

21-6973 ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
JAN 11 2022
OFFICE OF THE CLERK
SUPREME COURT, U.S.

Larry Lee Jacks — PETITIONER
(Your Name)

WARDEN JEFF LYNCH
vs.

Judge Robert Christianson — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Ninth Circuit Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Larry Lee Jacks
(Your Name)

P.O. Box 290066
(Address)

Repreña, ca. 95671
(City, State, Zip Code)

(Phone Number)

Prison number B69475

QUESTION(S) PRESENTED

① IS it unlawful to take a mentally incompetent defendant to trial?

② IS it ineffective assistance of counsel when at a evidentiary hearing counsel testify he had multiple reason to believe petitioner had mental issue but never request to the court for a mental evaluation for petitioner?

③ IS it a judicial error for petitioner to exclude himself from the trial at the prosecution rest its case, the court bring petitioner into the court from a holding cell ask petitioner do petitioner wanna testify, petitioner responds he do not know what testifying mean, the court stated he don't believe that petitioner may be only saying this to put a rise in the record for appeal, then ordered that petitioner be seen by a mental health doctor or petitioner was never seen by any doctor from the court statement on record.

④ IS it ineffective assistance of counsel when counsel know petitioner never seen a mental health doctor and allowed the court to proceed on the very next day of the present of petitioner, disregarding petitioner just stated he do not understand what testifying mean, and the court personnel, lawyers in the matter know by petitioner clothing he was in the mental health ward at the jail.

⑤ IS it unlawful that petitioner counsel that was not claimed for ineffective assistance of counsel come testify for the DAs against petitioner objection is that a attorney privilege violation? The court claim I waived the attorney privilege when I brought ineffective assistance of counsel to the counsel after hear.

⑥ IS it ineffective assistance of counsel while petitioner is not in trial, while trial is held, petitioner is in a court holding cell or counsel

Continue call petitioner to talk one on one an tell
 petitioner the counsel won petitioner case when counsel
 known I was just found guilty, told petitioner he'll go home to
 night, had petitioner family at jail arguing for my release, when
 petitioner & family reported this to state bar counsel admitted this
 said he was only playing to make petitioner feel good, counsel
 counsel was removed from LIST OF PARTIES petitioner case with sanctions
 put on him. ① next counsel order mental health dr. who test
 if the petitioner was taken to trial ment
 all incompetent, can the court override him?

[] All parties appear in the caption of the case on the cover page.

① 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: Judge Robert Christianson Superior
 court trial Judge, Ninth Circuit Judge
 O'Farrell and Bybee, Appeal state court
 Judges, Supreme Court state judges an
 united state district court judge petitioner
 have not they name because of forwarding
 it all from court to court with no copies

RELATED CASES

~~Strickland v. Sawyer 466 U.S. at P 689~~
 People v. Lewis (2008) 43 Cal. 4th 524
 Drope v. Missouri (1975) 420 U.S. 162
 171,
 Pratt v. Robinson 383 U.S. 375, 385 (1966)
 Strickland v. Washington (1984) 466 U.S. 668/694
 [Strickland,]
 People v. Horck, Cal. App. 4th Circuit, Vol 66
 (1995)
 Drope v. Missouri, 420 U.S. 162, 171, (1975)
 Solem v. Helm, 684 F.2d 582, 1982 U.S. App Lexis
 16858 (8th Cir. Mo. 1982)
 Attorney-client privilege violation

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INDEX TO APPENDICES

APPENDIX A I have no access to copies so the Ninth Circuit Court of Appeals have all the documents. Can the court please have petitioner's whole record forward to them?

APPENDIX B

Same as (A)

APPENDIX C Same as a & B

APPENDIX D never requested it

APPENDIX E omitted stated District Court ruling in 9th Circuit Court of Appeals.

APPENDIX F Ninth Circuit Court of Appeals

enclosed is a decision on two judges named on my ruling from courts documents are an at the Ninth Circuit Court of Appeals Records (trial) Dr. Kanika report saying the court taken petitioner to trial incompetent, also please read the new trial motion hearing testimony from Dr. Kanika

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Ca. Penal Code 211
667(A)
667-B-1
1170.12(a)-(b)
People v. Hone
People v. Lewis
People v. Missouri
Pratt v. Robinson
Strickland v. Washington
Solem v. Helm

2

STATUTES AND RULES

CA Crim 212.5(c)

OTHER

Crime & Punishment
Attorney Client Privilege citation
Records of Conditions not available
for prior trial hearing

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 F 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 Ninth Circuit ^{United States district} court appears at Appendix E 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 12-15-2021
A copy of that decision appears at Appendix RR.

