

EXHIBIT

21

United States District Court
Central District of California
Western Division

Fernando Romero, Petitioner; No. CV 14-05405-DTW (VBR)

v. W.I. Montgomery, et al.; Respondent's Motion to Dismiss with
Memorandum and Order Granting
Respondents' Time to Amend Monthly update Report

Victor B. Kanton: United States Magistrate Judge

Petitioner is updating the monthly report status as ordered. I received the Memorandum and Order Granting Respondent's Motion to Dismiss with leave to Amend on 27 February 2015. I sent out a State Writ of Habeas Corpus On 2 March 2015 to exhaust arguments One and Two. I will keep a updated monthly report status as ordered.

Dated: 5 March 2015

Fernando Romero
Fernando Romero AHD432
Incarcerated State Prison
P.O. Box 7199
Blythe Ca 92226

PROOF OF SERVICE

Declaration of Service by Mail

I, Fernando Romeo, declare that I am over the age of

Eighteen (18) and that I (am / am not) a party to this action. On 5

March, 2015, I deposited a copy of the following document (s):

① Monthly Update Report

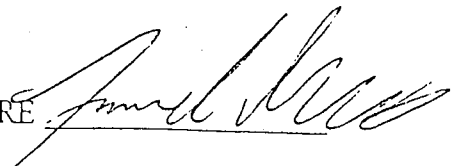
in a sealed envelope with the postage prepaid into the United States mail outlet via an authorized California Department of Corrections employee at Ironwood State Prison, in Riverside County, Blythe, California, and address as follows:

United States District Court
for Central District of California
312 North Spring St.
Los Angeles Ca 90012

I declare under penalty of perjury by the laws of the State of California that the foregoing is true and correct (pursuant to 28 USCA § 1746 (2)).

DATE 5 March 2015

SIGNATURE



EXHIBIT

22

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 14-05405-ODW (VBK)

Date March 16, 2015

Title Fernando Romero v. W. L. Montgomery, et al.

Present: The
Honorable

Victor B. Kenton, United States Magistrate Judge

Roxanne Horan

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None Present

None Present

Proceedings: (IN CHAMBERS)

The Court is in receipt of Petitioner's document entitled "Memorandum and Order Granting Respondent's Motion to Dismiss with Time to Amend Monthly [sic] Update Report."

The Court **HEREBY ORDERS** Petitioner to file a Status Report within 30 days of the date of this Minute Order updating the Court on the status of the habeas petition pending in the California Supreme Court.

Initials of Preparer

RH

4 / 4 - 10014232



EXHIBIT

23

1 United States District Court
2 Central District of California
3 Western Division
4

5 Fernando Romero
6 Petitioner,

No. CV 14-05405-DDW (VBSK)

7 v.

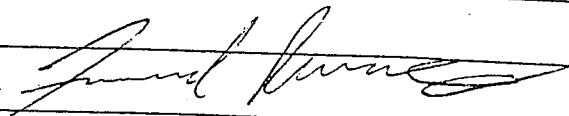
8 W.L. Montgomery, et al.
9 Respondents

Memorandum and Order Granting
Respondent's Motion to Dismiss with
Time to Amend Monthly Update Report

10
11 Victor B. Kenton: United States Magistrate Judge
12

13 Petitioner is updating the monthly report status as ordered.
14 Petitioner filed a State Writ of Habeas Corpus On 2 March
15 2015. The State Court has not responded, petitioner will
16 keep updating the monthly reports. This monthly update
17 Report is due before 16 April 2015
18

19 Dated: 2 April 2015



20 Fernando Romero AH0432

21 Ironwood State Prison

22 P.O. Box 2199

23 BLYTHE CA 92276
24
25
26
27
28

PROOF OF SERVICE

Declaration of Service by Mail

I, Fernando Romero, declare that I am over the age of

Eighteen (18) and that I (am / am not) a party to this action. On 2nd

April, 2015, I deposited a copy of the following document (s):

0 Monthly Update Report

in a sealed envelope with the postage prepaid into the United States mail outlet via an authorized California Department of Corrections employee at Ironwood State Prison, in Riverside County, Blythe, California, and address as follows:

United States District Court
for Central District of California
312 North Spring St.
Los Angeles Ca 90002

I declare under penalty of perjury by the laws of the State of California that the foregoing is true and correct (pursuant to 28 USCA § 1746 (2)).

DATE 2 April 2015

SIGNATURE Fernando Romero

EXHIBIT

24

Project FOR THE innocent

LOYOLA LAW SCHOOL | LOS ANGELES

April 22, 2015

Mr. Fernando Romero, AH0432
Ironwood State Prison
P.O. Box 2199
Blythe, CA 92226

Dear Mr. Romero:

Thank you for requesting assistance from our project. Unfortunately, after further investigation into your case we are unable to assist you.

The Loyola Law School Project for the Innocent (LPI) provides assistance to some prison inmates incarcerated on a California state conviction who wish to present a claim of factual innocence. This is usually done after they are no longer represented by counsel. Because of limited resources, we must limit our work and are able to assist very few inmates at any time.

We are not able to provide other legal advice, copies of legal materials, or assist in civil matters.

