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## **Free Johnny !!**

From: **Karen POLLARD Mills** (karenmills1127@icloud.com)

Sent: Thu 7/07/16 5:05 PM

To: karenmills1127@msn.com

### **Free John David Brookins!**

Please help to free an innocent man! Imagine spending 20+ years behind bars for something that you did not do! While still rising above all the injustice and loss of freedom to become an outstanding individual, capable and willing to not only help himself, but to all those around him! John has achieved so much during his incarceration and remains a humbled and positive individual... not allowing the system to break him down! This is the kind of man we need out in the free world, helping our young troubled youth, while exposing the police brutality and corruption that still exists today!!

Please read his story and Please donate what you can do his cause! Mr. Brookins, on a daily basis, maintains many classes and programs specifically designed for health and wellness. He mails informative and instructional literature to those that reach out to him! He stays busy with programs geared towards higher education, achieving a sound, mind and spirit for both those incarcerated and outside those prison walls! He has survived and Overachieved while staying committed to helping others! Please reach out to "Johnny" and support this long overdue injustice in any way you can!

STATEMENT OF (PROCEDURAL & FACTUAL HISTORY)

PROCEDURAL HISTORY

MONTH/DAY/YEAR:

PROCEEDING & OUTCOMES:

6/20/1991	the Petitioner was arrested
7/24/1992	the Petitioner was found guilty
6/17/1997	the Petitioner was sentence
7/7/1997 - 5/28/1998	file direct appeal to Pennsylvania Superior Court, Affirmed
6/10/1998 - 2/4/1999	file allowance of Appeal to Pennsylvania Supreme Court, Denied
1/13/2000 - 10/18/2005	filed PCRA petition, denied without final Order
2/3/2006 - 9/13/2006	filed PCRA appeal to Pennsylvania Superior Court Remanded
9/13/2006 - 6/27/2012	PCRA Court of Common Pleas Denied
7/19/2012	filed PCRA appeal to Pennsylvania Superior Court, Affirmed
2/20/2013	filed Pro se PCRA Brief to Pennsylvania Superior Court, and
3/11/2013	Superior Court forwarded Pro se PCRA Brief to Fired Attorney Charles D. Jonas
4/29/2013	Fired Attorney Charles D. Jonas filed his Brief.
9/13/2013	Pennsylvania Superior Court, Denied
10/7/2013 - 3/24/2014	filed allowance of Appeal to Pennsylvania Supreme Court, Denied

F A C T U A L H I S T O R Y

O F

I S S U E S

Now pending Writ of Habeas Corpus, Civil Docket case number:  
2014-CV-02645 in the United States District Court in the Eastern  
District of Pennsylvania Philadelphia.

I. The Lower Court denied the Petitioner a mandatory PA.R.CRIM.P.  
RULE 907 - Intent to Dismiss Order.

II. The Lower Court deliberately deprived the Petitioner of  
meaningful appellate review, and of evidence and information that  
could unequivocally exonerate him.

- III. The Lower Court granted then denied the Petitioner's request for DNA testing of the gloves and untested hair samples.
- IV. All PCRA Counsels refused/failed to present the Petitioner's Constitutional Questions and/or Challenge to PA. State Statute Governing the sentence of first degree murder.
- V. On 6/5/11, the prosecution and trial attorney Marc I. Rickles introduced a knowingly false, fabricated and unsigned hearsay statement into evidence during the Petitioner's PCRA evidentiary hearing.
- VI. All PCRA Counsels proved Ineffective Assistance by refusing to allow the Petitioner to present exculpatory evidence during all the Petitioner's PCRA evidentiary hearings.
- VII. When PCRA Counsel Ronald H. Elgart unlawfully waived the Petitioners Constitutional issues of prosecutorial misconduct, trial attorney's conflict of interest, and the existence of the red gloves.
- VIII. The Lower Court denied the Petitioner of his Constitutional Rights of Due Process and Equal Protection of the Law when the PCRA Court admitted that it did not reach the merits of the Petitioner's claims that the Petitioner presented in a timely and properly filed First PCRA petition.
- IX. The Petitioner's PCRA Counsel denied the Petitioner of his Constitutional Rights of Effective Assistance of Counsel, Due Process and Equal Protection of the Law. PCRA Counsel refused to properly represent the Petitioner's best interests.

