

No. _____

19-5721

IN THE
SUPREME COURT OF THE UNITED STATES

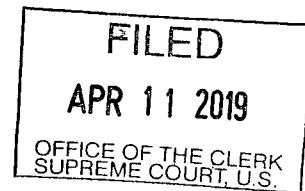
_____ **ORIGINAL**

CRAIG MELVIN SCHAFER – PETITIONER

vs.

THE STATE OF CALIFORNIA – RESPONDENT(S)

ON MANDAMUS PETITION FOR AN EXTRAORDINARY WRIT



THE SAN JOANQUIN COUNTY COURT EXECUTIVE OFFICE
THE LAST CALIFORNIA ORGANIZATION BLOCKING HEARINGS

MANDAMUS PETITION FOR AN EXTRAORDINARY WRIT

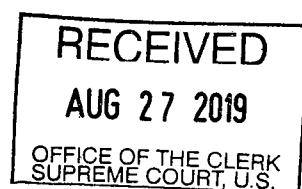
CRAIG MELVIN SCHAFER (Pro Per)

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QUESTION(S) PRESENTED

This is a Mandamus Extraordinary Writ that is being requested because the state of California refused to obey its laws leading to the manslaughter of my wife. Now I am asking the State of California to obey their Tort law that Specifies the state can be held financially responsible for a judge's actions. The state of California is now blocking hearings on this matter causing This Extraordinary Writ to be filed due to the absence of court findings. The question now becomes "**Is a state allowed to violate the 7th amendment and deny civil hearings?**"

I have been filing a California Tort law case defined in section 912.7. This section of the Tort law allows the state to be held financially accountable for a judge's actions, but the law requires the case must first be processed by the state and denied prior to filing a case with the court. I have found myself stuck in a loop where the San Joaquin Superior Court sent me in loop to the state level who just sent be back to the county level who is now blocking the case.

This is not a matter of timeliness, I filed the case prior to the judge's refusal to follow the law led to my wife's death. I filed complaints to the presiding county judge and Commission for Judicial Performance immediately after her death (Appendix C). The state released the cause of death (Appendix B), I immediately filed a county grand jury case who ruled it was a state level case (Appendix A). I filed with the state Victim Compensation department and DGS (Appendix D), the California Government's Claims division (Appendix E) and the California Attorney General's Public Inquiry Units. I was then directed to the Judicial Council. (Appendix G)

I have been trying to find a public entities lawyer non-stop since my wife's death. All seem happy to file a lawsuit provided it is not against the judicial branch. The one lawyer that did agree to work with me initially, requested I file against the state agencies first and later declared a lack of resources to fight the Judicial branch with their army of lawyers. I also used a lawyer referral service and they went through so many lawyers they notified me they cannot help. I have spent countless hours trying to contact lawyers outside my referral service.

There seems to be a consensus, despite the law, the judicial branch is untouchable even though the California Tort law says they are. When attempting to talk with the Judicial council they refused to talk to me because I did not have a lawyer. I filed my initial Writ of Certiorari, which was returned for jurisdiction and other reasons. I called, Jeff Atkins, a Supreme Court case adviser from your office and determined I need to file an Extraordinary Writ because I had no judge's findings usually needed for jurisdiction. I called the Judicial council and they how now provided me the form from the court executive office, but I have been denied after filing the form on the county level due to timeliness, even though this was the office I filed with first.

I am asking the supreme court to consider my requested order found later in the filing. The California judicial branch had no right to violate the laws causing my wife's death and has no right to violate their Tort law blocking my 7th Amendment rights to a civil trial. Death due to unnatural causes is clearly the leading cause of death in the US and laws were violated which resulted in the death of my wife. I have a US Constitutional right to a civil hearing and ask this court to grant me that right. This is blatant corruption in the California Judicial branch, so I am requesting the FDA's defined \$7.9 million value of life be enforced in this case.

