ORIGINAL

No. 25-7125

FILED
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IN THE

SUPREME COURT OF THE UNITED STATES

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Anthony Beeson — PETITIONER
(Your Name)

vs.

California — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO
U.S. Court of Appeals For the Ninth Circuit
P.O. Box 193939 San Francisco, California 94119

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Anthony William Beeson
(Your Name)

Ironwood State Prison A1-229
(Address)

Blythe, California 92226
(City, State, Zip Code)

N/A
(Phone Number)

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## QUESTION(S) PRESENTED

- If police confiscate exculpatory evidence, is the prosecution required to disclose it under Brady?.
- If the lead investigator hides evidence in a discreet personal location, and does not disclose it until after trial, is that a Brady violation?.
- If the court denies relief for the Brady violation by stating it was "Ineffective Assistance", can they later claim it's not ineffective without admitting it's Brady?.
- If trial counsel is aware of existing exculpatory evidence in the possession of police, and fails to pursue and retrieve for defense. Is this lack of due diligence deficient performance?. Is it ineffective assistance?.

## LIST OF PARTIES

[X] 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:

- Herbert S. Tetef
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TABLE OF CONTENTS

| | Page |
|---|---|
| • Questions presented | 1 |
| • List of parties | 2 |
| • Table of contents | 3 |
| • Index of appendices | 4 |
| • Table of authorities | 4 |
| • Opinios below | 5 |
| • Jurisdiction | 6 |
| • Constitutional and statutory provisions involved | 7 |
| • Statement of the case | 8 |
| • Reasons for granting the petition | 14 |
| • Conclusion | 15 |
| • Proof of service | 16 |
| • Motion For Leave to Proceed in Forma Pauperis | 17 |
| • Affidavit or Declaration in Support of Motion For Leave to proceed in Forma Pauperis | 18 |

INDEX TO APPENDICES

APPENDIX A

Order denying Certificate of Appealability by the United States Court of Appeals for the Ninth Circuit.

APPENDIX B

Opinion from the United States District Court for the Central District of California.

APPENDIX C

United States Central District Court Findings and Recommendations.

APPENDIX D

APPENDINX E

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES


| | Pages |
|---|---|
| Boss v. Pierce, 263 F.3d 734 (7th Cir. 2001) | 11 |
| Banks v. Dretke, 540 U.S. 668 (2004) | 10 |
| Beeson v. Holbrook, 2025 WL 1020556 (C.D. Cal., Feb. 11, 2025) | 12 |
| Brady v. Maryland, 373 U.S. 83 (1963) | 10 |
| Comstock v. Humphries, 786 F. 3d 701 (9th Cir. 2015) | 10 |
| Cone v. Bell, 556 U.S. 449 (2009) | 10 |
| Cooper v. Brown, 510 F. 3d 870 (9th Cir. 2007) | 12 |
| Gantt v. Roe, 389 F. 3d 908 (9th Cir. 2004) | 10 |
| Giglio v. U.S., 405 U.S. 150 (1972) | 13 |
| Horton v. Mayle, 408 F. 3d 570 (9th Cir. 2005) | 11 |
| Kyles v. Whitley, 514 U.S. 419 (1995) | 10 |
| Old Chief v. United States, 519 U.S. 172 (1997) | 12 |
| People v. Beeson, 2021 WL 2134864 (2021) | 11 |
| People v. Verdugo, 50 Cal. 4th 263 (2010) | 13 |
| Phillips v. Ornoski, 673 F. 3d 1168 (9th Cir. 2012) | 10 |
| Raley v. Ylst, 470 F. 3d 792 (9th Cir. 2006) | 11 |
| Silva v. Brown, 416 F. 3d 980 (9th Cir. 2005) | 11 |
| Strickland v. Washington, 466 U.S. 668 (1984) | 12 |
| Strickler v. Greene, 527 U.S. 263 (1999) | 10 |
| Tennison v. City and County of San Francisco, 570 F. 3d 1078 (9th Cir. 2008) | 11 |
| United States v. Agurs, 427 U.S. 97 (1976) | 10 |
| United States v. Bagley, 473 U.S. 667 | 10 |
| United States v. Gibson, 55 F. 3d 173 (5th Cir. 1995) | 12 |
| United States v. Howell, 231 F. 3d 615 (9th Cir. 2000) | 11 |


