No. 23 - 5158

IN THE

SUPREME COURT OF THE UNITED STATES

Martice Wallace — PETITIONER
(Your Name)

vs.

RYan Thornell — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals For The NINTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Martice Wallace
(Your Name)

Po Box 8909
(Address)

San Luis, AZ 85349
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

1. Does Petitioner's Claims meets the standards deserving of a Certificate of Appealability Pursuant to 28 U.S.C. 2253?, and If so did the NINTH CIRCUIT err in denying Petitioner a Certificate of appealability in this Case?

2. Is an eye witness's testimony considered exculpatory or impeaching If the testimony impeaches or impugns the testimony of a State's key witness (i.e. The alleged victim and arresting officer) If the witness vehemently asserts that the Defendant did not commit the alleged criminal acts, and that the arresting officer falsified his statement in the Police report?, and is testimony of that substance considered "favorable" to the Defense for Purposes of this Court's Decision in Brady v. Maryland, 373 U.S. 83, 87, 83 S.ct. 1194, 10 L.Ed.2d 215 (1963)?

3. Does the State's suppressing of a witness who would've testified that the Defendant did not commit the alleged crime, and whose testimony establishes that the arresting officer knowingly falsified his Police report, arrested and charged Defendant without Probable-cause, and knowingly used Perjured testimony to secure an indictment against the Defendant violates the Fourteenth Amendment's Due Process and Equal Protection Clauses or right to a fair trial?

4. Is an arrest and criminal charge unlawful in violation of the Fourth and Fourteenth Amendments If the arrest and charge is solely founded on a knowingly falsified Police report based solely on uncorroborated fabricated allegations of the arresting officer who admitted under oath no inculpatory statements were ever given by the alleged victims? Does the Fourth and Fourteenth Amendments warrant a remedy?, and If so, what is the remedy for such constitutional violations?

5. Does the State's knowing use of uncorrected Perjured material testimony to obtain an Indictment violate the Fourteenth Amendment's Due Process, Fundamental Fairness, and Equal Protection Clauses? or this Court's Decision in Napue v. Illinois 360 U.S. at 271, 79 S.ct. at 1178 (1959)?, and does a guilty verdict secured under the same tainted indictment cure the initial taintment of the indictment of the sole use of uncorrected Perjured material testimony used to obtain the indictment?, and does the Fourteenth Amendment warrant a remedy for such violations?, If so, what is the remedy?

6. Does a State's Suppression of a favorable witness's testimony denies the right to a fair trial and fundamental Fairness Under the Fourteenth Amendment If the Suppression deprives Defendant of a Plausible more effective defense strategy and improperly induce Defendant to testify at trial, which led to an injurious effect on the outcome of the Proceedings in light of the fact that Petitioner could have and would have elected to use the Suppressed witness's testimony to convey reasonable doubt to the Jury in lieu of taking the stand in his own defense?, and does this Court's Decision in United States v. Bagley, 473 U.S. at 683, 105 S.ct. 3375 (1985) requires a reviewing court to consider or weigh any adverse effect that the Prosecutor's failure to disclose favorable evidence might have had on the Preparation and Presentation of a Defendant's case?

Questions Presented - Continued

7. Does 18 U.S.C. 3006A (b) of the Criminal Justice Act requires the United States Magistrate Judge or District Court in Habeas Proceedings to advise any Person who appears without counsel of the statutory Right to appointment of counsel under subsection (b)?, and is the United States Magistrate Judge or District Court required to make an determination on the record as to whether the interests of Justice or Due Process requires appointment of counsel in Habeas cases under this subsection?, and If so, what is the remedy of a District Court's failure to adhere to the mandates of this statute If the District Court's failure to do so have an injurious effect on the full Presentation and sound adjudication of a Habeas Petitioner's Substantial Federal claims?

8. Does the Fourth Amendment's Exclusionary Rule apply to testimonial Evidence used in reference to Prove an alleged criminal act If the alleged criminal act was derived itself from an unlawful seizure of Defendant's Person by Persons subject to the Fourth Amendments Prohibition against unreasonable searches and seizures such as firefighters?

