

No. 24-5319

Appeal Case #s 18-50352  
17-50436  
IN THE

SUPREME COURT OF THE UNITED STATES

MARLIN LEE GOUGHER, PETITIONER,  
In Propria Persona,  
VS.  
UNITED STATES, RESPONDENT.

ON WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

*Re hearing*

THIS LEGAL DOCUMENT FORMAT HAS BEEN DESIGNED TO ELIMINATE ANY DISCRIMINATION  
BY ANY CODE REQUIREMENTS. THE PRIVILEGES OF A PRIVATE CITIZEN REQUIRES A  
PROPER DUE PROCESS. THEREFORE THE CONSTITUTION, UNITED NATIONS, THE STATE  
AND LOCAL ORDINANCES, THE PRIORITY IS IN THE CONTENTS OF ITS TRUTHNESS,  
ACCURACY, AND VALIDITY AND NOT THAT OF ITS PRESENTATION.

Date: 10/25/24

*Marlin Lee*

*Marlin Lee*

## Additional Questions Presented For New Grounds

1. Is the analogy utilized in creating child pornography laws by Congress an inequity of law?
2. Does the government even have standing as there is no physical injury and is not victimized as there is no empirical evidence?
3. Is it not entrapment?
4. In ACLU v. Ashcroft, porn viewed by a minor is considered non-detrimental to children or minors than possession of child pornography should also not be considered detrimental to the well-being of a minor in a person viewing said materials?
5. Is it not an inequity of justice, 14th amendment violation where Adults 18 or above are the predominantly prosecuted and only a handful of minors?
6. Looking at an image or video of child pornography is considered a violent act, but looking at an image or video of a violent crime in which a victim is killed or extremely injured is not considered a crime even though it is violent, is that a 14th Amendment Equal Protection of the law violation?

Before I begin let me state regarding the separate class of citizen that section 230 has created which is a violation of the Fourteenth Amendment. Our system is not about shareholders, it's about 'of, by, and for the People' per the U.S. Constitution. You do not see anything in the Constitution about shareholders. The corporations deploy lobbyists to buy votes, neutralize regulations, and create protective laws that reduce ethical considerations to a cost-benefit analysis while the people are injured and thrown in prison.

I request the Court to waive some of the rules of document presentation as I am a layman (do not have a degree in law), poor, and cannot afford the appropriate materials or legal materials. To let the court know, the BOP staff refuse to help inmates and do everything in their power to delay or prevent access to the courts here at Lompoc-Low I.

I wish the also to notify the Supreme Court that 28 U.S.C. §2403(a) may apply to all/or some of the questions and/or grounds.

To briefly state the grounds which are: violation of the Tenth Amendment (Violation of States Rights); violation of the Fourteenth Amendment (Unequal application of the law); violation of the First Amendment (Right to Free Speech); violation of the Sixth Amendment (Right to Self-representation); violation of the Posse Comitatus ACT by NCIS; violation of the Privacy ACT; violation of the Eighth Amendment (Disparity in Sentencing for this type of crime and punishment of the defendant's family due to absence from family and length of sentences for this type of crime); violation of the Fourteenth Amendment (Disparity in sentencing between the States and Federal government - Unequal application of the law); violation of the Fourteenth Amendment (Discernment of violence in the crime charged - Equal Protection of the Law; Discrimination; violation of the Fourteenth Amendment (Creating a separate class of Citizen); and Unfairness of the Justice System.

I am requesting the Supreme Court to reevaluate (rehear) my WRIT OF CERTIORARI under new grounds. In *Marbury v. Madison* (180), Marshall established the principle of judicial review--- the court's authority to declare acts of Congress Unconstitutional---drawing liberally on Hamilton's Federalist #78. Please invoke this authority as the laws I was accused of have/and are been unconstitutionally enacted and being used and or enforced. Included in the rehearing request of WRIT OF CERTIORARI are other important facts that should be considered in finding the laws that I am accused of unconstitutional as well as the violation of the Sixth Amendment violation of the guarantee of self-representation. This means that no court can say that it is no absolute as some have ruled.

I would also like to point out that the government employees of the people have mistakenly construed the meaning of "General Welfare" clause to mean that Congress is permitted to take everything under their management which they deemed for the public welfare, usurping State Rights. By acting on potential crime in the various patrol and surveillance programs at received wide spread implementation, and by manufacturing crime in order to fight crime in decoy and sting operations, the strategies policy makers have unleashed self-perpetuating forces that have conveyed in mass incarceration of American Citizens. Stemming from the continuous expansion of the carceral state, these forces continue to compromise the democratic values of equality and liberty, and the principle of freedom and justice for all. Alexander Hamilton said it best that relates to these unconstitutionally written crimes. "Under the semblance of the forms of law, preserving the shadow, but destroying the substance".

