

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Ryan T. Carlton — PETITIONER
(Your Name)

VS.

State of Maine — RESPONDENT(S)

PROOF OF SERVICE

I, Ryan T. Carlton, do swear or declare that on this date,
July 5, 2022, as required by Supreme Court Rule 29 I have
served the enclosed MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS
and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding
or that party's counsel, and on every other person required to be served, by depositing
an envelope containing the above documents in the United States mail properly addressed
to each of them and with first-class postage prepaid, or by delivery to a third-party
commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

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

Executed on July 5, 2022

Ryan Carlton
(Signature)

STATE OF MAINE
SUPREME JUDICIAL COURT
SITTING AS THE LAW COURT
DKT. NO. PIS-21-268

STATE OF MAINE
Appellee

vs.

RYAN T. CARLTON
Appellant

ON APPEAL FROM THE SUPERIOR COURT
PISCATAQUIS COUNTY

BRIEF OF APPELLANT
Ryan T. Carlton

Jeffrey C. Toothaker, Esq.
14 High Street
Ellsworth, Maine 04605
207-667-6755

"Appendix A"

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STATEMENT OF PROCEDURAL HISTORY

1. This appeal involves seven (7) separate cases. Charges and results include:

<u>Dkt. Nos.</u>	<u>Charges</u>	<u>Event Date</u>	<u>Result</u>	<u>Sentence</u>	<i>Aug 4 170 180 360</i>
CR-2020-380	Theft, class C	11/17/2020	Guilty	1 year	
	OUI, class D		Not Guilty		
	OAS, class E		Guilty	\$250 fine	
	Refusing to Sign, class E		Guilty	30 days	
	Bail Violation, class E		Guilty	30 days	
CR-2020-408	Resisting Arrest, class D	11/23/2020	Not Guilty		
	Bail Violation, class D		Guilty	30 days	
	Refuse to Sign, class E		Guilty	30 days	
CR-2020-412	Ag. Cruelty Animal, class C	11/26/2020	Not Guilty		
	Cruelty to Animals, class D		Guilty	11 months	
	Criminal Trespass, class E		Not Guilty		
	Bail Violation, class E		Guilty	30 days	
CR-2021-20	Criminal Mischief, class D	12/20/2020	Guilty	6 months	
CR-2021-60	Criminal Mischief, class D	01/22/2021	Guilty	6 months	
CR-2021-61	Assault on Officer, class C	01/25/2021	Guilty	2 years	
CR-2021-64	Bail Violation, class C	01/29/2021	Guilty	1 year, all suspended, consecutive, probation for 1 year	

2. On May 12, 2021, undersigned Counsel was appointed to all charges.
3. On July 6, 2021, Carlton elected to go Jury waived and I was Stand-By Counsel.
4. On July 13, 2021, all matters were tried before Justice Anderson. Carlton won

some, but lost some.

5. On August 2, 2021, Carlton was Sentenced as indicated above.

6. Carlton challenges the following convictions:
 - A. Theft, class C (Stealing mom's car) and OAS from Dkt. No. 2020-380;
 - B. Cruelty to Animals (fry pan to cat) and Bail Violation in Dkt. No. 2020-412;
 - C. Assault on An Officer (restraint chair grab at jail) in Dkt. No. 2021-61; and
 - D. Bail Violation (letter to mom) in Dkt. No. 2021-64.

STATEMENT OF FACTS

Theft of Mom's Car and OAS.

1. The State claims Carlton stole his mother's car and drove while under suspension.
2. The State called **Marjorie Carlton**, Carlton's mom, who testified that on November 17, 2020, she home at 50 Wharf Road in Guildford, Maine, Tr. pgs 15-16; that Carlton was her son, and had been living with her. That she saw Carlton arrive home in a car driven by a friend and Carlton went to his side of the house. Tr. pgs. 17-18. That she drove into town to do errands and returned. Id. That Carlton asked her to take him to town, but she refused. Tr. pgs. 18-19. That a short time later, she heard the door close, but she didn't think anything of it, and then 2 or 3 minutes later, she got up and saw that her Volvo Station Wagon was gone. She then called the police. Tr. pgs. 20-21. Marjorie later recovered her Volvo at the "Cookson" home a mile and a half away.

