

19-8435

No. _____

ORIGINAL

Supreme Court, U.S.
FILED

FEB 11 2020

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Jerome Lemeal Williams — PETITIONER
(Your Name)

vs.

Duffy et. al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Jerome Lemeal Williams
(Your Name)

1011 Post Drive #6195
(Address)

Salinas CA, 93912
(City, State, Zip Code)

(831)794-2474
(Phone Number)

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SUPREME COURT, U.S.

Question presented

I have a birth certificate ,identification ,social security card and was born in in the United States. I've went to prison for a crime I didn't commit. Which in return I've received nothing but implicit bias from; any judge, police department, county services. Kicked out on the streets ,my kids taken away from me ,not able to see my kids and public shame. Refuse certain/most privileges as other citizens (equal protection). Behind my first adult conviction that shouldn't of been charged back in 2000:unlawful touching.

As a defendant I was denied due process ,a right to a speedy trial, a right to effective counsel, and my right to file any reports with any law enforcement. As a plaintiff I have been abused by the police, local government, refuse local County Services and housing which is denying me my right to live. I am a human and American.

Now my family and I live in a motel and by the Grace of God we are ok. I humbly ask the Supreme Court to review the whole claim before making a ruling.

- 1) Did the 9th circuit court of appeals violate my civil rights by affirming the district court ruling?
under Federal procedures rule 104.
(a). 5th amendment; due process clause Appendix A i,ii
- 2) Can a federal judge refuse audio exhibits ,Court proceedings and continue my initial case management conference for 60 days. To allow me to state viable claim then close my claim as moot before the time allowed by a courts own motion?1 amendment;
depriving of life,5th amendment; due process. Appendix B
- 3) Was my constitutional rights broken by the judge who refused to give me my records so I can fight my own case since no one will help me.1st amendment; depriving of life,5th amendment; due process clause. Appendix H
- 4) Whether it is a conflict of interest if a retired judge (currently on the Judicial Council's Advisory Committee on Criminal Jury Instructions) and takes a temporary seat who happened to been the trial judge in my 2000 rape case? 6th amendment; and to have the Assistance of Counsel for his defence.rule2.812(d). Appendix E i
- 5) Whether a judge violated my constitutional right by not declaring a mistrial because of the reversible errors made by my attorney. 1 amendment; depriving of life,6th amendment,5th amendment;due process. Appendix E
- 6) Did the district attorney violate my constitutional right by excluding important evidence and other Witnesses statements from my defense attorney.1st amendment; depriving of life, 5th amendment, 6th amendment. Appendix E,F,G,H

- 7) Whether a judge has a judicial responsibility to stop a plea if overwhelming evidence shows otherwise. 1st amendment, 5th amendment, 6th amendment, 13 amendment. Appendix H
- 8) Did monterey county local government violate my constitutional rights by depriving me of life by acting arbitrarily to my claim. Appendix A,B,C,D,E,F.G
- 9) Should I still be registering if in 2014 the same person made the exact same allegations against another man showing once again she lied on yet another rape case, Appendix D,E,

RELATED CASES

11/15/2019 No.5:2018cv06921. Williams v. Duffy et al

10/30/2018. No.18-cv-05767 Williams v. Monterey County C.O.B

7/26/2018 Tort Claim #127210 Monterey County C.O.B

6/27/2012 No. SS121223A People of S.O.C v Williams, Jerome

10/11/2011 No.MS299581A People of S.O.C v Williams Jerome

7/24/2008 No.SS081978A People of S.O.C v William Jerome

2/27/2006 No.MS243463A People of S.O.C v Williams,Jerome

11/29/2000 No.H002385 People of v. Jerome Lemeal Williams

5/26/2000 No.SS001231A People of S.O.C v Williams, Jerome

5/9/2000 Case No.MS001231A People of S.O.C v Williams, Jerome

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United States Court of Appeals for the Ninth Circuit
Case No. 19-15316 re: CV-06921-BLF
Jerome Lemeal Williams v. Wendy Duffy, Administrative Law, Judge, et al

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United States Northern District Court
CV-06921-BLF/ 18-CV-05767
Williams v. Difft et al

APPENDIX C

Complaints and Responses

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Backgrounds and Registration

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United States Superior Court (Monterey County)
The People v. Jerome Lemeal Williams
Case No. SS121223A (2014-2015)

