

Pierre Haobsh, #BS0103
P.O. Box 8457
Lancaster, CA 93539

UNITED STATES SUPREME COURT

Pierre Haobsh

PLAINTIFF

v.

State of California, et al.

DEFENDANT(S)

CASE NUMBER

PETITION FOR WRIT
OF HABEAS CORPUS:
"IN RE PIERRE HAObSH"

QUESTIONS PRESENTED

1. WHERE the Petitioner is being held *HOSTAGE under the color of law by the State of California, can the Petitioner use FORCE, - to escape the blind and lawless government oppression and, - to evade and resist recapture?

Denying this Stance would elevate State police powers above the United States Constitution, - under the Fourteenth Amendment The State can neither make nor enforce a Law abridging a Privilege or Immunity of a U.S. Citizen.

2. Can 15 USCS § 26 be used as an alternative to the Writ of Habeas Corpus under appropriate Circumstances?
(ARTICLE 1 QUESTION)

*It is important to differentiate between the term HOSTAGE and Prisoner.

QUESTIONS PRESENTED... CONTINUED

3. Did the State of California have probable cause to arrest Pierre Haobsh?
(FOURTH AMENDMENT QUESTION)

4. Is the Writ of Prohibition an appropriate remedy to arrest the Prosecution of Pierre Haobsh and defeat the Jurisdiction of the Trial Court?
(FOURTEENTH AMENDMENT QUESTION)

5. AFTER the Trial Court loses Jurisdiction to sentence, did Jeopardy END?
(FIFTH AMENDMENT QUESTION)

6. Would the Court be willing to conduct a De Novo review of ALL the Fraud on the Court promulgated by the Santa Barbara Sheriff and Santa Barbara District Attorney to establish a threshold which bars prosecution of a case due to deliberate deception of Court and Jury?
(FOURTEENTH AND FIFTH AMENDMENT QUESTION)

QUESTIONS PRESENTED...CONTINUED

7. The Santa Barbara District Attorney and Sheriff spent nearly half a decade playing discovery games, withholding production of evidence, and then surprised Defense with a massive amount of new incriminating evidence midtrial, interfering with the Sixth Amendment Right to put on a complete defense and to be informed as to nature and cause of allegations

Then Defendant was forced to sit in solitary confinement for nearly half a decade unable to exercise the Right to a Speedy Trial, because State was quick to manufacture and parade misleading inculpatory evidence but withheld and delayed production of exculpatory evidence to control the narrative in Court and punish then 26 year old Defendant without a Trial.

Did this abuse of the police powers of the State offend 15 USCS §1?
Furthermore does this contravene Sixth and Eighth Amendments?

QUESTIONS PRESENTED...CONTINUED

This was punishment without a Trial and it incentivizes law enforcement to engage in delay and vacillation to resolve defects in their Case; or to torture into a plea deal.

Furthermore, would state Laws authorizing such pretrial detention be considered as Bill of Attainders in violation of Article I? (U.S. Const.)*

Furthermore even after acquittal Law Enforcement still accomplishes instilling fear in the public through false imprisonment which is wrong and is not justice as contemplated in the Preamble of the U.S. Constitution.

*SEE United States v. Lovett, 328 U.S. 303 at 315 (Bill of Pains and Penalties)

LIST OF PARTIES

PLAINTIFF

1. PIERRE HAUBSH

DEFENDANTS

1. STATE OF CALIFORNIA
2. UNITED STATES OF AMERICA

RELATED CASES

1. Court of Appeal of the State of California
Second Appellate District, Division Six
2d Crim No. B320178
2. Superior Court of the State of California
County of Santa Barbara
Case No. 1494152
3. UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
Case No. ~~0:00-00-0000-008-000~~
4. UNITED STATES SUPREME COURT
APPLICATION No. 24A219

LIST OF CASES

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Ashcroft v. al-Kidd 563 U.S. 731 at 735-736	26
Bondini Petroleum Co. v. Superior Court 248 U.S. 8 at 14-15	xB-13
Bonister v. Davis 590 U.S. 504 at 513	xB-5
Bronson v. Schulten 104 U.S. 400 at 415	xB-5
Draper v. United States 358 U.S. 307 at 313	29
Ex parte Bake lite Corp. 279 U.S. 438 at 461	xB-13
Galpin v. Page 85 U.S. 350 at 373	xB-12
Goddard v. Ordway, 101 U.S. 745 at 752	xB-5

