ORIGINAL

00-6263

ALFONSO MOUZON , #E-43126
CALIFORNIA STATE PRISON LANCASTER
44750 60th. STREET WEST / B-7-219 U
LANCASTER , CALIFORNIA - 93536-7620
IN PRO SE

Supreme Court, U.S.
FILED
AUG 17 2000
OFFICE OF THE CLERK

IN THE SUPREME COURT OF THE UNITED STATES

ALFONSO MOUZON ,

PETITIONER ,

VS.

E. ROE , (WARDEN) ,

RESPONDENT ,

_____/

NO._____

EXTRAORDINARY WRIT OF

HABEAS CORPUS

PREPARED BY :

PETITIONER

In. Pro. Per

ORIGINAL

QUESTIONS PRESENTED

I. DOES IT VIOLATE A DEFENDANT'S 5th., 6th., AND 14th. AMENDMENT RIGHTS TO UPHOLD A CONVICTION OF RAPE, WHEN EVIDENCE PRESENTED, MEDICAL AND FORENSIC TEST FOR DNA, (EXPERT TESTIMONY) DOESN"T PROVE DIRECT GUILT?

II. WHETHER IT VIOLATES A DEFENDANT 14th., AMENDMENT DUE PROCESS RIGHTS, WHEN A TRIAL ATTORNEY FAILES TO IMPEACH A KEY WITNESS WHEN HE KNEW THE TESTIMONY WAS FALSE?

III. WHETHER IT VIOLATES A DEFENDANT'S 14th., AMENDMENT DUE PROCESS RIGHTS, WHEN AN APPELLATE ATTORNEY REFUSES OR DOESN'T RAISE ON DIRECT APPEAL, ISSUES THAT HIGH-LIGHTS A DEFENDANT'S INNOCENCE AND OTHER CONSTITUTIONAL ERRORS?
(QUESTIONS/CLAIMS ONE, TWO, FOUR AND FIVE).

IV. DOES IT VIOLATE A DEFENDANT'S 14th., AMENDMENT RIGHT, WHEN REMAINING BLACK JURORS ARE CHALLENGED FOR CAUSE BASED ON THEIR PERSONAL ASSOCIATION TO A CITY AND LACK OF EDUCATION OF RAPE PREVENTION?

V. DOES IT VIOLATE A DEFENDANT'S 14th AMENDMENT RIGHT OF DUE PROCESS, IF A TRIAL COURT ADMITS INTO EVIDENCE AS A WHOLE THE MEDICAL RECORDS OF ALLEGED VICTIM WHEN IT CONTAINES STATEMENTS EXPRESSED BY ALLEGED VICTIM?

VI. DOES IT VIOLATE A DEFENDANT'S 5th., AMENDMENT RIGHT, WHEN A TRIAL COURT REFUSES TO RULE ON MOTION TO EXCLUDE, OR SANITIZE, PRIOR CONVICTION UNTIL AFTER DEFENDANT (PETITIONER) IS/WAS SWORN IN TO TESTIFY?

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STATEMENT OF THE CASE

The Petitioner Alfonso Mouzon. Was Charged With A Seven Count Sexual Assualt, (Rape) Originally Filed July 26, 1989 And Amended On August 19, 1989 Under The Following Offenses: Count one Kidnapping, Count Two And Four Forcible Oral Copulation, Counts Three And Six Sexual Penetration With A Foreign Object, Count Five Attempted Rape, And Count Seven Assualt With Intent To Commit Rape.

The Jury Found Petitioner Not Guilty Of Count Seven.

The Petitioner Adopted The Statement Of The Case From His Opening Brief, From Direct Appeal.

Continue On Next Page Please...

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED
SEP 20 1999
CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

ALFONSO MOUZON, Petitioner, v. ROY CASTRO, Respondent.	No. 99-71051 Northern California ORDER

Before: FERNANDEZ, TASHIMA and GR ^BER, Circuit Judges

The 28 U.S.C. § 2254 petition for writ of habeas corpus filed in the district court on May 18, 1999 is construed as a petition for authorization to file a second or successive 28 U.S.C. § 2254 habeas corpus petition in the district court. So construed, the petition is denied. Petitioner has not made a prima facie showing under 28 U.S.C. § 2244(b)(2) that:

> (A) the claim relies on a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or
> (B)(i) the factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and (ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.

No petition for rehearing shall be filed or entertained in this case. *See* 28 U.S.C. § 2244(b)(3)(E).

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