

No. 23-6089 **ORIGINAL**

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED
NOV 17 2023
OFFICE OF THE CLERK

Christopher Leonard Blockson ^{Pro se} — PETITIONER
(Your Name)

VS.

Warden Gabriela Najera — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

9th Circuit Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Christopher Lenard Blockson
(Your Name)

P.O. Box 208
(Address)

Indian Springs, Nevada 89070
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

What is the way forward when "all" lower court ignore the record on appeal proving fraud on the court and outrageous government conduct?

Under the rules of liberal construction, all that I had to do was recite the facts and the Judge would apply the law. What if all judges refuse to apply law, but instead seeks to cover the prosecutor's misconduct?

Please define judicial reasoning or determination as it applies to clerical error?

List of Parties

- ☐ All parties appear in the caption 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 proceedings in the court whose judgment is the subject of this petition is as follows.

Christopher Lenard Blockson
Appellant

Warden, Gabriella Najara; Nevada Department of
Corrections; and The Offender Management
Division
Respondent

Related cases

- 1) Blockson v. Jerry Howell, case no.: 22-16910
in the United States court of appeals for the
9th circuit. Judgment entered on August 31, 2023.
Order Denying Certificate of Appealability.
- 2) Blockson v. Gabriella Najara, et al; case no.: 2:21-
cv-00731-GMN-VCF, In the United States District
Court, District of Nevada. Judgment entered on
12/05/2022. Order denying petition for writ of
Habeas Corpus.
- 3) Blockson v. William Hutchings, et al., Case no:
2:21-cv-00731-GMN-VCF, In the United States
District Court, District of Nevada. Judgment
entered on 7/25/2022. Order that there was no
miscarriage of justice in the prosecutor misrepresenting
the statute because I did not claim my pleas not

Voluntary.

4) Blockson v. The State of Nevada Department of Corrections and Jerry Howell, Warden. Case No.: 81360-COA. In the State of Nevada Court of Appeals. Judgment entered on 3/05/2021. Order of Affirmance in denial of my petition for Writ of Habeas Corpus.

5) Blockson v. The State of Nevada. Case No.: 82860-COA. In the State of Nevada Court of Appeals. Judgment entered on August 30, 2021. Order of Affirmance and remand to correct the Judgment of Conviction.

6) Blockson v. Nevada Department of Corrections and Jerry Howell, Warden. Case No.: 83656-COA. In the State of Nevada Court of Appeals. Judgment entered on March 30, 2022. ORDER dismissing appeal denying motion to overturn and vacate for Outrageous government conduct and recusal of Judge Wies and District Attorney's Office for Clark County, Nevada.

7) Blockson v. Nevada Department of Corrections and Jerry Howell, Warden. Case No.: A-20-810460-W; In the District Court for Clark County, Nevada. Entered on 5/05/2020. Order of the State Court in denial of the Habeas Corpus Petition.

8) State of Nevada v. Christopher Blockson.
Case no.: C-18-33652-1 in the District
Court of Clark County, Nevada. Order
denying Motion to overturn and vacate
Conviction For outrageous Government
conduct and Recusal of Judge
Wiess and District Attorney's Office
for Clark County, Nevada. Judgment
entered on 10/04/2021

9) State of Nevada v. Christopher Blockson. Case
no.: C-18-336552-1 in the District
Court of Clark County, Nevada. Order
denying Appointment of Attorney and
motion to modify illegal sentence.
Judgment entered on 01/14/2021.

10) Christopher Lenard Blockson v. Gabriella Mejia et al., Case no.: 22-16910. In the
United States District Court, District of Nevada.
Entered on 08/03/2021. This is an order
denying my second request for counsel.
I've included it because it is no longer
on PACER. The ORDER is Electronic
Court filing No.: 15. I will include a
copy at the end of Appendix E. I think
that the Federal Judge took it out purposely.

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Case No.: 22-16910 in the 9th Circuit Court of
appeals denying Certificate of Appealability. Judgment
entered on Aug 31, 2023.

Appendix B: Blockson v. Gabriella Najera, et al.,
case no.: 2:21-cv-00731-GMN-VCF. Order
in United States District Court, District of
Nevada in denial of summary judgment,
Certificate of Appealability and denial of the
petition for writ of Habeas Corpus.
Judgment entered on 12/05/2022.

Appendix B: Blockson v. William Hutchings, et al.,
case no.: 2:21-cv-00731-GMN-VCF. Order in the
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in denial of the prosecutor's misconduct because I did not claim that my plea was not knowingly entered. Entered on 07/25/2022.

Appendix C: Blockson v. Nevada Department of Corrections and Jerry Howell, Warden. Case no.: 81360-COA in the court of appeals for the State of Nevada. Order of affirmance in the denial of writ of Habeas corpus. Entered on March 5, 2021.

