

NO.

26-5632

ORIGINAL

Supreme Court, U.S.  
FILED

JUN - 3 2026

OFFICE OF THE CLERK

IN THE  
SUPREME COURT OF THE UNITED STATES

TOMAS SARINANA - PETITIONER

VS.

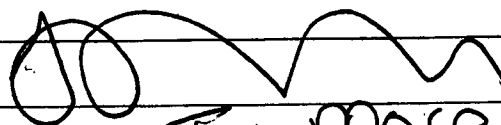
CALIFORNIA - RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO  
SUPREME COURT OF CALIFORNIA [S295551]

PETITION FOR WRIT OF CERTIORARI

TOMAS SARINANA [#CC7900]

480 ALTA ROAD  
SAN DIEGO, CA 91729

  
FN PROSE

## QUESTIONS PRESENTED

1 (1) WHETHER A COMMITMENT/CONVICTION OBTAINED THROUGH MATERIALLY "FALSE  
2 TESTIMONY" VIOLATES DUE PROCESS WHERE STATE COURTS DENY RE LIEF DESPITE  
3 ESTABLISHED RECORD-BASED AND JUDICIALLY NOTICEABLE FORENSIC EVIDENCE  
4 DETERMINING "FALSITY", IN CONFLICT WITH NAPOE V. ILLINOIS (1959) & MOORE  
5 V. HOLLOMAN (1938)?

6  
7  
8 2) WHETHER "SUPPRESSION" OF MATERIAL FAVORABLE/IMPEACHMENT EVIDENCE  
9 VIOLATES DUE PROCESS WHERE STATE COURTS REFUSE TO REMEDY THE  
10 VIOLATION, CONTRARY TO ESTABLISHED LAW IN BRADY V. MARYLAND (1963);  
11 KYLES V. WHITLEY (1995); GIGLIO V. U.S. (1972)?

12  
13 3) WHETHER THE DENIAL OF THE RIGHT TO "EFFECTIVE CROSS-EXAMINATION"  
14 AT THE PRELIMINARY HEARING - A CRITICAL STAGE OF THE CRIMINAL  
15 PROCEEDINGS UNDER COLEMAN V. ALABAMA (1970), VIOLATES THE SIXTH  
16 AMENDMENT [USC VI] IN CONFLICT WITH DAVIS V. ALASKA (1974)  
17 BECAUSE OF "SUPPRESSED" EVIDENCE BY THE STATE?

18  
19 4) WHETHER A CRIMINAL COMMITMENT BASED ON "FALSE TESTIMONY" AT  
20 THE PRELIMINARY HEARING BY THE STATES KEY WITNESSES [PERCE  
21 OFFICERS] VIOLATES DUE PROCESS OF LAW UNDER GERSTEIN V. PUGH  
22 (1975)?

23  
24 5) WHETHER THE "FALSE TESTIMONY" USED TO ESTABLISH PROBABLE CAUSE TO  
25 COMMIT THE PETITIONER FOR TRIAL VIOLATES DUE PROCESS, AS WITHOUT  
26 THE "FALSE TESTIMONY" THERE WOULD BE NO PROBABLE CAUSE, OR  
27 THIS CASE WOULD NOT PROCEED, IN CONFLICT WITH FRANKS V. DELAWARE  
28 (1978)?

6) Whether, The Denial of The Right To "EFFECTIVE ASSIST. OF COUNSEL" AT THE PRELIMINARY HEARING - A CRITICAL STAGE OF THE CRIMINAL PROCEEDINGS UNDER COLEMAN V. ALABAMA (1970), VIOLATES THIS SIXTH AMENDMENT [USCA VI] IN CONFLICT W/ STRICKLAND V. WASHINGTON (1984) BECAUSE OF "SUPPRESSED" EVIDENCE BY THE STATE?

7) Whether, This State CUBS MAY REFUSE TO MEANINGFULLY CONSIDER NEWLY PRESENTED EVIDENCE OF INNOCENCE, CONTRARY TO THE MISCARriage-OF-Justice PRINCIPLES RECOGNIZED IN SCHUP V. DELO (1995)?

8). Whether The "SUPPRESSION" OF (15) UNREASONABLE SEARCHES AT THE PRELIMINARY HEARING/SUPPRESSION HEARING, VIOLATES THE FOURTH AMENDMENT [USCA IV]; IN CONFLICT WITH RILEY V. CALIFORNIA (2014) AND DUE PROCESS OF LAW [USCA XIV] OF THE FOURTEENTH AMENDMENT?

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PARTIES

TOMAS SARINANA, IS THE PETITIONER

STATE OF CALIFORNIA, IS THE RESPONDENT

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# PETITION FOR WRIT OF CERTIORARI

THE PETITIONER, TOMAS SARINANA, PROCEEDING IN  
PRO-SE, RESPECTFULLY PETITIONS FOR A WRIT OF CERTIORARI  
TO REVIEW THE JUDGMENT AND OPINION OF THE  
CALIFORNIA SUPREME COURT, PER FINAL JUDGEMENT,

## OPINION BELOW

☒ FOR CASES OF THE STATE COURTS:

THE OPINION OF THE HIGHEST STATE COURT TO REVIEW THE  
MERITS APPEARS AT APPENDIX (B) TO THE PETITION AND  
IS

☒ REPORTED AT CASE # S295551, DATED APRIL 22, 2026;

☒ HAS BEEN DESIGNATED FOR PUBLICATION & IS REPORTED

THE OPINION OF THE CAL. COURT OF APPEALS TO REVIEW THE  
MERITS APPEARS AT APPENDIX (A) TO THE PETITION AND  
IS

☒ REPORTED AT CASE # B352000, DATED FEB. 24, 2026;

☒ HAS BEEN DESIGNATED FOR PUBLICATION & IS REPORTED

THE JURISDICTION OF THIS COURT IS INVOKED  
UNDER 28 USC § 1257(a)

//

//

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## JURISDICTION

1  
2  
3 Thus Court HAS JURISDICTION under 28 USC § 1257  
4 (a), AS FINAL JUDGEMENT WAS ENTERED when The  
5 CALIFORNIA SUPREME Court Denied Review on  
6 4/22/2026  
7

8 A TRUE COPY OF The DECISION IS ATTACHED AS  
9 APPENDIX (B), THEREFORE THIS Court IS ADEQUATE  
10 per 28 USC § 1257(a) -

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# 1 CONSTITUTIONAL & STATUTORY PROVISIONS INVOLVED

2

3 THIS CASE BEFORE THIS COURT INVOLVES THE U.S.  
4 CONSTITUTIONS FORTH AMENDMENTS [SEARCH/SEIZURE  
5 CLAUSE], THE U.S. CONSTITUTIONS SIXTH AMENDMENT  
6 [RIGHT TO COUNSEL], & THE U.S. CONSTITUTIONS  
7 FORTTEENTH AMENDMENTS [DUE PROCESS CLAUSE]

8

9 [USCA IV] FORTH

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11 [USCA VI] SIXTH

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13 [USCA XIV] FORTTEENTH

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## [STATEMENT OF THE CASE]

PETITIONER WAS CONVICTED IN THE CALIFORNIA SUPERIOR COURT FOLLOWING PROCEEDINGS OF THE PRELIMINARY / SUPPRESSION HEARING THAT WAS TAINTED BY CONSTITUTIONAL ERROR; THAT RESULTED IN AN ILLEGAL / UNREASONABLE COMMITMENT

### [AT THE PRELIMINARY / SUPPRESSION HEARING:]

• PEACE OFFICERS ON BEHALF OF THE STATE HAD PROVIDED AND INTRODUCED MATERIALLY "FALSE TESTIMONY", IN REGARDS TO GOVERNMENT ENCROACHMENT OF PROPERTY, PAPERS, & EFFECTS OF THE PETITIONER PRIOR TO A VALID SEARCH WARRANT [CELLPHONE]

• PEACE OFFICERS ON BEHALF OF THE STATE HAD SUPPRESSED MATERIAL EVIDENCE THAT WAS FAVORABLE / IMPEACHMENT "BRADY MATERIAL" OF APPROXIMATELY (15) FIFTEEN WARRANT LESS SEARCHES OF PETITIONERS CELLPHONE PRIOR TO A VALID SEARCH WARRANT AND ABSENT EXIGENT CIRCUMSTANCES.

