

No. 18-9845

ORIGINAL

Supreme Court, U.S.
FILED

JUN 17 2019

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Bradley Joseph Vanzant — PETITIONER
(Your Name) Pro/se Appellant,

VS.

Keith Yordy (Warden) — RESPONDENT(S)
Appellee.

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS 9th Cir. C.A.

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

PETITION FOR WRIT OF CERTIORARI

Bradley Joseph Vanzant IDOC No. #96075
(Your Name) P.O. Box 70010

IDOC-ISCC-Facility H-3 Bunk 36-A
(Address)

Boise, Idaho 83707
(City, State, Zip Code)

ISCC Resource Center
(Phone Number)

QUESTION(S) PRESENTED

1. **STATE SUPREME COURT (Idaho)** Docket No. 44269

2. Denial Unpublished opinion February 1st, 2017 Court

3. of Appeals. Petition for Review timely submitted and

4. Denied February 2017 by Idaho State Supreme Court.

5. Issues Raised

6. RE: Federal Violations under Protection of U.S. Const.

7. I/. Violations of a federal statute by the State of

8. Idaho, because violations rose to the level of a fundamental

9. defect that inherently resulted in a complete mis-

10. carriage of justice, and became inconsistent with

11. the rudimentary demands of fair procedure.

12. Here the violations petitioner alleges are con-

13. gnizable because they were of a constitutional

14. magnitude, and their improprieties created

15. a fundamental unfairness that violated this

16. petitioner's Fourteenth Amendment Right to

17. Due Process. Including Sixth Amendment Claims,

18. Fifth, Prosecutorial misconduct, significant

19. Judicial error and claims of insufficient

20. evidence.

21.

22. **A/.** Ineffective Assistance of Counsel: Right to

23. Counsel is right to Effective assistance of Counsel.

24.

QUESTIONS PRESENTED

1 Idaho State Supreme Court "Continued"

2 Post Conviction on Appeal:

3

4 **B/.** Did petitioner make a involuntarily unknown and
5 un-intelligent plea - Through ineffective assistance of
6 counsel and violations of his 14th Amendment right to
7 due process protected under the United States Const.,
8 creating STRUCTURAL ERROR, not subject to
9 harmless err.

10

11 **C/.** Did Defense Counsel, prosecution, and Court
12 violate petitioners 5th and 6th U.S. Const. Amend., by
13 refusing to call crucial witness to give testimony
14 that would change out come of proceeding to
15 actual innocence's.

16

17 **D/.** Did the State District Sentencing Court Violate
18 petitioners Due Process when relying on
19 a Tainted PSI with out further advisement
20 of rights after forced by threat Guilty
21 Plea and other inducements to state to this
22 Petitioner he could remain silent and not speak
23 with a PSI investigator, or fill out a questionnaire,
24 or allow the Court to use an old PSI.

QUESTIONS PRESENTED

1. United States District Court Dist. of Idaho (Boise)

2. Case No. 1:17-cv-00109-CWD Judgment Jan. 10th 2018

3. Honorable Candy W. Dale United States

4. Magistrate Judge

5.

6. A/. Petitioners guilty plea "not" a known or intelligent
7. voluntary plea

8. B/. Petitioners Counsel was ineffective for failing to
9. adequately investigate the facts of the case.

10. C/. Did district Court err by denying motion
11. for conflict free counsel.

12.

13. D/. Violations of a Federal Statute or amend., under the
14. protection of the U.S. Const, By Respondents and Idaho State rose
15. to the level of a "fundamental defect that inherently resulted
16. in a complete miscarriage of justice that was inconsistent
17. with the rudimentary demands of fair procedure.

18. Petitioner asserts such violations are cognizable

19. because they are of a constitutional magnitude, and their
20. improprieties created a fundamental un-fairness that
21. violated petitioners 14th Amendment Right to Due Process.

22. This includes 5th, 6th amend., violations creating
23. Structural Errors. That if allowed to be

24. Argued would have led to ACTUAL INNOCENCE.

QUESTIONS PRESENTED

1. UNITED STATES Court of Appeals 9th Circuit

2. No. 19-35232

3.

