

No. 20-8161

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED
MAY 20 2021
OFFICE OF THE CLERK

Lisa Belyew — PETITIONER
(Your Name)

vs.

Mike Pallares — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeals for the Ninth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Lisa Belyew
(Your Name)

7 Gillick Way
(Address)

Oroville, CA 95965
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

Whether, to establish release on Own
Recognizance pending appeal, defendant
established proper evidence under 18
USC § 3143(b), and whether the Courts
erred in denying the motion.

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TABLE OF AUTHORITIES CITED

CASES

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U.S. v. Christman, 712 F. Supp. 2d 651

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U.S. v. Christman, 712 F. Supp. 2d 651

STATUTES AND RULES

18 USC 3142

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18 USC 3143(b)

3, 4, 5

18 USC 3145(c)

5

28 USC 2254

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Cal. Pen. Code § 1318

5

OTHER

No. 21-15527

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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

2:18-cv-2269-DMC-P

2:19-cv-00294-AL

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

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☒ is unpublished.

The opinion of the United States district court appears at Appendix B 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☒ is unpublished.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[] is unpublished.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 May 11, 2021.

[] 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 _____.
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

18 U.S.C. § 3143(b)

STATEMENT OF THE CASE

Petitioner was convicted and sentenced in 2018 in case no. CR-57771. A timely appeal was filed. Appeal counsel filed a *Wende* Brief. Petitioner filed a Supplemental brief. The Supplemental brief was denied and the petition for Review was denied by the California Supreme Court.

Petitioner filed her Federal Habeas Corpus under 28 U.S.C. 2254 within the statutory time period. She also filed a Motion for Release on Own Recognizance Pending Appeal Under 18 U.S.C. § 3143(b). The U.S. District Court for the Eastern District denied the motion stating she filed it under 18 U.S.C. § 3142. A Certificate of Appealability was filed and Denied by the Ninth Circuit, Case No. 21-15527.

A. Petitioner Proved All Elements Required Under 18 U.S.C. § 3143(b)

Belyew proved with overwhelming evidence that she was not a threat to society, she was not a flight risk, she was not filing the appeal for purpose of delay, and there is a substantial question of law and fact that is likely to result in a reversal, new trial, a sentence with no imprisonment, or a sentence less than the total already served including the appeal process.

Some issues brought up in the petition consist of Speedy trial violations, due process violations, failing to preserve exculpatory DNA evidence, insufficient evidence, and threatening me to not testify.

B. The District Erred In Denying The Motion Sighting Argument Under 18 U.S.C. § 3142

Belyew only mentioned 18 U.S.C. § 3142(c) as an argument against detention as a dangerous person to preclude the Defendant's from arguing that. The District Court based it's denial on this fact and it was error. The motion should have been granted.

C. THE Ninth Circuit Erred in Denying Certificate of Appealability

I filed for Certificate of Appealability on this issue but the Ninth Circuit denied it stating the case was not appealable as it was not closed (2:19-cv-0294-AC)

REASONS FOR GRANTING THE PETITION

The Decision by the District Court was error and so was the denial by the Ninth Circuit. Motions for Release on Own Recognizance pending appeal should be granted to those who have made a substantial showing of evidence to support 18 U.S.C. § 3143(b), which I did. (2:19-cv-0294-AC)

My family life is being torn apart waiting for my appeal to go through.

I. OWN RECOGNIZANCE RELEASE CAN BE GRANTED PENDING APPEAL

This was stated in *re Robinson*, 16 CA 3d 539 and PC § 1318. Exceptional reasons for purposes of 18 U.S.C. § 3145(c) are not present when defendant is unlikely to flee or pose danger because granting release for that reason would reduce 18 U.S.C. § 3143 precondition to meaningless, *U.S. v. Christman*, 712 F. Supp. 2d 651.

II. 18 U.S.C. § 3143(b) REQUIRES SHOWING OF MERITORIOUS ARGUMENTS AND THERE IS NO INTENTIONAL DELAY

I have argued Fourteen grounds of meritorious actions that will solidify any of the following: (i) reversal, (ii) new trial, (iii) a sentence with no imprisonment, (iv) or a sentence less than the total already served, including the expected length of the appeal process.

I'm trying to get out. I am innocent. I am not trying to delay [any] court proceedings whatsoever. My family wants me home. I was threatened to not testify and no Fifth Amendment waiver was ever put on record. I was forced to testify during closing argument, (3RT 835). (3RT 836)(3RT 837).

I AM INNOCENT. There was a third-party there and I need to get out to my family.

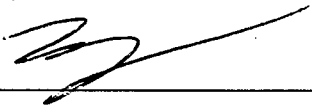
III. THE NINTH CIRCUIT ERRED WHEN IT DENIED MY CERTIFICATE OF APPEALABILITY (COA)

The Ninth Circuit should have granted my COA (21-15527)

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'M. J.', written over a horizontal line.

Date: May 21, 2021