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ORIGINAL

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SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

SARKIS SOOREN HAGOPIAN,
Petitioner,

v.

THE PEOPLE OF THE STATE OF CALIFORNIA,
Respondent.

On Petition for a Writ of Certiorari to the
California Court of Appeal,
Fourth Appellate District, Division Three

PETITION FOR A WRIT OF CERTIORARI

Appellate Division Nos. 30-2026-01564039-CL-MC-CJC
and 30-2026-01563959-CL-MC-CJC
Court of Appeal transfer proceedings G067102 and G067101

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QUESTION PRESENTED

Whether the Fourteenth Amendment permits termination of defendant-initiated misdemeanor appellate proceedings under California Penal Code § 1466(b) without a meaningful determination of a preserved objection that an incomplete, State-controlled record prevents identification of the legal character and continuing consequences of the prosecution-initiated dismissals, where the defendant elected the official oral record, submitted requested jurisdictional briefing, and pursued rehearing, certification, and transfer.

PARTIES TO THE PROCEEDINGS

Petitioner Sarkis Sooren Hagopian was the defendant in the two trial-court matters and the appellant in both proceedings below. Respondent is the People of the State of California. There is no corporate party or corporate disclosure to make under Rule 29.6.

The Superior Court and its judicial officers were the deciding tribunals in the direct appeals, not opposing parties. Their different role as named respondent in separate original-writ proceedings does not change the parties to this petition.

RELATED PROCEEDINGS

People v. Hagopian, Orange County Superior Court, Nos. 24WM07369 and 23WM09207: all charged counts dismissed March 9, 2026. The consolidated companion history also identifies former case No. 24WM01186. No separate judgment in that former number is presented for review here.

People v. Hagopian, Orange County Superior Court, Appellate Division, Nos. 30-2026-01564039-CL-MC-CJC and 30-2026-01563959-CL-MC-CJC: appeals dismissed May 15, 2026; rehearing denied May 29; certification for transfer denied June 4.

RELATED PROCEEDINGS (continued)

People v. Hagopian, California Court of Appeal, Fourth Appellate District, Division Three, G067102 and G067101: transfer denied July 2, 2026. Those orders conclude the discretionary direct-review route relied upon here.

Hagopian v. Superior Court, California Court of Appeal, Fourth Appellate District, Division Three, G067079: earlier original-writ petition summarily denied June 25, 2026. G067173: renewed original-writ petition denied July 16, 2026.

Hagopian v. Superior Court (People), California Supreme Court, S297706: review of G067173 denied August 26, 2026; the denial order was amended on September 10, 2026. That proceeding is not joined with this petition as a separate judgment under review.

Post-dismissal proceedings in the same trial cases: a motion to correct the record was denied August 24, 2026. The available September minutes identify a clarification motion received September 14 but not filed and denial September 16 of a separate request to set a hearing and obtain procedural directions. Petitioner does not represent the substantive clarification motion as decided on that record.

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Source pagination and endorsements remain. The conformed OSC response is at 26a–30a and 56a–60a; the complete RJN is at 61a–75a, including a signed declaration and unsigned proposed order. The traffic rehearing excerpt at 76a–84a contains original pages 1, 5–6, and 13–18, not the complete filing or a companion-case petition. Source allegations are not findings. No new OCR or substantive source editing was applied; complaint identifiers remain redacted.

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OPINIONS AND ORDERS BELOW

The unreported May 15, 2026 judgments of the Superior Court of California, County of Orange, Appellate Division, dismissed petitioner's appeals in Nos. 30-2026-01564039-CL-MC-CJC and 30-2026-01563959-CL-MC-CJC. They are reproduced at App. 1a–2a. The May 29 orders denying rehearing appear at 3a–4a; the June 4 orders denying certification at 5a–6a; and the Court of Appeal's July 2 orders denying transfer in G067102 and G067101 at 7a–8a. The underlying March 9 dismissal minutes appear at 9a–10a. No reported opinion accompanies these dispositions.

JURISDICTION

Petitioner invokes 28 U.S.C. § 1257(a) to review the May 15 judgments terminating the two appeals, following the July 2 denials of discretionary transfer. Both judgments are from the same court and present closely related procedural due-process questions; a single petition is submitted under Rule 12.4. The prosecutions and the judgments remain separate.

