

NO. 19-8886

IN THE
SUPREME COURT OF THE UNITED STATES

JON EDWARD ERICKSON - PETITIONER

VS.

THOMAS E. COLLINS, SUPERIOR COURT OF ARIZONA, COCHISE
COUNTY, ET AL. - RESPONDENT

U.S. SUPREME COURT FOLLOWING PAGE
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR REHEARING

JON EDWARD ERICKSON
A.S.P.C. TUCSON/WINCHESTER
10002 S. WILMOT RD.
P.O. BOX 24401 ~~1000~~
TUCSON, ARIZONA, 85734-4401

QUESTION ONE

WERE PETITIONERS' 5TH, 6TH, AND 14TH AMENDMENT RIGHTS VIOLATED BY FAILING TO PROVIDE / PRODUCE THE RECORD FOR A DIRECT APPEAL?

QUESTION TWO

DID THE APPELLATE COURT VIOLATE THE 5TH AND 14TH AMENDMENTS IN DENYING THE MOTION TO DISMISS ' (THE INDICTMENT) AND THE MOTION FOR A NEW TRIAL ' AND THE ' PETITION FOR ORDER TO SHOW CAUSE ' ON JULY 31ST, 2003 ?

QUESTION THREE

WERE PETITIONERS 5TH, 8TH AND 14TH AMENDMENT RIGHTS VIOLATED WHEN PETITIONER WAS PUT ' TWICE IN JEOPARDY ' (DOUBLE JEOPARDY) ON THE SAME INDICTMENT OF SAME CHARGE ?

QUESTION FOUR

WERE PETITIONERS 5TH AMENDMENT RIGHT VIOLATED, WHEN (MIRANDA WARNINGS) INTERROGATION RIGHTS WERE NOT READ, BOTH AT HOSPITAL AND THE FOLLOWING DAY AT JAIL ?

QUESTION FIVE

WERE PETITIONERS' 4TH AMENDMENT RIGHTS VIOLATED, WITH THE "FORCED ENTRY" INTO RESIDENCE, AS WELL AS CONTAMINATING THE CRIME SCENE BY MOVING THE BODY AROUND PRIOR TO INVESTIGATORY AUTHORITIES ARRIVING, PURSUED TESTIMONY OF HOW BODY INITIALLY WAS ? " MOTION

TO SUPPRESS FOR ILLEGAL ENTRY" SHOULD OF BEEN GRANTED.

QUESTION SIX

WERE PETITIONER'S 5TH AND 14TH AMENDMENT RIGHTS DENIED WHEN PETITIONERS "MOTION TO DISMISS THE INDICTMENT" AND "(IN ALTERNATIVE REMAND BACK FOR ~~RE~~ RE-DETERMINATION OF PROBABLE CAUSE)"?

QUESTION SEVEN

WERE THE PETITIONER'S 5TH AMENDMENT RIGHTS, THE RIGHT TO A COMPLETE DEFENSE, VIOLATED WHEN THE STATE OF ARIZONA ALLOWED/ORDERED THAT THE BODY BE CREMATED BEFORE THE DEFENSE HAD AN OPPORTUNITY TO HAVE AN EXPERT EXAMINE THE BODY (EVIDENCE EXCULPATORY) AND INVESTIGATE THE STATE OF ARIZONA'S POSITION?

QUESTION EIGHT

WERE PETITIONERS 5TH, 6TH AND 14TH AMENDMENTS VIOLATED, BY THE EVIDENCE NOT SUPPORTING A FIRST-DEGREE MURDER CHARGE, AND BY NOT INSTRUCTING THE JURY TO THE LESSER CHARGES OF MURDER THE PETITIONER WAS DENIED THE RIGHT TO A PROPERLY INSTRUCTED JURY LESSONING THE BURDEN OF PROOF CONSERVING THE STATES ASSERTION OF "PRE-MEDITATION"?

QUESTION NINE

DID JUDGE HOGGAT VIOLATE PETITIONERS 6⁸TH and 14TH AMENDMENT RIGHTS BY NOT HAVING A JURY SENTENCE THE PETITIONER AND DID JUDGE HOGGATT ABUSE DISCRETION BY NOT RECURSING HIMSELF KNOWING HE RULED IN A PREVIOUS CASE?

QUESTION TEN

DOES THE 2002 TESTIMONY OF DR. TREPETA QUALIFY AS "NEWLY DISCOVERED EVIDENCE", WHICH THE STATE PERJURED ITSELF BY STATING THE TESTIMONY DID NOT EXIST, WHEN IN FACT IT DOES EXIST. WHICH RELATES TO ALL FUNDAMENTAL, STRUCTURAL, AND PLAIN ERROR AS WELL AS VIOLATIONS OF THE 4TH, 5TH, 6TH, 8TH AND 14TH AMENDMENTS OF THE U.S. CONSTITUTION AND STATE OF ARIZONA CONSTITUTION, ARTICLES 2 AND 4, WHICH RESULTS IN BRADY VIOLATION AND PERJURED TESTIMONY OF ALL STATES WITNESSES?

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:

(1ST TRIAL): STATE OF ARIZONA V. JON EDWARD ERICKSON, NO. CR200900103, SUPERIOR COURT OF ARIZONA IN AND FOR THE COUNTY OF COCHISE. JUDGEMENT ENTERED FEB. 11TH, 2002.

RALPH MALANGA	TRIAL ATTORNEY ALSO DIRECT APPEAL ATTORNEY
JOEL A. LARSON	TRIAL ATTORNEY ALSO DIRECT APPEAL ATTORNEY
HARRIETTE P. LEVITT	DIRECT APPEAL ATTORNEY
JERRY TILL	TRIAL ATTORNEY FOR STATE
THOMAS E. COLLINS	TRIAL JUDGE

RELATED CASES

(2ND TRIAL): STATE OF ARIZONA V. JON EDWARD ERICKSON, NO. CR200900103, SUPERIOR COURT OF ARIZONA IN AND FOR THE COUNTY OF COCHISE. JUDGEMENT ENTERED OCTOBER 9TH, 2009.

