

No. 20-8337

ORIGINAL

Supreme Court, U.S.
FILED

JUN 03 2021

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Noe Torres — PETITIONER
(Your Name)

vs.

Santistevan, et al, — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

10th. Circuit Court of Appeals, Denver, Co.

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

PETITION FOR WRIT OF CERTIORARI

Noe Torres

(Your Name)

LCCF 6900 W. Millen DR.

(Address)

Hobbs, NM. 88244.

(City, State, Zip Code)

(Phone Number)

Questions Presented

- 1) Does the United States Supreme Court have power of oversight to grant relief for Noe Torres?
- 2) If this Court reviews this Case will the Clerk consider the filings in Certificate of Appealability, 2254 Fed Habeas, State Writ of Certiorari, State Habeas, Direct Appeal Brief in chief, Trial Audio Transcript, pretrial Motions for Dismissal of Indictments, News Media Clips about the high profile Slander which prejudiced the Defendant?
- 3) I was advised by a clerk of the Supreme Court that due to Covid 19 restrictions I was allowed an extended 60 day filing period. Does this court consider my appeal/writ of certiorari a timely filed writ under this good Cause for extension of 60 Days?

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

UNKNOWN... Lack Research, Due To Covid Restrictions.

TABLE OF CONTENTS

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

INDEX TO APPENDICES

APPENDIX A *Santa Fe*
NM. Supreme Court, Direct Appeal, Feb. 2018.

APPENDIX B *9th Judicial District Court, clovis, NM, State habeas corpus, June 2018.*

APPENDIX C *Santa Fe*
NM. Supreme Court, Writ of certiorari, Nov. 2018

APPENDIX D *U.S. District Court, District of NM. Albq., Fed habeas corpus 2254, March 2020*

APPENDIX E *10th. Circuit Court of Appeals Denver, CO, Certificate of Appealability, Jan. 2021*

APPENDIX F *Due To Covid Restrictions, I have not been able to
provide copies of the above for the Court.
I plead w/ the Court to please review the electronic
Fed filed Record: In 10th Cir. Ct. of App.
Case 2:19-cv-00209-KWR-JHR
FOR THE RECORD.*

TABLE OF AUTHORITIES CITED

CASES

None. Due To covid Restrictions
I am unable to Research.

PAGE NUMBER

STATUTES AND RULES

Post conviction Remedies:
Fed. Habeas Corpus 2254,
Covid Restrictions Unable to search.

OTHER

U.S. Constitutions Bill of Rights:
"Vth A^{mm}, VIth A^{mm}, VIIIth A^{mm}, XIVth A^{mm}. Sec. 1."

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 E to the petition and is

☒ reported at Lack Search/Covid Restrictions.; 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 E to the petition and is

☒ reported at Lack search/Covid Restrictions.; 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 Jan. 14, 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: Jan. 14, 2021, and a copy of the order denying rehearing appears at Appendix Covid Restrictions lack copy.

☐ 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

U.S. Const.

Double Jeopardy clause:

AMM. V
Bill of Rights;

"Nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb;"

Amm. VI; Assistance of Counsel clause:

"and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence."

Amm. VIII; Cruel and Unusual punishment clause:

"Nor Cruel and Unusual punishments inflicted."

Amm. XIV Sec. I; Due Process clause:

"No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law. nor deny to any person within its jurisdiction the equal protection of the laws."

Statement of the case ①

Noe Torres is a wrongfully convicted, falsely imprisoned, innocent man. The crimes for which Mr. Torres is currently being held for were committed without his knowledge nor his participation. The case against Noe Torres is the end result of bad prosecutors, bad cops, bad D.A.'s investigators, bad judges, & bad defense Attorneys working together, to help re-elect a bad Governor; whom herself was proven to be corrupt while she reigned Queen of the Republican Party & ruled over New Mexico State for her glorious eight years; with her version of "Law & order," during which she abused her authority and position of power. She may no longer be Governor; yet Noe Torres still remains her falsely imprisoned, wrongfully convicted political pawn!