4. A/. Guilty by Forced Plea through;

5. ignorance, incomprehension, coercion, terror, subtle and

6. blatant threats violating Petitioners fundamental

7. rights allowing Petitioner to unknowingly relinquish

8. his basic rights that the Framers of our Const.

9. thought indispensable. Counsel's failure to call

10. witness that would disclose "Actual innocence" all

11. cognizable to "Ineffective Assistance of Counsel"

12. "Substantial denial of his Constitutional rights

13. resulting "Structural Errors"

14.

15. B/. Fifth Amendment Claim Concerning, Witness

16. Statements, Prosecutorial Misconduct, Significant Judicial

17. Errors, Bias of Judge, Insufficient Evidence, Forced

18. Guilty Plea to crime Petitioner did not commit.

19.

20. C/. Use of Tainted PSI obtained in violation

21. of Petitioner's 5th and 14th Amend. Protection

22. under due process "Structural Error and

23. prejudice and innocent man has been

24. imprisoned through Judicial failures and

25. Structural Errors that are not subject to harmless error.

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:

Parties of Cover Page: Petitioner-Bradley Joseph Vanzant
Respondent-Keith Yordy (Warden)

Subject: Parties NOT Appearing on Cover Page

Fourth Judicial Dist Ct. Idaho Federal Dist. of Boise
Ada County Boise Id. Petitioner: Bradley J. Vanzant
Prosecutor: Fata Alidjani Respondent: Keith Yordy (warden)
Defense Counsel: Darrica Comstock Judges: Candy W. Dale Exhib.(c)
Defendant: Bradley J Vanzant
Judge: Mike Wetherell

Idaho Ct. of Appeals 9th Circuit Ct. of Appeals
Judge(s) Ct. Appeals Exhibit (A) Petitioner: Bradley J. Vanzant
Respondent: State of Idaho Respondent: Yordy/Christensen
Petitioner: Bradley J. Vanzant Judges: Molly Dwyer
Idaho Supreme Ct. (Review) Court Clerk, Judges
Judges Supreme Ct. Exhibit (B) Rybee and Bea
Same Petitioner/Respondents Circuit Judges.
May 22-2019
Denreck

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APPENDIX E	<i>Appeal to 9th Cir. for "Writ and COA"</i>
APPENDIX F	<i>Order for Memorandum and Order "Denying COA including Motion for Counsel"</i>

TABLE OF AUTHORITIES CITED

CASES	Ref: Appendix E and F	PAGE NUMBER
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STATUTES AND RULES	Ref: Appendix E and F
	Petitioner Appearing Propria/Persona

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 D to the petition and is

☒ reported at Idaho Fed. Dist. Boise; 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 E-F to the petition and is

☒ reported at 9th Cir. Ct. of Appeals San Fran. CA; 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 Idaho Court of Appeals; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the Idaho Supreme Court Denying Review 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 January 10, 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: _____, 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).

Notice of Appeal and request for COA Filed March 4th 2019

☐ For cases from **state courts**:

The date on which the highest state court decided my case was Aug. 12, 2015.
A copy of that decision appears at Appendix B-CA.

Denied All same day same time

☒ A timely petition for rehearing was thereafter denied on the following date: Aug. 12, 2015, and a copy of the order denying rehearing appears at Appendix (B).

☐ 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

4th 5th 6th Amendments, including 14th amend.
protections to Due Process.

U.S.C. § 2241(C) § 2254 Habeas Relief for State
Prisoners.

Finding of Structural Err, State Constitutional
duty of disclosure (Brady-violation) and under
findings of United States v. Bagley.

Warrantless Search Violations

Custodial Interrogations . . . Violations

Prosecutorial Sleek lining by Selective and
Vindictive Prosecution Const Violation

Double Jeopardy . . . Violation

Failure to Prove Elements beyond reasonable Doubt

Structural Errors Tainted PSI used at Sentencing
after threat induced guilty plea. See Argument
in length at Appendix E and F.

