

No. 22-5686

Supreme Court, U.S.  
FILED

SEP 19 2022

OFFICE OF THE CLERK

IN THE  
SUPREME COURT OF THE UNITED STATES

CURTIS LEE HENDERSON SR PETITIONER  
(Your Name)

vs.

THE STATE OF CALIFORNIA RESPONDENT(S)  
SUPREME COURT

ON PETITION FOR A WRIT OF CERTIORARI TO

THE CALIFORNIA SUPREME COURT  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

CURTIS LEE HENDERSON SR  
(Your Name)

900 QUEBEC AVE / P.O. BOX 5242  
(Address)

CORCORAN, CA . 93212  
(City, State, Zip Code)

E-MAIL WWW.GETTINGOUT.COM  
(Phone Number)

ORIGINAL

QUESTION(S) PRESENTED

- I) WAS IT CRUEL AND UNUSUAL PUNISHMENT TO CHANGE HENDERSON'S SENTENCE FROM 25-TO-LIFE PLUS 7 YEARS, TO LIFE, WITHOUT PAROLE WITHOUT A COURT HEARING AFTER SERVING 30 YEARS AND DENYING HENDERSON YOUTH OFFENDER PAROLE UNDER § 3051? AND ELDERLY PAROLE?
- II) IS CRUEL AND UNUSUAL PUNISHMENT BEING INFLICTED IN THE FORM OF PSYCHOLOGICAL TORTURE UPON MR HENDERSON?
- III) DOES HENDERSON HAVE A FOURTEEN AMENDMENT RIGHT LIBERTY INTEREST TO THE SENTENCE HE WAS TOLD TO BE SERVING FOR 30 YEARS BEING 25 LIFE PLUS 7?
- IV) MR HENDERSON WAS SCHEDULED FOR PAROLE HEARINGS MORE THAN FIVE (5) TIMES AND GIVEN A 3-YEAR DENIAL ON APRIL 17, 2020. DOES HE NOT HAVE A LIBERTY INTEREST IN PAROLE VESTED IN THE DUE PROCESS OF THE 6TH AND 14TH AMENDMENTS OF THE U.S. CONST.?

QUESTIONS CONTINUED

V) WAS MR. HENDERSON STATE COURT  
DENIAL THE RESULT OF PREJUDICE  
BY THE PROSECUTION, JENNIFER R.S.  
DETJEN, AND SUPERIOR COURT  
JUDGE DONNARD FRANSON, WHOM  
BOTH HAVE BEEN APPOINTED TO THE  
COURT OF APPEALS FIFTH APPELLATE  
DISTRICT WHO DENIED THE PETITION  
WITHOUT REASON?

## 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:

TEREASA CISNERO WARDEN SAT-F STATE PRISON

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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☐ is unpublished.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 A 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 \_\_\_\_\_.

☐ 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 JUNE 22, 2022  
A copy of that decision appears at Appendix A.

☐ A timely petition for rehearing was thereafter denied on the following date: N/A, 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 N/A (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

THIS COURT HAS CONSISTENTLY STATED THAT TO PROVE AN EQUAL PROTECTION VIOLATION A PARTY MUST DEFEAT EVERY CONCEIVABLE BASIS THAT MIGHT SUPPORT THE DISPUTED STATUTORY DISPARITY. MR HENDERSON MAKES THAT SHOWING HERE AND THAT THE DISPARITY FOR PUNISHMENT OF A MORE SERIOUS OFFENCE AND THE PUNISHMENT FOR SIMILAR OFFENSES IN OTHER JURISDICTIONS IS SO GREAT HERE IT VIOLATES THE EIGHTH AMENDMENT CRUEL AND UNUSUAL PUNISHMENT CLAUSE. THIS COURT ALSO HAS HELD "SENTENCING A JUVENILE OFFENDER FOR A NONHOMICIDE OFFENSE TO A TERM OF YEARS WITH A PAROLE ELIGIBILITY DATE THAT FALLS OUTSIDE THE JUVENILE OFFENDERS NATURAL LIFE EXPECTANCY CONSTITUTES CRUEL AND UNUSUAL PUNISHMENT IN VIOLATION OF THE EIGHTH AMENDMENT GRHAM V. FLORIDA (2010) 560 U.S. 48

JUSTICE LIU, OF THE CALIFORNIA SUPREME COURT STATED "I WRITE TO UNDERScore THE SECTION 3051'S PAROLE ELIGIBILITY SCHEME - SPECIFICALLY, ITS EXCLUSION OF PERSON'S SENTENCED TO LIFE WITHOUT PAROLE FOR OFFENSES COMMITTED BETWEEN AGES 18 AND 25 STANDS IN TENTION WITH MILLER V. ALABAMA (2012) 567 U.S. 460 (MILLER) PEOPLE V. MONTELONGO (2020) 55 CAL. 5TH 1016, 1036 (CONC. OPN OF SEGAL, J.)

MILLER IDENTIFIED THREE  
SIGNIFICANT DIFFERENCES BETWEEN JUVENILES  
AND ADULTS THAT BEAR ON CULPABILITY "FIRST  
CHILDREN HAVE A LACK OF MATURITY AND AN  
UNDERDEVELOPED SENCE OF RESPONSIBILITY"  
LEADING TO RECLESSNESS IMPULSIVITY AND  
NEEDLESS RISK TAKING. [CITATION]

SECOND, CHILDREN ARE MORE  
VULNERABLE TO NEGATIVE INFLUENCES AND  
OUTSIDE PRESSURES INCLUDING FROM THERE  
FAMILY AND PEERS; THEY HAVE LIMITED CONTROLE  
OVER THERE OWN ENVIRONMENT AND LACK THE  
ABILITY TO EXTRACATE THEMSELVES FROM HORRIFIC  
CRIME PRODUCING SETTINGS. [CITATION] AND  
THIRD A CHILD'S CHARACTER IS NOT WELL  
FORMED AS AN ADULTS HIS TRAITS ARE LESS  
FIXED AND HIS ACTIONS LESS LIKELY TO BE  
EVIDENCE OF IRRETRIEVABLE DEPRAVITY THE  
SUPREME COURT BASED THESE CONCLUSIONS ON  
WHAT EVERY PARENT KNOWS SCIENTIFIC RESEARCH  
AND SOCIAL SCIENCE.

CRUCIALLY, MILLER EXPLAINED THAT  
IN THIS CONTEXT NONE OF WHAT [HIGH COURT PRECEDENT  
HAST SAID ABOUT CHILDREN IS CRIME-SPECIFIC. THE  
DISTINCTIVE ATTRIBUTES OF YOUTH THAT MITIGATE  
CULPABILITY - TRANSITORY MENTAL TRAITS AND  
ENVIRONMENTAL VULNERABILITIES - ARE EVIDENT  
IN THE SAME WAY, AND TO THE SAME DEGREE, WHEN

1 A JUVENILE COMMITS ROBBERY OR WHEN AS IN  
2 MILLER A BOTCHED ROBBERY TURNS INTO A KILLING  
3 THE LEGISLATURE HAS RECOGNIZED  
4 THAT MILLER'S OBSERVATIONS ABOUT JUVENILES  
5 ALSO APPLY ADULTS UP TO AGE 25. (STATS. 2017  
6 CH. 684 § 2.5) YET IT HAS EXCLUDED CERTAIN  
7 YOUTH OFFENDERS FROM PAROLE HEARINGS BASED  
8 ON THE TYPE OF CRIME THEY COMMITTED. IN  
9 PARTICULAR SECTION 3051 DOES NOT ALLOW FOR  
10 RESENTENCING OF 18-25-YEAR-OLD OFFENDERS  
11 CONVICTED OF SPECIAL CIRCUMSTANCE MURDER AND  
12 SENTENCED TO LIFE IN PRISON WITHOUT THE POSSIBILITY  
13 OF PAROLE. (§ 3051 SUBD(h).) I, (JUSTICE LIU)  
14 AGREE WITH JUSTICE SEGAL THAT A JUVENILE  
15 OFFENDER'S ELIGIBILITY FOR A YOUTHFUL PAROLE  
16 HEARING SHOULD NOT HINGE ON THE CRIME HE  
17 OR SHE COMMITTED, THE STATUTE UNDER WHICH  
18 THE PROSECUTION ELECTED TO CHARGE HIM OR  
19 HER, OR THE SENTENCE MANDATED BY STATUTE  
20 NONE OF THOSE FACTORS IS RELEVANT TO  
21 DETERMINING WHETHER A YOUNG ADULT IS  
22 IRREPARABLY CORRUPT. (MONTELONGO, SUPRA, 55  
23 CAL. APP. 5TH at P. 1041 (CONC. OPN. OF SEGAL J.))  
24 IN LIGHT OF THE HIGH COURT'S CLEAR STATEMENT  
25 THAT MITIGATING ATTRIBUTES OF YOUTH ARE NOT  
26 CRIME SPECIFIC (MILLER, SUPRA, 567 U.S. AT P. 923)  
27 AND OUR LEGISLATURE'S RECOGNITION THAT THOSE  
28 ATTRIBUTES ARE FOUND IN YOUNG ADULTS UP TO

1 AGE 25, IT IS QUESTIONABLE WHETHER THERE IS  
2 A RATIONAL BASIS FOR SECTION 3051'S  
3 EXCLUSION OF 18-TO-25-YEAR OLDS  
4 SENTENCED TO LIFE WITHOUT PAROLE.