3. On Cross, Marjorie testified she did not see Carlton take her car or drive away. Tr. Pg. 39.

4. The State called **Deputy Todd Lyford**, who testified he responded to Marjorie's complaint and located her Volvo at the Cookson's house. That he went to the Cookson residence and was let in. That Carlton was there along with 3 or 4 other people. That Carlton got "agitated very quickly" (the encounter was on video and played for the Court) and Carlton was arrested.

Tr. pgs. 54-61.

5. The State called **Deputy Mike Pina**, who testified he too responded to the car complaint and went to the Cookson property. That when he arrived, Carlton was handcuffed near the front of Lyford's cruiser. That he put Carlton in his cruiser and transported him to jail. Carlton was agitated the entire ride and at the station (10 minutes away) refused to take an Intoxilizer test. Tr. pgs. 68-72.

6, No one testified they saw Carlton driving.

Fry Pan and the Cat

7. The State called **Deputy Kyle Wilson**, who testified that on 11/23/2020, he arrested Carlton and bail conditions prohibiting Carlton from going to his parents' home were put in place. Tr. Pg. 100. Wilson testified that on 11/26/2020, he and **Deputy Guy Dow** went to Barry Carlton's home (Carlton's father) and met with Barry, who told them Carlton was inside his home. Wilson testified that he and Dow entered the home and Dow hollered for Carlton to come downstairs, which Carlton did. Carlton was arrested for a Bail Violation. Tr. pgs. 101-103.

8. Wilson testified that he noticed Carlton's hands, "I noticed he had some -- what looked like fresh cuts and scratches on his right arm and wrist." He also testified he saw bleeding. Id.

9. The State called **Barry Carlton** (Carlton's dad), who testified that on 11/23/2020, he called the police because he felt Carlton was being aggressive towards him and intimidating. Tr. pg. 107. Carlton was subsequently arrested at a local store intoxicated and new bail conditions were imposed.

10. Barry testified that on 11/26/2020, Carlton came to his home, asked to use Barry's phone, went to his room and kept Barry's phone long enough that Barry called the police from a

store just down the road. Barry followed the police back to his home and Carlton was arrested.

11. Barry testified that after Carlton was taken to the jail, he went upstairs to check for cigarettes and found, “[a] cat laying dead on the floor.” This was Barry’s 8 or 9 month old cat named Princess. Barry brought the dead cat downstairs and showed it to Deputy Dow. Tr. pgs. 111-114.

12. Barry and Deputy Dow eventually went upstairs and found a pair of bloody pants and a frying pan with blood on same. Tr. pgs. 116-117.

13. The State called **Deputy Guy Dow**, who testified that on 11/26/2020, he went to Barry’s home, entered, called for Carlton, who came downstairs and was arrested. Tr. pgs. 125-126. Dow testified that after Carlton was taken to the jail, Barry approached and told him that Carlton had killed his cat. Barry eventually went upstairs and saw a blood spot and bloody fry pan.

14. Later, Dow spoke to Carlton about the cat and Carlton supposedly said, “the little fucker attacked me and it was out for blood.” Dow was shown Carlton’s arm and Carlton showed him scratch marks on his hand. Carlton also supposedly said the cat attacked him so he had to kill it. Tr. pgs. 127-128.

Assault on Officer

15. The State called **Eric Berce**, a Dispatcher/Corrections officer, who testified that on January 25, 2021, he was asked by others to assist them to place Carlton into what they called the “restraint chair.” Berce testified this happened in the booking room and the “restraint chair” was hauled out and Carlton was taken out of the holding cell. Berce was behind the chair when they were putting Carlton into same, when “I grabbed him underneath the jowls.” Tr. pgs. 175-

178. When this happened, Carlton immediately reacted by shoving his hands straight up in the air and hit Berce in the nose.

16. There is a video that shows the entire event. I encourage you to watch it and notice how quickly he responds to this pressure point.

Bail Violation-Letter to MOM!!

17. Marjorie testified that she received a letter (State's 6) in the mail, she claimed was from Ryan that was mailed on January 29, 2021. Marjorie identified the letter inside the envelope as Carlton's handwriting. Tr. pgs. 27-29. Carlton objected to the admissibility of the letter arguing it was not shown who authored it or who sent it. The objection was overruled and the letter introduced. Tr. pgs 29-30. After that exchange, Marjorie testified that the writing on the envelope was not Carlton's writing, but the letter inside the envelope was Carlton's writing. Tr. pgs 31-32.

