

24-5674

ORIGINAL

No. _____

FILED

SEP 18 2024

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

In re Gilbert Carrasco — PETITIONER
(Your Name)

vs.

United States of America — 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

Gilbert Carrasco
(Your Name)

551 South 35 street
(Address)

San Diego, Ca 92113
(City, State, Zip Code)

619-874-3190
(Phone Number)

QUESTION(S) PRESENTED

1. Is the Government allowed to lie and present false evidence (knowingly) At a federal Trial to Convict?
2. Does Title 28 USC § 2255 statute trump the Constitutional Guarantee to the Due process & Equal protection clause of the 14th Amendment of U.S. Const; And the Right to Habeas Corpus Relief as Guaranteed Pursuant to Article I section 9 note 2, of U.S. Constitution.
3. Is the 9th Circuit Court of Appeals allowed to not follow it's own rules and precedents or Supreme Court Rulings.

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

In the Instant Case the Judge in this Case admitted the Congressional hearing records of the De la Fuente Case on the Motion to Suppress Issue because of not been properly Mandated as I was ordered out of the Car at the Immigration Inspection Station at Niles, California...

Oddly, she made the De la Fuente ruling / use the Judge.

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	9 th Circuit Opinion - filed date 7-1-2024
APPENDIX B	Minutes of the 9 th Circuit Docket sheet
APPENDIX C	
APPENDIX D	
APPENDIX E	
APPENDIX F	

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Mooney v Holohan, 294 U.S. 103, 112
 55 Sct 340, 342, 79 LEd. 791 (1935). Per Curiam
 Giglio v. United States, 405 U.S. 153-154
 92 Sct 763, 766 (1972)
 Napue v Illinois, 360 U.S. 264, 269, 79
 Sct 1173 (1959).
 Hayes v Brown, 399 F3d 972, 980-82 (9th
 Cir 2005) en banc
 United States v. LA Page, 231 F.3d 488,
 492 F.3d 141 (9th Cir 2008).
 Hayes v Ayers, 632 F.3d 500 (9th Cir 2011).
 Jackson v. Brown, 513 F3d 1057, 1075 (9th Cir 2008).

STATUTES AND RULES

28 USC § 2255
 F.R.C.P. 60 b (6)

OTHER

Right to a Direct Appeal as
 Direct Appeal Attorney was told about the
 lies and yet failed to present them even
 though they are so apparent on the
 record..

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 N/A to the petition and is

- ☐ reported at BOP has kept my transcripts twice.; 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.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Article III, section 2 §
Article VI of the United States
Constitution.

the 1st Amendment to U.S. Const.
Right to Grievance / Appeal
the 5th Amendment to U.S. Const.
due process

the 6th Amendment to U.S. Const.
the Right to a fair Trial &
Counsel

the 14th Amendment to U.S. Const
the Right to Due process and
Equal protection of the law

and the 11th Amendment because Title and
Statute 28 USC § 2255 is repugnant to
the United States Constitution Article 2
Sec 9 in 2 - Habeas Corpus

The right to bail & the
4th Amendment right to be free from
unlawful search and seizure as
Corrasco was removed from the vehicle
before asked to incriminate himself...

STATEMENT OF THE CASE

In this Case David Finn knowingly presented false evidence at Mr. Carrasco's Jury Trial, even after hearing Susan Ziegler the DEA Chemist testify at Trial that the Methamphetamine she tested came from Westmoreland, California not Minland California where Mr. Carrasco was Arrested. Susan Ziegler stated this at Trial because that is what the Chain of Command Receipt stated on the evidence she weighed.

David Finn even went as far as to tell Mr. Hirsch the Border Patrol Agent to simply state it was a mistake while trying to explain away the bag and weight difference... at Trial...

- A. The Government's problem is that Mr. Finn told the Court he did not have anymore evidence when Mr. Carrasco requested a Discovery Motion to the Court.
- B. The Other problem is that the Government's own witnesses presented no drug evidence of the Minland California Arrest of Mr. Carrasco and Furthermore, the Border Patrol Agent who tested the initial drugs at Arrest stated he did not preserve the initial test Kit.

Statement of the Case

The heart of the Matter in this Case is that David Finn the Prosecutor questioned Mr. Lozano at the Suppression Motion hearing before Trial. Giglio v. U.S., 405 U.S. 150, 153, 92 Sct. 763, 766, 31 L.Ed.2d 104 (1972); Mooney v. Holohan, 294 U.S. 103, 112, 55 Sct. 340, 342, 79 L.Ed 791 (1935)), at the evidentiary hearing, so he knew that (2) Mr. Carrasco was arrested in Vinland California as Mr. Lozano swore to before trial.

Susan Ziegler testified at Trial that the Evidence she tested originated from Westmoreland California not from Vinland California where Mr. Carrasco was arrested. Susan Ziegler DEA Chemist also testified that the drugs she tested arrived at the lab in Two bags not one as Mr. Lozano testified to at the Motion to Suppress the Evidence hearing before Trial.

Statement CONT

because at the Evidentiary Hearing/
Motion to Suppress the Evidence Mr. Horano
swore to putting the evidence in one bag
not two as Susan Ziegler testified too.

The Supreme Court has stated in
Mooney ante that the deliberate
deception of a Court and Jurors by
presentation of false evidence is
Incompatible with the rudimentary
demands of Justice; Reaffirmed in Ryle
v. KANSAS, 317 U.S. 213, 63 Sct. 177, 87 L.Ed.
214 (1942); Napue v. Illinois, 360 U.S.
264 at 269, 79 Sct. 1173 (1959)). Ninth
Circuit Case law, e.g. Hages v. Brown,
399 F.3d 972, 980-82 (9th Cir 2009) en banc
--- See also United States v. La Page, 231
F.3d 488, 492 at f. 14 (9th Cir 2000) as the
evidence in this case was Material.
See also Hages v. Ayers, 632 F.3d 500 (9th
Cir 2011). It does not matter if the false
testimony goes only to a witness's
Credibility - under the law "a lie is

Statement Cont.

lie, no matter what the subject," La Page, ant.

Nipue applies whenever a prosecutor "knew or should know about the false testimony."

Jackson v. Brown, 513 F.3d 1057, 1075 (9th Cir 2008); False evidence is material "if there is any reasonable likelihood that the false evidence could have affected the judgment of the Jury,"

U.S. v. Bagley, 473 U.S. 667, 678 (1985). In the instant case the false evidence was material as it was about where Mr. Carrasco was arrested, and what the evidence weighed and how it was stored one plastic bag.

The Sixth Amendments' guarantee of a public trial is for the benefit of the defendant alone, see e.g., Presley v. Georgia, 558 U.S. 209, 130 S.Ct. 721, 724 (2010) (per curiam), quoting Gannett v. De Pasquale, 443 U.S. 368, 369, 380, 99 S.Ct. 2898 (1979).

Gilbert Carrasco #65905-298 states under the penalty of perjury that all the above herein contained information is true and correct as best of his knowledge: 28 USC § 1746.

9/17/2024

Gilbert Carrasco #65905-298
In Propria-persona

REASONS FOR GRANTING THE PETITION

The Constitution is the law for the Government. The Constitution trumps a statute so Judges must prefer and enforce the Constitution ~~over~~ over a Statute.

If the Government is allowed to not follow the Constitution -- then why do we have a Constitution.

The reasons for granting this Petition is the foundation of our Democracy that every Citizen of the United States or It's Jurisdiction deserves a fair and Impartial Jury Trial.