Timely rehearing petitions were denied May 29. Petitioner applied for certification June 1; certification was denied June 4. The Court of Appeal then denied the transfer petitions July 2 under California Rule of Court 8.1006. Ordinary California Supreme Court review of a denial of transfer is excluded by rule 8.500(a)(1). The transfer orders therefore ended this direct-review route. App. 3a–8a, 31a–40a.

The 90-day period measured from July 2 under this Court's Rule 13 ends September 30, 2026. Petitioner submits this petition for that direct-review route; he does not calculate time from remittitur. *McMonagle v. Meyer*, 802 F.3d 1093 (9th Cir. 2015) (en banc), distinguishes California misdemeanor direct review through transfer from subsequent collateral proceedings.

Although McMonagle arose in the federal habeas context after conviction, its distinction explains why petitioner does not rely on the later original-writ case to extend this period.

The July 16 original-writ denial in G067173 and August 26 denial of review in S297706 are separate proceedings, identified among related cases. They are not the judgments whose direct review is requested here, and this petition does not ask the Court to treat those events as restarting the time to review the May 15 judgments. The later trial-court correction and clarification requests likewise do not postpone this filing period.

Petitioner specially claimed Fourteenth Amendment protections in the direct proceedings, as detailed below. The Court must also determine whether his asserted continuing injury is cognizable and redressable and whether the state-law ground is adequate and independent. Petitioner does not contend that a filing labeled an appeal automatically establishes jurisdiction or that an unresolved criminal limitations question suspends federal finality.

CONSTITUTIONAL AND STATUTORY PROVISIONS

The Fourteenth Amendment provides that no State shall deprive any person of life, liberty, or property without due process of law, or deny equal protection of the laws. The relevant constitutional text, 28 U.S.C. § 1257, Penal Code §§ 1466, 1385(a), 1387, and 803(a)–(b), and California Rule of Court 8.500(a)(1) are reproduced at App. 49a–55a. The operative state limitation must be read in full: section 1466 authorizes appeals “in the following cases,” followed by separate categories for the People and the defendant. Petitioner challenges the constitutional adequacy of the procedure used to determine reviewability in his circumstances, not the existence of all statutory limits on appellate jurisdiction.

STATEMENT OF THE CASE

A. The two dismissals and the uncompleted oral record

The traffic complaint charged a misdemeanor under Vehicle Code § 23103(a) and three infractions. Count 2 used repeated conjunctive formulations, including children “going to and leaving” school “during school hours and during the noon recess period.” App. 43a–45a. The trial court considered defense moving papers, overruled the demurrer, and denied the dismissal motion March 2. Its minutes identify that ruling and subsequent defense readiness and prosecution nonreadiness. App. 46a–48a. Petitioner does not describe the adverse demurrer ruling as nonexistent.

On March 9 the trial court dismissed all four traffic counts and all thirteen counts in the related proceeding, No. 23WM09207. The certified minutes identify prosecution nonreadiness, defense readiness, an oral prosecution dismissal motion, and the District Attorney's inability to proceed. They contain no statutory citation or express prejudice designation. Both proceedings were electronically recorded; no court reporter was present. App. 9a–10a.

The same records establish important limits: petitioner's status was updated to released, and the companion protective order was terminated. No conviction resulted. The March 3 minutes identified March 9 as day 7 of 10, rather than an expired day 10. App. 9a–10a, 48a. Petitioner does not ask this Court to infer a completed statutory speedy-trial violation solely from nonreadiness on March 9.

Petitioner filed notices of appeal using form CR-132 and requested appointment of counsel. App. 20a–24a. He selected an oral record using CR-134. The traffic record includes the April 13 filing and April 14 forwarding of a transcript-cost-estimate request; the selected forms reflect a

transcript election and self-payment selection. App. 11a–19a. The appellate receipt lists a request for court-appointed counsel, but does not itself adjudicate that request. App. 20a.

