

OUTLINE

I. STRUCTURAL AND PRESUMPTIVELY PREJUDICIAL ERRORS

Collapsed Adversarial System – Structural Breakdown from Pre-Indictment Through Trial

- 1. Ground 1: Ineffective Assistance of Counsel – Total Failure to Raise Any Available Objection to Facially Invalid Especially Aggravated Kidnapping Charge**
- 2. Ground 2: Failure to Prove Essential Elements – Especially Aggravated Kidnapping Conviction Void Under Tenn. Code A.. § 39-13-305**
- 3. Ground 3: Involuntary Waiver of Jury Trial Due to Coercion and Pretrial Detention**
- 4. Ground 4: Complete Denial of Counsel – Evident from the Face of the Record**
- 5. Ground 5: Actual Conflict of Interest (Prior Representation of Witness)**
- 6. Ground 6: Judicial Duty to Remedy Structural - Conflict of Interest Defect**
- 7. Ground 7: Constructive Denial of Counsel and Inability to Privately Confer with Counsel During Bond Hearing**
- 8. Ground 8: Structural Ineffective Assistance of Counsel During Bond Hearing – Failure to Object, Preserve or Advocate at Critical Stage**
- 9. Ground 9: Defective Charging Body – Structural Grand Jury Irregularity and Biased Foreman Appointed by Biased Judge**
- 10. Ground 10: Prosecutorial Misconduct - Use of False Testimony and Suppression of Impeachment Evidence through Unauthorized Expungement**
- 11. Ground 11: Judicial Bias Reflected in Omissions and Patterns of Conduct**
- 12. Ground 12: Failure to Hold a Mandatory Full Competency Hearing - Structural Due Process Violation**
- 13. Ground 13: Americans with Disabilities Act and Due Process Access Violation – Failure to Provide CART for Defendant with Traumatic Brain Injury**
- 14. Ground 14: Systemic Breakdown of the Adversarial Process - Structural Violation Under United States v. Cronin**
 - A. Pre-Indictment Denial of Counsel:**
 - B. Involuntary Jury Waiver Induced by Deprivation of Liberty:**
 - C. Absence of Competency Hearing Despite Known Brain Injury:**
 - D. Failure of Defense Counsel to Subject the Prosecution to Adversarial Testing:**
 - E. Conflict of Interest and Divided Loyalty:**
 - F. Judicial Bias and Partiality:**

- 15. Ground 15: Motion to Dismiss Indictment Due to Structural Denial of Counsel and Tainted Grand Jury Proceedings.**
- 16. Ground 16: Motion to Arrest Judgement Pursuant to Tenn. R. Crim. P 34**
- 17. Ground 17: Invalid Capias and Jurisdictional Defect – Constitutional Challenge to Tennessee’s Capias Practice as Applied**
- 18. Ground 18: Structural Error - Denial of Rule 5 Initial Appearance and Judicial Oversight**
- 19. Ground 19: Compelled Testimony Contrary to Defendant’s Belief is a Constitutional Violation and Structural Error**

II. CONSTITUTIONAL ERRORS SUPPORTING REVERSAL

- 20. Ground 20: Violation of Sixth Amendment Confrontation Clause - Hearsay Expert Testimony**
- 21. Ground 21: Failure to Impeach State Witnesses**
- 22. Ground 22: Improper Joinder of Offenses**
- 23. Ground 23: Failure to Present Exculpatory Witnesses and Evidence — Deprivation of Complete Defense and Compulsory Process**
- 24. Ground 24: Pre-Indictment Denial of Counsel**

III. EVIDENTIARY AND PROCEDURAL ERRORS

- 25. Ground 25: Failure to Move for Discovery of Impeachment Material**
- 26. Ground 26: Failure to Move for a Franks Hearing to Challenge Affidavit Falsehoods and Omissions**
- 27. Ground 27: Admission of Prior Bad Acts**
- 28. Ground 28: Failure to Present Mental State Defense**
- 29. Ground 29: Deprivation of Speedy Trial**
- 30. Ground 30: Warrant Based Search of Wrong Address**
- 31. Ground 31: Miranda Violations Prejudicing Bail and Trial**
- 32. Ground 32: Motion to Withdraw Guilty Pleas of Criminal Impersonation**

IV. INEFFECTIVE ASSISTANCE OF COUNSEL ON THE FACE OF THE RECORD

33. Ground 33: Ineffective Assistance of Counsel on the Face of the Record

V. SENTENCING ERRORS

34. Ground 34: Improper Application of Enhancement Factors - T.C.A. § 40-35-114

35. Ground 35: Improper Imposition of Consecutive Sentences - T.C.A. § 40-35-115

VI. REQUEST FOR MANDATORY JUDICIAL NOTICE

36. Ground 36: Request for Mandatory Judicial Notice

VII. RESERVED FOR POST-CONVICTION RELIEF

37. Ground 37: Claims reserved for Post-Conviction Relief

VIII. CUMULATIVE ERROR

38. Ground 38: Cumulative Effect of Multiple Structural, Constitutional, Evidentiary and Procedural Errors

IX. REQUESTED REMEDIES

1. Vacate the conviction for Especially Aggravated Kidnapping and dismiss the charge with prejudice under Tenn. Code Ann. § 39-13-305;
2. Permit withdrawal of guilty pleas entered without disclosure of the nature of the charges or factual basis;
3. Grant a new trial on all charges as necessary to restore the Defendant's due process and trial rights;
4. Order the Defendant's immediate release on recognizance bond or reinstate pretrial liberty in light of presumptively prejudicial structural errors;
5. Enter and certify into the record for appellate review all submitted exhibits, affidavits (See MATTHEW AMICK AFFIDAVIT STATEMENT OF CASE with incorporated exhibits A-Q, AFFIDAVIT IN SUPPORT OF AMENDED PETITION), post-trial reports, pre-sentence

materials and “pre-sentence report” referenced for sentencing and supplements under Tenn. R. App. P. 24(a)–(d);

6. Formally take mandatory judicial notice of facts and documents already in the record, including attached exhibits, as required by Tenn. R. Evid. 201 and Tenn. R. Crim. P. 1;
7. Order the Clerk to compile and certify the complete appellate record, including the motion, supplements, exhibits, affidavits, and hearing transcripts, bond hearing transcripts, and trial transcripts for appellate review;
8. Acknowledge and preserve all claims not ripe for this Motion for future post-conviction relief and/or habeas corpus under Tenn. Code Ann. § 40-30-101 and 28 U.S.C. § 2254;
9. If any portion of this motion is denied, issue written findings of fact and conclusions of law pursuant to Tenn. R. Crim. P. 33(c) to facilitate appellate review.

Reference contemporaneously submitted AFFIDAVIT OF MATTHEW AMICK with
Incorporated Exhibits A-R