

ORIGINAL

21-7990  
No. \_\_\_\_\_

IN THE

FILED  
MAY 20 2022

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

SUPREME COURT OF THE UNITED STATES

Jerry Lee Craig Sr. — PETITIONER  
(Your Name)

Brent Fluke, warden vs.  
and

Attorney General of South — RESPONDENT(S)  
Dakota

ON PETITION FOR A WRIT OF CERTIORARI TO

8<sup>th</sup> Circuit Court of appeals

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

PETITION FOR WRIT OF CERTIORARI

34823-  
Jerry Lee Craig Sr.

(Your Name)

H105A

1412 WOOD ST.

(Address)

Springfield, SD. 57062

(City, State, Zip Code)

?

(Phone Number)

## QUESTION(S) PRESENTED

1. Whether Conflict of interest existed at trial after Judge gained knowledge of evidence he withheld/excluded from the defense?
2. Whether Miranda was violated in denial of the issuance of the risk of self incrimination before interrogation and statement was taken and used. The State violated the right in violation?
3. Whether the statement of confession was admissible in court in violation of Miranda?
4. Whether Defence Attorney [Christophe Dahrer] was ineffective in not objecting to conflict of interest or in admissible evidence?
5. Whether the accused (me) was denied a fair/unbias trial when knowingly bias testimony was allowed in court?
6. Whether the jury was compromised by viewing the statement allowed by the court? Was the jury poisoned?
7. Whether spousal privilege was violated in compelling my wife to be a witness for the state as the compellent was subpoena and she was confined away from the jury with out explanation - and never called?
8. Whether the defence conspired with the state to inflame the jury by use of a power point - mug shot - and charges with out objection from the defence or consult with me as the accused?
9. Whether the judge acted in conflict and with bias/prejudice in allowing false evidence in court? The violation of Miranda as he knows the law and its application?
10. Miranda was violated because there was no evidence of a crime - Was a statement a year old where no arrest was made or giving it, evidence the state knew it had no case to pursue? When at the time I was told there was no crime in the statement?

## LIST OF PARTIES

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

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

Brent Fluke, Warden

Attn: Attorney General of South Dakota

## RELATED CASES

Brady v. Maryland, 373 U.S. 83, 05-13-1963. — With holding of evidence  
Giles v. Maryland, U.S. 66 — Hays v. Brown, 399 F.3d. 972 Reversal/Remand  
Wilson v. Sellers, 138 S.Ct. 138 S.Ct. 1188, Reverse/Remand  
Dunn v. Reeves, 210 L. Ed. 812 07-02-2021 Reverse/Remand  
State v. Hining, 2011 S.D. 59- 804 NW 2d. 422 — Wood v. Ga. 450 U.S. 261.  
Shinn v. Kayer, 141 S.Ct. 517 12-14-2020 HN-7 — Williams v. Pa., 136 S.Ct. 1899  
Mattson, 2002, S.D. 112 — Rippo v. Baker S.Ct. 905  
Halbert v. Michigan, 545 U.S. 605 — Napue v. Illinois, U.S. 264  
U.S. v. Guillette, 404 F. Supp. 1360 — State v. Seal, S.D. 83 S.D. 455  
U.S. v. Pincombe, 817 Fed. Appx. — Jack v. Conway, 765 F. Supp. 2d. 192 —  
Zappulla v. New York, 391 F. 462 — Reina v. Rodriguez v. U.S. 655 F. 3d 1182  
U.S. v. Matsuba 809 Fed. Appx.

## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
My table of Authorities is the trial transcript reference pages citing the - subject - and place in evidence (enveloped)	

## STATUTES AND RULES

The consistent opinions tend to "I've not proven my position  
in what I contend. Quite the contrary, based on law and its intent.  
It's proven in actions and in their own words as noted in issues  
I present.

## OTHER

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APPENDIX B 7-2-2014 - Appeal Denied

APPENDIX C 01-04-2016 - Appeal Denied

APPENDIX D 3-24-2016 - Appeal Denied

APPENDIX E 11-15-2021 Denied

APPENDIX F 01-5-2022 Denied as moot



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

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

**[ ] For cases from federal courts:**

The opinion of the United States court of appeals appears at Appendix \_\_\_\_\_ to the petition and is

[ ] reported at \_\_\_\_\_; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

The opinion of the United States district court appears at Appendix \_\_\_\_\_ to the petition and is

[ ] reported at \_\_\_\_\_; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

**[X] For cases from state courts:**

The opinion of the highest state court to review the merits appears at Appendix F to the petition and is

[X] reported at Notified by mail; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

The opinion of the 8<sup>th</sup> Circuit court appears at Appendix F to the petition and is

[X] reported at mail received; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.



## JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 06-17-2013.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: 07-02-2014, and a copy of the order denying rehearing appears at Appendix \_\_\_\_.

An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. A \_\_\_\_.

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

For cases from **state courts**:

The date on which the highest state court decided my case was 01-05-2022. A copy of that decision appears at Appendix \_\_\_\_.

A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_.

An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. A \_\_\_\_.

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

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

### BIAS/PREJUDICE

#### [§ 12.11 Magistrate Judge's Disqualifications]

Magistrate judges are subject to code of judicial conduct and may be disqualified under any circumstance where the district judge would be barred from sitting [1] in general: The statutes call for the refusal in any instance where the judicial office has a bias, or prejudice, or where a judge's impartiality might be somewhat reasonably questioned. [2] There are two statutes embodying these doctrines, somewhat different in proceedings apply under them. Moreover, there need not be an actual conflict, but only the appearance of one"

#### MIRANDA RIGHT 5<sup>TH</sup> Amendment

The 5<sup>TH</sup> Amendment. Provision for grand jury indictments for felonies. Prohibits against: Double jeopardy, compulsory self-incrimination, and deprivation of life, liberty, or property without due process of law.

My rights were denied me in the event of interrogation where I was not advised of my rights - was denied council, and my statement was used against me without warning or advisory in court. While nothing new had been produced to justify even an arrest. But no other interrogation was made, no new evidence produced. Moreover, based on the use of a statement wrongfully used - violated a right not advised of and was not admissible.

By its intent, the right not to self-incriminate cannot apply AFTER a disclosure of information. The right is in violate or meaningless. The statement was not a confession - no arrest was made - and in lieu of no evidence my statement was misused and falsely applied demanding the acquittal as it was the means to convict.

## STATEMENT OF THE CASE

### Cover Letter

105-18-20221

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This is to be fully transparent, and true, and for the sake of justice I write. It is suggested that you read this thoroughly because in it reads of injustices done and the parts you and others have had in them. That the actions are facts of in evidence and are injurious to the justice system, and to the citizens of the United States. They're actionable and well founded as to the standing in law, and being ignored through out the appeals process, and leave the checks and balance system moot, and ineffective.

This covers a [corrupt] Criminal Court, (knowingly so) which acted improperly and its officers. Each and every aspect of the appellate process, for all that is presented here has been visible to any one with eyes to see. I was charged of God to follow and confront corruption as far as it will lead, and since being in here do obey. I've found the acts go to the U.S. Supreme court, in that it placed such restriction on the process as to allow 90 days to file the appeal, and provided no consideration for the fact I didn't even get the application for 60 of those days. Then when I've sent to the court again approximately two weeks ago, have no response? While I'm not an attorney I can look up and tract the law as it applies to my case, and has.

This happens when the when a court acts with intent to wrongfully convict and subsequent courts which are provided to be checks and balances surrender to the influence of the initial court, to rubber stamp the conviction with out proper review. It's in such ways rights are violated and sustained as mine were. Read thoroughly because there's a legacy to follow and in this you'll determine what it will be. It's not my intent to dishonor the court I still believe in, but in seeking justice properly we need be self sustaining and the court that cannot confront the wrong it does, is one none can rest their faith it.

As Americans we're spoiled to what we expect fairness to be, and in such a time as being accused deserve a thorough investigation I was denied, as well as Miranda, Spousal Privilege, The right to a fair, unbiased trial, and a council in Christopher Dohrer who got me convicted through inefficiency. This in a matter it's COURT RECORD, and best evidence, and will be actionable.

REASON FOR GRANTING THE PRETEON

TO: ALL CONCERNED

05-09-2022

From: Jerry Lee Craig Sr. 34823/H105A

Who've been involved in my wrongful conviction

SDDC

1412 N. Wood Street

Springfield, SD 57062-2238

I'm writing this as a form letter as it is being sent to the respective courts for review and remedy. From the court of conviction to the U.S. Supreme Court which have either sustained the wrongful conviction, or to the courts which refused to consider my case beyond a rubber stamp to support the intentional errors of the 5<sup>th</sup> District court in the fact the wrongs committed were not by accident, of ignorance, but done with malice.

The reason for this is to make known the facts ignored by all and the part all play as directly corrupt or as willing accomplices to the crimes of the court. On coming here I've accepted God, and as part of my faith am directed to execute this action. I live my faith and am pledged to do s directed to do. So I'm bound to the truth, and provided the means to secure a good end to this condition. That being an end to the false imprisonment imposed on me here and now.

