

VENSON LANE MYERS
NAME
C-29600 A2-2043
PRISON IDENTIFICATION / BOOKING NUMBER
P.O. Box 4430
ADDRESS OR PLACE OF CONFINEMENT
LANCASTER CALIF 93539-4430

NOTE: It is your responsibility to notify the Clerk of Court in writing of any change of address. If represented by an attorney, provide his name, address and telephone number.

Fee Due

FILED

2011 OCT -4 AM 10:44
 CLERK U.S. DISTRICT COURT
 CENTRAL DIST. CALIF
 LOS ANGELES
 BY CP

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

VENSON LANE MYERS
FULL NAME
(Include name under which you were convicted)

Petitioner,

v.

WARDEN CASH (530)

NAME OF WARDEN, SUPERINTENDENT, JAILOR OR AUTHORIZED PERSON HAVING CUSTODY OF PETITIONER

Respondent.

CASE NUMBER:
CV11 08239 RSWL (E)
To be supplied by the Clerk of the United States District Court.

PETITION FOR WRIT OF HABEAS CORPUS
 BY A PERSON IN STATE CUSTODY
 28 U.S.C. § 2254

PLACE/COUNTY OF CONVICTION _____
 PREVIOUSLY FILED, RELATED CASES IN THIS DISTRICT COURT
(List by case number)

CV- _____
 CV- _____
 CV- _____

(If petitioner is attacking a judgment which imposed a sentence to be served in the future, petitioner must fill in the name of the state where the judgment was entered. If petitioner has a sentence to be served in the future under a federal judgment which he wishes to attack, he should file a motion under 28 U.S.C. §2255, in the federal court which entered the judgment.)

INSTRUCTIONS - READ CAREFULLY

This petition shall be legibly handwritten or typewritten, and signed by the petitioner, under penalty of perjury. You must set forth CONCISELY the answer to each question in the proper space on the form. Any false statement of a material fact made by the petitioner for prosecution and conviction for perjury.

LODGED
 CLERK, U.S. DISTRICT COURT
 SEP 30 2011
 CENTRAL DISTRICT OF CALIFORNIA
 BY _____ DEPUTY

You must not attach separate pages to this petition, except that ONE separate additional page is permitted in answering Question No. 10.

Upon receipt of a fee of \$5.00 your petition will be filed if it is in proper order.

If you are seeking leave to proceed in forma pauperis (without paying the \$5.00 filing fee and other court costs), then you must also complete and execute the declaration on the last two pages, setting forth information which establishes your inability to pay the fees and costs of the proceedings or to give security therefor. If you wish to proceed in forma pauperis, you must have an authorized officer at the penal institution complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution. If your prison account exceeds \$25.00, you must pay the filing fee as required by the rule of the district court.

When the petition is completed, the original and two copies must be mailed to the Clerk of the United States District Court for the Central District of California, United States Courthouse, 312 North Spring Street, Los Angeles, California 90012, ATTN: Intake/Docket Section.

A single petition should be used to challenge a particular State Court judgment of conviction and/or sentence.

Petitions which do not conform to these instructions will be returned with a notation as to the deficiency.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

COURT OF APPEAL - SECOND DISTRICT

DIVISION SEVEN

AUG 26 2011

In re

VENSON LANE MYERS

on Habeas Corpus.

B234874

(Super. Ct. No. A524228)

JOSEPH A. LANE

Clerk

JOHN HILBURN

Deputy Clerk

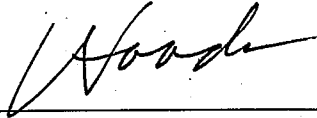
ORDER

THE COURT:

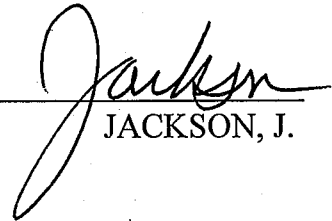
The petition for writ of habeas corpus filed herein August 2, 2011 has been read and considered. The petition is denied.



PERLUSS, P. J.,



WOODS, J.,



JACKSON, J.

PLEASE COMPLETE THE FOLLOWING: (Check appropriate number)

This petition concerns:

- 1. A conviction.
- 2. A sentence.
- 3. Prison discipline.
- 4. A parole problem.
- 5. Other.

