

PROCEDURAL HISTORY

I. OVERVIEW

This section delineates the full procedural timeline of Donald R. Simpson’s criminal case and subsequent post-conviction litigation. It encompasses the charging phase, preliminary hearings, trial proceedings, direct appeals, post-conviction motions, federal habeas filings, and renewed Rule 29.15 motions. The timeline includes all major rulings, the involvement of counsel, court decisions, and jurisdictional outcomes at both the state and federal levels.

II. INITIAL CHARGES AND PRELIMINARY PROCEEDINGS

- **Arrest and Charging:**
 - **John Katura** was arrested on **August 24, 1989**, in Arkansas and immediately sought to implicate Simpson in the death of J.D. Masters.
 - A warrant was issued for Donald R. Simpson for **Second-Degree Murder** on **October 31, 1991**. He was arrested in Kentucky and extradited to Missouri on **January 1, 1992**.

- The State later amended the charge to **First-Degree Murder**, exposing Simpson to a sentence of life without parole.
 - **Preliminary Hearing:**
 - Held in **May 1992** in Jasper County Circuit Court.
 - The only evidence presented by the prosecution at this stage was the testimony of John Katura.
 - Despite no forensic, eyewitness, or direct physical evidence, the case was bound over for trial .
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III. TRIAL PROCEEDINGS (1993)

- **Trial Date: June 1993**
- **Court:** Jasper County Circuit Court, Judge William C. Crawford presiding.
- **Prosecution's Strategy:**
 - Relied almost entirely on post hoc witness statements by **John Katura, Angela Head, Carla Kelley, and Betty Pruitt.**
 - Physical evidence included the **disputed fingerprint on handcuffs**, and a **towel found on the decedent's neck**—not documented in the autopsy report but later confirmed by the coroner's office.
- **Defense Counsel:**
 - Trial counsel was Dee Wampler. Wampler later faced criticism for alleged failure to investigate, poor trial strategy, and not calling Katura as a hostile witness.

- **Key Trial Testimony & Events:**
 - **Angela Head:** Testified Simpson strangled Masters but recanted parts of her testimony and expressed fear of Katura. Her credibility was severely impeached.
 - **John Katura:** Did not testify at trial. His statements—deemed critical—were introduced via prior depositions.
 - **Forensic Evidence:** Largely inconclusive. The State lost the most probative piece—a **fingerprint lifted from the handcuffs**.
 - **Defense Strategy:** Focused on impeaching Katura’s credibility; did not call Simpson to testify.
 - **Jury Verdict:** After approximately **13 minutes of deliberation**, Simpson was found **guilty of First-Degree Murder**.
 - **Sentence: Life imprisonment without the possibility of parole.**
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IV. DIRECT APPEAL (Missouri Court of Appeals, Southern District)

- **Filed:** Immediately following sentencing in 1993.
- **Lead Counsel:** Susan Hogan (Appellate Public Defender).
- **Case No.:** 19043 (Direct Appeal); 19937 (Consolidated 29.15)
- **Opinion Date: September 28, 1995**
- **Points Raised:**
 1. Improper admission of **gruesome autopsy photographs** (State’s Exhibit 11).

2. Improper admission of **hearsay telephone record evidence** (State's Exhibit 36) — phone call to Amarillo, Texas.

- **Court Ruling:**

- Found no abuse of discretion. Held that the photograph helped prove cause of death and the phone records were cumulative to testimony by Masters' aunt.
 - Affirmed both the conviction and the denial of post-conviction relief under Rule 29.15.
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V. POST-CONVICTION RELIEF (Missouri Rule 29.15)

- **Initial Filing:** 1993

- **Grounds:**

- Ineffective assistance of counsel (failure to advise Simpson on testifying, failure to challenge phone record).
- Counsel failed to object adequately to prejudicial evidence.

- **Evidentiary Hearing:**

- Trial counsel testified he advised Simpson not to testify due to concern over his criminal history and demeanor.
- The motion court ruled the advice was strategic and constitutionally adequate.

- **Outcome:** Motion **denied**. Consolidated with direct appeal and affirmed by Missouri Court of Appeals.

