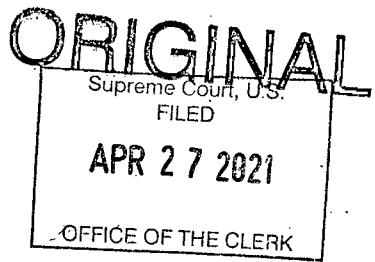


20-8067

No. \_\_\_\_\_



IN THE

SUPREME COURT OF THE UNITED STATES

JEREMIAH YBARRA/PRO SE — PETITIONER

(Your Name)

VS.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF HABEAS CORPUS  
PURSUANT TO 28 U.S.C. §2241

UNITED STATES DISTRICT COURT FOR THE WESTERN  
DISTRICT OF TEXAS

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

Jeremiah Ybarra

(Your Name)

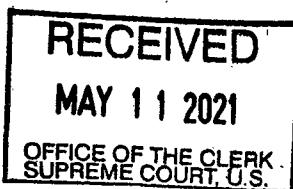
FMC ROCHESTER/PMB 4000

(Address)

Rochester, Minnesota, 55903-4000

(City, State, Zip Code)

(Phone Number)



**QUESTION(S) PRESENTED**

IS AN AMERICAN CITIZEN'S FIFTH AMENDMENT VIOLATED WHEN HIS CASE  
IS NOT PRESENTED TO A GRAND JURY TO GAIN AN INDICTMENT ON THE  
ALLEGED OFFENSE?

DOES A UNITED STATES DISTRICT COURT HAVE JURISDICTION WHEN THE  
CASE WAS NEVER PRESENTED TO A GRAND JURY?

WHAT IS THE RELIEF THAT AN AMERICAN CITIZEN IS ENTITLED TO WHEN  
THERE IS POSSIBLE PROSECUTORIAL MISCONDUCT AND A GRAND JURY ISSUE?

DOES AN AMERICAN CITIZEN ABLE TO CHALLENGE AN INDICTMENT AFTER  
BEING CONVICTED OF AN ALLEGED OFFENSE AND CAN SHOW THAT HE OR  
SHE REQUESTED APPOINTED COUNSEL TO QUESTION THE LEGALITY OF THE  
INDICTMENT?

WOULD AN AMERICAN CITIZEN UNDER THE SAME CIRCUMSTANCES, IF HE  
WERE SENTENCED TODAY, FACE A §851 ENHANCEMENT OR QUALIFY AS A CAREER  
OFFENDER?

WAS PETITIONER GIVEN A FAIR TRIAL?

## 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**

**[x] 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 \_\_\_\_\_ 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 \_\_\_\_\_.

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).  
and under 28 U.S.C. §1651(a) and §2241

For cases from **state courts**:

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

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

THE FIFTH AMENDMENT GUARANTEES THAT NO PERSON SHALL BE HELD TO ANSWER FOR A CAPITOL OR OTHERWISE INFAMOUS CRIME, UNLESS ON AN

A PRESENTMENT FOR INDICTMENT OF A GRAND JURY

A MOTION TO DISMISS IS GOVERNED BY 28 U.S.C. §1867(e)  
18 U.S.C.S. §3321 THAT NO ONE CAN BE PROSECUTED BEFORE RETURNING AN INDICTMENT. A PROPOSED INDICTMENT IS DRAFTED BY THE PROSECUTOR

AND SUBMITTED TO THE GRAND JURY WITH AFTER CONSIDERATION OF THE EVIDENCE, ADPOTS IT AS IT'S OWN

21 U.S.C.S. §841

DRUG TYPE AND QUANTITY ARE ELEMENTS OF THE OFFENSE UNDER THE 21 U.S.C.S. §841 STATUTE THAT MUST BE CHARGED IN THE INDICTMENT

THE SIXTH AMENDMENT GIVES A DEFENDANT CHARGED FOR AN ALLEGED OFFENSE, A RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL

THE FIFTH AMENDMENT GIVES A RIGHT TO COMPULSARY PROCESS AND DUE PROCESS

## STATEMENT OF THE CASE

On November 15, 2016, petitioner was arrested under a criminal criminal complaint, which stated that on July 29, 2016, an undercover agent successfully purchased 45.2 grams of methamphetamine from petitioner. When petitioner started to question the accusation, appointed counsel stated there was no lab test done and that he was submitting a not guilty plea. Then on December 13, 2016, a grand jury indicted petitioner. When counsel took the indictment to petitioner in the county jail, petitioner questioned the indictment due to the way it was drawn up. It stated that on or about July 29, 2016 in the Western District of Texas, petitioner and others, aiding and abetting one another, knowingly and intentionally possessed with intent to distribute 5 grams or more but less than 50 grams of methamphetamine, its salts, isomers, and salts of its isomers, a controlled substance. Petitioner asked his then counsel (Louis Correa) about what was said at the Grand Jury. He stated that the Grand Jury found that I should be charged. I then asked him about the aiding and abetting and where the other people that were involved were at. He stated that they are charging me with selling the undercover methamphetamine. Petitioner then requested the lab results and the chain of custody and counsel said that they did not have it. Petitioner then asked how they (the Grand Jury) charged an offense without first receiving the lab results to know exactly what the supposed substance was? Counsel said that they could do whatever they want. Petitioner fired his appointed counsel and was then appointed Mary Ellen Smith. At first Mrs. Smith was finding out that the agents involved were editing recordings and also dry firing their weapons. Petitioner asked for the other people named in the one police report to

be there to testify on petitioners behalf. Counsel failed to do the only thing that would have shown the lies of the agents. Petitioner requested counsel to have an independent test done on the supposed substance that was involved, she failed to that as well. At trial, counsel stated that it would be best to testify and defend that you did not sell anything. Then on appeal that was what made petitioner look bad in the eyes of the judges. The recording~~s~~ that was used was never examined by an expert to see if that to was edited. The only reason that the other recordings were not used was because it would have shown petitioner was not guilty of possession and would have also shown that petitioner was not wanting to help these people. Subsequently, since the trial was not fair and some of the evidence was a total surprise, petitioner was found guilty of possession. On appeal, the appeals court affirmed that petitioner was guilty of aiding and abetting possession with intent to distribute. At trial, when there was no proof of petitioner having actual possession, the government changed its theory and stated the aiding and abetting.

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The jury instructions were deficient due to the fact that at first the jury was instructed to the elements that the government had to prove at trial. Then at the end they were instructed differently to the charge. The argument was constructive possession when that was not ever proven. Petitioner never knew exactly what was being sold to the undercover. The petitioner only introduced a person that was supposedly going to help gain whatever the undercover wanted. Petitioner has the evidence where the agents involved begged petitioner for four months prior to help find someone that would help gain the substances they wanted. Petitioner was not able to show this due to the fact that petitioner was never allowed to leave detention. Peti-

tioner has this evidence on a sim card in a safe place for when he is released from prison to prove his innocence. On this sim card, petitioner has the test messages from the undercover agent telling petitioner that he just needed help from someone to get drugs. Petitioner tells this person that he is not into that and to leave it alone. Throughout a period of four months, the agent continued to harass petitioner into introducing him to someone that would be willing to help him. Petitioner also has the evidence where the person that went to sell the supposed controlled substance, states that it was not a controlled substance at all but was rocksalt. These other people that were actually the persons that went to sell the "controlled substance" were never there to testify about what happened on July 29, 2016. Petitioner has been fighting for his freedom since the beginning of this whole ordeal. Petitioner has not waived any of his rights that are protected under the CONSTITUTION. There is a Grave Miscarriage of Justice in this case and it seems that no one wants to listen to or even examine the evidence. Petitioner comes before this court to request relief once again and hopes that Lady Justice take her blindfold off and actually see what is going on in this case.

