

OCT 20 2022

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22-7088

No. USAP9 No. 21-55372

IN THE
SUPREME COURT OF THE UNITED STATES

JAMES D. GRZESLO — PETITIONER
(Your Name)

VS.

RAYTHEL FISHER, JR. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT, No. 21-55372
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

JAMES D. GRZESLO, BB2085
(Your Name)

FA-11-4204; CSATE/CORCORAN
(Address)
STATE PRISON,
P.O. BOX 7100
CORCORAN, CALIFORNIA 93212
(City, State, Zip Code)

N/A
(Phone Number)

ORIGINAL

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LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- [] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

PETITIONER IS AWARE OF NO RELATED CASES
WITHIN THE MEANING OF RULE 28-2.6.

JAMES D. GRZESLO; CDCR No. BB 2085
F1/11/4LOW
CSATF / CORCORAN STATE PRISON
P.O. BOX 7100
CORCORAN, CALIFORNIA 93212
PRO SE LITIGANT IN FORMA PAUPERIS

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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 A/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☒ is unpublished.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 United States district court appears at Appendix C to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix E 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☒ is unpublished.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 U.S. MAGISTRATE "REPORT & RECOMMENDATION" 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☒ is unpublished.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 AUGUST 19, 2022.

☐ No petition for rehearing was timely filed in my case.

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: AUGUST 26, 2022, and a copy of the order denying rehearing appears at Appendix _____.

☐ 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. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was AUGUST 20, 2019.
A copy of that decision appears at Appendix E.

☐ 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 N/A (date) in Application No. N/A.

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

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QUESTIONS PRESENTED

THE VERACITY AND CREDIBILITY OF EACH COURT WITHIN THE STATE OF CALIFORNIA TAKING PART IN PETITIONER'S CASE FACES IMPLICATIONS OF CONSTITUTIONAL MAGNITUDE, BOTH FEDERAL AND STATE COURTS ALIKE. JUSTICE GINSBURG EPITOMIZED THE SERIOUS DILEMMA WHEN DELIVERING THE COURT'S DECISION IN CUNNINGHAM IN JANUARY 2007. FOR THE PREVIOUS THIRTY YEARS "THE CALIFORNIA COURTS HAVE OPERATED THEIR CONVICTION AND SENTENCING SCHEME ILLEGALLY AND UNCONSTITUTIONALLY." NOTHING HAS CHANGED, BUT HAS GROWN WORSE. (CITED: CUNNINGHAM V. CALIFORNIA (2007), 127 S. CT. 856)).

1. QUESTION ONE: IS IT CONSTITUTIONAL TO CONVICT AND IMPRISON A KNOWN TO BE INNOCENT INDIVIDUAL WHOSE DNA IS NOT PRESENT AT THE CRIME SCENE AND NO EVIDENCE IS DISCOVERED LINKING PETITIONER TO THE CRIME SCENE?
2. QUESTION TWO: IS IT CONSTITUTIONAL TO ARREST, CHARGE, TRY, CONVICT AND SENTENCE ANY UNITED STATES CITIZEN WITHOUT EVER AFFORDING TO PROVIDE MIRANDA FROM TIME OF ARREST TO THE PRESENT DATE? PRESENCE OF COUNSEL?
3. QUESTION THREE: IS IT CONSTITUTIONAL FOR LAW ENFORCEMENT AND EACH COURT INVOLVED TO IGNORE THE CONSTITUTIONAL REQUIREMENT AFFORDED BY THE FOURTH AMENDMENT TO ASSURE A LEGITIMATE, VALID SEARCH WARRANT SPECIFIC TO CRITERIA AND HAVING AUTHORIZED EXECUTION BY A SITTING JUDGE? NO SEARCH WARRANT EVER EXISTED HERE.

INTRODUCTION

WHO SAVAGELY BUTCHERED THE PETITIONER'S FIANCEE?
"CERTAIN ADMITTED OR CLEARLY PROVEN FACTS HELP ANSWER
THAT QUESTION." 1

PURSUANT TO THE FEDERAL ANTITERRORISM AND EFFECTIVE
DEATH PENALTY ACT OF 1996 (AEDPA), PETITIONER TIMELY FILES
HIS PETITION FOR WRIT OF CERTIORARI WITH THE UNITED STATES
SUPREME COURT. FOR GOOD CAUSE, THE PETITIONER CHALLENGES
THE LOWER COURTS' (FEDERAL AND STATE) BASED UPON VIOLATIONS
OF HIS CONSTITUTIONAL RIGHTS; COURTS' IGNORING ALL EXCULPATORY,
RELEVANT EVIDENCE; DNA ANALYSIS LABELLED AS "MIST" BY THESE
LOWER COURTS; AND THE IDENTIFICATION OF THE ACTUAL
MURDERER BLATANTLY IGNORED BY THESE SAME COURTS.

PETITIONER PRAYFULLY MOVES THIS COURT TO GRANT HIS
PETITION ON THE MERITS OF FACTS; WHILE GRANTING SUCH RELIEF
OF AN UNCONDITIONAL RELEASE BASED UPON OVERWHELMING
DNA AND MULTIPLISTIC EXCULPATORY EVIDENCE LEADING TO A
JURY TAMPERED CONVICTION AND A WRONGFUL CONVICTION OF
A UNITED STATES CITIZEN.

1. FROM GREATEST CLOSING ARGUMENTS IN MODERN LAW, 1998 SCRIBNER;
QUOTATION OF ASSOCIATE JUSTICE OF THE U.S. SUPREME COURT AND U.S.
CHIEF TRIAL COUNSEL AT NUREMBERG TRIALS 1945-46 - THE HONORABLE
ROBERT H. JACKSON.

STATEMENT OF THE CASE

PETITIONER JAMES D. GRZESLO WAS CONVICTED OF THE FIRST DEGREE MURDER OF CATHY CARRASCO - ZANINI (NOR NEEMAN) IN THE COUPLE'S BEVERLY HILLS, CALIFORNIA RESIDENCE. GRZESLO WAS SENTENCED TO TWENTY-SIX YEARS PLUS LIFE AS ORDERED BY THE LOS ANGELES COUNTY SUPERIOR COURT, CASE NUMBER SA0790-01.

1. PETITIONER WAS THE PRO SE LITIGANT AT TRIAL, AND WAS ASSURED BY TRIAL JUDGE ELDEN S. FOX THAT HE "WOULD NOT WIN IN MY COURT". NBC DAILINE AUDIO TECHNICIANS TESTING MICROPHONES AND RECORDING EQUIPMENT IN COURTROOM AT TIME OF FOX'S THREAT. THEREFORE PETITIONER WAS GUARANTEED TO LOSE AND BE WRONGFULLY CONVICTED DUE TO JUDICIAL ABUSE OF DISCRETION, BIAS, AND PREJUDICE. FURTHER, FOX VIOLATED PETITIONER'S SIXTH, EIGHTH AND FOURTEENTH AMENDMENTS.