VI. FEDERAL HABEAS CORPUS (28 U.S.C. § 2254)

- **Filed:** April 25, 1997, U.S. District Court, Western District of Missouri (Hon. Nanette Laughrey)
- **Case No.:** 97-0649
- **Claims:**
 1. Admission of prejudicial photographic and phone record evidence.
 2. Ineffective trial counsel (encouraging him not to testify; failure to investigate phone number).
 3. Ineffective appellate counsel (failure to raise certain issues).
- **Ruling:**
 - Petition denied on **March 29, 2000**.
 - Court found issues were either procedurally defaulted or lacked merit.
Found no prejudice under *Strickland v. Washington*, 466 U.S. 668 (1984).

VII. 2023 MOTION TO VACATE UNDER RSMo § 547.031

- **Filed:** 2023, Circuit Court of Jasper County
- **Basis:**
 - New evidence of witness perjury and recantations.
 - Undisclosed Brady material and violation of Simpson's Sixth Amendment right to confrontation.

- Evidence that the phone number alleged to connect Simpson to the scene did **not belong to his stepfather**.
- Renewed ineffective assistance claims and newly discovered evidence regarding **Troy Shenfield**, who allegedly confessed to the crime while intoxicated in 1989.
- **Status:** Awaiting judicial determination on the merits (as of last available document).

VIII. SUMMARY

Date	Event
July 6, 1989	Death of John Masters
Aug 24, 1989	Arrest of John Katura in Arkansas
Oct 31, 1991	Warrant issued for Donald Simpson
Jan 1, 1992	Simpson extradited to Missouri
May 1992	Preliminary Hearing
June 1993	Trial; Conviction for First-Degree Murder
1993–1995	Rule 29.15 filed and denied
Sept 28, 1995	MO Court of Appeals affirms conviction and denial
Apr 25, 1997	Federal habeas petition filed
Mar 29, 2000	Federal habeas denied
2023	Motion to Vacate under § 547.031 filed

LEGAL ISSUES & ARGUMENTS

PREAMBLE

The State of Missouri obtained a conviction against Donald R. Simpson for first-degree murder without any reliable physical evidence, based almost entirely on the testimony of a witness with a glaring self-interest in deflecting his own criminal responsibility: John Katura. What's worse, the State knowingly relied on contradictory statements, failed to disclose exculpatory evidence, improperly admitted forensic exhibits, and utterly deprived Mr. Simpson of his Sixth Amendment right to confront his accuser.

These are not minor oversights. These are not harmless errors. This is structural constitutional rot that infected every phase of Mr. Simpson's prosecution and continues to deny him his liberty to this day.

Each issue below independently warrants post-conviction relief under Missouri Supreme Court Rule 29.15, Rule 91 (habeas corpus), or § 547.031 RSMo. Collectively, they present a profound miscarriage of justice that demands urgent judicial correction.

I. BRADY VIOLATION – SUPPRESSION OF EXCULPATORY EVIDENCE

A. The Handcuffs and the False Link to Simpson

The prosecution introduced handcuffs allegedly used in the strangulation of John Masters—handcuffs that were later recovered from a furnace vent in John Katura’s own residence at 410 W. 1st Street. The State failed to disclose critical documentation confirming Katura’s ownership of those handcuffs, even though multiple witnesses (e.g., Peggy Wright, Betty Pruitt) independently attested that Katura owned them well before the incident.

Brady v. Maryland, 373 U.S. 83 (1963), mandates that “*the suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment.*”

Had the jury been told unequivocally that the handcuffs belonged to Katura—as law enforcement knew or should have known—the entire physical narrative tying Simpson to the murder would have disintegrated.

B. The Amarillo Phone Call – Misrepresented Evidence

The State introduced phone records showing a call from the victim’s apartment to a number in Amarillo, Texas. Prosecutor Dee Wampler argued this call linked Simpson to the crime because his stepfather, Larry Gray, lived in Amarillo. But undisputed evidence

in police reports and affidavits showed that the phone number called did **not** belong to Gray. The State had this information in its own investigative file.

This was a textbook Brady violation: the State withheld impeaching evidence that would have directly undercut its own theory of Simpson's presence at the scene around the time of death.

II. SIXTH AMENDMENT VIOLATION – RIGHT TO CONFRONTATION

John Katura, the State's key accuser, **did not testify at trial**. Instead, the prosecution read and paraphrased portions of his prior testimony and out-of-court statements. Simpson never had the opportunity to cross-examine him—despite the fact that Katura's statements were the **only direct evidence** placing Simpson at the scene and attributing specific homicidal conduct to him.

