

Supreme Court, U.S.
FILED

NOV 01 2022

OFFICE OF THE CLERK

No. 22-6197

IN THE
SUPREME COURT OF THE UNITED STATES

Pro. sc Albert B Guzman — PETITIONER
(Your Name)

VS.

The people of california — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

9th circuit court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Albert B Guzman
(Your Name)

P.O. Box 5102 B-6 #107
(Address)

Delano, CA 93216
(City, State, Zip Code)

(Phone Number)

ORIGINAL

Question #1

Detectives that investigate cases should practice integrity under the Due process clause of the 6th and 14th amendment under the equal protection clause, that prevents any doubt fabrication, perjury, mishandlings of evidence or coercion of witnesses preventing any 5th amendment (Self-incrimination Act) violations along with 4th amendment illegal Search and seizure & miranda violations protecting all and respecting the U.S. constitution of America in all criminal case procedures, allowing the community to have faith and trust in the justice system and process.

Question #2

Detective Gourdikian along side Detective Curry & Okamoto coerced key witness Fernando Valencia in such a vindictive way coercing the agent into stimulating conversation violating the 5th amend (massiah violation) along side the 4th amend search and seizure (Fruits of the poisonous tree Doctrine) rights that were not protected under the United States constitution. Also Det. William Broghamer coerced Eric Guzman in such a way that made inadmissible testimony admissible violating the U.S. constitution amendments above.

Question # 3

Should this case be a step for the legislature to consider to combat systemic racism, police corruption and community oppression thru illegal gun sales inadvertently encouraging crimes thru corrupt tactics, Racial biases to be analyzed thru statistical facts, police corruption to be investigated by federal agencies thru transparent community reports and proper protocols, and dismantling a corrupt force thru federal agency's, in order to stop community harrasment, oppression and deciet with Society at the epidemic of this investigative proposition should the court have the best interest for Society in this decision as the law has no boundary's when it comes to proper legislative rule and congressional power towards the betterment and best interest of the poverty struck neighborhoods of the united states of America, under the 14th amendment (Due process clause). That implements the (equal protection clause), for all citizens.

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:

Exhibit (A)

- 1.) superior court witness list
- 2.) 4-30-09 okamoto, Hilary canizalez interview
- 3.) 3-2-09 Det. curry interview with canizalez
- 4.) 5-1-09 Det interview with key witness valencia
- 5.) Det. curry investigation report
- 6.) 1-23-09, Key witness and defendant recording
- 7.) 2-22-09 Key witness and defendant recording
- 8.) Det. okamoto & Key witness interview.
- 9.) case # 30686611, 11-11-08, Agent valencia, case
- 10.) Det. curry Reporter transcripts #3, 209-238
- 11.) Agent valencia, Reporter transcripts #3, 232-302
- 12.) Detective misconduct & corruption news articles

Exhibit (B)

- 1.) 11-9-15 Reporter transcripts #1 - pg 4
- 2.) Dr. Kevin young Reporter transcripts #2, 120-126
- 3.) Anthony taylor Reporter transcripts #2, 136-150
- 4.) Anthony taylor, investigation report
- 5.) Det. Broghamer, Interrogation interview #1 & #2
- 6.) witness trial testimony, Reporter transcripts #2, 151-177
- 7.) Det. Broghamer prelim hearing clerk transcripts #1, 137-167

Exhibit (C)

- 1.) Det. Duran interview with witness, velez,
- 2.) Juror Bias, Reporter transcripts #2, 185-193, Reporter transcripts

#4, 675-693, clerk transcripts #3, 603-703.

3.) Det. Duran, Reporter transcripts #3, 307, 370, veler recordings

4.) Det. Duran, preliminary, clerk transcripts #1-178-223.

5.) Det. Duran, trial testimony, Reporter transcripts #3, 390-457

Appendix (D)

1.) Court proceedings

Federal Statute

(Brady v. Maryland) (1985) 373, U.S. 83, 87, 10 L Ed 2d 215, 83 S ct 1194

(Buck v. Davis) 137, 5 ct 759,

(Crawford v. Washington) (2004) 541, U.S. 36, 158 L Ed 2d 177, 124, 5 ct 1354,

(Conwell v. Woodford) 312, Fed Appx 58 (2009) U.S. Appx 58.

