

22-7603

No.

FILED

MAR 29 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

James Snyder — PETITIONER
(Your Name)

vs.

State of Idaho — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Idaho Supreme Court

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

James Snyder
(Your Name)

PO Box 70010
(Address)

Boise, Idaho 83707
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

1. If I'm not breaking any laws and no crime reported in vicinity
Can a Officer stop and harass me on Private property
2. Can a Officer lie about probable cause get no warrant, No K-9 (dogs)
or have consent, ~~and~~ to search. Then open my car door and search
my whole vehicle?
3. Can a Judge upon Final Judgements due to mental illness/disabilities
remove me from Drug Programs. Then prosecute me and sentence
me into the same or like programs over and over Collateral
estoppel?
4. Can I.D.O.C. Lock me in Segregation Until U.S. Court dismisses
my case because IDOC blocks my legal mail and I
lose. With no Discipline Actions to begin with
5. Can IDOC rider program, a State of Idaho dept of Corrections
run their Cottonwood rider program with NO CAMERAS?
(Because IDOC official misconduct does happen)
6. Can Case Managers lie on PSI report to judicial
Proceedings from IDOC where they have NO CAMERAS?
7. Can a judge in Sentencing order IDOC to
keep me, a mentally disabled man in Segregation?
8. Can a judge implicate Burglary charges are
something else in hearing (Accusations by Burglary)
9. Is there no structure in Idaho for custody levels.
Because I'm Min. Custody and in Med/Max since Sept.

Questions

10. If a court violates ADA or Rehabilitation Acts in Judgements. Doesn't that hinder Justice for disabled individuals and lead to a Miscarriage of Justice or Travesty for the disabled individual in Judicial Proceedings

11. If a federally funded program (Drug Court) excepts me and gets that funding. But refuses to give me any classes and profiles me. Is that legal and drag me along 7 months

12. I love all decisions of this court that have protected people like me from others that aren't disabled. Thank you and God bless you all

13. Are Idaho respondents and IDOC Case Managers supposed to mention Case #CR28-21-11291 where police, Doctor, Security Guards beat me giving me new TBI and crawling on my hospital bed choking with his knee in my neck? They mention it in this case

14. If one case of Police brutality hinders Snyder a mental Disabled man to leave Idaho and return to his home State 10 miles to Spokane for Safety, is that really a violation for this case?

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:

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TABLE OF AUTHORITIES CITED

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STATUTES AND RULES

1st, 4th, 5th, 6th, 8th, 14th constitutional violations
 Church & State, Private Property, Unlawful Arrest
 Profiling, Cruel & Unusual Punishment, Actual Innocence
 Bias, Prejudice
 American Disabilities Act, Rehabilitation Acts
 excessive ~~harm~~ by IDOC
 irreparable harm

OTHER

Watch Social Media YouTube Video
 Idaho Police Brutality
 Idaho Police Misconduct
 IDOC, is hindering Truth & Justice

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 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 United States district 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.

Pending Habeas Corpus

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix B to the petition and is

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

The opinion of the Idaho Supreme court 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.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was Feb 27, 2023.

☒ 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 March 21, 23.
A copy of that decision appears at Appendix C.

☐ A timely petition for rehearing was thereafter denied 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. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- 1st amendment - Religious Separation of Church & State
Access to Courts
- 4th Reasonableness suspicion, Search & seizure, No k-9
or consent
- 5th equal protection, Collateral estoppel double jeopardy
- 6th ineffective assistance of Counsel
Court didn't stick to plea agreement / convicted to
Mental Health Court
- 8th excessive Segregation, Cruel unusual Punishment
- 14th Collateral estoppel, Due process
American Disabilities Act
Rehabilitation Act

~~No Accommodations made in
any program, Just Removed
1 bad judgement Makes all judgements
invalid~~

vindictive / Judicial Misconduct
discriminatory

See pgs 18-30 STATEMENT OF THE CASE

The case stems from a Miscarriage of Justice, ~~the~~ Snyder v. Washington. A disabled man just trying his best and always being bullied, called names and as this Court will read, Actually Innocent.

Thank you

GEORGE FLOYD JUSTICE POLICING ACT
POLICE VIDEO BODYCAM CAUSED ANOTHER TBI,
PTSD and COPS KNEE Strangling me CRUSHED
MY NECK IS WHY I LEFT IDAHO BACK
TO WASHINGTON. IDAHO HOSPITAL COPS ETC
Hurt me so Bad. IDOC was at door

That's why my sentence was imposed and Idaho
Dept of Corrections is in video Blocking doorway
as Doctor, Cops, Security guards beat me after
Mental health Cleared me. I was in IDOC
Custody and they didn't Protect me from County.

