

No. 20-5322

Supreme Court, U.S.  
FILED

JUL 29 2020

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

WASHINGTON, DC 20543

PATRICK H. TORRENCE — PETITIONER  
(Your Name)

vs.

STATE OF ALASKA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

ALASKA COURT OF APPEALS

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

PETITION FOR WRIT OF CERTIORARI

PATRICK H. TORRENCE  
(Your Name)

SRING CREEK CORRECTIONS 3600 Bette Cato Avenue

(Address)

Seward Alaska 99664

(City, State, Zip Code)

(907) 224-8200

(Phone Number)

RECEIVED

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SUPREME COURT, U.S.

## QUESTION(S) PRESENTED

- 1) The decision of the State of Alaska, and the Alaska Court of Appeals are inconsistent with the United States Fourteenth Amendment rights to fair and impartial due process, and the equal protection of the law.
- 2) The decision of the State of Alaska, and the Alaska Court of Appeals are inconsistent with the United States Sixth Amendment rights to the effective assistance of counsel , and the right to compulsory process for obtaining favorable witnesses.
- 3) The Decision of the State of Alaska, and the Alaska Court of Appeals are inconsistent with the United States Fourth Amendment rights to be free from unreasonable searches and seizures and the issuance of warrants without probable cause.
- 4) The decision of the State of Alaska, and the Alaska Court of Appeals are inconsistent with the United States Fifth Amendment rights to be free from (1) required to answer for a capital or otherwise infamous offense unless a grand jury issues an indictment or presentment, (presentment flawed), (2) Subjected to double jeopardy, (3) compelled to engage in self-incrimination on a criminal matter, (4) deprived of life, liberty, or property without due process of law.
- 5) The decision of the State of Alaska, and the Alaska Court of Appeals are inconsistent with the United States Eighth Amendment rights to free from excessive bail, excessive fines, and cruel and unusual punishment.

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DENT V. WEST VIRGINIA: Due process of law is intended to secure citizens against any arbitrary deprivation by the government of rights relating to life, liberty, or property.

## 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:

Appeal from the Superior Court, Third Judicial District, Anchorage, Michael L. Wolverton, Judge.

Appearances: Elizabeth D. Friedman, Law Office at 2773 Carolee Court Redding, CA 96002, under contract with the Office of Public Advocacy, Anchorage, for the Appellant. Ann B. Black, Assistant Attorney General, Office of Criminal Appeals, Anchorage, and Kevin G. Clarkson, Attorney General, Juneau, for the Appellee.

Before: Allard, Chief Judge, Harbison, Judge, and Coats, Senior Judge.

## RELATED CASES

STRICTLAND V. WASHINGTON 466 U.S. 668, 687-88 (1984)

DENT V. WESTVIRGINIA, 129 U.S. 114, 32 L.Ed. 623, 9 S. Ct. 231 (1889)

MIRANDA V. ARIZONA, 384 U.S. 436, 86 S. Ct. 1602, 16 L.Ed. 2d 694 (1966)

REX V. TEEPLES, 753 F.2d 840 (1985)

JOHNSON v. U.S., 352 U.S. 565, 1 L.Ed. 2d 593, 77S, Ct. 550 (1957) Petitioner filing appeal *informa pauperis* is entitled to counsel.

ROMERO v. TANSY, 46 F. 3d 1024 (10th Cir. 1995): "A defendant's rights to effective assistance of counsel applies not just at trial but on direct appeal"

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STRICTLAND V. WASHINGTON 466 U.S. 668, 687-88 (1984) ineffective assistance

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MIRANDA V. ARIZONA, 384 U.S. 436, 86 S. Ct. 1602, 16 L.Ed. 2d. 694 (1966)  
Rights against improper, and illegal interrogation fifth amendment.

## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
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ROMERO v. TANSY, 46 F. 3d 1024 (10th Cir. 1995): "A defendant's rights to effective assistance of counsel applies not just at trial but on direct appeal".	

## STATUTES AND RULES

Appellate Rule 304 (a) the Court of Appeals decision is in conflict with a defendant's Sixth Amendment rights to counsel because it upheld a conviction where the attorney performed "below an objective standard of reasonableness".

Appellate Rule 304(c), the Court of appeal decision failed to analyze what level of attorney incompetence must be shown in order not to be dismissed as "minimal competence."

