

No. **24-5445**

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

AUG 23 2024

OFFICE OF THE CLERK

SOREN RICHARD OLSEN II PETITIONER
(Your Name)

vs.

WASHINGTON STATE — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

DIVISION ONE APPELLATE COURT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

SOREN RICHARD OLSEN II
(Your Name)

1301 N. EPHRAATA, P.O. Box 769
(Address)

CONNELL, WA. 99326 - (I-B-17)
(City, State, Zip Code)

(360) 334-2082 - (WIFE/MESSAGE)
(Phone Number)

QUESTION(S) PRESENTED

- 1) CAN (IN COMPLETE CONTRAST TO WELL ESTABLISHED U.S. SUPREME COURT, AND OTHER STATES APPELLATE COURTS) WASHINGTON STATE IGNORE WITH IMPUNITY, AN AMERICAN BORN CITIZEN'S DUE PROCESS RIGHTS PROTECTED BY U.S. CONST. AMENDS. V, VI, & XIV?
"BRADY" - DESTRUCTION OF FAVORABLE EVIDENCE "UPON REQUEST"
"STRICKLAND" - GOVERNMENT'S ACTIVE PREVENTION OF "REASONABLE INVESTIGATION" BY DEFENSE COUNSEL, "FAIR TRIAL" AND "EFFECTIVE ASSISTANCE" - WITH THE ORDERED DESTRUCTION OF THE ENTIRE ALLEGED "CRIME SCENE" CONTAINING ALL GATHERED EVIDENCE DURING THE COURSE OF THE CRIMINAL INVESTIGATION, 3 DAYS AFTER DEFENSE PRESERVATION DEMANDS FOR ALL MATERIALS HELD BY THE POLICE ARE PROPERLY FILED WITH THE COURT.
- 2) CAN THE TRIAL COURT CONDONE THIS LEVEL OF TOTAL DESTRUCTION OF EVIDENCE WHERE 2 SEPARATE "ABUSE OF DISCRETIONS" ARE REASONABLY QUESTIONED IN ITS WRONGFUL DECISION TO DENY MOTION TO DISMISS UNDER "YOUNG BLOOD"?
- 3) CAN THE APPELLATE SYSTEM IGNORE "STANDARD OF REVIEW" AND REFUSE TO ADDRESS A DIRECT QUESTION OF "ABUSE OF DISCRETION" TO APPLY WRONG LEGAL STANDARD AND, TREAT WITH A COMPLETE LACK OF ACKNOWLEDGEMENT THE SECOND DIRECT QUESTION OF "ABUSE OF DISCRETION" TO EMPLOY WRONG LEGAL TEST, BY RULING ON UNTENABLE GROUNDS IN FAVOR OF AN INAPPLICABLE STATUTE RCW 7.69.030, AUTHORIZING THE DESTRUCTION OF POTENTIALLY EXCULPATORY EVIDENCE? IN DOING SO, CITING AN INAPPLICABLE PRECEDENT TO JUSTIFY NEGLIGENT, AND INCOMPETENT POLICE PERFORMANCE, AND IGNORING CASE MERITS?
 - A) NO EARNEST EFFORTS MADE TO PRESERVE - SEE U.S. V BRYANT SUPRA
 - B) DESTRUCTION OF EXACTLY SPECIFICALLY REQUESTED MATERIALS.
 - C) NO PRIOR NOTICE OR PETITION TO A PLANNED / ORDERED DISPOSITION
 - D) NO "REASONABLE OPPORTUNITY" ALLOWED FOR A "REASONABLE INVESTIGATION".IN ORDER TO RULE NO BAD FAITH "AFTER" RULING POTENTIALLY EXCULPATORY EVIDENCE WAS INDEED DESTROYED.

