

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

ELVIS CAMILLO
RENTERIA LOPEZ — PETITIONER
(Your Name)

vs.

JAMES KEY ~~REDACTED~~ — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATE COURT OF APPEALS FOR THE NINTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Elvis Lopez ^{Doc #} 813011
(Your Name)

Airway Heights Corr. Cntr.
(Address) P.O. Box 2049

Airway Heights, WA 99001
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

- 1) Was it o.k. for petitioner to enter an Alford Plea ^{incompetent to enter it} ~~unconstitutional~~ when petitioner attempted three suicide; by cutting his wrists?
- 2) Was it o.k. for Ms. Sheridan; petitioner's attorney, ^{to} coerce petitioner into a guilty plea; by flustering and getting mad at petitioner; making petitioner agitated and confused; because petitioner was dope-up on medication, and this was because petitioner had asked his attorney to be a witness to the case, due to having favorable evidence for petitioner, and that the attorney did not want to be a witness for petitioner's defense? ^{Denying petitioner's right counsel.}
- 3) Was it o.k. for Ms. Sheridan; petitioner's attorney, providing ineffective assistance of counsel; by failing to communicate with petitioner of all his options; like the prosecutor has the burden of proof to prove every element of a crime; etc., for, if petitioner would have known he would not have entered into a plea?
- 4) Was it o.k. for the state to participate in the denial of petitioner's right to counsel, and having a conflict of interest with his attorney; which the court/state had been put on notice; that petitioner's attorney had been a witness to the case; that created the conflict of interest?
- 5) Was it o.k. for the prosecutor to use improper tactic to obtain a guilty plea from petitioner, by exploiting Mr. M.S.'s lies; knowing that there had been no assault against him, as well as having evidence that Mr. M.S. had ~~said~~ said he was going to make petitioner's life miserable, as with Mr. M.S. has an extortion charge in ~~Juvin~~ Juvenile for black-mailing his own mother?
- 6) Is it o.k. for petitioner to plead guilty, when there was no evidence of an assault on Mr. M.S. ^{unknowing} ~~knowing~~ that he said he was going to make petitioner's life miserable, and receiving ineffective assistance of counsel/conflict of interest, that petitioner is innocent?

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:

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STATUTES AND RULES

OTHER

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 E to the petition and is

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

The opinion of the United States district court appears at Appendix F to the petition and is

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

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix C to the petition and is

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

The opinion of the _____ court appears at Appendix D to the petition and is

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

E

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was April 20, 2018.

☒ 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~~ For cases from **state courts**:

N/A

The date on which the highest state court decided my case was Dec. 13, 2016.
A copy of that decision appears at Appendix C.

☐ 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

- 1) Drope v. Missouri, 420 U.S. 162 (1975) (finding that a psychiatric evaluation was also required when, among other indications, defendant had attempted suicide during trial); Cooper v. Oklahoma, 517 U.S. 348 (1996) (finding that a state law presuming defendant is competent unless he proves his incompetence by clear and convincing evidence violates due process); Fontaine v. United States, 411 U.S. 213-15 (1973) (holding that defendant is entitled to a hearing to determine whether or not his guilty plea was voluntarily even though he had declare in open court that his plea was given voluntarily and knowingly.)
- 2) Strickland v. Washington, 466 U.S. 668 (1984); Williams v. Taylor, 529 U.S. 362 (2000) (To establish ineffective assistance of counsel, the defendant must prove: (1) that counsel's performance fell below an objective standard of reasonableness, 466 U.S. at 688; and (2) that the deficient performance prejudiced the defense, which requires a showing that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different.) (To establish prejudice, he "must show that there is a reasonable probability that but for counsel's unprofessional errors, the result of the proceeding would have been different. A reasonable probability is a probability sufficient to undermine confidence in the outcome." Lockhart v. Fretwell, 506 U.S. 251, 266 (1992).) Lockhart v. Fretwell, 250 F.3d 1223 (9th Cir. 2001) (under the Sixth Amendment, a defendant has the right to be represented by counsel whose loyalties are undivided, Wood v. Georgia, 450 U.S. 261 (1981) (trial court presented with a conflict have an affirmative duty to protect a defendant's right, Glasser v. United States, 315 U.S. 60 (1942) (defendant "need not demonstrate prejudice in order to obtain relief.") (By contrast, the Supreme Court has held that "prejudice must be presumed in cases where a defendant can show that there is an actual conflict of interest in an attorney's representation of a client." Delgado, 223 F.3d at 481 (citing Cuyler, 446 U.S. at 350, and Flanagan, 416 U.S. at 268.))
- 3) The Supreme Court in Hill v. Lockhart, 474 U.S. 52, 57, 106 S.Ct. 366, 370, 88 L.Ed. 2d 203, 209 (1985), held that the two-prong Strickland Standard is "applicable to ineffective-assistance claims arising out of the plea process." Hill claimed his guilty plea was induced by false information about his

