

No. 24-600

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IN THE  
**Supreme Court of the United States**

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QUIOTIS C., JR.,

*Petitioner,*

*v.*

NEBRASKA,

*Respondent.*

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**ON PETITION FOR A WRIT OF CERTIORARI  
TO THE COURT OF APPEALS OF NEBRASKA**

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**PETITION FOR REHEARING**

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## PETITION FOR REHEARING

Petitioner Quiotis C., Jr. a juvenile, respectfully submits this Petition for Rehearing of the January 24, 2025, Order of this Court denying his petition for a writ of certiorari. Undersigned counsel of record attaches the certification required by this Court's Rule 44.2. Quiotis C., Jr. submitted a petition for writ of certiorari concerning his claims of constitutional error in denying his Sixth Amendment Right to a jury trial.

The change in circumstances is the election of Donald Trump as president and the immigration enforcement of the U.S. Immigration and Customs Enforcement (ICE). The United States and President Donald Trump reside in the only nation in the world which guarantees illegal juvenile immigrants a Sixth Amendment right to a jury trial in juvenile Court and denies United State juvenile citizens their Sixth Amendment right to a jury trial in juvenile Court.

One issue in the petition was: "Whether all juveniles are guaranteed the Sixth Amendment right to a jury trial in the Constitution regardless of their geographic location when the prosecutor can unilaterally deny the juvenile a jury trial by filing felony criminal charges in juvenile Court to intentionally deny the juvenile the Sixth Amendment right to a jury trial when the juvenile has a strong defense or the prosecutor has a weak case."

This Court guarantees that illegal immigrant juveniles are afforded the same rights as all other citizens pursuant to *Gideon*, *Miranda* and *Winship* which guarantees both juveniles and adults a constitutional right

to a Court appointed attorney, the right to remain silent and a conviction beyond a reasonable doubt. *Gideon v. Wainwright*, 372 U.S. 335 (1963). *In the Matter of Samuel Winship*, 90 S. Ct. 1068 (1970); *Miranda v. Arizona*, 384 U.S. 436 (1966).

Four days before this Court denied the petition, the President announced the new immigration policy and one of many articles was published on the illegal immigration “What Do We Know About Trump’s Mass Deportation Plans and ICE Raids,” January 21, 2025 NBC News.

This Court’s answer to the question could have a substantial effect on the immigration policy for juveniles and the ultimate issue of the inequality of the application of the constitution to U.S. juvenile citizens and illegal juvenile immigrants. Another issue presented in this case is “Whether the Sixth Amendment right to a jury trial applies to all juveniles in the same manner the constitutional criminal rights apply in *Miranda*, *Gideon* and *Winship* to all juveniles in the U.S. because the Sixth Amendment is codified in every state constitution.”

Was the constitution written to grant illegal juvenile immigrants their Sixth Amendment constitutional right to a jury trial and deny U.S. juvenile citizens their Sixth Amendment right to jury trial? Now, the safe places where ICE previously would not raid such as schools and churches will be raided in the future. Therefore, the illegal immigrant juveniles are granted the Sixth Amendment right to a jury trial even while in custody between the state and ICE. The other substantial ground which was not previously presented is the illegal immigrant juveniles have more constitutional rights than U.S. citizen juveniles in the United states.



This Supreme Court is the only Court in the world which by law grants illegal immigrants their constitutional rights and the denies U.S. citizen juveniles their constitutional right to a Sixth amendment jury trial. *McKeiver v. Pennsylvania*, 91 S.Ct. 1976 (1971). This is the only time and the only case in which this Court can review *McKeiver*. Although the disparity of a juvenile jury trial between illegal immigrant juveniles and legal U.S. juveniles does not affect the constitutional rights in *Batson* which guarantees African Americans a jury which does not purposely “exclude members of his own race” from the fact-finding decision. *Batson v. Kentucky*, 106 S.Ct. 1712 (1986). Illegal immigrant juveniles who receive jury trials in juvenile Courts are in a higher class of individuals receiving constitutional rights than U.S. citizens because of *McKeiver*. *McKeiver v. Pennsylvania*, 91 S.Ct. 1976 (1971).

