No. 25-6102 ORIGINAL

FILED
OCT 23 2025
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

James D. Nelson Jr. — PETITIONER
(Your Name)

vs.

Warden Patrick Covello — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court Of Appeals For The Ninth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

James Denerick Nelson Jr.
(Your Name)

480 Alta Road
(Address)

San Diego, CA 92179
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S), PRESENTED

Claim 1 Questions.

(1) In Deputy Attorney General Brian R Means Answer To Petition For Writ Of Habeas Corpus, He declared that my challenge to the Constitutionality Of The Arrest Warrant is not Cognizable and is barred in light of Stone v. Powell 428 U.S. 465 (1976). How is Claim 1 not cognizable and barred in light of Stone in Federal Court, When the State Courts and Federal Courts have Failed to provide any Forum or Full and Fair Factual Hearing to resolve Factual disputes regarding petitioners Fourth Amendment Rights being [redacted] violated and its Fruits Of A Poisonous Tree it has spawned, To determine or distinguish Admissible Evidence From Inadmissible Evidence in this Criminal Proceeding?

See: Townsend v. Sain 372 U.S. 293 (1963);

Franks v. Delaware 438 U.S. 154 (1978);

Tuan Anh Nguyen v. Ins 533 U.S. 53 (2001);

(2) In The United States District Court For The Eastern District Of California Findings and Recommendations, The Court declares that Brady, In the Case of Brady v. Maryland 373 U.S. 83 (1963) Requires prosecutors to disclose exculpatory evidence to the accused and that the U.S. Supreme Court has never held that Brady applies to Police Officers. But, In the Case of Kyles v. Whitley 514 U.S. 419 (1995) The U.S. Supreme Court decided that police investigators as well as prosecutors are obligated under "Brady" to disclose Exculpatory evidence to the accused. How then is it not a brady Violation for Detective Conrad Von Schoech to neglect My Incarceration Records For 2018 from The face of his Arrest WARRANT? Which, If provided, would have nullified the Arrest.

(3). S.C.O.T.U.S. has determined in the case of Brady v. Maryland 373 U.S. 83 (1963) that a member of government service shall not institute or caused to be instituted criminal charges when the member knows or should know that the charges are not supported by probable cause. Detective Konrad Von Schoech (A Member of government Service) instituted or caused to be instituted criminal charges against petitioner with the issuance of his arrest warrant for Report 19-455216 with the offense date of May 2018. Also, on it's face is an Arrest Warrant statement of probable Cause. Detective Konrad Von Schoech should have known that these criminal charges were not supported by probable Cause because he claims to have done a "CLETS Check" on me or in other terms conducted a background check on me, which would have confirmed that I was in Sacramento County Main Jail from March 2018 through August 2018. Which conflicts with the date of offense on his Arrest Warrant. Do I not have a Brady violation due to his incompetence?
Secondly, How then is my conviction seen as affirmed and not unconstitutional, voided ab initio, if at the very beginning of the institution of charges they were founded without probable Cause?

(4). If the answer to Question (2) is affirmed as a Brady violation under the Fourteenth Amendment (Or) the answer to question (3) is affirmed as a Brady violation under the fourteenth Amendment, then have I not been maliciously prosecuted with the Wrongful Institution of a legal process, Instituted without any probable Cause from the very beginning? See Thompson v. Clark 596 U.S. 36 (2022).

(5.) If my suspicions and views are correct for any of the previous questions listed as (1), (2), (3), or (4) then have I not been falsely Imprisoned?... Detention without legal process? See: Nieves v. Bartlett 582 U.S. 391 (2019).

(6). In the Case of Brower v. County of Inyo 489 U.S. 593 (1989) did not this Court affirm § 1983 liability based on a Unreasonable Seizure in violation of the fourth Amendment? If this answer is yes, then do I not have a Unreasonable seizure claim against Sacramento police Department or The City of Sacramento by Detective Konrad Von Schoech Unconstitutional issuance of his arrest Warrant for me with an offense date as May 2018? See Tennessee v. Garner 471 U.S. 1 (1985) and also Monell v. New York City Dept. of Social Services 436 U.S. 658 (1978).

