

20-7584
No. _____

Supreme Court, U.S.
FILED

MAR 12 2021

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

In re TERRIL LEE GRAHAM on Habeas Corpus

ON PETITION FOR WRIT OF HABEAS CORPUS
TO THE SUPREME COURT OF CALIFORNIA – S263715
EN BANC

PETITION FOR WRIT OF HABEAS CORPUS

Terril Lee Graham
1351 Los Olivos Ave Apt U. .
Los Osos CA 93402
(805)305-9504
Onesufi@yahoo.com

ORIGINAL

RECEIVED
MAR 16 2021
OFFICE OF THE CLERK
SUPREME COURT, U.S.

1909 3 10 AM

RECEIVED

368-02

RECEIVED
MAR 18 2021
OFFICE OF THE CLERK
SUPREME COURT U.S.

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	4
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	4
STATEMENT OF THE CASE	5
REASONS FOR GRANTING THE WRIT	10
CONCLUSION.....	13

INDEX TO APPENDICES

APPENDIX A	Decision of State Supreme Court Denying Review
APPENDIX B	Petition for an Extraordinary Writ of Habeas Corpus
APPENDIX C	RE: In Re Terril Graham April 16, 2020. The papers are returned for the following reason(s):
APPENDIX D	California Penal Code 422, Criminal Threats.2, 5, 12
APPENDIX E	ERRATA
APPENDIX F	

OPINIONS BELOW

RE; In Re Terril Graham, Petition for Extraordinary Writ of Habeas Corpus, Supreme Court of the United States, 29 Jan 2021.

In re TERRIL LEE GRAHAM on Habeas Corpus, S263715 Supreme Court of California En Banc, 28 Oct 2020

In re Terril Graham, on Petition for Remand, SCUS, 15 Jul 2019

In Re Terril Graham, No. 03-5849, Extraordinary Writ of Mandamus and Prohibition, 1 Dec 2003

JURISDICTIONAL STATEMENT

This extraordinary writ of habeas corpus will be in aid of the court in deciding the appropriate application of Article I, Section 8.10-11, USC reserved for Congress, so that a rule of law may become settled. The issues before this court contained herein are of such an exceptional class that denial would render impossible any review when State courts have denied hearing the complaint and no other court remains for the purpose in which 28 USC 2403 (a),(b), and (c) may apply, and original jurisdiction to adjudicate issues in which a State shall be a party.

QUESTIONS PRESENTED

1. Is California Penal Code 422, Criminal Threats, an invalid statute, prohibiting the exercise of 1st Amendment free speech rights? (In re Robbins (1988) 18 Cal.4th 770-780).
2. Did the public defender violate due process requirements of the 5th Amendment by not presenting exculpatory evidence upon discovery? (B.1. PART II Appendix B, letter Charles Denton).
3. Having completed his terms of office, and with the declaration of the end of war in Iraq, is former president George W. Bush subject to a declaratory judgment for his violation of Article I, Section 8.10-11 U.S.C. in his declaration of war, resulting in violation of his oath to uphold the Constitution?
4. Has enough public disclosure of evidence accrued through constant dialogue, expert witness testimony, the findings of FBI investigations, and Senate impeachment hearings to determine that former president Donald Trump is guilty of inciting insurrection and obstruction of justice?

LIST OF PARTIES

All parties do not appear on the cover page. A list of all parties is as follows:

Merrick Garland, Attorney General Room 5614 Department of Justice,
950 Pennsylvania Ave, N.W. Washington D. C. 20530-0001, for Clinton, Bush,
Obama and Trump

Xaviar Bacerra, Attorney General, DOJ, P.O. Box 944255, Sacramento,
California 94244, for Governor Newsome

TABLE OF AUTHORITIES

CASES

People v. Robbins, (1988) 45 Cal 3 rd 867.....	5
People v. Villa, (2009) 45 Cal 1063.....	5,9
People v. Germany, 133 Cal App 4 th at page 791.....	10
People v. Romero (1964) 8 Cal 4 th 728.....	8 13
U.S. v. Moussaoui, 4 th Circuit (2004) 382 F 3d 453,464....	9

