UNITED STATES DISTRICT COURT
District of Minnesota

Stephen Allwine
Plaintiff/Petitioner

v.

William Bolin, Warden of MCF Stillwater
Defendant/Respondent

Case Number: 24-CV-00439 (JRT/DLM)

MOTION TO EXPAND RECORD TO INCLUDE THE ATTACHED DOCUMENT DETAILING THE FRAUD PERPETRATED BY THE STATE'S KEY WITNESS

Comes now Petitioner, Stephen Allwine, *pro se*, under authority of Habeas Rule 7, to move this Court to allow expansion of the record in the above cited case.

On Tuesday March 11, 2025, I received notice from Attorney Sean L. Harrington that he investigated Mark Lanterman's background and found him to be a **fraud**. Mr. Harrington produced and published the attached document that proves that Mr. Lanterman was not a "qualified expert" and that he lied on the stand. Mr. Lanterman claimed that he had an undergraduate and graduate degree in Computer Science (15T.7); however, Mr. Harrington says, "In response to a formalized degree verification procedure … to locate any official transcripts for Lanterman, none were found." (Ex. II, pg. 9) Lanterman claimed, not once but twice, that he was "faculty" at the Federal Judicial Center (15T.7-8, 98), and the State purposely brought attention to this (presumably to bolster his "credibility" with the jury) by bringing it up in their redirect. Yet the Director of the Federal Judicial Center (Retired Admiral John S. Cooke) told Mr. Harrington, "Mr. Lanterman's involvement with the Federal Judicial Center consists of two one-hour

webcasts in 2016 and 2017 and a 75-minute presentation at a Center workshop for judges in 2017. We have no plans to invite Mr. Lanterman to speak at future Center programs." (Ex. II, pg. 11) "Faculty" is defined as "the teaching staff and those members of the administrative staff having academic rank in a college, university, or other educational institution." (Webster's Third New International Dictionary) Since Lanterman was not "staff" at the Center and had no academic rank (since he was a college dropout), he could not accurately call himself "faculty". He also mentions a number of other speaking engagements and "faculty" assignments; however, since he has no college degree these "faculty" assignments are also either misrepresentations or obtained through further deception with these organizations.

This is all new information to the Petitioner, and Petitioner will continue to verify Lanterman's claims; however, at the most basic level, with no college degrees and minimal on-the-job training, Lanterman cannot be considered "a qualified expert" by the court.

The attached document (Exhibit II) supports four of the Grounds contained in the Petition presently before this court:

1) The facts presented in this exhibit support Ground One that the evidence was insufficient to meet the burden of proof.

   Scientific expert testimony is **only** admissible "if it is both relevant and **reliable**" (Kumho Tire Co. v. Carmichael, 526 U.S. 137, 119 S. Ct. 1167, 1171 (1999))

   Considering the fraudulent nature of Mr. Lanterman's background and his direct and obvious lies while under oath (in this case and other cases documented in this

exhibit), he cannot be considered reliable, and therefore his testimony which was portrayed to the jury as "expert witness" testimony would be inadmissible. Lanterman's testimony was the basis of the prosecution's attempt to prove the premeditation element of the 1st degree murder charge. Without Lanterman's testimony that element is not proven beyond a reasonable doubt as required by law. (In re Winship, 397 U.S. 358, 364 (1970))

2) The facts presented in this exhibit support Ground Two that the State withheld impeachment evidence in violation of Brady and Bagley.

The State is expected to act in the interests of justice (Turner v. United States, 137 S. Ct. 1885 (2017)). Mr. DeVore raised the issue of Lanterman's truthfulness, and the State objected to it. (15T.84) The court then recessed for a period of time and rather than spend that time doing their due diligence to ensure that their witness was trustworthy, they instead spent the time putting together a legal argument to support Lanterman's fraud. Since they are officers of the court and didn't ask for a continuance at this point to validate their witness' background, it should be presumed that they already knew his background. Given that Mr. DeVore brought Lanterman's truthfulness into question, it is inconceivable that the State did not do the most basic of background checks on their key witness. There should be no doubt that this information is impeachment evidence, and regardless of whether they maliciously or inadvertently withheld this evidence, it still violates Brady. (Strickler v. Greene, 527 U.S. 263, 281-282)

3) This exhibit furthers the arguments that Trial counsel and Appellate Counsel were ineffective (Ground Four).

It is clear from both Trial Counsel's and Appellate Counsel's arguments that one of their strategies was to challenge (discredit) Lanterman's testimony. It is counsel's duty to do a full and complete discovery and not to simply accept the State's version of the truth. (Rompilla v. Beard, 545 U.S. 374, 387, 125 S. Ct. 2456 (2005)) Here, not only did counsel not interview the State's witnesses (Wade v. Armontrout, 798 F.2d 304 (8th Cir. 1986)), but counsel didn't even check the background of the State's witnesses. "Attorneys have an obligation to explore all readily available sources of evidence that might benefit their clients." (Brown v. Sternes, 304 F.3d 677, 693 (7th Cir. 2002)).

4) This exhibit furthers the arguments that Prosecutors committed misconduct by allowing false testimony and eliciting false testimony in violation of Napue v. Illinois (Ground Six).

While common sense and the prosecutor's duty, as an officer of the court, would presume that the prosecution checked the credentials of their key witness. Giglio v. U.S., 405 U.S. 150, 153-55 (1972) extends Napue to include false testimony of which the prosecutor was unaware. However, once Mr. DeVore raised the issue of credibility, it was the State's duty to investigate those allegations, even if they hadn't previously checked their own witness' veracity. The State is to refrain from improper methods calculated to produce a wrongful conviction. (Berger v. U.S., 295 U.S. 78, 88 (1935)) When Mr. DeVore attempted to challenge Mr.

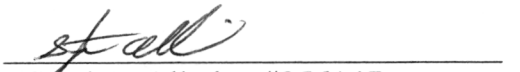
Lanterman's credibility and veracity, the State objected, not once but twice, in order to **conceal** the truth from the jury. (15T.84) In fact according to the attached exhibit, Judge Tunheim adopted a report and recommendation where Lanterman attempted to extort money from a client for data hosting, and the hosting fees were called "exorbitant" by the Magistrate Judge. (Ex. II, pg. 14)

The prejudice of this false testimony was tremendous. Lanterman opined that Besa Mafia's Bitcoin account traced back to the Petitioner, which was contrary to the findings of the FBI, Department of Homeland Security, and other government agencies. He opined that Petitioner sent anonymous emails to Amy threatening her, which was contrary to the findings of the FBI. He opined that Petitioner was 'dogdaygod', which is contrary to the evidence and contrary to his own report. He fabricated evidence to create a timeline that appeared to connect Petitioner's web activity with Besa Mafia emails, and modified Amy's search history to make it appear that she was drugged and incoherent when she was completely lucid. This evidence was called 'vital' by the prosecution. There was no evidence that Petitioner killed Amy, so the State had to rely on Lanterman's testimony to paint the Petitioner in such a bad light that the Jury could leap the logical gaps in the circumstantial evidence and come up with a guilty verdict.

Petitioner asks that this evidence be added to the record, and Petitioner further request an evidentiary hearing on this information to determine the scope of Lanterman's deception, its impact on the jury and the judicial proceedings, and the level of knowledge and complicity by the State.

Date: 3-14-2025

Respectfully Submitted,
Stephen Allwine #256147



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This document was placed in the prison mail system on the date listed above and is deemed to be filed on that date. (Houston v. Lack, 487 U.S. 266, 275-76 (1988); Grady v. United States, 269 F.3d 913, 916 (8th Cir. 2001))