9. Does this Court's holding in United States v. Mechanik, 475 U.S. 66, 70 (1986), Permits States to knowingly secure Indictments on the sole basis of Perjured material testimony without collateral legal consequences as long as the state can secure a guilty verdict at trial?, and can the Court Please clarify and interpret It's holding in Mechanik?

LIST OF PARTIES

[✓] All parties appear in the caption of the case on the cover page.

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

RELATED CASES

Wallace v. Jones et al., CV-22-16324 (9th cir.)

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IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

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

The opinion of the United States court of appeals appears at Appendix A 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.

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

The opinion of the highest state court to review the merits 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 ____________________ 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.

JURISDICTION

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

The date on which the United States Court of Appeals decided my case was 3-13-2023.

[ ] 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: 4-24-2023, and a copy of the order denying rehearing appears at Appendix B.

[ ] 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 ______. A copy of that decision appears at Appendix ____.

[ ] 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

This case Involves Amendment Four to the United State's Constitution, which Provides:
The right of the People to be secure in their Persons, houses, Papers, and effects, against unreasonable Searches and seizures, shall not be violated, and no warrants shall issue, but upon Probable Cause, Supported by oath or affirmation, and Particulary describing the Place to be searched, and the Persons or things to be seized;

Amendment Six to the United State's Constitution, which Provides:
In all criminal Prosecutions, the accused shall enjoy the right to a speedy and Public trial, by an impartial Jury of the state and District wherein the crime shall have been Committed, which district shall have been Previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witness's against him; to have compulsory Process for obtaining witnesss in his favor, and to have the assistance of counsel for his defence;

Amendment Fourteen to the United State's Constitution, which Provides:
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 it's Jurisdiction the equal Protection of the laws.

Other Statutory Provisions include: 18 U.S.C. 3006A, 28 U.S.C. 2241(c)(3), 2253(c)(2), 2254(a)

These Amendments is enforced by United State's Code title 28, Section 2241(c)(3), 2253, and 2254.

(See Appendix F - Statutory Provisions Verbatim)

Statement Of The Case.

The Petitioner's Habeas Petition alleged that he was Prosecuted and convicted in violation of the U.S. Constitution's Fourth, Six, and Fourteenth Amendments. Petitioner was arrested, charged, indicted, and subsequently convicted of two counts of Aggravated Assault w/no Physical injury and sentenced to a 20 Year term of Imprisonment on both counts. Petitioner had fell and struck his head on a concrete stoop, and sustained multiple head lacerations. A third Party against Petitioner's wishes contacted the fire Department. Upon the Fire Department's arrival they determined Petitioner's condition was stable, and that he was awake, alert, and oriented to Person, Place, date, and events and determined Petitioner was competent to refuse treatment and transport. Several fire Personnel Surrounded Petitioner and began to Physically force treatment on Petitioner notwithstanding Petitioner's multiple refusals, going as far as to grabbing ahold of Petitioner's arm. Petitioner also declined the fire Department's offer of transport and made it clear he wanted to walk to the hospital on his own which was only a few minute's walks away. The Fire Dept. ignored Petitioner's refusals and dispatched an ambulance to the location. The Fire Department continued to insist that Petitioner go in a ambulance. Petitioner eventually succumbed to their show of authority and got into the ambulance. Once inside the ambulance Petitioner refused to lay on the gurney. Two EMT's (the alleged victims in this case) got into the ambulance and began to demand that Petitioner lay on the gurney, Petitioner made it clear several times that he didn't want to lay on a gurney, but the EMT's continued to shout and demand him to lay on the gurney. Petitioner became uncomfortable and attemeted to exit the ambulance stating he wanted to walk to the hosPital. The EMT's made it clear that Petitioner didn't have the option to refuse the gurney, and moved to block him from leaving. An altercation ensued and the Police was called because of the commotion. The EMT's never allowed Petitioner to exit the ambulance on his own free will. The EMT's tone and language conveyed to Petioner that he was not free to leave, decline their requests, or otherwise terminate the unwarranted encounter.