CONSTITUTIONS


| | |
|---|---|
| Cal. Const., art 1, §15 | 12 |
| U.S. Const., amends. VI, XIV | 7,12 |


MISC


Blacks Law Dictionary (12 ed. 2024) 12


STATUTES


Cal. Penal Code, §1054.1 . . . . . 12,13

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

[X] 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,
[X] is unpublished.

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

[ ] reported at Beeson v. Holbrook 2025 U.S. Dist. LEXIS 65008 (C.D. Cal; Apr. 2, 2025); or,
[ ] has been designated for publication but is not yet reported; or,
[X] 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

[X] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was December 4th 2025.

[X] 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

- The right to due process, a fair trial, to present a complete defense, and the effective assistance of counsel as guaranteed by U.S. Const. Amends VI, XIV.

## STATEMENT OF THE CASE

1.- The incident: On September 7, 2013. Petitioner Anthony William Beeson attended a party for hours. That night a consensual encounter occured between Beeson and Rayanna Riccio. It was alleged to have occured by force. Witnesses present during that time expressed their concerns about the validity of the allegations when they observed the hickeys on Beesons neck. The marks indicated it was consensual. (6RT2013).

2.- Afterwards, witnesses saw the marks: Both Robert Camposano Sr. (6RT2028-30), and Robert Camposano Jr. (7RT2202) testified that they saw the hickeys. The prosecutor used misleading photos taken after the marks had gone away to discredit the witnesses. (6RT1979). Both Camposano Sr. (6RT2029) and Camposano Jr. (7RT2205) complained that the photos were misleading.

3.- The hickeys were photographed on Beeson's cellphone the next morning in the sunlight (2CT310).

4.- Detective Marlene Vega of the Los Angeles County Sheriffs Department and Parole Agent Craig King of the California Department of Corrections and Rehabilitation were told by petitioner about the exculpatory photographs during interrogation on September 10, 2013 (2CT390).

5.- The cellphone was confiscated. Detective Vega misrepresented to the Los Angeles County Superior Court to obtain a search warrant, claiming that Mr. Beeson had suffered two rape convictions, when in fact he had no rape convictions. On September 12, 2013, the cellphone containing the exculpatory photographs was siezed and taken to the Norwalk Sheriffs Station on September 13, 2013. Detective Vega then removed the phone on September 16, 2013 from Norwalk, and placed it in her personal locker in West Covina, and after hid it in her personal desk in Downtown Los Angeles. (2CT326). What happened to the phone and its whereabouts was never disclosed. Defense counsel requested the return of service for the warrant, but never received one. (2CT302).

6.- Defense counsel asked for any and all exculpatory evidence, including evidence seized or obtained. (2CT440). Any exculpatory evidence photographs taken. (2CT441). Photographs obtained from or belonging to defendant. (2CT442). All tangible evidence related to the case whether or not the prosecution intended to introduce it. Information favorable to the defense that could exonerate, reduce the sentence, or be used to impeach, or contradict the prosecution witnesses. (2CT444). Including the phone. (2CT301). The discovery request was served on the District Attorney's office on October 8, 2013. (2CT301).

7.- The prosecution gave the requests to Detective Vega on June 23, 2014 "who believed all items of discovery had been provided". (2CT462).

8.- At trial the prosecution claims there was no hidden evidence. During closing arguments, the prosecutor said "where are the hickeys if this was a consensual encounter like the defense wnats you to believe?..., there are no hickeys..., there were no hickeys". (8RT2525-28).

And explaining "it was consensual not forcible, that's the significance of those hickeys..., I didn't see any hickeys on his neck". (8RT2753). "There is no witness on this case that was unbiased that told you about hickeys. Only the Camposanos". (8RT2745). "But on the planet of the defense they want you to believe that I hid evidence from you. Because they want the trial to be about something other than evidence". (8RT2735).

