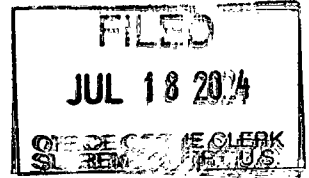


No. 24-5269 ORIGINAL



\_\_\_\_\_  
IN THE  
SUPREME COURT OF THE UNITED STATES  
\_\_\_\_\_

TYREE D. JONES — PETITIONER  
(Your Name)

vs.

People of the state of California — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Court of Appeal of the state of California  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Tyree Dubois Jones  
(Your Name)

Centinela State Prison, P.O. Box 901  
(Address)

Imperial, CA 92251  
(City, State, Zip Code)

\_\_\_\_\_  
(Phone Number)

### QUESTION(S) PRESENTED

1. Did the Honorable Hector Guzman violate petitioner's Fourteenth Amendment right to due process, under the United States Constitution, by not instructing the jury members, sua sponte, on all theories of the case?
2. Can petitioner expect uniformity of decisions in the Court of Appeal in Los Angeles County?

## 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

## TABLE OF AUTHORITIES CITED

### CASES

### PAGE NUMBER

People v Lewis (2001) 25 Cal. 4th 610, 645-646 - P.  
People v Breverman (1998) 19 Cal. 4th 142, 154 P. 9  
People v Beltran (2013) 56 Cal. 4th 935, 942 P.  
Martin v Hunter's Lessee 14 U.S. 304, 1 wheat. P. 10  
304, 347-348, 4 L. Ed. 97 (1816)

### STATUTES AND RULES

### OTHER

Fourteenth Amendment, United States  
Constitution P. 3

## TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	3
STATEMENT OF THE CASE .....	4
REASONS FOR GRANTING THE WRIT .....	6
CONCLUSION.....	11

## INDEX TO APPENDICES

APPENDIX A *Decision of State Court of Appeals*

APPENDIX B *Decision of State Supreme Court Denying Review*

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

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 B 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 May 15, 2024  
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

The United States Constitution, Fourteenth Amendment, Section 1.

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.



## STATEMENT OF THE CASE

Tyree Dubois Jones (hereafter Jones) was charged with Murder of his uncle Ivan. Additionally, attempted murder of his mother Lisa. A firearm was used. Jones was also charged with attempted murder of grandmother, Dolores, occurring on June 19, 2019. Additionally, Jones was charged with criminal threats against Lisa on August 23, 2018; and battery against Ivan on March 10, 2017.

In jury trial, Jones was found guilty of second degree murder; two counts of attempted voluntary manslaughter based on imperfect self-defense and battery. Firearm and great bodily injury found true. Jones found not guilty of criminal threats.

Jones sentenced to 40 years to life for murder and firearm enhancement. All other counts ordered to run concurrently to murder.

Jones filed an appeal, case number B318171, arguing; the proper jury instructions were not presented to the jury trial members; nor did

the trial court follow special directives of the District Attorney office.

The California attorney general filed respondents brief, opposing all arguments.

Jones filed a reply brief.

The Court of appeal issued their decision denying the appeal.

Jones filed petition for review with the California Supreme Court, which was denied.

## REASONS FOR GRANTING THE PETITION

I believe my trial judge did not correctly instruct the jury Members.

My uncle Ivan physically and mentally terrorized me my whole life. I did not feel safe around him. My Mother Lisa would abuse me as a baby and lost custody of me. My childhood was chaotic. I never was able to build trust with Lisa. As I grew older, I tried to reunite with my family members, but the abuse continued. I have the physical scars.

Calamity was everywhere. I could not understand why. Lisa and Ivan appeared to embrace the chaos. I yearned for a return to normalcy. All the chaos was causing me to feel anxious and burnt out. Both Ivan and Lisa would ratchet up the hostility and instability, trying to push me to my tipping point. Both Ivan and Lisa were so angry, I was afraid of what they might do. Ivan stated to me, "I am going to Kill you." This did in fact cause polarization between us. The communication between us stopped.

Both Ivan and Lisa had an intense need to be in control of everything. It was as if they felt marginalized.

Over the months prior to this incident, the local authorities were called out to our residences for all sorts of incidents.

Finally, I could not take it any longer and I approached Lisa in an attempt to talk with her. I did have a gun with me as I was in fact afraid of what she might do. As I tried to talk with Lisa, she began to yell and reached for a gun. I just wanted her to stop yelling and talk with me; consequently, I shot. I shot in the direction I could hear Lisa, but I could not see her.

I left Lisa's residence, walking on the only pathway, by Ivan's residence. I could hear some arguing coming from his residence and fired a shot in that direction. I never did see Ivan.

I went to my residence to put the gun there. Then Dolores confronted me with a gun in her hand. I thought she was going to shoot me, so I felt I had to defend myself and I did.

Once in custody, I was evaluated by Doctor Kafka, to present a psychological analysis of me. Dr. Kafka determined I was not faking my beliefs. That my fear of Ivan, Lisa and Dolores was in fact palpable, due to actual events.

This is a case of an unlawful homicide upon sudden quarrel, heat of passion, and is thus voluntary manslaughter.

As such, the Honorable Hector Guzman, should have sua sponte given the jury instruction for voluntary manslaughter, with the other instructions, based on heat of passion.

The due process clause of the fourteenth amendment of the United States Constitution does require the judge in jury trial to instruct jury members of voluntary manslaughter in the heat of passion. The evidence revealed a lack of malice aforethought.

Heat of passion means that at the time of the act the reason is disturbed or obscured by passion to an extent which might make ordinary men of fair, average disposition liable to act

irrationally without due deliberation or reflection, and from passion rather than judgment.

The evidence did reveal petitioner acted in the heat of passion, when committing the murder of Ivan and attempted murder of Lisa and Dolores.

The Court of Appeal decision in petitioner's appeal is in conflict with the court of appeal decision in *People v Breverman* 19 Cal.4th 142 (1998). The Court of Appeal, in Los Angeles County reversed defendant's conviction for Murder on the ground that the trial court erred in failing to give a lesser included jury instruction on a heat of passion theory of voluntary manslaughter.

This is the very same issue petitioner did raise in his appeal, in the same court of appeal in Los Angeles. That the trial judge did not give the jury instruction of voluntary manslaughter in the heat of passion.

United States Supreme Court Justice Story, writing for the Court, noted over two hundred years ago that the Constitution requires

"uniformity of decisions throughout the whole United States, upon all subjects within (its) purview." see *Martin v Hunter's Lessee* 14 U.S. 304, 1 Wheat. 304, 347-348, 4 L.Ed. 97 (1816).

Jones should be able to expect the uniformity of the decisions being issued from the Court of Appeal in Los Angeles County.

The United States Supreme Court should accept this petition for a writ of certiorari, to settle this national issue.

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Lynne Zarn

Date: July 18, 2024