

18-8443 ORIGINAL

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

IN THE

SUPREME COURT OF THE UNITED STATES

JAMES F. OLIVEIRA — PETITIONER  
(Your Name)

vs.  
PATRICIA COYNE-FAGUE  
STATE OF RHODE ISLAND et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS 1<sup>st</sup> CIRCUIT BOSTON MA. 02210  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

James F. Oliveira Pro-se  
(Your Name)

P.O. Box 8273  
(Address)

Cranston, Rhode Island 02920  
(City, State, Zip Code)

\_\_\_\_\_  
(Phone Number)

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**QUESTION(S) PRESENTED**

1. Question presented being important to administration of Criminal Justice.
2. If the defendant James F. Oliveira had been granted his Speedy Trial, would the results of the trial have been the same?

## 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:

(ix)

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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**

**[X] For cases from **federal courts**:**

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

reported at No. 2166-2210; 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[ ] is unpublished.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 B to the petition and is

reported at No. 2166-2210; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

**[X] For cases from **state courts**:**

The opinion of the highest state court to review the merits appears at Appendix C to the petition and is

reported at C.A. 11-24 ML; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

The opinion of the Providence county Superior court appears at Appendix D to the petition and is  
PI-2004-3386A  
 reported at 961 A.2d.299(R.I.(2008)); 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[ ] is unpublished.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 December 10, 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 12-19-2012.  
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

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## STATEMENT OF THE CASE

The State of Rhode Island continued to get continuances under "Further Investigation", even though I, the defendant, continued to motion for speedy trial. I was denied a speedy trial, Motion for Prompt Trial, etc., as I have submitted the attachments. My right to a speedy trial has been denied, and according to Federal Law, and State of Rhode Island Law, it is my constitutional right to have a speedy trial. According to the law, and the statutes, and rules of law, as I have submitted, I have clearly been denied my right to a speedy trial. The rules and statutes for the Speedy Trial Act, and the constitutional right to a speedy trial demands reversal, vacating, and dismissal for denial of speedy trial.

## REASONS FOR GRANTING THE PETITION

1. The constitutional speedy trial guarantee recognizes that a prolonged delay may subject the accused to an emotional stress that can be presumed to result in the ordinary person from uncertainties in the prospect of facing public trial or of receiving a sentence longer than, or consecutive to, one he may be presently serving-uncertainties that a prompt trial removes
2. Other factors, such as prospect of rehabilitation, may also be affected adversely.
3. The right to a prompt inquiry into criminal charges is fundamental and the duty of the charging authority is to provide a prompt trial.

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

James F. Oliveira

Date: February 28, 2019