

Appendix A

SUPREME COURT
FILED

FEB 19 2020

Court of Appeal, Fifth Appellate District - No. F079990

Jorge Navarrete Clerk

S260076

Deputy

IN THE SUPREME COURT OF CALIFORNIA

En Banc

THE PEOPLE, Plaintiff and Respondent,

v.

RICHARD JOHN VIEIRA, Defendant and Appellant.

The petition for review is denied.

CANTIL-SAKAUYE

Chief Justice

S260076

Richard John Vieira (H-31000)
San Quentin State Prison
San Quentin, CA. 94974

SUPREME COURT
FILED

JAN 13 2020

Jorge Navarrete Clerk

California Supreme Court

Deputy

Richard John Vieira,
Appellant:

v.

People of State of California,
Appellees:

Case No. _____

Appellate Ct. No. F079990

Superior Court No. CRHG-19-003296

NOTICE OF APPEAL
FILED AS PETITION FOR REVIEW

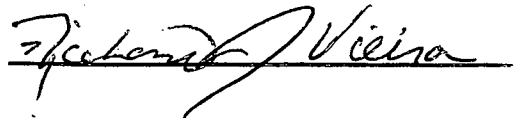
Appellant Richard John Vieira respectfully submits this Formal Notice of Appeal, related to the above entitled case and cause, and the Final Judgment entered by the Appellate Court on December 6, 2019: (Received December 10, 2019).

This Appeal is taken in good faith as this appeal is related to a Capital Case which was obtained by actual criminal violations of the laws by this State's Government Agents, and has been "maintained" by actual criminal violations of the laws and Constitutional Mandates, ALL violating Appellant's Constitutionally Guaranteed Rights while acting under the color of law. (U.S. Criminal Statute Title 18 U.S.C. §§241 and 242).

This Case-Appellant Reported actual crimes to the Appellate Court which were committed with intent to commit First Degree Murder, and are still "ongoing" at this time. These Crimes were reported pursuant to U.S. Criminal Statute Title 18 U.S.C. §04, As Required by Law.

I Richard John Vieira declare under the penalty of perjury that all of the foregoing is true and correct pursuant to 28 U.S.C. §1746.

Respectfully submitted this 29th day of December, 2019.



1-2

Copy Served on Appellate Court.

Richard John Vieira (H-31000)
San Quentin State Prison
San Quentin, CA. 94974

California Supreme Court

Richard John Vieira,
Petitioner/ *Appellant*

v.

People of State of California,
Respondents:

Case No. S260076

Appellate Ct. No. F079990

Superior Ct. No. CRHC-19-003296

Petition for **REVIEW**
CAPITAL CASE

Petitioner Richard John Vieira moves this Honorable Court for Review of Petition for **REVIEW**. This IS a Capital Case where Petitioner is unrepresented by Counsel and IS proceeding pro se.

This Petition's Claims have been "presented and exhausted" in the Stanislaus County Superior Court, Appealed to the California Appellate Court in and for the Fifth District. Petitioner's Notice of Appeal was Timely Filed from the Appellate Court's Final Order made on December 6, 2019, (N.O.A. Filed on December 29, 2019).

Petitioner filed a timely Motion for Rehearing-Reconsideration with the Appellate Court on December 18, 2019, and to "avoid" any alleged time defaults of Filing a timely Notice of Appeal, Petitioner Filed the Notice of Appeal while the Motion for Rehearing was still pending.

Petitioner presented and presents now undisputable Facts supported with undisputable evidence in support- (i) Criminal violations of the State's and United States Criminal Statutes and Constitutional Mandates occurred and are ongoing, (ii) These Criminal Violations were and are committed by this State's Government Agents acting under color of law, (iii) These Crimes were committed with intent to commit first degree murder of this Petitioner and are being supported and maintained by this State's Judicial and Executive Branches. (FACTS-EVIDENCE UNDISPUTABLE).

RECEIVED

JAN 23 2020

CLERK SUPREME COURT



EARL WARREN BUILDING
350 McALLISTER STREET
SAN FRANCISCO, CA 94102
(415) 865-7000

APRIL BOELK
AUTOMATIC APPEALS SUPERVISOR

Supreme Court of California

JORGE E. NAVARRETE
CLERK AND EXECUTIVE OFFICER
OF THE SUPREME COURT

January 29, 2020

Richard John Vieira, H-3100
San Quentin State Prison
San Quentin, California 94974

Re: S260076 (F079990) — People v. Richard John Vieira

Dear Mr. Vieira:

Returned unfiled is your petition for review received on January 23, 2020. Our records indicate that you have the above-referenced petition for review pending with this court, and there are no provisions in the Rules of Court to supplement such a petition. The court is expected to decide this petition on or before February 19, 2020. A copy of that decision will be mailed to you the same day it is filed.

Very truly yours,

JORGE E. NAVARRETE
Clerk and
Executive Officer of the Supreme Court

A handwritten signature in black ink, appearing to read "C. Wong".

By: C. Wong, Deputy Clerk

Enclosure:

cc: Rec:

Declaration of Service

Re: Case Number: S260076

Title: PEOPLE v. VIEIRA

I hereby declare that I am a citizen of the United States, am over 18 years of age, and am not a party in the above-entitled action. I am employed in the County of San Francisco and my business address is 350 McAllister Street, San Francisco, CA 94102.

I served the attached document described as a Petition for Review on the parties in the above-named case. I did this by enclosing true copies of the document in sealed envelopes with postage fully prepaid thereon. I then placed the envelopes in an U.S. Postal Service mailbox in San Francisco, California, addressed as follows:

Office of Attorney General
600 West Broadway, Suite 1800
P.O. Box 85266-5299
San Diego, California 92101

Court of Appeal
Fifth Appellate District
2424 Ventura Street
Fresno, California 93721

Superior Court of Stanislaus County
800 11th Street
Modesto, CA 95354

I, Tao Zhang, declare under penalty of perjury that the foregoing is true and correct.
Executed on January 13, 2020, at San Francisco, California.



Tao Zhang, Assistant Deputy Clerk

Returned A.O.B.

Appendix

B



EARL WARREN BUILDING
350 McALLISTER STREET
SAN FRANCISCO, CA 94102
(415) 865-7000

APRIL BOELK
AUTOMATIC APPEALS SUPERVISOR

Supreme Court of California

JORGE E. NAVARRETE
CLERK AND EXECUTIVE OFFICER
OF THE SUPREME COURT

February 27, 2020

Richard John Vieira H-31000
San Quentin State Prison
San Quentin, California 94974

Re: S260076 - **People v. Richard John Vieira**

Dear Mr. Vieira:

Return unfiled is your letter for motion for rehearing received on February 27, 2020. The order denying your petition for review on February 19, 2020 in the above-referenced matter was final forthwith and may not be reconsidered. Please rest assured, however, that the petition, and the contentions made therein, were considered by the entire court, and that the denial expresses the decision of the court on this matter.

Very truly yours,

JORGE E. NAVARRETE
Clerk and
Executive Officer of the Supreme Court

By: Florentino Jimenez, Deputy Clerk

cc: Rec.

ORIG

Richard John Vieira (H-31000)
San Quentin State Prison
San Quentin, CA. 94974

CALIFORNIA SUPREME COURT

Richard John Vieira,
Petitioner,
v.
People of State of California,
Respondents:

Case No. S260076

MOTION FOR REHEARING-
RECONSIDERATION, Ruling-Order
is a Criminal Violation of Law.
(Cal. Const. Art. VI. §14).

Petitioner respectfully moves this Honorable Court for a Rehearing and Reconsideration of the Court's Order made in this Case on (February 19, 2020). Served upon Petitioner by Mail on (February 21, 2020).

This Motion is presented in good faith and Legal Standing in Law provided by (California's Constitution Article VI. §14): which clearly states,

"Decisions of the Supreme Court and courts of appeal that determine causes SHALL be in writing with reasons stated".

This language clarifies the Absolute Duty, A Command of Law that cannot be ignored or disobeyed by a Person(s) with Vested Authority. Their Authority is founded upon "Their OATH" to obey, uphold and carry out ALL of the Commands and Duties incumbent upon them in the Constitutions, Statutory Laws and Treaties of the State of California and The United States which IS the Supreme Law of the Land which Vested this State with Authority by Treaty.

This Honorable Court has violated a command in Law they were obligated to Obey, thus, violating U.S. Criminal Statutes (Title 18 U.S.C. §§241, 242 and Title 18 U.S.C. §03 Aiding and abeding).

