

22-5771
No. _____

ORIGINAL

FILED
SEP 03 2022
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

Shawn Canada — PETITIONER
(Your Name)

vs.

STATE OF MINNESOTA, — RESPONDENT(S), AND MINNESOTA
DEPT OF CORRECTIONS COMMISSIONER, MR. PAUL SCHWELL

ON PETITION FOR A WRIT OF CERTIORARI TO
UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

NO: 22-2104

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Shawn Canada

(Your Name)

7600- 525TH STREET

~~7600- 525TH STREET~~

(Address)

RUSH CITY, MN 55069

~~7600- 525TH STREET~~

(City, State, Zip Code)

(Phone Number)

RECEIVED
OCT 5 2022
OFFICE OF THE CLERK
SUPREME COURT, U.S.

1

QUESTION(S) PRESENTED

UNITED STATES SUPREME COURT

QUESTIONS ASKED ? 0

WHETHER A FACT (OTHER THAN A PRIOR CONVICTION)
NECESSARY FOR AN UPWARD DEPARTURE FROM A
STATUTORY STANDARD SENTENCING RANGE MUST BE
PROVED ACCORDING TO THE PROCEDURES MANDATED
BY APPENDI V. NEW JERSEY, 530 U.S. 466
(2000).

SENTENCING AND PUNISHMENT / FACTORS ENHANCING SENTENCE

MUST A FACT, OTHER THAN A PRIOR CONVICTION,
NECESSARY FOR AN UPWARD DEPARTURE FROM A
STATUTORY STANDARD SENTENCING RANGE BE PROVED
ACCORDING TO THE PROCEDURES MANDATED BY
APPENDI V. NEW JERSEY, WHICH HELD THAT ANY

FACT THAT, "IF FOUND, EXPOSES THE CRIMINAL
DEFENDANT TO A PENALTY EXCEEDING THE MAXIMUM
HE WOULD RECEIVE IF PUNISHED ACCORDING TO
THE FACTS REFLECTED IN A [GUILTY] VERDICT ALONE"
MUST BE PROVED TO A JURY BEYOND A REASONABLE
DOUBT?

IN the SUPREME COURT OF

THE UNITED STATES

SHAWN CANADA

VS.

STATE OF MINNESOTA,

AND MINNESOTA DEPT OF

CORRECTIONS COMMISSIONER,

MR. PAUL SCHNELL

PREVIOUS COURT #

55-CR-10-3516

55-CR-10-3569

55-CR-18-2621

22-2104

A20-1403

REQUEST A CIVIL

REMEDY PURSUANT TO

42 U.S.C. § 1983

REQUEST A JURY TRIAL

MEMORANDUM OF LAW IN SUPPORT OF

PETITION FOR A WRIT OF CERTIORARI.

I, MR. SHAWN CANADA IS ASKING THE COURT

FOR WRIT OF CERTIORARI RELIEF

THE FOLLOWING FACTS AND LEGAL AUTHORITY DOES

SUPPORT MY REQUEST

1. DENIAL OF A ~~DECLARATORY~~ SIXTH AMENDMENT

CIVIL RIGHT OF A REQUESTED SPEEDY TRIAL, AND

DUE PROCESS.

9-22-2022

SHAWN CANADA

7600-525TH STREET

RUSH CITY, MN 55069

IN the SUPREME COURT

OF WASHINGTON, D.C.

TODAY'S DATE IS

September 24th, 2022

INTRODUCTION:

MR. SHAWN CANADA, OID # 233817,

IS INCARCERATED AT MCF / RUSH CITY,

MINNESOTA, WHERE JESSE PUGH

IS THE WARDEN.

MR. CANADA'S ORIGINAL COURT CASES ARE

UNDER THE THIRD JUDICIAL DISTRICT OF

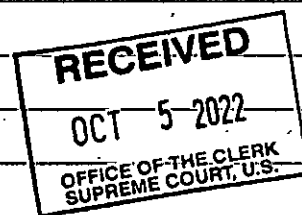
OLMSTED COUNTY

COURT FILE NUMBERS

55-CR-10-3516

55-CR-10-3569

55-CR-18-2621



AND HE IS REQUESTING A MOTION TO

DISMISS ALL CRIMINAL CHARGES AGAINST HIM

AN ACQUITTAL, EXPUNGEMENT OF ALL PROCEEDINGS, AND A BLOCKAGE OF ANY ONE TRYING TO ACCESS HIS PRIVATE NAME, AND ALL INFORMATION FROM THE INTERNET, AND A CIVIL REMEDY FOR A DEPRIVATION OF HIS CIVIL RIGHTS TO A SPEEDY TRIAL UNDER THE U.S. CONST. AMEND. SIXTH, FOURTEENTH AMENDMENT.

CANADA SAYS HE WANTS TO PROSECUTE OLMSTED COUNTY EMPLOYEES FOR VIOLATIONS OF 18 U.S.C. § 1961. PATTERN OF RACKETEERING ACTIVITIES, AND FORGERY.

CANADA WAS DENIED A CLAIM OF A SPEEDY TRIAL ON ALL THREE CASES, TWO OF THEM CAME ON REQUEST ON AUGUST 11, 2010 CASE LOAD #55-CR-10-3516, AND #55-CR-10-3569.

HS NOW OVER 4,380 DAYS

CANADA SAYS THAT THE PERSON
CONDUCTED THE PRE-SENTENCE INVESTIGATION
ALEX BUNGER, OF OLUSTED COUNTY CORRECTIONS
IS NOT DOING HIS JOB CORRECTLY UNDER
MINN. R. CRIM. P. RULE 27.03 SUBD. 7.

(C).⁰⁰⁰ SAYS THE PRONOUNCEMENT MADE
UNDER SUBDIVISION 4 PRECISE TERMS OF SENTENCE
INCLUDING ANY FINE, TIME SPENT IN CUSTODY,
WHETHER THE SENTENCE IS A DEPARTURE AND IF
SO, THE DEPARTURE REASONS, WHETHER THE
DEFENDANT IS PLACED ON PROBATION AND IF SO
THE TERMS AND CONDITIONS OF PROBATION,

CANADA SAYS NOBODY GAVE HIM NO CONDITIONS
TILL 9-16-2013, THAT'S 3 1/2 YEARS LATER AFTER
TAKING A SO CALLED PLEA-BARGAIN, AND
MO CANADA'S SENTENCE IS OUT OF BOUNDS OF
MINNESOTA SENTENCE GUIDELINES.

Shawn Canada

②

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:

RELATED CASES

United States Supreme
COURT

Mr. Shawn Canada

REQUEST to proceed

U.S.

ON WRIT OF CERTIORARI

STATE OF MINNESOTA

MANIFEST INJUSTICE

AND

FUNDAMENTAL RIGHTS

MINNESOTA DEPT OF
CORRECTIONS COMMISSIONER
MR. PAUL SCHNELL,

SPEEDY TRIAL CLAIM

QUESTIONS ASKED

AND

OLMSTED COUNTY CORRECTIONS
STAFF. TRAVIS GRANSEE

MOTION to DISMISS ALL
CHARGES

ALEX BUNGER

ROBYN WOOD

MATHIAS ANTONY

MARY EICHTEW

DYD NELSON

SARAH SOMMER,

TESTED POSITIVE TWICE FOR
COVID-19

CIVIL ACTION UNDER

42 U.S.C. § 1983

AND

ROCHESTER POLICE STATION STAFF

AND SHERRY BUSH

AND

OLMSTED COUNTY DETENTION
CENTER

AND

SEE NEXT PAGE

②
1
UNITED STATES Supreme

COURT

MR. SHAWN CANADA

VS.

