

See HOLY BIBLE See Job 36:6

See PSALM 103:6

See PHILIPPIAN 1:29

See 1 PETER 2:19

REOPEN

"EQUAL JUSTICE UNDER THE LAW"

No. _____

20-665

IN THE

SUPREME COURT OF THE UNITED STATES

DAMON B. COOK — PETITIONER
(Your Name) PRO SE

FILED

OCT 16 2020

OFFICE OF THE CLERK
SUPREME COURT, U.S.

vs.

George M. Galaza — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS

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

PETITION FOR WRIT OF CERTIORARI

DAMON B. COOK

(Your Name)

KVSP C2-112, P.O. Box 5103

(Address)

DELANO, CA. 93216

(City, State, Zip Code)

N/A

(Phone Number)

QUESTION(S) PRESENTED

- 1.) Whether The Petitioner DAMON COOK Has Made A Substantial Showing of The Denial Of A Constitutional Right Pursuant To 28 USC 2253(c)(2) IN Order To Obtain A Certificate OF APPEALABILITY ?
- 2.) Whether There Was INSUFFICIENT Evidence of Force To Establish Petitioner DAMON COOK's Guilt BEYOND A Reasonable DoubT ?
See People v. Griffin (2004)
33 CAL. 4th 1015
16 CAL. Rptr. 3d 891
94 P.3d 1089
- 3.) Whether The Petitioner DAMON COOK Suffered CRUEL AND UNSUAL PUNISHMENT IN VIOLATION OF THE 8th AMENDMENT TO THE UNITED STATES CONSTITUTION For being IN STATE CUSTODY For 23 Years For Crimes The State Failed To Prove ?
See Kelly v. Roberts (10th Cir. 1993) 998 F.2d 802, 809-10, FN 11.
See Fiori v. White (2001) 531 U.S. 225, 229
121 S.Ct. 712, 148 L.Ed. 2d 629
See Juan H. v. Allen (9th Cir. 2005) 408 F.3d 1262
See United States v. DeSenA (2001) 26 F.3d 150, 154-156
See Gregg v. Georgia (1976) 428 U.S. 153, 173
96 S.Ct. 2909, 2925

CONTINUED

QUESTION(S) PRESENTED

4.) Whether The District Court's denial of Petitioner DAMON COOK's Rule 60(b)(6) Motions Was AN Abuse of Discretion ?

See Buck v. Davis (2017)

137 S.C.T. 759, 778

2017 U.S. Lexis 1429

197 L.Ed. 2d 1

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Prayer Request

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APPENDIX C - PETITIONER'S SECOND TIMELY NOTICE OF APPEAL AND REQUEST FOR A CERTIFICATE OF APPEALABILITY

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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
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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 _____; 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 D 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 _____ 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 AUGUST 6, 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: _____, 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 _____.
A copy of that decision appears at Appendix _____.

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

14th AMENDMENT To The United States Constitution

See Jackson v. Virginia (1979) 443 U.S. AT 316
99 S.C.T. 2781

See IN RE WINSHIP, 397 U.S. 358, 364
90 S.C.T. 1068, 25 L.Ed.2d 368 (1970)

See Fiori v. White (2001) People v. Griffin (2004)
531 U.S. 225, 229 33 CAL.4th 1015
121 S.C.T. 712 16 CAL.Rptr.3d 891

See Petitioner's Motion To REOPEN The CASE
APPENDIX E

See Petitioner's FIRST TIMELY Notice OF APPEAL AND
REQUEST FOR A CERTIFICATE OF APPEALABILITY
APPENDIX B

See Petitioner's SECOND TIMELY Notice OF APPEAL AND
REQUEST FOR A CERTIFICATE OF APPEALABILITY AND
APPENDIX C - NO TRIAL TESTIMONY ON THE ELEMENT OF FORCE

8th AMENDMENT To The United States Constitution

See Gregg v. Georgia 428 U.S. 153, 173

See Petitioner's SECOND TIMELY Notice of APPEAL AND
REQUEST FOR A CERTIFICATE OF APPEALABILITY
PAGE (2) AT THE VERY LOWER PAGE BELOW
NUMBER LINE 28

See 28 U.S.C. 2253(c)(2) (COA)

INSUFFICIENT EVIDENCE OF FORCE
HAS BEEN PROVEN
3. (Denial of FAIR
DUE PROCESS OF LAW)
IN VIOLATION OF THE
14th AMENDMENT

STATEMENT OF THE CASE

See The United States Magistrate Judge's
Report And Recommendation on
The First Federal Habeas Corpus
Petition IN The CASE OF:

DAMON B. COOK v. George M. GALAZA
IN CASE NUMBER CV00-8569 RJK-MC
For The FACTS AND
STATEMENT OF THE CASE.

See Kelly v. Roberts (10th Cir. 1993)
998 F.2d 802, 809-10, FN 11.

REASONS FOR GRANTING THE PETITION

This UNITED STATES SUPREME COURT Should Grant The Petition
FOR WRIT OF Certiorari IN The INterest OF JUSTICE
IN This CASE.

This UNITED STATES SUPREME COURT Should Grant The Petition
FOR WRIT OF Certiorari To Resolve The IMPortant Question
Presented For Review To Determine Whether The Petitioner
DAMON COOK Has Made A SubSTANTIAL ShowiNG OF The
DENIAL OF A CONSTITUTIONAL Right PURSUANT To
28 U.S.C. 2253(C)(2) IN Order To Obtain A
CERTIFICATE OF APPEALABILITY?

This UNITED STATES SUPREME COURT Should Grant The Petition
FOR WRIT OF Certiorari To Resolve The IMPortant Question
Presented For Review To Determine Whether There Was
INSUFFICIENT Evidence of Force To Establish
Petitioner DAMON COOK's Guilt BEYOND A
Reasonable DoubT?

This UNITED STATES SUPREME COURT Should Grant The Petition
FOR WRIT OF Certiorari To Resolve The IMPortant Question
Presented For Review To Determine Whether The
Petitioner DAMON COOK Suffered CRUEL AND
UNUSUAL PUNISHMENT IN VIOLATION OF The
8th AMENDMENT To The UNITED STATES CONSTITUTION
For being IN STATE CUSTODY For 23 Years For
CRIMES The STATE Failed To PROVE?

CONTINUED

REASONS FOR GRANTING THE PETITION

This United States Supreme Court Should Grant The Petition For Writ of Certiorari To Resolve The Important Question Presented For Review To Determine Whether The District Court's denial of Petitioner Damon Cook's Rule 60(b)(6) Motion Was An Abuse of Discretion?

See Buck v. Davis (2017)

137 S.Ct. 759, 778

2017 U.S. Lexis 1429

197 L.Ed. 2d 1

This U.S. SUPREME COURT Have Held That The DUE PROCESS CLAUSE OF The FOURTEENth AMENDMENT Forbids A STATE To CONVICT A PERSON OF A CRIME WITHOUT PROVING The ELEMENTS OF That CRIME BEYOND A REASONABLE DOUBT.

See JACKSON 443 U.S. AT 316

See IN RE WINSHIP 397 U.S. 358, 364

90 S.C.T. 1068, 25 L.Ed.2d 368 (1970)

See Fiore v. White (2001) 531 U.S. 225, 229 121 S.C.T. 712 {NO TRIAL TESTIMONY ON THE ELEMENT OF FORCE} {INSUFFICIENT EVIDENCE OF FORCE}

"EQUAL JUSTICE UNDER THE LAW"

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Damon B. Cook

Date: 9/6/2020

See HOLY BIBLE

See PSALM 103:6

See JOB 36:6

6.