 L. Ed 2d 1217, 79 S. ct. 1173 (1959). See also Mooney *v.* Holohan, 294 US 103, 79 L.Ed 791, 55 S. ct. 340 (1935). California *v.* Trombetta, 467 US 479 485, 104 S.ct 2528, 81 L.Ed 2d 413 (1984).

Mark Hale testified that he owns H&H Outfitters, a gun shop located in Warrenton, Mo. (TR V, 73:6-9). Mark Hale did not repair the gun and he did not sell ammunition for the gun to Dotson. (TR V, 75:25 - TR V, 76:5)

David P. Brockfeld owns "The Brockfeld Gunshop" located in Truesdale, Mo. "The purpose of the interview was to find out if Mr. Brockfeld ever observed the firearm or had worked on the firearm for anyone." "Brockfeld stated that he is a .45 caliber hand gun expert 'gunsmith' and 'doesn't work on those old revolvers'. (APP 3AP.2)

Stephen Henderson, owner of "Troy Loan and Pawn Shop" was interviewed by Agent Heitzler on March 15, 2006. Troy Loan and Pawn Shop is located in Troy, Mo. Mr. Henderson stated that he is not a "gunsmith" and does not work on firearms. Mr. Henderson gave Agent Heitzler consent to check his computer records; "The check proved negative." (APP. 3AP. 3). Agent Heitzler was accompanied by Detective Gary Drury of the St. Charles, Mo., Police Department.

Detective Drury filed his own report with his department. Dotson's ex-girlfriend, Heather Walker, stated that Dotson had someone at the Troy Pawn shop "alter the gun." Owner Stephen Henderson said he is not a gunsmith, but an accountant. (APP. 3B).

Heather Walker testified. She told the jury she dated Dotson:

Q. How Long did that last?

A. Not quite a year, maybe eight, nine months.

Q. And sometime in 2003 it was over?

A. Yes.

Q. Okay, so in that period of time, did you ever go with Glen to repair a weapon, a gun?

A. I went with him when he went to have a gun altered in Troy. It was -- he wanted to have a pin taken out of it. I don't know what that means. But yes, it was in Troy on Main Street. There was a gunsmith that he knew in this pawnshop. (TR V, 57:13-22), (APP 3A, P.3, P.4); (APP. 3B)

Contrived? Heather Walker testified a second time, on cross examination, that she accompanied Dotson to the Troy Loan and Pawnshop during the time they dated. Between 2002 - 2003. (TR V 59:12-19). Dotson points out that the government's key-witness, Gregory Stump, testified that he was contacted by Dotson in 2005, and Dotson asked Stump if he had an untraceable, throw away gun. Stump still owned the gun on October 22, 2005. (TRIV, 114:16 - 18); (TR IV, 115:17 - TR IV, 116:11). (APP. 6).

Heather Walker added another tidbit to her testimony: "It was -- he wanted to have a pin taken out of it. I don't know what that means." (TR V, 57:20-21) Discussion of the two pins that secure the trigger assembly of ATF Item # 00004, the gun, arose during an interview of Mr. Jack McClelland, owner of "The Gun Shop", New Mell^ew, Mo. (APP. 3A, P.4)

Prosecutor Haog brought his own integrity into question when he told the Judge, untruthfully, "...but I know he did testify, ante, and (Tr. IV 127: 15). The testimony of Heather Walker is suspect, ante, but in a letter to Dotson dated July 28 2006, His then attorney advised him as follows:

" Dean Hoag informed me that he had additional taped conversations that put the gun in your hands but I'm not buying into anything as he told me that he would have [to] produce this to me and it is not forthcoming. Obviously they are trying to sweat you out thinking that you will turn against Lee, I told them that if they had such incriminating statements is from a tellephone conversation that I believe that they would have presented those to me for that purpose from the get go. Since they did not produce such transcripts I do not put any faith in their statements." (APP. 5)

The forgoing adds credence to the cummulative evidence of ^{impropriety} improperly on the part of Government Attorney Hoag.