Speaking of equality, I am bringing the Supreme Courts attention to Question #19 in the original WRIT OF CERTIORARI regarding creating a separate class of citizen, a Fourteenth Amendment Violation of the

Constitution against me, an unequal application of the laws. Attached is a copy of pages 125-126 of Shadowland, by Thomas Horn (Exhibit "A") underlined on pg. 125 as *prima faci* evidence of the unequal application of the law in my case. "Rules for me, but not for me". The equal protection clause is directed against laws that are uneven or unequal as written or applied, so that there is discrimination against a certain class of the populace or arbitrary enforcement of the laws. It operates only on legal rights, except the general right to equal protection of the law. *Curtis v. Rosso & Mastracco, Inc.* 413 F. Supp. 804, 808 (EE.D)Va. 1976).

Now I wish to bring to the Supreme Courts attention of a violation of the First Amendment as these laws that I was accused of are a breach. Winston Churchill stated, and I quote, "The object of the protections of free speech is to protect offensive speech for which the First Amendment was written". To expand, Thomas Jefferson in a refute to the Pope directly, "The legitimate powers of government extend to such acts only as are injurious to others. But it does me no injury for my neighbor to say there are twenty Gods, or no God. It neither picks my pocket nor breaks my legs. Sticks and stones can break my bones, but names", (or free pictures and/or videos), "can never hurt me." He's taking about government power. The reason governments are't allowed to infringe upon free speech is because enforcing the law is a violent act. When the police show up to enforce the law, they don't hand you an invitation. They use the threat of violence and use violence if you resist. The principle behind the First Amendment is that speech itself, regardless of how offensive, cannot justifiably be answered with violence and/or psychological torture.

The Sixth Amendment guarantees to every person the right to the assistance of counsel. On the other hand, it also guarantees to an accused the right of self-representation. The U.S. Supreme Court has explained that the language and the spirit of the Sixth Amendment contemplate that counsel, like other defense tools guaranteed by the Amendment, shall be an aid to the willing (of which I was not) defendant -- not an organ of the State interposed between an unwilling defendant and his right to defend him-self personally, to thrust counsel upon the accused, against his considered wish, thus violates the logic of the Amendment. Thus an accused must request the counsel be appointed to represent him (of which I did not a multitude of times); the court will not automatically appoint an attorney simply because an accused is appearing pro se. The court must, however, make an accused aware of the dangers and disadvantages of self-representation, so that the record will establish that he knows what he is doing and his choice is made with eyes wide open (of which I did know what I was doing and with my eyes wide open). On the other hand a specific warning on the record of the dangers and disadvantages of self-representation is not an absolute necessity in every case if the record shows that the defendant had his required knowledge from other sources. Importantly, a defendant need not himself have the skill and experience of a lawyer in order cometently and intelligently to choose self-representation.

According to Blacks Law Dictionary, 2016, the definition of guarantee is the assurance that a contract or legal act will be duly carried out. Here, a legal act was not carried out, my guarantee of self-representation was broken, violated by the district court judge and not remedied by a 9th circuit court of appeals. Had I been allowed to represent myself, I would have won the case.

Most of the supposed crimes listed are entirely blameless conduct. Most of the misdemeanor system is not really criminal, it doesn't do what

what a violation system is assumed to perform, such as stick to the rule of law, or worry about who to blame, danger or authentic responsibility standard that make subjects worth of social disparagement and thereby giving sufficient grounds to the government to exercise it's criminal powers over them.

These petty offenses should of been held in line with convictions for disorderly conduct, loitering, trespassing, resisting arrest, spitting, jay walking, etc. that tells little about a person's behavior. Not many people in the common population execute grave crimes, but essentially everyone commits a minor offense.

Criminal Justice is not about criminality and dangerousness, but the supervision and power over society in general and of unrespected groups.

Rather than hunting crime and criminals, the system is arrogant, prophetic, and based upon probabilities and statistics, committed to managing people is suspects to be risky. The criminal system is presumed to go after criminals, not guess who they are earlier and denote them for future reference.

The petty offense process exercises all that impertinent, terroristic, authority in reaction to inferior, often innocuous worthy behaviors-- not homicide, rapes, and robberies that definitely demand and justify only local government intervention.

The petty offense process is not moving in practable adequately responsible and democratic ways; it is faulty as a governance technique that it's uncivil and is democratically unjustified.

Sherriffs, police, prosecutors, clerks, and judges usually produce determinations in violation of essential legal rules embodied in the Constitution without supervision or control decisions that end in people going to prison, getting convicted, and depriving them of their money.

