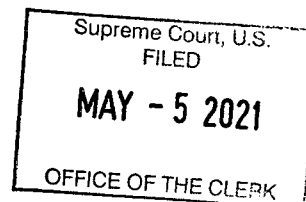


No. 20-8055

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



Julio Aviles, Sr. — PETITIONER
(Your Name)

vs.

United States of America — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Third Circuit Court of Appeals in Pennsylvania
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Julio Aviles, Sr.
(Your Name)

USP Victorville, P.O. Box 3900
(Address)

Adelanto, CA. 92301
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

1. Whether the entire affidavits of probable cause are based on completely Material Perjury?
2. Whether the government illegally searched, seizure and forfeiture properties NOT mentioned or describe in the search warrant?
3. Whether affiant Detective Ryan Mong intentionally and did Knowingly commit Material Perjury on Grand Jury Procedure?
4. Whether affiants inconsistent testimony guide District Court to deny suppression hearing?
5. Whether the affiants committed a crime to receive and order reliable confidential informant to continue providing the negotiable items?
6. Whether the Judicial process allow's the government to violate the "Due process clause" of fair trial in order to obtain a conviction?
7. Whether the 4th Amendment allow's police officers to extend their search, seizure and forfeiture into properties NOT mentioned or described in the search warrant?

8. Whether the District Court allow's unfair trial, Crawford violation, denied cross-confrontation violation, prosecutorial misconduct, abuse of power and material perjury?
9. Whether both Court's accepted the **inconsistance** testimonies of affiants as complete **reliable** and **trusted**?
10. Whether petitioner **prove** with any douth that the District Court and Third Circuit Court of Appeals **decision** is in **conflict** and **contradiction** with the outcome of the entire process?
11. Whether District Judge refuse to correct the **conflict** and **Contradiction** violate the Magistrate Act and Article **III §1, §2, CL.1** of the Constitution?
12. Whether District Judge violate **Habeas Rule 8(b)** and "**Due Process Clause**" of the Fifth and Fourteen Amendment?
13. Whether the entire Judicial system allow's the **Stolen** items to be considered as **completly LEGAL**?
14. Whether the Judicial system allow's affiants to commit **Material Perjury** and **NOT** be prosecuted?

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:

1. Lebanon County - Forfeiture No: 2015-01448, Appeal No: 1612-CD-2018
2. United States Indictment No: 1:15-CR-00181, Appeal No: 18-2967
3. [REDACTED] County Officials Law suit No: 1:17-CV-00524-JEJ
4. 28 U.S.C. § 2255 No: 1:20-CV-00290-JEJ, and No: 20-2124
5. Pending Appeal for resentencing No: 20-3261

RELATED CASES

There is **NOT** aware of any case or proceeding, contemplated or pending before the Middle District Court or any other court or agency, State or Federal, related to this case.

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APPENDIX B	Third Circuit Court of Appeals decision (25 pages)
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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Franks v. Delaware, No. 77-5176, State of Delaware, 5/26/78	4 App. E
Sherman v. United States, 78 S.Ct. 819, 356 U.S. 369, 2 L. Ed. 2d 848	19 App. E
Geraghty v. U.S. Parole Com., 79 F. 2d 238 (3rd. Cir. Court of Appeal)	2 App. F
Commonwealth v. Clark, 602 A. 2d 1323, 414 Pa. Super. 92	9 App. E
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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**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

☒ reported at District Court No: 1:15-CR-00181-001; 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.

1.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was Sept. 12, 2019 and know is waiting for the appeal of resentencing that took place on Oct. 21, 2020 and appeal notice on Nov. 4, 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), 28 U.S.C. § 1251 (a), 28 U.S.C. § 1651 (a) and 28 U.S.C. § 2101 (e).

☐ 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

United States Constitution Article III § 1
United States Constitution Article III § 2, CL.1
United States Constitution Amendment 4Th
United States Constitution Amendment 5Th
United States Constitution Amendment 6Th
United States Constitution Amendment 8Th
United States Constitution Amendment 14Th
Pennsylvania Constitution Amendment 4Th
Pennsylvania Constitution [REDACTED], CL.1
Pennsylvania Constitution [REDACTED] 3

STATEMENT OF THE CASE

On May 12, 2015, the officers of Lebanon County Drug Task Force "L.C.D.T.F." presented (9) nine pages affidavits to Honorable magistrate John C. Tylwalk in order to obtain a search warrant to 513 Arnold Street, garage in Lebanon County, Pennsylvania, 234 Lehman Street, house in Lebanon County, Pennsylvania, and 2003 Chevrolet Suburban Lt, in black color. The affiants clearly specify in the affidavits that they used Pre-recorded U.S. Currency own by "L.C.D.T.F.", that they was give to reliable confidential informant "RCI-1" to obtain a control buy. See Appendix to . On August 26, 2015, special assistance prosecutor from Lebanon County with one of the affiant "Detective Ryan Mong" presented in front of the Grand Jury to obtain an indictment, in which the defence counsel questioned the procedure in which each control buy was obtained and the affiant clearly under oath claim to used Pre-recorded U.S. Currency in every single controled buy, See Appendix and , of the Grand Jury transcripts. On February 1, 2016, a suppression hearing took place in which both affiants "Detective Ryan Mong and Seagent Brett Hopkins" inconsistance statements change and claiming that (2) of the (5) control buys was made with Negotiable Items "N.I" and those negotiable items was Provided by the "RCI-1", also claiming that the "N.I" was completly [Legal] and [Photographed]. This testimony was used by the District Court to denied the suppression hearing. On April 3, 2017 to April 11, 2017, the trial took place, in which both affiants again change