Under Appellate Rule 304(d), this Court should provide guidance to the appellate and trial courts regarding standards for assessing attorney competence. There is a propensity for justifying all trial decision as "strategic" without parameters on what is a reasonable "strategic" decision. This Court should set guidelines or factors to determine was constiyutes a "reasonable" and "competent" decision.

## OTHER

Abuse of Discretion, abuse of rights doctrine.

Official misconduct 11.56.850 class A misdemeanor (as federal law permits)

Interference contract rights 11.76.110 class A misdemeanor (as federal law permits)

IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the United States district court appears at Appendix \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A 1-46 to the petition and is

reported at Alaska Supreme Court No. S-17760 6/3/2020; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the Alaska Court of Appeal No. 0111(Mar. 4, 2020) court appears at Appendix A 1-46 to the petition and is

reported at Alaska Court of Appeals Unpublished; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

## JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was \_\_\_\_\_.

No petition for rehearing was timely filed in my case.

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

An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No.   A  .

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

For cases from **state courts**:

The date on which the highest state court decided my case was Mar. 4, 2020. A copy of that decision appears at Appendix A 1-46.

A timely petition for rehearing was thereafter denied on the following date: 4/15/2020, and a copy of the order denying rehearing appears at Appendix A 1-46.

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).

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

6 Sixth Amendment: In all criminal prosecutions, the accused shall enjoy the right...to have the assistance of counsel for his defense." U.S. Const. amend. VI. See Right To Counsel.

Effective assistance of counsel. (1937) A conscientious, meaningful legal representation, whereby the defendant is advised of all rights and the lawyer performs all required tasks reasonably according to the prevailing professional standards in criminal cases. See Fed. R. Crim. P.44; 18 USCA § 3006A

Ineffective assistance of counsel. (1957) A representation in which the defendant is deprived of a fair trial because the lawyer handles the case unreasonably, usu. either by performing incompetently or by not devoting full effort to the defendant, esp. because of a conflict of interest.

. In determining whether a criminal defendant received effective assistance of counsel, court generally consider several factors: (1) whether the lawyer had previously handled criminal cases; (2) whether strategic trial tactics were involved in the allegedly incompetent action; (3) whether, and to what extent, the defendant was prejudiced as a result of the lawyer's alleged ineffectiveness; and (4) whether the ineffectiveness was due to matters beyond the lawyers control - also termed inadequate assistance of counsel.

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Abuse of Discretion: an adjudicator's failure to exercise sound, reasonable and legal decision-making. An appellate court's standard for reviewing a decision that is asserted to be grossly unsound, unreasonable, illegal, or unsupported by the evidence.

## STATEMENT OF THE CASE

There has been many unreasonable choices presented in this case that show that trial counsel was incompetent regarding his decisions about the Miranda issues, and the states counsel's decisions regarding the Fifth Amendment Miranda violation. Which is their whole case, and the abuse of discretion surrounding the decisions of review - thus far in the Alaska Court of Appeals.

The state of Alaska representatives my counsel included has created a life sentence and conviction of 55 years with 5 suspended on charges and convictions of 1) Sexual assault in the first degree of my wife: 35 years to serve; 2) Kidnapping of my wife: 10 years to serve; 3) Assault in the second degree (choking) of my wife: 5 years with 2 suspended; 4) Assault in the third degree (fear assault with weapon): 5 years with 2.5 suspended. 50 years to serve for a now 55 year old black male. Eligible for parole in 2035 at the age of 73. With zero sufficient evidence, including trial evidence that refutes each convicted charge.

The jury was tainted by each state official including Judge Wolverton in his abuse of discretion. The state of Alaska and counsel after telling the jurors I pretty much conceded to all the 8 charges indicted: 1) Sexual assault in the first degree (oral sex) 2) Sexual assault in the first degree (vaginal) 3) Attempted sexual assault in the first degree alternating theories, 4) Misconduct involving a weapon in the third degree, 5) Kidnapping in the first degree, 6) Assault in the Second degree (choking), 7) Assault in the third degree (fear assault with weapon) 8) Assault in the fourth degree (reckless DV).

