

22-6435

No. _____

FILED

OCT 17 2022

OFFICE OF THE CLERK
SUPREME COURT U.S.

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

WILLIE SHIPLEY — PETITIONER
(Your Name)

vs.

D. HOLBROOK — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

THE UNITED STATES NINTH CIRCUIT OF CALIFORNIA
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

WILLIE SHIPLEY
(Your Name)

P.O. BOX 2349

(Address)

Blythe, CA, 92226
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

- 1.) IS a defendant deprived of his right to Confrontation and due process within the meaning of the Sixth, and Fourteenth Amendments when the District Attorney failed to take all reasonable steps to secure the testimony of a reluctant complaining witness?
- 2) IS a defendant deprived of his right to due process within the meaning of the Fourteenth Amendment when hearsay evidence of a sexual assault allegation from 10-years prior was presented and absent the witness pursuant to Evidence Code Section 1108?
- 3) IS a defendant deprived effective counsel when defense counsel declared a conflict of interest pursuant to the United States Constitution, Under Rule -3-310 and Sixth Amendment,

LIST OF PARTIES

[V] 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

TABLE OF CONTENTS

| | |
|--|---|
| OPINIONS BELOW..... | 1 |
| JURISDICTION..... | |
| CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED | |
| STATEMENT OF THE CASE | |
| REASONS FOR GRANTING THE WRIT | |
| CONCLUSION..... | |

INDEX TO APPENDICES

APPENDIX A

APPENDIX B

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

| CASES | PAGE NUMBER |
|--|-------------|
| Napue V. Illinois 360 U.S (1959) | 264 311 |
| Strickland V. Washington, 466 U.S (1982) | |
| Arizona V. Youngblood, 488 U.S 51 (1988) | |
| California V. Trombettta 467 U.S 479 (1984) | |
| Smith V. Robbins 528 U.S 259 (2000) | |
| U.S V. Gonzalez -Lopez 126 S. Ct 2557 (2006) | |

STATUTES AND RULES

Evidence Code section 240, subdivision (a)(5)
Code Section 1108

Rule 352 Pursuant section
Evid. Code 1001.

Rule -3-310

Rule 1219, Subd. (6).)

California Rule of Court, Rule 8.500

California Rules of Court, Rule 8.500(6)(r)

OTHER

1 Wigmore, Evidence (3d ed. 1940)

California Rules of Court, Rule 8.500 (6)(1)

Jefferson's California Evidence Benchbook (4th ed.
CJA-CEB 2009) 12.

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 18 to the petition and is

reported at SEP 05 2019; 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 9 to the petition and is

reported at AUGUST , 25, 2021; 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 10 to the petition and is

reported at Dec , 12, 2018; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the U.S NINTH CIRCUIT court appears at Appendix 11 to the petition and is

reported at JULY 25 2022; 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 July -25 -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: _____, 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 DEC -12-2018.
A copy of that decision appears at Appendix 10.

[] A timely petition for rehearing was thereafter denied on the following date: N/A, and a copy of the order denying rehearing appears at Appendix N/A.

[] An extension of time to file the petition for a writ of certiorari was granted to and including N/A (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

~~RELEVANT STATUTES~~

The complaining witness had no right to refuse to testify absent a statutory or constitutional privilege, Evid. Code § 911.) or the most well known Evidence Code Sections 930 and 940. as well (Evid. Code 970 § 980 also see, Evid. Code § 994, 1012, 1035.4 1038 (1040, 1041 1050 1061, and Code of Civil Procedure Sections 1219 and 1219.5 Confrontation Prejudically deprived under the Amendment Rights, Fifth, Sixth, and Fourteenth Amendments.

Lastly conflict of interest in violation of the United State Constitution, under Rule 3310 and the Sixth amendment.

STATEMENT OF THE CASE

On September 8, 2015, not the day of arrest defendant willie shipley was charged in case number BA437521 with the mix matched 12 felony offenses in order to quicksand. counts 1, 2, 4, 8 - 10: Forcible rape in violation of Section 261, subdivision (b)(1); Count 3 Kidnapping for purpose of rape, in Violation of Section 209, subdivision b(b)(1) counts 6 and 11 Penetration by foreign object, in Violation of Section 289, Subdivision (a)(1)(A) count 12 Robbery in Violation of Section 211

REASONS FOR GRANTING THE PETITION

Due to the merits of a miscarriage of justice on behalf of a plethora of witness by the prosecution and miss handling of the lined up to prove allegations by four complaining witnesses in which all didn't testify, and the insert of propensity evidence which violates due process as trial judge noted RT.311-which the fact is that inadmissible evidence that was highly inflammatory violated the defendants right to due process which is guarantee by the constitution of due process, confrontation, and a fair trial free of conflict, which in this case requires reversal of the judgment based upon "Safeguards" which have been put in place to avoid these kind of situations taking place and the trial courts abuse of discretion, defendant burden is not one even of preponderance, but merely a showing of a reasonable chance and simply shows defendant had a better outcome without.

The inadmissible evidence, under Proper Scope, 352

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

meemie Skypes

Date: 11.17.22