

Case History
BOWLING, RONNIE LEE #32861 VS. SIMPSON, TOM
Case# 07-CI-00220

County LYON
Court CIRCUIT Court
Opening Judge HON. C.A. WOODALL
Current Judge
Closing Judge

Page #

09/11/2007	Case Filed OTHER <i>HABEAS CORPUS</i>	
09/11/2007	Document Filed PETITION FOR WRIT OF HABEAS CORPUS P	
09/11/2007	Summons Filed - SIMPSON, TOM @00000004573 CERTIFIED MAIL <i>SENT TO ATTORNEY GENERAL</i>	
09/13/2007	Summons Served/Recalled - SIMPSON, TOM @00000004573 CERTIFIED MAIL <i>SENT TO ATTORNEY GENERAL</i>	



FILED
REBECCA HOWARD
SEP 06 2007
LYON CO. CIRCUIT/DIST CLERK
BY: D.C.

COMMONWEALTH OF KENTUCKY
56th JUDICIAL CIRCUIT
LYON CIRCUIT COURT
INDICTMENT NO. 89-CR-0024
FILE NUMBER: _____

RONNIE LEE BOWLING

PETITIONER

V.

PETITION FOR STATE HABEAS CORPUS RELIEF

WARDEN TOM SIMPSON, et al.

RESPONDENT

* * * * *

Comes now the Petitioner, Ronnie Lee Bowling, Pro-se, and moves this Honorable Court to issue a State Writ of Habeas Corpus against the above Respondent(s), under Section #16 of the Kentucky Constitution and KRS Chapter 419, and United States Constitution Amendments 6, 8, and 14, and to enter a judgment ordering the immediate release of Petitioner from the custody and detention of the Respondent. The grounds for this petition are as follows:

- 1.) Petitioner is a state prisoner committed to the custody of the Kentucky Department of Corrections (Ky.-DOC) and is actually detained at the following facility: Cell No. 6-G-2, DEATHROW, Kentucky State Penitentiary, P.O. Box 5128, Eddyville, Kentucky 42038.
- 2.) Respondent is the Warden of the facility identified in paragraph number 1 above and the custodian of Petitioner.
- 3.) Petitioner is being illegally held in custody and detained by Respondent pursuant to a judgment that is either: (a) Void, (b) contains "Harmful Federal & State Constitutional Errors", (c) is "Objectively Unreasonable", (d) violates International Laws & Treatise, (e) and Servèd.

4.) Petitioner is entitled to an immediate release from the custody and detention of Respondent, and has no other adequate remedy at law for obtaining release.

5.) Petitioner has attached an affidavit of probable cause to this petition as required by KRS 419.020, establishing the matters stated above. The attached affidavit of probable cause is fully incorporated herein by reference. Petitioner has also verified this petition and asks that it be treated as a supplement to petitioner's attached affidavit of probable cause.

6.) Petitioner has also attached a Memorandum of Law in further support of this petition. The attached Memorandum of Law is fully incorporated herein by reference.

7.) Petitioner also asks this Honorable Court to appoint counsel to represent Petitioner in this action, pursuant to KRS 31.110 and KRS 31.120. Petitioner has sent a, "Motion For Appointment of Counsel For Petition For State Habeas Corpus Proceedings" along with this petition.

8.) Petitioner asks this Honorable Court to allow him to proceed In Forma Pauperis. Petitioner has sent a, "Motion To Proceed In Forma Pauperis In Petition For State Habeas Corpus Proceedings" with an attached "Affidavit of Indigency" as well as a statement from this prison's Accountant verifying the funds of Petitioner. This motion is sent along with this petition.

9.) Petitioner asks this Honorable Court to hold an Evidentiary Hearing on this Petition For State Habeas Corpus, pursuant to KRS 419.080, KRS 419.110 and the Due Process Clause of the Fourteenth Amendment of the United States Constitution, so

that Petitioner may offer evidence and proof on any disputed factual allegations that may arise in this pleading. See, Commonwealth of Pennsylvania ex rel. Herman v. Claudy, 350 U.S. 116, 76 S.Ct. 223, 100 L. Ed 126 (1956). Petitioner has sent a, "Motion For Evidentiary Hearing and For Personal Appearance In Petition For State Habeas Corpus Proceedings", along with this petition.