Before the appellate dismissals, petitioner maintained that the selected official oral record had not been prepared and that the written minutes did not settle the source or legal effect of dismissal. His May 26 rehearing petition reported that no cost estimate had been supplied and that the dismissal status impeded further record preparation. Rehearing Pet., pp. 14–17, App. 80a–83a. The absence of a transcript is material only to issues for which the oral proceeding matters; petitioner does not contend every facial pleading or jurisdictional question necessarily requires a transcript.

B. The order to show cause, response, and final appellate judgments

The Appellate Division issued an April 24 order to show cause why the appeals should not be dismissed under Penal Code § 1466(b). Petitioner responded with statutory, record, and constitutional objections. His May 11 conformed, signed OSC response described the demurrer objection as a due-process violation, asserted continuing consequences, and identified a concurrently filed judicial-notice request. App. 26a–30a. Its Exhibit A documents notices of appeal and counsel requests filed April 2 in both cases; it does not establish appointment. App. 56a–60a.

The consolidated RJN bears a May 11 filing stamp and both appeal numbers. It invokes CR-133 and rule 8.851 and attaches a signed declaration authenticating the CR-131-INFO page. App. 61a, 64a–65a, 72a, 75a. Its proposed order is unsigned. App. 74a. The form recognizes certain nonconvicted parties' eligibility for counsel but also limits appealability. App. 25a, 75a. Petitioner relied on these materials and CR-132's 'other action' field; they are not independent legislative grants of appellate jurisdiction.

On May 15 the panel cited section 1466(b), quoted *People v. Loper*, 60 Cal.4th 1155, 1159 (2015), for the statutory nature of appeals, and stated that petitioner was appealing a nonappealable order. App. 1a–2a. The orders do not expressly discuss the judicial-notice request, the record election, or the claimed continuing consequences. This silence does not prove the judges failed to read the submissions. The asserted defect is that the procedure, considered as a whole, ended review without resolving petitioner's objection that the State-controlled record was inadequate to characterize the disposition he sought to challenge.

Petitioner requested rehearing, then certification and transfer. Rehearing was denied May 29. The June 1 certification applications expressly asked whether due process permits dismissal without a meaningful opportunity to be heard on the material submitted in response to the court's own OSC. App. 31a–40a. Certification was denied June 4. The transfer petitions again raised the OSC procedure and record-completion issues. Traffic Transfer Pet. §§ V.C–E, pp. 12–14; Companion Transfer Pet. §§ V.C–E, pp. 11–12.

The Court of Appeal's July 1 notices confirm receipt of the superior court record. App. 41a–42a. Petitioner therefore does not claim that no record was transmitted. Those notices do not identify every component received or establish preparation of the requested transcript. Transfer was denied July 2. App. 7a–8a.

C. How the federal question was raised and maintained

Rule 14.1(g)(i) requires more than a general assertion that federal rights were mentioned somewhere. The following identifies where petitioner's claim entered the direct-review proceedings.

First, the May 11 OSC response called the demurrer ruling a due-process violation and described charging, refiling, and record consequences. App. 28a–30a. The same-day consolidated RJN

expressly sought consideration in both OSC proceedings, alleged a federal disclosure violation, and alleged refiling and caregiving harm. App. 61a, 66a–69a, 71a. These filed papers document presentation; their allegations and categorical legal descriptions are not findings adopted here.

Second, the May 26 traffic rehearing petition, filed as ROA 25, expressly invoked the Fourteenth Amendment in § II.F, pp. 5–6, App. 77a–78a. It asserted that a State-created appeal must not be administered arbitrarily and cited *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). Sections II.J–K, pp. 13–17, challenged dismissal without disposition of the RJN and while the elected record remained incomplete. App. 79a–83a. These objections addressed the May 15 procedure at the first rehearing opportunity. The conformed excerpt at App. 76a–84a reproduces original pages 1, 5–6, and 13–18, including the filing endorsement and signed conclusion.

Third, both conformed June 1 certification applications raised due process and record incompleteness. In the traffic application the explicit due-process question appears on original p. 5, App. 35a; in the companion application it appears among the questions on original pp. 3–4, App. 38a–39a. The applications were included with the respective transfer petitions. App. 31a–40a.

Fourth, the transfer petitions presented the same OSC and record issue for the Court of Appeal's discretionary review. Their requests were for transfer and a record-based jurisdictional determination, not a finding of the actual pedestrian positions or a new felony trial. The constitutional procedural objection thus was not first introduced in the later G067173/S297706 proceeding.

