No. _____

_____

IN THE

SUPREME COURT OF THE UNITED STATES

_____

COREY LEVON BECKHAM
_____ — PETITIONER
(Your Name)

vs.

WARDEN
_____ — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

COREY LEVON BECKHAM
(Your Name)

$ 4150 Hayes Mill Rd Baskerville Corr.Center
(Address)

Baskerville, Va. 23915
(City, State, Zip Code)

_____
(Phone Number)

QUESTIONS PRESENTED

1. Did the Fourth Circuit erred in holding District Court decision for failing to accept the showing of the two (2) prong test in Strickland v. Washington, on counsel having a mental illness, and his unprofessional conduct using illegal drugs and alcohol with prescrition medication. Does this deem him "deficient" and counsel amitting to just defending part of the case and not the whole is showing "prejudice" Is this not a violation of the sixth amendment ?

2. Did the Fourth Circuit erred in holding that the District Court not accepting authorization for second habeas in a court order, stating it unnecessary, also a rule of the Ninth Circuit stating that: you do not need to obtain Ninth Circuit permission if your prior Federal petition was dismissed (without prejudice) does this apply to the Fourth Circuit as well ?

3. Did the Fourth Circuit erred in holding that a Petitioner has the right to obtain Federal habeas relief, when showing his Fourth amendment was violated, also to grant relief to U.S. v. Jones,132 S.Ct.(2012) under the Fourth amendment and do the same for U.S. v. Juan Pineda-Moreno,688 F.3d 1087(2012) under Jones decision for illegal use of a GPS violate equal protection under the Fourteenth amendment,does this apply to all U.S. citizens ?

LIST OF PARTIES

[X] 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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TABLE OF AUTHORITIES CITED

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

[X] For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A, B 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 C, D, E to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

[X] For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix F 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 _____ 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.

JURISDICTION

[X] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 12/27/17.

[ ] No petition for rehearing was timely filed in my case.

[X] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: 2/14/18, and a copy of the order denying rehearing appears at Appendix A.

[ ] 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).

[X] For cases from **state courts**:

The date on which the highest state court decided my case was 6/29/15. A copy of that decision appears at Appendix F.

[X] A timely petition for rehearing was thereafter denied on the following date: 10/15/15, 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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Fourth Amendment: (Protection from unreasonable search and seizur seizure)

The right of the people to be secure in their person,houses, papers,and effects, against unreasonable searchs and seizures, shall not be violated and no warrants shall issue,but upon probable cause,supported by oat or affirmation,and particularly describing the place to be searched and the persons or things to be seized.

Sixth Amendment: (Right to speedy trial,witness,etc.)

In all criminal prosecutions, includes such rights as the right to speedy and public trial by an impartial jury,right to be informed of the nature of the accusation, the right to confront witnesses,the right to assistance of counsel and compulsory process.

Fourteenth Amendment: (Citizenship rights not to be abridged)

All person born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty,or property, without due process of the law; nor deny to any person within its jurisdiction the equal protection of the law

STATEMENT OF FACTS

Thisacase seeks rèlief for habeas corpus on "newly discovered" evidence for counsel ineffectiveness because of his mental illness, also drugs and alcohol abuse. Petitioner did not discover that counsel was suffering with a mental illness until after,Petitioner filed his first habeas corpus in (2012). This was dicovered around May 15,2014. Petitioner with limited resources tried to gather as much evidence as possible to prove counsel's mental illness made him ineffective. Petitioner had to wait until his writ for certiorari,for his first habeas was decided in August, (2014). On May 14,2015 Petitioner filed a second habeas corpus in the Virginia Supreme Court for ineffective assistance of counsel "newly discovered" evidence.

The Virginia Supreme Court denied it on June 29,2015. Petitioner filed for a rehearing on July 16,2015 and the court refused it on October 15,2015. A writ certiorariiwas filed on November 3,2015 and the Supreme Court denied it January 19,2016.

