

No. 20-5027

IN THE
SUPREME COURT OF THE UNITED STATES

Christopher Allred — PETITIONER
(Your Name)

vs.

Jeffrey A. Uttrecht, et al — RESPONDENT(S)

ON PETITION FOR A REHEARING TO

U.S. Supreme Court
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR A REHEARING

Christopher Allred, DOC# 392466
(Your Name)

Unit G, Cell GA18 / Coyote Ridge Corrections Center
(Address)

P.O. Box 769 / Connell, WA 99326
(City, State, Zip Code)

n/a
(Phone Number)

[x]

Questions Presented

- 1) Does Due Process require that evidence used to convict an accused person be reliable?
- 2) If I would have been tried in a Federal Court, would I have been given a Federal Grand Jury to defend my life, liberty, and/or property, prior to being charged with an alleged crime under the Due Process Clause of the 5th Amendment?
- 3) Is the Due Process Clause of the 5th Amendment the same as the Due Process Clause of the 14th Amendment?
- 4) If so, was I denied my right to a Grand Jury under the Due Process Clause of the 5th Amendment as it applies to the states?
- 5) Does the Grand Jury inform the nature and cause of the allegations made against a criminal defendant?
- 6) Do the rights incorporated in the 6th Amendment protect the criminal defendant's fundamental rights to a fair hearing of the nature and cause of the allegations prior to being charged?
- 7) Based on Article III, Section 2 of the U.S. Constitution, where a state is a party, does this Supreme Court have original jurisdiction in this matter?

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Statement of Grounds

1. If I was tried in a Federal Court for the exact same charges, I would have been given a Grand Jury.
2. The 6th Amendment fundamental right to be informed of the allegations prior to being charged.
3. The Grand Jury is protected by the Due Process Clause of the 5th Amendment, which is incorporated into the Bill of Rights, through the Incorporation Doctrine, which is made applicable to the states.
4. In Ramos, Hurtado is called into question.
5. The State of Washington is limited by the Equal Protections Clause.
6. The State of Washington violates the separation of powers by infringing upon the check and balance the Grand Jury provides against the prosecutor's absolute power to deprive life, liberty, and property.
7. Because the State of Washington is named as a party, the U.S. Supreme Court has original jurisdiction.

Constitutional and Statutory Provisions Involved

• U.S. Constitution:

Article III, Section 2: The judicial power shall extend to all cases... in which a state shall be party, the Supreme Court shall have original jurisdiction."

5TH Amendment: "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury... nor be deprived of life, liberty, or property, without due process of law."

6TH Amendment: "In all criminal prosecutions, the accused shall enjoy the right to... be informed of the nature and cause of the accusation."

14TH Amendment: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. 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."

• Washington State Constitution:

Article I, Section 26: "No grand jury shall be drawn or summoned in any county, except the superior judge thereof shall order."

Constitutional and Statutory Provisions Involved (cont.)

- Washington State Rules for Superior Court;

Superior Court Criminal (CrR);

Rule 2.2, Warrant of Arrest and Summons.

(c): Requisites of a Warrant, "The warrant shall be in writing and in the name of the State of Washington."

- Rules of the Supreme Court of the United States,

Part VIII. Disposition of Cases - Rule 44. Rehearing.

"1. Any petition for the rehearing of any judgment or decision of the Court on the merits shall be filed within 25 days after entry of the judgment or decision... that it is presented in good faith and not for delay... and will not be granted except by a majority of the Court, at the instance of a Justice who concurred in the judgment or decision. 2... its grounds shall be limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented... 3... In the absence of extraordinary circumstances, the Court will not grant a petition for rehearing without first requesting a response..."

- Rules of the Supreme Court of the United States,

Part IV. Other Jurisdiction - Rule 17. Procedure in an Original Action.

"1. This rule applies only to an action invoking the Court's original jurisdiction under Article III of the Constitution of the United States."

Statement of the Case

I, Christopher Alfred, Petitioner in this case, respectfully asks the Court to grant my Petition for a Rehearing.

Article I, Section 26 of the Washington State Constitution is unconstitutionally vague. The State's practices of drawing or summoning Grand Juries in State criminal proceedings (in accordance with other Washington State statutes, rules, and laws - SEE: Writ of Certiorari, Docket # 20-5027) are also vague, unequal, and contradictory. This Petition for a Rehearing expands upon that argument, by highlighting the important role the Grand Jury plays in the cycle of justice.