" The United States Attorney is the representative not of an ordinary Party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, there force, in a criminal prosecution is not that it shall win a case, but that justice shall be done." Berger V. united States ,295 US 78, 88, 55 S. ct 629, 79 L. Ed 1314 (1935).

The first circuit has expressed it well.

" After all, a trial is a search for the truth, not merely a battle of wits between jousting Attorneys." Rodiguez V Doral Mortage CoRp. . 57 F.3d 1168, 1178 (1st Cir. 1995).

Gregory Stump was the key-witness for the Government in this case. Intially, it was he who was suspected of providing the .38 caliber revolver H&R, to Virgil Lee Jackson. (TR. VI 67: 6-7). After the second interview of Stump on 3-16-06, Stump diverted attention from himself to Dotson. The Government had no case without Stump.

Stump lied and the Prosecutor took part in his Biggest lie; when Stump testified that he saw Dotson in the Courthouse after after appearing before Grand jury. Stump said Dotson told him, " I didn't tell them a thing," (TR. IV, 126: 3-5). The prosecutor participated in that lie by arguing to the Judge that the statement was " consciousness of guilt," Dotson did not appear before the Grand jury and he did not testify before it. (APP.8).

The prosecutor did not want a mistrial and he wanted the statement left in because it created consciousness of guilt. The Prosecutor realized the impact the testimony might have on the jury; Stump was only evidence against Dotson.

Prosecutor Hoag told the jury:

"...Folks , you've got more than enough evidence to convict him. You've got more than enough evidence just based on Stump's testimony alone and the phone records that corroborate it, you've you've got more." (TR. VI 71: 1- 4).

The Government never recorded any phone calls to or from Dotson. They also did not introduce any verified phone bills although testimony was allowed in as though the phone records had been admitted as Business records. Be that as it may. Dotson's voice was not recorded in any phone conversation(s).

In the absence of physical evidence, the Prosecutor stacked his case with witness, none of whom, other than Stump gave incriminating evidence. Many of those witness~~es~~ seemed to have put on the stand simply because of their job title.

There were four (4), ATF Agents: Theodore Heitzler, (TR. III 3); Wade Beach, (TR.II 74); Jeff Eveld, (TR.IV, 67); Micheal Romos, (TR.IV, 75).

Three (3) FBI Agents took the stand: Brain Hoffman, (TR.IV, 99); Alan Leah, (TR.IV,92).;Brian Ritter, (TR. II, 80).

Two Sheriff's deputies took the stand; Shannon Bowmen, Detective, Lincoln county; Brian Johnson, Deputy Linclon county.

Two (2) witness on antique guns; Michael Fagras, (TR.II, 46); Richard Littlefield , (TR. II 40). Fagras was Dotson's former Attorney, and a former policeman.

Five (5) witness who work for Government entities within Missouri ; Jennifer Crum, former Missouri investigator ; (TR.II, 28); Gaylene Lauer, secretary to the criminal dividsion Judges, (TR.II,140); Tabatha Madding, supervisor of the criminal dividsion, St. Charles courts, (TR.II 136); Keith Morgan, bonding and records supervisssor , Deptment of Justice St. Louis county (TR, II, 132); Kathryn Turner, State of Missouri Insurance Department, (TR. 115).

The plan seemed to be to incriminate Virgil Lee Jackson, and to sully Dotson by his close relationship with him.

Q. Okay, so how--let me ask you this. The defendant in this case, Mr. Dotson, you know him?

A. Oh , yes, sir.

Q. How do you know him ?

A. He was Lee's right-hand guy, he did all of Lee's picks-ups.

He was---I mean, He was very tight with Lee. I did a couple of pick-ups with Glen. He was just always around at the office or what have you. (TR.III, 67:3-10).

The foregoing is from testimony of Aaron Smith, former policeman, Bailbondman, (First Florida than Missouri). and was in the flooring business for six months before he worked with the police, undercover, in this case. (TR.III, 63: 1-25).

