

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

UNITED STATES SUPREME COURT

CASE # 24-6027

Pierre Haobsh

PETITIONER/PLAINTIFF

v.

State of California, et al.

RESPONDENT/DEFENDANT

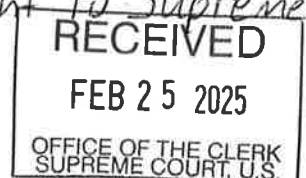
PETITION FOR
REHEARING (Rule 44)
OF "IN RE PIERRE HAOBSH"

PLEASE TAKE NOTICE ON JANUARY 6TH 2025 - THE CALIFORNIA SECOND DISTRICT DIVISION SIX OF COURT OF APPEALS ISSUED ITS OPINION: PEOPLE V. HAOBSH 2025 CAL APP. UNPUB. LEXIS 25 (#B320178).

THE decision has been appealed into the California Supreme Court

~~APPENDIX contains Table of Contents and evidence relevant to disposition of "IN RE PIERRE HAOBSH"~~

IF ~~the evidence in the Appendix~~ or the Arguments in the Appeal to the California Supreme Court ~~would~~ would alter this Court's holdings to GRANT "IN RE PIERRE HAOBSH" then I am requesting a REHEARING pursuant to Supreme Court Rule 44.



GROUND FOR REHEARING

- 1) IF Court denied HABEAS on basis State Remedies not exhausted, petitioner can resolve that issue through California Supreme Court Rule 8.508: Expedited Petition for Review to Exhaust State Remedies. Petition for Review through Rule 8.500 has already been filed with State Supreme Court.
- 2) Stenographer Sharon E. Rheinhold has confirmed an audio recording of State Court proceedings did exist on her computer but she deleted it and did not preserve it in violation of Cal Gov. Code § 69955 (14th Due Proc. & Equal Prot. violation). Sharon retired shortly after HAOBSH case and data deleted from a computer can be recovered using ENCASE Forensic as long as file system is not fully ~~deleted~~ written over. Would U.S. Supreme Court ORDER FBI to attempt recovery of 2022 audio recording of sentencing from Sharon computer?
- 3) Would U.S. Supreme Court be willing to ORDER HAOBSH a new Apple MacBook Pro with Adobe Creative Suit? With approval of Supreme Court - HAOBSH intends to compile together a 20 minute video presentation of witnesses including Oceanside Interrogation of HAOBSH.
- 4) Would U.S. Supreme Court ORDER FBI to meet with HAOBSH? HAOBSH intends to inspect and mark FBI files for discovery to U.S. Supreme Court to prove D.D.E conspiracy. HAOBSH originally had ~~some~~ exhibits from F.B.I. and D.I.A. attached to petition for rehearing. However Petition was rejected by Clerk due to exceeding page limit.
- 5) A Witness to one of the shootouts HAOBSH was involved in at IHOP in Santa Barbara has been discovered. HAOBSH intends to acquire affidavit with investigative assistance from a Court appointed Private Investigator.
- 6) Would the Court be willing to order interrogatories for Oceanside P.D. and Santa Barbara Sheriff to answer? HAOBSH intends to prove Law Enforcement planted evidence in HAOBSH F-SPORT Lexus and attempted to cover it up by deleting ARLO gas station video surveillance and by deleting Law Enforcement MAV and Body Cam Footage.
- 7) Would Court be willing to allow HAOBSH self-representation for Oral Arguments? IF a Supreme Court Rule prohibits this... HAOBSH raises Separation of powers doctrine. Congress Cannot micromanage a fundamental branch of Government.

After CoA, CoA Opinion issued on Jan 6th 2025 the next morning ALL of City of Los Angeles was burning down. Had the HAObSH tech. been implemented CoA, would never have been hit by wild fires.

REQUEST FOR RELIEF PURSUANT TO 15 USCS §26

HAObSH invented the holy grail of unlimited clean energy (SEE APPENDIX-YA) with intentions to commercialize the world's first terawatt powerplant.

If World War III hits, even if the US shot every Nuke out of the sky, the radioactive fallout would poison the agricultural land and kill everyone from famine. The entire U.S. electrical grid will be blown from the Electromagnetic Pulse (EMP) of nuclear warfare.

