

22-6608

No. _____

ORIGINAL

Supreme Court, U.S.
FILED
JAN 08 2023
OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

MS. ARTHUR E. TORLUCCI — PETITIONER *Pro se*
(Your Name)

vs.

(SUSP) WARDEN(A), TREN ALLEN — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

on 10/11/22
CALIFORNIA SUPREME COURT (S276335) Denied Pet. For Review of Ct. of App. 2/2
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE) *2322143*

PETITION FOR WRIT OF CERTIORARI

MS. ARTHUR E. TORLUCCI *Pro se*
(Your Name)

SALINAS VALLEY STATE PRISON
P.O. Box 1020 31625 Hwy 101
SOLIDAD, CA 93960-1020 FACILITY D, BLDG 8, cell 221
(Address)

(City, State, Zip Code)

MA
(Phone Number)

AT 1/4/23

1 of 24

QUESTION(S) PRESENTED

(EQUAL PROTECTION CLAUSES, USC AMEND. XIV)
IS THE DENIAL OF DUE PROCESS RIGHTS IN ESSENCE AN ACT OF TREASON BY THE CALIFORNIA STATE COURTS & U.S.D.C. CENTRAL & 9TH CIRCUIT COURT OF APPEALS, IN DENYING A AUTOMATIC REVERSAL OF CONVICTION PURSUANT TO U.S. SUPREME COURTS GRIFFIN VS. ILLINOIS.

351 U.S. 12 (1956); FOR NO

SENTENCING TRANSCRIPTS BEING ON RECORD OR NEVER TRANSCRIBED AS NO FAIR & PROPER POST CONVICTION APPEAL CAN BE DONE WITHOUT SENTENCING TRANSCRIPTS (VIA FED. CONST. & ILL. POST CONVICTION HEARINGS ACT, ILL. REV. STAT. CH. 38 §§ 826-832.)

ESPECIALLY WHEN THE PRISONER IS "ACTUALLY INNOCENT" & NEWLY DISCOVERED (SEE EX. A P. 25-30) EXCULPATORY EVIDENCE IS NOT BEING ALLOWED TO

BE LITIGATED BY THE NINTH CIRCUIT COURT OF APPEALS BECAUSE PRISONER WAS AEDPA BARRED IN 2010

BEFORE HE OBTAINED THE EXCULPATORY EVIDENCE THAT WAS CONCEALED AT PRELIM, TRIAL, SENTENCING

DIRECT APPEAL of on HHS-CAS Corpus in CU-01-9878-GJK (RUB) & THROWN INTO ARCHIVES BY TRIAL JUDGE IN 1999 UPON

MAKING IT TO LACS. WITHOUT XEROXING COPIES & TELLING THE COURT/CLERK SO & CLAIMED THE MURDER BOOK/WORK PRODUCT GOT "LOST" & RETURNED IN 2012 BY PRISONER PRO SE! 2 (24)

AT-11/4/25

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:

THE People of THE STATE OF CALIFORNIA
DIRECTOR & SECRETARY OF CDCR KATHLEEN ALLISON et al
(SCL) WARDEN EATON, EVERY WARDEN OF CDCR
SINCE 1996 INCARCERATION.

TRIAL JUDGE ROBERT S. PERRY, PROBATION DEPT.
LA CSC, clerk, COURT REPORTER & TRANSCRIBER on 1/21/96
AFFILIATE COUNSEL CHRISTINE SHAPPER, NRSB. CCT L.M. WILLIAMS.

RELATED CASES

(Pending Retheaming) - Torlucci vs. California No. 22-5098, U.S. SUPREME COURT.

(Stayed) - Torlucci vs. ALLEN(A) No. 22-155 9TH CIR. U.S. CT. OF APPEALS.

(Pending Briefing Stage) ARTHUR TORLUCCI vs. People of California, B320378 NOTICE OF APPEAL
IN CA. APPELLATE CT., DIST. 2, DIV. 2, LA, CA Filed 3/16 & 4/27 (2022).
AND APPOINTMENT OF COUNSEL CYNTHIA BARNES (ESQ) SBK 107454.

