

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

PETER D. BOMMERITO, JR. — PETITIONER
(Your Name)

vs.

SCOTT KERNAN, ET AL — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

9TH CIRCUIT UNITED STATES COURT OF APPEALS
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

PETER D. BOMMERITO, JR.
(Your Name)

B63125 4N96L
(Address)

TAMAL, CA 94974
(City, State, Zip Code)

NONE
(Phone Number)

QUESTION(S) PRESENTED

1. SHOULD THE PEOPLE IN THE STATE OF CALIFORNIA BE CONSTITUTIONALLY PROTECTED UNDER THE FOURTEENTH AMENDMENT IN THE PRESENCE OF INCREASINGLY SEVERE CRIMINAL COURT PROCESSES AND PENALTIES INFLICTED AND REQUIRED BY THE STATE LEGISLATURE, ADMINISTRATIVE POLICIES, AND PUBLIC ANTI-CRIME INITIATIVES?

2. SHOULD THE PEOPLE IN EACH STATE OF THE UNITED STATES ALSO BE SO PROTECTED?

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. SCOTT KERNAN, SECRETARY OF STATE DEPARTMENT OF CORRECTIONS
2. RONALD DAVIS, WARDEN, SAN QUENTIN STATE PRISON
3. DONALD WALTER VIREN, M.D., AN AGENT OF RESPONDENT SCOTT KERNAN; Dr. VIREN IS AN EMPLOYEE AND EXECUTIVE OF SAID DEPARTMENT'S OUT-PATIENT CLINIC, LOS ANGELES
4. JAMES M. IDEMAN, ASSISTANT DISTRICT ATTORNEY, COUNTY OF LOS ANGELES
5. MARVIN PART, PRIVATE ATTORNEY, AS APPOINTED BY THE LOS ANGELES COUNTY STATE SUPERIOR COURT; HEREIN, AN AGENT OF DONALD WALTER VIREN, M.D. AND JAMES M. IDEMAN, BOTH OF WHOM ARE GOVERNMENT EMPLOYEES, AS DESCRIBED HEREIN AND ABOVE.

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UNITED STATES: JUDGMENT 08/29/2018; ORDER
9/25/2018; DOCKET NO. 13, IN EXCERPTED FORM.

APPENDIX B UNITED STATES DISTRICT COURT,
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U.S. MAGISTRATE'S RECOMMENDATION, 02/07/2018;
U.S.D.C. JUDGMENT, 03/22/2018.

APPENDIX C CALIFORNIA STATE SUPREME COURT CASE
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1. CRIMINAL LAW § 46.3 RIGHT TO COUNSEL 3. Pg. 692

1. DOC: 23, Pg. 9, l. 27, 28; Pg. 10, l. 1-12.

2. TRIAL § 1. FAIR TRIAL 3.

2. DOC: 23, Pg. 4, l. 23-27; Pg. 5, l. 1-13. Pg. 9, l. 3-12.

3. CRIMINAL LAW § 46.4 INEFFECTIVE ASSISTANCE OF COUNSEL 7. Pg. 692.

3. DOC: 23, Pg. 4, l. 8-13; Pg. 5, l. 1-15; Pg. 9, l. 3-12.

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CALIFORNIA STATE PENAL CODE, SECTION 1538(A)(1) 28 UNITED STATES CODE SECTION 2254 (d)(1), 28 U.S.C.S., M. 5 "WAS CONTRARY TO OR INVOLVED AND UNREASONABLE APPLICATION OF CLEARLY ESTABLISHED FEDERAL LAW AS DETERMINED BY THE SUPREME COURT OF THE UNITED STATES

OTHER

PETITIONER'S "OPPOSITION TO THE MOTION FOR DISMISSAL OF HABEAS CORPUS, 'MEMORANDUM OF POINTS AND AUTHORITIES,'" DOC: 23, Pg. 8, l. 13-28, APPENDIX B.

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4. CRIMINAL LAW §46.4. COUNSEL
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4. DOC: 23, Pg. 9, l. 27, 28;
Pg. 10, l. 1-17.

5. EVIDENCE §418 22. ACTUAL
OR CONSTRUCTIVE DENIAL OF
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5. DOC: 23, Pg. 4, l. 26, 27;
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6. CRIMINAL LAW §46.4 - RIGHT
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6. DOC: 23, Pg. 9, l. 27,
28; Pg. 10, l. 1-12.

