FILED
CLERK, U.S. DISTRICT COURT
JUL 28 2010
CENTRAL DISTRICT OF CALIFORNIA
BY DEPUTY

Fee Due

MICHAEL CHIA
NAME
F-03496
PRISON IDENTIFICATION/BOOKING NO.
CALIFORNIA MEN'S COLONY EAST
ADDRESS OR PLACE OF CONFINEMENT
P.O. BOX 8101
SAN LUIS OBISPO, CA 93409

Note: It is your responsibility to notify the Clerk of Court in writing of any change of address. If represented by an attorney, provide his name, address, telephone and facsimile numbers, and e-mail address.

530

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MICHAEL SU CHIA
FULL NAME (*Include name under which you were convicted*)
Petitioner,

v.

JOHN MARSHALL, WARDEN
NAME OF WARDEN, SUPERINTENDENT, JAILOR OR AUTHORIZED PERSON HAVING CUSTODY OF PETITIONER
Respondent.

LODGED
CLERK, U.S. DISTRICT COURT
JUL 23 2010
CENTRAL DISTRICT OF CALIFORNIA
DEPUTY

CASE NUMBER:
CV 10-05595 RSWL (OP)
To be supplied by the Clerk of the United States District Court

☐ _____ AMENDED

PETITION FOR WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY
28 U.S.C. § 2254

PLACE/COUNTY OF CONVICTION LOS ANGELES
PREVIOUSLY FILED, RELATED CASES IN THIS DISTRICT COURT (*List by case number*)
CV 97-5199-RSWL (RZ)
CV

INSTRUCTIONS - PLEASE READ CAREFULLY

1. To use this form, you must be a person who either is currently serving a sentence under a judgment against you in a California state court, or will be serving a sentence in the future under a judgment against you in a California state court. You are asking for relief from the conviction and/or the sentence. This form is your petition for relief.
2. In this petition, you may challenge the judgment entered by only one California state court. If you want to challenge the judgment entered by a different California state court, you must file a separate petition.
3. Make sure the form is typed or neatly handwritten. You must tell the truth and sign the form. If you make a false statement of a material fact, you may be prosecuted for perjury.
4. Answer all the questions. You do not need to cite case law, but you do need to state the federal legal theory and operative facts in support of each ground. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit a legal brief or arguments, you may attach a separate memorandum.
5. You must include in this petition all the grounds for relief from the conviction and/or sentence that you challenge. And you must state the facts that support each ground. If you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.
5. You must pay a fee of $5.00. If the fee is paid, your petition will be filed. If you cannot afford the fee, you may ask to proceed *in forma pauperis* (as a poor person). To do that, you must fill out and sign the declaration of the last two pages of the form. Also, you must have an authorized officer at the penal institution complete the certificate as to the amount of money and securities on deposit to your credit in any account at the institution. If your prison account exceeds $25.00, you must pay the filing fee.
6. When you have completed the form, send the original and two copies to the following address:

Clerk of the United States District Court for the Central District of California
United States Courthouse
ATTN: Intake/Docket Section
312 North Spring Street
Los Angeles, California 90012

PLEASE COMPLETE THE FOLLOWING: (*Check appropriate number*)

This petition concerns:

1. ☒ a conviction and/or sentence.
2. ☐ prison discipline.
3. ☐ a parole problem.
4. ☐ other.

PETITION

1. Venue

   a. Place of detention California Men's Colony

   b. Place of conviction and sentence City of Pasadena, County of Los Angeles.

