

No. 20-6751

ORIGINAL

Supreme Court, U.S.
FILED

DEC 07 2020

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

ROGER DARRYL WALDREP — PETITIONER
(Your Name)

vs.

Attorney General, A.L.,
ADOC Dir, D. Shinn, C. Ryan — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT (20-16148)
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

ROGER DARRYL WALDREP
(Your Name)

ADOC Kingman Prison, Huachuca Unit, 1E29
(Address)

P.O. BOX 6639, Kingman, AZ 86402
(City, State, Zip Code)

NONE
(Phone Number)

QUESTIONS PRESENTED

Does this Supreme Court Grant and Honor CIVIL RIGHTS to all Arizonans and U.S. citizens Equally?

If so, IS HABEAS RELIEF appropriate to Remedy the many "FUNDAMENTAL CONSTITUTIONAL" Rights Violations and "MANIFEST MISCARRIAGE OF JUSTICE," proven by this Petition For Writ of Certiorari?

Why is a U.S. Citizen Imprisoned For 17 years Flat, just because the Lower Courts REFUSE to let him have his "BRADY EVIDENCE" of transcript from a "FALSE CONFESSION," alleged in the "Denied Illegal Police Recording on 12-03-2013?"

Why is Mr. Waldrep Imprisoned while being "DENIED" his "CIVIL RIGHTS" guaranteed by the 4th, 5th, 6th and 14th Amendment Rights on 12-03-2013, his right to "No Unlawful Search," Right to Not Be A Witness against Self", Right to MIRANDA WARNINGS and Right to have Counsel Present?

(1.) Does this S.Ct. Stand on and Apply their Ruling in "FARETTA V CAL", as Held Right to Self-Representation and Right to Control One's own Defense?
(App. AA)

(1a) If trial Judge Denied Mr. Waldrep's Unequivocal request To Represent Himself on 03-03-2016, and then Forced him to Go IMMEDIATELY To TRIAL on 04-06-2016, with Forced-Upon Public Defender who was totally Hostile and Ineffective, Would this Constitute a 6th Amend. Violation under Ruling S.Ct "FARETTA V CA?"

(1b) Are All U.S. citizens entitled to A "FARETTA-HEARING", before outright Denial of their Right to Self-Representation, as held in "FARETTA V CA?"

(2.) Has a U.S. citizen been Provided DUE PROCESS OF LAW, if he has been "Denied 21 "Motions For Production of Established Record,"
• Denied "8 "Motions For An EVIDENTIARY HEARING", and then, • Denied "Motion To Stop BRADY VIOLATIONS" by US Dist. Ct.?"

(2a) Has DUE PROCESS been Violated if Dist. Ct. Denied §2254 HABEAS, without Reviewing the BRADY EVIDENCE and Without Reviewing Claims on ORIGINAL Petition?

(3) Does this S.Ct. confirm Rulings in Brady v Maryland, 373 U.S. 83, 87 S.Ct. (1963), and Milke v Ryan, Ariz 711 F.3d (9th CIR 2013) "An Unreasonable Determination of FACTS BASED ON MISSING KEY ASPECTS of (Mr. Waldrep's) Record, By Dist.Ct. Denying his §2254 Habeas Petition and C.O.A., with OUT Pertinent Transcripts, listed in (Appendix G)?

(4) Can the Voluntariness of GUILTY PLEA be challenged ON BRADY GROUNDS, as held in "White v U.S. 858 F.2d 416 (8th CIR 1988) S.Ct.?

(5) Should A "Certificate Of Appealability" be Granted if appellant has Been Denied his BRADY EVIDENCE (10) Ten Criminal Proceedings, transcripts, reports listed in Appendix G, and then "DENIED 21 court filed Motions To Produce Records; which All Prove his CONSTITUTIONAL VIOLATIONS?

(6) Does this S.Ct. believe "A Reasonable Jurist COULD DEBATE" whether FAILURE to PRESENT an appellant and Reviewing Courts his Denied BRADY EVIDENCE, meet the low threshold to Grant a First C.O.A.?

(7) If this Sup.Ct. Ruled in "Strickler v Greene, 527 U.S. 263, 119 S.Ct. 1936 (1999) that "A defendant may File A 2nd Successive §2254 HABEAS PETITION under "BRADY VIOLATION", because Withheld Evidence constituted "CAUSATION", even After a FIRST §2254 HABEAS has Been DENIED", then LOGIC DICTATES that all citizens have a rt. to be granted a FIRST C.O.A. and 1st HABEAS REVIEW by Ct. of Appeals, on this Appellant's BRADY GROUNDS?

(8) Did the Gilbert Police violate the 4th and 5th Amendments, and "EXCLUSIONARY RULE" by having "NO CLEAN HANDS EXCEPTION" to their electronic recording on 12-03-2013, without a Warrant, NO MIRANDA WARNING, NO COUNSEL to this unknowing criminal suspect, Interrogated by Govt Actor "Under Color of State Law" and voice of Police Det. Ralph Cornejo -telling on recording, what his govt actor can SAY, and what she could NOT SAY, while he made a list of 44 specific allegations in a 15 minute call recording? (hear Audio CD -in evidence -Denied BRADY EVIDENCE, NO TRANSCRIPT ever made) App.G. (App. T T)

(10) Why was "PERJURED TESTIMONY" given by state to GRAND JURY, on 12-11-13, and SIMPSON Hearing 12-20-13? (see NN. G)

(11) Why did the Ct. of Appeals Fail to Grant a C.O.A. and First "De Novo" Review, so to intentionally move this S.Ct. to confirm Nationally Settled Federal Laws of (A) Denied Rt to Self-Representation? (B) Denied Rt. to BRADY EVIDENCE? (C) Denied Presumption of Innocence? (D) Denied Rt. to Only Be Found Guilty By Proof Beyond A Reasonable Doubt? (E) Denied Rt. to Effective Assistance of Counsel? (F) Denied Rt. to a Knowing, Voluntary Plea? (G) Denied Rt to Plea Negotiations without Judicial Coercion, Undue Influence, Misstatements of LAW and FACT?

(12) Why did Dist. Ct. refuse to follow F.R.C.P. in §2254(f) "Shall Order the state to produce any missing or relevant part of petitioner's record"?

(13.) Have MIRANDA RIGHTS attached when Police record a phone call of unknowing criminal suspect by police detective, Ralph Cornejo, telling his Gov't. Actor, "Under Color of State Law"-on Recording Quote: "This is Gilbert Police detective Ralph Cornejo setting up a Confrontation Call Recording between suspect Roger Waldrep, and his wife, here at Gilbert Police Station, Kianti Waldrep." (continued)

Quote: "Time now is 1850 hours on December Third, 2013." (To Kianti) "You (Kianti) can say 'Tell me everything You (R. Waldrep) Did!', and We can work this out between us." "Do NOT SAY, 'Tell me everything You Did and I (Kianti-Govt Actor) will NOT call the Police! Do NOT say that!

You can NOT SAY THAT!" and I (det.) will check off these Questions as WE (Police and Govt Actor) Go Down the list of Questions!" end Quote; and then proceeded recording the 44 Questions, Specific criminal allegations, in a 15 minute recording, Without Miranda Warnings; Without Counsel?

(14) Why is Mr. Waldrep still Denied this Recording Transcript, which Proves he made NO Confessions to any crimes, but denied by Dist. Court on 21 court filed motions to produce?

