

No. 19-6914

ORIGINAL

Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Levi Rockefeller — PETITIONER
(Your Name)

VS.

United States, et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Levi Rockefeller
(Your Name)

3102 East Highland Ave. #76
(Address)

Patton, Ca 92369
(City, State, Zip Code)

909.425.6076 / 909.425.6876
(Phone Number)

1 Levi Rockefeller, PSH No. 1747138
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5 UNITED STATES SUPREME COURT

6 Levi Rockefeller,	) U.S. Supreme Ct. No. _____
7 Plaintiff,	)
8 Petitioner,	) Cal. Supreme Ct No. 5257128
9 v.	) Super. Ct. No. BA428706
10 United States et al.	) Writ of Certiorari
11 Defendant,	)
12 Respondent(s)	) 28 U.S.C. § 1257 (a)

11 QUESTIONS PRESENTED

12 Question One: With no California case law to
13 compare, Los Angeles Superior Court Judge, Craig Richman for unknown
14 reasons failed to consider United States v. Cronin, 466 U.S. 648-59
15 (1984) making acception for Celebrity Lawyer Mark Geragos when
16 retained by client Levi Rockefeller while counsel was being
17 investigated for mail fraud charges along with his co-conspirator
18 attorney Michael Avenatti and withdrew on Rockefeller's scheduled
19 trial date. The court imposed Geragos's own private Lawyer,
20 Craig Thiipen representing Geragos's motion to withdraw to also
21 represent Rockefeller after the one hour lunch break, that same day.
22 After the break, the court forced a changed plea and sentence
23 previously discussed. In short, failing to comply with Cronin,
24 inviting review. The court also refused to grant additional
25 time knowing Rockefeller vigorously objected and requested to
26 strike any plea idea as evidenced by what it stated on record,
27 "I know what you want and I am not going to give you what you want!"

28 Did the court error (a) by invasion allowing
29 Geragos to withdraw, forcing a breach of Contract to defend
30 client at a critical stage in the proceeding? (b) by imposing
31 the limitation on length of pretrial preparation to one hour?

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Question Two: With no California case law to compare, Los Angeles Superior Court Judge, Craig Richman for unknown reasons, failed to consider Strickland v. Washington, 460 U.S. 668, 692 (1984); making acceptance of the most basic of counsel's duties; "the duty of loyalty to his client"; and by not considering Strickland, invites review. Although it's fair to say, Thiippen's loyalty rested first with his client, Mark Geragos and his motion to withdraw;

Did the court error (a) by failing its duty to inquire, explore, and/or avoid potential conflict?
(b) by its court imposed representation of Rockefeller by Thiippen creating a scenario equivalent to collusion or even conspiracy with Geragos to leave his client without counsel at a critical stage in the proceeding as discussed in Strickland, however, not without first infringing on the fourteenth and six Amendment rights violations discussed in Cronic?

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:

Please see attached handwritten petition for parties;
Writ of Certiorari page 3; also page 3,
line 26 to 30 for Jurisdiction.

RELATED CASES

- (1. Rockefeller v. Los Angeles County Sheriff Dept., No. 2:19-cv-06858-DGC-GJS
U.S. District Court for the Central District of California,
Judgement entered Oct. 22, 2019;
- (2. Rockefeller v. S.C., (People), No. 258442, California Supreme Court
Judgement entered
- (3. Rockefeller v. S.C., (People), No. 258464, California Supreme Court,
Judgement entered
- (4. Rockefeller v. Los Angeles County Sheriff's Dept., No. 5257128,
California Supreme Court, Judgement entered Oct. 16, 2019;
- (5. Rockefeller v. S.C., (People), No. 5256729, California Supreme Court,
Judgement entered July 24, 2019;
- (6. Rockefeller v. S.C., (People), No. 5254805, California Supreme Court,
Judgement entered May 22, 2019;
- (7. Rockefeller v. S.C., (People), No. 5255020, California Supreme Court
Judgement entered Apr. 3, 2019

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TABLE OF AUTHORITIES CITED

CASES

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Please see attached handwritten petition for
Writ of Certiorari on Cases, Statutes, Rules, and
Other.

