

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM 2017

SID EDWARD WILLIS, JR.,
Petitioner,
v.

UNITED STATES OF AMERICA,
Respondent.

Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Ninth Circuit

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QUESTIONS PRESENTED

1. Whether the Ninth Circuit erred when it denied Petitioner Willis's motion for a certificate of appealability in regard to claims that:
 - a. He did not waive his right to pursue a collateral attack on grounds that he was selectively prosecuted on account of his race;
 - b. He was selected for prosecution in this felon in possession case on account of his African American ethnicity, whereas his Hispanic companion was not prosecuted;
 - c. The prosecution failed to correct false testimony during a motion to suppress hearing;
 - d. His trial counsel was ineffective because he failed to vigorously cross examine officers who testified during the motion to suppress hearing.

TABLE OF CONTENTS

	Page
Questions Presented	ii
Table of Contents	iii
Table of Authorities	iv
Index to Appendix.....	vi
1. Opinions Below.....	1
2. Jurisdictional Statement	2
3. Constitutional and Statutory Provisions.....	3
4. Statement of the Case.....	4
5. Reasons for Granting the Writ.....	19
6. Conclusion	19

TABLE OF AUTHORITIES

Cases

<u>Authority</u>	<u>Page</u>
<i>Gonzalez v. Thaler</i> , 565 U.S. 134, 132 S. Ct. 641, 181 L. Ed. 2d 619 (2012)	2, 19
<i>Miller-El v. Cockrell</i> , 537 U.S. 322, 123 S. Ct. 1029, 154 L. Ed. 2d 931 (2003)	2, 19
<i>Oyler v. Boles</i> , 368 U.S. 448, 82 S. Ct. 501, 7 L. Ed. 2d 446 (1962)	12
<i>Slack v. McDaniel</i> , 529 U.S. 473, 120 S. Ct. 1595, 146 L.Ed. 2d 542 (2000)	2, 18-19
<i>State Farm v. Tan</i> , 691 F. Supp. 1271, 1988 U.S. Dist. Lexis 9843 (S.D. CA 1988)	16
<i>Strickland v. Washington</i> , 466 U.S. 668, 104 S Ct. 2052, 80 L. Ed.2d 674 (1984)	16
<i>Terry v. Ohio</i> , 392 U.S. 1, 88 S.Ct. 1868, 20 L.Ed.2d 889 (1968)	1, 4, 5, 18
<i>United States v. Armstrong</i> , 517 U.S. 456, 116 S. Ct. 1480, 134 L. Ed. 2d 687 (1996)	12
<i>United States v. Buchanan</i> , 59 F.3d 914, 1995 U.S. App. Lexis 16438 (9th Cir. 1995)	11
<i>United States v. Darif</i> , 446 F.3d 701, 2006 U.S. App. Lexis 10946 (7th Cir. 2006)	13
<i>United States v. Hendrickson</i> , 22 F.3d 170, 1994 U.S. App. Lexis 8113 (7th Cir. 1994)	11
<i>United States v. Hernandez</i> , 242 F.3d 110, 2001 U.S. App. Lexis 3477 (2d Cir. 2001)	11

<i>United States v. Jones</i> 159 F.3d 969, 1998 Fed. App. 0331P, 1998 U.S. App. Lexis 28141 (6th Cir. 1998)	13
<i>United States v. Wilkes</i> , 20 F.3d 651, 1994 U.S. App. Lexis 10766 (5th Cir. 1994)	10-11

Constitutional Provisions, Statutes and Rules

<u>Authority</u>	<u>Page</u>
U.S. Const., 5 th Amendment	3, 6, 12, 14
U.S. Const., 6 th Amendment	3, 6, 14, 19
U.S. Const., 8 th Amendment	3, 6, 14
18 U.S.C. §922	1, 4
18 U.S.C. §924	1, 4
18 U.S.C. §3231	2
28 U.S.C. §1254	3
28 U.S.C. §2253	2, 3-4, 19
28 U.S.C. §2255	2, 10, 12
6 Wigmore, Evidence §1838 (Chadbourn rev. 1976)	16