Im in IDOC now Med/Max Custody and
Min. Custody level. Moved 12 times and 6 institutions
in 9 months. Im very disabled

REASONS FOR GRANTING THE PETITION

Because Im disabled and Cops and everyone takes advantage of that fact and violates all my rights.

Search was illegal on Private Church property

There was no crime reported in vicinity and I was parked legally not doing anything wrong.

Plea Agreement was not held original sentence was found to disabled to do Mental health court and Judgement Sept 2019 was amended after I was sentenced into M.H. Court

Then was sentenced to Drug Court/Rider two same convictions then removed again due to TBI, to Mentally ill/Disabled then sentenced to the same programs I was just removed from with final Judgement creating Collateral estoppel Double Jeopardy

Cruel Unusual punishment (Read case # 1:22-cv-00311-REP)

ADA (1990) Rehabilitation Act 501-509

Constant violations thru all of IDAHO

and the Mental Health court Judge

read ALL cases and this please

with respect. Thank you

Statement of case

On or about April 28, 2019 James Franklin Snyder was having issues and was waiting at his church for his pastor and our traveling pastor. Snyder sat patiently in his 2002 Lincoln. *Ornelas v. United States*, 517 U.S. 690, 696, 699 (1996). There was no reasonable suspicion for any Police Officer to harass me. A mentally disabled man. There was no articulable suspicion that I was engaged in, or about to engage in criminal activity. Snyder was very sick from a degenerative muscle disease w/ 15 sealed court record // *Gerstein v. Pugh* S.Ct. *Smith v. Duncan*, 297 F.3d 809, 813-14 (9th Cir 2002). Being a newer Judgement allows petitioner to attack old conviction, proving all Judgements stem from Miscarriage of Justice and "Actual Innocence".

Snyder was misrepresented by Counsel because Snyders so disabled and was so sick the ineffectiveness of his counsel allowed constitutional error *Huck v. Stickman*, 625 F.3d 88, 94 (3d Cir 2010) *Matthews v. Parker*, 2011 U.S. App LEXIS 13091, at *17-*18 (6th Cir June 27, 2011)

Snyder was told by his pastor he would be safe there because its private property the church is on.

The officer called for backup before exiting his patrol car. Rathdrum City police officer withdrew his pistol as he approached Snyders Lincoln.

State v Brown 2021-Ohio-2853, 2021 Ohio App. LEXIS 2813

Spokane, Washington and Rathdrum, Idaho are right next to each other. Idaho police pray upon Washington State plated vehicles.

There is photo's of the Lincoln in amended traffic violation with possession charge. Which did not happen that day or week.

Snyders windows are 5% limo tint and there is no possible way the Rathdrum police officer seen anything through my window as he banged his pistol against my drivers door window ordering me out of the car. Florida v. Rodriguez, 469 U.S. 1, 6 (1984)

Snyder without question got out of his car and handed Rodriguez v. U.S., 575 U.S., 348, 350 (2015) (No Dog Sniff-K-9, Warrant or Consent)

The police officer his pastors
business card and said he is
waiting for his pastor. (1st Amend. Sep. Church & State)
There was no needle cap on
my center console either.

Two Kootenai County sheriffs showed
up instantly. Is why I say the officer
called for backup. I also watched
him approach me. As if I was
doing something wrong or a movie.

One officer knew me somehow.
Asked if I was disabled? The other
had a benie on. He walked straight
to my Lincoln with no K-9, consent,
warrant or anything and opened my
door and went searching my car.
He reached way up in my
seat and pulled out a medicine
bottle and bag of paraphanilla.
That's why I was at the
church waiting for my pastor.
Because of bullying etc I was
suicidal. We in our church help
each other with our own medicine
and treatment.
(14th & 4th Amendments)

But the officers intervened unlawfully and began this nature of events

Sept 2019 Snyder was sick (sealed medical documents April 6, 2022) So, Sick Snyder really didn't understand nature of the plea bargain.

Premo v Moore 131 S. Ct. 733, 738, 743 (2011)

my counsel should have ordered suppression hearing before plea bargain

Snyder pled guilty (verbatim) to 5 years probation and Mental health Court. Cathy, Snyder's cousin picked Snyder up and brought Snyder to probation office.

