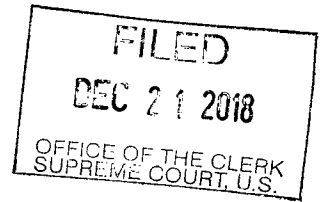


18-7533

No. _____



IN THE
SUPREME COURT OF THE UNITED STATES

SHAWN CANADA — PETITIONER
(Your Name)

vs.

STATE OF MINNESOTA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS EIGHTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

SHAWN CANADA #233817
(Your Name)

970 PICKETT ST NORTH
(Address)

BAYPORT, MN 55003
(City, State, Zip Code)

(Phone Number)

②

QUESTION(S) PRESENTED

1. DID CANADA RECEIVE EFFECTIVE ASSISTANCE OF COUNSEL
2. WAS THERE AN ABUSE OF DISCRETION NOT BRINGING UP CANADA MENTAL HEALTH
3. WAS THERE A MANIFEST INJUSTICE DURING SENTENCING
4. EXTENDED INCARCERATION DURING TIME TO FILE A APPEAL WAS THIS LEGAL
5. WAS THERE A PROCEDURALLY DEFAULT
6. WAS THIS PREJUDICE
7. WAS THERE A ABUSE OF DISCRETION DURING SENTENCING - IMPOSING SPECIAL CONDITIONS NEARLY 3YRS LATER AFTER TAKING THE PLEA
8. WAS THERE A DEPRIVE OF LIBERTY AND FREEDOM PUTTING CANADA BACK IN PRISON OVER 10 TIMES FOR NO ADDRESS
9. WAS THIS CONSTITUTES DOUBLE JEOPARDY & DOUBLE PUNISHMENT
10. WAS THERE A ABUSE OF DISCRETION PLACING CANADA ON INTENSE SUPERVISED RELEASE BY DEPT OF CORRECTIONS AND NOT BY THE JUDGE DURING THE SENTENCING PROCEEDINGS
11. IS IT ILLEGAL TO BE HOMELESS IN THE UNITED STATES

- 12 WAS CANADA CONVICTION UNAUTHORIZED ON THE GROUNDS OF HIM BEING A WITNESS AGAINST HIMSELF WITHOUT DUE PROCESS OF LAW
- 13 CAN CANADA STILL STAND TRIAL & FACE & CONFRONT HIS ACCUSER
- 14 WAS CANADA CONVICTED BY A TRIAL JURY AND FOUND GUILTY BEYOND A REASONABLE DOUBT
- 15 WAS THERE DNA TESTED TO PROVE ANY TYPE OF EVIDENCE OF RAPE
- 16 WAS THE TERMS OF THE PLEA AGREEMENT FULFILLED AS PROMISED
- 17 WAS CANADA PUT IN JEOPARDY TWICE OR MORE
- 18 WAS PAROLE AGENT VIOLATES CANADA CIVIL RIGHTS PLACING HIM IN SEX OFFENDER TREATMENT WHILE HE HAD A HABEAS CORPUS APPEAL FILES
- 19 WAS THIS LEGAL PUTTING CANADA BACK IN PRISON FOR NO ADDRESS CAUSING HIM TO LOSE 3 FULL TIME JOBS SINCE 2013 TEXTILE CARE SERVICES, FOWIC RESTAURANT, AND MCDONALD'S
- 20 WAS THERE A PROCEDURE ERROR DURING SENTENCING

21 PAROLE OFFICERS OF OLMSTEAD COUNTY PUT
CANADA BACK IN PRISON OVER 10 TIMES
OR DID NOT ALLOW HIM TO LEAVE PRISON
BECAUSE OF NO ADDRESS

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:

1. JUDGE JODI WILLIAMSON
2. LAURIE ANDERSON
3. DAVID HAUGEN
4. MARK OSTREAM
5. SARA EUTEUNEUR
6. MATTHIAS ANTONY
7. ROBYN WOOD
8. TOM ROY
9. KRISTIN LANG
10. CHAD MITCH

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A

APPENDIX B

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

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 D 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 9 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 _____ court appears at Appendix e to the petition and is

- ☐ reported at _____; 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 10-1-2018.

☐ 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 11-18-2013.
A copy of that decision appears at Appendix C.

☐ 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

MINNESOTA STATUTES 609.035
611.026

- ① MINNESOTA CONSTITUTIONS AMENDMENTS
SECTION 7 & 7.
- ② UNITED STATES CONSTITUTION AMENDMENTS
1, 4, 5, 6, 8, 14
- 3 PROCEDURAL DUE PROCESS
- 4 PROCEDURAL ERROR
- 5 DEVIATION FROM SENTENCING GUIDELINES
18 U.S.C.A. § 3553 (A)
- 6 PREJUDICE
- 7 PROCEDURAL FAIRNESS
- 8 SPECIAL CONDITIONS NOT IMPOSED BY THE
JUDICIAL AUTHORITY
- 9 INTENSE SUPERVISED RELEASE NOT IMPOSED BY
THE JUDICIAL AUTHORITY
- 10 RESTITUTION NOT IMPOSED DURING SENTENCING
- 11 ABUSE OF DISCRETION
- 12 MINN. STAT. 243.166 SUBD. 3A.
MINN. STAT. 609.15

