

1 Sharon Bridgewater  
2 965 MISSION STREET #409  
3 SAN FRANCISCO, CA 94103

4 RECEIVED IN CLERK'S OFFICE  
5 U.S.D.C. - Atlanta  
6 NOV - 4 2011  
7 JAMES N. HATTEN, Clerk  
8 Deputy Clerk  
9  
10

IN THE UNITED STATES FEDERAL NORTHERN  
DISTRICT COURT OF GEORGIA

11 Sharon Bridgewater,  
12 Petitioner,  
13 Vs.  
14 People of the State of Georgia,  
15 RANDY RICH SUPERIOR COURT  
16 JUDGE OF GWINNETT COUNTY  
17 Respondent

18 } CASE No. SC No 06-D03943 -S2  
19 } WRIT FOR HABEAS CORPUS

20 } 1 : 11 - CV - 3828

21 WRIT FOR HABEAS CORPUS

22  
23 I. PARTIES

24  
25 Sharon Bridgewater Petitioner herein, is a citizen of California, is African  
26 American Black indigent female, a member of a class or race based discriminatory  
27 animus, and requested an "court appointed attorney" in the above case.

1 Respondent Randy Rich is a Superior Court Judge who citizenship is in the State  
2 of Georgia, in the Gwinnett County Superior Court, Lawrenceville, Georgia.  
3  
4 Lucas Harsh was a “FORMER PROSECUTOR” of the Plaintiff in case which  
5 resulted in a dismissal of the charge(the Plaintiff had a rental car, that insurance  
6 covered the payments, it was a “error” the car was reported stolen, the Plaintiff  
7 paid the rental car for the back charges the insurance was suppose to pay the rental  
8 car, and the Plaintiff was rein burst by the Insurance Company, the charges she  
9 paid to the rental car company and the charges were dismissed) and in this case  
10 was the “PLAINTIFF’S COURT APPOINTED DEFENSE ATTORNEY.”  
11  
12

13  
14 **II. JURISDICTION**  
15

16 The United States District Court has jurisdiction over this petition for a writ of  
17 habeas corpus and/or 42 U.S.C. section 1983, and/or diversity citizenship. The  
18 Petitioner is in custody pursuant to judgment of a Georgia State Court, and seeks  
19 relief on the ground that her conviction, imprisonment or sentence is in violation of  
20 her rights under the United States Constitution.  
21  
22  
23  
24  
25  
26  
27  
28

### **III. VENUE**

Venue is proper in the United States District Court for the Northern District of Georgia because Petitioner's conviction was obtained in the City of Superior Court of Gwinnett County Lawrenceville, GA.

#### **IV. PROCEDURAL HISTORY**

On Nov. 20, 2005, the State of Georgia, Superior Court of Gwinnett County charged the Petitioner with six count of traffic violations, DUI, no proof of insurance, improper lane change, and four more other traffic violations and/or counts.[and] (RECKLESS DRIVING WERE NOT ONE OF THE CHARGES THE PLAINTIFF WAS CHARGED FOR). The Petitioner is confined pursuant to an order of probation with the Gwinnett County Superior Court in 2007. Petitioner was convicted in the Gwinnett County Superior Court on count of reckless driving, and one count of driving with no proof of insurance. The Gwinnett County Superior Court sentence the Plaintiff to a term of 12 month probation with credit time served seven month (5 months probation), community service, substance abuse, suspended the Plaintiff Georgia Drivers, license in CASE No. SC No 06-D03943 –S2(see exh. 1 )

Petitioner demanded a jury trial, was never was tried for the crime charge of in the Gwinnett County Superior Court and was “forced” and coerced to make a plea in the case for reckless driving and driving with no proof of insurance by the Petitioner “former prosecutor/defense attorney,” on the DAY OF TRIAL.