You are entitled to an appeal and to have counsel on appeal. You should be sure and tell your appellate attorney all information about your case. They may be able to use the information in advancing your appeal or in filing a petition for writ of habeas corpus on your behalf.

This is not intended to be an opinion concerning the merits of your case, but rather, just a notification that our project is unable to help you.

I am sorry that we could not be of more help. Please provide us with an address where you would like your materials, including your trial transcripts, to be returned. Good luck in your future efforts.

Sincerely,



Adam Grant
Deputy Director
Loyola Law School Project for the Innocent

AG:jr
LLS# 12160

EXHIBIT

25

Legal In

DATE	Name	CDC#	Housing	Sender	Inmate Signature	Staff Signature
5/6/2015	ROMERO	AH0432	B3-227U	SUP CRT OF CA CNTY OF LA, SE DIST- TORRANCE CRTHOUSE TORRANCE, CA 90503-5096		
5/6/2015	ROMERO	AH0432	B3-227U	SUP CRT OF CA CNTY OF LA, SE DIST- TORRANCE CRTHOUSE TORRANCE, CA 90503-5096		
6/2/2015	ROMERO	AH0432	B3-227L	US DIST CRT, CENTRAL DIST OF CA, LA CA 90012-4797		
7/7/2015	ROMERO	AH0432	B3-227L	LAW OFFICES OF CUDLOW B. CREARY II, LA CA 90036		
7/10/2015	ROMERO	AH0432	B3-227	US DIST, LA CA 90012-4797		
7/13/2015	FERNANDO	AH0432	B3-227L	JUSTIN BROOKS, CA INNOCENCE PROJECT, SAN DIEGO, CA 92101		
7/21/2015	ROMERO	AH0432	B3-227L	***RETURNED TO SENDER*** WAS SENT TO OFFICE OF CHIEF COUNSEL/INTAKE, STATE BAR OF CA, LA CA 90015-2299		
7/23/2015	ROMERO	AH0432	B3-227L	JUSTIN BROOKS, CA INNOCENCE PROJECT, SAN DIEGO, CA 92101		
7/24/2015	ROMERO	AH0432	B3-227	US DIST CRT, CENTRAL DIST OF CA, LA CA 90012-4797		

1 [] The writ of habeas corpus is reserved for errors of a fundamental jurisdictional or
2 constitutional type, rather than erroneous evidentiary or procedural rulings.. *In Re Harris* (1993)
3 5 Cal. 4th 813, 828. No ground alleged here is of a type cognizable on habeas corpus.

4 [] Assuming the facts alleged in the petition are true, petitioner fails to allege facts establishing
5 a *prima facie* case for habeas relief. *People v. Duvall*, (1995) 9 Cal.4th 464, 474-75.

6 [] A habeas petitioner must allege with particularity the facts upon which relief is sought and
7 include copies of reasonably available documents supporting the claim. Vague or conclusory
8 allegations made without any explanation of the basis for the allegations do not warrant relief. *In*
9 *re Martinez* (2009) 46 Cal. 4th 945, 955-56; *People v. Duvall*, (1995) 9 Cal.4th 464, 474; *People*
10 *v. Karis* (1988) 46 Cal. 3rd 612, 656; *In re Swain*. (1949) 34 Cal. 2nd 300, 303-04.

11 [] Petitioner has failed to explain and justify the significant delay in seeking habeas relief. *In re*
12 *Clark*, (1993) 5 Cal.4th 750, 765; *In re Swain* (1949) 34 Cal. 2nd 300, 302.

13 [] The petition raises issues could have been raised on appeal, but were not, and Petitioner has
14 failed to allege facts establishing an exception to the rule barring habeas consideration of claims
15 that could have been raised on appeal. *In re Reno* (2012) 55 Cal. 4th 428, 490-93; *In re Harris*,
16 (1993) 5 Cal.4th 813, 825-26; *In re Dixon*, (1953) 41 Cal. 2nd 755, 759; *In re Smith* (1911) 161
17 Cal. 208.

18 [] The petition raises issues which were raised and rejected on appeal and Petitioner has failed
19 to allege facts establishing an exception to the rule barring habeas consideration of claims that
20 were been raised on appeal. *In re Reno* (2012) 55 Cal. 4th 428, 478-79; *In re Harris*, (1993) 5
21 Cal.4th 813, 825-26 (1993); *In re Waltreus*, (1965) 62 Cal. 2nd 218, 225.

22 [] The petition presents claims raised and rejected in a prior habeas petition and Petitioner has
23 not alleged facts establishing an exception to the rule barring reconsideration of claims
24 previously rejected. Such successive claims constitute an abuse of the writ of habeas corpus. *In*
25 *re Reno* (2012) 55 Cal. 4th 428, 455; *In re Martinez* (2009) 46 cal. 4th 945, 956; *In re Clark*.
26 (1993) 5 Cal.4th 750, 767-68; *In re Miller* (1941) 17 Cal. 2nd 734, 735.

[] Petitioner filed a prior petition for habeas relief and failed to raise the claims raised in the
current petition, and Petitioner has not alleged facts establishing an exception to the rule
requiring all claims to be raised in one timely filed petition. *In re Reno* (2012) 55 Cal. 4th 428,
454; *In re Clark*, (1993) 5 Cal.4th 750, 767-68; *In re Horowitz* (1949) 33 Cal. 2nd 534, 546-47.

