

"Supreme Court of the United States"

(Page 1 of 10 Pages)

Ronald Tuttle v. United States

Case No. 19-5822

Motion For: Petition For "Rehearing"

Relief Sought: "Rehearing" of Case

"Case History"

- (A) Case Filed on May 31st, 2019
- (B) Case Put on Docket September 4th, 2019
- (C) Writ of Certiorari Denied on October 15, 2019

"Timely Petition for Rehearing"

Rule 44 Rehearing States file petition For Rehearing Within 25 Days After "Entry of the Judgement or Decision". Today's Date is October 27th, 2019 And clearly that is "12 Days" Since "Entry of Judgement or Decision" and this Petition For Rehearing Will Go out in tomorrow's Mail On "October 28th, 2019" So Clearly Petition For Rehearing is Being "Timely Filed"!

- (A) "Urgent Issue of National Importance To The Public That Will Effect Others Similarly Situated Beyond the Particular Facts And Parties Involved (Part #1)" No Probable Cause

A Search Warrant Was obtained upon "Wrong Evidence". An Illegal Search & Seizure Followed. There Was "No Probable Cause" to obtain Search Warrant Upon "Wrong Evidence". !!!

(Page 2 of 10 Pages)

(A) "Urgent Issue of National Importance To The Public That Will Effect Others Similarly Situated Beyond The Particular Facts And Parties Involved."

(Continued) From Page 1: (Part #1): No Probable Cause

"There Was No Probable Cause To Obtain Search Warrant Upon Wrong Evidence". Clearly this Effects the Public and All Court Systems Throughout the Country When You Are Allowing A Search Warrant to Be obtained upon No Probable Cause / Wrong Evidence. This would mean that Any Law Enforcement official that feels Evidence He Has is Not Strong Enough for Search Warrant to Be obtained Can just Switch over to another Piece of Evidence entirely that Was Not Even Part of Case And Have No Clue Where it even Came From And Ultimately obtain Search Warrant "On A Completely Different Piece of Evidence"!! Clearly in Thousands upon Thousands of Cases "Probable Cause" is What Was proved to obtain A Search Warrant upon original pieces of Evidence Found / obtained And that Clearly is Back Bone of American Justice System to Have "Probable Cause" to obtain A Search Warrant on An Originally Seized piece of Evidence. In No Case Anywhere Should An officer of Law Be Able to have A "Completely Different item of Evidence" Then What Was Seized Originally And obtain A Search Warrant Upon ~~Wrong~~ "Wrong Evidence" that they have "No Probable Cause To Obtain Search Warrant". Clearly this is "National Importance Case"!!

(Page 3 of 10 Pages)

(A) "Urgent Issue of National Importance To The Public That Will Effect Others Similarly Situated Beyond The Particular Facts And Parties Involved."
(Continued from Page 2) (Part #1): "No Probable Cause"

Therefore if this case is not overturned you are opening the door for flood of cases where law enforcement officers can get search warrants upon evidence that they didn't have to start with and wasn't even part of case to begin with which goes against every "Probable Cause Case" in existence!! Clearly it's unheard of in any case to get a search warrant without probable cause and if this case is not overturned and officers of color of law are allowed to act in manner I've described within this case then clearly it will go against the grain of justice and democracy itself. In the interest of justice this case must be thrown out/overturned and well documented upon decision that it is denial of 5th Amendment Rights to American Citizens "Due Process" Rights to "Have No Probable Cause" and obtain a search warrant and then deny 4th Amendment Rights under an illegal search and seizure that will surely follow, (such as in my case same events), because search warrant should have never been issued to start with "Without Probable Cause" and ultimately will lead to false arrest on "Wrong Evidence & Invalid Search Warrant of U.S. Citizen!!"

(Page 4 of 10 Pages)

(A) "Urgent Issue of National Importance To The Public That Will EFFECT Others Similarly Situated Beyond The Particular Facts And Parties Involved."
(Continued from Page 3):

PART # 2: "False Evidence" / "False Testimony"

There is multiple cases I cited within the writ that are Supreme Court cases the 'Genesis' case being "Napue v. United States" stating that its clearly Denial of Due Process Rights Under 5th Amendment to Convict upon "False Evidence" / "False testimony".

