

of witnesses by the State was also a factor that Applicant's attorneys had to use to Applicant's benefit. To allow witnesses to testify from hearsay statements made many years old that could never be tested by cross-examination, or to allow State's witnesses to speculate or guess about matters to the detriment of Applicant was deficient professional conduct on the part of his attorneys. The detriment that meets the second prong of *Strickland, supra*. will manifest itself mainly because this error was repeated over and over again thereby solidifying in the minds of the jury that this defense was dead before Applicant's attorneys had a chance to proffer it to the jury.

CLAIM FOR RELIEF NUMBER EIGHT

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.

Kathy Masters was also allowed to testify, without objection, that the only enjoyment that Michelle Shadbolt had during the time of her separation from her husband Jackie Shadbolt was playing bingo. (RR19, 36) She was then allowed to testify to the agreement that she, Kathy Masters, had with Michelle Shadbolt as to what Michelle Shadbolt would be doing on the night of February 13, 1987 and the early morning hours of February 14, 1987. These statements had to be the result of hearsay statements of Michelle Shadbolt that denied Applicant the right of confrontation. No such objections were made though.