

PG. 2UE  
ORIGINAL

No. \_\_\_\_\_

\_\_\_\_\_

IN THE

SUPREME COURT OF THE UNITED STATES

In Re  
\_\_\_\_\_

BRIAND WILLIAMS — PETITIONER  
(Your Name)

vs.

California & Edmund G. Brown — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

THE SUPREME COURT FOR THE STATE OF CALIFORNIA

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

BRIAND WILLIAMS – AM6025

(Your Name)

PO BOX 32050 (Temporarily For Now Going Home)  
(Address)

Stockton, California 95213  
(City, State, Zip Code)

None As of Yet but Soon  
(Phone Number)

QUESTION(S) PRESENTED

- 1) Is a Plea Agreement considered to be terminated **or** full-filled fifteen (15) years later upon the destruction **or** lost of the actual sentencing plea agreement transcripts **or** long after the formal probation of three(3) yrs has been completed by the defendant from the date of the plea bargain being entered into back on July 16<sup>th</sup>, 1996; **And, If [not]**; Does **[any]** Questionable *altered and forged*, minute-order(s) which do not reflect the actual [A]greed upon too [C]harge itself from the Plea-Bargain (Would these minute-orders) carry the very same weight as the Original Certified Transcripts would have [i]f they were still available??? And, **If [not]** Is the Defendant entitled under the Equal Protection Analysis and Due Process Clause entitled to an Evidentiary Hearing to make a conclusive finding to determine the representation made by the state officials on whether a plea bargain existed between the defendant and the People for the State of California which did entitle the defendant to plea to a charge that **[did]** **[not]** require Registration, and to what extent of the defendant's reasonable reliance on such representations???
- 2) Once a plea agreement has been reached, can the District Attorney's office Renege on the agreement long after the defendant has full-filled his part of the agreement well over twenty-two (22) years ago after the bargain was reached and nearly twenty (20) years after the defendant completed the three (3) full years of Formal Probation under that agreement???. *Santobello vs. New York* (1971) 404 US 257, 260, 262; *United States vs. Paiva* (D.D.C. 1969) 294 F. supp.742; and *People vs. Cortez* (1970) 13 Cal. App. 3d 317.
- 3) Did the agents, representatives, (DA's office) for the State of California, Revoke the plea bargain agreement without the defendant's knowledge after the first fourteen (14) years from what the defendant had relied upon in the acceptance from the promises made to him back on July 16<sup>th</sup>, 1996 at the time of sentencing, which was to plead "YES" to a 261.5(c) PC and to be released on that very same day???. Can the defendant now be charged continuously with "failure to update registration Annually" where there has never been any [I]nitial or Previous registration to update from ever in the defendant's entire life???. The term "FOLLOWING REGISTRATION" is meaningless when there is {[NO!!!]} REGISTRATION to follow. And, Does this *Pre-Indictment Delay* which is in Violation if the Due Process entitle the defendant to **[w]ithdraw** his July 16<sup>th</sup>, 1996 Plea???
- 4) Was the defendant entitled under the United States Constitutions' VI and XIV Amendment to a competent appellate attorney and a record that would permit a meaningful presentation of appellate claims, and that the attorney's failure to appreciate or correct the shortcomings of the record constituted the inadequate assistance of counsel on appeal???

