No. 26-_____

IN THE SUPREME COURT OF THE UNITED STATES

JOHN RUSSELL BELLHOUSE,

Petitioner,

v.

THE UNITED STATES OF AMERICA,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED FOR REVIEW

1. Whether the trial court may admit evidence of sexual assaults in order to prove that the defendant has the propensity to commit another sexual assault when the uncharged acts were intertwined with the charged conduct but not "inextricably intertwined" and not needed to tell the full story regarding the crimes?

2. Whether the general other acts model jury instruction was insufficient when a limiting instruction was read to the jury at the time two witnesses testified but not read to the jury at the time three other witnesses testified as to uncharged acts and only read to the jury as to one witness at the end of the case?

PARTIES TO THE PROCEEDING

The parties to the proceeding before the United States Court of Appeals for the Ninth Circuit were John Russell Bellhouse (appellant below), and the United States of America.

LIST OF RELATED CASES

United States v. John Russell Bellhouse, United States District Court for the Northern District of California, Case No. 4:22-cr-00066-YGR. Amended Judgment entered on February 5, 2024.

United States v. John Russell Bellhouse, Case No. 23-3996, United States Court of Appeals for the Ninth Circuit. Judgment entered on March 10, 2026.

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Petitioner, JOHN RUSSELL BELLHOUSE, respectfully prays that a writ of certiorari issue to review the judgment of the Court of Appeals for the Ninth Circuit affirming his convictions. *United States v. Bellhouse*, Ninth Circuit Case Number 23-3996.

OPINIONS BELOW

On March 10, 2026, the Court of Appeals for the Ninth Circuit affirmed the district court's judgment. Appendix A. On March 18, 2026, petitioner filed a petition for rehearing. The court denied rehearing on March 26, 2026. Appendix B.

JURISDICTION

The Court of Appeals had jurisdiction under 28 U.S.C. §1291. This Court has jurisdiction under 28 U.S.C. §1254(1).

PROVISIONS OF LAW INVOLVED

The Fifth Amendment to the United States Constitution, provides, in pertinent part, that no person "shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law." U.S. Con., Amend V.

The Sixth Amendment to the United States Constitution reads: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense." U.S. Con., Amend VI.

Federal Rule of Evidence, Rule 403 reads: The court may exclude relevant evidence if its probative value is substantially outweighed by a danger of one or more of the following: unfair prejudice, confusing the issues, misleading the jury, undue delay, wasting time, or needlessly presenting cumulative evidence.

Federal Rule of Evidence, Rule 404(b) reads:

(1) Prohibited Uses. Evidence of any other crime, wrong, or act is not admissible to prove a person's character in order to show that on a particular

occasion the person acted in accordance with the character.

(2) Permitted Uses. This evidence may be admissible for another purpose, such as proving motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident.

(3) Notice in a Criminal Case. In a criminal case, the prosecutor must:

(A) provide reasonable notice of any such evidence that the prosecutor intends to offer at trial, so that the defendant has a fair opportunity to meet it;

(B) articulate in the notice the permitted purpose for which the prosecutor intends to offer the evidence and the reasoning that supports the purpose; and

(C) do so in writing before trial — or in any form during trial if the court, for good cause, excuses lack of pretrial notice.

Federal Rules of Evidence 413 reads:

(a) Permitted Uses. In a criminal case in which a defendant is accused of a sexual assault, the court may admit evidence that the defendant committed any other sexual assault. The evidence may be considered on any matter to which it is relevant.

(b) Disclosure to the Defendant. If the prosecutor intends to offer this evidence, the prosecutor must disclose it to the defendant, including witnesses' statements or a summary of the expected testimony. The prosecutor must do so at least 15 days before trial or at a later time that the court allows for good cause.

(c) Effect on Other Rules. This rule does not limit the admission or consideration of evidence under any other rule.

