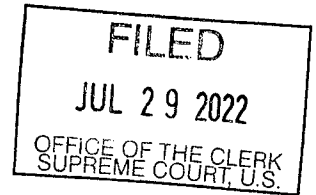


22-5286

No. _____

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



Jesse James Palato — PETITIONER
(Your Name)

vs.

dwayne hamilton, parole agent — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Jesse James Palato
(Your Name)

1011 cotter ave
(Address)

Duarte, ca.91010
(City, State, Zip Code)

562-251-7758
(Phone Number)

QUESTION PRESENTED

1. **WHAT IS THE PROBABLE CAUSE TO ARREST SOMEONE FOR ALLEGEDLY SENDING TWO ANONYMOUS MESSAGES FROM TWO DIFFERENT SOCIAL MEDIA PLATFORMS WHICH WAS NEITHER CONNECTED TO ME OR FOUND ON ANY OF MY DEVICES UPON SEARCH WHICH UPON READING THEM NO ONE COULD ASCERTAIN WHO THE SENDER MIGHT BE?**
2. **DID THE ARREST AND SUBSEQUENT SEARCH OF MY DEVICES FOR COUNT 1 BY THE MONROVIA POLICE DEPARTMENT FOR ALLEGEDLY SENDING MESSAGES FROM 2 DIFFERENT SOCIAL MEDIA PLATFORMS, THAT NEITHER WAS FOUND ON ANY OF MY DEVICES OR CONNECTED TO ME WHATSOEVER AND NOT BASED ON FACTS VIOLATE THE FOURTH AMENDMENT?**
3. **WAS A CERTIFICATE OF APPEALABILITY WRONGLY DENIED, EFFECTIVE HOLDING THAT THE DISTRICT'S COURT JUDGMENT WAS "NOT EVEN DEBATABLE"? BUCK V. DAVIS, 137 S. CT. 759-774 (2017)**
4. **DID THE 9TH CIRCUIT'S UNREASONEDDENIAL SO CLEARLY MISAPPLY BUCK'S MODEST STANDARD AS TO CALL FOR SUMMARY REVERSAL?**

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:

DWAYNE HAMILTON, PAROLE AGENT

JERRY POWERS, DIRECTOR OF PAROLE OPERATIONS

RELATED CASES

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CASE NO. C.V. -19-0346-JEM

UNITED STATES COURT OF APPEALS FOR THE
NINTH CIRCUIT NO. 20-56043
D.C. NO. 2:19-C.V. 00346 JEM
CENTRAL DISTRICT OF CALIFORNIA, LOS ANGELES

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STATUTES

CALIFORNIA PENAL CODE 288.3

CALIFORNIA PENAL CODE 1538.5

28 U.S. CODE 2254 (d) (e)

4TH MENDMENT

14TH AMENDMENT

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 001 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 003 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 _____ 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 JAN. 31, 2022.

☐ 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: MAR 2, 2022, and a copy of the order denying rehearing appears at Appendix 002.

☒ An extension of time to file the petition for a writ of certiorari was granted to and including JULY 30, 2022 (date) on APR 20, 2022 (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 _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. 21 A 629.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

4TH AMENDMENT

14TH AMENDMENT

2254 (d) (e)

INTRODUCTION

I WOULD LIKE TO FIRST APOLOGIZE TO YOUR JUSTICES IN THE WAY I FORMATTED THIS PETITION. MY WORDS AT TIMES COULD BE REPETITIVE AND MAY BE EXHAUSTING AT TIMES. BUT I DID MY BEST TO EXPLAIN MY ISSUES AND TRIED TO GET STRAIGHT TO THE POINT. IT DOES NOT MATTER HOW MANY TIMES I STATE SOMETHING IT WILL BE THE SHOWING OF FACTS THROUGH THE APPENDICES AND CASE LAW I CITE THAT WILL SUPPORT THIS PETITION. I ASK THAT YOUR JUSTICES BE PATIENT WITH ME AS YOUR JUSTICES READ THIS PETITION.

STATEMENT OF THE CASE

AS YOUR JUSTICES CAN READ ON MONROVIA POLICE DEPARTMENT PROBABLE CAUSE DETERMINATION DECLARATION (APP 004) I WAS ARRESTED ON SEPTEMBER 12, 2014 FOR CALIFORNIA PENAL CODE 288.3 COMMUNICATING WITH A MINOR FOR SEXUAL PREFERENCES WHICH IS FOR THEIR COUNT 1 CONCERNING (C.L.). AT THE TIME OF THE ARREST I WAS WORKING AS A PRESCHOOL KITCHEN MANAGER AND THE VICTIM (C.L.) WAS A HIGH SCHOOL STUDENT.

ALSO AT THE TIME OF MY ARREST I HAD A MISDEMEANOR ARREST WARRANT OUT OF BALDWIN PARK POLICE DEPARTMENT'S JURISDICTION. THIS WARRANT WAS DISMISSED AT ARRAIGNMENT AND THE MONROVIA POLICE DEPARTMENT WENT FROM DETAINING ME FOR THE WARRANT TO ARRESTING ME FOR THE 288.3 CHARGE FOR COUNT 1 OF THE INFORMATION. ALSO I HAD NO IDEA I HAD THAT WARRANT OUT OF BALDWIN PARK.

THE ARREST CENTERS ON TWO DIFFERENT SOCIAL MEDIA MESSAGES THAT WERE SENT TO THE VICTIM (C.L.) THROUGH THE APPLICATIONS FACEBOOK (APP 005) AND KIK (APP 006) PLATFORMS.

THESE TWO DIFFERENT SOCIAL MEDIA PLATFORMS NEITHER HAVE MY NAME ATTACHED TO THEM OR THEY DO NOT CONTAIN MY NAME IN THESE MESSAGES. THESE MESSAGES WERE SENT ANONYMOUSLY TO THE VICTIM.

I WILL EXPLAIN WITH CASE LAW AND THROUGH THE APPENDICES THAT THIS IS A DIRECT VIOLATION OF MY 4TH AMENDMENT RIGHT FOR ARREST WITHOUT PROBABLE CAUSE AND THAT I SHOULD HAVE BEEN GRANTED EITHER AN EVIDENTIARY OR PROBABLE CAUSE HEARING WHERE WITNESSES COULD GIVE TESTIMONY ON THEIR PROBABLE CAUSE TO ARREST ME FOR COUNT 1 288.3 OF THE CALIFORNIA PENAL CODE.