If the petty offense process is not functioning like a proper criminal system, then it should not get the authority and prestige and or benefits that is conferred on authenically criminal institutions; broad judgment over people(s) lives, liberty and property; authority to discipline and exact moral and social stigma; and the many exceptional immunities from the restrictions that circumscribe local, state, and national government operations.

Writing for the Sentencing project is a report released February 2023, researcher Nazgol Ghandnoosh noted that a key driver of mass incarceration in this country has been the dramatic growth in length of imprisonment, including the unprecedented growth in life imprisonment. "The unwillingness to scale back extreme sentences is at odds with evidence that long sentences incapacitate older people who pose little public safety threat, produce little deterrent effect, and detract from more effective investments in public safety". Ending mass incarceration, Ghandmoosh wrote, will require moderating prison terms for violence as well as mininmizing imprisonment and prison terms for non-violent crimes.

Recent Council on Criminal Justice (CCJ) research suggests that reducing sentences by 10 years or longer by modest margins could significantly reduce prison populations without damaging public safety. According to the Crime Report in late February, this research adds fuel to an ongoing debate on sentencing, between how punitive and rehabilitative prison sentences should be.

#### The NCIS Violated the Posse Comitatus ACT

The Posse Comitatus is an ACT that was established in resonse to the Amendment in the Constitution that states that the military is not allowed to be quartered in the home of a citizen. This also includes electronically.

Statutes were created regarding the Posse Comitatus ACT including regulations for the military and fines and imprisonment for violating a statute. The NCIS violated the Posse Comitatus ACT and the related regulations and statutes by electronically quartering into our family residence. In addition, pursuant to 10 U.S.C. §375, The Secretary of Defense issued regulations in 1982 that provided, in part, that the prohibition on use of military personnel as a Posse Comitatus or otherwise to execute the laws prohibits the following forms of direct assistance: (i) interdiction of a vehicle, vessel, aircraft or other similar activity; (ii) a search or seizure; (iii) use of military personnel for surveillance or pursuit of individuals, or as informants, undercover agents, investigators, or interrogator. All the underlined were perpetrated by Agent Steve Logan of the NCIS in my case thereby, violating Military as well as the Posse Comitatus ACT. His is in the investigative unit of the Navy. This is a crime as set out in Statute §1385 Use of Army and Air Force as Posse Comitatus: Whoever, except in cases and under circumstances expressly authorized by the Constitution or Act of Congress, or otherwise to execute the laws shall be fined under this title or imprisoned not more than two years, or both.

Agent Steve Logan should be arrested for violating the Posse Comitatus ACT and I should be set free.

Posse Comitatus (Literally "Power of the Country") was defined as all those over the age of 15 whom a sheriff could call for assistance in preventing any type of civil disorder. In 1878, Congress codified a prohibition on the use of the military in civilian law enforcement activities by enacting the Posse Comitatus ACT, Act of June 18, 1878, ch. 263, 20 Stat. 152 (Current Version at 18 U.S.C.S §1385).

#### I am a Political Prisoner

The media has created a stage for constant artificial high drama, and everyday a new person emerges as a magnificent hero or a sickening villain (fear mongering). It's all very sweeping and not the way we are as a people. And yet they (prisoners) and I am are, a product of such sitting in prison due to overflowing and influence of the crowd madness (Gutov Leboc) especially against those downloading free CP that has been out there for 40 plus years and used as manufacturing crime by law enforcement and especially during political events where there are large crowds, mentality of the House of Representatives of the United States and world governments, whereby the representatives are only impressed by excessive sentiments and false statistics, exaggerate, affirm, resort to repetition, and never attempt to prove anything by reasoning.

8. The length of prison sentences and the disparity is an 8th Amendment violation of the Constitution. Even though we the People proclaim there is no injury, in the Brown case where Brown was convicted of rape and therefore there is no comparison between those that have been charged with the child pornography and an actual hands on rape as in the Brown case we quote the dissenting judge:

There is a fine line between homicide and other serious offenses against the individual" (We the People say Private Citizen or public citizen rather than individual). Serious nonhomicide crimes may be devastating in their harm, but in terms of moral depravity and of the (843 F.3d 93) injury to (2016 U.S. App. LEXIS 43) the person to the public, (as we the People Constitutionally believe there is no substance or spirit against the so called victim or the public), they cannot be compared to murder in their severity and irrevocability. This is because life is over for the victim of the murder, but for the victim of even a very serious nonhomicide crime, life is not over and normally not beyond repair. Although an offense like robbery or rape is a serious crime deserving serious punishment, those crimes differ from homicide in a moral sense. *Graham v. Florida*, 560 U.S. 48, 69, 130 S. Ct. 2011, 176 L. Ed. 2d 825 (2010) (citations, alterations, and internal quotation marks omitted). Although Brown's crimes "differ from homicide crimes in a moral sense, "he received the same sentence as a murderer. He received a sentence that "deprives him of the most basic liberties without giving hope for restoration." *Id.* at 69-70 It is a sentence that "means denial of hope," that "good behavior and character improvement are immaterial," that whatever the future might hold in store for the mind and spirit..., he will remain in prison for the rest of his days. " *Id.* at 70 (alterations and internal quotation marks omitted). (And this is especially true of those who us We the People maintain our innocence and go to trial). Much has been written in recent years about the problem of mass incarceration. But commuting the sentences of non-violent drug offenders will only go so far. If we are truly to confront the problem, (2016 U.S. App. LEXIS 44) we must take a hard look at how we punish defendants like Nathan Brown. The role of federal appellate judges in this endeavor is, to be sure circumscribed. Still, we have a responsibility not to stand idly by in cases when it would be "manifestly unjust to let the sentence stand." *Dorvee*, 616 F.3d at 188. In my view, this is one of those cases. I respectfully dissent.

Even the federal judiciary have admitted that Fn 1, pg 153, line 37-39, and pg 154 line 1-3, "The fundamental unfairness", (Eighth Amendment violation), "of child pornography laws and the extremely long, ever-increasing, mandatory prison sentences they seem to require in every case. Some federal judges have openly rebelled against federal sentencing structure for convicted possessors of child pornography," (And rightly so because these laws listed are unconstitutional under the Eighth Amendment), "and have explained their views in the contest of published judicial opinions".

In addition, the extremely long probations connected to the child pornography laws listed are considered by We the People as an extra sentence and an Eighth Amendment violation of cruel and unusual punishment and may even violate the double jeopardy clause and the rules of said probations guarantee an inmate to fail.

9. The disparity of the amount of the sentences between the states and the federal government for the same offenses is a violation of the 14th Amendment-Equal Protection of the Law. Even Judge Frank Easterbrook, Chief Judge of the US Court of Appeals for the Seventh Circuit, testified that child pornography possession laws might be "ripe for review". He told the Commission that "it gives him pause when he sifts through a stack of sentences that includes a bank robber getting a 10 month sentence and a person convicted of downloading child pornography receiving a 480 month sentence. One wonders if we aren't facing some unreasonable and unjustifiable disparities." We the People agree and declare that this is a 14th Amendment violation of the Equal Protection of the Law and those laws listed here should be found unconstitutional and declared null and void.

Another 14th Amendment violation of the Equal Protection Clause is SORNA requiring states to register sex offenders on an online database with addresses and pictures for everyone to see, especially regarding the laws listed here. Shouldn't murderers be put on a national registry? Shouldn't drug dealers whom have drive by shootings, weapons charges, and accidentally kill people with their dealing of drugs be put on a national registry? Shouldn't the citizens know if one of them lives next door? Murderers and drug dealers cause physical injury if not fatal. Especially for those whom have downloaded child pornography on peer-to-peer free sites that have no physical contact that are required to register as a sex offender, this is a 14th Amendment violation of the Equal Protection Clause because the registration law is not being equally applied across all violent crimes equally and this also makes laws listed here unconstitutional.

#### 2741. Generally

Federal prosecutors are governed by equal protection principle of Fifth Amendment, but Unequal application of criminal laws does not amount to constitutional violation unless there is shown to be present in it element of intentional or purposeful discrimination, in which case relief would be available even though discrimination is not based upon class. United States v Torquato (1979, CA3 Pa) 602 F.2d 564, cert den (1979) 444 US 941, 62 L Ed 2d 307, 100 S Ct 295.

The equal protection clause is directed against laws of the states that are uneven or unequal as written or applied so that there is discrimination against a certain class of the populace or arbitrary enforcement of the law. It operates only on legal rights otherwise created or existing and does not itself create any new legal rights, except the general right to equal protection of the law. Curtis v. Rosso & Mastracco, Inc., 413 F. Supp. 804, 808 (E.D.Va.1976).

10. The government is not only punishing the one Private Citizen or public citizen, but the entire families of We the People as this is an Eighth Amendment violation when the families of said family member (whom was unconstitutionally convicted) are being punished for a extremely long period of time by the forced absence of said family member.

11. A Private Citizen or public citizen looking at an image or video of child pornography is considered a violent act against said victim in the image or video, but looking at a image or video of a

violent crime in which the victim is killed or extremely injured is not considered a crime even though it is violent. Here again is a violation of the 14th Amendment Equal Protection of the Law.

