

NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES

CHARRONE SHERRICK BERRY, PETITIONER,

v.

STATE OF CALIFORNIA, RESPONDENT.

ON PETITION FOR WRIT OF CERTIORARI
TO THE CALIFORNIA COURT OF APPEAL
FIFTH APPELLATE DISTRICT

PETITION FOR WRIT OF CERTIORARI

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QUESTION PRESENTED

Is the evidence constitutionally sufficient to support Petitioner's attempted human trafficking conviction when the evidence is based upon a social media conversation occurring over two days?

PARTIES TO THE PROCEEDINGS

All parties appear in the caption of the case on the cover page. The parties to the proceeding below were petitioner, Charrone Sherrick Berry, and respondent, the People of the State of California, represented by the Office of the Attorney General, by Deputy Attorney General Robert Gezi.

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OPINIONS BELOW

The California Court of Appeal unpublished opinion is Appendix A. It is unofficially reported at *People v. Berry*, 2026 WL 700068 (Cal.App. 2026). The California Court of Appeal unpublished opinion modification and denial of rehearing, is Appendix B. It is unofficially reported at *People v. Berry*, 2026 WL 1073830 (Cal.App. 2026).

GROUND FOR JURISDICTION

The California Court of Appeal decided the case on March 12, 2026. It modified the opinion and denied rehearing on April 2, 2026. On May 27, 2026, the California Supreme Court denied a timely petition for review. A copy of the order is Appendix C. This Court has jurisdiction under 28 U.S.C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS

The Fourteenth Amendment to the United States Constitution provides:

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

California Penal Code section 236.1(c) provides, in pertinent part:

(c) A person who causes, induces, or persuades, or attempts to cause, induce, or persuade, a person who is a minor at the time of commission of the offense to engage in a commercial sex act, with the intent to effect or maintain a violation of

Section 266, 266h, 266i, 266j, 267, 311.1, 311.2, 311.3, 311.4, 311.5, 311.6, or 518 is guilty of human trafficking....

California Penal Code section 21a provides:

An attempt to commit a crime consists of two elements: a specific intent to commit the crime, and a direct but ineffectual act done toward its commission.

STATEMENT OF THE CASE

Petitioner was charged with: (1) human trafficking of a minor for a commercial sex act with intent to maintain a violation of section 266h and 266i; and (2) pandering by encouraging the confidential victim to become a prostitute. Pen. Code, § 236.1(c)(1), § 266i, subd. (a)(2). A prior “strike” conviction for violating section 245(a)(2) was alleged.¹ 1CT 145-146.

Petitioner waived his right to a jury trial and agreed to be tried by the court. ART 5-7. At the prosecution’s request, the trial court dismissed Count 2. App. 40a. After a one-day court trial on the charge of violating section 236.1(c), petitioner was found guilty and his prior strike conviction was found to be true. App. 40a-41a. He was sentenced to the five-year low term, doubled to ten years due to the prior conviction. 11RT 1216.

¹ In California, the clerk’s transcript includes the documents in the court file. The transcript of the hearings is the reporter’s transcript. CT refers to the clerk’s transcript. RT refers to the reporter’s transcript. ACT refers to the augmented clerk’s transcript. ART refers to the augmented reporter’s transcript.

Upon appeal, petitioner argued (among other things): (1) petitioner could only be convicted of the attempt prong under section 236.1(c) because there was no actual minor but only a police officer posing as a minor, citing *People v. Moses*, 10 Cal.5th 893, 912-913 (2020); (2) insufficient evidence proved a direct but ineffectual act as required under California attempt law, citing *Jackson v. Virginia*, 443 U.S. 307 (1979); and (3) insufficient evidence proved specific intent to induce a minor to engage in a sex act, citing *Jackson v. Virginia*, 443 U.S. 307 (1979).

The Court of Appeal opinion affirmed but omitted addressing petitioner's argument that insufficient evidence proved a direct but ineffectual act. App. 2a. Petitioner petitioned for rehearing. App. 23a. Upon rehearing, the Court of Appeal modified the opinion, corrected factual errors, and affirmed. App. 20a. The California Supreme Court denied review. App. 22a.