10.) If this legal-vehicle be called, "PETITION FOR STATE HABEAS RELIEF", then let the driver of this petition be called, "ACCUMULATIVE EXCULPATORY EVIDENCE" , and the fuel be called, 5th, 6th, 8th, & 14th Amendments of the United States Constitution. The word, "ACCUMULATIVE" according to, "The American Heritage Dictionary" defines the word as:

(1) Characterized by or showing the effects of of accumulation; cumulative. (2) Having a propensity to amass. (3) The act of gathering, as into a heap or large amount: "Little things grew by continual accumulation." (Samuel Johnson)

This is what has happened in Ronnie Lee Bowling's case. He has accumulated exculpatory evidence that starts pre-trial, during the trial, after the trial, on and during Direct-Appeal proceedings, on and during RCr 11.42 proceedings, on and during "Judge/Jury Misconduct" CR 60.02/RCr 10.02/RCr 10.06 proceedings, on and during "Comparative Bullet Lead Analysis" (CBLA) proceedings, on and during Federal Petition For Writ of Habeas Corpus filed in 2003 in London Federal District Court, and for any other unnamed reason that manifests. This "Accumulative Exculpatory Evidence" renders this conviction and sentence of death a violation

of the 5th,6th,8th,& 14th Amendments of the United States
Constitution.

WHEREFORE, Petitioner respectfully asks this Honorable
Court to look at his case,all of it,from day one of the case
to now and beyond in a de novo capacity,and see the "Accumulative
Exculpatory Evidence" that has amassed in his case,and rule
this conviction and sentence of death would be a violation of
5th,6th,8th,&14th Amenddments of the United States Constitution,
and GRANT his "Petition For State Habeas Corpus" and/or GRANT
a new trial and/or GRANT a new sentence.

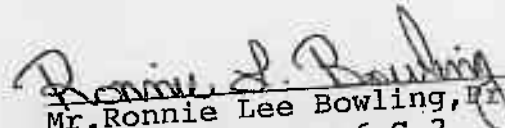
Respectfully Submitted,



Mr. Ronnie Lee Bowling, ^{PO-50}
#32861 Cell No. 6-G-2
DEATHROW
Kentucky State Penitentiary
P.O. Box 5128
Eddyville, Kentucky 42038

NOTICE

Notice is hereby given that the foregoing, "PETITION FOR STATE HABEAS CORPUS RELIEF", was mailed to: Ms. Rebecca Howard, Clerk, Circuit Court Clerk's Office, Lyon Co. Judicial Center, 500 W. Dale Avenue, P.O. Box 565, Eddyville, Kentucky 42038-0565, via first-class mail with prepaid postage on this day of 4th, month of September, 2007, to be filed and presented to the Court thereafter.

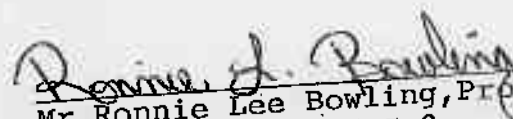

Mr. Ronnie Lee Bowling, Pro-se
#32861 Cell No. 6-G-2
DEATHROW
Kentucky State Penitentiary
P.O. Box 5128
Eddyville, Kentucky 42038

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this motion was mailed, via first-class mail with prepaid postage to:


- 1.) Att. David Harshaw
Att. Dennis Burke
Department of Public Advocacy
207 Parker Drive
LaGrange, Kentucky 40031
(502) 222-6682
- 2.) Hon. Ian Sonego
Assistant Attorney General
1024 Capital Drive
Frankfort, Kentucky 40601

Mailed on this day of 4th, month of September, 2007.