Petitioner then filed a Federal Habeas Corpus Febuaray 18,2016. Petitioner wawsprovided with the wrong address to the Western District Court, so it was mailed and it didn't return until March 14,2016. So Petitioner refiled it on April 1,2016. (Exhibit J1-J4)

On December 7,2016 respondent ordered to dismiss, then on December 23, 2016 Petitioner filed a response and filed for a authorization to the Fourth Circiut for second habeas. The Fourth Circuit gave a court order on January 13, 2017, therefore, stating it unnecessary because Petitioner habeas was already pending in District court. But there was an error by Fourth Circuit referring to Petitioner second Habeas, but typed his time frame for the first one.

District Court denied the petition on August 3, 2017. Then Petitioner filed his appeal in the Fourth Circuit on September 14 2017. The Fourth Circuit order a judgment on December 27,1017. Petitioner file a motion for a rehearing on January 10,2018 The Fourth Circuit order the mandate on February 14, 2018. Since Petitioner filed his second habeas corpus with a timely filed petition in Virginia Supreme Court, he was certain he had enough evidence that his counsel was ineffective. Under the Suspension Clause for "Newly discovered" evidence Petition had one (1) year to file a habeas corpus to argue his claims. Petitioner has been exercising his due diligent right and bring forth his claims.

REASON FOR GRANTING

I. There are conflicting in the Courts ofFFourth Circuit of Appeals on Petitioner proving the two (2) prong test in stand with Strickland on question presented.

A. The Courts failed to accept Petitioner proof of ineffective assistance of counsel according to Strickland v. Washington.

Petitioner first claimed counsel was ineffective,but the courts denieddhis first habeas claim without prejuice. So when counsel had legal issues in 2013 and was aquitted for reason of insanity because of his mental illness. It was the evidence and proof that that Petitoner needed to prove his claim of ineffective of counsel. In Strickland v. Washington ,466,U.S. 668.104 S Ct.2052 80 L Ed.2d 674 (1984), That in order to establish a claim of ineffective assistance of counsel."The defendant must show counsel made errors so serious that counsel was not functioning as the counsel guranteed the defendant." Id at 681,104 S ct.2064, second the defendant must show that counsel's deficient performance prejuice him. The defendant must show that, but for counsel's unprofessional errors, the result of the procedding would have been different.

Petitioner has shown counsel was indeed deficient with Petitioner's case. Counsel's mental illness along with drinking alcohol using illegal drugs,with his mental medication, played a major part for counsel to be unable to provide the legal assistance guaranteed Petitioner his sixth (6th) amendment right. "Deficient" made counsel lack the mental ability to perform as a competent attorney as it is meant in the sixth Amendment.

The sixth amendment imposes on counsel a duty to investigate because reasonable decisions and informed legal choices can be made only after investigation of options. For counsel to not investigate the satellite images that shows the area and traffic flow of the gas station where Petitioner was stopped. (Exhibit A1-A2) This crucial piece of evidence would discredit or impeach prosecution's main witness Trooper Carter sworn testimony, on the reason why he initiated the traffic stop. Trooper Carter testified he stopped Petitioner for failure to use turn signal, when changing lanes and tinted windows.(Exhibit B1 B2) The satellite images clearly shows the traffic lanes as well as the manner in which traffic flowed. Petitioner didn't need to use his turn signal because, when he pulled out of the ga gas station it was into the lane that lead to the inter-state.

Since counsel was "deficient" and lacked the ability to a adquately investigate the evidence, he failed to discredit and impeach Trooper Carter sworn testimony. In Huffington v. Nuth, 140 F.3d 572 (4th Cir. 1998), affirmed Strickland's objective reasonable prong requires counsel to conduct appropiate factual and legal inquires and counsel must ordinarly investigate possible methods for impeaching prosecution's witness, and in some instances failure toido so amy suffice to proveineffective assistance claims under Strickland.

Petitioner's vehicle was registered in Maryland, which it wasn't subject to Virginia tinted windows laws. Trooper Carter had no proable cause to stop Petitioner, he was only acting

on the illegal "GPS". Furthermore, counsel failed to use the evidence to show Trooper Carter violated Petitioner's fourth amendment right. When Trooper Carter was refusing Petitioner to leave, after the initial traffic stop was concluded.(EXHIBIT C1-C2) This evidence shows what was said before Trooper Carter illegally searched the vehicle. Trooper Carter is saying" Petitioner was free to leave and Petitioner was asking can he leave and denied consent to search,but Trooper refused. Trooper Carter prolong a traffic stop beyond its orginial purpose of minor traffic violation. Since counsel was "deficient" in his ability to defend Petitioner failed to prove this was a violation of the fourth amendment.