Appendix C: Blockson v State of Nevada. Case no.: 82860-COA in the Court of Appeals for the state of Nevada. Order of affirmance and remand to collect the judgment of conviction. Entered on Aug 30, 2021.

Appendix C: Blockson v. The state of Nevada. Case no.: 83656-COA in the Court of Appeals for the state of Nevada. Order Dismissing appeal from order denying motion to overturn and vacate conviction for outrageous government conduct --- entered on March 30, 2022.

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Appendix D: Blockson v. Nevada Department of Corrections and Jerry Howell, Warden. Case No. : A-20-810466-W in the District Court for Clark County Nevada. Order in denial of writ of Habeas Corpus. Judgment entered on 5/5/2020.

Appendix D: State of Nevada v. Blockson. Case no. : C-18-336552-1 in the District Court for Clark County, Nevada. Order denying motion to appoint Attorney and motion to modify sentence. Entered on 04/14/2021.

Appendix D: State of Nevada v. Blockson. Case no. : C-18-336552-1 in the District Court for Clark County Nevada. Order denying motion to overturn and vacate for outrageous government conduct and the recusal of Judge Wiest and District Attorney's Office for Clark County Nevada.

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Appendix E, 3: State of Nevada v. Christopher Blockson, aka, Christopher Lenard Blockson #1220853. Justice Court, Las Vegas Township, Clark County, Nevada. Case no. 18F06094X. Criminal Complaint, filed on 4/17/2018.

Appendix E, 4: State of Nevada v. Blockson, Christopher. Justice Court, Las Vegas Township, Clark County, Nevada. Case no. 18F06094X. Initial appearance. Court minutes. Filed 7/9/2018.

Appendix E, 5: State of Nevada v. Christopher Blockson. Case no. C-18-336552-1. District Court, Clark County, Nevada, Guilty Plea Agreement. Entered on 12/21/2018

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Appendix E, 6: State of Nevada v. Christopher Blockson. District Court, Clark County Nevada. Judgment of Conviction. Case no. C-18-336552-1. Entered on 4/22/2019

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Appendix E, 8: Nevada's Cruelty to Animals statute as it existed in 2018 when I was arrested. NRS 574.100.

Appendix E, 9: Regarding Case no. 2020-181. Christopher Blockson regarding Complaint to Commission on Judicial Discipline. April 2, 2021.

Appendix E, 10: Regarding Grievance no. OBC21-0071; Amy Ferreira, State Bar of Nevada. February 2, 2021.

Appendix E, 11: Christopher Blockson v Jerry Howell. Order in case no. 2:21-cv-00731-GMA in the United States District Court, District of Nevada. Entered on 8/3/21. Second Denial of Request for Attorney.

Appendix E, 12: Christopher Blockson v. Jerry Howell, Case No. 2:21-cv-00731-GMA-VCF. In the United States District Court, District of Nevada (Las Vegas). Civil Docket filed on 12/13/22.

Appendix E, 13: Review of prosecutor Amy L. Ferreira on Martindale.com, state prosecutor in my case is continuing to forge documents in other cases. Entered on 5/5/21.

Appendix E, 14: 28 U.S.C. 2254(b)(2)(B)(ii):
An application for writ of Habeas Corpus on behalf of a person in custody pursuant to the Judgment of a state court shall not be granted unless it appears that—there is an absence of available state corrective process; or circumstances exist that render such process ineffective to protect the rights of the applicant.

TABLE OF AUTHORITIES CITED

CASES

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Williams v. Ryan, 2020 U.S. Dist. Lexis 229254: P. 6, 22
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OTHER

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11 Wright and Miller § 2870 page 27

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 B to the petition and is

☒ reported at 2022 U.S. Dist. Lexis 218395; 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 C to the petition and is

☒ reported at 2021 Nev. App. Unpub. Lexis 105; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

The opinion of the State Trial Court 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.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was August 31, 2023.

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

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

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

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

☒ For cases from **state courts**:

The date on which the highest state court decided my case was March 5, 2021.
A copy of that decision appears at Appendix C.

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

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

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

Constitutional and Statutory Provisions Involved

14th Amendment to the United States Constitution;
due process of Law. --- --- --- --- page 31

Nevada Revised Statute 574.100; Cruelty to
animals --- --- --- --- Appendix E, 8

Fraud on the Court: United States v. Stonehill,
2011 U.S. App. Lexis 78. Out of deference
to the deep-rooted policy in favor of the
repose of judgments entered during past
terms, courts of equity have been
cautious in exercising their power over
such judgments. United States v. Throck-
morton, 98 U.S. 61, 25 L. Ed. 93. But
where the occasion has demanded where
enforcement of the judgment is mani-
festly unconscionable, "Pickford v.
Talbot, 225 U.S. 651, 657, 32 S. Ct.
687, 56 L. Ed. 1240 [(1971)], they have
wielded the power without hesitation.

