

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

\_\_\_\_\_  
MOTION

REHEARING IN THE  
SUPREME COURT OF THE UNITED STATES

\_\_\_\_\_  
BRENDE STEVEN A - PETITIONER  
( Your Name)

vs.

DARIN YOUNG, WARDEN  
MARTY JACKLEY, ATTORNEY GENERAL – RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

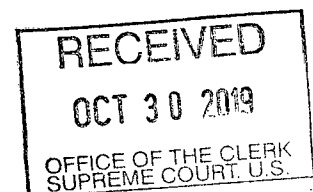
PETITION FOR WRIT OF CERTIORARI

BRENDE STEVEN A, MINISTER

Mike Durfee State Prison  
Inmate # 18620 Harmon # 117  
1412 Wood St.

Springfield, So Dak 57062

No Phone Number That I Can Give You



## QUESTION(S) PRESENTED

The Victim/Witness claim in South Dakota supreme court on considered on Brief; filed # 26455 Started on page (3) that said; however, an appellate court is not required to ask itself whether it believes that the evidence at the trial established guilt beyond a reasonable doubt and it also said on page (4) on that say; exact automatic features does not negate the child ability to provide circumstantial evidence that there was penetration occurred and on pages (7) that said in [P4] underline say, upon completion of the forensic interview, the Victim/Witness/C.I. was physically examined by a physician; the examination did not reveal any signs of physical injury or any Child abuse.

I do not know, but it look like conspiracy, because this case filed Started with Jury Trial Judge that knows about this and it gone to South Dakota Supreme Court Appeals Judge who overturn Count (2) with no proof and the others (3) counts, that Judge knew about it and never overturn all (3) counts and then it gone to U.S. District Court Judge that denied the claim and then it gone to the Eighth Circuit Court Judge with court attorney that did the same denied it.

Now I have to show the United States Supreme Court in Washington, DC all about this case that should got overturn right? or the examination did not reveal any signs of physical injury or Child abuse at that time, but what with the sexual contact of penetration that get overturn and then there is no sign on sexual contact or child abuse ether and C.I. claim in is forensic interview of the child voice videotape that was use for evidence at trial on that Brende made C.I. put his penis in Brende's butt and then at trial, during cross-examination C.I. had testified that Brende never made C.I. put his penis in Brende butt and the courts put me in Prison on C.I. false claim of this Rape and sexual contact charges.

Date this Oct 22, 2019

Brende Steven A Minister

## 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.

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

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

ATTORNEY MICHELLE THOMAS OF SIOUX FALLS, SO DAK

JUDGE HOUWMAN ROBIN J. OF SIOUX FALLS, SO DAK

With an Court order for them to show up for trial. Please!

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## RELATED CASE

COUNSELMAN v. HITCHCOCK, 142 U.S. 547

"Not any part of the save the witness from prosecution and punishment for perjury that have committed in discovering or testifying as aforesaid by 10 or the section is taken."

CAL. V. GREEN, 399 U.S. 149

"LEdHN [3] = [...19] = [...498] = [...1936] = AND [...20] that is under the saying about the qualify the truth of the prior statement under the penalty for perjury, indeed the very fact that the prior statement was not and you go into}=>

NAPUE v. ILLINOIS, 360 U.S. 264

Petitioner sought review of a decision of the Supreme Court of ILLINOIS that Petitioner was entitled to no relief for a prosecutor's failure to correct testimony that he knew to be false; =>

WILLIAMSON v. UNITED STATES 207 U.S. 425

Circuit Court case Summary; procedural posture; overview; outcomes; The Judgment was reversed.

DUNN v. UNITED STATES 442 U.S. 100

Outcome; The court reversed the Judgment;

WASHINGTON v. TEXAS, 388 U.S. 14

Overview; The witness was insubordination;

Date this of Oct 22, 2019

  
Brenden Steven A Minister

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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,.
APPENDIX (D)	
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**

1<sup>st</sup> Amendment Guarantees You The Freedom Of Speeches!

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

8<sup>th</sup> Amendment Guarantees That You Will Not Be Given You "Cruel Unusual Punishment!"

14<sup>th</sup> 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.

**REASON FOR GRANTED THE PETITIONER  
THE MOTION FOR REHEARING! AND RELEASE.**

I ask the United States Supreme Court Judge in Washington, DC if I can ask to put in a request to this Court for them to reverse all (3) charges that are based on the penalty of perjury on C.I. victim/Witness for false claim on child abuse, First-degree rape, child sexual contact, no rape kits and all C.I. had lied about on making false rape claims that C.I. said it never happened in the first place!

In the Supreme Court of South Dakota Appeal on May 20, 2013 of Considered on Briefs; July 17, 2013 Opinion filed on pages 7 [...P4] to 20 where it said that the victim was physically examined, because C.I. did not say in the child voice videotaped that there was penetration or not with the forensic interview and not even during the cross-examination and C.I. had not mention this allegation during his direct testimony nor was he cross-examined in the regarding of this allegations.

Now here C.I. is calling for Rape like in the story books on the little boy that cry for that dog, because he does not get any attention from his dad or mom and now C.I. was getting that attention from Brende at that time and when Brende can not give C.I. the attention C.I. needs, he gets mad and calls rape on Brende, even if there was no rape.

Now C.I. clarified that no sexual penetration, but the Trial Court claims that there is sexual penetration of felony rape of first-degree on count (1), count (2) of sexual penetration and count (3), count (4) on sexual contact with a child under the age of (16). Now the victim claims no rape, but the circuit court still claims that there is rape even if the circuit court does not have proof of rape. Is this call wrongful prosecution in a circuit court of law and a violation of the CONSTITUTION LAW.

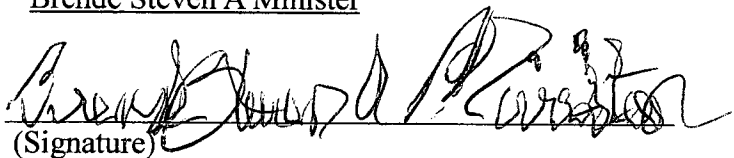
I Minister Brende is challenging the Supreme Court of United States to study the examined information that is in the Supreme Court of South Dakota Appeal on if the circuit court has a claim on sexual penetration, sexual contact, slight of sexual intercourse, cunnilingus fellatio or any suspicion of possibility of guilt and if this Supreme court of United States cannot find any supporting evidence to

the trial court rape claim of rape. Then I Minister Brende Declared NO CONTEST on this felony rape of first-degree of count (1) that is an 50 years sentences and on count (3) and (4) of sexual contact with a child under age 16, an two 15 years sentence of felony rape on sexual contact and put in an request the circuit court to enter a judgment of acquittal on all four of these felony rape charges under the CONSTITUTION LAW and request for release after the judgment and order please!,

Please Granted the Petition of release and acquittal on all charges, basis on false information, false testimony, false reporting to the police, false testified in court of law and false allegation with the violation of THE CONSTITUTION LAW.

Date of October 22, 2019

Brende Steven A Minister

  
(Signature)

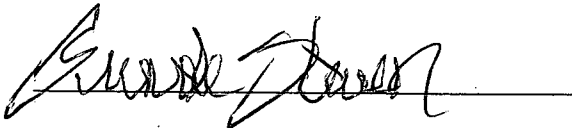
### CONCLUSION:

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: October day of 22, 20 19