

DEJAMES HENDERSON  
 NAME  
# AH5362  
 PRISON IDENTIFICATION/BOOKING NO.  
SALINAS VALLEY STATE PRISON  
 ADDRESS OR PLACE OF CONFINEMENT

Fee Inv

FILED  
 CLERK, U.S. DISTRICT COURT  
 MAR 26 2013  
 CENTRAL DISTRICT OF CALIFORNIA  
 BY SP DEPUTY

Note: It is your responsibility to notify the Clerk of Court in writing of any change of address. If represented by an attorney, provide his name, address, telephone and facsimile numbers, and e-mail address.

570

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

DEJAMES HENDERSON  
 FULL NAME (Include name under which you were convicted)  
 Petitioner,

CASE NUMBER:  
CV13-2153 MWF-OP  
 To be supplied by the Clerk of the United States District Court

v.

AMENDED

WARDEN RANDY GROUNDS  
 NAME OF WARDEN, SUPERINTENDENT, JAILOR OR AUTHORIZED  
 PERSON HAVING CUSTODY OF PETITIONER  
 Respondent.

PETITION FOR WRIT OF HABEAS CORPUS  
 BY A PERSON IN STATE CUSTODY  
 28 U.S.C. § 2254

PLACE/COUNTY OF CONVICTION LOS ANGELES  
 PREVIOUSLY FILED, RELATED CASES IN THIS DISTRICT COURT  
 (List by case number)  
 CV N/A  
 CV N/A

INSTRUCTIONS - PLEASE READ CAREFULLY

- To use this form, you must be a person who either is currently serving a sentence under a judgment against you in a California state court, or will be serving a sentence in the future under a judgment against you in a California state court. You are asking for relief from the conviction and/or the sentence. This form is your petition for relief.
- In this petition, you may challenge the judgment entered by only one California state court. If you want to challenge the judgment entered by a different California state court, you must file a separate petition.
- Make sure the form is typed or neatly handwritten. You must tell the truth and sign the form. If you make a false statement of a material fact, you may be prosecuted for perjury.
- Answer all the questions. You do not need to cite case law, but you do need to state the federal legal theory and operative facts in support of each ground. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit a legal brief or arguments, you may attach a separate memorandum.
- You must include in this petition all the grounds for relief from the conviction and/or sentence that you challenge. And you must state the facts that support each ground. If you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.
- You must pay a fee of \$5.00. If the fee is paid, your petition will be filed. If you cannot afford the fee, you may ask to proceed *in forma pauperis* (as a poor person). To do that, you must fill out and sign the declaration of the last two pages of the form. Also, you must have an authorized officer at the penal institution complete the certificate as to the amount of money and securities on deposit to your credit in any account at the institution. If your prison account exceeds \$25.00, you must pay the filing fee.
- When you have completed the form, send the original and two copies to the following address:  
 Clerk of the United States District Court for the Central District of California  
 United States Courthouse  
 ATTN: Intake/Docket Section  
 312 North Spring Street  
 Los Angeles, California 90012

LODGED  
 CLERK, U.S. DISTRICT COURT  
 MAR 25 2013  
 CENTRAL DISTRICT OF CALIFORNIA  
 BY SP DEPUTY

PLEASE COMPLETE THE FOLLOWING: (Check appropriate number)

This petition concerns:

- 1.  a conviction and/or sentence.
- 2.  prison discipline.
- 3.  a parole problem.
- 4.  other.

PETITION

1. Venue

- a. Place of detention SALTINAS VALLEY STATE PRISON
- b. Place of conviction and sentence LOS ANGELES COUNTY SUPERIOR COURT

2. Conviction on which the petition is based (a separate petition must be filed for each conviction being attacked).

- a. Nature of offenses involved (include all counts): PREMEDITATED MURDER, SPECIAL ALLEGATION PETITIONER PERSONALLY USED A FIREARM

- b. Penal or other code section or sections: 187(a), 12022.53(b)-(d)

c. Case number: TA113425

d. Date of conviction: MAY 19, 2011

e. Date of sentence: MAY 25, 2011

f. Length of sentence on each count: 25 YEARS TO LIFE, 25 YEARS TO LIFE

g. Plea (check one):

Not guilty

Guilty

Nolo contendere

h. Kind of trial (check one):

Jury

Judge only

3. Did you appeal to the California Court of Appeal from the judgment of conviction?  Yes  No

If so, give the following information for your appeal (and attach a copy of the Court of Appeal decision if available):

a. Case number: B233303

b. Grounds raised (list each):

- (1) DUE PROCESS, EQUAL PROTECTION, DUE PROCESS
- (2) RIGHTS TO A FAIR TRIAL

(3) N/A

(4) N/A

(5) N/A

(6) N/A

c. Date of decision: NOV. 19, 2012

d. Result JUDGMENT OF TRIAL COURT AFFIRMED AS  
MODIFIED TO CORRECT PRESENTENCE CREDIT

4. If you did appeal, did you also file a Petition for Review with the California Supreme Court of the Court of Appeal decision?  Yes  No

If so give the following information (and attach copies of the Petition for Review and the Supreme Court ruling if available):

a. Case number: 8207486

b. Grounds raised (list each):

(1) DUE PROCESS, EQUAL PROTECTION, DUE PROCESS RIGHTS  
TO A FAIR TRIAL.

(3) \_\_\_\_\_

(4) \_\_\_\_\_

(5) \_\_\_\_\_

(6) \_\_\_\_\_

c. Date of decision: JAN. 23, 2013

d. Result SUPREME COURT DENIED REVIEW

5. If you did not appeal:

a. State your reasons N/A

b. Did you seek permission to file a late appeal?  Yes  No

6. Have you previously filed any habeas petitions in any state court with respect to this judgment of conviction?  
 Yes  No

If so, give the following information for each such petition (use additional pages if necessary, and attach copies of the petitions and the rulings on the petitions if available):

a. (1) Name of court: N/A

(2) Case number: N/A

(3) Date filed (or if mailed, the date the petition was turned over to the prison authorities for mailing): \_\_\_\_\_

(4) Grounds raised (list each):

(a) N/A

(b) N/A

(c) N/A

(d) N/A

(e) N/A

(f) N/A

(5) Date of decision: N/A

(6) Result N/A

(7) Was an evidentiary hearing held?  Yes  No

b. (1) Name of court: N/A

(2) Case number: N/A

(3) Date filed (or if mailed, the date the petition was turned over to the prison authorities for mailing): N/A

(4) Grounds raised (list each):

(a) N/A

(b) N/A

(c) N/A

(d) N/A

(e) N/A

(f) N/A

(5) Date of decision: N/A

(6) Result N/A

(7) Was an evidentiary hearing held?  Yes  No

c. (1) Name of court: N/A

(2) Case number: N/A

(3) Date filed (or if mailed, the date the petition was turned over to the prison authorities for mailing): \_\_\_\_\_

(4) Grounds raised (list each):

(a) N/A

(b) N/A

(c) N/A

(d) N/A

(e) N/A

(f) N/A

(5) Date of decision: N/A

(6) Result N/A

(7) Was an evidentiary hearing held?  Yes  No

7. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than five grounds. Summarize briefly the facts supporting each ground. For example, if you are claiming ineffective assistance of counsel, you must state facts specifically setting forth what your attorney did or failed to do.

**CAUTION:** *Exhaustion Requirement:* In order to proceed in federal court, you must ordinarily first exhaust your state court remedies with respect to each ground on which you are requesting relief from the federal court. This means that, prior to seeking relief from the federal court, you first must present all of your grounds to the California Supreme Court.

a. Ground one: DUE PROCESS, EQUAL PROTECTION, DUE PROCESS RIGHTS TO A FAIR TRIAL, SUPPRESSION OF EVIDENCE

(1) Supporting FACTS: THIS FEDERAL PETITION IS BASED ON PROPERLY EXHAUSTED CLAIMS OF "GROSS DENTAL" OF PETITIONER DE JAMES HENDERSON'S RIGHTS TO DUE PROCESS OF LAW, EQUAL PROTECTION OF THE LAWS, DUE PROCESS RIGHTS TO A FAIR TRIAL, AND

(2) Did you raise this claim on direct appeal to the California Court of Appeal?  Yes  No

(3) Did you raise this claim in a Petition for Review to the California Supreme Court?  Yes  No

(4) Did you raise this claim in a habeas petition to the California Supreme Court?  Yes  No

b. Ground two: N/A

(1) Supporting FACTS: N/A

(2) Did you raise this claim on direct appeal to the California Court of Appeal?  Yes  No

(3) Did you raise this claim in a Petition for Review to the California Supreme Court?  Yes  No

(4) Did you raise this claim in a habeas petition to the California Supreme Court?  Yes  No

c. Ground three: N/A

P v. DeJames Henderson TA113425

**Possible Crimes of Moral Turpitude for Victim & Witnesses**

1. Cassie Walker dob 3/4/1975: 1996 arrest for PC 476 (Inglewood 6IW04187), 476A misdemeanor conviction; 1997 arrest for HS 11359 and HS 11360 (San Bernardino), felony conviction for HS 11360(a); 1999 arrest for HS 11352(A) and PC 476; 1999 conviction for 11352(a); 1999 (San Bernardino) arrest for HS 11360(A); 2000 arrest (LA County) for HS 11359
2. Katrice Gray dob 7/11/1977: 1996 arrest for PC422 (Los Angeles); 2009 arrest for PC484(a) (Los Angeles); 2010 conviction for PC 484.
3. Crystal Simon dob 1/2/1979: 1996 (Torrance juvenile) PC 484; 1998 misd conviction (Compton) for 166(A)(4); 2002 (Compton)misdemeanor conviction for PC 12403.7(G); 2002 (Inglewood) 245(A)(1).
4. Dornetta Napier dob 7/23/1971: 1998 arrest for PC 10980(c)(2) and PC 118; misdemeanor conviction for PC 10980(c)(2).
5. Evenlyn Jones dob 10/1/1954: 2008 arrest for PC 245(A)(1); 2010 (Compton TA103947) felony conviction PC 203 and PC 245(A)(1).
6. Gloria Mitchell dob 4/8/1948: 2008 arrest for PC 4573; HS 11352(A); HS 11352(B); PC 182(A)(1); HS 11351. 2008 Felony conviction for PC 4573
7. Kevin Mosby dob 7/25/1990: Juvy record exists for Crimes of Moral Turpitude prior to 2009 (to be disclosed upon discretion of Court); 2009 (Hollywood) arrest for HS 11351.5; 2009 (LA Metro) arrest for 211; 2010 (LA Metro) arrest for PC 594(b)(1); 2010 arrest for PC 236; 2010 arrest for PC 459
8. Lachelle Haggerty dob 6/22/1975: Juvy record exists for Crimes of Moral Turpitude prior to 1994 (to be disclosed upon discretion of Court). 1994 (Riverside) arrest for PC 490.5; 1995 (Los Angeles) arrest for PC 484(A) and misdemeanor conviction; 1995 arrest for PC 484(A); 1996 (Los Angeles) arrest for PC 484F(2), 487(A), and felony conviction for 484F(B). 1997 arrest for PC459; 1998 arrest for PC 484F(B), 496(A), 459, and felony conviction for 487(A). 1999 (LA Valley) arrest for PC 211; 2000 arrest for PC 211, 666, and felony conviction for 211.
9. Roscoe Williams dob 11/24/1978: 1999 (Compton) arrest and misdemeanor conviction for PC 148.9; 2002 (Hollywood) arrest and misdemeanor conviction for PC 653.23(A)(1); 2005 (Los Angeles) arrest for PC 261(A)(1); 2005 (Los Angeles 77<sup>th</sup> Div.) arrest for PC 594(B)(1); 2007 (Los Angeles 77<sup>th</sup> Div.) arrest for PC 273.5(A); 2009 arrest for PC 69

10. Timothy Lowe dob 5/9/1960: 1979 arrest (Los Angeles) for PC 211; 1980 arrest for PC 12031(A) and 496; 1980 arrest and conviction for PC 12025, arrest for 12031(A); 1980 conviction for PC 12025; 1980 arrest for PC 487.3
11. Ebony Cash dob 8/1/1982: 2009 arrest (LAPD 77<sup>th</sup> Div.) for PC 242; 2010 (Los Angeles) arrest for PC 242.
12. Deborra Franklin dob 3/3/1977: Juvy record exists for Crimes of Moral Turpitude prior to 1995 (to be disclosed upon discretion of Court). 2001 (Pasadena) arrest for 245(A)(1). 2005 (San Bernardino) arrest for PC 148.5. 2003 (Barstow) arrest for PC 236. 2005 (Barstow) arrest and misdemeanor conviction for PC 148.5(A). 2006 (Barstow) arrest for 245(A)(1). PC 148.5  
= false  
rpt!
13. Stacy Harris dob 10/7/1977: 1995 (Stockton) arrest for PC 484G(A). 1999 (Stockton) arrest for PC 487(A) and felony conviction for PC 484G(A)
14. Christopher Washington dob 5/14/1983: Juvy record exists for Crimes of Moral Turpitude prior to 2001 (to be disclosed upon discretion of Court). 2002 (Los Angeles) arrest for PC 459. 2002 arrest and misdemeanor conviction for PC 594(A). 2002 arrest and felony conviction for HS 11351.5. 2003 (West Covina) arrest for PC 459 and PC 470(A). 2004 arrest and felony conviction for HS 11351.5

ORIGINAL

COPY

5A

1. SUPPRESSION OF EVIDENCE IN VIOLATION OF HENDERSON'S  
2. RIGHTS GUARANTEED TO HIM IN THE STATE AND FEDERAL  
3. CONSTITUTIONS.

4. ON DEC. 30, 2010 AN INFORMATION WAS FILED BY THE  
5. LOS ANGELES COUNTY DISTRICT ATTORNEY CHARGING PET-  
6. ITIONER WITH PREMEDITATED MURDER, PCS 187(a), WITH  
7. SPECIAL ALLEGATIONS THAT HE PERSONALLY USED A  
8. FIREARM. PCS 12022(D)-(D). (ICT 135-137)

9. A JURY RETURNED A GUILTY VERDICT AND FOUND THE PRE-  
0. MEDITATION AND SPECIAL ALLEGATIONS TO BE TRUE  
1. ON MAY 19, 2011. (ICT 294-296)

2. ON MAY 25, 2011 THE TRIAL COURT SENTENCED PETITION-  
3. ER TO A TOTAL OF 50-YEARS TO LIFE, WHICH CONSIST-  
4. ED OF 25-YEARS TO LIFE FOR THE MURDER AND 25-YEARS  
5. TO LIFE FOR THE SPECIAL ALLEGATION UNDER SECTION  
6. 12022.53 ALONG WITH VARIOUS FINES. (ICT 316-320)

7. UNDER APPEAL THE APPELLATE COURT AFFIRMED THE  
8. JUDGMENT OF THE TRIAL COURT, AS MODIFIED TO AWARD  
9. PETITIONER 289 DAYS OF ACTUAL CUSTODY CREDITS, IN  
10. OPINION FILED NOV. 19, 2012 FOR CASE # B233303.

