

No. 25-7534

ORIGINAL

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SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Giovanni Thomas Jasso — PETITIONER
(Your Name)

vs.

Giselle Matteson, warden — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. COURT OF APPEALS FOR THE NINTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Giovanni Thomas Jasso
(Your Name)

C-S-P-Solano P.O. Box 4000
(Address)

Vacaville CA 95696
(City, State, Zip Code)

N/A
(Phone Number)

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QUESTION(S) PRESENTED

1. Whether a conviction for aiding and abetting murder violates due process under Jackson v. Virginia, 443 U.S. 307 (1979), where the evidence shows only presence and ambiguous conduct, without proof of intent to facilitate the crime.
2. Whether the admission of highly prejudicial gang evidence violates due process where it renders the trial fundamentally unfair under Estelle v. McGuire, 502 U.S. 62 (1991).
3. Whether the cumulative effect of multiple trial errors can deny due process even where individual errors are deemed harmless.
4. Whether the lower courts misapplied the certificate of Appealability standard under Slack v. McDaniel and Miller-El v. Cockrell by denying a certificate of Appealability despite debatable constitutional claims.

LIST OF PARTIES

A list of all parties to the proceeding in the court whose judgment is the subject of this petition is provided below. If a party is a corporation with a stock ticker symbol, that symbol is also included.

Petitioner: Giovanni Thomas Jasso

Respondent: Giselle Matteson, Warden

RELATED CASES

Giovanni Thomas Jasso v. Giselle Matteson, United States District Court Eastern District of California Case number 1:24-cv-00133-KES-SAB-(HC). Judgement entered 7-26-25

Giovanni Thomas Jasso v. Giselle Matteson, United States Court of Appeals For The Ninth Circuit. Docket Number 25-5062 Judgement entered 3-13-26

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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Jackson v. Virginia, 443 U.S. 307 (1979)	5
Walters v. Maass, 45 F.3d 1355 (9 th cir. 1995).	5
Estelle v. McGuire, 502 U.S. 62 (1991)	5
Parle v. Runnels, 505 F.3d 922 (9 th cir. 2007)	5
Slack v. McDaniel, 529 U.S. 473 (2000)	6
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STATUTES AND RULES

28 U.S.C. § 1254 (1)
28 U.S.C. § 2253 (c)
28 U.S.C. § 2254
28 U.S.C. § 1257 (a)

OTHER

Jury instruction CALCRIM NO. 1403
U.S. Const. Amend. XIV (Due process clause)
Fed. R. App. P22 (b)

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 _____; 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 B 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 D 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 california court of Appeal, FIFTH APPELLATE DISTRICT court appears at Appendix C 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 March 13, 2026.

☒ 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 October 12, 2022.
A copy of that decision appears at Appendix D.

☐ 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

This case involves the following Constitutional provisions:

- U.S. Const. amend. XIV, Due process clause

This case also involves the following statutes:

- 28 U.S.C. § 1254 (1) 28 U.S.C. § 1257 (a)
- 28 U.S.C. § 2253 (c)
- 28 U.S.C. § 2254

This case further involves California Jury instruction CALCRIM NO. 1403 concerning the use of gang evidence.

STATEMENT OF THE CASE

Petitioner was convicted in California state court as an alleged aider and abettor to murder. Petitioner was not the shooter, and the prosecution relied primarily on circumstantial evidence, including surveillance video and gang-related testimony.

The evidence showed, at most, that Petitioner was present near the scene and walked in the vicinity of the victim. There was no direct evidence that petitioner knew of the shooters intent or that he intended to facilitate the crime.

At trial, the prosecution introduced extensive gang evidence, which portrayed petitioner as dangerous and predisposed to violence. The Jury was instructed with CALCRIM NO. 1403, allowing consideration of gang evidence for limited purposes, but the instruction permitted the Jury to use such evidence in evaluating motive and intent.

Petitioner sought habeas relief in federal court, raising claims of insufficient evidence, improper admission of gang evidence, and cumulative error. The district court denied relief and denied a certificate of appealability. The Ninth circuit likewise denied a certificate of appealability.

REASONS FOR GRANTING THE PETITION

I. THE EVIDENCE WAS INSUFFICIENT TO ESTABLISH AIDING AND ABETTING LIABILITY

Under *Jackson V. Virginia*, due process requires sufficient evidence for a rational trier of fact to find guilt beyond a reasonable doubt.

Petitioner was convicted as an alleged aider and abettor even though he was not the shooter. The prosecution relied almost entirely on circumstantial evidence and speculative inferences.

While the surveillance video may suggest petitioner was present and walked near the victim, mere presence and ambiguous conduct do not establish knowledge of the shooter's intent or an intent to facilitate murder.

As the NINTH CIRCUIT recognized in *WALTERS V. MAASS*, circumstantial evidence must do more than merely permit speculation or conjecture. Here, the evidence supported multiple plausible interpretations, including innocence.

The prosecution failed to establish beyond a reasonable doubt that petitioner shared the shooter's intent or intentionally assisted the murder.

II. THE ADMISSION OF PREJUDICIAL GANG EVIDENCE RENDERED THE TRIAL FUNDAMENTALLY UNFAIR

The prosecution introduced extensive gang evidence and relied heavily on CALCRIM No. 1403 to argue motive and intent.

The gang evidence had minimal probative value but substantial prejudicial effect. It encouraged the jury to convict petitioner based on gang association and character rather than proof of intentional participation in murder.

Under *ESTELLE V. McGuire*, evidentiary rulings violate due process when they render the trial fundamentally unfair.

This case raises an important issue regarding the constitutional limits on gang evidence in criminal trials.

III. THE CUMULATIVE EFFECT OF THE ERRORS DENIED DUE PROCESS

Even if the individual errors are considered harmless, their cumulative effect deprived petitioner of a fundamentally fair trial.

The combination of:

- weak circumstantial evidence
- extensive gang evidence
- and instructional error involving CALCRIM No. 1403

created a substantial risk that petitioner was convicted based on prejudice and speculation rather than proof beyond a reasonable doubt.

Under *Parle V. Runnels*, the combined effect of multiple errors may violate due process even where no single error independently warrants relief.

The lower courts failed to properly evaluate the cumulative impact of these constitutional violations.

IV. THE LOWER COURTS MISSAPPLIED THE CERTIFICATE OF APPEALABILITY STANDARD

The United States Court of Appeals for the Ninth Circuit denied a certificate of appealability in a summary order, concluding that petitioner failed to make a "substantial showing of the denial of a constitutional right."

Under *Slack v. McDaniel* and *Miller-El v. Cockrell*, a certificate of appealability should issue where reasonable jurists could debate the resolution of constitutional claims.

Petitioner's claims are at least debatable among jurists of reason because:

- Petitioner was not the shooter
- The prosecution relied entirely on circumstantial evidence
- There was no direct evidence that petitioner intended to facilitate murder
- The prosecution introduced extensive gang evidence that risks conviction by association rather than proof beyond a reasonable doubt

The NINTH circuit's summary denial effectively resolved the merits of the claims without meaningful analysis and applied the certificate of appealability standard too restrictively.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: May 27, 2026