

19-5053

No. _____

Supreme Court, U.S.
FILED

JUN 24 2019

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Brandon M. Hicks — PETITIONER
(Your Name)

vs.

Renee Baker, (Warden); — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court Of Appeals For The Ninth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Brandon M. Hicks
(Your Name)

Lovelock Correctional Center; 1200 Prison Rd.
(Address)

Lovelock, NV. 89414
(City, State, Zip Code)

N/A
(Phone Number)

ORIGINAL

QUESTION(S) PRESENTED

1) Whether the Judges extra language in the Judgement Of Conviction, in context with his intent at sentencing, is a violation of the Separation of powers doctrine, in the United States Constitution.

2) If the Judge relied on Suspect evidence in violation of the 5th Amendment and 14th amendment of the United States Constitution at the State Court Sentencing hearings.

3) Whether Petitioners Counsel was effective under the 6th amendment of the United States constitution (U.S.C.), and the Strickland test, in sentencing by not objecting to a judge determining future dangerousness, doubling a Mandatory sentence, and the use of suspect evidence.

4) Whether petitioners counsel was effective under the 6th & 14th amendment of the U.S.C. & the Strickland test, in not recommending an appeal for the language and intent at sentencing & in the Judgement of Conviction, & for not filing an appeal after such a major miscarriage of Justice.

5) Whether petitioners counsel was effective under the 6th amendment of the U.S.C. & the Strickland at plea bargain arraignment, & if petitioners counsel was coercive, also if the State District Attorney was coercive, making the plea deal entered into unvoluntarily and unknowingly and if the Judge violated the Plea Deal by adding 10 yrs. to a mandatory sentence.

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:

The Attorney General For The State of Nevada.

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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 C 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 1st Judicial district Court district of Nevada court appears at Appendix D 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 April 2, 2014.

☒ 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**:

The date on which the highest state court decided my case was January 21, 2015
~~July 13, 2015~~.
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

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NRS. 176.105 _____	6
NRS 200.366 _____	6, 11, 12
5 th amendment of the U.S.C. _____	8
6 th amendment of the U.S.C. _____	9, 10, 11
14 th amendment of the U.S.C. _____	6, 8, 10, 11
Assembly Bill 267 of the State of Nevada. _____	12
28 U.S.C. § 2254 (d) _____	11

STATEMENT OF THE CASE

Petitioner was arrested March 29, 2011, for 6 class A felonies in Carson City, Nevada. On June 3, 2011 in the 1st Judicial District court of Nevada, 3 counts were transferred to Juvenile court. In June 7, 2011 a plea deal was struck, petitioner plead guilty that day. He was sentenced on July 19, 2011.