[] Habeas corpus is not available to challenge the use of evidence obtained by an illegal search
or seizure in violation of the Fourth Amendment. *In re Sakarias* (2005) 35 Cal. 4th 140, 169-70;
In re Sterling, (1965) 63 Cal. 2nd 486, 487-89.

1 [] As to the claim of ineffective assistance of trial counsel, Petitioner has failed to show that but
2 for counsel's allegedly deficient performance, there is a reasonable probability that a more
3 favorable outcome would have resulted. It is not enough to speculate about possible prejudice to
4 be accorded relief. Petitioner has failed to show that the prejudicial effect of counsel's errors
5 was a "demonstrable reality." *In re Cox* (2003) 30 Cal. 4th 974, 1016; *In re Clark* (1993) 5 Cal.
6 4th 750, 766; *Strickland v. Washington* (1984) 466 U. S. 668, 697.

7 [] As to the claim of ineffective assistance of appellate counsel, during Petitioner's first appeal
8 of right, Petitioner has failed to show that appellate counsel's exercise of professional judgment
9 was deficient or that, but for counsel's errors, the outcome of the appeal would have been
10 different. Appellate counsel is not required to raise every non-frivolous issue and Petitioner
11 alleges no more than a failure to raise issues. *Smith v. Robbins* (2000) 528 U. S. 259, 288; *Jones*
12 *v. Barnes* (1983) 463 U. S. 745, 750-52.

13 [] It appears that administrative remedies are available to petitioner. The petition does not
14 contain factual allegations establishing that petitioner has exhausted available administrative
15 remedies, or that exhaustion is excused. *In re Dexter*, (1979) 25 Cal. 3rd 921, 925;

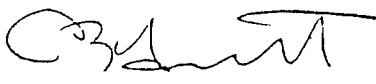
16 [] Petitioner's conviction arose from a plea of guilty or no-contest, and the claims Petitioner
17 now raises in this petition only go to Petitioner's guilt or innocence or are challenges to an
18 agreed-upon disposition. As such, they have been waived by virtue of his plea and there is no
19 basis to excuse this waiver. See *People v. Maulsby* (2012) 53 Cal. 4th 296, 301-04; *People v.*
20 *Hester* (2000) 22 Cal. 4th 290, 295. Petitioner has received the benefit of his or her bargain and
21 may not thereafter trifle with the courts by attempting better his or her bargain. *People v. Hester*,
22 *supra*, at 295.

23 [] Petitioner is not now in actual or constructive State custody, and the Petitioner has not
24 alleged a basis to excuse the requirement of State custody. The petition is therefore moot. *In re*
25 *Azurin* (2001) 87 Cal. App. 4th 20, 25; *In re Wessley W.* (1981) 125 Cal. App. 3rd 240, 246; *In re*
26 *King* (1970) 3 Cal. 3rd 226, 229 n.2.

For all of the foregoing indicated reasons, the petition is DENIED.

The Clerk is ordered to serve a copy of this memorandum upon the petitioner and upon
the District Attorney (Habeas Corpus Litigation Team), 320 West Temple Street, Room 540, Los
Angeles, California 90012.

Dated: 4-30-15



ALAN B. HONEYCUTT
Judge of the Superior Court

MINUTE ORDER
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE PRINTED: 05/01/15

CASE NO. YA074783

THE PEOPLE OF THE STATE OF CALIFORNIA
VS.
DEFENDANT 02: FERNANDO ROMERO

INFORMATION FILED ON 04/14/10.

COUNT 01: 187(A) PC FEL
COUNT 02: 182(A)(1) PC FEL

ON 04/30/15 AT 930 AM IN SOUTHWEST DISTRICT DEPT SWL

CASE CALLED FOR HABEAS CORPUS PETITION

PARTIES: ALAN B. HONEYCUTT (JUDGE) CAREY TAING (CLERK)
NONE (REP) NONE (DDA)

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

***** NO LEGAL FILE *****

THE MATTER IS BEFORE THE COURT ON A PETITION FOR WRIT OF HABEAS
CORPUS FILED MARCH 5, 2015.

THE COURT HAVING READ AND CONSIDERED SAID PETITION, MAKES THE

FOLLOWING RULING:

IN CHAMBERS:

PETITION FOR WRIT OF HABEAS CORPUS BY FERNANDO ROMERO, PRO SE
("PETITIONER"). NO APPEARANCE BY A RESPONDENT. DENIED.

