

20-7582

No. _____

Supreme Court, U.S.
FILED

FEB 05 2021

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

LONZELL GREEN — PETITIONER
(Your Name)

vs.

CALIFORNIA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

LONZELL GREEN
(Your Name)

(Address)

REPPESA, CA 95671
(City, State, Zip Code)

N/A
(Phone Number)

ORIGINAL

RECEIVED

FEB 12 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

(1) DID THE STATE COURT(S) VIOLATE PETITIONER DUE PROCESS PROTECTED RIGHT(S) WHEN IT KNOWINGLY PRESENTS PERJURED TESTIMONY, DELIBERATELY SUPPRESS EVIDENCE FAVORABLE TO PETITIONER?

MOONEY V. HOLLOMAN (1935), 294 U.S. 103, 112

(2) DID THE STATE OF CALIFORNIA GOVERNMENT OFFICIAL(S) VIOLATE FOURTEENTH AMENDMENT CONSTITUTIONAL DUE PROCESS PROTECTED RIGHT TO A FAIR TRIAL WHEN IT OBSTRUCTED IGNORED PETITIONER PRIOR TO THE STATE TRIAL JULY 1, 1991, DISCOVERY REQUEST?

BRADY V. MARYLAND (1963), 373 U.S. 83?

(3) DID PETITIONER ESTABLISH THE STATE PROCEDURAL RULE IS NOT ADEQUATE NOR INDEPENDENT AND INTERWOVEN WITH THE FEDERAL LAW MCHARGAN V. LAN (1983), 463 U.S. 1032, 1040-41, 103 S.Ct. 3469, 72 L.Ed. 2d?

(4) DID PETITIONER QUALIFY AS AN EXCEPTION THE CALIFORNIA SUPREME COURT JANUARY 13, 2021, RULING IS NOT INDEPENDENT OF FEDERAL LAW AND DOES NOT PRECLUDE FEDERAL REVIEW WHERE PETITIONER ASSERTS THE DENIAL OF A FEDERAL CONSTITUTIONAL RIGHT

HARRIS V. REED (1989), 489 U.S. 255, 265, 109 S.Ct. 1038, 103 L.Ed. 2d 308?

(5) WITH THE CITED ALLEGATIONS AND THIS HIGHEST COURT OF THE LAND CITATIONS IN MIND DID PETITIONER RECEIVE A FAIR TRIAL?

(6) IS PETITIONER IN THE PRESENT CASE AT BAR ENTITLED TO A NEW TRIAL?

(7) IS PETITIONER ENTITLED TO HIS PETITION FOR WRIT OF CERTIORARI TO BE GRANTED?

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:

THE SOLICITOR GENERAL OF THE UNITED STATES
ROOM 5614, DEPARTMENT OF JUSTICE
950 - PENNSYLVANIA AVE., N.W.
WASHINGTON, D.C. 20530-0001

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TABLE OF AUTHORITIES CITED

CASES

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BRADY V. MARY LAND (1963), 373 U.S. 83

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COLEMAN V. THOMPSON (1991), 501 U.S. 722, 729-30, 750-51, 111 S.Ct.

MOONEY V. HOLLOMAN (1935), 294 U.S. 103, 112

MICHIGAN V. LAW (1983), 463 U.S. 1032, 1040-41, 103 S.Ct. 3469, 72 L.Ed.2d

HARRIS V. REED (1989), 489 U.S. 255, 265, 109 S.Ct. 1038, 103 L.Ed.2d 3083

STATUTES AND RULES

TITLE 28 U.S.C. § 2254

TITLE 28 U.S.C. § 2244 ET, SEQ.

OTHER

CALIFORNIA PENAL CODE SECTION(S) § 869(f), § 870, § 938.1(a), 1539.5(g)(9)

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 _____ 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 _____ 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 F to the petition and is

- ☒ reported at N/A; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the STATE APPELLATE court appears at Appendix E to the petition and is

- ☒ reported at N/A; 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 Jan. 13, 21.
A copy of that decision appears at Appendix F.