X. All prior defense counsels denied the Petitioner of his Constitutional Rights of Effective Assistance of Counsel, Due Process and Equal Protection of the Law when all prior defense counsels failed and/or refused to interview and present known defense witnesses that would demonstrate the Petitioner's actual innocence.

XI. Trial counsel's second job as Township Police Commissioner created a serious conflict of interest. And counsel's failure to remove himself from the Petitioner's case denied the Petitioner of his Constitutional Rights of Effective Counsel, Due Process and Equal Protection of the Law.

XII. Trial counsel egregiously advised the Petitioner not to testify on his own behalf. As a result, depriving the Petitioner of his Constitutional Right to testify, Effective of Assistance of Counsel, Due Process and Equal Protection of the Law.

XIII. The Petitioner was denied of his Constitutional Rights of a Fundamental Fair and Impartial jury trial, Due Process and Equal Protection of the Law when the Commonwealth Obstructed the Administration of Justice to secure his conviction.

XIV. The Petitioner was denied his Constitutional Rights of Due Process and Equal Protection of the Law when the Commonwealth charged a knowingly innocent Petitioner and allowed the actually innocent Petitioner to be convicted of a homicide the Commonwealth knew the Petitioner did not commit, resulting in a Miscarriage of Justice, arrested without warrant and warrantless arrest.

XV. The Petitioner was denied his Constitutional Rights of Due Process and Equal Protection of the Law when the Commonwealth intentionally withheld discovery from the Petitioner to secure his conviction.

XVI. The Petitioner was denied his Constitutional Rights of Due Process and Equal Protection of the Law when the Lower Court and Superior Court panel had Misapprehended a material fact of the Batson issue resulting in the actually innocent Petitioner to be convicted.

XVII. The Petitioner was denied his Constitutional Rights of Due Process and Equal Protection of the Law when a knowingly committed prosecutorial misconduct during the prosecution closing arguments, which resulted in the conviction of the innocent Petitioner.

HABEAS,CASREF

**United States District Court  
Eastern District of Pennsylvania (Philadelphia)  
CIVIL DOCKET FOR CASE #: 2:14-cv-02645-GEKP  
Internal Use Only**

BROOKINS v. WENEROWICZ  
Assigned to: HONORABLE GENE E.K. PRATTER  
Referred to: MAGISTRATE JUDGE DAVID R.  
STRAWBRIDGE  
related Case: 2:12-cv-02381-GEKP  
Cause: 28:2254 Petition for Writ of Habeas Corpus (State)

Date Filed: 05/07/2014  
Jury Demand: None  
Nature of Suit: 530 Habeas Corpus:  
(General)  
Jurisdiction: Federal Question

**Petitioner****JOHN DAVID BROOKINS**

represented by **JOHN DAVID BROOKINS**  
BW-7444  
PO BOX 244  
GRATERFORD, PA 19426  
PRO SE

V.

**Respondent**



**MICHAEL WENEROWICZ**  
*ET. AL.*

**Respondent**


**THE ATTORNEY GENERAL OF  
THE STATE OF**

represented by **JILL M. GRAZIANO**  
BUCKS COUNTY DISTRICT  
ATTORNEY'S OFFICE  
55 E. COURT STREET  
4TH FLOOR  
DOYLESTOWN, PA 18901  
215-348-6344  
Email: [jmgraziano@co.bucks.pa.us](mailto:jmgraziano@co.bucks.pa.us)  
*ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
05/07/2014	<u>1</u>	PETITION for Writ of Habeas Corpus, filed by JOHN DAVID BROOKINS. EXHIBITS EXCEEDING 50 PAGES IN HARD COPY. (Attachments: # <u>1</u> Civil Cover Sheet)(jwl, ) (Additional attachment(s) added on 5/8/2014: # <u>2</u> Request Leave To File A Reduced Number of Copies)(jwl, ). (Main Document 1 replaced on 6/5/2014)(lvj, ). (Additional

