

Clifton Taylor D.
NAME

21415045
PRISON IDENTIFICATION/BOOKING NO.

8901 S Wilcox Road, Tucson
ADDRESS OR PLACE OF CONFINEMENT

Arizona 85706

Note: If represented by an attorney, provide name, address & telephone number. It is your responsibility to notify the Clerk of Court in writing of any change of address.

Table of Authorities
2255 8 pages
Legal Theory
Exhibits used at trial
Exhibits not used at trial
Motion to proceed in forma pauperis
Transcripts

UNITED STATES DISTRICT COURT

<p>UNITED STATES OF AMERICA,</p> <p style="text-align: right;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p><u>Clifton David Taylor</u> FULL NAME OF MOVANT (Include name under which you were convicted)</p> <p style="text-align: right;">Petitioner.</p>	<p>CASE NUMBER:</p> <p>CV _____ To be supplied by the Clerk of the United States District Court</p> <p>CR <u>09-00112-01-CR-W-005</u> Criminal case under which sentence was imposed.</p> <p style="text-align: center;">MOTION TO VACATE, SET ASIDE OR CORRECT SENTENCE BY A PERSON IN FEDERAL CUSTODY 28 U.S.C § 2255</p>
--	--

INSTRUCTIONS - READ CAREFULLY

This motion must be legibly handwritten or typewritten and signed by the movant under penalty of perjury. Any false statement of a material fact may serve as the basis for prosecution and conviction for perjury. All questions must be answered concisely in the proper space on the form. Where more room is needed to answer any questions use reverse side of sheet.

Additional pages are not permitted. No citation or authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.

Upon receipt, your motion will be filed if it is in proper order. NO FEE is required with this motion

If you do not have the necessary funds for transcripts, counsel, appeal, and other costs connected with a motion of this type, you may request permission to proceed in forma pauperis, in which event you must execute the declaration on the last page, setting forth information establishing your inability to pay costs. If you wish to proceed in forma pauperis, you must have an authorized officer at the penal institution complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution.

Only judgments entered by one court may be challenged in a single motion. If you seek to challenge judgments entered by different judges or divisions either in the same district or in a different districts, you must file separate motions as to each judgment.

Your attention is directed to the fact that you must include all grounds for relief and all facts supporting such grounds for relief in the motion you file seeking relief from any judgment of conviction.

When the motion is fully completed, the original and three (3) copies must be mailed to the Clerk of the United States District Court, whose address is 400 East 9th Street, KC Mo. 64106

MOTION

1. Name and location of court which entered judgment of conviction under attack: Western District,
KC Mo. 400 East 9th Street KCMo 64106
2. Date of judgment of conviction: 01-21-10
3. Length of sentence: 8425 9 mts Sentencing judge: Ottie Smith
4. Nature of offense or offenses for which you were convicted: Bank Robbery

5. What was your plea? (check one)

- Not guilty
 Guilty
 Nolo Contendere

If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details:

~~_____~~
~~_____~~
~~_____~~
~~_____~~
~~_____~~
~~_____~~
~~_____~~
~~_____~~
~~_____~~
~~_____~~
~~_____~~
~~_____~~
~~_____~~
~~_____~~
~~_____~~
~~_____~~

6. Kind of trial: (check one)

- Jury
 Judge only

7. Did you testify at the trial?

- Yes No

8. Did you appeal from the judgment of conviction?

- Yes No counsel appealed

9. If you did appeal, answer the following:

(a) Name of court U.S. Appeals Court St Louis Mo. 8th Cir.

(b) Result Denied

(c) Date of result 8-30-10

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications or motions with respect to this judgment in any federal court?

Yes No

11. If your answer to question number 10 was "yes", give the following information:

(a) (1) Name of Court _____

(2) Nature of proceeding _____

(3) Grounds raised _____

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes No

(5) Result _____

(6) Date of result _____

(b) (1) Name of Court _____

(2) Nature of proceeding _____

(3) Grounds raised _____

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes No

(5) Result _____

(6) Date of result _____

(c) (1) Name of Court _____

(2) Nature of proceeding _____

(3) Grounds raised _____

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes No

(5) Result _____

(6) Date of result _____

(d) Did you appeal, to an appellate federal court having jurisdiction, the results of action taken on any petition, application or motion?

