

PURSUANT TO RULE 44

ATTACHED TO

CLERK CLAYTON R. HIGGINS JR.

RESPONSE DATED (12-14-23)

AFY-RFD RECEIVED (12-20-23) RETURNED (12-21-23)

CASE NO. 23-5252

(FLORIDA V. RODRIGUEZ) [469 U.S. 1]

AFFIDAVIT OF SUBSTANTIAL OR CONTROLLING
EFFECT

"CLEARLY ERRONEOUS PER CURIAM"

THERE IS NO EVIDENCE TO SUSTAIN
A CHARGE AND VERDICT

1. D.O.J. REPORT

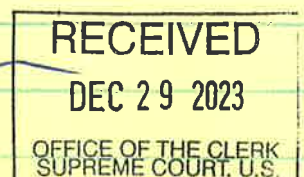
2. A.G. WAIVER

BEING FIRST DULY SWORN UNDER
THE PENALTY OF PERJURY OF THE LAWS
OF THE DISTRICT OF COLUMBIA, I BRUCE LAMONT
FULLER IN "GOOD FAITH WITHOUT DELAY"
PURSUANT TO ALL RULES, PROCEDURE, IN A
PROFESSIONAL MATTER DURING THE ENTIRETY OF
THIS WHOLE MATTER [READ ATTACHED
FURTHER AFFAINT SAITH NOT

EXECUTED (12-21-23) AD

x Bruce Lamont Fuller
BRUCE LAMONT FULLER

SUB JURIS



28 U.S.C. § 1746 PROOF OF SERVICE
TO: CLERK ; CLAYTON R. Higgins JR.
NO: 23-5252

PURSUANT TO RULE 46.6 (GIMORE V. Amontout)
[491 U.S. 911], 52.2. "IT IS UNREALISTIC TO THINK
THAT EVEN THE MOST RESOURCEFUL COUNSEL WOULD,"
BE ABLE TO DO THIS IN LESS THAN 9 DAYS
[STAY DEMANDED]

THIS AFFIDAVIT ATTACHED WITH ENCLOSED
RECORD, AND NUMEROUS LEGAL MAIL ORIGINAL
ENVELOPES ARE PART OF THE RECORD,

"CERTIFICATE OF GOOD FAITH AND NOT
WITHOUT DELAY

I BRUCE LAMONT FULLER, HEREBY DECLARE
UNDER THE LAWS OF THE DISTRICT OF
COLUMBIA THAT THE ABOVE AND ATTACHED
ARE TRUE AND CORRECT AS YOU CAN SEE
WITHIN 24 HOURS ACCEPTED AND RETURNED
FOR DISCHARGE

DECEMBER 21ST EXECUTED 2023 AD

X 
BRUCE LAMONT FULLER

SUB JURIS

1 BRUCE LAMONT FULLER #P-35248

2 3000 CECIL AVENUE

3 DELANO, CALIFORNIA 93215

6 BRUCE LAMONT FULLER

8 V.

9 CALIFORNIA

NO: 23-5252

PETITION TO AUGMENT
RECORD - URGENT

13 BEING FIRST DULY SWORN BRUCE LAMONT FULLER
14 PETITIONER WHO IS THEREFORE PETITIONING THE COURT
15 TO AUGMENT THE RECORD "ATTACHED ORIGINAL
16 NO: S278101" PETITION FOR REVIEW" IN THE PREVIOUS
17 COURT PRIOR TO THIS CERTIORARI.

18 NOW ONLY UPON DUE DILIGENCE RECENTLY A
19 CALIFORNIA DEPARTMENT OF CORRECTIONS OFFICER SGT.
20 HERNANDEZ SAID HE NOT ONLY ALTERED MY PETITION FOR
21 REVIEW S278101, BUT HE HAS BEEN TAMPERING WITH
22 ALL MY U.S. MAIL IN FACE TO FACE INTERVIEW, DUE
23 TO ME ~~GETTING~~ PREVIOUSLY GETTING HIM DEMOTED FROM ISU
24 LIEUTENANT TO CORRECTIONAL SGT. HE STATE TO ME THAT THIS IS
25 ONE OF THE MANY WAYS HE WILL RETALIATE. THERE IS EXTRA WORDS
26 THAT ARE NOT MY OWN IN THIS PETITION. I ALSO HAVE NOT
27 RECEIVED FORMAL DENIAL IN WRITTING. UNDER THE PENALTY
28 OF PERJURY OF CALIFORNIA STATE (10-29-23)

Bruce Lamont Fuller
Bruce Lamont Fuller SUI JURIS

VERIFICATION

C.C.P. SEC. 466 & 2016.5; 28 U.S.C. SEC. 17460

I Bruce Lambert Fuller declare under penalty of perjury that: I am the
Petitioner/DEFENDANT in the above entitled action. I have read the foregoing documents and know the contents thereof and the same is true of my own knowledge, except as to matters stated therein upon information, and belief, and as to those matters, I believe they are true.

