22-7891

No.

IN THE

Supreme Court of the United States

RONALD JAMES LITTLEFIELD, *Petitioner(s)*

v.

STATE OF CALIFORNIA, *Respondent(s)*

On Petition For Writ Of Certiorari

To The California Supreme Court

PETITION FOR WRIT OF CERTIORARI

Ronald James Littlefield
AY-7094 NB-3-80L
One Main Street
San Quentin, California
94974

QUESTIONS PRESENTED FOR REVIEW

CAN A STATE TRIBUNAL DEPRIVE LITIGANTS TO THAT TRIBUNAL EQUAL PROTECTION OF THE LAW AND EVEN HANDED JUSTICE BASED UPON A COMMITMENT OFFENSE?

DOES THE EQUAL PROTECTION CLAUSE OF THE FOURTEENTH AMENDMENT MANDATE EQUAL TREATMENT OF STATE COURT LITIGANTS?

CAN ADEQUATE ACCESS TO THE COURTS BE IMPEDED BY A STATE COURT BY THEIR REFUSAL TO ENTERTAIN AND/OR RULE ON MOTION NOT FILED BY ATTORNEY GENERAL OFFICE?

DOES PROCEDURAL DUE PROCESS OF LAW MANDATE THAT A STATE COURT RULE ON PENDING MOTIONS FILED BY PRO SE LITIGANTS?

CAN A STATE TRIBUNAL DEPRIVE LITIGANTS OF FUNDAMENTAL FAIRNESS AND JUSTICE BY THEIR REFUSAL TO RULE ON OR PROVIDE OPINION TO A PENDING MOTION FOR JUDICIAL NOTICE?

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LIST OF PARTIES

[X] 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

None That Petitioner Is Aware Of

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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 _____ 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[ ] is unpublished.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 _____ to the petition and is

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[ ] is unpublished.

[X] For cases from **state courts:**

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

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[X] is unpublished.

The opinion of the California Appeal court appears at Appendix B to the petition and is

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[X] is unpublished.

JURISDICTION

[ ] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

[ ] No petition for rehearing was timely filed in my case.

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

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[X] For cases from **state courts**:

The date on which the highest state court decided my case was 03/22/23.
A copy of that decision appears at Appendix A.

[ ] 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

United States Constitution

Article III, Section II

Fifth Amendment

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without Due Process of Law; nor shall private property be taken for public use, without just compensation.

Fourteenth Amendment

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without Due Process of Law; nor deny to any person within its jurisdiction the Equal Protection of the Laws.

STATEMENT OF THE CASE

Petitioner, Ronald James Littlefield, hereafter simply, Littlefield, was charged by information in the State of California, County of Riverside, by that county district attorney office with violating California Penal Code Sections 220, subd. (a); 261, subd. (a)(2); 288, subd. (a)(c)(1), and 667.61. The defense attorney at the time of jury trial was Mr. Victor Marshall, and motion for a new trial attorney was Mr. Joshua Knight, Public Defender Office, Riverside County, and appellate counsel was Mr. S. Quinn.

The allegations of this petition all occurred after he was convicted by jury on all counts. Further, because of the plain and blatant malfeasance of trial counsel, as will be explained infra, Littlefield was offered a plea bargain after conviction by jury. This type of post-conviction plea offer is extremely rare.

At the time of jury voir dire, defense counsel thoroughly inflamed the jurors with prejudicial statements and informing that his client (Littlefield) was guilty. Because of the defense counsel's erroneous conduct, the trial court felt compelled to express doubt about Littlefield's ability to receive a fair trial.

During time of voir dire, Mr. Marshall informed the jurors:

> "Now, here we have a situation where my client is faced with an extremely egregious sort of crime, isn't it. I don't think you have to be

a parent to understand this kind of pain. I'm talking about child molestation. (Augmented Reporter's Transcript at pg. 152, hereafter, "ART")

And I have to tell you, even as a defense attorney, I have children, I even have a grandchild, one on the way, and it frightens me. It frightens me, the things -- what if this kind of thing happened to my kids, or when they were growing up, or my grandchildren. Does anyone else feel that way as far as children going through that kind of thing and experiencing those kind (sic) of things. (Ibid.)

Let me candid with each and everyone of you. MY CLIENT DID IT. MY CLIENT CONFESSED THAT HE ACTUALLY DID IT, HAD SEX WITH ONE OF HIS DAUGHTERS, OKAY. So I would like to go through those questions again with you. Knowing that he did it. I would to know your emotions, I mean would you feel angry at him knowing that he actually did something. (ART, at pg. 156, some emphasis added.)

Then after a juror commented on how angry she was at Littlefield for having sex with his adopted daughter. (ART, at pg. 157.) Again defense counsel expressed his personal belief in Littlefield's guilt. Defense counsel informed jurors as follows:

"Yeah, okay. Does that affect -- remember one of questions was whether or not you could be fair on

the facts. Knowing that Littlefield --- you seem --- theres some emotional investment now that you know he actually did it. There some anger thats been expressed. Would that affect your ability in the facts of the case to fairly assess facts of the case, knowing that your angry with him." (ART, at pg. 157.)

