

No. 21-6807

FILED  
OCT 11 2021  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

\_\_\_\_\_  
IN THE  
SUPREME COURT OF THE UNITED STATES

SALARY — PETITIONER  
(Your Name)

vs.

California — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Davis Salary #BH9265  
(Your Name)

P.O. Box 2610  
(Address)

California City, CA. 93505  
(City, State, Zip Code)

\_\_\_\_\_  
(Phone Number)

DEC 23 2021  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

RECEIVED  
OCT 20 2021  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

**QUESTION(S) PRESENTED**

I. Is there a possibility to have my  
PC 667(a)(1), 5 year prison prior stricken or dismissed?

## 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:

*Court of Appeal of the State of California (case# G058342)*  
*Superior Court of California, Orange County (case# 17NF0210)*

## RELATED CASES

**TABLE OF CONTENTS**

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- APPENDIX A *Decision of State Court of Appeals (case# G058342)*
- APPENDIX B *Decision of State Trial Court (case# 1TNF0210)*
- APPENDIX C *Decision of State Supreme Court (case# 5268540)*  
*on the next page*
- APPENDIX D
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*\*FOOTNOTE: Appendices A & B are not included because I do not have a copy available. However, Appendix C is included. I am a pro-se inmate and have limited access to resources.*

*X Don Saiz 10-8-21*

**TABLE OF AUTHORITIES CITED**

**CASES**

**PAGE NUMBER**

*none cited*

**STATUTES AND RULES**

**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- is unpublished.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 C 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 \_\_\_\_\_.

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 7-14-21.  
A copy of that decision appears at Appendix C.

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

On September 30th, 2018, Senate Bill 1393 was finalized by the State of California. This new law now gives the Trial Court the power to strike or dismiss the PC 667(a)(1), 5 year prison prior. This bill also amends Penal Code 1385.

### STATEMENT OF THE CASE

Defendant was sentenced to 12 years by the Trial Court. Part of that sentence relates to the Penal Code 667(a)(1), 5 year prison prior. A judge now has the power to strike or dismiss the 5 year prison prior if they wish to do so. Ultimately, defendant had an extra 5 years added to his sentence because of a 10 year old conviction. Defendant wishes to have that PC 667(a)(1) removed.

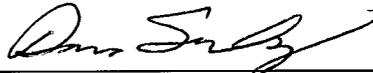
### REASONS FOR GRANTING THE PETITION

I have already served time for the prison prior. It is over 10 years old. Furthermore, the prison prior stems from a conviction in which I was found guilty for simply being at the scene and the victim stated I did nothing. Please consider granting this petition, so that I get some relief from the 5 year prior.

**CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

  
\_\_\_\_\_

Date: 10-8-21