STATEMENT OF ISSUES FOR REVIEW

- 1. WHETHER THERE WAS SUFFICIENT EVIDENCE TO FIND CARLTON GUILTY OF THEFT OR OAS?**
- 2. WHETHER THERE WAS SUFFICIENT EVIDENCE TO FIND CARLTON GUILTY OF CRUELTY TO ANIMALS?**
- 3. WHETHER THERE WAS SUFFICIENT EVIDENCE TO FIND CARLTON GUILTY OF ASSAULT ON AN OFFICER?**
- 4. WHETHER THERE WAS SUFFICIENT EVIDENCE TO FIND CARLTON GUILTY OF A BAIL VIOLATION?**

ARGUMENT

- 1. THERE WAS INSUFFICIENT EVIDENCE TO FIND CARLTON GUILTY OF THEFT OR OAS.**

To prove Theft, the State had to prove:

1. That Carlton;
2. **Took, operated, or exercised control;**
3. Over Margorie's vehicle;
4. Knowing he did not have the consent of Marjorie or did ride in the vehicle knowing it was wrongfully obtained.

Here, there is absolutely no direct evidence that Carlton took Marjorie's vehicle. She heard a door bang and then looked out to see her car gone. No one testified they saw Carlton drive to Cookson's house, where the Volvo was found. Purely a guess as to what happened and this conviction should be over turned.

To prove OAS, the state had to prove:

1. That Carlton;
2. **Operated a vehicle;**
3. On a public way;
4. When his license was suspended and he had appropriate notice.

Here, again, no evidence he drove. NONE.

2. THERE WAS INSUFFICIENT EVIDENCE TO FIND CARLTON GUILTY OF CRUELTY TO ANIMALS.

To prove Cruelty to Animals, the State had to prove:

1. That Carlton:
2. Intentionally, knowingly or recklessly;
3. Killed;
4. An animal belonging to Barry.

Here, a 9-month-old cat named Princess, that belonged to Barry, was found dead in Carlton's room. A fry pan was found near the cat's bloody head. The fry pan was bloody, as was some clothing nearby. When arrested, both officer's observed claw marks and blood on Carlton's wrists. At the jail, Carlton told the officer the cat attacked him and he had to kill it.

The State does not know the sequence of events leading to the death of this cat. The only evidence of what happened came from Carlton, who was scratched and bloody and said the cat attacked him. One can use a reasonable degree of force against someone or something attacking them. Here, a fry pan was near and utilized, probably as an after thought to the pain induced by the cat to Carlton, resulting in him swinging the pan in self defense, which is permissible. Thus, the finding of guilt based solely on the fact the cat was dead is reversible.

3. THERE WAS INSUFFICIENT EVIDENCE TO FIND CARLTON GUILTY OF ASSAULT ON AN OFFICER.

To prove Assault on an officer, the State had to prove:

1. That Carlton:
2. Intentionally, knowingly or recklessly;
3. cause bodily injury;
4. To Eric Berce
5. A law enforcement officer performing his duties.

This issue can be decided by reviewing the video of the event and then having someone grab you in the same manner that Carlton was grabbed. The officer grabbed Carlton

unexpectedly, from behind and by putting his fingers on both sides of Carlton's face, **under his jowls (jaw) and lifting up with force**. Can you say OUCH!!! The point on Carlton's body where this officer grabbed produces a **significant reaction in anyone and everyone that has this hold applied**. Watch the video. His reaction was instantaneous and clearly a reaction to "where" the hold was applied.

This hold produced the reaction that was not voluntary at all. It was a reaction to a pressure point that was tremendously painful and uncomfortable. Try grabbing someone like this and see their reaction.

Guards have great leeway in how they deal with inmates, but this hold predictably produced the reaction that occurred. When someone is grabbed in this manner the reaction is immediate and predictable. It's not a hold one **cannot react to**. Carlton was acting in Self-Defense and this charge should be dismissed.

4. THERE WAS INSUFFICIENT EVIDENCE TO FIND CARLTON GUILTY OF A FELONY BAIL VIOLATION.

To prove this Felony Bail Violation, the State had to prove:

1. That Carlton:
2. Had pre-conviction bail not to have contact with Marjorie;
3. Did violate that condition by having contact (sending a letter).