STATEMENT OF FACTS

Kevin Kurtz is a special agent with the California Department of Justice, is currently assigned to the special operations unit, and has been a special agent for over three years. 8RT 708-709. On May 5, 2023, he was assigned to the human trafficking and sexual predator apprehension team. 8RT 709. He was working on an investigation in Kings County where his

duties included operating an undercover social media account posing as a 17-year-old female named Sarah. 8RT 710.

On May 5, 2023, Agent Kurtz (posing as Sarah) received a Facebook message, asking: “What’s happening Sarah.” 8RT 711. Upon receipt of the message, Kurtz opened the sender’s profile and observed photographs of a black male adult. 8RT 711. The profile included a date of birth and residence city (Fresno, California). 8RT 711.

Using a California Department of Motor Vehicles (“DMV”) database, Kurtz searched for individuals in Fresno with the same date of birth. 8RT 711-712. He located a photo of Charrone Berry. 8RT 711-712. He compared the DMV photo with the photos on the Facebook page, and decided they were the same person. 8RT 712.

People’s Exhibit 5 is a three-page document that was admitted into evidence at trial. 8RT 719, 1CT 171. It represents the May 5, 2023 and May 6, 2023 Facebook message conversation between Kurtz (posing as a 17-year-old female named Sarah) and petitioner.² All the messages, except one, occurred on May 6, 2023. People’s Exhibit 5 is Appendix E. App. 36a-39a. People’s Exhibit 5 shows the following:

² The text messages time stamps show the Exhibit 5 pages are out of order. In particular, the text messages actually start at the bottom of App. 38a with a text on May 5, 2023 at 11:06:26 am. App. 38a. The messages continue, again starting at the bottom of App. 37a and reading upwards. App. 37a. The last text message is at the top of App. 36a and was sent by Sarah Monique on May 6, 2023 at 7:01:01 p.m. App. 36a.

Otn Rome: Sta deal what's hannlin Sarah

Sarah Monique: wasgood. Srry I jus seen this

Otn Rome: It's all good what u up to

Sarah Monique: Nun trappin wbu
[heart] Otn Rome

Otn Rome: Reacted [heart] to your message
I can dig that. I'm fina go link up with my plug
in a bit. What yo situation looking like??

Sarah Monique: Thas wassup. N my situation all fcked up tbr
Imao. My nigga got caught up wit a pole n shii
so he finna sit dow while. Got him withno bail n
all da

Otn Rome: Is that right...was yaw on bad terms before it
all...If u choosing u can just say that too lol

Sarah Monique: Ya we beat my ass ovr sum petttyyy ass shiiii
Imao N Im not sayin im noootttt Imaaaoo

Sarah Monique: I gotta tell you straight up tho Im 17 Ion want
no surprises or nun

Otn Rome: Sheesh when u fina be 18 ??

Sarah Monique: Sept 2 lol I been trappin hella long tho Imao
since I was 13

Otn Rome: Well shit sep around the corner. is u finna be an
asset??

Sarah Monique: I stay in thaa bag bby. Was ur fee

Otn Rome: That's what I like to hear

Otn Rome: U not the police is you ??

Sarah Monique: Fck no Imao

Otn Rome: How quickly can u come up with 2500 ??

Sarah Monique: Mmm prolly by next weekend, I still gotta pay for the telly n all da

Otn Rome: I can dig it where u dwn at

Sarah Monique: I'm in Sac rn

App. 36a-39a.

At the court trial, Kurtz testified that “trapping in the human trafficking culture means to actively be making money working as a prostitute.” 8RT 714. He explained that a prostitute is a male or female individual that sells sex. 8RT 714-715. When asked what a pimp is, Kurtz replied: “A pimp is somebody who actively exploits males or females in order to obtain money from those set of services.” 8RT 715. A pimp’s goal is for the male or female to have sex with a third party (rather than with the pimp). 8RT 715.

After Sarah indicated she had been trapping, Kurtz said petitioner asked about Sarah’s situation. 8RT 715. Kurtz then “responded in a way that said my pimp was in jail and I didn’t – and he was going to be in jail for a long time, so I no longer had a pimp.” 8RT 715. Kurtz stated that petitioner responded “if you’re choosing, just say that.” 8RT 716. When asked what “choosing” meant, Kurtz explained: “So choosing is short for choosing up. In the human trafficking culture say I am working as a prostitute and you’re a pimp. In order for you to be my pimp I have to

choose up. So I have to pay you X amount of money in order to show that I am capable of making money, and that I will be loyal to you as my new pimp.” 8RT 716. Kurtz testified petitioner texted that \$2,500 was the choose up fee. 8RT 716. Kurtz said that in his experience as an officer working these kinds of crimes, prostitutes are paid for their work but they do not keep the money because it all goes to the pimp. 8RT 717.

