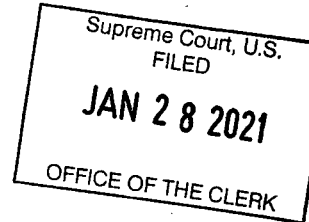


No. 20-7139

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



CHAYCE AARON ANDERSON — PETITIONER
(Your Name)

vs.
THE PEOPLE OF THE STATE
OF COLORADO, et al. — RESPONDENT(S)

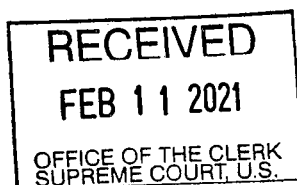
ON PETITION FOR A WRIT OF CERTIORARI TO

CO Court of Appeals, CO Supreme Denied Cert.
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Chayce A. Anderson
(Your Name)
A.V.C.F.
12750 Hwy. 96, at Lane 13
(Address)

Ordway, CO 81034
(City, State, Zip Code)



N/A
(Phone Number)

QUESTION(S) PRESENTED

- I. Whether the trial court abused its discretion in denying Mr. Anderson's request for the appointment of substitute counsel and defense counsel's motion to withdraw?
- II. Whether the trial court violated Mr. Anderson's right to due process where there was insufficient evidence presented at trial to sustain his convictions?
- i. Insufficient evidence to sustain Mr. Anderson's conviction for criminal attempt to commit theft-\$20,000→\$100,000 (Count 1); valuation challenged.
 - ii. Insufficient evidence to sustain Mr. Anderson's convictions for four counts of second degree burglary-of building (Counts 2, 3, 7 and 8).
 - iii. Insufficient evidence presented at trial to sustain Mr. Anderson's conviction for criminal attempt to commit second degree burglary (Count 4).
 - iv. Insufficient evidence presented at trial to sustain Mr. Anderson's conviction for theft-\$5,000 or Less, valuation challenged.
 - v. All claims raised that the People failed to reach their burden of proof beyond a reasonable doubt.
- III. Whether the trial court violated Mr. Anderson's constitutional right to counsel and right to a fair impartial jury trial, when he was forced to proceed to trial, with a lawyer who claimed "The attorney-client relationship has been irreparably broken."?
- IV. Whether the court of appeals erred in holding that the trial court did not abuse its discretion in denying Mr. Anderson's request for the appointment of substitute counsel and defense counsel's motion to withdraw?

QUESTION(S) PRESENTED

- V. Whether the appellate division erred when it failed to consider Mr. Anderson's Fourth Amendment U.S. Constitutional right to be secured in his person from warrantless or unconstitutional searches and seizures. When Mr. Anderson was detained, the original warrant had an explicit "No Search" clause Court Order. The white I-phone 6 was seized, a separate phone than the black phone taken several years previously in a Truck Impoundment, and any evidence connected to it was lawfully inadmissible in a Court of Law, tainted under the "fruit of the poisonous tree" doctrine?
- VI. Whether the appellate division erred when it quoted codefendant Ansari's story to affirm Mr. Anderson's identity, specifically stating, "Ansari testified that Anderson drove them to the Cargill site and, after they split up, Anderson came back 'with the tools and stuff' and put them in his truck," while negating the reasonable doubt caused by Ansari's testimony, that he was responsible for entering the site, that he alone cut the pad locks and that he stole the tools. The appellate division also erred when it failed to consider Ansari's interviews differed over an 18-month window, originally claiming to not even knowing a "Chase Anderson"?
8. VII. Whether double jeopardy therefore applies to Mr. Anderson's case; and whether his sentence is therefore unconstitutional, due to the People's failure to reach Burden of Proof?

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

[X] 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:

- (1) ~~Phillip~~ Philip J. Weiser, Attorney General,
(Respondent)
- (2) Jennifer L. Carty, Assistant Attorney General,
(Respondent)
- (3) Tanja Heggins, Alternate Defense Counsel for
Defendant-Appellant. (NON-RESPONDENT)

RELATED CASES

(1) People v. Anderson, No. 15-CR-1466, 8th Judicial District for the State of Colorado. Judgment entered Feb. 7th, 2020.

