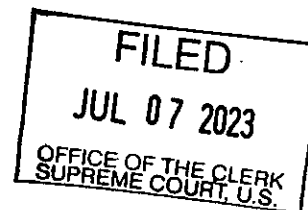


No. **23 - 5336**



IN THE
SUPREME COURT OF THE UNITED STATES

MAURICE WALKER — PETITIONER
(Your Name)

vs.

WILLIAM SPERFLAGY-Warden — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

US Court of Appeals *8th Cir. No. 22-3093
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

MAURICE WALKER-Pro se
(Your Name)

ASP 406 N High St.
(Address)

Anamosa, Iowa 52205-1157
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

1) In this case the Uniform (Iowa) Jury Instructions were used and presented to the Jury, where Felony Murder-Rule was applied. The Jury convicted Walker upon 2 different theories of murder. They submitted a guikty verdict that was incomplete as to what theory of Law Walker was actually convited on. This error harmed WALKER by the jury not stating which theory he was donvicted under, Violating Due Process. Each theory carries a different requirement of Proof, changing the dynamics of reasonable doubt. (See Realted Cases). **Does not the law and in the interest of Justice, REquire REVERSAL & REMAND, In this case??**

2) THE trial attorney in this trial case Ms. Dalton, failed in her legal and ethnical duty to properly represent MAurice Walker in a Felony-Murder Trial. She did not even investigate the Murder scene, or request and make a Motion for the testing of all Kinds of DNA evidence like, BLOOD, Skin & Hair DNA samples that were present but not tested. THERE was Hair DNA in the ski-mask and under Renee Walkers fingernails, that was never tested. Dalton never properly interviewed witnesses or listen to information from Mr. Walker her own client. She failed to object to the Jury Instructions and the fact that the Jury came back with an incomplete code & verdict. She failed to object to an unfair practice of a Prejudicial Jury selection of No African-AMERICANS on the Jury. THERE is fact that all the above statements are true and correct and a violation of ineffective Counsel. **Did Mr. Walker really recieve the meaningful and required representation that the U.S. Constitution guarentee's??**

3) A United States District Court Judge, Rebeks Goodman, in a pre-Habeas (before briefs were filed) Ruled that Walker could not use a claim based upon STATE V HEEMSTRA, Id. Where reversal is rquired when there are 2 different kinds of Murder theoyrs submitted to the Jury. Which have different degree's of proof, yet the jury did not complete their guilty verdict, on one or the other, or...

QUESTIONS PRESENTED

.. did the State fail to prove beyond a reasonable doubt.
Why did the US District Court Judge R. Goodman issue an order barring Mr. Walker from using STATE V HEEMSTRA, for this Issue, before Habeas Breifs were even submitted and filed in this Court violating Due Process?

4) Susan Carter and Eric Tyrell were both called as witnesses for the State. Yet only one of them, Namely ERic Tyrell was certified by the Court as an Expert witness based upon his education and experiance on cell phone towers. They both testified as to the location of MR. Walker and where his cell phone pinged at.

Susan Carter testified to a location, yet was unsure and not factual on her assessment. SHE worked for Qwest, but in the fraud department. NOT engineering or tower operations. She testified to locations that were not supported by evidence. with no experiance she lacked the education to make that determination. AND she was not an expert witness, and Defense should have objected. County Attorney Wolf corrected her testimony while Tyrell testified, Stating that her statements were false and not supported by the evidence. Therefore perjuring himself on record and violated ethical procedures as an officer of the Court. Committing procecuter misconduct.

Eric Tyrell testified to a broader spectrum as to how towers and cell phones work, when determining a location. HE went on to say that, "Cell phone towers may list a city or town, but that the person can be a hundread miles away in any directions from the city or town. (See; Writ, Petition Pgs. 13,14,15). IS his expert opinon a direct location can not be determined within 100 miles. The expert in this case holds more of a determination then Ms. Carter who testified based on what she thought, not based upon scientific evidence, nor did she know how to properly interpret it.

Why did defense Attorney Dalton not object to Susan Carters testimony as speculation and hearsay?

Why did the Court not hold Attorney Wolf in contempt or accountable for misleading the Jury and the COurt?

