

20-7850

ORIGINAL

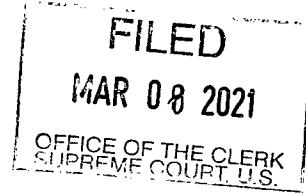
IN THE
SUPREME COURT OF UNITED STATES

TERM

AARON LAROSE,
Petitioner,

VS.

STATE OF MISSOURI,
Respondent.



PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES SUPREME COURT

PRO SE:

AARON LAROSE
#1223972
E.R.D.C.C.
2727 Highway, K
BONNE TERRE, MO 63628

QUESTIONS PRESENTED

I. WHETHER THE CIRCUIT COURT OF ST.CHARLES COUNTY MISSOURI, THE MISSOURI COURT OF APPEALS FOR THE EASTERN DISTRICK, AND THE MISSOURI SUPREME COURT, DENIED PETITIONER, DUE PROCESS, EQUAL PROTECTION OF THE LAW, AND ACCESS TO THE COURTS, AS THOSE COURTS REFUSED TO CORRECTLY APPLY MATERIALITY OF BRADY V. MARYLAND 373 U.S. 83 (1963), WHILE REFUSING/DENYING PETITIONERS BRADY V. MARYLAND CLAIM. WHEN THE RECORD UNDISPUTEDLY SHOWED THAT THE STATE SUPPRESSED MATERIAL INFORMATION, COMPRIZED OF A 1983 LAWSUIT WHICH WAS WON BY THE PLAINTIFF AGAINST OFFICER HUNT AND ST.CHARLES COUNTY, ALONG WITH A CRIMINAL INVESTIGATION INTO OFFICER HUNT WHICH LEAD TO A CONVICTION, AND THAT MANY GOVERNMENT AGENCIES, POLICE DEPARTMENTS KNEW OF BOTH THE LAWSUIT AND CRIMINAL INVESTIGATION INTO OFFICER CHRISTOPHER HUNT.

II. WHETHER THE CIRCUIT COURT OF ST.CHARLES COUNTY MISSOURI, THE MISSOURI COURT OF APPEALS FOR THE EASTERN DISTRICK, AND THE MISSOURI SUPREME COURT, DENIED PETITIONER, DUE PROCESS, EQUAL PROTECTION OF THE LAW, AND ACCESS TO THE COURTS, AS THOSE COURTS, INCORRECTLY APPLIED THE "KNOWN PERJURED TESTIMONY" AND FALSE EVIDENCE/TESTIMONY OF NAPUE V. ILLINOIS 360 U.S. 264 (1959), WHILE REFUSING TO CONSIDER SOME/ALL THE MATERIAL FACTS OF VIDEO'S AND TIMELIMITS IN ORDER TO CORRECTLY APPLY NAPUE. WHEN THE RECORD IS CLEAR THAT THE TIMES ON THE VIDEO'S, THE VIDEO'S AND THE TIME OF THE ACTUAL PHONE CALL BY THE VICTIM, PROVES THE KNOWN PERJURED TESTIMONY OF STATE WITNESS, AMBER KEYS.

III. WHETHER THE CIRCUIT COURT OF ST.CHARLES COUNTY MISSOURI, THE MISSOURI COURT OF APPEALS FOR THE EASTERN DISTRICK, AND THE MISSOURI SUPREME COURT, DENIED PETITIONER, DUE PROCESS, EQUAL PROTECTION OF THE LAW, AND ACCESS TO THE COURTS, AS THOSE

COURTS REFUSED TO APPLY OR CORRECTLY APPLY "FUNDAMENTAL FAIRNESS" TO PETITIONERS CLAIMS, EVEN AFTER ACKNOWLEDGING THEIR OWN EXCEPTION TO RAISE DISCOVERY VIOLATIONS IN A 29.15 PCR, WHICH WAS FOR FUNDAMENTAL FAIRNESS RIGHTS. WHEN THE RECORD SHOWS PETITIONER WAS DENIED BEING ABLE TO PUT ON A COMPLETE DEFENSE AS THE STATE REFUSED DISCOVERY OF VIDEOS AND TIMED TRAVEL ROUTES AND MORE.

IV. WHETHER THE CIRCUIT COURT OF ST.CHARLES COUNTY MISSOURI, MISSOURI COURT OF APPEALS OF THE EASTERN DISTRICT, AND THE MISSOURI SUPREME COURT, DENIED PETITIONER, DUE PROCESS, EQUAL PROTECTION OF THE LAW, AND ACCESS TO THE COURTS, AS THOSE COURTS REFUSED TO CORRECTLY APPLY, STRICKLAND V. WASHINGTON 466 U.S. 668 (1984) TO COUNSEL'S DUTIES, AND FAILED TO CORRECTLY APPLY THE PREJUDICE PRONG. WHEN THE RECORD UNDENIABLY SHOWS THAT TRIAL COUNSEL REFUSED/FORGOT TO CALL AN ALIBI WITNESS THAT WOULD/DOES CORROBORATE ANOTHER ALIBI WITNESS, BOTH OF WHICH PETITIONER DOES NOT PERSONALLY KNOW, COUNSEL REFUSED TO PUBLISH TWO VIDEOS TO THE JURY TO DECIMATE THE STATES CASE, AND COUNSEL STIPULATED TO THE CHAIN OF CUSTODY TO A DETECTIVE DAN MAIXNER'S VIDEO SURVEILLANCE.

V. WHETHER THE CIRCUIT COURT OF ST.CHARLES COUNTY MISSOURI, THE MISSOURI COURT OF APPEALS FOR THE EASTERN DISTRICT, AND THE MISSOURI SUPREME COURT, DENIED PETITIONER, DUE PROCESS, EQUAL PROTECTION OF THE LAW, AND ACCESS TO THE COURTS, AS THE MISSOURI APPEALS COURT AND SUPREME COURT, ACKNOWLEDGED IN THEIR OPINION AND JUDGEMENT, THAT PETITIONERS 29.15 PCR APPOINTED COUNSEL DID NOT INCLUDE SPECIFIC MATERIAL FACTS IN THEIR AMENDED MOTION AND THEREFORE DENIED THE CLAIMS AND 29.15 PCR, DENYING PETITIONER EFFECTIVE ASSISTANCE/ADEQUATE ASSISTANCE OF 29.15 PCR COUNSEL IN THE PCR'S INITIAL COLLATERAL ATTACK, AS DECIDED IN, MARTINEZ V. RYAN 132 S.Ct 1309 (2012).

VI. WHETHER THE CIRCUIT COURT OF ST.CHARLES COUNTY MISSOURI, THE MISSOURI COURT OF APPEALS FOR THE EASTERN DISTRICT, AND THE MISSOURI SUPREME COURT, DENIED PETITIONER, DUE PROCESS, EQUAL PROTECTION OF THE LAW, AND ACCESS TO THE COURTS, AS THOSE COURTS DENIED PETITIONER 29.15 PCR RELIEF AFTER THE MOTION COURT JUDGE ADMITTED ON RECORD THAT AN ALIBI WITNESS, DENNIS DELBRUGGIE, WHO PETITIONER DOES NOT PERSONNALLY KNOW, AND THAT DEFENSE TRIAL COUNSEL REFUSED/FORGOT TO CALL, "THAT HIS TESTIMONY WOULD OF INFACt CORROBORATED THE OTHER ALIBI WITNESS, PATTY CONKLIN". WHEN THE RECORD SHOWS THAT PATTY CONKLIN PLACED PETITIONER AT A PARK WHERE PETITIONER TOLD POLICE HE WAS AT, AROUND 2P.M., WHICH PROVES PETITIONERS INNOCENCE AND CORROBORATES THE TACO BELL VIDEO.

VII. WHETHER THE CIRCUIT COURT OF ST.CHARLES COUNTY MISSOURI, THE MISSOURI COURT OF APPEALS FOR THE EASTERN DISTRICT, AND THE MISSOURI SUPREME COURT, DENIED PETITIONER, DUE PROCESS, EQUAL PROTECTION OF THE LAW, AND ACCESS TO THE COURTS, AS THOSE COURTS GROSSLY MISTATED/MADE UP, OR REFUSED, MATERIAL FACTS TO DENY PETITIONERS 29.15 PCR MOTION, WHEN THE RECORD UNDENIABLY SHOWS THE TRUE MATERIAL FACTS.

VIII. WHETHER THE CIRCUIT COURT OF ST.CHARLES COUNTY MISSOURI, THE MISSOURI COURT OF APPEALS FOR THE EASTERN DISTRICT, AND THE MISSOURI SUPREME COURT, DENIED PETITIONER, DUE PROCESS, EQUAL PROTECTION OF THE LAW, AND ACCESS TO THE COURTS, AS THOSE COURTS DENIED PETITIONER THE ABILITY TO PROPERLY LITIGATE AND RAISE "ALL" HIS CLAIMS/GROUNDS IN STATE COURTS, OF HOW PETITIONERS UNITED STATES CONSTITUTIONAL RIGHTS WERE VIOLATED, CLAIMS OF; PROSECUTORIAL MISCONDUCT OF, KNOWN PERJURED TESTIMONIE[S], BRADY/ DISCOVERY VIOLATIONS, LYING TO THE JUDGE DURING BENCH ARGUMENTS, OVER 60 CLAIMS OF PROSECUTORIAL MISCONDUCT AND INEFFECTIVE ASSISTANCE OF TRIAL AND APPELLATE COUNSEL. WHEN THE RECORD SHOWS THAT PETITIONER DID EVERYTHING HE COULD TO HAVE THESE CLAIMS HEARD.

LIST OF PARTIES

PETITIONER:

AARON LAROSE #1223972
E.R.D.C.C.
2727 HIGHWAY, K
BONNE TERRE, MO 63628

RESPONDENT:

STATE OF MISSOURI
STATE ATTORNEY GENERAL
P.O. BOX 899
JEFFERSON CITY, MO 65102

LIST OF PROCEEDINGS

History from the 29.15 PCR process, to this Certiorari Petition.

- 29.15 PCR filed in the Circuit Court of St.Charles County MO, Case #1411-CC00186, denied 2/13/19.
- 29.15 PCR Appeal, Missouri Court of Appeals, Eastern Districk, Case #ED107728, mandate 12/23/20.
- Rehearing and/or transfer to the Missouri Supreme Court, filed in the Missouri Court of Appeals, ED, denied, 10/6/20.
- Application to transfer, in the Missouri Supreme Court, Case #SC98785, denied, 12/22/30.
- This Certiorari Petition, from the 29.15 PCR Process.

