

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

| | | |
|-------------|---|------------------------|
| ANDRE COLE, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | Case No. 4:05CV131 CDP |
| |) | |
| DON ROPER, |) | |
| |) | |
| Respondent. |) | |

ORDER GRANTING CERTIFICATE OF APPEALABILITY

After considering petitioner’s motion seeking a certificate of appealability on Claim 20, which seeks relief based on the cumulative effect of the other grounds, I agree that although the Eighth Circuit Court of Appeals has rejected this type of argument, reasonable jurists could, and have, found this issue debatable. I will therefore grant a Certificate of Appealability on this issue. Accordingly,

IT IS HEREBY ORDERED that petitioner’s supplemental motion to expand the certificate of appealability [#74] is granted, and this Court grants a Certificate of Appealability on Claim 20.

Catherine D Perry

 CATHERINE D. PERRY
 UNITED STATES DISTRICT JUDGE

Dated this 6th day of July, 2009.