

No. **20-7136**

IN THE
SUPREME COURT OF THE UNITED STATES

JAMES ROBERT STANFORD — PETITIONER
(Your Name)

vs.

D. PARAMO, et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. COURT OF APPEALS FOR THE 9TH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

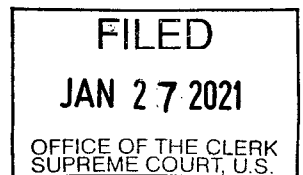
JAMES ROBERT STANFORD
(Your Name)

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(Address)

TEHACHAPI, CA. 93581
(City, State, Zip Code)

(Phone Number)

ORIGINAL



QUESTION(S) PRESENTED

1. IN REQUESTING A CERTIFICATE OF APPEALABILITY, DOES THE REQUISITE "SUBSTANTIAL SHOWING..." REQUIRE PRO SE LITIGANTS TO RE-SUBMIT SUPPORTING DOCUMENTS THAT WERE PRESENTED IN THE PREVIOUS HABEAS PROCEEDING?
2. IF A PRO SE LITIGANT INADVERTENTLY FAILS TO SUPPORT HIS "REQUEST FOR C.O.A." WITH DOCUMENTS THAT WERE ALREADY PRESENTED IN THE PREVIOUS HABEAS PROCEEDING, SHOULD HE BE GIVEN AN OPPORTUNITY TO DO SO, IF HIS REQUEST SETS FORTH FACTS WHICH, IF TRUE, WOULD SATISFY THE REQUISITE SHOWING UNDER MILLER-EL. V. COCKRELL, 537 U.S. 322, 327 (2003)?

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:

1. D. PARAMO, EX WARDEN OF R.J. DONOVAN PRISON
2. B. CATES, ACTING WARDEN OF C.C.I. TEHACHAPI PRISON
3. DAVID DELGADO-RUCCI, DEPUTY ATTORNEY GENERAL
4. CONNIE GIPSON- DIRECTOR OF CORRECTIONS

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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☒ is unpublished.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 C to the petition and is

☒ reported at 2019 U.S. DIST. LEXIS 128879; 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☐ is unpublished.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 D 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 _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was NOVEMBER 2, 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: _____, and a copy of the order denying rehearing appears at Appendix _____.

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

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

☐ For cases from **state courts**:

The date on which the highest state court decided my case was OCT. 10, 2018. A copy of that decision appears at Appendix D.

☐ 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).

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A SAN BERNARDINO COUNTY CALIFORNIA JURY FOUND PETITIONER GUILTY OF HAVING VIOLATED; PENAL CODE 273.5(a) (COUNT 1); CORPORAL INJURY TO A COHABITANT (PETITIONER'S THEN GIRLFRIEND, LATONYA H.; PENAL CODE 245(a)(4) (COUNT 2); ASSAULT BY MEANS LIKELY TO PRODUCE GREAT BODILY INJURY; AND PENAL CODE 242 (COUNT 3); SIMPLE BATTERY; ALL OF WHICH ARE NON SERIOUS FELONIES.

WITH RESPECT TO COUNTS 1 AND 2, THE JURY FOUND NOT TRUE THE ALLEGATIONS THAT PETITIONER HAD CAUSED GREAT BODILY INJURY UNDER CIRCUMSTANCES INVOLVING DOMESTIC VIOLENCE. THE JURY ALSO FOUND PETITIONER NOT GUILTY OF BATTERY WITH SERIOUS BODILY INJURY, A GREATER OFFENSE THAN SIMPLE BATTERY.

