

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

ANTHONY TOWNES — PETITIONER
(Your Name)

vs.

STATE OF NEW MEXICO, et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

THE SUPREME COURT OF THE STATE OF NEW MEXICO
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

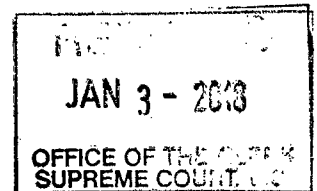
PETITION FOR WRIT OF CERTIORARI

ANTHONY TOWNES, # JT 7766
(Your Name)

10745 ROUTE 18, ERIE Penna,
(Address)

ALBION PA 16745
(City, State, Zip Code)

N/A
(Phone Number)



QUESTION(S) PRESENTED

Whether in the circumstances of this case, where State of Pennsylvania Petitioner did under the National Constitution and Laws put on his case in a first collateral challenge without counsel, the records or laws of the State of New Mexico after being induced to proceed therein, to acquire information and assistance on a controversial plea agreement resulted in denying Petitioner Due Process of Law within the meaning of the Constitution and laws of the United States ?

Whether on the basis of Petitioners uncontested facts and supporting evidence showing a clear conflict on the face of the record and the State of New Mexico request of production to more or something else is selectively applied, deprived Petitioner Constitutional protection within the meaning of national Constitution, article 4, article 6, the sixth amendment and the Due process clause and within the meaning of the Constitution and law of the United States ?

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:

THE DEPARTMENT OF JUSTICE, ATTORNEY GENERAL OFFICE,
CIVIL PROCESS CLERK, PO.BOX. 1508, SANTA FE, NM, 87504-1508

PUBLIC DEFENDER LAW OFFICE, HABEAS UNIT ATTORNEY, SUITE 120,
C/o: MS. A. STEPHENSON, ESQ., ALBUQUERQUE NM 87102

NEW MEXICO DISTRICT ATTORNEY, DISTRICT ATTORNEY OFFICE, PO.BOX 488,
COUNTY COURTHOUSE, 2ND JUDICIAL DISTRICT, ALBUQUERQUE NM 87103

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4-5
REASONS FOR GRANTING THE WRIT	6-8
CONCLUSION	8

INDEX TO APPENDICES

APPENDIX A	23 Aug. 2017, ORDER OF STATE SUPREME COURT (Celt's DENIED)
APPENDIX B	29 Sept. 2017, ORDER OF STATE SUPREME COURT (Reconsid'n. DENIED)
APPENDIX C	31 Aug. 2016, LETTER OF ATTORNEY
APPENDIX D	15 Dec. 2016, ATTORNEY NOTICE OF INITIAL REVIEW
APPENDIX E	29 Dec. 2016, ORDER OF STATE DISTRICT COURT (REFILE HABE)
APPENDIX F	31 Jan. 2017, WRIT OF HABEAS CORPUS (FEDERAL)
APPENDIX G	31 Jan. 2017, AFFIDAVIT OF MR. A. TOWNES,
APPENDIX H	08 Aprl. 2013, COURT GENERATED DOCKET SHEET (W/ CONTRACT)
APPENDIX I	20 Feb. 2017, ORDER OF STATE DISTRICT COURT (Habe denied)

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Armstrong v Mazo, 380 US 545, 85 sct 1187 (1965) ...	7
Britt v N.Carolina, 404 US 226, 92 sct 431 (1971) ...	6
Buckley v Terhune, 441 F.3d 688 (9.th, 2006)(en banc) ...	
Cervantes v Curry, 2009 U.S. Dist. LEXIS 124385 (9.th Cir, 2009) ...	6
Chessman v Teets, 350 US 3, 76 sct 34 (1955)(per curiam) ...	6
Chessman v Teets, 354 US 156, 77 sct 1127 (1957) ...	6
Commonwealth v Price, 876 A.2d 980 (Pa. Superior, 2004) ...	6
Mabry v Johnson, 476 US 504, 104 sct 2543 (1984) ...	7
Mayer v City of Chicago, 404 US 189, 92 sct 410 (1971) ...	6
Montgomery v Lousiana, 136 Sct 718, 193 L.Ed.2d 599 (2016) ...	6
Santobello v New York, 404 US 257, 92 sct 495 (1971) ...	7
Testa v Katt, 330 US 386, 67 sct 810 (1947) ...	6
U.S. v Tarble, 80 US 397, 20 L.Ed 597 (1871) ...	6
OTHER	
U.S. CONSTITUTION ARTICLE 6 ...	6-7
U.S. CONSTITUTION ARTICLE 4 ...	6-7
U.S. CONSTITUTION AMENDMENT VI., ...	6-7
U.S. CONSTITUTION AMENDMENT XIV. ...	6-8

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 believed to either

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

The opinion of the state 2nd Judicial District of New Mexico court appears at Appendix E, I, to the petition and is believed to either

☐ 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 August 23, 2017. A copy of that decision appears at Appendix A.