(15) Has appellant suffered a "Manifest Miscarriage of Justice", when he has been 'Unlawfully Imprisoned' for Seven Years without ever given the transcript of police recording on 12-3-2013, which proves Unequivacally that "No Confession or Admissions" made by Mr. Waldrep, But Prosecutor used as Illegal Evidence to Arrest; To Presume Guilt and Coerce the Judge to

Deny him any and All Bail, Bond or Release Conditions,
and Used as Perjured Testimony to GRAND
JURY to gain Invalid Indictment, and then used
throughout entire court proceedings to Coerce,
threaten Mr. Waldrep to sign the "Unread
GUILTY PLEA?" (see Grand Jury trans., "change of plea")

(16) IS DUE PROCESS violated when Judge Sinclair
* Grants appellant's Request for his Grand Jury
transcripts, after he is already in Prison 6 months, on
10-24-2016, But then, on "next day," he receives an
ORDER Denying and Dismissing his Entire Rule 32
Petition; Before any Grand Jury Transcript Provided?
(see ORDER, 10-25-2016) (see Appendix DD-ORDERS) PP. 22

(17) Why did trial judge admit to the Judicial
Error of "Presumption of Guilt," and stated: "Defendant
Has No Defense to these Charges," on ORDER 10-25-16?
(Appendix D.)

(18) Why did trial judge "Deny Right to Self-
Representation" during plea Negotiation on 03-03-16,
and then Deny Mr. Waldrep's "Four" Motions For Product-
ion of Records, Transcript For Post CONVICTION RELIEF,"
and then DENIED Entire Rule 32 Petition stating,
Quote: "Mr. Waldrep Claims that I, Judge
Sinclair, denied him his Right to Proceed Pro-Pec,

but Mr. Waldrep Failed to attach any transcript to support his claims," end Quote.? "Denied Appeal" (See Appendix DD) (D. Appx. AA.)

(19) Why did Ct. of Appeals Refuse to Answer any of the (4) Four filed, "Motions To Initiate a §1983 CIVIL RIGHTS ACTION," and (4) "Requests For Appointment For Sect. 42 USC §1983, under § 1915(e)(ii), as appellant presented "Good Cause Showing"? (Appendix J)

(20) Is Due Process violated when Judge Sinclair Grants appellants "Motion To Change Counsel," but ORDER's (on Ex. I) "No further Motions Regarding Counsel shall be accepted by this court," which, "CAUSE and PREJUDICE" Forced appellants Family Not to HIRE A PRIVATE ATTORNEY? (Appendix T)

(21) If Ct. of Appeals Decision To Deny a C.O.A. conflicts with clearly settled Supreme Ct Precedent, has appellant been afforded "DUE PROCESS As A Matter Of LAW?"

(22) If Mr. Waldrep was represented by state appointed Public Defender at local level, and has been Denied All (8) Eight "Motions For EVIDENTIARY HEARINGS," is he entitled "As A Matter Of Right" to a Meaningful Appeal in the Appellate Circuit, as S.Ct.? (Townsend vsain Supra AA)

(23) Can a conviction under ARS §13-1410, §13-1407, §13-3560, as written before HB2283, Stand A Constitutional Challenge; as Dist. Ct Judge already granted Habeas Relief in (May v Ryan supra) stating, "the statutes Violate defendant's Due Process Rights?"
(Q, M)

(24) Did judge in First Plea Discussions use Coercion, Misstatements of LAW and FACTS, Rule 11(c) Violations by "FALSELY" telling Mr. Waldrep, Quote: "You have No Defense to your charges!" "You MUST accept a Long Prison Sentence to resolve Your Case!"

"The Jury will Not be told about your Doctors Prescribed and ORDERED Testosterone Therapy!" That IS THE LAW!" "All of Your Charges have Mandatory LIFE PRISON SENTENCES!", when defendant was only charged with (F-3's) felony three on Attempt and Abuse charges? (Appendix D.D., G, X)

(25) Did Judge in 2nd Settlement Conference violate Rule 11(c), and Coerce, Threaten, and FALSELY STATE, Quote: "It is Not going to get Any Better! If you want to give Up the Rest of Your Life on a Novel * Theory of Going To Trial, All I (Judge)" CAN DO * IS ADVISE YOU (Mr. Waldrep) AGAINST IT! "You are talking Huge, Giant Steps of Logic and Reason For

the Jury to buy into it!" "And then We (court)"
* Play Your Confrontation Call, where You make
admissions to all charges! "All of Your Charges
have to be Stacked, that means BACK-TO-BACK-
TO-BACK-TO BACK LIFE SENTENCES."

"You have No Defense!" "I know the
sentences are Draconian, But I (Judge) will
sentence you to what the LAW Tells me!"

"This is Just Damage Control At this Point!"
"The Prosecutor is NOT Going to Negotiate Against
themselves!" end quote of Judge Padilla 2-12-2016?
(Appendix X)

(26) Did prosecutor Deny CIVIL RIGHTS and Due Process
to appellant at Initial Appearance on 12-04-13 by
Presuming Guilt, Presented a "False Confession" from
Inadmissible evidence by violating §1983 Title III
Omnibus §2510, §2511, §2518, of Police recording
without Warrant, without Miranda Rights (XCC)(App. G)

(27) Did the court at Initial Appearance Violate Due
Process by using "Unconstitutional PROP 103" to deny (App. R.)
all Bail, Bond or any release conditions, and Presume
Guilt by ARS §13-1410, §13-1407, and relied on Inadmis-
sible Evidence of "False Confession", without any evidence
challenged? (App. G)(App. R)

(32) Do all U.S. citizens have a Right to be Presumed Innocent, and prosecutor Must prove charges Beyond A Reasonable Doubt? As this was Denied Mr Waldrep.

(33) Has appellant received Effective Assistance of Counsel if his state appointed attorney NEVER informed him of "Reversal of Burden of Proof" on face of ARS §13-1410, §13-1407, §13-3560, on Indictment, and Failed to challenge this DUE PROCESS VIOLATION during All Pre-Trial, 3 Plea Negotiations, during "Change Of Plea" and Sentencing Hearings?

(34) Does this Supreme Ct's own Ruling Apply to all U.S. Citizens, in "CARMEL v TEXAS" held "LAWS that Alter Legal Rules of Evidence and Required "LESS EVIDENCE" to Obtain a Conviction, are in fact, "EX POST FACTO LAWS", resulting Not in Remand, But in an "ORDER OF AQUITTAL", as ARS §13-1410, §13-1407, took Away Prosecutor's Burden of Proof in Mr. Waldrep's case?

(35) Why did the Ct. of Appeals DENY any FIRST REVIEW and C.O.A., to intentionally Move this S.Ct. to settle "CONSTITUTIONALITY" of ARS §13-1410, §13-1407, §13-1401, §13-3560, on this appellant's Indictment and Sentence?

38) Is it the "COURTS DUTY" to construe Statutes in a Way To Also Maintain the Statute's "CONSTITUTIONALITY," as held in ARIZ. v Thompson, 204 Ariz 471, 478 (2003)?

39) Why did the court FAIL to Inform Mr. Waldrep of the "Constitutionality Issues" of ARS §13-1410, §13-1401, §13-1407, which took away the "Prosecutor's Burden Of Proof" and "Denied Presumption Of Innocence"?

39) Why did all 3 Judges in Plea Discussions tell Mr. Waldrep, "You have No DEFENSE!", and Failed to even discuss the "AFFIRMATIVE DEFENSES" listed on "Unlawful statutes"?

