

1 Q Did he take your calls?

2 A Yes.

3 MR. HARMAN: I believe that's all.

4 MR. SHEPHERD: NO recross.

5 THE COURT: We'll take a ten minute recess.

6 (Witness excused.)

7 (A recess was taken.)

8 WILLIAM SHULL, having been first duly sworn, testified:

9 DIRECT EXAMINATION

10 BY MR. HARMAN:

11 Q State your name and occupation, please.

12 A William E. Shull. I'm an attorney-at-law.

*expert on  
mental dise  
or defect in  
criminal law*

13 Q Where do you have offices?

14 A I have offices located in Kearney and Gladstone, Missouri.

15 Q Are you admitted to any bars?

16 A Yes, sir.

17 Q To practice law?

18 A Yes, sir. I'm a member of the Missouri Bar, a member of  
19 the United States District Court for the Western District  
20 of Missouri, the United States Supreme Court, and the  
21 Courts of Appeals for the 5th, 8th, and 10th Circuits of  
22 the Federal Appellate System.

23 Q Do you have any particular area of the law where you  
24 practice?

25 A I am probably classified as a general practitioner, but

1 the majority of my practice and greatest emphasis is on  
2 criminal trial and appellate work.

3 Q How long have you been engaged in criminal trial and  
4 appellate work?

5 A Since I was admitted to the bar which would have been  
6 11 years ago.

7 Q Have you had any trial experience?

8 A I have in the 11 years I have practiced law I have been  
9 directly involved in the handling of between four and  
10 five hundred felony or misdemeanor cases. Approximately  
11 ten to 15 percent have resulted in trials.

12 Q Have you ever had occasion to represent someone charged  
13 with the offense of murder?

14 A Yes, sir, I have.

15 Q Approximately how many times, if you recall?

16 A Approximately eight.

17 Q Did any of those result in a trial?

18 A They did.

19 Q Have you ever written any publications or written for  
20 any publications with respect to the practice of law?

21 A Yes. I have recently been appointed as a contributing  
22 editor to Litigation Magazine which is the American Bar  
23 Association's section on litigation and trial work. I  
24 am also a coauthor of the Missouri Criminal Law Handbook  
25 which is published as part of the continuing legal

1 referred to as Petitioner's 11, the transcript of the  
2 guilty plea, I hand you Petitioner's Exhibit 12; and  
3 ask if you can identify that?

4 A I can.

5 Q And what is that?

6 A That appears to be a transcript of the guilty plea pro-  
7 ceeding on April 10, 1981 in the case of State of  
8 Missouri versus Sandra Hemme.

9 Q Have you had an opportunity to review a copy of that  
10 document?

11 A I have.

12 Q Are you sure it's the same one?

13 A Looks the same.

14 MR. SHEPHERD: If this is offered --  
15 Petitioner's 12, your Honor, I have no objection.

16 MR. HARMAN: It's offered, your Honor, as  
17 Petitioner's 12.

18 THE COURT: It will be admitted.

19 Q (Mr. Harman) Did you determine whether or not Sandra  
20 Hemme was represented by an attorney in the charge of  
21 capital murder?

22 A The guilty plea transcript and the Court's file indicate  
23 by correspondence that there was an attorney by the name  
24 of Dale Sullivan.

25 Q After reviewing the documents, are you able to form an

1 opinion as to whether or not Mr. Sullivan's conduct in  
2 the defense of Sandra Hemme met that standard of skill,  
3 care, and competence of other attorneys practicing under  
4 like or similar circumstances in the field of criminal  
5 law?

6 A. I have.

7 Q. What is that opinion?

8 MR. SHEPHERD: I object. That invades the  
9 province of the finder of fact.

10 THE COURT: It will be overruled.

11 A. I do not feel he acted in a reasonable and competent  
12 manner.

13 THE COURT: You base that on the file?

14 A. The file -- my review of the facts of the case as I under-  
15 stand them.

16 THE COURT: From the newspapers?

17 A. Yes, sir. Also from some of the summaries of the mental  
18 records that I've had the opportunity to review.

19 THE COURT: You've never seen Mr. Sullivan's  
20 file and the prosecutor's file?

21 A. No, sir, I have not.

22 THE COURT: Okay, that's all I have.

23 CROSS-EXAMINATION

24 BY MR. SHEPHERD:

25 Q. Sir, which newspaper accounts did you read?