

ORIGINAL

21-6740  
NO. \_\_\_\_\_

IN THE SUPREME COURT OF THE UNITED STATES

FILED  
DEC 23 2021  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

TEDDY CHIQUITO,

Petitioner,

v.

UNITED STATES

and

NAVAJO POLICE

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Tenth Court

**PETITION FOR WRIT OF CERTIORARI**

Teddy Chiquito,

Petitioner Per Se

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**QUESTION PRESENTED**

1. Whether the Government and a Tribal Law Enforcement Employer can arbitrarily convict a Tribal Police Officer, by violating his due process rights and equal protection rights under Indian Civil Rights Act and a Tribal Bill of Rights, in a federal criminal court proceeding, even though both defendants knew prior to indictment of Petitioner that he was acting in self-defense, the required justification or excuse needed for the federal criminal charges?
2. Whether each Defendant be required to pay restitution – Compensatory and Punitive Damages – to the Petitioner for an unlawful conviction?

## 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 parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

## RELATED CASES

U.S. v. Chiquito, 175 Fed. Appx. 215 (2006)

U.S. v. Chiquito, 526 F.3d 1310 U.S. Court of Appeals for the Tenth Circuit. Judgement entered May 21, 2008.

Chiquito v. United States. No. 1:18-cv-00963-KWR-SCY U.S. District Court for the District of New Mexico. Judgment on Apr. 28, 2021.

Chiquito v. United States of America; Navajo Police. No. 21-2056. U.S. Court of Appeals for the Tenth Circuit. Judgment entered Oct. 01, 2021.

## **TABLE OF CONTENTS**

**OPINIONS BELOW**

**JURISDICTION**

**CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

**STATEMENT OF THE CASE**

**REASONS FOR GRANTING THE WRIT**

**CONCLUSION**

## **INDEX TO APPENDICES**

**APPENDIX A – ORDER AND JUDGMENT – United States Court of Appeals for the Tenth Circuit.**

**APPENDIX B – ORDER DENYING MOTION AND AFFIDAVIT FOR PERMISSION TO APPEAL IN  
FORMA PAUPERIS by United States District Court for the District of New Mexico.**

**APPENDIX C – MEMORANDUM AND OPINION AND ORDER by United States District Court of the  
District of New Mexico.**

**APPENDIX D – APPELLANT’S COMBINED OPENING BRIEF AND APPLICATION FOR A CERTIFICATE  
OF APPEALABILITY.**

**APPENDIX E – PETITION FOR WRIT OF ERROR CORAM NOBIS AND NOTICE OF INTENT TO FILE  
LAWSUIT(S) -Original by Petitioner.**

**APPENDIX F**

## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
District of Columbia v. Heller, 554 U.S. 570 (2008).....	4
Bryan v. United States, 524 U.S. 184. (2 <sup>nd</sup> Cir. 1998).....	4
Firearms Owners Protection Act, (FOPA) 100 Stat. 449.....	4
Strickland v. Washington, 466 U.S. 691 (1984).....	5
Dry v. CFR Court of Indian Offenses for the Choctaw Nation, 168 F.3d 1207. (10 <sup>th</sup> Cir. 1999).....	6
Brady v. Maryland, 373 U.S. 83 (1963).....	6
U.S. v. Akinsade, 686 F.3d 248 (4 <sup>th</sup> Cir. 2012).....	8
U.S. v. Morgan, 346 U.S. 502, 512. (1954).....	9
STATUTES AND RULES	
28 U.S.C. § 1254(1).....	1
Indian Civil Rights Act, 25 U.S.C. § 1301-1303.....	3, 4, 5, 6, 7, 8
Navajo Bill of Rights, 1 N.N.C. § 1-9.....	3, 4, 5, 6, 7, 8
18 U.S.C. § 924(c).....	3
18 U.S.C. § 242.....	7, 8
28 U.S.C. § 2513.....	8
28 U.S.C. § 1651.....	8
All Writs Act 28 U.S.C. § 1651.....	8, 9
OTHER – Documents.	
(A) Navajo Nation Department of Law Enforcement Manual of Rules and Regulations on Professional Code of Conduct and Disciplinary Action Process.....	

IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari be issued to review the judgment below.

OPINIONS BELOW

For cases from federal courts:

The opinion of the United States Court of Appeals for the Tenth Circuit appears at Appendix A to the petition and is

reported at Federal Rules of Appellate Procedure; Tenth Circuit Rule 34(G).

JURISDICTION

For cases from federal courts:

The date on which the United States Court of Appeals for the Tenth Circuit decided my case was on October 01, 2021.

