

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Michael Crosby — PETITIONER
(Your Name)

vs.

Daryl Vannoy, Warden — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States 5th Circuit

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

PETITION FOR WRIT OF CERTIORARI

Michael Crosby
(Your Name)

Louisiana State Prison
(Address)

Angola, LA 70712
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

- ① Did Petitioner exhaust his state court remedies fairly?
- ② If not, should the request for a 28 USC §2254 (b)(1)(B)(ii) exemption have been granted?
- ③ If not, has Petitioner shown sufficient Actual Innocence to overcome exhaustion?
- ④ If not, should a Certificate of Appeal be issued to review the merits of his claim?

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:

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	39
CONCLUSION.....	40

INDEX TO APPENDICES

APPENDIX A	<i>United States Fifth Circuit Court of Appeals</i>
APPENDIX B	<i>United States District Court, Western District of Louisiana</i>
APPENDIX C	<i>U.S. 5th Circuit Court of Appeals, rehearing (denied)</i>
APPENDIX D	
APPENDIX E	
APPENDIX F	

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Anderson v. Harless 103 S.Ct. 276	7
Brady v. Maryland 373 US 83	7, 22, 28
Breezeale v. Bradley 582 F.2d 5 (CA5 (Fla) 1978)	7, 8
Brown v. Allen 344 US 443	7
Brown v. Miller 519 F.3d 231	31
Busby v. Butler 538 So.2d 164	38
Carver v. Alabama 577 F.2d 1188	8
Daubert v. Merrell Dow 509 US 579	13
STATUTES AND RULES	
28 USC Rule 6D(b)(6)	4
URCA Rule 4-5	7
28 USC § 2254 (b)(1)(B)(i)	5
28 USC § 2254 (b)(1)(B)(ii)	3, 4, 6, 8
28 USC § 636	4
LSA-RS 15:432	26
LSA-RS 15:450	19
LSA C.Cr.P. article 362	37
OTHER	
United States Constitution, First Amendment	5

TABLE OF AUTHORITIES CITED (cont.)

CASES	PAGE NUMBER
Edwards v. Arizona 451 US 477	5
Finley v. Johnson 243 F.3d 215 (CA5 (Tx) 2000)	6, 8
Giglio v. US 92 S.Ct. 763	9
Gonzales v. Crosby 125 S.Ct. 2641	6
Harris v. Champion 45 F.3d 1538 938 F.2d 1062	5, 7
Harris II 15 F.3d 1538	7, 8
Hawkins v. Wicker 582 F.2d 180	8
Helsing v. CSX 396 F.3d 632	5
Howser v. Dretke 395 F.3d 560 (5th Cir 2004)	6
James v. Cain 50 F.3d 1327 (5th Cir 1995)	6
Johnson v. Cain 712 S.3d 227 (CA5 (La) 2013)	7
Joseph v. Butler 838 F.2d 786 (CA5 (La) 1985)	6
Kirkpatrick v. Blackburn 777 F.2d 272 (CA5 (La) 1985)	6
Kopycinski v. Scott 64 F.3d 233 (CA5 (Tx) 1995)	6
Kuhlman v. Wilson 477 US 436	9
Little v. Johnson 162 F.3d 855 (5th Cir 1998)	37
Larson v. Maggio 736 F.2d 215	9
Lincecum v. Collins 958 F.2d 1271 (CA5 (Tx) 1992)	6
Lonchar v. Thomas 517 US 314	6
McKaskle v. Wiggins 104 S.Ct. 944	28
McQuiggins v. Perkins 133 S.Ct. 1924 (US 2013)	9
Miranda v. Arizona 384 US 406	24
Morris v. Cain 186 F.3d 581	7

TABLE OF AUTHORITIES CITED (cont.)

CASES	PAGE NUMBER
Murray v. Carrier 477US478	9
Myers v. Collins 919 F.2d 1074 (5th Cir. 1990)	7
Napue v. Illinois 360US264	9
Newby v. Johnson 81 F.3d 567 (5th Cir. 1996)	6
Picard v. Conner 925 Ct. 509	5, 6, 7
Schexnayder Schexnayder v. Cain 13-30981 (5th Cir. 2014)	5
Schlup v. Delo 1155 Ct. 851	9
Scott v. Halbert 635 F.3d 659 (CA5 (La.) 2011)	7
Slack v. McDaniel 529US423	6
Soffar v. Dretke 368 F.3d 446 (5th Cir. 2004)	8
State v. Crosby 6503d1281	7
52503d893	10, 26
89503d1188	7
43,864 (La. App. 2nd Cir. 2009)	7
46,819 (La. App. 2nd Cir. 20)	7
2009-OK-2668 (La. Supreme 2011)	7
11-KH-2108 (La. Supreme 2012)	7
State v. Dollar 372502d1220	37
State v. Everidge 702502d680	18
State v. Jackson 523502d251	19
State v. Kemp 828502d540	32
State v. Millican 874502d211	19
State v. Morgan 119503d817	

TABLE OF AUTHORITIES CITED (cont.)

CASES	PAGE NUMBER
State v. Simmons 845 So.2d 1249 (La. App. 5 th Cir. 2003)	28
State v. Williams 615 So.2d 1009	20, 37
927 So.2d 266	16
Strickland v. Washington 446 U.S. 688	37, 38
Sumner v. Mata 449 U.S. 539	6
Tony v. Miller 564 F.Supp.2d 577 (E.D. La. 2008)	7
Tower v. Glover 467 U.S. 914	28
Townsend v. Sain 372 U.S. 293	6
US v. Agurs 427 U.S. 97	9
US v. Anderson 574 F.2d 1347 (5 th Cir. 1978)	9
US v. Barham 595 F.2d 231 (CA5 (La) 1979)	9
US v. Jacobetz 955 F.2d 786	16
US v. Sanfilippo 564 F.2d 176 (5 th Cir. 1977)	9
US v. Scroggins 379 F.3d 233 (5 th Cir. 2004)	6
US v. Starks 515 F.2d 112	19
US v. Wen Chyu Liu 716 F.3d 159 (CA5 (La) 2013)	13
US v. Wicker 582 F.Supp.2d 180 (W.D. Pa. 1984)	7
West v. Louisiana 478 F.2d 1026 (CA5 (La) 1973)	6
Williams v. Taylor 120 S.Ct. 1479	6
Wilwording v. Swenson 404 U.S. 249	7
Wojcik v. Fulcomer 800 F.2d 353 (CA3 (Pa) 1986)	7

STATUTES AND RULES

LSA-Cr.P. article 642	6
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TABLE OF AUTHORITIES CITED (cont.)

STATUTES AND RULES	PAGE NUMBER
LSA-C.Cr.P. article 718, et. seq.	28
LSA-C.Cr.P. article 785.A	28
LSA-C.Cr.P. article 793	19, 34

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 unknown; 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 unknown; 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 _____ 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 _____ 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.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was September 29, 2017.

☐ 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: October 12, 2017, 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 _____.
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

United States Constitution, First Amendment

28 USC § 2254 (b)(1), was exhaustion met

28 USC § 2254 (b)(1)(B)(ii), exception to exhaustion

28 USC Rule 60(b)(6), relief from an erroneous judgement

STATEMENT OF THE CASE

Petitioner seeks review of a 28 USC Rule 60(b)(1) motion and Certificate of Appeal (C.O.A.) associated with a Habeas Corpus (10-cv-1581) and a denial of a COA for that filing in the U.S. Western District of Louisiana.

Because Petitioner is a Political Prisoner of a KKK/Nazi criminal cabal, that application was filed 9/28/2010 to the La. Middle District who transferred it to the Western on 10/10/12. That filing was based on 28 USC § 2254(b)(1)(B)(i) while a State Post Conviction application was pending due to a contrived delay caused by the KKK/Nazi judge Michael Pitman. Pitman delayed twenty months, ruling only after a granted Mandamus on 5/13/11. A Mandamus was sought because the KKK/Nazi magistrate Mark L. Hornsby, who refused to respond to the Habeas application until 2/13/12, made it clear he would deny Petitioner's Right to appeal as did the corrupt state courts. Both are acting to inflict as much prison time as possible. The length of delays and decisions prove that.

A judgement was rendered by the U.S. District court on 9/23/14 after contrived delays by Hornsby and shuffling of judges to install the well known KKK/Nazi judge Stagg who denied a COA, as a retaliatory action against Petitioner. That fact was made plain when original judge Foote suddenly recused to illegally reassign the case to Stagg. After appeals were made Petitioner received notice his case was reassigned, without a motion from any party, to a third judge yet still under Hornsby.

Motions to recuse Hornsby, Expedite a ruling, Mandamus were filed to gain a fair hearing or get passed Hornsby who is orchestrating the KKK/Nazi effort to protect their criminal endeavors. It was Hornsby who said in a ruling that he, personally would have the application denied, admitting bias and violating 28 USC § 636. All motions were denied with mocking contempt indicative of the lack of judicial integrity.

Stagg's denial was timely appealed to the US 5th Circuit (14-31222) denied 9/4/15. On 11/17/15 an appeal was filed to this court (15-8694), certiorari denied received by Petitioner 6/16/16. A 28 USC Rule 60(b)(1) application was filed 8/31/16, denied 12/2/16. Judge Walter adopted Hornsby's report and denied a COA. A timely appeal was filed to the 5th Cir. and denied along with a rehearing on 10/12/17.

This appeal relies on a bifurcated premise. First, a district court abuses its discretion if it bases decisions on a clearly erroneous assessment of the evidence Helsing v. USX 396 F.3d 632 (5th Cir 2005). Second, it alleges a defect in the integrity of the prior proceedings Schexnayder v. Cain 13-30981 (5th Cir. 2014). The evidence that prior proceedings are defective from Hornsby's invidious influence is pervasive. More than that it will demonstrate the criminal charges are fictitious therefore had to be supported with manufactured evidence that had to be destroyed, withheld, repurposed according to changing and contradictory statements of alleged victim Shannon Crosby.

Petitioner is a Political Prisoner convicted by a STAR CHAMBER SEDITION TRIAL. A KKK/Nazi criminal cabal has exerted influence at every stage of prosecution and appeal to silence and punish him for his efforts to expose that cabal and refusing to convert to their brand of Christianity.

Stagg adopted Hornsby's report alleging all state remedies were not exhausted, errors were not "fairly" presented, not all errors raised on Direct Appeal. Stagg said the motion "utterly" failed. He goes on to write "without exhausting state remedies first no federal court at any level can grant relief." That is contrary and unreasonable application of law Helsing, supra. There are several exceptions to the exhaustion requirement. 28 USC § 2254(b)(1)(B)(i) & (ii) are two. The (B)(ii) exception relieves exhaustion if circumstances exist rendering an appeal process ineffective to protect a prisoner's Rights.