11. THE STATE SUPREME COURT DENIED PETITION FOR RE-  
12. VIEW ON JAN. 23, 2013 FOR CASE # S207486.

13. FEDERAL REVIEW IS TAKEN FOR ABUSE OF DISCRETION  
4. AND GROSS DENIAL OF PETITIONER'S DUE PROCESS  
5. RIGHTS IN THE STATE COURTS.

6. AT THE PRELIMINARY HEARING CONDUCTED DEC. 15, 2010



YVONNE

JAVIER

1. ONE OF THE STATE'S KEY WITNESSES, "DEON" LATRICE  
 2. GRAY, TESTIFIED THAT ON MAY 21, 2010 BETWEEN  
 3. THE HOURS OF 10:00-11:00 P.M. SHE AND A MALE FRIEND,  
 4. "MO" MOSELY, ARRIVED AT VICTIM "SHAYONNA" JONES AND  
 5. PETITIONER'S APARTMENT LOCATED AT 10520 SOUTH  
 6. CENTRAL AVENUE IN LOS ANGELES COUNTY.  
 7. DEON STATED SHAYONNA, "KATRICE" GRAY AND "CASSIE"  
 8. WALKER WERE SEATED AT A KITCHEN TABLE PLAYING  
 9. CARDS AND DRINKING ALCOHOL. SHAYONNA'S SON BOLAND  
 10. WAS IN HIS ROOM AND RYAN WAS ASLEEP. DEON'S  
 11. SISTER KATRICE'S KIDS WERE ALSO THERE.  
 12. SHE SAID THE WOMEN STOPPED PLAYING CARDS AND  
 13. EVERYBODY STARTED LISTENING TO MUSIC, TALKING  
 14. AND LAUGHING.  
 15. SHORTLY AFTERWARDS DEON STATED DEJAMES HEND-  
 16. ERSON, "ROSCOE" WILLIAMS, KEVIN A.K.A. "NAP" AND A DUDE  
 17. CALLED "SCOOBY" ARRIVED AT THE APARTMENT.  
 18. WHILE USING THE BATHROOM SHE SAID PETITIONER  
 19. KNOCKED ON THE DOOR AND ASKED "WHO'S IN THERE" OR  
 20. "WHO'S IN HERE?"  
 21. SHAYONNA AND THE WOMEN BEGAN TALKING ABOUT DOING  
 22. SOME WORK ON SHAYONNA'S HOUSE IN PALMDALE THE NEXT  
 23. DAY. DEON STATED THAT PETITIONER WAS STANDING AT  
 24. THE FRONT DOOR LOOKING OUT AND LOOKING BACK  
 25. SQUINCHING HIS EYES TOWARDS SHAYONNA WHILE THEY  
 26. WERE TALKING ABOUT THE HOUSE IN PALMDALE. (OCT 19-20)

1. DEON STATED THAT SHAYONNA ASKED ROSCOE WHAT WOULD  
2. HE CHARGE HER TO DO THE WORK DOWN IN PALMDALE. ROS-  
3. COE SAID HE'D HAVE TO SEE THE WORK FIRST, BUT HE'S  
4. NOT GOING TO CHARGE HER A LOT.  
5. DEON SAID WHATEVER IT IS, DON'T GIVE HIM THE "BASE  
6. HEAD" OR "SMOKER" PRICE. DEON REPEATED THE STATEMENT,  
7. AND THEN SHAYONNA REPLIED IN A HYPED UP VOICE, "COME  
8. ON. BE QUIET, DEON. YOU DON'T HAVE NOTHING TO DO WITH  
9. THIS." BOTH WOMEN AROSE FROM THE COUCH AND STOOD  
10. UP. DEON BEGAN COMING TOWARDS SHAYONNA. THINKING  
1. THE LITTLE ARGUMENT WAS GOING TO ESCALATE INTO  
2. A FIGHT EVERYONE DECIDED TO LEAVE THE APARTMENT.  
3. MO SAID "COME ON, LET'S GO." AS THEY WALK OUT THE DOOR,  
4. DEON SAID PETITIONER WAS STANDING BY THE DOORWAY  
5. NEAR A BEDROOM WITH HIS BACK TURNED ALLEGEDLY  
6. TALKING TO SHAYONNA. (2CT 37) & (2CT 34-36, 30-33)  
7. DEON TESTIFIED SHE DID NOT SEE PETITIONER HOLDING  
8. ON TO SHAYONNA, NO PHYSICALNESS, NO GRABBING HER, NOTHING.  
9. (2CT. 1<sup>st</sup> 26-28 AT 34) DEON ADDED SHE DID NOT SEE NO ARGUM-  
10. ENT BETWEEN SHAYONNA AND PETITIONER, OR THAT SHE  
1. SAW PETITIONER WITH A WEAPON. ONLY A LITTLE  
2. CIGARETTE LIGHTER TOY GUN BELT BUCKLE. (2CT 39-40)  
3. HOWEVER SHAYONNA - PETITIONER'S WIFE - WAS EMPLOYED  
4. AS ARMED SECURITY, WITH A JOB GUN. (2CT 40-41)  
5. AFTER DEON AND MO EXITED THE APARTMENT TO  
6. LEAVE AROUND 11:15-11:25 P.M., DEON'S COUNSIN ROSCOE

1. TRIED UNSUCCESSFULLY TO GET A RIDE WITH THEM.
2. WHILE CRUISING SLOWLY TO DEON'S MOM'S HOUSE AT
3. 1464 EAST 23RD STREET DEON STATED SHE SAW PETITIONER'S
4. 4-DOOR WHITE CADILLIAC PASS THEM AND RUN A RED
5. LIGHT, GOING 10MPH OVER THE 30MPH SPEED LIMIT.
6. DEON GRAY'S PRELIMINARY HEARING TESTIMONY CONSIST-
7. ED OF "50" PAGES, BEGINNING ON PAGE 5 AND ENDING ON
8. PAGE 55. HOWEVER, DEON SHOULD NOT HAVE BEEN ABLE TO
9. TESTIFY OR IN THE VERY LEAST HER TESTIMONY SHOULD
10. HAVE BEEN IMPEACHED. THE PROSECUTOR "FLAGRANTLY"
1. VIOLATED PETITIONER'S DUE PROCESS RIGHTS BY SUPP-
2. PRESSING FROM PETITIONER THE FACTS THAT DEON
3. HAD SERVED A PRISON TERM FOR MURDER IN THE 1990'S,
4. THAT ON AUG. 23 OR 24, 2009 DEON PAROLED FROM STATE
5. PRISON FOR ANOTHER FELONY CONVICTION, THAT DEON'S
6. AN ACTIVE GANG MEMBER, AND WAS ON ACTIVE PAROLE
7. DURING HER TESTIMONY.
8. THE PROSECUTION ALSO SUPPRESSED THIS FAVORABLE
9. EVIDENCE FROM PETITIONER DURING TRIAL. MOREOVER,
10. ON THE LIST OF "POSSIBLE CRIMES OF MORAL TURPITUDE
1. FOR VICTIM & WITNESSES" DEON'S NAME AND PRIOR CRIM-
2. INAL HISTORY WAS OMITTED FROM THE LIST. "ID EX. A"
3. THE UNITED STATES SUPREME COURT MANDATES THAT
4. EVEN IN THE ABSENCE OF A REQUEST, THE PROSECUT-
5. ION HAS A DUTY TO DISCLOSE ALL SUBSTANTIAL MAT-
6. ERIAL EVIDENCE FAVORABLE TO AN ACCUSED, REGARDLESS

1. WHETHER IT RELATES DIRECTLY TO THE QUESTION OF GUILT,  
 2. TO MATTERS BELEVANT TO PUNISHMENT, OR TO THE CREDIB-  
 3. ILITY OF A MATERIAL WITNESS. WHERE EVIDENCE IS  
 4. SUPPRESSED OR OTHERWISE MADE UNAVAILABLE TO THE  
 5. DEFENSE BY CONDUCT ATTRIBUTABLE TO THE STATE BEARS  
 6. DIRECTLY ON THE QUESTION OF GUILT, THE REVIEWING  
 7. COURT'S INITIAL INQUIRY IS WHETHER THE CONDUCT RE-  
 8. SULTED IN THE DENIAL OF A FAIR TRIAL. IF SO, DEFEND-  
 9. ANT'S CONVICTION MUST BE REVERSED WITHOUT WEIGHING  
 0. THE DEGREE OF PREJUDICE TO HIM. BRADY V. MARYLAND  
 1. (1963) 373 U.S. 83, PEOPLE V. RUTHFORD (1975) 14 CAL. 3d 399

2. BOSCOE'S PRELIMINARY HEARING TESTIMONY WAS AL-  
 3. MOST SIMILAR TO DEON'S. BOSCOE SAID HE, DEJAMES,  
 4. NAP OR SHADY, AND ANOTHER GUY HE CLAIMS HE DOES  
 5. NOT KNOW, BUT LATER TURNED OUT TO BE SCOOPY, INITIAL-  
 6. LY ARRIVED AT SHAYONNA'S APARTMENT AT 9:00-9:45  
 7. P.M. IN PETITIONER'S CADILLIAC ON MAY 21, 2010. THEN  
 8. HE SAYS THEY INITIALLY ARRIVED THERE AT 10:00 P.M.,  
 9. STAYED THERE ABOUT 15 OR 20 MINUTES AND DROVE TO  
 0. EASTSIDE VILLAGE WHERE THEY SHOT DICE AND DRINK.  
 1. BOSCOE NEXT STATES AFTER HE RECEIVED A CALL  
 2. FROM HIS COUSIN DEON THEY DROVE BACK TO SHAYONNA'S  
 3. APARTMENT, ARRIVING AROUND 11:00 P.M., AND PETITIONER  
 4. PARKED IN THE BACK OF THE APARTMENT COMPLEX  
 5. NEAR AN ALLEY.  
 6. PETITIONER WENT INTO THE HOUSE WHILE BOSCOE, NAP

1. AND SCOOBY STAYED INSIDE THE VEHICLE. BOSCOE GOT
2. OUT OF THE CAR TO SMOKE A CIGARETTE, AND SHAVONNA CALLED HIM INSIDE THE APARTMENT TO DIS-
3. CUSS A QUOTE ABOUT HIM DOING SOME WORK AT HER
4. HOUSE IN PALMDALE THE FOLLOWING DAY.
5. WHILE DISCUSSING THE QUOTE A SMALL ARGUMENT
6. BROKE OUT BETWEEN SHAVONNA AND DEON. AFTER DEON
7. SAID TO SHAVONNA - ALTHOUGH HE CLAIMS PLAYFULLY "YOU
8. CAN'T CHARGE MY COUSIN NO BASE HEAD OR SMOKER PRICE,"
9. SHAVONNA AROSE OFF THE COUCH AND DEON AROSE
10. FROM THE COUCH AND STOOD AND FACE EACH OTHER.
11. SHAVONNA SAYS IN A VOICE A LITTLE LOUDER
12. AND HOSTILE THEN USUAL, "WHAT YOU GETTING IN
13. HERE FOR, DEON?"
14. DEON, WHO HAD BEEN DRINKING AS WELL AS SHAVONNA,
15. RESPONDED BACK BUT BOSCOE CAN'T RECALL WHAT SHE
16. SAYS. BOSCOE AND MOE WENT OVER BY DEON AND PET-
17. ITIONER WENT OVER BY SHAVONNA TO TRY TO CALM
18. HER DOWN.
19. SHAVONNA TELLS EVERYONE TO LEAVE. (CCT 92, 38T 617)
20. BOSCOE WALKS MO AND DEON TO THEIR CAR AND
21. TRIES UNSUCCESSFULLY TO GET A RIDE WITH THEM.
22. THEN HE RETURNS TO THE FRONT PASSENGER SEAT OF
23. THE WHITE CADILLIAC WHERE NAPS AND SCOOBY
24. WERE ALREADY SEATED, WHILE PETITIONER STAYS
25. IN THE APARTMENT WITH SHAVONNA.

1. TO WITNESS AND CORROBORATE ROSCOE'S STATEMENT.
2. THUS ROSCOE'S STATEMENT IS NOT CREDIBLE UNLESS
3. NAP OR SCOOBY GOT ON THE STAND AND CORROBORATED
4. IT, MOREOVER, THE PROSECUTION FAILED TO DISCLOSE
5. TO THE DEFENSE THAT BOTH ROSCOE AND HIS COUSIN
6. DEON WERE ACTIVE MEMBERS OF THE 4-TREY CRIP
7. GANG AND THAT ROSCOE WAS ON PROBATION AT THE
8. TIME HE TESTIFIED. THUS ROSCOE'S TESTIMONY
9. SHOULD HAVE BEEN IMPEACHED. HOWEVER, THIS UNCREDIB-
0. LE WITNESS STORY COMPRISED "76" PAGES OF THE PRELIM-
1. INARY HEARING, BEGINNING ON PAGE 55 AND CONCLUDING
2. ON PAGE 131.
3. FOR FURTHER PROOF OF THIS MATERIAL WITNESS'S FALSE
4. AND MAJOR INCONSISTENCY STATEMENT, PLEASE REVIEW
5. THE TAPED INTERVIEW ROSCOE HAD WITH DETECTIVES
6. KOURI AND EIMAN ON JULY 26, 2010 WHILE HE WAS IN
7. CUSTODY. IN IT, ROSCOE "REPEATEDLY" CLAIMS HE ONLY
8. WENT INTO SHAYONNA'S HOUSE THE FIRST TIME THEY DROVE
9. THERE, ROSCOE "REPEATEDLY" ASSERTED HE STAYED IN THE
0. CAR WITH SHADY OR NAP THE WHOLE TIME DURING THE
1. SECOND TIME THEY ARRIVED AT SHAYONNA'S HOUSE, AND
2. PETITIONER WENT INSIDE FOR 10-MINUTES MAX THEN
3. AND DROVE THEM BACK TO 23RD STREET AND DROPPED
4. THEM OFF. (TRANSCRIBED CERTIFIED COPY OF INTERVIEW
5. "TCCI" 19, 22, 27, 28, 29, 30, 32, 33, 34)
6. ROSCOE SAID THEY DID NOT BUY NO LIGHTS. (TCCI 23)