More Fraud on the Court text. page 26

Outrageous Government Conduct. page 28

Constitutional and Statutory Provisions Involved

Continued

Liberal Construction

2020 U.S. Dist. Lexis 24, ~~24~~ page 6

18 USC 242: "Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any inhabitant of any state, territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than \$1,000 or imprisoned not more than one year, or both; and if death results shall be subject to imprisonment for any term of years or for life.

2254 (b)(1)(B)(ii): An application for writ of Habeas corpus on behalf of a person in custody pursuant to the judgment of a state court shall not be granted unless it appears that - there is an absence of available state corrective process; or circumstance exist that render such process ineffective to protect the rights of the applicant.

Statement OF The Case

Facts Supported by the Record on Appeal

The state of Nevada initiated prosecution with a fraudulent criminal complaint filed on 4/17/2018. The state charged and convicted me of a violation of Nevada Revised Statute (~~of~~ NRS henceforth) 574.100.1(a) as a category "D" felony. However, the state knew that a violation of NRS 574.100.1(a) is/was a misdemeanor.

The state of Nevada misrepresented the statute with the calculated intent that I should accept a plea to the fraudulent charge. The prosecutor told seven outright lies on the cruelty to animals statute to convince me that the misdemeanor animal cruelty was a felony.

The prosecutor ~~was~~ changed the misdemeanor sanctioned by probable cause into a felony without authorization. NRS 574.100.1(a). The prosecutor added a third charge in NRS 202.287 that was not sanctioned by probable cause or grand jury indictment. The state perpetuated this fraud in every pleading for almost an entire year.

The state prosecutor culminated this fraud in the telling of seven (7) factual lies on the cruelty to animals statute in the Admonishment of rights for animal cruelty attached to the guilty plea agreement (gpa) as exhibit #3.

All lower courts have ignored the record on appeal proving fraud on the court and outrageous government conduct. See Williams v. Ryan in the United States District Court for the District of Arizona, 2020 U.S. Dist. Lexis 224254, CV-17-1834-PHX-DWL (JFM), September 30, 2020 Decided, Filed on September 30, 2020:

Liberal Construction - Moreover, the 2020 U.S. Dist. Lexis 2473 liberal construction mandate requires the court to read a claim as asserting legal theories suggested by the facts alleged. Cynthia Gray, Reaching out or overreaching: Judicial Ethics and Self-represented litigants, 27 J. Nat'l Ass'n Admin L. Judiciary 97, 124-125 (2007). "Once again, we must liberally construe the pro se litigant's pleadings, and we will apply the applicable law irrespective whether he has mentioned it by name." Dulhos v. Strasberg, 321 F.3d 365, 373 (3rd Cir. 2003). See Bretz v. Kelman, 773 F.2d 1026, 1027 (9th Cir. 1985)

(liberally construing a prose complaint to assert claim under 42 U.S.C. § 1985, even though only § 1983 cited.)

The judges (all of them) were supposed to apply the law. Instead they all ignored the law and the Constitution for the United States of America.

How do you expect that I will abide by the law when the people charged with upholding the law are breaking it? Man they threw away five years of my life.

Though they have claimed to, no lower court has addressed the merit of my claims. They all ignored my claims. The legal arguments that are being waged are the arguments that the first state court decided to make. All of it is to cover for the prosecutor.

History

The federal District of Nevada Judge ruled in her denial of my Habeas Corpus that I was arrested and charged at some indefinite point in 2018 with cruelty to animals, ownership or possession

of a firearm by a prohibited person, and discharge of a firearm from within a structure or vehicle. The order states that the prosecution begins with the filing of the information on 12/10/2018. This is not true! See Appendix "B" for electronic court filing (ECF) 75 for the order; page 1; lines 17-19.

Such a starting point for this case is crucial to the state's case that I'm barred by Tollet v. Henderson. The prosecution actually started on 4/17/2018 with the filing of the fraudulent complaint. The criminal complaint relates back to a time when I had no lawyer.

Persuant to § 2254(f) I produced my own records. The record on appeal has been compromised by the state.

facts

I was arrested on 4/4/2018, for misdemeanor animal cruelty and possession of a firearm. See appendix E exhibit 1 for the probable cause hearing on 4/6/2018. Three days later, at the completion of the 72 hour hearing, I was released. There was no criminal complaint filed. The state

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of Nevada ask for and receives a 90 day continuance. There were still only two charges. See Appendix E, exhibit # 2 For justice court minute from 4/9/2018.

Eight days later the state files its fraudulent criminal complaint on 4/17/2018. Now the misdemeanor is alleged to be a felony and the third charge of NRS 202.287 is added. There are only two ways to add a charge in Nevada. Grand jury indictment or probable cause hearing. Neither of these happened. See appendix E, exhibit # 3 for the criminal complaint.

I did not have a lawyer or face a judge on the fraudulent charge until 7/9/2018. See appendix E, exhibit 4 for Justice court minute initial appearance.

