

Case No. 16-2887

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

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**JUANE T. KENNEL,**

*Appellant,*

**vs.**

**DAVE DORMIRE,**

*Appellee.*

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**Appeal from the United States District Court  
For the Eastern District of Missouri  
The Honorable Audrey G. Fleissig**

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**APPENDIX TO APPELLANT'S BRIEF  
Volume I**

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**KENT E. GIPSON, No. 34524  
Law Office of Kent Gipson, LLC  
121 East Gregory Boulevard  
Kansas City, Missouri 64114  
816-363-4400 • Fax: 816-363-4300  
[kent.gipson@kentgipsonlaw.com](mailto:kent.gipson@kentgipsonlaw.com)**

***COUNSEL FOR APPELLANT***

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CLOSED,APPEAL,HABEAS,FULL,CON,TRCK4

**U.S. District Court  
Eastern District of Missouri (St. Louis)  
CIVIL DOCKET FOR CASE #: 4:09-cv-00407-AGF**

Kennell v. Dormire  
Assigned to: Honorable Audrey G. Fleissig  
Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 03/11/2009  
Date Terminated: 03/31/2016  
Jury Demand: None  
Nature of Suit: 530 Habeas Corpus  
(General)  
Jurisdiction: Federal Question

**Petitioner**

**Juane T. Kennell**  
#1108373  
JCCC  
Jefferson City Correctional Center  
8200 No More Victims Road  
Jefferson City, MO 65102

represented by **Kent E Gipson**  
LAW OFFICE OF KENT GIPSON,  
LLC  
121 E Gregory Blvd.  
Kansas City, MO 64114  
816-363-4400  
Fax: 816-363-4300  
Email:  
kent.gipson@kentgipsonlaw.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Respondent**

**Dave Dormire**

represented by **Andrew W. Hassell**  
ATTORNEY GENERAL OF  
MISSOURI  
Assistant Attorney General  
221 W. High Street  
P.O. Box 899  
Jefferson City, MO 65102-0899  
573-751-3321  
Fax: 573-751-3825  
Email: andrew.hassell@ago.mo.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Caroline M. Coulter**  
ATTORNEY GENERAL OF  
MISSOURI  
Assistant Attorney General

**A-1**



P.O. Box 899  
Jefferson City, MO 65102-0899  
573-751-0967  
Fax: 573-751-3825  
Email: caroline.coulter@ago.mo.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Katharine Anne Dolin**  
ATTORNEY GENERAL OF  
MISSOURI  
Assistant Attorney General  
P.O. Box 899  
Jefferson City, MO 65102-0899  
573-751-0475  
Fax: 573-751-3825  
Email: katharine.dolin@ago.mo.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Stephen D. Hawke**  
ATTORNEY GENERAL OF  
MISSOURI  
Assistant Attorney General  
P.O. Box 899  
Jefferson City, MO 65102-0899  
573-751-8432  
Fax: 573-751-3825  
Email: stephen.hawke@ago.mo.gov  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Movant**

**Circuit Attorney Office**

represented by **Daniel J. Proost**  
EDWARD JONES  
1245 JJ Kelley Memorial Dr.  
St. Louis, MO 63131  
314-589-6452  
Fax: 314-613-3105  
Email: dproost@sbcglobal.net  
*TERMINATED: 09/26/2014*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**James A. Michaels , Jr.**  
ST. LOUIS CIRCUIT ATTORNEYS  
OFFICE  
1114 Market Street

**A-2**

Room 401  
 St. Louis, MO 63101  
 314-622-4941  
 Fax: 314-613-3105  
 Email: michael.sj@stlouiscas.org  
 TERMINATED: 09/26/2014  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Michael G. Mueth**  
 LAW OFFICES OF KEVIN J.  
 DOLLEY, LLC  
 2726 S. Brentwood Blvd.  
 St. Louis, MO 63144  
 314-645-4100  
 Fax: 314-613-3105  
 Email: michael.mueth@dolleylaw.com  
 LEAD ATTORNEY  
 ATTORNEY TO BE NOTICED

**Movant**

**Missouri State Public Defender  
 System**

represented by **Mary D. Fox**  
 1114 Market Street, Suite 602  
 St. Louis, MO 63101  
 314-340-7630, ext. 226  
 Fax: 314-340-7595  
 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/11/2009	<u>1</u>	PETITION for Writ of Habeas Corpus filed by Petitioner Juane T. Kennell. \$5 filing fee paid. (Attachments: # <u>1</u> Exhibits, # <u>2</u> Envelope, # <u>3</u> Judge Assignment Label)(WAF) (Entered: 03/12/2009)
03/12/2009		***Complaint Letter Created. This is to advise you that this office has received and filed your complaint and has assigned it the above-referenced case number. (WAF) (Entered: 03/12/2009)
03/12/2009		Pursuant to Local Rule 2.08, the assigned/referred magistrate judge is designated and authorized by the court to exercise full authority in this assigned/referred action or matter under 18 U.S.C. § 636 and 18 U.S.C § 3401. (WAF) (Entered: 03/12/2009)
03/12/2009		Case Opening Notification Consents issued 1 (forwarded to petitioner), Judge Assigned: Honorable Audrey G. Fleissig. (WAF) (Entered: 03/12/2009)
03/12/2009		***Complaint Letter Processed (see notice of electronic filing for distribution list) Thu Mar 12 15:00:19 CDT 2009 (admin,) (Entered: 03/12/2009)

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03/12/2009		Receipt 4644006243 in the amount of \$5.00 for WRIT OF HABEAS CORPUS on behalf of Kennell, Juane (CCAM) (Entered: 03/12/2009)
03/16/2009	<u>2</u>	CASF MANAGEMENT ORDER This case is assigned to Track: 4 Magistrate Consent due by 4/6/2009. <b>Show Cause Response due by 4/30/2009.</b> Signed by Mag Judge Audrey G. Fleissig on 3/16/09. (Attachments: # <u>1</u> Mag. consent form)(copy of complaint mailed to respondent)(CEL) (Entered: 03/16/2009)
03/16/2009		ORDER RECEIPT: (see receipt) Mon Mar 16 09:42:36 CDT 2009 (Lippold, Carrie) (Entered: 03/16/2009)
04/02/2009	<u>3</u>	ENTRY of Appearance by Kent E. Gipson for Petitioner Juane T. Kennell. (Gipson, Kent) (atty attached incorrect document; entry and document to be refiled - Modified on 4/2/2009 (CEL). (Entered: 04/02/2009)
04/02/2009	<u>4</u>	ENTRY of Appearance by Kent E. Gipson for Petitioner Juane T. Kennell. (Gipson, Kent) (Entered: 04/02/2009)
04/02/2009	<u>5</u>	MOTION for Leave to File Amended Petition for Writ of Habeas Corpus Within 90 Days by Petitioner Juane T. Kennell. (Gipson, Kent) (Entered: 04/02/2009)
04/03/2009	<u>6</u>	ORDER IT IS HEREBY ORDERED that petitioner's mtn. for leave to file amended petition for writ of habeas corpus within 90 days is granted, see order. IT IS FURTHER ORDERED that petitioner shall have to and including 7/2/09 by which to file an amended petition for writ of habeas corpus in this cause. <u>5</u> Response to Court due by 7/2/2009. Signed by Mag Judge Audrey G. Fleissig on 4/3/09. (CLA) (Entered: 04/03/2009)
04/09/2009	<u>7</u>	FULL CONSENT has been received by Petitioner Juane T. Kennell, Respondent Dave Dormire. (TRC) (Entered: 04/09/2009)
04/29/2009	<u>8</u>	MOTION for Extension of Time to File Response/Reply to <u>1</u> PETITION for Writ of Habeas Corpus, <u>2</u> Case Management Order, <u>6</u> Order on Motion for Leave to, by Respondent Dave Dormire. (Hawke, Stephen) Modified on 4/30/2009 to edit text to add in petition and link entry to petition (Christopher, Timothy). (Entered: 04/29/2009)
04/30/2009	<u>9</u>	ORDER re: <u>8</u> Respondent's motion is granted and Respondent shall have 30 days from the filing of the amended petition to file its response to the amended petition. Signed by Mag Judge Audrey G. Fleissig on 4/30/09. (CEL) (Entered: 04/30/2009)
06/30/2009	<u>10</u>	MOTION for Extension of: Time in Which to File His First Amended Petition for a Writ of Habeas Corpus by Petitioner Juane T. Kennell. (Gipson, Kent) (Entered: 06/30/2009)
07/01/2009		Docket Text ORDER Re: <u>10</u> MOTION for Extension of: Time in Which to File His First Amended Petition for a Writ of Habeas Corpus by Petitioner Juane T. Kennell (Gipson, Kent) filed by Juane T. Kennell; ORDERED GRANTED. Signed by Mag Judge Audrey G. Fleissig on July 1, 2009. (SAA) (Entered: 07/01/2009)