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:

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	5
CONCLUSION.....	6

INDEX TO APPENDICES

APPENDIX A - UNPUBLISHED DECISION / MOTION FOR RECONSIDERATION ORDER TO DENY MOTION FOR RECONSIDERATION
APPENDIX B - SKAGIT COUNTY JUDGMENT AND SENTANCE / ORDER TO PROCEED ON APPEAL AT PUBLIC EXPENSE
APPENDIX C - PETITION FOR REVIEW / ORDER TO DENY REVIEW
APPENDIX D - PETITION FOR " <u>STATE</u> " HABEAS CORPUS / <u>CIVIL CASE INITIATED</u> <u>CLERK RESPONSE LETTER / GRANTED FORMA PAUPERIS ORDER</u>
APPENDIX E
APPENDIX F

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
<u>ARIZONA V YOUNGBLOOD</u> , 488 U.S. 51, 109 S.Ct. 333, 102 L. Ed. 2d 281 (1988) - - - - -	4
<u>BRADY V MARYLAND</u> , 373 U.S. 83, 87, 10 L. Ed. 2d 215, 83 S.Ct. 1194 (1963) - - - - -	4
<u>STRICKLAND V WASHINGTON</u> , 466 U.S. 668, 684, 691, 104 S.Ct. 2052, 80 L. Ed. 2d 674 (1984) - - - - -	4
<u>UNITED STATES V BRYANT</u> , 439 F. 2d. 642, 644 (D.C. Cir 1971) - - - - -	4
<u>YOUNGBLOOD V WEST VIRGINIA</u> , 547 U.S. 867, 126 S.Ct. 2188, 165 L. Ed. 2d 269 (2006). - - - - -	4
STATUTES AND RULES	
RCW 7.69.030 - - - - -	4

OTHER

STANDARD OF REVIEW FOR ABUSE OF DISCRETION FOR DENIAL OF MOTION TO DISMISS - - - - -	4
---	---

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 _____ 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 _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished. **APPENDIX A**

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 _____.

☐ 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 July 10, 2024.
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

U.S. CONST. AMEND. V - FAIR TRIAL / DUE PROCESS

U.S. CONST. AMEND. VI - EFFECTIVE ASSISTANCE / DUE PROCESS

U.S. CONST. AMEND. XIV - EVIDENCE DESTRUCTION / DUE PROCESS

RCW 7.69.030 - ABUSE OF DISCRETION / DUE PROCESS - UNTENABLE

(SEE APPENDIX D - PETITION FOR "STATE" WRIT OF HABEAS CORPUS)

STATEMENT OF THE CASE

PETITION FOR "STATE" WRIT OF HABEAS CORPUS INITIATED IN THE SUPERIOR COURT - CASE No.: 24-2-50687-11 ON JULY 2, 2024, DEMONSTRATES TWO SIMPLE FACTS. (SEE APPENDIX D.)

1) THIS CASE HAS ALREADY CROSSED A THRESHOLD THAT IS EVEN MORE MATHEMATICALLY IMPOSSIBLE THEN A GRANTED REVIEW ON PETITION FOR WRIT OF CERTIORARI.

2) STATE APPOINTED APPELLATE COUNSEL WAS SEVERELY INEFFECTIVE IN HIS SIMPLIFIED ARGUMENT OF THIS CASE BEING A "PER-SE" "BAD FAITH" CIRCUMSTANCE.

EVEN IN THIS INADEQUATE ARGUMENT THE WASHINGTON STATE COURTS IGNORED OBVIOUS SET LEGAL STANDARDS BY THE UNITED STATES SUPREME COURT; IN WELL ESTABLISHED CASE LAW, AND CONSTITUTIONAL ANALYSIS FROM "BRADY", "STRICKLAND", "BEYANT", AND "YOUNGBLOOD". IN THIS EGREGIOUS OVERSIGHT BY THE COURTS, THE STANDARD OF REVIEW FOR ABUSE OF DISCRETION HAS ALSO BEEN IGNORED ENTIRELY, FOR TRIAL COURT'S DECISIONS THAT APPLIED THE WRONG LEGAL STANDARD, EMPLOYED THE WRONG LEGAL TEST, AND AN UNTENABLE RULING BASED ON AN ERRONEOUS VIEW OF THE LAW, OF RCW 7.69.030. SEE ALSO YOUNGBLOOD V. WEST VIRGINIA (2006); CERT GRANTED