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 judgement is the subject of this petition as follows:

- 1) Superior Court of California, County of San Joaquin, Executive Office
180 E. Weber Avenue, Suite 1306J
Stockton, CA 95202
Last letter from Adrianna Forshey 209-992-5695
- 2) Judicial Council of California
455 Golden Gate Avenue
San Francisco, CA 94102-3688
Last Response from Kimberly Drake 415-865-4200
- 3) Attorney General's Office, California Department of Justice
Attention: Service Deputy
1300 I Street
Sacramento, CA 95814
Last Response from Casey Hallinan 916-210-6276
- 4) California Commission On Judicial Performance
445 Golden Gate Avenue
San Francisco, CA 94102-3660
Last Response from Mary Harvey 415-557-1266
- 5) Governor Galvin Newsom
1303 10th Street, Suite 1173
Sacramento, CA 95814 916-558-3160
- 6) Assembly Member Susan Eggman
31 East Channel Street, Suite 306
Stockton, CA 95202
Last Contact: Joel Reya 209-948-7479
- 7) Senator Cathleen Galgiani
31 E Channel Street, Suite 440
Stockton, CA 95202
Last Contact: Christina Carrillo
- 8) Government Claims Program
PO Box 989052 MS-4143
West Sacramento, CA 95798 1-800-955-0045

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TABLE OF AUTHORITIES CITED

CASES

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This is an Extraordinary Writ because the California Judicial Council and the San Joaquin County Court Executive office is blocking cases from being file. I am declaring this case mandamus so the requested order on page 5 can be considered in part or in whole to be ratified.

STATUTES AND RULES

This is an Extraordinary Writ because the California Judicial Council and the San Joaquin Superior Court Executive office have not put the proper Statutes and rules in place to comply with the California Tort law.

OTHER

IN THE
 SUPREME COURT OF THE UNITED STATES
Extraordinary Writ
 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**:

Correspondent letters in appendix

The opinion of the highest state court to review the merits 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 no court appear because court hearing are blocked appears at Appendix _____ 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 _____.

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**: *Hearings are being blocked and that is why I am filing the Extraordinary Writ*
The date on which the highest state court decided my case was _____.
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

The Seventh Amendment of the Constitution Of The United States of America was violated by the Judicial Branch of The State Of California which states: "In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law."

The Fourth Amendment Section 1 of the Constitution of The United States of America was violated by removing my wife's civil right to life and by refusing to provide me equal protection of the law and due process. The laws are not providing protection because they are ignoring all laws that do not involve taking money, they are committing fraud by ignoring the impact her health conditions had on her cases and the judicial branch is currently blocking due process. The 14th Amendment reads: "Section. 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

The Eighth Amendment of the United State was constantly violated by focusing on always giving an unemployed and often bed ridden person that could not work excessive fines. The Supreme Court Case Timbs v. Indiana ruled the states are subject to this amendment. The State of California killed my wife in an effort to impose fines she had no ability to pay and left her not getting the medical treatment needed which inflicted cruel and unusual punishment. The Amendment reads: "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted"

STATEMENT OF THE CASE

Prior to my wife Jessica Schafer's death on July 8, 2016, Judge Michael Mulvihill, refused to uphold California Prop 8, Prop 36, Prop 63 and conservatorship laws that would mandate the judge get the proper doctors involved detoxing my wife from the medication causing both behavioral problems and threatening my wife's life. This was an ongoing problem, where there was enough of a history where detoxification from her legal prescription medication (opioids and steroids) was the justified action. The evaluation was started but not completed so fines could be set in place of the needed detoxification.

Establishing fines that the victim gets to pay because the sick person does not have a job, should never be more important than life, especially for a domestic violence case where I, as the victim, requested my prop 8 rights (Appendix H) to get my wife treatment. For a judge to collect fines from a person whose medications were making proper behavior impossible and killing her is not just fraud, it is truly manslaughter.

This was an annual event for 8 years where the judges never handled cases correctly and clearly should have known the court's extreme neglect of my wife's medical condition was the true source of the problem. It became manslaughter around 1 month later, when the judge refused the conservatorship and the medication, I was asking the conservatorship to detox her from killed her. Judges are making collecting money far more important than life and honesty.

