

SUPERIOR COURT OF CALIFORNIA

COUNTY OF ALAMEDA

APPELLATE DIVISION

**ENDORSED
FILED
ALAMEDA COUNTY**

APR 25 2011

CLERK OF THE SUPERIOR COURT

By Shay Ryans, Deputy

PEOPLE OF THE STATE OF
CALIFORNIA

Plaintiff/Respondent

Appellate No. 5113

Trial Court No: 50608153/TRF

v.

██████████ KUNG,
Defendant/Appellant

On Appeal from a Judgment of the Superior Court of California - County of Alameda

HONORABLE David Byron, Judge Pro Tem, Presiding

PETITION FOR REHEARING

For Defendant/Appellant

██████████ KUNG

IN PRO PER

████████████████████

Telephone: ██████████

[REDACTED] KUNG, IN PRO PER

Telephone: [REDACTED]

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ALAMEDA
APPELLATE DIVISION

PEOPLE OF THE STATE OF
CALIFORNIA
Plaintiff/Respondent

Appellate No. 5113

Trial Court No: 50608153/TRF

v.

[REDACTED] KUNG,
Defendant/Appellant

PETITION FOR REHEARING

Appellant, [REDACTED] Kung, seeks rehearing of the Appellate Division's opinion in the above case filed on April 11, 2011. The rehearing is necessary because the Appellate Division failed to follow the doctrine of stare decisis, nor establish a new precedent.

Specifically, the Appellant raised three issues and four arguments on appeal, arguing the Trial Court was erred in making a finding of guilt. However, the Appellate

Division failed to follow the doctrine of stare decisis, which the Appellate Division should abide precedents and not disturb settled matters, pursuant to *Auto Equity Sales, Inc. v. Superior Court*, 57 Cal. 2d 450 (1962), as the Supreme Court of California ruled that,

“...[u]nder the doctrine of stare decisis, all tribunals exercising inferior jurisdiction are required to follow decisions of courts exercising superior jurisdiction. Otherwise, the doctrine of stare decisis makes no sense...”

When the judgment of the Trial Court was affirmed by the Appellate Division as the following:

“The judgment of the trial court is affirmed 3-0.”

The Appellant requested the Appellate Division for publication in explaining any possible new precedents established by the Appellate Division. The request was denied on April 21, 2011. Therefore, the Appellate Division failed to abiding precedents, nor establishing new precedents to explain their ruling in this case.

CONCLUSION

Petitioner requests that rehearing be granted and that the court reverses the judgment.

DATED: April 22, 2011

Respectfully submitted,



 KUNG

Defendant/Appellant, IN PRO PER