AFTER LEARNING OF THE FACTUAL AND LEGAL ISSUES, PETITIONER SOUGHT REDRESS OF HIS CONVICTION ALL THE WAY UP TO THE NINTH CIRCUIT COURT OF APPEALS, WHO DENIED HIS REQUEST FOR A CERTIFICATE OF APPEALABILITY ("C.O.A."). (APPENDIX A)

IN HIS REQUEST FOR A C.O.A., PETITIONER SUMMARIZED ALL OF THE PROSECUTION'S EVIDENCE AGAINST HIM. (APPENDIX B, P.4) N

PETITIONER THEN POINTED OUT ALL THE INFORMATION HE PROVIDED TO HIS TRIAL ATTORNEY (A FEMALE PUBLIC DEFENDER) BEFORE TRIAL. (APP. A, P.5)

N, AFTER THIS, PETITIONER FORGOT TO POINT OUT THAT THE DEFENSE RELIED ON:

- LATONYA'S TESTIMONY THAT SHE LIED ON PETITIONER INITIALLY BECAUSE SHE WAS DRUNK AND MAD AT HIM FOR TELLING HER SHE HAD TO LEAVE AND THAT HE HAD SOMEONE ELSE, SO SHE ATTACKED PETITIONER, THEN RAN FROM HIM, SCREAMING AND YELLING PROFRANITIES ON HIS PROPERTY AFTER 9 PM. PETITIONER CAME AFTER HER TO TRY TO STOP HER FROM DISTURBING HIS TENANTS AND NEIGHBORS, AND NEVER PUNCHED OR INTENTIONALLY KICKED HER, ... RATHER SHE WAS HITTING HIM WITH A PIECE OF FENCE WIRE, AND THAT HER MINOR INJURIES RESULTED FROM HER OWN ACTIONS, I.E., "WILDIN' OUT," DRINKING, SLIPPING + FALLING.
- PHOTOS OF SCARS ON PETITIONER'S ARM.
- THE WEAKNESS OF THE PROSECUTION'S CASE, I.E., THAT THE TENANTS' CLAIMS OF MULTIPLE PUNCHES AND KICKS DID NOT MATCH LATONYA'S INJURIES.
- A THEORY OF "SELF DEFENSE."
- THE ARGUMENT THAT PETITIONER'S LETTER TO HIS TENANTS CONVEYED AN ATTEMPT TO GET HIS TENANTS TO TELL THE TRUTH.

- EVEN THE PROSECUTOR ARGUED NO EVIDENCE OF MOTIVE WAS PRESENTED. (APP. E, PP. 24, 25)
- THE THREAT OF EVICTION WAS FOR. (APPENDIX E, P. 22)
- TO ONE OF THE TENANTS' ARREST, VALIDATES PETITIONER'S CLAIM AS TO WHAT
- FIFTH, THE TENANTS' DOMESTIC DISPUTE DURING PETITIONER'S TRIAL, LEADING
- CLAIM OF HAVING TOLD HER SO. (APPENDIX E, P. 23)
- EVICTION WAS ACTUALLY FOR "DISTURBANCES",... VALIDATING PETITIONER'S
- FOURTH, THE RECORD REVEALS TRIAL COUNSEL "KNEW" THAT THE THREAT OF
- WAS FOR "DRUG USE", AS PETITIONER DID NOT KNOW HIS TENANTS WERE USING.
- THIRD, PETITIONER DID NOT TELL TRIAL COUNSEL THAT THE THREAT OF EVICTION
- "BRIEFLY" QUESTIONED JASON NORMAN ONLY. (APPENDIX E, P. 21)
- SECOND, OF THE 2 TENANTS, THE RECORD REVEALS THAT TRIAL COUNSEL
- THE TENANTS' BIAS. (SEE: APPENDIX E, P. 1, & APPENDIX B, P. 5, SUBD. e AND f)
- "ANY" INVESTIGATION AS TO THE INFO. PETITIONER PROVIDED HER RE;
- FIRST, THE RECORD REVEALS NO EVIDENCE THAT TRIAL COUNSEL CONDUCTED
- 1. "FAILURE TO INVESTIGATE/CROSS EXAMINE TENANTS RE; THEIR BIAS"
- EVIDENCES OF TRIAL COUNSEL'S ABOVE MISREPRESENTATIONS:
- PETITIONER DOES SO NOW RE-SUBMIT "SOME" OF THE MOST REVEALING
- CIRCUIT WITH HIS REQUEST FOR C.O.A., BUT FOR THE SAKE OF CLARITY,
- WHETHER HE WAS SUPPOSED TO) RE-SUBMIT SUCH EVIDENCES TO THE NINTH
- THESE CLAIMS TO THE U.S. DISTRICT COURT, AND DID NOT (AS HE KNEW NOT
- THE RELEVANT EVIDENCES (POLICE REPORT, TRIAL TRANSCRIPTS, ETC,) SUPPORTING
- AS CLEARLY, CONCISELY, AND ORDERLY AS POSSIBLE, PETITIONER PRESENTED ALL
- COMPATIBLE WITH THE INFORMATION SHE HAD.
- 3) INVESTIGATE/CONSULT WITH PETITIONER AS TO WHETHER HE HAD A DEFENSE
- 2) FULFILL HER OPENING STATEMENT PROMISE TO THE JURY.
- 1) INVESTIGATE/CROSS EXAMINE HIS TENANTS REGARDING THEIR BIAS
- RESENTED, BEGINNING WITH HIS PUBLIC DEFENDER'S FAILURES TO:
- PETITIONER THEN SUMMARIZED THE MAIN WAYS IN WHICH HE WAS MISREP-