THE COURT HAS READ AND CONSIDERED THE PETITION FOR WRIT OF
HABEAS CORPUS FILED BY THE PETITIONER AND DEFENDANT ON
MARCH 5, 2015, AND FINDS THAT THE FOLLOWING APPLY:

THE PETITIONER RAISES ISSUES THAT COULD HAVE BEEN RAISED ON
APPEAL, BUT WERE NOT, AND PETITIONER HAS FAILED TO ALLEGE FACTS
ESTABLISHING AN EXCEPTION TO THE RULE BARRING HABEAS
CONSIDERATION OF CLAIMS THAT COULD HAVE BEEN RAISED ON APPEAL.
IN RE RENO (2012) 55 CAL. 4TH 428, 490-93; IN RE HARRIS, (1993)

YA074783
02

DATE PRINTED 05/01/15

TH 813, 825-26; IN RE WALTREUS, (1965) 62 CAL. 2ND 218,

E CLAIM OF INEFFECTIVE ASSISTANCE OF TRIAL COUNSEL,
ER HAS FAILED TO SHOW THAT BUT FOR COUNSEL'S ALLEGEDLY
F PERFORMANCE, THERE IS A REASONABLY PROBABILITY THAT A
DRABLE OUTCOME WOULD HAVE RESULTED. IT IS NOT ENOUGH TO
E ABOUT POSSIBLE PREJUDICE TO BE ACCORDED RELIEF.
ER HAS FAILED TO SHOW THAT THE PREJUDICIAL EFFECT OF
ERRORS WAS A "DEMONSTRABLE REALITY." IN RE COX (2003)
-TH 974, 1016; IN RE CLARK (1993) 5 CAL. 4TH 750, 766;
ID V. WASHINGTON (1984) 466 U.S. 668, 697.

E CLAIM OF INEFFECTIVE ASSISTANCE OF APPELLATE COUNSEL,
TITIONER'S FIRST APPEAL OF RIGHT, PETITIONER HAS
SHOW THAT APPELLATE COUNSEL'S EXERCISE OF
NAL JUDGMENT WAS DEFICIENT OF THAT, BUT FOR COUNSEL'S
HE OUTCOME OF THE APPEAL WOULD HAVE BEEN DIFFERENT.
COUNSEL IS NOT REQUIRED TO RAISE EVERY NON-FRIVOLOUS
PETITIONER ALLEGES NO MORE THAT A FAILURE TO RAISE
WITH V. ROBINSON (2000) 528 U.S. 259, 288; JONES V.
983) 486 U.S. 745, 750-752.

F THE FOREGOING INDICATED REASONS, THE PETITION IS

ED COPY OF THIS ORDER IS SENT TO THE DEFENDANT AND
S CORPUS LITIGATION TEAM.

THIS ORDER IS SENT TO THE DEFENDANT.

ROMERO #AH0432
199

, 92225

RS AND FINDINGS:

FOR WRIT OF HABEAS CORPUS IS DENIED.

ULED EVENT:
S TERMINATED

ERTIFY THIS TO BE A TRUE AND CORRECT COPY OF THE ELECTRONIC MINUTE
FILE IN THIS OFFICE AS OF THE ABOVE DATE.

EXHIBIT

26

United States District Court
Central District of California
Western Division

Fernando Romero
Petitioner,

v.

W.L. Montgomery et al,
Respondent

NO. CV 14-05405-DDW (VAK)

Memorandum and Order Granting
Respondant's Motion to dismiss
With Time to Amend Monthly Update
Report

Victor B. Kenton: United States Magistrate Judge

Petitioner is updating the monthly report as ordered. Petitioner received a correspondence from the Superior Court of California, County of Los Angeles on 6 May 2015, Denying Petitioner petition for Writ of Habeas Corpus filed on 2 March 2015. (See Exhibit "A"). Petitioner is getting ready to argue the denial and file to the Second Appellate Court. Petitioner will update the Court on the date it was filed. This monthly update report is due before 16 May 2015.

Dated: 10 May 2015

Fernando Romero

FERNANDO ROMERO AH0432

IRONWOOD STATE PRISON

P.O. Box 2199

BLYTHE CA 92226

PROOF OF SERVICE

Declaration of Service by Mail

I, Fernando Romero, declare that I am over the age of

Eighteen (18) and that I (am / am not) a party to this action. On 10

May, 20 15, I deposited a copy of the following document (s):

- ① Monthly Update Report
- ② Exhibit "A"

in a sealed envelope with the postage prepaid into the United States mail outlet via an authorized California Department of Corrections employee at Ironwood State Prison, in Riverside County, Blythe, California, and address as follows:

United States District Court
for Central District of California
312 North Spring St
Los Angeles CA 90012

I declare under penalty of perjury by the laws of the State of California that the foregoing is true and correct (pursuant to 28 USCA § 1746 (2)).

DATE 10 May 2015






SIGNATURE [Signature]

EXHIBIT

27

**IRONWOOD STATE PRISON
OUTGOING LEGAL MAIL**

FACILITY: B 3
DATE: 12 May 2015

INMATE NAME	CDC #	BED/CELL	ADDRESS	PRINT STAFF NAME	STAFF SIGNATURE
Rosmer Fernandez	AH0432	B-3-227	California Appellate Court 520 S Grand Ave Floor 4 Los Angeles Ca 90051	C. CERVANTES	
Rosmer Fernandez	AH0432	B-3-227	Attorney General 3000 South Spring St. Los Angeles Ca 90013	C. CERVANTES	
Edward Miller	AP-6841	B-3-125A	U.S. District Court (Central) 312 N. Spring St. G-8 Los Angeles Ca. 90012-4793	C. CERVANTES	
ALEX PROHECO RENA	E-46019	B-3-219A	Superior Ct. of Riverside 4100 Main St. Riverside Ca. 92501	C. CERVANTES	
Michael Sua	P-84231	B-3-290A	Spicer Court of Riverside 205 N. Broadway Riville, Ca. 92225	C. CERVANTES	

STAFF MUST PRINT AND SIGN THEIR NAME AND RETURN TO MAILROOM IN LEGAL BAG.