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Griswold v. Connecticut 381 U.S. 479 at Footnote 6, Dissent	16
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In re Marriage of Goddard 33 Cal. 4 th 49 at 56, 57	x B-10, 14
In re Nielson 131 U.S. 176 at 182	x B-8
Kyles v. Whitley 514 U.S. 419 at 439-441	
Laird v. Tatum 408 U.S. 1 at 16	7
Lake Carrier's Ass'n v. Macmullan 406 U.S. 498 at 510, 223	x B-1
Ohio v. Robinette 519 U.S. 33 at 39	27, 29
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Peoole v. Shorts 32 Cal. 2d 502 at 506	Pages xB-4
Peoole v. Williams 24 Cal. 2d 840 at 850	xB-10
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CONFIDENTIAL APPENDIX-2A

NON-CONFIDENTIAL APPENDIX-XA

Contains LIST OF CASES from
Original Writ of Habeas Corpus
(U.S. Supreme Court Application No.
24A219)

NON-CONFIDENTIAL APPENDIX-XB

Contains excerpt from Original
Writ of Habeas Corpus (U.S. Supreme
Application No. 24A219)

xB1-xB-18
Writ of Prohibition; Jurisdictional
Arguments

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF HABEAS CORPUS

Petitioner respectfully prays that a Writ
of Habeas Corpus issue.

OPINIONS BELOW

CONFIDENTIAL APPENDIX- ZA
contains the trial Judge admitting
during confidential Marsden - Verdict
of Conviction rendered in ERROR
during bench Trial. And thus contains
the highest State Court Opinion.

Direct Review on Appeal for Santa Barbara
Superior Court Case No. 1494152 has not
concluded. Refer to Court of Appeal of the
State of California Second Appellate District
Division Six 2d Crim No. B320178.

JURISDICTION

I. Statutory Jurisdiction PER
28 USCS §2254, §2244, and
§2241 to file Original Action
Writ of Habeas Corpus.

II. Statutory Jurisdiction PER
15 USCS §26

PER 28 USCS §2242 "If addressed
to the Supreme Court, a justice
there of or a circuit judge it
shall state the reason for not
making application to the district
court of the district in which
applicant is held."

This Case is of National Importance.
Unless, this Court accepts the
Writ as an Original Action,
this Petitioner does not
anticipate the Case will ever
reach the U.S. Supreme Court
on Appeal, as a lower
court will grant relief, due
to strength of case against
the State of California.

JURISDICTION... CONTINUED

PER 28 USCS §2254 (b)(1)(B),
(i) and (ii)

"(i) there is an absence of
available State corrective
process;"

Petitioner attempted to acquire
exculpatory foundational
evidence from FBI through
multiple Federal FOIA
requests. FBI and U.S. Attorney
General DENIED requested
material under exemptions.
Petitioner attempted to litigate
in Federal District Court,
however Federal District Judge
made determination it did
not have authority to order
discovery for a Writ of Habeas
Corpus before the U.S. Supreme
Court or for a State Court
Proceeding. United States District
Court Central District of California
: CV-23-3986-MWF(MRWx)

JURISDICTION...CONTINUED

"(ii) circumstances exist that render such process ineffective to protect the rights of the applicant."

Petitioner requires a binding National Decision effective in ALL States and accross ALL Federal Circuits as prophylactic to preempt a similar abuse of police powers, which has resulted in the torture of ~~many~~ ~~both~~ more than half a decade of illegal incarceration, while the Justice System has been manipulated and weaponized ~~from the shadows~~ against Petitioner from the Shadows, by highly capable enemies.

28 USCS §2241 (C), (1) and (3)
both apply.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. CONSTITUTION

AMENDMENT IV

AMENDMENT XIV

ARTICLE I Section 8 Clause 3

ARTICLE I Section 8 Clause 18

ARTICLE VI Clause 2

ARTICLE VI Clause 3

UNITED STATES CODE SERVICE

15 USCS § 1

15 USCS § 15

15 USCS § 26

CALIFORNIA

Cal. Constitution ARTICLE VI § 13

Cal. Pen. Code § 681

Cal. Pen. Code § 1191

Cal. Gov. Code § 69955

STATEMENT OF CASE

On August 30 2024, Justice Kagan denied my "Application to File Petition for an Extraordinary Writ of Habeas Corpus in Excess of Page Limits", Application No. 24A219.