Q. How would you describe your preception of his relationship

A. Every time I saw Lee, he was with him. I mean at any association meeting, if Lee was there, he was there.

Q. Okay. So when you were with Lee or When you saw Lee, fenerally he was there?

A. He was ther. (TR. II,104: 9- 15).

Agent Heitzler was cross examined by counsel Jenkins.

Q. Now as a part of your investigation when you make up you Ops plan, we have heard here in court and I assume we are going to hear more of it that my client is a long-time associate or my client is the Bitch or my client is whatever of Virgil Lee Jackson, you had his name.

A. Yes sir. (TR, III, 32 : 8 -13).

Q. And who was Lee Jackson?

A. Lee Jackson was a Bondsman and a very close friend of Glen's.

Q. That's my next question . how close were they?

A. Extermely close. They were together as often as possible.

Glen worked with him, did a lot of Hunting people down for him.

They were together a lot. He pretty much idolized him. (TR.V

52: -TR. V 53: 1). testimony of Heather Walker.

In a declaration made by Viril Lee Jackson, 11-6-09, Jackson:

" When Aaron Smith asked about Glen, I told him that Glen was a permanet fixture around St. Charles if either of us neede to use Glen again for more Bond recoveries." (APP.9 at 7).

And further in that declaration he swears:

" Glen and I did not socialize with each other, but we had mutual friends and we also occasionally saw each other at Proffessioal meetings." (APP. 9 at 9).

Jackson who plead guilty, went on to state:

" I did not conspire with Glen to murder Mr. Cox." (APP. 9 at11).

" Glen did not, give, transller, sell, or loan me a firearm at any time." (APP. 9at 12).

There is no incriminative evidence in the record other than the testimony of Gregory Stump that has been shown to be one lie upon another. The Prosecutor had nothing to build a case upon, so he paraded forty-one (41) witnesses before the jury, none of whom, other than Stump, were able to incriminate Dotson. Gregory Stump was the Government's case, Prosecutor Hoag told the jury:

"... Folks you've got morethan enough evidence to convict him. You've got more than evidence just based on Stump's testimony alone and the phone records that corroborate it. But you've got More." (TR, VI, 71: 1-4).

The statement to the jury is easily debunked, the repeated lies of key, Government witness Gregory Stump ; the fruitless information he provided to Agent Heitzler, e.g, his misdirection to the Agent that Dotson had gotten the gun in New Melle, Mo. No mention has been made as to whether or not the Government made a deal with Stump that he, himself, would not be prosecuted. If such a promise was made to Stump the Prosecutor had a duty to provide information under Brady V. Maryland, 373 U.S. 83, 83 S. ct 1194. 10 L Ed 2d 215 (1963); Giglio V. united States, 405 U.S. 150 154, 92 S ct 763, 31L Ed 2d 104 (1972). Initially, Stump was the subject of the investigation; except for Stump, the gun would not, however it happened, have found its way to Virgil Lee Jackson.

We are reminded of the Court's Statement in Napue:

" A lie is a lie, no matter what its subject, and if it is in anyway relevant to the case, the District Attorney has the responsibility and duty to correct what he knows to be false and elicit the truth...". Napue V. Illinois, 360 U.S. 264, 269-270, 79 S. ct. 1173, 3 L. Ed 2d 1217 (1959).

Prosecutor Hoag, in his statement to the jury, ante, told the jury they had Stump's testimony "....and the phone records that corroborated it." (TR, VII, 71: 1-4). The truth is that the phone calls the Prosecutor speaks of were not recorded calls, there prove nothing since Dotson, before he was acquainted with Stump, returned Stump's call regarding work for Stump, thereafter, Stump worked with Dotson as a Bounty Hunter. Obviously, there must have been an exchange of calls that took place after that initial one. Plain numbers do not relate what was said in the course of such calls.