APPENDIX F

United States Superior Court (Monterey County)

The People v. Jerome Lemeal Williams

Case No.MS29958A

APPENDIX G

United States Superior Court (Monterey County)

The People v. Jerome Lemeal Williams (SS081978A)

APPENDIX H

United States Court of Appeals for the Sixth Circuit

The People v. Jerome Lemeal Williams

Case No.H002385

APPENDIX I

United States Superior Court (Monterey County)

The People v. Jerome Lemeal Williams

Case No.MS001231A/SS001231A

TABLE OF AUTHORITIES CITED

<i>People v. Duvall</i>	(1995) 9 Cal.4th 464,
474-475	
<i>Ex parte Swain</i>	(1949) 34 Cal.2d 300,
303-304).	
<i>People v. Duvall</i>	(1995) 9 Cal.4th 464,
474-475	
Stansfield V. Starkey	(1990) 220 Cal.
App.3d59, 73:	
Lazar V. Superior court	(1996) 12 Cal. 4th 631,
645	
engalla V. Permanente Medical Group Inc.	(1997) 15 Cal. 4th 951, 974
Gonzales V. Hodgson	(1951) 38 cal. 2d 81
younan V. Equifax Inc.	100-101
Brady v. Maryland	(1963) 373 U.S. 83,

STATUTES AND RULES

California Rules of Court. Rule 8.380.(b)

rules 8.45-8.47 governs access to the documents, denied to me by the court.

Subdivision (d). Case law establishes the specificity of the factual allegations and support for these allegations required in a petition for a writ of habeas corpus (see, e.g., *People v. Duvall* (1995) 9 Cal.4th 464, 474-475, and *Ex parte Swain* (1949) 34 Cal.2d 300, 303-304). A court evaluating whether a petition meeting these requirements makes a *prima facie* showing asks whether, assuming the petition's factual allegations are true, the petitioner would be entitled to relief (*People v. Duvall*, *supra*).

Rule 8.508. Petition for review to exhaust state remedies

Subdivision (b)(3)(C) requires the petition to include a statement of the factual and legal bases of the claim. This showing is required by federal law: "for purposes of exhausting state remedies, a claim for relief [in state court] . . . must include reference to a specific federal constitutional guarantee, as well as a statement of the facts that entitle the petitioner to relief." (*Gray v. Netherland* (1996) 518 U.S.

152, 162-163, citing *Picard v. Connor* (1971) 404 U.S. 270.) The federal courts will decide whether a petition filed in compliance with this rule satisfies federal exhaustion requirements, and practitioners should consult federal law to determine whether the petitioner's statement of the factual and legal bases for the claim is sufficient for that purpose

rule 8.130 affords access to reporter's transcripts under Criminal Justice Act

Rule 8.385. Proceedings after the petition is filed

Rule 8.46 (rules 2.550-2.551) for the trial courts provide a standard and procedures for courts to use when a request is made to seal a record. The standard is based on *NBC Subsidiary (KNBC-TV), Inc. v. Superior Court* (1999) 20 Cal.4th 1178. The sealed records rules apply to civil and criminal cases. They recognize the First Amendment right of access to documents used at trial or as a basis of adjudication. Except as otherwise expressly provided in this rule, motions in a reviewing court relating to the sealing or unsealing of a record must follow rule 8.54.

Subdivision (e). This subdivision is not intended to expand the availability of existing appellate review for any person aggrieved by a court's denial of a motion or application to seal a record.

OPINIONS BELOW

[x] 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 N.D Ca. Nov 13,2019 Williams v. Duffy Case No 19-15316 and is unpublished.

The opinion of the United States district court appears at **Appendix B** to the petition and is reported at N.D Ca. FEB 26,2019 Williams v. Duffy Case No.cv-06921-BLF and is unpublished

[x] For cases from state courts:

The opinion of the highest state court to review the merits appears at **Appendix I** to the petition and is reported at SS001231A People S.O.C v Williams, Jerome and is unpublished.

