FR: Cedric J. Johnson K-61104
San Quentin St. Prison
SAN QUENTIN. CA. 94974

Re: S075727-People v. Cedric Jerome Johnson

[A] FUNDAMENTAL TRAVESTY AND MISCARRIAGE OF JUSTICE HAVE BEEN PERPETRATED AGAINST PETITIONER AND CONTINUES TO BE PERPETRATED AGAINST PETITIONER.

[I] Come to the Court to Protect my own interest(s).
I wish to inform the Court that attn. Chabot have been knowingly operating in an adverse and antagonistic position(s) against my interest(s), including under a Conflict of interest(s) (IRRECONCIABLE DIFFERENCES (2005))

The Late Harold Medina Federal Judge (South. District of NEW YORK (1947-1953) and 2nd Cir. (1953-1980)) INSTRUCTED a Jury that words may be the instrument by which Crimes are Committed: DENNIS - V. United States (SUBVERSIVE LANGAUGE (1951))

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Not only were words now seen as weapons, but to a non expert "insidious words" could seem totally innocent.

Stefan T. Possony a "Language Expert" on faculty of Georgetown University testified before the house Committee on un-American Activities (1959):

warned against taking lightly even the most innocous seeming statement made by subversive elements.

Atty. Chabot is a racist and subversive. In Atty. Chabot and MY first Meeting (we only meet twice-Period)..

Atty. Chabot first Question to me was/or would be... was I sorry for talking to (acouple) of Judges the WAY I did??

MY response; was hell naw. They were violating MY Constitutional and Civil Rights - And I was not Pro Per.

But for atty. Chabot to ask me that question - was I sorry? That was [A] Racist Question (No ifs, ands, or butts about it.)

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Atty. Chabot, in our first meeting - Just kept staring at me as if he was in shock - Stunned.
I asked atty. Chabot what was wrong? Atty. Chabot replied, The way you talk. I then asked atty. Chabot what, You can't understand me? . . .
Atty. Chabot replied, No! I understand You well. It just that You explain Yourself so good. . .
A similar event occurred on the telephone (The Calls are Taped). My response was the same response I gave him in our first meeting. . . I told You they were altering and erasing transcripts - Entire section is gone. It's probably impossible to collect the transcripts (records).
Atty. Chabot response had been, he had been wondering about that (My actual) speaking abilities and the way the transcript betray me). Diametrically opposite.
It should be noted in the first meeting Atty. Chabot had 10% of my (So-called) Appellant Brief Completed. . . But once I informed him that I had went to the U.S. Atty. Gen., Media and others about my case. . . Atty. Chabot abruptly stopped his fake work on My Case (January 2005).

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under false pretenses of helping other attorneys with their alleged brief.

Atty. Chabot, at the same time was continuously taking on new case(s).

The Calif. Supreme Court had to order atty. Chabot to finish MY opening (Garbage — retarded) brief].

In atty. Chabot and MY final meeting (visit about 2005 of June). It was obvious that I was highly and visionally agitated. I would hand atty. Chabot about a three pg complaint — that officer(s) had MY life in "IMMINENT DANGER."

I asked atty. Chabot for his help in exposing the officer(s) crimes against me. Atty. Chabot response was, he would need to asked his boss first, he told me to call around 3 or 4 (in the afternoon).

I called atty. Chabot and asked him was he going to help ME? ... Atty. Chabot said, he wasn't going to do anything for me, and he could not help me.

Atty. Chabot admitted that even if he knew I was about to be MURDERED by officer(s) (MY LIFE was in "IMMINENT DANGER") he would not do nothing.

I would play it off-and-hang-up the

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telephone (knowing our phone calls were taped).

So, for the next two weeks I played it off as I continue to call Atty. Chabot, as I attempted to get MY document back. Atty. Chabot. Just constantly lied about the document.

I knew by then that logic-and-reasoning with Atty. Chabot was useless (verbally and written). I made a copy of every letter I've sent to attorney Chabot. with the exception of MY first letter I sent him. . . Basically all MY conversation ceased with attorney Chabot about June 2005.

ATTY. CHABOT, IS A RACIST, A SUBVERSIVE, A BUM ATTORNEY, A LYER. AND HE BEEN WORKING TO COMPLETELY ON MULTIPLE FRONTS against ME, and MY interest's.