THE Extraordinary Writ of Habeas Corpus as originally filed alongside Application No. 24A219 was nearly 1200 pages long and consisted of FIVE Volumes due to the exhaustive case law research and evidence to support the Petition.

The original Writ is now summarized and condensed to comply with Rule 33.2(b) and the 40 page limit. The exhaustive case law research is hereby redacted and all legal arguments and assertions truncated and summarized. References to the Court Record of Santa Barbara Superior Court Case No. 1494152 are included but not in its entirety to maintain compliance with the page limits.

Mr. Pierre Haobsh invented a revolutionary energy technology. The U.S. Department of Energy interrupted the export, development, and sale of the technology for National Security Reasons, and to conceal military secrets.

THE D.O.E engaged in targeted Assassinations to disrupt and suppress the export of the technology to China.

This was a military intrusion upon the civilian sector.*

ALL of this is well established in the Original Writ of Habeas Corpus.

The U.S. Department of Energy will of course vehemently deny their involvement so an undercover investigation being conducted by the FBI in secrecy will have to be referred to alongside first-person witness accounts.

*Laird v. Tatum 408 U.S. 1 at 16

The Santa Barbara Sheriff Department and District Attorney engaged in significant Fraud on the Court, Evidence Suppression, Legal Machinations, and Perjury to wrongly Convict Pierre Hadobsh through a Bench Trial - of tripple homicide.

The Victims were killed by the D.O.E in connection to the exportation of high tech energy technology to China.

The Santa Barbara Sheriff engaged in evidence manipulation, planting, and destruction of Evidence, including deleting video surveillance footage from multiple crime scenes, and got caught doing it, as a means to streamline and simplify the prosecution of their Case.

During a confidential Marsden* hearing post conviction, the Trial Court Judge, Brian E Hill, admitted to rendering his Bench Trial Verdict in error, and sought advise from Defense Counsel on how to overturn the erroneous and impeached Verdict.

*SEE CONFIDENTIAL APPENDIX-ZA ~~page 3003~~ ~~3004~~

The Trial Court Judge, then allowed the Statute of Limitations on time to pronounce Judgment and Sentence under California Law to expire and lost the jurisdiction to Sentence Pierre Itaobsh, thus rendering the original wrongful conviction without enforceability. (SEE APPENDIX - XB)

During the Sentencing Hearing, the Trial Court Judge admitted in Open Court to Significant Constitutional Violations and errors in the weighing of evidence.

Enemies of Plaintiff/Petitioner Pierre Itaobsh then redacted the entire sentencing hearing Transcript and rewrote an alternate version of events to obstruct an Appeal or Habeas Corpus, removing ~~the~~ and altering the authoritative findings and assertions of Judge Brian E. Hill impeaching the credibility of the Conviction.

California Law* requires the audio recordings of the Trial Court

*Cal. Gov. Code §69955

Proceedings be preserved from the Stenographer and dictation machine until its destruction is authorized by the Presiding Judge of the Superior Court. The audio recordings will need to be reviewed and consulted to expose the corruption of Legal Due Process in violation of Fourteenth Amendment to U.S. Constitution, and the outrageous fraud in the Reporter's Transcript on Appeal for Santa Barbara Superior Court Case No. 1494152.

Currently Pierre Haobsh is being held hostage in a California State Prison under the Color of law in violation of Fourteenth Amendment.

Everyday the State of California continues to interrupt and obstruct interstate and international commerce through Agents of the State and the Police Powers - engaging in illegal Arrest, outrageous and fake prosecution, and the enforcement of arbitrary imprisonment under the color of law through superficial, nonlawful and void Judicial Acts obtained through Fraud.

This Plaintiff/Petitioner's energy Enterprise suffers significant damages and loss of operating profits on an accruing daily basis, and the American people are being denied access to a novel new energy technology destined to one day save lives.

The settled case law background of *Reid v. Colorado*, 187 U.S. 137, at 150-151 establishes, "that a State may not by its police regulations whatever their object, unnecessarily burden foreign or interstate commerce."

REASONS FOR GRANTING WRIT

ONLY Excerpts from GROUND III of the Writ of Habeas Corpus denied by Justice Kagan for exceeding the Page Limits, (Application No. 24A219)-are presented.

THE page numbers are from the original Writ.

