IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

In re	)	**Case No.** _____
	)	
	)	**(Automatic Appeal No. S054489;**
KEITH ZON DOOLIN	)	**Related Case Nos. S137884, S197391)**
	)	
	)	**Fresno County Superior**
On Habeas Corpus.	)	**Court Case No.** 554289-9
	)	
_____	)	***Death Penalty***

PETITION FOR WRIT OF HABEAS CORPUS, AND APPENDIX (EXHIBITS 158-166)

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APPENDIX[1]

[1] The Appendix (Exhibits 158-166) is submitted herewith in a separate volume.

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	) ITS 158-166[2])
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_____	***) Death Penalty Case***

TO: HONORABLE TANI CANTIL-SAKAUYE, CHIEF JUSTICE, AND ASSOCIATE JUSTICES

COMES PETITIONER, KEITH ZON DOOLIN, through counsel who submit this verified Petition for Writ of Habeas Corpus and petitions this Court for a writ of habeas corpus. The following is submitted in support of the relief sought herein.

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[2] For the sake of continuity and to avoid possible confusion, the Exhibits herein begin with No. 158 because those in the pending habeas corpus petition end with No. 157. (See *In re Doolin*, No. S197391 (Pet. for Writ of Habeas Corpus, Oct. 24. 2011; Reply to Informal Response, Dec. 28, 2012).)

INTRODUCTION

This Petition for Writ of Habeas Corpus is mandated because of oversights by prior counsel and newly-discovered evidence. (See Pen. Code, § 1473; SB 694 (pending).) Nine months ago the undersigned, Robert R. Bryan and Pamala Sayasane, were appointed to replace prior counsel who were permitted to withdraw. (Order, July 22, 2015.) During the initial review of some of the voluminous case documents, it became evident that the prior attorneys failed to raise significant claims in the pending habeas corpus petition. (Petition for Writ of Habeas Corpus, Oct. 24, 2011, *In re Doolin*, No. S197391.) That necessitated the submission of this pleading.

A Petition for Writ of Habeas Corpus was filed in the United States District Court on October 18, 2011. (*Doolin v. Wong*, No. 09-CV-01453-AWI (Dkt. 85).) On January 17, 2012 that case was stayed and held in abeyance pending the exhaustion of unexhausted claims in this Court. (Dkt. 134.) The undersigned were appointed federally January 29, 2015 (Dkt. 168) on behalf of Petitioner, to replace prior counsel who had been on the case six years. This Court thereafter appointed them. (Order, July 22, 2015.) They have been reviewing parts of the extensive case material. It consists of approximately 55 GB of computer files and 70 boxes of material related to the pending habeas corpus claims. The trial record alone consists of over 16,000 pages.

A pending petition for writ of habeas corpus, consisting of 11 claims supported by exhibits 1-152, was filed in this court on October 24, 2011. (*In re Doolin*, no. S197391.) Exhibits 153-157 were filed December 28, 2012. All informal briefing was completed in 2012; however, a decision is still pending.

On February 9, 2016, Petitioner sought to amend the pending petition with additional allegations of constitutional error by submitting the Supplement to Petition for Writ of Habeas Corpus, and Exhibits 158-166. On April 27, 2016, this Court denied without prejudice the request to file the Supplement, permitting instead the "filing of the supplemental allegations and exhibits as a new petition for writ of habeas corpus." (Order, Apr. 27, 2016.) Accordingly the instant petition, consisting of claims 1-6 and supported by exhibits 158-166, is presented below.

CLAIMS FOR RELIEF

Claim 1. Newly-discovered evidence establishes that Petitioner is actually innocent of murdering Peggy Tucker. But for the ineffective assistance of trial counsel, Petitioner would not have been capitally convicted. Thus, the multiple-murder special circumstance and resulting death judgment must be reversed because they were obtained in contravention of the rights guaranteed by the Fifth, Sixth, Eighth and Fourteenth Amendments of the United States Constitution.

To the extent that this claim could have been raised by prior state habeas corpus counsel, Petitioner was deprived of the right to effective assistance of counsel and due process of law.

The following facts, among others to be presented at an evidentiary hearing after full funding, investigation and discovery, support this claim:

A. Petitioner incorporates by reference all facts, exhibits and claims of constitutional violations alleged elsewhere in this Petition, and further incorporates the exhibits and declarations mentioned herein.

B. The record on appeal and the pleadings on direct appeal and postconviction are incorporated by reference as if set forth fully herein.

C. A jury convicted Petitioner of the first degree murders of Peggy Tucker and Inez Espinoza, and four counts of attempted murder with the use of a firearm. The special circumstance allegation of multiple murder was found true and the jury returned verdicts of death. (*People v. Doolin* (2009) 45 Cal.4th 390, 399-400.)

D. In his prior habeas petitions, Petitioner presented compelling evidence of his innocence of the charged crimes. (See Case No. S137884 and S197391.)

E. As alleged herein, new evidence further establishes Petitioner's innocence with respect to the Peggy Tucker murder, thus eliminating the multiple murder special circumstance allegation and rendering invalid the death judgment.

F. An evidentiary hearing is necessitated because of this newly-discovered evidence of innocence. "The substantial risk of putting an innocent man to death clearly provides an adequate justification for holding an evidentiary hearing." (*In re Davis* (2009) 557 U.S. 952, 953; see also Pen. Code, § 1473[3] [a writ of habeas corpus can be sought due to material false evidence that was introduced against a petitioner at trial].)

G. Petitioner was represented at trial by Rudy Petilla, an attorney who was prejudicially ineffective. (*See* Pet. for Writ of Habeas Corpus,[4] Claims 2, 4-6 [Case No. S197391].)

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[3] Senate Bill 694 is pending. It would amend Section 1473 to allow the seeking of habeas relief based upon "new evidence that is credible, material, presented without substantial delay, and of such decisive force and value that it would have been more likely than not changed the outcome of the trial."

[4] Hereinafter cited as "PHC."

1. Petilla (California Bar No. 109383) was suspended from the practice of law on November 9, 2001. The State Bar Court determined that, during the years immediately preceding his representation of Petitioner, the attorney had borrowed money without intending to repay, an act of fraud involving dishonesty and moral turpitude. On November 19, 2004, he resigned from the Bar with charges pending.

2. Mr. Petilla had a serious gambling problem and was in debt. Consequently, his financial situation made him particularly susceptible to Fresno County's impractical flat fee payment scheme which allowed appointed counsel to pocket money not spent on investigation or experts. [5] As a result, although Petilla represented to the court that he planned to spend $60,000 of his $80,000 flat fee on investigators and experts, he ended up spending only $8,700. (See PHC [Case No. S197391], at p. 129.) The amount spent made it impossible for Petilla to conduct a thorough social history investigation and to rebut the prosecution's claim that Petitioner, on separate occasions, murdered two prostitutes and attempted to kill four others.

