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No. 22-6733

IN THE

SUPREME COURT OF THE UNITED STATES

7th Jurist, U.S. Court of Appeals

John Myles — PETITIONER
(Your Name)

vs.

Ron Neal, warden, et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

The Indiana Court of Appeals, -45A04-1611-P.C. 2602
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI
writ of Habeas Corpus Petition

John Myles
(Your Name)

One Park Row
(Address)

Michigan City, Indiana 46360
(City, State, Zip Code)

(Phone Number)

Petition for an Extraordinary Writ

of

Questions Presented

46G01-0910-PC-09

I. I.

Attorney Misconduct: ineffective Assistence of Counsel, Marc C. Laterzo.

(1) Whether the 6th amendment right to counsel was egregiously violated when counsel learned that the police had conducted a "warrantless home arrest" and he refused to file the 'appropriate' (i.e., the Brady motion) motion to preserve the issue for review?

(2) Whether it was fraud and, thus, egregious misconduct that counsel presented me with two "fake" arrest warrants, and then he claimed that they were actual arrest warrants?

(3) Whether it was fraudulent misrepresentation or deceit when Atty. Laterzo testified under oath that he thought that the sheriff's "Wanted Person Table" was in fact an arrest warrant?

II. II.

Prosecutorial Misconduct: Mark Watson

(1) Whethe or not it was willful, "knowing misrepresentation of a material fact" and the suppression of "material" evidence at trial and P.C. conviction hearing, and thus, misconduct, that the prosecutor omitted disclosing to me and the court that the police documented his admission that he had **NOT** been issued an arrest warrant?

Questions Presented

(2) Whether it was a deliberate misrepresentation of a material fact that Mark Watson claimed, fraudulently, that the p.c. judge had provided us both with the arrest warrant?

III. III.

Judicial Misconduct: Magistrate, Kathleen Sullivan

(1) Whether it was a "false statement" or a misrepresentation of a material fact, and thus, really egregious judicial misconduct that judged Sullivan presented me with false evidence, two spillman system documents?

IV. IV.

A Pattern of Abuse of Discretion: State Court of Appeals May 16, 2018 Order

(1) Whether or not the State App. Court based its ruling on an erroneous view of the Brady v. Maryland Rule by ruling, essentially, that, "circumstantial evidence" was sufficient to show that the court issued an arrest warrant: that this Court's decision in Brady states that a pros. "Shall [physically] reveal to the defendant and permit inspection and copy". And (2) whether the state court ignored defense evidence that no arrest warrant was issued. And no arrest warrant was in the record on appeal: (3) that "material" evidence was excluded as part of the record on appeal.

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Questions Presented

V V

Abuse of Discretion: Federal district Court, Judge Robert Miller

1) Whether Federal district Court improperly deferred To State Court of Appeals and, abused its discretion when it decided that an arrest warrant had been issued?

2) whether or not "circumstantial evidence" was enough To prove a warrant was issued?

VI VI

Abuse of Discretion: United States Appeals Court

Whether or not the U.S. App. court based its decision on an erroneous view of the Brady law, ruling contrary To Brady v. Maryland, that "circumstantial evidence" was evidence sufficient To determine factually that an arrest warrant was issued, and as a result, The state did not have To disclose the warrant.?

John B. Myles
pro se
07

John B. Myles, #984466
ONE PARK ROW
Michigan City, INDIANA 46360

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 Lake Co. Post Conviction Court
The United States District Court
The United States Court of Appeals

RELATED CASES

John B. Myles vs. Ron Neal – 45G01-0910-PC-09: Consolidated with 008
John B. Myles vs. Ron Neal – 45G01-0911-PC-10: Consolidated with 007
John B. Myles vs. Ron Neal – 45A04-1611-PC-2602: Consolidated – Both

Consolidated, "Companion" Cases

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Others:

John Mylo
pro se

IN THE

SUPREME COURT OF THE UNITED STATES

Petition For An Extraordinary

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 7 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 E to the petition and is

[ ] reported at ______,
[ ] 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 ______; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

The opinion of the Lake County Indiana, Post Conviction (or Trial) court appears at Appendix D 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 May 16, 2018. A copy of that decision appears at Appendix A.

[ ] 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 ______.

[ ] 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. __A______.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. The sixth Amendment, the right to effective Assistance of Counsel

2. The fourth Amendment, the right to privacy in the home

3. the 14th Amendment, the right to Due process and to equal protection of the laws

STATEMENT OF THE CASE

probable cause for the warrantless arrest. On Jan. 19, 2007, I went before the trial judge and was appointed a public defender to represent me in both cases, Scherrillville (45G01-0701-FB-00007) and Hammand (45G01-0701-FB-00008).

About Oct. 6, 2007, I asked my p.d. Atty, Marc C. Laterzo, to provide me with a copy of the arrest warrant. Counsel informed me that the police did have a warrant for my arrest, and he added, "This judge don't throw out evidence. I persisted in my effort to view their arrest warrant over the following three (3) months, and finally, after nagging counsel about viewing the warrant of arrest, on Jan. 22 or about, Atty Laterzo produced Sheriff documents that indicated he had went though the sheriff's department to procure the arrest warrant — not the prosecutor and court. The Sheriff documents were titled "Wanted Person Table". They clearly were not arrest warrant, as this Court will see.

For deception and "refusing" to move the court to quash the arrest and suppress evidence, I file a motion for substitution of counsel. The motion was summarily denied, and I filed a complaint with the Indiana Attorney Disciplinary Commission. The Commission refused to get involved at that

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Statement of the Case

I was arrested January 12, 2007, inside my apartment in Gary, Indiana. I was arrested for the armed robbery of a walgren pharmacy store located in scherrilville, Indiana, by a U.S. marshal task force which was comprised of the scherrilville, the Hammond, Lake County sheriff and Gary, Indinana police departments. The crime occurred on October 11, 2006, three (3) months earlier. I was initially charged by the scherrilville police department, and five (5) days later, Jan. 17, 2007, the Hammond, Ind. police charged me with the armed robbery of a walgren store.

Without knocking, the two U.S. marshalls, at the behest of the Hammond and/or scherrilville police, busted into my apartment, handcuffed me and immediately transported me to the Hammond City police jail where I was finger printed and photographed and interrogated. On Jan. 13 2007, I was transported to the Lake County Jail. All of this occurred without an arrest warrant having been issued and without "exigent circumstances."

On Jan. 16, 2007, I was taken before a magistrate who found 4

Statement of the Case

point in the proceeding. And so, I protested vigorously but was forced to trial with this scheming attorney. I was convicted on or about March 10, 2008, and sentenced to 42 years, after refusing a plea deal of 10 years.

After sentencing, I immediately filed a written motion, requesting Counsel LaTerzo's dismissal. Finally, the judge apparently saw the injustice in Counsel continued representation and ordered him removed from both cases.

Another public defender name Sonya Scott was appointed to represent me in Cause No. 00008. She did virtually the same thing. The appellate public defender filed a timely notice of appeal. The direct appeal was denied November 9, 2009; and on or about December, 2009, I filed a timely notice for post conviction relief, claiming ineffective assistance of counsel. On March 30, 2016, p.c. proceeding began. The prosecutor did not acknowledge receiving a fax from the police who admitted he had not been issued an arrest warrant. And on March 31, 2016, the Court herself presented me and the prosecutor with "Spillman System" documents which she falsely claimed to be arrest warrants.

The petition for p.c. relief was denied on or about Sept. 2016.