What Stagg referred to with, utterly, is Hornsby told Petitioner if court personnel were called biased or KKK he would dismiss the application. Petitioner used such in the Mandamus to make an argument conspirators were trying to inflict as much prison time through unreasonable delays. Courts have recognized those delays violate Due Process and Equal Rights Harris v. Champion 935 F.2d 1062, 45 F.3d 1538, Picard v. Conner 925 Ct. 509. Dismissal for that reason violates Constitutional Rights because it is not based on procedures or merits. It was Hornsby retaliating for dislike of a non vulgar word.

Hornsby sought to muzzle Petitioner and his First Amendment Rights and punish him for exercising it. The fact Hornsby said HE would have the appeal dismissed coupled to Fook's sudden refusal and illegal reassignment to Stagg proves the denial stems from Hornsby. One of Petitioner's assigned errors is a "CONSPIRACY" is reaching in State government acting against him. Multiple in-

ordinate delays, shifting judges and court rulings confirm that.

This court has constantly spoken against denial of a Habeas writ where the merits were not ruled on or in procedural denials when Petitioner can show significant merit in his claims Louche v. Thomas 517 US 314, 324, Gonzales v. Crosby 125 S.Ct. 2641, 2653.

Denial of the Habeas writ and COA are plain error. The denial was based on what was in the Mandamus. Plain error is defined as a "showing that fairness, integrity or public reputation of the proceedings was seriously affected" US v. Scroggins 379 F.3d 233 (5th Cir 2004).

A COA will issue upon showing a federal Right has been denied Newby v. Johnson 81 F.3d 567 (5th Cir 1996). To do that it must be demonstrated the issue is debatable among jurist of reason, the issue could be determined differently or the question is sufficient to deserve encouragement to proceed further Slack v. McDaniel 529 US 423, Houser v. Dretke 395 F.3d 560 (5th Cir 2004), James v. Cain 50 F.3d 1327 (5th Cir 1995), Finley v. Johnson 243 F.3d 215 (CA5(Tx) 2001).

At no time during Habeas proceeding has a hearing been granted on any issue including the (B)(ii) exception where the only hearing in state court was for sanity Williams v. Taylor 120 S.Ct. 1479, Lincecum v. Collins 958 F.2d 1271 (CA5(Tx) 1992), Sumner v. Mata 449 US 539, Townsend v. Sain 372 US 293, Joseph v. Butler 838 F.2d 786 (CA5(La) 1985), Kopycinski v. Scott 64 F.3d 223 (CA5(Tx) 1995), Kirkpatrick v. Blackburn 777 F.2d 272 (CA5(La) 1985), West v. Louisiana 478 F.2d 1026 (CA5(La) 1973).

Even the sanity hearing is highly dubious. It was filed by the state on the first trial date (11/5/07) as a machination to take Petitioner's ProSe Right so he could not present evidence, contradictory statements of Shannon Crosby plus reveal the planted and altered evidence by police. In the 12/17/07 hearing the conspiring judge claims both psychiatrists' reports in hand. Neither are received by the court in Minutes entries. Only one report was received, the day after on 12/18/07. Moreover, neither has a file mark. At the hearing they claim the judge did not rule on competency, which is declared trial day 2/11/08. This is critical because the state and judge claim Petitioner relinquished his ProSe Right before sanity is determined in violation of USA - Cr.P. article 642.

Petitioner constantly complained in the 9/10/07, 10/19/07, 11/5/07, 12/17/07, 2/11/08 hearings of not

receiving Discovery and BRADY material. Those complaints can be found in the 9/11/07, 12/17/07 and 2/11/08 transcripts. It was prosecutor O'Callaghan who admits in the 12/17/07 hearing he has video (tr 922) evidence requested that must be copied, after a specific request. Trial was set for 11/5/07.

As to the (B)(i) issue, courts have ruled excessive delays caused by forces outside a petitioner's control it is good reason for not exhausting State remedies Harris v. Champion 938 F.2d 1062, Harris II 15 F.3d 1538, Breezeale v. Bradley 582 F.2d 5 (CA5 (Fla) 1978), US v. Wicker 582 F.Supp.2d 180 (W.D. Pa 1984), Wojtezak v. Fulcomer 800 F.2d 353 (CA3 (Pa) 1986).

Hornsby contends state remedies were not exhausted. Exhaustion is satisfied when the state is provided with "an opportunity to apply controlling legal principals to the facts bearing upon his Constitutional claims" Picard, at 540, Wilwording v. Swenson 404 US 249. Exhaustion was met when an application was accepted by the la. 2nd Cir. (43,864), State v. Crosby 650 3d 1281 on Direct. The la. Supreme application is (2009-0K-2668) 5250 3d 893. No docket number or reporting cite is known for the State district Post Conviction. Instead, a copy of the ruling is provided and in the trial record (tr) 1112-1290. The Post application to the la. 2nd Cir. (46,819), reporting cite unknown so a copy is provided. The la. Supreme court Post is (11-KH-2108) cited 8950 3d 1188, copy enclosed.

Next, Hornsby argues not all errors were presented to the la. Supreme on Direct. This court and the US 5th Cir. have ruled exhaustion has been met when all errors have been presented to the States highest court Johnson v. Cain 712 So3d 227, 232 (CA5 (La) 2013), Scott v. Hubert 635 F.3d 659, 657 (CA5 (La) 2011). In Morris v. Cain 186 F.3d 581 and Scott at 662, neither apply to the la. Supreme on Direct yet found to exhaust state remedies. All La. courts have stated the particular proceeding does not matter writing "either is sufficient and both are not required" Bryan v. Allen 344 US 443, Anderson v. Harless 103 S. Ct. 276, Myers v. Collins 919 F.2d 1074 (5th Cir. 1990), Tony v. Miller 514 F.Supp.2d 571 (E.D. La. 2008). Hornsby admits all errors were presented to the la. district, appeals, supreme courts.

Hornsby contends the la. 2nd Cir. was denied a fair chance due to some perceived procedural default. The 2nd Cir. said they were not provided a ruling on the records request that was part of the Post application, a URCA Rule 4-5 violation. He twists that to mean the errors were not fairly presented. He-

absurdly suggests the errors were only support for the records request (p. 8 of 15). In contradiction he quotes Petitioner saying the filing was for Post Conviction. The 2nd Cir. filing was as verbatim a copy of the district court filing as Petitioner could produce. The 2nd Cir. ruling states "On application of Michael Scott Crosby for Post Conviction RELIEF in No. 254,480 on the docket of the First Judicial District Court, Parish of Caddo, Judge Michael A. Pittman, WRIT DENIED". The record shows all errors presented (tr 1291-1392). The US 5th Cir. has said exhaustion is satisfied "even if the State court fails to address the Federal claim" Suffar v. Dretke, 368 F.3d 446, 447 (5th Cir 2004), Carver v. Alabama 577 F.2d 1188, 1192, Finley at 23. If the court repurposed the filing as a records request as Hornsby claims, this court has found written notice must be given prior to a ruling or it violates Due Process.

The penultimate reason for denial is not all errors were raised on Direct. As shown above, that is not required. He admits there are viable claims. In that case neither an application or COA should be denied.

His final reason is state court remedies must be exhausted first. Hornsby-Stagg refused to address the 28 USC § 2254(b)(1)(B)(ii) exception because it would force consideration of the errors merits. In Harris v. Champion, supra, the courts found a two year delay establishes a PRESUMPTION of exhaustion. In Harris II, supra, it was recognized circumstances may vary the time. For Petitioner's case the district court took twenty months once a Mandamus was granted Hawkins v. Wicker 582 F.2d 180, 181, Breezeale, supra, Hornsby took seventeen months to respond.

Subsection (B)(ii) was not specifically cited for good reason in the application. The LSP Inmate Counsel refused to provide cases pertaining to the issue. Specifically citing cases is not required Picard v. Conner 925 Ct. 509. Petitioner did not expect Hornsby to read his mind. Error #31 is "conspiracy".

The jury sent a clear message they believe every one is lying. They acquitted on the aggravated rape charge and convicted on a lesser, forcible rape by the slimmest of margin vote, 10-2. Strangely jurors hung on the agg. Kidnapping and refused a lesser charge. Petitioner contends the jury was grossly tainted and their vote, bolstered by judge Garrett's comment jurors voted contrary to the evidence. Obviously jurors had to think Shannon lied about violence on Petitioner's part and a good portion of her story. The only reasonable explanation is they relied on the, at best, questionable

DNA testimony. They did so because defense lawyer David McClatchey was an agent of the state refusing to object to its admissibility, source, testing, results.

The US 5th Cir. has said verdicts which are weakly supported by the record are more likely to be affected than ones with overwhelming records support changing "might have been" to "would have been" important enough to affect the proceedings reliability Larson v. Maggio 736 F.2d 215.

Clearly there was no procedural default and no review of the merit on Habeas. Even if a default could be contrived, there is the Miscarriage of Justice exception. This court has said a procedural default can not defeat a Constitutional violation upon showing of Actual Innocence Murray v. Carrier 477 US 478, Kuhlman v. Wilson 477 US 436. Actual Innocence can overcome procedural defaults, abusive petitions, etc. McQuiggins v. Perkins 133 S.Ct. 1924, 1932 (US 2013).

Petitioner is not rearguing his assigned errors but he must make a substantial showing of innocence which is not equivalent to the standard of insufficient evidence Schulpr. Delo 115 S.Ct. 851. Hornsby states there must be information not known to jurors.

Prosecutors O'Callaghan and Langford knowingly used PERJURY and FALSE EVIDENCE allowing both to go uncorrected. It is immaterial whether prosecutors consciously solicit false evidence Napue v. Illinois 360 US 264, US v. Barham 595 F.2d 231 (CA5 (Ala) 1979). After soliciting both continued to ask misleading questions further aggravating the misconduct by repeating it in closing arguments US v. Agurs 427 US 97, US v. SanFilippo 564 F.2d 176 (5th Cir. 1977), Barham at 243. "A new trial is required if the false testimony could in any reasonable likelihood have affected the judgement of the jury" Biglie v. US 925 Ct. 763, 766. The reasonably likely standard of materiality is a "low threshold standard" US v. Anderson 574 F.2d 1347, 1355 (5th Cir. 1978).