PETITION

1. Venue

- (a) Place of detention LANCASTER STATE PRISON
- (b) Place of conviction LOS ANGELES COUNTY
- (c) Place sentenced POMONA SUPERIOR COURT

2. Conviction on which the petition is based (a separate petition must be filed for each conviction being attacked).

- (a) Nature of offenses involved (include all counts): 187 MURDER, 211 ROBBERY
245 ASSAULT, 211, ROBBERY

- (b) Penal or other code section or sections: 187, 211, 245, 211

- (c) Case number: A-524228

- (d) Date of conviction: 12-8-1980

- (e) Date of sentence: ~~APR~~ Nov 21, 1991

- (f) Length of sentence on each count: L.W.O.P.

(g) Plea (check one)

- Not guilty
- Guilty
- Nolo Contendere

ONCE IN JEOPARDY

(h) Kind of trial: (check one)

- Jury
- Judge only
- Judge alone on transcript

(i) Did you testify at the trial?

- Yes
- No

3. Did you appeal from the conviction of sentence?

Yes No

4. If you did appeal, give the following information for each appeal:

(a) (1) Name of court: SECOND APPELLATE DISTRICT COURT

(2) Result: Denial

(3) Date of result: Aug 26, 2011

(4) Citation or number of opinion: B-234874

(5) Grounds raised (list each):

(a) TRIAL COURT VIOLATED DEFENDANT'S 5TH AMENDMENT RIGHT TO CONFRONT ALL WITNESSES AGAINST HIM, AND DEPRIVE DEFENDANT OF HIS 14TH AMENDMENT RIGHT OF EQUAL TREATMENT OF THE LAW, AND DEPRIVE DEFENDANT OF DUE PROCESS OF LAW

(c) _____
(f) _____
(g) _____

(b) (1) Name of court: _____

(2) Result: _____

(3) Date of result: _____

(4) Citation or number of opinion: _____

(5) Grounds raised (list each):

(a) _____
(b) _____
(c) _____
(d) _____
(e) _____
(f) _____
(g) _____

5. If you did not appeal:

(a) State your reasons _____

(b) Did you seek permission to file a late appeal?

Yes No

6. Other than a direct appeal, have you previously filed any petitions, applications or motions with respect to this conviction in any court, state or federal?

Yes No

7. If you answer to 6 was "Yes", give the following information:

(a) (1) Name of court: SEE ATTACHED PETITION!

(2) Nature of proceeding: _____

(3) Grounds raised: _____

(4) Result: _____

(5) Date of result: _____

(6) Citation or number of any written opinions or orders entered pursuant to each such disposition.

(b) (1) Name of court: _____

(2) Nature of proceeding: _____

(3) Grounds raised: _____

(4) Result: _____

(5) Date of result: _____

(6) Citation or number of any written opinions or orders entered pursuant to each such disposition.

(c) (1) Name of court: _____

(2) Nature of proceeding: _____

(3) Grounds raised: _____

(4) Result: _____

(5) Date of result: _____

(6) Citation or number of any written opinions or orders entered pursuant to each such disposition.

8. Was an evidentiary hearing held?

Yes No

If so, state the name of the court, and the result: _____

9. If your answer to 6 was "No", explain briefly why you did not seek post-conviction relief in the state courts.

CAUTION: Exhaustion Requirement. In order to proceed in federal court, you must ordinarily first exhaust your state court remedies as to each ground on which you request action by the federal court. This means that even if you have exhausted as to some grounds, you must first present all other grounds to the state court.

10. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary, attach a SINGLE page only behind this page.

CAUTION: If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date. You must state facts, not conclusions, in support of your grounds. (e.g., if you are claiming incompetence of counsel you must state facts specifically setting forth what your attorney did or failed to do). A rule of thumb is - who did exactly what to violate your rights at what time or place.

(a) Ground one: STATE COURT DENIED PETITION
WITHOUT CITATION, THIS IS FUNDAMENTALLY UNFAIR.

Supporting FACTS (tell your story BRIEFLY without citing cases or law):
PETITION WAS SEEKING REDRESS AND A DECLARATION.
THE REDRESS IS BECAUSE THE SUPREME COURT MADE UN-
AVAILABILITY AS THE STANDARD FOR USING OUT OF COURT
TESTIMONY OR STATEMENTS AGAINST A DEFENDANT. THE STATE COURT
USE EVASIVENESS TO DENY ME MY CONSTITUTIONAL PROTECTION!
SEE EXHIBIT WRIT, AND ORDER!

