

No. 18-8533

ORIGINAL

Supreme Court, U.S.
FILED

FEB 11 2019

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Lance Williams — PETITIONER
(Your Name)

vs.

State Courts et,al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of California
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Lance Williams #AG-2394
(Your Name)

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(Phone Number)

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

1. How can the state courts deny appeal on a issue of prejudicial 1101(B) evidence on a uncharged act used to prove intent where the police report of states witness is entirely different from trial testimony proving perjury and prosecutor coercion and witness gives different description of defendant who says he never interacted with this witness because he was in jail?
2. How can state courts deny habeas corpus appeal that raised same issues of direct appeal and Ineffective Appellate Counsel for him not raising numerous meritorious issues and investigating evidence to support these issues such as insufficiency of evidence on defendants direct appeal?
3. How can lower state courts disregard defendants habeas corpus argument regarding the use of an invalid illegal strike prior to enhance his sentence that his ineffective appellate counsel didn't raise on his direct appeal?
4. How can lower trial court commit error and cite in their denial defendant made a claim of I.A.C. trial counsel on his habeas corpus when defendant was Pro Per during his entire case, mistaking defendants claim of I.A.C. appeal counsel (See: appendix D)?
5. How can lower courts disregard defendants habeas corpus and direct appeal argument regarding denial of his continuance to obtain a psych evaluation due to his mental health disorders and to complete his new trial motion that was never heard or ruled on and under p.c. 1202 warrants new trial?
6. How can lower courts disregard defendants direct appeal and habeas corpus argument regarding him litigating his entire case Pro Per with no psych eval for his hindering mental health disorders that were ignored by trial court?

QUESTION(S) PRESENTED continued

7. Is it abuse of discretion and prejudicial to admit 1101(b) evidence when prosecution offered no other evidence to any threats, extortion to show similarities of uncharged act and charged act other than the 1101(b) witnesses testimony not ever previously alleged in any police reports or witness interview before trial. (See: People v. Long (Cal.App.3d Dist May 13, 1970) 7 Cal.App. 3d 586, 86 Cal Rptr. 590, 1970 Cal. App. Lexis 2193 circumstantial proof of a crime charged cannot be intermingled with circumstantial proof of suspicious prior occurrences in such manner that it acts as a psychological factor, with the result that proof of the crime charged is used to bolster the theory or foster suspicion that defendant must have committed the prior act and the conclusion that he must have committed the prior act is then used to strengthen the theory and induce the conclusion that he must also have committed the crime charged).?
8. Did trial court and all appellate courts violate petitioners due process of law admitting uncharged act that had no sufficient relevance to material fact in issue in current prosecution and the connection between uncharged offense and ultimate fact in dispute is not clear? Did the appellate courts err not addressing this? (See: People v. Weathers (Cal App. 2d dist. June 23, 1969) 274 Cal.App. 2d 232, 79 Cal.Rptr 127 (1969 Cal.App.Lexis 2093)).
9. By issuing a summary denial on petitioners habeas corpus did all appellate state courts fail by not addressing petitioners ineffective appellate counsel claim when he raised the meritorious issues his appellate counsel didn't?
10. Did the summary denial deprive petitioner of just due process of law on the insufficiency of evidence argument when all defendants charges consisted of the specific intent element that prosecution never proved and evidence by defendant proved specific intent was not met?
11. Does the reasonable doubt standard matter anymore when courts summarily deny argument like petitioners who had 2 witnesses testify they did crimes and defendant did nothing reasonable doubt CalCrim #220 cites unless the evidence proves the defendant guilty beyond a reasonable doubt, he is entitled to an acquittal? How much more doubt is needed than a witness saying they did the crime?

