

No. 24-6557

SUPREME COURT OF THE UNITED STATES

Steve Rosado,
Petitioner,
vs.
United States of America,
Respondent.

Petition for Rehearing
On Petition for a Writ of Certiorari to
The United States Court of Appeals
for the Second Circuit

PETITION FOR REHEARING

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Cases

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<u>U.S. v. Rumbo</u> , 2025 U.S. App. LEXIS 499 (7th Cir.)	4
<u>U.S. v. Smith</u> , 2025 U.S. Dist. LEXIS 44186 (E.D. of Ca)	5

Other Sources

90.1 FM (Radio)

95.5 FM (Radio)

CNN News

Fox News

<http://isa-legalinfo.com>

www.criminallegalnews.org

Statutes

18 U.S.C. § 2422(b)	2
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Related Cases

<i>United States v. Rosado</i> , 2021 U.S. Dist. LEXIS 105572 (S.D.N.Y. 2021)	
<i>United States v. Rosado</i> , 2024 U.S. App. LEXIS 18781 (2d Cir. 2024)	2
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CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Fifth Amendment, Due Process.

18 U.S.C. § 2422(b) - Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title and imprisoned not less than 10 years or for life.

JURISDICTION

The Jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1) and Rule 44 of the Rules of the Supreme Court of the United States.

PROCEDURAL HISTORY

In November 2021, the petitioner pled guilty to a plea agreement to attempted enticement in violation of 18 U.S.C. § 2422(b) and attempted receipt of child pornography in violation of 18 U.S.C. § 2252A(a)(2)(B) and (b)(1). The Petitioner was sentenced on 4/28/22 before the District Court. The appeal was decided on 7/30/24 by U.S. Court of Appeals. See U.S. v. Rosado, 2024 U.S. App. LEXIS 18791 (2nd. Cir.). A Petition for Rehearing En Banc was denied by the Circuit on 11/14/24. The Appellant filed a Pro Se Petition for a Writ of Certiorari that was denied on 3/24/25.

QUESTIONS PRESENTED

WHETHER THE TRIAL COURT COMMITTED CLEAR ERROR DENYING THE MOTION TO DISMISS THE INDICTMENT DUE TO LACK OF PERSUASION FOR THE ATTEMPTED ENTICEMENT?

WHETHER THE GOVERNMENT OVEREXTENDED THE REACH OF THE STATUTE OF 18 U.S.C. §2422(b) WHEN IT CRIMINALIZED THE DEFENDANT'S CONDUCT?

STATEMENT OF THE CASE

According to the record, on or about 11/30/20, an undercover agent (UA) posing as a single 37-year-old unemployed Physical Fitness Trainer made contact with the Appellant via the Kik messenger app. The contact and communication moved over to phone calls and phone text for the appellant's attempt to assist UA (Undercover Agent Jenson) in obtaining employment. These conversations later led to UA wanting to discuss sexual activities involving her two [fictional] minor daughters. The Appellant did not communicate with the fictional minor daughters directly or indirectly during the period of 11/30/20 to 12/7/20. The prosecution raised that the Appellant and UA discussed sexual activities planned for the oldest of the two fictional minors and the UA on 12/7/20.

The Appellant met UA (Special Agent Elizabeth Jenson) in a NYC bar (Puffy's Tavern) on Hudson Street, Manhattan, that was located between his normal travel of employment in Brooklyn and his residency in the Bronx. There were no discussions about sexual activity involving minors at the NYC Bar. The Appellant left the NYC bar with UA under the belief he would be having sex with UA at her residency (after "the fictional" daughters were put to sleep in their separate room). The Appellant was arrested outside on the corner of Hudson Street prior to reaching any residence by Special Agent Thomas Thompson and other members of a joint NYPD/FBI taskforce.

REASONS FOR GRANTING THE PETITION

The Petitioner argues that due to recent news articles posted on social media platforms such as X and other online news venues intervening circumstances warrant a rehearing of the questions presented. According to online new sources, the federal government will use a new A.I. software to create photos of fake minors for luring targetted suspects in sting operations similiar or exactly the same as the instant case of U.S. v. Rosado, 109 F.4th 120 (2nd Cir. 2024). The Federal Government has recently relocated over 5000 FBI agents to new field offices around the country. The FBI joint-taskforces have deviated in there practice from what this Supreme Court described as attempted enticement over 100 years ago in Hoke v. U.S., 227 U.S. 308 (1913). With this new software, Undercover Special Agents will pose as parents, guardians, and/or caretakers of "fictional minors" which they can now produce photos (digital pictures, jpeg, etc.) to targeted suspects with them in said pictures and even have the new software produce explicit (non-nude) photos to convince suspects that the UA (posing parent) has custody and control of a minor.