LEGAL OUT

9/18/2015

DATE	Name	CDG#	Addressee
1/8/2015	ROMERO	AH0432	DEPT OF JUST LA CA 90013
1/8/2015	ROMERO	AH0432	DEPT OF JUST OFFICE OF THE CLRK LA CA 90012
1/26/2015	FERNANDO	AH0432	HERBERT S TEFER DEPUTY ATTY GEN LA CA 90013
3/2/2015	ROMERO	AH0432	ATTY GEN LA CA 90013
3/2/2015	ROMERO	AH0432	TORANCE SUP COURT TORRANCE CA 90503
3/5/2015	FERNANDO	AH0432	CNTRL DIST CRT, LA, CA 90012
4/2/2015	FERNANDO	AH0432	US CENTRAL DIST CRT, LA CA 90012
4/9/2015	ROMERO	AH0432	TORRANCE SUPERIOR CRT, TORRANCE, CA 90503
5/10/2015	ROMERO	AH0432	CENTRAL DIST CRT, LA CA 90012
5/12/2015	ROMERO	AH0432	ATTRNY GEN, LA CA 90013
5/12/2015	ROMERO	AH0432	CA APPELLATE CRT, LA CA 90071

Ironwood State Prison
19005 Wloy's Well Road
Bythe, CA 92225
Rudie Moreno *W. Malbeco*

Name Fernando Rovers

Address P.O. BOX 2199

BLYTHE CA 91776

CDC or ID Number: AH0437

In The Court of Appeal of the State of California
Second Appellate District, Division Three
(Court)

Fernando Rovers
Petitioner
vs.
Neil M. Dowell Warden
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 and you are an attorney, file the original and 4 copies of the petition and, if separately bound, 1 set of any supporting documents (unless the court orders otherwise by local rule or in a specific case). If you are filing this petition in the Court of Appeal and you are not represented by an attorney, file the original and one set 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, an original and 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 8.330 of the California Rules of Court (as amended effective January 1, 2007). Subsequent amendments to rule 8.330 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): _____

1. Your name: Fernando Romero
2. Where are you incarcerated? Ironwood State Prison
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").

First Degree Murder and Conspiracy to commit Murder, with a principal-armed Firearm enhancement (Pen Code 99187.182.11022)

b. Penal or other code sections: Pen Code 99187.182.11022

c. Name and location of sentencing or committing court: Superior Court of California County of Los Angeles Southwest District Torrance Courthouse 815 Maple Ave. Torrance Ca 90503

d. Case number: YAD74783

e. Date convicted or committed: February 17th, 2011

f. Date sentenced: March 16th 2011

g. Length of sentence: 26 years to life

h. When do you expect to be released? Indeterminate

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

Ludlow B. Conway 11325 Wilshire Blvd Suite 708, Los Angeles, Ca 90010

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

Ineffective Assistance of Counsel: Counsel's deficient performance prejudiced petitioner, creating a reasonable probability that, but for counsel's error, the outcome of the trial would have been different.

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.)

See Attachment "Exhibit C"

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.)

See Attachment

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

Insufficiency of the Evidence: Petitioner is factually innocent and the state does not disclose substantial evidence petitioner perpetrated, intentionally aided and abetted, or conspired to commit out-and-out murder.

a. Supporting facts:

See Attachment - "Exhibit C"

b. Supporting cases, rules, or other authority:

See Attachment

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"): Court of Appeal of the State of California, Second Appellate District, Division

b Result: The judgments were affirmed c. Date of decision: January 15, 2013

d Case number or citation of opinion, if known: B732533

e Issues raised: (1) The record does not disclose substantial evidence appellant aided and abetted to commit murder.
(2) Court erred in ruling the request for limited funds/fee reduction was untimely.
(3) The prosecutor committed prejudicial and recognizable misconduct.
(4) Prosecution liability instructions failed to explain a non-Letter accomplice

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

Joseph L. Shippi P.O. Box 20347, Oakland, Ca 94610

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

a. Result: Petition for review was denied b. Date of decision: April 17, 2013

c. Case number or citation of opinion, if known: S108260

d. Issues raised: (1) Appellant's conviction are unsupported by substantial evidence denying due process
(2) Court erred in admitting unrecorded statements and key double hearsay denying due process
(3) Prosecutor committed prejudicial misconduct (4) Prosecution liability instructions "guilty" was error denying due process

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:

See Exhibit "A"

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.

N/A

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: Superior Court of California, County of Los Angeles, Southwest Terrace
(2) Nature of proceeding (for example, "habeas corpus petition"): Petition For writ of Habeas Corpus
(3) Issues raised: (a) Ineffective Assistance of Counsel
(b) Inefficiency of the Evidence
(4) Result (attach order or explain why unavailable): Denied (Order attached see Exhibit "D")
(5) Date of decision: 30 April 2015

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:

N/A

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* (1943) 34 Cal.2d 300, 304.)

