

1  
2  
3  
4  
5  
6  
7  
8 IN THE UNITED STATES DISTRICT COURT

## 9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 HARPAL SINGH AHLUWALIA,

11 Petitioner,

No. CIV S-08-CV-01391 GEB CHS P

12 vs.

13 ROBERT AYERS, JR., Warden

14 Respondent.

ORDER

15 \_\_\_\_\_/

16 Petitioner, Harpal Singh Ahluwalia , is a state prisoner proceeding through counsel  
17 with a petition for writ of *habeas corpus* pursuant to 28 U.S.C. § 2254. Petitioner, who is currently  
18 on parole, challenges the constitutionality of his 2003 convictions in the Superior Court of  
19 Sacramento County for soliciting Carlos Ramirez and David Leal to commit the murders of his  
20 estranged wife and her brother, in violation of CAL. PENAL § 653f(b). Petitioner raises five claims  
21 in his petition. First, he claims that his Fifth and Fourteenth Amendment Due Process rights were  
22 violated when his statement, unlawfully obtained through police coercion, was used against him at  
23 trial. Second, Petitioner claims that his Fifth and Fourteenth Amendment Due Process rights were  
24 violated when his post-arrest, post-*Miranda* silence was used against him at trial. Third, Petitioner  
25 claims that his Sixth Amendment right to confrontation was violated when cross examination of  
26 complaining witness Manjit Walia was curtailed. Fourth, Petitioner claims that his Sixth

1 Amendment right to confrontation was violated when damaging hearsay evidence of an unknown  
2 origin was presented at trial through the testimony of an officer witness. Petitioner's final claim is  
3 that he was denied his constitutional right to effective assistance of counsel when, *inter alia*, counsel  
4 failed to conduct necessary pre-trial investigation, failed to adequately cross examine witness Manjit  
5 Walia, and failed to present a defense.

6 According to Petitioner's traverse, video recording of his interrogation was offered  
7 into evidence at trial as People's Exhibit 10. *See* (Traverse at 9). Petitioner now argues, as he did  
8 on appeal, that the written transcript of his interrogation does not adequately reflect its coercive  
9 nature. The video recording, in part, formed the basis for the appellate court's conclusion that  
10 statements made by Petitioner during his interrogation were, in fact, voluntary.

11 In accordance with Rule 7 of the Rules Governing Section 2254 Cases in the United  
12 States District Courts, IT IS HEREBY ORDERED that within ten days from the date of this order  
13 respondent shall lodge a copy of the video recording of Petitioner's interrogation that was part of  
14 the evidentiary record before the California Court of Appeals, Third Appellate District.

15 DATED: July 9, 2010.

16   
17 CHARLENE H. SORRENTINO  
18 UNITED STATES MAGISTRATE JUDGE  
19  
20  
21  
22  
23  
24  
25  
26