(b) Ground two: _____

Supporting FACTS (tell your story BRIEFLY without citing cases or law): _____

(c) Ground three: _____

Supporting FACTS (tell your story BRIEFLY without citing cases or law): _____

(d) Ground four: _____

Supporting FACTS (tell your story BRIEFLY without citing cases or law): _____

11. If any of the grounds listed in 10 were not previously presented to this court or any other court, state briefly which grounds were not presented, and give your reasons: _____

12. Do you have any petition, appeal or parole matter pending in any court, either state or federal as to the judgment of conviction under attack?

Yes No

13. Are you presently represented by counsel?

Yes No

If so, provide name, address and telephone number: _____

Case name and court: _____

WHEREFORE, petitioner prays that the court grant petition relief to which he may be entitled in this proceeding.

Venson Lane Myers C-29600.
Signature of Attorney (if any)

I declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct. Executed on

9/13/11

Date

Venson Lane Myers
Signature of Petitioner

VENSON LANE MYERS
(Petitioner)

DECLARATION IN SUPPORT OF REQUEST
TO PROCEED IN FORMA PAUPERIS

WARDEN CASH
(Respondent(s))

I, VENSON LANE MYERS, declare that I am the petitioner in the above-entitled case; that in support of my motion to proceed without being required to prepay fees, costs or give security therefor, I state that because of my poverty, I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to relief.

1. Are you presently employed?

Yes No

(a) If the answer is "yes", state the amount of your salary or wages per month, and give the name and address of your employer. _____

(b) If the answer is "no", state the date of last employment and the amount of the salary and wages per month which you received. _____

2. Have you received, within the past twelve (12) months, any money from the following sources:

(a) Business, profession or form of self-employment? Yes No

(b) Rent payments, interest or dividends? Yes No

(c) Pensions, annuities or life insurance payments? Yes No

(d) Gifts or inheritances? Yes No

(e) Any other source? Yes No

If the answer to any of the above is "yes", describe each source of money and state the amount received from each during the past twelve (12) months: _____

3. Do you own any cash, or do you have money in a checking or savings account?

(Include any funds in prison accounts)

Yes No

If the answer is "yes", state the total value of the items owned: _____

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property?

(Exclude ordinary household furnishings and clothing)

Yes No

If the answer is "yes", describe the property and state its approximate value: _____

5. List the persons who are dependent upon you for support, state your relationship to those persons, and indicate how much you contribute toward their support. _____

NONE

I declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct. Executed on

9/13/11
Date

Venson Lane Myers
Signature of Petitioner

CERTIFICATE

I hereby certify that the Petitioner herein has the sum of \$ _____ on account to his credit at the _____ institution where he is confined. I further certify that Petitioner likewise has the following securities to his credit according to the records of said institution:

Dated: _____

Authorized Officer of Institution

Title of Officer

PROOF OF SERVICE BY UNITED STATES MAIL
(Code of Civil Procedure Section 1015)
(28 U.S.C. Section 1746)

I, Venson Lane Myers, declare, depose and say, the following statement is true and correct under penalty of perjury according to the laws of the State of California based on matters known to me personally to be true:

1) I am over the age of eighteen years a resident and state prisoner, of the State of California with a present mailing address of:
CSP-LAC-IV, 44750 60th Street West, Lancaster, Ca. 93536-7620

2) On this 13th day of September 2011, I caused a true and correct copy of the following, specifically described, document(s); to wit:

1 original and 3 copies

At the prison to be placed in a sealed envelope(s), with first class postage, having been placed thereon, duly addressed to the interested person or persons described hereinafter, and then deposited such envelope(s) in the regular United States mail, or mail service made available a where I am being detained, to the addressee(s):

United States Courthouse
312 North Spring Street
Los Angeles California
90012

3) I declare that there has been regular U.S. mail pick-up by correctional officers at the prison, and/or delivery service, at the place(s) where I posted the envelopes described above, regular communication by mail between the place of mailing and the place so addressed.

