

Appendix- A

1. Notice of Appeal



SUPERIOR COURT OF CALIFORNIA

County of Sacramento

720 Ninth Street ~ Room 101

Sacramento, CA 95814-1380

(916) 874-5403—Website www.saccourt.ca.gov

THE PEOPLE OF THE STATE OF CALIFORNIA

Plaintiff/Respondent

VS.

ANTHONY TURNER

Defendant/Appellant

**SUPERIOR COURT
NUMBER: 19HC00664**

**NOTICE OF FILING
NOTICE OF APPEAL**

PLEASE TAKE NOTICE: the defendant in the above-entitled matter has filed a Notice of Appeal with the Clerk of the Appeals Unit of the Superior Court of California, County of Sacramento, on JANUARY 31, 2020. THERE IS NO DECEMBER 9, 2019 ORDER/JUDGMENT FOR THIS CASE.

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO**

DATED: February 3, 2020

N. WALLACE

By: Deputy Clerk

**STATE OF CALIFORNIA }
COUNTY OF SACRAMENTO }**

DECLARATION OF MAILING

As Deputy Clerk of the Superior Court of California, County of Sacramento, I hereby declare under penalty of perjury, that I have this day mailed, by first class mail, postage fully prepaid, a true and correct copy of the above notice to each of the persons hereinafter set forth, addressed as follows:

**ATTORNEY GENERAL
1300 I STREET, SUITE 1101
SACRAMENTO, CA 95814**

**DISTRICT ATTORNEY
901 G STREET, ROOM 261
SACRAMENTO, CA 95814**

**COURT OF APPEAL
THIRD APPELLATE DISTRICT
914 CAPITOL MALL 4TH FLOOR
SACRAMENTO, CA 95814**

**ANTHONY TURNER BJ9612
PO BOX 690
SOLEDAD, CA 93960**

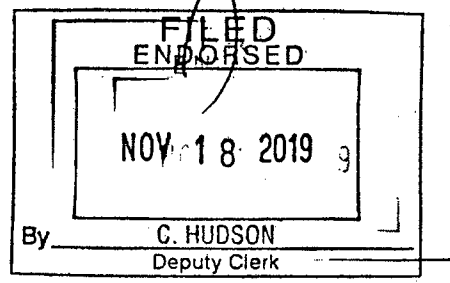
Executed in Sacramento, California on NOVEMBER 14, 2019.

**N. WALLACE
Deputy Clerk**

Appendix- B

2. Sacramento Superior Court

Name: Anthony Turner
Address: San Quentin State Prison
San Quentin, California
94974



HC-001

CDC or ID Number: BJ [REDACTED] 9612

Sacramento County Court House
720 Ninth Street
Sacramento, California
95814

(Court)

Anthony Dwayne Lee Turner
Petitioner
vs.
The People of the State of California
Respondent

PETITION FOR WRIT OF HABEAS CORPUS

No. 19HC00655

(To be supplied by the Clerk of the Court)

Dept 34 Judge Sawtelle

INSTRUCTIONS—READ CAREFULLY

commitment or a criminal conviction and are filing this petition in the
the county that made the order.

of your confinement and are filing this petition in the Superior Court,
ich you are confined.

stions.

r typed. You should exercise care to make sure all answers are true and correct.
naking of a statement that you know is false may result in a conviction for perjury.

ces. If you need additional space, add an extra page and indicate that your

u only need to file the original unless local rules require additional copies. Many

,...le the original of the petition and one set of any supporting documents.

...e petition in the California Supreme Court, file the original and 10 copies of the petition and, if separately bound,
an original and 2 copies of any supporting documents.

- Notify the Clerk of the Court in writing if you change your address after filing your petition.

Approved by the Judicial Council of California for use under rule 8.380 of the California Rules of Court (as amended effective
January 1, 2018). Subsequent amendments to rule 8.380 may change the number of copies to be furnished to the Supreme Court
and Court of Appeal.