Responding to defense counsel's inflaming the jurors with passion and prejudice, multiple jurors stated that they would not be able to fairly assess the facts, due to their anger and pure disgust at Littlefield's conduct. (ART, at pgs. 157-160.)

One juror openly admitted that he would cause harm to Littlefield by presiding on jury panel. (ART, at pg. 159.) One of the other jurors stated, "If he said he is guilty, then say he did it, why are we here? I don't understand." (ART, at pg. 161.)

After thoroughly infecting the jurors with passion and prejudice, defense counsel goes further by stating: "Will you be too angry (...) to decide on other counts that were saying did not happen." (Id.) In response, some of the prospective jurors stated that Littlefield had admitted the worse thing, and in the face of this, they didn't know how anything would be a lesser charge. "(ART, at pg. 166.)

In response to the jurors' obvious outrage at Littlefield, based upon counsel unethical comments on the state of the

evidence, the trial court attempted to clarify the situation. The trial court judge informed the jurors that "he charged for more than than he has admitted to." The determination for you is to decide whether or not the other matters to which he has not admitted have been proven beyond a reasonable doubt. (ART, at pg. 167.) The trial court went on to state, "the fact that he has admitted to certain acts, does that at all impact your ability to be fair and impartial as you consider the other acts as charged? Your job is a factfinding job. Yours is (sic) to set aside bias, prejudice, and so forth in making your individual and collective decisions in that regard." (Id.)

As soon as the jurors left the courtroom the trail court turned its attention to defense counsel's prejudicial conduct and complete disregard for his client's defense and right to a fair trial. Trial court judge stated on the record that in all of his days on the bench, he has never seen what occurred in Littlefield's defense by defense counsel. (ART, at pg. 173.) In the judge's experience, he could not recall any other defense attorney, "discuss the facts of a case in such a fashion so as to indicate to this jury -- and I think potentially confusing them, that is why I jumped in -- that he has admitted to these crimes, he has admitted. Leaving in the minds of the jurors no other issues of concern without indicating that there are remaining issues, that is, specifically that he has been overcharge for the crimes. (ART, at pg. 173.)

Then the trial judge told defense counsel: "This appears to me as a bench officer. You have asked the jury to consider the evidence in this case. And the evidence in this case is that my client is guilty. Now knowing that he is guilty, can you give him a fair trial without being upset with him; with him as an individual for having committed these crimes? That is in my mind pure discussion of the facts of the case when you indicate by confessions or otherwise he's admitted to these crime and to criminal conduct, and now knowing that, will you be fair? Will you be angry with him? (ART, at pg. 174.)

Trial court judge continued: "I will tell you my first impulse is that most people would normally and predictably be angry with your client. Because you had just indicated he's admitted to these crimes (...) Well, they're only angry because you told them he did it." (ART, at pg. 174.)

Judge further explained to defense counsel that what he had done by conceding guilt in his questioning was "akin to a civil case where there is an admission of liability." (ART, at pg. 175.) The trial court also noted that the jurors' confusion as to why they were there in light of counsel's concession of guilt and recited a juror's comment asking, "What are we here for, he's admitted to the crimes." (Id.) Court stated that the topic should have been approached through a hypothetical without any reference to (my) client has admitted, which left the jury with "why are we here?" Theres nothing left to decide if he has admitted to everything. That is why I jumped in and said something about over charging. (ART, at pg. 177.)

Just prior to the recess, judge commented again to defense counsel's improper questioning had placed the court in a "conundrum." (Id.) And as soon as the judge took the bench the next day, judge again addressed defense counsel's erroneous conduct, and again expressed concern that jurors were angry with Littlefield. (ART, at pg. 179.) Then the judge inquired whether or not a new panel of jurors is required? (Id.) In response, defense counsel admitted that his method could have been done a different way, however, did not concede that a new panel was needed. (Id.)

Trial court judge again reiterated its concern that counsel unintentionally misled the jurors. (ART, at at pgs. 179-181.) The Court observed not only the jury but the entire gallery venire was visibly upset that their even back for day two (2) of jury selection process, and that they have not heard any evidence yet, because they believe your client is guilty based upon your own comments. (ART, at pg. 181.) Continuing the judge went on to state that because of counsel's statements to the jurors regarding the facts in this case and his client's guilt on the molestation charges, not just the twenty in the box right now, but the entire gallery may have been infected with a real negative feeling towards Littlefield, to the extent that he can not receive a fair trial. That is of a concern to me and I hope you understand that. ART, at pg. 182.)

