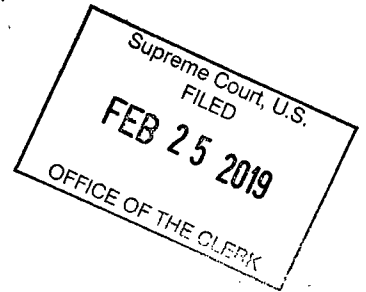


18-9713

ORIGINAL

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES



BRENDE STEVEN A., - PETITIONER

vs.

YOUNG DAREN, WARDEN, - RESPONDENT (S)

ON PETITION FOR A WRIT OF CERTIORARI TO

SUPREME COURT APPEALS OF SOUTH DAKOTA FILED # 26455

PETITION FOR WRIT OF CERTIORARI

BRENDE STEVEN A
(Your Name)

Mike Durfee State Prison
Inmate # 18620 Harmon # 120
1412 Wood St.
(Address)

Springfield, So Dak 57062
(City, States, Zip Code)

No Phone Number
(Phone)

QUESTION(S) PRESENTED

My question is about Supreme Court of South Dakota on appeal, filed number # 26455 20, 2013, considered on Briefs; in the July 17, 2013, Opinion filed: Stated on claim that was made on Statement from Supreme Court Judge that said on information in appendix (A) on pages 7,8,9,13,14,15 and 16 are Stated in the underline, where C.I. have made a lot of claim of First-degree rape and sexual contact and the Supreme court Judge found out that upon completion of the forensic interview, C.I. was Physically examined by a physician and examination did NOT reveal any signs of Physical injury or abuse and false claim and this call "FALSE CONVICTIONS"? C.I. claim that Brende's made him/C.I. put his penis in Brende's butt on sexual contact conviction(s), but during an Forensic interview, C.I. have testified that Brende's NEVER made C.I. put his penis in Brende's butt and is this call PERJURY from C.I.

Then the Supreme Court of South Dakota made an claim on page 9 [15] in small print, underline (7) Stated "SPECIFICALLT", count one and count two of the indictment are IDENTICAL and alleged the same and this call DOUBLE JEOPARDY against Minister Brende, Steven A.

LIST OF PARTIES

- ☐ All parties appear in the caption of 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.

MARTY JACKLEY, ATTORNEY GENERAL PERRIE, SO DAK

CHAD IHNEN OF SIOUX FALLS, SO DAK

VERNITA IHNEN OF SIOUX FALLS, SO DAK

CHRISTIAN IHNEN OF SIOUX FALLS, SO DAK

BRAZIL COLLEEN OF SIOUX FALLS, SO DAK

BRIGGS AMANDA OF SIOUX FALLS, SO DAK

HENSLEY THOMAS R, STATE ATTORNEY OF SIOUX FALLS, SO DAK

MICHELLE THOMAS, ATTORNEY OF SIOUX FALLS, SO DAK

HOUWMAN ROBIN J. CIRCUIT JUDGE OF SIOUX FALLS, SO DAK

With an Court Order for them to Show up for Trial please!

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INDEX TO APPENDICES

APPENDIX (A)	Decision from the State of South Dakota Supreme Court of Appeals! Filed # 26455 in May 20, 2013, Considered on Briefs; in the July 17,2013, Opinion Filed:
APPENDIX (B)	Order of United State Court Of Appeals for The Eighth Circuit! Filed # 17-1524 in February 13,2018,.
APPENDIX (C)	Judgment of United State Court of Appeals for The Eighth Circuit! Filed # 17-1524 in October 30,2018,.
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APPENDIX (E)	
APPENDIX (F)	

TABLE OF AUTHORITIES

S.D.C.L. 20-13-35 EVIDENCE.

S.D.C.L. 22-3-1 ANY ONE CAN COMMIT AN CRIME AND DID NOT SAY AGES.

S.D.C.L. 22-11-9 FALSE REPORTING TO THE AUTHORITIES.

U.S.C. (53-54) 465.1, 466 FORMER JEOPARDY.