The Petitioner has argued Neb. Rev. Stat. § 43-279 (1), which denies juveniles a jury trial, is unconstitutional because it violates the Nebraska Constitution 1-6, the U.S. Constitution, the Fifth Amendment, the Sixth Amendment, Eighth Amendment, Fourteenth Amendment, Equal Protection of the Law, Due Process and *Batson v. Kentucky*. *Batson v. Kentucky*, 106 S.Ct. 1712 (1986). Most Americans would be surprised and maybe upset that this Court based upon *McKeiver* grants illegal immigrant juveniles “the privilege” of their Sixth Amendment constitutional right to a jury trial but denies U.S. juvenile citizens their “privilege” of a Sixth Amendment right to a jury trial in juvenile court. *McKeiver v. Pennsylvania*, 91 S.Ct. 1976 (1971).



This Court denies most U.S. juvenile citizens their Sixth Amendment constitutional right to a jury trial because of the antiquated case of *McKeiver* which was decided 54 years ago before illegal immigration was a big issue. *McKeiver v. Pennsylvania*, 91 S.Ct. 1976 (1971).

The arguments against overturning *McKeiver* and adopting an across the board law guaranteeing all U.S. juvenile citizens their constitutional right to a Sixth Amendment jury trial will be the same arguments that were made opposing *Gideon's* right to a jury trial, the *Miranda* rights to read the accused their rights when they are arrested and the proof beyond a reasonable doubt in *Winship*. *Gideon v. Wainwright*, 372 U.S. 335 (1963). *In the Matter of Samuel Winship*, 90 S. Ct. 1068 (1970). *Miranda v. Arizona*, 384 U.S. 436 (1966).

The judicial system was not destroyed when this court adopted the standards in *Miranda*, *Gideon* and *Winship*. Now, if Petitioner was an illegal immigrant living in another state Petitioner would have been granted his Sixth Amendment right to a jury trial in juvenile court.

The constitutional rights of the Petitioner in this case was violated because the conviction was in clear error, *Batson v. Kentucky* applied, no rational trier of fact could have found the evidence against the Petitioner was beyond a reasonable doubt, the evidence was insufficient to convict the juvenile and the constitutional guarantees of a jury trial and the incidents thereto should have applied to all juvenile court proceedings including Petitioner's case. *Batson v. Kentucky*, 106 S.Ct. 1712 (1986).

The codification of the federal Sixth Amendment right to a jury trial in every state constitution in the U.S. should grant every juvenile in the U.S. a Sixth Amendment right to at least a petite juvenile jury trial in every state in the U.S. This denial should be vacated because the Fourteenth Amendment, which makes trial by jury provided in the Sixth Amendment applicable to the States, speaks of denial of rights to “any person,” not denial of rights to “any adult person,” and we have held, indeed, that, where a juvenile is charged with an act that would constitute a crime if committed by an adult, he is entitled to be tried under a standard of proof beyond a reasonable doubt. *In re Winship*, 397 U. S. 358. Page 403 U. S. 561 I added that, by reason of the Sixth and Fourteenth Amendments, the juvenile is entitled to a jury trial “as a matter of right where the delinquency charged is an offense that, if the person were an adult, would be a crime triable by jury. *McKeiver v. Pennsylvania*, 91 S.Ct. 1976 (1971). The rhetorical question and the elephant in the room in this case is why don’t the juveniles move to a state which guarantees a jury trial in juvenile court?

The simple answer is it is not practical or feasible for every juvenile to live or move to a state which guarantees the Sixth Amendment right to a jury trial in juvenile court. It is impractical for any juvenile to relocate to any State to have their Sixth Amendment right to a jury trial especially since this Court has the power to enforce the Fifth, Sixth, Eighth, Fourteenth and Sixth Amendment right to a jury trial in every state because these amendments are codified in every state constitution in the U.S. However, it is practical and feasible for this court to vacate the denial of certiorari in this case and remand the case for further consideration in light of the unconstitutional application of

*McKeiver* which grants illegal immigrant juveniles their Sixth Amendment right to a jury trial. Moreover, it is illogical for the legal system of any nation and their highest court to grant any illegal immigrant a constitutional right and deny their own citizens that same constitutional right just because of *McKeiver*. *McKeiver v. Pennsylvania*, 91 S.Ct. 1976 (1971).

