

# APPENDIX 1

1. Defendant Due Process rights were violated because Trial Counsel Ineffectiveness for failing to procedurally challenge the propriety and move for immediately discharge under Pa.R.Crim.P. 600. This is also a violation of the U.S.C. 5, 8, 9, 14 Amendments.
2. Defendant Due Process rights were violated because Trial Counsel Ineffectiveness fail to challenge the Commonwealth ample amount of time to comply with basic requirement of Pa.R.Crim.P. 600. This is a violation of the U.S.C. 5, 8, 9, 14 Amendments.
3. Defendant Due Process rights were violated when Trial Counsel fail to challenge the fact that the Court deliberately and intentionally surpass the 365 day rule under Rule 600 by 23 or 24 days. This is a violation of the U.S.C. 5, 8, 9, 14 Amendments.
4. Defendant constitutional rights were violation when the Court intentionally disregard Rule 600 in which procedurally violated the standard decent rule of all accused to be fairly judge by the law of the land. This is a violation of the U.S.C. 5, 8, 9, 14 Amendments.
5. Judge Creany clearly violated Defendant Due Process rights by telling the Defendant's Trial Counsel that he (Judge Creany) did not want Defendant to raise this issue of Judge Creany deliberately and intentionally violating Defendant's right to Pa.R.Crim.P. 600. This is a violation of the U.S.C. 5, 8, 9, 14 Amendments. (Exhibit A)
6. Defendant's attorney Banda has objected and continue objecting to the District Attorney delay of trial. This is a violation of Defendant's Due Process Rights and a violation of the U.S.C. 5, 8, 9, 14 Amendments . (Exhibit A)
7. Defendant Due Process rights were violated when Trial Counsel Ineffectiveness fail to present the fact that blood taken from the driver side of the door and window would have

clear and proved his client innocents of the crime. This is a violation of Defendant's Due Process Rights and a violation of the U.S.C. 5, 8, 9, 14 Amendments. (Exhibit A & B)

8. Defendant Due Process rights were violated when Trial Counsel Ineffectiveness placed burdened on Defendant by failing to properly challenge nor bring forth what was believed to be blood found at the crime scene, have it analyzed and presented at trial to buttress his client's defense. This is a violation of the U.S.C. 5, 8, 9, 14 Amendments. (Exhibit B-1)
9. Defendant Due Process rights were violated when Trial Counsel Ineffectiveness fail to present DNA from the hair sample found as the crime scene that could have clear Defendant and proved his client innocents of the crime. This is a violation of the U.S.C. 5, 8, 9, 14 Amendments. (Exhibits B-1)
10. Defendant Due Process rights were violated when Trial Counsel fail to challenge the fact that the court issued/allJowed exhibits to go in the jury deliberation room of The Doctors Report which contained confession's allowing the jury to use for deliberation in order to find defendant guilty and violating Defendant's constitutional rights. This is a violation of the U.S.C. 5, 8, 9, 14 Amendments. (Exhibit C-1 & C-2)
11. Defendant Due Process rights were violated when Trial Counsel failed to properly preform the closing argument on behalf of his client which completely is a violation of the Defendant's constitutional rights under the U.S.C. 5, 8, 9, 14 Amendments. (Exhibit D-1)
12. Defendant Due Process rights were violated when Trial Counsel failed to challenge Judge Creany bias intent in denying the fact that he placed Defendant with the option of successfully completing a Rehab Program or go to prison. Defendant bail was posted and then it was revoked because he didn't go to the halfway house because his insurance failed. This is a violation of the U.S.C. 5, 8, 9, 14 Amendments. (Exhibit E)

13. The Court: But my recollection is that the bond that was initially set was predicted on him attending and successfully completing a drug treatment, and he was discharged.  
(Exhibit E)
14. Defendant Due Process rights were violated when Trial Counsel fail to properly challenge the court withholding evidence that Defendant was not driving said vehicle on the night in question. In fact the text message sent from the victim's cell phone the night in question specifically clear Defendant of said accident but the East Taylor Police Department has refused to release the victim's phone that holds evidence of the accident in question. This is a violation of the U.S.C. 5, 8,,9, 14 Amendments.
15. Defendant Due Process rights were violated when the District Attorney and the Court refused to release evidence that's being held in their possession. This is a Brady violation being conducted by the courts and clear violating the U.S.C. 5, 8, 9, 14 Amendments.
16. Defendant's Trial Counsel never challenged the fact that the evidence pertaining to the texting message sent from the victim's cell phone would have exonerated the Defendant.
17. Defendant has successfully completed the Rehab Program that Judge Creany prescribed.
18. Defendant Due Process rights were violated when Trial Counsel fail to challenge the fact that Judge Creany furloughed Defendant to White Deer Run in order to complete his Rehab Program instructed by Judge Creany. This is a violation of the U.S.C. 6, 8, 9, 14 Amendments.