Continuing on the judge concluded, "I'm not doing this -- and I'll make a very frank statement here. I'm not doing this to protect the court, nor am I having this discussion in order to protect the court record. The purpose is this, I want to make sure that Mr. Littlefield gets a fair trial, all right. (ART, at pg. 184.)

Despite the trial court's obvious concerns, defense reinterated that he did not desire a new jury panel.

For its part, the prosecution's position was to start with a new jury panel, i.e., adding that until, Mr. Marshall made the comment about his client making admissions, (the prospective jurors) all said that they could be fair, and that they already knew what the subject matter was. (ART, at pg. 185.) Prosecutor additionally added that the jurors were coonfused and asking, "Why are we here if he made admissions." The prosecutor requested that they start fresh Monday morning with a new panel. (ART, at pg. 186.)

Prosecutor then opined whether Littlefield wished to waive the issue and his right to appeal. The court questioned whether such a waiver could even be obtained. (Id.) This Honorable Court must ask itself how a layman at law with no experience of the criminal justice system, waive his constitutional right to a fair trial?

Then the trial court requested that it would desire some affirmation from Littlefield, that he desires to go forward with this jury panel. (Id.) The court gave the defense five (5) minutes to discuss the matter. (ART, at pg. 187.)

After a brief recess, the trial court further held conversations with both People and the defense in chambers, after the judge took the bench, he inquired of the defense how he would like to proceed. Mr. Marshall stated that Littlefield is okay with jury panel and inquired if this would be made part of the record. (Id.) The following colloquy took place between Littlefield and defense counsel:

Marhall: Mr. Littlefield, you do understand the issue we're going through at this time; correct? Littlefield: Thats correct. Marshall: That I have revealed a certain fact about your statement in this case, and the jurors have heard it. And the jurors have expressed anger in that regard. Do you agree to proceed with this panel and continue to seek a panel from this jury pool? Littlefield: Yes. Marshall: I join, your honor. Trial court judge: Thank you. I'll leave the bench. Lets get everyone in, we'll proceed. (ART, at pgs. 188-266.)

The jury selection process continued and jury trial commenced and Littlefield was found guilty on all counts, the defense to the criminal charges Littlefield claimed he did not commit was not pursued by defense counsel.

Upon the guilty verdicts from the jury, Littlefield fired Marshall and the public defenders office was appointed for a motion for a new trial. Mr. Joshua Knight, deputy public defender was appointed. A short continuance was sought for the scheduling date of the motion. Upon arrival back-to-court, Mr. Knight approached Litllefield, with a post-conviction plea offer of twenty-five (25) years, four (4) months. (See: Appendix K.)

Mr. Knight never explained to Littlefield, even if his motion for a new trial was granted, this plea offer was the best it was ever going to get, all of the counts Littlefield did not commit were dismissed upon acceptance of the plea offer. The freely and voluntarily given statement of having unlawful sex with a minor, he was never going to win those counts. There was never a child molestation as Marshall claimed. Littlefield was only told that if he took the plea offer, he could do his sentence in a level II state prison.

Since the time of conviction, Littlefield had conversed with an appellate attorney also, and the attorney/client privilege had attached. It was agreed that if the motion for a new trial was unsuccessful, appellate counsel would be paid his fee for a direct appeal from the judgment of the trial court.

Motion for a new trial was heard and denied.

Littlefield then paid over twenty-five-thousand ($25,000.00+) dollars to Mr. S. Quinn, for his direct appeal/review from the judgment of the trial court. Mr. Quinn, was aware of the post-conviction plea offer, and informed Littlefield that something must be terribly wrong with your case for them to offer such a plea offer after conviction by jury. Littlefield was led to believe that if his appeal was granted, the entire criminal conviction would be vacated and no further proceedings. Mr. Quinn, never informed Littlefield that even if the appeal was granted, he could be retried and convicted based upon his confession alone. That everything he was attempting to achieve in jury trial, was being handed to him on a "silver platter."

It is abundantly clear even to a layman at law, that the prosecutor and judge believed that Littlefield was deprived on a fair and Mr. Marshall's malfeasance and unethical conduct throughout the jury voir dire and trial itself, was fundamentally unfair and unconstitutional. That is precisely why the post-conviction plea offer was made.

Littlefield has never been in trouble in his life and had no knowledge of the criminal justice system, and was totally reliant on his attorney(s), all of which failed him and never told him the truth of-the-matter.

The California Supreme Court had acknowledged the incompetence of these attorney(s), (Appendix C, second paragraph.) The allegations of the deprivations of the United States Constitution, are articulated in the accompanying statement of relevant facts.

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STATEMENT OF RELEVANT FACTS

Mr. V. Marshall Defense Trial Counsel

When a defense counsel by his inability or unwillingness, performs in such a pathetic manner as to preclude winning, where his actions (or more appropriately his inactions/omissions has resulted in inadequate representation and his conduct fell so far below the professional norms of "ABA" standards, a trial court is mandated to intervene to stop the unconstitutional conduct. Herein, the trial court judge did in fact intervene, but defense counsel blatantly misinformed Littlefield time and time again, resulting in an unconstitutional waiver and based upon the falsehoods by Marshall the waiver of Littlefield was involuntary and unknowingly given.

