

No. A154354

20-5066

IN THE
SUPREME COURT OF THE UNITED STATES

EVERETT L. SPILLARD II — PETITIONER
(Your Name)

vs.

California

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

ORIGINAL

FILED
JUN 23 2020
OFFICE OF THE CLERK
SUPREME COURT, U.S.

SUPREME COURT OF CALIFORNIA

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

PETITION FOR WRIT OF CERTIORARI

EVERETT L. SPILLARD II

(Your Name)

P.O. Box 2500, CMF, Vacaville, CA 95696

(Address)

U-101

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

1. Can Superior Court and it's DA Violate all my Due process Right's and then emitt them in the transcripts to my Appellate Attorney, so there Judicial mistakes and misconduct can't be ruled on ?
2. Can all the Courts in the State ignore the Laws the People of the state have been inacting, just to keep the prisons over 137% and the Federal Courts overflowing with People seeking Relief ?.
3. Is five million dollar bail reasonable for a person living in a County for 20 years, that has been in the Courts in a Custody battle and never missed a Court date ?.
4. How is a person going to do a habeas corpus without the full transcripts of a trial"Omitted from arrest till after the District Attorneys opening statements ?.
5. Can a Judge tell a Jury three times that the accussed will be retried if they don't comeback with a verdict ?.
6. Can an Attorney and a Judge wave time without my censent saying it is for impedance test that I never get ,(the Judge stateing he would not want my Attorney to be IAC) before I could even object"stateing he would waive time"?.
7. Is an Appellate Attorney IAC for excepting Omitted transcript and never asking you perttinent questien like are you in a wheelchair how many tees have you lost can you work ?.
8. Would a trial be considered a Farse if a Disqualified Judge Rule on a CPS report two years before from the alledged victims and my name was never mentioned" is that relevtent" the CPS came because the uncle had been bathing the girls for years ?.
9. This report was supressed and emitted from the record and they had one of many hearings without my presence is that a Brady Violation ?.
10. Is it wrong to have five people from the interviewing officers office in my Jury pool" I had to DQ them and one from a Police dept."?.
11. If a person is looking at a life sentence (and he don't knew it because his Attorney never told him) get 20 DQ while picking a Jury ? . I get 11 Decision, 200 L.E.2d 821 "Sixth Amend. Guarantees the defendant the right to choose his objective" I could not get my Attorney to put in a Motion to Dismiss so I did the Court sent it back to him a Judge never saw it is that IAC ?,

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

SUPREME COURT OF CALIFORNIA(Denied Petition of Review)(Denied Writ of Mandate)

FIRST DISTRIC COURT OF APPEAL(Denied Appeal)(Denied Writ of Mandate) and sent me back to the Superior Court of Humboldt County.

SUPERIOR COURT OF HUMBOLDT COUNTY(No response to Writ of Mandate) and no response to(Motion for Production of Transcripts and all Records of Proceedings) This Court called my writ of mandate("A writ of Habeas Corpus") I am trying to get a complete Transcript for my Heabas Corpus. So I filed the Heabes Corpus with out the complete record.(People v. Superior Court(Morales) (2017) 2 Cal.5th 523,529;In re Steele(2004)32 Cal.4th 682,697.)

RELATED CASES

Brady v. Maryland (1963) 373 U.S. 677,675,Smith v. Cain(2012)132 S.Ct.627,630, 675.Carrillo v. County of Los Angeles(9th Cir.2015)798 F3d 1210,1226.
People v. Lucas (2016)60 Cal.4th 153,274 citing to U.S.v.Bagley(1985)473U.S.667, 682;Williams v. Ryan(9th Cir.2010) 623 F.3d 1258, 1265.)
People v. Salazar(2005) 35 Cal.4th 1031,1043.
People v. Hayes(1992) 3 Cal.App.4th 1238,1244
U.S. v. Russell 411 U.S. 423(1973) U.S. v. Armstrong 517 U.S. 456(1996)
Klopfer v. N.C. 386 U.S. 213(1967) Kyles v. Whitley,U.S. 419(1995)
Penn. v. Ritchie,480 U.S. 39 (1987) Mickens v. Taylor,535 U.S.162(2002)
Wiggins v. Smith,539 U.S. 510(2003) Smith v.Robbins,528 U.S. 259(2000)
Strickland v. Washington,466 U.S. 668(1984)
Williams v. Taylor,529 U.S.362(2000) U.S. v. Cronic,466 U.S.648(198?)
Arizona v. Fulminante,499U.S. 279(1991)Ross v.Oklahema,487 U.S. 81(1988)
Irvin v. Dowd, 366 U.S.717 (1961)Washington v. Texas, 388 U.S. 14(1967)
Jackson v. Virginia,443 U.S. 307 (1979)Miller v. Pate,386 U.S.1(1967)
People v. Superiour Court(Morales)(2017) 2 Cal.5th 523,529:In re Steele (2004)32 Cal. 4th 682, 697.

