

No. **26 - 5459**

IN THE SUPREME COURT OF THE UNITED STATES

RICHARD MICHAEL WISEMAN,
Petitioner,

vs.

PEOPLE OF THE STATE OF CALIFORNIA,
Respondent.

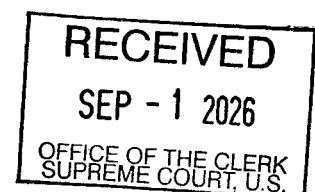
On Petition for a Writ of Certiorari to the Supreme Court of California

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether the Due Process Clause of the Fourteenth Amendment permits a state court to preserve portions of an indivisible negotiated plea agreement after determining that a material count lacked any factual basis, rather than vacating the plea in its entirety and restoring the parties to the pre-plea status quo ante, consistent with *Boykin v. Alabama*, 395 U.S. 238 (1969), and *Santobello v. New York*, 404 U.S. 257 (1971).
2. Whether due process and the Sixth Amendment right to effective assistance of counsel are violated when a court issues an Order to Show Cause identifying prima facie constitutional violations, including false evidence, suppressed discovery, and ineffective assistance of counsel, conducts an evidentiary hearing, grants relief as to one count, yet later declines to adjudicate or remedy the remaining plea-validity and due-process violations and instead denies broader relief on procedural timeliness grounds despite state-created delay and Petitioner's continued pursuit of restoration of the pre-plea status quo ante.

LIST OF PARTIES

Petitioner is Richard Michael Wiseman.

Respondent is the People of the State of California.

All parties to the proceeding in the court whose judgment is sought to be reviewed are identified above.

RELATED PROCEEDINGS

The following proceedings are directly related to this petition:

Santa Barbara County Superior Court

People v. Wiseman, Case No. 18CR06306.

Santa Barbara County Superior Court

Post-conviction proceedings arising from the judgment in Case No. 18CR06306, including Case No. 20CR08592.

California Court of Appeal, Second Appellate District, Division Six

In re Richard Wiseman on Habeas Corpus, Case No. B351908.

Supreme Court of California

Wiseman v. People of the State of California, petition for review denied April 22, 2026.

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OPINIONS BELOW

The order of the California Supreme Court denying review, filed April 22, 2026, is unpublished.

The opinion of the California Court of Appeal, Second Appellate District, Division Six, is unpublished.

The relevant Superior Court orders include:

- May 12, 2021 Order to Show Cause.
- December 15, 2021 Order granting partial relief as to Count 9.
- August 29, 2025 Order denying Penal Code §1473.6 motion with prejudice.
- December 2, 2025 Order denying reconsideration.

JURISDICTION

The California Supreme Court denied review on April 22, 2026. This Court has jurisdiction under 28 U.S.C. § 1257(a).

This petition is timely under Rule 13 of the Rules of this Court because it seeks review of a final judgment of the highest court of a State in which a decision could be had, raising federal constitutional questions.

CONSTITUTIONAL PROVISIONS INVOLVED

U.S. Const. amend. XIV, § 1:

"No State shall ... deprive any person of life, liberty, or property, without due process of law."

U.S. Const. amend. VI, as incorporated against the States through the Fourteenth Amendment.

STATEMENT OF THE CASE

Petitioner entered a negotiated plea agreement resolving multiple felony counts as a single, integrated package. The plea was not structured as severable components. Each count formed part of the consideration for the agreement as a whole.

One of those counts, Count 9, charged under Penal Code section 646.9(b), rested on the existence of a valid restraining order. During post-conviction proceedings, the Superior Court later determined that no valid restraining order existed and that Count 9 lacked a lawful factual basis.

The alleged restraining order was not merely a technical element of Count 9. It was used to aggravate the case, increase the severity of the allegations, and affect Petitioner's sentencing and plea posture. Yet the probation record later obtained by Petitioner reflected that no restraining order existed. Petitioner's counsel had access to that record, but the issue was not disclosed, corrected, or used to challenge the factual basis of the plea before judgment.

On May 12, 2021, the Superior Court issued a six-point Order to Show Cause in post-conviction habeas proceedings under Santa Barbara Superior Court case No. 20CR08592, arising from the underlying plea judgment in case No. 18CR06306. The OSC identified prima facie constitutional issues, including false evidence, suppressed discovery, and ineffective assistance of counsel. An evidentiary hearing followed on October 22, 2021.

On December 15, 2021, the Superior Court dismissed Count 9 while expressly citing *People v. Richardson* and acknowledging that the count lacked a lawful factual basis. Despite that acknowledgment, the court severed only that count and left the remaining counts intact rather than vacating the integrated plea agreement in its entirety or restoring the parties to the pre-plea status quo ante.

Following the partial dismissal, Petitioner sought relief under Penal Code §1473.7, asserting newly discovered evidence and ineffective assistance affecting the validity of the plea as a whole. The Superior Court denied relief, and appointed appellate counsel filed a brief pursuant to *People v. Delgadillo* that did not address the federal due process implications of partially severing an indivisible plea or the requirement of restoring the pre-plea status quo ante. The Court of Appeal denied relief.

Petitioner subsequently filed a motion under Penal Code §1473.6 consolidating claims of false evidence, ineffective assistance, and governmental misconduct. On August 29, 2025, the Superior Court denied the §1473.6 motion with prejudice as untimely, and on December 2, 2025, denied reconsideration. The California Court of Appeal denied habeas relief, and the California Supreme Court denied review.

