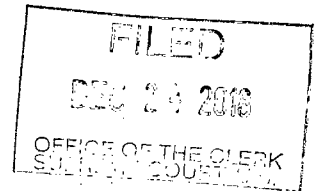


No. 18 - 7372

IN THE
SUPREME COURT OF THE UNITED STATES



SANTOS CUEVAS — PETITIONER
(Your Name)

vs.

Dept. of Justice — RESPONDENT(S)
BRANDON KELLY (Superintendent)
ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS (9th Cir.)
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

SANTOS CUEVAS
(Your Name) OSP #11207100
2605 State Street
(Address)

Salem, Oregon 97310
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

- 1.) Should have the Habeas, District Court retained Jurisdiction to entertain claims that the trial court directing a grand jury, and jurors to deliberate with statutory criminal presumptions based on accusations of forcible sexual offenses for which Petitioner was tried and convicted?
- 2.) Does the principle of laws of this country affect or render an impartial tribunal that warranted Intervention or restraining State Policy, as requested by the Petitioners' filings?
- 3.) Does the trial court practice which reflects States' Policy for roughly 30 yrs. insulate it from a constitutional attack for vagueness and 'as applied' challenge?
- 4.) Does such Policy constitute Ex-Post Facto violation to present a defense?
- 5.) Does the Policy violate or protect First Amendment Victims' declarations or result censorship?
- 6.) Are Petitioners' claims in favor to protect Public Interest Public Reputation and Integrity of Oregons Judiciary?

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:

(Oregon Department of Justice; BRANDON KELLY
on Cover Page)

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(ORDER - Filed Sept 25, 2018)

APPENDIX B - UNITED STATES DISTRICT COURT, (9th Cir, Portland, Or)
(ORDER Filed 6/01/2018)

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JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was September 25, 2008

☐ 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: NA, and a copy of the order denying rehearing appears at Appendix NA.

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

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 _____.

☐ 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. NA _____.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- 1.) First Amendment - U.S. Constitution (victim declarations)
- 2.) ^{Fifth} ~~Fifth~~ Amendment (Double Jeopardy Clause) U.S. Constitution
- 3.) Sixth Amendment (Grand Jury, Jury Rights) U.S. Constitution
- 4.) Fourteenth Amendment - Due Process; Equal Protection U.S. Const.
- 5.) Article 1, sec 10, - U.S. Constitution (Ex-Post Facto Clause)
- 6.) Article 1, sec 21 Oregon Constitution (Ex-Post Facto Clause)

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 NA to the petition and is

- ☐ reported at NA — NA —; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the NA — NA — NA — court appears at Appendix NA to the petition and is

- ☐ reported at NA — NA — NA —; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

1. United States v Blockburger 576 LEd 306 (1952) [pg. 2]
- 2) State v Cuevas 263 Ore. App. 94 (2014) [see statement of the case pg. 2]
- 3.) Leary v United States 395 US 6, 23 LEd 2d 57, 89 S Ct 1532 (1969)
- 4) State v Crottsley 308 Ore. 272, 779 P 2d 600 (1989) [statement of the case pg. 2]
- 5.) State v Steven Donald Parkins 211 P. 3d 262 (2009) [see statement of the case pg. 2]
(346 Ore. 333)
- 6) Morissette v United States 342 U.S. 246, 276, 72 S. Ct 240
- 7.) State v Cookman ~~324 Ore.~~ 256, 96 L. Ed 288 (1952)
324 Ore 19, (1995)

STATUTES AND RULES

- 1.) ORS. 161.067 (Oregon Revised Statute)
- 2.) ORS. 163.427(1)(a)

(NOTE- Questions presented implicate
ex-post facto law; referencing 7.) state v
Cookman 324 Ore. 19 (1995) [3.] Laws that deprive
a defendant a defense.]

OTHER

STATEMENT OF THE CASE

A grand jury Indicted Petitioner, based on forcible sexual accusations or material sexual accusations of force, with statutory criminal presumptions of consent of illegal age. Petitioner was tried with the statutory criminal presumptions (pursuant to Fed. R. C. P. 201) (Indictment and Instructions) to be found by the jurors deliberations based on accusations of forcible sexual conduct against his former step-children. All counts of statutory prohibitions of engaging in sexual offenses with an illegal age consenting female, including lesser degree charges (based on age) second degree sodomy, second degree rape, along with the first degree sexual abuse charges. Petitioner's filings stated his contentions-deprivations of his Federal Rights arose from a State Department of Justice Policy citing State v Crotley, whereas Petitioner's contention that mis-representation of propositions of statutory criminal presumptions to encompass forcible sexual conduct and impartiality of his trial reflects the Policy in State v Crotley and therefore warranted Federal Intervention regardless. (ORS 163.427 (1)(a)(A), and Petitioner claims that presumptions in subsections by dis-junctive listings of distinct classes of victims contain disparate class of rationale with different burdens, and thus separated by Due Process 14th Amendment, and Equal Protection, and that the Block Burger Rule similar to Oregon's anti-merger statute should or could not convict for a single act (and thus a class of victim) under two separate disparate class of criminal presumptions being of statutory prohibition of consensual act, and the other of a class of forcible compulsion, citing state v Parkins ~~extends~~ extends Crotley's Policy practice (Crotley involved two separate statutes, Petitioner's contention that separate meanings are given Parkins convictions result irreparable harm to class of victims, a censorship First Amendment violations, Morissette v United States.

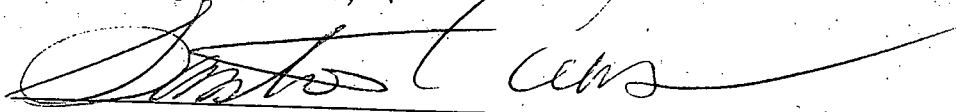
REASONS FOR GRANTING THE PETITION

Pro Se Petitioners' contention is that: 1) All propositions of criminal presumptions for sexual offenses concern First Amendment expressions and are not protected, unless and until this court accepts question of Federal Law raised by the State of Oregon's Policy, for a single act allowing convictions under a criminal presumption of statutory strict liability with a conviction or prosecution for the same act, under a disparate criminal presumption of force, may it please this court to accept these claims and question of impartiality, this court has always treated, acknowledged the distinction between a mens rea, and to that of a requirement - strict liability, and should therefore confront a question of 'irreparable harm', not only to the classes of defendants, and victims, but also to the public, the jurors of pending and future cases, because the distinction for the disparate class of criminal presumptions at issue is an Ancient practise of Equal Protection and extremely noble, to be protected with the due competence of this ^{court} empowered by the [undivided] core of the United States Constitution, Equality, [and] Loyalty [to] Equality is a reflection and speaks of U.S. Constitution's Framers intent. 2) When a court enforces a State Policy, applying strict liability criminal presumptions for accusations of forcible sexual acts, Petitioner is the only advocate to protect and enforce civil rights for the 'status quo' of this states traditional Interest, and Federalism, rulings are dependant on First Amendment Rights, without regard and recognition.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted, Pro Se Petitioner,



Date: 12/23/2018