DAVID THORN	TRIAL ATTORNEY
GILDA TERRAZAS	TRIAL ATTORNEY
GREGORY JOHNSON	ATTORNEY FOR STATE
WALLACE R. HOGGATT	TRIAL JUDGE
HARRIETTE P. LEVITT	2 ND . DIRECT APPEALS ATTORNEY

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
<u>Baker V. Wingo</u> , (site omitted)	1
<u>Abney V. U.S.</u> , 431 U.S. 651, 658-59 (1977)	1
<u>Witte V. U.S.</u> , 515 U.S. 389, 398 (1995)	1
<u>Justice of Boston mun. Court V. Lydon</u> , 466 U.S. 294, 302-03 (1984)	1
<u>Flenagan V. U.S.</u> , 465 U.S. 259, 266 (1984)	1
<u>U.S. V. Toribio-Lugo</u> , 376 F.3d 33, 37 (1st Cir 2004)	1
<u>U.S. V. Elliot</u> , 444 F.3d 1197, 1192 (9th Cir 2006)	1
<u>U.S. V. Lurry</u> , 328 F.3d 970, 972 (8th Cir 2003)	1
<u>Strickland V. Washington</u> , 466 U.S. 668, 694, 104 S.Ct. 2052, 2068 (1984)	2
<u>Martinez V. Ryan</u> , 566 U.S. (2012)	2
<u>Buck V. Davis</u> , 137 S.Ct. 759 (2017)	2
<u>Blackledge V. Perry</u> (site omitted)	2
<u>Blackledge V. Allison</u> (site omitted)	2
<u>U.S. V. Blood</u> , 435 F.3d 612, 629 (6th Cir. 2006)	2
<u>U.S. V. Gillis</u> , 773 F.2d 549, 554 (4th Cir. 1985)	2
<u>U.S. V. Malady</u> , 960 F.2d 57, 59 (8th Cir. 1992)	2
<u>Sheldon R. Shapiro Annotation</u>	2
<u>Court Reporter Act</u> 28 USC Sec. 753 (b), 12 A.L.R. Fed. 584	3
<u>U.S. V. Selva</u> , 559 F.2d 1303, 1305 (5th Cir. 1977)	3
<u>Dept. of Rev. V Kurth Ranch</u> , 511 U.S. 767, 769 n.1 (1984)	3
<u>Mena V. New York</u> (site omitted)	3
<u>Ex Parte Lang</u> 85 U.S. (18 wall) 163, 168-69 (1873)	3
<u>Benton V. MD.</u> , 395 U.S. 784, 794 (1969)	3
<u>Ex Parte Lang</u> , 85 U.S. (18 wall) 163, 176 (1874)	3

CASES

PAGE NUMBER

<u>Walck v. Edmonson</u> , 472 F.3d 1227, 1235 (10th Cir. 2007)	4
<u>Ohio v. Johnson</u> , 467 U.S. 493, 498 (1984)	4
<u>U.S. v. Lewis</u> , 492 F.3d 1219, 1220-22 (11th Cir. 2007)	4
<u>U.S. v. TrefT</u> , 447 F.3d 421, 424 (5th Cir. 2006)	4
<u>U.S. v. Torres</u> , 901 F.2d 205, 228 (2nd Cir. 1990)	4
<u>U.S. v. Jackson</u> , 443 F.3d 293, 301 (3rd Cir. 2006)	5
<u>Oland</u> , 507 U.S. at 732	5
<u>Jones</u> , 527 U.S. at 388-89	5
<u>U.S. v. Brown</u> , 450 F.3d 76, 79 (1st Cir. 2006)	5
<u>U.S. v. Rendon-Duarte</u> , 490 F.3d 1142, 1146 (9th Cir. 2007)	5
<u>Miranda v. Arizona</u> , 384 U.S. at 444, 479	5
<u>U.S. v. Mittel-Carey</u> , 493 F.3d 36, 40 (1st Cir. 2007)	5
<u>U.S. v. Lafferty</u> , 503 F.3d 293, 302-03 (3rd Cir. 2007)	5
<u>U.S. v. Griffin</u> , 992 F.2d 1343, 1355 (8th Cir. 1990)	5
<u>Mapp v. Ohio</u> , 367 U.S. 643, 655 (1961)	6, 9
<u>Terry v. Ohio</u> , 392 U.S. 1, 20 (1968)	6
<u>U.S. v. Kow</u> , 58 F.3d 423, 428 (9th Cir. 1995)	6
<u>U.S. v. Hogan</u> , 712 F.2d 757, 761 (2nd Cir. 1983)	6
<u>U.S. v. Feurtado</u> , 191 F.3d 420, 423-25 (4th Cir. 1999)	6
<u>U.S. v. Desalvo</u> , 26 F.3d 1216, 1221 (2nd Cir. 1994)	7
<u>U.S. v. Perez</u> , 62 F.3d 1371, 1381 (9th Cir. 1995)	7
<u>U.S. v. Heffington</u> , 682 F.2d 1075, 1080 (5th Cir. 1982)	7
<u>U.S. v. Poole</u> , 407 F.3d 767, 772 (6th Cir. 2005)	7
<u>U.S. v. Childs</u> , 447 F.3d 541, 544-45 (7th Cir. 2006)	7

CASES

PAGE NUMBER

<u>U.S. v. Nolan-Cooper</u> , 155 F.3d 221, 229 (3rd Cir. 1998)	7
<u>U.S. v. Simpson</u> , 927 F.2d 1088, 1091 (9th Cir. 1991)	7
<u>U.S. v. Phillips</u> , 367 F.3d 846, 855 n.25 (9th Cir. 2004)	7
<u>Ruggiero</u> , 934 F.2d 440, 447 (2nd Cir. 1991)	7
<u>U.S. v. Cooper</u> , 983 F.2d 928, 931 (9th Cir. 1993)	8
<u>McMillian v. Johnson</u> , 88 F.3d 1554, 1568-69 (11th Cir.)	8
<u>Elkins v. U.S.</u> , 364 U.S. 206, 208 (1960)	9
<u>Bram v. U.S.</u> , 168 U.S. 532, 548 (1897)	9
<u>Blackburn v. ALA.</u> , 361 U.S. 199, 205 (1960)	9
<u>Massiah v. U.S.</u> , 377 U.S. 201, 206-07 (1964)	9
<u>U.S. v. Leon</u> , 468 U.S. 897, 906 (1984)	9
<u>Brady v. MD.</u> 373, U.S. 83, 87 (1963)	9
<u>U.S. v. Bagley</u> , 473 U.S. 667, 682 (1985)	9
<u>Kyles v. Whitley</u> , 514 U.S. 419, 435 (1995)	9
<u>Silva v. Brown</u> , 416 F.3d 980, 986 (9th Cir. 2005)	9
<u>U.S. v. Lloyd</u> , 71 F.3d 408, 411 (D.C. Cir. 1995)	9
<u>Yarborough v. Gentry</u> , 540 U.S. 1, 4 (2003)	10
<u>Mc Mann v. Richardson</u> , 397 U.S. 759, 771 n.14 (1970)	10
<u>Cuyler v. Sullivan</u> , 446 U.S. 335, 344-45 (1980)	10
<u>Toro v. Quarterman</u> , 498 F.3d 486, 490 (5th Cir. 2007)	10
<u>Stewart v. Wolfenbarger</u> , 468 F.3d 338, 361 (6th Cir. 2006)	10
<u>Dugas v. Collan</u> , 428 F.3d 317, 332 (1st Cir. 2005)	10
<u>Ramonez v. Berghuis</u> , 490 F.3d 482, 488 (6th Cir. 2007)	11
<u>Mickens v. Taylor</u> , 535 U.S. 162, 166 (2002)	11
<u>Mimmelman v. Morrison</u> , 477 U.S. 365, 385 (1986)	11

