

18-6978

No. \_\_\_\_\_

ORIGINAL

IN THE  
SUPREME COURT OF THE UNITED STATES

FILED  
JUL 23 2018  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

Ronaldo Mascarena — PETITIONER  
(Your Name)

— Montana State vs.  
Supreme Court — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Montana State Supreme Court  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Ronaldo Mascarena  
(Your Name)

currently → 3165 King Ave EAST at YCDF  
then subj. (Address)  
to change

BILLINGS, MT. 59101  
(City, State, Zip Code)

n/a  
(Phone Number)

RECEIVED  
AUG 07 2018  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

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QUESTION(S) PRESENTED

The question of law, that I would ask the UNITED STATES SUPREME Court, to consider, over the MONTANA STATE SUPREME Court, is 'were my 'Ronald Mascarenas' Right to speedy trial' rights violated.'

As question of law, <sup>as</sup> (right to speedy trial) this becomes a federal issue, as well as a State issue, and I would appreciate if the UNITED STATES Supreme Court, would re-assert the 'Right to speedy trial' rights as guaranteed by law, as the STATE cannot violate my federal rights, or even ~~THE~~ STATES rights.

### LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

MONTANA STATE SUPREME COURT  
215 N. Sanders St.  
P.O. Box 203003  
Helena, MT 59601

YELLOWSTONE COUNTY 13<sup>th</sup> JUDICIAL DISTRICT COURT  
YELLOWSTONE CO. COURT HOUSE  
220 N. 27<sup>th</sup> ST.  
(217) BILLINGS, MT.  
59101

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TABLE OF AUTHORITIES CITED

*I have no access*

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STATUTES AND RULES

OTHER

IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the United States district court appears at Appendix \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix \_\_\_\_\_ to the petition and is *will be from opn of DA 16-0679*

reported at *Nonrnm State Suprem Court*; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

*THIRTEENTH*  
The opinion of the *3. Judicial District Court* court appears at Appendix \_\_\_\_\_ to the petition and is  
*Report for Dissimil by 1/10/07*  
 reported at *Right to Speedy Trial Issues*; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

## JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was \_\_\_\_\_.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_ A \_\_\_\_\_.  
\_\_\_\_\_

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was \_\_\_\_\_.  
A copy of that decision appears at Appendix \_\_\_\_\_. *Entered on MAY 9<sup>th</sup> 2018*

*but reviewed on April 24<sup>th</sup> 2018*

A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_ A \_\_\_\_\_.  
\_\_\_\_\_

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Again, In Montana the Right to Speedy Trial Issue is 200 days. Federal is 180. All Time Limits were violated.

APPENDIX B. - Additions to: and Corrections.

CONSTITUTIONAL and STATUTORY PROVISIONS

INVOLVED:

Mainly: 1) THE SIXTH AMENDMENT to the UNITED STATES CONSTITUTION

Secondarily: 2) ARTICLE II, § of the MONTANA CONSTITUTION

CONSTITUTION and STATUTORY PROVISIONS INVOLVED  
APPENDIX B.

#### STATEMENT OF THE CASE

The District Court found no right to speedy trial saying I met every part of the arguise, including suffering. They then said it was "Institutional Delay" saying the State Crime Lab was underfunded and understaffed and this caused a delay. This is not my problem.

It should and does fall on the state (prosecution) solely, to produce the evidence on its entirety and in a timely manner.

Also - the opinion of the STATE Supreme Court does cite that I did not suffer when the District Court does acknowledge that I did in fact suffer, while incarcerated. My counsel wouldn't talk w/me. I was oppressed. And I was kept from any established way of life. Any body, who would think or claim, jail is undamaging, or not oppressive, has not spent considerable amounts of time being detained. "I can write a very critical bio/account and even now, makes me cringe!"

## REASONS FOR GRANTING THE PETITION

1) Upon STATE of Montana Issued Law, The STATE of Montana, or prosecution should have to adhere to the standards, that ever they have set forth.