STATUTES AND RULES

See above,

OTHER

See above,

I. THE PARTIES

1. The Petitioner, Levi Rockefeller, is a convicted inmate punished endlessly about six ("6") years jail credit for a Wobbler misdemeanor sentence of Cal. P.C. § 646.9 (a); (unlawful text message); While, also a pretrial detainee with endless "no bail" hold for about four ("4") of the ("6") years jail credit on the same Wobbler conviction; held at Los Angeles Men's Central Jail, located at 441 Bauchet St. Los Angeles, Ca 90012; recently transferred; in retaliation; to Patton State Hospital, located at 3102 East Highland Ave. Patton, Ca 92369

2. The Respondent(s) is the United States; State of California; Los Angeles County Superior Court; its Chief Judge; Judge Craig Richman, Leslie Swain, presiding and located at 212 West Temple St., Los Angeles, Ca 90012; Jackie Lacie, District Attorney County of Los Angeles, located at 211 West Temple St., Los Angeles, Ca 90012; Attorney General Office, located at 300 South Spring St. Ste. # 1702, Los Angeles, Ca 90012; The State Bar of California, located at 180 Howard St., San Francisco, Ca. 94105 and 845 South Figueroa St., Los Angeles, Ca 90017; The Commission on Judicial Performance, located at 455 Golden Gate Ave., Suite # 14400, San Francisco, Ca 94102-3660; and Sheriff Alex Villanueva, and the Los Angeles County Sheriff Dept. located at 'Hall of Justice' 211 West Temple St., Los Angeles, Ca 90012 and 441 Bauchet St., Los Angeles, Ca 90012.

II. JURISDICTION

3. The Petitioner is petitioning this Court for review of his denied petition for review in case (No. S257128) filed July 29, 2019 in California Supreme Court and denied on October 16, 2019.

1 4. The Petitioner is challenging conviction
2 and orders of March 11, 2016 in Los Angeles County
3 Superior court case No. BA428706; I.A.C.; appearance
4 of judicial bias and prejudice; conditions of confinement;
5 done in bad faith; to harras; causing extraordinary
6 circumstances; irreparable injury; and substantial
7 deprivation of due process.

8 5. The Petition for Certiorari is filed
9 within the 90 day period after the California Supreme Court
10 denied request for review, therefore the Petition is timely.
11 see Bowen v. Roe, (9th Cir. 1999) 188 F.3d 1157, 1158;
12 Smith v. Bowersox, (8th Cir. 1988) 159 F.3d 345, 348; and
13 U.S. v. Schwartz, (9th Cir. 2001) 274 F.3d 1220; or other
14 federal case law this Court deems appropriate.

15 6. The Petitioner is unable to produce any
16 orders, dockets, records, or transcripts; as California, at
17 every state court level refuse to comply with repeated
18 request; depriving substantial due process; namely, requests
19 made in companion case (No. 5254805) and (No. 5256729);
20 where California Supreme Court refuses to comply with
21 its own mandate's in People v. Reese, 2 Cal.5th 660
22 (2017); In re Armstrong, (1981) 126 CA3d 565, 178 CR
23 902 (court must provide verbatim record or equivalent
24 on request); Eyrich v. Municipal Court, (1985) 165
25 CA3d 1138, 210 CR 738; Williams v. City of Oklahoma
26 City, (1969) 395 U.S. 458, 23 L. Ed 2d 440, 89 S. Ct 1818
27 and denied all requests; including same in U.S. District
28 Court case No. 2:19-cv-06858-D.O.C. (GJS).

25 8. The Petitioner declares in early 2019; he
26 became aware of facts that allow him to assert in objective good
27 faith that he was prejudiced by counsel's deficient performance;
28 Hasan v. Galaz, (9th Cir. 2001) 254 F.3d 1150, 1154; resulting
29 in part; to the endless "no bail" persecution; where the
30 suppression not only deprived Petitioner life, liberty, and property

1 but, where conditions of confinement; done in bad faith;
2 to herres; to assist prosecution by creating in-custody
3 unfair advantage; at the hands of the custodial agent
4 i.e. (use of force, repeated serious bodily injury, and
5 Patton State Hospital etc.); Alex Villanueva, Sheriff; and the
6 Los Angeles County Sheriff Department; actors for the
7 State of California; -therefrom; also depriving
8 Petitioner of his "Right of Access To Court"; constituting
9 a State-created "impediment" (Particulary in
10 Petitioner's California Supreme Court case (No. S259729)
11 filed on July 05, 2019 and denied on July 24, 2019); and
12 therefore, under the circumstances in this case; causing
13 extraordinary circumstances of irreparable injury and
14 substantial deprivation of due process; (No. S254805) denied 4/22/2019

15 9. The Petitioner believes the Respondents
16 error denied him substantial due process of law;
17 through I-A.C.; Judicial bias and prejudice; conditions
18 of confinement; extraordinary circumstances; and
19 "irreparable injury"; therefrom, right to fair trial;
20 resulting in a miscarriage of justice. Pursuant, V, VI,
21 VIII, and XIV Amendments of the United States Constitution.