In **Crawford v. Washington**, 541 U.S. 36, 68 (2004), the U.S. Supreme Court held: "*Where testimonial evidence is at issue... the Sixth Amendment demands what the common law required: unavailability and a prior opportunity for cross-examination.*"

The State cannot claim unavailability when it deliberately chose not to call Katura to testify at trial—even after the defense formally requested his appearance. This is a structural Confrontation Clause violation, one that infected the trial from the outset and requires automatic reversal under **Crawford**.

III. INEFFECTIVE ASSISTANCE OF COUNSEL – STRICKLAND STANDARD

A. Trial Counsel’s Failure to Investigate and Impeach

Simpson’s trial counsel failed to adequately investigate Katura’s credibility, did not seek expert forensic analysis of the alleged murder weapon (the towel), and failed to challenge the phone record's evidentiary foundation.

Under **Strickland v. Washington**, 466 U.S. 668, 688 (1984), a defendant is denied effective counsel where “*counsel’s conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced a just result.*”

Failure to investigate and challenge a central forensic exhibit—especially when the towel was **not mentioned** in the autopsy report—is far below the standard of reasonable competence.

B. Advice Not to Testify Without Full Consideration

Simpson also alleges that counsel advised him not to testify without explaining the ramifications or confirming that it was an informed choice. Given the lack of physical evidence and the centrality of credibility in the State’s case, Simpson’s own testimony—had it been offered—may have altered the outcome.

See **United States v. Teague**, 953 F.2d 1525, 1535 (11th Cir. 1992) (en banc):

"The decision whether to testify belongs to the defendant, not his lawyer. The trial court must ensure the decision is informed and voluntary."

IV. USE OF KNOWN PERJURED TESTIMONY – NAPUE VIOLATION

The State knowingly introduced statements from John Katura that were inconsistent with each other and contradicted physical evidence. Katura repeatedly changed his story:

- He first denied any knowledge of the murder.
- Later said Simpson used a towel.
- Then claimed he (Katura) helped drag the body.
- At one point, told others that **he** killed the victim.

Each version varied depending on the setting: police interviews, jail conversations, or post-arrest letters.

Napue v. Illinois, 360 U.S. 264, 269 (1959):

"A conviction obtained through use of false evidence, known to be such by representatives of the State, must fall under the Fourteenth Amendment."

The prosecution did nothing to correct the record or clarify Katura's shifting narratives, despite knowing they were materially inconsistent and unreliable. This is prosecutorial misconduct of a constitutional magnitude.

V. ADMISSION OF UNDULY PREJUDICIAL AND CUMULATIVE EVIDENCE

A. Autopsy Photo (State's Exhibit 11)

The State introduced an extremely gruesome photograph of the decomposing body, even though a less inflammatory image (Exhibit 29) was already admitted and sufficient to establish the cause of death. The only discernible difference was the visibility of a towel—despite it not being identified in the autopsy.

State v. Bernard, 849 S.W.2d 10, 14 (Mo. App. W.D. 1993):

"Admission of cumulative and gruesome photographs, when the probative value is minimal and outweighed by prejudice, constitutes reversible error."

The photograph's only function was to inflame the jury and bolster a weak circumstantial case.

VI. ACTUAL INNOCENCE – TROY SHENFIELD'S CONFESSION

Documents submitted in recent post-conviction motions show that **Troy Shenfield**, a former resident in the same building as Masters, **confessed to his girlfriend in 1989** that he killed a man and dragged the body into the garage. The details matched the crime

scene—including the towel and the garage—and were **not public knowledge at the time**.

This newly discovered evidence, corroborated by Shenfield's girlfriend and her mother, is constitutionally significant.

Schlup v. Delo, 513 U.S. 298, 324 (1995):

"A petitioner may pass through the actual innocence gateway if he presents new reliable evidence... that it is more likely than not that no reasonable juror would have convicted him in light of the new evidence."

Simpson's conviction cannot stand in the face of this credible and corroborated third-party confession.

VII. CUMULATIVE ERROR ANALYSIS

Even if each of the above constitutional violations is not deemed independently sufficient to overturn Simpson's conviction, their **cumulative effect**—when considered together—fatally undermines the reliability of the verdict.