Statement of the Case

I filed a timely petition for habeas corpus relief on Oct. 6, 2019 , and I was allowed to proceed in forma pauperis. On Oct. 13, 2020, The District denied the petition. I then filed Timely a notice of appeal. on Nov. 23, 2020. The motion for a certificate of appealability on Dec. 2, 2020. This petition was denied April 19, 2021, by Two of The Three (3) judge panel. I subsequently filed a Timely motion To extend Time for a re-hearing on May 7, 2021. The motion for an extension of Time was granted. To May 31, 2021. I then file a motion To compel discovery (for production arrest warr). The motion To compel was denied. The U.S. Ct. of Appeals denied my motion for a certificate of appealability and stating that I showed no evidence of being denied a substantial constitutional right. And then, on Sept. 3, 2021, I filed a motion for a 60 days extension of Time To petition This Court for a writ of certiorari. The Clerk did not informed me that my motion was out of Time until December 6, 2021.

It was "impossible" for me To have known about the Court having changed the rules for filing for certiorari from 90 days To 150 days after entry of Judgement. Additionally, This institution was locked down from May, 2021, To about August 14, 2021, which made it Totally impossible To file Timely. The rule chang, if any, is Not in this Court's Rule Book!

Petition for an Extraordinary Writ

Reasons for Granting the Writ

Claim I.

Constitutional Ineffective Assistence of Counsel, Marc Laterzo.

The sixth amendment of the United States Constitution guarantees all citizens, including convicted felons, the right to effective representation by loyal counsel. Counsel's representation must not fall below an "... objective standard of reasonableness in light of prevailing professional norms". Bobby vs. Van Hook - 558 U.S. 4, 16 (2009). "To prevail on a six amendment claim, the petitioner must show that counsel's performance was deficient and that the deficient performance prejudiced him." Strickland v. Washington - 466 U.S. 668 (1984).

The Court's review of Counsel's performance is deferential "... whether there is any reasonable argument that counsel satisfied Strickland's deferential standard." Harrington v. Richter - 562 U.S. at 105. Counsel's representation "need not to have been perfect ... to be constitutionally adequate." Delatorre v. United States - 847 F. 3d 837, 845 (7th cir. 2017). Instead, Atty. Laterzo's representation "... must merely [have been] reasonably competent."

The circumstances of Atty. Laterzo's representation involved "a warrantless arrest" inside my apartment located in Gary, Ind. and Counsel's refusal to motion the

Petition for an Extraordinary Writ

The reasons for granting the writ

Court to quash and suppress. The robbery occurred on October 11, 2006. After charging me with that robbery, the U.S. marshals, at the behest of the Hammond and Sherrilville, IN. Police departments, formed a Task force which was comprised of the Hammond, Sherrilville, Gary, IN and Lake County police; They knocked down my door and arrested me in bed on January 12, 2007, without either a warrant or an exigency. Although I had been charged by the Sherrilville police, it was the Hammond, IN police who instructed the U.S. marshals to "... Take him to Hammond jail". On Jan. 13, 2007, I was Transported to the Lake County, Ind. Jail.

Attorney Marc C. Laterzo was appointed to represent me in both cases on January 19, 2007. I was charged with the Hammond Walgren robbery on January 17, 2007 "After" The Jan. 12, arrest and Sherrilville Charge. These were the circumstances preceding Mr. Laterzo's appointment as counsel of record.

On or about June 12, 2007, Counsel provided certain discovery documents. Neither the arrest nor search warrant was included in that information packet. At some point in October—about the 10th—I requested the arrest and search warrant. Counsel promised to get them, but did not. I again asked to

Reasons for Granting the Writ

see the warrants in December, 2007. Finally, on Jan. 24, 2008, or about, I received a second information packet from Counsel. This batch of discovery contained only a search warrant — no arrest warrant, (Exh. 1). I questioned Counsel, inquiring about the missing arrest warrant. He impatiently explained that the presiding judge was "not one who threw out evidence." I still insisted to see the arrest warrant. Counsel claimed that he had already sent the arrest warrants on Jan. 22, 2008. Mr. LaTerzo was referring to the documents called the Lake Co. Sheriff's "Wanted Person Table," which he had included in the Jan. 24, 2008 discovery, (Exh 2, Exh 3). Now, as this Court can see, these documents are not arrest warrants. Counsel LaTerzo even documented his claim that the "Wanted Person Table" was an arrest warrant. Just to be sure, compare the official Indiana Arrest Warrant, (exh 4) with the "Wanted Person Table."

On March 30, 2016, at the post conviction hearing, I questioned Counsel about the document that he had assured me was an arrest warrant. I asked Counsel whether he remembered sending the "Wanted Person Table" documents. Counsel viewed the two documents and responded that, "This does appear to be an arrest warrant..." (See Appdx B; p.c. Trans. p. 14, 14-25). Then, I asked

Petition for an Extraordinary Writ

Reasons for Granting the Writ

Counsel, "...that's a [arrest] warrant? ... Is it an actual one [arr. warrant]?" "Do you know a [arrest] warrant when you see one, Mr. Laterzo?" Mr. Laterzo replied - suprisingly: "The document you showed me is what I've always seen as being a warrant." (Appdx B; p.c. Trans. p.16, 2-13)

On Jan. 22, 2008, Counsel told me this document was an arrest warrant, and again, in 2016, Counsel still claimed the "Wanted Person Table" document is an arrest warrant! And based on this erroneous assumption, Counsel said he did not file a motion to quash the arrest and suppress evidence. The document is NOT an arrest warrant, as any freshman law student would undoubtedly tell you. The law student at the Maurer School of Law saw Counsel errors immediately. (See Student letter, exh. 5).

It is "a deficient performance" when, out of ignorance, an attorney admits it, and/or lacks knowledge of what constitutes a valid arrest warrant; and due to his incredible ignorance, he fails to file a motion to quash and suppress, so-as-to preserve the police's error in the record on appeal. (or, was it real ignorance?)

Petition for an Extraordinary Writ

Reasons for Granting the Writ

Attorney Laterzo's performance fell far below an objective standard of reasonableness" under the Strickland Rule. It is Counsel's inexcusable ignorance (or his intentional, willful neglect) that violated my right to effective assistence of counsel. "An Attorney's ignorance of a point of law that is fundamental to his case, combined with failure to perform basic research on that point is a quintessential example of un-reasonable performance under Strickland." Hinton v. Alabama - 571 U. S. 263

Claim 2

In search of the arrest warrant, Counsel sent a subpoena duces Tecum to the Sheriff's department's instead of the Brady v. Maryland motion for additional discovery. (See exh. 6). The sheriff sent Counsel the previously mentioned "Wanted Person Table, (exhibits 2 and 3). It is not beleivable that Counsel didn't know that these documents were not... arrest warrants. After over 13 years of lawyering. (See Appdx. B, p.c. Trans., p. 6-7, 25-14). At any rate, on January 24, 2008, or about, Mr. Laterzo sent me an office memo in which he stated: "Enclosed is a copy of your arrest warrants..." (Exh 7). Now, again, please compare Mr. Laterzo's "Wanted Person Table" to Indiana's official arrest warrant. Incredible! It is impossible for a seasoned Attorney the likes of Marc Laterzo to mistake the Sheriff's Wanted

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Reasons for Granting the writ

Person Table" for a valid Indiana Arrest warrant. The Chief public defender Testified that the sheriff's document was not an arrest warrant, (see Appdx B, p.c. Trans. p. 102, 12-19). His co-worker, public defender, Sonya Scott - she also Testified that the document was not an arrest warrants." (1) (see Appdx B Trans. p. 67; 14-25 Thru page 68 1-25; Also page 69; 1-23). (Scandalous!)

So, it was clear To all, except Atty. Laterzo, that what he pretended To think was an arrest warrant was in fact not an arrest warrant; yet counsel insisted that it was an arrest warrant.

