

No. _____

“

IN THE

SUPREME COURT OF THE UNITED STATES

In re: Arthur Lopez — PETITIONER
(Your Name)

vs.

_____ — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Arthur Lopez
(Your Name)

P.O. Box 13081

(Address)

Newport Beach, Ca 92658

(City, State, Zip Code)

949.467.0937

(Phone Number)

Question Presented

Should the State of California as a Standard Operating Practice Under Color of Law Deprive Mexican-Heritage Latino, Catholic-Christian, Male Petitioner Writ of Habeas Corpus Relief Despite Blatant Civil Rights Violations under the First, Fifth, Sixth, Eighth and Fourteenth Amendments through out his case, arrest, trial, confinement, probation and appeal, including indisputable evidence of Fraud in the processes of this initial and subsequent Petition for Writ of Habeas Corpus by the Superior Court of California, California Court of Appeals and Supreme Court of California. Moreover, all the same judicial jurisdictions herein mentioned refusal to recognize the authority of this Supreme Court of the United States Case rulings, such as in *Curtis Giovanni Flowers v. Mississippi*, No. 17-9572, 588 U.S. — (June 21, 2019).

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:

RELATED CASES

154W12251

Superior Court of California, County of Orange
Harbor Justice Center 4601 AmBoree Road
Newport Beach, Ca 92660
657.622.5400

14A1139

United States Supreme Court
Arthur Lopez v. Newport Elementary
School, et al
U.S. District Court Case # SACV 13-01800
U.S. Court of Appeal Case # 14-56456

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TABLE OF AUTHORITIES CITED

CASES *United States Supreme Court* PAGE NUMBER

- *Curtis Giovanni Flowers v. Mississippi*, Docket No. 17-9572
588 U.S. — 139 S. Ct. 2228; 204 L. Ed. 2d 638
- *Holland v. Florida*, 560 U.S. 631 (2010)
- *Waley v. Johnson*, 316 U.S. 101 (1942)
- *Hamdi v. Rumsfeld*, 542 U.S. 507 (2004)
- *Edwards v. South Carolina*, 372 U.S. 229 (1963)
- *Benton v. Maryland*, 395 U.S. 784 (1969)
- STATUTES AND RULES
- *Klopper v. No. Carolina*, 386 U.S. 213 (1967)
- *Duncan v. Louisiana*, 391 U.S. 145 (1968)
- *Parker v. Gladden*, 385 U.S. 363 (1966)
- *J. Washington v. Texas*, 388 U.S. 14 (1967)
- *Powell v. Alabama*, 287 U.S. 45 (1932)
- *Argersinger v. Hamlin*, 407 U.S. 25 (1972)
- *Timbs v. Indiana*, 586 U.S. — (2019)
- *Robinson v. California*, 370 U.S. 660 (1962)
- ~~OTHER~~ *Baze v. Rees*, 128 S. Ct. 1520, 1529 (2008)
- *United States v. Agurs*, 427 U.S. 97 (1976)
- *John L. Brady v. State of Maryland* 373 U.S. 83 (1963)

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 _____ 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**:

The opinion of the highest state court to review the merits 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 _____ 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 _____.

☐ 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 November 20, 2019
A copy of that decision appears at Appendix B.

☐ 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 April 18, 2020 (date) on February 28, 2020 (date) in Application No. 19 A 958.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Constitution Civil Rights

- Bill of Rights (1791)
- Article I, Section 9
- 1st Amendment
- Fifth Amendment
- Sixth Amendment
- Eighth Amendment
- Fourteenth Amendment
- 28 U.S.C. § 2241
- 28 U.S.C. § 2254