12. During the passage of Megan's law Representative Jim Ramstad, Rep. Mark Foley, Senator Kay Bailey Hutchinson, and another Congressman gave grossly exaggerated statistics (Perjury) in order to get it passed. Even President Bill Clinton perjured himself. Lying to get bills passed is unconstitutional and therefore all bills passed regarding the laws listed are also unconstitutional because they all rely upon the same false statistics. One Congressman stated that sex offenders had a recidivism rate of 74% when in actuality it is, Fn 1, pg 34, line 2, "their rate of re-arrest for a sex offense was just 5.3%", for all hands on crimes. Canadian researchers stated, "Most sexual offenders do not reoffend sexually over time. This may be the most important finding of this study as this study is contrary to some strongly held beliefs. After 15 years, 73% of sexual offenders", in Canada, "had not been charged with, or convicted of another sexual offense. The sample was sufficiently large that very strong contradictory evidence is necessary to substantially change these recidivism estimates." Fn 1, pg 35, line 15-21. And this does not include the laws listed which would more than likely be even more significantly smaller.

#### Jurisdiction

The Supreme Court has jurisdiction regarding the Constitutionality of laws that are not allowed to be decided by the district courts or the appellate courts.

## Conclusion

Add Conclusion: Charles Patrick Ewing, whom wrote Justice Perverted, Oxford University Press, 2011, and who has over thirty years experience as a forensic psychologist and is a lawyer and law professor, stated that, "I was struck by the extent to which sex offender laws relied upon psychologists and other mental experts, who appeared to be making judgements and offering opinions with little empirical basis. As a lawyer and law professor, I was troubled by the extent to which many courts, including the U.S. Supreme Court, appeared willing to strain longstanding legal and Constitutional doctrines to uphold some of these laws."

In addition, Mr. Ewing quoted Corey Rayburn Yung(2010), "The last great criminal war, the War on Drugs, resulted in an erosion of civil liberties, mass incarceration, and fundamental reorientation of American criminal justice. As the War on Drugs loses momentum, there is an opportunity for a war against sex offenders to replace it. If such eventuality takes place based only upon the body of laws currently targeting sex offenders, the likely social effects will be similar to the War on Drugs. If, as occurred during the drug war, the laws are expanded to further restrict sex offenders, the social and financial costs to America could be enormous." fn 1, An that is exactly what is happening with the laws listed here. Also "SVP civil commitment laws," including all laws state and federal, especially the ones listed here, "are based on flawed and unproven premises. They appear to have developed out of mistaken but widely held beliefs that sex offenses are increasing and that sex offenders have a high rate of recidivism. They were fueled largely by sensational media accounts of truly horrifying but rare cases in which women and children were sexually victimized and murdered by repeat offenders. They were enacted in many states by well-meaning but ill-informed or uninformed legislatures who gave little thought to their likely efficacy or even their costs, which have proven to be staggering. They are also based on the unproven premise that sex offender recidivism can be further lowered by incarcerating offenders who have served their legally mandated prison sentences and forcing them to undergo lengthly treatment that is largely psychological in nature. Finally these laws have strained

Constitutional principles, sullied the professions of psychology and psychiatry, and drained already sparse resources from government programs designed to treat the mentally ill". Fn 1, pg 66, line 35-36, and pg 67, line 13. "Like the SVP civil commitment statutes...sex offender registration, notification, and community restriction laws," as especially the laws listed here, "arose out of an understandable viseral response to a small number of outrageous sex crimes, coupled with false beliefs that sex offenses were increasing and that sex offenders have a high rate of recidivism. Also, like the SVP statute, these laws have often, if f not usually been passed with no concern for either cost or the liklihood that they will, in fact, reduce either sex offender recidivism or the number of sex offenses in general. Indeed, some of these laws," like the Adam Walsch Act, "have been passed with no public input and little if any debate. From the research, however, it appears that the emperor has no or very few clothes. The consensus of empirical research is that these sex offender registration and notification laws,", as well as the laws listed, "have no statistically significant effect on sex offender recividism and thus fail to provide the protection upon which they are promised and which they promise the public. Related laws that restrict the residences, work places, and movements of sex offenders also appear to do little if anything to reduce recidivism and may have unintended negative consequence of making sex offender recidivism more likely because they engender hopelessness and homelessness," and destroys their families, "in some offenders impede their contact with social support networks in the community, and create disincentives for pro-social behavior. Moreover, these laws may make citizens (especially children) less rather than more safe because they engender a false sense of security". Fn 1, pg 205 line 23-28, pg 206, line 1-7. "To uphold many laws against Constitutional and other legal challenges, courts, including the U.S. Supreme Court, have been forces to strain or ignore numerous fundamental principles of American jurisprudence in ways that threaten the rights, not only of sex offenders," and their families, "but all citizens". And We the People believe that the Supreme Court must step in. "The new wave of sex offender laws and policies in this country has also imposed an enormous cost on psychology, psychiatry, and other mental health professions. Not only is much of today's sex offender law at odds with empirical evidence from the social sciences, but the policies and programs mandated by this body of law have spawned a huge and often lucrative job market for psychologists, psychiatrists, and other mental health experts, without whose professional input many such policies and programs could not be implemented. As a result, many mental health professionals, all of whom are trained in the social sciences, have been offered a choice between empiricism and emloyment." Fn 1, pg 206, line35-39. "It is difficult to picture, for example, psychologists who now earn their living developing checklists that purport to predict sex offender recidivism, doing evaluations and testifying in sex offender civil sommition trials, and/or training others who do so," and other treatment programs, "encouraging state", and federal, "legislators to put them out of work". The responsibility of our United States government is to let the states preserve and prevent the destruction of the family unit while coaching the states on how to do so with minimal interference unless the states cross the line