CASES

PAGE NUMBER

<u>Arizona v. Willis</u> (cite omitted)	6
<u>Reynoso v. Giurbinio</u> , 462 F.3d 1099, 1110-20 (9th Cir. 2006)	11
<u>U.S. v. Weathers</u> , 493 F.3d 229, 230-39 (D.C. Cir 2007)	11
<u>Simmons v. South Carolina</u> , 512 U.S. 154 (1994)	11
<u>Lynch v. Arizona</u> , (cite omitted)	11
<u>Apprendi v. N.J.</u> , 530 U.S. 466, 475-76 (2000)	11
<u>Blakely v. Washington</u> , 542 U.S. at 310 (2004)	11
<u>Plumlee v. Del Papa</u> , 426 F.3d 1095, 1106-07 (9th Cir. 2005)	12
<u>Slutzker v. Johnson</u> , 393 F.3d 373, 387-88 (3rd Cir. 2004)	12
<u>Youngblood v. W.V.</u> , 547 U.S. 867, 869-70 (2006)	12
<u>Joseph v. Loyle</u> , 469 F.3d 441, 471-72 (6th Cir. 2006)	12
<u>U.S. v. Johnson</u> , 228 F.3d 920, 926 (8th Cir. 2000)	12
<u>Rhevark v. Shaw</u> , 628 F.2d 297, 302-03 (5th Cir. 1980)	12
<u>Loe v. Thurman</u> , 992 F.2d 528, 531-32 (9th Cir. 1990)	12
<u>U.S. v. Ingram</u> , 446 F.3d 1332, 1337 (11th Cir. 2006)	12
<u>U.S. v. Rodriguez</u> 518 F.3d 1072, 1080 (9th Cir 2008)	5

STATUTES AND RULES

Arizona Rules of Criminal Procedures Rule 81	5
Arizona Rules of Criminal Procedures § 13-4221	8
Arizona Rules of Criminal Procedures Rule 13-2809	8
Arizona Rules of Criminal Procedures Rule 1101	9
Arizona Rules of Criminal Procedures Rule 32.1 (e)	11
Arizona Rules of Criminal Procedures § 13-2407	12
Arizona Rules of Criminal Procedures § 13-2409	12

TABLE OF CONTENTS

PAGE

Constitutional and Statutory Provisions Involved	1A
Statements of Case and Legal argument	1-14
Reasons for Granting The Petition	14
Conclusion	14

Index of Appendix

APPENDIX A	Index of Record
APPENDIX B	status hearing order
APPENDIX C	Notification of rights
APPENDIX D	Decision order Rule 32

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

I WAS DENIED MY CONSTITUTIONAL RIGHTS UNDER THE 4TH, 5TH, 6TH, 8TH AND 14TH AMENDMENTS, THE RIGHT TO A DIRECT APPEAL, AFTER BEING FOUND GUILTY BY A JURY ON FEB. 11TH, 2002

SEVEN AND ONEHALF YEARS LATER ARIZONA UNCONSTITUTIONALLY PUT ME INTO DOUBLE JEOPARDY BY TRYING ME TWICE ON THE SAME INDICTMENT, DENYING ME MY CONSTITUTIONAL RIGHT TO A DIRECT APPEAL FROM/ON/TO THE 1ST TRIAL.

- 4TH AMENDMENT OF THE UNITED STATES CONSTITUTION
- 5TH AMENDMENT OF THE UNITED STATES CONSTITUTION
- 6TH AMENDMENT OF THE UNITED STATES CONSTITUTION
- 8TH AMENDMENT OF THE UNITED STATES CONSTITUTION
- 14TH AMENDMENT OF THE UNITED STATES CONSTITUTION

FUNDAMENTAL ERROR

HENDERSON 210 ARIZ. AT 567

STATE V. HUNTER 142 ARIZ. 88, 90 (

FULMINATE 499 U.S. AT 310 : STRUCTURAL ERROR

PESS V. U.S. 284 F3d 677, 681-82 (11TH CIR. 2002)

U.S. V. WOLFE 245 F3d 257, 261 (3RD CIR. 2009) : PLAIN ERROR

STATEMENT OF THE CASE AND LEGAL ARGUMENTS

Question One

The facts in question one showing the Manifest of injustice, Miscarriage of justice and complete violation of 5th, 6th and 14th Amendments of the U.S. Constitution. The State of Arizona did not follow Due Process, Rules of Criminal Procedures by causing an 8yr. delay from time of arrest to vacating Petitioners Sentences and conviction, 7yrs. after 1st Trial. The Indictment should have been dismissed as well.

The Right to a Speedy Trial attaches at time of arrest. The remedy for a violation of this right is to dismiss Indictment and vacate any sentence that has been imposed, "This never Happened!"

Focusing on the four factors articulated by the Supreme Court in "Baker VS. Wingo": (1) Length of delay; (2) Reason for delay; (3) Whether, when and how the defendant asserted the speedy trial right; (4) Whether the defendant was prejudiced by the delay.

The first "Baker Factor" the length of delay is a "Triggering Factor" "Because" [Until there is some delay which is presumptively prejudicial, "there is no necessity for inquiry into the other Factors,"

Courts generally hold that a delay in excess of one year is presumptively prejudicial. We are talking 8.5 years for a trial to take place! How much more prejudicial can you get? Arizona is saying 1st trial never happened and I have no right to challenge conviction. A denial of 5th, 6th and 14th Amendments of "due process", and attaches double jeopardy plain error.