MINNESOTA DEPT OF
CORRECTIONS STAFF,

ARTHEA CUNNINGHAM, PAULA ANDERSON

ERIC BENNING

ROGER CARR

KRISTEN LANG

TARA RATHMANN

ANDREW KARLSEN

CHAD MITSCH

SCOTT ROFFERS

WILLIAM McDONALD

MICHAEL ROGOSHESKE

AND

STATE OF MINNESOTA, OLMSTED COUNTY

DAVID HAUGEN

JODI WILLIAMSON

KATHY WALLACE

LAURIE ANDERSON

MARK OSTREM

AND

DAMASCUS WAY, OLMSTED COUNTY

DAN SEPEDA,

DAN STEHR,

③
UNITED STATES SUPREME COURT

ST. PAUL POLICE STATION

AND

MCF / OAKPARK WARDEN,

AND

MCF / STILLWATER
WARDEN,

AND

MCF / RUSH CITY
WARDEN,

AND

MCF / ST CLOUD
WARDEN,

AND

MCF / LIND-LAKES
WARDEN

AND

MCF / FAIRBULT
WARDEN

AND

RALEIGH COUNTY DETENTION
CENTER

1200 AIRPORT ROAD
BEAVER, W.V. 25813

AND

UNITED STATES SUPREME COURT

Court

INDEX

0. JURISDICTION

1. QUESTIONS PRESENTED

2. TABLE OF AUTHORITIES
AND
STATUTES AND RULES

3. CONSTITUTIONAL AND
STATUTORY PROVISIONS
INVOLVED

4. ARGUMENTS PRESENTED

5. STATEMENT OF CASE

6. REASONS FOR GRANTING THE
WRIT FOR CERTIORARI

7. CONCLUSION

UNITED STATES SUPREME COURT

INDEX A.

A1. POSTCONVICTION TO THIRD
JUDICIAL DISTRICT

A2. MINNESOTA SUPREME COURT
AND A13-0478
MINNESOTA COURT OF APPEALS
DECISIONS A13-0478

A3. UNITED STATES DISTRICT
COURT
DISTRICT OF MINNESOTA
DECISIONS

A4. EIGHTH CIRCUIT COURT OF
APPEALS

A5. EIGHTH CIRCUIT COURT
OF APPEALS DECISION

UNITED STATES SUPREME
COURT

INDEX to APPENDICES B

B1. REQUEST FOR A SPEEDY
TRIAL. # 55-CR-10-3516

B2. REQUEST FOR A SPEEDY
TRIAL. # 55-CR-10-3569

B3. EMPLOYMENT HISTORY

B4. DOCUMENTATION OF
ROCHESTER POLICE DEPT
AND

MINNESOTA DEPT OF CORRECTIONS
HOLDS

B5. RELEASE OF INFORMATION
FOR OLUSTED COUNTY COMMUNITY
CORRECTIONS

B6. FORGED DOCUMENTS SENT TO
B.C.A. by MINNESOTA STATE
EMPLOYEES

UNITED STATES SUPREME
COURT

INDEX C

C1. MINNESOTA Dept OF CORRECTIONS
SPECIAL CONDITIONS

C2. MINNESOTA Dept OF CORRECTIONS
TRUST ACCOUNT STATEMENT

C3. MINNESOTA Dept OF CORRECTIONS
SENTENCE MEMO

C4. MINNESOTA Dept OF CORRECTIONS
HEARINGS AND RELEASE REPORT

C5. STATE OF MINNESOTA
D.F.O. COMMUNITY CORRECTIONS
VIOLATIONS REPORT

TABLE OF CONTENTS

OPINIONS BELOW 1

JURISDICTION.....

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

STATEMENT OF THE CASE

REASONS FOR GRANTING THE WRIT

CONCLUSION.....

INDEX TO APPENDICES

APPENDIX A

APPENDIX B

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

UNITED STATES SUPREME COURT

TABLE OF INDEX

0. JURISDICTION

1. QUESTIONS PRESENTED

2. TABLE OF AUTHORITIES
AND
STATUTES AND RULES

3. CONSTITUTIONAL AND
STATUTORY PROVISIONS INVOLVED

4. ~~ARG~~ ARGUMENTS PRESENTED

5. STATEMENT OF CASE

6. REASONS FOR GRANTING
THE PETITION

UNITED STATES SUPREME COURT

STATEMENT OF JURISDICTION

THE UNITED STATES COURT OF APPEALS FOR
THE EIGHTH CIRCUIT PETITION FOR REVIEW
ON SEPTEMBER 1ST, 2022 WAS DENIED, THIS
COURT. UNITED STATES SUPREME COURT HAS IN
FACT HAS THE JURISDICTION UNDER 28 U.S.C. §
1257 (A).

4

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

STATUTES AND RULES

OTHER

①
UNITED STATES SUPREME

COURT

TABLE OF AUTHORITIES
CASES

STRUNK V. UNITED STATES, 412 U.S. 434, PAGES

2, 4, 5, 6, 7,

STATE V. WUKAWITZ, 662 N.W.2d 517,

PAGES # 3, 5, 6,

BACKER V. WINGO, 407 U.S. 514, PAGES

2, 3, 4, 6, 7, 10, 12.

JOHNSON V. FABIAN, 711 N.W.2d 540

PAGES # 2, 3, 4, 5, 6,

STATE V. ALI, ~~855~~ 855 N.W.2d 235

PAGES # 6,

STATE EX REL. MARLOWE V. FABIAN, 755 N.W.2d 792

PAGES, 3, 4, 5, 6, 9

②

TABLE OF AUTHORITIES

CASES

UNITED STATES V. BOOKER, 543 U.S. 220

PAGES 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14

APPENDIX V. NEW JERSEY, 530 U.S. 466

PAGES 3, 4, 6, 7, 8, 9

BLAKELY V. WASHINGTON, 542 U.S. 296,

PAGES 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12,

ADDINGTON V. TEXAS, 441 U.S. 418 24

DUNCAN V. LOUISIANA, 391 U.S. 145 24

HARRIS V. UNITED STATES, 536 U.S. 545 13, 19

IN RE WINSHIP, 397 U.S. 358 24

JONES V. UNITED STATES, 526 U.S. 227 15

KOON V. UNITED STATES, 518 U.S. 81 3

McMILLAN V. PENNSYLVANIA, 477 U.S. 79

11, 15, 19, 20

MISTRETTA V. U.S., 488 U.S. 361, 23

①

UNITED STATES SUPREME

COURT

CONSTITUTIONAL AND STATUTORY PROVISIONS

INVOLVED

1. 18 U.S.C. § 3553. (b) (1). APPLICATION OF GUIDELINES IMPOSING A SENTENCE.
2. MINNESOTA STATUTE § 609.63 FORGERY
3. MINNESOTA STATUTE § 244.05. SUPERVISED

RELEASE TERM

4. SEPARATION OF POWERS
5. MINN. STAT. § 629.292 UNIFORM MANDATORY DISPOSITION OF DETAINERS ACT
6. MINN. R. CRIM. P. 11.09 TRIAL DATE

7. 42 U.S.C. § ¹⁹⁸¹ EQUAL RIGHTS UNDER THE LAW

8. 42 U.S.C. § 1981A. DAMAGES IN CASES OF INTENTIONAL DISCRIMINATION IN EMPLOYMENT

②

9. 42 U.S.C. § 1982. PROPERTY RIGHTS OF CITIZENS.
10. 42 U.S.C. § 1983 CIVIL ACTION FOR DEPRIVATION OF RIGHTS.
11. 42 U.S.C. § CONSPIRACY TO INTERFERE WITH CIVIL RIGHTS
12. 42 U.S.C. § SPEEDY TRIAL
13. 18 U.S.C. § 3161. TIME LIMITS AND EXCLUSIONS
14. 18 U.S.C. § SIXTH AMENDMENT RIGHTS
15. 18 U.S.C. § 245. FEDERAL PROTECTED ACTIVITIES.
16. PUBLIC LAW. 90-284, TITLE I, § 101(A)
17. 18 U.S.C. § 1201. KIDNAPPING
18. 18 U.S.C. § 1203 HOSTAGE TAKING
19. 18 U.S.C. § 1583. ENTICEMENT INTO SLAVERY
20. 18 U.S.C. § 1585. SEIZURE, DETENTION, TRANSPORTATION OR SALE OF SLAVES

③

21. 18 U.S.C. § 1503. INFLUENCING OR INJURING
OFFICER OR JUROR GENERALLY

22. 18 U.S.C. § 1505. OBSTRUCTION OF PROCEEDINGS
BEFORE DEPARTMENTS, AGENCIES, AND COMMITTEES.

23. 18 U.S.C. § 1506. THEFT OR ALTERATION OF RECORD
OR PROCESS

24. 18 U.S.C. § 1509. OBSTRUCTION OF COURT ORDERS

25. 18 U.S.C. § 1510. OBSTRUCTION OF CRIMINAL
INVESTIGATIONS.