## **V. GROUNDS FOR RELIEF**

The grounds on which Petitioner contends her conviction is contrary to the Constitution of the United States are as follows:

The Plaintiff civil rights were violated pursuant to 18 USC 241 and/or 242 section by the Judge and/the “former prosecutor of the Plaintiff /“Public Defense Attorney”. The two/three KNOWINGLY, INTENTIONALLY conspired to violated the Petitioners civil rights, and KNOWINGLY, INTENTIONALLY DEPRIVED THE PETITIONER THE HER FIRST AMENDMENT RIGHT TO FREE SPEECH; KNOWINGLY, INTENTIONALLY DEPRIVED AND/OR DENIED THE PETITIONER THE RIGHT TO CONFRONT HER ACCUSERS; KNOWINGLY; INTENTIONALLY DENIED THE PETITIONER HER RIGHT TO A JURY TRIAL, AND KNOWINGLY; INTENTIONALLY UNLAWFULLY,

1 DEPRIVED THE PETITIONER ILLEGAL SEIZEDWITHOUT DUE PROCESS  
2  
3 OF LAW.

4  
5 1. The factual claims and legal arguments that support these claims are  
6 set forth in Petitioner's Memorandum in Support of Petition for Writ  
7 of Habeas Corpus. These factual claims and legal arguments are  
8 hereby incorporated by reference. If not for these several errors  
9 Petitioner would have established that he was actually innocent of  
10 the offense with which he was charged.

11  
12  
13 **VI. TOLLING THE STATUE OF LIMITATIONS**

14  
15  
16 Here in this case the Plaintiff has timely filed a Writ for Habeas in this federal  
17 court and/or due to the criminal conduct of the Defendants the Plaintiff was forced  
18 to leave the State of Georgia.

19  
20 The Plaintiff has been absent from the State of Georgia since the incident  
21 in Nov. 2007, and it has been impossible to perfect service on the Defendants  
22 therefore the Statue of limitations is tolled. Also to warrant equitable tolling, the  
23 petitioner must prove he has in "some extraordinary way been prevented from  
24 asserting his/her rights and/or there have been "exercised reasonable diligence in  
25 investigating and bringing [the] claims and/or governmental interference prevented

1 filing. Here in this case all of the above applies. Six years the Plaintiff have  
2 diligently filed three writs of habeas in this court, multiple in One rule which  
3 applies to equitable tolling is exceptions apply if: Six Years the Plaintiff have  
4 diligently filed numerous petition in this court, State Court, and the US Supreme  
5 Court The Petitioner Sharon Bridgewater herein sent a Habeas petition to the US  
6 Court of Appeals, rejected "filed in the wrong court," and filed two writs of  
7 Habeas in the Georgia US Supreme Court(the Court refused to docket the Plaintiff  
8 case, returned to the Plaintiff her filing fee twice), and the Plaintiff is entitled to  
9 equitable tolling.  
10  
11  
12  
13

## VI. EXHAUSTION

18 Pursuant to Federal and/or State law an application for a writ of habeas corpus on  
19 behalf of a person in custody pursuant to the judgment of a State court shall not be  
20 granted unless it appears that the applicant has exhausted the remedies available in  
21 the courts of the state, or that there is either an absence of available State corrective  
22 process; or circumstances exist that render such process ineffective to protect the  
23 rights of the applicant, as mentioned in the above procedural history the Plaintiff  
24 have exhausted remedies and/or there is an absence of available State corrective  
25 process.  
26  
27  
28

1  
2       In this case the Petitioner, since, in 2006 before the Judgment of  
3 conviction, filed a Habeas Corpus(see exh. 7 ). **[FIVE YEARS AGO]**  
4  
5

6       The Petitioner Sharon Bridgewater herein has diligently filed numerous  
7 writ of habeas corpus. In 2008 the Petitioner filed a habeas in this federal  
8 court(the Petitioner purposely had her name copyrighted due to “multiple” willful  
9 continual criminal violation by others violating the Petitioner’s civil rights and/or  
10 due to the Petitioner being a “victim” of malicious crime).  
11

12       The Petitioner also filed, another Habeas in 2009 in this federal court,  
13 multiple habeas in Gwinnett County Superior Court, four motions to vacate  
14 Judgment of Conviction, 3 motions to modify probation, all were denied by  
15 various Judges. The Petitioner Sharon Bridgewater herein sent a Habeas petition to  
16 the US Court of Appeals, rejected “filed in the wrong court,” and filed two writs of  
17 Habeas in the Georgia US Supreme Court(the Court refused to docket the Plaintiff  
18 case, returned to the Plaintiff her filing fee twice) **NEARLY SEVEN YEARS**  
19  
20 **THE PLAINTIFF HAVE FILED NUMEROUS MOTIONS.** Clearly there is an  
21 absence of state correctiveness, and the Plaintiff has been denied access to the  
22 courts.  
23  
24  
25  
26  
27  
28