- 5) Was the defendant denied under the Fourteenth Amendment by the State to full-fill its duty to provide appellant with a complete and effective appellant record???
- 6) Was the defendant put in any unfavorable appellate proceedings that were fundamentally unfair in contravention of the Due Process Clauses of the Federal Constitution???
- 7) Was the defendant deprived of a adequate competent active advocate assistance by appointed appellate counsel by right under the sixth amendment???
- 8) Was the defendant deprived and denied any right(s) under California's Independent Constitution???
- 9) Is a defendant denied a Due Process right to have a Habeas Corpus Petition filed concurrently with his direct appeal by his appointed appellate counsel when the issues and facts that warrants' the filing for the petition is surrounded by issues being **[e]xtrinsic** from the trial court transcripts because they are **{no-longer}** available, **(devoid-missing)** in order to raise the defendant's issues **Re: Ineffective Assistance of Trial Counsel; Breach of the Original Plea Bargain; Actual and Factual Demonstrably Innocence, Failure to give Advisement about the Constitutional Rights – Prior to or after obtaining an Induced Plea; And where No!!! Reports Exists in the court records for a Factual Basis???** (e.g. **Probation-Police Reports, etc.**)
- 10) Was the defendant denied an Equal Opportunity Protection under both the State and Federal Constitution when he files a Writ Petition for Review to the States' high court **Re: Ineffective Assistance of Appellate Counsel for Counsel's Failure to raise the Plethora of Arguable Issues by Habeas Corpus due to the missing trial transcripts because counsel had filed a Wende Brief???** **And**, "Did the Supreme Court of California cause further Prejudicial Miscarriage of Justice when it failed to address the core issue raised by the defendant **Re: Ineffective Assistance of Appellate Counsel on Direct Appeal by way of Habeas Corpus Petition???**"
- 11) Is a Defendant denied the Guaranteed Federal and State Constitutional Rights of Due Process when the trial court, the appellate district court, and the Supreme Court of California refuse to grant an **[e]videntiary hearing** to determine and make a conclusive finding to the representations made by the state official to the defendant regarding whether a Plea Bargain had existed between the defendant and the People and to the extent of the defendants' reasonable reliance on such representations which entitled the defendant to a non-registration offense, when under holding case laws an Evidentiary Hearing **[MUST]** be held when transcripts are missing?? (**Blackledge vs. Allison**, (1977) 431 US 63, 71-83; **Harris vs. Nelson**, (1969) 394 US 286; **Townsend vs. Sain** (1963) 372 US 293, 295-322; **US vs. Carter** (4<sup>th</sup> Cir 1972) 454 F.2d 426, 428 and **People vs. Sumstine** (1984) 36 Cal. 3d 909, 920 HN 10.)


- 12) When a defendant request numerous Marsden Hearings and even sends in letters the trial court Judges while in custody requesting Marsden Hearings because the Court Appointed Public Defenders are yelling, screaming and cursing at the defendant for not taking the D.A.'s Plea-Bargain Deal but the trial court Judges do not adhere to the defendant's crying out for help pleas; Is he entitled to Withdraw his Plea because of Judicial Pressure of Duress, Fraud and the fact of Overreaching the Defendant's Free Will and Judgment??? Is the defendant deprived of the right to a trial on the merits??? [*People vs. Marsden* (1970) 2 Cal. 3d 118; *People vs. Griggs* (1941) 17 Cal. 2d 621 and *People vs. Schwarz* (1927) 201 Cal. 309, 314; *Carter vs. Illinois* (1946) 329 US 173] Due to Improperly Induced-Coercively Forced Plea through Mis-Advisement caused by the Unusual Extra Judicial Pressure for the plea taken under duress and from under Influence from implicitly and negotiated events by the July 16<sup>th</sup>, 1996 trial court.
- 13) Was the Defendant denied both of his Federal and State Constitutional Rights by the trial court's 12/12/2016 ruling denying the Habeas Corpus Petition because the defendant **was not under actual** Custodial Restraints from his July 16<sup>th</sup>, 1996 sentence although the defendant was under the restraints as a result of the **Collateral Consequences** from the {*Predicate 1996 offense*} that put the defendant under the Microscope of Parole, Bail and on O.R. Release all at the very same time??? Should the April 18<sup>th</sup>, 2016 filed habeas corpus petition issues been addressed pursuant to [*Carafas vs. LaVallee* (1968) 391 US 234, 237-242; (a) Because of the "disabilities or burdens [which] may flow from" petitioner's conviction, he has "a substantial stake in the judgment of conviction which survives the satisfaction of the sentence imposed on him." *Fiswick vs. United States* (1946) 329 U. S. 211, 222; (b) 28 U.S.C. § 2243. *Parker vs. Ellis* (1960) 362 U. S. 574 overruled. Pp. 391 U. S. 238-240. *Nowakowski vs. Maroney* (1967) 386 U. S. 542] based upon the two (2) signed bills by Governor Brown **AB813** and **SB1134** the amended the **Cal. Pen. Code §1473 et seq.** for filing.
- 14) Is a defendant entitled to have an Evidentiary Hearing when the sentencing transcripts are missing (*Blackledge vs. Allison*, (1977) 431 US 63, 71-83; *Harris vs. Nelson*, (1969) 394 US 286; *Townsend vs. Sain* (1963) 372 US 293, 295-322; *US vs. Carter* (4<sup>th</sup> Cir 1972) 454 F.2d 426, 428 and *People vs. Sumstine* (1984) 36 Cal. 3d 909, 920 HN 10) to question the **Authentication** of two (2) non-existent Forged, Altered and Deleted [*Information*] on their face, etc... handwritten court documents (**minute-orders**) that were never put on **Mirco-Fiche** and were substantially not made in compliance by a procedural state government code statutes; And where the use of such documents had produced [**Fraud**] upon the court whereby the alleged **unverified authentication** that surrounds these two handwritten documents which are in conflict of pass events based upon the Judicial Admission of a state officer himself that these **minute orders did not exist even after fifteen (15) yrs ago from the date that the plea agreement was entered into** as was stated back on 8/2/2011?? By now retired District Atty. **Brentford J. Ferreira, SBN #113762** (i.e. *Miller vs. Pate* (1967) 386 US 1 N2.)