into encouraging the destruction of the family unit, only then should the United States government step in. These laws listed are causing the destruction of the family unit, especially those victims(We the People) those being incarcerated and their families, and those whom may come across it, from the initial genesis source that created it and those who leaked it(child pornography) out to the masses especially on those free peer-to-peer sites.

In addition these illegal prosecutions against the People of the United States are causing irreparable harm on a mass scale, financial ruin, psychological torture, DBI(Death by Incarceration) for the extreme amounts of time of sentencing, psychological torture during pre-trial monitoring, contributing to the destruction of the We the Peoples' families that leaves the families without mothers and fathers to supervise their kids leading to their kids committing much worse crimes. This is like the Salem witch trials with the U.S. government on a witch hunt, like the McCarthy era of a communist witch hunt, and like the Japanese internment camps, etc., due to fear mongering and no empirical evidence.

We the People remind the Supreme Court that:

The United States may be estopped like an individual, *Lindsey v. Hawes*, 2Black, 554, 17L.ed.265; *Branson v. Wirth*, 17 Wall. 32, 21 L. ed. 566; *Clark v. United States*, 95 U.S. 539, 544, 24 L. ed. 518, 520; *Michigan \*pg. 131 v. Jackson*, L.&S.R. Co. 16 C.C.A. 345, 37 U.S. App. 220, 69 Fed. 121.

Justice Clarence Thomas has it right when he said, "Stare decisis is not an inexorable command," in *Hyatt* and when he said elsewhere: "I think that the Constitution itself, the written document, is the ultimate stare decisis." And when asked which cases the court will overrule next, he said, "Whichever ones go against the Constitution". Fn 2, pg A19, lines 171-180, and We the People concur.

#### Footnotes

Fn 1, *Ewing*, Patrick Charles, *Justice Perverted*, Oxford University Press, 2011.

Fn 2, *Magnet*, Myron, *The Wall Street Journal*, Thursday, May 23, 2019, pg A19

### "Constitutional Rights Notice"

Private Citizens and public citizens of the United States of America, it has been noticed of evidence that our glorious Privacy Rights have been violated by new laws established by the legal system, which is not in line with our beliefs and our Constitutional Rights to our Private life by interpreting child pornography to a point to criminalize our citizens, because of their failure to the fairness to this matter.

If child pornography or sexual child pornography is criminalized to punish the citizens for seeing, receiving, passing, through from the media, internet, and newspapers, where they originated from, then it should be an equality, and non-discrimination within the law to receive and pass it but not the "source" that exposed it to our private life?

The United Nations Declaration of Human Rights Article 12 states:

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor, and reputation. Everyone has the right to the protection of the law against such interference or attacks.

The United States Constitution, Amendment 9, 10, & 11 states:

#### Amendment 9

The enumeration in the constitution, of certain rights, shall not be construed to deny or disparage others retained by the People.

#### Amendment 10

The power not delegated to the United States by the Constitution nor prohibited by it to the states, are reserved to the states or to the People..

#### Amendment 11

The judicial power of the United States, shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state or by citizens or subjects of any foreign state.