Here, the State produced evidence that Marjorie received an envelope addressed to her that had an unknown person's handwriting on the envelope, but a letter written by Carlton inside the envelope. The return address for the envelope with the Piscataquis County Jail.

Counsel objected to admission of the envelope without knowing who addressed the envelope and sent same. It was admitted.

The State never proved Carlton sent the envelope or addressed same. Pure speculation as to who sent same and this conviction should be overturned. The letter should never had been admitted.

CONCLUSION

There was insufficient evidence to convict Carlton of the various charges discussed above and Carlton respectfully asks this Court to reverse same.

Dated: December 8, 2021


Jeffrey C. Toothaker, Esq.
14 High Street
Ellsworth, Maine 04605
207-667-6755

CERTIFICATION OF SERVICE

I, Jeffrey C. Toothaker, Esq., hereby certify that on the 8th day of December, 2021, two copies of this brief were sent, via first class U.S. Mail, postage prepaid, and by EMAIL to: Katherine C. Davis, Asst. D.A., Office of the District Attorney, 159 Maine Street, #21, Dover-Foxcroft, Maine 04426.

Dated: December 8, 2021


Jeffrey C. Toothaker, Esq.
14 High Street
Ellsworth, Maine 04605
207-667-6755

As an example, if the state trial court ruled against you, the intermediate court of appeals affirmed the decision of the trial court, the state supreme court denied discretionary review and then denied a timely petition for rehearing, the appendices should appear in the following order:

Appendix A Decision of State Court of Appeals

Appendix B Decision of State Trial Court

Appendix C Decision of State Supreme Court Denying Review

Appendix D Order of State Supreme Court Denying Rehearing

VIII. Table of Authorities

On the page provided, list the cases, statutes, treatises, and articles that you reference in your petition, and the page number of your petition where each authority appears.

IX. Opinions Below

In the space provided, indicate whether the opinions of the lower courts in your case have been published, and if so, the citation for the opinion below. For example, opinions of the United States courts of appeals are published in the Federal Reporter. If the opinion in your case appears at page 100 of volume 30 of the Federal Reporter, Third Series, indicate that the opinion is reported at 30 F.3d 100. If the opinion has been designated for publication but has not yet been published, check the appropriate space. Also indicate where in the appendix each decision, reported or unreported, appears.

X. Jurisdiction

The purpose of the jurisdiction section of the petition is to establish the statutory source for the Court's jurisdiction and the dates that determine whether the petition is timely filed. The form sets out the pertinent statutes for federal and state cases. You need provide only the dates of the lower court decisions that establish the timeliness of the petition for a writ of certiorari. If an extension of time within which to file the petition for a writ of certiorari was granted, you must provide the requested information pertaining to the extension. If you seek to have the Court review a decision of a state court, you must provide the date the highest state court decided your case, either by ruling on the merits or denying discretionary review.

XI. Constitutional and Statutory Provisions Involved

Set out verbatim the constitutional provisions, treaties, statutes, ordinances and regulations involved in the case. If the provisions involved are lengthy, provide their citation and indicate where in the Appendix to the petition the text of the provisions appears.

On the same page, list all cases in other courts that are directly related to the case in this Court. A case is "directly related" if it arises from the same trial court case as the case in this Court (including the proceedings directly on review in this case), or if it challenges the same criminal conviction or sentence as is challenged in this Court, whether on direct appeal or through state or federal collateral proceedings. Below is an example of the format that should be used for this list:

- *Smith v. Jones*, No. 18-cv-200, U. S. District Court for the Western District of Pennsylvania. Judgment entered Oct. 1, 2018.
- *Smith v. Jones*, No. 18-1200, U. S. Court of Appeals for the Third Circuit. Judgment entered Apr. 15, 2019.

VI. Table of Contents

On the page provided, list the page numbers on which the required portions of the petition appear. Number the pages consecutively, beginning with the "Opinions Below" page as page 1.

VII. Index of Appendices

List the description of each document that is included in the appendix beside the appropriate appendix letter. Mark the bottom of the first page of each appendix with the appropriate designation, *e.g.*, "Appendix A." See Rule 14.1 pertaining to the items to be included in the appendix.