The probation office/clinician said there is no way we are putting you in a halfway house or Mental health Court. You're too disabled.

So they called Judge Mitchell and Mitchell acquitted, vacated or reversed that judgement. Then amended it down to just 5 years probation.

9 months later Snyder again was bullied for months and tried to commit suicide.

Judge Mitchell in court (Verbatim) asked what happened to Mental Health Court

Judge Mitchell, imposed retained jurisdiction "RIDER DRUG PROGRAM" and to be enrolled in Drug or Mental Health Court upon completion of the rider program. *Ashe v. Swenson*, 397 U.S. 436, 443, (1970).

Snyder was released early from "RIDER" and Mitchell made Drug Court accept me after they denied me.

3 month after released Snyder again was being called names and ingested a bunch of Drugs to commit suicide.

"(If this court is curious why people call me names etc. Review S. Ct case, *Snyder v. Washington* #22-5780.

I did not realize this until last year when I looked at my Criminal History and hearing the rumors. There was one accusation in 2004 of Rape second degree. Which was fake and no way true.

Somewhere along the line after I filed Snyder v. Stevens Portland, Or. U.S. Court. Someone went back into my criminal history and added from 2004 incident one more rape accusation and 2 child molesting accusations and spread them rumors all over eastern Washington and Northern Idaho following my Facebook or Google Maps @ college etc. Making my life HELL! My Facebook I changed the name to Bobby Dubbs. Wondering what's going on? Being Disabled and bullied like a child in my mind is very hard for me. Bring traumatic memories from Snyder v Washington to my present as my pastor said is traumatic and wrong. God calls it our past and is meant to be left behind us. Not brought back in front of us all day everyday!"

So Judge Mitchell imposed Drug Court and 3 years probation at sentencing after completion of "rider Program".

6 months later in Oct 2021 Snyder was in court with a Motion filed by his attorney and drug Court

The Motion stated: WE NEED TO REMOVE SNYDER FROM DRUG COURT DUE TO HIS TBI, TRAUMATIC BRAIN INJURY! (ineffective Counsel)

Judge Mitchell approved and Acquitted, vacated, reversed that sentence Due to Snyder is Not Mentally able to fulfill that Judgement because of his Mental illness. (Collateral Estoppel, Double Jeopardy)

Judge Mitchell once again amended to 3 years probation.

The drug Court team lied to the court about finding a better program that fit my needs. GEO program is group setting and harder than the "Rider Program" or drug Court.

Problem is Drug Court from day one would not let me attend any classes, groups or anything. The profiling is bad.

June 30th 2021 a few months earlier. You will see I tried to commit suicide. Hospital staff profiled me w/cops, Hate Crime and after Mental health cleared me the doctor would not let me leave the hospital.

My attorney should have read the police profiled Snyder from the gate watch, YOUTUBE IDAHO POLICE MISCONDUCT or its IDAHO POLICE BRUTALITY!

Thats me getting beat by police. Case # CR28-21-11291. I had petition for Review and filed it in U.S. Supreme Court. But, IDOC is in the video and my District Court Judge imposed my sentence because Idaho hurt me so bad. I went back to my state Washington.

IDAHO DEPT OF CORRECTIONS KEPT ME IN SEGREGATION A3 Seg in Orofino prison until I lost my Case 1:22-cv-00311-REP

They are keeping me in Max and Medium Custodies in bad places with no Disciplinary Actions. Because as you'll read in U.S. Court case Their Stopping me from legal work.

Watch police body cam video on Youtube. You'll see one Idaho sheriff as security guard in a county hospital All violate American Disabilities Act after Mental Health cleared me. One officer beats a new TBI into my head as another George Floyd knee is choking me, crushing my neck

I laid in Alyia's basement
"Mountain top transitional house" healing.
Dec. 20, 2021 I was back at
work and Idaho workers in Spokane
at my job kept calling me
names.

I was bleeding from my mouth
and was rushed to the hospital.
I had to have throat surgery
(Go figure cop crushed my neck)...

I emailed my employer headquarters
about names being called and my
public defender JamesSnyder0001@gmail.com.
They emailed back and know what's
going on. They will address it and
take time to heal after surgery.

While I was healing from emergency
throat surgery, I wrote Judge Mitchell. I asked
for help from so many, Nobody would
help me.

I was building up PTSD and Idaho
was worse than Washington. So after nobody
would help, I drove into Washington
March 4th 2022 and rented a motel
and refused to return to Idaho.