Petitioner timely filed a pro se petition for writ of Habeas Corpus in the 1st Judicial District Court of Nevada, on April 27, 2012. He was granted Counsel, and an evidentiary hearing set for June 27, 2013. Petitioner's Counsel filed a supplemental petition on July 24, 2012. After the evidentiary hearing, the Judge ordered supplemental briefing on the Carson Community Counseling Report, Reason 2 of this writ, the briefing was filed in December 06, 2013. An order Denying Habeas Corpus was filed on January 31, 2014. On February 10, 2014 counsel moved the court to pay her fees where she defrauds the State Court, for a Subpoena for a witness she didn't have testify or subpoena. On February 27, 2014 petitioner's counsel moves the Nevada Supreme Court to appoint her as counsel, and files a notice of Appeal. Appellants Opening Brief is filed July 31, 2014. Jurisdiction of the Appeal, is transferred the newly formed Court of Appeals for the state of Nevada on January 8, 2015. Court of Appeals affirms the case on ~~January 20~~ January 20, 2015. Petitioner files for final review in the Nevada Supreme Court (NSC) on February 12, 2015. Final Review was ~~denied~~ denied June 18, 2015. ~~Rem~~ Remittitur issues July 13, 2015. Petition for Writ of Habeas Corpus 28 U.S.C. § 2254 is filed in United States District Court District of Nevada on April 26, 2015. Petition Motion to Appoint Counsel is denied June 26, 2015. Motion to Dismiss by Respondents is filed November 6, 2015. Petitioner's second Motion to Appoint Counsel is filed December 7, 2015 and Denied December 8, 2015. Petitioner's Responds to Motion to Dismiss January 29, 2016. Respondents reply February 4, 2016. The Court grants the motion to Dismiss in part, allowing grounds 1B, 1D, 2E, 2F, 2G, and 3 of the original petition to proceed, with 30 days to decide what to do with the remaining grounds 1A, ~~1C~~ 1C, 2A, 2B, 2C, 2D on August 11, 2016. Petitioner files Motion for Stay and hold in Abeyance on ~~September 25, 2017~~ October 20, 2016, with a secondary Motion to Amend/Correct on October 24, 2016. Respondents reply on November 3, 2016. Petitioner's replies on November 10, 2016. A Court Order Denying Motion to Stay & Hold in Abeyance is filed September ~~25~~ 25, 2017. Grounds 1A, 1C, 2A, 2B, 2C, 2D are dismissed, ~~as~~ Respondents have 45 days to answer, petitioner has 45 days to reply. Respondents answer filed November 30, 2017. Petitioner files Motion for Appointment

- 1) of counsel on December 4, 2017. Petitioner files his reply June 4, 2018. The Court
- 2) denies Motion for Appointment of Counsel September 21, 2018. Court order denying
- 3) Petitioner's Habeas Corpus is filed September 28, 2018. Saying a Certificate of Appealab-
- 4) ility ~~with~~ ~~out~~ (COA) will not be issued. Petitioner files for a COA in the United
- 5) States District Court District of Nevada on October 12, 2018. Court Order denying
- 6) COA filed October 15, 2018. Petitioner files for a COA in the ~~the~~ United States
- 7) Court of Appeals for the Ninth Circuit on October 15, 2018. Court order denying
- 8) COA is filed April 2, 2019. Petitioner files for a Petition for A Writ of
- 9) Certiorari on June 21, 2019
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REASONS FOR GRANTING THE PETITION

Reason 1: At sentencing the language and the Judge's coercive intent with the language is a constitution violation in many ways. The intent behind the language at sentencing is included in the Judgment of Conviction (JOC) at page 2, "The Defendant is dangerous, he should serve at least 20yrs before he is paroled", clearly shows the judge's coercive intent to increase my sentence. It violates the Separation of Powers doctrine (SOP) in the United States Constitution (USC), the Nevada State Constitution (NSC), and the extra language also violates NRS 176.105.

Hughes V. Superior Court of California, 94 LEd 985, 339 US 460 (1949), States are free to distribute Powers of Government as they see fit, under the 14th amendment of the USC, But they are still open for review of constitutional violations. Nevada (NV.) has adopted the SOP from the USC, in the NSC, (see art 4, 5, 6 of NSC).

The Judges language & coercive intent (herein called language), violates the SOP in that it takes away legislative power by changing what is a mandatory sentence in NV. (see NRS 200.366), by saying I should serve 20yrs. before parole. The Judge's language also takes power away & interferes with the executive branch by the Judge ~~for~~ determining future dangerousness, & the parole date. Parole is a function of the executive branch. Future dangerousness effects parole. The Judge saying petitioner should do 20 years before being paroled is an undeniable ~~and~~ prejudicial influence to the Parole Board/executive branch.