3. In addition to Petilla's ethical failings, he was simply unqualified to handle a capital case. As alleged in the prior habeas petition, at the time of his appointment, Petilla had a poor reputation among judges and lawyers in Fresno County. (See

[5] It should be noted that a similar scheme respecting flat fee contracts to public defender offices had been declared illegal by this Court in *People v. Barboza* (1981) 29 Cal.3d 375.

PHC [Case No. S197391], at p. 60) For example Charles Dreiling, the Fresno County Public Defender at the time, described Petilla as "a charlatan, all show and no substance, famous for crying in closing arguments, and for shooting from the hip because he had failed to adequately prepare his case." (*Id.*, at p. 115 [Supp. PHC Ex. 13, at 54, ¶ 8].)

4. True to his reputation, Petilla was ill-prepared in this case. Had Petilla conducted a semblance of a reasonable investigation on behalf of Petitioner, the outcome of the trial would have been different.

5. As it was, Petilla's representation was well below a reasonable standard of competence. (*Strickland v. Washington* (1984) 466 U.S. 668, 691.) Indeed, Petilla's incompetence was so pervasive that Petitioner was essentially without an advocate at his capital trial. (*United States v. Cronic* (1984) 466 U.S. 648, 656.) The record, already before this Court, establishes that the lawyer conducted virtually no investigation. In fact he converted to his own use investigative and expert funds. That was used to support his gambling habit. (*See, e.g.*, PHC [Case No. S197391], at pp. 3-4, 59-64, 109-113, 117-122, 126-131, 315.)

H. Petitioner's present counsel have recently discovered new evidence that Josefina Sonia Saldana, aka Josefina Sonia Hernandez, a prosecution witness in Petitioner's trial (RT 1662-1670), murdered Peggy Tucker whom Petitioner was convicted of killing (CT 656-662, 671, 769-771).

1. Peggy Tucker was shot and killed on the night of September

19, 1995. (RT 1711.)

2. Her boyfriend, Rick Arreola, left their motel with her around midnight and saw her get into a Lincoln Town Car. (RT 1716, 1722.) She was working as a prostitute. (RT 1711, 1714, 1732.) Arreola waited on the street for her to return. (RT 1718.) Later he saw the car again. (RT 1719-1720.) The interior dome light went on as it approached and the driver looked down at the passenger side as he passed. Tucker was not seen. (RT 1720-1721.) Arreola testified at the preliminary hearing that he just got "a glimpse" of the driver. (CT 212:12-14.) At trial he came up with new details, e.g., a white, round-faced and clean-cut person. (RT 1723-1725.) About a month after the murder he had been shown a photo lineup and thought three suspects looked familiar. Before showing him the lineup, the police said that they may have caught Ms. Tucker's killer. (RT 1737.) At trial he said that the photograph of Petitioner in a photo lineup as one who looked "quite a bit" like the man who drove the Lincoln, although the face looked heavier and the hair was different. (RT 1725-1726; 1729, 1738.) However, Arreola had testified at the preliminary hearing that he could not identify anyone in the photographic lineup. (CT 217:14-17.) At trial, he claimed to not remember saying that and falsely insisted having picked out Petitioner. (RT 1733.)

3. Detective Robert Schiotis had been present at the photo lineup interview. His report contradicted Arreola's testimony that he had identified Mr. Doolin: "Det. Murrietta prepared a Pho-

Photo display folder and we attempted to locate the witness and two surviving victims. At approx 1930 hours, we located Rick Arreola. We showed him the photo display consisting of 6 photographs one of which was Petitioner's DMV photo. Arreola was not able to identify any of the photographs but said #2 and #3 looked like the suspect. Det. Murrietta asked him if any did not look like the suspect and Arreola said #4 and #6 were not the suspect. He said 5 (Petitioner) could be but his face looked heavy and the hair different." (Supp. PHC Ex. 66, at p. 2072 [Case No. S197391].)

4. Ms. Tucker had been shot in the right hip. (RT 1671-1673.) Opiates and cocaine metabolites were found in her blood and methamphetamine in the stomach. (RT 1685, 1688.) There were two condoms in her right hand. (RT 1679.)

5. Ms. Saldana, using the name Hernandez, had testified for the prosecution that on or about September 18, 1995, she lived at 2369 South Grace Street, Fresno. Shortly before midnight, she claimed to have heard dogs barking, a gunshot, and "a loud voice, oh, my God, oh, my God." (RT 1665.) However, she "did not call the police." (RT 1666.) The next morning she noticed "a lot of police out in our alley." (RT 1667.) The body of Ms. Tucker was lying there. (RT 1643, 1667, 1671, 1699.)

I. In September 1998, two years after Petitioner had been sentenced to death and placed on San Quentin's death row, Ms. Saldana was arrested and charged with two counts of murder and kidnapping.[6]

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[6] This and other related information is based upon investigative interviews conducted postconviction. Petitioner's attorneys do not presently

1. On September 14, 1998, she had lured Margarita Flores, eight-months pregnant, from her Fresno home with the promise of free baby furniture and diapers.
2. After killing Ms. Flores, Ms. Saldana dismembered the body that was then scattered in Southern California and Tijuana, Mexico.
3. Ms. Saldana was arrested after bringing a dead fetus to a hospital. Her apparent accomplice, a farm worker named Serafin Rodarte, hanged himself on September 22, 1998. A suicide note was found. It stated, in part, "she made me do it."
4. In 2001 Ms. Saldana was convicted of murdering the mother and child.
5. David Raymond Mugridge, who represented Ms. Saldana at her double-murder trial, recently explained that he possesses exculpatory evidence regarding Petitioner:

> 1. I am an attorney in good standing and licensed to practice in the state of California. My law practice is in Fresno, California, where I have litigated numerous homicides including those involving the death penalty. I am a state bar certified criminal law specialist. Most of my time involves special circumstance cases which I have receive by courts appointment. I have been a trial lawyer for approximately 30 years. I am an attorney in private practice, limited exclusively to criminal defense—trials and appellate work.
>
> 2. During my years practicing law in Fresno County, I became familiar with Rudy Petilla, now deceased, who represented Keith Zon Doolin on capital murder charges in 1996. Rudy had a poor reputation in the Fresno legal com-

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have access to the *Saldana* trial transcripts and police-prosecution reports. Once an Order To Show Cause is issued and Petitioner granted discovery and subpoena power, he will provide the evidentiary support alleged herein.

munity. I was shocked to learn that he was appointed as counsel in the Doolin case.

3. Recently I was contacted by attorneys Pamala Sayasane and Robert R. Bryan, new state and federal habeas counsel for Mr. Doolin. They asked me about what I knew regarding Rudy and his representation of Mr. Doolin.