These are examples of false evidence and evidence was planted or altered. Patrol officer Lane swore he touched nothing because he had no gloves and waiting on investigators (Tr 583). Jurors did not know Lane collected nine evidence items from the scene listed on his evidence collection sheet (Tr 26). He knew a Crime Scene Investigation (CSI) team was en route and testified it was their job to collect evidence. Lane designates eight items as "Other" or "Clothes/Furs (Includes)" in order to insert items as needed to fit a lie. Premeditation is proven by failing to put in his report he took pictures and evidence. Lane tried to con-

ceal his actions by writing in the last line of his narrative the fragment "EVIDENCE WAS COLLECTED AND SUBMITTED BY CRIME SCENE" (tr 25). (SI Amy Muller wrote Lane told her most of the evidence was in the bedroom and "he left after that" (tr 39). How could he know Muller did it and why mention it other than to deceive?

Lane testified it was "usual" for patrol officers to photograph major crime scenes (568). It is not, otherwise why summons Muller. Photographing is gathering evidence which he said is not his job. Lane swore he had a camera brought to him. If customary, he would have one for the task. The lie was necessary because Lane helped plant evidence. His actual testimony was he borrowed Muller's camera. That got changed and imputed to O'Callaghan in opening claiming Lane took photos because the scene was so bloody he felt compelled (tr 534). The transcript provided for Direct Appeal has Lane say he took pictures to guard against tampering.

There is an impetus for borrowing Muller's camera claim. Lane's evidence sheet has two videocards as "photo". Muller has zero for her digital camera. Darby lists two cards (one for rape exam, one for Petitioner). Muller reports finding Lane taking pictures upon arrival (tr 39). Muller's photos have no chain of custody and inadmissible or she and Lane falsify reports to deceive. More proof is Lane blurting "I thought I was done taking photos" (574) before describing a picture. A normal person sees that as a confession those are not his pictures. Before that testimony he perjured saying he could not recall what shirt Shannon wore as he photographed her on the couch (tr 564). He described that photo but omits mention of the shirt, changing "might" to a "would."

Lane swore his photos were an accurate depiction of the scene (tr 576). He photographed a blue standard box cutter at the foot of the bed out in the open (573, 582). He and Shannon testify they tour ~~my~~ the bedroom as Shannon points out evidence. Shannon swore the blue box cutter was not used nor had she seen it (784, 789). Other photos he took show evidence not in the place Shannon claims to have left them.

She claims her cell phone was snapped in two and pieces were thrown across the room to the other side of the bed (tr 64). The top half was pictured at the back of the bath room. The bottom

was under the near side of the bed less than a foot from her position (tr 39, 40). The most damaging picture shows a neatly folded bra on the floor. Lane mentions its presence but not that it is folded. One cup is folded on the other with shoulders tucked in to form a neat square as women do for storage. Shannon said the bra was "ripped off" her body (28, 62, 68, 80, 82, 77, 79). Under the folded bra was duct tape she said was used later to bind her wrists. That is impossible. The bra hit the floor first. Juries did not learn of this. Lane perjured saying there were "splatters and a trail" of blood on the living room carpet (tr 518-9). What he is trying to conceal is there are no splatters or trail but a shoe sole shaped print of blood. It was scrubbed in carpet with a black shoe polish zone down the living axis matching the wiping of blood from the side of a shoe. Pettibone wore brown nubuck hikers examined by the crime lab (item 2B) who found no blood (tr 159). Shannon testified she never went that far in the living room until Pettibone left for good. Lane is a large man who wore black polished shoes and in that spot with Shannon bleeding. Prosecutors tried to make it appear Pettibone fled the scene instead of waiting for and directing responders. Lane lied saying there are three buildings between the street and Pettibone's apartment. There is only one. He said Pettibone was off the parking lot next to the street (tr 577). Then it was out toward the street (561). Then he said "on the street and we" pulled in the lot as if Pettibone was captured and brought back (573). He said he was alone in his car (577). Juries did not know his report was on the lot. He told Dally in (tr 27). O'Callaghan told juries Pettibone was out wandering around. Lane lied he was two blocks from the apartment (at 9371 Mansfield Rd) in the 9100 block at Buttkorns. He got an Assault & Battery call at 9:51 am. The perjury was meant to hide his arrival time after 10 am. That was needed because Roach wrote he called police in his report. Roach fabricated his report to mitigate Dally's lie she arrived at 10:50 am. All this centers on Shannon's lie of arriving at 8:15 (tr 66) then 8:45 (tr 72) to mitigate loss of time in planting evidence and concealing a story which had to be continually revised to accommodate each new circumstance.

Lane said he made a U-turn at the intersection to proceed one block to what the calls Southdown Park Dr which he said was the block before the complex to turn right on Normandy then right on the side street to enter the lot. Lane passed the fire station located on Southdown Park Dr and got the call at 9:50 and arrived at 9:54:40 unloading men and equipment and then well out of sight before Lane arrived. Lane should have arrived first or been with Roach's heels. Roach arrived minutes before Lane at a distance that could be walked in that time frame. Roach perjured to hide his falsified Incident Report (tr 56-58) and jurors did not learn that Lane responds to Roach's 911 call because Daily hid the 911 event chronology. In his report Roach designates the call an "END run only, when a question would he had saying he did not know how it came in (tr 610). He then stumbles through an unsolicited explanation of how the personnel do not go in dangerous situations without police. He admits they barge in unannounced. O'Leaghan gave Roach a copy of his report before testifying. To mitigate his lies and take confusion for jurors Roach said he looked at a little bit (tr 612). The first narrative of his report is titled "MEDICAL EMERGENCY, TRUMAN WITH INJURY, The only injury listed is to a hand. On the first page Roach answered the question "And given or received with Al-lone" He designates the call a "Non-Transport". In a second entry, he wrote the patient was treated. His perjured testimony was "shock up to infer distress. O'Leaghan tried to help Roach telling him he meant not in medical distress because he wrote the woman was in "NO DISTRESS". Roach can not answer the question justifying a Medical Emergency because he is not even an EMT and is repeating what he is told. Actual testimony was he did not see Shannon for the first narrative writing only what they told him to write. The second narrative is proof of that statement. It is titled "STILL THERE ON SCENE". This is a grammatical clue. He should have written HERE. He has the last unit cleared the scene by 10:18:19. The time index of his computer stamps the report at 10:46:56. The first report's author is -. The second is "58183-Roach, Rodney, Capt. Roach returned to the fire house to change his report because the first was a lie. Roach was short to retire and not medically trained with no interest in the scene. CSI Army Muller perjured saying she collected two pieces of tape (tr 659). Turns do not hear she only got one piece as listed on her evidence sheet (tr 411). She changed that claim to the piece found under the

bra was actually 2 stuck together totaling 3. The tape was in one sealed evidence box with 2 seals on it, meaning she falsified a seal too. Prosecutors had Muller add tape and redo seals to mitigate Shannon's perjury. She claimed only a roll of tape in the room at first (tr 80). Then a single strip (82). Then strips (62, 716). Then the roll is in the closet (64, 85). There is support Muller opens other evidence bags before trial when Langford said the blue box cutter was "intact". That evidence was sealed more than a year earlier.

At first Muller testified she did not see any blood stains on the living room carpet. Langford drew her back. She answered that when she went back there were stains, actually the large bloody shoe print (620). Later when describing her photo the tense changes to stain (tr 635). The question is, can jurors see a bloody shoe print. Even if the picture not changed, every witness said some photos could not be seen or out of focus. During Muller's testimony O'Callaghan said "a piece fell off the projector. Shannon had to have a laptop brought in to the stand to see photos (tr 794). Jurors can not see that projection. At one instance Langford asked "Can we see blood" (speculation) (tr 639). Muller said she can. Jurors must see it. Petitioner holds that photo and can see no blood. Therefore jurors could not and Muller lied.

State's witness Dr. Aycock perjured by saying Shannon had facial injuries (667). That is relevant to Dailly's claim in the arrest affidavit (93) Petitioner hit Shannon in the "face". Every statement Shannon made was a punch on the side of her head "in the same spot" (tr 63, 65, 74, 80, 81, 776, 779). Aycock admits he has no specific memory of the incident and relied only on his dictation. Nowhere in that record did Shannon tell him of a punch to the face (tr 79-80), it repeats "side of the head". Note Shannon repeats earlier testimony to increase the perceived punch count by starting "So, again."

To deceive jurors Aycock lied saying cuts were "defensive wounds". Granted it is an expert opinion but is perjury if not his opinion. Experts may give any opinion if based in sufficient facts, is the product of reliable principles and methods, which are reliably applied to the facts of the case US v. Wen Chyu Liu 716 F.3d 159 (CA5 (La) 2013), Daubert v. Merrell Dow 509 US 579. He said the cuts orientation to the head determine defensiveness. Dailly said it was because they were "linear". If her hands were out front with thumbs down and slash coming from overhead, the cut orientation is the same for thumbs left or right with a slash across the body. That is not a medical opinion. The small cut on the top pad of the

index finger and long cut across the upper palm are in the same plane to exactly fit the result of a gripped blade, as she claims to do (14, 777). The crescent shaped cut in the palm defies Aycock's opinion. It tracks the back end of the blade's arc as the tip hits resistance. O'Callaghan provides the answer saying it was what "we" call defensive wounds (tr 168). It is no longer expert opinion.

Detective Janice R. Dailey was unabashed with Hearsay and Perjury. O'Callaghan asked if she was able to determine what shirt was on Petitioner's torso at arrest. She perjured saying it could not be determined (tr 686). Lane testified it was a T-shirt (578-9). Dailey reports Kelly observed blood on the tee shirt and socks he was wearing (tr 29). She wrote "During this time I observed Michael Crosby in the rear of Cpl. Lane's patrol unit and OBSERVED that he was wearing a light colored tee shirt with what appeared to be blood on the front of it" (22). Jurors did not learn of those reports. Had they heard of 2 shirts bloodied and a sweat shirt worn at the same time the evidence could not be reconciled especially if they knew Shannon said she did not see Petitioner change clothing (tr 77).

The planted T-shirt forced Dailey to perjury about when she collects clothes. She lied to jurors it was on 9/21/06 (tr 687). Jurors did not know she got all clothing on 9/20/06 writing "I then seized all the clothing Michael Crosby was wearing." Her next paragraph has "I returned to the Shreveport city jail on 9/21/06 to check the ^{personal} property of Michael Crosby in an attempt to locate the tee shirt he was wearing at the scene" (tr 29). Dailey claims to ask Petitioner who responds "they took it," according to her. Why report that? She did not record who she asked at the jail.

