

DANIEL F. BORDEN # G-44478
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Supreme Court of The United States

DANIEL F. BORDEN SR,
PETITIONER.

VS.

GARY SWARTHOUT, C, KOENIG
WARDEN
Respondents

CASE No. 20-5765

"Petition For Rehearing"

SUPREME CT. Rule 44.1.2

Presented in Good Faith..

Per Rule 44

NOW COMES PETITIONER, FOR lawful Rehearing
who on December 7th, 2020, At Approx. 8:20PM
Received This November 30th, 2020 Return of
Documents, Given (15) Days to Return By MailBox
Rule.

(Ground-1)

PETITIONERS main Ground is That on January 18th,
2008.) The Sacramento Superior Court Judge

JAMIE ROMAN, Did Set A Lawful Court
Calendared Evidentiary Hearing So This
Petitioner Could Present His Defense AND
Factual Alibi, "PRE-TRIAL", Another
Judge took The Bench The Day Of Hearing
AND Just Abruptly AND without Explanation
"OVERRULED", Judge ROMAN'S Previous Ruling.
This Action Effectively Deprived Petitioner
His Right Of Hearing AND WAS A VIOLATION OF
[I V. POWERS AND DUTIES § 44 ORDER OF ANOTHER
Judge. (People vs. Goodwillie 147 Cal. App 4th
695, 54 Cal. Rptr. 3d 601 (4th Dist. 2007)
The Judicial Rule That ONE Superior Court
Judge "MAY NOT" RECONSIDER THE RULING OF
ANOTHER Superior Court Judge..

(Ground- 2)

THE FAILURE TO HOLD THE COURT SET HEARINGS
THAT WERE CALENDARED BY A JUDGE DEPRIVED AND
VIOLATED THIS PETITIONER'S SIXTH AMENDMENT RIGHTS
TO PRESENT A DEFENSE, AND FURTHER DEPRIVED THE
PETITIONER BOTH JENCKS - AND - BRADY MATERIAL.

The Jencks Act is Designed to Provide The Defense with Access to impeachment Material, AND CRITICAL TO ANALYSIS OF ALLEGED VIOLATION IS WHETHER TIMING OF THE DISCLOSURES PREVENTED IT'S EFFECTIVE USE BY THE DEFENSE.

U.S. v. BRUMEL-ALVAREZ, 976 F.2d 1235 (9th Cir. 1992).

This would HAVE BEEN "ORDERED" WITH THE Impeachment Evidence AS WELL, AS WITH ALL EXCULPATORY EVIDENCE, THAT FALLS WITHIN BRADY RULE BECAUSE THIS ACTUAL FACTUAL EVIDENCE IS FAVORABLE TO THE ACCUSED PETITIONER, WHO IS INNOCENT. (Lambert v. Blackwell. F.3d 210 (3rd Cir. (2004)).

(Ground-3)

TO SUPPORT THIS PETITIONER'S GROUNDS; TRIAL JUDGE, TIMOTHY FRAWLEY, BECAME A ADVOCATE FOR THE DISTRICT ATTORNEY AND FOR NOT HEARING DEFENSE ORDERED EVIDENTIARY HEARING WITH SHOWED BIAS TOWARD THE PETITIONER THAT WAS ACTUAL AN COMMENTS IMPUGNING ANY CREDIBILITY

(3)

IN THE FACT, THAT JUDGE JAMIE ROMAN HAD PREVIOUSLY ORDERED THE HEARING TO BE HEARD BY SUPERIOR COURT ORDER, WITH ATTACHED EXHIBITS, MINUTE ORDERS, SACRAMENTO SUPERIOR COURT REPORTERS OFFICIAL PROOF EXHIBITS A-1 (THROUGH A-4) ATTACHED.

THE SUPERIOR COURT TRIAL JUDGE HAD A MENTAL PREDILECTION AND PREJUDICE REGARDING THIS PARTICULAR PETITIONER OR HIS HEARING ORDERED. AS SUCH THERE IS NO EVIDENCE WHATSOEVER THAT PETITIONER WAIVED HIS RIGHTS TO SAID CALENDARED HEARING.