The buck stops with the U.S. Supreme Court on this issue because Congress will not pass national legislation and this court can not leave it to each state to pass laws granting jury trials in juvenile court to close this constitutional loophole created by *McKeiver*.

This court is ultimately responsible for ensuring Constitutional rights to all of its citizens as this Court did in *Miranda*, *Gideon* and *Winship*.

Just as this Court granted certiorari to hear Dobbs, Petitioner requests this court grant certiorari to guarantee a review of the constitutional rights of juveniles to their Sixth Amendment Right to a jury trial for all juveniles whether they are U.S. juvenile citizens or illegal juvenile immigrants.

**CONCLUSION**

This Court could implement equality for United States juvenile citizens and illegal immigrant juveniles who are guaranteed their Sixth Amendment right to a jury trial by closing the legal loophole created by *McKeiver*. In resolving the split of authority created by *McKeiver*, the Petitioner respectfully submits that it is proper to vacate the denial of certiorari in this case and remand the case for further consideration of Quiotis C. Jr.'s claim in light of the inequality in U.S. Supreme Court case law which guarantees illegal immigrant juveniles the constitutional right to a Sixth Amendment jury trial but denies U.S. juvenile citizens their Sixth Amendment right to a jury trial in many juvenile Courts.

Respectfully submitted,

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*Counsel for Petitioner*

**CERTIFICATE OF GOOD FAITH**

The undersigned hereby certifies that this Petition for Rehearing is restricted to the grounds specified in Rule 44.2 of the Rules of the Supreme Court and is presented in good faith and not for delay.

Respectfully submitted,

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**APPENDIX — JENNIFER CROSS LETTER,  
DATED FEBRUARY 20, 2025**

Ms. Jennifer Cross  
Omaha, Nebraska 68134

February 20, 2025

United States Supreme Court  
1 First St NE  
Washington, DC 20543

Re: Quiotis C., Jr. Petitioner, v. State of Nebraska,  
Respondent. 24 600

The Supreme Court of the United States:

The United States is the only nation in the world which guarantees illegal juvenile immigrants a Sixth Amendment right to a jury trial in juvenile court and denies United State juvenile citizens their Sixth Amendment Constitutional Right to a jury trial in juvenile court. Is the constitution for illegal immigrants?

Under the newly elected President Donald Trump the U.S. is aggressively pursuing the deportation of illegal immigrants in this nation. Why doesn't the President give each state their own right to enforce the immigration policy? Well, why do you allow each state to deny U.S. juvenile citizens their Sixth Amendment constitutional right to a jury trial under McKeiver! This is a loophole in the U.S. Supreme Court case law. The prosecutor added charges six months after the case started. If illegal

*Appendix*

immigrants are allowed juvenile jury trials in juvenile court all juveniles in the United States should be allowed their Sixth Amendment right to a jury trial in juvenile court regardless of the state in which they live.

I am the mother of Quiotis C., Jr. I am white and my son is biracial. We are U.S. citizens. My son resides in a foster group home as a result of the unjust conviction in this case. We were receiving regular visits and going to church with my son Quiotis C. Jr. We were visiting him on a regular basis on Saturdays. On Thanksgiving November 28, 2024, we picked up my son for a home visit just for Thanksgiving which did not include an overnight visit. We had a visit for five hours on Thanksgiving. After my attorney filed the brief in Quiotis C., Jr. on Wednesday November 27, 2024 which the state received on Friday November 29, 2024. Our visitation with our son has been restricted after filing this brief. On Christmas day we were allowed a one hour visit with our son in the group home. The state would not allow us to visit our son until February 6, 2025. The state has not allowed us the opportunity to inspect the paperwork for the visits from the group home. Please guarantee all juveniles their Sixth Amendment Constitutional right to a jury trial. Thank you for your time.

/s/

\_\_\_\_\_  
Jennifer Cross