2. Conviction on which the petition is based *(a separate petition must be filed for each conviction being attacked).*

   a. Nature of offenses involved *(include all counts)*: Murder in the first degree, 2 counts; Attempted murder; robbery; conspiracy.

   b. Penal or other code section or sections: Penal Codes 187(a); 664/187; 211; 182.

   c. Case number: A576188

   d. Date of conviction: 9/27/05

   e. Date of sentence: 10/15/05

   f. Length of sentence on each count: 25 years to life+25 years to life+11 years. For a total of 61 years to life.

   g. Plea *(check one)*:

   ☒ Not guilty

   ☐ Guilty

   ☐ Nolo contendere

   h. Kind of trial *(check one)*:

   ☒ Jury

   ☐ Judge only

3. Did you appeal to the California Court of Appeal from the judgment of conviction? ☒ Yes ☐ No

   If so, give the following information for your appeal *(and attach a copy of the Court of Appeal decision if available)*:

   a. Case number: B186803

   b. Grounds raised *(list each)*:

   (1) Insufficiency of evidence.

(2) Excessive use of computer animation

(3) Presence of large number of law enforcement officers at trial.

(4)

(5)

(6)

c. Date of decision: 10/23/07

d. Result Judgment affirmed

4. If you did appeal, did you also file a Petition for Review with the California Supreme Court of the Court of Appeal decision? ☒ Yes ☐ No

If so give the following information *(and attach copies of the Petition for Review and the Supreme Court ruling if available)*:

a. Case number: S 158682

b. Grounds raised *(list each)*:

(1) Same as above.

(2)

(3)

(4)

(5)

(6)

c. Date of decision: 1/30/08

d. Result DENIED.

5. If you did not appeal:

a. State your reasons N/A

b. Did you seek permission to file a late appeal? ☐ Yes ☐ No

6. Have you previously filed any habeas petitions in any state court with respect to this judgment of conviction?

☒ Yes ☐ No

If so, give the following information for each such petition *(use additional pages if necessary, and attach copies of the petitions and the rulings on the petitions if available)*:

a. (1) Name of court: Los Angeles Superior Court

(2) Case number: A576188

(3) Date filed *(or if mailed, the date the petition was turned over to the prison authorities for mailing)*: 4/21/09

(4) Grounds raised *(list each)*:

(a) The presence of large number of DEA agents during trial

(b) with additional factual support that differentiated from ~~the claim raised in the direct appeal.~~

(c)

(d) The Superior Court lacked jurisdiction to retry the case.

(e)

(f)

(5) Date of decision: 10/28/09

(6) Result DENIED

(7) Was an evidentiary hearing held? ☐ Yes ☒ No

b. (1) Name of court: California Court of Appeal, Second Appellate District.

(2) Case number: B 220255

(3) Date filed *(or if mailed, the date the petition was turned over to the prison authorities for mailing)*: 11/9/09

(4) Grounds raised *(list each)*:

(a) Same as above.

(b)

(c)

(d)

(e)

(f)

(5) Date of decision: 12/03/09

(6) Result DENIED

(7) Was an evidentiary hearing held? ☐ Yes ☒ No

c. (1) Name of court: California Supreme Court

(2) Case number: S 179292

(3) Date filed *(or if mailed, the date the petition was turned over to the prison authorities for mailing)*: 12/21/09

(4) Grounds raised *(list each)*:

(a) Same as above.

(b)

(c) _____

(d) _____

(e) _____

(f) _____

(5) Date of decision: 7/14/10

(6) Result Denied

(7) Was an evidentiary hearing held? ☐ Yes ☒ No

7. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than five grounds. Summarize briefly the facts supporting each ground. For example, if you are claiming ineffective assistance of counsel, you must state facts specifically setting forth what your attorney did or failed to do.

CAUTION: *Exhaustion Requirement*: In order to proceed in federal court, you must ordinarily first exhaust your state court remedies with respect to each ground on which you are requesting relief from the federal court. This means that, prior to seeking relief from the federal court, you first must present all of your grounds to the California Supreme Court.

a. Ground one: Please see Page 8, ARGUMENT I

(1) Supporting FACTS: _____

(2) Did you raise this claim on direct appeal to the California Court of Appeal? ☐ Yes ☒ No

(3) Did you raise this claim in a Petition for Review to the California Supreme Court? ☐ Yes ☒ No

(4) Did you raise this claim in a habeas petition to the California Supreme Court? ☒ Yes ☐ No

b. Ground two: Please see page 11, ARGUMENT II

(1) Supporting FACTS: _____

(2) Did you raise this claim on direct appeal to the California Court of Appeal? ☐ Yes ☒ No

(3) Did you raise this claim in a Petition for Review to the California Supreme Court? ☐ Yes ☒ No

(4) Did you raise this claim in a habeas petition to the California Supreme Court? ☒ Yes ☐ No

c. Ground three: Please see Page 12, ARGUMENT III.

