

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

WASHINGTON, D.C. 20548

ARRION LEE CREW JR. — PETITIONER
(Your Name)

vs.

W.L. MONTGOMERY — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

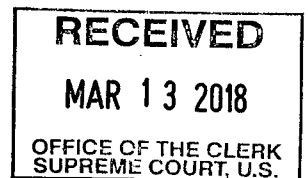
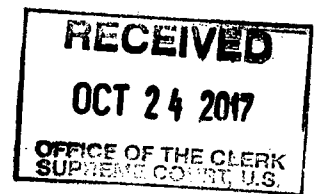
PETITION FOR WRIT OF CERTIORARI

ARRION LEE CREW JR.
(Your Name)

P.O. BOX 193939
(Address)

SAN FRANCISCO, CA 94119-3939
(City, State, Zip Code)

(202) 479-3023
(Phone Number)



- QUESTION(S) PRESENTED**
- 1) DID THE TRIAL COURT PREJUDICIALLY ERR BY FAILING TO INSTRUCT ON THE LESSER INCLUDED OFFENSE OF SUDDEN QUARREL/HEAT OF PASSION VOLUNTARY MANSLAUGHTER
 - 2) WHETHER THE TRIAL COURT FAILED TO PROPERLY INSTRUCT ON THE ESSENTIAL ELEMENT OF MALICE AFORETHOUGHT AS REQUIRED BY PEOPLE-VS. RIOS (2000) 23 CAL. 4TH 450, AND THERE BY PREJUDICIALLY VIOLATED DEFENDANTS RIGHT TO JURY TRIAL AND DUE PROCESS OF LAW
 - 3) WHETHER THE JURY INSTRUCTION ON SELF DEFENSE AND IMPERFECT SELF DEFENSE VOLUNTARY MANSLAUGHTER WERE PREJUDICIALLY AMBIGUOUS INCOMPLETE AND MISLEADING THERE BY VIOLATING DEFENDANTS DUE PROCESS OF LAW RIGHTS
 - 4) DID THE TRIAL COURT PREJUDICIALLY ERR BY INSTRUCTING THE JURY ON THE PRINCIPLES OF LAW GOVERNING CONCEALMENT OR DESTRUCTION OF EVIDENCE THERE BY VIOLATING DEFENDANTS DUE PROCESS RIGHTS
 - 5) DID DEFENDANTS TRIAL COUNSEL RENDER INEFFECTIVE ASSISTANCE OF COUNSEL BY FAILING TO ENSURE THAT THE TRIAL COURT PROPERLY INSTRUCTED THE JURY ON SELF DEFENSE AND VOLUNTARY MANSLAUGHTER AS WELL AS THE PRINCIPLES OF LAW GOVERNING A THIRD PARTY'S CONCEALMENT OF DESTRUCTION OF EVIDENCE
 - 6) WHETHER DEFENDANTS TRIAL COUNSEL RENDERED INEFFECTIVE ASSISTANCE OF COUNSEL BY FAILING TO OBJECT TO UNLAWFUL PREJUDICIAL EVIDENCE OF DEFENDANTS GANG MEMBERSHIP AND THAT HE HAD COMMITTED ANOTHER FELONY CRIME
 - 7) DID THE COMBINE EFFECT OF THE TRIAL ERRORS DEPRIVE DEFENDANT OF HIS CONSTITUTIONAL RIGHT TO A FAIR TRIAL

LIST OF PARTIES

- [] All parties appear in the caption of the case on the cover page.
- [] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Arrion crew

ARTHUR HALL

SHAWN SINCLAIR

RAMONA WILLIAMS

ELIJAH HALL

ZERILE WILLIAMS

JEREMY BOLTON

JAHARY BOLTON

WANDA MITCHELL

CHRISTOPHER REILFORD

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

STRICKLAND -VS- WASHINGTON
466 U.S. 668, 688 (1984)

STATUTES AND RULES

Evidence code

§ 210

§ 350

§ 352

§ 413

§ 1101, SUB DIVISION

OTHER Penole code

§ 187, SUBDIVISION (a) § 190.2, SUBDIVISION (a)

§ 190.2 SUBDIVISION (a)(3) § 190, SUBDIVISION (a) § 1159 § 1237

§ 1259 § 12021, SUBDIVISION (a)(1) § 12022.53, SUBDIVISION (a)

§ 12022.53 SUBDIVISION (d)

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- APPENDIX D — Court of Appeals's Opinion, Affirming Judgment, dated Aug. 7, 2012
- APPENDIX E — Letter from U.S. Supreme Court's clerk's office, dated February 2, 2018
- APPENDIX F

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 **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix C to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

The opinion of the Court of Appeal, 4th Appellate Dist. court appears at Appendix D to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was August 18, 2017.

