

Case No. 19-8441

IN THE
UNITED STATES SUPREME COURT

Richard John Vieira,
Petitioner:

v

State of California,
Respondents:

Petitioner's Reply to
Respondent's Opposition to Petition for
Writ of Certiorari.

Petitioner
Richard John Vieira (H-31000)
San Quentin Prison
San Quentin, CA 94974
proceeding pro se

Introduction:

Petitioner submits the following allegations are factually TRUE, and Certify Grounds for Granting this Petition.

The undisputable legal facts are as follows:

This Country's Laws and Justice System are founded upon a Constitution, Statutory Laws, and Treaties Made therein. The United States Constitution (Article IV, §2) clarifies the Authoritative Answer:

The Constitution, and Laws of the United States which shall be Made in pursuance thereof, and All Treaties Made, or shall be made, under the Authority of the United States, Shall be the Supreme Law of the Land, and the Judges in Every State shall be bound thereto, Anything in the Constitution or Laws of "Any State" to the contrary notwithstanding. (see also U.S. Const. Amendment XIV).

No State shall Make or Enforce any law which shall abridge the privileges or immunities of Citizens of the United States. Nor shall Any State deprive any person of life, liberty or property without Due Process of Law, Nor deny to any person within its jurisdiction the Equal Protections of Law.

The State of California IS a State within the Union of the United States by Treaty, and clarifies the United States as the Supreme Law of the Land in California's Constitution (Article III, §1):

The State of California IS an inseparable part of the United States of America, and the United States Constitution IS the Supreme Law of the Land.

The United States issues a Legal Demand by Affirmative Statute upon ALL Those with Vested Authority who act on behalf of the United States and States within the Union. Vested Authority is Granted by the United States in (United States Constitution Article VI, §3): Oath of Agents:

The Senators and Representatives before mentioned, and Members of the Several State Legislators, and ALL Executive and Judicial Officers, both of the United States and of the Several States, SHALL be Bound by Oath of Affirmation, to support this Constitution; but No religious test shall ever be required as a qualification to any Office or public trust under the United States

The Oath to receive Vested Authority as a Judge is also certified as a Mandatory Statute in (28 U.S.C. §453), This Oath issues a Mandatory Duty which states:

I, --, do solemnly swear (or Affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon Me as ___ under the Constitution and Laws of the United States; So Help Me God.

(see also California Constitution Art. V. §13): issuing a Mandatory Statute and Duty to possess Vested Authority, "Duties of the Attorney General":

Subject to the Powers and Duties of the Governor, the Attorney General shall be the Chief Law Officer of the State, It shall be the Duty of the Attorney General to see that the laws of the State are uniformly and adequately enforced. The Attorney General shall have Direct Supervision over every District Attorney and Sheriff and over such other Law Enforcement Officers as may be designated by law, in all matters pertaining to the duties of their respective offices, and may require any of said officers to make reports concerning the investigation, detection, prosecution, and punishment of crimes in their respective jurisdictions as to the Attorney General may seem advisable. Whenever in the opinion of the Attorney General any law of the State is not being adequately enforced in any county, it shall be the Duty of the Attorney General to prosecute any violations of law of which the superior court shall have jurisdiction, and in such cases the Attorney General shall have all the powers of a district attorney, When required by the public interest or directed by the Governor, the Attorney General shall assist any district attorney in the discharge of the duties of that office.

Once these absolute duties are ignored, violated, and These Government Agents violate the Constitution and Laws of the State and United States. At the point of their criminal violations, They forfeit Their Legal Standing and Their Vested Authority is terminated as a matter of law.

Petitioner submitted to this Honorable Court and to Respondents, (The Attorney General and Governor), the actual legal findings by the Ninth Circuit Court's Chief Justice Alex Kozinski clarifying in (Baca v. Adams, No 13-56132) "the State of California Attorney General, Deputies-Prosecutors have created

an epidemic, pattern of practice of criminal violations of the laws by perjury, subornation of perjury, manufacturing-concealing evidence to obtain and maintain criminal convictions. 'No Corrections Implemented'!

However, the actual undisputable Legal Facts certify these criminal violations of the Constitution and Laws by the Attorney General, et. al., Deputies and District Attorneys have been Their standard of practice since the early 1980's, and continues to this day due to Our U.S. Judges Refusing to perform Their Absolute Duties required by (28 U.S.C. §453).

Statement of Actual Facts:

The Facts are certified by a statistical analysis created by Five Universities Law Departments, Two State of California Legislatively Funded Commissions, and Five Professors of Law. The statistical analysis perfected by all studies and evaluations are founded upon undisputable facts and evidence, clearly established by a "comparison study" of California Supreme Court's Adjudications verses The U.S. Court's Adjudications in the Same Cases (ALL Capital Cases).

In 1984 the State of California's Attorney Generals Office, District Attorneys Association, Law Enforcement Associations issued Formal Threats to Members of the Judicial Branch throughout the State of California.

'pursuant to (Title 18 U.S.C. §§1503, 1512) Threats utilized to 'influence' judicial proceedings to obtain favorable influence by Affirming Criminal Convictions'; [See Habeas Corpus Exhibit C-1] Filed in the Superior Court No (CRHC-19-003296).

In 1986, The threats by the California State Attorney General, The Governor, The Prosecutors and Law enforcement Statewide were carried out by the REMOVAL of Three of California's Supreme Court Justices'. The Justices Removed were known as The Bird Court. The Bird Court Only Affirmed 7.8% of California's Capital Cases. The Bird Court's Adjudications were Reversed by the U.S. Courts

less than .25%. The Reversals and Affirmations clearly establish the foundation of the Sitting Judges' professionalism and ability to act in compliance with the Authoritative Directives in Laws and Constitution, and maintain and uphold the Constitution and Statutory Laws of California and the United States.

In early 1987, After these Threats were carried out, and the New Governor Deukmejian (Former Attorney General), Recreated the California Supreme Court to accomplish "His Will and Goals" in behalf of All Prosecutors and Law Enforcement Statewide. The result now established, Deukmejian's Creation Now Affirms 95% of All Capital Appeals alone, and DENIES 95% of ALL Capital Habeas Corpus'. Clearly The Change in the Court's Judges drastically Created the High Affirmation Rate in the Court's Adjudication of Capital Cases "specifically". This influence by the threat of Removal is still maintained and utilized to this present day. However, Now The Reversals by the U.S. Courts have risen to 73.1% "plus" just in Capital Cases Alone, and these Reversals, Corrections are only after 25 to 30 Years of False/Wrongful Convictions, False Imprisonments [See Exhibits C-1 and C-2 presented to the Superior Court].