QUESTION(S) PRESENTED continued

12. How can petitioner not be deprived of his rights when lower courts pass on issue of defendants request for counsel and lack of Miranda advisement at his initial arrest interrogation? (See: *Miranda v. Arizona* (1966) 384 U.S. 436, 86 S Ct 1602 16 L.ed 2d 694, *California v. Prysock* (1981) 453 U.S. 355 359, 69 L Ed 2d 696, 101 S Ct 2806, *U.S. v. Connell* (9th Cir 1989) 869 F2d 1349, 1351 inadequate miranda warning).
13. Is it not abuse of discretion and error for lower courts to pass on argument of erroneous jury instruction being CalCrim #207 when entire case is predicated on a time stamped set of text messages? (See: *Suniga v. Bunnell*(9th Cir 1993) 998 F2d 664 instructional error that permitted jurors to convict on legally erroneous theory of liability).
14. Is it not the prosecutors job to promote justice and seek the truth and not merely convict? Then for lower courts to deny petitioners habeas corpus on his arguments 12 and 21 of clear prosecutor misconduct See: *Mooney v. Holohan* 294 U.S. 103, and acts of Brady violations is violation of due process is it not? *Brady v. Maryland*(1963) 373 U.S. 83, 10 L.ed 2d 215.
15. Does the denial of requested transcripts under *People v. Bzieff* (1991) 226 Ca 3d 1689, 1702, 277 CR678 and *People v. Hosner* (1975) 15 C3d 60, 123 CR 381 warrant automatic reversal if not given in regards to petitioners habeas argument 14 that was passed on by lower courts?
16. Under (Massiah Errors) *Massiah v. U.S.* (1964) 377 US 201, 12 L.ed 2d 246, 84 S Ct 1199, if states actions deprive defendant of material witnesses is it not true a dismissal is required under due process and defendants right to fair trial is violated with regard to petitioners habeas corpus argument 15? In light of this argument if defendant is denied counsel at any stage is his 6th amendment right to counsel violated? See: *U.S. v. Gonzalez-Lopez*(2006) 548 US 140, 147-148, *Powell v. Alabama* (1932) 287 US 45, 53 S Ct 55, *Crane v. Kentucky* (1986) 476 US 683, 90 L.ed 2d 636, 106 S.Ct 2142.

QUESTION(S) PRESENTED continued

17. When the basis of a crime that was never presented in trial court becomes newly discovered evidence such as a cellphone would it be error and a deprivation of rights for lower appellate courts to not issue evidentry hearing to review evidence for being exculpatory or inculpatory with regard to petitioners habeas arguments 17 and 24? See: Price v. Johnston (1947) 334 US 266,291,92 L.ed 1356,1372,68 S.Ct 1049, Townsend v. Sain (1963) 372 US 293, 317,9 L.Ed.2d 770,83 S Ct 745, Gordon v. Duran (9th Cir 1990) 895 F2d 610,614.
18. Did this court say a conviction predicated on false evidence will not be tolerated? Then why should petitioners? See: Donnelly v. DeChristoforo (1974) 416 US 637.
19. When the constitutional validity of a probable cause to arrest is challenged and the probable cause determination sheet is clearly falsified is it error for lower appeals courts to summary deny argument when evidence is presented to prove falsification of probable cause determination sheet? See: Beck v. Ohio (1964) 379 US 89,91. Did this court not say arrest must stand on firmer ground than suspicion? See: Wong Sun v. U.S. (1963) 371 U.S. 471,479.
20. Did this court not say a defendant will not be deprived of counsel at any stage of a criminal proceeding even probation hearings? Then why should petitioner be deprived of counsel after requesting counsel for his probation hearing? See: Mempa v. Rhay (1967) 389 US 128,19 L.ed 2d 336,88 S Ct 254, Ala v. Shelton (2002) 535 US 654,662,674.
21. Would it be cruel and unusual punishment when lower courts didn't address the staying of counts under p.c. 654 when all charges were on same day with same objective and indivisible intent on counts was never proven?
22. Did this court in McKaskle v. Wiggins (1984) 465 US 168,183-184 assert a defendant is entitled to interact with a stand-by counsel outside the presence of the jury? Then why was petitioner denied any interaction with his during his trial by judge?

QUESTION(S) PRESENTED ccontinued

23. IS IT WORTHWHILE FOR THIS COURT TO TREAT THE ISSUE BEHIND PETITIONERS EXCESSIVE PENALTY: A CRIME REQUIRING MERELY WORDS (NO PHYSICAL EVIDENCE) NAMELY CRIMINAL THREATS BECAME THE BASIS FOR A DECADE LONG RECIDIVISM ENHANCEMENT ?.

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:

Court of Appeal
Second Appellate Dist
300 S. Spring St.
Los Angeles, Ca 90013

Direct appeal Case No. B255379
Habeas Corpus Case No. B283912
Habeas Corpus Case No. B289973

California Supreme Court
350 McAllister St.
San Francisco, Ca 94102

Direct appeal Case No. S232011
Habeas Corpus Case No. S245540
Habeas Corpus Case No. S249821

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County of Los Angeles
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Van Nuys, Ca 91402

