

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

FIRST NORTH EAST

ANTOINE BARNES — PETITIONER

(Your Name)

vs.

MICHAEL MARTEL, et al RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS - NINTH CIRCUIT - 17-56521

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

PETITION FOR WRIT OF CERTIORARI

ANTOINE DESHAWN BARNES - 607169

(Your Name)

CALIFORNIA HEALTH CARE FACILITY,
P.O. BOX 32050

(Address)

STOCKTON, CA. 95213

(City, State, Zip Code)

(510) 581-2727

(Phone Number)

QUESTION(S) PRESENTED

PROPOSITION 57; CRIMINAL SENTENCES, PAROLE, AN INITIATIVE CONSTITUTIONAL AMENDMENT AND STATUTE, UNDER PAROLE CONSIDERATIONS HEARINGS, AN PAROLE CONSIDERATION FOR "NON-VIOLENT" OFFENDERS, SO STIPULATE; INDIVIDUALS WHO RECEIVE A DETERMINATE SENTENCE, DO NOT NEED A PAROLE CONSIDERATION HEARING "TO BE RELEASED" FROM PRISON AT THE END OF THEIR SENTENCE, HOWEVER SOME OF THESE INDIVIDUALS CURRENTLY ARE ELIGIBLE FOR PAROLE CONSIDERATION HEARINGS BEFORE THEY HAVE SERVED THEIR ENTIRE SENTENCE. "PAROLE CONSIDERATIONS FOR "NON-VIOLENT OFFENDERS, SO STIPULATES, "THE MEASURE CHANGES THE STATE CONSTITUTION TO MAKE INDIVIDUALS WHO ARE CONVICTED OF "NON-VIOLENT FELONY OFFENSES", ELIGIBLE FOR PAROLE CONSIDERATION AFTER SERVING THE FULL PRISON TERM FOR THEIR "PRIMARY OFFENSE". AS A RESULT, BOARD OF PRISON HEARINGS DECIDE TO RELEASE THESE INDIVIDUALS BEFORE THEY HAVE SERVED "ANY" ADDITIONAL TIME RELATED TO OTHER CRIMES OR SENTENCING ENHANCEMENTS OR PRIORS. PETITIONER WAS SENTENCED TO A "PRIMARY SENTENCE, 2.28.2014 FOR POSSESSION OF FIREARM. PETITIONERS PRIMARY SENTENCE ENDED 8.31.2016. DUE TO PETITIONERS PRIMARY SENTENCE ELAPSED 8.31.16, PETITIONER SEEKS THRU "PRAYER FOR RELIEF" FROM IMMEDIATE ORDERS OF THIS SUPREME COURT IN "COMMON LAW" IMMEDIATE RELIEF, FOR TO BE RELEASED, VIEW ADDITIONAL TIME RELATED TO OTHER CRIMES ARE NON-VIOLENT, WHICH IS TO BE REDUCED FROM 80% TO 33.30%, "IMMEDIATELY". PETITIONER COMPLETED HIS FULL PRIMARY SENTENCE FOR SAN JOSE, CA 95113 CASE# C1477911 8.31.16. UNDER PROP 57 STIPULATES CASES THAT ARE TACKED ON "AFTER FULL TERM OF PRIMARY SENTENCE, CALIFORNIA DEPARTMENT OF CORRECTIONS ARE TO; VACATE ALL PRIORS, ENHANCEMENTS, CONSECUTIVE SENTENCES (AD-CHARGE), AN ALTERNATE SENTENCES. CDC SCOTT KERNAN HAS ABUSED HIS AUTHORITY, AN SUBJECTED PETITIONER TO DISCRIMINATION UNDER COLOR OF AUTHORITY, WHEN SCOTT KERNAN MADE PETITIONER "ELIGIBLE FOR PROPOSITION 57 MEASURE ALLOWING "NON-VIOLENT SECOND STRIKERS (WITH PENAL CODE 290'S), BUT DENYING PETITIONER EARLY RELEASE PAROLE TO GO HOME AT "BPH" CLEARLY SHOWS DISCRIMINATION WHEN PROP 57 33.30% CREDITS PETITIONER IS ELIGIBLE FOR IS UNDER AN IN SAME "UMBRELLA PROP 57 WHOLE MEASURE FOR NON-VIOLENT OFFENDERS (SEE ATTACHED DESCRIPTION OFFENDER TYPE SHEET ALLOWING ALL 290 RESTRAINTS TO BE ELIGIBLE FOR "WHOLE PROPOSITION 57 MEASURE