2. SELF-REPRESENTATION CAME AFTER DEFENSE ATTORNEYS WANTON DISPLAY OF INCOMPETENCY, NUMEROUS ABSENCES / DELAYS; FURTHER BASED UPON MANDATED DECISION OF THE COURT, "WHAT ARE WE TO DO WITH INCOMPETENT LAWYERS?" "HABITUAL VIOLATIONS EXISTED OF PETITIONER'S SIXTH AND FOURTEENTH AMENDMENT RIGHTS - INEFFECTIVE ASSISTANCE OF COUNSEL, WITHHOLDING EVIDENCE, ET SEQ. (CITED: FARETTA V. CALIFORNIA, 422 U.S. 806, (1975); STRICKLAND V. WASHINGTON (1984), 466 U.S. 668, 691, 80 L.ED. 2d 674; STRICKLAND TEST; UNITED STATES V. CRONIC (1984), 466 U.S. 648, 658-59, 80 L.ED. 2d 657; CRONIC STANDARD).

REASONS FOR GRANTING PETITION

CLAIM ONE

DNA RELEVANT EVIDENCE WAS TESTED AND ANALYZED BY THE U.S. GOVERNMENT'S WORLD FAMOUS FORENSIC SCIENCE LAB LOCATED IN VIRGINIA — BODE (PRONOUNCED BÖ-DEE) LABORATORIES. BODE TESTED CRIME SCENE EVIDENCE SAMPLES AND NUMEROUS BLOOD SPATTER SAMPLES (NOT SIMPLY BLOOD DROPS). REFER TO CONCLUSIVE BODE ANALYSIS AND CONCLUSIVE IDENTIFICATION OF THE REAL MURDERER FOUND IN EXHIBIT "A", PAGE 26.

1. BODE LABORATORIES, (CONTRACTED BY PROSECUTION), SUBMITTED FULL WRITTEN ANALYSIS REPORT [TA 4365.R. 20131216A OF 10-21-2013] TO WORLD-RENOWN AND LEADING EXPERT LABORATORY FOR DNA, DNA TESTING, DNA ANALYSIS — TECHNICAL ASSOCIATES INCORPORATED FROM VENTURA, CALIFORNIA (T.A.I.). OWNER MARC SCOTT TAYLOR, A FORENSIC SCIENTIST FOR 50 YEARS WITH HIS EXPERTISE IN DNA, CONCURRED BODE'S FORENSIC FINDINGS.

A. NO PETITIONER'S OR DECEASED FIANCE'S DNA, BLOOD, PRINTS, BODY FLUID ON ANY SUBMITTED CRIME SCENE EVIDENCE. HOWEVER, PETITIONER'S DNA FOUND ON HIS TOOTHBRUSH INSIDE THE BEVERLY HILLS CRIME SCENE RESIDENCE. (EXS "B", "C" PP. 23, 28).

B. NO BLOOD, DNA, PRINTS OF PETITIONER FOUND ON ALLEGED TWO POSSIBLE MURDER WEAPONS... HOWEVER, TWO OTHER INDIVIDUALS' DNA ARE FOUND — SIGNIFICANCE OF EVIDENCE PLANTING.

REASONS FOR GRANTING PETITION (CONT.)

1C. IN EXHIBIT "CH", PAGE 28, T.A.I.'S SENIOR FORENSIC SCIENTIST, BETTY BLANKE, DID STATE, "BOTH MARC AND I AGREE THERE IS SOMEONE ELSE'S DNA THAT IS DEFINITELY NOT CONSISTENT WITH D OR V." "FOREIGN TO D AND V", ET SEQ.

2. IN EXHIBIT "A", BOBE LABORATORIES CONFIRMS THE IDENTITY OF THE REAL MURDERER BASED ON DNA QUANTITIES FOUND IN BLOOD SPATTERS AT THE CRIME SCENE,

A. SAMPLE "CCH1402-0179-R03" UNEQUIVOCALLY IDENTIFIES ONLY ONE PERSON IN THE ENTIRE WORLD - A MALE HISPANIC NAMED JESUS MONTES - ONE IN 4.7 QUINTILLION - ODDS DEFINITELY AGAINST MONTES. SIMPLY, 4.7 FOLLOWED BY 18 ZEROS. PETITIONER - NIL.

B. MONTES ADMITS TO CRIME SCENE INVESTIGATORS THAT THE MULTIPLE BLOOD SPATTERS ARE HIS, DUE THAT HE CUT HIMSELF WITH HIS "VERY SHARP KNIFE". JUST BY COINCIDENCE, THE DECEASED FIANCÉE LIES ON THE KITCHEN FLOOR WITH THE RIGHT-SIDE OF HER NECK DEPICTING A SIMILAR GASHING WOUND APPARENT ON MONTES' HAND ALSO PRODUCED BY A "VERY SHARP KNIFE". COINCIDENCE? SIMILAR, DEEP WOUNDS; SAME BEVERLY HILLS RESIDENCE; SAME DAY; SAME TIME?

C. MONTES ADMITS TO INVESTIGATORS HE IS RIGHT-HANDED.

REASONS FOR GRANTING PETITION

(CONT.)

C (CONT.). CRIME SCENE EXPERTS AND THE PATHOLOGIST PERFORMING THE AUTOPSY CONCUR THE KIRKWOOD WAS ATTACKED FROM BEHIND AS EVIDENCED BY LACERATION ON NECK (RIGHT-SIDE) AND ASSIGNED OR LACK OF DEFENSE WOUNDS ON VICTIM'S ARMS, HANDS. ASSAILANT WAS RIGHT-HANDED.

D. PETITIONER IS LEFT-HANDED SINCE BIRTH. AS IS HIS PATERNAL GRANDFATHER; 3 OF 7 PATERNAL UNCLAS. OF PETITIONER'S FOUR CHILDREN, THE OLDEST AND YOUNGEST ARE MALE; BOTH ARE LEFT-HANDED.

3. AN INCOMPETENT POLICE DEPARTMENT OF REVERLY HILLS DID NOT FOLLOW STANDARD POLICE PROTOCOL TO CONFISCATE MONTES' VERY SHARP KNIFE, CLOTHING, SHOES FOR DNA, BLOOD EVIDENCE.

A. THE SAME INVESTIGATING OFFICERS ALLOWED THE REAL MURDERER, MURDER WEAPON, TO GO FREE TO SELECT MONTES' NEXT NEIGHBORHOOD AND NEXT VICTIM.