2. "FAILURE TO FULFILL OPENING STATEMENT PROMISES TO THE JURY"

- AS PETITIONER STATED IN HIS HABEAS PETITION TO THE U.S. DISTRICT COURT:
"DURING OPENING STATEMENTS, DEFENSE COUNSEL TOLD THE JURY...
YOU ARE GOING TO HEAR THAT MS. KENDRICK SAW MR. STANFORD PUNCH
MS. HENDERSON MULTIPLE TIMES IN THE FACE. YOU'RE GOING TO HEAR
MR. NORMAN SAY THE SAME THING, MULTIPLE PUNCHES TO THE FACE,
MULTIPLE KICKS TO THE GROUND IN THE RIBS AND HEAD AREA."
(APPENDIX E, p.12, SEE ALSO: pp. 13-14)
- AS PETITIONER DEMONSTRATED IN HIS OBJECTIONS TO THE U.S. MAGISTRATE'S
REPORT AND RECOMMENDATION, TRIAL COUNSEL'S PROMISES "DO" CON-
STITUTE PROMISES UNDER SAESEE V. McDONALD, 725 F.3d 1045 (9th CIR.
2013). (COMPARE MAGISTRATE'S "R AND R" AT APPENDIX C, ^{N²} TO p. 4 OF APPENDIX E).
- MS. KENDRICK, IN THE POLICE REPORT, STATED THAT SHE "OBSERVED HER
LANDLORD, STANFORD, PUNCH VICTIM #1 IN THE FACE" AND SHE CALLED
911 AFTERWARD. (APPENDIX E, p. 5)
- MS. KENDRICK, IN HER 911 CALL, REPORTED SEEING PETITIONER HIT
LATONYA 2 MORE TIMES. (APPENDIX E, pp. 7-11)
- MS. KENDRICK, AT TRIAL, TESTIFIED THAT SHE ONLY SAW PETITIONER
PUNCH LATONYA ONCE IN THE FACE. (APPENDIX E, pp. 15-16)
- MR. NORMAN, IN THE POLICE REPORT, STATED THAT HE "SAW STANFORD
PUNCH VICTIM #1 IN THE FACE APPROXIMATELY THREE TIMES, AND THAT
"STANFORD KICKED VICTIM #1 AT LEAST ONE TIME IN THE HEAD." (APPENDIX
E, pp. 5-6)
- MR. NORMAN, AT TRIAL, ADAMANTLY DENIED SEEING OR REPORTING
THOSE OCCURENCES. (APPENDIX E, pp. 19-20) ^{N³}

^{N²} STANFORD V. PARAMO, U.S. DIST. LEXIS 128879

^{N³} AGAIN, THESE ARE JUST THE EVIDENCES THAT TRIAL COUNSEL "PROMISED" TO PRESENT
BUT DIDN'T. HOWEVER, THERE WERE OTHER SIGNIFICANT INCONSISTENCIES GIVEN, EVEN
BY THE REPORTING OFFICER, AND WERE ADDRESSED BY PETITIONER. E.G. NORMAN REPORTED
THAT PETITIONER "WALKED" AWAY (App. E, p. 6) BUT TESTIFIED THAT HE "BOLTED". (App. E, p. 18)

