

20-6334

SUPREME COURT OF THE UNITED STATES

CHRISHMA HUNTER SINGHDEREWA,

Petitioner

ORIGINAL

Vs.

THE STATE OF CALIFORNIA

Respondent

FILED

NOV 04 2020

OFFICE OF THE CLERK
SUPREME COURT, U.S.

On Petition for a Writ of Certiorari to the United States Supreme Court

PETITION FOR A WRIT OF CERTIORARI

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In Propria Persona

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I. Question Presented

Is the State of California denying a citizen of the United States of America their constitutional right to representation by refusing to acknowledge a defendants Motion to Appear while entering motions, pleas and judgments against them?

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III. Table of Authorities

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IV. Petition For Writ of Certiorari

CHRISHMA HUNTER SINGHDEREWA, an Appellant in the California Supreme Court No. S264331, resident of the State of California, citizen of the United States of America, hereby petitions this Court for a writ of certiorari to grant review of this decision of the California Supreme Court.

The California judgment was, filed on October 14th, 2020 reviewing the Los Angeles Court of Appeal for the 2nd Appellate District, Division of Misdemeanors, filed on August 11th, 2020 which denied his Writ of Mandamus on August, 27th 2020 and effectively his Appeal for Representation in Trial court matter 9PD25602.

V. Jurisdiction

A right to representation is a constitutional matter and therefore is within the jurisdiction of this Court. The Petitioner proposes this matter to be highly relevant and urgent to the American people. California refusing representation to a defendant is unconstitutional and a very timely discussion.

VI. Constitutional Issues Presented For Review

1. The 6th amendment Constitutional Right to Representation governed by the US Constitution is under assault in California. The 6th Amendment as made applicable to the States by the Fourteenth guarantees that a defendant in a state criminal trial has an independent constitutional right of self-representation and that he may proceed to defend himself without counsel when he voluntarily and intelligently elects to do so. The US Court of the United States must clarify the administration of the Farretta ruling and determine immediately whether a trial court in the State of California can deny an intelligent, unequivocal, informed and timely California defendant fighting for his liberty the Right to Representation. There is no entitlement more extraordinary in this unique times then the right to representation. In a time when the very nature of a lifes worth is called into question throughout this great state only the application of law and representation can make recompense.
2. Does the STATE OF CALIFORNIA decision to dismiss and therefore uphold the Trial Courts Court Order on 10/01/2019 entering a Not Guilty Plea on behalf of the Defendant despite motion to Appear Pro Se in the Docket and Ordering a Farretta Waiver despite Defendants Motion to Appear Pro Se err by forcing the petitioner against his will to accept a state-appointed Judge as his representative and denying his request to conduct his own defense? Does not this right to representation qualify as an entitlement of extraordinary relief?
3. Is it constitutionally legal for a Trial Court Judge in the State of California to act as a defendants counsel and enter a plea of Not Guilty for that defendant despite his repeated demands for timely, voluntary, unequivocal and intelligent representation? Does the court not deem this right to representation an inalienable one and an entitlement of extraordinary relief?

4. Does this involuntary plea entered by the Trial Court Judge and affirmed by the Appeal Courts dismissal conflict with the decision in in the US v Hernandez? (United States v. Hernandez, 203 F.3d 614, 623-24 (9th Cir.2000)
5. Did this involuntary plea entered by the Trial Court Judge and affirmed by the Appeal Courts impose unreasonable constraints on the petitioners decision making process? United States v. Hernandez, 203 F.3d 614, 623-24 (9th Cir.2000)
6. Is it constitutionally legal for a Trial Court in the State of California to proceed with trial against a defendant despite his repeated demands for timely, voluntary, unequivocal and intelligent representation? Does the constitutional right to representation qualify as an entitlement of extraordinary relief when denied?
7. Is it constitutionally legal for a Trial Court Judge in the State of California to enter an involuntary plea on behalf of a defendant despite his repeated demands for timely, voluntary, unequivocal and intelligent representation?
8. Does the STATE OF CALIFORNIA decision to dismiss and therefore uphold the Trial Courts Court Order on 10/01/2019 entering a Not Guilty Plea on behalf of the Defendant despite motion to Appear Pro Se in the Docket and Ordering a Farretta Waiver despite Defendants Motion to Appear Pro Se conflict with the Court of Appeals decision in Faretta v California or US v Arlt? (Faretta v California (1975) 42 U.S. 806) United States v. Arlt (1994), 41 9th Circuit
9. Does the STATE OF CALIFORNIA decision to dismiss and therefore uphold the Trial Courts Court Order on 10/01/2019 entering a Not Guilty Plea on behalf of the Defendant despite motion to Appear Pro Se in the Docket and Ordering a Farretta Waiver despite Defendants Motion to Appear Pro Se conflict with the Supreme Courts decision in Godinez v Moran stating that if a defendant is competent to stand trial they are competent to represent themselves? (Gondinez v Moran (1993) 509 U.S. 389). Is not this writ of mandamus the opportunity for the Appellate system to correct this lower

courts erroneous denial of the Petitioners extraordinary constitutional entitlement?