☐ 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
UNITED STATES, AND THE STATE OF CALIFORNIA;
FOURTEENTH AMENDMENT

STATEMENT OF THE CASE

Upon the Petitioner receiving the attach highest State Court decision

In Petition number # S265194, dated January 13, 2021, thirty-(30)-
Year(s) ago at the age of nineteen-(19)- in the State of California
Petitioner was arrested, charged in the County of Alameda Superior
Court number # 107028, for the January 12, 1991, shooting death
of Mr. AARON 'LAMONT' LEATHERWOOD (it should be noted under the
State of California Penal Code section(s) §§ 4801, subd. (c), 3051, subd.
(d), (e)) Petitioner has been classified as a 'youth offender').

The State witnesses in the present case at bar consist of Oakland
Police Department (O.P.D.) homicide detectives Sergeant JOHN-
McKENNA, (Patrol) Sergeant JERRY (a.k.a. "BIG-RED") HARRIS
Officer GREGORY LOSCHER, and drug addicts, incusbody informants
FRED JACKSON, LYNDA POWELL, FREDERICK RHODES, (sixteen year(s)
old) MAURICE MORGAN.

Prior to the criminal State trial on June 24, 1991, Patrol Sgt. Harris

STATEMENT OF CASE CONTINUE AT PAGE 2.

Testified confirming he threatened the lives of drug addicts on Felony Parole, and Probation to claim, they witness petitioner shoot Mr. leatherwood / or implicate petitioner in such shooting. Petitioner defense attorney Mr. DANIEL AARON HOROWITZ (State Bar number # 92400) submitted a discovery motion, citing several incidents involving Sgt. Harris, the front page of the motion states 'motion for discovery and disclosure of Personnel records and other matters?' without no response to such request to the government they pursued its state case to trial. Informant Jackson testified to his parole status, his relationship with Patrol Sgt. Harris, after testifying to his witnessing petitioner shoot Mr. leatherwood informant Jackson denied being provided a plea-deal by the government to claim his witnessing petitioner shoot Mr. leatherwood (see Retr. 194-278). Informant Powell testified to her felony probation status, and

STATEMENT OF THE CASE CONTINUE AT PAGE 3

Her recantation of January 16, 1991, tape recorded statement stating she witness Petitioner shoot the decess, that her statement was false, that she never saw Petitioner shoot nobody on 1-12-91, which was the results from earlier in the day by Sgt. Harris threatening her life, that she was addicted to heroin, and cocaine when she made the Tape statement, that she would have said anything the police wanted her to say as long as they release her from custody (see appendix 'A' - Rptr, 321-369).

Informant Rhodes testified to his Probation status, that on the night of 1-12-91, in his attempt to aid the decess he was detained by law enforcement where they discovered Marijuana on his person, where he informed law enforcement informant Jackson told him Petitioner shot the decess, he then gave the Police his false name, that he always give law enforcement a false name when he's facing the Potential of a Probation violation (See App. 'A', Rptr. 416-450).

STATEMENT OF THE CASE CONTINUE AT PAGE 4

(then sixteen year(s) old) Morgan testified (without his parents approval) to his Juvenile Probation status recanting his His January 30 1991, tape recorded statements implicating Petitioner in a shooting, that is false, and was the results from Threats to his life of early in the day by Sgt. Harris for his Probation to be violated for Possession of a shotgun, and marijuana To prevent such he agreed to make such statement, that he was told by the assigned detectives to lie, that he never Over heard Petitioner talk to nobody about a shooting, and After making the false statement his Probation was never Violated And he was release from the Juvenile detention facility (see App. - 'A', Rptr. 498-554), after such the jurors where permitted to Being exposed to listening to informant(s) Powell, Morgan Tape recorded statements though they recanted such, that Lead to Petitioner being found guilty of First degree murder On September 5, 1991, the day of Punishment the defense motion

STATEMENT OF THE CASE CONTINUE AT PAGE 5

For a new trial was denied, the state judge PHILLIP V. SARKISIAN

Went on record stating his reviewed, or considered the state

September 3, 1991, sentencing Probation report, Petitioner enquire

To his defense attorney as to the 6-24-91, transcript for his initial

State appeal, the defense then made Judge Sarkisian aware

Petitioner was discussing with her about his appeal and transcripts

Judge Sarkisian then replied ensured Petitioner that he will receive

A complete copy of the transcript (See App. 'A', Pgs. 8-9)