That is 90 days after my release on 4/8/2018 and 83 day after the filing of the fraudulent criminal complaint on 4/17/2018. The state perpetrated this fraud in every pleading for almost an entire year. In fact the fraud is continuing today because I'm still in prison. The prosecutor's action evidence a scheme to deprive me of Justice,

see all of the state's pleadings in which it is alleged that a violation of NRS 574.100.1 (a) is a felony. See also that the third charge of NRS 202.287 remained until it was dropped pursuant to the plea agreement. There was no third charge. It was completely lacking in probable cause. The third charge was illegally introduced and used only to leverage a guilty plea.

THE Seven Lies Told BY THE PROSECUTOR IN THE Guilty Plea AGREEMENT:

Note. All subsections hereafter referred to are from the cruelty to animals statute unless expressed otherwise. NRS 574.100.

1) A willful violation of NRS 574.100.1(a) is not punished by § 1(a). The state prosecutor wrote:

"...having willfully and unlawfully committed an act of torture or unjustifiably maimed, mutilated or killed an animal, and/or..."

See Appendix E, exhibit 5 for the GPA with the Admonishment attached thereto as exhibit #3.

Paragraph one of the Admonishment was obviously intended to represent NRS 574.100.1, 2, 3 and 5. The state prohibits the conduct described. The described conduct are all misdemeanors on the first and second violation unless punished under § 6(a), (b) or § 7(c). See Appendix E, 8 for the cruelty to animals statute (NRS 574.100).

The state prosecutor has inaccurately represented the cruelty to animals statute. Willful or not is the difference between a felony and a misdemeanor. § 1(a) does not have willful language. The word willful and the Felony that it represents does not appear in the statute until § 6.

2) The Chief Deputy DA wrote:

"Any violation for unjustifiably maiming, mutilating, or killing an animal (Felony NRS 574.100. 1(a)).

See appendix E, exhibit 5, for the GPA with the admonishment for animal cruelty attached as exhibit #3. Second page of the admonishment; first paragraph; Bold heading.

Again, the state does not accurately present the cruelty to animals statute. A violation of § 1(a) is a misdemeanor not a felony. § 6 is intended to punish a willful violation of § 1(a) - whether it be a person's first violation or not. See Appendix E, § for the Cruelty to animals statute. NRS 574.100.

Therefore, while it is true that any violation for unjustifiably maiming, killing, or mutilating an animal is a felony, a violation of §.6 (a) or (b) must be alleged.

3) Again see appendix E; exhibit 5, for the GPA with the admonishment for cruelty to animals attached as exhibit #3; second page; first paragraph; first and second sentence:

"(A) except as otherwise provided in (B) is a category D felony and shall be punished as provided in NRS 193.130. (B) if the act was committed ~~to~~ in order to threaten, intimidate, or terrorize another person is a category C felony..."

These two sentences are out of context, they are identical to paragraphs (a) and (b) from §6 of the cruelty to animals statute. They are not found in §1. The DA has given the impression that the felonious language of §6 is found in §1(a) by joining the bold heading of the paragraph with paragraphs (a) and (b) from §6. See Appendix E, 8 for the cruelty to animal statute.

4) Chief Deputy DA Ferreira wrote:

"...A violation of NRS 574.100.1(a) is a felony regardless of the existence of prior convictions, and any conviction under NRS 574.100.1(a) will be used to enhance any § of NRS 574.100..."

See appendix E; exhibit 5 for the GPA with Admonishment for animal cruelty attached thereto as exhibit 3. See page 2 of Admonishment; first paragraph; third sentence. Again, a violation of § 1(a) is a misdemeanor pursuant to § 7(a, b). Any violation of § 1(a) is therefore not a felony. A violation of § 1(a) is never ever a felony unless charged under § 6(a), (b), or § 7(c). See Appendix E, § for cruelty to animals statute.

5) The state prosecutor wrote:

"...first offense within 7 years misdemeanor NRS 574.100.1b-f/1.2/1.3/1.5"

See appendix E, exhibit 5 for GPA with admonishment attached thereto as exhibit 3.

second page of the admonishment; second paragraph; Bold heading. This is the 5th misrepresentation of the cruelty to Animals statute (NRS 574.100). The state has omitted § 1(a) from the list of offenses enumerated in § 7(a) as misdemeanors on the first offense. Clearly § 7 includes § 1(a). The obvious intent was to make me believe that a violation of § 1(a) is a felony by erasing all evidence that it is a misdemeanor from the statute. See exhibit ~~E~~ E, & for cruelty to Animal statute.

c) The state prosecutor wrote:

"... second offense within 7 years (misdemeanor NRS 574.100.1b-F/.2/.3/.5..."

See petitioner's appendix E; exhibit 5 for the GPA with admonishment for cruelty to animal attached as exhibit 3. Second page of the Admonishment; third paragraph; Bold heading. In the same scheme the prosecutor has removed § 1(a) from the provision of § 7(b) enumerating those offense that are misdemeanors on the second offense.