Index To Appendix

Ninth Circuit Order denying Willis's Motion for Reconsideration, dated January 30, 2018	Appendix – 001
Ninth Circuit Order denying Petitioner Willis's Motion for a Certificate of Appealability, dated November 7, 2017	Appendix – 002
District Court Opinion and Order Denying Amended 2255 Motion, Denying Motion for A Hearing, and Declining to Issue A Certificate of Appealability, dated June 9, 2017	Appendix – 003
Willis's Amended 2255 Motion, dated June 7, 2016	Appendix – 020
<i>United States v. Willis</i> , 610 Fed. Appx. 696, dated March 4, 2015	Appendix – 052
Excerpts of Motion to Suppress Hearing Transcript, dated May 20, 2013	Appendix – 053
Willis's Motion for A Certificate of Appealability, dated October 9, 2017	Appendix – 095

1. Opinions Below.

The prosecution charged Petitioner Willis with being a felon in possession of a firearm, in violation of 18 U.S.C. §922(g)(1), and alleged that he was subject to sentencing as an armed career criminal pursuant to 18 U.S.C. §924(e).

Willis moved to suppress evidence seized when he was arrested on the grounds that the police did not have probable cause to arrest him, and on the grounds that the scope of the seizure exceeded the scope of a search permissible under *Terry v. Ohio*, 392 U.S. 1, 19-20, 88 S.Ct. 1868, 20 L.Ed.2d 889 (1968).

The court held a hearing on May 20, 2013 and denied the motion from the bench, reasoning that the stop at gunpoint constituted a permissible *Terry* stop because the officers had reasonable safety fears justifying the display of weapons, and that they had probable cause to arrest when Willis was on the ground after Morris identified him. Motion to Suppress Hearing Transcript, App. at 83-93.

Willis entered a conditional guilty plea and the court sentenced him to 180 months on 12/23/13. Willis appealed, and the Ninth Circuit affirmed on the grounds that

[t]he detention of Willis that resulted in the officers' discovery of the relevant evidence was a valid investigatory stop under *Terry v. Ohio*, 392 U.S. 1 (1968). The aggressive means the officers used to stop Willis were justified and did not convert the detention into an arrest because the officers had information that Willis was currently armed, the stop closely followed a violent crime, and Willis fled upon seeing the officers' vehicle.

United States v. Willis, 610 Fed. Appx. 696, 697 (9th Cir. 2015), App. 52.

Willis then filed a motion under 28 U.S.C. §2255, alleging nine claims. Following briefing, the district court denied Willis's 2255 motion on June 9, 2015 and declined to issue a certificate of appealability. Opinion and Order Denying 2255 Motion, App. at 3-11. Counsel filed a notice of appeal and a motion for a certificate of appealability, which the Ninth Circuit denied, writing:

because appellant has not shown that “jurists of reason would find it debatable whether the [section 2255 motion] states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *see also* 28 U.S.C. § 2253(c)(2); *Gonzalez v. Thaler*, 565 U.S. 134, 140-41 (2012); *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003).

Ninth Circuit Order Denying Motion for Certificate of Appealability, App. at 2.

Willis then filed a motion for reconsideration with the Ninth Circuit. Order Denying Motion for Reconsideration, App. at 1.

2. Jurisdictional Statement.

The district court had exclusive jurisdiction over the charge against Mr. Willis pursuant to 18 U.S.C. §3231, and the Ninth Circuit had jurisdiction over his appeal pursuant to 28 U.S.C. §2253(a). The Ninth Circuit denied Willis's motion for a certificate of appealability on November 7, 2017 and denied his motion for reconsideration on January 30, 2018. App. at 1 & 2. This petition, filed on April 30, 2018, is timely pursuant to Supreme Court Rule 13.1, and jurisdiction in the

Supreme Court is invoked under 28 U.S.C. 1254(1).

3. Constitutional and Statutory Provisions.

The prosecution's claim that Willis waived his right to collateral attack his conviction, and Willis's claims of selective prosecution and his claims regarding false testimony against him are governed by the Fifth Amendment, which provides in pertinent part:

No person shall be ... deprived of life, liberty or property, without due process of law....

Willis's ineffective assistance of counsel claims are governed by the Sixth Amendment which provides in pertinent part:

In all criminal prosecutions, the accused shall enjoy the right to ... have the Assistance of Counsel, for his defence.