1. BOSCOE EXITED THE CAR TO URINATE BY THE TRASH
2. BINS, WHILE URINATING BOSCOE SAYS HE HEARS A
3. SMALL POP COMING OUT OF THE APARTMENT BUILDING,
4. EVEN THOUGH THE WOODEN DOOR TO SHAVONNA'S APART-
5. MENT WAS CLOSED AND LOUD MUSIC WAS PLAYING
6. INSIDE THE HOUSE. HE RETURNS BACK TO THE CAR,
7. WHICH ALSO HAD MUSIC PLAYING, THEN SAYS ABOUT
3. FOUR MINUTES LATER PETITIONER COMES OUT OF THE
7. APARTMENT AND JOINS THEM IN THE CAR.
0. IT WAS REAL SILENT IN THE CAR, AND PETITIONER
1. DROVE KIND OF FAST LIKE HE WAS PANICKING. BOSCOE
2. STATES THEY CAUGHT UP TO HIS COUSIN DEON AND
3. PASSED THEM ON MANCHESTER AVENUE, RUNNING ONE
4. RED LIGHT IN THE PROCESS.
5. WHILE DRIVING PETITIONER DID NOT PASS DEON AT
6. A STOP LIGHT. (CT 81)
7. BOSCOE STATES PETITIONER TOLD HIM "I THINK I
3. SHOT MY WIFE", AND THAT HE SAW A BLACK COWBOY
7. GUN ON PETITIONER'S LAP. (CT 81, 83)
0. HOWEVER NAP OR SCOOBY, WHO WERE ALSO IN THE CAR,
1. WERE NOT CALLED AS WITNESSES AT THE PRELIM-
2. INARY HEARING OR TRIAL TO CORROBORATE BOSCOE'S
3. STORY. BOSCOE HASN'T PREVIOUSLY PROVIDED INFORMAT-
4. ION TO THE POLICE THAT PROVED TO BE ACCURATE.
5. HE DOESN'T HAVE A "TRACK RECORD" AS AN INFORMANT.
6. THE POLICE WERE NOT IN THAT CAR OR APARTMENT

1. AT NO TIME DURING THE INTERVIEW DID ROSCOE SAY
2. SCOOBY WAS IN THE VEHICLE WITH HIM, PETITIONER,
3. AND NAP OR HUNG OUT WITH THEM.
4. BASED ON HEARSAY, CIRCUMSTANTIAL EVIDENCE BY COUSINS
5. DEON AND ROSCOE, THE TRIAL COURT DETERMINED THERE
6. WAS PROBABLE CAUSE FOR PETITIONER TO ANSWER TO
7. THE CHARGES.
8. DURING THE PCS402 HEARING MAY 9, 2011 THE TRIAL
9. COURT ALLOWED THE PROSECUTION TO ADMIT INTO EVIDENCE
10. AT TRIAL "10" PRIOR ACTS OF DOMESTIC VIOLENCE PET-
11. ITIONER ALLEGEDLY ENGAGED IN OR WERE ARRESTED
12. FOR UNDER EVIDENCE CODES 1109 & 352, AND INSTRUCTED
13. THE JURY PURSUANT TO CALCRIM NO. 362 TO USE PETITION-
14. ER'S FALSE STATEMENTS TO INFER HIS GUILT OF ALL OF
15. THE ELEMENTS OF THE CHARGED CRIME, THEN INSTRUCTED
16. THE JURY PURSUANT TO CALCRIM NO. 852 TO INFER FROM
17. THE PRIOR ACTS OF DOMESTIC VIOLENCE THAT PETITIONER
18. DID COMMIT MURDER. WHICH ONLY "INFLAMED" THE JURY
19. TO CONVICT FOR PREMEDITATED FIRST DEGREE MURDER,
20. WHEN THE EVIDENCE PRESENTED WARRANTS A CONVICTION
21. FOR INVOLUNTARY MANSLAUGHTER. THUS "FLAGRANTLY"
22. VIOLATED PETITIONER'S DUE PROCESS RIGHTS TO A
23. FAIR TRIAL, WHICH MANDATES AN AUTOMATIC REVERSAL.
24. IF EVIDENCE OF PRIOR CONDUCT IS SUFFICIENTLY
25. SIMILAR TO THE CHARGED CRIMES TO BE RELEVANT
26. TO PROVE THE DEFENDANT'S INTENT, COMMON PLAN, OR



1. BOSCOE "REPEATEDLY" DENIES SEEING PETITIONER WITH

2. A GUN. (TC CI 71, 73)

3. BOSCOE NEXT STATED THAT AFTER HE EXITED THE CAR

4. TO URINATE BY THE TRASH BINS HE OVERHEARD SHAYONNA

5. SAY "YOU AINT HELPING ME" THROUGH A CRACKED WOODEN

6. FRONT DOOR EVEN THOUGH THE MUSIC WAS TURNED UP.

7. THROUGH THE MUSIC WHILE HE WAS BY THE CAR

8. SMOKING A CIGARETTE, BOSCOE SAID HE HEARD A

9. LITTLE SMALL SOUND. THEN AFTER THE DETECTIVES "RE-

0. PEATEDLY" COERCED HIM, BOSCOE SAID HE WAS PROBABLY

1. TAKING A LEAK BY THE TRASHBINS WHEN HE HEARD A

2. GUNSHOT. (TC CI 85)

3. AFTER THE DETECTIVES DOUBTED HIS STORY, HINTED

4. ON IMPLIMENTING HIM IN THE CASE, AND FURTHER COER-

5. CED HIM BOSCOE SAID WHEN PETITIONER RETURNED TO

6. THE CAR PETITIONER PROBABLY HAD A GUN; HE HAD A GUN;

7. THE GUN WAS PROBABLY IN PETITIONER'S POCKET; HE DOESN'T

8. KNOW WHERE PETITIONER HAD THE GUN; BUT HE'S PRETTY

9. SURE PETITIONER HAD A GUN; TO PETITIONER PUT THE

0. GUN ON THE SEAT; TO PETITIONER HAD A SMALL BLACK

1. COWBOY GUN. (TC CI 75-79)

2. WHILE RIDING IN THE VEHICLE BOSCOE SAID HE SAYS

3. "MAN, I KNOW YOU AINT WENT UP IN THERE AND DID

4. NOTHING LIKE THAT, BRO." BOSCOE SAYS PETITIONER

5. REPLIED "I THINK I KILLED THIS GIRL, MAN." (TC CI 80,

6. 81)

1. IDENTITY. THE TRIAL COURT THEN MUST CONSIDER WHETHER  
2. HER THE PROBATIVE VALUE OF THE EVIDENCE IS SUBSTANTI-  
3. Tially OUTWEIGHED BY THE PROBABILITY THAT ITS ADMISSI-  
4. ON WOULD CREATE SUBSTANTIAL DANGER OF UNDUE PREJUD-  
5. ICE, OF CONFUSING THE ISSUES, OR OF MISLEADING THE  
6. JURY (EVID. CODE § 352). EVIDENCE IS PREJUDICIAL WITHIN  
7. THE MEANING OF § 352 IF IT UNIQUELY TENDS TO EVOKE  
8. AN EMOTIONAL BIAS AGAINST A PARTY AS AN INDIVIDUAL  
9. OR IF IT WOULD CAUSE THE JURY TO PREJUDGE A PERSON  
10. OR CAUSE ON THE BASIS OF EXTRANEOUS FACTORS. ADMISSION  
11. OF OTHER CRIMES EVIDENCE PRODUCES AN OVER-STRONG  
12. TENDENCY TO BELIEVE THE DEFENDANT GUILTY OF THE  
13. CHARGE MERELY BECAUSE HE OR SHE  
14. IS A LIKELY PERSON TO DO SUCH ACTS. IT BREEDS A  
15. TENDENCY TO CONDEMN NOT BECAUSE HE OR SHE IS BELIEV-  
16. ED GUILTY OF THE PRESENT CHARGE, BUT BECAUSE HE OR  
17. SHE HAS ESCAPED UNPUNISHED FROM OTHER OFFENSES.  
18. MOREOVER, THE JURY MIGHT BE UNABLE TO IDENTIFY  
19. WITH A DEFENDANT OF OFFENSIVE CHARACTER, AND HENCE  
20. TEND TO DISBELIEVE THE EVIDENCE IN HIS OR HER FAVOR.  
21. DUE TO THESE INHERENT RISKS, UNCHARGED OFFENSES ARE  
22. ADMISSIBLE ONLY IF THEY HAVE A SUBSTANTIAL PROBAT-  
23. IVE VALUE. PEOPLE V. FOSTER (2013) 50 CAL. 4TH AT 1303-1304  
24. AS PREVIOUSLY MENTIONED THE PROSECUTION SUPPRES-  
25. SED FROM PETITIONER AND THE JURY THE FACTS  
26. THAT KEY WITNESS DEON GRAY WAS A CONVICTED

1. FELON FOR MURDER, HAD JUST RECENTLY PAROLED  
2. FROM STATE PRISON FOR ANOTHER FELONY CONVICTION IN  
3. LATE 2009, WAS AN ACTIVE GANG MEMBER FOR THE 4-TREY  
4. GANGSTER CRIPS, AND WAS AN ACTIVE PAROLEE. THUS WITH-  
5. OUT REPEATING THE INCONSISTENCIES OF HER STATEMENTS  
6. FROM PRELIMINARY HEARING AND TRIAL, THAT SUPPRESSION  
7. ALONE REQUIRES AN AUTOMATIC REVERSAL OF THE CON-  
8. VICTION UNDER THE BRADY LAW AND THE CONSTITUTION'S  
9. FOURTEENTH AMENDMENT.

0. FURTHER, DEON MADE "REPEATED" SEXUAL ADVANCES TOW-  
1. ARDS PETITIONER, GRABBING PETITIONER'S PENIS AND  
2. SAYING "WHY YOU MARRIED SHAYONNA?" PETITIONER  
3. TURNED DOWN DEON'S SEXUAL ADVANCES. THUS A WOM-  
4. AN SCORNEE HAD MOTIVE TO LIE IN RETALIATION.  
5. SIMILARLY, THE PROSECUTION SUPPRESSED FROM PETIT-  
6. IONER AND THE JURY THE FACTS THAT KEY WITNESS  
7. BOSCOE WILLIAMS WAS AN ACTIVE GANG MEMBER  
8. FOR THE 4-TREY GANGSTER CRIPS AND WAS ON PROBATION.  
9. THUS WITHOUT REPEATING THE MANY INCONSISTENCIES  
0. OF BOSCOE'S STATEMENTS FROM PRELIMINARY HEARING  
1. AND TRIAL, THAT SUPPRESSION ALONE REQUIRES AN  
2. AUTOMATIC REVERSAL OF THE CONVICTION UNDER THE  
3. SUPREME COURT'S BRADY LAW AND THE DUE PROCESS CLAUSE  
4. OF THE CONSTITUTION'S FOURTEENTH AMENDMENT. FOR  
5. THE JURY MUST BE INFORMED WHETHER THIS KEY  
6. WITNESS HAS A CRIMINAL RECORD AND IS ON PAROLE

1. OR PROBATION TO WEIGH THE CREDIBILITY OF HIS TESTIMONY, AND TO DETERMINE IF HE'S AN UPSTANDING LAW ABIDING CITIZEN.
4. THE PERSON WHO'S ASSISTING PETITIONER WITH HIS
5. FEDERAL WRIT, RAYMOND "WRIGHT" #P-61138, TESTIFIED
6. FOR THE DEFENSE AT A JURY TRIAL IN 2011 INVOLVING
7. AN LAPD OFFICER, WRIGHT FILED A CITIZEN'S COMPLAINT AGAINST FOR FALSE ARREST AND RETALIATION.
8. WHEN WRIGHT GOT ON THE STAND AS A WITNESS THE
9. FIRST THING THE PROSECUTOR ASKED WAS AM I CURRENTLY ON PAROLE FOR A FELONY CONVICTION? FOLLOWED BY,
1. DID YOU GET CONVICTED IN 1999 FOR A FELONY POSSESSION FOR SALE OF CRACK COCAINE OFFENSE PURSUANT TO HEALTH AND SAFETY CODE 311351.5? ARE YOU CURRENTLY IN JAIL FOR A FELONY POSSESSION FOR SALES OF CRACK COCAINE CHARGE?
2. THE PROSECUTION ASKED ALL THESE QUESTIONS ABOUT
3. WRIGHT'S CRIMINAL HISTORY IN FRONT OF THE JURY IN AN EFFORT TO IMPEACH MY TESTIMONY. ACCORDINGLY,
4. THE JURY AND PETITIONER HAD A RIGHT TO KNOW
5. IF THE PROSECUTION'S KEY WITNESSES HAVE A CRIMINAL RECORD OR ARE ON PAROLE OR PROBATION.
6. THE SUPPRESSION OF THIS MATERIAL EVIDENCE IS NOT AN HARMLESS ERROR, BUT AN AUTOMATIC REVERSAL OF THE CONVICTION.
7. DURING "BARBARA" ISSIAH'S TESTIMONY AT TRIAL SHE

1. SAID SHE DOESN'T KNOW SHAYONNA JONES OR DEJAMES  
 2. HENDERSON. (PT 443, 458) BUT WHILE SHE AND HER BOYFRIEND  
 3. DARYL WERE WATCHING THE NEWS OF SHAYONNA'S DEATH  
 4. DARYL SAID "OH SHIT, THAT'S REGGIE'S COUSIN."  
 5. BARBARA SAID WHILE PARKED IN THE LAUNDROMAT  
 6. PARKING LOT WITH THE WINDOWS ROLLED DOWN SHE  
 7. OBSERVED REGGIE, LONNIE, DARYL, AND PETITIONER  
 8. DRINKING, AND FROM 7 OR 8 FEET AWAY SHE HEARD PET-  
 9. ITIONER SAY "I SHOT THE BITCH IN THE HEAD." (PT 453, 454,  
 10. 455, 459)

1. BARBARA STATED SHE PARKED HER MUSTANG IN THE LOT  
 2. IN FRONT OF THE LAUNDROMAT ON 6TH AND SAN  
 3. PEDRO DOWNTOWN LOS ANGELES. (PT 449) HOWEVER WRIGHT  
 4. ATTESTS UNDER PENALTY OF PERJURY THAT THERE'S NO  
 5. LAUNDROMAT ON 6TH AND SAN PEDRO OR BETWEEN 6TH  
 6. AND SAN PEDRO STREETS. MOREOVER, PETITIONER WAS OUT  
 7. OF STATE ON THE DATE BARBARA CLAIMED SHE SEEN  
 8. HIM. (PT 459-460)

1. DARYL, REGGIE OR LONNIE DID NOT COME TO COURT AND  
 2. TESTIFY AS A PROSECUTION WITNESS TO CORROBOR-  
 3. ATE HER HEARSAY STATEMENT. PLUS THE PROSECUTION  
 4. DID NOT INFORM THE DEFENSE OR JURY WHETHER  
 5. THIS KEY WITNESS HAS A CRIMINAL RECORD OR IS  
 6. ON PAROLE OR PROBATION OR BOTH.  
 7. WHEN FELISA OR "LISA" HICKMAN TESTIFIED AT TRIAL,  
 8. SHE SAID SHE ARRIVED AT SHAYONNA'S HOUSE BETWEEN 10:00-