26. 18 U.S.C. § 1511. OBSTRUCTION OF STATE OR LOCAL
LAW ENFORCEMENT.

27. 18 U.S.C. § 1512. TAMPERING WITH A WITNESS,
VICTIM, OR AN INFORMANT.

28. 18 U.S.C. § 1513. RETALIATING AGAINST A WITNESS,
VICTIM, OR AN INFORMANT

29. ABUSE OF DISCRETION

④

30. MISFEASANCE OF JUSTICE

31. MANIFEST INJUSTICE

32. INDETERMINATE

33. MINN. STAT. § 243.166 SUBD. 3A.

34. 18 U.S.C. § 241. CONSPIRACY AGAINST
rights

35. 18 U.S.C. § 242. DEPRIVATION OF RIGHTS
UNDER COLOR OF LAW

36. 18 U.S.C. § 247. DAMAGE TO RELIGIOUS PROPERTY

37. 18 U.S.C. § 248. FREEDOM TO ACCESS CLINIC
ENTRANCES

38. 18 U.S.C. § HATE CRIME ACTS

39. FALSE ARREST

40. FALSE IMPRISONMENT

41. 18 U.S.C. § 872. EXTORTION BY OFFICERS OR
EMPLOYEES OF THE UNITED STATES

(5)

42 18 U.S.C. § 873. BLACKMAIL

43 18 U.S.C. § INTERSTATE COMMUNICATIONS / # 875

44 18 U.S.C. § 880 RECEIVING THE PROCEEDS
OF EXTORTION

45 18 U.S.C. § 641. PUBLIC MONEY, PROPERTY
OR RECORDS

46 18 U.S.C. § 643. ACCOUNTING GENERALLY
FOR PUBLIC MONEY.

47 18 U.S.C. § 645. COURT OFFICERS GENERALLY

48 18 U.S.C. § 648. CUSTODIANS, GENERALLY

~~48~~ MISUSING PUBLIC FUNDS

49 MINN. STAT. § 609.3455 CONDITIONAL
RELEASE

50 MINN. STAT. § 611.026 CRIMINAL RESPONSIBILITY
OF PERSONS WITH A MENTAL ILLNESS

⑥

51. PUBLIC-LAW. 103-322, TITLE XXXIII.

§ 330016(1)(L),

52. PUBLIC LAW - 98-473

53. 18 USC. § 371. CONSPIRACY TO COMMIT
OFFENSE OR TO DEFRAUD UNITED STATES

54. 18 USCS § 372. CONSPIRACY TO IMPEDE
OF INJUR OFFICER

55. 18 U.S.C. § 373. SOLICITATION TO COMMIT
A CRIME OF VIOLENCE

56. DEPARTMENT OF CORRECTIONS, HEARINGS &
RELEASE UNIT

CHAPTER 2940.1500. INMATES WITH INDETERMINATE
SENTENCE.

57. 18 USC. § 1341 FRAUDS AND SWINDLE

58. 18 USC. § 1343. FRAUD BY WIRE, RADIO OR
TELEVISION

⑦

59. 18 USC § 1344. BANK FRAUD

60. 18 USC § 1345 INJUNCTIONS AGAINST FRAUD

61. 18 USC § HEALTH CARE FRAUD

62. 18 USC § ATTEMPT AND CONSPIRACY

63. U.S. CONST. ARTICLE I. SECTION 10: POWERS

DENIED TO THE STATES, AND

PROHIBITION AGAINST EX-POST FACTO LAWS.

64. U.S. CONST. - ARTICLE III. SECTION 1.

THE JUDICIAL POWER OF THE UNITED STATES

65. U.S. CONST. AMEND. # FIRST AMENDMENT

66. U.S. CONST. AMEND. # SECOND AMENDMENT

67. U.S. CONST. AMEND. # FOURTH AMENDMENT

68. U.S. CONST. AMEND. # FIFTH AMENDMENT

69. U.S. CONST. AMEND. SIXTH AMENDMENT

70. U.S. CONST. AMEND. SEVENTH AMENDMENT

(8)

71 U.S. CONST. AMEND. ~~SEVENTH~~ EIGHTH

72 U.S. CONST. AMEND. #13TH SECTION 1.

73 U.S. CONST. AMEND. #14

74 MINN. CONST. ARTICLE 1 BILL OF RIGHTS

SECTIONS #1, #2, #3, #4, #5, #6, #7,

#8, #10, #11, #13, #16, #17.

75 MINN. R. CRIM. P. 27.03, Subd. 4. SENTENCING,

(D)(4). A WRITTEN COPY OF THE TERMS OF

PROBATION MUST BE GIVEN TO THE DEFENDANT

AT SENTENCING OR AS SOON AS POSSIBLE AFTERWARDS

76 MINN. R. CRIM. P. 27.03 Subd. 7.(A) iii

THE PRONOUNCEMENTS MADE UNDER SUBDIVISION #4

PRECISE TERMS OF SENTENCE INCLUDING ANY FINE,

TIME SPENT IN CUSTODY, WHETHER THE DEFENDANT

IS PLACED ON PROBATION AND IF SO, THE TERMS AND

CONDITIONS OF PROBATION);

9

77. 5 U.S.C. § 55A. the privacy ACT

78 42 U.S.C. § 2000d Et SEQ

~~42 U.S.C. § 6101~~

79 29 U.S.C. § 794

80 42 U.S.C. § 6101 Et SEQ

81 42 U.S.C. § 12131

82 18 U.S.C. 1001

83 Anti trust ACT

84 18 U.S.C. § 1002

85 18 U.S.C. § 1003

86 18 U.S.C. § 1031

87. 18 U.S.C. § 1951 INTERFERENCE WITH COMMERCE

by threats or violence

89. 18 USC § 1543 Forgery

7

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

UNITED STATES SUPREME

COURT

CONSTITUTIONAL PROVISIONS INVOLVED

CONSTITUTIONAL OF THE STATE OF MINNESOTA

ARTICLE ~~SECTION~~ 2. BILL OF RIGHTS.

SECTION 2. OBJECT OF GOVERNMENT.

GOVERNMENT IS INSTITUTED FOR THE SECURITY,

BENEFIT AND PROTECTION OF THE PEOPLE, IN WHICH

ALL POLITICAL POWER IS INHERENT, TOGETHER WITH

THE RIGHT TO ALTER, MODIFY OR REFORM GOVERNMENT

WHENEVER REQUIRED BY THE PUBLIC GOOD.

①
UNITED STATES SUPREME
COURT

CONSTITUTIONAL PROVISIONS INVOLVED

CONSTITUTION OF THE STATE OF MINNESOTA

ARTICLE I. BILL OF RIGHTS

SECTION 7. DUE PROCESS.

NO PERSON SHALL BE HELD TO ANSWER FOR

A CRIMINAL OFFENSE WITHOUT DUE PROCESS OF

LAW, AND NO PERSON SHALL BE PUT TWICE

IN JEOPARDY OF PUNISHMENT FOR THE SAME

OFFENSE, NOR BE COMPELLED IN ANY CRIMINAL

CASE TO BE A WITNESS AGAINST HIMSELF, NOR

BE DEPRIVED OF LIFE, LIBERTY OR PROPERTY

WITHOUT DUE PROCESS OF LAW.

ALL PERSONS BEFORE CONVICTION SHALL BE BAILABLE

BY SUFFICIENT SURETIES, EXCEPT FOR CAPITAL OFFENSES

WHEN THE PROOF IS ~~SO~~ EVIDENT OF THE

②

PRESUMPTION GREAT. THE PRIVILEGE OF THE WRIT
OF HABEAS CORPUS SHALL NOT BE SUSPENDED UNLESS
THE PUBLIC SAFETY REQUIRES IT IN CASE OF
REBELLION OR INVASION

UNITED STATES SUPREME COURT

THE FIFTH AMENDMENT TO THE UNITED STATES CONSTITUTION PROVIDES IN RELEVANT PART: NO PERSON SHALL BE HELD TO ANSWER FOR A CAPITAL, OR OTHERWISE INFAMOUS CRIME, UNLESS ON A PRESENTMENT OR INDICTMENT OF A GRAND JURY.

THE SIXTH AMENDMENT TO THE UNITED STATES CONSTITUTION PROVIDES IN RELEVANT PART: IN ALL CRIMINAL PROSECUTIONS, THE ACCUSED SHALL ENJOY THE RIGHT TO A SPEEDY TRIAL, BY AN IMPARTIAL JURY.

THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION PROVIDES IN RELEVANT PART: NOR SHALL ANY STATE DEPRIVE ANY PERSON OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW.

UNITED STATES SUPREME

COURT

CONSTITUTIONAL PROVISIONS INVOLVED

UNITED STATES CONSTITUTION, AMENDMENT V:

NO PERSON SHALL BE HELD TO ANSWER FOR A
CAPITAL, OR OTHERWISE INFAMOUS CRIME, UNLESS
ON A PRESENTMENT OF INDICTMENT OF A GRAND

JURY, EXCEPT IN CASES ARISING IN THE LAND OR NAVAL
FORCES, OR IN THE MILITIA, WHEN IN ACTUAL SERVICE

IN TIME OF WAR OR PUBLIC DANGER; NOR SHALL ANY
PERSON BE SUBJECT FOR THE SAME OFFENSE TO BE PUT
TWICE IN JEOPARDY OF LIFE OR LIMB; NOR SHALL BE

~~BE~~ COMPELLED IN ANY CRIMINAL CASE TO BE A
WITNESS AGAINST HIMSELF, NOR BE DEPRIVED OF LIFE,

LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW;

NOR SHALL PRIVATE PROPERTY BE TAKEN FOR PUBLIC USE,
WITHOUT JUST COMPENSATION.

UNITED STATES SUPREME

COURT

CONSTITUTIONAL PROVISIONS INVOLVED

UNITED STATES CONSTITUTION, AMENDMENT VI:

IN ALL CRIMINAL PROSECUTIONS, THE ACCUSED

SHALL ENJOY THE RIGHT TO A SPEEDY AND PUBLIC

TRIAL, BY AN IMPARTIAL JURY OF THE STATE AND

DISTRICT WHEREIN THE CRIME SHALL HAVE BEEN

COMMITTED, WHICH DISTRICT SHALL HAVE BEEN

PREVIOUSLY ASCERTAINED BY LAW AND TO BE INFORMED

OF THE NATURE AND CAUSE OF THE ACCUSATION;

TO BE CONFRONTED WITH THE WITNESSES AGAINST

HIM; TO HAVE COMPULSORY PROCESS FOR OBTAINING

WITNESSES IN HIS FAVOR, AND TO HAVE THE ASSISTANCE

OF COUNSEL FOR HIS DEFENSE

UNITED STATES SUPREME COURT

CONSTITUTIONAL PROVISIONS INVOLVED

UNITED STATES CONSTITUTION, AMENDMENT XIV :

SECTION. 1. ALL PERSONS BORN OR NATURALIZED

IN THE UNITED STATES, AND SUBJECT TO THE

JURISDICTION THEREOF, ARE CITIZENS OF THE UNITED

STATES AND OF THE STATE WHEREIN THEY RESIDE.

NO STATE SHALL MAKE OR ENFORCE ANY LAW WHICH

SHALL ABRIDGE THE PRIVILEGES ~~AND IMMUNITIES~~ OF IMMUNITIES

OF THE UNITED STATES; NOR SHALL ANY STATE

DEPRIVE ANY PERSON OF LIFE, LIBERTY, OR PROPERTY,

WITHOUT DUE PROCESS OF LAW; NOR DENY TO ANY

PERSON WITHIN ITS JURISDICTION THE EQUAL PROTECTION

OF LAWS.

UNITED STATES SUPREME
COURT

INDEX to Appendix ~~A60~~ ^{A5}

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT DECISION

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 22-2104

Shawn Canada

Appellant

v.

Olmsted County Community Corrections, All Staff Members, et al.

Appellees

Appeal from U.S. District Court for the District of Minnesota
(0:21-cv-02120-NEB)

ORDER

The motion for appointment of counsel is denied. The petition for rehearing by the panel is denied. Appellant's motion filed August 24, 2022 is also denied.

September 01, 2022

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

UNITED STATES SUPREME
COURT

INDEX TO APPENDIX ~~A1~~ A1
DECISIONS OF LOWER COURTS

5
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 U.S. COURT OF APPEALS EIGHTH CIRCUIT; 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 _____ to the petition and is

☒ reported at MINNESOTA SUPREME COURT; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the MINNESOTA COURT OF APPEALS 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.

6

JURISDICTION

[] For cases from federal courts:

The date on which the United States Court of Appeals decided my case was MARCH 3rd, 2022.

[] 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: MARCH 11th, 2022, 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 6-7-2021.
A copy of that decision appears at Appendix _____.

[] A timely petition for rehearing was thereafter denied 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. § 1257(a).

UNITED STATES SUPREME

COURT

ARGUMENTS

①
OFFICE OF THE CLERK

SUPREME COURT OF THE UNITED STATES

WASHINGTON, D.C. 20543

SHAWN CANADA

VS.

STATE OF MINNESOTA

ARGUMENTS

~~REDACTED PETITION~~

THE SUPREME COURT CONCLUDED THAT ITS
APPENDI, AND BLAKELY DECISIONS APPLIED
TO THE UNITED STATES SENTENCING GUIDELINES;
UNDER THE SIXTH AMENDMENT, ANY FACT OTHER
THAN A PRIOR CONVICTION THAT WAS NECESSARY TO
SUPPORT A SENTENCE EXCEEDING THE MAXIMUM
AUTHORIZED BY THE FACTS ESTABLISHED BY A PLEA
OF GUILTY OR A JURY VERDICT HAD TO BE ADMITTED
BY A DEFENDANT OR PROVED BEYOND A REASONABLE

②

doubt.

therefore, 18 U.S.C.S. §§ 3553(b)(1) - AND

3742 (E) WERE UNCONSTITUTIONAL.

MR. CANADA SAYS HE HAS DEPRIVED OF

DUE PROCESS GUARANTEED BY THE FUNDAMENTAL

RIGHTS THROUGHOUT UNITED STATES HISTORY THAT THE

CONSTITUTION PROTECTS EVERY CRIMINAL DEFENDANT

AGAINST CONVICTION EXCEPT UPON PROOF BEYOND

REASONABLE DOUBT

AUTHORITY: UNITED STATES V. BOOKER, 543 U.S. 220

PAGES #4, #5.

MR. CANADA SAYS HE HAS BEEN, DEPRIVED

OF HIS LIBERTY AND, DENIED A SPEEDY TRIAL

UNDER U.S. CONST. AMEND. #6, #14.

AND TO DETERMINE WHETHER HE HAS BEEN

DEPRIVED OF THIS CIVIL RIGHT.

3

WE SHOULD LOOK AT BARKER V. WINGO,

407 U.S. 514 PAGE #12 SAYS:

SOME OF THE FACTORS WHICH COURTS SHOULD

ASSESS IN DETERMINING WHETHER A PARTICULAR

DEFENDANT HAS BEEN DEPRIVED OF HIS RIGHT TO

A SPEEDY TRIAL ARE

1. LENGTH OF DELAY,
2. THE REASON FOR THE DELAY
3. THE DEFENDANT'S ASSERTION OF HIS RIGHT
4. PREJUDICE TO THE DEFENDANT

ATTENTION STAFF OF UNITED STATES SUPREME

COURT

MR CANADA SAYS READ #3, HE DID REQUESTED

A SPEEDY TRIAL ON AUGUST 11, 2010, HERE ARE

MY DOCUMENTS ATTACHED

IN THE SUPREME COURT OF THE UNITED STATES

SUMMARY OF ARGUMENT

1. THE PROCEDURES IN MINNESOTA'S SENTENCING

REFORM ACT FOR FINDINGS OF THE AGGRAVATING FACTS

NECESSARY TO IMPOSE AN EXCEPTIONAL SENTENCE UPWARD

VIOLATE THE PLAIN TERMS OF THE APPENDIX RULE.

IN APPENDIX, THIS COURT HELD THAT ANY FACT THAT,

IF FOUND, EXPOSES THE CRIMINAL DEFENDANT TO A

PENALTY EXCEEDING THE MAXIMUM HE WOULD

RECEIVE IF RECEIVED IF PUNISHED ACCORDING TO THE

FACTS REFLECTED IN THE GUILTY VERDICT ALONE MUST

BE PROVED BEYOND A REASONABLE DOUBT.

