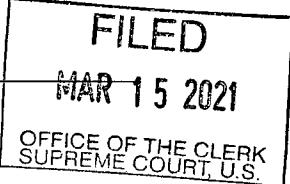


No. 21 - 5542

IN THE
SUPREME COURT OF THE UNITED STATES

AUGUST TERM 2021

ORIGINAL



CAMILO JOSÉ ARANGO LATORRE

Petitioner

v.

UNITED STATE OF AMERICA

Respondent.

PETITIONER FOR A WRIT OF CERTIORARI
TO THE UNITED STATE COURT OF APPEALS
FOR THE NINTH CIRCUIT

CAMILO JOSÉ ARANGO LATORRE,

With great respect and a pauperis way.

Address: Complejo Correccional de Bayamón- Anexo 292

50 carretera Unit # 700- 607073

Industrial Luchetti

Bayamón, Puerto Rico 00961-7403

Please send a copy of all correspondence to my mother address, which is, Mayra L. Latorre Berrios, 31A Marian Road, Framingham, MA 01702. Reason why is because of the Covid 19 correspondence at this correctional facility are delayed.

SUBMITTE: July 19, 2021

QUESTION PRESENTED

1. Certiorari requesting revision of the Honorable Supreme Court of Puerto Rico of January 12, 2021. Declaring there has been no such motion in retrial request for the nullity of the sentence and guilty verdict through most open votes, violation of the sixth amendment to a fair and impartial trial, the precept of reasonable doubt and in crass violation of due process of Law.

The non- retroactive application of the constitutional rule of Ramos v. Louisiana, in this case being this substantive and/or discretionary for state, is a discriminatory act prohibited by the constitutional clause of the same Protection of Law.

2. Conviction supported by perjured testimony. The main Prosecution witness, Loraine Rivera Vázquez, provided two diametrically opposed affidavits. In the first sworn statement of Loraine Rivera Vázquez, she accuses Felipe Fontanes Burgos as the author of the events. That first affidavit was corroborated with the rest of the evidence. Said first sworn statement was admitted in the proceedings against Camilo José Arango Latorre, here the petitioner. So the jury did not have the opportunity to examine it in depth.

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TABLE OF AUTHORITIES

Sixth Amendment to the Federal Constitution of the United State of America.

The clause of the Protection and Guarantee of the Equal Protection of Laws both at the state level, and as federal fundamental right, Constitution of the United State of America.

Fundamental rights that were pointed out and affected in the case as was the Due Process of Law, the Equal Protection of Laws.

Constitutional right of the accused and of the people to have a sixth amendment to the constitution of the United State of America.

The fourteenth amendment to the Constitution of the United State of America.

Right to a fair trial, section 111 of Article 11, constitution of Puerto Rico.

Section 1746 of title 28 of the penal code of the United States, voluntarily subscribe as true any material which in not believe to be legitimate, is guilty of perjury. This section applies to any statement or subscript within or outside of the United States.

Pueblo vs Mendoza, 149 DPR 630, 637 (1999)

Ramos v. Louisiana, 590- (2020)

Pueblo Esquelin Diaz, 146 DPR 808- 1998

Pueblo vs López Guzmán, 131 DPR 867- 867- 1996

Pueblo vs Ashley Torres Feliciano, 2018, TSPR 159

Pueblo vs Meléndez Cartagena, 106 DPR 338, 1977

Payton v. New York, 445 US 814, (1980)

Stovall v. Denno, 388, 293 (1967)

JURISDICTION

The jurisdiction of the Supreme Court of Puerto Rico was initially invoked,

It has jurisdiction to resolve by the authority conferred on it by subsection A, of section 3.002 of Puerto Rico Judiciary Act of 2003, approved on 22 August 2003, 4LPRA 22., subsection (d), by the provision of the Regulation of the Supreme Court of Puerto Rico, Rule 20, subsection A, number 1, and by the provision of Rule 217, Rules of Criminal Procedure in force, as amended, 34 L.P.R.A, 11, R 217.

This Honorable Supreme Court of the United States, in Washington, has jurisdiction to resolve the writ of certiorari. The Federal Supreme Court reiterated on June 9, 2016 that the sovereignty of Puerto Rico resides in Washington and that the last source of power over the island is the United States Congress. vs cont. art 11128 U.S C- 1331(2006).

