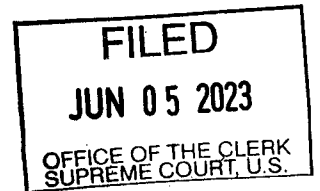


23 - 6066

No. 100876

WA SC



IN THE
SUPREME COURT OF THE UNITED STATES

WASHINGTON DC

KIRK WILLIAMS — PETITIONER
(Your Name)

vs.

STATE OF WASHINGTON RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

THE SUPREME COURT OF State Washington
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

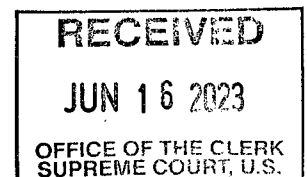
PETITION FOR WRIT OF CERTIORARI

KIRK WILLIAMS
(Your Name)

Washington State Penitentiary
(Address) 1313 N. 13th Avenue

WALLA, WALLA WA 99362
(City, State, Zip Code)

Incarcerated WSP phone
(Phone Number)



QUESTION(S) PRESENTED

MR WILLIAMS Received his client File That Took him almost 12 years to retrieve From The State of Washington Public Defender Office, IN MR WILLIAMS client File was Corruption and Egregious misconduct by The State of Washington that denied and violated prose MR WILLIAMS constitutional rights to Compulsory process, The State of Washington Fabricated or lied to The Judge on prose MR WILLIAMS motion to the courts. The State Prosecutor ~~and~~ STATE Public Defender lawyer said all the witness and victims already been interviewed There no need to do so, on that statement that was Fabricated that misled The Judge to deny prose MR WILLIAMS motion for his defense and effective Assistance.

This egregious misconduct by the State of Washington was also by the State Public Defender lawyer. The ~~State~~ ^{start} I Fined The Public Defender lawyer because he wanted me to Waive my Speedy trial rights and always wanted me to plea out, This stress and he telling me that only way to get ^{my} discovery is with him. This make MR WILLIAMS Chose to go prose and go to trial with no evidence or discovery no defense for trial, or ineffective Assistance of Counsel with State Public Defender lawyer that could get my discovery and other evidence. The Worst Mistake of My life is trust The State Public Defender lawyer that helped the State in any kind of way.

DID The Washington State Supreme Court really review MR WILLIAMS discretionary. Review 16.14 MR WILLIAMS Believed The State of Washington showed discrimination against indigent pro litigant that have circumstances evidence to have The case dismiss or a new trial. The Washington State Supreme Court response That Prose MR WILLIAMS Prove all elements of Newly discovered evidence but one element IF Prose MR WILLIAMS motion to interview the witnesses and victim been granted. Will the result of trial probably been different?

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:

KIRK WILLIAMS Petitioner

VS

STATE OF WASHINGTON Respondents)

①

394 U.S. 217

RELATED CASES

Kaufman vs United States Illegal search warrant (Fruit Poinc tree)

②

Washington vs Texas 388 US 14 19 18 L ed 2d 1019,

27 S. Ct 1920

The guaranty of the Compulsory Process is a Fundamental Right which the Courts should safeguard with meticulous care

③

United States vs Valenzuela Bernal 647 F.2d 72 9th

The government violated the Fifth and Sixth Amendment when it deported the alien witnesses before counsel had an opportunity to interview them 647 F.2d 72

④

Mendez-Rodriguez 450 F.2d 1 9th

depriving the defendant access to the witness

⑤

(State) Adolph BURRE 87 Conn. 21 175

Criminal Defendant Right to Compulsory Process interview witnesses

⑥

STATE vs MICHELE 132 Conn. 229 arbitrary action on governmental misconduct dismiss charges

(11)

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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:** *there was none*

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.

☐ 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 Supreme court Aug 15, 2022; or,

☒ has been designated for publication but is not yet reported; or,

☐ is unpublished. *discretionary Review*

The opinion of the Court of Appeals Division 1 court 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.