PETITION FOR WRIT OF CERTIORARI

CRIMINAL CASES WILL ARISE WHERE THE ONLY REASONABLE AND AVAILABLE PROCEDURAL MECHANISM TO LITIGATE A 4TH AMENDMENT CLAIM IS AN EVIDENTIARY HEARING WHICH I MAY BE ABLE TO QUESTION THE ARRESTING AGENCY ON WHAT WAS THEIR PROBABLE CAUSE TO ARREST ME FOR THESE 2 ANONYMOUSLY SENT

SOCIAL MEDIA MESSAGES TO VICTIM (C.L.) AND THE SEARCH OF MY PROPERTY INCLUDING MY WORK COMPUTER. WHICH *STONE V POWELL* 428 U.S. 465 (1976) STATES IN PART " THAT SOME COURTS HAVE RULED THAT A FULL AND FAIR CONSIDERATION IN THE CONTEXT OF THE 4TH AMENDMENT INCLUDES AT LEAST ONE EVIDENTIARY HEARING IN THE TRIAL COURT."

REASONS FOR GRANTING THIS PETITION

VIOLATION OF THE 4TH AMENDMENT; ARREST WITHOUT PROBABLE CAUSE

AS I HAVE STATED IN THE STATEMENT OF THE CASE MONROVIA POLICE DEPARTMENT ARRESTED ME ON SEPTEMBER, 2 2014 AT MY PLACE OF WORK FOR CALIFORNIA PENAL CODE 288.3 AS THEIR PROBABLE CAUSE DECLARATION DETERMINATION (APP 004) STATES. AT THE TIME OF MY ARREST THE MONROVIA POLICE DEPARTMENT'S PROBABLE CAUSE FOR THEIR ARREST AND SEARCH OF MY PROPERTY WAS A HIGH SCHOOL STUDENT THINKING I SENT HER MESSAGES THAT CAME FROM 2 DIFFERENT SOCIAL MEDIA PLATFORMS THE FACEBOOK (APP 005) AND KIK (APP 006).

THE USER NAME FOR THE FACEBOOK ACCOUNT WAS " JAYY DAWG" AND THE USER NAME FOR THE KIK ACCOUNT WAS " JAY DAWG". AGAIN THESE MESSAGES WERE SENT TO THE VICTIM (C.L.) ANONYMOUSLY AND TO THIS DAY THEY ARE STILL ANONYMOUS IN NATURE BECAUSE THOSE ACCOUNTS OR MESSAGES WERE NEVER LINKED TO ME OR FOUND ON ANY OF MY DEVICES THAT THEY CONFISCATED AND SEARCHED.

THE PROCESS THE POLICE AGENCY USE FOR MY CELL PHONE AND OTHER CELL PHONES THAT WERE NOT ACTIVATED BECAUSE THEY WERE MY OLDER PHONES THAT I NEVER THREW OUT AND ALSO MY WORK COMPUTER WAS A PROCESS CALL FORENSIC SEARCH.

THIS PROCESS CAN SEARCH THE DEVICES AND BRING UP ANY AND ALL INFORMATION THAT THE PARTICULAR DEVICE IS BEING SEARCHED, EVEN DELETED INFORMATION CAN BE BROUGHT BACK TO LIFE SO TO SPEAK AND BE USED AGAINST AN INDIVIDUAL. I GUESS NOTHING IS REALLY DELETED ON CERTAIN THINGS.

I WILL LIKE TO POINT OUT THAT THESE 2 DIFFERENT SOCIAL MEDIA MESSAGES OR ACCOUNTS WERE NOT FOUND ON ANY OF MY DEVICES.

A QUESTION WITHIN THIS PETITION, SHOULDN'T THE ARRESTING AGENCY FIRST TRY CONNECT THE SUSPECT TO A PARTICULAR CRIME BEFORE ARRESTING THEM? IT WOULD SEEM LIKE THAT WOULD GIVE THEM PROBABLE CAUSE TO ARREST A SUSPECT.

BEFORE A POLICE AGENCY ARREST SOMEONE THEY NEED TO SHOW PROBABLE CAUSE.

THE UNITED STATES SUPREME COURT DEFINES PROBABLE CAUSE AS, " WHERE THE FACTS AND CIRCUMSTANCES WITHIN THE OFFICER'S KNOWLEDGE, AND OF WHICH THEY HAVE REASONABLY TRUSTWORTHY INFORMATION, ARE SUFFICIENT IN THEMSELVES TO WARRANT A BELIEF BY A MAN OF REASONABLE CAUTION THAT A CRIME IS BEING COMMITTED."

IN ONE EXPLANATION FOR PROBABLE CAUSE IT SAYS, "WHATSOEVER THE ASSERTED CRIME IS, THERE NEEDS TO BE SOME FACTS CONNECTING THE SUSPECTED PERSON WHICH INDICATE UNLAWFUL ACTIVITY."

THE 4TH AMENDMENT READS AS FOLLOWS, "THE RIGHT OF THE PEOPLE TO BE SECURE IN THEIR PERSONS, HOUSES, PAPERS, AND EFFECTS AGAINST UNREASONABLE SEARCHES AND SEIZURES, SHALL NOT BE VIOLATED, AND NO WARRANTS SHALL ISSUE BUT UPON PROBABLE CAUSE, SUPPORTED BY OATH AND AFFIRMATION, AND PARTICULARLY DESCRIBING THE PLACE TO BE SEARCHED, AND THE PERSONS OR THINGS TO BE SEIZED."

THE DEFINITION OF FACT IS: A THING THAT IS KNOWN OR PROVED TO BE TRUE.

THE DEFINITION OF UNREASONABLE IS: NOT GUIDED BY OR BASED ON GOOD SENSE.

THE 2 STATEMENTS DESCRIBING PROBABLE CAUSE WE SEE THE WORD "FACTS". MY QUESTION TO THIS COURT IS WHERE ARE THE FACTS "CONNECTING" ME TO THESE MESSAGES TO SATISFY PROBABLE CAUSE?