Mr. Ronnie Lee Bowling, Pro-se
#32861 Cell No. 6-G-2
DEATHROW
Kentucky State Penitentiary
P.O. Box 5128
Eddyville, Kentucky 42038

V E R I F I C A T I O N

Under the penalty of perjury, I, Mr. Ronnie Lee Bowling, Pro-se, Petitioner state the, "PETITION FOR STATE HABEAS CORPUS RELIEF", is true and correct to the best of my knowledge. Also, this petition is being filed under "Prison Mailbox Rule" which is governed by TITLE VII., Federal Rules of Criminal Procedure (a)(2)(C), "Inmate Filing. A paper filed by an inmate confined in an institution is timely filed if deposited in the institution's internal mailing system on or before the last day for filing." This signature of the "Notary Public" verifies this is my signature as well as this is being mailed out as dated. See, Houston v. Lack, 487 U.S. 266 (1988).


Mr. Ronnie Lee Bowling, Pro-se
#32861 Cell No. 6-G-2
DEATHROW
Kentucky State Penitentiary
P.O. Box 5128
Eddyville, Kentucky 42038

Affirmed to and subscribed before me by:


month of SEPT, 2007. on this day of 4th


NOTARY PUBLIC - State of Ky

My commission expires: 14 Nov 09

COMMONWEALTH OF KENTUCKY
56th JUDICIAL CIRCUIT
LYON CIRCUIT COURT
INDICMENT NO. 89-CR-0024
FILE NUMBER: _____

RONNIE LEE BOWLING

PETITIONER

V. ORDER GRANTING PETITION FOR STATE HABEAS CORPUS RELIEF

WARDEN TOM SIMPSON, et al.

RESPONDENT

* * * * *

IT IS HEREBY ORDERED that the, "Petition For State Habeas Corpus" filed by Ronnie Lee Bowling, #32861, Cell No. 6-G-2, DEATHROW, Kentucky State Penitentiary, P.O. Box 5128, Eddyville, Kentucky 42038 be GRANTED. The Respondent, Warden Tom Simpson, et al. is ORDERED to release the Petitioner, Ronnie Lee Bowling immediately from custody, on the wrongful-conviction that came out of Laurel Circuit Court, Indictment No. 89-CR-0024, and the unjust imprisonment.

LYON COUNTY CIRCUIT JUDGE

DATE

COMMONWEALTH OF KENTUCKY
56th JUDICIAL CIRCUIT
LYON CIRCUIT COURT
INDICTMENT NO. 89-CR-0024
FILE NUMBER: _____

RONNIE LEE BOWLING

PETITIONER

v.

PETITION FOR STATE HABEAS CORPUS RELIEF

WARDEN TOM SIMPSON, et al.

RESPONDENT

* * * * *

E X H I B I T S

CONTENTS OF EXHIBITS

- 1.) AFFIDAVIT IN SUPPORT OF PETITION FOR STATE HABEAS CORPUS RELIEF
- 2.) MEMORANDUM OF LAW IN SUPPORT OF PETITION FOR STATE HABEAS CORPUS RELIEF
- 3.) MOTION FOR EVIDENTIARY HEARING AND FOR PERSONAL APPEARANCE IN THE PETITION FOR STATE HABEAS CORPUS PROCEEDINGS
- 4.) MOTION TO PROCEED IN FORMA PAUPERIS IN PETITION FOR STATE HABEAS CORPUS PROCEEDINGS
- 5.) MOTION FOR APPOINTMENT OF COUNSEL FOR PETITION FOR STATE HABEAS CORPUS PROCEEDINGS
- 6.) ATTACHMENTS

E X H I B I T . No. 1

COMMONWEALTH OF KENTUCKY
56th JUDICIAL CIRCUIT
LYON CIRCUIT COURT
INDICTMENT NO. 89-CR-0024
FILE NUMBER: _____

RONNIE LEE BOWLING

PETITIONER

V. AFFIDAVIT IN SUPPORT OF
PETITION FOR STATE HABEAS CORPUS RELIEF

WARDEN TOM SIMPSON, et al.