		attachment(s) added on 6/5/2014: # <u>2</u> MEMORANDUM OF LAW (lvj, ) (Entered: 05/08/2014)
05/07/2014		(Court only) Set Flag Habeas Corpus Case Management Track (jwl, ) (Entered: 05/08/2014)
05/07/2014	<u>2</u>	REQUEST LEAVE TO FILE A REDUCED NUMBER OF COPIES OF WRIT OF HABEAS CORPUS by JOHN DAVID BROOKINS. (jwl, ) (Entered: 05/08/2014)
05/12/2014	<u>3</u>	ORDER THAT THE CLERK OF COURT FURNISH PETITIONER WITH AN APPLICATION TO PROCEED IN FORMA PAUPERIS; AND WITHIN THIRTY (30) DAYS OF THE DATE OF THIS ORDER PETITIONER SHALL COMPLETE AND RETURN THE IFP APPLICATION TO THE CLERK OF COURT, ETC.. SIGNED BY HONORABLE GENE E.K. PRATTER ON 5/12/14. 5/12/14 ENTERED AND COPIES MAILED TO PRO SE PETITIONER WITH AN IFP APPLICATION AND INSTRUCTIONS.(pr, ) (Entered: 05/12/2014)
05/19/2014		(Court only) Filing fee: \$ 5.00, receipt number PPE101352 (dmc, ) (Entered: 05/19/2014)
05/30/2014	<u>4</u>	ORDER THAT REFERRING CASE TO MAGISTRATE JUDGE DAVID R. STRAWBRIDGE FOR A REPORT AND RECOMMENDATION.. SIGNED BY HONORABLE GENE E.K. PRATTER ON 5/29/14. 5/30/14 ENTERED AND COPIES MAILED TO PRO SE PETITIONER.(pr, ) (Entered: 05/30/2014)
06/05/2014	<u>5</u>	ORDER THAT THE CLERK OF COURT SHALL SERVE UPON THE DISTRICT ATTORNEY OF BUCKS COUNTY A COPY OF THE FORM PETITION FOR WRIT OF HABEAS CORPUS WITH APPENDED 7 PAGES, AS WELL AS THE MEMORANDUM OF LAW, ETC. THE CLERK OF THIS COURT SHALL SERVE UPON THE DISTRICT ATTORNEY OF BUCKS COUNTY AND THE OFFICE OF THE CLERK OF COURTS OF BUCKS COUNTY A COPY OF THIS ORDER; PETITIONER SHALL PROVIDE THE COURT AND THE DISTRICT ATTORNEY OF BUCKS COUNTY A SCHEDULE IDENTIFYING THE VARIOUS EXHIBITS APPENDED TO HIS MEMORANDUM OF LAW, ETC. THE DISTRICT ATTORNEY OF BUCKS COUNTY SHALL FILE ON OR BEFORE 7/21/14 AN ANSWER AND MEMORANDUM OF LAW, ETC. THE OFFICE OF THE CLERK OF COURTS OF BUCKS COUNTY SHALL FILE WITH THE CLERK OF THIS COURT ON OR BEFORE 7/21/14 COPIES OF ALL RECORDS, INCLUDING TRANSCRIPTS OF NOTES OF TESTIMONY AT ARRAIGNMENT, TRIAL, SENTENCING, SUPPRESSION HEARINGS, POST CONVICTION HEARINGS, PETITIONS, PLEADINGS, OPINIONS AND BRIEFS OF STATE COURT PROCEEDINGS IN THE MATTER OF COMMONWEALTH V. JOHN DAVID ROOKINS, COURT OF COMMON PLEAS OF BUCKS COUNTY, CP-09-CR-5060-1991; AND SHOULD PETITIONER WISH TO FILE A REPLY TO THE RESPONDENTS' ANSWER HIS REPLY SHALL BE FILED WITHIN THIRTY DAYS AFTER SERVICE OF THE ANSWER. PRISONER