Because Idaho hospital, cops, courts are not helping they hurt me so bad.

Judge Mitchell in the hearing refused to listen (Verbatim April 6, 2022 @ 11 AM. I spoke directly about what people do, say and call me.

Mitchell imposed my sentence than June 28, 2022 on a Rule 35 once again imposed, Retained jurisdiction to a "RIDER PROGRAM" and be enrolled into Drug Court or Mental Health court upon completion.

Ashe v. Swenson, 397 U.S. 436, 443 (1970)

The "rider program" is the same structured program, like Drug or Mental health court.

Collateral estoppel Double jeopardy
"((Smith v. Duncan 297, F3d 809-813-14 (9th Cir 2002)))"

Once Snyder got to the rider Cottonwood program, IDOC retaliated because Snyder filed against Washington and the security, doctor and cops in the Youtube Idaho police brutality.

IDOC is in the video manning the hospital door as the probation officer had me in his custody. Let the Cops, Doctor, and security off duty Kootenai County sheriffs conspir outside my emergency room. Alyia Rushing 208-770-9746 @ 1755 N. Cecil St. Post Falls, Idaho 83854 and Tony Schmere my boss were present and watched, hearing them all conspir to physically hurt me because they said I'm a sick sex offender and gang member.

"HATE CRIME."

Knowing I'm disabled with PTSD and TBI. They all triggered my PTSD and began punching me non stop. Case # CR28-21-11291 Kootenai County wrongfully charged me with felony assault and wouldn't treat me medically.

That's why Cottonwood Rider profiled me and told me to stop the lawsuit and legal work. IDOC knowing I'm mentally and physically disabled made me to all 4 units on the compound switching me groups, teachers and doing it on purpose telling me to stop legal work.

The day U.S. Supreme Ct. sent Snyder a letter stating they docketed case 22-5780 Snyder v. Washington.

IDOC relinquished Snyders retained jurisdiction and led Snyder out in handcuffs 2 1/2 hours later, too Orofino prison A3 segregation.

11-10-2022 at a hearing with Judge Mitchell (Verbatim)

I explained what they were doing to me. Judge Mitchell implicated I have 3 burglary charges.

If Courts see the Accusations around the burglary charge any person would know Judge Mitchell knows the rumors and is implicating the burglaries are sex charges. "Judicial Misconduct" Bias/prejudice unfair hearing

Then in the hearing Judge Mitchell implicates another rumor of Mexican Mafia and orders IDOC to keep me right where I am. So I cant control Idaho Dept of Corrections. I stayed in Segregation over quarter of a year, until I lost my case.

The following business day I was transported to Boise Idaho I.S.C.C. and put in Med/Max Custody Prison.

I have no violent crimes or Disciplinary write ups and Minimum Custody. Review Case # 1:22-cv-00311-REP Cellmates witness staff threaten me to stop legal work and write statements.

I do not understand why people hate me so much.

Please Review my Facebook Bobby Dubbs. You will see the grey 2002 Lincoln with tinted windows. The officer did not see anything through them. Review my criminal history. I have 10 years of hard copies "6 different years worth" even Alyia Rushing seen. Someone went back in my history and added accusations and spread bad rumors everywhere.

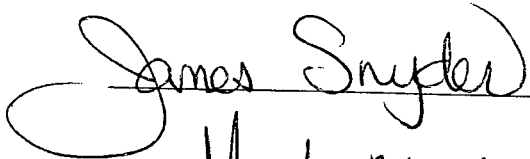
Doesnt it take special authority to add stuff on Criminal history

you will also see I was chopped up with a machete on Facebook by that gang. Someone trying to have me hurt?

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

_____

Date: March 26, 2023

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

James Snyder — PETITIONER
(Your Name)

VS.
State of Idaho — RESPONDENT(S)

PROOF OF SERVICE

I, James Snyder, do swear or declare that on this date, March 26, 2023, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

State of Idaho - Attorney General
Office of Attorney General - PO Box 83720
Boise, ID. 83720-0010

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

Executed on March 26, 2023

James Snyder
(Signature)

Reasonable suspicion

(Nixis) - 1 Federal Habeas Practice and Procedure §20.3

Ornelas v. United States, 517 U.S. 1690, 696/89 (1996) Direct Review

The principal components of a determination of "Reasonable Suspicion" or "Probable Cause" will be three events leading up to stop and search.