See also: Court of Appeals - No. 17-CA-469.

CO Sup. Court - No. 19-SC-627.

US Sup. Court - No. 19-8425

(2) People v. Anderson, No. 16-CR-380, 8th Judicial District for the State of Colorado. Judgment entered Nov. 16th, 2020.

See also: Court of Appeals - No. 18-CA-334.

CO Sup. Court - No. 20-SC-608.

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APPENDIX E *Reply Brief, Motion for leave to file SURREPLY BRIEF, Surreply Brief - CO Court of Appeals.*

APPENDIX F *U.S. Supreme Court ORDERS; Thursday, March 19th, 2020; & Wednesday, April 15th, 2020. (COVID-related relief).*

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Due to COVID-19, Mr. Anderson has zero access to Law Library, being unable to research applicable U.S. Supreme Case Law. A list of case law is listed in the Opening Brief, CO Writ of Cert., & Reply Brief (APPENDIX'S C, B, & E respectively)	
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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**: N/A

The opinion of the United States court of appeals appears at Appendix N/A to the petition and is

- ☐ reported at N/A; 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 N/A to the petition and is

- ☐ reported at N/A; 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 CO SUPREME court appears at Appendix B to the petition and is

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

JURISDICTION

☐ For cases from **federal courts**: N/A

The date on which the United States Court of Appeals decided my case was N/A.

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

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

☐ An extension of time to file the petition for a writ of certiorari was granted to and including N/A (date) on N/A (date) in Application No. A N/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 Nov. 16th, 2020.
A copy of that decision appears at Appendix B.

☐ A timely petition for rehearing was thereafter denied on the following date: N/A, and a copy of the order denying rehearing appears at Appendix N/A.

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

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

The 90-Day rule tolls on February 13th, 2020. This motion should therefore be deemed "timely sought."

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Mr. Anderson is unable to provide verbatim the constitutional provisions, due to no physical access to the law computers within the law library, due to COVID-19.

However, the APPENDIX has detailed lists. To the best of Mr. Anderson's ability, the statement of the case incorporated APPENDIX citations and page #s.

U.S. Const. amend. VI; see also Colo. Const. art. 2 § 16.

U.S. Const. amends. V, XIV; Colo. Const. art. II, § 25. Opinion Brief pgs. 7-8

Judgment of Acquittal/Theory of Defense

Opening Brief pgs. 19, 20

Letter to Judge (Oct. 15th, 2017)
+ Motion to Withdraw

CO Writ of Cert. pgs. 5-6

CO Writ of Cert. pgs. 7-9 & 13-14

Elements of Offenses;

Opening Brief pgs. 22-24, 24-26

26-27 & 28-29

Ansari's Testimony

Opening Brief pgs.

People v. Bergerud/Bergerud Factors

Opening Brief pgs. 11-12.

15-16

Sufficiency of Evidence limited to
(1) Identity & (2) Value

Attorney Generals Answer pgs.

LINKED

Opinion Brief pgs. 27

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Constitutional Implications of
Substitute Counsel

Opinion Brief pgs.