STATEMENT OF THE CASE

Most Honorable Supreme Court of the United States
This matter before you reflects nearly a decade
of Civil Rights Deprivation by a synergy of
participants under the umbrella of the
State of California for the purpose of
maintaining an unconstitutional bias in favor
of the female parent and discriminate against
a Mexican-Heritage Latino, Catholic-Christian,
Male Father to the point of maliciously prosecuting
him multiple times, creating bogus charges,
withholding material evidence, manufacturing a
bias jury, manipulating the jury pool by negating
racial diversity and Latino jurors while soliciting
those in the field of education and law enforcement
to create a solid bias against defendant-petitioner and
guarantee a conviction so as to use this to strip
away Parental Rights of the minority, Biological, male
Father. In fact, these blatant Civil Rights Violations
under the 1st, 4th, 5th, 6th, 8th and 14th amendments of the

United States Constitution are carried out by Newport Beach Police Department officers, detectives, Chief of Police, Orange County District attorneys, Orange County Public Defenders, Superior Court clerks and judicial officers (including judges) and all the while the Orange County Sheriff's contracted to provide security for the courtrooms and Superior Court's witness these abuses of power and do nothing to stop it and when approached for relief they claim to be powerless and look the other way. In fact, petitioner has been compelled to contact the Federal Bureau of Investigation for relief while @ the Superior Court of California, County of Orange @ Santa Ana on December 13th, 2019 after being refused service by the clerks during business hours and refusing to accept filings required by the court in a case against a housing behemoth of California for hours on end from morning to afternoon all the while supervisors refused to even come forward and the O.C. Sheriff's Executive office hung up the phone when contacted. The audacity of the deprivation amounts to child abduction since even when found Not Guilty of a bogus charge related to petitioner's first born son the court still renders punishment after the trial by barring contact with the same child petitioner had just been vindicated of all and any wrongdoing by

5

trial. In fact these actions which contradict existing case law on this precise non-victim topic are so egregious they surpass violations under the Double Jeopardy Clause of the Fifth Amendment because in these matters of rendering punishment for a crime not committed there is not a second attempt to charge one for the same crime. Here the judicial officer renders a punishment without charging or trying a defendant a second time and just convicts and fast forwards to sentencing and rendering a punishment for being found NOT Guilty the first time and to make things even more egregious than the judicial officer also punishes defendant-petitioner further by barring Parental Rights for three years with respect to Petitioner's two other minor children who he was never charged with having violated any laws for and these actions also a violation of existing case law and contradictory to California Code and Statute. More specifically it has been over four years since petitioner has been permitted to ever speak to his four minor children, three of which have no part in the two misdemeanor convictions this petition before the court relates to, ~~the~~ the details to these Civil Rights Violations are included herein.

To Begin, Fraud was also recently committed with the processing of this Habeas Corpus petition filed May 22nd, 2019 and again on May 23rd, 2019 @ the Superior Court of California, County of Orange @ Santa Ana, under Case # M-18067. Petitioner discovered that beyond Judge Cheri T. Pham ignoring U. S. Supreme Court findings in the case of Curtis S. Flowers v. Mississippi, No. 17-9572 in the early a.m. hours of June 21, 2019 as it directly relates to this case of Arthur Lopez's Habeas Petition, the court clerks falsified the record (minute order - register of actions) to reflect erroneously that notice had been given to petitioner Arthur Lopez on June 21st, 2019 after In Chambers activity held after the U. S. Supreme Court decision was made public on the Flowers v Mississippi case, when in truth the actual mailing of said notice did not take place until two weeks later on July 8th, 2019, see Appendix 'Z'.