## REASONS FOR GRANTING THE PETITION

Petitioner feels that this case would help further injustice in other cases involved with this District for the Western part of Texas, if the prosecution is allowed to circumvent the Grand Jury, then any citizen will be held to answer to an allegation without any investigations done before having to plead guilty to something he may have not done in fear of being convicted wrongfully. More and more citizens are being afraid to go to trial and exercise their rights to a fair process due to the government being allowed to do anything and everything to gain convictions. If a case is not presented to a Grand Jury then the power to gain an indictment is in the hands of the government and its prosecutors. Petitioner has an affidavit with the prosecutor stating that he never presented the case to the Grand Jury. Petitioner has a Fifth Amendment Right to a Grand Jury. See McDonald v. City of Chicago, 561 U.S. 742, 765 n.13, 130 S.Ct. 3020, 177 L.Ed 2d 894(2010). If the case was never presented to the Grand Jury then probable cause was not established. "A Grand Jury establishes probable cause." Trois v. Long, 362 F.App'x 399, 401 (5th Cir. 2010). "The Fifth Amendment guarantees that a criminal defendant will be tried only on charges alleged in a grand jury indictment." United States v. Arlen, 947 F.2d 139, 144(5th Cir. 1991). In the beginning, petitioner was supposed to defend to the allegation of possession with intent to distribute. At trial, he had to defend to aiding and abetting possession with intent to distribute. "A constructive amendment occurs when it permits the defendant to be convicted upon a factual basis that effectively modifies an essential element of the offense charged or permits the government to convict the defendant on a materially different theory or set of facts

than that with which [he or]she was charged." United States v. McMillan, 600 F.3d 434, 451(5th Cir. 2010)(quotation omitted)."A constructive amendment violates the defendant's right under the Fifth Amendment to a grand jury indictment." Id.(quotation omitted). Deprivation of a right not to be tried satisfies the third condition of the collateral order doctrine and the Grand Jury Clause does indeed confer a right not to be tried when there is no grand jury indictment. If the prosecutor did not present this case to the grand jury, then it is a defect so fundamental that it causes the grand jury no longer to be a grand jury, or the indictment no longer to be an indictment and gives rise to the CONSTITUTIONAL right not to be tried. Grand Jury presentment not made in established mode of procedure is mere question of irregularity as referred to in former 28 U.S.C.S. §556[predecessor to Rule 52(a)]; paper purporting to be indictment which is handed by foreman to clerk when court is not in session and in absence of grand jury is no indictment, as grand jury presentments must be made publicly and in open court, all of grand jurors being present and answering to their names. Renigar v. United States, 172 F. 646(4th Cir. 1909)). The finding by a grand jury of a true bill and indorsement thereon to such effect are not alone sufficient to render it valid as an indictment, but it is found necessary that the bill should be presented or returned by the grand jury in open court. If there is no indictment returned by a grand jury, then there was no jurisdiction that the district court could exercise. If a federal court is without jurisdiction of offense, judgement of conviction is void on its face. Bauman v. United States, 156 F.2d 534(5th Cir. 1946). The indictment was questioned by petitioner since the beginning due to not actually knowing what he had to defend to. Then the

counsel never helped petitioner understand what petitioner was actually being accused of. There was two theories at trial. One was possession with intent to distribute and then aiding and abetting. "It is well settled that a defendant enjoys a Fifth Amendment right to be tried on felony charges returned by a grand jury indictment and that only the grand jury may broaden the charges in the indictment once it has been returned." United States v. Sanders, 668 F.3d 1298, 1309 (11th Cir. 2012)(per curiam). A district court may not broaden the charges by constructive amendment. Id. "in evaluating whether the indictment was constructively amended, we review the district court's jury instructions ... in context to determine whether an expansion of the indictment occurred either literally or in effect." United States v. Seher, 562 F.3d 1344, 1363 (11th Cir. 2009)(internal quotation marks omitted). " A jury instruction amends an indictment when it broadens the possible bases for conviction beyond what is contained in the indictment." Id. (internal quotation marks and alterations omitted). Under the Fifth Amendment, a defendant has a substantial right to be tried only on charges presented in the indictment returned by the grand jury. An indictment that does not set out all of the essential elements of the offense charged is defective. The Fifth Amendment made the right to indictment by grand jury mandatory in federal prosecutions in recognition of the fact that the intervention of the grand jury was a substantial safeguard against oppressive and arbitrary proceedings. The right to have the grand jury make the charge on its own judgement is a substantial right which cannot be taken away with or without court amendment. The very purpose of the requirement that a man be indicted by grand jury is to limit his jeopardy to offenses charged by a group of his fellow citizens acti-