4. I related to them that I have exonerating information regarding Mr. Doolin which came to my attention during my representation of Josefina Sonia Saldana, aka Josefina Sonya Hernandez. I represented during her 2001 murder trial for killing Margarita Flores and her baby. Shortly after being convicted, Ms. Saldana committed suicide in the Fresno County Jail by hanging. I recall that she had lived at 2369 South Grace Street, Fresno, at the time of her arrest.

5. I explained to Ms. Sayasane and Mr. Bryan that I had potentially exonerating information regarding Mr. Doolin. However, it was explained that I am bound by the attorney-client privilege from disclosing how I came upon this information or the nature of the evidence.

6. I told the attorneys that I would gladly tell them what I know, and even provide them with access to the materials in my possession, if a court directed me to do so.

7. I have struggled about what to do with this predicament. As an attorney who has practiced for many years, I strongly believe in the rule of law. However, I also believe in doing what is right, and that includes doing whatever I can to ensure that an innocent man is not wrongfully executed. I agreed to provide Mr. Doolin's counsel with this declaration so that they could preserve their client's right and alert the court to this matter. (Ex. 162, Decl. of David Raymond Mugridge, Feb. 4, 2016.)

J. Information known to Mr. Mugridge and contained in his case files would likely establish that Ms. Saldana killed Peggy Tucker, and possibly others.

K. The facts indicate that Ms. Saldana also killed Natalie Ann Carrasco, another prostitute. (Ex. 165, *Clues Sought in Killing of Tattooed Prostitute, Motive for Slaying Undetermined, Police Say*, Fresno Bee, June 26, 1993.)

1. On or about June 23, 1993, the body of Natalie Carrasco, shot to death, was found in front of Ms. Saldana's house, at 2369 South Grace Street, Fresno. (Two years later Peggy Tucker's body was found behind the same residence.)

2. After Natalie's death, Saldana went to her funeral and befriended the victim's mother, Becky Carrasco. In an apparent attempt to deflect blame from herself, Saldana told Becky that she saw Natalie being pushed out of a black car by a black man.[7]

3. Becky Carrasco pursued an investigation regarding her daughter's death. That included discussions with detectives working on the case.

   a. The Fresno Police Department determined that a serial killer was murdering prostitutes. (Ex. 163, *Police Suspect Serial Killer*, Fresno Bee, Sept. 21, 1995; Ex. 164, *Three Violent Deaths—One Killer?*, Fresno Bee, Sept. 24, 1995.)

   b. Years later a detective revealed that he believed Josefina Saldana killed Natalie. He thus asked Becky to try to persuade Ms. Saldana to confess to her daughter's

[7] The information from Becky Carrasco, provided herein, is based upon an interview with her on January 31, 2005.

murder. However, before Becky could speak with Saldana, she committed suicide in jail. (Ex. 162, at ¶ 4.)

c. It was the opinion of Becky Carrasco, based upon discussions with the police and Ms Saldana, that Ms. Saldana killed her daughter.

d. Becky also believed that that it was Ms. Saldana who murdered Peggy Tucker, not Petitioner. Indeed, both women were prostitutes, both were shot to death, and both were found on or near the property of Ms. Saldana. And conveniently, in each of these killings, Ms. Saldana claimed to have heard or saw someone else commit the crime, thereby deflecting blame from herself.

L. As previously noted, Petitioner's trial counsel conducted virtually no investigation in the case, including that relating to Saldana. Had counsel done so, he would have learned about Natalie Carrasco's murder and Saldana's potential involvement in her death, as well as uncovered possible evidence of Saldana's guilt in the Tucker murder.

M. Under the circumstances, Petitioner is entitled to an evidentiary hearing regarding his innocence. (*In re Davis, supra*, 557 U.S. at p. 953.) The execution of an innocent person violates the Constitution. (*Herrera v. Collins* (1993) 506 U.S. 390, 419.) "[T]he execution of a legally and factually innocent person would be a constitutionally intolerable event.") (O'Connor, J., joined by Kennedy, J., *concurring*). "[T]he Constitution forbids the execution of a person who has been validly convicted and sentenced but who, nonetheless, can prove his innocence with newly discovered evidence." (*Id.* at p. 431, Blackmun, J., joined by Stevens and Souter, JJ., *dissenting*.)

N. One of the underlying principles guiding the Fifth, Sixth, Eighth, and Fourteenth Amendments is the protection of an innocent person from wrongful conviction. When the violation of an innocent person's constitutional rights results in their wrongful conviction and sentence of death, then the purpose of the writ is no greater served than when seeking to correct such a grave injustice. (See *Harris v. Nelson* (1969) 394 U.S. 286, 290-291.)

O. This new evidence of innocence cannot be constitutionally ignored. When factored with the substantial evidence of innocence previously presented in the pending exhaustion petition (Case No. S197391), no juror could have found Petitioner guilty beyond a reasonable doubt.

P. Accordingly, the conviction and death judgment must be reversed. At the very least, the interest of justice demands that Petitioner be granted an evidentiary hearing on the new evidence of innocence.

Claim 2. The trial judge's undisclosed bias against Petitioner and related misconduct deprived the capital defendant of his constitutional right to a fair and impartial trial. Consequently his imprisonment and death judgment are illegal and in contravention of the rights guaranteed by the Fifth, Sixth, Eighth and Fourteenth Amendments.

To the extent that this claim could have been raised by prior state habeas corpus counsel, Petitioner was deprived of the right to effective assistance of counsel and due process of law.

The following facts, among others to be presented at an evidentiary hearing after full funding, investigation and discovery, support this claim:

A. The allegations in each claim in this Petition along with the accompanying citations and exhibits in support thereof, as well as the trial

record and prior pleadings before this Court, are incorporated by this reference as if fully set forth herein.

B. A judge has a duty to ensure that a criminal defendant has a fair trial. Here, the facts and record establish that the Honorable James L. Quaschnick, judge, suffered from conflicts of interest due to his prior negative relationship with Petitioner and his family. As discussed below, the judge improperly failed to disclose such conflicts, which guided his unreasonable actions and rulings against the defense. The judge's bias against Petitioner resulted in considerable harm, including but not limited to: unreasonably denying Petitioner's request for the assistance of second counsel pursuant to *Keenan v. Superior Court* (1982) 31 Cal.3d 424, 428-430, despite the fact that this was a highly complicated case involving two murders and four attempted murders; and, dismissing Petitioner's multiple requests pursuant to *People v. Marsden* (1970) 2 Cal.3d 118 to replace his state-appointed counsel, who from the onset of his appointment exhibited the incompetence for which he was widely known within the Fresno legal community. Judge Quaschnick also interfered with the case by dissuading Petitioner's aunt and uncle, whom the judge knew through a mutual friend, from attending the trial, thus depriving Petitioner of familial support and potentially valuable mitigation witnesses.

