

ORIGINAL

No. 21-5285

IN THE
SUPREME COURT OF THE UNITED STATES

In re IVAR VOITS

PETITIONER

ON PETITION FOR REHEARING
OF CASE # 21-5285 TO
THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

PETITION FOR REHEARING

IVAR VOITS
SID # 13183612
Snake River Correctional Institution
777 Stanton Blvd.,
Ontario, Oregon 97914-8335
(541) 881-4537
Petitioner *pro se*

LIST OF PARTIES

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:

Petitioner:

Ivar Voits represented by **Ivar Voits**.

SID # 13183612
Snake River Correctional Institution
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Ontario, OR 97914-8335
(541) 881-4537

Petitioner *pro se*.

Respondent:

Jamie Miller
Superintendent
Snake River Correctional Institution

represented by **Kristen E. Boyd**

State of Oregon
Department of Justice
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Salem, OR 97301
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LEAD ATTORNEY
ATNY TO BE NOTICED.

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR REHEARING OF CASE # 21-5285

Petitioner prays that a rehearing will issue.

REASONS FOR GRANTING THIS REHEARING

1. The grounds for this petition for rehearing are simple, straightforward, and supported by a common core of incontrovertible facts, presented herein briefly and distinctly based on the intervening circumstances of a substantial effect, Rule 44.2, namely, the rise of the public's awareness and resultant ire and indignation at the inadequacy and unfairness of the current judicial system. An issue that has long simmered below the radar of the governmental authorities but now just recently has garnered widespread snowballing condemnation.
2. Grant of this petition for rehearing presents the Court a golden opportunity—at the right time in history—to lay down a bright-line rule ending the present malfeasance practiced by some governmental authorities, as evidenced and documented on the record, in Petitioner Voits' egregious case. Petitioner Voits' case is now even more compelling (and continues to grow more so day by day) than it was on October 4, when the Court cleared its docket, en masse, before beginning its new term on October 7. The Court's rich jurisprudence protecting those that maybe wrongfully convicted from the state's egregious violation of a

petitioner's constitutional rights, makes grant of this rehearing (to prevent manifest injustice) more than reasonably compelling and justified, rather than allow the governmental authorities to continue to profit from their own egregious and unconstitutional conduct.

3. Petitioner's underlying *pro se* Petition for an Extraordinary Writ of Habeas Corpus covered in concise detail all the well established supporting case law and *stare decisis* precedent. So I will not belabor the Court here and waste its precious time with a recitation of the ongoing violation of Petitioner's constitutional rights causing him irreparable injury.

4. It suffices to say, however, that the inability of the state to punish an innocent person has long been established and prohibited by the constitution. "The Legislature may ... declare new crimes ... but they cannot change innocence into guilt; or punish innocence as a crime" *Calder v. Bull*, 3 U.S. 386, 388, 1 L.Ed. 648, 3 Dall. 386 (1798). *See also Herrera v. Collins*, 506 U.S. 390, 419, 113 S.Ct. 853, 122 L.Ed. 2d 203 (1993). Moreover, Justice Brennan, concurring, in *United States v. U.S. Coin & Currency*, 401 U.S. 715, 726, 91 S.Ct. 1041, 28 L.Ed. 2d 434 (1971) articulates "[T]he government has no legitimate interest in punishing those innocent of wrongdoing," [as Petitioner Voits is here, and has no culpability at all].

5. The Court may consider Petitioner Voits' request for rehearing (of case # 21-5285) as naive, temerarious and inappropriate. The volume of requests for certiorari coupled with the Court's inability to accommodate them all results in

triage. Preference, understandably, is given to issues which seemingly affect the majority of the citizens, and usually are championed by the most vociferous groups. Examples of such issues on the the Court's agenda in the current session beginning October 7, will probably include cases on abortion, gun rights, COVID-19 measures, etc. issues “where the dissonance is jarring making you wonder if we've all fallen into an *Alice in Wonderland* world where up is down and down is up, and no one in power can be trusted,” quoting from “*The Week*,” 5-2018, p.3, magazine.