1. 12 DUNNELL MINN. DIGEST CRIMINAL LAW
§ 13.27 page 3
2. 42 A.L.R. FED. 707 page 4 & 5
3. § 47:25 ENTRAPMENT AND THE DUE PROCESS
DEFENSE pg 1 & 2, 3
- 4 HUMAN RIGHTS ACT OF MINNESOTA
- 5 PRIVACY ACT OF 1974
- 6 LOSS OF JURISDICTION 98 A.L.R. 3d 605
pages 14, 15, 16, 17
7. 35 C.J.S. FALSE IMPRISONMENT § 41
page 1.
- 8 35 C.J.S. FALSE IMPRISONMENT § 43
9. 12 DUNNELL MINN. DIGEST CRIMINAL LAW
§ 13.12 page 7
- 10 5AM. JUR. PROOF OF FACTS 2d 267
page 2
- 11 CRIMINAL JUSTICE STANDARDS ON MENTAL
HEALTH pg 44 STANDARD 7-5-3
STANDARD 7-10.4. RIGHT TO REFUSE TREATMENT
STANDARD 7-1.4. ROLES OF THE ATTORNEY REPRESENTING
A DEFENDANT WITH A MENTAL DISORDER

- 12 ABA MODEL RULES OF PROFESSIONAL CONDUCT
1.1 COMPETENCE PAGE 11
1.3 DILIGENCE PAGE 17
1.4 COMMUNICATION PAGE 19
1.6 CONFIDENTIALITY PAGE 25
1.7 CONFLICT OF INTEREST PAGE 33
1.8 SPECIFIC RULES PAGE 45
8.4 MISCONDUCT 163
- 13 12 DUNNELL MINN. DIGEST CRIMINAL LAW
§ 13.30 PAGE 1
- 14 11 DUNNELL MINN. DIGEST CRIMINAL LAW
§ 4.18 DOUBLE JEOPARDY 1 thru 21
- 15 12 DUNNELL MINN. DIGEST CRIMINAL LAW
§ 11.01 REQUIREMENT OF PROOF OF GUILT beyond
REASONABLE DOUBT PAGE 1 thru 7
- 16 42 A.L.R. FED 707 PAGE 4, 5, 6
- 17 12 DUNNELL MINN. DIGEST CRIMINAL LAW
§ 13.21 PAGE 1 thru 54
- 18 12 DUNNELL MINN. DIGEST CRIMINAL LAW
§ 10.01 PLEA BARGAINING 1 thru 11

1. STATE V. WUKAWITZ, 662 N.W.2d 517
PAGE 1, 2, 3, 4, 5, 6, 16
2. PETERSON V. FABIAN, 784 N.W.2d 843
PAGE 1, 2, 3, 6, 11
3. MORROW V. LAFLEUR, 590 N.W.2d 787
PAGE 1, 3, 4, 5, 6, 10, 11
4. STATE V. PURDY, 589 N.W.2d 496
PAGE 2, 3, 6, 7
5. REESMAN V. STATE, 449 N.W.2d 489
PAGES 1 thru 5
6. 663 N.W.2d 31
PAGES 30 thru 36
7. STATE V. GARCIA, 582 N.W.2d 879
PAGE 2, 3, 4, 5
8. MARLOWE V. FABIAN, 755 N.W.2d 792
9. BLAKELY V. WASHINGTON, 542 U.S. 296
10. STATE V. MONTJOY, 354 N.W.2d 567
11. STRICKLAND V. WASHINGTON, 466 U.S. 668

MINN. STAT. 244.05

SUBDIVISION 7.

MINN. STAT. 611.026

MINN. STAT. 244.05

MINN. STAT. 244.13

Minnesota Constitution

Sec. 7 Due process; prosecutions; double jeopardy; self-incrimination; bail; habeas corpus.

No person shall be held to answer for a criminal offense without due process of law, and no person shall be put twice in jeopardy of punishment for the same offense, nor be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of law. All persons before conviction shall be bailable by sufficient sureties, except for capital offenses when the proof is evident or the presumption great. The privilege of the writ of habeas corpus shall not be suspended unless the public safety requires it in case of rebellion or invasion.

UNITED STATES CONSTITUTION - AMENDMENT 5

Criminal actions-Provisions concerning-Due process of law and just compensation clauses.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

UNITED STATES CONSTITUTION - AMENDMENT 14

Section 1. [Citizens of the United States.]

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

STATEMENT OF THE CASE

IN 2010 MR. SHAWN CANADA WAS ACCUSED
& CONVICTED OF CRIMINAL SEXUAL CONDUCT
3RD DEGREE AND DOMESTIC VIOLENCE.
MINN. STATUTE 609.344.1 (d)
MINN. STATUTE 518B.07.14(d)(7)

IN ABOUT JANUARY OF 2010 MR. CANADA
WAS ATTENDING ZUMBRO VALLEY MENTAL
HEALTH SERVICES FOR MENTAL HEALTH SEEING
A PSYCHIATRIST AND TAKING MEDICATION PRESCRIBED
AND TAKING CHEMICAL DEPENDENCY CLASSES
OUTPATIENT TREATMENT

SO CANADA MET THIS LADY NAMED SARA
ANDERSON, AND AFTER ABOUT 4 HOURS THE
DAY WE MET UP TO HAVE A SEXUAL ENCOUNTER
AT MY APARTMENT SHE AND I AGREED TO

