

ORIGINAL

No. 19-8425

IN THE
SUPREME COURT OF THE UNITED STATES

CHAYCE AARON ANDERSON — PETITIONER
(Your Name)

Vs.

THE PEOPLE OF THE STATE OF COLORADO —
RESPONDENT(S) ON PETITION FOR A WRIT OF
CERTIORARI TO

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE):
COLORADO SUPREME COURT/CO COURT OF APPEALS

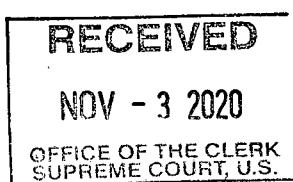
PETITION FOR WRIT OF CERTIORARI
REHEARING

(Chayce A. Anderson, #175290)

(Arkansas Valley Correctional Facility
12750 Hwy. 96, at Lane 13)

(Ordway, CO 81034)

(N/A)





By: Chayce A. Anderson #175290

MOTION FOR REHEARING ON WRIT OF CERTIORARI:

This motion is presented to the court within the timely constraints for filing a rehearing motion. The Court denied the original Writ of Cert. on Oct. 5th, 2020. The time frame to file a rehearing request is limited to 25 days. The deadline to file ends on Oct. 30th, 2020. This motion has been mailed prior to the deadline expiring, and it should be deemed "timely sought."

This motion is presented in good faith and not for delay. The applicant understands the precious value of time for the Court and the busy docket. This motion specifically requests a vote, or a majority of the court to rule in favor of granting rehearing. Including requesting the Court to determine the merits of this rehearing based upon a 9-Justice Court, after the appointment proceedings for the next Supreme Court Justice, JUSTICE BARRETT.

The grounds in this motion shall be limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented. The appendix is included only in the original Writ of Cert., and is directly linked to this motion. The Order of the Court has not yet been provided and is referenced in citation only. The Case Law mentioned in the original petition still connects to this motion, however, this motion will not waste courts valuable time reciting applicable case law. This motion will rather focus simply on why the Court should grant rehearing, and how it affects our Country. Thank you for the valuable time in reading and evaluating this motion.

On August 29th, 2015; my life and the life of my family drastically changed. As a law-abiding U.S. Citizen, I tried my very best to live an ethical and moral lifestyle. Early in my life, I was victimized by the Criminal Justice System. I made mistakes as a young juvenile. In all three of my controversial youth cases, I pled guilty and successfully completed probation. I completed a deferred adjudication, a controversial treatment statutory case where I was charged for violated a 4 year statutory gap by a mere four days, including voluntarily completing treatment, and the third case involved successful completion of probation for a petty offense for marijuana. The only charge on my adult record was a petty offense for marijuana.

After surviving the Criminal Justice System, my family implored me to live on my own, attend community college on my own, ride the bus, and work hard. Over nearly 5 years, I completed an Associates of Arts at Front Range Community College, attending night classes, while working during the day. I guaranteed transferred to Colorado State University, completed a year of credits. After attending CSU, I transferred to Metropolitan State University of Denver's night business school. I completed six months of upper level classes, before transferring back to CSU. I was a declared senior at Colorado State University, accepted into the prestigious College of Business. In order to be accepted into the College of Business, you must have passed Business Calculus and Microeconomics with an 80% or higher, have completed 60 declarable credits, and maintained an accumulated G.P.A of over 3.200. In the first week of classes, I was arrested and charged in a very controversial case. Since then, I have maintained my innocence and have pursued my rights diligently in all lower courts.

As a law abiding citizen, I chose to spend my life working as a heavy duty equipment operator. I have completed flood damage restoration projects at Roosevelt's national forest, repaired damaged bridges, and volunteered at the High

Park Fire festival. I have worked on the Berthoud and Greeley Waste water plants. My last job was as a Type 3 Heavy Duty Equipment operator at Denver International Airport's crushing mine, Recycled Materials Company Incorporated operating a 330C Cat Excavator recycling damaged air strips concrete. My father is a practicing Eye Doctor in Fort Collins, CO for over 30 years. I had returned to Fort Collins to return to school and to see my father. Within one week, my life drastically changed.

