

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

JAMES CAMPBELL, SR. — PETITIONER
(Your Name)

vs.

COMMONWEALTH OF VA. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

THE SUPREME COURT OF VIRGINIA
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

JAMES CAMPBELL, SR. #1123807

(Your Name)

DEERFIELD CORR. CENTER

21360 DEERFIELD DRIVE

(Address)

CAPRON, VIRGINIA

23829

(City, State, Zip Code)

NONE

(Phone Number)

QUESTION(S) PRESENTED

(1)

DID THE SUPREME COURT OF VIRGINIA ERR WHEN IT REVERSED THE COURT OF APPEALS OF VIRGINIA'S RULING AND AFFIRMED THE JUDGEMENT OF THE TRIAL COURT?

(2)

CAN EXIGENT CIRCUMSTANCES VALIDATE AN OTHERWISE INVALID SEARCH CONDUCTED UNDER A DEFECTIVE SEARCH WARRANT.

(3)

AN OBJECTIVE REVIEW OF EVERY ISSUE PRESENTED DURING THE APPEAL PROCESS.

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:

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CASES

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PLEASE SEE COPY OF ATTACHED APPEAL AND THE
ATTACHED PETITION FOR A REHEARING.

STATUTES AND RULES

PLEASE SEE THE ATTACHED COPIES OF APPEAL
AND PETITION FOR A REHEARING.

OTHER

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 _____ to the petition and is

- ☐ reported at _____; 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☐ is unpublished.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☐ is unpublished.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 A to the petition and is

- ☒ reported at UNKNOWN; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the COURT OF APPEALS OF VIRGINIA court appears at Appendix B to the petition and is

- ☒ reported at UNKNOWN; 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 _____

☐ 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: _____, 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 12-14-27
~~3-28-18~~.
A copy of that decision appears at Appendix A .

☒ A timely petition for rehearing was thereafter denied on the following date: 3-28-18, 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).

STATEMENT OF THE CASE

AN AMHERST COUNTY, VIRGINIA GRAND JURY INDICTED THE APPELLANT, JAMES W. CAMPBELL, SR. FOR MANUFACTURING OR POSSESSING METH-AMPHETAMINE WITH THE INTENT TO DISTRIBUTE IT. A VIOLATION OF CODE § 18.2-248.

CAMPBELL MOVED TO SUPPRESS THE EVIDENCE SEIZED WHEN THE POLICE ENTERED HIS PROPERTY AND SEARCHED IT ON AUGUST 6, 2014 PURSUANT TO A SEARCH WARRANT. THE TRIAL COURT FOUND THAT THE AFFIDAVIT UPON WHICH THE WARRANT WAS BASED WAS NOT FILED AS REQUIRED BY CODE § 19.2-54, VIRGINIA'S STATUTE PROHIBITING GENERAL WARRANTS AND DETAILING THE PROCEDURES FOR FILING WARRANTS AND AFFIDAVITS. NONETHELESS, THE TRIAL COURT FOUND THAT PROBABLE CAUSE AND EXIGENT CIRCUMSTANCES EXISTED TO JUSTIFY A SEARCH WITHOUT A WARRANT, AND DENIED THE MOTION TO SUPPRESS THE EVIDENCE.

ON OR ABOUT OCTOBER 25, 2016, THE COURT OF APPEALS OF VIRGINIA REVERSED THE TRIAL COURT'S RULING AND REMANDED THE MATTER BACK TO THE TRIAL COURT.

THE COMMONWEALTH APPEALED THE RULING REVERSING CAMPBELLS CONVICTIONS.

ON DECEMBER 14, 2017 IN AN OPINION BY JUSTICE STEPHEN R. MCCULLOUGH THE SUPREME

②

COURT OF VIRGINIA REVERSED THE APPEALS COURT
AND REINSTATED CAMPBELL'S CONVICTION

ON JANUARY 13, 2018 CAMPBELL FILED A
TIMELY PETITION TO REHEAR.

ON THE 23rd. DAY OF MARCH, 2018, THE
SUPREME COURT OF VIRGINIA DENIED CAMPBELL'S
PETITION TO REHEAR.

CONCLUSION

THIS PETITIONER IS UNLETTERED IN THE
LAW AND HE HAS LESS THAN A 4th. GRADE
EDUCATION. HE BEGS THIS HONORABLE BODY
TO ACCEPT THIS POORLY CONSTRUCTED PETITION
AND ALLOW THE EXCELLENT ARGUMENTS OF
HIS PREVIOUS ATTORNEY, ROBERT C. GOAD III
TO SPEAK FOR HIM.

THE PETITION FOR A WRIT OF CERTIORARI SHOULD
BE GRANTED

THE PETITION SHOULD BE GRANTED BECAUSE
THE MAIN ISSUE OF APPEAL IS WHETHER EXIGENT
CIRCUMSTANCES CAN VALIDATE AN OTHERWISE IN-
VALID SEARCH UNDER A DEFECTIVE SEARCH WARRANT.
THIS IS AN ISSUE THAT HAS NEVER BEEN SQUARELY
ADDRESSED BY THE UNITED STATES SUPREME COURT.
AND IN THE INTEREST OF JUSTICE.

RESPECTFULLY SUBMITTED,
James W. Craythell
JULY 30, 2018