In this present case, Petitioner has Filed and Exhausted all of His claims in the Stanislaus County Superior Court (No. CRHC-19-003296), The California Court of Appeals for the Fifth District (No. F079990). Petitioner submits, Petitioner has Served this Honorable Court with every pleading submitted to the lower courts mentioned above.

Petitioner submits, Petitioner has presented facts that the State's Government Agents violated the Laws and Constitution to obtain and maintain Petitioner's illegal conviction and sentence of death with intent to commit First Degree Murder. These crimes are still on-going and have NO statute of limitations. Petitioner submits, Petitioner "Obeying" the United States Criminal Statutes (Title 18 U.S.C. §04) Reported these crimes with explicit language and evidence to A Judge in each and every Court listed above and this Honorable California Supreme Court. Petitioner submits, Petitioner's claims were supported with undisputable evidence, Statutes and Constitutional Directives. (On February 19, 2020), This Honorable Court simply states en banc, "Petition for Review is Denied". Petitioner submits, This Honorable Court is not Vested with the Authority to ignore, disobey and or Violate the Commands in Law and Constitutional Directives.

Petitioner submits, In this present case, Petitioner has Served the Attorney Generals Office with every pleading-filing to the lower courts listed above and with this Honorable Supreme Court "Validated in Verified proof of services". It is clear and undisputable that this Court's actions are also supported by the Attorney General, et. al. Deputies which is certified by Their Failure to Object to this Court's Actions, Illegal-Invalid Court Order in a Capital Case. However, The Attorney Generals Office Failure to perform Their Vested Authority and Duties may be due to this Court's Illegal-Invalid Order providing the Prosecution with a favorable outcome-^{mine}upholding this Illegal conviction and sentence of death, as well as to cover-up, hide and conceal the crimes committed to obtain this convict-

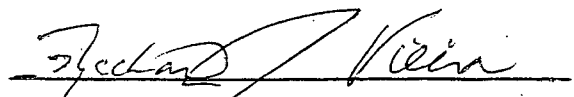
ion and sentence of death. (see Title 18 U.S.C. §03).

Petitioner submits, The Attorney General and Deputies Duties are Invoked! This State's Constitution clarifies they are charged-Vested with the Duties to Obey, Uphold and ENFORCE All of the Laws, and Prosecute All Those Who "Violate". This Duty is Vested upon the Attorney General by Oath, the Same Oath taken by Every Judge presiding in this Court.

Petitioner submits, No Action or Ruling made in this Case or related to Petitioner's Conviction can be deemed Legal or Binding when ALL Who have participated choose to Violate, Ignore and Disobey Their Demanded Duties as well as The State's and United States Constitutions, Laws and Treaties. All Conspiring to Violate Petitioner's Constitutionally Guaranteed Rights while acting under color of law in order to murder Petitioner. (See Title 18 U.S.C. §§241 and 242).

I, Richard John Vieira declare under the penalty of perjury that all of the foregoing is true and correct to the best of my knowledge pursuant to 28 U.S.C. §1746.

Respectfully submitted this 24th day of February, 2020.


Richard John Vieira

Proof of Service by Mail.

I, Richard John Vieira am the Petitioner in the below captioned case and cause, On the date of execution below, I Served the following legal documents on the following Persons-Persons Office by placing them into the Mail pursuant to the outgoing legal mail policies of San Quentin State Prison on the 24th day of February, 2020.

Documents Served: Motion for Rehearing-Reconsideration to Cal. Supreme Court.
Richard John Vieira v. People of State of California, S260076.

Person(s) Served:

Office of the Attorney General
1300 I Street, suite 125
Sacramento, CA. 94244-2550
Attn: Catherine Chatman

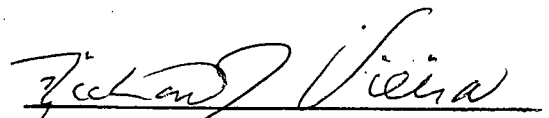
Stanislaus County District Attorney
Birgit Fladger
832 12th. Street, #300
Modesto, CA. 95354

Courtesy Copy on Investigating Agent:

U.S. Attorney William Barr
Deputy Attorney J. Warren
950 Pennsylvania Ave. N.W.
Washington, D.C.20530-0001

I, Richard John Vieira declare under the penalty of perjury that all of the foregoing is true and correct pursuant to 28 U.S.C. §1746.

Respectfully submitted this 24th day of February, 2020


Richard John Vieira

Richard John Vieira (H-31000)
San Quentin State Prison
San Quentin, CA. 94974

PETITIONER'S COPY
please RETURN in
S.A.S.E.

CALIFORNIA SUPREME COURT

Richard John Vieira,
Petitioner:
v.
People of State of California,
Respondents:

Case No. S260076

NOTICE OF APPEAL

From the Final Judgment entered
in this Case on February 19, 2020
en banc.

Petitioner Richard John Vieira respectfully submits this Formal Notice of Appeal, related to the above entitled case and cause, and the Final Judgment entered by this Court on February 19, 2020.

This Appeal is taken in good faith as this Case IS A Capital Case in which the conviction and sentence were obtained by the criminal violations of Laws and Constitutional Rights of Petitioner by the State's Government Agents Acting Under the Color of Law.

This Case presented "actual crimes" pursuant to the commands of United States Criminal Statutes (Title 18 U.S.C. §04). This Honorable Court created an ORDER OF DISMISSAL in violation of this State's Constitution, upholding and supporting the crimes alleged and presented. Clearly Invoking the Original Jurisdiction of the United States Supreme Court.

I Richard John Vieira declare under the penalty of perjury that all of the foregoing is true and correct to the best of My knowledge pursuant to 28 U.S.C. §1746.

Respectfully submitted this 15th. day of March, 2020.

RECEIVED

MAR 19 2020



Richard John Vieira.

CLERK SUPREME COURT

APRIL BOELK
AUTOMATIC APPEALS SUPERVISOR



EARL WARREN BUILDING
350 McALLISTER STREET
SAN FRANCISCO, CA 94102
(415) 865-7000

Supreme Court of California

JORGE E. NAVARRETE
CLERK AND EXECUTIVE OFFICER
OF THE SUPREME COURT

March 19, 2020

Richard John Viera, H-31000
San Quentin State Prison
San Quentin, California 94974

Re: S260076 — People v. Vieira

Dear Mr. Vieira:

Returned unfiled are is your Notice of Appeal received February 13, 2020. The order of this court filed on February 19, 2020, denying the above-referenced petition, was *final forthwith and may not be reconsidered or reinstated*. Please rest assured, however, that the entire court considered the petition and the contentions made therein, and the denial expresses the court's decision in this matter.

Very truly yours,

JORGE E. NAVARRETE
Clerk and
Executive Officer of the Supreme Court

A handwritten signature in black ink, appearing to read "C. Wong", written over a horizontal line.

By: C. Wong, Deputy Clerk

Enclosure:

cc: Rec.

Appendix

C

IN THE
COURT OF APPEAL OF THE STATE OF CALIFORNIA
IN AND FOR THE
FIFTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

RICHARD JOHN VIEIRA,

Defendant and Appellant.

F079990

(Stanislaus Super. Ct. No. CRHC-19-
003296)

ORDER

This court is considering dismissing the above entitled appeal for lack of appellate jurisdiction. Appellant seeks to appeal from an order, filed on August 23, 2019, denying a motion to augment the record in a habeas corpus proceeding after the petition for habeas corpus was denied. The denial of a habeas corpus petition is generally not an appealable order. (*In re Clark* (1993) 5 Cal.4th 750, 767, fn. 7.) While Penal Code section 1509.1 permits the appeal, within 30 days, of a decision by the superior court of an initial petition for writ of habeas corpus in a capital case, it appears that appellant's petition was denied on April 8, 2019, therefore the September 16, 2019, notice of appeal was untimely. (Pen. Code, § 1509.1, subd. (a).) To the extent appellant is attempting to appeal the denial of the motion to augment the record, the order does not appear to be an appealable post-judgment order affecting the substantial rights of appellant as the case was no longer pending before the superior court. (Pen. Code, § 1237, subd. (b).)

Appellant is directed to file, within 30 days from the date of this order, a letter brief with citation to appropriate legal authority establishing a statutory basis to appeal from the August 23, 2019, order. Appellant's failure to timely respond will be deemed agreement that the appeal should be dismissed.

Preparation of the record and briefing is stayed pending further order of this court. A copy of this order shall be sent to the Central California Appellate Program.



Hill, P.J.

Richard John Vieira (H-31000)
San Quentin State Prison
San Quentin, CA. 94974

CALIFORNIA COURT OF APPEALS
FOR THE FIFTH DISTRICT.

