

2000

# Charles Watkins v. Hank Galetka : Petition for Writ of Certiorari

Utah Supreme Court

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## Recommended Citation

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UTAH SUPREME COURT

**FILED**  
UTAH SUPREME COURT

BRIEF

MAR 03 2000

PAT BARTHOLOMEW  
CLERK OF THE COURT

Charles Watkins  
20444, Gq3-217B  
USP, PO Box 250  
Draper, Utah, 84020

IN THE UTAH SUPREME COURT

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CHARLES WATKINS,	)	PETITION FOR WRIT OF
Appellant,	)	CERTIORARI
	)	
v.	)	<i>20000210</i>
	)	App. No. 990509-CA
HANK GALETKA, Warden,	)	
	-----	

The appellant, Charles Watkins, pro se, pursuant to Utah R. App. P. Rule 49, petitions the Utah Supreme Court for a writ of Certiorari.

Said petition for writ is based upon the order to deny him transcripts by the Utah Court of Appeals dated Jan. 26, 2000.

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### 3. TABLE OF AUTHORITIES

Appellant certifies that since the Utah State Prison does not have a Law Library for Quirkhs 1 thru 4 inmates are prejudiced by not having an effective means to submit any parallel citings, agency rules, Court rules, statutes or authorities as is a requirement of these rules for petitions for writ of certiorari

Appellant only has a personal Utah Code Unannotated 1998 purchased for him in March 1989, and a few cites only.

a) US v Brentley, 961 F2d 425, (3rd Cir 1992); Griffin v. Illinois, 351 US 12, 76 S.Ct. 585 (1956).

b) US Constitutions, 14th Amendment right.

c) Utah Constitutions, Article 1 §7 and 1 §24.

### 4. QUESTIONS FOR REVIEW

1. As a pro se litigant, and not a trained attorney, when he see the Contract Attorneys for advice, must they be honest and not misleading to aid a litigant?

2. Since he seen Contract Attorneys first in March 1995 and they filed a 65B petition for him on his behalf and it was procedurally barred because it was not a direct appeal, is he at fault?

3. Since the Contract Attorneys misled him a second time by telling him to file a 65C in 1998 and it too was procedurally barred, is he again at fault?

4. Since the appellant is having difficulty with a direct appeal would this case be entitled to have him obtain a copy of transcripts to better explain his grounds?

5. Can a pro se litigant obtain a copy of transcripts when his first appeal of right has been denied him?

#### 5. REFERENCE TO OFFICIAL AND UNOFFICIAL REPORTS

Again, inmates who are pro se litigants have no legal materials, nor resources for legal reports at this prison.

#### 6. CONCISE STATEMENT OF GROUNDS

- a) date of entry of decision; Jan. 26, 2000 order - denying transcripts.
- b) jurisdiction by the Utah Supreme Court is governed under Utah Code § 78-2-2-(3)(a).

#### 7. CONTROLLING PROVISIONS

- a) U.S. Constitution, 14<sup>th</sup> Amendment rights.
- b) US v. Brently 961 F2d 425, (3rd Cir 1992); Griffin v. Illinois, 351 US 12, 76 S.Ct 585 (1956).
- c) Utah Constitution, Articles 1§7 and 1§24.
- d) Due process of law, its rights and privileges.

b) "Indigent defendant is entitled to free trial transcript on appeal; however, alternative method, such as videotape, may be ~~satisf~~ satisfactory." And, "Criminal defendant has right to record on appeal which includes complete transcript of proceedings at trial." Inmates do not have access to any citings, there is no legal resources here at the prison.

c) Provisions, privileges and rights afforded persons under Due process of law.

#### 8. STATEMENT OF THE CASE

During the process of this appeal, the appellant made a motion to the Utah Court of Appeals for transcripts. Said order denied him transcripts. Since the appellant to date, (conviction June 27, 1994) has been denied a direct appeal, and filing complaint on Attorney has done no good, should he be granted transcripts of proceedings in order to enable him to better clarify and be concise for his cause of actions in his 65C petition? The appellant has filed a complaint against the judge to the Judicial Conduct Commission because of a number of frauds with said case. Moreover, it is very doubtful that the transcripts are exactly what took place at trials. Even my parents are having trouble getting those transcripts as mentioned under Utah Code § 78-56-108, they stated copies can be attained for \$500 per day as a fee.

## 9. ARGUMENT

Appellant feels he is entitled to a copy of the trial transcripts of Feb. 22, 23, 1994 and June 27, 1994. Wherein there are definite reasons to believe several frauds exist. Just by the context of proceedings that took place, it is evident no real trial was to be held. The voir dices of 2/22 and 2/23/1994 reveal that, his motion to dismiss at 2/22 trial never ruled on. No jury instructions, no cross-examination, no objections, no direct appeal filed, no real intent to hold a fair and proper trial. When the appellant tries to buy copies of transcripts, but it does not adhere to rules under Utah Code § 78-56-108 fee's. And parents were wondering what fee is it really. He believes the Court does not want to disclose the truth or true accounts of the real proceedings and are reluctant to provide them at all. He feels since the direct appeal was denied him, he is entitled to copies of transcripts.

## 10. APPENDIX

Copy of order denying transcripts of Jan. 26, 2000 is attached.

Respectfully submitted this 24 day of February, 2000.

Charles Watkins

Charles Watkins  
Appellant

CERTIFICATE OF MAILING

I certify I mailed a true and correct copy of the foregoing,  
PETITION FOR WRIT OF HABEAS CORPUS, postage prepaid by first  
class mail, on this 24 day of February, 2000, to the following:

UTAH SUPREME COURT  
Appellate Clerk's Office  
450 South State St, 5th fl.  
PO Box 140210  
Salt Lake City, Utah, 84114-0210

Ms. Erin Riley  
Assistant Attorney General  
160 East, 300 South  
PO Box 140854  
Salt Lake City, Utah, 84114-0854

Charles Watkins  
Charles Watkins  
Appellant



cc

IN THE UTAH COURT OF APPEALS

---oo0oo---

FILED  
JAN 26 2000  
COURT OF APPEALS

Charles Watkins, )  
 )  
Plaintiff and Appellant, )  
 )  
v. )  
 )  
Hank Galetka, Warden, )  
 )  
Defendant and Appellee. )

ORDER  
Case No. 990509-CA

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This matter is before the court upon appellant's motion for preparation of transcripts at the State's expense and request that the court consider his motion en banc.

This appeal is from the trial court's order denying appellant's petition for extraordinary relief. As such, the matter is a civil appeal, rather than a direct criminal appeal, and appellant has no statutory right to transcripts at the State's expense. See Utah Code Ann. § 77-32-305(1999).

IT IS HEREBY ORDERED that appellant's motions are denied.

Dated this 26th day of January, 2000.

FOR THE COURT:

  
Pamela T. Greenwood,  
Presiding Judge

Re: 77-A  
Rev. of 1/28/00  
p1/2