Defense Attorney Misconduct, Marc C. Laterzo

Since no competent attorney would mistake the sheriff's "Wanted Person Table" To be an actual arrest warrant, Atty. Laterzo obviously intended To deceive me by sending these documents and claiming fraudulently that, "Enclosed are your arrest warrants...". The main reasons that Mr. Laterzo can not be beleived when he said that

(1) Note: p.d. Sonya Scott was appointed To represent me in The second case, (or cause No. 45G01-0701-FB-00008). After I filed a motion To dismiss Mr. Laterzo, which was at the end of this case, No. 45G01-0701-FB-00007.

he "...always seen..." the "wanted Person Table" as an arrest warrant is because before counsel became a public defender, he worked as a prosecutor. (Appd B, Trans. p. 7, 4-13). It is a major pre-requisite that prosecutors know exactly what constitute an arrest warrant. This is no less true about trial lawyers. They too absolutely must be able to recognize an arrest warrant when they see one.

Knowing full well that the Lake County "wanted Person Table" was not an arrest warrant, still, counsel refused my repeated request that he file a motion to quash arrest and suppress evidence, as the particular circumstances dictated he do. "Failure to file a timely motion to suppress amounts to a constitutionally deficient performance under Strickland, especially when it involves a warrantless home arrest. The reason for this is that a warrantless home arrest implicates the 4th and 14th Amendments. U.S. v. Mercedes De lacruz - 787 F. 3d 61 (1st Cir. 2015): and also Kimmelman v. Morrison - 176 A. 3d 173, (D.C. App. CT. 2017). Counsel later to knew, or should have known, that a warrantless home arrest is "presumptively unreasonable," absent exigent circumstances or consent; and "this presumption is so well established that no reasonable officer [or attorney] could claim to be unaware of it." Groh v. Ramirez - 540 U.S. 551, 559, 124.

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I have a Constitutional right to challenge the warrantless arrest in my home. The right to challenge this kind of an arrest is a fourth amendment right related to privacy in the home," which is rooted firmly in the due process clause of the 14th amendment. United States v Maned - 955 F. 2d 1062 (1992)

Counsel, by refusing to file the motion to quash the warrantless home arrest, denied my 4th right to challenge the arrest, and thus, he violated my 6th amendment right to effective assistence. The Attorney also effectively suppressed material evidence in-so-much-as an arrest warrant involved in a home arrest is automatically "material evidence" because of its connection to the 4th amendment. Brady v. Maryland - 373 U.S. 83.

Counsel's conduct and/or actions went beyond run-of-the-mill ineffectiveness in that he was "intentionally," deliberately ineffective, which intentional ineffectiveness was apparently to facilitate a conviction by suppressing the "material" fact that the police failed to secure an arrest warrant. Counsel's actions were injuriously fraudulent, and they amounted to mis-conduct. Atty Lazarzo's performance was exceptionally deficient and his deficient performance did in fact prejudiced me. Strickland, ibid.

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II.

II Prosecutorial Misconduct, Mark Watson

State prosecutor Mark Watson failed "deliberately" to acknowledge or provide me with material and favorable evidence during the post conviction hearings held on March 30 - 31 and on April 8, 2016. This evidence related to the arrest warrant involved in the home arrest. The prosecutor failed to correct perjurious testimony by police.

A Brady prosecutorial misconduct claim has three components: 1) "The evidence at issue must be favorable to the accused, either because it is exculpatory or because it is impeaching: 2) The evidence must have been suppressed by the state, either willfully or advertently: 3) prejudice must have ensued." see Banks v. Dretke - 540 U.S. 668 (2004).

On January 12, 2007, I was charged and arrested inside my home for an armed robbery that had occurred on October 11, 2006. The police failed to get an arrest warrant; neither did I give consent for them to enter, ... nor were exigent circumstances present.

"The prosecutor has a duty to learn of any favorable evidence known ... including the police." Strickler v. Greene - 527 U.S. 263. And, "It is the duty of a prosecutor to disclose material information without a request for it." see pennsylvania v. Ritchie - 480 U.S. 39 2057 N. 15, 107 (1987).

During the march 30-31, 2016, p.c. hearing, both, cases, No. 00007 and 00008 were heard on the claim of ineffective assistance of Trial Counsel. Public defender Sonya Scott represented me in Cause No. 45G01-0701-FB-00008, the second case. On June 16, 2008, Atty Scott filed a "motion to produce additional discovery" under The Brady Rule, (see exh. 8). In response to counsel's motion, the prosecutor filed his "supplemental Discovery Response", (see exh 9). No where in prosecutor Watson's response does he say that a copy of the Arrest warrant was sent. The Lake County sheriff warrant screen paperwork is not an arrest warrant, and it is this document that the prosecutor gave Atty Laterzo. The prosecutor knew, or should have known, even prior to the first trial, that no arrest warrant had been issued; however, after Atty. Scott filed the Brady motion for disclosure, the prosecutor had to have known then that no arrest warrant had been issued. And, even if he didn't know, it was his "Brady" duty to know and to make sure that this information got into my hands at or during the post conviction hearing. Mr. Watson did not do that.

"If favorable, material evidence exclusively in the hands of the prosecution

II

Prosecutorial Misconduct:

Term fails to reach the defense for any reason, and the defendant is subsequently convicted, the prosecutor is charged with a Brady violation, and the defendant is entitled to a new trial. Porter v. White- 2007 U.S. Ct. App. lexis 8378 (11th cir. 2007).

Now, following is where we see even more clear the naked evidence of prosecutorial misconduct. In the state's findings of fact and conclusions of law, the prosecutor made a misrepresentation regarding a "Material fact". Fraudulently, the prosecutor wrote that the post conviction judge had provided him and me with a copy of the illusive arrest warrant. That was a blatant lie. (see appdx. D or excerpt, the st. fndgs facts, p. 6, para. 15) The charging officer had long ago, on July 1, 2008, sent a fax to the prosecutor, Watson, and informed him that, "This is all, I had the county screen for a warrant." (see exh. 10) So, the prosecutor — in 2016 — still wrote that the p. c. judge had found copies of the arrest warrant. This blatant lie was most injurious. The federal habeas judge repeated it and based the rationale for his decision denying my claim of ineffectiveness on the prosecutor's false statement that the p. c. judge found arrest warrants in her file. What the prosecutor referred to as arrest warrants were the "Spillman System" documents that the mag. judge passed out to me and the prosecutor. The documents or so-called warrants are called "Supplemental Warrant Form," (exh. 11 and exh. 12).. The p.c. judge, after seeing that the prosecutor could not produce an arrest warrant, then took it upon herself to run interference for my scheming former attorneys and the prosecutor in their efforts to undermine my appeal by suppressing material facts. The magistrate used these "fraudulent warrants" to fill in a huge evidentiary gap, i.e. the missing arrest warrant. The judge herself introduced into the record of proceedings "false evidence," and the prosecutor picked up on her cue and fraudulently stated that the judge presented me and him with arrest warrants. Here, the judge and prosecutor used false evidence to maintain a conviction based on fraudulent representations and fabricated evidence. These documents submitted support my contentions; and the post conviction transcript, and the state findings of facts in addition to these tell-tale exhibits — all shine the light on prosecutorial fraud and misconduct on a wide scale.

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III.

III. Gross Judicial Misconduct, magistrate Kathleen Sullivan

Magistrate Judge, Kathleen Sullivan, on March 31, 2016, introduced into post conviction proceeding record "False arrest warrants." It was later that I learned that these documents were downloaded from the local Law enforcement database named Spillman. The documents are "Supplemental Warrant Form," (exh. 11, exh. 12); and as this Court can readily see, these documents are NOT arrest warrants. For a judge to go to this extent to influence the decision of reviewing Courts, it can be safely and logically assumed that that judge is 'biased' for some reason(s).

The "supplemental warrant form" is different in content and in form from the Lake County "Wanted Person Table," (exh. 2). I questioned the judge about the un-warrant-like appearence. I asked the judge whether it was True that an Arrest warrant should be signed and dated. She answered, "NO."