N/A

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:

N/A

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 12 May 2015

[Signature]

EXHIBIT "A"

Mc-275 Page 5 of 6 Question 10

EXHIBIT "A"

1 (A) Petitioner's claim of ineffective assistance of counsel has not
2 been presented to the California Supreme Court due to the
3 fact that petitioner is in need of additional time to investi-
4 gate the precise facts regarding defense counsel's
5 deficient performance.

6
7 (B) Petitioner's claim of ineffective assistance of counsel
8 has not been presented in State court. Petitioner is in the
9 process of seeking experts who will be able to assist
10 him in analyzing the cell phone site information which
11 defense counsel failed to investigate further. Petitioner
12 is actively pursuing information from multiple individuals
13 who may be able to provide evidence of his innocence.

14
15 Petitioner was granted a Kelly Stay at the
16 Federal Level: See Exhibit B'

17
18 Note of Timeliness of Petition: If your judgment of conviction
19 became final over one year ago, you must explain why the one-year
20 statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar
21 your petition.*

22 Petitioner did not seek review in the United States Supreme
23 Court. Therefore, Petitioner has one year plus 90 days from the
24 date his state court conviction became final to file a writ of
25 certiorari in the United States Supreme Court. Accordingly,
26 Petitioner must file within 90 days from the California Supreme
27 Court's denial of the petition for review. On April 17, 2013, the
28 Supreme Court of California denied Petitioner's petition for

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Review. This places petitioner's deadline to file this petition at July 16, 2014. Petitioner filed a Federal writ of Habeas on July 11, 2014, five days before deadline. Petitioner received physically the "Memorandum and Order" No. CV 14-05405-05214 via Inwood State Prison mail system on 27 February 2015.

PROOF OF SERVICE

Declaration of Service by Mail

I, Fernando Romero, declare that I am over the age of

Eighteen (18) and that I (am / am not) a party to this action. On 12

May, 20 15, I deposited a copy of the following document (s):

- ① Copy of Petition for Writ of Habeas Corpus
- ② Exhibit's A.B.C.D
- ③ Argument for Writ of Habeas Denial

in a sealed envelope with the postage prepaid into the United States mail

outlet via an authorized California Department of Corrections employee at

Iroawood State Prison, in Riverside County, Blythe, California, and

address as follows:

California Appellate Project
520 S. Grand Ave floor 4
Los Angeles CA 90071

Attorney General
3000 South Spring St.
Los Angeles CA 90008

I declare under penalty of perjury by the laws of the State of California that the foregoing is true and correct (pursuant to 28 USCA § 1746 (2)).

DATE 12 May 2015

SIGNATURE Fernando Romero

EXHIBIT

28

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 14-05405-ODW (VBK) Date May 28, 2015

Title Fernando Romero v. W. L. Montgomery, et al.

Present: The Honorable Victor B. Kenton, United States Magistrate Judge

Roxanne Horan

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None Present

None Present

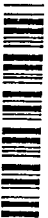
Proceedings: **(IN CHAMBERS)**

The Court is in receipt of Petitioner's document entitled "Memorandum and Order Granting Respondents Motion to Dismiss With Time to Amend Monthly Update Report." In this document, Petitioner advised the Court that his habeas petition filed in the Los Angeles County Superior Court was denied. Petitioner states he is filing a habeas petition in the California Court of Appeal.

The Court **HEREBY ORDERS** Petitioner to file a Status Report within 30 days of the date of this Minute Order updating the Court on the status of the habeas petition filed in the California Court of Appeal.

Initials of Preparer

RH



EXHIBIT

29

United States District Court
Central District of California
Western Division

Fernando Romero
Petitioner,

NO. CV 14-05405-DDW (YBK)

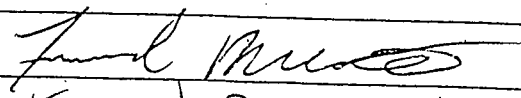
v.
W.L. Montgomery, et al
Respondant

Memorandum and Order Granting
Respondants Motion to dismiss
With Time to Amend Monthly Update
Report

Victor B Kenton: United States Magistrate Judge,

Petitioner is updating the monthly report as ordered. Petitioner received a correspondence from the Superior Court of California, County of Los Angeles on 6 May 2015, Denying Petitioner the Petition of Writ of habeas Corpus filed on 2 March 2015. Petitioner filed A Writ of habeas Corpus to the Second Appellate Court on 12 May 2015. Petitioner will keep this Court updated on Second Appellate Court status every month on or before the 28th of the upcoming month. This monthly update is due before 28 June 2015.

Dated: 15 June 2015


Fernando Romero A#10437
Inwood State Prison
P.O. Box 2199
Blythe Ca 92226

EXHIBIT

30

Romero, Fernando
AHO432 B-3-C-227L
Ironwood State Prison
P.O. Box 2199
BLYTHE Ca 92226

27 June 2015

Ludlow B. Creary
Attorney at Law
3250 Wilshire Blvd #708
Los Angeles Ca 90010

Re: People v. Fernando Romero, Superior Court Case No: YAD74783

Dear Mr. Creary

I am writing for the third time in regards to acquiring my "Client File" that pertains to me. As you represented me during trial in the above case number. I am requesting that you forward to me to the above address all file material in your possession that I am entitled to under law.

