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San Quentin State Prison
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To: Elected Representatives of U.S. Legislative Branch and U.S. Citizens.

U.S. Senators U.S. Congress United States Citizens
Senate Office Bldg. House Office Bldg. Press/Civil Rights Organizations
Washington, D.C. 20510 Washington, D.C. 20510 (Individually Addressed)

Dear Citizens,

This is to inform you as United States citizens, of the frauds and embezzlement being perfected against you, your families, and your elected officials. It is my intent to clarify my complaint to demonstrate with indisputable evidence, all allegations presented in (exhibit 1). These acts have created a clear and present threat to the financial stability of The United States of America.

In presenting factual evidence, Statute Law is written and ratified by "you the people" and The United States Constitution. Further, the demanded duty incumbent upon one who obtains vested authority by sworn oath to you the people (sovereignty).

Exhibit 1 presents allegations and (page 8) lists all courts in which these allegations these allegations were made known pursuant to U.S. statutory demands in Title 18 U.S.C. § 04. We will address the issues at bar and adjudication by judicial branch of U.S. Government. It should be noted that legal language has a defined interpretation. With this in mind, the definitions "quoted" are directly copied from Black's Law Dictionary.

Please note that Case, Pattern of Practice, and Presentation, involves capital cases within the State of California, U.S. Districts of California, Ninth Circuit Court of Appeals, U.S. District Court in and for the District of Columbia, U.S. Court of Appeals in and for the District of Columbia, and The United States Supreme Court. Naturally, California state courts, state constitution, state statutory laws, and the treaty(s) between California and The United States of America establish authoritative answers.

The criminal acts by The State of California's criminal justice system, supported by U.S. jurist and justices have created damages to each and every state within the union as well as every taxpayer. It is my intent to outline this complaint, establish elements of crimes by judicial confessions accompanied by indisputable evidence, confessions by U.S. jurist.

See (exhibit 1) complaint outlined, constitution (verbatim) as written! California and U.S. statutes are available as written upon request, online, or at any library. Black's Law Definitions are "in" Blacks Law Dictionary.

The constitutional guaranteed rights to any and all U.S. citizen, is to be able to present a Habeas Corpus / Collateral Challenge to the validity of ANY conviction. This is perfected by the presentation of allegations supported with evidence to establish a prima facie case to the clerk of the courts. Upon filing by the court clerk, the time tolls as to the duties demanded by the constitution. [note: to one in custody, filing is perfected upon placing in possession of correctional officer and/or institutional mail.]

The challenge filed before the court has to be ruled upon as to intake order by dismissal for lack of evidence, frivolous or, a "show cause" order must be issued for prosecution to respond and certify that the conviction is valid, or grant relief. The burden shifts to the prosecution to validate, or the conviction must be dismissed. Failure to comply with demands of writ, statutes, and demands of absolute duties, forfeits ALL jurisdiction, judgment, rulings, convictions, sentences as demanded by law. Please note: [~~Both California's and The United States Constitutions PROHIBIT ANY SUSPENSION OF HABEAS CORPUS.~~] "Habeas Corpus shall NOT be suspended". Further, it is mandatory for a collateral challenge / Habeas Corpus to be FILED as soon as ISSUES are made known to Defense Attorneys and/or the petitioner, or procedural defaults can be argued to preclude issues at bar.

Now, let us view one of at minimum 800 cases of which can be presented. In this case, petitioner did in fact FILE a Habeas Corpus to the State of California's highest court to challenge the validity of said conviction. [exhibit 2] Conformed copy dated by the court as FILED on June 4th, 2008. [exhibit 3] The court's docket sheet dated May 26th, 2010, and [exhibit 4] the court's docket sheet dated July 8th, 2011.

Petitioner acted properly pursuant to BOTH California and United States Constitutional and Statutory Laws. The default by California's Supreme Court who had ALL issues presented and made known, SUSPENDED Collateral Challenge / Habeas Corpus by denial of due process and maintained petitioner in enslavement/involuntary servitude. This violates Constitutionally Guaranteed Rights Under Color of Law; (a violent crime, pursuant to U.S. Criminal Statute Title 18 U.S.C. §95, 241, and 242). Elements of this crime are clearly established as a matter of law. Elements of the conception of crime establishes ALL LEGAL STANDING BEING FORFEITED, at the point of the conception of the crime.

Pursuant to the default by the state's highest court, petitioner FILED to U.S. District Court before Judge Manuel Real. "Notice Petitioner Allowing 90 days for Mandate by State default pursuant to rules". Presenting the same exhibits to the District Court, U.S. Jurist Manuel Real states within his signed order [exhibit 5 dated 11/5/08] see page 5, line 6 through 8 where jurist Real states, "petitioner has not presented issues on direct appeal or through collateral challenge proceedings". This cannot be construed as an inaccurate statement, but must be viewed as PERJURY by a U.S. Jurist / Judge.