Claim 2 Questions

(1). If petitioner does have a fourth Amendment violation and Due process violations, how then is Claim 2 without Merit and the State Courts unexplaned denial of relief, seen as not involving any unreasonable application of Clearly established federal law, if inadmissible evidence was collected and used to Craft the felony Complant for docket 19F2017300 in contrast to the decisions that This Court has granded regarding evidence used in Criminal proceedings in violation(s) of a victims fourth Amendment founded in the Case of Wong Sun v. United States 371 U.S. 471 (1963)

Claim 3 Questions

(1) How is claim three frivilous and meritless when the prosecutor at preliminary hearing should have known that her witness was giving a false testimony to the Court if her alleged victim ablured her testimony to law enforcement officers month(s) prior to the preliminary hearing? see Johnson v. United States 520 U.S. 491 (1997)
Mooney v. Holohan 294 U.S. 103 (1935)
Napue v. Illinois 360 U.S. 264 (1959)
pyle v. Kansas 317 U.S. 213 (1942)
Brady v. Maryland 373 U.S. 83 (1963)

* plain Error - 520 U.S. 491 perjury - Mooney v. Holohan 294 U.S. 103
* false testimony (or evidence) 360 U.S. 264 and 317 U.S. 213
* Malicious prosecution - 373 U.S. 83

Claim 3 Questions

(2) How is it not a Due process violation, for the prosecutor at preliminary hearing to with-hold Impeaching Evidence i.e. Petitioner's Incarceration records for the year of 2018, that if presented to the Court would have discredited her witness testimony? This Impeaching Evidence was disclosed from the Court and the Defendant. See Banks v. Dretke 540 U.S. 668 (2004); Strickler v. Greene 527 U.S. 263 (1999). Prejudice was ensured due to the false evidence presented as well as the evidence suppressed. See Cone v. Bell 556 U.S. 449 (2009).
United States v. Agurs 427 U.S. 97 (1976)

Claim 4 Questions

(1) In the U.S. District Court For The Eastern District Of California the Court had found that errors at preliminary hearing cannot support federal habeas relief because they do not affect the Constitutionality of the Conviction. How is this possible when the entire essence of preliminary hearing is to determine whether there is (sufficient) "Evidence" - "Reasonable Evidence" to believe that an Offense has been Committed? If a Trial has commenced and Conviction rendered when prior to Trial and Conviction a preliminary [redacted] hearing was held to determine if there was evidence to sustain a trial and NO reasonable evidence was founded and yet a Trial held and Conviction ensured, Based off of Perjurious testimony... (false evidence) And information, filed without probable Cause

Claim 4 Questions Continued

(1) Then how has that defendants or petitioners Due process Rights not been violated? See Thompson v. Louisville 362 U.S. 199 (1960) Also See Jackson v. Virginia 443 U.S. 307 (1979) IF, it is determined to be a Due process violation then how does it not Affect the Constitutionality of the Conviction if the defendant has been denied Due process to a Fair Trial?

Claim 5 Questions

(1) Do I not have Ineffective Assistence of Counsel when my state appointed Counsel has failed to File a timely Motion to suppress evidence in support of his client (petitioner) being in custody unlawfully in violation of the fourth Amendment? i.e. Detective Konrad von Schoech issuance of Arrest ~~W~~arrant for report 19-455246 for petitioner, as well as evidence collected after the issuance of the arrest warrant and not only to evidence prior to ~~the~~ unconstitutionally issued Arrest warrant? See: Kimmelman v. Morrison 477 U.S. 365 (1986)
Franks v. Delaware 438 U.S. 154 (1978)
Strickland v. Washington 466 U.S. 668 (1984)
Wong Sun v. United States 371 U.S. 471 (1963)
Murray v. Carrier 477 U.S. 478 (1986)
Townsend v. Sain 372 U.S. 293 (1963)

The Federal lower Court's fails to acknowledge The Fact that I have A Federal Constitutional Rite/Right to Chellenge A Unconstitutional Arrest Warrant and its evidence it has accumulated prior to and after Initial Investigation in a Hearing, IF Requested and I, Requested.

Claim 5 Question(s) Continued

(2). How do I not have ineffective assistence of counsel when state appointed counsel had failed to uncover and present the voluminous mitigating evidence that if presented would [redacted] have impeached the prosecutors witness, at preliminary hearing once cross-examined? That mitigating evidence is petitioner Incarceration from March 2018 through August 2018. Petitioner believes counsel failed to present evidence on behalf of his client that if presented would have raised doubt as to the probable cause determination.