E. REQUEST FOR RELIEF

State the relief you are seeking:

Granting Plaintiff Turner a declaration that the acts and omissions described herein violated his rights under the Constitution and laws of the United States, and plaintiff also seek a jury trial on all issues triable by jury, and plaintiff also seek recovery of his costs in this suit, and \$0,000,000.00 in punitive damages and compensatory damages and damages, and any additional relief this court deems just proper and equitable.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on

Oct 10, 2020
DATE

Anthony Turner
SIGNATURE OF PLAINTIFF

(Name and title of paralegal, legal assistant, or other person who helped prepare this complaint)

(Signature of attorney, if any)

(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space you may attach more pages, but you are strongly encouraged to limit your complaint to twenty-five pages. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages. Remember, there is no need to attach exhibits to your complaint.

P.C. 1258

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SACRAMENTO

DATE & TIME: DECEMBER 9, 2019
JUDGE : ERNEST W. SAWTELLE
REPORTER : NONE

DEPT. NO.: 34
CLERK : D. AGUILERA
BAILIFF : NONE

IN RE THE MATTER OF:

ANTHONY TURNER

CASE NO.: 19HC00655

ON HABEAS CORPUS

NATURE OF PROCEEDINGS: PETITION FOR WRIT OF HABEAS CORPUS - ORDER

The petition for writ of habeas corpus has been filed and considered.

IT IS ORDERED that the petition for writ of habeas corpus is DENIED.

On page 2 of the instant habeas petition, petitioner identifies "1130160024" as the case number of the case he is challenging in the petition. "1130160024" is the "NHP" number that appears on the misdemeanor complaint filed in Sacramento County Superior Court Case No. 17MI003476. In that case, on September 13, 2017, petitioner entered a no contest plea to a charge of Veh. Code § 23152(f), and was placed on informal probation for three years. It appears that the probationary period has not been revoked or terminated, thus is still running at this time.

Petitioner claims that the trial court imposed an illegal sentence.

The court has not imposed sentence in Case No. 17MI003476. Rather, the court suspended imposition of sentence when it placed petitioner on probation. Nor does the probation order appear to be unlawful in any manner, and petitioner fails to specify the alleged illegality. As such, the claim fails (In re Swain (1949) 34 Cal.2d 300).

Petitioner also claims that he was convicted without evidence.

Petitioner pleaded no contest; there was no need for the presentation of evidence. As such, petitioner fails to present a prima facie case for relief (In re Bower (1985) 38 Cal.3d 865). Regardless, a claim of insufficiency of the evidence is not cognizable on habeas corpus in a California habeas petition, but instead may only be raised on appeal (In re Lindley (1947) 29 Cal.2d 709).

BOOK :
PAGE :
DATE : DECEMBER 9, 2019
CASE NO. : 19HC00655
CASE TITLE: IN RE ANTHONY TURNER
DISTRIB. :

SACRAMENTO COURTS

BY D. AGUILERA, Deputy

Petitioner also attempts to present his version of the events.

Petitioner pleaded no contest. He cannot now, on habeas corpus, seek a trial on the matter.

Petitioner also claims actual innocence, alleging that he did not get cited for a driving under the influence offense on August 14, 2016.

Petitioner was not charged with such an offense committed on August 14, 2016. Rather, petitioner was charged with and pleaded no contest to a Veh. Code § 23152(f) offense committed on November 30, 2016.

The petition is baseless and is denied.

DATED: DECEMBER 9, 2019

ERNEST W. SAWTELLE

JUDGE ERNEST W. SAWTELLE
SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SACRAMENTO

DECLARATION OF MAILING

I hereby certify that I am not a party to the within action, and that I deposited a copy of this document in sealed envelopes with first class postage prepaid addressed to each party or the attorney of record in the U.S. Mail at 700 Ninth Street, Sacramento, California.

