

20-5634

IN THE

SUPREME COURT OF THE UNITED STATES

ORIGINAL

Stephen F. Snow,
(Your Name)

— PETITIONER

VS.

FILED
AUG 24 2020
OFFICE OF THE CLERK
SUPREME COURT, U.S.

Ralph M. Diaz, Secretary — RESPONDENT(S)
California Department of Corrections and Rehabilitation.

ON PETITION FOR A WRIT OF CERTIORARI TO

THE Supreme Court of the State of California
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Stephen F. Snow K-20414
(Your Name)

Mule Creek State Prison
(Address)

P.O. Box 409090

(City, State, Zip Code)

Tone, CA 95640

(Phone Number)

QUESTION(S) PRESENTED

1. WHETHER THE PRINCIPLES OF STATUTORY CONSTRUCTION DEMONSTRATE THAT PETITIONER'S RIGHT TO DUE PROCESS OF LAW AND RIGHT TO EQUAL PROTECTION OF THE LAW WERE VIOLATED BY RESPONDENT EXCLUDING NON-VIOLENT THREE STRIKERS, WHO ARE REQUIRED TO REGISTER AS A SEX-OFFENDER FOR PRIOR BAD ACTS, FROM "PAROLE CONSIDERATION" UNDER ARTICLE I, SECTION 32 OF THE CALIFORNIA 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:

APPENDIX B: Petition for writ of habeas

Case No. S259807.
Corpus, file May 27, 2020
Petition for writ of habeas
Supreme Court denying
order by the California

APPENDIX A:

Index to Appendices

(7)

Reasons for granting the writ

Summary of the case

3
Official and procedural
Opinions below

2
Amendments

1
Opinions below

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3 INDEX TO APPENDICES (Cont.)
4

5 Appendix C: EXHIBITS "A" TO "O" FILED
6 WITH THE PETITION FOR WRIT OF
7 HABEAS CORPUS ON DECEMBER
8 20, 2017, CASE NO. S259807.
9 (SEE TABLE OF EXHIBITS IN
10 STATE HABEAS PETITION, S259807.)
11

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Petitioner incorporates the Petition for
WRIT OF HABEAS CORPUS ATTACHED HERETO
AS APPENDIX "B" BY REFERENCE AS
Duly SET FORTH HEREIN, AT PAGES 3-37.
(See Dye v. Hofmauer, 546 U.S. 1, 4 (2005).)

STATUTES AND RULES

(*Ibid.*)

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 MAY 27, 2020. A copy of that decision appears at Appendix A.

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

THE FOURTEENTH AMENDMENT TO THE UNITED STATES Constitution PROVINES:

"... NO STATE SHALL MAKE OR ENFORCE ANY LAW WHICH SHALL ABROGATE THE PRIVILEGES OR IMMUNITIES OF CITIZENS OF THE UNITED STATES; NOR SHALL ANY STATE DEPRIVE ANY PERSON OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW; NOR DENY TO ANY PERSON WITHIN ITS JURISDICTION THE EQUAL PROTECTION OF THE LAWS."

(U.S. CONST., AMEND. XIV.)

ARTICLE I, SECTION 32, SUBDIVISION (a)(1),
OF THE CALIFORNIA CONSTITUTION PROVINES:

"(1) PAROLE CONSIDERATION: ANY PERSON CONVICTED OF A NONVIOLENT FELONY OFFENSE AND SENTENCED TO STATE PRISON SHALL BE ELIGIBLE FOR PAROLE CONSIDERATION AFTER COMPLETING THE FULL TERM FOR HIS OR HER PRIMARY OFFENSE."

"(A) FOR PURPOSES OF THIS SECTION

1
2 Constitutional AND STATUTORY
3 PROVISIONS INVOLVED (cont.)
4

5 ONLY, THE FULL TERM FOR THE PRIMARY
6 OFFENSE MEANS THE LONGEST TERM OF
7 IMPRISONMENT IMPOSED BY THE COURT
8 FOR ANY OFFENSE, EXCLUDING THE
9 IMPOSITION OF AN ENHANCEMENT,
10 CONSECUTIVE SENTENCE, OR ALTERNATIVE
11 SENTENCE." (ART. I, § 32, SUBDIVISION
12 (b)(1), (A), CALIFORNIA CONSTITUTION.)
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STATEMENT OF THE CASE

PETITIONER INCORPORATES THE PETITION FOR
WRIT OF MAPPINGS CORPUS ATTACHED HERETO
AS APPENDIX "B" BY REFERENCE AS DULY
SET FORTH HEREIN, AT PAGES 7 - 37.
(SEE DYE V. HOFBAUER, SUPRA, 546 U.S. AT 4.)

1
2 REASONS FOR GRANTING THE PETITION.

3 1. Applying the principles of statutory
4 construction to California Proposition 57,
5 Article I, Section 32 of the California
6 Constitution, shows that Respondent lacked,
7 and/or acted in excess of his, jurisdiction
8 to, draft, issue, implement, and enforce the
9 regulations under Proposition 57 for
10 determining "Eligibility" of petitioners for
11 "Parole Consideration." (Appendix B at pp. 22-
12 30.)

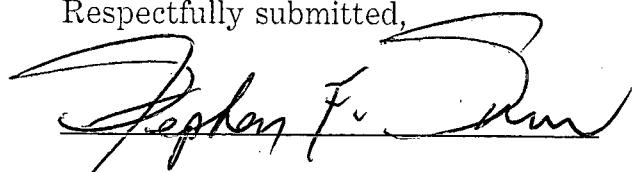
13
14 2. On November 8, 2016, if California
15 voters, when over-whelmingly approving the
16 Public Safety and Rehabilitative Act of
17 2016" (Prop. 57), had intended to preclude
18 "Parole Consideration" for a nonviolent
19 offender, such as petitioner, (who has
20 to register as a sex offender for a prior
21 bad act), then the voters easily could
22 have stated so. (Id. at pp. 27-28)

23
24 3. The issue deserves consideration
25 by the Supreme Court to resolve
26 whether "Petitioner" federally protected
27 rights were violated by Respondent.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Stephen F. Dunn". The signature is fluid and cursive, with "Stephen" and "Dunn" being the most distinct parts.

Date: August 18th, 2020