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:

MICHAEL MARTEL, WARDEN; SCOTT KERNAN; CALIFORNIA
DEPT' OF CORRECTIONS AND REHABILITATION

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- * Ninth Circuit Court of Appeals (Appendix D)

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 V RYAN, 833 F.3d 1087, 1097 (9TH CIR 2016); JACKSON V. Bishop, 404 F.2d
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STATUTES AND RULES

"CRUEL AN UNUSUAL PUNISHMENT" 8TH AMENDMENT

PROPOSITION 57; PAROLE CONSIDERATION, SUBCHAPTER 3.5 ARTICLE 1(F.)
 A "NON-VIOLENT PAROLE ELIGIBLE DATE," IS THE DATE ON WHICH A
 NON-VIOLENT OFFENDER WHO IS ELIGIBLE FOR PAROLE CONSIDERATION
 UNDER SECTION 3491, HAS SERVED THE FULL TERM OF HIS OR HER
 PRIMARY OFFENSE, LESS ANY ACTUAL DAYS SERVED PRIOR TO SENTENCING
 AS ORDERED BY THE COURT Penal CODE SECTION 2900.5, AN ANY
 ACTUAL DAYS SERVED IN CUSTODY BETWEEN SENTENCING ON THE
 DATE THE INMATE WAS RECEIVED BY THE DEPARTMENT, PETITIONER WAS
 RECEIVED BY DEPARTMENT OF CORRECTIONS 2.28.2014, THIS PRIMARY SENTENCE
 ENDED 8.31.2016 U.S.C.A. Amends 8 & 14

OTHER

PROPOSITION 36, AN PROPOSITION 47 STIPULATES THAT
 PETITIONER SHALL BE IMMEDIATELY TRANSFERED TO SANTA RITA
 COUNTY JAIL, DUBLIN, CA TO BE ALLOWED TO DO COUNTY JAIL TIME
 FOR NON-VIOLENT OFFENSE, FOR MY LIFE IS IN GRAVE DANGER IN
 ALL CDC PRISONS, ON ALL GREEN WALL GANG OFFICERS PAYING FEMALE
 NURSE MOTS AN OTHER FEMALES TO SET ME UP ON FALSE INDECENT
 EXPOSURES, TO TRY TO KEEP ME HELD HOSTAGE ILLEGALLY IN PRISON

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 Supreme Court, McAllister, San Francisco, CA 94102; 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 EASTERN DISTRICT "501" I Street Sacramento, CA 95814; 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 Central District of CA, Los Angeles, CA; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

The opinion of the NINTH CIRCUIT COURT court appears at Appendix D to the petition and is

☒ reported at P.O. Box 193939, San Francisco, CA 94119-3939; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

JURISDICTION
I'm a mental Health EOP Inmate an I need assistance on understanding

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was n/A.

n/A [] No petition for rehearing was timely filed in my case.

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

n/A [] An extension of time to file the petition for a writ of certiorari was granted to and including n/A (date) on n/A (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 n/A.
A copy of that decision appears at Appendix _____.

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

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

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

PROPOSITION 57 EARLY PAROLE/RELEASE,

PROPOSITION 36

PROPOSITION 47

ROMERO ACT

"CRUEL & UNUSUAL PUNISHMENT 8TH AMENDMENT CONSTITUTIONAL RIGHTS
PEOPLE V. MENDOZA, 10 CAL APP 5TH 327, 343-344
PROPOSITION 57 PUBLIC & REHABILITATION ACT 2017 9TH CIRCUIT RULE 60(B)(6)
ID AT 1253-54, MACKAY V. HOFFMAN 682 F.3d 1247, 1253-54 / 9TH CIR 2012
WASHINGTON V. RYAN, 833 F.3d 1087, 1097 (9TH CIR 2016)

PROPOSITION 47 STIPULATES; TO ALLOW NON-VIOLENT OFFENDERS WITH 1
YEAR TO BE ALLOWED COUNTY JAIL TIME ON BEING RELEASED FROM
COUNTY JAIL.