Other proceedings before the 29.15 process.

- Petitioner was convicted in the Circuit Court of St.Charles County MO, for 1st degree murder, and armed criminal action, case #0911-CR-03956-01, sentenced, 6/16/11.
- Direct appeal in the Missouri Court of Appeals, Eastern Districk Case #ED97043, State v. LaRose 412 S.W.3d 294 (2013).
- Missouri Supreme Court denied transfer, Case #SC93690, 7/16/2013.
- United States Certiorari, from the direct appeal, Case #13-8412, denied, N/A.

Other litigations.

- LaRose v. Schneider 133 S.Ct 266 (Oct. 2012).
- Two Federal Removals, filed by someone else on petitioners behalf, first one filed during the direct appeal, second one filed during the 29.15 PCR Process, listed in this order.
 - 4:13-cv-00560-AGF, Federal Districk Court, ED Missouri.
 - Appealed, Federal Appeals Court, Case #13-1984.
 - 4:17-cv-1962-AGF, Federal Districk Court, ED Missouri.
 - Appealed. Federal Appeals Court, Case #17-3082.

TABLE OF CONTENTS

LIST OF PARTIES	-	-	-	-	-	-	-	-	-	i
LIST OF PROCEEDINGS	-	-	-	-	-	-	-	-	-	ii
TABLE OF CONTENTS	-	-	-	-	-	-	-	-	-	iii
TABLE OF AUTHORITIES	-	-	-	-	-	-	-	-	-	iv
OPINIONS BELOW	-	-	-	-	-	-	-	-	-	1
JURISDICTION	-	-	-	-	-	-	-	-	-	1
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	-	-	-	-	-	-	-	-	-	2
STATEMENT OF THE CASE	-	-	-	-	-	-	-	-	-	3
REASONS WHY THE WRIT SHOULD ISSUE:										
# I,	-	-	-	-	-	-	-	-	-	8
# II,	-	-	-	-	-	-	-	-	-	15
# III,	-	-	-	-	-	-	-	-	-	16
# IV,	-	-	-	-	-	-	-	-	-	21
# V,	-	-	-	-	-	-	-	-	-	26
# VI,	-	-	-	-	-	-	-	-	-	30
# VII,	-	-	-	-	-	-	-	-	-	31
# VIII,	-	-	-	-	-	-	-	-	-	34
CONCLUSION	-	-	-	-	-	-	-	-	-	39
PROOF OF SERVICE	-	-	-	-	-	-	-	-	-	40

APPENDIX, (A-ZZZ),

(WHICH IS APPENDIX, A-Z, THEN, ZZ, THEN, ZZZ).

TABLE OF CASES AND AUTHORITIES

Brady v. Maryland, 373 U.S. 83 (1964) - - -	8,9,14
Buchli v. State, 242 S.W.3d 449 (2007)- - -	10,19,27,29,33
California v. Trombetta, 467 U.S. 479 (1984)--	18,19,20
Clemmons v. Delo, 124 F.3d 944 - - - - -	37
Crawford v. Washington, 541 U.S. 36 (2004)- -	25
Davis v. Wechler, 263 U.S. 22,24 - - - - -	37
Giglio, 405 U.S. 150 - - - - - - - - -	9
Greene v. State, 494 S.W.3d 525 (2016) - -	35
Kyles v. Whitley, 514 U.S. 419 (1995) - - -	9,11,12,13,14
Jackson v. Norman, 2011 U.S. Dist. Lexis 84580, 4:08-cv-0593 ERW/TCM, - - - - -	0
Jennings v. Nash, 2020 U.S. Dist. Lexis 7315 case No. 6:18-cv-03261 NKL- - - - -	10
Martinez v. Ryan, 132 S.Ct 1309 (2012) - -	26,27,28,29
Milke v. Ryan, 711 F.3d 998 - - - - -	9
Napue v, Illinois, 360 U.S. 264 (1959) - -	15,17
O'Sullivan v. Boerckel, 526 U.S. 838, 845, 119 S.Ct 1728, 144 L.Ed. 2d 1 (1999) - -	37
Philip Alberternst v. Christopher E. Hunt, et al, No. 4:10-cv-642-JAR,2011 WL 6140888 - -	8
Schlup v. Delo, 513 U.S. 298 - - - - -	6,(Appendix Y)
Schmedeke v. State, 136 S.W.2d 532 - - - - -	31
State v. Carter, 955 S.W.2d 548 - - - - -	19
State v. Hunt, 451 S.W.3d 251 (2014) - - -	8
Strickland v. Washington, 466 U.S. 668 - - -	21,23,25,31
Summers v. State, 154 S.W.3d 2005 - - - - -	31
Tisius v. State, 183 S.W.3d 207 - - - - -	19
United States v. Begley, 473 U.S. 667 - - -	9
Wearry v. Cain, __ U.S. __; 136 S.Ct 1002 (2016) -	10,13,14

Williams v. State, 8 S.W.3d 217 - - - - 31

United States Constitution:

1,5,6,14th Amendments - - - - 14,17,20,25,29,31,34,
38

US Code:

28 U.S.C.S. § 2254 (A.E.D.P.A.) - - - - 37

Missouri Bill of Rights, Artical 1,
sections 14, - - - - - 14,17,20,25,29,31,34,
38

Missouri Supreme Court Rule 29.15, (2014) - - - - - 28,35

IN THE
SUPREME COURT OF THE UNITED STATES

TERM

OPINIONS BELOW

The opinion of the Missouri Supreme Court denying motion to transfer, was issued, Dec. 22nd 2020, (Appendix A).

The opinion of the Missouri Supreme Court denying to accept petitioners, Pro Se Supplemental Application to Transfer, with a cover sheet and letter to the court clerk to reconsider, was issued on, 11/09/20, (Appendix B).

The opinion of the Missouri Supreme Court denying to accept petitioners, Pro Se Supplemental Application to Transfer, was issued on, 10/27/20, (Appendix C).

The opinion of the Missouri Court of Appeals for the Eastern District, denying transfer to the Missouri Supreme Court issued, 10/06/20, (Appendix D).

The opinion of the Missouri Court of Appeals for the Eastern District, and Mandate issued, 12/23/20, (Appendix E).

The opinion of the Missouri Court of Appeals for the Eastern District's order and memorandum supplementing order affirming judgement, issued, 9/1/20, (Appendix F).

The opinion of the Missouri Court of Appeals for the Eastern District, denying petitioners pro se letter/motion to the court clerk, with attached pro se supplemental 29.15 PCR appeals brief, issued, 4/02/20, (Appendix G).

JURISDICTION

The opinions issued by the Missouri Supreme Court, and by the Missouri Court of Appeals for the Eastern District are final,

The United States Supreme Court has jurisdiction pursuant to 28 USC 1257, Supreme Court Rule 13.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1st Amendment U.S. Constitution

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

5th Amendment U.S. Constitution

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

6th Amendment U.S. Constitution

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

14th Amendment U.S. Constitution

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Article 1 Section 14 Missouri Bill of Rights

That the courts of justice shall be open to every person, and a certain remedy afforded for every injury to person, property or character, and that right and justice shall be administered without sale, denial or delay.

STATEMENT OF THE CASE

Aaron LaRose, petitioner here in and charged/tried/sentenced in the Circuit Court of St.Charles County, Missouri, with the offence of 1st degree murder, RSMo 565.020, (life w/o), and armed criminal action, RSMo 571.015 (2000), (30 years), running consec.

Petitioner seeks Certiorari from the denial of his 29.15 PCR process in state courts, after a direct appeal was sought to no avail, Missouri Court of Appeals ED, State v. LaRose 412 S.W.3d 294 (2013). MO Supreme Court denied transfer, SC93690, Certiorari was denied 13-8412. All issues in this petition was raised in the 29.15 PCR process and appealed to the MO Appeals Court ED, and MO Supreme Ct.

Petitioner timely filed a pro se 29.15 PCR on 12/28/14, case #1411-CC00186, (See record on appeal, 29.15 ED107728 documents). Appointed counsel Ms.Faerber timely filed her amended 29.15 PCR on 12/24/14, (Appendix H). Petitioners 29.15 PCR appeals Brief was filed, (Appendix I), at which time petitioner filed a letter/motion with a pro se 29.15 PCR appeals brief, (Appendix J), then a motion for rehearing was filed, (Appendix K), all filed in the MO court of Appeals ED, case #ED107728. An application to transfer in the MO Supreme Ct, was filed (Appendix L), a pro se application to transfer in the MO Supreme Ct. was filed, (Appendix M), and a second pro se application to tranfer was filed with a cover letter to the court clerk MO Supreme Court, (Appendix N), case #SC98785. States first set of findings (Appendix O), states second set of findings (Appendix P). MO Appeals Ct. findings denying PCR (Appendix Q). MO Appeals and Supreme Ct. denied transfer (Appendix D,A).

The Circuit Court of St.Charles County granted an evidence hearing however limited it to only three claims, out of thirty-one claims in the amended motion, and over one hundred claims in the pro se motion. Appointed counsel Ms.Faerber filed motions for discover, which the state never complied with. Ms.Faerber refused to

hold the evidence hearing without this video evidence, waiting for two years, late 2014 through Jan. 2017. In Jan. 2017 Ms.Faerber went to private firm, and a Scott Thompson was appointed to petitioners case. Mr.Thompson immediately filed for the evidence hearing to commence, notwithstanding the none disclosed video evidence. Petitioner filed in the Circuit Court of St.Charles County for substitute counsel and to pause the evidence hearing, denied. The evidence hearing commenced and petitioner was refused to be at the hearing and was refused to be involved at all, even after the judge ordered petitioner to be present by video or deposition, see (Appendix I). Petitioner was denied access to the courts and was silenced.

After the evidence hearing, petitioner filed other motions for substitute counsel and to keep the record open, which petitioner asked for a new evidence hearing, as well as to be able to present all his pro se/amended claims for an evidence hearing and to be able to present all the evidence to the three claims he was given a hearing on, these motions denied, see a letter/motion to the appeals court with attached pro se supplemental 29.15 PCR appeals brief with an appendix, (Appendix J), but see the appendix of the supplemental appeals brief for the pro se motions listed above.

Mr.Thompson stated to the court after the hearing in his, findings of facts/law/judgement, that petitioner wants an evidence hearing on all his claims, pro se/amended, which the Circuit Court turned a blind eye to.