1. 10:30 P.M. ON MAY 21, 2010, (PST 264) ALONG WITH CASSIE WALK-  
 2. IER, AND DEON'S SISTER, KATRICE GRAY. THE WOMEN WERE  
 3. PLAYING SPADES AND DRINKING. SHAYONNA'S OLDEST SON BOLAND  
 4. CAME HOME ABOUT 11:00 P.M., SPOKE TO THE WOMEN AND WENT  
 5. TO HIS ROOM. LISA SAID SHAYONNA'S YOUNGER SON RYAN AND  
 6. CASSIE'S TWO KIDS WERE ASLEEP IN THE LIVING ROOM. (PST  
 7. 262, 263)

3. LISA STATED AFTER BOLAND WENT TO HIS ROOM PETIT-  
 7. IONER, CAME INTO THE APARTMENT WITH TWO UNIDENTIF-  
 0. IED MALE FRIENDS. PETITIONER, CAME INTO THE KITCHEN  
 1. AND TOLD SHAYONNA HE WAS THERE TO CHANGE HIS SHIRT.  
 2. SHAYONNA ASKED PETITIONER WHAT TIME HE WAS  
 3. COMING BACK HOME BECAUSE IT WAS ALMOST 12:00 P.M.  
 4. SHE DOES NOT RECALL EITHER THE PETITIONER OR SHAYONNA  
 5. BEING ANGRY OR TENSE. AFTER APPROXIMATELY 10 MINUTES  
 6. PETITIONER AND HIS TWO FRIENDS EXITED THE APART-  
 7. MENT THROUGH THE FRONT DOOR. (PST 264, 265, 266, 267, 271)

0. AFTER PETITIONER AND HIS FRIENDS LEFT, DEON GRAY  
 7. ARRIVED AT THE APARTMENT WITH AN UNIDENTIFIED  
 0. MALE FRIEND BETWEEN 11:40-11:45 P.M. (PST 267, 268)

1. LISA STATED SHAYONNA WAS TALKING ABOUT GOING TO LAW-  
 2. CASTER OF PALMDALE THE FOLLOWING DAY TO REMODEL  
 3. HER HOUSE HERSELF, CLEAN UP, NO CONSTRUCTION, AND SHAY-  
 4. ONNA DID NOT MAKE ANY COMMENTS ABOUT THE PRICE.  
 5. SHAYONNA DISCUSSED THE REMODELING PROJECT WITH  
 6. KATRICE, AND SHAYONNA WAS NOT ANGRY WHILE DISCUSSING

..IT. (QRT 273, 274, 276, 277)

2. LISA DOES NOT REMEMBER SHAVONNA RECEIVING A PHONE  
3. CALL PRIOR TO PETITIONER ARRIVAL TO THE APARTMENT,  
4. OR LEAVING THE KITCHEN TO TAKE THE PHONE CALL. (QRT 265)  
5. LISA DOES NOT REMEMBER PETITIONER TALKING ABOUT WEAPONS,  
6. OR PULLING OUT ANY WEAPONS WHILE HE WAS AT THE  
7. APARTMENT. (QRT 270)

5. LISA STATES SHE LEFT SHAVONNA'S APARTMENT WITH  
1. KATRICE, CASSIE AND KATRICE'S KIDS AT 12:00 MIDNIGHT.  
2. SHAVONNA AND HER KIDS ALONG WITH DEON AND HER MALE  
3. FRIEND REMAINED THERE. (QRT 268, 269)  
4. KATRICE TESTIFIED THAT SHE AND ROSCOE WILLIAMS  
5. WERE GOING OUT TO PALMDALE WITH SHAVONNA  
6. THE NEXT DAY, AND ROSCOE WAS GOING TO PAINT SHAVONNA'S  
7. HOUSE. SHE DID NOT WITNESS NO DISCUSSION BETWEEN  
8. SHAVONNA, ROSCOE OR DEON ABOUT THE PAYMENT ROSCOE WAS  
9. SUPPOSE TO RECEIVE FOR HIS WORK. (QRT 308, 309) SHE SAID  
10. ROSCOE, NAP, SCOOPY, AND PETITIONER HAD LEFT THE APARTMENT  
11. PRIOR TO HER LEAVING, BUT DEON AND MO REMAINED  
12. THERE AFTER HER DEPARTURE. (QRT 309)

1. KATRICE ALSO STATED PETITIONER DID NOT ASK THEM  
2. TO GO HOME. (QRT 304, 305)  
3. KATRICE, DEON'S SISTER AND ROSCOE'S COUSIN, SAID SHE DID  
4. NOT WITNESS SHAVONNA AND ROSCOE TALK ABOUT A REMOVING  
5. PROJECT WHILE SHE WAS AT THE APARTMENT BUT  
6. THAT SHE AND SHAVONNA HAD TALKED ABOUT THE ISSUE DAYS

1. BEFORE. (2RT 321)

2. SHE STATED SHE KNEW PETITIONER AND SHAYONNA ABOUT

3. ALL THEIR LIVES, BUT HER RELATIONSHIP WITH HIM

4. WAS NOT CORDIAL. (2RT 282, 283, 304, 310, 316) KATRICE ALSO

5. STATED SHE AND PETITIONER DID NOT LIKE EACH OTHER

6. (2RT 303)

7. FOR A WITNESS WHO ADMITTED SHE DOES NOT LIKE

8. PETITIONER, THE STATE LET KATRICE'S TESTIMONY TAKE

9. UP "44" PAGES OF THE REPORTER'S TRANSCRIPT OF THE TRIAL

10. IN FRONT OF THE JURY, BEGINNING ON PAGE 279 AND END-

11. ING ON PAGE 323. THAT GAVE KATRICE MOTIVE TO GIVE

12. A PREJUDICIAL TESTIMONY.

13. HOWEVER, THE PROSECUTION SUPPRESSED FROM PETITIONER

14. AND THE JURY THE FACTS THAT IN 1996 KATRICE WAS ARREST

15. ED FOR PCS 422, FOLLOWED BY ARREST IN 2009 FOR PCS 484(C),

16. AND A CONVICTION IN 2010 FOR PCS 484 (EX. A) THIS SUPPRES-

17. SION VIOLATED PETITIONER'S DUE PROCESS RIGHTS AND

18. REQUIRES AN AUTOMATIC REVERSAL OF THE CONVICTION

19. UNDER THE BRADY LAW.

20. CASSIE WALKER TESTIFIED THAT WHEN PETITIONER

21. CALLED SHAYONNA SHE GOT UP FROM THE TABLE, LEFT

22. THE KITCHEN AND WALKED TOWARDS HER ROOM. THE CALL

23. WAS PRETTY SHORT. AFTER THE PHONE CALL SHAYONNA

24. REJOINED THEM AT THE KITCHEN, WHERE THEY WERE

25. PLAYING SPADES. CASSIE DOES NOT REMEMBER IF SHAY-

26. ONNA WAS UPSET AFTER THE CALL. (2RT 330)



1. CASSIE STATED PETITIONER CAME INTO THE APARTMENT  
2. WITH ROSCOE, NAP, AND AN UNIDENTIFIED HISPANIC GUY.  
3. PETITIONER CAME INTO THE KITCHEN, CHECKED EVERY-  
4. BODY OUT, DIDN'T SAY A WORD, CHANGED HIS SHIRT, AND  
5. LEFT WITH HIS FRIENDS. DEON AND MO REMAINED AT  
6. THE APARTMENT. (2RT 331, 332)

7. CASSIE DID NOT NOTICE ANY TENSION BETWEEN SHAVONNA  
3. AND PETITIONER. (2RT 333)

7. ON CROSS EXAMINATION CASSIE SAID AFTER SHAVONNA  
0. TALKED TO PETITIONER AND CAME BACK TO THE TABLE  
1. SHE DID NOT SEEM UPSET AT ALL, SHAVONNA JOKED IT  
2. OFF. (2RT 235, 236)

3. CASSIE STATED THAT WHILE PETITIONER WAS AT THE  
4. APARTMENT PETITIONER LOOKED LIKE HE WAS HAVING A  
5. GOOD TIME, AND WAS NOT ANXIOUS FOR EVERYONE TO GO  
6. HOME. (2RT 336)

7. CASSIE SAID NO ONE TALKED TO SHAVONNA ABOUT ROSCOE  
8. OR HOW MUCH ROSCOE'S SUPPOSE TO GET PAID, AND  
9. THAT DEON WAS AT THE APARTMENT AND DIDN'T SAY  
0. ANYTHING ABOUT THE REMODELING. (2RT 338)

1. "CRYSTAL" SIMON, SHAVONNA'S NEIGHBOR, TESTIFIED  
2. THAT A COUPLE WEEKS PRIOR TO SHAVONNA'S DEATH  
3. SHE HEARD TWO GUNSHOTS INSIDE SHAVONNA'S APART-  
4. MENT, THEN SAW PETITIONER EXIT THE APARTMENT  
5. HOLDING DOWN BY HIS SIDE WHAT APPEARED TO BE  
6. A GUN, GET INTO HIS WHITE CADILLIAC AND

1. LEAVE. (1ST 187-194)

2. THE PROSECUTION DID NOT PRESENT INTO EVIDENCE  
 3. ANY PHOTOS OF THE ALLEGED BULLET HOLES OR SHELL  
 4. CASINGS FROM SHAYONNA'S APARTMENT FROM THAT  
 5. PARTICULAR INCIDENT. IF PETITIONER FIRED A GUN  
 6. TWO TIMES THERE SHOULD BE SOME TYPE OF DAMAGE  
 7. INSIDE THE APARTMENT. NO ONE GOT ON THE STAND AND  
 8. SAID THEY WERE AN EYEWITNESS TO THIS ALLEGED  
 9. SHOOTING, NOR DID ANYONE GET ON THE STAND AND  
 10. ACTUALLY CORROBORATE CRYSTAL'S HEARSAY STATEMENT.  
 1. KATRICE, HOWEVER, GAVE A SECOND HAND HEARSAY  
 2. ACCOUNT OF THIS ALLEGED INCIDENT, WHICH IS INAD-  
 3. MISSIBLE AT TRIAL UNLESS AN ACTUAL EYE WITNESS  
 4. GOT ON THE STAND AND CORROBORATED IT. (2ST 312)  
 5. FURTHER, THE PROSECUTION VIOLATED PETITIONER'S  
 6. DUE PROCESS RIGHTS BY FAILING TO INFORM THE  
 7. PETITIONER OR THE JURY OF CRYSTAL'S CRIMINAL  
 8. HISTORY. IN 1996 CRYSTAL WAS CONVICTED FOR PCS 484, IN  
 9. 1998 SHE WAS CONVICTED FOR PCS 166 (A)(4), IN 2002 SHE  
 10. WAS CONVICTED FOR PCS 12403.7(G) AND PCS 245 (A)(1). THUS  
 1. THIS SUPPRESSION DEPRIVED PETITIONER OF A FAIR  
 2. TRIAL AND REQUIRES AN AUTOMATIC REVERSAL OF  
 3. THE CONVICTION PURSUANT TO THE BRADY LAW.  
 4. "LACHELLE" HAGERTY TESTIFIED IN REGARDS TO  
 5. AN INCIDENT THAT OCCURRED AT A NEW YEARS  
 6. PARTY ON DEC. 31, 2009 ON 4TH AND JEFFERSON STREETS

1. IN LOS ANGELES COUNTY, SHE SAID AT 3:00 O'CLOCK  
 2. IN THE MORNING SHAYONNA TOLD PETITIONER SHE WAS  
 3. TIRED AND READY TO GO HOME. HE SAID THAT HE WAS  
 4. CHILLIN' AND WANTED TO STAY A LITTLE LONGER.  
 5. SHAYONNA SAID SOMETHING ABOUT HIS EARRINGS  
 6. BEING FAKE. AFTER SHE SAID THAT PETITIONER WALKED  
 7. PAST HER, AND SHAYONNA SAID SOMETHING ELSE. PETIT-  
 8. IONER HIT SHAYONNA TWICE OVER HER LEFT EYE, RE-  
 9. SULTING IN TWO GASHES REQUIRING 14- STITCHES.  
 0. (CRT 240, 244, 245, 247, 250, 251, 252)

1. HOWEVER, SHAYONNAS MEDICAL CHART FROM CALIFORNIA  
 2. HOSPITAL MEDICAL CENTER "CHMC" DATED JAN. 4, 2010,  
 3. WHICH BOTH THE PROSECUTION AND DEFENSE COUNS-  
 4. EL SUPPRESSED FROM PETITIONER UNTIL AFTER HE  
 5. WAS SENTENCED IN VIOLATION OF HIS DUE PROCESS  
 6. RIGHTS, IN IT THE PATIENT SHAYONNA STATED SHE  
 7. JUMPED IN TO BREAK UP A FIGHT AT A PARTY LAST  
 8. NIGHT AND WAS HIT IN THE FOREHEAD WITH A CHAIR.  
 9. SHE RECEIVED 13- STICHES. (EX. B AT 2 CHMC CHART)  
 0. LACHELLE OR NO ONE AT THAT PARTY CALLED THE  
 1. POLICE AND FILED A REPORT. NO ARREST WAS  
 2. MADE.

3. MOREOVER, THE PROSECUTION VIOLATED PETITIONER'S  
 4. DUE PROCESS RIGHTS BY SUPPRESSING FROM PETIT-  
 5. IONER AND THE JURY THE FACTS THAT LACHELLE HAS  
 6. A JUVENILE RECORD FOR CRIMES OF MORAL TURPITUDE

JURY. DORNETTA WAS ARRESTED IN 1998 FOR PCS310980(CD),  
 2. 118, AND HAD A MISDEMEANOR CONVICTION FOR PCS10980(CD).

3. (EX. A)

4. DORNETTA'S 21-YEAR OLD DAUGHTER "BREYAWNA" SMITH TESTI-  
 5. FIED THAT WHILE SHE WAS IN HER ROOM TEXTING ON  
 6. HER CELL PHONE AT 12:08 A.M. MAY 22, 2010 SHE HEARD  
 7. A GUN SHOT AND A BODY FALLING TO THE GROUND THROUGH  
 8. THE LOUD MUSIC IN SHAYONNA'S APARTMENT. ABOUT 5 OR  
 9. 10 MINUTES AFTER BREYAWNA HEARD WHAT SHE THOUGHT  
 10. WAS A GUNSHOT AND A BODY FALLING, SHE HEARD THE  
 11. DOOR OPEN TO SHAYONNA'S APARTMENT AND THE MUSIC  
 12. PLAY LOUDER. SHE SAID SHE HEARD VOICES AS PEOPLE  
 13. WALKED PAST THE WALKWAY.

