

Supreme Court, U.S.
FILED

No. _____

06-21 JUN 30 2006

OFFICE OF THE CLERK

IN THE

Supreme Court of the United States

MAYRA FERNANDEZ, also known as Frank Morena,
also known as La Jefa,

Petitioner,

—against—

UNITED STATES OF AMERICA,

Respondent.

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

PETITION FOR WRIT OF CERTIORARI

LANCE CROFFOOT-SUEDE
(Counsel of Record)
Appointed Under the Criminal
Justice Act of 1964

JOSEPH MACK

VICTORIA ORLOWSKI

LENORE F. HORTON

WHITE & CASE LLP

1155 Avenue of the Americas

New York, New York 10036

(212) 819-8200

Attorneys for Petitioner

21

Questions Presented

1. Does the mandate in 18 U.S.C. § 3553(a)(6) instructing sentencing judges to consider “the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct” apply to defendants convicted of participating in the same criminal conspiracy?
2. Did the Second Circuit wrongly interpret 18 U.S.C. § 3553(a)(6) when it held that two defendants, with the same criminal history and found guilty of participating in the same conspiracy, did not have “similar records” and were not found guilty of “similar conduct” because one defendant qualified for offense level reductions for acceptance of responsibility and safety-valve treatment, and the other did not?

FILED

No. 06-22 JUN 30 2006

In The **OFFICE OF THE CLERK**

Supreme Court of The United States

MARK S. WOLFERT, as Executor of
the Estate of Elinor M. Wolfert,

Petitioner,

- against -

TRANSAMERICA HOME FIRST, INC.,
and FINANCIAL FREEDOM SENIOR
FUNDING CORPORATION,

Respondents.

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

PETITION FOR A WRIT OF CERTIORARI

JAMES GERARD SWEENEY
Attorney for Petitioner
One Harriman Square
P.O. Box 806
Goshen, New York 10924
(845) 291-1100

Of Counsel:
BOB GREEN
NEAL D. FRISHBERG

22

QUESTIONS PRESENTED

1) This litigation stems from a California state law class action which concerned certain reverse mortgages. The 1,500 class members were senior citizens. The question is whether service by ordinary mail on said class members of the "settlement opt-out notice" satisfied due process requirements thereby precluding a New York senior citizen member (Petitioner) who did not "opt out" from challenging (on any grounds) her New York reverse mortgage, thereby permitting the lender to take \$223,000 (fifty percent {50%} of the equity in Petitioner's home in New York), in addition to repayment of principal and interest.

2) Whether the Depository Institutions Deregulation and Monetary Control Act of 1980, 12 U.S.C. § 1735f-7a(a)(1) preempts New York State law controlling various terms of a New York alternative reverse mortgage.

PETITION FOR A WRIT OF CERTIORARI

Petitioner Marc S. Wolfert, as Executor of the Estate of his mother Elinor M. Wolfert respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Second Circuit.

No. _____ 06-23 JUL 5 - 2006

In The OFFICE OF THE CLERK
Supreme Court of the United States

— ♦ —
STATE OF WYOMING,

Petitioner,

v.

**MICHAEL DAVID JIMENEZ;
WESLEY O. LIVINGSTON,**

Respondents.

— ♦ —
ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

— ♦ —
PETITION FOR WRIT OF CERTIORARI
WITH APPENDIX

— ♦ —
Bryan A. Skoric
Counsel of Record
Park County and Prosecuting Attorney's Office
State of Wyoming
1002 Sheridan Avenue
Cody, Wyoming 82414
(307) 527-8660

Counsel for Petitioner

23

i

QUESTIONS PRESENTED

Whether the court of appeals erred in ruling it was harmless for the district court to deny the State of Wyoming a statutorily mandated evidentiary hearing.

Whether the court of appeals erred in affirming that immunity was properly determined.

