

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

CHRISTINE CHANG,

Petitioner,

v.

ROBIN ANDREWS,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO
THE COURT OF APPEAL OF CALIFORNIA, FIRST DISTRICT

PETITION FOR WRIT OF CERTIORARI

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QUESTION(S) PRESENTED

Does collusion between the superior court judge and lawyer, covering up petitioner's evidence of: (1) subpoenaed surveillance photos and, (2) petitioner's affidavit with evidence, violating the Fourteenth Amendment due process and equal protection of the laws.

LIST OF PARTIES

All parties to the proceeding are set forth on the cover of this petition.

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from state courts:

The opinion of the highest state court, The Court of Appeal of CA, to review the merits appears at Appendix A and is unpublished.

The California Supreme Court denied petition for review appears at Appendix B and is unpublished.

JURISDICTION

For cases from state courts:

The date on which the highest state court, California Supreme Court, decided my case was December 13, 2017. A copy of that decision appears at Appendix B.

An extension of time to file the petition for a writ of certiorari was granted by the Clerk of The Supreme Court of the United States on April 5, 2018 to and including June 4, 2018.

The jurisdiction of this Court is invoked under 28 U.S.C. Sec. 1257(a).

CONSTITUTIONAL PROVISIONS INVOLVED

U. S. Constitution, 14th Amendment, Section 1 -

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

STATEMENT OF THE CASE

In *Ex parte Young*, 209 U.S. 123, Supreme Court 1908, Chief Justice Marshall stated:

"It is most true that this court will not take jurisdiction if it should not; but it is equally true that it must take jurisdiction if it should. The judiciary cannot, as the legislation may, avoid a measure because it approaches the confines of the Constitution. We cannot pass it by because it is doubtful. With whatever doubts, with whatever difficulties, a case may be attended, we must decide it, if it be brought before us. We have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the Constitution. Questions may occur which we would gladly avoid, but we cannot avoid them. All we can do is to exercise our best judgment, and conscientiously perform our duty."

The Supreme Court of the United States has the jurisdiction of this case and has the duty to exercise the best judgment in deciding it:

A. The Superior Court Judge colluded with the lawyer in covering up subpoenaed surveillance photos. The photos were critical evidence for a restraining order issued against the Respondent. Petitioner subpoenaed the photos but the lawyer never produced copies for Petitioner intended to defraud Petitioner. In the hearing on 6/2/2016 (Superior Court of Alameda County case #RG16815674), the lawyer submitted the photos to the judge but did not provide copies to Petitioner who did not know the content. Petitioner depended on the photos as concrete evidence. Without any communication between the judge and lawyer, and without any announcement by the judge, the photos were given to the lawyer during hearing, bypass unsuspecting Petitioner. The judge then declared "NO CREDIBLE EVIDENCE" and denied a restraining order. Petitioner went to the Records Department to review the photos in preparation of appeal, but shockingly found out those photos never made it to the Records Department, and were given to the lawyer secretly by the judge. Reporter's transcript - There were no communication, announcement, nor request between the judge and lawyer regarding the photos, but

the photos were given to the lawyer by the judge, while there were no copies provided for Petitioner. When the hearing adjourned the judge left the bench immediately. Petitioner was the last person leaving the courtroom, hence, there was no communication whatsoever regarding the photos being given to the lawyer.

Petitioner's declaration - filed 1/6/2017 Superior Court case #RG16815674, exhibit 1, Petitioner's communication with Records Department and court clerks searching for the surveillance photos submitted in hearing. Ultimately Petitioner was informed by the court clerk that the judge gave the photos to the lawyer. When asked for the proper procedure to store evidence from hearing, the clerk made no reply.

B. Petitioner appealed at The Court of Appeal without the critical evidence, and did not know the content of the photos. (Court of Appeal case #A148818 filed 1/6/2017). The appeal was denied. Petitioner uncovered the photos on 7/25/2017 and petitioned the Supreme Court of CA for review. (Supreme Court of CA case #S244908). The petition for review was denied on December 13, 2017.

The superior court judge has violated Petitioner's Constitutional Rights:

U. S. Constitution, 14th Amendment, Section 1 - All persons born or naturalized in the U.S, and subject to the jurisdiction thereof, are citizens of the U.S. and of the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the U.S; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

C. While searching for the subpoenaed surveillance photos at the Superior Court Records Department, the court clerk revealed that not only the photos disappeared, Petitioner's affidavit with 12 evidence submitted to the judge disappeared also. Ultimately, Petitioner was informed by the

court clerk that the judge gave Petitioner's affidavit with 12 evidence to the lawyer. When asked for the proper procedure to store evidence from hearing, the clerk made no reply. The judge sabotaged Petitioner's appeal records by giving them away to the lawyer in the hearing. To meet the deadline, Petitioner appealed to the Court of Appeal, and petitioned the Supreme Court of CA, all without Petitioner's affidavit with 12 evidence. Petitioner's declaration - filed 1/6/2017 Superior Court case #RG16815674, exhibit 1, Petitioner's communication with Superior Court, Records Dept, court clerks, in search of Petitioner's affidavit with evidence.

