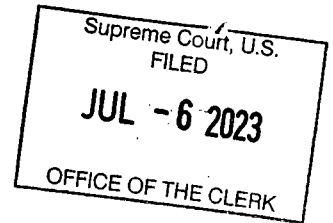


No. 23-5093

**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)

MULE CREEK STATE PRISON  
(Address) P.O. BOX 409090

IONE, 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 HAMPERS 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. MUS/ADIN, SUPRA, IS BEING PRESENTED BY PETITIONER TO BE ANSWERED:

I. WHETHER 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 NORFENOS], AND SOME BEARING SYMPATHIC SLOGANS, WAS SO INHERENTLY PREJUDICIAL THAT IT DEPRIVED PETITIONER OF A FAIR TRIAL.

QUESTION(S) PRESENTED

CENT.

II. WHETHER APPLYING THE FACTORS FROM *ESTELLE V. WILLIAMS*, 425 US 501 (1976), AND *HOLBROOK V. FLYNN*, 475 US 560 (1986), TO PETITIONER'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 MORTENOS], AND SOME BEARING SYMPATHIC SLOGANS, WAS SO INHERENTLY PREJUDICIAL THAT IT DEPRIVED PETITIONER OF A FAIR TRIAL?

III. WHETHER THE CUMULATIVE EFFECT OF THE ERRORS VIOLATED PETITIONER'S 5<sup>TH</sup>, 6<sup>TH</sup>, AND 14<sup>TH</sup> AMENDMENT DUE PROCESS RIGHTS UNDER *CHAMBERS V. MISSISSIPPI*, 410 US 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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## TABLE OF AUTHORITIES CITED

### CASES

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PETITIONER INCORPORATES THE CASES CITED  
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AS APPENDIX C BY REFERENCE AS DUTY  
SET FORTH HEREIN. (SEE DYE V. HOFBAUER,  
546 US 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 Cal. 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 Cal. App. Unpub. Lexis 675 (Cal. App. 6 Dist., Feb. 1, 2023, H047331).

## 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 FACTUAL 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 ARSDALL, 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 FULLY SET FORTH HEREIN FOR SHOWING THE STATEMENT OF THE CASE. (SEE APPENDIX B AT PP. 2-7.)

## REASONS FOR GRANTING THE PETITION.

1. TO ANSWER THE QUESTION LEFT UNANSWERED IN CAREY V. MUSLADIN, 539 US 70 (2006), WHETHER 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 NORTENOS], AND SOME BEARING SYMPATHIC SLOGANS, WAS SO INHERENTLY PREJUDICIAL THAT IT DEPRIVED PETITIONER OF A FAIR TRIAL.

2. IN ADDITION, FOR THIS COURT TO APPLY THE FACTORS FROM ESTELLE V. WILLIAMS, 425 US 501 (1976), AND HOLBROOK V. FLYNN, 475 US 560 (1986), TO PETITIONER'S CLAIM, TO FIND THAT 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 NORTENOS], AND SOME BEARING SYMPATHIC SLOGANS, WAS SO INHERENTLY PREJUDICIAL THAT IT DEPRIVED PETITIONER OF A FAIR TRIAL.

3. FURTHERMORE, BECAUSE THE CUMULATIVE EFFECT OF CONSTITUTIONAL AND TRIAL ERRORS

1 VIOLATED PETITIONER'S 5<sup>TH</sup>, 6<sup>TH</sup>, AND 14<sup>TH</sup> AMENDMENT  
2 DUE PROCESS RIGHTS UNDER CHAMBERS V.  
3 MISSISSIPPI, 410 U.S. 284 (1973)  
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### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

\_\_\_\_\_

Date: July 4<sup>th</sup>, 2023