6. Occasionally where a major civil rights, or other special interest group's interests coincide with their own agenda, *amicus curiae* briefs in support are submitted to the Court; as was the case with *In re Davis*, 557 U.S. 952 (2009), and the NAACP and ACLU organizations. These special interest groups within the population are only subsets which, however, represent a fraction of the whole United States of America's population. The silent majority is not united presently and has nobody to champion its interests; hence the governmental authorities and judicial system keep them scared, oppressed and apprehensive.

7. The United States Supreme Court, however, represents all the citizens of the United States, with its decisions directing the mainstream of life in the United States of America. This case presents this Court the opportunity to nudge the judicial system and authorities back to the center of the Justice spectrum. The Court can remain to be part of the judicial problem malady presently afflicting the

whole United States of America's population--or it can here proactively take a step in the right direction and provide the solution.

8. Again, however, nobody vociferously champions the individual citizen's constitutional rights. This predicament is left up to the affected individual snared in the existing judicial spiderweb, leaving no citizen safe, notwithstanding the Constitution's guarantees—as Petitioner Voits encountered in Oregon's Washington County, and the Ninth Circuit's district and appellate courts.

9. This case is important, not only to Petitioner Voits, but it clearly affects every citizen in the United States of America; and the American way of life we had come to expect. The underlying issue of governmental unconstitutional misconduct strikes at the very heart of the fundamental foundation, and bedrock principles upon which our democracy and system of justice is based and was founded by the Founding Fathers in our Constitution. Even a single conviction obtained through perjurious or deceptive means weakens the entire foundation of our system of justice.

10. In summation:

A favorable verdict here, for rehearing, would be “a small step for mankind [the citizen's of America](Neil Armstrong, July, 1969)” but a large step in restoring Justice, and the American way of life, as intended in our nation's Constitution, by the Founding Fathers.

So the question presented here is--[W]ill this Court, "do the right thing" (quoting Justice Kennedy), and reign in a runaway judicial system?--heeding the awakened public's awareness and heightened outlook on the inequitable judicial system, and rising clamor for its change.

Accordingly, Petitioner Ivar Voits, respectfully entreats this Court for grant of this rehearing.

CONCLUSION

This petition for rehearing should be granted.

DATED: October 19, 2021.

Respectfully submitted,



Ivar Voits
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PETITIONER

CERTIFICATE OF COMPLIANCE

I certify that the attached PETITION FOR REHEARING is:

- (1) Restricted to the grounds specified in paragraph 2 of Rule 44; and is “limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented,” Rule 44.2.
- (2) Presented in good faith and not for delay.
- (3) Served as required by Rule 29.
- (4) Prepared under Rules 33.2 and 34, is 5 pages, meeting the page limitation, under Court Rule 33.2(b). It has a type face of 14 points, and is proportionally double spaced.

DATED: October 19 , 2021.



IVAR VOITS

SRCI # 13183612
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PROOF OF SERVICE

I, IVAR VOITS, do certify the following:

That I am incarcerated by the Oregon Department of Corrections at the Snake River Correctional Institution, Oregon ("SRCI");

That on the 19th day of October, 2021, I personally placed in the SRCI's mailing service, as required by Supreme Court Rule 29, a true copy of the following: (1) PETITION FOR REHEARING; (2) CERTIFICATE OF COMPLIANCE; and (3) PROOF OF SERVICE. I placed the above in a securely enclosed, postage prepaid envelope, to the person named at the places addressed below:

CLERK
SUPREME COURT OF THE UNITED STATES
1 First Street, N.E.
Washington, DC 20543-0001

Kristen E. Boyd
State of Oregon
Department of Justice
1162 Court Street NE
Salem, OR 97301

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 19th day of October, 2021



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