

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

JONATHAN T. ERVIN,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. 4:16CV01337 ERW
	)	
MICHAEL BOWERSOX,	)	
	)	
Respondent.	)	

**ORDER**

The Court finds that Movant has made a substantial showing of the denial of a constitutional right, as is required before a certificate of appealability can issue. See Cox v. Norris, 133 F.3d 565, 569 (8th Cir. 1997) (explaining that a “substantial showing” is a showing that the “issues are debatable among reasonable jurists, a court could resolve the issues differently, or the issues deserve further proceedings”). Therefore, the Court will issue a certificate of appealability as to the claim the trial court erred in admitting evidence of Petitioner’s interview with law enforcement. The Court will not issue a certificate of appealability as to Petitioner’s claim his trial counsel was ineffective for failing to question his father and stepbrother about his father’s practice of physically disciplining his children.

So ordered this 11th day of April, 2017.



---

**E. RICHARD WEBBER**  
**SENIOR UNITED STATES DISTRICT JUDGE**