THE ONLY ISSUE RAISED BY COUNSEL ON REVIEW WAS BAD FAITH DESTRUCTION OF ALREADY RULED AS POTENTIALLY EXCULPATORY EVIDENCE - (THE ENTIRE ALLEGED "CRIME SCENE" CONTAINING ALL GATHERED EVIDENCE, UNCOLLECTED AS EXCULPATORY) DEPRIVED ANY EXCULPATORY INQUIRY. HOWEVER REVIEW OF COURT FILES 89 & 94 - REQUEST FOR MISTRIAL AND DIRECTED VERDICT WILL ALSO CONFIRM THIS CASE AS THE ONLY 7 JUDGE DELIBERATION IN HISTORY. ALLOWED BY A JUDGE BY ULTIMATUM, LATER FOUND TO HAVE A CONFLICT OF INTEREST PROSECUTING AN ANTIQUE FROM 1861 THAT BY FEDERAL STANDARDS IS NOT A FIREARM. THIS SHOULD NOT HAVE BEEN ALLOWED TO TRIAL, BUT THE EFFORTS TO JUSTIFY THIS UNCONSTITUTIONAL CONVICTION ARE SHOCKING.

PRP FOR JUDGE & JURY ISSUES FILED 8/22/24

REASONS FOR GRANTING THE PETITION

THE CONSTITUTIONAL AMENDMENT RIGHTS ARE TO PROTECT THE PEOPLE OF AMERICA, ONE AND ALL. WHEN THE BASIC RIGHTS TO DUE PROCESS, AND FAIR TRIAL ARE IGNORED BY A GOVERNMENT OF THE PEOPLE, IN ANY STATE, AND ALLOWED WITH IMPUNITY BY THE APPELLATE PROCESS WITHOUT REVIEW, OR EVEN AN ORAL ARGUMENT, THE RIGHTS OF FREEDOM AND LIBERTY ARE PUT TO RISK FOR EVERY SINGLE PERSON WHO PROUDLY CLAIMS AMERICAN CITIZENSHIP.

IF THIS ISSUE OF BASIC RIGHTS, IS IGNORED IN THIS PETITION FOR WRIT OF CERTIORARI, IT WOULD DEMONSTRATE A COMPLETE FAILURE OF THE JUDICIAL PROCESS. IF THE CONSTITUTION "WILL NOT" PROTECT A PERSON THEN IT "CAN NOT" PROTECT THE PEOPLE.

THIS CASE WAS DENIED REVIEW BY THE SUPREME COURT DIRECTLY DUE TO INCOMPLETE AND INEFFECTIVE ARGUMENT BY THE STATE APPOINTED APPELLATE COUNSEL. THE INADEQUATELY INFORMED WRONGFUL DECISION TO DENY REVIEW BY THE SUPREME COURT, WAS NEARLY SIMULTANEOUSLY MATCHED WITH A PRO-SE EFFORT BACK IN THE SUPERIOR COURT BY THE PETITIONER WHERE, IN A STATE THAT HAS ACTIVELY SOUGHT TO ELIMINATE HABEAS CORPUS RELIEF, REPLACED BY THE PERSONAL RESTRAINT PETITION, THE HIGHEST OF ALL STATE THRESHOLDS WAS CROSSED WITH THIS PETITIONERS CIVIL CASE NUMBER 24-2-50687-11 WAS INITIATED IN FRANKLIN COUNTY WHERE THIS PETITIONER IS WRONGFULLY, UNCONSTITUTIONALLY, AND ILLEGALLY DETAINED WITHOUT DUE PROCESS OF LAW.

THIS RARE CIRCUMSTANCE EXPOSES A DIRE NEED FOR FEDERAL INTERVENTION TO PROTECT THE VERY FABRIC ON WHICH OUR CONSTITUTION IS WRITTEN. UNDER USCS SUPREME CT R 10.(a)+(b) THIS ISSUE WARRANTS REVIEW. IN ADDITION COUNTS 1+2 DO NOT EVEN INCLUDE THE CONSTITUTIONALLY NECESSARY "KNOWINGLY" ELEMENT FOR MENS REA, OF POSSESSION.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

SOREN RICHARD OISEN II

Date: August 22 2024