

NO. 18-8626

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IN THE SUPREME  
COURT OF THE UNITED STATES

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AARON MURRAY

VS.

UNITED STATES OF AMERICA

ON PETITION FOR REHEARING  
OF ORDER DENYING PETITION FOR  
WRIT OF CERTIORARI TO

THE SUPREME COURT OF THE UNITED STATES

PETITION FOR REHEARING

AARON MURRAY

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FCI BECKLEY, P.O. BOX 350

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BEAVER, WV 25813

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SUPREME COURT, U.S.

## LIST OF PARTIES

☒ 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:

Petitioner: Aaron Murray.  
Register Number 73052-061  
P.O. Box 350 Pine A/U  
Beaver, WV 25813

Respondent: United States Of America  
Represented By : Anthony Springer  
Assistant U.S. Attorney  
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Cincinnati, Ohio 45202

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United States Department Of Justice  
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 Of Ohio Cincinnati Criminal Docket Case#: 1:15-  
 CR-026(3) In Support OF Petitioners Reasons To  
 Grant Petition for Rehearing

APPENDIX B: United States District Court Southern District  
 Of Ohio Western Division Plea Agreement Case No.  
 1:15-CR-026(3)

GROUND S RAISED

A. Petitioners Aaron Murrays Plea to information and plea deal is void; as it has transpired in violation of his Fifth Amendment Due Process Rights, and Rule 5 and 7 Fed. R. Crm. P.

B. Petitioner Aaron Murrays Fourth, Fifth, and Sixth Amendment Rights have been violated, and in every attempt to raise these arguments to the lower courts , have been completley ignored as if he never raised them.

CERTIFICATE OF ATTESTATION

I, Aaron Murray, do declare that the grounds raised above are limited to intervening circumstances of substantial or controlling effect and/or to other substantial grounds not previously presented. This petition for rehearing is presented in good faith and not for delay.

Aaron Murray

## TABLE OF AUTHORITIES CITED

## STATUTES AND RULES:

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REASONS FOR GRANTING  
GROUNDS

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Ground A. Petitioner Aaron Murrays plea to information and plea deal is void; as it has transpired in violation of his Fifth Amendment Due Process Rights , and Rule 5 and 7 Fed. R. Crim. P.

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Appendix B will clearly reveal that Petitioner Aaron Murray signed a plea to information and waiver of indictment on april, 21 2015. A simple reveiw of both appendix A and B will prove that the plea deal was signed before Petitioner Aaron Murray was federally arrested, charged, or brought to any federal court room to be advised and informed of his charges and rights in open court. Appendix A shows that Petitioner Aaron Murrays first apperance ever in a federal court room was on june, 3rd, 2015; the day he was put into federal custody; 43 days after he signed the plea deal. This alone is grounds to dismiss the information and/or reverse the conviction; as it is an obvious plain error and miscarriage of justice.

According to Rule 5 fed. crim. r. p. a defendant should promptly be taken before a committing magistrate upon arrest " to prevent pre-arraignment detention of arrested person for purpose of securing confession and to have such person advised of his rights by judicial, instead of enforcement officer". United States v. Chadwick (1969, CA10 NM) 415 F.2d 167 . Sadly, Petitioner Aaron Murray never had the benifit of such a procedure and instead was only subject to what information

the law enforcement officers had to inform him about the plea deal he was to sign. Anyone would've signed it when forced into secret captivity against their will, while receiving threats of never returning home , and all the while afraid and confused about the whole situation; as it would've been literally impossible to have had any clear understanding of what was going on without at least first being brought to a judge to be fairly informed and advised.

Rule 7(B) fed. r. crim. p. clearly states that " an offense punishable by imprisonment for more than one year may be prosecuted by information if the defendant-- in open court and after being advised of the nature of the charge and of the defendants rights-- waives prosecution by indictment". Again, Appendix B will prove that the information was signed april, 21st, 2015 and filed on april, 23rd, 2015. It is therefore in violation of Rule 7 fed. r. crim. p. since appendix A proves that Petitioner Aaron Murrays first federal court date was june, 3, 2015. At minimum, Petitioner Aaron Murrays plea to information cannot be valid since the plea deal was signed before ever being brought in front of of a judge to be advised and informed. It is apparent that Petitioner Aaron Murrays Due Process Rights have been violated since he was never afforded the opportunity to be advised and informed in open court before being approached with a plea deal. Petitioner Aaron Murray has been completely prejudiced by such an act and court records prove so (see appendix A and B),

GROUND B. Petitioner Aaron Murrays Fourth, Fifth, and Sixth Amendment Constitutional Rights have been violated and deprived from him. Petitioner Murray has raised these issues in numerous Appeal Courts and have yet to receive a response on any of his Constitutional violation claims.