the inconsistencies in the statements and claiming that ALL (5) control buys was made with ["Negotiable Items/Custom Made Car Covers"], See Appendix to , during trial the defense counsel presented the defense witness Mr. Doug Moyer, Owner of REM. Automotive, Inc., in which the "RCI-1" was an employee before [She] was [Fired] for [Stealing] the "N.I./car covers" and other car parts. See Appendix to , Mr. Doug Moyer testimony. The jury found petitioner guilty, in August 27, 2018, petitioner was sentence to life sentence, on September 4, 2018, notice of appeal was submitted. Petitioner requested from the direct appeal counsel Mr. Quin M. Sorenso to presented the arguments about [ALL] the control buys were made with the [Stolen] car covers by the "RCI-1", the [Material Perjury] on the affidavits, the [Material Perjury] on the Gran Jury Procedure, the Direct Appeal counsel refused to presented the requested arguments, On September 12, 2019, the Third Circuit Court of Appeals reverse, vacate and remanded for resentencing, also the Third Circuit Court of Appeals affirm the denied of the suppression hearing claiming that the "N.I./car covers" was completely [Legal] and [Photographed]. See Appendix to . How both Court's call [Stolen] items completely [Legal]? On October 21, 2020, I was resentence, during the resentencing process petitioner presented the conflict and contradiction in both court's decisions, but the District judge refused to answer the Constitutional questions that petitioner presented to the District judge. See Appendix and , which the District

judge accepted as Exhibit 2. On November 4, 2020, a notice of appeal was submitted, and again petitioner request from the same appeal counsel Mr. Quin M. Sorenso to present the conflict and contradiction on both court's decision and to present the questions presented on the resentencing hearing and again the appeal counsel Mr. Quin M. Sorenso refuse.

First, my Fourth Amendment was violated by the affiants searching, seizure and forfeiture of properties [NOT] described or mentioned on search warrant, Second, my Fifth Amendment was violated on the Due Process, "right to a fair trial", Third, my Sixth Amendment was violated by denying me the "cross-confrontation" and Crawford violation, also the ineffective Direct Appeal counsel, Fourth, my eight Amendment was violated under "cruel punishment", and Fifth, my Fourteen Amendment was violated on "Due Process Clause and Equal Protection". I submitted a letter to the Third Circuit Court of Appeals invoking Federal Rules of Criminal Procedure, Rule 52(b) Plain Error, explaining the conflict and contradiction on the decision on appeal No: 18-2967, and no action had been taken. The interest of Justice is required to [AID] future misunderstanding in applied the Law correctly

REASONS FOR GRANTING THE PETITION

The jurisdiction into this Honorable Court is invoking the Court's original jurisdiction under **Article III** of the Constitution of United States, Rule **10(a)(c)** of the Supreme Court of the United States, Rule **11** of the Supreme Court of United States, Rule **17(1)** of the Supreme Court of United States, and Rule **20(1)** of the Supreme Court of United States. This case is of such imperative public importance as to justify deviation from normal appellate procedure and require **[Immediate]** intervention of the Justices to prevented misinterpretation of Law, misapplication of Law, conflict and contradiction of what has been already stablished by the Justice system, and will be in **[Aid]** of the court's appellate jurisdiction, the exceptional circumstances in this case warrant the exercise of the court's discretionary powers, and that adequate relief cannot be obtained in any other form or from any other court.

For this **unique** reason this Writ of Certiorari should be Granted.

CONCLUSION

Petitioner prays that this Honorable Court and the respectful Justices look into the search warrant affidavits, the Grand Jury transcripts, suppression hearing transcripts and court of appeal decision and collaborated with the defendant **Exhibit 2**, that petitioner **proved** with any doubt whatsoever that the entire affidavits of probable cause is **[based]** on completely **[Material Perjury]**, and there is **[NOT]** even one issue to support any of the probable cause, also petitioner highlights the **specific** pages and lines of every single transcripts and appeal decision that pointed to the **conflict** and **contradiction** in the decisions.

Once the Honorable Justices collaborate without reasonable doubt numerous United States Constitutional **violations**, could grant petitioner relief and **[order]** that **[ALL]** the entire properties, currencies and vehicles be **[return]** to petitioner in the **same** conditions that the properties and vehicles was before it was illegally searched, seizure and forfeiture, and or return the current monetary market value of said properties.

This Honorable Court could granted any other relief for the entire incarceration, lose of marriage, destruction of petitioner family, pain and suffering....

For the foregoing reasons and those highlithe in the trial transcripts, the judgment of conviction and Sentence should be reverse, vacate and this case should be dismiss.



The petition for a writ of certiorari should be granted.

Respectfully submitted,

Sub. At

Date: May 5, 2021