Petitioner FILED for rehearing to U.S. District Court (Judge Manuel Real). Clarifying the court's error, further clarifying court's duty as incumbent by oath of appointment. State of California SUSPENDS Collateral Challenge / Habeas Corpus UNTIL AFTER DIRECT APPEAL, (Commission of a Crime), Issues at bar supported with indisputable evidence establishes that conviction was obtained by and through criminal violations of U.S. Constitutional and Statutory Laws. The demands by authoritative answer in U.S. Constitution, U.S. Criminal Statutory Laws invoke demanded duty upon U.S. Jurist to "obey" and grant relief.

On November 24th, 2008, Judge Manuel Real having been informed of the criminal violations which resulted in an illegal death sentence, once again perjured himself by stating on page 3 of [exhibit 6], that petitioner failed to present collateral challenge to the state's highest court, allowing them (court) the fair opportunity of review. One must assume that this judge read the entire pleading as demanded by law, viewed all of the supporting evidence, and obeyed his duties, right?

In this case, there is no-doubt that Judge Manuel Real, A United States Jurist (expert in law), has committed a crime by perjury, conspiracy to deny constitutionally guaranteed rights under the color of law.

[exhibit 6] Page 1, lines 25 through 28; Page 2, lines 1 through 3; Judge Manuel Real clearly establishes issues known to him as criminal acts to obtain illegal conviction and sentence of death.

As the reader, please note that JUDGE Manuel Real is a skilled expert in criminal justice, well educated in law and further honored with the DUTY of appointment. So with great concern as a mere pro-se litigant, a U.S. citizen seeking correction of an illegal conviction and sentence of death, that constitutionally guaranteed rights as demanded by statutory laws, be honored the same way he (Real) demands to be.

Viewing [exhibit 1] pages 3 through 5, all issues were related to Judge Manuel Real, an expert in U.S. Laws, Criminal Justice System, and U.S. Constitution. Further demanding exhaustion when Judge Manuel Real has knowledge of suspension of Habeas Corpus / Collateral Challenge until after Direct Appeal violates the legal principles of law as well as Criminal Statutory Laws of The United States, the very same which jurists are bound by authority to obey. The United States District Court has original jurisdiction, superior authority, and jurisdiction over ALL state courts within the nation. [exhibit 2] however lines 1 through 3 from Judge Manuel Real, proves that he authored perjured statements, stating that. "The Court Lacks Jurisdiction".

It should be noted, that exhaustion demands as it relates to state courts (commity), only apply to mistakes and inadvertant errors. At NO point in law, are U.S. citizens required to have the perpetrator of the alleged crime(s) to correct. Simply put, the conception of a crime (once conceived and established), demands by duty, judicial branch corrections.

Failure of higher courts to correct lower courts' illegal actions delay the corrective forum and authoritative answer/demand of U.S. Constitution and Statutory Law, and further contaminates the legal system, encouraging criminal abuses of vested authority.

Viewing [exhibit 1] page 2, statutes (verbatim); definitions "prohibit", "suspend", claerly and concisely demand in legal verbage as the legislators' intent demands. The judicial branch has NO authority to create statutory laws nor to amend the constitution. This duty is incumbent upon legislative branch. The constitutional and statutory laws are a demand to both executive branch, and judicial branch to obey. Clearly, legislators through U.S. Constitution and Statutory Laws establish legal intent as to duty, compliance, which IS demanded upon those with vested authority.

[Exhibit 7] Court order by Judge Manuel Real (barring appellate review), motion to proceed in forma pauperis. Clearly barring meaningful access to courts. [Exhibit 8] Ninth Circuit Court of Appeals (denies certificate of appealability).

[Exhibit 9] Writ of Mandamus FILED in U.S. Court of Appeals 9th Circuit which raises ALL issues at bar. The courts' DENIAL clearly establishing a 13 year long delay is NOT prejudicial for one to be false imprisoned at cost to taxpayers. However, to SUSPEND Habeas Corpus for Collateral Challenge is conception of a crime. [Exhibit 10] Denial of motion for rehearing.

[Exhibit 11] Court order dated June 25th, 2010 denying Writ of Habeas Corpus by U.S Jurist Manuel Real. Judge Real clearly establishes HIS knowledge and facts presented, and then claims that state courts have not been presented with a fair opportunity to review. Judge Manuel Real has acted with knowledge and intent to DENY constitutionally-guaranteed rights under color of law.