REASONS FOR GRANTING WRIT

GROUND THREE

III Santa Barbara Sheriff and District Attorney engage in an elaborate and extensive conspiracy to suppress exculpatory evidence, conceal Law Enforcement misconduct, and corrupt Legal Due Process in violation of Fifth and Fourteenth Amendments, U.S. Constitution. Santa Barbara Sheriff engages in illegal Search and Seizure in violation of Fourth Amendment and did not have probable Cause to arrest Mr. Haobsh resulting in extensive Anti-Trust violations. Santa Barbara Sheriff obstructed a proceeding before the F.B.I.

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4. Lies upon Lies to conceal Illegal Search and Seizure, destruction, manipulation and mishandling of evidence
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Griswold v. Connecticut, 381 U.S. 479

at Footnote 6, Dissent: "James Wilson of Pennsylvania argued that:

"... It had been said that Judges as expositors of the Laws would have an opportunity of defending their constitutional rights. There was weight in this observation; but this power of the Judges did not go far enough. Laws may be unjust, may be unwise, may be dangerous, may be destructive; and yet not be so unconstitutional as to justify the Judges in refusing to give them effect. Let them have a share in the Revisionary power, and they will have an opportunity of taking notice of these characters of a law, and of counteracting by the weight of their opinions the improper views of the Legislature."

- Dissent by Justice Black and Stewart

GROUND THREE

pg. G3.019

Christine Voss (Defense Counsel) pg. 1485, lines 4-6: "And would you agree that during the interview in Oceanside, Mr. Haobsh admitted to killing five or six other people?"

Jeffrey McDonald (Detective) pg. 1485, line 7: "I can't recall the details of that interview."

Christine Voss (Defense Counsel) pg. 1485, line 8-9: "You don't recall him saying he killed five or six other people?"

Jeffrey McDonald (Detective) pg. 1485, line 10: "No, I don't recall."

Christine Voss (Defense Counsel) pg. 1485, line 11-13: "Do you recall him telling you that he got in a shootout in Arizona and had to kill people who are after his energy machine?"

Benjamin Ladinig (Prosecutor) pg. 1485, line 14: "Objection. Hearsay. Not offered by a party opponent."

THE COURT pg. 1485, line 21-22: "That was an interview that was 14 hours earlier."

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pg. G3.020

Christine Voss (Defense Counsel) pg. 1485, line 22-25: "I understand. But it is a continuation of an interview between this detective and Mr. Haobsh."

Christine Voss (Defense Counsel) pg. ¹⁴⁸⁷~~1485~~, line 8-10: "And would you agree that during the earlier interview you had with him, he admitted to killing multiple people?"

Jeffrey McDonald (Detective) pg. 1487, line 11-12: "Again, I don't recall those statement that he made during that interview."

THE COURT pg. 1487, line 13-14: "During that interview, you were there for about half of it?"

Jeffrey McDonald (Detective) pg. 1487, line 15: "Correct, Your Honor."

THE COURT pg. 1487, line 16-17: "Were you in the room or simply observing?"

Jeffrey McDonald (Detective) pg. 1487, line 18-22: "I was in a separate conference room, I'd say quasi-listening to it. We were

GROUND THREE

pg. G3.021

going off of no sleep, so since I wasn't in the interview I wasn't paying as close attention as those that were in the interview."

Christine Voss (Defense Counsel) pg. 1490, line 25-28 + 1-2: "Okay. So you do not recall Mr. Haobsh say that over the past couple days, he had been shot at, he had body armor, two plates that he had unloaded with rifle rounds. He got rid of that because it was useless to him, and probably shot about five individuals so far in self-defense?"

Christine Voss (Defense Counsel) pg. 2704, line 26-27: "Why did you have your own personal body armor?"

THE DEFENDANT, pg. 2704-2705, lines 28-1-26: "So, in Arizona when I was working for REM an individual named David McPherson contacted Bill Michael and, um, he had a body armor company that specialized in a carbon nanotube based body armor. It was state of the art. And the reason that he got in touch with us, or Bill

GROUND THREE

pg. G3.025

Jeffrey McDonald (Detective) pg. 1491, lines
"I don't recall those statements."

Christine Voss (Defense Counsel) pg. 1491, lines 4:
"You don't recall anything like that?"

Jeffrey McDonald (Detective) pg. 1491, line 5: "No"

Christine Voss (Defense Counsel) pg. 1491, line 6-8:
"You were sitting in a room watching or listening
to this entire interview or present in the room
right?"