Not all the Circuit Courts believe that communication with an UA posing as a parent [about sexual desires toward a minor] is grounds for a conviction. See e.g. U.S. v. Rumbo, 2025 U.S. App. LEXIS 499 (7th Cir.). However, the launch of the Trump Administration expansion of these sting operations will create a large number of appeals seeking guidance from this Court on a proper stardard to follow.

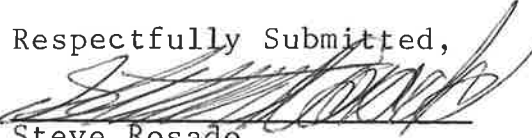
The new software can create audio & video of fictional minors/decoys. The grounds for this petition was not previously raised in the original Petition for a Writ of Certiorari, since the Petitioner is a Federal Prisoner with limited access to any online news outlets and must rely on non-incarcerated people to feed him outside news information (CNN, Fox News, Correctional Phonecalls, local news Radio Stations). There are still other Motion to Dismiss litigation towards attempted enticement, § 2422(b), still being decided in various District Courts. See e.g. U.S. v. Smith, 2025 U.S. Dist. LEXIS 44186 (E.D. of Ca). Soon this Supreme Court will be bombarded with sex offense "attempted crime" cases following the implentation of this new "Deepfake" digital software. For the reason presented, this Petition for Rehearing should be granted for presenting the intervening new circumstances.

CONCLUSION

For the reason(s) stated, the Petition for Rehearing should be granted, and on further consideration, the Petition for a Writ of Certiorari should be granted. And granted such other and further relief this Supreme Court deems just and proper.

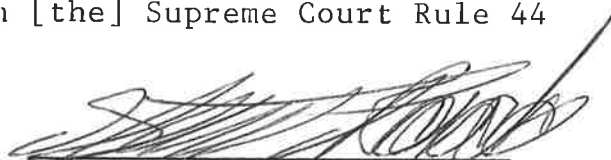
Dated: 4/18/25

Respectfully Submitted,


Steve Rosado
Petitioner - Pro Se

CERTIFICATE OF GOOD FAITH

I, Steve Rosado, certify that this Petition for Rehearing is presented in good faith and not for delay and that it is restricted to the grounds specified in [the] Supreme Court Rule 44 of the Rules of this Court.



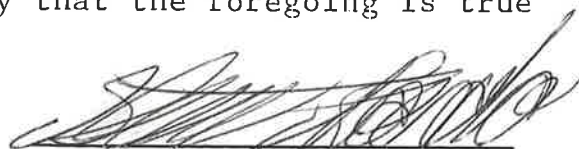
Steve Rosado - Petitioner

CERTIFICATE OF COMPLIANCE WITH WORD LIMITS

As required by the Supreme Court Rule 33.1(h) I certify that the petition/document contains less than 3000 words and is less than the maximum of 15 pages allowed, excluding the parts that are exempted by Supreme Court Rule 33.1(d).

I declare under penalty of perjury that the foregoing is true and correct.

Executed: 4/18/25

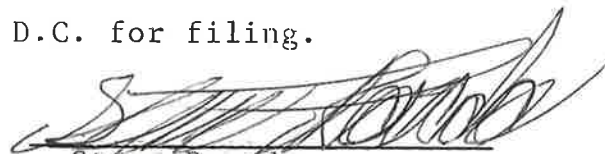


Steve Rosado

DECLARATION OF DEPOSIT IN PRISON MAIL SYSTEM

I, Steve Rosado, declare that I am a federal prisoner and on the executed date below, I delivered the enclosed petition to a Correctional Officer (B.O.P. employee) to be placed in the Unit Mailbag for outgoing mail delivery via U.S. Postal Service to the Supreme Court in Washington, D.C. for filing.

Executed: 4/18/25



Steve Rosado

No. 24-6557

IN THE
SUPREME COURT OF THE UNITED STATES

STEVE ROSADO

— PETITIONER

(Your Name)

VS.

UNITED STATES OF AMERICA

— RESPONDENT(S)

PROOF OF SERVICE

I, STEVE ROSADO, do swear or declare that on this date, April 18, 2025, as required by Supreme Court Rule 29 I have served the enclosed **MOTION FOR REHEARING** on a Petition for a Writ of Certiorari on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

Solicitor General of the US

Department of Justice (Room 5616), c/o Sarah M. Harris

950 Pennsylvania Avenue, N.W.

Washington, DC 20530-0001

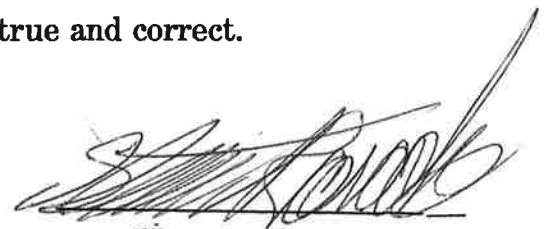
Supreme Court of the U.S.

1 First Street NE c/o Pipa Fisher (Analyst)

Washington, D.C. 20543-0001

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 18, 2025


(Signature)