Executed this 19 day of OCT, 2023, Kern Valley State Prison.

Signature

Bruce Lambert Fuller
DECLARANT/PRISONERPROOF OF SERVICE BY MAIL

C.C.P. SEC. 1013(a) & 2016.5; 28 U.S.C. SEC. 1746

I Bruce Lambert Fuller, am a resident of California State Prison, in the County of KERN, State of California: I am over the age of eighteen (18) years and am/am not a party of the above entitled action. My state prison address is: P.O. Box 200000, Delano, CA. 93216.

On OCT 19, 2023, I served the foregoing Petition For Re-hearing
Pursuant to US SUPRA Rules 44.1 with petition
AFFIDAVIT TO Augment The RECORD

Set forth exact title of document(s) served

On the party(s) herein by placing a true copy(s) thereof, enclosed in sealed envelope(s) with postage thereof fully paid, in the United States Mail, in a deposit box so provided at KERN Valley State Prison, Delano, CA. 93215.

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

List parties served

There is delivery service by United States Mail at the place so addressed, and/or there is regular communication by mail between the place of mailing and the place so addressed.

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

DATED: OCT 19, 2023Bruce Lambert Fuller
DECLARANT/PRISON

IN THE

SUPREME COURT OF CALIFORNIA

BRUCE LAMONT FULLER, SR
APPELLANT / PETITIONER AND DEFENDANT

VS.

SAN BERNARDINO SUPERIOR COURT,
RESPONDENT

THE PEOPLE OF THE STATE OF CALIFORNIA
REAL PARTY IN INTEREST AND PLAINTIFFS

PETITION FOR REVIEW

AFTER A DENIAL BY THE COURT OF APPEAL
FOURTH APPELLATE DISTRICT, DIVISION TWO
OF APPELLANTS SUPPLEMENTAL BRIEF (CASE NO: E078952)
SUPRACT NO FSB18424-2) OPINION

TABLE OF AUTHORITIES

PEOPLE V. CABALLERO (2012) 55 Cal. 4th 252
PEOPLE V. FRANKLIN (2016) 63 CAL. 4d 261, 269, 202 Rptr. 3d 496
IN RE COOK, 7 CAL. 5th 439
MILLER V. ALABAMA, 567 U.S. 460
HICKS V. OKLAHOMA, 477, U.S. 343
BRADY V. MARYLAND, 373 U.S. 83
MILLER V. PATE, 386 U.S. 1 (1967)
NADUE V. ILLINOIS, 360 U.S. 264 (1959)
MAPP V. OHIO, 367 U.S. 643 (1961)
BERGER V. U.S. 78 (1935)
IN RE WINSHIP, 397 U.S. 358 (1970)
JACKSON V. VIRGINIA, 443 U.S. 307
APPENDI V. NEW JERSEY, 530 U.S. 466 (2000)
BLAKELY V. WASHINGTON, - 542 U.S. 296 (2004)
ROCHIN V. CALIFORNIA, 411 U.S. 165 (1952)
U.S. V. RUSSELL, 411 U.S. 423 (1973)
GRAHAM V. FLORIDA (2010) 560 U.S. 48, 68

CALIFORNIA PENAL CODES.