STATUTES AND RULES

28 U.S.C. §2254 (d)(1) CONTRARY TO OR INVOLVED AN
UNREASONABLE APPLICATION OF CLEARLY ESTABLISHED
FEDERAL LAW AS DETERMINED BY THE SUPREME COURT
OF THE UNITED STATES.

OTHER: MARVIN PART IN ACTUAL AND CONSTRUCTIVE
DENIAL OF ASSISTANCE OF COUNSEL AND IN MALFEACENCE,
DEFRAUDS ME OF CONSTITUTIONAL RIGHTS ALREADY
SECURED IN THE LONG BEACH BRANCH OF THE LOS
ANGELES COUNTY CRIMINAL COURTS AS PROVIDED BY BOTH
THE STATE CONSTITUTION, ARTICLE I, SECTION 24 AND THE
FEDERAL CONSTITUTION UNDER THE FOURTH, FIFTH, SIXTH,
AND FOURTEENTH AMENDMENTS, AS REVEALED HEREIN, MR.

....

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7. CRIMINAL LAW § 46.4

7. DOC: 23, Pg. 9, l. 27, 28;

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8. CRIMINAL LAW § 46.4

8. DOC: 23, Pg. 5, l. 3-7,

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28 UNITED STATES CODE SECTION 2454(d)(1)

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PART THEN BY MALFEACENT ACTS IS THE TOOL OF THE LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE TO DEFRAUD ME OF PROTECTION AND IMMUNITY ALREADY SECURED FOR ME BY MR. C. STANDLEE MARTIN, JR., ESQUIRE BEFORE THE LONG BEACH BRANCH OF THE COUNTY COURT'S SYSTEM, AND IN PROCEDURAL DEFAULT,

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9. EVIDENCE § 419 22. DENIAL
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9. DOC: 23, Pg. 4, l. 26, 27;

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3-12, l. 25, 26, 27, 28.

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10. CRIMINAL LAW 12. COUNSEL-
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10. DOC: 23, Pg. 5, l.

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27, 28, Pg. 10, l. 1-12.

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1. TRIAL § 1. FAIR TRIAL 3. Pg. 691-692	1. DOCKET NO. 13 Pg. 2, l. 1-13, l. 20; Pg 3, l. 1; l. 14-16, l. 18, 19; Pg 4, l. 8, 9; l. 15-17, Pg. 5, l. 1-11, l. 18-20.
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2. CRIMINAL LAW § 46.3, RIGHT TO COUNSEL, Pg. 692.	2. DOCKET No. 13 Pg. 4, l. 15-17; Pg. 5, l. 1-11, l. 18- 20.
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3. CRIMINAL LAW § 46.4 INEFFECTIVE ASSISTANCE OF COUNSEL T. Pg. 692.	3. DOCKET No 13 Pg. 5, l. 1-17; Pg. 6, l. 1- 20; Pg. 7, l. 1-7.
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4. CRIMINAL LAW § 46.4

4. DOCKET NO. 13

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1, 2; l. 8-11, l. 15-20;

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5. EVIDENCE § 419 22.

5. DOCKET 13, Pg. 6,

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6. CRIMINAL LAW 46.4 § 46.4

6. DOCKET No. 13

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7. CRIMINAL LAW §46.4, RIGHT
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2. DOCKET NO. 13

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8. CRIMINAL LAW - §46.4 [10]
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10., Pg. 677.

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20. Pg. 6, l. 1-6, l.

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9. EVIDENCE § 419 22.
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9. DOCKET NO. 13
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3, l. 14-18; Pg. 4, l. 8-10;
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10. CRIMINAL LAW § COUNSEL
- DUTIES 12; Pg. 692

10. DOCKET NO. 13
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-26; Pg. 9, l. 1, 2; l. 3-
6; l. 7-11.

STATUTES AND RULES

OTHER

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 _____ 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 appears at Appendix _____ 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 08/29/2018.

☐ 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: 07/25/2018, and a copy of the order denying rehearing appears at Appendix A.

