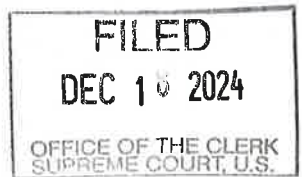


ORIGINAL

IN THE  
SUPREME COURT OF THE UNITED STATES

JUAN M. CRUZADO - LAUREANO  
Petitioner-Pro-Se

NO. 24-5655



On Petition for Writ of Certiorari to the  
Supreme Court of Puerto Rico- Certiorari  
CC-2024-304- of the Court of Appeals-  
Panel I- Case no. KLAN 202400474

Vs.

POPULAR DEMOCRATIC PARTY (PDP)  
AND ITS GOVERNING BOARD  
Respondent



*AS*

**PETITION FOR REHEARING (Revised)**

Appears before this Honorable Supreme Court of the United States, Juan Manuel Cruzado-Laureano exercising his right to legal self-representation (**Pro-Se**), Expose and Request:

1- On November 29, 2024, the Petitioner for Certiorari #24-5655 received by regular mail the Order of the Court dated November 25, 2024, which reads as follows:

*"The Court today entered the following order in the above-entitled case:  
The petition for a writ of certiorari is denied."*

2- The Petitioner filed his first version of the Petition for Rehearing on December 19, 2024 in the post office of Vega Alta, PR, complying with the 25-day deadline for filing, provide by Rule 44 of this Court. The ***Petition*** filed on December 18, 2024

was returned by the Office of the Clerk with a notification dated December 31, 2024, indicating that said *Petition* does not comply with the provisions of Court Rule 44. The *revised* Petition for Rehearing is being submitted today, Wednesday, January 15, 2025, complying with the 15-day deadline provided by Rule 44 for these purposes.

- 3- The question before the consideration of this Honorable Court in the Rehearing requested, arises from the erroneous interpretation made by the Court of Appeals of Puerto Rico about the consequences of availing itself of the WAIVER, under Rule 15(1)(2), to answer a certiorari before the US Supreme Court. The Court of Appeals of PR, when interpreting the WAIVER made by the US Department of Justice to answer Certiorari 21-6910, established that the WAIVER did not imply the recognition of the illegality of the conviction obtained against the Petitioner:

**<sup>1</sup> “As a question of law, the argument that the US Department of Justice had somehow admitted that the plaintiff’s sentence was “unlawful” because no opposition was filed with the federal Supreme Court is incorrect.”**

<sup>1</sup> Judgment of the Court of Appeals, page 3, paragraph 1, sentence 2.

### **QUESTION PRESENTED FOR COURT REVIEW IN THE PETITION FOR REHEARING**

**Does the refusal of the US Supreme Court to review Certiorari #21-6910, where the US Department of Justice WAIVES under Court Rule 15 to respond to it, validate the criminal conviction challenged in said Certiorari?**

## REASONS FOR HONORING THE REHEARING PETITION

Certiorari 24-5655 presented in Pro-Se form by the Petitioner has been the only one brought before the consideration of this Honorable Court, where the review of a Judgment issued by the Court of Appeals of Puerto Rico is requested for being based on an incorrect interpretation of the consequences of taking advantage of a WAIVER to answer a Certiorari based on Rule 15 of the US Supreme Court. The historic WAIVER of the US Department of Justice on January 26, 2022 before the US Supreme Court to answer Certiorari #21-6910, where the legal validity of the conviction #01-690(JAF) of June 7, 2002 of the Petitioner, is historic and unprecedented, since it is the first time that the US Department of Justice WAIVES to defend before the US Supreme Court a criminal conviction achieved before a Jury.