Background: September 2005 Noe Torres had been a man on the run from two separate Court cases not related to this case he is appealing. Without Noe Torres' participation or knowledge of the crimes he is wrongfully convicted of, they happened. During the course of initially investigating the case and arresting, and questioning people, the detectives and D.A.'s named in the case file; chose to coerce three

female So-called "witnesses" to sign false statements against Noe-Torres and his So-called Co-defendant Edward Salas. The detectives attempted to intimidate Edward Salas and David Griego initially to place Noe at the crime scene in exchange for short sentences, they were unsuccessful. From 2005-2012 Noe Torres assumed the police purposely named him in the murder case in order to catch up with him on the prior non-related cases. So Noe Torres called America's Most Wanted and the Clovis NM Courthouse Seeking to clear his name and attempted a peaceful Surrender on the prior cases.

During the phone conversations, Noe realized that the bad cops & bad prosecutors were pulling an old stunt and coercing false witnesses against him. Therefore he reached out to who he thought would help him investigate the corrupt Clovis Police and D.A.'s office, (then he reached out to) N.M. Gov. Susana Martinez. She proved to not be interested in doing the right thing! She proceeded to rather use the opportunity to pump up her political image as a "Law & order" Governor as she ran

Misconduct. That did not happen! Instead after taking \$5,000 dollars from the Torres Family on Sept, 2013 and entering her notice of appearance as counsel for Noe Torres Defendant, Att. Stacey Ward then ducked and dodged or avoided all communication with Noe and Family as they reached out to her through phone calls and mail. Rather Stacey Att. Ward then conspired on July 2014 with Judge Drew Tatum and D.A. Andrea Reeb to not stand by her client Noe's Pretrial issues, and instead she fed her client as a political sacrifice to the New Mexico Republican parties then Queen Governess Susanna Martinez; through a Public Mockery of a kangaroo trial which was full of fundamental trial errors 5th, 6th, 8th, 14th Amm.'s U.S. Constitutional violations; Along with Court crimes such as Subornment to perjury by the trial Judge & prosecutors, for they intimidated their states "witnesses" to perjure themselves Under oath all over again! Yes on July 2014 Stacey Ward on Record Conference Status Hearing Pretrial lognotes is clearly Agreeing to

waive Noe Torres' right to testify at his own Grand Jury Convention Hearing. See unbeknownst to Noe all over again in early 2014 the charges against Noe had been dismissed because a "change of theory" issue, So the State sought to reindict Noe all over again. This is when Stacey Ward pounced on her opportunity to get paid by the public Defenders to represent Torres & waive his right to testify to the Grand Jury against his will, she allowed D.A. Reeb to "fix her indictment" in order "for no issue later" in exchange for Stacey to be given money for "Expert witness & investigator" to prepare for trial."

Stacey A. Ward Def. Att. received the money from the Public Defenders office and she never provided the expert witness or investigator that she was in need of to "prepare for trial." Stacey A. Ward eventually motioned the court for mistrial on the last day of Noe's trial. She could've would've and should have done a lot more things differently like honor her oath to uphold the U.S. Constitution and provide Effective Assistance of Counsel for Noe

Torres. She apparently attempted to correct her wrongs by motioning for mistrial based on ineffective assistance of counsel for Noe Torres. She stated she "was not able to prepare for trial because Noe was housed at Level 6 Disciplinary facility and she was not able to confer with client and prepare for trial."

All of the violations, prosecutorial misconduct, and ~~court~~ misconduct Noe refers to in this background of statement of the case above mentioned has been repeatedly echoed to all of the Judges in this case during Pre-trial phase, Trial phase, and Appellate phase.

The remainder of this statement of the case is now focused on the background information of the: Direct appeal, then: State Habeas, and: State Writ of certiorari, then: Federal Habeas, afterward: the Certificate of appealability, too. Ms. Kathleen McGarry was Counsel for Noe Torres on direct appeal. She was contracted after Stacey Ward filed notice of Appeal and Statement of Issues, McGarry followed up on Direct Appeal with 5 issues:

- 1) Did the court err in the following to grant the Def.'s motion for Directed Verdict at the close of the State's case when the state failed to present Sufficient evidence from which the Jury could have found beyond a reasonable Doubt, that the Defendant committed the crimes with which he was charged.
- 2) It is a violation of Double Jeopardy to convict and sentence a person for five different crimes arising from the same Single act of conduct.
- 3) Did the Court err in allowing the State to use a conviction that was over ten years old to enhance his sentence as a habitual offender?
- 4) The trial court abused its discretion in denying the defense the opportunity to cross examine a State's witness on an incident that lead to his dismissal from the Police Department?
- 5) Did the Court err in shackling Mr. Torres to Counsel table without holding a hearing to determine if that was the least restrictive means of providing Security? Due to Pandemic restrictions I have

had no access to copies of my appeals, in order to submit this to the court: My understanding is that the 10th circuit Court of appeals in Denver, CO has my Casefile and court Records; that they might forward it all to this Supreme Court for you all to please review.....

