No. 20-5765

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED
AUG 26 2020
OFFICE OF THE CLERK

Daniel F. Borden, Sr — PETITIONER
(Your Name)

VS.

U.S. Court of Appeals Ninth Circuit "et. al" — RESPONDENT(S)

Forma Pauperis

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certi[orari] without prepayment of costs and to proceed *in forma pauperis.*

Please check the appropriate boxes:

☐ Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

U.S. States Federal District Court, U.S. Court of Appeals for The Ninth Circuit, State Courts Etc.

☐ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

☑ Petitioner's affidavit or declaration in support of this motion is attached hereto.

☐ Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

☑ The appointment was made under the following provision of law: 100% Indigence, Zero income or Resources, or

☐ a copy of the order of appointment is appended. Documents Attached

Daniel F. Borden Sr
(Signature)

RECEIVED
SEP - 2 2020
OFFICE OF THE CLERK
SUPREME COURT, U.S.

AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

I, Daniel F. Borden SR, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	**Average monthly amount during the past 12 months**		**Amount expected next month**	
	You	Spouse	You	Spouse
Employment	$ 0	$	$ 0	$
Self-employment	$ 0	$	$ 0	$
Income from real property (such as rental income)	$ 0	$	$ 0	$
Interest and dividends	$ 0	$	$ 0	$
Gifts	$ 0	$	$ 0	$
Alimony	$ 0	$	$ 0	$
Child Support	$ 0	$	$ 0	$
Retirement (such as social security, pensions, annuities, insurance)	$ 0	$	$ 0	$
Disability (such as social security, insurance payments)	$ 0	$	$ 0	$
Unemployment payments	$ 0	$	$ 0	$
Public-assistance (such as welfare)	$ 0	$	$ 0	$
Other (specify): ____________	$ 0	$	$ 0	$
Total monthly income:	$ 0	$	$ 0	$

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
INCARCERATED		0	$ 0
13yrs 4 months		0	$ 0
		0	$ 0

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
		0	$ 0
		0	$ 0
		0	$ 0

4. How much cash do you and your spouse have? $ 0
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
	$ 0	$ 0
	$ 0	$ 0
	$ 0	$ 0

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

☐ Home
Value 0

☐ Other real estate
Value 0

☐ Motor Vehicle #1
Year, make & model 0
Value 0

☐ Motor Vehicle #2
Year, make & model 0
Value 0

☐ Other assets
Description 0
Value 0

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
	$ 0	$ 0
	$ 0	$ 0
	$ 0	$ 0

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name	Relationship	Age
0	0	0
0	0	0
0	0	0

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home) Are real estate taxes included? ☐ Yes ☑ No Is property insurance included? ☐ Yes ☑ No	$ 0	$
Utilities (electricity, heating fuel, water, sewer, and telephone)	$ 0	$
Home maintenance (repairs and upkeep)	$ 0	$
Food	$ 0	$
Clothing	$ 0	$
Laundry and dry-cleaning	$ 0	$
Medical and dental expenses	$ 0	$

	You	Your spouse
Transportation (not including motor vehicle payments)	$ 0	$
Recreation, entertainment, newspapers, magazines, etc.	$ 0	$
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	$ 0	$
Life	$ 0	$
Health	$ 0	$
Motor Vehicle	$ 0	$
Other: ______	$ 0	$
Taxes (not deducted from wages or included in mortgage payments)		
(specify): ______	$ 0	$
Installment payments		
Motor Vehicle	$ 0	$
Credit card(s)	$ 0	$
Department store(s)	$ 0	$
Other: ______	$ 0	$
Alimony, maintenance, and support paid to others	$ 0	$
Regular expenses for operation of business, profession, or farm (attach detailed statement)	$ 0	$
Other (specify): ______	$ 0	$
Total monthly expenses:	$ 0	$

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

☐ Yes ☒ No If yes, describe on an attached sheet.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form? ☐ Yes ☒ No

If yes, how much? 0

If yes, state the attorney's name, address, and telephone number:

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

☐ Yes ☒ No

If yes, how much? 0

If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

Police officers Stole All my Money Destroyed All my Business An Concrete Business Relations 13yrs Ago

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 26th, 2020

Daniel F. Bar[illegible]
(Signature)

Date\Time: 7/6/2020 11:05:54 AM

Institution: CTF

CDCR

Verified: ____________________

Inmate Statement Report

CDCR#	Inmate/Group Name	Institution	Unit	Cell/Bed
G44478	BORDEN, DANIEL	CTF	C GW 1	150001

Current Available Balance: $0.00

Transaction List

Transaction Date	Institution	Transaction Type	Source Doc#	Receipt#/Check#	Amount	Account Balance

No information was found for the given criteria.