39) Because Stephen May (May v Ryan supra) had just been through all Ariz. Appeal cts Before he filed his §2254 HABEAS PETITION in 2014, Did the Az. cts, Prosecutors and State Appointed Counsel KNOW-or-should have KNOWN about the "Reversal of Burden Of Proof of mens rea" and "Presumption of Guilt", in Stephen May's Appeal Case, and Yet When Mr. Waldrep was Prosecuted on exact same "unlawful statutes, arrested on 12-03-2013 No Court official informed him of this TRAVISTY OF JUSTICE? (QQ, RR)

Why has Ct. of Appeals Ignored and Failed to respond to any of the (5) FIVE "MOTIONS INVOKING RULE 60(b)(4) "Relief From A FINAL Judgment or Order", which initiates A New and Independent Action; Directly Challenging ORDER by Dist. Ct Ruling on 04-30-2020? (Appendix N)

Why did trial judge Continue Sentencing Mr. Waldrep, after he reported All of the Constitutional Violations, and I.A.C. he suffered, directly to Judge Sinclair During Sentencing Hearing? (App. O.O., G)

Why did the Judge at Sentencing FAIL to acknowledge the Attached Supplement Noted in PRE-SENTENCE REPORT, that Mr. Waldrep put in his Interview with Probation Supervisor at the 2nd required PSR Interview; which was to be Directly Presented to Sentencing Judge to "Address his Constitutional Claims before being Illegally Sentenced on 07-11-16? (App. G. This BRADY EVIDENCE still Never PRODUCED.)

Do CIVIL RIGHTS VIOLATIONS require this Sup. Ct. to Act when the Ct. of Appeals and Dist. Ct. Failed To Address Claims on orig. §2254 Petition by "De Novo Review", or Any Review, as was Denied?

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:

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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 A 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 B 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 C 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 Maricopa County Superior court appears at Appendix D to the petition and is

☐ reported at _____; 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 Sept. 15, 2020.

☐ 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: NOV. 02, 2020, and a copy of the order denying rehearing appears at Appendix F.

☐ 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 Nov. 29, 2017. A copy of that decision appears at Appendix C.

☐ 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).

CONSTITUTIONAL and STATUTORY PROVISIONS INVOLVED

TEXT IN APPENDIX:1

1. FOURTH AMENDMENT	H.
2. FIFTH AMEND.	H.
3. SIXTH AMEND.	H.
4. FOURTEENTH AMEND.	H.
5. DUE PROCESS CLAUSE	I.
6. TITLE III §1983 42 USC ACT	J.
7. TITLE III §2510, §2511, §2515, §2518 ACT	K.
8. ARS §13-1410, §13-1407, §13-3560	L.
9. F.R.C.P. Rule 60(b)(1)	N.
10. USC §2099	O.
11. ARS §13-116	Q.
12. USC §3553	O.
13. USC §2254	P.
14. Ariz. leg. H.B. 2283 4-25-2018	M.
15. Federalization of Claims	I.
16. MIRANDA WARNINGS	I.
17. PRESUMPTION OF INNOCENCE	I.
18. PROSECUTOR'S BURDEN-OF-PROOF	I.
19. Ariz. PROP 103	R.

FACTS OF THE CASE

on 12-03-2013 - Gilbert Police detective requested Kianti Waldrep to assist in his criminal investigation, and to report to Gilbert Police Station.

Det. Ralph Cornejo, made agreement to NOT PROSECUTE Kianti Waldrep, if she cooperated as a Gov't. Actor to assist with a Police Interrogation, as Kianti would be under cover, undisclosed agent of state, in Inducing her then husband, Roger Waldrep, to make Incriminating statements, Deliberate Elicitation by actor "Under Color of State Law", on the Police Interrogation Recording, 44 specific criminal accusations, to unknowing criminal suspect, in a 15 minute call recording, made at Gil. Police Department, Inside Police Interrogation Room, on Gilbert Police Recording Equipment, with Detective Cornejo's voice on recording telling his Gov't Actor what to say, and what Not to say, because of Illegality at issue; Quote "This is

Gilbert Police Detective Ralph Cornejo, setting up a Confrontation Call between Kianti Waldrep, the wife of Suspect, and Roger Waldrep, her husband."

"The time now is 1850 hours on December Third, 2013. O.K. Kianti, You can say, "Tell me everything You (Roger W.) did and We can work

this out between us, But "Do Not Say, Tell me everything You (Roger W.) did and I will NOT CALL THE POLICE!" "Do Not Say That!" "You can NOT SAY THAT!", and I (detective Cornejo) will Go down the list of questions and check them off AS WE GET HIM TO ANSWER HOW WE NEED HIM TO!" And continued this recording as they made call to Mr. Waldrep, and without Any MIRANDA WARNINGS, NO COUNSEL ALLOWED, began this Aggressive Interrogation, Rapid Fire Accusations, 44 allegations in one 15 minute call.

Mr. Waldrep made "only Denials of All False Allegations on this Police Recording, But this BRADY EVIDENCE has been "DENIED" to Petitioner on 21 ct. filed requests, and Never Disclosed by any Judge, Prosecutor or State Appointed Public Defender!

The entire 2 Years and 4 months of Pre-Trial Arrest in Maricopa County Jail, by using this "False Confession", Illegal Evidence at arrest, at Initial Appearance and at Simpson Bail Hearing, to Coerce Judge To Deny Any and All Bail, Bond, or Any Pre-Trial Release Conditions.

and then used this "Unlawful Interception" without Warrant to make PERJURED TESTIMONY to the GRAND JURY, saying Quote: "He made a Full Confession on the Confrontation Call, and he said, "Yes, I licked her." All of these Confessions are recorded on the Confrontation Call the Police made with his Wife", end Quote.

All of the Prosecutor's and Detective's testimony was "Completely FALSE", Misstatements of Fact and Law, as they Presumed Guilt on Mr. Waldrep, to gain the Invalid, Defective Indictment on 12-11-2013, By Blatant Perjury.

All of BRADY EVIDENCE has been Purposely covered-up, to Not Let Mr. Waldrep have DUE PROCESS of LAW. (see Denied Transcript of "Confrontation Call", as it has Never Been Produced in LAST 7 years of requests. Hear the Audio CD in evidence, which was also Denied to Mr. Waldrep his entire 28 month Pre-Trial Incarceration!)

- On 12-03-13, at 9:50 P.M., Mr. Waldrep was arrested on "Illegal, False Evidence", taken to Gil. Police Dept., where He was asked to be Questioned by Det. Cornejo. But, - Mr. Waldrep INVOKED HIS "MIRANDA RIGHTS" to not be Questioned without his Lawyer. "This was the First Time he was Able to Utilize his MIRANDA RIGHTS. Not Able before Recording!

• on 12-04-13, at 10:00 Am, Mr. Waldrep attended his "Initial Appearance" before a judge. The Prosecutor presented the Confrontation Call as a Voluntary Confession to all charges, and Presumed Guilt by State and Judge.

Mr. Waldrep Immediately replied: "I made No Confessions!, because I did NOT do anything."

And his Private lawyer, Timothy Linnins, asked the court to strike the false evidence and grant Bail or Bond to his client. But the Judge accepted the false testimony of State prosecutor, and never allowed or required any verification or proof of any Confession, and Denied Bail, Denied Any Pre-Trial Release. (Of course, this transcript is still denied, as Denied BRADY EVIDENCE in ex. G)

To prove his Innocence, Mr. Waldrep told his attorney that he will take any Polygraph and Psych. Sexual Risk Assessment. After being told he would have to pay \$5,000.⁰⁰ for this service out of pocket, but if he could Not Pay, Mr. Waldrep could release his Private Counsel and go through the Public Defender as Indigent, and then the State would pay the \$5,000.⁰⁰ fee for Poly and Assessment.

With No Other Choice, and Knowing his Innocence would be proven, he accepted a state

appointed Public Defender. L. Workman was assigned as counsel. I immediately asked her to start my defense, get me an investigator, let me see my evidence, reports, call recording warrant, and all Discovery.

I was told that L. Workman would do Nothing Until Risk Assessment was completed. I was shocked and dumbfounded at the denial of any legal assistance, and I made calls to her office for updates every week.

It took L. Workman 1 Year and Six months to get my Risk Assessment ordered and completed!

Of course, it came back showing "No Deception," and Risk Assessment Score was a -1 Negative One - which is noted on Report "A LOWER RISK THAN THE AVERAGE MALE IN THE COMMUNITY or PUBLIC AT LARGE."