(GROUND-4)

THE PETITIONER IS ENTITLED TO A FAIR EVIDENTIARY HEARING; NEVER-DONE BUT "PREVIOUSLY ORDERED", TO REVIEW THE EXCULPATORY EVIDENCE HELD FOR OVER A YEAR BY THE PEOPLE THAT WILL SUPPORT HIS FACTUAL CLAIMS OF JUST SABOTAGING HIS DEFENSE, AND CALL ON SCENE-EYE-WITNESSES WHO SAW THE CORRECT PERPETRATOR OF SAID ARSON, HE IS WRONGFULLY CONVICTED OF, [BUT]

The witnesses were told By The District Attorney They would not BE NEEDED (SEE Exhibit B-1 Thru 3) Attached Statements Further Proving A Third Party Culpable But There contact information Refused To BE Given To Defense Counsel To Present But would BE ordered For Evidentiary with Fair Review Justifying Petitioners Relief AS A HEARING would Demonstrate with MAIL SURVEILLANCE Footage OF PETITIONER SHOPPING 35 miles away with valid STORE RECEIPTS, AND letters written [B]efore Arrest from victim AND other writings Proving NO Terrorist Threats ever occurred AND WERE PERJURY.

(Ground-5)

THE PETITIONER CAN PROVE THESE CONSTITUTIONAL VIOLATIONS BOTH CLEARLY AND FACTUALLY THAT ARE FUNDAMENTAL, AND WILL STRIKE THE HEART OF THIS ENTIRE A FOUL PROCESS AND TRIAL! AND ARE SUBSTANTIAL BY THERE CONTROLLING EFFECT. BECAUSE A HEARING WAS ORDERED, AND MOST VALID.

(5)

Respectfully Submitted For
Relief By This Court in Rehearing
By These Grounds Limited to Intervening
Circumstances of Substantial Grounds AND
There Controlling Effect.

I DECLARE UNDER PERJURY THAT THE FOREGOING
IS TRUE AND CORRECT

Daniel F. Borden SR
PETITIONER IN PROPER

Executed on: December 9th, 2020

PLEASE THIS COURT ACKNOWLEDGE THE IMPORTANT
DISTINCTION BETWEEN A LAYPERSON PETITIONER AND A
TRAINED ATTORNEY I'M NOT, (Evitts v. Lucy 469 U.S. 830,
835.)

Sworn Petitioners Certificate

I DANIEL F. BORDEN, SR DO SWEAR AND CERTIFY
THE TRUTH THAT CAN BE PROVEN, WITH THE POINTS
AND LEGAL GROUNDS IN 1 THROUGH 5 IN THIS MATTER
THESE CERTIFICATE STATING GROUNDS ARE LIMITED
TO INTERVENING CIRCUMSTANCES OF SUBSTANTIAL
AND CONTROLLING EFFECT IN THIS REHEARING MATTER
AND THE SUBSTANTIAL GROUNDS WERE NOT PREVIOUSLY
SUBMITTED AS PRESENTED, FOR PETITIONER HAS BEEN
TESTED POSITIVE FOR COVID-19, MOVED, HIS PROPERTY
MISPLACED, THE PRISON IS ON LOCKDOWN, AND PETITIONER
WAS QUARANTINE THE LAST SEVERAL MONTHS.

I DANIEL F. BORDEN SR. PETITIONER CERTIFY THAT
THE PETITION FOR REHEARING IS PRESENTED IN GOOD
FAITH, AND NOT FOR DELAY, I'VE ATTACHED A CURRENT
PROGRAM STATUS PRISON REPORT THAT WAS PUT IN
PLACE HERE AS OF NOVEMBER 18TH, 2020, OF PROOF
IF CALLED AS A WITNESS THIS PETITIONER CAN AND
WILL TESTIFY UNDER OATH WITH PROOF OF THESE
CERTIFIED TRUTH(S)

December 9th, 2020

Dated

Daniel F. Borden SR
Petitioner