Encumbrance List

Encumbrance Type	Transaction Date	Amount

No information was found for the given criteria.

Obligation List

Obligation Type	Court Case#	Original Owed Balance	Sum of Tx for Date Range for Oblg	Current Balance
PLRA	C 10-01750 SBA (PR)	$350.00	$0.00	$331.79
INTIAL PLRA	C 10-01750 SBA (PR)	$18.21	$0.00	$18.21
PLRA	FFF	$455.00	$0.00	$455.00
COPY CHARGES	CDC 119 3-13-12	$0.10	$0.00	$0.10
PLRA	FCS041081	$435.00	$0.00	$435.00
REGULAR MAIL	REG MAIL 01.07.15	$1.82	$0.00	$1.82
REGULAR MAIL	REG MAIL 1.22.15	$5.32	$0.00	$5.32
REGULAR MAIL	REGULAR MAIL 3.18.15	$5.95	$0.00	$5.95
REGULAR MAIL	REGULAR MAIL 3.18.15	$2.45	$0.00	$2.45
COPY CHARGES	LGL MAIL LOG 042115	$0.10	$0.00	$0.10
REGULAR MAIL	REG MAIL 6.11.15	$5.95	$0.00	$5.95
REGULAR MAIL	REG MAIL 6.22.15	$0.10	$0.00	$0.10
REGULAR MAIL	REG MAIL 8.19.15	$2.30	$0.00	$2.30
REGULAR MAIL	REG MAIL 8.19.15	$2.52	$0.00	$2.52
REGULAR MAIL	REG MAIL 8.19.15	$2.52	$0.00	$2.52
COPY CHARGES	MAIL LOG 9-10-15 SOL	$0.10	$0.00	$0.10
COPY CHARGES	MAIL LOG 9-10-15 SOL	$0.10	$0.00	$0.10
REGULAR MAIL	RGL MAIL 10-2-15 SOL	$1.39	$0.00	$1.39
REGULAR MAIL	RGL MAIL 10-6-15 SOL	$5.75	$0.00	$5.75
REGULAR MAIL	RGL MAIL 10-6-15 SOL	$5.75	$0.00	$5.75
COPY CHARGES	MAIL LOG 10-9-15 SOL	$0.10	$0.00	$0.10
COPY CHARGES	REGCOPY 5/17/16	$0.10	$0.00	$0.10

[Constitutional and Statutory Provisions Involved - Continued From 1st page]

For it was This very United States Supreme Court on Certiorari That said: Dispo 483F.2d 778 Gerstein v. Pugh

It agreed That The United States Constitution. Amend. IV Requires A Timely Judicial Determination of Probable Cause As A Prerequisite to Detention.

In This case at Bar There was "NO" such Probable Cause Determination order whatsoever In The Record at The warrant Stage or At The Arraignment, which constitutes Prejudicial Due Process in This Case, where The Law was Just Practiced From The Bench. (See Attached Exhibits Hard Evidence)

Illegally Morphing Extra Charges into, or out of one Complaint For Battery without Lawful Notice Given of Charges Against The Defendant 6th Amend. Penal Code 950 Statutes Etc.

