

No. _____

18-9811

IN THE

SUPREME COURT OF THE UNITED STATES

Eli Sloan (In Pro Se)

(Your Name)

VS.

~~ORIGINAL~~
~~OPINION~~
~~REVIEW~~
PETITIONER

FILED

MAY 25 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

United States of America — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

IN THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Eli Sloan

(Your Name)

Federal Correctional Complex
Petersburg Medium
P.O. Box 1000

(Address)

Petersburg, VA 23804

(City, State, Zip Code)

(Phone Number)

RECEIVED

JUN -4 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

#1. Are (Navajo Indians) Native American Indians U.S. citizens within the jurisdictions of 18 U.S.C.S § 1153 (Indian Country)?

IF yes, As reconized U.S. citizens, are Indians afforded the same equal protection as all U.S. citizens under the U.S. Constitution Amendments; specifically, on Sixth Amendment premises?

#2. Who is the Supreme Law of the land in regard to full scope of protections under the Sixth Amendment, in regards to appointment of counsel to indigent defendants? The United States Supreme Court, or; The Navajo Nation Supreme Court.

#3. Would uncounseled convictions (misdemeanors or Felonys) originating from 18 U.S.C.S. § 1153 be inadmissible under Fed. R. of Crim. P. Rules 401, 402, 403 and/or otherwise considered federal jurisdiction prosecutions? If yes, would uncounseled convictions be inadmissible the same within P.S.I. reports? If yes, be inadmissible in criminal history points that increase category and/or level in sentencing guide-lines charts? If yes, be inadmissible to as upward points to increase sentencing guide levels? With clear finding of any of the use of these above described uncounseled convictions, in any of the proceeding, shall it warrant, a new trial and/or new sentencing? And/or under questions #1, #2, #3 ? Under Standards of Strickland v. Washington, 446 U.S. 668, 80 L. Ed. 2d 674, 104 S. Ct. 2052 (1984)?

?; Under Gideon v. Wainwright, 372 U.S. 335, 9 L. Ed. 2d 799, 83 S. Ct. 792, 93 ALR2d 733 (1963); Under Powell v. Alabama, 77 L. Ed. 158, 287 U.S. (1932); Under the unconstitutional SILVER PLATTER DOCTRINE, in Elkins v. United States, 4 L. Ed. 2d 1669, 364 U.S. 206 (1960)? Does it violate violated extradition treatys?

TABLE OF CONTENTS

| | |
|--|---|
| OPINIONS BELOW..... | 1 |
| JURISDICTION..... | 2 |
| CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED | 3 |
| STATEMENT OF THE CASE | 4 |
| REASONS FOR GRANTING THE WRIT | 5 |
| CONCLUSION..... | 6 |

INDEX TO APPENDICES

APPENDIX A

Memorandum:

| | |
|---|--------|
| Opinion and Order of The United States Courts of Appeals The Ninth Circuit, entered March 6, 2019..... | App. A |
|---|--------|

APPENDIX B

| | |
|--|--------|
| Opinion and Order of The United States District Court of Arizona, entered April 28, 2017..... | App. B |
|--|--------|

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

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:

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

| | |
|--|--------|
| <u>Elkins v. United States,</u> 4 L. Ed. 2d 1669, 364 U.S. 206 (1960)..... | passim |
| <u>Gideon v. Wainwright,</u> 372 U.S. 335, 9 L. Ed. 2d 799, 83 S. Ct. 792, 932ALR 2d 733 (1963)..... | passim |
| <u>Powell v. Alabama,</u> 77 L. Ed. 158, 287 U.S. (1932)..... | passim |
| <u>Strickland v. Washington,</u> 466 U.S. 668, 80 L. Ed. 2d 674, 104 S. Ct. 2052 (1984)..... | passim |

STATUTES AND RULES

| | |
|-----------------------------|--------|
| Title 18 U.S.C. § 1153..... | passim |
| Title 18 U.S.C. § 1302..... | passim |

RULES: (Federal Rules Of Evidence):

| | |
|---|--------|
| Federal Rules of Criminal Procedure Rule 401..... | passim |
| Federal Rules of Criminal Procedure Rule 402..... | passim |
| Federal Rules of Criminal Procedure Rule 403..... | passim |
| Otherwise Federal Rules of Criminal procedures. | passim |

OTHER

| | |
|---|--------|
| Extradition treates both foriegn and domestice. | passim |
|---|--------|

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 A to the petition and is

reported at _____; 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 _____ to the petition and is

reported at _____; 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 _____ to the petition and is

reported at _____; 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 March 6, 2019

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 _____. A copy of that decision appears at Appendix _____.