I then requested to have another supplemental Polygraph, to confirm falshood of exact charges in my case; but L. Workman, stated "You can NOT have that Done, No Polygrapher Will do that!"

I then told her someone in my Jail had Just had a Specific Polygraph done, and I would hire them myself! My brother paid the \$600.⁰⁰ and the Polygrapher came into Jail the next week, and Passed Polygraph "No Deception."
(APPX L.L.)

• Oct. 02, 2015 SETTLEMENT CONFERENCE
with Judge Granville.

The Judge and Prosecutor "PRESUMED GUILT"
to Waldrep. His st. appointed attorney failed to
challenge or PROTECT ANY of Waldrep's 14th.
Amend. rights during this Plea Negotiation.

• Judge Granville "Falsely" Stated to Mr. Waldrep,
Quote "All of your charges have Mandatory
Life Sentences," even your F-3's Felony Three
counts for attempt and abuse carry Mandatory
Life Sentences."

• "You, (Mr. Waldrep) Have No Defense To these
Charges!" • "There is a Broad Gap between Plea and
Life." • You (Mr. Waldrep) MUST ACCEPT A LONG
* PRISON SENTENCE to resolve your case!"

• "The Jury will Not Be Told about your
Doctor's ORDERED and PRESCRIBED TESTOSTERONE
THERAPY!" • The state is NOT going to Negotiate!"

• "That is the LAW." end Quote

• Then the prosecutor said, "Your Plea is 24
years in prison, and two Lifetime Sex Offender
Probations!"

• "Your Plea expires today," Oct 2, 2015.

-end- • Waldrep left this Rail Roaded; COERCION
by court and state, in tears and total shock at
my Blatant Constitutional Rights Violations.

• On Oct. 09, 2015 PRE-TRIAL CONFERENCE with Trial Judge Sinclair, and st. appointed attorney, (L. Workman)

• At beginning of hearing, Mr. Waldrep presented to the judge, a "MOTION FOR CHANGE OF COUNSEL" that he drafted himself, because of the unconstitutional Denial of Any Effective Assistance of Counsel while he was totally RailRoaded with Falsehoods, threats, coercion by ct. and prosecutor in his Settlement Conf. on 10-2-15.

That Waldrep had mailed several legal letters to st. counsel, requesting to begin help in his defense, to see his evidence, discovery, recording transcripts, warrants, police reports, and to know and read the Indictment, to even know what charges he faced and if laws were lawful on their face, and to demand his right to Adversarial testing of prosecution's case against him. He told judge that he had received a letter from a DNA Lab report that proved -No DNA of Mr. Waldrep found on alleged victim or clothing!

But st. appointed Public Defender L. Workman failed to answer any legal questions or to begin any work on behalf of Mr. Waldrep

• Judge Sinclair told Mr. Waldrep, Quote: "You have a Good Attorney, you can Work

it out with this attorney, and refused to grant my "Motion For Change Of Counsel."

Mr. Waldrep then stated (on record) Your Honor, "I HAVE NO CONFIDENCE IN THIS LAWYER!"

Judge Sinclair Angrily replied: Quote "O.K. I will grant this change of counsel, But IT IS THE ONLY ONE YOU ARE GOING TO GET!"

"No other motions regarding Any Counsel shall be taken by this court!" end Quote (See Denied BRADY MATERIAL exh. G) exh. T

• The state assigned a Public Defender, named Raymond Kimble, to my case. When I had the First hearing with him as counsel, I asked him to begin my defense and provide me with all discovery, evidence, warrants, reports, and an Investigator, to begin my defense after I had already been Imprisoned Pre-Trial for 2 Years! Mr. Kimble replied, "That's NOT going to happen! I decide what I will do!"

• on Feb. 12, 2016 2nd Settlement Conference with Judge Padilla - still No Defense work begun, no Discovery or Defense discussed by ch apptd. Public D. Kimble.

* Judge Padilla told Waldrep, Quote: "If you (Waldrep) want to Give Up an Extra 30 years of your LIFE BY GOING TO TRIAL, ALL I CAN DO IS

(Quoting Judge Padilla)

ADVISE YOU (Waldrep) AGAINST IT!"

• "You (Waldrep) are talking Huge, Giant Leaps of Logic and Reason for the JURY to BUY INTO!"

• "And then WE PLAY YOUR CONFRONTATION CALL!" "In it you (Waldrep) make all your admissions to the charges."

• "All of Your Charges have to be stacked, that means Back-To-Back-To Back-To Back Multiple Lifetime Consecutive Sentences!"

• "I know the sentences are DRACONIAN, But I will sentence you to what the LAW Tells Me!"

• "You have No Defense!"

• "This is JUST DAMAGE CONTROL at this point!"

• "If You (Mr. Waldrep) want to give up the Rest of Your Life on a NOVEL THEORY OF GOING TO TRIAL, All I can *DO IS ADVISE YOU AGAINST GOING TO TRIAL!"

Quoting Prosecutor Hinrichsen, "As the judge said, 'Do you want to be Sitting In PRISON FOR THE REST OF YOUR LIFE, Knowing We (Judge) Gave You a Better Offer?' "You need to stop Looking Around at other people, because IT DOESN'T REALLY MATTER!" "What the Judge (Padilla) said is CORRECT! IT IS NOT GETTING ANY BETTER!" end.

No Effective Counsel, as Public Defender, Ray Kimble, did Not Speak up at all, Said Nothing about all of the 14th Amend. Rights being Violated by Court and Prosecutor. Instead, R. Kimble assisted Prosecution in Coercion, Falsehoods of my Legal Rights to A Full, Fair Trial and Right to see All of the State's EVIDENCE (BRADY VIOLATIONS), but Public Defender Denied Mr. Waldrep Any Defense Options, told him he had "No Defense", and that He (Ray Kimble) would advise Prosecutor to Pull the Plea off the table and Force this unrepresented, by malpractice, I.A.C., to still use him (Kimble) at TRIAL in two weeks! "Kimble was a Hostile Party Against his Client, and refused to Provide "Any Lawful Constitutional Rights Protections to Mr. Waldrep" (as record of fact Proves - "No Evidence of any defense work done")

Mr. Waldrep was So Desperate For Any Legal Advise, and help, that he submitted a (4) Four Page "Inmate Legal Request", into the Inmate Legal Services Dept. at L.B.J. JAIL. Appellant informed I.L.S. of all of the Denials by Public Defender of all legal help and requests, and Denied him All Legal Required assistance, by Law in 6th Amend. (see Exh. D)

The Inmate Legal Service denied Mr. Waldrep's Request, stating - "You must go through your assigned

attorney for any and all advise.

Then, Mr. Waldrep was Forced to reach out to his Family, to try and get him a Paralegal to give assistance. But they did not have success.

I was Denied Basic Duty, Constitutionally Required Representation Provided in Attorney-Client Relationship.

• On March 01, 2016 • Appellant attended an attorney visit at L.B.J. Jail, and Mr. Waldrep was told by Public Defender that the Plea offer of 17-24 Years was a Final by Prosecutor. Mr. Waldrep Begged R. Kimble to begin his defense; investigation; to disclose all evidence; and Discovery to his client, to see Warrants; and transcripts of false allegation of any Confession on Police recording from 12-3-13. Mr. Waldrep pleaded for Public Defender to put in an extension of time to Prepare For TRIAL, as No Defense Strategy was ever discussed, But Plea was to be accepted without Mr. Waldrep ever seeing, or reading the Plea, No Charges, No Minimum Sentence Ever Disclosed to Mr. Waldrep By L.A.C. Public Defender, a complete Dereliction of Duty!

Mr. Kimble replied, "Which Do You Want, the 17 Years or LIFE IN PRISON!"