4. NATIONALLY ACCLAIMED FORENSIC SCIENTIST AND CRIME SCENE EVIDENCE EXPERT DAVID SUGIYAMA TESTIFIED AT TRIAL AND OF HIS OVER 40 YEARS EXPERTISE IN CRIME SCENE EVIDENCE.

A. U.S. CENTRAL DISTRICT COURT'S MAGISTRATE JUDGE, THE HONORABLE ALICIA G. ROSENBERG, IRONICALLY CRITICIZED

REASONS FOR GRANTING PETITION

(CONT.)

4 A. (CONT.). MR. SUGIYAMA'S 40 YEARS OF FORENSIC CRIME SCENE EVIDENCE EXPERTISE, ALTHOUGH ROSENBERG HAS NO RECORD FOR FORENSICS, EVIDENCE EDUCATION, TRAINING OR EXPERIENCE.

B. AS NOTED IN ROSENBERG'S FINDINGS AND RECOMMENDATIONS IN WHICH TO DENY PETITIONER'S HABEAS CORPUS AT THE DISTRICT COURT LEVEL, DKT 32 PAGE 13 OF FEBRUARY 26, 2021, OPENLY CRITIZES MR. SUGIYAMA AND HIS REASONS THAT PETITIONER NEITHER HAD THE KNOWLEDGE OR WAS INVOLVED IN THE MURDER OF HIS FINANCEE.

(1). "FOCUSED ON ABSENCE OF CATHY'S BLOOD ON PETITIONER'S CLOTHING OR CAR." [DKT 32, P.13, 2/26/21]

(2). "ABSENCE OF FINGERPRINTS EVIDENCE AT CRIME SCENE." [DKT 32, P.13, 2/26/21]

(3). "THERE EXISTS NO PHYSICAL EVIDENCE LINKING [PETITIONER] TO THE CRIME SCENE." [DKT 32, P.13, 2/26/21]

C. IN RULES OF EVIDENCE, SIMPLY PUT, "NO EVIDENCE, NO CASE."

5. BASED ON POLICE LOG BOOK ENTRIES AT 3 DIFFERENT LOCATIONS, RETIRED BEVERLY HILLS OFFICERS ARE PRIME SUSPECTS/DNA ON TWO MURDER (ALLEGED) WEAPONS AS TESTIFIED.

REASONS FOR GRANTING PETITION

(CONT.)

CLAIM 2

THE STATE ADMITTED INTO THIS CASE, FALSIFIED EVIDENCE, TAMPERED EVIDENCE AND LEGAL DOCUMENTS, FALSIFIED EXPERTS' CREDENTIALS. "FALSE EVIDENCE IS NOT HARMLESS. EXCLUDING FALSE EVIDENCE, REMAINING EVIDENCE, IF ANY, WAS SLIM. THE FALSITY OF ANY EVIDENCE OR TESTIMONY HAD A SUBSTANTIAL AND INTURIOUS EFFECT ON THE JURY'S VERDICT." (CITED: GARDNER V. BALLARD, 172 F. SUPP. 3d. 925 (2016)).

1. THIS CASE STARTING IN OCTOBER 2011, WENT TO TRIAL AUGUST 2016. SEVEN TOTAL PROSECUTORS; (ALL BUT THREE LEFT DUE TO BELIEF OF PROSECUTING WRONG PERSON).

2. PROSECUTORS AMY NICOLE CARTER (SBN 185365) BECAME A LOS ANGELES COUNTY SUPERIOR COURT JUDGE IN JANUARY 2015. AT PRELIMINARY HEARING HELD NOVEMBER 5 AND 6 2013, THE PATHOLOGIST PERFORMING THE AUTOPSY, DR. JOE AUGUSTINE, TESTIFIED THAT PROSECUTOR CARTER, DETECTIVE CHRISTOPHER COULTER, AND RETIRED SHERIFF'S SARGEANT PAUL Q. DELHAUER VISITED THE CORONER'S OFFICE TWO YEARS AFTER THE MURDER TO CHANGE TIME OF DEATH AND VARIOUS OTHER MODES OF TAMPERING MEDICAL LEGAL DOCUMENTS. HE TESTIFIED HE WAS COERCED AND FELT THREATENED IF HE DID NOT COMPLY.

A. AUGUSTINE'S WELL-TESTED MEASUREMENTS AND PHOTOGRAPHS

REASONS FOR GRANTING PETITION

(CONT.)

A. (CONT.) OF DECEDENT'S ARM AND HAND SOAKED IN BLOOD
ACTUALLY IS WHAT CAUSED WHAT LOOKS LIKE, BUT ARE
NOT THE INITIALS "JG". AUGUSTINE DEMONSTRATED,
HOWEVER, MUDDER AND SIAAL EMPHASIZED DECEDENT
WROTE INITIALS "JG".

B. PROSECUTION WITNESSES DELHAUER AND MARTY
BRENNER SUBMITTED FRAUDULENT PROFESSIONAL LICENSURES
AND CERTIFICATIONS REQUIRING THE PROFESSIONAL EXAMINA-
TIONS AND INVESTIGATIONS AGAINST EACH. NEGATIVE
CREDENTIALING AND PERJURY WAS IGNORED BY EVERY
LOWER COURT IN THIS CASE.

C. REFERENCING EXHIBIT "B" ON PAGE OF MAY 2013, REPORT
NUMBER AAX-00226-12 INVESTIGATION ON MARTY BRENNER
WHO CLAIMED HE WAS ATTORNEY IN TWO STATES AND ON
TWO PRESTIGIOUS PSYCHOLOGY BOARDS, "BRENNER WHO?".
BRENNER IS A HIGH SCHOOL GRADUATE ONLY - A SUBSTANCE
ABUSE COUNSELOR SMOKING CRACK COCAINE 20 YEARS AND
STRAIGHT BOUNCES OF VODKA EVERY DAY FOR 40 YEARS.

D. DELHAUER IS ANOTHER FRAUD AND PERJURY WHOSE
INVESTIGATOR CLAIMS WERE ALSO IGNORED BY LOWER
COURTS. EXHIBIT "B" P. 30, DELHAUER CLAIMS TO HAVE
A FELLOWSHIP DEGREE EARNED AT THE FBI ACADEMY
IN QUANTICO, VIRGINIA. ACTUALLY HIS CREDIT CARD

PURCHASED ALL THE CREDENTIALS HE FALSELY STATES HE HAS.