Kurtz was asked: “Did you and the defendant ever discuss locations or how he would get the payment?” 8RT 717. Kurtz replied: “I told him I was currently working in Sacramento and was making money. He said that he would move me, unless I was making money, and I told him I was already making money. So there was no reason for me to leave Sacramento.” 8RT 717. Exhibit 5 does not show this content, however. App. 36a-39a. Sarah was the last person to text, and texted: “I’m in Sacramento.” App. 36a.

Agent Kurtz testified that the three-page Exhibit 5 was a fair and accurate representation of the Facebook conversation, he downloaded the conversation from his Facebook account, and even though the conversation happened over more than one day, it was really just one conversation. 8RT 718-719, 720.

Like Agent Kurtz, Michael Kutz testified that he is also a special agent with the California Department of Justice assigned to the special operations unit. 8RT 721. On May 31, 2023, he was at the Fresno parole

office and present when petitioner was interviewed by Special Agent Robinette regarding a human trafficking investigation. 8RT 722, 726. After petitioner waived his *Miranda* rights, he told the agents that he did not remember speaking to anyone online and denied owning the clothing depicted in one of the online photographs. 8RT 723.

Agent Robinette asked for petitioner's cellphone but he refused to provide it so Kutz advised petitioner he was under arrest and requested the cellphone. 8RT 724. Petitioner threw his cellphone against the wall, jumped over the desk, picked the phone up and threw it against the wall again. 8RT 724. Kutz did not believe any attempt was made to extract the digital contents from the cellphone. 8RT 726. After being recalled, Kurtz testified that petitioner's cell phone was never extracted because it was beyond repair. 8RT 728.

Petitioner testified in his defense. On May 31, 2023, he went to the parole office because he was scheduled to go over job opportunities. 8RT 731-732, 736. After waiting in the lobby for over an hour, he was approached by two men and neither were his parole agent. They read him his rights. Petitioner asked what was going on. The men started going over a profile of a person. 8RT 732.

Petitioner denied sending the messages. 8RT 732-733. He said he never had any contact through Facebook with anyone he thought was 17 years old. 8RT 732. He never had any contact with anyone where he tried

to recruit them as a prostitute with petitioner acting as the pimp. 8RT 733. Petitioner claimed someone was impersonating him on the Facebook account. 8RT 733-734 (“They did pull out a picture that looked like it could be me, but, you know, social media anybody can be anybody on there”).

The Facebook account included several photos. 8RT 711 (“several pictures of a black male adult”); 8RT 712 (Exhibit 1 “is one of the Facebook photos of the profile I saw”). Petitioner admitted one of the photos looked like it could be him, and he also admitted he was the person in People’s Exhibit 1. 8RT 737. He threw his cellphone because the interview and demeanor of the men made him uncomfortable.³ 8RT 733, 736.

³ In the opening brief in the Court of Appeal, petitioner pointed out that the cell phone damage (which could be used as evidence of consciousness of guilt) nonetheless could not be used as a substitute for evidence of the actual elements of a criminal attempt. Respondent below never addressed this point. In the reply brief, petitioner argued this failure amounted to an implied concession.

REASONS FOR GRANTING THE PETITION

I. The Attempt Conviction Violates Due Process Under *Jackson v. Virginia*, 443 U.S. 307 (1979) Because It Is Not Supported by Sufficient Evidence

Petitioner's conviction for attempted human trafficking violates due process under *Jackson v. Virginia*, 443 U.S. 307 (1979). "An attempt to commit a crime consists of two elements: a specific intent to commit the crime, and a direct but ineffectual act done toward its commission." Pen. Code, § 21a. Here, the evidence is insufficient to prove: (1) a direct but ineffectual act; and (2) specific intent.