RESPONDENT

* * * * *

I, Ronnie Lee Bowling, pursuant to TITLE 28 U.S.C. Sec. § 1746, and Dickerson v. Wainwright, 626 F. 2d 1184 (1980), under the penalty of perjury, declare the following statements to be true and correct the very best of my knowledge:

1.) According to Kentucky Revised Statute (KRS) 419.020 "Issuance of Writs" it states:

"The writ of habeas corpus shall be issued upon petition on behalf of anyone showing by affidavit probable cause that he is being detained without lawful authority..."

2.) This affidavit I bring now before this Honorable Court is my "probable cause" for the issuance of a "Petition For State Habeas Corpus Relief".

3.) The indictment number 89-CR-0024 is from the case in which I was tried in Laurel Circuit Court, London, Kentucky in 1992.

4.) I file to this court, because you have jurisdiction. According to Abraham v. Com., 565 S.W. 2d 152 (Ky. App. 1977). A writ of habeas corpus may be issued by any circuit judge in the state but writ must be returned before circuit judge of county in which person is being detained. Since I am unlawfully imprisoned on DEATHROW at Kentucky State Penitentiary, P.O. Box 5128, Eddyville, Kentucky 42038 by Warden Tom Simpson, et al. This prison is in your county, your jurisdiction.

5.) The voluminous amount of evidence that has accumulated that is favorable to me has never been adjudicated as a whole. Some of this evidence has been adjudicated but only in parts and/or with emphasis on a part of the evidence. There has never been a ruling on my case based on the voluminous amount of evidence that shows I did not commit these crimes. I state

COMMONWEALTH OF KENTUCKY
56th JUDICIAL CIRCUIT
LYON CIRCUIT COURT
INDICTMENT NO. 89-CR-0024
FILE NUMBER: _____

RONNIE LEE BOWLING

PETITIONER

V.

AFFIDAVIT IN SUPPORT OF
PETITION FOR STATE HABEAS CORPUS RELIEF

WARDEN TOM SIMPSON, et al.

RESPONDENT

* * * * *
PAGE TWO OF AFFIDAVIT

the evidence is overwhelming that I have gathered and/or came to my case that is favorable to me, that shows that I did not commit the crimes that I have been wrongfully-convicted of doing. To leave this un-adjudicated, and leave me unlawfully imprisoned on Kentucky's Deathrow would be to deny me "Due Process" that is guaranteed by the 14th Amendment of the United States Constitution.

6.) I have wrote alot more details about this voluminous amount of favorable evidence to me, in the "Petition For State Habeas Relief", and in the attached, "Memorandum Of Law In Support Of Petition For State Habeas Corpus Relief". I have also included "Motion For Evidentiary Hearing..." There is only so much one can write. This request to this Court will require this Court to get my entire case. Study all the trial transcripts, transcripts of record, and transcripts of evidence. I ask this Court to study my trial, my "Direct-Appeal". Not just the opinion of the Kentucky Supreme Court in the Direct Appeal. But study all the motions, briefs and all the evidence filed in that Direct Appeal. I ask this Court to study my "RCr 11.42 Motion that was filed at Laurel Circuit Court, after I lost my Direct Appeal. Study all the motions, briefs, and study all that was filed in the appeals of the RCr 11.42 Motion/Proceedings. I ask this Court to study my RCr 10.02/RCr 10.06/CR 60.02 Motion I filed after the RCr 11.42 Proceedings. It was about "Judge/Jury Misconduct" at the Laurel Circuit Court. I ask this Court to study study my CR 60.02 Motion on "COMPARITIVE BULLET LEAD ANALYSIS"(CBLA) that I filed at Laurel Circuit Court, that came after the "Judge/Jury Misconduct" collateral attack. I ask for this Court to gather all these records/all of this together, and see the voluminous amount of favorable evidence that shows I did not commit the crimes, that is would deny my "Due Process" right of the 14th Amendment of the United Constitution to not adjudicate this on its' merits.
Petition For Habeas

COMMONWEALTH OF KENTUCKY
56th JUDICIAL CIRCUIT
LYON CIRCUIT COURT
INDICTMENT NO. 89-CR-0024
FILE NUMBER: _____

RONNIE LEE BOWLING

PETITIONER

V.