Based upon the malfeasance and deficient performance by trial counsel, even after conviction by jury, Littlefield was offered a deal of 25 years, 4 months. Everything he ever hoped to achieve in jury trial itself. However, based upon the improper and unethical conduct of two (2) additional attorney(s) was the proceedings after conviction turned into a farce and a sham as will be demonstrated infra.

Mr. Joshua Knight, Deputy Public Defender Office

The Riverside County Public Defender Office, was appointed to represent Littlefield on his motion for a new trial, and Mr. J. Knight was assigned.

Prior to commencement of the new trial motion, Mr. Knight approached Littlefield with a post-conviction plea offer of twenty-five (25) years, four (4) months, and the new trial motion would become moot upon acceptance of the plea offer.

The hand-written notes of Mr. Knight, (in color) are lodged herein at Appendix K. At no point in this time period, was the benfit of accepting this post-conviction plea offer, ever explained to Litllefield. The only benefit ever explained to Littlefield by Mr. Knight, was the fact he could do easy time in a level II prison setting. It was never explained to him that all the other counts that he did not admit to were going to be dismissed upon acceptance of the plea offer, everything he was attempting to achieve in jury trial was being handed to him.

Additionally, Mr. Knight never informed Littlefield that even if the new trial motion was granted, he was still in very serious jeopardy of being convicted again because of his confession. Any competent attorney acting as an advocate for his client, would explain the pros and cons of accepting and/or rejecting a plea offer.

Littlefield was deprived of his constitutional right to the effective assistance of counsel contrary to his rights secured by the Sixth Amendment to the United States Constitution.

Mr. Knight's failure/omission herein, are contrary to clearly established Federal Law as announced by opinion by the United States Supreme Court, as identified in memorandum of points and authorities attached hereto.

The prejudice Littlefield suffered by counsel's failure/ omission is overwhelming in light of the fact not only was Lillefield sentence to over one-hundred-fifty (150+) years to Life, but the Life sentence implications are from the very counts he never committed.

Had the truth of the matter ever been explained to Littlefield, he would have never rejected the post-conviction plea offer. Although he was gainfully employed as a "master machinist" and was employed over twenty (20+) years in that field of expertise, when it comes to legal matters he is as naive as they come. Littlefield retained and paid thousands upon thousands of dollars for counsel(s) to protect his interests and yet the very basic attorney representation was deprived to him. However, at the time of Mr. Knight's appointment for the motion for a new trial, Littlefield had no access to his money from his 401K fund.

Littlefield should be returned to the point of post-conviction plea offer, with complete knowledge and his "eyes wide open" as to the pros and cons of accepting or rejecting the plea offer.

Littlefield is not lacking "common-sense" he would have accepted the post-conviction plea offer.

Mr. S. Quinn, Retained Appellate Counsel

Directly after the motion for a new trial was rejected by the trial court, Littlefield had retained appellate counsel

for approximately thirty-thousand ($30,000.00) dollars. The appellate counsel was fully aware of trial counsel's unethical and unprofessional conduct. Also, the post-conviction plea offer. And what Mr. Knight had informed Littlefield of prior to the commencement of the new trial motion.

Although, normally it is a standard practice of an appellate counsel to solicit from their client suggestions for cognizable claims for Direct Review of the judgment of the trial court, however, in this particular situation, Littlefield was of little help. Appellate attorneys' are to faithfully pursue their client's best interests, to act zealously and conscientiously in fulfilling their appellate obligations. And in this matter, appellate counsel miserably failed his appellate obligation. Mr. Quinn was more interested in his monetary financial gain than providing adequate assistance to his client.

At no point did Mr. Quinn flatly and clearly explain to Littlefield, that although in his (Quinn's) belief there is something seriously wrong or else there would have never been a "post-conviction" plea offer, and especially after conviction by a jury. And based upon the error that appellate counsel was raising, i.e., **"no structural error" Littlefield could be retried and convicted again based upon his confession.**

Mr. Quinn, additionally never explained that everything Littlefield was hoping to achieve in jury trial was offered in post-conviction plea offer. Mr. Quinn, had a viable and cognizable appellate claim on appeal based upon Mr. Knight's failure/omission, **virtually a dead bang winner.** Further, he

render ineffective assistance of appellate counsel by his failure/ omission in not adequately informing Littlefield and waive a valid potentially mertiorous defense on Direct Review. Even the California Supreme Court has recognized such a mertiorous allegation as articulated herein. (See: Appendix C, second paragraph.)