Petitioner is Pro/se and should qualify for Eligibility
to argue his actual case in the 9th Cir. as

Relevant mig. Evidence argues his **ACTUAL INNOCENCES**:

STATEMENT OF THE CASE

1 After final disposition of Petitioner's case following his
2 Guilty Plea to a Crime for which he was actually
3 innocent but for his ignorance and incompression to
4 Counsel's, and prosecutor's Coercion, Terror, subtle and
5 blatant threats, to cover up the already unconstitut-
6 ionality of proceedings, The refusal of Counsel
7 to witness to prove his actual innocence, prosecution
8 withholding favorable evidence, Judicial Bias, and
9 the use of a tainted PSI all of which created
10 Structural Errors among many U.S. Constitutional
11 Protection's being Violated it was evident to
12 Petitioner to correct the wrongs by Starting
13 with Post Conviction Relief Starting with State Courts
14 for Collateral Review, and continuing the best
15 he could there after to the higher Courts as
16 a pro/se litigante seeking Justice, and his
17 rightful freedom.

18 Petitioner asserts the ~~State~~ by his Confinement
19 violated the Constitution, law, of the United States.
20 See U.S.C. §§ 2241 (c) (3), 2254 (3). That relief for
21 violations of a Federal Statute by the state will be
22 granted as in this case when violations have risen
23 to the level of a fundamental defect which

24

STATEMENT OF CASE (Continued)

1
2 inherently resulted in a complete miscarriage of
3 justice, and the conviction of an innocent man, See
4 *Reed v. Farley* 512 U.S. 339, 348 (1994) (quoting *Hill v. U.S.*
5 368 U.S. 424, 428 (1962), when results "become" inconsis-
6 tent" with the rudimentary demands of fair procedure."

7 Violations in petitioners case of State law are
8 Cognizable in a §1254 proceeding as they are of
9 a constitutional magnitude. See *Robinson v. Schriro*
10 595 F.3d 1086 1103-04 (9th Cir. 2010) (Federal Relief
11 Granted because "Courts Reliance on insufficient
12 evidence violated Due Process)."

13 Whereas in this case of petitioner the general
14 Improprieties that occurred in the State proceeding
15 are cognizable because they created "fundamental
16 unfairness" that violated this petitioners Fourteenth
17 Amendment Right to Due Process.

18 Petitioner has 4th 5th and 6th Amendment
19 Claims, whitty out interpretation of violation
20 and arguement through out his attached
21 Exhibits of Appendix's of Petition's and
22 Supportive Memorandums, with their
23 attached supportive credible case law
24 and Authority including arguement.
25

REASONS FOR GRANTING THE PETITION

(I) under the core principles that should be taken seriously and recognized with paramount merit that there were substantial established affirmative violations by State and Respondents that if disclosed in its progeny would show at "Face of Record" but for not the violations by Respondents and State unto this petitioner, THIS ACTUAL INNOCENT MAN WOULD NOT HAVE ENTERED A GUILTY PLEA TO CRIME HE DID NOT COMMIT. Not allow the use of a tainted PSI, as the entire process was no more than a sham.

(II) The arguments emphasized in Appendix's (E) and (F) Appeal Brief and Memorandum emphatically reiterate broader disclosures of more exculpatory violations beyond the what should "have been" protections, taking a broad view of materiality and existing error. Thus, each Appendix giving in depth Chase To reasons of why COA should be granted or ignored as predicable frame work would become a must over any dispute to FREE AN INNOCENT MAN.

Petitioner's main argument for his freedom is complex to expediate and promote undo delay he ask the Court to rely its findings on the Appendix's attached.

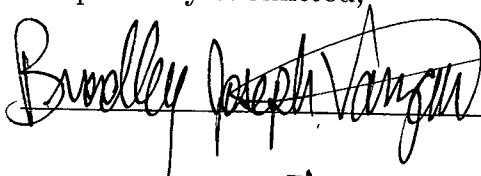
(1) Petitioner's Arguments in his Appendix if allowed to be heard makes a strong showing of likelihood there would be success on the merits (2) Petitioner will be irreparably injured absent his release (3) there are also others interested to which injury could occur and (4) public interest would best be served by release.

Does not an innocent man have a right to freedom as an innocent man condemned to death, or is it simply ok to lock up an innocent man and say its ok because the judicial system and its actors failed him.

CONCLUSION

The petition for a writ of certiorari should be granted, and if necessary his case be allowed to proceed in the 9th Cir., for further conclusion of actual merits of case.

Respectfully submitted,



Date: JUNE 8TH 2019