☐ 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 _____.
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

1 1. FOURTH AMENDMENT, FEDERAL CONSTITUTION: THE
2 RIGHT OF THE PEOPLE TO BE SECURE IN THEIR PERSONS, HOUSES,
3 PAPERS AND EFFECTS AGAINST UNREASONABLE SEARCHES AND
4 SEIZURES SHALL NOT BE VIOLATED, AND NO WARRANTS SHALL ISSUE
5 BUT UPON PROBABLE CAUSE, SUPPORTED BY OATH OR AFFIRMATION,
6 AND PARTICULARLY DESCRIBING THE PLACE TO BE SEARCHED,
7 AND THE PERSONS OR THINGS TO BE SEIZED, 12/15/1791.

8 2. FIFTH AMENDMENT, FEDERAL CONSTITUTION: ... NOR SHALL
9 ANY PERSON BE SUBJECT FOR SOME OFFENCE TO BE TWICE PUT IN
10 JEOPARDY OF LIFE OR LIMB ... NOR BE DEPRIVED OF LIFE,
11 LIBERTY, OR PROPERTY WITHOUT DUE PROCESSES OF LAW,
12 12/15/1791.

13 3. SIXTH AMENDMENT TO FEDERAL CONSTITUTION: [SECTION 1]
14 IN ALL CRIMINAL PROSECUTIONS, THE ACCUSED SHALL ENJOY THE
15 RIGHT TO SPEEDY AND PUBLIC TRIAL ... TO CONFRONT WITNESSES
16 AGAINST HIM, TO HAVE COMPULSORY PROCESS FOR OBTAINING
17 WITNESSES IN HIS FAVOR, AND TO HAVE THE ASSISTANCE OF
18 COUNSEL FOR HIS DEFENSE, 12/15/1791.

19 4. FOURTEENTH AMENDMENT TO FEDERAL CONSTITUTION:
20 NO STATE SHALL MAKE OR ENFORCE ANY LAW WHICH SHALL
21 ABRIDGE THE PRIVILEGES OR IMMUNITIES OF CITIZENS OF THE
22 UNITED STATES; NOR SHALL ANY STATE DEPRIVE ANY PERSON
23 OF LIFE, LIBERTY OR PROPERTY WITHOUT DUE PROCESSES OF
24 LAW, NOR DENY ANY PERSON WITHIN ITS JURISDICTION
25 THE EQUAL PROTECTION OF THE LAW.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1 5. 28 UNITED STATES CODE SECTION 2244(D)(2). THE DATE
2 ON WHICH THE FACTUAL PREDICATE OF THE CLAIM OR CLAIMS
3 PRESENTED COULD HAVE BEEN DISCOVERED THROUGH THE
4 EXERCISE OF DUE DILIGENCE (2) THE TIME DURING WHICH
5 A PROPERLY FILED APPLICATION FOR STATE POST-CONVICTION
6 OR OTHER COLLATERAL REVIEW WITH RESPECT TO THE PERTINENT
7 JUDGMENT OR CLAIM IS PENDING SHALL NOT BE COUNTED
8 TOWARD ANY PERIOD OF LIMITATION UNDER THIS
9 SUBSECTION.

10 6. CALIFORNIA STATE CONSTITUTION, 1879, LAST AMENDED
11 NOVEMBER 4, 2008. ARTICLE I SECTION 13. THE RIGHT OF
12 THE PEOPLE TO BE SECURE IN THEIR PERSONS, HOUSES, PAPERS,
13 AND EFFECTS AGAINST UNREASONABLE SEIZURES
14 AND SEARCHES MAY NOT BE VIOLATED AND A WARRANT MAY
15 NOT ISSUE EXCEPT ON PROBABLE CAUSE SUPPORTED BY
16 OATH OR AFFIRMATION PARTICULARLY DESCRIBING THE
17 PLACE TO BE SEARCHED AND THE PERSON AND THINGS TO BE
18 SEIZED.

19 7. CALIFORNIA STATE CONSTITUTION, ARTICLE I,
20 SECTION 24. RIGHTS GUARANTEED BY THIS CONSTITUTION
21 ARE NOT DEPENDENT ON THOSE GUARANTEED BY THE
22 UNITED STATES CONSTITUTION. THIS DECLARATION OF
23 RIGHTS MAY NOT BE CONSTRUED TO IMPAIR OR DENY OTHERS
24 RETAINED BY THE PEOPLE. [AS AMENDED JUNE 5, 1990.
25 INITIATIVE MEASURE.] AND INCLUDE FREEDOM FROM UN-
26 REASONABLE SEARCHES AND SEIZURES, NOT TO BE PLACED TWICE
27 IN JEOPARDY FOR THE SAME OFFENSE, AND SHALL BE CONSTRUED

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1 IN THE COURTS OF THE STATE IN A MANNER CONSISTENT
2 WITH THE CONSTITUTION OF THE UNITED STATES.

