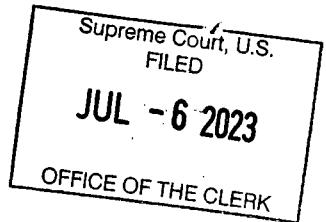


No. _____

23-5093

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



German Alexis Arjona — PETITIONER
(Your Name)

vs.

STATE OF California — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

SIXTH APPELLATE DISTRICT OF California
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

GERMAN ALEXIS ARJONA BK2404
(Your Name)

Mt. CREEK STATE PRISON
(Address) P.O. Box 409090

TOLE, CA. 95640
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

IN CAREY V. MUS/ADIN, 549 U.S. 70 (2006) THIS COURT HELD THAT IT HAS YET TO ESTABLISH CLEARLY FEDERAL LAW WHETHER A DEFENDANT IS DENIED A FAIR TRIAL BECAUSE SPECTATORS AT TRIAL ARE WEARING BUTTONS DISPLAYING THE VICTIM'S IMAGE. AS SUCH, IN REVERSING THE NINTH CIRCUIT IN MUS/ADIN V. LAMARQUE, 427 F.3d 653, (9TH CIR 2005), THIS COURT HELD FEDERAL HABEAS CORPUS RELIEF IS NOT CURRENTLY AVAILABLE ON THIS TYPE OF CLAIM. (ID. AT 76, 76-77; SEE ID. AT 81 (KENNEDY, J., CONCURRING IN THE JUDGMENT).)

THUS, THE QUESTION LEFT UNANSWERED
IN CAREY V. MUSLADIN, SUPRA, IS BEING PRESENTED
BY PETITIONER TO BE ANSWERED:

I. WHETHER SEVERAL TRIM SPECTATORS WEARING SHIRTS WITH PHOTOGRAPHS OF THE DECEASED VICTIM "JUST SITTING UP WITH A CHICAGO BULLS HAT..." [CHICAGO BULLS HATS AND UNIFORMS ARE RED. RED IS THE COLOR OF THE VICTIM'S GANG, THE NORTEÑOS], AND SOME BEARING SYMPATHETIC SLOGANS, WAS SO INHERENTLY PREJUDICIAL THAT IT DEPRIVED DEFENDER OF A FAIR TRIAL.

Question(s) Presented

Cont.

II. WHETHER APPLYING THE FACTORS FROM
ESTELLE V. WILLIAMS, 425 US 501 (1976), AND
HOLBROOK V. FLYNN, 475 US 560 (1986), TO
DEFENDANT'S CLAIM DEMONSTRATES SEVERAL TRIAL
SPECTATORS WEARING SHIRTS WITH PHOTOGRAPHS
OF THE DECEASED VICTIM "JUST SITTING UP WITH
A CHICAGO BULLS HAT . . ." [CHICAGO BULLS HATS AND
UNIFORMS ARE RED. RED IS THE COLOR OF THE
VICTIM'S GANG, THE NORTEÑOS], AND SOME
BEARING SYMPLICITY SLOGANS, WAS SO INHERENTLY
PREJUDICIAL THAT IT DEPRIVED DEFENDANT OF
A FAIR TRIAL?

III. WHETHER THE CUMULATIVE EFFECT OF THE
ERRORS VIOLATED REEDER'S 5TH, 6TH, AND 14TH
AMENDMENT DUE PROCESS RIGHTS UNDER CHAMBERS
V. MISSISSIPPI, 410 U.S. 284 (1973) ?

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

1. CAREY V. MUS/ADIN, 549 US 70 (2006)

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INDEX TO APPENDICES

APPENDIX A DECISION OF THE CALIFORNIA SUPREME COURT, (CASE NO S278861, FILED APRIL 12, 2023.

APPENDIX B DECISION OF THE SIXTH APPELLATE DISTRICT OF CALIFORNIA, (CASE NO. H047331, FILED FEBRUARY 1, 2023.

APPENDIX C PETITION FOR REVIEW FILED WITH THE CALIFORNIA SUPREME COURT.

APPENDIX D

APPENDIX E

APPENDIX F

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AS APPENDIX C MY REFERENCE AS DUTY
SET FORTH HEREIN. (See Dye v. HOFBAUER,
546 U.S 1, 4 (2005).)

STATUTES AND RULES

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 A to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished. 2023 U.S. Lexis 1944 (S278861, Apr. 12, 2023).