In Certiorari #21-6910 filed by the Petitioner on a *Pro-Se* basis before the US Supreme Court, Solicitor General of the US Department of Justice Elizabeth B. Prelogar represented US Attorney for Puerto Rico W. Stephen Muldrow on January 26, 2022, RESIGNED to present a written opposition to the challenge of the legal validity of conviction #01-690(JAF) of June 7, 2002 against the Petitioner in said *Certiorari*. The WAIVER of January 26, 2022 presented by Solicitor General Elizabeth B. Prelogar to respond to Certiorari #21-6910, was made pursuant to Rule 15 of the US Supreme Court which establishes the following regarding the legal consequences it has on the Resignant:

### **Rule 15. Briefs in Opposition-**

- **Rule 15 (1) (2)- Briefs in Opposition---** US SUPREME COURT RULE 15

- 1- A brief in opposition to a petition for a writ of certiorari may be filed by the respondent in any case, but is not mandatory except in a capital case, see Rule 14.1(a), or when requested by the Court.
- 2- A brief in opposition should be stated briefly and in plain terms and may not exceed the word or page limitations specified in Rule 33. In addition to presenting other arguments for denying the petition, the brief in opposition should address any perceived misstatement of fact or law in the petition that bears on what issues properly would be before the Court if certiorari were granted. Counsel are admonished that they have an obligation to the Court to point out in the brief in opposition, and not later, any perceived misstatement made in the petition. Any objection to consideration of a question presented based on what occurred in the proceedings below, if the objection does not go to jurisdiction, may be deemed waived unless called to the Court's attention in the brief in opposition. A brief in opposition should identify any directly related cases that were not identified in the petition under Rule 14.1(b)(iii).

Unprecedented WAIVER of the Federal Department of Justice to answer Certiorari #21-6910, relying on Rule 15 of the Federal Supreme Court, where the Petitioner challenges the validity of his *conviction*.

|   |   |
|---|---|
| <b>IN THE SUPREME COURT OF THE UNITED STATES</b>  |   |
| <b>CRUZADO-LAUREANO, JUAN MANUAL</b><br>Petitioner  |   |
| vs.   | No: <u>21-6910</u>  |
| <b>W. STEPHEN MULDROW</b>   |   |
| <b><u>WAIVER</u></b>  |   |
| The Government hereby waives its right to file a response to the petition in this case, unless requested to do so by the Court. |   |
|   | <u>ELIZABETH B. PRELOGAR</u><br>Solicitor General<br><u>Counsel of Record</u> |
| January 26, 2022  |   |
| cc:   |   |
| JUAN MANUAL CRUZALDO-LAUREANO<br>PO BOX 405<br>VEGA ALTA, PR 00692  |   |

**The Appeal before the Supreme Court of Puerto Rico of the *summary dismissal* of the Appeal for Review decreed by the Court of First Instance, ratified by the Court of Appeals of PR.**

On May 20, 2024, the Petitioner-Appellant filed Certiorari # CC-2024-0304 where he requested the revocation of the *Judgment* of May 17, 2024 of the Court of Appeals of PR in case # KLAN 202400474. In said *Judgment*, the Appellate Court confirms the *Ruling* of the Court of First Instance (CFI) decreeing a *summary dismissal* against the Appeal for Review presented by the Petitioner alleging “*lack of jurisdiction*” because the Petitioner allegedly did not comply with the appropriate notifications of the presentation of the Appeal for Review to an “*indispensable Part*”, as provided in the Art. 13.2(a) of the PR Electoral Code, Law 58-2020, 16 LPRA, section 4842. It was alleged in Certiorari CC-2020-304 that the *summary dismissal* of the Appeal for Review decreed by the CFI was in violation of the *Due Process* of Art. II-Bill of Rights- of the Constitution of the Commonwealth of PR and Federal Constitution. A *summary dismissal* of the Review Appeal could not be declared because Art. 13.2(b) of the Electoral Code of PR- Law 58-2020, provides that in any request for review of an electoral dispute that is presented to the Court of First Instance (CFI), a view will be made in your background. On May 24, 2024, the Supreme Court of PR issued a RESOLUTION denying the Certiorari CC -2024-0304, presented by the Petitioner.

On June 7, 2024, a *Motion* was presented to the Supreme Court of PR requesting a *REHEARING* in case CC-2024-0304, where the requested *Certiorari* is denied. On June 28, 2024, the Supreme Court of Puerto Rico issued a RESOLUTION in the Certiorari CC-2024-304, where it *denies* the request for *REHEARING* regarding the Court’s refusal on May 24, 2024 to grant the Certiorari CC-2024-304.