Dailey lied saying she arrived at 10:50 AM. Lane calls Dailey at 10:30 AM. She called Muller at 10:40 AM. Muller testified Shannon was on the couch waiting for Dailey upon arrival (620). Shannon affirmed adding she sat in her sister's car "a while" waiting (tr 784). Even if a while were only 5 minutes that left 5 minutes for Muller to travel there, find the apartment after talking to Welch in the lot and viewing Petitioner then briefly talking to Lane. Roach took 5 minutes from around the corner ready to roll. Jurors were not aware of all this.

The most significant perjury was Dailey saying she collected buccal swabs from Petitioner. She tried to deceive jurors by repeating the collection procedure, as if she got two swabs (tr 688).

Jurors heard Dailey further deceive them by referring to 5-21 (SWABS) in the singular. O'Callaghan helped by using the singular to Dailey and Mikeska but plural to the court. Jurors made it known they do not trust the DNA testing with a 10-2 vote and they are tainted.

To obtain the buccal swab Dailey filed a false affidavit on 10/10/06. On 10/11/06 Dailey took "1 buccal swab" at 9:38 AM and left at 9:40 as listed on the second page Return of Search, as required by law. That Return of Search was not in the Discovery response. To prove it was missing and had asked for an evidentiary hearing, the initial Discovery was resubmitted starting at Tr 111. The State also hid the evidence transfer receipt for the swab. What the State was hiding is revealed at the bottom of Tr 158, Mikeska's report. It says "On 10/11/2006 at 11:50 AM, Tiffany Davis received the following evidence from Janice Dailey: 5. One sealed evidence bag containing one sealed swab carton containing two buccal swabs from Michael S. Crosby." Eliminating any doubt DNA was planted.

Dailey lied to jurors saying she was not sure a divorce had been "initiated" (Tr 93). She was told he had been served papers. The purpose was to hide the 9/21/06 hearing (Tr 72) that Shannon feared and wanted stopped and the reason for attacking Petitioner on 9/20/06.

Evidence for that is conclusive not condusory. Shannon testified to going "NUTS". For Dailey it was "crazy" after she "panicked" and "started fighting" Petitioner (80, 776). Pictures show a large red mark on his face from her punch. His left eye is very bruised from a blow. There is a cut on each leg from her blade attack. She confirms Petitioner disarmed her of the blade and threw it to prevent further injury. She forced her way through the door to get in (Tr 773) like on a mission. She and her lover, Kevin Holmes a lawyer and part time prosecutor had planned to bait Petitioner in a fight to get him arrested so he could not put on record her crimes of Medicaid care fraud while working at her mother's care service provider business, Care Services of Northwest Co. and her vast corruption while a deputy clerk in Crawford County, AR where she met Holmes. She returned there to get an illegal divorce in 40 days and awarded everything. She lied to jurors that she did not know the wait period after saying she was a Domestic Relations clerk (Tr 815). Not long later she married Holmes. In the sex assault report she admits having sex on 9/17/06 without a condom while in Arkansas (Tr 60). The rape shield law does not

exclude that sex ad because it does not attack character and goes to show the DNA belongs to someone else State v. Williams 927 So 2d 246.

Crimelab technician Margo Mikeska performs DNA tests. To deceive jurors about Dalley collecting one swab and T. Davis got 2, Mikeska perjured to say she got all the evidence from Dalley (tr 738) and make evidence admissible. Twice Dalley said all evidence went to "Tiffany" only but suddenly forgot her last name (489, 721). The other evidence transfer receipts (44-5) show only Davis's signature. Mikeska said evidence is "checked in" by an Evidence Technician (735). Mikeska doubled down perjury saying she opened evidence items (739). Later she testified she did not open all the evidence envelopes (760) as a lie for why she could not determine if there was a missing pubic from a sealed evidence box. She reinforced her perjury saying items A-K were "all the stuff that was inside of that box" (tr 739) she could only know if she opened all envelopes. The only 2 items on the A-K list that got marked out and initialed by Davis are for pubic hairs (plucked, combed). McClatchey failed to make jurors aware of these contradictions to the jurors or they would not convict.

Mikeska perjured to hide she refused to PCR test skin and sperm for a full profile. She deceived them saying there was "insufficient" DNA then said "I tested both the epithelial and sperm fractions of the vaginal swab and vaginal washings" (tr 749). She performs a YSTR haplotype on the skin, but that was as she said, to locate male DNA (745, 747, 749). Then ran another Y chromosome test for identification. That test is not admissible because the results are inconclusive. The listed percentages of 99.5-99.73 could match Neanderthal man. Mikeska re-lies saying she found no sperm. She can not test a fraction of zero. She did not say it was a test "for" sperm. She tried to mitigate with another lie she made only a "visual examination" of a "very, very small amount" (tr 745).

Skin is the source of DNA to get full profiles in most cases because we constantly shed it and DNA is found in the chromosomes of every cell US v. Jacobetz 955 F.2d 786. Margo said skin cells were always present in ejaculate (743). But when trying to explain the lack of DNA that could be tested she lied saying it could possibly not have any (745). Then there is the deception of O'Callaghan asking if she did a "sperm fraction" as if a test (747). He then led Mikeska to another lie asking the misleading

question "So if there is no spermatozoa or epithelial cells then you can have some semen that does not necessarily have sperm or any DNA?" She lied "That's correct." She testified skin is "always" present in semen because our body constantly sheds skin cells.

Jurors did not learn Shannon swore to a Bossier parish court (docket 126,900) she claims to be attacked with a kitchen knife and "home-made box cutter" suffering stitches to both arms, plus hands (tr 1516). Photos show no scratch to either arm. Roach and Aycock do not mention arms. This is far more violent and negates the cuts were self-inflicted. The divorce was entered but unread as 5-25 and not in the trial record. Shannon told Dailey the knife was not used for attack (tr 87) and not found.

On 10/5/06 Shannon said "they" thought she had a fractured jaw, collapsed sinus, damaged ear drum, black eye (singular) (tr 75). Aycock confirmed she lied. When questioned at trial she said the black coloring under her eyes was not smeared makeup (792) and is perjury. Photos show smeared makeup. The black is from tear duct to outer corner of the eye with no other colors. Blood flows down hill to pool close to the nose, not evenly distributed. It does not go uniformly necrotic in less than 3 hours. She was never hit on either side of the face. Jurors did not hear this.

O'Callaghan perpetrated a ruse asking "He hit you, now, on at least four separate occasions?" (779). He is counting Shannon's repeated testimony where she said "So, again, I just -- the panic sets in" (779) retelling testimony from 778. If not repetition she lied to Dailey, which jurors never learned. Her first account was 3 punches (776). Then on 779 it is 2. That matches the 3 on tr 62 and 2 on tr 65. On tr 745 she said it was a total of 5. Jurors did not learn she changed from being in the corner when punched 3 times to the opposite side of the bed near the door at tr 80.

To make it appear Petitioner was drawing Shannon to a trap she perjured he "absolutely refused" (771) to meet her "halfway" at her work parking lot. When asked about employment she avoids saying she works for her mother. That office is located on Old Minden Rd further east past her apartment and not near halfway. Petitioner agreed to meet there on 9/14/06 (tr 59). She cancelled. He agreed to 9/18, she cancelled. And on 9/19/06. The manipulation was needed to get Petitioner arrested and stop the 9/21/06 court appearance. She told jurors they "usually" met halfway then said she brought Gracie out to Petitioner.

and 45 minutes later he would call and say he did not want Grade any more. It happens so often she claims to wait at the nearby Mall or Fred's store. She testified he saw Grade only every other Saturday after he moved out the second week of August. At best that is 4 visits. Both cannot be true. Shannon perjured to paint Petitioner as an uncaring parent and gain sympathy from jurors.

To reinforce the idea of a planned attack she perjured saying Petitioner kept calling to make sure she would arrive (tr 772). She called Petitioner. There was a reason to call. She was very late and needed to get inside asking to use the bathroom as pretense (61). On tr 90 she said she called. The jury never learned of that information due to McClatchey working for the State.

Shannon perjured that she begged Petitioner to use a condom (80, 780, 813). Jurors did not know she said Petitioner asked her if she wanted him to use one (tr 74). Shannon said her shirt and bra were "ripped off" her body (tr 80) to bra just ripped open and buttons ripped off (62, 776). This was needed to mitigate no blood found on shirt, bra or skin of her upper body, except hands.

The evidence is against a claim of rape. Jurors never heard SANE nurse Menard's observation of no vaginal lacerations (tr 54), a sure sign of non consensual sex State v. Evenidge 702 So2d 180. Even Mikeska confirms no foreign DNA on the anal swab. Shannon testified penetration was finger and penis to anus and vagina with oral copulation and he switched back and forth for 30 minutes (tr 74, 86, 780). The exam found no redness, swelling, bruising, abrasion, bleeding to one of the most blood and nerve rich portions of her body, the anus.

Testimony on tr 810 has Shannon perjure to say she did not speak to friends or family about the incident because it was not their business. Petitioner holds two written statements that the State had containing significant excerpts of her claims that were not her family. The purpose was to gain sympathy and support and deflect social derision to marry Kevin Holmes and paint herself as a poor victim and not a drug addicted, adulterous criminal with a reason to lie.

She was asked if there was anything different from what she told investigators compared to jurors. She perjured saying there was nothing. Many examples have been given. Two more are she told Darley Petitioner would NOT tell her (63, 81, 777). Darley reports her saying he threatened

her with death twice (28, 93). Then it was Petitioner tried to gag her with a wash cloth and duct tape it in (tr 62). Testimony and another statement are she "ASSUMED" he would and he "ACTS LIKE" (82, 776). Those are vastly contradictory. McClatchey questioned nothing.

Prosecutors coached witnesses to HEARSAY and testify to details they did not want Shannon to breach. They know the more lie is repeated the more likely it will be believed. O'Callaghan said Petitioner called 911 and spoke to a fire operator saying he "assaulted" someone (532). Police communications officer Debra Fontenot confirms all calls go through fire operators first and transferred to police if needed. Yet it was Fontenot who testified to an unclear portion of the tape (558) as if she answered the call. Never is she asked nor does she say she took the call. Tie in to that Roach's call to 911 plus his, Lane's, Darley's time discrepancies and jurors heard Roach's call. The state violated RS 15:450, tape not played in entirety State v. Jackson 523 So.2d 251. The factors of admissibility were not met such as identifying all speakers US v. Starks 515 F.2d 112. And the tape is hearsay State v. Millican 874 So.2d 211.