- 15) When a defendant on direct appeal has a multiple (triple) layers of ill will help from court appointed non-effective assistant of counsel claims (**IATC's**) that arise at various levels in his Judicial Proceedings (including with appointed appellate counsel) and the complete case file is "silent to the records on the matters" is it a "Fundamental Miscarriage of Justice" in violation of a Defendant's right to Due Process and Equal Protection of both the Federal and State Constitution, when the appellate court Justices' abused their discretion and all agreed to dismiss the defendant's habeas corpus petition rather than to consolidate the petition with the defendant's direct appeal as cited in "*People vs. Mendoza-Tello* (1997) 15 Cal. 4<sup>th</sup> 264???"
- 16) Was the defendant denied any Substantial rights when he filed a habeas corpus writ petition concurrently with his opening brief to argue the extrinsic merits of the four corners of a completely devoid (**No!!! Sentencing Transcripts Record**) after the defendant's appointed counsel on appeal files a "Wende Brief" which did not satisfy the Federal Constitutional Standards and then abandoned defendant during the direct appeal from the denial of a non-statutory motion???
- 17) Was the defendant's 6<sup>th</sup> and 14<sup>th</sup> Amendments Violated by the Appointed appellate counsel for his failure in not filing the proper writ petition on the defendant's behalf that should have addressed the missing extrinsic issues rather than counsel filing a "Wende Brief," when ninety-nine point nine percent (99.9%) of the defendant's appeal deals with matters that are "Extrinsic to the four Silent Devoid Corners from a Devoid 'Non-Statutory Motion to Vacate a Plea'" in the trial court??? And also when the appointed counsel appellate counsel fails to make the matter an [a]rguable appellate issues after the trial court first denied the habeas corpus writ petition that was filed in conjunction with the motion Again, Was the defendant's 6<sup>th</sup> and 14<sup>th</sup> Amendments Violated by the Appointed appellate counsel for his failure in not filing the proper writ petition???
- 18) Was the defendant abandoned on direct appeal by his court appointed appellate counsel when the defendant wrote and gave every arguable issue to his counsel to raise and file a perfected writ for proper appellate review **but** the appointed counsel only files a "Wende Brief" without any statements of facts within the brief, and yet, does not state that the appeal is "**Frivolous**" or ask to be relieved as counsel from the direct appeal itself???
- 19) When a defendant is seeking relief as a "**class of one**" under traditional Equal Protection Analysis and when the appeal record [is both] Silent **and** Devoid of post historical facts, **Is it still** a "Fundamental Miscarriage of Justice" and a Violation of a defendant's Federal and State Constitutional Due Process Rights for the state appellate court Justices to not address the Equal Protection issues raised by the defendant by & through a Habeas Corpus or Mandate Petition??? (*Willowbrook vs. Olech* (2000) 528 US 562, 564; and *SeaRiver Maritime vs. Mineta* (9<sup>th</sup> Cir. 2002) 309 F. 3d 662.)