Executed this 13th day of September, 2011, under penalty of perjury according to the laws of the State of California, at Los Angeles, County, City of Lancaster.

Venson Lane Myers
Declarant

INMATE REQUEST FOR INTERVIEW

DATE 9/21/11	TO Trust office	FROM (LAST NAME) Myers V.	CDC NUMBER C-29600
HOUSING A2	BED NUMBER 2042	WORK ASSIGNMENT NONE	JOB NUMBER FROM _____ TO _____
OTHER ASSIGNMENT (SCHOOL, THERAPY, ETC.) _____			ASSIGNMENT HOURS FROM _____ TO _____

Clearly state your reason for requesting this interview.

You will be called in for interview in the near future if the matter cannot be handled by correspondence.

I received two money receipts, one money order R-102231710636 \$20.00
 9/8/24/11 what is the status? One posted #25⁰⁰ personal check 7/22/11
 what is the status of clearance? What was the last mail out.

Do NOT write below this line. If more space is required, write on back.

INTERVIEWED BY	DATE
DISPOSITION	

TRUST ACCOUNT WITHDRAWAL ORDER

Date 9/21/2011

To: Warden Approved _____

I hereby request that my Trust Account be charged \$ _____ for the purpose stated below and authorize the withdrawal of that sum from my account:

C-29600
NUMBER

Venson Lane Myers
NAME (Signature please, DO NOT PRINT)

State below the PURPOSE for which withdrawal is requested (do not use this form for Canteen or Hobby purchase).

PRINT PLAINLY BELOW name and address of person to whom check is to be mailed.

PURPOSE In forma pauper's
6 month certification

NAME Inmate Trust Office
ADDRESS _____

VENSON LANE MYERS

Name: VENSON LANE MYERS

Address: P.O. Box 4430 A2-204

LANCASTER CALIFORNIA

93539-4430

CDC or ID Number: C-29600

IN THE SECOND APPEAL COURT
FOR THE CALIFORNIA COURT OF APPEALS
(Court)

<u>VENSON LANE MYERS</u>	
Petitioner	vs.
<u>People of California</u>	
Respondent	

PETITION FOR WRIT OF HABEAS CORPUS

No. _____
(To be supplied by the Clerk of the Court)

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 only need to file 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 4 copies of the petition and, if separately bound, 1 copy of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and 10 copies of the petition and, if separately bound, 2 copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.

Approved by the Judicial Council of California for use under rule 8.380 of the California Rules of Court (as amended effective January 1, 2007). Subsequent amendments to rule 8.380 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): Petition for Review
- Parole
- Credits
- Prison discipline

1. Your name: _____
2. Where are you incarcerated? See Attach Petition
3. Why are you in custody? Criminal conviction Civil-commitment

Answer items 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").

b. Penal or other code sections: See Attach Petition

c. Name and location of sentencing or committing court: _____

d. Case number: _____

e. Date convicted or committed: _____

f. Date sentenced: _____

g. Length of sentence: _____

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:*
See Attach Petition

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

MINUTE ORDER
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE PRINTED: 03/14/05

CASE NO. A524228

THE PEOPLE OF THE STATE OF CALIFORNIA
VS.

DEFENDANT 01: VENSON LANE MYERS

COUNT 01: 211 PC FEL - ROBBERY.

ON 03/14/05 AT 830 AM IN EAST DISTRICT DEPT EAF

CASE CALLED FOR PTN WRIT OF HABEAS CORPUS RCVD

PARTIES: WADE OLSON (JUDGE) DAVID SILVA (CLERK)
NONE (REP) NONE (DDA)

DEFENDANT IS NOT PRESENT IN COURT, AND NOT REPRESENTED BY COUNSEL

DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS IS DENIED.
THE FACTS DO NOT SUPPORT THE ISSUE RAISED; ONLY THE PETITIONER'S
CONCLUSIONS.