(1) First petition, etc. Yes No *direct appeal by counsel*

(2) Second petition, etc. Yes No

(3) Third petition, etc. Yes No

(e) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not:

legal mail managed to get lost during transfer to another institution

12. State concisely every ground on which you claim that you are being held unlawfully.

CAUTION: If you fail to set forth all grounds in this motion, you may be barred from presenting additional grounds at a later date. For your information, the following is a list of the most frequently raised grounds for relief in these proceedings. Each statement preceded letter constitutes a separate ground for possible relief. You may raise any grounds which you have other than those listed. However, you should raise in this motion all available grounds (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

If you selected one or more of these grounds for relief, you must allege facts in support of the grounds listed below. The petition will be returned to you if you merely check (a) through (j) or any one of these grounds.

(a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily or with understanding of the nature of the charge and the consequences of the plea.

(b) Conviction obtained by use of coerced confession.

(c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.

(d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.

(e) Conviction obtained by violation of the privilege against self-incrimination.

(f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.

(g) Conviction obtained by a violation of the protection against double jeopardy.

(h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.

(i) Denial of effective assistance of counsel.

(j) Denial of right of appeal.

(L) *Fundamental miscarriage of justice*

A. Ground one: Abuse of discretion - failure to disclose -

Exhibit A

Supporting facts (tell your story briefly without citing cases or law): The trial court erred to allow the prosecution to use its selected videotape of tobacco store to support its theory and to deny me requested videotapes "surveillance" of the same store which were relevant and highly probative because the videos were the only source of available material to establish a time of entry, departure and cont.

B. Ground two: Fundamental miscarriage of justice - failure to present evidence of actual innocence.

Exhibit B

Supporting facts (tell your story briefly without citing cases or law): The pretrial / standby trial counsel failure to disclose exhibit B "critical federal scientific evidence of actual innocence" which states; 1. My DNA did not match the DNA tested from discarded clothing. 2. Multiple people seen one person throw the items in a truck which ultimately was another profile, is a

C. Ground three: Ineffective assistance of pretrial/standby trial counsel, and appellate counsel

Supporting facts (tell your story briefly without citing cases or law): counsel's failure to present its strongest argument "Exhibit B" of scientific evidence signed by two federal DNA analyst which bolsters the prosecution's theory for conviction is ineffective assistance of counsel contrary to the "effective representation" standard and violates the such amendment guarantee to the effective

D. Ground four: Ineffective assistance of pretrial / standby trial counsel

Exhibit D

Supporting facts (tell your story briefly without citing cases or law): active standby counsel's mere appearance testifying was sufficient to distort the jury's fact finding process creating a substantial and injurious effect by infecting the jury with the defective definition of an ultimate issue within his independent DNA report which used the term "possible contributor" to its "ultimate issue".

13. If any of the grounds listed in 12 A, B, C and D were not previously presented, state briefly what grounds were not presented, and give your reasons for not presenting them: B, C and D were not presented on appeal because appellate counsel solely operated with his choice of defense strategy.

14. Do you have any petition or appeal now pending in any court as to the judgment under attack?

Yes No

15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attached herein:

(a) At a preliminary hearing: Travis Poudertoe, 818 Grand Avenue, Suite 300,
KE MO 64106

(b) At arraignment and plea: Travis Poudertoe

(c) At trial: Travis Poudertoe / Standby

(d) At sentencing: John Osgood, 740 NW Blue Parkway suite 305
Lee Summit Missouri 64086

(e) On appeal: John Osgood

(f) In any post-conviction proceeding: /

(g) On appeal from any adverse ruling in a post-conviction proceeding: /

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court at approximately the same time?

Yes No

17. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes No

(a) If so, give the name and location of the court which imposed sentence to be served in the future: /

(b) Give the date and length of sentence to be served in the future: /

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed sentence to be served in the future?

Yes No NA

WHEREFORE, movant prays that the court grant him all relief to which he may be entitled in this proceeding.

Pro-Se Clifton Taylor
Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Executed on DEC. 19, 2011
Date

Pro-Se Clifton Taylor
Signature of Movant

Clifton Taylor D.

