ORIGINAL

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

In re:

BASIL SINCLAIR,

On Habeas Corpus.

_____/

ON PETITION FOR A WRIT OF HABEAS CORPUS TO THE UNITED STATES COURT OF APPEAL FOR THE NINTH CIRCUIT

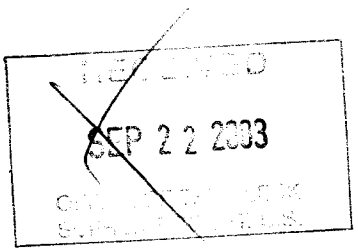
PETITION FOR WRIT OF HABEAS CORPUS 28 U.S.C. § 2241

BASIL SINCLAIR, K-46329
(Your Name)

P.O. Box 715071
(Address)

Represa, CA 95671-5071
(City, State, Zip Code)

N/A



QUESTION(S) PRESENTED

1. Whether petitioner's right to due process of law, as guaranteed by the Fourteenth Amendment of the United States Constitution, was infringed by the District Court's denial of his request to place the case in abeyance.

2. Whether petitioner has been denied a fundamental constitutional right under the Sixth Amendment to the United States Constitition by denial of effective assistance of trial counsel.

3. Whether petitioner has been denied fundamental constitutional rights under the Due Process and Equal Protection Clauses of the Fourteenth Amendment to the United States Constitition by the withholding of a material witness by the prosecution.

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IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF HABEAS CORPUS

Petitioner respectfully prays that a writ of habeas corpus issue to review the judgment below.

OPINIONS BELOW

Petitioner incorporates herein by reference Appendicies A through O.

JURISDICTION

The jurisdiction of this Court is invoked under 28 U.S.C. § 1651; 28 U.S.C. § 2241; and, 28 U.S.C. § 2254.

STATEMENT OF THE CASE

Petitioner is currently serving a prison sentence of 15 years to life imposed by the State of California in 1997 after a jury convicted him of second-degree murder and found true that he personally used a firearm in the commission of the alleged offense. On June 11, 1998, the California Court of Appeal affirmed petitioner's conviction in a partially published opinion. See Court of Appeal's published Opinion, marked APPENDIX O hereto and fully incorporated herein by reference. Petitioner's ensuing Petition for Review was summarily denied by the California Supreme Court on September 16, 1998. Petitioner subsequently filed a state petition for writ of habeas corpus in the Los Angeles County Superior Court on October 9, 2000. That petition was denied on October 31, 2000. On November 22, 2000, petitioner filed a petition for writ of habeas corpus in the California Court of Appeal, which was denied on December 7, 2000. On December 20, 2000, petitioner filed a petition for writ of habeas corpus in the California Supreme Court, which was denied on April 25, 2001.

On August 7, 2001, petitioner filed his original federal habeas petition, and on September 4, 2001. Petitioner incorporates herein by reference Appendicies A through N

90 days

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

MAR 19 2003

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

BASIL SINCLAIR, Petitioner - Appellant, v. DIANNE BUTLER, Respondent - Appellee.	No. 02-56712 D.C. No. CV-01-06769-FMC Central District of California, Los Angeles ORDER

Before: BEEZER and McKEOWN, Circuit Judges.

The request for a certificate of appealability is denied. *See* 28 U.S.C. § 2244(d)(1).

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