Mr. Quinn's unprofessional conduct by his failures/omissions rendered ineffective assistance of appellate counsel contrary to Littlefield's rights secured by the Sixth and Fourteenth Amendments to the United States Constitution. Additionally, Mr. Quinn's deficient performance is contrary to clearly established announced by opinion by the United States Supreme Court, as identified in memorandum of points and authorities attached hereto.

THE STATE ATTORNEY GENERAL OFFICE WITHHELD EXCULPATORY EVIDENCE IN ORDER TO DEPRIVE LITTLEFIELD OF JUSTICE

On February 25, 2022, the California Supreme Court issued an order to the Attorney General Office, for an Informal Response to Littlefield's petition for writ of habeas corpus. California had the petition for writ of habeas corpus for months via screening process by clerks, paralegals, etc., for procedural defaults.

On the above date the order for Informal Response, with clear and specific instructions, to contact attorney(s) Knight and Quinn, and inquire whether or not a plea offer was made post-conviction and whether or not the benefits of accepting the plea offer were in fact explained to Littlefield. (Appendix C, second paragraph.)

Ms. Kelly Johnson, deputy attorney general, contacted both of

the attorney(s), discovered the truth of-the-matter, i.e., the true allegation of Littlefield, and completely withheld this fact from the California Supreme Court, instead filed a "Motion For Judicial Notice." (Appendix G)

In Attorney General Informal Response, Ms. Johnson through the use of "character assassination" and untimeliness prosecuted the Informal Response" completely ignoring California Supreme Court's instructions.

The withholding of exculpatory evidence of the attorney(s) amswers to Ms. Johnson's inquiries, runs afoul of clearly established Federal Law announced by opinion by the United States Supreme Court, and constitutional rights secured by Sixth and Fourteenth Amendments to the United States Constitution, i.e., "Right To A Fair Hearing & Procedural Due Process of Law." The law supporting these allegations are identified in the memorandum of points and authorities attached hereto.

Littlefield at the time of filing "Petition For Review" to the California Supreme Court made a serious allegation in footnote #1 at page 5, of "Motion For Judicial Notice." (Appendix E, at pg 5, fn. 1.)

THE CALIFORNIA SUPREME DISCRIMINATES AGAINST PRO SE LITIGANTS AND DEFIES ACCESS TO THE COURTS BY IT'S REFUSAL TO RULE AND/OR ANSWER PRO SE MOTIONS FOR JUDICIAL NOTICE

Appellate Counsel, Mr. Quiin, had prosecuted a petition for writ of habeas corpus, concurrently with the "Opening Brief" on Direct Review of the Judgment of the trial court. The petition was summarily denied by California Court of Appeal, Fourth Appellate District, Division One, whom additionally rejected all contentions from "Opening Brief."

Then another attorney who obviously had no **knowledge** of habeas corpus procedures and rules filed a frivolous petition for writ of habeas corpus, and the petition was denied based upon a procedural default. This same attorney refused to return Littlefield's legal documents, until a complaint was filed to California State Bar. Eventually, the legal documents were returned to Littlefield.

Once Littlefield's legal assistant adequately explained what is cognizance on habeas corpus, the writ of habeas corpus had to go over many hurdles of procedure defaults. One being a successive petition, second failure to raise the allegations on direct appeal, and delay in prosecuting the petition for writ of habeas corpus. (See: Appendix C.)

In the California Supreme Court, petition for a writ of habeas corpus, petitioner not only **"adequately explained the delay"** in prosecuting and filing the habeas corpus petition, in a phase of pleading the writ, Littlefield's legal assistant included a **"Due Diligence Statement" which explained in detail how and when he discovered the only viable and mertiorous claim ever presented to any court.** The "Due Diligence Statement" revealed how Littlefield had been conned by deficient performance

by the attorney(s) who only concern was being paid enormous amounts of money, only to file frivolous allegations. The "Due Dilgence Statement" consisted on seven (7) typed pages along with initial pleading in the body of the petition, consisting of another five (5) pages.

In addition, Littlefield used most of California Supreme Court opinions regarding habeas corpus petitions, i.e., In re Clark, (1993) 5 Cal.4th 750, 765, i.e., accord, In re Robbins, (1998) 18 Cal.4th 770, 780; In re Harris, (1993) 5 Cal.4th 813, 845; In re Reno, (2012) 55 Cal.4th 428, 452, etc., in memorandum of points and authorities in support of habeas corpus being the appropriate vehicle for the presentation in habeas corpus petition of Littlefield's allegations, adequately how it was out-of-his control, to prosecute the writ of habeas corpus petition any sooner. Almost twenty (20) pages were utilized to justify the delay and successive petitions. It was quite apparent that the California Supreme Court agreed with Litllefield, or else the Informal Response order would have never been ordered. (Appendix C, at second paragraph.)

First and foremost, the California Supreme Court has a staff of court clerks' and paralegals' coupled with law students' and attorneys' who screen each petition for writ of habeas corpus for procedural defaults, lack of jurisdiction, and a host of rule violations to the filing of habeas corpus petitions.