5 I (JUSTICE LU) AM OF THE OPINION  
6 THAT HENDERSON'S PETITION FOR REVIEW  
7 SHOULD BE GRANTED.  
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STATEMENT OF THE CASE

ON SEPTEMBER 4, 1991 A FIRST AMENDED INFORMATION WAS FILED IN FRESNO COUNTY SUPERIOR COURT THAT CHARGED PETITIONER (HEREAFTER HENDERSON) AND CO-DEFENDANT RONNIE PAYNE, IN COUNT 1 MURDER OF TOMMY WALKER COMMITTED ON AUGUST 16, 1990 IN VIOLATION OF PENAL CODE SECTION 187 IT WAS FURTHER ALLEGED THAT PAYNE WAS ARMED WITH A FIREARM (PEN CODE § 12022.5 SUBD (a)). A ROBBERY-MURDER SPECIAL CIRCUMSTANCE ALLEGATION WAS ALLEGED AGAINST BOTH DEFENDANTS. (PEN CODE § 190.2 SUBD (a) (17)).

COUNT 2. CHARGED ROBBERY OF TOMMY WALKER COMMITTED ON AUGUST 16, 1990 IN VIOLATION OF PENAL CODE SECTION 211 AND 212.5 SUBDIVISION (b), IT WAS FURTHER ALLEGED THAT PAYNE WAS ARMED WITH A FIREARM (PEN. CODE SEC. 12022 SUBD (a) (1)) AND THAT HENDERSON, PERSONALLY USED A FIREARM IN THE COMMISSION OF THE OFFENSE (PEN CODE § 12022.5 SUBD (a).) IT WAS FURTHER ALLEGED THAT HENDERSON INTENTIONALLY INFLICTED GREAT BODILY INJURY ON TOMMY WALKER IN THE COMMISSION OF THE OFFENSE. (PEN CODE § 12022.7).

AS FOR BOTH COUNTS IT WAS FURTHER ALLEGED THAT HENDERSON COMMITTED THE OFFENSE WHILE ON BAIL (PEN CODE § 12022.1) (ct 14-16).

FOLLOWING TRIAL BY JURY HENDERSON WAS CONVICTED ON BOTH COUNTS AND SPECIAL ALLEGATIONS WERE SUSTAINED (ct 19.).

KEVIN LAMONT LEWIS, A PRIM SUSPECT IN THE CASE BECAME A WITNESS FOR THE PROSECUTION. AND ATTENDED A BIRTHDAY PARTY IN THE EVENING OF AUGUST 15, 1990 AT ELIZABETH JENSEN'S APARTMENT AT 2220 WEST CLINTON ST APT # 217.

1 HE SAID THAT HE WAS ACCOMPANIED  
2 BY RONNIE PAYNE AND CURTIS HENDERSON, BUT THAT  
3 HE WALKED BEHIND THEM ON THE WAY TO THE STORE (RT  
4 264.) AT THE STORE, HE TOUCHED THE DOOR TO SEE IF IT WAS  
5 LOCKED (RT 340) HE SAID HE SAW MR HENDERSON WITH HIS  
6 RIGHT ARM EXTENDED ABOVE SHOULDER HEIGHT<sup>1</sup>.  
7 HEARD A GUNSHOT AND STARTED TO RUN (RT 269)<sup>2</sup>.  
8 HE RAN BACK TO MS JENSEN'S APARTMENT. WHEN HE ARRIVED  
9 HE SAID THAT MR. HENDERSON AND MR PAYNE WERE ALREADY  
10 THERE ARGUING ABOUT A GUN (RT 275). HE SAW A CASH  
11 REGISTER BOX ON THE BACK OF A CAR AND SAW PAYNE  
12 WITH MONEY IN HIS HANDS. DETECTIVES ARRESSTED  
13 LEWIS AND HE GAVE A STATEMENT ATTACHED  
14 HERETO AS APPENDIX B ALTHOUGH LEWIS DID NOT  
15 ADMIT IT AND THE JURY NEVER HEARD IT LEWIS HAD  
16 BEEN CONVICTED TWICE IN 1991 OF POSSESSION OF  
17 A FIREARM ONE FIREARM WAS THE WEAPON HE USED  
18 TO SHOOT THE VICTIM SEE ARREST CIT APPENDIX C  
19 THIS WAS DISCOVERED IN 2005 WHEN MR HENDERSON  
20 FILED A MOTION FOR DNA TESTING UNDER P.C. 1405  
21 DUE TO MR. HENDERSON AND MR LEWIS HAVING  
22 THE EXACT SAME BLOOD TYPE AND LEWIS CUT HIS  
23 HAND LEAVING HIS BLOOD AT THE SCENE. MR.  
24 HENDERSON WANTED BULLISTIC TEST ON THE  
25 WEAPON LEWIS HAD, TO SHOW MR LEWIS SHOT MR  
26 WALKER AND FLED WITH THE GUN.

8

- 27
- 28
1. IN A TAPED INTERVIEW LEWIS TOLD POLICE THAT HE SEEN HENDERSON'S LEFT ARM EXTENDED  
IT WASN'T UNTIL SEEING HENDERSON IN COURT USING HIS RIGHT HAND THAT HE CHANGED  
HIS TESTIMONY.
  2. LEWIS TOLD DETECTIVES IN A TAPED INTERVIEW THAT HE AND PAYNE  
WERE THE ONLY ONES WHO WENT IN

1 THE PROSECUTION, STATED THAT MR LEWIS WAS NOT  
2 RECIEVING ANY SPECIAL TREATMENT HOWEVER GUN  
3 CHARGES WERE PENDING AGAINST MR LEWIS IN ORDER  
4 FOR HIM TO TESTIFY FAVORABLY FOR THE PROSECUTION.  
5 3 DAY'S AFTER MR HENDERSON, IS SENTENCED  
6 THE PROSECUTION FILES A MOTION TO DISMISS ALL  
7 GUN CHARGES AGAINST MR. LEWIS THAT MOTION  
8 APPEARS AT APPENDIX 'D' AND WHEN MR HENDERSON  
9 SOUGHT THAT WEAPON THE PEOPLE DESTROYED IT  
10 INCLUDING ALL OF THE BLOOD AND TRIAL EXHIBITS.  
11 IN THIS CASE IN VIOLATION OF THE DIRECT EXPRSSION  
12 OF LAW. TO PRESERVE EVIDENCE FOR 75 YEARS IN  
13 MURDER CASES UNDER GOVENDR CODE

14 JOHN GORDON STOPPED AT THE ~~EXXON~~  
15 STATION AFTER THE SHOOTING AT ABOUT 3:00 AM HE  
16 SAW THE CLERK TOMMY WALKER SITTING ON THE FLOOR  
17 AWAKE WITH BLOOD ON THE FRONT AND BACK OF HIS  
18 HEAD. MR WALKER TOLD HIM THAT TWO GUYS HAD COME  
19 TO THE WINDOW TO BUY CIGARETTES. THAT HE WOULDN'T  
20 OPEN THE WINDOW ONE DREW A GUN AND SHOT HIM  
21 (RT 772).

22 THE CASH BOX AND REGISTER DRAWER WERE  
23 FOUND UNCONCEALED NEAR THE MAIN ENTRANCE OF A  
24 CONVALESCENT HOME SHORTLY AFTER THE SHOOTING  
25 RONNIE PAYNE LEFT FOR VIRGINIA, WHERE HE WAS  
26 CAUGHT AND RETURNED TO FRESNO CALIFORNIA.

27 CURTIS HENDERSON'S BLOOD TYPE IS ABO  
28 TYPE 'O', ACP TYPE 'BA' (RT 1481).

-A-



1 KEVIN LEWIS'S BLOOD TYPE IS ALSO ABO TYPE 'O'  
2 ACP TYPE 'BA' (RT1476) IN 2005-2006 MR HENDERSON  
3 FILED A MOTION FOR DNA TESTING UNDER P.C. 1405  
4 A NEW RULE OF CONSTITUTIONAL LAW. TO SHOW THAT  
5 KEVIN LEWIS, NOT MR. HENDERSON COMMITTED THIS  
6 CRIME. MR LEWIS, CUT HIMSELF AND DEPOSITED  
7 HIS BLOOD ON A NUMBER OF ITEM'S HIS BLOOD  
8 WOULD HAVE PLACED HIM DIRECTLY INSIDE THE  
9 THE EXXON STATION WHERE HE TESTIFIED NOT TO  
10 HAVE BEEN COMMITTING PERJURY.

11 BLOOD EVIDENCE WAS FOUND ON A TRASH  
12 RECEPTACLE (RT 636) THIS EVIDENCE WAS NEVER TESTED  
13 FOR ABO TYPE. ACP TESTING WAS INCONCLUSIVE DUE  
14 TO THE TESTER NOT WANTING TO USE MORE SAMPLES  
15 (RT 1485) BLOOD EVIDENCE WAS FOUND ON THE  
16 FLOOR OF THE STORE (RT 635) THIS EVIDENCE WAS NEVER  
17 TESTED (RT 1487). BLOOD EVIDENCE WAS FOUND ON  
18 THE CASH REGISTER (RT ~~1482~~) AND NEVER TESTED AS  
19 DNA TESTING WAS NOT AVAILABLE AT THE TIME OF  
20 TRIAL.

21 ON AUGUST 27, 1990 11 DAYS  
22 AFTER HE WAS SHOT AND READY TO LEAVE THE  
23 TOMMY WALKER DIED OF A BLOOD CLOT IN HIS  
24 LEG THAT WAS CAUSED ~~BY~~ WHEN MR LEWIS DROPPED  
25 A HEAVY CASH REGISTER ON HIS LEG.

## DEFENSE RELEVANT FACTS,

SHIRLEY PACKARD, LIVED AT THE SAME APARTMENT COMPLEX AS ELIZABETH JENSEN AND SAID THAT KEVIN LEWIS STOPPED BY CARRYING A QUART OF BEER AND SAYING THAT HE HAD SHOT SOMEONE IN THE HEAD AND THAT HE GOT SICK BECAUSE OF IT (RT 1863) SHE SAID LEWIS TOLD HER THAT MR. HENDERSON HAD LEFT PRIOR TO THE SHOOTING, AND THAT PAYNE DID NOT WANT TO TAKE ANYTHING FROM THE CLERK (RT 1865).