So, then, I objected to the documents being called Arrest warrants. Judge Sullivan responded angrily, and said, essentially, that she could care less about my objection to the introduction of "false evidence" into the record of

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pros. misconduct:

"A conviction secured by the use of "false evidence" must fall under due process where the state, although not soliciting it, allows it to go un-corrected when it appears." (1) Nepue v. Illinois - 360 U.S. 264-269): also Giglio v. U.S. - 405 U.S. 150, HN2: also Miller v. Pate - 386 U.S. 1 (1967). The conviction must be vacated and the case remanded for further proceeding and/or a new trial.

From the pre-trial lower court proceedings through every level of review, this case has been punctuated and accurately characterized by shameless, fraudulent actions by courts whose motivations were concealed by procedural bars, i.e., default and waiver; which bars in this case do not apply due to def. atty, prosecutor, and a judge's wanton misconduct.

Note: (1). The prosecutor also failed to correct the record when arresting officers in both cases testified during deposition and at trial that they possessed a warrant prior to their arrest. (See depo Hammond/Grabowski, appdx. I: and depo of Sherrillville/Vandenburg, appdx I): also see Sherrillville police trial record excerpt, (Appdx. J.) The prosecutor knowingly allowed perjury to go un-corrected on three separate occassions (Nepue - 360 U.S. 264-269) while allowing police testimony about the arrest.

III Judicial misconduct:

Proceedings. (Appdx B, p.c. Trans. p. 95, 8-25: and also, see real Ind. arrest warrant, (exh 4) again. This judge had a "personal" interest in maintaining an illegal conviction at all cost. "An accused has a right to an impartial judge...". see Tumey v. Ohio-273 U.S. 510 (1927). And further, "A judge shall not make any public statement ... that might substantially interfere with a fair trial or hearing." (see Ind. Code of Judicial Conduct, Rule 2.10(A))

By injecting the poisonous statement that "she had found the arrest warrants" into the record on appeal, this judge knowingly, deliberately, misrepresented a "material fact," and she made the hearing grossly incomplete and unacceptably unfair, in violation of due process of law. In Martin v. Hunter's lessee-14 U.S (1 wheat) 304, 341, 344, 41 Ed 97 (1861), This court ruled very clearly that, "State Courts, like Federal Courts, have a constitutional obligation to safe-guard personal liberties and to up-hold Federal law." This judge did just the opposite. She made false statements and introduced "false evidence" in order to tilt the scale of justice in favor of those who had been "deliberately ineffective" and who intentionally suppressed material evidence and who made false statements.

Petition for an Extraordinary Writ

Judicial misconduct:

"A false statement is material if it has a natural tendency to influence or was capable of influencing the government agency or official to which it was addressed, ... or be capable of influencing the decision of the decision-making body to which it was addressed." U.S. v. Benton - 890 F. 3d 697 (HN. 12).

I am now tasked with showing conclusively that judge Sullivan's false statements negatively influenced the Habeas Courts' decision. For that evidence, I quote Fed. district court judge Miller. Judge Miller said, as he quoted Mag. Kathleen Sullivan; "The record doesn't include the arrest warrant itself; the warrant was maintained under seal in the court's files... at the post conviction hearing, the state judge noted that the sealed warrant was in the court's files and offered to provide Mr. Myles with a copy of it." (Appx. E, p. 9, "Opinion and Order" of Fed. Court judge Robert Miller.). It's true that the warrant is not included in the record on appeal, but the remaining statement is completely fraudulent, and this blatant falsehood has been herein proven. So, this statement is a material statement because it influenced Judge Miller's decision regarding my claim of ineffective assistence of counsel. This is judicial fraud and, thus, misconduct by magistrate Sullivan, herself.

Petition for an Extraordinary Writ

Judge Miller, the Habeas Court, apparently didn't read the opinion of the Indiana Court of Appeals. This state court said: "It appears the actual arrest warrant was never produced." (Appdx E., Appeals Ct. p. 13.). The state Appeals Court relied on "Ample circumstantial evidence" that an arrest warrant had been issued instead of the Brady Rule that an arrest warrant "...shall be [physically] revealed." (Brady Rule of discovery). Judge Miller claimed that the warrant was found, sealed somewhere in a file without an iota of evidence that suggested that statement to be true.

A Prejudicial Error

Material [police] witnesses were also denied by this p.c. judge (see exh 13), and so, I was prevented from impeaching the police ... and, thus, proving my claim of ineffectiveness. The hearing was a complete sham, which denied my 14th Amendment right to equal protection of laws, and, of course, due process of law. see Rice v. Sioux City Memorial Park Cemetary - 349 U.S. 70 (1955) HN 2.

Administrative actions, like court decisions, should be set aside only for substantial procedural reasons. A substantial procedural or substantive reason is one that effects the substantial rights [i.e., 6th, 4th and 14th amend] ... in terms of the essential fairness of the adjudication." Mayfield v. Nicholson - 19 Vet. App. 103; HN 10

IV.

IV. An Abuse of Discretion: The Indiana Court of Appeals Decision

The State Appeals Court ruled erroneously that, "Ample circumstantial evidence in the record..." was sufficient to conclude that an arrest warrant, was issued in this case'. (Appdx. A, St. Ct App. decision. Footnote 1, page 12).

Here, the state appeals court misinterpreted an important question of federal law related to the "Brad v. Maryland Rule of discovery". The Brady Court decided definitively that, "The government Shall revel to the defendant and permit inspection and copy of all information and materials known to the government which may be favorable to the defendant...". Brady v. Maryland-373 U.S. 83, 83 (1963). "Shall revel to the defendant" is the key phrase. This means, obviously, that the material — an arrest warrant — must be "physically" produced for "inspection and copy". It can do one no legal good, to, inspect and copy "circumstantial evidence". The state providing "circumstantial evidence" that a warrant was issued do Not conform to the Brady mandate that (esp) material evidence be "physically" produced.

So, The State App. Court decided this case in a way that conflicts with a relevant Fed. decision in the Brady Rule. (See Sup. CT. R. 10.(c). In making this decision, the state court abused its discretion.

Abuse of discretion: state app. ct.

Therefore, if the arrest warrant was not produced when it was properly requested on June 16, 2008, (see exh. 9), then the prosecutor did a "Brady violation." My former atty allowed this to happened without filing a motion to quash arrest and suppress evidence. This 4th and 14th and 6th Amendment failures amounted to constitutional ineffective assistance of counsel, "deliberately." In deciding that counsel was not ineffective, the court used a false fact; that false fact is that an arrest warrant had been issued; that I was "duly" arrested. At one point, the court stated that I was duly arrested "... pursuant to a warrant;" and at another point, the court talks about "circumstantial evidence" is enough to prove that a magistrate issued a warrant. This court was provided with evidence showing 'conclusively' that police did a warrantless home arrest and "the police admitted that fact." However, this court ignored my "documented" evidence and the fact that no arrest warrant was found in the state record on appeal. The court assessed the facts erroneously in light of evidence presented at the p.c. hearing, (See 28 U.S.C 2254 (d)); and it ignored documented and conclusive evidence of ineffective assistance of counsel.

V.

V i. Abuse of Discretion: Federal District Court - 3:19-cv-458 ... Judge Miller

The Federal District Court abused its discretion where it deferred to the state court's conclusions of law and findings of facts when it clearly should not have deferred.

- Fact Review -

Exception To The Rule of Deference, Rule 52(a)

The fed. district court did not apply the correct standard of fact review to applicable state court findings of critical facts. The applicable standard in this particular case wherein deference is not warranted is: (1) The court considered improper/false evidence; (2) The court ignored "material" evidence.

First, the habeas court found "erroneously" that "... There is ample evidence in the record that Mr. Myles was arrested pursuant to a duly issued warrant." (Appd. F dist. ct. order p. 9). The habeas court and the state appeals court both admitted that there is no arrest warrant in the record on appeal. But, that I was arrested pursuant to a duly issued warrant. That is not a finding of historical fact; rather, it's a quasi-legal conclusion based on the belief (i.e., "circumstantial evidence") that the police had an arrest warrant. The court's finding is neither fact nor the law.