Chambers v. Mississippi, 410 U.S. 284, 302 (1973):

"The Constitution guarantees criminal defendants a meaningful opportunity to present a complete defense."

Simpson was denied this right at every turn: through tainted evidence, excluded witnesses, corrupted forensics, and discredited testimony.

CONCLUSION

We are left asking: how could this happen?

How could the State of Missouri send a man to prison for life based on a story that changed every time it was told? Based on handcuffs the State **knew** didn't belong to the defendant? On phone records they **knew** were misattributed? On testimony they **knew** couldn't be cross-examined? On forensic evidence that they **lost, withheld, or misrepresented?**

The conviction of Donald Simpson was not the result of a fair adversarial trial. It was the result of an uncontrolled series of prosecutorial shortcuts, strategic omissions, and a court system willing to believe a narrative because it was easy—not because it was true.

Simpson has served over 30 years for a crime that, at a minimum, he did not receive a constitutionally valid trial for—and at worst, he did not commit.

Relief must be granted.

EVIDENCE REVIEW

In evaluating the evidence used to convict Donald R. Simpson, a pattern of factual inconsistency, evidentiary contamination, and forensic manipulation emerges. The State's case, under scrutiny, collapses under the weight of its own contradictions. There is no objective, physical evidence tying Simpson to the murder of J.D. Masters. What remains is a brittle chain of unreliable testimony, mischaracterized forensics, and evidence later revealed to be either mishandled or outright fabricated. This section outlines and analyzes each evidentiary category used at trial, contrasts it with newly discovered evidence, and underscores the legal significance of what was omitted or misrepresented.

I. PHYSICAL EVIDENCE PRESENTED AT TRIAL

A. The Towel (Alleged Murder Weapon)

- **Trial Claim:** The prosecution asserted that Simpson strangled Masters with a towel.
- **Autopsy Report:** *No mention* of a towel around the victim's neck in the formal autopsy by Dr. Carnes.

- **Coroner's Office:** Deputy coroner Carol Greene later stated she removed a towel from around the neck—but this was never properly documented, tagged, or tested for DNA.
- **Significance:** The towel—central to the prosecution's theory—was neither introduced as a trial exhibit nor tested to confirm presence of Simpson's DNA, blood, or trace evidence. Its evidentiary chain of custody is unaccounted for.

This directly undermines the State's primary murder theory and constitutes a *material failure of forensic proof*.

B. The Handcuffs

- **State's Exhibit:** Recovered from a floor vent in 410 W. 1st Street (Katura's residence), these were said to be used to restrain Masters.
- **Witness Testimony:**
 - Multiple individuals, including Peggy Wright and Betty Pruitt, independently identified the handcuffs as belonging to **John Katura**, not Simpson.
- **State's Forensic Error:**
 - A partial latent print was lifted from the handcuffs. It was *lost or destroyed* by State's own forensic experts before it could be compared.
 - The defense was not afforded the opportunity to independently test this print.

This destroyed or lost evidence—potentially exculpatory—warrants relief under *Arizona v. Youngblood*, 488 U.S. 51, 58 (1988) (bad faith failure to preserve evidence violates due process).

II. DOCUMENTARY EVIDENCE

A. Southwestern Bell Telephone Records (State's Exhibit 36)

- **Prosecution Use:** The phone call allegedly made from Masters' apartment on July 6, 1989 at 5:12 p.m. to Amarillo, Texas was cited as evidence Simpson was at the scene at the time of death.
- **Contradictions:**
 - Larry Gray, Simpson's stepfather, testified he had *no connection* to that phone number.
 - Police reports confirmed the Amarillo number was *not* associated with Gray.
- **Trial Argument:** Prosecutor argued the call linked Simpson to the crime scene, misleading the jury with evidence that was both inaccurate and misattributed.

This was *objectively false evidence*, and its introduction without correction constitutes prosecutorial misconduct under *Giglio v. United States*, 405 U.S. 150, 153 (1972).

III. TESTIMONIAL EVIDENCE

A. John Katura

- **Content:** Gave multiple, conflicting versions of events, including:
 - That Simpson acted alone.
 - That he (Katura) merely observed.
 - That he helped dispose of the body.
 - That Simpson used a towel, a pillow, or both—depending on the version.
- **Contradictions:** In an unsolicited jailhouse phone call, Katura confessed that *he* killed Masters. Other times, he implicated Simpson to gain leniency on pending charges.
- **Legal Flaws:** Katura **did not testify at trial**. The jury only heard read-aloud segments and hearsay statements. Simpson was denied any confrontation rights.

