

No 21-6564

FILED
NOV 28 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Anthony CRUZ PETITIONER
(Your Name)

vs.

THE PEOPLE — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of California

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

PETITION FOR WRIT OF CERTIORARI

Anthony, vincent, CRUZ
(Your Name)

3986 Princeton St
(Address)

Los Angeles, CA, 90023
(City, State, Zip Code)

(949) 520-3071
(Phone Number)

QUESTION(S) PRESENTED

- 1) Was my request for motions acknowledged during my proceeding's of court?
- 2) How was my 6th and 14th Amendments violated?
- 3) Is there sufficient evidence for an "Ineffective Assistance of Counsel" claim?

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

- Pitchess v. Superior Court (1974) 11 Cal. 3d 531.)
- People v. Seaton (2004) 34 Cal. 4th 193, 199-200.)
- Strickland v. Washington (1984) 466 U.S. 668.)
- People v. Ledesma (1987) 43 Cal. 3d 171, 215-218.)
- People v. Pope (1979) 23 Cal. 3d 412, 426.)
- Brown v. US, 42 F. Supp. 2d 133 (D. Puerto Rico 1998.)
- Wolff v. McDonnell (1974) 418 U.S. 539)
- Holley v. Yarborough 568 F. 3d 1091
- Moore v. Johnson, 194 F. 3d 586 (CA 5 1999)
- Fratus (2012) 204 Cal. App. 4th 1339

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE.....	4,5
REASONS FOR GRANTING THE WRIT	6,7
CONCLUSION.....	8

INDEX TO APPENDICES

APPENDIX A Decision of state Court of Appeals.

APPENDIX B Decision of state Supreme Court
Denying Review.

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Seaton (2004) 34 Cal. 4th, 193, 199-200	(...4,5,6)
Strickland v. Washington (1984) 466 U.S. 668	(...4,7)
Brown v. U.S., 42 F Supp. 2d 133 (D. Puerto Rico 1998)	(4,5,6)
Holley v. Yarborough 568 F. 3d 1091	(...5,7)
Pitchess v. Superior Court (1974) Cal. 3d, 531..(4)	

STATUTES AND RULES

- "Ineffective Assistance of Counsel" - There is A reasonable Probability that but for the Attorney's errors the result would have been more favorable. The Reason evidence was not discovered Prior to trial was Due to A Defense Attorney's "IAC" in failing to investigate the Case fully.
- "Due Process" - Protects the right to Cross examine the witness, thus Precluding, impeaching evidence violates the 14 Amdt.

OTHER

- § 352. Discretion of Court to exclude evidence; challenges to Jury venire, failure to object.
- 375.07 - Abuse of discretion standard for expert witnesses.

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 B 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 Appellate court 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.

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 SEP 1, 2021. A copy of that decision appears at Appendix B.

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

- Violation of my Sixth and Fourteenth Amendments to the federal Constitution.
- U.S Constitution's Fourteenth Amendment guarantees A right to due Process.
- "Due Process" protects the right to cross examine the witness, thus precluding, impeaching evidence, violates the 14 Amdt.

STATEMENT OF THE CASE

My issues I presented at the Appeal level was forfeited because no Objection or Motion was made during the Original proceeding, In re Seaton (2004) 34 Cal. 4th 193, 199-200 [17 Cal. Rptr. 3d 633] ... Submits that any Objection there to was waived by the defendant's failure to timely object there to and raise the error on direct appeal, Brown v. U.S., 42 F Supp. 2d 133 (D. Puerto Rico 1998).

During my Proceeding I repeatedly ask my Counsel for motions such as, Pitchess Motion, Pitchess v. Superior Court (1974) Cal. 3d 531 which would have produced useful impeachment information about the investigating Detective and the East Los Angeles Branch of the Los Angeles County Sheriffs department.

which is A standard for "IAC" Ineffective Assistance of Counsel, There is A reasonable probability that but for the attorney's error's the result would have been more favorable.

Strickland v. Washington (1984) 466 U.S. 668 [104 S.Ct. 2052] 80 L.Ed. 2d 674]

There was A lack of objection during my trial when we had to pick Jurors. (4)

STATEMENT OF THE CASE

"Defendant Contends his Counsel failed to Object to Seating Juror Number 4 despite the trial Court indicating that Juror had "English issues". Accordingly, defendant's objection to Juror Number 4 is forfeited. Seaton (2004) 34 Cal. 4th 193, 199-200.

Counsel also did not object during trial when the named victim was circled in the video presented to Juror's. That violated my 14 Amdt. "Due Process" Protects the right to cross examine the witness thus precluding impeaching evidence (Holley v. Yarborough 568 F. 3d 1011, How does the Juror's know he was really the victim.

Counsel again did not object during trial when the Prosecutor inappropriately marked up the surveillance video during trial, circling and labeling parts of the image, narrating the video with the markings to the Jury. (Brown v. U.S., 42 F Supp. 2d 133 (D. Puerto Rico 1998)

Due to my "IAC", Counsel was Constitutionally ineffective, his performance fell below an objective standard.

REASONS FOR GRANTING THE PETITION

I pray that the Court grant's Certiorari for the Compelling reason's I presented.

Due to my Attorney's Ineffective Assistance of Counsel his Performance fell below an Objective standard of reasonableness under Prevailing professional norms. My issues I Presented to the Appellate Court was forfeited because no objections or motions was made during the original proceedings. In re Seaton (2004) 34 Cal. 4th 193, 199-200. That allowed the Appellate Court to not address my claim on direct appeal...."Submits that any objection there to was waived by the defendant's failure to timely object there to and raise the error on direct appeal. (Brown v. U.S., 42 F. SUPP. 2d 133 (D. Puerto Rico 1998)

Due to my Counsel being Constitutionally ineffective at the regular proceeding's and trial level. This is A violation of my Sixth and Fourteenth Amendment to the federal Constitution.

Such as not exercising my right to cross examine the witness that the Fourteenth amendment guarantees A

REASONS FOR GRANTING THE PETITION

- A right to due process.

(Holley v. Yarborough, 568 F. 3d 1091)

- There is a reasonable probability that but for the Attorney's errors

the result would have been more

favorable. Strickland v. Washington (1984)

466 U.S. 668 [104 S.Ct.] the attorney's

"IAC" in failing to investigate the case

fully would have been more favorable

for me at the trial level and in the

Appeal Court.

These are my reasons why the Court
should grant Certiorari, and exercise
the Court's discretionary jurisdiction.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Anthony Ceez

Date: November 27, 2021