Abuse of discretion: dist. ct.

V. Fact Review

The facts are: (1) The police himself documented that he did NOT have a "duly issued warrant." (see exh 10): (2) the Lake County Clerk documented that no arrest warrant was in her files, (see exh. 14): (3) The arrest warrant was NOT in the record on appeal. And this is concrete evidence — NOT "circumstantial evidence." There's absolutely NO factual basis for judge Miller to conclude that I was arrested in my home "pursuant to a duly issued warrant." This was the erroneous conclusion of the state appeals court to which the habeas court deferred. That deference is NOT warranted because it is a false fact, as the above enumerated concrete, documented evidence show. The district court obviously ignored the evidence I submitted and blindly deferred to state.

Law Review

The state App. Court ruled that, "... ample circumstantial evidence in the record" is now the legal standard for determining that an arrest warrant was issued. This conclusion is based on an erroneous view of 4th amendment law and the Brady Rule of discovery. The Brady discovery Rule states un-ambiguously that, "The government shall reveal to the defendant and permit inspection and copy... evidence which might be favorable on the issue of guilt and punishment." Brady - 373 U.S. 83 83 .. The Brady Court said nothing at all about "circumstantial evidence" being the standard of review. Nothing!

Abuse of discretion: fed. dist. ct.

V. Law Review

And thus, the habeas judge abused his discretion when he deferred to state court's legal ruling or interpration. see Koon v. U.S. 518 U.S. 81 (1996).

VI

Abuse of Discretion: U.S. Court of Appeals - A Two judge decision

This Court, in deferring to the habeas Court's erroneous factual and legal findings abused its discretion also.

Standard of Review

"The reviewing Court must scrutinize the lower court's determinations to ensure that it involved the correct legal standard and that its findings of fact are not clearly erroneous." (Wells Fargo Fin leasing, Inc. v. Comdisco, Inc. — 2006 U.S. dist. lexis 38553)

Either the U.S. Court of appeals ignored my evidence or it simply accepted verbatim the lower Court's terribly erroneous findings of fact and its clearly erroneous assessment of the straight-forward evidence and its faulty view of the Brady law.

In this case, No. 20-3321, Two of the three panel of judges found that "... No substantial showing of the denial of a constitutional right." There are several serious and compounded violations of "major" constitutional rights, as I have shown here and else where. In fact, just one of them is sufficient to warrant an evidentiary

VI

hearing, at the very least. Like the U.S. district Court, the United States Appeals Court also based its decision on an erroneous view of the law, the facts, and overwhelming evidence; and thus, the Court abused its discretion. Also, The Court abused its discretion by deferring to the district Court's shameful, erroneous findings of fact and its views of 4th, 6th, and 14th amendment law. Koon v. United States - 518 U.S. 100, 116 (1996)

* [The U.S. Supreme Court hold allegations of pro se defendants complaints to less stringent standard... Haines v. Kerner - 404 U.S. 519, 520, 92; also Willis v. Jones - 329 Fed. Appx, 14, 2009 - U.S. App.]

— Argument —

I never expected to see the day that, in the face of strong, decisive evidence to the contrary, that a Judge would introduce false, documented, evidence in open Court; That defense Atty. would document his ignorance of the law and his fraudulent intent, and his willful denial of a basic Constitutional right with, up to this point, total impunity and support from Federal judges. During the course of p.c. hearings, with the documents in her hand, Mag. Judge Kathleen Sullivan boldly announced: "Oh, The arrest warrant. It's sealed, of course. It's on Green paper. Did you want a copy of these?" (Appdx B, Trans. p. 72, 7-25). My Atty. provided me with a Copy of the faxed Admission from the Schererville police, Telling the prosecutor that he had "The County screen "for" a warrant. The judge knew that no arrest warrant had been issued, and she also was aware that the documents that my attorney said were warrants were not arrest warrants. Still, she repeatedly said "on the hearing record" that the documents were arrest warrants. This judge openly, willfully denied enforcement of my 4th and 14th amendment right to "privacy in my home" and due process, major constitutional rights. And two out of three of the fed. appeals judges said: "no substantial showing of a denial of a constitutional right"!. These same two judges agreed that, "ample circumstantial evidence in the record..." is now the standard for determining that an arrest warrant has been issued, and that it's no longer necessary for prosecutors to provide defendants with a copy of the arrest warrant for "... inspection and copy."

According to the state, the federal district court, and the U.S. appeals court, the Brady rule of discovery is no longer the legal standard for discovery. It's that, or the Brady law don't apply in my case. In either case, these are parts of the "exceptional circumstances" that warrant the exercise of this court's discretionary powers.

And, your Honor, how about atty. Laterzo... the public defender who gave me two sheriff screen documents and tried to persuade me that they were arrest warrants; but: I refused to believe the lie; and he refused to move the court to quash and suppress. Then, I tried to represent myself by filing a motion to quash and suppress. The judge refused to accept it, (see mtn and ct's order, exh 15 and exh. 13)...

Petition for an Extraordinary Writ

Imagine this, I was not allowed to fire counsel, who I knew was colluding with the prosecutor; and the court refused to accept my motion to quash and suppress. I became like a frustrated sheep at his own fleecing. The judge held me down while my lawyer and the prosecutor had their way with me. The Trial judge knew about all the sinister shenanigans being done by counsels in both cases, 0000? and 00008.

The police kept fingerprint cards and handcuffs out of the evidence property room for three months and turned them in after I was alleged to have been identified in a photo line-up. The finger prints were sent to the state lab. '5' days "after" my warrantless home arrest, (see exh. 16). There was a huge chain of custody issues which counsel also never addressed. So, I borrowed money, $800.00, from my sister to have the suspicious evidence re-tested. The public defender chief refused to pay for the re-testing and analysis. My sister sent them the money, but instead of having the fabricated evidence re-tested and independently analyzed, counsel simply had the state's testing re-done, which was useless for exculpatory purposes. The police first arrested me and only after did they build their cases. And they then justified all misconduct based on the presumption that, " he's guilty anyway "; according to the police, and also "my attorney."

This Case is drenched with "exceptional circumstances" which justify the Court's expression of its discretionary powers, because the appeal records from each Court will show that I've been Treated like an orphan in each one of Them.

At this point, after over 16 years of struggle with a huge impersonal legal apparatus, my only desire is that this case be thoroughly scrutinized. I assure this Honorable Court that there're an abundance of suppressed facts, and even more eyebrow-raising evidence of mis-conduct, the documents of which were denied me by the p.c. judge, (exh.17). The requested pre-Trial Transcripts contained material and impeaching information relating to comments made by Atty. Interzo, the Court, and me concerning the arrest warrant. I informed the court of the reasons these documents were needed, (see exh.18 and exh.19), as required by procedural rules.

One public defender document here shows conclusively that the two Attorneys were well aware of the fact that there was a serious problem with the arrest warrant. (see exh. 20). Yet, neither was inclined to do anything about it; in fact, both refused out-right.

Petition for an Extraordinary Writ

Case No. 45G01-0701-FB-007 45G01-0701-FB-008

These are "Companion" cases that are binded together by a 'single' arrest warrant. If one was quashed and the evidence suppressed, the other one would necessarily share that same fate.