CONSTITUTIONAL AND STATUTORY PROVISIONS

Constitution of the United States.....	2,8,11
14 th Amendment, Section 3.....	11
California Criminal Law 107, Penal Code 42.....	5, 8

STATEMENT OF THE CASE

Thirty three years ago, after suffering the consequences of defending myself in a Strategic Lawsuit Against Public Participation, SLAPP, by using Sullivan v. NYT, I determined that the only way I could successfully attack the Atascadero government was through litigation. Thirteen years later, years ago, this Court filed an Extraordinary Writ of Mandamus and Prohibition. No. 03-5849, in which I announced that I was going "to include all the circumstances in which California law, supported by federal legislation, could be addressed", (7 In re Terril Graham, No. 03-5849, (2003)). The list of respondents included ENRON, for their price fixing, PG&E, for not filing an Environmental Impact Report prior to building the Diablo Canyon nuclear power plant, and former president George W. Bush for his violation of the Constitution in declaring war on Iraq, which lies within the exclusive authority of Congress. The evening news just announced that President Biden attacked Syria, 2/25/2021. The old saying is, 'those who don't believe history repeats itself don't know history', seems to apply here. Coincidentally I mailed President Biden the last round of briefing I submitted, that was returned for clarifications, but that appraised him of my charges against Clinton, Bush, Obama and Trump for war crimes. ERCOT sounds like ENRON. Government notified of January 6th attack, and did nothing. Same thing happened with the Twin Towers. We knew months ahead of time of the attack through Israeli intelligence reports.

During the hearing of Judge Garland, the most troubling recurrent answer was, "I didn't read the book, but I read the executive summary." Only fourteen Congressmen read the Patriot Act, and it didn't sound as a though Judge Garland has read of 9/11 Commission Report, or more importantly, the 9/11 Follow-up Report, seven months after the first report due to obstruction of justice, that determined that the particles were so small that they could only have been caused by high explosives, C4 type. The follow-up report also included that the pilots were 5 Kurds and 14 Saudi terrorists and the operation had nothing to do with Iraq or Afghanistan. I'm trying to point out the problem with "common knowledge". I thought by now everyone would have known the truth and just set it aside because they couldn't handle it in their lives right now, but Coca Cola came out with a timely program concerning 'not being so white', which includes many of President Biden's actions, especially concerning Iran and China, and now Syria. Citizens have become desensitized to aggression, and death. Iran has consistently complied with IAEA inspections until now, and now they have announced an end to 'snap' inspections; but most importantly, and what Coke included in their list of bad traits, was telling people what to do. As a government we have no right to infringe on other nations sovereignty. Biden claimed that attacks were launched against American forces in Iraq. They aren't supposed to be there. Iraq has asked several times, and has brought suit in the ICC for the U.S. to be forced to leave.

Seven months after I asked the Court, 'to whom will the Court assign the preparation of the record?', the 9/11 Commission Report arrived on the west coast. Two weeks later, I submitted an International Criminal Court appeal, based on the Rome Statute that I'd been studying, and using Rule 20.4(b), SCUS.

"Neither the denial of the petition, without more, nor an order of transfer to a district court under the authority of 28 U.S.C. 2241(b), is an adjudication on the merits, and therefore does not preclude further application to another court for the relief sought.

Following five months of briefing, the ICC lawyers left their response on a table that is in part preserved in the pieces I saved from the single page, printed on both sides in English and French. (Part II, APPENDIX R – REMAN, Appendix A.1): "Nobody has immunity before the International Criminal Court. The ICC has jurisdiction over persons aged 18 and above".

Unfortunately, when president Bush got his copy of my appeal, that I unfortunately forgot to send this Court a copy, he told Holland he would attack if the ICC brought anyone there for trial. They were on high alert for two weeks, that must have been secret because I didn't know anything about it. On Christmas day 2004 I went to the airport in Amsterdam and caught a ticket for Antalya Turkey, on my way to the Arab League in Cairo. Simultaneously I ended up circumnavigating Turkey by bus, trying to get a visa for Iran. Never happened so I caught a flight from Istanbul to Cairo.

