

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA**

**FILED**  
12:53 pm, Jan 08, 2019  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
Laura A. Briggs, Clerk

Lawrence Nunley, )  
)  
Petitioner, )  
)  
-vs- )  
)  
Richard Brown, Warden, )  
Wabash Valley Corr. Fac. )  
)  
Respondent. )

Cause No. 2:19-cv-12-JRS-DLP

**SCANNED at WVCF and Emailed on**  
1-8-19 by SS - 25 pages.  
(date) (initials) (num)

**PETITION FOR A WRIT OF *HABEAS CORPUS***

Comes now the Petitioner, Lawrence Nunley, *pro se*, and respectfully petitions this Court for a writ of *habeas corpus*, pursuant to **28 U.S.C. § 2254**. In support, Nunley alleges and states the following:

**PROCEDURAL HISTORY**

On May 19, 2008, Mr. Nunley was charged with Counts I-III, Child Molesting as Class A felonies; Count IV, Child Molesting, a Class C felony; and Count V Disseminating Matter Harmful to a Minor, a Class D felony.. Between November 18, 2008 and November 21, 2008, a jury trial was held. At the conclusion of the jury trial, Mr. Nunley was found guilty on all counts. On January 15, 2009, Mr. Nunley was sentenced to 35 years incarceration on each Counts I-III; 4 years and 8 months on Count IV; and 21 months on Count V. The Court Ordered Count III to run concurrently with Counts I and II, but all other counts were ordered to be served consecutively, for an aggregate 76 years and 4 months.

On September 24, 2010, Mr. Nunley filed a Petition for Post-Conviction Relief and requested the Assistance of the State Public Defender. Michael Sauer, a Deputy State Public Defender, filed an appearance but subsequently withdrew with this Court's approval. The State filed its answer on October 14, 2010. Final Amendments to the petition were filed on January 14, 2016. The State filed its answer to the amended petition on January 22, 2016. The State generally denied the material allegations and did not plead any affirmative defenses.

Evidentiary hearings were held on July 14, 2016 and January 12, 2017. During the hearing, Nunley entered the original record on appeal. He also presented the live testimony of his trial and appellate attorneys. The State did not pose any questions of trial counsel. The only questions posed to appellate counsel were related to the State Public Defender's withdrawal. The post-conviction court gave the parties 30 days to tender proposed findings of fact and conclusions of law. Nunley timely tendered his proposed findings on February 3, 2017. The State did not tender any legal arguments to the post-conviction court. On March 2, 2017, the post-conviction court denied the Petition for Post-Conviction Relief.

#### **AEDPA TIMEFRAMES**

28 U.S.C. § 2244(d)(1) provides, "A 1-year period of limitation shall apply to an application for a writ of habeas corpus by a person in custody pursuant to the judgment of a state court." However, the 1-year limitation is tolled for "[t]he time during which a properly filed application for a state post-conviction or other collateral review with respect to the pertinent judgment or claim is pending." 28 U.S.C. § 2244(d)(2). The following is a summary of the AEDPA timeframes in this case:

Direct Appeal Final	March 4, 2010
Post-Conviction filed:	On September 27, 2010
Time Elapsed:	207 days
Time Remaining:	158 days (365-207)
Post-Conviction Final	August 9, 2018
1-year date:	January 14, 2019 (158 days from August 9, 2018)

### **CLAIM I: DENIAL OF A DEFENSE**

At trial, Mr. Nunley's attorney made an offer of proof regarding A.Y.'s false accusation against her mother's former boyfriend. (R. 715-717). Specifically, A.Y. lied to the police on another occasion, accusing her mother's former boyfriend of hurting her. (R. 716). Counsel sought to introduce this evidence to impeach A.Y. the trial court denied the request. (R. 385, 717-718). The State later commented in closing arguments that A.Y. did not lie and, in fact, did not know how to lie. Counsel objected and requested an instruction containing a stipulation regarding the excluded evidence of A.Y.'s prior false allegation. (R. 816-817). The request was denied.