Mr.Thompson refused to appeal all of petitioners amended claims, abandoning about twenty of them, he appealed ten out of thirty-one. Thompson said the courts do not allow a page limit to raise that many claims. Thompson did file for rehearing in the Missouri Court of Appeals, Eastern District, and he filed to transfer to the

Missouri Supreme Court, which was denied, (Appendix A-G).

During the above 29.15 process, petitioner filed many motions and petitions with the Circuit Court of St.Charles County, to attach his pro se 29.15 PCR and all his pro se claims to any amended motion filed on time or out of time as petitioner refuses to abandon any claim, all motions denied after consideration. In Jan. 2017 a new judge took over, who took petitioners pro se motion to consider/reconsider to attach all petitioners pro se claims to the amended motion as he abandons no claim, and wants an evidence hearing on all his claims, the judge later denied this motion. Petitioner filed many motions for new counsel, to keep the record open, to grant a new evidence hearing, motion to amend the judgement, and more so he could raise all his claims in the Missouri Circuit Court, see the appendix in (Appendix J), all denied.

In Missouri Court of Appeals, Eastern District, petitioner filed a letter/motion with attached pro se supplemental 29.15 PCR appeals brief, all filed in accordance with their Special Rule 380(c), see (Appendix J). This letter/motion laid out 29.15 PCR counsels ineffectiveness/inadequateness and submitted in the same letter/motion all petitioners pro se 29.15 PCR claims, along with exhibits to prove the claims. The attached 29.15 PCR supplemental appeals brief laid out all petitioners claims along with an appendix of alot of the motions petitioner filed in the circuit court, trying to get all his claims heard and adjudicated in state court. The Missouri Court of Appeals, Eastern District's, Clerk entered the letter/motion and attached brief, onto the docket sheet and sent them to the judge, who denied them, see (Appendix G).

Once the Missouri Court of Appeals, Eastern District, denied the 29.15 PCR appeal, Mr.Thompson filed for a rehearing or to transfer to the Missouri Supreme Court, denied. Then filed to

transfer in the Missouri Supreme Court, denied. At the same time, petitioner filed a pro se supplemental motion to transfer, in the Missouri Supreme Court. The clerk sent the pro se motion back to petitioner with a letter, (Appendix C). Petitioner filed the same Motion to Transfer, with a letter/motion to the court clerk explaining that every court in Missouri, including the Missouri Supreme Court has accepted pro se filings when represented by counsel. Petitioner further explained, that he is not afforded a constitutional right to effective assistance of counsel on a 29.15 PCR appeal therefore the court should not deny petitioner access to the court (Appendix N), filed with federal and state case laws to back it up here in incorporated and reiterated. The pro se motion therefore was also denied, however petitioner filed in every state court, all of his constitutional rights that were violated, before/during and after trial, likewise petitioner gave ever state court an opportunity to rule on, hold evidence hearings on, and adjudicate all his claims, as required by, Federal Habeas Corpus Rule 2254, and the A.E.D.P.A. (AEDPA) standard of review.

During petitioners attempts to litigate and prove his claims, petitioner tryed to get all kinds of critical exonerating evidence into the courts that the jury was denied, as in Schlup v. Delo 513 U.S.298. Evidence such as: Videos which has petitioner on camera 1½ hours away from the crime scene, where he arrived after leaving a court house on camera, proving that he didn't go anywhere else; Evidence that two park attendents seen petitioner, ½ mile from the above camera views also proving where petitioner was; Evidence of a K-9 unit which picked up petitioners scent at the park where the park attendents worked also proving petitioners innocence, and that petitioner told police that he went to this (Taco Bell), on camera, then to this park, right after leaving the court house, and this is how the police was able to retrieve this evidence;

Evidence of fingerprints on/in the victims car which the perp. drove from the crime scene, prints that do not match neither the victim, nor petitioner, and which the state gave known perjured testimony about through state witness Don Smallwood, see questions and why this writ should issue, number V; Evidence of foreign DNA in the victims car on key areas, such as the gear shift, seat belt, and A/C control, with outside temp. over 93°; Foreign DNA under the victims fingernails that did not belong to petitioner, nor the victim, and the state put on evidence that the victim mostlikely struggled or fought her perp; Evidence of foreign DNA in the victims sexual fluids, (from only days before her murderer); Unknown hairs found in the victims car that the perp. drove; Unknown hairs and DNA found on the victims cloths; Evidence that the police, with the order of the prosecutor, denied a judges order to preserve the victims car, as the police drove the car around for hours, destroying the critical, exonerating DNA evidence on key areas that the police had to touch, drivers seat belt/gear shift and A/C control.

Well over a dozen Brady/discovery violations. Please see attached (Appendix ZZZ) for the remaining "Statement Of The Case", as petitioner had to shorten/shrink this petition. Petitioner had to shrink facts and evidence even eliminating facts and evidence that this court should want to know in order to make a decision on this Writ. Appendix ZZZ is here in incorporated and reiterated.

Note: Appointed counsel also filed a reply brief, to the 29. 15 PCR appeals brief, in the Missouri Court of Appeals, ED, see (Appendix R). The court opinions, findings of facts are attached, (Appendix O,P,Q). Appendix Q is the most recent from the MO, Ct of Appeals, ED, please see Appendix Q when this petition references the courts "Opinions".

REASONS WHY THE WRIT SHOULD ISSUE

I. WHETHER THE CIRCUIT COURT OF ST.CHARLES COUNTY MISSOURI, THE MISSOURI COURT OF APPEALS FOR THE EASTERN DISTRICT, AND THE MISSOURI SUPREME COURT, DENIED PETITIONER, DUE PROCESS, EQUAL PROTECTION OF THE LAW, AND ACCESS TO THE COURTS, AS THOSE COURTS REFUSED TO CORRECTLY APPLY MATERIALITY OF BRADY V. MARYLAND 373 U.S. 83 (1963), WHILE REFUSING/DENYING PETITIONERS BRADY V. MARYLAND CLAIM. WHEN THE RECORD UNDISPUTEDLY SHOWED THAT THE STATE SUPPRESSED MATERIAL INFORMATION, COMPRISED OF A 1983 LAWSUIT WHICH WAS WON BY THE PLAINTIFF AGAINST OFFICER HUNT AND ST.CHARLES COUNTY, ALONG WITH A CRIMINAL INVESTIGATION INTO OFFICER HUNT WHICH LEAD TO A CONVICTION, AND THAT MANY GOVERNMENT AGENCIES, POLICE DEPARTMENTS KNEW OF BOTH THE LAWSUIT AND CRIMINAL INVESTIGATION INTO OFFICER CHRISTOPHER HUNT.

All Missouri courts above were aware of the "Brady Violation[s]" of, Officer Christopher Hunt's criminal investigation as well as the 1983 lawsuit against, Hunt, his police department and the county of St.Charles where Hunt worked, which is the same county where petitioner was tried and convicted. All the information about the "criminal investigation" and the "1983 lawsuit" were listed in petitioners pro se 29.15 PCR, claim (h), the amended 29.15 PCR as claim 8&9(c)(10) see (appendix, H), which is claim X in the 29.15 PCR appeal see (appendix, I), which is claim X, in the 29.15 PCR appeals reply brief see (appendix, R), which is claim X, in the motion for rehearing or transfer see (appendix K), which is claim X, for the application to transfer in the Missouri Supreme Court see (appendix L), and the pro se application to transfer in the Missouri Supreme Court as claim 2(a) see (app. M). The above claims listed Hunt's criminal investigation and conviction, State v. Hunt 451 S.W.3d 251 (2014), as well as the civil suit, Philip Alberternst v. Christopher E. Hunt, et al, No. 4:10-cv-642-JAR, 2011 WL 6140888,. Hunt's professional conduct had been in question for years before petitioners trial.

When 29.15 PCR counsel tryed to investigate how deep this hole into Hunt's misconduct[s] went, the prosecutor had the judge squash all subpoenas, see (app. W) see also the motions filed in the St.Charles County Circuit Court under case #1411-CC00186. There is no doubt that Hunt had a personnel file stacked against him as he assulted the same man twice, while on duty as a cop, see claims and case law listed (supra).

It's cristal clear in the United States Supreme Court Laws, that a police officers misconduct as an officer on duty, including his/her personnel files, reprimands, suspensions, demotions, and the like, are all Brady impeachment material under, Brady v. Maryland 373 U.S. 83 (1976), and Milke v. Ryan 711 F.3d 998 (cases cited), which argues that an officers personnel files and negative acts while on duty are Brady/Giglio/Begley material along with the case laws in Milke(supra), such as Giglio 405 U.S. 150, and United States v. Begley 473 U.S. 667 (1985). Meaning this would also encompass both the criminal investigations into Hunt's misconduct as an officer while he took the stand against petitioner as well as the civil suit where Hunt already gave a deposition in that suit, and that the Federal Judge already admitted that the suit would not be dismissed as Hunt assualted the citizen.

All the above material was discovery before petitioners trial. Moreover the state courts knew this and refused to even comment, give a ruling, or opinion on the "Brady" violation of the civil suit against Hunt, when both the civil suit and criminal investigation were mentioned.

Futhermore the Missouri courts wrongly applied materiality of Brady to the criminal investigation of Hunt in order to deny the claim, while they simultaneously refused to acknowledge the civil suit. Futhermore the state courts refused to apply Kyles v. Whitley 514 U.S. 419 (1995), to these Brady issues, (argued ~~xxxxxx~~part

below). Likewise the courts refused to correctly apply materiality of Brady and it's effect on the outcome of the "proceedings", as Brady and, Wearry v. Cain U.S. ; 136 S.Ct 1002 (2016), confirm, (argued more below).

Missouri state courts granted relief to a Mr.Jennings on a Brady violation, refusing to retry him, when his case had a lot more overwhelming evidence against him unlike petitioners case, such as; blood all over Mr.Jennings cloths, a record of being abusive, his wife was having an affair, and was planning on leaving him, and she had a gun shot wound to her head and found in their closet, see Jennings v. Nash, 2020 U.S. Dist. Lexis 7315, case No. 6:18-cv-03261-NKL, and case cites there in. Same in Buchli 242 S.W.3d 449, about discovery violations of video evidence, which petitioner also has violations of see (infra). Whether those two were innocent or not petitioner does not know, but he knows he is. Missouri courts denied petitioner, access to the courts, equal protection of the laws, and due process, as seen above and below.