ng independently of either prosecuting attorney or judge. A grand jury belongs to no branch of the institutional government, but rather serves as a kind of buffer or referee between the government and the people. It would be inappropriate for a court to speculate as to whether a grand jury might have returned an indictment in conformity with the available evidence, because such an exercise would work the harm the Grand Jury Clause is intended to prevent- a federal prosecution begun by arms of the government without the consent of fellow citizens. Fed.R.Crim.P. 7(c)(1) imposes two requirements: the statement of essential facts and the citation of a the statute. They are separate requirements and not a restatement of one another; and it has long been the rule in the Second Circuit that a deficiency in an indictment's factual allegations of the elements of an offense is not cured by the fact that the relevant count cited the statute that the defendant is alleged to have violated. Stating that an act is in "violation of" a cited statutory section adds no factual information as to the act itself. It declares the legal basis for claiming that the act is deserving of punishment, but does nothing to describe the act; only words of the indictment give evidence of whether the grand jury considered and included within the offense charged the essential element. Stated another way, the mere citation of a statutory section is of scant help in deciding whether the granf jury considered the esential element. if citation of the statute were a statement of facts, nothing beyond a citation would be necessary. Surely no one could assert persuasively that an indictment that merely charged that a defendant violated a cited statute would suffice as an indictment. Drug type and quantity are elements of the offense under 21 U.S.C.S. §841 that must be charged in the indictment.

On the affidavit by the prosecutor (Monty Kimball) he states that others were involved and that they were also prosecuted in state or federal. Now heres the thing, if others were involved, why were they not there as well at trial? At trial, even the agents stated that there were two others involved. So why were they not presented at trial? Petitioner was never shown that these other people were severed from petitioners trial. A severance should be granted "only if there is a serious risk that a joint trial would compromise a specific trial right of one of the defendants, or prevent the jury from making a reliable judgement about guilt or innocence." Zafiro v. United States, 506 U.S. 534, 539, 113 S.Ct. 933, 122 L.Ed. 2d 317(1993). Now if these other people involved were there at trial, there is a possibility that the facts of the case would have acquitted petitioner of what the government was charging him with. Is it right for a citizen to be tried when all of the people involved are not there to testify about what happened or for the jury to hear there version of the events that happened on the day in question? The petitioner requested that his counsel have these persons at trial and when trial day came, they were no where to be found. So in this case petitioner was prejudiced by the courts when these other people that the agents mentioned, were not there to confirm or deny there involvement. Petitioner knows that these other people would have stated that it was never a controlled substance at all. In the indictment, it states methamphetamine. It does not state actual methamphetamine. At trial, it was never stated how many grams were actual methamphetamine. If counsel would have requested an independent test done it would have shown that it was never a substance at all much less 99% pure methamphetamine. There is no way that methamphetamine is that pure due to needing a cutting agent in order to be in rock form.

Drug quantity must likewise be considered an element of the offense if it may trigger a statutory minimum; because mandatory minimums operate in tandem with increased maximums in §841(b)(1)(A) and §841(b)(1)(B) to create sentencing ranges that raise the limit of the possible federal sentence, drug quantity must also be deemed an element for all purposes relevant to the application of these increased ranges. Citation to a statutory section is not, by itself, sufficient to cure a defective indictment that fails to allege all the elements of an offense. The simple reference to a drug-quantity-based penalty provision -- whether located in a parenthetical following the text or placed in the text and set off by commas -- without any language alleging the factual predicate for application of that penalty, and without any other allegations that reasonably permit the inference that the grand jury intended to charge the defendant with the quantity necessary for application of that penalty, is not a sufficient allegation of drug quantity. The affidavit submitted by the prosecutor states in his own words that he never presented the case to the grand jury. If there was no presentment of the case to the grand jury, there is no indictment. In Henderson v. Russell, supra, a confusion between an indictment which merely technically defective and one -- such as petitioners -- which is a complete nullity is presented and pointed out by Judge Oliver. In the latter case, stated in the simplest of terms, there is no "defect" in the indictment to waive, for there is in fact no "indictment" to contain such a defect: instead, there is merely a sheet of paper, meeting, to be sure, the facial requisites of a valid indictment, but having in actuality no legal effect whatsoever. It is clear that any criminal prosecution brought incident to such an "indictment" is illegal and a conviction

to such an "indictment" is of no binding effect, for such an "indictment" confers no subject-matter jurisdiction on the sentencing court.