Jeffrey McDonald (Detective) pg. 1491, lines 9-14:
"I wasn't listening to the entire interview. I
was zoning in or out during the first half of
it, only because we were going off of zero
sleep. And then when I was participating in
the interview, I don't recall if he made
those statements when I was in the
interview room or not."

Christine Voss (Defense Counsel) pg. 1491, line 15-16:
"And nobody else suggested to you, 'Hey,
this guy just claimed he shot five other
people?'"

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pg. G3.026

Jeffrey McDonald (Detective), pg. 1491, line 17:
"No"

Christine Voss (Defense Counsel), pg. 1491, lines 18-21:
"And you did not do any investigation, then, I take it, to determine whether or not he actually shot other people or whether or not people had been shooting at him?"

Jeffrey McDonald (Detective), pg. 1491, line 22:
"No, I did not."

Christine Voss (Defense Counsel), pg. 1491, line 23-25: "Do you know if anybody did any investigation to determine whether or not Mr. Haobsh had been shot at?"

Jeffrey McDonald (Detective), pg. 1491, line 26:
"Not that I can recall."

GROUND THREE

pg. G3.028

Jeffrey McDonald (Detective) pg. 1505, lines 5 - 7: "Because often in our investigations we're usually questioned on what we don't do as opposed to actually what we do do..."

THE Suppression of Evidence in this CASE was not accidental or inadvertant, it was intentional, willfull, deliberate, and Strategical.

WHERE Detectives absconded in doing their Investigation, they knew it would look bad, but coldly calculated a Jury could be convinced to overlook it.

Ben Ladinig (Prosecutor) pg. 3343-3344, lines 28 +1-26: "I'll be brief. Mr. Dozer and I were involved in this case from the onset. We were both present in what was referred to as the "war room" during the initial hours after the murders in which no less than forty sworn personnel were in the room, it was a fluid situation in which this cannot be overstated the incredible investigation that was done by the Sheriff's

GROUND THREE

pg. G3.029

department, Detectives Henderson, Banks, McDonald, now Lieutenant Minter, and the rest were unbelievable in their pursuit, their dogged pursuit, their manhunt of a murderer, Mr. Haobsh. What the ~~Sherriff~~ Sheriff's Department did is nothing short of remarkable regarding their investigation... The proudest day of my prosecutorial career was when I was present when the Defendant was captured on March 25th, 2016. It was an incredible moment for all of law enforcement to be celebrated.

Ben Ladinig (Prosecutor) pg. 3345, line 11-12+ 15-17: "... the Defendant is deserving of perpetual and unending imprisonment... Pierre Haobsh needs to be sent to prison for the rest of his life and he needs to pass while in prison."

As explained in GROUND FIVE, the Sentencing hearing transcript was deliberately altered to not reflect what transpired in Court.

GROUND THREE

pg. G3.030

In correction of alterations or omission of the prior quoted passages; The Prosecutor Ben Ladinig was originally gloating about how he was "directing investigative decisions" while in the "war room". Reference to Ben Ladinig proudly proclaiming how he was directing investigative decisions was omitted or removed, among other significant textual alterations furthermore promulgating fraud on the court, on top of the already extensive fraud found in the record.

Hartman v. Moore, 547 U.S. 250

at 264 "A prosecutor's disclosure of retaliatory thinking on his part, for example, would be of great significance in addressing the presumption and closing the gap. So would evidence that a prosecutor was nothing but a rubber stamp for his investigative staff or the police."

at 265 "A retaliatory motive on the part of an official urging prosecution combined with an absence of probable cause supporting the prosecutor's decision to

GROUND THREE

pg. G3.031

go forward are reasonable grounds to suspend the presumption of regularity behind the charging decision."

Jeffrey McDonald (Detective) pg. 2285, lines 4532, 4536, 4540: "And like I said, I am supposed to be getting promoted on Monday. And the last thing I want to do ~~is~~ is Jeopardize my promotion."

Here a Sheriff investigator admits to a motive for suppressing evidence, PER 34 U.S.C. §12103 and under subsection (a)(1) an increase in the percentage of persons arrested for part 1 violent crimes and sentenced to prison qualifies the State of California to become eligible to receive additional grant money from the Federal Government. Subsection (c)(2) also applies with similar benefits. The Santa Barbara Sheriff Department receives a similar appropriation of funds thru the State of California, thereby tapping into California Federal Funding thru Incentive Pay under 2 CCR § 571 [Title 2, Division 1, Chapter 2, Subchapter 1 Employee retirement), Article 4 (contracts)]; which includes bonuses for Detectives and Crime Scene

GROUND THREE

pg. G3.032

Investigators. Where Santa Barbara Sheriff personnel and District Attorney personnel were unlawfully and fraudulently bolstering criminal statistics to receive financial kickbacks from Federal Grant Programs such as 34 U.S.C. §12103, the crime became an 18 U.S.C. §371 conspiracy to defraud the United States of America.