Please see (Appendix W), attched here to, for a lot more facts and evidence to this argument, now here in incorporated and reiterated. Appendix W, is the Brady claim laidout in detail, along with the state courts opinions and judgement "refuted", (shown to be unreasonable). These pages of appendix W, also include, the states "overwhelming evidence", "REFUTED", which was almost all hearsay and lies. Please see those 19 pages of appendix W, to understand this argument more indepth.

Please continue for more issues and argument for this Question I, and "Reasons why this writ should issue". There was a break in the pages due to corrections when the clerk sent this writ back. This was not done on a computer and petitioner could not cut and post, or "simply" fix the writ.

This claim included in it the U.S. Supreme Court Law, Kyles v. Whitley 514 U.S. 419 (1995), to compel the Missouri courts to rule on petitioners claim[s], guided by "Kyles" in two areas.

i) To review the cumulative effect of all suppressed evidence when assessing, "materiality" of petitioners "Brady" claim about Hunt, see (Appendix L, p.8), of the application to transfer to the Missouri Supreme Court. As well as defining materiality under Brady, p.102 of petitioners 29.15 PCR appeals brief, (Appendix I) ~~XXXXXX~~ and p.72 of petitioners, amended 29.15 PCR motion, case # (Appendix H). All Missouri courts refused to do this.

Furthermore the Missouri circuit court of St.Charles County, had "nine" discovery violations in the amended 29.15 PCR, claims 8&9(c)(1) through 8&9(c)(10). New counsel Thompson only appealed two discovery violations with the Brady violation to the Missouri Court of Appeals ED and to the MO Supreme Ct, as claims VIII and IX which were amended claims 8&9(c)(5),(6). Mr.Thompson did advise the courts that they should consider all discovery violations along with the Brady, however the courts refused. Missouri courts denied the above two discovery violations against their own case law and against their own exception of "Fundamental Fairness", see below, ~~XXXXXXXXXX~~ "Reasons why this writ should issue # III".

Moreover petitioner filed 27 claims of Brady/discovery violations in his pro se 29.15 PCR, claims 19-45, which were appealed pro se in all Missouri courts, as well as the discovery claims

Mr.Thompson did not appeal. Mr.Thompson also made petitioners pro se 29.15 PCR part of the record on appeal and petitioners discovery/Brady violations are listed in "ED107728 documents #139, p.5 through documents #140, p.21, (PCR appeal). Petitioner also included "Kyles" (supra) in his pro se 29.15, for all his discovery/Brady violations to be taken together as a compound effect, state courts refused. All claims were presented to every state court, see arguments on "Questions, and reason why the writ should issue ~~XXXXXXXXXX~~ # VIII", (infra).

ii) Informing the courts under Kyles(supra), that the prosecutor has a duty to learn of any favorable evidence known to the others acting on the governments behalf in the case, including the police, see page 103 of petitioners, 29.15 PCR appeals brief #ED-107728, see also page 72 of petitioners amended 29.15 PCR, case # 1411-CC00186, and petitioners pro se 29.15 listed (supra).

Petitioners amended 29.15 PCR motion informed the courts that Hunt was part of "MEG" (Multi-Districk Enforcement Group), which was three different county's of police departments. When Hunt disobeyed direct orders, he also violated search and seizures, and assaulted a citizen while acting in the capacity of the "MEG" group. When Hunt was being investigated, it was by Missouri Highway Patrol, and Montgomery County Missouri, which was part of the "MEG", where Hunt actually committed his acts against the citizen. Thus the St.Charles County prosecutor should have known everything about Hunt's criminal investigation, from all the police Dept,'s involved, (Montgomery County, Warren County, St.Charles County, and The Missouri Highway Patrol). Likewise the civil suit against Hunt, 2-3 other officers, St.Charles County and it's "police Dept." would have/should have put St.Charles County prosecutors on notice of all the impeachment material against Hunt, which is the same county who tried petitioner. Please see (Appendix W), : ~~XXXXXX~~ for more

argument, facts, and evidence to this issue, as well as the state courts decision refuted, those pages are incorporated and reiterated here in for Question I argument ~~XXXXXX~~ .

The state completely refused to apply "Kyles" (supra) to the prosecutors duty to disclose this Brady material, saying that the prosecutor does not have to go on "Fishing Expeditions" to find and disclose this material. State courts totally refused to apply "Kyles" (supra) to all the discovery violations, without comment. Thus denying petitioner access to the courts and equal protection of the laws, along with due process, (this paragraph is for both i and ii above).

The Missouri Courts refused to correctly apply "Brady Materiality" to petitioners Brady claim. Petitioners counsel even quoted Kyles (supra) to help guide the courts. Moreover petitioners counsel argued Brady materiality under Wearry v. Cain ____ U.S. ____; 136 S.Ct 1002 (2016) in his Application to Transfer to the Missouri Supreme Court as the Missouri State Appeals Court errored in it's findings, (appendix L, p.8). Missouri Courts said that petitioners Brady claim had to result in an acquittal (petitioners counsels words/brief). Petitioners counsel argued that Brady violations only had to effect the verdict, and argued that without Hunt's testimony the worst verdict could have been 2nd degree not 1st degree, because the state used Hunt's testimony to try and prove, intent/deliberation/ and motive, which the state argued in closing, trial tr.1019. However this also is to strict as; Hunt's testimony was hearsay, and he wrote no police report to an issue he told the jury rose to a level of homicide, thus his testimony is already questionable, with the impeachment material (supra), Hunt's testimony would fail, thus the states accusations in closing trial tr.1019 would fail, and so does intent, deliberation and

motive, thus the case fails and the conviction overturned. Moreover, the state denied petitioner of due process when they denied petitioner this "Brady" material, due process is do petitioner before liberty can be taken away, therefore, when petitioners due process was violated, petitioners liberty has to be reinstated.

Please see (Appendix W) ~~see XXXXXX~~, incorporated and reiterated here in for more argument, facts, and evidence, for (Questions, I, argument ~~to xsubparXXXXXX~~) and issues here in.

Thus the state courts refused to apply to petitioners Brady Claim, United States Supreme Court Laws under, Brady/Wearry/Kyles as well as cases cited in petitioners amended 29.15 PCR and appeal as well as his pro se 29.15 PCR and appeals. Thus denying petitioner of his due process, equal protection of the laws, and access to courts.

Everything listed above, all proves that petitioner was denied, his United States Constitutional Amendments numbers 1,5,6,14, as well as Missouri's Bill of Rights Article 1 sections 14. As petitioner was denied access to the courts in Missouri with a fair court system, with equal protection of the Laws, and that right and justice be administered to petitioner without sale, denial or delay. Petitioner was refused justice in Missouri, along with due process, equal protection of the laws, and since Missouri courts refused equal protection of the laws, then Missouri courts refused petitioner access to the courts, as the courts petitioner was in refused to be just, with equality of law towards petitioner.

Missouri Courts refused to grant petitioner his United States Constitutional Amendment Rights, and Equal protection of United States Laws, therefore this United States Petition for Writ of Certiorari should issue and uphold petitioners constitutional Amendment Rights.

II. WHETHER THE CIRCUIT COURT OF ST.CHARLES COUNTY MISSOURI, THE MISSOURI COURT OF APPEALS FOR THE EASTERN DISTRICT, AND THE MISSOURI SUPREME COURT, DENIED PETITIONER, DUE PROCESS, EQUAL PROTECTION OF THE LAW, AND ACCESS TO THE COURTS, AS THOSE COURTS, INCORRECTLY APPLIED THE "KNOWN PERJURED TESTIMONY" AND FALSE EVIDENCE/TESTIMONY OF NAPUE V. ILLINOIS 360 U.S. 264 (1959), WHILE REFUSING TO CONSIDER SOME/ALL THE MATERIAL FACTS OF VIDEO'S AND TIMELIMITS IN ORDER TO CORRECTLY APPLY NAPUE. WHEN THE RECORD IS CLEAR THAT THE TIMES ON THE VIDEO'S, THE VIDEO'S AND THE TIME OF THE ACTUAL PHONE CALL BY THE VICTIM, PROVES THE KNOWN PERJURED TESTIMONY OF STATE WITNESS, AMBER KEYS.

Petitioners pro se 29.15 PCR has seven known perjured testimony claims as claims, 12 through 18. All of these claims were appealed pro se in all state courts. All claims relied on Napue(supra) for controlling Law. Appointed counsel only raised two known perjured testimony claims in her amended 29.15 PCR as claims, 8&9 (c)(11) and (12), Missouri circuit Court of St.Charles county, case #1411-CC00186. Counsel Mr.Thompson only appealed one of these claims as 29.15 PCR appeal claim XI, case #ED107728 in the Missouri Appeals Court ED, Petitioner will focus on this last claim, but states that he waives no claim. and prays that this court will leave this petition open if they will consider the other claims.

Now the state courts said petitioners 29.15 PCR claim 8&9(c) (11), appealed as claim XI, is without merit because the Bass Pro Parking lot is connected to, adjoined the Mobil On the Run Parking lot, and therefor Keys statements could have still happened. However the two parking lots "do not" connect, and there is roads, stop signs, and other parking lots inbetween. Moreover the state first said that the victim arrived at the Mobil "before" petitioner, to deny an evidence hearing on the claim, which was a lie, see (infra), more facts/evidence/argument ~~argued~~, in (Appendix X).

However petitioner is seen on camera at Mobil, inside shopping, then leaving before the victim pulls up, proving petitioner was not following, stalking, harassing the victim as Keys told the jury. Furthermore, at no time was there ever any physical evidence that the two parking lots connected, but defense trial exhibit A is a map of the area, which if the courts would have considered, then they would have seen this and not have relied on false evidence to deny this claim.

Most importantly is the time limits of both the petitioner and the victim both being seen on camera at the Mobil, along with the travel times of what Keys alleged, which proves that the statements of Keys elicited by the state was false. Key's statements to the jury said, that the victim was at the Bass Pro and that petitioner pulled up right next to her, that this scared her and she took off immediately, driving to the Mobil to be around people in a public place. The state showed the jury the video of Mobil but only were the victim pulled up and then left. However petitioner was inside the Mobil doing his own thing, not knowing where the victim was or what she was doing. Key's said when petitioner pulled up next to the victim it was "at" "or" before 8:11a.m. by the phone records of when the victim tryed to call Keys, but did not get threw, and the victim took off to Mobil "immediately", arriving at 8:12:25a.m. on camera, thus "taking", 1min. and 25sec. to drive from the so called contact place to the Mobil, (States evidence and facts). However the Mobil video shows petitioner getting off of interstate 70, making a left to go to Mobil, went inside Mobil, shopped, and left at 8:10:45a.m., not knowing where the victim was or what she was doing. This means without knowing anything about the victim he only had 15 seconds, to find out where she was, drive there, going past roads, parking lots, stop signs, then driving down a parking lot to pull up next to the victim.