If you agree with this declaration show your support by printing and signing your name below:

Print Name

Marlin Gougher

Zaid B Jacob

Larry Carson

Bert Summer

Miguel Cervantes

Signature

Marlin Gougher

Zaid B Jacob

Larry Carson

Bert Summer

Miguel Cervantes

## "Constitutional Rights Notice" continued

Print Name

RICHARD ANDERSON

DANNY SHAW

CHARLES W. YOUNG

SCOTT MARTIN

ERIC SMITH

DUANE ACKERMAN

CELENO WIMI

JOHN G. HADLEY

PAUL H. STACKER

ALBERTO ISLAS

KENNETH ROBB

TIMOTHY GRAHAM

CHRISTOPHER CAREY

JONATHAN BURMAN-SULLIVAN

GEOFFREY WALKER

BLAIN POMPE

OSCAR LITTLEJOHN

MICHAEL LINDSAY

DONALD MCCOY JR.

FREDERICK SWANSON

RICK LUNDESTRAM

GARY L. WAFFLE

CHRIS KADOK

Signature

R. Parker

DANNY SHAW

CHARLES W. YOUNG

SCOTT MARTIN

ERIC SMITH

DUANE ACKERMAN

CELENO WIMI

JOHN G. HADLEY

PAUL H. STACKER

ALBERTO ISLAS

KENNETH ROBB

TIMOTHY GRAHAM

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JONATHAN BURMAN-SULLIVAN

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BLAIN POMPE

OSCAR LITTLEJOHN

MICHAEL LINDSAY

DONALD MCCOY JR.

FREDERICK SWANSON

RICK LUNDESTRAM

GARY L. WAFFLE

CHRIS KADOK

Dated: 5/25/2021

\* Note: Two signature pages were removed comprising of an additional 33 signatures to try to comply with the 15 page limitation even though I submitted a motion for to submit an oversized brief.

No. 24-5319  
Appeal Case #s 18-50352, 17-50436

IN THE  
SUPREME COURT OF THE UNITED STATES

Marlin Lee Gougher, Petitioner, In Propria Persona,  
vs.  
United States, Respondent

CERTIFICATE

According to Rule 44 of the Rules of the U.S. Supreme Court, this certificate is for new grounds. I am a layman. I can not find a sample on how to make this certificate so please waive any informalities.

1. Usurpation of States Rights - Tenth Amendment
2. Unequal application of the law - Fourteenth Amendment
3. Right to Free Speech - First Amendment
4. Right to Represent oneself - Sixth Amendment
5. Violation of the Posse Comitatus Act by NCIS
6. Violation of the Privacy Act
7. Disparity in Sentencing for this type of Crime - Eighth Amendment Violation
8. Disparity in Sentencing between the States and Federal Government, Unequal Protection of the Law - Fourteenth Amendment Violation
9. Punishment of defendants family due to absence from family - Eighth Amendment Violation
10. Discernment of violence in the crime charged is - Fourteenth Amendment Violation Equal Protection of the Law
11. Discrimination - Multiple Grounds
12. "Constitutional Rights Notice" - Violation of the Fourteenth Amendment - creating a new separate class of citizen
13. Unfairness of our Justice System

I certify the above referenced new grounds for a petition for rehearing for WRIT OF CERTIORARI.

Date: 3/17/25

RESPECTFULLY,



Marlin Gougher

PROOF OF SERVICE BY MAIL

I, Marlin Gougher, declare:

I am over 18 years of age and a party to this action. I am a resident of Lompoc, in the county of Santa Barbara, State of California.

I am illegally incarcerated at Compton - Los Angeles Federal Correctional Institution I  
Prison, in the county of Santa Barbara,  
State of California. My prison (illegal) address is:

3600 Guard Rd. Compton, CA 93436

On 4/11/35 I serve

On 9/11/25, I served the attached:

Petition for Writ of Certiorari, rehearing, motion to waive  
equitable tolling and motion for overrule brief

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope, with postage thereon fully paid, in the United States Mail in a deposit box so provided at the above named correctional institution in which I am presently illegally confined. The envelope was addressee as follows: *United States Supreme Court, U.S. Supreme*

Court Bldg, 1 1st St. NE, Washington D.C. 20543

I declare under penalty of perjury under the Common

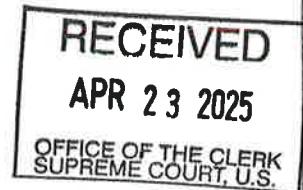
of the United States of America that the foregoing is true and correct.