Like Betts, if I was tried in a Federal Court, I would have been given my complete Due Process guarantees of a fair hearing, including the right to a Grand Jury, which, interestingly enough, Washington State has. "Justice Black... in Betts v. Brady (1942), emphasized that Betts's petition would have been granted had he been a defendant in federal criminal proceedings, that the petitioner was entitled to the procedural protection provided by the federal Constitution... Betts was ultimately overruled by Gideon v. Wainwright (1963), where the minority position in Betts was unanimously adopted by the Court" (SEE: Work Cited (2), pg. 81).

A fundamental element of Due Process is the adequate notice of the allegations prior to the government's deprivation of one's life, liberty, or property, and the opportunity to be heard and defend one's right to life, liberty, or property. Daniel Webster, in Dartmouth v. Woodward, declared that Due Process of Law meant, "the law which hears before it condemns..." This train of thought can apply to the Grand Jury, who hears all of the "facts" before it condemns or not condemns. Unlike an information from a prosecutor, who

condemns first and then is unwilling to hear, because the goal of the prosecutor is to win cases by proving the defendant's guilt, unfortunately, if the defendant is actually guilty or not, is taken with little regard.

This is about receiving notice of the allegations and a fair hearing concerning the allegations prior to charging. "A person cannot incur the loss of liberty for a criminal offense without notice and a meaningful opportunity to

defend" (Jackson v. Virginia (1979)). "The fundamental requisite of due process of law is the opportunity to be heard" (Grannis v. Ordean (1914)).

"Due process requires that the evidence used to convict an accused person is reliable" (Star v. Oberland (2015)), which is what a Grand Jury determines. "The failure to accord an accused a fair hearing violates the minimal standards of due process" (State of Washington v. Cecil Emile Davis (2000)).

"The Sixth Amendment guarantees a criminal defendant the fundamental right to be informed of the nature and cause of the charges made against him so as to permit adequate preparation of a defense... this guarantee is applicable to the states through the due process clause of the 14th Amendment" (Gault v. Lewis (2007)). The State of Washington requires me to challenge the allegations after the charge by an information and assumption of guilt. This is a violation of my 6th Amendment rights. A Grand Jury would have informed me of the allegations made against me, and if I was indicted, it would have permitted me time to prepare a defense against the allegations.

In state criminal proceedings, Due Process is guaranteed in every step of the process, except for the right to a Grand Jury. That crucial step is skipped, which no longer constitutes as a fair hearing. I did not

1 get a chance to challenge the allegations until after the information.
2 An information creates an arrest warrant. An indictment creates
3 opportunity to defend against alleged accusations. A fair hearing is a
4 crucial part of Due Process; notice of the allegations is a crucial part
5 of Due Process; yet, an information cannot give either of these. Hurtado
6 may say, "that an information can be substituted for an indictment,"
7 but an information cannot be substituted for a fair hearing. Part of the
8 job of the Grand Jury is to have the defendant "save face" if the
9 allegations are proven to be unfounded; however, an information contradicts
10 this philosophy. An indictment says, "innocent until proven guilty." While an
11 information says, "guilty, now prove you are innocent."

12
13 Hurtado states: "Indictment by a grand jury is not part of the due
14 process guarantees of the Fourteenth Amendment that apply to state criminal
15 defendants." Then let Hurtado stand, as long as I can claim my right
16 to a Grand Jury under the Due Process guarantees of the 5th
17 Amendment, which does apply to state criminal defendants. "There are
18 two Due Process Clauses in the U.S. Constitution, one in the 5th
19 Amendment applying to the federal government, and one in the 14th
20 Amendment applying to the states (although the 5th Amendment Due
21 Process Clause also applies to the states under the incorporation doctrine)"
22 (SEE: Work Cited (1) under "Due Process Clause"). Through the process of
23 elimination (and Black's Law Dictionary definition), there are only three
24 portions of the Bill of Rights which are not incorporated; and the Due
25 Process Clause of the 5th Amendment is not one of the three. Therefore,
26 the Grand Jury Clause could legally fall under the protection of the Due Process
27 Clause of the 5th Amendment; which in turn, falls under the protection of
28 the Due Process Clause of the 14th Amendment.

1 However, if the Court deems that Due Process of the 5th Amendment
2 does not apply to the Grand Jury for state criminal defendants, then
3 Hurtado must "not" stand, as it has already been called into question
4 by Ramos v. Louisiana (2020). In Ramos, part of the dissent stated that,
5 "If we took the same approach to the Hurtado question that the majority
6 takes in this case, the holding in that case could be called into question."
7 If Hurtado was actually good case law (which it is not), there would
8 never be a worry of it being called into question. Yet, through Ramos,
9 there is reason to question Hurtado.