So it took the victim 1½ minutes to drive to the Mobil from where she was parked, and it only took petitioner 15 sec. to drive the same, not knowing the destination. Moreover the Mobil building also blocks any view in the direction of Bass Pro, which you can not see that parking lot anyway. The whole thing is impossible not to mention that petitioner and the victim was still having sex, even days before this, also proving that the victim was not scared to be around petitioner, which the state had evidence of them being sexual, raised in other claims, not in this petition. But that also proves the lies by the state and Keys.

Please see (Appendix H), of the amended 29.15 PCR, claim 8&9 (c)(11). See (Appendix I), of the 29.15 appeal brief, claim XI. See (Appendix M) of a pro se application to transfer, claim 2(c). All the above is this known perjured testimony of Amber Keys.

Please see (Appendix X) where this argument is laid out with accurate times, with exhibit numbers of still pictures from Mobil which has petitioner arriving, shopping, leaving, and has the victim arriving/leaving, also includes still pictures of the Administration Building with petitioner driving by after leaving Mobil, all proving the known perjured testimony of Amber Keys. The exhibits listed in appendix X, is located in the packet of exhibits which is (Appendix V). Both appendix X and V are here in incorporated and reiterated for facts and evidence to prove this argument. Thus Missouri courts refused to apply/correctly apply the material evidence of videos, phone calls, and driving times to correctly evaluate a Napue v. Illinois 360 U.S. 264 (1959) violation, and incorrectly applied Napue to the claim at all.

Thus petitioner was denied his United States Constitutional Amendment Rights 1,5,6,14 and Missouri Bill of Rights Article 1, section 14. As petitioner was denied access to the courts, equal protection of the laws, and due process. Therefore this Writ of Certiorari should issue and uphold petitioners Rights.

III. WHETHER THE CIRCUIT COURT OF ST.CHARLES COUNTY MISSOURI, THE MISSOURI COURT OF APPEALS FOR THE EASTERN DISTRICT, AND THE MISSOURI SUPREME COURT, DENIED PETITIONER, DUE PROCESS, EQUAL PROTECTION OF THE LAW, AND ACCESS TO THE COURTS, AS THOSE COURTS REFUSED TO APPLY OR CORRECTLY APPLY "FUNDAMENTAL FAIRNESS" TO PETITIONERS CLAIMS, EVEN AFTER ACKNOWLEDGING THEIR OWN EXCEPTION TO RAISE DISCOVERY VIOLATIONS IN A 29.15 PCR, WHICH WAS FOR FUNDAMENTAL FAIRNESS RIGHTS. WHEN THE RECORD SHOWS PETITIONER WAS DENIED BEING ABLE TO PUT ON A COMPLETE DEFENSE AS THE STATE REFUSED DISCOVERY OF VIDEOS AND TIMED TRAVEL ROUTES AND MORE.

Petitioners 29.15 amended motion contained nine discovery violations along with his Brady violation. New counsel Thompson only appealed two of them, which would destroy the states case, appealed as claims VIII, IX (which was amended claims 8&9(c)(5), (6)). The Missouri State Appeals Court ED, after admitting to an exception to raising discovery violations in a 29.15 PCR, which is for "Fundamental Fairness", turned around and refused to apply/or correctly apply this fairness to petitioners claims, see the state court responses, (appendix Q ____).

The United States Supreme Court, say that "Fundamental Fairness" is a fairness that "requires", a defendant to be afforded a complete defense, California v. Trombetta 467 U.S. 479(1984).

Petitioners amended motion claims 8&9(c)(5) actually said that this discovery violation "prevented" petitioner from challenging the state's timeline, causing his trial to be "Fundamentally unfair", Amended 29.15 PCR motion p.66,67, case #1411-CC00186.

Which is the reason why Missouri courts granted a discovery violation in Buchli 242 S.W.3d 449, which was also video footage that challenged the states timeline. However refused petitioner. Petitioners amended 29.15 PCR claim 8&9(c)(6), said; Without this discovery, trial counsel was at a disadvantage in terms of challenging the states "critical evidence", amended 29.15 PCR, p.67,68. Moreover petitioners pro se 29.15 PCR stated that petitioner was denied "Fundamental Fairness" quoting Trombetta(supra), see the record on appeal for the 29.15 PCR listed (supra), for the discovery/ Brady violations. [Amended 29.15 PCR, attached, (Appendix H)].

However the Missouri courts refused proper application of Fundamental Fairness to deny petitioners claims in state courts, refusing the United States Holdings in Trombette (Supra). Furthermore the state courts went against their own state laws to deny these claims saying, they should have been in the direct appeal instead of a 29.15 PCR. State said they were apparent at trial, even though the trial transcripts are void of these discovery violations. Moreover the state courts know that if it's not in the trial tr. then a public appointed defender is not going to raise the claim as it is not a "Trial Error", if not mentioned in the trial tr. as the appointed public defender does not have the trial attorneys client file and has no idea if something was disclosed or not, as the client file goes to the 29.15 PCR counsel not the direct appeals counsel. Furthermore the state courts knew this as their own case laws state this, that the courts misused, State v. Carter 955 S.W.2d 548, Tisius v. State 183 S.W.3d 207, as those cases even say that the discovery violation has to come out during trial. Most importantly is the fact that the state courts overturned a conviction for murder, do to a discovery violation of videos that the state disclosed "part" of before trial, however refused the defense the parts critical for them, thus it should

have been apparent at Buchlis trial, however it was not mentioned at trial nor the direct appeal, "BUT" in his 29.15 PCR where the state courts granted Buchli a knew trial, but refuses petitioner the same denying petitioner equal protection of the laws. Petitioner brought up the appeals courts errors in his pro se Application to Transfer p.6,7,8 (Appendix M), notwithstanding Buchli case law, which appointed counsel used in his 29.15 PCR appeal on the same claims and appeal, (Appendix I).

Please see both claims attached in (Appendix Y), of the state refusing discovery of a driving reinactment, 29.15 PCR amended claim 8&9(c)(5) appealed as claim VIII, and the state refusing discovery of a timed travel route "TIMES", 29.15 PCR amended claim 8&9 (c)(6) appealed as claim IX. All exhibits listed in appendix Y are in the packet of exhibits in (Appendix V). Both appendix Y and V are here in incorporated and reiterated for facts and evidence to prove this argument. Appendix Y lays out the facts and evidence to both claims, and lays out Missouri Court errors in denying the claims and refusing to correctly apply the "Fundamental Fairness" prong of California v. Trombetta 467 U.S. 479 (1984).

Both claims above were raised in the Amended 29.15 PCR see (Appendix H), both claims appealed see that brief (Appendix I). Both claims are in the Application to transfer in the Missouri Supreme Court, by counsel (Appendix L), pro se (Appendix M).

Thus petitioner was denied his United States Constitutional Amendment Rights 1,5,6,14 and Missouri Bill of Rights Article 1 sections 14. As petitioner was denied access to the courts, equal protection of the laws, and due process. Therefore this Writ of Certiorari should issue and uphold petitioners United States Constitutional Rights.

IV. WHETHER THE CIRCUIT COURT OF ST. CHARLES COUNTY MISSOURI, MISSOURI COURT OF APPEALS OF THE EASTERN DISTRICT, AND THE MISSOURI SUPREME COURT, DENIED PETITIONER, DUE PROCESS, EQUAL PROTECTION OF THE LAW, AND ACCESS TO THE COURTS, AS THOSE COURTS REFUSED TO CORRECTLY APPLY, STRICKLAND V. WASHINGTON 466 U.S. 668 (1984) TO COUNSEL'S DUTIES, AND FAILED TO CORRECTLY APPLY THE PREJUDICE PRONG. WHEN THE RECORD UNDENIABLY SHOWS THAT TRIAL COUNSEL REFUSED/FORGOT TO CALL AN ALIBI WITNESS THAT WOULD/DOES CORROBORATE ANOTHER ALIBI WITNESS, BOTH OF WHICH PETITIONER DOES NOT PERSONALLY KNOW, COUNSEL REFUSED TO PUBLISH TWO VIDEOS TO THE JURY TO DECIMATE THE STATES CASE, AND COUNSEL STIPULATED TO THE CHAIN OF CUSTODY TO A DETECTIVE DAN MAIXNER'S VIDEO SURVEILLANCE.

Missouri courts refused to apply and/or correctly apply, Strickland v. Washington 466 U.S. 668 (1984), and refused to/or wrongly applied counsels duties and performance under Strickland.

Petitioner filed many pro se and amended claims throughout his case and he abandons none of them, however do to the length of this petition, and time restraints, petitioner will only raise a few of them and prays this court will look into the rest of them for trial counsels compounded effect of ineffective assistance.

Petitioners amended 29.15 PCR raised eighteen claims of ineffective assistance of counsel, claims 8&9(a)(1), through (a)(18). New counsel Mr. Thompson only appealed seven of these eighteen claims as, 29.15 PCR appeal claims, I, II, III, IV, V, VI, VII.

In amended claim VI, is a claim that defense counsel was ineffective as he failed to call an alibi witness (petitioner did not personally know). a Dennis Delbruggie. Petitioner was given an evidence hearing on this claim, in which counsel admitted he did not know if this Delbruggie would corroborate the other alibi witness, Patty Conklin or not, PCR Hr. Vol.2, p.58. Furthermore counsel admitted he did not know why he did not call Delbruggie as a

witness to testify, (29.15 PCR Hr. Vol.2, p.44). Counsel also admitted he did not talk to Delbruggie even though he had the report from PDI investigators who counsel hired, which said Delbruggie remembered petitioners van, how he drove, and the day in question, 29.15 PCR Hr. Vol.2, p.34. All the above proves that there was no trial strategy not to call Delbruggie

The circuit court judge at the 29.15 PCR hearing said, she took what Delbruggie said to PDI investigators as true, PCR Hr. Vol,2, P.64-69, and that petitioner was at the park on the day in question same pages. The judge also said Delbruggie's testimony "does" corroborate Conklins testimony. The above also proves that trial counsel was deficient and that his deficiency/ineffectiveness prejudiced petitioner, for not calling Delbruggie as a witness to corroborate Conklins testimony and prove a concrete timeline of petitioners whereabouts on the day in question, establishing his innocence. Furthermore both Conklin an Delbruggie were at the Rockford Beach Park when petitioner was, and where petitioner told police he was. The police sent a K-9 unit to the same park where they picked up petitioners scent. All proving that petitioner was indeed at this park and that, that is what he told police.