1  
2  
3 [OR]  
4  
5  
6  
7 Circumstances exist that render such process ineffective to protect the rights of the  
8 applicant and/or Exhaustion of state remedies "is not a prerequisite to an action  
9 under 42 USC § 1983," Patsy v. Board of Regents of Fla., 457 U.S. 496, 501, 102  
10 S.Ct. 2557, 2560, 73 L.Ed.2d 172 (1982) by a state prisoner, id., at 509, 102 S.Ct.,  
11 at 2564.  
12  
13  
14 In a 42 U.S.C. 1983, and/or the federal habeas corpus statute, 28 U.S.C.  
15 2254; both provide access to federal courts for claims of unconstitutional treatment  
16 of State officials. Congress gives a remedy to parties deprived of constitutional  
17 rights, privileges and immunities by an State official who abused their position, in  
18 acting "under color of any statute, ordinance, regulation, custom, or usage, of any  
19 State, and/or misused the power possessed by virtue of state law made possible  
20 because the wrongdoer is clothed with the authority of state law who showed no  
21 authority under state law, to do what they did, and violated the state constitution  
22 and laws pursuant to 42 USC section 1983 states,  
23  
24  
25  
26  
27  
28

1  
2 This section provides in material part:  
3

4 "The district courts shall have original jurisdiction of any civil action  
5 authorized by law to be commenced by any person:  
6

7 (3) To redress the deprivation, under color of any State law, statute,  
8 ordinance, regulation, custom or usage, of any right, privilege or immunity  
9 secured by the Constitution of the United States or by any Act of Congress  
10 providing for equal rights of citizens or of all persons within the jurisdiction  
11 of the United States."  
12

13  
14 The federal remedy is supplementary to the state remedy, and the state remedy  
15 need not be sought or refused before the federal remedy is invoked. [By reason of  
16 prejudice, neglect, intolerance, "disability" or otherwise, state laws might not be  
17 enforced and the claims of citizens to the enjoyment of rights, privileges and  
18 immunities guaranteed by the Fourteenth Amendment might be denied by state  
19 agencies.  
20  
21  
22  
23  
24  
25  
26  
27  
28  
9

1 **WRIT AND PETITION FOR HABEAS MOTION**  
2

3 The Plaintiff brings this motion on the basis that her conviction violates the United  
4 States federal Constitution.  
5

6 On or about Nov. 20, 2005 the Petitioner were charged with a DUI, and/or  
7 five other related driving traffic offenses punishable of one year or more.  
8

9 The Plaintiff litigated for one (plus) years, in the City of Lawrenceville  
10 municipal court, and the case was bound over to the Superior Court.  
11

12 (see exh. 3 1<sup>ST</sup> REGISTER OF ACTIONS- 7/10/2006- THE PLAINTIFF  
13 REQUESTED A PUBLIC DEFENDER, AND DEMAND FOR JURY TRIAL)  
14 [AND HAD A RIGHT TO A JURY TRIAL].  
15

16 On or about 10/16/2006 the Plaintiff was arrested and “pulled over for  
17 “for an alleged tags violation,” detained in the Gwinnett County Jail for approx. 9  
18 days against her will in connection with the charges/incident, and appointed  
20 “public” counsel.  
21

22 The “public” defense attorney told the Petitioner, she must plea guilty to  
23 one or some or all charges in order to get out of jail.  
24

25 The plaintiff was “coerced” and pleaded guilty to one or some or all  
26 charges, **IN ORDER TO GET OUT OF JAIL.**  
27  
28

1 Once out of jail and on or about 4/20/2007, the Plaintiff withdrew her  
 2 plea (see exh. Register of actions) CONTINUED TO MAINTAIN HER  
 3 INNOCENCE, requested an appointment of counsel, AND DEMANDED A  
 4 JURY TRIAL.