Supreme Court, U.S.
FILED

No. _____ 06-26 JUL 3 - 2006

In The OFFICE OF THE CLERK
Supreme Court of the United States

WELDON ANGELOS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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

PETITION FOR A WRIT OF CERTIORARI

JEROME H. MOONEY
50 West Broadway, #100
Salt Lake City, UT 84101-2006
(801) 364-6500

MICHAEL D. ZIMMERMAN
TROY L. BOOHER
SNELL & WILMER, LLP
Gateway Tower West
15 West South Temple Street,
Suite 1200
Salt Lake City, UT 84101-1004
(801) 257-1900

ERIK LUNA
Counsel of Record
332 South 1400 East, Rm. 101
Salt Lake City, UT 84112-0730
(801) 585-5500

Counsel for Petitioner

28

QUESTIONS PRESENTED

1. Whether this Court's summary disposition in *Hutto v. Davis*, 454 U.S. 370 (1982) (*per curiam*), stands as a precedential bar to a lower court otherwise concluding that a sentence violates the Eighth Amendment's ban on cruel and unusual punishment under the *Solem-Harmelin* analysis articulated after *Davis* and in opinions of the Court rendered after plenary review, full briefing, and oral argument.

2. Whether it violates the Eighth Amendment to impose a mandatory 55-year sentence on a first-time offender for possessing firearms in connection with selling small amounts of marijuana, where no violence or injury was caused or threatened, where far more serious federal offenses would receive lesser punishment, and where no other jurisdiction would impose such a severe sentence.

Supreme Court, U.S.
FILED

No. _____ 06-27 JUN 30 2006

In the OFFICE OF THE CLERK
Supreme Court of the United States

DCS SANITATION MANAGEMENT, INC.,
Petitioner,

v.

ELOY CASTILLO, EFREN GEORGE
CASTILLO, and ADOLFO MARTINEZ,
Respondents.

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

PETITION FOR WRIT OF CERTIORARI

JAMES F. MCCARTHY, III
Counsel of Record
BRADLEY G. HAAS
JEROME BISHOP
KATZ, TELLER, BRANT & HILD
255 E. 5TH STREET, SUITE 2400
CINCINNATI, OH 45202
(513) 721-4532

Counsel for Petitioner

Questions Presented

Whether a multistate employer, who has contracted for a particular rule of law to govern its employment agreements to promote stability, reliability and certainty among its employees and to protect its investment, training, and goodwill, has constitutionally protected rights to have that chosen law be given effect when there is a reasonable basis for that choice?

Whether the parochial interests of the forum state must yield to the reasonable and justifiable expectations of a multistate employer to have its choice of law and the particular substantive rule of that chosen law govern its employment agreements with its employees located in multiple states when there is a reasonable basis for the choice of law?

In dealing with contracts involving interstate commerce, whether the Constitution mandates a uniform rule requiring a forum court to apply the parties' reasonable choice of a particular state law to govern their contract in order to realize their reasonable and justifiable expectations?

Supreme Court, U.S.
FILED

No. 05-_____ 06-28 JUL 3 2006

OFFICE OF THE CLERK

In The
Supreme Court of the United States

—◆—
JANET LUTKEWITTE,

Petitioner,

v.

ALBERTO GONZALES,

Respondent.

—◆—
**On Petition For A Writ Of Certiorari
To The United States Court Of Appeals
For The District Of Columbia**

—◆—
PETITION FOR A WRIT OF CERTIORARI

—◆—
GEORGE M. CHUZI
KALIJARVI, CHUZI & NEWMAN
1901 L Street, N.W.
Suite 610
Washington, D.C. 20036
(202) 331-9260

ERIC SCHNAPPER*
SCHOOL OF LAW
UNIVERSITY OF WASHINGTON
P.O. Box 353020
Seattle, WA 98195
(206) 616-3167

Counsel for Petitioner

**Counsel of Record*

28

i

QUESTION PRESENTED

An employer is strictly liable for sexual harassment by a supervisor if that harassment involved a “tangible employment action.” The Question Presented is:

Is a tangible employment action:

- (a) “a significant change in employment status,” a standard in *Burlington Industries, Inc. v. Ellerth*, 524 U.S. 742 (1998), or
- (b) “an official act” taken by a supervisor, the standard in *Pennsylvania State Police v. Suders*, 542 U.S. 129 (2004)?