Defense counsel at trial asked a detective if he knew if there were dogs, K-9 unit sent to the park, he answered yes but he was not involved with that trial tr. 749. That witness could not give a detailed account of the K-9 unit findings. However counsel had the police reports which mentioned all the information counsel needed to depose, and call the K-9 unit handler to testify at trial to corroborate both Conklin and Delbruggie's testimony and counsel failed to do this, see pro se 29.15 PCR claim 211, which was appealed to every court, also part of the 29.15 PCR record on appeal as, ED107728 Appeal Document #149,p.26, through

p.33, however it is missing 3-4 pages do to counsels ineffectiveness on scanning legal documents for court files, but the pages are on file at the circuit court level. The above all proves that counsel did not test the states case with a meaningful adversarial testing as in Strickland(*supra*).

Please see (Appendix Z, -29.15 PCR amended claim 8&9(a)(15), appealed as claim VI). There are three different claims in appendix Z. This claim in appendix Z lays out in detail with facts and evidence, the proof to prove this argument. All exhibits listed in Appendix Z are attached in (Appendix V). Both appendix Z and V are here in incorporated and reiterated for facts and evidence to prove this argument.

Futhermore trial counsel refused to publish and show the jury two different videos, which would have decimated the states case and proven petitioners innocence.

The first video is of a Walter's Jewelry Store which the state said petitioner turned around in the parking lot, on video at 2:24p.m., after the victims murder, and that this is what the state based their timeline and case off of. The state used this at the Grand Jury Hearing to get an indictment, then used it at trial to convict petitioner, BUT REFUSED TO SHOW THE JURY THE VIDEO OR STILL PICTURES FROM WALTER'S AT 2:24p.m. FOR THE JURIES CONSIDERATION. Trial counsel had every opportunity to cross-examine state witness Brett Jansen with the video and still pictures of Walter's to decimate the states case as counsel did in the deposition, but refused. After trial the state changed toon trying to say counsel disputed Jansen's testimony without the video, and that Jansen said he could not tell if it was petitioner or not. However Jansen at trial said he believed it was petitioner, trial tr.734,735. Therefore counsel had a duty to publish the Walter's video to the jury for their determination and would of seen it wasn't petitionr.

Please see (Appendix Z, -29.15 PCR amended claim 8&9(a)(5),

appealed as claim II). There are three claims in Appendix Z, this is the second claim, which lays out in detail, facts and evidence with trial transcript pages, still photos and refutes the states opinion/findings/judgement, and everything there in proves this argument. All exhibits listed in appendix Z are attached in (Appendix V). Both appendix, Z and V are here in incorporated and reiterated for facts and evidence to prove this argument.

The second video is a Taco Bell video which decimates the states case on many levels, and proves petitioners innocence.

This Taco Bell video disproves the states case, where the state said petitioner arrived at Taco Bell between 3:03 and 3:04p.m. because of a drink dispencer, despencing a clear liquid like water. However the dispencer, dispenced a black liquid, "soda", not a clear liquid, and counsel had a duty to publish this video at this time to the jury for the jury to see, that the states timeline is once again wrong, when state witness Brett Jansen said this. Furthermore the Taco Bell video shows petitioner in his van in the drive thru a few minutes after 2.p.m. which proves petitioner could never of been around the crime scene, as there was no time and petitioner drove straight to Taco Bell from the Court House. Counsel again had a duty to publish this part of the video to the jury when counsel asked state witness Jansen, "if petitioner is anywhere else or at any of these locations at a DIFFERENT TIME, it would blow your timeline, Jansen said yes, but counsel failed/refused to show the jury the Taco Bell at both these times.

Please see (Appendix Z, -29.15 amended claim 8&9(a)(6), appealed as claim III). There are three claims in Appendix Z, this claim is the third claim, which lays out in detail, facts and evidence with trial transcript pages, still photos, and refutes the states opinion/findings/judgement, and everything there in proves this argument. All exhibits listed in appendix Z are attached in (Appendix V). Both appendix, Z and V are here in incorporated and reiterated for facts and evidence to prove this argument.

Likewise trial counsel was ineffective for stipulating to the chain of custody and admission to the states timeline consisting of video surveillance footage as prepared by detective Dan Maixner.

Detective Maixner viewed alot of video, enhanced and filtered these videos, then comprised what he thought was evidence of the victim and petitioner at different times through out the day. Since it was Maixner's beliefs and Maixner changed/enhanced/filleted these videos, then only Maixner could give account to any and all the videos used by the state. Counsel's stipulation to this denied petitioner his rights to confrontation as in Crawford v. Washington 541 U.S. 36 (2004), and denied petitioner the ability to find out what all Maixner did to the videos. State courts never addressed petitioners confrontation rights violated.

No state court considered or talked about petitioners rights to confrontation, at all, let alone under Crawford(supra). Had the courts considered petitioners rights to confrontation under Crawford(supra), it would have shown counsels ineffectiveness, for allowing such wrong. Please see petitioners arguments in his 29.15 PCR amended motion claim 8&9(a)(11), along with claim IV in the 29.15 PCR appeal, rehearing, application to transfer, and the 29.15 PCR appeals briefs reply brief, (Appendix H,I,K,L,R), see the Missouri Appeals Courts,opinion, (Appendix Q). ~~xxxxxxxxxxxxxxxx~~

Please see (Appendix ZZ), which lays out facts, evidence and the states opinions refuted. All exhibits listed in appendix ZZ are attached in (Appendix V). Both appendix ZZ,V are here in incorporated and reiterated, to prove this argument.

Everything above proves counsels performance fell below that of a competent attorney, and counsel did not vigorously test the states case, as Strickland v. Washington 466 U.S. 668 (1984), says.

Thus petitioner was denied his United States Constitutional Amendment Rights 1,5,6,14 and Missouri Bill of Rights Article 1, section 14, as petitioner was denied access to the courts, equal protection of the laws, and due process. Therefore this Writ of Certiorari should issue and uphold petitioners Rights.

V. WHETHER THE CIRCUIT COURT OF ST. CHARLES COUNTY MISSOURI, THE MISSOURI COURT OF APPEALS FOR THE EASTERN DISTRICT, AND THE MISSOURI SUPREME COURT, DENIED PETITIONER, DUE PROCESS, EQUAL PROTECTION OF THE LAW, AND ACCESS TO THE COURTS, AS THE MISSOURI APPEALS COURT AND SUPREME COURT, ACKNOWLEDGED IN THEIR OPINION AND JUDGEMENT, THAT PETITIONERS 29.15 PCR APPOINTED COUNSEL DID NOT INCLUDE SPECIFIC MATERIAL FACTS IN THEIR AMENDED MOTION AND THEREFORE DENIED THE CLAIMS AND 29.15 PCR, DENYING PETITIONER EFFECTIVE ASSISTANCE/ADEQUATE ASSISTANCE OF 29.15 PCR COUNSEL IN THE PCR'S INITIAL COLLATERAL ATTACK. AS DECIDED IN, MARTINEZ V. RYAN 132 S.Ct 1309 (2012).

It's crystal clear by the Missouri Court of Appeals Eastern District's Memorandum Supplementing Order, Affirming Judgement, Pursuant to Rule 84.16(b), see (Appendix Q), that the appeals court said, specific material facts were not included in the amended 29.15 to prove the claim, and said these material facts were listed in the 29.15 PCR appeal, but that, that is why the claim is in error. The appeals court said petitioner tried to "refine" the claim on appeal, see page 10 of the appeals courts judgement (above), for 29.15 PCR appeal claim III, (amended claim 8&9(a)(6), pro se claim 65,147). Appeals court judgement p.10 says:

"Movant failed to allege in his amended motion, the Taco Bell video would have shown the drive thru attendant dispensing a "dark liquid", and contradicted testimony by the state's witness that the Taco Bell video was of poor quality. Defects in post-conviction relief pleadings can not be remedied by the refinement of a claim on appeal, A post-conviction claim on appeal that materially differs from that alleged in a post-conviction motion preserves nothing for appellate review and is "waived",".

The Appeals court continues in the same claim on another material

fact, on their p.10 and p.11 of their judgment, saying:

"Movant also argues, trial counsel should have admitted "another" video to prove he was at the Taco Bell drive thru at 2:08p.m. to contradict testimony that movant was at Taco Bell at 3:04p.m., However, movant has failed to plead facts demonstrating he is entitled to relief. Movant did not allege in his "amended" motion this "additional" "video" would have shown he was present at Taco Bell at 2:08p.m.".

The appeals court is in great error on many levels as: Petitioners "pro se" 29.15 PCR "did", infact mention that the drink dispencer at Taco Bell at the states time of 3:03-3:04 despenced a "dark black liquid" which proves Brett Jansens lies and disproves the states case, pro se claims 65 together with claim 147, record on appeal ~~document~~ #ED107728, document #142 p.6-8, and document #145 p.2-5. The amended motion mentioned enough detail on this to get a evidence hearing as well see pages (Appendix Z, 3rd claim), this petition already argued, here in incorporated and reiterated.

Futhermore the appeals court leans heavily on "an additional video" of Taco Bell, to deny this claim. However there is "NO" additional video, it is the same video. A Taco Bell video at different times on the same video, which the amended motion does list. But if this was the case, Missouri granted relief to others for this very issue, of videos and different times, Buchli 242 S.W.3d 449. For the above listed issues, see the pro se claims 65,147, listed (supra), see also the amended motion claim 8&9(a)(6) p.25, 26, (appendix H), see also the 29.15 appeal claim III p.64-68, (Appendix I).

The bottomline is, the Appeals court said the amended motion did not list material facts that the 29.15 PCR brief did, when 29.15 PCR amended counsel had the material evidence, this shows ineffective assistance of 29.15 PCR counsel in the initial collateral attack, when petitioner is afforded competent counsel at the 29.15 PCR initial stage, under Martinez v. Ryan 132 S.Ct 1309 (2012).