7) The state prosecutor wrote:

"... Third offense within 7 years (Felony NRS 574.100-1b-f / .2 / .3 / .5..."

See appendix E, exhibit 5 for the GPA. Second page of the admonishment; fourth paragraph; Bold heading. The state has omitted § 1(a) from the list of offense enumerated as felonies on the third offense as provided by § 7(c).

The state's rewriting of the statute renders the entire statute non-sensical. The prosecutor claims that any violation of § 1(a) is a felony. Yet she omitted § 1(a) from the provisions of § 7(c) that provides a felony on the third or subsequent violation of § 1(a). The prosecutor, in a effort to keep me from knowing that a violation of § 1(a) is a misdemeanor, removed § 1(a) from the provisions of § 7(a, b) that provide misdemeanors on the first and second violation of § 1(a).

We know from the true construction of NRS 574.100.7(a+b) that any violation of § 1(a) is not a felony. § 7(a+b) provides misdemeanors on the first and second violation of § 1(a). The felony violation of § 1(a) is reserved for the willful violation of § 1(a), first offense or not.

The point is that the prosecutor knew, as evidenced by her changing of the cruelty to animals statute, in seven (7) distinct and different ways, that a violation of § 1(a) is a misdemeanor. She just wanted me to believe that it was a felony. It follows that the prosecutor's intent and knowledge were the same in every other pleading she filed before the Guilty Plea Agreement when she claimed that a violation of § 1(a) was a felony.

The Nevada Court of Appeals found no clerical error when the petition for writ of Habeas Corpus was presented. Instead they just said that my claims were outside the scope of the Habeas Corpus. See Appendix

C However, when I next appealed the denial of an attorney and motion to collect an illegal sentence to the Supreme Court of Nevada, this time they said that the use of § 1(a) instead of § 6(a) was a clerical error. They remanded to change the violation to § 6(a) and to add a sentencing statute. The Nevada Supreme Court's ruling of clerical error was just an attempt to cover the fraud on the Court and outrageous conduct of the State prosecutor.

There can be no clerical error in the guilty plea agreement or the judgment of conviction when the prosecutor conveyed exactly what she intended. It may be called a lie, but it was no clerical error or mistake.

The Nevada Court of Appeals did not remedy the situation by calling the lies a mistake or clerical error. The Nevada Court of Appeals had no statutory right to amend the judgment of conviction. The changes ordered were not authorized by any state authority.

The principle of finality underlies the rule that a court may not substantially alter a judgment without specific authorization. See e.g., *United States v. DiFrancesco*, 449 U.S. 117, 101 S. Ct. 426, 66 L. Ed. 2d 328 (1980); *United States v. Scott*, 437 U.S. 82, 84-85, 98 S. Ct. 2187, 2190, 57 L. Ed. 2d 65 (1978).

NRS 176.565 does not authorize the Nevada Court of Appeals to change a violation of the statute to §6 (a) or to add a sentencing statute.

NRS 176.565 provides: Clerical mistakes in judgments, orders, or other parts of the record and errors in the record arising from oversight or omission may be corrected by the court at any time.

As the court can see from the admonishment of rights for cruelty to animals, the prosecutor was willful and deliberate when she called a violation of NRS 574.100.1(a) a felony. She told seven distinctly different lies to convince me that it was so. There was no error in the record arising from oversight or omission.

The issue of clerical error had already passed the Nevada Court of appeals. Additionally they did not correct a clerical error or mistake in the record. The record demonstrates that the judgment of conviction signed by the trial judge accurately reflects the judgment that he pronounced in open court. See appendix E, exhibit 6 for the original judgment of conviction and exhibit 7 for the sentencing transcripts; page 2 line 18.

Compare United States v. Marquez 506 F.2d 620 (2d Cir. 1974); Kennedy v. Reid 101 U.S. App. 400, 249 F.2d 492 (1957).

NRS 170.565 applies only to clerical errors and oversights in the record; it does not authorize substantive alteration of the final judgment of conviction. See United States v. Marchese 341 F.2d 782, 8 S. Ct. 41, 15 L. Ed 2d 64 (1965); 2 C. Wright, Federal practice and procedures § 611 (1969).

Black's Law Dictionary defines "scrivener's error" as synonym for clerical error. A clerical error is one resulting from a minor mistake or inadvertence, esp. in writing or copying something from the record, and not from judicial reasoning or determination. (Black's law dictionary 563 (7th ed. 1999)).

Examples of clerical error include omitting an appendix from a document; typing an incorrect number; miscribing a word; and failing to log a call.

Some will claim that proof of the clerical error is the difference between the numbers; a violation of § 1(a) or § 6(a). Hence, there is room for the clerical error argument advanced by the Nevada Court of Appeals.