Willis's false testimony claim is also governed in part by the Eighth Amendment, which provides in part:

[n]or cruel and unusual punishments inflicted.

The standard for issuing a certificate of appealability for habeas appeals appears in 28 U.S.C. §2253(c):

- (c) (1) Unless a circuit justice or judge issues a certificate of appealability, an appeal may not be taken to the court of appeals from-
 - (A) the final order in a habeas corpus proceeding in which the detention complained of arises out of process issued by a State court
- (2) A certificate of appealability may issue under paragraph (1) only if the applicant has made a substantial showing of

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the denial of a constitutional right.

28 U.S.C. §2253(c)

4. Statement of the Case.

A. Claims.

This case grew out of events on May 24, 2012 which led to the arrest of Mr. Willis and his companion Alejandro Herrera. Greg Morris called 911 to report that two people had confronted him and his girlfriend at gunpoint in a convenience store parking lot and demanded a ride. A short while later, police stopped Willis and his companion Herrera nearby at gunpoint, ordering both onto the ground. Willis initially dove into some bushes, but came out when commanded to do so. While Willis was on the ground, Morris told officers that Willis and Herrera were the two who accosted him and his girlfriend. When lifting Willis off the ground, the officers saw what they believed to be cocaine. After placing Willis in a patrol car, officers found a gun in the bushes, which displayed heat when examined with an infrared device.

The government did not prosecute Herrera, but it did charge Willis with being a felon in possession of a firearm in violation of the Armed Career Criminal Act, 18 U.S.C. §§922(g)(I), 924(d) and 924(e). Before trial, Willis filed a motion to suppress items seized, arguing that the initial police encounter was an arrest that lacked probable cause, rather than a *Terry* stop based on reasonable suspicion. On May 20, 2013 the court held a hearing on the motion to suppress at which four

officers testified: Kimberly Hubbard; Derek Carmon, Shaye Samora, and John Billard. Two officers who assisted in taking Herrera and Willis into custody, Officer Pippen and John Andonian did not testify.

The court denied the motion to suppress. It ruled that the call from an identified informant about a recent crime involving a gun, the match between the informant's descriptions and Willis's and Herrera's appearance, the proximity in time and location, and Willis's movement behind the bushes, all created reasonable suspicion sufficient to support a *Terry* stop. The court also found that the intensity and nature of the stop (ordering Herrera and Willis to the ground at gunpoint) was objectively reasonable due to concerns for the safety of the officers. Suppression Hearing Tx at 112:75-119:17, App. at 83 - 93. The court found that probable cause to arrest arose when Officers Hubbard and Carmon rolled Mr. Willis onto his side in an effort to get him off the ground, and in so doing uncovered a small bindle of what appeared to the officers to be cocaine, and when Morris identified Willis and Herrera. *Id.* at 119:18 – 120:23, App. at 90 - 91. Mr. Willis then entered a conditional guilty plea admitting he possessed the gun, and the court sentenced him to 180 months in this case on December 23, 2013.

Mr. Willis appealed the denial of his motion to suppress, and the Ninth Circuit affirmed, writing in an unpublished memorandum opinion that:

[t]he detention of Willis that resulted in the officers' discovery of the relevant evidence was a valid investigatory stop under *Terry v. Ohio*,

392 U.S. 1 (1968). The aggressive means the officers used to stop Willis were justified and did not convert the detention into an arrest because the officers had information that Willis was currently armed, the stop closely followed a violent crime, and Willis fled upon seeing the officers' vehicle.

United States v. Willis, 610 Fed. Appx. 696, 697 (citations omitted).

This Court denied Willis's petition for a writ of certiorari on June 28, 2016.

Willis filed an initial 2255 motion on March 28, 2016, and the current amended 2255 motion on June 7, 2016. Amended 2255 Motion, App. at 20.

The amended 2255 motion makes nine claims. The issues surrounding these claims can be grouped as follows:

Claims Other Than Ineffective Assistance of Counsel:

1. Waiver;
2. Selective prosecution on race based grounds (grounds 1 and 6);
3. Due process and fair trial violations under the 5th, 6th and 8th Amendment by the prosecution in failing to correct false testimony by officer Hubbard regarding her contact with defendant at MCDC (ground 8).