Petitioner recognizes the burden under *Adams v. Robertson*, 520 U.S. 83, 86–92 (1997), to establish proper federal presentation. The cited originals remain available under Rule 12.7. The consolidated RJN expressly covers both appeals, but that does not establish identical traffic OSC

or rehearing submissions in the companion case. App. 61a, 71a, 76a. Later-developed theories are not retroactively preserved by these filings.

D. Subsequent proceedings are disclosed, not substituted for the direct record

Petitioner also pursued original writ relief: G067079 was denied June 25; G067173 was denied July 16; and the California Supreme Court denied review in S297706 August 26. These separate proceedings do not merge the two appellate judgments or cure a failure to preserve a different federal claim in direct review.

Later access to recordings led to additional correction requests, including an August 24 denial. September minutes show a substantive clarification motion received but not filed and denial of a separate request for hearing/procedural directions. Petitioner does not represent that the substantive September motion was denied or that every possible state remedy is exhausted. These later events disclose posture and do not retroactively establish what the Appellate Division knew on May 15. No new source-authenticity determination is sought in this petition.

REASONS FOR GRANTING THE PETITION

I. The question concerns constitutional fairness in deciding access to review, not an unconditional right to appeal a dismissal

This case presents a narrow threshold question: when a State accepts an appeal, orders focused jurisdictional briefing, and controls production of the record that a defendant identifies as material to the disposition's legal effect, what process must precede termination of that avenue? Petitioner asks the Court to settle the constitutional limit on administering that threshold procedure, not to enact a new misdemeanor appeal statute.

Evitts v. Lucey, 469 U.S. 387, 393, 400–405 (1985), recognizes that the Constitution does not require a State to provide appellate review, but a first appeal the State provides must be administered consistently with due process. *Evitts* involved counsel's performance on an authorized conviction appeal. The present question asks how the underlying principle applies to the procedure for determining reviewability where the disputed predicate is the nature and continuing legal effect of a recorded dismissal.

The State has a legitimate interest in screening nonappealable orders before full merits briefing and transcription. Petitioner does not claim the issuance of an OSC conclusively established appellate jurisdiction. His narrower submission is that threshold screening cannot evade a properly presented objection that the State's own incomplete record prevents a meaningful decision about what was ordered and what avenue, if any, can address its adverse legal consequences.

Logan v. Zimmerman Brush Co., 455 U.S. 422, 428–437 (1982), illustrates the constitutional problem when a State-created adjudicative interest is defeated by failure of the State's own machinery. *Logan* concerned a statutory discrimination claim and an agency deadline, not a

criminal dismissal appeal. Its application here depends on establishing an actual protected interest and a state-caused procedural impediment; an expectation of a more favorable explanation is not enough. Petitioner seeks the Court's resolution of that limited extension rather than representing Logan as already deciding this case.

Petitioner's proposed remedy is correspondingly modest: vacatur of the appellate dismissals and reconsideration of the preserved federal objection, with the existing record or such limited completion as is actually material. An independent state-law ruling that the particular appeal is unavailable may still be possible after constitutionally adequate consideration. The requested remand is not an order requiring trial, felony charges, an acquittal, or reversal of the favorable March 9 dismissals.

II. The record-materiality objection deserves consideration without a categorical transcript entitlement

The written dismissal minutes identify an inability to proceed and dismissal on the People's motion but do not specify section 1382, section 1385, or the intended bar effect. App. 9a–10a. Whether those omissions matter to reviewability is a legal question. If the applicable rule turns solely on the absence of a conviction and excludes this dismissal irrespective of its source, a transcript may not alter that rule. If characterization or an adverse ancillary consequence matters, the State-controlled oral source may be necessary to determine the predicate accurately.

Draper v. Washington, 372 U.S. 487, 495–500 (1963), requires a record adequate for the issues to be reviewed, not invariably a complete verbatim transcript. It expressly distinguishes questions answerable from the face of an accusatory pleading. Petitioner invokes that issue-specific approach. His CR-134 selections do not create jurisdiction; they document efforts to

obtain the source he claimed was relevant, including the April cost-request forwarding. App. 11a–20a.