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Division Four Original Opinion Final
- APPENDIX B Decision Superior Court of Humboldt County
Abstract of Judgement
- APPENDIX C Decision in the Supreme Court of California
En Banc Review is denied
- APPENDIX D Decision of the Superior Court of California,Humboldt County
It is a Writ of Mandate 1054.9 not a Habeas Corpus Dismissed
- APPENDIX E Decision of the Court of Appeal of the State of California
First Appellate District,Division Four Denied with out
Prejudice
- APPENDIX F Decision in the Supreme Court of California denied without
prejudice in accordance Penal Code 1054.9

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Rule 16(c) Duty of Disclosure

Const Amendment 8 Rights of prisoners Censorship of mail my mail while awaiting trial was sent back to more than 3 people 3 times plus.

Const. Amendment 8 Excessive fines and Bail

Const. 5th 14th Due Process of law

Jurisdictional Article III Section II, Between State and his Citizen

Article IV Section I Ensures that states respect and Honor the State Laws

Const. Amendment VI Speedy Trial ⁵ of the first in the Jury pool worked in the interviewing Officers office. One was a Dispatcher from Redding, CA I fired me after worker for him for three days and my Attorney would not DQ him. I only got 11 DQs when I should had 20.

Const. Amendment VI Ineffective Assistance of Counsel Trial and on Appeal the trial counsel was grossly IAC and the Appellate Counsel Failed in two ways First he accepted Omitted transcripts and second he failed to point out some facts like I am losing my tees 3 gone 2 anytime will be gone I was on food stamps and homeless before being arrested.

TABLE OF AUTHORITIES CITED

CASES

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Smith v. Robbins,528 U.S. 259 (2000)	2
Arizona v. Fulminante,499 U.S. 279 (1991)	2
Ross v. Oklahoma, 487 U.S. 487 U.S. 81 (1988)	2
Washington v. Texas, 388 U.S. 14 (1967)	2

STATUTES AND RULES

California Assembly Bill 1909"Section 141 amended PC	3
California AB 1987,Chapter 482 "amended PC 1054.9	3
Jurisdiction Article III,Section,2	3
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U.S Const. 8th Amendment	3
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U.S. Const. 6th Amendment	3
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Rule 16(c)(2)	3

OTHER

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___ A _____.
The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was 9/11/19-4/15/2020
A copy of that decision appears at Appendix G & F.

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

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___ A _____.
The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

STATEMENT OF THE CASE

All the Courts of the State of California have ignored the new and old laws of the People of California as inacted.(AB 1909,1054.9,1134) just to cite a few. It is what is causing the state prisons to be overcrowded and the Courts being Flooded. A Disqualified Judge made a ruling that would have proven to a Jury that this crime was not committed. When said crime was accused by this defendant. But all the Judicial misconduct and pretrial records have been omitted. On going to the Applette Court. On or during Petition of Review this Appellate filed a timely writ of mandate so the Supreme Court of California could review the complete record. They sent it to the First Appellate District Divion IV. Both Courts Denied it even though these new laws the People of the State of California are inacting. Are being ignored by all the courts in California. The Appellate Court said send it to the Court that has violated all my Due Processes Right's. So I did as the Appellate Court said and have been ignored by the Superior Court of Humboldt County. I am not the only person this is Happening to in the Great State of California. And because of the higher Courts of California Failing to Grant what is required by Law the U.S. Federal Courts are very full of people seeking relief. These are some Facts of my Case I was not there and my property was not there in 2014. My Attorney did no pretrial investigation. But the Court knew this because from 2011 till 2015 I was in a Custody Case with my sons mother. In the CAST interview both the accusers said it was Big and one said it was big and long my penis is 4 and $\frac{1}{2}$ CM long and has not worked in 10 plus years. My Attorney failed to show the Jury what 4 and a $\frac{1}{2}$ CM is eventhough he walked around the Court Room holding a ruler. It is about as long as my little thumb is thick. The size of an Acorn this all phycical evidence the alleged victims had nun.

