

No. _____

19-8879

IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

GURMINDER SEKHON

_____ PETITIONER

(Your Name)

FILED

JUN 15 2020

THE PEOPLE OF THE
STATE OF CALIFORNIA

OFFICE OF THE CLERK
SUPREME COURT, U.S.

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

COURT OF APPEAL OF THE STATE OF CALIFORNIA SIXTH APPELLATE DISTRICT

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

PETITION FOR WRIT OF CERTIORARI

GURMINDER SEKHON # BB8610

(Your Name)

P.O. BOX 2349 / B3-21-1UP

(Address)

BLYTHE CA. 92226

(City, State, Zip Code)

N/A

(Phone Number)

QUESTION(S) PRESENTED

- 1) DID THE TRIAL COURT VIOLATE PETITIONER'S RIGHT TO PRESENT A DEFENSE UNDER BOTH STATE AND FEDERAL CONSTITUTIONS?
- 2) IN LIGHT OF JACKSON V. VIRGINIA, WAS THERE SUFFICIENT EVIDENCE TO APPLYING KIDNAPPING ENHANCEMENTS TO COUNTS SIX AND SEVEN?
- 3) DID THE COURT VIOLATE FEDERAL CONSTITUTION WHEN IT FAILED TO INSTRUCT ON ALL THE ELEMENTS OF THE ALTERNATIVE PENALTY PROVISION?
- 4) DID THE COURT'S FAILURE TO INSTRUCT ON ALL THE ELEMENTS OF THE ENHANCEMENT VIOLATE THE FEDERAL CONSTITUTION?

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:

NAVJOT SINGH - CO DEFENDANT

RELATED CASES

- PEOPLE OF THE STATE OF CALIFORNIA v. NAVJOT SINGH
CASE NO. H044283

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A	DECISION OF STATE COURT OF APPEAL, SIXTH APPELLATE DISTRICT
APPENDIX B	DECISION OF STATE SUPREME COURT DENYING DISCRETIONARY REVIEW
APPENDIX C	[REDACTED]
APPENDIX D	[REDACTED]
APPENDIX E	
APPENDIX F	

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
PETITIONER PRESENTED ADDITIONAL	RELIES ON THE CASES, STATUTES AND RULES IN APPELLANTS OPENING BRIEFS AND FILINGS

STATUTES AND RULES

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 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 _____ 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 _____.

[] 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 12/13/19.
A copy of that decision appears at Appendix A.

A timely petition for rehearing was thereafter denied on the following date: MARCH 18, 2020, 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

UNITED STATES CONSTITUTION
FOURTEENTH AMENDMENT

CALIFORNIA CONSTITUTION
ARTICLE I, SECTION 15

STATEMENT OF THE CASE

PETITIONER ADOPTS THE STATEMENT OF THE CASE IN THE OPINION OF THE COURT OF APPEAL. THE EVENTS OF MARCH 21 AND 22, 2015.

ON THE EVENING OF MARCH 21, 2015, JANE DOE DRANK A BOTTLE OF WINE AT WILLOW GLEN HOME SITE SHARED WITH HER BOYFRIEND. DOE, AN ALCOHOLIC, WAS IN THE MIDST OF A RELAPSE. SITE AND HER BOYFRIEND FOUGHT, AND SOMETIME LATER IN THE EVENING, SITE STORMED OUT WITH AN UNOPENED BOTTLE OF WINE AND HER DOG. DOE DECIDED TO GO TO A FRIEND'S HOUSE BUT COULDN'T REMEMBER THE WAY. SITE PULLED OFF HIGHWAY 280 AT EL MONTE AND PARKED ON THE SIDE OF THE ROAD.

AT 3 AM THE FOLLOWING MORNING, LOS ALTOS POLICE OFFICER RYAN LANGONE CONTACTED DOE BECAUSE HER CAR WAS OBSTRUCTING TRAFFIC. DOE SEEMED TIRED AND LANGONE THOUGHT SHE MIGHT HAVE BEEN SLEEPING PRIOR TO HIS ARRIVAL. HE ADVISED HER TO MOVE HER VEHICLE.

