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PETITION UNDER W. VA. CODE § 53-4A-1 FOR WRIT OF HABEAS CORPUS

DO NOT REMOVE  
FROM FILE

STATE OF WEST VIRGINIA

County  Raleigh

Name  Isaac Reed  Prisoner No.  0001055478  Case No.  09-F-81-B

Place of Confinement  Potomac Highland Regional Jail  
Augusta, WV 26704

Name of Petitioner (include name under which convicted)  Isaac Reed  Name of Respondent (authorized person having custody of petitioner)  State of West Virginia

PETITION

- Name and location of court which entered the judgment of conviction under attack  Circuit Court  
of Raleigh County, West Virginia
- Date of judgment of conviction  3-6-09
- Length of sentence  3 to 15
- Nature of offense involved (all counts)  Attempted murder

FILED  
JUN 3 2010

RORY L. PERRY II, CLERK  
SUPREME COURT OF APPEALS  
OF WEST VIRGINIA

5. What was your plea? (Check one)
- (a) Not guilty
  - (b) Guilty
  - (c) 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. If you pleaded not guilty, what kind of trial did you have? (Check one)
- (a) Jury
  - (b) Judge Only

7. Did you testify at the trial?
- Yes  No

8. Did you file a direct appeal from the judgment of conviction in the Supreme Court of Appeals?
- Yes  No

5-0 USM  
GRAND/REFUSE/ACCEPT/Date:  decision w/ 9/9/10   
Recused/Not Participating  
Robin Q. Fair  
Chief Justice

9. If you did appeal, answer the following:

(a) Date of filing N/A

(b) Grounds raised \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(c) Was the petition granted  or refused  ? N/A

(d) If refused, what was date of refusal? \_\_\_\_\_

(e) If granted, give date and type of result and citation, if known. \_\_\_\_\_

\_\_\_\_\_

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 court, state or federal?

Yes  No

11. If your answer to 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 motion denied

(6) Date of result 7-24-09

(b) As to any second petition, application or motion give the same information:

(1) Name of court None

(2) Nature of proceeding \_\_\_\_\_

\_\_\_\_\_

(3) Grounds raised None  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(4) Did you receive an evidentiary hearing on your petition, application or motion?  
Yes  No

(5) Result \_\_\_\_\_

(6) Date of result \_\_\_\_\_

(c) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion?  
(1) First petition, etc. Yes  No   
(2) Second petition, etc. Yes  No

(d) If you did *not* appeal from the adverse action on any petition, application or motion, explain briefly why you did not:  
My lawyer Mrs Rachel A. Hirsman, felt  
it was a waste of time.

12. State *concisely* every ground on which you claim that you are being held unlawfully. Summarize *briefly* the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

**CAUTION: In order to proceed in the circuit court, you must state grounds that have NOT been previously and finally adjudicated or waived. If you fail to set forth all grounds in this petition, 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 habeas corpus proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed. However, *you should raise in this petition all available grounds* (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. 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 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 a 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.

A. Ground one: The Judge Robert Beaumont Jr

Supporting FACTS (state briefly without citing cases or law) The judge was more worried about letter people was sending in about me being a drunk; which was lies. He would ask me did I have anything to say, then cut me off & wouldn't allow me to talk at all. The judge's decision was Personal not Professional

B. Ground two: My lawyer Mrs Michael H. Wickham (Paid lawyer)

Supporting FACTS (state briefly without citing cases or law) Mrs Wickham grossly represented me, she said if she didn't know anything about my case and I hadly seen her to talk about my case & when my court day came around she just stood there. Money was all she wanted.

C. Ground three: (Craac Reed)

Supporting FACTS (state briefly without citing cases or law) I am not a well educated & I was taking advantage of in court, & by my lawyer for money. I am not going to have a fair hearing at all in Raleigh County, I would like a fair trial in another county

D. Ground four: Went to Union State Prison & am to stay there

Supporting FACTS (state *briefly* without citing cases or law) took statements  
from Jeffrey Lewis, the victim in  
my case. From my own recollection  
of the victim and what she says  
in the line of questioning I  
have covered that interview.

13. If any of the grounds listed in 12A, B, C, and D were not previously presented in any other court, state or federal, state *briefly* what grounds were not so presented, and give your reasons for not presenting them: \_\_\_\_\_

\_\_\_\_\_ None \_\_\_\_\_  
\_\_\_\_\_

14. Do you have any petition or appeal now pending in any court, either state or federal, 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 attacked herein:

(a) At preliminary hearing \_\_\_\_\_  
\_\_\_\_\_

(b) At arraignment and plea \_\_\_\_\_  
\_\_\_\_\_

(c) At trial \_\_\_\_\_  
\_\_\_\_\_

(d) At sentencing Mrs Rachel A. Huskhem  
E. Harold Morgan, Jr Associates attorneys at la

(e) On appeal \_\_\_\_\_  
\_\_\_\_\_

(f) In any post-conviction proceeding \_\_\_\_\_  
\_\_\_\_\_

(g) On appeal from any adverse ruling in a post-conviction proceeding \_\_\_\_\_  
\_\_\_\_\_

16. Have you, or an attorney representing you, obtained a transcript of the criminal proceedings which resulted in the conviction under attack?

Yes  No

17. If your answer to 16 was "no," have you submitted an Appellate Transcript Request form for transcripts to the circuit court, a court reporter, or any other tribunal or individual?

Yes  No

18. If your answer to 17 was "yes," attach a copy, if available, of the Appellate Transcript Request form and provide the name of the court or person to whom it was submitted and the date of submission.

(a) Copy of request is attached

(b) Date

(c) Name \_\_\_\_\_

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

Yes  No

20. 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 name and location of court which imposed sentence to be served in the future: \_\_\_\_\_

\_\_\_\_\_

(b) Give date and length of the above sentence: \_\_\_\_\_

\_\_\_\_\_

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

Yes  No

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

\_\_\_\_\_  
Signature of Attorney (if any)

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

Executed on 5/25/10  
(date)

Isaac Reed  
Signature of Petitioner