Under *Crawford v. Washington*, 541 U.S. 36 (2004), this denial is structurally fatal to any verdict reliant on Katura's statements.

B. Angela Head (Kirk)

- **Testimony:** Claimed she overheard Simpson confess to the killing and witnessed him wearing Masters' shoes.
- **Recantation and Impeachment:**
 - Gave conflicting testimony on who confessed and when.
 - Later expressed fear of Katura and claimed she was threatened into testifying.

- **Prior Statements:** Her deposition contradicts her trial testimony regarding what she saw and heard. Her demeanor under cross was erratic and contradictory.

She was the prosecution's emotional linchpin—her disintegration on cross-examination left the State with no unimpeached witness.

C. Carla Sue Kelley

- **Content:** Alleged that while in Amarillo, she overheard Katura say he had “killed a man” in Missouri. This was introduced to suggest Katura had direct culpability.
- **Defense Use:** Ironically, the State sought to *exclude* Kelley’s testimony, despite her being an independent witness against its own theory.
- **Relevance:** Strong third-party guilt evidence.

Courts consistently hold that exclusion of credible third-party guilt evidence violates a defendant's right to present a defense. *Holmes v. South Carolina*, 547 U.S. 319, 324 (2006).

IV. NEWLY DISCOVERED EVIDENCE

A. Troy Shenfield Confession

- **Statement:** Shenfield reportedly confessed to his girlfriend’s mother in 1989, saying:

"I got drunk, I strangled the son of a bitch Masters, and I dragged him to the garage."

- **Corroboration:** The mother reported this to police. Shenfield's confession described elements *not publicly known* at the time (e.g., garage location, method of death).
- **Law Enforcement Response:** Investigators *did not even interview Shenfield*. Instead, they dismissed the confession as "a joke."

This failure to investigate constitutes investigative misconduct and Brady suppression. Under *Kyles v. Whitley*, 514 U.S. 419, 437 (1995), prosecutors are responsible for exculpatory material known to law enforcement—whether or not it is in their immediate file.

V. EVIDENCE EXCLUDED OR LOST

Category	Evidence	Impact
Forensic print	Latent print on handcuffs	Lost by State before defense could test
Murder weapon	Towel around neck	Not preserved or tested; no DNA or blood typing
Confession record	Jail recording of Katura	Not played at trial; contents contradicted State case
Polygraph reports	Katura agreed to polygraph, then recanted	Indicates awareness of guilt, never pursued

The suppression, destruction, and manipulation of physical and testimonial evidence severely compromises the reliability of the trial.

VI. SUMMARY OF PROBATIVE EVIDENCE VS. PREJUDICE

Admitted Evidence	Legitimacy	Prejudicial Value
Autopsy Photo (Ex. 11)	Duplicative, inflammatory	High
Hearsay Phone Records (Ex. 36)	Misleading, misattributed	High
Katura's Statements	Unsworn, inconsistent, no cross	High
Actual Physical Evidence (DNA, prints)	Absent or lost	N/A (would favor defense)
Troy Shenfield Confession	Corroborated, credible	Excluded

CONCLUSION

The evidence used to convict Donald R. Simpson is not merely weak—it is **affirmatively unreliable**. The most inculpatory items were either:

- **Fabricated or misrepresented** (phone records);
- **Introduced without proper foundation** (autopsy photo);
- **Denied adversarial testing** (fingerprints, towel);
- Or **sourced from impeached, unavailable, or coerced witnesses** (Katura, Head).

In contrast, exculpatory evidence—such as Shenfield's confession, Katura's own admissions, and ownership of the handcuffs—was ignored, suppressed, or buried.

This was not a search for truth. It was a prosecution in search of a target. Simpson’s conviction rests not on proof beyond a reasonable doubt, but on a foundation of prosecutorial distortion, testimonial unreliability, and forensic omission.

POST-CONVICTION RELIEF AVENUES & CASE-SPECIFIC STRATEGY

I. OVERVIEW

Donald R. Simpson’s continued incarceration rests on a foundation of compounded constitutional violations, unreliable evidence, prosecutorial misconduct, and now—credible third-party confessions and witness recantations. This section outlines the most viable and strategic post-conviction avenues under Missouri and federal law. We organize these relief avenues by statutory authority, standard of review, and case-specific alignment, recommending parallel and sequential filings as necessary.