For more fact/evidence and argument to this issue on this amended claim 8&9(a)(6), appealed as claim III, see (Appendix Z, 3rd claim), incorporated and reiterated here in.

Furthermore the Appeals courts judgment listed(supra) also states the same on claim XI p.32 last paragraph that:

"Movant failed to allege in his amended motion that other evidence showed his vehicle driving past the St.Charles Administration Buid. at 8:18a.m., thus he had no time to confront the victim as Keys described".

However and again petitioners pro se motion mentioned this. Petitioner went over this with appointed counsel many times, counsel said she did not have to put every fact in the 29.15 PCR amended motion as that is what an evidence hearing is for. But for 29.15 PCR counsel to know this evidence putting it in the 29.15 PCR appeal in their brief p.113, (Appendix I), but did not mention it in their initial amended 29.15 motion from the start also proves ineffectiveness/inadequateness of 29.15 counsel by it's self.

Please see (Appendix, X, last 3 pages), about amended claim 8&9(c) (11), appealed as claim XI, here in incorporated and reiterated for more facts and argument to this issue.

Therefore if appointed counsel did not list the facts known to him/her in the amended motion, but was mentioned in the 29.15 PCR appeal as well as the pro se 29.15 PCR, which facts prove the claim and would grant an evidence hearing, then the Missouri Appeals court and Missouri Supreme Court should of said counsel was ineffective under Martinez v. Ryan (supra), and should have remanded the case back to the Circuit Court for further pleadings and litigation with an evidence hearing.

However under MO Supreme Court Rule 29.15 (infra), the pro se 29.15 PCR is the motion which starts the cause and is not abandoned, therefore the courts should have reviewed "all" the above issues/evidence regardless of appointed counsels amended motion, notwithstanding the facts that petitioner filed motions in every

state court, appealing his pro se 29.15 PCR motion throughout the whole 29.15 PCR process, which put the Missouri courts on point to all the above evidence that the courts try to say was not mentioned in the post-conviction motion. Either way the Missouri Courts are in error and denied petitioner, due process, access to the courts, and equal protection of the laws. Bottomline the Missouri Courts denied petitioner effective/adequate counsel in his 29.15 initial collateral attach as required by Martinez v. Ryan (supra). In addition petitioner filed a pro se Application to transfer in the Missouri Supreme Court, putting that court on notice of the Missouri Appeals Courts error, which the MO Supreme Court turned a blind eye to, see (Appendix M,N).

Lastly, Missouri is a fact pleading state, however do not stand for the proposition that to Rule 29.15 must allege every "fact" underlying a claim. Rather, the law in Missouri is that the motion must make more than a general allegation and must allege facts, not conclusions, quoted from Buchli 242 S.W.3d 449. This Buchli case was won by the 29.15 PCR petitioner and the state courts said the above statement in support of his claim, but the same courts turn around and rocks this petitioners 29.15 PCR motion in the head and denys petitioner an evidence hearing on his claims because appointed counsel didn't mention "all" the facts to the claims in the amended motion. Denying petitioner access to the courts equal protection of the laws, and due process.

This writ should issue for all the above reasons, as petitioner was denied his United States Constitutional Amendment Rights to Due Process, Access to the courts, Equal Protection of the laws. including Amendments 1,5,6,14 of the United States Constitution, as well as Missouri Bill of Rights Article 1 sections 14.

VI. WHETHER THE CIRCUIT COURT OF ST.CHARLES COUNTY MISSOURI, THE MISSOURI COURT OF APPEALS FOR THE EASTERN DISTRICT, AND THE MISSOURI SUPREME COURT, DENIED PETITIONER, DUE PROCESS, EQUAL PROTECTION OF THE LAW, AND ACCESS TO THE COURTS, AS THOSE COURTS DENIED PETITIONER 29.15 PCR RELIEF AFTER THE MOTION COURT JUDGE ADMITTED ON RECORD THAT AN ALIBI WITNESS, DENNIS DELBRUGGIE, WHO PETITIONER DOES NOT PERSONALLY KNOW, AND THAT DEFENSE TRIAL COUNSEL REFUSED/FORGOT TO CALL, "THAT HIS TESTIMONY WOULD OF INFACt CORROBORATED THE OTHER ALIBI WITNESS, PATTY CONKLIN". WHEN THE RECORD SHOWS THAT PATTY CONKLIN PLACED PETITIONER AT A PARK WHERE PETITIONER TOLD POLICE HE WAS AT, AROUND 2P.M., WHICH PROVES PETITIONERS INNOCENCE AND CORROBORATES THE TACO BELL VIDEO.

Petitioner was granted an evidence hearing on his amended 29.15 PCR claim 8&9(a)(15), appealed as claim VI, attched in (Appendix Z, first nine pages which is the first of three claims). Appendix Z, is here in incorporated and reiterated for facts and evidence which proves this argument. This claim was about ineffective assistance of trial counsel for not calling an alibi witness, Dennis Delbruggie. At the hearing defense trial counsel admitted, he did not talk to Delbruggie even though his investigators did, said, he did not know if Delbruggie would corroborate Cocklins testimony or not, said, he did not know why he did not call Delbruggie to testify, (29.15 PCR Hr. Vol.2, pages 30-32, 44,58), attached in (appendix U).

The circuit court judge at the 29.15 PCR hearing said; Dennis would corroborate Concklins testimony, said she believed what Dennis Delbruggie told the investigators as true, and said petitioner was at the park on the day in question, (29.15 PCR Hr. Vol.2, pages 64-69), attached (Appendix U).

The corroboration is huge, proving a viable defense as two alibi witnesses who do not personally know the defendant would be more convincing then one. Moreover Cocklin remembered the time of the day, as Delbruggie remembered the day.

Please see (Appendix Z, first nine pages), as this issue is

laid out with alot more facts, evidence, trial and 29.15 hearing transcripts, and peices together how both witnesses corroborate each other along with the Taco Bell videos, and K-9 unit.

The above proves trial counsels ineffectiveness, and that there is "NO" reason why the judge should have denied relief and the 29.15 PCR as the judge admitted to Delbruggie's important corroborating testimony. Thus the Missouri appeals court and Supreme court also errored in denying petitioner relief after receiving all this information on this claim see (Appendix A,F,I,K,L,M).

A claim where a defense attorney refuses to call alibi witnesses to testify, does constitute ineffective assistance of counsel, Schmedeke v. State 136 S.W.2d 532, Summers v. State 154 S.W.3d 2005, Williams v. State 8 S.W.3d 217. Trial counsels failure to test the states case with meaningful adversarial testing, constitutes ineffective counsel, Strickland v. Washington 466 U.S. 668.

Thus all the above proves petitioner was denied, due process, equal protection of the laws, and access to the courts, thus petitioner was denied his United States Constitutional Amendment Rights 1,5,6,14, and Missouri Bill of Rights Article 1 section 14, and thus proves why this Writ of Certiorari should issue.

VII. WHETHER THE CIRCUIT COURT OF ST.CHARLES COUNTY MISSOURI, THE MISSOURI COURT OF APPEALS FOR THE EASTERN DISTRICT, AND THE MISSOURI SUPREME COURT, DENIED PETITIONER, DUE PROCESS, EQUAL PROTECTION OF THE LAW, AND ACCESS TO THE COURTS, AS THOSE COURTS GROSSLY MISTATED/MADE UP, OR REFUSED, MATERIAL FACTS TO DENY PETITIONERS 29.15 PCR MOTION, WHEN THE RECORD UNDENIABLY SHOWS THE TRUE MATERIAL FACTS.

All state courts did this on alot of claims. For space saving reasons petitioner will raise a few and prays that this court will read every amended 29.15 PCR claim, all 29.15 appealed claims, then read all state findings in each court, (Appendix H,I,K,L,M,

N,O,P,Q,R,S).

The Missouri Court of Appeals E.D., "ADDED" material facts that do not exsist in order to deny petitioners, 29.15 PCR amended claim 8&9(a)(6), appealed as claim III. The court said in their opinion/judgement (appendix Q), on this claim that petitioner mentioned an "additional", Taco Bell video, that was not mentioned in the amended 29.15, but was mentioned in the 29.15 PCR appeal. The truth is that the claim on the 29.15 PCR and the appeal were both the same and there is no "additional video" it's all the same video, see claims in both the 29.15 PCR and appeal (appendix H,I). See also (appendix Z, third claim, everything laid out in detail).

The Missouri Court of Appeals E.D., made up material facts to petitioners known perjured testimony claim, amended as 8&9(c)(11), appealed as claim XI, saying that two parking lots are next to each other when infact they are not. They are seperated by roads, and other parking lots inbetween. See court findings (Appendix Q), see the amended and appealed claims (Appendix H,I). See (Appendix X) were this claim and facts are laid out in detail, see also the trial exhibit A which shows the two parking lots. The Missouri Appeals Court E.D. also refused the travel times along with the time the victim arrived at Mobil, and the time the victim tried to call Amber Keys, all prove the known perjured testimony of Keys. See (Appendix X) with more facts and evidence with still pictures to prove this very claim. See also the state courts findings, (Appendix Q), and the amended claim and it's appeal, (Appendix H,I).

The Missouri Court of Appeals made up statements that "they" say, petitioners trial counsel said at the 29.15 PCR hearing that he really did not say. See amended claim 8&9(A)(11), appealed as claim IV, (Appendix H,I), see also the state courts findings, (Appendix Q), then see the motion for rehearing, and motion to transfer in the Missouri Supreme Court Claim IV, (Appendix L,M). See also petitioners, appeals breif's "reply brief" claim IV, (Appendix R). See (Appendix ZZ) this claim laid out with detailed facts and evidence.

The Missouri Court of Appeals E.D. refused video of the Administration Building in amended claim 8&9(c)(11), appealed as claim XI, see above listed appendix's on this claim.

The Missouri Appeals Court E.D. "refused" to apply the 1983 lawsuit against officer Hunt, and St.Charles County, to the Brady claim, amended claim 8&9(c)(10), appealed as claim X, (appendix H,I), and (Appendix K,L), see the states findings (Appendix Q). See (Appendix W) of facts, and evidence laid out in detail.

Petitioner incorporates and reiterates Appendix W,X,Y,Z,ZZ of facts, evidence and the state courts findings refuted to prove this argument.