In Delware v. Prouse,440 U.S.648 (1979), the stop of the vehicle for a minor traffic violation permitted a limited seizure of Petitioner. In Rusher v. United States,966 F.2d 868 (4th Cir. 1992), The Supreme Court defined the permitted scope of a routine traffic stop as follows:

> The officer may request a driver's license and vehicle registration run a computer check and issue a citation. When the driver has produced a valid license and proof he is entitled to operate the car he must be allowed to proceed on his way without being subject to further delay by police for additional questioning. Any further detention for questioning is beyond the scope of the Terry stop and therefore illegal unless the officer has reasonable suspicion of a serious crime.

Of interest and similar to this present matter, in Commonwealth v. Faulkner,48 Va.Cir.,533,538 (Cir.ct. city of Roanoke 1999), the defendant was detained following the conclusion of a

routine traffic stop based solely on information from a fe fellow officer regarding potential drug activity and the def defendant's past history of known drug activity. On review, the Circuit Court determined that the detention of the defendant, following the conclusion of the initial stop, was in derogation of the Fourth amendment rigths. The Court stated, "while a reputation for drug activity can certainly be an element that could contribute to an officer's assessment of the circumstances, it is crucial that the officer observe specific conduct to perform a warrantless search or seizure." Id. at 538.

In the present matter, TroopereCarter did not observe specific conduct or serious crime to perform the warrantless search and seizure. All Trooper Carter observed was Petitioner at the gas station and driving backlonto the inter-state, before he stopped the Petitioner's vehicle. 1.)the window tint did not apply to Virginia law, 2. the satellite images will show Petitioner did not need to usehhis turn signal because he turn into the lane that lead to the inter-state,when leaving the gassstation. Trooper Carter was acting off solely on information from the DEA unlawful act the use of the GPS.

In the doctrine is a facet of the Federal Exclusionary rule first enunciated in Weeks v. United States, 232 U.S. 383 (1914), and made applicable to the states in Mapp v. Ohio, 367 U.S. 643 (1961). The exclusionary rule operates not only against evidences seizedeand information acquired during unlawful search and seizure, but also against derivative evidence discovery because of the unlawful act. If evidence that falls within the

scope of the exclusionary rule lead law enforcement to other evidence which they would not otherwise have located, then the exclusionary rule applies to related evidence found subsequent to the excluded evidence as well. In Silverthorne lumber Co. v. United States, 251 U.S. 385 (1920), the knowlege gained by the Government's own wrong can not be used by it in the way proposed. This doctrine holds that evidence gathered with the assistance of illegally obtained information must be excluded from trial.

Again if counsel wasn't mentally "deficient" and "prejudice" would have proved, this rule applies to Petitioner's case. Because without the unlawful use of the GPS Trooper Carter would not have never had located Petitioner. Also Trooper Carter would not had probable cause to obtain evidence from the vehicle. So for the GPS, the exclusionary rule would prevent the prosecutor from introducing at trial evidence seized during an illegal search.

Now in a letter from counsel shows he was being "prejudice" (Exhibit D1) Counsel is saying "his part was to argue the search and seizure." "Mr. Childer handle mostly the stop and the GPS as well." Now counsel was hired to take the whole case. Further, Mr. Childer was removed, and counsel wasn't co-counsel with Mr. Childer. This letter indicate that counsel did not realize, what was happening in the case he was hired to do. How is counsel being effective by just only arguing the search and seizure, but not the stop and GPS. When the GPS is what lead to the stop, search and seizure. So for counsel to act and think

he was hired for just part of the case is proof ,he was being completely incompetent and prejudice. So for counsel to think he was co-counsel with another attorney,who is no longer involved in the case is completely ludicrous,andfvery much incompetent and otherwise, "deticient" and "prejudice".

