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21-40

CASE No.

In The
Supreme Court of the United States

LUMBSDEN A SANGSTER
Petitioner,

v.

DETECTIVE ANTHONY VALENCIA
Respondent.

On Writ of Certiorari
to the United State Court of Appeals
for the Fourth District Division Two

PETITION FOR A WRIT OF CERTIORARI

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i
QUESTION PRESENTED

- (1) Whether the fair report privilege apply to a private communication between a police officer and a member of the press is supported in a defamation cases.
- (2) Whether Section § 47 (d), is privilege even though physical evidence were planted/alterred in furtherance qualified a defendant for this subdivision in a defamation case. (See Section § 47(b)(2)).
- (3) Does the California Evidence Code EVID § 250, apply to evidence of records marked as exhibits in a complaint.

PARTIES TO PROCEEDING BELOW

The parties to the proceeding below are Petitioner
Lumsden A Sangster,
The Respondents are Detective Anthony Valencia.

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PETITION FOR A WRIT OF CERTIORARI

Petitioner Lumbsden A Sangster respectfully petitions for a writ of certiorari to review the judgment of the trial Court of San Bernardino California, and the Appellate Court Forth District Division two affirming the trial court's design granting respondent summary judgment on *Section § 47 (d)*, where evidence were planted according to the EVID § 250, and witness were coached in furtherance before defendant made a statement to the press.

Petitioner petition this Court for the fair report privilege where respondent must produce evidence of a press release conference that was conducted in a public place in order to gain the protection of the fair report privilege in this defamation case, is respectfully petitions for a writ of certiorari to review the order of the State Trial Court and the Court of Appeal Fourth District Division two affirming the trial court's order.

OPINIONS BELOW

The Remittitur (3a), the Order denying Petition for Rehearing (5a-7a), and the unpublished Opinion of the Court of Appeals (9a -15a), appellant's petition for rehearing (17a-36a), Appellant's opening brief (37a-64a), notice of Appeal (65a-67a), is attached to Appendix A,

The Order of the Trial Court (71a), the Tentative (73a-78), Plaintiff respond to motion for summary judgment(79a-88a), Defendant motion for summary judgment (89a-102a), Separate Statement of Undisputed Material Facts (Appendix B, 103a-107a), **This Documents includes the next six other documents below as one package:**

- (1) (Declaration of Detective Anthony Valencia (Appendix B, 108a-109a),
- (2) Respondent Request for Admission (Appendix B,111a-115a),
- (3) Plaintiff Respond to Request for Admission (Appendix B, 117a-119a),

- (4) Special interrogatories to plaintiff (Appendix B 121a-124a),
- (5) Plaintiff Respond to Interrogatories (Appendix b, 126a-128a),
- (6) Responses of Defendant Anthony Valencia to Plaintiff lumbsden A Sangster Requests for Admission set, one, (Appendix B, 131a-135a),
Tentative on first demurrer (137a), the Second Amended Complaint (139a-186a), the First Amended Complaint (187a-199a), the fee waiver app (201a-202a), and plaintiff Complaint Filed June 15, 2018 (203a-249a), is attached to Appendix B.

The Decision of the State Supreme Court denying Petition for review *en banc* (253a), the Petition for Review (255a-280a), is attached to Appendix C.

JURISDICTION

The Court of Appeals issued an unpublished opinion filed November 19, 2020, a timely petition for rehearing was filed on December 1, 2020, On December 15, 2020, the Court of appeal denied the petition for rehearing, On December 25, 2020, Petitioner filed a timely Petition for Review in the State Supreme Court, On February 24, 2021, the Supreme Court denied the petition En Banc, and on February 25, 2021, the Court of Appeal fourth Appellate district division two issue a Remittitur, this Court has jurisdiction pursuant to 28 U.S.C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS AND TREATISE INVOLVED

Title 28 U.S.C. § 1257(a), Final judgments or decrees rendered by the highest court of a state in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution,

treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.

Title 18 U.S.C. § 1519, Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both.

Title 18 U.S.C. § 1512, Tampering with a witness, victim or an informant. Whoever conspires to commit any offense under this section shall be subject to the same penalties as those prescribed for the offense the commission of which was the object of the conspiracy.

STATEMENT OF THE CASE

1. The Proceeding and Ruling of the Trial Court of San Bernardino.

On June 15, 2018, appellant file this lawsuit along with a fee waiver in the County of San Bernardino, California, for Defamation of Character, the respondent demurrer to statute of limitation.