Executed on 4/11/25

Date

Marilyn Gaugh  
Declarant's Signature

Declarant's Signature



THIS LEGAL DOCUMENT FORMAT HAS BEEN DESIGNED TO ELIMINATE ANY DISCRIMINATION BY ANY CODE REQUIREMENTS. THE PRIVILEGES OF A PRIVATE CITIZEN REQUIRES A PROPER DUE PROCESS. THEREFORE THE CONSTITUTION, UNITED NATIONS, THE STATE AND LOCAL ORDINANCES, THE PRIORITY IS IN THE CONTENTS OF ITS TRUTHNESS, ACCURACY, AND VALIDITY AND NOT THAT OF ITS PRESENTATION.

to children during Drag Queen schools around the US)<sup>337</sup> but a privileged class who frequently

investigators from the FBI's New interview with a victim who was being raped as a young boy by Bill parties attended by other DC elites, the story was being prepared, investigated dead in a suburban Washington,<sup>338</sup>

known until after the perpetrators released FBI files containing "investigations into the 'Finders.' Analysis include police reports and corroborations that the group was a satanic cult of justice by feds and the CIA, of the recent attention to sexual and the rich and powerful, and the shady agencies."<sup>339</sup>

at Finders child abuse included riddles, and disturbingly, it was Robert who shut down the FBI investigation:

documents that some members of the CIA between 1951 and 1971 was made to everywhere from Vietnam, though The Finders JS.

h warrants show that The Finders numerous properties through-

out the US, including a farm in Virginia that was found to have cages that were used to "hold children."<sup>340</sup>

You might also recall Deborah Jeane Palfrey, the "DC Madam" (as she was dubbed by the media at the time), who operated a phone-in escort agency in Washington, DC. She insisted that her operation was legal, but nevertheless was convicted in 2008 of racketeering and money laundering. Her clients included dozens of Washington insiders; lobbyists; FBI and IRS employees; White House, State Department, and Defense Department officials; and so on. But like Jeffrey Epstein, she was found hanging in a storage shed outside her mother's mobile home in Tarpon Springs, Florida,<sup>341</sup> ending the investigation and, once again, sparing elitists of being exposed or prosecuted.

Even so, sometimes people do go to prison, especially when they're not rich and connected and/or have been compromised like Epstein.

A while back, president Trump responded to one such arrest by holding a press conference in which he announced his plan to bring the "full force and weight" of the US government against this "epidemic of human trafficking."<sup>342</sup> This caused former Congresswoman Cynthia McKinney—who once challenged the elite on the floor of the House about their participation in sex slavery—to warn Trump that if he really did go after pedophiles, he should plan to make arrests of both Republicans and Democrats reaching all the way to the top in Washington, DC.<sup>343</sup>

Underpinning her allegation was a 2006 Immigration and Customs Enforcement investigation into the purchase of child pornography that turned up more than 250 civilian and military employees of the Defense Department—including some with the highest available security clearance. Mysteriously, the Pentagon refused to further investigate these culprits.<sup>344</sup>

One has to wonder why.

Indeed. So widespread is this problem that in July 2019, Representatives Mark Meadows (R-NC) and Abigail Spanberger (D-VA) introduced bipartisan legislation titled "End National Defense Network Abuse" to

*Exhibit "A"*  
*Continued*

stop pervasive use of Department of Defense (DOD) computers that have been procuring and sharing pornographic images of children by thousands of US government employees,<sup>345</sup> exposure of whom could be especially effective at adding to body-count lists wherever the focus includes the seedy underbelly of the world's powerful elite.

For example, not one, but two, former GOP senators from Arkansas and Oklahoma were investigating child trafficking involving high-profile individuals (including sitting judges) when in 2019 they were found murdered. According to numerous reports, Linda Collins-Smith (AR) was about to go public with her findings when she was shot to death in her home.<sup>346</sup> Just two days later former Oklahoma Sen. Jonathan Nichols, who purportedly was also investigating pedophiles and sex-slave traffickers, was found dead in his Norman, Oklahoma, residence.<sup>347</sup>

In July 2019, the home of Mexican investigative reporter Lydia Cacho Ribeiro (on whom I believe the female heroine in the new *Rambo: Last Blood* movie is lightly based) was similarly broken into. Unidentified individuals killed her two dogs and stole her laptop, recorders, and hard drives "containing information about sexual abuse cases the reporter was investigating."<sup>348</sup>

"It's remarkable Cacho is still alive," wrote Kurt Nimmo at the time. "In 1999, she was beaten and raped in retaliation for her investigations. Despite this, she continued to report on sex rings and the trafficking and murder of Mexican girls."<sup>349</sup>

According to our friend Jaco Booyens, a tireless proponent of the war on human trafficking, the examples above are just the tip of a much larger iceberg. Criminal "Nests" and "Webs," as some call them, exist internationally. So far as "Webs," these involve "big child trafficking rings... and large networks [from] internet trafficking on Backpage to cults like NXIVM, Jeffrey Epstein's networks to Hollywood pedophiles [where] localized fronts that portray themselves as saviors of children...build a nest in their local community that has all the makings of a child trafficking front [that] typically have a skilled IT person, doctor, dentist, psychologist, court connections, law enforcement, foster and/or social workers,