No petition for rehearing was timely filed in this case.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

	Page number
Second Amendment.....	4
Fifth Amendment.....	7
Sixth Amendment.....	4

## STATEMENT OF THE CASE

The Government's circumstantial case (second guessing) that Mr. Teddy Chiquito committed federal crimes without justification or excuse. Chiquito did prove he acted in self-defense, meeting the required justification or excuse. Although Chiquito was found guilty to set charges to the shooting of Jonah Toledo, the legality of this conviction is in question due to the two defendant's reliance on the violations of the Indian Civil Rights Act and the Navajo Bill of Rights as bolstering their case against Chiquito. Yet, the government and Navajo Police persisted in using the violations of the Indian Civil Rights Act – 25 U.S.C. § 1302(8) and the Navajo Bill of Rights – 1 N.N.C. § 3, § 6, committed by the Navajo Police as a vehicle to obtain a federal criminal conviction upon Teddy Chiquito, known to them as an employed Navajo Senior Police Officer, rather than reliance on federal firearms law (18 U.S.C. § 924(c) and federal criminal process. That both defendants knew prior to indicting Chiquito, that he acted in self-defense and accordance to the standards of training provided for all Navajo Police Officers in the use of firearms and the use of force standards, and accordance to the provisions set forth for all Navajo tribal members in the Navajo Bill of Rights: subsection 3 – equal protection and due process of Navajo Nation law, and subsection 6 – right to keep and bear arms. *See Navajo Bill of Rights (1 N.N.C. § 3, § 6) See also Appendix E.*

Reviewing court's removal of the factual and procedural background that Chiquito found not guilty for the first shooting of Juvenile based on self-defense, by primarily focusing on the guilty verdict affords the defendants that they are above the law and can do no wrong. Which

sets a bad precedent. Self-defense is a right and not at the discretion by either defendant. As the Court declared that an “inherent right of self-defense” is central to the Second Amendment. The fact Chiquito found not guilty based on self-defense has value in this petition as well. *See Appendix E at 3, Appendix D at 2. Second Amendment and District of Columbia v. Heller, 554 v. 570, Navajo Bill of Rights also provide provisions for right to bear arms and self-defense within the Navajo Nation.* Additionally, this Court finds in *Bryan v. U.S.* that [524 US 184, 187] “In 1986 Congress enacted the *Firearms Owners Protection Act* (FOPA), in part, to cure these omissions. The findings in that statute explained that additional legislation was necessary to protect law-abiding citizens to the acquisition, possession, or use of firearms for lawful purposes.” *Firearms Owners Protection Act, (FOPA) 100 Stat. 449.*

The violation of the Indian Civil Rights Act and the Navajo Bill of Rights committed by Navajo Police was gleaned from the trial testimony of Jonah Toledo, second man Chiquito shot in self-defense. Where Navajo tribal criminal charges against Toledo were dismissed. *See Appendix E, at 7.* Then over the course of years while Chiquito was incarcerated, he researched throughout federal caselaw’s and after his release from incarceration he gained additional knowledge of the Indian Civil Rights Act and the Navajo Bill of Rights, and how that affected his rights to a fair trial and that his supposed defense counsel(s) do not have any knowledge of Indian Civil Rights Act and in particular the Navajo Bill of Rights, for which they would have provided an adequate legal defense prior to trial, during trial, even cause a motion for dismissal of charges, and through the appeals process. Ineffective assistance of counsel (*Sixth Amendment*.

*Strickland v. Washington, 466 U.S. 691-696)* And without legal assistance or legal training,

Chiquito did the research, and even though district court and circuit court dismissed his claims as frivolous, yet he is seeking justice and want his former employer the Navajo Police and the government to be held accountable for their egregious conduct and has now set these claims before this Court to grant the petition of certiorari. Chiquito has been due diligent in his quest for justice not only for himself, but for other Navajo tribal members, and similarly situated individuals.

What is further troubling to Chiquito is that lower courts do not have adequate knowledge of the violations of the Indian Civil Rights Act and Indian Bill of Rights (Navajo Bill of Rights in the instant case), as demonstrated by the district court and circuit court affirming, they do not always look at the overall arch of the problems created by these violations. Where if a violation does occur, lower courts are having trouble understanding the difference between the two laws. Indian Bill of Rights (Navajo Bill of Rights) is tribal law, whereas Indian Civil Rights Act is a federal Law. They do not stand alone as far as federal courts are concerned. Congress passed the Indian Civil Rights Act to ensure that no Indian tribe violates the rights of their tribal members, such is the case before this Court. In the instant case, a tribal employer, Navajo Police, a law enforcement branch of the Navajo Nation government is accused of violating the employment rights and civil rights of Teddy Chiquito, but it doesn't stop at Chiquito. These type of violations affects the entire Navajo Police force within the Navajo Nation, even other branches of the Navajo Nation could be affected. Without addressing these violations, and the

