

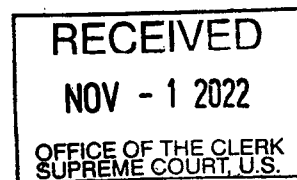
SUPREME COURT
OF THE UNITED STATES

ARTHUR TORLUCCI
V.
CALIFORNIA

No. 22-5098
CERTIORARI DENIED
ON OCTOBER 3RD, 2022

PETITION FOR REHEARING

First Amended Pet.
Nov. 10TH, 2022



by
ARTHUR TORLUCCI #33910-D/8-22/
SALINAS VALLEY STATE PRISON
P.O. Box 1020/31625 Hwy 101
Sedalia, CA 93960-1020

PRO SE

DATE: 10/23/22
RE SENT: 11/14/22 Mailbox Rule Enforced
Clerk's Office

At.

CERTIFICATE

Under Rule 44 of U.S. Supreme Court.

STATEMENT

- 1) Grounds Are Limited To Intervening
- 2) CIRCUMSTANCES OF SUBSTANTIAL OR CONTROLLING EFFECT
- 3) IN THAT JUDGE J. RICHARDS PREPARED A
- 4) TREATY ON STATUTORY CHANGES (SB1437) MADE IN 2020. AND
- 5) CHANGES MADE BY SB775 (2021-2022 REG. SESS.) OVERRIDE CERTAIN
- 6) EXCLUSIVE REMEDY HOLDINGS (STATS 2021 CH. 551, SEC. 2: NEW PENAL
- 7) CODE SECT. 170.95, SUBDIV. (G) SEE NOW CLARIFYING STATUTE SB775.
- 8) (ie) PC 188(a)(3) ABOLISHED 2ND 187(A) FOR ACTUAL KILLERS.
- 9) & 2) OTHER SUBSTANTIAL GROUNDS NOT PREVIOUSLY PRESENTED.
- 10) IN THAT DOES THE "NEW & ADDITIONAL EVIDENCE CLAUSE OF SB1437/SB775"
- 11) FALL UNDER THE "SCHUP GATEWAY" AS WELL AS THE "NEWLY PRESENTED EVIDENCE"
- 12) OF IMPERFECT SELF DEFENSE FOR A OTC & EVID. HEAR./NEW TRIAL.
- 13) ARGUMENT INDICATED FOR 1ST 187(A), TAKEN FOR ROB/MURD THEORY & CONVICTION OF 1ST 187(A).
- 14) SIGNATURE: [Signature] DATE: 11/10/22

INTRODUCTION

- 1) PURSUANT TO RULE 36 THIS COURT
- 2) DENIED HABEAS CORPUS CERTIORARI ON OCTOBER
- 3) 3RD 2011. PETITIONER'S ORIGINAL STATE TRIAL
- 4) COURT PETITION FOR WRIT OF HABEAS CORPUS SEEKING
- 5) THE "GRANT WRIT" IN 1999 WAS DEEMED A
- 6) EXTRAORDINARY WRIT, AND THAT WAS BEFORE
- 7) PETITIONER KNEW & CLAIMED "ACTUALLY INNOCENT".
- 8) IN SUCH PETITIONER NOW CLAIMS THIS IS
- 9) A EXTRAORDINARY CERTIORARI REHEARING
- 10) BECAUSE HE IS "ACTUALLY INNOCENT".