- 20) When a defendant raises his long standing claim of his “Actual and Factual Innocence” and offers proof that he can demonstrably prove his Factual Innocence without the help from the ***[Devoid Silent Record]*** on Direct Appeal, was it another “Fundamental Miscarriage of Justice” and a Violation of the defendant’s Federal and State Constitutional Due Process Rights when the state court Justices’ refused to **“Take a Second Look”** as required in *McQuiggin vs. Perkins* (2013) 133 S. Ct. 1924.

# 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:

- 1) **Governor Edmund Gerald Brown, Jr.** State of California Capital Building  
Room 1173, Sacramento, California 95814
- 2) **Attn. Xavier Becerra** – Atty. General's Office, 300 S. Spring St. 1<sup>st</sup>. Floor  
Los Angeles, California 90013
- 3) **Supreme Court of California**, 350 McAllister Street, Room 1295,  
San Francisco, California 94102-4797
- 4) **Second Appellate District Court**, Ronald Reagan Building, 300 S. Spring  
Street, 2<sup>nd</sup> Floor – North Tower, Los Angeles, California 90013-1204
- 5) **Los Angeles Superior Court-LASC**, 210 W. Temple Street, Clerk's Office  
Los Angeles, California 90012
- 6) **Los Angeles District Attorney's Office**, 210 W. Temple Street, District  
Attorney's Office, Los Angeles, California 90012
- 7) **Briand Williams, c/o BRB WMS-LOGAN-ESQ.**, 9025 Wilshire Blvd.  
Penthouse Suite 500, 5<sup>th</sup> Floor, Beverly Hills, California 90211-1897

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<i>Nowakowski vs. Maroney</i> (1967) 386 U. S. 542;	Pg 4
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28 U.S.C. § 2243.

*Cal. Pen. Code §1473 et seq.*

United States Constitutions' VI Amendment

United States Constitutions' XIV Amendment

## OTHER

*Assembly Bill 813*

*Senate Bill 1134*

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 \_\_\_\_\_ 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 \_\_\_\_\_ 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 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 **SECOND APPELLATE DISTRICT COURT** \_\_\_\_\_ 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.

# JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was\_\_\_\_\_.

☐ 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\_\_\_\_\_ (date) on\_\_\_\_\_ (date) in Application No. \_\_\_\_A\_\_\_\_\_.

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 March 28 2018. A copy of that decision appears at Appendix A.

☐ 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).

PE. Twelve

**CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

## STATEMENT OF THE CASE

Back on **July 16<sup>th</sup>, 1996**, the Petitioner, **BRIAND WILLIAMS**, did enter into a Plea Agreement with the District Attorney's Office through is court appoint attorney from the County of Los Angeles Public Defender's Office name John M. Martinez, SBN #69161 in **Case No. BA130843** to One (1) Count to a Charge of PC §261.5(c) for time-serve with credit of 416 day to a misdemeanor [wobbler] charge; three (3) yrs formal probation, and pay a \$200.00 Fine, Obey all laws and attend school **or** work and stay out of trouble. No! Suspended Prison sentence was given. ( i.e. See **Pen. Code §17 subd. (b)(1)**; **People v. Hamilton** (1948) 33 Cal. 2d 45, 49 [198 P.2d 873]; **Pen. Code § 1203, subd. (a)**; **People vs. Glee** (2000) 82 Cal. App. 4<sup>th</sup> 99, 102-103, 105-106; **People v. Bishop** (1992) 11 Cal. App. 4th 1125, 1130 [15 Cal. Rptr. 2d 539]; **People v. Disibio** (1992) 7 Cal. App. 4th Supp. 1, 6 [9 Cal. Rptr. 2d 20]; **City of Victorville v. County of San Bernardino** (1991) 233 Cal. App. 3d 1312, 1314 [285 Cal. Rptr. 206]

On **August 4<sup>th</sup>, 1998** a progress follow-up probation hearing was held to see how Petitioner was doing. Probation was continued on the same terms and conditions as were placed upon the Petitioner.

On **July 16<sup>th</sup>, 1999** the Petitioner, herein had completed the full three (3) year of formal probation under the terms and conditions without any issues.