THE 2 DIFFERENT SOCIAL MEDIA PLATFORMS DO NOT CONTAIN MY NAME AS THE "USER NAME". THE MESSAGES DO NOT CONTAIN MY NAME WITHIN THE MESSAGES. THESE 2 DIFFERENT SOCIAL MEDIA MESSAGES WERE NEITHER CONNECTED TO ME BEFORE OR EVEN AFTER THEIR ARREST. WHICH THEY SHOULD HAVE DONE BEFORE MY ARREST. SO IF ANY OF THESE THINGS WERE TRUE IT WOULD SEEM LIKE PROBABLE CAUSE EXISTS.

THE MONROVIA POLICE DEPARTMENT TRIED TO CONNECT ME TO THOSE MESSAGES AFTER THEIR ARREST WHICH VIOLATED MY 4TH AMENDMENT.

THE MONROVIA POLICE DEPARTMENT WENT BY THE VICTIM'S ASSUMPTIONS WHICH LED TO THEIR ASSUMPTIONS AND THAT IS NOT PROBABLE CAUSE. EVEN IF THEY HAD A REASONABLE SUSPICION IT STILL WOULD NOT CONSTITUTE PROBABLE CAUSE.

SO UPON READING THESE MESSAGES THAT CAME FROM 2 DIFFERENT AND SEPARATE SOCIAL MEDIA PLATFORMS YOUR JUSTICES WILL SEE THAT THERE ARE NO FACTS CONNECTING ME TO OR ANYONE ELSE FOR THAT MATTER, TO THOSE MESSAGES BESIDES "TRIPLE JAYY" AND "JAY DAWG" WHOSE IDENTITIES ARE STILL UNKNOWN.

THE FACEBOOK MESSAGES (APP 005) AND KIK MESSAGES (APP 006) ARE FROM THE VICTIM'S OWN SOCIAL MEDIA FACEBOOK PAGE AND THE KIK MESSAGES ARE SCREEN SHOTS OF THE VICTIM'S CELL PHONE. AGAIN THESE WERE NOT FOUND ON ANY OF MY DEVICES.

THE MONROVIA POLICE DEPARTMENT'S PROBABLE CAUSE FOR COUNT 1 CONCERNING THE SOCIAL MEDIA MESSAGES SENT TO VICTIM (C.L.) ARE MERELY GUESSES, HUNCHES, EVEN IF THEY HAD A MERE SUSPICION DO NOT CONSTITUTE PROBABLE CAUSE. THEY SIMPLY CANNOT JUST PICK OUT OF THE HAT WHO THEY WANT TO CHARGE FOR A CRIME.

PROBABLE CAUSE DECLARATION DETERMINATION

I INCLUDED MONROVIA POLICE DEPARTMENT'S DECLARATION FOR PROBABLE CAUSE (APP 004) AND UPON READING THIS FORM YOUR JUSTICES CAN WHAT THEY ARRESTED ME FOR THE CALIFORNIA PENAL CODE 288.3 COMMUNICATING WITH A MINOR FOR SEXUAL PERFERENCES AND UNDER THE FACTS THEY STATE:

1. THE SUSPECT BEGAN COMMUNICATING WITH THE VICTIM.
2. THAT THERE WERE SERIES OF CLUES THAT REVEALED WHO THE SENDER WAS.
3. AND THAT I TEXTED THE VICTIM'S CELL PHONE.

THEY STATE THAT:

- 1. THE SUSPECT BEGAN COMMUNICATING WITH THE VICTIM (C.L.)**
- 2. THAT THERE WERE SERIES OF CLUES THAT REVEALED WHO THE SENDER WAS.**
- 3. AND THAT I TEXTED THE VICTIM'S CELL PHONE.**

NOW WHEN READING THESE IN THE STATEMENT OF FACTS CONCERNING PROBABLE CAUSE ONE MIGHT PRESUME THAT THERE IS PROBABLE CAUSE. BUT NONE OF THESE ARE TRUE. THEY DO NOT HAVE ANY COMMUNICATIONS FROM ANY SOCIAL MEDIA APPLICATIONS IN PARTICULAR, FACEBOOK OR KIK FROM ME TO THE VICTIM (C.L.). THERE ARE NO CLUES INDICATING MY NAME WHICH IS "JESSE". AND ANY OTHER INITIALS THAT THEY THINK IS ME THAT ARE NOT BASED ON FACTS IS NOT PROBABLE CAUSE.

ALSO THEY DO NOT HAVE ANY TEXTING FROM MY PHONE TO THE VICTIM'S CELL PHONE. IF THERE WERE ANY TEXT TO THE VICTIM IT WOULD HAVE BEEN DISCOVERED WHEN THEY DID THEIR FORENSIC SEARCH OF MY DEVICES.

THESE UNTRUE STATEMENTS ON THEIR PROBABLE CAUSE DECLARATION DETERMINATION REPORT (APP 005) ARE ALL FALSE AND FABRICATED. THEY SIMPLY COULD NOT LEAVE THIS AREA OF THE REPORT BLANK THEN IT WOULD SEEM OBVIOUS THAT NO PROBABLE EXISTS, SO THEY HAD TO WRITE SOMETHING EVEN IF IT WAS FALSE JUST TO GET BY THE FIRST JUDGE WHICH VIOLATED MY 4TH AMENDMENT RIGHTS. THE MONROVIA POLICE DEPARTMENT IN MY CASE CANNOT JUST MAKE UP PROBABLE CAUSE TO GET IT BY THE INITIAL PHASE OF THEIR ARREST.

PRELIMINARY HEARING

WITH THIS PETITION I INCLUDED PARTIAL TRANSCRIPTS FROM THE PRELIMINARY HEARING AND IN (APP 007) PAGE 1, LINE 19 THE PROSECUTOR IS QUESTIONING THE WITNESS (THE VICTIM C.L.) ABOUT THE FACEBOOK MESSAGES (APP 005) USER NAME TRIPLE JAYY. AND ON PAGE 2 OF (APP 005) STARTING ON LINE 4 THE QUESTION WAS IF THERE WERE ANY INITIALS WHICH STOOD FOR WHAT HIS NAME WAS OR WHAT HE WAS KNOWN FOR AT CLIFTON MIDDLE SCHOOL. CLIFTON MIDDLE SCHOOL IS WHERE I WORKED BEFORE I WAS THE KITCHEN MANAGER AT THE PRESCHOOL, THE WITNESS CL ANSWERS "CM" ON LINE 9.