This constitutional violation cannot be ignored. Allowing this to go unchecked goes against the founding principles of our constitution and country. It allows the Judicial branch more power than the other two. Humphrey V. United States, 79 LEd 1611, 295 US 602 at 13 "The independence of each department required that its proceedings should be free from the remotest influence, direct ~~or~~ or indirect of either of the two powers." A Judge abusing his discretion & over stepping his position, is of national importance. It takes away our founding constitution principles of government. Others may be greatly affected by the outcome of this case. Infringing on other branches powers is against all this Courts decisions. See Bowsher. V. Synar, 92 L Ed 20 583, 478 US 174 at 15. "the fundamental necessity of maintaining each of the three general departments of government entirely free from the control or coercive influence, direct or

1) indirect, of either of the others, has often been stressed and is hardly open to
2) serious question. So much is implied in the very fact of the Separation of Powers
3) of these departments by the Constitution." A Judge should not ever use the executive
4) or legislative powers, as his power comes from the Judicial branch. See Morrison V.
5) Olson, 101 L ED 20 569, 487 US 654 at 8 "the purpose of the general rule that
6) executive or ~~of~~ administrative duties of a non-judicial nature may not be imposed on
7) a judge holding office under art III of the United States constitution, is to maintain
8) the separation between the judiciary out of the other branches of the federal government
9) by insuring the independence of the Judicial branch and insuring that Judges do not encroach
10) upon executive or legislative authority, nor undertakes ~~the~~ tasks that are more properly
11) accomplished by other branches." Judges are to apply and enforce the law, not to add to
12) or change it. A Judges powers lie in the Judicial branch. A judge should never exercise
13) the executive or legislative powers. See Morrison V. Olson at 41 "In the Government of the
14) commonwealth, the legislative department SHALL NEVER exercise the executive and Judicial
15) powers, or ~~the~~ either of them. The executive SHALL NEVER exercise the legislative ~~and~~ Judicial
16) powers, or either of them. The Judicial SHALL NEVER exercise the legislative and executive
17) powers or either of them. To the end it may be a government of laws and not of men." A judge
18) is not a licensed psychologist or psychiatrist, he therefore cannot determine future danger-
19) ousness of defendants, and should not be allowed to change sentences, or recommend parole
20) dates, when they are mandatory sentences to start with. Judge Wilson's coercive language should
21) not be allowed, it is contrary to clearly established law. the language is prejudicial. This reason is
22) of national importance, it will effect me especially, but has a very good chance to effect others
23) without this Courts interference. The United States Court of Appeals for the Ninth Circuit
24) (Appendix A) ruling is erroneous. Jurists of reason would find it debatable whether the petition
25) states a valid claim of the denial of a Constitutional right & that jurist of reason would find it
26) debatable whether the district court was correct in its procedural ruling. The Nevada Supreme
27) Court (NSC) and the 1st Judicial District Court of Nevada (JDC) did err in finding that
28) their rulings were not contrary to or an unreasonable application of clearly established federal

1) law, because this coercive language & the intent of it prejudged the petitioner. It will
2) affect his parole possibility. The Judge clearly violates a state constitution & the USC.
3) with his intent. As to the ruling that errors of state law are not addressable in a Federal
4) Writ of Habeas Corpus is wrong to, because all people in the U.S.A. are entitled to
5) due process of law before their liberty is taken. Due process of law was not followed and
6) clearly ignored in this case. It shows in how the courts picked and ~~else~~ choose only certain
7) grounds to rule on when others properly brought claims were ignored. A fundamental Miscarriage
8) of Justice has taken place here. A State court & a Federal district court has decided an
9) important question of Federal law that has not been, but should be settled by this Court.
10) They have also decided an important Federal question in a way that conflicts with relevant
11) decisions of this Court.