## EVIDENCE RULED INADMISSABLE,

NOT ADMITTED INTO EVIDENCE WAS INFORMATION THAT TEN HOURS BEFORE THE CRIME. RONNIE PAYNE HAD BEEN INVOLVED IN A BURGLARY WHERE A GUN AND BULLETS SIMILAR TO THAT USED IN THE SHOOTING WAS STOLEN (RT 97). ALSO NOT ADMITTED INTO EVIDENCE WAS A STATEMENT BY RONNIE PAYNE TO DETECTIVE SCHIOTIS THAT HE WAS INVOLVED IN THE ROBBERY. BUT THAT HE WAS FORCED BY KEVIN LEWIS AT GUN POINT (RT 195). OTHER EVIDENCE THE JURY WAS NOT ALLOWED TO HEAR WAS EVIDENCE OF KEVIN LEWIS WAS ARRESTED WITH TWO FIREARMS, AND STATEMENTS THAT KEVIN LEWIS WAS SHOT AT PEOPLE INCLUDING POLICE OFFICERS (RT 197) EVIDENCE THAT LEWIS RECEIVED A PLEA BARGAIN AND FAVORABLE TREATMENT FOR HIS TESTIMONY EVIDENCE THAT GORDON SAID HE HELPED 3 BLACK MEN AT 2:50 AM AND THEY LEFT TOGETHER DOWN MCKINLEY TOWARDS FROST (RT 1822)

1 THIS IS A CASE OF FIRST IMPRESSION AND  
2 THE STATE COURTS HAVE MISSED THE MAIN THEM OF THE  
3 CONSTITUTIONAL VIOLATIONS GIVING RISE TO THE PETITION.  
4 THAT BEING THE CALIFORNIA DEPARTMENT OF CORRECTION AND  
5 REHABILITATIONS (CDCR) INFORMING MR. HENDERSON  
6 FOR THE LAST 31-YEARS THAT HE WAS SENTENCED TO  
7 25 YEARS TO LIFE PLUS 7 YEARS, A BASE TERM OF 32-  
8 YEARS TO LIFE. AND MR HENDERSON WAS GIVEN  
9 A CLASSIFICATION ~~ORDNO~~ 128 STATING THAT FACT  
10 WHEN HE ARRIVED TO PRISON IN 1992 SEE APPENDIX E  
11 MR. HENDERSON WAS SEEN BY THE BOARD OF PRISON  
12 HEARINGS TWICE WHICH PLAYED A MAJOR ROLE IN  
13 HENDERSON'S REHABILITATIVE EFFORTS CREATING A  
14 LIBERTY INTEREST IN PAROLE. AND MR HENDERSON  
15 HAS BEEN DOING ALL THAT HE CAN TO ACHIEVE  
16 PAROLE AND UNITE WITH HIS FAMILY ONCE AGAIN.  
17 MR. HENDERSON, WAS ALSO INFORMED THAT HE  
18 QUALIFIED FOR YOUTH OFFENDER PAROLE AS HE  
19 WAS 21 YEAS OF AGE AT THE TIME SEE APPENDIX "F"

20 MR. HENDERSON WAS SEEN BY THE BPH  
21 ON JUNE 17, 2015 AND ENTERED A 5-YEAR STIPULATION

22 MR. HENDERSON, WAS SEE BY BPH ON  
23 APRIL 17, 2020 AND WAS GIVEN A 3-YEAR DENIAL  
24 THE TRANSCRIPTS OF THAT PAROLE HEARING APPEAR AT  
25 APPENDIX 'G'

26 MR. HENDERSON, WAS ALSO INFORMED THAT  
27 HE WOULD BE REQUIRED TO SERVE THE 7-YEAR DETERMINATE  
28 SENTENCE FIRST WHICH WAS COMPLETED ON 10/05/1996

1 AND CALCULATED BY KARI SIERCK CORRECTIONAL CASE  
2 RECORDS SUPERVISOR (CCRS) SEE APPENDIX 'H'

3 MR. HENDERSON WAS ALSO INFORMED BY  
4 (CCRS) THAT THE 25 YEAR-TO-LIFE TERM STARTED ON  
5 THE COMPLETION OF THE 7-YEAR TERM ON 10/05/1996  
6 SEE APPENDIX 'I'

7 WHILE MR HENDERSON WAS SERVING THOSE  
8 TERM, HE WAS ALSO REHABILITATING HIMSELF  
9 GRADUATING FROM NUMEROUS PROGRAMS AND  
10 AWARDED CERTIFICATES, LAUDATORY CHRONOS AND  
11 GOING BEFORE THE BOARD OF PAROLE HEARINGS  
12 (BPH) APPENDIX 'J'

13 ON JUNE 7, 2021, 1-YEAR 2-MONTHS  
14 AFTER HENDERSON'S APRIL 17, 2020 BPH HE WAS  
15 INFORMED THAT HIS SENTENCE HAD BEEN MODIFIED  
16 TO THE MID-TERM OF LIFE WITHOUT PAROLE AND  
17 CSR MADE A MISTAKE IN THE CALCULATION OF  
18 HIS PRISON SENTENCE SEE APPENDIX 'K'

19 FOR OVER 31-YEARS, HENDERSON WAS  
20 BEEN LEAD TO BELIEVE THAT HIS TERM IS 25 YEARS  
21 TO LIFE THE LOW TERM, PLUS 7-YEARS. THAT TERM  
22 HAS A LEGAL AND BINDING EFFECT ON MR.  
23 HENDERSON. WHILE HE SERVED THE TERM IT  
24 CAME WITH THE PROMISS OF OBTAINING PAROLE.  
25 TO SLAM THAT DOOR AFTER 31 YEARS AND  
26 MODIFY THAT TERM WITHOUT DUE PROCESS OF  
27 LAW IS CRUEL AND UNUSUAL PUNISHMENT INFLECTING  
28 MENTAL TORTURE AND PHYSICAL INCAPASITATION

1 IN VIOLATION OF THE ~~FIRST~~ EIGHTH AMENDMENT  
2 SECTION 3051 OF THE PENAL CODE  
3 PREVENTS ANY PRISONER FROM PAROLE UNLESS  
4 THE PRISONER CAN NEGATE ANY BASIS FOR THE  
5 SENTENCE IN THIS CASE § 3051 VIOLATES THE EQUAL  
6 PROTECTION RIGHTS TO MR HENDERSON THE FOURTEENTH  
7 AMENDMENT OF THE UNITED STATES CONSTITUTION AND  
8 ARTICLE I SECTION 7 OF THE CALIFORNIA CONSTITUTION  
9 GUARANTEE EQUAL PROTECTION UNDER THE LAW  
10 TO ALL PERSONS.

11 ON FEBRUARY 20, 2019, THIS COURT  
12 UNANIMOUSLY RULED IN JIMBS V. INDIANA THAT  
13 THE EIGHTH AMENDMENT'S EXCESSIVE FINES CLAUSE  
14 IS AN INCORPORATED PROTECTION APPLICABLE TO  
15 THE STATES AND PROTECT PEOPLE AGAINST ABUSES  
16 OF GOVERNMENTS PUNITIVE OR CRIMINAL LAW-  
17 ENFORCEMENTS. JUSTICE GINSBURG, WROTE  
18 IN HER DECISION THAT THE ~~CONSTITUTIONAL~~  
19 PROTECTION AGAINST EXCESSIVE FINES IS  
20 FUNDAMENTAL TO OUR SCHEME OF ORDERED  
21 LIBERTY WITH DEEP ROOTS IN OUR HISTORY AND  
22 TRADITION.

23 THE BASE TERM OF 32-YEARS TO LIFE HAS  
24 PLACED HENDERSON ON A PATH OF REHABILITATION AND  
25 AS THIS COURT CAN SEE BY THE TRANSCRIPTS OF MR.  
26 HENDERSON'S PAROLE SUITABILITY HEARING THERE IS  
27 NO LEGITIMATE GOVERNMENT PURPOSE FOR A LWOP  
28 TERM.

1 THE COMMISSIONER HIMSELF HAS THANK'D MR..  
2 HENDERSON, FOR HIS CONTINUED ASSISTENCE IN  
3 PRESERVING THE SAFETY AND SECURITY OF THE PRISON  
4 AND CDCR AS A WHOLE STATING

5 "THANK YOU FOR WHAT YOU HAVE DONE ON THE PART  
6 OF CDCR AT MULE CREEK STATE PRISON WHEN THE  
7 FBI ARREST THE WARDEN, THAT COVERUP IS STILL  
8 GOING ON I KNOW YOU GOT A FEW PAINS FOR  
9 IT AND I'M HOPING WE CAN SAVE YOUR EYE"  
SEE APPENDIX G p103-104

10 WHAT THE COMMISSIONER IS REFERRING TO  
11 IS THAT MR. HENDERSON RISKED HIS OWN LIFE  
12 REVEALING A CONSPIRACY TO MURDER INMATES,  
13 WHICH INVOLVED THE WARDEN JOE LIZARRAGA WHO  
14 WAS ALSO PROVIDING CONTRABAND TO PRISON GANGS  
15 AND HAD MEMBERS OF THAT GANG 'NORTHERN RIVERS'  
16 ATTEMPT TO KILL MR. HENDERSON FOR WORKING  
17 WITH AUTHORITIES. THE FIRST ATTEMPT ACCURED ON  
18 8/27/2018 WHEN TWO MEMBER'S INMATE COMPOS  
19 AND INMATE BRAIN ASSAULTED MR. HENDERSON  
20 WITH A WEAPON AND WERE UNSUCCESSFUL DUE TO  
21 MR. HENDERSON'S BEING A III DEGREE BLACK BELT  
22 IN MARTIAL ARTS, THE SECOND ATTEMPT ACCURED  
23 THE VERY NEXT DAY 8/28/2018 WHEN OVER 20  
24 MEMBERS FROM THAT GANGE ASSAULTED HIM  
25 MR. HENDERSON WAS IN THE HOSPITAL FOR 52  
26 DAY'S FOR FACIAL RECONSTRUCTION HE LOSS  
27 THE USE OF HIS LEFT EYE AND IS CURRENTLY IN  
28 A WHEELCHAIR AND INCONTINENT.