9.- It wasn't until after trial that defense investigators discovered the phone had been supressed, when it was truned over on October 28, 2015 to George Moreno, an investigator for the Public Defenders Office. (2CT326).

10.- In the new trial hearing, the prosecutor claimed no request was made, "If the defense had requested production of the phone, photographs of the phone, analysis of the phone, it could have been done. The defense has purported false information that any discussion was ever made about the defendant's cellphone". (2CT459). And "I further have no recollection of any request regarding the phone prior to the date of sentencing". (2CT462).

11.- But later admitted (9RT3954), that the general requests to produce the cellphone actually existed two years before trial in the request for discovery filed October 8, 2013. (2CT440).

12.- The trial judge noted the evidence was exculpatory, and would have supported the defense. "I do agree with the defense and disagree with the prosecution that this information is, in fact, exculpatory and would have had a bearing on the issues of credibility for Jane Doe had it been introduced". (9RT3961).

ARGUMENTS

I.- A Brady violation occurred due to the suppression of exculpatory evidence by the prosecution. In Strickler v. Greene, 527 U.S. 263, 281-82 (1999) (Strickler), The Supreme Court identified the following three components of a Brady violation:

1) Favorable evidence that was exculpatory or impeaching.
2) The evidence was suppressed by the State willfully or inadvertently.
3) There was prejudice as a result. (See also Banks v. Dretke, 540 U.S. 668, 691 (2004)(Banks); Brady v. Maryland, 373 U.S. 83 (1963)(Brady).

Petitioner has demostrated all these elements:

1.- The first prong of a Brady claim is satisfied. "Whether evidence is favorable is a question of substance, not degree, and evidence that has any affirmative, evidentiary support for the defendant's case or any impeachment value is, definition favorable". Comstock v. Humphries, 786 F.3d 701, 708 (9th Cir. 2015)(citing Strickler at 281-82). During the new trial hearing, the trial judge stated "I do agree with the defense and disagree with the prosecution that this information is, in fact, exculpatory and would have had a bearing on the issues of credibility for Jane Doe had it been introduced". (9RT3961).

2.- The second prong of a Brady claim is satisfied because the phone and photos were suppressed and were not produced until after the trial. The prosecutor explained during the new trial hearing, that she had not disclosed the phone, because she didn't know about it (9RT3952) and "believed all items of discovery had been provided". (2CT462). Not knowing that Detective Vega had hidden the phone in her personal locker in West Covina, and after locked it in her personal desk in Downtown Los Angeles. (2CT326). The judge recognized that the information was "relayed... to law enforcement". (9RT960). Brady has no good faith or inadvertence defense; whether the nondisclosure was negligent or by design, it is the responsibility of the prosecutor to turn over the materials, Gantt v. Roe, 389 F.3d 908, 912 (9th Cir. 2004), including materials known only to the police, see Phillips v. Ornoski, 673 F.3d 1168, 1186-87 (9th Cir. 2012); United States v. Agurs, 427 U.S. 97, 107 (1976); United States v. Bagley, 473 U.S. 667, 676 (1985)(Bagley); Kyles v. Whitley, 514 U.S. 419, 438 (1995).

3.- The third prong of a Brady claim is satisfied because the marks were the sole affirmative evidence of petitioner's innocence. Evidence is material under Brady "when there is a reasonable probability that, had the evidence been disclosed, the result of the proceeding would have been different". Cone v. Bell, 556 U.S. 449, 470 (2009); see also Strickler at 281-82.
As noted by the trial judge, the evidence "would have had a bearing on the issues of credibility for Jane Doe had it been introduced". (9RT3961).
This was a close case, the jury asked to reexamine prosecution witness testimony (8RT2771), was deadlocked (9RT3006), took three days to deliberate (9RT3302), acquitted multiple charges and found certain allegations false (9RT3302), despite the prosecutor using misleading photos (6RT1979, 2029; 7RT2205), to claim "there were no hickeys" (8RT2528), and no evidence had been hidden. (8RT2735).