Constitutional Brady-Violations. By Law + Statutes

Napue-Violations of The Constitution

Ante-Dated Scan Signature By Computer to Authorize A Felony Warrant, By Helping The Detective to overcome Lack of Affidavit From Victim At Commencement of Felony Proceedings

(17)

[Undisputed Facts]

(1)

STATEMENT OF THE CASE

ON 4-24-2007 A Detective Graham, D. Badge #0334; Got A phone call At 10:00 AM From A stranger on The phone The Victim, The Detective took her statement over The telephone About A Crime, with NO investigation Done, or Affidavit From The vitim, He went Directly to The Court at 12:00 NOON TO A Sacramento Superior Court Judge, [A]fter first obtaining A photo Copied, Ante-Dated Declaration From A District Attorney Administering The Document in Support For The Arrest warrant under 2015.5 CCP), For A Felony Arrest Warrant to Be Granted By A Judge ThereAfter, The photo Copied Signature was Just Placed on The Line To Support The Lack of A Legal Affidavit By The Victim By Law, For The Issuance of an arrest warrant. The warrant was issued By The The Judge After Being Fraudulently secured an Activated in The Clets System. (See Detectives own warrant Securing Statement (Exhibit B-1) The warrant (Exhibit-B-2) and (Exhibit B-3) Provides The Seven Pages, Attested to, Certified Dated, Original File From The Court Clerk, Wathins, with There Seal As Evidence to This Truth. This Superior Court Case "(inclusive)" Correct Copy of The original File was used At Arraignment For The Commencement of A

Criminal Case No. 07F04303, Detective Graham Then After securing The warrant, Contacted A Part of The Sacramento Police Department's Criminal Apprehension Team, To come After Daniel F. Borden And Arrest Him At once, Claiming I was "Extremely Dangerous", The SPDD's went to Glen Whites Home where I Had Been staying, And Because I Had Left The Residence, Officer Armed with The Arrest warrant Kicked open The Door Ransacked The Home, Broke open A Locked Closet on April 30th, 2007 At 3621 26th Ave. In Sacramento And stole All my Property, A Large Black Duffel Bag Containing Fifteen Thousand Dollars in cash, my wallet Credit Cards, Check Book, Binding Contract Agreements Monetary Instruments, Shopping Receipts From The Arden Fair Mall (35) miles Away Showing with Cell-Phone photo's; At The Mall, The Times, And Identification Number of The Store worker who Handled The Transaction of The purchasing Exchanges, From Three Different Stores During The Time, I was Accused of A Arson That There is no way Humanly Possible I Could Have Been At, or Done! I Had Letters From The Victim Also Impeaching The Facts of The Extenuating Circumstances of The Relationship with The Victim, And what would Happen if I Cut Her off Finacially. (Exhibits A-1 Through A-7) An Give Verification of These True Facts, And At All Times mentioned in This portion of The Case Statement, I was Not in Custody.. Mall Surveillance Camera Show me Clearly There.., And Those Employee's Could Testify of This!

ON April 30th, 2007 [After Ransacking The Residence, ON Scene was my Biological Brother Leslie Borden who The Detectives Arrested my Brother and Tried for three Days to Shake Him Down as to my whereabouts, Booking my Legal Innocent owner Property, AND The Hard Evidence, AND Documents Favorable to My Defense That were material AND Exculpatory Evidentiary material, That Could Have Been subjected to Tests AND 100% would Have Exonerated me, From A Crime I Absolutely Never Committed, AN Never Threatened The Victim in Her own words in The Letters.

The Sacramento Police Detectives Booked The Evidence under my Brothers Name AND Failed to Turn it over AND (Exhibit A-2) Shows ON June 9th 2008, Exactly over A year Later [A]fter I was Already in The Ending of Jury Trial, The District Attorney, Contacted Attorney Lynch to Say, The Portions only, He All of A Sudden Located in The Sacramento County Police Department Property Room Associated with Judicial phase of The Criminal Defense Evidence, was still There, But The Trial Court Judge Took A inappropriate Activist Role for The District Attorney, objected to, which The Court overruled, (See Exhibit-C-3) That The People Knew The Suppression of Evidence I Had Told Them About, Would Be True, AND Since it was so Late in The Proceedings, Do not Disturb The Evidence Documents

[Cont-Statement of Case] Page 4)
From page (3)