12)

13) Reason 2: The extra language, and the severity of its intent, at sentencing & in the JDC
14) stems from a "Substance Abuse, Anger Management, and Domestic Violence evaluation," author-
15) ed by Brandi Hartline, (Herein called the "Report"). Ms Hartline is not a licensed psychologist or
16) psychiatrist in the State of Nevada, so her not being a qualified professional & determining future
17) dangerousness is out of her scope of expertise, making the determination a constitutional violation.
18) Therefore making the Report suspect evidence ~~of the~~ under the 5th & 14th amendment of
19) the USC. The NSC and United States District court district of NV. (USDC), & the
20) U.S. court of Appeals for the 9th circuit (9th cir.), unreasonably found that the trial court
21) relied only on evidence properly before it in imposing sentence. The Report was made for an
22) entirely different case, but it has somehow found its way into the juvenile proceedings in
23) this case, which Judge Wilson was a part of, and the Judge makes a clear reference to the case
24) the Report was made for at sentencing. Over 4 months later the Judge mentions the case,
25) he had to of seen 1,000 people since then, he had to of reread the case. Allowing a miscarriage
26) of justice such as this is a threat to the justice system. It violates our countries constitution,
27) To deprive someone of their liberty with out due process of law. A suspect Report is a
28) prime example of ~~the~~ illegal evidence. The 9th cir erred in not remedying this. A

- 1) reasonable jurists would find it debatable whether the petitioner states a valid claim of
- 2) the denial of a constitutional right and the jurist of reason would find it debatable
- 3) whether the ~~the sentencing court~~ USDC was correct in its ruling. It is common practice
- 4) in Carson City Court system to send people to ~~Carson~~ Carson Community Counseling. This
- 5) must be remedied, people have been having evaluations done by Ms. Hartline when she is an
- 6) unlicensed psychologist or psychiatrist, she's just a fraud. This miscarriage of justice cannot
- 7) be allowed to continue to effect people. Petitioner's counsel was ineffective at a
- 8) critical stage in the proceedings by not objecting to the language & the reference
- 9) to future dangerousness and not recommending or filing an appeal. The judge even says
- 10) that there is an argument for Direct Appeal. A Report to determine one psychological
- 11) problem's & rehab possibilities should be done by a licensed psychologist or psychiatrist.
- 12) The USC, USDC, erred in ruling that it wasn't erroneous for the judge to use the
- 13) Report in considerations of sentencing or any proceeding to effect one's liberty, or anything
- 14) hanging in their life. ~~which was~~ The suspect Report was used to certify petitioner as an
- 15) adult, which creates a new ground as well. This reason is an important question
- 16) that should be settled by this Court.

17)

- 18) Reason 3: Petitioner was denied effective assistance of counsel protected by the 6th
- 19) ~~2nd~~ amendment of the USC, and the Strickland V. Washington 466 US 668 (1984)
- 20) standard. A judge has no judicial right, or constitutional right to predict future dangerous-
- 21) ness of the petitioner, he is not a licensed psychiatrist or psychologist. Pet. counsel was ineffective
- 22) for not objecting to the judge predicting future dangerousness, or to the ~~the~~ judge doubling a ~~mand~~
- 23) mandatory ~~the~~ sentence, and the use of suspect evidence, ~~that~~ at the sentencing hearing. The constitutional
- 24) violations work to my actual and substantial disadvantage, infecting the entire proceedings, (sentencing,
- 25) appeal, & parole), with errors of constitutional dimension. See White V. Lewis 874 F.2d 599, 603
- 26) (9th Cir 1989) citing United States V. Frady 456 US 152, 170, 102 S. Ct. 1584 71 LEd 2d
- 27) 816 (1982). Counsel's ineffectiveness causes petitioner prejudice at parole, sentencing, and appeal, failing to
- 28) recognize this and take proper steps to remedy these issues constitutes Ineffective Assistance

