

**FILED**  
 JUDICIAL ADMINISTRATIVE ASSISTANT  
 DIVISION 12  
 JUN 27 2005  
 Circuit Court of Jackson Co. Mo.  
 By EC DCA

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI

KENNETH G. MIDDLETON, )  
 )  
 MOVANT )  
 )  
 vs. )  
 )  
 STATE OF MISSOURI, )  
 )  
 RESPONDENT )  
 )  
 )

CIRCUIT NO. CV9-2005-37  
 JACKSON, COUNTY  
 MESSINA, JUDGE  
 DIVISION NO. 12

MOTION TO REINSTATE MOVANT'S ORIGINAL \$10,000.00 BOND

COMES NOW, Movant, Kenneth G. Middleton [pro-se], and respectfully request this Honorable Court to liberally construe his motion according to, Haines v. Kerner, 404 U.S. 519 (1972); and Duvall v. Lawrence, 86 S.W.3d 74 (Mo.App. 2002), and states the following:

1. Movant was released on a \$10,000.00 dollar cash bond on April 13, 1990; with Prosecutor Patrick W. Peters' approval. (See, Exhibit "39"). It should be noted that Pat Peters made statements on February 27, 1990 to The Examiner:

"Peters also said Middleton was not a threat to others, and police were not afraid he would flee." (emphasis added) (See, Exhibit "40").

Movant appeared at every scheduled hearing, jury trial, etc., while out on bond for almost a year.

2. Movant is being forced by the state of Missouri to defend this Honorable Court's favorable ruling in the Missouri Court of Appeals, Western District on cross-appeal. Nevertheless, this Court retains jurisdiction under Rule 75.01. It should

be noted that if this Honorable Court reinstates movant's original bond; his son, Cliff Middleton will post the \$10,000.00 dollars cash immediately, and movant would live with Cliff awaiting appeal/trial. It should be further noted that nobody could force movant to flee, and forfeit his cross-appeal, and his new trial. See, President v. State, 925 S.W.2d 866, 867 (Mo.App. W.D. 1996):

"The escape rule operates to deny the right of appeal to a defendant who attempts to escape justice." (emphasis added).

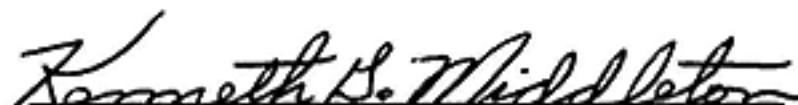
Also see, Echols v. State, WD63758; Appeal denied citing the "escape rule" on February 22, 2005. (14-years to the day after movant's wrongful-conviction).

3. Movant doesn't believe any legal scholar could even make a sensible, believable argument to this Court that movant would even consider fleeing! Furthermore, movant turned down an Alford plea to time served, and an immediately release: shortly after his "evidentiary hearing" (July, 2004). And under the law, movant is an innocent man confined in a "maximum security prison" where he has been for going on 15-years!

4. It should be further noted that movant's daughter-in-law Captain, Andrea Middleton, attended all of movant's hearings and has been praying since June 25, 2004 that movant's conviction would be reversed, and that he would be released from prison (bond, etc.); before she is deployed to Iraq: Well, she was deployed to Fort Riley, Kansas on June 20, 2005 preparing to be deployed to Iraq in August, 2005: too fight for all of our freedoms!!

WHEREFORE, movant prays that this Honorable Court grant the above relief requested and order that movant be released immediately on his original bond (as soon as Cliff posts \$10,000) and any further and other relief this court deems just and proper under these unusual and extraordinary circumstances.

Respectfully submitted,

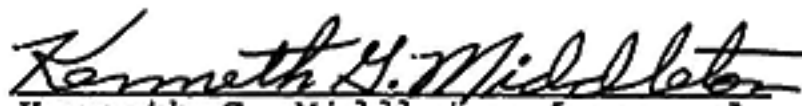
  
Kenneth G. Middleton [pro-se]  
Crossroads Correctional Center  
1115 E. Pence Rd. (3A-102)  
Cameron, Missouri 64429

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing motion was mailed postage pre-paid this 24th, day of June, 2005, to:

Mr. Michael Sanders  
Jackson County Prosecutor  
415 East 12th Street  
Kansas City, Missouri 64106

(816) 881-4488

  
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