Abney VS. U.S. 431 U.S. 651, 658-59 (1977) (Denial on Motion to Dismiss Indictment on Double Jeopardy Grounds is Collateral Issue and immediately Appealable because delay Irreparably Harms Defendants right not to be tried for same offense); See Also Witte VS. U.S., 515, U.S. 389, 398 (1995) (Denial of Motion to Dismiss Indictment on Double Jeopardy Grounds Immediately Appealable Even when defendant not yet convicted a second time); Justices of Boston Mun. Court V. Lydon, 466 U.S. 294, 302-03 (1984) (Same); Flanagan V. U.S., 465 U.S. 259, 266 (1984) (Same); See, E.g., U.S. V. Toribio-Lugo, 396 F.3d 33, 37 (1st cir. 2004) (Denial of motion to dismiss Indictment Immediately Appealable because of Double Jeopardy Claim). U.S. V. Elliot, 444 F.3d 1187, 1192 (9th Cir.) (Denial of ~~motion~~ Pretrial Motion to dismiss Indictment on Double Jeopardy grounds Immediately Appealable as Collateral Order). Amended by 463 F.3d 858 (9th CIR. 2006)

U.S. V. Curry, 328 F.3d 970, 972 (8th CIR. 2003) (Denial of Motion to dismiss on Double

Jeopardy Grounds Immediately appealable if colorable Double Jeopardy Claim made, which "Requires a showing of previous Jeopardy and the threat of repeated Jeopardy. This has been shown through out my writ of Certior, and petition for rehearing." The 6th Amendment to the United States Constitution, and the U.S. Supreme Court has determined that "The Right to Counsel is the right to effective assistance of counsel."

Strickland V. Washington, 466 U.S. 668, 694, 104 S.Ct. 2052, 2068 (U.S. 1984) The defendant must show that there is a reasonable probability that, but for Counsel's Unprofessional errors, The result of the proceeding would have been different."

Strickland V. Washington, 466 U.S. 668, 691, 104 S.Ct. 2052, 2066 (U.S. 1984) "[C]ounsel has a duty to make reasonable investigations Unnecessary." Also See Blackledge V. Perry, and Blackledge V. Allison (Cite Omitted)

Ineffective assistance of PCR Counsel, Which Petitioner has a right to.

Martinez V. Ryan, 566 U.S. (2012). I have been denied these rights, have shown proof through out this Writ of Certior. I have shown prejudice as well, Shown in Bucks V. Davis, 137 S.Ct. 759 (2017).

This clearly was a violation of substantial rights of the petitioner to a full and fair opportunity for a fair appeal process. ~~This is a fundamental error leading~~ A violation of the Constitutional Right to Due Process. These delays went on for years prejudicing Petitioner's opportunity for a fair appeal process. This is a fundamental error leading to a definate "Miscarriage of Justice" ... It also undermines the Due Process of the 5th Amendment of U.S. Constitution. Appendix A. "Index of Record for complete review"

Question Two

U.S. V. Blood, 435 F.3d 612, 629 (6th CIR. 2006) (Defendant Must Show Government's Involvement in Creating Crime "SO BIG That a criminal prosecution for the [CRIME] Violates the fundamental principles of Due Process") How much greater can you get?

Courts will dismiss Indictments for Government Misconduct outside the Indictment process on Due Process Grounds only if such Conduct is so outrageous that it violates "Fundamental Fairness" or is "Shocking to the ~~point~~ of Universal sense of justice."

U.S. V. Gillis, 223 F.2d 549, 554 (4th CIR. 1955) SEE ALSO

U.S. V. Malady, 960 F.2d 57, 59 (8th CIR. 1992) ("To obtain Reversal, a Defendant must show the missing part of the transcript(s) specifically prejudices the appeal."); SEE Generally Sheldon R. - Shapird, Annotation, Prejudicial effect of Federal District Court Reporters Omissions Constitute Failure to

Comply with Court Reporter Act, 28 U.S.C.A. SEC. 753(b), 12 ALR. FED. 584 (Collecting Cases).

U.S. v. Selva, 559 F.2d. 1303, 1305 (5th CIR. 1977). If defendant was represented by a different attorney on appeal, "The absence of a substantial and significant portion of the record, even absent any showing of specific prejudice error, is sufficient to mandate reversal".

It was Fundamentally Unfair and prejudicial to the Petitioners ability to have a fair and proper direct appeal and this fundamental error was not harmless. Further this also shows structural error, The reliability and fairness of that trial is fundamentally undermined. Can never be found to be harmless.

The showing of cause and prejudice is not required if; Relief is based on a Constitutional Violation that may have resulted in a fundamental miscarriage of justice, denying my 5th and 14th Amendments of U.S. Constitution. How much greater an example of such manifest in justice can there be, when the Petitioner was denied a Constitutionally Protected right to a direct appeal, then tried twice on same Indictment, Placed twice in jeopardy on same charge, I.E. Double Jeopardy, Appendix B will show the illegal order from the Superior Court of Arizona which clearly violates the 5th, 6th, and 14th Amendments of the U.S. Constitution.

The U.S. Supreme Court is supposed to uphold these injustices of law. By Law the Indictment should have been dismissed. However Arizona abused its discretion and allowed a second trial, placing Petitioner in jeopardy twice I.E. Double jeopardy. No Due Process was followed causing a 7 year delay which clearly shows Extreme prejudice against Petitioner. Overturning this case is the only justice that can be lawfully justified.

Question Three

Being tried twice on same Indictment is the definition of Double Jeopardy Clause under the 5th, 8th and 14th Amendments of U.S. Constitution. The prohibition of Double Jeopardy applies not only to "life or limb" but also to "Imprisonment and Monetary Penalties." SEE Dept. of Rev. v. Kurthranck, 511 U.S. 767, 769 (1994). SEE ALSO Mena v. New York

ExParte Lang, 85 U.S. (18 WALL) 163, 168-169 (1873) (Double Jeopardy Protection applies to every or information charging party with crime or Misdemeanor). The 14th Amendments Due Process Clause extends the Double Jeopardy Clause's protections to state prosecutions. SEE Benton v. Md. 395 U.S. 784, 794 (1969). ExParte Lang, 85 U.S. (18 WALL) 163, 176 (1874) (Defendant who suffered full

Punishment for offense could not be subjected to another.

Walck V. Edmondson, 472 F.3d 1227, 1235 (10th CIR, 2007) (Jeopardy attached when Jury Impaneled and sworn.),

OHLIV. Johnson 467 U.S. 493, 498 (1984). The Supreme Court has articulated policy justifications for each protection conferred by the Double Jeopardy Clause. The prohibitions against second prosecutions after acquittal or conviction protect individuals from the continued embarrassment, anxiety and expense of second prosecution, while decreasing the risk of an erroneous conviction or an impermissibly enhanced sentence, See ID. AT 498-99. The protection against cumulative punishments confines courts' sentencing discretion to the legislative limits, See ID. AT 499.