Civil Rights Violations

"Prosecutor Misconduct"

- 1 Nov. 22nd 2015: Newport Beach Police Department -
2 1) Off. Matthew Biagi withheld Material Relevant
3 Evidence to Manipulate THE Outcome of Petitioner's
4 Trial under Case 15 HM 12251. Petitioner in Patrol Veh.
5 on Transport to Police Station, conveyed the fact he
6 had been assaulted by initiating aggressor-spouse
7 (as demonstrated by cuts to his face) and wished to
8 press charges. None of these facts are reflected in Report.
9 * Spouse being Initiating Aggressor was corroborated by testimony of Prosecution Witness
10 2) Detective Shawn Dugan withheld Material Relevant T.K.L. @ Trial.
11 Evidence to Manipulate THE Outcome of Petitioner's
12 Trial under Case # 15 HM 12251. During interview @
13 the Newport Beach Police Department by Det. Dugan within
14 an interview room @ table (Between approx 7-9pm)
15 Petitioner conveyed he wished to press charges against
16 initiating aggressor-Spouse (as demonstrated by cuts to his
17 face). None of these facts are reflected in Police Report.
18 * Please Note: Spouse being initiating aggressor was corroborated
19 by Prosecution witness "T.K.L." Testimony @ Trial
20 See Trial Transcript - CD - Appendix 14th & 16th Amend Viols.
21 3) Newport Beach Police Department and Orange County
22 District Attorney Colluded in Depriving Petitioner
23 of Equal Protection Under Law Not
24 Bringing Charges against Initiating Aggressor Spouse
25 Despite Petitioner Seeking to Press Charges and "T.K.L."
26 an Eyewitness Account and Testimony Corroborating Spouse
27 as Initiating Assault/Aggression against Petitioner.
28 6th & 14th Amend Viols.

Civil Rights Violations

- 4.) November 22nd, 2015: Newport Beach Police Department, Officer SA and Biagi applied undue pressure to Petitioner's two wrists so as to inflict pain by applying handcuffs in such tightness leaving crotch marks on wrists even hours after removal upon arriving @ the Police Station. Repeated requests were made to both officers by Petitioner while in their respective patrol vehicles since transfer took place @ the scene before transport to the Police Station. This constitutes Cruel punishment while in Police Custody even before trial. 8th Amend Viol
- 5.) November 22nd, 2015
Newport Beach Police Department
Detective Dugan
Imposed an Excessive Bail @ the time of taking Petitioner into custody. In fact it exceeded \$100,000 - despite Petitioner being no flight risk nor having any criminal record whatsoever. This also an 8th Amend Viol.
- 6.) On or about November 26th, 2015
Newport Beach Police Department
Upon being released from Custody and awaiting trial Petitioner was prevented from picking up his, solely owned, automobile 2008 Lexus LS600HL despite being the only owner of record and this unlawful deprivation of his property went on for many months rendering Petitioner without any of his own transportation / vehicles. 4th and 8th Amend. Violation
While authorizing / inciting Aggressor Spouse To Remain in possession.

Civil Rights Violations

7.) On or about November 25th, 2015 through Pre-Trial and Post Trial Processes

Orange County Public Defender - Christopher Lee and Daniel Kim
Ineffective / Incompetent Counsel

From the onset Public Defender Christopher Lee demonstrated a lack of conviction and knowledge of a defense trial lawyer appointment much less any adherence to United States Constitutional Civil Rights so far as to deprive Petitioner his Constitutional Right to a Speedy Trial. In fact, upon attempting to assert this Constitutional Right and encountering an obstruction / opposition from Public Defender Lee Petitioner requested to have a different Public Defender / attorney appointed to his case but again MR. Public Defender asserted that would not be possible since everyone "Hated" petitioner. This is to say these coordinated civil rights violations are also motivated by "hate." Hence these conspiracies to deprive Petitioner of his Civil Rights are actionable also under United States Criminal Statute

18 U.S.C. §§ 241 and 242. Petitioner seeks to press charges against all guilty participants in this Hate Crime.

Civil Rights Violations

7. (Continued)