THREE HOURS LATER, SANTA CLARA COUNTY SHERIFF'S DEPUTY RYAN OMARI CONTACTED DOE BECAUSE HER VEHICLE WAS BLOCKING THE ROAD AT EL MONTE AT HIGHWAY 280. OMARI SAW AN OPEN BOTTLE OF WINE IN THE VEHICLE WITH ABOUT 90 PER CENT STILL REMAINING. OMARI RECOMMENDED THAT DOE GET A RIDE DUE TO HER

BEING "INCOHERENT" AND "EVASIVE" DURING
THEIR INTERROGATION. AN ORANGE CAB
ARRIVED AND JOE GOT IN.

JOE TESTIFIED THAT THE CAB DRIVER,
WHOM SHE IDENTIFIED AS SINGH, WOULD
NOT LET HER BRING HER DOG IN THE
CAB SO SHE LEFT THE DOG IN THE
CAR. JOE WANTED TO DRIVE HERSELF
HOME, SO PAID SINGH \$10 TO WAIT
UNTIL THE OFFICER LEFT. WHILE THEY
WAITED, SINGH SUGGESTED THAT THEY
GO GET A DRINK. JOE SAID YES. SINGH
DROVE TO A CVS, WHICH WAS CLOSED,
THEN TO A SAFeway. JOE PICKED OUT
A BOTTLE OF HENNESSY, AT SINGH'S
REQUEST. JOE WAS UNABLE TO BUY THE
ALCOHOL DUE TO NOT HAVING HER I.D.

SHE WENT OUTSIDE AND GOT SINGH, AND HE

MADE THE PURCHASE.

JOE AND SINGH RETURNED TO THE CAR

AND BOTH SAT IN THE BACKSEAT. JOE TEST-

IFIED THAT SHE REMEMBERS ONLY BITS

AND PIECES OF THE DAY FROM THIS POINT.

HER NEXT MEMORY WAS OF BEING ON HER

BACK IN THE BACKSEAT WITH SINGH ON TOP

OF HER WITH HIS PENIS INSIDE HER VAGINA.

SINGH RAPED JOE BY PUTTING HIS FINGERS IN
HER VAGINA AND HIS PENIS IN HER ANUS.

JOE RECALLED THAT A SECOND MAN, THE

IDENTIFIED AS SEKHON, GOT INTO THE CAR

AT SOME POINT. JOE TESTIFIED THAT

SEKHON ALSO HAD NONCONSENSUAL VAGINAL

INTERCOURSE WITH HER IN THE BACK OF THE

CAR. SINGH THEN RAPED HER AGAIN.

REASONS FOR GRANTING THE PETITION

- 1) THE TRIAL COURT VIOLATE BOTH STATE AND FEDERAL CONSTITUTIONAL RIGHTS TO PRESENT A DEFENSE. PLEASE SEE PETITIONER'S OPENING BRIEF TO APPELLATE COURT.
- 2) THE KIDNAPPING ENHANCEMENTS TO COUNTS SIX AND SEVEN ARE NOT SUPPORTED BY SUBSTANTIAL EVIDENCE. PLEASE SEE PETITIONER'S OPENING BRIEF, SUPPLEMENT TO STATE APPEAL COURT.
- 3) THE TRIALS COURT'S FAILURE TO INSTRUCT ON ALL ELEMENTS OF THE ALTERNATIVE PENALTY PROVISION VIOLATED THE FEDERAL CONSTITUTION. PLEASE SEE SUPPLEMENTAL OPENING BRIEF TO STATE APPEAL COURT.
- 4) THE TRIAL COURT'S FAILURE TO INSTRUCT ON ALL THE ELEMENTS OF THE ENHANCEMENT VIOLATED THE FEDERAL CONSTITUTION. PLEASE SEE SUPPLEMENTAL OPENING BRIEF TO STATE APPEAL COURT.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Date: _____