

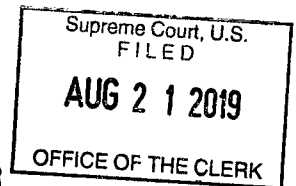
19-6448

No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES



_____ — PETITIONER

(Your Name)

vs.

Garrett Door Sr. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

NINTH CIRCUITS COURT
UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

GARRETT DOOR SR.

(Your Name)

#13342-046

UNITED STATES PENITENTIARY TUCSON

(Address) P.O. Box 24550

TUCSON, AR. 89734-4550

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

WHETHER THE NINTH CIRCUIT'S CASE LAW NOW CONFLICTS
WITH THIS COURT'S PRECEDENT WHERE A DEFENDANT, WHO
EXERCISES HIS RIGHT TO PRESENT A DEFENSE, HAS PREJUDICIAL
EVIDENCE ADMITTED AGAINST HIM BECAUSE IN EXERCISING
HIS RIGHT TO PRESENT A DEFENSE THE GOVERNMENT'S
THEORY AND THE CREDIBILITY OF ITS WITNESS IS QUESTIONED.
AND DEPRIVED OF MY LIBERTY WITH-OUT PROCEDURAL DUE
PROCESS OF TREATY LAWS OF 1851 AND 1868.

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

UNITED STATES V. CRUZ, 554 F.3d 840, 851 (9TH CIR. 2008)
UNITED STATES V. MEVINS, 598 F.3d 1158 (9TH CIR. 2010)
BRICEN V. SCRIBNER, 555 F.3d 1079 (9TH CIR. 2009)
UNITED STATE V. ZEPEDA, 792 F.3d 1103, 1106, 89TH CIR. 2015)
UNITED STATE V. REZA-RAMOS, 816 F.3d 1110, 1121 (9TH CIR. 2016)

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TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

DAVIS V. ALASKA, 415 U.S. 308 315-316 (1974)
CHAMBERS V. MISSISSIPPI, 410 U.S. 284, 295 (1973)
POINTER V. TEXAS, 380 U.S. 400, 404 (1965)
WASHINGTON V. TEXAS, ~~388~~ 388 U.S. 14, 19 (1967)

STATUTES AND RULES

18 U.S.C. 1153

18 U.S.C. 1152

THE WRONG DOER IS PUT TO TRIBAL COURT.
THE SIXTH AMENDMENT GUARANTEES A CRIMINAL DEFENDANT THE RIGHT "TO BE CONFRONTED WITH THE WITNESSES AGAINST HIM." U.S. CONST. AMEND. VI.

OTHER

THE TREATY OF 1868 AND 1851 KNOWN AS FORT LARAMIE TREATY.

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 I DON'T KNOW; 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 A to the petition and is

☐ reported at I DON'T KNOW; 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 FEB 21, 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: MAY 23, 2019, and a copy of the order denying rehearing appears at Appendix NO. 15.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including MAY 23, 2018 (date) on MAY 5, 2018 (date) in Application No. 79 A 812.
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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

THIS PETITION INVOLVES THE SIXTH AMENDMENT WHICH PROVIDES "[I]N ALL CRIMINAL PROSECUTION, THE ACCUSED SHALL ENJOY THE RIGHT TO A SPEEDY AND PUBLIC TRIAL, BY AN IMPARTIAL JURY OF THE STATE AND DISTRICT WHEREIN THE CRIME SHALL HAVE BEEN COMMITTED [.] - ...¹⁷ U.S. CONST. AMEND. VI.

THE TREATY OF 1868 KNOWN AS FORT LARAMIE TREATY. THE EXHAUSTION OF REMEDIES HAS TO BE DONE IN TRIBAL COURT. TRIBAL GOVERNMENT TO THE FEDERAL GOVERNMENT FALL UNDER THE TREATY CLAUSE SET FORTH BY CONGRESS AKA; NATION TO NATION OF EXTRADITION TREATY.