(Colorado v. Connelly) (1986) 479, U.S. 157, 93 L Ed 2d 473, 107 S ct 515;

(Missouri v. Seibert) (2004) 542, U.S. 600, 159 L Ed 2d 643, 124, 5 ct 2601;

(Massiah v. U.S.) (1964) 377, U.S. 201, 12, L Ed 2d 246, 84, 5 ct 1199;

(Michigan v. Tucker) (1974) 417, U.S. 433, 41 L Ed 2d 182, 94 S ct 2357;

(Miller-El v. Cockrell) 537, U.S. 322, 327 (2003)

(Oregon v. Elstad) (1988) 470, U.S. 298, 84 L Ed 2d 222, 105, 5 ct 1285;

(Imbler v. Pachtman) (1976) 424, U.S. 409, 427, n²⁵, 47, L Ed 2d 128, 141, 96, 5 ct 984;

(Lego v. Twomey) (1972) 404, U.S. 477, 483, 30 L Ed 2d 618, 623, 92 S ct 619;

(Randolph v. California) (9th cir 2004) 380, F3d 1133, 1144;

(Rogers v. Richmond) (1961) 365, U.S. 534, 540, 5, L Ed 2d 760, 767, 81 S ct 735;

(Strickland v. Washington) 466, U.S. 668, 80 L Ed 2d 674, 104, 5 ct 2052 (1989)

(Schneckloth v. Bustamonte) (1973) 412, U.S. 218, 225, 36, L Ed

854, 861, 93, 5 ct 2041;)

(U.S. v. Bagley, Supra:)

(Wong Sun v. U.S.) (1963) 371, 2d, 182, 94 5 ct 2357;)

(Brown v. Mississippi) (1936) 297, U.S., 278, 80, 4 Ed, 682,
56, 5 ct 461;)

U.S. constitution

4th amendment (Search and seizure) (miranda clause)

5th amendment (Self-incrimination Act)

6th amendment (Due process clause)

14th amendment (equal protection clause) (Due process clause)

U.S.C

(U.S.C §§ 241, 242) (34 U.S.C § 1260) (42 U.S.C § 2000.d, et
sed.) (34 U.S.C § 10228) (28 U.S.C § 2101 (e)) (28 U.S.C §
2253 (c) (2))

Fed. R. civ. P. Rule

Rule 60 (B) (6)

State statutes

(people v. Wagner) (2016) 2, CA 5th, 774;)

(people v. Sims) (1993) 5, C4th, 405, 444, 20, CR2d 537;)

(people v. Beardslee) (1991) 53, C3d, 68, 109, 279, CR 276;)

(people v. Sanchez) (1969) 70, C2d 562, 571, 75, CR 642;)

(people v. Haydel) (1974) 12, C3d, 190, 197, 115, CR 394;)

(In re Cameron) (1968) 68 C2d, 487, 498, 67 CR 827;)

(people v. Garner) (1961) 57, C2d, 135, 163, 18, CR 40;)

(people v. May) (1988) 44, C3d, 309, 243, CR 369;)

(people v. Hill) (1967) C2d, 536, 547, 58, CR 340;)

(people v. Arquello, Supra (State))

(people v. Catelli) (1991) 227, CA3d, 1434, 1442, 278, CR, 452;)

(In re Neely) (1993) 6, C4th, 901, 909, 26 CR2d, 203;)

(Pitchess v. Superior Court) (1979) 11, C3d, 531, 113, CR, 897;)

Cal constitution

Cal const, Art. I § 28 (d)

Penal code

(Pen.-c. 1473.7 (a) (2)) (Pen.-c. 1473.6) (Pen.-c. 211)

(Pen.-c. 1054 (e)) (Pen.-c. 1170.95)

Evidence code

Evid.-c. § 1043 (a)

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 D-1 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 D-2 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 D-3 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 california appellate court court appears at Appendix D-3 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 August 26, 2022.

☐ 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: August 26, 2022, and a copy of the order denying rehearing appears at Appendix D-1.

☐ 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 May 2, 2022. A copy of that decision appears at Appendix D-3.

☐ A timely petition for rehearing was thereafter denied on the following date: May 2, 2022 and a copy of the order denying rehearing appears at Appendix D-3.

☐ 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).

A petition for writ of certiorari is a writ directed against an inferior court to bring the record of a cause into a superior court for reexamination and review. In this case "new evidence" was discovered unrelated to the merits of the case that affected the judgement. Evidence to do with police misconduct and corruption. A petition for writ of error coram nobis was filed may 1, 2021 in the los Angeles superior court (see Appendix(D)-3) In which was denied without prejudice, under the court not having jurisdiction to make a decision on the case. There are legislative laws that govern this rule pen-c. (1473.6) In which gives the court jurisdiction to hear a challenge to an order that revoked parole (people v. wagner (2016) 2, CA 5th 774. Any petitioner held under "Government fraud" or misconduct has a definitive right to be heard and considered and granted a "New Trial" if so (prima facie) exist, since all Audits of all cases the detectives worked on have to be examined by legislative law pen-c. 1473-7 (a) (2) (see Exhibit (A) #12) also ordered by the mayor of Pasadena Bill Bogaard and chief of police phillip sanchez along side the district attorneys office in which launched a "preliminary investigation" of the cases worked on by Detectives (see Exhibit (A) #12) on the District attorneys office "criminal review unit" denial to investigate the case and look into the matters brought