According to rule 3-700(d)(1) of the California State Bar Rules of Professional Conduct: "A member whose employment has terminated shall, subject to any protective order or non-disclosure agreement, promptly release to the client, at the request of the client, all of the client papers and records." " " " " " "

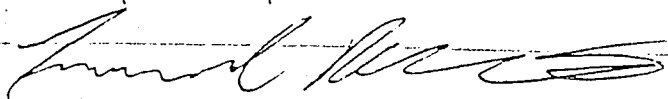
pleadings, deposition, transcripts, exhibits, physical evidence, expert's reports and other items reasonably necessary to the client's representation, whether the client has paid for them or not.

"[T]here can be no doubt that the balance of an attorney's litigation file is the property of the client and must be surrendered promptly upon request to the client or the client's new counsel once the representation has terminated. (Carter v. State Bar (1988) 44 Cal. 3d 1091, 1098; Finch v. State Bar (1981) 28 Cal. 3d 659, 665; Kallen v. Deluna (1984) 157 Cal. App. 3d 940, 950; see also, DeMassa v. Nuñez (9th Cir. 1985) 770 F. 2d 1505, 1507.)"

The need for these files is imperative for any post-conviction challenge support. I therefore respectfully request that you forward these files to me. I'm going to wait 10 days to hear a response. I am then going to file a complaint to the state Bar and file a motion to compel in the Superior Court.

Thank you for your time and consideration regarding this matter.

Very Truly Yours,



Fernando Romero

PROOF OF SERVICE

Declaration of Service by Mail

I, Fernando Romero, declare that I am over the age of

Eighteen (18) and that I (am / am not) a party to this action. On JUNE

11, 2015, I deposited a copy of the following document (s):

A letter to retrieve case file from my
trial lawyer

in a sealed envelope with the postage prepaid into the United States mail
outlet via an authorized California Department of Corrections employee at
Ironwood State Prison, in Riverside County, Blythe, California, and
address as follows:

Ludlow B. Creary
Attorney at Law
3250 Wilshire Blvd # 708
Los Angeles Ca 90010

I declare under penalty of perjury by the laws of the State of
California that the foregoing is true and correct (pursuant to 28 USCA § 1745 (2)).

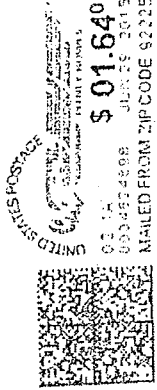
DATE 11 June 2015

SIGNATURE Fernando Romero

EXHIBIT

31

db Romero
B3.C.227L
State Prison
Box 2199
CA 97226



RECEIVED
JUL 06 2015

BY:

Custodian of Records
180 Washington Mall
Bedminster NJ 07921

RECEIVED
JUL 06 2015

Dear Custodian of Records BY: 25 June 2015

My name is Fernando Romero an Inmate at the Ironwood State Prison. I am preparing to file a Writ of Habeas Corpus at a Federal Court level. In order to do so I need important information from my past Verizon Account: 370726569-000001. I am going to ask Questions I need answered to the best of your knowledge. I am restricted in time so if you could send a responds as soon as possible it will be appreciated. I am going to send a copy of my phone statement to better serve you. Thank you for your time and efforts.

The Questions are as follows:

Q1: I need a couple of addresses of Cellphone towers this number: 951-203-0159 transmitted from on these Dates and Times?

17 April 2007 located on Page 5 of 24

4/17 7:46 Am
4/17 8:43 Am
4/17 8:44 Am
4/17 9:12 Am
4/17 9:16 Am
4/17 9:21 Am
4/17 9:32 Am

4/17 9:37 AM

4/17 9:42 AM

19 April 2007 located on Page 6 of 24

4/19 5:09 AM

4/19 6:09 AM

4/19 8:05 AM

4/19 9:29 AM

4/19 9:37 AM

4/19 9:47 AM

26 April 2007 located on Page 10-11 of 24

4/26 5:55 PM

4/26 7:31 PM

4/26 7:32 PM

4/26 7:55 PM

4/26 7:57 PM

4/26 8:09 PM

4/26 8:14 PM

4/26 8:15 PM

4/26 8:15 PM

4/26 8:27 PM

4/26 8:34 PM

4/26 8:34 PM

4/26 8:35 PM

4/26 8:36 PM
* 4/26 9:00 PM
4/26 9:01 PM
4/26 9:11 PM
4/26 9:15 PM
4/26 9:16 PM
* 4/26 9:21 PM Located on Pg 11 of 24

* On the 4/26 9:00 PM and 4/26 9:21 PM phone calls can you find out how long would it take to get from each Cellphone Tower?

Q2: Can you send me a map of where these Cell Towers are located along with the surrounding Cell Towers? Provide a master Tower list for all calls that were made from my Phone Number: 951-203-0159

Q3: Does a cellphone always transmit from the nearest Cell Tower or can it transmit through the nearest or farthest Tower available? please explain in detail.

Q4: If a Cellphone is transmitting through a cell tower what is the farthest radius that phone ping can stay connected before switching cell tower?

Q5: In 26 April 2007, has Verizon ever had installed a Cellphone Tower at this address: 2545 237th Street Torrance Ca 90503?