Silva v. Brown, 416 F.3d 980, 987 (9th Cir. 2005)("Impeachment evidence is especially likely to be material when it impugns the testimony of a witness who is critical to the prosecution's case"); Horton v. Mayle, 408 F.3d 570, 580 (9th Cir. 2005)(holding that when the prosecution emphasizes a witnesses testimony, impeachment of all that witness may significantly damage the prosecution's case).
But the California Court of Appeal denied the Brady claim, stating "Defendant fails to establish that the prosecution committed a Brady error by failing to disclose allegedly exculpatory photographs on defendant's own cellphone". [W]here the defendant is aware of the essential facts enabling him to take advantage of any exculpatory evidence, the Government does not commit a Brady violation by not bringing the evidence to the attention of the defense". (Raley v. 91st, 470 F.3d 792, 804 (9th Cir. 2006)... If the material evidence is in a defendant's possession or is available to a defendant through the exercise of due dilligence, then, at least as far as evidence is concerned, the defendant has all that is necessary to ensure a fair trial, even if the prosecution is not the source of the evidence. [Citations].
Accordingly, evidence is not suppressed unless the defendant was actually unaware of it and could not have discovered it "by the exercise of reasonable dillingence". People v. Beeson, 2021 WL2134864, at *13 (2021).
The trial courts conclusion was error. The Ninth Circuit observed in United States v. Howell, 231 F.3d 615, 625 (9th Cir. 2000) (Howell), that the prosecutor is not exempt from its duty to disclose exculpatory evidence by the mere fact the defendant is aware of the existance of the evidence. In Howell, the prosecution had failed to disclose to the defense an error in two police reports that had placed recovered money in the possession of a co-defendant rather than the defendant. (Id. at p. 623).
Despite the fact the defendant would have known the money actually had been found on him, the Ninth Circuit nevertheless found a Brady violation in the prosecution's failure to disclose the error to the defense. (Id. at p. 624).
The Ninth Circuit reached a similar conclusion in Tennison v. City and County of San Francisco, 570 F.3d 1078 (9th Cir. 2008). There the police had twice interviewed a witness who had told them Tennison was not present at the murder scene and another man was the actual killer. (Id. at p. 1083). The officer's interview notes did not include any of these statements, and the prosecution provided no information to Tennison's attorney regarding the interviews. (Id. at p. 1084).
Despite the fact the defense was aware of the identity of the witness in question, the Ninth Circuit concluded the prosecution had violated its Brady obligation because [e]ven if [the defendant] had information about the murder, this knowledge is not the same as Smith's extensive statements to the police. (Id. at p. 1091). The Tennison court stated it agreed with the reasoning of the Seventh Circuit which had rejected "as untenable abroad rule that any information possessed by a defense witness must be considered available to the defense for Brady purposes". (16id., quoting Boss v. Pierce, 263 F.3d 734, 740 (7th Cir. 2001).
As this precedent from the Ninth Circuit makes clear, the mere fact the defendant may have knowledge of the exculpatory evidence does not excuse the prosecution's obligation of disclosure. Here, Beeson's cellphone was in the possession of law enforcement from the time a search warrant was executed. Despite defense's discovery requests that included all exculpatory materials, as well as specific inquiries by defense counsel concerning the phone, itself, the prosecution did not turn over the phone until after trial. (2CT349).

