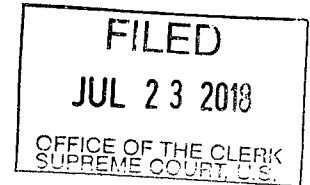


18-6978

No. _____

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



RONALD 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)

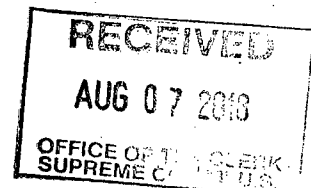
PETITION FOR WRIT OF CERTIORARI

RONALD 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)



P.1.

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 MASCARENNA'S' 'Right to speedy trial' rights violated.'

As question of law, ^{as (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 13th JUDICIAL DISTRICT COURT
YELLOWSTONE CO. COURT HOUSE
220 N. 27th ST.
(217)th BILLINGS, MT.
59101

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TABLE OF AUTHORITIES CITED

I have no access

CASES

PAGE NUMBER

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☐ is unpublished.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 opm of DA 16-0679*

☐ reported at *Montana State Supreme Court*; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the *THIRTEENTH* *Judicial District Court* court appears at Appendix _____ to the petition and is

Request for Dissolution of Marriage
☐ 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 9th 2018
but reviewed on April 24th 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 Certiorari.

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 arguie, 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) side, 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. ^{I claim.} Anybody, 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 list/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 even they have set forth.

Even to a higher standard, to ensure the protection of those rights guaranteed to a Montana STATE Resident. - So even 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 even 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 individuals rights. JAIL is not a higher entity, nor reason for courts to specialize in detainment, then ~~re~~ 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 Post scribed '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 6th 2018 and certified mailed to myself on September 4th 2018.

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

So as to append the petition by Rule 14.1(i), RONALD MASCARENA, would add to the reasons, as the newly obtained Memorandum does concern further attention as: Most case law asserted by the STATE (of MT) per 'Memorandum' pg. 9 para 13 then pg. 10 p13 is not equivalent to my case, or defensive arguments, and where as most delays are attributable to the defendants.

BASICALLY, no case law cited was similarly situated in parts ~~of the~~ applied, of the Ariegwe, 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 ~~or~~ 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. Reasons for granting Petition

APPENDIX B:- Additions to: continued

Reasons For granting Petition;

So in conclusion of reasons for granting petition I, RONALD MASCARENHA, 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 ~~de~~ 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 ^{the} overbeariness and oppressiveness - STOP.

additions added by; RONALD MASCARENHA

Reasons for granting Petition: Appendix B.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Ronald Mascareña - Ronald
Mascareña

Date: 7/23 18

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Ronald Mascarena PETITIONER
(Your Name)

VS.

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

I, Ronald Mascarena, 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:

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

Executed on _____, 20____

(Signature)