- (1) OF CONSIDERABLE CONSEQUENCE OF VERACITY AND CREDIBILITY OF DELHAUER AND EACH LOWER COURT CONSISTS OF TESTIFYING UNDER CROSS-EXAMINATION BY PETITIONER IN AUGUST 2016 WHERE DELHAUER TESTIFIED UNDER OATH THAT HE DID NOT HAVE ANY COLLEGE DEGREE OR STUDY OF BIOLOGY, ANATOMY/PHYSIOLOGY, PHYSICS, CHEMISTRY, MATHEMATICS; HIS CLAIMED DEGREE WAS A BACHELOR OF ARTS-BROADCASTING IN NEW JERSEY.
- (2) LET THIS HONORABLE COURT GO BACK TO 2020'S PEOPLE V. MORALES IN THE CALIFORNIA SUPREME COURT, 10 CAL. 5TH 76 (2002) - DELHAUER WAS THE FINAL PROSECUTION WITNESS TESTIFYING HE WAS A "CRIMINAL PROFILER" AND A "CRIME SCENE RECONSTRUCTIONIST SINCE 1999". IN 1999, HE WAS ONLY A DEPUTY SHERIFF.
- (3) IN JULY 2016 DELHAUER CLAIMED IN MORALES (Id.), TRIAL NUMBER VA-071974 THAT HE WAS "A CRIME SCENE ANALYST FOR SIX YEARS AND HAD A BACHELOR'S DEGREE IN POLICE SCIENCE WHICH CONTRADICTS HIS SWORN TESTIMONY ONE MONTH LATER AT PETITIONER'S TRIAL. HE ALSO HAD PHYSICS COLLEGE GRADUATE COURSES; BUT DID NOT HAVE THE PHYSICS DEGREE NOR STUDY PHYSICS IN AUGUST 2016 OF POLICE SCIENCE.

REASONS FOR GRANTING PETITION

(CONT.)

6. "A DUE PROCESS VIOLATION OCCURS WHEN THE STATE CONVICTS A DEFENDANT BASED UPON FALSE EVIDENCE, EVEN IF THE PROSECUTOR IS UNAWARE OF THE FALSITY. THE STATE BEARS RESPONSIBILITY FOR THE FALSE EVIDENCE." (SEE GIGLIO V. UNITED STATES, 405 U.S. 150, 92 S. CT. 763, 31 L. ED. 2D 104 (1972); MILLER V. POTE, 386 U.S. 1, 87 S. CT. 785, 17 L. ED. 2D 690 (1967); NAPUE V. ILLINOIS, 360 U.S. 264, 79 S. CT. 1173, 3 L. ED. 2D 1217 (1959)).

A. "THE LAW FORBIDS A CONVICTION BASED ON FALSE EVIDENCE" ...

B. "FALSE EVIDENCE USED TO CONVICT IS A VIOLATION OF THE SIXTH AND FOURTEENTH AMENDMENTS' 'DUE PROCESS' CLAUSE." (A. AND B ABOVE; GARDNER V. BALLARD, 172 F. SUPP. 3d 925 (2016),

CLAIM THREE

THE STATE KNOWINGLY, MALICIOUSLY, ILLEGALLY AND UNCONSTITUTIONALLY WITHHELD AFFORDING PETITIONER HIS FIFTH AND FOURTEENTH AMENDMENT RIGHTS FROM OCTOBER 26, 2011 TO THE PRESENT FILING DATE OF THIS PETITION. MIRANDA V. ARIZONA (1966) 384 U.S. 436.

A. DURING THE TRIAL, IN AN IN-LIMINE MOTION TO DIS-

REASONS FOR GRANTING PETITION

(CONT.)

A. (CONT.). - REGARD GIVING MIRANDA RIGHTS TO PETITIONER, "BECAUSE HE WAS NOT HANDCUFFED" - WAS FILED BY A VERY MANIPULATIVE OR A COMPLETE LEGAL INCOMPETENT, PROSECUTOR KETERI MODDER (SBN 134770). HOWEVER, MODDER ATTACHED OFFICER GARY CASTALDO'S 5-PAGE TYPED POLICE REPORT OF OCTOBER 26, 2011 - FIVE YEARS EARLIER WRITTEN.

(1), PAGE 3, CASTALDO CLEARLY ENTERED, "I HANDCUFFED JAMES ..."; BUT NEVER PROVIDED THE MANDATED MIRANDA; ALTHOUGH ALL FIVE REQUIREMENTS WERE IN PLACE. INSTEAD, CASTALDO SEXUALLY ASSAULTED A HANDCUFFED PETITIONER IN GRASPING HIS GENITALS AND RUBBING HIS LEFT THIGH.

(2) NEITHER MODDER NOR TRIAL JUDGE ALDEN S. FOX DID THEIR CONSTITUTIONAL DUTY TO READ THE IN-LIMINE BRIEF. FOX JUDICIALLY STATED, PETITIONER "WAS NOT REQUIRED MIRANDA."

B. "IF A PERSON IN CUSTODY OR UNWILLINGLY DETAINED; IF THERE IS A FORMAL ARREST OR RESTRAINT ON HIS FREEDOM TO A DEGREE ASSOCIATED WITH FORMAL ARREST; IF THERE EXISTS A SHOW OF FORCE WHERE SUSPECT IS NOT FREE TO LEAVE; IF QUESTIONING OR INTERROGATION OCCURS, MIRANDA (Id.) MUST BE GIVEN" - U.S. SUPREME COURT MANDATE.

C, IN UNITED STATES V. JOHN T. AMBROSE (2007), 687 F.3d 943 SCOTUS HELD, "FAILURE TO PROMPTLY GIVE MIRANDA WARNINGS INVALIDATES ANY AND ALL (ALLEGED) ADMISSIONS AND CONFESSIONS AND MAY TRIMT ALL EVIDENCE RENDERING INADMISSABILITY."

D, CITING BRECHT V. ABRAMSON, 507 U.S. 619, 637, 113 S.Ct. 1710, 123 L.Ed. 358 (1993), "IT IS EVIDENT THE PREJUDICIAL IMPACT OF CONSTITUTIONAL ERROR IN THE STATE TRIAL COURT UNDER THE SUBSTANTIAL AND INJURIOUS EFFECT STANDARD."

CLAIM FOUR

THAT FORMER PROSECUTOR AMY NICOLE CARTER (SEN 186365) STATED ON RECORD IN OPEN COURT IN OCTOBER 2013 THAT THE BEYARLY HILLS POLICE DEPARTMENT DESTROYED THE LOWENTNY, TWO-SESSION INTERROGATION TAPES DUE TO "SCATNY" VIDEOS AND INAUDIBLE AUDIO.

1. THE TRUE REASON FOR THE DESTRUCTION OF HIGHLY EXCULPABLE EVIDENCE DOES SHOW DETECTIVE GEORGE BLUMELL (DRESSED IN BLACK CIVILIAN CLOTHES) INTIMIDATING, YELLING, CURSING AT PETITIONER, SLAMMING HIS FISTS ON THE RECTANGULAR TABLE INSIDE THE INTERROGATION ROOM, AND THROWING A CHAIR IN PETITIONER'S DIRECTION.