5  
 6 On or about 6/27/07 the Superior Court Judge Rich, retaliated,  
 7 discriminated against the Plaintiff based on race or class because the Plaintiff could  
 8 not afford an attorney, and/or was African American, against the Petitioner because  
 9 the Plaintiff exercised her 1<sup>st</sup> amendment right to free speech and/or other rights as  
 10 secured and guaranteed by the United States Constitutional right , appointed Lucas  
 11 Harsh the Plaintiff's "former prosecutor," to represent the Petitioner herein.(at the  
 12 time the Plaintiff had no ideal Lucas was appointed as defense counsel and **Judge**  
 13  
 14 **Randy Rich "ordered" that only the "former prosecutor" had the authority**  
 15  
 16 **to speak on behalf of the plaintiff see exh. )**

17  
 18 On or about 9/6/2007 ; 9/14/07 (had two notices of conflict hearings with  
 19  
 20 Lucas O. Harsh) with "FORMER PROSECUTOR/DEFENSE ATTORNEY"  
 21  
 22 Lucas Harsh, and/or the solicitor conspired with (see exh. 4) "no notations" in  
 23  
 24 court record. **A SECRET COURT.**

1 On or about Sept 18, 2007, at approx. 3:30 p.m. Lucas Harsh telephone the  
2 Petitioner and told the Petitioner to meet him at the courthouse on Sept.19, 2007  
3 the next morning at 9:00 a.m. on the day of TRIAL.<sup>1</sup>  
4

5 Upon arrival at the court house the next morning Lucas Harsh told the  
6 Petitioner to plead guilty to two count or either quote: "GET CONVICTED" on all  
7 six counts "**ON THE DAY OF TRIAL.**"  
8

9  
10 The 5th Amendment to the Constitution of the United States  
11 that "no person shall be deprived of life, liberty, or property,  
12 without due process of law." This right was extended to the  
13 states by the 14th Amendment. Fundamental to procedural  
14 due process "**are adequate notice before the government**  
**can deprive one of life, liberty, or property, and the**  
**opportunity to be heard and defend one's rights.**"  
15

16  
17 The Petitioner was placed in position of either pleading guilty to one count  
18 of reckless driving and one count of driving with no proof of insurance or  
19 proceeding to a jury trial on the merits "get convicted" on six criminal counts<sup>2</sup>  
20  
21 "ON THE DAY OF TRIAL."

22 THE PROSECUTOR/SOLICITOR, "**ON THE DAY OF TRIAL**"  
23  
24 AMENDED HER ACCUSATIONS CHARGED THE PETITIONER WITH

---

25  
26 <sup>1</sup>The Crime of DUI, and other related charges must be prosecuted within two years of the crime, otherwise the  
27 statute of limitation bar any criminal prosecution. The sixth amendment US Constitution provides the Plaintiff to  
have a right to a speedy and public trial and counsel in a criminal prosecution.

28 <sup>2</sup> ANY FOOL WOULD HAVE PLED GUILTY TO THE TWO COUNTS.

1 RECKLESS DRIVING.<sup>3</sup> [and the amendment was not just a typographical error  
 2 of amendment] (SEE EXH. 4 )  
 3

4 The Plaintiff "WAS FORCED" and pleaded guilty to Reckless driving and  
 5 driving with no proof of insurance.  
 6

7 Randy Rich the Superior Court Judge, a State Official, knowingly,  
 8 intentionally, acted under the color of state law, outside the courts jurisdiction,  
 9 committed an overt act acted as a "ONE MAN PARTIAL JUDGE," then illegally  
 10 and unlawful took Harsh's "former prosecutor/defense attorney" and "the  
 11 prosecutor/solicitor for Gwinnett County" "AMENDED ACCUSATION"  
 12 CONVICTED THE Plaintiff with a crime for reckless driving, and driving with no  
 13 proof of insurance without due process of law. The Respondents subsequently  
 14 sentenced the Plaintiff to a crime, sentence the Plaintiff to 12 months  
 15 probation(seized the Plaintiff body without due process of law), suspended the  
 16 Plaintiff's license, imposed fines, cost, etc.(subjected the Plaintiff to excessive  
 17 fines, cruel and/or unusual punishment); Order the Plaintiff to community service  
 18 without due process of law( involuntary servitude), and all ratified, approved and  
 19 violated the Plaintiff civil rights.  
 20

21  
 22  
 23  
 24  
 25  
 26  
 27  
 28

---

<sup>3</sup> [P]rior to trial a Prosecutor may amend an accusation, summons, or any citation to allege or to change the allegations regarding any offense arising out of the same conduct of the Defendant in the original accusation, summons or citation. The petitioner "was not arraigned on [the amended] accusation, AND/OR did not "voluntarily" plead guilty to "the amended" accusation or "the original" accusation charge(s) and did not voluntarily waive her rights to a jury trial.