☒ A timely petition for rehearing was thereafter denied on the following date: September 29, 2017, and a copy of the order denying rehearing appears at Appendix B.

☐ 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 PROVISIONS INVOLVED

IN PETITIONERS BELIEF,

ART.IV. § 1. CL.1, NO STATE SHALL REFUSE TO ACKNOWLEDGE THE ACTIONS AND RECORDS OF
OTHER STATES

ART.IV. § 4. CL.1, THE U.S. GUARANTEES A SYSTEM OF LAWS TO PROTECT THE MAJORITY AND
MINORITY; U.S. CITIZENS ARE PROTECTED AGAINST ANY ATTACKS UPON
THEMSELVES OR THEIR RIGHTS

ART.VI. § 1. CL.2, THE U.S. CONSTITUTION IS THE SUPREME LAW OF THE LAND, ALL JUDGES
ARE BOUND BY OATH TO SUPPORT THE U.S. CONSTITUTION

ART.VI. § 1. CL.3, ALL LAW MAKERS, COURT OFFICIALS AND ENFORCEMENT OFFICERS ARE
BOUND BY OATH TO THE U.S. CONSTITUTION

AM. VI., U.S.Con. The right to have assistance from anyone, anything for preparation
and presentation in my defense; The right to be confronted by all witnesses against
me, the right to compulsory process and right to impartial fact finder.

In this, the Sixth has been held to afford the right to presumed innocence, the
right to have this personal guarantee unabridged by another or others and includes
the the overriding purpose in the protection of the accused from prosecutorial and
judicial abuses, the right to an impartial forum and impartial judge with an
affirmative Constitutional duty to insure the same.

AM. XIV. § 1, U.S.Con., The right guaranteed to all persons born in the United
States, the Right not to suffer from unconstitutional laws and right to not suffer
from laws excessively applied, the right to life, liberty and property, the right
not to be retaliated against, the right to equal protection and the right not to be
discriminated. It has also been held that "liberty" includes the right to contract,
to engage in any of the common occupations of life, to acquire useful knowledge, the
right to privacy, the right to be heard before being condemned to suffer grievous
loss of any kind, and the right to enjoy those privileges long recognized essential
to the orderly pursuit of happiness by free men that includes the right to my food
name, reputation, honor and integrity.

STATEMENT OF CASE

This case concerns a plea agreement with two interpretations and is fairly straightforward. In August 23rd, the State of New Mexico high Court denied Certiorari and reconsideration in September 29, of 2017; A copy of these Orders is to this petition at Appendix A., and B., seriatim.

Petitioner Mr. Townes is in the State of Pennsylvania ("PA"). He petitioned the Law Office of Public Defenders (herein "counsel") for help on the contracts accuracy. Counsel declined for Townes to file a Habe as State of New Mexico District Court (herein "lower court") after its review could only appoint counsel; A copy of this letter is to this petition as Appendix C.,.

Acting on these instructions, Mr. Townes prose, filed and in December 15, 2016, counsel proceeded to advise lower court of deficiencies addressing the contract and issues of counsel ineffectiveness. Here, the contract, though not provided was reconstructed to show "an exposure of zero (0) to eighteen (18) years." In December 29th, Mr. Townes was Ordered to revise the habeas; A copy of Counsel' contract and lower Court's Order is at Appendix D., & E., respectively.

Mr. Townes sought outside help and in January 31, 2017 a federal habeas Corpus was instituted with the necessary adjustments to address counsel and lower court' concern. In this, litigating out of State with no New Mexico law is communicated with the subject matter at issue under the Nations laws as under Pa. home State rule, the information repository was not required to store or have out of state law; A copy of the federal cause is to this petition at Appendix F.,.

Here, Petitioner fairly address extraordinary circumstances provided more substance in law and affidavits addressing the factual matter in this case, supporting the same with a copy of the contract provided in the official document legally issued by the lower court, a copy of which is (seriatim) at Appendix G., & H., respectively.

By February 20, 2017 the lower court addressed issues as vague and missing documentation in support to "as a matter of law" determine entitlement of relief," and denied habeas and the State Supreme Court denied certiorari and Reconsideration. A copy of the lower court's Order is at Appendix I.,.

In this case on the basis of the facts, counsel was fairly allowed in the absence of transcripts to place an impediment in this case that was accepted by the lower court; Yet, the same due-equal fairness in process was not accorded Mr. Townes nor his desperate but justified reliance on the National Constitution and with substantial supporting evidence clearly showing on the face of the record a contrariness in the State induced plea agreement.

Although counsel nor the lower court provided a copy of the transcripts for effective litigation, let alone correct the general assertions causing conflict; the federal question inclusive of the extraordinary circumstances and violations to the Sixth Amendment and Due Process clause was timely raised as shown at pages 1 to 12 of the federal cause of action, herein appendix F.,.