1 ON JANUARY 25, 2019 MULE CREEK STATE  
2 PRISON WAS RAIDED BY THE FBI THE WARDEN  
3 JOE LIZARRAGA WAS ARRESTED ON 16 COUNTS OF  
4 CORRUPTION 11 OF THE 16 COUNTS AGAINST  
5 LIZARRAGA WERE BLACKED OUT OF THE HEAVILY  
6 REDACTED REPORT OF THE INVESTIGATION.

7 MOST IMPORTANTLY WHEN THE MEMBERS  
8 OF BPH AND THE DISTRICT ATTORNEY OF FRESNO  
9 CALIFORNIA STATED;

10 "YOU SEE SHE (THE DISTRICT ATTORNEY) IS  
11 NODDING HER HEAD IN AGREEMENT WITH  
12 A 3-YEAR DENIAL DENIAL SHE NEVER  
13 SAID WONT GET OUT JUST 3-YEARS" SEE  
14 APPENDIX G' p81, 96

15 THESE FACTS TRANSCRIBED DURING  
16 PAROLE HEARINGS SHOW THAT THERE IS NO ~~RATIONAL~~  
17 RATIONAL RELATIONSHIP OR BASIS FOR A LWOP  
18 NOR A LEGITIMATE GOVERNMENTAL PURPOSE IN  
19 THIS CASE TO DENY MR. HENDERSON YOUTH OFFENDER  
20 PAROLE UNDER P.C. § 3051 AND CANNOT BE JUSTIFIED  
21 BY RETRIBUTION, DETERRENCE, DETERRENCE,  
22 INCAPACITATION OR RECIDIVISM MR. HENDERSON  
23 HAS NEGATIVE EVERY CONCEIVABLE BASIS  
24 HELLER V. ODE (1993) 509 U.S. 312, 320

25 AND EQUAL PROTECTION HAS BEEN DENIED

26 MR. HENDERSON, ON GOOD FAITH AND  
27 BELIEF THAT THIS IS A CASE OF FIRST IMPRESSION  
28 A 31 YEAR MISTAKE IN THE CALCULATION OF A  
PRISON TERM.

1 CRUEL AND UNUSUAL PUNISHMENT IS INFLICTED ON  
2 HENDERSON AND THIS COURT MUST AGREE AT SOME  
3 WHEN MR. HENDERSON WAS TOLD THAT THIS WAS A  
4 31-YEAR MISTAKEN CALCULATION. A FORM OF  
5 MENTAL TORTURE AND DURESS IS INFLICTED  
6 COMPOUNDED BY THE FACT THAT MR. HENDERSON  
7 IS NOT THE ACTUAL KILLER AND THE EVIDENCE  
8 DOES NOT SUPPORT A LWOP SENTENCE PEOPLE V.  
9 BANKS (2015) 61 CAL. 4TH 788; PEOPLE V. CLARK  
10 (2016) 63 CAL. 4TH 522 PEOPLE V. STRONG (2022)  
11 -CAL.5TH - (S266606).

12 THE STATE COURTS ROLLING WAS ERROR  
13 MAKING FINDINGS OF FACTS WITHOUT HOLDING AN  
14 EVIDENTIARY HEARING MR HENDERSON DID NOT  
15 PERSONALLY COMMIT THE HOMICIDE.

16 THE PROSECUTIONS WITNESS KEVIN LEWIS  
17 AND CO-DEFENDANT RONNIE PAYN, ENTERED THE  
18 EXXON STATION AND LEWIS DROPE A CASH REGISTER  
19 ON THE VICTIM'S LEG MR TOMMY WALKER CAUSING  
20 A BLOOD CLOT WHICH WAS THE CAUSE OF DEATH.  
21 AND MR. HENDERSON SHOWS HERE THAT THERE IS  
22 NO RATIONAL BASIS FOR THE DIFFERENT TREATMENT  
23 JOHNSON V. DEPARTMENT OF JUSTICE SUPRA 60 CAL  
24 4TH AT P.881. AND THIS COURT WILL FIND THAT  
25 PENAL CODE § 3051 VIOLATES. IN THIS CASE THE  
26 EQUAL PROTECTION OF LAWS AND INFLECTS UPON  
27 MR. HENDERSON. CRUEL AND UNUSUAL PUNISHMENT  
28 IN THE FORM OF MENTAL TORTURE, DURESS, PHYSICAL



1 INCAPACITATES HIM FROM JUVENILE YOUTH OFFENDER  
2 PAROLE. WITHOUT ANY RATIONAL BASES IN WHICH  
3 CERTIORARI SHOULD BE GRANTED, AND THE  
4 APPOINTMENT OF COUNSEL ORDERED FOR  
5 REPRESENTATION AND PROTECTION OF THOSE RIGHTS  
6 BELONGING TO HENDERSON.

7  
8 REASONS FOR GRANTING THE PETITION

9  
10 WAS IT CRUEL AND UNUSUAL PUNISHMENT  
11 TO CHANGE MR. HENDERSON'S SENTENCE FROM  
12 25-TO-LIFE PLUS 7-YEARS. TO LIFE WITHOUT  
13 PAROLE (LWOP) WITHOUT A COURT HEARING,  
14 AFTER SERVING 30 YEARS AND DENYING  
15 MR. HENDERSON YOUTH OFFENDER PAROLE  
16 UNDER § 3051 OF THE PENAL CODE AND  
17 ELDERLY PAROLE?

18  
19 HERE, IN THIS CASE HENDERSON ENTERED  
20 THE PRISON SYSTEM CALIFORNIA DEPARTMENT OF  
21 CORRECTIONS AND REHABILITATIONS (CDCR) IN 1992.  
22 THE INSTITUTION CLASSIFICATION COMMITTEE (ICC)  
23 INFORMED MR. HENDERSON THAT THE COURT'S ABSTRACT  
24 OF JUDGMENT STATES "SENTENCE DEFENDANT TO A  
25 TERM PRESCRIBED BY LAW SEE APPENDIX L CALIFORNIA  
26 CDCR & ICC FIXED THAT TERM AT 25 YEARS TO LIFE  
27 PLUS 7-YEARS FOR A BASE TERM OF 32-YEARS TO  
28 LIFE.

1 AND FOR THE PAST 31-YEARS OF HENDERSON'S  
2 INCARCERATION HE HAS BEEN INFORMED THAT HE IS  
3 SERVING 32-YEARS TO LIFE. WHEN MR HENDERSON  
4 INFORMED CDCR & ICC IN 1992 THAT A LWOP  
5 TERM WAS IMPOSED, ICC MEMBERS BELIEVED  
6 MR. HENDERSON, HAD MENTAL & PSYCHOLOGICAL ISSUES  
7 AND WANTED MORE TIME OTHER THAN 32-YEARS-TO  
8 LIFE. AND HENDERSON BELIEVED CDCR & ICC  
9 MEMBER'S WHOM ISSUED EVERY DOCUMENT IN MR.  
10 HENDERSON'S CENTRAL FILE REFLECTING 32-YEARS-  
11 TO-LIFE SEE APPENDIX 'M'

12 ON JUNE 7, 2021 MR HENDERSON WAS  
13 INFORMED THAT HIS SENTENCE HAD BEEN MODIFIED  
14 BY THE SUPERIOR COURT TO THE GREATER TERM OF LIFE  
15 WITHOUT PAROLE SEE APPENDIX 'K' SUCH MODIFICATION  
16 VIOLATES THE DUE PROCESS RIGHTS UNDER THE  
17 UNITED STATES CONSTITUTION AS IT OCCURED WITHOUT  
18 A HEARING ON THE SUBJECT THAT THE 32-YEARS-TO  
19 LIFE SENTENCE HAS A BINDING AFFECT AND TO  
20 ENHANCE THAT SENTENCE EXCEEDING THE 32-YEARS  
21 IN WHICH HENDERSON WAS ORIGINALLY INFORMED TO  
22 BE SERVING VIOLATES THE EIGHTH AMENDMENT IN  
23 FACT MR. HENDERSON, HAS BEEN TO THE PAROLE BOARD  
24 TWICE WITH THE LAST HEARING HELD ON 4/17/2020  
25 WITH GIVING MR HENDERSON A THREE(3) YEAR  
26 DENIAL FOR PAROLE SEE APPENDIX 'G' TRANSCRIPTS  
27 OF PAROLE HEARING ALSO ~~APPENDIX 'N'~~ WHICH IS  
28 A(BITS) BOARD INFORMATION TECHNOLOGY SYSTEM SHEET

1 MR. HENDERSON WAS 21 YEARS OF AGE AS PREVIOUSLY  
2 STATED, AT THE TIME OF THE OFFENCE PLACING A  
3 LWOP TERM 31 YEARS LATER FOR THAT OFFENCE  
4 AFTER MR HENDERSON, HAS WORKED SO HARD TO  
5 OBTAIN PAROLE, BY ATTENDING GROUPS, SCHOOL, COLLEGE  
6 BECOMING A CLERK, TEACHERS AID, GROUP  
7 FACILITATOR AND MAINTAINING THE SAFETY AND  
8 SECURITY OF A FACILITY SEE APPENDIX(S)'J'