8

STATEMENT OF THE CASE

This case arises from violations of Mr. Anderson's constitutional rights, specifically his right to counsel and right to effective assistance of counsel. U.S. Const. amend VI; see also Colo. Const. art. 2, § 16. The case involves "Sufficiency of Evidence to Convict," in regard to the People's "Burden of Proof." These arguments are directly connected to the violation of Mr. Anderson's constitutional right to "Due Process." U.S. Const. amends. V, XIV, Colo. Const. art. II, § 25. Due Process clause of the fourteenth U.S. amendment protects defendants from conviction except upon proof beyond a reasonable doubt of every fact necessary to prove the actual commitment of a crime. As well, the Equal Protection clause entitles Mr. Anderson to be treated equally to a similarly-situated person. U.S. Const. amend. XIV. Mr. Anderson was treated significantly-differently. After 302 days of representation by the Public Defender's office, Mr. Anderson's trial lawyer was replaced by a corrupt ex-Chief Deputy District Attorney. A lawyer who was previously the fourth highest ranking District Attorney for the 8th Judicial District and willing to break the rules. After Mr. Anderson's cases, he promptly retired. He has refused for nearly 12 months to provide Mr. Anderson's new lawyer a copy of Mr. Anderson's case file, claiming that his small Nebraskan town doesn't have the "capacity to produce copies."

During two separate jury trials, Mr. Taylor utilized no defense investigator, Filed no pre-trial motions, called no defense witnesses. He chose to not use available CCTV exculpatory surveillance, nor acquire phone transcripts, nor test DNA evidence. He chose to not use video recordings of Codefendant Ansari's interviews, nor audio recordings,

STATEMENT OF THE CASE

nor audio recordings of Mr. Anderson's 911 phone call reporting his truck stolen. He refused to file a recusal motion of the prosecutor, after she revealed prejudice, when she entered an unassigned, lower Court room to attempt to prosecute Mr. Anderson. The lawyer failed to differentiate between a black phone seized lawfully in a 2014 Truck Impoundment, and a white I-phone 6 illegally seized in August, 2015. He refused to file a motion to suppress inadmissible evidence in connection to the white phone. When Mr. Anderson was detained, the original warrant had 10 explicit Court Orders, #7 was an explicit "No Search" clause. Mr. Anderson's Fourth Amendment U.S. Constitutional rights were violated, when a warrantless, unconstitutional seizure of his phone occurred. Detective Shuttles testified that he immediately breached the device, when he had no warrant. To avoid the constitutional violation, he lied, stating a transport officer gave him the phone. The transport officer testified that he returned the phone to Mr. Anderson who placed it in his pocket, with a reasonable expectation of privacy. This makes any evidence connected to the new phone inadmissible in a Court of Law, under the "fruits of the poisonous tree" doctrine. This also makes the indictment inherently unconstitutional, as it was the fruit of an illegal and unconstitutional search and seizure.

The Court of Appeals opinion is deeply flawed.

To commence, the appellate court completely disregards CO Sentencing Law, in particular emphasis of the double jeopardy clauses. This occurred when the Court disregarded the 30.5 year threat. Mr. Anderson's maximum prison exposure

STATEMENT OF THE CASE

was 18 years prison due to the double jeopardy clause in CO requiring burglary and theft to run concurrently, as a result of two crimes arising from one incident. The 30.5 year threat was unconstitutional. The Court of Appeals also seems to disregard the unconstitutional nature of a defendant's appointed counsel threatening to testify against his own client while currently representing him. Or the bizarre claim that it is professionally acceptable to try to coerce a client to take a plea deal with outside family influences.

Federal Question: Are these actions constitutionally appropriate, or violative in nature?

"A district court abuses its discretion 'when its decision is manifestly arbitrary, unreasonable, or unfair, or is based on an erroneous understanding or application of the law.'"

The Bergerud Factors favor a finding that there was good cause for the appointment of substitute counsel. There was a "severe and pervasive conflict" and a significant "lack of trust," contrary to the Attorney General's assertions. The Attorney General's arguments are also deeply flawed, admitting that counsel failed to show significant audio and video discovery to his client (Answer Brief pg. 14), while also claiming a Crim. P. 35(c) must be filed before mandate is even issued (Answer Brief pg. 9). The A.G. also claims there was no "severe and pervasive conflict" and no "lack of trust," contrary to defense counsel's own motion to withdraw. (Answer Brief pg. 24). As well, the A.G. improperly claimed or limited the challenged elements of the offense to (1) identity & (2) valuation (Answer Brief pg. 27). The Court of Appeals reliance on this argument is flawed, as the Opening Brief challenged additional