A. Insufficient evidence of a direct but ineffectual act

Under California law, it is well-established that mere preparation is not enough to constitute a criminal attempt. Instead, the evidence must establish the defendant went beyond preparation and was putting a plan into action. *People v. Moses*, 10 Cal.5th 893, 899 (2020) ("[w]hen the acts done show that the perpetrator is actually putting his plan into action"), quoting *People v. Dillon*, 34 Cal.3d 441, 453 (1983), internal quotation marks omitted; *People v. Garton*, 4 Cal.5th 485, 510 (2018) (overt act requires conduct going beyond mere preparation and showing the defendant is putting his plan into action); *People v. Superior Court (Decker)*, 41 Cal.4th 1, 8 (2007) (same).

The act need not be the last step toward committing the crime.

People v. Moses, 10 Cal.5th 893, 899 (2020), quoting *People v. Dillon*, 34 Cal.3d 441, 453 (1983). “Liability for an attempt does not require that any element of the underlying offense actually be accomplished.” *People v. Moses*, 10 Cal.5th 893, 899 (2020); *People v. Superior Court (Decker)*, 41 Cal.4th 1, 8 (2007). But acts which are merely preparatory do not suffice.

“‘[T]here is a material difference between the preparation antecedent to an offense and the actual attempt to commit it. The preparation consists of devising or arranging the means or measures necessary for the commission of the offense, while the attempt is the direct movement toward its commission after the preparations are made. In other words, to constitute an attempt the acts of the defendant must go so far that they would result in accomplishment of the crime unless frustrated by extraneous circumstances.’” *People v. Memro*, 38 Cal.3d 658, 698 (1985), overruled on other grounds in *People v. Gaines*, 46 Cal.4th 172, 181, fn. 2 (2009). “For example, if a person decides to commit murder but does nothing more, he has committed no crime. If he buys a gun and plans the shooting, but does no more, he will not be guilty of attempt. But if he goes beyond preparation and planning and does an act sufficiently close to completing the crime, like rushing up to his intended victim with the gun drawn, that act may constitute an attempt to commit murder.” *People v. Johnson*, 57 Cal.4th 250, 258 (2013).

Is it reasonable to infer petitioner went beyond mere preparation and was actually putting a plan into action? It is not.

First, the evidence does not show any plans for future contact between petitioner and Sarah. They did not make a plan to meet. They did not even have a plan to communicate again. The brief time spent texting is also indicative of no more than preparation. The entire social media conversation occurred on a single day (May 6) except for the initial text sent on May 5. App. 36a-39a. Kurtz testified that it was “really just one conversation.” 8RT 720 Sarah was the last person to text. App. 36a.

Second, the text messages omit any discussion of a method of transmitting payment. Kurtz was asked if he discussed how petitioner “would get the payment.” 8RT 717. But Kurtz never answered this question. This is consistent with People’s Exhibit 5. It shows that the texts did not discuss a method of transmitting payment. App. 36a-39a. Thus, while the texts mention a \$2,500 choose-up fee, they say nothing about how money would be transmitted.

Third, there is no evidence of subsequent acts. The brief social media conversation abruptly ended on May 6. App. 36a. On May 31, petitioner went to the parole office where he ended up being arrested. The absence of acts during this period also supports petitioner’s argument that the evidence was insufficient.

The direct but ineffectual act requirement helps “ensure that attempt principles do not punish a guilty mental state alone” and therefore requires “an act toward the completion of the crime before an attempt will be recognized.” *People v. Johnson*, 57 Cal.4th 250, 258 (2013); see also *Garton*, 4 Cal.5th 485, 524 (2018) (conc. and dis. opn of Chin, J.) (overt act requirement ensures “that a defendant is not punished for a guilty mental state alone, by removing any uncertainty as to whether the intended design will be carried out”). In this way, the law leaves room for a defendant to change his mind.

How was petitioner putting a plan into action? How did this text exchange (about 20 exchanges) go beyond mere preparation? By mentioning a choose-up fee even though the texter added “lol”, abruptly terminated texting, and included no discussion of how money would be transmitted? By not committing any acts between May 6, 2023 and May 31, 2023? There is simply too much missing.

Given the absence of plans for future contact, the abrupt ending of the brief text message exchange, and the fact that Sarah was the last person to text, it would not be reasonable to infer that petitioner was actually putting a human trafficking plan into action.

