

PG. Due

ORIGINAL

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

IN Re

BRIAND WILLIAMS

— PETITIONER

(Your Name)

VS.

California & Edmund G. Brown, Jr.

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

The Supreme Court For The State of California

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

PETITION FOR WRIT OF CERTIORARI

BRIAND WILLIAMS - AM6025

(Your Name)

P.O. Box 32050 (Temporarily For Now)

(Address)

Stockton, California 95213

(City, State, Zip Code)

None As of Yet but soon

(Phone Number)

QUESTION(S) PRESENTED

- 1 When The Charging Document Indicated on its Face That The Action is Over Time barred to Prosecute Pursuant To The Cal. Pen. Code Sec. §§ 801, 802; Was The Trial Court Immediately Without Jurisdiction To Move Forward? Outside of The Cal. Pen. Code Sec. § 804(c), Which had already begun Three (3) Years, Three (3) Months and Fifteen Days (15) Prior before The Second Complaint was Filed After The Statute of Limitations had now passed and a Totally Different New Charge was now being Filed in Violation of The Cal. P.C. § 1009, and The Law Revision Commission's Reference To The Model Pen. Code Section 1.06 subd (5) ??? Did The Trial Court Violate The Statute of Limitations and Jurisdiction Authority as held in People vs. Hoffman (1933) 132 CA 2d; People vs. McGee (1934) 1 Cal. 2d 611; People vs. Rose (1972) 28 CA 3d 415; People vs. Chapman (1975) 47 CA 3d 597; In re Harris (1993) 5 Cal. 4th 813; People vs. Angel (1999) 20 CA 4th 1141; People vs. Lynch (2012) 182 CA 4th 1262.
- 2 Can The District Atty's Office "Resuscitate The Statute of Limitations" by Re-Filing a Case With a Totally New Different Kind of Charge for an Alleged Crime for The exact Time Frame (Adventual), After The Three (3) year Statute has already Run Out Pursuant To The Cal. Pen. C. § 804(c) as of Nov. 20th, 2012 (date of arrestee Arraign-ment) To The date of Dismissal Jan 24th, 2016 from The previously filed different Charge That The Deft was once being Charged With ???
- 3 Does a Court hold Vested Jurisdiction To Prosecute a Criminal Case, When Upon The Clear Face of The Criminal Complaint (Accusatory Pleading) There is Nothing That States or Gives any Facts Explanation Why The Prosecution is Not barred by The Statute of Limitations To Tell The "ARRESTING CHARGE" of and From November 10th, 2012 Pass The Three (3) Statute Once The Time has Run out and The Deft has Never Left The State?
- 4 When The DA is aware of Several Different Types of Charges That could be filed upon a Deft from The Time of arrest, but choose to piece meal other various charges over Time (i.e. before pretrial, trial; Post Dismissal 1382 Motion) but Time exceeds The Three Years Statute in playing it out This way, Is The DA entitled to Automatic Telling Pass The Statute To Continue This Harassing Practice against Any Deft, Until a Conviction is Secured by a trial or a plea agreement, especially when The Re-Filing of a New And Different Set of Charges are all filed way beyond The Three Years When The Dismissal of The prior Different Charge was also Done after The Statute was blown. Did The Court and DA [go] against The holding Cases of Sanders vs. Sup. Ct. (1999) 76 CA 4th 609; Kellett vs. Sup. Ct. (1966) 63 Cal. 2d 822; People vs. Brice (1988) 206 CA 3d 111; In re Demillo (1975) 14 Cal. 3d 598.