10
11 Furthermore, the State of Washington is limited by the Equal Protections
12 Clause of the 14th Amendment, which the Grand Jury Clause also falls
13 under the protection of, and has been entrusted with the role of ensuring
14 that one and all its Citizens, are equally treated by the government under
15 the Clause, equal to every other American. Regardless if it is at the
16 Federal or state level, the guarantee of Equal Protection under the
17 5th and 14th Amendments are equivalent. "This Court's approach to the
18 Fifth Amendment equal protection claims has always been precisely the
19 same as to equal protection claims under the Fourteenth Amendment"
20 (Weinberger v. Wiesenfeld (1975)).

21
22 Without a Grand Jury, there are no separation of powers, and the State of
23 Washington would be, in the words of James Madison, "a judge in his own cause."
24 These separation of powers are a must. A Grand Jury, after hearing all of
25 the evidence presented, decides to either indict or not indict. If the Grand
26 Jury chooses to indict, it is then up to the prosecutor to charge or not
27 charge (the prosecutor cannot charge when there is no indictment). However, in a
28 system reliant on a prosecutor's information, there are no separation of powers.

1 The entire decision to charge falls into the hands of a single person.

2 Our Justice System, like other areas of the government, was created
3 with a clear separation of power. An information removes that separation,
4 yet retains all the power. We simply cannot sacrifice liberty for the
5 sake of convenience.

6
7 Once this nightmare is over and I go home, I do not plan on ever
8 being incarcerated, but the future is unknown. Leading up to this, I had no
9 criminal history; if a false accusation or an unforeseen accident happens in
10 the future, I could once again, have my fate in the hands of the Justice
11 System. I pray that never happens, but if it comes to be, I need the
12 Grand Jury in place to protect my rights of Due Process and Equal
13 Protection of the law. And even though the State stole my life and
14 things can never be as they were, I deserve my life back. To try to
15 rebuild. To be there for my loved ones. This Court can give me a second
16 chance at life, and give me the opportunity to create a brighter future.
17 Ultimately, my petition(s) stem from the need to be granted relief
18 from confinement and having my record expunged. There are just reasons
19 to support, and grant, my request for relief.

Reasons for Granting the Petition

I respectfully ask the Court that this Petition for a Rehearing be heard due to the "Extraordinary Circumstances" presented. I have shown, through the original Habeas, other petitions, and my Writ of Certiorari, that I have preserved my right to Supreme Court review through "original jurisdiction."

Article III, Section 2 of the Federal Constitution states that, "The judicial power shall extend to all cases... in which a state shall be party, the Supreme Court shall have original jurisdiction."

I have demonstrated that:

- 1) There are controversies between the laws of the United States and the laws of Washington State.
- 2) I have called into question the validity of a State's statutes, rules, and/or laws.
- 3) I claim my Rights, my Privileges, and my Immunities under the U.S. Constitution

Through my petitions, you will find that the Respondent has always been the State of Washington. Jeffery Uttecht is my keyholder and representative of the State (SEE: Washington State Rules, pg. 3). The lower courts could not, and should not, have ruled on my case due to the U.S. Supreme Court having original jurisdiction. I petitioned the 9TH Circuit Court of Appeals to Remand my case to the U.S. Supreme Court (the Remand petition is included in my filings with the 9TH Circuit Court). However, my petition went unaddressed, where I filed a Writ of Certiorari directly to the U.S. Supreme Court, where it was denied without the merits of the case being

1 fully presented. I am asking the Court for a chance to be heard,
2 fairly, on the merits of the case, and in good faith. I fall on the
3 mercy of the Court, in asking that this petition be granted.
4

5 I humbly admit that I had no idea what I was doing most of
6 the time, and that the procedures on how to get my case properly presented
7 through each level of the courts were not always followed; not on purpose,
8 but due to a lack of understanding. As a Pro Se litigant, which is not an
9 excuse, I ask the Court for leniency by allowing me to proceed, because
10 if I have learned anything, it is that my case has merit and standing.
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Conclusion

This Petition for a Rehearing should be granted, allowing my
Petition for a Writ of Certiorari to be granted.

Respectfully submitted,

Callan

Christopher Allred

DOC # 392466, Pro Se

Date: 10-25-2020

Resubmitted on November 18, 2020

Callan

Christopher Allred

Petitioner, Pro Se