U.S.C. (55) 339,489.1. 492 ADMISSION OR EXCLUSION OF EVIDENCE.

U.S.C. (165) 849.1 RES JUDICATA EFFECT OF JUDGMENT.

U.S.C. (170) 811 TO 890 MATTERS SUBJECT TO REVIEW CERTIORARI.

U.S.C. (187) 1612 (1) 1612 (2) 1613 BURDEN OF PROOFS.

U.S.C. 341,497. LINE 13 FALSE TESTIMONY.

FED. R. CIV. P. 8(a) (2).

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 B to the petition and is

☒ reported at US District Court of South Dakota; or, order
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix C to the petition and is

☐ reported at Judgment US District Court of South Dakota; 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 A to the petition and is

☒ reported at Supreme Court of South Dakota; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ 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.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was Denied.

☐ 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: November 28, 2018, and a copy of the order denying rehearing appears at Appendix B, C.

☐ 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 Denied.
A copy of that decision appears at Appendix A.

☒ A timely petition for rehearing was thereafter denied on the following date: July 17, 2013, and a copy of the order denying rehearing appears at Appendix A.

☐ 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

1st Amendment Guarantees You The Freedom Of Speeches!

5th Amendment Guarantees You In (3). That Said, You Are Protected Against DOUBLE JEOPARDY!

8th Amendment Guarantees That You Will Not Be Given You "Cruel Unusual Punishment!"

14th Amendment Guarantees You The Right Of Due Process Of The Law To All Citizens And Guarantees You Equal Protection Under The Laws To All Citizens!

In Article 111-(3)

1. Appeal=> In Law, appeal means to refuse to accept the decision of a trial court ruling and to apply to have the case heard again in a Higher court!

STATUTORY PROVISIONS INVOLVED

IN EXODUS 20:14 Said, you shall not commit adultery and if someone commit adultery, that said, they have sex with an person you are not marry too!

IN EXODUS 29:16 Said, you shall not bear false witness against your neighbor!

STATEMENT OF THE CASE:

This direct to SUPREME COURT OF THE UNITED STATES OF APPEAL, base on the SUPREME COURT OF SOUTH DAKOTA OF APPEAL, on an ruling that have dismissal all, but one charge that got reversal because of no proofs. Brende, Steven A petition seeks an reversal from the SUPREME COURT OF UNITED STATES OF APPEAL. On the others charges of first-degree rape an 50 years sentence on count one and of sexual contact an 15 years sentence of count three and four.

In the Supreme Court of South Dakota of May 20,2013, Considered on Briefs; July 17,2013, Opinion Filed # 26455 that was founded on page 9 of 20 (7) that said Specifically, Count (1) and (2) of first degrees rape of the indictment were identical and alleged the same. Brende Steven A was convicted in 2012 in South Dakota State Courts, on two count of first-degree rape and two counts of sexual contacts with an child. Brende Steven A then filed an appeal to the Supreme Court Of Appeal in 2013 that the courts have reversal count two of first-degree rape conviction, because of that the victim-child made false statement to the Enforcement, Attorneys, Court Judges, Prosecutors, Forensic Interviews and the Jury at the Trial which affirmed the lower courts. Supreme Court of South Dakota of Appeal, found that Brende Steven A did state an claim that there was insufficient evidence to find him guilty of count two , for that Judge then reversal that charge of first-degree rape of an 50 year sentence, but then the Supreme Court Judge on the remaining rapes charges. Then issued an Certificate of ability on that issue pursuant to Fed. R. APP. P 34 (a), Brende Steven A request for a twelve minutes to present an oral argument and said that I Brende Steven A did not Rape C.I. but anything I said did not change the Judge mind and all these insufficient evidence and hearsay out of the court statement from C.I. too. Then I Brende Steven A did not know what to say at Brende twelve minutes Oral argument. But C.I. was physically examined by an physician, the examination did not find any signs of physical injury or abuse, on count two of first-degree rape, but only count two got overturn and not court one.