failure to do so, will only embolden these violations to occur repeatedly for years to come. For a lower court to instruct Chiquito that he must file a petition in tribal court before filing this Writ, this is backwards thinking, for Chiquito requesting a tribal court to overrule a federal court. Additionally, exhaustion of any tribal remedy rested with the Navajo Police, where they were to ensure they did not violate any rights of Chiquito afforded by Indian Civil Rights Act and the Navajo Bill of Rights before proceeding into federal court. District court also relies on *Dry v. CFR Court of Indian Offenses*, 168 F.3d 1207, 1209 (10<sup>th</sup> Cir. 1999), asserting “If the argument even presents a question of federal law, it could only be raised through a proceeding under the Indian Civil Rights Act and Petitioner would have needed to exhaust any tribal remedies before filing in this Court.” Appendix C, at 6) The Dry case is about tribal defendants being charged in tribal court (Chiquito was never charged in tribal court, nor in tribal custody) contesting the legality of their detention in tribal jails. *See also Appendix D #4 at 6.* The fundamental error or error of fact, as district court alleges, but more in line with prosecutorial misconduct, that the fact Navajo Police and the Government both orchestrated false evidence that Jonah Toledo was an innocent bystander at Chiquito’s federal trial, in order to deceive the trial court, the jury, Chiquito’s defense counsel and Teddy Chiquito himself, whom was considered an innocent person/law abiding citizen, in order to tip the scale in their favor for a federal conviction, despite the defendants knowingly Chiquito acted in self-defense prior to indicting him. *Brady v. Maryland*, 373 U.S. 83, 86-87 (1963) *See Petitioner’s Original Writ of Error Coram Nobis, Appendix D.*

The violations committed by the Navajo Police and the government of the Indian Civil Rights Act, and the Navajo Bill of Rights can be construed to be an attack upon the Sovereignty of the Navajo Nation as well. In their blind attack upon Chiquito, they have effectively attacked the employment laws of the Navajo Nation, and civil rights under the Navajo Bill of Rights. 1).

Navajo Nation Department of Law Enforcement Manual of Rules and Regulations on Professional Code of Conduct and Disciplinary Action Process; 2). Navajo Bill of Rights affords tribal members of equal protection and due process of Navajo Nation laws – 1 N.N.C. § 3, and afforded the right to keep and bears arms, including the right of self-defense – 1 N.N.C. § 6. Additionally, Navajo Police would not be under the protection of sovereignty immunity since they purposely violated the Navajo Nation laws (including Indian Civil Rights Act) that safeguard all tribal members from governmental abuse of power over its citizens.

Just compensation by the two defendants. Because the Navajo Police's action of denying the rights of Chiquito under the Navajo Bill of Rights, which resulted as a violation of the Indian Civil Rights Act, must be considered "rogue action" and outside the scope of their duties to protect the rights of Navajo tribal members guaranteed under the Navajo Bill of Rights, and because they were under color of law – law enforcement, then claim under 18 U.S.C. § 242 deprivation of rights under color of law would apply, because defendants denied a plaintiff (Chiquito) civil rights "without due process of law." (Fifth Amendment) Teddy Chiquito being employed by the Navajo Police, 14 years veteran, as senior police officer, annual salary of over \$35,000 plus earned annual leave, sick leave, cost-of-living adjustment, on occasion over-time and earning

for his retirement. Both defendants would fall under the category of 18 U.S.C. § 242 liability. Provisions are also provided under 28 U.S.C. § 2513. Chiquito would be entitled to recover his loses and its benefits. Accountability upon law enforcement is of the ought most concern for those affected by unlawful conduct by embolden bad doers of the police and their prosecutorial partners.

Finally, since Writ of Error Coram Nobis is similar to the Habeas Corpus, where this Writ are for those not incarcerated and no longer serving time, while habeas corpus is a Petition for those serving time, and is required to be filed within one year of the exhausting of direct criminal appeal. However, the Coram Nobis is not strictly subject to strict time of limitation under that statute, providing petitioner have good reason for delay, as Chiquito has provided. *U.S. v. Akinsade, No. 09-7554. 2012.* Chiquito is well within his right to have filed this writ of error coram nobis in federal court and can be brought under the All Writs Act 28 U.S.C. § 1651.

#### **REASONS FOR GRANTING THE PETITION**

The Court should grant certiorari to clarify the issues raised on the federal questions in regard to the Indian Civil Rights Act and the Navajo Bill of Rights in that Chiquito was denied equal protection under its laws and the denial of due process by the two defendants. Teddy Chiquito's rights be restored, including right to bear arms, criminal conviction expunged, and just compensated for his loses.

The writ of error coram nobis is infrequent in federal courts, however, when it does occur, this Court has uniformly upheld its availability under the All-Writs Act 28 U.S.C. § 1651 to resolve "errors of the most fundamental character." *U.S. v. Morgan*, 345 U.S. 502, 512. Teddy Chiquito's case is such the case.

#### CONCLUSION

Mr. Teddy Chiquito respectfully request that this Court grant an issuance of a writ of certiorari.

Respectfully submitted,



Teddy Chiquito

Date December 23, 2021.