

FILED

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IN THE CIRCUIT COURT OF CRAIGHEAD COUNTY, ARKANSAS
WESTERN DISTRICT

ANN J. BALDWIN
CIRCUIT COURT CLERK

CHARLES JASON BALDWIN,

PETITIONER

vs.

NO. CR-93-450

STATE OF ARKANSAS

RESPONDENT

**MOTION FOR PERMISSION TO ENLARGE PETITIONER'S AMENDED
RULE 37 PETITION FILED MAY 29, 2008**

COMES NOW Petitioner Charles Jason Baldwin (hereafter "Baldwin") with a motion for an Order allowing enlargement of his Amended Rule 37 Petition so as to address evidentiary issues raised by the State's Response to the Amended Petition for Relief Under Rule 37.

Baldwin moves for Orders as follows:

1. For an Order allowing him to enlarge his Amended Petition to specifically contain all exhibits that have been filed in this Court to support the Amended Rule 37 Petition (and the statutory habeas corpus petition brought under Arkansas Code Annotated Sections 16-112-201, *et seq.* (Act 1780 of 2001)). Baldwin will resubmit these exhibits (captioned to support his Amended Petition) to ensure the proper enlargement of the Amended Petition. Consideration of the supporting exhibits in the context of the Amended Rule 37 Petition will allow the Court to review the evidence supporting each of Petitioner's ineffectiveness claims so as to fully assess the extent of

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the breach of duty alleged; to gauge the prejudice of the omissions, or failures to act, alleged as the basis of the ineffectiveness claims.

2. At this point, the State has offered no factual material in the form of affidavits to contradict the majority of the ineffectiveness allegations contained in Claim V at pp. 4-8 of the Amended Petition marshaled and filed by Baldwin, with the exception of the State's acquisition of letters from its Assistant Medical Examiner, Dr. Frank Peretti, and from Senior Arkansas State Criminalistics Laboratory criminalist Kermit Channell.

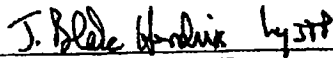
3. Baldwin submits that as to each of his allegations of ineffectiveness, there are supporting affidavits or other pieces of evidence submitted which tie the evidence into the claims of ineffectiveness made in his Claim V. Under these circumstances, Baldwin respectfully submits that he has satisfied the standard for enlargement of a Rule 37 Petition set forth in *Sanders v. State*, 352 Ark. 16, 20-24; 98 S.W. 3d 35 (2003).

WHEREFORE, Baldwin submits that this motion should be granted.

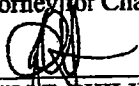
Dated: August 8, 2008

Respectfully Submitted by

PETITIONER CHARLES JASON BALDWIN



J. BLAKE HENDRIX
Attorney for Charles Jason Baldwin



JOHN T. PHILPSBORN
Attorney for Charles Jason Baldwin

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PROOF OF SERVICE

I, Steven Gray, declare:

That I am over the age of 18, employed in the County of San Francisco, California, and not a party to the within action; my business address is 507 Polk Street, Suite 350, San Francisco California 94102. On today's date, I served the within document entitled:

**MOTION FOR PERMISSION TO ENLARGE PETITIONER'S
AMENDED RULE 37 PETITION FILED MAY 29, 2008**

- (x) By placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the U.S. Mail at San Francisco, California, addressed as set forth below;
- (x) By electronically transmitting a true copy thereof;
- () By serving a true copy by facsimile to the person and/or office of the person at the address set forth below

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 8th day of August, 2008, at San Francisco, California.

Signed: _____

Steven Gray

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