

Supreme Court U.S.  
FILED

06-110 JUL 19 2006

NO. \_\_\_\_\_

OFFICE OF THE CLERK

In The

**SUPREME COURT OF THE UNITED STATES**

\_\_\_\_\_  
SATISH SHETTY,

*Petitioner,*

vs.

UNITED STATES OF AMERICA,

*Respondent.*

\_\_\_\_\_  
**On Petition For Writ Of Certiorari To The United  
States Court of Appeals For The Ninth Circuit**

\_\_\_\_\_  
**PETITION FOR WRIT OF CERTIORARI**

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**QUESTION PRESENTED FOR REVIEW**

Whether government agents' requests, direction and encouragement of a private party to continue searching documents stolen by the private party, to utilize in the agents' criminal investigation and the subsequent use of the information by the agents, converts the private party into a government agent under the Fourth Amendment?

Supreme Court U.S.  
FILED

06-111 JUL 19 2006

No. 06-           OFFICE OF THE CLERK

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In the  
**Supreme Court of the United States**

WILLIAM ANTHONY ELLIS,  
*Petitioner*

v.

UNITED STATES OF AMERICA,  
*Respondent*

**On Petition for a Writ of Certiorari  
to the United States Court of Appeals for the Seventh Circuit**

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**PETITION FOR WRIT OF CERTIORARI**

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**QUESTIONS PRESENTED**

I. WHETHER THIS COURT SHOULD GRANT THE WRIT TO RESOLVE A CIRCUIT SPLIT ABOUT WHETHER THE REASONABLENESS REVIEW MANDATED BY UNITED STATES V. BOOKER, 543 U.S. 220 (2005) SHOULD BE CONDUCTED BY USING REBUTTABLE PRESUMPTIONS OF REASONABLENESS OR SOME OTHER STANDARD OF REVIEW?

II. WHETHER THIS COURT SHOULD GRANT THE WRIT TO DETERMINE WHETHER THE USE OF REBUTTABLE PRESUMPTIONS OF REASONABLENESS AND A DEFERENTIAL STANDARD FOR REVIEW RESULT IN SIXTH AMENDMENT VIOLATIONS BECAUSE THE UNITED STATES SENTENCING GUIDELINES ARE EFFECTIVELY MANDATORY?

Supreme Court U.S.  
FILED

06-112 07 27 2006

OFFICE OF THE CLERK  
No. 05-\_\_\_\_\_

**IN THE  
SUPREME COURT OF THE UNITED STATES**

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HENRY TORROMEO and MDR CORPORATION,  
*Petitioners,*

v.

TOWN OF FREMONT, NEW HAMPSHIRE,  
*Respondent.*

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*ON PETITION FOR A WRIT OF CERTIORARI  
TO THE UNITED STATES COURT OF APPEALS  
FOR THE FIRST CIRCUIT*

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**PETITION FOR A WRIT OF CERTIORARI**

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July 21, 2006

2006

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(i)

### QUESTIONS PRESENTED

In *San Remo Hotel, L.P. v. City and County of San Francisco*, 545 U.S. 323 (2005), four concurring Justices stated this Court's decision in *Williamson County Reg'l Planning Comm'n v. Hamilton Bank of Johnson City*, 473 U.S. 172 (1985), "may have been mistaken," because "[i]t is not clear ... that *Williamson County* was correct in demanding that ... the claimant must seek compensation in state court before bringing a federal takings claim in federal court." *San Remo*, 545 U.S. at 340.

- 1. Must a takings claimant first seek and be denied compensation in state court, before bringing a federal takings claim in federal court?**

In *Lingle v. Chevron U.S.A., Inc.*, 544 U.S. 528 (2005), this Court held that the "failure to substantially advance a legitimate government interest" formula from *Agins v. City of Tiburon*, 447 U.S. 255 (1980), "has no proper place in our takings jurisprudence" because it "prescribes an inquiry in the nature of a due process ... test ...." *Lingle*, 544 U.S. at 540. The lower federal courts are widely split over the standard of liability for a deprivation of property without due process.

- 2. What is the proper standard of liability for a deprivation of property without due process?**

FILED

06-113 MAY 22 2006

No.

OFFICE OF THE CLERK

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IN THE  
Supreme Court of the United States

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**Mariam J. Philipose,**

**Petitioner,**

v.

**United States of America,**

**Respondent.**

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**On Petition for Writ of Certiorari  
To the United States Court of Appeals  
for the Tenth Circuit**

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## QUESTIONS PRESENTED

This case arises from a counsel forced plea of a defendant suffering from a mental/emotional disability at the time of entering the plea. This petition follows a split vote by the panel of the Circuit Court which heard the case.