Ashcroft v. al-Kidd, 563 U.S. 731

at 735-736 "The Fourth Amendment protects 'the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.' An arrest of course, qualifies as a 'seizure' of a 'person' under this provision, *Dunaway v. New York*, 442 U.S. 200, 207-208, 99 S. Ct. 2248, 60 L. Ed. 2d 824 (1979), and so must be reasonable under the circumstances."

at 736 "Fourth Amendment reasonableness" is predominantly an objective inquiry." *City of Indianapolis v. Edmond*, 531 U.S. 32, 47, 121 S. Ct. 447, 148 L. Ed. 2d 333. We ask whether "the circumstances, viewed objectively, justify [the challenged] action." *Scott v. United*

GROUND THREE

pg. G3.033

States, 436 U.S. 128, 138, 98 S. Ct. 1717, 56 L. Ed. 2d 168 (1978). If so, that action was reasonable "whatever the subjective intent" motivating the relevant officials. *Whren v. United States*, 517 U.S. 806, 814, 116 S. Ct. 1769, 135 L. Ed. 2d 89 (1996). This approach recognizes that the Fourth Amendment regulates conduct rather than thoughts. *Bond v. United States*, 529 U.S. 334, 338, n.2, 120 S. Ct. 1462, 146 L. Ed. 2d 365 (2000); and it promotes evenhanded, uniform enforcement of the law, *Devenpeck v. Alford*, 543 U.S. 146, 153-154, 125 S. Ct. 508, 160 L. Ed. 2d 537 (2004).

Ohio v. Robinette, 519 U.S. 33

at 39 "We have long held that the ~~touch~~ "touchstone of the Fourth Amendment is reasonableness," *Florida v. Jimeno*, 500 U.S. 248, 250, 114 L. Ed. 2d 297, 111 S. Ct. 1801 (1991). Reasonableness, in turn, is measured in objective terms by examining the totality of the circumstances."

Safford Unified Sch. Dist. #1 v. Redding, 557 U.S. 364

at 370 "Probable cause exists where the

GROUND THREE

pg. G3.034

where the facts and circumstances within [an officer's] knowledge and of which [he] had reasonably trustworthy information [are] sufficient in themselves to warrant a man of reasonable caution in the belief that an offense has been or is being committed." *Brinegar v. United States*, 338 U.S. 160, 175-176, 69 S. Ct. 1302, 93 L. Ed. 1879 (1949)

at 371 "At the end of the day, however, we have realized that these factors cannot rigidly control, *Illinois v. Gates*, 462 U.S. 213, 230, 103 S. Ct. 2317, 76 L. Ed. 2d 527 (1983), and we have come back to saying that the standards are "fluid concepts that take their substantive content from the particular contexts" in which they are being assessed, *Ornelas v. United States*, 517 U.S. 690, 696, 116 S. Ct. 1657, 134 L. Ed. 2d 911 (1996) "

GROUND THREE

pg. G3.035

THE mere existence and proximity of the Shootouts and the theft of the Energy Equipment impeaches the Prosecutions claim of "Probable Cause" to arrest because the "Totality of the Circumstances" (519 U.S. 33, at 39) proves a troubling motive ^{also} which in "the factual and practical considerations of everyday life on which reasonable and prudent men, not legal technicians act" (358 U.S. 307, at 313) corroborates Mr Haobsh's narrative and first-hand witness account of targeted assassinations to disrupt commerce.

Santa Barbara Sheriff Investigators and District Attorney Prosecutors wanted to investigate their CASE in isolation and ignore ALL other Circumstances. Law Enforcement Officers exercising reasonable caution and prudence would investigate the thefts and Shootouts they were informed about.

Investigators at time of arrest were aware of a multi-million dollar Memorandum of Understanding (MOU), having discovered a signed copy at the Victim's Home. (Dr. Itan's Residence)

GROUND THREE

pg. G3.036

Christine Voss (Defense Counsel) pg. 1843, line 24-27: "So, that's the point of this Contract is, as you understand it, is Mr. Itadosh is going to pay Dr. Han essentially, [to] protect this [energy] technology."