In addition to pressuring petitioner to not exercise his right to a Speedy Trial, Public Defender Lee also refused to subpoena records from the Newport Beach Police Department related to prior Civil Rights violations they had repeatedly inflicted upon petitioner so as to demonstrate their ulterior motives and history of targeting Petitioner and constant discrimination. P.D. Lee stated he would not seek this very relevant evidence for Petitioner's Defense. Moreover, P.D. Lee also objected to Petitioner's desire to Disqualify the second assigned judge to the case and trial since a monumental conflict of interest existed in that Judge Delaney was married to the prosecution's District Attorney Office Employee (possibly an attorney) but again P.D. Lee objected stating this judge was as good as we could get. Never did he mention, however, that Judge Delaney had also been counsel for the L.A. School District on a very controversial and high profile case where a teacher had molested countless students and his defense team had been found to destroy material evidence, ("Miramonte Case"), 11

Civil Rights Violations

7. (continued)

in an attempt to conceal the crimes and manipulate the outcome of the trial. Moreover, Judge Delaney had also represented a Catholic Order in another Child Molestation Case. These are enormous conflicts, as well, since Petitioners had sought relief through the U. S. District Court for issues concerning discrimination by a Catholic Private School and a Newport Beach Public School just a few years before.

Judge Delaney should have never been involved in Petitioners Trial or case in any fashion and California Rules of Court permit the Disqualification of a Superior Court Judge when a Conflict exists. This was a clear dereliction of duty by

Public Defender Lee as he had full knowledge of Petitioner's unresolved / non-litigated matters with the private and public schools for he was provided a copy of the full U. S. Supreme Court Brief under docket No. 14A1139, and Docket No. 14-1414 (Violations of McKuney-Vento Act).

Moreover, Public Defender Lee also was witness to the court's attempt to initially assign Judge Doug Hatchimonji who just so happened to be a personal friend and employer of the prosecution Key witness and sister of petitioner's

Civil Rights Violations

7.) (Continued)

accuser / spouse + witness for prosecution as well. In fact, Judge Hatchimonji did not recuse himself from the case until petitioner, Arthur Lopez insisted this conflict be made issue of before the start of the trial processes. Beyond this dereliction of duty, Public Defender Lee also failed to challenge the improprieties of the jury selection processes which was clearly bias in favor of the prosecution, lacking in racial diversity and Latino jurors. To this point Petitioner again urged P.D. Lee to speak up / object / challenge these wrongdoings since Petitioner was not permitted to speak on his own behalf. However, P.D. Lee remained timid and even fearful of Judge Delaney and the District Attorney Representative. These incompetencies not only gave Petitioner affirmation of the "ineffectiveness of counsel", but also was very much detrimental to petitioners Civil Right to a Fair Trial. In point of fact, petitioner learned on or about June 25, 2019 the United States Supreme Court on June 21ST, 2019 in the matter of Curtis Giovanni Flowers v. State of Mississippi held that the use of peremptory challenges by the prosecution to remove Black jurors during a criminal trial against a Black defendant was unconstitutional. Unfortunately the negligence by the Public Defender did not end here.

Civil Rights Violations

7.) (Continued)

As mentioned before P. D. Lee, who is employed by the Orange County Public Defender @ 801 West Civic Center Drive, Suite 400; Santa Ana, Ca 92701, was noticeably reluctant ^(but housed/station permanently w/ judicial officers, prosecutors, clerks @ Harbor Justice) to challenge the court and prosecution every stage of his involvement. He failed to challenge witnesses including Newport Beach Police officer testimony in cross examination such as the excessive force with numerous guns drawn @ Petitioner without any criminal record and testimony from the complainant/spouse that he did not own a gun and was unarmed and would not harm his four minor children who he had taken to the beach for an outing on November 22nd, 2015 and moreover fully cooperated in an uneventful stop after having the Police vehicle igniting his emergency lights. He also failed to question N.B. Police officer for the concealment of evidence and Petitioner's statements from the record, nor did he draw testimony related to petitioner's requests to press charges against his spouse-assailant who was identified as the initiating aggressor in the events of November 22nd, 2015. ^{by prosecution witness "T.K.L." and by Petitioner from the onset.} Moreover, P.D. Lee failed to question this witness about police misconduct against Petitioner and the constant persecution by the N.B.P.D. for several years to the degree of having filed multiple grievances in writing related to unlawful vehicle seizure and citations.

