

No. _____

19-7449

IN THE

SUPREME COURT OF THE UNITED STATES

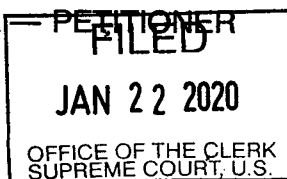
ORIGINAL

JACK ROBERT SMITH

(Your Name)

vs.

CALIFORNIA



— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. COURT of Appeals FOR THE NINTH CIRCUIT

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

JACK ROBERT SMITH

(Your Name)

11401 BLOOMFIELD AVE #409

(Address)

NORWALK, CA 90650

(City, State, Zip Code)

562) 864-9064 x1689

(Phone Number)

CONTENT

QUESTIONS PRESENTED - 2 PLS

STATEMENT OF THE CASE - 4 PLS

REASONS FOR GRANTING THE WRIT

- 2 PAGE EXPLANATION OF SHEPPARD V. CALIF.
- 4 PLS PATTON STATE HOSPITAL REPORT 9-25-2014
- 3 PLS DR. SANJAY SACHAL'S REPORT 8-9-2017
- 3 PLS DR. ALISHA JOHNSON'S REPORT 5-22-2019
- 4 PLS CONREP PROGRAM EXPLANATION WITH REPORT OF DETAILS & DIFFICULTIES
- 3 PLS, U.S DISTRICT COURT WRIT OF HABEAS CORPUS 8-4-2017
- 5 PLS DISTRICT COURT MOTION, RESPONSE TO ORDER TO SHOW CAUSE 2-21-2018
- 3 PLS SUPERIOR COURT TRANSCRIPTS 4-27-2015
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- 3 PLS 9TH CIR. PETITION FOR REHEARING ENBANC 11-11-2019

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QUESTIONS PRESENTED

1. IS O'CONNOR V. DONALDSON, 422 U.S. 563 (1975), STILL A VALID LEGAL PRECEDENT?
2. IS FOUCHA V. LOUISIANA, 504 U.S. 71 77-79, 118 S.Ct. 1780 (1992) STILL VALID?
3. IF THE ANSWER IS YES TO THE ABOVE QUESTIONS, THEN WHY DO THE LOWER COURTS & THE CALIF. P.C. SECTION 1026 REFUSE TO ABIDE BY THESE IMPORTANT U.S. SUPREME COURT DECISIONS?
4. IS THE CALIF. 1026 STATUTE VALUE AS WRITTEN, IN ANY WAY, LIKE, OPTIONAL OUTPATIENT TREATMENT, A DOCTOR RECOMMENDING STRAIGHT RELEASE OF A PATIENT ETC...?
5. IF THE ANSWER IS YES TO #1 & OR #2, THEN IS THE MANDATORY OUTPATIENT CONREP PROGRAM REQUIREMENT IN THE CALIF. 1026 LAW, A VIOLATION OF THE SUPREMACY CLAUSE IN ARTICLE VI CLAUSE 2?
6. IF THE ANSWER IS YES TO ANY OF THE ABOVE, THEN IS NOT A FEDERAL PREEMPTION MANDATORY?
7. IS IT NOT UNCONSTITUTIONAL TO KEEP AN NBI ACQUITTEE HOSPITALIZED WHEN THEY ARE NOT MENTALLY ILL?
8. IS IT NOT UNCONSTITUTIONAL TO KEEP AN NBI ACQUITTEE HOSPITALIZED & OR FORCE THEM TO GO TO OUTPATIENT, WHEN THEY ARE NOT A DANGER TO THEMSELVES OR OTHERS & CAPABLE OF LIVING BY THEMSELVES OR WITH THE AID OF RESPONSIBLE FAMILY OR FRIENDS?
9. IS IT NOT CRUEL & UNUSUAL PUNISHMENT & OR TORTURE TO KEEP AN NBI ACQUITTEE CONTINUALLY HOSPITALIZED AFTER A RELEASE RECOMMENDATION?