On **October 28<sup>th</sup>, 2010** Petitioner, was charged with a violation of PC §290.012(a) for a dismissed 1996 **Case No. BA117193**, under **Case No. BA337243**, even though this was not possible pursuant to the **Cal. PC §290.018 subd.(K)** which is now under subd. (L) In the 2017 Penal Code Book. (See Petitioner's complete case history under USDC CV-11-08232; CV-12—05824 **and** CV-16-1384 for all events, references and prior outcomes.) Petitioner lost the trial on March 14<sup>th</sup>, 2011 in Case Number BA337243 and [was not ordered by the court trial Judge Clifford L. Klien to register for any charge(s).

On **August 2<sup>nd</sup>, 2011** DDA Brentford J. Ferreira, SBN #113762 Deputy-in-Charge over the Writ of Habeas Corpus Litigation Team had made a Judicial Admission under the penalty of perjury to the trial court on paper by stating Quote: “**{In the instance case, we, have No! Transcripts of the sentencing hearing. None, could be found in the court's file or the District Attorney's file. Nor is there evidence of any minute order reciting an advisement by the court of the registration requirement. There is nothing in the probation report putting Petitioner on Notice of the Registration Requirement}**” as a condition of the July 16<sup>th</sup>, 1996 plea agreement. (**People vs. Tausch** (1995) 36 Cal. App. 4<sup>th</sup> 1239, 1243, 1246.)

On **November 16<sup>th</sup>, 2012** Petitioner, was charged again in **Case No. BA404996** for the same type of alleged violation but the **[charge was dismissed]** on **January 29<sup>th</sup>, 2016** but was then was re-filed after the Statute of Limitation had ran out by three (3) yrs, three (3), month and fifteen (15) days for the re-filed **Case No. BA443387** but not in **Case No BA432281** for the same one charge, which was dismissed.

On or about **April 18<sup>th</sup>, 2016** Petitioner's court appointed trial counsel Brent Howard Merritt, SBN #165479 files a consolidated Writ of Error of Coram Nobis Petition along with a Petition for Writ of Habeas Corpus prior to the signature of Governor Edmund Gerald Brown, Jr. for both bills **AB813** and **SB1134** which amended the California Penal Code Section that governs the complete Writ of Habeas Corpus, specifically **§1473.7**

An **OSC** was **GRANTED** on **August 30<sup>th</sup>, 2016** for the Error Coram Nobis Petition, but not for the Habeas which had been dismissed. Then on **December 12<sup>th</sup>, 2016** the OSC had been discharged and denied and a Timely Notice of Appeal was filed based upon that Dismissal of the Coram Nobis matter.

On **June 23<sup>rd</sup>, 2017** Petitioner was appointed an Ineffective Appellate Counsel on direct appeal by the name of David Michael Thompson, SBN #62999.

Petitioner, kept writing to his appointed counsel and telling him that the sentencing transcript were no longer available per/Brentford J. Ferreira and that he was denied the right to have an Evidentiary Hearing on the matter as required by prior court history. See Case Authorities: (**Blackledge vs. Allison**, (1977) 431 US 63, 71-83; **Harris vs. Nelson**, (1969) 394 US 286; **Townsend vs. Sain** (1963) 372 US 293, 295-322; **US vs. Carter** (4<sup>th</sup> Cir 1972) 454 F.2d 426, 428 and **People vs. Sumstine** (1984) 36 Cal. 3d 909, 920 HN 10)

On **October 23<sup>rd</sup>, 2017** Petitioner's Ineffective Appointed Appellate Counsel files a Wende Brief instead of filing a Petition for Writ of Habeas Corpus in the Petitioner's behalf.

On **November 18<sup>th</sup>, 2017** Petitioner files a Supplemental Brief, pursuant to **People vs. Kelly**, (2006) 40 Cal. 4<sup>th</sup> 106 and a Petition for Writ of Habeas Corpus concurrently to be heard with appeal and was given a Case No. B286510.

On **December 28<sup>th</sup>, 2017** the Justices of the Second Appellate District Court, denied the Habeas Corpus Petition B286510.

On **January 26<sup>th</sup>, 2018** Petitioner's Petition for Review is granted to be filed in the Supreme Court of California and was given a Case No. S24669.