Civil Rights Violations

7.) (continued)

please see United States Supreme Court landmark case in Brady v. State of Maryland, 373 U.S. 83 (1963) that established that the Prosecution must turn over all evidence that might exonerate the defendant (exculpatory evidence). Also, see Simms v. Hyatt, 914 F.3d 1078 (7th Cir 2019) - U.S. Court of Appeals for the 7th Cir granted Habeas relief to an Indiana Prisoner, holding that the state court's decision - which found evidence of a key witness hypnosis to be immaterial - was an unreasonable application of federal law. Also, please take judicial notice of U.S. Supreme Court Docket No. 19A942, Arthur Lopez v. N.B.P.D. - Joshua Vincet which involves an additional Malicious Prosecution by the abusive deprivation of Civil Rights by a 3rd officer. In fact, officer Matthew Biagi also was involved in the fatal shooting of "Mr. David Airth" on April 15, 2017 - He was shot four times after allegedly initially surrendering to the ground. Moreover, officer Joshua Vincet also fatally shot Mr. David Lopez on March 22nd, 2012 accidentally to death after inflicting six gunshots according to a Coroner's Inquest in Antioch, California. The mortal gunshot was to the back of his head they concluded, allegedly.

Civil Rights Violations

7.) (Continued)

In addition, false statements made by the complainant were never pursued in cross examination nor were the threats to take children away from petitioner by the now ex-spouse accuser.

Furthermore, the alleged physical evidence specifically an alleged damaged cell phone was never submitted to the trial for examination this is of paramount significance since it was the basis for a ^(1st) misdemeanor charge titled California Penal Code 591.5 - "Damaging wireless device to prevent usage for assistance or to notify law enforcement." This certain cell phone was and remained operational throughout the events of Nov. 22nd, 2015 and was also the cell phone tossed by Spouse/Complainant to Key Witness "T.K.L." and then tossed back by "T.K.L." in the direction of spouse/complainant but it hit a wall landed on the floor carpet from where petitioner was able to pick it up and never was the phone requested by complainant moving forward as she left the apartment. These sequence of events are also of great significance since

Civil Rights Violations

7)(Continued)

Petitioner was found not guilty of all wrongdoing alleged related to his spouse and three other children and the second misdemeanor charge involved the Key Witness "T.K.L." who was summoned by the Prosecution and she being the eldest daughter of complainant/spouse and petitioner identified the complainant as the initiating aggressor @ trial from the witness stand. This 2nd misdemeanor charge is titled California Penal Code 273 a (b) Child Endangerment. "Any person, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any child to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, willfully causes or permits the person or health of that child to be injured, or willfully causes or permits that child to be placed in a situation where his or her person or health may be endangered, is guilty of a misdemeanor." Petitioner with an open hand spanked his daughter (13 yrs. old @ the time) one time on the left shoulder after she disobeyed multiple verbal requests to hand petitioner the cell phone that had

Civil Rights Violations

7.) (continued)

been tossed to her by complainant, drawing her into the issues involving Petitioner and Spouse-Complainant. Petitioner had been assaulted by Complainant several times before this including having three cuts to his face on the right side that drew blood and was wanting to stop these assaults and then proceeded to pick up the phone from where his daughter had tossed the phone, in defiance, and immediately after (short moments after) complainant left the apartment without making any form of requests for this phone. Moreover, Petitioner did not make any effort whatsoever to impede her exit. In fact, he was relieved to see her go and furthermore the one open handed spank to his daughter's left shoulder left no marks or discoloration nor redness as testified by the (and recorded) Newport Beach Police officers who interviewed his four children upon taking Petitioner into custody after the vehicle stop in route back home from the beach outing to distance them and himself from assailant-spouse. Therefore, Public Defender Lee not having examined the sole hand device allegedly damaged that had been tossed back and forth by complainant and witness T.K.L is grossly