• THE PETITIONER IN PROSE & COUNSEL OF RECORD WAS DENIED THE RIGHT TO "EFFECTIVE CROSS-EXAMINATION" OF THE STATE KEY WITNESSES [POLICE OFFICERS] AT THE PRELIMINARY / SUPPRESSION HEARING, DUE TO THE SUPPRESSION OF THE "BRADY MATERIAL" OF APPROXIMATELY (15) WARRANTLESS CELLPHONE SEARCHES

1 • THE "FALSE TESTIMONY" WAS MATERIAL & SIGNIFICANT THAT IT  
2 MISLEAD THE JUDGE TO BELIEVE THE PEACE OFFICERS  
3 HAD NOT ENCREACHED/VIOLATED THE PETITIONERS "FARTH  
4 AMENDMENT" TO HIS CELLPHONE, PRIOR TO A VALID  
5 WARRANT, THERE BY DENYING THE SUPPRESSION [§1538.5]  
6 MOTION & EVIDENCE BEING USED AGAINST HIM.

7  
8 • THE PETITIONER IN PROSE & COUNSEL OF RECORD WAS DENIED  
9 THE RIGHT TO "EFFECTIVE ASSISTANCE OF COUNSEL", AT THE  
10 PRELIMINARY/SUPPRESSION HEARING, DUE TO THE UNABILITY TO  
11 CHALLENGE THE "FALSE TESTIMONY", INTRODUCE EVIDENCE TO  
12 IMPEACH THE PEACE OFFICERS, INTRODUCE EXPERTS TO  
13 CONTRADICT THE "FALSE TESTIMONY", & FAILED TO PREVENT  
14 THE UNLAWFUL COMMITMENT AS THE STATE/PEACE OFFICERS  
15 "SUPPRESSED" (IS) WARRANTLESS CELLPHONE SEARCHES  
16 PRIOR TO A VALID WARRANT

17  
18 • PETITIONER WAS UNREASONABLY COMMITTED FROM THE  
19 PRELIMINARY/SUPPRESSION HEARING TO STAND TRIAL.

20  
21 • POST-COMMITMENT, PETITIONER HAD APPOINTED FORENSIC EXPERT  
22 IN CELLPHONE/COMPUTERS AND VIDEO EXPERT THAT REVEALED  
23 THE "DIGITAL FOOTPRINTS" OF (IS) CELLPHONE SEARCHES AND  
24 WITH THIS EVIDENCE ESTABLISHED — THE TESTIMONY OF PEACE  
25 OFFICERS AT THE PRELIMINARY HEARING/SUPPRESSION HEARING  
26 WAS "FALSE". THE FORENSIC EVIDENCE WAS NEVER DISCLOSED  
27 TO PETITIONER PRIOR TO OR AT THE PRELIMINARY/  
28 SUPPRESSION HEARING & PREJUDICE HAD ENSUED FROM IT.

1 • A Superior Court Judge, Post-Commitment had found that  
2 PETITIONERS CELLPHONE SEARCHES ON SEPT. 8, 2015 WERE  
3 DONE "WITHOUT" A "VALID SEARCH WARRANT" & VIOLATED THE  
4 PETITIONERS FORTH AMENDMENT TO THE GOVERNMENTS  
5 ENCROACHMENT ON PETITIONERS PROPERTY, PAPERS, & EFFECTS  
6 [CELLPHONE], BUT ERRORED IN SUPPRESSING ALL THE  
7 EVIDENCE, ALLOWING THE STATE TO CONTINUE USING  
8 UNREASONABLY OBTAINED EVIDENCE FROM THE PETITIONER  
9 CELLPHONE. THE SUPERIOR COURT JUDGE HAD AFTER REVIEWING  
10 THE TRANSCRIPTS, EXPERT REPORTS, & LEGAL ARGUMENTS HAD  
11 SUPPRESSED (10) CELLPHONE SEARCHES [APPENDIX L; pg 52 line  
12 9-11]

13  
14 • THE UNREASONABLY OBTAINED EVIDENCE WAS USED  
15 AGAINST THE PETITIONER, THAT WAS USED TO CONVICT  
16 HIM AT TRIAL

#### 17 — POST-CONVICTION

18 • PETITIONER PRESENTED NEWLY DISCOVERED EVIDENCE, INCLUDING  
19 FORENSIC EXPERT ANALYSIS & TRANSCRIPTS OF THE SWORN  
20 PEACE OFFICERS TESTIMONY DEMONSTRATING "FALSE TESTIMONY"  
21 AND/OR "FALSITY" TO THE COURT OF APPEALS BY MEANS OF  
22 HABEAS CORPUS & WAS DENIED ON 2/24/2026. THE CAL.  
23 SUPREME COURT GRANTED JUDICIAL NOTICE OF THE (10)  
24 SUPPRESSED SEARCHES [APPENDIX M; pg 52 LINE 9-11] AND  
25 DENIED REVIEW PER HABEAS CORPUS ON 4/22/2026  
26 [SEE EXHIBIT A, B]

1 DESPITE FORENSIC EVIDENCE ESTABLISHING THE "FALSE  
2 TESTIMONY" OF PEACE OFFICERS & JUDICIAL DETERMINATION OF  
3 GOVERNMENT ENCROACHMENT OF PETITIONERS FORTH  
4 AMENDMENT VIOLATIONS, NO COURT PROVIDED RELIEF PERIOD

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2 ON SEPT. 8, 2015, THE PETITIONER [TOMAS SARINANA] HAD GONE TO  
3 THE ONTARIO POLICE DEPT. [O.P.D.] TO PROVIDE A STATEMENT IN  
4 REGARDS TO A MISSING FAMILY MEMBER. THE PETITIONER WAS  
5 NOT UNDER ARREST, AND WAS PLACED IN A INTERVIEW ROOM;  
6 AFTER A LONG PERIOD OF WAITING BEGAN USING HIS CELLPHONE.  
7

8 OFFICER JEFFREY ZEEN [O.P.D.] CAME INTO THE INTERVIEW ROOM  
9 AND SEIZED PETITIONERS CELLPHONE @ 3:48 PM. AFTER COMPLETING  
10 INTERVIEW / PROVIDING STATEMENT, PETITIONER LEFT THE  
11 POLICE DEPT.; A SEARCH WARRANT WAS ISSUED BY HON.  
12 JUDGE LILY SINFIELD ON SEPT. 8, 2015 AT 7:49 PM [APPENDIX C  
13 PG 12]. THE SEARCH WARRANT INCLUDED PETITIONERS CELLPHONE  
14

