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 9/28/20
 CENTRAL DISTRICT OF CALIFORNIA
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Jose Felipe Velasco
 CDC No. G-66963, RA-204Up
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Petitioner Filing:
 Pro Per

UNITED STATES DISTRICT COURT
 FOR THE CENTRAL DISTRICT OF CALIFORNIA

SACV20-1889-JLS(AGR)

JOSE FELIPE VELASCO,
 Petitioner,

Dist. Ct. No. _____
 Crim. No. O6CF0980

v.

Craig Koenig, Warden,
 Respondent.

MOTION FOR PERMISSION TO
 FILE ATTACHED 2254
 PETITION WITH NEWLY
 DISCOVERED EVIDENCE IN
 SUPPORT OF INNOCENCE.

To The Clerk of the Court and the Honorable Judge assigned to consider whether or not to accept the attached petition with newly discovered evidence in support of innocence and insufficient evidence to sustain the convictions for Rape By Force in violation of Penal code Sec. 261, subd. (a)(2).

On September 9, 2019, Petitioner received file from the Law OFFICES OF THE ALTERNATE DEFENDER for the County of Orange from Mr. Derek Bercher, Supervising Attorney. See: Attachement for Correspondence and documentary evidence in support of innocence as to P.C. 261, subd.(a)(2).

1.

1 The newly discovered evidence i.e. confidential memorandum
2 was not used for purposes of discovery against the Rape
3 allegation, even when information contained within the investiga-
4 or's summary, supports Petitioner's contention that He did not
5 Rape Anna M. (J.D. II). Within the summary's report are detailed
6 notes indicating that Investigator Diego Castro, interviewed
7 Jorge Salazar on May 30, 2007 and June 11, 2007, at which time
8 it was learned that Jorge Salazar, had several conversations
9 with Jane Doe II, about Her and the Petitioner as She was
10 pregnant with Petitioner's baby and was confiding in Jorge
11 Salazar. Jane doe II, told Jorge Salazar that She was concerned
12 about Petitioner's prospects for getting out of jail soon as
13 He was the Father of Her unborn baby. She also confided that She
14 did not want Petitioner to go to jail, but, that Her Aunt was
15 the person whom pursued the issue, She also stated she was
16 afraid for Petitioner's safety as Her family members (Cousins),
17 said they will hunt Petitioner down and kill him when He gets out
18 of Jail. This information which is within the Investigator's
19 summary report now known as Newly Discovered Evidence was and
20 is of such exculpatory nature and very relevant to Petitioner's
21 defense of innocent of the alleged Rapes of Anna M., that a
22 miscarriage of justice has occurred and can only be remedied
23 with a full briefing of the attached 2254 petition for writ of
24 habeas corpus.
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1 Petitioner has always maintained his innocence as to the
2 alleged Rapes and has diligently sought out exculpatory
3 evidence to support a prima facie showing for relief such as
4 Police Reports which show that the victims of the alleged
5 sexual assaults told police detectives that no sexual acts
6 occurred between them and the Petitioner, they finally did
7 admit to a sexual relationship as Jane Doe II, was pregnant
8 and Jane Doe I, was confronted by Petitioner's wife about the
9 on going sexual affair, all this relevant information paints a
10 picture of an ongoing sexual relationship between Petitioner,
11 Jane Doe I and Jane Doe II, and not of Rape by force, also note
12 that Jane Doe I, phoned Petitioner some 26-times and Petitioner
13 returned HER PHONE CALLS some 6-times, these conversations were
14 had during the course of their consensual relationship. (CT 100-
15 115). (at Pet. Ex. "A").

17 CONCLUSION:

18 FOR ALL THE FOREGOING PETITIONER PRAYS THAT THIS HONORABLE
19 COURT GRANT THIS MOTION AND FULLY BRIEF THE ATTACHED 2254
20 PETITION FOR WRIT OF HABEAS CORPUS WITH CLAIMS OF INNOCENCE
21 AND SUFFICIENCY OF THE EVIDENCE TO SUSTAIN CONVICTIONS FOR
22 RAPE BY FORCE IN VIOLATION OF PENAL CODE SECTION 261 subd. (a)
23 (2). APPOINT COUNSEL TO ASSIST INDIGENT PETITIONER AND ANY OTHER
24 RELIEF THIS COURT MAY DEEM APPROPRIATE.

25 SEPTEMBER 17 , 2020

Respectfully submitted,


Jose Felipe Velasco
Petitioner

3. Pro Per