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17-7018

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SUPREME COURT OF THE UNITED STATES
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SUPREME COURT, U.S.

MARCH 17 2018

PETITIONER FOR REHEARING OF ORDER DENYING
CERTIORARI

No 17-7018

No 16-51071

IN THE SUPREME COURT OF THE UNITED STATES

RICARDO ENRIQUEZ ~~CHANCER~~
PETITIONER.

V.
LORIE DAVIS DIRECTOR TEXAS DEPARTMENT
OF CRIMINAL JUSTICE: CORRECTIONAL
INSTITUTION DIVISION.

ON PETITIONER FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

THE PETITIONER HEREIN RESPECTFULLY MOVES
THE COURT FOR AN ORDER (i) VACATING ITS DENIED
OR DENIAL OF THE PETITION FOR WRIT OF CERTIORARI
ENTERED 02/22/2018 Received 3/5/18, AS GROUNDS
FOR THIS MOTION. PETITIONER STATES THE FOLLOWING

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1. THE GRANT OF CERTIORARI IN Costello v. United States

Decision dealing with exclusion of unconstitutionally obtained evidence from proceedings other than the trial have dealt primarily with the Fourth Amendment exclusionary rule. because evidence of the case 2008-1925-C1 and 2008-1926-C2 typically obtained in violation of the Civil Law and Constitutional Warrant.

without provable cause the arrest on 8/08/2008 was not through practice other than searches during the arrest no exist evidence to conviction ("IDENTIFICATION PROCEDURE").

is less likely to have much bearing in related civil or quasi-criminal proceedings so too the fifth Amendment by its very terms eliminates certain scope issues unresolved as to the fourth Amendment's exclusionary rule: the self-incrimination clause bars the use of compelled testimony only in a criminal case see §§ proceeding at which confession offered because miranda is grounded in the privilege apply in criminal case 2008-1926-C2 at stages of the proceedings having to do with guilt or punishment *Estelle v. Smith* 1981 451 US 454, 101, Sct. 1866, 68 LEd 2d 338 (1981) it not let it does not apply However, *Estelle* concluded at a hearing to ascertain defendant's competence to stand a trial Nor does it apply in such noncriminal contexts as prison discipline hearing *Baxter v. Palmigiano* 427 US 308, 96 Sct 1531, 47 LEd 2d 810 (1976) or in civil sexually dangerous persons proceeding which was not punitive either in purpose or effect *Allen v. Ill* (1986) 478 US 364 106 Sct 2988, 92 LEd. 2d 296

1. So Waco Department police officer failure in the investigation
2. court trial by jury error in the instruction and lack evidence favorable to Defendant.

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3- This objective approach will often require a careful examination of all the circumstances of the particular case. Account must be taken of those facts intrinsic to the interrogation.

4- Grand Jury Proceedings it is settled Federal Practice sustained against Constitutional attack in *Costello v. US* 1956 that an indictment returned by a legally constituted and unbiased grand jury is enough to call for trial of the charge on the merits.

So this means that a defendant cannot challenge an indictment on the ground that the grand jury considered unconstitutionally obtained evidence.

5- The evidence favorable to Defendant came from the income tax cheque return was the problem result in infamous accusation against Defendant Arenas Esqueda and Jessica Esqueda and Julissa Esqueda. Made the false accusation of indecency which and Prosecutor from false evidences to convict a innocent man Mr Ricardo Enriquez Sanchez. How never was in prison.

6- The strong evidence exist of a substantial additional deterrent effect before it would consider extending the exclusionary Rule to what was simply a civil suit for liability that existed without regard to the criminality of defendant's wagering activities. Here, such evidence was lacking working as we must with the absence of convincing empirical data. Common sense dictates that the deterrent effect of the exclusion of the relevant evidence is highly attenuated when the punishment imposed upon the offending criminal enforcement officer is the removal of that evidence from a civil suit by or against a different sovereign.