OPINION BELOW

Sixth Amendment to the Federal Constitution of the United State of America. The clause of the protection and guarantee of the Equal Protection of Laws both at the state level, as a Fundamental federal right, constitution of the United States of America. Fundamental rights that were indicated and affected in this case, such as the Law Process, the Equal Protection of the Laws.

Pueblo vs Mendoza, 149 DPR 630, 637 (1999)

Payton v. Nueva York, 445 vs 814, (1980)

Linkletter v. Walker, 381 vs 618, (1965)

Grifith contra Kentucky, 479 vs 314

Ramos contra Luisiana, 590 ---- (2020)

Pueblo contra Sánchez Valle..., 192 DPR 594 (2015)

STATEMENT OF THE CASE

1. The appellant was unjustly tried and wrongly sentenced for a life sentence during 2009, this for a crime of murder of his then esteemed neighbor, which he never committed.
2. As pertinent, he was found guilty for, the crime of murder in the first degree and for the crime of carrying a firearm by nine votes, before three (3) jurors who found him at this petitioner not guilty.
3. On January 12, 2021, we submitted to the judiciary a document entitle motion on nullity requesting the nullity of the verdict and request for a new trial (R192. 1 of RPC). Which was denied.
4. Our brief is substantially based on the case law recently issued and/or resolved on April 20, 2020 by the highest Federal Judicial forum, in Ramos vs. Louisiana. US.
5. The aforementioned Jurisprudence of Ramos v. Louisiana, *supra*, resolves that a defendant for the Federal Constitution to have a fair trial by jury, and for a legal conviction for such a crime to fall, unanimity is always required in the decision of the (12) twelve juries.
6. This jurisprudence on the unanimity in the verdict, directly retroactively protects the petitioner here Camilo José Arango Latorre. It is then also protected and favored by the substantial constitutional mandate of the Equal Protection of the Law, *shapiro*. *Thomson*, 394, us. 618, 627, 634, 638, *San Antonio Indep. School Dist v. Rodríguez*, 411 us. 1(1973).
7. Before the Superior Court of Arecibo, Puerto Rico, among other, some testimonies that were paraded.
8. On February 15, 2009, Mr. Camilo José Arango Latorre left his residence in Orocovis, Puerto Rico, in the new car, owned by his mother, accompanied then by an alleged friend of all, the young Loraine Rivera Vázquez, 19 years old. Very good friend of then accused of the murder in controversy Felipe Fontanes Burgos, aka, Kay. An alleged habitual offender resident of Orocovis. Allegedly, she suddenly asked insisted that Camilo pick up his friends from Felipe Fontanes (Kay) when they started the car for some photos.
9. As a highly procedurally irregular matter, in the middle of the trial, or the statutory preliminary hearing, the young woman and/or minor, Loraine Rivera, as a witness for the state of the Arecibo prosecutor's office in open court, provided two different sworn statements between yes... Therefore by definition she became a perjury witness.
10. In her first sworn statement, Loraine Rivera declared in open court that it was Felipe Fontanes, her friend, who killed José Santos Robles with a firearm.
11. From being a witness for the state, Camilo José Arango Latorre suddenly went from now here, unjustly to being accused of a crime he did not commit. From being a prosecution witness against, Felipe Fontanes, suddenly the same young Loraine, the minor, became a witness, not against Kay (Felipe Fontanes Burgos), the now convicted but now against the than prosecution witness from the prosecution itself Camilo, a young student, the eternal fighter here, petitioner Camilo José Arango Latorre.

12. Camilo J. Arango Latorre, an admirable young college student with honors, who has been pleading and crying out for justice for years and years.

13. In the merits trial against Camilo J. Arango Latorre, the member of the jury, were not presented with the first sworn statement by Loraine Rivera, which blamed Felipe Fontanes despite the fact, that he was admitted in a previous process.

14. The jury learned of the first sworn statement of Loraine Rivera Vázquez due to the interrogation of the defense of Camilo J. Arango that he made to Loraine Rivera. This resulted in a 9+3 verdict filled with reasonable doubt. Therefore, this type of verdict 9+3 is contrary to the principles of justice, as dictate by the jurisprudential rule in *Ramos v. Louisiana*.