THE WITNESS (C.L.) STATES THAT THE STUDENTS CALLED ME "CHICKEN MAN" BECAUSE (C.L.) SAID PART OF WHAT I SOLD DURING LUNCH WAS CHICKEN. NOW THE INITIALS "CM" ARE LOCATED IN THE KIK MESSAGES (APP 006) PAGE 2.

AS YOUR JUSTICES READ THE TWO SOCIAL MEDIA MESSAGES THAT I INCLUDED THE FACEBOOK MESSAGES (APP 005) WOULD SEEM TO FALL UNDER CALIFORNIA PENAL CODE 288.3 COMMUNICATING WITH A MINOR FOR SEXUAL OFFENSES. AS YOUR JUSTICES READ THE KIK MESSAGES (APP 006) THIS COMMUNICATION DOES NOT FIT THE CALIFORNIA PENAL CODE 288.3 OFFENSE. THERE IS NOTHING SEXUAL IN THE KIK MESSAGES AND THE IT SEEMS TO END RATHER QUICKLY.

THE MONROVIA POLICE DEPARTMENT NEVER CONNECTED THE FACEBOOK AND KIK SOCIAL MEDIA ACCOUNTS WITH EACH OTHER. THEY SIMPLY TRIED TO MAKE IT SEEM LIKE THESE TWO MESSAGES CAME FROM THE SAME SENDER. AGAIN JUST MAKING UP PROBABLE CAUSE AS THEY GO ALONG. SO THE PROSECUTION TEAM TRY TO SAY WAS THE FACEBOOK USER "TRIPLE JAYY" SAID HE GOES BY THE INITIALS "CM" TO MAKE IT SEEM LIKE TRIPLE JAYY FROM FACEBOOK WAS ALSO JAY DAWG FROM KIK. AGAIN JUST ASSUMING WITHOUT FACTS AND FABRICATING EVIDENCE AS IT SEEMS FIT TO THEIR LIKING.

AND THIS CONTINUES IN THE PEOPLE'S OPPOSITION TO MY MOTION FOR A 4TH AMENDMENT VIOLATION CONCERNING PROBABLE CAUSE AND IN (APP 008) LINE 9-10 THE PROSECUTOR STATES THAT TRIPLE JAYY OF FACEBOOK GOES BY A NICKNAME WITH THE INITIALS "CM".

UPON READING THE FACEBOOK MESSAGES FROM TRIPLE JAYY (APP 005) YOUR JUSTICES WILL SEE THAT TRIPLE JAYY DID NOT SAY THIS.

THE TWO SOCIAL MEDIA ACCOUNTS OF TRIPLE JAYY OF FACEBOOK AND JAY DAWG OF KIK WERE NOT LINKED TOGETHER, AGAIN THEY WERE NOT LINKED TO ME EITHER.

ASSUMPTIONS, HUNCHES, REASONABLE SUSPICION AGAIN ARE NOT PROBABLE CAUSE.

I ALSO INCLUDED PARTIAL TRANSCRIPTS (APP 009) OF THE INTERACTION I HAD WITH THE TRIAL JUDGE AND I WOULD MAKE MENTION OF THESE TRANSCRIPTS MORE UNDER THE HEADING " I DID NOT RECEIVE A FULL AND FAIR OPPORTUNITY TO LITIGATE A 4TH AMENDMENT CLAIM". BUT THROUGHOUT THIS INTERACTION THE TRIAL JUDGE KEPT ON SAYING THAT AT THE TIME OF THE ARREST, MEANING THE TIME OF MY DETENTION BY THE MONROVIA POLICE DEPARTMENT FOR THE MISDEMEANOR ARREST WARRANT OUT OF BALDWIN PARK POLICE DEPARTMENT THAT THERE WAS PROBABLE CAUSE. THE TRIAL JUDGE IS SAYING THIS ABOUT THE PROBABLE CAUSE FOR THE ARREST WARRANT.

MY MOTIONS MADE IT CLEAR THAT THEY WERE ABOUT THE SOCIAL MEDIA MESSAGES CONCERNING VICTIM (C.L.) FOR COUNT 1 FROM THE MONROVIA POLICE DEPARTMENT.

I AM NOT CHALLENGING THE PROBABLE CAUSE FOR THE ARREST WARRANT WHICH WAS DISMISSED AT ARRAIGNMENT. I AM CHALLENGING THE PROBABLE CAUSE FOR THE COUNT 1 ARREST CONCERNING THE SOCIAL MEDIA MESSAGES SENT TO VICTIM CL BY THE MONROVIA POLICE DEPARTMENT. EACH JURISDICTION NEEDS THEIR OWN PROBABLE CAUSE FOR THEIR OWN ARREST. AND AS I WILL CONTINUE ON LATER THAT AN EVIDENTIARY HEARING WOULD OF GAVE ME THE OPPORTUNITY TO LITIGATE MY CLAIM.

I WILL CITE VARIOUS CASE LAW ABOUT PROBABLE CAUSE:

IN LANGE V CALIFORNIA, 594 U.S. (2021) LANGE WAS OBSERVED BY A CHP OFFICER HONKING HIS HORN AND PLAYING LOUD MUSIC. THE OFFICER FOLLOWED LANGE AND TRIED TO CONDUCT A STOP, LANGE CONTINUED TO HIS HOME AND ENTERED HIS GARAGE THE OFFICER WENT INTO HIS GARAGE WITHOUT A WARRANT.

THE UNITED STATES SUPREME COURT VACATED HOLDING THAT "PURSUIT OF A MISDEMEANOR DOES NOT TRIGGER A CATEGORICAL RULE ALLOWING A WARRANTLESS HOME ENTRY. THE CHP OFFICER TRIED TO PULL LANGE OVER WITH HIS LIGHTS ON AND LANGE DID NOT STOP ESSENTIAL FAILING TO PULL OVER AND STILL NO PROBABLE CAUSE TO ARREST HIM.

