

No. 18-8884 **ORIGINAL**

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

MAR 10 2019

OFFICE OF THE CLERK

Timmy Wayne Brown — PETITIONER
(Your Name)

SACRAMENTO vs.
SUPERIOR COURT 'ETAL' — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

STATE
CALIFORNIA SUPREME COURT OF APPEAL
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Timmy WAYNE Brown AZ-8590
(Your Name)

P.O. BOX 4000
(Address)

VACAVILLE, CALIF. 95696
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

- (1) DOES THE UNAVAILABILITY OF THE DEFENSE OF INTOXICATION IN THE CONTEXT OF SECOND DEGREE MURDER AS IT IS DEFINED IN COLORADO PRECLUDE THE USE OF SUCH A DEFENSE AS A PRIOR STATE OFFENSE?

LIST OF PARTIES

☒ All parties appear in the caption of the case on the cover page.

☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

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(COLORADO)

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COLORADO REVISED STATUTE 18-3-103

OTHER

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix C to the petition and is

☐ reported at _____; or,
☒ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the State Court of Appeal court appears at Appendix A to the petition and is

☐ reported at _____; or,
☒ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was 9-28-2018
12-12-2018
A copy of that decision appears at Appendix _____.

☒ A timely petition for rehearing was thereafter denied on the following date: 12-12-2018, and a copy of the order denying rehearing appears at Appendix C.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

STATEMENT OF THE CASE

Petitioner Adopts the statement of the case in the opinion of the Court of Appeal.

(Exhibit A; See OMR P.2.)

CONCISE STATEMENT OF THE CASE

Does the unavailability of defense of intoxication in the context of second degree murder as it is defined in Colorado preclude the use of such a conviction as a prison strike offense.

REASONS FOR GRANTING THE PETITION

MY TWO DRUG CONVICTIONS WAS OVER (20) TWENTY YEARS OLD. BUT FOR ACCIDENTALLY KILLING MY OWN DOG SHOULD NOT BE A REASON FOR ME TO SPEND THE REST OF MY LIFE BEHIND BARS.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Timothy Wayne Brown
Timothy Wayne Brown
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Date: ~~03-10-2019~~
03-10-2019