

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

19-8879

IN THE

SUPREME COURT OF THE UNITED STATES

GURMINDER SEKHON

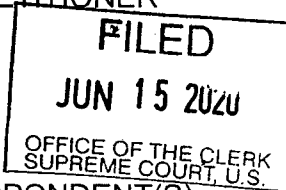
(Your Name)

**ORIGINAL**

— PETITIONER

VS.

THE PEOPLE OF THE  
STATE OF CALIFORNIA



— 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

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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☐ is unpublished.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☐ is unpublished.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 SHE SHARED WITH HER BOYFRIEND. DOE, AN ALCOHOLIC, WAS IN THE MIDST OF A RELAPSE. SHE AND HER BOYFRIEND FOUGHT, AND SOMETIME LATE IN THE EVENING, SHE STORMED OUT WITH AN UNOPEN BOTTLE OF WINE AND HER DOG. DOE DECIDED TO GO TO A FRIENDS HOUSE BUT COULDN'T REMEMBER THE WAY. SHE 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 SHERIFFS 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 PERCENT STILL REMAINING. OMARI RECOMMENDED THAT DOE GET A RIDE DUE TO HER

BEING "INCOHERENT" AND "EVASIVE" DURING THEIR INTERACTION. AN ORANGE CAB ARRIVED AND DOE GOT IN.

DOE 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. DOE 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. DOE SAID YES. SINGH DROVE TO A CVS, WHICH WAS CLOSED, THEN TO A SAFEWAY. DOE PICKED OUT A BOTTLE OF HENNESSY, AT SINGH'S REQUEST. DOE WAS UNABLE TO BUY THE ALCOHOL DUE TO NOT HAVING HER ID.

SHE WENT OUTSIDE AND GOT SINGH, AND HE MADE THE PURCHASE.

DOE AND SINGH RETURNED TO THE CAB AND BOTH SAT IN THE BACKSEAT. DOE TESTIFIED 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 DOE, PUTTING HIS FINGERS IN HER VAGINA AND HIS PENIS IN HER ANUS.

DOE RECALLED THAT A SECOND MAN SHE IDENTIFIED AS SEKHON, GOT INTO THE CAB AT SOME POINT. DOE TESTIFIED THAT

SEKHON ALSO HAD NONCONSENSUAL VAGINAL INTERCOURSE WITH HER IN THE BACK OF THE CAB. 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 PETITION'S OPENING BRIEF, SUPPLEMENT TO STATE APPEAL COURT.
- 3) THE TRIAL 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: \_\_\_\_\_