

Original

Name MR. FREDDIE L. DOTSON
Address C.S.P. SAC C-7-202 LOW
Po Box 290066
RepresA, CA 95671
CDC or ID Number E#65393

Fee Due

(530)

MC-275
11 JUN 22 AM 9:31
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES
R.Y. CS

FILED

United State District Court
CENTRAL DISTRICT CALIFORNIA
(Court)

PETITION FOR WRIT OF HABEAS CORPUS

CV11 05202 CAS (AN)
(To be supplied by the Clerk of the Court)

MR. FREDDIE L. DOTSON
Petitioner vs.
Respondent VIRGA WARDEN

INSTRUCTIONS—READ CAREFULLY

- If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.
- Read the entire form *before* answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the Superior Court, you need file only the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal, file the original and four copies of the petition and, if separately bound, one copy of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and ten copies of the petition and, if separately bound, two copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.
- In most cases, the law requires service of a copy of the petition on the district attorney, city attorney, or city prosecutor. See Penal Code section 1475 and Government Code section 72193. You may serve the copy by mail.

100610
CLERK, U.S. DISTRICT COURT
JUN 10 2011
CENTRAL DISTRICT OF CALIFORNIA
BY _____ DEPUTY

Approved by the Judicial Council of California for use under Rule 60 of the California Rules of Court [as amended effective January 1, 2005]. Subsequent amendments to Rule 60 may change the number of copies to be furnished to the Supreme Court and Court of Appeal.

This petition concerns:

- A conviction
- A sentence
- Jail or prison conditions
- Other (specify):
- Parole
- Credits
- Prison discipline

Other (specify): MR. FREDDIE L. DOTSON E-65393 C.S.P SAC - C-7-202

1. Your name: P.O. Box 290066
2. Where are you incarcerated? REPPESA CA 95671
3. Why are you in custody? Criminal Conviction Civil Commitment

Answer subdivisions a. through i. to the best of your ability.

a. State reason for civil commitment or, if criminal conviction, state nature of offense and enhancements (for example, "robbery with use of a deadly weapon").

THREE COURT OF 2ND Deg Robbery
ONE COURT OF CARJACKING

b. Penal or other code sections: 3 COUNT P.C 211 1 COUNT P.C 215

c. Name and location of sentencing or committing court: COMPTON SUPERIOR COURT
200 W. COMPTON Blvd. COMPTON CALIF 90220

d. Case number: SUP. Ct. NO TA033011

e. Date convicted or committed: WEDNESDAY FEBRUARY 14, 1996

f. Date sentenced: APRIL 3RD 1996

g. Length of sentence: 86 TO LIFE UNDER THE THREE STRIKE LAW

h. When do you expect to be released? _____

i. Were you represented by counsel in the trial court? Yes. No. If yes, state the attorney's name and address:

MR. HIDEO NAKANO DEPUTY PUBLIC DEFENDER FOR
THE COUNTY OF LOS ANGELES,

4. What was the LAST plea you entered? (check one)

- Not guilty
- Guilty
- Nolo Contendere
- Other: _____

5. If you pleaded not guilty, what kind of trial did you have?

- Jury
- Judge without a jury
- Submitted on transcript
- Awaiting trial

6. GROUNDS FOR RELIEF

Ground 1: State briefly the ground on which you base your claim for relief. For example, "the trial court imposed an illegal enhancement." (If you have additional grounds for relief, use a separate page for each ground. State ground 2 on page four. For additional grounds, make copies of page four and number the additional grounds in order.)

PETITIONER WAS DENIED EQUAL PROTECTION - DUE PROCESS OF LAW. PETITIONER WAS ILLEGALLY SENTENCED UNDER THE THREE STRIKES LAW IN VIOLATION OF THE UNITED STATES 8th AND 6th AMENDMENT U.S CONSTITUTION

a. Supporting facts:

Tell your story briefly without citing cases or law. If you are challenging the legality of your conviction, describe the facts upon which your conviction is based. If necessary, attach additional pages. CAUTION: You must state facts, not conclusions. For example, if you are claiming incompetence of counsel you must state facts specifically setting forth what your attorney did or failed to do and how that affected your trial. Failure to allege sufficient facts will result in the denial of your petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.) A rule of thumb to follow is: who did exactly what to violate your rights at what time (when) or place (where). (If available, attach declarations, relevant records, transcripts, or other documents supporting your claim.)

