

4-6-2015

Ashley v. State Appellant's Brief 2 Dckt. 41719

Follow this and additional works at: https://digitalcommons.law.uidaho.edu/not_reported

Recommended Citation

"Ashley v. State Appellant's Brief 2 Dckt. 41719" (2015). *Not Reported*. 1776.
https://digitalcommons.law.uidaho.edu/not_reported/1776

This Court Document is brought to you for free and open access by the Idaho Supreme Court Records & Briefs at Digital Commons @ UIIdaho Law. It has been accepted for inclusion in Not Reported by an authorized administrator of Digital Commons @ UIIdaho Law. For more information, please contact annablaine@uidaho.edu.

Inmate name Anthony Ashley
IDOC No. 41071
Address IMSI B-92
P.O. Box 51 Boise ID 83707

Appellant

IN THE SUPREME COURT OF THE STATE OF IDAHO

Anthony Ashley,)
Appellant,)
vs.)
State of Idaho,)
Respondent.)

Case No. 2012-11921
APPELLANT'S BRIEF

Appeal from the District Court of the Fourth Judicial District
for Ada County.
The Honorable Timothy L. Hansen, District Judge presiding.

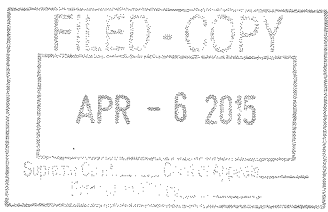


TABLE OF CONTENTS

Pg. 1 Face Page
Pg. 2 Table of contents
Pg. 3 Table of cases and Authorities
Pg. 4 Statement of The case
Pg. 5 Issues Presented on Appeal
Pg. 6-6A Argument
Pg. 7 conclusion
Pg. 8 certificate of mailing

TABLE OF CASES AND AUTHORITIES

CASES

1. Bracy v. Gramley, 520 U.S. 899, 904-05 117 S. CT. 1993, 138 L. Ed. 2d 97 (1997) see also Franklin v. Mc Caughtry 398 F. 3d 959, 962 (7th Cir 2005); Porter v. Singletary, 49 F. 3d 1483, 1489 (11th Cir 1995) mayberr v. pennsylvania 400 U.S. 455, 91 S. CT. 499
2. Robinson v. California 370 U.S. 660, 82 S. CT. 1417, 81. Ed 2d 758 (1962)
3. Hurtado v People of State of California, 110 U.S. 516, 4 S. CT. 111, 28 L. Ed 232 (1884)
4. Estelle v. Mc Guire, 502 U.S. 62, 68, 112 S. CT. 475, 116 L Ed. 2d 385, 33 Fed R Evid serv 305 (1991)
Pulley vs Harris, 465 U.S. 37, 41, 104 S. CT 871, 99 L Ed. 2d 29 (1984)

Other Authorities

U.S. Constitution

1. Amendment 5
2. Amendment 6
3. Amendment 8
4. Amendment 14

Idaho Constitution

1. Article 1 section 13

STATEMENT OF THE CASE

A. Introduction

B. Statement of Facts and Course of Proceedings

A. Appellant Anthony Ashley Appeals The Denial of relief From the petition for rehearing filed on March 16th, 2015 which I recieved on March 23, 2015 and filed a petition for Review, and mailed it on March 25, 2015.

B. The District court Decided To Summarily Dismiss my post-conviction on 12/20/2013 which I appealed on the same day 12/20/13. On July 26, 2010 a jury found me Anthony Ashley, The Appellant guilty of five counts of Grand Theft by possession of stolen property, with a persistent violator enhancement, six counts of unlawful possession of a firearm and one count of petit theft by possession of stolen property. The court sentenced me Anthony Ashley to concurrent unified sentences of thirty years. with fifteen years determinate, for Grand Theft by possession of stolen property; ten years determinate for each of the four remaining counts of Grand Theft by possession of stolen property. five years determinate for each of the six counts of unlawful possession of a firearm; and one year determinate for petit theft by possession of stolen property. See the judgement of conviction and commitment entered November 14, 2010. Anthony Ashley's judgements of conviction and sentences were affirmed by the Idaho court of Appeals. see 2012 unpublished opinion No. 343 Docket No. 38264, filed February 2012. I Anthony Ashley filed post conviction on 7/12/2012. I Anthony Ashley timely appealed on 12/20/2013. I Anthony Ashley appealed the 2015 unpublished opinion No. 350 filed on February 12, 2015 which I recieved on February 18, 2015 and filed a petition for rehearing on February 19, 2015.

