

20-704
No. SS59577

IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

Cesar Santana — PETITIONER
(Your Name)

vs.

State of California — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

FILED
JUN 11 2020
OFFICE OF THE CLERK
SUPREME COURT, U.S.

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

PETITION FOR WRIT OF CERTIORARI

Cesar Santana AL2248
(Your Name)

P.V.S.P./B-3-106; P.O. Box 8500
(Address)

Coalinga Ca. 93210
(City, State, Zip Code)

N/A-Prisoner
(Phone Number)

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QUESTION(S) PRESENTED

1. Does California Create a Liberty Interest to "Youthful-Offender's" when it Enacted Legislation in Response/Remedy of a United States Supreme Court Decision (Miller v. Alabama, (2012) 132 S.Ct. 2254, 2496) when the State Law removes the "juvenile" designation recognizing the larger class as defined/decided in that Supreme Court Decision by the Medical/Psychological Professional as concluding upon completion of a youth's 25th year?
2. Does a State Habeas Corpus Petitioner make a Valid Constitutional challenge to the fact that there are no reasoned sentencing schematic which delineates the differences in culpability for those juvenile's/youthful-offender's tried under adult law when the enacted legislation (embracing Miller directly in its language) does not return the "youth-offender" to the sentencing court for consideration of an age appropriate sentencing consideration as the Miller Court instructed the State's must do, and giving broad Sentencing Court Discretion in age appropriate sentencing matters and not necessarily having to exact life sentences?

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:

Ralph Diaz: Secretary-CDCR, et al.,

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

All Case Law and/or Authorities Appear in
Appendix C State Habeas Corpuses.

STATUTES AND RULES

OTHER

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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 _____ 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 Sacramento County 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 3-18-20.
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

Due Process and Equal Protection Clauses of the 5th and 14th Amendments to the United States Constitution; Cal. Const. Article I §28 subd. (f)(5); Senate Bills 260, 261, and Assembly Bill 1308 (Youthful Offender Enactments)

STATEMENT OF THE CASE

California Enacted a Series of Youth-Offender Laws (SB260,261, and AB1308) in response to the U.S. Supreme Court's Decision's related to juvenile sentencing under the Federal Constitution. In fact, California broadened the definition of "juvenile" to encompass all "Youthful-Offender's" until the end of their 25th year before concluded.

Petitioner perceived a Constitutional Violation in the protection/right's of youthful offender's because it embraced/extended Miller's, but didn't exact it in mandating them back to the Sentencing Court as Miller did. Instead, California designated the matter to be remedied by an unknowledgeable Parole Board in Sentencing factor's to decide the part that youth played in the crime, and, not to possibly remove the Adult Sentence, but if a youth has made a "showing of rehabilitation and maturity" toward release—both of which that have nothing to do with a youth's commission of any specific crime punishable by an Adult/life sentence. The Petitioner challenged the Constitutionality of the fact that there are no sentencing guidelines "differentiating 'youthful-offender' culpability from current 'Adult' Sentencing culpability giving Sentencing Judge's the same discretion the U.S. Supreme Court did in juvenile sentencing of adult crimes when a judge's expertise weighs the 'youthful' factors to give a lower punishment length of confinement instead of a mandatory Adult Sentencing Guideline." (Please see Appendix C. the Habeas Corpus progression through the California Court's for Exhaustion of claims) Petitioner hereby reincorporates his challenge to and through the State Court's for the full effect to the Statement of the Case herein.

REASONS FOR GRANTING THE PETITION

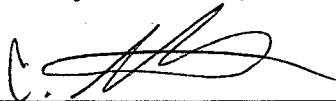
California has legislatively extended Miller v. Alabama, et al., relied on therein, to Constitutionally protect juvenile and young criminal offender's tried or solely Sentenced as adults. In doing so, California gave Petitioner a reasonable expectation that he is entitled to be resentenced with the Sentencing Court considering the diminished capacity of his youth to the case specific factor's of the crime he was convicted of, and, that that sentence not necessarily result in the harshest sentence allowable as an otherwise adult. California embraced Miller, citing it directly in the legislation it enacted to the series of youth offender statutes, yet it gave no youth protection at sentencing that Miller did, extolling the protection through the State's Parole Process. Youth Offender's have finally had their Right's defined by the U.S. Supreme Court, whom, brought their treatment under criminal statutes into the 21st Century by the professional's of Modern Medical/Psychological Sciences in understanding their "Diminished Capacity" in convicted criminal behavior—not excusing such behavior, but fitting it in to the culpability process. California has watered down Miller by giving relief akin to a "Poll-Tax" in order to exercise a Right to Vote (funny, here, a 16/17-year old youthful offender is disenfranchised altogether to vote on those that say they deserve a life sentence)) in that they recognize a youthful offender should be treated differently under the same laws as adults, but leave it up to a Parole Board at the back end of their same Sentence that never have to let them Parole/go home and California calls that "meaningful."

Truthfully, even Miller et al. forgot something else—not at question here but relevant to the point, and would be remedied by express youth offender sentencing schematics—the Supreme Court of the United States recognized that youth's have diminished capacities, yet only applied that to punishment. What about that diminished capacity and how it effects those same youth's in defending themselves from that same criminal conviction. Again not a question here, and probably not in Miller either, but a Grant of this Petition makes that question mostly go away, by, specifically prescribed sentences for youth's (rather than the harshest/harsher adult sentences crime by crime that California has left us with based on in prison behavior that has no bearing on the reasons the crime was committed) where "diminished capacity" may shorten a punishment length at the point of impact, not, after it has been, mandatorily, handed down by the by the sentencing court considering no evidence at all for neither possible sentence.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Cesar Santana AL2248 Pro Se.

Date: June 10th, 2020.