First I was already past the Nevada Court of Appeals. Therefore their subsequent ruling should not be relevant to Mr's Habeas action. See Carter v. Mitchell, C.A.(6) (OHIO) 2012, 693 F.3d 555 on remand 2013 WL 146366. (Once a Federal claim has been fairly presented at the first possible opportunity within one complete round of a state's established appellate review process, the claim has been exhausted for purposes of federal Habeas Review).

Second; The clerical error theory is debunked by the official record on appeal; the sentencing transcript, the original Judgment of conviction, the Admonishment in the CPA, minute orders from Justice Court proving there were only two Charges sanctioned by probable cause...

In the admonishment for cruelty to animals the Chief Prosecutor switched out numbers, rewrote NRS 574.100.7(a) & (b) to not include § 1(a) as a misdemeanor, copied and pasted paragraphs (A) and (B) from § 6 to § 1, and otherwise tailored the Cruelty to animals statute in seven distinctly different ways.

That is not clerical error. It is fraud on the court and outrageous government conduct. The doctrines of equitable estoppel and res Judicata preclude the Nevada Court of Appeals ruling of clerical error on the motion to correct a facially illegal sentence. It is not relevant to this Habeas proceeding. The Nevada Court of Appeal passed on the issue of clerical error when it was properly before them.

To satisfy exhaustion requirements, habeas petitioner must have fairly presented claim in state courts to give the opportunity to

pass upon and correct alleged violations of his rights. *Rose v. Palamater*, C. A. 9 (O.R.) 2005, 395 F.3d 1108, certiorari denied. 125 S. Ct. 2971, 545 U.S. 1144, 162 L. Ed. 2d 896.

No Explicit Legal Theory Required

In the denial of a certificate of Appealability by the Appellate Court; to the extent that the 9th circuit relies on my "failure to show that jurist of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurist of reason would find it debatable whether the District Court was correct in its procedural ruling... they demand too much." And while the applicant must specify all the grounds for relief available, "no statute or rule requires that a petitioner identify a legal theory or include citations to legal authority." Brian R. Means, Required Specificity of Allegations, Postconviction Remedies § 12.6 (2018). (*Williams v. Ryan* (supra)).

The Federal District court ruled in the dismissal of ground 2 that I could not reach a claim of malicious prosecution or prosecutorial misconduct because I did not claim that my plea was involuntary. See Appendix B exhibit 2 for Electronic Court Filing 55 for the Federal District of Nevada Court order, page 5 line 7.

Tollet v. Henderson does not address the constitutional deprivation that occurred before my initial appearance in District Court. A total of 83 days transpired between the filing of the criminal complaint on 4/17/2018 and my initial appearance on 7/9/2018. How could Tollet truthfully apply to the deprivation of my constitutional right that occurred before I was formally charged with a crime?

All that I knew at that point was that the state had asked for and received a 90 day continuance. I was released from custody. I had no lawyer. I had no charge because the prosecutor did not file a criminal complaint with the charges sanctioned by the probable cause hearing held on 4/6/2018. See appendix E exhibit 1 for minutes.

I had not been formerly charged with a crime when the prosecutor rewrote the animal cruelty statute. Yet the District Court would deny me relief by saying that I should have asserted the deprivation of this right before sentencing. I wasn't even aware at sentencing that my rights had been violated.

I went through the charade of a fair criminal prosecution. I wrote letters to the judge. I had my friends and family attest to how I was living.

At sentencing I asked the judge if he had the opportunity to read my letters.

He said "yes", but the fix was already in. It was fixed 83 days before I faced a judge. The crime is not so much that it was allowed to happen in America in 2023. The real crime is the deliberate indifference and attempts to cover it up by state and federal authorities. The Tollet v. Henderson argument of whether the violation occurred before or after sentencing is out of place.

I understand the magnitude of these allegations. This could never have happened if just a part of the ideal of America

were actually true. Had only one person who witnessed this travesty of justice stood against it, it would have dissolved into nothing. The fact that it did happen - the fact that so many judges passed on the trespass of my rights ~~is~~ is an indication of the magnitude of the problem. I know that the proof is not debatable. The question is what does the United States Supreme Court want to do about it?

FRAUD ON THE COURT

This is textbook fraud on the court. Initially the state District Court judge probably didn't know what was going on because this farce initiated in Justice Court. The Justice Court Judge did not know what was happening because it culminated in the District Court. The lawyer who would later be appointed to my case did not know because he would

not be appointed until after my initial appearance in District Court on 7/9/2018. The fact that the appointed lawyer could not have known what transpired before his appointment, but still be willing to play ball with the prosecutor is another indication of the scope of the problem. Nevada has obvious problems with the fair administration of Justice.

