

FILED
SEP 20 2017

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Corey Gordon

Court File No: 27-CR-13-18645

Petitioner

VS

State of Minnesota,
Respondent

**Petition for
Post-Conviction Relief
Evidentiary Hearing
Requested**

Minn.Stat.590.01,ET Seq.

TO: The Hennepin Co. District Court, and the Hennepin County Attorney's Office.

Please Take Notice, That the above named petitioner brings forth this petition for post-conviction Relief under Minnesota State Statue 590.01, ET Seq, and states the following:

I.

That the above named petitioner is imprisoned and restrained of his liberty in the Minnesota Department of Corrections in Oak Park Heights, Under the care of Warden Michelle Smith.

II.

That the petitioner is confined and restrained of his liberty, by virtue of the following judgment of conviction:

(1). In Hennepin County, on August 28, 2013, presumptive disposition of commitment to the commissioner of Corrections to serve life imprisonment as defined in (1985), in violation of Minn. Stat. 609.185

That the previous proceedings brought by the petitioner and the grounds raised therein known to the petitioner as follows:

III.

- (1). No Crime/Wrongful Conviction.
- (2). Petitioner had no medical experts to refute States' claim of "Capacity to Consent", knowing adult female consented on her own volition.
- (3). The prosecution falsely/knowingly conflated an autoimmune disorder (Susac Syndrome) with an intellectual/developmental disability, which has no medical or legal connection whatsoever. Susac Syndrome does not diminish capacity to reason, make decisions and think.
- (4). The prosecution knowingly allowed heresay evidence to influence the case before and during the trial to inflame participants and contaminate the entire process.
- (5). The prosecution maliciously allowed false testimony thus circumventing electronic evidence, social media and accurate medical information.
- (6). Appellate counsel failed to challenge the hyperbolic and myopic view that having Susac Syndrome causes someone to become subhuman and have inferior intelligence which is medically impossible and an insult to disabled people. Counsel failed to confront the nucleus of the case which is medical (autoimmune) which was not rebutted. Counsel's arguments were minute, negligent and soft.
- (7). That the petitioner was denied effective assistance of trial counsel. Petitioner has acquired new ~~clear and convincing evidence that trial counsel catastrophically failed to thoroughly and meticulously investigate using all the tools available in obtaining and disseminating medical records, documents, legal documents, electronic records and conduct actual interviews.~~
- (8). That the prosecution planted fake news stories and quotes through a third party about petitioner in the media and family to influence potential jurors and to influence the outcome of a trial.

IV.

That the facts and grounds upon which petition are based are as follows:

IV.

- (A). Petitioner has substantial newly discovered evidence that is material and exculpatory. This evidence contradicts the inaccurate, feigned, exaggerated and apocalyptic presentation of the medical condition in general and adult female specifically at center of alleged crime.
- (B). Petitioner has substantial newly discovered evidence proving that medical condition is not an intellectual/developmental or mental condition but is actually an autoimmune disorder.
- (C). Petitioner has significant newly discovered evidence of a Brady/Discovery violation.
- (D). The State allowed heresay evidence before and during trial to influence individuals. Introduced false reports and distorted information portrayed as true which was not subject to scrutiny or cross examination.
- (E). Misconduct by the prosecution. Knowingly and maliciously provided a false narrative of Susac Syndrome and transmogrified it as a subhuman class of people and knowingly used perjured testimony thus circumventing exculpatory evidence that was withheld and in direct contradiction. Prosecutor knew SuS was a physical disability and did not meet the medical or legal criterion of a crime. Unprofessionally and quite bizarre, prosecutor portrayed adult female as less than human with inferior intelligence and knowledge.
- (F). Petitioner has significant evidence of ineffective assistance of trial counsel who performed only perfunctory duties. Counsel failed to meticulously and thoroughly investigate the core of the case which was a non-intellectual/developmental condition, and backtrack an easily proven chronological time-line to disprove false narrative of state's case. Counsel could not mount an effective defense without first challenging the state's case of capacity to consent, researching SuS, what to look for in medical records or have ordered a general disability assessment (Rule #20). Trial counsel offered no defense and accepted states' one dimensional narrative.
- (G). Petitioner had no medical professional(s) to refute states' claim that SuS is catastrophic and exaggerated claims of being subhuman/inferior with impoverished thinking. Particular tests would have to be taken to determine the level of someone's disability. Only the states' single-source medical narrative was used. Her normal I.Q. and actual daily living (ADL) were mysteriously omitted.

(H). Petitioner was denied effective representation of appellate counsel. Appellate counsel failed to appreciate the urgency and complexities of the case and failed to challenge the nexus of the case which was medicine and science. Appellate counsel failed to seek independent/second opinion medical expertise. Counsel failed to challenge the single source narrative of Susac Syndrome which is contrary to local, national and global research information. Was a catastrophic failure in vetting simple and verifiable information to prove petitioner's claims of innocence and failure to retrieve (some) perishable evidence. Appellate counsel simply followed the status-quo.

VII

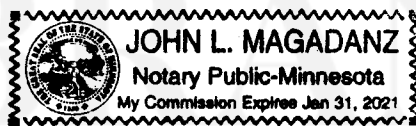
~~That all grounds for relief in this petition and the grounds raised are from research, thorough and meticulous investigation from petitioner and a very limited amount of discovery available to petitioner.~~

VIII

That the petitioner also alleges such other grounds relating to the constitution and laws of the United States and the State of Minnesota which appear from the records and proceedings herein, and such grounds that the court may decide to have litigated even through not specifically raised by the petitioner, such as his right not to be convicted on evidence insufficient as a matter of law to sustain a guilty verdict; his right not to have evidence illegally seized; his right not to incriminate himself or legal rights; his right to be charged by proper complaint, information or evidence incriminating himself; his right not to be placed twice in jeopardy; his right to due process of law including discovery; his right to disclosure of favorable evidence; his right to counsel and the right to effective aid and representation.

Dated this 9th day of August 2017

John Magadan



Cory Gordon
Petitioner