530 U.S. 466, 483 (2002).

2. IMPOSITION OF SENTENCE: THE REQUIREMENTS

OF THE SIXTH AMENDMENT ARE CLEAR, IT IS A

DEFENDANT'S RIGHT TO HAVE THE JURY FIND

THE EXISTANCE OF ANY PARTICULAR FACT THAT
THE LAW MAKES ESSENTIAL TO HIS PUNISHMENT
THAT RIGHT IS IMPLICATED WHENEVER A JUDGE
SEEKS TO IMPOSE A SENTENCE THAT IS NOT
SOLELY BASED OF FACTS REFLECTED IN THE JURY
VERDICT, TAKEN FROM U.S. V. BOOKER,
543 U.S. 220 PAGES #4, AND #5. SAYS
REGARDLESS OF WHETHER CONGRESS OR A SENTENCE
COMMISSION CONCLUSION THAT A PARTICULAR FACT
MUST BE PROVED IN ORDER TO SENTENCE A
DEFENDANT ~~WITHIN~~ WITHIN A PARTICULAR
RANGE, THE FRAMERS WOULD NOT THOUGHT
TOO MUCH TO DEMAND THAT, BEFORE DEPRIVATION
A MAN OF MORE YEARS OF HIS LIBERTY.
THE STATE SHOULD SUFFER THE MODEST
INCONVENIENCE OF SUBMITTING ITS ACCUSATIONS
TO THE UNANIMOUS SUFFRAGE OF TWELVE OF

HIS EQUALS AND NEIGHBORS; RATHER THAN A
LONE EMPLOYEE OF THE STATE.

IN *BLAKELY V. WASHINGTON*, 542 U.S. 296
PAGE # the SIXTH AMENDMENT by its terms
IS NOT A LIMITATION ON JUDICIAL power, but
A RESERVATION OF JURY power. ITS LIMITS
JUDICIAL power ONLY to the extent that
THE CLAIMED JUDICIAL power INFRINGES ON
THE PROVINCE OF THE JURY.

EVERY DEFENDANT HAS THE ~~POWER~~ right
TO INSIST THAT THE PROSECUTOR PROVE TO A
JURY ALL FACTS LEGALLY ESSENTIAL TO THE
PUNISHMENT

TAKEN FROM *APPENZEL V. NEW JERSEY*,
530 U.S. 466, PAGE # 4

OTHER THAN THE FACT OF A PRIOR CONVICTION

ANY FACT THAT INCREASES THE PENALTY FOR A
CRIME BEYOND THE PRESCRIBED STATUTORY MAXIMUM
MUST BE SUBMITTED TO A JURY,
AND PROVED BEYOND A REASONABLE DOUBT, WITH A
EXCEPTION, IT IS UNCONSTITUTIONAL FOR A LEGISLATURE
TO REMOVE FROM THE JURY THE ASSESSMENT OF FACTS
THAT INCREASES THE PRESCRIBED RANGE OF PENALTIES
TO WHICH A CRIMINAL DEFENDANT IS EXPOSED.

1. THE MAXIMUM A JUDGE COULD IMPOSE SOLELY
ON THE BASIS OF THE FACTS

- A. REFLECTED IN THE JURY VERDICT, OR
- B. ADMITTED BY THE DEFENDANT; AND

2. IN OTHER WORDS

- A. THE MAXIMUM SENTENCE A JUDGE COULD IMPOSE
AFTER FINDING ADDITIONAL FACTS, BUT
- B. THE MAXIMUM THE JUDGE COULD IMPOSE WITHOUT

THIS IS TAKEN FROM 18 U.S.C. § 3553

IMPOSITION OF SENTENCE

18 U.S.C. § 3553, Subd. (b)(1), page 2

IN GENERAL CAUTION: IN UNITED STATES

V. BOOKER (2005) IS INCOMPATIBLE REQUIREMENTS
TO THE U.S. CONST. AMEND. SIXTH AMENDMENT

TAKEN FROM STRUNK V. UNITED STATES,

412 U.S. 434, page #3

AN ACCUSED HAS AN INTEREST IN BEING TRIED

PROMPTLY, EVEN THOUGH HE IS CONFINED IN A
PENITENTIARY FOR AN UNRELATED CHARGE.

UNDER THESE CIRCUMSTANCES, THE POSSIBILITY THAT

A DEFENDANT ALREADY IN PRISON MIGHT RECEIVE A

SENTENCE AT LEAST PARTIALLY CONCURRENT WITH THE

ONE HE IS SERVING MAY BE FOREVER LOST IF TRIAL

OF THE PENDING CHARGE IS POSTPONED. THE REMEDY

Any ADDITIONAL FINDINGS

When A JUDGE INFLECTED PUNISHMENT THAT THE
JURY'S VERDICT ALONE DID NOT ALLOW

1. THE JURY HAD NOT ALL THE FACTS THAT THE LAW
MADE ESSENTIAL TO THE PUNISHMENT.
2. THE JUDGE EXCEEDED HIS OR HER OWN PROPER
AUTHORITY

SO NOW MR CANADA SAYS THAT:

A MINNESOTA RULES OF CRIMINAL PROCEDURE

MINNESOTA CONSTITUTION

MINNESOTA SENTENCE GUIDELINES

IS ALL INCOMPATIBLE WITH THE REQUIREMENTS OF

THE SIXTH AMENDMENT AND THEREFORE MUST BE

SERVED AND EXERCISED FROM THE SENTENCE

REFORM ACT OF 1984 UNDER THIS AUTHORITY

FOR A VIOLATION OF THIS CONSTITUTIONAL RIGHT
HAS TRADITIONALLY BEEN THE DISMISSAL OF THE
INDICTMENT OF THE SENTENCE.

TAKEN FROM BARKER V. WINGO, 407 U.S. 514,
PAGE #3

CRIMINAL PROCESS, SPEEDY TRIAL

ANY INQUIRY INTO A SPEEDY TRIAL CLAIM NECESSITATES

A FUNCTIONAL ANALYSIS OF THE RIGHT IN THE PARTICULAR
CONTEXT OF THE CASE.

THE RIGHT OF A SPEEDY TRIAL IS NECESSARILY RELATIVE.

IT IS CONSISTENT WITH DELAYS AND DEPENDS UPON

CIRCUMSTANCES. IT SECURES RIGHTS TO A DEFENDANT,

IT DOES NOT PRECLUDE THE RIGHTS OF PUBLIC JUSTICE

BARKER V. WINGO, 407 U.S. 514, PAGE #6.

(3) A CLAIM THAT A DEFENDANT HAS BEEN DENIED

HIS RIGHT TO A SPEEDY TRIAL IS SUBJECT TO A
BALANCING TEST

IN WHICH THE CONDUCT OF BOTH THE PROSECUTION
AND THE DEFENDANT ARE WEIGHED, AND COURTS
SHOULD CONSIDER SUCH FACTORS

- A. Length OF the delay
- b. REASON FOR the delay
- C. the DEFENDANT'S ASSERTION OR NONASSERTION
OF HIS right,
- D. AND prejudice to the DEFENDANT RESULTING FROM
the Delay, IN DETERMINING WHETHER A DEFENDANT'S
right to a Speedy TRIAL HAS BEEN DENIED



STATEMENT OF THE CASE

OFFICE OF THE CLERK

SUPREME COURT OF THE UNITED STATES

WASHINGTON, D.C. 20543

DISTRICT COURT NO.

SHAWN CANADA,

55-CR-10-3516

55-CR-10-3569

VS.

55-CR-18-2621

STATE OF MINNESOTA,

MEMORANDUM IN SUPPORT OF PETITION

FOR WRIT OF CERTIORARI.

INTRODUCTION

PETITIONER, SHAWN CANADA, SUBMITS THIS

MEMORANDUM OF LAW IN SUPPORT OF HIS

PETITION FOR WRIT OF CERTIORARI.

STATEMENT OF FACTS

①

STATE OF MINNESOTA

COUNTFILE NUMBER

55-CR-10-3516

55-CR-10-3569

55-CR-18-2621

MEMORANDUM OF LAW

IN 2010 ABOUT LATE JANUARY, MR SHAWN CANADA WAS INTERVIEWED BY ROCHESTER DETECTIVE SHERRY BUSH, ABOUT A POSSIBLE RAPE VICTIM ON JANUARY 15, 2010.