There are many more details that could have been brought forth in trial showing the extreme neglect on the judge's part, had my case been allowed to continue into trial. Furthermore, the judge as in the case with my wife focused on excessive fines and fees which is a violation of the 8th Amendment of the Constitution related to excessive fines.

A complaint was filed with the San Joaquin presiding judge Alva and Judicial performance reviews were filed against the judge's conduct (Appendix C) after the ruling on the domestic violence case and prior to my wife's death in the county court and again immediately after her death. Letters were previously issued starting in January 2016, that it was being reviewed by the Commission on Judicial Performance. Throughout the process anyone I spoke to on the Commission on Judicial Performance told me they are not responsible for the state Tort laws but the San Joaquin County court executive office pointed me to the State Commission on Judicial Performance.

Eight months after my wife's death, the death certificate cause of death was released (Appendix B) declaring the medication, I was requesting her to be detoxed from, killed her. A County Grand Jury complaint (Appendix A) was immediately filed against the judge in county court and on August 31, 2017 they ruled the county could not be liable because the judge was a state employee. It was ruled to be a state level case.

I filed with victim's compensation (Appendix D), the California Government Claims division (Appendix F) and the California Attorney General Public Inquiry Unit (Appendix E). This was a very slow process that in the end directed me back to the Judicial Council (Appendix G). This led me to file a claim with the California Judicial Council, which was rejected on August 5, 2018. They tried to cite that that complaint was not sent in a timely 6-month manner, but the case was filed with their Commission for Judicial performance prior to her death and again immediately after her death which is responsible for their case intake, so that was not true.

I have spoken to many lawyers since my wife's death including public entity lawyers and all have refused to take my case because they will not take a case against the judicial system. I recently mailed a second letter to the Judicial Council (Appendix G) stating I could not find a lawyer and the letter I sent was just mailed back to me with a reject letter from the judicial

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council. My lawyer referral service was not able to find a lawyer for me. I have lost count of how many lawyers I have tried to get involved with this case from the beginning immediately after my wife's death until now who just say they do not handle this type of case. All lawyers seem to feel it is impossible to get the California legal system to obey the Judicial branch clause of the California Tort Claims act section 912.7.

I called the Judicial Commission and demanded the Tort Law procedure the California law required the Judicial Council to have. I was directed to a person responsible for their forms. I was told the form is not specified on any website and cannot be picked up in any area you get all the other legal forms, the form could only be obtained from the executive office from each county superior court and the form needed to be from the county the event occurred in.

I have since filed the form with the San Joaquin court executive office and received a reject response for timeliness in May 2019. This is not true because I filed cases with the San Joaquin executive office immediately after my wife's death and immediately after the death certificate was released and I have taken no long term pauses in filing responses, all delays have come from the different California divisions having a slow response. I was just misdirected to the state level that directed me back to the San Joaquin Superior Court Executive office. I have continued to call the different parties in California listed in this case, but they all appear to believe they are untouchable no matter their actions.

REQUESTED ORDERS

Petitioner, Craig Schafer, requests the Supreme court orders that the State of California either financially settles this case for a negotiated financial amount or grants a jury civil hearing for \$7.9 million for the loss of life and additional damages for the 8 years of fraud during the cases leading to Jessica Schafer's death.

Petitioner, Craig Schafer, requests due to the corruption related to getting a fair hearing an order that no delay can be used to dismiss the case and this must be a hearing weighing all evidence associated against the manslaughter of Jessica Schafer and the hearing must be in a location near the current residence of the petitioner. Since all lawyers seem to be afraid of taking this case against the judicial branch, petitioner requests that special concessions be put in place protecting the lawyer from backlash. In addition, require the State of California to be responsible for paying the hourly rate, all legal expenses, whether the case is won or lost and 15% of the settlement amount if the case is won at trial. This amount will not come from the settlement amount but paid in addition to the settlement amount.

