

20-6718
No. _____

ORIGINAL

FILED

OCT 01 2020

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Jason Johnson — PETITIONER
(Your Name)

vs.

The State of California — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Jason Johnson G-00700
(Your Name)

P.O. Box 921
(Address)

Imperial, Ca. 92251
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

1. Under the "newly discovered evidence rule" does not evidence discovered after conviction, such as evidence the movant could not have possibly discovered before conviction constitute "Newly discovered evidence"?
2. Should a Court grant relief according to the newly discovered rule, upon nothing more than newly discovered evidence?
3. Is it proper for a court to hold a movant responsible for the respondents failures to investigate the declarant of the newly discovered evidence?
4. Was it lawful to deny relief upon "no prima facie case" after ordering informal response from respondents?
5. Is it lawful for a Court to second guess the evidence not addressed by respondents, after responses were offered?
6. Upon the presentation of newly discovered consistent with the rule, should not a new trial be ordered by the Court hearing the matter?

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
Decision of the California Supreme Court

APPENDIX B
Decision of the California Court of Appeal

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

California Constitution Article VI Sec.6

United States Constitution Amendment 6 & 14

STATUTES AND RULES

Cal. Penal Code Sec. 1473(b)(3)(A); 1382(a)

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 of Appeal _____ 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 04/23/20.
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

USCA 6 & 14

Cal. Const. Art I, Sec.7

STATEMENT OF THE CASE

On October 11, 2007, Mr. Johnson was convicted of Cal. Penal Code sec.289(a)(1); PC 459; PC 220; PC 243.4(a); PC 245. The jury also found true allegations pursuant to PC 667(b); PC 667(c).

The trial court sentenced Mr. Johnson to 55 years to life.

REASONS FOR GRANTING THE PETITION

Introduction

Petitioner a California state prisoner being convicted for sexual offense in the County of Riverside, October 11, 2011, and being sentenced to a term of 55 years to life for these crimes on December 7, 2007 (Exhibit A) after some 16 years, being contacted by a friend and sharing her amazement with regards to the conviction, in that as she learned of the time of the offenses, knew that he could not have possibly been the perpetrator of these offenses, made an offer to come forward under penalty of perjury to tell her side of the story, as to why petitioner's conviction should be overturned. (Exhibit B) where the times given therein conflict with the times given by respondents with regards to the times the matter occurred.

Because of this newly discovered evidence, petitioner immediately filed a petition for writ of habeas corpus in the lower court requesting relief based upon newly discovered evidence. The court ordered respondents to formally respond to which they did. (Exhibit C). Petitioner timely replied (Exhibit D). On 04/23/20 the lower court denied relief, stating "No prima facie case made". (Exhibit E). Petitioner filed a new petition of the same in the 4th Appellate District Court of Appeal, to which a one line denial was issued. A timely petition was then filed in the California Supreme Court who later denied without comment.

Petitioner now brings the instant petition for writ of certiorari.

REASON WHY CERTIORARI SHOULD BE GRANTED

The writ should be granted to establish clearly the rights of the petitioner according to the regulations established with regards to newly discovered evidence.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully,

12/12/2020

Jason Johnson

Date: 12/03/2020