

KENNETH HEARD
DEFENDENT

FILED

JUN 11 2018

POLK COUNTY NO.

FECR 217722

17-1075

V.

CLERK SUPREME COURT

STATE OF
IOWA

REPLY BRIEF

COMES NOW, the defendant "Kenneth
Heard" IN PRO-SE Form asking the Courts to
disregard State v. MCDOWELL 247 NW 2d 499,
501-01 (IOWA 1976)...

ARGUMENT :

I. THE STATE CITED STATE V. MCDOWELL, 247 NW 2d 499, 501-01 (IOWA 1976) see pg 27 of the states Brief... AS THE CONTROLLING CASE LAW UNDER GROUNDS THAT THE TRIAL COURT PROPERLY UPHELD "DIETRICK'S" FIFTH AMENDMENT RIGHTS.

BUT, THE STATE IS OVERLOOKING THE MOST IMPORTANT FACT:

MCDOWELL WAS NEVER CONVICTED OFF OF "DIETRICK'S" TESTIMONY, AND MCDOWELL DID NOT GET HER CONVICTION OVERTURNED TO QUESTION "DIETRICK'S" CREDIBILITY AND IMPEACH "DIETRICK" FOR AVAILABLE INCRIMINATING EVIDENCE... "DIETRICK" WAS NEVER THE STATE'S "STAR" WITNESS ON BEHALF OF THE STATE.

MCDOWELL WAS CALLING DIETRICK AS A WITNESS FOR HER OWN BEHALF, FOR THE DEFENSE.

IN MR. HEARD'S CASE, HE WAS CONVICTED OFF OF MARCO "JUICE" BROWN'S TESTIMONY... BROWN WAS INDEED THE STATE'S STAR WITNESS ON BEHALF OF THE STATE... DEC. 15 - DECEMBER 31, 2015, 8 years from his FIRST CONVICTION, ON PCR, CHIEF JUSTICE GAMBLE FOUND AND RULED THAT BROWN COULD IN FACT BE CHARGED WITH THE MURDER. THAT MR. HEARD CLAIMED HE WAS INNOCENT OF BEING THE SHOOTER... GAMBLE FOUND: THAT BROWN'S DEMEANOR AFTER THE MURDER; ON TOP OF HAVING THE MURDER WEAPON BEFORE, DURING & ACTUALLY HIDING THE WEAPON WHERE THE POLICE FOUND IT; THEN DISPOSING OF HIS CLOTHES IN A DUMPSTER FOR FEAR OF GSR OR BLOOD BEING ON THEM WAS ENOUGH TO REVERSE "HEARD'S" CONVICTION. ALSO, THAT WITH ALL THE AVAILABLE EVIDENCE AGAINST BROWN; "HEARD'S" TRIAL LAWYER WAS INEFFECTIVE ON

ATLEAST (3) ISSUES WHICH WAS PRESERVED FOR PCR.

THEREFORE AT THE NEW TRIAL MR. HEARD WAS EXERCISING HIS RIGHTS TO DEPOSE A STATE'S "STAR" WITNESS "BROWN" ON BEHALF OF THE STATE.

TO BE CLEAR - THIS IS INDEED THE STATE'S WITNESS THAT THE STATE FELT THE NEED TO USE TO GET A CONVICTION IN MR. HEARD'S FIRST TRIAL.

THEREFORE, STATE V. MCDOWELL, 247 N.W 2d 499, 501-01 (IOWA 1976) DOES NOT EVEN APPLY TO MR. HEARD CASE AT ALL.

ACTUALLY, MR. HEARD UNDERSTANDS AFTER READING THE STATE'S BRIEF, THAT THE STATE WANTS THE COURTS TO BELIEVE THAT WITNESS "BROWN" WAS THE DEFENSE'S WITNESS... WHICH IS NOT TRUE; SO FAR FROM THE TRUTH THAT IT SHOWS THE STATE'S ARGUMENT IS FRIVOLOUS OR EVEN EQUIVALENT TO MANIPULATION, IN WHICH THEY ARE CLEARLY ACCUSING MR. HEARD OF.

CONCLUSION :

THUS CONCLUDES, WE REQUEST THAT THE SUPREME COURT OF IOWA DISREGARD STATE V. MCDOWELL 247 NW 2d 499, 501-01 (IOWA) 1976; AND THEREFORE ANY OTHER CASE RELATED TO IT, AS CITED BY THE STATE, ON THE GROUNDS OF :

THESE CASES DO NOT APPLY TO MR. HEARD'S CASE AND THIS ARGUMENT IS PERTAINING TO DEPENDING THE STATE'S WITNESS, NOT MY OWN.

" PROOF OF SERVICE "

KENNETH HEARD has served his Reply Brief by
AND THROUGH HIS COUNSEL to the Below parties by
Filing in the mailbox here at ISP on MAY
17, 2018 -

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