What I bring before you is irrefutable, undeniable, and inexcusable evidence whereby my conviction was manipulated by means of violation of the rights we all hold dear. Basic rights, as to fairness and access to true justice, for the actions of a bias/prejudiced court which had it's beginning in a position of conflict, and there after to circumvent the U.S. Constitution to it's own means, listed below.

1. Conflict of Interest	2. Violation of Miranda rights
3. Abuse of discretion	4. Withholding of exculpatory evidence
5. Violation of the right to fair trial by an unbiased jury of my peers	
6. Excessive sentencing resulting in cruel and vary unusual punishment	
7. Falsifying of evidence	8. Slander/defamation of character

In a trial which had literally NO EVIDENCE against me that a crime had been committed, and with each and every one of the above taken from actual court records as best evidence will represent everything stated as absolute fact which has been ignored by the initial court and every appellate court making them willing accomplices after the fact.

I do not take great pleasure in this because it's a blemish on a justice system in which I have faith in and when we seek justice we generally find it. However with the aggressive attitude toward sex crimes and the reckless abandon in the way it's pursued, it's not surprising to see a large percentage of inmates in here as I am. With the ability to pay for justice and in effect buy an outcome we seek. Good council can be had. [I had no means, and was not fairly represented in court]. With a condition of poverty, we're at the mercy of a court that especially in my case shown NO MERCY at all. My attorney in fact and of his purpose got me convicted- also provable and indisputable. I will not be shy of naming names because they deserve the same mercy they've shown. Christopher Dohrer of Aberdeen, S.D. was my council, and very soon had shown himself to be inadequate, but I didn't know and was never told my rights in court, s a client to do so little.

All I'll write here for your view is true, undeniable, and as recorded irrefutable being best evidence coming from the participants themselves. So one has to conclude this- Did they purge themselves then or do they wish to do so as they answer the charge of FALSE IMPRISONMENT? And purge themselves in civil court.

I want to begin with the **CONFLICT OF INTEREST**, as it was the genesis to the malfeasance of the court and all actions were built on it. The District Court Judge (Tony Portra) of Aberdeen, South Dakota, County of Brown had sat over the custody hearing for my daughter and grand daughter prior to my trial in criminal court. He gained knowledge of a report concerning the environment of my daughter that provided actual evidence of coercion within the home when dealing with authorities and his first act was to exclude such evidence from the court and thereby the defense. The out come would have been very different would that report been available and I would not be here. Later he allowed bias testimony to be seen and heard as a matter of security and the action violated the right to a fair and un-bias trial by a jury of my peers.

**Bias/Prejudice**  
**[§ 12. 11 Magistrate Judge's Disqualifications]**

"Magistrate Judges are subject to code of judicial conduct and may be disqualified under any circumstances where the district judge would be barred from sitting [1] in general: The statutes call for the refusal in any instance where the judicial office has bias, or prejudice, or where the judges impartiality might reasonably be somewhat questioned. [2] There are two statutes embodying these doctrines, somewhat different proceedings apply under them. **Moreover, there need not be an actual conflict, only the appearance of one.**

The actions to exclude evidence obtained through the Custody hearing, in the Criminal trial, was a direct consequence of the conflict, and a violation of the **Brady act, Brady v. Maryland, 373 U.S. 83** (With **holding of evidence**) which demonstrates the malice of forethought and actions dictating the manner of the court and thus the jury. Such actions make it clearly a violation of the **code of judicial conduct**, and therefore **should have resulted in a mistrial**. I go on.

**2. Violation of Miranda:** My trial was conducted without evidence of any kind while the actions of the court are blatant in malfeasance, done with intent to cause harm. The harm being, the false imprisonment for these past 9 years and is on going. It is a criminal act and exemplified by the courts violation of Miranda as follows: I as the suspect was interrogated the summer of 2012 about July, and had asked of an attorney, and was subsequently refused, not being under arrest. Miranda was not issued for the same reason. I provided a statement to help the investigation best I could and being it took place at a sheriffs' office really expected I'd be arrested as there were officers in abundance.

While there and having given statement was told by the detective there was no crime in the statement, and then my wife Leona was questioned, who supported my statement also. Even after that there was no arrest, and no further interrogation. Nothing new was discovered, No other interrogation was made, and a year later the statement was used as a confession. Still there was no crime as the detective (**Tanner Johndahl**) of Aberdeen, S.D. **based the statement on his own opinion alone**, after demonstrating **Bias/Prejudice** to the jury. It should have been **inadmissible**.