"At" All which was Being Deliberately Deprived me I Had Absolutely No Access to, I made multiple Pretrial Motions and filed Them, Preserved Them Lawfully and Legally Stateing my Constitutional Rights in violation of a Factually innocent Man Since August 2nd, 2007, Fifty Six Days [A]fter my Arrest on May 9th, 2007, To Reasonably Be Given a Hearing To Prove with Solid Defense I was innocent Factually of Arson and Terrorist Threats. (Exhibit C-7 will Show I was Booked Into Custody on May 9th, 2007, And The Police Detectives while I was in Jail now unable to make Bail or Hire an Attorney of my Choice, which They made sure of, Engaged in Conduct so Intimately Associated with Fixing The outcome of my Case By a Purpose to Harm, And The Hard Evidence They Held That Contradicted The key witnesses perjured Testimony. By a Manufactured Investigation, The Detectives Proceeded an Acted with Deliberate Indifference an Reckless Disregard For my Rights, and For The Truth, For on may 9th 2007 Detectives went To The Bank Manager and Bob Cooks office Told Them I was in Jail For Felony Emberzlement

(Cont From Page-4) Page-5

Detectives told The Bank manager Randy To Close All my Accounts, And whatever money I Had Accessible was Being Seized As evidence, with All Records of The Cash Transactions I Had Done And Checks I Cashed From Bob Cook, Detectives Then Proceeded To Bob Cooks office And told Him, I was in Jail For Embezzlement And They wanted All Business, Property And Cash income to me Stopped Immediately, Reducing me to Zero Financially in one Day, So I Could Not make Bail or Hire The Attorney of my Choice, (See Exhibit C-5 And C-6) Attached (Exhibit A-7) will Show one of These Gangster Detectives Sean Lewis Finally Got Arrested For Grand Theft, But The Prosecutor An Advocate Judge For The Prosecution Refused To Allow Mr. Lynch to Call Him As A Witness For Fear of what They would See; [E]ven After Judge J. Roman ordered my Request to Hear All evidence to Be Submitted on Calendar For Hearing January 18th, 2008, Minute orders An Motions Attached As Evidence with Investigator Michelle Millers Report,

(C-Exhibits) on March 18th 2008, At 3:44 PM, Judge Romans Calendar Request order to The public Defender was (Pre-Trial); But Shot Down Day of The Hearing By Another Judge which Minute order States would Be Heard At Trial, By Court Clerk And Never (were Done whatsoever) {minute order Attached with Pre-trial Motions Attached}

Attached → See Preserved Pre-Trial Motions

Statement of Case From page(5) | (page 6)

Seven months Later when Petitioner Never waived time I was Taken to a Preliminary Hearing For Arson, Terrorist Threats, Battery and Priors when I was only Arrested For Battery only, Never Add Booked or Taken to Court for any Additional Charges, No Notice was ever Given, I was Bound over, Convicted of 80 yrs to Life, when I am 100% Factually Innocent and For 13 years an 5 months I've served, By a Miscarraige of Justice, That's [T]rail of Fraud Continued without Break through All Appeals Courts, The District Court, and up to The Ninth Circuit Court of Appeals, with no Intervention to Accord All The Relief Necessary By ignoring This cases Corrupt Activities, while The Judge who was a Activist For The Prosecutor Request Then only at Preliminary Hearing to Add Charges of Arson an Terrorist Threats That were Never in The Simple Battery Charge to Begin with; and The Judge Permitted This, Bound me over on five Charges (5). Allowing The Prosecutor to Amend His Complaint November 9th, 2007 At The October 30th, 2007 Preliminary Hearing "(Transcripts Attached) [After Proof of Service an Conclusion".

Showing Clearly The Cart Before The Horse Proceedings Practice Law outside The Lines with Full ignoring of My Rights of Notice!

REASONS FOR GRANTING THE PETITION

This Petitioner Gives His Reasons with Tears in His Eye's For Granting This Valid Petition in The Interest of Justice, I Absolutely Know, That The Supervisors in This case perpetuated The other Prosecution Teams Actions, AND The evidence "Attached in Exhibits" more Than Sufficiently Allege The Factual Constitutional Violations. Reasoning That The Duty to Disclose WAS Clearly Established As of 1979 AND 1980, The State Reckless-Actors in This Case;(Detectives, Prosecutor's Team), Involved in This Case Had Ample Time AND Notice That The Knowing Suppression of Exculpatory AND Material That was in The police Property Room Since May 2nd 2007 [A]fter Being Taken on April 30th 2007, Giveing Detectives Time to pick Through The Evidence, Keep my cash an Have All my concrete income an property information to Harm me an Destroy, Knowing The Evidence in That File;[At The Time of my Preliminary Hearing AND Trial Violated Daniel P. Borden Sr. Constitutional Rights, The Detectives acted with intentional Reckless Disregard For my Rights AND The Truth AND is more Than consistent with The Standard imposed in The Substantive Due Process Context in which Government Action Violates Due Process if it ..."Shocks The Conscience"...

