

RODGER WILLIAM DILLARD -PETITIONER

vs.

STATE OF WYOMING,-RESPONDENT(S)

NO. _____

FILED
AUG 08 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Wyoming Supreme Court S-23-0054&

S-23-0055

ON PETITION FOR A WRIT OF CERTIORARI TO IN THE SUPREME COURT, STATE OF WYOMING

PETITION FOR WRIT OF CERTIORARI

For the PETITIONER:

Rodger William Dillard

40 Honor Farm Rd.

Wyoming Honor Farm

Riverton, Wyoming 82501

For the RESPONDENT(S):

Attorney General

State of Wyoming

109 Capitol Avenue

Cheyenne, Wyoming 82002

QUESTION(S) PRESENTED

1. **Did the District in and for Natrona County 7th Judicial Abuse its power when it accepted the Petitioner alford plea because the the statue reads as follows?** Wyoming statute and Court rules read as follow **Rule 11. Pleas.** (a) **Alternatives.** (1) In General. A defendant may plead not guilty, not guilty by reason of mental illness or deficiency, guilty, or nolo contendere. If a defendant refuses to plead or if a defendant corporation fails to appear, the court shall enter a plea of not guilty. (A) **Nolo Contendere.** A defendant may plead nolo contendere only with the consent of the court. Such a plea shall be accepted by the court only after due consideration of the views of the parties and the interest of the public in the effective administration of justice. (B) **Mental Illness or Deficiency.** A plea of not guilty by reason of mental illness or deficiency may be pleaded orally or in writing by the defendant or the defendants counsel at the time of the defendants arraignment or at such later time as the court may for good cause permit. Such a plea does not deprive the defendant of other defenses and may be coupled with a plea of not guilty.(2) **Conditional Pleas.** With the approval of the court and the consent of the attorney for the state, a defendant may enter a conditional plea of guilty or nolo contendere, reserving in writing the right, on appeal from the judgment, to seek review of the adverse determination of any specified pretrial motion. A defendant who prevails on appeal shall be allowed to withdraw the plea.
2. **Did the District in and for Natrona County 7th Judicial Abuse its power when it did not allow the petitioner to withdraw his plea before sentencing?**
3. **Did the District Court abuse its power when it denied the motion to correct illegal sentence under the 35a rule of Wyoming statue because the statue reads as follows?**Rule 35. Correction or Reduction of Sentence.Text(a) **Correction.** — The court may correct an illegal sentence at any time. Additionally the court may correct, reduce, or modify a sentence within the time and in the manner provided herein for the reduction of sentence.
4. **Did the District in and for Natrona County 7th Judicial Abuse its power when it denied motion for sentence reduction under 35b because it reads as follows?** This is a very simple case, well supported by both Wyoming and United States case law. The Wyoming law does not allow for Alford pleas as in Wyoming court rule 11 pleas states as follows
5. A defendant may plead not guilty, not guilty by reason of mental illness or deficiency, guilty, or nolo contendere

6. Did the Supreme Court of Wyoming abuse its power when it order consolidating appeals?
7. Did the Supreme Court of Wyoming abuse its power when it affirmed the lower courts order?
8. Did the Wyoming Supreme Court and the Lower District of 7th judicial district abuse its power when it let the state use another states wanting to seek charges against the petitioner in and fact the other state had no charges of any sort and it would and is past the statue of limitations for that state?
9. Did the Wyoming supreme court abuse its power when it ordered assigning case to brief only docket?
10. Does the Wyoming Supreme court abuse its power when it id says it before all justices however only one justice issues the opioon of all and theres no record to show the others views or thoughts or orders?
11. Did the Wyoming supreme court abuse its power when it denied the request for extension of time to file relpy brief?

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 in 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:

TABLE OF CONTENTS

OPINIONS BELOW	ATTACHED
JURISDICTION	INCLUDED
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	INCLUDED
STATEMENT OF THE CASE	INCLUDED
REASONS FOR GRANTING THE WRIT	INCLUDED
CONCLUSION	INCLUDED

STATUTES AND RULES. **Extraordinary Writs** Rule 21. Writs of Mandamus and Prohibition, and Other Extraordinary Writs **Rule 21. Writs of Mandamus and Prohibition, and Other Extraordinary Writs** **(a) Mandamus or Prohibition to a Court: Petition, Filing, Service, and Docketing.** **(1)** A party petitioning for a writ of mandamus or prohibition directed to a court must file the petition with the circuit clerk and serve it on all parties to the proceeding in the trial court. The party must also provide a copy to the trial-court judge. All parties to the proceeding in the trial court other than the petitioner are respondents for all purposes. **(2)** **(A)** The petition must be titled *In re* [name of petitioner]. **(B)** The petition must state: **(i)** the relief sought; **(ii)** the issues presented; **(iii)** the facts necessary to understand the issue presented by the petition; and **(iv)** the reasons why the writ should issue **(C)** The petition must include a copy of any order or opinion or parts of the record that may be essential to understand the matters set forth in the petition. **(3)** Upon receiving the prescribed docket fee, the clerk must docket the petition and submit it to the court. **(b) Denial; Order Directing Answer; Briefs; Precedence.** **(1)** The court may deny the petition without an answer. Otherwise, it must order the respondent, if any, to answer within a fixed time. **(2)** The clerk must serve the order to respond on all persons directed to respond. **(3)** Two or more respondents may answer jointly **(4)** The court of appeals may invite or order the trial-court