Al Jazeera television was the first place I went in Cairo, because they had approached me in Washington D.C. but I didn't want to become involved. The editor faxed my papers to Doha but it took three days before they told me the first I heard about Bush's warnings. He had also told Qatar that if they publicized the writ, he would attack Qatar. The encounters with the Arab League started with them saying they hadn't received my packet mailed prior to leaving Holland. Two and a half weeks had passed since I left The Hague, but it was another two before Amir Moussa's secretary welcomed me with dried fruits and tea and a lengthy interview. I walked past the hall shown in the "Lawrence of Arabia" movie. Just being admitted was enough reward for my effort. I have clung to the idea of just being a messenger, not responsible for anything more. For obvious reasons none of these agencies gave me a receipt, a habit followed by many nations I visited. In Argentina the Intelligence Service would only stamp my writ with a time stamp, without identification. Number 7 only laughed when I asked him for an official stamp. Their top dogs were designated as numbers 7 and 8, significant numbers in mystic systems. Auspicious Numbers: signs of our constitution, cultural signs that have passed from East to West. From Cairo I went to the port on the Red Sea to cross to the other side. It ended up being Haj time so there were thousands of pilgrims camped out on the floor, waiting. Two young ladies

introduced themselves to me and eventually told me I could contact Saddam's daughter in Amman Jordan. When I arrived in Amman the hotel was full of American contractors and journalists. The journalists told me I couldn't do it alone, i.e. prosecute Bush, I immediately left for Beirut. When I got to the border of Syria I lost my taxi ride when they asked for a visa and I told them I had none. They said it would take ten days to clear, so they showed me to a room at the 4 Star hotel, the only commercial building on the site. After relaxing for a minute, I went back to them and asked them to fax my case to Damascus for special consideration. Four hours later three men came to my room and invited me to come to the office and process myself for a three day transit visa. 'A man shall not be without honor except in his own land, his own town, and his own family'. Every ultimate authority I've used complained of not being recognized.

This, then, was my modus operandi preparing to enter China. I wanted to be familiar with all of the philosophies of the Silk Road so I knew what to attribute to whom, which is why I am presenting such an extensive APPENDIX. In the interest of brevity I will rely upon those records for other details of my journey. Today, 4 March 2021, the House of Representatives is closed due to domestic terrorist warnings. The Senate Hearings affirmed, and FBI Director Wray affirmed that the terrorists are domestic, not international infiltrators.

California prisons were under federal investigation while I was there. Santa Riata Jail is just across the highway from Yahoo in Silicon Valley, apparently the largest and most technologically advanced in the nation. The deficiencies in the prisons are largely due to the 'for profit' motive. To lower the cost of guards, we were kept in our cells beyond the officially scheduled time limits. Sometimes a whole week would go by that we didn't even come out of our cells for meals. In a year, I only went to the exercise yard twice, and once was for finding a lost prisoner. I was held solitarily for four months, a condition I favored. I told the other inmates to treat their time as a retreat. The food was carbohydrate heavy which contributes to lethargy and more purchases from the commissary run by the Warden's wife. To elevate income, transportation transfers were made from the court buses out of the prison authority, which took three hours in a holding cell with 20 men being designed for ten. Men tried to sleep on the floor but couldn't because of no room. Light and trustees were weapons. If the guards didn't make them stop the noise, the trustees were given free reign until 10 P.M., when they were supposed to be quiet. They frequently paid no attention so we could only sleep in short 3-4 hour periods, not enough time for deep sleep. We were strip searched on the way to court and on our return. Another holding zone to slow up high population concentrations and give the guards time to check you back in. How did Kamala make it to VP behind this?

An attorney, whose appointment to represent a criminal defendant on appeal includes responsibility for habeas corpus representation, has a duty to investigate factual and legal grounds for the filling of a petition for a writ of habeas corpus. This duty requires counsel (1) conduct a follow-up investigation concerning specific triggering facts that come to counsel's attention."