(1) Supporting FACTS: This is taken from ARGUMENT II of THE PETITION FOR REVIEW to California Supreme Court in direct appeal

(2) Did you raise this claim on direct appeal to the California Court of Appeal? ☒ Yes ☐ No

(3) Did you raise this claim in a Petition for Review to the California Supreme Court? ☒ Yes ☐ No

(4) Did you raise this claim in a habeas petition to the California Supreme Court? ☐ Yes ☒ No

d. Ground four: N/A

(1) Supporting FACTS:

(2) Did you raise this claim on direct appeal to the California Court of Appeal? ☒ Yes ☐ No

(3) Did you raise this claim in a Petition for Review to the California Supreme Court? ☒ Yes ☐ No

(4) Did you raise this claim in a habeas petition to the California Supreme Court? ☐ Yes ☒ No

e. Ground five: N/A

(1) Supporting FACTS:

(2) Did you raise this claim on direct appeal to the California Court of Appeal? ☐ Yes ☐ No

(3) Did you raise this claim in a Petition for Review to the California Supreme Court? ☐ Yes ☐ No

(4) Did you raise this claim in a habeas petition to the California Supreme Court? ☐ Yes ☐ No

INTRODUCTION

In the retrial that followed a Ninth Circuit Court of Appeals' order granting which, petitioner was again found guilty of all charges by the jury. Petitioner was charged as a conspirator, as well as aider and abettor, to the robbery and murder of DEA agents during an undercover operation that ended in the tragic deaths of two DEA agents and the wounding of a third. Because petitioner was not present at the scene of the actual shooting, nor was he observed joining in the planning with the main target of the undercover operation, the focus of the trial came to be to interpret, and to discern a purpose, the movements and behavior of petitioner during the time leading up to the shooting. The State's theory was that because petitioner's movements and behavior were consistent with one who was acting as a lookout or otherwise conducting counter-surveillance, he is guilty of the charged offenses. Petitioner, on the other hand, presented evidence that his actions were oriented to extricate his friend, William Wang, from associating with Kow, who at the time was unknown to petitioner except by reputation as a dangerous drug dealer. Petitioner believed, from what Wang said the plan was suppose to be and thought it implausible, regard it as merely a ruse contrived by Kow to test Wang's willingness to take part in serious criminality. Wang, who alone survived the shooting, gave testimony revealing his interactions with Kow and with petitioner, and the intended purpose behind petitioner's actions. Against this backdrop the retrial proceeded.

ARGUMENT I

THE PRESENCE OF A LARGE NUMBER OF DEA AGENTS IN THE AUDIENCE DURING PETITIONER'S TRIAL IMPERMISSIBLY INFLUENCED THE JURY AND VERDICT.

During the course of the trial, a great deal of DEA agents and members of other law enforcement agencies[1/], showed up to observe the trial. These agents' presence was conspicuous and constant. On the first day of the trial, when the jury returned from its very first lunch break after being sworn in, more than 40 agents filled the courtroom. As the jurors entered the courtroom, all the agents stood in unison as if on cue, with eyes fixed on the jurors. In a single file, the jurors walked through the wall of staring eyes. With this show of force they had made their presence known and set themselves clearly apart from members of petitioner's family who remained seated, as awestruck as the jurors had been. In the next recess and outside of the presence of the jury, the trial court instructed the agents not to stand when the jury comes in or goes out. The court then noted that it had already talked to counsel about this. (7RT. 2799) Out of the 16 days of proceedings in which the jury was present, petitioner recalls on at least 6 days (8/18, 9/14, 9/16, 9/19, 9/21, and 9/22) there were approximately 40 or more agents observing the trial. Of the other ten days, most were attended by15 to 20 agents and some 5 to 10 agents attended the trial. On 8/23/05, defense counsel reported to the court his observation that 15 to 20 agents

1. Because the vast majority of these spectators were DEA agents, petitioner will from here on refer to the whole of law enforcement personnel's presence as the agents or the DEA agents.

were standing around the jurors in the hallway during breaks. (10RT. 3651).