## THE PETITION FOR REVIEW TO THE US SUPREME COURT

The petition for writ of certiorari filed by the Petitioner against the Popular Democratic Party and its Governing Board on September 17, 2024, was registered by the Office of the Clerk of the US Supreme Court on September 27, 2024 under Number 24-5655. The Petitioner was informed about the registration of Certiorari 24-5655 in a communication dated September 27, 2024, which included a form that notifies the lawyer of the Popular Democratic Party about the filing of *Certiorari* against him and where he is granted up to on Monday, October 28, 2024 to submit your *opposition brief* or submit your WAIVER to respond in a form provide by the Clerk's Office with printed certiorari number. As soon the Petitioner received the notification from the Court about the filing of Certiorari 24-5655, he sent a copy of all the documents sent by the Clerk's Office to the lawyer of the Popular Democratic Party (PDP) at the address of record of the case in the Courts of PR.

On November 20, 2024, the Petitioner filed an Informative Motion where he indicated to the Court that the Respondent had not complied with the notification granting him until October 28, 2024 to produce his *Opposition Brief* or WAIVE his answer to the Certiorari #24-5655. The Motion filed was recorded by the Clerk's Office on November 25, 2024 and returned that same day alleging that the Court denied Certiorari #24-5655 on November 25, 2024.

On November 29, 2024, the Supreme Court Order dated November 25, 2024 denying the Petition for Certiorari #24-5655 filed by Petitioner against the Popular Democratic Party and its Governing Board was received by mail. The Order says:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied.

## **REASONS FOR GRANTING THE PETITION OF REHEARING**

### **QUESTION PRESENTED FOR COURT REVIEW IN THE PETITION FOR REHEARING**

**Does the refusal of the US Supreme Court to review Certiorari #21-6910, where the US Department of Justice WAIVES under Court Rule 15 to respond to it, validate the criminal conviction challenged in said Certiorari?**

The legal interpretation of the PR Court of Appeals on the WAIVER of January 26, 2022 of the US Department of Justice to answer Certiorari #21-6910 before the US Supreme Court, where the legal validity of conviction 01-690(JAF) of June 7, 2002 was challenged, is in contradiction with the spirit and text of Rule 15(1)(2) of said Court, used by the US Department of Justice to take advantage of the WAIVER.

Given the position of the Petitioner on the WAIVER of the US Department of Justice under Rule 15(1)(2) of the US Supreme Court to answer Certiorari 21-6910, establishing that with said WAIVER the US Department of Justice recognized the illegality of conviction 01-690(JAF) of June 7, 2002 against the Petitioner, the PR Court of Appeals in its Judgment <sup>1</sup> establishes that this is not correct in law:

**“As a question of law, the argument that the US Department of Justice had somehow admitted that the plaintiff’s sentence was “unlawful” because no opposition was filed with the federal Supreme Court is incorrect.”**

<sup>1</sup> Judgment of the Court of Appeals, page 3, paragraph 1, sentence 2.



The previous quote from the *Judgment* of the Court of Appeals of PR, where it establishes that the WAIVER to answer Certiorari 21-6910 before the US Supreme Court made by the US Department of Justice has no consequence on what was raised by the Petitioner in said certiorari, It is indicative of how wrong the Court is in the implications of refusing to answer a certiorari under Rule 15 before the US Supreme Court. Is it true that it has no consequence to WAIVE under Rule 15 to answer a certiorari before the US Supreme Court?

The WAIVER before the US Supreme Court that Solicitor General Elizabeth Prelogar made to answer the Certiorari #21-6910 presented by the Petitioner, was made in legal representation of the *US Attorney of PR Stephen Muldrow*, based on Rule 15(1)(2) of said Court. The US Supreme Court in the text of Rule is explicit and clear with respect to the consequences of the decision to WAIVE to answer a certiorari based on said Rule. In *section 2* of said Rule in sentence 3 it says:

“Counsel are admonished that they have an obligation to the Court to point out in the brief in opposition, and not later, any perceived misstatement made in the petition”.