judge to address the petition or may invite an amicus curiae to do so. The trial-court judge may request permission to address the petition but may not do so unless invited or ordered to do so by the court of appeals. **(5)** If briefing or oral argument is required, the clerk must advise the parties, and when appropriate, the trial-court judge or amicus curiae. **(6)** The proceeding must be given preference over ordinary civil cases. **(7)** The circuit clerk must send a copy of the final disposition to the trial-court judge. **(c) Other Extraordinary Writs.** An application for an extraordinary writ other than one provided for in Rule 21(a) must be made by filing a petition with the circuit clerk and serving it on the respondents. Proceedings on the application must conform, so far as is practicable, to the procedures prescribed in Rule 21(a) and (b). **(d) Form of Papers; Number of Copies; Length Limits.** All papers must conform to Rule 32(c)(2). An original and 3 copies must be filed unless the court requires the filing of a different number by local rule or by order in a particular case. Except by the court's permission, and excluding the accompanying documents required by Rule 21(a)(2)(C): **(1)** a paper produced using a computer must not exceed 7,800 words; and **(2)** a handwritten or typewritten paper must not exceed 30 pages.

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 **state courts**:

The opinion of the Highest States court to review the merits appears at

Appendix ATTACHED to the petition and is

[] reported at _____ ATTACHED _____; or,

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

[] is unpublished.

The opinion of the ATTACHED 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 **state courts**:

The date on which the highest state court decided my case was _____ ATTCHED

_____.

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 _____.

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

STATEMENT OF THE CASE

TABLE OF CASES AND OTHER AUTHORIES Cases

Dillard v. The State of Wyoming, Supreme Court Case S-23-0054, S-23-0055

Dillard v. The State of Wyoming, District Court of Natrona County 22292-C

Evitts v. Lucey, 469 U.S. 387, 393, 105 S. Ct. 830, 834, 83 L. Ed. 2d 821(1985)

Farbotnik v. State, 850 P.2d 594, 598 (Wyo. 1993).

Strickland v. Washington, 466 U.S. 668, 80 L. Ed. 2d 674, 104 S. Ct. 2052(1984);

Alvord v. Wainwright, 725 F.2d 1282 (11th Cir. 1984).

Jones v. Barnes, 463 U.S. 745, 103 S. Ct. 3308, 77 L. Ed. 2d 987 (1983),

Bray v. United States, 370 F.2d 44 (5th Cir. 1966).

Rhodes v. Estelle, 582 F.2d 972 (CA5th Cir. 1978),

Cross v. United States, 893 F.2d 1287, 1290 (11th Cir.), cert. denied, 498 U.S. 849, 112 L. Ed. 2d 105, 111 S. Ct. 138 (1990).

North Carolina v. Alford, 400 U.S. 25, 91 S. Ct. 160, 27 L. Ed. 2d 162 (1970).

White v. State, 934 P.2d 745 (Wyo. 1997).

Kahlsdorf v. State, 823 P.2d 1184 (Wyo. 1991).

Tomlin v. State, 35 P.3d 1255 (Wyo. 2001).

Constitutional Provisions

United States Constitution, Fourteenth Amendment

United States Constitution, Fifth Amendment

United States Constitution, Sixth Amendment

REASONS FOR GRANTING THE PETITION

CONCLUSION

The Defendant has shown that Were violated under the Due Process clauses of the Wyoming Constitution and the United States Constitution. As such, they entire case should be dismissed by the high court with prejudice in favor of the defendant for the fact that Wyoming Does have not a statue allowing alford pleas thus meaning the convictions are invalid and this court has duty to dismiss with prejudice in favor of the defendant.

STATEMENT OF FACTS

Defendant asserts that the following statements are true and correct, under Penalty of Perjury to the best of his knowledge.

DATED this 8-8 day of, 2023



RODGER WILLIAM DILLARD, DEFENDANT

ID 34258

40 Honor Farm Rd.

Wyoming Honor Farm

SIGNED and SWORN BEFORE ME BY Rodger William Dillard this
8 day of August 2023

Barbara Lee
NOTARY PUBLIC