Civil Rights Violations

7) (continued)

negligent and furthermore not having expanded on the fact that no crime had been committed prior to Petitioner spanking of his daughter and as such no crime needed to be conveyed to the Police or authorities and therefore (a Penal Code 591.5 did not apply in anyway since Complainant had by her own will tossed the phone to "T.K.L." before Petitioner spanked her one time and upon this corporal punishment occurring, which would never happen again, Complainant willfully left the apartment without making a request for the phone. Public Defender Lee also failed to expand for the jury and/or introduce evidence at trial about the lawfulness of Corporal Punishment by Parents in California and the United States (all 50 states in fact). In point of fact, the United States Supreme Court has repeatedly and consistently expressed a parent's fundamental right to raise his/her child as seen fit, see *Pierce v. Soc'y of the Sisters of the Holy Names of Jesus and Mary*, 268 U.S. 510, 535 (1925);

Civil Rights Violations

7.) (Continued)

Wisconsin v. Yoder, 406 U.S. 205 (1972); Troxel v. Granville, 530 U.S. 57, 65 (2000) (Parents Right to Raise their children as seen fit as "perhaps the oldest of the fundamental liberty interests"). Also see Meyer v. Nebraska, 262 U.S. 390, 401 (1923) (holding that parents may choose to have their children taught a second language in addition to English in school); Parham v. Q.R., 442 U.S. 584, 602 (1979); Griswold v. Connecticut, 381 U.S. 479 (1965); Lawrence v. Texas, 539 U.S. 558 (2003); Obergefell v. Hodges, 135 S. Ct. 2071 (2015)

It is abundantly clear that absent Public Defender Lee's ineffectiveness of counsel the outcome of Petitioner's trial would have certainly resulted in Not Guilty Verdicts for these two Misdemeanor Charges under California Penal Code 273a(b) and 591.5.

Furthermore, Petitioner's deprivation of Civil Rights under the 6th amendment here has caused Cruel and Unusual Punishment since Petitioner has been prevented from having all contact with all four of his minor children including the three non-victim children who have no involvement in the two misdemeanor convictions that resulted from the trial, failure of P.D. Lee adequately challenging the unlawful protective order issued by Judge DeHaney @ the conclusion,

Civil Rights Violations

7.) (continued)

on this point please see *People v. Delarosa-Rauda*,
Supra 227 Cal. App. 4th at 211, 212 whereby the
Cal Court of Appeals found the trial court lacked
authority to issue a protective order as to the
defendant's son and daughter (non-victims) and (Id at 211)
reversed the issuance of the Criminal Protective ²¹³
Order. Moreover, in *People v. Beckmeyer* (2015)
238 Cal. App. 4th 461 - the Court of Appeal also adopted
the reasoning in "*Delarosa-Rauda*." These facts, however,
were never presented by the Public Defender despite
the youngest of the three non-victim, petitioner children
"L.G.L." (only 4 yrs old @ the time) was asleep in a closed
door bedroom throughout the events @ petitioner's apt.
on November 22, 2015 that gave rise to Case #154M1281
and he was never even named as an alleged victim
in the report (N.B.P.D.) and as to the other two children
Petitioner was found Not Guilty as to his son "N.A.L."
and was not charged with any wrongdoing as to his
second daughter - non-victim "T.K.L.-#2" (Both of
petitioner's minor daughters share the same initials
although their names are different). These incompetencies
by the Public Defender have led to a 4 1/2 yr. deprivation
of Parental Rights under the Equal Protection Clause of the
14th amendment on top of the 6th amendment "ineffective counsel"
violations.