PETITIONER RESPECTFULLY ARGUES THAT HE HAS BEEN ILLEGALLY SENTENCED AS A THREE STRIKES. HOWEVER AS SUPPORTED BY THE STATES RECORD "TRIAL COURT TRANSCRIPTS" PETITIONER PRIOR CONVICTION LEADING TO THE INSTANT CASE RUN CONSIDERNT AND NOT SEPARATE, THE TRIAL COURT IMPROPER CONSIDERED AND FOUND PETITIONERS PRIOR CONVICTIONS FOR ARMED-ROBBERY AND ASSAULT WITH A FIRE ARM AS SEPARATE STRIKE. PETITIONER HEREIN SUBMITS THAT THE UNITED STATES SUPREME COURT HAS ESTABLISHED THAT TWO OR MORE COURTS, OF/WITHIN A SINGLE CONVICTION ONLY TO BE USED - COUNTED AS SINGLE STRIKES. THEREBY MAKING A DEFENDANT ELIGIBLE FOR SENTENCING UNDER THE THREE STRIKES (3) STRIKE OFFENDER) AFTER JUST ONE PRIOR BUSH WITH THE LAW. PETITIONER RESPECTFULLY ARGUES HEREIN THAT THE LOS ANGELES SUPERIOR COURT OF CALIFORNIA THIS UNREASONABLE SENTENCED HIM TO 86 YEARS TO LIFE IN RESPECT TO THE UNITED STATE SUPREMA COURT AUTHORITY ESTDING.

b. Supporting cases, rules, or other authority (optional):

(Briefly discuss, or list by name and citation, the cases or other authorities that you think are relevant to your claim. If necessary, attach an extra page.)

JOSE ERNESTO BURROS V. COURT OF APPEAL 12 CAL. RPT.R. 3d 566, 117 CAL APP. 4TH 1209. PEOPLE V. BURROS. (CAL. APP. 2 DIST 2004) PEOPLE V. SUPERIOR COURT (ROMERO) 1996 13 CAL. 4TH 497, 53 CAL. RPT.R. 2d 789, 917 P.2d 628 AND SECTION 1385, PEOPLE V. BENSON (1998) 18 CAL. 4TH 24, 74 CAL. RPT.R. 2d 294, 954 P. 2d 667

7. Ground 2 or Ground _____ (if applicable):

a. Supporting facts:

THE ABSTRACT OF JUDGMENT REFLECTS COUNT (1) AS THE PRINCIPAL WITH THE UPPER TERM OF FOUR YEARS IMPOSED FOR SEC. 211 ROBBERY SECOND DEGREE PLUS THREE YEARS FOR P.C. SEE FOR A TOTAL TERM OF SEVEN YEARS. THE ABSTRACT ALSO REFLECTS THE MIDDLE TERM OF THREE YEARS IMPOSED AS TO COUNT (2) FOR P.C. SEE .245 (A) (2) TO RUN-CONCURRENT TO COUNT (1)

b. Supporting cases, rules, or other authority:

PEOPLE V. BURGOS (CAL. APP. 2 DIST. (2004) 12 CAL. RPT. 3d 566 117 CAL. APP. 4TH 1209. PEOPLE V. SUPERIOR COURT (ROMERO) 1996) 13 CAL. 4TH 497 53 CAL. RPTS 2d 789, 917 P. 2d 628 (ROMERO)

8. Did you appeal from the conviction, sentence, or commitment? Yes. No. If yes, give the following information:

a. Name of court ("Court of Appeal" or "Appellate Dept. of Superior Court"):

COURT OF APPEAL - SECOND DIST 2ND FLOOR 300 SPRING

b. Result DENY

c. Date of decision: MAY - 27 - 1997

d. Case number or citation of opinion, if known: 2d CRIM BO. 102037

e. Issues raised: (1)

(2)

SEE EXHIBIT (A)

(3)

f. Were you represented by counsel on appeal? Yes. No. If yes, state the attorney's name and address, if known:

9. Did you seek review in the California Supreme Court? Yes No. If yes, give the following information:

a. Result DENY

b. Date of decision: AUG - 27 - 1997

c. Case number or citation of opinion, if known: 2d CRIM. 5062786

d. Issues raised: (1)

(2)

SEE EXHIBIT (B)

(3)

10. If your petition makes a claim regarding your conviction, sentence, or commitment that you or your attorney did not make on appeal, explain why the claim was not made on appeal:

11. Administrative Review:

a. If your petition concerns conditions of confinement or other claims for which there are administrative remedies, failure to exhaust administrative remedies may result in the denial of your petition, even if it is otherwise meritorious. (See *In re Muszalski* (1975) 52 Cal.App.3d 500 [125 Cal.Rptr. 286].) Explain what administrative review you sought or explain why you did not seek such review:

A/N

b. Did you seek the highest level of administrative review available? Yes. No.