QUESTIONS PRESENTED

10. FOR ALL THE CITIZENS CURRENTLY SUFFERING UNCONSTITUTIONAL HOSPITALIZATION, WILL THE U.S. SUPREME COURT PLEASE CLARIFY THE EXACT LEGAL BASIS FOR CONTINUED HOSPITALIZATION?
11. WILL THE U.S. SUPREME COURT PLEASE CLARIFY THE EXACT LEGAL BASIS FOR STRAIGHT RELEASE ACCORDING TO FEDERAL LAW?
12. IS THERE ANY OVERLOOKED CONSTITUTIONAL/DUE PROCESS VIOLATIONS IN MY CASE?
13. WILL THE U.S. SUPREME COURT PLEASE ORDER MY STRAIGHT RELEASE, SINCE DR. SAGHAL HAS RECOMMENDED THIS SINCE 2015?
14. WILL THE U.S. SUPREME COURT PLEASE USE MY CASE TO SET A NEW LEGAL PRECEDENT & FINALLY PUT AN END TO THE NATIONWIDE UNCONSTITUTIONAL HOSPITALIZATION PROBLEM?
15. IS CALIFORNIA OR ANY OTHER STATE, JUDGE, CORPORATION OR PERSON, ABOVE THE U.S. CONSTITUTION OR U.S. SUPREME COURT DECISIONS?

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:

RELATED CASES

PEOPLE V. JACK ROBERT SMITH
CASE # NA086946-01
LOS ANGELES COUNTY SUPERIOR COURT
GOV. GEORGE DEUKMEJIAN COURTHOUSE
SOUTH DISTRICT - DEPT. S24
LONG BEACH, CA 90802

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JACK ROBERT SMITH V. HARRY OREOL NO. 55031
UNITED STATES COURT OF APPEALS FOR
THE NINTH CIRCUIT DENIED MY CASE
ON 10-25-19

THEN A TIMELY PETITION FOR REHEARING
WAS DENIED 12-23-19

APPENDIX A

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JACK ROBERT SMITH V. HARRY OREOL NO. 17-CV-5943
UNITED STATES DISTRICT COURT
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APPENDIX B

TABLE OF AUTHORITIES CITED

CASES

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TABLE of AUTHORITIES CITED

CASES:

SHEPPARD V. CALIFORNIA, U.S. SUPREME COURT CASE NO. 13-9536
O'CONNOR V. DONALDSON, 422 U.S. 563 (1975)
FOUCHA V. LOUISIANA, 504 U.S. 71, 77-79, 118 S.Ct. 1780 (1992).
MARION VS. LAFARQUE (CASE No. 00 CIV. 0840, 2004 WL 330239,
U.S. DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK, 2-23-04)
LUND VS. NORTHWEST MEDICAL CENTER, (CASE No. CIV. 1805-95,
COURT OF COMMON PLEAS, VENANGO COUNTY, PA, 06-16-03)
DICK VS. WATONWAN COUNTY, (CASE No. CIV. 4-82-1.16, U.S.
DISTRICT COURT, DISTRICT OF MINNESOTA, 4-11-1983)
TOUSSANT V. MCCARTHY, 801 F. 2d 1080, 1089 (9th Cir. 1986),
CERT. DENIED, 481 U.S. 1069 (1987).
THOMPSON, 490 U.S. AT 463.
Id. QUOTING HEWITT V. HELMS, 459 U.S. 460, 472 103 S.
CT 864, 74 L. Ed. 2d 675 (1983)); CARVER V. LEHMAN, 558
F. 3d 869, 874-75 (9th Cir. 2009)
18 U.S.C. § 16(b); JOHNSON, 576 U.S., at —, 135 S. Ct.
2551, 192 L. Ed. 2d 569 (slip op., at 4-5). {2018 U.S. LEXIS 58}
139 S. CT 2116;; GUNDY V. UNITED STATES;; OCTOBER 2, 2018
77-78 (VOID FOR VAGUENESS)
ALTRIA GROUP V. GOOD, 555 U.S. — (2008),
MARYLAND V. LOUISIANA, 451 U.S. 725, 746 (1981)
Edgar V. Mite Corporation, 457 U.S. 624 (1982),
Stone V. City and County of San Francisco (968 F. 2d 850,
862 9th Cir. 1992)),
OLMSTEAD V. L.C., 527 U.S. 581 (1999)

STATUTES AND RULES:

CALIFORNIA PENAL CODE SECTION 1026

JURISDICTION

☐ For cases from federal courts:

The date on which the United States Court of Appeals decided my case was 10-25-19.