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08/13/2009	<u>11</u>	MOTION for Extension of Time to Amend <i>Petition for A Writ of Habeas Corpus</i> by Petitioner Juane T. Kennell. (Gipson, Kent) (Entered: 08/13/2009)
08/20/2009	<u>12</u>	ORDER IT IS HEREBY ORDERED that petitioner's <u>11</u> Motion for Extension of Time up to and including 9/17/09, to file an amended petition is granted. The filing of an amended petition shall be without prejudice to respondent's right to assert a statute-of-limitations defense to any newly-raised claims that might not relate back to the date of the filing of petitioner's initial petition. Amended/Supplemental Pleadings due by 9/17/2009. Signed by Magistrate Judge Audrey G. Fleissig on 8/20/09. (CLA) (Entered: 08/20/2009)
09/17/2009	<u>13</u>	First AMENDED PETITION for Writ of Habeas Corpus by Petitioner Juane T. Kennell. (Attachments: # <u>1</u> Exhibit)(Gipson, Kent) (Entered: 09/17/2009)
10/16/2009	<u>14</u>	MOTION for Extension of Time to File Response/Reply as to <u>13</u> First AMENDED PETITION for Writ of Habeas Corpus, <u>2</u> Case Management Order, <u>9</u> Order on Motion for Extension of Time to File Response/Reply by Respondent Dave Dormire. (Hawke, Stephen) (Entered: 10/16/2009)
10/19/2009	<u>15</u>	Docket Text ORDER Re: <u>14</u> MOTION for Extension of Time to File Response/Reply as to <u>13</u> First AMENDED PETITION for Writ of Habeas Corpus, <u>2</u> Case Management Order, <u>9</u> Order on Motion for Extension of Time to File Response/Reply by Respondent Dave Dormire. (Hawke, Stephen) filed by Dave Dormire; ORDERED GRANTED. Signed by Magistrate Judge Audrey G. Fleissig on October 19, 2009. (SAA) (Entered: 10/19/2009)
11/06/2009	<u>16</u>	MOTION for Extension of Time to File Response/Reply as to <u>13</u> First AMENDED PETITION for Writ of Habeas Corpus, <u>2</u> Case Management Order, <u>9</u> Order on Motion for Extension of Time to File Response/Reply by Respondent Dave Dormire. (Hawke, Stephen) (Entered: 11/06/2009)
11/09/2009	<u>17</u>	Docket Text ORDER Re: <u>16</u> MOTION for Extension of Time to File Response/Reply as to <u>13</u> First AMENDED PETITION for Writ of Habeas Corpus, <u>2</u> Case Management Order, <u>9</u> Order on Motion for Extension of Time to File Response/Reply by Respondent Dave Dormire. (Hawke, Stephen) filed by Dave Dormire; ORDERED GRANTED. Signed by Magistrate Judge Audrey G. Fleissig on November 9, 2009. (SAA) (Entered: 11/09/2009)
11/25/2009	<u>18</u>	MOTION for Extension of Time to File Response/Reply as to <u>13</u> First AMENDED PETITION for Writ of Habeas Corpus, <u>2</u> Case Management Order, <u>9</u> Order on Motion for Extension of Time to File Response/Reply by Respondent Dave Dormire. (Hawke, Stephen) (Entered: 11/25/2009)
11/30/2009	<u>19</u>	Docket Text ORDER Re: <u>18</u> MOTION for Extension of Time to File Response/Reply as to <u>13</u> First AMENDED PETITION for Writ of Habeas Corpus, <u>2</u> Case Management Order, <u>9</u> Order on Motion for Extension of Time to File Response/Reply by Respondent Dave Dormire. (Hawke, Stephen) filed by Dave Dormire; ORDERED GRANTED. Signed by Magistrate Judge Audrey G. Fleissig on November 30, 2009. (SAA) (Entered: 11/30/2009)
12/11/2009	<u>20</u>	RESPONSE TO ORDER TO SHOW CAUSE re <u>13</u> First AMENDED

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		PETITION for Writ of Habeas Corpus, <u>2</u> Case Management Order, <u>9</u> Order on Motion for Extension of Time to File Response/Reply by Respondent Dave Dormire filed by Respondent Dave Dormire. (Hawke, Stephen) (Entered: 12/11/2009)
12/14/2009	<u>21</u>	NOTICE of Filing Exhibit with the Clerk's Office in paper format by Respondent Dave Dormire re <u>20</u> Response to Order to Show Cause, (Hawke, Stephen) (Entered: 12/14/2009)
12/15/2009	<u>22</u>	EXHIBITS Received: A through K to Response to show cause. by Respondent Dave Dormire. Filed in paper form. (CL.A) (Entered: 12/15/2009)
02/08/2010	<u>23</u>	MOTION for Extension of <i>Sixty (60) Days</i> of: Time in Which to File Traverse by Petitioner Juane T. Kennell. (Gipson, Kent) (Entered: 02/08/2010)
02/08/2010	<u>24</u>	ORDER re <u>23</u> ORDERED that Petitioner's Motion is GRANTED. Petitioner shall have up to and including April 12, 2010 to file his traverse. ( Response to Court due by 4/12/2010.). Signed by Magistrate Judge Audrey G. Fleissig on 2/8/10. (CEL) (Entered: 02/08/2010)
04/12/2010	<u>25</u>	MOTION for Extension of: Time to File Traverse by Petitioner Juane T. Kennell. (Gipson, Kent) (Entered: 04/12/2010)
04/12/2010	<u>26</u>	Docket Text ORDER Re: <u>25</u> MOTION for Extension of: Time to File Traverse by Petitioner Juane T. Kennell (Gipson, Kent) filed by Juane T. Kennell; ORDERED GRANTED. Signed by Magistrate Judge Audrey G. Fleissig on April 12, 2010. (SAA) (Entered: 04/12/2010)
04/14/2010	<u>27</u>	TRAVERSE re <u>13</u> First AMENDED PETITION for Writ of Habeas Corpus, <u>1</u> PETITION for Writ of Habeas Corpus (Filing fee \$ 5.) filed by Petitioner Juane T. Kennell. (Gipson, Kent) (Entered: 04/14/2010)
04/14/2010	<u>28</u>	SUPPLEMENTAL re <u>27</u> Traverse <i>Exhibits</i> by Petitioner Juane T. Kennell. (Gipson, Kent) (Entered: 04/14/2010)
04/22/2010	<u>29</u>	MOTION for Discovery <i>Authorization</i> by Petitioner Juane T. Kennell. (Gipson, Kent) (Entered: 04/22/2010)
05/21/2010	<u>30</u>	ORDER: IT IS HEREBY ORDERED that on or before June 1, 2010, Respondent shall file a response to Petitioner's Motion to Authorize Discovery in this case. Response to Court due by 6/1/2010. Signed by Magistrate Judge Audrey G. Fleissig on 5/21/10. (TRC) (Entered: 05/21/2010)
06/02/2010	<u>31</u>	MOTION for Extension of Time to File Response/Reply as to <u>30</u> Scheduling Order, by Respondent Dave Dormire. (Hawke, Stephen) (Entered: 06/02/2010)
06/03/2010	<u>32</u>	Docket Text ORDER Re: <u>31</u> MOTION for Extension of Time to File Response/Reply as to <u>30</u> Scheduling Order, by Respondent Dave Dormire. (Hawke, Stephen) filed by Dave Dormire; ORDERED GRANTED. Signed by Magistrate Judge Audrey G. Fleissig on June 3, 2010. (SAA) (Entered: 06/03/2010)

