

20-6859
No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Jonathon R. Swan

— PETITIONER

(Your Name)

Wyo. Dist. Crt. Case No: 2:19-CR-00009-SWS-1
vs.
— RESPONDENT(S)

ORIGINATED
FILED
DEC 31 2020
OFFICE OF THE CLERK
SUPREME COURT, U.S.

ON PETITION FOR A WRIT OF CERTIORARI TO

10th Circuit Court of Appeals Case No: 19-8068

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Jonathon R. Swan

(Your Name)

3901 Klein Blvd.

(Address)

Lompoc, California 93436

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

1. Did fourth amendment rights of mine, get violated throughout this case? Did this case lack fourth amendment requirements? From the surveillance, to the tracking device affidavit, to the traffic stop, or its search needed for the scope of the stop? Unreasonable search, (track) seizure.
2. Was my fifth Constitutional right violated by holding me on 3 state charges with 10,000 dollar bond, to not releasing me, dismissing those charges, holding with NO BOND incarcerated longer then 30 days before being indicted. Trial rescheduled three times, not going to trial for 7 months. Does any of these details violate my due process as guaranteed in the fifth amendment?
3. Was my right as the accused, the guarantee to receive effective assistance of counsel as promised in the sixth amendment? First attorney not utilizing the preliminary hearing, not given my second government appointed attorney with no experience sufficient details to include in his motion to suppress, lacking information, making him less then effective, then getting granted a 3rd government appointed attorney assigned from the same law office the Judge worked in before becoming a magistrate raise a conflict of interest merit for verdict reversal or indictment dismissal?
4. Was my eighth amendment violated by its Bail and punishment is described, by being held on NO BOND. Does the bail reform act apply to me as a American citizen? My punishment is promised to be housed, clothed and feeding. Was my health harmed while in Federal custody by being prescribed "Rantidine" and "Lasex" both for over six months?

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:

Nicole Romine U.S. District Attorney
Platte County Wyoming Wheatland Wyoming
Scottsbluff County ~~Nebraska~~ Nebraska Cheyenne Nebraska

RELATED CASES

United States v Remigio, 767 F.2d 730, 735, (10th Circuit 1985)

United States v Rivera, 2019 U.S. App Lexis 30888 (2nd Circuit Oct. 2019)

United States v Gentry, 941 F.3d 767 (5th Circuit 2019)

United States v Flack, 941 F.3d 238 (6th Circuit 2019)

Baldwin v Blackburn 653, F.2d 942 (5th Circuit 1981) (1968456 U.S. 950, 102 Sat. 2021, 72 L Ed. 2d 475 1982)

United States v Rodriguez (No. 2:03-CR-00271-AB-1, 2020) U.S. Dist Lexis, at 3n.6 (E.D.Pa. April 1 2020)

United States v Massey, 687 F.2d 1348 (10th Circuit 1985)

United States v Thompson, 940 F.3d 1166 (11th Circuit 2019)

United States v Becerra, 939 F.3d 995 (9th Circuit 2019)

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A *10th Circuit Court of Appeals*

APPENDIX B *United States District Court Wyoming*

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES

No. 19-8068 10th Circuit Court of Appeals unpublished
(D.C. No. 2:19-CR-00009-SWS-1) PAGE NUMBER

STATUTES AND RULES

OTHER Page 8 of the 10th Circuits Court of Appeals Order and Judgment it reads, "He further instructed the jury, that the elements of the offense would be met if Mr. Swan knowingly possessed and transported the firearm." No evidence at all proved distribution element of count one, no elements of Count two at all throughout trial proven at all.

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 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 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 _____ 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 September 28, 2020

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 _____. A copy of that decision appears at Appendix _____.

A timely petition for rehearing was thereafter denied 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. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Fourth Amendment - Unreasonable search and seizure.

Fifth Amendment - Provisions concerning due process of law.

Sixth Amendment - Rights of the accused.

Eighth Amendment - Bail and Punishment

Fourth Amendment → requirements lacked during investigation, affidavit expires, scope of stop unreasonable to have K-9 present. Tracking device lacked compliance regulations. Search of vehicle after stop was pretextual.

Fifth Amendment → Due process violated after state charges dismissed, held on NO BOND on a criminal complaint, longer than 30 days before indicted. Speedy Trial Act violated by trial rescheduled three times

Sixth Amendment → Right to be appointed effective assistance of counsel, first attorney removed herself telling me it was a conflict of interest that was confidential, after waiving my right to utilize the due process of law of the preliminary hearing on the criminal complaint, therefore not allowing enough details to present in a motion to suppress by the second government appointed attorney, that verbally told me he had NO experience, to remove himself, and finally third attorney lacking earlier stages defense to more adequately represent me.

STATEMENT OF THE CASE

From the beginning of the investigation, federal rules not applying due to the fact of me receiving three state charges. Held on 10,000 Bond. To being kept incarcerated after state charges dismissed, and continued detained, held on No Bond, on a criminal complaint and incarcerated longer then 30 days before Indicted. Wondering if probable cause affidavits for tracking were legal and in compliance. Questioning my right to utilize the due process of law during the initial stages of my case. My right to hear the preliminary hearing on the criminal complaint. After Indicted my first attorney removing herself stating a conflict of interest that was confidential. "What was the conflict was she allowed to waive my preliminary hearing?" Someone filling in for her during the actual arraignment on the Indictment. "Allowed"? To being appointed a Second government appointed attorney that verbally tells me he has no Federal Courtroom experience. The Judge denying me the right to remove the Second attorney, but then after not addressing the earlier stages of the case in his prepared motion to suppress, the Judge allowed the Second attorney to remove himself, rescheduling my trial a third time. Then appointing me a attorney from the same law office the Judge worked in before becoming a magistrate. Should raise merit for a conflict of interest and violation of my due process. Then, prescribing me Randidine and Lasix for over six months, and placing me in a facility with Covid 19 cases which include unreasonable exposure to dangerous conditions in Custody.

REASONS FOR GRANTING THE PETITION

The reason for granting the petition are as follows:

I am not guilty of knowingly, willingly or intentionally methamphetamines with intent to distribute. I am not guilty of knowingly, willingly or intentionally carrying a firearm while in furtherance of a drug trafficking crime.

My Second reason is the obvious evidence from investigating the details, that my fourth amendment right was violated. Given 3 state charges first, "all three state charges dismissed," was I legally held in custody without bond, longer then 30 days before becoming indicted. Not allowed my right to utilize the preliminary hearing on the Criminal Complaint. Not allowed my right to the Speedy Trial Act. Through No fault of my own. The 3rd Reason for granting the petition, the evidence presented in trial testing negative twice for fingerprints or DNA of mine should be evidence that could support acquittal.

Harming my health by prescribing me Rantidine and Lasex for over six months. Then the petition should be granted because while Incarcerated, I was placed in a unreasonable exposure to a dangerous condition, where their are inmates that have been positive for Co-vid and I have sleep apnea.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,


Jonathan R. Swan

Date: December 20th 2020