1) of Counsel (IAC) under the Strickland standard. A judge doubling a mandatory sentence is
2) a constitutional violation, along with including in a JOC that petitioner should serve 20
3) years before parole, counsel should have objected. Failure to, constitutes IAC under Strickland.
4) Had counsel objected petitioner wouldn't have this illegal & prejudicial language at parole or in
5) the JOC. See White V. Lewis citing United States V. Brady. The language used at sentencing
6) & in the JOC goes against what was plea bargained for. It will effect the petitioner at paro-
7) le, and the judge can't be allowed to determine future dangerousness. Allowing this abuse of
8) discretion by the judge & the counsel's ineffectiveness, has the possibility to effect many people simil-
9) arly situated. It can deprive many people of their liberty with out due process of law. The lower
10) courts erred in ~~determining~~ determining counsel was effective. A counselor's duty is to represent
11) a defendant the best way possible. Completely ignoring constitutional that will cause a petitioner to
12) do 10 years more then a statute allows isn't something a counselor should be allowed to ever look.
13) Had the counsel objected like he should have it would have significantly changed the outcome of
14) this case. The controlling case laws about juveniles and future dangerousness are Graham V.
15) Florida, 560 U.S. —, 130 S. Ct 2011 (2010) & Roper V. Simmons 543 US 551 (2005),
16) Nevada has passed Assembly Bill 267, which sets sentencing guidelines for juveniles, and is retro-
17) active. The Judge goes against Roper V. Simmons when saying petitioner is dangerous &
18) ~~that~~ should serve 20 years before parole because "even a heinous crime committed by a
19) juvenile is not evidence of irretrievably ~~depraved~~ depraved character. A sentence that rejects the
20) possibility of rehabilitation of a juvenile may be grossly excessive. Petitioner's counsel didn't
21) object to a judges abusive language, predicting future dangerousness, ignoring a state statu-
22) te of a mandatory sentence, and the use of suspect evidence, failure to do so fell below
23) the standard of care required under the 6th amendment of the USC, & the Strickland V.
24) Washington standard of care. This reason needs remedy by this court. The lower courts
25) erred in ruling counsel was effective.

26)
27) Reason 4: Petitioner was denied effective assistance of counsel under the 6th & 14th
28) amendment of the USC, and the Strickland Standard. Counsel didn't recommend an

- 1) appeal after the prejudicial language at sentencing is in the SOC, and for not filing an
- 2) appeal after such a heinous miscarriage of justice. Failure to do so fell below the standard
- 3) of care protected by the 6th & 14th amendment of the USC & the Strickland standard.
- 4) Petitioner's counsel knew that the language violated petitioner's constitutional rights, he knew it
- 5) violates the predeal by adding 10 years to a mandatory sentence, (see NRS 200.306), he knew
- 6) the judge relied on an illegal Report, failure to recommend and or file an appeal falls below
- 7) the standard of care of the 6th & 14th amendment of the USC. See Strickland v. Washington,
- 8) 466 US 668 (1984). And there is a new ground that all juvenile proceedings are unconstitutional
- 9) for their reliance on the same suspect report, which is also another direct review ground.
- 10) Counsel should have done his job, rather than just give up like he did. Even the Judge in
- 11) state court, and the state district attorney both say that there was an argument that the
- 12) language used in sentencing is the SOC is an ~~appeal~~ appealable issue. Just because a case
- 13) is plea bargained, it doesn't give the counselor a pass to be ineffective. Sentencing is a critical
- 14) proceeding in the justice system, and so is direct appeal. Counsel's performance at sentencing
- 15) & about the direct appeal is deficient performance under the Strickland test. There isn't
- 16) a person in this world who could read the SOC and not be prejudicial to the petitioner. The
- 17) determination that the language is a "harmless error", and any affirmation of that deter-
- 18) mination is an unreasonable determination of the facts in light of the evidence presented
- 19) in the proceedings. See 28 U.S.C. § 2254 (d). Direct Appeal is a chance to right constitutional
- 20) wrongs, and any other mistakes made in the court proceedings. Allowing a counselor to be ineff-
- 21) ective goes against our constitutional foundation for our criminal justice system. Allowing a coun-
- 22) selor to just ignore his duty can effect the thousands of defendants country wide. All
- 23) procedural defaults should be excused & petitioner should be allowed to file a belated
- 24) direct appeal ~~not~~ with effective counsel. See Roe v. Flores-Ortega 145 LED 20 985,
- 25) 528 US 470 This Reason needs overview by this Court.
- 26)

- 27) Reason 5: Petitioner's counsel was ineffective at the plea bargaining / plea change arraignment
- 28) hearing, the state district ~~court~~ attorney was very coercive, as was the petitioner's counsel.