The California Supreme Court realized Their illegal adjudications could result in the U.S. Courts Creating a Corrective Process, and The California Supreme Courts Judges could be held accountable. This prompted the California Supreme Court to take action. In 1989, The California Supreme Court (Judges) promulgated A New Appellate Review Process for Capitally Sentenced Citizens entitled "Supreme Court's Policies Regarding Cases Arising From Judgments of Death"; (see ATTACHED ONE). These Policies are unquestionably invalid because they were not adopted by the Judicial Counsel as well as they violate the Constitution's Prohibition of Suspension of Habeas Corpus. The Judicial Counsel is vested with the power to promulgate rules of procedure by the California Constitution (Art. VI, §6). As the California Supreme Court has recognized, "the Court is not itself

vested with formal, quasi-legislative, rule making power", either by California Constitution or the Legislature", (Reynolds v Superior Court) 12 Cal. 3d. 834, 849 (1974). As the court stated in Reynolds supra. [t]he only body outside the Legislature accorded an approximation of such quasi-legislative rule making competence is the Judicial Counsel created by (Calif. Const. Art. VI. §6) and empowered thereby, inter alia, to "adopt rules for court administration, practice and procedure, not inconsistent with statute", (Id. 12 Cal. 3d at 849, n. 23). The Counsel has procedures which insure that the rulemaking process is accessible to the public, (Cal. Rules of Court, Rule 6.13(c)) and that proposed rules are reviewed by a wide range of knowledgeable persons other than Counsel Members before a decision whether to adopt them is made, (Id. Rule 6.20). NO SUCH PROCESS proceeded either the adoption or any amendments of the Court's Policies. The California Supreme Court's Judges are not vested with the power to "publish" and or "enforce" it's Own general rules of practice, particularly when such Policies purport to "Amend" and or "Repeal and Restrict" the Rights Guaranteed under the Constitutions and Laws of Both the State of California and the United States, which has been done with the Court's Own promulgated Policies. The California Supreme Court's Judges Violated Their Own Constitution to promulgate these Policies; Accordingly, The California Supreme Court's Policies Regarding Cases Arising from Judgments of Death, Are Unconstitutional and Illegal, and Violate United States Criminal Statute (Title 18 U.S.C. §§241 and 242).

The California Supreme Court's Policies create and dictate the suspension of Petitioner's constitutionally guaranteed right to Habeas Corpus which clearly violates the strict limitations of Judicial Rule Making Authority defined in the separation of powers, and from the related concerns that "Court's Themselves cannot properly sit in judgment on the constitutionality of Their Own enactments", (Rockwell v Superior Court, 18 Cal. 3d.420, 455 (1976)). Accord-

ingly, The Court's Policies are invalid and their promulgation, application and enforcement in Capital Cases violates the United States Constitutionally Guaranteed Rights of U.S. Citizens while acting under color of Law and Vested Authority. (see the Mandatory Directives, and that which IS PROHIBITED by the Constitutions of California and the United States).

U.S. Const. Art. I. §9-cl. 2.

The privilege of the writ of habeas Corpus Shall NOT be Suspended unless when in cases of rebellion or invasion the public safety may require it.

Cal. Const. Art. I. §11.

Habeas Corpus MAY NOT BE SUSPENDED unless required by public safety in cases of rebellion or invasion.

Clearly The California Supreme Court's Acts consumates Their Conspiracy and Agreements with the State's Executive Branch to provide favorable rulings for the Executive Branches Wrongful, Illegally obtained convictions. Clearly, The Executive Branch- The Attorney General by Constitutional Command (Art. V. §13) HAS an Absolute Statutory Duty to correct the California Supreme Court's Violations of Laws and Constitutional Directives created by the Court's Policies. However, Based upon the State's Executive Branch's Acts and Threats to insure Affirmations of Their Invalid, Unconstitutional Convictions obtained by Criminal violations of the Laws and Constitution, certifies The Attorney Generals (pattern of practice), of violating the laws to obtain and maintain criminal convictions isn't something Newly Discovered by Chief Judge Alex Kozinski, it has been the State's standard of practice since the 1980's! [See ATTACHED TWO]. The Attorney General and Other Law Enforcement Agencies covered up these crimes by Attacking the State's Highest Court to Affirm Their Illegal convictions, especially Capital Cases. This created the Motive for the California Supreme Court to Create Illegal, Unconstitutional Policies for Capital Cases and Judgments.

Capital Cases have A Demand by Law for expedited review process. Yet, The

California Supreme Court's encroachment upon Legislative Authority, Intentionally created delays to all of California's Appellate Review Process for Capital Cases Only! Just to identify a few,

1. The Appointment of Appellate Counsel from 60 days to 3 to 6 Years,
2. The Court Denies Self-Representation - Prohibits pro se Habeas Corpus',
3. The Court's Appointment of Appellate Counsel is for Direct Appeal only, or if for both Direct Appeal and Habeas, Habeas is still suspended,
4. Only After the Direct Appeal is Filed-Adjudicated will Habeas Counsel be "considered" and "appointed" if warranted (See Attachment Policy 2),
5. After the Direct Appeal is filed, it still takes an average of Five to Eight Years to Appoint Habeas Counsel.

This creates intentional delays so as to obstruct and impede the due administration of justice, and contaminates the State of California's entire Criminal Justice Appellate Review Process.

Review the Policies: First, The California Supreme Court appoints Counsel for the Direct Appeal only, (see appointment of Petitioner's Counsel) Habeas Corpus still suspended. Appellate Counsel is prohibited from filing a Habeas Corpus even when the Facts and Evidence establishes that The Trial IS VOID. Appellate Counsel is prohibited from Motioning the Court for post-conviction discovery pursuant to (Cal. Penal Code §1054.9) and or for the Appointment of Habeas Corpus Counsel.

The California Supreme Court's Policies clearly and concisely direct the defense demanded by the Court upon Their Appointed Counsel as follows:

This Court's appointment of appellate counsel for a person under a sentence of death is for the following: (i) pleadings and proceedings related to preparation and certification of the appellate record; (ii) representation in the direct appeal before the California Supreme Court.

Appellate Counsel in a capital case shall take and maintain detailed, understandable/computerized transcript notes and shall compile and maintain a detailed list of potentially meritorious habeas corpus issues- (but not raise them) that have come to appellate counsel's attention.

If appellate counsel's representation does not include habeas corpus representation, until separate counsel is appointed for that purpose, appellate counsel shall preserve evidence that comes to the attention of appellate counsel if that evidence appears relevant to a potential habeas corpus investigation. (Suspension!) to maintain false conviction!

The California Supreme Court's Policies are infact an exparte contractual agreement with Capital Appellant's Appointed Counsel; to comply with the Court's invalid, unconstitutional Policies and violate their Clients Constitutionally Guaranteed Rights for financial gains, or They will NOT be Appointed, No Attorney will be appointed by the California Supreme Court (in Capital Cases ONLY), unless the Attorney contracts with the California Supreme Court the Attorney's obedience to the Directives of the Court's invalid, unconstitutional Policies, which begins with (i) assisting the Trial Court in reconstructing-recertifying a Trial Court Record, and replacing the Mandatory Legal Documents as described in (Cal. Rules of Court 8.610 et seq) which certify Official-Law Enforcement Agents Misconduct with "Stipulated Agreements" that All these Records and Legal Process are legal; (ii) and to suspend their Client's right to a collateral challenge-habeas corpus until AFTER the Direct Appeal is Affirmed. Then the Court issues a Directive to Appointed Counsel to rush and File a petition for certiorari to the United States Supreme Court, to Certify and Limit the Appellate Record to the Direct Appeal Records and issues raised therein. Then, the California Supreme Court relies upon this suspension to create rulings alleging habeas claims are either procedurally and or untimely defaulted in re. Dixon, 41 Cal. 2d. 756.

Appellate Counsel who are making stipulated agreements to "replace" the missing Records-Documents related to the Chain of Evidence in order to "settle and recertify" a Trial Court Record for Appellate Review, act in commission of a felony. They by their own acts default all of their clients constitutionally guaranteed rights and create Bars for the Court to review the dispositive issues

which would invalidate the Judgment-Sentence with untimeliness and procedural defaults.

The California Supreme Court creates further protections from any claims against their unlawful acts in their Policies, (See POLICY 2):

Withdrawal of Counsel:

In the absence of exceptional circumstances- for example, when an appointed counsel becomes mentally or physically incapacitated- the court will consider a motion to withdraw as attorney of record only if appropriate replacement counsel is ready and willing to accept appointment for the balance of the representation for which the withdrawing attorney has been appointed (ie. appellate representation, habeas corpus/executive clemency representation or both). (as amended, eff. Jan. 22, 1998).