This Writ of Cert. applies to a criminal case. I was accused of Sexually Assaulting a "Physically Helpless" victim. This never occurred. The prosecution claimed that the alleged victim was asleep in her bed and that I had attacked her. During the substantive portions of the trial, the alleged victim herself admitted on stand that she was awake before I entered the apartment. The roommate stated that she had asked me to leave. This never occurred. I was led by the arm into the alleged victim's room by the roommate. Two college girls propositioned me sex instead for sleeping in her bed. I did not want to have sex. I had already had sex with the roommate. I asked for consent. The alleged victim told me she consented. I asked her if she was sure and if she knew who I was. She responded with, "You are CSU Confession Chayce." After the sex, I left the room to get the roommate on my own initiative to make sure the alleged victim was not mad at me for poor performance. The roommate re-entered the room and asked the alleged victim if she was mad. The alleged victim responded, "No, I'm not mad." The roommate asked if she wanted me to leave or stay. The alleged victim responded, "No, he can stay and sleep in my bed." After this occurred, me and the alleged victim had a domestic argument. She called me dramatic for wanting to leave and walk to my truck. I responded with the most dramatic comment I could think of. "I have H.I.V." I do not have H.I.V., but it offended her. She asked me to leave. I left. On the way out, I grabbed some empty liquor bottles and broke them outside the residence.

In the morning, these two college girls decided to frame me in a sexual assault case. The reason they wanted to frame me is because I had unprotected consensual sex with both of them. The sexual assault nurse evaluation was completely anatomically negative for sexual assault. The DNA scientist at the trial testified that the DNA could only have been present in an “intimately sexual encounter.” The alleged victim stated that she immediately left her room yelling that she had been assaulted. This never occurred. Later, she stated she must have told her roommate in a text. The actual comment was “WTF, he is breaking things,” followed by a text that stated “Should we call the cops on that guy for breaking bottles?”

The criminal case involved an allegation of me coming onto a drunk girl in downtown Fort Collins. This never occurred. CCTV surveillance videos prove that we left the bars holding hands. They also invented a taxi cab. There was no taxi cab driver or any documented taxi cabs on any camera or receipts to validate their claim. The prosecution claimed that the roommate rebuffed me. This never occurred. I and the roommate had consensual sexual encounters in an alley behind the bar. At the jury trial, this roommate stated that my demeanor was friendly, changing her whole story.

REASONS FOR GRANTING REHEARING

1. This Writ of Cert. involves the Confrontational Clause of the Sixth Amendment of the United States Constitution. A habitual felon testified that I had confessed to him and used a roofie. I have never even seen a roofie. Nor did I ever even make any statements. I was prevented from confronting this witness on the stand in violation of my U.S. Constitutional rights.
2. The elements of the Offense not reached;
 - a. 3. Knowingly

- b. 5. Who was physically helpless, and
 - c. 6. The defendant knew the person was physically helpless and had not consented.
- 3. The Key of Criminal Liability was not reached, “willingly, knowingly, and feloniously.”
- 4. The Definition of Knowledge by Law, it says a person acts knowingly with respect to conduct or for the circumstances described by a statute defining a defense when he or she is aware that his or her conduct is of such a nature of such that a circumstance exists. A person acts knowingly with respect to result of his or her conduct is practically certain to cause the result. This was never reached in trial.
- 5. The defendant contests the *Actus Reus* and *Menus Reus*, both the act of a crime and the culpable mental state of a crime.
- 6. A criminal defendant is presumed innocent. Accordingly, the U.S. Supreme Court in *In re Winship* has held he cannot be convicted “except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime.” Other cases have held reasonable doubt is a “square and honest doubt,” a doubt growing out of the “evidence or lack of evidence,” a doubt for which “you can state a reason.” Mr. Anderson has clearly reached this threshold.
- 7. The U.S. and C.O. Constitutions entitle Mr. Anderson with the right to have an impartial and fair jury decide case, right to have a prosecutor prove to the jury beyond a reasonable doubt, each and every element of the offense charged.
- 8. “Through the institution of trial by jury that Citizens have an opportunity to exercise ‘the ultimate control over the administration of justice; and to ‘insure its fairness.’” The Sixth Amendment of the U.S. Constitution guarantees U.S. Citizens the right to a fair and impartial jury trial.