22 10. The Petitioner knows this Court
23 has Ultimate Jurisdiction over all these matters; hence,
24 the Petitioner believes the wisdom of this Court; will
25 render the necessary and appropriate decision;
26 for relief.

III. STATEMENT OF THE CASE

11. Throughout 2015 into 2016, the Petitioner was represented by his private lawyer, Mark Geragos to defend against allegations of Domestic Violence, hereinafter ("DV") in Los Angeles Superior Court case No. BA428706.

Petitioner was free on bail and never failed to appear.

12. On or about October 2015, the Petitioner and his lawyer Geragos, with his apprentice "Hogop Kuyumyan" agreed on a plea prior to the challenged conviction that would have allowed Petitioner to travel throughout the United States and outside the country for business; in exchange, settle for a wobbler count of Cal. P.C. § 646.9(2) (unlawful text message) that could not give more than one ("1") year county jail, even though no jail would be imposed (also by recommendation of a forensic psychologist); the charge would be annulled after ("1") year good behavior; meanwhile, charge related counseling may be considered, however, it would be limited to six ("6") months.

13. On March 11, 2016, when Petitioner refused to be extorted for another million dollar cash payment by Mark Geragos, his apprentice ("Hogop Kuyumyan"), and his book keeper ("Bob") in the courthouse hallway; Petitioner was threatened and told if he did not meet the demand, he would be going to prison repeatedly for the rest of his life.

14. On March 11, 2016, the Petitioner asserts Judge Craig Richman abused his authority and discretion in this case; as he did when he caused his own criminal jury trial on or about 2015 when he assaulted a Santa Monica woman while she walked her puddles; injuring

1 her face to a bloody pulp with his fists (story and images on
2 Google) and, as he did in this case when;

3 (a. allowed Geragos to withdraw at a critical
4 stage in the proceeding;

5 (b. improperly imposed Craig Thiipen to
6 represent Rockefeller when a "Conflict of Interest" existed.

7 (c. improperly imposed his changed plea
8 far beyond the original plea discussed and agreed; over
9 Rockefeller's vigorous objections; disregarding Rockefeller's
10 assertion invoking his Sixth Amendment right to twelve
11 person jury trial (side bar)

12 (d. improperly imposed an unlawful sentence
13 for one count (wobbler) of Cal. P.C. § 64.6.9 (2) (unlawful text
14 message) misdemeanor sentence, giving one ("1") year county
15 lid, three ("3") year joint suspension and five ("5") years
16 formal probation;

17 (e. improperly imposed Rockefeller pay
18 all medical costs for services rendered at the Los Angeles
19 Men's Central Jail, 441 Bauchet Street, Los Angeles, Ca 90012;
20 as evidenced by billing statements generated by jail's account
21 receivables and delivered directly to Petitioner's jail cell.
22 Petitioner was released in August 2016.

23 15. On March 11, 2016, the Petitioner
24 believes Judge Craig Richman made good cause showing
25 of; abuse of authority; abuse of discretion; lack of
26 impartiality; appearance of bias and prejudice; by his
27 statements - on the record - "I thought this was a
28 "Terry Springer" case etc" showing clear "Witness Intimidation"
29 devoid of common decency; complete disrespect for the
30 administration of judicial duties, responsibility, and ethics;

1 causing Petitioner embarrassment, humiliation, to feel
2 categorized as bad news; demonstrative of a real
3 "Conflict of Interest"; shows Discrimination by a person
4 clothed in the authority of the law, under Color of
5 the law; whereby, violating his oath of office;
6 committed a breach of contract; disobedience; failing
7 to adhere to Canon 1, 2, 3, etc.; Compromised his own
8 moral fortitude; failed to "Recuse" himself sua sponte
9 as required by the Rules of the Commission on Judicial
10 Performance/Conduct; and through the "truth of those facts"
11 - Richman- loss authority; loss Jurisdiction;
12 by this, his orders and rulings made, must be
13 vacated; however, that has not happened; and the
14 prejudice against Petitioner continues as follows:

15 16. In April 2018, during a routine
16 traffic stop, Petitioner was arrested for allege ("DV")
17 Cal. P.C. § 273.5 in case No. GA10197-01. Petitioner was
18 held for one ("1") county lid year with "no bail" solely
19 for allegedly violating the challenged conviction/
20 probation case before this Court. Petitioner was
21 released due to no victims, in August 2018, Pursuant
22 Cal. P.C. § 1385 in the interest of justice. Petitioner
23 never failed to appear.

24 17. In September 2018, during a routine
25 traffic stop, Petitioner was arrested for allege ("DV")
26 Cal. P.C. § 273.5 in case No. BA471603. Petitioner has
27 been held another twenty-eight ("28") months jail credit;
28 or arguably, four ("4") county lid years including the April
29 2018 arrest; with endless "no bail" for allegedly violating
30 Judge Richman's challenged conviction now before this Court.

1 18. In hindsight 20/20; the Petitioner
2 has never been able to work or travel for work; or
3 reingage with family, friends, church, enjoyment of life,
4 and as an asset member of the local, greater,
5 national, and global community; as a result of Judge
6 Richman's temperament of using excessive force as
7 evidenced by his own "confession" during his own criminal
8 trial in 2015; and as evidenced by his forced conviction
9 now challenged here before this Court; and whose
10 orders support Gerasos's courthouse threats. Moreover,
11 whose conviction has subjected Petitioner to over four
12 ("4") seperate county lids; about twenty-five ("25")
13 months formal probation credit; totaling about six ("6")
14 years jail credit for a wobbler misdemeanor count of
15 Cal. P.C. § 646.9 (2); any time waived was done over Petitioner's
16 objection or without his knowledge; all time served has
17 used endless "no bail" hold from the challenged conviction
18 now before this Court; punishments include excessive fines
19 requiring Petitioner pay costs for all medical services
20 rendered at the Men's Central Jail between March 11,
21 2016 and August 2016.

22 19. To be clear, between September 2018
23 and December 2019, the Petitioner has been held on
24 endless "no bail" from the challenged conviction now
25 before this Court; at this time, records will reflect,
26 with Laser sharp focus; the State has used Superior
27 Court case No. GA105379 as the selective mechanism
28 in direct retaliation for Petitioner exercising his
29 Constitutional Right to petition the Government for a redress
30 of Grievances in the challenged conviction before this Court now;

1 Pursuant, Amendment I [1791]; to strategically;
2 improperly impose Cal. P.C. § 1370 ("mental incompetency")
3 to permanently suppress Petitioner or even kill him;
4 The Petitioner declares, the P.C. § 1370 orders are
5 clearly suspect because it was employed immediately
6 after Petitioner's success with California Supreme Court
7 granting informal review; ordering Respondent(s)
8 [] Answer to charges in his Petition for Review
9 directly related to the challenged conviction now
10 before this Court; also case (No. S254805); and July 2019
11 filing in case (No. S257128) re: "no bail" etc.;
12 highlighting, the Cal. P.C. § 1370 hearings and orders
13 were imposed without Petitioner's knowledge; nor
14 presence in a courtroom; depriving Petitioner ability
15 to make a record of his objections; denied a twelve
16 person jury trial to determine any incompetency; and
17 even more, inappropriately disregarded the fact that
18 Petitioner is completely mentally stable; physically
19 healthy; and is a competent and solid individual.

20 20. On October 18, 2019, the Petitioner
21 was forcefully extracted from the Los Angeles Men's Central
22 Jail; told he had a mandatory court appearance;
23 instead, found himself being forcefully transferred to
24 Patton State Hospital, located at 3102 East Highland Ave.
25 Unit 76, Patton Ca 92369; (unnecessary restraint dolly, also caused neck injury)

26 21. On October 18, 2019, upon arrival,
27 change of custody, and admittance at Patton State
28 Hospital; Petitioner was forcefully injected, against his
29 will, with a powerful and harmful cocktail mixture
30 of psych meds; done in bad faith; to harass; now

1 causing "irreparable injury" clearly done to permanently
2 suppress; chemically decapitate Petitioner silent; or
3 in hopes to kill him; all for exercising his right
4 of petition for redress of grievances in the challenged
5 conviction case before this Court.