Mr. Waldrep replied "At this point, then I

MUST Represent Myself! Inform the court that I am proceeding as Pro-Per, so I can begin my own defense, and finally see my Discovery, Evidence, and Illegal Recording transcripts, and Lack of Warrants!

Public Defender said, "O.K. Good, Then You can deal with the Prosecutor By Yourself!" and abruptly ended the Ten Minute meeting.

• On March 03, 2016 at Pre-Trial Conference, Public Defender immediately reported to Judge Sinclair, Quote: "Your Honor, My client has informed me that He (Mr. Waldrep) will be proceeding in his case as Pro-Per." end quote. "And he asked me to notify the court."

Judge asked Mr. Waldrep Why he wished to continue as Pro-Per? I replied that, "I have been denied all defense, all evidence, all discovery and All transcripts for past 2 years and 3 months by Public Defenders Workman, and Ray Kimble."

Judge said, "Well, your attorney is ready to Go to Trial on 04-06-16, and if you represent yourself, you will Not have time to do any investigation!" So, Do You want the Plea As it is right NOW, or Do You Want to Go To Trial on 04-06-16 with this Public Defender?"

I was horrified and shocked that the Judge

had already ORDERED - "No Future changes of Counsel shall be allowed in this court!" on 10-09-15, by this same Judge Sinclair.

I Knew, as the Two Judges told me that I was already "Guilty," as ruled in Two Settlement Conferences, and this Public Defender already told me, that he would do nothing more for me, and Quote "I am ready to Go to Trial, Judge" on Denied transcript.

I asked Judge Sinclair if I could at least have some time to see and discuss my "Unread Plea" with my family, as the Plea was Never Produced!

She gave me 5 days, and scheduled my "Change of Plea Hearing" for 03-09-2016.

I Kept calling Public Defender every day, leaving voice mail messages, saying, "I need a copy of the Plea to see and discuss with my family," please drop it off here at L.B.J Jail immediately.

After two days of No Reply from St. appointed counsel - No Plea Provided, - I called directly to "Office of Public Defenders," and asked to speak to a supervisor. "I told him that my "Change of Plea hearing was in 2 Days, and if they could get me my plea to review for the First time?"

He said their office is required by Law to give a copy of complete Plea to a defendant

at least 7 days before a "Change of Plea Hearing," but because St. appointed counsel Ray Kimble was a Contract Lawyer with the state, the O.P.D. could not order him to give me my right to see the Plea Offer."

• On March 09, 2016 at "Change of Plea Hearing," counsel Kimble rushed in after 9:00 AM, and told Mr. Waldrep to go through and initial every page and sign last page quickly, because the court was Running Late, and St. apptd. counsel said he still had to go and make copies for the court.

All this while. appellant was cuffed by hands, chains on belly, and leg shackled to nine other criminal defendants waiting their ct. hearings, locked and chained Together, seated in the Jury Box.

I had No Place to read, or review, or ask details of plea to delect St. counsel R. Kimble, but he shoved the paperwork on top of railing of Jury Box, and put pen in hand of unknowing client, to hurry and coerce Mr. Waldrep to initial and sign "Unread, Unexplained Guilty Plea, this was all by design, to intimidate and Keep client uninformed of exact charges, no minimum sentence known, and No Knowledge of "Unlawful Statutes" ARS §13-1410, §13-1407 I was forced into accepting!

When I was called to stand in front of judge

Commissioner Ireland began reading Colequey, and made False, Constitutional Instructions to Mr. Waldrep, as she stated, Quote: "You Are Presumed Innocent."

The state must prove the charges Against You Only Beyond A Reasonable Doubt on All Elements of Your Offense(s)."

"You have a right to appeal on grounds of any Manifest Injustice", and "transcripts will be Provided You at No Cost, to prepare for any Appeal." end Quote (All of this was FALSE, and Mr. Waldrep was Denied All of these Due Process Rights)

Then Comm Ireland asked me, "Have you gone over All of the Details of Your Plea with your attorney?"

* I stated - On Record "No, Your Honor, I have Not seen or read Any Details of the Plea" - and suddenly St. counsel Kimble reached over and turned off switch to shut off my microphone, in mid-sentence exchange with judge!

Kimble says, "Your Honor, give us a minute." and (on transcript - the ct. reporter wrote "Whispering."

But Kimble said, Quote: "We went over it at Settlement Conference!" Do you want Life in Prison? The Plea expires today!" I knew then

that All of these "Deprivation Of Rights" by courts, Prosecutor and St. paid Public Defender was a planned, Orchestrated Coercion of unknowing criminal defendant, to force into signing of "Unread Guilty Plea!"

Because, on ORDER 10-09-15, Judge Ruled "No Future Changes Of Counsel For Mr. Waldrep," Exh G., T and ordered on 03-03-16, "Denied Unequivocal demand to Represent Himself," his 6th Amend Rt. Denied (see BRADY EVIDENCE, Denied Transcripts G.)

Because the Judge said in Colequey, that I had a Right To Appeal a "Manifest Injustice", I Knew my only HOPE WAS TO APPEAL TO FEDERAL COURTS FOR ALL CONSTITUTIONAL VIOLATIONS BY State of ARIZONA!

After I was Forced, Coerced to take unread Plea, Prosecutor Henrichsin made the Commissioner Change the language on my charges by saying Quote: "Your Honor, All of the Charges must specifically state "Vagina" only, on all 3 charges, at 3 different, Distinct times."

Totally False, as Mr. Waldrep had stated from beginning, and even the Alleged Victim Denies this on her "Forensic Exam" with detectives, When asked, "Has anyone touched you or tickled You where you go Number One (Vagina)? Answer: "No", "It was only a One Second Touch above the Crack of buttock." (see transcript - Denied to Mr. Waldrep the entire 2 1/2 yrs. of Pre-Trial Arrest.)

(See Appendix M.M.)

Mr. Waldrep was being charged criminally for a two minute stooling accident, as Abigail has been incontinent for many years, and her mother had to clean and hand wash her underwear in bucket of disinfectant in bathroom Daily. My wife was out drinking past midnight on Nov. 30, 2013 and I smelled feces. My 3 year old son had just had a diaper change, but smell was coming from Abigail. As I have been a member of the clinical team caring and treating Abigail's Incontinence, I had attended past few Medical Appointments with her Gastro Intestinal Specialist at Phoenix Childrens Hospital, outpatient.

My part was to get Abby up early every morning, make her breakfast, and have her eat - then give her time to go sit on toilet, and try to poop. After she was done, I was told to check and see if she really did go, as Abby had been a Chronic LIAR.

Abby never went to toilet at school, so she had stooling accidents constantly. I had to do this before I took her to school daily. (APPX M.M.)

A two-second wipe with moistened baby wipe, and absolutely no vaginal contact, was charged as 5 Felony Two and F-3 counts, Vidictive Prosecution by estranged wife and Prosecutor's Multipliceous Charging.

Now I am fighting a 17 year Flat Prison Sentence,

by False Allegations, A False Confession on Denied BRADY EVIDENCE for past 7 years of "Unlawful Imprisonment". I was never disclosed the "unconstitutional burden of Proof shifting, No Evidence, No DNA against me, I was denied Right to see Forensic Interviews, Medical Exams, and transcript of False Confession, No Adversarial Testing of case by L.A.C. and BRADY VIOLATIONS. The alleged victim's Medical Exam showed - "All Normal" (see Appendix M.M.)

- At Probation Interview for Pre-Sentencing Report, Mr. Waldrep put all details of the many Constitutional Violations, Coercion, Misconduct he suffered, and Requested to Probation Officer that All of these claims need to be resolved with Judge Sinclair - PRIOR TO SENTENCING.