SO THE EVENT DID HAPPEN THE NEXT DAY
AND I WALKED HER TO THE BUSTOP BECAUSE
SHE DID NOT KNOW HER WAY BACK,

SO THREE DAYS LATER DETECTIVE CAME BY MY
APARTMENT DETECTIVE SHERRY BUSH OF ROCHESTER

(26)

②

POLICE DEPARTMENT IN OLUSTED COUNTY PLEASE
READ EXHIBIT PG 51 8 SO MR
CANADA WAS CHARGE FOR CRIMINAL SEXUAL
CONDUCT 3^{DEGREE} RAPE OF A VULNERABLE ADULT

MR DAVID REY HAUGEN OF OLUSTED COUNTY
PUBLIC DEFENDER'S OFFICE REPRESENTED MR.
CANADA, SO NOW AFTER SPENDING OVER 200
DAYS IN OLUSTED COUNTY JAIL MR HAUGEN TOLD
CANADA THAT WE CANNOT WIN THIS CASE AND
I SHOULD TAKE THE DEAL

SO I SAID TO MR HAUGEN THAT I DID NOT KNOW
ANYTHING ABOUT HER MENTAL CONDITIONS ON
SEVERAL GROUNDS SUCH AS IF SHE SO VULNERABLE
HOW CAN SHE TRAVEL ON THE BUS BY HERSELF
AND I ASKED HAUGEN OK WELL WHAT ABOUT
MY MENTAL HEALTH & LOW I.Q RANGE, AND
PLEASE READ MINN. STAT. 611.026

MR HAUGEN SAID MY MENTAL HEALTH WOULD
NOT MAKE A DIFFERENCE JUST TAKE THE DEAL
SO AFTER HAUGEN TELLING ME I COULD GET
15 YEARS IN PRISON I WAS SCARED AND I TOOK
THE DEAL

SO I HAD ADMITTED TO SERIOUS CHARGES I
DID NOT EVEN DO, AND THAT EVEN DETECTIVE
BUSH HAD SAID I CANNOT ARREST YOU FOR
THIS ON THE GROUNDS OF THIS IS CONSENSUAL
NOT FORCED, BUT IN HER POLICE INVESTIGATION
SHE DID NOT KNOW OR FAILED TO INVESTIGATE
I HAVE A MENTAL ILLNESS.

SO NOW THE DETECTIVE OF THE PUBLIC

②7

③

DEFENDER FAILED TO INVESTIGATE THESE DOCUMENTS
WHICH SHOWS MR. CANADA HAS MENTAL HEALTH
DISABILITIES

SO NOW CANADA IS SHIPPED FROM OLMSTED
COUNTY JAIL TO ST CLOUD PRISON, AND
THE OLMSTED COUNTY JUDGE JODI WILLIAMSON
DURING SENTENCING DID NOT IMPOSE ANY
SPECIAL CONDITIONS OR INTENSE SUPERVISE
RELEASE BUT SHE DID IMPOSE STAND CONDITIONS
OF RELEASE NOR DID SHE IMPOSE NOT TYPE
OF COURT ORDERED SEX OFFENDER TREATMENT
OR CHEMICAL TREATMENT PLEASE READ SENTENCING
TRANSCRIPT EXHIBIT PGS 113 . 9

SO AT ST. CLOUD BEING PROCESSED INTO
POPULATION DEPT OF CORRECTIONS MANDATED
ME FOR SEX OFFENDER TREATMENT AND
CHEMICAL TREATMENT PLEASE READ EXHIBIT
PG 170

SO SOON AFTER THE ASSESSMENT DEPT OF
CORRECTIONS PLACE CANADA IN RESHAPE CHEMICAL
TREATMENT AND WAS TERMINATED ON 7/19/2011
WITH A ADDITIONAL 30 DAYS EXTENDED CONFINEMENT
PUSHING MY SUPERVISED RELEASE DATE BACK

SO AFTER TAKING THE PLEA-BARGAIN COURT ACCEPTED
THE PLEA OF 62 MONTHS CONCURRENT WITH
CONDITION RELEASE SO PLEASE READ EXHIBITS
PG 114 8

THE WARRANT OF COMMIT SAYS CONCURRENT

22

①
SO NOW CANADA HAS BEEN MOVED TO FARIBAUT PRISON AND WAS ASKED TO ENTER SEX OFFENDER TREATMENT SO CANADA IS APPEALING HIS CASE WITH A POST-CONVICTION AND REFUSED SEX OFFENDER TREATMENT

SO NOW 30 DAY EXTENDED CONFINEMENT AGAIN, PUSHING MY SUPERVISED RELEASE DATE BACK ANOTHER 30 DAYS

SO THE ORIGINAL SUPERVISED RELEASE DATE WAS 7/16/2013 WITH 30 DAYS ADDED TO PLEA NOW 8/16/2013 NEXT ANOTHER 30 DAYS ADDED 9/16/2013 PLEASE READ MINNESOTA DEPT OF CORRECTIONS SENTENCE DETAIL EXHIBIT pg 156 & thru & 163