☐ 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

- ① Taking petitioner to prison mentally incompetent
- ② Attorney-Client Privilege Violation
- ③ Cruel & unusual punishment sentence 40 yrs to Life for a non-violent offense
- ④ Record of conviction not presented a trial the actual 11 TRANSCRIPTS^M for the alleged prior offense
- ⑤ Ineffective assistance of counsel

STATEMENT OF THE CASE

petitioner was charged with a 2nd degree Robbery P.C. 217 when the actual P.C. is 212e so I start off telling the court no that petitioner was taken to trial on a wrong Penal Code an was convicted under P.C. 217 that a weapon was used or victim injured none of this occurred petitioner received a 90 year to life sentence, on 3-21-16 arresting day arresting officer said petitioner was acting very bizzare an he was scared petitioner would hurt him self at the jail, petitioner was booked into jail an placed instantly into the jail mental ward, The Law requires upon arrest if the suspect is showing bizzare, hll acting, etc, a competency hearing is automatically must be ordered from the court to see if suspect was insane at the time of his arrest, also to see if the suspect is competent to stand trial which petitioner was not DR. Kania proved this, This alone is a reversal for new trial, The Court Pre claim petitioner exclud him self from trial, being out of order in court, petitioner has no recollective of ever being in court, counsel BASS was ineffective because counsel did not one thing to check on petitioner

Statement of the case continue

mental health background, every personnel known from petitioner jail attire petitioner was in the mental state ward at the jail. The whole time the court, D.A. counsel believe petitioner was feigning a mental health disorder counsel or court never called a competency hearing while witnessing my bizarre behavior. Counsel Bass never asked did I have a mental health history, at the motion for new trial hearing counsel testified on direct he never seen anything to believe petitioner suffered from Paranoid Schizophrenia maybe counsel only because for the D.A. as the court said I don't suffer because you're not a doctor to detect it. And this where petitioner rights been violated the court playing doctor. On cross counsel testified he notice multiple things to believe petitioner had a mental illness because petitioner was dressed in the mustard color attire from jail the mental health ward clothing, counsel went on to testify petitioner had a long criminal history, the crime so poorly executed, petitioner told him he spoke mental illness and have a private doctor on the street, etc. Those are multiple doubts. Then the court order a doctor, doctor never showed up, instead of putting trial on hold the court and counsel proceeded on while some days petitioner was in his jail cell while trial was going on. Counsel never gotten any petitioner long history medical records from jail, prisons, private doctor never ask counsel Bass in petitioner best entrance. Only thing counsel Bass did was ridicule petitioner and petitioner family and said he won petitioner case when he knew he lied to petitioner and family got in trouble from state bar taken off petitioner case as he was ineffective, my next counsel Mrs. Crawford come right in order a better don't grant the order.

REASONS FOR GRANTING THE PETITION

The reason is simple. The court and counsel violated petitioner constitutional rights by taking a mentally incompetent defendant to trial, it's illegal. To not call a competency hearing to see if the defendant or suspect at the time of the crime was insane or in his right mind, I cannot recall this case law. By the arresting officer saying or testifying petitioner was acting crazy, being placed in a jail mental health ward, by law and petitioner behavior before excluding himself from court which I do not remember none of this because I stop going to my private doctor LASATO San Bernardino county, for 3 months and didn't get my medicine as DR. Kania testified to at the hearing I decompensated. If the court and counsel Bass didn't believe petitioner was feigning mental health symptoms and followed the law and counsel Bass did his job accordingly an investigated petitioner mental health then all involved would know petitioner is not feigning, petitioner have a long medical records. It was counsel job to gather the medical history, not petitioner. All the court after the lower court said petitioner never produce no evidence to prove he had a mental health disorder because it was not for petitioner but

Continue: Reasons for Granting the Petition

Counsel Bass, How was it after the state bar taking counsel off petitioner case for wrong an never being in petitioner best entrance section put on Counsel Bass, new Counsel James Crawford was put on petitioner case came to the trial something Counsel Bass never thought about, I told him all about how I don't remember the arrest being in court acting bizarre in my behavior, how I suffer from multiple mental disorder, Counsel went right in court got a competency hearing, had a doctor Kanika the Government on the court docket doctor evaluate petitioner four long hours, looked at trial records mainly when I explain to the court I don't understand what testifying means, my behavior, my report on probation, I don't recall trial, all my mental health history, etc please read DR Kanika report an testimony under oath an this court would see why this petition must be granted for the state or equal protection, cruel & unusual punishment, etc then at the new trial hearing the D.A. subpoena my Counsel Susan Isreal before Counsel Bass to make appear why Counsel Isreal did not call a competency hearing, defendant objected because defendant did not raise a ineffective claim on Counsel Isreal, Counsel Isreal also objected to testifying, the court over ruled both objections an made up a law I waive my client attorney privilege by calling ineffective assistance on Counsel Bass, under oath on direct an cross Counsel Isreal testified she had her doubts about the defendants mental health, then Counsel Isreal was ineffective because she or suppose to called a competent hearing, Her excuse is was not the right time for that, having a doubt is the perfect time, my appeal lawyer Counsel Cannon is ineffective by not raising these issues on appeal, petitioner went an submit mental records decades back the other courts damn played it

petitioner case must be reverse an
a new trial granted, evidence shows
by counsel Zsreal an Ouss testimony
at new trial hearing both admitted to
having doubts about petitioner mental
health, petitioner have a constitutional
right to testify at his trial, that
was violated by trial court error
playing doctor saying petitioner was
feigning in saying he don't understand
DR. Kania said petitioner was not
malingering under oath in petitioner
was taken to trial mentally incompetent,
Zsreal the doctor right? why hire a DR.
can say petitioner right? why hire a DR.
given self reported statements, DR. Kania
testified this how he come to his conclusion

The petition for a writ of certiorari should be granted.

Because counsel failed in investigating petitioner
mental health, petitioner was taken to trial
mentally incompetent. It's unlawful.

Respectfully submitted,

Law of J. Jack

Date: 1-5-2022