Atty. Chabot. still would turn around against MY verbal-and-written warnings (affirmatively misrepresentation (Lied) to the Court's), when atty. Chabot claimed in his NON-OPPOSITION MOTION that I had no opposition to the record being certified - AS complete and accurate. (In July 2005)

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I had immediately put together a motion of opposition (7-8-05) declaring MY full and total opposition to records certification I sent one copy to the Calif. Supreme Court (I never received any acknowledgement back). I sent a second copy to Compton Court- where a copy was made - Court stamped and sent back with an minute order (I have enclosed a three page copy).

"The USSC have declared incomplete records/transcripts could amount to Constitutional violations and dismissals."

MY missing and altered transcripts is wholly Material... The charges levelled against the malicious and vindictive Prosecution, and knowingly (and) intentionally using (all) false and perjured testimonies was (un)relenting against their (un)lawful acts.

Since atty. Chabot and I had a complete breakdown in communication. After (June 2005) I would just kick back and watch to see what atty. Chabot would do - for about two and a half years. Atty. Chabot kept stalling on MY appeal until finally -

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I had enough. I called atty. Chabot about Nov. 2007. and told him do not ask for any more Continuances. and that he(atty. Chabot) knew Continuances was against MY intrests.

Atty. Chabot response was, I know it's against Your intrests.

I then said. then You know it's in the intrests of the District Attorney.

Atty. Chabot. admitted that he knew that it was in the intrests/benefits of the District Attorney (Admitted Acceptance Rule).

Atty. Chabot. Continued to request Continuance — until the Calif. Supreme Court ordered him to finish my opening brief about 2008.

(It should be noted: In 2005 I had wrote 17 Southern Calif universities Law School seeking their help. I received Feedback from Pepperdine, USC, UCLA and Loyola.)

In January 2009 I received the opening Brief (The more I read it the madder I became).

The brief was straight garbage (Boilerplate retarded brief). The first things I noted was he was alleging there were no Due Process Violations (FIFTH AMENDMENT(S))

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Atty. Chabot did have two Minor (5th AMEND.) Violations in the brief, but atty. Chabot, amended the opening brief, and turned around and took these two off, or out of the brief.

FRIVOLOUS APPEAL.

Cir. C. APPEALS Formulation, an appeal can be frivolous in two ways: (1) the results "are" obvious, or (2) the arguments of error are wholly without merit — In re George 322 F. 3d 586 (9th Cir. 2003).

Even the quality of the appellants advocacy on appeal (A Sound issue may be frivolously presented) Harrah's Club V. Van Ritter, 902 F.2d 774 (9th Cir. 1990).

Ranola Corp V. U.S. 927 F.2d 1219 (Fed Cir. 1991) (Genuinely appealable issues frivolous as argued).

With atty Chabot - it's equivalent to having No Appeal attorney. (Actual and Structural denial of the assistance of Counsel Penson V. Ohio 488 US 75. 102 L Ed 2d 300 (198

(CON. 9)

Also. Ineffective Assistance of Counsel on Appeal - Smith v. Robbins. 528 U.S. 259 (2000).

What Atty. Chabot called Statement of facts - I call it "fiction" (Pg 1-21) it is Straight garbage. Atty Chabot is no doubt a Subversive.

Atty. Chabot refused to call Newton and Greer what they are - Police Informants. Even though that what they are, and was called.

I called my Prosecution Malicious and Vindictive - because that what it was. Not based on evidence - but based on nothing but Perjury.

Atty. Chabot, use the term Credibility toward those (Explicitly) Lying So-Called three eye-witnesses).
Not once did I use the term Credibility toward those Lying so-called witnesses).

AS I represented the Case (Pro Per) I said there was no reliability, or no indicia of reliability to anything those Lying

(Con: 10)

so-called witnesses had said. No truthfulness, or no veracity to anything those so-called witnesses) said. (which is obvious.). They were knowingly [and] intentionally using false and perjured testimonies in the Courtroom. (Violating MY 5th AMENDMENT Rights... since the evolution of time a given eyewitness description can be fatal to it reliability- Mason V. Brathwaite, 53 L Ed 2d 140 (1977)).