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06/11/2010	<u>33</u>	MOTION for Extension of Time to File Response/Reply as to <u>29</u> MOTION for Discovery <i>Authorization</i> , <u>30</u> Scheduling Order, by Respondent Dave Dormire. (Hawke, Stephen) (Entered: 06/11/2010)
06/14/2010	<u>34</u>	Docket Text ORDER Re: <u>33</u> MOTION for Extension of Time to File Response/Reply as to <u>29</u> MOTION for Discovery <i>Authorization</i> , <u>30</u> Scheduling Order, by Respondent Dave Dormire (Hawke, Stephen) filed by Dave Dormire; ORDERED GRANTED. Signed by Honorable Judge Audrey G. Fleissig on June 14, 2010. (SAA) (Entered: 06/14/2010)
07/26/2010	<u>35</u>	MOTION for Extension of Time to File Response/Reply as to <u>30</u> Scheduling Order, by Respondent Dave Dormire. (Hawke, Stephen) (Entered: 07/26/2010)
07/27/2010	<u>36</u>	ORDER For good cause shown, Respondents motion for extension of time [Doc. #35], which requests leave to file out of time, shall be GRANTED. Respondent shall have until August 3, 2010 to file its Response to the Petition. Granting <u>35</u> Motion for Extension of Time to File Response/Reply re <u>35</u> MOTION for Extension of Time to File Response/Reply as to <u>30</u> Scheduling Order, Responses due by 8/3/2010 Signed by Honorable Audrey G. Fleissig on 7/27/10. (JWJ) (Entered: 07/27/2010)
08/03/2010	<u>37</u>	MOTION for Extension of Time to File Response/Reply as to <u>30</u> Scheduling Order, by Respondent Dave Dormire. (Hawke, Stephen) (Entered: 08/03/2010)
08/04/2010	<u>38</u>	ORDER IT IS HEREBY ORDERED that Respondent's Motion for Extension of Time to Respond to Petitioner's Motion for Discovery <i>Authorization</i> is <b>GRANTED</b> . [Doc. #37]. IT IS FURTHER ORDERED that no further extensions of time shall be granted absent a detailed showing of good cause and diligent efforts to research and respond to Petitioner's motion. Signed by Honorable Audrey G. Fleissig on 8/4/2010. (NCL) (Entered: 08/04/2010)
08/10/2010	<u>39</u>	RESPONSE to Motion re <u>29</u> MOTION for Discovery <i>Authorization</i> filed by Respondent Dave Dormire. (Attachments: # <u>1</u> Exhibit A)(Hawke, Stephen) (Entered: 08/10/2010)
08/13/2010	<u>40</u>	MEMORANDUM in Support of Motion re <u>29</u> MOTION for Discovery <i>Authorization</i> filed by Petitioner Juane T. Kennell. (Gipson, Kent) (Entered: 08/13/2010)
10/05/2010	<u>41</u>	MEMORANDUM AND ORDER IT IS HEREBY ORDERED that Petitioners Motion to Authorize Discovery(Doc. 29) is GRANTED.IT IS FURTHER ORDERED that Petitioner shall have 60 days from the dateof this Order to engage in reasonable discovery consistent with this Memorandum and Order. IT IS FURTHER ORDERED that Petitioner shall notify the Court of receipt of the requested discovery material and shall have 20 days thereafter to file an amended petition for federal habeas relief. Respondent shall have 20 days to file a response to any amendment filed by Petitioner. re: <u>29</u> MOTION for Discovery <i>Authorization</i> filed by Petitioner Juane T. Kennell. Signed by

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		Honorable Audrey G. Fleissig on 10/5/10. (JWJ) (Entered: 10/05/2010)
10/08/2010	<u>42</u>	MOTION to Produce - <i>Motion for a Court Order to Compel the Production of Files and Documents</i> by Petitioner Juane T. Kennell. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order - 1, # <u>2</u> Text of Proposed Order Proposed Order - 2, # <u>3</u> Text of Proposed Order Proposed Order - 3, # <u>4</u> Text of Proposed Order Propsoed Order - 4)(Gipson, Kent) (Entered: 10/08/2010)
10/25/2010	<u>43</u>	ORDER <b>IT IS HEREBY ORDERED</b> that on or before October 28, 2010, counsel for Petitioner shall submit new proposed orders that comport with the Court's Order of October 5, 2010. Response to Court due by 10/28/2010. Signed by Honorable Audrey G. Fleissig on 10/25/2010. (NCL) (Entered: 10/25/2010)
10/28/2010	<u>44</u>	MOTION for Reconsideration re <u>43</u> Order, <i>dated October 25, 2010</i> by Petitioner Juane T. Kennell. (Gipson, Kent) (Entered: 10/28/2010)
11/12/2010	<u>45</u>	ORDER <b>IT IS HEREBY ORDERED</b> that Petitioner's Motion for a Court Order to Compel the Production of Files and Documents (Doc. #42) is <b>GRANTED</b> to the extent that the four attached Discovery Orders are hereby issued by the Court to be served by Petitioner's counsel on the Circuit Clerk for the City of St. Louis Circuit Court, the Circuit Attorney for the City of St. Louis, the Records Unit of the Police Department for the City of St. Louis, and the Public Defender's Office for the City of St. Louis. <b>IT IS FURTHER ORDERED</b> that Petitioner's Motion for Reconsideration (Doc. #44) is <b>GRANTED</b> to the extent that the four attached Discovery Orders are hereby issued by the Court to be served by Petitioner's counsel on the Circuit Clerk for the City of St. Louis Circuit Court, the Circuit Attorney for the City of St. Louis, the Records Unit of the Police Department for the City of St. Louis, and the Public Defender's Office for the City of St. Louis. Signed by Honorable Audrey G. Fleissig on 11/12/2010. (NCL) (Entered: 11/12/2010)
11/15/2010	<u>46</u>	AMENDED ORDER - IT IS HEREBY ORDERED that Petitioners Motion for a Court Order to Compel the Production of Files and Documents (Doc. # <u>42</u> ) is GRANTED to the extent that the four attached Discovery Orders are hereby issued by the Court to be served by Petitioners counsel on the Circuit Clerk for the City of St. Louis Circuit Court, the Circuit Attorney for the City of St. Louis, the Records Unit of the Police Department for the City of St. Louis, and the Public Defenders Office for the City of St. Louis. IT IS FURTHER ORDERED that Petitioners Motion for Reconsideration (Doc. # <u>44</u> ) is GRANTED to the extent that the four attached Discovery Orders are hereby issued by the Court to be served by Petitioners counsel on the Circuit Clerk for the City of St. Louis Circuit Court, the Circuit Attorney for the City of St. Louis, the Records Unit of the Police Department for the City of St. Louis, and the Public Defenders Office for the City of St. Louis. Signed by Honorable Audrey G. Fleissig on 11/15/10. (KJS) (Entered: 11/15/2010)
11/19/2010	<u>47</u>	ENTRY of Appearance by James A. Michaels, Jr for movant Circuit Attorney Office. (Michaels, James) [Docket text modified.Modified on 11/22/2010 (MRC).] (Entered: 11/19/2010)



11/19/2010	<u>48</u>	MOTION for Extension of Time to File Response/Reply as to <u>46</u> Order,,, by movant Circuit Attorney Office. (Attachments: # <u>1</u> Exhibit Court Order date Stamped)(Michaels, James) [ <b>Docket text modified. Modified on 11/22/2010 (MRC).</b> ] (Entered: 11/19/2010)
11/22/2010	<u>49</u>	Docket Text ORDER Re: <u>48</u> MOTION for Extension of Time to File Response/Reply as to <u>46</u> Order, by movant Circuit Attorney Office. (Attachments: # <u>1</u> Exhibit Court Order date Stamped)(Michaels, James) filed by Circuit Attorney Office; ORDERED GRANTED. Signed by Honorable Audrey G. Fleissig on November 22, 2010. (SAA) (Entered: 11/22/2010)
11/22/2010	<u>50</u>	MOTION for Extension Of Time To File Objection - additional thirty days to file objections to the Court's Order by Movant Missouri State Public Defender System. (MRC) Modified on 12/1/2010 (JWJ). (Entered: 11/22/2010)
11/23/2010	<u>51</u>	ORDER IT IS HEREBY ORDERED that the motion [Doc. #50] of the Missouri StatePublic Defender System for a 30-day extension of time to file objections to this Courts Order regarding discovery by Petitioner is granted in part and denied in part. The Missouri State Public Defender System shall have up to and including December 15, 2010, to file objections. Petitioner shall have five days after any objections are filed to respond thereto. Signed by Honorable Audrey G. Fleissig on 11/23/10. (JWJ) Modified on 12/1/2010 (JWJ). (Entered: 11/23/2010)
11/23/2010		ORDER RECEIPT: (see receipt) Docket No: 51. Tue Nov 23 16:34:38 CST 2010 (Jones, Jeffrey) (Entered: 11/23/2010)
12/01/2010	<u>52</u>	MOTION for Extension of Time to Complete Discovery by Petitioner Juane T. Kennell. (Gipson, Kent) (Entered: 12/01/2010)
12/02/2010	<u>53</u>	OBJECTION To Order for Production re <u>46</u> filed by Movant Circuit Attorney Office. (Attachments: # <u>1</u> Exhibit Order for Production)(Michaels, James) [ <b>Docket text modified.Modified on 12/3/2010 (MRC).</b> ] (Entered: 12/02/2010)
12/03/2010	<u>54</u>	Docket Text ORDER Re: <u>52</u> MOTION for Extension of Time to Complete Discovery by Petitioner Juane T. Kennell (Gipson, Kent) filed by Juane T. Kennell; ORDERED GRANTED. Signed by Honorable Audrey G. Fleissig on December 3, 2010. (SAA) (Entered: 12/03/2010)
12/08/2010	<u>55</u>	Petitioner's Response re <u>53</u> OBJECTION To Order for Production <i>Petitioner'</i> by Petitioner Juane T. Kennell. (Gipson, Kent) Modified docket text on 12/9/2010 (NCL). (Entered: 12/08/2010)
12/08/2010	<u>56</u>	OBJECTION To COURT ORDER To Disclose Client File by Movant Missouri State Public Defender System. (MRC) (Entered: 12/10/2010)
12/13/2010	<u>57</u>	Response to Public Defender's Objection to Court Ordered Discovery by Petitioner Juane T. Kennell. (Gipson, Kent) Modified docket text on 12/14/2010 (NCL). (Entered: 12/13/2010)
02/03/2011	<u>58</u>	MOTION for Extension of Time to Complete Discovery by Petitioner Juane

