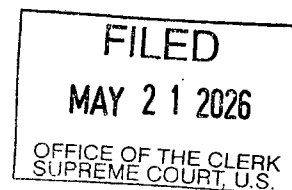


No. 25-7562

ORIGINAL



IN THE
SUPREME COURT OF THE UNITED STATES

JAMES CURTIS KERN — PETITIONER
(Your Name)

VS.

THE PEOPLE — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

☐ Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

☒ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

☐ Petitioner's affidavit or declaration in support of this motion is attached hereto.

☐ Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

☒ The appointment was made under the following provision of law: California Rules of Court, rule 8.300, or

☒ a copy of the order of appointment is appended.

Jos Kern
(Signature)
RECEIVED
JUN - 2 2026
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
Court of Appeal of the State of California
IN AND FOR THE
THIRD APPELLATE DISTRICT

THE PEOPLE,
Plaintiff and Respondent,
v.
JAMES CURTIS KERN,
Defendant and Appellant.

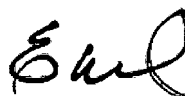
C100646
Sacramento County
No. 22FE016826

BY THE COURT:

Jason Szydlik, Attorney at Law, is appointed as counsel for appellant in the above proceeding. This appointment includes the authority to file a petition for review in the Supreme Court if the decision is adverse to the client or an answer should the other side file a petition for review.

Since the record on appeal has been filed in the above case, appellant's opening brief is to be served and filed by September 6, 2024.

The court expects counsel to forthwith review the record on appeal and when necessary file a motion for augmentation of the record in compliance with rule 8.340(c) of the California Rules of Court within 30 days or less of the date of this order. Exhibits may be obtained pursuant to rule 8.224 and should therefore not be included in a motion for augmentation.


EARL, P.J.

cc: See Mailing List

Appellate Courts Case Information

3rd Appellate District

Change court



Case Summary
Docket
Briefs
Disposition
Parties and Attorneys
Trial Court

Docket (Register of Actions)

The People v. Kern

Case Number C100646

Date	Description	Notes
03/12/2024	Notice of appeal lodged/received (criminal).	Filed in the trial court on 03/08/2024. Kidnap to commit another crime, etc.
04/09/2024	Requested - extension of time.	CSR R. Scott Upton requesting extension to 05/13/2024 to file the Reporter's Transcript. Completed 0 hours of 90 total hours.
04/09/2024	Granted - extension of time.	Certified Shorthand Reporter R. Scott Upton granted extension to 80th day - 05/28/2024. Rule 8.336(e)(2) letter sent. Response due: 06/07/2024.

APPENDIX TO MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

Date	Description	Notes
04/10/2024	Notice of appeal lodged/received (criminal).	Filed in the trial court on 04/09/2024. (Second notice filed by pro per.)
04/10/2024	Notice of appeal lodged/received (criminal).	Filed in the trial court on 04/09/2024. (Third notice filed by pro per.)
04/10/2024	Modified criminal address.	Appellant James Curtis Kern from Sacramento County Jail to North Kern State Prison per CDCR Inmate Locator website.
04/19/2024	Notice of appeal lodged/received (criminal).	Filed in the trial court on 04/19/2024. (Fourth notice filed by pro per.)
04/23/2024	Notice of appeal lodged/received (criminal).	Filed in the trial court on 04/23/2024. (Fifth notice filed by pro per.)

Date	Description	Notes
06/11/2024	Record on appeal filed.	2 vols. paper CT (491 pp.); 14 vols. electronic RT (825 pp.); 1 confidential probation report filed 03/08/2024 (pp. 448-468). Confidential portion of CT: Psychological Evaluation pursuant to PC 1369 filed 08/01/2023 (pp. 73-90). Confidential portion of electronic RT: Marsden Motion dated 08/09/2023 (pp. 8-21); Marsden Motion dated 02/06/2024 (pp. 788-800). Appellant's opening brief due: 07/22/2024.
06/11/2024	Modified criminal address.	Appellant James Curtis Kern from North Kern State Prison to Pelican Bay State Prison per CDCR Inmate Locator website.
06/11/2024	Letter sent advising record on appeal has been filed.	
08/07/2024	Application/recommendation req. for counsel filed.	For appellant.
08/07/2024	Counsel appointment order filed.	Attorney Jason Szydluk appointed for appellant. Appellant's opening brief due: 09/06/2024.
09/06/2024	Motion/application to augment record filed.	by appellant. Briefing time suspended pending ruling on the motion.
09/06/2024	Motion/request for sealed or confidential transcripts filed	appellant.

Date	Description	Notes
	by:	
09/11/2024	Order filed.	Appellant's application to obtain a copy of the sealed material filed in this court on June 11, 2024, is granted. The clerk of this court is directed to transmit an electronic copy of the requested sealed material to Attorney Jason J. Szydluk only.
09/17/2024	Augmentation granted. (See order.)	Briefing remains suspended pending the filing of the augmented record. Augmented record due: 10/07/2024.
09/20/2024	Requested - extension of time.	CSR R. Scott Upton requesting extension to 11/07/2024 to file the augmented Reporter's Transcript. Completed 0 hours of 8 total hours.
09/20/2024	Granted - extension of time.	CSR R. Scott Upton granted extension to 11/07/2024 to file the augmented Reporter's Transcript.
11/20/2024	Augmented record filed.	5 vols. electronic RT (185 pp.) Confidential portion of electronic RT: Marsden motion dated 08/09/2023 (pp. 30-42). Appellant's opening brief due: 12/20/2024.
11/20/2024	Letter sent advising that augmented record has been filed.	
12/20/2024	Requested - extension of time.	Appellant to 01/20/2025