into context. As the prosecutors are officers of the court, and "Good Faith" should be exercised and gamesmanship avoided. Petitioner filed a Discovery motion under Pen.c. 1054.9 as the purpose of Discovery scheme codified in (pen.c. 1054.10) is intended to promote the ascertainment of truth, to save court time to protect victims and witnesses from danger, harassment, and undue delay (see pen.c. 1054) In which supported the arguments and circumstances of the newly found evidence should "preliminary investigations" be enough to Deny a defendant showing ample facts thru documents, recordings, notes & declarations of Detectives, Kevin Okamoto, William Braghamer, Keith Gomez, Vasken Kenneth Gourdikian, Grant Curry, David Duran, along with other unnamed officers of the Pasadena gang unit Division, In which was abolished due to The facts presented due to complaints by community citizens and lawsuits.

The High court first addressed the applicability of the "fruit of the poisonous tree Doctrine" in (Wongson v. U.S. (1963) 371 U.S. 471, 485, 9 L. Ed. 2d 441, 453, 83 S. Ct 407. To miranda violations in (Michigan v. Tucker (1974) 417 U.S. 433, 41 L. Ed. 2d 182, 94 S. Ct 2357. In Tucker the court Declined to extend the fruits Doctrine to exclude the testimony of a witness who was identified by the Defendant in a statement given without a miranda warning, But found to be voluntary, 417 U.S. at 445, 41 L. Ed 2d

at 193, *Inter. In (Oregon v. Elstad)* (1985) 470 U.S. 298, 84 L. Ed 2d 222, 105 S. Ct 1285. The court considered whether a suspect's voluntary incriminating statement in custody, made after a waiver of miranda rights, was nonetheless inadmissible, because it followed an earlier incriminating statement obtained by custodial questioning without a "miranda" warning. Finding that the subsequent statement need not be excluded. The Elstad majority held that (1) A miranda violation does not require full application of the "fruit of the poisonous tree Doctrine" developed for fourth amendment violations; (2) instead. If an unwarned custodial statement was otherwise voluntary, A later statement must be deemed untainted if also voluntary and in compliance with miranda; and (3) In determining whether the second statement was voluntary. The suspect's awareness that he had already "let the cat out of the bag" is not dispositive, 470 U.S. at 305. 84 L. Ed. 2d at 230, conversely when an earlier statement was coerced or otherwise involuntary any subsequent statement is presumed tainted. The Burden is on the prosecution to show a break in the causative chain between the first and subsequent confessions in such a way that the second confession was not in fact obtained by exploitation of the illegality. (*people v. Sims*) (1993) 5 c4th 405, 444, 20 CR2d 537; (*people v. Beardslee*) (1991) 53 C3d

68, 109, 279, CR 276. In *Oregon v. Elstad*, *Supra*; The miranda violation appeared unintentional. In *Missouri v. Seibert* (2004) 542 U.S. 600, 159, L. Ed. 2d, 643, 124 S. ct 2601. The high court held that a police protocol calling for no miranda warnings until after a first confession was obtained rendered the second statement of the defendant inadmissible; *Seibert*; Involuntary statements are inadmissible for any purpose; see, *Brown v. Mississippi* (1936) 297, U.S. 278, 80, L. Ed. 682, 56 S. ct 461; *People v. Haydel* (1974) 12 c3d, 190, 197, 115 CR 394. The use in a criminal prosecution of involuntary confessions constitutes a denial of due process of law under both the Federal and state constitution, *Levy v. Twomey* (1972) 404 U.S. 477, 483, 30, L. Ed. 2d, 618, 623, 92, S. ct 619; *People v. Sanchez* (1969) 70 c2d 562, 571, 75, CR 642. see, (Exhibit (A) #7) Informant Fernando Valencia in a recording of Defendant (Date 2-22-09) approached Defendant with the intention to solicit and stimulate conversation thru coerced tactics by Detectives of the Pasadena police department gang unit division, see, (Exhibit (A) #5, pg 7) where Detective Grant Curry & at the time Sergeant Vasken Kenneth Gourdikian solicited and exploited the Defendant. By approaching the conversation with a ransom of a Tax debt thru this coerced conversation the informant exploited and solicited answers violating the defendant's 5th amendment rights (Self-incrimination Act). Informant Valencia implicated the defendant in the murder. The

Defendant was put on the scene by the informant, not by the defendants own admission, within the whole conversation the informant states Defendant implicates defendant and even says Defendant shot.