Ineffective Assistance of Counsel Claims:

1. Ineffective assistance of counsel for failing to impeach officer Hubbard regarding her testimony that she transported Willis to MCDC with the testimony of Officers Carmon and Andonian (grounds 2, 3, 7a);
2. Ineffective assistance of counsel in failing to impeach officers Hubbard and Carmon as to when property was taken (grounds 4, 7b, and 9);
3. Ineffective assistance of counsel in failing to call officer John Andonian (grounds 5 and 9);

Amended 2255 Motion, App. at 20-51.

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B. The Relevant Testimony And Reports.

(i). Officer Hubbard.

Officer Kimberley Hubbard testified that on May 24, 2012 at 10:21 p.m. she and her partner Derek Carmon were dispatched on a call about a recent threat made with a gun at SE Division and SE 162nd Ave. As she and Camron drove eastward on SE Division toward the location, they saw two men who matched the suspect descriptions walking westbound on the opposite side of the street near SE 158th Ave. Officer Camron made a U-turn, and turned on the emergency lights, and came to a stop pointing at the two suspects. As the patrol car made the U-turn, Herrera remained standing on the sidewalk, and Willis moved behind some bushes. Hubbard drew her gun on Herrera and ordered him to lie on the ground. With other officers, she “proned out” Herrera and handcuffed him. At the same time Carmon looked into the bushes with his gun drawn and giving commands to come out. Willis then crawled from the bushes and complied with orders to lie on the ground.

Once Herrera had been cuffed, Hubbard moved to help Carmon with Willis. After cuffing Willis, the officers rolled him on his side, and in doing so revealed a small baggie of white powder that Hubbard believed was cocaine. Hubbard testified officer Billard then looked in the bushes from which Willis had emerged and found a silver revolver.

After the 911 caller had identified Herrera and Willis, officers transported them to the East Precinct and then to MCDC. Referring to the BOEC print of officer activity, Hubbard testified that she and Carmon as partners in Unit 1672 arrived on scene at 10:25:51 p.m. on the 24th, transported Willis to the East Precinct at 11:21 p.m., and then transported Willis from East Precinct to MCDC between 1:13 a.m. and 1:26 a.m. on the 25th.

Two reports written by Officer Hubbard are attached to the amended 2255 motion: Ex. 4, a Force Data Collection Report, and Ex. 5, a Special Report. The Force Data Collection Report reflects that other than the bindle of cocaine, “No other items of value were found during my inventory of Willis.” The Special Report echoes Hubbard’s testimony that she and Carmon transported Willis to MCDC.

Defense counsel’s cross-examination of Hubbard only consisted of asking whether she had completed the use of force report, that she knew nothing about Willis before arrest, and that items of value were removed from Willis when he was placed in the patrol car. Motion to Suppress Transcript, App. at 55 – 59

(ii). Officer Carmon.

Officer Carmon described similar events regarding the stop and arrest. However, he testified that Officers Billard and Andonian transported Willis from East Precinct to MCDC.

On cross examination, Carmon testified that he took Willis's shoes, money, cigarettes, and cell phone, and then placed Willis in the patrol car. Counsel did not further amplify the conflict between Hubbard and Carmon regarding transport to MCDC. Motion to Suppress Transcript, App. at 59 - 63

Officer Carmon's Custody Report is attached to the amended 2255 motion. Ex. 3. It reflects that "Officers Andonian and Billard transported Willis to MCDC without incident and Willis had no items of value on his person."

(iii). Officer Shaye Samora.

Officer Samora testified about his contacts with the complainant, Greg Morris and his girlfriend Christine Smith. Samora's report, which appears as Ex. 2 to the Amended 2255 Motion (CR 99), states that Morris said Herrera threatened him, saying "You need to quit talking", demanded a ride to 102nd, and then said "why are you still talking ... we'll just shoot you and take your car."

Counsel's cross-examination of Samora consisted of an exploration of the timing of his arrival and contact with Morris in relation to the contact made by other officers with Willis. Motion to Suppress Transcript, App. at 63-67.

(iv). Officer John Billard.

Officer Billard testified that he was with his partner John Andonian, a couple hundred feet behind Carmon and Hubbard arriving on the scene. He found the silver revolver 6-8 feet into the hedgerow and photographed it in place. He also

imaged the gun with a heat sensitive Flir device, which showed some warmth initially and no warmth after 20 minutes. On the basis of that heat reading, he gave an opinion that somebody handled the gun within 20 minutes to an hour before it was found.

