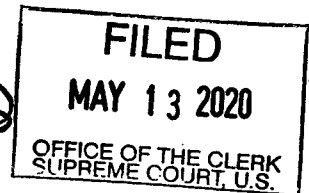


No. 19-7712

19-7712

ORIGINAL

IN THE  
SUPREME COURT OF THE UNITED STATES



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Luis Ray Jaramillo, Jr.  
Petitioner,

vs.

LORIE DAVIS, REGIONAL DIRECTOR,  
TEXAS DEPARTMENT OF CRIMINAL JUSTICE -  
CORRECTIONAL INSTITUTIONS DIVISION,  
Respondent.

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Petition for the rehearing of the decision of the Court's  
denial of Petition for a Writ of Certiorari on the merits

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PETITION FOR REHEARING ON THE MERITS

## GROUNDS INVOLVED

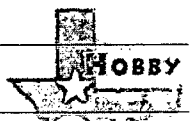
GROUND ONE: The Inevitable need for interpretation . . . . <sup>PAGE</sup> 3

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TO THE HONORABLE JUSTICES OF THE U.S. SUPREME COURT:

Petitioner, Luis Ray Jaramillo, Jr., pursuant to SUPREME COURT RULE 44, humbly petitions this "Honorable Court" for the rehearing of the denial of his petition for writ of certiorari entered on April 20, 2020, and beseeches the "Supreme Court of the United States" to reconsider the merits and serious issues and other disturbing matters affecting the public therein.

### GROUND ONE: The Inevitable need for interpretation.

A constant theme throughout the implementation of the "Texas-State Sex Offender Registration Laws" and throughout all of constitutional law is how should the "State's" implementation of those laws be interpreted in the face of such nuance adverse cases, emerged of serious consequences due to the "State's statute" in place now. In applying any law - be it a statute, regulation, or Constitution - the "Supreme Court of the United States" must decide what "it" means. Three factors make constitutional interpretation uniquely complicated and produce a great many of the interpretive questions before the Supreme Court (e.g., see Petitioner's writ of Certiorari, question No. 5). (EMPHASIS ADDED). FIRST, countless problems arise that the Constitution does not expressly consider, (i.e.: too many to list herein). SECOND, even where there are constitutional provisions, much of the constitution is written in open-textured language using phrases such as "commerce among the states", "necessary and proper", "freedom of speech", "due process of law", "taking", "equal protection", and "cruel and unusual punishment". How should the Court decide what is a "taking", or what constitutes "cruel and unusual punishment"? There is no doubt that this open-textured language is what has allowed the U.S. Constitution to survive for over "200-years", but it is the very nature of the Constitution that requires the "Supreme Court" to interpret it and decide its meaning. THIRD, inevitably in constitutional law this "Honorable Court" must face the question if the substantive rule-of-law of the "State"

Sex Offender Registration Requirement/Provisions<sup>ss</sup>, is defective, because "it" does conflict with the "state" and "Federal Constitutions", of what government justifications are sufficient to permit the "state" to interfere with a fundamental right, or to discriminate; e.g., see CONNECTICUT DEPT. OF PUBLIC SAFETY VS. DOE, 538 U.S. 6, 123 S.Ct. 1160, at 1165 (2003); and MICHAEL H. VS. GERALD, 538 U.S. at 121, 109 S.Ct. 2333 (1989), in support of the question of the "substantive due process component" of the FOURTEENTH-Amendment that the Texas Sex Offender Registration Requirement statute violates that the "Supreme Court" will inevitably be faced with to interpret. See also McCULLOCH VS. MARYLAND, 17 U.S. (4 Wheat.) 316, 407, 415 (1819) of where the "line must inevitably be drawn".