In his initial State Appeal a RICHARD L. RUBIN was appointed by

The State Court to litigate an initial appeal brief in appeal

Number #A055242, on Petitioner behalf in Mr. Rubin attach

April 30, 1992, motion he reported the specific transcripts he

Received from the State Clerk's the State Appellate Court

Affirmed the State conviction on April 14, 1993, ten-year(s) after

such conviction Informant Jackson mailed to Petitioner the

Notarized October 20, 2003, affidavit recanting his State

State trial testimony, for - thirty-year(s) State prisoner(s) has litigated motions and

STATEMENT OF THE CASE CONTINUE AT PAGE 6

Behalf of Petitioner specifically to the Superior Court pertaining to the attach July 1, 1991, discovery motion to no avail the State Court provided him no ruling to the 7-1-91, request 2 over Two-decades later the State Superior Court provided Petitioner its June 27, 2016, ruling as to his many 'status report' to the 7-1-91, request 1, five-year(s) after such the State Court then made Petitioner aware in its June 17, 2020, response that the 6-24-91, transcripts was 'not saved', with the litigation Assistance by other State Prisoner Petitioner Petition to the State Superior Court for the 6-24-91, transcripts, the State Superior Court responded in its attach August 19, 2020, ruling acknowledging Petitioner entitlement to such transcript Quoting its state rules of Court, then finding Petitioner 'fail to demonstrate his State appeal attorney do not have the Transcripts'; further finding by the State Superior Court that It acknowledge the 'many, numerous motions filed with the state

STATEMENT OF THE CASE CONTINUE AT PAGE 7

Superior Court over the years; with the litigation assistance by State Prisoner(s) Petitioner submitted his petition to the State appellate whom on September 25, 2020, issued its summary denial, then with the litigation assistance by State Prisoner(s) Petitioner submitted a Habeas petition to the State Supreme Court whom on October 9, 2020, 'Transferred the matter' back to its appellate Court, the State appellate Appellate Court on October 15, 2020, decided 'in part' that the Petition is repetitive, with the litigation assistance by other State Prisoner Petitioner petition again to the State highest Court requesting for a hearing pertaining to the State appellate Court for a hearing on the Appellate Court 10-15-20, decision 'in part' that's not repetitive, the State highest Court ruled;

"THE PETITION FOR WRIT OF HABEAS CORPUS IS DENIED (SEE IN RE ROBBINS (1998), 18 CAL. 4TH 770, 780 [COURTS WILL NOT ENTERTAIN HABEAS CORPUS CLAIMS THAT ARE UNZMER(✓)]; IN RE CLARK (1993), 5 CAL. 4TH 750, 767-769 [COURTS WILL NOT ENTERTAIN HABEAS CORPUS CLAIMS THAT ARE SUCCESSIVE]);"
Dated: January 13, 2021, (See App. 'F')

STATEMENT OF THE CASE CONTINUE AT PAGE 8

ARGUMENT

Petitioner contend that he has always have, and always will
Proclaim any wrong doing in the Present case at bar, and the attach
Record of facts clearly support his claim even moreso the 9-3-91,
state Probation report where Judge Sarkisian for the state went
On record of his considering, reviewing the state report acknowledging
The November 28, 1990, schedule notice, and the state Probation
officer mailing to Petitioner State Court approved Probation residence
A notice to appear before him on December 28, 1990, which Petitioner
whom was unaware of such notices to appear do to his not
Being in the State of California, which clearly establish Petitioner
was not in the State of California before, during the shooting of
The deacease, that he was else where mindina his business
Petitioner contend the fact that the State government continue to
Withhold transcripts from the 6-24-91, hearing is an Act by the
state to corrupt Justice, and prevent Petitioner in his Pursuit
of Justice, the State of California authorize its Courts to

STATEMENT OF THE CASE CONTINUE AT PAGE 9

Conduct the following in Penal Code Section(s) 869(e)(f):

"IN EVERY CASE IN WHICH A TRANSCRIPT IS DELIVERED AS PROVIDED IN THIS SECTION THE CLERK OF THE COURT SHALL FILE THE ORIGINAL OF THE TRANSCRIPT WITH THE PAPERS IN THE CASE AND SHALL DELIVER A COPY OF THE TRANSCRIPT TO THE DISTRICT ATTORNEY IMMEDIATELY UPON HIS OR HER RECEIPT THEREOF AND SHALL DELIVER A COPY OF SAID TRANSCRIPT TO EACH DEFENDANT AT LEAST FIVE DAYS BEFORE THE TRIAL OR UPON EARLIER DEMAND BY HIM OR HER WITHOUT COST TO HIM OR HER."

