

No. 25-7189

ORIGINAL

Supreme Court, U.S.
FILED

OCT - 5 2025

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Edward Robinson — PETITIONER
(Your Name)

vs.

Brian Gates Warden — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Ninth Circuit Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Edward Robinson
(Your Name)

PO Box 1906
(Address)

Tehachapi CA 93531
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

Question presented the state court misapplied clearly established federal law Crawford v. Washington 541 U.S. 36, Davis v. Washington 547 U.S. 813. The prosecution failed to demonstrate UR was unavailable. The court and the prosecution failed to avail themselves of the options available to secure UR's live testimony. Further petitioner was prejudiced by the erroneous admission of UR's statements made to 9-11 operator, SART examination, as well as the preliminary hearing. The prosecution's burden of proof wasn't met.

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

TABLE OF CONTENTS

OPINIONS BELOW..... 1
JURISDICTION.....
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED
STATEMENT OF THE CASE
REASONS FOR GRANTING THE WRIT
CONCLUSION.....

INDEX TO APPENDICES

- APPENDIX A *defendants opinion*
- APPENDIX B *Court of Appeals Ninth Circuit decision*
- APPENDIX C *request for COA*
- APPENDIX D *reports & recommendation*
- APPENDIX E
- APPENDIX F

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 May 9th 2025 denied as moot; 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 is unpublished.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 April 30 2024; 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 is unpublished.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 May 9th 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

Crawford V. Washington 541 U.S. 36, 52, 124 Sct. 1354
158 Fed. 2d 127 (2004) testimonial statements

Davis V. Washington 547 U.S. 813, 126 Sct. 2266 163
1. Ed 2d 224 the state courts misapplied clearly
established federal law. The state courts rulings
were "unreasonable" and "contrary to clearly
established federal law.

Michigan V. Bryant No. 09-150 (2011) testimonial
statements

Confrontational Clause: Sixth Amendment viola-
tions

Due Process Fourteenth Amendment violations

Fair trial right Fifth Amendment

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Federal Cases

Barber V. Page (1968)

390 U.S. 719 [88 S.Ct. 1318, 20 L.Ed.2d 255]

Brady V. Maryland (1963)

373 U.S. 83 [83 S.Ct. 1194, 10 L.Ed.2d 215]

Bruton V. United States (1968)

391 U.S. 123 [88 S.Ct. 1620, 20 L.Ed.2d 476]

California V. Green (1970)

399 U.S. 149 [90 S.Ct. 1930, 26 L.Ed.2d 489]

Chambers V. Mississippi (1973)

410 U.S. 284 [93 S.Ct. 1038, 35 L.Ed.2d 297]

Chapman V. California,

supra, 386 U.S. 18

Coy V. Iowa (1988)

487 U.S. 1012 [10 S.Ct. 2798, 101 L.Ed.2d 857]

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Crawford v. Washington (2004)

541 U.S. 36 [124 S.Ct. 1354, 158 L.Ed.2d 177]

Davis v. Alaska (1974)

415 U.S. 308 [94 S.Ct. 1105, 39 L.Ed.2d 347]

Delaware v. Fensterer (1985)

474 U.S. 15 [106 S.Ct. 292, 88 L.Ed.2d 15]

Duncan v. Louisiana (1968)

391 U.S. 145 [88 S.Ct. 1444, 20 L.Ed.2d 491]

Evans v. Javins (8th Cir. 1973)

489 F.2d 470

Government of Virgin Islands v. Aquino (3rd Cir. 1967)

378 F.2d 540

Hammon v. Indiana (2006)

547 U.S. 813 [126 S.Ct. 2266, 165 L.Ed.2d 224]

Holmes v. South Carolina (2006)

547 U.S. 319 [126 S.Ct. 1727, 164 L.Ed.2d 503]

Idaho v. Wright (1990)

497 U.S. 805 [110 S.Ct. 3139, 111 L.Ed.2d 638]



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Johnson v. Zerbst (1938)

304 U.S. 458 [58 S.Ct. 1019, 82 L.Ed. 146]

Kentucky v. Stinesea (1987)

482 U.S. 730 [107 S.Ct. 2658, 96 L.Ed.2d 631]

Lilly v. Virginia (1999)

527 U.S. 116 [119 S.Ct. 1887, 144 L.Ed.2d 117]

Michigan v. Bryant (2011)

562 U.S. 344 [131 S.Ct. 1143, 179 L.Ed.2d 932]

Ohio v. Roberts (1980)

448 U.S. 56 [100 S.Ct. 2531, 65 L.Ed.2d 597]

Piemonte v. United States (1960)

367 U.S. 556 [81 S.Ct. 1720, 6 L.Ed. 1028]

Pointz v. Texas (1965)

380 U.S. 400 [55 S.Ct. 1065, 13 L.Ed.2d 923]

Strickland v. Washington (1984)

466 U.S. 668 [104 S.Ct. 7052, 80 L.Ed.2d 674]

United States v. Burr (1807)

25 F. Cas. 30

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United States V. Gardinier

(U.S. Court of Appeals for Armed Forces 2007) 65

M.J. 60

United States V. Rabinowitz (1950)