Lane was asked if he pulled up and stopped by Petitioner (tr 577). He rambles about how Petitioner was smoking, had blood on his shorts, saw bruises on his arm. That is not permissible explanation. The question was, did he pull up and stop. Granted this is brought out later but is repeating evidence violating LSA C.Cr.P. art. 793. On tr 579 Lane is asked to demonstrate how Petitioner threw up his hands. It took 9 spoken lines repeating Petitioner put his hands up, 3 times, he was smoking, 2 times, then said what Petitioner told him. On tr 563 he is asked what he observed in the parking lot. He restates what Petitioner told him later then starts in about Petitioner Shannon's injuries and where blood was in the apartment. That is not equitable to what he observed in the lot.

Roach was asked what type of call he received and how he responded. He used 3 paragraphs of 17 lines to describe Petitioner's movements, his entrance to the dwelling, whether the door was locked and Shannon's injuries. The question was answered with "EMS run" (610). Then he answered the question to define EMS run by repeating what he just said with the precursor "~~Like I said~~ ^{say} And like I say". On the next question of how he was there only for medical assistance and not an investigator, he begins testify.

ing in a material way that Petitioner is guilty saying "I remember, you know, when we found out what it was and she had said he had just left, that's when I realized that might have been him who we saw (611). In the next paragraph he said "The person that had done this had left, but he may still be on the grounds. And when I came out they had a man in custody they had caught." Absolute proof he was suborned is he began to vomit remarks Shannon was "shock up, but not in a life threatening situation" and there were lacerations "over her body" implying, all over. He spiraled out of control to interrupt O'Callaghan asking O'Callaghan if he knew Shannon was transported by ambulance (611-12) a question he perjured on. On tr 613 when asked about not being an investigator he responds by repeating testimony about uncontrolled bleeding. Never did McClutchee object.

Proof prosecutors coached witnesses to hearsay is Dailey repeatedly doing it after sustained objections and warnings (tr 696). Judge Corbett said Dailey was responding with "inadmissible hearsay" (697). Dailey was asked what she did when she got notice from Lane. She said she asked him for more information. The question is answered. Instead, she repeats what Shannon told Lane who told her (double hearsay) then called Shannon "the victim". Dailey, Lane, Muller use "the victim" on tr 568, 612, 621, 641, 676, 677, 678, 679, 689, 696 as many as 4 times per page. Use of "the victim" applied to Shannon is prejudicial Stake v. Williams 615 So 2d 1009.

Dailey answered her second question starting "I'm sorry let me back up a little bit". She then add to the prior answer repeating what Lane said. Dailey continues using "the victim" (4 times on tr 677) during a running monologue where prosecutors nurse her along saying "pick up from that last point" after an objection. She confesses to repeating Lane with "He told me essentially the same thing that I've already, you know -- that the victim had come over to leave the child with her estranged husband. He had assaulted her, drug her into the bedroom, cut her, hit her, vaginally and anally raped her." That is not permissible a response to "what did you do next?" (tr 677).

Dailey was allowed to testify to what Shannon might be thinking (speculation) with "She was worried about her daughter, her two year old daughter, who had been in the room when all this had occurred. She was worried about how all that was going to affect her; was her daughter going to be

okay." McClatchey said Darley's hearsay was "ongoing" and "she keeps repeatedly doing it even after the objection and even after the state has instructed her not to do so" (tr 702). Garrett confirms with "And the third one is when I sent the jury home because of the objection about the hearsay" (102). Darley was not testifying in a neutral manner. Never did Garrett admonish jurors or strike testimony proving her collusion.

Police and Fire reports were falsified. Shannon told Darley the tape on her wrists was cut off before the rape (64, 85, 779). Lane has it on the entire rape (25). Lane marked the "MAJOR INJURY" box in his arrest report used by ADA Brossette in the bond hearing. In his narrative box he said nothing of a rape only "assault" with a fist and box cutter. He lists both agg. rape and agg. battery (double jeopardy) as Darley said arrest for agg. battery only. They were deciding about the risk of upping the charge by planting evidence. Proof is Darley used the wrong social security & driver's license numbers in her arrest affidavit.

Lane said cuts were caused by a box cutter and razor blade (tr 25). That is critical to establish confusion about home-ade and blue box cutters since the screw driver handle was not found. Lane lists Petitioner's phone on his evidence collection sheet (tr 26). Shannon said she found it on a window ledge outside and handed it to Darley at the hospital (tr 91). Darley reports Shannon saying Petitioner put his hand over her mouth and arm around waist to pull her in the bed room (tr 28). Shannon told her neck and waist (62, 776). A way had to be made justifying returning to the apartment to alter the scene since the lock had been changed by the manager that day (tr 40). Darley lied to say Shannon's car keys could not be found and must be in the apartment (tr 29). Lane and Muller photograph the scene with Muller photographing every closet's content. No keys were found.

Darley lied that Petitioner stood in the doorway when leaving blocking Shannon from closing the door with his foot to make him look menacing. Darley said it was from a "brief interview" (30). Shannon did not say that (tr 76). To disguise the truth she hid officer Welch's car video DVD and falsified her report writing she submits to a property room "the in car video from Cpl. A. Lane's and officer Matt Welch's #1064 patrol vehicle from 09/20/2006". She knew Lane and

Welch were in separate units. Her report has Petitioner in Lane's car (27). Muller testified there were 2 units in the lot with Welch beside one (39, 618). The DVD shows the time and Lane photographing Petitioner in a blue sweatshirt, not bloody T-shirt, as Darley ordered (27, 678). It also caught Shannon stealing Petitioner's property. The six bags of clothes, toys, electronics Shannon described being present are missing from pictures. Her claim of significant head trauma would be discredited along with Roach's "Shook up", but validates his "No Distress" claim. It would prove Shannon, Lane, Roach lied about Shannon's mother and sister leaving the scene.

The DVD was collected from Lane's car camera. That evidence was hidden by prosecutors until 9/21/07, then by the sheriff's deputies at the jail. Pro Se Petitioner made a specific Brady v. Maryland 373 US 83 request for the DVD on 9/11/07. It was placed in the jail property room (see enclosed McClatchey letters). Petitioner requested access to the evidence. A second request was made for the machines to play the media (enclosed). The access request was not responded to. The second request response stipulated Petitioner's lawyer must make the request. Petitioner responded he was his lawyer acting Pro Se. Deputies issued a disciplinary (enclosed) for lying to staff saying he was not Pro Se and denied access. At the disciplinary hearing Petitioner presented court records affirming his Pro Se status and ruled Not Guilty. Still he was denied access. Request were made orally and by Certified letter asking him to release it. He refused. At the 12/17/07 hearing Petitioner complained to judge Crichton. McClatchey said "I remember saying something to the effect once it's placed in his property we won't be able to get it out of there" (tr 917). That was changed dialogue. McClatchey had said Petitioner would not be able to get the evidence out to reassure conspirators it could not be used at trial. Deputies said all McClatchey had to do is ask. McClatchey who constantly answers for the State on evidence matters lied that all evidence had been converted to a form Petitioner could have in his cell. How can an hour long DVD be converted to still photographs? Never was Petitioner allowed to view that evidence after 3 Brady requests.

In conjunction with the disciplinary ruling an ARP was filed. Both responses from the jail (enclosed) say it was confirmed Petitioner was not Pro Se through the Clerk, Public Defender

office and judge Crichton's secretary, Ms. L. Robicheaux. That links all facets of the legal system are working together to deny evidence. More proof is the enclosed letter from Crichton confirming Petitioner was truthful about being ProSe on 10/9/07 and Robicheaux erred. Jurors never learned of any of this evidence to prove a conspiracy acted to have evidence planted.

Captain Roach's multiple falsified records have been explained.

Darley reports Shannon saying Petitioner said Shannon was moved to the top of his "Hit List". Shannon told Darley it was her mother at the top the list (tr81). Darley reports Collette Kelly saw bite marks on Petitioner's "arm, hands and face" (tr29). There were no bite marks on his hands or face. What Darley is trying to do with a lie is turn to Shannon's advantage her attack she initiated causing multiple visible injuries during a drug fueled rampage. Shannon had several drug connections in a girl named Ashly Vick and friend Cole Thompson. Shannon was under the care of what she called a "Fat Doctor" who prescribed "skittles". Jurors did not see a single police report for good reason.

Judge Brown of the 2nd Cir. lied in his 43814 opinion Petitioner never objected to evidence at trial. Tr has Petitioner say police tampered with evidence and changed the transcript (tr519). Menard never wrote she collected any DNA (tr158-63). As mitigator Darley hearsay testified to Menard's protocol to fool jurors. Then Menard fled the State to avoid testifying. O'Callaghan told jurors of the damaging portions of the report without cross examination like a claim of perjury to the cervix and a public. The report is declared hearsay making it prejudicial. McClatchey helped by making it an evidence issue and O'Callaghan questioned witnesses about aspects.

The 911 recording was altered by the State. Fontenot had to interpret a passage because it was unclear (558). Petitioner never said "assaulted". The State had the recording in their possession by 10/5/06 but hid it until 1/23/08 after the alleged sanity hearing where they claim Petitioner suddenly relinquished his ProSe Right to return control to McClatchey, an agent of the State. Trial was set for 1/15/07 where the State filed for sanity to stop Petitioner from revealing evidence. McClatchey lied saying the tape was transcribed and a copy provided. Only 4 audio recordings are in the record; the 2 Darley-Shannon interviews, Darley's then Kelly's contact with Petitioner. Neither of the latter

2 got transcribed or provided. ADA Estopinal said in her "Answer To Writ", p. 37 the recordings do not exist, then in her 11/18/13 letter (enclosed) said they were never in evidence.

O'Callaghan and Fontenot trick jurors by false identification of the 911 tape. She identified the tape played as the same one handed to her earlier by O'Callaghan for review (SS6), not the call center archives. No identification method was articulated to establish the tape's authenticity. Then O'Callaghan played semantics asking "this is A tape from the call center here in Shreveport?" (SS6). That could be any tape. Petitioner asserts the fire operator refused to testify to an altered tape prompting police officer Fontenot to perjure. The State never provided the collected Event Chronology for the call.