The New Mexico Supreme Court reversed shooting at a duelling; based on double Jeopardy violations. 18 years were reduced from a life Sentence plus 3 1/2 yrs. on Direct appeal.

Noe Torres filed a State Habeas Corpus appeal to the 9th Judicial District Court, like he was instructed to do so. Noe brought the same above mentioned 5 issues from direct appeal along with the issues he had preserved since pretrial and during trial phases: Such as 1.) Ineffective Assistance of Counsel. 2.) "Consolidated I.A.D. Federal Motion." 3.) Request for Recusal of Judge Tatum because of Constitutional violations. 4.) D.A. Investigator Dan Aguilar Misled Grand Jury to indict. 5.) Curry County Detention Center Violated my

5th, 6th, 8th and 14th Amm.'s Constitutional Rights. (6) Curry County 9th Judicial District Court violated my Due process Right to "know the accusations against me" by withholding all Discovery and Exculpatory Evidence.

Judge Drew Tatum for the 9th Judicial District Court, denied my State Habeas with no relief. I then proceeded with a Writ of Certiorari to N.M. Supreme Court with the same above mentioned issues from Direct App. and State Habeas.

It was denied with no relief. Then I filed 2254 Federal Habeas to Albuquerque Federal Court. Echoing the same issues mentioned in all the other appeals. All the courts withheld Justice from my person. I have read the U.S. Constitution. I know I am entitled to my rights within the Bill of Rights, all of which I have claimed and invoked. The State of N.M. is in violation of them. This Sovereign State is keeping me hostage by abuse of power! The U.S. Constitution is the highest Law in the land. I have reminded the State Courts in different appeals, in different

words. The Truth does not change.

Noe Torres should be granted relief and be set free because it is only right to free an Innocent Man who was wrongly convicted and is a political hostage of the State of New Mexico.

Please and Thanks
It is so prayed

Reasons for Granting The Writ:

- 1.) Abuse of Political Power is at an all time high.
- 2.) Wrongful convictions are at an all time high.
- 3.) Double Jeopardy Violation occurred in this case and only the U.S. Sup. Ct. should have the final Interpretation/Application regarding Cognizability and/or relief granted.
- 4.) The N.M. State Courts and United States Court of Appeals have decided upon all of the important issues Mr. Torres has raised since pre-trial to trial then post Convictions Remedies; Issues that raise important questions of Federal Law that has not been, but should be settled by this Court.... Please Review this case in its entirety of the record. The D.A.'s office has withheld exculpatory evidence from pretrial to trial and on post conviction phases. For the above reasons this

2

Writ should be granted.

Pg. 3 of Document 30 filed 1/14/2021 Case 2:19-cv-00209-KWR-JHR
carries a footnote #2, suggesting: "Torres did not appeal the witness intimidation conviction."

Nevertheless, since Direct Appeal all the way up to date, Noe Torres has stood by his declaration of innocence and the facts that he is suffering wrong convictions/false imprisonment. Please I humbly request of this Court Clerk and Supreme Justices to review the Noe Torres vs. NM. State case and consider all of the issues from Direct Appeal, State habeas corpus, state writ of certiorari, Fed Habeas corpus 2254, Certificate of Appealability, within the issues, Yes Mr. Torres did in fact appeal all of the wrong convictions: [1]: 1st. dg. Murder, [2]: Att. murder, [3]: Consp. to commit murder, [4]: Shooting in a dwelling, [5]: Consp. to shoot in a dwelling, [6]: Felon in poss. of a firearm, [7]: Intimidation of a witness.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Noe Torres Noe Torres

Date: 6.1.21

