

19-7601

No. _____

Supreme Court, U.S.
FILED

DEC 26 2019

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Craig Kaiser Garrett — PETITIONER

Sarah Langston (Your Name)

J. Joseph Modder

John Lewis

vs.

Jerry Sies

Jennifer Turk; Marta Stanton — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

None. Refused to address this very important issue on Civil Liberties
(NAME OF COURT THAT LAST RULED ON (MERITS OF YOUR CASE))

PETITION FOR WRIT OF CERTIORARI

Craig Kaiser Garrett

(Your Name)

P.O. Box 4490 (CSP-LAC)

(Address)

Lancaster, CA. 93539

(City, State, Zip Code)

NA

(Phone Number)

ORIGINAL

QUESTION(S) PRESENTED

- (1) Can the state of California employ a "Judicial system" that renders deliberate ineffective assistance of Counsel (trial and Appellate) and use prosecutor misconduct to gain wrongful conviction(s)?
- (2) Can the state's Public Defender's office collaborate with state's District Attorney's office to convict indigent defendants?

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:

1. J. Joseph Modder, Deputy Public Defender
2. John Lewis, Deputy District Attorney
3. Jerry Sies, Appointed Appellate Attorney
4. Sarah Langston, Deputy Public Defender
5. Jennifer Turk, Deputy District Attorney
6. Marta Stanton, Appointed Appellate Attorney

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APPENDIX E	Motion & Affidavit... Proceed in forma Pauperis (8-4-19)
APPENDIX F	U.S. District Court / 42 U.S.C 31983 petition with exhibits A-R (6-5-19)

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

NAPUE v. ILLINOIS, 360 U.S. 264 (1959)
Berger v. United States 295, U.S. 78 (1935)
Smith v. Roberts 528 U.S. 470 (2000)

STATUTES AND RULES

U.S. Const. Fifth Amendment
U.S. Const. Sixth Amendment
U.S. Const. Fourteenth Amendment

OTHER

California Constitution - Due Process; fair trial

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☒ is unpublished.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 13 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 _____ 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 _____ 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.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was November 22, 2019

☒ 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: NA, and a copy of the order denying rehearing appears at Appendix NA.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including NA (date) on NA (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 NA.
A copy of that decision appears at Appendix NA.

☐ A timely petition for rehearing was thereafter denied on the following date: NA, and a copy of the order denying rehearing appears at Appendix NA.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including NA (date) on NA (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 state wide procedure mandated (apparently) by California governmental policy to render indigent defendants the deliberate ineffective assistance of counsel via appointment of "free" counsel coupled with an excusable and "routine" prosecutor misconduct to obtain a conviction to facilitate an incarceration-for-profit scheme involves both civil and Constitutional violations. These violations cover the fifth, sixth, and fourteenth Amendments.

STATEMENT OF THE CASE

In April of 1998 Petitioner was wrongfully convicted of residential burglary. (see Case NO. YA035819). The sole evidence used against me was purportedly a partial finger print that the prosecutor John Lewis stated was "Lifted" from the crime scene. This print supposedly was sent to the Department of Justice whom it was testified by the police sent back a "Candidate list" that listed Petitioner as a top candidate. Deputy Public Defender J. Joseph Modder refused to put up a defense or investigate. Petitioner was found guilty and sentenced to 13 years. On Appeal Appointed Appellate Counsel Jerry Sies refused to argue any of the cognizable claims preserved for appeal. Court of Appeal denied the appeal. In 2007 Private investigator Greg Frost discovered that the partial fingerprint never was sent to the Department of Justice and that the DOJ never generated a candidate list which listed Petitioner as a top candidate.

Statement of Case (continued)

On October 25, 2011, Petitioner was again wrongfully convicted of residential burglary. (see Case No. YA080544) The sole evidence used against me was a police report that was written falsely by Gardena detective Reynaga who claim to have conducted a "Follow up" investigation that discovered a torn window screen and palm print on a window. On the day of my arrest (March 10, 2011) the residence I was accused of trying to burglarize was thoroughly inspected by the Gardena Police who deem the residence "negative results to any signs of burglary or breaking and entering". Petitioner was shot on the day of his arrest while trying to explain to police officers that he ran through several backyards trying to evade gang members who previously was pursuing him. When it was realized that Petitioner had been shot by the Gardena Police unjustifiably on the day of my arrest (3-10-11) the Police Department manufactured false

Statement of Case (continued)

Evidence by way of detective Reynaga's "follow up" investigation memorialized in his sole police report for March 11, 2011.

Initially petitioner represented himself and was able to obtain through discovery request a detailed dispatch report which clearly depicted detective Reynaga's itinerary for March 11, 2011. Clearly shown is the fact that Reynaga never performed a "follow up" investigation. Petitioner also was able to obtain video footage that clearly depicted detective Reynaga interviewing Petitioner at the police station during the time he claimed to have conducted his follow up investigation at the residence. Due to severe anxiety attacks petitioner was forced to give up his right to self representation. Ultimately Deputy Public Defender Sarah Langston was appointed to represent petitioner. The appointed counsel refused to put up a defense centered around the facts plainly seen in the case. Instead, the public defender concurred with the false police report and told the jury

Statement of Case (continued)

that I had removed the window screens from the window. Petitioner had never admitted to doing this. The prosecutor, Jennifer Davis Turk, presented false testimony and evidence through detective Reynaga's perjured trial testimony. Further proof that the prosecutor knew Reynaga's report was false is the fact that she presented "officer" licenses as "detective" licenses in exchange for Reynaga's purported "follow up" actions at the residence. The prosecutor did this because it was discovered that detective Reynaga's account of events could not be used based on its plain falsity. Due to this collaboration between the prosecutor and appointed counsel Petitioner was wrongfully convicted.

On appeal Petitioner was appointed appellate counsel Marta Stanton. This appellate representation fell below any standard mandated constitutionally. A single argument of insufficiency of evidence was raised simply to preclude Petitioner from raising the cognizable claims specifically preserved in the record.

REASONS FOR GRANTING THE PETITION

The Creator of humanity and all that there is requires of mankind justice. In all civilizations throughout earth's history the Creator judged man according to his knowledge of justice and the recognition of truth. Clearly the state of California employs a state wide "incarceration-for-profit" scheme meant to displace indigent defendants behind bars for profit. Incarceration in California, too, is heavily depended upon by the economy which is no difference from slavery. The routine Constitutional violations concerning rights to fair trial, Due Process and protection against prosecutor misconduct is known to the public. It is clear that indigent defendants who may or may not have committed a "poverty crime" are afforded this process that has nothing to do with justice. For this reason this petition should be granted.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Craig R. Barnett

Date: December 24, 2019