A bloody shoe print was found on the living room carpet planted by Lane as the first stop on an evidence trail to the bed room where he said most of the evidence sat. McClatchey did not ask him or anyone about it. Shannon was not authorized to be there and can not consent. They plant the top half of her phone in the bath room as the second step. Muller claims the bottom half was just under the near side of the bed. Shannon said pieces were thrown to the far side of the bed. McClatchey failed to ask anyone how pieces got moved. Lane perjured about the shoe print saying it was a trail and splatters of blood. Then there is Muller's out of time sequence report. She found the lease not listing Shannon. Got notification later of consent. Starts packing her bags and left. In proper time sequence she left immediately explaining her not sampling any stain. If she stayed, the time must be well after 12:34 pm when Kelly claims to get consent. Muller arrived before 10:50 am. That is 2 hours or more to take some pictures and gather items with help from Rachal. Lane took the same photos an nearly same number of evidence items from 10:30 when he learned of a rape until 10:45 when Muller arrived. Petitioner asserts Muller was searching for his documents of everyone's crimes. The lease was in a black file box shown on a shelf in the closet. Another picture shows the bag removed from the kitchen trash can looking for records there.

Detective Kelly claims to audio record Petitioner agreeing to and signing a Miranda Notice (tr 20) and Consent To Search. A Miranda/Edwards v. Arizona (388 US 436, 451 US 477) violation since he refused to speak to Lane and requested a lawyer and did not initiate Kelly's contact. Kelly fabrica-

ted the consent when realized Muller's search was illegal and make all evidence inadmissible. Estopinal said the tape was never in evidence. Petitioner never signed either record and was never in Kelly's presence before 5pm. There is no signature on the designated witness line. Menard vanished which should have made all DNA samples from Shannon inadmissible. Dailey is proven to have planted a buccal swab. McClatchey refused to file a suppression motion. There is no signature on Dailey's Miranda Notice because Petitioner "declined to talk" making it less likely he agreed to sign Kelly's critical consent (tr 20-21)

It has been shown Muller falsified an evidence seal claiming 2 pieces of tape that magically became 3 but her evidence sheet has "1.00" pieces collected. The extra tape was found under a bra no one would say is folded neatly. The bra was planted. Shannon claims her hands were bleeding before her bra was ripped open by Petitioner who's hands are bloody from the struggle. No blood is on the bra (645-6) nor shirt (643-4) where only the buttons were ripped off. She bled on everything touched after bandaging which are duct taped on wash cloths. Her shirt was long sleeved with button cuffs. She can not shimmy out of those without imparting blood. Worse, she managed to put on Petitioner's sweatshirt with banded waist and cuffs without smearing blood on it, examined by the lab (Item 213). Then there is the quilt. Shannon claims to roll over it in a fitanic struggle for the blade but all the blood is "soaked" in one spot as if used as a temporary bandage. Despite this violent action not a drop was slung on the floor or wall, not a drip or smear on her shirt.

A condom and piece of wrapper were planted. The condom was not tested. Muller testified original prosecutor Hugo Holland never told her to have it tested. She knows that is irrelevant. O'Callaghan took over on 4/3/07. DNA testing began on 4/18/07. If no ejaculate were found, then the skin, PSA, seminal fluid, sperm belongs to Kevin Holmes from 9/17/06. Only half the wrapper is found and has no blood on it. Witnesses imply Petitioner left blood on a pack of cigarettes an hour later. The State must explain the missing piece. That was not made known to jurors. Muller actually testified to 2 pieces which got changed.

Shannon planted orange highlighter marks on her leg. She claims Gracie, who is not 2

years old drew them during the violent rape. They needed to prove Grace was there since there is not a smudge of blood on her and paint Petitioner as a monster. The claim is absurd that a 2 year old little girl was in and out of the room playing or coloring quietly while her mother was screaming for her life, beat in the head, sliced up with 2 weapons during a vicious fight. McClatchey helped the state by volunteering, little kids do not know what is going on. Shannon erased that saying Grace climbed on the bed amidst all that gore without getting a smear of blood on her to sympathetically pat her head kiss her face and softly say "Mommy, Mommy, Mommy (6/9, 76, 88).

Those orange marks are only on the outside of the right leg and foot. That area is inaccessible. Petitioner's weight and action would turn her legs out and down in the quilt. Petitioner wanted to show the quilt had no orange marks. Grace can not stay on page of a stationary coloring book. An example of her work is in pictures. Shannon is right handed and made them later. As support, there is a long straight line from mid shin to mid thigh. Claiming a little girl not yet 2 drew that during a violent rape of her mother is not reasonable or believable.

Shannon and police DESTROY planted evidence. The bloody T-shirt has been explained. It was handled so badly it forced Dailey to overtly perjure. Although not planted, there is Welch's DVD (tr 30). Half a condom wrapper was destroyed (6/35, 6/50). Menard's "pubic" vanished (tr 54). The Bossier divorce, 5-25 is not in the record (802). Neither is the jury strike sheet.

The planted washcloths Shannon said were used as bandages and gag (6/4, 80) got destroyed. Shannon said fire personnel removed cloths as lane sat with them and he is collecting evidence. If among his mystery items, why not produce them? RS-15:432 says evidence not produced is presumed detrimental. Petitioner requested them because he never used them. He asserts she cut her hands later to enhance the scene and gain sympathy. She lied in court previously in the 120,900 Bossier filing claiming stitches to her arms and attack of a kitchen knife.

Evidence found supports self inflicted cuts later. The blood on the quilt all in one spot. The lack of duct taped wash cloth bandages. She was bleeding an hour later, uncontrolled.

The only blood on the bedroom floor is "several" drops way over by the door consistent with a small cut. No blood is around the bed despite saying she "cupped" the blade between her stomach and floor (64, 70, 777). That is changed to on her knees (70). If her pants were on why is there no blood on them in photos. If ripped off why is it not on her thighs? Do not forget she claims to be gushing blood rolling on the bed with all her clothes on.

A pair of blue knit shorts were destroyed. Petitioner asserts he wore the blue sweatshirt and khaki shorts shown in Dailey's pictures when Shannon arrived. In statements she told Dailey it was sweatshirt and shorts but not described. At trial it was blue knit (774). No one collects them. They were planted then destroyed as an abandoned lie to keep jurors from wondering why no blood is visible on the khaki shorts in Dailey's photos or sweatshirt. Shannon planted a majority of the blood to inflame responders and ensure Petitioner's arrest and avoid a court appearance the next day. When she learned Petitioner documented her criminal activity she faced hundreds of Federal and state charges in 2 states. She had a huge motive to make sure Petitioner went to prison for LIFE.

McCluthey asked no one what happened to a "screw driver handle" the razor blade was taped to. Pictures show tool boxes that had sharp edged weapons with sturdy handles. They had to explain the lack of scratch in Petitioner's hand but get the blade to Shannon easily. She could not be painted as defenseless victim if she could overpower him to get a weapon. Her first claim is she pulls the blade from the handle. That was changed to being dropped when Petitioner tried to take her phone. At first it was only "blade" on bed. She and police call it a "box cutter" blade (25, 27, 39, 41, 62, 67, 75, 80, 573, 582, 646, 776, 748, 789, 800). She called it a "home-made" box cutter a week later, 5-25. Near the end of the 9/24/06 interview she said a razor taped to a handle. It is obviously not a man's facial razor. It has the dimensions to fit the blue box cutter Langford said was "intact".

Muller spoke to Dailey and Lane who just heard Shannon's story. She failed to seize any knife or block of knives seen in a photo taken from the living room. Muller took no pictures in the kitchen despite claims Petitioner went in there twice for evidence items. Shannon told Lane razor and box cutter,

not Knife, was used for attack. Shannon said the Knife was used then changed to was not used for attack but only to cut tape from her wrists (71-287). Jurors did not know this information.

The state destroyed paper records like the Jury strike sheet and evidence transfer sheet for the swab. That items importance was made plain when Dailey collects "Orbucal swab" but 2 shown in 2 sealed evidence containers at the lab. The Strike Sheet deals with the Tainted Jurors Habeas assigned error when unauthorized and unknown number of people are injected in the jury pool during voir dire violating C. Cr. P. art. 785.A.

Prosecutor hid Discovery evidence. Providing evidence to "Stand-By" counsel does not satisfy disclosure. Petitioner's assigned lawyers worked for the state supporting their interests. Nothing else can explain their abysmal conduct. It is the accused who must be informed McKaskle v. Wiggins 104 S. Ct. 944, 949 especially when acting Prose as Petitioner. Multiple complaints in the 9/10/07 and 12/17/07 hearings of his lawyers refusing to turn over evidence (905, 908-9, 917-19). "A private person acts under color of state law when engaged in a conspiracy with state officials to deprive another of federal rights Towerv. Colover 467 US 914.

The State withheld all evidence seized from Petitioner's dwelling to prevent personal inspection. The State is required under C. Cr. P. art. 718, et seq. since; they were favorable to the defendant and material, were intended for use at trial, were obtained from or belonged to Petitioner State v. Simmons 845 So.2d 1249 (La. App. 5th Cir. 2003). The condom was requested for testing, which the state did not do, and quilt to show no orange marks and all blood in one area. A second specific Discovery request was filed on 7/6/07 asking for physical examination.

The State hid the crime lab photos showing condition of evidence. The lab report was filed on 10/9/07 when Petitioner was Prose and trial set for 11/5/07, but not pictures. O'Callaghan said the photos were given to McClatchey (139). Car's photos of Petitioner that Dailey orders him to take never surface (27, 678). Those would show, like the missing DVDs, Petitioner in a blue sweatshirt and khaki shorts matching Dailey's photos and Shannon's description and prove everyone perjured.

Many items of Discovery became Brady material violations since requests were exculpatory,

specific and impeach testimony. The evidence transfer receipt for the swab has been explained and corresponding Return of Search. The state did not provide pictures 5-46 if they claim show splatters and a trail of blood. Then there are lanes and Welch's DVDs, both explained.

To prove Dailey and Kelly were not in Petitioner's presence at the 12:34 and 5:15 respective times as they list, the jail security video was requested on 9/10/07. As of trial day 11/5/07 the state did not provide them, where the state filed a false sanity motion to stop Petitioner from asking Pro Se. At the 12/17/07 sanity hearing O'Callaghan said he had video to be copied (tr 922). Why was it not complete? He continues "And there were some other items that were very specific. I was not able to jot down what the substance of all those items was" (922). O'Callaghan has easy access to the audio recording used to prepare the transcripts.

The question is where were all those requests made? The only evidence request in the 9/10/07 transcript was for a full and complete copy of the fire report. Petitioner said he did not get the CDs, DVD, audio recordings O'Callaghan brought up in the 4/16/07 hearing. Crichton stops Petitioner ordering the requests in writing after it was said there was a page front and back. O'Callaghan said he never got that "motion". Petitioner responded "I have the motion" (922). The 9/10/07 transcript was changed to hide more than 20 evidence requests. They refuse to transcribe the 10/6/07 hearing to resolve the issue despite an order from Hornaby to do so.