JURISDICTION

☐ For cases from federal courts: Never TOOK it to Federal Court

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

☐ No petition for rehearing was timely filed in my case.

☒ ~~NO~~ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

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

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

☒ For cases from state courts:

The date on which the highest state court decided my case was Washington Supreme Court
A copy of that decision appears at Appendix A. ON THE AUG 15, 2022

☒ yes A timely petition for rehearing was thereafter denied on the following date: MARCH 08, 2023, and a copy of the order denying rehearing appears at Appendix A.

☐ 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. I would like a 25 day extension
Seeking Review by the Washington Supreme Court
The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a). NO Extension Was ASKED
Never Appeal

MR Williams would like review of March 8, 2023 order by the Supreme Court of the United States because wrongdoing by the Washington Courts by bias, race, financial gain from the state of Washington. That's why MR Williams is for relief from the United States Courts 1A to see how they changed the law to fit their way which is unconstitutional.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Following Statutory and Constitutional Provisions are involved in this case.

US CONST., AMEND V: No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, nor shall any person be subject for the same offense to be twice put 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

US CONST., AMEND VI 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 witnesses against him to have compulsory process for obtaining witnesses in his favor and to have the assistance of counsel for his defense.

U.S. CONST., AMEND XIV section 1 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.

In 2009 Mr Williams was arrested for Assault

3 on argument between him and the mother of

his son. The argument started because of

Felicia mother of his son was driving intoxicated

with our 2 year old son in the car, and here

being intoxicated.

So while Mr Williams in King County Jail with

money problems Mr Williams was appointed a

public defender her name was Colleen O'Connor.

She was a high profile public defender she stayed

on my case a month then she had ^{to work on} a mtg

case involved a murder in second degree they

told her it was mandatory she work on Mr

Williams case.

So Mrs Colleen O'Connor excused her services and

told me there was two lawyers with her public

defender firm representing me. You would see

Then soon there names are Tomackie, Kim
and Hal Palmer was my new State public
defenders. During The course of proceeding to
trial Tomackie Kim and Hal Palmer was always
busy it seems like These two public defenders
did not have time for me.

I could not take it anymore it been all most
two months and my trial is set, I was never
interview of facts of my version of what
happen that night. So I Fired Them. The lack
of effective assistant and wanted me to plea
out, and waived my speedy trial rights, See Exhibit 1
So once I Fired The two public defenders the Judge
did appointed one of them to be a stand by attorney
in fact I did not agree with that decision.

That When The State prosecutor name Alex
vorhees Filed a rap 3 charge taken advantage

of me because i'm pro se and learning about the law. So since i'm pro se my first step was building a defense that would establish my innocence. This was a very very hard task because the standby attorney Tomackie Kim was always agreeing with the state prosecutor Alex Voorhee.

This would make Mr Williams think is the standby attorney helping the state for a conviction that was always on my mind. The state public defense get paid one or lose the case but there also was deal made for guilty and innocence like a game being played.

The next issue was a woman claiming she worked for defense wanted to test for my diabetic. not sure

if she with defense or jail medical staff. This woman was wearing white shirt and ^{blue jeans} ~~black~~ jeans. I

describe. so I told the standby attorney about woman

Claiming that she work for your company and
she took test for my diabetes. I found out the
woman claiming that she work for Society
of Counsel Public Defender Office was lying.

This woman ^{name} Sampson was working for the state
to build a case on me. Sampson was Sheriff Officer

The Court order was illegal meaning it was a

Search Warrant see ^{Exhibit} 5 under State vs

Garcia-Salgado, 170 Wn. 2d 176 to a cheek

Swab for DNA is a Search and requires a

Warrant absent the existence of an exception.