☐ 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: 12-23-19, and a copy of the order denying rehearing appears at Appendix A.

☐ 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 _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied 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. § 1257(a).

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 A 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 B 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 _____ 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 _____ 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.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

14th AMENDMENT OF THE U.S. CONSTITUTION

- SUBSTANTIVE DUE PROCESS
- DUE PROCESS
- VOID FOR VAGUENESS
- CRUEL & UNUSUAL PUNISHMENT
- TORTURE
- EQUAL PROTECTION CLAUSE

U.S. CODE TITLE 42 CHAPTER 21

- DEPRIVATION OF RIGHTS

STATEMENT OF THE CASE

I WAS ARRESTED ON 9-27-10 FOR AN ALLEGED ASSAULT W/ A DEADLY WEAPON & CARRYING AN UNREGISTERED FIREARM. ALTHOUGH, I DID NOT POINT A GUN AT ANYBODY OR CARRY AN UNREGISTERED FIREARM, THE TWISTED POLICE REPORT & A WITNESS SAID THAT I DID. ALSO, THE POLICE HAD PUT THE "WRONG GUN" IN EVIDENCE, BECAUSE THE GUN I WAS CARRYING WAS "REGISTERED TO ME" & THEY SAID I HAD A GUN REGISTERED TO SOMEBODY ELSE. SO, WHAT I AM TRULY GUILTY OF IS BRANDISHING & NOT HAVING A CONCEALED WEAPON PERMIT.

HENCE, I SUPPLIED THE RECEIPT OF MY REGISTERED GUN TO MY ATTORNEY & TOLD HIM THE TRUTH ABOUT THE MISUNDERSTOOD INCIDENT. THEN, I ASKED MY ATTORNEY IF I COULD TESTIFY & EXPLAIN TO THE COURT THE REAL STORY, BECAUSE I NEVER SAID MOST OF WHAT WAS IN THE "TWISTED VERSION" IN THE POLICE REPORT.

I HAD A REGISTERED GUN & MOST IMPORTANTLY, NEVER POINTED A GUN AT ANYBODY. DESPITE THESE FACTS, MY ATTORNEY FAILED TO PRESENT THE RECEIPTS FOR MY GUN OR LET ME TESTIFY OR CALL CHARACTER WITNESSES,

OR ARGUE THE ABOVE FACTS TO THE COURT & GET ME A PLEA BARGAIN.

INSTEAD, HE INSISTED THAT IT WAS A "HE SAID, SHE SAID, SITUATION" & THE BEST LEGAL DEFENSE, WAS GOING NOT GUILTY BY REASON OF INSANITY, BECAUSE THE WAY THE WITNESSES & THE TWISTED POLICE REPORT EXPLAINED THIS MIS-UNDERSTOOD SITUATION, MADE IT APPEAR THAT I WAS TEMPORARILY INSANE AT THE TIME OF THE CRIME.

THEN, HE EXPLAINED THAT ALL I HAVE TO DO IS GET THERAPY AT A PSYCHIATRIC HOSPITAL FOR "6 MONTHS/180 DAY MINIMUM REQUIREMENT, ACCORDING TO THE CALIF. P.C. 1026 LAW." THEN, HE WOULD GET ME OUT, I WOULD NOT HAVE A FELONY ON MY RECORD, & IT WOULD NOT AFFECT MY LICENSING FOR THE HOME IMPROVEMENT COMPANY THAT I OWNED.

THEREFORE, BECAUSE OF VERY TERRIBLE LEGAL ADVICE, I WENT NBI & WAS ADMITTED TO PATTON STATE HOSPITAL ON 1-14-2013.

