

Name Robert A. GibbsAddress 90 Shasta County Jail1655 West St.Redding, CA. 96001CDC or ID Number Shasta Co. Jail #510503Shasta County Superior Court1500 Court St. Redding, CA. 96001

(Court)

Robert A. Gibbs

Petitioner

entity known as "Shasta County", Shasta
 Co. Sheriff Tom Bosenko, Shasta Co. Superior
 Court, "County Clerk of Shasta" et.al.

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 need file only 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 four copies of the petition and, if separately bound, one copy of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and ten copies of the petition and, if separately bound, two copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.
- In most cases, the law requires service of a copy of the petition on the district attorney, city attorney, or city prosecutor. See Penal Code section 1475 and Government Code section 72193. You may serve the copy by mail.

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.

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This petition concerns:

- A conviction
- A sentence
- Jail or prison conditions
- Parole
- Credits
- Prison discipline

Other (specify): Denial of reasonable access to the Court.

1. Your name: Robert A. Gibbs

2. Where are you incarcerated? Shasta County Jail

3. Why are you in custody? Criminal Conviction Civil Commitment pre-trial.

Answer subdivisions 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").

Alleged Criminal threats

b. Penal or other code sections: 422 p.c.

c. Name and location of sentencing or committing court: Shasta County Superior Court.
1500 Court St. Redding, CA. 96001

d. Case number: unk.

e. Date convicted or committed: Arrest date: 9/11/2015

f. Date sentenced: N/A

g. Length of sentence: N/A

h. When do you expect to be released? unk.

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

Consistently under-represented by colluding, incompetent County employed "Conflict Counsel".

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 four. For additional grounds, make copies of page four and number the additional grounds in order.) Entity Known as "Shasta County", Entity Known as "Shasta County Superior Court", Shasta Co. Sheriff Tom Bosenko, "Shasta Co. Superior Court", Shasta Co. Jail personnel et al. are denying reasonable and timely access to the superior court by unreasonable policies that needlessly complicate and delay the filing of time-sensitive documents such as motions, requests for subpoenas and Habeas Corpus, in violation of my right under the 1st Amendment to the U.S. Const. to a "redress of grievance" with my government as well as the 14th Amend. to the U.S. Const. right to due process, and the 8th Amend. to the U.S. Const. right to equal protection.

a. Supporting facts:

Tell your story briefly without citing cases or law. If you are challenging the legality of your conviction, describe the facts upon 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.) Shasta County government officials (listed above) are unreasonably denying access to the Superior Court of Shasta Co. by instituting policies which unreasonably and needlessly complicate and delay the filing of court documents by defendants incarcerated pre-trial in the jail, failing to institute secure document handling by jail staff, failing to follow "chain of custody" standards for documents, losing documents, refusing to copy documents or issue receipts or time-stamps for documents and generally creating policies and practices that place undue and unreasonable burdens upon defendants to file documents successfully with the court. Jail personnel and court clerks office refuse to allow defendants to file directly through the jail, even though the jail has regular and secure inter-office mail with the court (which stands approx. 500 Ft. from the jail) thereby forcing defendants to use the U.S. mails (which in Shasta County means having mail routed through Sacramento which causes several days needless delay and caused a break in reasonable chain of custody for documents). Documents are often lost and or somehow "not received" by the court clerk, causing weeks of delay to refile. There are no secure mail boxes in the housing units at the jail, instead officers carry mail in their pockets and is often "lost". Deputies go home with mail in their pockets. The county clerks office often does not return time-stamped documents as receipt of successful delivery causing unreasonable doubt in defendants. The overall effect of these policies and mis-handling of documents is a severe and unreasonable denial of access to the court. Relief Sought: an immediate review of county policies and a change of any policy which delays, denies or discourages the lawful access to the court by defendants, including a policy favoring direct access to the court by use of secure inter-office mail, the use of receipting, initialing, chain of custody and return receipt of time-stamped document procedures, secure out-going mail procedures etc. NO-ONE ELSE'S mail privileges are curtailed in the entire county system. Defendants are discriminated against by having a more restrictive system and there is no penalological or judicial interest. It is arbitrary and violates the right to equal protection.

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.) 1st Amend. to the U.S. Const. (right to a redress of grievance with government). Authority Cited. 14th Amend. to the U.S. Const. (right to due process) Authority Cited. 8th Amend. to the U.S. Const. (right to equal protection) Authority Cited.

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 Dept. of Superior Court"):

b. Result _____

c. Date of decision: _____

d. Case number or citation of opinion, if known: _____

e. Issues raised: (1) _____

(2) _____

(3) _____

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

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

a. Result _____

b. Date of decision: _____

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

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:

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 [125 Cal.Rptr. 286].) Explain what administrative review you sought or explain why you did not seek such review:

Shasta County Jail has no meaningful grievance system (I have current Habeas Corpus addressing this issue), mail policies are both Jail and Court policies, grievance will not force Jail to alter policy, Complained to Sergeant level (one level below final) to no avail. Issue needs to be decided by the Sup. Court who can address constitutional aspects.

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 _____
 (2) Nature of proceeding (for example, "habeas corpus petition"): _____
 (3) Issues raised: (a) _____
 (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.)
 none

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:
 Habeas Corpus

18. If this petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court
 this petition is to Sup. Court

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: May 7th, 2017

Robert A. Gibbs
 (SIGNATURE OF PETITIONER)