The state hid its collusion with outside influences to persecute Petitioner. A copy of the entry on the computer file at the parish jail under the F1264 Key is a message Chris Sasser of the West Monroe, La. police must be notified before Petitioner's "release" at 318-396-2260 ext. 189. Sasser is a close friend of Monty Lynn Forbes who is a former Union parish sheriff's deputy and Shannon Holmes's father. McClatchey shows his help by asking Shannon if she had family working in law enforcement. He did not ask about former law enforcement. That would lead to Sasser and on the fact Forbes was a drug addicted dealer who stole from evidence for use and resale while a deputy. Petitioner documented how Forbes planted evidence in cases then perjured at trials to get conviction and was named a defendant in a wrongful conviction lawsuit of a murder where Petitioner could testify against him.

A specific request was made for his and Shannon's cell phone statements. Those show Shannon communicating with her lover Holmes who was a lawyer and part time prosecutor that caused the separation. It would list the time and dates of who called whom on 9/20/06 and Petitioner agreed to meet her at her office on 9/14, 9/18, 9/19/06.

The master control logs for Dailey's, Kelly's, lanes movements on 9/20/06 and the jail transportation vans to show the 12/17/07 hearing was held after 5pm and not 11am to exclude an adverse witness because they knew beforehand the transcript would need changing. They needed to lie to say Petitioner suddenly relinquished his Pro Se Right without reason despite showing for the 11/5/07 trial date eager to proceed.

O'Callaghan repeatedly committed PROSECUTORIAL MISCONDUCT. He filed a sanity motion on 11/5/07 telling the judge the purpose was to deprive an avenue of appeal. He filed it to stop Petitioner acting Pro Se at trial where he could expose the planted evidence, corruption, Shannon's criminal acts and adulterous affair. They needed the sanity hearing as a venue to say Petitioner would rescind his Right. Court Minutes show neither doctors' report received. Both sit in the record. But neither has a File Mark. One is in the record received 12/18/07. Transcripts say Petitioner requested the Public Defenders office to resume control. The 9/10/07 tr. has him say he went Pro Se to get evidence they refused to provide. That is illogical.

O'Callaghan had been diligently trying to get Petitioner to drop his Pro Se Right. In open court he lied saying Shannon could not be found to testify. McClatchey then told Petitioner he would have the case dismissed at trial. Petitioner was aware both are lying. Petitioner showed on 2/11/08, trial day, ready to act Pro Se asking why he got none of the evidence requested, due to the fact he did not relinquish control. Garrett had him gagged to stop the revelation.

At witness roll call O'Callaghan lied that SHANE Menard could not be found because she moved to California somewhere (tr 538). Garrett lied to help O'Callaghan allowing Philip-bar saying there was a "sudden" change with Menard's appearance.

The 3 reasons in the sanity motion are absurd. First was a "constant stream" of letters to the

judge that reflect "misunderstandings" about the "nature and importance" of proceedings. The constant stream was 2 letters over 9 months. O'Callaghan said they are in the record. No they are not. Petitioner stated in the 12/17/67 hearing he had no misconceptions about the nature and importance of what he was doing. Frequent requests for evidence and acting Prose prove it. Sanity hearings are not proper venue for clearing up misunderstandings (tr 164-166).

Second reason is Petitioner has simultaneously excused his appointed counsel and yet demanded an apology from the trial court for stating on the record that he did so. That is nonsense where is that supported in the record? O'Callaghan has nothing and is fictionalizing events.

His third reason is sane and smart, although not Petitioner's intent. He claims initial Discovery was reintroduced to put the state on notice of their content. What is he being notified of? The intent was future proof the state hid critical evidence and alter transcripts to hide it.

There are several overt references in transcripts that tie in larger issues proving O'Callaghan is working with the KKK/Nazi cabal. He paused to say there are 2 ways to say "buccal" (541). One is like belt buckle. The other is būkal. O'Callaghan placed confidential informants (RRTs) in Petitioner's cell. The first was Scott I. Holloway whose ex wife was a deputy at the jail. Petitioner would mispronounce it būkal because he knew it would get to O'Callaghan who helped by referring to it. The trick was learned from a book about World War II spies feeding false information to see who repeated it to identify moles. The other RRT was Elton Frost.

O'Callaghan lied to Garrett saying Philipbar was present for the sex assault exam to get her on the stand. He lies again with a KKK/Nazi reference saying she remembers the case because of a "political issue" happening that night (597) involving the coroner. Nothing happened that night. His reference is to corrupt coroner McCormick who died in office and sparked an audit of his work to uncover multiple falsified autopsies to help win murder convictions and one of the actions Petitioner had documented.

Another indicator is O'Callaghan saying "we might be losing her" referring to Mikaska (542). Why mention this? The "we" is his recruited group of corrupt people to ensure convictions Brown v. Miller 519

F.3d231. Mikeška was falsifying DNA tests and reports. She has been out of school 2 1/2 years. The first 6 months she can not touch cases. In 2 years she has been accepted as expert 4 times in Caddo alone of the 29 parishes they serve. Then there are her results and proven perjury. She did not explain why she failed to PCR test skin to get a full profile or why she lied to say she got all evidence from Dailey when Dailey said it all went to "Tiffany" Davis alone.

Chief public defender, Alan Golden, was originally assigned as counsel. He was an agent for his admitted good friend prosecutor Hugot Holland saying they eat out of Fridays to discuss cases and he could influence Holland. The original prosecutor was Brussette whose name is on the 12/15/06 Discovery response. The cabal brought in Holland to do what he is famous for, hiding exculpatory evidence and ignoring laws to win illegal convictions. This is not unfounded rhetoric. Enclosed is the Advocate's James Gill's editorial dated 5/26/16 who wrote "Holland is an itinerant prosecutor with a reputation of 'DAs who really want a defendant dead will call in Holland.' Gill's essential verbiage has "Prosecutor misconduct is common enough in Louisiana" explaining how Holland has repeatedly withheld exculpatory for convictions.

Holland left written evidence of his criminal intent. In his 10/12/06 letter enclosed he asks to have the Preliminary Exam (PE) postponed. He wants it dead. He knows Shannon's and police's statements are so contradictory he can not win a PE. That is without what Petitioner documented. A PE is a Constitutional Right so he can not waive it and asks co worker Golden. It should be kept in mind the state withheld the initial Discovery until 12/15/06, after a grand jury indictment. The state must TIMELY disclose State v. Kemp 828 So.2d 540 (La.2002). Petitioner could not be sure of his charge due he was told agg. battery (tr 20, 21, 95). His bond set for agg. rape on 9/25/06 and on 11/18/06 a Bill of Information is filed for forcible rape. Later, agg. kidnapping was added (12/14/06).

Holland lied saying Dailey will be out of town training for the 10/31/06 PE. In the 10/23/06 letter enclosed he wrote "the status of the case detective for the PE remains 'unavailable'". Quote marks above, unavailable, prove a lie. In the 10/12 letter the grand jury is scheduled for November. That is when Shannon anticipated her divorce. Then Holland reveals his intent to withhold evidence

"Of course, you know my policy on discovery." Law sets policy. This confirms Bill and Petitioner.

His 10/23/06 letter says he wants "more information." He sent an undercover agent facilitated by Golden in the guise of the Goebel & Vigen psychiatric firm. Golden lied to Petitioner he wanted to use an insanity defense. Petitioner vehemently objected and refused to cooperate. Goebel & Vigen representatives went before the grand jury with lies. Petitioner also refused to speak to sanity commission doctors Seiden and Armistead about his case as they confirm (tr 167-74). Shannon, the only witness did not testify to the grand jury. Proof Goebel & Vigen work for Holland is their 12/14/06 report, the day before Discovery is filed. It contains many of Shannon's claims told by Petitioner's family who Shannon testified she did not tell. This letter has the grand jury moved to December which is when the divorce was finalized (DR-2006-684 (Z)), while Shannon is a deputy clerk of court. The last line seals his true intent with "this leaves plenty of time for you to obtain your Discovery after the PE." With no Discovery becomes a sanctioned police interrogation in front of a judge and stenographer.

The Bill of Information filed 11/8/06 is illegal with exclusive purpose to deny Petitioner's release after 60 unless indicted. Golden did nothing. He waived the 10/31 PE without Petitioner's knowledge failing even to bargain the waiver for Discovery, that is provided by law. American Bar Association standards require "zealous" representation for clients. The Bill is enclosed: superseding indictment.

O'Callaghan told jurors he may not allude to things not in the record (tr 557). He said Shannon was found in "torn clothing" (532). Photos confirm he lied. He said a pubic hair was found in Shannon's "vaginal cup" during closing, but removed along with Philipbar's testimony about Menard's report, declared hearsay. The report does not say "hair." Shannon never said pubic, just "piece" of hair, which is hearsay because she did not examine it nor admitted as expert in that area. Editing moved the remark to opening and revised (540) because an untainted juror heard this.

O'Callaghan lied saying jurors saw Petitioner's disruptive behavior on the stand (tr 852). If he were acting up the handcuffs and shackles would be easily seen. The bailiff announced restraints could still be seen when jurors were brought in. Garrett lied to cover the incident saying she

personally observed no jurors saw restraints (832). Langford said the blue box cutter was "intact". That evidence was sealed on 9/6/06. It is no coincidence the blue box cutter is moved in pictures, turned over so the extension mechanism can not be seen. Photos show only a tip sticking out. The only other piece of evidence moved in pictures is the bra in a series that zero in on the folded bra and finally flipped to reveal tape. The question is, how did they know to flip the folded bra and why concentrate a series of shots on it? Had the mechanism been shown it would be fully extended proving the "blade" fits perfectly and prove Shannon perjured when she lied that she did not arm herself with that weapon to attack Petition and her DNA is on it.

To prejudice jurors Dailey was asked irrelevant inflammatory questions about Gracie. Dailey was asked about taking Gracie to the Gingerbread House for questioning. She told jurors it was a safe place for children who are "a victim of a crime" (715). Dailey admits Gracie, who could barely speak, said nothing. It was used to imply Petitioner harmed his child to incense jurors not to like him. McClatchey did not object.

In violation of Cr.P. art. 793 O'Callaghan continually repeated evidence, reasked questions and finally stated he is going back over evidence already given (tr 786). He described photo S-24I as an image of Shannon's face and hands. No picture shows that combination. He mixed tenses about S-21, swabs to confuse jurors that one swab becomes 2 inside 2 sealed evidence containers and Muller collects "1.00" pieces of tape but her sealed evidence box listing 2 pieces of tape contains 3 pieces (tr 653). McClatchey did not object.