C. Canon 3E of the California Code of Judicial Ethics imposes on judges an obligation to disqualify themselves in any proceeding in which disqualification is required by law. (*See also* 28 U.S. Code § 455 [regarding judicial disqualification].) Specific statutory grounds for disqualification are set forth in Code Civ. Proc. §170.1. Section

(a)(1), for example, states that a judge is disqualified if he has personal knowledge of disputed evidentiary facts concerning the proceeding (although information that has come to the judge in the course of presiding over the matter do not trigger this provision). Additionally, section 170.1(a)(6) requires disqualification if, "for any reason (A) the judge believes his or her recusal would further the interests of justice, (B) the judge believes there is a substantial doubt as to his or her capacity to be impartial, or (C) a person aware of the facts might reasonably entertain a doubt that the judge would be able to be impartial.

D. The standard for disqualification of a judge is fundamentally an objective one; if a reasonable member of the public at large, aware of all the facts, would fairly entertain doubts concerning the judge's impartiality toward a particular party, disqualification is mandated, and the existence of actual bias is not required. (*People v. Panah* (2005) 35 Cal.4th 395, rehearing denied, certiorari denied 546 U.S. 1216.)

Facts Giving Rise to Actual or Perceived Bias of Judge Quaschnick

E. Judge Quaschnick met the grounds for disqualification under the Code of Civil Procedure because he had a prior negative history with Petitioner's family and was privy to personal information about them such that any reasonable person would entertain a doubt about the judge's ability to be fair and impartial. (§170.1, (a)(1) and (a)(6).) The fact that the judge failed to disclose the foregoing information is indicative of his actual bias against Petitioner.

1. For example, when Judge Quaschnick was in private practice in 1981, an attorney in his law firm (Wild, Carter, Tipton,

Quaschnick & Oliver) represented Charles Doolin in a contentious divorce from Donna Larsen, Petitioner's mother. (Ex. 158, Dissolution of Marriage, *Donna Doolin vs. Charles Dwane Doolin*, Madera County Case No. 269123.) As detailed in the first habeas corpus petition filed in this Court (Case No. S137884), Charles was Petitioner's stepfather, having met his mother in 1975 and marrying her shortly thereafter in 1976. During his approximate six-year relationship with Donna Larsen, Charles verbally and physically abused her and her children. That included sexually abusing Petitioner's older sister, Shana. (*See, e.g.*, PHC Claim 2 [Case No. S137884], at pp. 57, 77-98.) Because his law firm advocated on behalf of Charles Doolin, Judge Quaschnick was likely privy to confidential and biased information about Petitioner and his family, and therefore was inclined to prejudge the case against the defense.

2. Judge Quaschnick also had a bias due to his relationship with William ("Bill") Baker, the man whom Donna married and divorced after her failed relationship with Charles Doolin. In 1985, while serving as a superior court judge in Madera County, Judge Quaschnick was involved with Bill's criminal case. (See Ex. 159, *People v. William E. Baker*, Case Nos. 6244, 5944 & 5876.) Bill was charged and convicted of lewd acts on young girls under the age of 14, including Petitioner's sister Shana, pursuant to Penal Code 288(a). (*Ibid.*) Judge Quaschnick was a friend of Bill's parents, his mother Dorothy

Edmonds (nee Baker) and his stepfather, Judge Edmonds.[8] (Ex. 161, Decl. of Jim Bacon, at ¶ 8.) Despite the fact that Bill had also molested his sisters, June and Nancy, Bill's parents were upset with Donna and her family for helping to send him to prison. (*Ibid*; see also PHC [Case No. S137884], at pp. 98-99 [molestation of June, Nancy, and Petitioner's sister Shana].) Bill received an eight-year prison sentence but ended up serving only about 18 months. (Ex. 161, at ¶ 8.) Apparently at the Edmonds' request, Judge Quaschnick helped Bill get an early prison release. (*Ibid.*) Thus, given the judge's friendship with Bill Baker and his parents, there existed substantial doubt regarding Judge Quaschnick's ability to be fair towards Petitioner in his capital trial.

3. Judge Quaschnick's impartiality and misconduct was further highlighted by his failure to disclose his friendship with Petitioner's great aunt and uncle, Marie and Charlie Nipp, and his use of that relationship to dissuade them from attending the capital trial. The judge's action deprived Petitioner of familial support, as well as potentially valuable penalty phase witnesses. The judge's interference showed that he could not be fair in the case.

4. Jim Bacon, a family friend of Petitioner, recalled: "The Nipps were there with us on the first day of Keith's preliminary hearing, when Judge Quaschnick took over the case. The Nipps did not show up to court again after that first day. I

[8] The first name of Judge Edmonds is not presently known.

heard later that the judge had something to do with that; for some reason, he didn't want them there." (Ex. 161, at ¶ 9.)

5. Jim's account is corroborated by an investigator, Richard L. Barnes. In his declaration, Mr. Barnes recalled that in May of 1998, after Petitioner's conviction, he was "asked by attorney Michael Fannon[9] to interview Marie and Charlie Nipp, Mr. Doolin's great aunt and uncle, regarding potential impropriety by the trial judge, James L. Quaschnick." (Ex. 160, Decl. of Richard Barnes, at ¶ 2) During an interview at their Fresno home, the Nipps told Mr. Barnes that they attended one day of the preliminary hearing, but did not come to court thereafter because the judge did not want them there. (*Id.*, at ¶ 3-4, 6.) Judge Quaschnick related his desire through "a mutual close friend, Betty Funk." (*Id.*, at ¶ 4.) Betty told Marie that "Judge Quaschnick said he did not want them to sit through the testimony of the prostitutes who would be testifying in the case," because the judge allegedly "hated prostitutes and claimed he did not want to expose [the Nipps]" to such indecency. (*Ibid.*)

6. Judge Quaschnick likely chose Betty as the intermediary between him and the Nipps because Betty and Marie were very close and "talk[ed] on the phone daily." (*Ibid.*) Similarly, the judge and Betty were also "good friends," as evidenced by the fact that he had "bought her a spa to help her with the healing process" following complications with her breast implant.

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[9] Petitioner's mother, Donna Larsen, sought Mr. Fannon's help in preserving this issue for her son's appeal. (Ex. 161, at ¶ 9.)

(*Id.*, at ¶ 5.) Betty required breast augmentation surgery after an accident caused her to have her breasts removed. (*Ibid.*) Marie's husband, Charlie, recalled that "Judge Quaschnick had lost his wife due to leakage of her breast implants, so understood what Betty was going through." (*Ibid.*)

Prejudice Arising Out of Judge Quaschnick's Conflicts of Interest

F. The evidence establishes that Judge Quashnick's conflicts of interest impacted his decision-making in the case, resulting in harm to Petitioner.

1. As previously noted, the judge engaged in misconduct and undermined the defense when he used his influence to deprive Petitioner of the support of his great aunt and uncle, Marie and Charlie Nipp, during the trial. Had the judge not interfered, the Nipps could have testified on Petitioner's behalf at the penalty phase. The judge knew or should have known that his conduct was improper, as evidenced by him using a third party, Betty Funk, to dissuade the Nipps from being involved with Petitioner's trial.

