

No. 21-5851

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES
WASHINGTON, D.C.

FILED
SEP 23 2021
OFFICE OF THE CLERK
SUPREME COURT, U.S.

DANIEL B. KELLY ^{IN PRO-PER} — PETITIONER
(Your Name)

vs.
PEOPLE OF THE STATE OF
CALIFORNIA "ET, AL." — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

DANIEL BRYAN KELLY
(Your Name)

P.B.S.P. P.O. Box 7500
(Address)

Crescent City, CA. 95532
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

- Why Wasn't I allowed to face my accuser or cross-examine him at trial ?
- Why wouldn't MY Attorney's; Mark Stapleton, Travis Stroud and Stephen Klarich, listen to me and or file Motions when I instructed them to do so ?
- Why Did Stephen Klarich MY Attorney Violate his Contract by not Filing MY Opening Brief that I served him on 9-13-18?
??? — Brief is Attached * See exhibit (A)
- When I told MY Attorney Travis Stroud that I wanted to face my accuser and Question him on the Stand, Why wouldn't MY attorney listen to me ? and Subpoena my accuser Mr. Smith
- In this case the only eye witness is a 11 year old child Why did the Judge Deny MY Motion for a Competency Evaluation ? On the child ?
- Why wouldn't Judge Deems allow my Attorney's Motion to inform the Jury that the 11 year old child witness was going on robberies with his father.
- Why wouldn't Judge Deems allow the Jury to know that my accuser is a Gang member, SEX offender of a child, and was going on robberies with the child witness in MY case?
- Why wasn't I allowed to Present a defense and or evidence Directly related to the credibility of the child witness and his father my accuser ?
- Why wouldn't the Judges or Governor listen to me and my Family ???
- Why wasn't I allowed a fair trial ?

QUESTION(S) PRESENTED

- Why weren't All my witnesses allowed to testify at my trial ?
- Why did the D.A. Kimberly McNillis use Computer Software and Chop & Alter my Jail Phone Calls and display misinformation to the Jury?
- Why was the D.A. allowed to use Chopped and altered Phone Calls, take my words out of Context and tamper with state evidence to obtain a conviction?
- When I filed a ~~motion~~ ^{Marsden} motion and presented evidence to Judge Deems, why did he deny my motion(s) ?
- Why did Judge Deems ignore motion(s) that I filed, and ignore the statements that were sent to him and the D.A. ?
- Why didn't Judge Deems order a new trial when he received statements from New witnesses?
- Why was I denied the right to present a defense?
- Why wouldn't my Appeal Attorney file my Supplemental Brief? This Brief is attached exhibit(A)
- Why wouldn't my Appeal Attorney raise the issues that I instructed him to raise?
- I notified the Courts that Mr. Klarich bribed and extorted me, why did the Courts fail to act on this information?
- Why was I denied the right to effective Counsel?



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:

SEE ATTACHMENT - A

RELATED CASES

- APPEAL FROM THE SUPERIOR COURT OF BUTTE COUNTY
HONORABLE JUDGE MICHEAL R. DEEMS PRESIDING
CASE NO: 17CF04354
- COURT OF APPEAL OF THE STATE OF CALIFORNIA
3d Crim.
CO86731
- California Supreme Court
CASE NO: S269927
- DANIEL BRYAN KELLY — See Appendix (E)
VS.
PEOPLE OF THE STATE OF CALIFORNIA et. al..
United States District Court for the eastern district
of California Case # 2:21-cv-01369-CKD
- State Bar Complaint Case # 21-0-09373

MAILING LIST ATTACHMENT-A

- Daniel B. Kelly CDC# BF7365 IN PRO-PER
Pelican Bay State Prison
P.O. Box 7500
Crescent City, CA. 95532-7000
- ~~Stephen D. Klarich ESQ# 100728~~
~~Wattin & Klarich~~
~~2020 E First Street~~
~~Suite 300~~
~~Santa Ana, CA. 92705~~
 - This Attorney was Fired by me and is under investigation for Bribery & Extortion.
Case# 21-O-09373
- Darren K. Indermill
Office of the Attorney General
P.O. Box 944255
Sacramento, CA. 94244-2550
- OFFice of the State Attorney General
P.O. Box 944255
Sacramento, CA. 94244 - 2550
- Butte County Superior Court - Main -
One Court Street
Oroville, CA. 95965
- Court of APPEal
914 Capital Mall
Sacramento, CA. 95814-4814
- California Supreme Court
350 Mcallister St.
San Francisco, CA. 94102 - 4797
- The State Bar of California
845 S. Figueroa Street, — Case#
Los Angeles, CA. 90017 21-O-09373

• Federal Buero of investigationS
2001 Freedom Way
RoSeville, CA. 95678

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APPENDIX B Decision of State trial Court

APPENDIX C Decision of State Supreme Court denying review

APPENDIX D Decision of state Supreme Court denying Petition to rehear.