THIS WAS A SHORT TRIAL IN WHICH TRIAL COUNSEL COULD HAVE, BUT NEVER DELIVERED THE SPECIFIC PROMISES (VIA IMPEACHMENT, USING THE 911 TRANSCRIPT AND POLICE REPORT) OR PROVIDED ANY EXCUSE FOR NOT DOING SO. THE PROMISED EVIDENCE WAS SIGNIFICANT BECAUSE THIS WAS A "CREDIBILITY" CASE, WHEREIN THE WEAKNESS OF THE PROSECUTION'S CASE (THAT THE PUNCHES AND KICKS REPORTED BY THE TENANTS DID NOT MATCH LATONYA'S INJURIES.) WAS THE CHIEF ISSUE ARGUED AT PETITIONER'S TRIAL. (APPENDIX E, PP. 13, 14, 26, 27, 29, 30, 31, 33-37, 39, 40) HENCE, THE JURY COULD HAVE VERY WELL BELIEVED LATONYA'S TESTIMONY THAT HER MINOR INJURIES RESULTED FROM "HER" OWN ACTIONS, AND NOT PETITIONER'S. (APP. E, P. 44)

THE JURY APPARENTLY HAD CONCERNS ABOUT THE TESTIMONIES GIVEN, AS EVIDENCED BY THEIR REQUEST TO SEE THE 911 TRANSCRIPT AND POLICE REPORT, (APP. E, PP. 42-43)... WHERE THE IMPEACHMENT EVIDENCE WAS.

THE STATE "SUPERIOR" COURT DENIED THESE FIRST 2 CLAIMS ABOVE, LARGELY DUE TO PETITIONER NOT PROVIDING TRANSCRIPTS (APPENDIX D, PP. 6, 8, 9) HOWEVER, AS PETITIONER STATED TO THE U.S. DISTRICT COURT: "FAILURE TO INCLUDE TRANSCRIPTS, ARE DEFECTS THAT CAN BE CURED IN A RENEWED STATE PETITION," (APP. B, P. 24) WHICH PETITIONER DID (APP. D, PP. 2-3) ^{N4}

3. "FAILURE TO INVESTIGATE WHETHER PETITIONER HAD A PLAUSIBLE DEFENSE"

AS TO THIS ISSUE, BEFORE TRIAL, PETITIONER TOLD TRIAL COUNSEL, INTER ALIA, THAT HE TOLD LATONYA SHE HAD TO LEAVE; HE DID NOT PUNCH, FIGHT OR INTENTIONALLY KICK HER; HE WAS JUST TRYING TO STOP HER FROM CAUSING A DISTURBANCE ON HIS PROPERTY; ^{N4} AND THAT HE FELT LIKE A VICTIM FOR BEING LOCKED UP BEHIND DEFENDING HIS PROPERTY. (APP. B, P. 5, SUBD.'S C), d), AND i)). PETITIONER "NEVER" EXPRESSED A FEAR OF BEING ATTACKED OR INJURED, AND FOR THE SAKE OF AVOIDING REPETITIOUS

^{N4} THE STATE "APPELLATE" COURT DID NOT PROVIDE PETITIONER THE SAME PROOF.

^{N5} PETITIONER, AT THE TIME, KNEW NOT THE LEGAL BASIS FOR EITHER A "DEFENSE OF PROPERTY" OR "SELF DEFENSE" CLAIM.

ARGUMENT, PETITIONER REASSERTS HIS ARGUMENT AT APPENDIX B, pp. 20-21 ON THIS SPECIFIC ISSUE, AND IN GENERAL, PETITIONER REASSERTS ALL OF HIS PRIOR ARGUMENTS AS TO THIS AND HIS OTHER CLAIMS (RE: CROSS EXAMINATION).