The Missouri Supreme Court signed off on everything the Missouri Appeals Court E.D. said, did in there findings, (Appendix A).

Missouri Circuit Court, Appeals Court E.D, and Supreme Court refused petitioner an evidence hearing on 28 of his amended claims which all had merit, and all of them listed facts. Missouri is a fact pleading case, and does not require all facts to be plead in the form 40,or 29.15 PCR as that is what an evidence hearing is for, Buichli 242 S.W.3d 449. The Missouri courts ruled in favor of the prosecutor, who said things without evidence/proof to deny the evidence hearing on those 28 claims. See the states first response to the amended motion which is full of lies, (Appendix O).

Petitioners amended motion listed material facts from videos which proved his claim, 8&9(c)(11), stateing that petitioner arrived "before" the victim. The prosecutor lied in his response to this claim see (Appendix O, p.15), saying that the victim arrived "before" petitioner. The circuit court refused an evidence hearing, when the video was the proof, and the only way to conclude the disputed facts. Furthermore the prosecutor "AFTER" the evidence hearing on different claims, changed their findings to this claim, now saying, the victim arrived "after" petitioner, but there was no evidence hearing on this claim, how can the state now change the material facts of findings, and the court accept "both"

of them each time, but denying to listen to petitioners pleadings, see the prosecutors second set of findings on this claim the judge adopted, filed 11/15/17, adopted by the judge 2/13/19, (Appendix P, pages 20,21). Thus proves petitioner should of had an evidence hearing in the first place as he was telling the truth. Proves that the state agent is willing to lie to get what he wants, to keep from an evidence hearing where more evidence will come out that was kept from the jury. Proves petitioners claim is true and he deserves relief.

Thus all the above proves petitioner was denied, due process, equal protection of the laws, and access to the courts, thus petitioner was denied his United States Constitutional Amendment Rights 1,5,6,14, and Missouri Bill of Rights Article 1 section 14, and thus proves why this Writ of Certiorari should issue.

VIII. WHETHER THE CIRCUIT COURT OF ST.CHARLES COUNTY MISSOURI, THE MISSOURI COURT OF APPEALS FOR THE EASTERN DISTRICT, AND THE MISSOURI SUPREME COURT, DENIED PETITIONER, DUE PROCESS, EQUAL PROTECTION OF THE LAW, AND ACCESS TO THE COURTS, AS THOSE COURTS DENIED PETITIONER THE ABILITY TO PROPERLY LITIGATE AND RAISE "ALL" HIS CLAIMS/GROUNDS IN STATE COURTS, OF HOW PETITIONERS UNITED STATES CONSTITUTIONAL RIGHTS WERE VIOLATED, CLAIMS OF; PROSECUTORIAL MISCONDUCT OF, KNOWN PERJURED TESTIMONIE[S], BRADY/ DISCOVERY VIOLATIONS, LYING TO THE JUDGE DURING BENCH ARGUMENTS, OVER 60 CLAIMS OF PROSECUTORIAL MISCONDUCT AND INEFFECTIVE ASSISTANCE OF TRIAL AND APPELLATE COUNSEL. WHEN THE RECORD SHOWS THAT PETITIONER DID EVERYTHING HE COULD TO HAVE THESE CLAIMS HEARD.

Petitioner has a right under Missouri Supreme Court Rule, 29.15 [including 29.15(a),(d)], to raise "every" known state and United States Constitutional violations in his case, as he is suppose to list every one of them in his pro se 29.15 PCR form 40. Once appointed counsel is appointed, counsel by the same rule, MO Supreme Ct. Rule 29.15(e), is suppose to ascertain whether sufficient facts supporting those claims are asserted, and whether ~~XXXXX~~ that motion included "all" claims known to petitioner as a bases for attacking the judgement and sentence, and "if" the motion does not, counsel shall file an amended motion that sufficiently alleges the "additional" facts and claims.

At no time does the MO Supreme Ct. Rule 29.15, give any attorney nor any judge the ability nor power to amend away, cancel or neglect to hear hold evidence hearings or adjudicate any claim that petitioner raised in his pro se 29.15 PCR form 40. Counsel is only to add on to the claims and add onto the facts. The pro se 29.15 PCR form 40 is the motion that starts the cause, and can not be discarded and replaced against petitioners wishes and something else ruled on instead. Moreover state law Greene 494 S.W.3d 525 also guides the state courts for 29.15 PCR applicants to be allowed to have all their claims adjudicated by a motion court.

Petitioner filed well over onehundred pro se claims in his 29.15 PCR form 40, which he stated he waives no claims and wants all of them to be ruled on, see the whole record on appeal documents filed in the Missouri Appelas Court ED, under ED107728, if any pages are missing do to counsels neglagence, the original is in the motion court. Petitioners appointed counsel only raised 31 claims in her amended motion refusing to attach petitioners pro se motion, leaving out exonerating claims such as, fingerprint discovery violations, from prints left on the victims car that the perp.

drove from the crime scene.

The Missouri Courts refused to attach petitioners claims, form 40 to the amended motion or rule on them separately. The courts would not have anything to do with the pro se claims, only acknowledging the amended motion claims. Petitioner asked appointed counsel many times to attach petitioners pro se 29.15 PCR to her amended motion, to no avail. Petitioner filed many motions in the circuit court of St.Charles County, to have his pro se motion attached to appointed counsels amended motion, the court took them under advisement then denied them. Petitioner filed many motions and briefs in the circuit court, appeals court, and Supreme Court in Missouri (courts listed supra), to have an evidence hearing on all his claims, to hear and adjudicate all his pro se and amended claims. All state courts refused. Please see (Appendix J) for a letter/motion to the Missouri Appeals Court ED court clerk, with an attached pro se Supplimental Appeals Brief and it's appendix. In the appendix of the above supplemental 29.15 PCR Appeals Brief are a bunch of motions petitioner filed to the circuit court to have all his claims attached, hold evidence hearings on and to adjudicate, likewise the courts orders denying them, as well as letters to petitioners counsel to attach his pro se motion and claims to hers. The above Letter/Motion to the appeals court with attached pro se Supplemental 29.15 PCR Appeals Brief, is the avenue petitioner had to use to present his pro se claims to the Missouri Appeals Court ED, please also see (Appendix G), for that courts response and ruling on this letter/motion and brief. Petitioner filed a pro se supplimental Application to the MO Supreme Court to have all his pro se claims herd, hold evidence hearings on and adjudicate them, court sent them back, petitioner sent them back with another letter/motion explaining how he has a right by Missouri and the United States to have his claims ruled on adjudicated, as well as an evidence hearing on them, see

(Appendix M,N).

All Missouri Courts denied petitioner an avenue to litigate, and to raise all of his claims of how his rights under Missouri and The United States that were violated. Thus refusing petitioner access to the courts, equal protection of the laws, and due process.

Likewise Federal Rule 2254 under A.E.D.P.A., and O'Sullivan v. Boerckel 526 U.S. 838,845, 119 S.Ct 1728, 144 L.Ed.2d 1 (1999), says petitioner has the right and/or required to present his constitutional violation claims through one full round in the state courts. Petitioner has presented all these listed claims above to every court in the state, above. Those courts have refused petitioner to litigate/raise, hold evidence hearings on or adjudicate these claims, denying petitioner access to the courts/due process/equal protection of the law. Petitioner quoted Federal rules/laws in the state courts see motions listed(supra).

Moreover petitioner let the state courts know they are not suppose to put up road blocks to keep petitioner from raising his claims in state courts, quoting, Davis v. Wechler 263 U.S. 22, and Clemmons v. Delo 124 F.3d 944, others.

Please see all pro se motions/letters/briefs/petitions ever filed in state courts, concerning his 29.15 PCR process/motion/claims. Please ask all Missouri Courts to forward all these to this court as petitioner is indigent and does not have all the necessary funds to copy everything and for postage as this petition is already numerous, Circuit Court of St.Charles County Missouri, case #1411-CC00186, Missouri Court of Appeals ED, case #ED-107728, and Missouri Supreme Court, case #SC98785.

The claims listed above, proves petitioners innocence of the charges the state of Missouri is holding petitioner captive against his will. These claims were raised in the above courts, see also, all documents of the record on 29.15 PCR appeal, ED-107728, for the 29.15 PCR pro se motion, see the letter/motion with

attached pro se 29.15 PCR appeals brief and appendix, (Appendix J), petitioner also raised all these claims in the Missouri Supreme court see (Appendix M,N).

Furthermore all state courts refused an evidence hearing on all petitioners pro se claims, filed in his pro se 29.15 PCR, which is the action which starts the cause. Petitioner plead more facts and evidence in his pro se 29.15 PCR then appointed counsel did in her amended 29.15 PCR. Petitioner petitioned every court in Missouri to hold evidence hearings on all his pro se and amended 29.15 PCR claims, see all motions listed(supra), see all briefs listed(supra). Petitioner was refused an evidence hearing on all of his pro se claims, as Missouri refused petitioner an avenue to litigate his United States Constitutional Amendment Rights that were violated in state courts.

All Missouri Courts listed above denied their own laws and rules, as well as the laws and rules of the United States, in order to deny petitioner due process, equal protection of the laws, and access to the courts, to deny to hear/hold evidence hearings on and adjudicate petitioners claims. Thus denying petitioner his United States Constitutional Amendments 1,5,6,14, and Missouri Bill of Rights Article I section 14. Therefore this Writ of Certiorari should issue.

CONCLUSION

The claims in this writ, (Questions, and Reasons why this writ should issue), all prevails under the United States Constitution, Amendments I, V, VI, XXIV. This writ proves that petitioner was denied due process, access to the courts, and equal protection of the laws. This writ also proves some of petitioners U.S. Constitutional Amendments that were violated, before during and after petitioners trial.

Petitioner prays that this court will grant this writ of certiorari, and grant relief to petitioner, for any one and/or all of the issues raised here in. Petitioner prays that this court will grant petitioner to be released from custody, retried with in 30-60 days, over turning petitioners conviction with prejudice do to all the prosecutorial misconduct, police misconduct, judicial misconduct in his case, or at the least to remand this case back to state courts for further pleadings and instructions, however the state courts did not care at any time they were petitioned by petitioner nor his counsels, and it would morethanlikely be the same if remanded.

Respectfully and Humbly Submitted



Aaron LaRose #1223972
E.R.D.C.C.
2727 Highway K
Bonne Terre MO 63628