QUESTIONS PRESENTED

5) When agent Reger investigated the times of the Hotel where MAurice Walker stayed at. He testified to a print out from the Hotel that listed the approximate times of Walker coming in and leaving the Hotel. In Order for a print-out or list of times that were submitted to Agent Reger to make sense. A couple things or terms need to be meet. That the card room reader at the hotel needs to have been caulibrated with in the last year. And anyone entering that room would record a time and date. whether it was a maids Master key or a Manager's key. The Key cards would not register an individual card. Therefore the times on the Hotel print-out of times could be off my hours or minutes and can not determine if it was MR. Walker coming in or not. The proper date and time and time zone must be entered in the Key card reader. Agent Reger even said that there were 2-3 different sets of times, and REger was undetermined as to the Correct date/time listed. HE Stated "That he was not sure". without a definite testimony with certainty this issue, **Would not it create reasonable doubt to the Court and the Jury?**

(SEE: WRIT, PG.S. 15A, 15B)

RESPECTFULLY SUBMITTED:
MAURICE WALKER.....

LIST OF PARTIES

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

[X] 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:

Attorney General (Served Copy by US MAil)
State of Iowa
Dept. of Justice
Second Floor, Hoover Building
Des Moines, Iowa 50310-0109

RELATED CASES

STATE V HEEMSTRA, 721 NW2d 549 (8-25-2006).

STAE V SMITH, 739 NW2D 289, 295 (IA 2007)

*SEE PRO SE PCR BRIEF

*SEE PETITION BRIEF

STATE V MARTENS, 569 NW2d 482, 485 (IA 2006) Citing;

HOGREFE, 557 Nw 2d 871, 881 (IA 1996).

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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:** HABEAS CORPUS

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

☒ reported at 2022 US Dist.Ct. LEXIS 187905 WL 6829354 (2022); 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 F to the petition and is

☒ reported at 2203093, US DIST.CT. 4:19-cv-00185-RGE; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☒ For cases from **state courts:**

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

☒ reported at 738 NW2d 662 (2007 IA.APP.CT.); or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the POst-Conviction (IA CT. APPEals) court appears at Appendix D to the petition and is

☒ reported at 927 NW2d 687, No. 16-1796 (2-6-19); 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 ? 8th Cir. CT.

☐ 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: ??, 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 July (date) on 2023 (date) in Application No. A.

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

HABEAS CORPUS DEIED AND COA Denied US District & Appeals Courts

☒ For cases from **state courts**:

The date on which the highest state court decided my case was 2/6/19.
A copy of that decision appears at Appendix D.

☒ A timely petition for rehearing was thereafter denied on the following date: 2-6-19, and a copy of the order denying rehearing appears at Appendix D.

☐ 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).

FURTHER REVIEW TO SUPREME COURT OF IOWA DENIED

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Iowa Codes;

*702.11
*707.2(2)
*702.11
*707.2(1)

FElony Murder Rules

US Constituional Amend Six & fourteen,
Guarentee of effective Assistance of Counsel
Right of due process of law and statue

Uniform Jury instructions (Iowa)

STATEMENT OF THE CASE

A Scott County Jury convicted Maurice Walker, Sr. of (2) two counts of First Degree murder finding he shot and killed his former wife, Renee Walker, and her live-in boyfriend Steven Kersey. The murders occurred inside Renee Walker's apartment. Walker presented an alibi defense and other evidence to the facts that he did not commit this crime.

The State alleged, and the jury was instructed on, Two (2) theories of First Degree murder; (1) Premeditated-Intentional murder, (2) Murder while participating in a forcible felony, namely Burglary.

The State failed to prove beyond a reasonable doubt either theory. The Jury in their guilty verdict failed to reference or list on what theory they used to find Mr. Walker Guilty.

The State even stated that, "The Jury returned a general verdicts of guilty which did not specify which theory it relied upon." This alone created a violation of the US Constitution of denying Walker proper and complete confirmation of due process of law.

Walker appealed arguing only that in light of his alibi defense the guilty verdicts lacked sufficient evidence and were incomplete. The Iowa Court of Appeals Affirmed. STATE V WALKER, No. 06-1005, 2007 Iowa App. Lexis 863, at Ct. App. July 25, 2007. The Iowa Supreme Court Denied further review on September 18, 2007.