The arresting Officer at the time of arrests alleged in his Police report and again at trial that he spoke to a non-victim witness who allegedlY alleged Petitioner Picked up a Pair of trauma shears and chased the alleged victims from the ambulance continueing to swing the shears. The arresting Officer never spoke to or obtained any statements from the alleged victims (who were right there on scene the entire time) in order to verifY that an assault did infact take Place. Hence, Petitioner was arrested, charged, indicted, and convicted on the allegation that he allegedlY swung trauma shears at the two EMT's (who were holding him captive inside their ambulance). The one and onlY witness who allegedlY gave the inculpatorY statement to the arresting officer was suppressed bY the state. Although Petitioner was unaware of the substance of the suppressed witness's testimony he attempted to secure the witness bY subpoena, however his efforts were thwarted bY the state bY way of the CitY of Phoenix. Four Years after the criminal trial Petitioner was able to obtain the suppressed witness's testimonY in a related civil case, from the verY witness who the arresting officer alleged gave him the inculpatorY statement leading to Petitioner's arrest. The same witness that was suppressed bY the state (who gave the arresting officer the one and onlY statement at the time of arrest) testified in the latter civil trial that "he witnessed the entire event, Petitioner never swung the trauma shears or used them in a threatening manner, never chased the EMT's from the ambulance, and never swung the shears once outside the ambulance" (as alleged in the Police report). The witness read the Police report, reviewed the statement the officer alleged was given bY him and unequivocallY stated "the allegations in the Police report are false and inaccurate, was never given bY him, and that he was unaware of those allegations." Aside from the state's suppression, Petitioner was unable to obtain the witness's testimonY earlier because he was appointed counsel who failed entirelY to subject the State's case to anY adversarial testing. None of his counsel investigated the case or interviewed any of the witness's Pre-trial or Post-conviction.

Petitioner argues that had the witness's true statement been documented by the arresting officer there would have been no Probable-cause to arrest and charge him but for the falsified Police report, on the grounds that the Police report was void of any other inculpatory statements and supporting evidence. Likewise had the witness's true statement been given to the grand Jury instead of the initial false allegations of the Police report, an indictment would have never been obtained in light of the grand Jury Proceeding being void of any other supporting evidence. Petitioner further argues that the suppressed witness's testimony undermines confidence in the guilty verdict on the grounds that it directly impeaches the arresting officer's credibility, impeaches the officer's Police report and grand Jury testimony, and most importantly impugns the testimony of the alleged victims (who the state convinced to corroberate the falsified Police report at trial nearly two Years after the arrest). Now its become clear to Petitioner why this witness's testimony was never disclosed to the defense. In light of the facts above, Petitioner argues that he was indeed arrested and charged without Probable-cause and in violation of the Fourth and Fourteenth Amendments, indicted on the basis of uncorrected material PerJured testimony in violation of the Fourteenth Amendment, and constructively denied effective assistance of counsel in violation of the sixth Amendment.

Prior to trial Petitioner filed a general Motion Requesting ALL Brady material in the case and the Prosecutor affirmatively asserted none existed leading Petitioner to believe that no favorable evidence existed in which Petitioner framed his trial strategy and defense based on that belief. Because of the state's suppression of a favorable witness, Petitioner was improperly induced to testify at trial in his own defence in order to deny the State's allegations accusing him of brandishing trauma shears at the EMT's. Petitioner testified that he never brandished the shears or used them as a weapon but only merely held them in his hand. Somehow the District used that as the to negate the Brady Materiality requirement as it pertains to the suppressed witness's testimony basically stripping Petitioner of his right to present that evidence before a Jury. The District court implicitly held that Petitioner's own testimony convicted him which in all actuality strengthens his claims, but was used to defeat his claims instead. Had the state disclosed the witness's testimony Petitioner would have elected to convey reasonable doubt to the Jury in lieu of Petitioner taking the stand. The District court did not take into consideration or weigh the adverse effects the suppression had on Petitioner's trial preparation, trial strategy, and defense. The operative facts used to arrest, charge, indict, and convict Petitioner was the allegations that he swung trauma shears at the EMT's. Nothing within the suppressed witness's testimony supports an arrest, charge, Indictment, or conviction for the charged offences. The newly discovered claims were discovered after the filing of the original Habeas Petition. Petitioner moved to Amend his Petition and filed a motion to Expand the record. The Magistrate granted both motions. However, the Magistrate and court failed to advise Petitioner that he was entitled to the appointment of counsel pursuant to 18 U.S.C. 3006A Criminal Justice Act. Had the court done so Petitioner would have elected to proceed with counsel and believes appointment of counsel would have produced a different outcome of the Habeas Proceedings. The District court also denied him a certificate of appealability in which the NINTH CIRCUIT Affirmed the denial without stating any reason why.