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Any court that looks upon this matter will see that it is indeed a substantial one; for the proof of the claims clearly reveal itself in court records (SEE APPENDIX A). When a defendant is deprived his Constitutional Rights and becomes aware of the error, he is supposed to be afforded the opportunity to have his claims looked upon and answered to. The term "Constitutional Violation" would be deemed frivolous if there existed no remedy or even the opportunity for remedy upon the substantial matter.

Fortunately, Petitioner Murray is an American Citizen subject to the American Justice System upon a Constitutional Violation claim, in which such claims will be heard accordingly; unfortunately, that has not been the sequence of events pertaining to Petitioner Murrays Constitutional Violation claims.

Petitioner Murray has raised numerous Constitutional Violation claims only to be ignored. Petitioner Murray has not had the chance for his Constitutional Violations to be answered to. Petitioner Murray has been forced to bring this matter to the Supreme Courts attention.



Normally, in every criminal case there exists a certain procedure in which a defendant shall first, after being arrested, be brought in front of a Magistrate Judge or Judicial Officer; an Initial Appearance. Fed. R. Crim. P. Rule 5 marks point at which the right to counsel attaches because it is the hearing at which the Magistrate informs defendant of charge in complaint, and of various Constitutional Rights in further proceedings, and determines conditions for pretrial release. This hearing marks the start of adversary judicial proceedings.

At this hearing a defendant is afforded his Fourth, Fifth, and Sixth Amendment Rights; thus a criminal case could not exist without such a hearing. Nevertheless, Petitioner Aaron Murray never received this sort of hearing and therefore was never advised his Constitutional Rights pertaining to his criminal case. Petitioner Aaron Murray never received any probable cause hearing to be determined that there existed enough evidence to put or keep him in custody; Fourth Amendment illegal search and seizures of persons violation. Petitioner Murray never received a hearing in which he was advised his Constitutional Right to remain silent after being informed of the reason he was in custody; Fifth Amendment Due Process violation. Petitioner Murray never received a hearing in which he was advised his right to appointed counsel and/or choice of counsel; Sixth Amendment rights to counsel violations.

The list goes on, but as Petitioner Murray is a layman of the law, a first time offender, and has not been afforded the normal procedure of the foundation of every criminal case, it would be expected for him to not notice all the Constitutional Violations he has endured.

Nevertheless, Constitutional Violations exists in the instant case and they were all brought up to the lower Courts attention but never received any acknowledgement. Again, these claims have proven to be fact according to court records (SEE APPENDIX A). The lower Courts completely overlooked the claims as if Petitioner Murray never raised them; thus the lower Courts have departed from normal judicial proceedings and forced Petitioner Murray to pray upon this Honorable Court.

This is issue must be deemed important and embarrassing if as an American Citizen Petitioner Murray is to be afforded all his Constitutional Rights just as the public is. There has to be some apparent error in the fact that the lower Courts never responded to Petitioner Murrays Constitutional Violation claims. Petitioner Murray raised Fed. Crm. P. Rule 5 violations and Constitutional Violation claims to the Southern District of Ohio South Western Divison Cincinatti District Court on §2255 and to the United States Court of Appeals for the Sixth Circuit. Petitioner never received a response to his Rule 5 violation claims or his Constitutional Violation claims from any of the lower Courts.

## CONCLUSION

As it is clear that Constitutional Violations have transpired in Petitioner Murrays criminal case, Petitioner Murray prays this court will not miscarry justice as the lower Courts did. Petitioner Murray was first supposed to be afforded his Constitutional Rights in open court rather than to be forced into a plea hearing upon his arrest as APPENDIX A CLEARLY REVEALS. Petitioner Murray respectfully asks this court to simply look at how he was put into custody or even why he was put into custody and all that has been claimed by Petitioner Murray will be seen as the truth.

Please Grant the Petition.

Adam Murray