On October 18, 2018, the trial court issue a Tentative overruling the demurrer to the first cause of action by stating the date is alleged (December 28, 2017)(6,8,10,17), the Tentative is here on, Appendix B, 137a, through oral argument the court then sustained all three COA and give leaf to amend the complaint (Examination of the Court records is needed) petitioner amended his complaint by showing Detective Anthony Valencia was a

public officer at the time of the violation but did not amend the first cause of action because of the delay discovery rule which should have not been sustained in the demurrer hearing. There were no reason to sustain the demurrer to the first cause of action other than to get petitioner to change the date of awareness to an earlier date this would have cause petitioner's case to be dismiss.

The reason for the FAC is because the court ask weather or not Detective Anthony Valencia was a police officer working for the county sheriff department at the time statement were made to the press, this question ask by the court was believed to insure clarity because Detective Anthony Valencia was already entered in the complaint Appendix B, 204a ¶ 3 as a detective/police under PARTIES of the complaint, as it reads below.

Defendant Detective Anthony Valencia, (Badge#V0023) (hereinafter referred to as Defendant) upon information and belief, is now, and at all times mentioned herein was, an individual, an employee, agent of the San Bernardino County Sheriff Department, over the age of majority, residing in the City of Victorville, County of San Bernardino, State of California.

Pages amended in the FAC, Appendix B, 190a-197a reflecting respondent as a detective states (Detective Anthony Valencia (Badge#v0023)), (page 4 ¶¶ 9, 10), (page 5 ¶ 15), (page 6 ¶¶ 17,19), (page 7 ¶¶ 21, 22 ,23), (page 8 ¶¶ 24, 25) (page 9 ¶¶ 28, 29, 30) (page 10 ¶ 31), (page 11 ¶¶ 34, 35, 36, 37), and was the only changes made in the FAC, no question were ever ask about petitioner's exhibits presented as evidence in his Complaint, FAC, and SAC, Appendix B, 153a-186a, which had not change through out this litigation, the exhibit presented would have insure clarity as the Detective being a officer provided clarity to the court.

Some evidence presented were, photos and diagram of destruction of private property in furtherance as stated in *Section 47(b)(2)*, riddling a house with bullet holes, planted projectile, broken windows, broken stair way, Appendix B, 160a, 161a, 162a, etc. made In furtherance, a letter showing a coach witness, Appendix B, 163a, 164a; made in furtherance, two conflicting ballistic report, Appendix B, 165a-166a, 167a, 168a, and 178a-179a, 180a, 181a, trying to cover up one or the other which was made in furtherance.

On February 11, 2019, The court held the second demurrer hearing which was still addressing statute of limitation so the only thing needed was delay discovery which should have already been applied because petitioner had already pointed that out in his first opposition to the first demurrer where the court had agreed before the design was reversed, the court again overruled the second demurrer to the first cause of action by stating "the exhibits has not change".

On May 14 2019, Respondent files a motion for summary judgment, Appendix B, 89a-102a, addressing statute of limitation again and the fair report privilege, the trial court had already overruled on the statute of limitation and apply delay discovery which states:

But the one-year time period deadline starts to run (accrues) on the date that the plaintiff first discovered the facts constituting the defamation if with reasonable diligence he or she could not have discovered those facts earlier because it was communicated in an inherently secretive manner. *Shively v. Bozanich* (2003) 31 Cal. 4th 1230, 1237; *Hebrew Academy of San Francisco v. Goldman* (2007) 42 Cal. 4th 883, 894; *Christoff v. Nestle USA, Inc.* (2009) 47 Cal. 4th 468, 483.

leaving the fair report privilege, the motion had not defend itself or addresses the facts of coaching a witness, Appendix B, 163a,164a, and 169a (1), planting evidence, Appendix B, 160a-162, tampering with, and or manufacturing evidence, Appendix B, 165a,166a,167a, 168a, and 178a-179a,180a,181a,not apply to respondent defense in this defamation lawsuit, which is in the second amended complaint.

The motion had not clarified the press release to be private or a public press release and offer no evidence supported by the EDIV § 250, of it, a fair report privilege is only supported by a public press release conference in a defamation case, respondent offer no evidence as to when, where, or time of a public press release conference supposedly held in the county of San Bernardino, for a statement printed by the daily press, all the Detective mention was a press release conference which cannot be a private conference between the detective and any member of the press. *Burke v. Sparta Newspaper 592 S.W. 3d 116 (2019)*.