REASONS FOR GRANTING THE PETITION - (Page-2)

The Reckless intentional Actions in This case, was Not only Done to fix The outcome, But violated my Liberty Interest to secure I "would" never obtained A Fair Criminal Proceeding, Pursuant to Brady, But The State officials "Had" multiple chances and more Than Reasonable opportunitys to Deliberate Various Alternatives "[Prior]" to Selecting a course of Conduct as was Taken-and-Such Actions violate Due Process, In this case Done so Recklessly, when Fairly Examined of The Nature of These functions Performed! Lets Begin at The inception of The Request for The warrant, If a Sacramento County District Attorney who is on 4-24-07 Administering an original Declaration of Complaint for a warrant for The Detective Standing Right in front of Him, why would it Be Scan into a Computer? This was not a Electronic, Multifactor Digital Finger print Chechsum, with Bar Code "NO" Docusign Nothing! But Pages (3) and (5) of The original Complaint was Ante-dated By some Slick Clerk in an Attempt to Satisfy a Probable Cause Determination By a Judge as Required By Law, Making The Warrant Invalid, The Proceedings Invalid without Break to The Verdict! Because The Detective an The People never Had one, A Verified Complaint Before The Judge was claimed To Have Been made on 4-24-07, By The Detective who Armed with, The Declaration in sole Support For The Arrest warrant By The Ante-Dated Signature of The People. This slick Deceptive Action Does not Satisfy The Fundamental Requirements of Those set forth By The United States Supreme Court, For This Arrest Warrant is Based Solely upon A Declaration of Complaint, Framed in terms of information And Belief, Rather Than upon The "Affiants Personal Knowledge" Just phrased in The Statutory Language, making This warrant Constitutionally inadequate, when sufficient Allegations of Probable Cause "Are Not", otherwise Present, Consequently These Certifide Documents Alone That were Absolutely Used For such, In no way Sustain a finding of Probable Cause For Arrest, or to Be Held For Trial, Even in The Event As This Case The warrant was Nonetheless Issued... The Filed Endorsed Complaint on The Face Sheet of "Count-One", Shows The Courts Time stamp Entered Thereto of 12:20 PM in The Afternoon, when The Detective Recieved The phone call From Elk Grove A Surrounding City at 10:00 AM A Fifty minute Drive Away. In making A Determination "An Affidavit," must Be Supporting The Complaint/warrant itself, and must Recite The Facts [: Personally Observed] which Neither "Declarant" or The "Detective" "Had"!!

(See; Detectives Statement B-1): (See; Time stamp Complaint B-3)

(Page-4) Reason For Granting Petition.

Thus it;
Significantly Show The outrageous Consequences I've Suffered of Harm, more serious, And intimately Associated with The Judicial phase of The Criminal Process, And was an indispensable Part of my Criminal Case, I made all The Arrangements with Attorney At Law, Harlan Atler, To Be Paid to Take The entire Case, Bob Cook took me to His office personally, This was The Attorney of my Choice who was Competent An prepared with Representation For my Bail And, [A]fter my Property was illegally siezed, where I would Have Had Representation At The Critical Stages of Any Aspect of This Sham, with His Firm, The Arraignment Transcripts will Clearly Verify The Substantiated Fact He was present, And "Because I Could Not Pay Him," He Just walked, Passing The case to The Public Defender Due to The Interference occasioned By The Police officers illegal Seizure, That improperly obtained my Funds, Monetary Instruments, Etc That were Legally Protected By The innocent owner Defense An were Not involved in Any illegal Activity That would Give Rise to The Seizure, There Pretrial Actions Caused Interference, Imperil my Job, Interrupted my Source of income Advantage, And Prevented any meaningful Protection of my Rights to Defense Evidence I Had Secured., under (U.S. Const. Amend IV)[+]; under Authority of (United States v. Gonzalez-Lopez 126 S.Ct. 2557 (2006) For it Denied