The protection of self incrimination exists to prevent the accused from convicting themselves. If the statements are provided and used with out regard to Miranda, then it negates the reason to have had the right we all have. The law states that the "Miranda warning must be rendered prior to interrogation for admissibility." No such warning was ever provided till my arrest a year later. No new evidence came forward, No new witness was produced to support the opinion as to confession, and No information except the officers Bias Opinion was entered to the court and Jury. Literally tainting the jury, and denying the right to a fair trial. The Judge is an arbitrator between the prosecution, and defense. He/She controls the manner and ethics of the court, and its integrity.

**3. Abuse of discretion:** The judge and court abused the discretion of the court to allow Bias testimony to go before the jury which allowed the possible bias to establish it's self within the jury its self. The same held throughout the trial, and culminated in excessive sentencing to the tune of 150 years for a sexual event that (Even if was true), come of a first offense, with no priors, nothing ongoing, and nothing to suggest any such event would take place. In fact there was never any **Tangible evidence** that a crime had been committed. The exam of the child was one of NO Abnormalities, and in fact was the appropriate condition for a child of her age. Still I was slandered, and sent here on false evidence.

It's hard to place these things in an order because they overlap, and intertwine. **Conflict of interest** is the base factor, and much of the rest a consequence to/of it. Which brings it to -?

**4. With holding of evidence:** A Brady violation in that "Brady v. Maryland 373 U.S. 83" whereby the defense has the right to a report of the case of family history that I've seen, have, and know the fact that coercion of the very minor children by the parent was known, and reveled prior bad acts of lies and manipulation of offices of the state. It was excluded under the excuse of protecting the child which was in NO danger, having been sent to foster care and then adopted by same. The defense had full right to the report as the court knew full well the evidence it would present, and that it had come from discovery while Judge Tony Portra, District court judge presided over the custody hearing, resulting in the tangible actions of the judge having **Conflict of interest**.

*5. Violation of my right to a fair, unbiased trial by a jury of my peers:* I was interrogated by (Detective Tanner Johndahl), Of the Aberdeen, Police Dept. In the city of Kennebec, S.D. in the presence of many other officers, and requested an attorney but was denied, and was given NO Miranda warning. And as this took place in a sheriffs' office thought I was going to be arrested. Still I was and am not guilty and wanted to help. I went through it and it quickly shown it's as a trap to trap me and gain conviction. But we did get through it and no arrest was made, but I was told the time had not resulted in revealing a crime and we went home. I was never interrogated again, and no new evidence was produced. It was a year later that what was said became a confession in court, and my statement was used to provide a confession where none had been before. Detective Johndahl testified as to his bias before the jury, and that it was his opinion alone that made the statement a confession. The bias testimony tainted the jury and it resulted in conviction but in violation of Miranda as the warning was never issued prior to interrogation, and if there's a right not to self incriminate, it applies Before questioning not after or the right would be moot. It would have no meaning at all and I was denied that right thoroughly. Brady v. Maryland applies. This all has been peasant throughout the criminal trial, and known by all who have reviewed it. Now it must enter civil court where the state will be required to do the impossible and who among you all will stand and to the right thing? I know well there are good and honorable men on the bench; Judge Summers I believe is one but was pressured to do as he did. It's not too late to right a wrong.

This is going out to the parties of the court to make known to all, the place you hold. I demand nothing as you've demonstrated you are as the person in violation, or willing accomplice after the fact. I make no threat and only suggest that if our justice system is to get off the slippery slope we're on, this should be the occasion. I'm going to do my part and make this known. I must because there are many in this prison under the same condition. The facts speak for themselves, and the proof is irrefutable, undeniable, and indefensible, while being shameful to the highest degree. Its best evidence, and an indictment of the system that ought never to take place. There's not a sitting justice with any degree of honor who would tolerate the action let alone be assigned as accomplice to it. But such a legacy now exists.

**6. Excessive sentencing:** A consequence and effect of the *Conflict of interest*, exampled by the circumstances, and reaction to them. Have no sexual crimes prior to this instance, and there was *No proof* of a crime having been committed. There was no ongoing event, and nothing to suggest any would have ever occurred. Still the court took my life away, and destroyed to families to achieve this action. There are examples of ciaos and disruption in the system by activists judges. And others to make new law based of the trend of the times. Of late its sex crimes, and with little regard to the fact that our economy is sex based. People and corporations are capitalizing on the sex trade, and victimizing our population in commercial ads every day. Selling products to facilitate sexual activities, and as often as someone will pay, to facilitate and promote the act.