A COPY OF THIS MINUTE ORDER IS MAILED THIS DATE BY U.S. MAIL TO:

VENSON LANE MYERS
DC# C-29600

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

NEXT SCHEDULED EVENT:
PROCEEDINGS TERMINATED

Name: VENSON LAWE MYERS
Address: P.O. Box 4430 A2-204
LANCASTER CALIFORNIA
93539-4430
CDC or ID Number: C-29600

IN THE SUPERIOR COURT
POMONA FOR THE LOS ANGELES COUNTY
(Court)

VENSON LAWE MYERS
Petitioner
vs.
People of California
Respondent

PETITION FOR WRIT OF HABEAS CORPUS

No. _____
(To be supplied by the Clerk of the Court)

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 only need to file 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 4 copies of the petition and, if separately bound, 1 copy of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and 10 copies of the petition and, if separately bound, 2 copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.

Approved by the Judicial Council of California for use under rule 8.380 of the California Rules of Court (as amended effective January 1, 2007). Subsequent amendments to rule 8.380 may change the number of copies to be furnished to the Supreme Court and Court of Appeal.

This petition concerns:

- A conviction Parole
- A sentence Credits
- Jail or prison conditions Prison discipline
- Other (specify): successive petition/extraordinary writ

1. Your name: JENSON LANE MYERS
2. Where are you incarcerated? LANCASTER PRISON FOR CALIFORNIA
3. Why are you in custody? Criminal conviction Civil commitment

Answer items 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").

count 1) murder 187, count 2) Robbery 211, count 3) 245 Assault) count 4) Robbery 211.

b. Penal or other code sections: 1ct 187 2ct 211 1ct 245

c. Name and location of sentencing or committing court: SUPERIOR COURT POMONA 400 CIVIC CENTER PLAZA POMONA CALIFORNIA 91766

d. Case number: A-524228

e. Date convicted or committed: 10/16/91

f. Date sentenced: 11/20/91

g. Length of sentence: L.W.O.P

h. When do you expect to be released? UNKNOWN

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

ARTHUR P. LINDARS 3401 CENTRELAKE DR SUITE 360 ONTARIO CALIFORNIA 91761

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

- Not guilty Guilty Nolo contendere Other: ONCE IN JEOPARDY

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 4. For additional grounds, make copies of page 4 and number the additional grounds in order.)

Trial court violated defendant's 5th Amendment right to confront all witnesses against him, and deprive defendant of his 14th Amendment right of equal treatment of the law, and deprive defendant of due process of law

a. Supporting facts:

Tell your story briefly without citing cases or law. If you are challenging the legality of your conviction, describe the facts on 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.)

1) Prosecutor requested a 402 hearing to lay foundation to impeach her own called witness. 2) Michael Myers was called but not allowed to testify before the already impanelled jury. The court rendered a finding of evasive or evasive see court transcript pg. 93 lines 3-9 (6) and I could ask him questions and then go ahead and impeach him basically with. 3) ct 112
 Line 3-15 Detective Cook was call to testify before the jury about his interview with Michael Myers. 4) The jury never had the opportunity to evaluate Michael Myers credibility. 5) The defense was not allowed to confront the witnesses against him. 6) The court ask defendant if he agree's to court transcript pg 109 8/9 Mr Myers if he concur and wants me to not call -- or wants the district attorney to not call his brother? Mr Myers: The defendant: I want the district attorney to prove every element of the crime period. The court true, that's absolutely their obligation.

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.)

124 S. Ct. 1354, 541 U.S. 36, Crawford v. Washington

U.S. C.A. Const. Amend 6.

Mattox v. United States 156 U.S. 237, 245, 15 S.Ct. 337 39 L.Ed. 409

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

Lined area for writing the ground for habeas corpus.

a. Supporting facts:

Lined area for providing supporting facts.

b. Supporting cases, rules, or other authority:

Lined area for providing supporting cases, rules, or other authority.

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 Division of Superior Court"):

SECOND APPELLATE DISTRICT 300 SOUTH SPRINGS NORTH TOWER L.A. CA 90013

b. Result: Denied

c. Date of decision: April 7, 1994

d. Case number or citation of opinion, if known: B-065089

e. Issues raised: (1) TRIAL COURT COMMITTED REVERSIBLE ERROR BY FINDING MICHAEL MYERS WAS AN EVASIVE WITNESS, PERMITTING DETECTIVE COOK TO TESTIFY TO PRIOR STATEMENT.