The opinion of the Sixth Appellate Court appears at **Appendix H** to the petition and is reported at people v williams Case No H022385

JURISDICTION

[x] For cases from federal courts:

The date on which the United States Court of Appeals decided my case was 2/14/19 A timely petition for rehearing was denied by the United States Court of Appeals on 11/13/19, and a copy of the order denying rehearing appears at **Appendix A**

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[x] For cases from state courts:

The date on which the highest state court decided my case was 11/29/2000 On Case No. SS001231A People S.O.C v Williams, Jerome A copy of that decision appears at **Appendix I**

[x] A timely petition for rehearing was thereafter denied on 8/3/2001, and a copy of the order appears at **Appendix H**

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

15 U.S. Code § 780 -Office of Private Grievances and Redress,

18 U.S. Code § 242 - Deprivation of rights under color of law,

Amendment 5

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or

in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment 6 -

Right to Speedy Trial, Confrontation of Witnesses in all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the

Fuentes v. Shevin, 407 U.S. 67, 81 (1972). At times, the Court has also stressed the dignitary importance of procedural rights, the worth of being able to defend one's interests even if one cannot change the result.

California Government Code Section 911.3

Canon 1, 2(a), 3B(1)/3E, 3(b)(2)(5)(7)(8), 3(C)(1)(4),

CACI 1901 concealment/promissory/constructive fraud

CACI 1902 promissory fraud

Gen standard speedy trial 12-2.2 (a)(i)(D)(E),

Cali Rules of Court Rule 2.812 (D),

SEC 242 OF TITLE 18 act under color of the law P.c 1424.5

42 us code sec 1983-malicious prosecution abuse of process

Rule 3.8: Special Responsibilities of a Prosecution

Civ code sec 3294 (a)(c) 1,2, (D), (E), , CANON 1, CANON 3 B 9/ 3 E 4
A B C, CANON C 1 3 4 3 / 3 E 5 A, CANON B 5 3, Canon 3 b 2 3,
Canon 2,

accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

Constitution of the United States of America:

Article I, Section 8 ,Page 7

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises; to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

STATEMENT OF THE CASE

Filed a claim to the Ninth Circuit Court of Appeals was denied, court just went with the decision of the Northern District Court Judges final judgment **APPENDIX A**

I filed a claim in Northern District Court, was advised I could not add the mother to my childrens, so I refiled without her and was denied
APPENDIX B

Filed a Tort Claim in to Monterey County Board of Clerks, My claim was rejected for not filing within time allowed which it was and still denied.
APPENDIX C

March 29, 2019 I requested to examine all records from case # SS001231A, needed in order to file a habeas petition. On April 3, Judge Timothy P. Roberts Ordered I had provided no legal basis of justification to examine records and Denied my request. **APPENDIX H**

April 30, 2018 I requested to examine my sealed records, as I was filing a habeas petition pro se. On May 8, 2018 Per order of Judge Timothy P. Roberts, he sent a copy of my letter to the court and stated the court did not have control of custody of any of the other records I had requested to examine per my request on April 2018. **APPENDIX H**

February 26, 2018 I went to the police department looking to get a copy of a report from records of proof to back up my claims they told me they didn't have any. **APPENDIX C**

October 24th 2017 I was contacted by the Department of Justice Sex Offender Division about the response. October 10th 2017 I put in the request to get off Registry, I told him the only paper we have is the one from 2014 we had got the run around from the police departments, courts and public defender's office on process of the petition that had supposedly been filed in 2014 **APPENDIX D**

March 26, 2012 A new charge put on me handwritten in my court papers.
APPENDIX D

10/18/2011 through 3/26/2012 6 and a half months later, which is three months past speedy trial requirements. **APPENDIX D**

October 9/10th 2011 12 weeks into the season I was arrested for going on school grounds without the permission of the chief administrator. I was humiliated at a home game at Seaside High, in front of parents, coaches, family and the whole community of Seaside. even though I had the okay from my probation officer, Coaches and the Monterey County football board. I had to spend the night in jail, find my own way back from the Monterey county jail, pay a fine and additional probation added to my time. I was assigned deputy attorney Maribel Penaloza from the public defender's office and after a few unwanted delays by my attorney with no objection from the people I asked my attorney what was with the delays she said and I quote I read your file and you raped that girl, so I'm going to help the DA convict you, which she did. **APPENDIX D**

September 23rd 2011 I was arrested by officer Maroney for four different felonies about my registration and being around kids that got dropped right after the officers spoke to the youth sports board, parents and kids about my background. Instead of me letting me practice they took me down to the police station and made me sign the new law that came out that they were supposed to pass out. I was told in order to be released I would need to sign so I signed it and was released 15 minutes later. **APPENDIX D**