The wheels of Justice were effectively handcuffed by the prosecutor. The prosecutor is the only person who knew for sure what the play was. This is the exact situation anticipated by a legitimate fraud on the court claim as held in *United States v. Stonehill*:

"Fraud on the Court" should, we believe, embrace only that species of fraud which does or attempts to defile the court itself, or fraud perpetrated by officers of the court so that the judicial machinery can not perform in the usual manner its impartial task of adjudging cases that are presented for adjudication. In *Re Intermetics America Inc.*, 920 F.2d 912, 916 (9th Cir 1991), (quoting *J. Moore* & 2011 U.S. App. Lexis 803 and *Lucas*

Moore's Federal Practice ¶160.33
at 515 (2d Ed. 1978).

In order to adequately plead a fraud on the court claim, a plaintiff must allege a scheme by which the integrity of the judicial process ~~is~~ has been subverted and involve more than injury to a single litigant (Addington 650 F.2d 668).

The scheme described by the prosecutor played out from the time I was released on 4/9/2018 until I entered into the Guilty plea on 12/21/2018. It played out over 8 months. The court and the people were injured as was I.

Tollet v. Henderson is simply not applicable. The power of the court is not restrained by any state rule or Supreme court precedent when it is apparent that fraud on the court has been perpetrated against it.

"... the power to vacate for fraud on the court is so great, and so free from procedural limitations, ..." 11 Wright and Miller § 2870, United States v. Stonehill 666 F.3d 415, 2011 U.S. App. Lexis 19709, 108 A.F.T.R. 2d (RIA) 2011-6436 NO. 1035789.

Outrageous Government Conduct

The Supreme Court has indicated that there are situations in which conduct of law enforcement officials is so outrageous as to bar prosecution. 411 U.S. 423, 431-32, 36 L. Ed. 2d 366, 93 S. Ct. 1637 (1973); accord *Hampton v. United States*, 425 U.S. 484, 492-93, 48 L. Ed. 2d 113, 96 S. Ct. 1646 (1976) (Powell J. concurring). We have stated that prosecution is barred "When the government's conduct is so outrageous as to violate the universal sense of justice," *United States v. Ramirez*, 710 F. 2d 535, 539 (9th Cir. 1976) cert. denied, 430 U.S. 965, 52 L. Ed. 2d 356, 97 S. Ct. 1644 (1977).

NO SUBJECT
MATTER

JURISDICTION

No court above the Justice court,
had subject matter jurisdiction over the
misdemeanor.

see NRS 4.370(3) which reads in pertinent part:

... Justice courts have jurisdiction of all misdemeanors and no other criminal offense except as otherwise provided by a specific statute....

See Bradley v Fisher, 80 US 335. (A distinction must be here observed between excess of jurisdiction and clear absence of all jurisdiction over the subject-matter.

[80 US 352]
Where there is clearly no jurisdiction over the subject matter, any authority exercised is usurped authority, and for the exercise of such authority, when want of jurisdiction is known to the judge, no excuse is permissible).

It follows that all subsequent courts to Justice Court exercised a usurped authority over the misdemeanor (NRS 574.100.1(a)) which was to remain in the Justice Court.

I told the judges what the prosecutor had done in rewriting the cruelty to animals statute in every pleading I filed. I was ignored.

The state prosecutor's fraud in the CPA proves the lack of probable cause for felony animal cruelty (NRS 574.100.1(a)) and shooting from or into a structure or vehicle (NRS 202.287). See *Crescent City Live Stock Co.*, 7 S Ct 472 (1887). (Lack of probable cause proven by fraud).

I am innocent of felony animal cruelty as proven by the Record on Appeal. Fraud on the Court negates the entire criminal conviction. The outrageous government conduct bars further prosecution for anything.

See *Paul Kern Imbler v Richard Pachtman*, District attorney, 424 US 409, 47 L Ed 2d 128, 96 S Ct 984.

[11] We emphasize that the immunity of prosecutors from [424 US 429] liability in suits under 1983 does not leave the public powerless to deter misconduct or to punish that which occurs. This Court has never suggested that the policy considerations

which compel civil immunity for certain governmental officials also place them beyond the reach of the criminal law. Even Judges, cloaked with absolute civil ~~immunity~~ immunity for centuries, could be punished criminally for willful deprivations of constitutional rights on the strength of 18 USC § 242 [18 USC § 242, ²⁸ the criminal analog of <*pg. 143> § 1983. O'Shea v Littleton, 414 US 488, 503, 38 L Ed 2d 674, 94 S Ct 669 1974; cf. Gravel v. United States 408 US 606, 627 33 L Ed 583, 92 S Ct 2614 (1972). The prosecutor would fare no better for his willful acts.²⁹

CONSTITUTION OF THE United States AMENDMENT XIV

Section 1. All person 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.

Persuant to 2254(b)(1)(B)(i) there is no process in place in the state of Nevada to prevent the violation of my constitutional rights. Despite the obvious lies in the CPA the Nevada Committee on Judicial was of no help. See Appendix E, exhibit #9 for letter from Committee on Judicial disciplin.