- A week later, at 2nd Probation Interview, the Supervising officer came, on video interview, recorded at L.B.J. Jail, I again, Put Forward all claims of Constitutional Violations, to be presented to Judge and Resolved PRIOR TO SENTENCING! (IT Never was mentioned during sentencing hearing)

- The Pre-Sentence Report has an "Attachment" that the report states "Defendant's Constitutional Violations" - but this has been Denied - Covered - UP by State! to this Day, I have been Denied this BRADY EVIDENCE - BRADY VIOLATIONS! (see Sentencing transcripts 00.)

REASONS FOR GRANTING THE PETITION

This U.S. Citizen is BEGGING and PRAYING
For this Supreme Court to Grant him his Denied
BRADY EVIDENCE in his established ct. record.
Please Grant a First C.O.A.
To ADDRESS

BLATANT DUE PROCESS VIOLATIONS

noted on pgs. 22 and 23, 24

(see Appendix G(A), G(B) and G)

* 10/24/2016 ORDER Granting GRAND JURY

TRANSCRIPTS, and DENIED All other Transcripts and
COURT RECORDS to Mr. Waldrep (Appellant) G(A) appx.

Then, NEXT DAY, on

* 10/25/2016 - DENIED entire Rule 32

POST CONVICTION RELIEF PETITION

WITHOUT PROVIDING GRAND JURY Transcripts,
(See Appx. G(B))

REASONS FOR GRANTING THE PETITION

• DUE PROCESS VIOLATIONS

1) A Ruling by this S.Ct. is Required here because Appellant's Constitutional Rights and this very S.Ct's own Rulings, which are clearly Established Federal Law, have been GROSSLY VIOLATED from day 1 of Arrest and throughout the Appeal Process.

• DENIED "De Novo" REVIEW • BRADY VIOLATION

2) A Ruling by this S.Ct. is Required here because the Ct. of Appeals Denied Any FIRST REVIEW and C.O.A. to intentionally move this S.Ct. to Confirm Nationally Settled Federal Rights to All U.S. citizens and to maintain "Uniformity by all Lower Federal and State Courts;

As this case involves (A) Denial of Right to Self-Representation; (B) Denied Right to BRADY EVIDENCE. (C) Denied Presumption of Innocence. (QQ, RR) (d) Denied Right to Only Be Found Guilty By Proof Beyond A Reasonable Doubt. (App. QQ, R.R.) (e) Denied Right to Effective Assistance of Counsel; (F) Denied Right to a Knowing, Voluntary Guilty Plea. (G) Denied Right to Plea Discussions Without Coercion, Undue Influence, Misstatements of Law. (H) "PERJURY TO GRAND JURY" 12-11-13 (Appx. NN)

• ON 10/25/2016 TRIAL JUDGE SINCLAIR DENIED ENTIRE RULE 32 PCR PETITION.

• JUDGE SINCLAIR PREVIOUSLY DENIED Mr. Waldrep his 6th Amend. Rt. to Self-Representation (on record 03-03-2016).

• JUDGE then DENIED (5) FIVE "Motions To Compel Transcripts" (in Appendix G.) and DENIED

• "MOTION FOR EVIDENTIARY HEARING" and

• DENIED "MOTION FOR RECONSIDERATION"

• Then, this Trial Judge Ruled "IN FAVOR OF HERSELF" as she is Named as Party on Respondent's Side, denying petitioner's Rt. to Self-Represent.

• ON 10/25/2016 Trial Judge Sinclair Ruled "Petitioner Claims that Judge Sinclair Denied him his Right to PROCEED AS PROPER, (But) Petitioner FAILED To ATTACH ANY TRANSCRIPT in Support of his CLAIMS"-Rule 32 PCR Petition "DENIED". -This was A Violation of Ariz.R.C.P RULE 32.4 "If trial Judge's testimony will be Relevant, that Judge "SHALL TRANSFER the Rule 32 to Another Judge!" S.ct. "No Judge Is Allowed to Rule on a case when they have an Interest In The Outcome," they Must Recuse!"

(A) DENIED RIGHT TO SELF-REPRESENTATION (App A)
S.Ct. "FARETTA V. CA, 422 US 806 45 L.Ed582 (1975)

"held a defendant in state criminal trial has a
"CONSTITUTIONAL RIGHT" to proceed without counsel
when he (R. Waldrep) voluntarily and intelligently
elects to do so. When he (R. Waldrep) "INSISTS"
he wants to CONDUCT HIS OWN DEFENSE - VACATED
JUDGMENT WITH PREJUDICE. (Appendix AA, G)

The 6th Amend. Grants the Accused (R. Waldrep)

Personally the Rt. to make A DEFENSE! Rt. to
Self-Represent to make one's OWN DEFENSE

PERSONALLY IS NECESSARILY IMPLIED BY STRUCTURE
of the Amendment. USC Const. Amend 6, 28 USCA

5/654, Fed. Rul. Crim. Proc. RULE 44 18 USC 7, crim.

Law 641.4(1) - 6th Amend. Rt. to Counsel, like other Defense
Tools Guaranteed by it, shall be an AID to willing

defendant, and NOT an organ of State (of ARIZONA on
03-03-2016 see trans) interposed between a willing
Defendant (R. Waldrep) and HIS RIGHT TO

DEFEND HIMSELF PERSONALLY.

(15) Crim. Law - "Where Accused (R. Waldrep) WEEKS
Before TRIAL (calendar 04-06-2016) CLEARLY and

UNEQUIVOCALLY DECLARED TO Trial Judge,
(JUDGE SINCLAIR) on 3-03-16, that he wanted to
Represent Himself and Did NOT Want

Counsel (Deleat, Malpracticing, Ineffective, Hostile,
State of ARIZ. APPOINTED PUBLIC DEFENDER, Raymond
Kimble) and the Record (DENIED BRADY
EVIDENCE Appx. G) Affirmatively showed that
accused was literate, competent, understanding
and he (MR. WALDREP) was voluntarily exercising
his informed FREE WILL!

And Additionally Denied him of a "FARRETTA
HEARING" by Trial Ct. The AZ, state Court, in compelling
accused to Accept "AGAINST HIS WILL" A St.
appointed Public Defender (who Denied Any and All defense,
Trial Preparation, Evidence, Discovery, Police Recording Transcripts
of "Completely False Confession," Denied Any Investigation,
expert testimony, Denied All ADVERSARIAL TESTING of
prosecutor's case) - Deprived Mr. Waldrep of his

* Constitutional Right To Conduct his own defense,
whatever the extent of his technical knowledge
in legal matters. * (Mr. Waldrep had been a Real
Estate Branch Manager, and owned his own
Mortgage Office, and prepared over 1,000
legal Contracts, with thousands of attached Disclosures,
Client Rights, Fiduciary Duty owed to
Client, Federal and State Licensing in ARIZ.
and in Hawaii, Dozens of Corporate Lease Contracts
executed over last 20 years.) Yet Ct.

Denied his Rt, and made Fundamental Structural ERROR.

• HABEAS GRANTED

3.) The Ct. of Appeals has left the Constitutionality of ARS §13-1410, §13-1407, §13-3560 to be decided by this S.Ct. in No. 17-15603, case No. 2:14-CV-00409-NVW. (May v Ryan March 2017) (App. QQ, R.R.)

4.) The Dist. Ct. had already ruled that this Appellant's Due Process Rights were Violated and violated "Presumption of Innocence" by Judge Neil Wake (May v Ryan, supra), as Mr. Waldrep has been Indicted, and sentenced under same "unconstitutional statutes."

• NATIONAL UNIFORMITY REQUIRED

5.) A Ruling by this S.Ct. is required here, as an entire 40,000 member bar association, "National Association of Criminal Defense Lawyers" has submitted A (A.R.R.) Brief of Amicus Curiae in support of (May v Ryan) (Aug, 2020) to No. 17-15603, and Equal Protections would apply to Mr. Waldrep, even though he has been denied counsel on (6) Requests and Denied Brady Evidence.