The Warrant requirement of Fourth Amendment

and Wash. Const. article 7 may be satisfied by a Court order

Normally, a Warrant in Washington State is issued under

Wash. Super Ct Crim R. 2.3 but neither the State

Constitution nor Federal Constitution limits Warrants

TO only those issued under Wash Super Ct Crim

2.3 A Court order may function as a warrant
as long as it meets Constitutional Requirements.

The support a Search that intrudes into The body

Wash Super Ct Crim R 4.7(b)(2)(vi) order must

be entered by a neutral and detached Magistrate

must describe The place be searched and items

to be seized, must be supported by probable cause

based on oath or affirmation, and There must be a

clear indication that The desired evidences will be

found, The method of intrusion must be reason

able and The intrusion must be performed

in a reasonable manner under Schmerber

vs California 384 US 757, 768 86 S Ct 1826 16 hed

2d 908 C 1966 Compelled intrusion into The

body violates Fourth Amendment and article 1, Section

7 constitutes a Search must meet requirements

announced Schmerber Therefore to support

a Search. The Court order may function as a warrant as long as it meets Constitutional requirements under

United States v. Mendenhall & Jimenez 709 F.2d 1300

1302 (9th Cir 1983) The case of a search that intrudes into the body such an order must meet both requirements of a warrant.

The Court order for my DNA was not authorized by the judge or myself. Sheriff Officer Sampson lied to me about testing for my diabetes test and

working for the defense for DNA approval. I told

The public defender that signs the paper in court without my consent and kept moving on to another client. Unconstitutional Court order See

Exhibit 5

The next newly discovered evidence was during the proceeding the course of ~~trial~~ to trial I'm prose

Wanted to interview witness and victims

Sheriff Officer Sampson of personating a
medical staff with state public defense also

The unconstitutional The probable cause on
oath of affirmation, the method of intrusion
must be reasonable, and the intrusion must be
performed in a reasonable manner.

prose
So Mr Williams Motion the Court to interview
witness and victims that was involved with

the case, and most important preparation for trial,

So there was a hearing for prose Mr Williams motion

The State prosecutor Alex Voorhee and my stand

by attorney lied to honorable Judge told him

that all the witnesses and victims already been

interviewed see ^{Exhibit B} Prose Mr Williams need

not to reinterview them This statement

mislead the Judge to deny prose Mr Williams

motion for his defense.

This was Egregious action of Prosecutorial misconduct that in fact deprive prose MR Williams defendant of testimony that would have been relevant and material and vital of impeachment testimony both testimony would in fact help MR Williams defense.

The Sixth Amendment is the right to present a defense, the right to present version of facts as well as the prosecution to the jury so it may decide where the truth lies. This is a fundamental element of due process of law.

Since MR Williams was denied to interview victims and witnesses, MR Williams speedy trial was still proceeding but there was so many continuance for no reason from the state and also I think that's when the state public defenders forged my name on trial waivers. MR Williams was unaware of

of This egregious Conduct by the State, until
MR Williams received his Client File and/or
by honorable Judge Erlick, that revealed Fraud,
of the court and a Crime against MR Williams
The State Courts would not address The Forgery
issue because the courts protecting the State for
wrongdoing this is Corruption on the State of
Washington, see Exhibit D

So Since The wrongdoing only the newly discovered
evidence was the only way to find out This Fraud
and egregious Conduct in 2021-2022 The violation
of Constitution Fifth, Six, Fourteen Amendments.

This was reason why the State Amended the
Charges back up & had got so stress out and
The anxiety and concern of the case made
me hired The public defenders back on my Case
was The worst Thing I ever did put my life in
(9)

The State hands, In 2011 of June King
County Jury took 2 week 2 day deliberating to
Find MR Williams guilty. Since MR Williams
was not allowed in the Court room when The jury
was deliberating MR Williams sense some
Corruption by the State.

MR Williams ^{remember} fine Judge allowing The prosecutor to
Show The video in The jury room of MR
Williams and girl friend Felicia gates ^{after} altercation
When she was very intoxicated. MR Williams

think this was unfair and very very prejudices
to defense, The State public defense did not object

~~to~~ This kind of misconduct allowing testimony
came in nothing MR Williams ^{was} aware of false
events and false evidence.

