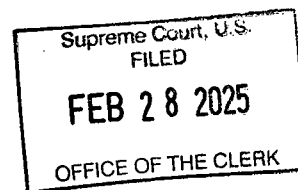


24-7042 ORIGINAL



IN THE
SUPREME COURT OF THE UNITED STATES

Daniel Blizzard — PETITIONER
(Your Name)

vs.

Jeri Boe — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeals 9th Circuit (2/13/25)
U.S. District Court Eastern District of Washington (6/25/24)
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Daniel Blizzard
(Your Name)

1830 Eagle Crest Way
(Address)

Clallam Bay, WA 98326
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

Ground One: Illegal search/seizure, exploiting illegal warrants in violation of State & Federal Constitution, 4th Amendment.

Ground Two: Illegal search/seizure of privileged attorney-client communications in violation of 5, 6, & 14th Amendments.

Ground Three: The State knowingly supported perjured testimony of their key witnesses in violation of Brady & Due Process.

Ground Four: Improper jury instructions were given on deadly weapon and victim vulnerability.

Ground Five: Mr. Blizzard was denied his 6th Amendment Constitutional Right to Effective Assistance of Trial and also Appellate Counsel.

Ground Six: Cumulative error of the issues raised.

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:

RELATED CASES

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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 1 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☐ is unpublished.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 3 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☐ is unpublished.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 _____ 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 _____ 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.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 2/13/25.

☒ 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 _____.
A copy of that decision appears at Appendix _____.

☐ 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

See Appendix 2, pg. i-ii

STATEMENT OF THE CASE

Petitioner Daniel Blizzard, a Washington state prisoner, brings this pro se habeas corpus under 28 U.S.C. § 2254. The Washington Court of Appeals summarized the facts underlying Mr. Blizzard's conviction as follows:

On May 25, 2013, a real estate broker Vern Holbrook was found lying in a pool of blood in a vacant house he reportedly showed to a couple earlier that day. He had been severely beaten and his throat was cut. Mr. Holbrook later died as a result of the injuries sustained in the attack.

An investigation of Mr. Holbrook's cell phone records and witness interviews led law enforcement to Mr. Blizzard. The State's theory was essentially a murder for hire scheme. Mr. Holbrook and Mr. Blizzard were former business partners. Although there had been a falling out between the two men, Mr. Blizzard was the beneficiary of Mr. Holbrook's life insurance policy. Prior to the May 2013 attack, Mr. Blizzard tried recruiting various people to kill Mr. Holbrook. As part of this effort, he enlisted the help of his sometimes-girlfriend, Jill Taylor. Ms. Taylor also happened to be Mr. Holbrook's former daughter-in-law. Eventually, Mr. Blizzard Mr. Taylor's roommate, Adriana Mendez, and Ms. Mendez's boyfriend, Luis Gomez-Monges, to pose as prospective homebuyers and attack Mr. Holbrook during a home tour.

Mr. Blizzard, Ms. Mendez, Mr. Gomez-Monges, and Ms. Taylor were charged in connection with Mr. Holbrook's murder. During the pretrial phase of the case, Mr. Blizzard moved to suppress records related to his cell phone. He argued the warrants authorizing seizure of his cell phone records were invalid due to procedural and substantive flaws.

Just prior to a hearing scheduled to address the cell phone warrants, the trial judge received a letter authored by the county's elected prosecutor. In the letter, the prosecutor alleged the trial judge had "a bias and prejudice against the Yakima County Prosecuting Attorney's Office." Clerk's Papers (CP) at 835. He criticized the trial judge's handling of Mr. Blizzard's case as well as others. The prosecutor claimed the trial judge personally disliked several prosecutors and "bent over backwards" to favor the defense. CP at 834. He alleged the trial judge's bias made it "impossible for the State to get a fair trial." CP at 835. Ultimately, the prosecutor requested the trial judge recuse herself or be removed by the presiding judge.

The trial judge brought the letter to the parties' attention. The judge noted she had consulted with the state's judicial ethics advisory committee. She expressed concern that the letter was improper ex parte contact and constituted an attempt to intimidate the court. The trial judge provided the State with a deadline for filing a formal recusal motion and set a briefing schedule.

The State never filed a formal motion for recusal. Instead, the State's lead deputy prosecutor assigned to this case filed a notice of abandonment, disavowing

the recusal request. Mr. Blizzard, in turn, filed a motion to dismiss under CrR 8.3(b) for prosecutorial misconduct based on the letter. The trial court denied Mr. Blizzard's motion and continued to hear the case.

Shortly after ruling on Mr. Blizzard's motion to dismiss, the trial court denied his motion to suppress the cell phone records. The court ultimately ruled on numerous additional motions, including a second motion to dismiss based on an allegation the State had intercepted attorney-client communications. While the Judge denied this second motion to dismiss, not all the court's rulings favored the State. Significantly, the trial judge granted a defense motion to prohibit the State from filing enhanced charges, which could have resulted in a mandatory life sentence.