During trial there was a deal between my counsel and the prosecution without my consent, and outside the presence of the jurors in the presence of judge Wolverton: not to argue 1) Misconduct involving a weapon in the third degree, 2) Sexual assault in the first degree (fellatio), 3) Attempted sexual assault in the first degree, 4) Assault in the fourth degree (reckless DV). Dismissing those

stacked charges under 43(a) Alaska Statute. But keeping the remaining charges although trial evidence of inconsistent statements refuted the remaining charges.

And there was the playback of the Fifth Amendment violation of *Miranda v. Arizona* to the jurors at their request at the end of trial. They settled on my trial attorney Chong Yim's rendition of this violation as in I conceded to the remaining charges when the evidence at trial clearly refutes all of the remaining application of law presented in this case.

OTHER EVIDENCE WRONGFUL CONVICTION # 1 USED AS  
IMPROPER PROPENSITY EVIDENCE TO ENHANCE 3AN-08-3388CR

This conviction was obtained by abuse of process, and discretion. The fact that the alleged victim perjured himself through inconsistent statement: stating that he had been beat in the back of the head 12 times, simultaneously, while being choked, and passed out from oxygen deprivation. This was clearly refuted by the eyewitness Leticia Nuesca on direct during Trial: [Tr. 287-288] She never saw Torrence strike Giles. [Tr. 293-297] She never saw Giles lose consciousness during the struggle, and saw Giles get up from the floor. When Torrence released him [Tr. 297]. These statements prove Mr. Giles lied about his injuries, and that there was no serious physical injuries required for the application chose by the prosecution. This was simply a self defense case. Proven by clear and convincing evidence. Thus a malicious prosecution. Case 3AN-05-6190CR was used as an aggravator in case 3AN-08-3388CR.

MORE MALFEASANCE

This case 3AN-05-6190CR has not been properly credited by the Department of Corrections to date. (1) failure to properly adjudicate on 3/30/2008 the PTRP: Charlie Stroll was the representative for (DOC). (2) this mistake resulted in the time being credited to case 3AN-08-3388CR inappropriately, the sentence on this case began 5/10/2012. 25 and  $\frac{1}{2}$  months later. The 24 months or 4 months to serve should have been credited to 3AN-05-6190CR due to the sentences running consecutive to each other. Common sense.... (3) The DOC are aware that 3AN-05-

6190CR is an improper conviction which is why they have essentially removed it from paper work here at the institution. And they were the first to alert me to these facts when it was pointed out in the presentence report. From there the cover up begin by the court officials abusing the process and failure to properly over turn the malicious prosecution when by clear and convincing evidence it malicious. You can not convict a person on a complete lie. When you do you violate the person civil rights. I know the fact that I am African American and lack the funds to pay for a decent qualified attorney, is the reason why I am still fighting this case to date. This is a shame!

EXCULPATORY EVIDENCE ON THE FINAL 4 CHARGES AND CONVICTIONS:

CTN: 001, 002, 004, 007, 1: Assault 2nd degree, 11: Kidnapping, 111:Sexual Assault 1st degree, IV: Assault in the third degree: Count 1: is refuted by my wife's own statements during trial. See evidence enclosed page 697. GJ 41 L 11. And cross examination with trial Co-Counsel Jeff Robinson [Tr. 415, 416, 418, 419, 420]. Count 11: is refuted by trial testimony see page 701 enclosed [Tr. 317-318, 457], and [Tr. 318, 324, 326], and [Tr. 330]. Count 111: is refuted by trial testimony see page 700 enclosed; Russell v. State of Alaska, and Reynolds v. State of Alaska, [Tr. 50], [Tr. 323, 327] and 3:17-cv-00221-TMB. And the fact that she never reported that she had been raped! Count IV: is refuted by my wife's possession of the gun on the night in question [Tr. 322], [Tr. 498-99]. She was also responsible for inappropriately purchasing this gun for a felon, intentionally, knowingly, and recklessly. To set up this malicious prosecution. See page 697 enclosed. The evidence of strangulation is refuted on cross examination by attorney Jeff Robinson of Sart Nurse Debby Hurlburt page [Tr. 415, 416, 417, 418, 419, 420.] Clearly. See Appendix B-1-761: Pg. 701, 697, 700.

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SIRICILAND V. WASHINGTON: Counsel's tactics was not objectively reasonable.  
MIRANDA V. ARIZONA: an illegal interrogation.