State v. Hughes, 212 Tenn. 644, 371 S.W. 2d 445(1963); Robinson v. City of Memphis, 197 Tenn. 598, 277 S.W.2D 341 (1955); and cases cited in Henderson v. Russell, supra(Oliver,J.,dissenting). Rule 12(b) (2) expressly provides that the defense of lack of jurisdiction is not waived by failure to raise it before trial. A void indictment confers no subject-matter jurisdiction on the sentencing court.

Petitioner has been trying to get his case heard by someone that is willing to hear the injustice that has been allowed on his case. Petitioner was being threatned by the prosecutor, that if he did not plea guilty, that he would seek an enhancement via 851 information. Petitioner was punished more severly due to exercising his right to go to trial. There is proof of vindictive prosecution, not only on the threat but also the prejudice in not presenting the case to a grand jury. If petitioner was sentenced today, he would not face an 851 enhancement or career offender status. A prosecutor enjoys broad discretion in determining whom to prosecute for what crime, and such pre-trial charging decisions are presumed to be legitamate. Bordenkircher v. Hayes, 434 U.S. 357, 364, 98 S.Ct. 663, 54 L. Ed. 2d 604 (1978). Nonetheless, a prosecutor violates due process when he or she penalizes an individual for exercising a statutory or constitutional right. See United States v. Goodwin, 457 U.S. 368, 372, 102 S.Ct. 2485, 73 L.Ed. 2d 74(1982). Is a citizen supposed to plead guilty to something he did not do? That is what is happening in these courts and for the higher courts to not do anything about it is also evidence that there is no justice in this country and the CONSTITUTION no longer applies to the citizens of this Nation. What happens when

a citizen is innocent and is sentenced and convicted by the failure of the trial counsel or the Court to look at the evidence and also the lack thereof as well? Petitioner has done 4 years going on 5 years for a supposed act that he did not do. Where is an innocent citizen to go for help when every Court has denied him? What relief can a Court give to a person that has been wrongfully accused and has lost all that time in prison away from being there for his family? petitioner has lost so many loved ones without being able to properly moan or grieve. Petitioner lost his mother last year in September and is on the verge of losing his father without being able to at least say goodbye. What relief will the Justice System give when petitioner finally proves his innocence and proves he was wrongfully accused?

On the trial transcripts (Doc. 117 page 19 of 168 lines 20-23) the beginning of the trial, Judge Martinez tells the jury that the petitioner is being charged with possession of a controlled substance. Then on (Doc. 117 page 20 lines 5-14) the Judge states that the jury must find that the government has proven the following beyond a reasonable doubt. First; that the defendant knowingly possessed a controlled substance. Second; that the substance was in fact, methamphetamine. Third; that the defendant possessed the substance with the intent to distribute it. And Fourth; that the quantity of the substance was at least five grams. This is what the trial judge stated needed to be proven. Those were the elements of what the jury needed to consider. Now, consider this, the trial counsel never submitted evidence to put the evidence into question and for it to be considered as to the reasonable doubt. One thing is that the evidence was never put into a heatsealed bag