Richard John Vieira,
Appellant:
v.
People of State of California,
Appellees:

Case No. F079990

Appellant's Letter Brief
with citations-legal authority
AND Evidence-Appellant's
Opening Brief.

Appellant is a United States Citizen who is bound by the Laws of the United States and State of California. Appellant's Appeal-Petition legally Reported "Crimes" to the Honorable Stanislaus County Superior Court and Now, This Honorable Court of Appeals, pursuant to United States Criminal Statute Title 18 U.S.C. §04 which states,

"Whoever having knowledge of the actual commission of a felony cognizable by a Court of the United States conceals and does not as soon as possible make known the same to some "Judge" or Other person in civil or military authority under the United States shall be fined under this title or imprisoned not more than three years, or both".

The Crimes Reported to the Superior Court and Now to this Honorable Court are factually true, supported with undisputable evidence, and were committed by California's Government Agents Who were, and are acting under color of law to obtain and maintain Appellant's illegal conviction and sentence of death with intent to commit first degree murder.

Appellant has been barred any meaningful access to the Courts to present these claims to the Court until now, Amendment to Cal. P.C. §1509(a), Proposition 66.

This Honorable Court correctly stated, Appellant's Petition for Writ of Habeas Corpus was denied on April 8, 2019; But does NOT Acknowledge that Appellant Filed a Motion for Review on Erroneous Ruling on July 2, 2019, which was denied on July 25, 2019.

Appellant is a Condemned Prisoner proceeding without counsel as a pro se, reading the Rules of Court as follows, Rule 29:25,

"No Notice of Appeal is required when a judgment of death has been rendered. In such cases, an appeal is automatically taken without any action by the defendant or his or her counsel. In ALL OTHER SITUATIONS, an appeal is initiated by filing a notice of appeal with the trial court. In appeals from the superior court, the notice must be filed within "60 days" after the rendition of the judgment or the making of the order".

Appellant's notice of appeal was filed within "60 days" of the Superior Court's July 25, 2019 Order. The Clerk of the Superior Court ACCEPTED and Filed the Notice of Appeal and gave notice to All Parties of interest.

This is a Capital Case, where Human Life weighs in the balance. Appellant's Habeas Corpus was Accepted and Docketed by the Superior Court, but the Superior Court Refused to offer Appellant any counsel or even an evidentiary Hearing.

Appellant's Opening Brief on Appeal (IS ATTACHED) as Supporting Evidence of the Actual Crimes that were committed to obtain Appellant's conviction and sentence of death, and further criminal violations of the Laws and Appellant's Constitutionally guaranteed rights to maintain Appellant's illegal conviction with intent to Murder Appellant. (Review the Facts-They are undisputable).

At minimum, This Honorable Court has an Invoked duty to Order the California Supreme Court and the Attorney General to Respond to the allegations presented by Appellant amounting to criminal violations of the laws and constitutional directives.

This Honorable Court cannot simply create a defense for the State's agents granting Them absolute immunity, and or the Authority to ignore and violate the United

States Constitution and Laws which This State pledged an Oath by Treaty to Obey as the Supreme Law of the Land.

United States Criminal Statute Title 18 U.S.C. §03 clearly defines any nonaction, or failure to implement any corrections to the criminal violations as acts to support: as follows;

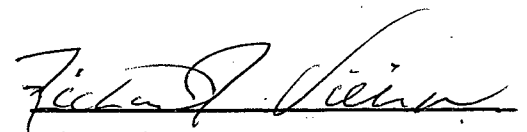
"Whoever having knowledge that an offense against the United States has been committed, receives, relieves, comforts or assists the offender in order to hinder or prevent his apprehension, trial or punishment, IS an Accessory After the Fact".

Any alleged arguments by any Government Agent with Vested Authority stating, "they are immune, and can disobey, ignore and violate the Mandatory Authoritive Directives in the States and United States Constitutions and Laws" is an idiocy of Their Duties and Oath to receive Vested Authority.

Appellant respectfully requests this Honorable Court to Accept Appellant's Opening Brief for Appeal, Set a Briefing schedule with Order for the State to Respond. ALL Parties of Interest Are Served with this Letter Brief and Attached Appellant's Opening Brief. In the alternative Grant Any Other Relief or Corrective Forum as requested in Appellant's Opening Brief's Relief.

I Richard John Vieira declare under the penalty of perjury that all of the foregoing is true and correct to the best of My knowledge pursuant to 28 U.S.C. §1746.

Respectfully submitted this 29th day of October, 2019.


Richard John Vieira

Attachments:

Appellant's Opening Brief for Appeal.

I, Richard John Vieira am the Appellant in the below captioned case and cause.
On the date of execution below, I Served the following Legal Documents on the follow-
ing Persons-Persons Office, by placing them into the Mail pursuant to the Outgoing
Legal Mail Policies of San Quentin State Prison on the 29th day of October, 2019.

Documents Served: Appellant's Letter Brief: Cal. Court of Appeals 5th. District.
In re. Richard John Vieira v. People of California, F079990
State No. CRHC-19-003296

Person(s) Served:

Office of the Attorney General
1300 I Street, suite 125
Sacramento, CA. 94244-2550
Attn. Catherine Chatman

District Attorney Birgit Fladger
832 12th. Street, #300
Modesto, CA. 95354

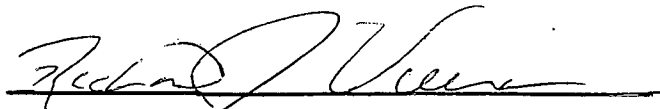
California Supreme Court
350 McAllister Street
San Francisco, CA. 94102-7303

Stanislaus County Superior Court
P.O. Box 1098
Modesto, CA. 95353
Attn. Honorable Nancy Ashley
CRHC-15-005643

Office of the Federal Defender
801 I Street, 3rd. Floor
Sacramento, CA. 95814
Attn. Lissa Joy Gardner -
Wesley A. Van Winkle.

I, Richard John Vieira declare under the penalty of perjury that all of the
foregoing is true and correct pursuant to 28 U.S.C. §1746.

Respectfully submitted this 29th day of October, 2019.


Richard John Vieira

COURT OF APPEAL

Fifth Appellate District

State of California

2424 Ventura St., Fresno, CA 93721
(559) 445-5491 - www.courts.ca.gov/5dca

Mariana M. Cordova
Assistant Clerk/Executive Officer

Brian Cotta
Clerk/Executive Officer

Shandra Santana
Supervising Deputy Clerk

November 12, 2019

Richard John Vieira
CDC #: H31000
San Quentin State Prison
San Quentin, CA 94974

Re: The People v. Vieira
F079990
Stanislaus County Super. Ct. No. CRHC-19-003296

Dear Petitioner:

This court is returning your Appellant's opening brief unfiled. The courts order filed October 11, 2019, stayed preparation of the record and briefing.

If you need further assistance, please contact the Criminal Team at (559) 442-2755.

Very truly yours,

Brian Cotta, Clerk/Executive Officer
By: Shandra Santana, Supervising Deputy Clerk

Enclosures: Appellant's opening brief

IN THE
COURT OF APPEAL OF THE STATE OF CALIFORNIA
IN AND FOR THE
FIFTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

RICHARD JOHN VIEIRA,

Defendant and Appellant.

F079990

(Stanislaus Super. Ct. No. CRHC-19-003296)

ORDER

BY THE COURT:*

Appellant purports to appeal from an August 23, 2019, order denying a motion to augment the record in a capital habeas corpus proceeding. According to the August 23, 2019 order, the habeas proceeding was no longer pending at the time the motion was filed. On October 11, 2019, this court issued an order informing appellant that this court was considering dismissing the above entitled appeal for lack of appellate jurisdiction and providing appellant with an opportunity to establish a basis for appellate jurisdiction. Appellant submitted a letter brief to this court, however, the letter brief failed to address the appealability issue raised in this court's order.

The denial of a petition for writ of habeas corpus is not appealable. (*In re Clark* (1993) 5 Cal.4th 757, 767, fn. 7; *In re Zany* (1913) 164 Cal. 724, 727.) While Penal Code section 1509.1 permits an appeal from a decision of the superior court in an initial petition for writ of habeas corpus in a capital case, appellant does not purport to appeal from such a decision. Rather, appellant appeals from the denial of a motion to augment the record in a habeas proceeding, after the denial of the habeas petition. Only postjudgment orders "affecting the substantial rights" of a party are appealable orders. (Pen. Code, § 1237, subd. (b).) A denial of a motion to augment after a petition for writ of habeas corpus was denied does not constitute a postjudgment order affecting appellant's substantial rights. Therefore, the above entitled appeal is dismissed as taken from a nonappealable order.



Hill, P.J.