ARTHUR TORLUCCI vs. W.A. DUNCAN.
USDC. CENTRAL 2:99-cv-04473 -GHK-EE; CV-04-9878, GHK (RNB).

9TH CIR. CT. APP - 13-56325, 13-56732; 07-56794 (08-56794)

Torlucci vs. EVANS 364 Fed. Appx. 338 (2010) Find (CA9 Rule 36-3) Argued 1/7/09; Filed 2/2, 2010

3 of 94

CA COURT OF APP. 2/2 - B299582, B250998, B248642, B248128, B247502,
B246148, B245392, B245194, B245007, B213123, B212773, B212505, B211238,
B146895, B143448, B138768, B134669, B132276 (B121171, B108073, B300979.

CA. SUPREME CT. - 5068728, 5265769, 5273066 / LA CSC - B4012339; B4014201.

UNBELIAMS - CONTRADIUS - CONVICTION 197(M) 2ND CASE NO. BA120357. convicted 11/4/96 sentenced 11/14/96

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 Summary Denial on 8/25/12 (B322143)
APPENDIX B LACSC Denial on 4/6/12
APPENDIX C Pet. For Review Denied on 10/12/12 IN THE CALIFORNIA SUPREME COURT.
APPENDIX D
APPENDIX E

APPENDIX F Note: THE APPELLATE PORTION OF THE COURT OF APPEALS IS NOT RESPONDING TO MY REQUEST FOR ANOTHER COPY OF MY CA APP. CT 1/2 REPLY (B322143) EITHER TO THE CA SUPREME CT. AS I HAVE BEEN ASKING THEM FOR MY REPLY SINCE 2011 WAY BEFORE THE SAID 11/12/12 DENIAL AS I WAS ABANDONED BY COUNSEL AT APP. CT 1/2 REPLY...

Note: THE COURT OF APPEAL DENIAL/REPLY IS UNAVAILABLE BECAUSE I HAD TO ATTACH IT TO MY CA SUPREME CT. PET. FOR REVIEW & MM BEING DENIED ANY & ALL WORKING SERVICES ON SUSP. DUE TO RETALIATION & TRANSMISSION DISCUMINATION BY MR. ADAMS & HER SUPERVISOR, S. TOMLINSON & MR. WITTE...

At. 11/2/13

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

8

GRiffin v. Illinois
SUPREME COURT OF THE UNITED STATES
Dec. 7, 1955 Argued; April 23rd, 1956 Decided
No. 95

Reporter.
351 U.S. 12, 76 S. Ct. 585, 100 L. Ed. 891;
1956 U.S. Lexis 1079; 55 A.L.R. 2d 1055

GRiffin ET AL. v ILLINOIS

DISPOSITION: Judgment Vacated & Cause Remanded.

STATUTES AND RULES

Equal Protection Clause of the U.S. Constitution
Amend. XIV, Violation of Due Process Rights

Post-Conviction Hearings Act, Ill. Rev. Stat. ch. 38 § 8
826-832

see Note on Reversals in USA. to correct Adjudication of
Guilt or Innocence, 42 HARVARD LAW REVIEW 566.

§ 58 STAT. 5, 28 U.S.C. § 753 (A), 1915 (A).

OTHER

Rescue Army v. Municipal Court of Los Angeles

331 U.S. 549 (584) Inadequacy of the Record
[4*596] [4*30] - (See Estabrook v. King, 119 F.2d 607, 610 (C.A. 8th Cir.); U.S. Fed., 235 F. 105 (D.C. N.D. Calif.))

In Tonucci's 2006 USDC evid. Hearing. Magistrate Block took
Tonucci's word that trial judge "perjury" would not all trial counsel to
argue a mental/diminished capacity mitigating circumstance at sentencing, and
said to trial counsel it should of been part of his trial phase defense. 10 of
AND REVERSED on wrong standard of "Strickland" in 1999 Habeas Filings. (264)

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:

IN A FORMER FILED ON PREP RUL 6(d)(6) AFTER USDC RULING MUST ALLOW NO SENTENCES SCRIPTS ON RECORD OR NEW SCRIPTED VIA CIVIL ACTION.
The opinion of the United States court of appeals appears at Appendix N/A to the petition and is

- reported at WAS FILED BACK IN 2014; 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 N/A to the petition and is

- reported at WAS FILED BACK IN 2013 OR SO; 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 B 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 APPELLATE CT of CA SUPREME court appears at Appendix A & C to the petition and is

- reported at _____; or,
- has been designated for publication but is not yet reported; or,
- is unpublished.