When Jury Panel was sworn in, Double Jeopardy clause was involved. Clause provides Three separate protections. (1) Protection against second prosecution for the same offense after an acquittal; (2) Protection against second prosecution for the same offense after a conviction; and (3) Protection against multiple punishments for the same offense. The U.S. Supreme Court has an obligation to follow law and overturn cases that the state blatantly shows they did not follow the law of the land defying the 5th, 8th and 14th Amendments of the U.S. Constitution. Showing Fundamental, Structural, and plain error. Complete Miscarriage of Justice, no Due Process whatsoever, and a clear case of Double Jeopardy. In Appendix A you will see the clear vindictiveness of prosecution, you will see the clearly perjured testimony of the state witnesses that lied about how the body was found. You will have the perjured testimony of the prosecution for 7 yrs. Stating they had the Transcripts. Denied "Order" from Court of Appeals shown in Appendix E of Certiorari. This Court needs to review complete Dockets to see manifest of injustice the State of Arizona put me through.

A Court of Appeals can correct an error not arrised at trial only if there is a plain error that affects substantial rights.

U.S. V. Lewis, 492 F.3d 1219, 1220-22 (11th CIR, 2007) (Double Jeopardy Claim reviewable under plain error standard though not raised at trial because defendand took no affirmative steps to voluntarily waive claim). U.S. V. Trett, 447 F.3d 421, 424 (5th CIR, 2006) (Plain Error review because Defendant first raised legal argument on appeal). ALSO REFER TO CASE LAWS ON PAGE 1 and 2 of This PETITION.

U.S V. Torres, 901 F.2d 205, 228 (2nd CIR, 1990) (Plain Error where instruction

Resulted in Mandatory Life Imprisonment W/O Parole because instruction contained Ex Post Facto Clause Violation);

U.S. V. Jackson, 443 F.3d 293, 301 (3rd CIR. 2006) (Plain Error where defendant convicted of 2 crimes on same facts in violation of 5th Amendment right to be free from duplicative prosecutions and punishment").

OLANO, 507 U.S. AT 732; See Also Jones, 527 U.S. AT 388-89 (Appellate Courts Plain Error review discretionary and should be exercised only if it "Seriously affects the fairness, integrity, or public reputation of Judicial proceedings").

U.S. V. Brown, 450 F.3d 76, 79 (1st CIR. 2006); See Also U.S. V. Rendon-Duarte, 490 F.3d 1142, 1146 (9th CIR. 2007) (Appellate Court may exercise discretion to correct an error seriously affecting fairness, integrity, or public reputation of Judicial Proceedings). This U.S. Supreme Court needs to review case in full and correct this abomination of Justice imposed by the State of Arizona.

Question Four

Both while at jail and Hospital I was illegally Interrogated W/O being read my Miranda Warnings. Which is a clear violation of my 5th Amendment right Guaranteed by U.S. Constitution.

Miranda V. Arizona, 384, U.S. AT 444, 479 (Absent proof that proper warnings given and valid waiver of rights made by accused, evidence obtained through Custodial Interrogation Inadmissible at trial); See E.G., U.S. V. Mittel-Carey, 493 F.3d 36, 40 (1st CIR. 2007) (Statements inadmissible because Miranda warnings not given prior to Custodial Interrogation); U.S. V. Lafferty, 503 F.3d 293, 302-03 (3rd CIR. 2007) (Statement inadmissible because defendant did not waive right to silence). "Ethics Conduct of Judge Rule 81 Ariz. Miranda rights."

U.S. V. Griffin, 992 F.2d 1343, 1355 (8th CIR. 1990) (Statements inadmissible because Miranda Warnings not given prior to Custodial Interrogation); U.S. V. Rodriguez, 518 F.3d 1072, 1080 (9th CIR. 2006) (Statements inadmissible where interrogator failed to Clarify Defendants ambiguous to Miranda Warnings).

In Appendix C Notification of right you will see no initials next to "Do You Understand These Rights?" or "Will You Voluntarily Answer My Questions?" You can also see where one time was crossed out and another put in. If you listen to the tape of interrogation no where on there was I ever read my miranda rights. Proving they illegally interrogated me at the Jail ~~and in the hospital~~ Denying Me My 5th Amendment right of U.S. Constitution. In Appendix A your review of Record will show all suppression hearings through out this case should have been Granted. They Denied me Due Process of Law and Maliciously Prosecuted this case. The U.S. Supreme Court needs to overturn the injustices ~~caused by~~ the State of Arizona, Unconstitutionally Invoked.

on Petitioner, Both at Jail and in the hospital were Dr. From Seabhs Ed Radmore determined Petitioner was in no condition to be questioned. Petitioner was not under arrest Durring Illegal questioning at hospital. No Due Process, Complete abomination of justice.

Question Five.

The 4th Amendment of the United States Constitution protects from and against Unreasonable searches and seizures and the usual remedy is suppression of illegally seized evidence.

Mapp V. Ohio, 367 U.S. 643, 655 (1941) (Barring use in state courts of evidence seized in violation of 4th Amendment); See Also Arizona V. Willis. Cite omitted

Fourth Amendment protects against warrantless search and seizures. Terry V. Ohio, 392 U.S. 1, 20 (1968) ("Police Must, whenever practicle, obtain advance judicial approval of searches and seizures through the warrant procedure."). U.S. V. KOW, 58 F.3d 423, 428 (9th CIR. 1995) (All evidence seized pursuant to warrant suppressed because no substantial part of warrant sufficiently particularized). ©

No warrant was obtained prior to Officers entering residential residence on private property. The evidence obtained was prejudicial due to the fact the body and the crime scene was moved and Illegally searched prior to warrant ever being issued, as well as to all photos of crime scene. The scene was contaminated and staged, prior to investigators arriving to secure crime scene in natural state. All evidence should have been suppressed by 4th Amendment Law. Illegal search and seizure. Overturn with prejudice is required.

Question Six

Durring the Grand Jury Proceedings, Deputy County Attorney, Candice Pardee, violated the Petitioners rights protected under the 5th and 14th Amendments of the U.S. Constitution, ~~by producing~~ and articles 2 and 4 of the Arizona State Constitution, by producing False Information to Grand Jury lead to vindictiveness and Malicious Prosecution. Bringing an Indictment of 1st Degree Murder with no factual evidence only opinion and false evidence. (See) (Motion to Dismiss NO. 15 in Index of Record Appendix A. Filed March 26, 2001).

U.S. V. Hogan, 712 F.2d 757, 761 (2nd CIR. 1983) (Prosecutorial Misconduct when prosecutor deceived Grand Jurors as to quality of Hearsay Testimony, Argued Defendant was "A Real Hoodlum", Accused Defendant of crimes not investigated by Grand Jury, and allowed Government Agents to make false and Misleading statements, Prejudicing Defendant).