(2) _____

(3) _____

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

Kim Malcheski #98151 ATTORNEY AT LAW P.O. BOX 40105 SAN FRANCISCO 94140

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

a. Result: denied

b. Date of decision: _____

c. Case number or citation of opinion, if known: S044518

d. Issues raised: (1) _____

(2) _____

(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:

IN 2004 U.S. COURT IN CRAWFORD V. WASHINGTON DECLARED AND DECIDED UNAVAILABILITY WAS EXCEPTED AS AN EXCEPTION, NOT EVASIVENESS!

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.) Explain what administrative review you sought or explain why you did not seek such review:

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: California Supreme Court, Pomona Superior Court

(2) Nature of proceeding (for example, "habeas corpus petition"): HABEAS CORPUS

(3) Issues raised: (a) SEE ATTACH EXHIBITS

(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.)

September of 2004, my right lung was removed, Feb 11th 2011 my left lung collapse and two chest tube inserted. The Crawford case given to me 5/27/11

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:

Before Crawford vs- Washington Appellate courts on Direct Appeal denied my appeal claiming EVIDENCE WAS AND EXCEPTION TO THE STAMENMENT

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: JUNE 10th

Venson June Myers
(SIGNATURE OF PETITIONER)

EXHIBIT

COURT TRANSCRIPT COPY

PAGE 93 LINES 3-9

1 OR LET'S HEAR FROM MISS BOOTH-GULLEY AS TO
2 WHETHER OR NOT I HAVE TO MAKE THAT FINDING.

3 MS. BOOTH-GULLEY: WELL, I AGREE THAT YOU'RE GOING TO
4 HAVE TO -- I AGREE WITH MR. LINDARS THAT -- AND THE COURT --
5 THAT WE SHOULD HAVE MR. MYERS COME IN FIRST, HAVE A 402
6 HEARING OUTSIDE THE PRESENCE OF THE JURY, AND I COULD ASK HIM
7 QUESTIONS AND THEN GO AHEAD AND IMPEACH HIM BASICALLY WITH
8 THE FACT THAT HE'S SINCE 1979 BEEN DENYING THAT HE'S MADE
9 THESE STATEMENTS OR IS CLAIMING THAT HE DOESN'T REMEMBER
10 THOSE STATEMENTS.

11 AND I AGREE THAT THE COURT HAS TO MAKE A
12 DETERMINATION WHETHER HE'S HONESTLY FORGOTTEN THAT HIS
13 BROTHER TOLD HIM HE SHOT TWO WHITE DUDES IN THE HEAD OR
14 WHETHER HE IS TRYING TO BE EVASIVE.

15 THE COURT: OKAY. I WOULD RECOMMEND THAT WE BRING HIM
16 IN.

17 MS. BOOTH-GULLEY: THAT SEEMS TO BE THE WAY IT SHOULD
18 WORK.

19 THE COURT: CONTACT YOUR DEPARTMENT AND HAVE HIM BRING
20 HIM DOWN HERE NOW OUT OF THE PRESENCE OF THE JURY.

21 MR. LINDARS: THERE WOULD ALSO BE AN OBJECTION UNDER
22 352 IN THAT IT SEEMS TO BE AN UNDUE CONSUMPTION OF TIME IN
23 THAT IN MR. VENSON MYERS' STATEMENTS TO THE POLICE, HE ADMITS
24 SHOOTING THE TWO INDIVIDUALS. I FAIL TO SEE WHAT ADDITIONAL
25 VALUE THE FACT THAT HE MADE THE STATEMENT, PURPORTED
26 STATEMENT TO HIS BROTHER SOMETIME BETWEEN THE EVENT AND WHEN
27 HE ADMITTED IT TO THE POLICE.

28 MS. BOOTH-GULLEY: TO BE QUITE CLEAR WITH THE COURT,

EXIBIT

Court Transcript Copy

Page 109 Line 7-11

1 ONE. I THINK THE EASIEST WAY TO DO THAT IS BY STIPULATION.
2 IF HE DOESN'T WANT TO DO IT BY STIPULATION, I DON'T HAVE ANY
3 PROBLEM SO LONG AS MR. MYERS IS IN AGREEMENT WITH THAT
4 TACTIC; NOT CALLING MICHAEL IN FRONT OF THE JURY AND JUST
5 HAVING DETECTIVE COOK PUT ON.