MR Williams was convicted and MR Williams
Sentenced to High ID 240 months prejudice had a
(10)

to do with this and ineffective Assistance of
State public defense. The State had also Amended
MR Williams charges up also to Second degree Rape
First degree burglary, Third degree assault and Felony
violation of domestic violence, no contact or do
adding aggravating Factors ^{see} ~~Exhibit~~ ^A All these Felonies
because my Williams wanted to prove his
innocences For Assault 3. so the State Amended
up charges and added charges to convict MR Williams.

MR Williams did appealed the wrong doing of the
State a list of wrong doing this state ^{defense} appeal lawyer
did a brief on a case that was already decided
in the 9th circuit Spicer vs G-regoire 194 F3d
1006 C9th Cir 1999 That consent to negate the
element of Forceful Compulsion in Rape laws.

Later year or so MR Williams find out the
State threaten to take the kids away from
⑪

~~From~~ Felicia gates if she refuse to testify.

Also Felicia gates had over 3 DUI'S ~~and~~ she was going to spend some time in prison so

there was a deal the prosecutor offer Felicia gates. MR Williams still fighting the State to

give me that information from the prosecutor office.
See Exhibit only one copy ^{sorry} _{send later}

MR Williams could not understand, MR Williams only

had one point and for the State to over charge

and cause me to have unfair trial I can't

Trust the system no more for a fair trial.

So the State Judge Mary Yu is on the Supreme

Court of the State of Washington in fact that

my ~~effect~~ discretionary Review RAP 16.14 was

allways getting denied or dismiss. I know at least

2 or 3 issues should of been address but it always

this I miss element or the issue don't get address

My Forgery Claim was not address at all from the

The Court it's circumstances evidenced for review

This is not something I made up this in fact would get

my case reviewed and have all my charges dismissed,

due to fraud of the court by the State of Washington

The State Supreme Court failed to review my claim

Forgery in fact that fraud of the court that would be

Misconduct of the State of Washington, I think because

The honorable Judge was ^{involved} ~~involved~~ with this misconduct

along with the state trying to keep quiet of wrong doing

of Mr Williams Constitution Rights.

The other claims was denied prose Mr Williams to

interview the witness and victims along with

denied to be present at any stage of criminal
see Exhibit D

proceeding talking about evidence or motion.

The Compulsory process in fact Mr Williams have

a Constitutional right to have this process that is

due for Mr Williams if denied it's very very Prejudice

These factual issues do require the attention of this Court. Mr. Williams has merit in this petition.

But the State Supreme Court ignoring the

Compulsory process is Mr. Williams' Constitutional

right is presumed to be prejudicial to Mr.

Williams denied that process. Under Washington

vs. Texas 388 U.S. 1419, 18 L. ed. 2d 1019, 87 S. Ct. 1920

(1967). The guaranty of Compulsory process is a

Fundamental right and one which the Courts

should safeguard with meticulous care.

The State Supreme Court prejudice determination

was unreasonable insofar as it failed to evaluate the

totality of the evidence in Mr. Williams' discretionary

review. Bias of the State Supreme Court violating

The 14th Amendment all people should be treated

equal. Because the Court used In re Pers. Restraint

of Brown 143 Wn. 2d 431, 453, 21 P. 3d 687 (2001)

IN The Matter OF The Personal Restraint
OF KIRK LAMAR WILLIAMS Case 100876-7

Under Case OF United States VS Valenzuela =
Bernal 647 Fed 72 9th Circuit of Appeals