Here, the statement of facts as set forth on pages 1 to 5 of the affidavits is as provided in this litigation that on the basis of the same, State of New Mexico Prosecutor did not contest and, simply stated; Notwithstanding the extraordinary circumstances in litigation, in either construction, the agreement as reconstructed by Counsel is correct, rendering the contract provided by Mr. Townes a misrepresentation, or the contract provided by Petitioner is a true rendition and counsels reconstruction a misrepresentation; In either case, one of the two must fail.

A fair consideration in a meaningful time and in a meaningful manner would find that Petitioner with uncontested facts set forth a denial of the Sixth Amendment and Due process of law in violation of the Constitution and laws of the United States, and should have not been dismissed.

REASON FOR GRANTING PETITION

I. Enforce National Laws

On the basis of Petitioners facts, he barely had a choice in following New Mexico law being in "PA." The State court should have considered this as addressed on the face of the record and enforced federal law because "where any conflict arises between the two sovereignties or their laws, those of the national government must have supremacy, Tarble, 80 US 407, Testa, 330 US 389-94, Montgomery, 136 Sct. 731.

Counsel was allowed to put on his case without producing anything and in this misrepresented or mistated the contract; Petitioner did produce material to support claims yet was deprived due-equal fairness afforded counsel when in fact, the value of production was immaterial for Counsel and Petitioners production going to the merits was immaterial for adjudication, See: Chessman 350 US 3 (finding facts uncontested to hold the chages of fraud as such set forth a denial of due process).

In this light, the Constitutional guarantee of due process and equal protection was not satisfied when the State elected not to provide a "record to permit proper consideration," despite the fact Petitioner communicated all the foregoing and still rose beyond the same to put on his case, See: Cervantes, 2009 U.S. Dist. LEXIS 124385 (quoting Mayer, 404 US 193-94, and Britt, 404 US 227).

Further, under Pa. State home rule, if not also under federal law; Petitioner was required appointment of Counsel in his first collateral challenge "the denial of which cannot stand unless the petitioner was afforded assistance of counsel, " See: Price, 876 A.2d 993 (citing extensive case law), Chessman, 354 US 162 (recognizing counsel should have been appointed).

For all the same reasons, the National governments Constitution and laws was not only disregarded and/or misapplied, but that of Sister State as recognized in Article 4 of the United States Constitution, and in effect deprived Petitioner an entitled right to be heard by an impartial forum before an impartial tribunal in a meaningful time and manner; A consequence that contravenes all the foregoing Constitutional Articles and Amendments.

II. Federal Constitution and Laws

In this case, counsel and lower court's both calling for missing documents prejudice Petitioner when in itself either withheld reason showing how that was needed to support His claims "after" what was actually issued by these very same authorities performing an official act under color of authority, is what on its face clearly show a defective plea and future injury to his life, liberty and property.

Under Clearly established Supreme Court Law, the plea agreement implicated the Constitution not the plea bargain standing alone; That, also bound the government, Mabry, 476 US 507-08, Santobello, 404 US 262.

Here, counsel address the contract and ineffectiveness, Apx. D., p.2-3; He knew or had reason to know a defect in the plea was addressed that should have provided a meaningful review in a meaningful time, Armstrong, 380 US 552; The indication that this was to take effect and assistance provided is what exactly induced Petitioner to file the writ in the first instance, Apx. C.1.

As communicated by counsel, the plea agreement cut off terms was at eighteen (18) years, Apx.D.p.2, Petitioner averred the terms agreed was half of the eighteen, Apx. G. 3-4; Yet, even with this conflict, the terms itself are above Counsels limited representation and oppressively beyond anything Petitioner would have fairly and consciously agreed upon and Petitioner due process rights conferred by the Federal constitution allow him to enforce the terms of the plea agreement, Buckley 441 F.3d 694 (quoting Santobello).

For all the same reasons, Petitioner is, and is to be deprived any private physical control over the affairs of his life indefinite, not as the plea agreement presumes and in affect He is to be deprived of liberty and property as a consequence of this agreement that extends punishment up to his natural born life with an additional twenty years restraint, Apx.H., p.1; And as initially expressed, one of the contracts must fail.

For all the same reasons, Petitioner has in his limits and restraints communicating facts which clearly proved to be against conscience and good judgment to execute a judgment and as the injured party, Petitioner has availed himself at law but is prevented by fraud or accident, unmixed with any fault or negligence in himself justifying the subject matter at issue and Petitioner prays that if it appears reasonably probable that these facts reveal a potential determinative error by the Court below, a grant of Certiorari, vacatur and remand (GVR) may be appropriate.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

ANTHONY TOWNES

Date: 22 DEC 17