But the prosecutor's duty to disclose evidence favorable to the defendant is not excused by fact the defendant would be aware of the evidence because it consists of the defendant's own statement. (Howell at 625).
The District court stated "his claim fails because the California Court of Appeals denial was not contrary to Supreme Court precedent... of relevance here, a Brady claim also requires a showing that "the prosecution had knowledge of material exculpatory evidence that was unknown to the defense". Cooper v. Brown, 510 F.3d 870, 990 (9th Cir. 2007), Beeson v. Holbrook, 2025 WL 1020556, at *9 C.D. Cal., Feb. 11, 2025).
But defendant knowing there were marks is not the same as having photos that prove it. Old Chief v. United States, 519 U.S. 172, 189 (1997) ("a naked proposition in a courtroom may be no match for the robust evidence that would used to prove it"). "You know what they say, your honor, a picture is worth a thousand words. And in this case, this is the picture that the jury should have had". (9RT3952).
And when the police confiscated the evidence and hid it in a personal locked drawer without documenting its existence (2CT326), and then the prosecution claimed to have disclosed everything (2CT462), there was a request... in July of 2014... the law says you got to give it up. And you are in possession of it. You have a duty to look. So we didn't know where the phone was, but they did. They had it. (9RT3951).
By definition they suppressed the evidence "to prevent something from being seen, heard, known, or discussed".
Blacks Law Dictionary (12th ed. 2024).
To top it off, during the trial the prosecution specifically claimed there was no evidence as the defense attested, "where are the hickeys if this was a consensual encounter like the defense wants you to believe?... there are no hickeys... there were no hickeys". (8RT2525-28). And claimed no evidence had been suppressed. "There is no witness in this case that was unbiased" (8RT2745). "But on the planet of the defense they want you to believe that I hid evidence from you". (8RT2735). "And then the [prosecution] argument was, well, [the hickeys] couldn't have faded that fast. Well guess what?, yes they could. And that's the proof because they did". (9RT3952).
Defense counsel should be intitled to presume that the prosecutors have properly discharged their official duties. (Banks at 696). No reason was given why defense should have presumed the prosecution was lying. (United States v. Gibson, 55 F.3d 173, 179)(5th Cir. 1995)("Counsel is not required by the Sixth Amendment to file meritless motions").
Had defense counsel postponed trial to motion the court to compel the prosecution to disclose evidence, by all appearances the prosecution would have just repeated what they stated to defense counsel, that they had disclosed everything.
But, if counsel was required to make that motion to the court based on petitioner's belief the photos once existed, despite having no way of proving that they still existed, where they were, or how to obtain them, against the word of the prosecutor claiming they did not exist. Then defense counsel was ineffective.

II.- If it was not a Brady violation, then it was Ineffective Assistance of Counsel. Preventing Beeson from presenting a complete defense (U.S. Const., amends. VI, XIV; Const., art 1, §15; Strickland v. Washington, 466 U.S. 668 (1984). Counsel could have filed a motion with the court to compel discovery under California's Penal Code §1054.

The California Supreme Court has ruled that the prosecution violates its duty under Pen. Code, §1054., of the reciprocal-discovery statutes, when it fails "immediately [to] disclose" discoverable material that comes into its possession. People v. Verdugo, 50 Cal. 4th 263, 284 (2010).
And the suppression by the prosecution violates due process under the U.S. Constitution as defined in Brady at 87 ("Suppression by the prosecution of evidence favorable to an accused upon request violates due process"). See also Giglio v. U.S., 405 U.S. 150, 154, (1972), Bagley at 676 regarding impeachment evidence.

Whether it was a Brady violation or Ineffective Assistance, the result is the same. The prosecution misled the jury with faulty evidence to discredit Beeson's defense, and Beeson was prevented from presenting the photos which would have proven his defense.
Beeson was deprived of due process and a fair trial.

## REASONS FOR GRANTING THE PETITION

With abuse, fraud and waste running rampant through this once "Golden State", misconduct, corruption and injustice have become prevalent as well.

The State of California should not avoid accountability and profit and fill its prisons by concealing, suppressing, and withholding evidence. Tipping the scales and neglecting the United States Constitution, puts "... and justice for all" into question and its credibility is tested when justice is forgotten for the sake of winning convictions.

These typr of cafeteria morals, values and principles, build the case for the ridiculous anti-law enforcement movement, and gives an excuse for the left to call for defunding police and dismantling authority.

The Supreme Court can show our country that all Amendments apply to all Americans, and have the opportunity to restore credibility to due process and the right to a fair trial. It can ensure that all technological evidence in possession of Law Enforcement is investigated, analyzed, and evaluated where exculpatory, impeaching, and exonerating proof may exist. Providing absolute than accommodating truths and facts to justice is vital for both prosecution and defense.

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Anthony William Beeson

Date: February 27th 2026