3 8. CALIFORNIA STATE CONSTITUTION, ARTICLE I, SECTION
4 29(a) IN A CRIMINAL CASE THE PEOPLE OF THE STATE OF
5 CALIFORNIA HAVE THE RIGHT TO DUE PROCESSES OF LAW
6 AND TO A SPEEDY AND PUBLIC TRIAL.

7 9. CALIFORNIA STATE PENAL CODE, SECTION 1538.5 (a)

8 (1) A DEFENDANT MAY MOVE... TO SUPPRESS AS EVIDENCE
9 ANY TANGIBLE... THING OBTAINED AS A RESULT OF A

10 SEARCH AND SEIZURE ON EITHER OF THE FOLLOWING

11 GROUNDS:

12 (A) THE SEARCH OR SEIZURE WITHOUT WARRANT
13 WAS UNREASONABLE.

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STATEMENT OF THE CASE

SECTION ONE (OF TWO)

PAGE A

1 1. DURING THE SIX MONTH PERIOD FOLLOWING MY
2 ARRAIGNMENT AND THE DECLARATION OF A CONFLICT OF
3 INTEREST WITH THE PUBLIC DEFENDER'S OFFICE, LASC CASE
4 No. A 30859.2, BY ASSISTANT DISTRICT ATTORNEY JAMES M.
5 IDEMAN, A PERSONAL FRIEND OF DONALD W. VIREN, M.D.,
6 AND THE APPOINTMENT OF PRIVATE COUNSEL MARVIN PART,
7 ALSO A VIREN FRIEND OR CONFIDANT, AND WHILE I AM HELD
8 IN AN ISOLATED DETENTION CELL IN THE COUNTY CENTRAL
9 JAIL, I AM ACCOSTED BY MR. IDEMAN, WHO INFORMS ME THAT
10 I VIOLATED A SOCIAL TABOO, THAT (THEY) HAD A "MORAL
11 CERTAINTY" OF MY GUILT, AND THAT I WAS "DEAD TO RIGHTS".

12 a. FOLLOWING MR. IDEMAN'S THREATENING REMARKS AND
13 THE ADVICE OF AN ACQUAINTANCE, I REQUEST A DUE PROCESS
14 OF LAW HEARING UNDER STATE PENAL CODE SECTION 1538.5
15 (A)(1), TO ADVERSARIALLY CONTEST MATERIAL EVIDENCE OBTAINED

STATEMENT OF THE CASE

SECTION ONE (OF TWO)

PAGE B

1 BY LAPD OFFICER PEYTON FRANKLIN, FROM A LEGALLY
2 PARKED CAR, WHEN AND WHERE I WAS NOT PRESENT, AND
3 WITHOUT WARRANT, I WAS TAKEN TO THE CITY OF LONG BEACH,
4 COUNTY OF LOS ANGELES, CRIMINAL COURTS, WHERE A
5 DEPUTY COUNTY DISTRICT ATTORNEY REVEALS SAID
6 CONFLICT OF INTEREST AND ANOTHER PRIVATE COUNSEL, MR.
7 CLIVE STANDLEE MARTIN, JR., IS APPOINTED IN MY BEHALF. MR.
8 MARTIN'S FEE IS PAID BY THE LOS ANGELES DISTRICT ATTORNEY'S-
9 OFFICE FROM FUNDS ALLOTTED IN LASC CASE NO. A-308592.
10 THE LONG BEACH COURT'S PRESIDER FINDS THE EVIDENCE
11 IN QUESTION TO HAVE BEEN ILLEGALLY SEIZED AND
12 "INADMISSIBLE BEFORE ANY COURT OF LAW," AND THAT ALL
13 INFORMATION TAKEN FROM IT IS DEEMED "TAINTED, THE
14 FRUIT OF A POISONED TREE", AND ALL EVIDENCE IS DISMISSED
15 WITH PREJUDICE, I THANK MR. MARTIN AND THE COURT'S
16 PRESIDER AND I AM RETURNED TO THE LOS ANGELES COUNTY CENTRAL