ISSUES Presented on Appeal

The STATE'S statement on pg. 6 OF The STATE'S Brief That "The appellant court will NOT review actions OF The district court For which NO Error has been assigned will NOT OTHERWISE Search The record For Errors" What is That? A predetermined outcome That is rubber stamped with A approval OF a higher court? Whatever happened To The supposed check's and balances OF The Legal system? IT Seems The Figure OF Justice had such a rough Trip coming To Idaho That she Lost Everything but her Sword. There are NO Scales To balance The Draconian sentence I recieved, and There is NO blind fold, so That I may have been Judged Impartially. Whether The district Erred when it summarily dissmised my Post-convictio petition? IS That really The Question? Judge Hansen WAS hostile To me From The begining and NOT Even Able To be a Neutral arbiter, He Never stopped acting Like a prosecutor. My Trial was a missuse OF The Judicial process, They were Just trying To make a Lynching Look Legitimate - a pre-determined outcome? To send it back To The same Judge is INSANE and To Expect That They ^{admit to} being wrong is INSANE. OF course He will summarily dismiss This case To protect himself, The STATE will TOTALLY back him up in This and I am NOT surprized, because it is Like an Organization OF gangster's banded Together To protect Themselves, and To keep control. Where is The Error? Are ALL The members OF The Legal system has dishonest, and bias, and bitter against poor people has Judge Hansen? I hope NOT, The Error is NOT USING The supposed check's and balances in This SYSTEM To correct Ovious Injustice's.

A. Introduction

~~OF course The STATE would like this to go away unexamined IT won't. I have identified numerous violations by the court and court officers, NOT to mention actual violations of the law. Yet they insist on NO EXAMINATION of the record, so that their transgressions will stay hidden.~~

B. Standard of Review

When you look at the actual events it becomes clear that grievous due process violations occurred Hurtado v. People of the State of California, 110 U.S. 516, 4 S.Ct. 111, 28 L. Ed. 232 (1884) also that errors of state law contributed to due process violations Estelle v. McGuire, 502 U.S. 62, 68, 112 S.Ct. 475, 116 L. Ed. 2d 385, 33 Fed R Evid Serv 305 (1991) (citing Pulley vs. Harris 465 U.S. 37, 41, 104 S.Ct. 871, 79 L. Ed. 2d 29 (1984))

C. I have NOT failed to establish that the court erred. I have shown that the court is actively trying to conceal the record to protect themselves. By concealing judicial bias - Bracy v. Granley 520 U.S. 899, 904-05 117 S.Ct. 1993, 138 L. Ed. 2d 97 (1997) (citing Franklin v. McConhtry, 398 F.3d 955, 962 (7th Cir 2005) also Porter v. Singletary, 49 F.3d 1483, 1489 (11th Cir 1995) like I said on my appeal numerous constitutional violations occurred I could cite case law ad nauseum for a hundred pages to cover it all the state is trying to conceal said violations that are in the record

1. Ineffective assistance of counsel during trial and appeal
2. The prosecutor used false testimony and evidence that she knew or had reason to believe was false.
3. The Police or Prosecutor withheld favorable evidence information from the defence
4. The sentence is cruel and unusual and disproportional to the offence

Arguments

5. The conviction is in violation of the constitution of the United States
6. There is evidence of material facts not previously presented and heard that would require the vacation of the conviction in the interest of justice.
7. The prosecution has not proven its case. ~~It is~~ Every witness has contradicted themselves and each other

There is judicial bias and extraordinary prosecutorial misconduct. The state would have you believe that its court officers are perfect and above any human foibles like animosity or that they make no mistakes, or have any of the other failings that human beings normally have. That is insane. Nobody is perfect and nobody is supposed to be above the law. The state seems to think that they can do anything they want regardless of the U.S. constitution. I did not compare the judicial system of the prison system to Nazi Germany. I said Judge Hansen's actions mirrored the actions of Nazi Germany pg 6-6A Appellants Brief of 25, August, 2014. Is this how the state misquotes law? It seems to me that the law says one thing and the Idaho's courts do whatever they want regardless of the law. I now understand completely what Jesus of Nazareth meant when he was talking about lawyers and judges. Why should I be condemned to die in captivity? To protect property?

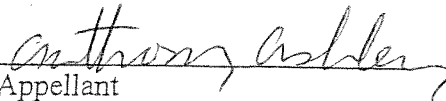
Appellants Brief-6A

CONCLUSION

Therefore, appellant respectfully requests that this court [what court should do].

I would ASK The ~~STATE~~ Supreme Court would
Reign in you underlings, and ALSO That
you would Honor The United States
constitution and vacate my sentence
and grant me a New Trial (a Fair Trial)
so That Justice may be served.

Respectfully submitted this 30 day of March, 2015.


Appellant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on the 30 day of March, 2015 I mailed a true and correct copy of the APPELLANT'S BRIEF via prison mail system for processing to the United States mail system, postage prepaid, addressed to:

Deputy Attorney General
Criminal Division
P.O. Box 83720
Boise, ID 83720-0010

Anthony Ashley
Appellant