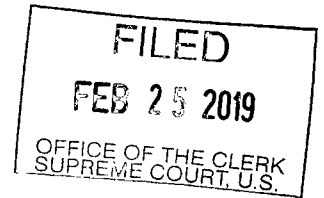


IN THE SUPREME COURT OF THE UNITED STATES  
DISTRICT OF COLUMBIA

SANTOS CUEVAS  
Plaintiff

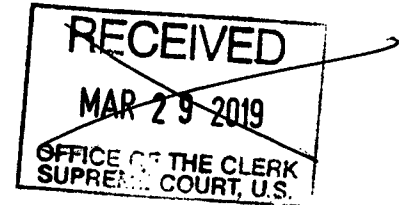
Re: 18-7372



PETITION FOR REHEARING

v

Brandon Kelly  
Defendant -Superintendent



Apart from Petitioner's pleadings against ten counts of statutes provisions of statutory sexual provisions 'as applied' to the accusations of forcible sexual conduct. Judgement of trial court ordered Petitioner to serve 569 prison term sentence.

The court attached six felonies rendered by the jury verdict of guilt out of 10 felonies served as a predicate for 'prior convictions' and therefore to increase penalty criminal serious history score sentence enhancement, and Affirmed by Oregon's Supreme Court, State v. Cuevas, 358 Ore. 147, 150, 361 P3d 581 (2014)

Oregon's Sentencing Grid Scale 'as applied' challenges the increase in the maximum penalty rule' and the legal imports, meaning and practice of 'prior conviction' as construed and endorsed by this court.

Also in light of all litigants involved the privilege under such ruling would have a tremendous impact on the Judiciary of Oregon and all that practice Law in Oregon for the matter at issue including for various Sentencing guidelines and statues referencing the adequacy of the Jury role, and other decisions made by this court were cited for support.

These claims are grounded on equal protection grounds to the fact that the Indictment essentially classified Petitioner as a repeat offender class of criminal defendants, given the time frame alleged with alleged repeated offenses.

Whether the history of this Nation, and all 50 states 6<sup>th</sup> Amendment Jury Trial Right ever served a role procedure and substantive basis-convictions not yet sentenced, of guilty verdict a predicate for 'prior conviction' to increase the penalty beyond statutory maximum, and whether Oregon Supreme Court reasoning for citing Apprendi correctly interpreted, and carried the legal imports of the meaning and practice of 'prior conviction' described above when the court reasoned it's 'prior conviction' sentence enhancement for multiple convictions finding support in Apprendi that only involved a single statute? The citation is Apprendi v. New Jersey, 530 U.S. 466, 120 S. Ct. 2348, 147 L. Ed. 2D 435 (2000)

Counsel did not challenge the meaning and practice of the courts' application for it's sentence enhancement.

As the state noted that Petitioner did not challenge henceforth Apprendi violation made by counsel does not apply,(States' Petition for Review,Pg. 7) and that Oregon v Ice., a decision made by this court is not similar to the petitioners argument, henceforth this is the very first challenge to the consecutive sentencing applied with 'prior conviction-sentence enhancement, and therefore Petitioner states this case is not stare decisis to Ice. Ice was afforded with Due Process, Moreover equal protection of the U.S. Const., would have it no other way that this is a case of a class of persons for recidivists-repeat offenders, to that regard Ice belongs in the same class, and this case involves declarations of repeated sexual conduct against same purported victims over a time of over ten years. Under Equal protection, a question of constitutionality of sentence enhancement scheme that provides recidivist Federal right vindication under Federal Provision like ACCA and not for a state presumed recidivist. Almendarez-Torres did not make that assertion nor did this court address the class of recidivist Federal vindication to define the statute or whether it governed the statute and under the equal protection clause. Oregon v. Ice, 555 U.S. 160, 129 S. Ct. 711, 714, 716, 172 L. Ed. 2d (2009). Almendarez-Torres v. United States, 523 U.S. 224, 235, 118 S. Ct. 1219, 140 L. Ed. 2d 350 (1998)

The source of the Supreme Court -

Ruling OAR 213-004-0006(2) An offenders criminal history is based upon the number of adult felony and Class A misdemeanor convictions and juvenile adjudications in the offender criminal history at the time the current crime or crimes of conviction are sentenced, For crimes committed on or after November 1, 1989 a conviction is considered to have occurred upon the pronouncement of sentence in open court.

#### Certificate

The above nature of the claim has limited grounds of both intervening circumstances with substantial controlling effect and grounds not previously presented.

It has occurred to Petitioner a court using his convictions not yet sentenced, of jury verdict as a substantive basis for 'prior conviction' sentence enhancement may not have ever had a role in the History of this Nation or whether the 'new rule' would vindicate 6<sup>th</sup> Amendment Jury Trial Right would correctly serve traditional compelling state interest.

This Petition is presented and served with good faith and not for the purpose of any delay,

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this the <sup>20<sup>th</sup></sup> day of March 2019

Pro se Petitioner Santos Cuevas

A handwritten signature in black ink, reading "Santos Cuevas". The signature is written in a cursive, flowing style. The first name "Santos" is written with a large, looped 'S' and the last name "Cuevas" follows in a similar cursive script.