On June 26,2019, Petitioner filed a Respond and Declaration, Appendix B, 79a-88a, to the motion for summary judgment filed by Defendant/ Respondent responding to his request for statute of limitation which was overruled in the second demurrer ruling for delay discovery, these were all repeating issues which were already rule against statute of limitation issues

- (1) II PLAINTIFF CANNOT DENY FACTS ALLEGED IN PREVIOUS PLEADING.
- (2) III THE TORT CLAIM ATTACHED AS AN EXHIBIT TO THE FIRST AMENDED COMPLAINT WAS UNTIMELY.
- (3) IV PLAINTIFF MUST HAVE FILED A TIMELY TORT CLAIM.
- (4) V EQUITABLE TOLLING DOES NOT APPLY.
- (5) VI IF THE SAC DOES NOT RELATE TO DEFENDANT'S DUTIES AS A PUBLIC EMPLOYEE, THEN THE COMPLAINT WAS STILL, FILED IN VIOLATION OF THE ONE YEAR STATUTE OF LIMITATION.

(6) VIII PLAINTIFF MUST BE ABLE TO ARTICULATE A REASONABLE BELIEF IN THE LIABILITY OF DEFENDANT BEFORE HE FILED.

The Respondent made no mention in his motion for summary judgment as to whether or not his press release was in public or in private, there were no evidence of a location, time, or date. *Burke v. Sparta Newspaper* 592 S.W. 3d 116 (2019).

(7) VII DEFENDANT'S PRESS RELEASES IS PROTECTED BY THE FAIR REPORT PRIVILEGE.

In Petitioner respond to summary judgment, Appendix B, 82a, line 23,24 shows a coach witness who stated in her letter, Appendix B, 163a-164a, states the respondent mention to her of the planting of gun and drugs in petitioner's car made in furtherance, in Appendix B, 83a, line 2,3, shows the tampering of physical evidence the detective had altered found, in Appendix B, 178a-181a, Again petitioner was only responding to respondent request in his summary judgment.

On August 8,2019, the trial court held a hearing on respondent motion for summary judgment and issue a tentative, Appendix B, 73a-78a, granting the motion in favor of respondent under California *Civil Code § Section 47*, the court also states petitioner did not present any evidence which is in the SAC, as listed above, the respondent could not provide any evidence of a public press release supported by the fair report privilege, and did not show how planting or altering physical evidence does not apply to his defense as stated by *Section 47 (b)(2)*, and none of the case laws used by respondent addresses altering physical evidence grants respondent the fair report privilege protection, for granting respondent's summary judgment it appears no one have any concern as to what those evidence marked as exhibit is in petitioner's Complaint, FAC, and SAC, are, the evidence is there and is being ignored.

On August 26,2019, the trial court issue Judgment for Summary Judgment on behalf of Detective Anthony Valencia.

2. The Decision of the Appellate Court.

On August 16, 2019, appellant filed a timely appeal with the Court of Appeal Fourth District Division 2, Appendix A, 65a-67a, and his brief filed on November 26, 2019, Appendix A, 37a-64a, the court held a video oral hearing November 4, 2020, and offer its opinion filed November 19, 2020, Appendix A, 9a-15a, affirming the trial court judgment, Petitioner petition the court for review filed on December 1, 2020, Appendix A, 17a-36a, the court order a modifying opinion and denied the rehearing filed on December 15, 2020, Appendix A, 5a- 7a, where the appellate Court affirmed the trial Court holdings.

In the appellate court's opinion, Appendix A, 11a, (discussion) states the fee waiver was filed after the complaint making it appears that the reason the trial court denied petitioner's rights to privilege is because it was file late after the complaint, even though petitioner did not produce a copy of the fee waiver for the appellate court's viewing the manner in which the fee waiver was denied by the trial court was denying petitioner his rights to privilege, petitioner check box 5-C along with an affidavit, so here is a copy for this court viewing showing the date filed is the same date as the complaint, June 15, 2018, Appendix B, 201a-202a, the trial court simply state that the scale in box 5-b was the box for petitioner and denied petitioner rights to privilege the appellate court agreed with the trial court.