INDICTMENT AND TRIAL

The Petitioner Minister Brende Steven A , was indicted in South Dakota States Court on March 25-2011 for two counts of first-degree rape and in violation of South Dakota code 22-22-1(1) and two counts of sexual contact with a child under age 16 in violation of South Dakota code 22-22-7 State v. Brende, 835 N.W. 2d 131 (S.D. 2013). All four counts were alleged to have been committed on one occasion, against one victim. Id at 135; (TR. 5-2-12 p. 34). Now I see that on two counts of sexual contact with a child under of 16 and do count three and count four of the sexual contact are the same and well, if count three is under the age of 13, and count four is under the age of 13 as well. So that said, that count three and count four are the same right? Then Brende went to trial which took place from April 30 to May 4-2012 (TR.4-30-12 to 5-4-12). The entirety of the evidence against Brende came from the alleged victim, C.I. "Id. at 26. C.I. had trouble paying attention and listening to what his teachers said Id. at 38. He would get angry at school and at home with his dad and mom, C.I. would hit them and himself if noting go C.I. ways, like to black male anyone he get mad at. C.I. said, you do and if not C.I. get mad at you and then you will pay for it, Look what C.I. did to me, Brende. I got sent to Prison for something I did not do to C.I. Then C.I. call himself stupid, get frustrated and sometime had fits and the courts think this child is telling the truth about this rape and hurt himself, Id. at 59 C.I. started to see ghosts in the first grade and by the time of the trial C.I. still saw ghosts. Id. at 41-42 C.I. reported that at trial. Id. 42 there ghosts were dead peoples, ancestors, Id. at 59 C.I. said that his home had most ghosts. Id. 42. Seeing ghosts was stressful to C.I. Id. 41 at one point, an knife "just appeared in C.I." bed. C.I. thought that maybe the ghosts put it there. C.I. have an history of escalating high-rist behaviors including taking an to bed and making threats of self-harm.

I ask this Supreme Court Judge's to look at the truth about this case, where the victim have made an lot of false Statement were after time and time again C.I. have been proving wrong and even been physically examined by an physician, C.I. claim he was rape, but the examination did not reveal any signs of physical injury or any abuse. On pages 5.6.7.8.9. in May 20, 2013 of Supreme Court of South Dakota of considered on Briefs, appeal were a lot of information that said C.I. claim in Forensic Interview, Child Voice Videotape that said C.I. claim that Brende have rape him, but the courts found out that the statements found was not true from C.I. This have violation of the law. Yes C.I. is under age 13 year old and the law want to keep C.I. on telling the truth all the time, but wend is it ever going to stop someone like C.I. In (S.D.C.L. 22-3-1) stated on line (1) or (2) said any persons capable of committing a claim and did not said what ages.

Now, here are the question on that never been ask at trial on how did C.I. ever get over to Brende home in the first place. To get the story right, I never call to see if C.I. can come over to my home. Chad C.I. dad always call me or Vernita Ihnens mom always call me to see if C.I. can come over, because C.I. want to come over in the first place and C.I. never was over my home over 36 time, it was 3 or 4 time. When I Brende got my home, C.I. want to come over, but C.I. only stay over maybe one or two time and all the other time. I Brende have gone over to chad and Vernita Ihnen home, because they work for me and I was there Boss. But we need an office to work out of and I have to set up paid roll for them. Now with C.I. on that if C.I. was over Brende home, than why did C.I. get grounded from coming over Brende home and how did C.I. get grounded in the first place? Well on Vernita birthday, Chad C.I. dad have call Brende to see if it okay for C.I. to come over, because C.I want to come over for the night and Chad dad, Vernita mom C.I. have said to me please, with no paid. The next day (am) Chad and Vernita Ihnen mom came to pick up C.I. now have said, he was rape the night on Vernita Ihnen birthday,

