

IN THE  
SUPREME COURT OF MISSOURI  
*En Banc*

STATE OF MISSOURI,

Respondent,

v.

MICHAEL ANTHONY TAYLOR,

Appellant.

) **FILED**  
)  
) FEB 01 2006  
) THOMAS F. SIMON  
) CLERK, SUPREME COURT  
) Case No. SC-77365

**APPLICATION FOR STAY OF EXECUTION**

COMES NOW the appellant, Michael Anthony Taylor, by and through federal court counsel – specially appearing as set forth in their Consolidated Entry of Special Appearance and Suggestions in Opposition to Motion to Set Execution Date – and prays the court for its order under Mo. S. Ct. 29.08(b) staying the execution scheduled for February 1, 2006, pending the disposition of the appellant's consolidated answer to and application to quash this Court's preliminary writ issued in Case No. SC-87440, and appellant's appeal of the January 31, 2006 Order by Judge Jay Daugherty of the Jackson County Circuit Court in Case No. 0516-CCV33440.

1. Appellant appropriately filed his action under Rule 74.06(d) in order to vindicate the courts of this state from the fraud practiced against those courts by lawyers within the Office of the Attorney General. Those lawyers insisted in the appellant's Second Post-Conviction Relief Proceeding that appellant's allegations of ineffective assistance of counsel had been fully litigated in appellant's first consolidated appeal to this Court but the lawyers thereafter contended in federal habeas corpus proceedings that those allegations had not been litigated and therefore were barred from habeas review.

2. Appellant's Rule 74.06(d) proceeding is proper procedure because it is an independent civil action, not a criminal proceeding.

WHEREFORE, the appellant prays the Court for its order as aforesaid.

Respectfully submitted,

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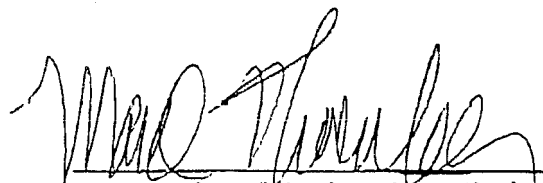
*\*Appointed Counsel for the Appellant in Appeal No. 01-2735*

*United States Court of Appeals for the Eighth Circuit*

CERTIFICATE OF SERVICE

I hereby certify a copy of the foregoing was served via facsimile transmission on the 1st day of February, 2006 upon:

Hon. Jay A. Daugherty Division 13 Jackson County Circuit Court (816) 881-3378 (facsimile)	Debra Daniels Missouri Attorney General's Office (573) 751-5391 (facsimile)
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