USCA 8TH AMENDMENT CONSTITUTIONAL RIGHTS, AND
14TH AMENDMENT CONSTITUTIONAL RIGHTS PER "DUE PROCESS OF
LAW, AND PROTECTIONS OF LAW (EQUAL PROTECTION)

STATEMENT OF THE CASE

E: PETITION EARLY RELEASE - PROP 57;

MY NAME IS ANTOINE BARNES, PETITIONER IS CURRENTLY HOUSED IN AD-SEG. NON AREA WHERE IM BEING ILLEGALLY HOUSED AS A EOP MENTAL HEALTH INMATE 2-9-132. PETITIONER MOVES FOR THIS COURT TO PROCESS THIS "COMMON LAW APPEAL" per PROP 57 FOR PETITIONER IS SUPPOSE TO BE TRANSFERRED OUT OF THIS INHUMANE/SOLITARY CONFINEMENT FOR MY MENTAL STATE IS DECOMPOSING, DETERIATING, I COMMITTED SUICIDE 2 TIMES AN MENTAL HEALTH DOCTOR MS SAWYER DENIED ME TO BE PLACED IN A SUICIDE CRISIS UNIT, AFTER I CAME BACK FROM NATIVIDAD MEDICAL CENTER 1441 CONSTITUTION BLVD SALINAS, CA 93912, FOR TRYING TO KILL MY SELF. PETITIONER IS BEING RACIAL TARGETED, HARASSED, SEXUALLY HARASSED BY NURSE MOTTS IN THIS 29-AD-SEG, RACIAL PROFILED, RETALIATED UPON, AN SUBJECTED TO "CRUEL UNUSUAL PUNISHMENT PER 8TH AMENDMENT" BY CORRUPT GREEN WALL GANG OFFICERS OF SALINAS VALLEY PRISON. PETITIONER IS BEING DENYED LEGAL COPIES DUE TO PETITIONER BEING A SEX OFFENDER THRU MEANS OF INDECENT EXPOSURE ON TRYING TO FIND A GOOD WOMEN. THESE CORRUPT OFFICERS ARE ILLEGALLY ABUSING THERE AUTHORITY BY PAYING THIS NURSE MS. MOTTS AN R.T. PEREZ TO SET ME UP. PETITIONER IS ENTITLED, AN ELIGIBLE FOR "IMMEDIATE EARLY RELEASE PER PROP 57 DUE TO NON-VIOLENT CASE MA069098 AT Antelope Valley SUPERIOR, L.A, AN SECOND CASE #454495 CLARA SHORTRIDGE FOLTZ CRIMINAL JUSTICE CENTER, 210 W TEMPLE STREET, LOS ANGELES, CA 90012. California Department of Corrections HAS A CORRUPT WEB CONSPIRACY, PLOT TO KIDNAP PETITIONER ON NOT VACATING PROP 57 NON-VIOLENT AD-CHARGES, CONSECUTIVE CASES, PRIORS, ENHANCEMENTS ALLOWING ME TO GO HOME TODAY 6.8.2018. PETITIONER ASKS OF THIS SUPREME COURT TO GRANT A APPOINTMENT OF COUNSEL "COURT APPOINTED ATTORNEY" TO HELP ME GET HOME FOR IM A MENTAL HEALTH EOP INMATE THAT CANT PRESENT CASE LAW TO DEFEND MY SELF AGAINST THIS ILLEGAL CORRUPT WEB ON SECUTARY SCOTT KERNAN OF CALIFORNIA DEPARTMENT OF CORRECTIONS, WARDEN OF SALINAS VALLEY PRISON ON NOT GRANTING MY IMMEDIATE RELEASE FOR PETITIONER IS NOT VIOLENT, HAS NO VIOLENT HIS'S, NO VIOLENT CASES. IM BEING HELD HOSTAGE IN THIS CELL 132 24 HOURS A DAY WHEN ITS ILLEGAL TO HOLD ME AS A EOP MENTAL HEALTH INMATE IN THIS INHUMANE BUILDING. SEE ATTACHED APPENDIX'S A, B, C, D PETITIONER SEEKS AN DEMANDS THIS COURT SEND IN FEDERAL AGENTS TO DO A FIELD INVESTIGATION ON A 1 ON 1 INTERVIEW, AN TO ESCORT PETITIONER OUT OF SALINAS VALLEY PRISON TO SANTA RITA COUNTY JAIL ALAMEDA COUNTY, DUBLIN, CA, 5325 Broder Blvd, Dublin, CA 94568

REASONS FOR GRANTING THE PETITION
" PRAYER FOR RELIEF "