In accordance with what is established in the previous quote of Rule 15(2), the US Department of Justice with its WAIVER to answer the *petition for Certiorari 21-6910*, grants the Petitioner the reasons in all statements of fact and law elaborated in said request. The above quote from Rule 15 clearly establishes that anyone who declines to answer a certiorari under said Rule cannot later question any matter discussed in the certiorari to which he declined to answer. Without a doubt, this previous quote from Rule 15 shows that WAIVING to answer a certiorari before the US Supreme Court based on said Rule, *if it has consequences*.



The Petitioner in his Question before this Honorable Court postulates that the unprecedented WAIVER of January 26, 2022 under Rule 15 of the federal Supreme Court that the US Department of Justice made to answer Certiorari #21-6910, where it is challenged His conviction #01-690(JAF) of June 7, 2002, is unequivocal proof of the illegality of said conviction. The Petitioner in his appeal process before the Governing Board of the PDP for the disqualification decreed by the Secretary General of the PDP, where he alleged that the Petitioner had not been successful in challenging his conviction in the federal courts #01-690 of June 7, 2002, highlighted that the unprecedented WAIVER of the US Department of Justice before the Federal Supreme Court left no doubt that its conviction #01-690 was totally illegal. In its *Judgment* of May 17, 2024, the PR Court of Appeals support the position of the PDP Governing Board regarding that the WAIVER of the US Department of Justice to answer Certiorari #21-6910 before the Federal Supreme Court it does not mean that it has been admitted by said Department that conviction #01-690(JAF) of June 7, 2002 is illegal. Although the Court of Appeals recognizes in its *Judgment* that the US Department of Justice did not file a brief of opposition to Certiorari #21-6910, where the Petitioner before the Federal Supreme Court challenges the validity of his federal conviction, the Court does not grant him reason in his legal approach on the illegality of his conviction. Said Court postulates that the refusal of the federal Supreme Court to consider Certiorari #21-6910 and the fact that the US Department of Justice has in no way admitted that the conviction was illegal, are reasons for not recognizing the Petitioner's reason in his thesis that his conviction #01-690 It was illegal. On page1, paragraph 3, second sentence of the *Judgment*, the Court of Appeals addresses the issue of the US Supreme Court's refusal to consider Certiorari #21-6910:

“He argued, however, that when he challenged the validity of his sentence before the United States Supreme Court in 2021, the US Department of Justice chose not to file an opposition to the appeal, for which reason it should be deemed that said agency “recognized as valid that the “conviction reached” in 2002 was “totally unlawful,” in spite of the fact that he acknowledges that his appeal to the US Supreme Court had been denied.”

On page 3, paragraph 1 of the *Judgment* of the Court of Appeals, the scope of the unprecedented WAIVER before the federal Supreme Court of the US Department of Justice to replicate Certiorari #21-6910 is argued, where the Petitioner challenged the validity of his conviction 01-690(JAF) of June 7, 2002:

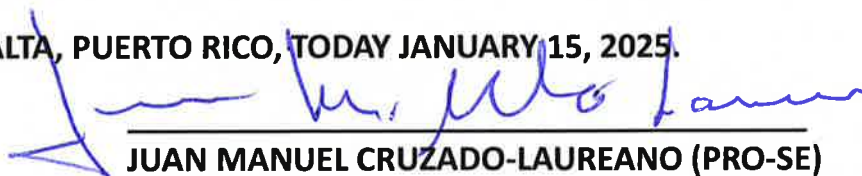
“The complaint puts forward no legal theory to challenge the decision of the PDP that, according to the bylaws, plaintiff is not a “suitable” candidate due to his federal felony convictions. As a question of law, the argument that the US Department of Justice had somehow admitted that plaintiff’s sentence was “unlawful” because no opposition was filed with the federal Supreme Court is incorrect. Plaintiff himself acknowledges that he had to serve the term of imprisonment and supervised release and that he has not succeeded in his attempt to have a court invalidated or set aside the guilty verdict against him.”