On **March 26<sup>th</sup>, 2018** the Supreme Court of California grants itself an extension of time to further review the pending filed Habeas Petition filed by the Petitioner on January 26<sup>th</sup>, 2018.

On **March 28<sup>th</sup>, 2018** the Supreme Court of California, denies the Petition for Review.

On **April 22<sup>nd</sup>, 2018** Petitioner, is mailing off this Petition for Writ of Certiorari to the United States Supreme Court in Washington, DC.

## REASONS FOR GRANTING THE PETITION

**Because it would be the right concise act to do in light of the information presented herein.**

“A denial by a State Court of a Writ of Habeas Corpus to one who claims that the judgment under which he is imprisoned was rendered in violation of his Constitutional Rights is review by the Supreme Court of the United States as necessarily involving a Federal Question. State Court’s, equally with Federal Courts, are under an obligation to guard and enforce every right secured by the Federal Question.” *Smith vs. O’Grady* (1941) 312 US 329, 334.

“An accused may have been denied the assistance of counsel under circumstances which constitute an infringement of the United States Constitution. If the State affords No! Mode for redressing that wrong, he may come to the Federal Courts for relief...” *Carter vs. Illinois* (1946) 329 US 173, 174-175 HN6.

In *Bowen vs. Johnson* (1939) 306 US 19-30 HN9, 10 citing: “Ex parte Nielsen (1889) 131 US 176, 183 [33 L. Ed 118, 120, 9 S. Ct. 672] and the remedy of Habeas Corpus may be needed to release the prisoner from a punishment imposed by a court manifestly without Jurisdiction to pass judgment. It **[MUST]** **[n]**ever be forgotten that the Writ of Habeas Corpus is the precious safeguard of personal liberty and there is no higher duty than to maintain it unimpaired. (See, also *In re Bonner* (1894) 151 US 242, 26.)”

Ex parte Lange (1874) 85 US 163, “The rule requiring resort to appellate procedure when the trial court has determined its own jurisdiction of an offense is not a rule denying the power to issue a Writ of Habeas Corpus when it appears that never the less the trial court was without jurisdiction. The rule is not one defining power but one which relates to the appropriate exercise power.” “Throughout the Centuries the Great Writ has been the shield of personal freedom insuring liberty to persons illegally detained. Respecting the state’s grant of a right to test their detention, the Fourteenth Amendment weighs the interest of rich or poor criminals in equal scale, and its hand extends as far to each.” *Smith vs. Bennett* (1961) 365 US 708, 713 HN9.

*Miller vs. Pate* (1967) 386 US 1 N2, “More than 30 years ago this court held that the Fourteenth Amendment cannot tolerate a State Criminal Conviction obtained by the knowing use of false evidence. *Mooney vs. Holohan* (1935) 294 US 103. There has been No! Deviation from that established principle. *Napue vs. Illinois* (1959) 360 US 264; *Pyle vs. Kansas* (1942) 317 US 213; cf. *Alcorta vs. Texas* (1957) 355 US 28. There can be no retreat from that principle here.”

“The United States Supreme Court holds allegation of a pro se complaint to less stringent standards than formal pleadings drafted by lawyers. A complaint should not be dismissed for failure to state a claim unless it appears beyond doubt that the Plaintiff can prove No! Set of facts in support of his claim which would entitle him to relief.” “We conclude that he is entitled to an opportunity to offer proof.” *Haines vs. Kerner* (1942) 404 US 519 HN 1, 2, 3.

As Chief Justice Burger has written: “[Under] our adversary system an Appellate Court cannot function efficiently without lawyers to present whatever there is to be said on behalf of an appellant, however meager his claims may be, So that the court can make an informal appraisal.” (*Johnson vs. United States* (1966) 360 F. 2d 844, 847 [124 App. D.C. 29] concurring opinion.) Cited In *People vs. Smith*, (1970) 3 Cal. 3d 192.

“The Sixth Amendment Right to Counsel is the right to the effective assistance of counsel.” *McMann vs. Richardson* (1970) 397 US 759, 771 N\*14, 90 S. Ct. 1441, 25 L. Ed. 2d 763

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



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Date: April 22<sup>nd</sup>, 2018