Reliability depends in part on the accuracy of prior description - Neil V. Biggers. 34 LEd 2d 401 (1972). Lilly V. Virginia. 527 U.S. 116 (1999) (Indicia of reliability / Truthworthiness)

MY Case is identical to Linane V. United States. 336 F. Supp 18 Due Process [5] while it enumerates several Types of Misconduct - Subornation, Fraud, Conspiracy - The case law simply requires that the Conviction be "impeached on some ground recognized by Law" (Bellajacova. 244 N.E. 2d at 582) (See Mooney) Due Process is a requirement that cannot be deemed to be satisfied by mere notice and hearing if a state

has contrived a conviction through the pretense of a trial which in truth is but used as a means of depriving a defendant of liberty through a deliberate deception of Court and (by the presentation of testimony "known" to be perjured).

Linnoke V. United States: Sadly, when law enforcement perverts its mission the Criminal Justice system does not easily self-correct. But we "suppose" to have appeals to address them mistakes - but this case goes beyond mistakes, beyond the unavoidable errors of a fallible system. This case is about intentional misconduct, subornation of perjury, conspiracy, the framing of 2 innocent men."

The government position is in a word, absurd the law they cite does not apply to the extraordinary facts of this case. The issue here is not discretion, but abuse, not, independence charging decision, but framing of 2 innocent men, not the failing to produce exculpatory evidence but procuring convictions by misrepresentation, not letting perjured testimony proceed -

(CON 12)

uncorrected but facilitating it.
Bains V. Cambra, 204 F.3d 964 (9th Cir. 2000) Erroneous admission of evidence (Confrontation Reversed).

The Court should take Judicial notice of the records that as Pro Per (Even with the Government interferences) I was constantly declaring there was "no reliability" to anything those so-called Ning witnesses had stated. That the prosecutor was knowingly (and) intentionally using false and perjured testimonies.
(Newton, Greer and Huggins) all three stories were diametrically opposed" to each other from beginning, Middle and end. It's no doubt all three had been lying. The truth is (Newton, Greer and Huggins) had all been at their ~~A~~ affected residences.
Miller V. Pate (1967) 386 US 1 (knowing use of false evidence).
Best V. Alabama 447 U.S. 638, 468 U.S 456 ((A) reliable determination of guilt (mandate)).
Rochin V. Calif. 342 U.S 165 (Conduct that Shocks the Conscience - 5th & 14 Amendments)
(Three Completely different theories).

Atty. Chabot then went into the Prosecutor penalty Side of the case. Attempting to Solicit harmful information against ME (The USSC have warned defense attorneys against doing that).

Atty. Chabot, went into, Supporting and Promoting the defendant falsely accused VICTIM (Gregory Hightower) father agenda.

Atty. Chabot went on saying - The father said that his Son (Hightower) as a teenager went to Youth Authority for involuntary Manslaughter and being a accessory to MURDER of a insurance Man.

When (Hightower) got out - him and a couple of friends started a Shoe Store. And (Hightower) helped Create the Gang true in L.A (1992) with - Jim Brown, (Congresswoman) MAXINE waters. Jesse Jackson.

The Prosecutor loved that line-laying out in MY appellant Brief. . . Because that Prosecutor said nothing along that line in his respondent brief.

The truth is atty. Chabot did not have to write any of that in MY appellant brief. Again, Atty. Chabot is a Subversive - (A) Surrogate Prosecutor (unduly Pre Judicial.)

Atty. Chabot then on (Pg. 21) instead of denouncing Psychiatrist Marshall Chertkas as

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INCompetent to testify against me (It Clear Dr. Cheikas is not trying to help me with his words - but hurt me). But note importantly I did not speak to Dr. Cheikas five second - let alone five minutes. I made that explicit for the records (although I had to repeat it over and over - Again, they were engaged in altering-and-erasing records).

The CALIF SUPREME Court has reasoned "Mental Health EXPERT" hires spends enough time with the defendant to be Competent to testify (Testimony of defense Psycho-therapist in Sanity Phase "Properly dis-allowed" because he had spent only half hour with defendant. (See People v. Jones (1989) 208 CA. 3d 115. 256 CR 661)).

Atty. Chabot, seem's to think he is being Subtle and sending Subliminal messages to the Court - 1) In Attx. Chabot attempts to legitimize Dr. Cheikas and atty. Steven Hauser. 2) Atty. Chabot. Says I am guilty of murdering (Hightower) Abandonment - There Can be no use Cogent reason for that nonsense - other than attempting to legitimize the perjurious and UNlawful Proceeding(s) I had been Subjected to.