To determine The Facts OF The Case For

The Purpose OF Making The Prejudice analysis,

The Supreme Court OF The State OF Washington

relied on In re Pers Restraint of Brown This Case

was different Than MR Williams Case because

MR Williams Case was Newly discovered evidence was

State OF Washington misconduct or negligence Fraud

OF The Court and denied MR Williams Fifth, Sixth and

Fourteenth Amendment That cause MR Williams

a Fair trial. Sec A-

Testimony OF witness OF illegal Search Warrant

would or could be conceivably benefit TO MR

Williams after illegal Search Fruit OF Poisoned tree

REASONS FOR GRANTING THE WRIT OF CERTIORARI

I. THE SUPREME COURT OF THE STATE OF WASHINGTON MISAPPLICATION OF THE PREJUDICE STANDARD WOULD IN FACT CHANGE THE OUTCOME OF TRIAL

The SUPREME COURT OF The State of

Washington did not address Mr Williams Forgery

Claim against The State of Washington. This was

on Mr Williams brief Forgery / egregious Misconduct

The State ill intention was to Cause Prejudice Mr

Williams ^{was} denied to attend proceedings of going to trial.
_{see} D

Mr Williams is prose asks the Court to please review

the Facts and Circumstances of Newly discovered

evidence, That in Fact would Change the outcome

of trial. Mr Williams have a Constitutional

right to have a fair adversary process for Fundamental

Fair trial. The State would not be able to Amend charges

The Washington State Supreme Court

Used STATE vs BROWN 143 Wn.2d 431 453

Newly discovered of Evidence The evidence

was Ineffective Assistance of Counsel. MR BROWN

Claim counsel did not object to inconsequ-

ential or inconsistent statements in the case,

Counsel performance did not provided to

cross examination that would be useful for his

defense,

The Prejudice Standard for MR Brown Counsel

performance was Ineffective and under The

Strickland v Washington, 466 U.S. 668, 687-88

(1984) The prejudice analysis under Strickland,

that the reviewing Court consider all of The

evidences in the record, both that which was

admitted at trial and that which is developed

at the post conviction stage.

The State determine the newly discovered evidence did not entitled petitioner Brown to a new Capital Sentencing hearing. The reviewing Court's denial of Funding for a Psychiatrist during Postconviction proceeding did not deprive petitioner Brown of due process, see A

MR Williams claim of newly discovered evidence was Egregious and Flagrant Act of Misconduct by the State of Washington

That prejudice MR Williams of having a Fair trial. MR Williams Trial scheduled Waivers was Forged That prejudice MR Williams, ^{that} allows the State of Washington to continue trial with no valid reason

Many times The State Wanted. See D

The Second newly discovered evidence was Fabrication, or deceiving or lied to honorable
(B) (B)

Judge That Prose MR Williams need not to
interview The Witness and Victims, because
The State prosecutor Alexandra F Voorhees
and The State Standby Attorney To Mackie
Kim, Hal Palmer already interviewed all
The Witnesses and all the victims."

This Statement to the Judge was Fabricated
and a lie that mislead The Judge to rely
on False information by the State.

The False information by the State Cause
The honorable Judge to deny MR Williams
Motion TO Interview The witnesses and
The victims. The prose MR Williams Motion
Contains The Fifth Amendment, Brady violation
and The Fourteenth Amendment The rights
of The United States Constitution if motion
is denied by the Court, See ^{Exhibit} B
⑧ ⑨

The false statements by The State of Washington to The honorable Judge That Persuaded The decision to deny Prose MR Williams motion.

MR Williams was prejudice and Constitutional rights was violated and State Constitutional rights art 1 § 22 was violated. The violation was a right to Confer with witnesses and prepare adequately and efficiently to present any defense.

Under state case Adolph H BURRI 87 Wn 2d 175 A criminal defendant right to Compulsory process Under U.S Constitution ^{7th} Amend and the Wash Const art 1 § 22 includes the right to interview witnesses who are necessary to his/her defense prior to trial. It's Constitutionally

Protected right to Counsel Compulsory
process presumed to have been prejudici
al Accordingly

The denial of Compulsory process by not
allowing defendant interview The Witnesses
and preparation for trial is a Fatal error.

