

23-7316

ORIGINAL

IN THE

FILED
JAN 17 2024

OFFICE OF THE CLERK
SUPERIOR COURT, U.S.

SUPREME COURT OF THE UNITED STATES

David Lack — PETITIONER
(Your Name)

vs.

Matthew Rodriguez — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

The United States Court of Appeal Ninth District Court
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

David Lack
(Your Name)

10105 E. Via Linda # 453
(Address)

Scottsdale, AZ., 85258
(City, State, Zip Code)

480-589-8166
(Phone Number)

QUESTION(S) PRESENTED

JUROR Misconduct:

Should a juror Gene SINSER who worked his way up to Jury Foreman be allowed to:

1. Not disclose that he knew the District Attorney
2. Not disclose that he raised ^{money} and attended Fundraisers for the D.A.
3. Had met + know the Defendant since 2011 through his wife
4. Allowed to show Newspaper Articals to other Jurors in the hallway outside of the courtroom during the lunch break.
5. Engage with local journalist in the courtroom
6. Goes up to the head D.A and attempts to shake her hand.
7. Attempt to talk to the trial Judge in the grocery store

LIST OF PARTIES

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

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

RELATED CASES

personally I looked online and I could not find any cases related or similar circumstances of what Jury foreman Gene Sinsel performed.

Maybe the closest was Calderon 151 F.3d (9th Cir 1998)
& United States v. Hendrix 9th Cir 1997.

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Dyer v. Calderon 151 F. 3d (9th Cir 1998)

United States v. Hendrix 549 F.2d 1225, 1227 (9th Cir 1977)

STATUTES AND RULES

- Rights to a fair trial + due process by the Fifth, Sixth and Fourteenth Amendments to the United States Constitution.

28 U.S.C. 2254 (d) (1) (3)

OTHER

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A

APPENDIX B

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

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 1 to the petition and is

reported at United States Court of Appeals for the Ninth Circuit,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

The opinion of the United States district court appears at Appendix 2 to the petition and is

reported at United States District Court Central District of CA; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

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

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

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

The opinion of the _____ court appears at Appendix _____ to the petition and is

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

JURISDICTION

[] For cases from federal courts:

The date on which the United States Court of Appeals decided my case was August 30, 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: August 30, 2023, and a copy of the order denying rehearing appears at Appendix 1.

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

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

[] For cases from state courts:

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

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

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

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Amendment VI United States Constitution [1791]

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 Assistance of Counsel for his Defense.

STATEMENT OF THE CASE

In this case, The foreperson (Gene Siver) failed to disclose the fact that he knew Ms. Dudley personally, raised money for her campaign during voir dire amounts to concealment of material fact and given a false answer.

Ms. Dudley is the Top Law Enforcement official in Santa Barbara County and the boss of the lawyer who tried the case for the District Attorney's Office. The Jury Foreman even approached her during a break to shake her hand.

During voir dire, which took 3 days to assemble a jury, the court and council asked questions of the prospective jurors to disclose "if they knew people with law enforcement training and experience and people working in law enforcement agencies." The foreperson failed (deliberately) that he had known Ms. Dudley or any personal ties to Ms. Dudley. misleading the court and impression which ended up not to be True! See Attach Declaration of Frank E. Iaross Jr. Oct 14, 2014 statement. Along with letter from Sigma Stanpe McCormack. Santa Barbara November 6, 2014 court Documents pages 2126 - 2143 of Jury Misconduct by Gene Siver Jury Foreperson.

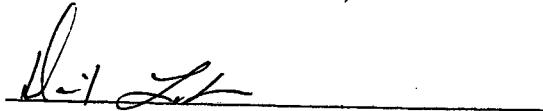
REASONS FOR GRANTING THE PETITION

This petition with a hearing will show several times of Jury Misconduct by a person who worked his way into the jury pool and clever enough to become Jury Foreman. Gene Simer a man who was on the Grand Jury (twice in his life) and fully knew what he was doing with the participation of the D.A.'s office especially Sr. Deputy DA Brian Cota. Jury misconduct raises a presumption of prejudice; and unless the prosecution rebutes that presumption or the trial court by proof that that NO prejudice actually resulted. Petitioner Lach is entitled to a new trial or at least a hearing on the facts not just Jury misconduct, but actual Jury (Foreman) misconduct which I could not find a specific case and could this be the first?

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Neil L. Lerner".

Date: Apr. 19, 2024.