In this recording the illegality is in plain sight, confessions coerced by the police are considered involuntary and are inadmissible, (Colorado v. Connelly) (1986) 479, U.S. 157, 93, L. Ed. 2d, 473, 107, S. Ct 515;

An involuntary statement cannot be used against the accused in a criminal proceeding for any purpose, See; (Schneckloth v. Bustamonte) (1973) 412 U.S. 218, 225, 36 L. Ed. 854, 861, 93, S. Ct. 2041; (Brown v. Mississippi) (1936) 297 U.S. 278, 80, L. Ed. 682, 687, 56, S. Ct 461; (People v. Haydel) (1974) 12, C3d, 190, 197, 115, CR 394. (No longer good law after Colorado v. Connelly; supra; and Cal Const Art. I, § 28 (d), on issue that private citizens may coerce confession from suspect; Evidence that is not direct "Fruit" of an involuntary confession is also inadmissible. Evidence that is not directly obtained by illegal conduct may be admitted if the prosecution can show that the connection between the primary illegality and the challenged evidence has "become so attenuated as to dissipate the taint." (Wong Sun v. U.S. (1963) 371, U.S. 471, 9, L. Ed. 2d, 441, 457. See; (Exhibit: 41) #6) Informant Valencia was sent by Pasadena police Detectives on (1-23-09), To solicit & stimulate conversation from Defendant at there request. But before this request Sergeant Gourdikian on (1-23-09) (also found

guilty of illegal firearms sales and sentenced to twelve months in federal prison); conducted a probation search of defendant's living premises; see, (Exhibit (A) #5 pg. 5) This was done to further stimulate conversation from defendant by informant Valencia, Seargent Gourdikian ^{Exhibit (A) 6} executed both stimulation tactics (1-23-09 pg. 5) second ^{Exhibit (A) 7} (2-14-09). After the stimulation attempts were executed detectives coerced and ordered informant Valencia to coerce defendant by way of getting the defendant to incriminate himself by stating incriminating statements from defendant by coerced and stimulated conversation conducted by detectives (Okamoto) (Broghamer) (Curry) and (Gourdikian).

A statement is obtained involuntarily from a defendant when the accused's abilities to reason, comprehend, or resist were so disabled that he was incapable of free rational choice. In re (Cameron) (1968) 68 C2d 487, 498, 67, CR 529. To determine this issue the totality of the circumstances surrounding the interrogation must be considered. In re: Cameron; Supra; (People v. Benson) (1990) 52, C3d, 754, 276, CR, 827; An involuntary statement violates due process. (In re Cameron, Supra) and is of doubtful reliability. (People v. Garner) (1961) 57, C2d, 135, 163, 18, CR, 40; In (Colorado v. Connelly) (1986) 479, U.S. 157, 93 L Ed, 2d, 473, 107, S. Ct. 515. The Supreme Court added the additional requirement that coercive police activity is a necessary

Predicate to the finding that a confession is involuntary within the meaning of the Due process clause of the fourteenth amendment, under case law interpreting Cal const. Art I § 28 (d). In similar contexts United States Supreme Court law prevails over contrary California law in this area; see; (People v. May) (1988) 44, C3d, 309, 243, CR, 369. Federal rather than state law governs admissibility of defendant's statements. Both physical and psychological coercion are prohibited. (Rogers v. Richmond) (1961) 365, U.S. 534, 540, 5, L, Ed, 2d, 760, 767, 81 S ct, 735.

This is true despite a prior valid admonishment and waiver of Miranda rights. see; (People v. Hill) (1967) C2d, 536, 547, 58, CR 340. This issue also falls under a (Massiah violation) Interrogation in violation of the defendant's rights to counsel that is improper when conducted by the prosecution is also improper when obtained "surreptitiously". Through the use of a under cover police agent (U.S. v. Henry, supra; (Federal); (People v. Arquello, supra; (State); (Massiah v. U.S.) (1964) 377, U.S. 201, 12, L, Ed, 2d, 246, 84, 5, ct 1199, (under cover or open interrogation). This is commonly called a Massiah violation; Similarly, Massiah error occurs when a coprincipal, working at the request of the police, "purposely" "stimulates" a conversation with the Defendant about charged offenses. This is even true when the defendant is entrapped & knows that the coprincipal is supplying information to the police.