parole eligibility. The court held that if a defendant claims that he pleaded guilty because of ineffective assistance of counsel, the second prong of the Strickland test would be satisfied by showing "a reasonable probability that, but for counsel's errors, he would not have pleaded guilty and would have insisted on going to trial." *Hill v. Lockhart*, 474 U.S. 52, 59, 106 S.Ct. 366, 370, 88 L. Ed. 2d. 203, 210 (1985).

- 4) *Cuyler v. Sullivan*, 446 U.S. 335 (1980) (A State prisoner can win a federal writ of habeas corpus only upon a showing that the State participated in the denial of a fundamental right protected by the Fourteenth Amendment. The right to counsel guaranteed by the Sixth Amendment is a fundamental right. *Argersinger v. Hamlin*, 407 U.S. 25, 407 U.S. 29-33 (1972). In this case, Sullivan retained his own lawyers, but he now claims that a conflict of interest hampered the advocacy. He does not allege that State officials knew or should have known that his lawyer had a conflict of interest.) (Because it is the simultaneous representation of conflicting interests which the Sixth Amendment protects a defendant, he need go no further than to show the existence of an actual conflict. An actual conflict of interest negates the unimpaired loyalty of a defendant's constitutionally entitled to expect and receive from ~~the~~ his Attorney.)
- 5) *Engle v. Isaac*, 456 U.S. 107 (1982) (Prosecution carries the burden of proof and prosecution must prove every element of a crime beyond a reasonable doubt.)
- 6) *Jackson v. Virginia*, 443 U.S. 307 (1979) (In re winship pre supposes, as an essential of the due process guaranteed by the Fourteenth Amendment, that no person shall be made to suffer the onus of a criminal conviction except upon sufficient proof -- defined ~~as~~ as evidence necessary to convince a trier of fact beyond a reasonable doubt of the existence of every element of the offence.); *Schlup v. Delo*, 513 U.S. 298 (1995)

In violation of petitioner's rights by U.S. CA. Const. Amend.
6.14.

STATEMENT OF THE CASE

- 1) Petitioner entered into an Alford Plea; Incompetently and not knowingly, while petitioner was all dope-up/intoxicated on medication, and had attempted 3 suicide; by cutting his wrists. See case No. CV-12-5099-TOR, civil case.
- 2) Ms. Sheridan; petitioner's attorney, coerce petitioner into a guilty plea; by flustering and getting mad at petitioner; making petitioner agitated and confused; because petitioner was all dope-up/intoxicated on medication, and this was because petitioner had asked his attorney Ms. Sheridan to be a witness to the case, due to having favorable evidence for petitioner's defense. Also, court/state had been subjective aware that Ms. Sheridan was a possible witness to the case, denying petitioner a right to effective assistance of counsel, and had a conflict of interest.
- 3) Ms. Sheridan; petitioner's attorney, had provided ineffective assistance of counsel; by failing to communicate with petitioner of all his options; like the prosecutor has the burden of proof to prove every element of a crime; etc., for, if petitioner would have known he would not have entered into an Alford Plea, because Mr. M.S. said petitioner assaulted him; and there was no evidence of an assault, at the same time Mr. M.S. had extorted his mother; which he was charged for in juvenile, and Mr. M.S. said he was going to make petitioner like miserable; which is documented.
- 4) The state ~~to~~ participate in the denial of petitioner's right to counsel, and having a conflict of interest with his attorney; which the court/state had been put on notice; that petitioner's attorney had been a witness to the case; that created ~~the~~ conflict of interest, this was because the kid's mother at the time talked to petitioner attorney; ~~giving~~ ^{mother} giving Ms. Sheridan a whole lot of information that she could have used for petitioner's defense, and this was because the kid's mother was no longer behind petitioner due to case No. 10-1-00407-D.
- 5) The prosecutor used improper tactic to obtain a guilty plea ~~for~~ from petitioner, by exploiting Mr. M.S.'s lies; knowing that there had been no assault against him, as well as have evidence that Mr. M.S. had said he was going to make petitioner's life miserable, as with Mr. M.S. has an extortion charge in juvenile for black-mailing his own mother.
- 6) Petitioner ~~to~~ plead guilty, when there was no evidence of an assault on Mr. M.S., unknowingly that he said he was going to make petitioner's life miserable; at the time of the pleading guilty, and receiving ineffective assistance of counsel & conflict of interest, and petitioner is innocent of the charges.