REASONS FOR GRANTING PETITION

(CONT.)

2. NO MIRANDA GIVEN, IN DIRECT VIOLATION TO THE FIFTH AND FOURTEENTH AMENDMENT RIGHTS OF THE PETITIONER.
3. DENIAL OF PETITIONER'S SIXTH AMENDMENT RIGHT TO HAVE MY PERSONAL LEGAL COUNSEL PRESENT DURING QUESTIONING.
4. DESTRUCTION OF EXCULPATORY EVIDENCE AS NOTED ON PREVIOUS PAGE.

A. THAT THE STATE PURPOSELY DESTROYED EVIDENCE —
ARIZONA V. YOUNGBLOOD (1988), 488 U.S. 51.

B. "IT IS THE DUTY OF THE STATE, UNDER THE FOURTH AND FOURTEENTH AMENDMENTS TO TAKE AFFIRMATIVE ACTION TO PRESERVE EVIDENCE." (CALIFORNIA V. TROMBETTA (1984), 467 U.S. 479)).

CLAIM FIVE

THAT THE STATE KNOWINGLY VIOLATED PETITIONER'S SIXTH AMENDMENT "CONFRONTATION CLAUSE" AND HIS SIXTH AMENDMENT OF THE FOURTEENTH AMENDMENT IN WITHHOLDING COURT PRESENCE OF REAL MURDERED JESUS MONTES FOR CROSS-EXAMINATION BY THE PETITIONER. THIS ALSO VIOLATES DISCOVERY UNDER BRADY V. MARYLAND (1963) 373 U.S. 92.

REASONS FOR GRANTING PETITION

CLAIM SIX

THAT THE STATE KNOWINGLY, INTENTIONALLY, UNCONSTITUTIONALLY WITHHELD THE PETITIONER'S FOURTH AMENDMENT RIGHT OF A VALID, COURT AUTHORIZED SEARCH WARRANT; AND HAVE FAILED TO PRODUCE ANY ~~ANY~~ ALL VALID, LEGITIMATELY COURT AUTHORIZED SEARCH WARRANTS REQUIRED UNDER THE FOURTH AMENDMENT FROM OCTOBER 26, 2011 TO THE PRESENT.

1. PROSECUTOR OKSANA SIGNAL (SDN 249070) WAS CHARACTERISTICALLY ORDERED BY THE TRIAL COURT TO PRODUCE THE CONSTITUTIONALLY REQUIRED SEARCH WARRANTS. SHE COULD NOT. THEREFORE, UNCONSTITUTIONAL CASE.

A. NO VALID, FOURTH AMENDMENT REQUIRED SEARCH WARRANT(S) EXISTS FOR:

- (1). CRIME SCENE RESIDENCE;
- (2). DETACHED GARAGE AND DECEDENT'S AUTO MORE THAN 25 FEET FROM RESIDENCE;
- (3). ADJACENT NEIGHBOR TRASH CONTAINERS (RANDOM);
- (4). PETITIONER'S VEHICLE PARKED 3/4 MILE AWAY FROM CRIME SCENE;
- (5). COUPLE'S NEWER RESIDENCE ON MISSOURI AVENUE IN CENTURY CITY, 3 MILES AWAY.
- (6) POST OFFICE BOX NEXT TO RODEO DRIVE IN BEVERLY HILLS.

REASONS FOR GRANTING PETITION

A. (CONT.):

- (7). MILITARY SERVICE RECORDS.
- (8). CELL PHONE(S), LAND LINE(S), ELECTRONICS RECORDS.
- (9). PERSONAL SECOND FLOOR, CLIMATE-CONTROLLED STORAGE FACILITY, 5 MILES AWAY.
- (10). CELL TOWER "PING" LOCATOR... GOVERNMENT "SPYING".

B. DETECTIVE HYON IS DOCUMENTED SEARCHING THE STORAGE FACILITY ON MONDAY, OCTOBER 31, 2011 WITHOUT A VALIDLY AUTHORIZED SEARCH WARRANT; MISSING REQUIRED AFFIDAVIT, SPECIFICS SEARCHED, AUTHORIZATION / EXECUTION OF THE SITTING JUDGE / TIME / DATE / STATE SEAL. IT LATER SHOWS "TUESDAY, NOVEMBER 01, 2011" EXECUTED BY JUDGE ELDEN S. FOX. THEREFORE SEARCH AND SEARCH WARRANT INVALID, ILLEGAL, UNCONSTITUTIONAL.

C. THE LATE ASSOCIATE U.S. SUPREME COURT JUSTICE ANTONIN SCALIA'S EMPHASIS ON THE UNCONSTITUTIONAL SEARCHES DIRECTED ATTENTION TO THE LANGUAGE OF THE FOURTH AMENDMENT —

(1). "A SEPARATE AND SPECIFIC SEARCH WARRANT IS MANDATED; NOT SIMPLY ONE FOR EVERY LOCATION AND IN GENERAL TERMS — NOT SPECIFICS."

(2). "ALL SEARCHES INVOLVING ELECTRONIC DATA, RECORDS, INSTRUMENTS — A SEPARATE AND SPECIFIC

REASONS FOR GRANTING PETITION

C (2)(CONT.). SEARCH WARRANT IS CONSTITUTIONALLY REQUIRED IN EVERY INSTANCE." THEREFORE WE CONCLUDE EVERY PLACE AND ITEM SEARCHED WAS ILLEGAL AND UNCONSTITUTIONAL. CONFINEMENT FOR SUCH UNCONSTITUTIONAL ACTS FURTHER VIOLATES PETITIONER'S EIGHTH AND FOURTEENTH AMENDMENTS PERTAINING TO DUE PROCESS, EQUAL PROTECTION, CRUEL AND UNHUMAN PUNISHMENT.

2. THE U.S. SUPREME COURT HAS ALREADY RULED, PURSUANT TO THE FOURTH AMENDMENT, THAT A VALID, COURT ORDERED SEARCH WARRANT MUST BE TO A SPECIFIC PLACE, ITEM, PERSON; MUST HAVE A PROPERLY EXECUTED / AUTHORIZED AFFIDAVIT OF PROBABLE CAUSE. HOWEVER, IN PETITIONER'S CASE, THERE EXISTS NO CONSTITUTIONALLY VALID SEARCH WARRANT. (FRANKS V. DELAWARE).