15 OFFICER ZEEN HAD PROVIDED PETITIONERS CELLPHONE TO OFFICER  
16 SEAN HARDEN [O.P.D.], WHO HAD "ACTUAL POSSESSION" OF THE  
17 CELLPHONE OF PETITIONER PRIOR TO THE ISSUANCE OF THE  
18 SEARCH WARRANT & AFTER THE SEARCH WARRANT WAS  
19 GRANTED [EXHIBIT C, PG 12].  
20

21 THE PETITIONER WAS CHARGED @ SIX-MONTHS [3/24/2016] LATER FOR  
22 THE ALIEN CHARGE OF HOMICIDE [PENAL CODE § 187], AND AS A RESULT  
23 HAD EXERCISED HIS FARETTA RIGHTS [FARETTA V. CALIFORNIA (1975)  
24 440 U.S. 806]. THE PETITIONER WAS NOW "COUNSEL OF RECORD FOR THE  
25 DEFENSE" FOR CASE # KA112126 BEFORE THE SUPERIOR COURT OF CALIFORNIA  
26

27 THE PETITIONER HAD SUBMITTED TO THE TRIAL COURT A MOTION TO  
28 SUPPRESS [PENAL CODE § 1538.5], THAT INCLUDED THE CELLPHONE DATA/  
-8-

1 INFORMATION FROM HIS CELLPHONE.

2  
3 ON JAN. 25, 2019, A PRELIMINARY HEARING WAS BEING HELD IN  
4 CONJUNCTION WITH THE SUPPRESSION HEARING - TO SUPPRESS THE  
5 PETITIONER'S CELLPHONE IN VIOLATION OF THE FOURTH AMENDMENT  
6 [U.S.C.A. IV].

7  
8 PEACE OFFICER SEAN HARDEN HAD TESTIFIED UNDER OATH ON BEHALF OF  
9 THE STATE, AT THE PRELIMINARY HEARING / SUPPRESSION HEARING IN  
10 REGARDS TO THE PETITIONER'S CELLPHONE AND SEARCHES DONE  
11 PRIOR TO A VALID WARRANT AUTHORIZED AT 7:49PM ON 9/8/2015  
12 [APPENDIX C pg 12]. PEACE OFFICER HARDEN DENIED SEARCHING THE  
13 PETITIONER'S CELLPHONE

14  
15 HARDEN WAS ASKED, UNDER OATH:

16 Q="AND DID YOU USE THE PHONE'S INTERNET FOR ANY REASON?"

17 A="NO"; HARDEN RESPONDED [APPENDIX D; PHT PG 425; LINE 10-12]

18  
19 Q="OKAY. AND IN THE TIME YOU HAD THE POSSESSION OF THE PHONE,  
20 YOU NEVER WENT THROUGH THE INTERNET, CORRECT?"

21 A="THAT'S CORRECT"; HARDEN RESPONDED [APPENDIX D; PHT PG 427 LINE 10-12]

22  
23 Q="NO? IS IT POSSIBLE YOU MADE INTERNET LOG-INS?"

24 A="NO"; HARDEN RESPONDED [APPENDIX D, PHT PG 428, LINE 4-6]

25  
26 THE SWORN TESTIMONY OF HARDEN WAS THAT HE DID NOT CONDUCT OR  
27 NEVER WENT THROUGH PETITIONER'S CELLPHONE WHILE HE HAD  
28 POSSESSION, TO USE OR GO THROUGH THE "INTERNET" FOR ANY REASON.

1 ADDITIONALLY HARDEN'S TESTIMONY REVOLVED AROUND SEARCHES OF  
2 "EMAIL" & "CELLPHONE CONTENT", THIS COVERED ALL CELLPHONE DATA  
3 OR INFORMATION CONTAINED IN THE PETITIONERS CELLPHONE; &  
4 AGAIN HARDEN HAD DENIED "LOOKING" OR "SEARCHING" THE  
5 CELLPHONE DATA.

6  
7 HARDEN WAS ASKED, UNDER OATH:

8 Q: "PRIOR TO GIVING THE PHONE TO DETECTIVE--TO DETECTIVE O'DELL,  
9 NOW SERGEANT O'DELL, DID YOU LOOK AT ANY OF THE CONTENTS OF  
10 THE PHONE, SPECIFICALLY, PHOTOGRAPH, TEXT MESSAGE, EMAIL, OR  
11 ANYTHING ELSE?"

12 A: "NO, MA'AM"; HARDEN RESPONDED [APPENDIX E; PHT PG 60 LINE 18-22]

13  
14 Q: "DID YOU PERSONALLY, SEARCH THE DEFENDANTS PHONE AND LOOK AT  
15 TEXT MESSAGES, EMAILS, PHOTOS, OR ANYTHING ELSE BESIDES POSSIBLY  
16 A PHONE NUMBER OR SERIAL NUMBER?"

17 A: "NO, MA'AM"; HARDEN RESPONDED [APPENDIX E; PHT PG 83 LINE 4-7]

18  
19 Q: "SO THE PROSECUTOR ASKED IF YOU LOOKED FOR TEXT MESSAGES AND  
20 THINGS LIKE THAT AND YOU SAID, NO CORRECT?"

21 A: "YES, SIR"; HARDEN RESPONDED [APPENDIX E; PG 84 LINE 2-4]

22  
23 THE SWORN TESTIMONY OF HARDEN ESTABLISHED BEFORE THE  
24 SUPERIOR COURT OF CALIFORNIA AT A CRITICAL STAGE OF THE  
25 PETITIONERS CRIMINAL PROCEEDING [PRELIMINARY/SUPPRESSION HEARING  
26 THAT HE [HARDEN] NEVER SEARCHED/LOOKED AT PETITIONERS  
27 CELLPHONE'S "INTERNET", "EMAIL", "PHOTOS", "TEXT MESSAGES", OR  
28 "ANYTHING ELSE"; WHEN HE [HARDEN] HAD POSSESSION OF THE CELLPHONE

1 ON JAN. 25, 2019, OFFICER JEFFREY ZEEN HAD TESTIFIED UNDER OATH ON  
2 BEHALF OF THE STATE, AT THE PRELIMINARY HEARING/SUPPRESSION  
3 HEARING IN REGARDS TO PETITIONERS CELLPHONE, THE TESTIMONY  
4 THAT WAS INTRODUCED WAS THAT CONSENT WAS GIVEN BY THE  
5 PETITIONER IN PROVIDING THE CELLPHONE BY MAKING A "NOD  
6 OR "NODDING", IN THE "AFFIRMATIVE".

7  
8 ZEEN WAS ASKED, UNDER OATH:

9 Q= "SO WHAT DID YOU DO AT THAT POINT?"

10 A= "I WALKED IN, AND I ASKED TOMAS IF I COULD TAKE A  
11 LOOK AT HIS PHONE, AND HE LOOKED UP AT ME, NODDED AND  
12 HANDED IT TO ME"; ZEEN RESPONDED [APPENDIX K, PG 22 LINE 11-14]

13  
14 Q= "OKAY. WHEN HE NODDED, WAS IT A NOD IN A HORIZONTAL, LIKE  
15 NO OR WAS IT A NOD LIKE IN THE AFFIRMATIVE?"