Under United States vs Valenzuela-Bernal

458 US 872 - 873 The Compulsory Process

clause of the Sixth Amendment From cases

involving the due process clause of the Fifth

Amendment holding that at least the same

Materiality requirement obtains with that funda

mental Fairness essential to the very concept

of Justice. In order to declare a denial

of it we must find that the absence of that

Fairness fatally infected the trial The acts

complained of must be of such quality as

Necessarily prevents a Fair trial. Lisenba v.

California 314 US 219, 236 (1941) MUST demon-

strated that interference with his right of

access in this case to the level of a Consti-

tutional violation. The Supreme Court in

Washington vs Texas, 388 US 14 87 S. Ct 1920

18 Fed 2d 1019 (1967) Held that the right to

Compulsory process which is guaranteed by:

The Sixth Amendment is a Fundamental element

of due process of law.

The Compulsory Process clause 73 Mich LREV

71 LL3-15 (1974) In so holding the Court recognized

that right to offer the testimony of witnesses and

to compel their attendance if necessary is in

plain terms the right to present a defense. The

right to present the defendant's version of the

facts as well as the prosecution to the jury so it

May decide where the truth lies 388 U.S. at

1987 S.Ct. at 1923 In the case of United States vs

Mendez-Rodriguez 450 F.2d 1 (9th Cir. 1971)

The United States Court of Appeals for the

Ninth Circuit elaborated on significance and

applicability of the Fifth and Sixth Amendment

rights to compulsory due process. In Mendez

Rodriguez Supra Defendant was indicted for

transporting seven illegal aliens. The Govern-

ment detained three aliens and deported

the others to Mexico without affording

Defendant the opportunity to interview them.

At trial, Defendant testified that he was unaware

that the passengers in his car were illegal

aliens. Mendez-Rodriguez Supra. Defendant

was convicted. In reversing the conviction

The Ninth Circuit held that The Government

action, in placing potential alien witnesses beyond the Court's Subpoena power before Defendant was afforded an opportunity to interview and Subpoena them, violated his Fifth Amendment right to due process and Sixth Amendment right to Compulsory process. The Considerations, which prompted this decision, were more fully explained by the Ninth Circuit in the case of United States v Tsutagawa 500 F.2d 420 (9th Cir 1974) the Mendez Rodriguez supra doctrine sweeps broadly. As the dissent in that case pointed out the Court did not impose a requirement upon an accused to establish that specific prejudice was caused by the unavailability of the material witnesses 450 F.2d at 5 (2) the existence of Government misconduct or

Negligence in Fact defendant in Mendez -

Rodriguez Supra Conceded That he was unable

to show that the missing witnesses would have

offered testimony favorable to defense. The

Ninth Circuit found defendant's concession under-

standable in view of fact that appellant was

by government action of negligence.

This deprived of the opportunity to interview

~~some~~ witnesses the appellant couldn't know

what these witnesses might say, if anything.

We are in the same position as the appellant

we decline to indulge in any speculation that the

interviews would, or would not have been fruitful

to indulge in any speculation that interviews

would, or would not have been fruitful to

defense. up in the air.

The State of Washington Prejudice MR Williams

By denying Mr Williams motion to interview

Witnesses and Victims In re Oliver 333 US 257

68 Sct 499 92 L ed 682 (1948) to describe what

it regarded as the most basic ingredients of due

process of law. ~~The~~

The opportunity to be heard in his defense a right

to his day in court are basic in our system of jurisprudence

and these rights include a minimum, a right to

examine the witnesses against him, to offer

testimony and to be represented by counsel 333

US at 273 68 S. Ct at 507.

The right to offer the testimony of witnesses, and

to compel their attendance, if necessary is in plain

terms the right to present a defense, the right to

present the defendant's version of facts as well as

the prosecution to the jury. The accused has the

right to present his own witnesses to establish

defense. This right is a fundamental element of due process of law that Mr. Williams was denied his constitutional right by Misconduct and Fraud by the State of Washington, that cause Mr. Williams critical evidence in testimony.