Furthermore, when Petitioner ask for an appeal and counsel said he would, but failed to do so is a violation of the sixth amendment. In United States v. Peak, 992 F.2d 39 (4th Cir. 1993), attorney failure to file a notice of an appeal when requested by defendant deprives defendant sixth amendment rigth to assistance of counsel. Also in counsel's letter (Exhibit D1) he says "you can not appeal a guilty plea." This is a false statement in in shows incompetent and prejudice toward Petitioner. In Mile v. Sherif, 266 Va. 110,581,S.E. 2d.191 (2003), although the range of potential grounds for an appeal following a guilty plea is is limited in Virginia, a defendant who pleads guiltyystill retains the statutory right to file a notice of an appeal and present a petition for appeal to the court of Appeals of Virginia Va. code Ann §17.1-406,407, thus when a defendant after pleading guiltyttimely instructs counsel to file an appeal it would be unfair to find an absence of prejudice solely because the defendant failed to state it in a habeas corpus petition the anticipated ground of belated appeal.Contrary Petitioner did indeed state it in his habeas corpus petition, also it is clear that Petitioner instructed and requested counsel to file an appeal,,but instead of a notice of an appeal, he wrote Petitioner a letter saying you can not file an appeal. This is very much prejudice against Petitioner.

In accordance with Commonwealth of Virginia v. Tahams,2005 Va. Cir.ct. lexis 132 (july 26 2005), citing, Hall v. Commonwealth, 30 Va. App.74,515 S.E.2d 343 (1999), Zigta v. Commonwealth 38 Va. App.149 562 S.E.2d, 347 (2002) McMann v. Richardson U.S./ 759,25 L/Ed.2d 763,90 S.ct.1441 (1970). one right that a defendant pleading guilty to a felony charge does not waive, however, is the right to effective assistance of counsel as guaranteed by the sixth amendment. The court goes on to state it a defendant shows that he received ineffective assistance of counsel, then his guilty plea was not entered voluntary and knowningly.

As it is stated in Criminal Law Case Book, by McCloskey Schoenberg and Shapiro § 1.04 (June 2010). The function of the defense attorney in a criminal case is to provide competent and vigorous legal representation for the accused within the bound of the law. In Glover v. Miro, 262 F.3d. 286 4th Cir. (2001), the defense attorney is duty bound to protect the legal rights to the best of his/her ability. American Bar Association standard for criminal justice 4-1-1, entitled "Role of Defense Counsel" forth the defense function as follows: B) the basic duty the lawery for for the accused counsel and advocate with courage, devotion and to the utmost of his/her learning and ability according to the law. Counsel mental illness and his unprofessional behavior made him perform below the standard to his sworn duty and denying Petitioner's right guaranteed by the sixth amendment.

II. There are conflicting in the courts of the Fourth Circuit of Appeals and District Court of Virginia Wesetern District, for the authorization for a second habeas petition.

A. The issue is the Fourth Circuit deem it unnecessary to authorize because Petitioner's petition was currenty pending in District Court and he was given the right to appeal that final ruling.

District Court stated that Petitioner needed authorization to file his second habeas. Petitioner filed a motion for authorization to the Fourth Circuit(Exhibit E1). This court order that since Petitioner's petition was already pending in the District Court. Now the contlict is the Fourth Circuit erred by typing in Petitioner first habeas in (2012) instead of second in (2016) . District Court disregarded this error and failed to accept that the court order (Exhibit E2) gave Petitioner authorization. Petitioner filed his motion for permission it is not on the Petitioner on how the court grant authorization. In other words the corut order did not deny Petitioner authorization, it just stated it was unnecessary. So it lead the Petitioner to think he did not need it , and could proceed with cliams in his petition. Furthermore, plus why would the District Court not know it was referring to Petitioner's second habeas when the first sentence started by saying "for authorization to file a second or successive 28 U.S.C. § 2254 (2012) habeas petition".

Furthermore, not only did Petitioner get authorization, what is stated in the State Perisoner Self-Help Packet Federal Habeas Corpus Petition-28 U.S.C.§ 2244; (Exhibit E3),says "you do not need to obtain Ninth Circuit permission if your prior federal petition was dismissed (without prejudice)". The rule refers to Petitioner's case. Because Petitioner prior federal petition was dismissed without prejudice, for it was timed barred. This allows Petitioner to proceed with or without authorization for a second or successive habeas petition.