IN SPINELLI V U.S., 393 U.S. 410 (1969) I AM SUMMARIZING, IT STATES, " EVEN WITH THE FBI OBSERVATION OF WHAT THE INFORMANT TOLD THEM IT DID NOT AMOUNT TO PROBABLE CAUSE." SO THE INFORMANT TOLD THE FBI ABOUT SOMETHING AND THEY WENT AHEAD AND SET UP SOME KIND OF STING OPERATION AND OBSERVE EXACTLY WHAT THE INFORMANT TOLD THEM AND STILL NO PROBABLE CAUSE WAS FOUND.

IN WONG SUN V UNITED STATES, 371 U.S. 471 (1963) IT STATES IN PART, " SINCE THE INFORMATION UPON WHICH IT WAS BASED WAS TOO VAGUE."

IN WONG SUN THE STATEMENT "TOO VAGUE" WAS USED. NOW IF IN THAT CASE THE INFORMATION WAS TOO VAGUE FOR PROBABLE CAUSE THEN WHAT CAN BE SAID ABOUT ARRESTING ME FOR ANONYMOUS FACEBOOK (APP 005) AND KIK (APP 006) MESSAGES THAT NEITHER CONTAIN ANY IDENTIFYING FACTORS WITHIN THE QUESTIONABLE FACEBOOK MESSAGES BECAUSE THOSE FACEBOOK MESSAGES CONTAIN THE SEXUAL COMMUNICATIONS TO THE VICTIM (C.L.).

AGAIN THE KIK MESSAGES (APP 006) CONTAIN NO SEXUAL OR GRAPHIC COMMUNICATIONS AND THERE IS NOTHING ILLEGAL THAT WOULD CONSTITUTE CALIFORNIA PENAL CODE 288.3. THE MONROVIA POLICE DEPARTMENT DID NOT CONNECT ME TO THOSE MESSAGES OR CONNECT THE FACEBOOK AND KIK ACCOUNTS TOGETHER.

ANY POLICE AGENCY CANNOT JUST SIMPLY PICK OUT OF THE HAT OR GUESS WHO THEY WANT TO CHARGE FOR A CRIME, THEY NEED PROBABLE CAUSE AND HAVING A VICTIM AND 2 ANONYMOUS SENT MESSAGES THAT NEITHER WERE CONNECTED TO ME OR HAVE ANY IDENTIFYING FACTORS OF MY NAME (JESSE) DOES NOT CONSTITUTE PROBABLE CAUSE.

AND BY SAYING THE INITIALS "CM" STOOD FOR CHICKEN MAN FROM THE KIK MESSAGES DOSE NOT CONSTITUTE PROBABLE CAUSE EITHER. BY USING INITIALS THEY ARE STILL GUESSING WHAT THOSE INITIALS MIGHT REPRESENT WITH NO FACTS. AGAIN THE KIK MESSAGES CONTAINED THE INITIALS "CM". AND WITH THE PROSECUTION'S OPPOSITION TO MY MOTION FOR A 4TH AMENDMENT VIOLATION THEY STATED THAT THE USER NAME TRIPLE JAYY FROM FACEBOOK TOLD THEM THEY WENT BY THOSE INITIALS. MONROVIA POLICE DEPARTMENT CANNOT LIE THEIR WAY THROUGH THE REQUIREMENTS FOR PROBABLE CAUSE BECAUSE THEY DID NOT HAVE THE FACTS CONNECTED ME TO THE CRIME.

JUST A SIDE NOTE IN THE FACEBOOK MESSAGES (APP 005) ON PAGE 23 THE VICTIM (C.L.) ASKS IF LTHIS WAS EITHER A "RYAN" OR" A " MR. SMITH". SHE DOES NOT ASK IF THIS WAS ME IN ANY OF THE COMMUNICATIONS HOW THEN DOES SHE GO FROM STATING THESE 2 NAMES TO NOW SAYING A LITTLE OVER A YEAR LATER THAT NOW SHE THINKS ITS ME?

GOING BACK WITH THE CASES I CITED AND THERE ARE PROBABLY MANY MORE TO CHOOSE FROM, BUT THOSE DEFENDANTS WERE OBSERVED BY LAW ENFORCEMENT PERSONNEL DOING SOMETHING THAT WAS QUESTIONABLE AND STILL THE COURT RULED THAT THERE WAS NO PROBABLE CAUSE.

HERE IN MY CASE YOU HAVE A HIGH SCHOOL STUDENT ACCUSING ME OF SENDING HER ANONYMOUS MESSAGES AND UPON READING THERE ARE NO FACTS CONNECTING ANYONE TO THESE MESSAGES.

DID NOT RECEIVE A FULL AND FAIR OPPORTUNITY TO LITIGATE A 4TH AMENDMENT CLAIM.

UNDER STONE V POWELL 428 U.S. 5465 (1976) THE COURT HELD THAT, " FEDERAL COLLATERAL REVIEW OF A STATE PRISONER'S FOURTH AMENDMENT CLAIM IS IMPROPER WHERE THE STATE COURTS HAVE GIVEN THE PETITIONER "AN OPPORTUNITY FOR FULL AND FAIR LITIGATION" OF HIS CLAIM.

AGAIN UNDER STONE IT STTATES THAT SOME COURTS HAVE CONCLUDED THAT " FULL AND FAIR CONSIDERATION" IN THE CONTEXT OF THE FOURTH AMENDMENT INCLUDES AT LEAST ONE EVIDENTIARY HEARING IN THE TRIAL COURT.

THERE ARE 2 ELEMENTS TO THE REQUIREMENT OF A FULL AND FAIR OPPORTUNITY TO LITIGATE A FOURTH AMENDMENT CLAIM; THE STATE MUST HAVE PROVIDED A "PROCEDURAL MECHANISM" THAT IS SATISFACTORY IN THE ABSTRACT, AND HAVE APPLIED THOSE PROCEDURES APPROPRIATELY IN AN INDIVIDUAL CASE.

ALSO STONE STATES: "THE REQUIREMENT IS MET IF A DEFENDANT " CLEARLY APPRISED THE COURT OF A FOURTH AMENDMENT CLAIM," AND THAT THE DEFENDANT, " ARGUED THE FACTUAL BASIS FOR HIS CLAIM."

