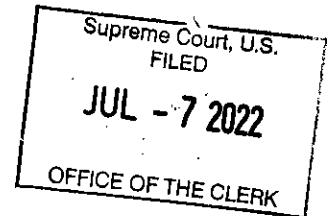


22-6149 ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



EDGAR, ARELLANO (Pro-Se) PETITIONER
(Your Name)

vs.

THE PEOPLE OF THE STATE OF CALIFORNIA RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

EDGAR, ARELLANO Bc-1264
(Your Name)

P.O. Box 608
(Address)

TEHACHAPI, CA. 93581
(City, State, Zip Code)

626-358-8089
(Phone Number)

QUESTION(S) PRESENTED

THIS COURT SHOULD GRANT A REVIEW TO SETTLE THE QUESTION WHETHER A RE-SENTENCING HEARING UNDER THE NEW LAW SENATE BILL - 1393, ENTITLES A DEFENDANT THE RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL UNDER THE SIXTH AND FOURTEENTH AMENDMENT OF THE UNITED STATES CONSTITUTION. ALSO DOES THE SIXTH AND FOURTEENTH AMENDMENT ENTITLE THE DEFENDANT TO HAVE AN ATTORNEY THAT WOULD ADEQUATLY REPRESENT HIM, BY KEEPING A OPEN DIALOGUE AS TO THE DEFENDANT'S COURT PROCEEDING'S EITHER BY PHONE OR MAIL, AND THAT WAS OPEN TO LEGAL INPUT BY THE DEFENDANT TO OFFER MITIGATING EVIDENCE IN FAVOR OF LENIENCY.

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:

THE PEOPLE OF THE STATE OF CALIFORNIA ✓ EDGAR, ARELLANO
No. S273539, THE SUPREME COURT OF CALIFORNIA
DENIED DISCRETIONARY REVIEW ON APRIL 13, 2022

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TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

STRICKLAND V. WHASHINGTON 466 U.S. 668 (1984)

5.

WILLIAMS V. TAYLOR 529 U.S. 362 (2000)

5.

STATUTES AND RULES

SENATE BILL - 1393

4, 6

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 _____ 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 is unpublished.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 1C1 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 OF APPEAL OF THE STATE OF CALIFORNIA court appears at Appendix 1A7 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 APRIL 13, 2022.
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

THE SIXTH AMENDMENT TO THE UNITED STATES CONSTITUTION READ'S AS FALLOWS

A PERSON ACCUSED OF A CRIME HAS THE RIGHT TO A SPEEDY TRIAL BY A JURY, AND TO A LAWYER WHO WILL PRESENT HIS CASE AND CALL WITNESSES TO HIS DEFENCE.

IT IS THE SIXTH AMENDMENT THAT GARANTEES A DEFENDANT
(A RIGHT TO AFFECTIVE ASSISTANCE OF COUNSEL)

STATEMENT OF THE CASE

THE SIXTH AND FOURTEENTH AMENDMENTS TO THE CONSTITUTION GARANTEE'S A DEFENDANT A RIGHT TO AFFECTIVE ASSISTANCE OF COUNSEL. THIS CONSTITUTIONAL RIGHT EXIST AT ALL CRITICAL STAGES OF A DEFENDANT'S PROSECUTION INCLUDING RE-SENTENCING. AS THE STATEMENT IN THE COURT OF APPEAL OPINION REFLECT, (SEE PAGE #5 OF THE CALIFORNIA APPELLATE COURT DECISION CASE NO. B314434) THE DEFENDANT WAS NOT ABLE TO CONTACT HIS APPOINTED ATTORNEY NOR DID THE APPOINTED ATTORNEY CONTACT THE DEFENDANT, FROM THE DATE THAT THE APPELLATE COURT REMANDED THE CASE FOR RE-SENTENCING ON SEPTEMBER 14, 2020 (COURT OF APPEAL NO. B300847) TILL THE DATE OF THE DEFENDANT'S SENATE BILL - 1393 RE-SENTENCING HEARING ON JUNE 2, 2021. TO ASSIST THE DEFENDANT WITH A PLAN OF ACTION THAT WOULD PRESENT THE DEFENDANT'S SENATE BILL - 1393 HEARING IN THE MOST FAVORABLE LIGHT. FURTHERMORE ON THE DATE OF THE RE-SENTENCING HEARING THE APPOINTED ATTORNEY WAS RESISTANT TO THE DEFENDANT'S LEGAL INPUT AS TO THE OCCURENCE OF ONE OF HIS PRIOR SERIOUS FELONY CONVICTIONS, AND DID NOT PRESENT THE COURT WITH CERTIFICATES OF REHABILITATION AND POSITIVE PROGRAMMING THAT THE DEFENDANT HAD AQUIRED DURING HIS INCARCERATION. BOTH OF THESE FACTORS SHOULD OF BEEN USED AS MITIGATING EVIDANCE AT THE RE-SENTENCING HEARING WEIGHING IN FAVOR OF LENIENCY. BECAUSE OF THE DEFICIENT PERFORMANCE BY THE DEFENDANT'S ATTORNEY (AS STATED ABOVE) THIS PREJUDICE THE OUTCOME OF THE DEFENDANT'S RE-SENTENCING HEARING, VIOLATING

STATEMENT OF THE CASE

THE DEFENDANT'S RIGHT TO AFFECTIVE ASSISTANCE OF
COUNSEL. (STRICKLAND V. WHASHINGON 466 U.S. 668 1984) AND (WILLIAM
V. TAYLOR 529 U.S. 362 2000)

FOR THE FOREGOING REASONS, THE APPELLANT
REQUEST A REVIEW IN THE MATTER.

REASONS FOR GRANTING THE PETITION

A DEFENDANT HAS A CONSTITUTIONAL RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL, THIS CONSTITUTIONAL RIGHT EXIST AT ALL CRITICAL STAGES OF A DEFENDANTS PROSECUTION, INCLUDING RE-SENTENCING.

A DEFENCE ATTORNEY HAS THE DUTY TO BE LOYAL TO HIS OR HER CLIENT AND TO MAINTAIN THE CLIENTS CONFIDENCE BY KEEPING A OPEN DIALOGUE AS TO THE DEFENDANTS COURT PROCEEDINGS EITHER BY PHONE OR MAIL CORRESPONDENTS. IN ADDITION A DEFENCE ATTORNEY IS SUPPOSE TO ADVOCATE AND ARGUE IMPORTANT RECENT DEVELOPMENTS IN LAW STANDING (AT THE FEDERAL OR STATE LEVEL) ESPECIALLY NOW THAT IN RECENT YEARS THERE HAVE BEEN MANY STATUTES SIMILAR TO SENATE BILL - 1393 THAT HAVE AMELIORATED PUNISHMENT IN MANY STATES THROUGHOUT THE NATION. FOR THIS REASON A DEFENCE ATTORNEY NEED'S TO BE PARTICULARLY EFFECTIVE IN OFFERING MITIGATING EVIDENCE WEIGHING IN FAVOR OF LENIENCY, TO ACCOMPLISH THE LEGISLATIVE INTENT OF CURRENT LAW'S - TO AMELIORATE PUNISHMENT.

FOR THE FORGOING REASONS, THE APPELLANT REQUEST THE COURT TO GRANT CERTIORARI.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Ed Orellana

Date: July 5, 2022