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**IN THE THIRD JUDICIAL DISTRICT COURT
IN AND FOR SALT LAKE COUNTY, STATE OF UTAH**

GOOD CLIENT (hereinafter referred to as
“**Petitioner**”),

Petitioner,

vs.

STATE OF UTAH (hereinafter referred to as
“**Respondent**”),

Respondent.

**PETITION FOR A WRIT OF HABEAS
CORPUS**

Case Number:

Judge:

Petitioner, Good Client, by and through his counsel of record, Saul Goodman, hereby files this “Petition For a Writ of Habeas Corpus” (hereinafter referred to as this “**Petition**”) to respectfully petition the Court to issue a Writ of Habeas Corpus (i) establishing the Court’s jurisdiction over this matter; (ii) barring Petitioner’s extradition to the Superior Court of California in the County of Santa Clara; (iii) establishing whether the extradition documents on their face are in order; (iv) establishing whether Petitioner has been charged with a crime in the demanding state; (v) establishing whether Petitioner is the person named in the request for extradition; (vi) establishing whether Petitioner is a fugitive; and (vii) ordering the release of Petitioner from the custody of Respondent. In support and as the substance of this Petition, Petitioner hereby alleges, states, and avers as follows:

INFORMATION

Case Information

1. This case pertains to the criminal proceedings taking place against Petitioner in this Court under case number 123456789 by Respondent.

2. This case challenges Respondent's charges against Petitioner in case number 123456789, and establishes good cause for the Court to grant a Writ of Habeas Corpus ordering, among the several other things mentioned herein, Petitioner's release from Respondent's custody.

Personal Information

3. Petitioner's full name is Good Client.

4. Petitioner has never used other names.

5. There exists reasonable doubt in this matter as to Petitioner being the same Good Client who allegedly perpetrated homicide in the State of California, as covered hereinbelow.

6. Petitioner is currently confined in the Salt Lake County Jail, located at 3415 S 900 W, South Salt Lake, Utah 84119.

7. Petitioner is being held on orders by federal authorities.

8. Petitioner is currently being held as a fugitive from justice due to an alleged crime that Petitioner was unsatisfactorily and unreliably identified to have purportedly committed in California.

Decision or Action Challenged

9. The decision(s) or action(s) Petitioner is challenging are his (i) current imprisonment under the custody of Respondent, as well as his (ii) extradition to California due to

an alleged crime that Petitioner was unsatisfactorily and unreliably identified to have purportedly committed in California.

INTRODUCTION

10. Petitioner is accused of having been involved in an alleged homicide in California, which allegedly took place on June 5, 2022.

11. After this alleged homicide, it is alleged that Petitioner returned to the State of Utah.

12. As a result of these alleged events, Petitioner is accused of fleeing from California and, thus, of being a fugitive from justice.

13. California subsequently initiated extradition proceedings against Petitioner to have Petitioner taken to California to face the charges ostensibly placed against him.

14. As a result of the extradition proceedings, Petitioner was taken into custody on August 11, 2022, in Salt Lake City, Utah, where he has awaited, and awaits, extradition.

15. However, neither the prosecution in California nor in Utah, nor any of the officers or agents involved in this matter, nor Respondent, ever satisfactorily and reliably verified and proved that the Good Client allegedly guilty of homicide in California is the same Good Client who is the petitioner in this action.

16. This is, therefore, a case of likely mistaken identity, as well as of the failure of Respondent and the government to fulfill their duty to ensure and prove beyond a reasonable doubt that they apprehended and imprisoned the correct person.

CUSTODY

17. Petitioner is currently in the physical custody of Respondent.

18. Petitioner is imprisoned in jail and is currently under the custody of Respondent.

JURISDICTION

19. This action arises under the Constitution of the United States and the Constitution of Utah

20. This Court has jurisdiction.

21. This Court may grant relief pursuant to Utah law.

22. Venue is proper because this is the judicial district in which Petitioner and Respondent reside and where Petitioner is detained.

PARTIES

23. Petitioner is an individual who resides in Magna, Utah, who was imprisoned by, and lies in the custody of, Respondent due to being identified as the Good Client who allegedly committed homicide in California, all while Respondent having never established or proved that Petitioner, despite having the same name, was the same Good Client in question.

24. Respondent is holding Petitioner as a result of Petitioner being alleged to be a fugitive from justice due to allegedly fleeing from California subsequent to the alleged homicide that Petitioner is accused of committing.

25. Respondent is a person or entity under whose custody Petitioner is currently imprisoned and would be the one to free Petitioner from his imprisonment subsequent to the granting of this Petition.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

26. Petitioner has exhausted his administrative remedies to the extent required by law.

27. Petitioner has fully cooperated with Respondent and has not delayed or obstructed his detention.

28. Petitioner's only remedy is by way of this judicial action.

CONSIDERATIONS AND STATEMENT OF FACTS

29. As established above and reiterated herein, Petitioner was arrested on August 11, 2022, because Respondent *assumed* him to be—due to having the same name—the same Good Client who allegedly committed homicide in California on June 5, 2022, and Respondent currently holds Petitioner in custody *despite never having satisfactorily and reliably established or proven, Petitioner to be the same person who allegedly perpetrated crime in California.*

30. As of the date of this Petition, Petitioner has been imprisoned for approximately 120 days—four months.

31. Respondent is detaining Petitioner pending the execution of his final extradition order.

32. Petitioner has fully cooperated with Respondent, as well as the other pertinent agents and officers from California and Utah, in their efforts to detain and imprison him.