6 22. Since, October 18, 2019, Petitioner
7 is forcefully administered daily dosages of powerful
8 psych meds against his will at Patton State Hospital,
9 3102 East Highland Ave, Unit 76, Patton Ca 92369;
10 The Petitioner declares the experience of being forcefully
11 restraint against his will for no legitimate reason
12 with devises such as; restraint dolly; chair, bed, and
13 restraint jacket; has been terrorifying and traumatizing;
14 causing symptoms such as; night terrors, paranoia
15 of being tackled and restrained to be forced injected
16 drugs such as; (Haloperidol deconate 100mg; Olanzapine
17 pamoate 300mg; Larazepam Intensol 4 mg/mL and
18 others) etc.; all to which has been accomplished by
19 the Respondent(s) depriving the Petitioner of his
20 Constitutional Right to a twelve person jury trial to
21 determine any incompetence; done in bad faith;
22 to harass; while Petitioner was in the mist of success;
23 competently exercising and managing his Constitutional
24 Right for redress of grievances in the challenged conviction
25 now before this court; where the unlawful action taken
26 to have Petitioner admitted to Patton State Hospital has now
27 deprived him of; feratta rights, pencil, paper, eraser, mail,
28 stamps, legal envelopes, legal books, case law, etc.; including
29 depriving Petitioner his "Right of Access To Court" to ensure Petitioner
30 has no rights; for a citizen's right of access

1 to the courts is the most important right that
2 he or she possesses, for through that right
3 all rights are enforced.

4 23. Regarding the forced psych. meds;
5 in short, the Petitioner is strongly offended that
6 California; [] part of the United States Corporation;
7 has completely discriminated; without any reservation;
8 his family life-time involvement with the Church of
9 Scientology; an entity known for its strong stand;
10 and beliefs in Anti-psychiatry/medication/drug
11 use etc. The Petitioner claims discrimination
12 under Color of Law. 42 USC § 1983

13 24. Glancing back, during the September
14 2018 traffic stop, the Petitioner was a passenger; where
15 the police insisted the driver was the allege accusing
16 witness in the conviction case now before this Court;
17 claiming Petitioner was in violation of her ("TRO")
18 from this case; when in-fact, the driver was never
19 a named party to Judge Richman's conviction.
20 Therefore, establishing a structural error; a defect in
21 the framework of a ("TRO") depriving Petitioner of his
22 basic Constitutional protections; fainting the entire trial
23 process; making it unreliable and rendering any
24 repeated punishment and endless "no bail" hold
25 fundamentally unfair in this conviction case (No. BA428706)
26 now before this Court. Pursuant V, XIV, VI, and VIII
27 Amendment of the U.S. Const.

25. Under the Uniform Commercial Code;
without being given a copy of any case files; transcripts;
full and complete court docket(s); nor evidentiary hearing;
-all- is difficult to determine; therefore, the Petitioner
believes the Respondent(s) incorrect spelling of his
name in itself is Structural Error; a defect in
the framework of -all- charging papers; information;
constituting deprivation of Petitioner's basic
Constitutional protections; tainting the entire trial
process; making it unreliable and rendering any
repeated punishment and endless "no bail" hold
fundamentally unfair in this conviction case (No. BA428706)
before this Court.

26. Collectively, by the "truth of those facts"
presented; the Petitioner believes review by this Court
will produce good cause showing by Petitioner demonstrat-
ing merit; that strong evidence exists showing retaliation
was imposed by the State; for no legitimate, legal, or
justified reason; in fact, as a result of improper conduct
by Government Officials; otherwise, Officer's of the Court; the
District Attorney's for the State of California; and its acting
agents of the State; i.e. (Patton State Hospital, doctors,
staff etc.) in this case, by enforcing null and void
court orders; made and issued by Superior Court
judges that Disqualified themselves; disobeyed Rules
of the Commission on Judicial Performance/Conduct requiring
sua sponte recusal upon violations of the canons etc.; loss
authority; loss jurisdiction; as evidenced in California
Supreme Court case (No. S258464) and (No. S258442); acting
in bad faith; to harass; to cause "irreparable injury"