The exclusion of Mr. Nunley's evidence was based upon a blanket application of Trial Rule 608(b). Mr. Nunley offered the evidence to impeach A.Y. regarding her accusations against Mr. Nunley. The excluded evidence went to the heart of the State's case. The only evidence against Mr. Nunley was the very brief testimony of A.Y. regarding one instance of molestation. Mr. Nunley consistently and vehemently denied this accusation. There was no forensic evidence, and no other witnesses to the alleged molestation. (R. 697-698, 708-709). Thus, the State's entire case came down to a credibility contest. Because the

trial court excluded crucial evidence that would have dramatically impeached a crucial witness on her credibility based upon a blanket application of Rule 608(b), this Court should conclude that the trial court violated Mr. Nunley's right to present a defense.

The prejudice to Mr. Nunley is clear. There was no evidence besides A.Y.'s accusation. Her testimony was reluctant and made well over one year following the alleged molestation. Mr. Nunley had a right to present evidence that A.Y. had also accused another male figure in her life of physical assault and that she had made this accusation to the police because it was essential to his case.

#### **CLAIM II: CONFRONTATION RIGHTS**

On direct appeal, Mr. Nunley raised the issue of whether or not the trial court abused its discretion and violated Mr. Nunley's right of confrontation when it permitted the drumbeat repetition of hearsay statements. In his brief, Mr. Nunley alleged that, at trial, the State introduced several hearsay statements. First, it played a recording of A.Y.'s accusations made prior to the filing of charges. (R. 598). Second, it introduced the testimony of an officer restating the allegation made on this video recording without objection. (R. 688). Third, it offered the testimony of three witnesses regarding the contents of accusations written by A.Y. on an envelope. (R. 508, 538-539, 626). Fourth, the State introduced several exhibits related to these accusations. The State offered and the trial court admitted the evidence under the "Protected Persons Statute." Mr. Nunley alleged that the trial court erred in admitting this evidence because it was not admissible under the statute, the statements were cumulative and violate Trial Rule 403, and the admission violated Mr. Nunley's right of confrontation under both state and federal constitutions.

Regarding the right to confront his accusers, Mr. Nunley argued that, although A.Y. testified at trial, defense counsel's ability to cross-examine her was extremely limited. Without an adequate ability to confront A.Y.'s accusations on cross-examination at trial, the State violated Mr. Nunley's right of confrontation by admitting into evidence the drumbeat repetition of A.Y.'s accusations.

The Indiana Court of Appeals reversed two of the counts, finding that the accusations made more than a year later were too remote in time to be reliable. The Court of Appeals declined to reverse the remaining two child molestation counts, reasoning that sufficient evidence existed for the other counts after the offending evidence was excised.

The Court of Appeals failed to recognize that the jury did not receive the evidence in a vacuum, neatly categorizing the evidence as it pertains to each individual counts. Rather, the jury considered the evidence as a whole when reaching its determination. For instance, Mrs. Black's testimony was extensive and was presented as expert testimony. It included exhibits, as well as the video. This unreliable and inadmissible evidence related to the dismissed counts undoubtedly tainted the jury's perceptions relating to the other two counts as well.

Detective Wibbles testimony literally doubled that of Mrs. Black's. He was also presented as an expert witness, state police detective with extensive training and experience in sex offenses vouched for A.Y.'s credibility. He was present in the courtroom for all witness testimony prior to testifying and unequivocally indicated that he believed A.Y.. The significance of this testimony extends beyond the dismissed charges. In fact, the attorney general repeatedly referred to these testimonies during oppositional argument, despite its

inadmissibility to the remaining charges.<sup>1</sup> Furthermore, all of the charges brought forth stem from the inadmissible Comfort House interview.

Therefore, the other counts should have been remanded for a new trial, based upon the prejudicial impact of the inadmissible evidence. This error is compounded by the evidence that the jury was forbidden to hear, i.e., the false accusations A.Y. made against her stepfather.