1  
2 “A Judge’s prosecutorial acts in determining offense to be  
3 charged, preparing guilty plea and waiver of jury and  
4 causing plaintiff alleged signature to be placed thereon, and  
5 in presenting a charge and plea form to himself with  
6 expectation that they would be basis for unconstitutional  
conviction and sentence, is taken in clear absence of all  
Jurisdiction over justifiable matters”

7  
8 The Judge and/or the other co-conspirators violated the Plaintiff civil  
9 rights, committed an unconstitutional act(s), and did not have the jurisdiction to  
10  
11 convict the Plaintiff.

12  
13 The Defendants, private individual ratified, approved, conspired,  
14 discriminated against the Petitioner, because she was indigent and Black, violated  
15 the Petitioner, first or fourth or fifth or sixth or eighth or thirteenth or fourteenth  
16 amendment, and/or other United States Constitutional rights as secured by the  
17  
18 Constitution, and denied and/or deprived the Petitioner equal protection under the  
19 laws, and/or equal privileges and immunities as secured by the United States  
20  
21 Constitution, and prevented the Plaintiff from exercising and enjoying equal  
privileges and immunities as secured by the United States Constitution as a citizen.

22  
23 The Defendants actions constituted a conspiracy of among the Judge,  
24 prosecutor and “former prosecutor” and constituted “private individuals”  
25 conspiracy under the color of law, and/or a State Action. The parties conspired to  
26  
27 violate the Plaintiff civil rights pursuant to;

1  
2 18 USC SECTION 241 states,  
3

4 If two or more persons conspire to  
5 injure, oppress, threaten, or intimidate  
6 any person in any State, Territory,  
7 Commonwealth, Possession, or District in  
8 the free exercise or enjoyment of any  
9 right or privilege secured to him by the  
10 Constitution or laws of  
11 the United States, or because of his  
having so exercised the same; it is a  
"willful" criminal conspiracy to deprive  
rights.

12  
13  
14 The United States Supreme Court has recognized two categories of  
15 constitutional errors: (1) "trial-type" errors harmless-errors and (2) "structural"  
16 errors. Errors that cast so much doubt on the fairness of the trial process that, as a  
17 matter of law, they can never be considered harmless in which requires automatic  
18 reversal (constitutional violations).

19  
20 Upon finding that a criminal trial has been infected with constitutional error  
21 in the presentation of the case to the jury, a court further determines whether the  
22 error was harmless or whether the error had substantial and injurious effect or  
23 influence in determining the jury's verdict. " See 507 U.S. at 619 (quoting and  
24  
25  
26  
27  
28

1 adopting the standard set forth in *Kotteakos v. United States* , 328 U.S. 750, 776,  
 2 66 S.Ct. 1239, 90 L.Ed. 1557 (1946).  
 3

4 Here in this case, the Plaintiff requested a JURY TRIAL AND HAD NO  
 5 TRIAL. The Plaintiff have shown a “prima face” showing of discrimination, overt  
 6 acts, and deprivation of her civil right, under the color of law by the Judge,  
 7 Prosecutor, and “FORMER PROSECUTOR/DEFENSE ATTORNEY” to  
 8 ILLEGAL CONVICT, “THE PROSECUTOR CHARGE AND CONVICTED  
 9 THE PLAINTIFF OF A CRIME ON THE DAY OF TRIAL (most certainly a  
 10 prosecutor can not charge the Plaintiff with a crime “ON THE DAY OF TRIAL”  
 11 she was never the plaintiff was never arraigned on the charge) (see exh. 4 ) the  
 12 Plaintiff, of multiple violations of the Plaintiff’s civil rights, constitutional errors  
 13 had a “injurious effect.”  
 14

15  
 16 The Defendants actions were an abuse of states power by “private  
 17 individuals,” overt, bias acts, and their actions were based on class or race based  
 18 discriminatory animus because the Plaintiff was an African American indigent  
 19 defendant.  
 20

