

25-7227

No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

~~Jorge Delfin~~

(Your Name) - PETITIONER

FILED
MAR 02 2026
OFFICE OF THE CLERK
SUPREME COURT, U.S.

vs.

COREY FLURE _____ - RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals Ninth Circuit
~~(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)~~

PETITION FOR WRIT OF CERTIORARI

~~Jorge Delfin~~ JORGE Gusman Delfin

(Your Name)

2605 State Street

(Address)

Salem, OR 97310

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

- 1.) IS possession of drugs sufficient for criminal liability for 'attempt' crime, also sufficient for a crime of delivery, a denial to a lesser-included offense under state and Federal law?
- 2.) Does the privilege against self-incrimination under Federal law protect for a crime, an aggravated crime, on a defendant's plea of guilt on lesser-evidence?
- 3.) Does a plea of guilt admission on a lesser evidence, protect, under Federal law or state law from a conviction of an aggravated crime and overly inclusive statute and enhanced sentence?

The Court of Appeals denied merits under Apprendi v New Jersey, 530 U.S. 466, 2000

and under State v Hubbell, 371 Or. 340, (2023) (overruling Boyd 92 Or. App. 51, (1988))

Boyd delivers on possession, is sufficient, under

Oregon law to convict for a crime of delivery, 30 yr. max approx. Supreme Court of Oregon denied review.

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:

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TABLE OF AUTHORITIES CITED

CASES 1.) Apprendis v New Jersey, PAGE NUMBER

530 U.S. 466 (2000) 112

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~~_____~~

~~_____~~

2.) U.S. v Booker 543 U.S. 220 (2005)

~~_____~~

STATUTES AND RULES

~~_____~~

~~_____~~

continued cases

3. State v Boyd 92 Or App. (1988) 1234

4) State v Hubbell, 371 Or 34, 2025 + 127

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 A to the petition and is

reported at NA — MA — MA —; 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 _____ 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.

1

JURISDICTION

For cases from **federal courts**:

the date on which the United State Court of Appeals decided my case was ~~2025~~ 2025

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: 1/29/2026, and a copy of the order denying rehearing appears at Appendix A.

An extension of time to file the petition or 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 _____, A copy of that decision appears at Appendix _____.

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

8th Amendment

14th Amendment

5th Amendment

3

STATEMENT OF THE CASE

Petitioner was convicted on mere possession of meth, approximately 100 grams,

Oregon law, on evidence sufficient to convict for an attempt crime, also violates a crime of 'delivery'. *State v Boyd* 92 Or. App. 51, (1988)

On Appellate, A Post-Conviction Appeal,
Briefed in Appellants Memorandum of Additional Authorities: attached Appendix - 'A'.

That Oregon Supreme Court overruled *Boyd, supra*, that "possession plus an intent to deliver, without more, is insufficient to show an attempted transfer for purposes of the completed crime of delivery of a controlled substance, although it may establish a 'substantial step' for purposes of the inchoate crime of attempt" citing *Hubbell* 317 Or. at 342-343.

This Court has not considered the 5th Amendment, of a denial of due due process, in light of overly inclusive statutes on a plea of guilty, state law that aggravates a crime on lesser evidence, the act of 'mere possession'.

REASONS FOR GRANTING THE PETITION

Under Federal law *Booker v Washington*, 2005 and *Apprendi v New Jersey*, ~~2000~~ 2000 should have been incorporated reliance interests for Oregon Courts and the defendants.

Oregon's choice not to incorporate federal reliance interests, effectively, placed impermissible burdens to all defendants and state prosecutors. See *State v Boyd*, *supra*.

Admission of facts that fail to constitute an aggravated crime charged, *Booker*, prevents the enhanced drug sentencing guidelines sentence imposed by the Court.

Under *Apprendi* and *Booker*, and error this case facially invalidity. Oregon Court may not enter a conviction of a lesser offense to correct error.

State law should, like, *Apprendi* remand for new trial. Error of law for a reviewing court to enter convictions; see *State v Hubbell*, 371 Or. 34 2023.

CONCLUSION

And self-incrimination, because of statute, plea of aggravated crime should be justiciable for review.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

x Dago M

Date: 2 / 25 / 2026