* Before Hill, P.J., Poochigian, J. and Peña, J.

IN THE
COURT OF APPEAL OF THE STATE OF CALIFORNIA
IN AND FOR THE
FIFTH APPELLATE DISTRICT

THE PEOPLE,

Plaintiff and Respondent,

v.

RICHARD JOHN VIEIRA,

Defendant and Appellant.

F079990

(Stanislaus Super. Ct. No. CRHC-19-003296)

ORDER

Appellant's "MOTION FOR REHEARING-RECONSIDERATION-CLARIFICATION ...," filed on December 23, 2019, is denied. Appellant's motion fails to address the appealability of the August 23, 2019 order denying his motion to augment the record in the capital habeas proceeding in his motion. Rather, appellant's motion focuses on the merits of his appeal. To the extent appellant argues this court erred in returning his opening brief, which addressed the merits of his appeal, appellant has failed to resubmit a copy of the brief in connection with his motion for this court to consider.



HILL, P.J.

WE CONCUR:



POOCHIGIAN, J.

PEÑA, J.



COURT OF APPEAL
FIFTH APPELLATE DISTRICT
STATE OF CALIFORNIA
2424 VENTURA STREET
FRESNO, CALIFORNIA 93721-2227

BRIAN COTTA
CLERK / EXECUTIVE OFFICER

PHONE (559) 445-5491
FAX (559) 445-5769

January 6, 2020

MARIANA M. CORDOVA
ASSISTANT CLERK / EXECUTIVE OFFICER

Richard John Vieira CDCR #H31000
San Quentin State Prison
San Quentin, CA 94974

Re: *People v. Vieira*; Case No. F079990

Dear Mr. Vieira:

The court is in receipt of your "NOTICE OF APPEAL," received on January 3, 2020, and has authorized the following response.

A notice of appeal may not be filed in this court. To the extent you are attempting to appeal from a judgment or an appealable order of the superior court in a felony case, you must first complete and file a notice of appeal with the superior court **within 60 days after the rendition of the judgment or the making of the order being appealed.** (Cal. Rules of Court, rules 8.304(a) & 8.308(a).) Assuming your notice of appeal is timely filed, the superior court will process your notice of appeal and forward it to this court for further action. A form Notice of Appeal (Felony) is enclosed for your use.

To the extent you are attempting to seek review of a decision of this court, you must file a petition for review in the Supreme Court within 10 days of the finality of the appellate decision (Cal. Rules of Court, rule 8.500(e)(1)).

Very truly yours,

Brian Cotta, Clerk/Executive Officer

BC
Encl.

Appendix

D

SUPERIOR COURT, STATE OF CALIFORNIA, COUNTY OF STANISLAUS

THE PEOPLE OF THE STATE OF CALIFORNIA v. RICHARD VIEIRA

NATURE OF HEARING: HABEAS CORPUS CASE NO: CRHC-19-003296

JUDGE: SCOTT T. STEFFEN Bailiff: NONE Date: April 8, 2019
Clerk: S. FAIRCHILDS Reporter: NONE Modesto, California

Appearances: None

Petitioner challenges his sentence of death by way of habeas corpus on several grounds.

First, he asserts that the judgment was based on evidence never presented to the defense. Petitioner's petition appears to be untimely. He was convicted in 1991, more than 25 years ago. He does not provide a basis for the delay in bringing this matter before the court. Nor is it likely that he can explain any delay.

Among petitioner's assertions is that one of the witnesses, Michelle Evans, was having an affair with one of the detectives working on the case, Gary Deckard. It has long been required that a petitioner explain and justify any significant delay in seeking habeas corpus relief. This is particularly the case where a petitioner has previously filed habeas petitions without raising the issues presently before this court. The burden applies to even indigent petitioners appearing in propria persona. (*See In re Clark* (1993) 5 Cal.4th 750, 765.) Petitioner fails to explain the delay in pursuing this claim. Moreover, it is unlikely that he can overcome this defect. One of his co-defendants filed a petition more than three years ago asserting that same ground, and in so doing indicated that he was working with co-defendants once they filed their own petitions. Because petitioner fails to show that he diligently sought relief, the petition must be denied.

Next, petitioner asserts that the trial court failed to maintain and preserve a certified trial court record to support the judgment. This claim must also fail. Petitioner's own papers indicate that his appellate counsel moved to correct and to augment the record, but nothing in petitioner's papers indicate that the record was not maintained at all. Moreover, that is a ground that could have been raised on direct appeal. Finally, it seems unlikely that the Supreme Court would have entertained a review of the judgment against the petitioner if it did not have an adequate record.

Finally, the court notes that petitioner filed a petition for writ of habeas corpus in the Supreme Court that was resolved by order filed on June 4, 2009. In that order, the Supreme Court noted that most of his claims were untimely, had been raised on appeal (*In re Waltreus* (1965) 62 Cal.2d 218, 225), or could

have been raised on appeal. (*In re Dixon* (1953) 41 Cal.2d 756, 759.) That order allowed petitioner to raise "ineffective assistance of counsel" issues by way of habeas corpus. However, petitioner should have pursued that remedy long ago. His attempt to raise any IAC claims at this time are untimely.

For the foregoing reasons, the petition for writ of habeas corpus is denied.

Copy:

Richard Vieira, #H31000
San Quentin State Prison
San Quentin, CA 94974

SUPERIOR COURT, STATE OF CALIFORNIA, COUNTY OF STANISLAUS

THE PEOPLE OF THE STATE OF CALIFORNIA v. RICHARD VIEIRA

NATURE OF HEARING: MOTION FOR REVIEW CASE NO: CRHC-19-003296

Judge: SCOTT T. STEFFEN
Clerk: S. SALAZAR

Bailiff: NONE
Reporter: NONE

Date: July 25, 2019
Modesto, California

Appearances: None

Petitioner seeks review of this court's order of April 8, 2019, denying his petition for writ of habeas corpus. Petitioner's motion makes presents no information that warrants any changes in the prior ruling.

Petitioner's Motion for Review is therefore denied.

Copy:

Richard John Vieira #H-31000
San Quentin State Prison
San Quentin, CA 94974

SUPERIOR COURT, STATE OF CALIFORNIA, COUNTY OF STANISLAUS

THE PEOPLE OF THE STATE OF CALIFORNIA v. RICHARD JOHN VIEIRA

NATURE OF HEARING: MOTION TO AUGMENT RECORD CASE NO: CRHC-19-003296

Judge: SCOTT T. STEFFEN

Bailiff: NONE

Date: August 23, 2019

Clerk: S. SOUZA

Reporter: NONE

Modesto, California

Appearances: None

Petitioner filed a Motion to Augment the Record in the above-captioned case. Petitioner's motion is unclear as to exactly what he wants included in the record, but there are currently no matters pending before this court in which Petitioner is a party.

His motion will be filed in this case, but no further action will be taken.

Copy:

Richard John Vieira #H-31000

San Quentin State Prison

San Quentin, CA 94974

RECEIVED
R 9/16/19 8:27

Richard John Vieira (H-31000)
San Quentin State Prison
San Quentin, CA. 94974

FILED

SEP 16 2019

CLERK OF THE SUPERIOR COURT
COUNTY OF STANISLAUS

Barthelme J. J...

Stanislaus County Superior Court

Richard John Vieira,
Petitioner:

v.

Peoples of State of California,
Respondents:

Case No. CRHC-19-003296

NOTICE OF APPEAL

Final Judgment Entered-
August 23, 2019,
Hon. Scott Steffen.

Petitioner Richard John Vieira respectfully submits this Formal Notice of Appeal, Related to the above entitled case and cause, and the Final Judgment entered in this case on August 23, 2019.