On cross examination, Billard testified that Willis was handcuffed when “proned out” on the ground, and that it is standard practice to take shoes, money, cell phones, cigarettes and other basic possessions before placing a suspect in a patrol car. Motion to Suppress Transcript, App. at 67 - 69.

(v). Officer Andonian’s Report.

Officer Andonian’s report appears as Ex. 1 to the Amended 2255 Motion. App. at 40 - 41. Contrary to Carmon’s report, it does not reflect that either Andonion or Billard transported Willis to MCDC.

C. The 2255 Allegations And The District Court’s Rulings.

(i). The Claims Other Than Then Ineffective Assistance of Counsel: Selective Prosecution, and Due process and Fair Trial Violations.

(a). Waiver.

The prosecution contended that Willis waived his right to bring any §2255 claim other than ineffective assistance of counsel, and so waived his right to claim selective prosecution. The District Court agreed. Opinion and Order Denying 2255 Motion, App. at 10 – 11.

Waivers of collateral attack are subject to the same requirements imposed on waivers of direct appeal: they must be knowing and voluntary. *See United States v. Wilkes*, 20 F.3d 651, 653 (5th Cir. 1994) (“As a general matter therefore . . . an informed and voluntary waiver of post-conviction relief is effective to bar such relief.”) A defendant’s appellate waiver “must be express and unambiguous.” *United States v. Hendrickson*, 22 F.3d 170, 174 (7th Cir. 1994). Further, “[w]aivers of appellate rights ... are to be applied narrowly and construed strictly against the Government.” *United States v. Hernandez*, 242 F.3d 110, 113 (2d Cir. 2001) (internal quotation marks omitted). If the court advises a defendant that he or she has a right to appeal, and the government does not object, that may override an appellate waiver in the plea agreement. *United States v. Buchanan*, 59 F.3d 914, 917 (9th Cir. 1995).

Here, there are three references to waivers in the change of plea colloquy. Near the beginning of the colloquy, the prosecution referred to the conditional nature of Willis’s plea, permitting him to appeal the court’s denial of his motion to suppress, and reciting that “he is waiving his other rights to appeal, your Honor.” RT2 at 3:24 – 3:25.

Later, the court reviewed the text preceding Willis’s signature, including the statement “I expressly waive my right to appeal, as outlined in this agreement.” Finally, the court remarked “Mr. Willis, I’m satisfied you’re fully competent today.

You're making a knowing, intelligent, and voluntary waiver of your rights." RT2 at 36:19 – 36:21.

The District Court's opinion regarding waiver is brief:

As noted, in the Plea Agreement Defendant waived his right to bring a § 2255 motion on any ground other than ineffective assistance of counsel. The court engaged in a thorough colloquy with Defendant as to that fact, and Defendant indicated he understood.

Willis contends that the colloquy was not sufficient to establish that he knew he was waiving claims he might bring under §2255, and that he should not be denied his day in court on that ground now.

(b). Selective prosecution on race based grounds (grounds 1 and 6).

A claim of selective prosecution alleges that the government has charged the defendant for reasons that violate a fundamental right to equal treatment under the law. *United States v. Armstrong*, 517 U.S. 456, 464 (1996). A selective prosecution claim falls under the equal protection clause of the Fifth Amendment, which forbids prosecutors from targeting an individual based upon "an unjustifiable standard such as race, religion, or other arbitrary classification." *Oyler v. Boles*, 368 U.S. 448, 456 (1962). Making out a prima facie case requires that the defendant overcome, with "clear evidence to the contrary," the presumption that prosecutors act with good faith and integrity when seeking indictments. *Armstrong*, 517 U.S. at 464 (internal citation omitted). Clear evidence to contradict this "presumption of regularity," consists of proof that the prosecutorial decision at

issue “had a discriminatory effect and that it was motivated by a discriminatory purpose.” *Id.* at 465 (internal citation omitted).