1054.9 ACCESS TO DISCOVERY MATERIALS POST CONVICTION
1054.7 TIME FOR DISCLOSURES; REGULATION OF DISCLOSURES
1054.1 INFORMATION TO BE DISCLOSED BY PROSECUTION
141(C) MOVEMENT, ALTERATION OF EXCULPATORY EVIDENCE
977(b)(1) PRESENCE OF ACCUSED
12022.53(b) - 12022.5(b)
12022.1(a)
654 / 667
352 - 1100 - 1103

FEDERAL CONSTITUTIONAL AMENDMENTS

FIFTH AMENDMENT OF THE CONSTITUTION

SIXTH AMENDMENT OF THE CONSTITUTION

EIGHTH AMENDMENT OF THE CONSTITUTION

FOURTEENTH AMENDMENT OF THE CONSTITUTION

CALIFORNIA RULES OF COURT:

4.437 (d)(e) CALIFORNIA RULES OF COURT

4.425 CALIFORNIA RULES OF COURT

4.420 CALIFORNIA RULES OF COURT

FEDERAL RULES OF CIVIL PROCEDURE:

FEDERAL RULES OF CIVIL PROCEDURE 50

FEDERAL RULES OF CIVIL PROCEDURE 59

CIVIL RIGHTS

TITLE 18, U.S.C. 242 DEPRIVATION OF RIGHTS
UNDER THE COLOR OF LAW.

CALIFORNIA CONSTITUTIONAL ARTICLE I. SECTION 15

EXHIBITS FOR PETITION FOR REVIEW

EX: A) COURT OF APPEALS OPINION # E078952 12-5-22

EX: B) COURT OF APPEALS RULING 9-28-22

EX: C) CORRESPONDENCE JENNIFER A. GAMBALE / PETITIONER'S ATTORNEY..

* EX: D) CORRECTED MINUTE ORDER 2-16-22 / DEPT OF JUSTICE REPORT FSB18424-2

MISSING EXHIBITS FROM THE APPEAL RECORD FSB18424-2

* EX: E) CORRESPONDENCE MARIA E. STRATTON FEDERAL (EX: 17) E078952

* EX: F) MAY 7, 1998 PRELIMINARY HEARING TRANSCRIPT (EX: 16) E078952

* EX: G) SAN BERNARDINO SHERIFF'S REPORT SUPPLEMENTAL (EX: 10) E078952

* EX: H) CASE INFORMATION 5-7-98 - 5-18-98 (FSB18424-2)

* EX: I) PAROLE SUITABILITY HEARING

* EX: J) PROOF THAT THE APPEAL RECORD E078952 IS INCOMPLETE
PROOF THE PETITIONER'S OTHER ATTORNEYS HAVE COPIES OF THE
RECORD. INCLUDING THE STATE BAR COMPLAINT UNIT
COMMISSION ON JUDICIAL PERFORMANCE.. CASE NO: 20-0-1737
NUMEROUS EMAILS TO JENNIFER A. GAMBALE / RYAN WARD
MAYJA ENIG.. ACTUAL PHOTOS OF THE RECORDS IN QUESTION..
VALERIA A. LOPEZ PETITIONER'S POWER OF ATTORNEY

1
2 THE PETITIONER COMES BEFORE THIS HONORABLE COURT
3 SEEKING JUDICIAL RELIEF.. DUE TO EXTRAORDINARY CIRCUMSTANCES..
4

5 THE PETITIONER COMES BEFORE THIS HONORABLE COURT
6 SEEKING A EVIDENTIARY HEARING.. DUE TO EXTRAORDINARY
7 CIRCUMSTANCES..
8

9 THE PETITIONER COMES BEFORE THIS HONORABLE COURT
10 WITH NUMEROUS CLAIMS OF "FRAUD UPON THE COURT BY
11 THE COURT..
12

13 WHAT EFFECTS DOES "FRAUD UPON THE COURT " HAVE UPON
14 THE COURT PROCEEDING ? "FRAUD UPON THE COURT "
15 MAKE'S VOID THE ORDERS AND JUDGEMENT OF
16 THE COURT " TITLE 18 U.S.C 242 .
17

18 ON DECEMBER 5TH, 2022 THE APPELLATE COURT MADE
19 A RULING BASED ON A INCOMPLETE RECORD.. THE TRIAL CRT
20 ISSUED A RECORD (TRANSCRIPT FILED MAY 23, 2022 ..