STATEMENT OF THE CASE

Elements of the Offenses (See Opening Brief pgs. (22-24), (24-26), (26-27), & (28-29)); LIST

(1) Knowingly,

(2) Engaged conduct constituting a substantial step toward

the commission of theft or of second degree burglary,

Mr. Anderson is convicted for criminal attempt for cut-marks

on uncut padlocks, when the People presented evidence only

of Ansari cutting locks. TR 10/23/17, p. 181, 182. When questioned

if they were working together to open the trailers, Ansari

testified, "No, I was by myself." (See Opening Brief pgs. 11-12).

Therefore, since there was zero testimony alleging Mr.

Anderson attempted to cut locks, or actually made the

marks, his convictions are unconstitutional.

(3) obtained, retained, or exercised control over

anything of value of another,

(4) without authorization or by threat or deception,

(5) intended to deprive the other person permanently

of the use or benefit of the thing of value,

(6) broke an entrance into, entered unlawfully in, or

remained unlawfully after a lawful or unlawful entry

in,

(7) a building, or occupied structure,

&

(8) with the intent to commit therein the crime of theft

(intent to permanently deprive) against another

person or property.

The Prosecution failed to reach their "Burden of Proof,"

failing to prove each element of an offense beyond a

reasonable doubt, and even failed to prove value of the items

beyond a reasonable doubt.

STATEMENT OF THE CASE

Hence, the judgment of Acquittal should have been granted in full, or at the very least in part. See "Theory of Defense" - Co writ of Cert. pgs. 5-6.

There was no evidence presented to contradict the claim that Ansari and Silva borrowed Mr. Anderson's truck. On December 13th, 2014, Ansari stated that he and a "Chase Anderson" were not involved in any burglaries. Further, he mentioned the name "Chase Silva," a reference to a nefarious accomplice, one Ramon "J.R." Silva.

There was no evidence presented to contradict the claim that Ansari had either borrowed or stolen Mr. Anderson's phone at the barge, nor any testimony contradicting the claim that Mr. Anderson had left his phone attached to a charger in his truck. Wherever the truck went, the phone went. Mr. Anderson was a Colorado State University student with no history of drinking and driving. When he parked the truck at Mo Teaux's on dollar beer night, there is no way he would have driven after that point.

The Prosecution claimed Mr. Anderson consumed 20-30 alcoholic beverages. There is no way he could have driven a 10,000 lb. diesel truck. As well, Mr. Anderson operated heavy-duty equipment from ages 11-23, with no allegations of theft. Mr. Anderson's phone being full of pictures of job sites, equipment, is only dispositive of his resume or career. A truck full of personal tools, hard hats, safety vests, even glasses, expensive phones, lunch boxes, an ideal target for two thieves. There is also no proof that Mr. Anderson unknowingly bartered for tools, months previous, taking them for payment of a debt. Specific searches on his

STATEMENT OF THE CASE

phone only show that he looked up their value. That does not prove that he stole them, or even that he knew they were stolen. If he had known they were stolen, he wouldn't have sold them to his boss, Joseph Lorenz, owner of Crystal Landscape Supply, Inc. The largest retail rock yard in the state of Colorado. If he had known they were stolen, he would have bought them just to return them to their owners, as would I have. It was my job to buy and sell boulders, mulche, top soil, rock, flagstone. It is not a far leap to assume I also bought and sold used tools, cars, trees or even equipment. That is why the detective found Elite Landscape Supplies, LLC fliers in my truck. My mom is a minority-rights certified aggregate dealer in Colorado, and I operate the equipment loading trucks...

