No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

Jacob Logan Stone — PETITIONER
(Your Name)

vs.

United States of America — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Eighth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Jacob Logan Stone
(Your Name)

MCFP Springfield; PO Box 4000
(Address)

Springfield, MO 65801
(City, State, Zip Code)

(417) 862-7041
(Phone Number)

QUESTION(S) PRESENTED

Stone was summarily denied a modification of conditions of release based on a procedural ground he had no warning of or chance to brief. On appeal, despite numerous requests, the 8th Circuit refused to allow briefing and summarily affirmed the lower court only three minutes after the case was submitted.

(1) Does the 8th Circuit's practice of denying pro se litigants the opportunity to brief their appeal deny the basic requirements of Due Process, notice and opportunity to be heard? Can procedural bars be raised sua sponte, without warning in the denial, after Day v McDonough, 547 US 198 (2006)?

(2) Is a challenge to a certain injury premature merely because the complained of injury is not currently occurring because of incarceration? Is it unreasonable to ask a releasee to risk imprisonment or other punishment before review of a challenged condition occurs?

(3) Given the lack of scrutiny given to conditions of supervised release at sentencing, must a Court address challenges raised later to ensure Constitutional and statutory limits are being complied with? Must a releasee be given resolution of serious claims that his conditions serve no valid purpose, unnecessarily deprive him of liberty, or hinder his reentry?

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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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 to the petition and is

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[X] is unpublished.

The opinion of the United States district court appears at Appendix C to the petition and is

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[X] is unpublished.

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

The opinion of the highest state court to review the merits 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 _____ 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 May 11, 2018.

[ ] 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: July 12, 2018, and a copy of the order denying rehearing appears at Appendix B.

[ ] 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 _____. A copy of that decision appears at Appendix _____.

[ ] A timely petition for rehearing was thereafter denied 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. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Amendment V — No person shall be...deprived of life, liberty or property without due process of law...

Amendment XIV — No state shall...deny to any person within its jurisdiction of the equal protection of the laws.

18 U.S.C. §3553(a) — Full text included at Appendix D.

18 U.S.C. §3583(c) — **Factors to be considered in imposing a term of supervised release.** The court, indetermining whether to include a term of supervised release, and, if a term of supervised release is to be included, in determining the length of the term and the conditions of supervised release, shall consider the factors set forth in secction 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7).

18 U.S.C. §3583(e) — **Modification of conditions of release.** The Court may, after considering the factors set forth in section 3553(a)...(2)extend a term of supervised release if less than the maximum authorized term was previously imposed, and may modify, reduce, or enlarge the conditions of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure related to the modification of probation and the provision applicable to the initial setting of the terms and conditions of post release supervision;

STATEMENT OF THE CASE

On October 6, 2009, the mother of Jacob Stone's roommate accessed Stone's computer with his permission, and discovered child pornography. Upon this discovery, she contacted the Franklin County Sheriff's Department who told her to bring the laptop to the Sheriff's Department, which she did. The local authorities decided to turn the investigation over to the Federal Bureau of Investigation. During that time, officials discovered that Stone had sent illicit images to a 16-year friend of his. Stone waived his Miranda rights, admitted to his crimes, and accepted responsibility.

Despite the crime being wholly intrastate in nature due to the sender and receiver living in the same town and less than five miles apart, the case was made federal due to an "attempted" connection to the ISP's main servers.

Stone was indicted on December 9, 2009 in the Western District of Arkansas, charging him with 13 counts of possession of child pornography and two counts of distribution of child pornography, in violation of 18 U.S.C. §2252(a)(2). On February 4, 2010, Stone took a last minute plea deal in which all of the counts would be dismissed, with the exception of one of the distribution counts. On July 13, 2010, Stone was sentenced to 150 months imprisonment and supervised release for the remainder of his life. In addition to numerous mandatory and standard conditions, Stone was given five special conditions of supervised release.

In 2017, with the end of his prison sentence nearing closer, Stone filed for a modification of the terms of his supervised release. The three requests made were extremely modest: (1) to allow Stone access to computers and internet access at his residence; (2) to modify his ban on contact with minors so that Stone could not be reincarcerated for incidental contact in

public; and (3) to change his lifeterm term to a set number of years.