9 THE EIGHTH AMENDMENT MANDATES THAT  
10 EXCESSIVE FINES BAILS OR PUNISHMENT SHALL NOT BE  
11 INFLECTED FOR THE PUNISHMENT OF CRIMES. AT THIS  
12 VERY MOMENT CRUEL AND UNUSUAL PUNISHMENT WHICH  
13 IS EXCESSIVE (LWOP); AND MENTAL TORTURE, DURESS  
14 IS BEING INFLECTED IMPOSING LWOP EXCEEDS MR.  
15 HENDERSONS LIFE EXPECTENCY, HE WAS A JUVENILE  
16 21 YEARS OF AGE. MR HENDERSON WAS NOT THE  
17 ACTUAL KILLER. HE WAS FOUND GUILTY UNDER THE  
18 NATURAL AND PROBABLE CONSEQUENCE THEORY WHICH  
19 NOW LEGALY INVALID BY S.B. 1437 AND S.B. 775  
20 WHICH ALSO MADE CHANGES TO P.C. 188, 189 AND  
21 MR HENDERSON COULD NOT NOW BE FOUND GUILTY  
22 UNDER ANY THEORY OR DEGREE OF MURDER IF  
23 TRIED TODAY. IN GRAHAM V. FLORIDA (2010) 560  
24 U.S. 48 THIS COURT HELD THAT THE EIGHTH AMENDMENT'S  
25 PROSCRIPTION AGAINST CRUEL AND UNUSUAL  
26 PUNISHMENT PROHIBITS THE SENTENCE OF LIFE  
27 WITHOUT PAROLE (LWOP) FOR A JUVENILE OFFENDER  
28 WHO DID NOT COMMIT HOMICIDE (GRAHAM SUPRA p 7)

1 AS COMPARED TO ADULTS THIS COURT EXPLAINED  
2 JUVENILES HAVE A LACK OF MATURITY AND AN  
3 UNDERDEVELOPED SENCE OF RESPONSIBILITY THEY  
4 ARE MORE VULNERABLE AND SUSCEPTABLE TO  
5 NEGATIVE INFLUENCES AND OUTSIDE PRESSURE  
6 THERE CHARACTERS ARE NOT WELL FORMED. THE SAME  
7 CONTENT APPEARS HERE. HENDERSON. ASK THIS COURT  
8 TO GO ~~DO~~ GO BEYOND GRAHAM AND ASK ITSELF IS  
9 THIS AN INFLICTION OF MENTAL TORTURE ON A YOUNG ~~ADULT~~  
10 JUVENIAL WHOM LACKING MATURITY UNDERDEVELOPED  
11 SUSCEPTIBLE AND VULNERABLE TO NEGATIVE INFLUENCES  
12 WHOM HAS CLEAY SHOWN BY PAROLE TRANSCRIPTS  
13 THAT HE IS CAPABLE OF CHANGE AND MATURITY HAS  
14 OCCURED? IS THIS A CASE WHERE MR. HENDERSON  
15 IS LESS DESERVING OF THE STATES SECOND MOST  
16 SEVERE PUNISHMENT?

17 SECTION 3051 OF THE PENAL CODE HAS  
18 MADE YOUTH OFFENDER PAROLE HEARINGS AVAILABLE  
19 FOR PERSONS WHO COMMITTED THEIR CONTROLLING  
20 OFFENCE BEFORE AGE 18 (STATS 2013 CH 312 § 5p2525)  
21 IN 2015 THE LEGISLATURE AMENDED THE AGE THRESHOLD  
22 TO 23 YEARS AND IN 2017 INCREASED IT TO 25  
23 YEARS OF AGE. SECTION 3051 NOW DEFINES PERSONS  
24 ELIGIBLE FOR YOUTH OFFENDER PAROLE HEARINGS TO  
25 INCLUDED ANY PERSON WHO WAS CONVICTED OF A  
26 CONTROLLING OFFENCE THAT WAS COMMITTED WHEN  
27 THE PERSON WAS 25 YEARS OF AGE OR YOUNGER  
28 AND FOR WHICH THE SENTENCE IS A TERM OF 25

1 YEARS TO LIFE, MR. HENDERSON'S CONTROLLING  
2 OFFENCE WAS MURDER IN WHICH HENDERSON WAS  
3 WAS SERVING 25 YEARS TO LIFE PLUS 7 YEARS  
4 AND WAS ELEGIBLE FOR YOUTH OFFENDER PAROLE  
5 AT 21 YEARS OF AGE. THIS COURT WILL NOTE  
6 APPENDIX E RECORDS A SENTENCE OF 25-LIFE+7  
7 YEARS. ALL DOCUMENTS ATTACHED HERETO ARE  
8 AUTHENTIC DOCUMENTS GENERATED BY CALIFORNIA  
9 CDCR, THE SUPERIOR & APPEALATE COURTS OF  
10 PRESNO CALIFORNIA AND AS PREVIOUSLY STATED  
11 MR HENDERSON HAS BEEN TO THE BOARD OF PAROLE  
12 HEARINGS (BPH) TWICE, ON 6/17/2015 AND ENTERED  
13 A STIPULATION FOR (5) FIVE YEARS. ON 4/17/2020  
14 MR HENDERSON WAS DENIED PAROLE FOR A  
15 PERIOD OF (3) THREE YEARS PLEASE SEE APPENDIX  
16 DECISION OF BPH MEMBERS ON 6/7/2021 MR.  
17 HENDERSON WAS INFORMED BY CDCR THAT HIS  
18 SENTENCE OF 25 YEAR TO LIFE PLUS 7 YEARS WAS  
19 MODIFIED TO LWOP.

20 THIS MODIFICATION 31 YEARS LATER IS  
21 NOT ONLY CRUEL AND UNUSUAL PUNISHMENT BUT  
22 MENTAL TORTURE PSYCHOLOGICAL ANGUISH, DURESS,  
23 AND WHEN PENAL CODE § 3051 IS APPLIED IT  
24 DENIES MR HENDERSON, THAT PAROLE WHICH THE  
25 STATE AUTHORITIES SWORE UNDER OATH WOULD BE  
26 BE GRANTED IN 3 YEARS. EQUAL PROTECTION IS  
27 VIOLATED IT DENIES YOUTH OFFENDER PAROLE  
28 WHILE GRANTING AND PROVIDING THAT BENEFIT TO

1 OTHER FIRST DEGREE MURDERERS THE FEDERAL  
2 AND STATE CONSTITUTION GUARENTEES EQUAL  
3 PROTECTION OF THE LAWS REQUIRE THAT PERSONS  
4 SIMILARLY SITUATED WITH RESPECT TO THE LAW  
5 RECIEVE LIKE TREATMENT. THE STATE HAS  
6 ADOPTED A CLASSIFICATION THAT AFFECTS TWO OR  
7 MORE SIMILARLY SITUATION GROUPS IN AN UNEQUAL  
8 MANNER COOLEY V. SUPERIOR COURT (2002) 29 CAL  
9 4TH 228, 253 AND HIS LIBERTY INTEREST TO PAROLE  
10 IS IMPLICATED.

11 THE FIRST IMPRESSION OF THIS CASE IS  
12 THAT HENDERSON AND EVERY PRISONER HAS A  
13 CONSTITUTIONAL RIGHT TO HAVE HIS/HER SENTENCE  
14 ACCURATELY CALCULATED ALTHOUGH IT'S NOT A  
15 SIMPLE MISTAKE IN CALCULATIONS LIKE A WEEK OR  
16 TWO YEARS OR GOOD TIME. MR HENDERSON WENT  
17 31 YEARS UNDER INTIMIDATION, THREATS AND  
18 COERCION THAT HE WOULD NOT PAROLE UNLESS &  
19 UNTIL HE ACHIEVED CERTAIN REQUIRMENTS ONLY  
20 TO BE TOLD HIS MODIFIED SENTENCE PREVENTS  
21 PAROLE. IT IS THE LEGISLATORS INTENT TO CREATE  
22 A PROCESS BY WHICH GROWTH AND MATURITY OF  
23 YOUTHFUL OFFENDERS CAN BE ASSESSED AND A  
24 MEANINGFUL OPPORTUNITY FOR RELEASE ESTABLISHED  
25 THIS OPPORTUNITY FOR RELEASE NOT ONLY HAS A  
26 MECHANISM FOR CALIBRATING SENTENCES, SENTENCES  
27 IN ACCORDENCE WITH YOUTHFUL OFFENDERS  
28 DIMINISHED CULPABILITY.

1 BUT ALSO PROVIDES MOTIVATION FOR YOUTHFUL  
2 OFFENDERS TO FOCUS ON REHABILITATION WHILE  
3 SERVING THEIR SENTENCE. AN OFFENDER IS MORE  
4 LIKELY TO ENROLL IN SCHOOL DROP OUT OF GANGS  
5 PARTICIPATE IN POSITIVE PROGRAMING IF THEY CAN  
6 SIT BEFORE A PAROLE BOARD SOONER. IF AT ALL  
7 AND HAVE A CHANCE OF BEING RELEASED QUOTING  
8 ASSEM. BILL NO 1308 (2017-2018 REG SESS.) AS  
9 AMENDED MARCH 30, 2017 P.3).