THE PROSECUTION EMPHASIZED THE CHIEF ELEMENT OF THE SELF DEFENSE INSTRUCTION, AND REPEATEDLY ARGUED THAT THIS IS NOT A CASE OF SELF DEFENSE. (App. E, pp. 25-26, 47) THE JURY WAS CERTAIN TO SEE THE INSTRUCTION AND EASILY DETERMINE (AMONGST OTHER THINGS) THAT THERE WAS NO EVIDENCE OF PETITIONER BEING IN FEAR OF IMMINENT DANGER OF SUFFERING BODILY INJURY OR OF BEING TOUCHED UNLAWFULLY PER CALCRIM 3470, THUS THEY WERE SURE TO FIND THE DEFENSE ARGUMENT OF "SELF DEFENSE" (App. E, pp. 31-34) UNBELIEVEABLE, JUST AS THEY WERE CERTAIN TO FIND THE DEFENSE'S ARGUMENT THAT THE TENANTS "HAVE SOMETHING INVESTED" (App. E, p. 28) UNBELIEVEABLE, AND THAT THE PROMISED EVIDENCE HAD BEEN PRESENTED VIA DEPUTY PENNINGTON (App. E, p. 28) UNBELIEVEABLE.

DEFENSE COUNSEL SABOTAGED THE CREDIBILITY OF PETITIONER'S ENTIRE DEFENSE! IS THIS EQUIVALENT TO COUNSEL ENTIRELY FAILING TO SUBJECT THE PROSECUTION'S CASE TO MEANINGFUL ADVERSARIAL TESTING UNDER U.S. V. CRONIC, (1984) 466 US 648 AT 659? DOES THAT EVEN MATTER?... BEING THAT THE REQUISITE SHOWING FOR A CERTIFICATE OF APPEALABILITY DOES NOT ENTAIL PROVING SUCCESS OR A MERITS DETERMINATION.

PETITIONER KNOWS THAT HE HAD/HAS A 6TH AND 14TH AMENDMENT RIGHT TO EFFECTIVE ASSISTANCE AND DUE PROCESS. HE KNOWS THAT HIS CASE WAS A "CREDIBILITY" CASE; THAT HIS PUBLIC DEFENDER FELL "W A A Y" SHORT OF PROVIDING THE ASSISTANCE REQUIRED BY LAW, AND AS WELL... VIOLATED THE RULES OF PROFESSIONAL CONDUCT, BUSINESS AND PROFESSIONS CODES, ETC, BUT WHAT GOOD DOES/WILL IT DO TO REPEATEDLY ARGUE IN A WAY THAT PETITIONER IS OBVIOUSLY NOT SKILLED OR TRAINED TO? PETITIONER MEANS NO DISRESPECT TO THIS COURT IN ANY WAY AT ALL.

PETITIONER "NEEDS" THE HELP OF A LAWYER TO PROPERLY ASSERT THE FUNDAMENTAL RIGHTS HE WAS DENIED AT TRIAL. PETITIONER IS INNOCENT OF THE CHARGE(S) HE STANDS CONVICTED OF, BUT, AT PRESENT, DOESN'T KNOW WHETHER IT IS ONE OF "FACTUAL" OR "LEGAL" INNOCENCE. HE IS IN A DORM SETTING AMONGST A LOT OF OTHER INMATES, MOST OF WHOM HAVE NOTHING BETTER TO DO THAN TO RUN AROUND AND LAUGH AND JOKE WITH EACH OTHER AND BE LOUD AND DISRESPECTFUL. IT'S A REAL DISTRACTION! MOREOVER, IN THIS TIME OF COVID-19, ACCESS TO LAW LIBRARY HAS BEEN PARTICULARLY SCARCE. PETITIONER IS ESSENTIALLY AT THE MERCY OF THIS COURT, AND IN HOPES THAT HE HAS SHOWN ENOUGH EVIDENCE (CONSIDERING PAGE LIMITATIONS)^{N6} TO RECEIVE A FAVORABLE RULING, DESPITE THE FACT THAT THIS PETITION IS NOT "PROFESSIONALLY" DONE. PETITIONER HAS DONE THE BEST HE POSSIBLY COULD WITHIN THE CIRCUMSTANCES AND TIME LIMIT HE HAD,^{N7} AND ASKS THAT HIS "PLEADINGS BE LIBERALLY CONSTRUED," TO CITE ONE OF THE U.S. SUPREME COURT CASES (HAINES V. KERNER, 404 U.S. 519 (1972)) WHICH INSTRUCTS THAT, FEELS AWKWARD, ... I.E., CONSIDERING MY LAYMANSHIP COMPARED TO THE ONES WHO WROTE IT. THAT SAID, PETITIONER MEANS NO DISRESPECT WITH THE FOLLOWING INADVERTENTLY DISORGANIZED ENTRIES:

THE STATE COURT DENIED PETITIONER'S CHALLENGES TO THE CHOSEN DEFENSE THEORY (SELF DEFENSE), AND FAILURE TO IMPEACH, STATING THEY "ARE ALL CLAIMS ABOUT ACTIONS WITHIN THE SCOPE OF TRIAL COUNSEL'S DISCRETION." CITING: PEOPLE V. WELCH, (1999) 20 CAL. 4TH 701, 728-729 (App. D, p. 8). HOWEVER, IN HIS REQUEST FOR C.O.A. FROM THE 9TH CIRCUIT (App. B, at p. 23), PETITIONER CITED REYNOSO V. GIURBINO, (2006) 462 F.3d AT 112 FOR ITS HOLDING THAT:

^{N6} E.G. PETITIONER CANNOT SUBMIT THE WHOLE RECORD, SO HIS CLAIMS AS TO WHAT THE RECORD DOES NOT REVEAL, ARE DONE SO UNDER PENALTY OF PERJURY.

^{N7} ON JANUARY 3, 2020, PETITIONER MAILED TO THIS COURT A REQUEST FOR EXTENSION OF TIME TO FILE THIS PETITION BUT HAS NOT RECEIVED A RESPONSE.

"ALTHOUGH TRIAL COUNSEL IS TYPICALLY AFFORDED LEeway IN MAKING TACTICAL DECISIONS REGARDING TRIAL STRATEGY, COUNSEL CANNOT BE SAID TO HAVE MADE A TACTICAL DECISION WITHOUT FIRST PROCURING THE INFORMATION NECESSARY TO MAKE SUCH A DECISION."

THE DISTRICT COURT BASICALLY AGREED WITH THE STATE COURTS' BASIS IN DENYING MUCH OF PETITIONER'S I.A.C. CLAIMS. HOWEVER, IN WIGGINS V. SMITH, 539 U.S. 510, 525 (2003), THE U.S. SUPREME COURT HELD:

"FOR A STRATEGIC DECISION TO BE REASONABLE, IT MUST BE BASED UPON INFORMATION THE ATTORNEY HAS MADE AFTER CONDUCTING A REASONABLE INVESTIGATION"

THE WIGGINS COURT ALSO HELD:

"COUNSEL'S STRATEGIC DECISIONS ARE ENTITLED TO MUCH LESS DEFERENCE WHEN THEY ARE NOT BASED ON A PROPER INVESTIGATION."

SEE ALSO: ROMPILLA V. BEARD, 545 U.S. 374, 383 (2005)

IN THE INSTANT CASE, TRIAL COUNSEL WAS NOT FUNCTIONING AS THE COUNSEL GUARANTEED BY THE 6TH AND 14TH AMENDMENTS OF THE U.S. CONSTITUTION, NOR AS INSTRUCTED BY THIS COURT IN STRICKLAND V. WASHINGTON, (1984) 466 US 668.

I DECLARE UNDER PENALTY OF PERJURY THAT MY FAILURE, IF ANY, TO SUPPORT MY "REQUEST FOR C.O.A." TO THE 9TH CIR. COURT OF APPEALS WITH DOCUMENTS THAT WERE PRESENTED IN THE PREVIOUS HABEAS PROCEEDING, WAS INADVERTENT.