I AM GOING TO POINT YOUR JUSTICES TO (APP 009) PAGE 1, STARTING ON LINE 18 THE TRIAL SAYS, " I AM GOING TO GIVE YOU THE COURT'S TENTATIVE." MY THOUGHTS WERE THAT HE ALREADY MADE HIS DECISION ON MY MOTIONS WITHOUT HEARING ANY ARGUMENTS. NOW I AM NOT BEING SARCASTIC BUT WAS I SUPPOSE TO ARGUE AGAINST THE JUDGE'S DECISION OR ARGUE BEFORE HE MADE HIS DECISION?

UPON READING (APP 009) YOUR JUSTICES WILL SEE THE JUDGE DID NOT HEAR ANY ARGUMENTS CONCERNING MY CLAIM. THIS IS THE SAME TRANSCRIPTS THAT THE MAGISTRATE FROM THE CENTRAL DISTRICT OF CALIFORNIA REFERENCED IN HIS DENIAL OF MY 4TH AMENDMENT CLAIM BECAUSE HE STATED THAT AT THIS TIME I RECEIVED THE FULL AND FAIR OPPORTUNITY TO LITIGATE MY FOURTH AMENDMENT CLAIM. I WILL SHOW THROUGH THIS APPENDIX (APP 009) THAT THIS WAS NOT A FULL AND FAIR CONSIDERATION AND IT ALSO WAS NOT AN EVIDENTIARY HEARING.

AGAIN IT STATES THAT I NEEDED TO CLEARLY APPRISED THE TRIAL COURT OF MY FOURTH AMENDMENT CLAIM AND THAT IS WHAT MY MOTIONS DID WAS BY LETTING OR APPRISING THE TRIAL COURT THAT I WAS CHALLENGING THE PROBABLE CAUSE FOR THE MONROVIA POLICE DEPARTMENT'S ARREST FOR COUNT 1 THE 288.3 CHARGE CONCERNING (C.L.). I WAS NOT CHALLENGING THE DETENTION OF THE MONROVIA POLICE DEPARTMENT FOR THE BALDWIN PARK POLICE ARREST WARRANT. I MADE THIS SPECIFICALLY CLEAR THROUGH MY MOTIONS.

MY MOTIONS ONLY APPRISED THE COURT OF A FOURTH AMENDMENT CLAIM WHERE WAS THE "PROCEDURAL MECHANISM" THAT THE TRIAL COURT PROVIDED ME?

ALSO THE CENTRAL DISTRICT OF CALIFORNIA DENIED MY CLAIM FOR A FULL AND FAIR OPPORTUNITY TO LITIGATE A FOURTH AMENDMENT CLAIM BY REFERENCING NEWMAN V WENGLER 1:11-CV-00520 LMB (D. IDAHO NOV. 27, 2013) QUOTING CALDWELL V CUPP 781 F. 2D 714 (9TH CIR. 1986). THIS ALSO FAILS TO SUPPORT THE DECISION BECAUSE IN THIS CASE THE PETITIONER HAD 3 SEPARATE HEARINGS WHICH INCLUDED AN EVIDENTIARY HEARING. AGAIN I MOTIONED FOR A PROBABLE CAUSE AND EVIDENTIARY HEARINGS AND WAS DENIED.

THE CENTRAL DISTRICT OF CALIFORNIA MAGISTRATE ALSO STATES THAT I DID IN FACT LITIGATED MY CLAIM BY FILING MOTIONS TO SUPPRESS THE EVIDENCE IN THE TRIAL COURT (APP 003) PAGE 21 LINE 13. AGAIN THIS REASONING FAILS BECAUSE MOTIONS ONLY APPRISE THE TRIAL COURT OF A FOURTH AMENDMENT CLAIM.

AGAIN IN (APP 003) PAGE 22 THE MAGISTRATE STATES, " THE TRIAL COURT DENIED THE MOTIONS AFTER HEARING ARGUMENTS AND CAREFULLY EXPLAINING ITS RULINGS."

NOW IN (APP 009) PAGE 2 ON LINE 10 I WAS ASKING IF I COULD SUBMIT EVIDENCE AND THE TRIAL JUDGE SAYS, " LET ME STOP YOU, BECAUSE I HAVE READ YOUR PAPERS."

SO HOW DID HE HEAR ARGUMENTS WHEN HE SAID HE HAS READ MY PAPERS? THIS SOUNDS LIKE HE DID NOT WANT TO HEAR ARGUMENTS BECAUSE HE HAD MADE UP HIS MIND ABOUT THE MOTIONS WITHOUT HEARING ARGUMENTS.

IT ALSO STATES IN CALIFORNIA PENAL CODE 1538.5(C) (1): WHENEVER A SEARCH OR SEIZURE MOTION IS MADE IN THE SUPERIOR COURT AS PROVIDED IN THIS SECTION, THE JUDGE OR MAGISTRATE SHALL RECEIVE EVIDENCE ON ANY ISSUE OF FACT NECESSARY TO DETERMINE THE MOTION. IN(2) (D) IT STATES, HOLD A HEARING ON RECORD.

AGAIN I ASKED THE TRIAL JUDGE THAT I WANTED TO SUBMIT EVIDENCE AND HE STOPS ME SAYING THAT HE HAD READ MY PAPERS.

AND AGAIN THE CENTRAL DISTRICT OF CALIFORNIA MAGISTRATE SAYS I LITIGATED MY FOURTH AMENDMENT CLAIM BY REFERENCING TRANSCRIPTS THAT I INCLUDED WITH THIS PETITION (APP 009). ON PAGE 1 OF (APP 009) LINE 18, THE TRIAL JUDGE SAYS, " I'M GOING TO GIVE YOU THE COURT'S TENTATIVE." SO WITHOUT TAKING IN CONSIDERATION OF HEARING ANY ARGUMENTS ABOUT THE FACTS IT SEEMS HE HAD MADE UP HIS MIND. AS I MENTIONED EARLIER IN (APP 009) IN LINE 18 THE TRIAL JUDGE SAYS, " LET ME STOP YOU, BECAUSE I HAVE READ YOUR PAPERS."