U.S. V. Faurtado, 191 F.3d 420, 423-25 (4th CIR. 1999) (Unintentional Prosecutorial Misconduct

by Agent who connected Defendant to killing of Officer Unrelated to Indictment Warranted Dismissal because of doubt that Grand Jury Indictment free from influence; Dismissal W/O Prejudice was appropriately narrow remedy for inadvertent Testimony).

U.S. V. Desalvo, 26 F.3d 1216, 1221 (2nd CIR. 1994) (Grand Jury Testimony Given under use Immunity properly admitted in prosecution for perjury During Testimony).

U.S. V. Perez, 67 F.3d 1371, 1381 (9th CIR. 1995) (Particularized need not shown by speculative claims that Assistant Attorney, Rather than witnesses, Testified before Grand Jury, and DEA Agent recited beliefs rather than facts).

U.S. V. Heffington, 682 F.2d 1075, 1080 (5th CIR. 1982) (Dismissal of Indictment Justified only if prosecutor's ~~remarks~~ prejudicial remarks so biased that Grand Jurors vote was based on the bias).

U.S. V. Poole, 407 F.3d 762, 772 (6th CIR. 2005) (Denial to Motion to dismiss indictment for vindictive prosecution reviewed for abuse of discretion). U.S. V. Childs, 447 F.3d 541, 544-45 (7th CIR. 2006) (Denial of Motion to dismiss Indictment for prosecutorial Misconduct Reviewed for abuse of discretion).

U.S. V. Nolan-Cooper, 155 F.3d 221, 229 (3rd CIR. 1998) (Denial of Motion to dismiss Indictment for outrageous Government Conduct Reviewed DE NOVO if based on legal conclusions).

U.S. V. Simpson, 927 F.2d 1088, 1091 (9th CIR. 1991) (Dismissal of Indictment with prejudice encroached on Prosecutor's charging authority and is permitted only in cases of flagrant prosecutorial Misconduct).

U.S. V. Phillips, 367 F.3d 846, 855 N.25 (9th CIR. 2004) (Validity of Indictment affected by alleged ~~insufficiency~~ Insufficiency of evidence where Government did not contest facts that court Considered in resolving question of law).

In Ruggiero, however, the 2nd Circuit noted that "the use of Hearsay evidence before a Grand Jury may render an Indictment invalid if (1) the Government misleads the grand Jury into thinking it is receiving first hand testimony... or (2) If there is high probability that the Defendant would not have been Indicted had only non-hearsay evidence been used." 934 F.2d 440, 447 (2nd CIR. 1991)

This U.S. Supreme Court should overturn with prejudice, all the prosecutor misconduct has been shown. Arizona followed no discretion what so ever there was no way to have a fundamentally fair trial with all mishandled testimony.

Question Seven

This U.S. Supreme Court needs to review why my 5th Amendment of the U.S. Constitution right was violated, when State of Arizona Cremated body prior to defense able to do own Autopsy, which violates 13-4221 of the Arizona Rules and Criminal Procedures, (Preservation of Biological evidence; Retention Period)... This left Defense with only photos and a minimal report by Dr Flores.

The Defense obtained Expert witness Richard Wayne Trepeta who observed the photos and report by Flores. Dr. Trepeta gave a more factual and accurate report ~~to~~ of what happened, showing Erickson was the actual victim of a vicious attack. Also shows Police perjured their testimony as to how body was face down when in fact the body was face up. See Appendix D of Certiori Trepeta's Partial testimony Full transcript on Record; (Complete Transcript).

U.S. V. Cooper, 983 F.2d 928, 931 (9th CIR. 1993) (Due Process Violation when Government destroyed Laboratory Equipment Allegedly used by Defendant to Manufacture Methamphetamine because Equipments ~~possible~~ possible Exculpatory value was apparent after repeated suggestions to Government Agents that such equipment could not withstand high temperatures required to make Methamphetamine).

McMillian V. Johnson, 88 F.3d 1554, 1568-69 (11th CIR.) (Brady Violation when Police concealed evidence favorable to Defendant from Prosecutor). This Court needs to make Precedant for I have found nothing on destruction of body prior to trial being completed. A complete 5th Amendment and Due Process Miscarriage of Justice, Vindictive and Malicious Prosecution. This Injustice of the American People "Can Not" Continue to happen. Requesting Dismissal w/ Prejudice.

Question Eight

The Petitioner States that this Prosecutorial Misconduct deprive Petitioner of 5th, 6th and 14th Amendments of the U.S. Constitution, as the Arizona Rules of Criminal Procedures, Rule 13-2809 States;

- (1) Tampering with physical evidence - destroys, mutilates, alters, conceals or removes physical evidence with the intent to impair its verity or availability.
- (2) or - knowingly makes, produces or offers any false evidence.

Through out the testimony of Dr. Trepeta, it shows perjured testimony of both officers and EMT's on how the body was not face down but infact face up. Shown by the Science of liver Mortus. Both of their testimonies state how they moved the body around several times prior to the investigators taking photos of crime scene. By doing this it allowed false testimony as well as false evidence. They destroyed,

altered and concealed whole crime scene.

Then gave false and inaccurate information to get a First Degree Murder charge on the Grand Jury Indictment, followed by all transcripts from first trial which proves this. Dr. Trepeta's Testimony was key to all perjured Testimony and all false accusations. It proved structural, plain, Fundamental error as well as 4th, 5th, 6th, 8th and 14th Amendment of U.S. Constitution rights violations. There was no Factual Evidence to prove Premeditated Murder. Somehow all Transcripts came up missing, Denying Petitioner his Constitutional Right of Due Process to challenge sentence and conviction. This Miscarriage of Justice is a complete Manifest of Justice. It was not harmless and prejudiced Petitioner of a fundamentally fair trial and or appeal of first trial.

Elkins v. U.S., 364 U.S. 206, 208 (1960) (Illegal evidence gathered by state officers cannot be used in Federal Courts). The exclusionary Rule also applies in State Courts to evidence obtained through a 4th Amendment violation. See Mapp v. Ohio, 367 U.S. 643, 654-55 (1961).

Bram v. U.S., 168 U.S. 532, 548 (1897) (Evidence obtained through 5th Amendment violations is excluded in Federal Court). The exclusionary Rule also applies in state courts to evidence obtained through a 5th Amendment violation. See Blackburn v. ALA., 361 U.S. 199, 205 (1960)

Massiah v. U.S., 377 U.S. 201, 206-07 (1964) (Statements excluded because they were deliberately elicited in violation of Defendant's 6th Amendment right to Counsel). See U.S. v. Leon, 468 U.S. 897, 906 (1984).

