

FILED

12/30/2024

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
Kristine L. Seufert, Clerk

United States District Court
Southern District of Indiana
Terre Haute Division

United States of America

2:25-cv-001-JRS-MJD

v

Shannon Wayne Agolsky

Emergency Petition for Injunctive Relief from Commutation
AND Request for Appointment of Counsel

Comes now the defendant, Shannon Agolsky, to respectfully request that the court block commutation of his death sentence, and prevents him from being resentenced to life in prison.

1) IN 2004, WHILE ALREADY SERVING A SEPARATE PRISON SENTENCE, THE DEFENDANT WAS CONVICTED OF KILLING ANOTHER PRISONER, AND SUBSEQUENTLY SENTENCED TO DEATH. THE MAIN REASON FOR THIS SENTENCE WAS NOT THE FACTS OF THE CASE. IT WAS THE MULTIPICIOUS AND UNCONSTITUTIONAL WAY IN WHICH THE CHARGES WERE FILED, WHICH CONFUSED THE JURY. THIS IS EVIDENCED BY THE FACT THAT THE JURY FOUND THAT THE PROSECUTION HAD FAILED TO PROVE INTENT, WHICH LEGALLY WOULD MEAN THE KILLING WAS MANSLAUGHTER, YET THEY STILL VOTED FOR 1ST DEGREE MURDER AND A DEATH SENTENCE.

2) THE DEFENDANT HAS SINCE BEEN HOUSED MAINLY IN THE DEATH ROW UNIT AT TERRE HAUTE, IND. WHILE HERE, THE DEFENDANT HAS WORKED TIRELESSLY TO PROVE THE ACTUAL CIRCUMSTANCES OF HIS CASE, AS WELL AS TO ESTABLISH HIS INNOCENCE IN THE ORIGINAL CASE FOR WHICH HE WAS IMPRISONED. AFTER MANY LONG YEARS,

he is finally on the cusp of doing so.

3) ON Dec. 22, 2024, the defendant became aware of the publicity stunt enacted by President Joe Biden, in which he commuted the death sentences of 37 federal prisoners. The defendant was part of this group.

4) The defendant never requested commutation. The defendant never filed for commutation. The defendant does not want commutation, and refused to sign the papers offered with the commutation.

5) It has long been recognized that the death penalty qualification process for capital cases, which assures that jurors are willing to impose a sentence of death, also tends to produce conviction prone jurors. This heightened level of risk is the reason why the doctrine of "heightened scrutiny" also exists, which enjoins judges everywhere to act with an increased level of care and ~~caution~~ consideration, to ensure there are no mistakes, when a life is at risk.

6) The multiple charges inflicted upon the defendant, which led to his death sentence, were made possible by the Anti Terrorism and Death Penalty Act. This ill considered piece of legislation was authored by none other than Joe Biden. It has wreaked havoc on death penalty ~~litigation~~ litigation every since, and made finding justice difficult for many, including this defendant.

7) The current commutations are equally ill considered. They fail to address any of the actual problems related to the death penalty, while inflicting additional problems upon those who did not desire commutation, thus making it seem to be nothing but empty "virtue signaling" on the part of an outgoing President.

8) To force this commutation upon the defendant would be to make the defendant a victim of Mr. Biden for a second time. The defendant's sentence

WAS IMPOSED UNDER THE HEIGHTENED RISK OF A DEATH QUALIFIED JURY. TO COMMIT HIS SENTENCE NOW, WHILE THE DEFENDANT HAS ACTIVE LITIGATION IN COURT, IS TO STRIP HIM OF THE PROTECTION OF HEIGHTENED SCRUTINY. THIS CONSTITUTES AN UNDUVE BURDEN, AND LEAVES THE DEFENDANT IN A POSITION OF FUNDAMENTAL UNFAIRNESS, WHICH WOULD DECIMATE HIS PENDING APPELLATE PROCEDURES.

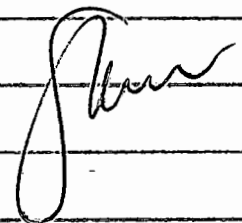
IT IS FOR THESE REASONS THAT THE DEFENDANT FILES THIS PETITION. HE IS NOT SEEKING FAVORS. HE MERELY WISHES FOR HIS CASE TO PLAY OUT IN COURT AS IT WAS MEANT TO, WITHIN THE PROTECTION OF HEIGHTENED SCRUTINY, AND WITHOUT THE INTERFERENCE OF PARTISAN POLITICS.

Therefore, the defendant makes the following requests:

- 1) INSTITUTE AN EMERGENCY ORDER OF INJUNCTIVE RELIEF, TO PREVENT THE DEFENDANT'S SENTENCE FROM BEING COMMUTED BY PRESIDENTIAL ORDER.
- 2) APPOINT COUNSEL TO AID IN MAINTAINING THIS LITIGATION, WHICH IS NECESSARY AS THE DEFENDANT IS SUBJECT TO TRANSPORT AT ANY TIME, AND MAY BE UNABLE TO RESPOND TO THE COURT ON HIS OWN.

THE DEFENDANT PRAYS THAT THE COURT WILL INSTITUTE THESE REQUESTS FORTH WITH.

Respectfully submitted,

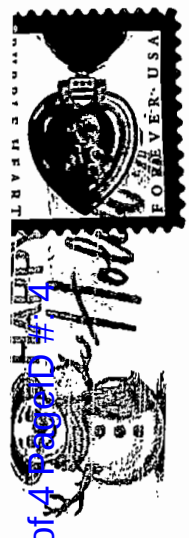


016267-045/USP
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U.S. District Court

Clerks Office, Room 104

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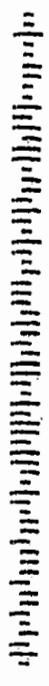
FILED

921 Ohio Street
Terre Haute, IN 47807

DEC 30 2024

U.S. CLERK'S OFFICE

47807-373629



To: Court Clerk
Re: Emergency filing

Shannon Apolsky
06267 OYS/U.S.P.
P.O. Box 33
TERRY HASTE, IN. 47808

PLEASE file the enclosed emergency petition. I have been in prison for 30 years, so am definitely qualified as indigent, but if there are still fees, please refer them to me, and I will take care of it.

Apologies for writing by hand, rather than typing. We are locked down, and I have no access to type. As this is time sensitive, it will have to suffice.

Thank you for your help in this matter,

Sincerely,