B. The other conflicting issue is the violation of the Suspension Clause. Not allowing the newly discovered evidence in a second habeas petition.

By law a perisoner have the right to file a habeas petition on "newly discovered" evidence in a second petition. So when it it was confirmed that Petitioner's attorney was indeed incompetent, deficient and prejudice during Petitioner's case because of counsel's mental illness and unprofessional behavior. This evidence could not have been discovered at the time of the first Petition. Since Petitioner shows he excerised his due diligence and was given the information about counsel's criminal case, which lead to the discovery of the mental illness and unprofessional conduct handling Petitioner's case.

The Virginia Suspension Clause in the Virginia Constitution is for all practial purposes, functionally indentical to the Suspension Clause contained in the U.S. Constitution. The logic adhereeto in Breard v. Angelone, 926 F.Supp. 546,547 (E.D. Va. 1996), should applied to this case, and the court should find that when newly dicovered evidence could not have been discovered within the habeas statue of limitation, such timeslimits should not apply, as to do so would be a violation ofotheeSuspension Clause of both the Virginia and Federal Constitutions. Moreover, Petitioner was diligent in bringing his new claim in a new habeas in a timely fashion, once the newly discovered evidence came to his attention. The Virginia and Federal Suspension Clause require that Petitoner be given an opportunity to present his claim.

Importantly, the Beard court stated that:

> The United Supreme Court address the Suspension Clause in Swain v. Pressley, 430 U.S.372,97 S.ct.1224,51 L Ed.2d 411 (1977). That case involved a District of Columbia statute the purported to bar certain habeas petitions by District perisoners. The Supreme Court upheld the statute on the grounds that the law had a special exception allowing a perisoner to bring a motion innfederal court if it appeared that the remedy under D.C. code was "inadequate or ineffective" to test the legality of the applicant's detention. Id. at 381,97 S.Ct. at 1229-30 The negative implication of Pressley is that without a savingcclause a safe harbor or some type of exception for cases that render a rule inadequate, that rule violates the suspension clause. "[A] rule which would permit a court to dismiss an action for habeas corpus without any consideration of the equities presented render the habeas corpus process inadequate to test the legality of a person's conviction and, thereby, constitutes a prohibited, suspension of the writ". Davis v. Adult Parole Authority,610 F.2d 410,414 (6th Cir. 1979)

Breard, Id. As a result, Breard found that the Suspension Clause must allow some type of remedy to be available, even if time limits must be forgiven. The logic adhered to in Breard should be applied to this case, and the Virginia Supreme Court should hadsfound that when newly discovered evidence could not have been discovered within the habeas statute of limitation, such time limits should not apply, as to do so would be a violation of the Suspension Clause of both the Virginia and Federal Constitutions. Instead of viewing it as if Petitioner was filing his first petition with in the two (2) years of limitation. Petitioner argued that the time limits provided under §8.01-654 (A) (2), do not apply in this case. If Virginia Supreme Court would have consider the merits instead of the time limits the outcome would have been different.

III. There are conflicting issues concerning Petitioner did not show requisite showing on constitutional claims.

A. The Courts was provided with exhibits, and evidence of the law,oon Fourth, Sixth, and Fourteenth Amendments.

Petitioner's case is a Fourth amendment case. Unfortunately, with his attorney being mentally incompetent and unprofessional then made it a Sixth amendment case. Additionally with the Courts of Appeals and U.S. Supreme Court ruling in favor of Jones and, also U.S. Supreme Court ruled in favor of Pineda-Moreno under U.S. v. Jones, tor the same issues as Petitioner. But since Petitioner is being denied relief, now makes his case a Fourteenth amendment violation.

Additionally, what is more requisite showing of ineffective assistance of counsel, being "deficient" and "prejudice", than counsel own words in a letter to the Petitioner what more is needed. The letter provide proof counsel negliented to file a notice of an appeal, as he is duty bound by the law. Further, it shows prejudice, counsel amitting to just focussinggaand arguing to just part of the case, when he was hired to doothe whole case. Also counsel shows he was being deficient with Petitioner's case because he was aware of U.S. v. Jones and other cases concerning the use of an illegal GPS. The letter indicate Petitioner and counsel had a preivous discussion concerning of an appeal and the GPS. So for counsel to upright5out and put the responsibility on the attorney he was hired to replace is showing he was deficiently and mentally incompetent.