The same with the Nevada Bar. I complained about the prosecutor's obvious lies. See appendix E, exhibit #10 for the letter from the Nevada Bar. Both the Committee on Judicial Disciplin and the Nevada Bar were combative in their defense of the judge and prosecutor.

See Appendix E, exhibit #11 for order denying my second request for the appointment of an attorney. I've included it because it has been removed from PACER.

REASONS FOR GRANTING THE PETITION

The United States Court of Appeals for the 9th circuit has entered a decision on the important issue of the liberal construction of pro se litigant pleadings that is in conflict with itself and the United States Court of Appeals for the Third circuit:

9th circuit Appellate Court on Liberal construction of pro se litigant pleadings: Bretz v. Helman 773 F.2d 1026, 1027 (9th cir. 1985) (liberally construing pro se claim to assert claim under 42 U.S.C. § 1985, even though only § 1983 cited).

3rd circuit Appellate Court on Liberal construction of pro se litigant pleadings: "Once again, we must liberally construe the pro se litigant's pleading, and we will apply the applicable law, irrespective of whether he has mentioned it by name." Dluhos v. Strasberg, 321 F.3d 365, 373 (3rd cir 2003).

Moreover, the Williams v. Ryan, United States District Court (Arizona) 2020 U.S. Dist. Lexis 243 liberal construction mandate

requires the court to read a claim as asserting legal theories suggested by the facts alleged. Cynthia Gray, Reaching out or overreaching: Judicial ethics and self-represented litigants, 27 J. Nat'l Ass'n Admin. L. Judiciary 97, 124-125

The United States Court of Appeals for the 9th CIR has decided the important question of liberal construction of pro se litigant pleadings in a way that conflicts with a decision by a state court of last resort. see People v. Bergerud, 273 P.3d 686, 697 (Colorado 2010).

The United States Court of Appeals for the 9th Circuit has so far departed from the accepted and usual course of judicial proceeding and sanctioned such departure by all lower courts in failing to acknowledge the official record on appeal proving fraud on the court and outrageous government

The above violations call for an exercise of this court's Supervisory powers.

The Nevada Court of Appeals has decided the important federal question of liberal construction of pro se litigant pleadings in a way that conflicts with the Supreme Court of Colorado. See *People v. Bergerud*, 273 P.3d 686, 697 (Colorado 2010).

The Nevada Court of Appeals and the United States Court of Appeals for the 9th Circuit have decided the important question of liberal construction of pro se litigant pleading in a way that conflictss with relevant decisions from this court. See Supreme Court library Constitutional Mandate: *Tafflin v. Levitt*, 493 U.S. 455 (1990)

IMPORTANCE TO PUBLIC

The decision by the 9th circuit appellate court to deny me a certificate of Appealability because I Failed to state that "Jurist

OF reason would find it debatable whether the petition states a valid claim OF the denial OF a constitutional right and that jurist OF reason would find it debatable whether the district court was correct in its procedural rulings," is clearly erroneous when the facts alleged prove fraud on the court and outrageous government conduct. It is all a part OF the record on appeal and has been ignored by all lower courts.

The liberal construction mandate requires the court to read a claim as asserting legal theories suggested by the facts alleged. I told every court that the prosecutor told 7 factual lies on the cruelty to animals statute to convince me that a violation OF NRS 574.100.1(a) is a felony, but its a misdemeanor.

The correct method toward interpretation OF pro se litigant pleadings is OF crucial importance to the general public necessitating the intervention OF the United States Supreme Court.

Ours is a nation governed by the rule of law. No one is above the law. Not me, not the prosecutor, and not the judges who sought to cover for the prosecutor.

A prosecutor can not become the judge, jury and executioner - simply because she wants to. In this country allegations are made then the legal process begins. It is called due process of law.

When a government ignores the charter of its own existence, it invites anarchy and chaos. Every man becomes his own sovereign authority. It undermines the legitimacy of the government and its ability to enforce the law. Why should I abide by the law if the government does not?

This case is important to those similarly situated. Are we denied justice because we are indigent? We need to know that the sword of Lady Justice cuts both ways and that she is truly blind. We need to know that a lying, willful and malicious prosecutor can not simply throw our lives away on a whim.

An entire segment of the Judiciary and the ~~BAB~~ BAR, responsible for the fair administration of Justice in Nevada, colluded to cover for the prosecutor. She used the criminal justice system to kidnap me for 5 years and counting. We know that it's true because we have the Guilty Plea Agreement with the admonishment for Animal cruelty attached as exhibit # 3 - The official record on appeal in which the prosecutor tells 7 factual lies on the cruelty to animals statute.

This should not happen to any person, and certainly not to an American citizen in America.

I'm still doing time. I could be here for a year or more. I could be killed by other inmates. The mental anguish and torture I feel is unimaginable.

The Supreme Court should grant certiorari to send the message, "The willful deprivation of the rights of Americans will not be tolerated by the Supreme Court!"

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Christopher Blockson

Date: 11/07/2023