1. CAN A PLEA BY A PERSON SUFFERING FROM A MENTAL DEFECT, PROVEN BY UNCONTESTED COMPETENT MEDICAL EVIDENCE IN OPEN COURT, THAT THE PERSON WAS NOT COMPETENT TO UNDERSTAND THE NATURE, PURPOSES AND CONSEQUENCES OF A GUILTY PLEA, ENTER A PLEA OF GUILTY WHICH IS LEGALLY AND CONSTITUTIONALLY KNOWING AND WHICH WOULD INSPIRE CONFIDENCE IN ITS VALIDITY.
2. DOES A LAWYER, KNOWING OF HIS CLIENT'S MENTAL HEALTH TREATMENT BUT FAILING TO CONTACT THE MENTAL HEALTH CARE PROVIDER TO INVESTIGATE AND DETERMINE THE EXTENT OF THE MENTAL DEFICIENCY, FAIL TO RENDER EFFECTIVE ASSISTANCE OF COUNSEL AS REQUIRED BY THE SIXTH AMENDMENT OF THE CONSTITUTION.
3. DOES A LAWYER WHO HAS KNOWLEDGE OF HIS CLIENT'S MENTAL HEALTH TREATMENT BUT FAILS TO INVESTIGATE THE EXTENT OF THE ILLNESS WHICH WOULD HAVE REVEALED TO HIM THAT THE CLIENT WAS NOT COMPETENT TO UNDERSTAND THE NATURE, PURPOSES AND CONSEQUENCES OF A GUILTY PLEA, AND HAS PRESENTED EVIDENCE TO THE GOVERNMENT OF HIS CLIENT'S FACTUAL INNOCENCE FAILED TO RENDER EFFECTIVE ASSISTANCE OF COUNSEL BY URGING A PLEA OF



No. \_\_\_\_\_

Supreme Court of U.S.  
FILED

06-114 JUN 27 2006

OFFICE OF THE CLERK

IN THE

Supreme Court of the United States

AARON LEE JONES,

*Petitioner,*

—v.—

DONAL CAMPBELL, Commissioner, Alabama Department  
of Corrections, and the ATTORNEY GENERAL OF THE  
STATE OF ALABAMA,

*Respondents.*

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES  
COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

**PETITION FOR A WRIT OF CERTIORARI**

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**Capital Case  
Questions Presented**

Questions related to counsel's ineffective assistance at capital sentencing:

1. Is habeas relief warranted under *Strickland* where a state court finding that counsel provided constitutionally adequate representation is based on speculation about counsel unsupported by the record, even though the record includes counsel's testimony at post-conviction proceedings?
2. Is habeas relief warranted under *Strickland* where counsel fails to investigate thoroughly and presents *no* mitigating evidence at capital sentencing, despite the presence of evidence of mental illness, low intelligence, an abusive childhood, history of substance abuse, intoxication to the point of toxic psychosis on the night of the crime, and other mitigating factors, even though counsel had ample evidence available at the time of trial?

Supreme Court of the United States

No. \_\_\_\_\_ 06-115 (Petition) 2006

OFFICE OF THE CLERK

In The  
**Supreme Court of the United States**

JOSEPH L. ROBERTO, Executor of the  
Estate of Joseph R. Roberto,

*Petitioner,*

v.

MATILDE FEJERAN,

*Respondent.*

**On Petition For Writ Of Certiorari  
To The United States Court Of Appeals  
For The Ninth Circuit**

**PETITION FOR WRIT OF CERTIORARI**

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**QUESTION PRESENTED**

Whether upon the expiration of the fifteen year appeal period provided for in 48 U.S.C. § 1824(a) for appeal from decisions of the Commonwealth Supreme Court to the Ninth Circuit, that court automatically loses jurisdiction of a timely filed appeal pending in the Ninth Circuit.

OFFICE OF THE CLERK

06-114 JUL 13 2006

No. 06-

OFFICE OF THE CLERK

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

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DOUGLAS B. MOYLAN, ATTORNEY GENERAL OF GUAM,  
*Petitioner,*

*v.*

FELIX P. CAMACHO, GOVERNOR OF GUAM,  
*Respondent.*

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ON PETITION FOR A WRIT OF CERTIORARI TO THE  
SUPREME COURT OF GUAM

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PETITION FOR A WRIT OF CERTIORARI

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**QUESTION PRESENTED**

Whether the Supreme Court of Guam erred in interpreting the phrase “aggregate *tax* valuation” in the Guam Organic Act’s debt-limitation provision, 48 U.S.C. § 1423a (emphasis added), as tying the limit on borrowing by the Guam territorial government to the full value of property on Guam rather than to the assessed value used for purposes of taxation.

Supreme Court, U.S.  
F. 1117

06-117 2006

No. OFFICE OF THE CLERK

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In the  
**Supreme Court of the United States**

ERNEST EUGENE BRADY and MARRITTA KAY BRADY,  
husband and wife; JAMES DEAN BRADY, a single man,  
FLOSSIE MARIE BRADY, a single woman,  
*Petitioners,*

v.

