

**SUPREME COURT OF THE UNITED STATES**

**ROSA HILL,**

Petitioner,

v.

**DERRAL ADAMS, et al.**

Respondents.

**THE PEOPLE OF**

**THE STATE OF CALIFORNIA,**

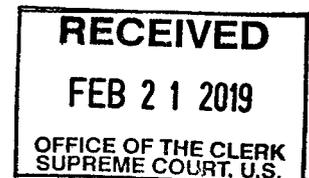
Real Party in Interest.

NO. \_\_\_\_\_

On Petition for Writ of Certiorari  
to the Court of Appeals  
of California, Ninth Circuit

**APPLICATION FOR EXTENSION OF TIME  
TO FILE PRISONER'S PRO SE  
PETITION FOR WRIT OF CERTIORARI**

Rosa P. Li Hill  
CDCR# WE2709  
C512-27-2U  
Central California Women's Facility  
(CCWF)  
P. O. Box 1508  
Chowchilla, CA 93610



1 APPLICATION FOR EXTENSION OF TIME  
2 TO FILE PETITION FOR WRIT OF CERTIORARI  
3  
4

5 TO THE HONORABLE ASSOCIATE JUSTICE ELENA KAGAN,  
6 NINTH CIRCUIT JUSTICE FOR CALIFORNIA:  
7

8 Pursuant to United State Supreme Court Rule 13.5, Petitioner Rosa P. Li  
9 Hill, hereby applies to the Court for an extension of time not exceeding 60 days  
10 past the deadline of March 4, 2019 to file a Petition for Writ of Certiorari for  
11 good cause.  
12

13 DECLARATION OF PETITIONER ROSA LI HILL  
14

- 15 1. Petitioner Rosa P. Li Hill is currently in the custody of the California  
16 Department of Corrections and Rehabilitation (CDCR) and has been since  
17 September 7, 2011, shortly after Petitioner's sentencing hearing for this  
18 instant case.
- 19 2. After Petitioner's joint jury trial with Petitioner's Co-Defendant (and mother)  
20 Mei Li from about February 17, 2011 to about June 17, 2011 ended and  
21 Petitioner was sentenced on August 29, 2011 to life in prison with Co-  
22 Defendant Mei Li for the "First Degree Murder of Selma Hill" and the  
23 "Attempted Murder of Eric Hill", Petitioner was transferred from the  
24 Alameda County Jail at Santa Rita (SRJ) to Valley State Prison for Women  
25 (VSPW) in Chowchilla, CA on September 7, 2011.
- 26 3. Petitioner's deputy public defender Bonnie Narby, at the end of trial, filed a  
27 timely Notice of Appeal and a Request for Court Appointment of Appellate  
28 Counsel for Petitioner in August 2011.

- 1 4. On September 7, 2011, the Alameda County Sheriff's Office transferred  
2 Petitioner from the Alameda County Jail at Santa Rita (SRJ) to the custody  
3 of the California Department of Corrections and Rehabilitation (CDCR) at  
4 the Valley State Prison for Women (VSPW).
- 5 5. While on the Receiving (A) Yard, Petitioner attempted to access the prison law  
6 library to file for a Motion for Recall of Sentence within 60 days of sentencing,  
7 but the constant lock-downs and lack of adequate access to the prison law  
8 library (even less than now in the General Population) interfered with  
9 Petitioner's process of preparing a Motion for Recall/Modification of Sentence  
10 within the statutory time limit.
- 11 6. At the end of September 2011, the First District Court of Appeal of California  
12 appointed Attorney J. Frank McCabe to represent Petitioner in the Court of  
13 Appeal of California, First District, and the Supreme Court of California, and  
14 ordered a joint appeal for Petitioner and Co-Defendant Mei Li, who were  
15 denied their Motions for Severance at the beginning of the jury trial in  
16 January to February of 2011.
- 17 7. Petitioner's other Co-Defendant (Petitioner's then 70-year-old father, who is  
18 now 79 years old) Ping Kit Li, represented by retained counsel Theodore Berry  
19 from mid-January 2009 to about September 2011, was granted his Motion for  
20 Severance, never appeared or testified in any part of Petitioner's jury trial –  
21 even though the D.A. "read" Ping Li's police statements into evidence before  
22 the jury with the trial court's permission, without the Defendant-Petitioner  
23 having any meaningful way to exercise Defendant's constitutional right to  
24 confront the D.A.'s misstatements of Co-Defendant Ping Li's broken English.
- 25 8. According to his court papers, Ping Li was later granted a plea agreement by  
26 the District Attorney for immediate release on his own recognizance in August  
27 2011, shortly after Petitioner's jury trial (which he never appeared in), and

1 subsequently appeared in court in September 2011 to sign his plea agreement  
2 of time-served in County Jail for a sentence of 4 years with probation.