1) rendering the plea entered involuntarily and unknowingly. Also plea was entered without
2) knowledge of sentence, because the petitioner was promised only 10 years, not the 20 years
3) the judge is pushing for. Nobody in the state of Nevada is serving 20 years for one
4) count of NRS 200.366. Also assembly Bill 267 in NV., which is retro active, forbids a
5) sentence of more than 15 years in non-murder juvenile case's. The plea deal is also illegal
6) due to the judges language in the JOA. Nowhere in the deal does it give anybody discretion
7) to argue for more sentencing time, or permit more than a life sentence with the possibility
8) of parole beginning after a minimum of 10 years is served, the lawful sentence for
9) NRS ~~366~~ 200.366. For a guilty plea to be valid, a defendant must voluntarily
10) enter a plea under circumstance's that are fundamentally fair. Petitioner's counsel after the
11) status conference hearing, told me he had yet to contact any witness, or experts, file to have
12) any witness subpoenaed, nor did he file the second motion for prior sexual conduct, (he
13) did file one), when there was only 17 days to trial. Counsel told petitioner that he was unpre-
14) pared for trial, causing a coercive influence, making petitioner accept a plea deal, or go to trial
15) unprepared. The plea is also in violation of a state court order. It is clear from the Arraign-
16) ment transcript that it ~~is~~ was counsel's recommendation to take the deal. Counsel clearly
17) says "I recommended this settlement" Petitioner and counsel had a private non-recorded
18) conversation at the arraignment, after the petitioner refused to accept guilt, but said that he's
19) not guilty, during the private conversation counsel said the District Attorney (D/A) ~~and~~ would
20) ~~be~~ back out of the deal and not entertain a trial extension, that he was unprepared, and that
21) we would go to trial in a few weeks. That is the only reason the petitioner plead
22) guilty. But for counsel's errors and advice petitioner would have continued to trial.
23) Padilla V. Kentucky 176 LEd2d 284 — US —. Counsel's advice to take the deal
24) without even fully investigating the case, especially when three eye witnesses, plus cell
25) phone records put the defendant at a completely different place than at the river with
26) alleged victim isn't within the range of competency of demands of attorneys in criminal
27) cases. *Mutishaw V. Woodward* 255 F.3d 926 2001 US App Lexis 14246; *Hill V.*
28) *Lockhart*, 88 LEd 2d 203, 474 US 52. Had the petitioner had effective counsel

- 1) at the State evidentiary hearing there would ~~be~~ have been discovery on this.
- 2) Although petitioners Post~~4~~ conviction counsel did bill the State of Nevada for a
- 3) ~~subpoena~~ for RJ Descender, (one of the eyewitnesses) he never came. DNA testing
- 4) about the deteriorated state of the DNA found in the alleged victim will prove that
- 5) the sex was the night before as the petitioner says. Post conviction counsel also should of
- 6) asked for review of PTSD & vaginal trauma ~~dam~~ claims of the alleged victim.
- 7) There are ~~multiple~~ multiple things Post conviction counsel should have done. The lower
- 8) courts erred in ruling that petitioner plead guilty voluntarily and knowingly. Counsel
- 9) ~~an~~ investigation at the state was pretty much non-existent, and a ~~free~~ force & sham.
- 10) Allowing this to go unchecked puts alot of people at risk of losing their liberty, with
- 11) out due process of law. Post conviction counsel was ineffective under Martinez V.
- 12) Ryan 566 US —, 132 S. Ct. 1309, 182 LEd 2d 272, 2012 US Lexis 2317.
- 13) Petitioner be excused of any and all procedural bars & be granted writ of certiorari
- 14) in this Court

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CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: June 21, 2019