Civil Rights Violations

8.) Over and above the failures and inabilities of Public Defender Lee another Public Defender was assigned to take over after the trial for the appeal. However, Public Defender Daniel Chang Kim (#256419) did not improve Petitioners standing but instead worsened matters since he did nothing to protect Arthur Lopez's Civil Rights when confronted with a second malicious prosecution assault from the same characters, the Newport Beach Police Department and Petitioners, now, ex-wife on September 12, 2016 which led to a false arrest, false imprisonment of 37 days for which P.D. Kim did not communicate in person or any form the entire 37 days with Petitioner while he was held in custody and upon his release and the bogus charge being dropped by a Superior Court Judge, P.D. Kim abandoned Petitioner's Appeal Case for no reason and requested the court to assign a Private Court Appointed Attorney. Not only did he also exemplify a dereliction of duty here but he also failed to file an appeal within 30 days of his motion to modify petitioner's 3yr. protection order being denied on the same day of the bogus charge being presented @ hearing he was present for and all the while

Civil Rights Violations

8.) (continued)

Having full knowledge of Petitioner's incarceration, please note the malicious ~~prosecution~~ perpetrated against petitioner which ended with a dismissal of the charge and full exoneration of any wrongdoing whatsoever is the basis for U.S. Supreme Court Docket No. 19A942-Petitioner due for filing by July 5th, 2020 (Moreover, Judge Stephanie George who denied the modification and took Petitioner into custody on Sept. 12th, 2016 @ the Harbor Justice Center was herself arrested @ her So Orange County Residence by the Orange County Sheriff weeks later). Here again a 6th and 14th amendment violations against Petitioner.

9.) On or about October-November 2016: "Attorney Robison Harley" after the abandonment of the case by P.D. Daniel Chang Kim as permitted by the Superior Court of Cal. Co. of Orange Appellate Division Attorney Robison Harley, former U.S. Marine - JAG officer, was appointed to represent Petitioner. However, here again this appointment proved to be dysfunctional since the Civil Rights violations, including jury bias and improprieties in the selection process, conveyance through the limited communication outlets (since Atty Harley operates with only 1 (one) employee who often is not @ the office even when he spends the better part of the day away - possibly @ the courthouse) were not acted on. In fact these attempts to bring light to the violations included message(s) on his answering machine while former Army soldier was employed named "Dan" (He was subsequently replaced).

(Civil Rights Violations)

9) (continued)

Moreover, Attorney Herley never suggested a Habeas Corpus Petition be commenced throughout the first three years approximately since Arthur Lopez was found convicted of these two misdemeanor violations and despite having full knowledge of the deprivation of his (Petitioner) deprivation of Parental Rights as he was also appointed to represent the Appeal of the Protective Order Modification denial (one of them). His office is located @ 825 So. Ross; S.A. 92701.

10.) On or about and through the trial of Case # 15-HM-12251 From Jan 1st, 2016 approximately Judge Thomas A. Delaney orchestrated the Framing of Petitioner, Arthur Lopez to facilitate the Child Abduction of his four minor children in retaliation and discriminatory assault upon Catholic-Christian, Male Parent with a Mexican-Heritage who had repeatedly reported the Civil Rights violations of the Newport Beach Police Department, including Chief of Police - Jay Johnson and the prevalent racism in the City of Newport Beach Governance and schools (including Newport Elementary, Corona Del Mar Middle / High School). In fact, Petitioner recently discovered Judicial officer Delaney served on the "Orange County Diocesan Consultative School Board." This is a Monster of a Conflict since petitioner has sought relief from discriminatory acts against his children and family @ a Newport Beach Catholic Private school as well through the U.S. District Court years ago.

Civil Rights Violations

10) (continued)

Moreover, Judicial officer Delaney also has the unambiguous conflict of interest by being espoused to a representative of the prosecution: O.C. District Attorney which Petitioner objected to through his P.D. Lee from the onset but was prevented from disqualifying this bias Judicial officer as P.D. Lee stated was the best option we had available.

Moreover, another recently discovered obvious, colossal conflict is the fact that Judicial officer Delaney also serves for a Community Group called "Girls Incorporated" in Costa Mesa (also networked nationally).