		STATE RECORD DUE BY 7/21/2014.. SIGNED BY MAGISTRATE JUDGE DAVID R. STRAWBRIDGE ON 6/5/14. 6/5/14 ENTERED AND COPIES MAILED TO PRO SE ,RESPONDENTS AND DISTRICT ATTORNEY OF BUCKS COUNTY WITH PETITION AND MEMORANDUM OF LAW AND FAXED TO CLERK OF COURTS OF BUCKS COUNTY.(lvj, ) (Entered: 06/05/2014)
06/05/2014		(Court only) ***Update Answer Deadline (lvj, ) (Entered: 06/05/2014)
06/09/2014	<u>6</u>	THE PETITIONER'S MOTION REQUESTING LEAVE TO FILE A SUPPLEMENTAL BRIEF ADDING ADDITIONAL CLAIMS TO HIS CURRENT WRIT OF HABEAS CORPUS BRIEF FILED BY JOHN DAVID BROOKINS, PROOF OF SERVICE.Motions referred to DAVID R. STRAWBRIDGE. (Attachments: # <u>1</u> SUPPLEMENTAL BRIEF)(lvj, ) Modified on 6/18/2014 (lvj, ). (Entered: 06/10/2014)
06/13/2014	<u>7</u>	Exhibits/Table of Contents Appendages In Support of Writ of Habeas Corpus filed by JOHN DAVID BROOKINS. Proof of Service. (pr, ) (Entered: 06/13/2014)
06/17/2014		State Court Record received and forwarded to Magistrate Judge Strawbridge Chambers. (lvj, ) (Entered: 06/17/2014)
06/17/2014	<u>9</u>	ORDER THAT PETITIONER'S MOTION REQUESTING LEAVE TO FILE A SUPPLEMENTAL BRIEF IS GRANTED AND HIS PETITION IS SUPPLEMENTED TO INCLUDE THE CLAIMS LISTED IN HIS SUPPLEMENTAL BRIEF. THE CLERK OF THIS COURT SHALL SERVE UPON THE DISTRICT ATTORNEY OF BUCKS COUNTY A COPY OF THIS ORDER.. SIGNED BY MAGISTRATE JUDGE DAVID R. STRAWBRIDGE ON 6/16/14.6/18/14 ENTERED AND COPIES MAILED TO PRO SE AND DISTRICT ATTORNEY OF BUCKS COUNTY WITH SUPPLEMENTAL BRIEF SENT BY CERTIFIED MAIL.(lvj, ) Modified on 6/18/2014 (lvj, ). (Entered: 06/18/2014)
06/17/2014	<u>10</u>	Supplemental brief adding additional claims to his current writ of habeas corpus brief filed by petitioner. (lvj, ) (Entered: 06/18/2014)
06/18/2014	<u>8</u>	Receipt for state court record returned signed by chambers on 6/18/14 (lvj, ) (Entered: 06/18/2014)
06/19/2014	<u>11</u>	Letter from plaintiff dated 6/13/14 re: missing page (9) to be included in supplemental brief dated 6/5/14 to current writ of habeas corpus brief (lvj, ) (Entered: 06/20/2014)
07/21/2014	<u>12</u>	Answer in Opposition to <i>Petition for Habeas Corpus Relief and Memorandum of Law in Support Thereof</i> by the Bucks County District Attorney by THE ATTORNEY GENERAL OF THE STATE OF. Memorandum, Certificate of Service. (Attachments: # <u>1</u> Supplement Exhibits A, # <u>2</u> Supplement Exhibits A-B, # <u>3</u> Supplement Exhibit C, # <u>4</u> Supplement Exhibits D-H) (GRAZIANO, JILL) Modified on 7/22/2014 (lisad, ). (Entered: 07/21/2014)
07/30/2014	<u>13</u>	

		THE PETITIONER FILES ADDITIONAL CLAIMS TO HIS CURRENT WRIT OF HABEAS CORPUS BRIEF FILED by JOHN DAVID BROOKINS, PROOF OF SERVICE. (lvj, ) (Entered: 07/30/2014)
08/05/2014	<u>14</u>	ANSWER in Opposition to <i>Petitioner's Additional Claims to His Current Writ of Habeas Corpus Brief filed by the Bucks County District Attorney's Office</i> by THE ATTORNEY GENERAL OF THE STATE OF. Certificate of Service. (GRAZIANO, JILL) Modified on 8/6/2014 (lisad, ). (Entered: 08/05/2014)
08/12/2014	<u>15</u>	The Petitioner Requests a stay in the matter to allow the state court the opportunity to hear the petitioner's unexhausted claims by JOHN DAVID BROOKINS, proof of service. (lvj, ) (Entered: 08/13/2014)
08/19/2014	<u>16</u>	Answer in Opposition to <i>Petitioner's Request for a Stay in the Matter to Allow the State Court the Opportunity to Hear the Petitioner's Unexhausted Claims filed by the Bucks County District Attorney's Office</i> by THE ATTORNEY GENERAL OF THE STATE OF. Certificate of Service. (GRAZIANO, JILL) Modified on 8/20/2014 (lisad, ). (Entered: 08/19/2014)
08/26/2014	<u>17</u>	The petitioner replies to the Respondents' answer in opposition to his request for a stay filed by JOHN DAVID BROOKINS, proof of service. (lvj, ) (Entered: 08/27/2014)