Petitioner was allowed written OSC submissions. He therefore does not claim literally no opportunity to speak, an unconditional oral hearing, or a constitutional requirement to discuss every cited case in an opinion. The challenge is that the abbreviated disposition left unanswered whether the identified missing material was irrelevant as a matter of law or whether the court treated incomplete characterization as a reason to end review. Petitioner argues that meaningful consideration of that objection was required. He does not infer intentional obstruction from the length of the order.

The judicial-notice request raises the same limited concern. The filed request, authenticating declaration, unsigned proposed order, and form are now reproduced. App. 61a–75a. They show what was submitted, not that notice was granted or every allegation established. Silence alone does not prove a failure to consider them. The Court should examine the entire OSC, rehearing, certification, and transfer sequence, not treat the absence of express discussion as automatically structural error.

This is not a demand to transcribe the full prosecution at public expense. The selected forms include a self-payment choice. App. 11a–19a. The proposed rule permits equivalent record sources, limited clarification, or a reasoned determination that no disputed source fact could affect the authorized avenue. It would address the claimed state-created impediment without expanding every dismissed case into a merits appeal.

III. The federal notice interest is more precise than the former “operative grant” or conjunctive-wording formulations

The traffic case supplied the substantive notice concern: repeated “and” formulations placed arrival/departure and school-hours/noon-recess alternatives together, while petitioner sought to identify the actual statutory and factual theory he had to meet. App. 43a–45a. *Cole v. Arkansas*, 333 U.S. 196, 201–202 (1948), protects notice of the specific accusation and a fair opportunity to meet it. *Cole* involved a conviction sustained on a different statutory ground; no such conviction exists here. Its relevance is the nature of the federal interest asserted below, not an automatic entitlement to review of every pleading dispute after dismissal.

The semantic illustration that “northbound or southbound” differs from “northbound and southbound” explains petitioner’s ordinary-language concern; the complaint did not itself allege both compass directions. California ordinarily permits statutory alternatives to be pleaded conjunctively. In *re Bushman*, 1 Cal.3d 767, 775 (1970). This petition does not claim that replacing “or” with “and” alone invalidates the count, establishes fabrication, or makes the separately pleaded reckless-driving count disappear.

Instead, petitioner maintains that cumulative wording in its actual context created a notice and prejudice question that should not have been treated as resolved merely by the end of the prosecution. To succeed, he must identify a concrete impairment and a legally available remedy. The trial court’s adverse demurrer ruling is acknowledged, and communicating a later formulation to counsel does not establish that the court decided every formulation. The present petition asks for review of the appellate procedure, not first-instance findings about the traffic event.

The Judicial Council materials likewise have a limited role. CR-131-INFO acknowledges nonconvicted participants who may need counsel, and CR-132 permits identification of an “other action.” App. 21a–25a. They do not independently authorize every defendant-initiated appeal. Section 1466’s opening words end with “in the following cases,” and subdivision (b) identifies final convictions and qualifying postjudgment orders. App. 50a–51a. Petitioner’s earlier omission of the limiting phrase cannot establish a federal right.

The federal objection therefore is not that this Court must accept petitioner’s broader construction of section 1466. It is that the procedure used to reject review must itself comply with due process when a protected interest and material state-controlled record impediment are shown. Similarly, section 803(b) may affect the timeliness of a later prosecution but does not prevent finality of the May 15 appellate judgments or keep the certiorari clock open. App. 55a.

IV. The state-ground and continuing-injury requirements must be addressed directly

The May 15 orders expressly rely on state statutory appealability. App. 1a–2a. A mere error of state law does not establish a federal due-process violation. *Rivera v. Illinois*, 556 U.S. 148, 158 (2009). Petitioner must show why the challenged administration, not simply the unfavorable statutory result, is constitutionally deficient. This petition does not ask the Court to presume a hidden federal merits ruling from the orders’ silence.

Lee v. Kemna, 534 U.S. 362, 375–387 (2002), recognizes exceptional circumstances in which an otherwise valid state procedural rule’s exorbitant application does not bar federal review. *Lee* concerned a procedural default, whereas section 1466 defines appellate authority. The distinction is substantial. Petitioner invokes the limited principle that a label cannot insulate independently unconstitutional administration; he does not claim that *Lee* automatically makes section 1466 an inadequate ground.