The superior court judge violated Petitioner's rights in *James Haluck v. Ricoh Electronics, 151 Cal.App.4th 994 (Court of Appeal of CA, 4th District, 2007)* - In this case, defense sought to introduce a video and Plaintiffs' lawyer contended that it was "prejudicial". The court announced it would watch the video during the lunch hour and did so together with defense counsel without notifying plaintiffs' lawyer that he would be present, or inviting her to join them. It then overruled plaintiffs' objections to admission of the video.

D. In Petitioner's case, the superior court judge permitted the lawyer to give testimony, offer evidence, make comments; furthermore, the judge:

- (1) accepted testimony/evidence and responded to the lawyer,
- (2) gave Petitioner's subpoenaed surveillance photos and affidavit with evidence to the lawyer secretly, and
- (3) did not require the lawyer to notify the court reporter of his presence, thus, to evade transcript records.

Reporter's transcript - Superior court case #RG16815674,

p. 2 -	appearances
p. 5 -	line 12 - 14, offered evidence
p. 11-12,	lines 15 - 3, gave testimony and offered evidence as UNIDENTIFIED SPEAKER, that were accepted and responded to by the superior court judge.

The superior court judge has violated Petitioner's Constitutional Rights:

U. S. Constitution, 14th Amendment, Section 1 - All persons born or naturalized in the U.S, and subject to the jurisdiction thereof, are citizens of the U.S. and of the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the U.S; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Also rights in: *James Haluck v. Ricoh Electronics, 151 Cal.App.4th 994 (Court of Appeal of CA, 4th 994, 2007) -*

In Haluck case, the Court of Appeal concluded that the cumulative effect of the trial judge's conduct requires reversal. That a reasonable person could doubt whether the trial was fair and impartial and reverse on that ground. The Court of Appeal also concluded that the trial judge has violated Judicial ethics which require judge's direction and control of lawyers (Cal.Code Jud. Ethics, canon 3(B) (3) and 3(B) (4).

The superior court judge's misconduct infected the proceedings that Petitioner was deprived of a fair trial.

E. The Respondent perjury colossusly without border and was caught by the Superior Court Judge's direct examination. But the judge declared that the Respondent was fairly and extremely credible.

Reporter's transcript, p.40 - 41, lines 7 - 10 and p.42, lines 1 - 8

F. The judge allowed Respondent rambling perjury for more than 5 pages long in reporter's transcript, but constantly cut off Petitioner's testimony in rebuttal.

Reporter's transcript, p.12, lines 6-25, p.13-16, lines 5-24, p.17, lines 2-15

G. The judge exonerated the Respondent by leading questions for positive answers. The judge was not a JUSTICE OF THE COURT, but more as a COLLUDED DEFENSE ATTORNEY.

Reporter's transcript, p.27-28, lines 25-1, p.28-29, lines 10-3, p.37-38, lines 21-11
p.38-39, lines 10-2, p.39, lines 9-14, p.40, lines 7-8

The superior court judge has violated Petitioner's Constitutional Rights -

U. S. Constitution, 14th Amendment, Section 1 - All persons born or naturalized in the U.S, and subject to the jurisdiction thereof, are citizens of the U.S. and of the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the U.S; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

And violated rights in: *James Haluck v. Ricoh Electronics, 151 Cal.App.4th 994 (Court of Appeal of CA, 4th 994, 2007) -*

In Haluck, The Court of Appeal concluded "Although no one instance of misconduct appears to, in itself, require reversal, the cumulative effect of the trial judge's conduct requires reversal."

Also violated rights in Cal. Code Judiciary Ethics -

The judge's misconducts in violations of Cal. Code Judiciary Ethics, canons 3(B)(3) and 3(B)4. Judicial ethics require a judge to be patient, dignified, and courteous to litigants, and require similar conduct of lawyers under the judge's direction and control. In Petitioner's case the judge has done just the opposite.

REASONS FOR GRANTING THE PETITION

The superior court judge colluded with the lawyer in covering up the critical evidence of:

(1) Subpoenaed surveillance photos and Petitioner's affidavit with evidence. Petitioner was denied the Constitutional Rights of 14th Amendment, Section 1, Due Process and Equal Protection.

(2) The Court of Appeal of California, First District, erroneously decided that Petitioner attached the photos to affidavit that have gone missing. Instead of the facts that the superior court judge colluded it out of Petitioner and gave it to the lawyer in covering up for the Respondent.

(3) The Court of Appeal also ignored the collusion between the judge and lawyer's secret dealings and ex parte communication which are prejudicial and conflicting with other Appellate Courts' decision throughout the country. See following:

James Haluck v. Ricoh Electronics, 151 Cal.App.4th 994,
(Court of Appeal of CA 4th District, 2007)

and

Cal. Code Judiciary Ethics, canons 3(B) (3) and 3(B) (4)

(4) In addition to the collusion between the judge and lawyer, there are many prejudicial irregularities in this case that are violating Constitutional Rights of 14th Amendment, Section 1, which require conformity by The Supreme Court of the United States.

CONCLUSION

The petition for a writ of certiorari should be granted for the compelling reasons presented. Not only to redress the conformity of The Court of Appeal's conflicting decision in Consitutional Rights, but also for "PUBLIC POLICY" in the fairness of judicial proceedings.

Respectfully submitted,



Christine Chang

Date: June 4, 2018