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Atty. Chabot. whole (so-called) attack against the Sloan guilty verdicts amount to not having an appeal Counsel at all. (Penson V. Ohio. 488 US 75. 102 L Ed 2d 300 (1988) That Counsel in effect did not represent defendant on appeal.)

Smith V. Robbins. 528 US 145 L Ed 2d 756 (Counsel neglected to file a merit brief on appeal).

When is attorney representation of criminal defendant so deficient as to constitute denial of federal Constitutional right to effective assistance of Counsel. USSC Cases 83 L Ed 2d 1112.

As the Court had occasion to remark in United States V. Hyde (5th Cir (1978) 574 F2d 856, 870 (Doctors & Lawyers have been known to commit crimes.)

The ineffectiveness principles governing claims of ineffectiveness of Criminal defense Counsel appl'y in federal collateral proceeding such as habeas corpus as well as on direct Appeal, or in motion for new trial.

Presumption denial of Counsel actual or constructive denial of the assistance of Counsel altogether is legally presumed to result in prejudice.

Competence of appellate representation became a Constitutional issue in re-Smith (1970) 3 C 3d 192. 90 CR 1. In this Case the California Supreme Court Said "each of the Counts on which Petitioner was convicted was potentially vulnerable to legitimate and provocative appellate contention that should have been manifested to an alert and responsive attorney" 3 C 3d at 189. 90 CR at 4.

The Court has since held that the inexcusable failure of appointed Counsel to raise issues of arguable merit on appeal deprives defendant of his or her Constitutional right to a "Competent advocate." People V. Barton (1978) 21-C 3d 513. 146 CR 727.

In In re Greenfield (1970) 11 CA 3d 536. 89 CR 847. Counsel neglected to cite a recent line of Cases that would have resulted in reduction...

of the charge against appellant. The Court concluded that appellant had been denied adequate representation at both trial and appellant levels.

In People V. Lang. Supra Counsel's appellate brief stated that he disagreed with defendant's assertion that the trial Court evidence was insufficient to sustain the conviction. The Court held that the inadequacy of Counsel's presentation deprived appellant of his Constitutional right to effective Counsel. The Court also noted several grounds of possible deficiency of trial Counsel that appellate Counsel failed to pursue.

Also. See People V. Valenzuela (1985) 175 CA 3d 381. 222 CR 405. And In Re Alen (1986) 176 CA 3d 386. 221 CR 772 Granted relief from ineffective assistance of Counsel on appeal.

Several issue familiar to trial Counsel should be kept in mind in context of appellate representation:

1) Defendant Mental Competence.
2) Self-Representation.

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The Same principle may apply to appeal. Although the Court in In re Walker (1976) 56 CA 3d 225. 128 CR 291. Held that an appellate has no absolute right under Faretta to self-representation.

The Court in Hendricks V. Zenon (9th Cir. 1993) implied that a Criminal appellant has (a) fundamental Constitutional right to proceed as his or her own attorney.

Atty. Chabot. Conscience decision to deliberatedly. Maliciously and deceitfully attempt to be Silent and leave out (Omissions) "Most Meritorious" and "unduly Prejudicial" Claim out of his appellant briefs.

1) Such as my Faretta rights. Atty. Chabot attempts to down-play and leave out my [Pro-Per] history. And the Constant interference(s) I would Suffer in the first trial

As if it was no major Constitution Violation(s) - when it explicitly is.

Although the transcript have been altered. It Clear appellate had moved to

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Exercise MY 6th AMENDMENT right the first day at Court (Sep. 27, 1997.).

AS Soon as the Public Defender approached ME in the holding area. (After he had informed ME of the Charges). I informed informed the Public Defender. I was exercising MY (6th Amend. right under Faretta V. Calif to represent MYself).

Appellate then told the Public Defender to Please notify/inform the Court and Prosecutor of MY Position... And tell the Prosecutor to have the Complaint ready and the Murder Book.

ONCE in the Courtroom the Commissioner, Prosecutor and Public Defender out-right attempted to Subvert and Violate MY Constitutional rights, Pretending as if they did not understand-MY Faretta rights... Atty. Chalot, IS doing the Same thing.