The HAObSH technology is EMP resistant, lacking the inductors and semi-conductors commonly susceptible to EMP, and has the raw power output to allow our agricultural industry to transition to nuclear resistant underground grows using artificial lighting.

Furthermore Russia has three stage nuclear weapons such as the TSAR bomb which are so powerful if the third stage ignites it can generate a runaway nuclear ~~fusion~~ reaction splitting water molecules in the air and fusing the resulting hydrogen* ~~matter~~ (hydrogen bomb) furthermore causing the oxygen in the air to chemically bind with nitrogen and causing everyone to die from hypoxia. Coal and fossil fuels will cease to combust after there is no oxygen in the atmosphere.

The HAObSH technology has enough energy output to terraform hazardous gases back to oxygen or split ocean water to replenish oxygen, or ~~reclaim~~ reclaim oxygen from iron oxides, ^{and other minerals.} - on a global scale.

This Court can make History, or be remembered as an obstacle to it.

* low concentrations of heavy hydrogen is mitigating factor.

In addition to unconditional release I need a Court Order authorizing my possession ^{and concealment} of ~~FFP~~ ~~Firearm~~ ~~and~~ ~~ammunition~~

- FIN Five-Seven ^{and}
- (1) FNP90* with armor piercing tungsten core ammunition, short barrel, and fully auto;
 - (2) Dragon Skin Level 5 body armor;
 - (3) Tungsten Carbide combat knife;

- and a Court Order authorizing a direct sale, as well as prospective relief funds from state or federal government pursuant to 15 USC §26.

My Second Amendment Rights need to be subject to a higher level of scrutiny due to my enemies attempting to disrupt commerce through assassinations.

I am willing to demonstrate the energy technology, but require funds authorized to purchase equipment from Radyne, DMG Mori Seiki, and Trumpf.

If Court wishes to suggest additional questions as amendment to original Habeas, -I am amenable.

Pursuant to Rule 44 this petition for rehearing is timely, presented in good faith and not for delay.

Plerore Haobsh Jan 20, 2025

A one terawatt HAObSH powerplant would exceed the combined total generating capacity of ALL non-HAObSH powerplants in the United States.

* High Capacity Magazine is Standard

*Sharon E Rheinholt, Stenographer notified HADBSH appellate attorney Jeralyn Keller audio recording did exist.

Bravo-Fernandez v. United States, 580 U.S. 5
at 20 "Courts evaluation of the evidence as
insufficient to convict is equivalent to an acquittal
and therefore bars a second prosecution."

Todd v. Thifty Corp., 34 Cal App. 4th 986
at 990 "To exercise the power of judicial discretion all
the material facts must be known and considered together
also with the legal principles essential to an informed,
intelligent and just decision."

Reed v. Goertz 598 U.S. 230
at 236 "A procedural due process claim consists of two
elements: (i) deprivation by state action of protected
liberty interest in life liberty, or property, and (ii)
inadequate state process."

FOURTEENTH AMENDMENT (U.S. Const.) Due Process was
violated where the State Appellate Court refuses to
make factual determinations of the extensive fraud
in the trial record (inadequate state process)...
Furthermore the Appellate Court refuses at the
very minimum to contact trial Judge - Brian E. Hill,
and inquire into the allegation of fraudulent alterations
to sentencing hearing which depicts Judge Brian E.
Hill making authoritative declarations which never
occured in open Court, to deny HADBSH due process
on Writ or Appeal. (NOTE during Confidential December 2021 Marsden,
Judge Brian E. Hill admits to weighing evidence wrong.)

HADBSH intends to invoke FBI through U.S. District Court
to recover the Audio Recording of the Sentencing Hearing
Due Process ^(14th Amend.) requires preservation of the electronic audio
recording from dictation machine termed *reporting
notes. SEE ALSO CAL Gov. Code § 69955
There were even textual alterations to HADBSH's trial testimony.

APPELLATE COURT fails to establish the mountain of exculpatory evidence which is a due process violation (inadequate state process). An inaccurate public record denies HADBSH due process where higher Courts defer to the judicial determinations of the lower Court as to both Law and Fact.

1) Firearms toolmark analysis was exculpatory, not inculpatory.

2) T.J. Direda accuses HADBSH of confessing to homicides, but appellate Court fails to disclose a deleted text message recovered from Direda's iPhone via Cellubrite and Axiom establishing the allegations against HADBSH were false. Furthermore, T.J. admits he consulted with his brother Mike who is a California Judge, before fabricating allegations against HADBSH. Furthermore T.J. did not contact law enforcement until after the homicides were on the news and HADBSH had been arrested.