### **CLAIM III: INEFFECTIVE ASSISTANCE OF TRIAL COUNSEL**

#### ***IA. The State's Waiver***

Mr. Nunley anticipates that the Respondent will attempt to argue against his issues contained herein. However, Mr. Nunley contends that all arguments, concerning Claims III and IV, tendered by the Respondent should be considered waived. During the post-conviction proceedings, the State did not present any evidence or legal argument. Moreover, the State only cross-examined a single witness – Matthew McGovern, Mr. Nunley's direct appeal attorney. The State did not query Mr. McGovern about his performance on appeal or about facts in the record. Rather, the entire questioning was related to the withdrawal of post-conviction counsel.

Mr. Nunley raised the State's waiver on his post-conviction appeal. The Indiana Court of Appeals failed to rule. However, the post-conviction record clearly demonstrates that the State's failure to tender legal arguments or present any substantive evidence related to Mr.

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<sup>1</sup> During closing arguments, the State relied upon the "consistency" of A.Y.'s accusation, invoking the testimony of Detective Wibbles that the "meat and potatoes" was essentially the same throughout. The State's reliance on the argued consistency of the allegations invokes the subsequently excised evidence from Comfort House, thereby tainting the reasoning of the Court of Appeals.

Nunley's claims results in waiver of all oppositional arguments. The State's initial waiver should extend to these proceedings.

***B. Failure to Impeach A.Y.***

Initially, Mr. Nunley contends that trial counsel was ineffective for failing to impeach A.Y., the alleged victim in this case. During the post-conviction proceedings, Schultz testified that her trial strategy was to convince the jury that the A.Y., was lying about what happened. (PC Vol. II, p. 27). She recalled that there was no medical, forensic, or scientific evidence in this case. (PC Vol. II, p. 27). She unequivocally stated that the only way Nunley could be convicted was if the jury believed A.Y.'s testimony. (PC Vol. II, p. 27). She characterized A.Y. as a critical witness. (PC Vol. II, p. 28). She also testified that she believed she had an obligation to point out inconsistencies in A.Y.'s testimony. (PC Vol. II, p. 28).

The state courts denied this claim, reasoning that the decision of whether or not to impeach was a strategic decision. However, this was not a strategic consideration. In fact, Ms. Schultz believed that she had an obligation to point out inconsistencies in A.Y.'s testimony. (PC Vol. II, p. 28). Thus, the conclusion of the state courts is an unreasonable determination of the facts and an unreasonable application of existing federal law. State courts should not be permitted "to engage in post hoc rationalization for an attorney's actions by constructing strategic defenses that counsel does not offer." *Harris v. Reed*, 894 F.2d 871, 878 (7<sup>th</sup> Cir. 1990).

The trial record also clearly reflects that there was a lack of strategy. During her opening statements, Ms. Schultz informed the jury "This whole case, the whole issue revolves around whether she's a credible witness, whether you can believe her or not. And,

as I said, if you believe her, then he should be found guilty. If you don't believe her, then he should be found not guilty." (R. 45). Ms. Schultz affirmed during her post-conviction testimony that A.Y. was a critical witness and that her strategy was to persuade the jury that her story was fabricated. (PC Vol. II, p. 26, 28) Thus, impeaching A.Y. was critical to successfully defending Mr. Nunley. PC Vol. II, p. 26, 28) If the jury had the opportunity to consider A.Y.'s inconsistent deposition testimony and pretrial statements, they likely would not have believed A.Y.'s testimony. This is particularly true of the testimony relating to Count 2.

A.Y. made a number of statements that were inconsistent with her trial testimony, including "denying recollection" of events that she claimed happened to her. (DA 218-221, 231-232, 238-239).

A.Y.'s trial testimony was the crux of the case against Mr. Nunley, and trial counsel's strategy was to demonstrate to the jury that A.Y.'s account was fabricated. Ms. Schultz testified that she did not have a strategic reason for failing to impeach A.Y.; therefore, Ms. Schultz's failure to impeach A.Y. was constitutionally deficient performance, resulting in prejudice to Mr. Nunley.