STATEMENT OF THE CASE

SECTION ONE (OF TWO)

PAGE C

1 JAIL AND TRANSFERRED TO "COMBATIVE INMATE'S ROW,"
2 AND HELD THERE FOR SEVERAL WEEKS AND AGAIN
3 TRANSFERRED TO A REMOTELY-ISOLATED SINGLE-CELL,
4 WHERE I WAS DETAINED UNTIL AFTER THE TRIAL VERDICT.
5 3. NEAR THE END OF THE SIX-MONTH PERIOD AND WITHOUT
6 MY REQUESTED CONSULTATION WITH THE ARRAIGNMENT-
7 COURT APPOINTED COUNSEL, KNOWN TO ME AS MR. PART,
8 I AM TAKEN TO THE CITY OF TORRANCE, COUNTY OF LOS
9 ANGELES CRIMINAL COURTS, WHERE I ENCOUNTER MR. PART
10 FOR THE FIRST TIME SINCE THE ARRAIGNMENT AND INFORM
11 HIM OF THE LONG BEACH COURT'S RULING, PART ASSURES
12 ME IT WILL BE TAKEN CARE OF, LULLING ME. PART THEN
13 ALLOWS A SECOND ADVERSARIAL HEARING UNDER STATE
14 PENAL CODE § 1538.5 (A) (1) TO PROCEED WITHOUT ENTERING
15 LEGAL OPPOSITION AND SUBSEQUENTLY TO IT, ENTER NO

STATEMENT OF THE CASE

SECTION ONE (OF TWO)

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1 OBJECTION TO THE ADMISSION OF THE EVIDENCE

2 ALREADY RULED AS INADMISSIBLE BEFORE ANY COURT OF LAW BY

3 THE LONG BEACH COURT OF EQUAL JURISDICTION. A DECADE

4 LATER, I AM INFORMED, PERSONALLY AND ANONYMOUSLY, THAT

5 PART RECEIVED A TEN THOUSAND DOLLAR BONUS FOR

6 FACILITATING THE CRIMINAL COURT PROCESS AGAINST ME;

7 WHICH LENDS CREDENCE TO MY CLAIM OF BEING DEFRAUDED

8 OF ASSISTANCE OF COUNSEL AND WHICH IS CONSISTENT WITH

9 MR. IDEMAN'S THREATENING REMARKS, ABOVE AT Pg. A,

10 I. 8-11, OF BEING "DEAD TO RIGHTS".

11 SECTION TWO (OF TWO):

12 - PERTAINING TO EXTRAORDINARY CIRCUMSTANCE -

13 1.) I UNWILLINGLY ENTER A GROUP-THERAPY

14 RELATIONSHIP WITH AN OUTPATIENT CLINIC

STATEMENT OF THE CASE

SECTION TWO (OF TWO)

PAGE E

1 THERAPIST, DONALD WALTER VIREN, M.D., A SELF-
2 ALLEGED GERMAN BRAIN-WASHING EXPERT, WHICH I AM
3 UNABLE TO TERMINATE DUE TO A PAROLE AGREEMENT
4 AND WHICH QUICKLY BECOMES ACRIMONIOUS AFTER
5 ONE MEETING WHEN I AM TRANSFERRED FROM A
6 SOON-TO-BE-DISCHARGED GROUP TO A GROUP OF
7 RECENTLY RELEASED MENTALLY DISTURBED SEX-
8 OFFENDERS. MY COMMITMENT OFFENSE WAS
9 POSSESSION OF MARIJUANA FOR PERSONAL USE AND
10 ATTEMPTED SECOND DEGREE BURGLARY OF A CLOSED GAS
11 STATION. VIREN ADMITS BEING SUED FIVE PRIOR TIMES
12 FOR MEDICAL MALPRACTICE INVOLVING OVER-TREATMENT OF
13 PATIENTS; AND SOON BEGINS ACERBATING MY RESENT-
14 MENT USING EARLIER INJURIES FOUND IN MY HISTORY
15 DATING BACK TO MIDDLE-SCHOOL AND EARLIER WHICH I

