

No. USCA7 No. 201156

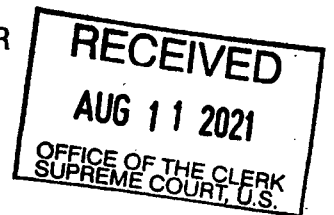
No. 20-8052

IN THE
SUPREME COURT OF THE UNITED STATES

VICENTE QUIROZ — PETITIONER
(Your Name)

VS.

UNITED STATES — RESPONDENT(S)



ON PETITION FOR A WRIT OF CERTIORARI TO

~~THE UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT~~
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR REHEARING

Vicente Quiroz ID# 91208308
(Your Name)

FCI-La Tuna camp P.O. Box 8000
(Address)

Anthony, New Mexico / TX 88021
(City, State, Zip Code)

8
(Phone Number)

QUESTION(S) PRESENTED

- Is the right to counsel the right to effective assistance of counsel.

Strickland v. Washington, 466 U.S. at 687, 104 S.Ct. at 1064. This Court has provided on the grounds and degree of evidence sufficient to show ineffective assistance of counsel. The right to be represented by counsel is by far the most important of a defendant's constitutional rights because it affects the ability of a defendant to assert a myriad of other rights. As Justice Sutherland explained in Powell v. Alabama, 287 U.S. 45, 53 S.Ct. 55, 77 L. Ed 158 (1932). Even the intelligent and educated layman has small and sometimes no skill in the science of law. If charged with a crime, he is incapable, generally, of determining for himself whether the indictment is good or bad, and convicted upon incompetent evidence. If this of man of intelligence, how much more true is it of the ignorant and illiterate, or those of feeble intellect. Id., at 68-69, 53 S.Ct., at 63-64.

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:

Defense Counsel's Thomas Moran Jr.
Viviana Ramirez
Steven Shobat

RELATED CASES

United States District Court for the Northern District of Illinois Eastern Division. Case Nos. 13 CE 21 and 13 CE 968.

United States Court of Appeals for the Seventh Circuit.
Case No. 16-3510, 16-3518 and 18-cv-03121

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- APPENDIX B Petitioner Pretrial Motions with Judge Elaine E. Buckle
Petitioner Motion for Evidentiary Hearing AND for Reconstruction of evidence to its original form.
- APPENDIX C Petitioner letter to the Probation officer (PSI) with his version of events.
Petitioner letter to Attorney Registration and Disciplinary Commission
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Cases

- Strickland v. Washington, 466 U.S. at 687, 104 S.Ct. at 2064,

... Appendix A1

- Powell v. Alabama, 287 U.S. 45, 53 S.Ct. 55, 77 L. Ed. 158 (1932).

- Id., at 68-69, 53 S.Ct., at 63-64. ... App. A1

- United States v. Cronin, 466 U.S. 648, 658, 104 S.Ct. 2039, 2046, 80 L. Ed. 2d 657 (1984), ... App. A1

- People v. Fenninger, 552 P.2d 1018 (1976). ... App. A-2

- United States v. Kincannon, 567 F.3d 893 (7th Cir. 2009). ... App. A-2

- United States v. Vallar, 635 F.3d 271 (7th Cir. 2011). ... App. A-2

- United States v. Nunez, 673 F.3d 661, 665 and 666 (7th Cir. 2012). ... App. A-2

- United States v. Johnson, 592 F.3d 744 (7th Cir. 2010). ... App. A-2

- United States v. Colon, 549 F.3d 565, 567 (7th Cir. 2008). Id. at 569-70, citing

Direct Sales Co. v. United States, 319 U.S. 703, 713 (1943). ... App. A-2

- United States v. Lechuga, 994 F.2d 346, 347 (7th Cir. 1993). ... App. A-2

- Miranda v. Arizona, 384 U.S. 436 (1966). ... App. D

- United States v. Suarez, 263 F.3d 468, 479 (6th Cir. 2001). ... App. A-3

- Castello v. United States, 50 U.S. 359, 363 (1965). ... App. A-3

- Weatherford v. Bursey, 429 U.S. 545 (1977); United States v. Kilrain, 566 F.2d 979 (5th Cir.); United States v. Woods, 544 F.2d 242 (6th Cir. 1976). ... App. A-3

Statutes

18 U.S.C. § 3231

28 U.S.C. § 1254(1)

28 U.S.C. § 1291

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 USCA7 No. 2011 and No. 8052; 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 B to the petition and is

☒ reported at previous filing No. 8052 - Writ of Certiorari; 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 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: 2020, 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 2021 (date) in Application No. 20 A 8052.

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

U.S. Const. Amend. V

U.S. Const. Amend. VI

U.S. Const. Amend. 14

STATEMENT OF THE CASE

Petitioner Vicente Quiroz was charged in the Northern District of Illinois with two indictments the first of three counts of marijuana. The third count was dismissed at pre-trial after pro-se motion. See pretrial transcripts at previous filing. This count was submitted to the grand jury to enhance the marijuana quantity to 1500 pounds and reach a five to forty guideline range. Counsel's were aware and refused to file a motion to fix the quantity and reduce the guideline range to 0 to 10. Though petitioner filed the motion it was late because defense counsel had taken me to trial in my second indictment. Petitioner had asked for his speedy trial on his first indictment; see the emails previously filed and the ones herewith; this is not my word against the courts or defense counsel's, I documented my request every step of the way there is no doubt that I received ineffective assistance of counsel. Counsel's ignore my request for speedy trial, ignore my requested strategy and gave in providing leverage to the prosecution case who retaliate with a totally new indictment with no new evidence, using the same discovery "UPPING THE ANTE" the mandatory minimum. Defense counsel's harass the petitioner for admissions outside my original indictment, one was a global conspiracy, to which the prosecution admitted payments to petitioner for his services. See Magistrate judge court transcripts submitted in previous filing. Second, counsel's wanted an admission for drugs not mentioned in my original indictment, the same that I later found out had been procured by agents and CI. See documents obtained through (FOIA) which proves the government was creating its own conspiracies. For this transaction petitioner wanted counsel's to challenge them under Booker Law at sentencing and nothing happened, no trial, no plea, no Booker, only a vindictive indictment in violation of my constitutional right of the Fifth Amendment. Petitioner submitted receipts for payment by the government, per month during the whole investigation, money for child support, probation, parenting counseling, my divorce, counsel's were given the records of the transactions where the government was the sole provider for the petitioner, there were no suppliers providing money only the government paid the petitioner. Counsel's ignore my request for jury instructions, and now ineffective assistance of counsel goes without scrutiny because bad actors in court pamper this behavior.

REASONS FOR GRANTING THE PETITION


The Seventh circuit District Court deviate from its obligations under de novo denying a certificate of appealability, then offer an order addressing the issues presented in petitioner §2255 with misguided arguments using the wrong standard of proof. The Court of Appeals render no challenge.

Under Supre Court Rules 10 (a) this Court Supervisory power is invoked against the over reach of the lower courts who has so far departed from the accepted and usual course of Judicial proceedings.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Vicente Quiroz

Date: 8-4-2021