REASONS FOR GRANTING THE PETITION

A. Conflicts With Decisions of Other Circuit Panels Of The NINTH CIRCUIT And Decisions Of This Court.

The Decision Of the NINTH CIRCUIT and District Court denying Petitioner a COA is directly Contrary Of the Courts listed below.

This Court held in Tennard v. Dretke, 542 U.S. 274, 276, 282 (2004) "a COA Should issue If the applicant has made a Substantial showing of the denial Of a Constitutional right (28 U.S.C. 2253 (c)(2)), which this court have interpreted to require that the Petitioner must demonstrate that reasonable Jurists would find the District Court's assessment of the Constitutional Claims debatable or wrong. This Court should reverse the NINTH CIRCUIT'S denial of a COA, and hold that reasonable Jurists would find debatable or wrong the District Court's disposition of Wallace's Claims, and therefore Petitioner is entitled to a Certificate Of appealability.

See also Frost v. Gilbert, 835 F.3d 883, 888-89 (9th cir. 2016), holding "The Standard for granting a Certificate of appealability is low, all thats required is that reasonable Jurists could debate whether the Petition States a valid claim of the denial of a Constitutional right and whether the District Court was correct in It's Procedural ruling.

Petitioner should be granted a COA because these issues are at least debatable and implicate his Constitutional rights.

B. Importance Of The Questions Presented.

This Case Presents Fundamental Questions of the interpretation of this Courts Decisions in United States v. Bagley, 473 U.S. at 683, 105 S.ct. 3375 (1985); United States v. Agurs, 427 U.S. 97, 103 S.ct. 2392 (1976); Kyles v. Whitley, 514 U.S. 419, 433, 115 S.ct. 1555 (1995); Brady v. Maryland, 373 U.S. 83, 83 S.ct. 1194 (1963); Strickler v. Greene, 527 U.S. 263, 281-82, 119 S.ct. 1936 (1999); Barefoot v. Estelle, 463 U.S. 880, 893, 103 S.ct. 3383 (1983); Miller El v. Cockrell, 537 U.S. 322, 327 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000)

The Questions Presented is of great Public importance because they affect the operation of the Criminal Justice system in all 50 States the District of Columbia, and the NINTH CIRCUIT of The Federal Circuit.

In view of the large amount of Federal Habeas litigation, important and recurring Constitutional Questions concerning State Indictments and convictions being obtained on the basis of uncorrected material Perjured testimony, and State Prosecutor's willful or inadvertent Suppression of favorable evidence under Brady.

Guidance on these questions is also of great importance because it affects the ability of innocent Pre-trial Detainees and convicted Petitioners to receive fair criminal Process and Procedures and fair and legally sound decisions in Habeas Proceedings, that may result in Years of added, Prolonged, oppressive, unlawful incarceration.

These issue's importance is enhanced by the fact that the lower courts in this case have seriously misinterpreted and misapplied several of this Court's Bedrock Holdings of the Precedents listed Supra.

This Court held in Brady v. Maryland, 373 U.S. at 87, 83 S.ct. 1194 (1963), that the Prosecution's Suppression of evidence favorable to an accused "violates due Process where the evidence is material either to guilt or to Punishment, irrespective of the good faith or bad faith of the Prosecutor;" and that "this evidence does not have to be requested by the defendant." United States v. Agurs, 427 U.S. 97, 110-11, 96 S.ct. 2392, 49 L.Ed. 2d 342 (1976), because disclosure is a matter of due Process. Brady, 373 U.S. at 87, 83 S.ct. 1194; See also United States v. Bagley, 473 U.S. 667, 675, 105 S.ct. 3375, 87 L.Ed. 2d 481 (1985). See also Comstock v. Humphries, 786 F.3d 701 (9th cir. 2015)

Here in the instant case the Prosecutor Suppressed the favorable testimony of an eye witness who would have testified that Petitioner did not engage in any criminal acts in which he was arrested, charged, indictment, and convicted for.

