

UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
EASTERN DIVISION

No. 3:16-cr-272

United States of America)
)
v.)
Jovan Marquis Harris)

DEFENDANT’S MOTION TO CORRECT RECORD

Pursuant to Fed. R. App. P. 10(e), the defendant, Jovan Marquis Harris, moves this Court to correct the trial transcript from the defendant’s trial or order the court reporter to correct the transcript. As grounds therefore, Harris states the following.

On November 16, 2016, Harris was indicted in this Court on multiple counts related to heroin distribution in Fargo. A trial was held on May 7-14, 2018. The jury found Harris guilty of most of the counts. Harris then appealed his conviction to the Eighth Circuit Court of Appeals.

Pursuant to the Criminal Justice Act, undersigned counsel was appointed to represent Harris in the Eighth Circuit. Counsel has communicated with Harris numerous times about his case, and Harris has repeatedly stated that the trial transcript is inaccurate in many places.

Counsel asked Harris to identify the specific parts of the transcript that Harris believes are incorrect. Today, counsel received Harris’ response, which is as follows:

Dear Mr. Morrison

These are most of the items that are missing or changed in my Trial Transcripts. I know there are more and I need your help to find the rest.

1) Page's 4-5 Volume #1 Paragraph 3-Down

The Court said, Anonymous phone calls are much more prejudicial than probative. And were excluded on 403 Grounds. Excluded on hearsay grounds because they violate Mr. Harris's Sixth Amendment Confrontation Clause.

- "MISSING" From TRANSCRIPTS

The Court "Judge Mark Bennett," also made a Ruling right after the Anonymous call Ruling saying, Zach Speiker's statements are more prejudicial than probative. And were excluded on 403 Grounds because they violate my sixth Amendment Right to Confrontation.

I have **Proof** these Rulings are missing See Page 323-324. The Judge talks about his ~~and~~ earlier Rulings. also see 392-397.

2

2.) Page 356 of Volume #2 Paragraphs 7-18

Attorney Ken Kohler ask Chris Martin if his Client or witnesses was involved in prior investigation?

- This is inaccurate. Mr. Kohler ask if his Client involved in the prior drug investigation with "J.W.L" Jordan Larry.

The officer answer was "NO"

3.) Page 362 of Volume #2 Paragraph 10 - Next page

- The Q & A was all re-scripted.

Mr. Kohler did not ask that question in Paragraph 10. Mr. Kohler asked, How can you say that was even say that was Jordan Larry in the Car.

The officer said because I see a light colored T-shirt.

The did not say what's on paragraph 12. and the rest of the Q & A is inaccurate all the way to the next page.

4.) Page's 369-~~370~~ 370 of Volume #2 Paragraph 13 - Next pg.

- The Q & A is all Re-scripted.

Mr Kohler did not ask these line of questions.

Mr. Kohler asked, ~~was~~ was there hundreds

3

Of other numbers in "J.W.L."
Jordan Larry's phone."

The officer/witness said "yes".

Mr. Kohler then asked, "Did you investigate any of the other numbers"?

The officer/witness said "NO"

Mr. Kohler then said, "So, you only targeted my client?"

The officer said, "yes".

On page 370. Paragraphs 1-25 are all re-scripted also. The Q & A are all re-worded.

These questions and answers are missing from this page. ↓

Mr. Kohler ask Chris Martini "Can you see a drug deal in the video"?

The officer said, "NO"

Mr. Kohler then asked, "Do you see any money being exchanged"?

The officer said, "No"

Mr. Kohler asked if the officer could see his client Joan Harris in the car.

The officer said "No"

But these questions were missing or changed.

4

5.) Page's 480-483.

This whole Section of Q & A is Changed.
My Attorney Ken Kohler asked Alexis Centers,
About seeing the dealer that would
Sale to her and J.W.L between June &
August 2015, on page 475.

Alexis Centers stated she seen the
guy about five times.

Sometime, after this question my
Attorney asked Alexis about the line-up
and why she never picked his Client
out of it?

Alexis Centers said "Because
that's not the guy that was selling
heroin to Jordan".

This statement is missing alone
with all the other Q & A's that are Changed.

6.) Page 545 Volume #4 Paragraph 6-25

Page 545 is edited. Attorney Ken Kohler
did ask some of these questions and
Derek Pettersson answer these answers.
But there are questions and Answers missing
from between other questions and answers.

5

The Q & A are right from 6-9 but there is a Q & A that are missing between 9-10.

- Between 9 & 10 my Lawyer Mr. Kohler asked, "Then the officer told you his name was Jovan Harris: is that correct?"

- Pettersson said, "yes".

The Q & A looks about right from 10-14 but there is a Q & A missing between 14-15.

- Attorney Ken Kohler said, "Then the officer said No they call him Pooh" "Correct".

- Derek Pettersson said, "yes".

These questions and answers are all missing and there was some small errors with the name placement of ~~the~~ little G and Ty.

7.) Page 552 - 553 Volume # 3 Paragraph 1 - next page

Page 552 Kenneth Kohler and Derek Pettersson went back and forth about extremely tinted windows and a car door being open, to ID the person inside the car.

Pettersson said "no" to every ~~question~~ question that was asked and there was a big disagreement. This line of Q & A is missing.

6

8.) Page 557-558 Volume # 3 Paragraphs 1-Next page

There are questions missing from these pages and also answers.

Attorney Kenneth Kohler asked Derek Pettersson, "Did you know Jovan Harris before the officer showed you his picture and told you his name?" "And said what he done!"