To establish that the government acted with a discriminatory purpose, the defendant must show that his prosecution “was based on an arbitrary classification such as race, religion, or the exercise of constitutional rights.” *United States v. Darif*, 446 F.3d 701, 708 (7th Cir. 2006). For example, if a defendant asserts that he was prosecuted because of his race, he must show that the actions of law enforcement were racially motivated. *See, e.g., United States v. Jones*, 159 F.3d 969, 977 (6th Cir. 1998) (finding discriminatory intent where arresting officer mailed the defendant a postcard “of an African American woman with bananas on her head”). To show discriminatory effect, the defendant must provide “some evidence” that the government declined to prosecute similarly situated individuals outside of the protected group to which the defendant belongs. *See, e.g., id.* at 977-78 (finding that the defendant “has set forth ‘some evidence’ tending to show the existence of discriminatory effect that warrants discovery in his selective prosecution claim”).

Here, Willis contends that the government’s decision to prosecute him, an African American, but not Herrera, who is not African American, shows both the required discriminatory intent and effect, a point highlighted by Herrera’s threats to Morris as reflected in Samora’s report. *See* Ex. 2 to Amended 2255 Motion, CR

99. Further, Willis contends that he has a long history with AUSA Kerin which motivated this prosecution.

The District Court's rationale for rejecting Willis's selective prosecution claim on the merits was that

[t]he record, however, reflects Herrera was not alleged to have possessed a firearm during the events that formed the basis for the charge of felon in possession, but Defendant possessed a firearm at that time.

Opinion and Order, CR 135 at 8.

The Court's rationale, though, fails to take into account the fact that Herrera acted jointly with Willis, saying "why are you still talking ... we'll just shoot you and take your car." Amended §2255 Petition, CR 99, Ex. 2, Samora report at p. 2. In these circumstances, a case might be made that Herrera and Willis jointly possessed the gun.

(c). Due Process and fair trial violations under the 5th, 6th and 8th Amendments for failing to correct Hubbard's false testimony regarding her contact with defendant at MCDC (ground 8).

Willis also contends that the prosecutor had a duty to correct the testimony as to whether Hubbard had contact with Willis at MCDC, and he seeks a hearing to prove the same. The District Court acknowledged the inconsistency in Hubbard's testimony, but rejected this claim, concluding:

In any event, the Court notes the issue of which officer brought defendant to MCDC after his arrest was not central or relevant to the

crime charged, and the issue was explored adequately in direct testimony at the suppression hearing.

Opinion and Order, CR 135 at 8 – 9.

Willis contends that had the prosecutor corrected Hubbard's error, it would have materially affected the court's determination of the merits of his claim that the officers arrested him without probable cause.

(ii). Ineffective assistance of counsel Claims.

(a). Trial Counsel Was Ineffective for failing to impeach officer Hubbard regarding her testimony that she transported Willis to MCDC with the testimony of Officers Carmon and Andonian (grounds 2, 3, 7a).

The record discloses a clear conflict between Hubbard and Carmon as to whether they transported Willis from East Precinct to MCDC, yet the point was not explored on cross examination of either witness. The District Court rejected Willis's claim that his lawyer was ineffective for failing to impeach Hubbard, writing:

The record reflects the minor issues that Defendant raises about Officer Hubbard's testimony regarding which officers transported Defendant after his arrest are irrelevant to the issues the Court considered when deciding Defendant's Motion to Suppress; the Court, in any event, addressed the discrepancies during the suppression hearing; and the Court, well aware of the variations in the witnesses' testimony, did not find any indication of untruthfulness:

I expect that witnesses to the same event will often have different perspectives, and this case isn't any different. We have minor variations among the accounts of the officers and even the defendant's account. But fundamentally consistent from the testimony of the officers and even from the defendant's testimony to the extent he chose to share it with me.

* * *

I find all of the witnesses testified truthfully, to the best of their knowledge. The officer, I have no reason to distrust, other than in the normal run of human encounters, people remember details; some don't. One officer writes down 20:51 hours when it's 22:51 hours. There are human errors inherent in their accounts. But nobody is lying to me about the key facts here, and I accept the key presentation as true.

Evid. Hearing Tr. (#49) at 112-13.

The Court concludes on this record that Defendant has not established defense counsel's performance fell below an objective standard of reasonableness under prevailing professional norms with respect to the impeachment of Officer Hubbard as to her testimony relating to defendant's transport to MCDC.