14. BREYAWNA SAID SHE HEARD A CAR SCREECHING IN  
 15. THE ALLEY. THAT'S WHAT MADE HER GET UP AND LOOK  
 16. OUT HER BEDROOM WINDOW, WHERE SHE SAW A WHITE  
 17. CAR DRIVING OFF REALLY FAST, IDENTIFIED AS PET-  
 18. ITIONER'S VEHICLE. SHE DID NOT SAY SHE SAW PETIT-  
 19. IONER GET INTO THE CAR. (RST 494-503)

20. BREYAWNA TESTIFIED THAT SHE HEARD VOICES  
 21. AND PEOPLE WALKING PAST THE WALKWAY AFTER  
 22. THE SHOOTING. THAT MEANS THERE HAD TO BE AT  
 23. LEAST TWO PEOPLE INVOLVED IN THIS INCIDENT.  
 24. THAT'S REASONABLE DOUBT. THUS HOW COULD THE  
 25. JURY CONVICT PETITIONER FOR FIRST DEGREE  
 26. PREMEDITATED MURDER OFF HEARSAY, CIRCUMSTANTIAL

1. PRIOR TO 1994, A 1994 ARREST FOR PCS490.5, A 1995 ARREST
2. FOR PCS484(A) AND MISDEMEANOR CONVICTION, A 1995 ARREST
3. FOR PCS484(A), A 1996 ARREST FOR PCS484F(B), PCS484F(A),
4. AND FELONY CONVICTION FOR PCS484F(B), 1997 ARREST
5. FOR PCS459, 1998 ARRESTS FOR PCS484F(C), 490(A), 459,
6. AND FELONY CONVICTION FOR PCS437(A), A 1999 ARREST
7. FOR ROBBERY PCS211, A 2000 ARREST FOR ROBBERY PCS211,
8. PCS666, AND FELONY CONVICTION FOR ROBBERY PCS211(EXA)
9. THIS SUPPRESSION OF FAVORABLE MATERIAL EVIDENCE
0. FROM THE ACCUSED DENIED HIM A FAIR TRIAL AND
1. MANDATES AN AUTOMATIC REVERSAL UNDER THE BRADY LAW.
2. SHAYONNA'S NEIGHBOR "DORNETTA" NAPIER TESTIFIED THAT
3. ON THE EVENING OF MAY 21, 2010, SPILLING INTO THE EARLY
4. MORNING OF MAY 22, 2010 WHILE AT HOME WITH HER CHILD-
5. BEN SHE HEARD VOICES COMING IN THE BACK OF THE
6. GATE, AND LOUD MUSIC PLAYING IN SHAYONNA'S HOME.
7. THEN SHE HEARD ONE BOOM. NEXT, SHE HEARD VOICES
8. AFTER THE BOOM AND SOMEONE GET INTO A CAR AND
9. SPEED OFF, ITS TIRES BUNNING OVER THE GRAVEL. (RBT
0. 485-488) THEN DORNETTA CHANGED HER STORY AND SAID
1. SHE DID NOT HEAR ANY VOICES AFTER THE BOOM. (RBT 487)
2. HOWEVER, THE PROSECUTION VIOLATED PETITIONER'S DUE
3. PROCESS RIGHTS TO A FAIR TRIAL BY SUPPRESSING FROM
4. PETITIONER AND THE JURY DORNETTA'S CRIMINAL
5. HISTORY, WHICH SUCH DISCLOSURE WOULD AFFECT THE
6. CREDIBILITY OF HER TESTIMONY IN FRONT OF THE

1. DOUBT. IT DOES NOT PROVE ANY OF THE ELEMENTS PERIOD.
2. "JASMINE" BENFRO TESTIFIED THAT SOMETIME IN 2007
3. OR 2008 WHILE SHE WAS AT HER FRIENDS AND PETIT-
4. IONER'S BABY MOTHER "KEISHA'S" APARTMENT IN EAST-
5. SIDE VILLAGE IN LOS ANGELES, CALIFORNIA, PETIT-
6. IONER ASKED HER TO LEAVE. BUT KEISHA SAID SHE
7. CAN STAY.
8. PETITIONER AND JASMINE BEGAN FIGHTING OVER A
9. COUCH IN THE LIVING ROOM. HE PULLED OUT A .22 AND
10. POINTED IT AT HER. JASMINE'S FRIEND CHRISTINE
11. JUMPED IN FRONT OF THE GUN TO PROTECT HER AND
12. JASMINE RAN TO KEISHA'S NEIGHBOR APARTMENT
13. AND CALLED THE POLICE. THE AUDIOTAPE OF THE
14. 911 CALL WAS PLAYED IN FRONT OF THE JURY.
15. JASMINE SAID THAT PRIOR TO GOING TO JAIL FOR
16. A PROBATION VIOLATION, SHE WAS HAVING SEX WITH
17. PETITIONER. AFTER SHE WAS RELEASED FROM JAIL
18. AN ARGUMENT BEGAIN BECAUSE HE STILL WANTED
19. TO HAVE SEX WITH HER. SHE SAID SHE DIDNT WANT
20. TO HAVE SEX WITH PETITIONER ANYMORE, BECAUSE
21. HE WAS STILL HAVING SEX WITH KEISHA, WHO WAS
22. PREGNANT FROM HIM.
23. A CASE WAS FILED IN REGARDS TO THIS INCIDENT.
24. JASMINE WAS SUBPOENAED TO COURT. BUT SHE
25. DIDNT GO TO COURT BECAUSE SHE SAID KEISHA
26. PLEADED WITH HER NOT TO. THE CASE WAS DISMISSED.

1. EVIDENCE, WHEN ALL OF THE ELEMENTS HAVE NOT BEEN  
2. MET TO SUSTAIN SUCH CONVICTION?

3. SHAYONNA'S MOTHER "JOHNNIE" MAE JONES AND NIECE  
4. "ANTAVIA" DOSS TESTIFIED ABOUT AN INCIDENT THAT  
5. OCCURRED IN SHAYONNA'S HOME ON MAY 25, 2009. IN  
2. WHICH JOHNNIE WAS CHANGING THE LOCKS ON THE  
1. FRONT DOOR AND KITCHEN DOOR OF SHAYONNA'S  
6. APARTMENT TO KEEP PETITIONER OUT.

1. JOHNNIE SAID WHILE SHE WAS INSERTING THE LAST  
2. SCREW IN THE KITCHEN DOOR PETITIONER RAN IN AND  
4. THEY BEGAN TUSSLING, AND HE KNOCKED HER TO THE  
2. FLOOR AND DINING ROOM TABLE. THEN PETITIONER  
3. RAN INTO THE BEDROOM AND SLAMMED SHAYONNA'S  
4. 21" FLAT SCREEN TV ON THE FLOOR, PICKED UP HER  
5. COMPUTER AND TRIED TO BREAK IT UP. AFTERWARDS,  
6. HE HIT SHAYONNA AND LEFT WHILE ANTAVIA WAS  
1. CALLING THE POLICE.

3. THEN JOHNNIE CHANGED HER STORY AND SAID SHE  
1. DID NOT SEE PETITIONER KNOCK SHAYONNA DOWN OR  
2. HIT SHAYONNA. ANTAVIA SAID SHE SAW PETITIONER  
4. BACKHAND SLAP SHAYONNA. (ART 130-177)

2. ALTHOUGH ANTAVIA CLAIMED SHE CALLED THE POLICE,  
3. NO ARREST WAS MADE AND NO INCIDENT REPORT WAS  
4. WRITTEN. STILL, THIS ALLEGED INCIDENT DOES NOT  
5. PROVE ANY OF THE ELEMENTS OF FIRST DEGREE  
6. PREMEDITATED MURDER BEYOND A SHADOW OF A

1. 3-YEARS AND HER ENROLLED IN SCHOOL AS A MEDI-
2. CAL ASSISTANT IS A LIE. JASMINE'S A WELL KNOWN
3. PROSTITUTE ON THE STREETS OF THE CITY OF L.A.
4. ON THE LIST OF POSSIBLE CRIMES OF MORAL TURPITUDE
5. FOR VICTIM & WITNESSES, JASMINE BENFRO'S NAME WAS
6. OMITTED. ALTHOUGH SHE ADMITTED IN FRONT OF THE
7. JURY THAT SHE'D BEEN JAILED FOR A PROBATION VIO-
8. LATION AND ONCE ARRESTED FOR PROSTITUTION, PETIT-
9. IONER ASSERTS THAT A PROPER CHECK OF JASMINE'S
10. CRIMINAL HISTORY WOULD DISCLOSE THAT SHE'D
11. BEEN ARRESTED AND/OR CONVICTED MULTIPLE TIMES
12. FOR PROSTITUTION AND OTHER MISDEMEANOR AND/OR
13. FELONY OFFENSES. WHICH SUCH DISCLOSURE WOULD
14. AFFECT THE CREDIBILITY OF JASMINE'S TESTIMONY
15. IN FRONT OF THE JURY.
16. LOS ANGELES POLICE DEPARTMENT "LAPD" OFFICER
17. MIKE "LEESE" TESTIFIED THAT ON NOV. 8, 2007 AT ABOUT
18. 7:00 O'CLOCK IN THE EVENING HE RESPONDED TO 2256 EAST
19. 111 STREET IN LOS ANGELES AT UNIT 225, AFTER
20. RECEIVING A CALL FROM JASMINE BENFRO STATING
21. PETITIONER THREATENED HER WITH A CHROME .22
22. CALIBER SEMIAUTOMATIC PISTOL.
23. OFFICER LEESE SAID HE WROTE THE REPORT, BASED ON
24. WHAT JASMINE TOLD HIM, CHARGING PETITIONER WITH
25. A.W.D. ASSAULT WITH A DEADLY WEAPON
26. LEESE STATED NO ONE IN UNIT 225 COOPERATED WITH



1. JASMINE ALSO ADMITTED SHE ONCE WORKED AS  
2. A PROSTITUTE, AND WAS ARRESTED FOR PROSTITUTION.  
3. BUT CLAIMED SHE'S ENROLLED IN SCHOOL AS A MEDICAL  
4. ASSISTANT, AND SHE'D STOPPED WORKING AS A PROSTIT-  
5. UTE FOR THREE YEARS NOW. (AST 198-214)  
6. HOWEVER, THE PERSON ASSISTING PETITIONER WITH  
7. HIS FEDERAL WRIT, RAYMOND "WRIGHT" #P-61135, PERSONAL-  
3. LLY KNOWS JASMINE AND ATTESTS UNDER PENALTY OF  
7. PERJURY THAT AROUND SEPTEMBER OR OCTOBER 2009  
8. WRIGHT HAD SEX WITH JASMINE SEVERAL TIMES  
9. IN ROOM 120 OF THE NEW BAY MOTEL LOCATED AT  
1. 8301 SOUTH FIGUEROA STREET IN THE CITY OF  
2. LOS ANGELES.  
3. JASMINE'S PIMP AT THAT TIME WAS A DUDE CALLED  
4. "BABY EVIL".  
5. JASMINE TOLD WRIGHT THAT SHE HAD BEEN PROSTITUT-  
6. ING EVERY SINCE SHE WAS 15-YEARS OLD, AND THAT  
7. SHE HAD WANTED TO MAKE A PORNO MOVIE, BUT THE  
8. PRODUCER TOLD HER THAT SHE WAS TOO BIG BONED AND  
9. TURNED HER DOWN.  
1. FURTHER, WRIGHT ATTESTS UNDER PENALTY OF PERJURY  
2. THAT AFTER HE PAROLED FROM PRISON ON MAY 26 2010,  
3. HE SAW JASMINE WORKING AS A PROSTITUTE ON  
4. THE CORNER OF 84TH AND FIGUEROA STREETS IN  
5. THE CITY OF LOS ANGELES. SO THAT STORY ABOUT  
6. JASMINE STOPPED WORKING AS A PROSTITUTE FOR

1. HIM IN THE INVESTIGATION, AND HE DID NOT APPREHEND  
2. PETITIONER THAT DATE. (ART 215-220)

3. DURING THE TESTIMONY OF LAPD OFFICER JASON "ARCHIE"  
4. IN REGARDS TO THE SAME INCIDENT INVOLVING PETITIONER  
5. AND JASMINE, HE SAID HE TOOK PETITIONER INTO  
6. CUSTODY AT KEISHA LATSON'S APARTMENT, UNIT 225,  
7. LOCATED AT 2250 EAST 111 STREET LOS ANGELES.

8. A SEARCH OF THE BEDROOM PETITIONER WAS APPREH-  
9. ENDED IN RESULTED IN 28, .22 CALIBER, ROUNDS. (ART 220-  
0. 230)

1. HOWEVER, OFFICER ARCHIE DID NOT TESTIFY THAT HE  
2. RECOVERED THE BULLETS FROM PETITIONER'S PERSON.

3. PETITIONER WAS NOT THE ONLY PERSON IN THE HOUSE.  
4. THE LEASE TO THE APARTMENT WAS NOT IN PETITION-  
5. ER'S NAME. IT WAS IN KEISHA'S NAME. THUS THOSE BULLETS  
6. COULD HAVE BELONGED TO ANYONE.

7. "STACY" HARRIS OF STOCKTON, CALIFORNIA HAS TWO  
8. SONS FROM PETITIONER, NAMED DASANI AND LAMONTE.  
9. STACY TESTIFIED THAT ON JULY 8TH, 2003 AT AROUND  
0. 6:00 OR 7:00 A.M. PETITIONER CALLED HER, SAID HE  
1. HAD A STRAP AND WAS GOING TO DO SOMETHING TO  
2. EVERYBODY IN THE HOUSE IF SHE WOULDN'T LET HIM  
3. SEE THEIR SON.

4. STACY SAID PETITIONER CALLED HER FOUR OR FIVE  
5. TIMES THAT MORNING, TWO TO THREE MINUTES  
6. APART, THREATENING HER.