The opinion of the SIXTH APPELLATE DISTRICT court appears at Appendix B to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished. 2023 U.S. Unpub. Lexis 675 (Cir. App. 6 Cir.,
Feb. 1, 2023, No 47331).

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 12, 2023. A copy of that decision appears at Appendix A.

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

"CENTRAL TO THE RIGHT TO A FAIR TRIAL, GUARANTEED BY THE SIXTH AND FOURTEENTH AMENDMENTS, IS THE PRINCIPLE THAT 'ONE ACCUSED OF A CRIME IS ENTITLED TO HAVE HIS GUILT OR INNOCENCE DETERMINED SOLELY ON THE BASIS OF THE EVIDENCE INTRODUCED AT TRIAL, AND NOT ON GROUNDS OF OFFICIAL SUSPICION, INDICTMENT, CONTINUED CUSTODY, OR OTHER CIRCUMSTANCES NOT ADDUCED AS PROOF AT TRIAL.' (HOLBROOK V. FLYNN, 475 U.S. 560, 567 (1986).)

"THE CENTRAL PURPOSE OF A CRIMINAL TRIAL IS TO DECIDE THE FACTUM QUESTION OF THE DEFENDANT'S GUILT OR INNOCENCE, [CITATION], AND PROMOTES PUBLIC RESPECT FOR THE CRIMINAL PROCESS BY FOCUSING ON THE UNDERLYING FAIRNESS OF THE TRIAL RATHER THAN ON THE VIRTUALLY INEVITABLE PRESENCE OF IMMATERIAL ERROR." (DELAWARE V. VAN ARSDAHL, 475 U.S. 673, 681 (1986).)

STATEMENT OF THE CASE

PETITIONER INCORPORATES THE DECISION OF
THE SIXTH APPELLATE DISTRICT OF CALIFORNIA ATTACHED
HERETO AS APPENDIX B BY REFERENCE AS DULY
SET FORTH HEREIN FOR SHOWING THE STATEMENT
OF THE CASE. (SEE APPENDIX B AT PP. 2-7.)

1 REASONS FOR GRANTING THE PETITION.

2

3 1. TO ANSWER THE QUESTION LEFT

4 UNANSWERED IN CAREY V. MUSLADIN, 549 US 70

5 (2006), WHETHER SEVERAL TRIAL SPECTATORS

6 WEARING SHIRTS WITH PHOTOGRAPHS OF THE

7 DECEASED VICTIM "JUST SITTING UP WITH A CHICAGO

8 BULLS HAT . . ." [CHICAGO BULLS HATS AND UNIFORMS ARE

9 RED. RED IS THE COLOR OF THE VICTIM'S GANG, THE

10 NORTEÑOS], AND SOME BEARING SYMPATHETIC SLOGANS,

11 WAS SO INHERENTLY PREJUDICIAL THAT IT

12 DEPRIVED DEFENDANT OF A FAIR TRIAL.

13

14 2. IN ADDITION, FOR THIS COURT TO APPLY

15 THE FACTORS FROM ESTELLE V. WILLIAMS, 425 US 501

16 (1976), AND HOLBROOK V. FLYNN, 475 US 560

17 (1986), TO DEFENDANT'S CLAIM, TO FIND THAT

18 SEVERAL TRIAL SPECTATORS WEARING SHIRTS

19 WITH PHOTOGRAPHS OF THE DECEASED VICTIM

20 "JUST SITTING UP WITH A CHICAGO BULLS HAT . . ."

21 [CHICAGO BULLS HATS AND UNIFORMS ARE RED. RED

22 IS THE COLOR OF THE VICTIM'S GANG, THE NORTEÑOS],

23 AND SOME BEARING SYMPATHETIC SLOGANS, WAS SO

24 INHERENTLY PREJUDICIAL THAT IT DEPRIVED

25 DEFENDANT OF A FAIR TRIAL.

26

27 3. FURTHERMORE, BECAUSE THE CUMULATIVE

28 EFFECT OF CONSTITUTIONAL AND TRIAL ERRORS

1 VIOLATED RETENTION" 5TH, 6TH, AND 14TH AMENDMENT
2 DUE PROCESS RIGHTS UNDER CHAMBERS V.
3 MISSISSIPPI, 410 US 284 (1973)

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Page Number

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Doe".

Date: July 4th, 2023