Travis Henderson (Detective) pg. 1843, line 28: "Yes"

Christine Voss (Defense Counsel) pg. 1843, line 1-2: "You've reviewed this Contract?"

Travis Henderson (Detective) pg. 1843, line 3: "Yes"

Christine Voss (Defense Counsel) pg. 1843, line 4: "I'm assuming fairly thoroughly, right?"

Travis Henderson (Detective) pg. 1843, line 5: "Yes"

Christine Voss (Defense Counsel) pg. 1843, ~~1026~~ ~~1027~~ ~~1028~~ line 6: "This is not your first time reading it over?"

Travis Henderson (Detective) pg. 1843, line 8: "No, ma'am"

GROUND THREE

pg. G3.037

Diaz-Carreón: "an implausible account of exculpatory events suggests that the defendant desires to obscure his criminal responsibility" and such an "account provides persuasive circumstantial evidence of the defendant's consciousness of guilt"
915 F.2d at 955

WHERE the prosecutors were directing investigative decisions in a "War Room" consisting of "no less than forty sworn personnel" (pg. 3344) and admitted to being "present when the Defendant was captured on March 25th, 2016" (pg. 3344), it is reasonable and logical inference that the Suppression of Evidence, and Dereliction of Duty to establish the truth, was a tactical decision to wrongly portray the defendant's narrative as "an implausible account of exculpatory events" and to avoid impeaching the Prosecutions "Probable Cause" to arrest Mr. Haobsh.

AND if you have any DOUBT, there's more evidence of the Investigative and

GROUND THREE

pg. G3.038

Prosecutorial Misconduct... proving just how deep this Conspiracy runs...

THEREFORE, we have not only a FOURTH AMENDMENT violation but also a Due Process violation under the FOURTEENTH AMENDMENT.

WHERE "Probable Cause" did not exist to make an arrest, the illegal restraint on trade and obstruction of interstate and international commerce became a 15 U.S.C.S. §1 violation.

GROUND THREE

pg. G3.039

Ben Ladinig (Prosecutor) pg. 1848 - 1849, lines 27-28 + 1-2: "Okay. And these FBI people, did you reach out to see if they had any information that would somehow exonerate the Defendant of the murders here?"

Travis Henderson (Detective) pg. 1849, lines 3:
"We did reach out to the FBI, yes."

Ben Ladinig (Prosecutor) pg. 1849, lines 4-5:
"Did they provide you anything helpful on behalf of Mr. Itabsh?"

Travis Henderson (Detective) pg. 1849, line 6: "No"

Ben Ladinig (Prosecutor) pg. 1857, lines 6-9:
"When Miss Voss asked you if you did any followup on letters or storage facilities or claims of energy machines and whatnot from his letters: why not?"

Travis Henderson (Detective) pg. 1857, lines 10:
"Couldnt be realistic or real."

Travis Henderson (Detective) pg. 1857, lines 12-15:

"His letters consisted of stories that we thought were red herrings sending us down investigative rabbit holes that didn't actually have any merit to them."

Ben Ladinig (Prosecutor) pg. 1857, lines 16-18:

"At any time from any organization, FBI, CIA, Secret Service did anyone come forward and provide exonerative information for Mr. Harbush?"

Travis Henderson (Detective) pg. 1857 line 19: "No"

Christine Voss (Defense Counsel) pg. 1858 line 4-

6: "So, let me ask you a couple of questions. The FBI isn't typically very forthcoming about their investigations, is that fair to say?"

Travis Henderson (Detective) pg. 1858 line 7-8:

"They can be. But I wouldn't necessarily say they're open books on this."

GROUND THREE

pg. G3.041

Christine Voss (Defense Counsel) pg. 1858, lines 9-11 "Right. They, typically, want to know in advance what questions are you going to ask and we'll tell you whether or not we'll answer them?"

Travis Henderson (Detective) pg. 1858, line 12: "Yes"

Christine Voss (Defense Counsel) pg. 1858, lines 13-17 "And in this case were they, - any different than that, did they provide you a whole bunch of information about what they knew about Mr. Haobsh or contact that they had with Mr. Haobsh?"

Travis Henderson (Detective) pg. 1858, line 18-20: "I don't recall specifically we got any reports from them about Mr. Haobsh, But I don't think so."