1. PER GOVERNOR JERRY BROWNS "PROPOSITION 57 POPULATION REDUCTION PLAN TO EARLY RELEASE "ALL NON-VIOLENT OFFENDERS" ON IMMEDIATE RELEASE" FOR PETITIONERS CASE(S) IS NON-VIOLENT, CALIFORNIA DEPARTMENT OF CORRECTIONS, ~~SECUTARY~~ SECUTARY SCOTT KERNAN OF SACRAMENTO MADE ME ELIGIBLE WITH 290 FOR PROP 57 33.30% CREDITS, SO THERE FOR PETITIONER ASK OF THIS COURT TO GRANT "IMMEDIATE RELEASE" DUE TO THE DISCRIMINATION, AN ABUSIVE AUTHORITY ON CDC DENVING ME EARLY PAROLE THRU BOARD OF PRISON HEARINGS WHEN BPH IS WITH IN SAME PROP 57 MEASURE THAT CDC MADE ME ELIGIBLE TO OBTAIN PROP 57 CREDITS,
 2. PER PROPOSITION 57, IMPLEMENTING PROP 36 AN PROP 47; TO PLEASE RELEASE PETITIONER THRU "COMMON LAW" IMMEDIATE RELEASE TO ALAMEDA COUNTY SHERIFFS CUSTODY, TO FINISH REMAINDER OF 1 YEAR TIME IN SANT RITA COUNTY JAIL 5325 BRODER BLVD, DUBLIN, CA 94568,
 3. PETITIONER HAS A SEVERE LIST OF MENTAL HEALTH ILLNESSES TO WERE I CANT DEFEND MY SELF RESPONDING TO THIS COURT WITH RAPID CASE LAW AS A PROFESSIONAL STUDIED PAID ATTORNEY
 4. TO RELEASE PETITIONER FROM CDC PRISONS CORRUPT INTRAPMENT CONSPIRACY WEB ON ORDERING A IMMEDIATE RESTRAINING ORDER AGAINST ALL CDC PRISONS, PRISON GUARDS
 5. TO BE TRANSFERED IMMEDIATELY TO NAPA STATE HOSPITAL, NAPA, CA TO BE RELEASED ON A REENTRY PROGRAM ON WORKING WITH NAPA STATE HOSPITAL MENTAL HEALTH DOCTORS REENTERING ME BACK TO HAYWARD, CA 94541, DUE TO CALIFORNIA DEPARTMENT OF CORRECTIONS MENTAL HEALTH DOCTORS ARE CORRUPT ON COMMITTING HATE CRIMES FOR MY LIFE IS AT GRAVE DANGER IF LEFT IN ANY CDC'S PRISONS.
- .. ROMERO ACT
1. Per Prop 57, DUE TO PETITIONERS "PRIMARY SENTENCE ENDED 8.31.2016 TO VACATE AD-CHARGES, CONSECUTIVE SENTENCES, ALTERNATIVE SENTENCES PER SUPREME COURTS ORDER ON PETITIONERS "IMMEDIATE RELEASE
 - .. GRANT PETITIONER "APPOINTMENT OF COUNSEL" ATTORNEY JAMIL KARWASH MYRTLE ST, HAYWARD, CA 94541, HELL GET ME HOME!
 - TO RE CONDEMNATED WITH PUNITIVE MONETARY DAMAGES SUM OF 1 MILLION DOLLARS.

IN THE INTEREST OF JUSTICE, THRU PRAYER OF RELIEF,
Per PROPOSITION 57, PROP 47, PROP 36 TO PLEASE RELEASE PETITIONER
DUE TO PETITIONER IS BEING RETALIATED UPON, HARASSED, HATE CRIMES
BEING SANCTIONED IN ALL CDC'S PRISONS AGAINST PETITIONER TO WERE
MY LIFE IS IN CONSTANT "GRAVE DANGER", TO PLEASE FILE RESTRAINING
ORDER AGAINST ALL CDC PRISONS, TO REMOVE PETITIONER TO SANTA
RITA COUNTY JAIL 5325 BRODER BVD, DUBLIN, CA 94568 FOR MY SAFETY,
PROTECTION TO GO HOME IMMEDIATELY FROM SANTA RITA COUNTY JAIL
CLOSE TO HAYWARD, CA 94541 PAROLE AN HOME.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Antoine Deshaun Barnes

Date: JUNE 10, 2018