7/24/2008 I went to jail for a year for non-registration from the Marina Police Department. I was arrested for not letting them know I was moving out of the city. But I was arrested and taken to the Seaside Police Department, then the county jail by Seaside police officer's. Marina Police Department was never involved in this situation again. **APPENDIX F**

2/2008 I left the same message but call Stratton again this time she told me I won't get in trouble because I went down to the department and been in constant contact with her concerning this matter **APPENDIX F**

December 2007 I had to move out of my apartment in Marina California. I called Marina PD. I left a message with Joanne Ford telling her I had to move out due to some special circumstances. I then contacted my old register officer Judy Strength which gave me specific instructions to get ahold of officer Enriques because she got promoted to Commander and he is the new registering officer. I contacted him and explained through message and left my contact information and told him exactly where would be.

APPENDIX F

November 29th 2000 I was found guilty and sent to prison after being on a diagnostic evaluation per PC 1203.030.90 days observation to determine whether I was eligible for probation which the judge knew before she sent me there I wasn't, she made that very clear in the beginning proceedings. The same day when I left the courthouse I immediately asked for an appeal with the 6th District Court. **APPENDIX H**

July 13th 2000, Tracy Moody filing a PC 991 motion she called me to her office and told me you need to take this deal a blind deal for probation 2 years 3 years or 4 in a penitentiary. I was confused as to why we were even going to court if there was no evidence. I asked her if I was getting in trouble for telling the truth, she shrugged her shoulders. I told her I wasn't taking the deal and she told me she was my only defense if I didn't take this blind deal when I went to trial, I would lose and get nine years article charges will be brought back on you. So I took it. **APPENDIX H**

July 14, 2000 my bail was revoked without due process, there is a 6th charge added that I was not arrested or arraigned for. **APPENDIX H**

On or after May 26th 2000 After the five charges I was originally charged with is dismissed for further interest of Justice or insufficient cause.

APPENDIX H

May 19th 2000 went to court for a preliminary hearing and the District Attorney presented all the evidence and all came back null and void. At the conclusion of the preliminary hearing Judge Curtis said on record if he could have he would have let me out on my own recognizance. He lowered my bail from 4,5000 to 15000 so I can get out and finish school cuz I was taking finals, and about to have a child. **APPENDIX H**

May 9th 2000 I had arraignment for a case case # MS 001-2318, rape on a conscious victim,forcible rape, false imprisonment by violence,battery with serious bodily injury. And battery with serious bodily injury. **APPENDIX H**

May 6, 2000 I called the Seaside Police Department asking why the police were looking for me and if I could turn myself in, they told me no and then ended up picking me up the same day. I was taken to the Community Hospital where they performed a rape examination. When I left the hospital and went back to the police station I have five heinous charges of rape on a conscious victim, false imprisonment battery on alleged victim (A) and battery alleged victim (B). **APPENDIX H**

5/5/2000. The next morning I got a couple phone calls from people at the party telling me that the police were lookingfor me as a potential suspect for a rape accusation from that night. **APPENDIX H**

5/5/2000 I attended a party with a friend where after some drama with a twin at the party we left only to be surrounded around the corner by four

Seaside Police Officers Higgins, and Enriquez, Cruz, Gonzales we had some choice words and then let us go around midnight. **APPENDIX H**

REASONS FOR GRANTING THE PETITION

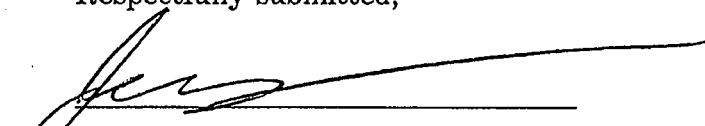
This Petition For Writ of Certiorari should be granted because I have suffered a severe injustice due to the failures in administrative procedures. I have been denied the Right to Speedy Trial in violation of constitutional due process protections.

Failure of my court appointed lawyer to cross-examine the the S.A.R.T nurse who administered rape evaluation, who refused to cross-examine other witnesses who were present the night in question has resulted in prejudice to my defense. My right to the effective assistance of counsel is a violation pursuant the U.S Const. Amend VI and XIV.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



JES

Date: 4-8-2020