In re neely (1993) 6, c4th, 901, 909, 26, CR2d, 203. No massiah violation occurs when spontaneous, voluntary statements are made by accused to others who pass them on to the police, when the informant makes no attempt to solicit the statements. (People v. catelli) (1991) 227, C13d, 1434, 1442, 278, CR, 452.

For an informant to be considered a government agent, There need not be an express agreement by the state to compensate the informant for his or her services. Even if the informant is told not to expect a deal in exchange for testimony, when the state makes a conscious decision to obtain the informants cooperation and the informant consciously decides to provide that cooperation the informant then becomes an agent of the state; (Randolph v. California) (9th cir 2004) 380, F3d, 1133, 1144). See; (Exhibit(A)#11 RT-3, 237-302 Pg 273 1-28) Valencia states Det. curry had gave him instructions to try to get defendant to say he did it on Pg 275 12-28). Det. curry gave government agent informant Valencia instructions with a recorder and said try to talk to Defendant; see, (Exhibit(A)#10 RT-3 pg#213 22-28). Det curry states informant Valencia was arrested and released on another case he later came back to the station to get interviewed by Det. Kevin Okamoto. See; (Exhibit(A)#8) In the recording interview of agent Valencia, where Valencia talked about the murder, was inconsistent and was relocated several times by way of stopping the recording and moving into another

room, agent valencia's statements were so ambiguous and inconsistent in the okamoto interview that the statements made by Informant valencia had to be coerced and redirected by Det. Kevin okamoto in the interview at many points; see (Exhibit (A)#8 pg 2 & pg 7) Det. okamoto states he knows agent valencia doesn't like going into other rooms this insinuates that valencia was being questioned prior to the Audio recording (on pg 7) Det okamoto stops the interview as well for further coercion within the interview informant valencia was so inconsistent that he was stopped and relocated to another room by okamoto rephrasing his testimony and was clearly coerced before the recording commenced again for further coercion (see; Exhibit (A)#9) which insinuates the moral turpitude also the p.c. 211 Robbery case the agent was lying and trying to mislead the interviewers.

As this falls under a (Napue violation) (Napue v. Illinois) 360 U.S. 264) where the court reversed a decision that held the prosecutors failure to correct knowingly false testimony was not a due process violation under U.S. const amend XIV. The witness testified that he had recieved no promise of consideration in return for his testimony, Although the prosecutor knew that he had promised consideration to the witness. He did not correct the false testimony. In addition, The fact that other evidence regarding the witnesses credibility was introduced did not remove the taint of the

false testimony. In Valencia's testimony (Exhibit (A) #8) pg 18#12-17-23), Okamoto asked Valencia did the cops ever come to that party after the gun after somebody heard a gunshot, (Valencia) "yeah." "I think they were right across the street when he shot it." (Okamoto) "who was" (Valencia) "The cops," See; (Exhibit (B) #4-1, Dispatch was responding to a "Party Disturbance" and later that evening at 1:00 am Dispatch responded to 145 W Figueroa Dr in the city of Altadena for a shooting that occurred, (Exhibit (A) #8 pg 4-3-11.) Valencia said they left at 10:30 pm.

The inconsistent lies are not just inconsistent in there entirely but compromising towards Defendants life, liberty, violating The Due process clause, of the 14th amend and 6th amend constitutional rights "to have a Defense" under the (equal protection clause). That deprives the petitioner of rights that allow a complete investigation of any and all police corruption or misconduct cases, in which sets a constitutional Safeguard for all citizens to be protected under the (Equal protection clause) uncluding police brutality, systemic racism, and unlawful convictions that weakens the trust of the judicial systems process, strengthening the publics trust towards the judicial system.

In Det William Broghamers case; he was found guilty of egregious misconduct of a witness, perjury Kidnapping and beating witnesses, See; (Exhibit (A) #12). Det. Broghamer had picked up witness Eric Guzman

an underaged child from the child's living premises on April 30, 2009, see; (Exhibit (B)#5) witness Eric Guzman an under age child was deceived and entrapped by Det William Broghamer, he was taken to the station by Det Broghamer and questioned for several hours by Det Broghamer within the interview. Det Broghamer is heard telling witness Guzman if he remembers what he himself Det Broghamer had told him as well as Det. Grant Curry prior to the interview.