The appellate court's opinion, Appendix A, 11a, under (discussion) also stated petitioner argued on appeal that the trial court sustained his second and third cause of action, that statement would be an error, because the only argument petitioner brought pertaining to his COA was to his first cause of action and believed this was a way to get petitioner to change the date of that COA which would have cause a dismissal of his complaint without leave to amend, appellant opening brief, Appendix A, 56a, Argue to the first cause of action no where in that brief petitioner argued on the second and third cause of action

The appellate court's opinion, Appendix A, 14a, foot notes address the respondent evidence in support of summary judgment which states: *Sangster submitted no evidence in opposition to Valencia's motion for summary judgment, nor did he dispute Valencia's separate statement of undisputed facts. Valencia's evidence in support of his summary judgment motion therefore is undisputed.* With no reference as to any evidence found by petitioner.

The motion was only addressing statute of limitation that was overruled in the second demurrer hearing, and a statement of a press release with no evidence supporting a public press conference held anywhere, there is no dates, no time, no place on any documents file by respondent supporting a public press conference had ever taking place, and if there were evidence presented by respondent according to the evidence code 250, petitioner had not receive any notice or a copy on such evidence. The appellate court affirmed on the trial court design based on respondent statement alone with nothing supporting it.

In the Separate Statement of Undisputed Material Facts, Appendix B, 103a-107a,

- (1) A statement made January 9, 2007, (statute of limitation which was overruled in the second demurrer and was addressed in petitioner's response).
- (2) Detective Anthony Valencia was a public employee (addresses in the Complaint, FAC, and SAC) (Appendix B, 140a ¶ 4, 188a ¶ 4, and 204a ¶ 3).
- (3) Exhibit "A", a copy of the publication (the reason for the lawsuit mark as exhibit # 1, P-30 as Appendix B, 182a).

- (4) Exhibit "A", a copy of the publication (the reason for the lawsuit mark as exhibit # 1, P-30 as Appendix B, 182a).
- (5) Exhibit "A", a copy of the publication (the reason for the lawsuit mark as exhibit # 1, P-30 as Appendix B, 182a).
- (6) Exhibit "A", a copy of the publication (again respondent were looking for statute of limitation which was overruled in the second demurrer) (exhibit # 1, P-30 as Appendix B, 182a).
- (7) Detective Anthony Valencia was a public employee (addresses in the SAC, FAC, and Complaint) (Appendix B, 140a ¶ 4, 188a ¶ 4, and 204a ¶ 3).
- (8) Detective Anthony Valencia Declaration, (which is not supported by any documents).
- (9) Detective Anthony Valencia Declaration, (which is not supported by any evidence).
- (10) Detective Anthony Valencia Declaration, (statute of limitation which was overruled in the second demurrer and was addressed in petitioner's response).
- (11) Exhibit "A", a copy of the publication (again respondent were looking for statute of limitation which was overruled in the second demurrer)(exhibit # 1, P-30 as Appendix B, 182a).
- (12) Not to load SANGSTER TRUCKS (was irrelevant cause of action were sustained).

- (13) Not to load SANGSTER TRUCKS
(was irrelevant cause of action were sustained).
- (14) The sale SANGSTER TRUCKS
(was irrelevant cause of action were sustained).
- (15) The sale SANGSTER TRUCKS
(was irrelevant cause of action were sustained).

The majority of what was ask in respondent motion for summary judgment was already address in previous court hearing, presented as evidence in petitioner's exhibits, or plea in petitioners complaint and was addressed in his response to the motion for summary judgment, the complaint, FAC, and SAC, identify the detective as a public employee, the publication is listed in the Complaint exhibits, FAC, and SAC, exhibits, the statute of limitation which was seek by respondent was overruled in the second demurrer hearing, the undisputed material facts were disputed before the motion was ever filed.

It seems like no matter what petitioner did or say his case was going to be dismiss anyway, all that was ask was already address in previous documents and in petitioners PLAINTIFF RESPOND AND DECLARATION TO DEFENDANT MOTION, Appendix B, 79a-88a, The trial court find no evidence presented by petitioner as well as the court of appeal which was plea and listed as exhibits on the records in petitioners Complaint, FAC, and SAC, supported by EVID § 250.

None of the case laws used in any document filed by the respondent, show support of any defendant in any case tampering with any evidence or a private meeting between a public agent and a journalist, those case laws below are isolated from the evidence presented here in this defamation claim by petitioner.