33. Petitioner is not a flight risk or danger to the community, considering that neither Respondent nor the officers and agents involved in this matter have proven Petitioner to be the same person who allegedly perpetrated homicide in California, so it cannot reasonably be determined that Petitioner is a danger to the community, because there exists reasonable doubt as to Petitioner being the same person who, due to the nature of the alleged crimes, *would be* a reasonable danger to the community.

34. Because Respondent, to date, has not proven Petitioner to be the same person who is accused of homicide in California, Petitioner's prolonged detention is no longer justified under the United States or Utah Constitutions.

35. Petitioner specifically submits that his detention is in violation of his constitutional rights.

36. Petitioner seeks an order from this Court voiding the extradition proceedings taking place against Petitioner, as well as declaring Petitioner's prolonged detention unlawful and ordering Respondent to release Petitioner from their custody.

37. Good Client is a common Tongan name both in California and Utah, which makes mistaken identity more likely.

38. Upon information and belief, the extradition documents pertaining to this matter on their face are not legally in order because they contain no biometric, photographic, or other independent substantiating standard by which to measure and establish Petitioner's identity.

39. Upon information and belief, Petitioner has not been charged with a crime in the demanding state but, instead, a person with the *same name* as Petitioner has been allegedly charged with a crime in the demanding state.

40. Upon information and belief, Petitioner is not the person named in the request for extradition.

41. Upon information and belief, Petitioner is, therefore, a not fugitive from California justice.

CLAIMS FOR RELIEF

I. COUNT ONE – CONSTITUTIONAL CLAIM

42. Petitioner realleges and incorporates by this reference the foregoing paragraphs as if fully set forth herein.

43. Petitioner's continued detention amply violates his right to the substantive and procedural due process guaranteed by the Fifth Amendment of the United States and Utah Constitutions, through a deprivation of the core liberty interest of freedom from bodily restraint that applies to Petitioner.

44. The Due Process Clause of the Fifth Amendment requires that the deprivation of Petitioner's liberty interest be *narrowly* tailored to serve a compelling government interest, such as that of Respondent.

45. Upon the foregoing, any interest that Respondent has in detaining Petitioner in order to effectuate his extradition does not justify the indefinite detention of Petitioner, and such detention violates Petitioner's rights.

II. COUNT TWO – STATUTORY CLAIM

46. Petitioner realleges and incorporates by this reference the foregoing paragraphs as if fully set forth herein.

47. Pursuant to Utah Code § 77-30-20, the guilt or innocence of an accused *can* be inquired into in as much “as it may be involved in identifying the person held as the person charged with the crime.”

48. Therefore, because there is issue—and, therefore, there exists reasonable doubt—as to Petitioner being the actual culprit of the alleged crime despite Petitioner sharing the same name as the alleged perpetrator, the guilt or innocence of Petitioner should be inquired into, as that would best satisfy the requirements of due process and the interests of justice in this matter, especially considering Petitioner's prolonged detention.

49. Furthermore, Petitioner's continued detention—without having satisfactorily established him to truly be the alleged perpetrator—violates Petitioner's rights under the United States and Utah Constitutions.

CONCLUSION

50. It has hereby been established that Respondent, as well as the pertinent officers and agents from Utah and California taking part in the extradition proceedings against Petitioner, have failed to satisfactorily and reliably ascertain and prove beyond a reasonable doubt—as required by law in criminal proceedings such as the

51. pertinent proceedings currently taking place against Petitioner—that Petitioner is the same person who allegedly committed homicide in California.

52. Therefore, Petitioner's prolonged detention is unjustified under law and constitutes violations to Petitioner's rights, as established hereinabove.

53. This unjustified detention of Petitioner entitles Petitioner to the relief requested hereinbelow.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays and respectfully petitions the Court to grant the following relief:

- A. To assume jurisdiction over this matter;
- B. to expedite the consideration of this action
- C. to issue an order, pursuant to law, directing Respondent to show cause as to why the writ of habeas corpus should not be granted;

- D. to grant Petitioner a writ of habeas corpus (i) establishing the Court's jurisdiction over this matter; (ii) barring Petitioner's extradition to the Superior Court of California in the County of Santa Clara; (iii) establishing whether the extradition documents on their face are in order; (iv) establishing whether Petitioner has been charged with a crime in the demanding state; (v) establishing whether Petitioner is the person named in the request for extradition; (vi) establishing whether Petitioner is a fugitive; and (vii) ordering the release of Petitioner from the custody of Respondent immediately, or in the alternative, (viii) ordering that Petitioner be provided a bail hearing;
- E. to enjoin Respondent from transferring Petitioner outside of this judicial district pending the litigation of this matter or Petitioner's extradition proceedings;
- F. to award Petitioner attorney's fees and costs and on any other basis justified under law; and
- G. to grant any other, further, and different relief as the Court deems appropriate, just, and equitable under the circumstances of this matter.

DATED December 10, 2022.

/s/ Saul Goodman
Saul Goodman,
Attorney for Petitioner