NEEDLESS TO SAY, I DID NOT GET OUT OF THE HOSPITAL IN 6 MONTHS LIKE MY ATTORNEY PROMISED. & "I HAVE LOST YEARS OF MY LIFE & LIBERTY." THIS IS "DEVASTATING", & EVEN THOUGH, DR. SANJAY SAGHAL, THE SAME DOCTOR WHO WROTE THE REPORT THAT GOT ME NAI, WROTE A REPORT FOR MY STRAIGHT RELEASE, STATING, I HAD NO MENTAL ILLNESS & I AM NOT DANGEROUS. IN SPITE OF THIS, THE STATE COURT STILL REFUSED TO GRANT MY STRAIGHT RELEASE.

HENCE, ALL OF THIS IS HAPPENING BECAUSE OF THE CALIF. P.C. SECTION 1026 LAW & THE FACT THAT IT IS "VAGUE AS WRITTEN".

APPARENTLY, IT DOES NOT GIVE THE JUDGE "CLEAR INSTRUCTIONS" ON WHAT TO DO.

SO, I FILED A WRIT OF HABEAS CORPUS USING "FOUCHA V. LOUISIANA" & WAS STILL DENIED FROM SUPERIOR COURT ALL THE WAY UP TO THE 9TH CIR.

THEREFORE, "TERRIBLE LEGAL ADVICE",
"INEFFECTIVE ASSISTANCE OF COUNSEL",
AN "UNREASONABLE, UNCONSTITUTIONAL" CALIF.
1026 LAW & THE "LOWER COURT SYSTEM",
IS THE REAL REASON, I AM STILL TRAPPED
IN THIS CIVIL COMMITMENT, HOSPITALIZED
FOR NO REASON AT ALL.

LASTLY, ON 1-2-19, I TRANSFERRED &
LEFT PATTON STATE HOSPITAL & NOW
I AM CURRENTLY WAITING FOR MY
STRAIGHT RELEASE AT METROPOLITAN
STATE HOSPITAL.

"GOD WILLING," THE U.S. SUPREME COURT
WILL ACCEPT MY CASE & RESOLVE
THIS NATIONWIDE, UNCONSTITUTIONAL
"PUNITIVE HOSPITALIZATION CRISIS",
THAT HAS COMPLETELY RUINED MY LIFE,
& THE LIVES OF MANY OTHER CITIZENS.

REASONS FOR GRANTING THE PETITION

REASONS FOR GRANTING THE PETITION

SEE SHEPPARD V. CALIFORNIA, CASE NO. 13-9536

THIS CASE IS VERY IMPORTANT FOR THE REASON THAT, I KNOW THIS PERSON, WE WERE HOSPITALIZED AT PATTON STATE HOSPITAL TOGETHER & THIS CASE IS VERY SIMILAR TO MINE, AS FAR AS DIAGNOSIS, NON DANGEROUSNESS, VIOLATIONS CITED, & STRAIGHT RELEASE REQUEST.

IN THIS CASE, THE ONLY REASON THE U.S. SUPREME COURT DENIED SHEPPARD, IS BECAUSE HE DID NOT HAVE A DOCTORS REPORT RECOMMENDING A STRAIGHT RELEASE.

AS A RESULT, UNFORTUNATELY, SHEPPARD IS STILL TRAPPED/HOSPITALIZED, SUFFERING ENDLESS GRIEF & FRUSTRATION, BECAUSE OF THE UNREASONABLE MANDATORY OUTPATIENT (CONREP PROGRAM) REQUIREMENT IN CALIF. PENAL SECTION 1026.

CONSEQUENTLY, I AM ALSO SUFFERING, BECAUSE I HAVE HAD A STRAIGHT RELEASE RECOMMENDATION SINCE 2015 FROM DR. SAGHAL, WHO IS ACTUALLY THE SAME DOCTOR THAT RECOMMENDED ME FOR NBI.. YET, THE STATE COURTS STILL WOULD NOT ALLOW MY STRAIGHT RELEASE, DESPITE THE FACT, I HAVE HAD THE SAME DOCTOR SINCE THE BEGINNING OF THIS CASE, HENCE, I AM BEING ROBBED OF MY CONSTITUTIONAL RIGHTS & TREATED WITH PREJUDICE BY THE COURTS.