See United States v. Cronic 466 U.S. 648 (1984);
Wiggins v. Smith 539 U.S. 510 (2003)
Williams v. Taylor 529 U.S. 362
Andrus v. Texas 590 U.S. 806
Cone v. Bell 556 U.S. 449 (2009)

Claim 6 Question(s)

(1). In prosecutions trial brief and motions in limine it does state that her alleged victim alleged that I had assaulted her in May 2018... With reference to no other date mentioned. With that acknowledged, prosecutors should have known that this was false due to the fact that their "Office" Sacramento District Attorneys Office persecuted me in 2018 and held me in custody from March 2018 through August 2018. How is not a due process

Claim 6 Question(s) Continued

(1) violation and not fraud on the Court?
See: Napue v. Illinois 360 U.S. 264
Also: New Hampshire v. Maine 532 U.S. 742
Miller v. Pate 386 U.S. 1

Claim 7 Question(s)

(1) With the prosecutions allowance of Kamryn Thompson's testimony at trial, did it not infect the entire trial that the resulting Conviction violates Due Process when Kamryn Thompson testimony to Detective Konrad Von Schoech was false and Caused a unconstitutional arrest warrant to be issued? Furthermore, Should not have Kamryn Thompson later testimony to law enforcement in which she abjured her earlier testimony to Detective Konrad Von Schoech should been seen as inadmissible? Seeing that it was obtained in Violation of petitioners fourth Amendment Rights? See Wong Sun v. United States 371 U.S. 471 (1963)
Napue v. Illinois 360 U.S. 264 (1959)
Darden v. Wainwright 477 U.S. 168 (1986)
Cupp v. Naughten 414 U.S. 141 (1973)
Johnson v. United States 520 U.S. 491 (1997)

Claim Eight Questions)

(1). How does petitioner not have ineffective assistance of Counsel when after Signing stipulation #4 at trial, Trial Counsel should have realized that his client was bounded over to trial without probable Cause. Which presudiced his client due to the fact that his client was wrongfully Convicted. Petitioner believes that he has ineffective assistance of Counsel for this Claim because Counsel should have filed a timely motion for Mistrial or dismissel on the grounds of prosecutorial Misconduct. To Further insury, Councel Knew of my Incarceration before Signing stipulation #4, How then could he have not filed a timely 995 Motion to Set aside information or Indictment on the grounds of his client being held to answer to trial without probable Cause?

See: Strickland v. Washington 466 U.S. 668 (1984)
Murray v. Carrier 477 U.S. 478 (1986)
Coleman v. Thompson 501 U.S. at 755
Hawk v. Olson 326 U.S. 271 (1945)
Gideon v. Wainwright 372 U.S. 335
Powell v. Alabama 287 U.S. 45 (1932)
Cuyler v. Sullivan 446 U.S. 335

Claim 8 Questions Continued

(2) After Signing stipulation #4, Counsel if deemed competent Should have Filed for a writ of prohibition, but he did not, Seeing that his client was held to answer without probable Cause. Does Petitioner not have a claim of ineffective Assistance of Counsel?

Claim 9 Questions)

(1) By Prosecutor Mielke signing stipulation #4 at petitioners Trial, along side of petitioners state Appointed Counsel indicating to the Courts that petitioner was Factually in custody from March 2018 until August 18, was I not deprived Due process and Equal protection OF The laws, The 14th Amendment due to the Fact that Prosecutor Dinah Mielke used the Time-frame (Testimony, Evidence) of May 2018 [redacted] At preliminary Hearing to persuade and convinced a magistrate Judge That I had so committed a offence in the Month and year of May 2018. That May 2018 date was used to establish probable Cause and Criminal Charges Filed, Instituted and deemed as a Information Filed, once again, with The Court on Record. Is This not a Brady-Malicious prosecution Claim? Is This not a Napue Claim? or even a Thompson Claim?

Claim 10

(1) In the Case of United States v. Gonzalez-lopez 548 U.S. 140 (2006) The Constitution Guarantees a Fair Trial through due process, If petitioner has been deprived Due process by Detective Conrad Von Schoech; Equal Protection and Due Process

Claim 10 Question(s) Continued.

(1) by prosecutor Dinah Mielke, both members of the prosecution team; Denied Due process by the filing of felony Complaint 19FE017510 and have been deprived Effective Assistance of Counsel by State appointed Counsel Guy Danilowitz, then if any of the above are true, then How does the Superior Court of Sacramento, California have any Jurisdiction to sentence me lawfully under The federal Guidance of U.S. Constitution? Not to Forget the Fourth Amendment violation, And S.C.O.T.U.S. Precedents.

Claim 11 Question(s)

(1). If petitioner was able to accurately point out the plain errors in his case regarding preliminary hearing, Trial readiness Conference and Trial then how could his Appellate Counsel who is trained at law not do the Same and it not been seen as anything other than Ineffective Assistance of Counsel? See Evitts v. Lucey 469 U.S. 387 (1985)
Lafler v. [redacted] Cooper 566 U.S. @ 165
Halbert v. Michigan 545 U.S 605 (2005)

Final Question.

