

22-5608

No. _____

Clerk

ORIGINAL

Supreme Court, U.S.
FILED

AUG 29 2022

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Washington, D.C.

Anthony Dwayne Turner — PETITIONER
(Your Name)

vs.

Patrick Covello — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeal for the Ninth Circuit

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

PETITION FOR WRIT OF CERTIORARI

Anthony Dwayne Lee Turner
(Your Name)

P.O. Box 409089
(Address)

Ione, CA 95640
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

If the procedural problem can be corrected, the petitioner must try to solve the problem and get the state court to rule on the issues. Sweet v. Cupp (9th Cir. 1981) 640 F.2d 233, 237-238. For example, there may be good cause for relief if the procedural default was due to abandonment by counsel without notice or a similar factor beyond the petitioner's control. Strickler v. Greene (1999) 527 U.S. 263, 268 [119 S. Ct. 1936, 144 L. Ed. 2d 286] (good cause to excuse procedural default where prosecutor did not disclose exculpatory material).

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

- 1). Cavallaro v. United States, 359 F. Supp. 1276, 1973 U.S. Dist. LEXIS 13435 (D. Conn. 1973).
- 2). Strickland v. Washington 466 U.S. 668, 104 S. Ct. 2052, 80....
- 3). See WMX Techs., Inc. v. Miller, 104 F.3d 1133, 1136 (9th Cir. 1997)
- 4). Branson v. City of Los Angeles, 912 F.2d 334, 336 (9th Cir. 1990).
- 5). People v. Villa (2009) 45 Cal. 4th 1063).
- 6). MANDATE, Court of Appeals. Judgement entered

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

United States v. Jennings, 49 MJ 549,
1998 CCA LEXIS 359 (C.G.C.C.A.
Sept. 4, 1998).

United States v. Tyler, 34 M.J. 293
1992 CMA LEXIS 136 (C.M.A. June
22, 1992).

STATUTES AND RULES Washington v. Dowling, 92 Fla 601,
109 So 588. 50 AMJ 1st Stat § 2.

USCS Fed. Rules of Appellate Procedure
Rule 44.

OTHER Cal. Pen Code § 1509.1(b).

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- APPENDIX A *1 copy seeking review of a decision in a habeas corpus case, and the decision of either the United States District Court and the United States Court of Appeals, and*
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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 A 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 _____ 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 _____ 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.

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 _____.
A copy of that decision appears at Appendix _____.

☐ 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

- I.) People v. Albertson (Cal. Jan 19, 1944), 23 Cal. 2d 550, 145 P. 2d 7, 1944 Cal. LEXIS 179 (The witness Daryal Parker testified, one of which matched the defendant alibi).
- II.) Anthony Turner (defendant) found that a criminal defendant is deprived of effective assistance of counsel assistance because of no advice, involvement or hailed violation of defense in the fast and speedy trial court. Cal Const. art. I § 14. United States Constitution of the Sixth Amendment for effective assistance of counsel.
- III.) The testimony of the (3) three paramedics were left out of trial to testify as for defendant's witnesses. Kerkeles v. City of San Jose (9th Cir. 2011) 199 Cal. App. 4th 1001, 1009-1015, 132 Cal. Rptr. 3d 143.

STATEMENT OF THE CASE

1). Evidence from the investigator was not presented at the trial. The Court excepted the investigator's evidence but would not allow it to be heard or presented at trial. The lawyer fired himself. I asked for a re-trial or appeal. The judge made a date for the re-trial to hear the investigator evidence. There was not a re-trial or an appeal. Defendant made a request for it on record in the court reporter's transcripts.

Petitioner was abandoned by counsel in case number # 94FO4029, beyond petitioner's control.

2). The trial attorney was incompetency of counsel that failed to bring forth the (7) seven signed alibi documentations, and did not present the proof of defendant's innocence of which the investigator had as evidence he wanted to present in trial. The attorney also did not take into account that (3) three witnesses made statements that would have proved defendant's alibi.

REASONS FOR GRANTING THE PETITION

- 1). Daryal Parker, testimony will show that it is more likely than not that no reasonable Juror would have convicted him in the of not heard evidence or in the light of the new evidence.
- 2). Incompetency of counsel who fired himself before tri
- 3). Failing to bring forth defendant's (7) seven signed alibi documentations.
- 4). The testimony of the (3) three paramedics were left out of trial as to testify for defendant's witnesses.
- 5). The judge made a date for a re-trial to hear the investigator's evidence. There was not a re-trial or date.
- 6). The petitioner requested a retrial and a appeal and the attorney did not file a appeal, or re-trial

According to the constitutional and statutory provisions that were violated by governmental representatives and petitioner's due process rights being violated this writ of Certiorari should be granted

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Anthony Turner

Date: August 28, 2022