Adopting one of the Government's contradictory positions, the Court held that Stone could not challenge any condition of release and denied the petition as premature, but also claimed it was untimely as well. In addition to this, Stone was not given an opportunity to respond to this claim, as the denial was issued before he could file a reply brief (See Appendix E).

Filing a timely notice of appeal, Stone waited almost six months for a ruling on an in forma pauperis motion, a ruling necessary to proceed. Finally, in January 2018, the District Court denied the motion and Stone promptly paid the $505 filing fee. Despite having mailed an appeal brief, the Eighth Circuit decided, on its own initiative, to dispense with briefing. Numerous attempts were made by Stone to establish a briefing schedule, but all were fruitless.

According to the official docket, the panel had the record referred to it for consideration, and denied it only three minutes later. Stone was thus forced to pay the entire filing fee, wait nearly a year for the entire process to run its course on an appeal process that he never actually received.

A motion for rehearing and en banc consideration was denied on July 12, 2018.

Now comes Stone seeking review from this Court via a Writ of Certiorari.

REASONS FOR GRANTING THE PETITION

I. Does the 8th Circuit's practice of denying pro se litigants the opportunity to brief their appeal deny the basic requirements of Due Process, notice and a chance to be heard? Can procedural bars be raised sua sponte, without warning, in the denial consistent with Day v McDonough, 547 US 198 (2006)?

This Court has long recognized that the judicial system must be seen, by both participants and outside observers as fair, and not engage in any practice that would shake the public confidence in the integrity of its proceedings. Yet, in a growing number of cases, primarily involving indigent, pro se litigants, the 8th Circuit is providing little more than the forms or appearance of review, without actual substance. It grants the right of appeal on paper, and charges heavily to use that right, but denies it in reality, Mapp v Ohio, 367 US 643, 656 (1961).

Stone filed for a modification of his conditions of supervised release as two of the conditions placed upon him make reintegration into society virtually impossible and put him at risk for reincarceration simply by leaving his house, concerns this Court has recently shared in Packingham v North Carolina, 198 L.Ed.2d 273 (2017). Aware that Court congestion can sometimes backlog petitions, Stone filed this motion three years from his release date in order to compensate.

The Government opposed this motion on the contradictory and mutually exclusive grounds that the modification request was both premature and untimely. The Court accepte dthe prematurity argument and denied the modification on August 23, the day after Stone received notice that the Government had responded, and only six days after its filing. Because of this time frame, Stone never had a chance to contest the Government's position;

while he mailed off a response, his motion had been denied before he ever was able to get his response in the mail.

Instead of providing a way to remedy this violation, the Appellate Court aggravated it, deciding on its own motion not to have a briefing on the matter and to simply review the lower court's ruling. Stone tried, without success, to establish a briefing schedule and to file arguments. Not surprisingly, the Court summarily affirmed the District Court. To this date, Stone had no opportunity to argue this unreasonable procedural ruling.

It is well established that no branch of Government may simply provide any process it wants and call that process "due process." No process may be adopted which leaves indigent or pro se inmates cut off from any appeal at all or merely extends a meaningless ritual, Ross v Moffitt, 417 US 600, 612 (1974). Indigent or pro se litigants must have the same opportunity to fair proceedings and an adjudication on the merits as their wealthy counterparts, Evitts v Lucey, 469 US 387, 405 (1985). Here, Stone has been denied that opportunity.

At every step of the way, Stone has been deprived of nost jsut specific procedures that are commonly expected, but of the very basics of a fair hearing: notice and an opportunity to be heard. Neither the district court nor the 8th Circuit were interested in whether Stone could dispute the procedural ruling that was sprung on him (for the reasons addressed in remaining grounds). This Court has routinely stated that rulings done without briefing are unreasonable, see for example, Penson v Ohio, 488 US 75, 86-87 (1988). The ruling would be questionable enough on its own, but, by picking and choosing between obviously conflicting arguments, the District Court allowed itself to be misled.

