

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 Quroz ID#91208308

(Your Name)

FCI-La Tuna Camp P.O. Box 8000

(Address)

Anthony, New Mexico / TX 88021

(City, State, Zip Code)

A

—  
(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 2064. 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 Shabot

## RELATED CASES

United States District Court for the Northern District of Illinois Eastern Division. Case Nos. 13-cv-221 and 13-cv-968.

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

## 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 Supportive Documents, letters, emails, motions all against Ineffective assistance of Counsel.

APPENDIX B Petitioner Pretrial Motions with Judge Elaine E. Bucklo  
Petitioner Motion for Eventenary 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

APPENDIX D Petition for Rehearing En Banc.

APPENDIX E

APPENDIX F

## Cases

- Strickland v. Washington, 466 U.S. at 687, 104 S.Ct. at 2044,

... Appendix A-1

- 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. A-1

- United States v. Cronic, 466 U.S. 648, 658, 104 S.Ct. 2039, 2046, 80 L.Ed. 2d 657 (1984), ... App. A-1

- 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 749 (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, 398 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. 20 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 refuse 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 previous 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 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 mention in my original indictment, the same that I later found out had been procure by agents and CI. See documents obtain through (FOIA) which proves the government was creating its own conspiracies. For this transactions Petitioner wanted Counsel's to challenge them under Booker Law at sentencing and nothing happen, 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* denuing 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 Supreme 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