Derek Pettersson said "NO!"
"How do I suppose to know who someone is and what they have done if no one shows me"

Mr. Kohler asked Pettersson to "be honest, you did not know who Jovan Harris was before seeing the pictures?"

Derek Pettersson said he did not know who I was before seeing the photos. All of these questions 3 answers are missing.

9.) Page 590 Volume #3 Paragraph 17-19

There is a question and answer missing between paragraphs 18 and 19.

Mr. Kohler asked James Smith, "Didn't the officer ask you if you know Pooh and you said NO?"

James Smith said, "Yes"

7

10.) Page 601-09 Volume #3 Paragraph 7

James Smith said, "No"

Page 609 Paragraph #2 James said

"It could of been anyone."

11.) Page's 638-642 Volume #3

I think it may have been on page 641,
But there is a Q & A missing.

My Attorney ask Dr. Mills IF she can
say where the heroin J.W.L overbased on
came from.

Dr. Mills said "No"

12.) Page 753 Volume #3 Paragraph 1-25

This page of the transcript is edited.

My Attorney Kenneth Kohler asked Jacob
Wetch if he sold J.W.L/Jordan Larry
heroin?

Jacob Wetch said, "yes"

This ~~admission~~ admission by Jacob Wetch
was deleted and changed.

8

13.) Page 924-925 Volume #4 Paragraph 16-25 & 1-25,
on page 924 from paragraph 16 to 25 is
Changed.

The "CI" Paul Ramirez said he
did not have any form of communication
with me about drugs.

Mr. Kohler asked Ramirez, "Well what
did you do with the money?"

Ramirez said he didn't know at
first. Then when asked again he said
he think he put it next to the game.

Ramirez never insinuated he walked
in the house, sat on the couch and put
the money on the coffee table!

Page 925 Ramirez Testimony is also
Changed. Paragraphs 7-25 are edited and
Re-scripted. Ramirez never said he asked
me to "hook him up"

14.) Page 997 Volume #4 Paragraph 18-25

There are Q & A missing and part Changed. Between
Paragraph 21-22 Mr. Kohler ask "M.S.M"
Morgan Masters, "so, you lied to Law enforcement?"

M.S.M. Said "yes".

4

Paragraph 22 is edited. It now says
"So you weren't against lying to the
police to cover your drug habit or help
your friends?"

- It originally said, To cover up
for your drug dealers or help your friends.

15.) Page 1119 - 1120 Volume #5 Paragraphs 22-25 & 1-7

"T.P.M." / Tyler McIntosh Statement was
extremely changed.

- Page 1119 paragraph 22 down. Mr. Kohler
asked, "Did He (Detective Heimbredt) specifically
tell you that he wasn't -- that he didn't want
to get you or your friends in trouble?"

T.P.M. Answered, "yes"

- Page 1120 paragraphs 1-7. Mr. Kohler asked,
"Did he specifically tell you that they were
targeting black males that were bringing
heroin into the area?"

T.P.M. Answered, "I don't recall".

I know for sure this paragraph in T.P.M. -
Tyler McIntosh testimony was edited and
fabricated.

When T.P.M. was asked the question on

10

Paragraph one about targeting black Males. T.P.M. Answered "yes, and they specifically said him (Jovan Harris) by name"

Paragraph 5-7 was added.

16.) Page 1121 Volume #5 Paragraph 12-25
Mr. Kohler did ask to play the tape for impeachment purposes.

This paragraph is false and edited. The Court never asked was there objections. Mr. Rodenbiker just jump in before the tape was played and asked the judge if the jury could leave the room so the tape can be played to refresh T.P.M.'s memory.

17.) Page 1124 Volume #5 Paragraphs 4-25
This is inaccurate. The whole Q & A is rescripted.

On paragraph 22 TPM did not say, "misunderstanding". TPM said he lied to law enforcement.

This page is changed!

11

18.) Page 1127 Volume #5 Paragraph 9-25

This Q & A is extremely changed.

T.P.M Never said Jordan Larry received the drugs from P or POOH.

He never said Jordan's name. This Paragraph is wrong.

19.) Page 1132 Volume #5 Paragraphs 1-4

This whole question on page 1132 Paragraph #1 is false and inaccurate.

Mr. Kohler said, "Just admit you hate my client and your lying on him just to see him get convicted?"

T.P.M Said "yes"

20.) Page 1175 Volume #5 Paragraph 19-22

A.U.S.A Shasky ask Detective Heidbroeder, "Were you able to pull anything like text messages that you indicated from it that looked drug related?"

Before my transcripts was edited, Heidbroeder said "No" for his answer now that's changed.

12

21) Page 1231 Volume #5 Paragraph 16-22
This paragraph 16-22 was edited to
sound better on DA's behalf. This
Statement was not said.

22) Page 1232 Volume #5 Paragraph 4-12
This section of this page was never
said. This line of Q & A is false:
Detective Heidbreder said it was one
text he could have taken as a drug text
and it said you good. This line of
Q & A on page ~~1231~~ 1232 was added.

Thank you for reading this
and taking this matter seriously.
It's very important these matters are
seen.

Respectfully
J. Harris
Joshua Harris.
8-10-19

Wherefore, this Court should correct the trial transcript from Harris' trial or order the court reporter to correct the transcript.

Respectfully,

/s/ Steven R. Morrison

1526 Robertson Court
Grand Forks, North Dakota 58201
Phone: 617-749-7817
Email: steven.r.morrison@gmail.com

Dated: August 16, 2019

Certificate of Service

I hereby certify that on August 16, 2019, I electronically filed the foregoing with the Clerk of the Court for the United States District Court, District of North Dakota, by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

/s/ Steven R. Morrison