ABBOTT LABORATORIES, INC., an Illinois corporation;  
ROSS PRODUCTS, a division of Abbott Laboratories, Inc.,  
*Respondents.*

**On Petition for a Writ of Certiorari to the United  
States Court of Appeals for the Ninth Circuit**

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**PETITION FOR WRIT OF CERTIORARI**

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### QUESTIONS PRESENTED FOR REVIEW

1. Whether federal reserved groundwater rights holders and other victims throughout the arid Southwest and Ninth Circuit who are injured by the illegal pumping of their groundwater are entitled to the equal protection of their State's Groundwater Code?
2. Whether civil and criminal defendants who illegally damage or destroy the groundwater of farmers and other federal reserved groundwater rights holders are entitled to absolute immunity under the old common law doctrine of reasonable use, notwithstanding modern legislation to the contrary?
3. Whether the Arizona Groundwater Code, and the Groundwater Codes of all the other States throughout the arid Southwest and Ninth Circuit, materially changed the old common law doctrine of reasonable use such that groundwater pumpers are no longer immune from liability for harm to adjoining landowners solely because their pumping benefits the property from which the groundwater is extracted?



Supreme Court, U.S.  
FILED

No. 06-118 JUL 21 2006

IN THE OFFICE OF THE CLERK  
**United States Supreme Court**

MICHAEL BORRELLI, *et al.*,

*Petitioners,*

v.

THE SECRETARY OF TREASURY, THE COMMISSIONER OF THE INTERNAL REVENUE, THE NEW YORK CITY EMPLOYEES RETIREMENT SYSTEM, THE NEW YORK CITY POLICE PENSION FUND, THE FIRE DEPARTMENT PENSION FUND, MARTHA E. STARK, WILLIAM C. THOMPSON, JR., BETSY GOTBAUM, C. VIRGINIA FIELDS, MARTY MARKOWITZ, ADOLFO CARRION, JR., HELEN MARSHALL, JAMES MOLINARO, LILLIAN ROBERTS, ROGER TOUSSAINT, CARROLL HAYNES, JOHN J. MURPHY, MICHAEL R. BLOOMBERG, RAYMOND W. KELLY, PATRICK J. LYNCH, JOHN PUGLISSI, MUBARAK ABDUL-JABAR, SCOTT WILLIAMSON, THOMAS SCOTTO, EDWARD MULLINS, ANTHONY GARVEY, JOHN DRISCOLL, STEPHEN CASSIDY, JAMES SLEVIN, KEVIN MCADAMS, ROBERT STRAUB, PETER GORMAN, NICHOLAS VISCONTI, STEPHEN CARBONE, ANTHONY CROWELL, DIANE BRATHER, HORACIO SPARKS, MYLAN DENERSTEIN and THE CITY OF NEW YORK,

*Respondents.*

*On Petition For A Writ of Certiorari  
To The Court of Appeals for the Second Circuit*

**PETITION FOR A WRIT OF CERTIORARI**

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## QUESTIONS PRESENTED

The Second Circuit affirmed the district court's decision to dismiss the claim of over 2,500 municipal retirees against the Internal Revenue Service ("IRS") and their employer for lack of subject matter jurisdiction. The claim seeks review under the Administrative Procedures Act ("APA"), 5 U.S.C. § 701 *et seq.*, of the Internal Revenue Service's ("IRS") determination to allow three municipal pension funds to maintain tax exempt status, notwithstanding that each of said plans has illegally diverted billions of dollars of corpus of the underfunded pension systems for non-pension purposes, is continuing to divert these assets, and notwithstanding that the IRS reached a determination that at least one of the diversions violated the penultimate requirement for tax-exempt status, the exclusive benefit rule of the Internal Revenue Code ("Code"), 26 U.S.C. § 401. In holding that the APA did not apply, the Second Circuit's decision directly conflicts with the plain language of the statute and three separate holdings of this Supreme Court of the United States.

Three questions are presented:

1. Is tax exemption established by mandatory language in the Code which sets forth the requirements for tax exemption or the absolute discretion of the IRS?
2. Does Code §§ 401, 501 and 503 provide "law to apply" for APA purposes and, thus review of the IRS's determination of a pension funds entitlement to tax exempt status, where the express language of the Code provides that a fund "*shall*" be tax-exempt "*if it is impossible*" for corpus or income to be diverted, or alternatively, that a fund "*shall not be exempt* from taxation . . . *if it has* engaged in a prohibited transaction?"

U.S. DISTRICT COURT

No. 05-5015 06-117 2006

OFFICE OF THE CLERK

In The  
Supreme Court of the United States

DISTRICT OF COLUMBIA  
WATER AND SEWER AUTHORITY,  
*Petitioner,*

v.

FRIENDS OF THE EARTH, INC.,  
*Respondent.*

On Petition for a Writ of Certiorari to the  
United States Court of Appeals  
for the District of Columbia Circuit

PETITION FOR A WRIT OF CERTIORARI

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## QUESTIONS PRESENTED

1. Whether the decision below barring the Environmental Protection Agency and the states from establishing TMDLs on an annual, seasonal or other appropriate basis, which rests on the appearance of the word "daily" in the undefined term "total maximum daily load," contravenes basic principles of statutory interpretation as reflected in the decisions of this Court and those of other circuit courts.
2. Whether the decision below barring the Environmental Protection Agency and the states from expressing maximum pollution loads for impaired water bodies on an annual, seasonal or other appropriate basis leads to absurd and unjust results.