3. "WARRANTLESS OR NO SEARCH WARRANTS ARE UNCONSTITUTIONAL" - ALSO TERMED, "WARRANTLESS SPYING". WHICH INCLUDES, "REMOTE TECHNOLOGIES / REMOTE ELECTROMAGNETIC IMAGING DEVICES / CELL TOWER SCANNING 'PINGS'". (CITING YOUNG V. HARRIS, 401 U.S. 37, S.Ct. 746, 27 L. Ed. 669 (1971); WEATHERFORD V. BURSEY, 429 U.S. 545 - "ELECTRONIC SURVEILLANCE BY AGENCIES IN WHICH CONVICTION OF THE ACCUSED WAS CONSTITUTIONALLY ILLEGAL UNDER THE FOURTH AMENDMENT."

A. "ELECTRONIC MONITORING OF CITIZENS WITHOUT A SEARCH WARRANT" - SUPERIOR COURTS OF LOS ANGELES COUNTY, No. WEC 22094, LAURENCE J. RITTENBAND, JUDGE; 2010

REASONS FOR GRANTING PETITION

- 3 A (CONT.). U.S. DISTRICT COURT:: JEWEL V. NATIONAL SECURITY AGENCY :: (9TH CIR 2010) — NSA CONDUCTED OVER TENS OF THOUSANDS OF ELECTRONIC IMAGING SURVEILLANCE OF TELL- PHONES AND E-MAIL TELECOMMUNICATIONS OF U.S. CITIZENS WITHOUT A SEARCH WARRANT, THEREBY VIOLATING THE FOURTH AMENDMENT.
- B. IN U.S. V. SCHAEFFER, (2019), 9TH CIRCUIT, U.S. DIST. LEXIS 8505 HELD, "OFFICERS' SEARCH WARRANT DID NOT SPECIFY WHAT SEARCHABLE CONTENT TO LOOK FOR IN THE ACCUSED'S STORAGE UNIT. IT DID NOT PROVIDE AN AFFIDAVIT OF PROBABLE CAUSE. POLICE ALSO SEIZED ELECTRONIC EQUIPMENT AND WRITTEN RECORDS — VIOLATING THE FOURTH AMENDMENT — EPITOMIZED AS IN PETITIONER'S CASE.
- C. IN U.S. V. MILLER, 425 U.S. 435, 96 S. CT. 1619 (1976), DEMONSTRATES SIMILARITY TO PETITIONER'S ACTIONABLE CASE OF FOURTH AMENDMENT VIOLATION PERTAINING TO CELL TOWER "PINGING" WAS DEEMED UNCONSTITUTIONAL.
- D. BEVERLY HILLS' DETECTIVE SCHWARTZ'S POLICE REPORT OF THE CRIME SCENE ON OCTOBER 26, 2011 NOTES HIS OBSERVATIONS OF DETECTIVES COUTLIER AND HYUN SEARCHING THE OUTER AREAS AND NEIGHBORS' PROPERTIES WITHOUT A SEARCH WARRANT. CRIME SCENE PHOTOGRAPHS, INSPECTION WITHOUT A SEARCH WARRANT.

REASONS FOR GRANTING PETITION

5. THAT BEVERLY HILLS OFFICER BILLINGSLEY TESTIFYING WITHOUT A SEARCH WARRANT, HE VIEWED A VIDEO SECURITY TAPE RECORDED BY SECURITY CAMERAS OF ANOTHER RESIDENCE. BILLINGSLEY CONTINUED TO TESTIFY THAT HE (UNDER THE COVER OF LAW), DIRECTED AN ASSISTANT PROPERTY MANAGER TO CHANGE THE DATES AND TIMES OF THE VIDEOS TO CORRESPOND TO THE DATE AND TIMES OF THE MURDER... TAMPERING, FALSIFYING EVIDENCE.

(1). "FRAUD, TAMPERING WITH RELEVANT EXCULPATORY EVIDENCE BY LAW ENFORCEMENT OFFICER; TAMPERING WITH A WITNESS." (REFER TO COOPER V. WOODFORD 04-7057; MITCHUM V. FOSTER, 407 U.S. 225, 241 (1972); THOMPSON V. GOLDSMITH, 979 F.2d 746, 749 (9TH CIR. 1992).

UNDERLYING CONSTITUTIONAL COMPONENT(S)

IN APPLYING WILLIAMS V. TAYLOR [2254(d)], 525 U.S. 1050 (1999), JUSTICE BREYER EXPRESSED CONCERN THAT COURTS IGNORED MANDATES OF THE U.S. SUPREME COURT. IN FURTHER APPLYING WILLIAMS (Id.) AT 378, JUSTICE STEVENS CONCURRED, QUOTING MARBLEY V. MADISON, 5 U.S. (1 CRANCH) 137 (1803) - "WHEN FEDERAL JUDGES EXERCISE THEIR FEDERAL JURISDICTION UNDER THE 'JUDICIAL POWER' OF ARTICLE III OF THE CONSTITUTION, IT IS EMPHATICALLY THE PROVINCE AND DUTY OF THOSE JUDGES TO 'SAY WHAT THE

REASONS FOR GRANTING PETITION

LAW IS. "1"

1. THE PURPOSEFUL VIOLATIONS TO THE PETITIONER'S FOURTH, FIFTH, SIXTH, EIGHTH, AND FOURTEENTH AMENDMENT'S CONSTITUTIONAL RIGHTS IS COMMON PLACE IN LOS ANGELES COUNTY AS DEPICTED BY JUSTICE GINSBURG IN CUNNINGHAM (ID.). COUPLED WITH LISTING OF JUDICIAL BRIBERY PLAGUING LOS ANGELES COUNTY AND THE STATE OF CALIFORNIA ... SUPPRESSION / TAMPERING OF EVIDENCE, WITNESSES, AND JURORS MAKES PETITIONERS CASE APPEAR TO REPLICATE BRACEY V. GRAMELY, 520 U.S. 899, 904 (1997) — CONVICTION WAS REVERSED BY CHIEF JUSTICE ROHNQUIST.
2. CONSTITUTIONALLY, "UNCONDITIONAL RELEASE" REMAINS IN THE MODERN PANTHEON OF APPROPRIATE HABEAS CORPUS REMEDIES. THIS ACT DOES REQUIRE RELIEF ORDERS WHERE IT IS CONCLUDED THAT "THE FACTS OF VINDICTIVE PROSECUTION, INSUFFICIENT EVIDENCE, AND THE IDENTIFICATION OF THE REAL MURDERER" SCIENTIFICALLY 4.7 QUINTILLION TO ONE SOLIDIFIES THE INNOCENCE OF PETITIONER GRZESLO. "ITS CONSEQUENCES SO GRAVE, AND THE UNLAWFUL RESTRAINT ALREADY INJURED ON THE PETITIONER'S LIBERTY, SO LENGTHY AND SEVERE THAT THE LAW AND JUSTICE MANDATE UNCONDITIONAL DISCHARGE." (REFER TO EASON V. WASHINGTON, 942 F.2d 1155 (7th CIR. 1991); CORBY V. DISTRICT COURT, 917 F.2d 88, 92 (2d CIR. 1990)) — WHERE DEFENDANTS FOUND GUILTY IN ABSENCE OF ANY RELEVANT EVIDENCE.