The California Supreme Court PROHIBITS any Motions by pro se appellants presenting any claims of "A Conflict of Interest", or "alleging Counsel is Incompetent". The Court refuses to review or make any Legal Findings related to any presented facts in pro se motions against the Court's Appointed Counsel.

Now, There's No Challenge to the Records, No going behind the records. The failure to raise any issues-claims related to the records pursuant to the Directives of the Constitution and Laws in a timely manner creates a Formal-Legal procedural and or untimely default, These are Dixon defaults.

Now, there's No going behind the records, No Federal Review of Dixon defaults, As the State's Attorney General (Deputy Attorney General Catherine Chatman) Demands the Federal Court Limit their Review, and that California IS entitled to (A.E.D.P.A.) Review. This creates the perfect coverup for murder, and the State's Bad Acts, 'pattern of practice'.

The California Supreme Court's Policies were promulgated and published in 1989. These Policies have been supported and maintained with the assistance of California's Licenced Attorneys appointed to represent California's Capitally Sentenced Citizens, as well as California's Attorney General and ALL Deputies.

The commission of these crimes against the State's and United States Laws and Constitutions, Invoked the Legal Duty of the Attorney General pursuant to the Mandatory Statute in California's Constitution (Art. V. §13) and (U.S. Const. Art. VI. §3).

The Attorney General and All Deputies in His Office have and continue to support California Supreme Court's invalid, unconstitutional policies enforced in capital cases only, as well as support all of the Court's Appointed Attorneys who enter into financial contracts with the Court under the terms of Their Policies, which violates the Constitutionally Guaranteed Rights of U.S. Citizens, and several other United States Criminal Statutes.

It is undisputable that the Court's Policies and contractual agreements with the Court's appointed counsel are illegal, unconstitutional, and violate Petitioner's constitutionally guaranteed rights while acting under color of law. Yet, The Attorney General (Respondents) all of His Deputies have Refused to perform Their Vested Duties demanded by Law and the Constitution (Id.) to prosecute any of these criminal violations, or to exercise Their Vested Authority to ensure that The Laws and Constitutionally Guaranteed Rights are being enforced equally, uniformly and adequately to All Citizens, After all, The State's Executive Branch did issue threats, and Changed the State's Supreme Court, directly related to the State Executive Branch's inability to comply with the demands of the Constitution and Statutory Laws to obtain convictions, especially in Capital cases. (see Ninth Circuit Order Inre; Baca v Adams, 13-56132) and (Attachment 2).

Respondent misrepresents Petitioner's Petition and the Federal Question of Law, California's Judges created and enforced an illegal, unconstitutional appellate review process for capital cases only. The Court's Judges violated the State's Constitution to promulgate the Court's Policies Regarding Cases Arising from Judgments of Death. The New California Supreme Court Who promulgated the Court's

Policies, provide favorable rulings for the States wrongful convictions, Obtained by Official Misconduct, False-Misleading Evidence and Perjury, All these Crimes are committed and supported by the State's Government Agents, State Attorney General and Respondent Catherine Chatman, (See ATTACHMENT TWO),

Respondent intentionally undermines the actual facts submitted to this Court; (i) Petitioner's Codefendant Michell Evans was in a sexual relationship with the Detective involved in Petitioner's arrest and conviction; (ii) the working relationship Michell Evans had with the County's Law Enforcement Agents as a Confidential Informant and an Agent to set up controled drug buys; (iii) that She admitted to killing the victim Emmie Paris.

The County Law Enforcement Agents had A Duty to know that Their Agent was setting up, preparing to commit murder, and that She actually murdered Emmie Paris. Still, the Respondent submits that Petitioner killed this victim, in spite of the actual evidence disproving that allegation and supports the State's Agent Michell Evans killed Emmie Paris.

Petitioner was sentenced on March 30, 1992; there was NO Certified Record until August of 1999. The Direct Appeal was Filed First, then a Petition for Certiorari, then Petitioner's First State Habeas Corpus on October 31, 2006 (14 Years after conviction) and NO mention of any of the allegations-claims presented to this Court now.

Respondent falsely submits to this Court that the California Supreme Court denied Petitioner's First Habeas Corpus stating, "[a]ll the claims are denied on the merits". The Court actually stated, "the claims were denied on the merits, and are UNTIMELY and or PROCEDURALLY DEFAULTED!"

The California Supreme Courts Policies Regarding Cases Arising from Judgments of Death are unconstitutional. Respondent alleges this claim was presented in the federal court (in Appointed Counsel's Petition) and not renewed on appeal before

the Ninth Circuit,

Respondent intentionally undermines the actual facts about the constitutionality of the Court's Policies. Petitioner's Appointed Counsel have never presented an argument about the Policies as Petitioner has attempted to, and has done here. Petitioner's Appointed Counsel entered into an appointment contract with the Court to obey the Court's Policies. Petitioner however, has vigorously attempted to seek and obtain relief on this claim in the federal courts: (See Richard John Vieira v. Kevin Chappell, §2254 No. 1:05-cv-01492-AWI, Order dated May 25, 2012 and Richard John Vieira v. Kevin Chappell, §2241(c)(3) No. 1:13-cv-00337-AWI Order dated, April 12, 2013; The Chief Judge states,

"Even if the Court believed the California State Court system is flawed, it is without authority to provide a remedy";

He also states,

"What Vieira is asking the Court to do is declare the California death penalty procedures unconstitutional. There is however, NO UNITED STATES SUPREME COURT precedent for such a ruling".

Petitioner submits, The United States Constitution, Laws and Treaties Made, as well as "The Oath" Every Judge Takes to Obtain Vested Authority as Guardians of the United States Constitution, IS THE PRECEDENT, Every Judge in Every State Must Obey. These cases above claim the U.S. Judges in California cannot uphold the Constitution and Laws of the United States "if California's Legal System is in violation because This Court has not created a precedent".

Respondent again submits false-misleading statements to This Court. Petitioner's appeal is not being held in abeyance. Respondent Catherine Chatman Herself Motioned the Ninth Circuit Objecting to any orders to stay Petitioner's Briefing Schedule until Petitioner's second State Habeas Corpus was adjudicated in the California Supreme Court, (See Petitioner's Supplement Brief, Appendixes' 6-i, 6-ii). The Ninth Circuit GRANTED Respondent's Motion (May 6, 2016), Ordering the resetting of Briefing Schedule, (See Petitioner's Supplement Brief Appendix 7). Now, Respond-

ent commits perjury as their standard of practice.

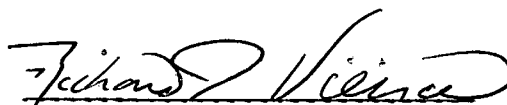
California Supreme Court's Policies are illegal, violate the constitution, suspend habeas corpus. This invalidates any application of A.E.D.P.A. Review in California's Capital Cases. It IS fraud by the Respondents to argue to Any Court that California is entitled to any A.E.D.P.A. Review.

Respondent again submits false-misleading statements to This Court, stating Petitioner only had (30 days) to file a Notice of Appeal, from the Denial of Petitioner's Motion for Review to the Superior Court. The Facts Are, Petitioner had (60 days) to file a Notice of Appeal; (i) the Superior Court denied Motion for Review on July 25, 2019; (ii) Petitioner Filed Notice of Appeal on September 10, 2019, "47 days", Not 155 days as Respondent alleges. The California Court of Appeals AFFIRMS this time to File a Notice of Appeal is (60 days) when the Court Rejected Petitioner's Notice of Appeal from Their Court's Final Judgment, (See Petition Appendix C, Appellate Court's Letter dated January 6, 2020) and Petitioner's Letter Brief submitted to the Court in (Appendix C also).