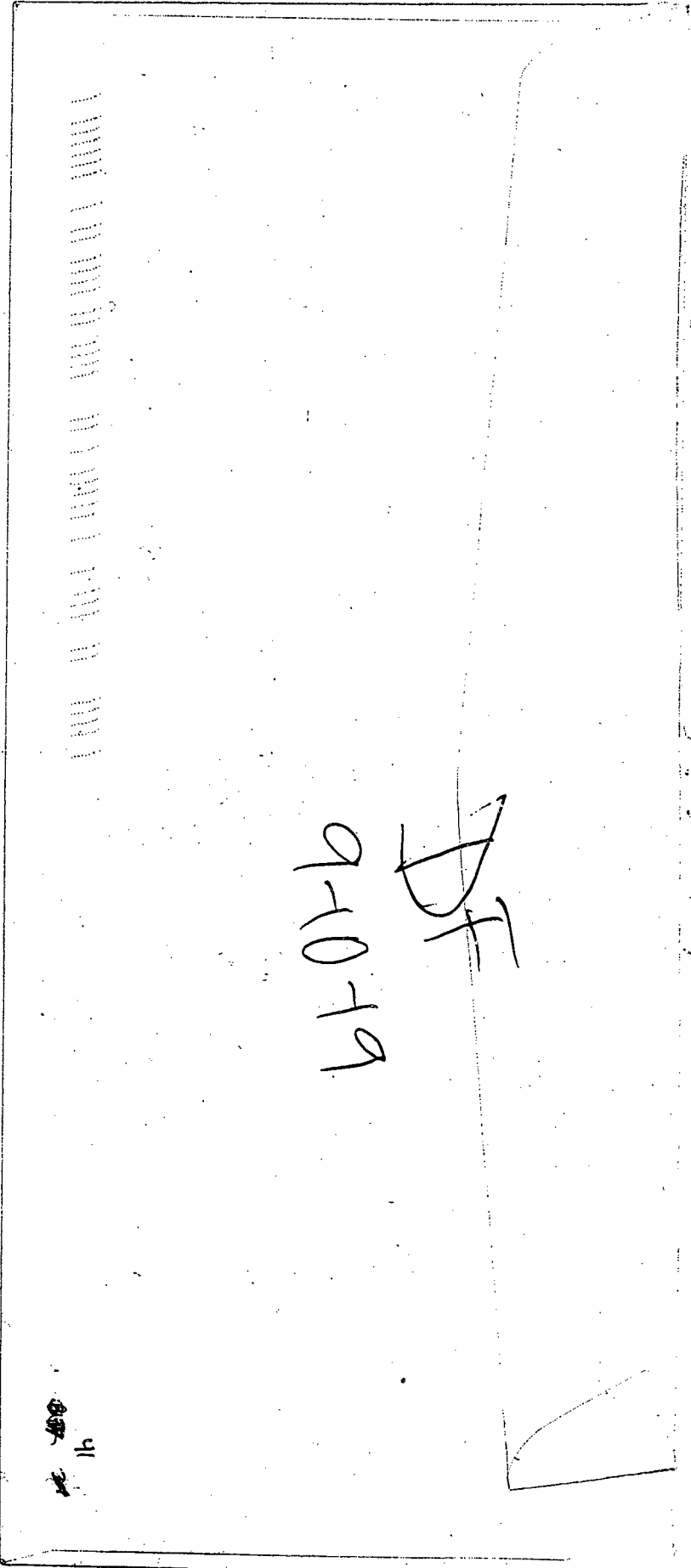
This Appeal is taken in Good Faith as this Case IS A Capital Case which was obtained by the criminal violations of law by the State's Government Agents, And has been "maintained" by the criminal violations of Constitutional Rights and Statutes by the State's Government Agents Acting Under the Color of Law.

This Case "presented" actual crimes committed and still ongoing and legally reported pursuant to Title 18 U.S.C. §04.

I, Richard John Vieira Declare under the penalty of perjury that all of the foregoing is true and correct pursuant to 28 U S C §1746.

Respectfully submitted this 10th day of September, 2019

Richard John Vieira
Richard John Vieira



9-10-19
DIT

11



SUPERIOR COURT OF CALIFORNIA COUNTY OF STANISLAUS

Hugh K. Swift
Executive Officer
Jury Commissioner

800 - 11th Street
Modesto, California 9535
Telephone (209) 530-310
Fax (209) 236-779
www.stanct.or

September 19, 2019

NOTIFICATION OF FILING NOTICE OF APPEAL

Birgit Fladager, District Attorney
Stanislaus County
832 - 12th Street, Suite 300
Modesto, CA 95354

Re: THE PEOPLE vs. RICHARD JOHN VIERA
Superior Court No. CRHC-19-003296

Dear Ms. Fladager:

You are hereby notified that the defendant in the above entitled case filed a Notice of Appeal on Septemeber 16, 2019.

Yours truly,

HUGH K. SWIFT, Court Executive Officer

By JENNY KELSEY
Jenny Kelsey, Deputy Clerk

HKS/jk

cc: Charlene Ynson, Clerk/Administrator, Fifth District Court of Appeal
Lissa Gardner, Deputy Federal Defender
Richard John Vieira, CDCR #H-31000

T. Copy

Appendix

E

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

OCT 10 2019

RICHARD J. VIEIRA,
Petitioner-Appellant,
v.
RON DAVIS, Warden,
Respondent-Appellee.

No. 15-99003

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

D.C. No.
1:05-cv-01492-AWI-SAB
Eastern District of California,
Fresno

CORRECTED ORDER

Respondent-Appellee is directed to file supplemental briefing on the following issues: 1) whether the prosecution suppressed material impeachment evidence (Claim 3); 2) whether defense counsel rendered ineffective assistance at the guilt phase by failing to competently investigate, develop, and present an adequate defense (Claim 1); and 3) whether denial of Petitioner-Appellant's change of venue motion violated his constitutional rights (Claim 12). Briefing shall not exceed 30 pages and shall be filed no later than December 13, 2019. Petitioner-Appellant may file a reply brief no later than January 31, 2020.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Allison Fung
Deputy Clerk
Ninth Circuit Rule 27-7

FILED

UNITED STATES COURT OF APPEALS

SEP 04 2015

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

RICHARD J. VIEIRA,

Petitioner - Appellant,

v.

RON DAVIS, Warden,

Respondent - Appellee.

No. 15-99003

D.C. No. 1:05-cv-01492-AWI-SAB
Eastern District of California,
Fresno

ORDER

Before: Peter L. Shaw, Appellate Commissioner.

Petitioner's Verified Declaration In Support Of The Record For Appellate
Review, a pro se document received by this Court on September 2, 2015, is
referred to the merits panel for whatever consideration it deems appropriate.

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Appendix

F

U.S. judges see 'epidemic' of prosecutorial misconduct in state

By MAURA DOLAN

JANUARY 31, 2015, 7:20 PM

The hearing seemed largely routine until a state prosecutor approached the lectern.

Deputy Atty. Gen. Kevin R. Vienna was there to urge three judges on the U.S. 9th Circuit Court of Appeals to uphold murder convictions against Johnny Baca for two 1995 killings in Riverside County. Other courts had already determined that prosecutors had presented false evidence in Baca's trial but upheld the verdicts anyway.

Vienna had barely started his argument when the pummeling began.

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Judge Alex Kozinski asked Vienna if his boss, Atty. Gen. Kamala D. Harris, wanted to defend a conviction "obtained by lying prosecutors." If Harris did not back off the case, Kozinski warned, the court would "name names" in a ruling that would not be "very pretty."

Judge Kim Wardlaw wanted to know why Riverside County prosecutors presented a murder-for-hire case against the killer but did not charge the man they said had arranged the killings.

"It looks terrible," said Judge William Fletcher.

The January hearing in Pasadena, posted online under new 9th Circuit policies, provided a rare and critical examination of a murder case in which prosecutors presented false evidence but were never investigated or disciplined.

The low-profile case probably would have gone unnoticed if not for the video, which attorneys emailed to other attorneys and debated on blogs.

In a series of searing questions, the three judges expressed frustration and anger that California state judges were not cracking down on prosecutorial misconduct. By law, federal judges are supposed to defer to the decisions of state court judges.

Prosecutors "got caught this time, but they are going to keep doing it because they have state judges who are willing to look the other way," Kozinski said.

Santa Clara University law professor Gerald Uelmen said the judges' questions and tone showed they had lost patience with California courts. State judges are supposed to refer errant lawyers, including prosecutors, to the state bar for discipline, but they rarely do, Uelmen said.

"It is a cumulative type thing," Uelmen said. "The 9th Circuit keeps seeing this misconduct over and over again. This is one way they can really call attention to it."

A 2010 report by the Northern California Innocence Project cited 707 cases in which state courts found prosecutorial misconduct over 11 years. Only six of the prosecutors were disciplined, and the courts upheld 80% of the convictions in spite of the improprieties, the study found.

The case that sparked the court's recent outrage involved the killing of John Adair and his live-in partner, John Mix, two decades ago. Baca, a friend of Adair's adopted son, was working as a houseboy for the couple.

A jailhouse informant testified that Baca had confided the son planned the killing. The two were going to split Adair's inheritance, the informant said. Other witnesses testified that Adair was planning to disinherit his son, who was never charged in the case.

Baca was tried twice and found guilty both times. A state appeals court overturned the first verdict. The second withstood an appeal, even though the state court found the informant and a Riverside County prosecutor had given false testimony.

The informant falsely testified he had asked for and received no favors. The prosecutor falsely corroborated that on the stand, according to court records. Baca was sentenced to 70 years to life.