APPENDIX E United States District Court Complaint Case No:
2:21-CV-01369-CKD

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

- See Brief Attached : Table of Authorities are cited
exhibit (A)

STATUTES AND RULES

OTHER

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 _____ 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 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 California Supreme Court court 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.

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).

For cases from **state courts**:

The date on which the highest state court decided my case was 8-25-21.
A copy of that decision appears at Appendix C.

A timely petition for rehearing was thereafter denied on the following date: 9-16-2021, and a copy of the order denying rehearing appears at Appendix D.

[] 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

Cruel Corporal and unusual Punishments being inflicted on incarcerated People. Deceptive, Demeaning, dehumanizing Practices Currently in use by the Butte County Courts, and Judicial mandated Court Officials. Mandated Court Officials are Conspiring to Extort, Bribe, allow False evidence, False IMPRISON and numerous Federal Crimes in an attempt to UPHOLD felony Criminal Convictions. I have time SENSITIVE Judicial Document(s) to wit: MOTION(S) that were Blocked Withheld Denied and returned to me by the Clerk of the APPELLATE Court. I Was Denied Multiple Rights. This is a Pattern of neglect and Abuse. I have notified the Courts and they Fail to act. My Attorney Stephen D. Klarich bribed me and Extorted me for over \$15,000 he refused to raise the harmful issues that I instructed him to raise. This is an ongoing Cycle, This is Causing harm to innocent People. I'm innocent and I was wrongfully accused. I was denied the right to Call forth Witnesses I was denied the right to testify. I was denied the right to a fair trial

STATEMENT OF THE CASE

Stanley S. Smith Filed a False Police Report Stating to Police in Butte County California that I Shot a Gun at him and his kids my nephews & nieceses. Mr. Smith did this to get revenge on my Sister because she was leaving him due to the fact that he is a Convicted Child Molester. Stanley S. Smith was Convicted of having Sex with a Minor and Judge Deems allowed Mr. Smith to Put his Child on the Stand to lie in his favor. This is an abuse of Discretion and abuse of the Judicial System. Right when Judge Deems became aware of this via Motion, he Should of Dismissed my Case Number 17CF04354 there are State and Federal Crimes being Committed to Convict me and uphold my Conviction. I was Denied the right to Subpoena my witnesses, I was denied the right to testify. I was denied the right to Present a defense. My attorney's bribed me and extorted me. The District attorney Kimberly McNillis used Computer Software to Chop and alter my Jail Phone Call and display misinformation to the Jury to illegally obtain a conviction. The D.A. Chopped my Jail call and took my words Wholly out of Context to relate them to a crime. This act was deceptive and unethical and against the law.

— Continued on Brief Attached — Facts of the Case. Please review. I was denied the right to raise my Issues in the appellate Court. Review the attached handwritten Brief it explains in detail the Violations of my Civil & due Process rights.

REASONS FOR GRANTING THE PETITION

In Butte County trial Court, I asked my Attorney to Sub-Poena my witnesses and Travis Stroud refused I fired Mr. Stroud, and was appointed Mark Stapleton I asked Mr. Stapleton to SubPoena my witnesses and he also refused I Filed a Marsden Motion and I told Judge Deems about this. Judge Deems denied my Motion. Both of these attorney's wouldn't allow me to testify they Said that I wasn't allowed because I had felonies. My whole defense was restricted and denied. The only witness in my case was my 11 year old nephew. Judge Deems was aware that this child witnesses father is a Convicted Sex offender. Judge Deems still allowed the child to testify without doing a Competency evaluation on the child witness. Mr. Deems denied my Motion for a Competency evaluation on the minor. Judge Deems allowed this child to testify and walk out of the Court room with a Convicted Child Sex offender Stanley S. Smith. Mr. Smith Filed a False Police report on me and used his 11 year old Son to lie on the Stand, This resulted in my Conviction 37 years 4 months. My appellate attorney Stephen D. Klarich refused to raise the ISSUES that I presented to him on Appeal. The most important reason to Grant this Writ is that Mandated Court officials are using deceptive Practices to obtain Criminal Convictions in Butte County California. and the Judicial System.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Daniel B. Kelly

Date: 9-23-21