Petitioner submits this is a Capital Case where the State is seeking to Murder a U.S. Citizen, Petitioner submits He has presented a prima facie case, and Petition for Certiorari should be Granted,

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 21st day of July, 2020.


Richard John Vieira

ATTACHED

1.

SUPREME COURT POLICIES REGARDING CASES ARISING FROM JUDGMENTS OF DEATH

Policy

1. Stays of Execution.
2. Withdrawal of Counsel.
3. Standards Governing Filing of Habeas Corpus Petitions and Compensation of Counsel in Relation to Such Petitions.
4. Service of Process by Counsel for Defendant.

Adopted by the Supreme Court, effective June 6, 1989.

POLICY 1. STAYS OF EXECUTION

The court will consider a motion for a stay of execution only if such a motion is made in connection with a petition for a writ of habeas corpus filed in this court, or to permit certiorari review by the United States Supreme Court.

POLICY 2. WITHDRAWAL OF COUNSEL

In the absence of exceptional circumstances—for example, when an appointed counsel becomes mentally or physically incapacitated—the court will consider a motion to withdraw as attorney of record only if appropriate replacement counsel is ready and willing to accept appointment for the balance of the representation for which the withdrawing attorney has been appointed (i.e., appellate representation, habeas corpus/executive clemency representation, or both).

(As amended, eff. Jan. 22, 1998.)

POLICY 3. STANDARDS GOVERNING FILING OF HABEAS CORPUS PETITIONS AND COMPENSATION OF COUNSEL IN RELATION TO SUCH PETITIONS

The Supreme Court promulgates these standards as a means of implementing the following goals with respect to petitions for writs of habeas corpus relating to capital cases: (i) ensuring that potentially meritorious habeas corpus petitions will be presented to and heard by this court in a timely fashion; (ii) providing appointed counsel some certainty of payment for authorized legal work and investigation expenses; and (iii) providing this court with a means to monitor and regulate expenditure of public funds paid to counsel who seek to investigate and file habeas corpus petitions.

For these reasons, effective June 6, 1989, all petitions for writs of habeas corpus arising from judgments of death, whether the appeals therefrom are pending or previously resolved, are governed by these standards:

1. Timeliness standards

1-1. Appellate counsel in a capital case shall take and maintain detailed, understandable and computerized transcript notes and shall compile and maintain a detailed list of potentially meritorious habeas corpus issues that have come to appellate counsel's attention. In addition, if appellate counsel's appointment does not include habeas corpus representation, until separate

counsel is appointed for that purpose, appellate counsel shall preserve evidence that comes to the attention of appellate counsel if that evidence appears relevant to a potential habeas corpus investigation. If separate "post-conviction" habeas corpus/executive clemency counsel (hereafter "habeas corpus" counsel) is appointed, appellate counsel shall deliver to habeas corpus counsel copies of the list of potentially meritorious habeas corpus issues, copies of the transcript notes, and any preserved evidence relevant to a potential habeas corpus investigation, and thereafter shall update the issues list and transcript notes as warranted. Appellate counsel shall consult with and work cooperatively with habeas corpus counsel to facilitate timely investigation, and timely preparation and filing (if warranted) of a habeas corpus petition by habeas corpus counsel.

Habeas corpus counsel in a capital cases shall have a duty to investigate factual and legal grounds for the filing of a petition for a writ of habeas corpus. The duty to investigate is limited to investigating potentially meritorious grounds for relief that come to counsel's attention in the course of reviewing appellate counsel's list of potentially meritorious habeas corpus issues, the transcript notes prepared by appellate counsel, the appellate record, trial counsel's existing case files, and the appellate briefs; and in the course of making reasonable efforts to discuss the case with the defendant, trial counsel and appellate counsel. The duty to investigate does not impose on counsel an obligation to conduct, nor does it authorize the expenditure of public funds for, an unfocused investigation having as its object uncovering all possible factual bases for a collateral attack on the judgment. Instead, counsel has a duty to investigate potential habeas corpus claims only if counsel has become aware of information that might reasonably lead to actual facts supporting a potentially meritorious claim. All petitions for writs of habeas corpus should be filed without substantial delay.

1-1.1. A petition for a writ of habeas corpus will be presumed to be filed without substantial delay if it is filed within 180 days after the final due date for the filing of appellant's reply brief on the direct appeal or within 36 months after appointment of habeas corpus counsel, whichever is later.

1-1.2. A petition filed more than 180 days after the final due date for the filing of appellant's reply brief on the direct appeal, or more than 36 months after appointment of habeas corpus counsel, whichever is later, may establish absence of substantial delay if it alleges with specificity facts showing the petition was filed within a reasonable time after petitioner or counsel (a) knew, or should have known, of facts supporting a claim and (b) became aware, or should have become aware, of the legal basis for the claim.

1008

ATTCH 1

Official Note No. 1: The amendments to standards 1-1.1 and 1-1.2, effective July 17, 2002, changing "90 days" to "180 days," shall apply to all petitions for a writ of habeas corpus arising from a judgment of death that were pending before the Supreme Court on July 17, 2002, and to all such petitions filed after that date.

Official Note No. 2: The amendments to standards 1-1.1 and 1-1.2, effective November 30, 2005, changing "24 months" to "36 months," shall apply to all petitions for a writ of habeas corpus arising from a judgment of death that were pending before the Supreme Court on November 30, 2005, and to all such petitions filed after that date.

1-2. If a petition is filed after substantial delay, the petitioner must demonstrate good cause for the delay. A petitioner may establish good cause by showing particular circumstances sufficient to justify substantial delay.

1-3. Any petition that fails to comply with these requirements may be denied as untimely.

1-4. The court may toll the 180-day period of presumptive timeliness for the filing of a capital-related habeas corpus petition (which begins to run from the final due date to file the appellant's reply brief in the appeal) when it authorizes the appellant to file supplemental briefing. The court will not toll before the 180-day presumptive timeliness period begins to run or after it has finished running.

Ordinarily, the court will toll the 180-day presumptive timeliness period only when the appellant is represented by the same counsel on appeal and also for related habeas corpus/executive clemency proceedings.

If the court determines that it will toll such 180-day presumptive timeliness period, it will so provide in its order authorizing the appellant to file supplemental briefing.

When the court provides for tolling of the 180-day presumptive timeliness period in its order authorizing the appellant to file supplemental briefing, it will determine a reasonable period of time for the appellant to devote to whatever supplemental briefing is authorized, add that period of time to the final due date to file the appellant's reply brief in the appeal, and indicate the new date by which the appellant may file a presumptively timely habeas corpus petition.

Other than under these circumstances, the court will not toll, or otherwise extend, the period in which to file a presumptively timely capital-related habeas corpus petition.

2. Compensation standards

2-1. This court's appointment of appellate counsel for a person under a sentence of death is for the following: (i) pleadings and proceedings related to preparation and certification of the appellate record; (ii) representation in the direct appeal before the California Supreme Court; (iii) preparation and filing of a petition for a writ of certiorari, or an answer

thereto, in the United States Supreme Court and, if certiorari is granted, preparation and filing of a brief or briefs on the merits and preparation and presentation of oral argument; and (iv) representation in the trial court relating to proceedings pursuant to Penal Code section 1193.

This court's appointment of habeas corpus counsel for a person under a sentence of death shall be made simultaneously with appointment of appellate counsel or at the earliest practicable time thereafter. The appointment of habeas corpus counsel is for the following: (i) investigation, and preparation and filing (if warranted), of a habeas corpus petition in the California Supreme Court, including any informal briefing and evidentiary hearing ordered by the court and any petition to exhaust state remedies; (ii) representation in the trial court relating to proceedings pursuant to Penal Code section 1227; and (iii) representation in executive clemency proceedings before the Governor of California.