1. SHE STATED PETITIONER BROUGHT THEIR SON,  
2. DASANI, UP TO STOCKTON. BUT ENDED UP HAVING A  
3. WARRANT, SO SHE GOT CUSTODY OF THEIR BABY SON.  
4. STACY'S SISTER CALLED 911, AND STACY FILED A  
5. REPORT WITH THE STOCKTON POLICE DEPARTMENT.  
6. PETITIONER DID NOT HAVE A STRAP OR GUN,  
7. AND STACY OR NONE OF HER FAMILY MEMBERS  
8. WERE HARMED. (INT 94-129)  
9. HOWEVER, THE PROSECUTION DEPRIVED PETITIONER  
0. OF HIS DUE PROCESS RIGHTS TO A FAIR TRIAL,  
1. BY SUPPRESSING FROM PETITIONER, AND THE JURY  
2. STACY'S CRIMINAL HISTORY. WHICH CONSISTED  
3. OF A 1995 ARREST FOR PCS 484G(A), A 1999 ARREST  
4. FOR PCS 487(A) AND FELONY CONVICTION FOR PCS 484G(A).  
5. (EX. A)  
6. SUCH SUPPRESSION PREVENTED THE JURY FROM ADE-  
7. QUATELY WEIGHING THE CREDIBILITY OF STACY'S  
8. TESTIMONY, AND REQUIRES AN AUTOMATIC REVER-  
9. SAL OF THE CONVICTION UNDER THE BRADY LAW.  
0. "TRACY" McDANIAL, WHO'S PETITIONER'S COUSIN AND  
1. GODMOTHER, TESTIFIED THAT PETITIONER'S A GOOD  
2. GUY AND LOVING FATHER TO HIS KIDS, AS WELL AS  
3. A POSITIVE INFLUENCE TO HER SON.  
4. TRACY STATED PETITIONER CALLED HER SEVER-  
5. AL TIMES AFTER SHAVONNA PASSED CRYING.  
6. THE DAY OF SHAVONNA'S FUNERAL PETITIONER CALLED

1. HER CRYING AND SAD. (BRT 726, 727, 729, 730, 736)
2. PETITIONER TOLD TRACY THAT SHAYONNA WAS SHOT
3. BY ACCIDENT. (BRT 740, 742, 745, 748, 749, 750, 751) BUT HE DID
4. NOT SAY HE SHOT HER OR WHO PULLED THE TRIGGER.
5. (BRT 736, 737, 740, 751)
6. TRACY ASKED PETITIONER TO TURN HIMSELF IN BUT HE
7. TOLD HER HE WAS SCARED BECAUSE NO ONE WOULD BELIEVE
8. HIM. (BRT 730, 749, 750)
9. "KARI" PECORE OF EAGEN, MINNESOTA TESTIFIED
0. THAT PETITIONER LIVED WITH HER AND CALLED
1. HIMSELF JEREMY DAVIS. SHE STATED THEY HAD A
2. BOYFRIEND/GIRLFRIEND RELATIONSHIP. BUT THAT
3. PETITIONER WOULD STAY GONE ALL DAY PLAYING
4. BASKETBALL, AND EVERY EVENING HE WOULD GO TO ONE
5. OF HER NEIGHBOR'S HOUSE AND DRINK AND PARTY. SHE
6. SAID SHE GOT TIRED OF IT AND KICKED HIM OUT.
7. AFTER KARI KICKED HIM OUT OF HER HOUSE SHE SAID
8. PETITIONER TOLD HER, "YOU WILL REGRET THIS," AND
9. MOVED IN WITH ANOTHER WOMAN.
0. PETITIONER DID NOT HIT HER, AND NO ONE CORROB-
1. ORATED KARI'S HEARSAY TESTIMONY. (BRT 463-480)
2. THE SHEER VOLUME OF ALL THESE ALLEGED DOMESTIC
3. INCIDENTS PURSUANT TO EVID. CODE §§ 1109 & 352 AND CAL
4. CRIM NO. 852 WAS "HIGHLY INFLAMMATORY" AND PRE-
5. JUDICIAL TOWARDS PETITIONER, IN VIOLATION
6. OF HIS DUE PROCESS RIGHTS TO A FAIR TRIAL.

1. DR. JEFFREY "GUTSTADT" TESTIFIED THAT HE  
2. PERFORMED THE AUTOPSY ON SHAYONNA AND THAT HER  
3. SYSTEM HAD A BLOOD ALCOHOL LEVEL OF 0.12-.15  
4. GRAMS, WHICH MEANS THAT SHE WAS DRINKING THE  
5. DAY OF THE INCIDENT. (BRT 649, 658) IN CALIFORNIA  
6. YOU'RE CONSIDERED DRUNK IF YOUR BLOOD ALCOHOL  
7. LEVEL IS OVER 0.8 GRAMS.

8. DR. GUTSTADT STATED HE WAS AWARE THEY TOOK  
9. GUNSHOT RESIDUE FROM SHAYONNA'S HANDS, AND  
10. THAT IT'S POSSIBLE THAT SHAYONNA COULD HAVE  
1. BEEN STRUGGLING WITH A GUN FROM MORE THAN  
2. 2- FEET AWAY FROM HER LEFT EYE AND THE  
3. GUN WENT OFF DURING THE STRUGGLE FOR THE  
4. GUN. (BRT 660) THAT EXPLAINS THE ABSENCE OF  
5. SOOT, POWDER OR STIPPLING FOUND ON SHAYONNA'S  
6. BODY. WHICH ALSO MEANS, AS PETITIONER ASSERTS, THAT  
7. SHAYONNA'S DEATH WAS AN ACCIDENT.

8. ACCORDINGLY, HOW COULD THE JURY AND TRIAL COURT  
9. FIND PETITIONER GUILTY OF WILLFULLY, DELIBERATELY,  
10. PREMEDITATED FIRST DEGREE MURDER? WHEN REASON-  
1. ABLE DOUBT WAS PRESENTED.

2. DR. GUTSTADT, HOWEVER, ALSO INFLAMMED THE  
3. JURY TO BE BIAS TOWARDS PETITIONER WHEN THE  
4. DOCTOR SAID THE MANNER OF DEATH WAS HOMIC-  
5. IDE, DEATH AT THE HANDS OF ANOTHER. THE  
6. CAUSE OF DEATH WAS GUNSHOT WOUND OF HEAD. (BRT 650)

1. HOMICIDE HAD NOT BEEN PROVED. ALTHOUGH THE DOCTOR  
2. TRIED TO CLEAR THE STATEMENT UP AFTER A SIDE-  
3. BAR WAS TAKEN AND COURT RECONVENED, THE DAMAGE  
4. HAD ALREADY BEEN DONE. THUS, THERE SHOULD HAVE  
5. BEEN AN AUTOMATIC MISTRIAL.

6. DETECTIVE THOMAS "EIMAN" TESTIFIED THAT SHAYONNA  
7. JONES DOES NOT HAVE A .38 OR .357 CALIBER REVOLVER  
8. REGISTERED TO HER IN THE NATIONAL DATABASE, WHICH  
9. WERE ONE OF THE GUNS USED RESULTING IN HER DEATH.

10. (BRT 70) HOWEVER, THAT DOES NOT MEAN SHAYONNA DID NOT  
1. HAVE AN UNREGISTERED PERSONAL GUN THAT SHE BOUGHT  
2. FROM THE STREET, ALONG WITH HER WORK GUN.

3. DETECTIVE EIMAN ALSO TESTIFIED THAT THERE COULD  
4. HAVE BEEN UP TO FOUR DIFFERENT SCENARIOS OF HOW  
5. THE INCIDENT OCCURRED. (BRT 71) WITH THAT SAID,  
6. HOW COULD THE JURY FIND PETITIONER GUILTY BEYOND  
7. A REASONABLE DOUBT FOR FIRST DEGREE MURDER?

8. DURING INTERVIEW WITH DETECTIVES EIMAN AND  
9. KOURI WHILE IN CUSTODY IN EAGEN, MINNESOTA  
10. PETITIONER STATED THAT ON THE EVENING OF MAY 21,  
1. 2010 OR THROUGH THE EARLY MORNING OF MAY 22, 2010  
2. HE GOT INTO AN ARGUMENT WITH SHAYONNA. THEY HAD  
3. SOME KIND OF PACT THAT IF THEY GOT INTO AN ARGU-  
4. MENT, THAT THEY'D JUST PART COMPANY.

5. SO PETITIONER LEFT THE RESIDENCE, LEAVING SHAYON-  
6. NA ALONE IN THE APARTMENT WITH HIS KEYS. HE AND

1. BOSCOE WILLIAMS WALKED TOWARDS A PAY PHONE  
2. IN THE VICINITY OF 112 STREET AND CENTRAL AVE,  
3. WHERE PETITIONER CALLED HIS FRIEND "DEBORAH"  
4. FRANKLIN. SHE DROVE OVER AND PICKED THEM UP, DROVE  
5. PETITIONER TO HER HOUSE, TOOK BOSCOE HOME, AND THEN  
6. RETURNED TO HER HOUSE WHERE SHE AND PETITIONER SPENT  
7. THE NIGHT TOGETHER. (BRT 759, 760)

3. THE DETECTIVES CONDUCTED A THOROUGH SEARCH OF THE  
1. PHONE RECORDS OF ALL THE PAY PHONES IN THE AREA  
0. PETITIONER SAID HE CALLED FROM, AND THEY SEARCHED  
1. DEBORAH'S PHONE FOR INCOMING CALLS FROM PETITIONER.  
2. BOTH HAD NEGATIVE RESULTS. A SEARCH OF SHAVONNA'S  
3. HOME DID NOT DISCLOSE PETITIONER'S WALLET AND  
4. KEYS. (BRT 761, 762)

3. PETITIONER MADE THIS FALSE STATEMENT TO THE DET-  
6. ECTIVES "SOLELY" BECAUSE HE WAS AFRAID - THAT DUE TO  
7. HIS PAST HISTORY WITH THE COPS - NO ONE WOULD BELIEVE  
5. HIM IF HE SAID HIS WIFE'S DEATH WAS AN ACCIDENT.  
1. STILL HIS FALSE STATEMENT DOES NOT PROVE BEYOND A  
3. REASONABLE DOUBT THAT PETITIONER HAD THE SPECIFIC  
1. INTENT AND/OR MENTAL STATE OF MALICE AFORE-  
2. THOUGHT TO WILLFULLY AND DELIBERATELY, PREMEDITATE  
3. THE DEATH OF HIS WIFE.

f. CALCRIM #362 WAS A "BLATANT" VIOLATION OF PET-  
5. ITIONER'S DUE PROCESS RIGHTS TO A FAIR TRIAL.  
6. BECAUSE IT ALLOWED THE JURY TO USE PETITIONER'S

1. FALSE STATEMENT TO INFER HIS GUILT OF ALL OF THE
2. ELEMENTS OF FIRST DEGREE MURDER. (ART 818, 819, 2CT25D)
3. A DEATH DID OCCUR. BOTH SHAYONNA AND PETITIONER HAD
4. BEEN DRINKING. BUT THE EVIDENCE PRESENTED DOES
5. NOT PROVE THAT IT WAS AN INTENTIONAL, COLD BLOODED
6. DEATH DONE WITH MALICE.
7. SOME OF THE INSTRUCTIONS THE JUDGE GAVE THE JURY
8. IN REGARDS TO WITNESSES WERE: WHAT IS THE WITNESS
9. CHARACTER FOR TRUTHFULNESS? HAS THE JURY ENGAGED
10. IN OTHER CONDUCT THAT REFLECTS ON HIS OR HER
1. BELIEVABILITY? (ART 812)
2. THE FAILURE OF THE PROSECUTION TO DISCLOSE TO
3. THE PETITIONER AND JURY THE CRIMINAL BACKGROUND
4. OF THE PROSECUTION'S WITNESSES MADE IT IMPOSS-
5. IBLE TO DETERMINE THE WITNESSES' CHARACTER FOR
6. TRUTHFULNESS, AND TO DETERMINE IF THE WITNESSES
7. ENGAGED IN CONDUCT THAT REFLECTS ON HIS OR HER
8. BELIEVABILITY.
9. SUCH SUPPRESSION DEPRIVED THE PETITIONER OF HIS
10. CONSTITUTIONAL RIGHTS TO A FAIR TRIAL AND EQUAL
1. PROTECTION OF THE LAWS. THUS, MANDATES AN AUTOMATIC
2. REVERSAL OF THE CONVICTION UNDER THE BRADY LAW.
3. ANOTHER JURY INSTRUCTION IN CALCRIM 105 ASKED
4. HAS THE WITNESS BEEN CONVICTED OF A FELONY. (2CT23D)
5. ALTHOUGH A LOT OF THE WITNESSES HAD FELONY CONVICT-
6. IONS, THE JUDGE DID NOT ISSUE THAT INSTRUCTION TO



1. THE JURY, WHICH WAS ANOTHER DUE PROCESS VIOLATION  
2. REQUIRING AN AUTOMATIC REVERSAL OF THE CONVICTION.  
3. IN CONCLUSION, BASED ON THE FOREGOING FACTS AND  
4. ARGUMENTS PRESENTED, THIS PETITION SHOULD BE GRANTED  
5. IN FULL.

- 6.
- 7.
- 8.
- 9.
- 0.
- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 0.
- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

**Patient Name:** SHAVONNA JONES  
**Reg Date/Time:** 1/1/10 7:41  
**Account #:** 00082130501  
**MRN:** 10019567

**AGE:** 30 yr  
**SEX:** F  
**Priority:** 4 LEVEL EDS

**DOB:** 08/05/1979  
**ED #:** 308238

**Medical Chart**

<b>Demograph</b>	<b>Address:</b> 10520 S CENTRAL AVE LOS ANGELES, CA 90002-347		<b>Phone #</b> (323)563-8379 <b>SS#:</b> 564577821
<b>Triage</b>	<b>Priority:</b> 4 LEVEL EDS <b>Chief Complaint:</b> Laceration, Face <b>Stated Complaint:</b> LAC TO R FOREHEAD <b>Arrival Date:</b> 01/01/10 04:30 <b>Triage Date:</b> 01/01/10 05:14 <b>To Room:</b> 01/01/10 07:14 <b>Mode of Arrival:</b> **Walk In/Ambulatory	<b>WC:</b> N  <b>Language:</b> English <b>Transport:</b> *Walk In	
<b>Bed</b>	<b>EDS-01</b> <b>In :</b> 01/01 07:14 <b>Out:</b> 01/01 07:59		01/01 07:11 KMW 01/01 07:56 PG
	<b>Discharge Chair 01</b> <b>In :</b> 01/01 07:59 <b>Out:</b> 01/01 08:50		01/01 07:56 PG 01/01 08:47 RM
<b>Providers</b>	Kathleen Waltz D.O.  Raphael Marquetti LVN	<b>Start:</b> 01/01 07:16 <b>End:</b> <b>Start:</b> 01/01 07:42 <b>End:</b>	01/01 07:13 KMW  01/01 07:39 RM
<b>Allergies</b>	<b>Allergic To:</b> No Known Allergies		01/01 05:33 EYO
<b>Current Meds</b>	None   <b>Freq:</b>		01/01 05:33 EYO
<b>Past Med Hist</b>	***None		01/01 05:33 EYO
<b>Past Surgery Hist</b>	***None		01/01 05:33 EYO
<b>Past Social Hist</b>	***None		01/01 5:33 EYO
<b>Past OB/GYN Hist</b>	C-Section <b>Reason:</b>		01/01 5:33 EYO
<b>Immunizations</b>	*Immunizations History Unknown		01/01 05:33 EYO
<b>Self Treatment</b>	*No Treatment Prior to Arrival		01/01 05:33 EYO
<b>Triage Treatment</b>	Dressing Applied		01/01 05:33 EYO
<b>Treatments</b>	1/01 7:29 Education - Treatment Course explained to patient. 1/01 7:29 Education - Prep for procedure instructions given. 1/01 7:29 *EMT Treatments - **Suture set up: NS irrig, SS tray, Betadine, Other: set up at bedside as ordered 1/01 7:41 Staff/ Patient Interaction - introduce self 1/01 8:50 *Discharge - Acknowledges and verbalizes understanding of discharge instructions. ACI explained and given to pt.		01/01 07:27 PG 01/01 07:27 PG 01/01 07:27 PG  01/01 07:39 RM 01/01 08:47 RM

**Patient Name:** SHAVONNA JONES  
**Reg Date/Time:** 1/1/10 7:41  
**Account #:** 00082130501  
**MRN:** 10019567

**AGE:** 30 yr  
**SEX:** F  
**Priority:** 4 LEVEL EDS

**DOB:** 08/05/1979  
**ED #:** 308238

**Medical Chart**

1/01 8:50 \*Discharge - Discharged, alert, ambulatory. Condition improved. 01/01 08:47 RM

**Medications** 1/01 7:48 **Med:** Tetanus (Diphtheria Toxoid/Adsorbed Toxoid) 0.5ml IM IM 01/01 07:45 PG  
**Inf Amt(ml):** Line #: 0  
**Site:** left deltoid  
 denies allergies to meds

**VS-Routine**

Time	B/P	Pulse	Resp	SaO2	Temp
01/01 5:14	136/79 *Sitting *Left Upper Arm -Machine	96 *Monitor	20	97 **Room Air	99.60 F Oral

01/01 5:33 EYO

**VS-Pain**

01/01 05:14 Pain: 8

01/01 05:14 EYO

**VS-GCS**

Time	Visual	Verbal	Motor	Total
01/01 5:14	4	5	6	15

01/01 05:33 EYO

**VS-Notes**

01/01 5:14 Pt hit in R forehead from nearby fight w/ what she believes was a chair. Sustained approx 1.5" deep lac, as well as a deep puncture wound medial to injury. Denies KO. C/o HA, blurred vision to R eye; denies nausea, dizziness. A+Ox3, MAEW. Airway patent w/ unlabored resp, skin pink/warm/dry.