(1) I need for S.C.O.T.U.S. to answer this Question for me.. Is an Investigator Officer, or Detective assigned to a case for investigation in a Criminal proceeding, seen as a Member of The Prosecution Team? Please Address.

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

Sacramento Superior Court felony Docket 19FE017300

California Court Of Appeal, Third Appellate District Case Number C092697

California Supreme Court Case Number S276341

Writ of habeas Corpus Filed in Sacramento Superior Court Case Number 21HC00330

Writ of habeas Corpus California Court of Appeal, Third Appellate district Case#C094898

Writ of habeas Corpus California Court of Appeal, Third Appellate district Case#C095186

Writ of habeas Corpus California Supreme Court Case number S273345

Writ of habeas Corpus California Supreme Court Case Number S274861

U.S. District Court For The Eastern District OF California Case Number 2:24-CV-00758-KJM-AC

U.S. Court Of Appeals For The Ninth Circuit No. 25-1377

U.S. D.O.J. Report Number 291147-TWF

U.S. District Court For The Eastern District OF California Case number 2:23-CV-1438

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Other

Cal. Pen. Code § 1182; Cal. Pen. Code § 125; Cal. Pen. Code § 119; Cal. Pen. Code § 995; Cal. Pen. Code § 1538.5; Cal. Pen. Code § 13670; Cal. Gov. Code § 11180; Cal. Gov. Code § 11181; Cal. Evid. Code § 602; Cal. Pen. Code § 134; Cal. Pen. Code § 132; Cal. Code Civ. Proc. § 2018.050; Cal. Bus. and Prof Code § 6068 (A) and (D); Cal. Rules of Prof'l Conduct Rule 4.16
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373 U.S. 83	Malicious Prosecution - Criminal Charges Filed without probable Cause and States Suppression of Exculpatory Evidence.	(1)(2)(3)(4), (5)(7)(10)
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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 A to the petition and is

[✓] reported at U.S. Court of Appeals For The Ninth Circuit; 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 B to the petition and is

[✓] reported at U.S. District Court for The Eastern District of California; 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 August 14, 2025.

[✓] 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

USCS Const. Art. IV § 2, Cl. 1
privileges and Immunities Of Citizens.

USCS Const. Art. VI § 2
Supreme Law.

USCS Const. Art. VI § 3

USCS Const. Amend. 4
protection from Unreasonable Search and Seizure

USCS Const. Amend. 6
Right To Effective Assistance Of Counsel.

USCS Const. Amend 8
protection From Cruel and Unusual Punishment

USCS Const. Amend 13
protection from Involuntary Servitude

USCS Const. Amend 14
Right To Due process OF Law & Equal Protection of The Laws

federalist Number 10
The Union As A SafeGuard Against Domestic Faction and Insurrection.

federalist Number 51
The Structure OF The Government Must furnish The proper Checks and Balances Between The Different Departments.

Federalist Number 78
The Judiciary Department

U.S. Const. Art. III Sec. 2

STATEMENT OF THE CASE

According To The Sacramento Police Department General Hardcopy Report for 19-45526 Docket 19FE017300, Author: Detective Konrad von Schoech, Circa 2018 and 2019 Petitioner's Ex-Girlfriends Child Kemryn Thompson had reportedly been acting out, being disrespectful and had become unrulely towards her Mother and Others.

Sometime in the year of 2019 Kemryn Thompson along with Kerith Thompson (Kemryn's Mother) contacted Sacramento police Department and filed [redacted] malicious Charges of Child molestation against me. Kemryn Thompson participated in a safe interview and accused me of Sexually assaulting her in the year of 2018, four months after her birthday. Which made the date of Offense may 2018.

Let the Court take notice of the fact that Kerith Thompson and I Seperated in January 2018. With end, being Kerith Thompson Filing and receiving a Restraining Order against me for her and her Children. Petitioner will admit that it was a very unhealthy relationship. Thats why the Seperation had to take place. for the both of US. And She's Dragging me.

Be that as it may, Kemryn Thompson along with her Mother Kerith Thompson sought to pursue malicious Charges against me for child molestation. According to Kemryn Thompson the supposed molestation occured in May 2018, four month after her birthday.

Lead Detective Konrad Von Schoech came to the opinion that I had molested Kemryn Thompson, though during an interview with me, I had denied all allegations.