Under Chambers vs Mississippi 410 US 302

The Court reversed defendant conviction In re Oliver

333 US 257 (1948) In the exercise of this right, the accused, as is required of the State, must comply with established rules of procedure and evidence designed to assure both fairness and reliability in the ascertainment of guilt and innocence.

Mr. Williams prose motion also includes the gross violation that prosecutorial Alexandra Voorhees are responsible for any Favorable evidence known to others acting on the State

behalf in the case including police reports, testimony

oral statements. Under Taylor vs Illinois

484 US 400 affirming petitioner conviction in

criminal prosecution. The accused shall enjoy the

right to have compulsory process for obtaining witnesses

in favor of 6th US Const amend. This right applicable

in state as well as federal prosecutions. The right

to confront the prosecution's witnesses for the

purpose of challenging their testimony he has

the right to ^{present} ~~present~~ his own witnesses to establish

a defense. This right fundamental element of ~~due process~~ ^{due process}

These are cases that authority the state and

federal follow MR Williams quoted them to

established a violation of MR Williams constitution

rights under MR Williams motion to interview

the witnesses and victims was violated

due to state negligence of conduct. Under

The prosecution obligation Rule 4.7 Discovery

State Court Rules The state must provide

The names and address of Persons whom The prosecuting attorney intends to call as witnesses at trial.

Recorded statements and Substance of oral statements

of such witnesses, prior criminal convictions any

expert witnesses all this must be disclose to

defendant. Favorable evidence, material information

with the knowledge shall disclose to defendant. Any

material or information within the prosecuting

tends to negate defendant's guilt as to offense

charged
~~charged~~

Strickler vs Greene 527 US 289, 290 The

Standard That reasonable probability that the

result of trial would have been different if the

suppressed documents had been disclosed to defense

As stressed in Kyles. The adjective is important

The question is not whether the defendant would more

likely than not have received a different
verdict with the evidence, but whether in
the absence he received a fair trial understood
as trial resulting in a verdict worthy of
confidence 514 US at 434

so prose Mr Williams been granted to interview
witnesses Sheriff Officer Sampson would
ask or interviewed her about illegal search warrant
and why she did not identify as a law officer.

Why you lied and told me you was working for Mr
Williams defense personating medical staff? This
would help me with my defense. The illegal seizure of
Mr Williams DNA evidence inadmissible Fruit of Poisonous
tree under Mapp v Ohio and Kaufman v United States
States. There would be a chance to suppress
illegal seizure evidence Constitution right to do so
This would in fact change the trial. ~~Because of~~
~~changes~~

This was Egregious action of State Misconduct

This in Fact admitting evidence That was unlawfully

ly Seized, serves to encourage disobedience.

The Federal Constitution which bound to

uphold evidence that is illegally seized that

violates Fourth and Fourteenth Amendment

under Mappo vs Ohio 367 US 657 unreasonable

State intrusion, and after its dozen years looks

led to evidence secured by official lawlessness in flagrant

abuse of that basic right reserved to all persons

as a specific guarantee against very same unlawful

conduct.

MR Williams ^{state} violated the Shannon Armstrong not

a neutral and detached magistrate judge who sign

the warrant. The method of intrusion must be

reasonable and performed in a reasonable manner.

The State long delays no courtroom available Prejudice

MR Williams because the state did not address MR Williams speedy trial rights and MR Williams asserted his Constitutional right at the hearing refuse to sign continuances and object to them being granted by the judge

The Washington State Court Rules CrR 3.3 time for trial rule is to protect a criminal defendant Constitutional right to a speedy trial as well as the integrity of judicial process cannot be effectively preserved.

In Kenyan 167 Wn.2d 130 The court is still required to state on the record or writing the reason for continuance CrR 3.3 Fca unavoidable or unforeseen circumstances be excluded in computing the time for trial judges must state the reason of granting continuances.