Kyles v. Whitley, 514 U.S. 419

at 461 Dissent "Now it is not unusual for a guilty person who knows that he is suspected of a crime to try to shift blame to someone else; and it is less common but not unheard of, for a guilty person who is neither suspected nor subject to suspicion (because he has established a ~~record~~ perfect alibi) to call attention to himself by coming forward to point the finger at an innocent person."

3) Prosecution Expert Witness - California Highway Patrol Detective testifies the Burla* data extracted from HADBSH's F-SPORT LEXUS is inconsistent with prosecution's narrative on what happened - prompting Outburst from prosecutor.
*ignition cycle times

4) ALL of the DNA evidence was exculpatory and inconsistent with prosecution's version of events.
(reporter's transcript, pages 3044-3045) Also, AT&T HCSLI data had HAOBSH teleporting hundreds of miles in matter of minutes.

5) Testimony regarding Budget Truck establishes HAOBSH rented a nearly 30 foot truck, to move HAOBSH's energy equipment out of T.J. Direda's Warehouse, then discovered ALL of the equipment missing upon arrival. (Rental receipts presented as evidence)

6) Multiple eye witnesses living near the crime scene reported highly unusual exculpatory events to law enforcement inconsistent with the prosecution's narrative, but S.B. Sheriff refuses to investigate.

7)* Law Enforcement planted evidence in HAOBSH's FSPORT LEXUS then deleted ALL of the gas station video surveillance, body cam and MAV footage to cover-up what happened. (Also illegal search and seizure, 4th Amendment and 14th Amend. Due Process Violation.)

8) An illegal immigrant with extensive criminal history could not account for what transpired while admitting to being at the crime scene for 4 hours, on day of suspected homicides. Alleges being high on drugs while cleaning the kitchen of a home covered in blood splatter. Crime scene was adjacent to Santa Barbara County Sheriff HQ and ALL video surveillance was deleted. Pursuant to Cal. Pen. Code §1191 the time to pronounce judgment had expired; - the probation report exception does not apply as HAOBSH was sentenced to tripple LWOP, and LWOP or Death Sentence were the only sentencing options. Furthermore there was a miscarriage of justice thus Cal. Const. Art. VI §13 does not apply. Jeopardy ended once the trial court loses jurisdiction.
(5th Amendment, U.S. Const - Double Jeopardy Clause)

SEE Fay v Noia, 372 U.S. 391 at 408 double jeopardy applies when trial court loses jurisdiction to sentence.

T.J. Direda is a lying Witness impeached many times over - the use of perjured Testimony violates Due Process.

Ben Ladinig (Prosecutor) pg 3041^{RT}-3042^{RT} lines 22-28 + 1-2: Closing Argument:

"And remember Judge, you're familiar with the corpus rule, really, after T.J. testifies to the confession all you needed was a scintilla of evidence to corroborate that. Once you have any Chase Corroboration or anything outside of that you, in all theory, could render a verdict. But there's a mountain of additional evidence on top of that pointing to the Defendant and the Defendant only for committing these savage murders."

Napue v. Illinois 360 U.S. 264

at 269 "The principle that a State may not knowingly use false evidence, including false testimony to obtain a tainted conviction, implicit in any concept of ordered liberty does not cease to apply merely because the false testimony goes only to the credibility of witness."

Mesarosh v. United States, 352 U.S. 1

at 9 "The dignity of the United States Government will not permit the conviction of any person on tainted testimony."

at 14 "The untainted administration of Justice is certainly one of the most cherished aspects of our institutions, its observance is one of our proudest boasts."

Nix v. Whiteside, 475 U.S. 157

at 169 "This special duty of an attorney to prevent and disclose frauds upon the Court derives from the conviction that perjury is as much a crime as tampering with witnesses or jurors by way of promises and threats and undermines the administration of Justice."

