

19-6373

ORIGINAL

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

IN THE

SUPREME COURT OF THE UNITED STATES

\_\_\_\_\_  
Casey Peppin — PETITIONER  
(Your Name)

vs.

The State of Washington — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

The Washington State Court of Appeals

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Casey Peppin

(Your Name)

2273 Pinerose Way

(Address)

Chewelah, WA. 99109

(City, State, Zip Code)

5092793963

(Phone Number)

## **QUESTION(S) PRESENTED**

1. Did The Washington State Court of Appeals and the Supreme Court of Washington Error by granting as fact that the defendant shared files with the Public?
2. Was the Defendant prejudiced by his attorney's failure to request a mirror image copy of his hard drive and/or a copy of RoundUp's source code?
3. Did the defendant recieve effective assistance of counsel?
4. Did the Court of Appeals Error by determining that condition 17 of the defendant's judgement and sentence could be rescued by removing the word "pornography" and including a definition for "sexually explicit material" which exludes "art"?
5. Can art be legally defined, and if not, can an undefined term be defined using another undefined term?

## 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:

## RELATED CASES

State of Washington v. Casey D. Peppin, No. 12-1-00964-4, Superior Court of the State of Washington in and for the County of Spokane. Judgement entered June 27, 2013.

State of Washington v. Casey D. Peppin, No. 32058-8-III, Washington State Court of Appeals Division III. Judgement entered April 9, 2015.

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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 \_\_\_\_\_ 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☐ is unpublished.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 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 \_\_\_\_\_ 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 \_\_\_\_\_.

☐ 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 March 13, 2019. A copy of that decision appears at Appendix B.

☒ A timely petition for rehearing was thereafter denied on the following date: June 5, 2019, and a copy of the order denying rehearing appears at Appendix 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. § 1257(a).

## STATEMENT OF THE CASE

1. The only evidence ever presented that the defendant shared child pornography was the testimony of Det. Cesnik. Trial Court Judge Moreno concludes this on page 181 of the trial transcript. She and every judge after her have granted as fact that the defendant shared files and this unwarranted conclusion is one of the main (if not the main) reason the defendant has been unsuccessful in his appeals. No evidence was presented that the files Det. Cesnik downloaded were found on the defendant's computer. Det. Cesnik's testimony is unfalsifiable until the proper discovery is granted and therefore should not be granted as fact.

2. The defendant was prejudiced by his attorney's failure to request a mirror image copy of his hard drive and RoundUp's source code. At this point I request appointment of counsel to help me gather and cite the cases spoken about in this article so that it is authoritative:

<https://www.propublica.org/article/prosecutors-dropping-child-porn-charges-after-software-tools-are-questioned>

Apparently dozens of child pornography cases have been dropped after defense attorney's requested discovery of the tools law enforcement used to investigate people downloading child pornography. It appears this has been a successful defense for cases similar to mine. My understanding is that this shows prejudice.

3. The defendant did not receive effective assistance of counsel. The defendant told his attorney that his P2P settings were set to 0 and that it should not have been possible to share files with the public without someone violating his 4th amendment right. This should have been enough to prompt a request for discovery.

4. "Art" is not defined in the court of appeals definition of "sexually explicit material". An undefined term is still undefined when an attempt to define it excludes from the definition an undefined term.

## **REASONS FOR GRANTING THE PETITION**

Prosecutors have consistently chosen to drop charges against child pornography defendant's instead of revealing the secret tools that law enforcement use to investigate these crimes. Granting this petition would allow the court to decide if the public needs to be aware of the capabilities of these secret tools. This is in the interest of the public and the interest of justice.

Without the first amendment of the U.S. constitution every other amendment after it would be meaningless. Our right to free speech is arguably our most important right. As long as we aren't objectively harming others with our speech, our right to it should be all encompassing and absolute. Today more than ever our first amendment rights are being challenged across the country by people who want to subject others to their idea of value and morals and protect themselves from what they subjectively perceive as offensive. The war on adult pornography is a war on free speech. Granting the petition would allow the court to decide if they want to put this matter to rest, once and for all, in the interest of our most fundamental freedom.



### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



A handwritten signature in cursive script, appearing to be 'C. J. P.', is written over a horizontal line.

Date: September 3, 2019