10 MR. HENDERSON HAS DONE JUST THAT  
11 FOCUSED ON HIS REHABILITATION, EVEN BEFORE THE  
12 LEGISLATURE ESTABLISHED § 3051 HE HAS BEEN  
13 SUBJECTED TO PSYCHOLOGICAL EVALUATIONS WHICH  
14 DETERMINED THAT MR. HENDERSON WAS/IS A LOW  
15 RISK FOR RECIDIVISM SEE APPENDIX "O" OBTAINED  
16 COUNTLESS LAUDATORY CHRONO'S OBTAINED A GED  
17 AND COLLEGE; PARTICIPATED IN GROUPS, FACILITATED  
18 GROUPS AND STARTED NEW SELF HELP PROGRAMS.  
19 DOES NOT ENVOLVE HIMSELF IN GANG ACTIVITY, HE  
20 DOES NOT CLAIM TO HAVE A SPOTLESS PRISON  
21 RECORD ALTHOUGH HE HAS NOT COMMITTED ANY  
22 NEW OFFENCE IN THE 31 YEARS OF INCARCERATION  
23 MR HENDERSON, HAS BEEN DOING ALL HE CAN TO  
24 ACHIEVE A POSITIVE PAROLE OUTCOME. THIS  
25 COURT HAS RECOGNISED THE LEGAL AND SCIENTIFIC  
26 FOUNDATION SUPPORTING THE RATIONALE THAT YOUTHS  
27 HAVE DIMINISHED CULPABILITY SUCH AS A YOUTHS  
28 LACK OF MATORITY AND AN UNDERDEVELOPED SENCE.



1 OF RESPONSIBILITY ROPER V. SIMMONS (2005) 543  
2 U.S. 551, 569 AND THE GOAL OF CALIBRATING  
3 PUNISHMENT ACCORDINGLY APPLY TO BOTH GROUPS  
4 THE YOUTHFUL MURDERER, THE YOUTHFUL NON-MURDERER  
5 THAT GOAL BEING REHABILITATION AND COMPLYING  
6 WITH SOCIETY. THE COROLLARY PRINCIPLE THAT  
7 INCREASED MATURITY THAT COMES WITH AGE WILL  
8 REDUCE THE LIKELIHOOD OF REPEATED OFFENSES  
9 ALSO APPLY TO BOTH GROUPS OF OFFENDERS. MR.  
10 HENDERSON IS NOW 53 YEARS OF AGE D.O.B 9/20/1968

11 THIS COURT SHOULD AGREE THAT FOR THE  
12 PURPOSE OF SECTION 3051 YOUTHFUL LWOP OFFENDERS  
13 ARE SIMILARLY SITUATED TO YOUTHFUL FIRST DEGREE  
14 MURDERERS SENTENCED TO AN INDETERMINATE TERM  
15 THAT IS A MAN OR WOMAN WHO IS SENTENCED TO  
16 90-YEARS TO LIFE OR 50-YEARS TO LIFE AND  
17 WAS ~~THE~~ UNDER 25 YEARS OF AGE AT THE TIME  
18 OF THE CRIME WILL BE GIVEN THE CHANCE  
19 AFTER 25 YEARS OF INCARCERATION TO  
20 DEMONSTRATE THAT HE/SHE HAS MATURED AND  
21 BECAME A RESPONSIBLE ADULT AND ELIGIBLE  
22 FOR PAROLE UNDER § 3051 WHILE LWOP PRISONERS  
23 WILL NOT.

24 THE BPH TRANSCRIPTS CLEARLY PROVE  
25 MR HENDERSON HAS MADE THAT SHOWING THERE  
26 IS NO-RATIONAL BASIS IN THIS CASE FOR DIFFERENT  
27 TREATMENT. MR. HENDERSON HAS NEGATED EVERY  
28 CONCEIVABLE BASIS THAT MIGHT SUPPORT THE,



1 DISPUTED DISPARITY EVEN CIDCR, BPH MEMBERS  
2 AND THE FRESNO COUNTY DISTRICT ATTORNEY  
3 KAREN MITCHELL, HAS RECOGNIZED AND SUPPORTED  
4 MR HENDERSON'S REHABILITATION AND MATURITY  
5 SEE APPENDIX 'J'

6 THE EQUAL PROTECTION TO ELDERLY  
7 PAROLE IS ALSO VIOLATED. ASSEMBLY BILL NO 3234  
8 AMENDING SECTION 3055 WHICH PROVIDES FOR  
9 PAROLE SUITABILITY HEARINGS FOR INMATES WHO  
10 ARE 50 YEARS OF AGE AND OLDER AND HAVE  
11 BEEN INCARCERATED FOR AT LEAST 20 CONSECUTIVE  
12 YEARS. MR HENDERSON'S RIGHTS TO BOTH YOUTH-  
13 FUL & ELDERLY PAROLE IS VIOLATED AND CRUEL  
14 AND UNUSUAL PUNISHMENT IS BEING INFLICTED

15  
16  
17 IS CRUEL AND UNUSUAL PUNISHMENT  
18 BEING INFLICTED IN THE FORM OF  
19 PSYCHOLOGICAL TORTURE UPON MR.  
20 HENDERSON?

21  
22 AT SOME POINT THE COURT MUST  
23 AGREE WITH HENDERSON THAT CRUEL AND UNUSUAL  
24 PUNISHMENT IN THE FORM OF MENTAL TORTURE  
25 MR HENDERSON, HAS BEEN THROUGH 31 YEARS  
26 REHABILITATING HIMSELF PARTICIPATING IN  
27 COUNTLESS GROUP ACTIVITIES. AND MANY HEARINGS  
28 FOR SUITABILITY OF PAROLE.

1 MR. HENDERSON WAS SCHEDULED  
2 FOR A SUITABILITY HEARING ON 6/17/2013 NO-  
3 ONE SAID ANYTHING ABOUT A LWOP SENTENCE

4 MR. HENDERSON WAS SCHEDULED  
5 FOR ANOTHER SUITABILITY HEARING ON 12/2/2014  
6 NO-ONE SAID ANYTHING ABOUT A LWOP SENTENCE

7 MR. HENDERSON HAD A SUITABILITY  
8 HEARING ON 6/17/2015 AND ENTERED INTO A  
9 A FIVE(5) YEAR STIPULATION. AND THE  
10 MEMBERS OF THE BPH, AND FRESNO COUNTY  
11 DISTRICT SAID NOTHING ABOUT ABOUT A LWOP  
12 SENTENCE IN FACT THEY ONLY MENTIONED A  
13 SENTENCE OF 25-YEARS TO LIFE PLUS 7-YEARS.

14 ON 6/1/2017 MR. HENDERSON  
15 HAD A ELIGIBILITY HEARING AGAIN NO-ONE  
16 SAID ANYTHING ABOUT A SENTENCE OF LWOP.

17 A SUITABILITY HEARING WAS HELD  
18 ON 4/17/2020 AND MR. HENDERSON WAS  
19 DENIED PAROLE FOR A PERIOD OF 3-YEARS  
20 AGAIN NO-ONE MENTIONED A LWOP SENTENCE

21 MR. HENDERSON, FILED A PETITION  
22 TO ADVANCE HIS PAROLE ON 11/13/2020 AND  
23 AGAIN NO-ONE MENTION ABOUT A LWOP.

24 AN ADMINISTRATIVE REVIEW WAS  
25 WAS CONDUCTED ON 3/17/2021 AND STILL  
26 NO MENTION OF A LWOP SENTENCE

27 MR. HENDERSON HAS BEEN TO EVERY  
28 UNIT CLASSIFICATION COMMITTEE (UCC) AND

1 EVERY INSTITUTIONAL CLASSIFICATION COMMITTEE  
2 (ICC) EVERY YEAR FOR THE LAST 31 YEARS  
3 AND AT EACH AND EVERY ONE OF THOSE HEARINGS  
4 MR. HENDERSON WAS INFORMED THAT HIS  
5 SENTENCE WAS 25 YEARS TO LIFE, PLUS 7 YEARS

6 MR HENDERSON, HAS OBTAINED MANY  
7 GOOD CONDUCT CREDITS FOR SAVING AN  
8 INMATES LIFE AND PRESERVING THE SAFETY OF  
9 A PRISON.

10 ON 6/7/2021 MR HENDERSON WAS  
11 INFORMED THAT A MISTAKE WAS MADE IN THE  
12 CALCULATION OF HIS SENTENCE AND WAS NOW  
13 MODIFIED TO LIFE WITHOUT PAROLE (LWOP)  
14 A 31 YEAR MISTAKE IS A MOCKERY UPON  
15 JUSTICE THIS HONORABLE COURT ONCE SAID  
16 THAT "PEOPLE ARE PLACED IN PRISON AS A  
17 FORM OF PUNISHMENT NOT FOR PUNISHMENT?"

18 WHEN WE SPEAK OF ADMINISTERING  
19 JUSTICE UNDER THE ENGLISH OR AMERICAN  
20 SYSTEM OF PROCEDURE DON'T WE MEAN SOMETHING  
21 MORE THAN MERELY ASCERTAINING WHETHER  
22 AN ACCUSED YOUTH OFFENDER SHOULD OR  
23 SHOULD NOT BE LOCKED AWAY FOR HIS OR HER  
24 NATURAL LIFE? THE ESSENTIAL QUESTION,  
25 CRITICAL IN IDENTIFYING AGE APPROPRIATE  
26 SENTENCES UP TO 25 YEARS OF AGE SO  
27 THAT OUR YOUTH OFFENDERS DO NOT  
28 PSYCHOLOGICALLY DETERIORATE FROM

1 SENTENCES THAT INFLICT CRUEL AND  
2 UNUSUAL PUNISHMENT AND THEN BECOME  
3 AN AD/AL ELDERLY PSYCHIATRIC PATIENTS  
4 WITHIN THE PENAL SYSTEM. THIS IS SUCH A  
5 CASE.