Further, this witness's testimony establish's that the arresting officer falsified his Police report bY turning the witness's true statement from entirelY exculPatory into inculPatory, therefore arresting Petitioner and charging him without Probable Cause, and used PerJured testimony to indict and convict Petitioner both with the grand JurY and Petit JurY. The State's suPPression of this witness gets even more disturbing because his testimonY directlY imPugns the testimony of the state's keY witness's (the alleged victims who didn't exist until trial almost two years after the incident). However, Petitioner made a general BradY request along with several other sPecific BradY requests bY way of a Motion filed months before trial giving the state ample time to seek out any materials obligated to be disclosed under BradY, from any individual acting on behalf of the Prosecution. The Prosecutor on record affirmativelY asserted that "no BradY material existed". Which misled Petitioner to construct his trial strategY and defence based on that belief. Petitioner attempted to do his due diligence and secure the witness on his own through SubPoena although unaware of the substance of his testimony, however he was unable to secure the witness for trial because his efforts were imPeded bY the state through the CitY of Phoenix AttorneY's office who refused to accePt service of his subPoenas and it should be noted the city of Phoenix accePted service of the State's subPoenas for it's witness's.

The State's affirmative assertion (which turned out to be a blatant lie) that no BradY material existed and suPPression of a favorable witness led Petitioner or better Yet misled Petitioner to seek out and imPloY an alternative trial strategY and defence, which not onlY has had an inJurious effect on the outcome of his trial, but has also imPlicitlY has had an devastating effect on his quest to obtain collateral relief on the basis the District Court relied on Petitioner's alternative trial defence of taking the stand as the basis to defeat his Substantive Constitutional claims, without taking into consideration that

Petitioner taking the stand was induced directly by the State's suppression of the witness's exculpatory and impeaching testimony, or that Petitioner could have and would have elected to present the favorable witness's testimony in lieu of his own to convey reasonable doubt to the Jury, nor did the District Court take into consideration or weigh any other adverse affects the suppression and Petitioner's improperly induced testimony had on his defence and trial strategy, in accordance to this court's holding in United States v. Bagley, 473 U.S. at 683, 105 S.Ct. 3375 (1985).
The common sense understanding of exculpatory and impeaching evidence is evidence that negates guilt or attacks the credibility of a witness, or other piece of evidence. The suppressed testimony in this case without a doubt meets these standards. Favorable evidence "is material if theres a reasonable probability that, had the evidence been disclosed to the defence, the result of the proceeding would have been different." Kyles, 514 U.S. 419, 433.
Here had the state disclosed the favorable substance of the suppressed witness's testimony to the Defense it would have paved the way for Petitioner to file a meritorious motion to dismiss the indictment and or the criminal complaint. See United States v. Basurto, 497 F.2d 781 (1974); United States v. Trass, 644 F.2d 791, 796 (9th cir. 1981) (holding, "dismissal of an indictment is required only in flagrant cases in which the grand Jury has been overreached or deceived in some significant way"). Here the Grad Jury was deceived in every significant way, and the fact that the State was able to convince the alleged victims to corroborate the initial fabricated police report at trial doesn't negate the initial knowing use of material perjured testimony to secure the indictment in the first instance on the grounds that the testifying officer at the Grand Jury proceeding was unaware of the alleged victim's testimony or statements because he knowingly failed to take their statements at the time of arrest.

It is imperative for this court to rectify and clarify It's holding in United States v. Mechanik, 475 U.S. 66, 70 (1986), because it was used by the state and interpreted by the NINTH CIRCUIT and District Court in this case to essentially allow states to knowingly obtain indictments with the use of Perjured material testimony as long as an conviction is obtained at trial. The lower court's reasoning clearly misses the mark clouded by their interpretation that "a guilty verdict reached beyond a reasonable doubt renders any constitutional error comitted in the grand Jury Proceedings harmless beyond a reasonable doubt." Totally ignoring the fact that states such as Arizona has Pre-trial mechanisms and remedys to correct or Provide relief in such instances of the states use of Perjured testimony to obtain indictments and for defendants who had to stand trial on an indictment secured on the basis of Perjured testimony like in this case. Those remedies range any where from a flat out dismissal of the indictment to remand back to the grand Jury for redetermination of Probable-cause absent the initial use of Perjury or other constitutional error. See State v. Moody, 208 Ariz. 424, 94 P.3d 1119 (2004). As such the lower courts cannot reasonably conclude that the Perjury used to secure an indictment in this case was harmless in light of a guilty verdict or that Petitioner's counsel was not ineffective by failing to investigate which would have led to the discovery of the Grand Jury issue, Prompting a dismissal or remand back to the Grand Jury and in compelling cases such as this case where the grand Jury evidence in its entirety was based on Perjury, a dismissal of indictment or remand back to the Grand Jury are, or should be considered "a reasonable Probability that the outcome of the Proceedings would have been different" (under Strickland's Prejudice Prong) i.e. there wouldn't been any evidence to obtain an indictment and thus a trial and guilty verdict would have never taken Place in the 1st instance.

