

No. 20-5324

IN THE SUPREME COURT OF THE UNITED STATES

IN RE JEREMIAH YBARRA, Petitioner

vs.

UNITED STATES OF AMERICA, Respondent.

MOTION FOR LEAVE OF COURT TO FILE A
SUPPLEMENTAL BRIEF TO THE PENDING
WRIT OF MANDAMUS

JEREMIAH YBARRA
Reg#55024-280
FMC ROCHESTER
PMB 4000
Rochester, MN, 55903-4000
Pro Se Litigant

RECEIVED

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SUPREME COURT, U.S.

BACKGROUND

On June 24, 2020, this Honorable Court placed the aforementioned case on the docket for August 11, 2020. On or around August 11, 2020, the respondent waived the right to respond.

ARGUMENT

Petitioner submitted Writ of Mandamus requesting the District Court to submit the requested discovery of the case. Petitioner was denied. Then appealed that decision to the Court of Appeals by way of Mandamus that was also denied. Petitioner is presenting actual innocence of the offense that he was charged with. On the original Writ of Mandamus, petitioner states that there was evidence that was not submitted for consideration by the jury. Petitioner was not able to attain the evidence due to being in transfer. Therefore petitioner would like to be able to present the following documents for the consideration by this Honorable Court for relief. A Writ of Mandamus can be considered as a Writ of Certiorari. Petitioner is requesting that this Court consider the following argument and the documents that are submitted. The documents submitted are the evidence that was not shown to the jury. The other evidence is still in the possession of the government. The pictures that were shown to the jury are the pictures that petitioner has been trying to attain from the respondent. The main question is: How is a Under cover agent supposed to remember that the supposed drugs are the drugs that he purchased from the person he purchased them from? On the pictures shown to the jury, there was no sign of a heat sealed bag or any markings or initials from the person that put them into evidence. The agents made recordings that were not even the petitioner. In the documents, the Forensic Data Analysts, states that the

recordings were edited and that the files were made after the supposed day of the offense. The files were made in the month of August and the offense charged is in July. Petitioner has pleaded his innocence since day one but petitioner feels that since he is of the poor class and has no way of being able to hire or retain an actual lawyer that would have fought for his rights that he is not being heard. Petitioner has been going through mental anguish by losing his mother and not being able to be there for his father that is not really able to do for himself. There is a Grave Miscarriage of Justice when the police and the government are able to gain convictions in violations of the CONSTITUTION and get away with it. Petitioner has evidence where the agents are shown lying about what actually happened. Petitioner cannot gain this evidence due to being incarcerated. Another question is: Does ethics allow a prosecutor to be able to be a witness at the Grand Jury and then be able to prosecute the case? The prosecutor himself stated in the affidavit that he did not present the case to the Grand Jury. Then in another affidavit that was submitted by the prior counsel Ellen Smith, that the prosecutor that prosecuted the case was an expert witness and testified at the Grand Jury about the supposed drugs that were in question. The recording that was heard was never heard or examined by the analyst that analysed the other fake recordings. Petitioner hopes to convince this Honorable Court to stand for Justice and help petitioner gain the relief from this injustice. Petitioner is being harmed by the people that were put to protect the citizens against misguided or vindictive prosecutions.


CONCLUSION

Wherefore premises considered, petitioner request's that this Honorable Court consider the argument and documentation presented by the petitioner and give the relief that is deserved and merited.

IT IS SO PRAYED.

Dated:9-6-2020.

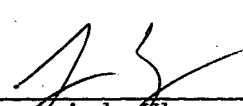
Respectfully Submitted,



Jeremiah Ybarra
Reg#55024-280
FMC ROCHESTER
PPMB 4000
Rochester, MN, 55903-4000

CERTIFICATE OF SERVICE

I, Jeremiah Ybarra, declare under the penalty of perjury that the foregoing is true and correct to the best of my knowledge and I also certify that this correspondence was placed into the mailbox located at this facility on the 6th day of September of 2020 to be deposited into the United States Postal Service to be hand delivered to this Honorable Court.



Jeremiah Ybarra
Reg#55024-280

FORENSIC

DATA

ANALYSTS

Two files were received, stored on a DVD labeled [illegible].

File One was named "Buy-Walk Op bug_2016-07-29_17-02-01_EDT.wav", indicating the following:

- that it contained audio in the WAVE/RIFF format
- that it was created on 29 July, 2016 at 5:02:01 PM Eastern Daylight Time,
- and that it had been edited.

File Two was named "Buy-Walk Op bug_2016-08-03_15-08-10_EDT.wav", indicating the following:

- that it contained audio in the WAVE/RIFF format
- that it was created on 3 August, 2016 at 3:08:10 PM Eastern Daylight Time
- and that it had been edited.

In further evidence of editing, the dates of the files were, respectively, 8/1/2016 at 1342 hrs and 8/8/2016 at 1643 hrs.


File contents were examined and audited. Sound quality seemed to be generally poor, indicating a small microphone or poorly adjusted recording parameters. Large swathes of the recordings apparently had been volume-suppressed and it appeared that others had volume increased to points of distortion, although such distortion may have been due to original mic'ing. Visual analysis of the audio data clearly show effects of editing.

I'd say that, after listening to both tapes, it sounds like a group of junior-high kids trying to pull some sort of prank on someone outside their group. The person they're pranking wants to help them, but doesn't want to take their money and go make the buy. He offers to tell them where to go, then he offers to ride with them and point out the place. They harass him until he finally agrees to do what they ask him to do.

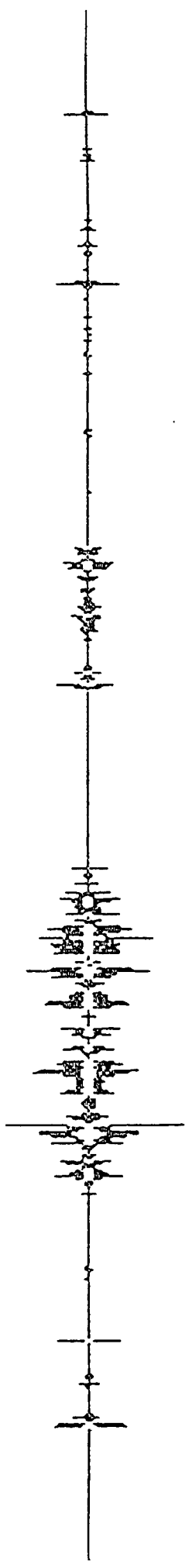
Here's what I don't understand: they finally convince this guy to go up to the house, buy whatever drugs they want, when he finally does so, they later arrest him, but not the guys in the house who actually had and sold the drugs. Mention is made that they had done this guy a favor and now he owed them... what favor did they do for him? When, and why?

Bottom line, I wouldn't trust the recordings – they're not original, they're edited copies.

VEP
3/20/2017

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45 seconds
of ~~the~~ recording #1