

No. \_\_\_\_\_

23-5806

IN THE

SUPREME COURT OF THE UNITED STATES

Washington, D.C. 20543

Supreme Court, U.S.A.  
FILED

SEP 25 2023

OFFICE OF THE CLERK

Jason W. Oien — PETITIONER  
(Your Name)

vs.

Chad Pringle — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

\*State → United States District Court (Fargo, N.D.)  
federal - 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

Jason W. Oien  
(Your Name)

2521 Circle Drive  
(Address)

Jamestown, N.D. 58401  
(City, State, Zip Code)

N/A  
(Phone Number)

QUESTION(S) PRESENTED

1. Although I already did the time I shouldn't have this charge on my record. Was a miscarriage of Justice to have a Bench Trial under my Lawyer's advice instead of a Jury Trial?
2. Was the Judge Biased and Prejudicial? Was about Trespassing.
3. Rule 11, was there specific Factual Basis to question guilt or to find me guilty of the charging instrument?
4. Was it a charging instrument to find a "Delivery Charge"?  
In 19-03.1-01. Definitions, "Deliver" or "Delivery" means the actual, constructive, or attempted transfer from one person to another of a controlled substance whether or not there is an agency relationship.
5. Charging instrument should be lesser punishment under 19-03.1-23 Prohibited Acts - Penalties. for Marijuana charges.
6. Was it illegal to charge me with the crime when it was in another persons home?
7. In 29-32.1-01. Remedy - To whom available - Conditions
  1. (a) Was conviction violation of law and constitution?
  - (f) changes have been made in law where it should apply retrospectively, (marijuana charges)?
8. Never was I present or knew about any Appeal process in this case if any?
9. These were all new findings and should be considered retroactive and timely in this case.
10. Was case illegal accusations and findings of a Judge to say I was guilty of any crime?
11. Did I waive my rights to a jury trial? Was there EVER a Conditional Plea? Was there ever factual evidence of how much was ever in this CAKE Pan of marijuana? Was there evidence of possession in another's home?

## 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 - in North Dakota

1. State v. Dennis, 733 N.W.2d 241.
2. State v. Schmalz, 744 N.W.2d 734
3. State v. Odum, 925 N.W.2d 451
4. State v. Biwer, 915 N.W.2d 837
- \*→ 5. State v. Finneman, 916 N.W.2d 619
6. State v. Asbach, 871 N.W.2d 820
- \*→ 7. State v. Pendleton, 978, N.W.2d 641
8. State v. Murphy, 855, N.W.2d 647
- \* Ameliorating Penal Legislation should be retroactively applied also to this case.
- \* 9. State v. Rogahn, 879 N.W.2d 454
- \* 10. Franks v. Delaware, 98 S.Ct. 2674

## 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 - Decisions of United States District Court for  
the District of North Dakota. Sending my documents marked  
Appendix A.

APPENDIX B - Decision on United States Court of Appeals for the Eighth  
Circuit. Sending documents marked Appendix B.

APPENDIX C - Decision on Supreme Court, document will be marked  
Appendix C.

APPENDIX D

APPENDIX E

APPENDIX F

## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
1. State v. Murphy - 855 N.W.2d 647 2014 N.D. 202, no. 20140079	
2. State v. Pendleton - 978 N.W.2d 641, no. 20210287	

STATUTES AND RULES \*Rule 11 - has to be specific factual basis.

- \*Amendment 7 - rights of facts given to a jury trial. (Rule 38)
- \*Amendment 14 - rights of Due Process, 42 U.S.C.A. § 1983.
- \* 19-03.1-01 - "Delivery", actual, constructive, or attempted transfer from one person to another of a controlled substance.
- \* 29-32.1-01 - was conviction violation of law and constitution, and changes have been made in law where it should apply retroactively.
- \* 19-03.1-23 - Prohibited Acts. Marijuana laws in North Dakota are different than before. And should be retroactive.

OTHER

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 B to the petition and is

[ ] reported at See Appendix B; 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 A to the petition and is

[ ] reported at See Appendix A; 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 Supreme Court of North Dakota court appears at Appendix C to the petition and is

[ ] reported at See Appendix C; 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 7-27-2023.

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: 8-29-2023, 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 May 2, 2023. A copy of that decision appears at Appendix A.

A timely petition for rehearing was thereafter denied on the following date: May 23, 2023, and a copy of the order denying rehearing appears at Appendix A.

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

Amendments - 1, 6, 7, 14 (rule 38) § 1983.

Also see "Questions Presented, Related cases, and also Appendix A, B, and C. I also presented constitutional ground that I put under the "Table of Authorities cited", and "Statued and Rules".

## STATEMENT OF THE CASE

- \* I should had an effective lawyer (Amendment 6) to know to have a Jury Trial not a Bench Trial (Amendment 7 and 14) Rule 38, 42 U.S.C.A. §1983. Not a lawyer getting disbarred after my trial was done. Richard Edinger who was my Trial lawyer said the state had no case and wouldn't let me go on stand. If I had a jury trial the case wouldn't have been bias. "Rule 11", state had no specific factual basis to the charging instruments. "Delivery" is delivery to one person from another, (19-03.1-01). The charging instrument was in violation of law and Constitution. 9, 10th of the law possession is the person with "Possession". The supplement that was found was not in my home. This was an illegal sentence. What was found was the home renters "Possession". I had absolutely nothing in my possession and nothing with my name on it, and no one saying it was my possession. My lawyer didn't even tell me my rights to Appeal. It states in the law library media that I appealed on 4th Amendment rights; but I have to know about it, and I have to have a hearing on it. In that case the home renter should have 4th Amendment rights. The person told the landlord and cops no to searching the apartment 3 times, and they showed no warrant. They threatened to evict her. Plus it illegal to send maintenance to fix things without the renter either being there or knowing. Can't just send people into a renters home just to see what's going on?  
See "State v. Oien. No. 20050451; June 29, 2006.
- \* So the facts are no specific factual basis of a crime I committed, "Rule 11". Never had my rights to a Jury Trial or Due Process, Amendments 5, 7, and 14. The charge was unconstitutional in general for the facts is possession is whoevers home its in; And "Delivery" is delivering to one from another. "Possession" is whoevers in possession.

## REASONS FOR GRANTING THE PETITION

1. The charge was unconstitutional, It was not in my possession the charging instrument. It was in possession of the renters home.

2. I was violated due Process of law

3. I didn't get my rights of a jury trial

4. I was never told my appeal Process

5. I was never given my Miranda rights or warrant

6. In Jerome Franks US. Delaware (98 S. Ct. 2674) no. 77-5176 in this case Certiorari was granted over similar situations, False statements, probable cause, 4th Amendment, etc. Same with State vs. Rogahn.

7. I request that I'm granted a writ of Certiorari for a "Frank's hearing."

8. "Rule 11", there were no specific facts, elements, to find me guilty of the charging instrument. That's how I know it was a Bias Bench Trial with a judge. With a jury I would have been found not guilty beyond a reasonable doubt. This whole case was about trespassing, nothing about a delivery. "Rule 38."

- I'm asking the courts for any type of relief of miscarriage of justice. "Any" or "All" writs of Certiorari, "Franks Hearing", or even correct my sentence? I shouldn't have this "Delivery" on my record and asking for any relief?

Thank You

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Jason W. Oien

Date: September 22, 2023