

21-7779  
No. \_\_\_\_\_

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

FILED

MAR 15 2022

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

Gilberto Juarez  
(Your Name) PETITIONER

vs.  
People of Cal. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Cal. Supreme Court  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Gilberto Juarez J83144  
(Your Name)

C.S.P. Sol. 24-127L  
(Address)

PO Box 4000  
(City, State, Zip Code)

Vacaville, CA 95696  
(Phone Number)

AI

QUESTION(S) PRESENTED

1. why was Actual innocence denied?
2. why did Trial court impose excessive sentence?
3. why did trial <sup>court</sup> use extra curricular evidence?
4. why did trial court use double Jeopardy Prosecution?
4. why did Trial Court impose Any unconstitutional Enhancement?
6. why did trial court; deny right To confront?
7. why did trial court; deny the use of exculpatory Evidence w/ Suarez' defence.
8. why Trial Court use Non Violent Felonys Per Se; w/ unlawful En-  
hancement. See Co. Pr. Cd. 667, 667.5 (C)  
(79) ed., w/ a Const. 19th Amndt.

## 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:

## RELATED CASES

*of*

1. *McQuiggin* 133 S. Ct. 1924 (13)

2. *w/USCA Const. Amndt. 4th, unlawful removed, 5th Federal due Process etc., 6th denial of Right to A Jury etc., 8th, excessive sentence, etc., 14th due Process & Equal Protection clauses. 5th double jeopardy.*

3. *malicious prosecution, w/Res Sedicata etc. (95)*

Cl

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TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

*Gaudin Subra*

*vs Quiggen Subra*

STATUTES AND RULES

*constitutional law 840.3, 848*

OTHER

*calif. habitual criminal law  
(79)ed.*

*Ca. Pen. Cd. 667, 667.5(c),  
1170.1(a)*

*el*

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 McDuggin *Supra*; 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☐ is unpublished.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 Long *Supra*; 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 \_\_\_\_\_ to the petition and is

☐ reported at Holgun-Hernandez, *or. Supra* *Fed cases*  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the Massey *Supra* *Fed. cases* 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 \_\_\_\_\_

*See Habeas Certiorari*

☐ 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 \_\_\_\_\_.  
A copy of that decision appears at Appendix \_\_\_\_\_.

☐ A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

*\* Cal. Pen. Cd. 667, 667.5(c)(79) ed.*

☐ 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 \_\_\_\_.

*\* Cal. Habitual Criminal Law*

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. cs. 72863, w/malicious Prosecu-  
tion, w/ Res Seducta; (79/95)
2. (95) denial of Right to Jury Trial,
3. (95) denial of Right to Federal  
Due Process, w/ 5th Amend<sup>ed</sup>  
V Ca. Pen. Cd 667.5 (C) (79)
4. (95) prosecution Conduct; w/ use  
of Non-Violant Felonys Per Se  
w/ (79) crime  
Reprosecuted, As Violant Fel-  
onys w/ denial of Right to A  
Jury determination, (95) (98)  
of Any and All deadly Facts -  
and Elements
- 5 Violation of Cal. Habitual Crimi-  
nal law (79) ed.; w/ Contradiction  
of Federal law.



1

STATEMENT OF THE CASE

1. Drug Possession For sale; was  
Never Pled or Proven;
2. No sale was ever Pled or Proven,
3. No money ever crosshands,  
9th circuit law
4. No Firearm-use w/ mayhemous,  
w/ No injury whatsoever,
5. No cartel Backing; was ever  
Pled or Proven;
6. excessive sentence; (95) 50 yrs.  
Plus double life  
(98) 25 to life
7. w/ NO Atty., w/ NO escalat-  
ory Evidences whatsoever.

REASONS FOR GRANTING THE PETITION

1. (79/95/98) 179351, 72863  
• CS 72863 malicious Prosecution;  
w/ An Adjudicated issue of  
of law, see 4 crim 13505 Subra.
2. Reconviction of CS. 72863 Violates;  
Federal due Process, 5th Amndt.  
N 4th
3. Reconviction of CS. 72863, 179-  
351; violates Green v. Massey Subra.
4. Reconviction of CS. 72863 is  
contrary to Federal law, 4 crim Subra.
5. Prosecution conduct; w/ Abuse  
of Process —
6. (95) Conviction — w/ (79) Reconviction Violates;  
Federal due Process

7. *USCA Const. Amndt 5th.*  
*violation of the most Basic*  
*sert. (sic)*  
*w/ use of Non Violant Felonys*  
*Per Se :*

**CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

*Gilberto Juarez*

Date: 4-24-22