***C. Failing to Object to A.Y.'s Written Testimony***

Mr. Nunley alleges that Ms. Schultz should have objected to A.Y.'s being permitted to write down a portion of her testimony, which was then entered into evidence and made available to the jury during deliberations. Ms. Schultz had no recollection of whether or not she objected, but she agreed with Mr. Nunley's proposition that the written testimony placed undue emphasis on A.Y.'s testimony. (PC Vol. II, p. 31). Ms. Schultz also admitted that



A.Y.'s testimony was critical to the State's case. (PC Vol. II, p. 28). Ms. Schultz offered no strategic reason for failing to object.

A.Y.'s written testimony was particularly prejudicial because: (1) the then presiding judge initiated the written testimony's being introduced into evidence, thereby alerting the jurors of its particular importance; (2) it had a theatrical quality that bolstered the account of how A.Y. initially revealed the alleged incident to her parents; and (3) the written testimony was available to the jurors during deliberations, permitting the jurors to refer to that portion of the testimony over and over again.

The fact that the presiding judicial officer, *sua sponte*, entered the written pages into evidence is an act that emphasized the testimony. This act is especially important due to the great respect that a jury accords the judge and the added significance that a jury might have given to the evidence, since it was the judge's evidence. Such actions not only emphasize the most critical portion of evidence but also demonstrate judicial partiality favoring the State's position.

Moreover, Ms. Schultz did not have a strategic reason to refrain from interposing an appropriate object. Ms. Schultz testified that the written testimony placed undue emphasis on the most critical portion of A.Y.'s testimony. The trial record reveals that Ms. Schultz interposed an objection to the jurors' being allowed to rewatch the Comfort House video outside of the courtroom on the grounds that it placed undue emphasis on the importance of the testimony over other evidence. (R. 615). The then presiding judge sustained the objection with a lengthy explanation, stating that the law prohibits the jury from rehearing testimony without a specific request and then only when there is a dispute about the testimony. (R. 616-618).

A properly interposed objection would have been sustained as a matter of law.

A.Y.'s written testimony placed undue emphasis on the most critical part of her testimony against Mr. Nunley because it was available to the jurors during deliberations. The written testimony was further emphasized by the manner in which it was admitted into evidence during the trial. Finally, the written testimony presented the juror with a near reenactment of the way in which A.Y. was said to have initially revealed the alleged molestation to her parents.

The written testimony undoubtedly impacted the jurors decision regarding guilt. Absent this testimony there is a reasonable possibility of a different result. When one considers this issue in conjunction with the impeachment evidence that the jurors did not have the opportunity to consider, there is an even stronger possibility of a different result.

***D. Separation of Witnesses Order***

Mr. Nunley complains that Tonya Caves, Richard Caves and A.Y. intentionally violated the separation of witnesses order during the lunch recess in violation of Due Process and Fundamental Fairness principles. A properly interposed objection would have prevented A.Y. from interacting with her parents, facilitated by the prosecutor, during the lunch recess.

The record clearly indicates that the violation of the separation was done and that the prosecuting attorney went to lunch with the three witnesses, thereby facilitating the violation. (R. 445-446).

In this case, the prosecuting attorney went to lunch with A.Y. and her parents. A.Y. was in the middle of her testimony and had refused to answer multiple questions. When she returned to the stand after the recess, she answered questions that she previously would not answer.

The prosecutor's facilitation of the separation of witnesses order does not provide reasonable assurance that there was no collusion between the witnesses. On the contrary, it would seem from the way in which A.Y.'s testimony unfolded, that she was provided with appropriate answers during the recess.

Ms. Schultz did not have a strategic reason for not objecting to the violation of the separation of witnesses order.

A properly interposed objection would have been sustained. At a minimum, the jury should have been instructed that A.Y. had interacted with Tonya and Richard during the recess in violation of the separation of witnesses order. However, the jury remained unaware of this fact, and counsel failed to advance an argument regarding witness collusion despite the circumstantial evidence supporting such a claim.