21415045

8901 S Wilmot Road, Tucson Arizona 85706

United State District Court

Motion to vacate, set aside or
correct sentence by a person in
federal custody 28 U.S.C § 2255

CASE#

CV

CR 09-00112-01-cr-w-ods

UNITED STATES OF AMERICA

PLAINTIFF

V

CLIFTON DAVID TAYLOR

2255 six pages

1. Name and location of court which entered judgement of conviction under attack: *Western Dist. KC Mo 400 East 9th Street KC Mo. 64106*

2. Date of judgment of conviction; *01-21-10*

3. Length of sentence *8 yrs 9 mths* Sentencing judge: *Ottie Smith*

4. Nature of offense for which you were convicted: *Bank robbery*

5. What was your plea?

- Not guilty
- Guilty
- Nolo Contendere

6. Kind of trial: *Jury*

7. Did you testify at the trial: *yes*

8. Did you appeal from the judgment of conviction: *yes counsel approved*

9. Name of court *8th Cir USCA St Louis Mo.*

Result *Denied*

Date of result *08-30-11*

10. There are no pending motions or applications

11.(e) no adverse actions were taken because all of my legal material was lost during transfer to another institution.

12. Grounds on which being unlawfully held:

(f) conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.

(i) Denial of the effective assistance of counsel.

(1) Fundamental miscarriage of justice.

A. Ground 1

Abuse of discretion - failure to disclose - see Exhibit A

Supporting Facts: *The trial court erred to allow the prosecution to use its selected videotape of tobacco store to support its theory and to deny me requested surveillance videotapes of the same store which were relevant and highly probative because the videos*

were the only source of available material to establish a time of entry, departure and —

B. Ground 2

Fundamental miscarriage of justice - failure to present evidence of actual innocence. see Exhibit B

Supporting facts The pretrial-standby trial counsel failure to disclose Exhibit B "critical federal scientific evidence of actual innocence" which states 1. My DNA did not match the dna tested from discarded clothing 2. multiple people seen one person throw the items in a truck which ultimately was another profile, is a

C. Ground 3

Ineffective assistance of pretrial-standby trial counsel + appellant counsel
Supporting facts
counsel's failure to present its strongest argument "Exhibit B" of scientific evidence signed by two federal dna analyst which bolsters the prosecution's theory for conviction is ineffective assistance of counsel, contrary to the "effective representation" standard and violates the 6th amendment guarantee to the effective —

D. Ground 4

Ineffective assistance of pretrial-standby trial counsel see Exhibit D

Supporting Facts active counsel's mere appearance testifying was sufficient to distort the jury's fact finding process creating a substantial and injurious effect by infecting the jury with the "defective definition" of a "ultimate issue" within his independent dna report, which used the term "possible contributor" to its "ultimate issue" —

13. B, C and D were not presented for appeal because the appellant counsel solely operated with his choice of defence strategy.

14. There are no petitions or appeals pending as to the judgment under attack.

15. Names and addresses of attorneys:

At preliminary hearing: *Travis Poundexter*

At trial: *John Osgood*

At arraignment and plea *Travis Poundexter*
818 Grand Avenue, Suite 300, KCMO 64106

On appeal *John Osgood, 740 NW Blue Parkway Suite 305 Lee Summit Mo. 64086*

post conviction proceeding: *none*

On appeal on adverse ruling in a post proceeding: *none*

16. only sentenced on one count

17. There are no future sentences.

WHEREFORE, movant prays that the court grant him all relief in which he may be entitled in this proceeding.

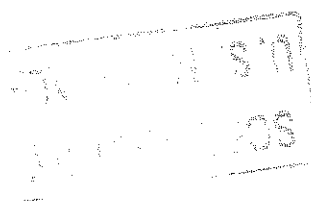
Pro Se Clifton Taylor

I declare under the penalty of perjury that the foregoing is true and correct

Executed on *Dec 19th 2011*

Pro Se Clifton Taylor

*Cleffon Taylor 2915045
Federal Correctional Complex
8901 S. Milnor Road
Tucson, Arizona 85706*



Legal Mail

*Clerk of Court
USDC Western Dist.
400 East 9th Street
Kansas City Missouri
64106*