(PAGE-5) OF- REASON FOR GRANTING THE PETITION

ME THE LEGAL COUNSEL OF MY CHOICE UNDER THAT AUTHORITY. THE CERTIFIED COPY OF THE CLERKS FILE IS [W]ITHOUT ANY PROBABLE CAUSE DETERMINATION ORDER SIGNED BY A JUDGE! THE HOLDING ORDER IS ALSO BLANK AND IS CLEAR, MY 4th, 5th AND 14th AMENDMENT RIGHTS TO DUE PROCESS WERE MORE THAN FRAUDULENTLY VIOLATED", TO ALL OF A SUDDEN OKAY I FOUND ONE"; WOULD BE JUST AS DECEITFUL AS FINDING OVER A ONE YEAR PERIOD LATER, THE ILLEGALLY SEIZED PORTION OF WHAT PROPERTY WAS STILL THERE OF EXCULPATORY VALUE, PRECLUDED FROM MAKING LEGAL DEFENSE WITH, WHICH IT HAD, SO A JUDGEMENT OF GUILT COULD BE PROCURED BY FRAUD. THIS COGNIZABLE VIOLATIONS RESULTED IN A SOLID AN COMPLETE MISCARRIAGE OF JUSTICE, FOR THE ABUSE OF PROCEDURES DONE TO THIS PETITIONER, "COMMAND RELIEF," AND TO MAKE THIS PRISONER BACK "WHOLE". THESE COMPELLING REASONS EXIST FOR EXERCISE OF THIS COURTS DISCRETIONARY JURISDICTION. THE EXERCISE OF THIS COURTS DISCRETIONARY JURISDICTION. FOR THE LOWER COURTS DECISION EXCEED ERRONEOUS, AN THE NATIONAL IMPORTANCE OF HAVING THE UNITED STATES SUPREME COURT DECIDE THIS CASE IS SO THAT OTHERS SIMILARLY SITUATED WILL BE GIVEN RELIEF, BY THE RULE OF THIS CASE BEFORE YOU: "MAKING PRECEDENT".. REMEMBER: I WAS NOT IN CUSTODY WHEN THEY SIEZED MY PROPERTY!

"PETITIONERS FINAL REASON FOR GRANTING THE PETITION, BY FAIR JUSTICE WITH EVIDENE THEREOF."

"[NAPUE VIOLATIONS, WITH MORPH TACTIC'S]"

Page(6) - of - Reason For Granting Petition]

See Attached Directly After Reason For Granting Petition Documenmentary Evidence By The Court itself, And The District Attorneys own Investigators Report made By C.I. Jay Sims#, June 10th, 2008 From, Briana Addison, And Then Glen White who's Home was where Investigator Donald Cox took His statement. To Begin with on March 24th, 2007 Petitioner was Charged in a single information With Simple Battery, "At no Time," was There Before October 30th 2007, In a Preliminary Hearing (when I never waived time) [A]ny Amended information Notifying Petitioner or Counsel of a Potential Arson an Terrorist Threats Related Charges Nor Had The District Attorney Filed Any Such Charges "Prior" To the Preliminary Hearing, Thus Petitioner was Deliberately Deprived of Any Fair and Legal Notice with Respect to The "Arson" an Terrorist Threats Related Charges, [In Fact Attached preliminary Hearing Transcripts, [Verify]"; As The D.A. "Requested The Court to Hold Petitioner for These Charges To Answer Not in The Complaint". Exactly How Does A Simple Battery Charge Put you on Notice For Arson an Terrorist Threats??, For it is The Fundamental Right By Constitution, Statutes and The 6th Amend (To Be Advised of The Charges Against A Defendant, So He is not Denied Sufficient time to prepare to meet The Charges with Defense Again Petitioner Rights were wholly Disregarded. According to Pen. Code. 950.