This is a indication of prior coercive statements made prior to the Audio recordings by Det. Broghamer, in the recording, Det Broghamer, see; (Exhibit (B)#5). In all these recordings Det Broghamer is heard pressuring and coercing the witness by constantly drilling the witness with questions that the witness did not have an answer too, thru out the whole Audio recordings Det Broghamer is heard pressuring the witness coercing the witness, on (Exhibit (B)#7) The witness testifies to being pressured by Det Broghamer (CT#1 pg 34-35) before the recordings the witness testifies with being threatened by way of being charged with the murder charge. If he didnt give the Detectives what they wanted to hear on the recording, Detective Broghamer was inconsistent on his preliminary hearing testimony, Through out the whole testimony, Det Broghamer states witness Guzman gave consent to his parents on where he was going while on the preliminary testimony the witness states no one was home see; (Exhibit (B)#6) pg 164 he also stated

that Guzman had described the gun, he stated that Guzman was crying (Exhibit (B) #6) pg 169 Guzman states the Detectives drew the gun and scared him.

U.S. v. Female juvenile (Wendy G) (9th cir 2001) 255 F3d, 761, 765. (In which (1) Arresting officers violated 18 U.S.C. § 5033, 5031, by failing to inform parents of juvenile in custody that they might advise and counsel child before interrogation (2) violation was a cause of confession and (3) juvenile remained in custody with no miranda rights "Deceived" and with little experience minimal education and low intelligence the deprivation and isolation of the juvenile was "Entrapment".

See; (Exhibit (A) #1) Trial witness list with Detectives names listed for testimony. See; also (Exhibit (A) #2) Date 4-30-09 Det Kevin Okamoto interviews Defendant Canizalez on pg #6-7-9 where he states that he fabricates evidence in some cases. There are safeguards set in place to avoid discrimination. It is typically called a pitchess motion (Pitchess v. Superior Court) (1974) 11 C3d 531, 113 CR 897, (Evid. C. § 1043 (a)). The pitchess procedure only applies to the discoverability of law enforcement personnel records.

As a (Brady violation) was presented under Brady v. Maryland) (1985) 373 U.S. 83, 87, 10 L. Ed. 2d 215, 83 S. Ct 1194) See; Pen. C. § 1054 (e) (Discovery required by United States constitution must occur, since this fact did or was not known by defendant at the time of Trial. The prosecutors duty to disclose material exculpatory evidence does not end when the trial is over [A]fter a conviction

the prosecutor also is bound by the "Ethics of his office".

To inform the appropriate authority of after-acquired, or other information that casts doubt upon the correctness of the conviction." (Imbler v. Pachtman) (1976) 424 U.S. 409, 427, n²⁵, 47, L. Ed. 2d 128, 141, 96, 5, ct 984.) Duty to disclose encompasses impeachment evidence the united states supreme court has never drawn a distinction for Brady purposes between impeachment evidence i.e., evidence that reflects on the credibility of a witness, and evidence that is directly exculpatory, see; U.S. v. Bagley, Supra; The prosecutors duty to disclose evidence that would impeach the testimony of material witnesses.

On (Exhibit (B#2) the Autopsy report on pg. 1 Dr. Kevin young states on the anatomical summary the victims death was caused by a gunshot wound of chest below this statement he states fatal indeterminate range gunshot wound entering the left back, on pg 3 Dr Kevin young states a fatal gunshot wound entering the left back on the trauma summary he also states the projectile course of action. Dr Kevin young also states he dissected the T-5, T-9 vertebrae in order to properly photo the bullet tract, he states the bullet tract was from left to right he states no soot stippling searing or muzzle stamp was scene on the left gunshot wound he states the fractures of the body caused by the bullets course

of action, on pg 4, Dr Kevin young on the evidence of therapeutic intervention, states that there was a defibrillator type skin pad mark seen over the right side of the chest of the victim he undermines calling it a gunshot wound, on pg 8, Dr Kevin young states there was one small caliber lead bullet found and recovered from the decedents right axilla on the evidence collection summary it was taped signed & dated and securely sealed for evidence, see; (Exhibit (A) #2) pictures taken and preserved as well, now on pg 9, Dr Kevin young states on his Autopsy report opinion the cause of death is an indeterminate range "gunshot wound to the chest." This is clearly a inconsistent opinion and a clear indication of a fruit of the poisonous tree Doctrine, This Autopsy is a fraudulent and perjured Autopsy there was only one bullet found within the victims Anatomy, Dr. Kevin young states two gunshot wounds not exit wounds (indeterminate range gunshot wounds) which is a clear fabrication of the Autopsy, The theory of the case and inconsistent opinions, that undermined the true cause of death and gunshot wound, This evidence cannot be allowed to be used, reason being the inconsistent opinions with two gunshot wounds and medical malpractice issues presented, Dr Kevin young clearly states two gunshot wounds which is a false theory and opinion, citing; (Conwell v. Woodford) 312, Fed Appx 58 (2009) U.S. Appx 58 (2009) U.S. App.