STATEMENT OF THE CASE

If this Honorable Court would watch the CAST interview they would see the alleged victims spread there hands in discription of my penis. These people had no idea I have had ED for ten years and the victims describe there Uncles the one that had CPS come and do a report that the DQed Judge suppressed. I seen it once while he ran though the living room with a Hard penis it is Big and Long I remember because as I hate to say it there was some what of an envy to it. So I contend that all my Due Process right's. Have been Violated and most of the Brady Opion violated. My bills are still not paid I have a AAA receipt for saving these people on the side of I-5 in Oregon when they alledged that I was doing this crime. There were always 4 to 8 people around but nebody seen these alledged acts. My bail was 5 million my fines were 10.000 plus. They put me on Psych meds without my knowledge sent my mail was sent back to three people three times plus some other mail. If I was so guilty why would the Superior Court of Humboldt County have to Violate all my Civil Right's Just to have a hung Jury sent back three times finily comeing back with one incident 3 counts. My Case goes beyond standards of Due Process violations, well above the Brady, Statutory, and Ethical Discovery Obligations. If the DDA did not denie a witness due to relevancy they just omitted the witnesses (Karleota Hansen said it was the size of an Acorn her name is nowhere), (David Poxan he called CPS his name is nowhere) just these two people alone would have change the outcome of this Case. The other witness that the DDA said there was no relevancy would have proved the Alleged victim's Adopted Father (real uncle) Lied through his whole testimony even saying he was bathing the girls because Gaylia Wilson had Glucoma an eye desease. I took her to the eye doctor when I got glasses she don't have no eye desease. Futhermore my Attorney never even questioned it. He was so IAC it's beyond the "Strickland" Standard. The whole trial was a Farse and the Higher Courts refused to rule on these laws. And stop the Miscarriage of Justice that is happening in this state to lots of the PEOPLE OF THE STATE !.

REASONS FOR GRANTING THE PETITION

All the California Courts are Denieing or ignoreing the Laws of the People and the Legislative Counsel's New Laws. Meant to stop the Misscarraige of Justice. Filling up the State prisons to well over 137% and denieing the people of the state of California there Due Precess Right's. AB 1909 makes it a crime for Peace Officers and Prosecuter's to in Bad Faith alter, modify, plant, manufacture, conceal, or move any physical matter, digital image, or video recording, with specific intent that the action will result in a person being charged with a crime. The Courts of California are ignoreing these new laws that would stop the miscarriage of justice happening in this great state. This is what has happened to me the Deputy District Attorney Concealed evidence that if it was presented to any reasonable jury would have not convicted me. I only got convicted because the Judge restructured the Jury three times sending them back till they came back with one incident 3 counts out of 17. Someone also blew up (enlarged my pics). It is a crime to do these things in this state now. But the Courts refused to charge there DAs and the Peace Officers. There is no Case law that I can Find. But I do have very limited access to the Laws. I had 16 hours in the law library and 30 days to do this writ. But I see that what is happening in this state of missjustice is at epidemic perpetiions. I am not the only one this is happening too. I knew that it is against the law to put a person on Psyc. meds without there knowlege but I can find no cites about it. I have proof that I did not fit the discription not even close I have proof I was not there at the time they say I was (my Bills, Bank, EDD, and AAA receipts saving these alledged Victims on the side of I-5 in Oregon where I was working in 2014) If this Honorable Court would Grant my Review maybe we could stop the Fundamantal Misscarraige of Justice that is going on in the state of California and end the Courts not ruling on the Laws that are inacted by the People of the State of California. Your's Truly and Thanks for Consideration There is so much more but I am out of Time.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Everett L. Spillard II



Date: 2/18/2020