3 9. Petitioner wrote Petitioner's court-appointed counsel Frank McCabe after  
4 seeing in Petitioner's Opening Brief that counsel had mistakenly stated in  
5 Petitioner's Opening Brief, which was repeated in subsequent appeal papers,  
6 that Co-Defendant Ping Li served 4 years in prison for "Burglary" and "Aiding  
7 and Abetting" in the "Murder of Selma Hill" and the "Attempted Murder of Eric  
8 Hill". The misleading errors, which prejudiced my appeal, were never corrected.

9 10. Petitioner's father Ping Li, who was a honorably retired Hong Kong police  
10 officer and at the time of the incidents at issue in this case an Alameda County  
11 civil servant, has never before been arrested before this instant case or after  
12 this case, and was discharged from his sentence by the CDCR Parole Office in  
13 Martinez, CA in 2014 for good behavior.

14 11. On information and belief, Ping Li started petitioning the trial court for the  
15 dismissal of his criminal charges in 2018, 4 years after his probation was  
16 successfully completed without any further incident.

17 12. On information and belief a few weeks ago, Ping Li was granted the dismissal  
18 of his criminal accusation of "Aiding and Abetting" in the "Murder of Selma  
19 Hill" and the "Attempted Murder of Eric Hill". I am waiting to receive the  
20 latest court orders for Ping Li.

21 13. Petitioner's mother Mei Li had retained Attorney Barbara Thomas for the  
22 pre-trial proceedings and the joint jury trial from January 2009 to August  
23 2011, and then on Direct Appeal retained the Law Offices of Beles and Beles  
24 with Attorney Robert J. Beles and Attorney Paul McCarthy in January 2012.

25 14. On October 16, 2012, during Petitioner's Direct Appeal, Petitioner was  
26 transferred to the Central California Women's Facility (CCWF) in  
27 Chowchilla, CA when Valley State Prison for Women (VSPW) was converted  
28 to Valley State Prison (VSP) for men in late 2012.

- 1 15. On April 16, 2015, the First District Court of Appeal of California filed the  
2 decision on Petitioner and Co-Defendant's Direct Appeal (see *People v. Hill*,  
3 et al. (April 16, 2015) 236 Cal App 4<sup>th</sup> 1101), granting Co-Defendant Mei Li a  
4 "Reversal" on her "First Degree Murder" conviction based on the fact,  
5 stipulated in the Attorney General's Response Brief on Appeal, that Mei Li  
6 was at work in the Alameda County Social Services Agency, Department of  
7 Adults and Aging Office, in Oakland, working as a Quality Assurance  
8 Analyst, and was not present at the scene of the incident leading to the  
9 death of Selma Hill and based on the case authorities "*People v. Pulido*  
10 (1997) 15 Cal 4<sup>th</sup> 713", "*People v. Wilkins* (2013) 56 Cal 4<sup>th</sup> 333, 2011", and  
11 "*People v. Chiu* (2014) 59 Cal 4<sup>th</sup> 155".
- 12 16. In December 2015 to January 2016, Co-Defendant Mei Li was re-sentenced in  
13 the trial court, taking a stipulated *Alford*-type plea offered by the District  
14 Attorney for time-served on a "Manslaughter" charge with regard to Selma  
15 Hill, and making Mei Li immediately eligible for parole at a Board of Parole  
16 Hearing on the charge of the "Attempted Murder of Eric Hill" in 2016.
- 17 17. The CDCR Board of Parole Hearings, however, denied Mei Li's parole at her  
18 BPH hearing in 2016, despite Mei Li's unblemished prison record and  
19 exemplary pre-prison record including her work for the County of Alameda, a  
20 stable home with her husband of 47 years, and multiple offers of employment  
21 and support letters from the community and other family members sent to  
22 the CDCR Board of Parole Hearings Office.
- 23 18. Co-Defendant Mei Li is appealing her denial of parole currently in the  
24 California Supreme Court.
- 25 19. From September 2018 to the end of 2018, while Petitioner was in the 9<sup>th</sup> Circuit  
26 Court of Appeals on a Motion for Certificate of Appealability and in the  
27 California Courts on Petitioner's post-conviction Motion for Forensic DNA  
28 Testing and Reports (unfinished) proceedings, and Co-Defendant was working