Regarding the constitutional implications of substitute counsel, the new Judge changed his determination from untimely to timely. The adequacy of the inquiry was rushed, having a surprise hearing, where Mr. Anderson wasn't prepared or even allowed to finish his court statement by officers. The Judge never questioned him regarding the motion to suppress. There was a total lack of communication that prevented an adequate defense. Mr. Anderson did not contribute to the conflict, even after months of threats. There was significant "Good Cause." See "Letter to Judge" & "Motion to Withdraw" pgs. (7-9), (13-14) Co Writ of Cert. where Mr. Anderson's own defense counsel claimed "The attorney-client relationship has been irreparably broken." As well, he claimed, "Certainly,

STATEMENT OF THE CASE

Mr. Anderson and I have a different view of this trial," when questioned about lack of jury trial preparation.

Federal Question: Was Mr. Anderson's 6th U.S. Amendment violated when a lawyer claimed his client's right to a fair and impartial trial would be violated if he wasn't replaced? And, can a lawyer be deemed a constitutionally effective lawyer in a second trial, after he himself, insinuated that he was ineffective in a prior trial?

FINALLY, the Court of Appeals' opinion was deeply flawed when it failed to consider the totality of evidence. The burglary tools have neither Mr. Anderson's touch DNA, nor fingerprints, but the sledgehammer has four separate Homogenous profiles, none matching Mr. Anderson. A footprint within crime scene, where Mr. Anderson allegedly climbed through a building window does not match Mr. Anderson's foot. The only DNA was on the steering wheel of the work vehicle he owns, no DNA of Mr. Anderson was found on bolt cutters left in my truck... None of his DNA on gear shifter, cups left in vehicle. The black masks on dash board were Mr. Anderson's, and were purchased for a college halloween party. The masks were brand-new, never used in any commission of a crime, but were rather for a mask-o-rade party. There were no eye witnesses, no surveillance,... Mr. Anderson attempted to report his truck stolen, and voluntarily came to the police station within 24-hrs of alleged crime.

IF EVER, there was a case that screams "Burden of Proof," "Injustice," it is this one. With the Low Burden allowed in my case, any U.S. citizen can be convicted with an unsolvable cold case. It is simply wrong and cannot stand.

REASONS FOR GRANTING THE PETITION

This most Honorable Court should grant discretionary certiorari review of Mr. Anderson's case because the court of appeals' opinion decided a question of substance in a way that is probably not in accord with applicable decisions of this court or other divisions of the Court of Appeals. In addition, this case would allow the Justices to address "Burden of Proof," and establish lasting precedent.

Compelling reasons do exist and justify granting this writ of certiorari. The applicable courts have conflictatorially decided important federal questions and have so far departed from the accepted and usual course of judicial proceedings, irreparably staining judicial integrity and repertoire. The unconstitutional sanctioning of erroneous lower court rulings departs from the fundamental ideals of the United States Constitution, and the interest of justice calls for a dramatic exercise of this Court's supervisory power.

Without proper review, it shall stand on public record, that the most esteemed among us, have cast aside their cloaks of human decency, by disregarding the inalienable constitutional rights of a United States citizen. A citizen falsely imprisoned with glaring, blatant reasonable doubts in his cases. Proof beyond a reasonable doubt has been corrupted to Guilty until proven innocent, returning our Country to the times of Tyranical Great Britian, where any U.S. Citizen is prone to fall victim to baseless accusations, even the most esteemed among us. All it takes now is a fictitious story, regardless of evidence, to completely subvert and sabotage the protections the U.S.

REASONS FOR GRANTING THE PETITION

Constitution, the rights it gives to its Citizens. Without Fundamental Fairness, integrity, justice, love and honor; Our Great Country is one small step away from a catastrophe.

In 1838, Abraham Lincoln gave a famous address to the Young Men's Lyceum in Springfield, Illinois. In his Lyceum address, Lincoln warned about a dangerous trend at the time: "[T]here is, even now, something of ill-omen, amongst us. I mean the increasing disregard for law which pervades the country; the growing disposition to substitute the wild and furious passions, in lieu of the sober judgment of Courts."