QUESTIONS PRESENTED

- 5 When a Defendant has been (on the Record) Threatened, Bullied and Coerced by way of Extremely Very Pervasive - Deceitful Persuasions Caused by The Unusual Extra-judicial Pressure that further caused an Under Duress Induced Plea to be Plead from "Implicitly and Negotiated" events by the Judicial Officers of the Court System With the Conspiracy from the Trial Court Judge and the DA Too Continuously Falsely Revoke Deft's Bail IF Deft Continues To Refuse To Enter Into a Plead Agreement, in which case he Does Only Through The Sole Advice of his Counsel; Is The Deft Clearly entitled To Withdraw his Plea on account of Duress, Fear, and other factors overreaching his free will and Judgment which further Deprived Deft of the Right of a Trial on the Merits - Even When The Record Supports The events presented. Was The Deft. Further deprived of a Adequate Competent Fercibus and Zealous Active Advocate by his Counsel by right under The Cal. Const. Art. I, Sec. 13 and 15 as well under The Sixth and Fourteenth Amendment Rather Than having his Client Plead to a Charge That was Re-Filed "after The Statute of Limitations" had already ran out. Did The Trial Court Violate The Statutory Stand under CCP § 632.09 (a)(3) and hold Case LAWS Under People vs. Geiggs (1941) 17 Cal. 2d 621; People vs. Schwartz (1937) 21 Cal. 309, 314; Johnson vs. Zeebst (1938) 324 US 458, 464; Powell vs. Alabama (1932) 287 US 45 HN9; Kercheval vs. US (1937) 274 US 222; Machibroda vs. US (1962) 368 US 487; Carter vs. Illinois (1946) 339 US 173, 174-175 HN6; Strickland vs. Washington, (1984) 426 US 668, 685-686; Williams vs. Taylor (2000) 529 US 362, 390-91, 393; People vs. Nedemas (1982) 43 Cal. 3d 171, 215-218 HN4.
- 6 Did The Trial Court Judicial System Violate The Deft's State and Federal Due Process Rights when it allowed the Prosecution to proceed on with a "Felony Complaint" after the "Statute of Limitations" of Three (3) yrs had already long expired in which is the amount of Time of Commencing Criminal Actions That MUST be Filed and brought against any Deft pursuant to The Cal. Pen. C. § 821 and § 824 as well as being in all other known Charges pursuant to See § 654 of The Pen. C. Was The Trial Court actions in Clear Conflict with Aure Davis (1936) 13 CA 2d 109, 111; Aure Cooney (1957) 48 Cal. 2d 851, 854; Aure McVickers (1946) 29 Cal. 2d 264, 274, 280.
- 7 Prior to Sentencing but on the actual day of Sentencing When a Deft himself makes The Verbal Motion to Withdraw his plea and The Court Judge Who took The plea Says "No!" but when The Deft's Counsel of Record finally Tells The Trial Court Judge That The Charge That The Deft Plead To was Pled after The Statute of Limitations, Was it a Fundamental Perjudicial Miscarriage of Justice and a Violate of both Deft's Federal & State Due Process and Equal Protection Rights To Not address The Merits of both The Deft and his Counsel's Claim on The Statute of Limitation Issue ???

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:

1. Governor Edmund Gerald Brown, Jr.
State of California - State Capital Bldg.
Rm 1173, Sacramento, California 95834
2. Attn. Xavier Becerra
Attorney General Office
320 S. Spring St. 1st Flr.
Los Angeles, California 90013
3. Supreme Court of California
350 McAllister Street, Rm. 1295
San Francisco, Calif. 94102-4292
4. Second Appellate District Court
Ronald Reagan Federal Building
220 S. Spring St. 2nd Flr - N. Tower
Los Angeles, Calif. 90013-1204
5. Los Angeles Superior Court - LASC
210 W. Temple St. - Clerk's Office
Los Angeles, Calif. 90012-
6. Los Angeles District Attorneys Office
210 W. Temple St. - District Atty's Flr.
Los Angeles, Calif. 90012-
7. Briand Williams
CHCF AM6025
P.O. Box 32050
Stockton, California 95213

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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.

The opinion of the Second Appellate District court appears at Appendix B 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 January 15th, 2018
A copy of that decision appears at Appendix A.

[] 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

United States Federal 5th, 6th, and 14th Amendments

United States CONST. ART. II, Sec. 39

California CONST. ART. II, SECTIONS 2, 7, 11, 13, 15, 17

Cal. Penal Code SECTIONS §§800, 801, 802, 804; §1204 Then §1209

The Law Revision Commission's Reference To The Model Penal Code
Section 1.26 subd (5).

Statute of Limitations (1935) 23 Cal. L. Rev. at pp. 525-527

STATEMENT OF THE CASE

"A Denial by a State Court of a Writ of Habeas Corpus to one who claims that the Judgment under which he is imprisoned was rendered in violation of his Constitutional Rights is Reviewable by the Supreme Court of the United States as Necessary involving a Federal Question. State Courts, equally with Federal Courts, are under an obligation to guard and enforce every right secured by the Federal Question." Smith vs. O'Grady (1941) 312 US 329, 334.

"An Accused may have been denied the assistance of counsel under circumstances which constitute an infringement of the US Constitution. If the State affords No Mode for Redressing That Wrong, he may come to the Federal Courts for Relief" Carter vs. Illinois (1946) 329 US 123, 124-125, HN6.

"Throughout the Centuries the Great Writ has been the shield of personal freedom insuring liberty to persons illegally detained. Respecting the State's grant of a right to test their detention, the 14th Amendment weighs the interest of Rich or poor criminals in equal scale, and its hand extends as far to each." Smith vs. Bennett (1961) 365 US 228, 213, HN9.