2. Furthermore, the judge's bias against Petitioner and his family was evident in the numerous unfair rulings in the case. Any member of the public at large, aware of all the facts, would have fairly entertained doubts concerning the judge's impartiality based upon the unreasonableness of the judicial action taken against the defense. (§ 170.1(a)(6)(C).)

3. For example, despite the fact that this was a highly complicated case involving two first-degree murders and four attempted murders, the judge refused to grant the defense re-

quest for second counsel, as mandated under *Keenan v. Superior Court, supra*, 31 Cal.3d at pp. 428-430. While trial counsel, due to his incompetence, failed to follow the proper procedure for seeking the assistance of *Keenan* counsel, that should not have prevented the judge from granting the request and ensuring that Petitioner was adequately represented at trial. (See PHC [Case No. S197391], at pp. 150-155.) The judge, through his vast knowledge and experience, knew or should have known that such a complicated case mandated two attorneys. The assistance of co-counsel was especially needed here because it was evident that Mr. Petilla was ill-prepared to handle the case by himself.

4. Additionally, after unreasonably denying Petitioner the needed assistance of second counsel, Judge Quaschnick was dismissive of Petitioner's repeated requests to replace Mr. Petilla with competent counsel. (PHC [Case No. S197391], at pp. 5-6, 25-26, 129, 299, 314-316 [discussion regarding Petitioner's *Marsden* motions].) As alleged in the pending exhaustion petition and supporting exhibits (Case No. 197391), "[a]t the time he was appointed, Petilla 'had a poor reputation with everybody in the Fresno County criminal courts'" as well as "a terrible reputation among lawyers in Fresno County." (*Id.*, at p. 115-116.) That Mr. Petilla was "widely held in contempt by judges and other lawyers" was not a secret. (*Id.*, at p. 60.) Mr. Petilla earned such reputation by being "chronically unprepared, did little or no investigation on his cases," and failed to consult with experts

necessary to make informed and strategic decisions about his client's defense. (*Id.*, at p. 116.) In fact, Mr. Petilla was a source of such ridicule among the defense bar that attorneys wondered "whether he graduated from a U.S. law school." (*Ibid.*) When word spread that he was appointed to handle Petitioner's complicated capital case, "the consensus among criminal defense lawyers was, plainly, 'you've got to be kidding me!'" (*Ibid.*) Thus, Judge Quaschnick knew or should have known of Petilla's poor reputation, and should have been on alert for signs of deficient performance during the trial. Even if initially unfamiliar with Mr. Petilla's reputation, once the judge actually observed counsel's incompetence, immediate action should have been taken to appoint new and qualified counsel. A criminal defendant has an absolute constitutional right to competent counsel, and here even more so given that Petitioner's life was at stake. (*Strickland v. Washington, supra*, 466 U.S. at p. 691.)

5. Yet, despite being presented with instance after instance of the attorney's lack of preparedness and ineffectiveness, Judge Quaschnick turned a blind eye and allowed the harm to Petitioner to go unabated. Trial counsel's ineffectiveness, and the judge's awareness of such incompetence, is well-documented in the trial record as well as the prior pleadings filed in this case. (Case Nos. S054489 [AOB], S197391 [PHC], S137884 [PHC].) For example, within two weeks of his appointment, Mr. Petilla took the case to preliminary hearing. As observed by public defender Charles Dreiling, who represented Peti-

tioner before being replaced due to a conflict of interest: "I thought Rudy Petilla was crazy for going to prelim two weeks after his appointment to the case. In the Public Defender's office, everybody (including me) thought, 'he's dumping his client.' What he certainly was doing was squandering an opportunity to develop his case - two weeks after his appointment, he could not know if he did or did not have a case to make in defense of Mr. Doolin, or what that case might be." (PHC [Case No. S197391], at p. 117.) According to Mr. Dreiling, at least a year's time was needed to prepare for the preliminary hearing. (*Id.*, at p. 143.) Yet, within just a couple of months of his appointment, Mr. Petilla took the case to trial.[10] Such a timeline is unheard of, especially in a capital case. As Mr. Dreiling rightfully noted: "In a case involving six separate aggravated crimes, two murders and four attempted murders, no conceivable strategic purpose was served in holding a preliminary hearing within two weeks of appointment and a trial 60 days later." (*Id.*, at p. 140.)

6. Thus, the speed with which Petilla insisted on taking the case to trial should have raised red flags to Judge Quaschnick that something was very wrong in the way Petitioner was being represented. Indeed, the multiple motions Petitioner filed pur-

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[10] As set out in prior pleadings before this Court, Mr. Petilla was heavily in debt due to a gambling addiction and was thus motivated to speed the case through trial in order to receive installment payments on the case. (*See, e.g.*, PHC [Case No. S197391], at pp. 3-4, 59-64, 109-113, 117-122, 126-131, 315.)

suant to *People v. Marsden, supra*, 2 Cal.3d 118, outlined for the court trial counsel's lack of preparedness, distraction during the trial due to his gambling habits,[11] and the progressive breakdown in the attorney-client relationship as a result of counsel's deficient performance. (PHC Claim 7 [Case No. S197391], at pp. 339-341; RT 1645-1661; RT 4633-4665; CT 801, *et seq.*; RT 4908-4951.) That Judge Quaschnick did not replace Mr. Petilla despite the wealth of evidence of the attorney's incompetence would prompt anyone to reasonably conclude that Judge Quaschnick was influenced by his bias against Petitioner and his family.[12]

7. Moreover, Judge Quaschnick was certainly duty-bound to remove the attorney and order a new trial when presented with evidence that a bankruptcy judge had found Mr. Petilla guilty of having committed fraud to finance his gambling. (*See* PHC Claim 7 [Case No. S197391, at pp. 314-315, 339-341.)

8. Katherine Hart, a respected member of the Fresno County capital defense panel, was so astounded by the injustice to Petitioner that she prepared for him, *pro bono*, a motion seeking replacement counsel and a new trial. (*Ibid.*) Although the motion was accompanied by compelling supporting declarations

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[11] During the trial, Rudy Petilla was observed leaving his office and entering a building which housed a gambling hall. (Ex. 161, Decl. of Jim Bacon, at ¶ 4.)

[12] The judge openly displayed his bias against Petitioner, even privately "chatting and laughing with [the prosecutor]" within visual range of the courtroom spectators. (Ex. 161, at ¶ 7.)

and other evidence, such as the transcript of Mr. Petilla's bankruptcy hearing, Judge Quaschnick simply denied the request. The judge's denial of the motion and failure to remove Petilla from the case despite evidence that the attorney had committed fraud, a crime of moral turpitude, substantially supports the judge's bias against Petitioner and his family.