6.) A Writ of Certiorari is Warranted here because of the clarity and gravity of two constitutional errors, each with profound implications for the accused in criminal trials, by "Reversal of Burden of Proof, and "Presumption of Guilt on elements of offense(s), transforms a lawful physical act into an Abhorrent criminal violation. This is a Constitutional Violation that must be remedied by this Court.

• MANIFEST INJUSTICE BY I.A.C.

7.) The Appellant suffered extreme Ineffective Assistance Of Counsel by state appointed Public Defender, by never challenging the "Reversal of Burden of Proof on mens rea", never disclosed the written laws to client, that, on their face, they could Not Stand a Constitutional Challenge. (A.A. R.R. H.)

8.) The Appellant was Denied Any and All defenses, discovery, evidence, transcripts of police recording, lack of warrants, Denied "Ariz. Notice of Defenses" listing (41) separate defenses to offer "unrepresented" unknowing client before Coercing, threatening him with multiple triple consecutive life sentences if he chooses trial, (see record - void of any defense work) (H. U.

• FALSE STATEMENTS DURING PLEA

9.) The State appointed counsel, prosecutor and the court told Appellant, "You have No Defense", "You must accept long prison sentence to resolve your case", "The Jury will Not be told about the Prescribed Doctor Ordered Testosterone Therapy!" "That is the Law!" "What the Judge said is Correct, 'Do You want to be sitting in PRISON FOR BEST OF YOUR LIFE by NOT Taking our Plea?' - All of these statements, Judge Ruling I was "Guilty" before any investigation, any adversarial testing of

(see G. X, A, A.)
of Prosecution's Case, No Evidence or Discovery, No
Recording Transcripts, "False Confession" ever presented
to appellant, All During A Plea Negotiation in
Pre-Trial Hearings on 10-02-15, 02-12-16, 03-3-16
(on record in Denied Transcripts, see Appendix - Facts of Case.)

- AUTOMATIC REVERSAL ERROR

10.) A Ruling by this S.Ct. is required to guarantee
all U.S. and Arizona Citizens may have the
"Right to Self-Representation", provided by 6th Amend.
and ruled in (S.Ct. Faretta v Ca supra), as I was
Denied this Unequivocal Request and Right on 3-3-16.
(See Denied BRADY EVIDENCE ex. G.)

- DUE PROCESS CLAUSE VIOLATIONS

11.) This Appellant was denied his CIVIL RIGHTS
on 12-03-13, Denied Life, Liberty and Property,
Denied 4th Amend Rt. to be free from unlawful
Search and Seizures, 5th Amend. Rt. to Not
Self-Incriminate, 6th Amend Rt to have Counsel
Present before any Police Interrogation.
(See Denied Brady Evidence, Confrontation Call
Never transcribed, with Police Detectives Voice
all over recording, Instructing, Participating, Supervising,
creating a list of Interrogation Questions, to Elicit
Incriminating Statements from an Unknowing, unrepresented
criminal suspect.)

(12/20/13) PERJURY IN SIMPSON BAIL HEARING;
IN INITIAL APPEARANCE on (12-4-13)

PERJURY TO GRAND JURY on (12-11-13)

(See all Denied Transcripts, BRADY VIOLATIONS on
docket sheet Appendix S.S.) (Appendix R PROP 103)

Because of Knowing, Intentional Cover-Up,
Denial of Records for entire "7 years of
Unlawful Imprisonment" this Appellant
Requests following Relief;
To VACATE WITH PREJUDICE

Appellant does Not Care which ground
this honorable Court chooses to GRANT
BELIEF ON; Because All 20-Const-
itutional Violations are Fundamental,
Structural ERRORS and Require
Habeas Relief by this S.Ct's own
PRECEDENT (noted in Appendix AA
and Throughout this Petition For Writ of Certiorari.)

Nothing Else Can Cure this "MANIFEST
MISCARRIAGE OF JUSTICE."
to maintain U.S. CIVIL and CONSTITUTIONAL RIGHTS.

• IGNORED "CIVIL RIGHTS CLAIMS"

12.) A Ruling by this S.Ct. is Required here because the Ct. of Appeals failed to respond to my (4) Four "Motions To Initiate a Civil Rights Action, under §1983 Title III," first filed on Feb. 10, 2020 in USCA 9, and Failed to respond to (4) Four "Requests For Appointment of Counsel To File §1983 CIVIL RIGHTS ACTION." (App. J., C.C. P.)

The Ct. of Appeals Ignored All these filings, and then Denied and Dismissed As Moot, without providing any legal reasons.

• IGNORED "NEW ACTION RULE 60 FRCP."

13.) The U.S. Ct. of Appeals Failed to answer any of the (5) FIVE "Motions To Invoke RULE 60 (b)(1) "Relief From A Final Judgment or Order," as they all made truthful, accurate claims of Fraud, Misconduct by Opponent, to address the USDC "Denied §2254 HABEAS PETITION, Denied C.O.A. on 04-30-2020, (without any of the "Denied BRADY MATERIAL" Requested.)

The USCA 9 Ruled "DENIED AS Moot" without addressing the merits. AS RULE 60 (b)(1) is "A New or Independent Action," not to be ignored. (See Exh. N).

• PREJUDICE • JURISDICTIONAL DEFECT

(14) The Indictment and Sentence imposed on

Mr. Waldrep was made void and invalid, by the

Ex Post Facto Laws in §13-1410, §13-1407 ARS,

as Ruled by this S.Ct. in "CARMEL v TEXAS" held

Laws that alter legal Rules of Evidence and

Required "Less Evidence To Obtain A Conviction"

or, in fact, "Ex Post Facto Laws," resulting Not in

Remand, but in "ORDER OF ACQUITTAL," as ARS 13-1210,

§13-1407 took away the Prosecutors Burden of

Proof in Mr. Waldrep's Case. (App. L.M.W. PR)

This caused PREJUDICE, Presumption of guilt,

and the Due Process Rights were Denied to appeal-

ants, as noted in (May v Ryan) supra.

• DEFECTIVE INDICTMENT

(15) The Ct. of Appeals Failed to follow S.Ct. Precedents,

and Ruled to Deny even a C.O.A. - in direct

Conflict with "McLeskey v Zant, 499 U.S. 478, L.Ed. 2d

S.Ct. 1454 and "Wainwright v Skyles, 433 U.S. 72, 9 S.Ct.

2497" held Concept of Jurisdictional Defect

with Generosity to Include Sentences imposed without

statutory authority - Ex Parte Lange "A conviction

obtained under an "Unconstitutional Statute" cannot

stand, Ex Parte Siebold 100 U.S. 1, L.Ed. 717 (1880), as ARS

§13-1410, §13-1407 ruled "Unconstitutional" by USCT (May v Ryan)

supra Appendix QQ, RR

• HB 2283 - AMENDED Ariz. Statutes

16.) The Arizona Legislature was forced to Amend ARS 13§1410, §13-1407, §13-3560 in HB 2283 (attached) signed into law by Gov. Ducey April 25, 2018, to change written laws related to Sexual Offenses, and I was Indicted and Sentenced on Prior "Unconstitutional Reversal of Burden of Proof." (L.M.) QQ.

• GUILTY PLEA MADE VOID

17.) A Ruling by this S.Ct is required here to Remedy "A Manifest Miscarriage of Justice" Imposed upon Mr. Waldrep, as threatened, Coerced into signing an "Unread Guilty Plea", when even the coequy at "Change of Plea Hearing" was In ERROR of Constitutional Rights, as Ct stated, "You are presumed Innocent, The State Must Prove the charges Against You Beyond A Reasonable Doubt, "On ALL ELEMENTS OF YOUR OFFENSE(S)." (APP. P.P., QQ, RR).