SO, BASICALLY DR. SAGHA'S REPORTS WERE SUFFICIENT ENOUGH TO QUALIFY ME FOR NGI, BUT NOT SUFFICIENT ENOUGH FOR THE STATE COURT TO ALLOW MY STRAIGHT RELEASE.

HENCE, THIS IS ILLOGICAL, UNREASONABLE, UNCONSTITUTIONAL & MAKES ABSOLUTELY NO SENSE AT ALL. THIS MUST BE CORRECTED.

LASTLY, SINCE THE U.S. SUPREME COURT ONLY ACCEPTS 1% OF ALL CASES FILED, THIS CASE SHOULD BE A PRIORITY, BECAUSE THEY ACCEPTED SHEPPARD V. CALIFORNIA CASE NO. 13-9536, WHICH MEANS THAT THE ISSUES RAISED & VIOLATIONS CITED IS OF NATIONAL IMPORTANCE & MET THE CRITERIA.

THEREFORE, THE COURT SHOULD DEFINITELY BE INTERESTED IN MY CASE BECAUSE IT IS VERY SIMILAR, EXCEPT, I HAVE THE KEY THAT SHEPPARDS CASE WAS MISSING, WHICH IS A STRAIGHT RELEASE RECOMMENDATION FROM A DOCTOR.

FOR THE FOREGOING REASONS, NOT ONLY SHOULD THE U.S. SUPREME ACCEPT THIS CASE, BUT IT SHOULD ULTIMATELY BE GRANTED, ESPECIALLY FOR THE PURPOSE OF SETTING A NEW LEGAL PRECEDENT FOR MENTAL HEALTH LAW.

REASON FOR GRANTING PETITION

ATTACHMENT: DR. JOHNSONS REPORT

ANOTHER DOCTORS OPINION/STRAIGHT
RELEASE RECOMMENDATION FROM
5-22-19.

DR. ALISHA JOHNSON WROTE A LENGTHY
23 PAGE REPORT. THEREFORE, IN ORDER
TO BE WITHIN THE 40 PAGE LIMIT, I ONLY
INCLUDED THE PAGES THAT TRULY MATTER,
THE 1ST PAGE & THE LAST PAGE.
ON THE LAST PAGE IT SAYS, "IT IS MY
OPINION THAT CERTAIN ENVIRONMENTS
INCREASE MR. SMITH'S RISK FOR STAGNATION
AND RECIDIVISM (e.g. STATE HOSPITAL CONREP)."
SHE SUGGESTS STRAIGHT RELEASE THROUGH COURT.

ALSO, IT SAYS RISK FOR SERIOUS VIOLENCE
IS LOW & RISK FOR IMMINENT VIOLENCE
IS LOW.

REASONS FOR GRANTING THE PETITION

ATTACHMENT: MOTION/ADDENDUM 8-6-2018
THIS 1026.2 PETITION FILED IN STATE COURT
ALSO EXPLAINS REASONS WHY THIS
PETITION SHOULD BE GRANTED,
POINTS, CASE LAWS ETC...

REASONS FOR GRANTING THE PETITION

ATTACHED HABEAS PETITION FILED
8-4-2017 WITH THE U.S. DISTRICT
COURT.

THIS ALSO EXPLAINS THE CONSTITUTIONAL
VIOLATIONS/ REASONS WHY THE U.S.
SUPREME COURT SHOULD ACCEPT
THIS PETITION & ULTIMATELY CORRECT
THE CALIF. P.C. SECTION 1026.

FEDERAL CASE LAWS USED:

FOUCHA V. LOUISIANA, 504 U.S. 71, 77-79, 118 S.Ct.
1780 (1992)

O'CONNOR V. DONALDSON, 422 U.S. 563 (1975),