## OPPINIONS

(1) I am going to try to keep these facts as brief as possible because I tend to get too wordy. Appendix A-1-46. As you can see I have already made Criminal Complaints to the Department of Law 125 Trading Bay Drive, Suite 100 Kenai Alaska 99611-7717. The Complaints speak for themselves.

(2) I have no complaints about the Judgment for Cost of Appointed Attorney. Except some of her factual assertion are fabricated even in her A. PRAYER FOR RELIEF. Agree. B. STATEMENT OF FACTS. Background: 3. Agree but not a legal separation. 4. Agree, 5. Agree, 6. Agree, 7. Agree, 8. Agree, but she initially lied and said she was at her friends house ~~Dee~~ to be deceptive about the relationship with Celestino Lee., 9. Disagree lie., 10. Disagree lie., 11. Disagree lie., 12. Disagree lie; never pulled hair, one strike to hands covering her face, no serious physical injury., 13. Agree., 14. Agree., 15. Disagree, only part true was my attempt at suicidal ideation., 16. Disagree lie; trial testimony refutes: [Tr.322]., 17. Disagree lie; inconsistent statement amounting to perjury: [Tr.322]., 18. Agree, but not in the sequence on state counsel or the prosecution: we made love and went home and checked on the kids after we had reconciled., 19. Disagree, there is a lot of details left out: her calling me about her laptop, me bringing it to her, and then her waiting until I went to sleep before calling the police., 20. Agree., 21. Agree., 22. Disagree: indicted on 8 charges she left out fourth degree assault, 23. Disagree: found guilty of 1) Sexual assault in the first degree (vaginal sex); 2) Kidnapping in the first degree; 3) Assault in the second degree (choking); 4) Assault in the third degree (fear assault with weapon): had she reviewed the trial transcripts she would have known this; attorney Elizabeth D. Friedman.

**Appeal:**

24. Agree., 25. Agree: but counsel should have argued insufficient evidence on all remaining charges., 26. Agree: completely flawed., 27. Agree., 28. Agree: this was abuse of process, and discretion.,

**Post Conviction Relief Proceeding:**

29. Agree., 30. Agree., 31. Agree., 32. Agree., 33. Agree., 34. Agree., 35. Agree., 36. Agree., 37. Agree., 38. Agree., 39. Agree., 40. Agree., 41. Agree.,

**C. STATEMENT OF POINTS RELIED UPON FOR REVERSAL.**

1. **Torrence's Rights to a Competent Attorney Are Guaranteed by the United States Constitution.**

42. Agree., 43. Agree., 44. Agree., 45. Agree.,

42. **An Attorney's Trial Performance Does Not Meet "Minimal Competence" if It Objectively Prejudiced the Client by Bolstering the State's Case.**

46. Agree., 47. Agree.,

a. **C.T.'s Alleged Inconsistent Testimony about the Kidnapping.**

48. Agree that this was alleged but not what happened: allegations are fabricated by my wife., 49. Agree that the impeachment was botched. 50. Disagree it was relevant if she was properly impeached it would have shown she was fabricating evidence., 51. Agree but she told the Sart Nurse and detective that I brandished the gun while in the car which was true but not for the purpose of fear. It was uncomfortable in my waist band so I move it underneath the driver side front seat. She knew I always carried this gun for my protection., 52. Agree because she had fabricated this allegation initially., 53. Agree., 54. Agree., 55. Agree., 56. Agree., 57. Agree with the allegation although not true. 58. Agree., 59. Agree.,

b. **Impeachment on Amount of Marijuana C.T. Smoked.**

60. Agree, but he was suppose to use the Gun Application to impeach her 1) for

lying about the unlawful use, 2) for who she bought the gun for my person; felony purchase class C, and B felonies., 61. Agree.,

C. Strangulation Marks or "Hickey" Marks - the Cross-Examination Reinforced the Strangulation Evidence.

62. Agree, but on cross with attorney Jeff Robinson the Strangulation evidence was refuted in its entirety., 63. Disagree entirely because of Jeff Robinson cross examination but Chong Yim was still ineffective in his presentation., 64. Agree., 65. Agree but she was fabricating.,

3. The Trial Judge Was Force to Intervene to Protect Torrence from His Counsel's Incompetence: Counsel ignored the Judges Advice.