The asserted injury must also be concrete and redressable. Petitioner alleged charging uncertainty, record-clearing obstacles, stigma, and disruption of care for an elderly dependent. The OSC response, consolidated RJN, and rehearing petition explained why he sought present relief rather than waiting for possible felony process. App. 28a–29a, 66a–69a, 79a–83a; Rehearing Pet. p. 12. Those allegations explain his asserted stake but do not make possible refiling a pending charge. The RJN declaration authenticates the form; it does not swear to every harm asserted in the memorandum. App. 72a.

The March 9 minutes record release and termination of the companion protective order. App. 9a–10a. Petitioner does not identify a surviving conviction, bail condition, warrant, or newly filed felony in this appendix. *Spencer v. Kemna*, 523 U.S. 1, 7–16 (1998), requires a concrete continuing injury and rejects unsupported presumptions of collateral consequences outside its recognized setting. Past expenses, anxiety, or reputational harm cannot alone be assumed redressable by a new appellate ruling. Petitioner submits his claim of a present legal interest in the dismissal's bar effect for determination, not as an adjudicated restraint.

Klopper v. North Carolina, 386 U.S. 213, 221–226 (1967), shows why a misdemeanor accusation left indefinitely pending may implicate serious liberty interests despite release. But *Klopper* involved a still-pending indictment under “*nolle prosequi* with leave,” not ordinary completed dismissals. *United States v. MacDonald*, 456 U.S. 1, 7–10 (1982), distinguishes periods after good-faith dismissal from periods of pending accusation. Those boundaries foreclose simply equating this record with *Klopper* without a legally comparable continuing burden.

Similarly, the earlier references to charging delay identify an issue requiring actual defense impairment and examination of the reasons for delay, not an entitlement to a felony arrest or prosecution. *United States v. Lovasco*, 431 U.S. 783, 789–797 (1977). Neither inflammatory allegations nor a misdemeanor charging choice establishes a federal offense, a federal sentencing

enhancement, or a right to force a completed prosecution to continue. No such relief is requested here.

A limited remand could redress a cognizable present procedural injury by restoring an adequate determination of the review route and any necessary record predicate. If no concrete redressable interest survives, or if an adequate and independent statutory ground necessarily controls regardless of the record, this Court cannot cure that defect by granting an advisory interpretation. Petitioner asks the Court to assess those requirements on the actual direct-review record, without assuming either permanent felony exposure or permanent immunity.

V. The requested disposition is limited to the two appellate judgments

The same panel used materially identical reasoning to dismiss both appeals, and both certification applications raised the procedural question. This supplies a focused vehicle to consider the common issue without combining disputed traffic facts with the distinct companion charges. Rule 12.4 permits one petition for these closely related judgments; it does not make every issue in one case an issue in the other.

Petitioner relies on Rule 10(c)'s important-federal-question ground. He does not assert a verified circuit conflict, ask this Court to exercise general supervision over California clerks, or request error correction merely because multiple lower-court requests were unsuccessful. The proposed issue concerns the minimum constitutional adequacy of a state-controlled jurisdictional process where a defendant identifies a material record gap and seeks determination of a claimed present legal consequence.

The primary requested disposition is to grant certiorari, vacate the May 15 judgments, and remand for consideration of the preserved procedural due-process objection and the necessity, if any, of limited record completion or clarification. The July 2 transfer orders document the

conclusion of discretionary direct review; petitioner does not seek a general ruling compelling discretionary transfer in every such case. The favorable March 9 trial-court dismissals should remain undisturbed pending any lawful further determination.

CONCLUSION

The Court should grant the petition for a writ of certiorari, vacate the May 15, 2026 Appellate Division judgments, and remand for proceedings consistent with the federal procedural principles addressed above, without ordering reinstatement of the dismissed prosecutions, compelled felony charges, or a first-instance determination of disputed incident facts.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Sarkis Sooren Hagopian', written over a horizontal line.

Sarkis Sooren Hagopian

Petitioner, pro se

Dated: September 30, 2026