DURING OFFICER'S BUSH INVESTIGATION IT WAS DETERMINED THAT MR CANADA DID NOT RAPE HER OR THERE WAS NOT ANY D.N.A. SAMPLE AVAILABLE BUT ALSO DETECTIVE BUSH'S POLICE REPORT SHOW BY HER INVESTIGATION SAYS THAT THE SO CALLED VICTIM WAS A VULNERABLE ADULT MENTAL IMPAIR/ HELPLESS, SO THE WAY MR CANADA SAYS THIS STARTED ON THE REPORTS ONLY THAT SHAWN CANADA WAS ATTENDING ZUMBO VALLEY MENTAL

②

HEALTH FOR DOMESTIC VIOLENCE COUNSELING.

BUT THE RECORDS FAILED TO SHOW THAT INDEED

MR CANADA WAS ALSO RECEIVING SERVICES AND WAS

SEEING A PSYCHIATRIST AND TAKING PRESCRIBED MEDICATION.

SO CANADA SAYS HE DID MEET MS S.E.A. AT

ZUMBO VALLEY MENTAL HEALTH CENTER A FEW

TIMES, AND THEY DID SEE EACH OTHER DOWNTOWN

FOR COFFEE, AND SO MS S.E.A. DID LIKE MR.

CANADA AND THEY BOTH WANTED TO SEE EACH

OTHER WHICH THEY DID THE NEXT DAY.

CANADA WAS STAYING AT HIS GIRLFRIEND'S HOUSE

MS RHONDA, SO CANADA SAYS THAT WHEN SARA

WAS OVER HIS HOUSE, SHE SEEMED TO BE HAPPY

AND SO THEN AFTER SHE LEFT SHAWN WALKED HER

TO THE BUS STOP.

③

AND ABOUT THREE DAYS LATER THE DETECTIVES
SHOWED UP TALKING ABOUT RAPE.

Mrs CANADA WAS ON PROBATION AT THIS TIME AND
DURING THERE INVESTIGATION, THE ROCHESTER DETECTIVES
DETERMINED THATS NOT RAPE AND WAS NOT ARRESTED.

SO CANADA WAS ARRESTED FOR A PROBATION VIOLATION

A FEW WEEKS LATER AND CONNIE BENJAMIN WAS

MR CANADA'S PROBATION OFFICER AT THIS TIME, AND

CANADA WAS IN OLMSTED COUNTY DETENTION CENTER.

MR CANADA WAS INDICTED FOR CRIMINAL SEXUAL CONDUCT

3RD DEGREE - VICTIM MENTAL / HELPLESS, ON 05/12/2010

AND CANADA PLEA - NOT GUILTY AND MR CANADA DID REQUEST

A SPEEDY TRIAL ON 8-11-2010,

CANADA SAYS THE CLOCK ALREADY BEGUN ONCE HE WAS

FORMALLY INDICTED, THE CLOCK STARTS THE NEXT DAY

05-13-2010. AND THIS STATUTE FOR THIS IS

MINN. STAT. § 609.344.7.(d).

(4)

AND THE HONORABLE JUDICIAL OFFICER ORDERED
THE DETENTION WAS JUDGE ROBERT BIRNBAUM ON
05-12-2010.

SO WHILE MR CANADA WAS IN OLNEY COUNTY
DETENTION CENTER HE WAS ALSO CHARGED WITH
DOMESTIC ABUSE; VIOLATED 2 OR MORE, MINN.
STAT. § 518B.01.14 (2)(I).

THE ORDER OF DETENTION WAS PLACED ON MR. CANADA
BY JUDICIAL OFFICER JODI WILLIAMSON ON
5-14-2010.

THE CLOCK STARTS UNDER THE SPEEDY TRIAL ACT
OF 1974.

THE DAY AFTER THE INDICTMENT WAS FORMALLY CHARGED
SPEEDY TRIAL ACT STARTS 5-15-2010 AND MR. CANADA
DID REQUEST A SPEEDY TRIAL ON 8-11-2010

SO ON OCTOBER 4, 2010 MR. CANADA DID TAKE A
PLEA - BARGAIN UNDER DURESS AND LONG-TIME OF

⑤

AND RESTRAINT OF LIBERTY, AND THE ADVICE
OF CANADA PUBLIC DEFENDER DAVID HAUSEN
SO MR. CANADA WAS SENTENCED AT THE HEARING
TO SERVE 62 MONTHS, YOU'LL SERVE TWO-THIRDS
OF THAT SENTENCE ~~AND~~ WITHIN THE PRISON SETTING.
ONE THIRD COULD BE SERVED ON SUPERVISED RELEASE,
ASSUMING NO DISCIPLINARY VIOLATIONS. WITHIN THE
PRISON SETTING.

ALSO ON TOP OF THAT, YOU ARE REQUIRED TO SERVE
AN ADDITIONAL 10 YEARS ON A CONDITIONAL RELEASE
TERM, AND I'LL ORDER THAT YOU REGISTER AS A
PREDATORY OFFENDER WITH THE BUREAU OF CRIMINAL
APPREHENSION.

SO NOW LOOKING AT THIS AT THE PLEA-HEARING, IT
WAS ALREADY PART STATUTE OF LIMITATIONS FOR A SPEEDY
TRIAL AND THIS IS A SPEEDY TRIAL VIOLATION, FROM

6

From 5-13-2010 to 10-4-2010 ON THE CASE OF
#55-CR-10-3516 THATS #137 DAYS FOR CRIMINAL
SEXUAL CONDUCT 3RD DEGREE.

SPEEDY TRIAL VIOLATION UNDER THE DUE PROCESS
OF THE UNITED STATES CONSTITUTION AMENDMENTS
#5, 6 & 14 IS UNCONSTITUTIONAL.

MR. CANADA SAYS ON CASE #55-CR-10-3569
FROM 5-15-2010 TO 10-4-2010 IS 133 DAYS,
THIS IS THE DOMESTIC ABUSE,

CAN BOTH OF THESE CASES BE A SPEEDY TRIAL
VIOLATION AND DUE PROCESS VIOLATIONS.

⑦

SO ON OR CLOSE TO THE PRESENTENCE INVESTIGATION
DONE BY ALEX BUNGER, ERIN JOHNSON, 11-3-2010
THE OLUSTEE COUNTY COMMUNITY CORRECTIONS WERE
SUPPOSE TO GIVE MR. CANADA A COPY OF ALL
TERMS OF HIS CONDITIONS OF RELEASE INSIDE THE
COURT ROOM UNDER MINN.R.CRM.P. RULE 27.03
SUBD. 4.(E).(4) AND PUBLIC LAW 98-473, AND
USCS CODE § 3583. INCLUSION OF A TERM
OF SUPERVISED RELEASE AFTER IMPRISONMENT SUBD.
4.(F) SAYS.

THE COURT SHALL DIRECT THE PROBATION OFFICER
TO PROVIDE THE DEFENDANT WITH A WRITTEN STATEMENT
THAT SETS FORTH ALL THE CONDITIONS TO WHICH
THE TERM OF SUPERVISED RELEASE IS SUBJECT.

AND THAT IS SUFFICIENTLY CLEAR AND SPECIFIC TO
SERVE AS A GUIDE FOR THE DEFENDANT'S CONDUCT AND

③

FOR SUCH SUPERVISION AS IS REQUIRED, AND
18 USCS CODE § 3563. CONDITIONS OF
PROBATION SUBD. D.

A. SO MR. CANADA'S WORDING SAYS THIS
MR DAVID REY HAUSEN MY PUBLIC DEFENDER
DID NOT GIVE MR. CANADA A COPY OF ANY
TYPE OF CONDITIONS.

B PROBATION OR PAROLE OFFICERS INCLUDE ALL STAFF
MEMBERS OF PROFESSIONAL CONDUCT OF OLNEY COUNTY
COMMUNITY CORRECTIONS, DID NOT SERVE ANY GUIDE
TO MR. CANADA, AND NO CONDITIONS WAS ISSUED
TO HIM DURING NO TIME OF THE COURT PROCEEDINGS,
BUT DID GIVE IT TO HIM ON 9-13-2013, THAT'S
3 YEARS LATER.

C PROSECUTORS DID NOT MAKE SURE NOR DID THEY
SUPPLY THE TERMS OF CONDITIONS TO MR. CANADA
TO COMPLETE THE PLEA-BARGAIN.