1 on her State habeas corpus petition for relief on her false imprisonment for the  
2 “Attempted Murder of Eric Hill”, the CDCR officials at Central California  
3 Women’s Facility attempted to transfer Petitioner and Co-Defendant from  
4 CCWF in Chowchilla, CA to the California Institute for Women (CIW) in Chino,  
5 CA, despite Petitioner’s objections of such transfer being a violation of the  
6 Federal Court Rules and interference with Petitioner’s access to the courts and  
7 due process appealing for post-conviction relief in the Federal Courts and in the  
8 California State Courts, which began immediately after Petitioner’s sentencing  
9 hearing on August 29, 2011, due to the voluminous case files (over 26 volumes  
10 of Reporter’s transcripts and over 12 volumes of Clerk’s Transcripts about 400  
11 pages per volume, plus Discovery Reports of over 1000 pages and additional  
12 evidentiary documents) involved in Petitioner’s criminal case , which is directly  
13 related to Petitioner’s Family Court case(s) and court mediator complaints,  
14 Child Protective Services complaints, and previous police reports made by this  
15 Petitioner against the alleged victim Eric Hill (Petitioner’s legally married  
16 husband at the time of the incident(s) at issue) in this case, which were  
17 prejudicially mishandled, leading to false accusations and false reports made  
18 against this Petitioner throughout these proceedings.

19 20. In November 2009, Petitioner was able to get the Alameda County District  
20 Attorney’s Office’s initial charge of Special Circumstances Felony Murder  
21 (based on the Felony Special Circumstance of “kidnapping” of Petitioner’s  
22 own toddler, whom Petitioner had joint physical custody of at the time of the  
23 incident at issue in this criminal case) dismissed by the Court at Petitioner’s  
24 Preliminary (Probable Cause) Hearing.

25 21. In late November 2009, when the District Attorney’s Office re-filed the same  
26 charges without regard to the Court’s previous rulings (without filing any  
27 appeal or allowing Petitioner to have another Probable Cause hearing), my  
28 deputy public defenders at the time filed a California Penal Code Section 995

- 1 Motion to Dismiss the District Attorney's Special Circumstance Felony-Murder  
2 charge again. The Superior Court granted Petitioner's 995 Motion for  
3 Dismissal in February 2010.
- 4 22. Towards the end of my over 3-months long jury trial lasting into mid-2011, the  
5 Deputy District Attorney Christopher "Casey" Bates surprised my new trial  
6 attorney Dep. Public Defender Bonnie Narby (who was not very familiar with  
7 all the facts of my case and had requested additional time for readiness in front  
8 of the court which gave her one more month to be prepared for my trial before  
9 she made an unsuccessful Motion for Severance) by requesting to bring in the  
10 felony-murder instructions.
- 11 23. The Alameda County Sheriff's Deputies in charge of the Santa Rita Jail where  
12 Petitioner was detained (some of whom had been involved in the arrest and  
13 police interviews of Petitioner in the Dublin Police Department and had been  
14 adjudged to have violated Petitioner's *Miranda* rights by the trial court)  
15 interfered with Petitioner's efforts to communicate with Petitioner's trial  
16 counsel to assist Petitioner's trial counsel in Petitioner's defense, by locking  
17 Petitioner in Administrative Segregation and in the Isolation Cell without  
18 access to my Discovery reports or any of my pre-trial legal paperwork without  
19 any legal justification.
- 20 24. I have never been involved in any criminal offense before – as evidenced by my  
21 Federal Employee ID for the Department of Homeland Security and my co-  
22 workers' testimony at trial, nor have I been involved in any criminal offense  
23 after my arrest for this case – as evidenced by my current Honor Dorm housing  
24 throughout my prison stay.
- 25 25. The County Sheriff deputies had Petitioner shackled the entire time from the  
26 beginning of the day at 2 a.m. until the end of the day at 9 p.m. outside the  
27 presence of the jury in the courtroom, interfering with Petitioner's ability to flip

1 documents to read and to hold a golf pencil to write to attempt to communicate  
2 with Petitioner's counsel.

3 26. The medical staff at the County Jail also would not provide Petitioner with all  
4 the necessary medications and prescription eyeglasses that Petitioner needed  
5 to function after the Dublin Police had taken my prescription eyeglasses into  
6 evidence (and labeled the evidence bag "Eyeglasses from Mei Li", which the  
7 Dep. D.A. Bates had returned to me the week before my jury trial began in  
8 February 2011.

9 27. The District Attorney used the police statement of my co-defendant Ping K. Li,  
10 Petitioner's father, who was not fluent in English, at Petitioner's jury trial,  
11 despite Petitioner's father's refusal to testify at Petitioner's trial, violating  
12 Petitioner's 6<sup>th</sup> Amendment Constitutional right to confrontation of witnesses,  
13 and preventing Petitioner from clarifying in front of the trial court and jury  
14 Petitioner's father's broken English and the reasons for what he said, which  
15 the deputy district attorney had paraphrased and misrepresented in front of  
16 the jury.

