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20-7434

ORIGINAL

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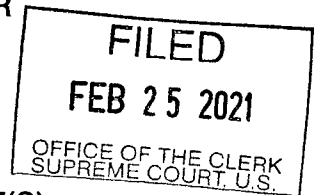
SUPREME COURT OF THE UNITED STATES

"Capital Case"

IN RE WILLIAM DAWES — PETITIONER
(Your Name)

vs.

THE PEOPLE — RESPONDENT(S)



ON PETITION FOR A WRIT OF CERTIORARI TO

THE Supreme Court of the State of California

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

PETITION FOR WRIT OF CERTIORARI

WILLIAM DAWES

(Your Name)

325 S. Melrose Drive, suite 200

(Address)

Vista, CA 92081

(City, State, Zip Code)

N/A

(Phone Number)

QUESTION(S) PRESENTED

1. Since, P.C. 2602 gives the right to involuntary medicate inmates without judicial procedures how can one show documentary evidence when there is no court reporter or even a court deputy to call as a witness in a judicial proceeding?
2. Is not a Kangaroo court, a court that lacks one or more public officials?
3. How many times can a lawyer argue P.C. 1368 upon an individual without violating the 5th Amendment?
4. How is P.C. 2602 legal for punishment for crime, when nowhere in P.C. does it state how long one is suppose to be medicated for any crime, and denies Due Process?
5. How is P.C. 1368 legal due to ignorance of the law is no excuse and speculation is inadmissible in court, because a psychiatrist cannot prove defendant does not have a brain tumor which can cause a person to hear voices and see things, just as illegal substances such as methamphetamines?
6. Since, antipsychotic medications are not FDA approved for everybody due to side effects, what is suppose to protect an individual from judges, lawyers, and officials who wish to cover up crimes by state employees?
7. Since, it is illegal to pass judgement and sentence upon an incompetent person and lack of insight means same as incompetent according to "CDCR Department Operation Manual," how are inmates not illegally incarcerated?
8. Since, women over the age of 18 can get an abortion, why cannot women under the age of 18 be given the same right?
9. Since, "habeas corpus means produce the body," what is more evidence of rape a live child or a dead one?
10. Does not "No" mean "No"?
11. Since there is no statute of limitations on murder should not the same be given in an appeal?
12. When judges cannot uphold the law or the constitution of the United States why should they not be removed from office as being a defect, as written in the Constitution of the United States?
13. What is the difference between forcing a woman to have a child she does not want and forcing a person to take drugs they do not need?

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:

RELATED CASES

1. Morales v. MacKalm 278 F.3d 126, 132 (2d cir 2002)
2. Tyler v. Carnahan 250 F.3d 1066, 1067 (8th cir 2000)
3. Neckson v. Heyne 491 F.2d 352, 356-57 (7th cir 1973)
4. Knecht v. Gillman 498 F.2d 1136, 1139-40 (8th cir 1973)
5. Breads v. Moehrle 781 F. Supp 953, 957 (W.D.N.Y. 1991)
6. Washington v. Harper 494 U.S. at 233-36
7. Doby v. Hickerson 120 F.3d 111, 114 (8th cir 1997)
8. People v. Medina 705 p.2d 96 (Colo 1985)
9. Vitek v. Jones 445 U.S. 480 991-94, 100 S. Ct 1254 (1980)
10. Washington v. Harper 494 U.S. 210, 221-22 110 S. Ct. 1028 (1990)
11. Bounds v. Smith 430 U.S. at 828
12. Atkins v. U.S. 294 F.3d 1086
13. Bounds v. Smith 430 U.S. 817, 828 97 S. Ct. 1491 (1977)
14. Keyhan v. Rushen 178 Cal App. 3d 526, 542 (1986)
15. Roe v. Wade, 410 U.S. 113 93 S. Ct. 705, 35 L. Ed. 2d 147 (1973)

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APPENDIX A	S264228 IN THE SUPREME COURT OF CALIFORNIA
APPENDIX B	17HC000091 SUPERIOR COURT OF CALIFORNIA County of Monterey BI Dated 2/26/19 BII Dated 7-10-18
APPENDIX C	UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT No. 20-55501 D.C. 3:19-cv-02122-MMA-WVG
APPENDIX D	UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA 3:19-cv-01920-LAB-AGS.
APPENDIX E	UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT No. 19-56340 D.C. No. 3:19-cv-01920-LAB-AGS.
APPENDIX F	Xavier Becerra Attorney General Informal Response to Hon. Timothy Roberts (FI) and Exhibit A Before The Office of Administrative Hearings. FII

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

"Cannot List cases or page numbers due to no access to Law Library." cases were provided by "The Fourth Edition Prisoner Self-Help Litigation Manual."

