

22-5661

No. \_\_\_\_\_

ORIGINAL

Supreme Court, U.S.  
FILED

SEP 03 2022

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Anthony D. L. Turner — PETITIONER  
(Your Name)

vs.

Unknown — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Anthony D. L. Turner  
(Your Name)

1550 Juliesse Avenue  
(Address)

Sacramento, Ca 95815  
(City, State, Zip Code)

(916)-698-2584  
(Phone Number)

## Questions Presented

- 1). Records relating to bail pending appeal and any hearing on the subject
- 2). Records relating to indigence status on appeal
- 3). Records relating to motions for new trial, or to vacate sentence or conviction
- 4). Appellate Records for Writ of Certiorari
- 5). The state post conviction Records

## 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:

- 1). Joe De 'Illa
- 2). Kenneth Rosenfeld
- 3). James Briener

## RELATED CASES

Youngblood 488 U.S. at 56 n.\*

Penal Code § 1054.3 (a)(1).

Roland v. Super. Ct., 124 Cal. App 4th 154, 160-64 (2004)

Woods v. Super. Ct., 25 Cal. App. 4th 178, 183-85 (1992)

Penal Code §§ 1054.5(b), 1054.7 and 1054.6

Hines v. Super. Ct., 20 Cal. App. 4th 1818, 1822-23 (1983)

People v. Lamb, 136 Cal. App. 4th 575, 580 (2006)

Kling v. Super. Ct., 50 Cal. 4th 1068, 1072 (2010); Smith v. Super.

Ct., 152 Cal. App. 4th 205, 214 (2007). Penal Code §§ 1054.1, 1054.3

See also Hall v. Superior Court 133 Cal. App 4th 908, 918 (2005).

Arizona v. Youngblood 488 U.S. 51, 57-58 (1987)

California v. Trombetta, 467 U.S. 479, 488-89 (1984).

Sweet v. Cupp (9th Cir. 1981) 640 F.2d 233, 237-238

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## TABLE OF AUTHORITIES CITED

### CASES

### PAGE NUMBER

People v. Albertson 23 Cal. 2d 550 [145 P. 2d]	
People v. Braun 14 Cal. 2d 1 [92 P. 2d 402]	citation from page 9 of 14
People v. Stinson 214 Cal. App. 2d 476.	
[See 3 Witkin, Cal. Procedure (4th Ed. 1996) Actions § 580 et seq.]	
(25 Cal. 4th 1197), (25 P. 3d 671), (108 Cal. Rptr. 2d 47).	
(Code Civ. Proc., § 340.6) (Post conviction relief).	
Arizona v. Youngblood, 488 U.S. 51, 57-58 (1987); California v. Trombetta, 467 U.S. 479, 488-89 (1984). People v. Duff 58 Cal. 4th 527, 549 (2014).	
People v. Montes, 58 Cal. 4th 809, 837 (2014). People v. Thomas, 54 Cal. 4th 908, 929 (2012)	

### STATUTES AND RULES

Penal Code §§ 1054-1054-8

Penal Code § 1335

Penal Code § 1339

Penal Code § 1370. Id at 1335(e)(2)(c)

Penal Code § 1335(d)

### 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 A to the petition and is

reported at U.S. Court of Appeals Ninth Circuit; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the U.S. District Court for the Eastern 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.

1.

## **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

Pierce v. Administrator, 808 Fed. Appx. 108 (3d Cir. 2020) (Pierce's Counsel 'failed to discuss with [him] his right to testify; and... Pierce misunderstood the process for testifying!')

York v. Ducart, 736 Fed. Appx. 628 (9th Cir. 2018)

Mosley v. Butler, 762 F.3d 579 (7th Cir. 2014)

People v. Lafler, 734 F.3d 503 (6th Cir. 2013)

Candey v. Adams, 706 F.3d 1148 (9th Cir. 2013)

Cert. denied, 571 U.S. 1170 (2014)

Foster v. Wolfenbarger, 687 F.3d 702 (6th Cir. 2012)

Cert. denied, 568 U.S. 1228 (2013)

Avery v. Prelesnik 548 F.3d 434 (6th Cir. 2008)

Cert. denied 558 U.S. 932 (2009)

Poindexter v. Booker, 301 Fed Appx. 522, 2008 U.S. App. Lexis 24221 (6th Cir. Nov. 24, 2008)

Stewart v. Wolfenbarger 468 F.3d 338 (6th Cir. 2006) Counsel was ineffective in failing to file proper alibi notice.

### STATEMENT OF THE CASE

The witness Mr. Daryal Parker stated my innocence at trial. The attorney Mr. Joe De'Illy abandoned me at the trial and did not present defendant's alibi about the three paramedics testimony which would have made a different outcome. The attorney failed to present the investigator's Evidence. The attorney failed to file a automatic speedy trial and he also failed to file a appeal in this case. I was not aware of the rules to testify and nor was I given a fair trial.

I've request the transcripts of record for this criminal procedure, but have been denied the due process right I am entitled.

#### **REASONS FOR GRANTING THE PETITION**

Violation of right to have an attorney to represent me.

Violation of right to have an appeal filed in behalf of the defendant

Withholding Evidence from trial

Not allowing or calling witnesses that would have favorable statement of facts in favor of defendant.

This writ of Certiorari base on the information of record of transcripts should be granted and sentence or and judgement dismiss or Vacated due to all the Constitutional Violations to the defendant in this case.

#### **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Anthony D.L. Turner  
Date: 99 3/2022