Christine Voss (Defense Counsel) excerpt from closing argument pg 3070^{RT}-3071^{RT}

"Mark, Maria, Juliana, Don Goldberg are frantically looking for the Itan family, Don Goldberg testified that he spent ten to twenty minutes walking around that house, going into the bedrooms. Mr. Ladinig just put up for you the pictures of those bedrooms, no bedding on the bed, with blood splatter on the walls. He said looked in the garage and ultimately he found the bodies wrapped in plastic with law enforcement. He saw a body wrapped on the ground and heard the deputy say "there's two more over here."

"The prosecution would have you believe that it is impossible for T.J. Direda to have any details about this crime other than from Mr. Haobsh when there are circles of individuals around T.J. who could and likely did have more information."

"It is impossible that Don Goldberg didn't call any of these people and say "You should stop looking. I saw what I saw. I hate to tell you but they're deceased." He was at the station for hours. He was sent home with phone."

"T.J. Direda did not report anything to law enforcement for two days. He claims that Mr. Haobsh came and talked to him at about 10:00am on the 23rd 2016 and he called law enforcement in the early morning hours on the 26th."

"It is impossible that Don Goldberg during that period of time did not assure his friends and colleagues and his business associates that it was time to call the search off because he saw what was in that house."

"And T.J. admits that he had a conversation with Kang prior to calling law enforcement. And he doesn't say, Oh Kang gave me any information but he admits that he had that conversation and still didn't call law enforcement."

United States v. Janis 428 U.S. 433

at footnote 35: "The primary means of judicial integrity in the context of evidentiary rules is that the courts must not commit or encourage violations of the Constitution."

Barnes v. United States, 412 U.S. 842

at 842 "An inference is irrational or arbitrary and hence ~~unconstitutional~~ unconstitutional, unless it can at least be said with substantial assurance that the presumed fact is more likely than not to flow from the proved fact on which it is made to depend."

T.J. Direda's Testimony due to the relentless perjury does not constitute a proven fact, and thus any inferences deriving a presumed fact from an unproven assertion violates Due Process.

The firearms toolmark testimony of prosecution expert Dave Barber cannot be credited as substantive inculpatory evidence under Carrier gateway standard where Dave Barber admits the objective Consecutive Matching Striae (CMS) Standard for firearms toolmarks was not met for the shell casings and further testifies the bullets recovered from the autopsy may have been fired from another firearm.

The U.S. D.O.E. AMES II-FBI study establishes an error rate above 60% where firearm toolmark examiners in the study failed to conclusively identify and report exculpatory evidence.

People v. Raviart 93 Cal. App. 4th 258
at 270 "Numerous Courts including our Own have recognized that it is not the right but the duty of a trial judge to see that the evidence is fully developed before the trier of fact and to assure that ambiguities and conflicts in the evidence are resolved insofar as possible."

A false-positive places an impermissible burden on HAOBSH's Second Amendment (U.S. Const.)

Right to bare arms. Where the appellate Court credits exculpatory evidence as inculpatory it is a deprivation of rights under color of law (*18 USC § 242) and Fourteenth Amendment (U.S. Const.) Due Process Violation.

* Pursuant to Dennis v. Sparks 449 U.S. 24 at footnote 5 Opinion of Court "A state judge can be found criminally liable under 18 USC § 242 although that judge may be immune from damages under 18 USC § 1983."

United States v. Mezzanatto, 513 U.S. 196

at 204 "There may be some evidentiary provisions that are so fundamental to the reliability of the fact finding process they may never be waived without irreparably discrediting the federal courts."

Alexander v. S.C. State Conf. of the NAACP, 602 U.S. 2
at footnote 6 "Parties can stipulate to issues of fact but they cannot by stipulation amend the law."

Home Bldg. & Loan Assn. v. Blaisdell, 290 U.S. 398

at 436 "But into all contracts, whether made between States and individuals, or between individuals only, there enter conditions which arise not out of the literal terms of the contract itself; they are superinduced by the preexisting and higher authority of the laws of nature, or of the community to which the parties belong; they are always presumed, and must be presumed, to be known and recognized by all, are binding upon all, and need never, therefore, be carried into express stipulation, for this could add nothing to their force. Every contract is made in subordination to them, and must yield to their control, as conditions inherent and paramount wherever a necessity for their execution shall occur."

United States v. Glynn 578 F. Supp. 2d 567

at 570 "More recently, three federal judges have addressed the scientific status vel non of ballistics identification testimony, and all three have concluded that, in one respect or another, it does not have sufficient rigor to be received as science."