Littlefield has demonstrated this fact by the following habeas corpus petitions, that were summarily denied for procedural defaults, for untimeliness without any order to show cause informal or otherwise. In re Edward Booth, (2021) Cal.LEXIS 7822, i.e., accord, In re Alden Thomas, (2023) Cal. LEXIS 85; In re Ricky Wyatt, (2022) Cal. LEXIS 5622; In re Arthur Taylor, (2022) Cal. LEXIS 6860; In re Peter Wilson, (2022) Cal. LEXIS 6771; In re Jovencio Dela Calzada, (2022) Cal. LEXIS 6625; In re Victor, (2022) Cal. LEXIS 6491; In re Daniel Jones, (2022) Cal. LEXIS 6341; In re Anthony Philyaw, (2022) Cal.LEXIS 6014; In re Marcel Brunelle, (2022) Cal. LEXIS 6014; In re Dawayne Carte, (2022) Cal. LEXIS 6801; In re Maurice Godoy, Sr., (2022) Cal. LEXIS 6971.

Every one of the above-mention habeas corpus petitions were summarily denied based upon procedural defaults, without ever appearing before the full panel of California Supreme Court Justices, they were screened out by legal staff at California Supreme Court preliminary evaluation of the petitions for writ of habeas corpus , and thousand more could be cited.

In this matter, Littlefield is being deprived of justice based upon his commitment offense, not the constitutional deprivation he suffered. Littlefield is being deprived of Equal Protection of the Law and Procedural Due Process of Law. Additionally, he is being deprived of adequate access to the court(s) by California Courts' refusal to rule on pro se motions for judicial notice.

Based upon the California Courts' refusal to entertain Littlefield's "Motion For Judicial Notice" rendering his moving legal documents without foundation, access to the courts is just an empty formality. Both, the California Court of Appeal and California Supreme Court, has refused to entertain, rule on and/or issue an opinion. (See: Appendix B, at pg. 3, and Appendix E and F.) When the People of the State of California prosecute and file "Motion For Judicial Notice" it is always ruled upon in approval, i.e., granted. (See: Appendices G, H, & J.)

Littlefield is being deprived of Equal Protection and Procedural Due Process of Law. (Fourteenth Amendment.)

The refusal of the California Courts' to entertain, rule upon or issue an opinion, is contrary to clearly established Federal Law, announced by opinion by the United States Supreme Court, as will be identified in accompanying memorandum of points and authorities.

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MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PETITION FOR WRIT OF CERTIORARI

Ineffective Assistant Of Defense Counsel; Motion For New Trial Counsel And Appellate Counsel

In a long line of cases that includes Powell vs. Alabama, (1932) 287 U.S. 45, i.e., accord, Johnson vs. Zerbst, (1938) 304 U.S. 458, and Gideon vs. Wainwright, (1963) 372 U.S. 335, this Honorable Court has recognized that the Sixth Amendment right to counsel exists, and is needed, in order to protect the fundamental right to a fair trial. The United States Constitution guarantees a fair trial through the Fourteenth Amendments Clause of Due Process.

The attorney(s) mentioned herein is **not the attorney that was described in Strickland vs. Washington, (1984) 466 U.S. 668, 686, quoting Cuyler vs. Sullivan, (1980) 446 U.S. 335, 344. And Littlefield alleges that his attorney(s) failed in so many ways that he was denied this right to counsel.** The rights described by these United States Supreme Court opinions, guarantees that criminal defendants' will receive assistance of counsel which will not be riddled with error and incompetence to the point at which it constitutes a violation of the right to have an attorney.

As fully articulated previously each of the named attorney(s) failed to provide adequate representation. And the prejudice that Littlefield suffered is overwhelming. However, even though trial counsel's performance was prejudicial and unprofessional, the constitutional deprivations that are the subject matter of this writ occurred after conviction by jury.

Ineffective Assistance Of Mr. Joshua Knight, Public Defender, New Trial Motion Counsel

After conviction, Mr. Knight approached Littlefield with the post-conviction plea offer, i.e., 25 years, 4 months. (See: Appendix K.) Mr. Knight never explained to Littlefield the significance and benefit of accepting this after conviction plea offer. Accordingly, does the Strickland vs. Washington test mandate that an attorney has an inherent obligation to adequately inform his/her client to the best course of action?

Littlefield asserts that counsel has that obligation pursuant to the Sixth Amendment's constitutional guarantee. (Cf: Kimmelman vs. Morrison, (1986) 477 U.S. 365, 367; Hall vs. Washington, (7th Cir.) 106 F.3d 742, 749-750, cert.den. 522 U.S. 907 (1997); Cunningham vs. Zant, (11th Cir. 1991) 928 F.2d 1006, 1018; Cook vs. Lynaugh, (5th Cir. 1987) 821 F.2d 1072, 1078; see also: Cuyler vs. Sullivan, 446 U.S. 668, 686-690.)

