

IN THE  
SUPREME COURT OF THE UNITED STATES

\* \* \* \* \*

N No. 18-8791

\* \* \* \* \*

In re: Danny D. Bissonette  
Appellant/Petitioner

vs.

UNITED STATES OF AMERICA  
ROBERT DOOLEY, Director of Prisons et.al.

\* \* \* \* \*

PETITION FOR REHEARING

\* \* \* \* \*

COMES NOW Danny D. Bissonette, hereinafter known as Appellant/Petitioner, Inmate #15533, currently incarcerated in Mike Durfee State Prison, Springfield, South Dakota, hereby Petitions this Court for a Rehearing on his Writ of Certiorari, pursuant to Rule # 44.

REASONS FOR REHEARING

1. This Court failed to enforce Federal Treaty Law which is the primary duty of this Court.
2. The Disclaimer of Jurisdiction contained in our Enabling Act and Constitution deprives the State of South Dakota criminal jurisdiction over Indians and Indian Territory.
3. Public Law 280 (Chapter 505, 62 Stat. 588) is not a present grant of jurisdiction and this State has not effectively, affirmatively, and unequivocally acted to assume jurisdiction in the manner specified in such act. (Chapter 467 of the Laws of 1963 was a statutory effort by the State to comply with Public Law 280 which was referred to and rejected by the electorate of the State of South Dakota in 1964); Therefore,
4. HN6: Criminal Jurisdiction over Indians for crimes committed within Indian Territory in South Dakota is exclusively vested in the Federal and Tribal Courts. Petitioner asserts the construction of Federal statutes relating back to 1889 is clearly the province of the United States Supreme Court (i.e., Rule 29.4(b) as the final arbiter, and in view of the importance of the question involved here, where the State Courts of South Dakota never had jurisdiction over the

Indians per se the ruling of the State Supreme Court...in State v. Molash, 86 S.D. 558, 109 N.W.2d 591, 1972 S.D. Lexis 145. More specifically, the Eighth Circuit Court of Appeals in 1975 U.S. LEXIS 41, No. 73-1500, 489 Fed. 99 reversed the District Court's Summary Judgment that the 1891 Act had not terminated the Sisseton-Wahpeton Sioux Tribes Lake Traverse Reservation (1975).

5. Petitioner asserts that these illegal prosecutions must come to an end for want of jurisdiction. That, is, treaties themselves are the "Supreme Law of the Land", supersede State Law with standing to make a claim of seek-judicial enforcement of a duty or right that (1) That the challenged conduct has caused the Petitioner actual injury and (2) The interest sought to be protected is within the zone of interests meant to be regulated by the statutory or constitutional guarantee in question support those contructions.

6. Petitioner declares it is settled law under precedents established by the United States Supreme Court to which all Courts are bound. That meritorious decisions are legal victories for an accused convict under extrinsic fraud. Such is here where found that both Courts participated in the Act of 1968 (i.e. Congressional proceedings) by "fraud in the inducement" ..(v)itiating the contract itself without the consent requirement that was agreed upon by both parties, State of South Dakota and Sisseton Wahpeton Oyate Formerly the Sisseton/Wahpeton Sioux Indian Tribe of Lake Traverse Reservation Ex delicto requires reversal pursuant to Title 28 U.S.C.A. Sec. 1441.

#### CONCLUSION

Petitioner declares the State of South Dakota and its Court have repeatedly overruled the State Supreme Court and Acts of Congress (1968) to which common sense dictates that the procedures by State Court is in all actually fraud on the Courts. To prosecute an Indian, per this oppressive tyranny, displayed here, that without hesitation overruled this High Courts decision and their presedents. It must STOP now and the only way for that to happen is by the Court rehearing Petitioner's Writ and then grant said Writ, as requested therein.

Therefore Petitioner prays that this Honorable Court will rehear this matter and apply past rulings and Orders of Law to this matter, in which the outcome would free the Petitioner from all loss of his liberty at the hands of State of South Dakota and place him under the control of the Tribal or Federal Government Judicial system.

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\* \* \* \* \*

CERTIFICATE OF INTENT

\* \* \* \* \*

COMES NOW, Danny D. Bissonette, hereinafter known as Appellant/Petitioner, Inmate #15533, currently incarcerated in Mike Durfee State Prison, Springfield, South Dakota, hereby certifies to the Honorable Court the following:

1. I Danny D. Bissonette, certify that this Motion/Petition for Rehearing is not being made to delay this matter and it is being made in good faith, open and clean hands.
2. Furthermore I Danny D. Bissonette certify that he believes if this court would take a second look and review the matter at hand which is "Does the State of South Dakota have jurisdiction in Indian Country over Tribal Members?" They would come to a different conclusion.

Therefore Appellant/Petitioner hereby prays that this court will Rehear this matter and look at the overwhelming facts that prove Petitioner's point as stated herein.

Furthermore I certify that a true and correct copy of this ~~and the~~ Certificate of Intent was sent to the South Dakota Attorney General's Office at: Attn: Jason Ravnborg, 1302 East Hwy. 14, Ste. 1, Pierre, South Dakota 57501.

Furthermore Petitioner would like to remind the Court that this has a major impact on thousands of mis-treated Indian people.

Respectfully Submitted this 3<sup>rd</sup> day of July, 2019.

By: Danny Bissonette  
Danny D. Bissonette

ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN, to before me now this 3<sup>rd</sup> day of July, 2019.

Laura Stratman  
Notary Public-SOUTH DAKOTA

My Commission Expires: June 10<sup>th</sup>, 2025

SEAL

