

22-5704 **ORIGINAL**

IN THE

SUPREME COURT OF THE UNITED STATES

OFFICE OF THE CLERK

Supreme Court, U.S.
FILED

SEP - 6 2022

RONALD BUZZARD JR. — PETITIONER
(Your Name)

vs.

STATE OF WASHINGTON — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Ronald Buzzard Jr.

(Your Name)

#846650, TRU, CA-102 Lower

P.O. Box 888

(Address)

Monroe, WA, 98272

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

1. Is Buzzard's Judgment and Sentence void and invalid on its face due to the handwritten "fraudulent interlineations" on the face by the sentencing Judge which changed Buzzard's determinate sentence to an indeterminate de facto life sentence without his understanding, and not on the transcripts/record as required by controlling case law, violating Due Process, Equal Protection, and right to a Fair Sentencing Hearing under the 5th, 6th, and 14th Amendments?

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

Miller v. Stewart, 9 Wheat. 680, 6 L.Ed. 189 (1824)

Speake and Others v. U.S., 9 CRANCH 28, 3 L.Ed. 645 (1815)

U.S. v. Linn, et. al., 1 HOWARD 104, 11 L.Ed. 64 (1841)

Lyon v. Alley, 130 U.S. 177, 32 L.Ed. 899 (1889)

Little v. Herndon, 10 WALL 26, 19 L.Ed. 878 (1870)

State v. Northup, No. 46919-3-I (DIV I, 2002)

Castillero v. U.S., 17 L.Ed. 360, 417, 2 BLACK 17 (1863)

Sasser v. Amen, No. C99-3604-SI (N.D. CA. 2001)

Wolferman v. Bell, 6 Wash. 84, 85, 32 P. 1017 (1893)

Davis v. Gutheil, 87 Wash. 596, 598-99, 1 P. — (1915)

Lembo v. Federici, 62 Wn.2d 972, 978, 385 P.3d 312 (1963)

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SEE ATTACHED BRIEF ON THE
MERITS FOR TABLE OF APPENDIX

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TABLE OF AUTHORITIES CITED

CASES

-- See Table of Authorities in attached
"Brief On The Merits"

PAGE NUMBER

STATUTES AND RULES

CvR 7.8 (c)(3)
RCW 10.73.090(1)
RCW 10.73.100(1)
28 U.S.C. §2101(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 K 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 Washington State Court of Appeals, Div I 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 7/12/2022. A copy of that decision appears at Appendix K.

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

5th Amendment - Due Process

6th Amendment - Right to Fair Hearing

14th Amendment - Due Process, and Equal Protection

STATEMENT OF THE CASE

Buzzard was sentenced to a "determinate" sentence of 123 months on 10/11/2002. Appendix L, Page 13, Lines 17. This was illegally, and unconstitutionally "fraudulently interlinedated" after sentencing, off the record, and without Buzzard's knowledge to an "indeterminate" sentence where the sentencing Judge, Jay V. White, interlinedated Buzzard's Judgment and Sentence (J&S), Page 4, Section 4.4, Appendix O, without Buzzard's initials next to the interlineations as the case law requires. These "fraudulent interlineations" changed Buzzard's guaranteed 2010 earned release date to a de facto life sentence in prison on his first and only felony conviction. Buzzard did not find out about this fraudulent interlineation of his J&S or understand it for years after his sentencing. And to prove the fraudulent interlineation Buzzard needed his sentencing transcripts. Appendix L. But Buzzard was illegally, and unconstitutionally denied copies of his transcripts for 20 years. Appendix L

Buzzard motioned to transcribe the record at public expense in EVERY Court from his sentencing court - King County Superior Court; Washington State Court of Appeals, Division One, Washington State Supreme Court, United States District Court - Western District of Washington, Ninth Circuit Federal Court of Appeals, and this Court, and was denied every time. When Buzzard received his tax stimulus money he spent approximately \$800 of it and paid to have the transcripts transcribed himself. Buzzard's been denied all the way through the Washington State Courts, mainly due to time bar. Appendix K Even though the transcripts should be considered "newly discovered evidence" since Buzzard : 1. did not have the financial means to pay for the transcripts, and 2. Buzzard was discriminated against due to his indigent status which denied Buzzard his Constitutional rights to appeal, due process, equal protection, and right to a fair hearing, violating U.S. Const. Amendments 5, 6, and 14. There are no cases directly on point, though many are instructional.

Thus, this case should be GRANTED review as an "issue of first impression" which REQUIRES judicial review.

REASONS FOR GRANTING THE PETITION

1. Because the issue of "fraudulent interlineation" of a state court Judgment and Sentence (J&S) after sentencing, not on the transcript record by the sentencing judge is an "issue of first impression" requiring judicial review. Christiansburg Garment Co. v. EEOC, 434 U.S. 412 (1978)

2. Because Buzzard, an Honorable Discharged United States Marine Corps Veteran has been denied review on the merits of his "fraudulent interlineation" of his Judgment and Sentence claim. Which changed Buzzard's "determinate" 123 month sentence to an "indeterminate" de facto life sentence of 123 month minimum term to life in which Buzzard's so far served over 20 years on. This claim in the State courts Buzzard based on the "newly discovered and presented evidence" that was denied to him for 20 years, which the transcripts proves the claim has merit, should be GRANTED Certiorari and he should be immediately released since he's 12 years past his release date.

3. Controlling case law states:

An interlineation without the consent of the party, ipso facto, avoids the deed. Miller v. Stewart, 9 Wheat 680, 6 L.Ed. 189 (1824), at 708. It is the consent, therefore, that up holds the deed after such alteration, or interlineation. The reason is, that the deed is no longer the same. The alteration makes it a different deed; it speaks a different language; it infers a different obligation. Id. at 708. It must then, take effect as a new deed, and that can only be by the consent of the party bound by it. Buzzard did Not consent by initialing the fraudulent interlineations on Page 4, Section 4.4, on his Judgment and Sentence. The Court said in 1815 "The fact that there is an interlineation apparent on the face of the deed, does not in itself avoid it. To produce this effect, it must be shown to have been made under circumstances that the law does not warrant. Little v. Herndon, 10 Wall 26, 19 L.Ed. 878 (1870). The party having possession of the [document] is presumed to have knowledge of any alteration of it, and is therefore required to explain it. U.S. v. Linn, et al., 1 Howard 104, 115, 11 L.Ed. 64 (1841). Prima facie, any material alteration vitiates the [document]. Id. To be valid the interlineation of a Judgment and Sentence, by a Judge must be on the transcripts at sentencing regarding the interlineation, State v. Lewis, No. 40823-2-I (Div I, 1998), which it was Not on Buzzard's sentencing transcripts, Appendix L, Interlineations. No amendments shall be made to any pleading by erasing or adding words to the original on file, without first obtaining leave of court, CR 15(e). Buzzard never learned of the interlineation, which was made without his consent and without additional consideration. Kunkel v. Meridian Oil, 114 Wash 896, 898, 792 P.2d 1255 (1990). An alteration occurs where there is some physical change upon an instrument by which its meaning or language is changed, without consent of the other party to it by an interlineation. Davis v. Gutheil, 87 Wash 596, 598, 1 P. — (1915). When a paper shows any interlineation it is looked upon with suspicion, and MUST be explained. Kleek v. Bard, 12 Wash 140, 145, 40 P. 733 (1895). Buzzard's J&S was fraudulently interlineated and MUST be expunged, and immediately released.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Ronald W. Buzzard -Pro Se
Ronald Buzzard Jr.

Date: 9/3/2022