The Court of Appeals of the Commonwealth of PR in its *Judgment* agreed with the PDP Governing Board regarding the allegation that the “*political suitability*” of the Petitioner was compromised because he failed to successfully challenge the legality of his conviction in federal courts 01-690(JAF) of June 7, 2002. The Court in its *Judgment* argues that the fact that the US Supreme Court denied Certiorari 21-6910, where the Petitioner challenges his federal conviction 01-690(JAF) of June 7, 2002 and that the US Department of Justice has never admitted that the Sentence imposed on Petitioner was illegal, are reasons which demonstrate that the Petitioner has not been able to challenge his federal conviction.

**FOR ALL OF THE ABOVE**, this Honorable US Supreme Court must attend to this **REHEARING** request regarding the refusal to consider Certiorari #24-5655 decreed on November 25, 2024. The erroneous position of the PR Court of Appeals that a **WAIVER** to answer a certiorari under Rule 15 of the Supreme Court *has no consequences*, must be discussed to revoke the *Judgment* issued by said Court against the Petitioner. That erroneous opinion of the PR Court of Appeals that the **WAIVER** based on RULE 15 of the US Supreme Court has no consequences on what was challenged in the certiorari, is not shared by the Respondent's lawyers since they did not present the *opposition brief* requested or the **WAIVER** on the date granted to do so of *October 28, 2024*. The Judgment of the Court of Appeals must be revoked and the *summary dismissal* of the Appeal for Review decreed by the Court of First Instance (CFI). The Petitioner demands that this Honorable Court order the Court of First Instance to proceed with the Review Appeal presented for his primary disqualification, as provided by the Electoral Code of PR- Law 58-2020, 16 L.P.R.A Section 4842(b)- *Review by the Court of First Instance*-.

**RESPECTFULLY SUBMITTED**

IN VEGA ALTA, PUERTO RICO, TODAY JANUARY 15, 2025.



**JUAN MANUEL CRUZADO-LAUREANO (PRO-SE)**  
**PO BOX 405, VEGA ALTA, PR 00692**  
**TEL: (787) 371-4373**  
**Email: manecruzado@gmail.com**

The filing of this PETITION FOR REHEARING was done by postal mail by sending it from the US Post Office, Vega Alta, PR 00692 office to the address:

CLERK, SUPREME COURT of the UNITED STATES, Washington, D.C. 20543.

IN THE  
SUPREME COURT OF THE UNITED STATES

JUAN M. CRUZADO - LAUREANO  
Petitioner-Pro-Se

**NO. 24-5655**

On Petition for Writ of Certiorari to the  
Supreme Court of Puerto Rico- Certiorari  
**CC-2024-304**- of the Court of Appeals-  
Panel I- Case no. **KLAN 202400474**

Vs.

POPULAR DEMOCRATIC PARTY (PDP)  
AND ITS GOVERNING BOARD  
Respondent

**CERTIFICATION OF APPLICATION IN GOOD FAITH**

Appears before this Honorable Supreme Court of the United States, Juan Manuel Cruzado-Laureano exercising his right to legal self-representation (**Pro-Se**), with a **Rehearing Request** on the Court's refusal to consider **Certiorari #24-5655**. The **Rehearing Request** is made in good faith and based on the important issues raised in the question submitted. This **Request** is not intended to delay or hinder the provision on its merits by the Court of **Certiorari #24-5655** submitted.

IN VEGA ALTA, PUERTO RICO TODAY ~~December 17, 2024~~ **JANUARY 15, 2024**


  
JUAN M. CRUZADO LAUREANO

PO BOX 405, VEGA ALTA, PR 00692 TEL: (787) 371-4373

AFFIDAVIT # 2,501

Sworn and signed before me, in Manatí, PR,

today December 17, 2024

  
Luz E. Rodríguez Vélez (Lawyer-Notary)



RECIBO

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