

19-8359

No. \_\_\_\_\_

SUPREME COURT OF THE UNITED STATES

APR 16 2020

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IN THE

SUPREME COURT OF THE UNITED STATES

Darin Denis Phillips — PETITIONER  
(Your Name)

vs.

Steward Sherman — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Court of Appeals for The Ninth Circuit

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

PETITION FOR WRIT OF CERTIORARI

Darin Denis Phillips  
(Your Name)

P.O. Box 5248

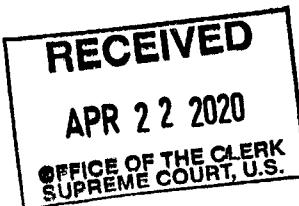
(Address)

Corcoran, Ca 93212

(City, State, Zip Code)

(Phone Number)

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QUESTION(S) PRESENTED

Is petitioner Phillips entitled to the protections  
of Assembly Bill 2495.

After paying the \$600.00 for the victim's car.  
Because the Statutory minimum is \$300.00  
pursuant to P.C. 1202.4.

## 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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## TABLE OF AUTHORITIES CITED

### CASES

*People v. Phillips*  
*Darin Denis Phillips v. Steward Sherman*  
# No. 20-55034  
D.C. No.: 5:19-cv-01772-LBM-SHK

### PAGE NUMBER

### STATUTES AND RULES

*Assembly Bill 2495*

### 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 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 is unpublished.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 A 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 is unpublished.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.

## JURISDICTION

### For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was December 5- 2019.

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 \_\_\_\_\_. 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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Penal Code Section 1202.4  
Assembly Bill 2495  
Due Process of the Fourteenth Amendment

B

## STATEMENT OF THE CASE

Refer to Statement of Case / Notice of Appeal page 11-12  
Defendant Phillips was excessively fined \$10,000.00.

The Statutory minimum is \$100.00, \$200.00 or \$300.00.

The Victim's Loss was \$600.00 as stated by the actual victim  
\$600.00. To which defendant Phillips paid  
plus the statutory minimum which could  
possibly be \$300.00.

But an excessive fine punishment was imposed  
in the amounts of \$10,000.00.

Total \$10,000.00

— 600.00 — Victim

9,400.00

— 300.00 — P.C section 1262.4 Restitution

\$ 9,100.00

So why is Phillips being fined an extra \$9,100.00.  
This is a violation of Assembly Bill 2195's  
protection.

As of 1-13-2020 my actual balance is  
\$5,899.93 its been 22 years of incarceration  
in good \$600.00 of the \$10,000.00 owed went  
to or should have went to in good faith to the  
victim for the loss he stated which was \$600.00.

Refer to page

## REASONS FOR GRANTING THE PETITION

In the interest of Justice  
Modification should be granted  
due to New law protecting defendant's  
From being excessively fined and for  
Punished which is in violation of  
A.B. 2495 and in violation of  
Cruel and Unusual Punishment  
Article 1 section 19 Constitution of  
California Section 17:

Cruel or Unusual Punishment may  
not be inflicted or excessive Fines  
imposed...

Petitioner has been granted parole  
and the unconstitutional restitution fine  
of balance # 5,899.93 will impose a harmful  
punishment because petitioner will be  
Starting his new life as a free man and

No more punishment should be imposed - - -

To continue to pay out what little money petitioner  
may have will cause a undo burden - - -

Please consider granting petitioner request  
in the interest of Fair Justice - - -

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,  
Mr. Darin Denis Phillips  
D. Phillips P57320

Date: 2020