

No. 20-6659

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

NOV 18 2020

OFFICE OF THE CLERK

EDDIE ASHLEY — PETITIONER
(Your Name)

vs.

CHRISTIAN PFEIFFER, Warden — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

THE LOS ANGELES SUPERIOR COURT

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

PETITION FOR WRIT OF CERTIORARI

EDDIE ASHLEY

(Your Name)

KVSP B5-205/P.O. Box 5102

(Address)

Delano, Ca 93216

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

Does Petitioner had a Federal Due Process Right to the Prohibition of the Imposition of Two Different Sentencing Enhancements, per the California Supreme Court's own Authority?

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:

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A PETITIONER'S MOTION TO CORRECT SENTENCE

APPENDIX B THE LOS ANGLES SUPERIOR COURT DENIAL DECISION

APPENDIX C PETITIONER'S WRIT OF MANDATE

APPENDIX D THE SECOND APPELLATE DISTRICT COURT DENIAL DECISION

APPENDIX E PETITIONER'S PETITION FOR REVIEW

APPENDIX F SUPREME COURT'S SUMMARY DENIAL ORDER

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
-------	-------------

People v. Lee (2012) 61 Cal.4th 416; 189 Cal.Rptr.3d 166	XII
People. Rodriguez (2009) 47 Cal.4th 510; 98 Cal.Rptr.3d 108	XII
People. v Williams (2007) 156 Cal.App.4th 898; 67 Cal.Rptr.3d 516	XII

STATUTES AND RULES

Fourteenth Amendment
California Penal Code § 1170.1

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[] is unpublished.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[] is unpublished.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 _____ 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 Los Angeles Superior court appears at Appendix B 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 Oct. 28, 2020. A copy of that decision appears at Appendix F.

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

Fourteenth Amendment -Right to Due Process of Law

California Penal Code § 1170.1(a) -Prohibition Against the Imposition
of Two Enhancements

STATEMENT OF THE CASE

In People v. Rodriguez (2009) 47 Cal.4th 510; 98 Cal.Rptr.3d 108; 213 P.3d 647; and, People v. Lee (2015) 61 Cal.4th 416; 189 Cal.Rptr.3d 166; 351 P.3d 295, the California Supreme Court had decided that PC § 1170.1(a) had prohibited the imposition of two different sentencing enhancements. Petitioner had presented to the Superior Court that Petitioner's plea agreement had consisted of an illegal sentence, i.e., Petitioner was given PC § 12022.7 Firearm Enhancement & a 186.22 Gang Enhancement. So, Petitioner requested for the Superior Court to correct the unauthorized sentence (See People v. Williams (2007) 156 Cal.App. 4th 898; 67 Cal.Rptr.3d 516); In which, the Superior Court had denied Petitioner's Due Process Right to a correction on the basis of a contrary decision of the California Supreme Court. For which, the California Supreme Court refused to address or remand back to the Lower Court for due consideration of Petitioner's Due Process Rights (14th Amendment) for relief.

REASONS FOR GRANTING THE PETITION

Petitioner requests discretionary jurisdiction from the J.S. Supreme Court on the basis that Petitioner's Federal Due Process to the fair application of law be applied justly to Petitioner. Especially, when the California Supreme Court already decided the prohibition effect of applying two differing sentencing enhancements, but reluctantly deciding not to order the Lower Court to respect Petitioner's Federal Rights to resentencing. So, Petitioner requests the J.S. Supreme Court remands with instructions to the Supreme Court to enforce the law in accordance to Petitioner's Due Process Rights for relief.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Eddie Ashley

Date: November 16, 2020