01/01 5:33 EYO

**PHYSICIAN ASSESSMENT**

**HPI**

DG: Head Neck Injury

01/01 08:44  
 KMW

**Nursing Assessment:** reviewed/accepted..

**History Source:** patient.

**Circumstance:** . *note: PATIENT STATES SHE JUMPED IN TO BREAK UP A FIGHT AT A PARTY LAST NIGHT AND WAS HIT IN THE FOREHEAD. SHE HAS 2 LACERATIONS. DENIES LOC. NO N/V/HEADACHE OR DIZZINESS. NO VISUAL CHANGES.*

**Occurred:** 3 hour(s) ago.

**Treatment Prior To Arrival:** pressure dressing.

**Pain Quality:** aching.

**Pain Severity Scale 1-10:** now: 4.

**Pain Duration: onset:** 4 hour(s) ago.

**Timing:** continuous.

**ROS**

**Review of Systems: Constitutional:** weight stable, no fever or night sweats. **Gastrointestinal:** no nausea, vomiting or diarrhea. **Neurological:** no headache or seizure disorder..

01/01 08:44  
 KMW

**PFSX**

**Immunization:** Tetanus not current.

01/01 08:44  
 KMW



**Patient Name:** SHAVONNA JONES  
**Reg Date/Time:** 1/1/10 7:41  
**Account #:** 00082130501  
**MRN:** 10019567

**AGE:** 30 yr  
**SEX:** F  
**Priority:** 4 LEVEL EDS

**DOB:** 08/05/1979  
**ED #:** 308238

**Medical Chart**

**PE**

**Location:** laceration: ~3.7 cm right forehead; laceration: ~1.4 cm right forehead;  
**Laceration Size and Depth:** . *note:* 2 LACERATIONS 2CM AND 7CM -BOTH FULL THICKNESS  
**Appearance:** jagged.  
**Circulation:** normal.  
**Condition:** clean.  
**Motor Status:** normal movement of involved area.  
**Sensory Status:** normal.  
**Constitutional:** Vital signs as noted..  
**Constitutional:** patient is alert, cooperative, well-developed, well-nourished and of appropriate hygiene..  
**Neurological Examination:** patient is alert and cooperative, oriented X4, with intact motor, sensory, and reflexes. Cranial nerves II-XII are grossly intact. Gait and station are normal..

01/01 08:44  
 KMW

**PROCEDURES**

**Laceration Repair Procedure:** laceration verbal consent obtained.  
**Laceration Complexity/Location/Length:** simple (linear, single-layer): face/ears/nose/mucous membranes: 7.6 to 12.5 cm (12015).  
**Initial Care:** irrigated with: saline.  
**Laceration Condition:** clean, without visible contaminant.  
**Laceration Edges:** jagged.  
**Anesthesia:** local block with: lidocaine with epi: **amount:** 4 CC; 1%: infiltration: adequate response; none.  
**Wound Exploration:** . *note:* NO FB PALPABLE OR VISIBLE WITHIN WOUND. NO GLASS FELT BY PATIENT.  
**Wound Closure:** skin: sutured: **number:** 13; interrupted sutures: 5.0 -0 nylon.  
**Wound Dressing:** gauze dressing; antibacterial ointment: Bacitracin.

01/01 08:44  
 KMW

**Orders**

DISCHARGE PATIENT Protocol 01/01 7:40 KMW  
**Ordered** 01/01 07:43 By KWaltz  
**Noted:** 01/01 7:48 By PGomez  
 Tetanus (Diphtheria Toxoid/Adsorbed Toxoid) 0.5ml IM Waltz, Ka 01/01 7:14 KMW  
**Ordered** 01/01 07:16 By KWaltz  
**Noted:** 01/01 7:27 By PGomez  
**Completed** 01/01 7:48 By PGomez  
 denies allergies to meds

**Diagnosis**

Laceration, Forehead, Uncomplicated 873.42 01/01 07:40 KMW

**Disposition**

**Time:** 1/1/10 7:42 By: KWaltz  
**Depart Time:** 1/1/10 8:50  
**Type :** \*Discharged  
**Condition:** \*\*Improved

Patient Name: SHAVONNA JONES  
Reg Date/Time: 1/1/10 7:41  
Account #: 00082130501  
MRN: 10019567

AGE: 30 yr  
SEX: F  
Priority: 4 LEVEL EDS

DOB: 08/05/1979  
ED #: 308238

**Medical Chart**

Destination : Other: FRIEND

<b>Instructions</b>	**Additional Physician Instructions	01/01 07:40 KMW
	<b>Additional Instructions:</b> FOLLOW UP IN 2 DAYS FOR A WOUND CHECK AND IN 5 DAYS FOR SUTURE REMOVAL. KEEP YOUR DRESSING CLEAN AND DRY. WATCH FOR ANY SIGNS OF INFECTION AND RETURN HERE IF ANY OCCUR. Laceration Care	01/01 07:40 KMW

<b>Signatures</b>	Princela Gomez	PG
	Raphael Marquetti LVN	RM
	Ellen Oliveira	EYO
	Kathleen Waltz D.O.	KMW

The crime scene was photographed by Scientific Investigation Division Photographers Hawley, Serial No. N3134 at the direction of detectives. The photographs were assigned "D" No. 0048605.

A single expended projectile was observed embedded in the north wall of the front living room. The projectile was recovered and booked into evidence.

Detective Braudrick, Serial No. 33447, recovered items of evidence. Detective Kouri, Serial No. 34340, booked them into evidence at Southeast Area Property.

The body of Jones was lying face up, slightly on her right side; her head was oriented toward the north with her feet toward the south.

#### Follow-up Investigation:

On May 22, 2010, Eiman interviewed Antwain Williams. Williams is the brother of the resident who resides directly above Jones's apartment. Williams visits his brother infrequently. Williams said that at approximately 0030 hours he heard a gunshot from downstairs. The floor of the apartment vibrated. Williams looked out the window and saw a male Black who was holding his waistband as he ran towards an awaiting vehicle. The male Black then entered the rear driver-side door of a white, four-door vehicle that was being driven by another person. The vehicle accelerated northbound through the north south alleyway, to the rear of 10520 Central Avenue. Williams described the person that ran into the vehicle as *tall, skinny and wearing a white tank top shirt and dark colored shorts*.

On May 22, 2010 at approximately 2250 hours Eiman and Kouri interviewed Breyawna Smith and Dornetta Napier. Napier is the mother of Smith. Both reside next to Jones's apartment and share a common wall. Napier said she was inside her bedroom at approximately 0025 hours. Napier heard male voices outside her apartment window. *She recognized one of the male voices as that of Shavonna's husband, whom she has talked with on numerous prior occasions*. She heard the music get louder as if someone had entered Jones's front door. Moments later she heard a gunshot followed by another slighter sound. After this she heard a vehicle accelerate and lose traction with the ground.

Breyawna Smith said that at approximately 0030 hours on May 22, 2010 she was inside her bedroom. She was in the process of closing her bedroom blinds when *a white, four-door Cadillac, she recognized as Henderson's vehicle, parking in the rear lot of the apartment complex*. A short time later, while still in her bedroom, she heard a gunshot followed by a slighter sound. Upon hearing the gunshot she looked at her phone and saw that it was 0036 hours.

Both Smith and Napier identified Henderson from a single photograph. Smith identified Henderson's white Cadillac from a photograph as the same vehicle that she saw pull into the rear parking on May 22, 2010 at approximately 0030 hours.

On May 22 and 23, 2010 Cassie Walker was interviewed. Walker said that on the evening of May 21, 2010 she was at Jones's apartment playing cards with Jones, Lisa Hickman and Katrice Gray. Jones received a telephone call and walked out of the room that they were playing cards in. After the telephone call ended, Jones returned to the room and said, "bullshit" without giving an explanation. Moments later, at approximately 2230 hours, DeJames Henderson and three of his friends arrived at the apartment. The moniker of one of the friends is Junior, who was later identified as Junior. Henderson changed his clothes and put *on a white button down shirt*. Henderson left the apartment with his friends. Prior to leaving the apartment at approximately 2300 hours, Henderson said he *would be right back*. Walker left the location at approximately 0000 hours.

Walker added that on December 31, 2009, she attended a party. She was told that after she left the party, Henderson assaulted Jones by pistol whipping her. Jones received sutures in her head as a result of the assault. Detectives confirmed with California Hospital that Shavonna Jones had been seen at California Hospital on

January 1, 2010 (Patient No. 82130501.) On July 9, 2010, Kouri and Eiman interviewed Lachelle Haggerty, a friend of Shavonna. Haggerty said she was present when the December 31, 2009 assault occurred. Haggerty said that Henderson struck Shavonna in the head during an argument. Haggerty drove Henderson to California hospital to seek medical treatment. As a result of the assault, Henderson received fourteen stitches.

On May 22, 2010 Audrey Duhon was interviewed by Eiman. Duhon was also interviewed on May 23, 2010 by Kouri and Eiman. Duhon said that on May 21, 2010 at approximately 2230 to 2300 hours, Henderson, Kevin (Duhon's friend) and Junior left her residence to go to Jones's apartment (10520 Central Avenue.) . Kevin told Duhon that Henderson and Jones had an argument at the apartment, prior to the three leaving (Henderson, Junior and Kevin.) During the argument Jones slapped Henderson causing Kevin to intervene. Kevin told Audrey that Shavonna was slapping him upside the head. After the dispute, Henderson drove Junior and Kevin back to 23<sup>rd</sup> Street and Hooper. Both Kevin and Junior told Duhon that Henderson was not stopping for red traffic lights and speeding excessively as he drove them home from Jones's apartment. Henderson dropped Kevin and Junior off on the corner of 23<sup>rd</sup> Street and Hooper (corner nearest Duhon's residence) and left to an unknown location. By Duhon's approximation, Kevin and Junior returned to residence at approximately 0030 hours

On May 23, 2010, Kouri and Eiman interviewed Deon Gray. Deon said that on May 21, 2010 she and her friend went to Jones's apartment to play cards. She arrived at the apartment at approximately 2000 hours to play cards with Jones, Walker and Katrice Gray (Deon's sister). At some point later in the night Henderson arrived at the apartment. Henderson arrived at the apartment with three other males. Deon knew Junior and Kevin but did not know the name of a male Hispanic that was also with them. Henderson asked Jones to exit the kitchen so he could talk with her. Jones complied. Prior to leaving at approximately 2315 hours, she heard Henderson tell Shavonna that he was going to drop off the other three males. Deon left with her friend to drive back to her mother's residence (area of 23<sup>rd</sup> Street and Hooper.) While travelling northbound Hooper to her mother's residence, she saw a white Cadillac driving at excessive speed. She commented to her friend that the racing vehicle looked similar to Henderson's vehicle (white Cadillac.) Upon her arrival in the area of her mother's residence, Junior approached Deon and her friend. Junior told Gray that Henderson was "flying" as he drove them home from Jones's apartment.

On May 26, 2010 Eiman received information that a female had called Criminal Gang Homicide Division wishing to provide information on the whereabouts of Henderson. Eiman called the female who identified herself as Barbara Issah. Issah told Eiman that she has a boyfriend named Darryl Randle who associates with a male Black named Reggie. Reggie loiters in the area of 5<sup>th</sup> Street and San Julien in the city of Los Angeles (skid row section of Los Angeles.) Reggie and Randle associate with DeJames Henderson. Randle told Barbara that he had talked with Henderson since the murder. Henderson told Randle that he had five people who he wanted to kill. Henderson added that he had already shot his wife in the back of the head.

During this investigation detectives obtained a prior assault with a deadly weapon crime report that occurred on June 5, 2009 (DR No. 0918-13533, Court Case No. TA10691.) On May 25, 2009 at approximately 1230 hours, Henderson and Jones were involved in a verbal dispute concerning their relationship. During the dispute Jones told Henderson, "It's over, stop bothering me." Jones pointed a 9MM handgun at Jones and said, "If your not going to be with me, then I'm going to kill you and me both."

On July 26, 2010 Eiman and Kouri met with Roscoe Williams, "Junior." Williams was in custody for an unrelated arrest warrant. In the beginning of the interview, Williams was very evasive in response to questioning by detectives. Williams said on May 21, 2010 at approximately 2130 hours, Henderson went to 1464 East 23<sup>rd</sup> Street to pick him and Mosby up. They went to 10520 South Central, Henderson's residence where they met a few of his cousins. After playing cards with the other persons inside the apartment for approximately fifteen minutes, Mosby, Henderson and Williams left. Approximately 2300 to 2330 hours, Deon, who is the cousin of Williams, called them to return to 10520 South Central Avenue. Upon arriving at the location, Henderson parked his vehicle (white Cadillac) in the rear parking spaces of the apartment complex. Mosby remained in the back seat of Henderson's vehicle. Williams walked with Henderson in the courtyard as he asked Henderson what they were doing at the house. Williams urinated in the courtyard area,

then remained in the courtyard area, outside the apartment. When Henderson entered 10520 South Central Avenue, the front door remained open, allowing him to overhear Shavonna argue with Henderson. Williams heard Shavonna tell Henderson that he(Henderson) was not helping her out. An unknown person closed the solid front door to the apartment. Although there was music playing in the apartment, approximately ten minutes later Williams heard a single gunshot. Henderson exited the front door of the apartment and entered the driver seat of the Cadillac. As Williams sat in the passenger seat of the Cadillac, Henderson placed a revolver in the middle console of the vehicle. Williams stated, "Man I know you aint went up there and did something like that dude." Henderson replied, "I think I killed this girl." Henderson sped northbound Hooper Avenue and dropped off Mosby and Williams at 23<sup>rd</sup> Street and Hooper. Without telling Williams where he was going Henderson sped off southbound Hooper from 23<sup>rd</sup> Street.

