

22-7570

NO. 22-7570 ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED
APR 23 2023
OFFICE OF THE CLERK

Gideon C. Arrington II — PETITIONER
(Your Name)

vs.

State of Minnesota — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Gideon Charles Arrington II
(Your Name)

1101 Linden Lane
(Address)

Faribault, MN. 55021
(City, State, Zip Code)

OID# 228607
(Phone Number)

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SUPREME COURT, U.S.

QUESTION(S) PRESENTED

1. Can the use of false evidence (which is fraud) be time/knaffla barred?
2. Is anyone above or below the law?
3. Is it a justice system or a legal system?
4. What is the test a Country must use to claim itself to be a moral nation?
5. Does ~~law~~ everyone have a right to Due Process?

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

Carse v. State, 778 N.W.2d

Reynolds v. State, 888 N.W.2d at 133

State v. Misquadace, 644 N.W.2d 65

State v. Lewis, 656 N.W.2d 535

State v. Losh, 721 N.W.2d 886, 890-92 (Minn. 2006).

State v. Jackson, 749 N.W.2d 353,360 (Minn.2008).

Taylor v. State, 670 N.W.2d

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	5
CONCLUSION.....	6

INDEX TO APPENDICES

APPENDIX A	Decision of State Court of Appeals
APPENDIX B	Decision of State Trial Court
APPENDIX C	Decision of Minnesota Supreme Court denied review
APPENDIX D	Order Mandamus denied
APPENDIX E	Appellant's Brief
APPENDIX F	Appellant's Plea Agreement
APPENDIX G	The false S.A.N.E Report

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

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

OPINIONS BELOW

[] For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

[] reported at _____ ; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

[] reported at _____ ; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

[] For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix C to the petition and is

[] reported at _____ ; or,
[] has been designated for publication but is not yet reported; or,
[^x] is unpublished.

The opinion of the State Court of Appeals court appears at Appendix B to the petition and is

[] reported at 2016 Minn. App ; or,
[] has been designated for publication but is not yet reported; or,
[^x] is unpublished.

JURISDICTION

[] For cases from federal courts:

The date on which the United States Court of Appeals decided my case was _____.

[] No petition for rehearing was timely filed in my case.

[] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.
2

[] 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 _____.
2

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

[x] For cases from state courts:

The date on which the highest state court decided my case was 01/25/23.
A copy of that decision appears at Appendix C.

[] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.
2

[] 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 _____.
2

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Violation of the 14th Amendment - Due Process

Violation of the 8th Amendment - Cruel and Unusual Punishment

Violation of Fifth Amendment - Due Process

Violation of Article 1, Section 5, under the Constitution of Minnesota

Violation of Article 1, section 7, under the Constitution of Minnesota

Fed. R. Civ. P 34(a)

Minn. Stat. § 609.43 - Misconduct of Public Officer or Employee

STATEMENT OF THE CASE

The Appellant Mr. Gideon C. Arrington II was charged and convicted of first degree CSC in 2014. The State introduced fabricated evidence (A false S.A.N.E Report - Sexual assault Nurse Exam), to convict Mr. Arrington. Mr. Arrington plead to an Alford plea, and decided to go with the judge instead of a jury, to determine aggravated factors for an upper departure. Judge Dyanna L. Street base her decision off the S.A.N.E Report that turned out to be fraudulent. The 15 year upper departure that she gave Mr. Arrington from the presumptive sentence which is 144 months is illegal. Since the S.A.N.E report is fraudulent that means there weren't any aggravated factors proven. So instead of a 324 month sentence Mr. Arrington should have gotten 144 month sentence See. Taylor v. State. Not only should he have gotten 144 months because the S.A.N.E Report is false, but he plead to an Alford plea. The only way judge Dyanna Street could give Mr. Arrington an upper departure he would have had to admit on record those aggravating factors. But since he took an Alford plea, he's not admitting to anything he's still claiming his innocence. This is why Mr. Arrington has started a Civil Suit in Federal and State Court against everyone who was involved in his false imprisonment.

Praesumptio juris tantum - is an assumption made by a factfinder that is taken to be true unless someone comes forward to contest it and proves otherwise.

REASONS FOR GRANTING THE PETITION

To not do so would be manifest injustice and failure to grant it would infringe Mr. Arrington's Due Process rights and damage the integrity of the judicial process.

Mr. Arrington has been fighting for his freedom 9 years now, and he is never giving up. One who don't stand for something will fall for anything.

Respectfully Submitted,

Gideon C. Arrington II

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dibor C. Amerson".

Date: April 22, 2023

APPENDIX A