ANTHONY TURNER BJ9612
SAN QUENTIN PRISON
SAN QUENTIN, CA 94974

DISTRICT ATTORNEY'S OFFICE

ATTN: JTI UNIT*SENT VIA INTEROFFICE MAIL

Dated: DECEMBER 9, 2019

Superior Court of California
County of Sacramento

By: D. Aguilera
Deputy Clerk

BOOK :
PAGE :
DATE :
CASE NO. :
CASE TITLE :
DISTRIB. :

DECEMBER 9, 2019

19HC00655

IN RE ANTHONY TURNER

SACRAMENTO COURTS

BY D. AGUILERA, Deputy

Appendix- C

3. United States District Court Eastern District Court

**PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY**

United States District Court		District: <u>Eastern</u>
Name (under which you were convicted): <u>Anthony Dwayne Lee Turner</u>		Docket or Case No.: <u>2:19-CV-00416-DJ</u>
Place of Confinement: <u>Mule Creek Prison</u>		Prisoner No.: <u>B5 9612</u>
Petitioner (include the name under which you were convicted) <u>Anthony Dwayne Lee Turner</u>		Respondent (authorized person having custody of petitioner) <u>P. Corvello</u>
The Attorney General of the State of: <u>California</u>		

PETITION

- (a) Name and location of court that entered the judgment of conviction you are challenging:
Sacramento Superior County Courthouse
720 9th Street, Room 101
Sacramento, California

(b) Criminal docket or case number (if you know): 17FE010623
- (a) Date of the judgment of conviction (if you know): 8/14/17

(b) Date of sentencing: November 8, 2017
- Length of sentence: 3 yrs I/P, 137 days C/J / 11/8/17, VOP, 75 days C/J
- In this case, were you convicted on more than one count or of more than one crime? ☒ Yes ☐ No
- Identify all crimes of which you were convicted and sentenced in this case:

8/14/17 - 417 P.C. / (2). 8/14/17 - 11377(a) H&S

(3). 9/13/17 - 23152(F) V.C. / (4). 8/14/17 -
11377(a) H&S
- (a) What was your plea? (Check one)

<input type="checkbox"/> (1) Not guilty	<input type="checkbox"/> (3) Nolo contendere (no contest)
<input type="checkbox"/> (2) Guilty	<input type="checkbox"/> (4) Insanity plea

(b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to?

Plead No Contest to both charges. Second charge I pled No Contest to drop on my One Charge 3 1/2 months after the crime. I did not know anything about this charge on my record. 9/13/17 #23152 (F) VC 3yrs I/P 30 days CJ (#17MI003476)

(c) If you went to trial, what kind of trial did you have? (Check one)

☐ Jury ☒ Judge only

7. Did you testify at a pretrial hearing, trial, or a post-trial hearing?

☒ Yes ☐ No

8. Did you appeal from the judgment of conviction?

☒ Yes ☐ No

9. If you did appeal, answer the following:

(a) Name of court: State of California Court of Appeals

(b) Docket or case number (if you know): 19 HC 00664

(c) Result: November 14, 2019

(d) Date of result (if you know): No Order / or Judgement for This Case

(e) Citation to the case (if you know): unknown

(f) Grounds raised: That there was 2 different charges for the same crime. (2). Ineffective Assistance of Counsel. Wrongful imprisonment and wrongful arrest. (3). Violation of (1), (4), (5), (6), (14) Amendments retaliation, fabrication of evidence malicious prosecution, prosecution of a false D.U.I

(g) Did you seek further review by a higher state court? ☐ Yes ☒ No

If yes, answer the following:

(1) Name of court: _____

(2) Docket or case number (if you know): _____

(3) Result: _____

(4) Date of result (if you know): _____

(5) Citation to the case (if you know): _____

(6) Grounds raised: _____

(h) Did you file a petition for certiorari in the United States Supreme Court?

☐ Yes

☒ No

If yes, answer the following:

(1) Docket or case number (if you know): _____

(2) Result: _____

(3) Date of result (if you know): _____

(4) Citation to the case (if you know): _____

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court? ☐ Yes ☒ No

11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court: _____

(2) Docket or case number (if you know): _____

(3) Date of filing (if you know): _____

(4) Nature of the proceeding: _____

(5) Grounds raised: _____

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes

☒ No

(7) Result: _____

(8) Date of result (if you know): _____

(b) If you filed any second petition, application, or motion, give the same information:

(1) Name of court: _____

(2) Docket or case number (if you know): _____

(3) Date of filing (if you know): _____

(4) Nature of the proceeding: _____

(5) Grounds raised: _____

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☐ No

(7) Result: _____

(8) Date of result (if you know): _____

(c) If you filed any third petition, application, or motion, give the same information:

(1) Name of court: _____

(2) Docket or case number (if you know): _____

(3) Date of filing (if you know): _____

(4) Nature of the proceeding: _____

(5) Grounds raised: _____

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

☐ Yes ☒ No

(7) Result: _____

(8) Date of result (if you know): _____

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?