B. The slight acts rule does not apply

When the opinion was modified to address petitioner’s argument that insufficient evidence proved a direct but ineffectual act, the opinion cited

California's slight acts rule and *People v. Superior Court (Decker)*, 41 Cal.4th 1, 8 (2007) (“[w]henver the design of person to commit crime is clearly shown, slight acts in furtherance of the design will constitute an attempt”). App. 20a-21a.

Decker differs sharply from our case and does not support application of the slight acts rule. Specifically, the question in *Decker* was not whether substantial evidence supported the defendant's conviction. It was whether there was sufficient evidence to hold the defendant to answer for the crime of attempted murder. This is a much lower hurdle. *People v. Superior Court (Decker)*, 41 Cal.4th 1, 7 (2007) (“[E]vidence which will justify prosecution under the above standard need not be sufficient to support a conviction”).

Even with this lower hurdle, the *Decker* evidence is far greater. In *Decker*, the defendant hired an assassin (an undercover police officer) to kill his sister. *People v. Superior Court (Decker)*, 41 Cal.4th 1, 4 (2007). The assassin and Decker met several times. (*Id.* at p. 6-7.) They agreed on the method for committing the murder, the method of payment, and the price. Decker gave the assassin his sister's description, and described her home, car, workplace and details about her daily habits. (*Id.* at p. 4.) Decker also handed the assassin over \$5,000 in cash. (*Id.* at p. 6.) When the assassin said the killing would be completed once the assassin left his meeting with Decker, Decker said: “I am absolutely, positively, 100 percent

sure, that I want to go through with it. I've never been so sure of anything in my entire life....[P] [D]o it very fast...as fast as you can.” (*Id.* at p. 7.) *Decker* concluded: “Viewing the entirety of Decker’s conduct in light of his clearly expressed intent, we find sufficient evidence under the slight-acts rule to hold him to answer to the charges of attempted murder.” *Id.* at p. 8-9.

The evidence here does not show anything close to the “clearly expressed intent” of the *Decker* defendant. Unlike *Decker*, the texter did not meet with Sarah and did not even make a plan to contact her again. Unlike *Decker*, petitioner never received any money from Sarah and never even discussed a method of transmitting payment. Unlike *Decker*, the communications all occurred during a single day (May 6, 2023) except for one message sent on May 5. App. 36a-38a.

People v. Garton, 4 Cal.5th 485 (2018) also shows California’s “slight acts” rule does not apply to petitioner’s case. *Garton* decided the evidence was insufficient to support the defendant’s conviction for conspiracy to murder the victim. The *Garton* defendant argued the evidence was insufficient because the law in effect at the time of the defendant’s crime required -- for conspiracies to commit out of state crimes -- that “the conspiratorial acts done in California [had to] independently constitute attempts to commit those crimes.” (*Id.* at p. 508.) Thus, the

question was whether the defendant's acts within the State of California "independently constituted an attempt to commit murder." (*Id.* at p. 510.)

Applying the slight acts rule, *Garton* still concluded the evidence was insufficient. *People v. Garton*, 4 Cal.5th 485, 511-515 (2018). In *Garton*, there was evidence the defendant extensively planned the victim's murder, filled his car with weapons and equipment, and drove toward the California border with accomplices, all while intending to murder the victim in Portland the next day. (*Id.* at p. 511.) *Garton* explained that the defendant had "not arrived near the anticipated crime scene, sent his accomplices off to murder [the victim] without further assistance, or taken other action sufficient to accomplish [the victim's] murder from afar." (*Id.* at p. 513.) Thus, *Garton* presented far more evidence of an attempt than petitioner's case yet the California Supreme Court still found insufficient evidence to support the conviction. (*Id.* at p. 515.)

Garton cited several authorities to support its point that California law does not permit a defendant who only makes preparations to nonetheless be punished via the slight acts rule. (*People v. Garton*, 4 Cal.5th 485, 514 (2018) ("But our case law does not suggest that a defendant with clearly shown intent need only make preparations or start moving toward the intended victim to be guilty of attempted murder"), citing *People v. Miller*, 2 Cal.2d 527, 529 (1935) (defendant who comes within 200 yards of the intended victim with a loaded rifle "do[es] not constitute an attempt to

commit murder”); *People v. Anderson*, 1 Cal.2d 687, 690 (1934) (“Defendant’s conduct in concealing the gun on his person and going to the general vicinity of the Curran theater with intent to commit robbery may, for present purposes, be classified as mere acts of preparation”); compare *People v. Dillon*, 34 Cal.3d 441, 456 (1983) (attempted robbery of marijuana field where armed and disguised defendants traveled toward field, “made their way past barricades posted with ‘no trespassing’ signs,” “divided themselves into small groups, encircled the field,” and waited there for their opportunity).