### 6 7 MR HENDERSON'S DECLARATION

8 I CURTIS LEE HENDERSON SR. DECLARE  
9 THAT I EXPECTED TO BE PAROLED ON OR ABOUT  
10 JULY 16, 2023 DUE TO A 3-YEAR PAROLE DENIAL  
11 ON 4/17/2020. I FAILED TO BE IN MY CHILDREN'S  
12 LIFE'S AND AT THE AGE 21 YEARS OLD I WAS A CHILD  
13 MYSELF. I DID NOT HAVE THE MATURITY TO THINK CLEARLY  
14 I AM NOW 53, AND I KNOW I HAD A RESPONSIBILITY TO  
15 MY CHILDREN AND TO SOCIETY, TO ATTEND SCHOOL  
16 MEETINGS TO PLACE A BAND AID ON THEIR KNEES WHEN  
17 HURT. TO HAVE A FATHER DAUGHTER DAY. IN SPITE  
18 OF MY FAILURES THEY HAVE FORGIVEN ME WHICH BRINGS  
19 TEARS TO MY EYES AS I WORKED ON FORGIVING MYSELF  
20 ONCE MY EX-WIFE TOLD ME THAT OUR CHILDREN  
21 GAVE HER A FATHERS DAY CARD TELLING HER THAT  
22 SHE WAS BEEN BOTH MOTHER AND FATHER TO THEM  
23 WHEN I GOT OVER THE SADNESS AND JEALOUSY OF  
24 THAT I TOO SENT MY-EXWIFE A CARD I REALIZED  
25 THROUGH CHANGE THAT A FATHER DOESNT HAVE TO  
26 BE MALE TO TEACH CHILDREN RESPONSIBILITY,  
27 ATTITUDE, BELIEFS, BEHAVIORS, CHOICES VALUES  
28 LIMITS THOUGHTS AND LOVE.

1 AND I CONCENTRATED ON ACHIEVING PAROLE. I  
2 KNEW I HAD BEEN GIVEN THE CHANCE TO BUILD  
3 SPIRITUALLY AND EMOTIONALLY WITH MY CHILDREN  
4 AND GRANDCHILDREN AND LET THEM KNOW THAT I  
5 TRULY LOVE THEM GOD HAS ALREADY HEALED THE  
6 PHYSICAL PAINS OF MY ABSENCE. PAROLE WOULD  
7 HEAL THE PAIN NONE OF US CAN SEE. THEY TOO  
8 HAVE BEEN FOLLOWING THE PAROLE HEARINGS ON  
9 THE PRISON WEB SITE WHERE IT ONCE SAID  
10 25-TO LIFE PLUS 7-YEARS PAROLE DENIED ON  
11 4/17/2020 FOR 3 YEARS. NOW SAYS LIFE WITH-  
12 OUT PAROLE. IT IS EQUALLY TORTUROUS CONDUCT  
13 TO THEM. THE EIGHTH AMENDMENT OF THE UNITED  
14 STATES CONSTITUTION IS VIOLATED IN THIS CASE  
15 THIS TYPE OF PSYCHOLOGICAL TORTURE IS NOT ONLY  
16 CRUEL AND UNUSUAL IT IS ALSO OFFENSIVE TO  
17 THE EVOLVING STANDARDS OF DECENCY IN OUR  
18 SOCIETY.

19 NO PRISONER CAN BE HELD FOR A  
20 PERIOD GROSSLY DISPROPORTIONATE TO HIS/HER  
21 INDIVIDUAL CULPABILITY FOR THE COMMITMENT  
22 OFFENSE SUCH-EXCESSIVE CONFINEMENT.. VIOLATES  
23 THE CRUEL OR UNUSUAL PUNISHMENT CLAUSE (ART. I  
24 §17) OF THE CALIFORNIA CONSTITUTION IN RE  
25 DANNENBERG (2005) 34 CAL4TH 1061, 1096. WHETHER A  
26 SENTENCE IS GROSSLY DISPROPORTIONATE TO AN  
27 OFFENSE IS MEASURED BY CIRCUMSTANCES EXISTING  
28 AT THE TIME OF THE OFFENCE IN RE RODRIGUEZ (1975)

1 THE JURY FOUND MR. HENDERSON GUILTY OF  
2 MURDER, HOWEVER MR. WALKER THE VICTIM LIVED FROM  
3 THE GUNSHOT WOUND. THE PROSECUTIONS WITNESS  
4 KEVIN LEWIS WENT INSIDE THE EXXON STATION  
5 AND DROPEO A CASH REGISTER ON THE VICTIMS LEG  
6 WHICH CAUSED DEEP VEIN THROMBOSIS (BLOOD  
7 CLOT) WHICH WAS THE CAUSE OF DEATH MR HENDERSON  
8 WAS CONVICTED UNDER THE NOW LEGALLY INVALID  
9 NATURAL AND PROBABLE CONSEQUENCE/ FELONY  
10 MURDER THEORY AND WAS NOT THE ACTUAL KILLER.

11  
12 I, CURTIS LEE HENDERSON SR, DECLARE THAT  
13 ON AUGUST 16, 1990 I WAS ON MY WAY TO A RELATIVES  
14 HOME. KEVIN LEWIS AND RONNIE PAYNE WERE  
15 GOING THE SAME DIRECTION AND WE WERE ON FOOT  
16 FROM THE CLINTON TERRENCE APARTMENTS TO THE  
17 EXXON SERVICE STATION AND WE WALKED UP TO  
18 THE SERVICE WINDOW WHERE RONNIE PAINE PAID THE  
19 VICTIM FOR CIGARETTES AS SOON AS MR. WALKER  
20 CLOSED THE SLIDING GLASS DOOR KEVIN LEWIS  
21 FIRED A GUN AND THE WINDOW SHATTERED INTO A  
22 SPIDER WEB PAYNE JUMPED BACK THROWING HIS  
23 HANDS IN THE AIR FACING LEWIS AND SAID WHOO  
24 MAN. LEWIS THEN TOOK THE GUN AND KNOCKED  
25 OUT THE WINDOW COMPLETELY POINTED IT AT PAYNE  
26 AND TOLD HIM TO GET THE CASH REGISTER. PAYNE  
27 WENT IN TO GET IT BUT WHEN LEWIS NOTICE  
28 PAYNE HAD THE WRONG PART.

1 AND SWEEP HIS GUN ACROSS THE FRAME OF  
2 THE WINDOW TO KNOCK OFF THE REMAINING GLASS  
3 CUTTING HIS HAND. HE WENT INSIDE THE EXXON  
4 STATION AND KNOCKED THE REGISTER OFF THE  
5 COUNTER ONTO MR. WALKER'S LEG HE GRABBED  
6 THE CASH TILL AND RAN OUT OF THE EXXON  
7 STATION.

8 I CURTIS LEE HENDERSON SR. DID NOT  
9 ENTER THE EXXON STATION AT ANY TIME. NOR DID  
10 I TAKE ANYTHING FROM MR WALKER'S PERSON. I  
11 DID TAKE MONEY FROM KEVIN LEWIS ONCE WE  
12 WERE BACK AT THE APARTMENTS.

13 I DID NOT COOPERATE WITH THE POLICE  
14 BECAUSE, I WAS YOUNG AND STUPID SCARED WITH  
15 A LOW SELF ESTEEM I MADE POOR CHOICES AND BAD  
16 DECISIONS AND UNHEALTHY POOR ASSOCIATIONS. I  
17 AM NOW 53 YEARS OLD AND MATURE ENOUGH TO  
18 KNOW THAT AS A CHILD I HAD AN UNHEALTHY DESIRE  
19 FOR ATTENTION AND ACCEPTENCE AN EXTERNAL  
20 FACTOR WHICH FEED MY NEGATIVE THINKING AND HOW  
21 I SAW MYSELF. I BELIEVED I WAS NO GOOD  
22 INCAPABLE AND WORTHLESS. THESE BELIEFS  
23 PREVENTED ME FROM SEEING EVENTS AS THEY REALLY  
24 WERE AND AS A YOUNG CHILD I COULDN'T SEPARATE  
25 FACT FROM DAMAGING FICTION.

26 OVER THE PAST 31 YEARS I HAVE  
27 UNDERGONE A DEEPER SELF-EXAMINATION AS A  
28 CHILD WHEN I WAS GROWING UP I WASN'T ABUSED

1 VERBALLY PHYSICALLY NOR SEXUALLY, IVE COME TO  
2 UNDERSTAND THAT I WAS NEGLECTED AS I GROW  
3 UP, I HAD EVERYDAY NECESSITIES A ROOF OVER MY HEAD  
4 BUT I WASNT GETTING THE LOVE AND SUPPORT I NEEDED  
5 TO DEVELOP A HEALTHY LEVEL OF SELF-ESTEEM WHICH  
6 LED ME TO BELIEVE THAT MY NEEDS WERE NOT MET  
7 BECAUSE THERE WAS SOMETHING WRONG WITH ME.  
8 BECAUSE OF THIS I MADE POOR CHOICES TO ASSOCIATE  
9 WITH THE WRONG PEOPLE FOR ATTENTION AND ACCEPTANCE  
10 THOSE PEOPLE MADE ME BELIEVE I WAS GOOD AND MADE  
11 ME FEEL GOOD ABOUT HOW THEY FELT ABOUT ME, I WAS  
12 SEEN CAPABLE AND WORTHY TO BE AROUND.

