

FILE COPY

APPENDIX B
POST-CONVICTION HABEAS CORPUS FORM
APPLICATION TO PROCEED IN FORMA PAUPERIS
AND AFFIDAVIT

DO NOT REMOVE
FROM FILE

STATE OF WEST VIRGINIA

Name LILLIE MAE TRAIL		County TAYLOR COUNTY
Place of Confinement Pruntytown correctional center P.O. BOX# 159 Grafton W.VA., 26354-0159		Prisoner No. 24173 Case No. 97-F-28
Name of Petitioner (include name under which convicted) LILLIE MAE TRAIL		Name of Respondent (authorized person having custody of petitioner) JAMES J. TELAPI

NOTICE: This form is only to be used by incarcerated persons seeking post-conviction habeas corpus relief pursuant to W. Va. Code § 53-4A-1, et seq.

♦ ♦ ♦

FILED
OCT 20 2005
ROY L. PERRY II, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA

I, LILLIE MAE TRAIL declare under penalty of perjury that the above entitled proceeding; that in support of my request to proceed without prepayment of fees of these proceedings and that I am entitled to the relief sought in the petition.

In support of this application, I answer the following questions under penalty of perjury:

1. State the place of your incarceration Pruntytown correctional center
Are you employed at the institution? YES Do you receive any payment from the institution? YES

Have the institution fill out the Certificate portion of this application and attach a ledger sheet from the institution(s) of your incarceration showing at least the past six months' transactions.

2. In the past twelve months have you received any money from any of the following sources?
- a. Business, profession or other self-employment Yes No
 - b. Rent payments, interest or dividends Yes No
 - c. Pensions, annuities or life insurance payments Yes No
 - d. Disability or workers compensation payments Yes No
 - e. Gifts or inheritances Yes No
 - f. Any other sources Yes No

If the answer to any of the above is "Yes" describe each source of money and state the amount received and what you expect you will continue to receive. N/A

3. Other than any institutional accounts, do you have any cash, checking or savings accounts? Yes No

If "Yes" state the total amount N/A

4. Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles or other valuable property? Yes No

If "Yes" describe the property and state its value.

N/A, because I am not the sole owner, and I know very little about the facts to the matter.

5. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute to their support.

None at this time.

I declare under penalty of perjury that the above information is true and correct.

Oct 13, 2005
DATE

Lillie M. Trail
SIGNATURE OF APPLICANT

CERTIFICATE

(To be completed by the institution of incarceration)

I certify that the applicant named herein has the sum of \$ 231.34 in a trustee spending account to his/her credit

at (name of institution) Princeton Correctional Center. I further certify that during the past

six months the applicant's average balance was \$ 0.00 and the average of monthly deposits

was \$ 0.00 NO SAVINGS

Oct 17, 2005
DATE

[Signature]
SIGNATURE OF AUTHORIZED OFFICER

IN THE SUPREME COURT OF APPEALS, IN THE STATE OF WEST VIRGINIA

LILLIE MAY TRAIL

Petitioner in state retention

VS.

STATE OF WEST VIRGINIA

Respondent

RE: criminal case NO. 97-F-28

PETITION FOR WRIT OF CERTIORARI

COMES NOW, LILLIE MAY TRAIL, petitioner pro se, and submits this said petition for Writ of Certiorari, to this most Honorable court, and prays in complete supplication for this court to lend ear, and qualify the petitioner stated herein to be heard, as to the untimeliness of the petitioners submission in sufferance, of a Habeas Corpus petition-28, U. S.C.,# 2253, on the basis of the following argumentation.

The petitioner contends, that a final judgment has NEVER been rendered, nor adjudicated by the lower tribunal in this said case, from the point in time of the conviction of the petitioner. That all other reviews of this case, in the form of six (6) status Hearings afforded by the trial

court too, has NOT established a final judgment of the matter to date.

The petitioner contends the potentiality of specific limitations, in the form of extrinsic instructions imposed by the lower tribunal may exist, were that court, has expounded because of its participation in the prosecution of the petitioner, to now, former counsel for the petitioner NOT to seek opportunity of any form of relief and to accompany that court in its hindrance, of opposition to afford the petitioner the Right to any form of Due Process. see cite as 523 S.E.2d 552 (W.VA.1999)

The petitioner further contends, because of the impediment by ineffective assistance of counsel, as so stated in the petition of Habeas Corpus for the petitioner, that indeed the petitioner has been prevented from filing such action in a timely manner.

Suggestively let it be known to the court, that not until very recently, did it become obvious to the petitioner, that a particular portion of this said case, has previously been heard by this Honorable Court, in that the first prosecutor who set the arena, as to unjust tendencies with the presiding circuit Judge has been resolved. Yet relevant prejudice harm was conjugated upon the petitioner because the propensity for such inaction, continuously existed throughout the course of the trial.

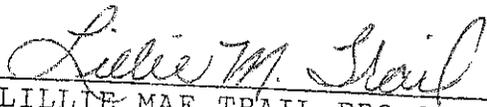
The petitioner contends the importance in precedence to this matter, and Prays the arrangement be made by this most Honorable Court, to take into consideration the extraordinary mitigating circumstances as so stated in the petitioners petition for Habeas Corpus, and hear this case in the interest of justice to permit the petitioner opportunity for remedy , and the inevitable relief this case so disparately warrants.

Ultimately the petitioner seeks correction, to the errors imposed upon the petitioner from the original tribunal, and Prays the benefaction of the Superior court to review and give inspection of the record in this case, to determine the weight and sufficiency of all the issues established by the petitioner pro se, in the Habeas Corpus.

WHEREFORE AND BY, the petitioner pro se, humbly submits this PETITION FOR WRIT OF CERTIORARI, and prays this highly and MOST HONORABLE COURT to be ecumenical with the petitioner, and take exception, in lieu of the circumstances to review the First Habeas Corpus ever to be submitted on behalf of the petitioner.

The petitioner respectfully requests any other relief this court so deems just and proper.

RESPECTFULLY SUBMITTED


LILLIE MAE TRAIL PRO SE.

CERTIFICATE OF SERVICE

I, LILLIE MAE TRAIL, Petitioner pro se stated herein do hereby certify that I have served a true and exact copy of the foregoing petition for writ of certiorari, upon the following, by mailing a copy in the U.S. Postal service on this the 12 Day of OCTOBER 2005.

THE CIRCUIT COURT OF TAYLOR CO., W.VA.
GRAFTON, W.VA. 26354

UNITED STATES DISTRICT COURT
TERESA L. DEPPNER- (CLERK)
UNITED STATES COURTHOUSE
P.O. BOX NO. 3924
CHARLESTON W.VA. 25339

THE SUPREME COURT OF APPEALS
STATE CAPITOL, ROOM NO. E-317
1900, KANAWHA BLVD. EAST
CHARLESTON W.VA., 25305

Lillie M. Trail
LILLIE MAE TRAIL PRO SE.

STATE OF WEST VIRGINIA

IN THE COUNTY OF TAYLOR, TO WIT: TAKEN SUBSCRIBED AND SWORN TO THE UNDERSIGNED AUTHORITY THIS 12 DAY OF OCTOBER 2005.

MY COMMISSION EXPIRES Jan 15, 2012

Brenda Shyer
NOTARY PUBLIC