Insufficient DNA was detected from the "interior" handle of steak knife after removing handle sample (FB-7MH). Therefore, no further testing was performed.

Per Ms. Putinier's DNA report dated 25 July 2012, "The profile obtained from the knife blade is consistent with Carrasco-Zanini. The profile obtained from the knife handle indicated a mixture of DNA from at least three individuals. The major DNA contributor to the DNA on the knife handle is consistent with Carrasco-Zanini. Due to the number of contributors and the low level of DNA, the minor contributor portion of the profile from the knife handle is not suitable for database entry or comparison."

*Selected samples including sample ET-4CR ("...18-D, faucet handle swab..."), ET-3TO (Left fingernail clippings from Cathy Carrasco-Zanini), and ET-3TP (Right fingernail clippings from Cathy Carrasco-Zanini) were subjected to DNA typing using the PowerPlex Y system. The male DNA profile detected from samples ET-4CR ("...18-D, faucet handle swab...") and ET-3TP (Right fingernail clippings from Cathy Carrasco-Zanini) "...is the same as that of James Grzeslo. Therefore, Grzeslo and all male relatives from his paternal lineage were not eliminated as the source of this Y-chromosome DNA. This 11-locus Y-haplotype was compared to the 15,000 haplotypes in the US Y-STR database, and no matching haplotypes were observed. Approximately one in every 1,000 males from the Black, Caucasian, and Hispanic population groups would also not be excluded if the 95% upper confidence limit is applied. No male DNA was detected in the sample from Carrasco-Zanini's left fingernails."

Review Summary – Bode Technology:

Bench notes, datasheets, and electronic data from Bode were reviewed. It appears two blood sample swabs ("spot marked #2 and #7") and a buccal reference swab of Jesus Montes were sent to Bode for DNA analysis by BHPD in July 2014. Per Bode's CODIS Review Request Form under Case Background: "This is a homicide where a man slit the throat of a woman he was dating. There was blood on sidewalk near the crime scene. Jesus Montes is an elimination standard – he is a worker whose finger was bleeding due to a work injury (close to the crime scene)"

* Per Bode's DNA report dated 29 July 2014, the same DNA profile was developed from the two blood sample swabs and that profile "...matches the DNA profile obtained from sample CCH1402-0179-R03 (Jesus Montes). The probability of randomly selecting an unrelated individual with this DNA profile at 15 of 15 loci tested is

1 in 66.0 quintillion in the US Caucasian population

1 in 47.0 quintillion in the US African American population

≈ 1 in 4.7 quintillion in the US Hispanic population

TA4365.R.20151216A

Initials *[Signature]*

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PETITIONER GRZESLO'S
EXHIBIT "A" 2014
DNA ANALYSIS OF
CRIME SCENE BLOOD
IDENTIFIES REAL
MURDERER

PEOPLE V. GRZESLO
DNA CONSULT WITH EXPERT MARC TAYLOR
10/21/13

False positives for LMG presumptive test for blood:

- Animal blood
- copper salts
- cartridge cases
- vegetable matter, sweet potato
- anything containing bacteria

* Buck knife results (recovered from D's person when arrested)

- Mixture containing someone else's DNA (major profile) that is not V or D.
- Negative LMG

V's LT and RT fingernails:

- Each separately tested for DNA:

- LT FNC: NR

- RT FNC:

- STR testing: SSP=V

*positive LMG, can be consistent with her blood.

- YSTR testing: SSP=D

* quantity of male DNA is consistent

* With casual contact b/w V and D

- Total human quantitation amount is 435 ng: 8.705 ng/ul x 50 ul.

- * - Male DNA contribution is probably less than 1% of total DNA.

- * - Expert should not testify that the DNA consistent with D is from his blood.

D's car steering wheel (item 6):

- Positive for LMG

- * - Marc says that cars produce a lot of false positives when presumptive tests such as LMG, or phenol are used.

- False positives come from touching the batteries, chemicals from oxidizing agents.

- He will send paper/study about false positive findings from cars.

Bathtub Flake (from D's home)

- Positive for LMG

- If presumed blood, can't tell if from old wound, new wound, etc.

- * Could be from bacteria.

- * - DNA results show it is only D's DNA, not V.

- Need to see how "flake" looks like in photos to see if it is visually consistent with blood.

- Some cleaning materials can also cause false positives.

Faucet handle (item 18-D) from V's home

- STR DNA testing: SSP=V

* Only female DNA detected

RPT # TA 4365

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PETITIONER GRZESLO'S
EXHIBIT "B"
DNA ANALYSIS 2013-2014

- YSTR Testing: SSP=D

X * Quantitation shows very low level DNA consistent with "touch" DNA.

- Total human DNA quantitation is 22 ng (.955 ng/ul x 24 ul)

- Need to look at photos to see if stain is consistent with blood.

- If it looks like a drop of blood and there's a positive LMG result, it is a pretty good indication of blood BUT still not be certain if it's blood because there was no further confirmatory blood testing done.

Toothbrush (per DPD Jones: Recovered from V's apt, D said it is his toothbrush and V took it, broke it and threw it in the trash)

- Positive for LMG.

X - If presume blood, could be from bleeding gums w/c normally occurs when brushing teeth.

- DNA result: SSP=D

- 10/22/13: I explained to DPD Jones that even if V touched the toothbrush on DOI, Her DNA could be in there but it may be so low level that it is overwhelmed by D's DNA.

X **Steak knife** (found in V's apt)

- Negative LMG

- Blade DNA result: SSP=V

[*there are "trace" below level peaks at d8 (14), and D13 (8) that are foreign to V and D.]

- Handle DNA result:

- Mix @3: Maj=V

Minor alleles= not suitable for comparison

*** - Both Marc and I agree there is someone else's DNA that is definitely not consistent with D or V.] XXX

- 10/22/13: Explained to DPD how to mark the foreign alleles in every locus to show 3rd and 4th unknown contributors to sample.

PETITIONER GAZESLO'S
EXHIBIT "C" 2014
DNA ANALYSIS

PUBLIC DEFENDER
COUNTY OF LOS ANGELESInv. No.: AAX-00226-12

Office No.

Case No.: SA079092Trial Deputy: P. JONES
6217

Trial Date:

Defendants:

INVESTIGATION REPORT

JAMES GRZESLO

Charge PC 187 Spec. Circes

Martin Brenner, Wit.