The following are un-disputed and memorialized facts in the record, and they are: (1) After collaborating in a three (3) month investigation, the Hammond and the Sherrilville police arrested me inside my home without an arrest warrant. See Hammond arrest report report, (exh.21) and U.S. Marshal's arrest report, (exh 22) (2) Atty. Laterzo documented that he sought the arrest warrant from the Lake Co. Sheriff's Department by using a subpoena, (exh. 6). The subpoena is said to have produced the 'Sheriff's "Wanted Person Table," (exh. 2 and 3). Counsel informed me that the Sheriff's documents were arrest warrants (see exh. 7). It was not a warrant. (3) On June 16, 2008, related to Cause No 008, Atty Sonya Scott-Dix filed the "Brady" motion, requesting a copy of the arrest warrant, (see exh 8.). It was not produced. (4) On July 1, 2008, The State responded to The Brady motion, a) with a cover sheet (exh 9) describing the included documents: b) The lake Co. sheriff's "screen paper-work," (see exh. 2): c) The charging and co-arresting officer's admission that he had the "County screen for a warrant," (see facsimile Transmittal, (exh. 10) and the "County screen paperwork," (exh 2 and exh 3).

(5) Both "seasoned" Attys admitted s/he did not file a motion to quash and suppress, (Appdx. B, Post Conviction Trans. p. 69). The state App. Court confirmed, stating that both attorneys sought the arrest warrant, but that it was not produced, (see Appdx. A, App. Ct. decision, p. 13). It cannot be said factually that my 4th and 6th Amend. rights were not violated.

(6) At the p. c. hearing, judge Sullivan announced that, "Oh, the arrest warrant. It is sealed. It's on green paper. Do you want a copy of these?" (See Spillman's docs. (exh. 11). Clearly, the magistrate injected false evidence and blatantly so.

(7) The prosecutor claimed fraudulently the Judge provided "both parties" with a copy of the arrest warrant, (Appdx D, St. findings of fact, p. 6 para 15), a proven false statement.

(8) The federal habeas Court, in responding to claim of ineffectiveness for failing to file motion to quash and suppress, found that, "The record doesn't include the warrant itself; but "... there is ample evidence in the record..." that he was arrested pursuant to a duly issued warrant," (Appdx. E, dist Ct., page 8-9). These are concrete, irrefutable documented facts. "Circumstantial evidence" that a warrant was issued cannot excuse the state's failure to produce the arrest warrant. Brady, 373 U.S. 83, 83.

Petition for an Extraordinary Writ

* The Sherrillville IN. Case: 45A04-1611-P.C.-09

The Evidence obtained by the police on and after January 12, 2007, and the evidence Evidence used at Trial to convict me were as follow: The Sherrillville Case, in Cause No. 45G01-0701-FB-07, the evidence were: handcuffs, finger prints, police/arrest witnesses, booking cards, $3000 in cash/money, finger print Lab reports, store video of suspect, Police/evidence custodian Testimony, State/police finger print analyst Testimony, Hammond/police mug-shot photos, a plaid shirt. This evidence was taken subsequent to the warrantless home arrest, and had Counsel moved the Court to quash the arrest and to suppress this evidence, I could not have been convicted. Lindsey v. King - 769 F.2d 1034, 1042 (5th Cir. 1985); Brady v. Maryland - 373 U.S. 83, 83 (1963).

* The Hammond, IN. Case: 46A04-1611-P.C. 010

In Cause No. 45G01-0701-FB-68, the evidence were: Rubber gloves, handcuffs, finger prints, DNA analyst report, blood sample, police/arrest Testimony, store/victim Testimony, booking card/police report and Testimony, mug shot photos, plaid shirt, finger print analyst Testimony, DNA Lab/analyst Testimony, police Testimony about arrest warrant. This evidence were taken after the warrantless arrest at my home on 1-12, 2007. Had my attorney filed the motion to quash Arrest and suppress evidence, I would not have been convicted. Lindsey v. King - 769 F.2d 1034, 1042 (5th Cir. 1985); Brady v. Maryland - 373 U.S. 83, 83 (1963).

I could not have been convicted in either case but for my two lawyers refusal to perform their 'Strickland' duties competently and loyally. Additionally, these attorneys, without objection, allowed the police to testify at the deposition and at trial without ever producing the arrest warrant. (see depo. appdx. h, and appdx I) (Trial excerpt, appdx. J).

I complained to each review court since 2016 that I was unable to adequately prepare my case and needed help (which help here at I.S.P. is not available like it is in some prison, if you can't pay) to file my petition. The reason is that I'm totally blind in one eye and strain to see out of the other eye. (exh 23 and 24) And this is the main reason I've made so many mistakes while preparing my petitions and is why the court has "repeatedly" returned my filings.

Wherefore, Rule 11 Prayer for Relief

Due to sixteen years of unlawful restraint, and due to the exceptionally egregious and excessively blatant nature of willful misconduct, and also, due to the flagrancy of the fourth, the fourteenth, and sixth amendment violations, I pray that this Court, pursuant to Rule 33.2, "unconditional discharge", grant relief in the form of an unconditional release from custody with prejudice.

Alternatively, I request the Court vacate the conviction in <u>both</u> cases and order a New Trial consistent with due process of law, equal protection of the laws, and "Fundamental Fairness," and that the court grant whatever other relief it deems appropriate as the law and justice require under the extraordinary circumstances ~~of this~~ case situation.

"I declare under penalty of perjury that the foregoing is True and Correct."

Respectfully Submitted,
John B. Myles
pro se

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

John B. Myles

Date: January 13 2023

Petition for an Extraordinary Writ
Rule 20.

20.1 "The "Exceptional Circumstance" that warrant Exercise of of The Court's Powers"

In aid of the Court's Appellate jurisdiction, I state the following: On may 16, 2018 The Indiana Court of Appeal denied my petition appealing the denial of post Conviction relief, (See Appdx A). The Indiana supreme Court denied Transfer on May 9, 2019. (see appdx C). The federal district Court denied my petition for habeas Corpus relief on October 13, 2020, (See Appdx E). My petition for a certificate of appealability To the United States Court of Appeals was denied on April 19, 2021. (See Appdx F). I appealed and my appeal of the U.S. Court of Appeal's decision was denied on June 23, 2021, (See Appdx N). I filed motion for an extension of Time To file for a writ of Certiorari in This Court on September 3, 2021. My motion for Cert. was denied on or about ..... october 3, 2022, as un-Timely. (see appdx G)

And now, The exceptional circumstances surrounding These Cases compel me To file a petition for an extraordinary writ.

"The Exceptional Circumstances That warrant the Execise of the Court's Discretion."

"A Warrantless Home Arrest," Brady v Maryland-373 U.S. 83,83

The core "fact" that constitutes the "exceptional Circumstances" warranting this Court's use of its discretionary powers is: On January 12, 2007 A United States Task force broke down my door, entered without my consent and arrested me without a warrant for an armed robbery that had occurred on Oct. 11, 2006 — Three months earlier.

Gross, Deliberate Attorney Misconduct

An Attorney name Marc Charles Laterzo was appointed To represent me in both Cases. I requested that Mr. Laterzo provide me with a copy of the state's arrest warrant. In response to my request, counsel sent "fake" copies of the Lake County sheriff Department's "Wanted Person Table". (See W.P.T. attached as exh. A). Along with the "Wanted Person Table", Mr. Laterzo included his office memorandum wherein he fraudulently claimed, "Enclosed is a copy of your arrest warrants...". (See office memo att. as exh. b). At the post conviction, The chief public defender, David Schneider, contradicted Mr. Laterzo; he Testified under oath that the "Wanted Person Table" documents were NOT arrest warrants. (See p.c. R. of Pro. p103, 6-19) Appdx B.

Atty Laterzo's public defender stable-mate and also "private" practice law-partner Sonya Scott — she also Testified at the post conviction hearing that the "Wanted Person Table" was NOT an actual arrest warrant. (See p.c. R. of Pro. p. 68, 14-25 and p. 69, 1-10). Appdx B

At this same post conviction hearing, Marc Laterzo, Testified under oath that he had "...Always seen..." the Wanted Person Table as an arrest warrant! (See p.c. R. of Pro. pages 14-16, 1-14) Appdx B.