AGAIN NO HEARING, NO ARGUMENTS HE HAD MADE HIS DECISION BASED OFF OF MY MOTIONS WHICH ONLY APPRISED THE COURT OF A FOURTH AMENDMENT CLAIM AND HE DID NOT AFFORD THE OPPORTUNITY TO ARGUE THOSE FACTS. IN (APP 009) PAGE 3, LINE 25 THE TRIAL JUDGE SAYS, " LET ME AGAIN JUST REMIND YOU, AND I HAVE TO MOVE ON BECAUSE I HAVE OTHER MATTERS TO GET TO." HE ALSO SAYS, " BECAUSE HE WAS HANDLING ANOTHER CALENDAR." HE CONTINUES TO SAY THAT, " HE IS SHORT ON TIME, AND THAT'S WHY HE HAS TO MOVE ON."

AND IN THE SAME APPENDIX (APP 009) PAGE 4, LINE 5 THE TRIAL JUDGE STATES, " IT DOESN'T MATTER WHAT THE POLICE OFFICER WROTE ABOUT, WHAT I WAS ARRESTED FOR, WHAT HAVE YOU."

THIS EXCHANGE HERE IS SURELY NOT A **"FULL AND FAIR OPPORTUNITY TO LITIGATE A 4TH AMENDMENT CLAIM."** WHERE HE CONTINUES TO STOP ME, WHERE HE SAYS HE HAD READ MY PAPERS, WHERE HE SAYS THAT HE IS SHORT ON TIME AND THAT HE IS HANDLING ANOTHER CALENDAR. HIM HANDLING ANOTHER CALENDAR WAS NOT MY FAULT, I WANTED TO POINT OUT DIFFERENT ISSUES HERE AND HE JUST WOULD NOT HEAR IT.

AND THROUGHOUT THIS EXCHANGE THE TRIAL JUDGE KEPT ON SAYING, "AT THE TIME OF THE ARREST." AGAIN I AM NOT CHALLENGING WHY MONROVIA POLICE DEPARTMENT DETAINED ME FOR THE ARREST WARRANT FROM ANOTHER JURISDICTION, THE BALDWIN PARK POLICE DEPARTMENT, WHICH AGAIN WAS DISMISSED AT ARRAIGNMENT, I AM CHALLENGING WHAT THE PROBABLE CAUSE WAS FOR THE MONROVIA POLICE DEPARTMENT'S ARREST FOR COUNT 1, THE 288.3 CHARGE CONCERNING (C.L.) THE SOCIAL MEDIA MESSAGES FROM FACEBOOK (APP 005) AND KIK (APP 006).

I AM CHALLENGING WHAT THEY STATE THEIR PROBABLE CAUSE WAS ON THEIR PROBABLE CAUSE DECLARATION DETERMINATION (APP 004). I DID NOT GET AN EVIDENTIARY HEARING OR A PROBABLE CAUSE HEARING OR ANY TYPE OF HEARING WHERE I CAN QUESTION WITNESSES CONCERNING THE PROBABLE CAUSE FOR ARREST.

AND MY MOTIONS CLEARLY APPRISED THE COURT OF WHAT COUNT I WAS CHALLENGING THE COUNT 1 CONCERNING VICTIM (C.L.) THE SOCIAL MEDIA MESSAGES.

ALTHOUGH STONE DOES NOT OUTLINE WHAT IS CONSIDERED A FULL AND FAIR OPPORTUNITY TO LITIGATE A FOURTH AMENDMENT CLAIM HERE ARE SOME CASE LAW THAT WILL EXPLAIN WHAT THIS CONSIDERATION MIGHT LOOK LIKE:

STONE V POWELL 428 U.S. 465 (1976) STONE MENTIONS THAT SOME COURTS HAVE CONCLUDED " A FULL AND FAIR CONSIDERATION IN THE CONTEXT OF THE FOURTH AMENDMENT INCLUDED AT LEAST ONE EVIDENTIARY HEARING."

NEWMAN V WENGLER 1:11-CV-00520-LMB (D. IDAHO) NOV. 27, (2013) IN THIS CASE THERE WERE 3 SEPARATE HEARINGS HELD QUOTING CALDWELL V CUPP 781 F. 2D 714 (9TH CIR 1986)

IN ROBERT TERRY, PETITIONER-APPELLANT V. NANCY MARTIN, CHIEF PROBATION OFFICER 120 F. 3D 661 (7TH CIR 1997) AN EVIDENTIARY HEARING WAS HELD AT TRIAL. BEFORE TRIAL TERRY MOVED TO SUPPRESS THE HEROIN, CONTENDING THAT THE SEARCH OF COWARD'S APARTMENT VIOLATED HIS 4TH AMENDMENT RIGHTS, AND THE TRIAL COURT HELD AN EVIDENTIARY HEARING ON THE MOTION.

IN EDDIE SANDOVAL, PETITIONER-APPELLANT V. RALPH LEE AARON, RESPONDENT, APPELLEE 562 F. 2D 13 (10TH CIR 1977) AT TRIAL AN EVIDENTIARY HEARING WAS HELD AND AGAIN ON DIRECT APPEAL HIS CLAIM WAS CONSIDERED.

PULVER V. CUNNINGHAM, 419 F. SUPP 1221 (S.D.N.Y. 1976) THE STATE TRIAL COURT HELD SEPARATE HEARINGS

IN CURRY V. GARRISON, 423 F. SUPP 1109 (W.D. IV C 1976 11-30-1976) THE COURT REQUESTS THE CLERK TO SET DATE FOR AN EVIDENTIARY HEARING.

IN LEE V. DUCHARME 120 F. 3D 268 (9TH CIR 1997) THE COURT HELD AN SUPPRESSION HEARING

TOWNSEND V. SAIN, 372 U.S. 293, 83 S. CT. 745, 9 L. ED. 2D 770 (1963) ONE CIRCUMSTANCE WHERE AN EVIDENTIARY HEARING IS NECESSARY IS WHEN THE FACT FINDING PROCEDURE EMPLOYED BY THE STATE COURT WAS NOT ADEQUATE TO AFFORD A FULL AND FAIR HEARING. TOWNSEND, 372 U.S. AT 313, 83 S. CT. AT 757

IN TERRY THEY HELD AN EVIDENTIARY HEARING ON THE MOTION. THERE WAS HEROIN SEIZED AS A RESULT FROM THE SEARCH. THEY HAD THE PROBABLE CAUSE. THEY HAD PHYSICAL EVIDENCE AND THE JUDGE STILL HELD AN EVIDENTIARY HEARING. IN MY CASE ALL THE MONROVIA POLICE DEPARTMENT HAD FOR THEIR COUNT 1 ARREST WAS THE VICTIM SAYING SHE THINKS I SENT HER MESSAGES AND THEY HAD THOSE MESSAGES WHEN UPON READING THEM THERE IS NO WAY ANYONE COULD BE SUSPECTED OF SENDING THEM.

