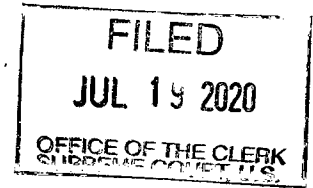


20-5207
No. 20-55447

ORIGINAL

2:20-cv-01133FMOKES



IN THE

SUPREME COURT OF THE UNITED STATES

OF AMERICA

William Joe Long — PETITIONER
(Your Name)

vs.

California-CDCR — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Ninth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

William Joe Long

(Your Name)

22488 W. Virginia Blvd.

(Address)

California City, CA 93504

(City, State, Zip Code)

N/A.

(Phone Number)

QUESTION(S) PRESENTED

1. When the Legislation passes enactments pertaining to all its citizens does not the (14th.Amendment) Equal Protection apply to all it's citizens ?
2. Whenever there has been legislation to address the overcrowding in the prison system and the discretion has been given to the beholder which has a direct interest in maintaining inmates create a conflict of interest?
3. Who makes the determination of the interpretation of laws enacted and their outcomes ?

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

1. Cato v. U.S., 70 F.3d, 1103, 1106 (9th Cir. 1995) ;
2. Morrissey v. Brewer, 408 U.S. 484, 92 S.Ct., 2539, 2600 (1972);
3. People v. Garcia (2018) 28 Cal.App.5th 961, 971 ;
4. Doe v. Harris (1993) 57 Cal.2d 740;
5. In re Estrada (1965) 63 Cal.2d 740 ;
6. In re Harris (1993) 5 C4th at 841, 21 CR2d 3737
7. Johnson v. Dept. of Justice (2015) 60 Cal.4th 871, 888-9;
8. City of Cleburn, Tex. v. Cleburn Living Center, 473 U.S. 432, -439, 105 S.Ct. 3249 (1985) ;
9. Weinberger v. Weinszenfeld, 420 U.S. 636, 638, fn.2., 95 S.Ct. -1225 (1985) (;
10. People vs. Billingsley (2018) Cal.App.5th. 1076, 1080 ;
11. People v. Navarro (2007) 40 Cal.4th 668, 681 ;
12. People v. Hill (1986) 185 Cal.App.3d 831, 834.

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STATUTES AND RULES

Rule 11-FRAP
Rule 22-FRAP
USC § 2253
42 USC § 1983
28 USC 1915(A)
Cal. Penal Code 667.5
The Fourteenth Amendment U.S. Constitution
Rule 4 FRAP
Fifth Amendment Due Process
Cal. const. Art VI, §§ 4, 11(b) ; VI , 10
Civil Code §§ 77(e)
Cal. Penal code § 1170(d)(1)

OTHER

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Article One, sec.9 ;
Amendment One ;
Amendment Five ;
Amendment VIII ;
Amendment XIV ;
Fifth Amendment Due Process
Fourteenth Amendment-Equal Protection ;
Civil Proc. §§77(e) ;
28 USC 2253
42 USC § 1983 ;
28 USC § 1915(A) ;
Rule 11 FRAP ;
Rule 22 FRAP ;
Rule 4 FRAP ;

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 U.S. Court of Appeals (9th) Circuit; 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 U.S. District; 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 California Supreme Court; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the N/A. 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 June 30, 2020.

☐ 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: May 30, 2020, 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 02/20/20.
A copy of that decision appears at Appendix #C.

☐ 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).

STATEMENT OF THE CASE

Petitioner was convicted in the Superior court for Voluntary-Manslaughter(P.C. § 192(a)), upon a plea-agreement, the court sentenced the petitioner to the high-term of (11) years for suffering a prior conviction; and proceeded to increase the term under this same prior per the Three Strike Law, doubling the term to (22) years, the court proceeded to increase the term again under another provision of the Three Strike Laws for suffering the same prior for an additional (5) years, for a total of (27) years.

Petitioner filed a Notice of Appeal immediately and has been seeking relief throught a (12) year process of habeas review and ultimately relief. Petitioner suffered this prior conviction in (1993) prior to the enactment of the Thre Strikes Law was enacted. This strike was not even part of the plea-agreement in the 1993 case for one, and two it was used on three seperate occasions to increase the term. Violating the rules of the court and the statutory laws.

For the purpose of this appeal there has been two seperate enactments recently passed by the California Legislature's. One is the (Prop.#57-Early Parole) for offenders whom are serving non-violent teerms or enhancements, the Three Strike enhancements are non-violent, given that I have served the portion deemed violent, and at the states doing left the discretion to the Department of Corrections of California to implement. The second enactment was (SB 1393) granting the courts authority to strike or dismiss a sentencing enhancment in the interest of justice. Petitioner stated that this interest is an illegal sentence.

REASONS FOR GRANTING THE PETITION

Petitioner claim to relief is based on what the Federal oversight is to the states implemetning newly imposed enactments which applies to all its citizens without creating two classes of individuals? Petitioner states that there needs to be federal oversight which creates a straight line standard for all states to follow and being on one accord with one another alleviate differences on how each state implements newly enacted legislation that equally effect all citizens in that state.

The other reason is once an enactment is passed and to be implement within the states border, given the discretion to a direct benefactor is bias and a direct conflict of interest. Speaking of solely given the Department of Corrections the authority to determine the legislations intent and interpret the language within the legislation.

When there is an issue that directly effects a states population and the legislation impose laws to address these issues and when there is confusion on how the law is to interpreted, shouldn't the matter be brought back before the drafters of the bill so that their intentions are questioned for clarification? This will remove misinterpretations of second hand handlers of the legislation reflecting their best interest, as well as allowing the drafters to amend such sections which require further clarification. Eliminating writ to come before the U.S. Supreme court for further litigation.

This Court's ability to make a determination's on how newly enacted laws are to be implemted removing future appeal-able issue's before this court. This Court can now in this very instance create a stare decisis on having the states legislation clarify their intent and not the intent of those whom have a direct benefit. A stare decisis ruling will bring the entire country into one accord for handling of future state legislation which applies to all it's citizens and to avoid further misinterpretations in the language of new bills.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Date: _____