A. Federal Courts

If you are asking the Court to review a decision of a federal court, the decision of the United States court of appeals should be designated Appendix A. Appendix A should be followed by the decision of the United States District Court and the findings and recommendations of the United States magistrate judge, if there were any. If the United States court of appeals denied a timely filed petition for rehearing, a copy of that order should be appended next. If you are seeking review of a decision in a habeas corpus case, and the decision of either the United States District Court or the United States Court of Appeals makes reference to a state court decision in which you were a party, a copy of the state court decision must be included in the appendix.

B. State Courts

If you are asking the Court to review a decision of a state court, the decision of which review is sought should be designated Appendix A. Appendix A should be followed by the decision of the lower court or agency that was reviewed in the decision designated Appendix A. If the highest court of the state in which a decision could be had denied discretionary review, a copy of that order should follow. If an order denying a timely filed petition for rehearing starts the running of the time for filing a petition for a writ of certiorari pursuant to Rule 13.3, a copy of the order should be appended next.

II. Affidavit or Declaration in Support of Motion for Leave to Proceed *In Forma Pauperis*

On the form provided, answer fully each of the questions. If the answer to a question is "0," "none," or "not applicable (N/A)," enter that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper, identified with your name and the question number. Unless each question is fully answered, the Clerk will not accept the petition. The form must either be notarized or be in the form of a declaration. See 28 U. S. C. § 1746.

III. Cover Page - Rule 34

When you complete the form for the cover page:

- A. Leave case number blank. The number will be assigned by the Clerk when the case is docketed.
- B. Complete the case caption as you did on the motion for leave to proceed *in forma pauperis*.
- C. List the court from which the action is brought on the line following the words "on petition for a writ of certiorari to." If your case is from a state court, enter the name of the court that last addressed the merits of the case. For example, if the highest state court denied discretionary review, and the state court of appeals affirmed the decision of the trial court, the state court of appeals should be listed. If your case is federal, the United States court of appeals that decided your case will always be listed here.
- D. Enter your name, address, and telephone number in the appropriate spaces.

IV. Question(s) Presented

On the page provided, enter the question or questions that you wish the Court to review. The questions must be concise. Questions presented in cases accepted for review are usually no longer than two or three sentences. The purpose of the question presented is to assist the Court in selecting cases. State the issue you wish the Court to decide clearly and without unnecessary detail.

V. List of Parties and Related Cases

On the page provided, check either the box indicating that the names of all parties appear in the caption of the case on the cover page or the box indicating that there are additional parties. If there are additional parties, list them. Rule 12.6 states that all parties to the proceeding whose judgment is sought to be reviewed shall be deemed parties in this Court, and that all parties other than petitioner shall be respondents. The court whose judgment you seek to have this Court review is **not** a party.

whether on direct appeal or through state or federal collateral proceedings. Below is an example of the format that should be used for the list:

V. Page Limitation

The petition for a writ of certiorari may not exceed 40 pages excluding the pages that precede Page 1 of the form. The documents required to be contained in the appendix to the petition do not count toward the page limit. See Rule 33.2(b).

VI. Redaction of Personal Information

Pursuant to Rule 34.6, certain types of personal information should not be included in filings. For example, social security numbers and taxpayer identification numbers should be redacted so that only the last four digits of the number are included, and the names of minor children should be redacted so that only initials are included. In general, Rule 34.6 adopts the redaction practices that are applicable to cases in the lower federal courts. See, e.g., Federal Rule of Civil Procedure 5.2.

VII. Method of Filing

All documents to be filed in this Court must be addressed to the Clerk, Supreme Court of the United States, Washington, D. C. 20543 and must be served on opposing parties or their counsel in accordance with Rule 29.

INSTRUCTIONS FOR COMPLETING FORMS

I. Motion for Leave to Proceed *In Forma Pauperis* - Rule 39

- A. On the form provided for the motion for leave to proceed *in forma pauperis*, leave the case number blank. The number will be assigned by the Clerk when the case is docketed.
- B. On the line in the case caption for "petitioner", type your name. As a *pro se* petitioner, you may represent only yourself. On the line for "respondent", type the name of the opposing party in the lower court. If there are multiple respondents, enter the first respondent, as the name appeared on the lower court decision, followed by "et al." to indicate that there are other respondents. The additional parties must be listed in the LIST OF PARTIES section of the petition.
- C. If the lower courts in your case granted you leave to proceed *in forma pauperis*, check the appropriate space and indicate the court or courts that allowed you to proceed *in forma pauperis*. If none of the lower courts granted you leave to proceed *in forma pauperis*, check the block that so indicates.
- D. Sign the motion on the signature line.