II. RELIEF AVENUE #1: MISSOURI RULE 91 – HABEAS CORPUS (STATE COURT)

A. Legal Standard

Rule 91 permits post-conviction habeas corpus relief in Missouri based on:

- Actual innocence (State ex rel. *Amrine v. Roper*, 102 S.W.3d 541, 543 (Mo. banc 2003)),
- Jurisdictional defects, or
- A fundamental miscarriage of justice not otherwise redressable.

In *Amrine*, the Missouri Supreme Court made clear:

"A freestanding claim of actual innocence is cognizable under Rule 91 if proven by clear and convincing evidence."

B. Strategic Merits in Simpson's Case

- **Actual Innocence:** Backed by credible third-party confession (Troy Shenfield), evidence suppression, and Brady/Giglio violations.
- **Procedural Default Exception:** The defaulted ineffective assistance of trial counsel claim may be reviewed if Simpson can show "cause and prejudice" (*Murray v. Carrier*, 477 U.S. 478 (1986)) or satisfy the Schlup actual innocence gateway.

C. Tactical Note

- To preserve federal review, this filing should be used to exhaust any unraised claims not previously brought in 29.15 or federal habeas (e.g., Shenfield confession).
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III. RELIEF AVENUE #2: MISSOURI RSMo § 547.031 – MOTION TO VACATE OR SET ASIDE CONVICTION

A. Legal Standard

§ 547.031 RSMo (enacted 2021) allows a **prosecuting attorney** to file a motion to vacate or set aside a judgment if:

- The conviction was obtained in violation of constitutional rights, or
- **There is clear and convincing evidence of actual innocence.**

Court must grant the motion if:

"All the evidence, including that introduced at trial and any new evidence presented at the hearing, supports actual innocence or constitutional error by clear and convincing evidence." (§ 547.031.3)

B. Application to Simpson

- A § 547.031 motion **has already been filed** by Simpson’s team as of 2023.
- The motion is properly grounded in:
 - **Actual innocence** (Troy Shenfield’s confession),
 - **Suppressed exculpatory evidence** (Katura’s ownership of the handcuffs; the true identity of the Amarillo phone number),
 - **Constitutional errors** (denial of confrontation; ineffective assistance; Brady violations).

C. Strategic Opportunity

- **Prosecutorial Engagement:** If local prosecutors are uncooperative, direct outreach to Attorney General’s Conviction Integrity Unit (if applicable) or advocacy for an Amrine-style review is appropriate.
 - **Supplementing the Motion:** Any new declarations or affidavits can still be added prior to hearing.
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IV. RELIEF AVENUE #3: FEDERAL HABEAS – 28 U.S.C. § 2254 (SECOND OR SUCCESSIVE PETITION)

A. Legal Standard (AEDPA)

Under **28 U.S.C. § 2244(b)**, a second or successive habeas corpus application may be filed only with authorization from the Eighth Circuit and must show:

- A new rule of constitutional law made retroactive by the Supreme Court, or
- Newly discovered evidence that establishes *actual innocence* under the Schlup/McQuiggin standards.

McQuiggin v. Perkins, 569 U.S. 383, 386 (2013):

"Actual innocence, if proven, serves as a gateway through which a petitioner may pass... even after the statute of limitations has expired."

B. Simpson's Qualifying Evidence

- **New evidence:** Troy Shenfield's third-party confession.
- **Constitutional overlay:** Failure to investigate or disclose this confession is a Brady/Giglio violation.
- **Previously unavailable:** Not raised in the 1997 federal petition and newly documented in 2023.

C. Recommendation

- **Petition Eighth Circuit** for leave to file second or successive § 2254 petition.
 - Include affidavits from Shenfield's girlfriend and her mother, as well as corroborating police reports from 1989.
 - Strategic goal: seek hearing on merits or conditional release pending review.
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V. RELIEF AVENUE #4: CLEMENCY PETITION (GUBERNATORIAL)

A. Jurisdiction

Available under **Article IV, § 7 of the Missouri Constitution**. Filed with the **Governor's Office** via the Board of Probation and Parole.