Within my case I showed that I was convicted upon "False Evidence" (wrong evidence entirely), and upon "False Testimony" given about "False Evidence" which is both denials of my constitutional rights of "Due Process" under 5th Amendment. So clearly if this case is not thrown out or overturned you are allowing citizens of general public to get convicted upon "False Evidence" & "False Testimony" and this

goes directly against many Supreme Court case decisions, "Napue" being Genesis of my argument, stating that its Denial of Due Process Rights Under 5th Amendment to Convict upon "False Evidence" And/or "False Testimony". So clearly this case should be thrown out / overturned under these circumstances that exist that would allow law enforcement to convict upon "False Evidence" And "False Testimony" if this case is allowed to stand and is not overturned the general public will be At Risk of False Conviction!

(Page 5 of 10 Pages)

(B) "Facts Pertaining to Issue of
"National Importance"

Part #1: "No Probable Cause to Get Search Warrant"

In Shortest Possible explanation In Prose
Leniency Fashion I will explain Circumstances
Surrounding Why "No Probable Cause to Get Search Warrant."

(a) Timeline of Events Proves "Wrong Evidence" was
What was used to obtain Search Warrant which
In Turn Proves There was "No Probable Cause" to get
Search Warrant.

#1 Agent Gerbie Reyes testified at trial he opened package
Addressed to me on January 7, 2013 and seen the
"White Powder" in Alaska.

#2 Agent Frank Aliu testified at trial on January 31st 2013
(nearly 30 days later), Frank Aliu seen "White Powder" in Alaska
And took 2 Pictures of Bright White Powder that was
Submitted into Evidence At trial. Then Shipped to Buffalo, NY.

#3 Agent Amy Golata (Buffalo NY) Received Evidence
Package from Alaska on February 4th 2013 She was in A
"Controlled Setting" she testified to she seen "TAN Powder"
Amy Golata testified Also she completely lost Evidence A
"Outer FedEx Bag" From ching in Same Controlled Setting Where
Powder turns to A "Tan Powder" for 1st time in 30 Days! Then Golata

(Page 6 of 10 Pages)

(B) "FACTS PERTAINING TO ISSUE OF 'NATIONAL' IMPORTANCE"
PART #1: "No Probable Cause To Get Search Warrant"

(#3) Continued: Then Golata testified she repacked "New Evidence" Package with "Tan Powder" w/out the Original FedEx Bag that completely disappeared yet then Golata testified to fact that she initialed the sticker sealing "New Package" stating "All was same as it had been in chain of custody". Clearly this is propagandous lie because powder had changed color to "Tan Powder" / completely different substance and FedEx Bag came up missing completely in same "controlled setting" so obviously the "evidence" had changed from original evidence package from Alaska so chain of custody alone was so untrustable that it violated my due process rights completely, which proves that on February 7th, 2013, (3 days later after Golata Repacks New Evidence Bag), when search warrant got issued clearly search warrant was issued upon wrong evidence A "Tan Powder" not the original "White Powder" from plane in Alaska but A "TAN Powder"!! which the lead Agent Zabawa lied on search warrant stating he still had "White Powder" but Zabawa / Golata did not have "White Powder" to obtain search warrant they had "TAN Powder" and they had "TAN Powder" (see timeline), 3 days before search warrant was issued so they knew they had "Tan Powder" yet they deliberately lied upon search warrant stating they had "White Powder"!! Clearly they had wrong evidence & "No Probable Cause" to obtain search warrant so they lied stating they had "White Powder"!!

(Page 7 of 10 Pages)

(B) "FACTS PERTAINING TO ISSUE OF 'National Importance'"
Part #1: "No Probable Cause To Get Search Warrant"

(#3) Continued: So to make perfectly clear Any One with one lick of Common Sense is Gonna Agree
"If the Powder Did Not Change from White to Tan Sitting Around Alaska For 30 Days it was Not Going to Change to A Tan Powder In 3 Days Time or 3 Days later in Buffalo ~~id~~ Clearly Powder is Completely Different Piece of Evidence than the White Powder that Came off Plane! Clearly Agent Gola knew the powder had changed from White Powder to Tan Powder Yet she Initialed Chain of Custody And Stated Nothing with Evidence Had Changed when clearly she Knew And testified to fact it was "Tan Powder" that thier Buffalo NY office had in thier Possession Not the White Powder that Came off Plane!!

This is Complete Miscarriage of Justice And Could Easily Happen to Any American Citizen in some way to keep Case Continuing when Evidence Comes up missing And ultimately would falsly Arrest And falsly Convict Any American Citizens IF this Case is Not Overturned!!