9. Judge Quaschnick's bias was also apparent in the manner he treated Petitioner's mother, Donna Larsen, during her trial testimony. (See PHC [Case No. S197391], at pp. 225-233, 317-325.) The prosecutor sought to impeach Donna with alleged prior bad acts, e.g., stealing computers and forging her name to her daughter's nursing license. Although Petilla moved to bar the introduction of such prejudicial evidence, the court deferred ruling on the issue until just before Donna's actual testimony. However, Petilla failed to seek a hearing on the matter before he put Donna on the stand. When the prosecutor began a devastating cross-examination of the witness using the impeachment evidence, the court overruled Petilla's objection. Consequently, Donna was forced to assert the Fifth Amendment multiple times before the jury, causing her to be portrayed as dishonest, a liar, and a thief. Drawing such an inference is improper and violative of due process. Moreover, because Donna was an alibi witness for Petitioner, her impeachment in front of the jury undermined the defense case. The judge knew, or should have known, that his ruling was an abuse of his discretion and a violation of Petitioner's right to a fair trial. (*Namet v. United*

States (1963) 373 U.S. 179 [improper to derive evidentiary value from unfavorable inferences arising from the claiming of privilege].)

Conclusion

G. Accordingly, the evidence establishes that Judge Quaschnick was not qualified to serve as a judge in this case due to his conflicts of interest and related misconduct. The judge had a *sua sponte* duty to disclose his prior negative history with Petitioner and his family. Had any reasonable person been aware of such information, they would have reasonably entertained a doubt about the judge's impartiality.

H. The judge's failure to disclose his negative history with Petitioner's family, and his deliberate interference in the case by seeking a third party's help to convince Petitioner's relatives not to come to court, raises a presumption of prejudice. Moreover, the judge's impartiality was evident in his unfair treatment of Petitioner throughout the trial, including allowing his incompetent and ill-prepared attorney to speed the case through trial. The judge knew, or should have known, that no attorney could have possibly been prepared to defend a capital case involving two murders and four attempted murders within just a couple months of his appointment. Additionally, that the judge would allow Petilla to continue to represent Petitioner after having been informed that the attorney had been found guilty of fraud, a crime of moral turpitude, is inexcusable and establishes the judge's bias against Petitioner.

I. Accordingly, Petitioner's conviction and death judgment was rendered constitutionally unreliable, and he is entitled to a complete reversal.

Claim 3. Petitioner's death judgment must be reversed because misconduct by state actors allowed a juror during penalty phase deliberations to seek her religious advisor's blessing to vote for death.

To the extent that this claim could have been raised by prior state habeas corpus counsel, Petitioner was deprived of the right to effective assistance of counsel and due process of law.

The following facts, among others to be presented at an evidentiary hearing after full funding, investigation and discovery, support this claim:

A. The allegations in each claim in this Petition along with the accompanying citations and exhibits in support thereof, as well as the trial record and prior pleadings before this Court, are incorporated by this reference as if fully set forth herein.

B. In prior habeas petitions filed in this Court, it was alleged that Petitioner was prejudiced by juror misconduct. (*See* PHC Claim 17 [Case No. S137884], at pp. 260-261; PHC Claim 6 [Case No. S197391], at pp. 335-339.) Specifically, a holdout juror who could not vote for death due to her religion was told by the jury foreman to call her religious advisor to get permission to vote with the rest of jury. The juror took the foreman's advice and, following a break, immediately joined her fellow jurors in voting for death.

C. However, prior appellate and habeas counsel failed to also allege that state actors, including the judge, prosecutor, and Petitioner's

state-appointed trial counsel,[13] knew about the holdout juror and impermissibly allowed her to consult her religious advisor. They stood by while a clear wrong was being committed.

D. The law is clear that a juror may not discuss the case with a nonjuror or consult extraneous information. (*People v. Pierce* (1979) 24 Cal.3d 199, 207.) It is well-settled that "[i]n a criminal case, any private communication, contact, or tampering, directly or indirectly, with a juror during a trial about the matter pending before the jury is, for obvious reasons, deemed presumptively prejudicial . . . The presumption is not conclusive, but the burden rests heavily upon the Government to establish . . . that such contact with the juror was harmless to the defendant." (*Remmer v. United States* (1954) 347 U.S. 227, 229.) Thus, for the court, prosecutor, and state-appointed trial counsel to allow such juror tampering to occur constituted state misconduct, mandating reversal of the penalty phase.

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[13] As set out in the prior habeas petitions, state-appointed counsel Rudy Petilla was no advocate for Petitioner. He rushed his capital client's case to trial within a couple months of his appointment after having conducted virtually no investigation. (*See* PHC Claims 1-2 [Case No. S197391].) He committed a fraud on the court and against his client when he used investigative funds for his personal use. (*See, e.g.,* PHC [Case No. S197391], at pp. 3-4, 59-64, 109-113, 117-122, 126-131, 315.) The State is complicit in Mr. Petilla's misconduct because Fresno County's fee payment scheme incentivized counsel to pocket all monies rather than spend it on the case. Petilla was not asked nor did he volunteer that he was experiencing financial difficulties as a result of substantial gambling debts, and thus should have been disqualified because the fee payment scheme made him susceptible to temptation. Regardless, neither the county nor the court should have allowed Petilla to represent Petitioner given his extremely poor reputation among judges and lawyers. (*See, e.g.,* PHC Claim 1 [Case Nos. S137884 and S197391].)

E. Jim Bacon was standing in the back of the courtroom with Petitioner's mother, Donna Larsen, after the jury had returned the death verdict. (Ex. 161, at ¶I 10.) Jim recalled that Petitioner's attorney, Rudy Petilla, walked toward them and said something to the effect, "that damn juror called her pastor." (*Ibid.*) Jim asked Rudy what he meant, and he explained that "a female juror who was unwilling to return a death verdict was allowed to call her pastor in order to get permission to vote for death." (*Ibid.*) When Jim inquired how Petilla could let this happen, the clueless attorney "simply shrugged his shoulders like he always did." (*Ibid.*)

F. Petilla's statement establishes that the attorney, as well as the court and prosecutor, were aware prior to the death verdict that the juror had consulted with her religious advisor. That this was allowed to happen was inexcusable.

G. That religious advisor became the 13th juror.

H. Accordingly, as a result of the misconduct of state actors, the death judgment was obtained in violation of Petitioner's constitutional rights and must be reversed.

Claim 4. Defense counsel failed at the guilt and penalty phases to reasonably investigate and present viable mental-state defenses, based upon the fact that Petitioner suffered from mental deficits including organic brain damage, which would have negated premeditation, deliberation, and malice aforethought. Consequently, Petitioner was prejudicially denied the right to effective assistance of counsel, a fair trial, an impartial jury, a reliable penalty determination, equal protection of the law, and due process of law, guaranteed by the Fifth, Sixth, Eighth and Fourteenth Amendments.

