

A05-0919

A05-919

STATE OF MINNESOTA

IN SUPREME COURT

State of Minnesota,

Respondent,

v.

Daniel James Valtierra,

Appellant.

**APPELLANT'S PRO SE
SUPPLEMENTAL BRIEF**

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ATTORNEYS FOR RESPONDENT

APPELLANT

Daniel James Valtierra
Brief to the Supreme Court
10/13/2005

1. The first issue that I would like to raise concerning my trial is the fact that this girl that testified against me outwardly admitted to being high hours before the shooting. Also she gives two different references to where I was standing on the night of the shooting. This evidence is critical in a case like mine. How so? Well, this girl testified that I was positioned in an area where I never was. In studying this evidence I hope that you will find this woman's statements to be inconsistent.

2. The second issue is the fact that the judge allowed a flight instruction to be read to the jury. Why was this flight instruction read when I was arrested in St. Paul? I left state only because I was scared, but within hours I came to my senses and returned to St. Paul. A guilty man would have continued to run but an innocent man would have cooperated in ways such as myself. I would hope that after reviewing this evidence you will find reason to reverse my conviction.

3. The third issue is the fact that I testified to being in the house at [REDACTED], but I also testified to never having a gun. I know in my heart that I never had a gun, but what I don't understand is why some woman that was high on Meth is and was more believable than me. When you review this case I hope that you will find substantial evidence to reverse my conviction.

4. My final issue is that there is a man by the name of Martin Bell who made a statement to the St. Paul Police about *Valtierra* and *Green* not being responsible for the murders. He goes on to say that *Valtierra* and *Green* were saying that someone else was responsible for the murders. He says that we never talked about having a gun and he never saw one. Why wasn't this man's testimony allowed at trial?

Thank you,

Daniel James Valtierra
clv