Petitioner, in all humility, asks this "Honorable Court" for forgiveness if he was or has been arrogant in any way. Petitioner, with the utmost respect for the "Highest Court in America", apologizes for any unintentional ( ) derogatory, directly or indirectly. The Petitioner is not a lawyer and has no fancy degree in law and is neither versed in the laws of the United States, nor does he know proper etiquette in the construction or filing of motions or writs and petitions. The Petitioner, ad hoc, is a layman with no prior educational background and limited knowledge in the interpretation of the fundamental basics of his alleged-guaranteed due process constitutional rights. Please forgive the Petitioner for his lack-of-knowledge, in the law, and in making proper appearance in the "Highest Court of the Nation". Please forgive the Petitioner for the wrong choice of words or poor wording he may have used unintentionally, due to his poor educational background other than a "G.E.D." for the vocabulary used to articulately defend himself besides the uneducated terminologies he's expressed himself with so far. The Petitioner ( ) has told every court that he suffers "mental health issues" with a "mental health history" that the "state courts" were aware of and that he is not well, and no one has taken this into consideration.

In all of the Petitioner's attempts to get professional help from lawyers licensed to properly interpret the law and petition every court to this point, for relief from the unlawful confinement and illegal restraint of his liberty in which the states sex offender registry provisions have caused that are violations of his substantive-due process rights guaranteed and so plainly seen and clearly undisputable in this case and briefly detailed in his petition for writ of certiorari, and for the "Supreme Court's" SUPERIOR knowledge, wisdom, and understanding in interpreting the unjust and malicious acts imposed upon the Petitioner; that he has been turned down and denied with such prejudice, that the Petitioner is still without understanding as to why lawyers and legal-practitioners have go to such EXTREMES (i.e.: as discussed in his writ of certiorari petition) to harshly discriminate against him by refusing to assist Petitioner and deter what faith he still has left in the public courts. Petitioner humbly asks and beseeches the "Honorable ( ) Justices" of the "Supreme Court" for a rehearing to be GRANTED and his petition for a writ of certiorari be reconsidered in all fairness and in the interest of justice, because of the violations of his substantive-due process rights allegedly guaranteed by the FOURTEENTH-Amendment which has influenced Petitioner and his family to such a negative effect for so long, that his only-child-daughter has been brainwashed to such an extent that there is no longer a respect or a regard for relationship between 'she' and the Petitioner, in her eyes. Please reconsider Jaramillo's petition.

### GROUND TWO: The Controversy Over Substantive Due Process.

The concept of procedural due process never has been controversial, although there certainly have been major disputes over what constitutes liberty and property interests and what procedures should be required. In contrast, the very idea of "substantive due process" has been contested. The argument is, "substantive due process" denotes procedure. It is incorrect to use

process clause as the place for protecting substantive rights" (i.e.: John Hart Ely) remarked that "[s]ubstantive due process is a contradiction in terms — sort of like 'green pastel redness'". Democracy and Distrust 18 (1980), John H. Ely). The criticism of substantive due process has many facets. In part, people argue that due process is the wrong provision to use to protect substantive rights. The argument is that "within the FOURTEENTH-AMENDMENT, the privileges or immunities clause — the provision that states 'no State shall abridge the privileges or immunities of citizens of the United States' — is the appropriate place for safeguarding substantive rights"; ~~Petitioner~~-Jaramillo also grounds his claims throughout "every stage" and "proceeding" in this argument. However, in the SLAUGHTER-HOUSE (cases) 83 U.S. 36 (1872); the Court gave the clause an extremely narrow interpretation that has prevented it from being used to safeguard individual liberties. In 1999, for essentially the first time in American history (i.e.: there was a 1935 decision that was overruled in 1948), the Supreme Court used the ( ) privileges or immunities clause to invalidate a state law; SAENZ vs. ROE, 526 U.S. 489 (1999). (EMPHASIS ADDED). AS a result of SAENZ, the Supreme Court turned to the due process clause to protect substantive right. Petitioner-Jaramillo's argument, is generally, not only to the place in the U.S. Constitution where the rights are found but also to the Court's finding and protecting of the rights not expressly mentioned that SAENZ opened the door for, of the AUTHORITY Jaramillo invokes now, to a greater use of the privileges or immunities clause to continue to protect his, and others similarly-situated, substantive rights now and in the future, to provided "hearings" and "psychological evaluations" for registrants, or individuals, that do not suffer from "abnormalities of a sexually-violent-nature", neither merit inclusion in the sex offender registry provisions (i.e.: just because of "one-reportable-conviction" or a prior 20-year-old conviction), or the ( ) imposition of such "deprivations" as "fathering-a-child" or the restrictions that have now become harmful to the public and ruin the very families the "state's" offender provisions were devised to protect. It is, in fact, to the families