STATUTES AND RULES

"California Criminal Law Practices and Procedures." § 5300 - Danger to others and self carries sentence of 6 months or approx. 180 days
"CDCR Title 15 Rules and Regulations" Jurisdiction County does not have jurisdiction unless in county jail.
"CDCR Department Operation Manual" 91090.3 Definitions Informed consent
91090.6.3 Information required to be given to certified inmate.
91090.6.4 Preparing for certification hearing.
91090.6.5.1. Suspect to contact Public Defender office.
91090.7.2 Procedural Protections
91090.7.3 An inmates right to assistance of counsel timely access to all documents and supporting documents
91090.7.4 Inmates Attendance at Judicial hearing.
The right to trial by jury.
91090.9 Initiation of Long-term involuntary medication within 30 days of judicial Denial of petition.

OTHER

California Constitution Article 3.1 The Constitution of the United States is the Supreme Law of the Land.
Article 3.5 The administration shall have no power for any power given is unconstitutional.

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 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 United States district 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.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits 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 Superior Court of Monterey County 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.

JURISDICTION

☐ For cases from **federal courts**:

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

☐ No petition for rehearing was timely filed in my case.

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

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

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

☒ For cases from **state courts**:

The date on which the highest state court decided my case was Dec 8 2020.
A copy of that decision appears at Appendix A.

☐ 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

Under the 8th Amendment being cruel and unusual punishment to force a women to have a child she does not want. 5th Amendment Double Jeopardy if you believe in the "HOLY BIBLE" GENESIS ch. 3:16 punishment by GOD on women for being deceived by the devil. REVELATIONS 2:24 "Now to you I say, and the rest of Thyatira, as many as do not have this doctrine, who have not known the depths of Satan, as they say, I will put on you no other burden." 13th Amendment because one cannot prove beyond a reasonable doubt that a women willingly gave herself to a man. There for it would be involuntary servitude to have the child, for the women would be involuntary serving the child.

P.C. 2602 violates a persons religious beliefs, in beleaving in the unseen. For we all know there are many things our eyes cannot see but doesn't mean they do not exist. For no lawyer saw involuntary servitude in the constitution, but it is there under the 13th Amendment. (Religious beliefs 1st Amendment.) P.C. 2602 violates a person being safe in their persons, houses, papers and effects due to side effects. (4th Amendment). P.C. 1368 violates a persons right not to self incriminate. Which takes place when forced to talk to psychiatrist. P.C. 2602 violates a persons right not to testify and deprives people of life and limbs due to drugs causing brain damage and possible death. (5th Amendment) P.C. 2602 violates a persons rights to call forth accusers and call witnesses in defence and having the assistance of councel. (6th Amendment) P.C. 2602 is cruel and unusual punishment because drugs cause mental anguish and in some cases great bodily injury even leading to premature death. (8th Amendment). P.C. 2602 violates the 14th amendment because it is unappealable. Here in California P.C. 2602 violates the 9th amendment because Canal Keyhea was granted three lawyers paid for by the tax payers for appeal to where now no inmates are granted an appeal. For than shall not belittle the rights of others.

According to "California Criminal Law Practices and Procedures" §3300 Danger to Others and self carries a sentence of six months and one year for gravely disabled. The reason CDCR sentences every one as gravely disabled because the chances of making inmate gravely disabled is high. "CDCR Department Operation Manuel" 91090.3 Inmate Consent Definitions tells how drugs cause memory loss which is primary purpose of medicating inmates. 91090.6.5.1 tells how CDCR is suppose to contact Public Defenders office for appointed councel. At time Solomon Rouston was appointed councel which shows that the state of California never appointed me councel. 91090.7.8 an inmates right to all documentry and supporting documents which are never granted for I have been trying to recieve them for five years. 91090.9 Initiation of Long term involuntary medication within 30 days of judicial denial. If inmate cannot fill out habeas corpus due to denial of law library, then inmate should never be medicated, due to no habeas copus denial.

STATEMENT OF THE CASE

In 1993 my sister was 18 yrs. old when she was raped and wanted an abortion. My mother and father would not consent. So my sister gave the child to me to take care of. All seemed to be fine until I found myself addicted to methamphetamine. In 2003 I was then forced medicated with antipsychotic drugs while detoxing from methamphetamine. The family court judge stated, "we know what methamphetamine does to people, but we do not know what these drugs do." So doctors started falsifying my mental health records stating I was "schizophrenic". Then people started accusing me of being a child molester. If you ever been held in custody you would know the charge carries death amongst prisoners, and so in the "HOLY BIBLE".