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		T. Kennell. (Gipson, Kent) (Entered: 02/03/2011)
04/07/2011	<u>59</u>	MOTION for Extension of Time to Complete Discovery by Petitioner Juane T. Kennell. (Gipson, Kent) (Entered: 04/07/2011)
04/08/2011	60	Docket Text ORDER Re: <u>59</u> MOTION for Extension of Time to Complete Discovery by Petitioner Juane T. Kennell (Gipson, Kent) filed by Juane T. Kennell; ORDERED GRANTED. Signed by Honorable Audrey G. Fleissig on April 8, 2011. (SAA) (Entered: 04/08/2011)
04/11/2011		ORDER RECEIPT: (see receipt) Docket No: 60. Mailed to parties not electronically notified Mon Apr 11 08:19:57 CDT 2011 (Shirley, Kelley) (Entered: 04/11/2011)
04/26/2011	61	Docket Text ORDER Re: <u>58</u> MOTION for Extension of Time to Complete Discovery by Petitioner Juane T. Kennell (Gipson, Kent) filed by Juane T. Kennell; ORDERED DENIED as moot. Signed by Honorable Audrey G. Fleissig on April 26, 2011. (SAA) (Entered: 04/26/2011)
04/27/2011		ORDER RECEIPT: (see receipt) Docket No: 61. Mailed to parties not electronically notified Wed Apr 27 08:04:40 CDT 2011 (Shirley, Kelley) (Entered: 04/27/2011)
06/01/2011	<u>62</u>	MOTION for Extension of Time to Complete Discovery by Petitioner Juane T. Kennell. (Gipson, Kent) (Entered: 06/01/2011)
06/02/2011	63	Docket Text ORDER Re: <u>62</u> MOTION for Extension of Time to Complete Discovery by Petitioner Juane T. Kennell (Gipson, Kent) filed by Juane T. Kennell; ORDERED GRANTED. Signed by Honorable Audrey G. Fleissig on June 2, 2011. (SAA) (Entered: 06/02/2011)
06/03/2011		ORDER RECEIPT: (see receipt) Docket No: 63. Mailed to parties not electronically notified Fri Jun 3 08:08:27 CDT 2011 (Shirley, Kelley) (Entered: 06/03/2011)
08/04/2011	<u>64</u>	MOTION for Extension of Time to Complete Discovery by Petitioner Juane T. Kennell. (Gipson, Kent) (Entered: 08/04/2011)
08/05/2011	65	Docket Text ORDER Re: <u>64</u> MOTION for Extension of Time to Complete Discovery by Petitioner Juane T. Kennell (Gipson, Kent) filed by Juane T. Kennell; ORDERED GRANTED. Signed by Honorable Audrey G. Fleissig on August 5, 2011. (SAA) (Entered: 08/05/2011)
08/08/2011		ORDER RECEIPT: Docket No: 65. Mailed to parties not electronically notified Mon Aug 8 09:45:33 CDT 2011 (Jones, Jeffrey) (Entered: 08/08/2011)
10/04/2011	<u>66</u>	MOTION for Extension of Time to Complete Discovery <i>ordered by court</i> by Petitioner Juane T. Kennell. (Gipson, Kent) (Entered: 10/04/2011)
10/05/2011	67	Docket Text ORDER Re: <u>66</u> MOTION for Extension of Time to Complete Discovery <i>ordered by court</i> by Petitioner Juane T. Kennell (Gipson, Kent) filed by Juane T. Kennell; ORDERED GRANTED. Signed by Honorable

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		Audrey G. Fleissig on October 5, 2011. (SAA) (Entered: 10/05/2011)
12/05/2011	<u>68</u>	MOTION for Extension of Time to Complete Discovery by Petitioner Juane T. Kennell. (Gipson, Kent) (Entered: 12/05/2011)
01/30/2012	<u>69</u>	ORDER IT IS HEREBY ORDERED that, on or Before February 10, 2012, Movant the Circuit Attorneys Office shall provide to the Court for in camera inspection the following documents: 1. The entire criminal case file in State v. Jeffrey Shockley, No. 021-00715. 2. The entire criminal case file in State v. Kennell, No. 021-2340. 3. The entire criminal case file in State v. White, No. 021-2368. 4. Any criminal case files involving any charges filed against Jeffrey Maurice Shockley, B/M, D.O.B. 07-24-84, and Robert Dennis Stewart, B/M, D.O.B. 07-15-83, pertaining to their arrest on July 1, 2002 at 4709 N. 20th Street, St. Louis, Missouri, Police Complaint #02083179. 5. Any other prosecution files or documents pertaining to any other criminal prosecutions or decisions to decline or drop charges in any other criminal case involving Mr. Shockley or Mr. Stewart in the calendar years of 2002, 2003, and 2004. IT IS FURTHER ORDERED that on or before February 10, 2012, Movant the Missouri State Public Defender System shall provide to the Court for in camera inspection the following documents: 1. The entire criminal case file in State v. Jeffrey Shockley, No. 021-00715. Any other criminal case files involving any charges filed against Jeffrey Maurice Shockley, B/M, D.O.B. 07-24-84, that were filed during the calendar years of 2002, 2003, and 2004. 3. Any criminal case files involving any charges filed against Robert Dennis Stewart, B/M, D.O.B. 07-15-83, that were filed during the calendar years of 2002, 2003, and 2004. IT IS FURTHER ORDERED that upon review of the above documents, the Court will set a new deadline, as may be necessary, for Petitioner to file a supplemental traverse in this case. IT IS FURTHER ORDERED that Petitioners motion (Doc. No. 68) for extension of the discovery deadline are DENIED as moot. denying <u>68</u> Motion for Extension of Time to Complete Discovery Signed by Honorable Audrey G. Fleissig on 1/30/12. (JWJ) (Entered: 01/30/2012)
01/30/2012		ORDER RECEIPT: (see receipt) Docket No: 69. Mon Jan 30 15:31:24 CST 2012 (Jones, Jeffrey) (Entered: 01/30/2012)
02/29/2012	<u>70</u>	ORDER IT IS HEREBY ORDERED that a hearing is set in this case on Wednesday, March 7, 2012, at 1:00 p.m. to address the question of why the documents submitted to the Court by Movants the Circuit Attorneys Office and the Missouri Public Defender System, for in camera inspection, should not be provided to Petitioners counsel. In Court Hearing set for 3/7/2012 01:00 PM before Honorable Audrey G. Fleissig. Signed by Honorable Audrey G. Fleissig on 2/29/12. (JWJ) (Entered: 02/29/2012)
03/01/2012		ORDER RECEIPT: (see receipt) Docket No: 70 forwarded to those parties not electronically notified. Thu Mar 1 08:26:46 CST 2012 (NCL). (Entered: 03/01/2012)
03/01/2012	<u>71</u>	ENTRY of Appearance by Andrew W. Hassell for Respondent Dave Dormire. (Hassell, Andrew) (Entered: 03/01/2012)



