

showing the jury that Applicant was a deadbeat thief, and that the neighborhood believed he was the killer is obvious.

**CLAIM FOR RELIEF NUMBER SEVENTEEN**

**APPLICANT WAS DENIED EFFECTIVE ASSISTANCE OF COUNSEL AS GUARANTEED BY U.S. CONST. AMEND VI, AND DUE PROCESS OF LAW AS GUARANTEED BY U.S. CONST. AMEND. V & XIV BY COUNSEL'S FAILURE TO OBJECT TO THE FOLLOWING INADMISSIBLE TESTIMONY..**

The State then called as a witness the ex-wife of Applicant and mother of his children<sup>13</sup>. The State, through this witness, sought to show amongst other bad things that Applicant was a sorry father. It should have been obvious to the defense that this was the plan when the following questions were asked without objection.

By the State: "And specifically why do you emphasize biological to those three children?"

By Shanna Stryjek: Because legally he has no parental rights over my children.

By the State: As of when?

By Shanna Stryjek: As of about five or six years ago.

By the State: Does he know that?

By Shanna Stryjek: I do not know what he knows.

By the State: And what process did you go through to make that happen?

(Certainly the defense should have know that this damaging testimony had nothing to do with

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<sup>13</sup>The Constitutional violation of Applicant's right to privacy in his statements he made to his spouse during the marriage relationship will be the subject of another issue for review herein.

whether Applicant was innocent or guilty, it was only being brought forward to prejudice Applicant and make sure that the jury hated him.)

By Shanna Stryjek: I went to a court in Texas and showed that he did not see his children, he did not support his children, he had not spoken to his children in several months, even a couple of years actually.

By the State: And the court ruled what?

By Shanna Stryjek: That he - -

By the defense: Your Honor, I object to this whole line of questioning?

By the Court: I will sustain as to the form of the last question." (RR24, 63,64)

Because the defense did not choose to object to any of this testimony, the jury now is left to believe that Applicant is so sorry a person that he did not care for his children, he did not see his children, did not support his children, and he did not even make any attempt to talk to his children. What possibly could that have to do with whether Applicant is guilty or innocent of the charges of capital murder of Michelle Shadbolt at a time way before these children were even born? This was a successful attempt by the State to just show that Applicant was a bad person generally. It would never had happened if trial counsel had made the proper objections.

To allow the jury to hear this damaging testimony which could only serve to prejudice the jury more against Applicant was error that meets the first prong of *Strickland, supra*. Likewise, to allow this to be heaped upon the ineffectiveness errors already stated herein just