THE PHYSICAL EVIDENCE THEY HAD WERE 2 ANONYMOUS SENT MESSAGES THAT CAME FROM THE VICTIM'S FACEBOOK PAGE AND SCREEN SHOTS FROM HER PHONE. AGAIN NONE OF THESE WERE FOUND ON ANY OF MY DEVICES. HOW THEN AT THE LEAST I COULD NOT GET AN EVIDENTIARY OR PROBABLE CAUSE HEARING AT THE TRIAL COURT ON MY MOTIONS?

IN CONCLUSION;

I WOULD LIKE TO THANK YOUR JUSTICES FOR TAKING THE TIME TO READ THIS PETITION AND TO CONSIDER MY ARGUMENT. JUST A QUESTION IN MY CONCLUSION OF THIS PETITION AND IT IS QUITE SIMPLE, HOW CAN PROBABLE EXIST WITH NO FACTS CONNECTING TO THE SUSPECTED PERSON (ME) TO THE ALLEGED CRIME?

IT IS OBVIOUS AS STATED ON THE PROBABLE CAUSE DECLARATION DETERMINATION THAT THE MONROVIA POLICE DEPARTMENT ARRESTED ME FOR CALIFORNIA PENAL CODE 288.3 COMMUNICATING WITH A MINOR FOR SEXUAL OFFENSES CONCERNING VICTIM (C.L.) THE FACEBOOK AND KIK MESSAGES. THERE ARE NO OTHER FACTS TO ARREST ME FOR THIS CRIME. THERE ARE NO OTHER EVIDENCE BESIDES THESE MESSAGES AT THE TIME OF THEIR ARREST CONCERNING VICTIM (C.L.). UPON READING THE SOCIAL MEDIA MESSAGES YOUR JUSTICES WILL IN FACT SEE NO ONE COULD NOR CAN BE SUSPECTED LET ALONE ARREST ME AS THE SUSPECTED PERSON FOR THIS CRIME.

THEIR FACTS WHICH THEY STATE ON THEIR PROBABLE CAUSE DECLARATION DETERMINATION REPORT ARE MADE UP, FABRICATED TO SATISFY THE PROBABLE CAUSE FOR THEIR ARREST. THEY CONTAIN FALSE STATEMENTS THAT I TEXTED THE VICTIM (C.L.) CELL PHONE OR ELSE THOSE TEXTS SHOULD HAVE SHOWN UP ON MY DEVICE. THEY STATED THAT I STARTED TO COMMUNICATE WITH THE VICTIM (C.L.). HOW DID I START TO COMMUNICATE WITH THE VICTIM? THEY CAN'T JUST STATE THIS WITHOUT HAVING ANY FACTS TO SUPPORT THAT. I MADE MENTION AND LOCATION OF WHERE THE TRIAL JUDGE SAYS THAT, "IT DOES NOT MATTER WHAT THE OFFICER WAS WRITING ABOUT." THAT MEANS THE OFFICER IN WRITING THEIR PROBABLE CAUSE REPORT CAN JUST GO AHEAD AND WRITE ANYTHING HE WANTS EVEN IF IT'S FALSE STATEMENTS TO MAKE IT SEEM LIKE PROBABLE CAUSE EXISTS.

THIS IS WRONG, THIS IS EXACTLY WHAT THE 4TH AMENDMENT OF THE CONSTITUTION IS PROTECTING AGAINST. UNREASONABLE SEARCHES AND SEIZURES. IS THERE ANY REASON THAT WOULD JUSTIFY MAKING UP PROBABLE CAUSE?

ALSO THE PROSECUTOR SAID THE USER "TRIPLE JAYY" GAVE CLUES OF WHO HE IS. TRIPLE JAYY IS THE USER NAME FOR THE FACEBOOK MESSAGES, THE SO CALLED CLUES WERE ON THE SOCIAL MEDIA PLATFORM KIK AS I MADE MENTION AND LOCATION IN THIS PETITION AND THE USER NAME FOR THAT IS "JAY DAWG". ALSO HINTS, CLUES AND EVEN REASONABLE SUSPICION ARE NOT PROBABLE CAUSE.

THE KIK MESSAGES DO NOT FALL UNDER CALIFORNIA PENAL CODE 288.3 REQUIREMENTS BECAUSE THERE IS NO SEXUAL TALK. AND THE FACEBOOK AND KIK SOCIAL MEDIA ACCOUNTS ARE NOT CONNECTED WITH EACH OTHER. THE PROSECUTION TEAM AGAIN IS MAKING IT SEEM LIKE THEY ARE CONNECTED WITH NO FACTS TO SUPPORT THAT.

THIS IS A VERY GOOD EXAMPLE OF A 4TH AMENDMENT RIGHT VIOLATION. ALSO I DID NOT RECEIVE A FULL AND FAIR OPPORTUNITY TO LITIGATE A 4TH AMENDMENT CLAIM WITH THE TRIAL JUDGE MORE WORRIED ABOUT ANOTHER CALENDAR THAN MY 4TH AMENDMENT CLAIM. HE KEPT STOPPING ME MID SENTENCE, STATING THAT HE "HAD READ MY PAPERS" AS IF HE MADE HIS DECISION ALREADY WITHOUT HEARING ANY ARGUMENTS. ANOTHER QUESTION, HOW IS THAT A FULL AND FAIR CONSIDERATION OF A 4TH AMENDMENT CLAIM?

UPON READING THIS,

THE PETITION FOR WRIT OF CERTIORARI SHOULD BE GRANTED.

RESPECTFULLY SUBMITTED,


JESSE J PALATO

DATE: JULY 28, 2022