Patrick J. Hennessey Jr., who has represented Baca on appeal for nearly two decades, said he had never seen such an "egregious" case of prosecutorial misconduct.

"That is what bothered me," Hennessey said. "There was never a fair discussion of how serious the issue was."

A U.S. magistrate who next examined the case said Baca might not have been convicted of first-degree murder but for the false testimony. He said the federal court nevertheless was supposed to defer to the state courts.

"Sadly, this informant's lies were bolstered by a Deputy District Attorney, who also lied," wrote Magistrate Judge Patrick J. Walsh. "What is obvious ... is that the Riverside County District Attorney's Office turned a blind eye to fundamental principles of justice to obtain a conviction."

Armed with the magistrate's report, the three judges on the 9th Circuit panel appeared incredulous about the facts of the case.

Wardlaw, a Clinton appointee, complained that California's courts were "condoning" prosecutorial misconduct by upholding verdicts, a rare public criticism of her fellow judges. She suggested that state judges, who must be approved by voters, fear inciting the public's wrath. Federal judges are appointed for life.

"I understand why they do that," Wardlaw said. "They are elected judges. They are not going to be reversing these things."

Fletcher, another Clinton appointee, observed that the state's attorney general had fought "tooth and nail" more than a decade ago to prevent a court from seeing a transcript that revealed the false evidence.

"It would look terrible in an opinion when we write it up and name names," Kozinski, a Reagan appointee, told the government lawyer. "Would your name be on?"

Vienna said he was not involved in the case at the time, but named others in the office.

- > Kozinski demanded to know why the informant and the testifying prosecutor were not charged with perjury. He suggested the state bar should pull the law license of the prosecutor who presented the evidence.

Retired Deputy Dist. Atty. Paul Vinegrad, who prosecuted Baca in both trials, said in an interview that he did not suspect deceit. He said he has since learned that his colleague who falsely testified — former Deputy Dist. Atty. Robert Spira — had memory problems and may have been confused. Spira, who no longer practices law, could not be reached for comment.

Vinegrad also said he believed in the murder-for-hire case he presented, but that there was not enough evidence to charge the son. The informant's testimony against the son would not have been admissible under legal rules at the time, Vinegrad said.

- > Kozinski, who in the past has spoken out about an "epidemic" of prosecutorial misconduct, asked Vienna whether Harris was aware of the case. Vienna indicated she probably was not. Kozinski told him to get her attention within 48 hours. Harris would need to take action if her office wanted to avoid an embarrassing ruling, Kozinski said.

"Make sure she understands the gravity of the situation," Kozinski said, adding that the case "speaks very poorly for the attorney general's office."

Harris, a candidate for U.S. Senate, changed course. Her office decided last week not to oppose Baca's challenge.

- > Mike Hestrin, Riverside County's newly elected district attorney, did not concede that the prosecutors' "misconduct" was intentional, but said his office would investigate the prosecutors' actions and retry Baca.

It will be Baca's third trial.

maura.dolan@latimes.com

Twitter: @mauradolan

MORE CALIFORNIA NEWS:

Anger over development becomes key issue in L.A. council race

Steve Lopez: Aircraft worker had retirement lined up, then the boom came down

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Judge Alex Kozinski (L), of the 9th U.S. Circuit Court of Appeals, pictured here in 2003 in San Francisco, has indicated that the judiciary is finally ready to stop prosecutors from lying and soliciting others to lie. (Paul Sakuma-Pool/Getty Images)

What will it take to produce honest and ethical conduct from our state and federal prosecutors? The Ninth Circuit has a suggestion. Perhaps a perjury prosecution will do it. In fact, that is exactly what should happen when prosecutors affirmatively lie.

This case, *Baca v. Adams*, involves a clear violation of the Supreme Court's decision in *Napue*, which holds that prosecutors cannot put on perjured testimony, much

less lie themselves. Unfortunately, as I've documented elsewhere, it happens far too often, when it should never happen at all.

In this case, the prosecution infected the case with false testimony—including by a prosecutor himself—over benefits given to a “cooperator” or a jailhouse “snitch.”

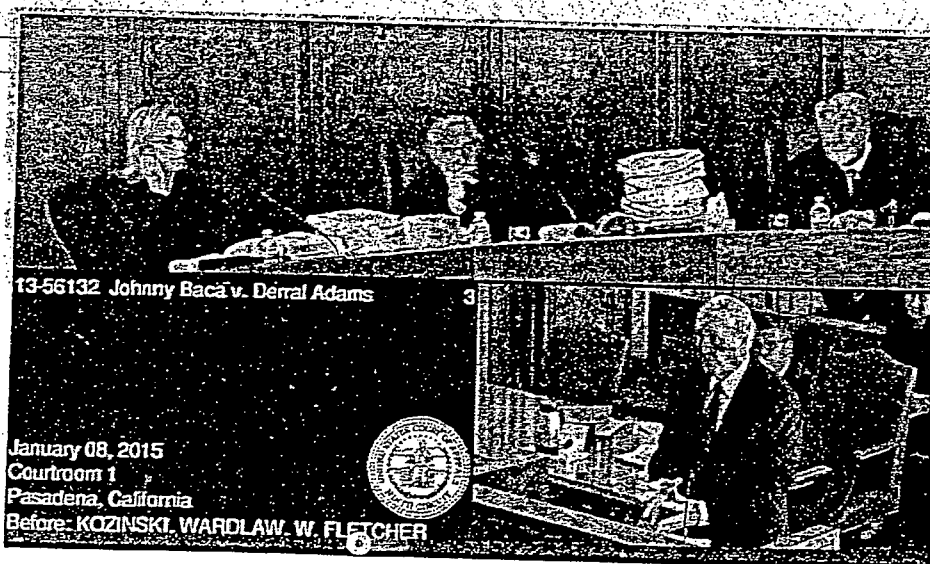
The entire program of “cooperation” is rife with problems. Prosecutors often put extraordinary pressure on the worst criminals, threatening not only them but their families. After completely terrifying the person who knows he will go to prison no matter what (because he really is guilty), the prosecutor then offers life-saving benefits, often secretly, in exchange for testimony against many less culpable “targets” of the government’s investigation.

If a defense attorney gave anything to any witness in exchange for his testimony, it would be bribery, and the defense attorney would be prosecuted.

In Mr. Baca’s case, Deputy District Attorney Robert Spira first prosecuted Mr. Melendez. Melendez went to prison and became a “snitch.” Then prosecutors turned to prosecute Mr. Baca.

Prosecutor Spira took the stand at the trial of the next defendant, Mr. Baca, to discuss Mr. Melendez’s plea deal. Prosecutor Spira testified that Mr. Melendez did not get any consideration in exchange for testifying against Baca. The California Court of Appeal found this to be untrue. Deputy District Attorney Paul Vinegrad was the prosecuting attorney in Mr. Baca’s case who put on Mr. Melendez and his fellow prosecutor Mr. Spira as witnesses against Mr. Baca.

A magistrate and the California Court of Appeal found that California deputy district attorney Spira lied under oath, testifying against a criminal defendant and in support of a lying “jailhouse snitch” who was placed on the witness stand in apparent subornation of perjury. Making matters worse, the California Attorney General fought “tooth and nail” to keep the transcript of the relevant hearing from the California Court of Appeal.



4.

Hearing to the 9th Circuit (Kozinski, Wardlaw, W. Fletcher) linked in this article [use the web version of the article if this link does not come through]. This argument is worth its weight in gold - someone actually doing something about the misconduct that goes on in prosecutor's offices - or trying to!

Who was the CA Deputy Attorney General who fought tooth and nail to keep the transcript that proved a prosecutor lied under oath and another suborned perjury from the Court's review? In the > linked hearing - it comes out it is Laura Studebaker (no longer at the AG's office) and Delgado Rouché (still w/AG) (spelling-of-names-not-verified)

The 3-judge panel gives the AG one week to respond to the Court how they will resolve this case or they will issue a scathing opinion naming names in the F3d.

It takes a minute for the panel to warm up . . . but when they do . . . they are no holds barred on the crimes of these prosecutors and why something hasn't been done.