In Respondent motion for summary judgment here are some of the case laws cited for fair report privilege are:

(1) *J-M Manufacturing Co., v Phillips & Cohen LLP* (2016) 247 Cal.App.4th 87, 99-100 [201 Cal.Rptr.3d 782, 792-793]

Case Law addressing press release, but did not address tampering with evidence in furtherance and or a private or public press release conference.

(2) *Burrill v Nair* (2013) 217 Cal.App.4th 357, 383, 158 Cal.Rptr.3d 332.

This Case Law addresses false statement and ruin reputation, but did not addresses a coached witness in furtherance.

(3) *Taus v loftus* (2007) 40 Cal.4th 683, 720, 54 Cal.Rptr.3d 775, 151 P.3d 1185

This Case Law identify the elements of a Defamation claim, but did not mention a publication made in secretive by high beam that is false in 2017.

(4) *Rider's Digest Assn. V Superior Court* (1984) 37 Cal.3d 244, 262

This Case law addressed flexibility for a fair and true report, That flexibility does not include coaching a witness, private meeting with the press and the alteration of evidence.

These case laws are not completely addressing defendant issue in this civil lawsuit and can not be used to support no physical evidence according to the evidence code 250, that was not presented by respondent, there are many key factors that stood in the way of defendant summary judgment and cannot be altered such as altering or planting physical evidence in furtherance, coaching a witness in furtherance, the press conference must be in public, and the discovery date is December 28. 2017, by the company High Beam.

Petitioner have been denied the rights to trial by the trial court and the right to privilege for a fee waiver which was affirmed by the Appellate Court who also addresses a argument of COA 2 & 3, which was never argued against, petitioner must now wonder is this a malicious miscarriage of justice or a terrible miss understanding, because in the past the same appellate court affirmed a decision by the trial court against a claim for malicious prosecution case filed under a year August 3,2010, after an acquittal, in the opinion which states:

The language in the statute is clear, Sangster only had a limited period of time in which to file his claims against the County of San Bernardino. Although he was charged and prosecuted with a crime resulting from the incident on January 7,2007, and he was not exonerated until August 7,2009,{CT90-91} the time to file a claim against defendants continued to run while the charges were pending before a Superior Court.

This opinion was filed 12/12/11, Appellate Case # E053242 and trial Court # CIVVS1005048, page 7. (that is so not true for a legislator malicious prosecution claim), even though that is not the issue in this petition, the consistency of error appears to be the same with the same Trial Courts and Appellate Court in the same jurisdiction.

3. The Supreme Court of California Design.

Petitioner filed A timely petition to the Supreme Court of California for petition for review, Appendix C, 255a-280a, dated December 25,2020, which was denied En Banc filed on February 24,2021.

REASON FOR GRANTING THE PETITION

A. The Fair Report Privilege Dos not Support a Private Press Conference.

This Court should grant review to determine on whether the fair report privilege support a press conference between members of the press and a member of law enforcement made through private communication would qualified a defendant for the benefits of the fair report privilege in a defamation case.

B. Respondent Did not Show Evidence Supporting a Press Conference.

The respondent in this case did not show any proof of a public press release in order to qualify for the fair report privilege which must be communicated through public access and not private communication, *Burke v. Sparta Newspaper* 592 S.W. 3D 116 (2019), where the trial court grant summary judgment in respondent favor, also, the trial court did not consider none of petitioner's exhibits as evidence which would have ruled in his favor under *Section 47 (b)(2)*, petitioner was denied trial and this is the last court of resource.

C. The Court of Appeal Fourth District Division Two is in Conflict with the Tennessee Supreme Court.

Because the respondent did not or could not show proof of a public press release at any place, date, or time, where summary judgment is warranted, the design of granting summary judgment is an error.

In *Burke v. Sparta Newspaper* 592 S.W. 3D 116 (2019), the Tennessee Supreme Court recently refused to apply the fair report privilege to a one-one telephone conversation between a reporter and a police officer.

D. This is an Ideal Vehicle for Review of the Fair Report Privilege, Section § 47(b)(2), and a Public Press Release Conference.

Because this Court has not made any design on the questions presented above which have national importance and have been decided by the Tennessee Supreme Court dividing two courts of appeal in two jurisdiction

This case started in December of 2017, where petitioner discovered he was being defamed by respondent Detective Anthony Valencia from a republication in 2007, petitioner was only able to gain access to High Beam Publication through entering respondent full name in the search bar on his computer, connection Detective Anthony Valencia to High Beam, that republication should have had no relevance on petitioner's life in 2017 because of his acquittal in 2009, making that printing false in 2017.

