

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JUANE T. KENNEL,

Petitioner,

v.

DAVE DORMIRE,

Respondent.

No. 4:09CV00407 AGF

ORDER

This matter is before the Court on Petitioner's motion to alter or amend the Court's Memorandum and Order and Judgment issued on March 31, 2016, denying Petitioner habeas corpus relief. Petitioner argues that in rejecting Petitioner's *Brady/Giglio* claim, the Court erred by failing to consider nondisclosed information cumulatively, and by failing to find *Brady* materiality. The arguments raised by Petitioner do not persuade the Court that its decision on this claim was in any way erroneous, and the Court notes that it did consider the nondisclosed information cumulatively. The Court will, however, issue a Certificate of Appealability on this claim.


In a footnote, Petitioner also points to a clerical error on the bottom of page 10 of the Memorandum and Order regarding the date Petitioner's amended state postconviction motion was filed. The amended postconviction motion was filed on January 3, 2006, and not on October 27, 2009, as stated on page 10 of the Memorandum and Order. This error does not affect the substantive or procedural aspects of this Court's decision.

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Accordingly,

IT IS HEREBY ORDERED that Petitioner's motion (Doc. No. 157) 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. 155, 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.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 26th day of May, 2016.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

JUANE T. KENNEL,)

Petitioner,)

v.)

DAVE DORMIRE,)

Defendant.)

Case No. 4:09-CV-407 AGF

NOTICE OF APPEAL

Notice is hereby given that Juane Kennell, petitioner above named, hereby appeals to the United States Court of Appeals for the Eighth Circuit from this Court's final judgment and order denying petitioner habeas relief pursuant to 28 U.S.C. § 2254 on the 31st day of March, 2016, and the order denying in part petitioner's motion to alter or amend the judgment pursuant to Rule 59(e) on May 26, 2016.

Respectfully submitted,

/s/ Kent E. Gipson

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COUNSEL FOR PETITIONER

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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of June, 2016, this motion was filed via the CM/ECF system which sent notification to all counsel of record.

/s/ Kent E. Gipson
Counsel for Petitioner