The presence of these agents en mass in the spectator gallery, and the hallway before it was discovered, pressured the jury to return a guilty verdict. Federal law enforcement agencies such as the DEA enjoy widespread admiration from the general public. Through popular media portrayal, its agents have a reputation of being competent, incorruptible, and tenacious. The prosecution exploited this image to the fullest measure.

By the sheer number and duration there is little doubt the agents' presence was by design.[2/] Its purpose was to overawe the jury. Loud and clear were the messages: the Drug Enforcement Administration is emphatically behind the prosecution of petitioner and that it is willing to go to great length to ensure petitioner's conviction. Their presence said to the jury, who had not been told why petitioner was having a retrial, that we know petitioner to be guilty or we would not have devoted such resources. In this case where the defense was built around reasonable doubt, the influence of such show of force was simply impossible to resist. Suppose the jurors did find the evidence to suggest a reasonable doubt, how do they follow the law when so many agents, representing a powerful and fearsome agency, seemed so intent on seeing petitioner convicted? How does an ordinary citizen not feel concerned about themselves becoming the new focus of DEA's fury?

2. Petitioner here alleges that the agents' presence were engineered by the government, that the agents were essentially "assigned" to attend the trial. Petitioner asks this Court to permit discovery and an evidentiary hearing to support his claim.

The jury in this case was impermissibly influenced in its ability to function properly and had been intimidated into a guilty verdict. In support of this argument petitioner would like to call this Court's attention to the Ninth Circuit's decision in Musladin v. Lamarque, 427 F.3d 653 (2005) and the Supreme Court's subsequent reversal in the same case, Carey v. Musladin, 2006 DJDAR 16061. In reversing, the Supreme Court held that only state-sponsered courtroom practices (as oppose to private-actor courtroom conduct objected to in Musladin's trial) is settled law in the Court's jurisprudence. Here, petitioner alleges just that: it was the state, in conjunction with DEA's top brass, who designed the strategy. As Justice Kennedy said in his concurring in Musladin: "Trials must be free from a coercive or intimidating atmosphere. This fundamental principle of due process is well established." This Court is also invited to look at Woods v. Dugger, 923 F.2d 1454 (11th Cir. 1991), which shared similarity with petitioner's case.

ARGUMENT II

THE SUPERIOR COURT LACKED JURISDICTION

TO RETRY PETITIONER AT THE TIME IT DID

After petitioner's conviction became final following his first trial and first set of direct appeal, petitioner petitioned the federal courts for a writ of habeas corpus and it was granted to him. The federal court's order, which was directed to the warden having custody of petitioner, set a condition that "unless Petitioner is brought to retrial ... Respondent shall discharge Petitioner from all adverse consequences of his conviction..." The retrial ensued without further proceeding to undo the original conviction and judgment.

Penal Code section 1265 requires that a judgment which had been affirmed by a court of appeal, may not be vacated except by a court of appeal, and it ascribed to the superior court only the jurisdiction to carry the judgment into effect. The federal court's order did not, and in fact could not, direct this Court to retry petitioner, nor erase petitioner's conviction and judgment. The superior court, therefore, was bound by §1265 and only have the authority to carry out the original judgment. People v. Maggio 96 Cal.App. 409. In People v. Saunoa, 43 Cal.Rptr.3d 287, it was held that acts by a court without jurisdiction are null and void.

ARGUMENT III.