16 A= "IT WAS A NOD<sup>①</sup> IN THE AFFIRMATIVE. IT WAS PRETTY SUBTLE, BUT  
17 IT WAS A NOD<sup>①</sup>"; ZEEN RESPONDED [APPENDIX K, PG 522 LINE 15-19]

18  
19 THE TRIAL COURT WAS PROVIDED "TESTIMONIAL EVIDENCE" BY  
20 OFFICER HARDEN IN WHICH NEVER SEARCHED OR LOOKED THROUGH  
21 THE PETITIONERS CELLPHONE OR ANYTHING ELSE, ALSO "TESTIMONIAL  
22 EVIDENCE" BY OFFICER ZEEN IN WHICH HAD "CONSENT" IN THE  
23 AFFIRMATIVE BY MEANS OF A PHYSICAL "NOD" BY THE PETITIONER. THIS  
24 EVIDENCE OF THE STATE WEIGHED HEAVILY ON THE TRIAL COURT THAT  
25 THE "SUPPRESSION" MOTION [§1538.5] WAS DENIED & PETITIONER WAS COMMITTED  
26 NOD<sup>①</sup> (NODDED) 1. Lower AND RAISE your HEAD BRIEFLY TO SHOW  
27 AGREEMENT  
28 [OXFORD DICTIONARY & THESARUS (2011) PG 622]

THE PETITIONER HAD APPOINTED A FORENSIC CELLPHONE EXPERT [THOMAS BLACKBURN] TO REVIEW & ANALYZE THE PETITIONERS CELLPHONE EXTRACTION AND REVEALED A "EMAIL" WAS OPENED & READ, PRIOR TO A VALID SEARCH WARRANT AT 7:49 PM ON SEPT. 8, 2015, BLACKBURN STATED:

"FIRST LOOKING AT THE CELLBRITE EXTRACTION REPORT AT PAGE 563, THERE IS AN EMAIL WITH A TIME STAMP OF 9/8/2011 AT 4:32:41 PM. THE STATUS SHOWS THAT THIS EMAIL WAS OPENED AND READ" [APPENDIX F; PG 11 #38]

"IT IS MY OPINION THAT THE CELLPHONE WITH NUMBER (626) 373-6195 WAS BEING USED AND/OR MANIPULATED AFTER IT LEFT TOMAS SARINANA POSSESSION ON SEPT. 8, 2015 AT 3:48 PM" [APPENDIX F; PG 12 #44]

"SPECIFICALLY, THERE WAS A EMAIL THAT WAS RECEIVED, OPENED, AND READ AT 4:32:41 PM ON SEPT. 8, 2015" [APPENDIX G; PG 2 #12 ("DECLARATION OF THOMAS L. BLACKBURN IN SUPPORT OF TOMAS SARINANA'S CLAIM THAT HIS CELLPHONE WAS OPENED AND USED PRIOR TO A SEARCH WARRANT AFTER IT LEFT HIS POSSESSION ON SEPT. 8, 2015 AT 3:48 PM)],

THE FORENSIC EVIDENCE IN THE PETITIONERS CELLPHONE, ESTABLISHES THAT A "EMAIL" WAS OPENED & READ AT 4:32:41 PM PRIOR TO JUDGE SINFIELDS WARRANT GRANTED AT 7:49 PM AND CONTRADICTS THE TESTIMONY OF OFFICER HARDEN, AS A UNREASONABLE/UNLAWFUL SEARCH TOOK PLACE,

FRENSIC CELLPHONE EXPERT [THOMAS BLACKBURN] REVIEWED AND ANALYZED THE PETITIONER'S CELLPHONE EXTRACTION AND REVEALED (4) FOUR INTERNET SEARCHES THAT TOOK PLACE PRIOR TO THE VALID SEARCH WARRANT AT 7:49 PM ON SEPT. 8, 2015, BLACKBURN STATED:

"...THERE ARE FOUR (4) CONNECTIONS TO THE INTERNET USING THE SAMSUNG BROWSER. THE FIRST CONNECTION AT 7:02:54 PM IS TO THE GOOGLE WEBSITE... THE SECOND CONNECTION AT 7:25:19 PM PERFORMS A SEARCH FOR "UCHOA BROTHERS TOWING"... THE THIRD CONNECTION AT 7:26:02 PM WAS TO A PORNOGRAPHIC WEBSITE... THE FOURTH CONNECTION USES THE THIRD CONNECTION WEBSITE... [APPENDIX F, PG 11 #39]

"IT IS MY OPINION THAT THE CELLPHONE WITH NUMBER (626) 373-6195 WAS BEING USED AND/OR MANIPULATED AFTER IT WAS TAKEN FROM TOMAS SARINANA ON SEPTEMBER 8, 2015 AT 3:48 PM" [APPENDIX F, PG 12 #44]

THE FRENSIC EVIDENCE IN THE PETITIONER'S CELLPHONE, ESTABLISHES THAT FOUR SEPERATE "INTERNET SEARCHES" TOOK PLACE PRIOR TO JUDGE SINFIELD'S WARRANT GRANTED AT 7:49 PM AND CONTRADICTS THE TESTIMONY OF OFFICER HARDEN, AS FOUR SEPERATE UNREASONABLE SEARCHES TOOK PLACE.

OFFICER SEAN HARDEN HAD TESTIFIED FALSELY AT THE PRELIMINARY/SUPPRESSION HEARING-TO THE CELLPHONE SEARCHES

1 THE PETITIONER HAD APPOINTED COMPUTER FORENSIC EXPERT  
2 [WAYNE NORRIS] TO REVIEW/ANALYZE THE PETITIONERS  
3 CELLPHONE DATA TO DETERMINE IF THERE WAS ANY  
4 ADDITIONAL SEARCHES FOUND PRIOR TO 7:49 PM ON SEPT. 8,  
5 2015.

6 THE PETITIONERS CELLPHONE EXTRACTION REVEALED (10) TEN  
7 SEPERATE CELLPHONE SEARCHES PRIOR TO 7:49 PM IN THE  
8 CELLPHONE CONTENT:

- 9
- 10 (A) 7:02:54 PM (1) SECOND: ANDROID MISSED CALLS, IN COMING MESSAGES
  - 11 (B) 7:09:29 PM (20) SECONDS: ANDROID APP, GOOGLE.COM
  - 12 (C) 7:13:28 PM (7) SECONDS: ANDROID SETTING, APP, MANAGING, SCREEN LOCK
  - 13 (D) 7:17:16 PM (18) SECONDS: ANDROID APP, GOOGLE.COM
  - 14 (E) 7:17:34 PM (4) SECONDS: ANDROID MANAGING HARDWARE, APP INSTALLATION
  - 15 (F) 7:19:48 PM (2) MINUTE & (2) SECONDS: ANDROID GALLERY PHOTOS, GEOLOCATION
  - 16 (G) 7:22:33 PM (1) MINUTE & (43) SECONDS: ANDROID MAPS
  - 17 (H) 7:24:45 PM (1) MINUTE & (16) SECONDS: ANDROID BROWSER
  - 18 (I) 7:33:38 PM (29) SECONDS: ANDROID CALL LOGS, VOICE MAIL, INCOMING CALLS
  - 19 (J) 7:38:45 PM - ALARM CLOCK ACCESSED

20 [APPENDIX I, Pg 1 LINE 24-27; Pg 2 LINE 1-14]

21 THE CONCLUSION OF NORRIS WAS:

22 "THIS PHONE WAS ACCESSED ON SEPTEMBER 8, 2015  
23 BETWEEN 3:48 PM AND 4:32 PM AND FROM 7:02 PM AND 7:49 PM  
24 REFERRED TO HERE AS THE TIME IN QUESTION"

25 [APPENDIX I, Pg 16 LINE 6-8]

26 THESE (10) ADDITIONAL CELLPHONE SEARCHES, CONTRADICT THE

SEARCHES [PHOTOS, TEXT MESSAGES, INCOMING/OUTGOING  
CALLS, BROWSER, ETC.] FOUND PRICR TO THE SEARCH  
WARRANT.