⑨

D NO ONE IN THE COURTROOM WENT OVER THESE CONDITIONS BECAUSE THEY WERE NEVER IN THE COURTROOM, AND MR CANADA SAYS HE WAS SURELY ENTRAPPED INTO A BLIND - plea-bargain, or A ILLEGAL SENTENCE by OLANSTED COUNTY EMPLOYEES. MR CANADA IS ASKING CAN THIS BE A OBSTRUCTION OF JUSTICE, DUE PROCESS VIOLATION OF U.S. CONST #5 AND #14 AMENDMENTS AND RETALIATION OF A FUNDAMENTAL SPEEDY TRIAL. MALICIOUS PROSECUTION AND MULTIPLE PUNISHMENT BEFORE HIS VERY FIRST TRIAL,

SO ALEX BUNGER DID THE PRESENTENCE INVESTIGATION BUT AGAIN HE COVERED UP, HELD BACK EVIDENCE FROM PUBLIC DEFENDER, PROSECUTOR, AND JUDICIAL OFFICERS BY NOT RECOGNIZING MR. CANADA'S MENTAL HEALTH UNDER MINN. STAT. § 611.026.

Mr CANADA SAYS HE WAS SENTENCED TO
62 MONTHS PLUS TEN YEARS CONDITIONAL
RELEASE, SO MR CANADA WAS SENT TO ST. CLOUD
PRISON LATE NOVEMBER OR EARLY DECEMBER IN
2010.

SO ON 12-8-2010 A DEPT OF CORRECTIONS
EMPLOYEE BRIAN HEINSOHN RECOMMENDATION MR.
CANADA PLACED A ~~TO~~ SEX OFFENDER TREATMENT
MANDATE ON HIM.

THEN ON 12-17-2010 A DEPT OF CORRECTIONS
EMPLOYEE DANIEL PASKIEWITZ RECOMMENDATION
TO PLACE A CHEMICAL DEPENDENCY TREATMENT
MANDATE ON HIM.

SO IN LATE JUNE MR CANADA WAS PLACED IN
THE RESHAPE TREATMENT PROGRAM IN ST. CLOUD
PRISON BUT AFTER ABOUT OR CLOSE TO 3 WEEKS

(11)

MR CANADA WAS TERMINATED FROM THE PROGRAM
AND HE RECEIVED 30 DAYS EXTENDED CONFINEMENT
TO HIS SUPERVISED RELEASE DATE OF 07-16-2013 TO
08-16-2013.

SO MR. CANADA WAS TRANSFERRED TO FARIBAUT PRISON
WHERE MR. CANADA WAS STRUGGLING STILL TRYING TO
FIGURE OUT WHAT HAS HAPPENED.

SO ON ABOUT AUGUST 8-23-2011 MR. CANADA REFUSE
SEX-OFFENDER TREATMENT IN FARIBAUT, WHILE HE
WAS APPEALING HIS SEX-OFFENDER CONVICTION AND WAS
GOING THRU WITH A POST-CONVICTION WITH MINNESOTA
COURT OF APPEALS & MINNESOTA APPELLATE PUBLIC
DEFENDER'S OFFICE UNDER CASE # A13-0478, BUT
MR. CANADA STILL RECEIVED ANOTHER 30 DAYS
EXTENDED INCARCERATION FOR FAILURE TO COMPLETE
SEX OFFENDER TREATMENT

(12)

SO THIS EXTENDED HIS SUPERVISED RELEASE DATE BACK

ANOTHER 30 DAYS FROM 8-16-2013 TO 9-16-2013

PLEASE KEEP IN MIND THAT EVERYONE THAT DID EXTENDED

MR. CANADA'S INCARCERATION WAS A MINNESOTA DEPT OF
CORRECTIONS EMPLOYEE AND NOT A JUDICIAL OFFICER

SO MR. CANADA FINALLY GOT OUT OF PRISON ON

ON 9-16-2013 TO TWIN TOWN TREATMENT CENTER

IN ST. PAUL, MINNESOTA, AND MR. CANADA WAS

DISCHARGED FROM TWIN TOWN ON 10-10-2013 AND

RAMSEY COUNTY POLICE CAME INSIDE TWIN TOWN BUILDING

AND ARRESTED MR CANADA WAS SENT BACK TO PRISON, AND

CANADA WENT TO MCF/RUSH CITY AND THEN MR

CANADA WAS RELEASED FROM RUSH CITY ON 2-24-2014

AND WAS SENT TO ~~OLMSTED~~ DAMASCUS WAY, AND SO

CANADA WAS AGAIN SENT TO MCF/RUSH CITY PRISON

AND WAS TERMINATED 3-25-2014, DAMASCUS WAY OR

OLMSTED PROBATION AGENTS DID NOT FOLLOW THERE

(13)

OWN D.O.C. POLICIES IN MARLOWE V. FABIAN,

755 N.W.2d 792... AND RESTRAIN A

PETITIONER'S LIBERTY.

So in this summary this is twice no address,
so only a ~~COO~~ JUDICIAL OFFICER CAN PLACE
A body to A STATUE CALLED INTENSE SUPERVISED
RELEASE OR SPECIAL CONDITIONS, so the parole or
probation OFFICERS DELIBERATELY did not put these
conditions in the COURTROOM UNDER DUE PROCESS,
so these CONDITIONS ARE BLIND to the NAKED EYE
so the person FACING CRIMINAL CHARGES DOES NOT
KNOW ABOUT HIS OR HER CONDITIONS till $3\frac{1}{2}$ years
LATER.

so BACK to OUR story, AND ON OUR LAST
REVOCATION HEARING the so CALLED AGENT WAS
SARAH SOMMER, AND DEPT OF CORRECTIONS HEARINGS
OFFICER WAS ANDREW KARLSEN KARLSEN ACTING AS
the JUDGE, so CANADA WAS VIOLATED FOR NO
ADDRESS, AND so BACK to PRISON

so this time CANADA WAS RELEASED

(15)

FROM RUSH CITY ON 8-13-2014, AND AGAIN

BACK TO DAMASCUS WAY IN ROCHESTER MN,

SO NOW MR CANADA SAYS THAT EVERY SINGLE

TIME MR CANADA IS RELEASED FROM PRISON,

THEY PUT GPS MONITORING BRACELET ON HIS ANKLE

AND HAD TO WRITE A WEEKLY SCHEDULE.

SO NOW MR CANADA IS AT DAMASCUS WAY AND

~~WAS~~ WAS WORKING AT TONIC RESTAURANT, AND SHAWN

SAYS HIS AGENTS CAME TO HIS JOB AT TONIC RESTAURANT

3 TIMES A WEEK,

SO AGAIN ROBYN WOOD & D.O.C. HEARING OFFICER

ANDREW KARLSEN. THIS TIME SHAWN WENT

TO STILLWATER AND WAS RELEASED 4-5-2015 ON

GPS TO DAMASCUS WAY, SO THEY PLACED SHAWN IN

SEX-OFFENDER TREATMENT AND WORKING AT OLD COUNTRY

BUFFET AND MR CANADA DID GET APPROVED TO A

INTERSTATE TRANSFER TO BECKLEY, WV

(16)

SO MR CANADA WAS IN BECKLEY, WV FROM

7-27-2015 TILL 12-30-2016,

SO WHILE MR CANADA WAS IN BECKLEY, WV. HE

WAS NOT DOING TO WELL HIS YOUNGER BROTHER TRIED

TO USE HIM, AND BY MR CANADA WAS AND IS THE

OLDER BROTHER HE CHOOSE TO CUT ALL TIES WHL

HIS YOUNGER BROTHER AND MR CANADA WAS SUPERVISED

BY PAROLE AGENT DAVE TOLER, AND WEST VIRGINIA

STATE TROOPER CORPORAL MOORE.

SO CANADA WAS UNDER CONDITIONAL ~~RE~~ RELEASE &

SPECIAL CONDITIONS AND BECKLEY, WV SEX OFFENDER

STATUES.