Theoretically, pro se litigants are to be given special treatment and

liberal construing, Haines v Kerner, 404 US 519, 520 (1972). Instead of such treatment, Stone has received contempte and summary dismissal. The offical Court docket shows that Stone's petition was denied only three minutes after being received by the Court. Though Courts are not to proceed without briefs if it can be avoided, the 8th Circuit repeatedly ignored multiple requests to allow Stone to point out the lower court's errors. It is unreasonable to tell any litigant that his briefing is unnecessary (especially after charging him over $500). The complete disregard of this basic component of litigation and the existing procedures can give no one confidence in the 8th Circuit.

Were this treatment confined to Stone, it would still be erroneous, but it would not necessarily be an issue of overriding importance; just one of error correction in a single case. This problem is not confined to Stone, however. Summary dismissal of pro se briefs occurs in the 8th Circuit that it seems almost an unofficial policy. That many of these "reviews" occur after questionable or blatantly incorrect procedural dismissals raised sua sponte in the District Court only heightens the problem.

Several examples in Stone's prison alone illustrate this problem. In United States v Floerchinger, 2017 U.S. Dist LEXIS 65711 (ED Mo, 2017), after the parties debated on if the evidence produced met the "newly discovered" burden of Rule 33, and whether it proved innocence or merely discredited the Government's witness (who was the sole "proof" of one of the elements of the crime), the Court raised a procedural bar to claim that Floerchinger could not invoke Rule 33. Neither party argued this, and there was no notice of the claim. The 8th Circuit told him not to brief the issue and it summarily affirmed the matter, (17-2871).

In Lee v Sanders, 2018 U.S. Dist LEXIS 8994 (WD Mo, 2018), after the Government admitted that Lee might be entitled to relief, the Court ignored

this Court's explicit precedent instructing it not to reconstrue motions as §2255s, and send the §2241 to the Eastern District as a §2255. Ignoring its authority to overrule that abuse of authority, the 8th Circuit declined to hear the matter, (2018 U.S. App. LEXIS 1092). Likewise, in United States v Ellerman, 6:17-cv-03261-MDH-P (WD Mo, 2017), the Western District disregarded 8th Circuit precedent and held that the BOP had the authority to overrule the sentencing judge on whether a sentence was consecutive/conservative. Yet again in United States v Kennedy, 6:16-cv-03316-MDH-P (WD Mo, 2016), the Court ignored precedent stating that all substantive cases and all statutory interpretation were retroactive. The 8th Circuit let both stand without real review (16-4055 & 17-3875).

While the above are all collateral review, the 8th Circuit has done this on direct appeal. In United States v Eaton, 692 Fed. Appx. 321 (8th, 2017), the attorney filed an Anders brief, and Eaton raised numerous issues that he could still appeal even with his plea. Without finding that any of the issues were either waived or frivolous, the 8th Circuit simply refused to address them and dismissed the appeal. So, too, in United States v Simpson, 653 Fed. Appx. 850 (8th, 2016), the 8th Circuit simply refused to address the challenges to supervised release or SORNA, raising procedural bars sua sponte never mentioned by the Government, without notice at all.

And, this is just a sampling. If there are this many problems at a single facility, how bad is the problem throughout the Circuit? Lexis Nexis suggests that the problem is very bad indeed, as, of the 177 pro se appeals filed by July 2018, almost all of them have been summarily dismissed, with only the briefest mention of the standard of review. Many cases involve Anders review, where the Court addresses Counsel's arguments, but not the pro se Penson response.

It may be tempting to dismiss this concern by noting that pro se litigants are more likely than their learned counterparts to file frivolous claims (especially as Lexis Nexis provides no access to the briefs filed), unworthy of real discussion. But it is beyong implausible to claim that no pro se litigant is raising any argument of merit. This observation could explain a lower rate of scrutiny and written opinions, but not a complete absence. Only a belief that pro se litigants are unworthy of consideration can account for this. The idea that habeas or other pro se motions are "particularly undeserving" of the Court's time is, sadly, not new:

> It must prejudice the occasional meritorious appeal to be buried in a flood of worthless ones. He who must search a haystack for a needle is likely to end up with the attitude that the needle is not worth the search,

Brown v Allen, 344 US 443, 537-38 (1953)(dissent).