OFFICER HARDEN HAD "ACTUAL POSSESSION" OF PETITIONER'S  
CELLPHONE WHEN THE SEARCHES TOOK PLACE. A TOTAL OF  
(15) FIFTEEN CELLPHONE SEARCHES WERE FORENSICALLY  
FOUND PRICR TO ANY WARRANT ON SEPT. 8, 2015 BASED ON  
THE TESTIMONY OF OFFICER HARDEN.

Q: "SO IM TRYING TO GET THIS TIMELINE DOWN. SO APPROXIMATELY  
AN HOUR BETWEEN FOUR & FIVE O'CLOCK YW HAD THIS -- THE  
WHITE SAMSUNG GALAXY PHONES, CORRECT?"

A: "YES SIR"; HARDEN RESPONDED [APPENDIX E, PG 74 LINE 17-20]

FORENSIC CELLPHONE EXPERT [BLACK BURN] REVEALED A "EMAIL"  
WAS OPENED & READ AT 4:32:41 PM ON SEPT. 8, 2015  
[APPENDIX F, PG 11 #38; APPENDIX G, PG #12]

Q: "DID YW HAVE POSSESSION OF THE CELLPHONE BEFORE THE SEARCH  
WARRANT WAS GRANTED?"

A: "YES"; HARDEN RESPONDED [APPENDIX D PG 425 LINE 24-26]

Q: "WHEN YW GAVE DETECTIVE O'DELL THE THREE PHONES, DID YW GIVE HIM  
A COPY OF THE SIGNED WARRANT AT THE SAME TIME?"

A: "YES MA'AM"; HARDEN RESPONDED [APPENDIX E, PG 82 LINE 17-19]

THE PETITIONERS FOURTH AMENDMENT WAS DIRECTLY VIOLATED BY OFFICER HARDEN (IS) SEPERATE TIMES UNDER RILEY V. CALIFORNIA (2014) PRIOR TO A VALID SEARCH WARRANT; THERE WAS NO EXIGENT CIRCUMSTANCE, EMERGENCY, DESTRUCTION OF EVIDENCE, OR EXCEPTION TO JUSTIFY THIS (IS) CELLPHONE SEARCHES.

THE PETITIONER'S DUE PROCESS OF LAW UNDER THE FORTIETH AMENDMENT WAS VIOLATED BY OFFICER HARDEN AS HE INTRODUCED "FALSE TESTIMONY" AT THE PRELIMINARY/SUPPRESSION HEARING, IN REGARDS TO CELLPHONE SEARCHES THAT HE DENIED EVER HAPPENED; UNDER NABUE V. ILLINOIS (1959), MOONEY V. HOLLOMAN (1935), PATE V. MILLER (1967). SUCH CONSTITUTIONAL VIOLATION WAS NOT HARMLESS AT ALL PERIOD.

THE PETITIONER'S DUE PROCESS OF LAW UNDER THE FORTIETH AMENDMENT WAS VIOLATED BY OFFICER HARDEN (IS) SEPERATE TIMES BY THE INTENTIONAL "SUPPRESSION" OF EVIDENCE THAT WAS FAVORABLE/IMPEACHMENT (IS) UNREASONABLE SEARCHES, UNDER BRADY V. MARYLAND (1963), KYLES V. WHITLEY (1995), GIGLIO V. U.S. (1972). THIS CONSTITUTIONAL VIOLATION WAS NOT HARMLESS AT ALL, AS THE EVIDENCE WAS "MATERIAL".

THE EVIDENCE THAT OFFICER HARDEN "SUPPRESSED" WAS MATERIAL BECAUSE IT WOULD OF HAVE:

- IMPEACHED OFFICER HARDEN'S TESTIMONY, CREDIBILITY, VERACITY
- ESTABLISHED THE "FALSE TESTIMONY" OF OFFICER HARDEN UNDER OATH
- PETITIONERS FOURTH AMENDMENT WOULD BE ESTABLISHED TO HAVE BEEN ENCROACHED BY THE GOVERNMENT (IS) SEPERATE TIMES

1 THE TESTIMONY OF OFFICER HARDEN.

2  
3 [ADDITIONALLY IN REVIEWING THE CELLBRITE EXTRACTS  
4 NORRIS HAD FOUND THE FOLLOWING "INTERNET SEARCHES"  
5 THAT TOOK PLACE PRIOR TO A VALID SEARCH WARRANT  
6 CONFIRMING THE FINDING OF CELLPHONE EXPERT BLACK-  
7 BURN, IN THE WEB HISTORY; THAT INCLUDED PORN SITES.

8  
9 (1) HTTP://VIDEOS.COM AT 7:28:12 PM

10 (2) HTTP://VIDEOS.COM AT 7:26:02 PM

11 (3) HTTP://GOOGLE.COM AT 7:25:19 PM

12 (4) HTTP://GOOGLE.COM AT 7:02:54 PM

13 [APPENDIX H pg 1]

14  
15 NORRIS STATED IN HIS REPORT:

16 "THE PRESENCE OF ADDTHIS.COM LINKS CONSTITUTES  
17 A DIGITAL FOOTPRINT SHOWING THAT WEBSITES ARE  
18 ACCESSED" [APPENDIX H, pg 4 #3 & #4]

19  
20 FORENSIC EVIDENCE FOUND BY TWO SEPARATE FORENSIC  
21 EXPERTS [CELLPHONE/COMPUTER], ESTABLISHES A COMBINED  
22 (15) FIFTEEN SEPARATE SEARCHES THAT TOOK PLACE PRIOR  
23 TO 7:49 PM SEARCH WARRANT BY JUDGE SINFIELD ON 9/8/15  
24 [APPENDIX C, pg 12].

25  
26 THE "FALSE TESTIMONY" OF OFFICER HARDEN AT THE  
27 PRELIMINARY/SUPPRESSION HEARING IS DETERMINED BY  
28 "EMAIL", "INTERNET SEARCHES", & "CELLPHONE CONTENT"

- (1) THE PETITIONERS PHONE IS SEIZED → @ 3:48 PM;
- (2) PHONE IS SEARCHED/ACCESSED → 15 SEPERATE TIMES;
- (3) SEARCH WARRANT IS GRANTED BY JUDGE SINFIELD → 7:49 PM;
- (4) OFFICER HARDEN'S TESTIMONY → NO INTERNET SEARCHES;
- " " " → NO EMAIL SEARCHES;
- " " " → NO PHOTOS SEARCHES;
- " " " → NO MESSAGES SEARCHES;
- " " " → NO CONTENT SEARCHES;
- (5) EXPERT EVIDENCE → PROVES (15) SEPERATE SEARCHES OF:
- INTERNET
  - PHOTOS
  - EMAIL
  - MESSAGES
  - CELLPHONE CONTENT
- (6) TESTIMONY OF HARDEN PROVED → FALSE BY FORENSIC EVIDENCE
- (7) FALSE TESTIMONY → UNDERMINED/MISLEAD JUDICIAL RULING
- (8) PETITIONERS FEDERAL CONSTITUTIONAL GUARANTEES OF THE FOURTH/FOURTEENTH AMENDMENTS VIOLATED, BY OFFICER HARDEN.
- DESPITE ADMISSIONS/TESTIMONY OF "ACTUAL POSSESSION" OF PETITIONERS CELLPHONE FROM 3:48 PM THROUGH 7:38:45 PM ON SEPT. 8, 2015; NO WARRANT WAS OBTAINED BY OFFICER HARDEN.
- NO TESTIMONY ESTABLISHED "EXIGENT CIRCUMSTANCES", FOR WARRANTLESS SEARCH
  - NO TESTIMONY ESTABLISHED "EMERGENCY", FOR WARRANTLESS SEARCHES
  - NO TESTIMONY ESTABLISHED "DESTRUCTION OF EVIDENCE", FOR WARRANTLESS SEARCH
  - NO VALID "EXCEPTION" WAS ESTABLISHED FOR (15) UNREASONABLE SEARCHES.