On May 17, 2013 I called and spoke with W-Brenner. I again identified myself as the investigator for the Public Defender representing D-Grzeslo. W-Brenner stated that he recalled who I was.

I asked him if he could provide documentation as to his curriculum vitae, his training and or certification. W-Brenner stated that he would do so, but was busy at the time of the call. He stated that he would call me on May 21, 2013 and get the information to me at that time. I did not receive a response.

On May 30, 2013 I again called and was able to contact W-Brenner. W-Brenner stated that he was in New York on vacation but upon his return, in two weeks, he would provide the information that I needed. He asked that I e-mail to him what I was requesting. I did so.

— I did not receive a response.

On June 14, 2013 I sent W-Brenner another e-mail, again requesting his educational information. On June 17, 2013 I received a fax, see attached, in which W-Brenner placed his certification cards all together and then copied them, then faxed that to me.

On May 30, 2013 a Google search of W-Brenner's name provided a semi-curriculum vitae, under W-Brenner's website.

☒ A check of W-Brenner's alleged memberships of different Bar Associations: was checked. There was no indicator that W-Brenner has a Bar number.

☒ A check of Board Related Activities for licensees and registrants from the California Board of Behavioral Sciences did not indicate that W-Brenner had any such licensing. A check of the Board of Psychology for licensing also did not indicate that W-Brenner had any such licensing.

No further information obtained.

Closed

EXHIBIT "D"

APPROVED BY:

PETITIONER GRZESLO
WRITTEN INVESTIGATION
OF EXPERT WITNESS MARTY
BRENNER - 2013

Investigator: HOLLY GREASER

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International Criminal Investigative Analysis Fellowship

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Full Fellows generally include those members in good standing who attended and completed the invitational, in-residence course of training at the FBI's Academy in Quantico, Virginia, commonly known as the FBI Police Fellowship Program, between 1984 and 1991. Additionally, these members include those who have completed the criminal Investigative Analysis Division's Understudy Program and have also completed a one-year probationary period. Other Full Fellows are members of the FBI/ATF who have successfully completed the Criminal Investigative Analysis Division's Understudy Program Board of Examination or the NCAVC training program and have successfully completed a one-year probationary period. Other Full Fellows are those who are employed profilers with the NCAVC and have been selected to become a Full Fellow by a simple majority vote of the membership.

Associate Fellows are members who have completed the Criminal Investigative Analysis Division's Understudy Program Board of Examination or the NCAVC Training Program, but have not yet completed the one-year probationary period.

Understudies are those members who are currently enrolled in either the Criminal Investigative Analysis Division's Understudy Program or the Geographic Profiling Division's Understudy Program but have not yet completed the program.

Affiliate Fellows are those members of the ICIAF who have provided and continue to provide specialized advice or other services to criminal or geographic profilers that are not otherwise available within the Fellowship (e.g., forensic scientists, psychiatrists, psychologists, and researchers).

Honorary members include those individuals who have been nominated to the Voting Membership by a member of the association at a general meeting, and have been approved by the Voting Membership via Ordinary Resolution. Additionally, upon retirement or transfer from employment as a violent crime analyst, a member in good standing may elect to become an honorary member.³

Understudy Program

To qualify for the ICIAF Understudy Training Program, first and foremost the candidates must be sponsored by an ICIAF Full Fellow. The candidates are selected by their respective agencies, and must possess the following requirements:

- 1. The candidate must be a sworn officer of a national or provincial/state level police agency.
- 2. The candidate must have a minimum of 10 years of experience doing basic police work (patrol, investigation).

HABEAS CORPUS

FROM DELHAUER'S
124-THREE THIRTY RESUME

- MUST POSSESS
BOTH REQUIRE-
MENTS.
- NEITHER FOR
DE LAUER OR
AUGUSTINE

30

PETITIONER GRZESLO'S EXHIBIT "E", PP 1-2
FRAUD FELLOWSHIP CLAIM OF EXPERT
WITNESS PAUL Q. DELAURE.
DID NOT ATTEND FBI ACADEMY
AS CLAIMED.

10/31/2013

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Upon completion of both the Academic Phase and Internship Phase and upon receiving the recommendations of the candidate's sponsor and the profilers from the internship agencies, the candidate can then proceed to the Board Examinations.

NOT PATIPLORY

XXX

(Examination Phase) During this phase, a three-member examination board is established consisting of at least two Board Certified Criminal Investigative Analysts and one other member of the Fellowship, which may be another certified analyst or an Associate Fellow - who is generally someone in the academic/medical field who has earned a doctor of philosophy degree (Ph.D.) in Psychology or Biology, or is a medical doctor (M.D.) with a specialty in psychiatry.

During the examination process, the candidate receives a case for analysis for which he or she has never been exposed, and is required to complete an analysis of the case entirely of his/her own accord (the candidate is prohibited from consulting with another profiler, but is permitted to consult with forensic experts, when desired). This case has been previously profiled by one of the examination board members and has also been solved; therefore, the examination board members, but not the examination candidate, know the personality characteristics of the offender.

The candidate is required to prepare a written report of his or her analysis, using the same standard format of any official report that would be provided to an investigative agency requesting assistance.

Following the examination board members' receipt of the candidate's written report, the candidate is required to appear before the board (in person or through technology) to orally defend the report, and to answer questions related to all areas of competency. This component of the examination, the oral defense process, generally extends from four to seven hours.

xy Assuming the candidate successfully completes the board examination, he or she then enters a one-year probationary period, after which time the candidate is considered a Board Certified Criminal Investigative Analyst.

If you are interested in becoming an ICIAF Criminal Profiler, we suggest you have your agency head contact us via the website so that we can forward your request to the Education Director for evaluation.

HABEAS CORPUS

PETITIONER GRZESLO'S

EXHIBIT "E" P2

SUMMATION

THE LATE ATTORNEY F. LEO BAILEY, AS A PROFESSOR OF LAW, DEMONSTRATED HIS EXPERTISE OF CONSTITUTIONAL LAW TO BOTH HIS STUDENTS AND IN COURT HOLDING, "SCIENTIFIC EVIDENCE DOES NOT LIE. PEOPLE DO." PETITIONER AND FORENSIC SCIENCE HAVE PROVEN HIS CASE AND MR. BAILEY 100% CORRECT.

AS CHIEF JUSTICE WILLIAM RONNQUIST OPINED IN THE DECISION OF SCOTUS, "ANY FORM OF ILLEGALITY CONTAMINATED AND POLLUTED THE WHOLE CASE." (CITING: ARIZONA V. FULMINANTE (1991), 499 U.S. 279.)).

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

FEBRUARY 12, 2023

Date: _____