Arizona Rules of Criminal Procedure, Rule 1101 States: Premeditation means that the Defendant acts with either the intention or the knowledge that he will kill another human being, when such intention or knowledge precedes the killing by any length of time to permit Reflection. An act is not done with premeditation if it is the instant effect of a sudden quarrel or Heat of passion. In Dr. Trepeta's testimony it shows sudden quarrel and Petitioner was the victim with Young attacking Petitioner from on top. Brady v. MD., 373 U.S. 83, 87 (1963) A structural discovery error occurs when the Government ~~withholds~~ withholds Material favorable evidence and there is a reasonable probability that disclosure would have altered result of the trial. See Also U.S. v. Bagley, 473 U.S. 667, 682 (1985). See Kyles v. Whitley, 514 U.S. 419, 435 (1995) (Once Unconstitutional suppression ~~error~~ error found, No need for harmless error review); See E.G., Silva v. Brown 416 F.3d ~~980, 986~~ 980, 986 (9th Cir. 2005) (Once Material of suppressed evidence is established, "No Further Harmless error Analysis is necessary"); U.S. v. Lloyd, 71 F.3d ~~408, 411~~ 408, 411 (D.C. Cir. 1995) (New trial Motion based on evidence withheld in violation of Brady cannot be denied on basis new trial would not have produced Different outcome; Such violations not subject to Harmless error Analysis).

Brady violation shown in Appendix D, where they state the testimony of Dr. Trepeta did not exist. By doing so, they perjured and tried to hide exculpatory evidence in proving no premeditation existed, only self defense of brutal attack, as Petitioner testified to. This U.S. Supreme Court who should review this case in full and overturn this wrongful conviction with prejudice, In the name of Justice for all Americans who are brutally attacked in their own homes and prosecuted unjustly.

Judge abused his discretion when he allowed this case to go into Jury deliberations with no evidence to support a first degree Murder charge, Double Jeopardy attached and no Due Process at all. I have proven all constitutional claim as well as all error to show how the State of Arizona mishandled this case so badly and showed how it denies American Citizens the right to fair and equal justice, shows there is no justice.

Question Nine

In second trial Judge Hoggatt should have Recused himself knowing he had to overturn a case in 2000. The illegally obtained second trial was prejudiced and bias Due to the fact that Judge Hoggatt previously ruled in a case He lost. When the Judge still allowed me to be tried on same Indictment with same evidence minus all exculpatory evidence in favor of Petitioner and let Double Jeopardy Happen. Then giving me a public Defender who was completely incompetent to handle a case of this magnitude and did not understand Double Jeopardy or issues of being tried twice on same illegal Indictment, using the same evidence that was illegally obtained and falsely presented. There was no defense or investigating into this case at all, causing all 6th, 8th and 14th Amendments of U.S. Constitutional rights to be violated with extreme prejudice.

Yarborough V. Gentry, 540 U.S. 1, 4 (2003); See Also McMann V. Richardson, 397 U.S. 759, 771 n.14 (1970) (6th Amendment right to counsel is right to effective assistance of counsel). The right to effective assistance applies to both Retained and appointed counsel, See Cuyler V. Sullivan, 466 U.S. 335, 344-45 (1980).

Toro V. Quarterman, 498 F.3d 486, 490 (5th CIR. 2007) (Presumption applicable when counsel did not hire outside expert in accordance with clients Direction). Asked Counsel repeatedly to retain Dr. Trepeta for Trial, knowing testimony critical for defense, prejudiced shown by denial.

Stewart V. Wolfenbarger, 468 F.3d, 338, 361 (6th CIR. 2006) (Counsel's failure to investigate favorable witness or to call 2 additional alibi witnesses was prejudicial because testimony "would have severely undercut" Prosecutions strongest witness).

Dugas V. Coplan, 428 F.3d 317, 332 (1st CIR. 2005) (Counsel's failure to investigate possible defense

was ineffective assistance). Ramonez V. Berghuis, 490 F.3d 482, 488 (6th CIR, 2007) (Counsel's failure to question potential witness was unreasonable because minimum investigation would have revealed their usefulness). Mickens V. Taylor, 535 U.S. 162, 166 (2002) (Prejudiced presumed when assistance of counsel "Denied entirely or during a critical stage of the proceeding").

Kimmelman V. Morrison, 477 U.S. 365, 385 (1986) (Counsel's failure to conduct any pretrial discovery and failure to file timely Suppression Motion was prejudicial because unreasonable and below prevailing professional norms). Ramonez V. Berghuis, 498 F.3d 482, 483-91 (6th CIR, 2007) (Counsel's failure to interview three witnesses before trial was ineffective assistance because their testimony would have undermined key element of prosecution's case). Reynoso V. Giurbino, 462 F.3d 1099, 1110-20 (9th CIR, 2006) (Counsel's failure to interview key witnesses before trial about their knowledge of reward for information leading to conviction was ineffective assistance because credibility of witness "was determinative" and failure to interview lead to failure to "elicit essential impeachment evidence" through cross examination). U.S. V. Weathers, 493 F.3d 229, 230- (D.C. CIR, 2007) (Counsel's failure to assert timely claims of Double Jeopardy violation was ineffective assistance because there was reasonable probability that defendant would have prevailed on merger argument and neglecting to challenge duplicitous counts was not ~~not~~ objectively reasonable tactical decision").

The Malicious tactics of the prosecution which caused a prejudicial 7.5 year delay and violations of the 6th, 8th and 14th Amendments of the U.S. Constitution to take place. Cruel and Unusual punishment is not an exaggeration in this complete mishandling of Petitioner's case. Manifestation of justice is clear through out. Petitioner has a Constitutionally protected right to be sentenced by a jury - Simmons V. South Carolina, 512 U.S. 154 (1994); Lynch V. Arizona, (Cite omitted) Apprendi V. N.J., 530 U.S. 466, 475-76 (2000) (Sentence enhancement beyond statutory maximum requires Jury finding beyond reasonable doubt). See Blakely V. Washington, 542 U.S. AT 310 (2004).

Not only was Petitioner's sentencing an error, but whole trial was illegally obtained. Dismissal W/ Prejudice is the only legal precedent.

Question Ten

Newly discovered evidence under Arizona Rules and Procedures. Rule 32.1(e) Recognizes newly Discovered material facts probably exist and such facts probably would have the verdict of sentence. Newly discovered material facts exist if: (1) the newly discovered material facts were discovered after the trial. (2) The defense exercised Due Diligence in securing the newly discovered material facts. (3) The newly discovered material facts are not merely

cumulative or solely for impeachment... which comes of critical significance at trial, such that the evidence probably would have changed the verdict or sentence. Interference-Obstruction A.R.S. 13-2407, 13-2409 2-3 opinion experts exam.