Also, I ask the Court to take Judicial Notice that I had just did MY own Trial 90 days before Sep. 27, 1997... I took the UNLAWFUL Case (Pro Per) on the first day-And seen it as a tactical advantage to not waive one day. I also took over a Case (A BOGUS ASSAULT ~~Rifle~~)

After having 5 or 6 attorney Passing the case off to another attorneys - As if it was a game of foot Ball - Assuring me that it could not be dismissed.

I went (Pro-Per) again and the Bogus gun case was dismissed technically within days. I had no Problem in the Courtroom.]

[The defendant choice of Self-representation "must" be honored out of that respect for the individual which is the life blood of the Law. People v. Rawlins (2003) 131 Cal RPR. 2d 499, 29 Cal 4th-788 Criminal Law ⌐ 641. 4(L)].

The Commissioner did give me my Pro-Per status, and had me sign (A)Pro Per Papers. But the Prosecutor did not Provide me with the Complaints (Sep. 27. 1997). or Murder Book.

Once back at Court two weeks later I would be "ambushed". I was taken to a different Courtroom — where Atty. Steven K. Hauser approached me saying he was representing me.

I responded by telling Atty. Hauser; listen You fucking idiot, You Piece of Shit, You'll not representing me You fucking bum.

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I am representing myself - MY position is non-negotiable.

It is settled law that; under the Faretta test, if a request for self-representation is unequivocally asserted within a reasonable time before the commencement of a trial and if the assertion is voluntarily made with an appreciation of the risk involved, the trial Court has no discretion to deny it. (Faretta, supra, 422 U.S. at pp. 835-836; People v. Windham (1977) 19 Cal 3d 121, 128, 137 Cal Rptr. 8, 560).

Once defendant asserts right of self-representation, Court "MUST" conduct hearing to ensure that defendant "is" fully aware of dangers and disadvantage of proceeding without Counsel (Rawlson v. Wainwright (1984) CA 11 Fla) 732 F2d 84 Cert den. (1984) 469 U.S. 966.).

At this point, I think atty. Steven Hauser became (mentally unhinged) - He knew that "MY position of non-negotiable" meant that there was nothing that could be said to convince me to [voluntarily] give up MY Faretta Right self-representation... The scheming beginned in-

earrest

It do not lower or weaken MY Position(s) and Charge(s) to the Court as Proper that, The charging Process had been Manipulation to even get MY Case into Court.

That Procedural Safeguards had been established to Stop MY type of Case from ever Coming into the Court - But they had been intentional Elabed(s).

The only thing that was occurring - they were intensifying their Criminality in the Courtrooms.

Atty. Hauser obviously informed the Court of MY attitude.

The Magistrate had me brought into the Courtroom... The Magistrate Pleaded and insisted that I talk to atty. hauser.

MY response was clear. "It's nothing to talk about - what did they not understand about me representing MYself? MY Position was nonnegotiable. (This Scenario went on all morning).

The Magistrate trying to get me to talk to atty. hauser. which I never did do - which is clear.

Again, Transcripts have been altered, erased

or Conversation not taken down at all.

[Also, for the "integrity of the Court" it should be noted, when the magistrate had me brought into the Courtroom - There standing at the Counsel table was Prosecutor (Gilbert wright). The same Prosecutor who had [falsely] Charged me with 2 Counts of Murder in (1995)].

I would be found not guilty on one (1) Count of Murder (1995). (10-2) not guilty on the 2nd Count.

The Judge would throw out the 2nd Count - because as he had said, there was No DOUBT those witnesses had been lying.

Prosecutor (Gilbert wright) was taken over this case - This case is worst!]

Instead of the magistrate respecting my Faleta right that day - by that afternoon the magistrate attempted to get me to make a blind Plea.

I did not have the Complaint "or" Murder book (The Prosecutor Gilbert wright) had given Atty. hauser the Complaint and Murder book - Even though Atty. hauser had not been appointed to the case.

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I informed the magistrate, I refuse to make a blind Plea. Technically I do not even know what the charges are. I do not have the Complaint or the murder book.

Pluss, it was not required that I put in a Plea at that time - I had options as I had informed the magistrate.

Atty. hauser was nothing but a (sullogate Prosecutor) that why the Prosecutor had already provided the documents [I] had requested to atty. hauser.