Absent prior authorization by this court, this court will not compensate counsel for the filing of any other motion, petition, or pleading in any other California or federal court or court of another state. Counsel who seek compensation for representation in another court should secure appointment by, and compensation from, that court.

2-2. Habeas corpus counsel should expeditiously investigate potentially meritorious bases for filing a petition for a writ of habeas corpus. If the timing of separate appointments permits, this investigation should be done concurrently with appellate counsel's review of the appellate record and briefing on appeal, and in any event, in cooperation with appellate counsel.

2-2.1. In all cases in which counsel was appointed on or after the October 12, 1997, enactment of Senate Bill No. 513 (Stats.1997, ch. 869), counsel, without prior authorization of the court, may incur expenses up to a total of \$25,000 for habeas corpus investigation, and may submit claims to the court for reimbursement up to that amount. Investigative expenses include travel associated with habeas corpus investigation, and services of law clerks, paralegals, and others serving as habeas corpus investigators. The reasonable cost of photocopying defense counsel's trial files is not considered an investigative expense, and will be separately reimbursed. The court will reimburse counsel for expenses up to \$25,000 that were reasonably incurred pursuant to the duty to investigate as described in standard 1-1, but it will not authorize counsel to expend, nor will it reimburse counsel for, habeas corpus investigation expenses exceeding \$25,000 before the issuance of an order to show cause. This policy applies to both hourly ("time and costs") and fixed fee appointments.

The policy described in the foregoing paragraph shall also apply to those cases in which counsel was appointed prior to October 12, 1997 (the enactment of Sen. Bill

ATTCH 1

ppellate counsel the attention of urs relevant to a . If separate ative clemency sel) is appoint- -habeas corpus lly meritorious ript notes, and entional habeas ll update the ted. Appellate peratively with y investigation, rarranted) of a ounsel. es shall have a ounds for the pus. The duty ng potentially e to counsel's llate counsel's pus issues, the ounsel, the case files, and se "of" making ith the defen- . The duty to a obligation to iture of public ng as its object r a collateral has a duty to ; only if coun- might reason- ntially merito- habeas corpus as corpus will itial delay if it e date for the ect appeal or habeas corpus 80 days after ellant's reply n 36 months sel, whichever- substantial delay ; the petition petitioner or wn, of facts re, or should or the claim.

MV

No. 513), and in which, by January 22, 1998, the effective date of the above-described policy, the defendant has not filed a habeas corpus petition in this court and no more than 90 days [now 180 days] have passed since the final due date for the filing of the appellant's reply brief on direct appeal.

As to those cases in which, by January 1, 2008 (the effective date of Assem. Bill No. 1248¹), the defendant has not filed a capital-related habeas corpus petition in this court and the date by which to file a presumptively timely petition has not yet passed, counsel may be reimbursed up to \$50,000 for those investigative services and expenses incurred on or after that date. Such investigative funding for expenses incurred after January 1, 2008, also is available in those cases in which a presumptively timely petition has been filed by January 1, 2008, but petitioner's reply to the informal response has not been filed and the time to do so (with any extensions of time) has not passed as of that date.

2-2.2. In all cases in which counsel was appointed on an hourly basis prior to October 12, 1997, and in which, by January 22, 1998, either a petition for a writ of habeas corpus has been filed in this court, or more than 90 days have passed since the final due date for the filing of the appellant's reply brief on direct appeal, requests by appointed counsel for authorization to incur, and reimbursement of, investigation expenses shall be governed by the following standards (2-2.3 through 2-4.4):

2-2.3. Without prior authorization of the court, counsel may incur expenses up to a total of \$3,000 for habeas corpus investigation relating to a death penalty judgment, and may submit claims to the court for reimbursement up to that amount. The court will reimburse counsel for expenses up to \$3,000 that were reasonably incurred pursuant to the duty to investigate as described in standard 1-1.

2-2.4. If after incurring \$3,000 in investigation expenses (or if \$3,000 in reimbursement for investigation funds previously has been granted on behalf of the same defendant/petitioner with regard to the same underlying death penalty judgment), counsel determines it is necessary to incur additional expenses for which he or she plans to seek reimbursement from the court, counsel must seek and obtain prior authorization from the court. As a general rule, the court will *not* reimburse counsel for expenses exceeding \$3,000, without prior authorization of the court. Requests by appointed counsel for prior authorization to incur investigation expenses shall be governed by the following standards.

2-3. Counsel shall file with this court a "Confidential request for authorization to incur expenses to investigate potential habeas corpus issues," showing good cause why the request was not filed on or before the date the appellant's opening brief on appeal was filed.

2-4. The confidential request for authorization to incur expenses shall set out:

2-4.1. The issues to be explored;

2-4.2. Specific facts that suggest there may be an issue of possible merit;

2-4.3. An itemized list of the expenses requested for each issue of the proposed habeas corpus petition; and

2-4.4. (a) An itemized listing of all expenses previously sought from, and/or approved by any court of this state and/or any federal court in connection with any habeas corpus proceeding or investigation concerning the same judgment and petitioner; (b) A statement summarizing the status of any proceeding or investigation in any court of this state and/or any federal court concerning the same judgment and petitioner; and (c) A copy of any related petition previously filed in any trial and/or lower appellate court of this state and/or any federal court concerning the same judgment and petitioner.

2-5. Counsel generally will not be awarded compensation for fees and expenses relating to matters that are clearly not cognizable in a petition for a writ of habeas corpus.

2-6. When a petition is pending in this court to exhaust claims presented in a federal habeas corpus petition, a request by counsel for investigative funds to bolster or augment claims already presented in the petition normally will be denied absent a showing of strong justification for the request. A request for investigative funds may be granted if the petitioner demonstrates that he or she has timely discovered new and potentially meritorious areas of investigation not previously addressed in the petitioner's federal or state petitions. This has been the internal operating policy of the court since December 16, 1992.

2-7. Each request for fees relating to a habeas corpus petition must be accompanied by: (a) An itemized listing of all fees previously sought from, and/or approved by any court of this state and/or any federal court in connection with any habeas corpus proceeding or investigation concerning the same judgment and petitioner; (b) A statement summarizing the status of any proceeding or investigation in any court of this state and/or any federal court concerning the same judgment and petitioner; and (c) A copy of any related petition previously filed in any trial and/or lower appellate court of this state and/or any federal court concerning the same judgment and petitioner.

2-8. In a case in which the court orders an evidentiary hearing, and counsel and the court do not enter into a "fixed fee and expenses agreement" covering the evidentiary hearing (see "Guideline 10" of the "Guidelines for Fixed-Fee Appointments, on Optional Basis, to Automatic Appeals and Related Habeas Corpus Proceedings in the California Supreme Court"), requests for reimbursement of necessary and reasonable expenses incurred in preparation for and presentation of

the evidentiary hearing shall be governed by the following standards:

2-8.1. Counsel may incur "incidental" expenses (i.e., travel to and from the evidentiary hearing and related hearings before the referee, meals and lodging during the hearing, telephone charges, photocopying, etc.) without prior approval, and the court will reimburse counsel for such itemized, reasonable and necessarily incurred expenses pursuant to the court's "Payment Guidelines for Appointed Counsel Representing Indigent Criminal Appellants in the California Supreme Court," part III ("Necessary Expenses").

2-8.2. Counsel should seek and obtain from this court prior approval for all investigation and witness expenses, including, but not limited to, investigator fees and costs, expert fees and costs, and expert witness fees and costs.

2-8.3. Counsel may submit requests for reimbursement of expenses every 60 days to this court, and will be reimbursed for necessary and reasonable expenses consistently with part III of the "Payment Guidelines," *supra*.