{ In a somewhat sad note, Wardlaw refers to the execution of Tom Thompson and the similarity to this case reminding the DAG that the AG's office has never prosecuted anyone in that case either. This all reflects very poorly on CA's Attorney General's Office which has the ability to criminally prosecute the crimes of prosecutors - who have the lives of defendants in their hands (and in the case of Tom Thompson - who was executed - literally the life of the prisoner)

<http://observer.com/2015/01/breaking-ninth-circuit-panel-suggests-perjury-prosecution-for-lying-prosecutors/>

Breaking: Ninth Circuit Panel Suggests Perjury Prosecution For Lying Prosecutors

Attorneys argue the case before Ninth Circuit Judges (l to r) Kim Wardlaw, Alex Kozinski, and William Fletcher. (Johnny Baca v. Derral Adams/YouTube)

The Ninth Circuit is going to do something about it, including naming names—if the California Attorney General does not—and the court strongly suggests that the lying prosecutor himself be prosecuted for perjury. The entire video of the oral argument is available to watch [here](#), and it begins to draw blood about 17 minutes into it. Be sure to watch until the end.

~~Article III of our Constitution created our independent and equal third branch of government—our federal judiciary. It exists to serve as a check and balance on both the Executive and Legislative branches of government. Months ago, Judge Kozinski called upon judges across the country to put a stop to the illegal and unethical conduct of federal prosecutors. The New York Times, the Los Angeles Times and others reported it, but have gone largely silent. We will not be. We are the home of the brave.~~

We thank and applaud Ninth Circuit Judges Alex Kozinski, Kim Wardlaw and William Fletcher for personifying the virtues of Article III that our Founders intended.

Oh, say can you see?

Appendix

G

Governor's - AG's Legal Notice

Governor's EXECUTIVE ORDER

Richard John Vieira (H-31000)
Legal Notice to Gavin Newsom
March 12, 2020
page 2 of 3

Mr. Newsom, These documents certify that I have attempted to obtain relief and corrections from Both the California Supreme Court and the Attorney Generals Office. All of these Agents who Have a Vested Duty to Obey, Uphold and Enforce the Mandatory Directives in this State's and United States Constitutions and Laws, have choosen not to obey and refused to take any corrective actions related to the deliberate violations of the Laws reported here.

In cooperation with the U.S. Attorney, Who is investigating allegations of this State's Government Agents violating the Constitution and Laws of the United States to murder U.S. Citizens. I have also provided Him with this Legal Notice and Service of My Facts and Evidence, (see enclosed letter to U.S. Attorney dated March, 9, 2020) the same date I Served Your Officer Xavier Bacerra with ALL THE SAME FACTS-EVIDENCE. You are the Only One I have provided a COPY of the U.S. Attorney's Letter, so that You can see what You and this State are in for when The U.S. Prosecutes

Mr. Newsom, You are the Chief Legal Officer of State of California, and Your Agents in the Attorney Generals Office ARE violating the Absolute Commands in the Constitutions and Laws of California and the United States, and are Refusing to perform Their Absolute Duties to ensure All the Laws are being enforced, equally applied, and or prosecuting violators. "Judges" on the California Supreme Court are NOT immune from prosecution when They Violate the Mandatory Commands in the Laws and Constitution they too swore an Oath to Obey and Uphold. Their Violations ARE INTENTIONAL! Mr. Newsom, Just read these documents and see every allegation I've presented to You is absolutely true and correct.

Mr. Newsom, I don't know if You are a principal with the California Supreme Court's Judges and Attorney Generals criminal conspiracy to violate the constitution and laws while acting under color of law or not. I certainly wanted to give You the benefit of doubt by Serving You with these facts and give You the opportunity to correct.. I have Read Your (Executive Order N-09-19), clearly You have some understanding there's a problem. Now You can see what the problem really is.

Richard John Vieira (H-31000)
Legal Notice to Gavin Newsom
March 12, 2020
page 3 of 3

Mr. Newsom, I hope You will accept these documents and My Legal Service in the good faith I am presenting them to You.

At this time, I will not serve the U.S. Attorney with a copy of Your Legal Notice. In order to give You time to take some sort of legal actions on Your Own. However, "If" I don't hear from You, or the U.S. Attorney contacts Me first. Then I will be obligated to Show the U.S. Attorney You were Served and Have knowledge.

"I Hope" I will hear from You soon and first. Thank You for Your time and attention.

Respectfully,



Richard John Vieira

enclosures:

- (i) California Supreme Court's Illegal Order
- (ii) My Motion for Rehearing
- (iii) Letter-Legal Notice to Deputy Attorney Catherine Chatman
- (iv) Letter-Legal Notice to U.S. Attorney
- (v) California Supreme Court's REJECTION of Motion for Rehearing.
- (vi) Letter-Legal Notice to Attorney General Xavier Becerra
- (vii) Letter-Legal Notice to U.S. Attorney

EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA

Executive Order N-09-19

WHEREAS, California's death penalty system is unfair, unjust, wasteful, protracted and does not make our state safer.

WHEREAS, the state's bedrock responsibility to ensure equal justice under the law applies to all people no matter their race, mental ability, where they live, or how much money they have.

WHEREAS, death sentences are unevenly and unfairly applied to people of color, people with mental disabilities; and people who cannot afford costly legal representation.

WHEREAS, innocent people have been sentenced to death in California. Moreover, the National Academy of Sciences estimates that as many as one in 25 people sentenced to death in the United States is likely innocent.

WHEREAS, since 1978, California has spent \$5 billion on a death penalty system that has executed 13 people.

WHEREAS, no person has been executed since 2006 because California's execution protocols have not been lawful. Yet today, 25 California death row inmates have exhausted all of their state and federal appeals and could be eligible for an execution date.

WHEREAS, I will not oversee execution of any person while Governor.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. An executive moratorium on the death penalty shall be instituted in the form of a reprieve for all people sentenced to death in California. This moratorium does not provide for the release of any person from prison or otherwise after any current conviction or sentence.
2. California's lethal injection protocol shall be repealed.
3. The Death Chamber at San Quentin shall be immediately closed in light of the foregoing.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order shall be filed with the Office of the Secretary of State and that widespread publicity and notice shall be given to this Order.

Double Sided

Richard John Vieira (H-31000)
San Quentin State Prison
San Quentin, CA. 94974
March 9, 2020
Page 1 of 3.

To: California Attorney General
Xavier Becerra
1300 I Street, suite 125
Sacramento, CA: 94244-2550

LEGAL NOTICE; Of Criminal Violations of Laws and Constitutional Directives by Government Agents in California, with intent to commit first degree murder of U.S. Citizens.

Dear Mr. Becerra,

I am respectfully writing to You to provide You with Legal Notice of Crimes, Crimes in process being committed by California's Government Agents, As well as Your Own agents - Deputy Attorney Generals. The allegations are Facts-undisputable, supported with undisputable evidence.

This Legal Notice is also presented to You pursuant to United States Criminal Statute Command (Title 18 U.S.C. §04): Which Invokes Your Duties as the Chief Prosecutor of State of California, to investigate and prosecute. Or You can pass on these Reported Crimes and allow the U.S. Attorney et.al. Government Agencies to investigate and prosecute All Who have committed these crimes reported, as well as All Who had knowledge and supported, concealed and or failed to correct if Their Constitutional Duties Required Them to do so.

Mr. Becerra, The Facts and evidence are clear and simple to deduce. Just Read the enclosed "Motion for Rehearing" presented to the California Supreme Court along with the Court's Order being challenged, and the Attached Letter presented to Your Agent Deputy Attorney Catherine Chatman and the U.S. Attorney J. Warren.

The California Supreme Court's Justices ARE NOT Vested with Authority to "violate", disobey or ignore The Commands in the Constitution and Laws of California, or especially the United States. Any Government Agent Vested with Authority Who violates the Laws and Constitutional Commands, or "ignores" Their Duties to Obey and uphold, commits criminal violations of United States Statutes. Any Government Agent who uses Their Vested Authority to "hide", conceal and protect the Violators criminal acts are "guilty" of aiding and abiding, (Accessory After the Fact, Title 18 U.S.C. §03 and §§241 and 242).

Richard John Vieira (H-31000)
Letter to Attorney General Xavier Becerra
March 9, 2020
page 2 of 3.

Mr. Becerra, This Case and allegations made therein are related to a Capital Case, in which You, Your Office, Deputy Attorney Catherine Chatman are seeking to execute Me. However, the facts are and can be certified that My conviction was obtained by criminal violations of the laws and constitutional statutes by the County's Law Enforcement Agents and Prosecutor, and has been maintained by this State's Government Agents in the California Supreme Court and Your Office.

Mr. Becerra, it is Your Duty to Secure and Uphold Justice and the Laws, Not protect and uphold convictions and sentences of death that were "obtained" by Government Agents violations of the Laws and Constitutional Rights.

I have acted in good faith by Reporting these Crimes to Deputy Attorney Catherine Chatman on February 24, 2020. As of this 9th day of March, 2020, (to My Knowledge) Ms. Chatman has failed to take any Legal steps to correct the Violations of the Laws and Constitutional Commands Reported to Her. I Have a record of several complaints presented to Ms. Chatman, presenting criminal violations of the Laws and Constitutional Directives. Ms. Chatman continues to fight tooth and nail to support and maintain My conviction and sentence of death, in spite of the crimes that were committed to obtain and maintain this illegal conviction.