☒ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☒ An extension of time to file the petition for a writ of certiorari was granted to and including April 2, 2018 (date) on February 2, 2018 (date) in Application No. A. (see Letter, dated Feb 2, 2018, Appendix "E.")

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

5th Amendment

6th Amendment

14th Amendment

Article, I, § 15

STATEMENT OF THE CASE

A JURY in RIVERSIDE county SUPERIOR COURT CASE NUMBER R.I.F 139980 Found CREW guilty of TWO counts of MURDER (CAL. PENAL CODE §187(a), AND Being A Felon in Possession of A FIRE ARM (CAL. PENAL CODE §12021(a)(1), AND Found TRUE THE SPECIAL CIRCUMSTANCE'S THAT CREW PERSONALLY AND INTENTIONALLY DISCHARGED A FIRE ARM (CAL. PENAL CODE §12022.53(d) AND THAT CREW committed multiple MURDERS (CAL. PENAL CODE §190.2(a)(3) (lodgment 1 at 122-27) THE TRIAL COURT sentence CREW TO life WITHOUT THE POSSIBILITY OF PAROLE PLUS 100 YEARS TO life IN STATE PRISON (lodgment 1 at 147-48, 168-71) CREW APPEALED TO THE FOURTH DISTRICT CALIFORNIA COURT OF APPEALS DIVISION TWO (lodgment 3; lodgment 4) THE CALIFORNIA COURT OF APPEAL AFFIRMED THE judgment IN AN UNPUBLISHED OPINION (lodgment 5) CREW Filed A petition FOR REVIEW IN THE CALIFORNIA SUPREME COURT (lodgment 6) ON OCTOBER, 24, 2012 THE CALIFORNIA SUPREME COURT denied THE petition (lodgment 7) ON OCTOBER, 16, 2013 CREW Filed A petition FOR WRIT OF HABEAS CORPUS THAT WAS Filed IN THIS COURT (DOC. 1) ON OCTOBER, 30, 2013 THIS COURT ORDERED A RESPONSE TO THE petition (DOC. 3) ON DECEMBER, 13, 2013 CREW Filed A FIRST Amended petition FOR WRIT OF HABEAS CORPUS (DOC. 10) Respondent Filed AN ANSWER ON FEBRUARY, 21, 2014) ON MAY, 19, 2014 petitioner Filed A TRAVERSE ON SEPTEMBER, 27, 2016 A magistrate Judge denied CREW'S HABEAS CORPUS (petitioner Filed A Motion FOR A CERTIFICATE OF APPEALABILITY TO THE NINTH CIRCUIT COURT ON DECEMBER, 6, 2016 ON AUG. 18, 2017 THE NINTH CIRCUIT COURT denied CREW petition FOR A (COA)

REASONS FOR GRANTING THE PETITION

I never had a fair trial because my trial attorney never investigated my case to cover all areas to fight for me in court to prove self defense

I also made all my appeal deadlines and I been fighting my appeal with know legal assistance

my case is self defense I did not get on stand to argue my points to prove that I acted in self defense

my victims had weapons and they were acting in a violent rage towards me one of my victims was the real aggressor

I ask the court to please understand I am really remorseful for my action I was dumb and my victims families will never get to talk to there families again I am sorry I really will do good if the court give me a release date I started changeing my thinking to become a better person in prison I ask the court

for mercy I am a better person my trial the court said I was being threatend and lock in the house and that should have prove I couldn't leave the house I was being held with out my permission in the house in people -vs- BELTRAN (2013) 56.4th 935 would have proved that I was in the right to defend myself because in people vs. Beltran lowers the prove of verdict to convict

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

David Lee New Jr

Date: 10-13-17