United States v. Monteiro, 407 F. Supp. 2d 351

at 365 "Firearm identification evidence straddles the line between testimony based on science and experience. As the AFTE Theory describes it, the methodology is subjective in nature, founded on scientific principles and based on the examiners training and experience. Science is in the background, at the core of the theory, but its application is based on experience and training. The Court must therefore determine the reliability of both the underlying science and its application."

United States v. Monteiro 407 F. Supp. 2d 351

at 370 "In some experts views, the Biasotti CMS method provides a more objective standard for determining when a sufficient number of striae are consistent to declare a match"... "Although CMS is a widely accepted protocol which has been scientifically validated, it is not the predominant ~~firearms~~ standard in the field according to AFTE."

United States v. Taylor, 663 F. Supp. 2d 1170

at 1178 "Mr. Nichols testified that the explicit CMS criteria are not generally accepted because many firearms examiners consider them to be too stringent."

United States v. Cloud, 576 F. Supp. 3d 827

at 840 "AFTE Theory instructs examiners to draw identification conclusions from what is essentially a hunch - a hunch based on the examiner's training and experience." "... Moreover, the application of this circular standard is subjective in nature based on the examiner's training and experience. Ostensibly, one hundred firearm toolmark examiners could hold one hundred different personal standards of when two sets of toolmarks sufficiently agree, and all one hundred of these personal standards may accord with the AFTE Theory."

SEE Also United States v. Cloud, 576 F. Supp. 3d 827 at 844

United States v. Burris 999 F.3d 973

at 977 "A conviction based on insufficient evidence which endangers an essential element of the Constitution's due process guarantee clearly affects substantial rights and the fairness, reputation, and integrity of the court system."

Fiore v. White 531 U.S. 225

at 229 "We have held that the Due Process Clause of the Fourteenth Amendment forbids a State to convict a person of a crime without proving the elements of that crime beyond a reasonable doubt."

UNDER the Fourteenth Amendment (U.S. Const.) the Privileges and Immunities Clause requires the State of California adopt the *Carrier* standard of review (513 U.S. 298 at 328) for insufficient evidence claims, which may require the Court to make credibility determinations of witnesses.

Schlup v. Delo 513 U.S. 298

at ~~300~~ 330 "Though under *Jackson* the mere existence of sufficient evidence to convict would be determinative of petitioner's claim that is not true under *Carrier*..." "In contrast under the gateway standard we describe today... the Court may have to make some credibility assessments."

Melendez-Diaz v. Massachusetts, 557 U.S. 305
at 317 "The Confrontation Clause's ultimate goal is to ensure reliability of evidence." ... "Dispensing with confrontation because testimony is obviously reliable is akin to dispensing with a jury trial because a defendant is obviously guilty."

United States v. Inadi, 475 U.S. 387
at 392 "The prosecution must either produce or demonstrate the unavailability of the declarant whose statement it wishes to use against the defendant." SEE ALSO 399 U.S. 149, at 174

Appellate Court wrongly concludes HAOBSH challenges the introduction of evidence and testimony adduced from the preliminary hearing through a pretrial agreement. None could be further from the truth.

The pretrial agreement (see last page) incorporated a sweepingly broad and COZEN waiver of the 6th Amendment (U.S. Const.) Right to confront witnesses at trial as part of an unconstitutional trial strategy by Prosecution to purge the trial record and promulgate fraud on the Court.

Prosecutor Benjamin Ladinig destroyed and attacked the character and credibility of HAOBSH using unreliable and uncontroverted accusatory hearsay unrelated to charged offense (not direct evidence) to create prejudice and confusion. Furthermore, Prosecutor purges the trial record by willfully deceitfully, and maliciously misrepresenting the hearsay declarants.

Old Chief v. United States 519 U.S. 172

at 181 "Courts that follow the common-law tradition almost unanimously have come to disallow resort by prosecution to any kind of evidence of a defendant's evil character to establish a probability of his guilt. Not that the law invests the defendant with a presumption of good character; Greer v. United States, 245 U.S. 559, but it simply closes the whole matter of character, disposition and reputation on the prosecution's Case-in-Chief. The State may not show defendant's prior trouble with the law, specific criminal acts, or ill name among his neighbors, even though such facts might logically be persuasive that he is by propensity a probable perpetrator of the crime. The inquiry is not rejected because character is irrelevant; on the contrary, it is said to weigh too much with the jury and to so overpersuade them as to prejudice one with a bad general record and deny him a fair opportunity to defend against a particular charge. The overriding policy of excluding such evidence, despite its admitted probative value, is the practical experience that its disallowance tends to prevent confusion of issues, unfair surprise and undue prejudice."