Williams said that when he was dropped off at 23<sup>rd</sup> Street and Hooper by Henderson the liquor store lights were still illuminated (Prince's liquor, located at 23<sup>rd</sup> Street and Central Avenue.) Williams "knows the liquor store closes at midnight so he assumed that he had to have been dropped off by Henderson prior to midnight.

Kouri and Eiman met with Mariela, an employee at Prince's liquor. Mariela said that the liquor store closes at 0100 hours on Fridays and Saturdays. The store closes at midnight during the remainder of the week. (This incident occurred in the last few minutes of Friday, May 21 into the early morning hours of May 22, 2010.)

On May 24, 2010 the Honorable, Judge G. Hahn, Compton Superior Court, issued a search warrant for the call detail records of Evelyn Jones, the mother of Henderson. The records indicated that on May 22, 2010 at 0103 hours Evelyn's telephone (323-901-9057) made an outgoing telephone call to 951-698-0262. 951-698-0262 is a landline telephone subscribed to Tracy Mitchell McDaniel, in Murrietta, California.

On July 26, 2010 Kouri and Eiman met with Tracy Mitchell-McDaniel, hereafter referred to as Mitchell. Mitchell is the first cousin and confidant of Henderson. Mitchell said that shortly after the shooting, in the early hours of May 22, 2010 she was called by Evelyn Jones. Evelyn told her that she had just talked with her son, Henderson. Henderson told Evelyn that he and Shavonna had just got "into it," a gun was fired but he was not sure if Shavonna was dead or alive. Furthermore, Henderson told Evelyn that the shooting was an accident.

Soon after talking with Evelyn, Mitchell talked numerous times with Henderson over the telephone. Henderson said the gun accidentally went off and shot Shavonna. Mitchell told Henderson numerous times to turn himself over to law enforcement. Henderson told her that he was too scared to turn him self in. Since the early morning hours of May 22, 2010, Mitchell has talked with Henderson numerous times (more than 10.) Mitchell said that during each telephone call she tells Henderson to turn himself in.



## DEJAMES HENDERSON CASE

## DA POTENTIAL WITNESSES

**BARBARA ISSAH**: SHE BARBARA TOLD DETECTIVES THAT HER BOYFRIEND (NO NAME GIVEN) HANGS OUT WITH DEJAMES IN DOWNTOWN SOMEWHERE ON 5<sup>TH</sup> AND 6<sup>TH</sup> STREET. BARBARA CLAIMED HER BOYFRIEND TOLD HER, DEJAMES TOLD HIM (BOYFRIEND) THAT DEJAMES SHOT SHAVONNA IN THE BACK OF THE HEAD AND FOUR OTHER PEOPLE WERE ON HIS HIT LIST.

**ANTWAIN WILLIAMS** : WAS PLAYING VIDEO GAMES AT HIS BROTHER SHERMAN WELLS HOUSE WHEN HE ANTWAIN HEAR A NOISE, HE LOOKED OUT THE WINDOW AND SAW SOME ONE RUNNING OUT THE APARTMENT OF THE CRIME SCENE. THE PERSON GOT INTO THE BACK SEAT OF A CAR PARKED IN THE ALLEY WAY. IT WAS DARK SO ANTWAIN COULD NOT SEE THE PERSON RUNNING VERY WELL.

**DEON GRAY** : WAS AT SHAVONNA'S APARTMENT PLAYING CARD AND LEFT THE SAME TIME DEJAMES LEFT. DEON SAID DEJAMES AND SHAVONA HAD AN ARGUMENT ABOUT SOME PAINTING THE HOUSE AND SHAVONNA SMACKED DEJAMES IN THE BACK OF THE HEAD WHEN HE WAS LEAVING BUT THERE WAS NO FIGHT WHILE SHE WAS THERE.

THERE WAS AN INCIDENT SOMETIME IN JANUARY 2010 THAT SHAVONNA CLAIMED SHE TRIED TO BREAK UP A FIGHT AND GOT HIT IN THE HEAD WITH A CHAIR. SHAVONNA RECEIVED 13 STICHES. NO MENTION WHO WAS FIGHTING.

**Summary:**

On Friday, May 21<sup>st</sup>, 2010, at approximately 2230 hours, victim Shavonna Jones and three of her friends, Cassie Walker, Katrice Gray and Lisa Hickman, were gathered in the kitchen of her apartment located at 10520 South Central Ave. Jones' two sons (fifteen and two years old) were sleeping in a back bedroom when Jones' husband, DeJame Henderson, arrived at the location with Roscoe Williams and Kevin Mosby in Henderson's Cadillac. Also arriving at the location at or about the same time as Henderson was Deon Gray who had driven to the location in a separate vehicle. Henderson and his friends were at the location for only a short period of time when Henderson and Jones became involved in a dispute. After the dispute Henderson told Jones and her group of friends that he would be right back and left the location with Williams and Mosby; Deon Gray also left the location, again in a separate vehicle, at approximately the same time.

Jones' friends: Walker, Gray and Hickman all left the apartment leaving Jones and her two children in the apartment alone. At approximately 0030 hours, Henderson returned to the location with an unidentified male companion. Henderson walked with the unidentified male toward Jones' apartment. Henderson entered the apartment and shot Jones to death. Jones returned to his vehicle which left the location northbound in the alley. At approximately 0830 hours Jones' fifteen year old son awoke and found Jones lying on the living room floor.

Los Angeles Fire Department Rescue Ambulance Paramedics, Woo, Serial No. 17760, and Pugleese, Serial No. 11299, responded and pronounced Jones dead at 0847 hours.

The Suspect and weapon remain outstanding.

**Notification of Detectives:**

On Saturday, May 22, 2010, at approximately 0930 hours, Detective Eiman, Serial No. 31559, and Detective Levant, Serial No. 35007 were notified at their respective residences by Southeast Area Homicide Coordinator Detective Velasquez, Serial No. 22527.

**Crime Scene:**

Detective Eiman arrived at the secured crime scene at approximately 1045 hours and met with Officer Tabares, senior officer at scene. The environmental conditions were noted to be daylight, dry and partly cloudy with an air temperature of approximately 63 degrees Fahrenheit.

Southeast Area patrol officers protected the crime scene. Personnel at the crime scene, their assignments, their arrival and departure times and their responsibilities are listed on the crime scene log.

The crime scene was located inside of the two bedroom apartment bearing the address 10520 S. Central Avenue. The apartment building consists of four individual apartments; two on the first

floor and two on the second floor. The property is bordered by Central Avenue to the west and an alley to the east. Central Avenue is a north/south street, two lanes in each direction. The east portion of the property has a parking lot that abuts the alley. The entire property is contained within a wrought iron fence; the front area and the parking lot appeared to be well lit during the hours of darkness.

The crime scene was photographed by Scientific Investigation Division Photographers Hawley, Serial No. N3134 at the direction of detectives. The photographs were assigned "D" No. 0048605.

A single expended projectile was observed embedded in the north wall of the front living room.

Detective Braudrick, Serial No. 33447, recovered the items and Detective Kouri, Serial No. 34340, booked them into evidence at Southeast Area Property.

**Characteristics of the Body:**

The body of Victim Jones was lying face up, slightly on her right side; her head was oriented toward the north with her feet toward the south.

**Witness Statements:**

On 5/22/10 at approximately 2250 hours Eiman and Kouri interviewed two witnesses, Breyawn Smith and Dornetta Napier. Smith told us that at approximately 0035 hours she observed Henderson's vehicle park in the parking lot of the apartment complex. She did not see who was in the car or see anyone exit the vehicle. Smith has seen the vehicle numerous times and recognized it to be the vehicle belonging to Henderson. A short time after seeing the vehicle park she heard a gunshot then a sound she described as a thud.

Napier said that she had had been hearing loud music Jones apartment. At approximately 0035 hours she heard two male voices talking as they walked passed her window toward Jones' apartment. Napier heard music coming from inside of Jones apartment that briefly get louder because she said, the front door opened. Napier then heard a single gunshot immediately followed by what she described as a boom.

**Autopsy:**

On May 23, 2010, Detective Eiman was contacted by Los Angeles County Medical Examiner Dr. Gustadt. Dr Gustadt advised Eiman that Jones had sustained single gunshot wound to her head.

(1) Supporting FACTS: N/A

---

---

---

---

- (2) Did you raise this claim on direct appeal to the California Court of Appeal?       Yes       No
- (3) Did you raise this claim in a Petition for Review to the California Supreme Court?       Yes       No
- (4) Did you raise this claim in a habeas petition to the California Supreme Court?       Yes       No

d. Ground four: N/A

(1) Supporting FACTS: N/A

---

---

---

---

- (2) Did you raise this claim on direct appeal to the California Court of Appeal?       Yes       No
- (3) Did you raise this claim in a Petition for Review to the California Supreme Court?       Yes       No
- (4) Did you raise this claim in a habeas petition to the California Supreme Court?       Yes       No

e. Ground five: N/A

(1) Supporting FACTS: N/A

---

---

---

---

- (2) Did you raise this claim on direct appeal to the California Court of Appeal?       Yes       No
- (3) Did you raise this claim in a Petition for Review to the California Supreme Court?       Yes       No
- (4) Did you raise this claim in a habeas petition to the California Supreme Court?       Yes       No

8. If any of the grounds listed in paragraph 7 were not previously presented to the California Supreme Court, state briefly which grounds were not presented, and give your reasons: N/A

---

---

9. Have you previously filed any habeas petitions in any federal court with respect to this judgment of conviction?  
 Yes  No

If so, give the following information for each such petition (use additional pages if necessary, and attach copies of the petitions and the rulings on the petitions if available):

a. (1) Name of court: N/A  
(2) Case number: N/A  
(3) Date filed (or if mailed, the date the petition was turned over to the prison authorities for mailing): N/A  
(4) Grounds raised (list each):  
(a) N/A  
(b) N/A  
(c) N/A  
(d) N/A  
(e) N/A  
(f) N/A  
(5) Date of decision: N/A  
(6) Result N/A  
(7) Was an evidentiary hearing held?  Yes  No

b. (1) Name of court: N/A  
(2) Case number: N/A  
(3) Date filed (or if mailed, the date the petition was turned over to the prison authorities for mailing): N/A  
(4) Grounds raised (list each):  
(a) N/A  
(b) N/A  
(c) N/A  
(d) N/A  
(e) N/A  
(f) N/A  
(5) Date of decision: N/A  
(6) Result N/A  
(7) Was an evidentiary hearing held?  Yes  No

10. Do you have any petitions now pending (i.e., filed but not yet decided) in any state or federal court with respect to this judgment of conviction?  Yes  No

If so, give the following information (and attach a copy of the petition if available):

(1) Name of court: N/A

(2) Case number: N/A

(3) Date filed (or if mailed, the date the petition was turned over to the prison authorities for mailing): N/A

(4) Grounds raised (list each):

- (a) N/A
- (b) N/A
- (c) N/A
- (d) N/A
- (e) N/A
- (f) N/A

11. Are you presently represented by counsel?  Yes  No

If so, provide name, address and telephone number: N/A  
\_\_\_\_\_  
\_\_\_\_\_

WHEREFORE, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding,

Raymond Wright PROSE  
Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Executed on MARCH 17 2013  
Date

[Signature]  
Signature of Petitioner

PROOF OF SERVICE BY U.S. MAIL

I DECLARE UNDER PENALTY OF PERJURY THAT I AM  
OVER 18 YEARS OLD AND A PARTY TO THE ABOVE ENTITLED CASE.  
ON MARCH 18, 2013 I MAILED TO THE UNITED STATES DISTRICT  
COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA A  
PETITION FOR WRIT OF HABEAS CORPUS.

Respectfully Submitted,



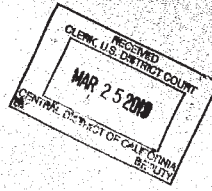
ORIGINAL

COPY

DeJame Henderson: AH-5362  
Salinas Valley State Prison  
A-4-1364P  
P.O. Box 1050  
Soledad, CA 93960



2004



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
312 NORTH SPRING STREET, Room G-8  
Los Angeles, CA. 90012

STATE PRISON  
GENERATED MAIL  
LEGAL MAIL

LEGAL MAIL

LEGAL MAIL



LEGIM MAIL

IF GRZ MAIL



3-19-13  
MARRIAGE  
*[Signature]*



**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**WESTERN DIVISION**  
312 North Spring Street, Room G-8 Los  
Angeles, CA 90012  
Tel: (213) 894-3535

**SOUTHERN DIVISION**  
411 West Fourth Street, Suite 1053  
Santa Ana, CA 92701-4516  
(714) 338-4570

**TERRY NAFISI**  
District Court Executive  
and Clerk of Court

Tuesday, March 26, 2013

**EASTERN DIVISION**  
3470 Twelfth Street, Room 134  
Riverside, CA 92501  
(951) 328-4450

DEJAMES HENDERSON AH5362  
SALINAS VALLEY STATE PRISON  
P.O. BOX 1050  
SOLEDAD, CA 93960

Dear Sir/Madam:

Your petition has been filed and assigned civil case number CV13- 2153 MWF (OP)

Upon the submission of your petition, it was noted that the following discrepancies exist:

- 1. You did not pay the appropriate filing fee of \$5.00. Submit a cashier's check, certified bank check, business or corporate check, government issued check, or money order drawn on a major American bank or the United States Postal Service payable to 'Clerk U.S. District Court'. If you are unable to pay the entire filing fee at this time, you must sign and complete this court's Prisoner's Declaration In Support of Request to Proceed In Forma Pauperis in its entirety. The Clerk's Office will also accept credit cards (Mastercard, Visa, Discover, American Express) for filing fees and miscellaneous fees. Credit card payments may be made at all payment windows where receipts are issued.
- 2. The Declaration in Support of Request to Proceed in Forma Pauperis is insufficient because:
  - (a) You did not sign your Declaration in Support of Request to Proceed in Forma Pauperis.
  - (b) Your Declaration in Support of Request to Proceed in Forma Pauperis was not completed in its entirety.
  - (c) You did not submit a Certificate of Prisoner's Funds completed and signed by an authorized officer at the prison.
  - (d) You did not use the correct form. You must submit this court's current Declaration in Support of Request to Proceed in Forma Pauperis.
  - (e) Other: \_\_\_\_\_

Enclosed you will find this court's current Prisoner's Declaration in Support of Request to Proceed in Forma Pauperis, which includes a Certificate of Funds in Prisoner's Account Form.

Sincerely,  
Clerk, U.S. District Court  
SBOURGEO

By: \_\_\_\_\_  
Deputy Clerk