Counsel was instructed to file a notice of an appeal, after the Suppression hearing, and also again afterethe sentencing. Petitioner provided the courts with exhibits (Exhibit F1) showing his unsatisfactory toward counsel performance, also information on his mentalillness and how it effected the outcome during the time of Petitioner's case. (Exhibit F2) Furthermore, Petitioner shows exhibits that he was due diligent and trying to bring forth his claims and to file an appeal on his own, but some how it was received late not the fault of the Petitioner.The Court of Appeals deem it past due.(Exhibit G1-G2)

Petitioner with the exhibits provided necessary showing of the satellite images,transcripts, and statement being siad (during the stop). These show proof of the circumstances of the arrest-officer, Trooper Carter, did not have probable cause to; 1.) stop Petitioner, 2.) continue to detain Petitioner after the conclusion of the stop (beyond it's intended time)3) and conduct a warrant-less search and seizure (after Petitioner denied consent). (Exhibit H1-16) Trooper Carter was acting soley off the illegal use of the GPS tracking device,after he was instructed to develop his own probable cause. (Exhibit H1-16) Since Trooper Carter lack probable cause, by law this is clear to be a Fourth Amendment violation and give grounds to suppress evidence.

Petitioner has provided case law showing that the government's wrong doing cann't be use to obtain evidence. So a GPS tracking device , without authorization is a violation of a U.S. citizen's Fourth Amendment right, with or without U.S. v. Jones. At the Petitioner's suppression hearing the DEA testified that a warrant wasn't obtained before installing the GPS. (Exhibit I1-3). This in turnssmakes the act unlawhul because tampering with a vehicle is a criminal violation,,in accordance with the code of Alabama § 32-8-83 (b) apperson who...tampers with a vehicle or goes in or on it...or set or attempts to set it in motion is guilty of a mesdemeanor and it the same in Virginia code § 18-2-146. Trespassing on private propery is against thellaw as well without a warrant. The law support this as a Constitutional violation, in the exclusionary rule applies to Petitioner's case.

The Courts stated that Petitioner could not hold his counsel to the ruling in U.S. v. Jones because Jones was decided in (2012) But Petitioner's argumentation could hold counsel to U.S. v. Jones because counsel made indication about Jones pending in U.S. Supreme Court in his letter to Petitioner.(Exhibit "D1) So counsel could have gain knowledge on the Jones case concerning the GPS tracking device, as to what was said in the U.S. Court of Appeals. Furthermore, Counsel surely could have gained knowledge form the court cases without Jones, on the GPS tracking device without authorization being a fourth amendment violation. So for counsel not to defend Petitioner's fourth amendment right is a violation of his sixth amendment rights. Like in U.S. v. Jones Petitioner has the same rights as Jones, before the Supreme Court decision in (2012). Petitioner has the protection under the fourth amendment from unreasonable search and seizure, shall not be violated, and no warrant shall be issue without probable cause. This mean the DEA should had a warrant or court order, before coming on private property and installing a GPS tracking device to Petitioner's vehicle. The Courts recognize before Jones, the use of a GPS or any electroic device was indeed an intrusion of privancy and a warrant must be obtained.

In People v. Lacey, 2004 Ny Misc. Lexis 505 (N.Y. Co. Ct.) that court found that use of a GPS tracking device required a physical intrusion into an individual's personal effects and therefore, requires the polices to obtain a warrant.

In State v. Jackson, 76 P.3d. 217 (Washington 2003), that Court stated the installation of a GPS tracking device constituted a search and seizure, and required the police to secure a warrant becauseiit wasda technological substitute for tradition of visual tracking and the possible intrusion into private affairs was quite extensive.

In State v. Cambell, 759,P.2d 1040 (or. 1988), That court held that police use of a radio transmitter secured to a burglar suspect's car to locate the vehicle was a search under the state Constitution and was unlawful absent a warrantoor obviating exigency.