(d) Definition of "Sexual Assault." In this rule and Rule 415, "sexual assault" means a crime under federal law or under state law (as "state" is defined in 18 U.S.C. § 513) involving:

(1) any conduct prohibited by 18 U.S.C. chapter 109A;

(2) contact, without consent, between any part of the defendant's body — or an object — and another person's genitals or anus;

(3) contact, without consent, between the defendant's genitals or anus and any part of another person's body;

(4) deriving sexual pleasure or gratification from inflicting death, bodily injury, or physical pain on another person; or

(5) an attempt or conspiracy to engage in conduct described in subparagraphs (1)–(4).

STATEMENT OF THE CASE

On June 5, 2023, Mr. Bellhouse was found guilty of two counts of sexual abuse of a ward in violation of 18 U.S.C. § 2243(b) (Counts 1–2) and three counts of abusive sexual contact in violation of 18 U.S.C. § 2244(a)(4) (Counts 3–5). United States v. Bellhouse, United States District Court for the Northern District of California, Case No. 4:22-cr-00066-YGR.

On December 1, 2023, the district court imposed a sentence of 63 months in custody and 5 years supervised release with various conditions. The court imposed a Justice for Victims of Trafficking Act assessment of $25,000.00.

REASONS FOR GRANTING THE WRIT

I. THIS COURT SHOULD GRANT CERTIORARI BECAUSE THE ISSUE PRESENTED IS IMPORTANT AND THE COURTS BELOW ERRED IN DECIDING THE ISSUE.

Mr. Bellhouse raised claims regarding the admission of uncharged acts and related jury instruction issues as to his convictions of various crimes in the courts below. He claimed that his due process and fair trial rights were violated. The court of appeals denied each claim. United States v. John Bellhouse, Case No. 23-3996, Doc #58-1, Memorandum Opinion at 2.

Mr. Bellhouse argued that the district court abused its discretion in allowing "the uncharged sexual-act testimony of the two victims and three other witnesses pursuant to Federal Rules of Evidence ("Rule") 403 and 413" and failed "to fully and properly instruct the jury on how to consider the uncharged-act testimony of four of the five women who testified as to uncharged acts." Opinion at 2. The court affirmed "the district court's admission of the evidence of uncharged sexual acts." Opinion at 2. The court concluded that the district court properly evaluated the proposed testimony and thus did not abuse its discretion in admitting the evidence of the uncharged sexual acts. Opinion at 3.

In affirming Mr. Bellhouse's convictions and sentence, the court over-looked or misapprehended points of law and fact.

A. The Uncharged Acts Should Have Been Excluded.

Mr. Bellhouse was tried on five charged counts, with ten plus uncharged acts introduced before the jury. The defense moved to exclude the uncharged acts under

Federal Rule of Evidence 413. *United States v. LeMay*, 260 F.3d 1018 (9th Cir. 2001). 2-ER-154. The government sought admission under Rules 413 and 404(b). 2-ER-139. The court admitted the acts against Ana, Genesis and Cristina.

The uncharged acts turned a trial of 5 counts with two victims (Ana and Genesis) — into a trial of 5 counts and at least 10 acts with three victims (Ana, Genesis, and Cristina) and three additional witnesses (Tisha, Anabel and Maribel). The uncharged acts outnumbered the counts two-fold. Cristina's testimony makes clear that the testimony was unfairly inflammatory and prejudicial.

> One time he told me that he wanted me on his desk with my legs wide open so he can eat me like a taco salad. Like a taco salad.

4-ER-381.

> He -- he grabbed my towel from me, and he -- he said, you know, "Here, you know you want it," and he -- he -- he stuck his finger in my -- in my vagina.

4-ER-414.

> He stuck his fingers inside of my vagina. And then, you know, I was -- I was nervous, so I told him to stop. And I was kind of like pulling on my towel, and then he let go of my towel. And he stuck his -- his fingers in his mouth.

4-ER-415.

While, under Rule 413, the government may admit evidence of a sexual assault in order to prove that the defendant has the propensity to commit another sexual assault (*United States v. Porter*, 121 F.4 th 747, 750 (9th Cir. 2024)), here, the trial court erred in admitting the uncharged acts testimony from Ana, Genesis, Cristina, Tisha, Anabel and Maribel. The uncharged acts were not inextricably

intertwined. The uncharged acts were not needed to tell the story. The story was "coherent and comprehensible" without the additional testimony.