***E. Cumulative impact***

*Strickland* demands that courts assess the cumulative impact of errors, rather than simply considering the errors individually. The nature of the errors are significant and the errors operate in tandem to deny Mr. Nunley a due process of law and a fair trial as guaranteed by the Sixth and Fourteenth Amendments of the United States Constitution. Therefore, even if the prejudice to Mr. Nunley was not significant enough to mandate reversal on an individual error, the totality of error certainly does. This is especially true when this Court considers the fact that the state court decision was based on an unreasonable application of the facts.

***The United States Supreme Court Prohibits the Denial of Effective Trial Counsel***

The United States Supreme Court has made it abundantly clear that criminal defendants have the right to effective representation at trial. *McMann v. Richardson*, 397

U.S. 759 91970); *Strickland v. Washington*, 466 U.S. 668 (1984); *Williams v. Taylor*, 529 U.S. 362 (2000). Trial counsel's errors and omissions were not strategic; therefore, trial counsel's performance was deficient under the principles in *Strickland* and its progenies.

#### **CLAIM IV: INEFFECTIVE ASSISTANCE OF APPELLATE COUNSEL**

##### ***A. Appellate Counsel's Failure to Raise Issues Well***

Mr. Nunley asserts that Mr. McGovern did not raise the issue regarding the denial of defense well. Specifically, Mr. Nunley contends that Mr. McGovern should have advanced an argument that state procedural rules cannot be mechanistically applied to preclude a complete defense.

At issue here are prior false accusations made by A.Y. against another person. This evidence was relevant to detracting from A.Y.'s credibility and supporting the Defense's theory that her story was fabricated.

Mr. Nunley contends that allowing the *Defense's* theory of the case to be submitted to the jury is equally as important as permitting the State's theory to be presented. Limiting criminal defendants' ability to present evidence to the *State's* theory – without being allowed to develop an alternative and independent theory of the case – violates the due process principles established by the United States Supreme Court. Mr. Nunley had the right to present evidence to the jury that another person committed the crime.

The state relied heavily on testimony from A.Y. to make its case. A.Y. and Mr. Nunley were the only two people in the room when the incident was alleged to have occurred. (PC Vol. II, p. 26). Since there is no medical or forensic evidence linking Mr. Nunley to any criminal activity (PC Vol. II, p. 26), denying Mr. Nunley the ability to present

crucial evidence that would have impacted the credibility of a critical State's witness rises to the level of the denial of a defense.

Had Mr. McGovern advanced an argument that the denial of this testimony through the mechanistic application of state evidentiary rules is unconstitutional, denying Mr. Nunley the opportunity to present a complete defense, it would have prevailed. Thus, Mr. McGovern was ineffective in this regard.

***B. Failure to Raise Issues***

***1. Failure to Challenge Sentencing***

Initially, Mr. Nunley contends that Mr. McGovern should have advanced sentencing arguments, which were clear and obvious from the face of the record. Mr. McGovern should have advanced arguments challenging the: state double jeopardy violation, use of improper aggravators, and the appropriateness of the sentence.

Article VII, Section 6 and Rule 7(B) is considerably broad. *See, e.g., Childress v. State*, 848 N.E.2d 1073, 1079-1080 (Ind. 2006). Indeed, the Indiana Supreme Court has revised sentences even when it found that all of the trial court's aggravating factors were proper. *See Buchanan v. State*, 767 N.E.2d 967, 973-974 (Ind. 2002); *Gregory v. State*, 644 N.E.2d 543, 545 (Ind. 1994).

***a. Double Jeopardy***

Mr. Nunley was alleged to have shown A.Y. a pornographic movie. (R. 432, 469-470). During the movie, Mr. Nunley is alleged to have "licked [A.Y.'s] pee pee" and made her "suck on his weenie bob." (R. 450, 472, 497). Thus, all acts were part and parcel of a single confrontation with a single victim. Thus, the sentences violate state double jeopardy principles.