United States v. Gaudin, 515 U.S. 506, 521 (1995)
Florida v. Rodriguez, 469 U.S. 1, 6 (1984) // New Jersey v. T.L.O. 469, U.S. 325, 343 (1985)

State v. Brown 2021-Ohio-2853, 2021 Ohio App. LEXIS 2813

State v. Brown Police Officer did not have a reasonable and articulable suspicion that ~~so~~ he was engaged or about to engage in criminal activity, LACKED MERIT

Gerstein v. Pugh S.Ct. United States

Collateral estoppel double Jeopardy

Blackburn v. Cross, 510 F.2d 1014, 1975 LEXIS

ALBERT v. Montgomery 732, F.2d 865, 15 Fed. R. Evidence 1229, 1984

Ashe v. Swenson, 397, U.S. 436, 443 (1970) "After final judgement, May not be again

IDAHO 18-213-214 Acquitted on grounds of

Mental illness, not being able to fulfill

Judgement knowingly and intelligently

ILLEGAL SEARCH & SEIZURE

14th, 4th Amendment

FLORES v. Craven, 464 F.2d 1923, 1294 n.1 (9th Cir. 1972)

United States v. Black, 707 F.3d 531, 2013 U.S. App (4th Cir. 2013)

U.S. v. Spinner, 475 F.3d 356, 359 (D.C. Cir. 2007)

Taylor v. Siginaw, 922 F.3d 328, 334 (6th Cir. 2019)

Sweger v. Chesney, supra, 2244(d)(1) must be applied in a claim by claim basis

AEDPA expressly establishes period runs from the exhaustion of each state remedy when the date of which Judgement becomes final

Ford v Moore, 296 F.3d 1035, 1040 (11th Cir. 2002) - A federal habeas statutory limitations period is tolled regardless of whether a properly filed state post conviction petition or other collateral review raises a federally cognizable claim

Sweger v Chesney, 294 F.3d 506, 520 (3rd Cir 2002) 538 U.S 1002 (2003) whether federal habeas and state proceedings contain one or more claims attacking the same Judgement

Smith v Duncan, 297 F.3d 809, 813-14 (9th Cir. 2002) attack from 1980 conviction on a newer Judgement from 1980 conviction therefore satisfies the requirement that his state petition challenge either the pertinent Judgement or Claim

"Good Faith" rule to comply with applicable state timing requirements because prisoners whom are reasonably confused Pace, supra at 1813-14

Hardaway v Robinson, 637 F.3d 640 (6th Cir. 2011) Counsel failed to file an appellate brief and thereby deprived Hardaway of a direct appeal

Showers v Beard, 635 F.3d 625 (3d Cir 2011) appellate Counsel failed to raise ~~the~~ Meritorious challenge to trial Councels ineffectiveness

Justice Ginsburg & Justice Sotomayer 2010 Williams v Hobbs, 131

S.Ct at 558 (2010) Believes such a rule enables, and even invites

States to Manipulate federal habeas proceedings to their own strategic advantage at an unacceptable cost to justice

Matthews v. Parker, 2011 U.S. App. Lexis 13091, at *17-*18 (6th Cir. June 27, 2011) rejecting State's argument that "Petitioner procedurally defaulted his ineffective assistance of counsel ~~appellate counsel~~ Petitioner could not have raised his ineffective assistance of ~~counsel claim on direct appeal or state post conviction~~ Thus, the ineffectiveness in ~~(ALL)~~ App. Counsel case's being CR28-19-6825 and CR28-21-11291 both cases ~~by~~ ~~orders~~ counsel was the same in Appellate Court. Refused to file any reply brief in any case or raise meritorious claims in appeal

Houck v. Stickman, 625 F.3d 88, 94 (3d Cir. 2010) Counsel was ineffective and is unfair to limit petitioner to limit "actual innocence gateway" to new reliable evidence that was not presented at trial. Its unlawful for any Police Officer "CITY COP" to abuse the authority by harassing drivers in parking lots with no suspicious activity risen to the point of a officer intervening with his gun drawn. Its no secret North Idaho profiles out of state people, See (Idaho police brutality, Video Social Media Youtube). The Washington State license plates is why I was harassed

Premo v. Moore 131 S. Ct. 733, 738, 743 (2011) court of appeals erred in finding States court ruling on ineffective assistance of counsel claim, gravamen of which was that trial Counsel "Provided [the client with] an assessment of a plea bargain without first seeking suppression of confession.