So, when the Lord asked me to kill the child, "I did as I was commanded." I even stated this to officers at time of arrest in 2005. Not only did I prove I was not schizophrenic but I also proved I was not a child molester. I had a Competency hearing on Aug. 18, 2006 before trial. Before that competency hearing the Public Defender withdrew from the case being related to the child by being grandmother of the man who raped my sister. I was offered to be made incompetent by the Orange County Sheriffs and medical personell in 2007. In 2008, I had my trial and The Supreme Court of The State of California upheld the jury verdict in 2012, S181613.

On April 11, 2016 I got into it with prison officials for theft of personal property. The San Diego sheriffs never took me into custody to have jurisdiction and so prison officials used controlling case and police report to force medicate overturning jury verdict. Public Defenders started arguing incompetence on July 27, 2016. At no time was I found incompetent. I have been tried now five times for competency and Public Defenders want to retry me on controlling case in San Diego County when original case took place in Orange County.

I have already pled to the 5th Amendment. I also have been asking for all documentary evidence for past 5 years. According to the "California Criminal Law Practices and Procedures" incompetence is suppose to be argued by the District Attorney for first three years. I have been barred from courtroom so Judge does not have to hear Fretta motion or Marsden Hearing. It seems nobody has the power to make judges follow the law or procedures.

If I was schizophrenic and just not smart enough to take the incompetence deal, I would of filed the habeas corpus in the Federal courts in 2012 and filed a 42 U.S.C. 1983 civil suit for being illegally incarcerated in prison when I should of been in a mental hospital for the criminally insane.

REASONS FOR GRANTING THE PETITION

1. "California Criminal Law Practices and Procedure" state District Attorney shall argue incompetence for first three years. "California Senate Bill 453 ch. 260 states" prisoners to have competency hearing before being forced medicated. The fact the state never appointed me counsel to save me from the side effects of drugs that lead to death. (A rash that started above eyes, forehead, neck, and in rectum.) The fact that Public Defenders have been arguing me incompetence for last five years. The Public Defenders have even withheld information from the court, so they can continue prosecution, (by stating conflict of interest.) Due to Peace treaties with Mexico and the state wanting to protect these high ranking Mexican officials. The leading Public Defenders all being Mexican and officers being Mexican.
2. My original case occurred in Orange County, California out of the jurisdiction of San Diego County, California Superior Court, as what happened at RSD state prison violates the 7th Amendment of the Constitution of the United States. For at the time of arrest I had twenty three dollars and some change to preserve the jury verdict. In accordance to Article 3.1 The Constitution of the United States is the Supreme Law of the land. Article 3.5 The administration shall have no power, for any power given is unconstitutional. (California Constitution).
3. For I was sentenced to life in prison, I should be spared from Public Defender seeking death penalty when I am not the one who raped or molested my sister nor am I the one embezzling funds from inmates accounts, and taking personal property on order to extort funds from their family, and medicating inmates for mental illnesses they do not have. I am not the one making up fictitious rules and laws that do not exist. Example: Title 15 rule 3999.227(e) does not exist, for Title 15 only goes to rule 3800.3. And People v. Duvall (1995) 9 Cal. 4th 464, 467 is also a fictitious law because even if law does exist the documentary evidence or supporting documents does not. For if it existed I should of received it already for law states I am suppose to receive within 30 days of request. 5 years is beyond 30 days.
4. Judges, lawyers, officers do not have certificate to practice medicine, P.C. 2052.
5. Federal District judges have no jurisdiction over state courts to make them follow rules and laws. Federal District Court judge denied habeas corpus' stating correct form of relief is a 342 1983 civil suit, then dismissed civil suit, stating correct form of relief is a habeas Corpus, leaving no relief and contradicting himself.
6. Over ruling the constitution of the United States is treason. Treason by federal law carries ten years in prison. However, Public officials over ruling the constitution of the United States is bound by military law, where treason carries the death penalty. The men that wrote the constitution were part of the militia to see that it was granted. They were not peace officers, lawyers, judges, or even doctors. Thinking because you are rich you have the right to steal from the poor because they are poor, is like the poor thinking they have the right to steal from the rich because they are rich. Stealing altogether is wrong. Where are your morals, values, principles, integrity and scruples?

When judges render illegal sentences or cannot control their courtroom, and uphold the Constitution of the United States in which they took an oath, then they deserve to be removed from office like Sodom and Bin Laden. Foreign or Domestic. For when the Constitution and our liberties are in jeopardy we shall go to war.

7. Informal response by Xavier Becerra: first line of second paragraph: "Inmates are entitled to judicial determination of their competency to refuse treatment before they can be subjected to long-term involuntary psychotropic medication. At no time have I been deemed incompetent in superior court. (Keyhea v. Rushen (1986) 178 Cal. App. 3d 526, 542; Pen. Code §2602

Fitting "Capital case" is Exhibit A - page 3 #10 list of side effects. with proof judges render illegal sentences on first page.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

William D. Dwyer

Date: 02-25-21