Even to a higher standard, to ensure the protection of those rights guaranteed to a Montana STATE Resident. - So ever by effect of the Law.

2) This is also a UNITED STATES Issue due to the rights of every American to, as a CITIZEN, be protected by the laws set forth, both in THE Bill of Rights, and THE UNITED STATES CONSTITUTION.

Enacting, that ever a higher court, such as THE UNITED STATES Supreme Court, help address these issues to guarantee the rights of the American CITIZEN, against alienation or undo oppressive behavior of a political entity, one that does not recognize the individualism or the individual's rights. JAIL is not a higher entity, nor reason for courts to specialize in detainment, then ~~claiming~~ to not know the extent of severity or damage of that detainment, but instead claiming reason for why Rights were not violated.

## APPENDIX B. - Additions to add Certiorari Reasons for granting PETITION;

IN ADDITION to the Postscribed 'Reasons for granting PETITION' after finally receiving the Thirteenth Judicial District Court's 'Order and MEMORANDUM Denying Motion to DISMISS' made available to myself on September 6<sup>th</sup> 2018 and certified mailed to myself on SEPTEMBER 4<sup>th</sup> 2018.

I, did previously, request by mail, this information in July 2018, from the District Court, but to no avail.

Soas to append the petition by Rule 14.1(i), Reasons MASCARENHA, would add to the Reasons, as the newly obtained MEMORANDUM does concern further attention as: Most case law asserted by the STATE (of mi) per 'Memorandum' pg. 9 para 13 than pg. 10 pJ3 is not equivalent to my case, or defensive arguments, and whereas most delays are attributable to the defendants.

Basically, no case law cited was similarly situated in points ~~of~~ the applied, of the Arriegwe, as applicable in my case.

There is nothing that the prosecution asserted, towards the defendant, that should lead the district court to find against the defendants Right to speedy trial. The Court itself, did not have available, any evidence ~~is~~ presented to it, except in its own conclusions, and that not respectful of timelines represented to Speedy Trials. It all is overbearing, and erroneous.

## APPENDIX B:- Additions to: continued

### Reasons For granting Petition;

So in conclusion of reasons for granting petition

I, Ronald MASCAREN, the petitioner, do ask for my petition to be granted, and that the United STATES Supreme Court, do overturn the Montana STATE Supreme Court's ~~the~~ opinion, by upholding my Rights to a speedy trial - a right guaranteed to every American.

The the burden of proof, in this case DC-14-409, and the production of evidence, even as well as the drug analyses of a state funded crime lab, does fall upon the prosecution to produce, at trial, and in an effective and timely manner.

This has been proven and upheld, even in the Montana STATE Supreme Court, and it is not the position of the defendant to prosecute himself.

I would ask the United STATES Supreme Court, to uphold my right to a speedy trial. Please be reminded that I have no access to case law, state or federal, at the facility I'm being held at, but by the laws and statutes wrote into the United STATES CONSTITUTION and under my oath that I did suffer (and still am) from these alienations of rights and can only hope <sup>the</sup> overbeariness and oppressiveness - STOP.

additions added by; Ronald MASCAREN

Reasons for granting Petition: Appendix B.

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## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Ronan Mascarenhas - Right Turn  
Date: 7/23 18

No. \_\_\_\_\_

IN THE  
SUPREME COURT OF THE UNITED STATES

Ronald Mascarenas PETITIONER  
(Your Name)

VS.

STATE of Montana — RESPONDENT(S)  
STATE Supreme Court  
PROOF OF SERVICE

I, Ronald Mascarenas, do swear or declare that on this date,  
\_\_\_\_\_, 20\_\_\_\_\_, as required by Supreme Court Rule 29 I have  
served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*  
and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding  
or that party's counsel, and on every other person required to be served, by depositing  
an envelope containing the above documents in the United States mail properly addressed  
to each of them and with first-class postage prepaid, or by delivery to a third-party  
commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on \_\_\_\_\_, 20\_\_\_\_\_.  

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(Signature)

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