In Kyllo v. U.S., 533 U.S. 27 ,34,121,S.Ct. 2038, 150,Ed.2d 94 (2001), the Supreme Court recognized that advance in "police technology" can erode the privacy guaranteed by the Fourth amendment. The court went on to say to guard against this, courts " must takeethe long view from the original meaning of the fourth amendment forward". Id. at 40 Kyllo followed a line of cases going back to U.S. v. Karo, 468 v. U.S. 365 U.S.,505,512,81 S.Ct. 679, 5L.Ed. 2d. 734 (9161), which stemmed from the erosion in personal privacy wrought by technological advance.

In U.S. v. Maynard, 615 f.3d 544,567 (D.C. Cir.2010), the court citing Katz v. U.S. 398 U.S. at 347 (1964), State "a search without a warrant is per-se unreasonable under the fourth amendment subject only to few specifically established and well delineated exceptions".

Now as it is used in the Constitutional standard of reversile error. " Miscarriage of Justice" means a reasonable probability of more favorable out come for the defendant. People v. Lopez, 251 Cal.App. 2d. 918,60 Cal.Rptr. 72,76. Base on the facts and Law, Petitioner's case has myriad of errors that are far beyond harmless errors. The Law support favorable to Petitioner, that his case would have concluded at the Suppression Hearing with all evidence being suppressed. Since counsel failed Petitioner in defending him,,which lead to errors that effected the outcome of the case. For counsel to amitt to just arguing part of the case , and not be concerned with the very crux of the case(illegal GPS), without a challenge or defend Petitioner Fourth amendment, this is not a stategy. This was very damaging and harmful errors to Petitioner's defense.

Petitioner has a sixth amendment right that guaranteeing him with effective assistance of counsel who is vigous and competent ability. Not an attorney with a mental illness, who engages in harmful unprofessional habits that effected him mentally, his work, and clients he represente s.

Further adding Petitioner like any other U.S. citizen has equal protection under the law. For the court to rule in favor of U.S. v. Jones as Fourth amendment violation, for the use of an unwarranted GPS, also to give in U.S. v. Juan Pineda-Moreno relief under Jones for the same Fourth amendment violation. Then to deny Petitioner for the same Fourth amendment violation breaks the pattern, no not retroactively, but correct a writ of error of the court. In U.S. v. Jones,132 S.Ct.945,181 L.2d911(2012) holds that the government's installation of a GPS tracking device on a target's vehicle and its use of that device to monitor the vehicle's movements,constitutes asearch under the Fourt amendment. The same in U.S. V. Juan Pineda-Moreno, 688 F.3d 1087(2012)

Petitioner has equal protection under the law,so to give relief to one and not another is a violation of the Fourteenth amendment. When it is clear showing that if it wasn't for the DEA trespassing and tampering with Petitioner's vehicle, by placing an unwarranted GPS, and evidence obtain from the use of that GPS is not admissible in trial. All the evidence should have been suppressed.

Petitioner wants this Honorable Court to recognize that Petitioner had enough knowledge to know, when a police officer returns your information and citation for minor traffic violation this conclude the stop and is free to leave. Any further detention or questioning is a Fourth amendment violation for any U.S. citizen. So for counsel to fail to defend the Petitioner, with deficient competent knowledge of an unwarranted GPS, which occurred before and lead to the stop, search, and seizure is far more greater than to detain a person after a traffic stop.

These unlawful acts effective the Petitioner, so not to correct these harmful errors means any U.S. citizen can be subject to the government trespassing on private property, put a GPS tracking device on their vehicle and track their movements with out a warrant and have their belonging searched. Also to allow an attorney who is suffing with a mental illness and his unprofessional conduct with illegal drugs and alcohol, to represent any U.S. citizen with a criminal defense. Petitioner's merits are not just for him personally, but like any other U.S. citizen has protection under the U.S. Constitution, to pervent these issues from happening and keep honor in our justice system. Petitioner hope and prays that this Honorable Court grants this

writ of certiorari, in the like of Petitioner's constitutional rights were violated and all the evidence should be suppressed.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Corey L. Beckham

Date: May 3, 2018