

IN THE CRIMINAL COURT OF HAMILTON COUNTY, CHATTANOOGA TENNESSEE
ELEVENTH JUDICIAL DISTRICT, DIVISION II

EDWARD JEROME HARBISON,

Petitioner,

v.

STATE OF TENNESSEE,

Respondent.

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154361 & 154362

Case Nos.: ~~156341 & 156342~~

JUDGE JON KERRY BLACKWOOD

DEATH PENALTY CASE

MOTION TO RESTITUTE PRO SE FILINGS
BACK UPON COURTS DOCKET

Comes now the Pro Se, Petitioner, Edward Jerome Harbison, hereby Petitions this Court for an Order to Restitute the Pro Se Filings Back Upon The Courts Docket of the following reasons herein listed:

1. Petitioner asserts that, the facts and the circumstances, uncovered from collateral investigations discovered Brady and Giglio elements and materials information and Fraud Upon The Court and Deliberately Presentation of Fabricated Evidence as well as Government Misconduct in the present case, provides the operative facts which provide the basis for the Extraordinary Relief Petitioner seeks herein;

2. Petitioner asserts that, in Faretta v. California, 422 U.S. 806, 836, 95 S.Ct. 2525, 2534, 45 L.Ed.2d 562 (1975), the Supreme Court held that a State cannot impose upon a Criminal Petitioner a State-Appointed Public Defender. The Court went on to recognized that the Six Amendment right to Assistance of Counsel 'Naturally ... implies a Right of Self-Representation, U.S. v. Martin, 25 F.3d 293, 294 (6th Cir. 1994) (Citing Faretta v. California, 422 U.S. 806, 821, 95

FILED
GIVEN TIDWELL, CLERK
BY _____ D.S.
FILM _____

of withheld evidence; the Deliberately Presenting Fabricated Evidence and Fraud Upon The Court element of the withheld evidence; the Government Misconduct which has been uncovered on April 19, 2007 in an collateral investigation been conducted by Petitioner, Malapanis v. Regan, 340 F.Supp.2d 184, 196 (D.Conn. 2004); U.S. v. Koubrith, 435 F.Supp.2d 666, 678 (.E.D.Mich. 2006). See § 1 above. Petitioner's Claims which is premised on Material that has surfaced for the First time during to time that Petitioner has Completed both State and Federal Trial and Collateral Proceedings Review, Monros v. Angelone, 323 F.3d 286, 297-98 (4th Cir. 2003) (authority cited therein), supports Petitioner's position for the relief he seeks.

WHEREFORE PROMISES CONSIDERED: Petitioner pray as to the following:

That the Court enter an Order To Restitute Pro Se Filings Back Upon The Courts Docket;

That the Court allow Petitioner to Proceed Pro Se in the cause;

That the Court Enter an Order granting the Petitioner the relief He seeks;

That the Court Enter such other relief the Court finds appropriate in these matters.

Respectfully submitted,



Edward Jerome Harbison, #108926
Pro se Petitioner
RMSI, Unit 2, D-Pod Cell 109
Riverbend Maximum Security Institution
7475 Cockrill Bend Boulevard
Nashville, Tennessee 37209-1048

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT A TRUE AND EXACT COPY OF THE FORGOING HAS BEEN SENT VIA UNITED STATES MAIL TO:

ELEVENTH JUDICIAL DISTRICT OFFICE OF THE CLERK
CRIMINAL COURT CLERK: GWEN TIDWELL
102 COURTS BUILDING
500 MARKET STREET
CHATTANOOGA, TENNESSEE, 37402
PHONE: (423) 209-7500

BY PLACING A COPY IN THE UNITED STATES MAIL, FIRST-CLASS, POSTAGE PREPAID.

ON THIS, THE 21 DAY OF September 2007.

Edward Jerome Harbison

EDWARD JEROME HARBISON, #108926
PRO SE, PETITIONER
RMSI, UNIT TWO, D-POD CELL 109
RIVERBEND MAXIMUM SECURITY INSTITUTION
7475 COCKRILL BEND BOULEVARD
NASHVILLE, TENNESSEE 37209-1048

PETITIONER'S VERIFICATION UNDER OATH SUBJECT TO PENALTY FOR PERJURY

I swear (or affirm) under penalty of perjury that the forgoing is true and correct.

Executed on September 21, 2007
(Date)

Edward Jerome Harbison