The phone records, like the parade of witnesses, thirty-nine(39) of them, none of whom offered incriminating evidence that Dotson conspired with

Virgil Lee Jackson to kill Gerald Cox, are part of a deception on the part of the Government to win a case without real evidence.

Glen Thomas Dotson is innocent; he is a victim of the key Government witness who used Dotson as a scape goat to avoid criminal scrutiny himself.

In the absence of evidence, the Government leaned upon the fact that Dotson made himself available for work was distorted to create the impression that there was some extraordinary relationship between Jackson and Dotson. That would explain (falsely) the reason Dotson did not hesitate to find a gun for Jackson. It does not explain why Dotson, seeking an untraceable gun, would ask Stump, a stranger to Dotson except for ten recovery ventures, if he had an untraceable, throw-away gun he, Stump, wished to sell. That defies common sense. The smoke and mirrors routine is quickly wiped away by plugging Gregory Stump's name into the situations, it was Dotson who became Stump's victim. In the plea agreement between Virgil Lee Jackson and the Government, according to Jackson, he agreed not to testify for or against Dotson.

Glen Thomas Dotson is an innocent man who has unsuccessfully sought an opportunity to heard on these issues, but, largely due to the fact that he is pauperis and, therefore, must rely upon jailhouse lawyers who like Dotson, have no education in law or jurisprudence.

" Under the general principles laid down by this court in *mooney V. Holohan*, 294 U.S. 103, 79 L. Ed 799, 55 S.ct 340, 98 ALR 406 And *Pyle V. Kansas*, 317 U.S. 213, 37 L.Ed 214, 63 S.ct.177 Petitioner was not accorded due process of law." *ALORTA V. Texas* 355, U.S. 28, 31 L.E.d2d 9. 78 S.ct.103 (1957).

The jury was allowed to believe that Dotson had actually told Stump "I didn't tell them a thing", a statement Prosecutor Hoag argued is "Consciousness of guilt", (TR.IV, 126:3-5); but just as violative of Due Process under the fifth amendment was the Prosecutor's affirmation to the Judge that he personally knew Dotson did testify before th grand jury, "...But I know he did testify." (TR. IV, 127:12-15).

" After all, a trial is a search for the truth, not merely a battle of wits between jousting Attorney's " Rodriguez V. Doral Mortgage Corp., 57F. 3d 1168, 1178 (1st cir. 1995).

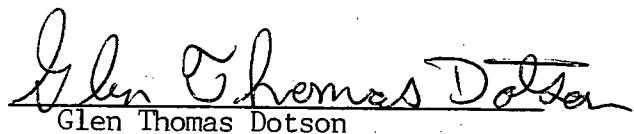
"A trial ideally is a search for the truth..." , Potuondo V. Agard 529 U.S. 61, 77, 120 S.ct 1119, 146 L.Ed 2d 47 (2000).

The Dotson trial was far from that; lies flourishing in the trial. The question of the key-Government witness lying to the jury, and the Prosecutor supporting him with another lie to avoid a mistrial is a distinct denial of Due Process of Law.

The Supreme court has repeatedly said that the Government must be accountable to the judiciary for the loss of liberty of an imprisoned individual. The court has never retreated from that position. That proposition was carved into the Constitution by it's framer's in Article 1, § 9, Cl 2. Dotson has reached out for Judicial relief despite the the fact that he must rely on others who, like himself, have no formal training or expertise in the Law or Judisprudence, Dotson now brings his innocence and his denial of Due Process to this court in one last effort to be heard.

" Its root principle is that in a civilized society, Government must always be accountable to the judiciary for a man's imprisonment: if the imprisonment cannot be shown to conform with the fundamental requirements of Law, the individual is entitled to his immediate release."Fay V. Noia, 372 U.S. 391 402, 83 S.ct. 822, 9 L.Ed 2d 837 (1963)).

Glen thomas Dotson is an innocent man who is simply seeking Justice. He, therfore, respectfully asks that the Court Grant a writ of Cerriori.



Glen Thomas Dotson
Glen Thomas Dotson

Date: _____

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