At trial, codefendants Adriana Mendez and Jill Taylor turned state's evidence and testified against Mr. Blizzard. Codefendant Luis Gomez-Monges was tried separately. A jury found Mr. Blizzard guilty of first-degree murder. By special verdict, it also found (1) Mr. Blizzard was armed with a deadly weapon, and (2) Mr. Holbrook was particularly vulnerable or incapable of resistance.

ECF No. 7-7 at 54-57 (footnotes omitted). Mr. Blizzard received a sentence of 34 years. ECF No. 7 at 1.

Mr. Blizzard appealed and the Washington State Appeals Court affirmed his conviction and sentence. ECF Nos. 7-1; 7-7. Mr. Blizzard then filed a Motion for Discretionary Review in the Washington Supreme Court, which denied review on February 8, 2017. ECF Nos. 7-4 at 1-26; 12-1 at 10-11. Mr. Blizzard filed a Personal Restraint Petition (PRP) in July 2017. ECF No. 7-6 at 1-24. The Washington State Appeals Court denied the petition on the merits. ECF No. 7-9 at 1-12. Mr. Blizzard sought review in the Washington Supreme Court and was denied. ECF No. 7-10 at 1-22. A certificate of finality was issued on September 18, 2019. ECF No. 7-13 at 18.

While his PRP was pending, Mr. Blizzard filed a Motion for Relief for Order Denying Defendant's Motion to Dismiss pursuant to CrR 7.8(b)(5) on August 26, 2018. ECF No. 7-10 at 31-43. Mr. Blizzard initially filed this motion in the Yakima County Superior Court, which transferred the motion to the Washington Court of Appeals for consideration as a PRP. ECF No. 7-10 at 55-56. The Washington Court of Appeals summarily dismissed the construed PRP as untimely without reaching its merits. ECF No. 7-10 at 57-60. Mr. Blizzard sought review in the Washington Supreme Court, which

denied review. ECF No. 7-10 at 29. A certificate of finality was issued on September 17, 2019. ECF No. 7-13 at 16.

On July 23, 2019, Mr. Blizzard filed a third post-conviction motion, styled as a Motion for Relief from Order Denying Defendant's Motion to Suppress under CrR 7.8(b)(5) in the Yakima County Superior Court. ECF No. 7-11 at 1-11. The Superior Court found the motion time-barred and transferred it to the Washington Court of Appeals for consideration as a PRP. ECF No. 7-13 at 35-36. The Court of Appeals dismissed this construed third PRP as untimely and procedurally barred. ECF No. 7-13 at 36. Mr. Blizzard sought review in the Washington Supreme Court. ECF 7-13 at 42-56. The Supreme Court of Washington denied review on August 24, 2022. ECF No. 7-13 at 87-89.

On September 26, 2022, Mr. Blizzard filed his initial habeas petition under 28 U.S.C. § 2254. ECF No. 1. Mr. Blizzard filed an amended habeas petition under 28 U.S.C. § 2254 on October 31, 2022, which the District court considered. ECF No. 7. The court denied the petition on June 25, 2024. Mr. Blizzard appealed for a Certificate of Appealability to the Ninth Circuit Court which denied on February 13, 2025. DktEntry 7.1, Appendix 1. The court didn't address the timeliness or merits of the case. This appeal follows to the United States Supreme Court filed on February 28, 2025.

REASONS FOR GRANTING THE PETITION

The courts refuse to apply Carpenter to this case or Utah v. Strieff along with any other established rules or precedent; when in fact, the trial court acted against its own reasoning in determining if the warrants were invalid and ultimately concluded they were invalid in its Finding of Fact and Conclusion of Law. Furthermore, the trial court had undue influence by the elected prosecutor who threatened and intimidated the judge in an ex-parte letter. The court reversed itself. This is a case of first impression. Additionally, there was illegal search/seizure and confiscation of privileged attorney/client documents that the court did find there was a purposful intrusion into the jail cell. Other pending cases and inmates would benefit with clear guidance from this court on issues raised because the trial court reversed itself under pressure from the prosecutor and the trial court, appellate, and federal courts contradict one another as outlined in Appendix 2. Other people's constitutional rights would be preserved; the government was never sanctioned and no deterrence in place to prevent this from happening again. Whereas the evidence is clear and convincing, the Ninth Circuit wrongly concludes that no jurist of reason would find that egregious violations of constitutional magnitude took place and the court didn't even address the time bar issue in the Certificate of Appealability where petitioner asserts it isn't time barred. See, Appendix 2.

Lastly, the Bible in Leviticus 19:15 is clear, "You shall do no injustice in judgment. You shall not be partial to the poor, nor show favoritism to the great; but you shall judge your neighbor in righteousness."

Thank you.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Daniel Blizard

Date: 2/27/25