I did not and do not crave the contact with any child, mine or any other, do not do so now, and have been slandered to the story of a court with actions falsified and punishment undeserved. I was said to have raped a child, and in the examination there was nothing to suggest any anomaly was peasant, the condition was that of a child of her age with no physical defect, as stated by the forensic examiner in court. My council never raised the fact that the evidence was of no crime. No forensic or physical evidence was produced, and no confession was made as shown in issue two- Violation of Miranda rights. My entire case was decided on a statement that was inadmissible to court because of the violation and ANY SENTENCE based on it in invalid.

The reason for this is quite simple; the court in its Bias/Prejudice seeks to establish this as **GOOD LAW** when it's nothing of the kind. It seeks pathways to legally violate the rights of any by the violation of mine, and through less then honorable justices who ignore the justice system they're in the position to uphold, which reduces the value of every American who seeks justice now or may need be in the future. The evidence is actual, true, and best received when its origin is that of the person. Such is the case here. The truth always comes out, always will and you must choose on which side you occupy. The sentence was excessive in and of it's self. But the criminal trial was unrighteous, arrogantly done, and based on the law invalid to falsely imprison me.

**7. Falsifying of Evidence:** The law regarding the rights to and of Miranda say for the protection of the accused there must be an issuance of the advisory of the right against self incrimination prior to an interrogation, where such evidence will be used in court. None was given me, and as I'd asked of council, which was also refused, the session and any recovery is inadmissible and unavailable to the court. Furthermore there was no other time of interrogation and nothing new had been found to facilitate the statement as evidentiary in value?

It must also be noted that No arrest was made at the time of the statement, and at that time the interviewing detective stated there was no crime mentioned, and for a year there was no further action taken beyond my arrest in 2012 on September 6<sup>th</sup>. Only then did I have my rights of Miranda read and not before, so how could an earlier statement apply? Again and based on South Dakota, and Federal law, the right had been denied me and that will be in your legacy as well.

**8. Slander/Defamation of Character:** Due to the state and their account in public notice as to an alleged crime whereby all the aforementioned is known to be true and an accurate account of the standing record, and more over that all parties have had full knowledge and awareness of all these facts, irreparable damage has been done and at my age of 64 will not likely have occasion to. My wife is going to be 69 on 12-29-22 and we've lost 9 years to this travesty and it must end. To the plus and in answer to my every prayer, my grand children do not face a poor future; they're stable and have promise of better.

***To: The South Dakota Attorney General- 1302 E. Suite 1- Hwy 14 #1-Pierre, S.D. 57501***

***Scott Bratland Law-P.O. Box- 2 E. Kemp Ave. -Watertown, S.D. 57207***

***Judge Tony Portra-c/o Clerk of courts-101 1<sup>st</sup> Ave.-suite 200-Aberdeen, S.D. 57402***

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***Argus Leader- [Attn. Editor] Maricarrol Kueter- P.O. Box 5034- 200 S. Minnesota Ave. - Sioux Falls, S.D. 57117-5030***

***Shirley A. Jameson-Fogel- Supreme Court Clerk- Pierre, S.D. 57501***

***Judicial Qualifications Board-As above***

***South Dakota State Bar-222 E. Capitol Ave.-Pierre, S.D. 57501***

***Christopher Dohrer-C/O Clerk of Courts Aberdeen, S.D. 57402***

August -15- 2013

EVIDENCE of Acts of  
Criminal action of and from the court record Ref. # CRI 12-0896

PAGE--- LINE/LINES	ITEM
*****	*****
166 * 11-25 * Inconsistencies in testimony (recollection) and quasi confession x 2	
167 * 19-25 * Evidence of coercion of her story	
168 * 17-25 * Continues as inconsistent, if it was said so clearly after as many months have passed, now to the interview, how can it be so easily forgotten?	
169 * 01- 25 * Evidence of what was said was not actual memory.	
170 * 01 - 25* Given the nature of the circumstances (known to the state) and mental environment, it's unlikely that even an explanation of superficial nature to explain the passage of as many men in the home was not made. She says she has no knowledge of the subject of sex, but apparently knows much where did she come upon this information?	
176 * 01-25 * <sup>SC</sup> Shane's interview doesn't support the charges against me and are not taken as credible. So why does he speak of actions not of his own memory, and one must conclude he had some help to make such charges that he clearly knows nothing of.	
177 * 01-25 * Continues to address credibility, as a sibling, such a statement would be useful to corroborate "if" it were to go in favor of the state, but as it doesn't the state wrongfully excludes it to fortify a case by excluding evidence whereby reasonable doubt may be found.	
178 * 01-25 * The child doesn't even understand what he's attempting to say is, so who would have such motivation as to have his say such things? The court requires "PROOF" where none is needed as the evidence of the statement is readily there and the defense has equal right to the use of it as does the state. This constitutes obstruction of justice.	
180 * 01-25 * The court argues away the real and fair evidence that would hold and support reasonable doubt, the statement in favor of the defense and shows a good example of coercion.	
181 * 14-25 * Clearly the court is manipulating the actions of the defense, and those of the considerations of the jury in the exclusion of valid exculpatory evidence.	
185 /200 * 01-25 inclusively * Goes on extensively to the measure that the testimony <u>WILL NOT BE ALLOWED</u> Even though the statement had come by the normal investigation of Childs Voice in the manner of assembling the validity of the accusers statement. In the course of her as to her siblings, to substantiate/corroborate the accusations of the child in question and find if any such event was witnessed by the child	
SC Shane: As it was not and more over went to the probability that the child was told to make his statement, it should have gone to the defense. It was excluded wrongfully, constituted reasonable doubt, and was exculpatory in nature. Obstruction of justice and malfeasance applies.	