James R. Stanford
DECLARANT/PETITIONER

REASONS FOR GRANTING THE PETITION

1) IN PRICE V. JOHNSTON, (1947) 334 U.S. 266, THIS COURT INSTRUCTED:

"THE PRIMARY PURPOSE OF A HABEAS CORPUS PROCEEDING IS TO MAKE CERTAIN THAT A MAN IS NOT UNJUSTLY IMPRISONED"

2) PETITIONER "HAS" DEMONSTRATED TO THE LOWER COURTS, A SUBSTANTIAL SHOWING OF THE DENIAL OF HIS CONSTITUTIONAL RIGHT TO THE EFFECTIVE ASSISTANCE OF COUNSEL.

3) THIS CASE INVOLVES AN ISSUE (RE: OPENING STATEMENTS) WHICH THIS COURT, PETITIONER BELIEVES, HAS NEVER DECIDED, AND THE LOWER COURTS HAVE DECIDED IN A WAY THAT CONFLICTS WITH THE DECISIONS OR "STANDARDS" ESTABLISHED IN OTHER CASES INVOLVING THE SAME ISSUE. SEE E.G.: SAESEE V. McDONALD, (9TH CIR. 2013) 725 F.3d 1045; WILLIAMS V. WOODFORD, (E.D. CAL. 2012) 859 F. SUPP. 2d 1154; OUBER V. GUARINO, (1ST CIR. 2002) 293 F.3d 19; MCALLESE V. MAZURKIEWICZ, (3d CIR. 1993) 1 F.3d 159; UNITED STATES EX REL. HAMPTON V. LEIBACH, (7TH CIR. 2003) 347 F.3d 219; U.S. V. ARMSTRONG, (9TH CIR. 1990) 909 F.2d 1238; ANDERSON V. BUTLER, (1ST CIR. 1988) 858 F.2d 16.

4) THE LOWER COURTS HAVE DECIDED ISSUES IN PETITIONER'S CASE (RE: FUNDAMENTAL CONSTITUTIONAL RIGHTS, E.G.: TO THE ASSISTANCE OF COUNSEL, AND; TO CONFRONT THE WITNESSES AGAINST HIM) IN A WAY THAT CONFLICTS WITH RELEVANT DECISIONS OF THIS COURT. SEE E.G.: STRICKLAND V. WASHINGTON, (1984) 466 U.S. 668; DAVIS V. ALASKA, (1974) 415 US 308; POINTER V. TEXAS, (1965) 380 US 400; CHAMBERS V. MISSISSIPPI, (1973) 410 US 284.

5) PETITIONER IS SERVING A LIFE SENTENCE FOR A NON SERIOUS, NON VIOLENT FELONY, POSSIBLY RESULTING FROM FALSE TESTIMONY/MISREPRESENTATION.

6) THIS CASE PRESENTS AN ISSUE OF IMPORTANCE TO THE PUBLIC BEYOND THE PARTICULAR FACTS AND PARTIES INVOLVED, I.E, CRIMINAL LAWYER'S AND PROSECUTORS ALIKE SHOULD BE WARNED ABOUT CAUSING "IAC" CLAIMS AND PROSECUTORIAL MISCONDUCT CLAIMS VIA, THEIR FAILURE TO CORRECT TESTIMONY KNOWN BY THEM TO BE FALSE OR DIRECTLY INCONSISTENT,^N AND CLARIFICATION AS TO WHETHER REQUESTS FOR C.O.A. FROM APPELLATE COURTS REQUIRES (RE) SUBMISSION OF SUPPORTING DOCUMENTS, MAY SIGNIFICANTLY LESSEN THE NUMBER OF I.A.C AND PROSECUTORIAL MISCONDUCT CLAIMS BROUGHT, AND ALSO LESSEN REVIEWS OF C.O.A, DENIALS TO THIS COURT.

N. SEE: APPENDIX E, pp. 45-46

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

James R. Stanford

Date: JANUARY 27 2021