Page(7-) 7) Reason To Grant Petition

you cannot "Morph" other Criminal Charges" into one Charge as a Prosecuting Tactic, And To lie Again an say you Did Request Previously such Charges, you would not Have to Request Them, Put in The Complaint for not Being There!! In Conclusion, The Deceptive

Practices of Napue as in This Case Done with (Monique Allen or Briana Addison who Told The investigator "She Did Not Hear what Petitioner, Said, But she'll Do whatevers needed to Help Her Mother an District Attorney Is Perjury, Known in Advance to The Prosecutor [Before-Hand That is such (Read Her Statement Attached)

Now in The Exhibit Packet Enclosed The Hard Evidence Has Such Evidence an Compelling Force, That No Jury Could or Would Reject it, And The Prosecutor And Police Knew once surely "Exposed," Evidence Accepted By a Trier of Facts, would only Result in a verdict so Favorable to This Petitioner, By it's 100% Accuracy and Reliability of Truth Character, would Completely undermine The entire Structure of The Case upon which The Prosecution was Based, These Facts For Relief are Clearly Backed up Factually with The Documents Attached, And The Exhibits Packet, (Enclosed) The People took Statements From (17) witnessess, (3) Three of which saw The Correct Perpetrator of The Arson, But I was not Accorded Any Compulsory Process For obtaining These witnesses, I Begged The Court to Hear From in My

 (SEE Exhibits Package Enclosed)

Favor; As The District Attorney told Them They would Not Be Needed Whatsoever, Go on Vacation! D.D.A. William Satchell forgot to mention That He Certainly Conveyed The implicit Agreement He made with (Monique Allen), That she would Be Treated favorably By The Prosecution if she Just testified in The manner That would Satisfy The Prosecutions wishes, In Another matter, she was told Just to say "That looks like The Appellant" "From The Back only"; He'd Take care of The Rest! (See Exhibit C- A+B)
Such Deception not only Violates "Napue", and Regardless of whether or not The offer is Done prior to Her Testimony, (Preparing a witness for Her testimony with a Deal for Her or a family members, Etc, Benefit, Influences The Content of That Testimony Deliberately. For on 4/22/07 Lois The manager of The Parkside Apartments was Given a 8 X 11 photo of The Appellant By Law Enforcement, To Pass it Around to The tenants, Monique Allen's own statement Explains she was Given one of The Appellant when she came to Pay Her Rent, And to familiarize Herself with first, Then Two weeks Later The People Came to get Her Statement Thats Clearly on Record; (That was unconstitutionally Suggestive! (Neil vs. Biggers 409 U.S. 188 (1972) And-

Manson v. Brathwaite 432 U.S. 98 (1977)
(See Exhibits "C-A" and "C-B" Statements
Mr. Satchell's Violation of His Fundamental obligation to ensure That Convictions Be obtained in a manner Compatible with The "Rudimentary Demands of Justice." Giglio, 405 U.S. at 153.)
One more Reason why The Contravening "Brady" violations; "Had" to Be Done" in This Case, Because The impeaching, Exculpatory Evidence would Have Exposed The willfully, Deliberate and unequivocally False Representing Covert Subornation of Perjury Represented to The Jury, By a Fundamental Miscarriage of Justice.

"Truthful - "Relevant Facts" to Grant Petition" "Supporting This Motion / Petition Before This Court"

"Please" Read The Entire "Case" Each Page of Relevant Documents of Facts sworn to under The Penalty of Perjury with Supporting Documents! For The "Supreme Court" Court Panel Review - of Judges ... Must Not Assume That All Petitioners in "Saving Clause" Proceedings are Just Attempting to Throw Dust in [Their] "Eyes .. or Hoodwink A Judge who is not over wise an Just Perjure Himself As a matter of Course.

Respectfully Submitted;

Daniel F. Borden

8-26-20
Dated:

Before Almighty God Please
"Relief Requested"
"Make me Back whole"

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Daniel F Borden #G-44478
CTF- Soledad Prison

Date: August 26th 2020

34-Pages
34-Pages total)
plus Attached Exhibits
AND pretrial motions with
minute orders
[Appendix's A-B-C-D]