(Strickland v. Washington) 466 U.S. 668, 80 L. Ed. 2d 674, 104 S. Ct 2052 (1989), see; (Exhibit (B) #2). Dr. Kevin Young states along with Donna Hollingsworth, that the bullet travelled from left to right on pg. 124; also that the bullet did not exit the body there was ("no exit wound"). On pg. 126 Dr. Kevin Young states the cause of death was a gunshot of the chest along with collaborations of Donna Hollingsworth.

No attempt was made by defendant's counsel to clarify this key issue in the case, no investigation was conducted by the defense's counsel, violating the 6th amend & 14th amend, U.S. constitutional right to have a competent attorney make investigations and present a Defense, violating the (Due process clause), also the petitioner is introducing the inadmissible hearsay admitted as honest evidence which was used for the sole purpose to prejudice the defendant with inadmissible hearsay evidence that was fabricated to present a (false theory) of a retaliation within the case, violating the defendant's 6th amend and 14th amend U.S. constitutional rights of the Due process clause under the equal protection clause, citing; Crawford v. Washington (2004) 541 U.S. 36, 158 L. Ed. 2d 177, 124 S. Ct 1354. The introduction of an out of court statement made by any other party may violate the defendant's rights to confront a witness see; (Exhibit (C) #1) also (Exhibit (A) #5 pg. 9). Defense counsel did not cross examine the declarant. In Crawford

holding that when an out of court statement implicating the defendant is "Testimonial" in nature, its admission violates the confrontation clause unless the declarant is unavailable and the defendant has had an opportunity to cross examine the declarant 158 L. Ed. 2d at 203, as used in Crawford "testimonial" statements are those that are made in circumstances that reasonably suggest their future use in a trial, 158 L. Ed. 2d at 192. Statements made to police officers (Exhibit (A) #5 pg. 9.) Velez statements during interrogation are "testimonial" under even a narrow standard, 158 L. Ed. 2d at 203, consequently the Crawford ruling makes the out of court statements of a non-testifying accomplice or witness inadmissible, see; (Exhibit (C) #1) Detective Duran interview of Velez.

In petitioners case the testimonial hearsay was made in the preliminary hearing by Det. Duran regarding witness Arturo Velez, see (Exhibit (C) #4) testimony in a interview for clarification the preliminary also expounds on petitioners claim of an expert who testifies. As to general principles that are part of the experts training and experience, this exception "does not extend to case-specific facts" see; (Exhibit (C) #3) and (Exhibit (C) #1) when an expert relies on hearsay statements to provide case-specific facts and considers the hearsay statements to be true, the experts

testimony as to these facts is offered for its truth in violation of the confrontation clause.

Accordingly, such testimony is inadmissible unless it comes within an exception to the hearsay rule. Det Duran, Det Curry relied and testified on activity's motives and most of all testimonial hearsay comments made see; (Exhibit (c) #1) without these inadmissible testimony's the detectives would not have had a retaliation theory to drive there vindictive action. The public criminalization and encouragement of illegal gun sales made by a Pasadena police department lieutenant, Racist systemic bias & prejudicial criminalization of an entire community in which affects Native Mexican Americans along with African Americans.

It is a crime for one or more persons acting under color of law willfully to deprive or conspire to deprive another person of any right protected by the constitution or laws of the united states (18 U.S.C §§ 241, 242) (34 U.S.C § 1260) Prohibits state or local law enforcement officers to engage in a pattern or practice of conduct that deprives persons of rights protected by the constitution or laws of the united states the types of conduct covered by this law can include among other things, excessive force, discriminatory harrassment, false arrest, coercive sexual conduct, and unlawful steps, searches or arrests. In order

to be covered by this law. The misconduct must constitute a pattern or practice it may simply be an isolated incident. The DOJ must be able to show in court that the agency has an unlawful policy or that the incidents constituted a pattern of unlawful conduct. (42 U.S.C. § 2000d, et seq.) and (34 U.S.C. § 10228.) These laws prohibit both individual instances and patterns or practices of discriminatory misconduct, while there are literally thousands of outstanding law enforcement officials, there are also some police officers who are less than honest whether their dishonesty stems from an attempt to cover-up shoddy police work, a lack of willingness to do their jobs thoroughly and appropriately, or a simple desire to convict suspects whom they believe are guilty. police officers sometimes give testimony that is exaggerated not fully accurate, and, "or just plain fabricated". Due to the "respect and credibility that many community members attribute to law enforcement officials." It is easy to see how a police officers false testimony could result in a wrongful conviction.