HISTORY OF THIS CASE

- 1) PETITIONERS SB1437 & 1170.95, 188(a)(3), (189(c)) - RE
- 2) WAS DEFERRED FOR ABOUT 1 YEAR UNDER "LEWIS"
- 3) BUT SHOULD OF BEEN UNDER GENTILES, AS STRUCTURAL
- 4) ERROR WAS SATISFIED AS SOON AS THE APPEALS COURT
- 5) APPOINTED COUNSEL. (HOWEVER THIS CASE WAS LIFTED
- 6) FROM COUNSEL BRIEFING AS PETITIONER HAD 1 OR 2 OTHER
- 7) SB1437'S JUDICIAL COURT PETITIONS FILED & SUMMARY DENIED.)
- 8) PETITIONER FILED TO PRO SE AFTER COUNSEL BRIEF
- 9) AS PETITION FOR REVIEW WAS DISMISSED ON 11/17/11
- 10) BY THE CALIFORNIA SUPREME COURT. STRUCTURAL
- 11) ERROR SHOULD OF BEEN "MENTIONED IN PASSING" AS A DOOR WAY
- 12) TO GENTILES AND/OR NEW & ADDITIONAL EVIDENCE
- 13) PRESENTATION AS "THE ACTUAL KILLER" & "ACTUALLY INVOLVED" Pg. 2 of 6

QUESTION(S)

- 1) Did THE CALIFORNIA EPP IN SUMMARY
- 2) DENIAL OF SB1437 IS 5273066 (B317702), WHEN
- 3) APPEAL & PETITION FOR REVIEW WAS FILED AFTER SB775
- 4) WAS ALREADY PASSED (BUT DID NOT COME INTO EFFECT
- 5) UNTIL JANUARY 1ST 2022), CLARIFYING SB1437 TO THE
- 6) POINT OF OVERRIDING GENTLER EXCLUSIVE RULING THAT
- 7) ABOLISHED SECOND DEGREE MURDER FOR ACTUAL KILLERS
- 8) UNDER THE MPC DOCTRINE, AND MAKING IT SO, THAT
- 9) 2ND 187(A) IS ABOLISHED UNDER ANY THEORY WHERE MURDER
- 10) WAS IMPUTED TO THE ACTUAL KILLER. Z

Footnote(s)

- 1) PETITIONER WAS ONLY CONVICTED AS
- 2) BEING THE ACTUAL KILLER "Folsley", AND IS
- 3) NOT JUST INNOCENT OF THE MURDER, BUT THE ROBBERY
- 4) THEORY THAT THE JURY REJECTED, AND THE JURY'S
- 5) 1 YEAR ENHANCEMENT OF USING HIS TRUCK AS A DEADLY
- 6) WEAPON WAS A DIRECTED VERDICT

- 7) ALSO PETITIONER 2006 USDC (CENTRAL) REVERSAL OF
- 8) CONVICTION ON MENTAL (FAC) IMPERFECT SELF DEFENSE
- 9) IN CV-04-9878 GHA RNB, BUT AFTER BARBER
- 10) VIA WRONG STANDARD ON PACE V. DI CUSILMO
- 11) 544 U.S. 408 NEGATED "MORICE" (AND IS IN 4
- 12) OF ITSELF A SB1437 PC1170.95, 1189113, 18901-EE)
- 13) ELIGIBILITY POINT THAT APPOINTED COUNSEL
- 14) CYNTHIA L. BARBER NEGLECTED IN HER BRIEFING BY PETITIONER
- 15) RAISED IT IN HIS SUPERIOR COURT SB1437 PETITIONERS.
- 16) AS A PRISON FAVORABLE RULING VIA "STANDARDS" WORKS
- 17) STANDARD MISTAKE BACK REJECTING JUDGE PERRY
- 18) DID IN 1999).

- 19) AND - THE REDISCOVERING OF PETITIONER EXISTING
- 20) EVIDENCE IN 2011 IN LACSC ARCHIVES, AFTER
- 21) THAT JUDGE CLARKE COURT "LOST" IT IN 1999 THE CE ESTABLISHING
- 22) WERE NOT ONLY PROVES BEYOND A REASONABLE DOUBT THAT
- 23) PETITIONER IS INNOCENT BUT PROVES THAT THE KEY
- 24) SOLE PROSECUTIONS WITNESS IS ONE OF THE TWO ACTUAL

- 25) KILLERS BY CLEAR & CONVINCING EVIDENCE OF 911 CALL & BULLET HOLE
- 26) IN PETITIONER'S P/ TRUCK & RECALL TESTIFYING TO DRIVING THE CAR 911 CALLER SAW.