Cal. P.C. sec. § 870 FURNISHING TRANSCRIPT TO DEFENDANT; authorize

the State to conduct the following in part;

"THE MAGISTRATE OR HIS OR HER CLERK SHALL KEEP THE DEPOSITIONS TAKEN ON THE INFORMATION OR THE EXAMINATION UNTIL THEY ARE RETURN TO THE PROPER COURT; AND SHALL PERMIT THEM TO BE EXAMINED OR COPIED BY ANY PERSON EXCEPT A JUDGE OF A COURT HAVING JURISDICTION OF THE OFFENSE OR AUTHORIZED TO ISSUE WRIT OF HABEAS CORPUS THE ATTORNEY GENERAL, DISTRICT ATTORNEY, OR OTHER PROSECUTING ATTORNEY AND THE DEFENDANT."

Cal. P.C. sec. § 938.1(a) TRANSCRIPT OF TESTIMONY; authorize the following

In part;

"THE CLERK SHALL FILE THE ORIGINAL OF THE TRANSCRIPT DELIVER A COPY OF THE TRANSCRIPT TO THE DISTRICT ATTORNEY IMMEDIATELY UPON RECEIPT THEREOF AND DELIVER A COPY OF SUCH TRANSCRIPT TO EACH SUCH DEFENDANT."

STATEMENT OF THE CASE CONTINUE AT PAGE 18

While Cal. P.C. Sec. §1538.5 MOTION TO SUPPRESS EVIDENCE; authorize

The following in part;

"~~(X)~~ UPON A SHOWING THAT THE DEFENDANT OR HIS OR HER ATTORNEY OF RECORD WAS NOT AWARE OF THE EVIDENCE OR WAS NOT AWARE OF THE GROUNDS FOR SUPPRESSION BEFORE THE PRELIMINARY EXAMINATION."

Petitioner contend at no time was any of the state law

enforced by the state, even in the state superior court 8-17-20, ruling

It's under the delusion that Mr. Rubin has the 6-24-91, transcripts

when in Mr. Rubin 4-30-92, motion the record is silence, and this

Federal Ninth Circuit Court of appeals ruled in Turner v. Duncan -

(9th Cir. 1998), 158 F.3d 499, ruled in the following;

"THE ABUSE OF THE WRIT ISSUE
BEFORE THE DISTRICT JUDGE
WE HAVE BEFORE US INADEQUATE
RECORD ON THAT QUESTION"

while in Laws v. Lamarque (C.A. 9th Cir. Cal. 2003), 351 F.3d 919,

Found in its finding the following;

"THE RECORD DOES NOT SHOW THAT
[PETITIONER'S] MENTAL PROBLEMS
MADE IT IMPOSSIBLE"

Petitioner contend the present case at bar is the same situated as the

STATEMENT OF THE CASE CONTINUE AT PAGE 11

Cited Federal appeals Court cases, in the following;

- "
- (a) THAT THE STATE CLAIM PETITIONER ABUSE THE WRIT ONCE HE WAS PRESENTED WITH THE 6-17-20, FROM THE COURT;
 - (b) THAT THE 4-30-22, MOTION BY THE STATE APPEAL DOES NOT SHOW HE HAD IN POSSESSION THE 6-24-91 TRANSCRIPT.

Petitioner contend in *Mooney v. Holohan* (1935), 249 U.S. 103, 112, he

Alleged the State of California 'denied his due process by the know^uing

use of perjured testimony and suppressed of evidence that would

Have impeached the testimony, and by the state's failure to provide

Any corrective ~~Judicial~~ ^{Judicial} process by which a conviction so obtained

could be set aside.