9. The United States and Colorado Constitutions guarantee a criminal defendant's right to receive reasonably effective assistance of Counsel. *U.S. Const. Amends. VI, XIV; Colo. Const. art. II, § 16.*

a. *Was it reasonable to allow a jury to believe a roofie was used, when no roofie claim existed?*

10. A criminal defendant has a constitutional right to present a defense at trial. *U.S. Const. Amends. VI, SIV; Colo. Const. art. II, § 16, 25.*

11. To make application for rehearing, such application must, in good faith, set forth or allege one or more of the following grounds to justify a hearing thereon:

a. That the conviction was obtained or sentence imposed in direct violation of the Constitution or Laws of the United States or the constitution or laws of this State;

b. That there exists evidence of material facts, not theretofore presented and heard, which, by the exercise of reasonable diligence, could not have been known to or learned by the defendant or his attorney prior to the submission of the issues to the court or jury, and which require vacation of the conviction or sentence in the interest of justice.

12. If the Court finds that the defendant is entitled to relief, the Court shall make such orders as may appear appropriate, to restore a right which was violated, such as vacating and setting aside the judgment, imposing a new sentence, granting a new trial, or discharging the defendant. Mr. Anderson wishes for only a new fair trial.

13. The three main reasons appeal was denied were unconstitutional;

a. The judge improperly limited cross examination, but ruled harmless error. The lack of confrontation of a witness impacted the verdict, cannot be ruled harmless error.

- b. The illegal or false evidence is allowed to be used if a defendant receives a partial acquittal, due to the jury must of having known what was true and false parts of evidence. This is not a constitutional basis for allowing illegal false evidence to be used in jury trials in the United States.
- c. That voluntary “not-true” statements prove “knowledge of crime” and “validate sentence or conviction.” Mr. Anderson never made any such statements, and this is an unconstitutional attack on the foundation of our criminal justice system.

14. Compelling reasons do exist for the exercise of the Court’s discretionary jurisdiction.

- a. All indigent defendants, and particularly all U.S. Citizens, are prone to fall victim to the same type of violations as I experienced in my trial. Any habitual felon can procure information through public newspapers, public discovery, police reports, or even the internet through a spouse. Any habitual felon can then draft a false confession, regardless of the truth of such alleged confession, even if facts in the alleged false confession are proved false. This type of violation can drastically violate every U.S. Citizens right to a fair and impartial trial, if the prosecution is allowed to present false evidence. This violates the protections against self-incrimination, it violates the right to have counsel present during any and all questioning, and it violates common sense.
- b. Mr. Anderson is factually innocent, and there are glaring reasonable doubts in the facts of his criminal case. The interest of justice require retrial.
- c. The Lower Courts have ruled in a way that contradicts established precedent in their harmless error ruling, as shown in the Writ of Cert. The

primary concern of the U.S. Supreme Court is to decide cases presenting issues of importance beyond the particular facts and parties involved. Mr. Anderson's case presents significant issues of importance for our Country.