SO NOW CANADA SAYS THIS NULLIFIED, & VOIDED OUT THE PLEA UNDER CASELAW IN RE S.L. V. STATE 663 N.W. 2d 31

SO NOW ON 09/27/2012 DEPT OF CORRECTIONS SENT ME A MEMO THAT BASICALLY STATES ALL SEX RELATED CASES MUST SERVE CONSECUTIVE TO CONDITIONAL RELEASE AND THE DEPT OF CORRECTIONS ARE GOING TO RECALCULATE MY SENTENCE, SO THIS EXTENDED MY EXPIRATION FROM CONDITIONAL RELEASE FROM 2023 TO 2025 ADDING ABOUT 569 DAYS TO THE SENTENCE IMPOSED I NEVER AGREED TO THIS AND THE PLEA WAS ENTERED CONCURRENT NOT CONSECUTIVE

SO NOW CANADA WAS RELEASE FROM PRISON ON 9/16/2013 TO TWIN TOWN TREATMENT CENTER

(5)

NO THIS IS THE SECOND CHEMICAL TREATMENT CENTER FOR CANADA, SO AGAIN ABOUT 3 WEEKS LATER CANADA WAS TERMINATED FROM TWIN TOWN AND THEN SENT BACK TO PRISON FOR NO ADDRESS ON 10/25/2013

SO NOW CANADA'S IN RUSH CITY PRISON FOR A SO CALLED PAROLE VIOLATION SO AGAIN CANADA WAS RELEASED TO DAMASCUS WAY, AND CANADA CAUGHT THE DIRECTOR OF DAMASCUS WAY MR. DAN SEPEDA LYING TO CANADA ON DIFFERENT TIMES AND EXPRESSED THAT TO DAN IN THE FORM OF FREEDOM OF SPEECH CANADA WAS PUT OUT AGAIN FOR NO ADDRESS THIS IS TWICE NO ADDRESS

SO WHEN CANADA LEFT FARBAULT IN 2013 THE DEPARTMENT OF CORRECTIONS PLACED CANADA ON A SPECIAL CONDITIONS & INTENSE SUPERVISED RELEASE AND ONE OF THESE CONDITIONS IS AGENT APPROVED ADDRESS IF YOU PLEASE READ THESE SPECIAL CONDITIONS IN EXHIBIT 166 THEY WERE NOT COURT ORDERED BY THE JUDGE NOR WAS INTENSE SUPERVISE RELEASE

SO NOW AGENT ROBYN WOODS OF OLMSTEAD COUNTY CORRECTIONS PAROLE OFFICE HAS TAKEN A SPECIAL INTEREST IN MR. CANADA IN THE FORM OF HARASSMENT

SO NOW CANADA IS BACK AT RUSH CITY PRISON AND WAS RELEASED ABOUT 2/24/2014 TO DAMASCUS WAY AND FEW WEEKS LATER MOVED IN WITH TERRINA WEST SO CANADA WAS WORKING 2 FULL TIME JOBS AT BIG LOTS & TONIC RESTAURANT

(30)

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SO NOW CANADA WORKING AND CANADA KNOWS HE NEEDED TO SAVE HIS MONEY SO HE CAN BUY OR RENT A PLACE TO STAY QUICKLY, BUT THINGS DID NOT WORK OUT AND TERRINA CALLED AGENT WOODS TELLING HER I HAD TO MOVE OUT

SO CANADA PACK UP HIS STUFF AND TURNED HIS SELF IN TO THE PAROLE OFFICE SO AGAIN SAME TYPE SITUATION NO ADDRESS BACK TO PRISON

~~SO CANADA WAS RELEASED IN 2015 BACK TO DAMASCUS WAY AGAIN AND WAS WORKING AT OLD COUNTRY BUFFET AND PUT IN FOR A INTERSTATE TRANSFER TO BECKLY, WEST VIRGINIA~~

SO CANADA WAS RELEASED IN 2015 BACK TO DAMASCUS WAY AGAIN AND WAS WORKING AT OLD COUNTRY BUFFET AND PUT IN FOR A INTERSTATE TRANSFER TO BECKLY, WEST VIRGINIA

SO IN JULY OF 2015 CANADA WAS IN BECKLY WEST VIRGINIA AND CANADA HAD A PAROLE OFFICER DAVID TOLER AND A STATE TROOPER CORPORAL MOORE SO NOW CANADA IN SEX TREATMENT AND WAS WORKING SO ABOUT A YEAR LATER CANADA WAS NOT WORKING AND WAS UNABLE TO PAY THE SO CALLED CLASS FEE OF \$20.00 PER CLASS

AND CANADA WAS ON PUBLIC ASSISTANCE MEDICAL & FOOD STAMPS SO PAROLE OFFICER TERMINATED HIM FOR NOT BEING ABLE TO PAY FOR HIS CLASSES AND PUT A WARRANT OUT FOR HIS ARREST

BUT DURING THE 19 MONTHS CANADA WAS IN WEST VIRGINIA STATE TROOPER MOORE MADE CANADA QUIT HIS JOB AT McDONALD'S ON EISENHOWER DRIVE, HIS REASON WAS HE COULD NOT TRACK ME OR SUPERVISE ME, AND THE REASON CANADA

⑦

⑦

STOP WORKING AT McDONALD'S WAS HE ASKED
THE STORE MANAGER TO BE TAKEN OFF THE
SCHEDULE FOR MENTAL HEALTH REASONS UNTIL
HE GETS A PSYCHIATRIST EVALUATION THAT'S
HIS EXCUSE FOR ME TO QUIT MY OWN JOB
THEN SAID IF I DID NOT QUIT MY JOB HE
WAS GOING TO VIOLATE ME FOR FAILURE TO
REGISTER