of this Nation, of our times, that the "Supreme Court" must be watchful for the Constitutional rights of the citizens and the duty to evangelize against any stealthy encroachment thereon, just as it is the families involved in the present conditions of the Nation that are called to keep our government from falling into error and to live the plan of "God" that pertains to them (i.e.: see ROMANS 13:1-5, K.D.V.; please have patience with petitioner that he still believes to be an unprofitable servant of CHRIST). (EMPHASIS ADDED). This "Honorable Court" once stated, at a time when "studies" and "data" on the issue of the serious threats of "violent sex offenders" in America, was still so scattered and diverse, that "sex offenders pose a serious threat to the Nation"; please see CONNECTICUT DEPT. OF PUBLIC SAFETY vs. DOE, 538 U.S. 6, 123 S.Ct. 1160 (2003). It has been approximately seventeen (17) years, since that case was decided, and now, there is much more "data and studies" on the issue of "sex offender registries", that violate the "substantive-due process" of the ( ) Petitioner and other "citizens similarly situated" and of the harmful consequences that have followed, that have been gathered (i.e.: some of which the Petitioner has provided in brief-detail for the Court's review & interpretation) to be guided to a more profound understanding of the inexhaustible ANOMALY of sex offender registration laws and provisions that deal with subject matter that falls outside the lines etched so far in the sand by the scientific and religious communities and ought to be added a further reflection, particular importance of the "substantive-due process rights" guaranteed to a citizen; especially of those who have to register as a sex offender, without the due process of a "psychological evaluation" and "hearing", for an indigent before dissemination of private information and/or the imposition of deprivation of liberties (e.g., parental rights, contact with one's own child...). Not frequently ideas and solutions which are very appealing, but which obscure in varying degrees the truth and DIGNITY of the "human person" that is to be offered, and not given to the "men" and "women" and single-

parents' of today, in the sincere and deep search for a response to the importance of family life. Now the impact on the family of the registrant, to which harsh and ridiculous restrictive deprivations of rights and liberties (i.e.: e.g., conditions/sex offender conditions-of-probation; due to an old prior-conviction) that are not even reasonably related to the "nature of the conviction" or the circumstances involve that resulted in probation, in which a "hearing" and a "psychological evaluation" would have determined; but instead unjustly imposed requirements/restrictions, and these are discriminatory legal issues and concerns that this "Honorable Court" needs to decipher, interpret, and address. Please address this issue of the "sex offender registry requirements/provisions" in Texas that violates the substantive-due process component of the FOURTEENTH-Amendment of the United States Constitution. Thus, the due process clause has been found to incorporate provisions of the "Bill of Rights" that are deemed fundamental and to protect these rights from "State" and "local" interference. This is substantive due process in that it uses the due process clause to protect rights and only allows interference if there is a sufficient justification. Petitioner-Jaramillo argues that there was no sufficient justification in this case, ad hoc, he is asking rehearing for and speculates how many other similarly-situated-citizens have also been harmed or had their families/relationships ruined by interference of "registry requirements" imposed without "hearings" or "psychological evaluations". Petitioner-Jaramillo argues that "due process" does denote substantive limits on government. Over a century ago, the Supreme Court declared that due process "is a restraint on the legislative as well as on the executive and judicial powers of government, and cannot be so construed as to leave congress free to make any 'due process of law', by its mere will"; see MURRAY'S LESSEE VS. HOBOKEN LAND & IMPROV. Co., 59 U.S. (18 How.) 272, 276 (1856); HUTARDO VS. CALIFORNIA, 118 U.S. 516, at 531 (1884), in support of Petitioner-Jaramillo's argument, supra. The clause does not speak solely of due process but, rather, of due process or law.

and Petitioner-Jaramillo further argues that an action is not in accord with the law of the land if it violates the substantive guarantees of the Constitution (i.e.: see LAURENCE TRIBE, THE PUZZLING PERSISTENCE OF PROCESS-BASED CONSTITUTIONAL THEORIES, 89 Yale L.J. 1063, 1066 n.9 (1980)); (see also, EDWARD S. CORWIN, LIBERTY AGAINST GOVERNMENT 89-115 (1948) "arguing that due process includes a notion of acting in accord with the law of the land"; and (please see EDWARD S. CORWIN, THE DOCTRINE OF DUE PROCESS OF LAW BEFORE THE CIVIL WAR, 24 Harv. L. Rev. 366 (1911) "tracing the history of substantive due process"). (EMPHASIS ADDED).

