

IN THE SUPREME COURT OF THE UNITED STATES OF AMERICA

Case No. 23A152

MICHAEL ALEXANDER LAJEUNESSE,

Applicant,

v.

KRIS KARBERG (WARDEN),

Respondent.

**APPLICATION TO INDIVIDUAL JUSTICE
OF THE EIGHTH CIRCUIT, BRETT KAVANAUGH**

Comes Now Applicant Michael Alexander Lajeunesse pursuant to Rule 22 of the United States Supreme Court, requests permission to be released on his own recognizance pending Certiorari to the Eighth Circuit Court of Appeals. *United States ex rel. Cerullo v. Follette*, 396 U.S. 1232, 90 S. Ct. 146, 24 L. Ed. 2d 56 (1969) (Habeas Corpus § 107.5—bail pending certiorari).

Jurisdictional Statement:

On July 25th, 2023, Your Panel had denied Applicant’s FRAP 23(b)(3) Motion to be Release on his own Recognizance under case number 23-1629; *Lajeunesse v. Karberg*, 4:22-cv-00166-RWP (S.D. Iowa) (Request for Bail, Release, Petition, and “COA” all denied); **Document 12** (07/07/2022) (Bail Reform Act).

The Motion before the Panel—specifically—had claimed that the victim’s medical records were intentionally not admitted as an exhibit during trial—

by all of the court officers—in violation of Applicant’s 6th and 14th Amendments to the Constitution.¹

Facts of the Case:

On Friday Feb. 3rd, 2017, the Polk County Attorney intentionally had his client waive its physician-patient privilege for purposes of prosecution.²

Appendix pp. 2-5 (Authorization to Release Confidential Records).

In spite of this, the medical records had actually never made their way into the trial record (or even offered as evidence—for that matter) by all of the court officers in violation of Mr. Lajeunesse’s Constitutional right to a fair trial under Amendments 5, 6 and 14.³ **Appendix p. 8**; Specifically, pp. 9-14 (waiver of privilege and prima facie excerpt of records).

On Direct Review the Appellate Defender’s Office had requested a hearing pursuant Iowa Code § 910.7—challenging Mr. Lajeunesse’s restitution as it had related to his conviction, while on direct appeal.⁴ (“To order restitution there must be a causal connection between the established criminal activity and the damage to the victim.”). **Appendix pp. 16-23**; Specifically, p. 18, Lines 17-25, p. 19, lines 3-17; And, **Appendix pp. 24-27** (FECR299756, Transcript of Proceeding).⁵

¹ *Weary v. Cain*, 577 U.S. 385, 390-92 (2016) (medical record authority); Citing *Brady v. Maryland*.

² *Palmer v. Hoffman*, 318 U.S. 109, 114, 63 S. Ct. 477, 87 L. Ed. 645 (1942) (state law governs)

³ Both Mr. Lajeunesse and Dr. Schmunk’s names are on the Polk County Attorney’s request in releasing their client’s medical records pursuant Iowa Admin. Code r. 653—13.7(7); (3), and under Iowa Code § 622.10(2) Transfer of medical records by the law (same as both).

⁴ *Earnest v. State*, 508 N.W.2d 630 (Iowa 1993); *State v Wagner*, 484 N.W.2d 212, 219 (1992)

⁵ *United State v Parker*, 491 F.2d 517, 521 (8th Cir. 1973) (“...may be sent to the jury room.”)

During that hearing, Mr. Lajeunesse had given the Court direct testimony about how the medical records were purposefully not admitted as an exhibit during trial—while also pointing-out that the State’s expert witness’ testimony (Dr. Schmunk) was highly suspicious ... considering this Appendix properly before Your Honor.⁶ **Appendix p. 20**, Line 21-p. 21, Lines 5; Specifically, p. 22, Lines 1-25. Finally, **Appendix pp. 28-29** (medical board complaints).

Collateral Attack Proceedings:

The Fifth Judicial District in-step with the Iowa Court of Appeals repeatedly refuse to acknowledge the FACT that the victim’s medical records were intentionally suppressed during trial—*by all of the court officers*—through either 1) trial attorney’s failure to cross-examine the victim regarding the contents of the records, and or 2) procedurally defaulting Mr. Lajeunesse’s “preserved” direct appeal claims⁷ (law of the case).

WHEREFORE Mr. Lajeunesse PRAYS for Your Honor to release him on his own recognizance pending Certiorari to the Eighth Circuit Court of Appeals.

Respectfully submitted,



MICHAEL ALEXANDER LAJEUNESSE
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PRO SE—APPLICATION

⁶ Harris v Smith, 372 F.2d 806, 816-17; U.S. App. Lexis 31 (8th Cir. 1967) (expert opinion & facts)

⁷ Lajeunesse v State, 975 N.W.2d 40; 979 N.W.2d 314 (Iowa App. 2022) (deflected on both cases)

PROOF AND CERTIFICATE OF SERVICE:

28 U.S.C. § 1746—Declaration

I, Michael Alexander Lajeunesse, swear under the penalty of perjury and pursuant to the laws and treatises of the United States that the following enclosed Application is both true and correct and was sent-out from the prison on this day of August 14th 2023, to the United States Clerk of Court in Wash., D.C. by First Class Mail (signed below).

Additionally, this Application was addressed to Justice Kavanaugh under Rule 22, by complying with the Rules 33.2 and 32.1—requiring me to file three copies upon the Clerk of Court as enclosed: 1) my Application (pp. 1-3), 2) my Appendix (pp., 1-29), 3) my Eighth Circuit Judgment denying my FRAP 23(b)(3) Motion to be released on my own recognizance, 5) my District Court order appointing counsel under **18 U.S.C. § 3006A**, and 4) this separate instrument regarding proof of service upon the Iowa Attorney General's Office at 1305 E. Walnut Street, Des Moines, IA 50319 (mailed out by USPS w/proper postage paid—shortly hereafter); Flat Rate Tracking No. will be sent to Brenna Bird (Atty. Gen).

Respectfully submitted,



MICHAEL ALEXANDER LAJEUNESSE
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ANAMOSA, IOWA 52205
APPLICANT—PRO SE

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 23-1629

Michael A. Lajeunesse

Petitioner - Appellant

v.

Kris Karberg, Warden

Respondent - Appellee

Appeal from U.S. District Court for the Southern District of Iowa - Central
(4:22-cv-00166-RP)

JUDGMENT

Before GRUENDER, KELLY, and GRASZ, Circuit Judges.

This appeal comes before the court on appellant's application for a certificate of appealability. The court has carefully reviewed the original file of the district court, and the application for a certificate of appealability is denied. The appeal is dismissed.

The motion for release pending appeal and motion for appointment of counsel are denied.

July 25, 2023

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

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**APPENDIX,
APPLICATION TO BRETT KAVANAUGH**

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**Additional material
from this filing is
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