SO WHILE MR CANADA WAS IN WEST VIRGINIA PAROLE

OFFICER PLACED CANADA IN SEX-OFFENDER TREATMENT

AND MADE CANADA PAY FOR A POLYGRAPH \$300.00

AND WEEKLY CLASSES WAS \$30.00 PER WEEK

SO CANADA WAS NOT WORKING AT THIS TIME

17

AND HAD NO SUPPORT, AND WAS ON FOOD
STAMPS, BUT MR CANADA WAS ATTENDING CHURCH
AT ST. PAUL BAPTIST CHURCH, AND MANAGE TO GET
HIS OWN APARTMENT, BUT THE PAROLE OFFICER DAVE
TOLER ALREADY VIOLATED HIM AND PLACED A
WARRANT ON ~~ON~~ HIM, AND THEN BEFORE THE
WARRANT STATE TROOPER CORPORAL MOORE HAD
VIOLATED MR. CANADA 3 OR 4 TIMES, AND EACH TIME
PLACING HIM IN RALEIGH COUNTY DETENTION CENTER,
AND CORPORAL MOORE MADE MR CANADA QUIT HIS
THREE JOBS AT PANERA BREAD, TEXAS BBQ AND
MCDONALD'S, SO CANADA LOST HIS APARTMENT IN
BECKLEY, WV, 3 JOBS, CHURCH AND WAS IN THE
DETENTION CENTER FOR ABOUT ONE MONTH THEN THE
MINNESOTA APPREHENSION UNIT CAME AND EXTRADICTED FROM
RALEIGH COUNTY JAIL TO CHARLESTON, WV AIRPORT HANDCUFFED

(18)

took a small jet from Charleston, WV to Atlanta Georgia, then placed him on a big plane from Atlanta Georgia to Minneapolis, Minnesota then to Stillwater prison all in one day of 12-31-2016

So now Mr Canada get again on 7-31-2017, But the HRU Hearing for W.U. was held on ¹⁻¹⁰⁻²⁰¹⁷ ~~7-31-2017~~

Agent Robin Woods & DOC Employee Zach Gahn

So Canada was already in prison before the

HRU Hearing, then on 7-31-2017 Canada was

Released to Damascus way on GPS and on

A Schedule Canada was working at Perkins

Restaurant only Saturday and Sunday, and

Burger King North Broadway Silver Lake rd

Store Monday thru Sunday closing shifts and on call.

And also Canada was also working at

Denny's North and South stores on call in

19

BASIS THATS A TOTAL OF FOUR JOBS, SO
CANADA SAVED UP ENOUGH MONEY TO MOVE
OUT INTO A BOARDING HOUSE, SO THIS IS ABOUT
OCTOBER OF 2017, AND THE PAROLE OFFICERS DID
HARASS MR CANADA SO BAD AND I DID STARTED
BACK TO DRINKING SO CLOSE TO MY BIRTHDAY
NOVEMBER 12TH 2017, CANADA WAS TAKEN INTO
CUSTODY FOR ALCOHOL DRINKING ON PROBATION/PAROLE
SO MATHIAS ANTONY AGENT AND TWO ROCHESTER
POLICE OFFICERS SEARCHED MR CANAD'S ROOM AND THEN
CONFISCATED A LAPTOP AND TWO CELLPHONES
SO CANADA WAS BACK IN CUSTODY AND THEN
TAKEN TO STILLWATER ABOUT 3-18-2018, BUT BEFORE
HE WENT BACK TO STILLWATER CANADA WAS TOLD
THAT THERE ARE NEW CHARGES CRIMINAL SEXUAL
CONDUCT 4TH DEGREE # 55-CR-18-2621, SO NOW

20
CANADA IS IN STILLWATER ON ANOTHER SO
CALLED VIOLATION, AND FIGHTING A NEW CASE
SO CANADA WAS GOING BACK AND FORTH TO
COURT AND THE JUDGE OVER THE NEW CASE OF
#55-CR-18-2621 PLACED CANADA ON CONDITIONAL
RELEASE ON 6-7-2018, ON THE GROUNDS THAT
CANADA THAT HE WAS GETTING OUT OF PRISON ON
7-17-2018 TO RCCS TREATMENT CENTER.

BUT ON 7-3-2018 DEPT OF CORRECTIONS AND
MATHIAS HELD ANOTHER HRU HEARING AND THEY
DECIDED THAT THEY WERE GOING TO DETAIN HIM
UNTIL ALL COURT PROCEEDINGS WERE OVER

SO NOW ITS OCTOBER 31ST, 2022 THERE WAS ANOTHER
HRU HEARING D.O.C. HRU OFFICER KRISTIN LANG
AND AGENT MATHIAS ANTONY PRESENT, AND
D.O.C. EMPLOYEE EXPLAINED TO HIM THAT HE

(21)

MATHIAS WAS SUPPOSE TO OBEY THE COURT

ORDER OF JUDICIAL OFFICER KATHY WALLACE

AND THEN ORDERED TO GET HIM OUT OF PRISON

SO I WAS ABOUT ~~REDO~~ FEBRUARY 5TH 2019,

CANADA HAS CHARGES DISMISS, SO CANADA

SPEND TIME IN PRISON, FOR A CHARGE AND A

CRIME HE DID NOT COMMIT, THIS BREACH THE

TERMS OF ANY PLEA-AGREEMENT BY THE STATE

SO CANADA FINALLY GOT OUT OF PRISON ON

4-22-2019 TO TWIN TOWN TREATMENT CENTER

AND COMPLETED THE PROGRAM, THEN WENT TO

EVERGREEN OUTPATIENT IN ST. PAUL, MN, SO ABOUT

5-23-2019 TILL 7-24-2019 MATHIAS GAVE

HIM A DIRECTIVE TO ENROLL TO DAMASCUS WAY

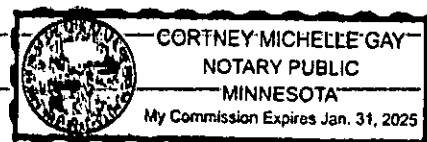
AND FOR HIM TO QUIT WORKING AT McDONALD'S,

AND QUIT HIS HEALTH CARE AT ALINE HEALTH

CARE SERVICES, SO MARY AND MATHIAS CAME

TO EVERGREEN ENTERED DAMASCUS WAY ON
7-24-2019, AND 1-10-2020 CANADA FAILED TO
COMPLY WITH SEX-OFFENDER TREATMENT AGAIN
THEN CANADA WAS BACK IN CUSTODY FOR
GETTING KICKED OUT OF DAMASCUS WAY FOR
A FAILURE TO COMPLY WITH NO SO CALLED
POLICIES OF DAMASCUS WAY COVID-19 SITUATION
THEN WENT TO OAKPARK HEIGHTS PRISON AND
WAS RELEASE AGAIN ON 12-14-2020, TO
DAMASCUS WAY ON 2-5-2021 CANADA IS
ON ANOTHER VIOLATION FOR GETTING KICKED OUT
OF TWIN TOWN TREATMENT CENTER, SO NOW
TODAY'S DATE IS AUGUST 20, 2022 AND
MR CANADA IS STILL LOCKED UP FROM 2-5-2021
TILL 8-22-2022 TODAY

Sharon Conner



Aug 9/21/2022

9

REASONS FOR GRANTING THE PETITION

OFFICE OF THE CLERK OF
SUPREME COURT OF THE
UNITED STATES IN WASHINGTON,
D.C. 20543

REASONS FOR GRANTING THE PETITION
FOR THE FOREGOING REASONS, THIS COURT
SHOULD REVERSE THE DECISION OF THE EIGHTH
CIRCUIT COURT OF APPEALS, AND THE REPORT AND
RECOMMENDATIONS OF UNITED STATES DISTRICT
COURT, DISTRICT OF MINNESOTA UNDER COURT
FILE NUMBERS ^{21-CV-18-2120 / 55-CR-10-3516} ~~21-CV-18-2120 / 55-CR-10-3516~~, AND
^{55-CR-10-3569} ~~55-CR-10-3569~~
AND HOLD THAT THE PROCEDURE IN THE MINNESOTA
SENTENCING REFORM ACT, MINNESOTA RULES OF
CRIMINAL ~~PROCEDURE~~ PROCEDURE, AND THE MINNESOTA
CONSTITUTION VIOLATES THE TERMS OF THE U.S. CONST.
AMEND. 6th JURY TRIAL,

AND FOR ANY TYPE FINDINGS OF AGGRAVATING
FACTS NECESSARY TO IMPOSE EXCEPTIONAL

SENTENCES UPWARD ARE IN FACT IS UNCONSTITUTIONAL
AND NULL AND VOID.

13

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Shawn Canada

Date: 9-23-2022