To the extent that this claim could have been raised by prior state habeas corpus counsel, Petitioner was deprived of the right to effective assistance of counsel and due process of law.

The following facts, among others to be presented at an evidentiary hearing after full funding, investigation and discovery, support this claim:

A. Petitioner incorporates all of the allegations and facts in all related claims herein including Claims 2 (A-B, H), 4, 5 (A-B, E), 6 (A), and 7, and supporting exhibits, filed in 2011. Further, he incorporates by reference the Petition for Writ of Habeas Corpus, Claims 1-3, 14, and supporting exhibits, filed in this Court on or about October 11, 2005.

B. Through error, this claim was not raised by prior counsel. Due to the weight of the supporting evidence and the constitutional significance of the issues, Petitioner's present attorneys are ethically required to raise it.

C. There was substantial evidence available to Mr. Petilla, the defense lawyer, well in advance of trial that Petitioner lacked the requisite mental state be guilty of murder during the period in issue.

D. Defense counsel should have investigated and presented evidence that Petitioner lacked the requisite intent to be culpable of murder and the special circumstances.

E. Counsel had no reasonable tactical justification for his deficient acts and omissions.

F. Allan G Hedberg, Ph.D., a prominent forensic psychologist, was contacted by Petilla regarding jury selection, and then eye-witness identification. (Ex. 16, Decl. of Allan G. Hedberg, Ph.D., Oct. 3, 2005, ¶¶ 3-4, p. 603; Ex. 20, Decl. of Allan G. Hedberg, Ph.D., Sept.

20, 2011, ¶¶ 6, 8, p. 87-88.) [14] Then he was asked for an opinion as to Petitioner's mental health status, without providing any background information. (Ex. 16, ¶ 7, p. 604; Ex. 20, ¶ 9, p. 88.)

G. Years later crucial background information was finally provided to Dr. Hedberg by state habeas corpus counsel. That combined, with his testing, resulted in startling findings that provided a basis for both guilt and penalty phases defenses. (Ex. 16, ¶¶ 14-15, 17, pp. 605-608.)

H. Petitioner's mental difficulties included organic brain damage, brain dysfunction, neurological dysfunction most likely localized in the frontal and/or temporal lobes, deficits in verbal and auditory memory, problems in judgment, reasoning, planning, memory, forethought, and he was under extreme mental and emotional distress during the period of the homicides.

I. As stated, Mr. Petilla had no tactical reason for failing to conduct a basic investigation into Petitioner's background, mental health history, and mental state at crucial times. Indeed, the attorney failed to even investigate the defense theory he presented at trial, *i.e.*, that Petitioner was innocent of the charged crimes. (Claim 1, herein, *supra*.) There existed evidence of innocence, but Petilla conducted virtually no investigation. Instead, he used state funds, allotted for such purpose, for his own personal expenses including support for his gambling habit. (*See, e.g.*, PHC [Case No. S197391], at pp. 3-4, 59-64, 109-113, 117-122, 126-131, 315.)

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[14] Dr. Allan G. Hedberg's declarations were previously submitted as exhibits in conjunction with the state habeas petitions in this case. (Case Nos. S137884 and S197391.)

J. But for trial counsel's failings, Petitioner would have received a more favorable outcome at both the guilt and penalty phases.

K. The performance of defense counsel was both deficient and prejudicial, thereby mandating a new trial. (*Strickland v. Washington*, *supra*, 466 U.S. at pp. 687, 693-694; *People v. Ledesma* (1987) 43 Cal.3d 171, 216-217.)

CLAIM 5. California's death penalty scheme, in particular the excessive delay in the adjudication of Petitioner's meritorious claims, including innocence, is in violation of the United States Constitution.

In support of this claim, Petitioner alleges the following facts and legal bases, among others to be presented after Petitioner's counsel are afforded a reasonable opportunity for full factual investigation, adequate funding, complete discovery as required by the California and United States Constitutions and Penal Code section 1054.9 and other California law, access to a complete and accurate appellate record, access to this Court's subpoena power, access to material witnesses, access to this Court's other processes, and an evidentiary hearing:

A. The allegations in each claim in this Petition along with the accompanying citations and exhibits in support thereof, as well as the trial record and prior pleadings before this Court, are incorporated by reference as if fully set forth herein.

B. Petitioner was sentenced to death on June 18, 1996.

C. Petitioner's automatic appeal was filed on November 14, 2003 in Case No. S054489. On October 11, 2005, a first state habeas petition was filed in Case No. S137884. On the appeal, the California court affirmed the conviction and sentence in an opinion dated January 5, 2009 in *People v. Doolin*, *supra*, 45 Cal. 4th 390; rehearing was de-

nied on March 25, 2009. Two justices dissented in part from the denial and would have vacated the sentence of death and remanded the case because of the inherent conflict created by the flat-fee contract. *(Id.* at 457-467.) Justices Kennard and Werdegar were of the opinion that the petition should be granted. The California court denied the habeas petition on the merits on June 24, 2009 without an evidentiary hearing; the unpublished order stated that Justice Kennard was of the opinion an order to show cause should be issued. (Supp. PHC Ex. 47 [Order Denying Writ of Habeas Corpus], at p. 498.) Petitioner filed a petition for certiorari with the Supreme Court of the United States, which was denied. *(Doolin v. California* (2009) 558 U.S. 863.)

D. Petitioner's federal habeas petition was filed on October 18, 2011. (*Doolin v. Davis*, Case No. 09-CCV-01453-AWI-SAB.) It was stayed to permit Petitioner to return to this Court to exhaust new claims. An exhaustion petition was filed on October 24 2011, with all briefing completed December 28, 2012. (*In re Doolin*, Case No. S197391.) The matter remains pending.

E. Over twenty-one years have passed since Petitioner was unlawfully prosecuted and convicted. Petitioner, who at all times has maintained his innocence, has been living under a heavy weight since his unlawful arrest in October of 1995. He suffers daily from the mental and physical anguish borne by someone who knows he is innocent but is unable to have his case heard in a full, fair, and timely manner. Because of his understandable frustration, during the past year Petitioner has submitted multiple pro se letters to this Court seeking immediate redress. However, because Petitioner was represented by

counsel, the Court returned the documents without consideration. (Order, *People v. Doolin*, Case No. S054489, Oct. 26, 2015.) Pursuant to Petitioner's request, the documents are being submitted herewith.[15] (Ex. 166, Petitioner's *pro se* submissions to California Supreme Court, June-Dec., 2015.)

F. Petitioner's prolonged confinement under sentence of death, combined with the excessive delay in the adjudication of his constitutional claims, constitute cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments, as well as International Law. (*Lackey v. Texas* (1995) 514 U.S. 1045 [Stevens, J., joined by Breyer, J., respecting the denial of certiorari].)

G. Additionally, the delay has resulted in prejudice due to the loss of evidence, including the death of crucial witnesses.