(As amended, eff. Sept. 28, 1989; Sept. 19, 1990; Jan. 27, 1992; Dec. 21, 1992; July 29, 1993; Dec. 22, 1993; June 20, 1996; Jan. 22, 1997; Jan. 22, 1998; Feb. 4, 1998; Jan. 16, 2002; July 17, 2002; July 26, 2002; Nov. 20, 2002; Nov. 30, 2005; Jan. 1, 2008.)

¹ Stats.2007, c. 738.

POLICY 4. SERVICE OF PROCESS BY COUNSEL FOR DEFENDANT

Consistently with longstanding practice and court policy, except as specified below, counsel for the defendant must serve his or her client, any separate counsel of record in any matter related to the same judgment, counsel of record for every other party, the

trial court, the assisting entity or attorney for counsel for the defendant and any separate counsel of record, and trial counsel, with a copy of each motion, request for extension of time, brief, petition or other public document filed in this court or in the trial court on the client's behalf, including any supporting declaration, with attached proof of service. A declaration submitted in support of any motion or request may refer to and incorporate by reference matters set forth in a current "confidential 60-day status report" simultaneously provided only to this court. Counsel also must serve any additional person or entity as requested by this court.

Counsel for the defendant need not serve (1) trial counsel with any matter upon or after the filing in this court of the certified record on appeal; (2) the trial court with any extension-of-time request related to appellate briefing; and (3) the trial court or trial counsel with any matter related to habeas corpus briefing.

If counsel for the defendant elects to serve the defendant personally with the document, counsel may indicate on the proof of service the date by which counsel will so serve the defendant (not to exceed 30 calendar days), and counsel shall thereafter notify the court in writing that the defendant has been served. In the alternative, counsel for the defendant need not serve the defendant with any specific document to be filed if counsel for the defendant attaches to the proof of service for that specific document (1) a declaration by the defendant stating that he or she does not wish to be served with that specific document, and (2) a declaration by counsel for the defendant stating that he or she has described to the defendant the substance and purpose of that specific document.

(Adopted, eff. Aug. 23, 2001. As amended, eff. Dec. 19, 2001.)

ATTCH 1

ere may be an
nses requested
orpus petition;
all expenses
d by any court
in connection
r investigation
itioner; (b) A
ny proceeding
ate and/or any
judgment and
dated petition
wer appellate
rt concerning

rded compen-
atters that are
writ of habeas

this court to
abeas corpus
ative funds to
ented in the
a showing of
request for
he petitioner
scov'ered new
stigation not
ederal or state
uting policy of

to a habeas
by: (a) An
ought from,
e and/or any
ibeas corpus
e same judg-
marizing the
any court of
ing the same
f any related
nd/or lower
ederal court
er.

s an eviden-
lo not enter
covering the
the "Guide-
nal Basis, to
Corpus Pro-
"), requests
sonable ex-
sentation of

ATTACHED

2.

This is just a Few Counties in California
"Clarifying" A Pattern of Practice of Obtaining
False Convictions by Violating the Laws, Under
Color of Law. Official Misconduct!

SOURCE: NATIONAL REGISTRY OF EXONERATIONS
 LOS ANGELES VACATED CONVICTIONS DUE TO VARIOUS TYPES OF MISCONDUCT/ERRORS: BRADY?

1	SIMMONS III	TOMMY	1998	2003 MISTKN ID/IAC
	SIMS	LENNIE DAROLD	1992	1994 MISTKN ID/IAC
2	SMITH	JOHN EDWARD	1994	2012 PERJ/FLSE ACCU/OM/IAC
	SMITH	MICHAEL	1994	2009 MISTKN ID/ <u>FMFEV</u> /PERJ/FLSE ACCU/OM
3	TAYLOR	ANDRE	1990	1998 MISTKN ID/ <u>PERJ</u> /FLSE ACCU/OM
	THOMAS	CHERICE	2009	2012 PERJ/FLS ACCU/IAC
4	TOBIAS	ART	2013	2015 MISTKN ID/FLSE CONF/ <u>FMFEV</u> /OM
	VARGAS	LUIS	1999	2015 MISTKN ID/OM
5	WILSON	ANDREW	1986	2017 MISTKN ID/PERJ/FLSE ACCU/OM

ABBREVIATIONS:

PERJ=PERJURY

OM=OFFICIAL MISCONDUCT

PATTERN OF PRACTICE. in re BACK

FLSE=FALSE

ACCU=ACCUSATION

MISTKN=MISTAKEN

ID=IDENTIFICATION

CONF=CONFESSION

FMFEV=FALSE OR MISLEADING FORENSIC EVIDENCE

Patter of Practice.

SEE:

15	BRAVO	MARK	1990	1994	<u>FMFEV</u> , PERJURY, OFFICIAL MISCONDUCT,
16	MISTAKEN ID				
17	GANTT TIMOTHY		1994	2008	MISTAK ID, <u>FMFEV</u> , PERJURY, OFFICIAL MISCONDUCT
18	LISKER	BRUCE	1995	2009	<u>FMFEV</u> , PERJURY, OFFICIAL MISCONDUCT, IAC
19	JENNINGS	RAYMOND	2009	2017	<u>FMFEV</u>
20	MAXWELL	BOBBY JOE	1984	2018	<u>FMFEV</u> , PERJURY
21	McSHERRY	LEONARD	1998	2001	DNA <u>FMFEV</u> , MISTKN ID
22	SMITH	MICHAEL	1994	2009	<u>FMFEV</u> , MISTKN ID, PERJ, FLSE ACCU, OM
23	TOBIAS	ART	2013	2015	<u>FMFEV</u> , PERJ, MISTKN ID, FLSE ACCU, OM

SOURCE: NATIONAL REGISTRY OF EXONERATIONS

LOS ANGELES VACATED CONVICTIONS DUE TO VARIOUS TYPES OF MISCONDUCT/ERRORS: BRADY?