66. Agree totally!., 67. Agree, but it also proved she was fabricating the evidence of rape after the police, detectives, and Sart Nurse told her it was rape: she was just being an opportunist.,

4. Counsel Failed to Utilize the only Means of Impeaching C.T. - her Financial Motive: This Was Not a Reasonable or Minimally Competent Tactic.

68. Agree., 69. Agree., 70. Agree., 71. Agree totally!., 72. Agree.,

5. The Court of Appeals Erroneously Concluded that the Representation Met the "Minimal Competence" Standard. 73

73. Agree., 74. Agree.,

D. STATEMENT OF CONCRETE REASONS.

75. Agree., 76. Agree., But it should of been more than a hearing it should have been a reversal for ineffective assistance of counsel!.

On page 46 of conusel's application to The Supreme Court of The State of Alaska Docketing Statement B. #6. Is the constitutionality of the state statue or regulation at issue in this proceeding? Counsel checked NO! when this coudn't be further from the truth.

OPPINIONS APPENDIX A-1-46

RESPONSE TO PETITION FOR HEARING

The State of Alaska has abused its discretion entirely in all of its arguments: An adjudicator's failure to exercise sound, reasonable, and legal decision making. 2. An appellate court's standard for reviewing a decision that is asserted to be grossly unsound, unreasonable, illegal, and unsupported by the evidence. And that is that I received effective assistance from trial counsel Chong Yim who aided and abetted that state's malicious prosecution of my person with the Fifth Amendment violation explained and enclosed within. But also the State of Alaska evidence for even the final 4 charges are insufficient, and uncorroborated by valid sufficient evidence and this is crystal clear from trial evidence. See Trial transcripts enclosed, and evidence from 3:17-cv-00221-TMB also enclosed. Also 3:15-cv-00134-SLG and Torrence v. Lapinskas, No. 17-35831.

ORDER GRANTING STATE'S MOTION TO DISMISS POST-CONVICTION

RELIEF APPLICATION

Judge Michael L. Wolverton decision to dismiss the application for post conviction relief October, 19th, 2017 was abuse of discretion this is clear from the evidence within this application for writ of Certiorari.

SUMMARY DISPOSITION

No.0111 -March 4, 2020

The Summary Disposition is another form of the State of Alaska's abuse of process, and abuse of discretion in this 12 years plus malicious prosecution an example of state official racketeering, and poor, and black folk exploitation. This evidence is clear in this case being presented to this court for relief.

THE AFFIDAVIT OF CHONG YIM SPEAKS FOR ITSELF!

- The injuries are unsustainted. See Cross exam-medical with Sart-Jeff Robinson.
- Miranda is unsustainted, and improper.
- His rendition of the gun usage is unsustainted.
- His strategy was foolish, and it aided and abetted the states malicious prosecution as well as tainted the jurors: he played the fifth amendment violation to the jurors at the closing of trial because he soled the jurors that I confessed.
- He knew that she bought the gun inappropriate but failed to impeach her properly. The felony purchase, and lying on the App.
- He knew about the communication with law enforcement officer Mahlatini, Stanley 29469 Case No. 07-58829 Date 12/05/2007. Where she claimed I had threatened to Shoot her, refused to give my name, and then turns around and purchased the gun for an anniversary gift for my person 2/9/2008. Just two months later. This is why I call this case fruit of the poisoness Tree doctrine. Although looking at totality of evidence she was never, never, credible! See police report enclosed, also see gun report enclosed.
- Mr. Yim's performance was a state of malpractice ineffective assistance as counsel aiding and abetting a malicious prosecution through deliberate incompetence. He was the prosecutor see the states uncorroborated evidence that he presented in his so call Motion To Supress, and Motion To Dismiss.

SEE EXONERATORY EVIDENCE FROM CASE NO. 3:15-cv-00134-SLG

MOTION FOR CERTIFICATE OF APPEALABILITY FROM THE NINTH CIRCUIT COURT OF APPEALS

SEE PAGES 14-23 OF CASE 3:17-cv-00221-TMB FILED 3/21/18 OF 14 of 33.

