

21-5467

ORIGINAL

No. 3:20-cv-05066-BHS

Supreme Court, U.S.
FILED

AUG 10 2021

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Michael Denton — PETITIONER
(Your Name)

vs.

RON HAYNES — 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

Michael Denton
(Your Name)

Monroe Correctional Complex, P.O. Box 71-1271
(Address)

Monroe, Washington 98272
(City, State, Zip Code)

N/A
(Phone Number)

RECEIVED

AUG 18 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

1. Did The U.S. Court of Appeals for The Ninth Circuit Improperly denied Petitioner Certificate of Appealability when the the Circuit Judges denied Petitioner Request For A Certificate of Appealability stating: Appellant has not made a "Substantial showing of the denial of a constitutional right? When Petitioner argued in his Personal Restraint Petition and HIS Habeas Corpus Petition that HIS Sixth Amendment Constitutional Right to A Jury Trial Had been violated; that HIS fourteenth Amendment Constitutional RIGHTS Had been violated, and that HIS EIGHTH Amendment Constitutional Rights Had been violated?
2. Did the Trial Judge James Orlando and Pierce County Prosecutor Scott Peters violate the Petitioner Michael Denton Sixth Amendment Constitutional RIGHT TO A JURY trial, when THE Trial Court Sentence PETITIONER TO A TERM of 120 months "Exceptional Sentence" without Presenting it to the JURY to be determined beyond A reasonable doubt? OR when the trial court failed to present any and all Aggravating Sentencing factors, offender score, and all facts legally ESSENTIAL to his sentence to be determined beyond A reasonable doubt BY A JURY?
3. Did the Trial Judge James Orlando and Pierce County Prosecutor Scott Peters violate Petitioner. Michael Denton Sixth and fourteenth Amendment Constitutional Rights when they exceeded the 5 Year statutory maximum sentence for a CLASS-C FELONY UNDER RCW 9A.20.021 when the trial Judge Sentence the Petitioner to A TERM of 120 months Exceptional Sentence?
4. Did the trial Judge James Orlando violate the Petitioner fourteenth Amendment Constitutional Rights when HE refused to allow the Petitioner to Present A Diminished Capacity Defense once Petitioner requested it AS A Prose defendant?
5. Did the Washington State DOC violate the Petitioner Eight, Fifth, and fourteenth Amendment Constitutional rights when they illegally housed Petitioner Michael Denton in Solitary Confinement for 6 Years on a indefinite max custody IMS/ Program, In the SHU while all time knowing that Petitioner suffers from SERIOUS mental ILLNESSES of PTSD, Borderline and Antisocial Personality disorder, and SHU SYNDROME, while all time knowing that this Long-Term Solitary Confinement ONLY Exacerbate the Petitioner mental Illness?

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

☐ 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 C 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 ~~Circuit~~ Cent. Appeals Division II court appears at Appendix d to the petition and is

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

1.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was May 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: _____, 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 1-6-2020.
A copy of that decision appears at Appendix C.

☒ 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).

STATEMENT OF THE CASE

ON JUNE 17, 2016 I WAS SENTENCED TO 120 MONTHS BY A JURY AT TRAIL WHICH I REPRESENTED MYSELF PROSE IN PERCE COUNTY SUPERIOR COURT IN RE: STATE V. DENTON, NO. 49115-0-II WHICH I WAS FOUND GUILTY ON TWO COUNTS OF CUSTODIAL ASSAULT, CLASS-C NON-VIOLENT CRIMES WHICH CUSTODIAL ASSAULT IS A GROSS MISDEMEANOR. WHICH UNDER RCW 9A.04.080 (e), (h) STATES THE STATUTE OF LIMITATION FOR A CLASS-C FELONY IS 5 YEARS; WHICH THE STATE EXCEEDED THE STATUTORY MAXIMUM OF 60 MONTHS FOR A CLASS-C FELONY IN THE FORM OF "EXCEPTIONAL SENTENCE" ON COUNTS I, AND COUNT II IN RE: STATE V. DENTON, NO. 49115-0-II.

WHICH THE "EXCEPTIONAL SENTENCE" ON BOTH COUNTS EXCEEDED THE WASHINGTON STATE STATUTORY MAXIMUM OF 60 MONTHS FOR A CLASS-C FELONY UNDER RCW 9A.04.080 WHICH MUST NOW BE RUN-CONCURRENT SEE: STATE V. BARBEE, NO. 96490-4 (WASH. CT. APP. JULY 03, 2019).

WHICH DURING THE PETITIONER MICHAEL DENTON NEVER WAIVED HIS SIXTH AMENDMENT RIGHTS TO HAVE ANY AND ALL AGGRAVATING SENTENCING FACTORS OFFENDER SCORE, EXCEPTIONAL SENTENCE, AND ALL FACTS LEGALLY ESSENTIAL TO HIS SENTENCE TO BE DETERMINED BEYOND A REASONABLE DOUBT BY A JURY.

