

No. 21-6958

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In The

**SUPREME COURT OF THE UNITED STATES**

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Vorarut Vorasiangsuk,

Petitioner,

v.

United States of America,

Respondent.

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On Petition for a Writ of Certiorari to the  
United States Court of Appeals  
for the Eleventh Circuit

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**PETITION FOR REHEARING AND RECONSIDERATION**

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Vorarut Vorasiangsuk  
Pro Se Inmate  
71598-018 UNIT C4  
FCC COLEMAN LOW  
P.O. BOX 1031  
COLEMAN, FL 33521

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On February 22, 2022, the Supreme Court of the United States denied Mr. Vorasiangsuk's petition for a writ of certiorari ("certiorari"). In this petition Mr. Vorasiangsuk here by humbly and respectfully requests the justices of the Supreme Court to rehear and reconsider their decision to deny his certiorari. Her asks the justices of this court to construe his petition liberally as it was filed by a Pro Se inmate who knows very little in the way of the law. In Mr. Vorasiangsuk's certiorari he has demonstrated what clear and obvious errors had occurred during the lower court's proceedings. he has shown how the harmful impact of those decision negatively affected him and violated the constitutional rights. Mr. Vorasiangsuk asks the justices of this good court to review the following issues with strong sense of justice and see if the issues Mr. Vorasiangsuk raised are worthy of granting the rehearing.

**A).** The lower court's decisions violated the Sixth Amendment, the right to a fair trial, because those decisions were based on false and unreliable evidence. As pointed out on page 9-14 of Mr. Vorasiangsuk's certiorari, the district court's decision were based on proven false and unreliable facts as shown on the record. From the initial hearing, the motion to suppress, the trial, and the sentencing the government had been providing the court and the jury with evidence, testimony, and heresay which were later proven false and inaccurate by the record. However, these false testimony and evidence were already adopted and used by the district court in its decision making. The appellate court then reused the same false information derived from the district court's decision and made their ruling without thoroughly reviewing the case De Novo, and thus arriving at the same conclusion as the district court.

**B).** Mr. Vorasiangsuk's conviction was obtained through violation of the

Sixth Amendment as it was a result of fraud by the government. (See page 19-20 of certiorari and Appendix P & Q) The government provided the district court and the jury with false testimony and evidence. They misled the court and the jury by providing them with evidence of a crime that took place in 2018 to have the jury convict Mr, Vorasiangsuk of another crime that took place in 2015 - neither of which Mr. Vorasiangsuk had any involvement with. The government provided the court and the jury with statements that claimed to be made by Mr. Vorasiangsuk when in fact it was proven on the record that he did not make those statements. The government also knowingly provided the court with heresay statements that was testified in a third person perspective. (See Appendix J2 "Agent Hyre testified on behalf of Agent McElyea") Even though the statement is considered unreliable under the confrontational clause of the Sixth Amendment it was adopted and used by the district court and the jury in their decision-making and thus violate the law as previously ruled by the Supreme Court in Crawford v. Washington and again recently in Hemphill v. New York. (No. 20-367)

**C).** Mr. Vorasiangsuk is actually innocent of his crime as he provided this court with the newly discovered evidence to support his claim of actual innocence. (See page 22 of certiorari and Appendix R) Mr. Vorasiangsuk did not live at the residence where and when the crime took place in 2015. In 2015, Mr. Vorasiangsuk lived half a world away volunteering in the rural mountains of Thailand with his wife. He did not come back to USA until 2016.

**D).** The appellate court failed to consider the prison mailbox rule under Houston v. Lack when it denied Mr. Vorasiangsuk Pro Se amended motion for rehearing. The court erred when it chose not to take any action on his timely motions. (See page 8 of certiorari and Appendix F,G,H,J1 &J2)

E). The lower courts failed to address Mr. Vorasiangsuk's issue of the missing trial transcript. An important part of the trial where a juror was caught sleeping on the bench and had to be woken up by the judge was removed from the transcript and no one was willing to address the issue. Mr. Vorasiangsuk asked his appellate lawyer to investigate the matter, but the counsel refused. (See last page of the Appendix T) Mr. Vorasiangsuk tried filing a motion to correct the record on his own, but the appellate court deferred it to his counsel who again refused to help with the matter. Now that his family is trying to investigate the matter on their own, the FBI agents who arrested Mr. vorasiangsuk came to the prison to intimidate him not to pursue the the matter. Mr. Vorasiangsuk asked the district court to intervene and clarify the matter, but the district court too refused to answer and denied his request. (See motion to supplement the record)