- d. The Writ of Cert. involves the fundamental deprivation of defendant's constitutional right to due process. The deprivation of defendant's constitutional right to have an impartial jury, not a jury inflamed or evoked to seek horror or retribution against a defendant, decide his case.
- e. The CO Court of Appeals ruled Judge Field improperly limited cross examination, but ruled harmless error. The CO Supreme Court refused to acknowledge the challenge to this harmless error determination. Preventing questioning of a witness violated Mr. Anderson's fundamental constitutional right to confront witnesses against him under the Confrontational Clause of the U.S. and C.O. Constitutions, and cannot be ruled harmless error. The suppression of questions did affect the verdict.
- f. The CO Court of Appeals ruled that, illegal false evidence may be used if a defendant receives a partial acquittal due to the jury must have known what was true and what was not true in evidence. This is not a legal grounds for the admissibility of false evidence. False evidence cannot be used at trial. It amounts to a violation of the protections for a fair and impartial jury trial.
- g. The CO Court of Appeals ruled that voluntary "not-true" statements by a habitual felon prove knowledge of crime and validate sentence and conviction. This is unconstitutional, as the habitual felon made up these "not-true" statements, that he never made them, and that they were not voluntarily made. Mr. Anderson challenges the truth of the alleged

statements and the voluntariness. Additionally, Mr. Anderson wants to be crystal clear, that he has never roofied anyone, nor has he ever seen a roofie, and if he had ever seen one, he would have immediately contacted law enforcement.

CONCLUSION

All persons in the United States have certain natural, essential and inalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties; of acquiring, possessing and protecting property; and of seeking and obtaining their safety and happiness. Courts of justice shall be open to every person and a speedy remedy afforded for every injury to person, property, or character; and right and justice should be administered without sale, denial or delay; equally. In criminal prosecutions, the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation; to meet the witnesses face to face; to have process to compel the attendance of witnesses on his behalf, and a speedy public trial by an impartial jury.

The phrase on the front of the U.S. Supreme Court's building, "Equal Justice Under Law," rings loud and clear. The Founding Fathers foresaw future harms to U.S. Citizens when they enacted the Confrontational Clause, and they would have been shocked of the violation in Mr. Anderson's trial. Mr. Anderson's trial involved a manipulation of his right to counsel, when his counsel was replaced after 302 days of

representation. Phone transcripts were altered or edited, videos were altered or edited or hidden, and significant exculpatory evidence was suppressed in violation of *Brady v. Maryland*, 373 U.S. 83.

The C.O. Constitution states, "No person shall be deprived of life, liberty or property, without due process of law. *Colo. Const. Art. II*, §25. The U.S. Constitution states, "nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law. *USCS Const. Amend V*. It further states, "To be informed of the nature and cause of the accusation; to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense. *USCS Const. Amend VI*. It further states, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. *USCS Const. Amend XIV, Sec. 1*.

There should be no doubt that justice has been denied in Mr. Anderson's case. Mr. Anderson is the only person to have told the truth. Mr. Anderson was never informed of the charges being brought against him, only told it was "another case" by a detective. He was never afforded any opportunity to tell his side of the story. His lawyer was changed to a new lawyer who had been the Chief Deputy District Attorney for Larimer County for over twenty years. The lawyer provided no criminal defense investigator. No defense witnesses were called. No expert witnesses were called. No pre-trial motions were filed. Basically, his entire defense was altered by the prosecution. Evidence was altered. Witnesses committed perjury without being held accountable. And the jury was poisoned and inflamed; and cannot constitutionally

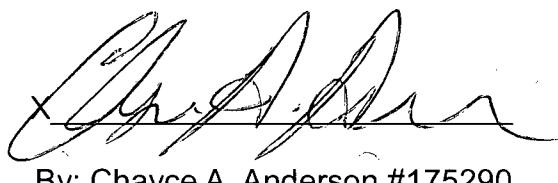
render a constitutional verdict when their passions are evoked by false evidence of a roofie.

FINALLY, Mr. Anderson respectfully, dutifully and courageously submits the following rehearing motion to this most Honorable Court; to be dealt with as this Court deems just, equitable and necessary. For the precious time assorted to this present action, the defendant presents his claims honorably and thankfully. If appropriate, Mr. Anderson requests reversal and remanding for new jury trial, or vacating and setting aside judgment; upon determination of formal hearing and applicable arguments presented. Mr. Anderson bids you Good Day.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Date: 10/21/20



By: Chayce A. Anderson #175290

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**Additional material
from this filing is
available in the
Clerk's Office.**