The uncharged sexual acts were not more probative than cumulative. The uncharged acts testimony was not necessary beyond the testimony already offered at trial. *LeMay*, 260 F.3d at 1028. "By the government's own admission, there is already 'significant corroborating evidence' of the charged offenses. Govt. In Lim No. 1 at 12." 2-ER-127. The uncharged acts were not "practically necessary."

In sum, the uncharged acts should not have been admitted because they were not inextricably intertwined, nor practically necessary to prove the case. All they did was create a trial of uncharged offenses within the trial of charged conduct. 2-ER-114. As such, the court erred in upholding the admission of the testimony.

B. The Jury Was Not Properly Instructed on the Uncharged Acts.

The court also erred in affirming the district court's jury instructions as to the uncharged-acts testimony relying on *United States v. Cortes*, 757 F.3d 850, 857 (9th Cir. 2014)." Opinion at 4. The court held that "the district court carefully instructed the jury 'as to the limited purpose for which the evidence [was] admitted'" relying on *United States v. Sangrey*, 586 F.2d 1312, 1314 (9th Cir. 1978). Opinion at 4. However, the *Sangrey* holding was based on counsel "not ask[ing] for a cautionary instruction as to the use of this testimony, and the court gave none." *Id.* The court held that because defendant did not request a limiting instruction, its absence was not reversible error. However, the court noted: "But in view of the prejudicial effect Junia's testimony might have had on the jury, it would have been

appropriate for the trial judge, sua sponte, to have given a limiting instruction." *Id.* at 1315.

Here, the district court agreed to give an instruction as requested by the defense and agreed to by the prosecution. Yet no such instruction was given "before or during the testimony of the two victims and the third witness." Opinion at 5. The final instruction telling the jury "to determine only whether Defendant was guilty or not guilty of the charges in the indictment, and not the other uncharged sexual conduct (Opinion at 5) was not enough. The trial court erred in not reading the limiting instruction at the time Ana, Genesis and Tisha testified as to the uncharged acts.

The government argued that *Porter,* 121 F.4 th 747 upheld the appropriateness of the limiting instruction given with respect to Cristina. The government misses the mark. The court in *Porter* held that any admission should occur with "appropriate limiting instructions." *Id.* at 753. That did not occur here. The general other acts model instruction failed "under the circumstances here." *United States v. Soliman*, 813 F.2d 277, 279 (9th Cir. 1987).

The limiting instruction was read to the jury only at the time Cristina and Maribel testified. 4-ER-403; 4-ER-452. The limiting instruction was not read to the jury at the time Ana, Genesis and Tisha testified as to uncharged acts. And only as to Cristina at the end of the case. 3-ER-239. And, the prosecutor only mentioned Cristina in reference to the limiting instruction in her final argument. 3-ER-256.

The jury was not told to consider the evidence in a similar way as to Ana, Genesis, Tisha and Maribel. And the prosecutor said nothing about Ana, Genesis, Tisha or Maribel in argument. The jury should have been instructed before Ana, Genesis, and Tisha testified as to the uncharged acts. Similarly, Ana, Genesis, Tisha and Maribel should have been included in the final instruction read to the jury.

Without proper guidance, the jury was allowed to consider the evidence as it saw fit, not as the law requires. As such, the court of appeals erred in affirming the judgment.

CONCLUSION

For the foregoing reasons, this Court should grant certiorari because the court of appeal made erroneous factual findings and misapplied rule of law, the issue presented is extremely important and the court of appeals erred in deciding the issue.

Dated: May 11, 2026

Respectfully submitted,

By: _____
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Attorney for Petitioner
JOHN RUSSELL BELLHOUSE

*Attorney of Record

CERTIFICATE OF COMPLIANCE
PURSUANT TO USSC RULE 33

Case No. 26-_____

I certify that the foregoing petitioner's petition for writ of certiorari is:

X___ Proportionally spaced, has a typeface of 12 points, is in Century font, is double-spaced, and has **2,013** words.

JAMES S. THOMSON