15. Furthermore, the questioning of Loraine Rivera defense of Camilo J. Arango was emphasized in the testimony accusing Camilo J. Arango. The defense did not have the full opportunity to question Loraine Rivera about her first sworn statement, because said evidence was not admitted in this second process. Similarly, the jury never had the opportunity to examine in depth the first affidavit of Loraine Rivera, nor did the member of the jury listen to the narration of the facts of the first affidavit of Loraine Rivera Vázquez.

16. The only verbal statement of facts that the jury heard and settle, was the second sworn statement by Loraine Rivera, which blamed Camilo J. Arango Latorre here as the petitioner.

17. If the prosecution had not concealed said testimonial and documentary evidence, what would have been the verdict of the jury? Most likely, a unanimous verdict had been given in favor a Camilo J. Arango Latorre. Even so a 9 to 3 verdict was obtained which is contrary to the principles of justice.

18. If the first sworn statement of Loraine Rivera Vázquez had been presented so that the jury could compare said testimonial evidence with the rest of the evidence, the verdict would probably have been unanimous in favor of the petitioner here Camilo José Arango Latorre.

REASONS FOR GRANTING THE PETITION

1. Conviction supported by perjured testimony. The lead witness, Loraine Rivera Vázquez, gave two separate affidavits.
2. Due process of law was violated by hiding documentary evidence, which was presented by the main prosecution witness, Loraine Rivera Vázquez. In her first sworn statement, Loraine Rivera stated that Felipe Fontanes Burgos, her friend, was the one who Killed José Santos Robles with a firearm.
3. In the merits trial against Camilo José Arango Latorre the member of the jury, were not presented with a first sworn statement by Loraine Rivera, who blamed Felipe Fontanes Burgos despite the fact that she was admitted in a previous process.
4. The jury learned of Loraine Rivera Vázquez first due to questioning of the defense of Camilo José Arango Latorre, which he made to Loraine Rivera. This resulted in a 9-3 verdict filled with reasonable doubts. Therefore, this type of verdict 9-3 is contrary to the principles of justice, as dictated by the jurisprudential rule in *Ramos v. Louisiana*.
5. In addition, the interrogation that the defense of Camilo J. Arango Latorre carried out to Loraine Rivera Vázquez was emphasized in the testimony that accuses Camilo J. Arango. The defense did not have the full opportunity to question Loraine about her first sworn statement (where she points to Felipe Fontanes Burgos as the perpetrator of the crime), because said evidence was not admitted in the second process. Likewise, the jury never had the opportunity to delve into Loraine's first affidavit, nor did jurors listen to the narration of Loraine's first affidavit. This type of "limited admissibility" of evidence put Camilo J. Arango defense at a disadvantage and favored the state.
6. Exculpatory evidence was concealed.
7. Puerto Rico is very particular case in terms of the unanimous verdict because it was a right already acquired from 1900 to 1948 that was eradicated. In 1948, the majority verdict law was enacted in Puerto Rico against what was established and established by the constitution of the United State of America, since the Puerto Rican constitution had not been established at that time and Puerto Rico was governed by the constitution from United State. This makes Puerto Rico very particular in terms of the majority verdict compared to the Louisiana case and the Vannoy case. In 1952 when the constitution of Puerto Rico was established. Therefore in 1948 the standard of Law was lowered.

APPEAL

For all of which,

Respectfully, based on the previous approaches, and on what Substantial Justice legally means, we ask the Honorable Court that prior to the rigorous procedure that corresponds in Law., declare our Petition for Certiorari with Place, and that in accordance with the mandate interpreted under the Sixth and Fourteenth Amendment of the Federal Constitution, to the safeguards of the Constitution of the United States of America, Equal Protection of Laws, we beg that it be ordered then, the Appealed Resolution is annulled, the Sentence and Verdict are annulled and consequently, the immediate release of the Complainant is ordered and that he be tried again before a new Impartial Jury...

I Certify the Notification

I certify: That as of today a true and exact copy of this Petition for Certiorari has been sent by certified mail to the Honorable Supreme Court of Puerto Rico.

Respectfully Submitted,

In Bayamon, Puerto Rico, July 19, 2021

* *Camilo J. Arango Latorre*

Camilo José Arango Latorre

Complejo Correccional Anexo 292 Bayamón celda 13

50 carretera unit # 700-607073

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