STATEMENT OF THE CASE

SECTION TWO (OF TWO)

PAGE F

- 1 HAD LONG BEFORE FORGOTTEN, AND WHICH VIREN
- 2 REFRESHENS WITH PREVIOUSLY UNKNOWN FACTORS. AND
- 3 AFTER LEARNING OF MY PLANS TO MARRY, VIREN ADAMANTLY
- 4 DEMANDS THAT I "BITE SHIT", A BLATANTLY CONTRA-PSYCHIATRIC
- 5 INJURY PROVOKING A DANGEROUS ALIENATION BOARDING ON
- 6 PERSONAL COMBAT. — IT HAD HAPPENED TO ME ONCE BEFORE
- 7 DURING MY FIRST SEMESTER OF HIGH SCHOOL WITH DISASTEROUS
- 8 AFFECT. — SINCE I UNDERSTOOD THE ASSAULT BETTER
- 9 THAN VIREN HAD ANTICIPATED; BUT WHICH PRECIPITATES
- 10 A POST TRAUMATIC STRESS DISORDER AND COMPLICATED BY A
- 11 SEXUAL IMPAIRMENT, AND THIS AGAIN AT A CRITICAL PERIOD IN
- 12 MY LIFE, AS I COULD NOT RESPOND APPROPRIATELY, AND WHICH
- 13 ABORTS MY ENGAGEMENT AND CAUSES ME TO COMPLETELY
- 14 FORGET THE WEDDING PLANS, INCLUDING GUESTS, CHURCH,
- 15 RECEPTION-PLANNING, AND THE PURCHASE OF A WEDDING DRESS —

STATEMENT OF THE CASE

SECTION TWO (OF TWO)

PAGE 5

1 WITHOUT RATIONAL EXPLANATION - AN EARLY SYMPTOM OF

2 LOSS OF CONSCIOUS MENTAL-CAPACITY, AS WELL AS A LOSS OF

3 MY PROBLEM SOLVING AND RATIONAL DECISION MAKING

4 ABILITY.

5 2. YET, I AM HONORABLY DISCHARGED WHILE ONLY FIT-TO-

6 RE-TIED, I AM SOON ARRESTED BY THE U.S. SECRET SERVICE FOR

7 A CURRENCY VIOLATION, USDC CASE NO. 12623-CD-MLR, HELD

8 IN DETAINER. WHILE I AM IN THE CENTRAL JAIL, DR. VIREN

9 ^{NOTE */} REQUESTS ACCESS TO MY CUSTODY AND THEN MANIPULATES THE

10 CELL'S OCCUPANTS AND USES BRAIN-WASHING TECHNIQS TO

11 NOTE */; MY FEDERAL DEPUTY PUBLIC DEFENDER OF RECORD,

12 MR. ALAN ISAACMAN'S NOTES AND THE FBI FILE, NO. 857053B, ARE

13 MATERIAL TO VIREN'S ATTACKS; SOUGHT FOR DISCOVERY, DOC:14 AND

14 (FBI DOCKET NO., UNKNOWN); AND DENIED BY USDC.

117 WDS

STATEMENT OF THE CASE

SECTION TWO (OF TWO)

PAGE H

1 TO REDUCE MY ABILITY TO RESPOND APPROPRIATELY TO
2 PERSONAL AGGRESSION. VIREN THEN INTRODUCES HIS AGENT,
3 A COLORED, AGGRESSIVE, MENTALLY-DISTURBED, CONVICTED,
4 SEX-OFFENDER, A "BITER-OFF OF HUMAN PENISES," AND A
5 (FORMER) PAROLE OUTPATIENT CLINIC PATIENT, INTO THE CELL;
6 WHO SUCCEEDS IN GNAWING MY PENIS, BUT NOT IN BITING IT
7 OFF. AND WHICH LOGGES A DESTABILIZING INJURY TO MY
8 "MORAL IMPERATIVE", (IAN ESSENTIAL ELEMENT-OF-SELF) AS
9 I HAD SEEMED TO HAVE COWARDLY FAILED TO PREVENT THE
10 HOMOSEXUAL ATTACK, ACTUALLY VIREN'S DIABOLICAL
11 ATTEMPTED ACT OF MAYHEM AND OF THE MURDER-SUICIDE
12 WHICH WOULD HAVE FOLLOWED, AND FOR WHICH I WOULD HAVE
13 BEEN HELD SOLELY RESPONSIBLE.