17 28. The alleged victim Eric Hill had admitted under cross-examination at my jury  
18 trial that I had not used the baton to hit him or choke him, I never pulled any  
19 knife on him, and no gunshots were fired or attempted to be fired (per the  
20 alleged victim's single-witness testimony), making the criminal accusations of  
21 "Attempted Murder of Eric Hill" unsubstantiated, as the elements of  
22 "Attempted Murder" had not been legally met.

23 29. Even though, Eric Hill falsely claimed that he was bleeding down his face,  
24 with the Dep. D.A.'s subornation at my jury trial, all the police officers who  
25 arrived first at the scene that day and had witnessed the interactions between  
26 both Defendants and the alleged victim Eric Hill that day (and had initially  
27 tased and arrested Eric Hill and put him handcuffed into the back of the  
28 police car) had testified at the Preliminary Hearing in October 2009 and at

1       Petitioner's jury trial in 2011 that they had only seen Co-Defendant Mei Li  
2       bleeding from her head with blood flowing down her face – and nobody else  
3       was bleeding, contrary to the alleged victim's false testimony and the D.A.'s  
4       misstatements of the facts towards the end of Petitioner's over 3-months-long  
5       jury trial.

6       30. Petitioner's trial attorney had gotten Sergeant Schmidt, the Lead Investigator  
7       in my case, to admit at my trial that he never ordered the blood samples from  
8       the hallway floor carpet and the walls tested, despite the profusion of blood  
9       splattered all over the hallway walls and the floor carpet when Eric Hill  
10      repeated struck Mei Li on her head with the baton, which became bent from  
11      the violent blows to Mei Li's head, the only head that was bleeding that night,  
12      as substantiated by the Emergency Room reports from Mei Li, Eric Hill, and  
13      Rosa Hill that night, contrary to the false testimony of alleged victim Eric Hill  
14      and the misstatements of Dep. D.A. Bates.

15     31. I was having difficulties accessing the law library to work on my Reply to the  
16     District Attorney's Opposition to my post-conviction Motion for Forensic DNA  
17     Testing and Reports Pursuant to Penal Code Section 1405 from 2017 to 2018,  
18     causing me to file requests for the assistance of court-appointed counsel.

19     32. Unfortunately, the court-appointed counsel never did his job and never  
20     communicated with me on the evidence I was trying to reach in my Penal  
21     Code Section 1405 post-conviction discovery motion, never reviewed all of my  
22     case files, and spoke only to the Alameda County District Attorney's Office,  
23     misrepresenting my position in the case.

24     33. I was deprived of sleep due to a First Watch (2200 hours to 0600 hours) prison  
25     job assignment from October 18, 2018 to January 10, 2019 (when I was  
26     granted my request for a job assignment change). I was neither permitted to  
27     get adequate uninterrupted sleep during the night during my job assignment  
28     hours, nor was I allowed to sleep during the day due to mandatory ducats and

1 prison staff calls. My ability to mentally and physically function was severely  
2 impaired.

3 34. On December 21, 2018, I had received the Ninth Circuit Court's order dated  
4 December 3, 2018 denying my Motion for Certificate of Appealability and my  
5 pro se Motion for Reconsideration to the United States District Court (filed in  
6 the United States District Court in San Francisco before my Motion for  
7 Certificate of Appealability to the Ninth Circuit Court of Appeals in San  
8 Francisco). After which date, the prison law library was frequently closed due  
9 to the holidays, and I was not able to look up the relevant legal authorities  
10 and court procedures for filing a Petition for Writ of Certiorari.

11 35. The passes to the prison's Receiving and Reception (i.e., "R&R") Center  
12 Storage Room to access my legal documents in storage in a different area of  
13 the prison (which I was only able to get for the last few months after lengthy  
14 requests to the Prison Litigation Coordinator and the Warden for years –  
15 which legal access I was being blocked from most of the time by my prison job  
16 assignments) stopped being issued to me at the beginning of January 2019. It  
17 took me 3 weeks in January 2019 to get the prison staff to re-issue the passes.

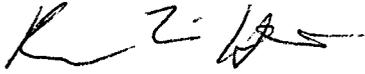
18 36. There are other evidentiary records that I am attempting to obtain from other  
19 attorneys by mail leading to delays in preparing the Petition for Writ of  
20 Certiorari.

21  
22 Petitioner would like an extension of 60 days pursuant to United States  
23 Supreme Court Rule 29.2 allowing an extension up to 60 days may be granted for  
24 good cause on application to the Circuit Justice, if the application is filed at least  
25 10 days before the due date for filing the Petition for Writ of Certiorari in  
26 accordance with US Sup Ct R 13.5.

Dated: February 10, 2019

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Respectfully submitted,



Rosa P. Li Hill

Petitioner In Pro Per