Petitioner, Craig Schafer, requests prior to any hearing, the state of California is ordered to provide copies of all filings that petitioner, Craig Schafer, has made with the San Joaquin County Superior court executive office, the state of California San Joaquin County Judicial Review board, the Grand Jury Complaint, California State Commission on Judicial Performance, government claims office, Attorney General Public Inquiry correspondence, victim compensation board, the California Judicial Council, the judge Mulvihills case CR-MDV-2016-0003889 and all state evaluation results and medical, DV and traffic offence records associated with my wife, Jessica Schafer, who died. The State of California must provide any evidence of how many judicial California Tort Claims Act 912.7 have ever been paid out.

REASON FOR GRANTING THE PETITION

The California governing bodies has blocked my United States Constitutional 7th amendment right to a civil trial and refused California Tort Claims code 912.7, leaving my family and I victimized by the state of California. Here we have a county grand jury pointing at the state and the state pointing back to the county refusing justice. Clearly, had the judge obeyed the laws of California my wife would not have died. Since I have been denied a civil trial by the Judicial Council of California at the state level and the San Joaquin county executive office, I request the Supreme court provide me the justice the state of California has denied my family. There is no way for me to have a fair trial in California when the governing body is blocking it.

The United States Constitution's 7th Amendment (Civil Trials) of the Constitution reads "In Suit at common law, where the value in controversy shall exceed twenty dollars, the right of the trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the Unite States, than according to the rules of the common law". The Judicial Council's refusal to pursue a case and refusal to define a means to file a case is blocking me. No lawyer I can find will sue the state of California when the Judicial Council and the San Joaquin County Court's Executive office refuse to process my Claim required before the Tort Claim.

The California Judicial Council representing the State of California has blocked my constitutional right to a civil trial and also failed to uphold their California Tort Claims Act **"Code Section 912.7.** The Judicial Council shall act on a claim against a judicial branch entity or judge of one of those entities in accordance with the procedure that the Judicial Council provides by rule of court. The Judicial Council may authorize any committee of the Judicial Council or employee of the Administrative Office of the Courts to perform the functions of the Judicial Council under this part." This act specifies the State of California can be held financially responsible for a judge's actions, but the process for evaluating the case prior to a court filing being allowed must be established by the judicial council. The problem is that the judicial branch is refusing to allow the evaluation required by law before a Tort case can be filed.

I, Craig Schafer, ask the Supreme Court to reject all attempts of the different branches of the California to misdirect this case to other divisions and now avoid the case because it has been misdirected so much. I ask the Supreme Court to grant my included requested order to settle the case or provide a fair civil jury trial. I know I don't have a lawyer and I might not be the best person for this job. But I am the only one available and I have nowhere else to turn.

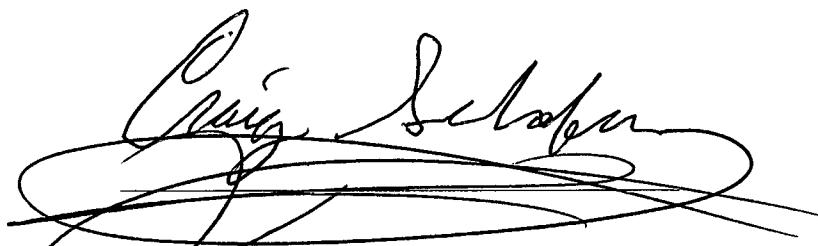
Most people do not try to exercise the laws to protect their spouse from a death from unnatural causes, but I did, and judges violated them. I ask the Supreme Court to uphold the 7.9 million FDA defined value of a life and request more damages due to the 8 years the judges ignored law subjecting my family to the torture of a person's behavior influenced by prescription drugs. The State of California destroyed my family's pursuit of happiness only because my wife's drug dealer was an actual doctor. Deaths from medication mismanagement is at an all-time high with some websites claiming a 250% increase after HIPPO laws.

Families have been reduced to the legal system as their only hope for help to change their spouse's behavior caused from medication mismanagement and protecting their spouse's life. Since judges do not obey those laws deaths are being caused. I am sincerely requesting the Supreme Court of The United States of America will say, "No, this behavior will not be tolerated anymore." I request a clear message that these deaths are not acceptable.

CONCLUSION

The petition for extraordinary writ should be granted.

Respectfully Submitted,



Date 8/19/2019

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