13 I HAVE COME TO THE REALIZATION THAT  
14 IT IS MY THOUGHTS AND BELIEFS THAT LARGELY  
15 DETERMINE HOW I FEEL AND ACT. IF I THINK HOW I  
16 USE TO THINK I DO NO GOOD TO MY DEVELOPMENT  
17 "WHEN I WAS A CHILD I THOUGHT AS A CHILD BUT WHEN  
18 I BECAME A MAN I PUT AWAY CHILDISH THINGS" A  
19 GREAT BIBLE VERSE DESCRIBING THE STATE OF BEING  
20 THROUGH REHABILITATION I FEEL CALM AND GOOD ABOUT  
21 MYSELF-ESTEEM WHICH I NOW KNOW IS A JUDGMENT  
22 ABOUT MY PERSONAL VALUE THE DEGREE TO WHICH I  
23 BELIEVE MYSELF TO BE WORTHWHILE. HAVING GROUP  
24 MEETINGS AND SELF HELP CAUSED ME TO REEVALUATE  
25 MYSELF AND I FOUND THAT I HAVE REDEEMING  
26 QUALITIES. HAVING HIGH SELF-ESTEEM LEADS ME TO  
27 SELF-AFFIRMING AND CONSTRUCTIVE BEHAVIOR. I KNOW  
28 THAT WHEN THIS CRIME HAPPEND I HAD A LOW SELF-



1 ESTEEM I WAS NOT THINKING CLEARLY AND WAS IMMATURE  
2 ACTING IN SELF DEFEATING WAYS I LACKED CONFIDENCE

3 I NOW TRULY CONTROL MY SELF-ESTEEM  
4 NOBODY ELSE DECIDES HOW I FEEL OR THINK ABOUT  
5 MYSELF NOW THAT I UNDERSTAND SELF-ESTEEM AND  
6 HOW IT AFFECTED ME. I HAVE FOUND WAYS TO IMPROVE  
7 MY LIFE AND I USE THOSE STEPS ON A REGULAR BASIS  
8 AND I IMPROVE ON MYSELF CONCEPT WHICH INCLUDE  
9 THE MANY RESPONSIBILITIES I HAVE AS A FATHER,  
10 BROTHER, GRANDFATHER HUSBAN FRIEND AND CITIZEN  
11 I LIKE WHAT I SEE IN MYSELF NOW BECAUSE I  
12 DEVELOPED INTEREST AND SKILLS THAT HAVE VALUE  
13 AND OTHERS VALUE ME FOR THE VALUES I NOW BRING

14 I AM CONTINUING TO MAKE LIVING AMENDS  
15 BY CHANGING MY BELIEFS AND THOUGHTS IVE  
16 LEARNED THROUGH PARTICIPATION IN SELF HELP  
17 GROUPS PROVIDED BY THE CALIFORNIA DEPARTMENT  
18 OF CORRECTIONS AND REHABILITATIONS (CDCR) THAT  
19 WHEN A PERSONS ACTIONS WORK TOWARD THE  
20 BETTERMENT OF ALL HUMAN-KIND I AM GIVING BACK  
21 TO ENHANCE THE LIVES OF OTHERS AND I AM A  
22 BETTER MAN.

23 IN IN RE MICHAEL WILLIAMS NO. B303744  
24 SECOND APPELLATE DISTRICT DIVISION FIVE LOS ANGELES  
25 COUNTY SUPERIOR COURT CT NO. MAD03279 WILLIAMS  
26 WAS 21 YEARS OLD WHEN HE SHOT AND KILLED TWO MEN  
27 DURING A ROBBERY. A JURY CONVICTED HIM OF TWO  
28 COUNTS OF FIRST DEGREE MURDER (PEN CODE 187 SUB)

1 (d) AND FOUND TRUE THE ALLEGATION THAT HE PERSONALLY  
2 USED A FIREARM IN THE COMMISSION OF THE ROBBERY  
3 (§12022.5 SUBD (a)) IT ALSO FOUND TRUE THE SPECIAL  
4 CIRCUMSTANCE ALLEGATION THAT HE COMMITTED  
5 MULTIPLE MURDERS (§190.2 SUBD (a) (3) AND MURDER  
6 DURING THE COMMISSION OF ROBBERY (§190.2 SUBD  
7 (a) (17) A COURT SENTENCED HIM TO TWO CONSECUTIVE  
8 TERMS OF LWOP

9 MR HENDERSON HAS BEEN INCARCERATED  
10 FOR 32 YEARS FOR A CRIME IN WHICH HE WAS NOT  
11 THE ACTUAL KILLER. THE SERIOUSNESS OF THE FACTORS  
12 IN WILLIAMS ARE NOT PRESENT HERE.

13 IN PEOPLE V. BURHOP SUPERIOR COURT NOFRE  
14 03818-4 SAN BERNARDINO COUNTY COURT OF APPEAL  
15 FOURTH APPELLATE DISTRICT DIVISION TWO, IN 2001 A  
16 JURY CONVICTED MR. BURHOP OF ONE COUNT OF FIRST  
17 DEGREE MURDER (§187, SUBD (a)) AND ONE COUNT OF  
18 PREMEDITATED ATTEMPTED MURDER (§§ 664 SUBD (a)  
19 187 SUBD (a)) AND FOUND THAT A PRINCIPAL WAS  
20 ARMED WITH A FIREARM IN EACH COUNT (§12022 SUBD (a)  
21 (1)) BURHOP ADMITTED ONE PRISON PRIOR (FORMER  
22 §667.5 SUBD (b)) IN EXCHANGE FOR STRIKING THE  
23 PUNISHMENT ON ONE OF THE TWO ARMED ENHANCEMENTS  
24 BURHOP WAS SENTENCED TO 27 YEARS TO LIFE IN  
25 PRISON. MR HENDERSON BELIEVED NO SUCH  
26 LIENEITY AS BURHOP. IN 2015 BURHOP FILED  
27 A PETITION FOR WRIT OF HABEAS CORPUS, WHICH  
28 THE PARTIES SETTLED BY STIPULATING TO REDUCE

1 BURNHOP'S FIRST DEGREE MURDER CONVICTION TO  
2 SECOND DEGREE MURDER OSTENSIBLY PURSUANT TO  
3 PEOPLE V. CHIU (2014) 59 CAL 4TH 155, 165, 167

4 AIDER AND ABETTOR CANNOT BE CONVICTED OF  
5 FIRST DEGREE PREMEDITATED MURDER BASED ON  
6 THE NATURAL AND PROBABLE CONSEQUENCE DOCTRINE  
7 WHICH IS NO LONGER A VIABLE THEORY FOR FIRST OR  
8 SECOND DEGREE MURDER FOLLOWING THE JANUARY  
9 1, 2019 ENACTMENT OF SENATE BILL 1437.

10 YET MR. HENDERSON IS SERVING INOP  
11 ON THAT VERY THEORY.

12 IN PEOPLE V. MANCILLA 67 CAL APP 5TH  
13 854 JOSEPH MANCILLA CARLOS ROJAS AND SEVERAL  
14 OTHER WERE CHARGED WITH MURDER ON CHRISTMAS  
15 DAY 2010 OF CESAR GUERRERO (§ 187 SUBD (a)) FOUR  
16 COUNTS OF ATTEMPTED WILLFUL DELIBERATE AND  
17 PREMEDITATED MURDER (§ 664 SUBD (a) § 187 SUBD (a))  
18 CONSPIRACY TO COMMIT MURDER (§ 182 SUBD (a)(1))  
19 AND ACTIVE PARTICIPATION IN A CRIMINAL STREET  
20 GANG (§ 182.5) AND A SPECIAL ALLEGATION AS TO  
21 ALL SEVEN COUNTS THAT A PRINCIPLE HAD PERSONALLY  
22 USED INTENTIONALLY DISCHARGED A FIREARM  
23 THAT PROXIMATELY CAUSED DEATH OR GREAT BODILY  
24 INJURY THE JURY CONVICTED MANCILLA AND ROJAS  
25 ON ALL SEVEN COUNTS FINDING MANCILLA GUILTY OF  
26 FIRST DEGREE MURDER AND ROJAS GUILTY OF SECOND  
27 DEGREE MURDER IT FOUND TRUE ALL SPECIAL FIREARM  
28 USE AND GANG ENHANCEMENT ALLEGATIONS AS TO

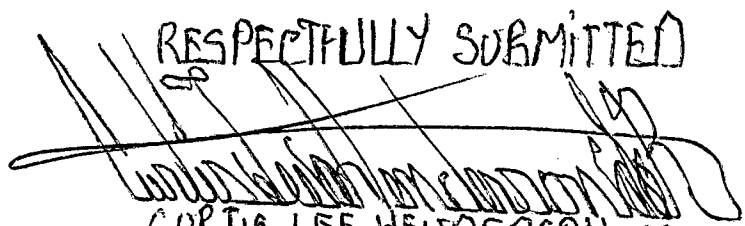
BOTH DEFENDANTS. THE COURT SENTENCED MANCILLA TO 90 YEARS-TO-LIFE AND ROJAS TO 80-YEARS TO LIFE THESE SENTENCES ARE THE FUNCTIONAL EQUIVALENT OF LIFE WITHOUT PAROLE. HOWEVER BECAUSE BOTH WERE UNDER 25 YEARS OF AGE YOUTH OFFENDERS THEY WILL PAROLE AFTER 25 YEARS UNDER P.C. § 3051 AND WILL BE 43 & 44.

MR. HENDERSON IS NOW 53 YEARS OF AGE AND AFTER SERVING 32 YEARS MODIFYING HIS SENTENCE FROM 25-TO-LIFE + 7-YEARS TO LWOP WITHOUT AFFORDING A HEARING IS CRUEL AND UNUSUAL PUNISHMENT.

### CONCLUSION

MR. HENDERSON PRAYS THIS COURT GRANT CERTIORARI IN THIS CASE OF FIRST IMPRESSION THE LEGAL RIGHT AT STAKE. THE IMPORTANCE OF THE PUBLIC TO HAVE ITS CORRECTIONAL INSTITUTIONS CASE RECORDS SUPERVISORS TO ACCURATELY CALCULATE PRISON TERMS

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

RESPECTFULLY SUBMITTED  
  
CORTIS LEE HENDERSON SR