B. Villa provided authorities defining the responsibility of a defense attorney to present habeas relief from State officials to determine jurisdiction under which the case is presented;

"State judges or court [is] judicially appraised that the party is in custody under the authority of the United States, they can proceed no further. They then know that the prisoner is within the dominion and jurisdiction of another government. If he is wrongfully imprisoned, their judicial tribunals can release him and afford him redress. The critical point is that the writ is served not upon the prisoner, but upon the custodian.(U.S. v. Moussaoui (4th Circuit. 2004) 382 F.3d 453,464).

" 1. The Court of Appeal quotes the Senate Committee on Public Safety's analysis; Currently, other than a pardon, no remedy exists for those no longer in the system to challenge their judgment when they learn that their conviction was obtained in part because of fraud or

those no longer in the system to challenge their judgment when they learn that their conviction was obtained in part because of fraud or false evidence by a government official. (People v. Germany, 133 Cal.App.4th at page 791 “.

REASONS FOR GRANTING WRIT

A. “ D. Original precedent; declaratory precedent. Some writers distinguish between judicial deliverances that merely declare existing law (declaratory precedents) and those that lay down new law (original precedents). In fact, though, the difference is one of degree and not of kind; “If we have a case [that] deals with certain facts by applying an acknowledged rule, we really have an addition to the rule, because we now know that a certain kind of fact falls within it, and in the nature of things we can never have two sets of facts. [that] are precisely similar. No precedent is purely ‘declaratory’ or purely “original.” William Geldart, Introduction to English Law 11 D.C.M. Yardley, 9th ed. (1984).

Senator Professor Doctor S.I. Hayakawa could not have known, “What effect will the internet have on the legal system?” (11 EW, 03-5849 (2003)), but certainly we can agree that the prevalence of ‘common knowledge’, especially of issues concerning our current national crisis,

has grown . PBS has a thirty minute report summarizing the Mueller Report, followed by the live testimony of special counsel Mueller, in which he clarifies the tradition of not prosecuting a president while in office. This is the point of entry of this 25th Amendment petition, contained within the evidence appended at APPENDIX B In re TERRIL LEE GRAHAM on Habeas Corpus, Supreme Court of California, 28 Oct 2020. In the Section VIII Relief Sought page 34 :

B. "D. President Donald J. Trump should be required to submit his declaration of inability to serve, to Congress, in accordance with the 25th Amendment, based on irrefutable, expert testimony included in this prayer, demonstrated finally with his handling of the coronavirus crisis."

My conclusion, after being stuck here for four days, is that this is an original precedent, while the Bush prosecution is declaratory because president Lincoln was prosecuted but chose not to obey the court's opinion in The Prize Cases.

"There are marked differences between the government's conduct during the Civil War, during World War I, and during World War II. One of the main differences is that in the Civil War, the Lincoln administration relied on presidential authority or on the orders of the military to curtail civil liberties, while in the twentieth century wars, the executive branch resorted much more

to laws passed by Congress.”(219 ALL THE LAWS BUT ONE, Rehnquist, (1998)).

I went to Honduras in order to deliver my Extraordinary Writ to the Supreme Court there. To my knowledge, they were the first American government to convict a president for crimes to remove him from office, and the Court had the support of the military to enforce the order. Why it was so significant the other day when the Chairman of the Joint Chiefs of Staff assured the American public that the military takes an oath to support the Constitution, not the executive in charge. The very next day, Chief Justice Roberts reinforced the commitment the Supreme Court has in being a non-political body, ‘not made up of political representatives, but of scholars dedicated to the proper application of our Constitution.’ We’re working with 21st Century legal theory related to due process. The Clerk in Honduras was very enthusiastic, and guaranteed me that each justice would receive a copy.

C. A quick review of the form at APPENDIX D developed in order to make the old 422, rescinded, into a new working document. The problem being that the form is premised upon overcoming the 1st Amendment with meaningless data points, “ 4. The threat was so clear, immediate, unconditional

CONCLUSION.