Christine Voss (Defense Counsel) pg. 1858, line 21-22: "Okay. Who did you speak with for the FBI."

Travis Henderson (Detective) pg. 1858, line 23-24: "I don't know if I specifically spoke to anyone at the FBI."

GROUND THREE

pg. 63.042

Christine Voss (Defense Counsel) pg. 1858, line 25-26: "Okay. So, somebody made contact and you as lead investigator became aware of that?"

Travis Henderson (Detective) pg. 1858, line 27: "Yes"

Christine Voss (Defense Counsel) pg. 1858-1859, lines 28+1-2: "Do you know if they had any conversation that Mr. Itaobsh had previous contact with the FBI."

Travis Henderson (Detective) pg. 1859, line 3-4: "I don't specifically remember where that information came from."

Christine Voss (Defense Counsel) pg. 1859, line 5-7: "Okay. So you got information that Mr. Itaobsh had previous contact with the FBI?"

Travis Henderson (Detective) pg. 1859, line 8: "Yes"

Christine Voss (Defense Counsel) pg. 1859, line 9-11: "And they had been engaged in whatever degree some sort of investigation involving

Mr. Haobsh?"

Travis Henderson (Detective) pg. 1859, lines 12-14: "I don't know if it was an investigation or just a series of communications. I don't know that they opened up an investigation."

Christine Voss (Defense Counsel) pg. 1859, lines 15-17: "And do you know if there was any confirmation of him being in contact with defense intelligence agency?"

Travis Henderson (Detective) pg. 1859, lines 18: "Not that I know of."

Christine Voss (Defense Counsel) pg. 1861, lines 12-17: "And a lot of the investigative leads that Mr. Haobsh suggested in terms of searching storage facilities, obtaining surveillance video, speaking to individuals, those you said not to follow up on because you simply didn't believe it."

GROUND THREE

pg. G3.044

Travis Henderson (Detective) pg. 1861, lines 18-20: "And there was no information that any of that was truthful nor was it related to this investigation."

Christine Voss (Defense Counsel) pg. 1861, lines 21-24: "Okay. So, you made a decision that you did not believe it and you did not follow up on the leads that Mr. Haobsh gave you, is that right?"

Travis Henderson (Detective) pg. 1861, lines 25-27: "Nor did any of the evidence suggest those leads were goodly or had any investigative value."

Christine Voss (Defense Counsel) pg. 1861-1862, lines 28+1-5: "Well, one of the things I thought I heard you testify to on direct was that you searched Mr. Haobsh's home and Dr. Han's home to see if there was any evidence supporting the existence of money or energy machines or the things that Mr. Haobsh related to, right?"

Travis Henderson (Detective) pg. 1862, lines 10: "Yes"

GROUND THREE

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pg. 69.045

Christine Voss (Defense Counsel) pg. 1862, lines 11-12: "Did you ever go look at those storage facilities?"

Travis Henderson (Detective) pg. 1862, lines 13: "No"

Christine Voss (Defense Counsel) pg. 1862, lines 14-15: "That's related to the investigation, right?"

Travis Henderson (Detective) pg. 1862, lines 16: "Yes"

THE COURT pg. 1862, line 17: "And your answer is?"

Travis Henderson (Detective) pg. 1862, lines 18: "Yes"

THE COURT pg. 1862, lines 19-20: "You did go [or] not go to the storage facility?"

Travis Henderson (Detective) pg. 1862, lines 21: "No, we did not."

Christine Voss (Defense Counsel) pg. 1862, lines 23-24: "The investigation was you did not

GROUND THREE

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pg. G3.046

Followup on those leads?

Travis Henderson (Detective) pg. 1862, lines 25: "No"

Ben Lading (Prosecutor) pg. 1863, lines 8 - 12: "And Mr. Haobsh in all of his numerous letters that he penned to me, to Mr. Dozer, to you, to Mr. Banks, to the Judge, to Donald Trump, to the FBI, he never attributed the murders to being committed [by] an Asian male, did he?"

Travis Henderson (Detective) pg. 1863, lines 14: "Not that I recall."

Ben Lading (Prosecutor) pg. 1863, lines 15 - 17: "In fact, he said it was Department of Energy operatives that they framed him and they were responsible for the murders, right?"

Travis Henderson (Detective) pg. 1863, lines 18: "Right"

CONCLUSION

The petition for a writ of habeas corpus should be granted.

Respectfully submitted,

Peter March

Date: October 10 2024