A "reasonable Probability" is a Probability Sufficient to undermine confidence in the outcome of the Proceedings. See Strickler v. Greene, 527 U.S. 263, 289-90, 119 S.ct. 1936 (1999). The lower court's reasoning is unconvincing and doesn't relie on this Court's well established legal Principles, but instead relied upon it's own view of the case in the light most favorable to defeat Petitioner's claims. The Court should correct the lower court's misinterpretations and misapplication of this court's clearly established Precedents, grant Petitioner a Certificate Of Appealability and reiterate the Court's holding in Barefoot v. Estelle, 463 U.S. 880, 893, 103 S.ct. 3383 (1983) (in order to obtain a certificate of appealability a Petitioner need not show that he should Prevail on the merits but rather the Petitioner need only show that the Petition contains an issue (1) that is "debatable among Jurist of reason"; (2) "that a court could resolve in a different manner"; (3) that is "adequate to deserve encouragement to Proceed further"; or (4) that is not "squarely foreclosed by statute, rule, or authoritative court decision, or that is not lacking factual basis in the record." Barefoot, at 893 n.4 and 894 (internal Quotations and citations omitted). Wallace's claims meets all of these standards and deserves to be resolved by The United States Supreme Court. Miller-El v. Cockrell, 537 U.S. 322, 327 (2003). Lastly, this Court Should Summarily reverse the lower court's decisions in which "have so far departed from the accepted and usual course of Judicial Proceedings as to call for an exercise of the Supreme Court's Supervisory Power" Pursuant to S.Ct.R 10(a), S.ct.R.16.1, see also Alaska v. Wright, 141 S.ct. 1467 (2021) (Per Curiam); Tharpe v. Sellers, 138 S.ct. 545 (2018) (Per Curiam); Porter v. McCollum, 558 U.S. 30 (2009) (Per Curiam); Erickson v. Pardus, 551 U.S. 89 (2007) (Per Curiam); Maryland v. Dyson, 527 U.S. 465, 465 n.1 (1999). Rightly so, this Court should exercise it's Certiorari Jurisdiction and apply its resources in a manner that entrusts the lower courts with the diligent and Proper resolution of

individual cases. More importantly, the issues and Precedents involved are extraordinary and compels this Court's intervention on the basis that this Court's Precedents implicated herein were designed to Protect the "truth-seeking function" of the trial Process and Prevent the wrongful conviction of innocent Persons. United States v. Agurs, 427 U.S. at 104, 96 S.ct., at 2397.
Even so, Summary dispositions remain appropriate in truly extraordinary cases involving categories of errors that strike at the core and heart of our legal system. See Andrus v. Texes, 142 S.ct. 1866, 1867-69 (2022) (mem.)
In the instant case, it is imperative for the Court to simply correct the lower court's demonstrably erroneous application of Federal law because failure to do so will inevitably send a messege to the State Courts under the Jurisdiction of the NINTH CIRCUIT (especially in Arizona) that it is Proper for Police officer's to falsify Police reports in order to manufacture Probable-cause, arrest and charge citizens without Probable-cause, for states to Prosecute unfounded criminal charges, and to knowingly use Perjured testimony to obtain indictments without correction or consequence, and suppress favorable evidence of an accused, in order to subsequently try and Amplify the State's chances to ultimately convict and imprison innocent Persons, or Persons clothed in the Presumption of innocence.

CONCLUSION

The petition for a writ of certiorari should be granted, the NINTH CIRCUITS Decision should be vacated and this case remanded along with the issuance of a Certificate of Appealability.

Respectfully submitted,

Date: 07-01-2023