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So the problem are in The Civil Claims need Court observe The Defendants are a Mexican alien legal in The country and Courts was been prevent or Not Permit for many years a Court opposite to establish available Relief he suffer tremendous injustices during The Prison Time and That cause harm because He is innocent and need help to pursue The Claim in more proper way or A Legal remedy is a Procedure authorized by Law by means of which a person may obtain Official redress of a valid legal claim the person has against a Private individual, a corporation, the Government and Agency or agent or Official of the Government or any other person or entity. Whatever Legal remedies are either Judicial That is available in court

State Judicial Remedies for persons convicted in a State Court - for civil action for damages or other monetary Relief instituted in behalf of personal interest of person convicted of crime See Generally Donnelly Unconvicting the innocent" 6 Vand L. Rev. 20 (1952) Borchard State indemnity for errors of Criminal Justice" 21 Boston U. L. Rev 201 (1941)

issue.

- 1) focuses on Whether in the course of the investigation arrest.
- 2) prosecution, trial, conviction, Sentence, or punishment.
- 3) The Convicted person suffered an actionable civil wrong entitling the person to monetary compensation

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issue:

This sentence and a Tort because the circumstances and facts during 10 years in prison reflect extraneous acts war crime pain suffer. See generally Prosser and Keeton on the Law of Torts (5th ed W. Keeton 1984)

issue

Civil action for malpractice against a defense attorney Court point Mr Walter Rivas and interpreter del Toro See e.g. Locus v. State 912 SW 2d 716

(Tex. App. 1993) (convicted defendant sued his ex-counsel a former assistant public defender) Zerdwing v. Ward 548 So 2d 209 (Fla) (1989)

Convicted person. Sued defense attorney for malpractice after losing postconviction proceeding in which convicted person claimed attorney rendered ineffectual assistance of counsel

See Generally Note: "The public Defender Defendant

A model Statutory Approach to Public Defender

Malpractice Liability 29 Val U L Rev 511 1994

See § 1-13 infra (other grounds for state postconviction relief newly discovered evidence of innocence; state erroneous conviction statutes.

On March 17 2018 following the Denial of Certiorari in the instant case This Court Granted in *Castello v United States* (limited to the question whether the close identity of issues in this case and in the *Castello* case - and in the fifth related pending petitions apply and amply justify reconsideration of the Denial of Certiorari here in fact it substantial

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THE VIOLATION OF THE PRINCIPLES OF COLE V. ARKANSAS

Petitioner clearly was entitled as a matter of due process to have the validity of his conviction APPRAISED BY THE COURT OF APPEALS on Consideration of the case as it was tried and as the issues were determined in the Trial (by Jury) Court.

Cole v Arkansas 333 US 196 200 (1948)

This principle is in Sapor Constitutional proportion

I have 10 years in Prison for false accusation and I have an accident into The Prison. I have too much Pain I can't do myself all Please help me to have MY Release of Prison I need Reavilitation I believe I have more opportunity out of Prison Please Review MY Case and evidences and Give me a Court Appoint if The Court Consider all issues presented and Review MY case or Provide New Rules to follow up order available Release.

I will have a Administrative Proceedings in the Immigration Court on March 26, 2018, under The INS v Lopez Mendez (1984) 466 US 1032, 104 S.Ct 3478, 82 LEd 2d 778 (1984) conclude that the exclusionary rule should not be applied in Civil deportation hearings. The deterrent value of excluding evidence seized by INS Officers in the course of arresting illegal aliens was deemed to be reduced in this setting even though as the dissent pointed out, "I'm a legal Alien in The US but I don't know if The evidences was not being used in a collateral proceeding but in the very proceeding for the which the evidence was 'Gathered'" Deterrence here was less effective or more proper possibility of declaratory Relief are available for institutional practice violation 4th Amend. Arrest without probable cause. or warrant arrest.

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CONCLUSION

Wherefore Petitioner Respectfully Request for the reasons set forth above as well as those contained in the Petition for writ of certiorari, petitioner pray that this Court grant Rehearing of The Order of Denial vacate that Order grant the petition and Review the Judgment and Opinion below

Respectfully Submitted

Rd ~~Atty~~ A/S.

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CERTIFICATE OF PRO-SE

As a PRO-SE PETITIONER I Hereby certify that this petition for Rehearing is presented in good faith and not for delay and is restricted to the grounds specified in Rule 44.2

Rd ~~Atty~~ A/S.

Ricardo Enrique Sanchez