- SUPPORTED SUPPRESSION OF EVIDENCE AT HEARING;
- PROVIDED JUDGE ADEQUATE INFORMATION / EVIDENCE TO MAKE A RULING BASED ON RELIABLE FORENSIC EVIDENCE (BRADY MATERIAL) OF (15) SEPARATE CELLPHONE SEARCHES PRIOR TO A VALID WARRANT
- LED TO ADDITIONAL EVIDENCE TO INTRODUCE AT HEARING
- PROVIDED EXPERT WITNESS TO TESTIFY, ON BEHALF OF DEFENSE
- CHANGED THE DIRECTION OF THE PRELIMINARY / SUPPRESSION HEARING
- EVIDENCE [CELLPHONE] WOULD NOT HAVE BEEN USED AGAINST THE PETITIONER THAT WAS ILLEGALLY OBTAINED
- COMMITMENT WOULD NOT HAVE OCCURRED.

THE PETITIONER WAS PREJUDICED BY THE "SUPPRESSION" OF (15) UNREASONABLE CELLPHONE SEARCHES BY OFFICER HARDEN ON SEPT. 8, 2015 BY (1) THE EVIDENCE WAS FAVORABLE TO THE PETITIONER (2) OFFICER HARDEN / STATE SUPPRESSED (15) UNREASONABLE CELLPHONE SEARCHES, (3) THE "SUPPRESSION" WAS PREJUDICIAL & EVIDENCE WAS MATERIAL TO THE PRELIMINARY / SUPPRESSION HEARING AS IT WAS IMPEACHMENT [BRADY V. MARYLAND (1963), KYLES V. WHITLEY (1995), GIGLIO V. U.S. (1972)]; AMADO V. GONZALEZ (6th Cir 2011), BANK V. DRETKE (2004).

THE PETITIONER WAS DENIED THE RIGHT TO "EFFECTIVE CROSS-EXAMINATION" BY THE "SUPPRESSION" OF "BRADY MATERIAL" BY OFFICER HARDEN AT THE PRELIMINARY / SUPPRESSION HEARING. THIS VIOLATED THE PETITIONER'S SIXTH AMENDMENT [USCA VI] AND WAS NOT HARMLESS [DAVIS V. ALASKA (1974); BROOKHART V. JONES (1965)]

1 THE PETITIONER WAS DENIED THE RIGHT TO "EFFECTIVE ASSISTANCE OF  
2 COUNSEL" UNDER SIXTH AMENDMENT AT THE PRELIMINARY HEARING  
3 - A CRITICAL STAGE OF THE CRIMINAL PROCESS UNDER  
4 COLEMAN V. ALABAMA (1970) WHERE PETITIONER'S FAILURES AS  
5 "DEFENSE COUNSEL OF RECORD", WERE DIRECTLY ATTRIBUTED  
6 TO "SUPPRESSED" "BRADY MATERIAL" THIS CONFLICTS WITH  
7 STRICKLAND V. WASHINGTON (1984).

8  
9 THE PETITIONER HAD APPOINTED A FORENSIC VIDEO EXPERT  
10 [ERIK LAPPORTE] TO REVIEW & ANALYZE THIS VIDEO ON SEPT. 8,  
11 2015 WHERE OFFICER ZEEN AND PETITIONER WERE IN THE  
12 INTERVIEW ROOM TOGETHER TO DETERMINE IF THIS PETITIONER  
13 IN ANYWAY MOVED HIS HEAD [UP/DOWN/FORWARD/BEND] BY A  
14 NOD, AS OFFICER ZEEN HAD TESTIFIED UNDER OATH ON  
15 JAN. 25, 2019 [APPENDIX K, PG 522 LINE 15-19] BEFORE THE  
16 SUPERIOR COURT AT THE PRELIMINARY/SUPPRESSION HEARING.

17  
18 VIDEO EXPERT LAPPORTE STATED IN HIS CONCLUSION:  
19 "AFTER REVIEWING VIDEO WITH TOMAS IN ROOM FOR ONE HOUR. MP4" AND  
20 THE TRANSCRIPT OF DETECTIVE ZEEN'S STATEMENT AT MR. SARINANA'S  
21 PRELIMINARY HEARING ON JANUARY 25, 2019, IT IS MY OPINION THAT  
22 MR. SARINANA DOES NOT NOD IN RESPONSE TO THE DETECTIVES  
23 QUESTION REGARDING MR. SARINANA'S CELLPHONE" [APPENDIX J, PG 10  
24

25 "AT NO POINT DOES SAID EAR-BAND (OR MR. SARINANA'S HEAD IN  
26 GENERAL) TILT IN ANY SORT OF FORWARD, DOWNWARD MOTION THAT  
27 WOULD INDICATE A NOD TOOK PLACE" [APPENDIX J, PG 8].  
28

1 THE FORENSIC VIDEO EVIDENCE, ESTABLISHED THAT THE PETITIONER  
2 HAD NEVER "NOPPED" OR MADE A "NOD" IN THE AFFIRMATIVE AS  
3 OFFICER ZEEN HAS TESTIFIED UNDER OATH BEFORE THE SUPERIOR  
4 COURT AT THE PRELIMINARY/SUPPRESSION HEARING.

5  
6 [U]LTIMATELY THE "FALSE TESTIMONY" OF OFFICER HARDEN  
7 AND OFFICER ZEEN AT THE PRELIMINARY/SUPPRESSION  
8 HEARING CUMULATIVE EFFECT OF CONSTITUTIONAL VIOLATIONS:

9  
10 • FALSE TESTIMONY, TAINTED JUDICIAL RULING [USCA XIV; NADUE V.  
11 ILLINOIS (1959), MILLER V. PATE (1967); MOORE V. HOLSTMAN (1935)]

12 • (15) UNREASONABLE CELLPHONE SEARCHES [USCA IV; RILEY V.  
13 CALIFORNIA (2014)]

14 • (15) SUPPRESSED CELLPHONE SEARCHES THAT WERE FAVORABLE/  
15 IMPEACHMENT EVIDENCE [USCA XIV; BRADY V. MARYLAND  
16 (1963); KYLES V. WHITLEY (1995); GIGLIO V. U.S. (1972)]

17 • DENIAL OF EFFECTIVE CROSS-EXAMINATION [USCA VI; DAVIS V.  
18 ALASKA (1974); BROOKHART V. JONES (1965)]

19 • DENIAL OF EFFECTIVE ASSIST. OF COUNSEL [USCA VI; STRICKLAND V.  
20 WASHINGTON (1984); COLEMAN V. ALABAMA (1970) AT THE  
21 PRELIMINARY HEARING/SUPPRESSION HEARING.]

22  
23 RENDERS THE PRELIMINARY HEARING/SUPPRESSION HEARING  
24 FUNDAMENTALLY UNFAIR, RESULTING IN A UNREASONABLE  
25 COMMITMENT.