[But, the records were altered to look like I said. I know I am violating Protocal. (what protocal was I suppose violating?) none! That said, the magistrate then, said, She was appointing atty. hauser to MY case.]

The magistrate was violating Protocal, MY Fakatta Rights, MY Statutory and Constitutional rights.

Article 1 ss 14 provide that upon a felony charge an written Complaint, the defendant must be brought before the Proper magistrate without delay, and that magistrate deliver a copy of the Complaint to defendant, inform him of his right to Counsel

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and Permit Counsel to be Summoned.

Self Representation (IS Fundamental) in Faretta V. Calif. (1975) 422 US 806, 45-LEd 2d 562, 95 S Ct 2525. The Supreme Court held that the right to Self Representation IS "Fundamental" to the Sixth Amendment right to Counsel. A timely request to discharge Counsel "MUST" be honored allowing a Criminal defendant to Proceed to trial as his or her own attorney.

ame back at Compton Court two weeks later. I immediately move to get MY Pro Per Status back (that had been Fraudently taken from me — Abuse of the magistrate discretion).

The magistrate made me getting MY Pro Per Status back Conditional.
I had to be Prepared that day to do MY [Fake Preliminary hearing].
It was known I wanted to Put on a affirmative defense.
So. I agreed to go along with that [Fake Preliminary hearing] that day.
Soon after that [Fake Preliminary hearing]

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I moved to Recuse atty. hauser Presence on My Case
The Magistrate told me to take it up with the next Court.

Two week later in Superior Court I would be Recusing atty. hauser status on My Case. (By Judge Lugo).
That atty. hauser was trying to Subvert and undermine My Case.
I filed a Recusal motion against atty. hauser. Atty. hauser would lie about every legal Question I would State to him.

(1) Atty. hauser told me that I had to Prove My innocence:

Coal V. U.S 34 Led 341 Entire burden of Proof "IS" upon the Government the trial and burden of Proof never Shift from the Government to the defendant and the defendant are not bound to Prove their innocence after any Excuses, or explain anything.

(2) Atty. hauser would say, that the Due Process Clause of the 5th Amendment did not Protect me from the Prosecutor

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knowingly and intentionally using false and perjured evidence.

Atty. Hauser continued saying, it was nothing illegal about the prosecutor using perjured evidence - That the prosecutor could do that.

[United State V. Duke, 50 F3d 571 (8th Cir. 1994) "Prosecutor has "duty" to serve and facilitate the Truth-Finding function of the Courts"].

Davis V. Zant, 36 F.3d 1538 n. 15 (11th Cir. 1994)(Prosecutor have a special duty of integrity in their argument)

U.S V. Kojayan, 8 F.3d 1315 (9th Cir. 1993)(Lawyers representing the Government in Criminal Cases serve truth and Justice first).

United States V. Nelson, 18 F.3d 153 (2nd Cir. 1994)(The prosecutor has a special duty not to Mislead).

Atty. Hauser Said, A autopsy was not important. A autopsy is very important because autopsy can provide the evidence of how a crime occulted. In appellant Case it was very crucial but was

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Suffessed.

Atty. hauser also said, "that the U.S Constitution was 'BaLoGNA' that Lawers did not Practice that Stuff in the Cauthoons any more." Stare mentally unhinged!

The 2nd defendant on appellate case (Terry Betton) his attorney Chet Taylor (I recently found out) that he had been "Disbarred" from Practing Law in NEW-York... Atty. Taylor, Just brought his Corrupt ways to LOS ANGELES.

Prosecutor wright, atty. hauser and atty. Taylor their deeds and words (malfeasance) were Precursors of how they were Conspiring to make appellate Case along.

Judge woo would remove atty. hauser from my appellate Case (in all Capacity).

I then filed a fescusal motion (170.1) against Judge woo for breaking his word to me on a previous Case.

At appellate next Court Proceeding...

in Judge Morgan Courtroom. where atty. hauser would be allowed to weasel his way back onto appellate case.

Appellate was then transferred to Judge Cheraske Courtroom – where Judge Cheraske acknowledged that atty. hauser was not on appellate case in any capacity.

atty. hauser and prosecutor (wright) went to see the presiding Judge [Ex parte hearing] to weasel his way back onto appellate case.

The hearing was illegal because I was pro per.

But it demonstrate who the prosecutor (wright) wanted on the appellate case (the surrogate prosecutor atty. hauser).