Due to my background for exhibitionism, a mental health disorder in which I do suffer from, Petitioner believes Detective Konrad von Schoech was bias in his conclusion and Detective Konrad Von Schoech issued out a Unconstitutional Arrest warrant for me with an date of offense as May 2018 on its Face as well as an unreliable Arrest warrant statement of probable Cause. In Support of His Date of Offense of May 2018 On His Arrest Warrant.

Giving Me Standing To Sue The [redacted] City of Sacramento, CA For Unreasonable Search and Seizure / Malicious prosecution, And be Compensated for damages. In A 42 USCS § 1983 Civil lawsuit.

Statement Of The Case page (2)

What makes this arrest warrent unconstitutionally issued is the fact that petitioner was incarcerated in Sacramento County Main Jail from March 2018 until August 2018, For Committing Exhibitionism in public.

Which comes into conflict with Kenyn Thompson testimony to Sacramento police law enforcement to have that arrest warrent issued out for me with the date of Offense as May 2018.

Detective Konrad Von Schoech received the approval by his supervisor to issue the unconstitutional arrest warrent issued out for me. for report 19-455260 Docket 19FE017300 and hence it was issued and sent to Sacramento County District Attorneys Office for endorsement - filing.

Sacramento County District Attorneys Office filed and endorsed it. Now, sometime (after) the unconstitutional arrest warrent issuance by Sacramento police Department and endorsed by Sacramento County District Attorneys office and (before) the filing of a felony complaint for docket 19FE017300 by Sacramento County District Attorneys Office, did Kenyn Thompson along with other(s) go back to law enforcement officials and ablure her testimony as to when the supposed molestation occur and gave an unverified date as to when the supposed molestation accured.

STATEMENT OF THE CASE page(3)

After offering this perjured testimony, petitioner was never re-Interviewed or questioned regarding the Matter but yet instead Sacramento County District Attorneys Office filed a felony Complaint to Match Kamryn Thompsons perjured testimony. Due to this illegal act, a Second Arrest warrent was issued out for petitioner by Sacramento Superior Court. Petitioner was charged in September 2019 with violating Cal.pen. Code 288 and Cal.pen. code 314 simultaneously, Illegally. Sometime in the Middle of 2020 petitioner had his preliminary Hearing. At preliminary hearing prosecutor Dinah Mielke called forth her witness Detective Konrad Von Schoech to establish sufficient evidence by sufficient I mean reliable, Credible evidence... reasonable evidence by reasonable I mean factual "evidence" to lead a prudent Competent individual, a Magistrate Judge to believe that an offense(s) has been committed and that the State of California had probable Cause to hold me over for trial to gain a "lawful" Conviction.

Once sworn in on the stand, Detective Konrad von Schoech testified to the fact that Kamryn Thompson disclosed to law enforcement that I had sexually assaulted her in May 2018. What made this prosecutor use this as evidence to establish probable cause when her alleged victim Kamryn Thompson abjured this testimony discrediting it confuses me.

It not only confuses me but due to this unexplainable act, I was bound over to trial

STATEMENT OF THE CASE page (4)

because of this inadmissible evidence. My Trial Counsel Guy Danilowitz never presented evidence on my behalf which existed at the time (petitioner Incarceration records for the year of 2018) to discredit this inadmissible evidence to establish probable Cause. Which I did have a federal Constitutional Right under the 14th Amendment to produce and his Job as Counsel to do. under the Sixth Amendment of the Federal Constitution. His actions was deficient and because of this I was bound over to trial illegal where I was unlawfully Sentenced and Convicted. There is the prejudice in which I believe Strickland Speaks of as well as deficiency. Not only did he fail to produce evidence on my behalf at preliminary hearing, but he also failed to file a timely Motion to Suppress evidence at all to challenge the defective unconstitutional arrest warrant detective Konrad von Schoech issued out for Me and all evidence obtained during the investigation and all evidence obtained by law Enforcement after the Unconstitutional Arrest warrant issuance for me. Depriving Me of Effective Assistance OF Counsel. Also at preliminary hearing, prosecutor Dinah Mielke suppressed evidence whether intentional or Unintentional, that would impeached her witness testimony to establish probable Cause. My incarceration dates for 2018, which her office had in possession at that time because it was her office who prosecuted me during that year and held me in custody.