This statement was In Fact, False, as the statutes on Plea were Denying my right to Presumption of Innocence, and Denied my Rht to be found Guilty only by proof of a Reasonable Doubt on All Elements of my offense(s).

• AUTOMATIC REVERSAL ERROR (App. A)

18.) II. Waldrep Denied Right to Self-Representation
Guaranteed by the 6th Amend, 14th Amend and
DUE PROCESS CLAUSE on 03-03-2016

S.Ct. - Waller v Ga. "Denial of right to proceed as Pro-Se
is Automatic Reversal. This Violation Deprived (Waldrep)
of "Basic Protections," without which a criminal trial
CANNOT serve its function.

19.) (A) Waldrep still denied this BRADY EVIDENCE (exh. 2020)
Denied transcript of Pre-Trial Conference on 3-3-16,

III. LAW: SUP.Ct. "Brady v Maryland, 373 US 83 (1963)

Strickler v Greene, 527 U.S. 263 (1999)

Kyles v Whitley, 514, US 419 (1995); Youngblood v.

W. Virginia, US, 126 Sct 2188 (2006) - Rulings explicitly

ORDERS to stop avoiding Provisions of BRADY and
KYLES - as state's efforts to Dilute the Due Process

Protections concerning disclosure of exculpatory evidence

- Impeachment Material Must Be Disclosed; Any EVIDENCE
that provides Grounds for the defense to attack the Reliability
or Credibility, Good Faith of Police Investigation; to Impeach
Prosecution's Case, or Bolster the Defense Case against
Prosecutorial Attacks. (Appendix G)

20.) FACT: Waldrep still Denied BRADY EVIDENCE of
transcript of Police Interrogation (confront. call recording)
on 12-03-2013. This evidence Proves Violation of
Title III §2510 "unlawful act" by warrantless
electronic recording. (Appx. C.C.)

• VIOLATIONS UNDER CIVIL RIGHTS

III. Violation Title III Omnibus §2510 "unlawful act" by electronic recording without Warrant by Gilbert Police Detective Ralph Cornejo, at 1850 Hours on 12-03-2013 against unknowing, unrepresented criminal suspect (Waldrep) without MIRANDA WARNINGS; violated 4th, 5th, 6th, 14th Amend. rights on 12-03-2013. (Appendix J, C.C. H)

• Violated §2515 (2000) "Grand Jury may NOT hear evidence obtained by electronic surveillance in Violation of Act Title III Omnibus

• Violated §2518(a) unlawfully Intercepted communication.

(2) The order for authorization OR Approval under which it was intercepted is insufficient on its FACE

(3) The Interception was NOT made in conformity with ORDER

(10) @ (11) Notes - "This includes turning what is allowed (Only listening)" as approved by statute into ACTIVE INTERROGATION (Questioning) was NOT made in conformity with the ORDER or Approval or Consent.

• Violated §2511(c) Consent - "Certification in writing by person specified in Section §2518 of this Title III or the A.G. of the U.S., "that NO WARRANT or COURT ORDER is required by LAW, and that All Statutory Requirements have been met, and that "Specified Assistance IS Required."

S.Ct. "Alderman v U.S. 304, U.S. 165, 89 S.Ct. 961 (1969)

"Congress has provided that (Waldrep) the Aggrieved

• VIOLATIONS OF CIVIL RIGHTS ACT

Person may move to suppress the contents of an oral communication intercepted in violation of the

TITLE III ACT, Stt. 211 "Not only does the ACT impose

Criminal Penalties upon those who violate its provisions

Governing eavesdropping and Wire Tapping, 8 Stt. 213

18 USC § 2511 "Fine Not to Exceed \$10,000, or

IMPRISONMENT of Violators (Gilbert Police Ralph

Cornajo) imprisoned Not More than 5 years or BOTH

Also Authorizes (Waldrep) the Recovery of CIVIL

DAMAGES by person whose oral communication is

Intercepted in Violation of ACT.

• Violation Also Under State Law in ARS § 13-3988

"Admissibility of Confession" - the Trial Judge (Jury

Sindaire) in determining the Issue of Voluntariness

SHALL (Mandatory) TAKE into consideration All of

the CIRCUMSTANCES Surrounding the GIVING of

the Confession, including, but Not limited to

Whether or NOT (Waldrep) the def. was "WITHOUT

ASSISTANCE OF COUNSEL" when questioned.

was (Waldrep) "Without Interrogation By ANYONE"

was Self-Incriminating statements given in writing or

ORAL. (Appx. C.C.)

State LAW. "State v. Pecina, 184 Ariz. 238, 908 F.2d

S.Ct. held "State Bears the Burden of Proving that

there was NO UNDOVE Pressure, THREAT or INDUCEMENT"

(See Transcript of Call Recording Police Voice All over the recording.)

* LAW: Ariz. v. Wagner, 194 Ariz 310, 312 (1999) "Such Laws violate DUE PROCESS; FAIL to Provide fair Warning of CRIMINAL Conduct, and Do Not AVOID ARBITRARY POLICE ENFORCEMENT."

* S.Ct. Carmel v Texas held Laws that alter legal rules of evidence and required Less Evidence to make a CONVICTION, in fact, Are "EX POST FACTO LAWS," Not resulting in Remand, But AQUITTAL!"

LAW - Arizona Legislature - As detailed in the Merits of Amicus Arizona Attorneys for Criminal Justice (at 13-14), in Feb. 2017 hearings before the Arizona House Judiciary and Public Safety Committee Included testimony about the deleterious effects beyond Potential Trial Outcomes. (see http://azleg.granicus.com/MediaPlayer.php?view_id=13&clip_id=18767&meta_id=390869.) 4:14:00 - 4:16:44. "The ethical restraints on Prosecutors, who are NOT supposed to bring charges Unless there is a reasonable likelihood of conviction, DO NOT APPLY to the Police officers. Thus, a person who engages in CONDUCT as INNOCENT as changing a DIAPER COULD STILL BE ARRESTED AS A SEX OFFENDER" (Appendix RR) M.

The LAWS ARS §13-1410, §13-1407 Presume Sexual motivation Unless the Defendant could Prove a Lack of sexual motivation by a preponderance of the

evidence. From all appearances, the Petitioner was CONVICTED because he could NOT PROVE HIS INNOCENCE!

Nor is it mere speculation that parents may be prosecuted for child molestation in Reliance on their (MR. WALDREP'S) BURDEN OF DISPROVING SEXUAL INTENT. The rehearing petition cites a case of David Zupan, a foster parent charged with "Molesting his son". The son and another foster child were "INCONTINENT". They also would "NOT ADMIT" to having SOILED themselves, so the Foster Parents had to check regularly in order to make sure the children were kept clean. Zupan was Charged with Molesting his son, (although there was a record of the child's Condition and Prior Dishonest conduct) as was in BRADY EVIDENCE from Treating G.I. specialist at Phoenix Children's Hospital on step-daughter, in the Undisclosed "Medical Exam." in Mr. Waldrep's case before you.

- NO AFFIRMATIVE DEFENSE PROVIDED, but PRESUMED GUILTY By Judges, Prosecutors and I.A.C. (see BRADY EVIDENCE APP. G) transcripts of Plea Discussions on 10-2-15, 02-12-16, 03-03-16.

Again, I am Begging and Praying for this
honorable, transparent, Constitutional Loving Supreme
Court to Please Grant My Writ for Certiorari
"Petition; Grant A First C.O.A, and a
"FIRST and ONLY Review De Novo," by this court
or by U.S. Ct. of Appeals for the NINTH CIRCUIT
and Finally Provide BRADY EVIDENCE in App. G.
an Evidentiary Hearing
with Federal Counsel-OR-
*GRANT HABEAS RELIEF.

Thank You,
Respectfully

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Roger Darryl Waldrep

Date: Dec. 07, 2020