THIS COURT SHOULD GRANT REVIEW IN THIS CASE BECAUSE THE PRESENCE OF LARGE NUMBERS OF OBVIOUS LAW ENFORCEMENT OFFICERS OBSERVING APPELLANT'S TRIAL VIOLATED HIS RIGHT TO A FAIR TRIAL

Because this case involved the death of two DEA agents, it generated substantial interest within the law enforcement community which resulted in a heavy DEA presence at appellant's trial. Indeed, at times during trial, the courtroom was full of DEA agents. (21RT 8414-8415.) This appearance of law enforcement officers en masse in the spectator gallery posed a threat that the jurors felt implicit pressure to return a verdict favorable to law enforcement interests.

The presence of so many DEA agents throughout appellant's trial resulted in an inherently unfair trial. "The right to a fair trial includes the right to a verdict based on the evidence and not one influenced by some extraneous matter or event." (Balfour v. State (Miss. 1992) 598 So.2d 731, 756.) The United States Supreme Court has recognized that "the atmosphere in and around the courtroom might be so hostile as to interfere with the trial process, even though an examination of the record disclosed that all the forms of trial conformed to the requirements of law." (Estes v. Texas (1965) 381 U.S. 532, 561 [14 L.Ed.2d 543, 85 S.Ct. 1628].) Thus, for example, numerous courts have held that the presence of spectators who appear noticeably aligned

with the victim in a criminal trial qualifies as an extraneous influence that can lead to an unfair trial. (See e.g. Woods v. Dugger (11th Cir. 1991) 923 F.2d 1454, 1459-60 [conviction for the first-degree murder of a corrections officer reversed because of the prejudice arising from the presence of uniformed corrections officers in the courtroom][2/]; Norris v. Risley (9th Cir. 1990) 918 F.2d 828, 829-831 [rape conviction reversed because several spectators wore "Women Against Rape" buttons during trial]; State v. Franklin (W.Va. 1985) 327 S.E.2d 449, 454-55 [drunk driving homicide conviction reversed because trial spectators wore visible buttons saying "MADD" for "Mothers Against Drunk Driving"].)

The presence of biased courtroom spectators can be inherently prejudicial to a criminal defendant without a showing that the jury was actually prejudiced. (Holbrook v. Flynn (1986) 475 U.S. 560, 570 [89 L.Ed.2d 525, 106 S.Ct. 1340]. In these specific situations, the question is not "whether jurors actually articulated a consciousness of some prejudicial effect, but rather whether 'an unacceptable risk is presented of impermissible factors coming into play.'" (Id. at p. 570 [quoting Estelle v. Williams (1976) 425 U.S. 501, 505].) While a

---

[2/] While some courts specifically refer to *uniformed* law enforcement officers (e.g. Balfour, supra, 598 So.2d at p. 756; Woods, supra, 923 F.2d at p. 1460), there is no reason to believe that the jury in appellant's case could not recognize the typical clean cut, dark-suited, spit-polished look of the federal agents. Indeed, the record infers that the agents were readily identifiable by the jury otherwise the concerns expressed by defense counsel and the court would have been unfounded.

trial court can dispel the inherent prejudice from spectators wearing a button depicting the murder victim's photograph by admonishing the jury to disregard the display (People v. Houston (2005) 130 Cal. App. 4th 279, 316), no such admonition was given in appellant's case.

The presence of numerous spectators closely aligned with the victim conveys not only solidarity with the victim, but it also imparts a clear message to the jury: convict this defendant. (Woods, supra, 923 F.2d at pp. 1459-1460.) Moreover, resolution of this case was wholly dependent on how the jury viewed appellant's actions. Jurors in a case requiring subjective interpretation are much more susceptible to subtle extraneous influence. The harm in appellant's case was even greater because not only were the victims DEA agents, but the prosecution relied heavily on the "expert" testimony of other DEA agents to interpret appellant's ambiguous actions as performing counter-surveillance and serving as a lookout. Further, the jurors were aware that appellant was having a retrial 17 years after the offense. This no doubt subtly suggested to the jury that appellant was previously found guilty by another jury. The cumulative inherent prejudice from these influences mandates that appellant receive a new trial that comports with the fundamental fairness guaranteed by the United States Constitution.