STATEMENT OF THE CASE

Petitioner Contends that not only is this a brady violation which falls under the 14th Amendment but a Napue violation which also falls under the fourteenth Amendment and also a Thompson v. Louisville violation which falls under the fourteenth Amendment. Sometime (After) preliminary hearing and before trial did my Trial Attorney request my incarceration dates for 2018. Which petitioner believes he received from Sacramento County Main Jail as his request was filed with the Courts before trial. With this information within his possession there is no reason for Defense Counsel to have not filed a timely 995 Motion to set aside information on the grounds that his client was bound over to trial without probable cause, which he did not file at all. Cause of his deficiency my right to use this motion by law was unknowingly waived and prejudiced ensured because I was held to answer to trial for these crimes without sufficient evidence to support probable cause and was unlawfully convicted.

Petitioner contends that due to these procedural errors) "Plain Errors" it should be imputed on the state under the Sixth Amendment and seen as a violation of such said Amendment, which is a violation of petitioners Guaranteed Constitutional Right under The U.S. Constitution, Seeing that I was represented by counsel during these phase(s) of the criminal proceeding appointed to me by the State of California.

STATEMENT OF THE CASE page (6)

At Trial Readiness conference prosecutor Dinah Mielke filed a false statement of facts with the Superior Court in order to mislead the Trial Judge, Judge Savage and the Jury to believe that I had committed the Offense during the time frame as may 2018. In violation of her Code of Ethics, see Cal. Bus and prof'l Code § 6068(A) and (D) & Petitioners Due process Clause from the 14th Amendment. Once again her Office was already fully aware that I was in their Custody during this time and therefore I could not have committed these offenses. Yet Prosecutor Dinah Mielke, a trained Attorney at Law, willingly, Representing The State of California sought to maliciously prosecute me.

Defense Trial State Appointed Councel Guy Danilowitz once again was deficient by not filing a writ of prohibition at this time, before trial, which if filed would have been done so timely, Even if done so at trial readiness conference. Petitioner was not indicted for these crimes by a grand Jury, a preliminary hearing was held to determine if there was reliable, sufficient Evidence to believe that an offense was committed. To establish reason, probable Cause for a trial to be held. A Unconstitutional information was filed and an innocent person was held to answer to crimes which he did not commit & which The State of California had Failed to establish lawful, valid, Credible, reliable sufficient evidence; probable Cause under the Due process Clause OF The 14th Amendment at preliminary Hearing for a valid Trial, Under federal Jurisdiction of the U.S. Constitution

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To Be Held! If a 995 Motion and Writ of Prohibition was timely filed and denied before trial, Counsel could have filed a Writ of Mandate with the California Court of Appeal, Third Appellate District. If denied in that Court he could have went through the process of Filing in the California Supreme Court, if not granted there, then filed in the U.S. District Court Eastern District for California, If denied there, then could filed for an appeal with the U.S. Court Of Appeal for The Ninth Circuit and if denied by that Court, Then Could have filed for a writ of Mandamus in The Supreme Court Of The United States with all the documented decisions as proof as all necessary remedies exhausted before filing with the Highest Court Within The Nation. At that point This Court would have rendered a decision which is Binding on all lower Courts in the U.S. whether in my favor or in favor of the State. But, this did not take place, therefore petitioner believes he has received ineffective assistance of Counsel in violation of the U.S. Constitution Six Amendment before an Unconstitutional Trial even commenced. Trial is now taking place. "IF" Defense Counsel would have filed a timely Motion to Suppress Evidence at preliminary Hearing and denied, he could have refiled again at trial but he did not attempt to File the Motion what-so-ever so a evidentiary hearing or a full and fair hearing was never held by the State to Challenge the illegal Arrest that is the Unconstitutional arrest warrant issued out by Sacramento Police Department, illegal evidence obtained in violation during and after the issuance of the Unconstitutional arrest warrant which includes Kamryn Thompson subsequent testimony to law enforcement for felony complaint docket 19FE-017300 Filed by the District Attorneys Office for the County of Sacramento and the Second arrest Warrant Unconstitutionally issued out by Sacramento Superior Court. All three are "Fruits of a Poisonous Tree", derivatives of the Original Unconstitutional Seizure by Sacramento Police Department Detective Konrad Von Schoech For Petitioner in violation of petitioners Fourth Amendment Right. All to which violates the decision S.C.O.T.U.S. has determined in the case of Wong Sun v. United States 371 U.S. 471 (1963) and also violates the Six Amendment Right To Effective Assistance Of Counsel. If Counsel would have made proper timely filings of Motion to Suppress Evidence with the Courts and denied, then Petitioner could have raised the issues on appeal, direct appeal. It is the Courts Responsibility, States Courts, Equally with the Courts Of The Union, Obligation To Guard And Enforce Every Right secured by the Constitution.. See Robb v. Connolly S.C.O.T.U.S. Case and also Cook v. Hart 146 U.S. 183 (1982).. Of The United States.