21  
 22 In the famous "Scottsboro Boys" case of *Powell v. Alabama*,  
 23 287 U.S. 45 (1932), involving poor black defendants tried in  
 24 a highly racially charged and unfair proceeding, the Court  
 25 held that the right to a fair trial and the right to appointed  
 26 counsel were necessary components of due process of law

1 under the Fourteenth Amendment, and thus enforceable  
2 against the states. In the 1948 case *In re Oliver*, 333 U.S.  
3 257 (1948), the Court in effect held that the right to a public  
4 trial—a right explicitly protected against the federal  
5 government by the Sixth Amendment—is also an inherent  
part of Fourteenth Amendment due process, and **thus no**  
**state trial can ever take place in secret.**

6  
7  
8  
9  
10 CLEARLY THE COURT DID NOT HAVE JURISDICTION TO ENTERTAIN A  
11 JUDGMENT OF CONVICTION. THE JUDGMENT OF CONVICTION IS  
12 VOID, NULL AND INEFFECTIVE and without “ANY LEGAL EFFECT.”

13  
14 Rich put a “tolling” order on the Plaintiff Nov. 30, 2007 (see exh. 3 ),  
15 illegally, unlawfully, put an arrest warrant for the Plaintiff person or body without  
16 due process of law.

17  
18 The State of Georgia, accusations against the Plaintiff were on  
19 Nov. 20, 2005 (see exh. 4 ).

20  
21 Pursuant to OCGA section 17-3-1(d), [p]rosecution for misdemeanors  
22 must be commenced within two years after the commission of the crime.

23  
24 The two year period runs from the date the offense was committed until  
25 the date the original accusation is filed Prindle vs. State, 240 Ga. App. 461, 523  
26 S.E. 2d 44(1999).

Any accusations[same or amended] arising out of the conduct/or Offenses, is well beyond the two year statute of limitation therefore a new trial is irrevelant.

Clearly there was pre-judge, “private individuals” who committed overt acts; who abused States power; and acted under the color of state law. The Defendants actions **involved an unreasonable application** of, clearly established Federal law and/or as determined by the Supreme Court of the United States.

## Retroactivity

Pursuant to a Supreme Court Ruling the Plaintiff is entitled to Retroactivity for her habeas corpus case. The ruling covers two “narrow” exceptions in order for a habeas corpus to apply retroactive.

- (1) The Defendants actions places "certain kinds of primary, private individual conduct beyond the power of the criminal lawmaking authority to proscribe," and/or
- (2) The fundamental fairness of the trial, and/or the trial was tainted by the constitutional error(s). (either substantive or procedural). Here in

1 this case (1) and/or (2) apply in Petitioner's case, and the Plaintiff is  
2 entitled to Retroactive Habeas Petition.  
3

4 Pursuant to Federal law, it plainly appear from the face of this petition  
5 and the exhibits attached hereto that the petitioner is entitled to relief in the district  
6 court, the judge "must" issue a writ of habeas and release the petitioner from  
7 custody via "Retroactive Habeas Corpus."  
8

9

10

11

12

13

14

15 **VII. RELIEF REQUESTED**

16

17

18 Wherefore, Petitioner Sharon Bridgewater prays that this Court:  
19

20 Issue a Retroactive Writ of habeas corpus to have Petitioner discharged,  
21

22 RELEASED from the  
23

24 Unconstitutional conviction; and ORDER AN  
25

26 Discharge, and/or Expunge conviction and/or retroactive.  
27

28 Discharge, and/or Expunge arrest, record, fingerprints, etc retroactive.  
29

30 Discharge, and/or Expunge NICI data (National Crime Data Base Arrest warrant)  
31

32 Discharge, and/or Expunge probation retroactive.  
33

34 Declare the conviction unconstitutional retroactive.  
35

1 ORDER ALL INFORMATION, RECORD, PICTURES, ETC. PERTAINING TO  
2 THIS CONVICTION NULL, VOID, AND EXPUNGED retroactive.  
3

4 Grant such other and further relief as may be appropriate.

5  
6 DATED this 2nd day of ~~October, 2011~~ <sup>Nov. 3, 2011</sup> Nov. 2011  
7



12  
13  
14 SHARON BRIDGEWATER  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28