For example: in the case of People v. Robert Blake (Berretta) who was charged with murdering his wife and was acquitted of all charges, since his acquittal there has been no mentioning anywhere of the allegations he was charged with to date because that would be unfair to him, justice has spoken.

In the case of People v. Sangster justice has spoken in the summer of 2009, but yet there is still a publication on the internet defaming Sangster's good name with Detective Anthony Valencia connected to it, it appears Robert Blake was able to gain satisfaction from his acquittal but Sangster was not able to enjoy the same privacy causing him to suffer the black balling of his name in the trucking industries where he earned a living and the loss of his business he so enjoyed destroying petitioner's dream to become a successful entrepreneur.

The only date that is relevant is December 28, 2017, the clock starts then because any publication about Lumsden A Sangster regarding any crime in 2017, is simply not true. But if the respondent wants to used the Fair Report Privilege as a Vehicle for their defense then the court must add *Section § 47(b)(2)*, and respondent must show proof or evidence of a public press release conference. *Burke v. Sparta Newspaper 592 S.W. 3D 116 (2019)*.

E. In Support of the Writ of Certiorari

Petitioner have experience lots of inconsistencies with respondent and his colleague of San Bernardino County, in relation to what led up to this case they have book petitioner for a false booking for murder, Appendix B, 177a, threaten a witness telling her she should lie, Appendix B, 169a #(1),(4), and 163a, the County of San Bernardino Risk Management claim to have not received petitioner's claim which was stamped February 5 2018, and again March 7 2018, Appendix B, 153a-183a, the statement made, not receiving the claim was hoping petitioner would file late.

Respondent was not able to answer petitioners question in admission, set one, Appendix B, 133a line 2,3a, claming harassment and oppressive as petitioner was able to provide all that was ask of him, such as what high school he went to, college, and any certificates which all were irrelevant, harassment and oppressive but petitioner answered anyway.

The question ask of Nicholas George Malea being affiliated with government or family of government, Appendix B, 132a, (line 24-26), was showing at the time there were a conspiracy in the making, fraud, tampering with evidence; coaching and manipulating a witness who testify in a criminal trial court of law that respondent told her to lie and Bobby Holt as a placed informant, Appendix B, 132a, (line 12), who caused petitioner's physical injuries to his back and right eye, Appendix B, 172a-176a, were inspired by respondent colleague, these are criminal acts by respondent and his colleague.

Deputy County Counsel who work for the County of San Bernardino, who is representing respondent in this law suit have plea degrading statement about petitioner who have never said or plea anything negative about or towards the counsel, but still he feel the need to demonize petitioner in his declaration filed August 3,2018.

All these inconsistencies and negative remarks only shows the County of San Bernardino who did not acknowledge petitioner's claim filed February 5,2018, will not take responsibility for their employees actions and will do anything to refrain from the facts that they have wrong petitioner, It is clear to see that respondent is not being honest about himself or his colleague in his declaration and have manipulated previous investigation which is obstruction of justice adding to the already mass incarceration prison system in California.

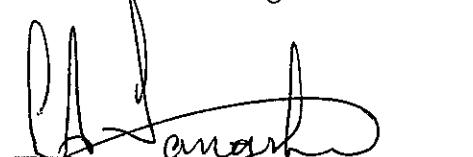
Our system states justice must be served when all the facts and evidence are gathered and the defendant is found innocent or guilty by a judge and or jury, not by the act of Detective Anthony Valencia and his colleague by planting evidence, threaten and manipulating a witness, destroying private property, and planting an informant in the county jail to beat a confession out of a person who is innocent until proven guilty that would be a kangaroo system.

CONCLUSION

The people voted for these rules, the legislators wrote these rules into laws, and the court system must apply the laws belonging to the people, petitioner should never have to beg any level of the court system the for rights, privileges or laws belonging to him, (*Section § 47(b)(2)*), and *Burke v. Sparta Newspaper* 592 S.W. 3D 116 (2019) should apply, these are the two obstacles standing in respondent way which he must over come them both in order for satisfaction of the fair report privilege. For all the above reasons, the petition for a writ of certiorari should be granted

Dated: July 1,2021

Respectfully Submitted
Lumsden A Sangster



Lumsden A Sangster
Plaintiff, Appellant, and Petitioner
In *Pro-se*