Habeas Corpus Dept NWN 4-20-16
Case No. LA075334

Habeas Corpus Dept #100 4-25-18
Case No. LA075334

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APPENDIX D	Habeas Corpus trial court decision
APPENDIX E	Habeas Corpus California Supreme Court decision
APPENDIX F	Habeas Corpus Court of Appeal 2nd Appellate District decision
APPENDIX G	Habeas Corpus trial court decision
APPENDIX H	Habeas Corpus California Supreme Court decision
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 Garlotte v. Fordice (supra)
 Gordon v. Duran (9th Cir 1990)
 Jackson v. Virginia (1979)
 Massiah v. U.S. (1964)
 McKaskle v. Wiggins (1984)
 Marpa v. Rhay (1967)
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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 **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 B to the petition and is **from direct appeal**

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the Second Appellate Court of Appeals court appears at Appendix A to the petition and is **from direct appeal**

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

OPINIONS BELOW CONTINUED

The opinion of the highest state court to review the merits appears at Appendix E and is habeas corpus a continuance of direct appeal and is unpublished.

The opinion of the Second Appellate Court of Appeals appears at Appendix C and is habeas corpus and continuance of direct appeal and is unpublished.

The opinion of the trial court Van Nuys Superior Court appears at Appendix D and is habeas corpus and continuance of direct appeal and is unpublished.

The opinion of the highest state court to review the merits appears at Appendix H and is second habeas corpus and is continuance of direct appeal and is unpublished.

The opinion of the Second Appellate Court of Appeals appears at Appendix F and is second habeas corpus and continuance of direct appeal and is unpublished.

The opinion of the trial court Van Nuys Superior Court appears at Appendix G and is habeas corpus and continuance of direct appeal and 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**: Defendant filed his initial habeas corpus on 3-20-16 See page 1 and 2 of Appendix I

The date on which the highest state court decided my case was 11-14-18. A copy of that decision appears at Appendix H. Defendant received the decision via prison legal mail on 11-21-18 See page 3 of Appendix I

[] 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

This Pro Se petitioners case involves issues related to the 1st, 5th, 6th, 8th, 14th, amendments of the United States Constitution and California Constitution articles 1 & 2 sub (a) and Penal Codes 1202, 524, 136.1(b)(1), 646.9 (a), 654 and the Evidence Codes 1101 (b), 352 also 28 U.S.C. & 1257, 28 U.S.C. & 2254 (d)(1),(d)(2), and 3 strikes provisions 667 (a-d),1170.12 (b-i) and CalCrim jury instructions # 207, 220.

STATEMENT OF THE CASE

Defendant Lance Williams was arrested on 9-18-13, he was arraigned on 9-20-13 and case # LA075334 was set into motion Mr. Williams went Pro Per day of scheduled preliminary hearing on 10-1-13 because he was deprived of his psychiatric medication and hearing voices due to his numerous mental health disorders, Williams was Pro Per throughout entire case, the case went to trial and on 1-22-14 Williams was found not guilty of primary charge p.c. 422 an alleged criminal threat the charge he was arrested for and no other, Williams was found guilty of 3 stacking charges (that never took place) p.c. 524, p.c. 136.1(b)(1), 646.9(a), Williams was granted opportunity to do a new trial motion on 2-6-14, the trial judge ordered Williams put on suicide watch and had him removed from Pro Per module to prevent access to do his new trial motion and contact counsel, when Williams return to court on 3-18-14 after multiple continuance request the court denied his continuance and the new trial motion was never heard or ruled on and Williams was sentenced to 13years 8months and 9years 4month of it in enhancements from an invalid prior from case #LA061501 under the 3 strikes provision 667 (a-d) and 1170.12 (b-i).

Williams appealed and was appointed counsel who conducted his direct appeal ineffectively beginning at Court of Appeals Appendix A all the way to a petition for review in the California Supreme Court Appendix B in which Williams appeal was denied upheld to trial court ruling, Williams then continued with his direct appeal by filing a habeas corpus raising same issues from direct appeal due to new facts, law, evidence and to show the defects so affected the trial as to violate fundamental aspects of fairness and resulted in a miscarriage of justice especially due to defendant being Pro Per entire case with mental health disorders and Williams raised Ineffective Appellate Counsel for not raising numerous valid issues and factual innocence was raised amongst other issues beginning in trial court Appendix D proceeding to Court of Appeals Appendix C then to California Supreme Court Appendix E in which all levels were summarily denied.

While the initial habeas corpus was in process Williams filed a timely second habeas that overlapped initial habeas to elaborate facts and issues raised in initial habeas that also go towards validity of direct appeal and to raise issues not in initial habeas or direct appeal but towards new laws, the second habeas began in trial court Appendix G and proceeded to Court of Appeal Appendix F then to California Supreme Court Appendix H.

REASONS FOR GRANTING THE PETITION

To protect defendants liberty interest, to have the law upheld and a fundamental fairness of justice owed to defendant and to correct lower courts violations of defendants constitutional rights.