THE GENERAL CRIME ACT - 18 U.S.C. 1153 AND 18 U.S.C. 1152 THE WRONG DOER IS PUT TO TRIBAL COURT, THE EXHAUSTION OF TRIBAL REMEDIES HAS TO BE IN TRIBAL COURTS IN ORDER FOR THE MAJOR CRIMES ACT TO COME ABOUT.

STATEMENT OF THE CASE

I THE PETITIONER WAS CHARGED WITH COUNT I, AGGRAVATED SEXUAL ABUSE IN VIOLATION OF 18 U.S.C. 1153(A), 2241 (A); AND COUNT II, ASSAULT WITH INTENT TO COMMIT AGGRAVATED SEXUAL ABUSE IN VIOLATION OF 18 U.S.C. 1153 (A), 113 (A) (1A) (ADDENDUM AT PAGE 4-5). I APPEARED BEFORE THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA AND WAS ARRAIGNED ON JULY 7, 2014. I PLED NOT GUILTY. THE INCIDENT OCCURRED ON MAY 6, 2014. IN THE STATE AND DISTRICT OF MONTANA AND ON AND WITHIN THE EXTERIOR BOUNDARIES OF THE CROW INDIAN RESERVATION, ALSO KNOWN AS INDIAN COUNTRY.

REASONS FOR GRANTING THE WRIT

1. The Sixth Amendment guarantees a criminal defendant the right "to be confronted with the witnesses against him." U.S. Const. amend. VI. In fact, the core of the Confrontation Clause is a defendant's right to test the credibility of the witnesses against him through cross-examination. *See Davis v. Alaska*, 415 U.S. 308, 315-316 (1974). Cross-examination is more than a rule of criminal procedure; it is the "principal means by which the believability of a witness and the truth of his testimony are tested." *Davis*, 415 U.S. at 316; *see also Chambers v. Mississippi*, 410 U.S. 284, 295 (1973); *Pointer v. Texas*, 380 U.S. 400, 404 (1965).

(2. A criminal defendant also has a constitutional right to present a defense.)
"The right to offer the testimony of witnesses, and to compel their attendance, if necessary, is in plain terms the right to present a defense, the right to present the defendant's version of the facts as well as the prosecution's to the jury so it may decide where the truth lies. . . . (This right is a fundamental element of due process law." *Washington v. Texas*, 388 U.S. 14, 19 (1967).)

3. ~~I~~ ^{My} Petitioner exercised ~~his~~ constitutional rights in presenting ~~his~~ ^{my} side of the story and in cross-examining the victim against ~~him~~ ^{ME}. In particular, ~~he~~ ^I indicated during his opening statement that there were two stories in this case. Petitioner's and E.S.'s. (Addendum page 17, "[T]his is one of those situations where . . . there's a

REASONS FOR GRANTING THE WRIT

FRONT SIDE AND A BACK SIDE.... [T]HERE'S ONE SIDE OF A STORY, AND THEN THERE'S ANOTHER SIDE TO A STORY.") I QUESTIONED E.S. DURING CROSS-EXAMINATION ABOUT THE INJURIES - OR LACK THEREOF - THAT SHE SUSTAINED. MY QUESTIONING, HOWEVER, WAS A REITERATION OF E.S.'S DIRECT EXAMINATION TESTIMONY WHERE SHE STATED THAT SHE WAS PUNCHED CONTINUOUSLY BASICALLY. IT WAS NOT UNTIL REDIRECT WHEN THE GOVERNMENT ASKED E.S. HOW MANY "PUNCHES THE DEFENDANT LANDER" DID E.S. INDICATED SHE WAS STRUCK BY ME 30 TO 50 TIMES. THE NINTH CIRCUIT'S DECISION IN THIS CASE, HOWEVER, USED AGAINST ME THE FACT THAT I ACTED PURSUANT TO MY CONSTITUTIONAL RIGHTS.

I SENT MY CASE ~~BE~~ BEFORE THE OCT. 27, 2019 DEADLINE.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Garrett Ross Jr.

Date: OCT 25, 2019