SO AFTER THAT LATER IN 2016 PAROLE OFFICER
PUT A WARRANT OUT FOR ME FOR TREATMENT
FAILURE OF SEX OFFENDER TREATMENT, THIS IS
THREE TIMES PUNISHED FOR SEX OFFENDER TREATMENT
AND IN DECEMBER OF 2016 CANADA WAS
EXADITED FROM WEST VIRGINIA DOWN TO ATLANTA
THEN TO MINNEAPOLIS MN BACK TO STILLWATER PRISON

SO NOW CANADA ABOUT TO BE RELEASED MAY OF 2017
PAROLE BOARD HELD A HEARING TO EXTEND MY INCARCERATION
30 DAYS FOR MAY 2017, 30 DAYS FOR JUNE, 30 DAYS
FOR JULY THE ONLY PLACE FOR ME TO GO IN ROCHESTER,
MN WAS DAMASCUS WAY AND THEY WERE OPENING UP
A NEW BUILDING AND THERE WERE NO BEDS AVAILABLE
TILL THEY OPEN THE NEW BUILDING WOW, PLEASE
READ EXHIBITS pg 172 & ——— & ———. 5/2/2017, 6/6/2017
SO I GET RELEASED IN JULY OF 2017 TO GUESS
WHERE DAMASCUS WAY, CANADA WAS WORKING
ABOUT 86 TO 92 HOURS PER WEEK WORKING MULTIPLE
JOBS SAVED UP MONEY TO MOVE OUT THE HALFWAY
HOUSE IN NOVEMBER, THEN OVER THIS TIME CANADA
HAS HAD A HABEAS CORPUS FILED SINCE MAY
OF 2017, AND PAROLE AGENT ROBYN WOOD KNEW
ABOUT THIS AND STILL PUT IN SEX OFFENDER
TREATMENT PLEASE READ EXHIBIT pg 190

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⑤
AND THEN BECAUSE CANADA NOW KNOWS HE SHOULD AND CANNOT SELF-INCRIMINATE HIMSELF WHICH COULD BE USED LATER AGAINST HIM HE REFUSED TO TALK ABOUT HIS CONVICTION AND SO CANADA WAS TERMINATED FROM THE CLASS

SO CANADA WAS HOME IN MARCH 2018 AND PAROLE OFFICER MATHIAS ANTONY CAME BY WITH TWO ROCHESTER POLICE OFFICERS. ARRESTED CANADA SEARCH HIS ROOM TOOK 2 CELLPHONES & LAPTOP WHICH BELONGED TO HIS FRIEND CINDY. VIOLATED CANADA TOLD THE PAROLE BOARD BY AGENT WOOD SAID I DON'T HAVE A APPROVED ADDRESS I WAS NEVER EVICTED AND THAT MY LANDLORD CALLED MY PAROLE OFFICER ON DIFFERENT OCCASIONS TELLING THEM THINGS ABOUT ME WITHOUT MY CONSENT, SO MY LANDLORD THINKS HE'S A LAW ENFORCEMENT AGENT NOW WOW

SO BEFORE CANADA WAS SENT BACK TO STILLWATER A DETECTIVE CAME TO TALK TO HIM ABOUT A LADY NAME MARIA, IS MAKING PERJURY STATEMENTS OF ACCUSING HIM OF FONDLING HER IN HIS APARTMENT

AGENT MATHIAS ANTONY PUT A DETAINER ON CANADA AT STILLWATER PRISON JUST BEFORE HE WAS SUPPOSE TO BE RELEASE 14 JULY PLEASE READ EXHIBIT PAGE 190 THRU 192

SO NOW IN LATE OCTOBER THEY HELD ANOTHER HRU HEARING AND DETERMINED THAT THE DETAINER PUT ON CANADA WAS ILLEGAL

9

AND THAT WHILE CANADA IS IN THE DEPT
OF CORRECTIONS CUSTODY HE HAS NO PAROLE
OFFICER AND HE IS BEING HELD UNDER
RESTRAINT OF LIBERTY & DUE PROCESS, AND
FALSE IMPRISONMENT RIGHT NOW,

SEE pg

SO NOW CANADA IS SO CALLED FIRST PRIORITY
TO LEAVE BUT CANADA DOES NOT WANT TO
GO BACK TO OLNEY COUNTY AND THAT
JUDGE KATHY WALLACE IS TRYING TO CONVICT
CANADA ON TOP OF A VOIDED CONVICTION
& A MISCARriage OF JUSTICE AND KATHY
WALLACE NOW A JUDGE WAS THE PROSECUTOR
IN CANADA'S CASE IN 2010 PLEASE READ
THE EXHIBIT pg 194

AND WHEN AGENT MATTHEW ANTONY ARRESTED
CANADA & SEARCH HIS RESIDENCE WITH NO
SEARCH WARRANT CANADA WAS WORKING
AT TEXTILE CARE SERVICES FULL TIME.