A-1463

11 11 11

JURISDICTION

[] For cases from federal courts:

The date on which the United States Court of Appeals decided my case was By petition in this instant (2022) litigation.

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 10/12/22.
A copy of that decision appears at Appendix C.

[] A timely N/A petition for rehearing was thereafter denied on the following date: _____ 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 N/A (date) in Application No. N/A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

A. 1/4/23

12 of 24

DECLARATORY STYLIC

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

THE "GREAT WRIT" DEPRIVED OF

POST-CONVICTION REMEDY ACT: 11.

REV. STAT. CH. 38 § 826-832.

DUE PROCESS RIGHTS VIOLATED & THE
EQUAL PROTECTION CLAUSES OF THE U.S.
CONST. AMEND. XIV.

NO SENTENCES TRANSCRIPTS
ON RECORD OR NEVER EVEN TRANSCRIBED
TRIAL JUDGE ROBERT S. PERRY LAST RULED
AFTER YEARS OF VARIOUS STORIES OF WHY
THEY ARE NOT ON RECORD & NEVER FOUND IN
ARCHIVES IN 2012 WITH MY MURKIN BOOK
& ATTORNEY WORK PRODUCT THAT WAS CONCEALED
AT TRIAL & ON DIRECT APPEAL & WHEN
THE APPELLATE COURT GOT THE MURKIN BOOK/WORK
PRODUCT FOR ME, IT WAS FILED W/OUT SECURITY
COPIES OF IT & ALLOWED TRIAL JUDGE TO THROW
IT IN ARCHIVES CLAIMING IT GOT "LOST" IN 1999 H.C.
FILES. AS HE CLAIMED WHAT HAPPENED TO SENTENCES
SCRIPTS. HE IS HIDING A MIRIAD OF THINGS HE
SAID AT SENTENCES & DID & DIDN'T DO TO FRAME
ME FOR MURKIN - IN CONTACTS WITH DEPUTY DA,
PAUL JUST & TRIAL COUNSEL & HOLLYWOOD REP. & THE TWO REAL
FILLERS (WHO TESTIFIED (COMMON SENSE) ETC ...

A. 4/1/24

"AFFIDAVIT"

STATEMENT OF THE CASE

ON Direct Appeal Appellate counsel
DID A APPROX WITH NOTHING BUT THE
TRIAL SCRIPTS AFTER WRITING THE COURT
REPORTER FOR IT & STATING NO PROPER
OR FIRM APPEAL CAN BE DONE WITHOUT IT.

SHE ALSO DID NOT TRY TO SECURE THE
MURDER BOOK/WORK PRODUCT FROM TRIAL
COUNSEL ON DIRECT APPEAL. (SEE EXCERPTS OF IT ^{ON A}
PS 25-30
HERE IN

THE MURDER BOOK/WORK PRODUCT IS
THE MISSING LINK (IE) THE EXCULPATORY
EVIDENCE TO EXONERATE ME, WHICH WAS
UNKNOWN AT THE TIME OF DIRECT
APPEAL STILL. BUT IT IS ALSO NOW KNOWN
TO BE THE INCRIMINATING EVIDENCE TO
PROVE SOLID KEY PROSECUTION WITNESS COMMITTED
PERSONALITY TO SAVE HIMSELF & HIS CRIME PARTNER
(WHO CALL NEEDED TO KEEP ON STREETS AS THEIR
MAIN DRUG DEALER IN THEIR CRIME RING)
& PROVE INSUFFICIENT EVIDENCE BASED ON HIS PERSONALITY AS
APPELLATE COUNSEL CLAIMED

4/1/13
AL - IS THE MISSING HALF OF THE RECORD - THAT INCLUDED (INDICTMENT
ASSIGNMENT, PLEA VOUCHER, PRE-TRIAL HEARINGS) (IE) 'MANDATORY RECORD'
& TRIAL SCRIPTS GOES HAND-IN-HAND - WITH ALL OF THAT. SO ALL W/14 (14)
I HAD A DOUBLE REFILED HALF ASSESSED DIRECT APPEAL & J...

