

25-5408 ORIGINAL  
No. \_\_\_\_\_

Supreme Court, U.S.  
FILED

AUG 07 2025

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Julio Aviles, Sr — PETITIONER  
(Your Name)

vs.

United States of America — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals For the Third Circuit  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Julio Aviles, Sr. BOP # 72840067  
(Your Name)

Federal Correctional Institution Miami Low  
(Address) P.O. Box 779800

Miami, FL 33177  
(City, State, Zip Code)

N/A

(Phone Number)

QUESTION(S) PRESENTED

- 1) Whether both's Court's overlook, ignore, committed plain error and erroneous application or interpretation of relevant law, ruling that stolen negotiable items are completely legal?
- 2) Whether both's Court's abuse its discretion based its ruling on an erroneous view of law "Amount-in-controversy" constitute factual error on a clearly erroneous assessment of the presented evidences?
- 3) Whether both's Court's contradicted the ruling presented on Glossip v. Oklahoma, 145 S.Ct. 612, and Napue v. Illinois, in order to cover the outrageous misconduct of the government?

## 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:

- 1) Commonwealth of Lebanon County Pennsylvania
- 2) United States District Court Middle District of Pennsylvania
- 3) Third Circuit Court of Appeals

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Motion to File the petition for rehearing out of time  
"M.P.R.O."

Addendum to motion to file the petition for rehearing out of time  
TABLE OF AUTHORITIES CITED "A.M.P.R.O."

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CASES	
1) Glossip v. Oklahoma, 145 S.Ct. 612, Feb. 25, 2025 - A.M.P.R.O. - page 3	
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4) Hemphill v. New York, 595 U.S. 140, January 20, 2022	M.P.R.O. page 6
5) U.S. v. Thornton, 1 F.3d 149, 156 (3d Cir. 1993)	A.M.P.R.O. page 4
6) U.S. v. Hill, 976 F.2d 132, 145 (3d. Cir. 1992)	A.M.P.R.O. page 4

STATUTES AND RULES

1) Pennsylvania Rule of Professional Conduct, Rule 3.3	M.P.R.O. - Page 7
2) " " " " " " " " Rule 3.8	M.P.R.O. - page 7
3) Fed. R. App. P. , Rule 35(a)(1)(2),(b)(1)(B)	M.P.R.O. - page 1-6
4) Fed. R. App. P. , Rule 40(a)(2)	M.P.R.O. - page 1-6
5) 3 RD Cir. L.A.R. Misc. 107.3	M.P.R.O. - page 1
6) 3 RD Cir. L.A.R. Misc. 113	M.P.R.O. - page 1

OTHER

1) U.S.S.G. , section 4B1.1(b)(1)	M.R.R. EN BANC - page 3
2) U.S.S.G. , Section 1B1.13(b)(1)(2)(3)	M.R.R. En Banc - page 25, 6

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 1 to the petition and is

[ ] reported at 24-3308 & 25-1486 "Join 14 pages"; 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 \_\_\_\_\_ to the petition and is

[ ] reported at \_\_\_\_\_; 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 2 to the petition and is

[ ] reported at see: Order of court No. 2015-01448; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

The opinion of the \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ to the petition and is

[ ] reported at \_\_\_\_\_; 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 July 22, 2025.

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: July 22, 2025, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

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 \_\_\_\_\_. A copy of that decision appears at Appendix \_\_\_\_\_.

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

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

United States Constitution Amendment Four

United States Constitution Amendment Five

United States Constitution Amendment Six

United States Constitution Amendment Eight

United States Constitution Amendment Fourteenth

Pennsylvania Constitution Article 1, section 1.

Pennsylvania Constitution Article 1, section 13

Pennsylvania Constitution Article 1, section 26

Pennsylvania Constitution Article IV, section 10

Pennsylvania Constitution Article V, section 13

Constitutional Law, section 840

Appeal and Error, section 806

Appeal and Error, section 708

Appeal and Error, section 745

## STATEMENT OF THE CASE

This case start on January 2015, when affiant Brett Hopkins contact Julio Aviles,Sr., requesting to continue working as confidential informant for Lebanon County drug Task Force and for the Harrisburg D.E.A., after Aviles,Sr., refuse to continue working the affiants created an entrapment for Aviles,Sr., by continue constantly the "RCI-1" miss Elizabeth McGovern to Aviles,Sr., resident, Knowingly that Aviles,Sr., was on "HOUSE ARREST" From December 31, 2014 to MARCH 30, 2015; see Appendix 2 pages 5 and 6. After numerous intention of "RCI-1" constantly going to Aviles,Sr., trying to obtain drugs in which petitioner co-defendant Leandro Omar Nazario, who was living in a house behain Mr. Aviles,Sr., and was selling drug, "RCI" start bringing "STOLEN" Custom made Car covers in which Mr. Aviles,Sr., was giving \$50.00 dollars for each Car covers the "RCI" was getting the \$50.00 dollars and purchase the drug from Leandro Omar Nazario workers and bring the drugs to the Lebanon County drugs Task Force, after repit this same action, on May 14, 2015, Lebanon County drug Task Force executed a warrant that they obtain creating a falsehood by under oath telling the magistrate judge that they obtain FIVE CONTROLLED drugs buy with Lebanon County drug Task Force pre-recorded U.S. Currencies that was provided to the "RCI-1", after the affiant Brett Hopkins and two polices officer stop Aviles,Sr., at the corner of 12th and Gilford Street, they arrested Aviles,Sr., and put it in the police vehicle, affiant and the officer drove to 5th st and Arnold street, broke into 513 Arnold Street and they arrested Leandro Omar Nazario and six other individuals, in which they found Leandro Omar Nazario and the other six individual preparing and packaging drugs and they have 19 firearms with them and into their rich but none of the persons that was inside of the garage was charge with firearms just only Mr. Aviles,Sr., was charge with possession of the firearms when Mr. Aviles,Sr., was NOT in possession or have any access or rich or even any fingerprint or DNA in any of the firearms. After Mr. Aviles,Sr., was indicted Federal, Mr. Aviles,Sr., proceed as not guilty and request a Frank Hearing, in which Mr. Aviles,Sr., proved that the affidavit for the search warrant was based on Material perjury, the trial judge denied the hearing claiming that the Car Covers was completely legal, Mr. Aviles,Sr., proceed to trial and prove that the Car covers that the affiants claim to be paid for it was fraudulents receive and the prosecution do not did nothing to correct the falsehood Created and all the U.S. Constitution Violation in Mr. Aviles,Sr., case including the denial of Cross Confrontation of the "RCI-1" and once Mr. Aviles,Sr., had presented all the violations, the District courts and Appeals court denied every single motion claiming that Mr. Aviles,Sr., do not show any U.S. Constitutional violation, and refuse to answer any constitutional Question.

## REASONS FOR GRANTING THE PETITION

This Honorable Court should Grant this petition in order to correct the plain error that both's lowest court's made in the ruling to rule that stolen car covers seven in total, that was completely legal, when in the trial prove that those seven car covers was stolen and the three receive that the government presented claiming that they paid for the car covers was in fact fraudulent which established that the conviction was obtained through use of false evidence even the affiants and the prosecutor's Knowingly, Intentionally, Deliberately and Willingly presented Material perjury in the Grand Jury Procedure, Suppression Hearing and trial, and do not correct the material perjury.

Both's court's had constinue denied every single motion ruling that petitioner do not show any U.S. Const. violation, these court could verify with all the Appendix's that both's court's ignore, overlook and erroneous ruling against indisputable evidences. Should Granting in the interest of justice.

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

  
Date: August 7, 2025