34

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LEGAL ISSUES

1. THE PETITIONER ASSERTS HE RECEIVED INEFFECTIVE ASSISTANCE OF COUNSEL DUE TO COUNSEL'S FAILURES TO RAISE ANY TYPE OF DEFENSE FOR MR. SHAWN CANADA AS WELL TO FUNDAMENTAL CLAIMS UNDER FEDERAL CONSTITUTIONAL STATES & CODES AND THE RIGHT TO PROTECT THE ACCUSED FROM INCORRECT DEFAULTED PROCEDURES RESULTING FROM HIS OWN IGNORANCE OF LEGAL, AND CONSTITUTIONAL RIGHTS, SMITH V. O'GRADY, 312 U.S. 329 61 S. Ct 572, 85 L. Ed. 859
2. THE FACT THAT DEFENSE ATTORNEY FAILED AND DELIBERATELY DID NOT BRING OR FAILED TO INVESTIGATE MR. CANADA MENTAL ILLNESS, THIS VIOLATES THE 6TH AMENDMENT OF U.S. CONSTITUTION AND DUE PROCESS AND DEFENSE ATTORNEY PERFORMANCE WAS BELOW THE TWO-PRONG TEST OF STRICKLAND V. WASHINGTON performance & prejudice
3. AND FROM THE PREPONDERANCE OF EVIDENCE AS TO EVEN START THIS OR FROM THE CRIMINAL JUSTICE STANDARDS ON MENTAL HEALTH pg 5 VIOLATES STANDARD 7-1.4. ROLES OF THE ATTORNEY A, B, C, D AND VIOLATES MINNESOTA STATUTE 611.026 AND MINNESOTA RULES OF PROFESSIONAL CONDUCT A, B, C, D, E, F, G
4. DEFENSE ATTORNEY WITHHELD HIS CLIENT'S MENTAL HEALTH DOCUMENTS FROM THE JUDICIAL OFFICER CAUSING A VIOLATION OF MINN. R. CRIM. P 15.05 A MANIFEST INJUSTICE SUB D. 7.

②

LEGAL ISSUES

4. AND ALSO VIOLATE MINNESOTA CONSTITUTION SEC. 7 DEPRIVED OF LIFE, SELF INCRIMINATION & DOUBLE JEOPARDY CLAUSE OF SENTENCING AND LOTS OF MULTIPLE PUNISHMENTS, JEOPARDY VIOLATIONS

5. PLEA AGREEMENT EVEN BEFORE JUDGE JODI WILLIAMSON ACCEPT THIS PLEA BY CANADA ITS ALREADY UNCONSTITUTIONAL FOR SELF INCRIMINATION & DOUBLE JEOPARDY AGAINST MULTIPLE PUNISHMENTS FOR THE SAME CRIME AND IN READING THE SENTENCING TRANSCRIPTS APPENDIX _____ PAGE _____

6. AND CANADA SAYS THAT THERE WAS A PROCEDURE DEFAULT FROM THE PROSECUTOR ON THE GROUNDS OF A PROMISE THAT COULD NOT PROCEDURALLY FULFILL AND THAT THE ACCURACY OF A PLEA MUST BE ACCURATE MINN. R. CR. M. P. RULE 15.05. PLEA WITHDRAWAL SUBD. 7. TO CORRECT A MANIFEST INJUSTICE

7. AND CANADA SAYS THAT CANADA ALSO CHALLENGED THE CONSTITUTIONALITY OF STATE RULES, STATUTES, AND LAWS, DEPRIVING THE PETITIONER OF HIS LIBERTY ENTITLEMENT PROTECTIONS AND DUE PROCESS AND INTEREST, HEWITT V. HELM, 103 S. CT. 864, N. 1, 3

8. SO IN THE SENTENCING TRANSCRIPT IN THE JUDGE OWN WORDS WERE I'LL RUN THAT SENTENCE CONCURRENT ON PAGE 13 OF APPENDIX _____ AD TO THIS LOOKING AT PAGE 12 OF APPENDIX _____ JUDGE SAID YOU ARE REQUIRED TO SERVE

(36)

LEGAL ISSUES

8. AN ADDITIONAL 10 YEARS ON CONDITIONAL RELEASE, SO ACCORDINGLY, I WILL COMMIT YOU TO THE COMMISSIONER OF CORRECTIONS FOR A PERIOD OF 62 MONTHS, YOU'LL SERVE TWO-THIRDS OF THAT SENTENCE WITHIN THE PRISON SETTING, ONE-THIRD COULD BE SERVED ON SUPERVISED RELEASE, ASSUMING NO DISCIPLINARY VIOLATIONS ARE WITHIN THE PRISON SETTING

9. CANADA SAYS THOSE ARE THE PROPOSED TERMS OF THE PLEA-AGREEMENT THE SENTENCING WAS HELD ON NOVEMBER 22, 2010, SO NOW CANADA SAYS THE DEPT OF CORRECTIONS PLACED A TREATMENT MANDATE OF CHEMICAL TREATMENT & SEX-OFFENDER TREATMENT, THIS IS NOT COURT ORDERED SO ITS A BREACH OF CONTRACT & PLEA-AGREEMENT, SO NOW THERE IS A CONFLICT AND A SEPARATION OF POWERS HERE