APPENDIX III

Automatic Reversal **REASONS FOR GRANTING THE PETITION** Gets me a new trial to prove my innocence

THE DECISION(S) OF THE STATE & FEDERAL COURTS & 9TH CIR. CT. OF APPEALS IS IN CONFLICT OF

THE UNITED STATE SUPREME COURT. (ie) PATRIOTS DRAWING COMPATRIOTS OF THE AMERICAN DREAM...???

THE NATIONAL IMPORTANCE IS THAT THIS COUNTRY HAS A PANDEMIC (IF YOU WILL) OF EXONERATIONS & A MIRIAD OF ACTUALLY INNOCENTS HELD CAPTIVE. AND THE INNOCENCE PROJECTS HAVE THEIR OWN AGENDA. WANTING FACTUAL INNOCENCE, & SPECIFIC CRIMES, SENTENCES & EVIDENCE...

THE NINTH CIRCUIT / CENTRAL DISTRICT / LA CALIFORNIA IS NOTORIOUS FOR ITS PUBLIC KNOWN CORRUPTION INCLUDING D.A. OFFICE, L.A. P.D. ESP. HOLLYWOOD MONROE & THE GOVERNORS OFFICE.

THE BOOK "BLOOD ON THE BALSE" BY EX DA OF LA VINCENT KUSHIOT - WHO TOUCHED THE "RAMMUS" 1970 FIST STING CASE WHERE IT & I WAS SUPPOSED TO BE AUDITING FOR THAT MURDER IN 1996. COPIES SENT TO MY APARTMENT AT TORRELL OFFICE AS A GIFT. CRASH GOT QUARTERED IN THE 90'S & JAIL - AREA.

AEDPA WAS SUPPOSED TO BE FOR CONDEMNED PRISONERS NOT USED AS A LAST PLAY FOR THE STATE WHEN IT HAS NO MERTORIOUS CASE ON "ME" ON TOP OF WRONG STANDARD USES ATTEN 1500 I MOSE' AND/OR VIA COUNSEL "WIN" & ARBITRARILY BARRED PERIOD - LIBERTY, FREEDOM, REAL PROPERTY, KIDS, WIFE, ETC. NO SENTENCES SCRIBES EVEN SCRIBES CUTS THROUGH ALL FED TYPE BUREAUCRATIC BULL CRAP & GIVES ME MY DAY IN COURT F.Y.O. REVOL OF.

4/23
A

1/20/2011

The Record which is based on a 2nd

set of false police reports (different false police reports in my probation report of a 400 foot drag of the victim under the red fillers Gold car) - states that I slammed

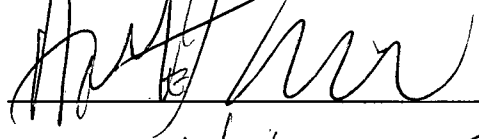
victim to death using my red p/u truck by sandwiching him into parked cars. (The following

excerpts from my Murray Book/work product) show clearly & convincingly that all other eye witnesses' Ammon Shatt of Barbara Thomas does the hit run/shooting and the bullet hole in my truck **CONCLUSION** are lying false

that city detective Hamilton took it out of evidence & gave it to my prison lawyer to extort \$100,000.00 from my family to no avail - & then framed me to keep the petition for a writ of certiorari should be granted.

the eye witness/cop crimes
were like a well as
"KAMPART" (excuse)
him out.

Respectfully submitted,

Ms. 

(see exhibit A)
Pages 25-30
Home W.

Date: November 7th 2011
Resort 5/11/11

Footnote: Ammon Shatt testified to driving the Gold car, see 1/9/11
in his testimony, he said it was not his car.

He & his partner were caught in their identical
false witness statements (at Detective Hamilton, Masking McDonald) 16 of 24
Fung Hillary said they were the real killers as they
were using Taylor's a sting on the victim James Daniels
using Ammon Shatt & Barbara Thomas to set him up