

Name Robert A. Gibbs
Address Shasta County Jail # 510503
1655 West St.
Redding, CA. 96001
CDC or ID Number 510503

Shasta County Superior Court
1500 Court St. Redding CA.
(Court)

PETITION FOR WRIT OF HABEAS CORPUS

Robert A. Gibbs
Petitioner
entity known as "Shasta County", "Shasta
County Conflict Counsel," Jeff Jens, Adam Ryan,
Respondent Jason Moore et.al.

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.

This petition concerns:

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

Other (specify): Ineffective assistance of Counsel, denial of right to pre-trial investigative services, denial of right to discovery, denial of right to a fair and speedy trial.

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 l. 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.

d. Case number: UNK. 96001

e. Date convicted or committed: Arrest: 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:

Assigned counsels in Shasta County are regularly ineffective due to poor adherence to professional standards, heavy case loads, politics.

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.) Shasta County, Shasta County Conflict defenders, Attorneys Jeff Jens, Attorney Adam Ryan, Investigator Jason Moore are violating my right to effective assistance of counsel, right to pre-trial investigative services, right to discovery, right to a fair and speedy trial, by refusing to investigate exculpatory claims of this defendant in preparation for trial, refusing to make requests for discovery, refusing to perform their pre-trial preparation obligations to this defendant in a timely manner consistent with my right to a fair and speedy trial.

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 Conflict Defenders", Attorneys Jeff Jens, Adam Ryan and Investigator Jason Moore are refusing to properly prepare my defense in a timely manner which violates my Constitutional rights to effective assistance of counsel, right to investigatory services, right to fair and speedy trial. Despite two 60 day Continuances, Attorney Adam Ryan and Investigator Jason Moore have spent only sixty minutes each in consultation with me, have prepared no reports, have failed to stay in contact with me, have ignored repeated requests for updates and for meetings to discuss the case, have not spoken to pertinent witnesses, have not made pertinent document requests, have not requested known and pertinent discovery, refuse to make justified and lawful Pitchess motion, refuse to adequately investigate exculpatory claims. This comes after the court replacement of my last lawyer after 15 months of that lawyer refusing to prepare and to make motions. This refusal to effectively represent leads to an extreme level of resentment and contention between myself and counsel which only complicates matters. "Shasta County Conflict defenders" supervising attorney Jeff Jens and Superior Court Judge Dan Flynn have been made aware of this situation and refuse to take action to safeguard my rights. I have been essentially forced by the court (for 20 months) to either go forward with absolutely no prepared defense or to remain in custody and to waive time. I would note for the record, that in my case, I have repeatedly accused Shasta County of the routine violation of defendants rights, have made motions to Dismiss for Constitutional deficiency, have attempted twice to recuse Judge Dan Flynn for Bias and failure to protect my rights, have alleged dismal under-representation by at least 5 lawyers, have alleged an unlawful denial of Bail and exploitation of my custodial hardship, abuse and neglect in the Jail and numerous other violations of my statutory and Constitutional rights, All of which have been ignored by the court and "Shasta County". Relief sought: I am seeking the immediate replacement of Atty Adam Ryan and Investigator Jason Moore, a fair and impartial Bailor. Hearing by a Judge other than Judge Dan Flynn in an administrative review of my case for misconduct/violation of rights and a hearing on this petition by a Judge other than Judge Dan Flynn.

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.)

Violation of my right to effective Assistance (6th Amend. to the U.S. Const. - Authority Cited) Violation of my right to investigative services (6th Amend. to the U.S. Const. - Authority Cited) Violation of my right to Due process - fair and speedy trial (14th Amend. to the U.S. Const. - Authority Cited) Cal Penal Code 859, 860, 861 (right to speedy trial - Authority Cited).

Judge Dan Flynn's refusal for 20 months to address my complaints of ineffective assistance and the refusal of numerous counsel to adequately prepare for trial, has virtually guaranteed that I will not receive a fair trial. Judge Flynn has failed to safeguard my rights and has insured a skewed outcome, by allowing counsel to fail for so long to investigate exculpatory evidence. After 20 months (even if Flynn ordered immediate investigation) it is very doubtful that witnesses' statements would be credible due to degraded memory. Some witnesses would be testifying to conversations (memories of which degrade faster than events) that are nearly two years old. Others are witnesses of events that are three and four years old and growing older by the day.

a. Supporting facts:

My cases are from 2013 (March) Fish and Wildlife (now 4 years and two months old) 2014 (nearly three years old) and 2015 (nearly two years old). Much of what witnesses would testify to are conversations (which degrade in memory more quickly than events) therefore placing this defendant at an unfair advantage to prove his case. Despite complaining of this failure to investigate my claims in a timely manner in numerous letters to lawyers, writs and Marsden hearings, Judge Dan Flynn has refused to take any action whatsoever to ensure my right to fair trial. Judge Flynn is also aware of my claims that some witnesses are lying to deflect from and interfere unlawfully with a federal lawsuit against Shasta County and that Judge Flynn is (intentionally or otherwise) allowing them to interfere with this suit, which is a federal felony. What we have is a Mexican stand-off whereby I have a viable and serious claim of civil rights violations against the County in federal court. While the County does exploit my custodial handicap, deny my right to fair trial or any fair conclusion to my current case and ultimately insure that my federal case cannot go forward. The Judge protects the ineffective, colluding lawyers, who collude with the County prosecutor who is attempting to deflect from actions of Sheriff's Deputies and Fish and Wildlife officers who brutally false arrested me. Meanwhile, I have been denied meaningful bail and have been retaliated against and abused by Sheriff's Correctional Deputies in the jail. I am being denied mental health care and programming in the jail. I am also being denied a meaningful grievance process (officers deny forms, lose forms, make non-answers skirt issues, deny arbitrarily etc.). Relief Sought: I am seeking the recusal of Judge Dan Flynn for bias and failure to safeguard my rights, the immediate assignment of counsel Adam Ryan and investigator Jason Moore, the dismissal of all charges for constitutional deficiency, an administrative review of my case for constitutional violations, a fair and impartial bail/D.R. hearing before a Judge other than Judge Dan Flynn and a hearing on this petition by a Judge other than Judge Dan Flynn.

b. Supporting cases, rules, or other authority:

Violation of 6th Amend. to U.S. Const. right to effective assistance of counsel - Authority Cited. Violation of 6th Amend. right to investigative services - Authority Cited. Violation of 14th Amend. right to due process (Fair and Speedy trial) - 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 pre-trial c. Date of decision: NIA

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

e. Issues raised: (1) NIA

(2) _____

(3) _____

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

NIA

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

a. Result NA b. Date of decision: _____

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

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:

NIA

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:

numerous letters to counsel, grievances, marsten hearings.

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 Shasta County Superior Court

(2) Nature of proceeding (for example, "habeas corpus petition"): Habeas

(3) Issues raised: (a) Ineffective Assistance of Counsel

(b) Court Bias / Failure to insure Due process (Fair and Speedy trial)

(4) Result (Attach order or explain why unavailable): denied

(5) Date of decision: unk.

b. (1) Name of court N/A

(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
Courts have mostly denied hearing right instead summarily dismissing claims.

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.)
no delay.

16. Are you presently represented by counsel? Yes. No. If yes, state the attorney's name and address, if known:
I cannot call being virtually ignored and consistently opposed by counsel as "representation"

17. Do you have any petition, appeal, or other matter pending in any court? Yes. No. If yes, explain:
Habeas for denial of medical care, abuse in Jail.

18. If this petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court:
am making to lowest level (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 2nd, 2017

Robert A. Gibbs
(SIGNATURE OF PETITIONER)