21 ON SEPTEMBER 28, 2022 THE COURT OF APPEALS
22 DIRECTED THE CLERK OF THE SUPERIOR COURT TO CORRECT
23 THE COURT TRANSCRIPT.. RT EX: B) ON OCT 28, 2022
24 THE CLERK OF THE SUPERIOR COURT RE-SUBMITTED
25 THE RECORD THAT "WAS SUPPOSE TO HAVE BEEN FILED
26 BY THE PETITIONER AND HIS LEGAL TEAM/ FEB 16, 2022 .
27
28

1
2 HOWEVER THE CLERK RE-SUBMITTED ANOTHER FRAUDULENT
3 RECORD. PLEASE TAKE JUDICIAL NOTICE OF EX: C) PAGES
4 A EMAIL BETWEEN THE PETITIONERS ATTORNEY JENNIFER A. GRAMBLER
5 AND THE PETITIONER'S "POWER OF ATTORNEY VALERIA A. LOPEZ."
6 SAT, NOV 5TH 2022. PROVE'S THE RECORD THE COURT OF
7 APPEAL'S RULED ON IS NOT VALID.. RT EX: A) EX: 17
8 MISSING.. EX: 16 ONLY 18 PAGES OF THE MAY 7TH 1998
9 PRELIMINARY HEARING.. INCOMPLETE.. D.O.J REPORT MISSING
10 THE MINUTE ORDER PERTAINING TO THE D.O.J IS NOT CTIPP
11 85-88 AS THE COURT OF APPEAL'S SAID IN THEIR
12 OPINION.. RT EX A) PAGE 10 FOOTNOTE 6.. DECEMBER 5TH 2022.

13
14
15 ON NOV 6TH 2022 THE PETITIONER'S ATTORNEY EMAILS THE
16 PETITIONER'S POWER OF ATTORNEY VALERIA LOPEZ AT 2:02 AM
17 SHE ALSO NOTICED THE PETITIONER'S CO-DEFENDANTS BRIEFS
18 IN THE PETITIONERS FILE. THESE EMAILS ARE CRITICAL
19 TO THE PETITIONER'S REQUEST FOR A EVIDENTIARY HEARING..

20
21 CLEARLY THE COURT OF APPEAL'S MADE A RULING BASED ON
22 A FRAUDULENT RECORD.. SO THE PETITION REQUEST THAT
23 THIS HONORABLE COURT VACATE THE SUBMISSION OF THE
24 COURT OF APPEALS ORDER.

ON APRIL 26, 2023 THE PETITIONER GOES UP FOR A PAROLE
SUITABILITY HEARING. THE PETITIONER CAN NOT GO BEFORE
THE BOARDS OF PAROLE HEARINGS WITH A FRAUDULENT RECORD
THAT WOULD VIOLATE THE PETITIONER'S 5TH, 6TH, 8TH & 14TH
AMENDMENT STATE & FEDERAL CONSTITUTIONAL RIGHTS
RT EX: I

NUMEROUS ATTORNEYS HAVE COPY'S OF THE ORIGINAL RECORDS
FILED FEB 16, 2022 INCLUDING THE STATE BAR COMPLAINT
UNIT & THE COMMISSION ON JUDICIAL PERFORMANCE. CASE NO.
20-0-17307.

SO IT MAKES ABSOLUTELY NO SENSE FOR THE TRIAL COURT
AND THE COURT OF APPEALS TO ALTER THE RECORDS LEGALLY
FILED FEB 16, 2022 IN THE SUPERIOR COURT IN SAN
BERNARDINO. THE PETITIONER'S RIGHT TO APPEAL HAS BEEN
VIOLATED. NOW THE COURT OF APPEALS AND THE SUPERIOR
COURT WANTS TO VIOLATE THE PETITIONER'S RIGHT FOR A
FAIR PAROLE HEARING?

PLEASE TAKE JUDICIAL NOTICE OF ALL OF THE EXHIBITS.
THE PETITIONER'S SENTENCE AND CONVICTION IS ILLEGAL
AND UNCONSTITUTIONAL.

THE PETITIONER'S LEGAL TEAM NEVER SUBMITTED ANYTHING
REDACTED FOOT NOTE 5 pg 10 OF THE COURT OF APPEALS OPINION EX: A

DATED DEC 5th 2022. Clearly THE PETITIONER CAN PROVE
THAT. WHERE IS THE MARCH 26, 1998 POLICE REPORT??
EX:10)

THE LIST GOES ON & ON!! THERE'S NUMEROUS
CONSTITUTIONAL VIOLATIONS HERE. A EVIDENTIARY HEARING
IS NECESSARY IN ORDER TO PROTECT THE PETITIONER'S
CONSTITUTIONAL RIGHTS.