A. "California's Constitutional and statutory provisions ensuring the availability of the writ of habeas corpus similarly derive from the common law history of the writ and parallel the common law in function. (People v. Romero (1964) 8 Cal 4th 728,736-740; see Cal. Const., art. VI.10; Pen. Code 1473-1508.) As under the common law, the core purpose of the writ in California is to provide a person in custody with a vehicle to challenge his custody as unlawful. The legal mechanism for achieving that core function is its provisions to the court authority to command the custodian to bring forward the body of the person in custody and justify his or her continued restraint; "the writ commands the person having custody of the petitioner, to bring the petitioner "before the court or judge to bring the petitioner "before the court or judge before whom the writ is returnable.

My request for a Brady, self-representation motion from public defender Denton, was my ignorant attempt at acquiring a habeas corpus hearing which was in part due to the limited availability to the library. Understanding habeas corpus has taken this final exercise, analogous to Robbins, ibid. My information requests took a week and I was only allowed two questions per request.

I wish I could think of a good joke, but all that comes to mind is The Chiefs about the dogs in the road waiting to sense fear, so they can attack.

Reminds me of the Grimms' brothers Fairy Tales. In his PhD thesis, my father said humor is the form of prose that allows us to talk of the most painful topics. Justice Breyer taught me the importance of maintaining my sense of humor in '02.

B. President Elect Biden is on the Colbert Late Show.(12/18/2020)

"We're in battle for the soul of the nation. The office of the President is an office of moral leadership". When he refers to bad behavior he says, "that's not who we are. It's not who we are as a people". Almost 50% of us are, apparently. But He's a man of hope and faith, "where seldom is heard a discouraging word, and the skies are not cloudy all day".

C. "Our system of private liability for the consequences of a man's own acts, that is, for his trespasses, started from the notion of actual intent and personal culpability....The reason which gave rise to the rule has been forgotten, and ingenious minds set themselves to inquire how it is to be accounted for. The old form receives a new content, and in time even the form modifies itself to fit the meaning which it has received". Oliver Wendell Holmes, THE COMMON LAW (6 Final Analysis Extraordinary Writ for Mandamus and Prohibition SCUS No. 03-5849 (2003)).

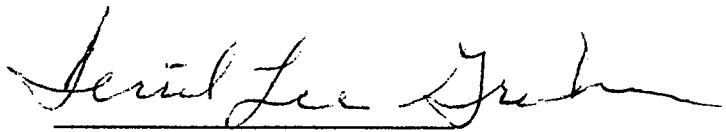
This extraordinary writ of habeas corpus should be granted.

Respectively submitted  Date, 12 March 2021

D. Finally, the completeness of the pleadings included in the Habeas Corpus appeal to the SCUS, at APPENDIX B, must be adequate or the Clerk would have notified me of what was missing. He did not, so the document is admissible.

IV DECLARATION

I, Terril Lee Graham declare under the penalty of perjury and the laws of the United States that the record provided for the declaratory judgment prayed for is true and correct. Dated this 22 day of January 2021, in Los Osos CA,



Terril Lee Graham

V. PROOF OF SERVICE

On 12 March 2021 I served a copy of this EXTRAORDINARY WRIT OF HABEAS CORPUS by placing corrected documents, in a sealed envelope with postage thereon fully prepaid in the USPS in Los Osos CA, addressed as set forth below:

Office of the Clerk, SCUS, One 1st N.W., Wash. D.C. 20543-001, (202)479-3011

Office of the Clerk, SCC, 350 Mc Allister St, SF, CA 94102-3600, (415) 865-7000

Attorney General, Rm 5614 Dept of Justice, 950 Pennsylvania Ave, N.W. Wash. D.C., 20530 Merrick Garland

Governor Gavin Newsome, State Capitol Suite 1178, Sacramento, CA 95814

Attorney General, Dept. of Justice, P.O. 944255, Sacramento, CA 94244



Terril Lee Graham