6 WELL, IT PROBABLY WOULD BE APPROPRIATE AT THIS
7 TIME FOR ME TO REQUEST OF MR. MYERS IF HE CONCURS AND WANTS
8 ME TO NOT CALL -- OR WANTS THE DISTRICT ATTORNEY TO NOT CALL
9 HIS BROTHER? MR. MYERS?

10 THE DEFENDANT: I WANT THE DISTRICT ATTORNEY TO PROVE
11 EVERY ELEMENT OF THE CRIME, PERIOD.

12 THE COURT: TRUE. THAT'S ABSOLUTELY THEIR OBLIGATION.
13 THE ONLY QUESTION IS WHETHER YOU CONCUR WITH YOU LAWYER'S
14 RECOMMENDATION THAT MR. MYERS NOT BE BROUGHT BACK IN FRONT OF
15 THE JURY, AND THE DISTRICT ATTORNEY'S RECOMMENDATION?

16 THE DEFENDANT: I DIDN'T CALL THE WITNESS.

17 THE COURT: THE QUESTION IS SIMPLE: DO YOU WANT HIM
18 TO BE CALLED IN FRONT OF THE JURY?

19 THE DEFENDANT: THE PEOPLE CALLED MICHAEL MYERS.

20 THE COURT: DO YOU WISH HIM CALLED?

21 THE DEFENDANT: I NEVER CALLED HIM. I NEVER
22 SUBPOENAED HIM.

23 THE COURT: I'M SATISFIED.

24 MS. BOOTH-GULLEY: OKAY.

25 JUST SO THAT WE'RE CLEAR IN TERMS OF TOMORROW.
26 TODAY MY LAST WITNESS IS GOING TO BE NOW DETECTIVE COOK.
27 TOMORROW MORNING CHRISTIANSEN WILL BE HERE, AND DR. STRAHAN
28 IS SUPPOSED TO BE HERE TOMORROW MORNING. AND THEN HE'S BEEN

EXHIBIT

COURT TRANSCRIPT COPY

PAGE 112 LINE 3-15

1 Q. WHAT DID HE SAY HAPPENED WHILE I WAS AT MR.
2 REED'S HOUSE REGARDING HIS BROTHER VENSON?

3 A. HE SAID THAT VENSON ARRIVED AT THE LOCATION
4 SHORTLY BEFORE MIDNIGHT, AND UPON ENTERING THE LOCATION HE
5 HANDED A SMALL, CHROME REVOLVER TO MR. REED AND TOLD MR.
6 REED TO GIVE THE GUN BACK TO ANGIE.

7 Q. DID HE INDICATE ~~WHETHER~~ OR NOT MICHAEL --
8 MICHAEL MYERS INDICATE WHETHER OR NOT HE HAD A CONVERSATION
9 WITH VENSON MYERS ON THAT DATE?

10 A. YEAH. HE TOLD HIM -- HIS BROTHER TOLD HIM THAT
11 HE HAD JUST SHOT TWO WHITE DUDES IN THE HEAD.

12 Q. THE INTERVIEW THAT YOU HAD WITH MICHAEL MYERS,
13 DID THAT OCCUR ON FEBRUARY 1ST, 1979?

14 A. YES, IT DID.

15 MS. BOOTH-GULLEY: I HAVE NOTHING FURTHER.

16 THE COURT: THANK YOU.

17 MR. LINDARS.

18 MR. LINDARS: MAY I HAVE ONE MOMENT, YOUR HONOR?

19 THE COURT: SURE.

20 MR. LINDARS: I HAVE NO QUESTIONS.

21 THE COURT: THANK YOU, SIR. YOU MAY STEP DOWN.

22 MS. BOOTH-GULLEY: YOUR HONOR, AS I INDICATED MY
23 REMAINING TWO WITNESSES WOULDN'T BE AVAILABLE UNTIL TOMORROW
24 MORNING.

25 THE COURT: LADIES AND GENTLEMEN, AS YOU CAN SEE WE'VE
26 BEEN CONDUCTING SOME MATTERS OUT OF YOUR PRESENCE. I'M GOING
27 TO ADJOURN THIS CASE FOR TODAY. I'VE BEEN ADVISED BY THE
28 DISTRICT ATTORNEY'S OFFICE THAT SHE EXPECTS TO FINISH HER

PROOF OF SERVICE BY MAIL

(CCP §§1013(a), 2015.5, 28 U.S.C. §1746)

I, VENSON LANE MYERS, hereby declare that I am over the age of 18, I am the petitioner in the above-entitled cause of action, and my legal mailing address CSP/LAC - A2-204^{1/2}, P.O. BOX 8457, Lancaster, CA 93539-8457.

