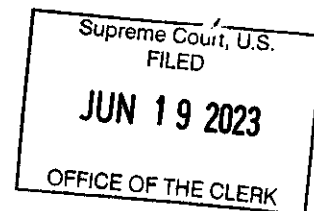


22-7876  
No. \_\_\_\_\_

**ORIGINAL**

\_\_\_\_\_  
IN THE  
SUPREME COURT OF THE UNITED STATES  
\_\_\_\_\_



Gideon C. Arrington II — PETITIONER  
(Your Name)

vs.

Dyanna L. Street, ET-AL — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for The Eighth Circuit  
(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, Minnesota 55021  
(City, State, Zip Code)

OID# 228607  
(Phone Number)

## QUESTION(S) PRESENTED

1. Is the use of false evidence a crime?
2. Are detectives, prosecutors, and judges immune from liability for the use of false evidence knowingly?
3. Are judges and prosecutors above the law, can they do what they want to get a conviction?
4. Is it a justice system or a legal system?
5. what is the test a country must use to claim itself to be a moral nation?
6. Does 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:

Dyanna L. Street, Anthony C. Palumbo, Wade A. Kish, and Ke  
Kelsey R. Kelly

## RELATED CASES

Buckley v. Fitzsimmons, 509 U.S. 259,  
Harlow v. Fitzgerald, 457 U.S. 800, 818, 102 S. Ct. 2727, 73  
L. Ed. 2d 396, (1982).

## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
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<u>Su.v. Fillion</u> , 335 F .3d 119 (2nd Cir. 2003).	4
<u>Napue v. Illinois</u> , 360 U.S. 264, 269 79 S. Ct. 1173, 3L Ed. 2d. 1217 (1959).	5
<u>Moran</u> , 296 F .3d at 647	5
<u>U.S. v. Rayes</u> , 660 F 3d 454 (9th Cir. 2011).	4

## STATUTES AND RULES

## OTHER

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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 \_\_\_\_\_ 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 \_\_\_\_\_ 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.

## JURISDICTION

☒ For cases from federal courts:

The date on which the United States Court of Appeals decided my case was March 24, 2023.

☐ 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: April 12, 2023, and a copy of the order denying rehearing appears at Appendix B.

☐ 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 \_\_\_\_\_.  
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).

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The 5th Amendment - Rights of a person; The aim of requirement of due process is not to exclude presumptively false evidence, but to prevent fundamental unfairness in the use of evidence, whether true or false.

The 14th Amendment - Rights Guaranteed; A Fair Hearing - When the Constitution requires a hearing it requires a fair one held before a tribunal which meet currently prevailing standards of impartiality.

The American Doctrine - The rule of law applied not only to kings, , but also to legislative bodies, judges and future presidents of the United States. The origin of the doctrine is the Magna Carta and has always stood for the proposition - no man is above the law and no man is below it, nor do we ask any man's permission when we require him to obey it.

Moreover, under English law that was adopted by the first Congress, ignorance of the law was no excuse for breaking the law.



## STATEMENT OF THE CASE

The Petitioner Mr. Gideon C. Arrington II, was charge and convicted of first degree criminal sexual conduct in 2014. The County attorney Anthony C. Palumbo for Anoka County introduce false evidence, a S.A.N.E Report (Sexual Assault Nurse Exam) to convict Mr. Arrington.

The prosecutor may not use or solicit false evidence or allow it to go uncorrected. See U.S. v. Goodson, 165 F .3d 610 (8th Cir. 1997).

The prosecutor has Constitution duty to correct evidence he knows is false. See Hayes v. WoodFord, 301 F .3d 1054 (9th Cir. 2002).

Platiff's Due process was violated when the prosecutor introduce and created evidence that was false, just so he can get a conviction. See Su v. Filion, 335 F .3d 119 (2nd Cir. 2003).

The prosecutor may not seek convictions at any price. Rather, the prosecutor is a "minister of justice" who obligations is to guard the rights of the accused as well to enforce the rights of the public. See ABA Standards for Crim. Justice §§ 3-1.1,3.7 emt.