The Supreme Court has the power to rule on this case as cited under Beckwith v. United States and Napue v. Illinois. (See page 19 and 21 of certiorari) However, there is no authority that Mr. Vorasiangsuk could cite that will change the matter if no one is willing to listen. There is no case-law that Mr. Vorasiangsuk could cite that can force the Supreme Court to act. there is no case-law that can cure prejudice once it is allowed to establish. During the jury selection at Mr. Vorasiangsuk's trial, one of the potential jurors demonstrated this point the best when he pointed at Mr. Vorasiangsuk and stated in the open court:

"To your point that the government can accused anybody, the FBI, we are all sitting here, we are not accused, he is (pointing at Mr. Vorasiangsuk). There must be something that got him to that point that the FBI found... but if there was no evidence, how do we get to this point?" - trial tanscript day 1 page 129-131.

The potential juror had not yet heard the detail of the case, but was ready to accuse Mr. Vorasiangsuk outloud infront of all other potential jurors. The seed of prejudice was planted and all the potential jurors were tainted. many jurors shared the same point of view as this gentleman as shown by the raise of hands when the judge asked them. The judge tried to remedy the issue, but only so much can be done at that point. One particular potential juror continued to mention his view against the nature of the offense due to his past sexual-abused history despite the judge warning. As demonstrated, sadly most people are bias against this type of crime. But as Mr. Vorasiangsuk previously stated in his letter to Justice Sotomayor, "Yet, I hope wildly and beautifully anyway" that the justices of this court would at least read and decide for themselves what truly happened prior to passing the judgment like everyone else.

Although the importance of Mr.Vorasiangsuk's case may seem miniscule when compared to other typical Supreme Court's cases, but the principle that is at the core of the issue is no less important: the fundamental right to be heard and answer to the accusation, the right to due process of the law, and the right not to be convicted and sentenced based on false and unreliable evidence. All these rights were violated when the FBI agents put Mr. Vorasiangsuk through custodial interrogation under the 40 degrees weather, when the agents breached their protocol using a personal cellphone to record the statement when an FBI issued recording device was available and instead turn in an incomplete recording of the statement, when the government provided the court and the jury with false evidence to bring about his conviction, and when the appellate court chose not to address Mr. Vorasiangsuk's timely motions. Where else can we find a refuge if the law of the Constitution cannot protect us?

law enforcement abuse of power like in Mr. Vorasiangsuk's case happened before in Escobedo, Miranda, Giglio, and Napue, and it will happen again unless someone intervene. Mr. Vorasiangsuk's lower courts chose to overlook and refused to intervene, and that is why Mr. Vorasiangsuk needs this court to review his case. Mr. Vorasiangsuk's father passed away in 2020 from Corona Virus while trying to investigate the case for his son. Because of his father's help, Mr. Vorasiangsuk now has a plethora of evidence to support his claim of actual innocence as well as other calims raised on his certiorari. He only needs someone to listen attentively and act accordingly. Mr. Vorasiangsuk requests the justices of this good court to rehear and reconsider his petition and rectify it as they see appropriate. Should this good court find itself unable to grant Mr. Vorasiangsuk his request, then please at least give Mr. Vorasiangsuk an answer or a guidance as to whom he can address his concerns and ask for a help to defend against these violations of the Constitution. Thank you for your wisdom and dedication to our justice system.

Most humbly and respectfully submitted on March 6, 2022 by:

Vorarut Vorasiangsuk  
Pro Se Prisoner  
71598-018 Unit C4  
FCC COLEMAN LOW  
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COLEMAN, FL 33521



**CERTIFICATE OF COMPLIANCE TO RULE 44 OF THE SUPREME COURT**

Mr. Vorasiangsuk here by declares that the grounds stated in his petition for rehearing & reconsideration are limited to intervening circumstances of substantial matter and to substantial grounds not previously presented in his petition of a writ of certiorari. Mr. Vorasiangsuk submits this petition Pro Se and in good faith without having any intention of causing a delay. Mr. Vorasiangsuk believes his issues have merit and cannot be resolved by the lower courts without the guidance of the Supreme Court.

**CERTIFICATE OF SERVICE**

This petition was delivered in a properly addressed, postage pre-paid envelop to the prison mailing authority on the same day as signed.

The original petition is sent to the U.S. Supreme Court, Office of the Clerk at 1 First Street, N.E., Washington, DC 20543

A copy of the petition was sent to the U.S. Solicitor General at Room 5614, 950 Pennsylvania Ave., N.W. Washington, DC 20530

**VERIFICATION**

Under the penalty of perjury as authorized by 28 U.S.C. § 1746, I declare the factual allegations and statements contained in this document are true and correct to the best of my knowledge.



**Additional material  
from this filing is  
available in the  
Clerk's Office.**