On JUNE 8TH 2011, I delegated to prison officials the task of mailing, via the institution's internal mail system (*Houston v. Lack*, 487 US 266 [101 L.Ed.2d 245; 108 S.Ct. 2379] (1988)), the below entitled legal document(s):

1 ORIGINAL COPY OF WRIT OF HABEAS CORPUS WITH TRANSCRIPT COPIES FOR EXHIBITS.

by placing said documents in a properly addressed and sealed envelope, with postage fully pre-paid, in the United States Mail, deposited in the manner provided by CSP/LAC, and addressed

as follows: POMONA SUPERIOR COURT
200 CIVIC CENTER PLAZA
POMONA CALIFORNIA
91766

I further declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed this 11TH day of JUNE 2011 at California

State Prison - Los Angeles County.

1 PROOF OF SERVICE BY MAIL

2 (CCP §§1013(a), 2015.5; 28 U.S.C. §1746)

3
4 I, Venson L Myers, hereby declare that I am over the age of 18, I am the
5 petitioner in the above-entitled cause of action, and my legal mailing address CSP/LAC - A2-
6 204E, P.O. BOX 8457, Lancaster, CA 93539-8457.

7 On July 6th 2011, I delegated to prison officials the task of mailing, via
8 the institution's internal mail system (*Houston v. Lack*, 487 US 266 [101 L.Ed.2d 245; 108
9 S.Ct. 2379] (1988)), the below entitled legal document(s):

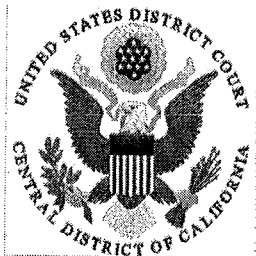
10 Petition for writ of Habeas Corpus

11
12
13
14
15 by placing said documents in a properly addressed and sealed envelope, with postage fully pre-
16 paid, in the United States Mail, deposited in the manner provided by CSP/LAC, and addressed

17 as follows: California Court of Appeals
18 300 South SpringST F/2
19 North Tower Los Angeles Calif.
20 90013

21
22 I further declare under penalty of perjury that the foregoing is true and correct to the
23 best of my knowledge. Executed this 6th day of July 2011 at California

24 State Prison - Los Angeles County. Venson Lane Myers



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

Tuesday, October 04, 2011

VENSON LANE MYERS
C-29600
P.O. BOX 4430
LANCASTER, CA 93539

Dear Sir/Madam:

Your petition has been filed and assigned civil case number CV11- 8239 RSWL (E)

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



**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

TERRY NAFISI

District Court Executive
and Clerk of Court

Tuesday, October 04, 2011

VENSON LANE MYERS
C-29600
P.O. BOX 4430
LANCASTER, CA 93539

Dear Sir/Madam:

- A Petition for Writ of Habeas Corpus was filed today on your behalf and assigned civil case number CV11- 8239 RSWL (E)
- 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 **Charles Eick**

at the following address:

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> U.S. District Court
312 N. Spring Street
Civil Section, Room G-8
Los Angeles, CA 90012 | <input 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 |
|---|---|--|

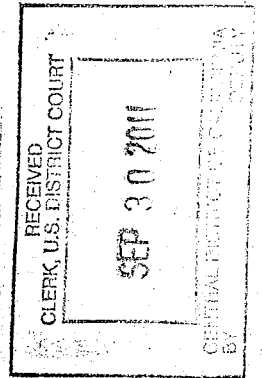
The Court must be notified within fifteen (15) days of any address change. If mail directed to your address of record is returned undelivered by the Post Office, and if the Court and opposing counsel are not notified in writing within fifteen (15) days thereafter of your current address, the Court may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

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

By: CPOWERS
Deputy Clerk

ENSON Lane Myers C-29600
PO, Box 4430 AA-201
-Aneseta California
93539-4430

State Prison
Generated Mail
A-2



My

State Prison
Generated Mail
A-2

U.S. District Court Central
312 North Spring Street
Los Angeles California
90012