Walker then filed a post-conviction relief action in the District Court. Declaring 21 specifications of ineffective assistance of trial counsel. WALKER V STATE, Clinton County District Court, PCCV 034422. There was a PCR Trial on the matter which was Dismissed on Sept 19, 2016.

The Iowa Court of appeals affirmed the dismissal. WALKER V STATE, 927 NW2d 687 (IA Ct. APP. 2019) Appeal No. 14-1168. Every CLaim was first presented in the PCR pro se Briefs, which qualifies as a preservation of error. Yet the Iowa Appellate COurt deemed all issues having no merit ruled on. But yet never rendered a ruling on each of them as required by Civil and CRiminal law procedures. Almost all the issues were under the foundational error of ineffective assistance of counsel. Which is a constituional violation of Walker's right to effective Counsel. Wlker and his Appellant Counsel both filed a pro se brief, as an application for further review the Iowa Suprme Court. The Appli-cation requested the Court to grant further review, especially on the grounds that the specfic guilty verdict was not listed on what theory the jury convicted Wlker on. THis violating his Due Process rights.

In referencing the pro se briefs and the application for further review. It was stated that Walker's Trial Counsel failed to Object to the submission of the instruction of First-Degree Burglary, for a Felony murder or just Intention, premediated Murder. Upon conviction in the State District Court, The Jury rendered a Guilty verdict, absent the specific theory of their reaching there verdict.. The Iowa Supreme Court denied further review and the Procedendo was issued on April 9, 2019. A Habeas Corpus action under 28 U.S.C. 2254 was timely filed in the US District COurt, Southern District on June 24, 2019. THE US District Court DENied and dismissed his HAbEas, and also denied a issue of a COA. Walker filed for a COA in the Eighth Circuit US Appeals COurt, Which was denied, hereby has filed this Writ of Certiorari in this US Supreme Court.

REASONS FOR GRANTING THE PETITION

The United States Constitutional Amendments demand that this petition should be granted. based upon factual violations of "Due Process" and Ineffective Assistance of trial counsel.

The Jury in this case was instructed of several different theory's of guilt. When they did render a verdict they failed to specify which theory they reached a guilty verdict on.

One theory the State presented was that the murders happened in the course of a violent felony of Burglary in the First Degree. This falls under the Iowa Statute of the "Felony Murder Rule". Pursuant to the code interpretation. Which under the Felony murder rule the State is not required to show premeditation, Malice and afothought, unlike the Murder without the Burglary, where the State is required to prove beyond a reasonable doubt those elements. They failed on both accounts, and furthermore did not specify which theory was used to convict Walker on.

This Error harmed Walker by the Jury not stating which theory he was convicted under, which is required by State and federal Law and constitutions. Which each theory carries a different requirement of prove beyond a reasonable doubt. This was and is a exstreem malfunction in the State Criminal Justice Systems. That requies "Reversal" and remand for a new trial on bascially the same merits and principles of Law and Statue based upon case authority, by US Constitutional Due Process. Based upon STATE V HEEMSTRA, 721 NW2d 549 (8-25-2206. Which was not accepted as authority from the US District Court Judge, R. Goodman. BAsed upon Iowa Codes 702.11, 707.2(2) & 702.11.

THE fact and truth remains that Trial Counsel was ineffective for several reasons. The biggest by her not being the Counsel Guaranteed by the US Constitution. She failed to even investigate or hire an investigator to research the case and whether the evidence was factual or just a theory. Her failures to object to erroneous Jury instructions where no Lesser-Included offense was given.

THE most important issue would be her not having the HAT tested to find out what other DNA evidence was there besides MAurice and Renee Walkers. Which both had in their possession before the crime was ever committed. THE Evidence does not support beyond a reasonable either theory of Murder.

Besides there was Hair DNA in the SKI-mask and under Renee Walkers fingernails that was never tested, nor did defense trial counsel ever make a Motion to do so. Walker filed a motion of discovery in the other Court but it was denied. THE evidence in either Felony Murder or just Murder is NOT there. And does Cause REasonable DOubt in this case as a whole.

Maurice Walker