All judges show bias. Garrett lied through out trial. She claims to have the 12/17/07 hearing transcribed (tr 239) concerning the Pro Se issue. Petitioner's appeal lawyer did that. See enclosed motion. ^{tr 902} Garrett lied to say she had never seen a SANE report (tr 594). That was needed to cover Philipbard did testify to the SANE report but not cross examined, where she could be asked about the missing pubic and Shannon's sex on 9/17/06, when McClatchey objects as a ruse to get her off the stand citing a possible personal opinion but can not recall what she said. That caused

the testimony to be changed. But untainted jurors saw Philipbar testify keeping her from being totally deleted. Since they all know the report is hearsay and O'Callaghan said the only reason for Philipbar was to opine on the report, McClatchey should have objected before she was put on the stand.

Proof Garrett knew and cooperated was her rush to remove the jury without knowing the reason for objection. She did not remove them for prior objections. It was McClatchey who got Philipbar off the stand asking she be removed to explain his objection. There is no cause for it. He can not recall what she said (tr 589). McClatchey blathers about a non-existent difference between a personal and professional opinion on the subject. He said it was a POSSIBLE personal opinion. As a tie in lie Garrett said something happened to Menard at the last minute to keep her from testifying (tr 603). O'Callaghan said he was expecting her, but had had no contact with her. That was needed to justify Menard's name on the witness list and not Philipbar's (surprise witness) so McClatchey could say he did not object to Philipbar because he was caught off guard, if need be. O'Callaghan and Menard Philipbar say they have been trying to find Menard a while (538, 588). He claims to not be sure which state Menard resides in.

The connection to Crichton came when Garrett spoke to him about the case (tr 246). She said Petitioner was "playing games" by interrupting during hearings to manipulate the court. What did Petitioner win by this alleged manipulation? She has not been present at a single hearing and is contrary to the record, they changed. On 9/10/02 McClatchey interrupts to say Petitioner wants to act Pro Se (tr 904). Garrett said Petitioner interrupts to prevent a ruling. Crichton said "Mr. Crosby is competent to proceed to trial". The average person calls that a ruling since 2 doctors said it. The tr. has Crichton spiral off on a Foretta discussion, the topic conspirators want to raise as a segway that Petitioner suddenly does not want to act Pro Se.

The interruption they claim preventing a ruling reads "I'd like to say something if I could?" Crichton responds "Hold on one second." Petitioner said "Sure". This is after Crichton saying "Mr. Crosby is competent to proceed to trial". How is that a trick? Appeal judge Brown said that question so befuddled

befuddles Crichton he forgot to rule on sanity, the only reason for the hearing. Crichton said he was a 20 plus year veteran of law and court. He told Garrett he knew Petitioner was playing games and he fell victim again? Those are not believable assertions about a critical issue. Garrett was pumping the record with false explanations she knew would be consumed by fellow conspirators on appeal for their use, as she said.

It was the judges playing games. Garrett tried to make Petitioner look dangerous. She suddenly tells Petitioner to keep his hands below the table (244). Petitioner is 6'4". He is handcuffed attached to a restraint belt at his waist with shackled ankles. Should he be standing, which is customary when addressed, the order is impossible to comply with short of extreme contortions. If seated. He cannot get his hands above the table.

Her next lie is Petitioner began another outburst on the stand (tr 878). No one said he yelled, cursed or moved on the stand including judge Brown who scolds O'Callaghan for not objecting to Petitioner's removal. Garrett said she had Petitioner removed because he did not answer a question the way she wanted.

Garrett said Petitioner had been instructed how to answer. Brown comments it was a question and answer "format". What else is there? Darley, Lane, Roach, Muller, Shannon fail to meet her requirements. Darley began "let me back up a little bit" then added to a prior answer. She earned multiple objections, warnings, reminders not to repeat what she was told and was not yanked. The bailiff did not run over to smash the microphone from under Roach for responding to the same question 3 times at the end of other answers. Or when he asked O'Callaghan if he knew the answer to his question.

Garrett closed the trial to the public fearing someone would show to testify on Petitioner's behalf. Originally Garrett had Petitioner in a leg brace, not shackles. She changed locations from the basement and waited 3 hours to resume unannounced in the remote court room "J" upstairs. She claims the move was to quell outbursts citing "J" was especially equipped with a sound equipped ante room (241, 247, 879). Turns did not learn the basement has the same sound equipped ante room and a plexiglass enclosure on the other side where Petitioner sat in pretrial hearings.

Garrett tried to make it sound like she explained the content of every "Off Record" ruling (tr 697) because McClatchey claims a sustainment to his objection for use of "the victim". She held off record conferences at tr. 518, 529, 584, 656, 659, 662, 677, 682, 696, 697, 794, 832. That is a significant portion of information not even fleshed out and caused prejudice by confusion. The sustainment is not on record but Garrett confirms she did. She proceeds to ignore that ruling to overrule the objection allowing its use.

This plays out on tr 699. McClatchey said he objected to "the victim" and "The court informed me that the court would sustain my objection." Garrett responds "No, No, No" as if she did not want it on recording. McClatchey cravenly reverses saying "I'm sorry, would NOT sustain my objection." Use of "the victim" has been ruled prejudicial State v. Williams (25 So 2d 1009, along with Off Record discussions State v. Dollar 372 So 2d 1220 which can be made issue of in Habeas petitions C. Cr. P. art. 362. McClatchey did not object asking for a mistrial on Garrett's contradictory ruling.

On the last day of trial Garrett said she wanted to put on record. Petitioner said Fuc - You, Fuc - You to McClatchey 2 days before (tr 832). Brown said it was YELLED. The record is dead. He can not know it was yelled. There is not even an exclamation point (tr 349). The Reporter put McClatchey's name in parentheses to note it was directed to him. Garrett was six feet away and carried on oblivious, because it never happened. They claim the room had multiple microphones to amplify sound. Those would be unneeded if yelled. Petitioner made multiple requests for sound recordings while Prose in pretrial and on Direct Appeal. All requests were denied.

Garrett displayed bias when McClatchey asked Aycock what STD preventative medications got administered as precaution (tr 672). O'Callaghan correctly objects to scope and Garrett overruled the immaterial inflammatory testimony.

INEFFECTIVE ASSISTANCE of counsel is defined as performance that is deficient and the deficiency prejudiced the defense Strickland v. Washington 464 US 688, 697. Counsel's performance is deficient if it falls below objective standards of reasonableness Little v. Johnson 162 F3d 855, 860 (5th Cir. 1998). And a reasonable probability is a probability sufficient to undermine confi-

dence in the outcome Strickland, at 184

Unbelievably McClatchey waives the opening statement. The la. supreme has ruled failing to make an opening statement, failing to present any evidence and delivering a closing statement that hurts a client merits a conviction reversal Busby v. Butler 538 So. 2d 164. No advantage can be gained by throwing away an opportunity to influence jurors. He could put them on notice of Dailey's swab discrepancies, which he failed to make known. Then there is Roach's time discrepancies, which he failed to make known and report of a Medical Emergency then saying Shannon was in No Distress. There are Shannon's sworn 11 of stitches in both arms and attack with knife, while telling Dailey knife was not used. He reintroduced state's evidence as defense evidence but did not say why then withdrew it saying it was already there, later. He introduced no evidence. He could tell jurors Shannon had cause to get angry and attack Petitioner due to his threat of exposing her sexual affair, criminal activity in Shreveport of Medicaid care fraud and corruption while a deputy clerk in Crawford County. Jurors would see her testimony of going "NUTS" then "And I started to panic. And I started to fight him" (tr 80) in a different context. In closing he told jurors Petitioner was guilty (tr 844).

None of Petitioner's lawyers made any attempt to investigate his claims. Not a single piece of evidence was requested other than the obligatory initial Discovery. Golden waived the 10/31 PE without having seen a single word of accusation or report nor trade the waiver for Discovery. He made the waiver without informing Petitioner a PE was scheduled.

Golden continually lied to Petitioner while passing everything he learned to Holland. He lied saying he hired a private investigator to interview neighbors and measure the acoustic qualities of the apartment. He gave Petitioner a copy of the work request trying to trick Petitioner to think a defense was being made. Had Golden demanded the initial police reports he would read Dailey spoke to residents to find no one heard nor saw a thing. Acoustic testing would be a waste of resources they claim are so scarce. If someone heard something it helps Shannon. If not, what is the point?

McClatchey did not bring out a single contradictory statement to jurors of Shannon's (846, 854) or anyone. He failed to ask for any item on Lane's evidence sheet. He failed to make jurors aware Lane

REASONS FOR GRANTING THE PETITION

There are very few rulings as to the 28 USC § 2254(b)(1)(B)(ii) exception and those found deal with a time delay. This case should be heard in light of the rising number of incidents where state prosecutors had established a policy of withholding or destroying exculpatory evidence while appeals courts refuse to acknowledge the rampant problem. Multiple jurisdictions nationwide have had to endure the expense of Conviction Integrity Units (CIU) reviewing old cases to expose prior abuses by all facets of the judicial apparatus. Cook County's (Chicago) CIU reversed 17 convictions in November 2017 due to a single corrupt officer.

In this case, magistrate Hornsby said HE would have the Habeas petition dismissed if there was an accusation of "bias" or use of "KKK". Newspaper, TV, radio report nearly daily not only the rise of those groups but expose their influence in our government. The racial composition in this country has significantly shifted from a high percentage of "white" Protestant Christian society to a point where the number of minorities equals the white population. That profound shift has led to major changes in the ability of a group being able to discriminate or violate the Rights of a Citizen that does not share the common genetics or belief system with people in positions of power.

The evidence that Hornsby used his office's influence is plain. He had the sitting judge recuse herself without reason. She then acts wholly in violation of the law and violates Petitioner's Rights to personally reassign the case to a friend of Hornsby's in Stagg who adopts Hornsby's views. Stagg does not even mention the possibility of an exception to exhaustion and their belief the Habeas errors were not "fairly" presented flies in the face of numerous well establish rulings of this court, the US 5th Cir. and their own district. Furthermore, when ^{they claim} the errors were only support for a records request, they and the US 5th Cir. severely degrade the integrity of our judicial system. That Ca. 2nd Cir. filing states first in the caption (enclosed) it is an application for Post Conviction relief. Our country's founders stated that when a government no longer follows its own law, revolution will soon follow. They should know all too well being revolutionaries themselves.

I want it noted that the Louisiana State Prison Legal Programs has seized and is refusing to return documents sent for copying to deny material support for arguments made

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Muhammad Ali HSFSB

Date: November 20, 2017