Attorny Laterzo, Although he was not found guilty, was sued. For Collaborating with

with the state prosecutor. (see Logan v. Laterzo - 24 Fed 579-582 (7th cir. 2001) (see p.c. R of Pro. p. 8, 8-25 and also p. 9, 1-6). As This Court can readily see for Itself, The "Wanted Person Table", the document Mr Laterzo Called an Arrest, is really Not an arrest... Mr Laterzo provided his Client with a fraudulent document, and blatantly and foolishly stated that it was an arrest warrant! I immediately asked The Court To dismiss Counsel because he had Tried To deceive me, and because he was obviously helping the prosecutor convict me. (See pro se mtn, exh. C). The motion, at first, was denied until after I was 'securely' convicted; and after that, he was dismissed.

* Public defender Sonya Scott was appointed for cause #45G01-0701-FB-08.

I asked ms. Scott To move the Court To order the prosecution To disclose his arrest warrant. On June 16, 2008, Atty Scott filed the "Brady motion", demanding that the state produce the arrest warrant. (see mtn, exh. d). The prosecutor did not produce an arrest warrant. The prosecutor responded to the request for the warrant with a cover sheet (exh. e); a modified version of the "Wanted Person Table", (exh f); and an 'admission' by the arresting officer himself that he had the sheriff "warnings/alerts," for a warrant, (exh g). The police actually admitted that he had "knowingly" entered my apartment and arrested me without a warrant! This fact made no legal impression on either of the assigned Attorneys in that neither Attorney filed the motion to quash arrest and suppress evidence, as was their 6th amendment and Strickland v. Washington duty. Both Attorneys, after finding out that the police had conducted a warrantless arrest of me inside my home, flat-out refused my repeated request that they filed a motion to quash the arrest. This "deliberate failure" left them exposed to ineffective Assistence of Counsel charges and willful Atty misconduct.

* Post Conviction Judge Kathleen Sullivan: (provided me with "false" evidentiary documents)

Judge Sullivan put the 'E' in "exceptional circumstances". The judge willfully joined a sinister conspiracy to deprive me of constitutional rights. In a sudden and most surprising move, Judge Sullivan stated in open court, on the record, the following: "Oh, the arrest warrant... did you want a copy? (See p.c. R. of pro. p. 7, 6-25) Appdx B

This judge actually, intentionally gave me two "fraudulent documents" from the "Spillman system" called "supplemental warrant form." (See suppl. warr. exh. h. and exh. i)

The blatant introduction of obviously false evidence by a sitting judge is really, really 'exceptional' in itself. It's very rare that a judge knowingly, fraudulently, try to protect a lawyer's deliberate misconduct on the record and in open court.

The trial prosecutor, Mark Watson, at the post conviction hearing suppressed material evidence. Knowing that the police had informed him that he did not have an arrest warrant, the prosecutor, Watson, apparently failed deliberately to inform the p.c. judge that the police had not been issued an arrest warrant on 1-12-07. Still, the prosecutor stated in his Court-adopted proposed "findings of fact and conclusion of law" (Now, see findgs of facts, Appdx D) that the post conviction judge had "... provided both parties" with a copy of the arrest warrant. The prosecutor obviously referred to the p.c. judge's false warrants, i.e., the "supplemental warrant form", which documents he knew were frauds, just as he knew full well that the sheriff's "Warnings/Alerts" documents were not arrest warrants either. And not even first year law students could mistake either of the "3" set of different documents as arrest warrants!

* Review Courts stuck their heads in the sand, ignoring it all.

The tenacles of this transparent conspiracy extended all the way to the Ind. Court of Appeals (also, the fed. dist. CT.). This state court went way out of its way to support and legally justify the lower p.c. court's flawed ruling. In a footnote on page 12 of its "memorandum decision", the state appeals court concluded essentially that the prosecutor need only to provide the defense with "... ample circumstantial evidence in the record..." that an arrest warrant was issued in order to comply with the 4th amendment and the Brady rule of mandatory discovery, which Rule legally obligates the state to actually "physically" produce tangible pieces of any "material" evidence. An arrest warrant involved with a home arrest is in fact "material evidence." see Brady v. Maryland-373 U.S. 83, 83. And this state reviewing court knows very well that "ample circumstantial evidence..." is not what this court stated to be, the requirement in terms of physically producing material, evidentiary documents. see Brady.

* The federal habeas court took its cue from the state appeals court and followed suit. Fed. district judge Miller, agreed with the state court that "...ample circumstantial evidence" is enough to comply with the Brady discovery rule that material evidence must be "physically disclosed" whether or not it's requested. Brady (see habe's ct "op. and ord. p. 8-9). Appdx E. Two U.S. Appeal. Ct. judges agreed. One did not.

* "The reason why adequate relief cannot be obtained in any form or in any court," Rule 20.1

Due to their documented, not-so-subtle misconduct, the individual court officers and the courts involved will not suddenly admit their nefarious intent and culpability. Therefore, this court is the only one that would, I think, abide by the law.

Atty. Marc Loterzo, at the March 30, 2016, p.c hearing, refused to admit that the "Wanted Person Table" was not an arrest warrant, as all the world can plainly see. The post conviction Judge is not likely to confess willful mis-conduct, i.e., that the documents she provided were fraudulent, nor that she denied subpoenas for all four arrest officers so-as-to prevent testimony about their knowing un-lawful warrantless arrest, their perjured testimony, and apparent fabricated evidence.

Even with concrete, documented evidence provided via state discovery, the state appeals court simply ignored this evidence; and to make it all appear legal, that court "deliberately," erroneously interpreted the Brady v. Maryland law (373 U.S. 83, 83) in order to reach the desired conclusions. The desired conclusion was that the two defense attys were not ineffective in their representation. The state court of appeals, in order to make sure it could avoid considering and correctly ruling on my claim that the p.c. court judge introduced fraudulent evidentiary documents into the record.

The court twisted my claim. My claim was that "the p.c. judge gave me two fraudulent documents and told me that they were arrest warrants." The appeals court twisted my claim by stating that "Myles next claims the post conviction mag. displayed bias against him ...". (see Ct's decision, p. 9 of 16) Appdx A. And then, the state went on to draw a conclusion based on bias alone — not judicial fraud.

The federal courts — both — ruled in the very same and similar ways.

and, thus, they made a mockery of my appeal and the law.

In a veiled attempt to make an excuse for the state's failure to produce and include the arrest warrant in the appeal record, the fed. district court judge stated that, "The warrant was inadvertently not made part of the record on direct appeal", but, at the post conviction hearing, the state judge noted that the sealed warrant was in the court's file and offered to provide Mr. Myles with a copy of it." (See habe ct's op. & ord. p. 9.) Appx. E. (1) The habeas judge, Miller, grossly and self-servingly made false statements in order to deter or otherwise draw conclusions favorable to the rulings of the state appeals and p.c. courts, by distorting facts and inserting "fabricated facts" not in the record on appeal.

Any court that go to these extents to deny the meritious appeal of a lawyer-less petitioner, and a petitioner who, at the very inception, never had a lawyer in the true sense of that word, will not provide adequate or any relief since their only concern is to let the state trial and p.c. court off the hook.

Without direct, specific orders from This Court, mine will be one that "slipped though the cracks" - intentionally.

* I can find no case law where a judge introduced and provided a defendant with fraudulent or false evidence "intentionally"... to conceal a "material fact," i.e., the failure of the state to produce an arrest warrant; and also, the "deliberate" failure of two attorneys to respond to that fact by filing motions to quash and suppress evidence. (Footnote. (1))

* To further support my claim of "Exceptional circumstances" in aid of the Court's appellate jurisdiction, I submit the follow excerpts from official state generated documents:

1.) I wrote the clerk of Lake Co. Court and requested a certified copy of the state arrest warrant; as this Court can see, documented, what she said. She had no arrest warrant in her file. And for good reason, the arresting officer admitted he didn't have one! (exh. J.)

