

21-6967

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Petition for Writ Certiorari

FILED

DEC 02 2021

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

LeMonta Maddox — PETITIONER  
(Your Name)

vs.

Annie Featherman Fraser etc RESPONDENT(S)  
Deputy Attorney General (SBN 144662)  
ON PETITION FOR A WRIT OF CERTIORARI TO

The Court of Appeal of the state of California Fourth Appellate District Division 0  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

LeMonta Maddox BK 1956  
(Your Name)

P.O. Box 290066  
(Address)

Represa, California 95671  
(City, State, Zip Code)

N/A  
(Phone Number)

QUESTION(S) PRESENTED

Is it rightly lawful for a detective to obtain involuntary statements by coercion and promises of leniency violating federal and state constitutional rights to due process.

## 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:

Matthew Rodriguez (SBN 45976) Acting Attorney General of California  
Lance E. Winters (SBN 162357) Chief Assistant Attorney General  
Julie L. Garland (SBN 179657) Senior Assistant Attorney General  
A. Natasha Cortina (SBN 156368) Supervising Deputy Attorney General

## RELATED CASES

## 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 state Court of Appeals

APPENDIX B Decision of state trial court

APPENDIX C Decision of State Supreme Court Denying review

APPENDIX D Order of state Supreme Court Denying Piehearing

APPENDIX E

APPENDIX F

## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Arizona v. Fulminante (1991) 499 U.S. 279, 310	30
Blackburn v. Alabama (1960) 361 U.S. 199, 208	22
Jackson v. Denno (1964) 378 U.S. 368, 385-386	22
People v. Jimenez (1978) 21 Cal. 3d 595, 602	22
Hutto v. Foss (1976) 429 U.S. 28, 30	22
People v. Ramos (2004) 121 Cal. App. 4th 1194, 1202	23
People v. Esqueda (1993) 17 Cal. App. 4th 1450, 1484	23
People v. Flores (1983) 144 Cal. App. 3d 459	23
People v. Boyette (2002) 29 Cal. 4th 381, 411	34
People v. Franklin (2016) 63 Cal. 4th 261, 269	33
Chapman v. Cal. (1967) 386 U.S. 18, 24	40
People v. Perez (2016) 3 Cal. App. 5th 612, 619-620	41
People v. Costello (2017) 11 Cal. App. 5th 1, 9	42
People v. Medrano (2019) 40 Cal. App. 5th 961	
STATUTES AND RULES	
Penal Code § 186.22, subd. (B)(1)(C) pg. 8	penal code § 12022.53 subd. (c) pg. 8
Penal Code § 187 pg. 34	penal code § 12022.53 subd. (d) pg. 8, 34
Penal Code § 187 subd. (A) pg. 8	
Penal Code § 189 pg. 34	
Penal Code § 190 pg. 34	
Penal Code § 1203.01 pg. 43	
Penal Code § 1237, subd. (a) pg. 7	
Penal Code § 3046 pg. 37	
Penal Code § 3051 pg. 34, 35, 37, 39, 40, 41, 45, 46	
Penal Code § 3051 subd. (b)(3) pg. 35	
Penal Code § 3051 subd. (e) pg. 36	
Penal Code § 3051 subd. (F)(2) pg. 36	
Penal Code § 3051 subd. (F)(1) pg. 36	
Penal Code § 4801 pg. 35, 37, 41	
Penal Code § 4801 subd. (C) pg. 35, 36, 39	
Penal Code § 12022.53 pg. 32	
Penal Code § 12022.53 subd. (b) pg. 8	
OTHER	
Stats. 2013, ch. 312, § 1 [Senate Bill No. 260] pg. 36, 40	
Stats. 2015, ch. 471 § 1 [Senate Bill No. 261] pg. 40, 41	
Stats. 2017, ch. 675 § 1 [AB 1308] pg. 40, 41	

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,  
~~X~~ has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

The opinion of the State Supreme court appears at Appendix C to the petition and is

[ ] reported at \_\_\_\_\_; or,  
~~X~~ 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. 31, 2021.  
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  
United States Constitution 6th Amendment  
United States Constitution 8th Amendment

STATEMENT OF THE CASE

Appellant was charged by information with the first degree murder of Anthony Mitchell. (1 ct 42-46 [Information]; penal code, § 187, subd. (a).) The jury found him guilty, instead, of second-degree murder. (3 ct 426 [minute order]; 3 ct 584 [verdict].) The jury also found true five separate gang and gun enhancements. (3 ct 426 [minute order]; 3 ct 585-586 [verdict forms]; penal code, §§ 186.22, subd. (b)(1)(c), 12022.53 subd. (b), 12022.53, subd. (c), 12022.53, subd. (d).) The trial court sentenced appellant to an aggregate term of 40 years to life. (4 ct 755.) Appellant filed a timely notice of appeal. (4 ct 777.)

Brandon Koch, a school police officer, was patrolling the Arroyo Valley High School area in San Bernardino shortly after school got out one afternoon when he suddenly heard shots ring out. (2 rt 256, 240.) Koch then observed six young males running, including Lavelle Miller, a juvenile he knew from previous contacts. Koch received a radio call about a possible fatality. When he responded to the scene, he saw decedent Anthony Mitchell on the ground on his back. (2 rt 263, 482). About twenty minutes later after the shots were fired, a student from Arroyo Valley High School, Ryan Olivares, reported to police that he had witnessed a shooting. (2 rt 484-486) He identified Taron Anderson and Lavelle Miller as two individuals he believed were involved with the shooting. Police later spoke to Miller, who admitted that he was on the scene at the shooting, but Miller identified appellant as the shooter. Police later apprehended appellant and, during an interrogation, he admitted that he was indeed the shooter. Miller testified on behalf of the defense that he had a gun on the day he sparred with Mitchell and it was he who shot Mitchell. Miller also testified that he had known appellant for a couple years before the Mitchell shooting. (4 rt 928-929.) He and appellant spoke after the shooting, and appellant agreed to say he was the shooter. (4 rt 989; 5 rt 1056.) Miller told appellant that if he took credit for the Mitchell, murder, appellant would get "street credit" for it and won't be charged with the murder. (4 rt 1060-1061.) Appellant accepted this proposal according to Miller's testimony.

#### REASONS FOR GRANTING THE PETITION

The trial court committed reversible error in admitting appellant's statements to police because the statements were obtained by coercion and promises of leniency and were therefore involuntary, violating appellant's federal and state constitutional rights to due process.

This court should order a limited sentencing remand in accordance with *People v. Franklin*. No such Franklin proceeding was held in this case. Trial counsel did not assemble statements from family, friends, school personnel, and community leaders or seek a psychiatric evaluation for use at future youth offender parole hearing. In fact counsel presented nothing not even a sentencing memorandum, setting forth information that Penal Code sections 3051 and 4801 deem relevant at a youth offender parole hearing. Moreover, there is nothing in the record to support a finding that defense counsel, the prosecutor, or the court were aware of Penal Code section 3051's applicability to the case or the decision in Franklin setting forth the importance of making a record relevant for use at a future youthful offender parole hearing. Due to this lapse, appellant's case should be remanded to provide the trial court and appellant the opportunity to make a record under Penal Code sections 3051 and 4801 subdivision (c), regarding any factors related to his youth that may become relevant in a future parole hearing.

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Selmonta Maddox

Date: December 1st, 2021