A public law enforcement agency has a higher standard of integrity work ethic, a obligational committment to the community and society as a whole meaning poverty struck neighborhoods that have been oppressed and harrassed, falsely convicted by community law enforcement officials for as

long as the early 1900's the transparency and public trust of a law enforcement agency has to be earned thru honest unbiased unracist work ethics. As part of their job duties, law enforcement officials have the task of interrogating witnesses eliciting confessions and interviewing witnesses to crimes.

During this process police officers may inadvertently or purposefully influence the statements of both witnesses and suspects. For instance, A police officer who believes a suspect to be guilty of a crime might place undue or inappropriate pressure on the suspect to confess to a crime that he or she did not commit. Likewise a police officer who shows a photo array to a witness or administers a line-up might somehow suggest to the witness which person is the subject in question. Improper police tactics such as these can not only result in a wrongful conviction but also can be an appealable issue that might later exonerate the suspect.

This is an extraordinary circumstance case. That the court needs to consider and safe guard all U.S. citizens from corrupt and racist police officers. There a (anti corruption clause) law; that could be added to the U.S. constitution. Thank you. May the court grant the petition in the best interest of justice.

Statement of the Case

The evidence presented now is (New Evidence) presented under pen.c. 1473.7 (a) (2) also presented as a Rule 60 (B) (6) motion in the 9th circuit court of appeals the petitioner applies Rule 11 As this case is imperative to the public importance as to justify deviation from normal appellate practice and to require immediate determination in this court under 28 U.S.C § 2101 (e). In the best interest of the people of the united states of America.

Reasons for granting the petition

The court should grant the petition, not only because of the constitutional violations along with the civil rights violated the petitioner has been wronged and oppressed by the corrupt Detectives found guilty for these corrupt and foul acts petitioner would plead to the court to grant the petition in order to fully analyze the evidence used against petitioner for the court to rid of any Doubt, for transparency to be applied. The petitioner would like for the court to exonerate or grant a new trial as the court deems necessary and fair, for the court to consider a (Anticorruption clause), to combat police corruption and misconduct for this case to be a step towards

the protection of all citizens including poverty struck minority's of the united states of America. As the 9th circuit Denied a rule 60 (B) (6) motion regarding New Evidence in (Buck v. Davis) 137 S. Ct 759 Fed. R. Civ. P. 60 (b) (6), and; (Napue v. Illinois) 360 U.S. 264) where coerced Key witness was a government agent violating the defendants rights the evidence obtained was a (Fruits of the poisonous tree Doctrine) violation in (Wong Sun v. U.S.) The District court denied the petition with prejudice stating there was no evidence that the detectives even worked on defendants case. the 9th circuit court of appeals denied the petition stating petitioner failed to present U.S. constitutional right violations under 28 U.S.C. § 2253 (c) (2): (Miller-El v. Cockrell), 537 U.S. 322, 327 (2003) see; (Appendix (D)).

The courts decisions erraneous. A united states court of appeals has entered a decision in conflict with the decision of another united states court of appeals on the same important matter; has decided an important federal question in a way that conflicts with a decision by a state court of last resort; as a state court denied the (New Evidence without prejudice under wrong statutes of pen.c. 1170.95, 5B 1437 statutes misinterpreting the pen.c. 1473.7 (a) (2) (New Evidence) under government fraud, see; (Appendix (D))¹. The courts have so far departed from the accepted and usual course of judicial

proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this court's supervisory powers. May the court grant the petition and exonerate or grant the petitioner a New Trial.

Conclusion

Sincerely, Submitted

Albert Gyzman

Date:

In previous years, leading to this appointed date the pasadena police department has been oppressing the community and the people of the united states of America. In such a way that diminishes trust and allows doubt to enter into the minds of the citizens of pasadena california, undermining the publics confidence in the justice system, systematically and racially profiling, continvesly harrassing under privledged minority's within the community's low income section eight housing neighborhoods and encouraging corrupt tactics that eventually allow unlawful arrest and criminal convictions to go uncorrected, by way of police misconduct and corruption, convictions that determined the pasadena police departments gang unit division was falsyfing misplacing and planting false evidence, along with misleading police reports and perjured testimony, fabricating evidence that ultimately would lead to a criminal conviction. The mayor of pasadena along side police chief of pasadena, announced a criminal case Audit that proved the allegations to be true as the veritas assurance group was the investigating entity. That proved many of the foul corrupt acts committed along with the District attorney's office, collaborations in investigating the cases the pasadena police department Detectives worked on.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Albert Elyman

Date: 11-20-22