1 by use of excessive force; to chemically torture
2 the Petitioner; by using specialized and classified
3 drugs to gather information; more specifically,
4 to be repeatedly questioned by various staff
5 members (working as a team) on specific
6 details of the pending criminal new charges;
7 to assist the prosecution; including use of other
8 specialized silencing drugs, when silencing is
9 desired. In bad faith; solely in opposition for
10 Petitioner exercising his Constitutional Right of redress
11 of grievances against Government conduct
12 challenged in connection with conviction/probation
13 case now before this Court; further lending
14 credence that a nexus or symbiotic relationship
15 is also established by the Patton doctor's and
16 medical staff who are carrying out marching
17 orders to forcefully administer powerful psych.
18 meds; to an otherwise, perfectly competent and
19 mentally sound individual; where the relationship
20 between both the medical staff, otherwise private
21 persons, and the government is so close that they
22 can fairly be said to be acting jointly. see
23 Jackson v. Metropolitan Edison Co., 419 U.S. 345
24 95 S. Ct. 449 (1974)

IV MEMORANDUM, POINTS, & AUTHORITY

In United States v. Cronin, 466 U.S. 648 (1984) when the retained counsel of a defendant under indictment on mail fraud charges withdrew shortly before scheduled trial date, the U.S. District Court appointed a young lawyer with a real estate practice who had never conducted a jury trial to represent the defendant, but allowed the lawyer only 25 days for pretrial preparation, even though it had taken the government over four and one-half years to investigate the case and it had reviewed thousands of documents during that investigation. The defendant was convicted on 11 of 13 counts in the indictment and received a 25-year sentence.

Exactly like Cronin, when the retained counsel of Rockefeller under indictment on mail fraud charges withdrew shortly before Rockefeller's scheduled trial, that same day; against Rockefeller's objection; the Superior Court imposed Craig Thiipen; a lawyer hired by attorney Mark Geragos whose only real purpose in the courtroom was to represent Geragos's motion to withdraw in Rockefeller's matter. Thiipen and Rockefeller had never formally met; nor for any reason, discussed the case. Thiipen had absolutely no knowledge of the case and had never conducted any research nor investigation. The court allowed Thiipen only one lunch-hour for pretrial preparation. A conviction was imposed and Rockefeller received an incorrect sentence, thus far, equivalent to a life sentence or unconstitutional repeated punishment for a misdemeanor.

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3 In Cronic, the Government suggest that a
4 presumption of prejudice is justified when counsel is
5 subject to "external constraints" on his performance. The
6 C.O.A. identified an "external" constraint -- "the District
7 Courts decision to give counsel only 25 days to prepare
8 for trial." The fact that the accused can attribute a
9 deficiency in his representation to a source external to
10 trial counsel does not make it any more or less likely
11 that he received the type of trial envisioned by the
12 Sixth Amendment, nor does it justify reversal of his conviction
13 absent an actual effect on the trial process or the
14 likelihood of such an effect. C.f. U.S. v. Agurs, 427
15 U.S. at 110 (prosecutorial misconduct should be evaluated
16 not on the basis of culpability, but its effect on the fair-
17 ness of the trial.). That is made clear by Chambers
18 and Avery. Both cases involved "external constraints"
19 on counsel in the form of court-imposed limitations
20 on the length of pretrial preparation, yet in neither
21 did the court presume that the "constraint" had an effect
22 on the fairness of trial. In fact, only the last term we
23 made it clear that with respect to a trial court's
24 refusal to grant the defense additional time to prepare
25 for trial, an "external constraint" on counsel, great
26 difference must be shown to trial courts because of
27 scheduling problems they face, see Morris v. Slappy, 461
28 U.S. at 11-12. Conversely, we have presumed prejudice when counsel
29 labors under actual "Conflict of Interest," despite the facts that the
30 constraints on counsel in that context are entirely self-imposed.

1 "See also, Chambers v. Maroney, 399 U.S. 42, 59
2 (1970); (Harlan, J. concurring in part and dissenting in part);
3 White v. Ragen, 324 U.S. 760, 764 (1945) (per curiam);
4 House v. Mayo, 324 U.S. 42, 45 (1945) (per curiam);
5 Ex parte Hawk, 321 U.S. 114, 115-116 (1944) (per curiam);
6 Ineffectiveness is also presumed when counsel actively
7 represented "conflicting interests."; Cuyler v. Sullivan,
8 446 U.S. 335, 350 (1980). "Joint representation of
9 conflicting interests is suspect because of what it tends
10 to prevent the attorney from doing," Holloway v. Arkansas,
11 435 U.S. 475, 489-490 (1978); and Glasser v. United States,
12 315 U.S. 60, 67-77 (1942).

