

25-7128

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No. A165779

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IN THE

SUPREME COURT OF THE UNITED STATES

California

Luis LLAMAS-VENEGAS PETITIONER
(Your Name)

vs.

STATE OF CALIFORNIA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of California - First Appellate District - Division one
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

LUIS LLAMAS-VENEGAS
(Your Name)

4001 Highway 104 - P.O. Box 409040
(Address)

ione, California, 95640
(City, State, Zip Code)

N/A
(Phone Number)

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QUESTION(S) PRESENTED

- ① Questionable D.N.A. Evidence Used
- ② If sexual assault occurred why was Jane Doe's S.A.R.T. Exam Show No Injury or other evidence of sexual abuse
- ③ How could a sexual assault occur over a four year span and Jane Doe's Mother and Brother not be aware of it
- ④ Trial Court abused its discretion in denying the Defense Motion to sever counts, resulting in grossly unfair trial
- ⑤ The Trial Court Erred in imposing 17 unauthorized terms of 25 to Life under the One Strike Law, Penal Code Section 667.61 which was based solely on the Multiple Victim Circumstance
- ⑥ 19 Life Terms under Section 667.61 Subdivision (F)(4) violated the Proscription on multiple Punishments in section 654
- ⑦ Inadequate and Unaffectionate Assistance of Counsel

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 Bean vs. Calderon
(1998) 163 F.3d 1073
- ② Calderon vs. Superior Court
(2001) 87 Cal. App. 4th 933
- ③ Coker vs. Georgia
(1977) 433 U.S. 584
- ④ Ewing vs. California
(2003) 538 U.S. 11
- ⑤ Lockyer vs. Andrade
(2003) 538 U.S. 63

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TABLE OF AUTHORITIES CITED

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STATUTES AND RULES

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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 _____ 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 FIRST DISTRICT COURT OF APPEAL court appears at Appendix 2 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 10/15/2025
A copy of that decision appears at Appendix 1.

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

Cal. Const. Art. I - 15 30, 62
" " 17 58

U.S. Const. Amends. - VI . . . 30, 62
" " - VIII . . . 58, 61
" " - XIV . . . 62

Statutes

Evid. Code - 352 30, 34, 35, 36
" " 1108 30, 31, 35, 36, 37

Penal Code - 189 59
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1237 10

STATEMENT OF THE CASE

Appellant was tried on a fifth amended information charging him with three counts of sexual intercourse with a child 10 yrs. old or younger (Counts 1, 4, and 7) 288.7, one lewd act on a child under 14 (count 2) 288. Six counts of aggravated sexual assault of a child - rape (Counts 3, 6, 19, 21, 31) 269. Seventeen counts of forcible lewd acts on a child (Counts 5, 8, 11, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, and 40) 288 cb(1), Six counts of aggravated sexual assault of a child, oral copulation (Counts 9, 12, 15, 17, 27 and 29, 269(a)(4)) Two counts of oral copulation on a child 10 yrs. old or younger (Counts 10, 13) 288.7 Four counts of aggravated sexual assault of a child Sodomy (Counts 23, 25, 35, 37 269(a)(3)) One count of aggravated sexual assault of a child, sexual penetration of a child under fourteen (count 39, 269(a)(5)) One count of human trafficking of a minor of a minor by force or fear (count 41) 336.1 (C)(2) and one count of forcible sodomy (count 42) 286 (c)(2)(A)

The information alleged as to nineteen counts that the offenses were committed against more than one victim (Counts 2, 5, 8, 11, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42) 667.61 (b)(e), (c)(2)

Jury trial commenced on March 17, 2022. On April 7, 2022, the jury found appellant guilty on all counts and found the multiple victim allegations true.

On July 13, 2022 the trial court denied probation and imposed an aggregate sentence of 455 years to life.
Appellant filed a timely notice of appeal on July 15, 2022.

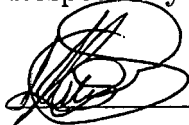
REASONS FOR GRANTING THE PETITION

- ① The trial court abused its discretion in denying the Defense motion to Sever counts, resulting in a grossly unfair trial and requiring reversal.
- ② Denial of Severance was an Abuse of Discretion.
- ③ The Joint trial resulted in Gross Unfairness.
- ④ The trial court Erred in imposing 17 unauthorized terms of 25 to Life under the One Strike Law, Penal Code Section 667.61, based solely on the Multiple victim circumstance.
- ⑤ Section 667.61 is Ambiguous
- ⑥ Section 667.61 authorizes only one Life Term per Victim based on the multiple Victim Circumstance
- ⑦ Imposition of 19 Life Terms under section 667.61 subd. (E)(4) violated the Proscription on Multiple Punishment in section 654
- ⑧ Appellants sentence of 455 years to Life is unconstitutionally cruel and unusual punishment
- ⑨ To the extent any of Defense' Counsels objections were inadequate, Appellant was denied the Effective Assistance of Counsel
- ⑩ The 455 years to Life is impossible for a human to serve and since Any sentence for the amount of charges would keep the appellant in state Prison for a long portion of appellants youth, should be given the chance at freedom during his lifetime which 455 years does not.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "A. B. C.", written over a horizontal line.

Date: January-01-2026