See Exhibit A

MR Williams Filed motion violation
(7) (32) (50)

That the State violated his Speedy trial rights
MR Williams motion was not address by Judges
or did his state lawyer address it. The main
issue That there was no Courtrooms available
This was a violation of my Speedy trial right but
Then again I Fine order setting Case Scheduling
Conference And waiver of Speedy trial. I don't
believed I Sign That paper unshare it
like some corruption at KING County and
everybody against you

Under Barker vs Wingo 407 US 574

This prejudice a defendant to minimize anxiety
and concern of accused and civil to limit the
possibility that defense will be impaired of
These the most serious is the best because
The inability of the defendant adequately to
prepare his case skews the fairness of the

entire system there also prejudice if defense

witness are unable to recall accurately events

of the distant past loss of memory however

is not always reflected in the record because

what has been forgotten can rarely be shown

THE DECISION OF THE SUPREME COURT OF THE STATE OF WASHINGTON THAT CONFLICT WITH DECISIONS WITH OTHER STATE COURTS AND FEDERAL COURTS

STATE VS MICHELLE 132 Wn 2d 229

dismissing counts defendant must show arbitrary

action or governmental misconduct Governmental

misconduct however, need not be of evil or dishonest

nature, simple mismanagement is sufficient

Absent a showing of arbitrary action or govern-

mental misconduct, trial court cannot dismiss

charges. Under United States Supreme Court

Glasser vs United States 315 us 6076

62 Sct 457 467 86 Lcd 680 (1942) NO Conviction Can

Not Stand no matter how over whelming the
evidence of guilt if the accused is denied

Effective of Assistance of Counsel.

MR Williams was denied a fair trial only by

due to being taken advantage by State defense

attorney and the State prosecutor. MR Williams

In Fact did demonstrated Prejudice, Forgery

an Fraud against The Court What more Equal

Justice to be asked for by defendant to prove.

CONCLUSION

For all these Constitutional violations and a

Crime against MR Williams The defendant under

Washington State law and Federal law MR Williams is

entitled to a Review and dismissed Convictions the

least of a New trial without this type of misconduct.

(Quoting Breck v. Abrahamson 507 U.S. 619
623, 113 S.Ct. 1710, 123 L.Ed. 2d 353 (1993))
A habeas petitioner bears a heavy burden
in showing a due process violation based on
an evidentiary decision Boyd v. Brown
404 F.3d 1159 (11th Cir. 2005) (en banc)
421 F.3d 1154 (9th Cir. 2005).

^{MR}
MR WILLIAMS is entitled to habeas review
for his claims because MR Williams is actually
innocent. Such a claim that may establish a
gateway through which a habeas petitioner
may pass to overcome the expiration of the
AEDPA statute of limitation and obtain
federal habeas review of otherwise time barred
constitutional claims McQuinn v. Perkins
133 S.Ct. 1924 (1928), 185 L.Ed. 2d 1019 (citing Schubert
v. Delo 513 U.S. 298, 329 S.Ct. 851, 130
L.Ed. 2d 808, Lee v. Lampert 653 F.3d 929 (9th
Cir. 2011)). A credible claim of actual innocence
constitutes an equitable exception to the AEDPA
limitations period and a petitioner who makes
such showing may pass through the Sch. BIP
gateway and have his otherwise time barred claims
heard on the merits.

In order to fall within the exception a petitioner
must support his claim of actual innocence with
new reliable evidence that was not presented at
trial and show that it is more likely than not
that no reasonable juror would convict petitioner
in light of new evidence Lee 653 F.3d at 937-38.
Actual innocence means factual innocence.

For The reason That State Court OF
Washington State SUPREME COURT DO NOT try to
Cover up a crime and bias against MR Williams.
This Type OF Conduct That send MR Williams to 20
Years in Prison unFair trial. That In Fact MR Williams
Hopes Justice would be heard And This misconduct
and crime would not happen to nobody else

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

~~Kirk Williams~~

KIRK Williams 876031

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Date:

Aug 11, 2023