No. 26-6100

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IN THE

SUPREME COURT OF THE UNITED STATES

Deshon Maurice Womack — PETITIONER
(Your Name)

vs.

People of the State of California — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

California Court of Appeal, Second Appellate District, Division Six
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Deshon Maurice Womack CDCR# BX1402
(Your Name)

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No.

IN THE SUPREME COURT OF THE UNITED STATES

DESHON MAURICE WOMACK, Petitioner, v. CALIFORNIA, Respondent.

PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEAL OF CALIFORNIA, SECOND APPELLATE DISTRICT

QUESTIONS PRESENTED

1. This Court has expressly reserved the question whether the Due Process Clause limits the use of evidence of group affiliation to prove a defendant's propensity or intent. Estelle v. McGuire, 502 U.S. 62, 75 n.5 (1991). Does the admission of extensive gang-affiliation and gang-culture evidence to supply the specific-intent element of aiding-and-abetting murder liability — where the victim had no shown gang connection and the state court found the evidence necessary precisely because direct proof of intent was otherwise weak — answer that reserved question in a manner inconsistent with the fundamental fairness principles of Spencer v. Texas, 385 U.S. 554 (1967), and Dowling v. United States, 493 U.S. 342 (1990)?

2. The federal courts of appeals are divided over whether, and to what extent, Smith v. Phillips, 455 U.S. 209 (1982), narrowed the presumption of prejudice for juror misconduct established in Remmer v. United States, 347 U.S. 227 (1954). Compare United States v. Pennell, 737 F.2d 521, 532-33 (6th Cir. 1984) (Phillips eliminated the presumption), and Williams-Davis v. United States, 90 F.3d 490, 495-97 (D.C. Cir. 1996) (same), with United States v. Console, 13 F.3d 641, 665-66 (3d Cir. 1993) (presumption survives Phillips), and United States v. Lawson, 677 F.3d 629 (4th Cir. 2012) (same). Did the California courts below, in denying an evidentiary hearing and finding the presumption of prejudice 'rebutted' in part by reference to the overall strength of the prosecution's case, apply a standard inconsistent with the Remmer presumption as it survives in circuits that have not adopted the narrower Phillips reading?

PARTIES AND RELATED PROCEEDINGS

Petitioner is Deshon Maurice Womack. Respondent is the State of California. A related juvenile proceeding, In re J.T. (Oct. 18, 2022, B314411) (nonpub. opn.), arose from the same underlying incident but is not directly at issue in this petition.

OPINION BELOW

People v. Womack (Apr. 14, 2026, B335361) (nonpub. opn.), Court of Appeal of California, Second Appellate District, Division Six.

JURISDICTION

The California Supreme Court denied the petition for review on June 24, 2026. This Court has jurisdiction under 28 U.S.C. § 1257(a).

CONSTITUTIONAL PROVISIONS INVOLVED

U.S. Const. amend. VI; U.S. Const. amend. XIV, § 1.

STATEMENT OF THE CASE

Petitioner was convicted by jury of first degree murder (Pen. Code §187(a)) and shooting at an occupied motor vehicle (Pen. Code §246). Video surveillance established Petitioner drove the vehicle from which a passenger, J.T. (a juvenile, adjudicated separately), fired the fatal shots. There was no evidence the victim, Derald Loadholt, was gang-affiliated.

The jury was instructed Petitioner could be convicted only as an aider and abettor who knew of J.T.'s unlawful purpose and specifically intended to facilitate it. Petitioner's own appellate brief acknowledged that evidence of his intent 'was weak without the gang evidence.' The Court of Appeal held this very weakness confirmed the gang evidence's probative value, and affirmed its admission under Evidence Code §352, relying on People v. Samaniego (2009) 172 Cal.App.4th 1148 and People v. Gonzalez (2005) 126 Cal.App.4th 1539.

Petitioner separately moved for a new trial based on a juror's social media posts referencing jury service generally, and a photograph counsel contended showed a gang-related hand gesture. The trial court found the presumption of prejudice rebutted, citing among its reasons that 'there was clearly more than sufficient evidence to support the verdict.' The Court of Appeal affirmed, applying People v. Flores (2021) 70 Cal.App.5th 100, People v. Cooper (1991) 53 Cal.3d 771, and People v. Avila (2006) 38 Cal.4th 491.

Codefendant Alon Hunt, tried in the same proceeding under the same evidence and theory, was acquitted.

REASONS FOR GRANTING THE PETITION

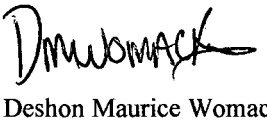
I. This case squarely presents the question this Court expressly left open in Estelle v. McGuire — whether due process limits the use of group-affiliation evidence to establish an individual defendant's specific intent, where that evidence is admitted precisely because direct proof of intent is otherwise insufficient. The Court of Appeal's reasoning here illustrates the concern: it treated the acknowledged weakness of direct intent evidence not as a reason for caution, but as the very justification for admitting group-affiliation evidence to fill the gap. This reasoning, if left uncorrected, risks permitting group-membership evidence to substitute for individualized proof of mental state in any case involving alleged group affiliation — gang-related or otherwise — a question this Court has never resolved on the merits.

II. The courts of appeals are openly divided on whether Smith v. Phillips narrowed the Remmer presumption of prejudice, with the Third and Fourth Circuits (among others) holding the presumption survives largely intact, and the Sixth and D.C. Circuits (among others) holding it does not. The decision below, in weighing 'the strength of the prosecution's case' among its reasons for finding the presumption rebutted, is difficult to reconcile with a robust application of the Remmer presumption as applied in circuits that have preserved it. This case presents a clean vehicle for resolving that division as applied to state criminal proceedings.

CONCLUSION

For the foregoing reasons, the petition for a writ of certiorari should be granted.

Respectfully submitted,



Deshon Maurice Womack,
Petitioner pro se