03/02/2012	<u>72</u>	MOTION to Substitute Attorney/Law Firm <i>Kevin Schreiner for Kent Gipson for March 7, 2012 Hearing</i> by Petitioner Juane T. Kennell. (Gipson, Kent) (Entered: 03/02/2012)
03/05/2012	73	Docket Text ORDER: Re: <u>72</u> MOTION to Substitute Attorney/Law Firm <i>Kevin Schreiner for Kent Gipson for March 7, 2012 Hearing</i> by Petitioner Juane T. Kennell. (Gipson, Kent). filed by Juane T. Kennell ; ORDERED GRANTED. Attorney Kent Gipson may also participate in the March 7, 2012 hearing by telephone. If counsel does wish to participate by telephone, counsel must contact the chambers of the undersigned by March 6, 2012, advising of the telephone number at which counsel can be reached.. Signed by Honorable Audrey G. Fleissig on March 5, 2012. (AGF) (Entered: 03/05/2012)
03/06/2012		ORDER RECEIPT: (see receipt) Docket No: 73. Tue Mar 6 16:19:45 CST 2012 (Crayton, Michele) (Entered: 03/06/2012)
03/07/2012	<u>74</u>	ENTRY of Appearance by Daniel J. Proost for Movant Circuit Attorney Office. (Proost, Daniel) (Entered: 03/07/2012)
03/07/2012	<u>76</u>	Minute Entry for proceedings in court hearing to The parties are present for a hearing to address the question of why the documents submitted to the Court by Movants should not be made available to Petitioners counsel held before Honorable Audrey G. Fleissig In Court Hearing held on 3/7/2012. (Court Reporter:Patti Dunn Wecke.) (FTR Gold: No.) (JWJ) (Entered: 03/14/2012)
03/08/2012	<u>75</u>	MEMORANDUM of Filing Pursuant to Court Order by Movant Circuit Attorney Office. (Attachments: # <u>1</u> Exhibit Plea Draft and Minutes)(Proost, Daniel) (Entered: 03/08/2012)
09/18/2014	<u>77</u>	MOTION for Discovery <i>Renewed Motion for Discovery, Release of Documents, and for Evidentiary Hearing</i> by Petitioner Juane T. Kennell. (Gipson, Kent) (Entered: 09/18/2014)
09/26/2014	<u>78</u>	Substitute Attorney/Law Firm ;attorney or firm Michael G. Mueth, Jr. ;substituted for:Daniel J. Proost and James A. Michaels, Jr. by Movant Circuit Attorney Office. (Mueth, Michael) Modified docket text on 9/29/2014 (NCL). (Entered: 09/26/2014)
12/15/2014	<u>79</u>	ORDER IT IS HEREBY ORDERED that Petitioner Juane Kennells Renewed Motionfor Discovery, Release of Documents, and for Evidentiary Hearing is GRANTED inpart and DENIED in part as set forth above. (Doc. No. 77.) IT IS FURTHER ORDERED that the Clerks Office shall provide the Circuit Attorneys Office of the City of St. Louis (a Movant in this case) with a copy of this Memorandum and Order, together with a copy of the document separately marked as Order Exhibit 1. The Circuit Attorneys Office shall have seven days to object to theCourt making the above-noted release of the document to counsel for Kennell. If no objection is filed, the Court will thereafter file Order Exhibit 1 under seal, with a copy to Petitioner and Respondent. IT IS FURTHER ORDERED that Petitioner shall have 30 days, to and including January 14, 2015, to file a supplemental traverse Respondent shall have 10 days thereafter to respond. ( Response to Court due by

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		1/14/2015.) Signed by District Judge Audrey G. Fleissig on 12/15/14. (JWJ) (Entered: 12/15/2014)
12/15/2014		ORDER RECEIPT: (see receipt) Docket No: 79. Mon Dec 15 16:21:44 CST 2014 (Jones, Jeffrey) (Entered: 12/15/2014)
12/15/2014		***REMARK a copy of Exhibit 1 was mailed to Michael G Mueth ST. LOUIS CITY CIRCUIT ATTORNEY'S OFFICE 1114 Market Room 755 St. Louis, MO 63101 (JWJ) (Entered: 12/15/2014)
12/23/2014	<u>80</u>	SEALED DOCUMENT - ORDER EXHIBIT 1. (NEB) (Entered: 12/23/2014)
12/23/2014		***REMARK: a copy of document no. 80 was sent to all parties on today's date. (NEB) (Entered: 12/23/2014)
12/30/2014	<u>81</u>	MOTION for Extension of: Time to File Supplemental Traverse by Petitioner Juane T. Kennell. (Gipson, Kent) (Entered: 12/30/2014)
12/31/2014	<u>82</u>	ORDER...IT IS HEREBY ORDERED that Petitioner Juane Kennell's motion for an extension of time to file a supplemental traverse up to and including February 13, 2015, is GRANTED. (Doc. No. <u>81</u> .) ( Response to Court due by 2/13/2015.) Signed by District Judge Audrey G. Fleissig on 12/31/2014. (NEB) (Entered: 12/31/2014)
12/31/2014		ORDER RECEIPT: (see receipt) Docket No: 82. Wed Dec 31 11:15:20 CST 2014 (Blasko, Nicole) (Entered: 12/31/2014)
02/13/2015	<u>83</u>	MOTION for Extension of: Time to File Supplemental Traverse by Petitioner Juane T. Kennell. (Gipson, Kent) (Entered: 02/13/2015)
02/19/2015	<u>84</u>	ORDER granting <u>83</u> Motion for Extension : time to file a supplemental traverse ;Extension date: March 5, 2015 Signed by District Judge Audrey G. Fleissig on 2/19/15. (JWJ) (Entered: 02/19/2015)
02/19/2015		ORDER RECEIPT: (see receipt) Docket No: 84. Thu Feb 19 11:54:09 CST 2015 (Jones, Jeffrey) (Entered: 02/19/2015)
03/05/2015	<u>85</u>	TRAVERSE re <u>13</u> First AMENDED PETITION for Writ of Habeas Corpus, <u>1</u> PETITION for Writ of Habeas Corpus (Filing fee \$ 5.) <i>Supplemental Traverse</i> filed by Petitioner Juane T. Kennell. (Attachments: # <u>1</u> Exhibit Exhibit to Supplemental Traverse)(Gipson, Kent) (Entered: 03/05/2015)
07/14/2015	<u>86</u>	ORDER... IT IS HEREBY ORDERED that an evidentiary hearing is set in this case on Tuesday, August 11, 2015, at 11:00 a.m. on Petitioners claim that the State violated his rights under Brady v. Maryland, 373 U.S. 83 (1963), by withholding evidence that prosecution witnesses Jeffrey and/or Robert Stewart received favorable treatment, or promises thereof, in exchange for his/their testimony against Petitioner. An evidentiary hearing on a similar claim in White v. Steele, No. 4:08CV00288, shall be set at the same time. If the parties wish to have a separate hearing, they shall so notify the Court within two weeks of the date of this Order. (Evidentiary Hearing set for 8/11/2015 11:00 AM in Courtroom 12S before District Judge Audrey G. Fleissig.) Signed by District Judge Audrey G. Fleissig on 7/14/2015. (NEB) (Entered: 07/14/2015)



07/14/2015		ORDER RECEIPT: (see receipt) Docket No: 86. Tue Jul 14 14:28:01 CDT 2015 (Blasko, Nicole) (Entered: 07/14/2015)
07/14/2015	<u>87</u>	ENTRY of Appearance by Caroline M. Coulter for Respondent Dave Dormire. (Coulter, Caroline) (Entered: 07/14/2015)
07/14/2015	<u>88</u>	ENTRY of Appearance by Katharine Anne Dolin for Respondent Dave Dormire. (Dolin, Katharine) (Entered: 07/14/2015)
07/16/2015	<u>89</u>	MOTION to Continue Evidentiary Hearing by Petitioner Juane T. Kennell. (Gipson, Kent) (Entered: 07/16/2015)
07/17/2015	<u>90</u>	RESPONSE to Motion re <u>89</u> MOTION to Continue Evidentiary Hearing filed by Respondent Dave Dormire. (Coulter, Caroline) (Entered: 07/17/2015)
07/17/2015	<u>91</u>	ORDER: IT IS HEREBY ORDERED that Petitioner's Motion to Continue (Doc. No. <u>89</u> ) is GRANTED. The hearing shall commence on Thursday, September 3, 2015 at 9:00 a.m., and shall continue on Friday, September 4, 2015 at 9:00 a.m., if necessary. An evidentiary hearing on a similar claim in White v. Steele, No. 4:08CV00288AGF, shall be held at the same time. (Evidentiary Hearing set for 9/3/2015 09:00 AM in Courtroom 12S before District Judge Audrey G. Fleissig.) Signed by District Judge Audrey G. Fleissig on July 17, 2015. (BRP) (Entered: 07/17/2015)
07/17/2015		ORDER RECEIPT: (see receipt) Docket No: 91. Sent to non-electronic party this date. Fri Jul 17 16:13:37 CDT 2015 (Porter, Brittany) (Entered: 07/17/2015)
07/23/2015	<u>92</u>	MOTION for Writ of Habeas Corpus ad testificandum by Petitioner Juane T. Kennell. (Gipson, Kent) (Entered: 07/23/2015)
07/24/2015	<u>93</u>	ORDER on Petition for Writ of Habeas Corpus Ad Testificandum... IT IS HEREBY ORDERED, ADJUDGED AND DECREED that a writ of habeas corpus ad testificandum issue, and it is further ordered that the Superintendent of Jefferson City Correctional Center deliver Juane Kennell, inmate #1108373 now in your custody, to the United States District Court for the Eastern District of Missouri, Courtroom 12-South, Thomas F. Eagleton Courthouse, St. Louis, Missouri, by 8:30 a.m. on Thursday, September 3, 2015, so that he may be present for the above- entitled cause set for hearing on the 3rd day of September, 2015, at 9:00 a.m. and hold said Juane Kennell until completion of the hearing or until further order of this Court. (ORDERING a writ of habeas corpus ad testificandum be issued as to JUANE KENNEL for 9/3/2015). Signed by District Judge Audrey G. Fleissig on 7/24/2015. (NEB) (Entered: 07/24/2015)
07/24/2015	<u>94</u>	WRIT OF HABEAS CORPUS AD TESTIFICANDUM. Signed by District Judge Audrey G. Fleissig on 7/24/2015. (NEB) (Entered: 07/24/2015)
07/24/2015		ORDER RECEIPT: (see receipt) Docket No: 93, 94. Fri Jul 24 11:18:13 CDT 2015 (Blasko, Nicole) (Entered: 07/24/2015)
07/24/2015	<u>95</u>	WRIT Issued : Type of Writ Testificandum <u>94</u> Order. (NEB) (Entered: 07/24/2015)