H. Accordingly, Petitioner seeks an immediate review of his claims of constitutional error, including those newly presented herein, and that appropriate relief be granted.

CLAIM 6. Cumulative error and prejudice requires relief.

Considered cumulatively, the constitutional errors committed during the capital prosecution of Petitioner mandates reversal of his convictions and death sentence. In support of this claim, Petitioner alleges the following facts and legal bases, among others to be presented after Petitioner's counsel are afforded a reasonable opportunity for a full factual investigation, adequate funding, complete discovery as required by the California and United States Constitutions and Penal Code section 1054.9 and other Cali-

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[15] The *pro se* documents included five letters written by Petitioner to this Court (June 8, 18, & 28, 2015, July 2, 2015, and December 6, 2015), as well as a Notice and Demand (September September 7, 2015) and Notice of Default (October 14, 2015).

fornia law, access to a complete and accurate appellate record, access to this Court's subpoena power, access to material witnesses, access to this Court's other processes, and an evidentiary hearing:

A. The multiple constitutional errors detailed in this Petition and prior habeas petitions, committed by state actors including investigating officers, the Fresno County District Attorney's Office, Petitioner's trial counsel, the jury, and the trial court, combined with the numerous errors detailed in Petitioner's automatic appeal, rendered his trial fundamentally unfair and the resulting verdicts and sentence unlawful.

B. Petitioner has set forth a prima facie case that cumulatively, these errors violated his rights as guaranteed by the Fifth, Sixth, Eighth, and Fourteenth Amendments, their California constitutional analogues, state statutory rules and decisional law, and international human rights law as established in treaties, customary law, and under the doctrine of jus cogens.

C. The facts and allegations, supporting exhibits, and citations contained in each claim in this Petition, as well as in prior pleadings before this Court, are incorporated by this reference as if fully set forth herein.

D. Petitioner expressly requests that this Court, in its independent review of the fairness of the trial proceedings, evaluate the errors set forth on appeal and in this Petition together and find that they cumulatively violated the federal and state constitutions and cumulatively prejudiced Petitioner's right to a reliable assessment of guilt, death eligibility, and punishment.

E. This Court is obliged under the state and federal constitutions and its own capital case jurisprudence to conduct a cumulative error and cumulative prejudice analysis. Moreover, the Eighth Amendment requirement of heightened reliability in cases in which the penalty is death imposes a special duty on the Court to examine the complete record to determine whether a capitally charged defendant received a fair trial.

F. The Court's obligation encompasses the consideration of individual errors that it may deem harmless (and therefore not reversible when considered alone) to assess whether the cumulative effect of those errors on the outcome of the trial is such that collectively they can no longer be regarded as harmless. The multiple deprivations of substantive and procedural due process and other safeguards essential to a reliable determination of guilt and penalty in a capital case detailed in the factual allegations of this Petition and in Petitioner's automatic appeal merit assessment of their cumulative or aggregate prejudicial effect.

G. Clearly established principles of state and federal law demonstrate the individual and cumulative prejudice accruing to Petitioner from the constitutional violations in his case. Accordingly, he is entitled to habeas corpus relief.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that the Court grant the relief to which he may be entitled in this proceeding, including the following:

A. Issue a writ of habeas corpus to have Petitioner brought before it to the end that he be discharged from his unconstitutional confinement and restraint, and be relieved of the unconstitutional death sentence;

B. Issue an order to show cause to inquire into the legality of Petitioner's incarceration and why he is not entitled to relief;

C. Conduct a hearing at which proof may be offered concerning the allegations of this petition;

D. Permit Petitioner, who is indigent, to proceed without prepayment of costs and fees;

E. Grant the indigent Petitioner investigative, expert, and other ancillary funds necessary for the identification and development of all claims and facts;

F. Grant Petitioner the authority to obtain subpoenas *in forma pauperis* for witnesses and documents necessary to prove the facts alleged in this petition;

G. Grant Petitioner full, non-reciprocal civil discovery as to all claims alleged herein or subsequently discovered;

H. Stay Petitioner's execution pending final disposition of this Petition;

I. Permit the indigent Petitioner to amend this petition to allege other facts and claims as such are discovered following the availability of essential investigative and expert services;

J. After a hearing and full consideration of the issues raised in this Petition, considered cumulatively and in light of the errors alleged on direct appeal and in his prior habeas petitions, vacate the judgment of conviction in the Fresno County Superior Court in *People v. Doolin*, Super. Ct. No. 554289-9.

K. Issue an order granting Petitioner release and/or a new trial; and,

L. Grant Petitioner such further relief as is appropriate and in the interest of justice.

WHEREFORE, Petitioner respectfully petitions this Court for a writ of habeas corpus.

Dated: May 4, 2016

Respectfully submitted,

ROBERT R. BRYAN

PAMALA SAYASANE
Attorneys for Petitioner,
Keith Zon Doolin

CERTIFICATE OF WORD COUNT

I certify that this Petition for Writ of Habeas Corpus was prepared using a 13-point Times New Roman font and contains 9,345 words, verified through the use of the word processing program used to prepare this document.

Dated: May 4, 2016

Respectfully submitted,

ROBERT R. BRYAN
Attorney for Petitioner,
Keith Zon Doolin

VERIFICATION

I, ROBERT R. BRYAN, declare under penalty of perjury:

I am an attorney admitted to practice law in the State of California. I am lead habeas corpus counsel for KEITH ZON DOOLIN, who is confined and restrained of his liberty on death row at San Quentin State Prison, San Quentin, California.

I am authorized to file this Petition for Writ of Habeas Corpus on Mr. Doolin's behalf. I am making this verification because he is incarcerated in Marin County, and because these matters are more within my knowledge than his.

I have read the foregoing Petition for Writ of Habeas Corpus and know the contents thereof to be true.

Executed on this the 4th day of May, 2016, at San Francisco, California.

ROBERT R. BRYAN
Attorney for Petitioner,
Keith Zon Doolin

DECLARATION OF SERVICE BY MAIL

I, ROBERT R. BRYAN, declare that I am over 18 years of age, not a party to the within cause; my business address is 2107 Van Ness Avenue, Suite 203, San Francisco, California 94109. Today I served a copy of the attached **Petition for Writ of Habeas Corpus, and Appendix (Exhibits 158-166),** upon the following by mailing same in an envelope, postage prepaid, addressed as follows:

Amanda D. Cary, Esq.
Deputy Attorney General
2550 Mariposa Mall Room 5090
Fresno, California 93721

California Appellate Project
101 Second Street, Suite 600
San Francisco, California 94105

Keith Zon Doolin (Petitioner)
No. 13400, 4-EY-25
San Quentin State Prison
San Quentin, California 94974

I declare under penalty of perjury that the foregoing is true and correct. Executed on this the 4th day of May, 2016, at San Francisco, California.

ROBERT R. BRYAN
Attorney for Petitioner,
Keith Zon Doolin