10. Does the STATE OF CALIFORNIA decision to dismiss and therefore uphold the Trial Courts Court Order on 10/01/2019 entering a Not Guilty Plea on behalf of the Defendant despite motion to Appear Pro Se in the Docket and Ordering a Farretta Waiver despite Defendants Motion to Appear Pro Se conflict with the Supreme Court opinion in Godinez v Moran forbidding any attempt to measure a defendants competency to waive the right to counsel by evaluating his right to represent himself? (Gondinez v Moran (1993) 509 U.S. 389)
11. Does the STATE OF CALIFORNIA decision to dismiss and therefore uphold the Trial Courts Court Order on 10/01/2019 entering a Not Guilty Plea on behalf of the Defendant despite motion to Appear Pro Se in the Docket and Ordering a Farretta Waiver despite Defendants Motion to Appear Pro Se conflict with the numerous Supreme Court opinions reaffirming a defendant's right to represent themselves? Keen, Arlt, Robinson, Kimmel, Wadsworth, Crowhurst, Audette, Fernandez, Savage v Estelle etc.? Does the constitutional right to representation qualify as an entitlement of extraordinary relief?
12. The STATE OF CALIFORNIA has erred in dismissing this substantive appeal prior to receiving the Trial Court transcripts.
13. The STATE OF CALIFORNIA has erred in dismissing this substantive appeal for the application of the Bill of Rights when the Petitioner has shown clear need for extraordinary relief.
14. The STATE OF CALIFORNIA has erred in dismissing this writ of mandamus and refusing to correct the errors of the lower Supreme Court of Appeals decision to deny the Petitioner access to a fair trial.

VII. Statement of the Case

The petitioner petitioned the California 2nd District Court of Appeals for a Writ of Mandamus on August 11th, 2020 attached as Exhibit B.

On the 28th August 2020 the petitioner received a denial the Appellate Court stating he had not demonstrated need extraordinary relief.

The petitioner submitted a Petition for Review directly with the California Supreme Court on 9/8/2020

On the 18th October 2020 the petitioner received a denial the California Supreme Court absent explanation.

The petitioner continues to seek the Extraordinary right to representation today 11/04/2020. Without this right the Petitioner may lose his life, liberty, happiness and perhaps most importantly his honor.

VIII. Reasons for Granting This Writ

I

THIS COURT SHOULD GRANT REVIEW TO RESOLVE THE CONFLICT
BETWEEN THE OPINION OF THE STATE OF CALIFORNIA CASE WITH THE
OPINION OF THE COURT OF APPEAL IN THE UNITED STATES VS KEEN
(1996), ARLT (1977), ROBINSON (1973), KIMMEL (1982), WADSWORTH (1987),
CROWHURST (1980), AUDETTE (2019)AND FARETTA (1975)

A grant of review in this case is necessary to secure uniformity of decision, within the meaning of Rule 8.500(b), between the opinion in this case and the conflicting opinion of the Court of Appeal for the Second District in THE UNITED STATES VS KEEN (1996), ARLT (1977), ROBINSON (1973), KIMMEL (1982), WADSWORTH (1987), CROWHURST (1980), AUDETTE (2019)AND FARETTA (1975)

II

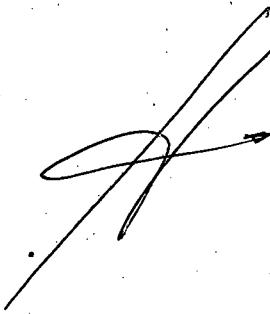
THIS COURT SHOULD GRANT A REVIEW TO SETTLE THE
IMPORTANT AND RECURRING QUESTION WHETHER DENIAL OR
SELF-REPRESENTATION UNDER FARETTA v CALIFORNIA (1975) CAN
EVER BE DENIED WHEN MADE INTELLEGENTLY, TIMELY,
UNEQUIVOCABLY AND VOLUNTARILY AND WHETHER THIS
ENTITLEMENT IS WORTHY OF EXTRODINAIRY RELIEF WHEN DENIED

The direction to the Superior Court of Pasadena must be clarified: Does the Petitioner have a Substantive Right to Representation as guaranteed by the US Constitutions Bill of Rights and does the denial of this right entitle the Petitioner to Extraordinary Relief.

IX. CONCLUSION

The Petitioner is being denied his constitutional right to representation by a court in Los Angeles. This Substantive matter is a severe violation of the petitioner extraordinary, constitutional right to representation. This substantive right must not wait till sentencing has the ability to destroy this citizens reputation, family and employment. This potential to do harm to life, liberty and happiness is an extraordinary concern to the state warranting relief and this courts review as the events of this year have proven only the just application of law can restore the public trust. The Substantive right to self-representation must be protected when filed and requested voluntarily, timely and unequivocally. The failure to guarantee the right to representation during a time of turmoil and unrest can and will make matters worse.

DATE: 11/03/2020



Respectfully submitted,

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