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		07/24/2015)
08/06/2015	<u>96</u>	MOTION to Appoint Counsel by Petitioner Juane T. Kennell. (Attachments: # 1 Affidavit Affidavit of Indigency and Inmate Account)(Gipson, Kent) (Entered: 08/06/2015)
08/10/2015	<u>97</u>	ORDER: IT IS HEREBY ORDERED that Plaintiff's motion for appointment of Kent E. Gibson as counsel to represent him through the remainder of the proceedings in this habeas corpus action is GRANTED. (Doc. No. <u>96</u> .) Mr. Gibson's appointed representation shall be deemed effective as of July 15, 2015. Signed by District Judge Audrey G. Fleissig on August 10, 2015. (BRP) (Entered: 08/10/2015)
08/10/2015		ORDER RECEIPT: (see receipt) Docket No: 97. Sent to non-electronic party this date. Mon Aug 10 16:36:27 CDT 2015 (Porter, Brittany) (Entered: 08/10/2015)
08/12/2015	<u>98</u>	MOTION for Issuance and Service of Subpoenas for Evidentiary Hearing by Petitioner Juane T. Kennell. (Gipson, Kent) (Entered: 08/12/2015)
08/12/2015	<u>99</u>	Emergency MOTION to Seal Document <u>98</u> MOTION for Issuance and Service of Subpoenas for Evidentiary Hearing by Respondent Dave Dormire. (Coulter, Caroline) (Entered: 08/12/2015)
08/12/2015	<u>100</u>	Docket Text ORDER: Re: <u>99</u> Emergency MOTION to Seal Document <u>98</u> MOTION for Issuance and Service of Subpoenas for Evidentiary Hearing. filed by Respondent Dave Dormire; ORDERED GRANTED. Document No. 98 shall be placed under seal. Signed by District Judge Audrey G. Fleissig on August 12, 2015. (AGF) (Entered: 08/12/2015)
08/13/2015	<u>101</u>	CJA 20: Appointment of Attorney Kent Gibson. Signed by District Judge Audrey G. Fleissig on 8/13/2015. (NEB) (Entered: 08/13/2015)
08/14/2015	<u>102</u>	ORDER: IT IS HEREBY ORDERED that Petitioner's motion (Doc. No. <u>98</u> ) for issuance and service of subpoenas to compel the attendance of witnesses Jeffrey Shockley and Robert Stewart at the September 3, 2015 evidentiary hearing in this case is GRANTED. The issuance and service of the subpoenas shall be at the government's expense. Signed by District Judge Audrey G. Fleissig on August 14, 2015. (BRP) (Entered: 08/14/2015)
08/14/2015		ORDER RECEIPT: (see receipt) Docket No: 102. Sent to non-electronic party this date. Fri Aug 14 10:11:04 CDT 2015 (Porter, Brittany) (Entered: 08/14/2015)
08/18/2015		***REMARK: Subpoenas as to Witnesses Jeffrey Shockley and Robert Stewart were issued this date. The subpoenas were hand delivered to the US Marshal service. (BRP) (Entered: 08/18/2015)
08/25/2015	<u>103</u>	MOTION for Writ of Habeas Corpus ad testificandum by Petitioner Juane T. Kennell. (Gipson, Kent) (Entered: 08/25/2015)
08/26/2015	<u>104</u>	ORDER granting <u>103</u> Motion for Writ of Habeas Corpus ad testificandum. SO ORDERED. Signed by District Judge Audrey G. Fleissig on 8/26/15. (KXS)



		(Entered: 08/26/2015)
08/26/2015		ORDER RECEIPT: (see receipt) Docket No: 104. copy mailed to parties not electronically notified Wed Aug 26 14:01:15 CDT 2015 (Spurgeon, Katherine) (Entered: 08/26/2015)
08/26/2015	<u>105</u>	WRIT Issued; Type of Writ Ad Testificandum <u>103</u> (Attachments: # <u>1</u> Letter to FCI Greenville) (KXS) (Entered: 08/26/2015)
08/26/2015		ORDER RECEIPT: (see receipt) Docket No: 105. Wed Aug 26 14:31:06 CDT 2015 (Spurgeon, Katherine) (Entered: 08/26/2015)
08/27/2015	<u>109</u>	MARSHAL Return Executed. Party served: Jeffrey Shockley. Type of return: Subpoena. (CBL) (Entered: 09/01/2015)
09/01/2015	<u>106</u>	Petition for Writ of Habeas Corpus ad Testificandum as to Darryl Smallwood for September 3, 2015.. (Coulter, Caroline) (Entered: 09/01/2015)
09/01/2015	<u>107</u>	ORDER on Petition for Writ of Habeas Corpus Ad Testificandum <u>106</u> ; ORDERING a writ of habeas corpus ad testificandum be issued as to Darryl Smallwood for September 3, 2015. Signed by District Judge Audrey G. Fleissig on 9/1/15. (ARL) (Entered: 09/01/2015)
09/01/2015	<u>108</u>	WRIT Issued ; Type of Writ Ad Testificandum <u>107</u> Order on Petition for Writ of Habeas Corpus Ad Testificandum. (ARL) (Entered: 09/01/2015)
09/03/2015	<u>110</u>	ORDER... IT IS HEREBY ORDERED that Petitioner Juane T. Kennell must be delivered to the United States District Court for the Eastern District of Missouri, Courtroom 12-South, Thomas F. Eagleton Courthouse, St. Louis, Missouri, by 9:00 a.m. on Friday, September 4, 2015, so that he may be present for the continuation of the evidentiary hearing in this matter. The Court expects that the hearing will conclude on September 4, 2015. Signed by District Judge Audrey G. Fleissig on 9/3/2015. (Three Certified copies of this Order were hand delivered in the courtroom during the 9/3/15 Evidentiary Hearing to the Missouri Dept. of Corrections Officers.)(NEB) (Entered: 09/03/2015)
09/03/2015	<u>111</u>	Minute Entry for proceedings held before District Judge Audrey G. Fleissig: Evidentiary Hearing held on 9/3/2015. The petitioners and defendant introduce evidence and present witnesses. The hearing is not concluded. The hearing shall resume on September 4, 2015 at 9:00 AM. (Court Reporter:P. Dunn Wecke.) (FTR Gold: No.) (BRP) (Entered: 09/04/2015)
09/04/2015		ORDER RECEIPT: (see receipt) Docket No: 110. Sent to non-electronic party this date. Fri Sep 4 10:14:51 CDT 2015 (Porter, Brittany) (Entered: 09/04/2015)
09/04/2015	<u>112</u>	Minute Entry for proceedings held before District Judge Audrey G. Fleissig: Evidentiary Hearing held on 9/4/2015. The petitioners and defendant introduce evidence and present witnesses. Counsel Juane Kennell inquires about additional state court documents. The Court directs counsel for the defendant to investigate whether there are additional state court documents

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		that have not been disclosed to the petitioners. The defendant shall have until September 14, 2015 to file a status report. The Court will permit the simultaneous filing of post hearing briefs. The Court will issue an order regarding the briefs after the status report has been filed. (FTR Gold Operator initials:R. Fiorino.) (FTR Gold: No.) (BRP) (Entered: 09/04/2015)
09/04/2015	<u>113</u>	CLERK'S WITNESS LIST as to Evidentiary Hearing. (BRP) (Entered: 09/04/2015)
09/04/2015	<u>114</u>	CLERK'S Exhibit List as to Evidentiary Hearing. (BRP) (Entered: 09/04/2015)
09/04/2015	<u>115</u>	MARSHAL. Return Executed party served Robert Stewart, Type of return Subpoena. (NEB) (Entered: 09/09/2015)
09/04/2015	<u>116</u>	EXHIBITS regarding Evidentiary Hearing by Respondent Dave Dormire, Petitioners Juane T. Kennell, Christopher White, Defendant Troy Steele.. (BRP) (Entered: 09/09/2015)
09/04/2015	<u>117</u>	SEALED EXHIBIT regarding Evidentiary Hearing by Respondent Dave Dormire, Petitioners Juane T. Kennell, Christopher White, Defendant Troy Steele. (BRP) (Entered: 09/09/2015)
09/14/2015	<u>118</u>	STATUS REPORT by Dave Dormire. (Dolin, Katharine) (Entered: 09/14/2015)
09/16/2015	<u>119</u>	ORDER: IT IS HEREBY ORDERED that the parties shall have up to and including October 16, 2015, to file post-hearing briefs in this matter. (Post Trial Brief due by 10/16/2015.) Signed by District Judge Audrey G. Fleissig on September 16, 2015. (BRP) (Entered: 09/16/2015)
09/18/2015		ORDER RECEIPT: (see receipt) Docket No: 119. Fri Sep 18 08:20:31 CDT 2015 (Battle, Kinica) (Entered: 09/18/2015)
09/29/2015	<u>120</u>	TRANSCRIPT of (107 in 4:08-cv-00288-AGF), (112 in 4:09-cv-00407-AGF) (EVIDENTIARY) held on 09/04/2015 before Judge Audrey G. Fleissig. Court Reporter/Transcriber Reagan Fiorino, Reagan_Fiorino@moed.uscourts.gov, 314-244-7989. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/20/2015. Redacted Transcript Deadline set for 10/30/2015. Release of Transcript Restriction set for 12/28/2015. (KCB) (Entered: 09/29/2015)
10/02/2015	<u>121</u>	STATUS REPORT <i>Supplement</i> by Dave Dormire. (Coulter, Caroline) (Entered: 10/02/2015)
10/02/2015	<u>122</u>	MOTION for Extension of Time to File Response/Reply <i>Post Hearing Brief</i> by Respondent Dave Dormire. (Coulter, Caroline) (Entered: 10/02/2015)
10/02/2015	<u>123</u>	TRANSCRIPT of (111 in 4:09-cv-00407-AGF, 106 in 4:08-cv-00288-AGF) (EVIDENTIARY) held on 9/3/2015 before Judge Audrey G. Fleissig. Court Reporter/Transcriber Patti Dunn Wecke,