Attach documents that show you have exhausted your administrative remedies.

12. Other than direct appeal, have you filed any other petitions, applications, or motions with respect to this conviction, commitment, or issue in any court? Yes. If yes, continue with number 13. No. If no, skip to number 15.

13. a. (1) Name of court: NINTH CIRCUIT 95 SEVENTH STREET SAN FRANCISCO

(2) Nature of proceeding (for example, "habeas corpus petition"): HABEAS CORPUS NO. 06-74185

(3) Issues raised: (a) _____

(b) _____

(4) Result (Attach order or explain why unavailable): _____

(5) Date of decision: _____

b. (1) Name of court: _____

(2) Nature of proceeding: _____

(3) Issues raised: (a) _____

(b) _____

(4) Result (Attach order or explain why unavailable): _____

(5) Date of decision: _____

c. For additional prior petitions, applications, or motions, provide the same information on a separate page.

14. If any of the courts listed in number 13 held a hearing, state name of court, date of hearing, nature of hearing, and result:

15. Explain any delay in the discovery of the claimed grounds for relief and in raising the claims in this petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.)

NEW CASE LAW.

16. Are you presently represented by counsel? Yes. No. If yes, state the attorney's name and address, if known:

17. Do you have any petition, appeal, or other matter pending in any court? Yes. No. If yes, explain:

18. If this petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court:

THIS COURT HAVE THE AUTHORITY TO ISSUES A DECREE

I, the undersigned, say: I am the petitioner in this action. I declare under penalty of perjury under the laws of the State of California that the foregoing allegations and statements are true and correct, except as to matters that are stated on my information and belief, and as to those matters, I believe them to be true.

Date:

Judith d. Datson
(SIGNATURE OF PETITIONER)

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PROOF OF SERVICE

(C.C.P. §§1013(a); 2015.5; 28 U.S.C. §1746)

I, FREDDIE L. DOTSON, am over the age of eighteen (18) years, and I (am) (am not) a party to the within cause of action. My address is:

MR. FREDDIE L. DOTSON E#65393
C.S.P. SAC - C-7-202
P.O. BOX 290066
REPRESA, CA, 95671

On, JUNE - 2 - 2011, I served the following documents:

- (1) original to District Court
- (3) copy to District Court
- (1) copy to District Attorney

on the below named individual(s) by depositing true and correct copies thereof in the United State mail in Represa, California, with postage fully prepaid thereon, addressed as follows:

- | | |
|---|---|
| <u>1. To United State District Court. CENTRAL DISTRICT OF CALIFORNIA.</u> | <u>2. Office of the District Attorney</u> |
| <u>Los Angeles, CA 90012</u> | <u>18000 criminal court Building</u> |
| | <u>210 West Temple Street</u> |
| | <u>Los Angeles, CA 90012</u> |

I have read the above statements and declare under the penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Executed this 6 day of 2, 2011, at California State Prison - Sacramento, Represa, California.

(Signature) Freddie L. Dotson
E-65393

APPENDIX

III

EXHIBIT

E

original

CASE NO. TA033011
DEF NO. 01

PAGE NO. 13
DATE PRINTED 05/13/11

CASE CALLED FOR JUDICIAL ACTION

PARTIES: STEVEN SUZUKAWA (JUDGE) FRANCES JEFFERSON (CLERK)
NONE (REP) NONE (DDA)

DEFENDANT IS NOT PRESENT IN COURT, AND NOT REPRESENTED BY COUNSEL
THE COURT HAS READ AND CONSIDERED DEFENDANT'S REQUEST FOR TRIAL
EXHIBITS.

THE REQUEST IS DENIED. PETITIONER IS SEEKING TRIAL EXHIBITS AND
HAS OFFERED NO REASON.

HIS DIRECT APPEAL HAS ALREADY BEEN DECIDED.