	ALVAREZ	JESSE	1996	2001 PERJ/OM
	ALVAREZ	JORGE	1996	2001 PERJ/OM
1	ALVAREZ	ROY	1996	2002 PERJ/OM
	ANTHONY	OBIE	1995	2011 PERJ/FLSE ACCU/OM/IAC
2	APPLING	RIOLORDO	2012	2013 MISTKN ID/IAC
	ATKINS	TIMOTHY	1987	2007 MISTKN ID/PERJ/OM
3	ATLAS	GERALD	1990	1998 MISTKN ID/PERJ/OM
	BANKS	BRIAN	2003	2012 PERJ
4	BARNER	GLENN	1992	1993 MISTKN ID/OM/IAC
	BONNER	SAMUEL	1983	2019 PERJ/OM
5	BRAVO	MARK	1990	1994 DNA MISTKN ID/FMFEV/PERJ/OM
	BRYANT	JAMES	1997	2000 PERJ & OM
6	CARRILLO	FRANKY	1992	2011 PERJ & OM
	CHANCE	CLARENCE	1975	1992 PARJ & OM
7	COLE	REGGIE	1994	2009 PERJ & OM/IAC
	CONTRERAS	MARCO	1997	2017 MISTKN ID
8	CORTEZ	ARTURO	1998	2003 PERJ/OM/IAC
	CUEVAS	ROBERTO	2003	2008 MISTKN ID
9	DAVALOS	LUIS	1996	2001 PERJ/OM
	DOMINGUEZ	JONATHAN	2006	2006 PERJ/OM
10	FUNES	JEFFREY	2006	2006 PERJ/OM
	GANTT	TIMOTHY	1994	2008 MISTKN ID/FMFEV/PERJ/OM
11	GOLDSTEIN	THOMAS LEE	1980	2004 MISTKN ID/PERJ/OM
	GONZALES	DANIEL	2006	2007 PERJ/OM
12	GRAJEDA	SENON	1987	1993 MISTKN ID/PERJ/OM
	GREEN	WILLIE EARL	1984	2008 PERJ/OM
13	GUILLORY	LAVONT	1994	2005 DNA MISTKN ID/OM
	HALL	HAROLD	1990	2004 FLSE CONF/PERJ/OM
14	HERRERA	JUAN	1999	2006 PERJ/IAC
	HOWARD	DeANDRE	2003	2013 MISTKN ID/IAC
15	JENNINGS	RAYMOND	2009	2017 FMFEV/IAC
	JONES	DAVID ALLEN	1995	2004 DNA FLSE CONF
16	KINDLE	JASON	2000	2003 MISTKN ID/IAC
	LARSEN	DANIEL	1999	2014 MISTKN ID/PERJ/OM/IAC
17	LIAO	YUN HSENG	2003	2016 IAC
	LISKER	BRUCE	1995	2009 FMFEV/PERJ/OM/IAC
18	MADRIGAL	RAFAEL	2002	2009 MISTKN ID/IAC
	MARTINEZ	RUBEN	2008	2019 MISTKN ID/OM/IAC
19	MAXWELL	BOBBY JOE	1984	2018 FMFEV/PERJ/OM
	McSHERRY	LEONARD	1998	2001 DNA MISTKN ID/FMFEV.
20	MENENDEZ	CEASER	1996	2001 PERJ/FLSE ACCU/OM
	MIKES	MELVIN	1985	1992 IAC
21	MILLA	MARCO	2002	2015 MISTKN ID/OM
	MIRANDA	ADAM	1983	2009 PERJ/FLSE ACCU/OM
22	MORRIS	OSCAR	1983	2000 PERJ/FLSE ACCU/OM
	NEWBURN	CALVIN	1997	1999 PERJ/FLSE ACCU/OM
23	O'CONNELL	FRANK	1985	2012 PERJ/FLSE ACCU/OM
	ORTIZ	JUAN	2005	2010 ???
24	PINEDA	LISA	2005	2009 ???
	POULOS	MICHELLE	2001	2017 PERJ/FLSE ACCU
25	POWELL	BENNY	1975	1992 PERJ/FLSE ACCU/OM
	PRATT	ELMER	1972	1999 MISTKN ID/PERJ/FLSE ACCU/OM
26	REGISTER	KASH	1979	2013 MISTKN ID/PERJ/OM/IAC
	ROBINSON	ERIC	1994	2007 DNA PERJ/FLSE ACCU/OM
27	ROCHA	MARLO	1998	2008 MISTKN ID/IAC
28	SHORTT	JAMES	1982	2010 PERJ/FLSE ACCU/OM

SOURCE: NATIONAL REGISTRY OF EXONERATIONS

~~SAN DIEGO VACATED CONVICTIONS DUE TO VARIOUS MISCONDUCT/ERRORS. BRADY POTENTIAL~~

LAST NAME	FIRST	CONVICTED	REVERSED	REASON
BARUXES	KEVIN	1996	2003	PERJ/FLSE ACCU
CASTILLO-LOPEZ	EMMANUEL	2013	2018	???
COURTNEY	URIAH	2006	2013DNA	MISTKN ID
COX	MICHAEL	1999	2001	FLSE CONF/PERJ/FLSE ACCU/OM
DAYE FREDERICK	RENEE	1984	1994DNA	MISTKN ID/ <u>FMFEv.</u>
DIAZ	TONY	2016	2017	PERJ/FLSE ACCU/OM
GALICIA	LUIS	2008	2011	FLSE CONF/ <u>FMFEv</u> /PERJ/FLSE ACCU/OM
HOLMES III	CHARLES	2005	2014	IAC
HUNT	KENYA	1991	1998	MISTKN ID
MARSH	KENNETH	1983	2004	<u>FMFEv.</u>
McANALLY	TAMARA	2004	2011	???
McNARY WILLIE	EARL	1984	1996	MISTKN ID
RICHARDSON	JULIE	1999	2001	PERJ/FLSE ACCU/OM
ROBLES	MANO	1991	1991	MISTKN ID/IAC
SOMMER	CYNTHIA	2007	2008	<u>FMFEv</u> /IAC
WILEY	KELVIN	1990	1992	PERJ/FLSE ACCU/IAC

ABBREVIATIONS:

PERJ=PERJURY

OM=OFFICIAL MISCONDUCT

FLSE=FALSE

ACCU=ACCUSATION

MISTKN=MISTAKEN

ID=IDENTIFICATION

CONF=CONFESSION

FMFEv=FALSE OR MISLEADING FORENSIC EVIDENCE

SOURCE: NATIONAL REGISTRY OF EXONERATIONS

CENTRAL/SO CAL VACATED CONVICTIONS DUE TO VARIOUS MISCONDUCT/ERRORS. BRADY POTENTIAL

LAST NAME	FIRST	COUNTY/CONVICTED	VACATED&REASON
ALCOX	JOEL	SANTA BARB-1987	2016 FLSE CONF/PERJ/FLSE ACCU/OM/IAC
ARTEAGA	JOSE	ORANGE 2016	2016 DNA/MISTKN ID
ATKINS	HERMAN	RIVERSIDE 1988	2000 DNA MISTKN ID/ <u>FMFEV</u>
BANIANI	BORZOU	ORANGE 2013	2014 ???
BAYLOR	RONNIE	RIVERSIDE 1987	1996 FLSE CONF/OM/IAC
BOOTH	DARRELL	ORANGE 2011	2017 MISTKN ID/PERJ/FLSE ACCU/IAC
CARMONA	ARTHUR	ORANGE 1998	2000 MISTKN ID/OM/IAC
COLEY	CRAIG	VENTURA 1980	2017 <u>FMFEV</u>
CRUZ	EFREN	SANTA BARB-1997	2001 <u>MISTKN</u> ID/OM
GOMEZ	ALFONSO	ORANGE 1998	2012 MISTKN ID
GREEN	KEVIN LEE	ORANGE 1980	1996 DNA MISTKN ID
HANLINE	MICHAEL	VENTURA 1980	2015 DNA PERJ/FLSE ACCU/OM
HURLEY	JERRY	VENTURA 2017	2017 PERJ/FLSE ACCU
LOPEZ	GEORGE	ORANGE 2000	2002 MISTKN ID/IAC
MARTINEZ	RODRIGO	ORANGE 2008	2014 <u>FMFEV</u> /IAC
McKINNEY	D=WAYNE	ORANGE 1981	2000 <u>MISTKN</u> ID/OM
MERRILL	THOMAS	ORANGE 1991	1995 OM/IAC
MOORE	JOSHUA	ORANGE 1999	2001 MISTKN ID/IAC
PALLARES	JOSE	ORANGE 2005	2008 DNA MISTKN ID
PEREZ	JOSE	VENTURA 2012	2019 MISTKN ID
PEREZ	RICHARD	ORANGE 2001	2001 MISTKN ID/IAC
RICHARDS	WILLIAM	SAN BERDU 1997	2016 DNA <u>FMFEV</u>
ROBERTS	HORACE	RIVERSIDE 1999	2018 PERJ/FLSE ACCU
TURNBOUGH	ZEDRIC	ORANGE 2015	2018 ????