REASON FOR GRANTED THE PETITIONER

At trial, the Circuit Court Judge never request for an RAPE Kit done on the victim C.I. and never show any rape kit at trial for there sufficient evidence to prove that there was any rape crime being done. This call lack of evidence on an rape crime and then the felony rape of first-degree on count one and count two in the Supreme Court of South Dakota stated on page 9 of 20 in [15] small print (7) stated Specifically, count one and count two of the indictment were identical and alleged the same, this call Double Jeopardy. On count two of sexual penetration, the victim C.I. have claim in the child voice videotape that there was sexual penetration of rape, but upon completion of the forensic interview, C.I. was physically examined by a physician. The examination did not reveal any sign of physical injury or any abuse. The victim C.I. declared perjury and in the Supreme Court of appeal were C.I. have made another claim on that C.I. agreed he had testified and clarified that Brende made C.I. put his penis in Brende's butt and then contrary to the allegation C.I. made in child voice videotape during forensic interview and cross-examination, C.I. testified that Pastor Brende's never made C.I. put his penis in Pastor Brende's butt. This call perjury on sexual contact and sexual penetration. But then on page 14 of 20 in [25] stated during the exchanges, C.I. clarified that no sexual penetration occurred, although this act could still be used as the basis for one of Pastor Brende's sexual contact convictions.

Now C.I. clarified that no sexual penetration, but the trial court claim that there is sexual penetration of felony rape of first-degree on count one for sexual penetration and sexual contact with a child under age 16. Now the victim claim no rape, but the circuit court still claim that there is rape even if the circuit court do not have proof of rape. This call wrongful prosecution in a circuit court of law and violation of the CONSTITUTION LAW. I Pastor Brende's is challenging the Supreme Court of UNITED STATE to study and examined Supreme Court of South Dakota on if the circuit court have an claim on sexual penetration, sexual contact, slight of sexual intercourse, cunnilingus fellatio or any suspicion of possibility of guilt and if this Supreme court of United State cannot find any supporting

evidence to the circuit or Supreme court of South Dakota claim of rape. I Pastor Brende's declared NO CONTEST on this felony rape of first-degree of count one, count three and count four on sexual contact and any allegation of rape or any kind of rape. With the lack of any evidence and as a result, I Pastor Brende's request this Supreme Court of United State to reverse Pastor Brende's first conviction for first-degree rape and even count three and court four of sexual contact and remand- sent this rape case back to the trial court with an court order with in 30 days of the last Supreme court of United State order and judgment with instruction to striking count one an 50 year's sentence and count three an 15 year's sentence and count four an 15 year's sentence of felony rape on sexual contact of three and four and request the circuit court to enter a judgment of acquittal on all these felony rape charges under the CONSTITUTION LAW and request for release after the judgment and order. If circuit court refuse of the Supreme court of United State. Then I request this Supreme Court of United State to filed charges against the circuit court for wrongful prosecution of the CONSTITUTION LAW. If not then I request the Supreme Court of United State to enter an judgment and order for acquittal on count one, count three and count four of this felony rape in the first-degree and sexual contact of 16 and under.

Please granted the Petition of release.

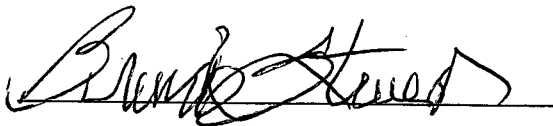
CONCLUSION:

Based upon the foregoing reasons and sufficient evidences that was found in Supreme court of South Dakota: May 20,2013, Considered on Briefs; July 17,2013, Opinion Filed # 26455 that the claims from the victim- C.I. Had made was an violation of the Constitutional and State Law of South Dakota and United State.

The petitioner respectfully request this court to affirm and Granted the dismissal of the State of South Dakota claims of First degree rape of count one and two and sexual contacts of child under 13 years old, on count three and four. The Supreme Court of South Dakota on an Appeal, the Judge optly described there concerns with the facts and all the claims, testimony, unreliable Statement and all uncorroborated hearsay of the descriptions that C.I. had said at Trial Court, how can any one believe C.I. Claims. (Brendes doesn't fit the child molester profile, now there was Evidences was/had been abused by someone else), evidentiary concerns (hearsay is unreliable and requires corroboration) and Constitutional questions (was Brende Confrontation rights been violated?). Given these legal realities, Brende did Stated a Claims of insufficient.

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date this: April 26 day of 26, 20 19