### GROUND THREE: Equal Protection, Jaramillo Has A Liberty Interest.

The promise of this provision went unrealized for almost a century as the Supreme Court rarely found any 'state' or 'local' action to violate the equal protection clause until the mid-1950s. It was Justice Oliver Wendell Holmes, who derisively referred to the provision as "the last resort of constitutional arguments"; see BUCK VS. BELL, 274 U.S. 200, at 208 (1927). Petitioner-Jaramillo speculates, that this is the AUTHORITY, and invokes this AUTHORITY, to challenge the 'state law' (i.e.: the State Sex Offender Registry Provisions) that discriminates against people, a class of people, a member of a protected class, to petition the "Supreme Court" for a rehearing to the Court's consistent reluctance to use the "Equal Protection Clause" to invalidate 'state' and 'local' sex offender registry laws that have become harmful in their modern application and compel the 'State' to improve them and provide due process for qualified citizens. All equal protection cases pose the same basic question: Is the government's classification justified by a sufficient purpose? Many government laws draw a distinction among people and thus are potentially susceptible to an equal protection challenge. E.g., "those under age 16 might claim to be discriminated against by the age requirement for obtaining a driver's license"; and "those denied voter-

ment benefits might argue that they discriminated against by eligibility guidelines"; or "Petitioner-Jaramillo, who could've registered as a sex offender and completed his 'alleged-regular-probation' without the imposition of such unreasonable and unrelated conditions-of-probation that interfered with his 'parent-child-relationship' and inflicted STIGMA on his reputation which infringed on some other interest and the ridiculous 'sex offender rehabilitation programs/classes' that he neither needed that was a complete waste of 'state-resources' (when someone else who needed the rehabilitation-program could've been given the classes) and was then forced to pay for the classes or incarceration, which put a financial-strain on Jaramillo in supporting his child, to which a hearing and a psychological-evaluation would have sufficiently determined the necessity of such provisions of registration/regular-probation, when it cannot be shown anywhere that Jaramillo ever pose a threat, as it never posed an issue in the past, before the 'regular-probation', when Jaramillo registered as a sex offender". Because ( ) Petitioner-Jaramillo challenges these sex offender laws/provisions and the government actions, the challenge is based on equal protection, the issue that is before "the Court" that Jaramillo is beseeching the Court to identify is the sufficiently important objective for the 'State's' discrimination, against ~~the~~ providing 'a hearing' or 'a psychological evaluation' before registration or before the imposition of unnecessary unrelated restrictive-conditions/sex offender registry deprivations on regular-probation. To be more specific, all equal protection issues can be broken down into three questions: what is the classification? what level of scrutiny should be applied? Does the particular government action meet the level of scrutiny?

The first-question has already been identified to the best of Petitioner-Jaramillo's understanding in citing: DOE, 538 U.S. 6 (2003). The next step in analysis is to identify the level of scrutiny to be applied, in which the "Supreme Court" has made clear that different levels of scrutiny will be applied depending on the type of discrimination. Petitioner-Jaramillo, in the case