Date	Description	Notes
12/20/2024	Granted - extension of time.	Appellant to 01/20/2025
01/23/2025	Returned document for non-conformance.	Appellant's request for an extension of time to file the opening brief received on 01/21/25 rejected at filer's request.
01/23/2025	Requested - extension of time.	Appellant requesting extension to 02/20/25 to file the opening brief.
01/27/2025	Granted - extension of time.	Appellant to 02/20/25 to file the opening brief.
02/20/2025	Requested - extension of time.	Appellant requesting to 3/24/25 to file appellant's opening brief.
03/03/2025	Granted - extension of time.	Appellant's request for extension of time to file the appellant's opening brief is granted. The appellant's opening brief is to be served and filed by March 24, 2025. The court does not contemplate granting any further extensions of time for filing the appellant's opening brief absent an exceptional showing of good cause. ROBIE, Acting P.J.
03/24/2025	Requested - extension of time.	Appellant requesting extension to 04/11/25 to file the opening brief.
03/24/2025	Granted - extension of time.	Appellant to 04/11/25 to file the brief. No further time will be granted. Earl, P.J.
03/28/2025	Appellant's opening brief.	Defendant and Appellant: James Curtis Kern Attorney: Jason J. Szydluk Stricken per order filed on 04/23/250

Date	Description	Notes
04/08/2025	Application filed:	by appellant to strike the filing of the opening brief and file an amended opening brief. (Brief submitted separately)
04/23/2025	Order filed.	Appellant's application to strike the filing of the appellant's opening brief and permit the filing of an amended opening brief is granted. The filing of appellant's opening brief on March 28, 2025, is ordered stricken. The clerk of this court is directed to file the appellant's amended opening brief as the date of this order. Respondent's brief shall be served and filed within 30 days after the filing of appellant's opening brief. Appellant's reply brief, if any, shall be served and filed within 20 days after the filing of the respondent's brief. EARL, P.J.
04/23/2025	Appellant's opening brief.	Defendant and Appellant: James Curtis Kern Attorney: Jason J. Szydlik
05/22/2025	Requested - extension of time.	Respondent to 06/23/2025
05/22/2025	Granted - extension of time.	Respondent to 06/23/2025
06/24/2025	Requested - extension of time.	Respondent to 07/23/2025
06/24/2025	Granted - extension of time.	Respondent to 07/23/2025
07/18/2025	Motion/application to augment record filed.	By Respondent. Briefing time is suspended.

Date	Description	Notes
07/21/2025	Letter sent to:	Appellant advising all communication with this court must be transmitted to the court by counsel of record. (People v. Clark) See letter for details.
07/23/2025	Order filed.	Respondent's motion to augment the record on appeal is treated as a request for early transmittal of exhibits, and as such, is granted. (Cal. Rules of Court, rule 8.224, 8.320(e).) The Sacramento County Superior Court clerk is directed to transmit People's Exhibits 2 and 6 to this court by August 12, 2025. The time to file the respondent's brief is extended until 30 days after the receipt of the requested exhibits with this court. EARL, P.J.
07/28/2025	Augmented record filed.	Original People's Exhibit 100 (Flash Drive including People's Exhibit 2 and 6). Respondent's brief due: 8/27/25
07/28/2025	Exhibits received from county clerk.	See previous entry.
07/28/2025	Letter sent advising that augmented record has been filed.	
08/11/2025	Respondent's brief.	Plaintiff and Respondent: The People Attorney: Jeffrey A. White
08/14/2025	Requested - extension of time.	Appellant to 09/19/2025
08/14/2025	Granted - extension of time.	Appellant to 09/19/2025
09/19/2025	Appellant's reply brief.	Defendant and Appellant: James Curtis Kern

Date	Description	Notes
		Attorney: Jason J. Szydlik
09/19/2025	Case fully briefed.	
11/14/2025	Oral argument waiver notice sent.	Response due: 11/24/25
11/18/2025	Request for oral argument filed by:	Appellant.
11/21/2025	Argument order sent.	This case is ordered on calendar for hearing Monday, December 15, 2025, at 9:30 a.m. Earl, P.J. Tentative panel: Duarte, Krause, Boulware Eurie (subject to change without notice).
12/15/2025	Cause argued and submitted.	Jason Szydlik, Ct. Appt'd, argued on behalf of Def-Appt. Jeffrey A. White, DAG, argued on behalf of Plt-Resp.
12/22/2025	Opinion filed.	(Signed Unpublished) The judgment on the kidnapping to commit robbery conviction is reversed and the matter is remanded for resentencing. The judgment is otherwise affirmed.
02/02/2026	Service copy of petition for review received.	By appellant. (S295087)
02/02/2026	Received copy of Supreme Court filing.	from appellant.
02/03/2026	Record transmitted to Supreme Court.	1 Vol.
02/03/2026	Petition for review filed in Supreme Court.	By appellant. (S295087)

Date	Description	Notes
03/11/2026	Petition for review denied in Supreme Court.	The petition for review is denied. GUERRERO, C.J. (Received 03/12/26).
03/13/2026	Remittitur issued.	
03/13/2026	Case complete.	

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