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It is my fourth Amendment Right Not to be subjected to Unlawful, Unconstitutional Seizure by Any Color of law. It is my Guaranteed Right. Under Franks v. Delaware 438 U.S. 154 & Townsend v. Sain 372 U.S. 293 S.C.O.T.U.S. has determined it as Clearly Established federal law so long as a prisoner request, a hearing in any court of law to Challenge any Unconstitutional Violation which pertains to the Fourth Amendment. Petitioner contends again that he has ineffective Assistance of Counsel and has met both prongs of the Strickland v. Washington test. At trial, Prosecutor Dinah Moelke called forth her Key Witness affiant Kenryn Thompson, whom for the very First time to Defense Counsel and Accused (petitioner) on trial Court record i.e. preliminary hearing & Trial readiness Conference is offering "suppressed evidence" as to when this Supposed Sexual Assault Occurred. Which petitioner contends is a Trial-By-Ambush by the prosecution Team and is a violation of Petitioners Due process Clause from the 14th Amendment to Know of States Evidence against him and to cross examine that evidence before trial. Especially if the State is Claiming that this testimony of Kenryn Thompson gave rise to the felony Complaint for docket 19FC017300 being filed which caused a Magistrate Judge of Sacramento Superior Municipal Court to issue a arrest warrant for him. For certainly! New evidence to the accused and it should have also been to Defense Counsel

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If not, then theres another Valid Claim of in-effective assistance of Counsel, for not failing to address and Challenge this evidence in a timely Motion to Suppress evidence before Trial. This Suppressed Evidence... Kenyon Thompson trial sworn statement under oath, to which "The Prosecution Team" used to persuade a Jury and Trial Judge that petitioner committed the Offence(s) against her Client, is Consciously, Shockingly, Contradictive to the Evidence that the Very Same prosecutor Dinah Mielke presented at preliminary Hearing to establish probable Cause to hold petitioner over to trial and also Consciously, Shockingly, Contradictive, To People's Trial Brief and Motions In Limine "Statement of Facts" Filed with the Trial Court at Trial Readiness Conference. Petitioner declares that the prosecution willingly Misled not only a Magistrate Judge at preliminary hearing to believe an Offense was committed on May 2018 but also the Accused, Defense Counsel but also a Trial Judge and Jury with her Submission of People's Trial Brief & Motions In Limine "STATEMENT OF The FACTS" at trial readiness conference. In such has not only misled one Court "preliminary hearing" and succeeded in her Malicious intent because a Unconstitutional trial has Commenced, but also has Maliciously Manipulated the Trial Judge and Jury in believing an offense of any ~~sort~~ has been Committed during May 2018.

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Now, The Prosecution For The State Of California has maliciously requested that the Trial Judge and Jury disregard all of the filings that was previously filed, Introduced, Sworn In and Recorded with The Courts. And is Requesting both of these parties to see this as a Mistake, harmless errors by the States Prosecution and to accept this Suppressed testimony/evidence as to when this supposed Sexual assault occured as truth!?

Petitioner is having difficulty comprehending under U.S. Constitution laws and Clearly Established federal law as determined by S.C.O.T.U.S. how the State Courts and lower federal Courts, see this as a harmless error by the State, which does not Affect Petitioners Substantial Rights, that is not an error, that is not plain and that which does not Seriously affect the fairness, Integrity or public reputation of Judicial Proceedings. The plain Error requirements listed in S.C.O.T.U.S. Case Johnson v. United States 520 U.S. 461 (1997) are Met. Clearly Established federal law as determined by S.C.O.T.U.S. in the Case of Mapp v. Ohio 367 U.S. 643 (1961) regarding the prohibited use of Inadmissible Evidence that was obtained in violation of the victims (Petitioners) fourth Amendment Right, at trial was disregarded by the States use of Kaaryn Thompson Testimony Entirely.

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How Could any competent prudent fact-finding-law abiding Honorable Judge conclude that I had by U.S Constitutional law a "Fair Trial" through Due process? I did not!

Needing to say, I was unconstitutionally tried and convicted. Due to all of these Constitutional violations from Counsel and The Prosecution Team I.E. Detective Konrad Von Schoech to The District Attorneys Office who represent the State of California, whom all Must follow U.S. Constitutional law in Order to sustain a Fair Trial and lawful Conviction under Under the Constraints Of The U.S. Constitution. Which includes them all Following state law in order not to violate Federal law. At trial, Counsel and prosecutors for the State signed Stipulation #4. Alerting the Court that I was incarcerated during the time of the states allegation to establish probable Cause at preliminary Hearing. And thus making aware to the Court of A "Brady's Violation" (Which falls under The 14th Amendment), on behalf of the State for their [redacted] Filing Criminal Charges that they Knew or Should have Known was Unsupported without probable Cause. Petitioner contends that the States prosecution Team should have Filed For a Mistrial or at least Filed a Motion For a New Trial In The Interest Of Justice

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And to ensure the Accused Due Process Rights be enacted and not violated.