There must be sufficient evidence to Constitutionally support a criminal conviction. See U.S v. Rayes, 660 F .3d 454 (9th Cir. 2011).

Freedom from malicious prosecution is a Constitutional right. See Kinzer v. Jackson, 316 F .3d 139 (2nd Cir. 2003).

## REASONS FOR GRANTING THE PETITION

To not do so would be manifest injustice as well failure to grant it would infringe Mr. Arrington's due process rights and damage the integrity of the judicial process. Furthermore, the false S.A.N.E report (Sexual Assault Nurse Exam) that was used against the petitioner Mr. Arrington occurred before the judicial proceedings not during, and before the probable cause, therefore it was administrative (the investigation process) which means the defendants knew that the sexual assault exam was false. The defendants know what a sexual assault exam looks like and that it has to have a signature for it to be considered a legal document and to be able to use it as evidence against Mr. Arrington. For these reasons and these reasons alone the defendants in this civil suit are not entitled to immunity, therefore, this matter cannot and should not be dismissed, and the Petition For Writ Of Certiorari of Petitioner Gideon C. Arrington II, should be Granted.

Fraud on the court - (1810) In a Judicial proceeding a lawyer's or party's misconduct so serious that it undermines or is intended to undermine the integrity of the proceeding. (Examples are bribery of a juror and introduction of fabricated evidence).

In addition, "implicit in any concept of ordered liberty" is the principle that "a State may not knowingly use false evidence" to obtain a conviction. See Napue v. Illinois, 360 U.S. 264, 269 79 S. Ct. 1173, 3L. Ed. 2d. 1217 (1959). (Due process prohibits the State's knowing use of false evidence" because such use violates any concept of ordered liberty).

Furthermore, to establish a substantive due process violation the plaintiff must demonstrate that a fundamental right was violated and that the defendant's conduct shocks the conscience. Akins, 588 F.3d at 1183. "[I]n a due process challenge to executive action, the threshold question is whether the behavior of the governmental officer is so egregious so outrageous, that it may fairly be said to shock the contemporary conscience." See. County of Sacramento v. Lewis, 523 U.S. 833, 847 n 8. 118 S. Ct. 1708, 140 L. Ed. 2d 1043 (1998).

In order to "shock the conscience," it is not enough that the government official's behavior meets the lowest common denominator of customary tort liability. " Id. at 848-49. Rather, "conduct intended to injure in some way unjustifiable by any government interest is the sort of official action most likely to rise to the conscience shocking level." Id. at 849. Only the most severe violations of individual rights that result from the brutal and inhumane abuse of official power" rise to this level. See. C.N. v. Willmar Pub. Schs., Indep. Sch. Dist. No. 347, 591 F.3d 624, 634 (8th Cir. 2010).

Defendant's conduct in this case shocks the conscience. There can be little doubt that intentionally manufacturing false evidence to convict a criminal defendant is the sort of "brutal and inhumane abuse of official power" that shocks the conscience. See. Moran, 296 F.3d at 647.

Moreover, "to be liable as a conspirator [one] must be a voluntary participant in a common venture.... It is enough if [defendants] understand the general objectives of the scheme, accept them, and agree, either explicitly or implicitly, to do [their] part to further them. See. Jones v. City of Chicago, 856 F .3d 985, 992 (7th Cir. 1998 (affirming a jury's finding of civil liability for police officers who conspired to fabricate evidence and used it to prosecute an innocent defendant)).

Furthermore, when determining whether an action was a clearly established constitutional violation, the courts look to the state of the law at the time of the incident. See. Shekleton v. Eichenberger, 677 F .3d 361, 366 (8th Cir. 2012). A right is 'clearly established' when the contours of the right are sufficiently clear that a reasonable official would understand that what he is doing violates that right. See. Birkenholz v. Sluyter, 857 F .3d 1214, 1216 (8th Cir 1998).

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: June 17, 2023