REASONS FOR GRANTING THE PETITION

There was a conspiracy between a judge and prosecutor, in case No. 10-1-00407-1; case No. 4:16-CV-05156-SAB, by the judge ^{withholding} ~~withhold~~ evidence; after petitioner's attorney Mr. Etherton had told the judge twice; about a lying witness lying in trial, ~~the~~ the judge then let the prosecutor exploit and solicited the perjured testimony to the jurors' in the prosecutor's second closing argument, in trial. The motive for this was due to a situation in county jail or, case No. CV-12-5099-TOR. Petitioner has provided this court with the following cases' above, to show the court the conspiracy; with more of the details, as well ~~as~~ as another case No. 2:18-CV-00078-SAB; seeking a permanent injunction. The judge and prosecutor had committed a felony against petitioner as with other ~~se~~ people in trial.

The conspiracy ^{also} ~~at~~ went up to the Court of Appeals, Division 3, State of Washington; case No. 32574-1-III, and Supreme court, of the State of Washington, ^{case No. 92858-4} ~~appeals~~; this was a conspiracy to cover-up the lower court's actions. If the court of Appeals above, would ^{have} ~~had~~ really believed that there was no conspiracy they would have granted petitioner a new trial under Napue v. Illinois, 360 U.S. 264 (1959), because the prosecutor was exploiting & soliciting ~~the~~ one of the witness perjured testimony; in the prosecutor's second closing end argument, in trial. But, the court of Appeals said that there was no conspiracy and the prosecutor did not solicit perjured testimony; despite petitioner having irrefutable evidence on the court transcripts, the court of Appeals knew there was a conspiracy and that's why they denied petitioner's appeals; participating in the conspiracy to cover-up the situation, ^{systematically} and oppress, harass, intimidate, ^{and retaliate} ~~retaliate~~, etc.; ^{against} ~~petitioner~~ petitioner.

Petitioner believe ^{there was also a} ~~the conspiracy~~ also conspiracy between judge, prosecutor, and petitioner's attorney in case No. J9X-6309; case No. 4:17-CV-05099-SAB, because the judge ^{and} ~~the~~ the prosecutor did not ~~not~~ appoint petitioner a new counsel; conflict free counsel, and at the same time petitioner's attorney ^{did} ~~was try~~ to coerce petitioner into

a ~~guilty~~ plea; by flustering and getting mad at petitioner; making petitioner agitated and confused; because petitioner was all dope-up/intoxicated on medication. The court/State should have appointed new counsel ~~at~~ automatically, as petitioner told them that his counsel was a witness to the case, but they did not. And at the same time the prosecutor was using Mr. M.S.'s lies, too say petitioner assault him, having no evidence of an assault; and having evidence of Mr. M.S. saying he was going to make petitioner life miserable. This was to apply pressure on petitioner; an intoxicated ~~individual~~ on medication, to plead guilty unknowingly and not voluntarily.

If the court believe that petitioner did not exhaust his state remedies, Petitioner ~~believe~~ believe he should not have to because the State system has been abuse ^{against} ~~against~~ petitioner; through the conspiracy in case No. 10-1-00407-1; case No. 416-CV-05156-SAB. And petitioner approaches the mentally retarded; As Dr. May did identified in his report.

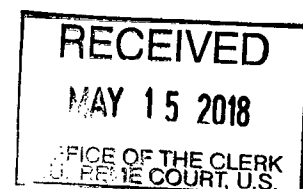
CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Elvis Lopez, Elvis Lopez

Date: May 24 2018.



No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

ELVIS CAMILLO
RENTERIA LOPEZ — PETITIONER
(Your Name)

VS.

JAMES KEY — RESPONDENT(S)

PROOF OF SERVICE

I, Elvis Lopez, do swear or declare that on this date, May 24, 2018, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

The U.S. District did not want to summon the Respondent.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 21, 2018

Elvis Lopez
(Signature)