Q6: The Tower located in 2545 237th Street Torrance Ca 90503 was it there in 26 April 2007?

Q7: Are all your Cell Tower always reliable or can they malfunction?

Q8: Was the Cell Tower located on 2545 237th Street operational on 26 April 2007?

Q9: Between April 18 thru 23 2007, How many phone calls did this number: 951-703-0159 receive from a military calling card?

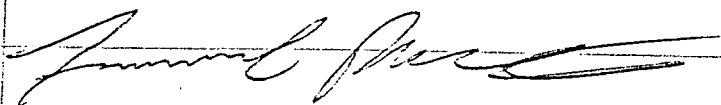
Q10: If yes, Did any of the calls originate from The USS Ronald Reagan (CVN76)?

Please send all correspondence to the below
address:

Fernando Romero
AHD432 B-3-227L
Ironwood State Prison
P.O. Box 2199
Blythe Ca 92226

Thank You in advance for your assistance.

Best Regards,



Fernando Romero
AHD432 B-3-227L
I.S.P
P.O. Box 2199
Blythe Ca 92226

PROOF OF SERVICE

Declaration of Service by Mail

I, Fernando Romero, declare that I am over the age of

Eighteen (18) and that I (am / am not) a party to this action. On 17

June, 20 15, I deposited a copy of the following document (s):

- ① Letter to Custodial of Records
- ① Verizon Monthly Statements from April 16 - May 15 2015

in a sealed envelope with the postage prepaid into the United States mail
outlet via an authorized California Department of Corrections employee at:
Ironwood State Prison, in Riverside County, Blythe, California, and
address as follows:

Custodian of Records
180 Washington Valley Rd.
Bedminster, NJ 07921

I declare under penalty of perjury by the laws of the State of
California that the foregoing is true and correct (pursuant to 28 USCA § 1746 (2)).

DATE 17 June 2015

SIGNATURE Fernando Romero

EXHIBIT

32

Received 7 July 2015



The Law Offices of
Ludlow B. Creary II

July 1, 2015

Fernando Romero

AH0432 B.3.C.227L

Ironwood St. Prison

PO BOX 2199

Blythe, CA 92226

RE: Files requested

Dear Mr. Romero,

We recently received your file request. Because your case is a criminal case, specifically a murder case, there is certain information that you are not entitled to. Because it is a large file, it will require extensive review for redaction. We will send the file to you as soon as it is prepared.

Sincerely,

Thelma Alfaro

Legal Assistant

The Law Offices of

Ludlow B. Creary II

EXHIBIT

33

Superior Court of California, County of Los Angeles, Southwest District, Torrance

People

Case No: 7AD74783

Respondents,

Motion to Compel Trial Lawyer to

v.

Produce Case File

Fernando Romero,

Petitioner

I have asked my trial lawyer Ludlow B Creary II 3250 Wilshire Blvd #708 Los Angeles Ca 90010, numerous times to provide Petitioner with his "Case File". Most recent 22 June 2015, in time restriction to file a Federal Habeas. Petitioner is asking the Court to Compel Trial Lawyer to Produce Case File. (see Exhibit "A")

According to rule 3-700(d)(1) of the California State Bar Rules of Professional Conduct: "A member whose employment was terminated shall be subject to any protective order or non-disclosure agreement,

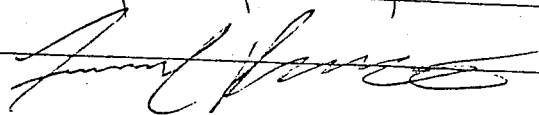
promptly release to the Client, at the request of the Client, all of the Client's papers and property. "Client's papers and property" including correspondence, pleadings, depositions, transcripts, exhibits, physical evidence, experts records and other items reasonably necessary to the Client's representation, whether the Client has paid for them or not.

"[T]here can be no doubt that the balance of an attorney's litigation file is the property of the Client and must be surrendered promptly upon request to the Client or Client's new counsel once the representation has terminated. (Carter v. State Bar (1988) 44 Cal. 3d 1091, 1093; Finch v. State Bar (1981) 28 Cal. 3d 659; Kallen v. Dolving (1984) 157 Cal. App. 3d 940, 950; see also, DeMassa v.

1 NINETEEN (9th Cir. 1985) 770 F.2d 1505, 1507.)"

2
3 Dated: 5 July 2015

Very Truly Yours,



6 Fernando Romero

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

Declaration of Service by Mail

I, Fernando Romero, declare that I am over the age of

Eighteen (18) and that I (am / am not) a party to this action. On 5th

July, 20 15, I deposited a copy of the following document (s):

- letter to Torrance Court
- Copy of letter to trial lawyer: Ludlow B Creamy II

in a sealed envelope with the postage prepaid into the United States mail outlet via an authorized California Department of Corrections employee at Ironwood State Prison, in Riverside County, Blythe, California, and address as follows:

Torrance Superior Court
~~825 Torrance St~~
825 Maple St
Torrance Ca 90503

I declare under penalty of perjury by the laws of the State of California that the foregoing is true and correct (pursuant to 28 USCA § 1746 (2)).

DATE 5 July 2015

SIGNATURE Fernando Romero