Petitioner contend he has been subjected to the same misconduct

As Mooney, the only differences between Petitioner, and Mooney

Petitioner exhausted his State remedies.

In *Jencks v. United States* (1957), 353 U.S. 657 this Court ruled;

- "
- A TWO PART CRITERIA (1) ADDRESSES THE RIGHT OF A CRIMINAL DEFENDANT TO COMPEL THE PRODUCTION OF WRITTEN STATEMENTS OF GOVERNMENT WITNESSES

STATEMENT OF THE CASE CONTINUE AT PAGE 12

FOR IMPEACHMENT PURPOSES; (2) THE INTEREST OF THE UNITED STATES IN A CRIMINAL PROSECUTION IS NOT IT SHALL WIN A CASE BUT THAT JUSTICE BE DONE.

In Brady v. Maryland (1963), 373 U.S. 83, that court found the following

"Prior to trial Brady attorney made a request to the prosecution for

Brady co-defendant Boblit extrajudicial statements several of

those was shown to him; but the one dated July 9, 1958 in which

Boblit admitted the actual homicide was withheld by the prosecution

and did not come to Petitioner notice until after he had been tried,

convicted, sentence, and after his conviction had been affirmed

In United States v. Bagley (1985), 473 U.S. 667 ruled in the following;

"THE JENCKS Act 18 U.S.C. § 3500
REQUIRES THE PROSECUTOR TO DISCLOSE
AFTER DIRECT EXAMINATION OF A
GOVERNMENT WITNESS AND ON THE
DEFENDANT'S MOTION, ANY
STATEMENT OF THE WITNESS IN THE
GOVERNMENT'S POSSESSION THAT
RELATES TO THE SUBJECT MATTER OF THE
WITNESS TESTIMONY."

In Shih Wei Su v. Filion (2nd Cir. 2003), 335 F.3d 119, that court

ruled in the following;

"AFTER REVEALING TOM COOPERATION
AGREEMENT IN SEPTEMBER 1991 SEVERAL

STATEMENT OF THE CASE CONTINUE AT PAGE 13

MONTHS PRIOR TO THE DEFENDANT TRIAL IN A DIFFERENT COURT ROOM
FOUND TOM'S TESTIMONY THAT HE HAD SENTENCE PRIOR TO TESTIFYING AGAINST
DEFENDANT TO BE FALSE."

In *Milke v. Ryan* (9th Cir. 2013), 711 F.3d 998 1012, ruled in the
following:

"PROSECUTION HAD INESCAPABLE
DUTY UNDER BRADY AND GIGLIO TO
DISCLOSE COURT RECORDS OF POLICE
OFFICER FALSE STATEMENTS UNDER
OATH, MIRANDA AND OTHER
CONSTITUTIONAL VIOLATIONS COMMITTED
DURING INTERROGATIONS, AND
IMPEACHMENT INFORMATION CONTAINED
IN OFFICER'S PERSONNEL FILE."

Petitioner contend the cited cases were presented to the
Courts of the State in Petitioner Petition(s) as guidance for
The Court, the attach Jan. 13, 21, ruling by the State of California
Highest Court is an ambiguous order that does not clearly
rest independent and adequate state grounds is not sufficient
To preclude federal collateral review (see *Morales v. Calderon*-
(9th Cir. 1996), 85 F.3d 1387, 1392), in *Michigan v. Long* (1983), 463
U.S. 1032, 1040-41, 103 S.Ct. 3469, 77 L.Ed. 2d 1201, and citing
Harris v. Reed (1989), 489 U.S. 255, 265, 109 S.Ct. 1038, 103 L.Ed. 2d
308, ruled in the following: "BECAUSE A "FUNDAMENTAL CONSTITUTIONAL

STATEMENT OF THE CASE CONTINUE AT PAGE 14

- ERROR "QUALIFIED AS AN EXCEPTION TO BOTH THE DIXON AND SHAIN RULES UNDER STATE LAW WE CONCLUDED THAT THE CALIFORNIA SUPREME COURT "NECESSARILY ADDRESSED FUNDAMENTAL CONSTITUTIONAL CLAIMS WHEN APPLYING THE DIXON RULE."