The presiding Judge assured (atty. hauser and prosecutor wright) that she would talk to Judge Cheraske in a vacuum (dark).

After the presiding Judge talked to [redacted] Judge Cheraske – Judge Cheraske whole attitude toward the appellate changed...

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Judge Cheloske became verbally aggressive and hostile toward the appellate.

[Even though Judge Cheloske said, I had a better grasp of the law then most Pro Per(s).].

It should be noted, as Pro Per I did not sign off on "any" record as complete and accurate - once the case became a death penalty case - In January (1998).

It clear under statutory law after each Proceeding(s), and past Proceeding(s) Pro Per/appellate suppose to, go over the record(s) to make sure that they were complete and accurate.

It obvious atty. hauser, was going through the records without MY approval and knowledge and altering and erasing material issue(s) that atty. hauser deemed substantial, injurious and prejudicial to to the Proceeding(s), prosecutor and himself. Atty. hauser actions(s) were in strict violation of statutory law, and in the interests of the prosecutor. In attempts to cover-up the wrong I was.

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being intentionally subjected to.
Note, after Judge Cheloske meeting in the dark (vacuum) with the Pre-Siding Judge.
Judge Cheloske attitude did not just change — So did his position that he was not appointing atty. hauber to any position on appellate case.

Once back at court Judge Cheloske ambushed me/Appellate with his statement that he was appointing atty. hauber as standby Counsel.
I would immediately object to it. And asking Judge Cheloske to appoint somebody else as standby Counsel.
Judge Cheloske told me to file a recusal motion — I than informed Judge Cheloske I had already filed one.
Again, I would ask Judge Cheloske to appoint somebody who respected the Constitution!
This occurred over 3 or 4 different proceedings me objecting to atty. hauber as standby Counsel. There was no set rule(s) in place...

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at the time - how, when and where to object in Proceedings.
I think the Supreme Court of California settled that issue about 2008.

I would submit numerous motions to the Court...(1) Prosecutorial Misconduct "The Prosecutor, and so-called defense attorneys - knowingly used perjured testimony to obtain a conviction. (5,6 Napue v. Illinois, 360 U.S. 264 (1959)).
Prosecutorial Misconduct: Petitioners conviction was obtained as a result of Prosecutorial [and] so-called defense attorneys misconduct. (5,6 Darden v. Wainwright, 477 US 168 (1986)).

Perjury Suborned by Defense Counsel and Prosecutor:
Petitioner's Counsel knowingly introduced Perjured testimony. (5,6 Nix-v. Whiteside, 475 U.S. 157 (1986)

(2) I also submitted a "Capital Severance motion - where the Federal Courts, and U.S. SUPREME Court has made it very

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clear - when one individual on a case facing the Death Penalty. and the second individual on the case is not facing the Death Penalty The Case "MUST" be Separated. (Lockett V. Ohio (1978) 458 U.S. 586, 603, 57 F 2d 973. 98 S. Ct. 2954. . . . Woodson V. North-Carolina, (1976) 428 U.S. 280. 304, 49-LEd 2d 944. 96 S Ct. 2978. . . Johnson-V. Wainwright (1985, Cal 11th) 778 F 2d-623).

At this point in the Proceedings, I would Question Judge Cheroske honest. I had been requesting funds for expert witnesses Judge Cherosk would "Claim that I needed to Provide the name of the Experts." I Simply Said, Judge Cherosk was Mis-representing fact that he knew was not true (or should've knew was not true) under the "Calif. Rules Court (1998)." The thing that was required was their - Credentials. That it.

Atty. Chabot refused to even Consider My Verbal and written requests to Put the claims issues into the appeal. Every Issue I have pointed out to atty. Chabot he was hostile to it.

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I also submitted other motion(s) to.

After questioning the honesty of the Judge about providing names of the Experts. Judge Cheraske took away MY Pro Per Status.... Then appointed atty. Steven Hauser as Counsel on appellate case.

Atty. Hauser Pulled MY CAPITAL SEVERANCE motion. Not only did atty. Hauser Pulled the Capital Severance motion — But, atty. Taylor and atty. Hauser - debating about what the SUPREME Court of CALIFORNIA (Supposely) said on the issue. Alleging I had No grounds for MY Motion.