14 3. I AM TRANSFERRED TO A FEDERAL CORRECTIONAL
15 FACILITY, WHERE I BEGIN TO DECOMPENSATE AND A RACE-RIOT

STATEMENT OF THE CASE

SECTION TWO (OF TWO)

PAGE I

- 1 ALERT OCCURS AFTER VERBAL ALTERCATIONS, FIST FIGHTS,
- 2 AND A GOLF-CLUB ATTACK AGAINST ME BY TWO PRISONERS,
- 3 ONE OF WHOM, OBIE JACOBS, IS LATER CALLED BY MR.
- 4 IDEMAN AND FALSELY TESTIFIES IN LASC CASE NO. A-
- 5 308592. I AM RELEASED ON PROBATION, BUT TOO BADLY
- 6 DAMAGED TO RENEW MY STUDIES; I DROP OUT OF SCHOOL
- 7 AND TAKE EMPLOYMENT IN A SHIPYARD AND BEGIN ARMING
- 8 MYSELF, "HELL-BENT" ON RESTORING MY MORAL IMPERATIVE
- 9 WHICH RESULTS IN THE GRAND JURY INDICTMENT OF THE ABOVE
- 10 SUPERIOR COURT CASE, LINES 4 AND 5. AND FOR WHICH MR.
- 11 IDEMAN OFFERS ME A PLEA BARGAIN OF SECOND DEGREE, BASED
- 12 ON MY PLEA OF AN IRRESISTABLE IMPULSE OR COMPELSION
- 13 TO KILL BLACK MEN IN THE COMPANY OF WHITE WOMEN -
- 14 AN EXTENTION OF VIREN'S THREAT THAT I WOULD "DIE
- 15 SCREAMING MY LIFE OUT IN THE BACKWARDS OF A MENTAL

STATEMENT OF THE CASE

SECTION TWO (OF TWO)

PAGE 3

1 HOSPITAL" — ONE SCENARIO OF VIREN'S DIABOLICAL

2 DESIGN — WHICH I DECLINE. I AM CONVICTED AS CHARGED

3 AND SENTENCED TO 7 YEARS-TO-LIFE IMPRISONMENT.

4 4. WHILE CONFINED IN THE STATE PRISON RECEPTION

5 CENTER, CHINO, CA., VIREN CONTINUES AND ENLARGES HIS

6 BRAIN-WASHING ATTACKS ON ME BY INCLUDING THE VIRTUAL

7 RAPE, MUTILATION, AND BRUTAL MURDER OF MY MOTHER

8 AND FIANCEE BY A JEERING CROWD OF CAUCASIAN ASSAIL-

9 ANTS, IN MY VIRTUAL PRESENCE AND HELPLESS INCAPACITY

10 TO GO TO THEIR DEFENSE — A PSYCHOLOGICAL WARFARE

11 TECHNIC USED TO ALIENATE POTENTIAL LEADERS FROM THEIR

12 PEOPLE. YET, I EMERGED SLIGHTLY FROM MY "STUPOR" AND

13 GAINED SOME CONSCIOUS AWARENESS OF THE ATROCITIES.

14 THE NEXT MORNING, AT BREAKFAST RELEASE, AND STILL

15 RECOVERING FROM THE NIGHT'S STUPOR, I AM SUBJECTED TO

STATEMENT OF THE CASE

SECTION TWO (OF TWO)

PAGE K

- 1 JEERS AND CONTEMPT FROM PRISONERS ON MY TIER FOR
- 2 MY CRIES AND DISTRESS OF THE NIGHT BEFORE, BUT WHICH
- 3 CENTERS MY ATTENTION AND I NOTICE THE PANICKY
- 4 DEMEANOR OF THE LONE CORRECTIONAL OFFICER WHO
- 5 HAD RELEASED THE CELL GATES. AND WHO SUBSEQUENTLY,
- 6 AND DUTIFULLY, ENTERS AN ADVISORY IN THE CELL -
- 7 BLOCK LOG TO ALERT THE FOLLOWING WATCHES OF
- 8 POSSIBLE VIOLENT REACTION(S); AND WHICH I REQUEST
- 9 FROM CDC(R) INVESTIGATORS SERGEANT FRANCO AND
- 10 OFFICER DAVIS, INVESTIGATIONS UNIT, SAN QUENTIN,
- 11 AND FROM THE RESPONDENT SCOTT KERNAN, SECRETARY
- 12 OF CORRECTIONS AND RECEIVE CASE FILE NO. IUR-NB-03-
- 13 0085. MY SUBSEQUENT REQUEST FOR DISCOVERY IN USDC
- 14 CASE No. 2:17-cv-06862-SUW-JEM, DOG:12, IS DENIED.
- 15 5. AFTER VIREN'S RECEPTION CENTER ATTACK, I BEGAN
- 16 SLIPPING INTO DEPRESSION AND INTO AN INCONSOLEABLE RAGE