A COPY OF THIS MINUTE ORDER IS SENT TO PEITIONER VIA U.S. MAIL
AT HIS LAST KNOWN ADDRESS:

MR. FREDDIE L. DOTSON #E-65393
B-4 CELL-221

P.O. BOX 5002
CALIPATRIA, CA. 92233-5002

NEXT SCHEDULED EVENT:
PROCEEDINGS TERMINATED

ON 08/16/04 AT 830 AM IN SOUTH CENTRAL DISTRICT DEPT SCE

CASE CALLED FOR MISCELLANEOUS

PARTIES: STEVEN SUZUKAWA (JUDGE) GERALD DICKEY (CLERK)
NONE (REP) NONE (DDA)

DEFENDANT IS NOT PRESENT IN COURT, AND NOT REPRESENTED BY COUNSEL
PETITIONER, FREDDIE DOTSON, SEEKS A WRIT OF HABEAS CORPUS,
CLAIMING HE WAS ILLEGALLY SENTENCED UNDER THE THREE STRIKES LAW.
HE ARGUES BECASUE HIS TWO PRIOR STRIKE CONVICTIONS WERE NOT
BROUGHT AND TRIED SEPARATELY, THE COURT SHOULD HAVE DETERMINED
HE HAD ONLY ONE STRIKE. HIS CONTENTION WAS REJECTED ON DIRECT
APPEAL. PETITIONER OFFERS NOTHING NEW.

THE REQUEST IS DENIED.

A COPY OF THIS MINUTE ORDER IS MAILED ON THIS DATE TO THE
FOLLOWING ADDRESS:

FREDDIE L. DOTSON
CDC#E-65393 A-6-CELL-125C
PELICAN BAY STATE PRISON
P.O. BOX 7500
CRESCENT CITY, CA. 95531

NEXT SCHEDULED EVENT:
PROCEEDINGS TERMINATED

ON 10/29/07 AT 830 AM IN SOUTH CENTRAL DISTRICT DEPT CLK

CASE CALLED FOR EXHIBIT DISPOSAL LIST

PARTIES: NONE (JUDGE) NONE (CLERK)
NONE (REP) NONE (DDA)

Original

CASE NO. TA033011
DEF NO. 01

PAGE NO. 14
DATE PRINTED 05/13/11

DEFENDANT IS NOT PRESENT IN COURT, AND NOT REPRESENTED BY COUNSEL
EXHIBITS ARE APPROVED FOR DISPOSAL
REFER TO EXHIBIT DISPOSAL LIST #98-039
NEXT SCHEDULED EVENT:
EXHIBITS DESTROYED

ON 02/03/10 AT 130 PM IN SOUTH CENTRAL DISTRICT DEPT SCC

CASE CALLED FOR HABEAS CORPUS PETITION
PARTIES: KELVIN D. FILER (JUDGE) REUBEN BAUTISTA (CLERK)
NONE (REP) NONE (DDA)

DEFENDANT IS NOT PRESENT IN COURT, AND NOT REPRESENTED BY COUNSEL
THE COURT READS AND CONSIDERS THE DEFENDANT'S PETITION FOR WRIT
OF HABEAS CORPUS RECEIVED ON DECEMBER 22, 2009.

THE COURT DENIES THE DEFENDANT'S PETITION FOR THE FOLLOWING

REASONS:

THE PETITIONER HAS FAILED TO SHOW A PRIMA FACIE CASE FOR RELIEF.

BEING BASED ON THE SAME FACTS AND LAW AS THE PRIOR APPLICATION
WHICH WAS DENIED, THE ISSUES NEED NOT BE RECONSIDERED.

HABEAS CORPUS GENERALLY WILL NOT LIE WHEN THE CLAIMED ERROR
COULD HAVE BEEN, BUT WAS NOT, RAISED ON APPEAL.

PETITIONER HAS ABUSED THE WRIT BY FILING PIECEMEAL AND
REPETITIOUS CLAIMS. THIS IS HIS THIRD PETITION RAISING EXACTLY
THE SAME ISSUES.

