

8-28-2014

## Ashley v. State Appellant's Brief 1 Dckt. 41719

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Inmate name Anthony Ashley  
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Appellant

IN THE SUPREME COURT OF THE STATE OF IDAHO

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

Case No. CVC-PE-2012-11921

APPELLANT'S BRIEF

2/17/19

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

Anthony Ashley  
Pro-se Litigant

Unwilling Attorney (ineffective)  
For Appellant  
I am NOT a Lawyer

Kenneth K Jorgensen?  
Deputy Attorney General  
Criminal Law Division  
P.O. Box 83720 ~~0010~~  
Boise, Idaho 83720-0010

Attorney For  
Respondent

APPELLANT'S BRIEF - 1  
Revised: 10/14/05

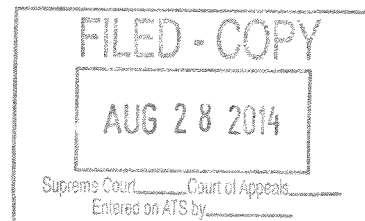


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## TABLE OF CASES AND AUTHORITIES

- Cases
1. U.S. v Kerr, 981 F.2d 1050, 1053, 37 Fed. R. Evid serv. 808 (9th Cir 1992)
  2. U.S. v Wright, 489 F.2d 1181, 1186 (D.C. Cir 1973)
  3. U.S. v Parker, 242 F.3d 114, 1199-1200, 56 Fed. R Evid serv 946 (9th Cir 2001)
  4. U.S. v Wright, 489 F.2d 1181, 1186 (D.C. Cir 1973)

### Other Authorities

#### U.S. Constitution

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

#### Idaho Constitution

1. Article 1 Section 13

#### History

1. The Reich Decree Nazi Germany  
February 23<sup>rd</sup> 1937

STATEMENT OF THE CASE

A. Introduction

B. Statement of Facts and Course of Proceedings

A. Appellant Anthony Ashley (hereinafter Mr. Ashley and/or Appellant) appeals following the District Court's Decision to summarily dismiss my postconviction 12/20/2013 which I appealed on the same day 12/20/2013

B. On July 26, 2010, a jury found Defendant Anthony L Ashley guilty of five counts 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 Defendant 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 Judgment of conviction and commitment, entered November 4, 2010. Defendant Judgment of conviction and sentences were affirmed by the Idaho Court of Appeals. See 2012 unpublished opinion NO. 343, Docket No. 38264, filed February 2012. Appellant filed postconviction on 7/2/2012, Appellant timely appeals on 12/20/2013

## ISSUES PRESENTED ON APPEAL

Whether The District Court Erred  
When It Summarily Dismissed my  
POST-CONVICTION PETITION

1. Ineffective Assistance of Counsel during Criminal Case and appeal
2. That The prosecutor used False Testimony 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 disproportionate to The Offence For Which petitioner was convicted
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 Nearly Every witness has contradicted Themselves and Each Other
8. Prosecutorial misconduct
9. Judicial misconduct and bias
10. a bias Jury That was NOT impartial
11. No Fingerprints or scientific tests

This is a sample of The pages where the Incident happened. The whole Record has to be Examined to show The Imensity of The violations

1. Pg. 94, 96, 97 in clerk' Record on appeal Supreme court case 41719

+1+8+9 Pg. 004 Suprem court case 38264 shows Judges prior  
+5 Knowledge of Lawyer Wairing of Hearing and prosecutor Also in List of W. Witnesses Testifying in Transcript a Trial

1. Pg. 74 Trial Transcript - Lawyer implied Guilt July 20<sup>th</sup>, 2010  
1. Should have Impeached All Witnesses Caught in Lies and contradictions, also Allowed Prosecutor to Dominate case with massive misconduct without objecting, or objecting to bias jurors, Pg 771 failed to App

+8 Pg. 83, 151 to 159, 161, 166 Pg. 204 Prosecutor knew Franchi  
+2+3 Shotgun was stolen but didn't mention it because  
+5 it conflicted with Timeline Theory of Prosecutor that was from Forged document received from Informat (Blue Notebook) Pg. 200 Prosecutorial misconduct voicing opinions and vouching for dishonest testimony and attacking character

July 20<sup>th</sup> pg. 378 All witnesses talked about case before coming in to testify by self admission why NO mistrial #1 + #8 + #9

July 21<sup>st</sup> Prosecutors opinion pg. 516, Pg. 616 cost issues on fingerprints?

\* #1+8 July 22<sup>nd</sup> prosecutors opinion pg 642, Pg 192 No Evidence only hearsay, Pg. 204, Pg. 206 No Evidence or reliable witnesses, Pg 708 15 Handguns? 2 Rifles? why wasn't I charged with all of them?

\* #5 OCT 26 pg. 819 I took the weapons? Abuse of discretion The court considered matters outside of Evidence

IT goes on and on violations from the beginning to end there is not enough room to put them all in this brief The whole record needs to be Examined

Ann 11 - SA \* refers to numbers

## ARGUMENT

### A. Introduction

### B. Argument

The District Court Erred when it Summarily Dismissed my Post conviction Petition.

The U.S. Constitution clearly states that No citizen shall be deprived of Liberty Without Due process of Law, which clearly states an Impartial jury, To be confronted with witnesses against him, and to have The Assistance of counsel for his defense. NOT to be subjected to cruel and unusual punishments inflicted, ALSO to The Equal protection of The Law Everyone of The Constitutional Amendments that I brought up were violated (5<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup>, 14<sup>th</sup>)

Now For The Reich decree of February 23<sup>rd</sup> 1937 (Nazi Germany) While I am fairly certain that Everybody Knows How The concentration camp system (Prison system) Ended I am NOT sure many people know how it started. Just Like This case The police, with The consent of The Prosecutors and Judges sent →



Anybody with Three Felony convictions to be confined for life. They were labelled as "Anti-social" and were placed in preventive Detention (concentration camp) Judge Hansen by calling me a "habitual criminal" and "Anti-social mirrors the actions of Nazi Germany. He did say he had to "protect property". Just like the Nazis he used preventive detention for the supposed suppression of crime, however, meant that the normal system of justice was, deprived of its right to conduct an unprejudiced examination of the case, like I have stated before the whole record has to be examined because of the enormity of violations.

Now I know that I will not be there to argue my case, so I will state this. The Prosecutor's ~~side~~ ~~the~~ Arguments change with the wind (just look at the record) The Prosecutor just like the witnesses that the state used change their story whenever it was convenient and used emotional, and fear tactics, plus personal attacks on my sanity and anything else they could use to sway, and the Judge allowed it. Of course my ineffective counsel helped the state. I felt like I had three prosecutors: Against me. (Judge, Prosecutor, Lawyer)

CONCLUSION

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

Since This is The Last chance For The State To clean This mess up, I respectfully ASK For The Sentence To be vacated and a New Trial. AT The minimum I would request The sentence To be reduced To Five years. so I may Flee Idaho Never To return

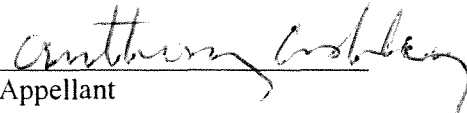
Respectfully submitted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Appellant

**CERTIFICATE OF MAILING**

I HEREBY CERTIFY that on the 25 day of August, 2014, 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

  
Appellant