ad hoc, he seeks rehearing for, humbly asks the "Supreme Court" to consider "discrimination based", "intermediate scrutiny", and "rational basis test" to be applied here, should rehearing be granted. Petitioner-Jaramillo had a daughter he was raising and supporting at the time, and the "Judge" of the "29<sup>th</sup> H. District Court" of San Antonio, Bexar County, Texas, knew this (i.e.: that Petitioner-Jaramillo was supporting a 12/13-year-old daughter) and for this reason released him out on "REGULAR ADULT PROBATION (i.e.: dismissing other unsubstantiated charges, but also later learning that there was nothing "regular" about the probation) on September 25, 2012", to continue to support his daughter; and the "Honorable Melisa Skinner" made "special note" of this on the record, why "Judge Skinner" had originally released Jaramillo back to his family, to raise and support his daughter. The issue before this "Honorable Court", is all the discrimination and maliciousness that occurred after that release (i.e.: the violations of Petitioner-Jaramillo's "substantive-due process rights" protected under the Equal Protection Clause of the FOURTEENTH-Amendment of the U.S. Constitution) that kept Jaramillo from supporting his child and deliberately interfered with his parent-child-relationship and humiliated him for no justifiable reasons; please see BLACKBURN VS. MARSHALL CITY OF, 42 F.3d 925, at 935-936 (5<sup>TH</sup> Cir. 1995); and PAUL VS. DAVIS, 424 U.S. 693, at 710-11, 96 S.Ct. 1155, at 1165, 47 L.Ed.2d 405 (1976); and WHEELER VS. MILLER, 168 F.3d 241 (5<sup>TH</sup> Cir. 1999); and MORENO VS. CITY OF PROGRESO, 161 Fed.Appx. 371 (5<sup>TH</sup> Cir. 2005) in support of "state action" that resulted in STIGMA that violated Petitioner-Jaramillo's right to due process. (EMPHASIS ADDED), which in turn as a result, the application of the Sex Offender Registry Requirement Provisions (while on regular probation-allegedly) that are violations of the State's due process under the Texas Constitution and the Equal Protection Clause of the U.S. Constitution's FOURTEENTH-Amendment, did inhibit the development of Petitioner-Jaramillo's unhealthy family relationship because of this forced-

absence, due to the "Texas sex offender requirements/provisions/restrictions" that weren't even necessary. Thus, a "hearing" and a "psychological evaluation," available to a pauper, would have indisputably and correctly determined the appropriateness of such highly-restrictive sex offender conditions-of-probation and/or registration requirements/provisions, due to an approximate twenty (20)-year-old sexually oriented conviction to date. The "STIGMA PLUS DOCTRINE" is very relevant. For satisfaction of "stigma plus test" for the existence of liberty interest protected by due process clause requires showing of: (1) damage to reputation, and (2) accompanying tangible injury or material alteration of legal right or status; see DOE VS. LEE, 132 F.Supp.2d 57 (D.Conn.2001). "State" and "local" officials inflicted STIGMA on Petitioner-Jaramillo that infringed his liberty interest of some other interests, supra, guaranteed and protected by the "substantive-due process component" of the "FOURTEENTH-Amendment" which is grounded by the "Equal Protection Clause" of the "Federal Constitution", and caused by the false communication that resulted from not being afforded a "hearing" and a "psychological evaluation"; see BLACKBURN VS. MARSHALL CITY OF, 42 F.3d 925, at 935-36 (5TH.Cir. 1995). Jaramillo respectfully and humbly asks the Court, "what parent does not have a 'liberty interest' in his/her own child(ren)?" Please see SANTOSKY VS. KRAMER, 455 U.S. 745 (1982), in support of Petitioner-Jaramillo being deprived of a "liberty interest" within the meaning of due process claims of the FIFTH and FOURTEENTH-Amendments (i.e.: also briefly detailed in his petition for writ of certiorari). (EMPHASIS ADDED). It is very unconstitutional to treat "similarly situated" citizen differently; KEEVAN VS. SMITH, 100 F.3d 644 (8th.Cir. 1996); and KLINGER VS. DEPT. OF CORRECTIONS, 31 F.3d 727 (8th.Cir. 1994). (EMPHASIS ADDED). Petitioner-Jaramillo has therefore shown that the substantive rule of law of the State's registry provisions for offenders required to register as sex offenders (i.e.: especially on probation) is a resume without a "hearing" and a "psychological