Petitioner does not infer any derogatory opinion of this organization in itself but rather acknowledges Judicial officer Delaney's bias as to young girls as the organization does not advocate for boys nor does J.O. Delaney indicate the same support/service for boy advocates. Furthermore, Petitioner has post trial discovered Judicial officer Delaney's popularity among organizations that have been claimed to contain pedophiles and protected them from litigation, such as: certain parts of the Catholic Church, i.e. "Salesian"; Los Angeles Unified School District in the Mramontes + several Children Molestation teachers for which withholding evidence sanctions were imposed and Delaney led defense; also

Civil Rights Violations

10) (continued)

Judicial officer Delaney represented the pedophile^(as defense) claims against the Boy Scouts as they also attempted to conceal evidence of their prior knowledge the criminals existed within their ranks, obviously these cases existed and Judicial officer Delaney's affiliation transpired prior to his judge appointment by California Governor Jerry Brown (who also professed to be Catholic) and Petitioner must disclose these facts are alleged, However, Petitioner having been aware of these very significant conflicts in no way shape or form would have permitted Delaney to preside over Petitioner's Trial. These conflicts should have been made before the onset of Petitioner's Trial by both the Public Defender and Judicial officer(s). Moreover, an enormous Bias is most notable and as such Judicial officer Delaney violated Petitioner's Civil Rights to a fair trial, equal protection under Law and Due Process under Law, 6 & 14th amendments:

Furthermore, Judicial officer Delaney outside his official capacity, unconstitutionally has deprived Petitioner of his Parental Rights and 14th amendment protections by barring contact with his three non-victim minor children despite petitioner having been exonerated of any wrongdoing whatsoever of one of those three children and the other 2 of the three not even being part of any charges.

Civil Rights Violations

10) (Continued)

Even from the beginning of trial proceedings for Case # 15 HM 12251, it was very evident that the jury pool was manipulated through some type of "IT" filters to generate a majority of jurors with either an educational system affiliation or law enforcement / police association / links or/and anti corporal punishment bias jurors approved. Furthermore, the jury lacked any Latino - Racially Diverse adequate mix and/or presence. Also Peremptory Challenges were not constitutionally sound as it afforded the prosecution an unfair bias. Judicially permitted by Judicial officer Delaney, please see U.S. Supreme Court findings in *Curtis Giovanni Flowers v. Mississippi*, No 17-9572, 588 U.S. — (2019) whereby Removing of Black jurors by the prosecution in a criminal case against a black defendant was deemed unconstitutional.

Furthermore, Judicial officer Delaney repeatedly denied Petitioner his right to Due Process by refusing to preside over motions to modify the abusive and unlawful 391. protective order repeatedly even when presented these by other Superior Court Judicial officers who feared stepping on his toes due to Brotherhood allegiance.

REASONS FOR GRANTING THE PETITION

Petition should be granted to restore and protect the United States Constitutional Civil Rights under the First, Fourth, Fifth, Sixth, Eighth and 14th amendments of every Resident and Citizen, Male or Female, in the State of California and through out our Nation; Especially as they pertain to the protection of Family Unity, Parental Rights and lawful, fair, uncorrupt and ethical judicial processes within Police - Law Enforcement Agencies, City - County - State Governance, Court System appointed and staff included.

Moreover to restore Family Ties with Petitioner's Minor Children as soon as physically possible.

God Bless America!

In closing Petitioner, Arthur Lopez remains in a form of internment as he remains under the control and demand by the Superior Court of California, County of Orange to continue paying fines as ordered by Judicial Officer Delaney despite petitioner's permanent injuries and permanent disabilities as a recipient of Social Services Assistance and without employment income. Moreover, Petition for Habeas Relief has remained in uninterrupted litigation since May 22, 2019. Also remains barred from contact w/ 4 minor children.

CONCLUSION

Respectfully submitted,

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Arthur Lopez

Date:

April 17, 2020