And that, dont even make since, seeing that the State continued its pursuit after Knowing that an Unconstitutional Arrest Warrant was issued for me Originally by a member of the "Prosecution Team" Detective Konrad Von Schoech. Which They suppressed and Failed to address what-so-ever during pendency of the Criminal proceeding.

Petitioner contends that Defense Councel was Ineffective for failing to File for a Mistrial, New trial or dismissal of the Case Entirely due to him Consciously becoming aware of his client being held over to trial without probable Cause. He should have filed Something on behalf of his Client at that moment but he Failed. Tremendously. Now I'm Here. To do what he should have done, that is Defend me with Everything he has at his disposal applicable by law. Thats why I fired him before my Unlawful Sentencing, but not before my unlawful Verdict back from a very untrained, uneducated at law, Jury [redacted] [redacted], whom never even heard of the Unconstitutional issuance of Arrest Warrant(s) and use of Inadmissible Evidence on record to Unlawfully detain & Convict me.

STATEMENT OF THE CASE

If any of what I state is true, this is why I Claim The State Courts have no Jurisdiction to Trial Me. Because their Obligation is Guard and Enforce Every Right Of The U.S. Constitution For its Citizens and Follow Clearly Established Federal law as determined by S.C.O.T.U.S. and yet they still trialed me. Its Truly A sad Case.

If I could come to this conclusion, then how couldn't have my appellate counsel Brad Kaiserman? This is why I claim Ineffective Assistance Of Counsel on Appellate Counsel.

Petitioner has yet to have an Evidentiary Hearing or A Full and Fair Hearing into the Federal Constitutional Violations Of his Fourth Amendment by Sacramento Police Department and its Fruits its produced falling into the Category of Fruits OF A poisonous tree or into violations of his Sixth Amendment in State Courts or The Lower federal Courts. No Court has Acknowledge (Any) of My Protected, Guaranteed federal Constitutional Civil Rights / Amendments. Which makes Me Fear For My Life In My Own Country. They have not followed S.C.O.T.U.S. precedents and because of this behavior, I Am Afraid that This Court Will Follow that same behavior. I'm Afraid Of What the Government Can Do To Me Illegally and Get Away With It because They have the power To Do So. That is the Statement of The Case. I Come to This Court Seeking Justice, AID For I have no Other Resort.

Reasons For Granting The Petition

When S.C.O.T.U.S. Decides on issues regarding Federal Constitutional Questions, Their Decisions becomes Supreme law Of The Land, Just as well as the U.S. Constitution is The Supreme law Of The Land, For The United States Of America.

All S.C.O.T.U.S. Made decisions must be made in the interest of The U.S. Constitution, In Support and Defence Of All U.S. Citizens Guaranteed Protected Rights.

Granting This Petition would will not take away from the pain and suffering petitioner is experiencing and has experienced, by the "illegal unconstitutional acts from the investigating prosecuting police Department, Prosecutors from Sacramento County District Attorneys Office, and State Appointed Counsel(s) from The Public Defenders Office etc.

But it will give relief to him, From those on-going violations of Federal law, It would bring him comfort knowing that The Supreme Court Of The United States Acknowledges His Guaranteed Protected Civil Rights and that Those Rights were violated by Person(s) acting under Any color of law and Attorneys Appointed To Him by the State Of California.

REASONS FOR GRANTING THE PETITION p(2)

Granting This Petition would Over-Turn A Fundamental Miscarriage Of Justice and it would ensure that none of petitioners Federal Civil Rights are violated in any way, By any member on behalf Of The Government, At Any-Time, Especially In The Court Of Law.

Granting This Petition would ensure that This Supreme Court Of The United States Supports Its Prior Decisions, In Every S.C.O.T.U.S. Case (Precedent's) et al, that petitioner has listed In This Petition.

Granting This Petition would be In The Interest Of Justice, In Support and Defense Of An American Citizens Federal Constitutional Amendments and Clearly Established Federal Law As Determined By The Supreme Court Of The United States.

Thank You.

Please Excuse All grammer and Composition Errors

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

James D. Nelson Jr.

Date: September 27, 2025