13 In Strickland v. Washington, 466 U.S. 692 (1984)
14 and Mickens v. Taylor, 535 U.S. 162, 166 (2002) (prejudice
15 presumed when assistance of counsel "denied entirely or during
16 a critical stage of the proceeding").

17 Also, in Strickland, id at 668, 692 (right to
18 effective assistance of counsel impaired when defense counsel
19 operates under conflict of interest because "counsel breaches
20 the duty of loyalty, perhaps the most basic of counsel's duties")
21 c. finally, in Powell v. Ala., 287 U.S. 45 (1932)
22 the United States Supreme Court held; "that defendants did not have
23 the aid of counsel in any real sense from the time of their arraign-
24 ment until the beginning of trial. . . The court reversed convict-
25 ions and remanded holding that defendants were denied their
26 right to counsel in violation of the fourteenth Amendment."

27 Exactly, as in Powell v. Ala., and Cronic.
28 and Strickland; Chambers; Avery; White; House; Ex parte
29 Hawk; Cuyler; Holloway; Glasser; Mickens etc.; any question
30 of counsel's duty of loyalty to his client was not only

1 made know in this case, but also places into reasonable
2 suspicion the duration of time during pretrial;
3 private counsel, Mark Geragos premeditated
4 his prejudicial plan to: (1. "Find" and hire his
5 own private lawyer to represent his motion to
6 withdraw; (2. perform the execution of his
7 motion to withdraw on Rockefeller's scheduled trial
8 date; showing counsel's lack of loyalty revealed on
9 Rockefeller's scheduled trial date; combined with
10 revealing his extortion scheme for more money that
11 failed; not only makes evident Rockefeller likely
12 suffered being without righteous representation, but
13 also experience the equivalent discussed in
14 *Powell v. Ala.*, *Supra* of being without counsel not only
15 at trial; but, apparently throughout the entire
16 duration of Rockefeller's pretrial period; and further
17 evidenced by Mark Geragos's below objective standard
18 of reasonableness under prevailing professional norms.
19 *People v. Ledesma*, (1987) 43 Cal.3d 171, 215 [233 Cal.Rptr. 404, 729 P.2d 839];
20 *In re Wilson*, (1992) 3 Cal.4th 945, 950 [13 Cal.Rptr.2d 269, 838 P.2d 1222];
21 *People v. Bennett*, (1998) 17 Cal.4th 373, 383 [70 Cal.Rptr.2d 850, 949 P.2d 947];
22 *People v. Mincey*, (1992) 2 Cal.4th 408, [6 Cal.Rptr.2d 822, 827 P.2d 388];
23 *Coleman v. Calderon*, (9th Cir. 1998) 150 F.3d 1105, 1113, *revid. on other grounds*;
24 *Calderon v. Coleman* (1998) 528 U.S. 141, 145-147 [142 L.Ed.2d 521, 119 S.Ct. 500];
25 *Gideon v. Wainwright*, 372 U.S. 335 (1963);
26 *Turney v. Ohio*, 273 U.S. 510 (1927)

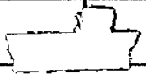
1 NATIONAL PUBLIC IMPORTANCE PROHIBITS TORTURE IN U.S.

2 THEREFORE;

3 ABSTENTION IS INAPPROPRIATE

4 In most circumstances, abstention is required
5 unless there is a "showing of bad faith; harassment, or
6 some other extraordinary circumstance that would make
7 abstention inappropriate." Middlesex County Ethics Comm.
8 v. Garden State Bar Ass'n, 457 U.S. 423, 435 (1982)

9 The challenged conviction now before this
10 Honorable Court, connects the United States accountable
11 for failing to create, enforce, and regulate new
12 National Public Policy for newly invented acts of
13 torture; on American soil; on an American Citizen;
14 by improper use of the American Administration of
15 Justice Mental Competency Procedures, i.e., (Cal. P.C. §
16 1370); to forcefully cause painful physical, mental,
17 and emotional permanent distress disorders; used
18 in retaliation; for Petitioner exercising his
19 Constitutional Right of redress of grievances in opposi-
20 tion of improper Government conduct challenged
21 in connection with the conviction case now before
22 this Court; done in bad faith; to harass; to assist
23 prosecution; for the sole purpose to manipulate the
24 outcome of the trial proceeding in favor of prejudice
25 prosecution; by use of specialized and federally
26 classified psych drugs designed to; extract, compel,
27 promote, and cause "confessions"; and/or gather
28 Attorney/Client privileged trial defense information;
29 using agents or State Actor(s) from Patton State Hospital;
30 And, in this case, to chemically manipulate the