(1) First petition: ☒ Yes ☐ No

(2) Second petition: ☒ Yes ☐ No

(3) Third petition: ☐ Yes ☒ No

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not:

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

GROUND ONE:

Placed in a Writ of Habeas Corpus
in the Sacramento Superior County Court House

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

The case popped up on another charge and I knew nothing about the D.U.I. It was 3 1/2 months later. I filed for ineffective assistance of Counsel. I made the statement that I had no D.U.I. I never did receive a ticket or Citation for the D.U.I. charge. On approximately 8/14/16

(b) If you did not exhaust your state remedies on Ground One, explain why:

(c) **Direct Appeal of Ground One:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☒ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why: _____

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☒ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: Writ of Habeas Corpus

Name and location of the court where the motion or petition was filed: Sacramento Superior Court
720 9th Street, Room 101, Sacramento, CA 95814

Docket or case number (if you know): 17FE010623

Date of the court's decision: Dec 9, 2019 / Jan 7, 2020

Result (attach a copy of the court's opinion or order, if available): attached is two
Copies of the Courts (1). A copy of the Superior Court
and the Appellate Appeals Court

(3) Did you receive a hearing on your motion or petition? ☐ Yes ☒ No

(4) Did you appeal from the denial of your motion or petition? ☒ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal? ☒ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: Court of Appeal Third Appellate
District 914 Capital Mall 4th floor, Sacramento, CA 95814

Docket or case number (if you know): 19HC00664 and 19HC00655

Date of the court's decision: NOV. 14, 20 and NOV 18, 20

Result (attach a copy of the court's opinion or order, if available):

Copies are attached

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One:

I entered my writ of Habeas Corpus as to where I abuse the process.

GROUND TWO:

Same as ground one

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

Same as ground one

(b) If you did not exhaust your state remedies on Ground Two, explain why:

(c) **Direct Appeal of Ground Two:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

☒ Yes

☐ No

(2) If you did not raise this issue in your direct appeal, explain why:

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☒ Yes

☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

Writ of Habeas Corpus

Name and location of the court where the motion or petition was filed:

Same as ground one

Docket or case number (if you know):

Same as ground one

Date of the court's decision: Dec. 9, 2019 and Jan 7, 2020

Result (attach a copy of the court's opinion or order, if available):

copies are attached

(3) Did you receive a hearing on your motion or petition?

☐ Yes

☒ No

(4) Did you appeal from the denial of your motion or petition?

☒ Yes

☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

☒ Yes

☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed:

Docket or case number (if you know):

Date of the court's decision:

Result (attach a copy of the court's opinion or order, if available):

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

- (e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Two:

I've Entered a Writ of Habeas Corpus in the Eastern District Court

GROUND THREE:

- (a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

(b) If you did not exhaust your state remedies on Ground Three, explain why: I was informed by the United States District Court of the Eastern District that I had to exhaust all state court remedies up to the California Supreme Court

(c) **Direct Appeal of Ground Three:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why: _____

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: _____

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition?

☐ Yes ☐ No

(4) Did you appeal from the denial of your motion or petition?

☐ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

☐ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three:

GROUND FOUR:

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

(b) If you did not exhaust your state remedies on Ground Four, explain why:

(c) **Direct Appeal of Ground Four:**

(1) If you appealed from the judgment of conviction, did you raise this issue? ☐ Yes ☐ No

(2) If you did not raise this issue in your direct appeal, explain why:

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

☐ Yes ☐ No

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

Name and location of the court where the motion or petition was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition?

☐ Yes ☐ No

(4) Did you appeal from the denial of your motion or petition?