Opinion and Order, CR 135 at 12 – 13.

Cross examination is one of the greatest engines for the detection of the truth. *State Farm v. Tan*, 691 F. Supp. 1271 (S.D. CA 1988); 6 Wigmore, Evidence § 1838 (Chadbourn rev. 1976). Here, Willis complains the tool lay dormant when it might have been used to undercut the arresting officers' credibility.

Here, jurists of reason should find it debatable whether trial counsel's failure to cross examine the officers, to get them to admit that their reports are important, that they are intended to record events at the time they occur and to aid accurate testimony later, and that in this case either the reports or the officers' testimony failed to serve that function. Doing so would have generated questions about whether the officers were accurate regarding the timing and nature of events.

Failure to do so fell below the level of advocacy demanded by *Strickland v.*

Washington, 466 U.S. 668, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984).

(b). Ineffective assistance of counsel in failing to impeach officers Hubbard and Carmon as to when property was taken (grounds 4, 7b, and 9).

Willis makes a similar argument regarding the taking of his property. He contends that Hubbard's statement in her Force Data Collection Report (Ex. 4 to Amended 2255 Motion, CR 99) that "No other items of value were found during my inventory of Willis", and Carmon's statement in his Custody Report (Ex. 3 to Amended 2255 Motion, CR 99) that "Willis had no items of value on his person" were inconsistent with the testimony about items taken from him.

The District Court rejected these claims, writing:

As with Defendant's assertion of ineffective assistance of counsel regarding his transportation to MCDC, the record reflects Officer Hubbard's testimony regarding the items of personal property that were seized from Defendant is irrelevant to the issues the Court, in any event, considered when deciding Defendant's Motion to Suppress; the Court addressed the discrepancies during the suppression hearing; and the Court, well aware of the variations in the witnesses' testimony, did not find any indication of untruthfulness.

Opinion and Order Denying 2255 Motion, App. at 15 – 16.

Willis contends that if his trial lawyer had effectively cross examined officers Hubbard and Carmon on this conflict in the evidence, and on the point about who transported him to MCDC, the fully developed inconsistencies would

have undermined the officers' credibility on the crucial issue of whether he was arrested when ordered to the ground.

(c). Ineffective assistance of counsel in failing to call officer John Andonian (grounds 5 and 9).

Willis contends that if called to testify, Andonian would have contradicted Carmon's testimony and report that he (Andonian) and Billard transported Willis to MCDC, and would have bolstered Willis's claim that he was subjected to an arrest when first ordered to the ground, rather than a *Terry* stop.

The District Court rejected this claim as well, writing:

As noted, the issue of which officers transported Defendant to MCDC was tangential and irrelevant to the issues the Court considered at the suppression hearing, and the Court addressed the discrepancies in the officers' testimony at the hearing. The Court, therefore, concludes on this record that Defendant has not established defense counsel's performance fell below an objective standard of reasonableness under prevailing professional norms when he declined to call Officer Andonian as a witness at the suppression hearing.

Opinion and Order, CR 135 at 15.

As stated above, Willis contends that if his trial lawyer had effectively developed this point, the arresting officers' credibility would have been undermined to the point that the District Court would have seen that the officers arrested him when they ordered him to the ground.

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5. Reasons for Granting the Writ.

The Court should grant Willis's petition for a writ of certiorari and reverse the Ninth Circuit's order denying a certificate of appealability because "jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); see also 28 U.S.C. § 2253(c)(2); *Gonzalez v. Thaler*, 565 U.S. 134, 140-41 (2012) and *Miller-El v. Cockrell*, 537 U.S. 322, 123 S.Ct.1029, 154 L.Ed.2d 931 (2003) (reversing denial of certificate of appealability).

Willis's waiver, selective prosecution, and failure to correct testimony claims present important issues to the administration of justice, particularly in a case imposing a 15 year sentence. His ineffective assistance of counsel claims present similarly important issues regarding the vitality of the 6th Amendment. Accordingly, the Court should reverse the Ninth Circuit with instructions to grant Willis's motion for a certificate of appealability.

DATE: April 30, 2018

JAMES F. HALLEY, P.C.

/s/ James F. Halley

James F. Halley

Attorney for Petitioner Sid Edward Willis, Jr.