The lower courts decisions in the direct appeal process was highly flawed and erroneous due to an Ineffective appellate counsel who never argued facts that would had been favorable to defendant such as insufficiency of evidence due to defense witnesses who testified they did charged acts alleged against defendant, he never argued the issue of defendants mental health disorders, the Brady violation by prosecutor to get judge to allow 1101, (b) evidence, the p.c. 1202 violation regarding the new trial motion that automatically warrants defendant a new trial. The habeas corpus process was flawed and erroneous the trial court on first habeas erred ruling defendant argued I.A.C. of trial counsel in trial court when defendant never argued this being defendant was Pro Per entire case (refer to appendix D) then the subsequent courts just summarily denied defendants habeas corpuses on serious valid arguments that are clear constitutional violations upon defendant taking advantage of his incarcerated layman status.

Defendants question presented regarding the use of an illegal strike prior to enhance his sentence is of national importance and a issue this court has not yet decided whether in a habeas corpus proceeding challenging a current or future sentence a petitioner may challenge the constitutionality of a prior conviction whose sentence has been completed and which was used to enhance the current or future sentence (See: Garlotte v. Fordice, *supra* 515 US at 39,45 n4) leaving question open).

In the likely hood many of defendants issues are of national importance and the state courts that decided defendants case are in conflict with eachother as case citings show the trial courts decisions conflict with appellate courts and appellate courts conflict with the highest state court that conflicts with federal district courts and all courts conflict with decisions of the highest court of the land United States Supreme Court, many of the issues not only affect petitioner but many others similarly situated and are important to public of the issues such as petitioners Ineffective Appellate Counsel argument (See: *Evitts v. Lucy* (1985) 469 U.S. 387,391,83 L.ed. 2d 821,833,105 S Ct 830, *Duhamel v. Collins* (1992) 955 F.2d 962,967 (5th Cir 1992) petitioners I.A.C. argument is the main reason he should had been afforded relief in lower state courts, the insufficiency of evidence argument in -

- petitioners case the evidence didn't meet the elements needed to convict (See: Watts v. U.S. (1969) 394 US 705,707,22 L.ed 2d 664,89 S Ct 1399, Jackson v. Virginia (1979) 443 US 307,61 L Ed 2d 560,99 S Ct 2781, Vachon v. New Hampshire (1974) 414 US 478,38 L Ed 2d 666,94 S Ct 664, Thompson v. Louisville (1960) 362 US 199,4 LEd 2d 654, 80 S Ct 624), defendants alleged text messages were no more than irate rhetoric than true crimes of stalking, attempted extortion or dissuading a witness which brings into question constitutionality of the laws statute and whether it infringes on 1st amendment rights and constitutionally protected activity that this court should address, the insufficiency argument on defendants 136.1(b)(1) and 646.9(a) charge is a vague law and attempt to regulate free speech and constitutionally protected activity and violates 1st amendment and is of national importance and important to public of the issue, this court can make state revist their laws and how the statutes are written and how the elements are to be specifically met leaving no gray areas especially when the statute of a charge is unconstitutionally overbroad and violates protected expression that this court can address and make clear.

Petitioner made as clear as a layman to law could make a *prima facie* showing of violations of his rights and reasons for *habeas corpus* relief that were summarily denied in which lower courts trying to hold a *Pro Se* petitioner to standard of a professional seasoned attorney needs to be addressed by this court.

In Conclusion reason for granting this petition:

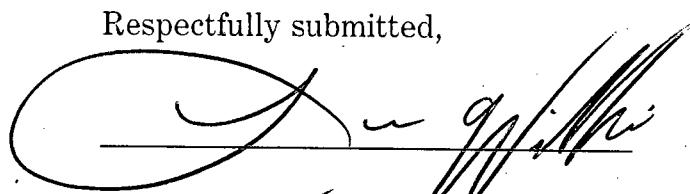
This court can teach California state courts and law writers the state known as the "LOCK'EM UP STATE" a valuable lessen in court decor in a positive manner were it determines a grant of *Certiorari* appropriate on petitioners numerous issues, Finally petitioner prays his *relevium* through a grant of *Certiorari ex merito justitiae* : RATIO EST RADIUS DIVINI LUMINIS.

Granting of this petition will prevent subsequent *Pro Per* defendants and defendants with mental health disorders from being taken advantage of and having their rights blatantly violated by prosecutors and judges.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daniel J. Miller". The signature is fluid and cursive, with "Daniel" on the left and "J. Miller" on the right, separated by a vertical line.

Date: January 31st, 2019