as it is supposed to be. How was the agent supposed to state that what was being shown was the evidence that was acquired on that day, when there was no identification as to who submitted the controlled substance into evidence? Again on (Doc.117 page 129 lines 1-4) the judge states again that the petitioner was charged with possession of a controlled substance to wit/methamphetamine. Also, on (Doc.117 page 136 lines 10-14) the judge tells the jury that the petitioner is not on trial for any act, conduct or offense not alleged in the indictment. Neither are you called upon to return a verdict as to the guilt of any other person or persons not on trial as a defendant in this case. Then on (Doc. 117 page 137 lines 7-8) the judge alters the indictment stating the indictment charges the defendant with 841(a)(1) and 841(b)(1)(d). That is an amended indictment that was not presented to the grand jury first. Then on (Doc.117 page 139 lines 7-20) the judge changes the jury instructions again when he states for the jury to find the petitioner guilty of aiding and abetting. That is an amended indictment that was not shown to the grand jury. Petitioner can show where he was asking about the grand jury on his case from the affidavit of appointed counsel, where she states that there were no grand jury transcripts to review or examine (Doc.166-2 page 4 of 5). She states that the grand jury testimony was not recorded. Here is another showing of ineffective assistance of counsel on (Doc. 166-3 page 4 of 11) where the entry of 04/01/17, states in her own words that "The substance charged in the indictment is pure. There is no evidence of pure. Guidelines for mixture. They have charged the wrong offense and there is no mandatory minimum. 30 grams does not add up to 5 grams of pure. Statute is in the dis-

junctive." That alone will show that she never questioned the legality of the indictment or why the testimony was not recorded.

Even when this was known to the appellant counsel, he did not even submit it the court of Appeals to show how prior counsel was ineffective. In the affidavit by appellant counsel, he states that trial counsel failed to submit pre-trial motions on behalf of the petitioner. Every motion submitted to the courts and to the government for the discovery of petitioners case has been denied. Why would a Court not allow any discovery in a case?

HOW THE WRIT WILL BE IN THE AID OF THE COURTS APPELLATE JURISDICTION

This Writ will aid the Courts Appellate Jurisdiction in helping the District Court and Appellate Court to understand the nature in where a citizen of the United States, is to have rights as well as every other citizen. It will aid the District Court and Appellate Court to understand, that if there is no indictment, the conviction is void on its face. Also, that the Court should not abuse its power to arrest a citizen upon false statements and an affidavit by the applying officer. It will aid in the way the trial is to be conducted and that a citizen has the right to know what allegation he is to defend to. It will also answer the question as to why a citizen can not gain relief from the courts denying discovery.

WHAT EXCEPTIONAL CIRCUMSTANCES WARRANT THE EXERCISE OF THE COURTS DISCRETIONARY POWERS

The exceptional circumstance is that petitioner can show that he is being hindered by the justice system and has been prejudiced by the lower courts. Petitioner may not be the only one that has been harmed by the injustice in this District. Petitioner has sta-

ted that he can prove that he is innocent. There is a public interest in this case, due to the fact that if petitioner does end up not gaining the relief requested and shows that upon his release he was telling the truth all along, it will prove and show that there is no justice in this Country. It will also prove that any American citizen can be falsely accused and convicted without being able to be heard or redress the Courts. This Honorable Court has all authority to request for the District Court and the Court of Appeals to submit the records on this case and also the grand jury transcripts, to see if in fact the District Court had subject matter jurisdiction. Also, if the trial was even fair when the petitioner was denied every motion for discovery and to show that the appointed counsel was ineffective. Petitioner is losing time to help his dying father keep the house he worked his whole life for. If this Honorable Court does not hear this case, petitioner will lose everything his father and mother worked all their lives for. If given the chance to be released to work and help with the bills, petitioner may be able to save the little that his family has.

WHY ADEQUATE RELIEF CANNOT BE OBTAINED IN ANY OTHER FORM OR  
FROM ANY OTHER COURT

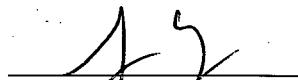
... Adequate relief cannot be found in any other form or any other Court, due to the amount of time it takes the courts to respond or make a decision. How long does an innocent citizen have to be detained illegally? Petitioner has tried to be heard and to be able to gain the evidence he has to prove his case. The Courts always deny him on unfounded grounds. Petitioner has even been denied by this Honorable Court. Petitioner now prays that his argument is better presented for this Honorable Court to be able to give petitioner the relief he needs due to this injustice.

## CONCLUSION

Wherefore premisses considered, petitioner requests that this Honor-  
court give petitioner the relief requested and vacate and remand.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

  
\_\_\_\_\_  
Jeremiah Ybarra  
Reg#55024-280  
Date: 4-22 -2021