☐ Yes ☐ No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

☐ Yes ☐ No

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: _____

Docket or case number (if you know): _____

Date of the court's decision: _____

Result (attach a copy of the court's opinion or order, if available): _____

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue:

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Four: _____

13. Please answer these additional questions about the petition you are filing:

- (a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction? ☒ Yes ☒ No

If your answer is "No," state which grounds have not been so presented and give your reason(s) for not presenting them:

- (b) Is there any ground in this petition that has not been presented in some state or federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them:

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition? ☐ Yes ☒ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach a copy of any court opinion or order, if available.

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal, for the judgment you are challenging? ☐ Yes ☒ No

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised.

16. Give the name and address, if you know, of each attorney who represented you in the following stages of the judgment you are challenging:

(a) At preliminary hearing: _____

(b) At arraignment and plea: Carrie Yamagucci
901 G. Street, Sacramento, CA 95814

(c) At trial: _____

(d) At sentencing: Carrie Yamagucci
901 G. Street

(e) On appeal: _____

(f) In any post-conviction proceeding: _____

(g) On appeal from any ruling against you in a post-conviction proceeding: _____

17. Do you have any future sentence to serve after you complete the sentence for the judgment that you are challenging? ☒ Yes ☐ No

(a) If so, give name and location of court that imposed the other sentence you will serve in the future:

Sacramento Superior Court
720 9th Street, Room 101, Sacramento, CA 95814

(b) Give the date the other sentence was imposed: June 26, 2019

(c) Give the length of the other sentence: 7 yrs 4 months

(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future? ☐ Yes ☒ No

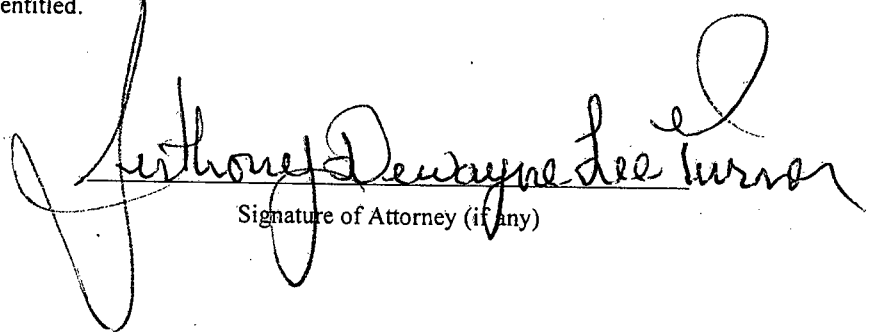
18. TIMELINESS OF PETITION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar your petition.*

I've filed in time and I always
knew if you are in the process of
fact findings in your case that there
is no statute of limitations and that it
runs until you complete your process

- (2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitation under this subsection.

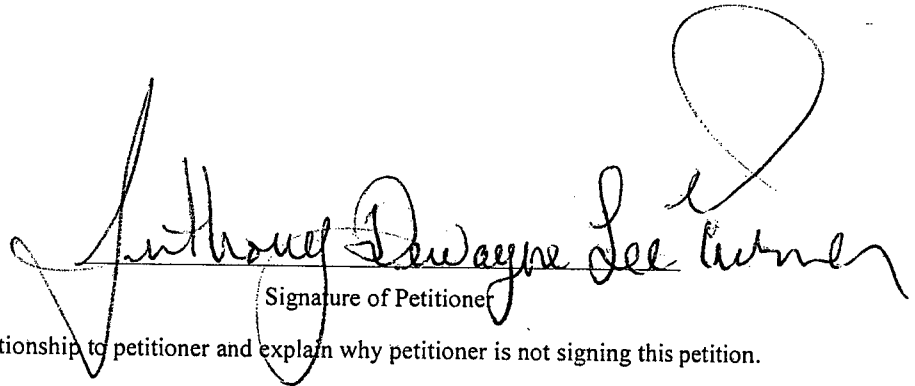
Therefore, petitioner asks that the Court grant the following relief: a prima facie relief
and invalidation of the charge

or any other relief to which petitioner may be entitled.


Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on 8/1/2019 (month, date, year).

Executed (signed) on 10/10/20 (date).


Signature of Petitioner

If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing this petition.