8. If any of the grounds listed in paragraph 7 were not previously presented to the California Supreme Court, state briefly which grounds were not presented, and give your reasons: _____

Every ground raised here has been exhausted.

9. Have you previously filed any habeas petitions in any federal court with respect to this judgment of conviction?

☐ Yes ☒ No

If so, give the following information for each such petition *(use additional pages if necessary, and attach copies of the petitions and the rulings on the petitions if available)*:

a. (1) Name of court: _____

(2) Case number: _____

(3) Date filed *(or if mailed, the date the petition was turned over to the prison authorities for mailing)*: _____

(4) Grounds raised *(list each)*:

(a) _____

(b) _____

(c) _____

(d) _____

(e) _____

(f) _____

(5) Date of decision: _____

(6) Result _____

(7) Was an evidentiary hearing held? ☐ Yes ☐ No

b. (1) Name of court: _____

(2) Case number: _____

(3) Date filed *(or if mailed, the date the petition was turned over to the prison authorities for mailing)*: _____

(4) Grounds raised *(list each)*:

(a) _____

(b) _____

(c) _____

(d) _____

(e) _____

(f) _____

(5) Date of decision: _____

(6) Result _____

(7) Was an evidentiary hearing held? ☐ Yes ☐ No

10. Do you have any petitions now pending (i.e., filed but not yet decided) in any state or federal court with respect to this judgment of conviction? ☐ Yes ☒ No

If so, give the following information *(and attach a copy of the petition if available)*:

(1) Name of court: _____

(2) Case number: _____

(3) Date filed *(or if mailed, the date the petition was turned over to the prison authorities for mailing)*: _____

(4) Grounds raised *(list each)*:

(a) _____

(b) _____

(c) _____

(d) _____

(e) _____

(f) _____

11. Are you presently represented by counsel? ☐ Yes ☒ No

If so, provide name, address and telephone number: _____

_____

_____

WHEREFORE, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

_____

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Executed on 7/20/10 _____

Date *Signature of Petitioner*

EXHIBIT A

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE	October 28, 2009		DEPT: NE-B	
HONORABLE	SUZETTE CLOVER JUDGE		D. DIAZ	DEPUTY CLERK
	NONE	DEPUTY SHERIFF	NONE	COURT REPORTE

A576188

PARTIES CHECKED WHEN PRESENT

People of the State of California — DEPUTY DISTRICT ATTORNEY N/A

vs

Counsel for the Defendant N/A

01-CHIA, MICHAEL N/A

NATURE OF PROCEEDINGS: DEFENSE WRIT OF HABEAS CORPUS

THE COURT HAS REVIEWED PETITIONER'S PETITION FOR WRIT OF HABEAS CORPUS. THE FILE SHOWS THAT THE WRIT WAS FILED IN LOS ANGELES ON APRIL 28, 2009. ON SEPTEMBER 18, 2009, THE TIME TO RULE ON THE WRIT WAS TOLLED BY JUDGE CLOVER DUE TO THE DELAY IN LOCATING THE FILE AND MISPLACEMENT OF THE WRIT. THE WRIT WAS SUBSEQUENTLY LOCATED ON OCTOBER 20, 2009.

THE COURT HAS READ THE WRIT AND REVIEWED THE FILE. THE WRIT IS DENIED.

PETITIONER CLAIMS (1) THERE WAS INSUFFICIENT EVIDENCE TO SUPPORT THE JURY VERDICT; (2) THERE WERE NUMEROUS DEA AGENTS IN THE COURTROOM DURING THE TRIAL; (3) THE COURT ERRED IN ALLOWING COMPUTER ANIMATION POWER POINT EVIDENCE PRESENTED TO THE JURY; AND (4) THE COURT LACKED JURISDICTION TO RETRY PETITIONER.