Judge Manuel Real is well aware as an expert in law, that California failed ALL certification of A.E.D.P.A. which legislators created (Title 28 U.S.C. §2264(a) to demand compliance with U.S. Constitution by "excluding exhaustion when state actions violate U.S. Constitution and / or Statutory Laws of the United States. This was created in the establishment of A.E.D.P.A. and specifically for capital cases.

Further noted, Judge Manuel Real has a longstanding list of deliberate bad acts, complaints, and abuses of authority as well as criminal abuses. This U.S. jurist clearly believes himself to be ABOVE THE LAW, all along committing felony violations of U.S. Laws and Treaties.

The State of California has established a "pattern of practices" which intentionally violates the U.S. Constitution and Statutory Laws. Further, this standard of practice violates California's own constitution and statutory laws. The Supreme Court promulgated new laws, rules with which they lack any authority. This is well presented in [exhibit 1], also in all cases. The cost to U.S. taxpayers is trillions of dollars --- taking into account, that they've prospered from this now for some 30 years. How is it possible? Judge Manuel real is but one example, yet , he is NOT ALONE. This cover up is clearly supported by U.S. Jurists within the Ninth Circuit, U.S. District of Columbia, and United States Supreme Court. View [exhibit 12] certificate of appealability FILED to Chief Justice Roberts. Yes! Denied by Roberts' through his clerk or staff attorney.

The petitioners in this case and cause have acted diligently to obtain both relief, and corrections of illegal state process which violates BOTH U.S. and California's constitutions and statutory laws and treaties.

Complaint filed pursuant to 42 U.S.C. §1983, 28 U.S.C. §1651(a), §2241-2242, and 18 U.S.C. §241 and §242; pursuant to court rules and statute demands. See [exhibit 13] all issues at bar are clearly presented to Judge Ronald Whyte, U.S. Jurist by "Oath of Appointment of Office". See [exhibit 13] page 3, lines 7-13. The judge clarifies his knowledge of California's violations of U.S. Constitutional and Statutory Laws, but deems this "unfortunate" while supporting the illegal acts. Further demanding his vested authority for petitioners et al. to exhaust through an illegal entity, violates U.S. law, accepting suspensions of all collateral challenges for 20 to 30 years. Then, this jurist might be willing to consider corrections. The Ninth Circuit BARRED Review prior to any Notice of Appeal, ex-parte communications at their best. "Just call the Court of Appeals and BAR review since we judges can control, cover up, and support a profitable deal for our states' coworkers". [Exhibit 14] Order by The Ninth Circuit prior to filing Notice of Appeal or Transfer of Records.

[Exhibit 15a, 15b, 15c] U.S. Jurist claim to be under directives of The United States Supreme Court, to create procedural mazes, obstacles, delays, and violate U.S. Constitution and U.S. Statutory Laws. This is not surprising in our judicial system, view exhaustion attempts ORDERED by U.S. Supreme Court for California Supreme Court. [Exhibit 16].

Viewing [exhibit 17], The U.S. Supreme Court NOTICING of docketing of case No. 11-5642, FILED April 25, 2011. Placed on docket pn August 4th, 2011. [Exhibit 18] Court's Docket Sheet establishes the Attorney for Respondents (U.S. Jurist, et al) is the U.S. Solicitor General's Office, Attorney Donald B. Verrilli. [Exhibit 19] WAIVER OF RESPONSE by Donald Verrilli to present ANY opposition to the allegations presented to the court.

We now place NOTICE upon the Executive Branch who owes a duty to the sovereignty, the people, the constitution, and statutory laws ratified by the people. This duty is not, nor can it ever be to the Judicial Branch.

These issues at bar violate the U.S. Constitution, U.S. Statutes, and United States Treaties with which the Executive Branch has absolute duty to prosecute the violators.

Please note [exhibit 1] attached, the State Supreme Court's created documents which clearly demonstrate the promulgation of new laws, rules which violate the U.S. and State Constitutions and statutory laws. This pattern of practice can be established in excess of 30 years as well as supported by a June 6th 1989 admission by California Supreme Court. This ~~illegal entity is perpetrated against a minority class of U.S. Citizens~~ for financial gain, federal subsidization and has depleted the resources of The United States economy.

To obtain vested powers by oath of appointment, and then utilize them to violate constitution and laws of the vester of powers IS an act of treason.

To terminate this criminal enterprise would restore education to children, cut the deficit as well as create jobs. Civil war will result from failure to take extreme corrective measures and terminate this FRAUD against citizens of The United States.