Of course Mr. Becerra, You haven't been the Attorney General that long, and can only be held responsible from this moment on after My Legal presentation of the facts to You.

On February 27, 2020, The California Supreme Court REJECTED and Returned My "Motion for Rehearing". Clearly and Boldly standing by Their Acts to ignore and violate Constitutional Directives. It is also clearly beyond dispute You and Your Deputy Attorney Catherine Chatman also "support" and uphold the Court's violations of the laws and Constitutional Commands, Unless You, Your Office, Deputy Attorney Chatman can produce evidence of Your Duties and Actions to correct.

This is why I am also serving the U.S. Attorney and the Governor to assist Them in Their Duties to Investigate and Prosecute the violators of the Laws, and All Those who conspire to violate the Constitution, Laws and Treaty of California and the United States to obtain convictions and sentences of death, then continues their crimes and conspiracy to Murder U.S. Citizens.

Richard John Vieira (H-31000)
Letter to Attorney General Xavier Becerra
March 9, 2020
page 3 of 3.

Mr. Becerra, I hope I have presented enough facts and evidence for You to comprehend the issues at bar, and that I will receive some form of response from You clarifying Your Honor to the Duties You Owe by Oath and Constitutional Vestment of Power.

I look forward to seeing some form of communication and corrections from You and Your Office. Thank You for Your Time and Attention.

Respectfully,

A handwritten signature in black ink that reads "Richard John Vieira". The signature is written in a cursive style with a large, sweeping initial "R".

Richard John Vieira

enclosures:

My Legal Notice-Courtesy Copy to Ms. Chatman,
3 page Motion for Rehearing-Reconsideration-
with proof of service.

My Letter-Legal Service to U S. Attorney.

All of the enclosed here will also be served upon the U.S. Attorney.

Richard John Vieira (H-31000)
San Quentin State Prison
San Quentin, CA. 94974

February 24, 2020

To: Deputy Attorney General
Catherine Chatman
1300 I Street, suite 125
Sacramento, CA. 94244-2550
Courtesy Copy and Legal Notice.

Dear Ms. Chatman,

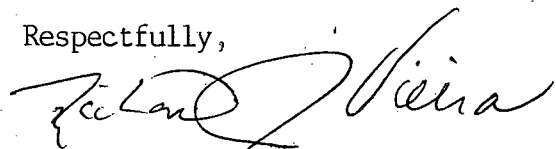
I am respectfully writing to You to serve You with this courtesy copy of My Motion for Rehearing-Reconsideration to the California Supreme Court. It is "only 3 pages" and a proof of service. I am respectfully asking that You take a simple "two minutes" to read this motion. This motion clearly certifies legal facts that the California Supreme Court's Judges intentionally violate the Constitution and laws of both the State of California and the United States. I cannot believe that a Legal Officer in the Attorney General's Office like Yourself would violate clearly established laws and constitutional directives, or condone and participate with Others who do.

No matter what You think of Me, these acts cannot be tolerated by a State Deputy Attorney General. Your Duties are to enforce ALL of the Laws and Constitutional Directives, and prosecute All those who violate. This Legal Notice provides You with acknowledgement and Invokes Vested Duties to correct. Otherwise, My belief is "wrong", and You do participate and support Government Agents who violate the Laws and Constitution.

You may, or may not already be aware that the U.S. Attorney is investigating this State related to the issues at bar raised here. If You have any doubts, You can ask Your Supervisor Mr. Becerra because He is aware, and it is evidence like this enclosed motion that condemns this State's Legal Standing.

At this time, I will not serve a copy of this letter to Mr. Becerra or the U.S. Attorney in order to give You the opportunity to correct these violations as they relate to My Case and Your Representation, or allow You to pass on them. Thank You for Your Time and Attention.

Respectfully,



Richard John Vieira

Richard John Vieira (H-31000)
San Quentin State Prison
San Quentin, CA 94974

February 24, 2020

To: United States Attorney General
Deputy Attorney J. Warren
950 Pennsylvania Ave. N.W.
Washington, D.C. 20530-0001

Dear Mr. Warren,

I am respectfully writing to You to provide You with a 'courtesy copy' of My Motion for Rehearing-Reconsideration to the California Supreme Court. This Motion clearly certifies legal facts that the Court's Judges intentionally violate the Constitution and laws of both the State of California and the United States. The allegations presented in this motion also infers that the State's Attorney General et. al. Deputies also support, conceal and protect the Court's Judges and their violations of the Laws.

I have been informed these are crimes You are investigating now. This Motion will surprise You at just how 'much' evidence there is for You.

Thank You for Your Time and Attention.

Respectfully,



Richard John Vieira

encl. 4 page Motion for Rehearing
case No. S260076.

Richard John Vieira (H-31000)
San Quentin State Prison
San Quentin, CA. 94974

March 9, 2020

Page 1 of 2.

To: United States Attorney General

William Barr

950 Pennsylvania Ave. N.W.

Washington, D.C. 20530-0001

Attn. J. Warren:

**Legal Notice-Service: Additional Evidence to Certify Criminal Violations
of the Constitution and Laws of the United States,
Committed by California's Government agents with
Intent to Murder U.S. Citizens.**

Dear Mr. Warren,

I am writing to You once again to certify some Legal Facts, and provide You with some additional evidence for Your Investigation into the issues at bar.

On February 24, 2020; I served You with a courtesy copy of a "Motion for Rehearing" to the California Supreme Court (No. S260076), with verification that the California Supreme Court's Judges "violated" clearly defined constitutional commands and statutes.

On February 24, 2020; I also served the California Attorney General's Office-Deputy Attorney Catherine Chatman, (as required by law-rules of court). With this service, I Attached a Letter to Deputy Attorney Catherine Chatman clarifying the violations of law and constitutional commands, (see ATTACHED Letter herein to Deputy Attorney Chatman). In this letter, I respectfully requested for Her as an Officer-Deputy Attorney in the Attorney General's Office to object to the Court's violations, to investigate and correct as Her Duties Demand.

On February 27, 2020; The California Supreme Court REJECTED and Returned My Motion for Rehearing unfiled, stating that this Motion would not be filed, as the Court's Order in this case is final. This Order is Illegal, in violation of the Constitution's Command.

As of this 9th. day of March, 2020, Deputy Attorney Catherine Chatman (to My knowledge) has not taken Any Legal Actions as Her Duties Demand, to correct the Court's violations of Constitutional-Statutory Commands, and to Enforce the Laws.

Richard John Vieira (H-31000)
Letter to U.S. Attorney J. Warren
March 9, 2020.
page 2 of 2.

Mr. Warren, I am once again presenting You with copies of (i) Motion for Rehearing, (ii) Letter to Deputy Attorney Catherine Chatman, and (iii) Letter to California Attorney General Xavier Becerra (dated March 9, 2020).

It is clear and undisputable that the California Supreme Court's Judges are emboldened to ignore, disobey and right out violate the commands in the Constitutions, Statutory Laws and Treaties of California and the United States. When the State's Executive Branch, the Attorney General, et.al. All Deputies refuse to perform Their Duties to Enforce-Uphold the Laws, and give the California Supreme Court and State Prosecutors and Law Enforcement Agents carte blanche immunity-authority to ignore, disobey and violate the commands in this State's and United States Constitutions and Laws in order to murder U.S. Citizens alleged to be guilty of Capital Crimes.

Mr. Warren, I hope these documents and My explanation herein are understandable. I am Not an Attorney or Trained in Law. I am more than willing to answer any questions You may have, or provide You with any further documents if You request them. Thank You for Your Time and Attention.

Respectfully,



Richard John Vieira

Enclosures:

3-page motion for Rehearing to Cal. Supreme Court,
with proof of service.-

California Supreme Court's Order.

1-page Letter to Deputy Attorney Catherine Chatman.

2-page Letter to Attorney General Xavier Becerra.

CERTIFICATE OF COMPLIANCE

Case No. _____

Richard John Vieira,


v.

People of State of California, et.al.

As required by Supreme Court Rule 33.1(h), I certify that the petition for writ of certiorari contains Less Than (9,000) words, excluding the parts of the petition that are exempted by Supreme Court Rule 33.1(d).

I, Richard J. Vieira declare under the penalty of perjury that the foregoing is true and correct pursuant to 28 U.S.C. §1746.

Respectfully submitted this 16th day of April, 2020.



Richard John Vieira