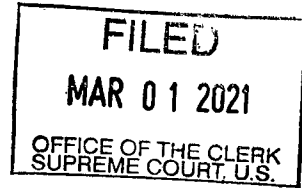


20-7283 ORIGINAL

No. _____



IN THE

SUPREME COURT OF THE UNITED STATES

John A Larue — PETITIONER
(Your Name)

vs.

____ — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

USA Court of Appeals for 8th Circuit - US district of South Dakota
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

John A Larue Sr
(Your Name)

Po box 106 - Unknown Marshall BOP custody
(Address)

Rosebud SD 57570 - Unknown
(City, State, Zip Code)

605-828-2124 -
(Phone Number)

QUESTION(S) PRESENTED

My attorney didn't leave me with Instructions of how to properly appeal. Nor can I contact. Attorney doesn't say much so I've been basically on my own to handle my cases and Appeals. I've been indignant for awhile and battled bone cancer. Not sure how to handle legal matters during this pandemic. If a pandemic can charge how the courts handled my case then how can my attorney ignore me while I was fighting my case. How can Tribal Sovereignty be ignored and punish me twice. I never was in trouble state or federal. I wasn't convicted Tribally only once. Still Federal Court made charges against me after I accepted plea deal Tribally. I am set up for failure as I was locked up so I couldn't work to pay for classes that court required me to do were stopped. So I'm currently failing Probation on Rosebud Sioux Tribe due to the time in jail for the same crime. I had alot to do tribally and now add Federally took over. So during a pandemic my side is ignored but quickly is acknowledged once I verbally asked for plea deal I can't change tribal court since I sat in tribal jail for it. Now add federal time is added. It sure looks like double jeopardy. Not asking for different outcome just a full look into the mess leading and possible double jeopardy in my situation. I can't make or change both courts minds both Tribal and Federal Courts to do anything. In these hard Pandemic Times why punish a Volunteer First Responder. I don't belong in prison and punished twice.

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:

RELATED CASES

Case #. 3:19-cr-30090 - Appeal No. 20-3040
3:19-cr-30135 - Appeal #. 20-3041

Rosebud Sioux Tribal Court - to begin with - "served tribal sentence then
year later Federal Indictment"

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

APPENDIX B

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

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 _____ 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.

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

STATUTES AND RULES

OTHER

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 11-25-2020.

☐ 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

Right to legal Counsel, Counsel's help in explaining legal details, my
Right to proper medical care... Also Pandemic that's going on changed alot.
Native American Tribal Sovereignty, tribal Court case handled and
later federal took over After serving the time and accepting
provisions, "Double Jeopardy": Making more native americans to become
felons, I am currently on my own incarcerated, I had covid-19 to change
things for my case before I was moved to here in mississippi.
Pandemic caused dates and my case to stall. Didn't get much
to help my case before accepting plea deal, Accepting a plea deal
and being quiet in attorney shouldn't cause a person to lose full
appeal rights. A pandemic changed many things in federal Court
so should the regular rules of a plea deal. Pandemic is out of
our control so some things should change for my side of the
case. Accept my case please a pandemic relief on a First Responder
who battled cancer, Unique case as Tribal and Federal Courts
Punished a misleded person. The court can't change what the
Tribal Court has done but can look into the Federal Case to
make it fit as this Firefighter / EMT was punished enough. Any
time off I'll appreciate. I am on my own so if I am not properly
doing this motion please let me know. I do need a second chance
at justice during a scary pandemic. I do have a appeal brief which I
hope you do get to see. I'm not sure how to use it once court of appeals
ruled on my case. I want my Brief to be seen.