evaluation" before dissemination of registry information, to determine if "similarly ~~sim~~<sup>pl.</sup> situated" persons/citizens are likely to be currently dangerous, which does conflict with the provisions of the Federal Constitution's "Equal Protection Clause"; see CONNECTICUT DEPT. OF PUBLIC SAFETY VS. DOE, 538 U.S. 6, 123 S.Ct. 1160, at 1165 (2003); and MICHAEL VS. GERALD, 538 U.S. at 121, 109 S.Ct. 2333 (1989), in support of the need for registered sex offenders to be provided with a "hearing" and a "psychological evaluation" before deprivations of existing liberty interest issues and substantive due process rights are imposed by state-registry-provisions. There is a "due process hearing" required in Texas for "sexually-violent-predators"; but no "due process hearing" required for those "similarly situated" (i.e.: especially for citizen on probation for non-sexually-oriented-offenses, but have a prior) individuals for having to register as a "sex offender". Why? Because the "Texas Sex Offender Registration Scheme/Provisions" violated Petitioner-Jaramillo's "substantive-due process rights" under the "U.S. Constitution's, FOURTEENTH-Amendment" by not providing a "hearing" and/or a "psychological evaluation" (i.e.: at the least) to determine if he was "any kind of threat", while on probation; Jaramillo's daughter was molested and sexually assaulted by "her" own family-members and "her-mother's" other child's father, has become a heroin-addict/user, has become an "amateur-porn-entertainer" for illegal-drugs, has gone and continues to go from "one-man" to "another" and relationship-to-relationship being taken advantage of (i.e.: see "her" perform on, FACEBOOK @ Alyssa Jaramillo or Alyssa Uzumaki), because the "State's Sex Offender Registry Provisions/Conditions-of-probation" kept Petitioner-Jaramillo from protecting his child.

As experience teaches, the absence of a father (in any family) causes psychological and moral imbalance and notable imbalance and notable difficulties in family-relationships, and relationships. "Special attention" should have been devoted to "Petitioner's Child" in

developing a profound ESTEEM for 'her' "personal dignity" and a great respect and a generous concern for 'her' rights (i.e.: in which unnecessary sex offender conditions-of-probation contributed to ruining); not special attention to the deliberate harassment toward Jaramillo and the going to whatever extremes to inflict STIGMA onto Jaramillo to discourage his own friends and family from helping him with false communications to the public to ruin whatever good reputation he built-up for himself, nor toward the deterrence that 'state' and 'local' officials put special attention toward to keep Petitioner-Jaramillo from appealing when he first began trying to expose these concerns and due process violations ~~and~~ at the "County & State-level-direct-appeals" in 2012. No nation on Earth, neither political system, can think of its own future otherwise than through the image of the new generations that will receive from their parents the manifold heritage of values, duties, and aspirations of the nation to which they belong. Above all where social and cultural conditions so easily encourage a father to be so reluctantly less concerned with his child(ren), or at any rate, less involved in the work and education of his child(ren); now the "State's Sex Offender Registry", which provisions are violations of the substantive-due process component of the FOURTEENTH-Amendment, prevents it and has created a deliberate disfunction within the nation's communities because it has gone and continues to go unanalyzed in terms of "substantive Due Process" that the "State's Sex Offender Registry(ies)" violates. Now Jaramillo's daughter has become another statistic in the juvenile and adult criminal justice systems due to 'her father's' forced-absence, when Petitioner-Jaramillo did not merit, and still does not merit, inclusion in the "State's Sex Offender Registry Provisions", neither its "conditions-of-probation", nor its harsh mistreatment and deprivations of liberty - not reasonably related. (EMPHASIS ADDED).

IN CONCLUSION

Petitioner-Jaramillo humbly beseeches the Supreme Court of the United States to consider how many other similarly situated individuals, and parents, or fathers, even children are also being affected around the nation because of the neglect to ultimately analyze Petitioner-Jaramillo's claims for a hearing and psychological evaluation in terms of SUBSTANTIVE DUE PROCESS, which in turn would result in the saving of many families and lives from being ruined for those similarly situated that do not merit inclusion into the State's/States' Sex Offender Registry Provisions, in part or in whole of its provisions. Petitioner-Jaramillo humbly beseeches the Supreme Court of the United States to GRANT this petition for rehearing, to grant him a writ of certiorari and ultimately analyze his claims in terms of substantive due process. The Petitioner for a rehearing should be granted.

Respectfully Submitted,

*Luis Jaramillo*

Date: 5-5-2020.

May 5, 2020.

Luis Ray Jaramillo, Jr.

T.D.C.J. #1966673

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