In this case, the State has alleged a single confrontation against a single victim. Assuming, *arguendo*, the State's assertions are true, Mr. Nunley is said to have licked A.Y.'s vagina and had her suck on his penis. During this single confrontation, Mr. Nunley was charged with two separate instances of molestation.

Under Indiana law, the episodic nature of this incident must be taken into consideration. If Mr. McGovern had raised this issue, the Indiana Court of Appeals would have remanded this matter back to the trial court for the imposition of concurrent sentences. Thus, appellate counsel was ineffective for failing to raise this issue.

Mr. McGovern testified at the evidentiary hearing that he was not familiar with the relevant case authority governing this issue. (PC Vol. II, p. 42). He did not recall researching the issue or considering it as an issue. (PC Vol. II, p. 42). Thus, the omission of this issue cannot be said to be strategic. Therefore, Mr. McGovern's failure to raise the double jeopardy claim is deficient performance, which substantially prejudiced Mr. Nunley. Mr. McGovern was, therefore, ineffective in this regard.

***b. Mr. Nunley's Sentence is Inappropriate***

The trial court found two (2) aggravating circumstances: (1) Mr. Nunley was in a position of care, custody or control of the victim, and (2) Mr. Nunley's "criminal history," identified as prior allegations for which Mr. Nunley was never arrested or charged. The court found no mitigating circumstances. Mr. Nunley was sentenced to consecutive terms of incarceration.

Mr. McGovern could have presented the issue that Mr. Nunley's sentence was inappropriate. Again, he did not recall researching possible sentencing issues. (PC Vol. II, p. 42-44)

As the trial court acknowledged, Mr. Nunley had no prior convictions. (R. 931). Rather, the court relied upon an uncharged, unsubstantiated allegation which had gone untested by the criminal justice system and which Mr. Nunley vigorously denied. (R. 910-911). During the sentencing pronouncement, the Court said:

The, uh, Court finds that the defendant does have a history of criminal behavior and specifically I'm talking about Kimberly Simler. The Court heard sworn testimony with respect to uh, the offenses that uh, the defendant allegedly committed Kimberly Simler. (sic). That the defendant was present, the defendant's attorney was present, and the witness was subject to cross examination.

(R. 911)

The trial court was referring to a hearing related to the admissibility of this evidence at the current trial. The trial court found that the evidence was not admissible. This evidence was not tested in a manner that would allow the truth of the allegations to rise to the level of criminal history. The State offered no evidence regarding the truth of these allegations.

Mr. Nunley stands convicted of two counts of child molestation. Moreover, as articulated more fully below, the nature of the offenses should not be considered such that the lack of criminal history pales in comparison.

Mr. Nunley did not harm A.Y. in a manner more than is inherent in the criminal offenses. The underlying criminal acts are as follows: (1) that Mr. Nunley licked A.Y.'s vagina, and (2) that Mr. Nunley made A.Y. suck his penis. (R. 450, 472, 497). There is nothing inherent in the commission of these crimes that is more severe or harmful than what is inherent in the commission of the offenses themselves.

Because both the nature of the offenses and the character of the offender warrant concurrent sentences, the Court of Appeals would have reversed Mr. Nunley's sentence and likely would have ordered the sentences to be served concurrently.

**2. *Failure to Impeach A.Y.***

Mr. Nunley maintains that Mr. McGovern should have advanced the argument detailed in Claim III(B), *supra*. The facts outline in Claim III are relevant to this issue and are incorporated herein by reference in order to prevent needless repetition and promote a concise pleading.

**3. *Failure to Include the underlying issue of A.Y.'s Written testimony***

Mr. Nunley maintains that Mr. McGovern should have advanced the argument detailed in Claim III(C), *supra*. The facts outline in Claim III are relevant to this issue and are incorporated herein by reference in order to prevent needless repetition and promote a concise pleading.

**4. *Failure to Argue the issue of the Separation of Witnesses Violation***

Mr. Nunley maintains that Mr. McGovern should have advanced the argument detailed in Claim III(D), *supra*. The facts outline in Claim III are relevant to this issue and are incorporated herein by reference in order to prevent needless repetition and promote a concise pleading.