ISSUES (1) THROUGH (3) WERE ARGUED ON APPEARL. THE APPELLATE COURT DENIED ALL OF DEFENDANT'S CLAIMS AND AFFIRMED HIS CONVICTION. PETITIONEI HAS NOT RAISED ANY ADDITIONAL ARGUMENTS IN THIS WRIT NOR HAS THE LAW CHANGED AS TO THESE CLAIMS.

AS TO ISSUE (4), PETITIONER HAS FAILED TO SHOW A PRIMA FACIE CASE FOR RELIEF (IN RE CROW (1971) 4 CAL.3D 613,624.)

PETITIONER'S WRIT IS RESPECTFULLY DENIED.

MINUTES ENTERED
10/28/09
COUNTY CLERK

MINUTE ORDER

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE	October 28, 2009	DEPT:	NE-B
HONORABLE	SUZETTE CLOVER JUDGE	D. DIAZ	DEPUTY CLERK
	NONE DEPUTY SHERIFF	NONE	COURT REPORTE

A576188

PARTIES CHECKED WHEN PRESENT

People of the State of California — DEPUTY DISTRICT ATTORNEY N/A

vs

Counsel for the Defendant N/A

01-CHIA, MICHAEL N/A

NATURE OF PROCEEDINGS: DEFENSE WRIT OF HABEAS CORPUS

A COPY OF THIS MINUTE IS MAILED VIA U.S. MAIL AS FOLLOWS:

MICHAEL CHIA
CMC EAST/AQ 1115X
P.O. BOX 8101
SAN LUIS OBISPO, CA 93409-8101

MINUTES ENTERED
10/28/09
COUNTY CLERK

MINUTE ORDER

EXHIBIT B

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

COURT OF APPEAL - SECOND DIST.
FILED
DEC - 3 2009
JOSEPH A. LANE Clerk
Deputy Clerk

In re	B220255
MICHAEL CHIA,	(L.A.S.C. No. A576188)
on	(SUZETTE CLOVER, Judge)
Habeas Corpus.	ORDER

THE COURT*:

The petition for writ of habeas corpus, filed November 13, 2009, has been read and considered.

The petition is denied.

*MALLANO, P. J. CHANEY, J. JOHNSON, J.

S179292

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re MICHAEL SU CHIA on Habeas Corpus.

The petition for writ of habeas corpus is denied. (See *In re Waltreus* (1965) 62 Cal.2d 218; *In re Dixon* (1953) 41 Cal.2d 756.)

SUPREME COURT
FILED

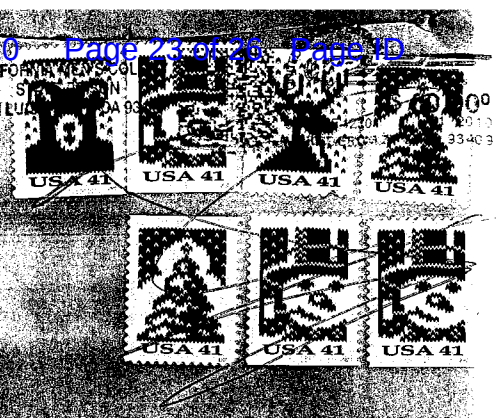
JUL 14 2010

Frederick K. Ohlrich Clerk

Deputy

GEORGE
Chief Justice

MICHAEL CHIA, F03476
CMC EAST/AQ 1115X
P.O. BOX 8101
SAN LUIS OBISPO, CA 93409



RECEIVED
CLERK, U.S. DISTRICT COURT
JUL 23 2010
CENTRAL DISTRICT OF CALIFORNIA
BY MR

TO: CLERK OF U.S. DISTRICT COURT
ATTN: INTAKE/DOCKET SECTION
312 N. SPRING STREET
LOS ANGELES, CA 90012

2254

LEGAL MAIL

LEGAL MAIL

c/o RJHS
7-20-10

TERRY NAFISI
District Court Executive
and Clerk of Court

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION
312 North Spring Street, Room G-8 Los Angeles, CA 90012
Tel: (213) 894-3535

