

Supreme Court, U.S.  
FILED

SEP 13 2021

OFFICE OF THE CLERK

No.

21-7264

IN THE

SUPREME COURT OF THE UNITED STATES

Samuel Lee Gore — PETITIONER  
(Your Name)

vs.

Gus I. Skropas, et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Ninth Circuit  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Samuel Lee Gore K38004  
(Your Name)

20-854, CJP Solano, P.O. Box 4000  
(Address)

Vacaville, CA 95696-4000  
(City, State, Zip Code)

None  
(Phone Number)

ORIGINAL

QUESTION(S) PRESENTED

Is the United States Constitution still the supreme law of the Land as stated in Article VI of the Constitution?

Does the United States Constitution guarantee a United States citizen due process?

Is a fundamental part of the due process an indictment being given by a Grand Jury for a capital crime?

Was I, Samuel Lee Gore, Petitioner, denied due process by not being given an indictment by a Grand Jury?

If a United States Constitution Bill of Rights law is quoted letter for letter, word for word, can a case law supercede it?

## 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:

*Michelle Elizalde*

*Michael A. Ramon*

*Dan Detienne*

*Bobbie Mann*

*Eliza V. Pirozzi*

*Xavier Becerra*

## RELATED CASES

*Superior Court - FWV025432*

*U. S. District Court - 0973-5:5:20-CV-01900-Doc-9F77*

*9<sup>th</sup> Circuit - 20-56040*

## 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	<i>felony Complaint</i>
APPENDIX B	<i>Superior Court Minute Order</i>
APPENDIX C	<i>California 4<sup>th</sup> District Appellate Court</i>
APPENDIX D	<i>United States District Court</i>
APPENDIX E	<i>United States 9<sup>th</sup> Circuit</i>
APPENDIX F	<i>Docket</i>

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

*Haines v. Kerner* 404 U.S. 519

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 F 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 D 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 Superior Court of California 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 June 30, 2021

☐ 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: July 16, 2021, and a copy of the order denying rehearing appears at Appendix F.

☐ 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 September 24, 2020  
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:

Article VI, "This Constitution and the Laws of the United States... shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

Amendment XIV, "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Amendment V, "No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury... nor be deprived of life, liberty, or property without due process of law."

### California Constitution:

Article III, Section 1, "The State of California is an inseparable part of the United States of America, and the United States Constitution is the supreme law of the land."

Article I, Section 7, "A person may not be deprived of life, liberty, <sup>or</sup> ~~and~~ property without due process of law or denied equal protection of the laws..."

Article I, Section 15, "... or be deprived of life, liberty, or property without due process of law."



#### STATEMENT OF THE CASE

The Constitutional claim of this Complaint is this: I, Samuel Lee Gore, Petitioner, was denied due process of the law by not being given an indictment by a Grand Jury.

I, the Petitioner, having not been schooled in law has made numerous errors in filing of this Constitutional Complaint. Being an ordinary, normal-reasoning citizen of the United States, I read the Constitution of my country as a straight-forward text. When I read "shall" in my mind something is mandatory.

I, the Petitioner, have been denied my due process of law and equal protection guaranteed by the United States Constitution (amendments V + XIV), And the Constitution of the State of California (Article I, Sections 7 + 15) by not being given an indictment by a Grand Jury.

In an effort to resolve this issue, on 8/14/2020 and 9/2/2020 (Appendix B+C) the Superior Court was given the opportunity to grant administrative remedy. Also the Court and the Defendants were given the chance to refute the Petitioner's claim, or the claim would stand as "true". Remedy was not granted. The Court nor the Defendants refuted the claim.

In 9th Circuit case No 20-5640 DKT Entry the Court and Defendants were given the opportunity to refute the claim, or the claim would stand as "true". No one refuted the claim. Again in DKT Entry 11 the Court was given the opportunity to refute the Petitioner's claim. The Court did not.

It is my firm belief that had I gone before an impartial panel, such as a Grand Jury, I would not have been charged with 1<sup>st</sup> degree premeditated, Murder nor been sentenced to prison for it.

For the Court record, I, Samuel Lee Gore, the Petitioner, do not seek monetary gain from the Defendants.

#### REASONS FOR GRANTING THE PETITION

The Supreme Court makes rulings based on the law. This Constitutional Complaint has its basis in letter for letter, word for word taken from the United States Constitution and Bill of Rights.

If we, the People cannot trust in all courts abiding by the wording in our Country's Constitution, how can we form a more perfect union.

When a claim comes straight from the law, the law stands in of itself. There is no way to read the Bill of Rights other than the way they were written.

I, the Petitioner, quote no cases to support my claim because the Constitution of the United States stands on its own and nothing is above it.

From day one my request for remedy has been simple. I have served over 19 years, and humbly request time served, immediate release from prison, and no post-supervision conditions, so I can return to the South on the day of my release to my family and an awaiting job.

I thank the Justices for their time.

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

  
\_\_\_\_\_

Date: 16 August 2021