

No. 21-5311

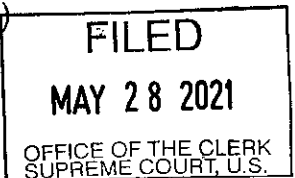
IN THE
SUPREME COURT OF THE UNITED STATES

THOMAS MORGAN SOPER II — PETITIONER
(Your Name)

vs.

STATE OF IDAHO — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO



SUPREME COURT OF THE STATE OF IDAHO
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

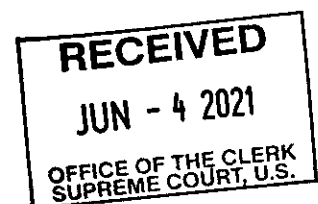
PETITION FOR WRIT OF CERTIORARI

THOMAS M. SOPER II #71016
(Your Name)

IDAHO STATE CORRECTIONAL INSTITUTION
(Address)

PO BOX ⁸⁵⁰⁹ Boise, IDAHO 83707
(City, State, Zip Code)

208-336-0740
(Phone Number)



QUESTION(S) PRESENTED

- #1. Does A District Court Judge have the power and/or Right to ignore an order of ~~to~~ suspend all persistent felon enhancements?
- #2. Does A District Court Judge have the power and/or Right to ignore a signed Plea Deal by the prosecution?
- #3. Does A District Court Judge have the power and/or Right to ignore the state of Idaho's Rules and/or codes of Criminal Procedure?

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:

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TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

- STATE V. Lopez 107 Idaho, 826, 93 P.2d 472 (CT. App 1984)
- STATE V. Lovejoy 60 Idaho, 632, 95 P.2d 132 (1939)
- STATE V. Prince 64 Idaho, 343, 132, P.2d 146 (1942)
- STATE V. Williams 163 Idaho, 635, 651 P.2d 569 (CT. App 1982)

STATUTES AND RULES

Idaho Rules of Criminal Procedure 19-2514 Persistent Violator - Sentence on third conviction for felony.

Texas Title 1 Code of Criminal Procedure. Chapter 21
Indictment and Information

OTHER

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☐ is unpublished.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 A 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 _____.

☐ 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 01/25/2021.
A copy of that decision appears at Appendix B.

☒ A timely petition for rehearing was thereafter denied on the following date: January 25, 2021, and a copy of the order denying rehearing appears at Appendix B.

☐ 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

Idaho Code Criminal Procedure

19-101. Legal conviction necessary to punishment - No person can be punished for a public offense except upon a legal conviction in a court having jurisdiction thereof.

Rights of Accused in criminal prosecution Idaho Const., ART. I,

§ 13.

STATEMENT OF THE CASE

Thomas Morgan Soper II appeals from his judgment of conviction for felony driving under the Influence of Alcohol (DUI). Mr Soper pleaded guilty after prosecution offered a plea deal of five years felony probation plus DUI COURT AND OUTPATIENT Alcohol Treatment.

Mr. Soper signed a plea deal and filed an Application to Attend DUI COURT AND WAS ACCEPTED, plus Mr. Soper signed up for Alcohol Treatment.

During preliminary hearing, judge Jonathan P. Brody announced the suspension of all persistent felony enhancements after which prosecution offered plea deal. Mr Soper signed plea deal and filed Application for D.U.I. COURT. Mr Soper signed up for outpatient Alcohol treatment then Soper visited twice the New D.U.I. COURT proceedings.

Upon completion of plea deal requirements Mr Soper then pled guilty for the charge of D.U.I. Following COURT DATES were postponed due to close proximity to Christmas holidays, new COURT DATE WAS ASSIGNED ON JANUARY 7th, 2020 FOR SENTENCING.

During the sentencing process, Mr Brody ignored the entire plea deal arrangement and began verbally asking Mr. Soper why he has six charges on his P.S.I. report that have no pre-disposition on them. Two of these cases Mr Brody verbally identified as - (one) MARIJUANA possession, (DATED 09/21/1979) This case is over 41 years of age and was dismissed for lack of evidence. Mr Soper was unable to remember the outcome during this questioning until sometime later.

STATEMENT OF THE CASE

The second case of Auto theft that MR. Brody Verbally Identified, (Dated 01/01/1981) This case has a disposition that states - (Released without Prosecution). MR Brody Violated my Idaho Constitutional Right - ART. I § 13 (Rights of the Accused) by Adding 5 years beyond the MAX 5 year Fixed Sentence, According to Idaho code 19-2514 Persistent Violator - Sentence on Third conviction for Felony.

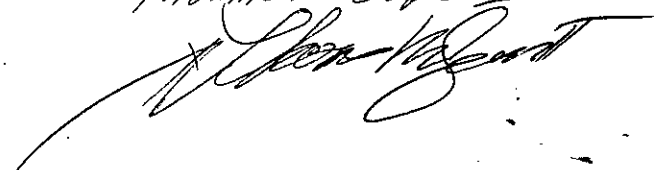
The other 4 cases are all misdemeanors and therefore cannot be used to Enhance a Felony conviction - All of these can be verified.

I believe Judge Jonathan Brody Violated Title 19-101 of The Idaho Code of Criminal Procedure. (Legal conviction necessary to Punishment. MR Brody went Beyond his Judicial Power simply to Enhance a conviction, because he could not use past Idaho Felony convictions without Violating the Statute of Limitations Law.

I Petition the United States Supreme Court to Review and vote on this Appeal and defendant Thomas M. Soper II to Amend and/or Overturn this entire Conviction on the information provided and Resurched.

Thank You For Your Time.

THOMAS M. SOPER II



REASONS FOR GRANTING THE PETITION

① I Filed A Rule 35 For Age and Health Reasons.

② I Filed An Appeal in the Appellate Court in Idaho. My Attorney was Justin M. Curtis Also ineffective

③ Another Appeal was Filed in the Idaho Supreme Court of Appeals

All of these were Denied!

The Attorney I was Assigned for my case was ineffective in my sentencing, his name is Clayne S. Zollinger, Jr

The Statement of the Case in my Appeal that I gave MR Justin Curtis is not what he put into my Appeal.

I do not have an Attorney, I am doing all of this work myself. There ARE MANY Reasons in my Statement that show Judge Jonathan P. Brady violated my Rights And the Rules of Idaho's Criminal Procedure.

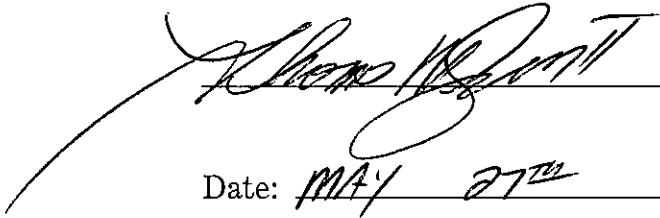
Also Charges from Another STATE (TEXAS) THAT I WAS NEVER CONVICTED OF WAS TO Enhance my CURRENT CONVICTION. Judge Jonathan P. Brady used these cases DURING Sentencing.

AT The Begaining of my Preliminary Hearing Judge Jonathan P. Brady of the 5TH DISTRICT COURT in Idaho ORDERED A Suspension of All Persistant Felony Enhancements.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,


Date: MAY 27th