Finally, the opinion in our case never found petitioner had “clearly shown intent,” which is a basic prerequisite for applying the slight acts rule. App. 2a, 16a-17a. *People v. Garton*, 4 Cal.5th 485, 514 (2018). In fact, as explained below, the evidence was insufficient to prove petitioner had the requisite specific intent.

C. Insufficient evidence proves the requisite specific intent

People v. Moses, 10 Cal.5th 893 (2020) established that committing the crime of attempting to induce a minor to engage in a commercial sex act requires that the defendant must act with the “‘specific intent to commit the [completed] crime’” [Citation], i.e., the intent to cause, induce, or persuade *a minor* to engage in a commercial sex act, at least when no actual minor victim is involved.” *Id.* at p. 912-913, italics in original.

What are the facts and circumstances supporting a specific intent to induce a minor to engage in a commercial sex act? In a nutshell, here is what we know. We know there is a three-page social media conversation. We know that when Sarah said she was 17, petitioner asked when she would turn 18. We know that petitioner wondered if Sarah was actually a police officer. We know petitioner asked how quickly Sarah could come up with \$2,500. We know that soon after that, the texting abruptly ended, with Sarah being the last person to text. App. 36a-38a. We know there is no evidence of any acts by petitioner between May 6 (when the messages ended) and May 31 (when he entered the parole office).

This evidence is simply not amenable to a reasonable inference that petitioner specifically intended to induce a minor to engage in a commercial sex act. The evidence that does exist in our case supports other inferences, inferences that are reasonable based upon the content of the texts, the absence of any acts after May 6, and the surrounding circumstances.

For example, a reasonable inference is that petitioner was merely playing along for a brief time with an unknown texter by the name of Sarah whom he texted first and who quickly told him she had been spending her time “trappin” – working as a prostitute. Petitioner did add “lol” after the reference to “choosing.” App. 37a. (“If u choosing u can just say that too lol”). Not long after, petitioner just stopped texting. App. 36a.

Likewise, a reasonable inference is that the texter became suspicious Sarah was actually a police officer and opted to not proceed any further. He did wonder if Sarah was with the police. He did decide to terminate his communications with Sarah. The evidence does omit any plan for the texter and Sarah to communicate again. The evidence does lack an arrangement to transmit money. App. 36a-39a.

A reasonable inference is also that the texter opted to wait until Sarah turned 18 in September. The requisite specific intent requires inducing, encouraging or persuading a minor. *People v. Moses*, 10 Cal.5th 893, 912-913 (2020). Yet the texter said September was right around the corner (when Sarah turned 18), the texter abruptly stopped texting, and there is no evidence of subsequent communications with Sarah. App. 36a-37a. Given all these circumstances, it would not be reasonable to infer the requisite specific intent.

D. The *Jackson v. Virginia* standard is not met

Under *Jackson v. Virginia*, 443 U.S. 307 (1979), the question is whether “upon the record evidence adduced at trial no rational trier of fact could have found proof of guilt beyond a reasonable doubt.” *Id.* at p. 324. The question “is whether, after viewing the evidence in the light most favorable to the prosecution, *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.” *Id.* at p. 319, italics in original.

Here, no rational trier of fact could have found proof of guilt beyond a reasonable doubt. Due Process does not permit assessing the sufficiency of the evidence in a vacuum. Instead, the evidence must be viewed in the context of the entirety of the evidence, including the context of what is missing.

This brief social media conversation (a mere typing of words) does not suffice. More is needed before a rational trier of fact could find the essential elements of a criminal attempt beyond a reasonable doubt.

Jackson v. Virginia, 443 U.S. 307, 319 (1979).

The attempted human trafficking conviction is not supported by constitutionally sufficient evidence. The conviction upends the law of attempt and violates Due Process. The petition for a writ of certiorari should be granted.

CONCLUSION

For the foregoing reasons, petitioner respectfully asks this Court to grant the petition for certiorari.

Respectfully submitted,

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