(#4) February 7th 2013 - 3 Days After Amy Gola Seen "Tan Powder" Buffalo office Gets Search Warrant Stating "White Powder" As thier Probable Cause & Make it look like they Have Original White Powder By Stating White Powder upon Search Warrant! Clearly this is Search Warrant obtained upon "Wrong Evidence" "Tan Powder" Not →

(Page 8 of 10 Pages)

(B) "FACTS Pertaining To Issue of: National Importance"
Part #1: "No Probable Cause To Get Search Warrant"

(#4) Continued: Not Original White Powder So Obviously
Buffalo Office Had No Probable Cause to Get
Search Warrant upon "Tan Powder" & They Knew
this so that is why they lied on Search Warrant,
obtaining of Search Warrant, Stating they still
Had White Powder in their possession when they
Didn't have White Powder they had foreign substance
or "Wrong Evidence" - Tan Powder in their possession
So THEY HAD NO PROBABLE CAUSE TO GET
SEARCH WARRANT TO START WITH!!
So clearly this Evidence Proves that Part #1:
No Probable Cause "exists" in this Case And is
Definantly An issue of "National Importance"
And is exactly why this Case should Be "Overturned"
And Thrown Out ~~completely~~ (RT) in order to Prevent future
Occurence of these Circumstances upon Any U.S. Citizen
in Any Court Capacity I.E. State, Federal!!!

If this Case is not heard
And not Overturned this "Opens Doorway for":
Any law Enforcement officer to "Change Evidence"
to A "Different Evidence" then the Original Evidence
And then obtain A Search Warrant! Clearly this
is Urgent Case of National Importance, that would
Allow Color of Law to Get Search Warrants upon
False Evidence And I Urge Supreme Court to Hear
this Case Immediately and Overturn it!!

(Page 9 of 10 Pages)

(B) "Facts Pertaining To Issue of National Importance!!"
Part #2: "False Evidence"/"False Testimony"

Proof of "False Evidence"/"False Testimony" is As Follows:
In My Case in August 2013 the "Tan Powder" Was Sent to FBI Forensic Chemist James Disarno who Testified At my Trial He "Seen Tan Powder" and Tested "Tan Powder". Then He stated What I ordered was An Illegal Schedule One Substance to that Jury At trial. Clearly Disarno Did Not test "White Powder" or the True Correct Evidence that Came off Plane originally "White Powder" in Alaska that Had Been missing since Alaska, NO Disarno tested "false Evidence" (Tan Powder), and Disarno Gave Testimony Upon "False Evidence" So Clearly it was "False Testimony" upon A "false Evidence" that Jury Deliberated upon and Falsely Incarcerated me Upon "False Testimony" upon "False Evidence"!! (This Could Happen to Anyone in General Public of America if you Do Not Hear) (and overturn this Case! This is truly A matter of National Importance) to Not Allow this Case to Continue And Overturn This Case So No One NO where Can Be Falsely Incarcerated By "False Testimony" Upon False Evidence which According to Multiple Supreme Court Cases I Quoted In Writ is Denial of Due Process Rights under 5th Amendment And is Severely Grounded upon Supreme Court Cases Cited Proves this, so clearly this Case Has National Importance to Public of United States and Should Be Heard And Overturned For Complete Mis carriage of Justice!!

(Page 10 of 10 Pages)

③ "Reason for Hearing Case is clearly this is Case of National Importance To General Public"

"In A Preponderance of Evidence" that is shown in Writ of Certiorari which Backs up All testimony By Agents in time line shown clearly the Evidence Speaks for itself that:

"I was 'Falsely Arrested' upon An Illegal Search And Seizure Stemming from An Invalid Search Warrant obtained By An Agent with 'Lack of Probable Cause' to obtain Search Warrant Since Original 'White Powder' Came Up missing And Has Never Been Seen Since 'Alaska'!!"

Then clearly False Evidence / Wrong Evidence / Tan Powder - was sent to Be tested to FBI Forensic Chemist Disarno who tested 'False Evidence' (Tan Powder) And Gave 'False Testimony' upon 'False Evidence' which Falsely Incarcerated me!

Clearly All of this Can Happen to Any United States Citizen if this Case is Not Heard And Overturned it will open A Door to Falsely Incarcerate U.S. Citizens upon False Evidence / False Testimony / Invalid Search Warrants / And Illegal Search And Seizures!

In The Interest of Justice this Case must Be Heard And Dismissed Immediately!!
Do Not Allow this terrible Injustice to Continue or Happen to U.S. Public! October 27, 2019 Rodriguez
Today's Date Signature

RECEIVED

NOV 14 2019

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SUPREME COURT, U.S.