***The United States Supreme Court Prohibits the Denial of Effective Appellate Counsel***

The United States Supreme Court has made it abundantly clear that if the attorney appointed by the State to pursue the direct appeal is ineffective, the prisoner has been denied fair process and the opportunity to comply with the State's procedures and obtain an adjudication on the merits of his claims. See 501 U. S., at 754; *Evitts v. Lucey*, 469 U. S.



387, 396 (1985); Douglas, 372 U. S. 353,357–358 (1963). Appellate counsel’s errors and omissions were not strategic; therefore, appellate counsel’s performance was deficient under the principles in *Strickland* and its progenies.

**INFORMATION REQUIRED BY THE RULES GOVERNING  
§ 2254 CASES IN THE UNITED STATES DISTRICT COURT**

***Exhaustion***

All of Petitioner’s claims are exhausted.

***Petitioner’s Prior Attorneys:***

1. Susan Schultz (Attorney No.15667-14), 127 E. Chestnut Street, Corydon, Indiana 47112 (Trial)
2. Matthew McGovern (Attorney No.21016-49), 4826 S. Scatterfield Street, #308, Anderson, Indiana 46013 (Direct Appeal)

Nunley proceeded *pro se* for the Post-Conviction & Post-Conviction Appeal.

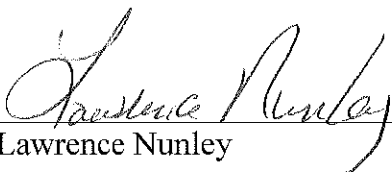
**REQUEST FOR RELIEF**

**WHEREFORE**, Nunley respectfully requests that this Court;

4. Issue a writ of *habeas corpus* ordering that Nunley be brought before the Court to be discharged from his unconstitutional confinement and relieved of his unconstitutional convictions and/or sentences;
5. Schedule filing of legal briefs and memoranda in support of the issues of law in this petition so that the Court may be fully informed;
6. Order the respondents to produce the complete records of state court proceedings together with any responsive pleading deemed just and appropriate;

7. Order such hearings as may be necessary to dispose of Respondent's contentions prior to ruling on the petition;
8. Allow for discovery as may be necessary to supplement the records provided by the Respondent, if necessary;
9. Grant such other relief as may be deemed just and appropriate.

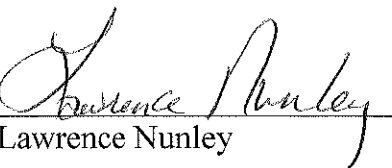
Respectfully submitted,

  
Lawrence Nunley

#### VERIFICATION

I, Lawrence Nunley, hereby verify under the penalties for perjury that the contents of the foregoing petition are true. The information in the petition comes from the records created in the Indiana courts during Nunley's trial and post-conviction proceedings.

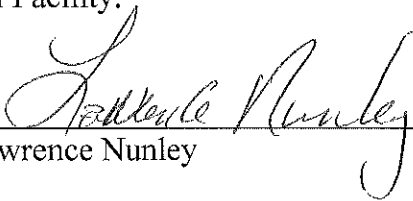
Respectfully submitted,

  
Lawrence Nunley

Lawrence Nunley  
#198710  
Wabash Valley Correctional Facility  
6908 South Old U.S. Highway 41  
P.O. BOX 1111  
Carlisle, Indiana 47838

**CERTIFICATE OF SERVICE**

I, Lawrence Nunley, hereby verify, under the penalties for perjury, that on the 8<sup>th</sup> day of January 2018, a true and accurate copy of the foregoing Petition for a Writ of *Habeas Corpus* was placed in the institutional mail, properly addressed to the prison's legal library and accompanied by the appropriate consent form and a request for E-Filing services. The Respondent was automatically served on the same date as this court through the E-Filing services mandated at the Wabash Valley Correctional Facility.

  
Lawrence Nunley

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