13.3. Filing in the Supreme Court means the actual receipt of paper documents by the Clerk; or their deposit in the United States mail, with first-class postage prepaid, on or before the final date allowed for filing; or their delivery to a third-party commercial carrier, on or before the final date allowed for filing, for delivery to the Clerk within 3 calendar days. See Rule 29.2.

IV. What To File

Unless you are an inmate confined in an institution and not represented by counsel, file:

- An original and ten copies of a motion for leave to proceed *in forma pauperis* and an original and 10 copies of an affidavit or declaration in support thereof. See Rule 39.
- An original and 10 copies of a petition for a writ of certiorari with an appendix consisting of a copy of the judgment or decree you are asking this Court to review including any order on rehearing, and copies of any opinions or orders by any courts or administrative agencies that have previously considered your case. See Rule 14.1(i).
- One affidavit or declaration showing that all opposing parties or their counsel have been served with a copy of the papers filed in this Court. See Rule 29.

If you are an inmate confined in an institution and not represented by counsel, you need file only the original of the motion for leave to proceed *in forma pauperis*, affidavit or declaration when needed in support of the motion for leave to proceed *in forma pauperis*, the petition for a writ of certiorari, and proof of service.

If the court below appointed counsel in the current proceeding, no affidavit or declaration is required, but the motion should cite the provision of law under which counsel was appointed, or a copy of the order of appointment should be appended to the motion. See Rule 39.1.

The attached forms may be used for the original motion, affidavit or declaration, and petition, and should be stapled together in that order. The proof of service should be included as a detached sheet, and the form provided may be used.

The Court's practice is to scan and make available on its website most filings submitted by litigants representing themselves. The Court scans petitions, motions to proceed *in forma pauperis*, proofs of service, and the portion of an appendix that includes relevant lower court opinions and rulings. While the Court does not scan other portions of an appendix from a *pro se* litigant, the entire appendix is fully a part of the Court's record and is available to the Justices.

On the same page, list all cases in other courts that are directly related to the case in this Court. A case is directly related if it arises from the same trial court case as the case in this Court (including the proceedings directly on review in this case), or if it challenges the same criminal conviction or sentence as is challenged in this Court,

GUIDE FOR PROSPECTIVE INDIGENT PETITIONERS FOR WRITS OF CERTIORARI

I. Introduction

These instructions and forms are designed to assist petitioners who are proceeding *in forma pauperis* and without the assistance of counsel. A copy of the Rules of the Supreme Court, which establish the procedures that must be followed, is also enclosed. Be sure to read the following Rules carefully:

- Rules 10-14 (Petitioning for certiorari)
- Rule 29 (Filing and service on opposing party or counsel)
- Rule 30 (Computation and extension of time)
- Rules 33.2 and 34 (Preparing pleadings on 8½ x 11 inch paper)
- Rule 39 (Proceedings *in forma pauperis*)

II. Nature of Supreme Court Review

It is important to note that review in this Court by means of a writ of certiorari is not a matter of right, but of judicial discretion. The primary concern of the Supreme Court is not to correct errors in lower court decisions, but to decide cases presenting issues of importance beyond the particular facts and parties involved. The Court grants and hears argument in only about 1% of the cases that are filed each Term. The vast majority of petitions are simply denied by the Court without comment or explanation. The denial of a petition for a writ of certiorari signifies only that the Court has chosen not to accept the case for review and does not express the Court's view of the merits of the case.

Every petitioner for a writ of certiorari is advised to read carefully the *Considerations Governing Review on Certiorari* set forth in Rule 10. Important considerations for accepting a case for review include the existence of a conflict between the decision of which review is sought and a decision of another appellate court on the same issue. An important function of the Supreme Court is to resolve disagreements among lower courts about specific legal questions. Another consideration is the importance to the public of the issue.

III. The Time for Filing

You must file your petition for a writ of certiorari within 90 days from the date of the entry of the final judgment in the United States court of appeals or highest state appellate court or 90 days from the denial of a timely filed petition for rehearing. The issuance of a mandate or remittitur after judgment has been entered has no bearing on the computation of time and does not extend the time for filing. See Rules 13.1 and