PETITIONERS SAYS THE JUDGE SAYS CONCURRENT AND THE WARRANT OF COMMIT SAYS CONCURRENT PLEASE READ APPENDIX _____, NOW THE DOC DISCIPLINE CANADA BEFORE HE WAS RELEASE THE DISCIPLINE WAS FOR CHEMICAL & SEX-OFFENDER TREATMENT FAILURE 30 DAYS X 2 = 60 DAYS PULLED HIS GUARANTEED FUNDAMENTAL FIGHT BACK THIS MAKES THE PLEA NULLIFIED & VOID PLEASE READ DISCIPLINE REPORTS _____ & _____ SO NOW THE DOC SENT A MEMO ON 9/27/2012 STATING ALL RELATED SEX CASES CONDITIONAL RELEASE MUST BE SERVED CONSECUTIVELY TO SENTENCE IMPOSE

LEGAL ISSUES

OK WELL THE PETITIONER SAYS THE DOC SAID IN THE MEMO EXHIBIT _____ THAT BASICALLY THE JUDGE COMMITTED A JUDICIAL ERROR IN CALCULATING THE SENTENCE IMPOSED, AND NOW WITHOUT TAKING ME TO COURT THAT THE DEPT OF CORRECTIONS ARE GOING TO RECALCULATE MY PLEA AND CONDITIONS OF RELEASE FROM A CONCURRENT TO CONSECUTIVE CONDITIONAL RELEASE PLEASE READ EXHIBIT _____

NOW IN CASELAW AND AUTHORITY STATE V. PURDY 589 N.W.2D 496 SAYS THAT UNDER MINN. R. CRIM. P. 27.03 PROVIDES THE COURT AT ANY TIME MAY CORRECT A SENTENCE NOT AUTHORIZED BY LAW THE COURT MAY AT ANY TIME MODIFY A SENTENCE DURING EITHER A STAY OF IMPOSITION OR STAY OF EXECUTION OF SENTENCE EXCEPT THAT THE COURT MAY NOT INCREASE THE PERIOD OF CONFINEMENT TAKEN FROM PAGE 2 OF STATE V. PURDY

PETITIONER SAYS AT SENTENCING THE TERM CONSECUTIVE WAS NOT IMPOSED AND THAT CANADA SAYS HE HAS NOT BEEN BACK TO COURT SINCE 2010 AND THAT AFTER THE NOTICE THAT HIS SENTENCE HAS BEEN AMENDED CANADA SAYS HIS SUPERVISED RELEASE DATE WAS PUSHED BACK FROM 7/16/2013 TO 8/16/2013 TO 9/16/2013

SO NOW UNDER THE CASELAW OF STATE V. PURDY IT WAS DETERMINED THAT THE OLSTED DISTRICT COURTS RECORDS, NO EVIDENCE OF A HEARING, NO WRITTEN ORDER OF THE COURT, AND NO ENTRY OF AN ORAL ORDER

REGARDING AN AMENDMENT OF CANADA'S ORIGINAL SENTENCE TO INCLUDE A CONDITIONAL RELEASE TERM OF CONSECUTIVE, SO NOW CANADA RELIEVE THAT NOW HE HAS NOT BEEN RESENTENCED AND THAT THE LETTER FROM THE DEPT OF CORRECTIONS WAS IN A FORM OF A LETTER RATHER THAN A FORMAL COURT ORDER AND THIS IS IMMATERIAL

SO CANADA SAYS EVEN IF HIS SENTENCE WAS AN UNAUTHORIZED SENTENCE THAT COULD BE CORRECTED BY A LETTER FROM THE SENTENCING COURT NO MOTION, NO HEARING, THE LETTER FROM THE DEPT OF CORRECTIONS WAS NOT A LETTER FROM THE COURT, THE LETTER CANADA SAYS WAS NOT SIGNED BY A JUDGE OR ENTERED INTO THE RECORD AS AN ORDER, CANADA SAYS THE LETTER HE RECEIVED JUST A LETTER THAT HAS NOT VESTED ANY JUDICIAL AUTHORITY.

CANADA SAYS A LETTER FROM DEPT OF CORRECTIONS CANNOT AMEND A SENTENCE AND THE LETTER WAS NOT WITHIN JUDICIAL AUTHORITY TO AMEND OR RECALCULATE WAS AN ABUSE OF DISCRETION

AND THAT IF THE STATE COMMITS THE ACT OF CONSTRUING ONE STATUTE TO BE A COMPLETELY, DIFFERENTLY STATUTE SUCH CONDUCT CONSTITUTES THE MOST EXTREME VIOLATIONS OF THE SEPARATION OF POWERS CLAUSE DUE TO THE CHANGE BEING A TOTAL TRANSMUTATION OF ONE STATUTE TO ANOTHER THE STATE CANNOT CHANGE THE INTENT, MEANING OF A STATUTE OR SOMETHING NOT ALREADY CONTAINED IN THE STATUTE, NOR - RE-WRITE THE STATUTE, ADD, OR TAKE AWAY FROM IT LAAS V. CHEVELET T4002 776 N.W.2d. 431

LEGAL ISSUES

CANADA SAYS THE TRIAL COURT OF OLUSTED COUNTY OF ROCHESTER MINNESOTA IS WITHOUT AUTHORITY TO MODIFY A LEGALLY IMPOSED SENTENCE 569 DAYS AFTER ITS EXECUTION
CANADA SAYS HIS CASE SHOULD BE REVERSED LIKE REESMAN CASE WAS REVERSED PLEASE READ REESMAN V. STATE, 449 N.W.2D 489