Mr. J. Knight's inadequate advice and waiver of a beneficial post-conviction plea offer is contrary to clearly established Federal Law, announced by opinion by the United States Supreme Court, in numerous opinions, i.e., Hill vs. Lockhart, (1985) 474 U.S. 52, i.e., accord, North Carolina vs. Alford, (1970) 400 U.S. 25, 31, see also: Court of Appeals: Nunes vs. Mueller, (9th Cir. 2003) 350 F.3d 1045; United States vs. Day, (9th Cir. 2001) 285 F.3d 1167, and Boria vs. Keane, (2nd Cir. 1996) 99 F.3d 492.)

The United States Court of Appeals, has repeatedly reversed criminal convictions for less evidence that what Littlefield has provided, i.e., original hand-written notes of the attorney. (Magana vs. Hofbauer, (6th Cir. 2001) 263 F.3d 542, i.e., accord, Wanatee vs. Ault, (8th Cir. 2001) 259 F.3d 700; Mask vs. McGinnis, (2nd Cir. 2000) 233 F.3d 132; Boria vs. Keane, (2nd Cir. 1996) 99 F.3d 492, clarified on reh'g, 90 F.3d 36; Turner vs. Tennessee, (6th Cir. 1988) 858 F.2d 1201; United States District Courts opinions: United States vs. Quiroz, (D. Kan. 2002) 288 F.Supp.2d 1259, i.e., accord, United States vs. Robertson, (D. Minn. 1998) 29 F.Supp.2d 567.)

In the assessment of the effective assistance of counsel, "(t)he question is whether an attorney's representation amounted to incompetence under 'prevailing professional norms,' not whether it deviated from best practices or most common custom." And Strickland asks whether it is "reasonably likely" the result would have been different. This does not require a showing that counsel's actions "more likely than not altered the outcome" but the difference between Strickland's prejudice standard and "the more probable than not" standard is slight and matters "only in the rearest case." The **"likelihood of a different result must be substantial, not just conceivable." Prejudice has clearly been established.** (Harrington vs. Richter, (2011) 131 S.Ct. 770, 791-792, cf: Padilla vs. Kentucky (2010) 559 U.S. 356.)

Mr. J. Knight unrpofessional conduct fell below the standard of a competent counsel acting as diligent advocate for his client.

Ineffective Assistance Of Mr. S. Quinn, Retained Appellate Counsel

The standard for ineffective assistance of appellate counsel is measured under the same standard announced in Strikland vs. Washington, 466 U.S. 669, i.e, accord, Smith vs. Robbins, (2000) 528 U.S. 259, 285; Smith vs. Murray, (1986) 477 U.S. 527, 535-536; Jones Barnes, (1983) 463 U.S. 745.)

There can be no doubt of the fact that appellate counsel, knew of the post-conviction plea offer. It could have been cognizable on Direct Review, if pursued by appellate counsel knowing fullwell that Mr. J. Knight did not adequately advise Littlefield to accept the plea offer, because it would never get any better. It is quite apparent that Mr. Quinn's only interest was in terms monetary gain, verses the possiblity of Littlefield accepting the plea offer in another trial court hearing. Littlefield was deprived of his Sixth Amendment's guarantee to the effective assistance of appellate counsel, and his Fourteenth Amendment's Due Process of Law.

Mr. S. Quinn's representation of Littlefield, fell below the standard of a competent appellate counsel, and his failure/omission is contrary to clearing established Federal Law, as announced by opinion by the United States Supreme Court, i.e., Jones vs. Barnes, 463 U.S. 745, 751, i.e., accord, Evitts vs Lucey, (1985) 469 U.S. 387; Douglas vs. California, (1963) 372 U.S. 353, 356-357; Anders vs. California, (1967) 386 U.S. 738.)

Mr. Quinn's failure/omission to brief a **"dead-bang winner,"**

on Direct Review constitutes ineffective assistance of appellate counsel. (Hawkins vs. Hannigan, (10th Cir. 1999) 185 F.3d 1146, 1152, i.e., accord, Stallings vs. United States, (7th Cir. 2008) 536 F.3d 624, 627; Wilkins vs. United States, (1979) 441 U.S. 468.)

The California Court Of Appeal And The California Supreme Court Have Denied Littlefield Equal Protection And Procedural Due Process Law And Adequate Access To The Courts

The principles of law should be even-handed in its application and that litigants should be free from irrational and invidious discrimination at the hands of state courts and government. Under the Fourteenth Amendment, a state government may not deny to any person within its jurisdiction the equal protection of the laws, and the Fifth Amendment due process clause has been interpreted as extending the principle of equal protection to the Federal Government as well. Thus any law or government practice have a discriminatory purpose or effect is subject to challenge in the courts to determine whether it meets constitutional standards.