SOUTHERN DIVISION
411 West Fourth Street, Suite 1053
Santa Ana, CA 92701-4516
(714) 338-4570

EASTERN DIVISION
3470 Twelfth Street, Room 134
Riverside, CA 92501
(951) 328-4450

Wednesday, July 28, 2010

MICHAEL SU CHIA
F-03496
P. O. BOX 8101
SAN LUIS OBISPO, CA 93409

Dear Sir/Madam:

Your petition has been filed and assigned civil case number CV10- 5595 RSWL (OP)

Upon the submission of your petition, it was noted that the following discrepencies exist:

[X] 1. You did not pay the appropriate filing fee of $5.00. Submit a cashier's check, certified bank check, business or corporate check, government issued check, or money order drawn on a major American bank or the United States Postal Service payable to 'Clerk U.S. District Court'. If you are unable to pay the entire filing fee at this time, you must sign and complete this court's Prisoner's Declaration In Support of Request to Proceed In Forma Pauperis in its entirety. The Clerk's Office will also accept credit cards (Mastercard, Visa, Discover, American Express) for filing fees and miscellaneous fees. Credit card payments may be made at all payment windows where receipts are issued.

[X] 2. The Declaration in Support of Request to Proceed in Forma Pauperis is insufficient because:

[X] (a) You did not sign your Declaration in Support of Request to Proceed in Forma Pauperis.

[ ] (b) Your Declaration in Support of Request to Proceed in Forma Pauperis was not completed in its entirety.

[X] (c) You did not submit a Certificate of Prisoner's Funds completed and signed by an authorized officer at the prison.

[ ] (d) You did not use the correct form. You must submit this court's current Declaration in Support of Request to Proceed in Forma Pauperis.

[ ] (e) Other: _____

Enclosed you will find this court's current Prisoner's Declaration in Support of Request to Proceed in Forma Pauperis, which includes a Certificate of Funds in Prisoner's Account Form.

Sincerely,

Clerk, U.S. District Court

APEDRO

By: _____
Deputy Clerk

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION
312 North Spring Street, Room G-8 Los Angeles, CA 90012
Tel: (213) 894-7984

SOUTHERN DIVISION
411 West Fourth Street, Suite 1053
Santa Ana, CA 92701-4516
(714) 338-4570

EASTERN DIVISION
3470 Twelfth Street, Room 134
Riverside, CA 92501
(951) 328-4450

TERRY NAFISI
District Court Executive
and Clerk of Court

Wednesday, July 28, 2010

MICHAEL SU CHIA
F-03496
P. O. BOX 8101
SAN LUIS OBISPO, CA 93409

Dear Sir/Madam:

A [X] Petition for Writ of Habeas Corpus was filed today on your behalf and assigned civil case number CV10- 5595 RSWL (OP)

A [ ] Motion pursuant to Title 28, United States Code, Section 2255, was filed today in criminal case number _____ and also assigned the civil case number _____

A [ ] Motion for Extension of Time to File Habeas Corpus Petition was filed today on your behalf and assigned civil case number _____

Please refer to these case numbers in all future communications.

Please Address all correspondence to the attention of the Courtroom Deputy for:

[ ] District Court Judge _____

[X] Magistrate Judge **Oswald Parada**

at the following address:

[ ] U.S. District Court
312 N. Spring Street
Civil Section, Room G-8
Los Angeles, CA 90012

[ ] Ronald Reagan Federal
Building and U.S. Courthouse
411 West Fourth St., Suite 1053
Santa Ana, CA 92701-4516

[X] U.S. District Court
3470 Twelfth Street
Room 134
Riverside, CA 92501

The Court must be notified within fifteen (15) days of any address change. If mail directed to your address of record is returned undelivered by the Post Office, and if the Court and opposing counsel are not notified in writing within fifteen (15) days thereafter of your current address, the Court may dismiss the case with or without prejudice for want of prosecution.

Very truly yours,
Clerk, U.S. District Court

By: APEDRO
Deputy Clerk