This petition presents two federal questions: whether a state court may preserve an indivisible plea bargain after acknowledging that a material count lacked any factual basis, and whether due process permits a court to identify *prima facie* constitutional violations yet later avoid merits adjudication of the remaining claims through procedural timeliness rulings.

REASONS FOR GRANTING THE WRIT

Rule 10 Considerations:

This petition satisfies Rule 10(c) because the decision below departs from this Court's precedents governing the constitutional validity and remedial consequences of guilty pleas. This case does not seek error correction under state law; it presents a federal constitutional question concerning whether a court may rewrite an integrated plea agreement after acknowledging that a material component lacked any factual basis.

The state courts permitted partial enforcement of an indivisible plea after acknowledging that a material count lacked a factual basis, effectively rewriting the agreement rather than applying the remedial framework required by *Boykin* and *Santobello*. The question presented is recurring and of national importance given the central role of plea bargaining in the criminal justice system. Lower courts routinely confront challenges to the integrity of negotiated pleas, and clarification from this Court is necessary to ensure uniform application of the Due Process Clause when a plea's factual foundation collapses.

I. The Decision Below Conflicts with This Court's Precedents Governing the Validity of Guilty Pleas.

This Court has long held that a guilty plea must be knowing, voluntary, and consistent with due process. *Boykin v. Alabama*, 395 U.S. 238 (1969); *Brady v. United States*, 397 U.S. 742 (1970). When a negotiated plea rests on a material misunderstanding, legal impossibility, or a defective component that formed part of the inducement for the bargain, continued enforcement of the plea raises serious due-process concerns.

In *Santobello v. New York*, 404 U.S. 257 (1971), this Court emphasized the constitutional importance of fairness in the plea-bargaining process and recognized that when a plea bargain is not honored, an appropriate remedy must be provided. Here, the state court's partial severance of Count 9 did not provide a meaningful remedy for the failure of a material component of an integrated plea bargain. It effectively rewrote the bargain and deprived Petitioner of the benefit of the negotiated exchange.

That approach conflicts with the structural protections recognized in *Boykin* and *Santobello*. Those precedents prohibit courts from enforcing plea agreements that fail to satisfy constitutional requirements, and they do not authorize judicial rewriting of integrated plea bargains after a material term is deemed factually invalid. That severance rewrote the bargain after the fact. The question presented is whether due process permits such judicial rewriting of a package plea once a material count has been adjudged invalid.

II. The Decision Undermines Due Process by Allowing Courts to Acknowledge Constitutional Violations Yet Decline to Adjudicate Them.

The trial court issued an Order to Show Cause identifying *prima facie* evidence of false evidence, suppressed discovery, and ineffective assistance of counsel. The false-evidence and suppressed-discovery claims implicate the Due Process Clause under *Mooney v. Holohan*, 294 U.S. 103 (1935), *Napue v. Illinois*, 360 U.S. 264 (1959), and *Brady v. Maryland*, 373 U.S. 83 (1963). The ineffective-assistance claim independently implicates the Sixth Amendment right to effective assistance of counsel, incorporated against the States through the Fourteenth Amendment.

Although an evidentiary hearing was conducted, the violations identified in the OSC were not fully adjudicated or remedied. The court then denied broader relief on procedural timeliness grounds, despite state-created delay and Petitioner's continued pursuit of restoration of the pre-plea status quo ante.

Permitting courts to recognize constitutional defects yet avoid merits adjudication through rigid procedural bars undermines the integrity of post-conviction review and conflicts with this Court's insistence that substantial constitutional claims receive meaningful judicial consideration.

III. The Question Presented Has Exceptional Importance Given the Central Role of Plea Bargaining in the Criminal Justice System.

Negotiated pleas resolve the vast majority of criminal cases in the United States. The constitutional boundaries governing the severability of plea agreements therefore carry national significance. If lower courts may partially invalidate an indivisible plea while enforcing the remainder, defendants nationwide face uncertainty regarding the stability and enforceability of negotiated agreements.

This case presents a clean vehicle to resolve whether the Due Process Clause permits partial severance of an indivisible plea agreement without restoration of the pre-plea status quo ante and meaningful adjudication of acknowledged constitutional violations. Count 9 was actually adjudicated, the plea was treated as intact anyway, and the federal due-process consequences of that course were squarely presented but never resolved.

CONCLUSION

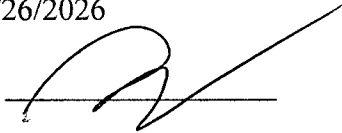
The petition for a writ of certiorari should be granted.

Respectfully submitted,

Richard Michael Wiseman
Petitioner, Pro Se

Date: 8/26/2026

Signed: _____

A handwritten signature in black ink, appearing to be 'R. Wiseman', is written over a horizontal line.

APPENDIX

Appendix A. California Court of Appeal, Second Appellate District, Division Six, order in *In re Richard Wiseman on Habeas Corpus*, Case No. B351908, filed March 3, 2026. This is the principal state-court decision of which review is sought.

Appendix B. Superior Court Order Denying Motion to Vacate Conviction or Sentence, dated August 29, 2025. This is the principal lower-court ruling left in place by the Court of Appeal's March 3, 2026 order.

Appendix C. Superior Court Order denying reconsideration, dated December 2, 2025.

Appendix D. California Supreme Court order denying review, filed April 22, 2026.

Appendix E. Superior Court Order to Show Cause dated May 12, 2021.

Appendix F. Superior Court Order Granting Habeas Corpus Relief as to Count 9, dated December 15, 2021.