

23 - 7033

No. _____

FILED
FEB 19 2024
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

DONTE TAYLOR — PETITIONER
(Your Name)

vs.

THE PEOPLE — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO
COURT OF APPEAL SIXTH APPELLATE DISTRICT

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

PETITION FOR WRIT OF CERTIORARI

DONTE TAYLOR
(Your Name)

P.O. BOX 2199
(Address)

BLYTHE, CA 92226
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

- 1) Why was my 8th amendment denied?
- 2) Why was my sentence not considered cruel or unusual?

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

(Coker v. Georgia (1977) 433 U.S. 548, 592; see Ewing v. California (2003) 538 U.S. 11,21,23, Lockyer v. Andrade (2003) 538 U.S. 63,72, Graham v. Florida (2010) 560 U.S. 48,67.)
(Cf. People v. Caballero (2012) 55 Cal.4th 262,268.);
(Harmelin v. Michigan (1991) 501 U.S. 957,1001.); (Miller v. Alabama (2012) 567 U.S. 460,474, quoting Graham, supra, 560 U.S. at p.69.); (Furman v. Georgia (1972) 408 U.S. 238,331 [conc. opn. of Marshall, J.] [a penalty may be cruel and unusual because it is excessive and serves no valid legislative purpose]; People v. Deloza (1998) 18 Cal.4th 585,600-601 [conc. opn. of Mosk, J.] [A sentence of 111 years in prison is impossible for a human being to serve, and therefore...cruel and unusual punishment].) Appellant's sentence of 290 years to life, consecutive to three years in state prison, is precisely such a sentence. People v. Jones (1990) 51 Cal.3d 294.

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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 is unpublished.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 is unpublished.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 B to the petition and is

- reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished. (S282237)

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 Nov 21, 2023
A copy of that decision appears at Appendix B.

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

| | |
|---|-------|
| Government Code Section 6111(Stats.2020,ch.92, §11) | 47 |
| Government Code Section 29550.1 | 46 |
| Government Code section 29550.2 | 46 |
| Government Code section 29550.3 | 46 |
| Government Code section 70373 | 48 |
| Penal Code section 190, subdivison(a) | 41 |
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STATEMENT OF THE CASE

CALCRIM Number 1193 is Legally Erroneous. The Instructional Error Deprived Appellant of Due Process under the Fourteenth Amendment to the United States Constitution. The Instructional Error Was Prejudicial. APPELLANT'S SENTENCE OF 290 YEARS TO LIFE, CONSECUTIVE TO THREE YEARS IN STATE PRISON, AMOUNTS TO CRUEL AND/OR UNUSUAL PUNISHMENT UNDER THE FEDERAL CONSTITUTION BECAUSE IT SERVES NO LEGITIMATE PENAL PURPOSE.

Appellant's Sentence Constitutes Cruel and/or Unusal Punishment in Violation of the Eighth and Fourteenth Amendments to the United States Constitution and Article I, section 17 of the California Constitution, as it Serves No Legitimate Penal Purpose. Based on the issues of the erroneous admission of CSAAS evidencw and the instructional error i should receive a new trial.

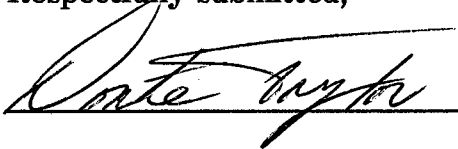
REASONS FOR GRANTING THE PETITION

Whether a sentence constitutes cruel and unusual punishment is a question of law. The United States and California constitutions forbid punishment that is grossly disproportionate to the offense and the offender's culpability. The Eighth Amendment prohibits sentences that serve no legitimate penal purpose. A punishment is excessive and unconstitutional if it makes no measurable contribution to acceptable goals of punishment and hence is nothing more than the purposeless and needless imposition of pain and suffering; or is grossly out of proportion to the severity of the crime. A punishment might fail the test on either ground. At the time of my sentence I was 38 years old and therefore effectively received a sentence of life without parole, since I have no chance of ever being released on parole. Courts have recognized that a sentence of life without parole is the second most severe penalty permitted by law. A sentence of life without parole deprives me of the most basic liberties without giving hope of restoration, except perhaps by executive clemency—the remote possibility of which does not mitigate the harshness of my own sentence. This sentence means denial of hope; it means that good behavior and character improvement are immaterial; it means that whatever the future might hold in store for my mind and spirit I will remain in prison for the rest of my life. As such, it is far more severe than a typical life sentence. In California, as in most states, the penal system's goals are to punish a convicted defendant such as myself for the harm that I have caused, deter future criminality, and protect society. However, a sentence which exceeds my life expectancy accomplishes none of these objectives. Therefore I humbly and respectfully request the courts to grant my petition.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: 2.19.2024