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

Constitutional Provisions:

1.1. Fourth Amendment

The Fourth Amendment to the United States Constitution provides the right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

2. Fifth Amendment

The Fifth Amendment to the United States Constitution provides that no person shall be deprived of life, liberty, or property without due process of law.

3. Sixth Amendment

The Sixth Amendment to the United States Constitution provides that in all criminal prosecutions, the accused shall enjoy the right to a public trial by an impartial jury to be confronted with witnesses against him, and to have the Assistance of Counsel for his defense.

4. 25 U.S.C. § 1302 (Summary of Indian Civil Rights Act of 1968)

§ 1302(6) The right of criminal defendants to have a speedy trial, to be informed of the crime they are charged with, to be able to confront witnesses against them, to be allowed to present their own witnesses, and the right to have assistance of an attorney at their own expense, unless the Tribe has implemented the Tribal Law or Order Act ('TLOA').*

REASONS FOR GRANTING THE PETITION

This question of does Indian Civil Rights Acts of 1968 and its subpart § 3202(6) violate the U.S. Constitution? This very writ naturally draws this question into dispute. Nevertheless, I need the U.S State Supreme Court to take this opportunity to end decades of unfairness imposed on this petitioner and all Native Americans. Many disputes have been over the sovereignty jurisdictions of Native Americans in the past. Today, it can be better resolved for the many injustices in the past by the merits herein this writ.

Without counsel there can be no reasonable investigation for the innocent and guilty. Without investigation, there can be no reasonable determination of facts on which to make strategic decisions for viable defenses. No facts to base cross examinations of adverseral witnessppr test the evidence, to the crux of an adverseral system at trial. Including pretrial investigations, bail, presentence reports, sentencing, direct appeals, habeas corpus, post-conviction relief for the wrongfully accused. This all in uncounseled convictions within 18 U.S.C. § 1153 and I.C.R.A. jurisdictions in reguads to tribal courts criminal prosecutuions.

Here is where the real problems of occur, under Strickland v. Washington; Powell v. Alabama; Gideon v. Wainwright. But when the case in clear error corsses over into federal Jurisdictions, it becomes a clear manifest error, that leaves the innocent and guilty no recourse to address or correct.

This is correction today would reslove Fed. R. Of Crim. P.. with no need to adress because of the merts here above.

STATEMENT OF THE CASE

The Petitioner and (Navajo's) Native Americans Inidans all within the 28 U.S.C. § 1153 (Indian Country) jurisdictions have been subjected to the unconstitutional subparts of the Indian Civil Rights Act of 1968 through March 7, 2015. Unconstitutional is 25 U.S.C. § 3202 because the subpart § 3202(6) clearly does not afford tribal court the authority to appoint counsel for indigent defenadts accused of misdemeanors crimes that could very well be later charged as felonys in federal jurisdictions.

Clearly giving rise to a manifest error that runs a foul and goes uncorrected. Clearly giveing rise to a.) violations of the Sixth Amendment appointmets of counsel, that result in unclunseled convictions, b.) violates the abloshied silver platter doctrine in Elkins V. United States, (once the errors in the 18 U.S.C. § 1153 jurisdcitions are passed over into another (federal) jurisdictions by another (F.B.I.) law **enforcement** agency. Which, clearly violates the extradition treatys provisoins in plain error, and Manifest Error.

It has been long known that violations of these kinds are inadmissible under Fed. R. Crim P. Rules 401, 402, 403. The district courts and court of appeals have made unconstitutionally sound decisons in their avoidance to correct this injustice displaced of Native americans over decades.

Here, today I and we the people call on the United States Supreme Court to set constitutional presidents that brings This petitioner and all Native Americans equal to all U.S citizens. We have been without equal due process for redress, to correct mistakes, falsehoods, under actual innocence, fraud.