

No. _____

20 5632

IN THE
SUPREME COURT OF THE UNITED STATES

Rick Shawn — PETITIONER
(Your Name)

vs.

Eighth Judicial Dist. Ct. of Nevada — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of The State Of Nevada
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

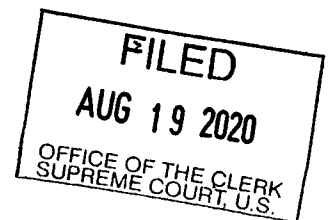
Rick Shawn
(Your Name)

Lovelock Correctional Center
1200 Prison Road; 3B/68A
(Address)

Lovelock, Nevada 89419
(City, State, Zip Code)

N/A
(Phone Number)

ORIGINAL



Questions Presented

- 1). When law-enforcement or state prosecutors violate guaranteed rights of a criminal defendant and a court of jurisdiction adversely rules against the state which is affirmed on appeal, is the bar of double jeopardy raised when the state moves to withdraw the case - which the court allows - but dismisses the case "with prejudice"?
- 2). When an illegal search-and-seizure, and failure to timely Mirandize by law-enforcement officers is evidenced, and a criminal defendant is totally ignorant to law and solely reliant on Defense Counsel who does not raise the issue(s) at trial or preserve them for appeal, is that deemed Ineffective Assistance of Counsel [IAC]?
- 3). When a criminal case listing numerous purported victims is dismissed with prejudice, becoming "res judicata", and a different prosecutor later brings the same evidence, statements, and victims in another prosecution(s) in the same Court before different judges, is "double jeopardy" or "jurisdiction" an issue.
- 4). Will this Court consider the following cases in conjunction with Petitioner's case and circumstances?
A). U.S. vs. Reid, 226 F.3d 1020 (9th Cir. 2000);
 Id.

B). U. S. vs. Gooch, 6 F.3d 673 (9th Cir. 1993);

C). U.S. vs. Zimmerman, 277 F.3d 426 (3d Cir. 2002);

D). Hammon v. Indiana / Davis v. Washington, 547 U.S. 813 (2006).

5). Is a State Judiciary, State Prosecutor, or local law-enforcement officers allowed legally to abrogate, disregard, or arbitrarily overrule constitutional precepts designed to protect the rights of criminal defendants or suspects?

List Of Parties

- 1) Supreme Court of the State of Nevada
- 2) Eighth Judicial District Court of Nevada
- 3) Attorney General, Aaron Ford; State of Nevada

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STATUTES AND RULES

OTHER

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

- ☐ reported at _____; or,
☒ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was 02/19/2020.
A copy of that decision appears at Appendix A-1.

☒ A timely petition for rehearing was thereafter denied on the following date: 03/18/2020 ; 05/07/2020, and a copy of the order denying rehearing appears at Appendix A-2, A-3, A-4.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Constitutional Amendments:

A) 5; B) 6; C) 14th; and 4th, (number (d)).

Statement Of The Case

- 1) Petitioner filed a Petition For A Writ of Mandamus, pro se, after finding that he had been subjected to an illegal arrest and illegal search-and-seizure of his residence, 04/08/2009, by Las Vegas Metropolitan Police. Petitioner had/has limited reading and writing skills, and no litigation background or experience. Petitioner was prosecuted for the same crimes, numerous times following an initial dismissal with prejudice of the case no. #09C255019-2; Judge Abbi Silver presiding.
- 2) The subsequent prosecutions referenced were initiated by a different prosecutor, familiar with the case, and went to the same court before different judges, leaving Petitioner with six life-sentences which he has been serving approximately ten-years. The Petition For Mandamus revealed numerous occasions where investigators and local law-enforcement repeated-and-admittedly-violated Petitioner's rights, including seizing and searching telephonic devices prior to obtaining proper warrants. Due to Petitioner suffering several prosecutions using the same evidence, witnesses and/or victims, he believed Mandamus would be a good vehicle for the Supreme Court of the State of Nevada to exercise it's remedial authority to declare the multiple
(41).

violations of Petitioner's 4th, 5th, 6th and 14th Amendment rights due to his family, person and property being subjected to the following:

- (a) arrest without a warrant or Miranda warning;
- (b) search-and-seizure without a warrant(s);
- (c) double jeopardy;
- (d) due process violations;
- (e) equal protection violations;
- (f) right to confrontation;
- (g) right to fair hearings;
- (h) right not to be convicted with false testimony;
- (i) right to a fair trial(s).

3). Petitioner had/has no adequate reading nor writing skills, as aforementioned, and has been totally reliant on counsel-and others- for assistance. In lieu of those facts, Petitioner sought assistance from attorneys Carmine Colucci, Damian Sheets; and Douglas C. Crawford. (Mr. Colucci is deceased).

Mr. Colucci failed to file an appeal on the denial of a petition for a writ of habeas corpus (state). Petitioner submitted a "timely" notice of appeal, himself, to a Lt. Oliver at High Desert State Prison, that was not mailed and deemed "untimely" by the State Court; he was unaware of the "Prisoner Mailbox Rule." The case number(s) were 09C258149 and 10C261008, Judge Valorie Vega.