STATEMENT OF THE CASE

I John Larue Sr am currently in Marshal custody in transit to 'BOP'
During Pandemic Times. I accepted a plea deal in tribal Court by
accepting a "No Contest" plea. I never was ~~not convicted of a~~ ^{convicted of a}
violent charge tribally. Until I accepted a plea deal. Wasnt explained
to me that it could go Federal. I was forced to accept plea deal
a day after amputation surgery while in tribal custody. So I
was convicted of one major charge. Started the requirements and
did better than most. SOON a Federal Indictment came out worded
differently but does acknowledge that past tribal charge is the
same incident as the Federal one. Confusion due to no real
knowledge of how Tribal cases can become Federal. One new charge
of false statements to get a firearm. I am a Veteran and not a felon
so buying a hunting rifle isnt new. Did background check came up
I wasnt cleared to proceed, so I left it there no firearm in my
custody. Soon new indictment of that incident came out, later
misquided by Legal Counsel and Covid-19 issues while I was in Marshal
Custody. Forced me with false deadlines due to my attorney calling in sick
which she is Federal Public Defender. She likes to keep you quiet
and forces plea deals. With Cancer and this Pandemic I was confused
and kept faith in former attorney. Just like in the beginning
she lefted me alone and not explaining how to properly Appeal.
Basically the District of South Dakota courts seemed to be focused on
making me a felon. I am a Veteran, Cancer fighter, and most
importantly I am a reliable Firefighter / EMT. I'm a Lakota Sioux
so I do what I can to always help others. Even when I'm not
100% myself. (One incident. I accepted responsibility in Rosebud Sioux Tribal
Court... Soon Federal Indictment for the same charge after I served the time
and penails for the tribal charge in tribal custody. From that came 2 more
false charges which I could have won but plea deal seemed to be focused
on my attorney. Covid-19 forced courts and understanding of law to be very
confusing... I'm not fully healthy so why not allow my case to be appealed
properly. Hope I am doing this the right way.) Attorney made false due dates
and didnt do phone call to explain details. Used Pandemic to help force
my hand to accept plea deal. Court was quick to handle plea charge.
Same with Public Defender's work. Many days nothing was done to investigate
my side. I shouldnt be set up to fail. I'm failing tribal court classes and
fire since in jail. Double Jeopardy

REASONS FOR GRANTING THE PETITION

First off to give me proper appeal. Help out a First Responder who didn't get full assistance during a Pandemic. I am a Volunteer First Responder and don't work currently due to Cancer. ^{past} Help correct misunderstanding between Southern nation "Sioux" and the government. Attorney forced plea deal and didn't explain how to properly handle appeals at the highest level. I may have a lot of issues with my health but I still am a dedicated first responder. Covid-19 and misguidance caused a lot of heartache on me and my family. Attorney forced client to remain quiet in court so plea deal would be done, which is bad since I do a lot of good. I should still have some proper rights given back to me. If a pandemic can change court issues, then I pray I can also get back proper right to appeal. 3 Judges denied appeal. Attorney left me alone. In these difficult times one might actually help this Lakota Volunteer First Responder to get a proper appeal. Cancer comes and goes but I love being a first responder so I hope I get my federal court cases fully looked at. Why punish one who sacrifices a lot ~~for~~ to help others. I am incarcerated so not a lot I can do but I'm my best to clear up a huge misunderstanding and misleading of justice during a health crisis. In a time First Responders are respected and needed. I've been locked up and possibly exposed to Covid-19. Now ignored by former Attorney when I'm trying to explain how the pandemic and court dates caused my case to be forced. I am now just another statistic as a Native American who was mistreated during and after injustice in federal court, my life and health isn't good enough to be a normal citizen and first responder it feels like. I didn't get a proper investigation and now second look into my case. I am locked up during a pandemic that kills and cancer was worse. A lot to explain but I'm on my own now so I'm asking for the Supreme Court to look into my case. Don't have to change the outcome but to just give me a second chance. This cancer fighter and current first responder shouldn't be locked away for a crime that was handled in tribal land and court. Federal Court just double jeopardy me and Attorney only wanted a guilty plea on me. I'm locked up now so I pray the courts please work with me.