Atty. Taylor and atty. Hauser was arguing State Laws - Trump - Federal Laws. I was Stunned that they (Taylor & Hauser) would Stand in that Courtroom (Cheraske) That State Laws - Trumps - Federal Laws. Atty. Taylor and Hauser along with other erase that nonsense from the Transcripts.

We was Transferred to Judge Morgan Courtroom for the Circus Trial. Again I brought up the CAPITAL SEVERANCE motion (I brought up the motion

several times in Judge Morgan Courtroom.)

The last time I asked about and spoke about the "CAPITAL SEVERANCE MOTION" - I stood in JUDGE Morgan Courtroom and started going into the Federal Courts, and U.S. - SUPREME COURT ruling - of WHY a case like MINE/Appellate Case (MUST) be SEPARATED (one facing Death and one not).

Atty. Hauser would Jump-up and start arguing about what the SUPREME Court of California had said. Cases like appellate did not need to be separated. (A surrogate Prosecutor forever).

It got worst atty. Hauser would say - the Supreme Court rulings. (California Supreme Court, ruling(s) trumps the U.S. Supreme Court ruling(s)).

I was stunned - but I was immediately on MY feet and said. This man is a habitual liyer. The U.S. SUPREME COURT Ruling(s) is the Law of the land - their Ruling(s) supercede all Ruling(s).

once again to "hide atty. misconduct" they would erase and alter transcript(s).

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Last, on atty. Hauser - he was "whining" to the Judge that I was gonna take the witness stand - and tell the Juros that he (atty. Hauser) did not represent me.

I took the witness stand and told the Juros that we (Eaton and myself) had been done a "great disservice" (Harm) by the way we've been represented. Atty. Hauser had the word "disservice" changed to "dissatisfied"

Also, I told the Juros over a dozen times that I "was not" a gang member. But it's been deleted from the transcripts.

Atty. Hauser in his so-called closing argument - atty. Hauser was arguing that I was guilty.

The USSC observed that only in cases of outright denial of Counsel, of affirmative government interference in the representation process, or of inherently prejudicial conflict of interest had this Court said no special showing of prejudice need to be made (STRICKLAND Id. at 1258-1259)

A Juror felt so strongly about the harm I was openly being subjected to, that the Juror went into the Yellow Pages (Phone Book) And got a Phone No.# to one of the names the Juror had heard doing the circus of a trial.

The Juror sent word back to me that I had saved myself by taking the witness stand - otherwise I would've been convicted.

Also, that the atty. Hauser, "wasn't doing anything to help me" - That all I needed was a Lawyer to go home.

I would sacrifice that Juror by telling a lawyer (Valerie Monroe) that a Juror was in touched with us. Two days later all Phone calls stopped from that Juror.

(IAC) Cronic STANDARD:

Appellate Counsels so utterly failed to defend against the charges that the trial and the appeals was the functional equivalent of a guilty pleas sending Counsels representation pre-sumptively inadequate (R.C 5.6 U.S. v Cronic 466 U.S. 648)

As I appellate said on page 14 - atty. Chabot attempts to legitimize - atty. Hauser forced fraudulent, deficient, defective and ineffective assistance of Counsel (IAC, Cronic) Present on appellate Case - by simply mentioning Dr. Cheikas, incompetent, subversive, delusional and bigot testimony about me and my Family.

FACT(s):

1) My Aunt was a License Vocational Nurse (LVN) My uncle worked to.

2) I basically grow-up in a christain home.

3) I practically had to attend church every weekend (SUNDAY)

4) There was No Cursing, No drinking, No Smoking in appellate home

5) There was No so-called Devil Music (R&B, etc) allowed to be Played in appellate home.

6) There was No chaos (or) Violence in appellate home.

Dr. Cheikas, atty. Hauser and atty. Chabot took a bigot-and-racist shot in the dark and missed (About my Family).

That what happen when you do not speak with your enemies (Delusional and Fabrication).

By Singular (or) Accumulation of abuse(s) of discretion... For unduly Prejudicial acts (Passem)... And again as appellant Said to the Court for the integrity of the Court — And the U.S. CONSTITUTION I, 5, 6, 8 AND 14] The appellate is, explicitly entitled to REVERSAL Against these known, false Charges with instruction For acquittal on all Charge(s).

RESPECTFULLY SUBMITTED
Cedric J. Johnson
Cedric J. Johnson