- 4) Damien Sheets failed to supplement a federal habeas corpus petition, case no. 2:14-cv-00738-PAD-PAL, got the case "dismissed with prejudice," did not address Petitioner's other cases as he stipulated, and charged between \$15,000 to \$20,000 dollars. (Mr. Sheets also did not return all of Petitioner's documents, and the ones that were returned were in total disarray which took several months to chronologically collate.
- 5) Douglas Crawford consulted Plaintiff, (Petitioner), charged Petitioner \$5,000 dollars, reviewed Petitioner's files telling him what he already knew, and offered no assistance.
- 6) With assistance, Petitioner learned of the constitutional violations and submitted the Mandamus.
- 7) The Supreme Court of Nevada declined review, Case No. #80482, denying same summarily.
- 8) Petitioner submitted a Motion For Reconsideration (Rehearing) and Petition For En Banc Rehearing. All as with the Petition For Writ Of Mandamus were denied. (See Court Orders, Exhibits, enclosed in Appendix).
(6).

- 9). The "Denial" was resultant of the Nevada Supreme Court's implementation of a "discretionary rule" precluding a ruling premised upon the merits of the issues in the petition for writ of mandamus.
- 10). Petitioner now comes before this Court seeking relief or a remedy referencing same.

Reasons For Granting The Writ

- 1). Petitioner submits that bias has permeated our judicial arenas due to institutionalized and systemic bigotry generated from prejudices established as our nation has grown which has slowly done away with, or eradicated, constitutional protections that should always be afforded to criminal defendants/suspects.

Petitioner contends the United States Supreme Court should grant this writ to aver that, not only will "federal courts vindicate the rights of the people guaranteed by Congress and the Federal constitution;" but the State Courts and law enforcement agencies, therein, shall also vindicate and uphold those same constitutionally guaranteed rights due to criminal defendants and/or suspects according to the

(17).

clear, plain language and meaning of the Articles and Amendments of the Federal and State [which should be in alignment with the Federal] Constitutions, as ruled by the courts of authority over the past several decades. City of Auburn v. Qwest Corp., 260 F.3d 1160 (9th Cir. 2001).

In City of Auburn v. Qwest Corp., *id.*, it was held; "Under the Supremacy Clause, state courts are obligated to apply and adjudicate federal claims fairly presented to them."

Petitioner contends that the Nevada Supreme Court failed in not applying nor adjudicating Petitioner's federal claims in his State Petition for A Writ Of Mandamus, and the Supreme Court of the United States should declare it so.

- 2). Petitioner submits that this United States Supreme Court would have the opportunity to clarify and substantiate the significant principles and meaning of the Fourth Amendment and the rulings promulgated therefrom, as well as expound upon how Due Process of Law and Equal Protection of Law is affected overall when law-enforcement
- (8).

officers or prosecutors and judges turn a "blind-eye" to the Fourth Amendment, and those who violate same, including defense attorneys who fail to properly raise those issues.

Petitioner further submits, and the Constitution provides, that arbitrariness is not to be implemented, utilized, nor tolerated; for it is such "arbitrariness" which paves the way for corruption and tyranny which results in abuse of power, and the judicial process, which is gravely affected by same, becomes a playing field for overzealous entities who would abuse their authority or positions of their authority and the power of their office.

Petitioner contends that the foregoing is a "propagator" of "civil unrest;" and the "unrest" plaguing the United States, at this time, is evidence of that fact. It is further contended that Petitioner's issues are few of many which far outnumber Petitioner's, the issues contained herein are or should be significant to whereas if this Supreme Court expounded on same, law-enforcement- or anyone involved in the

(9)

criminal justice system would seek to correct their actions which violate the guaranteed rights vested in the constitution, and protect and enforce the concepts and precepts contained therein.

- 3). Petitioner submits that our (the U.S.) constitution is not only durable and flexible, it is also consistent with the growing need to guide all of our citizens. However, because of deeply rooted bias against others, prejudice runs rampant through our society which further contributes to the injustices with which we are plagued.

Petitioner contends that this "plague", referenced in the foregoing, has affected the very fiber of law-enforcement, and our citizenry in some form or fashion; even now state and local governments [municipalities] are attempting to reform and restructure law-enforcement throughout our nation.

It is further contended that federal law, in particularly "constitutional law" is the Supreme Law of the land, pursuant to the Supremacy Clause. This Supreme Court is the supreme court of the land in the United States and lays precedents for all lower (10).

tribunals where applicable. It is also contended that in the interest of justice, and the public interest, this Supreme Court should address Petitioner's issues, as our republic needs to be continuously reminded that our constitutional protections and rights cannot be "whittled away" or arbitrarily discarded at will, nor should no one entity feel as if they can disregard the constitution while causing others to feel certain governmental entities do not have to abide by the constitution or the rules promulgated therefrom.

Conclusion

Wherefore, after consideration of the facts contained herein and the Petition For A Writ Of Mandamus and exhibits contained therein previously submitted to the Supreme Court of the State of Nevada, Petitioner prays certiorari be granted and/or any other relief the Court deems appropriate and necessary.

Pursuant To 28 U.S.C. § 1746, I
swear the foregoing is true and
correct to my best knowledge,
this 23rd day of July, 2020.

(11)

Respectfully Submitted,



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