THE ORDER FROM THE COURT OF APPEALS NEEDS TO
BE VACATED IN THE INTEREST OF JUSTICE. TO MANY PEOPLE
HAVE COPIES OF THE RECORD FILED ON FEB 16, 2022
THE PETITIONER HAS PHOTOS, VIDEO'S, AND AUDIO OF
EVERYTHING THAT TOOK PLACE ON FEB 16, 2022 & APRIL 7, 2022

PLEASE REVIEW THE EXHIBITS. EVEN THE SAN BERNARDINO
SUN'S INVESTIGATING EDITOR RON HASSE & JOE NELSON HAS
COPIES OF EVERYTHING FILED FEB 16, 2022 THIS FUNDAMENTAL
MISCARRIAGE OF JUSTICE

DATE JAN 9th 2023

Respectfully Submitted
Bruce Lament Fuller
Bruce Lament Fuller
Kern Valley State Prison
Delano, California 93216

PROOF OF SERVICE BY MAIL

BY PERSON IN STATE CUSTODY

(Fed. R. Civ. P. 5; 28 U.S.C. § 1746)

I, BRUCE L. FULLER, declare:

I am over 18 years of age and a party to this action. I am a resident of _____

KERN VALLEY STATE PRISON Prison,

in the county of KERN

State of California. My prison address is: P.O. BOX 5101 / A4-120

DELANO CALIFORNIA 93216

On JAN 9TH 2023
(DATE)

I served the attached: PETITION FOR REVIEW & EXHIBITS

(DESCRIBE DOCUMENT)

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope, with postage thereon fully paid, in the United States Mail in a deposit box so provided at the above-named correctional institution in which I am presently confined. The envelope was addressed as follows:

CALIFORNIA STATE SUPREME COURT
350 MCALLISTER STREET
SAN FRANCISCO, CA 94102

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 1-9-23
(DATE)

Bruce L. Fuller
(DECLARANT'S SIGNATURE)

PROOF OF SERVICE BY MAIL

BY PERSON IN STATE CUSTODY

(Fed. R. Civ. P. 5; 28 U.S.C. § 1746)

I, BRUCE L. FULLER, declare:

I am over 18 years of age and a party to this action. I am a resident of _____

KERN VALLEY/STATE PRISON Prison,

in the county of KERN,

State of California. My prison address is: P.O. BOX 5101 /A4-120,

DELANO, CALIFORNIA 93216

On JAN 9TH 2023
(DATE)

I served the attached: COPIE OF PETITION FOR REVIEW & EXHIBITS

(DESCRIBE DOCUMENT)

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope, with postage thereon fully paid, in the United States Mail in a deposit box so provided at the above-named correctional institution in which I am presently confined. The envelope was addressed as follows:

OFFICE of THE STATE ATTORNEY GENERAL
P.O. BOX 85266
SAN DIEGO, CA 92186-5266

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on JAN 9TH 2023
(DATE)

Bruce L. Fuller
(DECLARANT'S SIGNATURE)

Bruce Lamont Fuller
3000 CECIL AVENUE
DELTA, CALIFORNIA 93215

Bruce Lamont Fuller
V.
CALIFORNIA

NO. 23-5252
Petition For Re-hearing
Pursuant to US Supra
RULES 44.1 with petition
AFFIDAVIT To Augment
RECORD

NOTICE PROOF OF SERVICE 28 U.S.C. § 1746

NOW HERE COMES PETITIONER BRUCE LAMONT FULLER
THIS OCT 19, 2023 FROM DENIAL SEPT 26, 2023 DAY
24 WITH THE MAIL BOX RULE STIPULATED ON THIS
PETITION. THERE IS AN ERROR ON THE RECORD ATTACHED
/AFFIDAVIT - PETITION TO AUGMENT THE RECORD. THIS
CASE LAW (1966 AMC AMERICAN - MARITIME TIME
CLAIMS 12 382 U.S. 25) THE RE-HEARING WAS GRANTED
DUE TO THE APPELLATE COURT ALREADY RULING THE
MATTERS "FRANKLIN" THIS WOULD CHANGE THE ENTIRE
APPELLATE COURT REVIEW IN THE STATE OF CALIFORNIA.
UNDER THE PENALTY OF PERJURY OF THE LAWS OF
THE DISTRICT OF COLUMBIA, EXECUTED 10-19-23

x Bruce Lamont Fuller
BRUCE LAMONT FULLER. SUI JURIS