		Patti_Dunn_Wecke@moed.uscourts.gov, 314-244-7984. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/23/2015. Redacted Transcript Deadline set for 11/2/2015. Release of Transcript Restriction set for 12/31/2015. (NEB) (Entered: 10/02/2015)
10/05/2015	<u>124</u>	MOTION for Leave to File Sealed Document by Respondent Dave Dormire. (Coulter, Caroline) (Entered: 10/05/2015)
10/05/2015	<u>125</u>	SEALED DOCUMENT re <u>124</u> MOTION for Leave to File Sealed Document by Respondent Dave Dormire. (Coulter, Caroline) (Entered: 10/05/2015)
10/13/2015	<u>126</u>	ORDER - IT IS HEREBY ORDERED that Respondent's motion (Doc. No. 124) for leave to file sealed documents is GRANTED. Respondent shall turn over the expense records at issue for Jeffery Shockley to counsel for Petitioner, but not the expense records for Robert Stewart as Petitioner has not shown their relevance within the time granted by the Court to do so. IT IS FURTHER ORDERED that Respondent's motion (Doc. No. 122) for an extension of time to file his post-hearing brief is GRANTED. Petitioner and Respondent shall have until November 16, 2015, to file their respective post-hearing briefs in this matter. IT IS FURTHER ORDERED that on or before October 30, 2015, Respondent shall file a new status report regarding the probation records for Jeffery Shockley. ( Status Report due by 10/30/2015.). Signed by District Judge Audrey G. Fleissig on October 13, 2015. (MCB) (Entered: 10/13/2015)
10/14/2015	<u>127</u>	NOTICE Certificate of Service: by Respondent Dave Dormire (Coulter, Caroline) (Entered: 10/14/2015)
10/30/2015	<u>128</u>	STATUS REPORT <i>Second Supplemental</i> by Dave Dormire. (Coulter, Caroline) (Additional attachment(s) added on 11/2/2015: # <u>1</u> Attachment Order, # <u>2</u> Attachment Objection) (NEB). (Entered: 10/30/2015)
11/04/2015	<u>129</u>	ORDER... IT IS HEREBY ORDERED that Respondent shall file a status report every two weeks, beginning two weeks from the date of this Order, regarding the probation records at issue. IT IS FURTHER ORDERED that the parties post-hearing briefs in this matter, now due by November 16, 2015, shall instead be due 14 days after the issue of the probation records is resolved. IT IS FURTHER ORDERED that on or before November 18, 2015, Respondent shall advise the Court on whether he objects to the Court disclosing to Petitioner the expense records for Robert Stewart (Doc. No. 805 at 1-3), and if so, on what grounds. (Response to Court due by 11/18/2015.) Signed by District Judge Audrey G. Fleissig on 11/4/2015. (NEB) (Entered: 11/04/2015)
11/04/2015		ORDER RECEIPT: (see receipt) Docket No: 129. Wed Nov 4 15:47:44 CST 2015 (Blasko, Nicole) (Entered: 11/04/2015)
11/18/2015	<u>130</u>	STATUS REPORT by Dave Dormire. (Coulter, Caroline) (Entered: 11/18/2015)

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11/20/2015	<u>131</u>	ORDER: In light of Respondent's representation that he has no objection to the release of Robert Stewart's expense records, IT IS HEREBY ORDERED that Respondent shall provide Petitioner with a copy of Robert Stewart's expense records. Signed by District Judge Audrey G. Fleissig on November 20, 2015. (BRP) (Entered: 11/20/2015)
11/23/2015		ORDER RECEIPT: (see receipt) Docket No: 131. Mon Nov 23 09:22:09 CST 2015 (Blasko, Nicole) (Entered: 11/23/2015)
11/25/2015	<u>132</u>	NOTICE Service: by Respondent Dave Dormire re <u>131</u> Order, (Coulter, Caroline) (Entered: 11/25/2015)
12/02/2015	<u>133</u>	STATUS REPORT by Dave Dormire. (Coulter, Caroline) (Entered: 12/02/2015)
12/16/2015	<u>134</u>	STATUS REPORT by Dave Dormire. (Attachments: # <u>1</u> Attachment Court Order)(Coulter, Caroline) (Entered: 12/16/2015)
12/23/2015	<u>135</u>	MOTION to Produce <i>Probation Files of Jeffrey Shockley</i> by Petitioner Juane T. Kennell. (Gipson, Kent) (Entered: 12/23/2015)
01/04/2016	<u>136</u>	MOTION for Extension of Time to File Response/Reply as to <u>135</u> MOTION to Produce <i>Probation Files of Jeffrey Shockley</i> by Respondent Dave Dormire. (Coulter, Caroline) (Entered: 01/04/2016)
01/05/2016	137	Docket Text ORDER Re: <u>136</u> Motion for Extension of Time to File Response/Reply as to <u>135</u> Motion to Produce Probation Files of Jeffrey Shockley by Respondent Dave Dormire; ORDERED GRANTED. Signed by District Judge Audrey G. Fleissig on January 5, 2016. (SAA) (Entered: 01/05/2016)
01/06/2016		ORDER RECEIPT: (see receipt) Docket No: 137. Wed Jan 6 09:02:40 CST 2016 (Blasko, Nicole) (Entered: 01/06/2016)
01/08/2016	<u>138</u>	MOTION for Extension of Time to File Response/Reply as to <u>135</u> MOTION to Produce <i>Probation Files of Jeffrey Shockley</i> by Respondent Dave Dormire. (Coulter, Caroline) (Entered: 01/08/2016)
01/11/2016	139	Docket Text ORDER Re: <u>138</u> Motion for Extension of Time to File Response/Reply as to <u>135</u> Motion to Produce Probation Files of Jeffrey Shockley filed by Dave Dormire; ORDERED GRANTED. Signed by District Judge Audrey G. Fleissig on January 11, 2016. (SAA) (Entered: 01/11/2016)
01/12/2016		ORDER RECEIPT: (see receipt) Docket No: 139. Tue Jan 12 09:34:47 CST 2016 (Blasko, Nicole) (Entered: 01/12/2016)
01/15/2016	<u>140</u>	MOTION for Extension of Time to File Response/Reply by Respondent Dave Dormire. (Coulter, Caroline) (Entered: 01/15/2016)
01/16/2016	141	Docket Text ORDER Re: <u>140</u> Motion for Extension of Time to File Response/Reply by Respondent Dave Dormire; ORDERED GRANTED. Signed by District Judge Audrey G. Fleissig on January 16, 2016. (SAA) (Entered: 01/16/2016)