UNITED STATES DISTRICT COURT

for the

Anthony Turner

Plaintiff/Petitioner

People of the State of California

Defendant/Respondent

Civil Action No. 2:19-cv-00416-DB

APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS (Short Form)

I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested.

In support of this application, I answer the following questions under penalty of perjury:

1. *If incarcerated.* I am being held at: Mule Creek State Prison

If employed there, or have an account in the institution, I have attached to this document a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account in my name. I am also submitting a similar statement from any other institution where I was incarcerated during the last six months.

2. *If not incarcerated.* If I am employed, my employer's name and address are:

My gross pay or wages are: \$ 0, and my take-home pay or wages are: \$ 0 per
(specify pay period) 0

3. *Other Income.* In the past 12 months, I have received income from the following sources (check all that apply):

- | | | |
|--|------------------------------|--|
| (a) Business, profession, or other self-employment | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (b) Rent payments, interest, or dividends | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (c) Pension, annuity, or life insurance payments | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (d) Disability, or worker's compensation payments | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (e) Gifts, or inheritances | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| (f) Any other sources | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.

4. Amount of money that I have in cash or in a checking or savings account: \$ Ø

5. Any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that I own, including any item of value held in someone else's name (describe the property and its approximate value):

No

6. Any housing, transportation, utilities, or loan payments, or other regular monthly expenses (describe and provide the amount of the monthly expense):

No

7. Names (or, if under 18, initials only) of all persons who are dependent on me for support, my relationship with each person, and how much I contribute to their support:

No

8. Any debts or financial obligations (describe the amounts owed and to whom they are payable):

None

Declaration: I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

Date:

10/10/20

Anthony Dewayne Lee Turner
Applicant's signature
Anthony Dewayne Lee Turner
Printed name

Appendix- D

4. Supreme Court of the United States

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

February 15, 2023

Anthony Dewayne Lee Turner
10626 Schirra Ave., #104
Mather, CA 95655

RE: In Re Turner

Dear Mr. Turner:

The above-entitled petition for an extraordinary writ of habeas corpus was received on February 14, 2023. The papers are returned for the following reason(s):

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.

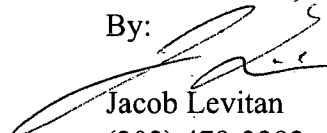
The petition does not follow the form prescribed by Rule 14 as required by Rule 20.2.

The petition does not state the reasons for not making application to the district court of the district in which you are held. Rule 20.4(a) pertaining to petitions for writs of habeas corpus.

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

Sincerely,
Scott S. Harris, Clerk

By:



Jacob Levitan
(202) 479-3392

Enclosures

Name: Anthony Turner
 Address: 10626 Schirra Ave # 104
Mather, Ca 95655

CDC or ID Number: X-9113

Office of the Clerk
Supreme Court of the United States
Washington, DC 20543-0001

(Court)

PETITION FOR WRIT OF HABEAS CORPUS

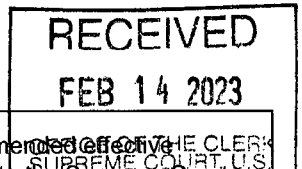
No. _____

(To be supplied by the Clerk of the Court)

<u>Anthony Dewayne Lee Turner</u> Petitioner vs. <u>The State of California</u> Respondent
--

INSTRUCTIONS—READ CAREFULLY

- If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.
- Read the entire form *before* answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the superior court, you only need to file the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal in paper form and you are an attorney, file the original and 4 copies of the petition and, if separately bound, 1 set of any supporting documents (unless the court orders otherwise by local rule or in a specific case). If you are filing this petition in the Court of Appeal electronically and you are an attorney, follow the requirements of the local rules of court for electronically filed documents. If you are filing this petition in the Court of Appeal and you are *not* represented by an attorney, file the original and one set of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and 10 copies of the petition and, if separately bound, an original and 2 copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.



Approved by the Judicial Council of California for use under rule 8.380 of the California Rules of Court (as amended effective January 1, 2007). Subsequent amendments to rule 8.380 may change the number of copies to be furnished to the Supreme Court and Court of Appeal.