This evidence will show that the entire states case was hearsay with no probative value. The institution of a criminal proceeding for an improper purpose and without probable cause. And they have continued this case for 12 years without sufficient corroborated evidence. See pages 693-703 Appendix B-1-761

## REASONS FOR GRANTING THE PETITION

(1)

Every question presented in this case was violated: the arrest was obtained with inconsistent, and fabricated testimony which produced the arrest of my person. Then came the illegal search of my property designed to accomplish the illegal fruits of the arrest the (9mm hand gun) purchased by my wife to set up the illegal arrest. This was a class C, and B felony purchase: perjury by inconsistent statements, and purchase of a weapon for a felon. See gun report. The State of Alaska was then able to (4) deprive my person of life, liberty, and property without fair and impartial due process of law as well as equal protection: Fourth, Fifth, and Fourteenth Amendment rights.

(2)      Counsels: Chong Yim pretrial and trial counsel, Kevin Brady (PCR) counsel, Marcie McDannel (PCR) counsel, and Elizabeth D. Friedman was clearly deficient in presenting the available exculpatory evidence in this case and thus aided and abetted the malicious prosecution of my person. This is conduct that in Alaska and the United States Official misconduct Sec. 11.56.850 Article 6 Abuse of Office a class A misdemeanor as well as interference with contract rights Sec. 11.76.110 Chapter 76. Miscellaneous Offenses; for their deliberate deficient performances in presenting the facts of this case.

Chong Yim knew about the exculpatory evidence surrounding the gun including the witness Robert Chapman who witnessed the gun and the receipt of the gun shown to him in my SUV, but fail to gather this compulsory process. Which would have proved my wife bought the gun for me refuting her testimony: that I came and took the gun while she was away. The reason for the application for the gun sale and the video evidence was to show that my wife testified falsely. Chong Yim refused to use this evidence appropriately.

When the police officers arrested my person the gun was on the bed in plain view as they requested. But they left the gun case, ammunition, and the receipt underneath my bed. Which would have also proved my wife was lying about the gun purchase. These facts violate my rights under the Sixth and Fourteenth Amendment.

(3) When you listen carefully to my wife's interviews and testimonies it is clear that she is fabricating evidence before and after my arrest violating my rights under the Fourth Amendment. She did this to tamper with the evidence at my house - my property; the gun case and the receipt for the gun. She knew that the truth about the gun would be problematic for her fabricated testimony.

(4) The grand jury indictment is completely flawed from the begining to the end. Judge Wolverton should have dismissed the indictment in its entirety under Rule of evidence 6 (q) insufficient evidence. And the Fifth Amendment violations prior to the grand jury on the day of arrest (3) compelled to engage in self-incrimination on a criminal matter. See enclosed the Motion To Suppress. Which is the States case and outrageous violation of my constitutional rights to be free from an illegal interrogation.

(5) \$20,000.00 bail reduced to \$10,000.00 while the State of Alaska had taking away my means to any financial support and wrongfully convicted my person by tainting the jurors with incompetent counsel (Chong Yim); with Fifth Amendment issues of self-incrimination and due process, Sixth Amendment issues incompetent counsel and denial of compulsory process. There was abuse of discretion from the States Counsel with the deal outside the presence of the jurors to reduce the (8) charges down to (4) with Judge Wolverton's involvement. I objected to this deal. See pages [Tr. 781-82].

Without the intervention of this court the inmate petitioner will remain in prison wrongfully for the rest of his pertinent life until age 73. Due to deliberate incompetent prejudicial counsel, abuse of process and discretion in this malicious prosecution.

Every official involved in this case to date has aided and abetted this Malicious Prosecution, before and after the facts; including the Department of Corrections; interference, with the exceptions of Trial attorney Jeff Robinson Co-Counsel, and John Page 111 appeal attorney. But out of all these officials Chong Yim trial counsel is the most culpable; he played the role of prosecutor not protector in this malicious prosecution. His statements in his sworn Affidavit are sound proof of his deliberate prejudicial incompetence in the post conviction relief dated December 2016 enclosed in Appendix A-1-46. I also enclosed his Motion To Dismiss and his Motion To Suppress to show his deliberate incompetence.

### **CONCLUSION**

This case should be reversed because the petitioner has shown this court that he has received ineffective assistance of counsel.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Patrick H. Lawrence

Date: July 29th 2020