B. Merits

- 33 years served.
- Conviction grounded in now-recanted and contradicted testimony.
- Strong showing of actual innocence.
- No prior violent history or institutional misconduct.

C. Strategic Utility

- Can be filed in parallel with court-based remedies.

- Best submitted with support from legislators, community organizations, and legal community (e.g., Missouri Innocence Project).

VI. RECOMMENDED CASE-SPECIFIC STRATEGY

Relief Type	Action Plan
Rule 91	File now in Missouri circuit or appellate court. Include Shenfield
Habeas	confession.
§ 547.031	Supplement existing 2023 motion with additional affidavits if available.
Federal § 2254	Seek leave from Eighth Circuit to file second/successive petition.
Clemency	Prepare clemency packet (parallel strategy). Letters of support, affidavits.

VII. PRIORITIZATION & TIMING

1. **Most Immediate:** § 547.031 motion (already pending)—ensure it is complete, strategic, and aggressively litigated.
 2. **Next:** Rule 91 habeas (preserves federal claims and adds Shenfield evidence).
 3. **Federal:** Seek Eighth Circuit authorization (file within 1 year of discovery of Shenfield confession).
 4. **Public Advocacy:** Coordinate clemency and innocence advocacy campaign.
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CONCLUSION

Donald Simpson's case is not just ripe for post-conviction relief—it demands it. He is not seeking a legal technicality. He is seeking justice, truth, and a restoration of constitutional fidelity that has been denied to him for over three decades.

The legal mechanisms are available. The evidence is clear. The path forward requires urgency, precision, and resolve.

LEGAL STRATEGY & NEXT STEPS

I. STRATEGIC GOAL

To obtain full post-conviction relief for Donald R. Simpson—either through vacatur of judgment under § 547.031 RSMo, a new trial via state habeas corpus under Rule 91, or federal relief under a successive 28 U.S.C. § 2254 petition—based on a convergence of actual innocence, constitutional violations, and suppressed exculpatory evidence.

This strategy will be structured around:

- Targeted litigation deadlines,
- Coordinated evidentiary development,

- Prosecutorial and judicial engagement,
- Public advocacy and clemency parallelization.

II. EVIDENTIARY & WITNESS TASKS

A. AFFIDAVIT ACQUISITION

Person	Content Needed	Assigned To
Shenfield's ex-girlfriend	Sworn affidavit confirming his confession, context, and timing	Investigator/Legal Staff
Girlfriend's mother	Affidavit confirming she overheard confession (as documented in police report)	Legal Staff
Deputy Coroner Carol Greene	Sworn statement confirming presence of towel and breakdown in chain-of-custody	Counsel
Larry Gray	Affirm affidavit that the Amarillo phone number was never his	Counsel/Paralegal

B. EXPERT OPINION

- **Forensic Analyst (Towel/Handcuffs):**
 - Evaluate whether lack of forensic testing or mishandling deviates from national standards.
 - Support Youngblood and Brady/Giglio claims.

- **False Confession Expert (Katura):**
 - Evaluate suggestibility, motive for fabrication, and lack of confrontation.
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III. COORDINATED COMMUNICATIONS

Internal Counsel Workflow

- Weekly strategy calls with core counsel team.
- Shared evidence review folder (cloud-based, indexed by category).
- Daily docket tracker for court filings, hearing updates, and contacts.

External Communications

- Liaison attorney or paralegal designated for:
 - Court clerk follow-ups.
 - Prosecutor's office correspondence.
 - Family liaison and advocacy updates.
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IV. RISK MANAGEMENT AND OBSTACLE MITIGATION

Risk	Contingency Plan
State resistance to § 547.031 motion	Motion for appointment of special prosecutor or referral to AG Conviction Integrity
8th Circuit denies successive habeas	Exhaust Rule 91 and use it to reopen claim under Schlup/McQuiggin
Loss of key witnesses or delays	Preserve depositions; preemptively motion to admit unavailable declarations

V. CLOSING STRATEGY STATEMENT

This is a case that should never have gone to trial—and certainly not without credible evidence. What we have now is not just a bad conviction; it is a system failure. Our strategy reflects that. It is not merely about technical reversals. It is about demanding accountability, correcting falsehoods, and restoring constitutional order to a man whose life was stolen from him by negligence, misconduct, and indifference.

Justice for Donald Simpson is not optional. It is overdue.