This petition concerns:

☒ A conviction☐ Parole☐ A sentence☐ Credits☐ Jail or prison conditions☐ Prison discipline

Case No. 2:19-cv-00416-DB

☒ Other (specify): A civil complaint pending in the Eastern District Court1. Your name: Anthony Dewayne Lee Turner

2. Where are you incarcerated? _____

3. Why are you in custody? ☒ Criminal conviction ☐ Civil commitment

Answer items a through i to the best of your ability.

a. State reason for civil commitment or, if criminal conviction, state nature of offense and enhancements (for example, "robbery with use of a deadly weapon").

23152(f) v.c / 11377(a) H&Sb. Penal or other code sections: 417 P.C / 11377(a) H&S

c. Name and location of sentencing or committing court:

Sacramento Superior County Courthouse720 9th StreetSacramento, Ca 95814d. Case number: 17FE010623e. Date convicted or committed: 9/13/17f. Date sentenced: unknowng. Length of sentence: 3 yrs Probation 30 daysh. When do you expect to be released? time expiredi. Were you represented by counsel in the trial court? ☒ Yes ☐ No If yes, state the attorney's name and address:name: unknown address: 901 G. streetSacramento, Ca 95814

4. What was the LAST plea you entered? (Check one):

☐ Not guilty ☐ Guilty ☒ Nolo contendere ☐ Other: _____

5. If you pleaded not guilty, what kind of trial did you have?

☐ Jury ☒ Judge without a jury ☐ Submitted on transcript ☐ Awaiting trial

6. GROUNDS FOR RELIEF

Ground 1: State briefly the ground on which you base your claim for relief. For example, "The trial court imposed an illegal enhancement." (If you have additional grounds for relief, use a separate page for each ground. State ground 2 on page 4. For additional grounds, make copies of page 4 and number the additional grounds in order.)

(1) Lack insufficient cause to stop/arrest

a. Supporting facts:

Tell your story briefly without citing cases or law. If you are challenging the legality of your conviction, describe the facts on which your conviction is based. If necessary, attach additional pages. CAUTION: You must state facts, not conclusions. For example, if you are claiming incompetence of counsel, you must state facts specifically setting forth what your attorney did or failed to do and how that affected your trial. Failure to allege sufficient facts will result in the denial of your petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.) A rule of thumb to follow is, who did exactly what to violate your rights at what time (when) or place (where). (If available, attach declarations, relevant records, transcripts, or other documents supporting your claim.)

I was at the store shopping when the store clerk call the police. Then officer Gumbord answered the call who came in the store and directed me to finish shopping but then after talking to the clerk Steve Wiggins I got pulled out of the store handcuffed me and my car searched without my consent Then got knocked unconscious for refusing to give my consent for a blood test and before I knew it I was strapped to a gurney violently being kicked and punched and my arm grabbed and my blood withdrew without my consent. I did nothing wrong.

b. Supporting cases, rules, or other authority (optional):

(Briefly discuss, or list by name and citation, the cases or other authorities that you think are relevant to your claim. If necessary, attach an extra page.)

violation of my 4th Amendment rights

7. Ground 2 or Ground _____ (if applicable):

Failure to properly Admonish About a Chemical Test refusal
and did not get a warrant for my consent

a. Supporting facts:

The officer did not properly admonish me and
did not read P 5-347 of the DMV before he violently
knock me unconscious and did not get a warrant before
he strapped me to a gurney and violently grabbed my
arm while strapped down and withdrew my blood
without my consent

b. Supporting cases, rules, or other authority: -

4th Amendment right

8. Did you appeal from the conviction, sentence, or commitment? ☐ Yes ☐ No If yes, give the following information:

a. Name of court ("Court of Appeal" or "Appellate Division of Superior Court"):

State of California Court of Appeals

b. Result: Denied

c. Date of decision: 12/9/2019

d. Case number or citation of opinion, if known: 1914C00655

e. Issues raised: (1) ineffective assistance of counsel

(2) _____

(3) _____

f. Were you represented by counsel on appeal? ☐ Yes ☒ No If yes, state the attorney's name and address, if known:

9. Did you seek review in the California Supreme Court? ☐ Yes ☒ No If yes, give the following information:

a. Result: _____ b. Date of decision: _____

c. Case number or citation of opinion, if known: _____

d. Issues raised: (1) _____

(2) _____

(3) _____

10. If your petition makes a claim regarding your conviction, sentence, or commitment that you or your attorney did not make on appeal, explain why the claim was not made on appeal:

I did not understand the law and depended on my lawyer. I'm disabled and my disability makes it difficult to keep up and through due diligence I've known discover the misrepresentation

11. Administrative review:

a. If your petition concerns conditions of confinement or other claims for which there are administrative remedies, failure to exhaust administrative remedies may result in the denial of your petition, even if it is otherwise meritorious. (See *In re Muszalski* (1975) 52 Cal.App.3d 500.) Explain what administrative review you sought or explain why you did not seek such review:

I have been in and out of jail struggling with my mental illness and unable to meet deadlines but I have exhausted all other remedies except the Supreme Court (See copies of additional paper work as Exhibit A with documents concerning this claim).

b. Did you seek the highest level of administrative review available? ☒ Yes ☐ No

Attach documents that show you have exhausted your administrative remedies.

12. Other than direct appeal, have you filed any other petitions, applications, or motions with respect to this conviction, commitment, or issue in any court? ☒ Yes If yes, continue with number 13. ☐ No If no, skip to number 15.

- 13 a. (1) Name of court: Eastern District Court
 (2) Nature of proceeding (for example, "habeas corpus petition"): Habeas Corpus Petition
 (3) Issues raised: (a) ineffective assistance of counsel
 (b) _____
 (4) Result (attach order or explain why unavailable): never recieved a answer
 (5) Date of decision: October 10, 2020
- b. (1) Name of court: Sacramento Superior County Courthouse
 (2) Nature of proceeding: Denied
 (3) Issues raised: (a) ineffective assistance of counsel
 (b) _____
 (4) Result (attach order or explain why unavailable): results attached
 (5) Date of decision: December 9, 2019

c. For additional prior petitions, applications, or motions, provide the same information on a separate page.

14. If any of the courts listed in number 13 held a hearing, state name of court, date of hearing, nature of hearing, and result:
no

15. Explain any delay in the discovery of the claimed grounds for relief and in raising the claims in this petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.)

I have a civil claim pending as to where I needed to
filed Habeas Corpus Petition to Amend my Complaint

16. Are you presently represented by counsel? ☐ Yes ☒ No If yes, state the attorney's name and address, if known:

17. Do you have any petition, appeal, or other matter pending in any court? ☐ Yes ☒ No If yes, explain:

18. If this petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court:

The Counsel I had should have placed a motion in court
to suppress the evidence for violation of my 4th
Amendment rights

I, the undersigned, say: I am the petitioner in this action. I declare under penalty of perjury under the laws of the State of California that the foregoing allegations and statements are true and correct, except as to matters that are stated on my information and belief, and as to those matters, I believe them to be true.

Date: Feb 6, 2023

Anthony Dwayne Lee Turner
 (SIGNATURE OF PETITIONER)

EXHIBIT

A

DECLARATION

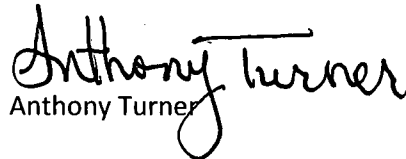
I, Anthony Turner, states in writing that I give my consent, and that I plead nolo contendere and waived trial. Where, I served this petition in the district of the Sacramento Municipal County Superior Courthouse located at 720 Ninth Street, Room 101, Sacramento, California 95814. I served a copy of this petition to the Sacramento District Attorney's Office to the district where the defendant was arrested located at 901 G. Street, Suite 261, Sacramento, California 95814.

I, Anthony Turner, consent to transfer the indictment, information, or complaint that is pending it must send the file, or a certified copy, to the clerk in the transferee district.

I, Anthony Turner, declares under penalty of perjury that my written consent is given to the best of my ability and correct to the best of my knowledge. Executed this 14th Day of March 2023 in Sacramento, California.

Sincerely,

Dated: March 14, 2023


Anthony Turner