

**IN THE CRIMINAL COURT OF TENNESSEE
FOR THE 30TH JUDICIAL DISTRICT AT MEMPHIS
DIVISION VIII**

STATE OF TENNESSEE
RESPONDENT

NO. P-27176

P-27176

VS

EARLEY STORY
PETITIONER

DING
NOV 17 2003
BY: *UTDain*

**MOTION TO GRANT PETITIONER'S REQUEST FOR POST
CONVICTION RELIEF AND TO OVERTURN THE CONVICTION**

Comes now this Petitioner and would respectfully ask the court to judge on the merits of the events that transpired in the evidentiary hearing that was held on 11/07/2003.

This Petitioner would show the court:

1. A subpoena duces tecum was issued 10/21/2003 for Shelby County Deputy Sheriff Sergeant Carl Harrison.
Deputy Harrison was compelled by the subpoena to bring all records concerning a blue 1990 blue Cadillac tag # 732RQW. (The alleged blue Cadillac that this Petitioner was accused of being inside with co-defendant "Dante Dale", indictment # 9708561, on 01/22/1997 making drug sales in the car.)
Deputy Harrison appeared in Court for the evidentiary hearing but did not adhere to the command to bring the information concerning the car.
2. A subpoena duces tecum was issued 10/21/2003 for Supervisor Leonard Draper, a 30 year employee with the vehicle impoundment lot of Memphis City Government Police Division.
Mr. Draper obeyed the request the subpoena compelled him to bring concerning a blue Cadillac, ticket # 700377.
Mr. Draper gave testimony under oath that the car was on the vehicle storage lot on 465 Klink Rd. in Memphis Tenn. on hold for a robbery from 01/05/97 until it was purchased by the car's owner "Dante Dale" on 01/28/97.
This information dramatically shows that the vehicle Deputy Carl Harrison accused this Petitioner of being in with Dante Dale on 01/22/97 was in fact in the vehicle storage lot!

Any determination as to existence or nonexistence of Brady obligation of disclosure must be time sensitive, and must be made on the basis of what was or should have been known to appropriate government representatives at times when obligation is claimed to have arisen. U.S. v. LaRouche Campaign, 695 F. Supp. 1290.

E.D.I. A. 1988. Prosecutor's due process duty under Brady to disclose material, exculpatory evidence continued through period allowed by State for post conviction relief. U.S.C.A. Const. Amends. 5, 14. Monroe v. Butler, 690 F. Supp. 521.

"I fully realize this motion is premature from the 01/02/2004 court date that the court has already set in this matter."

However in the interest of justice I am requesting this court to grant this petition for post conviction relief and overturned this conviction that have been proven by the way of the information of this car was impounded at the time of the alleged crime.

I am further requesting you to forward this information to the United States Department of Justice to investigate this case concerning the death of my accused co-defendant Etienne Harmon's death.

Authorities hear have been given "audio testimony" from Harmon concerning his false arrest and no one has attempted to investigate!

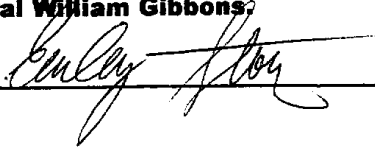
The information here is information that the Shelby County District Attorney's office should have known about being this is a 7 year old case!

This information here is information that the Federal Bureau Investigator of Memphis, special agent William Rasmussen, should have been aware of.

The United States Attorney General here in Memphis, Terry Harris, is a former Shelby County Prosecutor and the conflict here is obvious.

I will also forward this information to the National Black Caucus and to Cornelia A. Clark, Director of the Administrative Office of the Courts and Melissa Proctor, Assistant Director of Constituent Services for the Governor of Tennessee.

I hereby attest that this 3 page motion that is being submitted here is true and will be signed under the penalty of perjury and will be mailed to the Division VIII Judge Chris Craft and Shelby County District Attorney General William Gibbons.



Earley Story/ Pro Se

**Sworn to and notarized by
this 12th day of November 2003.**