1 Petitioner silent as desired so he has no
2 physical, mental, or emotional desire or ability
3 to redress of grievances; causing absolute
4 deprivation of due process of law; And, where
5 the elements required to constitute and establish
6 a federal tort claim for torture has long
7 been established under federal case law; 
8 is clearly established and Satisfied here in this
9 case now before this Court.

10 This case shows clear exception to
11 abstention for a number of reasons;

12 (1. the prosecution is proven to be
13 undertaken in bad faith; to harass; and is baseless;

14 (2. Mental Competency Orders were made
15 and issued by a judge after committing improper
16 conduct; committed perjury; disqualified herself;
17 made her "confession" on the record; refused and
18 failed to "recuse" herself, "Sua sponte"; (as required
19 by the Canons) and Commission on Judicial Performance);
20 as evidenced in California Supreme Court case (No. S258469)
21 and (No. S258442); instead, in retaliation; continued
22 with the proceedings making rulings and orders in
23 her mental Competency Proceedings against Petitioner;
24 lacking authority; and lacking Jurisdiction to
25 do so; extreme prejudice to Petitioner.

26 (3. Conditions of confinement; show
27 discrimination against religious beliefs; under Color of Law

28 (4. retaliation with; wanton disregard;
29 reckless disregard; deliberate indifference; use of
30 excessive force; forced psych. meds orders;

1 (5. retaliatory judicial orders/record
2 showing favoritism; by use of court selected
3 psychiatric professional(s); used in retaliation
4 to deem Petitioner incompetent without his
5 presence; due process; without "notice"; depriving
6 Petitioner of hearing(s); ability to make any record
7 of objection.

8 (6. retaliatory judicial order(s)/record
9 directing Custodial State Actor(s), i.e. (Sheriff
10 Dept, etc.) promoting and/or prescribing forced
11 extraction(s); use of force; Anti-psychotic drugs
12 on the fully competent; mentally healthy and
13 stable; solid Petitioner.

14 (7. retaliatory judicial order(s) record
15 directing Custodial State Actor(s), i.e. (Patton State
16 Hospital, etc.) promoting or prescribing forced
17 psychiatric treatment by State employed doctor's
18 etc.; forced Antipsychotic drugs on the fully
19 competent; mentally healthy and stable; and
20 righteously solid Petitioner.

21 (8. retaliatory, improper, and complete
22 mis-use of the State of California's Administration
23 of Justice Mental Competency Proceedings, i.e. (Cal. P.C.
24 § 1370); Specifically when forced psychiatric treatment;
25 forced psych meds are court ordered without due
26 process of law.

27 (9. extraordinary circumstances
28 clearly exist and irreparable injury is shown;
29 in this case, with cruel and unusual punishment.

30

1
2 Hence, the Petitioner's case now before
3 this Court is demonstrative of good Citizenism;
4 despite his deprivation of life, liberty, and freedom;
5 his painful physical, mental, and emotional suffering;
6 making good cause showing of how a righteous
7 American Citizen; Pro se; Champion's his 1st
8 Amendment, Constitutional, right of redress of a
9 grievance; on issue(s) of National Public Importance;
10 to the United States Supreme Court; for positive
11 change; and creation and enforcement of improved
12 National Public Policy; all consistent with
13 defending and upholding the Constitution of the
14 United States of America.

15 **V. CONCLUSION**

16 WHEREFORE, for the foregoing reasons,
17 and pursuant to the laws of the United States, the
18 Petitioner prays this Honorable Court having Ultimate
19 Jurisdiction, grant his Writ of Certiorari
20
21

22 I, Levi Rockefeller declare; certify;
23 verify; and state under penalty of perjury that the
24 foregoing is true and correct.
25

26 Executed on November 30th, 2019 in Patton, Ca 92369
27
28

29 Levi Rockefeller
30 Levi Rockefeller, Petitioner