\*\*\*\*\*

201 \* 05-14 \* The anatomical picture [touch me/him] shown to CT displayed the configuration of my anatomy, shown to her on several occasions even to the point she placed circles at the points touched. In a description made and with the nervousness of that kind of situation, one of a reasonable mind would conclude she would have rather simply pointed and said [if anything] it looked like that. Why then would she go through the description and describe what was so different from the picture? One could also conclude that she was describing from memory as well, and subconsciously gave the true description of the assailant, not the accused. AC prefers the uncircumcised and has made it known to be so.

208 \* 07-25 \* A display that her description is clearly linked to the credibility in the statement given.

209 \* 01-25 \* That Colleen Brazil, the interviewer [Childs Voice advocate] had used it as a basis to substantiate the validity of the statement, and thereby corroborate the statement to the court. Now one must ask what her conclusion would have been "if" she had verified the description, and it came out to be wrong?

211 \* 19-25 \* An adult under given circumstances is well known to be subject to coercion as it has been done many times with induced stress in the interrogation of a suspect to gain a confession, or to induce a loved one to alibi an accused. The fact that the home was unstable, that CT was so needful of a mothers love and was actively seeking it through what ever means she could find, places probability high that such action is not only plausible but likely. There is much documentation of a suspect confessing to things never done.

226 \* 13-25 \* Seeking the truth through verification is the proscribed way to corroboration when evidence is lacking. The description being the only tangible evidence to substantiate would have been the normal action to take in verification when it "could be so easily done." To not do so strikes of incompetence, or worse.

229 \* 23-24 \* 3 times/6 times

230 \* 15/19 \* 3 times / 6 times

230 \* 24 \* \* 3 times 6 times

231 \* 01-25 \* Does show evidence of coercion over a long period to shape the thoughts of the child.

237 \* 01-05 \* So she could have had a motivation in seeking affection from her mother, which is a fact of truth. Something she had wanted for such a vary long time.

237 \* 11-17 \* As a professional, and likely witness for the prosecution, and with what was at stake it's her job to get it right, to check and double check that the information is sound and correct before the corroboration takes place. To do otherwise is irresponsible, and violation of procedure to avoid the malpractice of a professional entity and is therefore actionable of the consequences.

<u>Page</u>	<u>Line/s</u>	<u>Item</u>
238	* 01-25	* Concerns the description again and her judgment whereby she didn't even verify and authenticate/validate it as need be done as a professional, in the capacity to prevent any actionable offence to be justified against her employer.
244	* 05-06	* 3 times-6 times
245	* 15-25	* This is to begin the exclusion of exculpatory evidence held within SC. [Shane Craig's] testimony and in display of the conflict of interest with hold it from the jury violating the premises to a fair and unbiased trial.
247	* 01-25	* Continuing on as the court attempts to deny the testimony of SC. stripping the right of the defense to the probability that coercion existed in Shane's statement. As he was making statements, as to things which took place, that he could not describe, or explain. Both had to have come from some source, and to obstruct the evidence in that is to obstruct justice. He defense had equal right to such information as it was denied.
248	* 01-25	* Proof as to the statement was never an issue, as it was a statement made in the course of an ongoing investigation conducted as to the charges brought to bear on the accused. The children were of the same household, and the statements were to seek cooperation of and for the charges brought. Given the actions of the Brown County Court, the statement would have surely been used at trial "if" it had supported the State.
249	* 16-25	* the issue goes to conflict of interest, with malice of forethought, with the intent to do harm.
250	* 01-25	* The defense has equal access to evidence which has content that contains reasonable doubt, and on an exculpatory level has the right to such evidence.
255	* 21-25	* Nancy states she's the director of policy, and is responsible for procedure to act in a professional manner. To allow such charges to be brought, and be complicit in them by cooperation of facts not confirmed, or proven where available is actionable and an example of reckless incompetence, and malpractice where there are opportunities for such dire consequences.
259	* 01-25	* there's nothing to say that anything had happened to the child in evidence as she has the normal condition of a child of 10 years of age, and there's nothing to substantiate the charges in any way.
260	* 01-25	* something that shows nothing outside the normal condition in evidence is of nothing, and that there must be something more to the charge to substantiate it. <i>he his</i> description is known to her and ignored.