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01/19/2016		ORDER RECEIPT: (see receipt) Docket No: 141. Tue Jan 19 09:39:42 CST 2016 (Blasko, Nicole) (Entered: 01/19/2016)
01/21/2016	<u>142</u>	RESPONSE to Motion re <u>135</u> MOTION to Produce <i>Probation Files of Jeffrey Shockley</i> filed by Respondent Dave Dormire. (Coulter, Caroline) (Entered: 01/21/2016)
01/22/2016	<u>143</u>	ORDER : IT IS HEREBY ORDERED that Petitioners motion (Doc. No. <u>135</u> ) to produce probation files of Jeffrey Shockley is GRANTED as follows: The MBPP shall disclose, as soon as possible, copies of the field violation reports dated June 22, 2004, December 1, 2004, and December 16, 2004, and the supplemental field violation reports dated January 21, 2005, and February 8, 2005, prepared in State v. Jeffrey Shockley, No. 021-00715, to counsel for Petitioners and Respondents in this case and in White v. Steele, 4:08CV00288 AGF. IT IS FURTHER ORDERED that the documents produced shall not be provided to anyone other than this Court and counsel in these two matters. Further, if the parties find it necessary to file the reports, or any portion thereof, with the Court, the filing shall be under seal. IT IS FURTHER ORDERED that the parties post-hearing briefs in this matter shall be due 14 days after disclosure of the filed violation reports. Signed by District Judge Audrey G. Fleissig on 01/22/2016.(KCB) (Entered: 01/22/2016)
01/22/2016		ORDER RECEIPT: (see receipt) Docket No: 143. Fri Jan 22 14:03:36 CST 2016 (Battle, Kinica) (Entered: 01/22/2016)
01/28/2016	<u>144</u>	REPORT TO COURT ORDER re <u>143</u> Order,,,, <i>Certificate of Service</i> by Respondent Dave Dormire. (Coulter, Caroline) (Entered: 01/28/2016)
02/09/2016	<u>145</u>	MOTION for Extension of: Time to File Joint Post-Hearing Briefs by Petitioner Juane T. Kennell. (Gipson, Kent) (Entered: 02/09/2016)
02/09/2016	<u>146</u>	Docket Text ORDER: Re: <u>145</u> MOTION for Extension of Time to File Joint Post-Hearing Briefs, filed by Petitioner Juane T. Kennell; ORDERED GRANTED. No further extensions of time shall be granted. Signed by District Judge Audrey G. Fleissig on February 9, 2016. (AGF) (Entered: 02/09/2016)
02/10/2016		ORDER RECEIPT: (see receipt) Docket No: 146. Wed Feb 10 08:37:50 CST 2016 (Blasko, Nicole) (Entered: 02/10/2016)
02/19/2016	<u>147</u>	MOTION for Leave to File Sealed Document by Petitioner Juane T. Kennell. (Gipson, Kent) (Entered: 02/19/2016)
02/19/2016	<u>148</u>	POST TRIAL BRIEF <i>Petitioner's Post-Hearing Brief</i> by Petitioner Juane T. Kennell. (Gipson, Kent) (Entered: 02/19/2016)
02/19/2016	<u>149</u>	SEALED DOCUMENT re <u>148</u> Post Trial Brief by Petitioner Juane T. Kennell. (Gipson, Kent) (Entered: 02/19/2016)
02/19/2016	<u>150</u>	POST TRIAL BRIEF by Respondent Dave Dormire. (Coulter, Caroline) (Entered: 02/19/2016)
02/22/2016	<u>151</u>	Docket Text ORDER Re: <u>147</u> Motion for Leave to File Sealed Document by Petitioner Juane T. Kennell; ORDERED GRANTED. Signed by District Judge

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		Audrey G. Fleissig on February 22, 2016. (SAA) (Entered: 02/22/2016)
02/23/2016		ORDER RECEIPT: (see receipt) Docket No: 151. Tue Feb 23 10:11:01 CST 2016 (Blasko, Nicole) (Entered: 02/23/2016)
03/08/2016	<u>152</u>	SUPPLEMENTAL re <u>148</u> Post Trial Brief by Petitioner Juane T. Kennell. (Gipson, Kent) (Entered: 03/08/2016)
03/17/2016	<u>153</u>	CJA 20: Authorization to Pay Kent Gipson. Voucher # 160229000023 As to Juane T. Kennell. Signed by District Judge Audrey G. Fleissig on 3/4/2016. (NEB) (Entered: 03/17/2016)
03/17/2016	<u>154</u>	CJA 21 - Payment Voucher for Expert Services Samuel Holchklss Voucher # 160229000017.. Signed by District Judge Audrey G. Fleissig on 3/4/2016. (NEB) (Entered: 03/17/2016)
03/31/2016	<u>155</u>	MEMORANDUM AND ORDER : IT IS HEREBY ORDERED that the petition of Juane Kennell for a writ of habeas corpus is DENIED. Signed by District Judge Audrey G. Fleissig on 3/31/2016. (KCB) (Entered: 03/31/2016)
03/31/2016	<u>156</u>	JUDGMENT : IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the petition of Juane Kennell for a writ of habeas corpus relief is DENIED. Signed by District Judge Audrey G. Fleissig on 3/31/2016. (KCB) (Entered: 03/31/2016)
03/31/2016		ORDER RECEIPT: (see receipt) Docket No: 155, 156. Thu Mar 31 14:24:59 CDT 2016 (Battle, Kinica) (Entered: 03/31/2016)
04/27/2016	<u>157</u>	MOTION to Alter Judgment <i>or Amend Judgment</i> by Petitioner Juane T. Kennell. (Gipson, Kent) (Entered: 04/27/2016)
05/06/2016	<u>158</u>	MEMORANDUM in Opposition re <u>157</u> MOTION to Alter Judgment <i>or Amend Judgment</i> filed by Respondent Dave Dormire. (Coulter, Caroline) (Entered: 05/06/2016)
05/26/2016	<u>159</u>	ORDER: IT IS HEREBY ORDERED that Petitioner's motion (Doc. No. <u>157</u> ) to alter or amend the Court's Memorandum and Order and Judgment of March 31, 2016, is GRANTED for the purpose of correcting the reference to the date on which Petitioner filed his amended state postconviction motion, as set forth above (Doc. No. <u>155</u> , at p.10), and for the purpose of issuing a Certificate of Appealability on Petitioner's Brady/Giglio claim. The motion is DENIED in all other regards. IT IS FURTHER ORDERED that a Certificate of Appealability shall issue with respect to Petitioner's Brady/Giglio claim. Signed by District Judge Audrey G. Fleissig on May 26, 2016. (BRP) (Entered: 05/26/2016)
05/26/2016		ORDER RECEIPT: (see receipt) Docket No: 159. Sent to non-electronic party this date. Thu May 26 17:13:34 CDT 2016 (Porter, Brittany) (Entered: 05/26/2016)
06/23/2016	<u>160</u>	NOTICE OF APPEAL by Petitioner Juane T. Kennell. (Entered: 06/23/2016)
06/23/2016	<u>161</u>	MOTION for Leave to Appeal in forma pauperis by Petitioner Juane T.

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		Kennell. (Gipson, Kent) (Entered: 06/23/2016)
06/24/2016	<u>162</u>	NOTIFICATION OF APPEAL AND NOA SUPPLEMENT by clerk to USCA regarding <u>156</u> Judgment - (Case), <u>155</u> Memorandum & Order. Notice of Appeal filed on 6/23/16 by Petitioner Juane T. Kennell. NOTIFICATION TO COUNSEL AND PRO SE PARTY: FILE REQUEST FOR TRANSCRIPT WITH DISTRICT COURT CLERKS OFFICE.(JWD) (Entered: 06/24/2016)
06/24/2016	<u>163</u>	ORDER...IT IS HEREBY ORDERED that Petitioner's motion for leave to proceed on appeal in forma pauperis is GRANTED. (Doc. No. <u>161</u> .) Signed by District Judge Audrey G. Fleissig on 6/24/2016. (NEB) (Entered: 06/24/2016)
06/24/2016		ORDER RECEIPT: (see receipt) Docket No: 163. Fri Jun 24 15:43:06 CDT 2016 (Blasko, Nicole) (Entered: 06/24/2016)
06/28/2016	<u>164</u>	Initial Notification and or Briefing Schedule from USCA for <u>160</u> Notice of Appeal filed by Juane T. Kennell. USCA Appeal Number: 16-2887. (BRP) (Entered: 06/28/2016)
06/28/2016	<u>165</u>	ORDER of USCA as to <u>160</u> Notice of Appeal filed by Juane T. Kennell. USCA Appeal #: 16-2887. If the original file of the United States District Court is available for review in electronic format, the court will rely on the electronic version of the record in its review. The appendices required by Eighth Circuit Rule 30A shall not be required. In accordance with Eighth Circuit Local Rule 30A(a)(2), the Clerk of the United States District Court is requested to forward to this Court forthwith any portions of the original record which are not available in an electronic format through PACER, including any documents maintained in paper format or filed under seal, exhibits, CDs, videos, administrative records and state court files. These documents should be submitted within 10 days. (BRP) (Entered: 06/28/2016)
06/29/2016	<u>166</u>	Briefing Schedule from USCA for <u>160</u> Notice of Appeal filed by Juane T. Kennell. USCA Appeal Number: 16-2887. (BRP) (Entered: 06/29/2016)

<b>PACER Service Center</b>			
<b>Transaction Receipt</b>			
06/30/2016 12:40:14			
<b>PACER Login:</b>	kg1504:3374552:0	<b>Client Code:</b>	
<b>Description:</b>	Docket Report	<b>Search Criteria:</b>	4:09-cv-00407-AGF
<b>Billable Pages:</b>	15	<b>Cost:</b>	1.50