

Michael A Jefferson #190670

ASPC Red Rock

1752 E. Arica Rd

Eloy, AZ, 85131

SUPREME COURT OF THE UNITED STATES

Michael Anthony Jefferson

NO 19-6869

VS.

PETITION FOR REHEARING
ON A PETITION FOR A
WRIT OF CERTIORARI

DAVID SHINN et al...

The Petitioner in this above entitled matter would humbly request this Court to reconsider its decision on a denial of a Petition for a writ of Certiorari rendered on February 24, 2020. This case is a clear case of vindictive prosecution and pre-indictment delay as well as a classic case of ineffective assistance of counsel, and once this case is properly briefed this case can be dismissed and the petitioner released from custody. Since all courts have refused to address these constitutional

issues sets a dangerous precedence by allow prosecutors to punish defendants for exercising legal protected rights; and courts ignoring ones constitutional violation. A case of this magnitude should be selected due to the serious nature of the constitutional violations involved, and a case like this one hasn't been reviewed by this court since 1975 in the case of Bodenkircher V. Hayes, 434 U.S. 357, 363 (1978). By ignoring this type of due process violation is basically a court expressing that it is okay to punish someone for exercising legal protected rights; that a prosecutors conduct is legal for doing so which is not right. None of the courts addressed the underlying merits of his constitutional claims and was never given a chance to fairly brief the issues in any forum. This court should reconsider selecting this case for the interest of Justice and this case can be dismissed and the petitioner released from custody. By not selecting a case where a petitioner has a liberty interest in being released from custody is a complete miscarriage of justice. This case is far more insidious than any vindictive prosecution case in the line of Blackledge v. Perry line of cases. This case should have been resolved early on. Since this case can be dismissed this court should grant review.

I. MAIN FACTORS TO CONSIDER

- A. Prosecutors do create the presumption and the appearance of vindictiveness when they delay a case for nearly 5 years and only file charges on the day one exercises rights on a successful motion to suppress on a different case.
- B. A Criminal case should be dismissed if someone is imprisoned and deprived of their liberty for exercising legal protected rights.
- C. One's speedy trial rights are violated if the state intentionally delays a case for several years and only files a case when the person is successful, on a motion to suppress, exercising legal rights.
- D. Counsel is Ineffective if he allows his client to be subjected to an unlawful conviction by not filing motions to dismiss due to prejudicial delay and vindictive prosecution.

QUESTIONS

- E. Should this Court grant certiorari since the issue is a rare event on vindictive prosecution and the petitioner was never given a fair opportunity in state and the 9th Circuit Court?
- F. Should this Court grant certiorari since the issues that the petitioner presents is in conflict with Authorities in this Court as well as Court of Appeals?
- G. Should certiorari be granted if the petitioner's *detention is unlawful and once briefed would result in the Petitioner's release from custody?
- H. Is it lawful for a Court to grant relief to other defendants with the exact same issue but deny other defendants with the same issue and circumstances?
- I. If a Court realizes that a criminal case can be dismissed once briefed should it be selected for the interest of justice?

As stated before in the Petition the petitioner was clearly punished for exercising his legal protected rights which is a clear violation of due process. The state delayed the petitioners case for nearly 5 years and the case was only filed on the same day the petitioner was successful on a motion to suppress. If the state courts would have properly address these issue it would have resulted in case dismissal. If this court would grant certiorari it would result in the case being dismissed and the petitioner released from custody. The petitioner has spent nearly 10 years on a 30 year unlawful conviction. Punishing a petitioner for exercising legal protected rights is illegal, insidious, unconstitutional and a violation of due process. To also imprison someone for having too many charge backs in a merchant account like a debtors prison type scenario is also disturbing. Punishing a person for having too many charge backs in a merchant account is of national importance aswell as being punished for exercising ones rights. The petitioner would also like this Court to consider that the petitioners rights to a speed trial were violated when the state

intentionally delayed the petitioner's case for 5 years and only filed the charges on the same day the petitioner exercised his rights on a successful motion to suppress. The delay in this case was nothing more than a ploy to gain a tactical advantage, which violates due process. The petitioner is hoping that the clerks in the cert pool will make a recommendation to the justices to accept this case for certiorari. Since this case is a rare event and far more insidious than *Blackledge v. Perry* line of cases and the fact that the petitioner can be granted relief and released from custody. A petitioner should not have to serve a life sentence when a court could grant an obvious due process violation and release him from custody.

CONCLUSION

The petitioner would humbly request this court to grant the writ to be brief and a release from custody.