ON JUNE 17, 2019 I WAS SENTENCED TO 150 MONTHS BY A JURY AT
TRIAL WHICH I REPRESENTED MYSELF IN. I AM CURRENTLY SERVING
IN RE: STATE V. DENNIS. IN 2011 I WAS SENTENCED TO 150 MONTHS
AT THE COURT OF CRIMINAL JUSTICE; CLASS C NON-VIOLENT CRIMES
WHICH WAS A 2 YEAR MINIMUM. I AM CURRENTLY SERVING IN RE: STATE V. DENNIS
AP. 080 (C)(1) (N) STATES THE STATE OF ILLINOIS HAS A CLASS C
FELONY IS 2 YEARS. I AM CURRENTLY SERVING IN RE: STATE V. DENNIS
OF 150 MONTHS FOR A CLASS C FELONY IN THE STATE OF ILLINOIS
SENTENCE IN RE: STATE V. DENNIS. I AM CURRENTLY SERVING IN RE: STATE V. DENNIS
IN 2011-01-11.

WHICH THE "EXCEPTED SENTENCE" IN RE: STATE V. DENNIS
STATE STATUTES MAXIMUM OF 150 MONTHS FOR A CLASS C FELONY
UNDER RCW 9A.04.080 WHICH WAS 150 MONTHS. I AM CURRENTLY SERVING IN RE: STATE V. DENNIS
IN RE: STATE V. DENNIS. IN 2011-01-11 (C)(1) (N) STATES THE STATE OF ILLINOIS
HAS A CLASS C FELONY IS 2 YEARS. I AM CURRENTLY SERVING IN RE: STATE V. DENNIS
OF 150 MONTHS FOR A CLASS C FELONY IN THE STATE OF ILLINOIS
SENTENCE IN RE: STATE V. DENNIS. I AM CURRENTLY SERVING IN RE: STATE V. DENNIS
IN 2011-01-11.

REASONS FOR GRANTING THE PETITION

1. THE TRAIL COURT Judge James Orlando in State v. Denton, NO 49115-0-II violated Petitioner Sixth Amendment Constitutional rights to a Jury trial when the trail court sentenced Petitioner to a 120 month "Exceptional Sentence" without allowing the "Exceptional Sentence", and any and all aggravating sentencing factors, offender score, and all facts legally essential to his sentence to be determined beyond a reasonable doubt by a Jury.
2. The trail court Judge James Orlando and the Pierce County Prosecutor Scott Peters violated the Petitioner Sixth and 14th amendment Constitutional rights to a Jury trial and due process when the trail court exceeded the 5 Year statutory maximum sentence for a Class-C felony under RCW 9A.04.080 and RCW 9A.20.021 when the trail court Judge sentenced Petitioner to a term of 120 month Exceptional Sentence RAN consecutive on both counts I and Count II.
3. The trail court Judge violated Petitioner 14th amendment Constitutional rights when the trail court Judge refused to allow the Petitioner to present a diminished capacity defense once Petitioner requested it as a prose defendant.
4. THE WASHINGTON STATE DOC violated Petitioner eighth, fifth, and fourteenth Amendments Constitutional rights when the Washington State DOC illegally housed Petitioner in solitary confinement for 6 years on an indeterminate max custody IMSI program, while all time knowing that Petitioner suffers from serious mental illness of PTSD, Borderline and antisocial personality disorder and SHU syndrome while all time knowing that this long term solitary confinement would only exacerbate Petitioner mental illness and cause Petitioner to deteriorate mentally.
5. THE U.S. COURT OF APPEALS for the ninth Circuit Improperly denied Petitioner Certificate of Appealability when the court Judges denied Petitioner request for a Certificate of Appealability stating: Appellant has not made a "substantial showing of the denial of a Constitutional right." when Petitioner argued in his personal restraint petition and in his Habeas corpus petition that his Sixth amendment Constitutional rights had been violated, and that his Eighth, fourteenth Amendment rights has been violated.

THE TRAIL COURT Judge James Orlando in State v Denton, No 1112-0-II

[illegible]

CONSTRUCTIVE FEEDBACK I AM GIVING YOU
LAST 30 MINUTES OF THE DAY
RECEIVE FEEDBACK TO A MINIMUM OF 150 MINUTES
RCM PA 04.080 AND RCM PA 05.051 WHEN THE TRAIL COURT JUDGE
THE 2 YEAR STATUTE OF MAXIMUM SENTENCE FOR A CLASS C FELONY UNDER
IS PUNISHMENT, BUT WHEN THE PROCESS BEGINS, THE COURT MUST EXERCISE
STAY PENDING REVIEW OF THE COURT AND WITHIN 150 MINUTES, CONSIDERATION
THE FIRST COURT JUDGE MUST CONSIDER AND THE FIRST COURT JUDGE MUST

3. The final cost of the project is \$1,000,000. The project is expected to generate a net present value of \$200,000. The project is expected to generate a net present value of \$200,000.

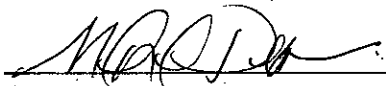
The following information was obtained from a review of the records of the Department of the Interior, Bureau of Land Management, and the Bureau of Reclamation, regarding the proposed project.

The U.S. Court of Appeals for the Ninth Circuit in *United States v. ...* 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2656, 2657, 2658, 2659, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, 2673, 2674, 2675, 2676, 2677, 2678, 2679, 2680, 2681, 2682, 2683, 2684, 2685, 2686, 2687, 2688, 2689,

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: 8-8-2021.