26  
27 THE "FALSE TESTIMONY" by BOTH PEACE OFFICERS ON BEHALF OF THE  
28 STATE WAS SIGNIFICANT TO INFRINGE ON PETITIONERS CONST. RIGHTS.

1 THE PETITIONERS CONSTITUTIONAL VIOLATIONS WERE NEVER HARM-  
2 LESS AT ALL:

3  
4 SPECIFICALLY WHEN,

5  
6 • THE JUDGE RELIED UPON THE "FALSE TESTIMONY" OF PEACE OFFICER  
7 ZEEN, IN WHICH PETITIONER HAD MADE A PHYSICAL "NOD"  
8 IN THE AFFIRMATIVE BY CONSENTING TO THE SEIZURE OF THE  
9 CELLPHONE; THIS WAS PROVED TO BE FALSE BY FORENSIC  
10 EVIDENCE [APPENDIX J; Pg 10]

11  
12 • THE JUDGE RELIED ON THE "FALSE TESTIMONY" OF PEACE OFFICER  
13 HARDEN, IN WHICH HE DIDNOT SEARCH THE "INTERNET", DIDNOT  
14 SEARCH "EMAIL", DIDNOT SEARCH "PHOTOS", DIDNOT SEARCH  
15 "MESSAGES", DIDNOT SEARCH "CELLPHONE CONTENTS"; ALL OF  
16 WHICH WAS PROVED TO BE FALSE BY FORENSIC EVIDENCE  
17 [APPENDIX F, Pg 11 #38, #39; APPENDIX G, Pg 2 #11, #12, #13, #14;  
18 APPENDIX I pg 1-2; APPENDIX H, pg 1-6]

19  
20 THE PETITIONERS "SUPPRESSION MOTION" [§1538.5] WAS DENIED  
21 BASED ON "FALSE TESTIMONY", BY OFFICER ZEEN/HARDEN IN  
22 ORDER TO MISLEAD THE JUDGES FACT-FINDING.

23  
24 THERE IS REASONABLE PROBABILITY THAT, ABSENT THE CONST.  
25 VIOLATIONS [USCA IV, VI, XIV]

26 • THE MOTION TO SUPPRESS WOULD HAVE BEEN GRANTED,  
27 • A DIFFERENT RESULT WOULD HAVE OCCURRED;  
28 • PETITIONER WOULD NOT BE COMMITTED;

1 • THE JUDGES RULING WOULD NOT HAVE BEEN INFLUENCED BY "FALSITY,  
2 RESULTING TO BE HELD TO ANSWER, COMMITTED, AND BE CONVICTED

1 • THERE IS SUFFICIENT EVIDENCE TO ESTABLISH A DUE PROCESS  
2 VIOLATION @ THE PRELIMINARY/SUPPRESSION HEARING [NAPUE V.  
3 ILLINOIS (1959); MILLER V. PATE (1967); MOONEY V. HOLLOMAN (1935)].

1 • THERE IS SUFFICIENT EVIDENCE TO ESTABLISH A FOURTH AMEND.  
2 VIOLATION @ THE PRELIMINARY/SUPPRESSION HEARING [RILEY V.  
3 CALIFORNIA (2014)]

1 • THERE IS SUFFICIENT EVIDENCE TO ESTABLISH A DUE PROCESS  
2 VIOLATION @ THE PRELIMINARY/SUPPRESSION HEARING [BRADY V.  
3 MARYLAND (1963), KYLES V. WHITLEY (1995), GIGLIO V. U.S. (1972)].

1 • THERE IS SUFFICIENT EVIDENCE TO ESTABLISH A SIXTH AMEND.  
2 VIOLATION @ THE PRELIMINARY/SUPPRESSION HEARING [DAVIS V.  
3 ALASKA (1974), BROOKHART V. JONES (1965)]; [STRICKLAND V.  
4 WASHINGTON (1964); COLEMAN V. ALABAMA (1970)].

1 • THERE IS SUFFICIENT EVIDENCE TO ESTABLISH A DUE PROCESS  
2 VIOLATION, AS THE COMMITMENT IS BASED UPON "FALSE TESTIMONY  
3 FALSE EVIDENCE" [GESTEIN V. RUGH (1975); FRANKS V. DELEWARE  
4 (1978)]

1 • THERE IS SUFFICIENT EVIDENCE TO ESTABLISH A MISARRIAGE - CF -  
2 JUSTICE, FOR THE FAILURE TO CONSIDER ACTUAL INNOCENCE  
3 EVIDENCE BASED ON FALSE EVIDENCE/TESTIMONY [SCHUP V. DELO (1995)].

1 YEARS LATER [POST-COMMITMENT] A COURT DETERMINED THAT THE  
2 SEARCHES OF PETITIONER'S CELLPHONE [PROPERTY, PAPERS, & EFFECTS]  
3 BY PEACE OFFICER(S) WERE UNREASONABLE. THIS FINDING CONFIRMED  
4 WHAT THE "SUPPRESSED" EVIDENCE WOULD HAVE SHOWN ON THE  
5 OUTSET / HEARING; THAT LAW ENFORCEMENT OFFICERS  
6 CONDUCTED UNREASONABLE SEARCHES THAT VIOLATED  
7 THE PETITIONER CONSTITUTIONAL GUARANTEES.

8  
9 THIS COURT HAD ON MARCH 4, 2025 HAD RULED AFTER FINDING  
10 (10) UNREASONABLE SEARCHES - "MR. -- MR. -- WE'VE MOVED  
11 BEYOND THAT. ALL RIGHT. SO I AM SUPPRESSING THE TEN  
12 SEARCHES AND NOTHING MORE" [APPENDIX K, Pg 52 LINE 9-11]  
13

14 DESPITE THIS DETERMINATION, THE LOWER COURT FAILED TO FULLY  
15 SUPPRESS THE FRUITS OF THOSE UNREASONABLE SEARCHES ALLOWING  
16 EVIDENCE ILLEGALLY OBTAINED / TAINTED EVIDENCE TO CONTINUE  
17 INFLUENCING THE PROCEEDINGS & USE AGAINST THE  
18 PETITIONER.

19  
20 THE PETITIONER SUBMITTED A PETITION FOR WRIT OF HABEAS  
21 CORPUS TO THE CAL COURT OF APPEALS ON 1/27/2026. IN  
22 REGARDS TO THE "FALSE TESTIMONY", "SUPPRESSION" OF BRADY  
23 MATERIAL, "DENIAL OF EFFECTIVE CROSS-EXAMINATION", "DENIAL  
24 OF EFFECTIVE ASSIST. OF COUNSEL", AND ALL CONSTITUTIONAL  
25 VIOLATIONS OF PETITIONER'S FEDERAL GUARANTEES, AND ALL  
26 FORENSIC REPORTS ESTABLISHING "FALSITY" - THE COURT OF  
27 APPEALS DENIED RELIEF [APPENDIX A] ON 2/24/2026  
28 [B35200]

1 THE PETITIONER THEN SUBMITTED A "PETITION OF REVIEW" TO  
2 THE CAL. SUPREME COURT, REGARDING THIS "FALSE TESTIMONY"  
3 BY PEACE OFFICERS, "SUPPRESSION" OF "BRADY MATERIAL", AND  
4 THE FEDERAL CONSTITUTIONAL VIOLATIONS, AND THE HIGHEST  
5 STATE COURT DENIED RELIEF ON 4/22/26 [APPENDIX B].  
6

7 THE "FALSE TESTIMONY" BY PEACE OFFICERS ON BEHALF OF THE  
8 STATE—LED TO THE ILLEGAL COMMITMENT, AND CONTINUED  
9 CONSTITUTIONAL DEPRIVATIONS WERE AGGRAVATING FACTORS  
10 THAT PREJUDICED THE PETITIONER FROM A FUNDAMENTALLY  
11 FAIR PRELIMINARY / SUPPRESSION PROCEEDING REQUIRING  
12 RELIEF, UPON DUE PROCESS PRINCIPLES.