339 U.S. 56 [70 S.Ct. 430, 94 L.Ed. 653

Washington V. Texas (1967)

388 U.S. 14 [87 S.Ct. 1920, 18 L.Ed.2d 1019

White V. Illinois (1992)

502 U.S. 346 [112 S.Ct. 736, 116 L.Ed.2d 848

Williams V. Taylor (2000)

529 U.S. 362 [120 S.Ct. 1495, 146 L.Ed.2d 389

Statement of the Case

ON 11/15/2016 U.R. called 9-1-1 reporting she has just been assaulted by E.R. beaten and held against her will for several hours shortly after making the report, U.R. denied medical attention. U.R. did not have any physical injuries that would support that a violent attack occurred. U.R. also stated she was bound with rope and duct tape around U.R.'s ankles and hands. No evidence was present that supports neither the presence of duct tape residue nor was any bruising and or markings on U.R.'s skin ~~WERE~~ PRESENT.

ON 11/23/2016 a follow-up investigation was held in which at this time U.R. describes an different account of the alleged events, than from what U.R. told 9-1-1 operators. During the course of the investigation, U.R. gave several different accounts of what she claimed occurred.

Petitioner has a constitutional right to face accuser. U.R. attended the preliminary hearings, at which time U.R.'s testimony was given on 10.24.17 several days before trial was scheduled to begin. U.R. simply elite to not attend trial simply in "U.R.'s" words, she was done with the case. In the constitutional sense, U.R. was illegally deemed unavailable to attend trial.

The prosecution did not act in good faith in obtaining U.R.'s presence at trial *Barber V. Paye* (1968) 390 U.S. 719, 722

1 C 88 S.Ct. 1318. 20 L.Ed.2d 255] Crawford v. Washington
2 (2004) 541 U.S. 36, 124 S.Ct. 1354 Michigan v. Bryant
3 (2011) 562 344, 366 131 S.Ct. 1143 Ohio v. Clark (2015) U.S.
4 135 S.Ct. 2173 Davis v. Alaska (1974) 415 U.S. 308 94
5 S.Ct. 1105 Chambers v. Mississippi (1973) 410 U.S. 284
6 295 C 93 S.Ct. 1039 35 L.Ed.2d 297] Pointer v. Texas,
7 supra, 380 U.S. at p. 405 Davis v. Washington (2006)
8 547 U.S. 813 321 126 S.Ct. 2266

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1 Reasons for Granting the Petition

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3 The lower court's decision is in conflict with this
4 court's ruling on the matter of legal facts

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6 Petitioner concedes the state court's determination
7 that UR was unavailable, excusing UR to testify at trial.
8 The adjudication of the claim resulted in a decision that
9 was "contrary" to and involved an unreasonable application
10 of clearly established federal law Crawford v. Washington 541
11 U.S. 36 United States v. Zappala, 649 F.2d 48, 8 Fed R. Evid. Serv.
12 (CBC) 155 (2d Cir 1981)

13
14 Moreover a criminal defendant shall enjoy the right to
15 be confronted with the witnesses against him U.S. Const. Amdt
16 6. This court has held that this right entitles the accused
17 to cross-examine witnesses who testify at trial and to
18 exclude certain out-of-court statements that the defendant
19 did not have a prior opportunity to cross-examine Crawford
20 v. Washington 541 U.S. 36 Davis v. Alaska 415 U.S. 708, 315-317,
21 94 S.Ct. 1105, 39 L.Ed.2d 347 (1947) is the United States Supreme
22 Court precedent directly governing petitioner's claim

23
24 Further "cause" and "prejudice" has been properly argued
25 upon petitioner's Writ of Habeas Corpus Relying on Code of
26 civil Procedure section 1219 and People v. Cogswell (2010)
27 48 Cal. 4th 467, the trial court held itself powerless to
28 counter Ungula's decision not to appear and declared

1 her unavailable

2 Based on the trial court's interpretation Code of
3 Civil Procedure section 1219 is an unconstitutional
4 gutting of the unavailability requirement of the
5 Confrontation clause that deprived Robinson of his
6 Confrontational and cross-examination rights un-
7 der the sixth and fourteenth Amendments to the
8 Constitution of the United States, and his rights to
9 Due Process of law (Crawford v. Washington, supra, 541
10 U.S. 36, Pointer v Texas (1965) 380 U.S. 400, 401 255
11 S.Ct. 1065, 13 LEd.2d 923] (opinion, FN. 5 at pg. 18)

12 Crawford held constitutional unavailability
13 requires a showing "the witness was demonstrably
14 unable to testify in person." (Crawford v. Washington
15 supra 541 U.S. at p. 45) The trial court's interpre-
16 tation of section 1219 allowed Ursula - who was
17 demonstrably able to testify - to create her
18 own unavailability out of whole cloth

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Petitioners did not receive a fair trial under the
United States Constitution's Fifth, Sixth and Four-
teen Amendments

Edward A. [Signature]
Respectfully Submitted
3-22-26
Petitioners

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Edward Robinson

Date: 3-22-26