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262\* 01-25 \* The goal is to gain the truth by evidence; the description is the only evidence in the case at all. My council deprived me of such positive evidence and allowed the description to go to the jury as a positive ID. Against my assertions to the contrary. The jury had heard of the description on many occasions, never once was it refuted so was obviously taken as a positive though it was not.

263\* 01 \* She states the condition of the alleged victim, as having no abnormalities, the same is true if nothing happened at all and proved not a single thing in issue.

265\* 01-25 \* She speaks of an investigation that at best is incomplete, unsubstantiated, and with out cooperation. The best evidence and only tangible evidence was the description, but there are inconsistencies through out the statement.

266\* 01-25 \* The testimony is that she was feeling itching and it was excluded to an alleged act whereby it could have been from an infection, a common occurrence in children, but never addressed as a possibility.

268\* 01-25 \* Detective Johndal, came on the case with an intent to see the conviction be made with the certainty of my guilt having never met me at any time and dead set on using "ANYTHING" AT ALL TO SEE TO THAT BE DONE. That is not an assumption it is the testimony he provided on the witness stand that when he would come from Aberdeen he "knew of my guilt" odd that no one especially my council what he had seen to come to such a certainty?

276\* 09-25 \*\* CT had seen me exposed by accident once and only once, but knows what my anatomy is, and what it looks like. She if asked could describe it exactly, so why describe something completely different.

278\* 00-25 \* The detective was working from a recorded account and had posed a problem with memory; It was a clear act of deception not addressed.

279\* 01-25 \* He speaks here of the interrogation when I'd become aware that it was based on a lie, intended to be carried through on a lie and that they intended to get a confession and not the truth, in fact truth was never close to their minds.

280\* 10-25 \* He speaks as if he's a professional, but is showing incompetence, and ignorance. He was handed statements to show that CT. was stable in Presho, SD. moreover, ignored them from the moment, and was only 10 miles from Presho at the time still he refused to speak to anyone, said I was guilty and he knew it.

284\* 12-25 \* His testimony is that there is no crime in the contact I mentioned, and it's in his opinion alone that it's put up as a confession.

285\* 15-17 \* He is asked if this was the only "admitted" incident of contact spoken during the interview? His answer is yes. Again, to put it in the true context, the incident was that I'd awaken from a dream, i was fondling my wife [Leona] who sleeps on my right arm, meaning I sleep on my back. I come awake to find that CT. was at my side at an odd angle, and I had my hand on her butt, it startled me and in so doing my wife woke as well. I'd explained ther matter to her, we put the child back in her place, and returned to sleep, but the matter still left me unsettled.

289\* 01-25 \* These are all lies as he was only looking for "ANYTHING AT ALL" to gain a confession. One could say he could assure any one that he would bring home confession weather or not it existed, and he did by his own admission.