AFFIDAVIT IN SUPPORT OF
PETITION FOR STATE HABEAS CORPUS RELIEF

WARDEN TOM SIMPSON, et al.

RESPONDENT

* * *
PAGE THREE OF AFFIDAVIT

Corpus" that was filed in London Federal District Court in 2003. Look at each piece of my case and see it as a part and as a whole. This is the only real approach to truly giving me the adjudication I seek. I have listed so much even in the "Petition For State Habeas Corpus Relief"- ATTACHMENTS. Look at all the affidavits from the very Capital Trial jurors that said they would have found me not guilty. Look at the new evidence about CBLA, and how the Commonwealth could not use the CBLA evidence or FBI agent (Donald Havekost) testimony about the CBLA results. Just look at all the favorable evidence to me, and you shall see that I am unlawfully imprisoned on Kentucky Deathrow in light of all the evidence in my favor, and alot of it came after the trial.


7.) I have no other adequate remedy to bring this accumulative evidence for adjudication than the "Petition For State Habeas Corpus Relief" I file.

Ronnie L. Bowling
SIGNATURE OF AFFIANT

September 4th, 2007
DATE

V E R I F I C A T I O N

Under the penalty of perjury, I, Mr. Ronnie Lee Bowling, Pro-se, Petitioner state the following, "AFFIDAVIT IN SUPPORT OF PETITION FOR STATE HABEAS CORPUS RELIEF", is true and correct to the best of my knowledge. Also, this affidavit is being filed under "Prison Mailbox Rule" which is governed by TITLE VII., Federal Rule of Criminal Procedure (a)(2)(C), "Inmate Filing. A paper filed by an inmate confined in an institution is timely if deposited in the institution's internal mailing system on or before the last day for filing." This signature of the "Notary Public" verifies this is my signature as well as this is being mailed out as dated. See, Houston v. Lack, 487 U.S. 266 (1988).


Mr. Ronnie Lee Bowling, Pro-se
#32861 Cell No. 6-G-2
DEATHROW
Kentucky State Penitentiary
P.O. Box 5128
Eddyville, Kentucky 42038

Affirmed to and subscribed before me by:

Ronnie Bowling on this day of 4th
month of SEPT, 2007.


NOTARY PUBLIC State of KY
Kentucky

My commission expires: 14 NOV 09

E X H I B I T No. 2

COMMONWEALTH OF KENTUCKY
56th JUDICIAL CIRCUIT
LYON CIRCUIT COURT
INDICTMENT NO. 89-CR-0024
FILE NUMBER: _____

RONNIE LEE BOWLING

PETITIONER

V.

MEMORANDUM OF LAW IN SUPPORT OF
PETITION FOR STATE HABEAS CORPUS RELIEF

WARDEN TOM SIMPSON, et al.

RESPONDENT

* * * * *

Comes now the Petitioner, Ronnie Lee Bowling, Pro-se, and files this "Memorandum of Law In Support of Petition For State Habeas Relief", pursuant to Section #16 of the Kentucky Constitution and KRS Chapter 419, and the United States Constitution Amendments 6, 8, and 14.

STATEMENT OF THE CASE

Petitioner Bowling was arrested February 25, 1989, Saturday. He was later that day placed in the Rockcastle County Jail (Mt. Vernon, KY). He was charged with "attempted murder" of Ricky Smith, from an incident at Rockcastle County.

In Laurel County (London, KY) there were two unsolved cases, (1) involved alleged killing/robbery of Marvin Hensley, and (2) involved killing/robbery of Ronald Smith. The ("Laurel County case").

Three years & six months later Bowling's trial began in Laurel Circuit Court, on September 21, 1992. He was wrongfully convicted on all counts and sentenced to DEATH on December 4, 1992. Final Judgment was entered on December 9, 1992.