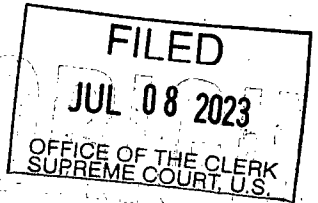


No. 28-5271



IN THE
SUPREME COURT OF THE UNITED STATES

Eric Villarreal — PETITIONER
(Your Name)

vs.

Colusa County Courts — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Court of Appeal, Third Appellate District
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Eric Villarreal
(Your Name)

PVSP P.O. Box 8500
(Address)

Coalinga, CA. 93210
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

Did the trial courts abuse its discretion by denying Defendant and Appellant's repeated request for new counsel?

Did Appellant's counsel ever consider the presence of a psychological disorder and/or learn disability on account of the appellant?

If so, was court appointed counsel qualified to work with someone found to have a psychological disorder and/or learning disability?

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:

W. J. Salasano
Supreme Court of the United States
2015

RELATED CASES

People v. Cotton (1990) 230 Cal. App. 3d 1072
People v. Fierro (1991) 1 Cal. 4th 173
People v. Webster (1991) 54 Cal. 3d 411
In re Alvernaz (1992) 2 Cal. 4th 924
People v. Berryman (1993) 6 Cal. 4th 1048
People v. Smith (1993) 6 Cal. 4th 684
People v. Scott (1994) 9 Cal. 4th 331
People v. Memro (1995) 11 Cal. 4th 786
People v. Barnett (1998) 17 Cal. 4th 1044
People v. Hart (1999) 20 Cal. 4th 546
People v. Lee (2002) 95 Cal. App. 4th 772
People v. Abitez (2007) 41 Cal. 4th 472

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APPENDIX A

Court of Appeal, Third Appellate District - No. CO94976

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☐ is unpublished.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 Apr 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

- Sixth Amendment. (People v. Abilez (2007) 41 Cal. 4th 472, 490
People v. Hart (1990) 20 Cal. 4th 546, 603.)
- Fifth and Fourteenth Amendments and California Constitution,
Article I, §§ 7, 15.

STATEMENT OF THE CASE

On December 30, 2020, the District Attorney of Colusa County filed a complaint in which it was alleged in Count One that appellant violated Penal Code Section 245, subdivision (a)(4), assault with force likely to cause great bodily injury on the person of William Alex Uribe. In Count two, appellate was alleged to have violated Penal Code section 422, criminal threats to William Alex Uribe.

On January 11, 2021, appellate's Marden² Motion was heard and denied. On January 21, 2021, appellate's second Marden motion was heard and denied.

Following a preliminary hearing on March 8, 2021, appellate~~tt~~ was held to answer on both counts of the complaint.

On June 24, 2021 the People amended to add a prior strike offense, pursuant to Penal Code section 667, subdivision (d)-(e), and Penal Code section 1170.12, subdivision (b)-(c), plus the 5-year enhancement pursuant to Penal Code Section 667, subdivision a)(1).

Trial commenced on June 30, 2021. On July 1, 2021, the jurors returned a verdict of "guilty" as to Count one. Additionally, they found the great bodily injury (Pen. Code, § 12022.7, subd. (a)) to be true.

Judgement and sentence were pronounced on August 23, 2021. The court found that appellant was entitled to 57 days actual credit, plus 56 days conduct credit pursuant to Penal Code section 4019, for a total of 113 days credit, with an aggregated sentence imposition of 11 years. The imposition of the upper term of 4 years (doubled) plus 3-years enhancement pursuant to (Pen. Code, § 12022.7, subd. (a)) resulted in the aforementioned 11 years.

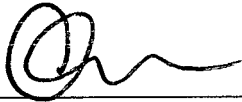
REASONS FOR GRANTING THE PETITION

Petitioners due process was violated
by the trial Courts.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, consisting of a large capital 'O' followed by a cursive 'n' and a horizontal flourish.

Date: 7/8/23