ABBREVIATIONS:

PERJ=PERJURY

OM=OFFICIAL MISCONDUCT

FLSE=FALSE

ACCU=ACCUSATION

MISTKN=MISTAKEN

ID=IDENTIFICATION

CONF=CONFESSION

FMFEV=FALSE OR MISLEADING FORENSIC EVIDENCE

SOURCE: NATIONAL REGISTRY OF EXONERATIONS

KERN COUNTY VACATED CONVICTIONS DUE TO VARIOUS MISCONDUCT/ERRORS. BRADY POTENTIAL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

LAST NAME	FIRST	CONVICTED	REVERSED	REASON
BENAVIDES	VINCENTE	1993	2018	FMFEV/PERJ/FLSE ACCU/OM/IAC
COX	RICHARD	1985	1991	FLSE CONF/PERJ/FLSE ACCU/OM
COX	TERESA LYNN	1985	2000	PERJ/FLSE ACCU/OM
DILL	GRACE	1985	1991	PERJ/FLSE ACCU/OM
DILL JR.	WAYNE	1985	1991	PERJ/FLSE ACCU/OM
FAULKNER	KENNETH	2000	2003	PERJ/FLSE ACCU
FORSYTHE	COLLEEN DILL	1985	1991	PERJ/FLSE ACCU/OM
FORSYTHE	WAYNE	1985	1991	PERJ/FLSE ACCU/OM
GRAFTON	MAJORIE	1985	1990	PERJ/FLSE ACCU/OM
HUBBARD	DONNA SUE	1985	1995	FLSE CONF/PERJ/FLSE ACCU/OM
KNIFFEN	BRENDA	1984	1996	FMFEV/PERJ/FLSE ACCU/OM
KNIFFEN	SCOTT	1984	1996	FMFEV/PERJ/FLSE ACCU/OM
McCUAN	ALVIN	1984	1996	FMFEV/PERJ/FLSE ACCU/OM
McCUAN	DEBORAH	1984	1996	FMFEV/PERJ/FLSE ACCU/OM
MILLER	GINA	1985	1991	PERJ/FLSE ACCU/OM
MODAHL	JEFFREY	1986	1999	PERJ/FLSE ACCU/OM
PALOMO	TIM	1985	1990	PERJ/FLSE ACCU/OM
PITTS	MARCELLA	1985	1991	PERJ/FLSE ACCU/OM
PITTS	RICKY LYNN	1985	1991	PERJ/FLSE ACCU/OM
SELF	GRANT	1985	2008	PERJ/FLSE ACCU/OM
STOLL	JOHN	1985	2004	PERJ/FLSE ACCU/OM
TAGGART	MOONSHADOW	2016	2019	???
TAYLOR	RUTH	1985	2001	PERJ/FLSE ACCU/OM/IAC
TOMLIN	CHARLES	1979	1994	MISTKN ID/PERJ/FLSE ACCU/IAC
WELMER	HOWARD	1985	2005	PERJ/FLSE ACCU/OM

ABBREVIATIONS:

PERJ=PERJURY

OM=OFFICIAL MISCONDUCT

FLSE=FALSE

ACCU=ACCUSATION

MISTKN=MISTAKEN

ID=IDENTIFICATION

CONF=CONFESSION

FMFEV=FALSE OR MISLEADING FORENSIC EVIDENCE

SOURCE: NATIONAL REGISTRY OF EXONERATIONS
 EASTERN/N.CAL. VACATED CONVICTIONS DUE TO VARIOUS MISCONDUCT/ERRORS. BRADY POTENTIAL

LAST NAME	FIRST	CONVICTED	REVERSED	REASON
ACERO	LONGINO	SANTA CLARA	1994 2006	IAC
BOOKER	LARRY	MERCED	1993	2019 PERJ/FLSE ACCU *
CALDWELL	MAURICE	SF	1991	2011 MISTKN ID/IAC
CERRANO	DENNIS	SOLONA	1998	2000 PERJ/FLSE ACCU *
CHEN	BOPING	SAN MATEO	2006	2009 PERJ/FLSE ACCU/IAC - v
CHEUNG	KUM YET	ALAMEDA	1995	2002 MISTKN ID/PERJ/FLSE ACCU/OM/IAC *
CONLEY	CARAMAD	SF	1994	2011 PERJ/FLSE ACCU/OM
CRABTREE	DARWIN	BUTTE	1991	2018 PERJ/FLSE ACCU/OM/IAC *
CROY NORMA JEAN		SISKIYOU	1979	1997 IAC
CROY	PARTICK	SISKIYOU	1979	2004 ???? *
DAVIS	RICKY	EL DORADO	2005	2020DNA* PERJ/FLSE ACCU/OM/IAC *
DIAZ	LUIS	SANTA CLARA	1984 2012	MISTKN ID
EASLEY	EDWARD	SHASTA	1993	2017 FMFEV/PERJ?FLSE ACCU *
ELDRIDGE	YVONNE	CONTRA COSTA	1996 2003	FMFEV/IAC *
FOLEY KENNETH WAYNE		SANTA CLARA	1995 2007	MISTKN ID/OM *
FRANKLIN	GEORGE	SAN MATEO	1990	1996 PERJ/FLSE ID/OM *
GARCIA ROY LOPEZ		SANTA CLARA	2000 2006	PERJ/FLSE ACCU
GOFF	ANTOINE	SF	1990	2003 PERJ/FLSE ACCU/OM *
HERNANDEZ FRANCISCO		MONTEREY	2002	2005 PERJ?FLSE ACCU
HERRERA BOBBYPAISTE		SANTA CLARA	1998 2000	MISTKN ID/PERJ/FLSE *
HART JAMES THOMAS		NAPA	1990	2001 PERJ/FLSE ACCU/IAC *
HUNTER	DARRELL	MARIN	2000	2008 MISTKN ID
JOHNSON	ALBERT K.	CONTRA COSTA	1992 2002	MISTKN ID/OM *
JOHNSON	ZAVION	SACVRAMENTO	2002 2018	FMFEV *
JONES TROY LEE		MERCED	1982	1996 OM/IAC
JONES JR. LUTHER		LAKE	1998	2016 PERJ/FLSE ACCU *
LEA	JOE	SOLONO	2000	2009 PERJ/FLSE ACCU *
LIND	FRANK	FRESNO	2002	2005 PERJ/FLSE ACCU *
LOFIUS	BRENDAN	LAKE	1997	2000 PERJ/FLSE ACCU *
MAGNAN PAUL PHILLIP		SANTA CLARA	2000 2006	OM/IAC *
NGUYEN	CHUONG	CONTRA COSTA	2013 2016	PERJ/FLSE ACCU/OM *
NICKERSON	GLEN	SANTA CLARS	1987 2003	MISTKN ID/PERJ/FLSE *
NUNEZ	LORENZO	MONTEREY	1995	2001 FLSE CONF/OM *
ORTIZ ARMANDO RODRIGUEZ		FRESNO	2006	2017 MISTKN ID/IAC
PACHECO	JUSTIN	SOLONO	1998	2000 PERJ/FLSE ACCU/OM *
PAYNE	GLENN	SANTA CLARA	1990 2018	FMFEV/PERJ/FLSE *
PICKETT	DANIEL	BUTTE	2004	2004 PERJ/FLSE ACCU/OM *
PODARAS	CHARLES	SAN MATEO	2005	2008 PERJ/FLSE ACCU/OM *
POHLSCHNEIDER	LARRY	TEHAMA	2001	2015FMFEV?PERJ/FLSE ACCU/OM *
PUCKETT	JEREMY	SACRAMENTO	2002 2020	MISTKN ID/PERJ/FLSE
QUINDT	DAVID	SACRAMENTO	1999 2000	MISTKN ID
REED	DESHAWN	ALAMEDA	2014	2017 MISTKN ID/FMFEV?PERJ/FLSE *
RODRIGUEZ	JEFFREY	SANTA CLARA	2003 2007	MISTKN ID/FMFEV/IAC *
ROLLIN JOSEPH PIERRE		HIUMBOLDT	2004	2008 FMFEV/IAC *
ROSE	PETER	SAN JOAQUIN	1995 2005	DNA MISTKN ID/FMFEV?PERJ/FLSE

M