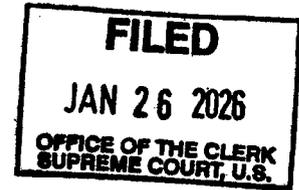


ORIGINAL

No. \_\_\_\_\_

25-6841



IN THE

SUPREME COURT OF THE UNITED STATES

\_\_\_\_\_  
Philong Huynh — PETITIONER  
(Your Name)

vs.

Superior Court — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

\_\_\_\_\_  
California Supreme Court  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Philong Huynh  
(Your Name)

4001 Hwy 104  
(Address)

Ione, CA 95640  
(City, State, Zip Code)

N/A  
(Phone Number)

### QUESTION(S) PRESENTED

Do the right to effective counsel as denied by the trial court's refusal to hold hearing on substitution of counsel and the right to an impartial judge as denied by the trial court's refusal to disqualify itself, important enough rights under the collateral-order doctrine to make them immediately appealable to prevent irreparable harm?

### 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

---

Huynh v. Superior Court of California, San Diego  
County et al., U.S. Supreme Ct. No. 25-6558

---

TABLE OF CONTENTS

OPINIONS BELOW..... 1  
JURISDICTION..... 2  
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED ..... 3  
STATEMENT OF THE CASE ..... 4  
REASONS FOR GRANTING THE WRIT ..... 5  
CONCLUSION..... 6

INDEX TO APPENDICES

APPENDIX A *California Supreme Court Decision.*  
-----  
APPENDIX B *Petition for Review in CA Supreme Court.*  
  
APPENDIX C  
  
APPENDIX D  
  
APPENDIX E  
  
-----  
APPENDIX F

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Behrens v. Pelletier, 516 U.S. 299, 305 _____	5
Williams v. Pennsylvania, 579 U.S. 1, 15-16 _____	5
People v. Marsden, 2 Cal.3d 118, 123-125 _____	5
People v. Cruz, 83 Cal. App. 3d 308, 317-318 _____	5
Christeson v. Roper, 574 U.S. 373, 377 _____	5
Republic Nat'l Bank v. United States, _____ 506 U.S. 80, 92-93.	5
Illinois v. Allen, 397 U.S. 337, 350-51 _____	5

STATUTES AND RULES

CA Code of Civil Procedure 170.3 (d) _____	4, 5
CA Penal Code 1172.6 (d)(3) _____	4, 5

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 \_\_\_\_\_ to the petition and is

- reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

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

- reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

For cases from **state courts**:

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

- reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the \_\_\_\_\_ 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 \_\_\_\_\_.

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 December 30, 2025.  
A copy of that decision appears at Appendix   A  .

A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No.   A  \_\_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

#### CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

California Code of Civil Procedure 170.3(d) in relevant part: "(d) The determination of the question of the disqualification of a judge is not an appealable order and may be reviewed only by a writ of mandate from the appropriate court of appeal sought only by the parties to the proceeding."

California Penal Code 1172.6(d)(3) in relevant part: "The prosecutor and the petitioner may also offer new or additional evidence to meet their respective burdens."

## STATEMENT OF THE CASE

During trial proceedings on the admission of prior uncharged acts in my 2011 trial, to the best of my recollection (since I have lost most of my trial transcript after years of incarceration), trial judge Robert F. O'Neill in my case made an unprovoked, disparaging comment toward me, something to the effect of, "He's a character but he's got no character." Trial counsels did nothing. I later complained to the state Judicial Council to no avail.

Then in 2024, when the case was remanded by the state appellate court (4th Dist.) for a California Penal Code 1172.6(d)(3) evidentiary hearing, I requested my appointed attorney, Lacey Golling, in June of 2025 once she was appointed and had contact with me to move to disqualify the same trial judge but she did nothing, prompting me on my own to write a letter motion to ask the judge to disqualify himself, reminding him of the comments he made. At a September 19, 2025 hearing, he did not deny making those comments but nevertheless denied my motion to disqualify without citing any reason or law. California's Code of Civil Procedures (CCP) 170.3 made clear that the denial of motion to disqualify can only be appealed through mandamus petition, which my lawyer refused to file to protect my right. I filed mandamus petition on my own and it was summarily denied without reasoned decision by the appellate court. On petition for review, the California Supreme Court did the same.

I believe the state courts denied me, presumably, because I was represented by an attorney, and it should have been my attorney who should have filed the mandamus petition but, instead, I had to do it because I effectively had no representation or the representation was so minimum it was not effective; this also after the trial court, in the same 9/19/2025 hearing above, orally denied to hold a hearing on my motion for substitution of counsel, prompting me to also include that issue in the same mandamus petition I filed subsequently on my own.

## REASONS FOR GRANTING THE PETITION

This petition should be granted because the right to appeal is a crucial safeguard against abuse (*Republic Nat'l Bank v. United States*, 506 U.S 80, 92-93 (1992)). And, separable, collateral right to effective counsel, right to have a hearing on substitution of counsel, and right to have an impartial judiciary are rights too important to be denied review until the whole case is adjudicated. *Behrens v. Pelletier*, 516 U.S 299, 305 (1996). These are constitutional rights threatened with irretrievable loss.

In *Williams v. Pennsylvania*, 579 U.S 1, 15-16 (2016), this Court held that the appearance of bias demeans the reputation of the judiciary and failure to recuse cannot thus be deemed harmless. The same trial judge in my case, in addition to making the described prejudicial remarks against me, had also made discriminatory remarks in another case, *People v. Azeez*, 2012 Cal.App.Unpub. Lexis 41, n.6 (Superior Court of San Diego County No. SCD220467), and then proceeded to sentence the two Black defendants in that case to the maximum sentences for the same manslaughter conviction while giving defendants of other races in that same case the middle term and the minimum term for the same manslaughter conviction.

As to substitution of counsel, the Marsden court held that courts must give the defendant an opportunity to state the specific grounds for his or her dissatisfaction with counsel. *People v Marsden* (1970) 2 Cal.3d 118, 123-125. Failure to do so precludes intelligent appellate review due to a silent record. *People v. Cruz* (1978) 83 Cal.App. 3d 308, 317-318. The trial court in my case orally on 9/19/2025, refused to hold the hearing. My strongest argument is the unambiguous language of the law, PC 1172.6(d)(3), allows for the presentation "of new or additional evidence" at my 1172.6 resentencing hearing, whereas my attorney's position was at odds with mine, telling me that she believes that such evidence should be presented on habeas and she thereon did nothing by way of mandamus petition to fight for my right to present the new exculpatory scientific evidence allowed under the above law or to fight to disqualify a prejudicial judge, leaving me no choice but to pursue my rights by myself.

In *Christeson v. Roper*, 574 U.S 373, 377 (2015), this Court held that a motion for substitution should be granted in the "interests of justice"; that when conflict develops and counsel's position is at odds with the client's strongest argument, substitution should be allowed as the client is effectively abandoned. *Id.* 378-79. And when abandoned, I have the right to represent myself (*Illinois v. Allen*, 397 U.S 337, 350-51 (a knowing waiver of counsel "must be honored out of "that respect for the individual which is the lifeblood of the law")). State courts had thus abused discretion.

CONCLUSION

The petition for a writ of certiorari should be granted.

---

Respectfully submitted,

Phi Long Huynh

Date: January 25, 2026