Lincoln believed in a strong government that would protect its citizens and their property. He spoke of the danger in its failure to forcibly restrain these lawless forces: "[G]ood men, men who love tranquility, who desire to abide by the laws, and enjoy their benefits, who would gladly spill their blood in the defense of their country; seeing their property destroyed, their families insulted, and their lives endangered; their persons injured; and seeing nothing in prospect that forebodes a change for the better; become tired of, and disgusted with, a government that offers them no protection; and are not much averse to a change in which they imagine they have nothing to lose."

Lincoln provided timeless counsel when he condemned a government that failed in its duty to protect. "Why even obey the government if it won't protect you?" he asked. He understood that the continued abuse of law-abiding citizens leads to revolution and war.

Lincoln continued:

REASONS FOR GRANTING THE PETITION

"[W]henver the vicious portion of population shall be permitted to gather in bands of hundreds and thousands, and burn churches, ravage and rob provision stores, throw printing-presses into rivers, shoot editors, and hang and burn obnoxious persons at pleasure and with impunity—depend upon it, this government cannot last."

Lincoln's wise solution rings the Liberty Bell loud and

clear;

"[T]he answer is simple. Let every American, every lover of liberty, ... never to violate in the least particular the laws of the country; and never to tolerate their violations by others... Let reverence for the laws be breathed by every American mother to the lisping babe that prattles on her lap; let it be taught in schools, seminaries, and in colleges; let it be written in primers, spelling books and in almanacs; let it be preached from the pulpit, proclaimed in legislative halls, and enforced in courts of justice," He said, "And, in short, let it become the political religion of the nation..."

Lincoln's reverence for the law earned him great respect in America at the time, and he talked about the passions that fueled the American Revolution, and then he said; "[P]assion has helped us; but can do so no more. It will in future be our enemy. Reason, cold, calculating, unimpassioned reason, must furnish all the materials for our future support and defense. Let those materials be molded into general

intelligence, sound morality, and in particular, a

reverence for the Constitution and laws; and that we

improved to the last; that we remained free to the last;

REASONS FOR GRANTING THE PETITION

that we revered His [George Washington's] name to the last; that, during his long sleep, we permitted no hostile foot to pass over or desecrate his resting place; shall be that which to learn the last trump shall awaken our Washington."

A humble man who stated,
"[W]e need to follow Christ, or we will never succeed as a Nation," George Washington exclaimed excitedly.

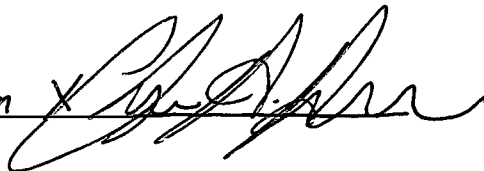
In short, any and all violations or deprivations, of either the U.S. Constitution or Laws, matter; and should be properly addressed when one has the ability to defend them, the "beating" Hearts of Our Nation.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Chayce A. Anderson
DOC # 175290



Date: Tuesday, January 26th, 2021

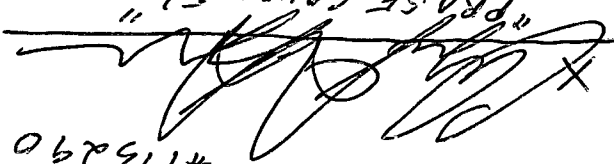
CONCLUSION

WHEREFORE, Mr. Anderson respectfully, dutifully and courageously submits the following motion to this most Honorable Court, to be dealt with as this Court deems just, equitable and necessary.

Mr. Anderson has properly sought relief in the highest court, the US Supreme Court, and now appeals to the court of last resort, the United States Supreme Court. He apologizes for hand-written motion, but hopes that the court would consider the restrictions COVID-19 has caused. For the previous time asserted to this present action, the defendant presents his claim honorably and thankfully. If appropriate, Mr. Anderson requests reversal and remanding for new jury trial, or vacating and setting aside judgment; upon determination of formal hearing and applicable arguments presented. Mr. Anderson bids you Good Day.

Respectfully submitted this 28th day of January, 2021.

#175290



"PRO SE COUNSEL"
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