THE Prosecutions excessive use of collateral character evidence violated HABBSH's due process rights (14th Amendment, U.S. Const.) as a malicious scheme to distract the trier of fact from ~~important evidence~~ ~~the direct evidence~~ exculpatory or insufficient direct evidence. State evidentiary provisions authorizing extensive collateral ~~evidence~~ character evidence violates Privileges and Immunities Clause (14th Amend, U.S. Const.)

Trial had structural defects due to prosecution and law enforcement suppressing significant exculpatory evidence including refusing to investigate the theft of HAODSH's energy equipment and the Shootouts HAODSH was involved in with assassins from U.S. Department of Energy.

FOURTEENTH AMENDMENT, U.S. Constitution, - Due Process and Privileges and Immunities Violation.

This was inadequate State process where failure to investigate was premeditated trial strategy by Santa Barbara Sheriff and District Attorney to cause a trier of fact to wrongly believe HAODSH's recall of events was fantastical and thus persuasive evidence suggestive of intentions to conceal ^{Circumstantial} guilt.

Law enforcement was given credible investigative leads when HAODSH voluntarily agreed to talk to Sheriff shortly after arrest, waiving ~~criminal rights~~ right to Counsel temporarily. Many investigative leads including recovery of video surveillance are time sensitive.

Where Sheriff and Prosecutors failed to do their investigative due diligence it was an illegal search and seizure of HAODSH in violation of 4th Amendment, U.S. Constitution.

Here the police powers of the State violated 14th Amendment (U.S. Const.) Privileges and Immunities Clause placing an impermissible burden on and obstructing interstate and international Commerce in violation of 15 USCS § 1 et seq. Article 1 Commerce Clause U.S. Constitution, Tenth Amendment (U.S. Const.), ~~and~~ Supremacy Clause Article VI Cl. 2 (U.S. Const.), and Oath of Office Article VI Cl. 3 (U.S. Const.), Depriving Americans in ALL States of the Union, access to the HAODSH technology.

Here HAODSH challenges not only the reliability but the legitimacy and Constitutionality of the State institutions of prosecution.

Lancaster, CA 93539

UNITED STATES SUPREME COURT

PETITION FOR REHEARING (RULE 44)
CERTIFICATION

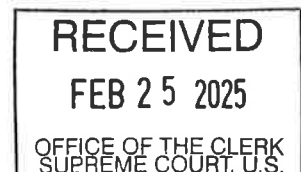
IN RE PIERRE HAUBSH
CASE NO. 24-6027
NO. 24M42

Pursuant to Rule 44, I Pierre Haobsh
certify this petition for rehearing is
timely, presented in good faith and not
for delay, - restricted to grounds in Rule 44(2).

~~Monetary Obligations are zero~~

Grounds are limited to intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented.

Pierre Hach Feb 11, 2025



PROOF OF SERVICE BY MAIL

(CCP §§1013(a), 2015.5; 28 U.S.C. §1746)

I, Pierre Haobsh, hereby declare that I am over the age of 18, I am the petitioner in the above-entitled cause of action, and my legal mailing address CSP-LAC ____ - ____, P.O. Box 8457, Lancaster, CA 93539-8457.

On ~~January 22nd~~ February 11th 2025, I delegated to prison officials the task of mailing, via the institution's internal mail system (Houston v. Lack, 487 U.S. 266 [101 L. Ed. 2d 245; 108 S. Ct. 2379] (1988)), the below entitled legal document(s):

(1) Petition for Rehearing
CASE No. 24-6027

~~Case No. 24-6027~~
~~Case No. 24-6027~~

by placing said documents in a properly addressed and sealed envelope, with postage fully prepaid, in the United States Mail, deposited in the manner provided by CSP-LAC, and addressed as follows:

California Attorney General
1300 "I" Street
Sacramento, CA 95814-2919

I further declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed this ~~22nd~~ 11th day of ~~January~~ February, 2025 at the California State Prison - Los Angeles County.

Pierre Haobsh