2) P.C. Judge K. Sullivan — she said surpringly, "Oh, the arrest warrant... did you want a copy?" Immediately, a red flag went up because the police had alreadly documented an admission that he "... had the County screen [i.e. "Wanted Person Table"] for a warrant." And the judge was now telling another suspicious looking document was also warrants. This "fact" excluded the possibility that either the "Wanted Person Table" or the The "Warnings/Alerts" documents were arrest warrants. Now, here, on March 31, 2016, nine year later, a judge is tell me she found the warrant. So, I questioned the judge about the un-arrest warrant characteristics of the document. The judge became visibly upset with the implication of my questions and final comment, as you see at 22-25 points in the proceedings. (exh 2)

* 3) The State Court of Appeals Judges - These judges made their ruling on my petition for post conviction relief appear to be a mockery of 4^{th} Amendment law and particularly The Brady v. Maryland Rule of discovery, which clearly, specifically states - and I quote the Brady Court: "The government shall reveal to the defendant and permit inspection and copy [that] which might be favorable on the issue of guilt and punishment".

In clear contr-distinction to This Court's precedent decision in Brady, The State Appeals Court rule/decided that "... Ample circumstantial evidence..." that The Trial Court issued an arrest warrant was enough to comply with the Brady Rule of discovery. In Payton v. New York (445 U.S. 573, 590), this Court ruled that only an arrest warrant, the resident's consent, or that exigent circumstance exist can the police legally enter and arrest someone in his home, even if probable was present or if authorized by statute. And the Brady discovery Rule explicitly states that "material"-documents must be "Physically" disclosed/produce ... or how else can one inspect and copy an arrest warrant? (exh M)

4) Police Vandenburg Trial Testimony (exh N): perjuring himself, Vandenburg stated on the Trial record that, "We received an arrest warrant...". My Atty Laterza, stood by, knowing that no arrest warrant had been issed and said Nothing! (exh. N)

Rule 30

5) Reluctantly the Chief public defender David schneider; exb O: The chief said at the post conviction hearing, april 8, 2016, that p.d atty Laterzo's "Wanted person Table" was NOT an arrest warrant — he said, "NO, I don't believe they are." (exb O).

6) Then Sonya scott, attorney in Cause No 45G01-0701-FB-08: At The post Conviction hearing on March, 31, 2016. In reference To my question regarding whether Laterzo's Wanted Person Table was or was not an arrest warrant, she Testified, "NO", IT was NOT an arrest warrant. (exb. P.) Yet, The attorney refused To file a motion To quash The warrantless home home. And even more exceptionally scandalous is The decision of The P.C. judge that Neither defense attorneys were ineffective and misrepresented material facts. (exb. P)

Documented evidence, Showing exceptional Circumstances That warrant This Court's use of its discretionary powers To grant my request for an extraordinary writ.

"I swear under penalty of perjury that the foregoing are True and Correct."

executed on ___ day of JANUARY 2023

Respectfully Submitted,

John B. Myles
pro se

John B. Myles
C-E-222 #984466
One Park Row
Michigan City, Ind. 46360

Mr. Scott S. Harris
U.S. Supreme Court Clerk
Washington DC 20543-0001

Feb. 2023

John B. Myles, 984466
One Park Row
Michigan, City, Ind. 46360

In re: Correction in petition for Habeas Corpus

Dear Mr. Harris
The sample copy was very helpful. Thanks for sending it, and it is being returned with the petition and its correction- regard Rule 20 (relief sought)

With regard Rule 33.1 (Booklet format + Docket fee sent): This prison law library do not provide the necessary materials to do a booklet format, including the required paper and binding materials. Besides, I'd have to strain to see what I'd be doing, with no typing skill to mention. Therefore, I'm submitting a motion to file the petition in forma pauperis.

I have struggled since September, 2021, to file this petition. Without paying an unreasonable fee for assistence, I'd have to wait months behind "paying litigants" for help with my petition; and it was this reason that my motion requesting an extension of time in Sept, 2021 — Jan. 2022 was declared "untimely". And so, I'm almost completely frustrated in my efforts to obtain a hearing on what is obviouly, without any doubt, a meritorious petition, filed under circumstances this Court has heretofore deemed "exceptional circumstances". I simply do not have the legal skills necessary to do so, as you can see.
Again, thank you, sir.

RECEIVED
FEB - 7 2023
OFFICE OF THE CLERK
SUPREME COURT, U.S.

Respectfully,
John Myles
pro se

U.S. Supreme Court
Mr. Scott S. Harris.
Office of The Clerk
Washington D.C 20543-0001

JANUARY 13 2023

In re: Declaration of Indigency, Rule 39, Relief sought, Docket fee.

Dear Mr. Scott:

In response to you Dec. 20, 2022, letter wherein you notified that I must file the motion for leave to proceed in forma pauperis. Attached to this letter is a "request for remittance" receipt which shows that I authorized $300.00, the docket fee, to be sent to your office on or about Dec. 14 2022, (Check No 7987).

I also corrected my petition to include "...Type of relief being sought," Rule 20. and Rule 20.1, how this petition is in aid of the Court's appellate jurisdiction, according to my layman understanding of those concepts.

Hopefully these corrections satisfy the requirements of those rules you pointed out. A corrected copy has been sent to Indiana Attorney General. Thank you, Sir.

Respectfully,

John B. Myles

RECEIVED
JAN 20 2023
OFFICE OF THE CLERK
SUPREME COURT, U.S.

File: copy
See Attachments (2)

John B. Myles
No. 984466
One Park Row
Michigan City, Indiana
46360

Jan, 13, 2023

REQUEST FOR REMITTANCE

State Form 35720 (5-91)
Approved by State Board of Accounts 1989

BUSINESS OFFICE USE ONLY
CHECK NUMBER: 7987

INSTRUCTIONS:
This form must be completed in full, signed and approved by the appropriate staff before any remittance will be made.

DEC 14 2022

TO: BUSINESS OFFICE/CLERK, DEPARTMENT OF CORRECTION, STATE OF INDIANA.

Facility: I. S. P		Date: *(month, day, year)* 12-8-22
Pay to: Scott S. Harris		Relationship:
Address: *(number, street, rural route, city, state, and ZIP code)* Supreme Court of The united states office of The Clerk washington, D.C. 20543-0001 Attn: Mr. Scott. Harris		
Amount: *(please print out the dollars and cents)* Three-hundred Dollars		($ 300.00)
Purpose for remittance: Docketing fee—$300.00 Petition for an Extraordinary Writ		
Name of offender: *(please print)* John B. Myles	Offender housing location: C-E-332	DOC number: 984466
Signature of offender: John B. Myles	Signature of staff witness:	Approved by:

DISTRIBUTION: White-Business Office; Pink-Offender; Canary-Investigator

12/9/22

Received on 12-30-22

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

December 20, 2022

John B. Myles
#984466
One Park Row
Michigan City, IN 46360

RE: In Re Myles

Dear Mr. Myles:

The above-entitled petition for an extraordinary writ seeking unspecified relief was received on December 15, 2022. The papers are returned for the following reason(s):

You must specify the type of relief being sought. Rule 20.

The petition does not show how the writ will be in aid of the Court's appellate jurisdiction, what exceptional circumstances warrant the exercise of the Court's discretionary powers, and why adequate relief cannot be obtained in any other form or from any other court. Rule 20.1.

No motion for leave to proceed in forma pauperis, signed by the petitioner or by counsel, is attached. Rules 33.2(a) and 39.

No notarized affidavit or declaration of indigency is attached. Rule 39. You may use the enclosed form.

A copy of the rules of this Court are enclosed.

A copy of the corrected petition must be served on opposing counsel.

Sincerely,
Scott S. Harris, Clerk
By:

Redmond K. Barnes
(202) 479-3022

Enclosures