Due to prosecution vindictively saying Dr. Trepeta's Testimony or Transcripts did not exist and Petitioners Counsel not doing any type of investigation or submitting any suppression Motions at all, absolutely no Defense what so ever, Plumlee V. DelPapa, 426 F.3d 1095, 1106-07 (9th CIR. 2005) (6th Amendment violation because conflict with appointed counsel so great as to render assistance equivalent to "No Representation at all"). No transcripts of first trial were ever investigated due to the fact Prosecution said they did not exist. Completely perjuring testimony of the State of Arizona.

Slutzker V. Johnson, 393 F.3d 373, 387-88 (3rd CIR. 2004) (Undisclosed Police Reports were material because could be used to impeach witnesses when trial Testimony was inconsistent with reports).

Youngblood V. W.V., 547 U.S. 867, 869-70 (2006) (Brady Claim for allegations that State Trooper suppressed material evidence).

Joseph V. Loyle, 469 F.3d 441, 471-72 (6th CIR. 2006) (Brady Violation because witnesses undisclosed Testimony Transcripts, notes on witness interviews, and immunity agreement, taken together, would have impeached Prosecution's Critical Witness).

Exculpatory evidence is evidence "Favorable to the Accused" Balley, 473 U.S. AT 676 (Quoting Brady, 373 U.S. AT 87). All of Dr. Trepeta's Testimony was Exculpatory. Would have impeached all States Witnesses for lying about how the body was originally found as well as crime scene.

U.S. V. Johnson, 228 F.3d 920, 926 (8th CIR. 2000) (Abuse of Discretion when court excluded Expert Testimony and failed to consider less severe sanctions).

Rheark V. Shaw, 628 F.2d 297, 302-03 (5th CIR. 1980) (2 yr. delay in furnishing Trial Testimony Transcript needed for appeal violated Due Process under 4-Part Baker Test); CDEV. THURMAN, 922 F.2d 528, 531-32 (9th CIR. 1990) (4 yr. delay caused in part by Government, during which time appellant continually asserted rights, Violated Due Process). U.S. V. Ingram, 446 F.3d 1332, 1337 (11th CIR. 2006) (Placing burden of explaining delay on Government because Government has affirmative constitutional obligation to Try Defendant in Timely manner).

This qualifies as newly discovered evidence by preponderance of Facts. Petitioner has proven all Constitutional

Violations, all error, Brady violations, Double Jeopardy and Denial of Due Process through out this Petition for rehearing as well as Certiorari. I am asking this U.S. Supreme Court to review and Dismiss w/Prejudice for the justice to prevail to all American Citizens.

Reasons For Granting the Petition For Re-hearing

Through out this Petition for Rehearing and prior Writ of Certiorari I have shown/proven beyond a reasonable doubt that the Constitutional Amendments are law. The State of Arizona, violated appellants 4th, 5th, 6th, 8th and 14th U.S. Constitutional Rights.

Under these laws this case should make Precedent, so the American people are protected from such injustices. The U.S. Supreme Court is the Highest Court in the land and follows law. All my claims are colorful with Merit. Petitioner is Respectfully asking this U.S. Supreme Court to Rule in favor of Justice and full dismissal with Prejudice. The State of Arizona Violated the 4th, 5th, 6th, 8th and 14th Amendments of the U.S. Constitution, Arizona Constitution Article 2 and 4, all fundamental, structural, and plain error, as well as a complete denial of Due Process, Rules and Procedures, Double Jeopardy, Causing Extreme Miscarriage of Justice.

I am Respectfully asking this U.S. Supreme Court to review in full from arrest in Feb, 2 of 2001 to date. This is one of those rare cases that make precedent. This was a complete denial of any type of legal Justice, Manifest of Justice.

Conclusion

Petitioner has served 20 years on a natural life sentence that was illegally obtained. From Day One through mishandled crime scene "Perverting the course of Justice" Fabricating and destroying Crime Scene prior to investigators taking photos of original undisturbed Crime scene, Tampering with evidence. No factual evidence of premeditated Murder only accusations and a lot of fabricated testimony from the State of Arizona. With counsel being incompetent and all the prosecutorial misconduct the petitioner had no chance of a fundamentally or structurally fair trial.

The second Trial 7.5 years later W/O having a direct appeal Prejudiced Petitioner with extreme delay and prosecution perjured himself by repeatedly saying transcripts were produced when in fact he knew no transcripts could ever be produced, Putting Petitioner twice in Jeopardy on same Indictment. Prosecution knowingly hiding Dr. Trepeta's Exculpatory evidence. This Prejudice can never be harmless.

Petitioner Requesting the U.S. Supreme Court to dismiss w/ Prejudice or in alternative lesser inclusive and time served. The Petition for Rehearing Should be Granted.

Respectfully Submitted Nov, 30, 2020 : X *Jon Erickson*

CORRECTED

RULE 44 AND RULE 33. (B) AS ADVISED BY THIS CLERK
OF THE SUPREME COURT OF THE UNITED STATES.

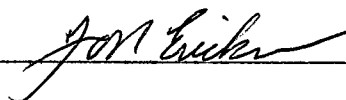
Jon Ecker

NOVEMBER 30, 2020

I JON EDWARD ERICKSON, DO SWEAR OR DECLARE THAT ON THIS
DATE, NOVEMBER 30, 2020 CERTIFY THAT THIS PETITION FOR
REHEARING IS PRESENTED IN GOOD FAITH AND NOT FOR DELAY.

PRO SE

JON EDWARD ERICKSON

A handwritten signature in cursive script that reads "Jon Erickson". The signature is written in black ink and is positioned below the printed name.

CERTIFICATE

I JON EDWARD ERICKSON, DO SWEAR OR DECLARE THAT ON THIS DATE, NOVEMBER 30, 2020 CERTIFY MY 4TH, 5TH, 6TH, 8TH, AND 14TH AMENDMENTS OF THE UNITED STATES CONSTITUTION WERE VIOLATED, AND ARE LIMITED TO INTERVENING CIRCUMSTANCES OF SUBSTANTIAL OR CONTROLLING EFFECT OR TO OTHER SUBSTANTIAL GROUNDS NOT PREVIOUSLY PRESENTED

PRO SE

Notary MARK E WESTFALL

JON EDWARD ERICKSON

DATE November, 27, 2020

Jon Erickson
11-27-20

NOTARIAL JURAT

STATE OF ARIZONA
COUNTY OF PIMA

Subscribed and sworn before me this 27 day
of November, 2020, by

Jon Erickson

Mark E Westfall
NOTARY PUBLIC