As previous articulated the California Courts' refused to rule on, answer and/or render an opinion of his "Motions For Judicial Notice." Yet whenever the People and/or Attorney General files that type of motion, it is mandatory that the motion issues with approval. Access to the courts for pro se

litigants is rendered just an empty formality. (See: Appendix E, and F, at pgs. 1-2.)

Equal Protection demands that persons in similar positions receive equal treatment. In Myers vs. Ylst, (9th Cir. 1990) 897 F.2d 417, 421, found that a state supreme court can not apply a retroactive statute to one individual and not to another. It is the very premise of the Ninth Circuit opinion in this case, that supports Littlefield's position. If your a state actor, the California Courts' entertain your legal documents, however, if your a pro se litigant, your legal documents are completely ignored. This is not even-handed justice.

A Due Process Clause standard analysis under that provision proceeds in two steps: First a court asks whether there exists a liberty or property interest of which a person has been deprived, (access to the courts and equal protection), and if so asks whether the procedures followed by the state were constitutionally sufficient? In both of these analysis, the constitutional amendments guarantees were violation by the California Appellate & Supreme Courts. (Engle vs. Isaac, (1982) 456 U.S. 107, 121.) This is not a mere error of state law, this is a fundamental miscarriage of justice based upon a prison commitment offense rather than upon justice.

Littlefield's "liberty" has been denied based upon discriminatory methods of omission by the California Courts, violating equal protection and due process of law, and invoking a violation of the Sixth Amendments's "access to the courts."

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The Concealment Of Attorney's Statements Of Whether Or Not There Was A Post-Conviction Plea Offer And Whether Or Not The Attorney's Explained The Benefits Of Plea Offer By Deputy Attorney General Ms. Kelly Johnson Violates Federal Due Process Of Law And Fundamental Rights Of Habeas Corpus Procedures

The withholding of the attorney's actual statements by Ms. Johnson, as directed by the California Supreme Court, (Appendix C, at pg. 1, second paragraph.) violated Federal Due Process of Law. A recent article in "Criminal Legal News, Volume Six, Number 5, May 2023, at pgs. 44-47, articulated the responsibilities of district attorneys' and deputy attorney generals' to disclose favorable evidence, even on habeas corpus proceeding. The State of California is renown for their complicity in withholding exculpatory evidence. However, the California Supreme Court recently granted review, but limiting the review to: "Where a habeas petition claims not to have received a fair trial because the District Attorney failed to disclose material evidence in violation of Brady vs. Maryland, (1963) 373 U.S. 83. And where the Attorney General has knowledge of, or is in actual construction possession of, such evidence -- what duty does the Attorney General have to acknowledge or disclose that evidence to petitioner? Would any such duty be triggered only upon issuance of an order to show cause?

In this matter, the Attorney General withholding the

attorney's statements and ignoring the directive by the California Supreme Court, is contrary to clearly established Federal Law announced by the United States Supreme Court in many opinions: Brady vs. Maryland, 373 U.S. 83, i.e., accord, Kyles vs. Whitley, (1995) 514 U.S. 419; Cone vs. Bell, (2009) 556 U.S. 449; District Attorney Office for Third Judicial Dist. vs. Osborne, (2009) 557 U.S. 52.) (See also: In re Jenkins, (2023) 2023 Cal.LEXIS 1585.)

Littlefield was deprived of his constitutional right to a fair hearing by Ms. K. Johnson, contrary to his constitutional rights secured by the Fourteenth Amendment, Due Process of Law Clause.

Even-handed justice demands a new hearing on the merits of allegations as identified in Appendix C, second paragraph.

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REASONS FOR GRANTING THE PETITION

There are many reasons why this Honorable Court's needs to intervene to bring a constitutional standard to the State of California Courts' and bring an end to the lack of fundamental fairness to pro se litigants.

Can justice be dispensed based upon the criminal act and not on justice? Littlefield asserts that it cannot be. Justice must be even-handed, in order to satisfy Federal Due Process of Law, pursuant to the Fourteenth Amendment to the United States Constitution.

Can the State of California's Courts be permitted to continue to deprive Equal Protection of the Law, to a liberty interest, based upon the criminal act of the litigant? This conduct can not be permitted to continue. Hundreds of pro se litigants are being deprived of fundamental fairness and even-handed justice by the State of California judicial system, as demonstrated herein by Littlefield's legal endeavors. How many more victims of the California judicial system must be demonstrated before this Honorable Court bring a stop to the unconstitutional conduct?

Access to the courts is a constitutional guaranteee by the Sixth Amendment, and the refusal to entertain, rule upon and/or render an opinion, renders such access an empty formality.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully Submitted,

Executed this 18th day of June 2023, at San Quentin State Prison.

/S/ Ronald Littlefield

RONALD JAMES LITTLEFIELD

PETITIONER IN PRO SE