THE COURT'S ORDER IS MAILED TO THE PETITIONER THIS DATE AT THE
ADDRESS BELOW:

FREDDIE L. DOTSON
A-5-CELL-204 LOW P.B.S.P.
P.O. BOX 7500
CRESCENT CITY, CA 95531

NEXT SCHEDULED EVENT:
PROCEEDINGS TERMINATED



TERRY NAFISI

District Court Executive
and Clerk of Court

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

WESTERN DIVISION
312 North Spring Street, Room G-8 Los
Angeles, CA 90012
Tel: (213) 894-3535

SOUTHERN DIVISION

411 West Fourth Street, Suite 1053
Santa Ana, CA 92701-4516
(714) 338-4570

EASTERN DIVISION

3470 Twelfth Street, Room 134
Riverside, CA 92501
(951) 328-4450

Wednesday, June 22, 2011

FREDDIE L. DOTSON
E-65393
P.O. BOX 290066
REPRESA, CA 95671

Dear Sir/Madam:

Your petition has been filed and assigned civil case number CV11- 5202 CAS (AN)

Upon the submission of your petition, it was noted that the following discrepancies exist:

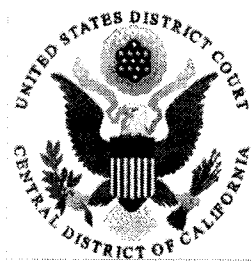
- 1. You did not pay the appropriate filing fee of \$5.00. Submit a cashier's check, certified bank check, business or corporate check, government issued check, or money order drawn on a major American bank or the United States Postal Service payable to 'Clerk U.S. District Court'. If you are unable to pay the entire filing fee at this time, you must sign and complete this court's Prisoner's Declaration In Support of Request to Proceed In Forma Pauperis in its entirety. The Clerk's Office will also accept credit cards (Mastercard, Visa, Discover, American Express) for filing fees and miscellaneous fees. Credit card payments may be made at all payment windows where receipts are issued.
- 2. The Declaration in Support of Request to Proceed in Forma Pauperis is insufficient because:
 - (a) You did not sign your Declaration in Support of Request to Proceed in Forma Pauperis.
 - (b) Your Declaration in Support of Request to Proceed in Forma Pauperis was not completed in its entirety.
 - (c) You did not submit a Certificate of Prisoner's Funds completed and signed by an authorized officer at the prison.
 - (d) You did not use the correct form. You must submit this court's current Declaration in Support of Request to Proceed in Forma Pauperis.
 - (e) Other: _____

Enclosed you will find this court's current Prisoner's Declaration in Support of Request to Proceed in Forma Pauperis, which includes a Certificate of Funds in Prisoner's Account Form.

Sincerely,
Clerk, U.S. District Court

CPOWERS

By: _____
Deputy Clerk



TERRY NAFISI

District Court Executive
and Clerk of Court

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

WESTERN DIVISION
312 North Spring Street, Room G-8 Los
Angeles, CA 90012
Tel: (213) 894-7984

SOUTHERN DIVISION

411 West Fourth Street, Suite 1053
Santa Ana, CA 92701-4516
(714) 338-4570

EASTERN DIVISION

3470 Twelfth Street, Room 134
Riverside, CA 92501
(951) 328-4450

Wednesday, June 22, 2011

FREDDIE L. DOTSON
E-65393
P.O. BOX 290066
REPRESA, CA 95671

Dear Sir/Madam:

- A Petition for Writ of Habeas Corpus was filed today on your behalf and assigned civil case number CV11- 5202 CAS (AN)
- A Motion pursuant to Title 28, United States Code, Section 2255, was filed today in criminal case number _____ and also assigned the civil case number _____
- A Motion for Extension of Time to File Habeas Corpus Petition was filed today on your behalf and assigned civil case number _____

Please refer to these case numbers in all future communications.

Please Address all correspondence to the attention of the Courtroom Deputy for:

- District Court Judge _____
- Magistrate Judge **Arthur Nakazato**

at the following address:

- | | | |
|--|--|--|
| <input type="checkbox"/> U.S. District Court
312 N. Spring Street
Civil Section, Room G-8
Los Angeles, CA 90012 | <input checked="" type="checkbox"/> Ronald Reagan Federal
Building and U.S. Courthouse
411 West Fourth St., Suite 1053
Santa Ana, CA 92701-4516 | <input type="checkbox"/> U.S. District Court
3470 Twelfth Street
Room 134
Riverside, CA 92501 |
|--|--|--|

The Court must be notified within fifteen (15) days of any address change. If mail directed to your address of record is returned undelivered by the Post Office, and if the Court and opposing counsel are not notified in writing within fifteen (15) days thereafter of your current address, the Court may dismiss the case with or without prejudice for want of prosecution.

Very truly yours,
Clerk, U.S. District Court

By: CPOWERS
Deputy Clerk