STATEMENT OF THE CASE

SECTION TWO (OF TWO)

PAGE L

- 1 WHICH COMPLICATES MY POST TRAUMATIC STRESS DISORDER;
- 2 AND WHICH I HARBOR AGAINST PUBLIC OFFICIALS. ^{NOTE 1./} I SUFFER
- 3 A STILL GREATER LOSS OF CONSCIOUS MENTAL-CAPACITY TO
- 4 RECOLLECT THESE EVENTS UNTIL ON-AND-AFTER FEBRUARY
- 5 7TH, 2016, SUPER-BOWL 50 SUNDAY, AS PLAYED IN THE
- 6 SAN FRANCISCO BAY AREA, WHEN THE VIRENS, IN A FAMILY-
- 7 LIKE VENDETTA, MAKE THE MIS-STEP OF HAVING TWO GRAND-
- 8 SONS TAKE A SIDE EXCURSION TO THE CATHOLIC CHAPEL HERE
- 9 AT SAN QUENTIN PRISON, TO TAUNT ME FOR MY LIFE-
- 10 IMPRISONMENT, BUT WHICH JOGS MY CLOGGED MEMORY
- 11 AND ALLOWS RECOLLECTION OF THE EVENTS DECRIED HEREIN AND
- 12 ABOVE.

- 13 NOTE 1./ I COMPLAINED BY LETTER TO KARL KAZ, M.D., CHIEF OF
- 14 PSYCHIATRIC SERVICES, PAROLE OUTPATIENT CLINIC, LOS ANGELES,
- 15 WHICH REMAINS IN MY FILE, NO. B12910/NO. 63135; BOMMERITO,
- 16 PETER JR., D., AND WHICH I REQUESTED FOR DISCOVERY, ABOVE; DOC:12,
- 17 WHICH IS DENIED BY THE U.S. DISTRICT COURT.

STATEMENT OF THE CASE

SECTION TWO (OF TWO)

PAGE M

1 CORPUS ABOVE, ^{NOTE 2.} AS THE EXTRAORDINARY CIRCUMSTANCE

2

3 FORENSIC PSYCHIATRY WOULD HAVE LAWFULLY JUSTIFIED FOR

4 PRESENTATION; AS I REQUESTED FOR DISCOVERY, ABOVE, DOC. 15. 21 Wds

5 NOTE 2. USDC DOC. 23, Pg. 7, l. 22-26, APPENDIX B, AND Pg. 8, l. 13-27.

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7 ///

8 ///

9

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11

12

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14

15

21 Wds.

REASONS FOR GRANTING THE PETITION

1. DO TO INCREASING PRISON POPULATIONS AND THE AFTERMATH, AN EFFECTIVE RESTRAINT IS NEEDED TO CURB LOCAL LAW ENFORCEMENT OFFICIALS' ABILITY TO ACT AS PRESIDER, PROSECUTOR, AND JURY TO RENDER DEFENDANTS DEAD TO RIGHTS BEFORE COURT PROCESSES EVEN BEGIN.

2. POWER OFTEN DRIVES THE DESIRE FOR SUCCESS TO ABORT THE SAFEGUARDS IMPOSED BY THE WISE CONVENTIONS OF MEN TO PROTECT FUNDAMENTAL RIGHTS THAT RESTRAIN PASSION AND PROTECTS ALL.

3. COMPULSORY FEDERAL STANDARDS FOR STATE PROSECUTIONS WILL HELP INSURE SUCH PROTECTIONS.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Peter Sommerich

Date: 12/27/2018