

## Supporting Facts

The Commonwealth's sole witness in the prosecution against the petitioner was Homer Lane. During trial testimony Mr. Lane alleged that he personally witnessed the shooting death of Chester Laws on May 16, 1982, in the City of Philadelphia and identified the petitioner as the perpetrator. However, from the very onset of the prosecution it had been inarguably demonstrated that Homer Lane could not have witnessed the shooting because during the trial Mr. Lane and his mother, both of whom were interviewed by the police immediately after the shooting was reported, testified that he was sound asleep at the time of the murder (approx. 2:00 AM). In fact, during trial a stipulation was entered concerning Phila. Homicide Detective Igor Alimot, in that if Detective Igor Alimot were called as a witness, he would testify that on May 16, 1982, he spoke to Homer Lane and Mr. Lane stated, "on the morning of the shooting his mother awakened him and he looked out the window to see the victim lying in the street." (NT. 469).

It was not until two or three days after Lane alleged, he was shot by the petitioner and co-defendant, Michael Jones, he then decided to go to the police.

The next day after the shooting (of Lane in his stolen automobile), Lane called a detective whose card he had been given during the time he reported the shooting from the day before.

While at the Police Administration Building, detectives told Lane they would intercede on his behalf concerning the stolen car from Florida, in which he characterized as "a rented car that he failed to return to the rental agency." At the time of the interview with detectives Mr. Lane provided what would be considered key information that would incriminate the petitioner. Mr. Lane informed the detectives **that he remembered seeing Carmen Woods shoot the deceased Chester Laws on the night of the crime; although earlier in the investigation he told the detectives that he was sound asleep.**

Homer Lane had always lacked credibility. Lane had been convicted for crimes of falsity and had been a fugitive from Florida since 3/24/82 for a stolen car. During the time of the investigation of Chester Laws, he denied knowing anything about the shooting then later changed his statement. He also got the entry direction of the bullet incorrect in the murder of Laws. There had always been inconsistencies in his statements. In (1986) Lane signed affidavits recanting his trial testimony.

Lane had a stolen car from Florida that he testified at trial, "he had a **Promise** from the District Attorney that he would try to help him with his extradition to Florida," (1/21/83 N.T.193).

William Boland bolstered Lane's credibility throughout the trial, he stated "**Homer Lane is the whole case**" (N.T.648) and when he spoke of a promise it was only in the future, never prior to trial, the District Attorney's Office committed a **Perpetual Fraud and held back evidence** for the past 27 years pertaining to the **Facts of the Stolen Car, Homer Lane, and Eliciting False testimony.**

On or about May 19, 2009, petitioner received a copy of the District Attorney's response to **Opposing Application for leave to file another Successive Habeas Corpus Petition**, in which the Commonwealth gave a **false** response to Homer Lane's 1986 affidavit. (See EX "A") on page 9. Footnote 10 in this the DA alluded to Homer Lane's recantation in 1986 in which he said, "He testified out of anger for having been shot at after the murder, as well as in exchanged to the Commonwealth dismissing the outstanding charge of automobile theft, **(Which he already admitted at trial).**"

There was never any testimony of the charges having been dropped at trial or prior to trial. For the first time the District Attorney authenticates what Homer Lane said in his affidavit in 1986, (See EX "B"). The District Attorney had an obligation to correct **False** or **Perjured** testimony; however, they defended this **Fraud** for 27 years. In violation of Petitioner's **Due Process Rights.**