Viewing Judge Manuel Real's actions/orders, the failure to perfect absolute duties can only be deemed as criminal violations of U.S. Laws. The cost of litigation is extremely high, so who would ORDER creations of obstacles, delays and suspensions of Habeas Corpus to further drive up legal costs? A collateral challenge where the authoritative answer is presented, SAVES LEGAL COSTS to the courts, prosecutors, defense, and most importantly, to U.S. Taxpayers. Furthermore, it is the demanded legal process within our criminal justice system, within the demands of all legal principles. Of course U.S. Jurists know this, viewing Phelps v. Alamedia (2009) US APP. Lexis 13685; U.S. Jurist Stephen Reinhardt clarifies U.S. jurist are BARRED from perfecting their duties by U.S. Supreme Court's directives and create procedural mazes, obstacles, delays. This is in spite of demanded absolute duties and obligations of U.S. Jurists to address issues which clearly state that the petitioner(s) is/are enslaved in violation of United States Constitution, United States Laws by Illegal Conviction.

This can be viewed on computer, cases on file with courts' public records. Your legislators have been served. It is time to make corrections. Jobs, homes, education, health care have been robbed from you by these frauds. Viewing the records contained within corrections have been sought in a procedurally correct legal forum. (Picture a bank, U.S. Economy / Federal Subsidization: Now, the bank robber who robs the bank; State Violations of Constitutional and Statutory Laws intentionally for financial gain: The bank reports the "robbery" to the cops (U.S. Courts), who now advise the bank to take back that which has been stolen from them). Notice as U.S. Citizens Executive Branch continuing to raise fines of all types, costs for parking, services, EVERYTHING! But to terminate their OWN fraud, violations of absolute duties and the laws, is beyond their abilities.

92% of California's Capital Cases are REVERSED at the trial level. 73.1% to 82.1% of California's Supreme Court rulings are in error and reversed (by a quorum of 7 experts in law, and only in capital cases). These error rates are intentional. These FACTS substantiated by 7 unrelated comparative studies, all producing the same figures above. This presents a serious issue as a matter of law. The U.S. Courts have knowledge of these facts and have participated in Statute Resolution #44, a commission Report/Study created by The State Of California Legislators. Thus far, NO corrections have been made. See www.ccfaj.org.

The Legislative Branch of The State of California is well aware if these issues at bar and this INCLUDES the deliberate SUSPENSION OF HABEAS CORPUS. These criminal acts are perfected to create delays for 20-30 years to defraud U.S. Taxpayers. California's Governor Edmund "can't remember the truth" Brown, as California's State Attorney General prior to becoming Governor, participated in and signed recommendations in the State's Commission Report found at www.ccfaj.org. The corrections implemented ... NONE! naturally, Governor Brown is only concerned with helping the State of California and creating higher burdens for its citizens.

Request answers, demand explanations, accountability for creating all the undue burdens and costs to all U.S. Taxpayers.

Should you request, any and all exhibits will be made available to you by written notice. Time is running out. How much more abuse will you take? Thank you for your time and effort in this case and cause. Please help yourselves and please notice the credibility in question is not of the petitioners. All allegations can be proven with indisputable evidence --- all created by the courts themselves.

Respectfully Submitted,

September 15th, 2011

 Theodore Shove
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 Dated

Plaintiff Pro-Se
www.deathrowinmate.org
www.ccfaj.org

EXHIBITS

- 1.) Outlined complaint to U.S. Legislators / Solicitor General.
- 2.) Conformed coversheet to FILED Habeas Corpus / Relief
- 3.) Cal. Supreme Court's Docket Sheet dated 2010
- 4.) Cal. Supreme Court's Docket Sheet dated 2011

- 5.) U.S. District Court's ORDER dated Nov. 5, 2008

- 6.) U.S. District Court's ORDER dated Nov. 24, 2008
- 7.) U.S. District Court's ORDER dated Dec. 11, 2008
- 8.) Ninth Circuit Court of Appeals ORDER dated Mar. 24, 2009
- 9.) Ninth Circuit Court of Appeals ORDER dated Jul. 28, 2010
- 10.) Ninth Circuit Court of Appeals ORDER dated Dec. 1, 2009
- 11.) ORDER Denying Habeas Corpus dated Jun. 25, 2010
- 12.) Certificate of Appealability FILED to Justice Roberts (U.S.S.C.)
- 13.) ORDER by U.S. District Court Judge Ronald Whyte
- 14.) ORDER by Ninth Circuit Court of Appeals DENYING APPEAL "prior" to Filing of Notice of Appeal.
- 15.) 15.a ORDER by U.S. District Court for The District of Columbia
15.b ORDER Denying Relief (Id.)
15.c ORDER Denying Motion for Rehearing (Id.)
- 16.) State Package
- 17.) U.S. Supreme Court ORDER Accepting Certiorari
- 18.) U.S. Supreme Court's Docket Sheet (Id.) exhibit 17
- 19.) WAIVER by U.S. Solicitor General to respond to Issues at Bar before the U.S. Supreme Court (Id.) exhibit 17