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<u>289*</u>	<u>01-25</u>	*These are all perjury as he's already stated he was coming for a confession on presumed guilt from Aberdeen in previous testimony, and when statements to the possibility of innocence were presented he flatly ignored them.
<u>292*</u>	<u>09-14</u>	* This is an explicit example of the bias of his intent and of his determination to seek damaging material even if it were to violate the rights of the accused which he did. An accused is to be " <b>presumed to be innocent</b> " until <b>PROVEN</b> guilty.
<u>293*</u>	<u>01-25</u>	* Confirms my account of the touching incident.
<u>295*</u>	<u>01-25</u>	* A display of the detective to find or make guilt whether there be innocence or not.
<u>298*</u>	<u>01-25</u>	* It's not reasonable to believe he is telling the truth as to do so would also say that he would reject his own child in a moment of the Childs fear or a simple need to be close to a father in any fashion. <b>NO REASONABLE ADULT/PARENT</b> could think of turning a child away in a moment of need.
<u>302*</u>		* We go out to the conference room where Mr. Dohrer says to me we're on good ground, and that I should feel good as the state hasn't proven anything of the case. He said we should rest as well; I am not so sure but am trying to trust in justice.
<u>308*</u>	<u>03-04</u>	* Acting on the advice of Mr. Dohrer, I say okay, and have no idea that a conspiracy is and has been an ongoing event, as with the description being held off from rebuttal from the first, with the assertion of 3/6 times of an event pounding the jury, and that the conspiracy included the whole of the principals of the trial, [A triad] the judge, the state, and my own council as in evidence here and stated from their own words and action which support what I charge.
<u>309*</u>	<u>25</u>	* I was never shown anything regarding <b>1-14-3</b> or <b>1-15-10</b> so do not even know if they are tenement to good law or if they even apply to my trial.
<u>311*</u>	<u>19-25</u>	* This speaks of evidence addressing the touching and is obstructive and an obvious manipulation of the jury. <i>admission</i>
<u>312*</u>	<u>01-25</u>	* There was never an <del>ambition</del> or confession as there was nothing to confess to.
<u>314*</u>	<u>01-09</u>	* Mr. Dohrer makes a motion to dismiss, and rightly so, but before he can finish the motion it <del>has</del> over ruled. A physical example, of the bias and intent of the court.
<u>315*</u>	<u>--14--</u>	* It was not resolved and I was never made aware of what it meant by council.
<u>317*</u>	<u>14-25</u>	* The charge was never proven even in a slight way.
<u>318*</u>	<u>16-25</u>	* Count one never proven by substantiation or cooperation.
<u>319*</u>	<u>13-25</u>	* Another charge with out an ounce of anything remotely of evidence.
<u>320*</u>	<u>01-11</u>	* The statement is admittedly inconsistent and he knows it.
<u>321*</u>	<u>01-10</u>	* Did not happen, and was not proven- in fact, nothing was. Since the information went to the jury as it did, the description [undisputed] was assumed a positive ID.
<u>324*</u>	<u>07-10</u>	* The state uses the description themselves directly to the jury.

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<u>325*</u>	<u>01-19</u>	* Tampering with the official court record to cover the point in trial which the jury was inflamed. After the initial reading of the charges were completed The were presented in a <b>Power point display</b> that was obviously to the entire court disturbing to the jury, and their action reflected it in my direction with looks of scorn. The <b>Power point display</b> was of my mug shot, which was seen by the <b>jury</b> , and arrows extended to the mugs hot from the charge with a point being directed at the mugs hot as a target. All of which was agreed to prior to the action in court by my council, and with out any consideration for or notification of me. The " <u>Conspiracy is confirmed.</u> " and the implication is circumstantial, but supported by the actions of the defense council [Christopher Dohrer], it began from the first as the description was allowed to go to the jury as a positive with out any attempt to dispute it.
<u>325*</u>	<u>21-25</u>	* His opening is correct, but superficial. Still his actions are a reflection of the conspiracy, which is ongoing.
<u>326*</u>	<u>16-22</u>	* Correctly addresses Angelina's motivation.
<u>329*</u>	<u>18-25</u>	* Proof of the wrong done, and that it was wrong or else why seek to cover it up at all?
<u>330*</u>	<u>01-25</u>	* He states the innocence clearly enough.
<u>332*</u>	<u>12-18</u>	* Again he states the instance of 3 or 6 times, ant this was to leave the jury as that being the last consideration for thought, for if it happened 1,2, or 6 times it wouldn't matter if it happened 36. It did not happen at all.
<u>334*</u>	<u>10-25</u>	* He negates the testimony of Nancy Free, for what it was and in truth says there has been nothing proven.
<u>350-</u>	<u>All lines*</u>	The judge allows the further review of the DVD to the jury and with out the rebuttal possible to the conclusions or questions which would/would have come with such a review. It was my accuser and it was denied me to face it at the time. As a final note, it was odd that Assistant District attorney Christopher White went into the jury deliberation room unaccompanied by any one else, after the courtroom was recessed, and did not come out again all the while I was in the courtroom. He had his time to address the jury in court, and in closing. The fact he was related by blood by some known by all, and friends with most a golfing buddies in some cases. It might well explain the way the jury come to a guilty verdict on nothing at all, and did not question the short falls of the states case. It is incumbent to and on the court to display the professional ethics of court, not to display even the suggestion of improprieties.

This concludes the review of the court transcripts REF# CRI 12-896 but there are supportive statements, which prove perjury, as well as other aspects of this trial, and the actions of the parties involved.

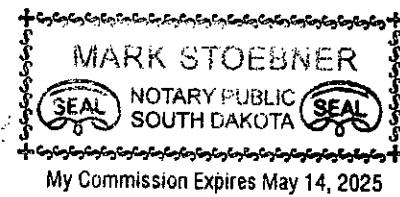
## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Jerry Lee Craig 

Date: 5-19-2022



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