CANADA SAYS THEY PLACED HIM ON A MANDATED TREATMENT AND THIS WAS NOT COURT ORDERED SO THE DEPT OF CORRECTIONS ARE IN CONFLICT AND THE STATE OF CONDITIONAL RELEASE AND PLACED CANADA ON SPECIAL CONDITIONS OF RELEASE SO NOW CANADA SAYS BOTH ARE A UNCONSTITUTIONAL STATUTE UNDER SEPARATION-OF-POWERS PRINCIPLES TO THE EXTENT THAT IT INFRINGES ON THE JUDICIAL SENTENCING POWER

CANADA NOW SAYS HE INVOKES THE U.S SUPREMACY CLAUSE, ART VI.

THE U.S. SUPREMACY CLAUSE BINDS EVERY JUDGE IN EVERY STATE TO FOLLOW, ENFORCE AND PROTECT THE LAWS OF THE UNITED STATES CONSTITUTION FEDERAL LAWS EVEN AGAINST THE STATES OWN LAWS, RULES AUTHORITIES THAT ARE CONTRARY TO FEDERAL LAW, STATE COURT JUDGES ARE BOUND TO DO HINES V. DAVIDOWITZ, 312 U.S. AT 67, 61 SCT. AT 404

LEGAL ISSUES

SO NOW CANADA SAYS THE MODIFICATION OF AN EXECUTED SENTENCE WITHOUT EXPRESS STATUTORY AUTHORIZATION IS A LEGISLATIVE RATHER THAN JUDICIAL FUNCTION. A COURT'S POWER TO SENTENCE COMES EXCLUSIVELY FROM STATUTES. A TRIAL COURT'S DISCRETION TO SENTENCE IS BUILT INTO THE STATUTES AUTHORIZING SENTENCING. THAT DISCRETION VANISHES ONCE THE SENTENCE IS EXECUTED. A COURT WHICH MODIFIES A SENTENCE FOR REASONS OTHER THAN THOSE PERMITTED BY STATUTE IS NOT PERFORMING A JUDICIAL FUNCTION.

SUCH A MODIFICATION IS IN DEROGATION OF THE STATUTES ON SENTENCING, AND IS THEREFORE A LEGISLATIVE IN NATURE, THUS A TRIAL COURT HAS NO INHERENT JUDICIAL POWER TO MODIFY AN EXECUTED SENTENCE TAKEN FROM REESMAN V. STATE, 449 N.W.2d 489 page 4

THE TRIAL COURT HAS NO INHERENT POWER TO MODIFY A LEGALLY IMPOSED SENTENCE AFTER ITS EXECUTION.

AS IN HOCKENSMITH, 417 N.W.2d AT 632 THE POWER TO CORRECT AN UNAUTHORIZED SENTENCE OR MODIFY A SENTENCE BEFORE ITS EXECUTION, HOWEVER, IS AN OPERATION OF THE RULES OF CRIMINAL PROCEDURE, NOT INHERENT JUDICIAL POWER ONLY APPLIES WHERE THE FUNCTION IS JUDICIAL, THE TRIAL COURT'S MODIFICATION OF REESMAN'S AND MR SHAWN CANADA EXECUTED SENTENCE CANNOT BE SUSTAINED

REASONING FOR GRANTING RELIEF

MR CANADA SAYS HE IS REQUESTING RELIEF
ON THE GROUNDS OF CANADA IS A TRUE
LOVE OF GOD AND THE FACTS SHOWS THAT
MINNESOTA SHOWS PREJUDICE AND THAT A
PERSON DO NOT KNOW THERE OWN CIVIL
RIGHTS ARE PROSECUTED BEFORE A BIAS
JUDGE,

AND WHEN A PERSON IS DEPRIVED OF LIBERTY
MULTIPLE TIMES, ITS LIKE A SPIDER WEB WITH
NO OPEN DOORS

CANADA HAS A FAMILY & KIDS BACK IN
DETROIT MICHIGAN SO WHAT MINNESOTA HAS
BEEN DOING TO PEOPLE WHICH IS UNCONSTITUTIONAL
& UNLAWFUL ONE DAY MINNESOTA IS GOING
TO RUN ACROSS SOMEONE THEY JUST

COULD NOT CONVICT BECAUSE THEY LACK
JURISDICTION TO CONVICT A MAN OF
GOD THAT WAS SO CALLED PROCESSED OVER
8 yrs improperly, but because HE NEVER
DID COMMIT A CRIME IN 2010, AND IS NOT
GUILTY BY A TRIAL OR NEVER DID GET
A CHANCE TO FACE HIS ACCUSER IN
CONFRONTATION IN A COURT OF LAW,
THIS PROSECUTION IS ILLEGAL & CANADA
SEEKS RELIEF

AND IN CONCLUSION CANADA SAYS
HE WILL ADVOCATE WITH PEOPLE WITH
DISABILITIES AND LACK OF KNOWLEDGE
OF THE LAW. BUT NOW CANADA
WANTS TO SEE HIS KIDS. CANADA IS
ASKING FOR IMMEDIATE RELEASE WHILE
THIS CASE IS BEING REVIEWED

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Shawn Connelley

Date: 12-20-2018