"The Fourteenth Amendment provides that No State shall 'deprive any person of Life, Liberty, or Property without due process of law" US Const. Amend. XIV, §1; See Helwig vs. Helms, (1983) 459 US 460 at p. 466.

On November 16th, 2012 Petitioner herein was arrested at approx 7:30 AM. for an alleged One (1) Count Felony pursuant to Pen.C. § 15 and § 2683. (No Outstanding Warrants)

On November 22th, 2012 Pet'r is Arraigned in Dist'n LASC - CCB Dept. 30 - Felony Div.

On or about October 16th, 2015 after 3 years the Case is Transferred to Dept. 122 for Superior Ct. Arraignment but Pet'r Does Not get Arraigned because his Pvt. Counsel left the Courthouse Early. So the alleged Crime that was allegedly committed on Oct. 17, 2012 is Now Going over Three Years Old.

On Jan. 29th, 2016 on day 52 of 60 The D.A. Dismissed the Case & am Ordered to be Release, but The D.A. Re-Filed the Case but with a Totally Different New Charge and Now there is also a New Case Number too. Pet'r Immed. Files a Demurrer Mar 2th, 2016 It Denied Mar 29th, 2016.

On April 14th, 2016 Pet'r Files a 2nd Demurrer in the Sup. Ct. but it is Denied 6-1-2016

On July 15, 2016 Pet'r's Counsel Tell him to take the Plea but file a Writ Petition Any way because the Charge was filed after the Statute Expired already. But the Plea deal goes bad and I get Remanded and Sent to Prison on May 8th, 2017. I Now am here before this Court after having exhausted all of my State Pet' Remedies.

REASONS FOR GRANTING THE PETITION

Pursuant To Rule 2D.4(a)

We are Taught in School at a Very early young age (but sometime after kindergarten) about our fore fathers who helped build this country (this US (INC.) and engraved our CONSTITUTION (Thank You John Hancock and some many other signatories) for what is commonly known as the Bill of Rights - our Independence, and because of those Rights we the people are enshrouded and enshrined into that Declaration as protection from our government overreaching powers and for our kids and families whom as a man or woman stand-up and fight for what "we the people believe in" as an individual, as a group, as a US Citizen and as a country in and for itself. ¶ We are taught the meaning of these Rights prior to any later on, unforeseen, down the line Amendments to the Const. as a whole or in part as some would call it, "piece meal." But, it is in those Very First Ten (10) Bills out of all of the Originally written Const. that seem to bare the framework and help shape our existence in what our founders of this country stood for. And even though History & Govt Class during my High Sch. Yrs. were both Requirement Classes in order to walk across that stage, what we as kids - students and for some of us College Graduates didn't know because it was never told to us was how to invoke any of those Rights if or should you become a suspect or even worst got arrested for any alleged crime, whether you did or didn't do it, or knew and didn't know, nothing about something that could or did make you a "Person of Interest" as they say! ¶ To come into the Heartland of Justice and climb the steps and become one of many but very few who do or can make it into the U.S. Supreme Court in Wash. DC is one of many legal battles thoughts and dreams to someday do out in the free world but unfortunately I come from behind the Metal Doors surrounded by Mesh fencing with 2000 rules because I remembered what the Constitution Bills said, and because I even kept speaking-up "as a US born Citizen" who had believed as an individual that the Declaration of Independence would protect me from the overreaching government (the State of Calif.) I was forced to find out differently because I "Exercised" ANY and ALL of those Rights I was punished and imprisoned which is NOT supposed to happen (Johnson vs. Zebest, 1938) 304 US 458, 464) Yea, Right. Moving Et. Along

My Reasons for not making Application to The USDC Central District is because The Exceptional Circumstance that Warrants the Rarely Granted Exercise of this Court's Discretionary Powers is beyond the few Pleasantries that one could receive from the Dist. Ct. level. I believe it was FDR our Former President had stated "Walk Softly and Carry a BIG Stick." Well, Frankly I believe that any action from The USSC is about as BIG a stick that one could carry. A lot Bigger than any Dist. Ct. Stick!! Wouldn't this Ct. Agree. I want The Respondent to be able to see how BIG of a stick I brought with me to fight with. I can only present my case the best that I can - if you take up my case than I walked soft enough but if you don't than, I just wasn't strong enough to carry the weight of the stick that was needed. ¶ The Dist. Ct. Can Not Give me a Foundation Bedrock Opinion to Put The State of Calif. in its Place, Nor Can The Dist. Ct. embed The History Books With a Uniformity Decision by a Bedrock Ct. that will make every state across the US see that a state can not abridge the Rights of their Citizens and go Against what the Legislature has put in place!!!

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

BRIAND WILLIAMS

[Signature] - *Per Propra Persona*

Date: April 8th 2018