Petitioner contend the State Jan. 13, 21, Procedural bar is not adequate

and independent, and the state constitutional error in the

Present case at bar is met on many aspects as the following;

First Petitioner contend the government suppression of the critical

6-24-96 evidence of Sgt. Harris whom initial, officially labeled

Petitioner as the shooter of the decrease violated Petitioner protected

Due process right under Brady v. Maryland (1963), 373 U.S. 83, and

second that the untimeliness rule was not "clear, consistently

Applied, and well-established at the time of [his] purported default"

(see Calderon v. United States (Bea) (9th Cir. 1996), 96 F.3d 1126,

1129, in Bennett v. Mueller (9th Cir. 2003), 322 F.3d 573, that Court

Ruled in the following;

"THE NINTH CIRCUIT ESTABLISHED
A BURDEN-SHIFTING SCHEME FOR
CHALLENGES TO THE ADEQUACY OF
STATE PROCEDURAL RULES ONCE THE
STATE HAS PLED THE ADEQUACY OF THE
RULE THE BURDEN SHIFTS TO THE
PETITIONER TO "PLACE THAT DEFENSE

Statement of the Case Continue At PAGE 15

IN ISSUE." IF PETITIONER DOES SO, THE ULTIMATE BURDEN TO PROVE ADEQUACY SHZFT BACK TO THE STATE!"

Petitioner contend the record facts clearly prove the state subjected

Petitioner to a miscarriage of justice, by suppression Sgt. Harris

And the 6-24-91, transcripts from Petitioner and the state trial

In violation of Petitioner Fourteenth Amendment Constitutional

Due process protected right, Petitioner request the following;

" (1) THAT THIS COURT CONSIDER THE
ATTACH DECLARATIONS FROM MR. PATRICK-
- RICHARDSON # H65992, WHOM
LITIGATED THE PRESENT WRIT OF
CERTIORARI ON BEHALF OF PETITIONER
AND THAT OF PETITZON; OR

(2) THAT THIS COURT GRANT REVEZEN?

I hereby declare under Penalty of Perjury the foregoing is true and

And Correct,

February 4, 2021

Ly lk

REASONS FOR GRANTING THE PETITION

To resolve the conflict in the ruling by the state of California
Supreme Court when it seeks to overrule the cited United States
Supreme Court Land mark cases in the instant certiorari
At bar.

DECLARATION OF LONZELL GREEN

I Lonzell Green hereby declare the following:

1. That I am currently a Prisoner incarcerated in California State Prison-Sacramento.
2. That I am currently housed on the C facility on January 31, 2021.
3. That I have relevant information pertaining to the County of Alameda Superior Court number #107028, that the State of California Government suppressed and withheld exculpatory evidence from myself, and my defense attorney to sustain a fraud conviction of Murder, while presenting perjured testimony, false evidence to secure a false conviction, that I did in fact request to Mr. - PATRICK RICHARDSON #165992, to litigate the attach petition

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

January 31, 2021.



DECLARATION OF PATRICK RICHARDSON

I Patrick Richardson hereby declare the following:

1. That I am currently a Prisoner incarcerated in the California State Prison - Sacramento.
2. That I am currently housed on C facility on January 31, 2021.
3. That I got relevant information pertaining to the County of Alameda Superior Court, State Criminal Case number #107028, For the last several year(s) I've litigated motions, habeas Petitions on behalf of Mr. LONZELL GREEN #409191, that I most recently litigated the attach Petition for writ of certiorari On behalf of Mr. Green in this Court, that I was not threatened, Nor Coerce to record this declaration.

I hereby declare under the Penalty of Perjury the foregoing is True and Correct.

January 31, 2021

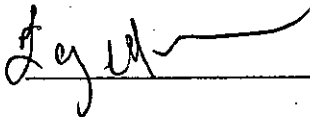
Patrick Richardson

CONCLUSION

THAT BECAUSE PETITIONER DEMONSTRATED THE STATE JAN. 1321, RULING DOES NOT CLEARLY REST ON INDEPENDENT, NOR ADEQUATE STATE GROUNDS, AND MUST NOT INTERMIXED WITH FEDERAL LAW THAT IS IN CONFLICT WITH THIS COURT LAND MARK CASE CITATION(S)?

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: February 4, 2024