13 //

14 //

15 //

16 //

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28 //

## REASONS FOR GRANTING THE PETITION

THE DECISIONS BELOW CONFLICT WITH CLEAR SUPREME COURT  
PRECEDENT PROHIBITING FALSE TESTIMONY

(I)

THIS COURT HAS LONG HELD, THAT THE USE OF "FALSE TESTIMONY"  
VIOLATES DUE PROCESS:

NAPUE V. ILLINOIS (1959); MILLER V. PATE (1967);

MOONEY V. HOLLOMAN (1935)

HERE THE COURTS DENIED RELIEF DESPITE DEMONSTRATING FALSITY

THIS FAILURE TO APPLY CONTROLLING PRECEDENT WARRANTS RELIEF &

REVIEW.

THE DECISIONS OF THE STATE COURTS UNDERMINES THE  
"BRADY DOCTRINE"

(II)

UNDER

BRADY V. MARYLAND (1993); KYLES V. WHITLEY (1995); GIGLIO V. U.S. (1992)

AMADO V. GONZALEZ (2014); BANKS V. DRETKE (2004)

SUPPRESSION OF MATERIAL EVIDENCE THAT IS FAVORABLE/IMPEACHMENT

REQUIRES REVERSAL.

THE REFUSAL TO GRANT RELIEF HERE:

• WEAKENS ENFORCEMENT OF THE "BRADY DOCTRINE";

• PRESENTS A RECURRING CONSTITUTIONAL ISSUE;

• ALLOWS THE STATE TO VIOLATE A FEDERAL CONSTITUTIONAL

GUARANTEE WITH IMPUNITY

# THE VIOLATION OF THE SIXTH AMENDMENT RIGHT AT THE PRELIMINARY HEARING IS A RECURRING & IMPORTANT QUESTION OF LAW

## (III)

THIS COURT HAS LONG RECOGNIZED THAT THE PRELIMINARY HEARING IS A "CRITICAL STATE" OF THE CRIMINAL PROCEEDING, ESTABLISHED IN COLEMAN V. ALABAMA (1970).

THE COUNSEL OF RECORD FOR THE DEFENSES' FAILURE DUE TO THIS STATES SUPPRESSION OF "BRADY MATERIAL":

- CONDUCT A "EFFECTIVE CROSS-EXAMINATION" OF KEY STATE WITNESSES [PEACE OFFICERS], PER DAVIS V. ALASKA (1974); BROOKHART V. JONES (1965).

- PRESENT THE (IS) UNREASONABLE "TIME STAMPED" UNREASONABLE SEARCHES PRIOR TO 7:49 PM

- CHALLENGE FALSE TESTIMONY

- INTRODUCE EXPERTS TO CONTRADICT STATE WITNESSES / OFFICERS

- INTRODUCE FAVORABLE / IMPEACHMENT EVIDENCE

- PREVENT A UNLAWFUL / UNREASONABLE COMMITMENT

- PROVIDE THE JUDGE, THE CORRECT INFORMATION OF (IS) UNREASONABLE CELLPHONE SEARCHES PRIOR TO A VALID SEARCH WARRANT; TO AVOID A ADVERSE RULING, UNREASONABLE COMMITMENT

THIS CONSTITUTES "INEFFECTIVE ASSIST. OF COUNSEL" PER STRICKLAND V. WASHINGTON (1984) - COLEMAN V. ALABAMA (1970)

THIS MATTER ARISES AT TRIAL FREQUENTLY, BUT NOT ADDRESSED AT THE PRELIMINARY HEARING STAGE WHERE THE SIXTH AMENDMENT IS TRIGGERED & WARRANTS JUDICIAL REVIEW & CLARIFICATION.

1 PETITIONERS COMMITMENT IS BASED UPON FALSE EVIDENCES  
2 VIOLATES DUE PROCESS OF LAW

3 (IV)

4 UNDER, GERSTEIN V. PUGH (1975)

5 PROBABLE CAUSE MUST BE BASED UPON LAWFUL EVIDENCE.

6 -WHERE PETITIONERS COMMITMENT REST ON "FALSE TESTIMONY/  
7 EVIDENCE, THE ENTIRE PROSECUTION IS CONSTITUTIONALLY DEFECTIVE

8 FAILURE TO CONSIDER ACTUAL INNOCENCE EVIDENCE  
9 CREATES A MISCARRIAGE OF JUSTICE

10 UNDER, SCHUP V. DELO (1995)

11 (V)

12 COURTS MUST CONSIDER CREDIBLE EVIDENCE OF INNOCENCE HERE:

13 • EVIDENCE WAS PRESENTED ESTABLISHING "FALSE TESTIMONY/EVIDENCE!"

14 • UNREASONABLE SEARCHES WERE JUDICIALLY DETERMINED

15 • CONSTITUTIONAL VIOLATIONS FOUND, BUT EFFECTIVELY IGNORED

16 • NO REASONABLE JUROR WOULD OF CONVICTED PETITIONER

17 THIS PRESENTS A SERIOUS MISCARRIAGE-OF-JUSTICE, IN WHICH  
18 REVIEW OF THE CONSTITUTIONAL CLAIMS MUST BE EXAMINED

19 FOURTH AMENDMENT VIOLATIONS-UNREASONABLE SEARCHES

20 (VI)

21 UNDER, RILEY V. CALIFORNIA (2014)

22 • PEACE OFFICERS CONDUCTED REPEATED UNREASONABLE CELLPHONE SEARCHES

23 • THE FOURTH AMENDMENT WAS SUBSTANTIALLY VIOLATED (15) TIMES

## CONCLUSION

THIS COURT SHOULD GRANT REVIEW BY WRIT OF CERTIORARI, UPON A JUDICIAL OFFICER'S RULING OBTAINED BY THE USE OF "FALSITY" BY MEANS OF "FALSE TESTIMONY / EVIDENCE", THAT WAS PROVIDED BY SWORN PEACE OFFICERS - CANNOT BE CONSIDERED RELIABLE PERIOD.

THIS IS NOT A SEARCH & SEIZURE ISSUE, IT IS A "FALSE EVIDENCE" CASE, THAT CORRUPTED THE FACT-FINDING PROCESS OF A JUDGE'S RULING, AT ONE OF THE MOST CRITICAL STAGES OF A DEFENDANT'S CRIMINAL PROCEEDINGS WHERE ONE CAN BE HELD TO ANSWER & COMMITTED.

A COMMITMENT OBTAINED BY USE OF "FALSITY" CANNOT STAND, IN ANY COURT. THE MATTER BEFORE THIS COURT IS OF A NATIONAL WIDE IMPORTANCE, AS IT IS NOT A ROUTINE FOURTH AMENDMENT CLAIM; BUT A FOURTEENTH AMENDMENT [USCA XIV] DUE PROCESS CLAIM THAT ARISES FROM THE INTRODUCTION OF "FALSE TESTIMONY" / "FALSE EVIDENCE" TO A JUDICIAL OFFICER BY PEACE OFFICERS. THIS MATTER PERTAINS TO THE PUBLIC AT LARGE.

DATE 7/19/26

Respectfully  
Thomas Sarinman