

By Detective Rossi: That's right." (RR20, 151)

Finally, the defense did object and have the jury instructed to disregard this bit of testimony. So it is clear that the defense knew how to object and have the inadmissible evidence removed from the jury's consideration. They just weren't choosing to make such objections before.

CLAIM FOR RELIEF NUMBER FOURTEEN

APPLICANT WAS DENIED DUE PROCESS OF LAW (THE ABILITY TO PRESENT A DEFENSE) AS GUARANTEED BY U.S. CONST. AMEND. V & XIV BY REFUSING TO ALLOW THE DEFENSE TO REBUT THE FALSE IMPRESSION OF JACK SHADBOLT SHOWN BY THE STATE.

During the direct examination of Det. Roger Wedgeworth the State elicited from Det. Wedgeworth what all of the deceased co-workers who allegedly played bingo with Michelle the night before her death had said in the police report. (RR22, 84) He was also allowed to give the time line of the murder that he read from the report. (RR22, 90) The time line of the murder came from the statement of Mary Sinkbush. Part of the statement of Mary Sinkbush had already been gone into by the State via witness William Hilden (RR19, 57-59) and Det. Rosst (RR20, 55,56)

The defense then sought to dispel the false impression of what Ms. Sinkbush only said by the following:

By the defense: "Okay. And was it based on that reason, the fact that Jack Shadbolt was not

the person who had sex with Michelle Shadbolt, was that the reason you ruled him out as the murderer in this case?

By Det. Wedgeworth: Yes, sir.

By the defense: It certainly rules him out as the person who had sex with Michelle Shadbolt; doesn't it?

By Det. Wedgeworth: Yes, sir.

By the defense: It does not, by necessity, rule him out as the person who murdered her, though: does it?

By Det. Wedgeworth: Well, given the circumstances, I would have to say that's true.

By the defense: And what I am saying is, it is possible, is it not, that a person could have consensual sex with someone, later be murdered by some else, brutally murdered, and some possibility that the police would be very, very strongly interested in the person whose DNA was found inside the lady's body; is that correct?

By the State: Judge, I object. That assumes a fact not in evidence.

By the Court: Sustained as to the form of the question.

By the defense: What divisions have you worked in, sir, other than the cold case squad?

By Det. Wedgeworth: I have worked in the child abuse unit, in the warrants division, as a detective.

By the defense: You reviewed - - I believe the first thing you said was that you reviewed this file thoroughly when you first started working on it; is that correct?

By Det Wedgeworth: Yes, sir.

By the defense: And at that time you believe Jack Shadbolt to be the best suspect?

By Det. Wedgeworth: Yes, I did.

By the defense: What lead you to believe that Jack Shadbolt was the best suspect?

By Det. Wedgeworth: Just experience., working homicides, has shown me that -- and pretty high percentage of murders, it is always someone that the victim knows.

By the defense: Well, did you have any other reasons to believe that Jack Shadbolt might be the murderer in this case?

By the State: Judge, I object to that if it's calling for a hearsay answer.

By the Court: Sustained if it's a hearsay response.

By the defense: I am asking you, based on our review of the file, did you believe Jack Shadbolt to be a violent person?

By the State: Objection. His review of the file is hearsay.

By the Court: Sustained.

By the defense: Judge, if I may, they opened - - it is our position that they opened the door to why Jack Shadbolt was a suspect when they questioned him, the basic same line of questioning.

By the Court: The objection is sustained.

By the defense: Thank you.

By the defense: Did you have any reason to believe that Jack Shadbolt was a very, very