The promise of fair treatment, indeed judicial assistance is to ensure that claims are truly considered for pro se litigants, has proved illusory in the 8th Circuit. The Constitutional promise of a fair hearing has become a worthless thing, Evitts, at 404. The denial is the basics of due process in teh District Court is all too real. Far too many judges see themselves not as neutral arbiters, but as interested participants. The Court looks for ways to deny the litigant, as opposed to construing his motion to provide relief. As all of the above examples show, Courts have no problem raising arguments agaisnt the pro se party, even though precedent firmly forbids them from doing so.

Though this Court, in Day v McDonnough, 547 US 198, 210 (2006) required that Courts notify defendants of any procedural basis that may be used against them, most pro se litigants learn of the fact when they get their denial, when

it is too late. Too many times, Stone has watched this foundation get raised without even a hint in the Government's response. And, once the Appellate Court sees the pro se label, it cannot even bother with the pretense of consideration. Virtually everyone is entitled to summary dismissal without reading the briefs, if briefs are even allowed to be submitted. What is supposed to be an opportunity for correction is of no avail. If it is not a simple rubber stamping, it can be another level of procedural irregularity or newly raised procedural hurdles. The average pro se inmate is denied without any opportunity, meaningful or not, to argue the basis of denial.

No impartial observer, knowing these facts, could have any faith in the quality of the outcomes in such a system. This Court's intervention is needed to stop this practice which severely diminishes both the perception and the reality of the judiciary's legitimacy.

II. Is a challenge to a guaranteed or very likely injury premature merely because the complained of injury is not currently occuring or immediate? Is it unreasonable to ask an individual to risk imprisonment or other punishment under a challenged order before review occurs?

Stone has challenged, among other conditions, one that prohibits him from having any contact with minors. A modest modification was sought which removes strict liability for incidental contact during everyday activities. This would prevent Stoen from being incarcerated for saying "excuse me" to a minor on the bus, for passing money to a minor at a fast food restaurant in exchange for his food, or any other numbers of innocent, routine interactions which are not just unavoidable, but healthy and beneficial.

All of the challenged conditions that are written in the absolute, with no room for discretion or interpretation for in how they are enforced. Without some modification, Stone will have a lifetime term of release, which he will

be categorically prohibited from having a computer in his residence, or any other internet capable device, such as a television, certain refrigerators, alarm systems and so forth, or from having any contact, no matter how innocuous, with minors. This is a certain, well-defined problem that will occur, even if it is not immediate. Yet, the District Court refused to address the claim, finding it premature as Stone was still incarcerated.

That an individual may, of course, challenge any Government conduct which causes him injury, City of Los Angeles v Patel, 194 L.Ed.2d 435, 444 (2015); United States v Windsor, 186 L.Ed.2d 808, 837 (2013) does not change the requirement that the controversy be live and real. Courts do not decide hypothetical cases or future questions, where the adjudication "often rests on speculation" and requires "interpretation" of the matter "on the basis of factually bare bones records," Milavetz, Gallop & Milavetz, P.A. v United States. 176 L.Ed.2d 79, 100 (2010). So the question is whether Stone's current incarceration makes an otherwise certain or inevitable controversy "premature."

Is it true that the precise line between ripe and unripe is not always clear or easy to draw, Missouri Highway & Transp Comm'n v Cuffley, 112 F.3d 1332, 1337 (8th, 1997), but none of the vaguries or uncertainties that existed in other cases of prematurity are present here. Stone may not currently be subject to these conditions, but that has never been a valid consideration in the past. This Court has never hesitated to address the legality of Government action before it is enforced. While the refusal to rush to address every challenge, no matter how distant, that every prisoner raises, stone is not that distant from his release. Without halfway house, he is two years from discharge into the care of the probation officer, when these conditions will take full effect. Forcing him to wait until that injury occurs is unreasonable.

While the length of release and the computer ban may not be the most pressing issues, and may have ample time for review and consideration, the same cannot be said of the minor ban. Stone could violate this condition on the bus ride home, at a restaurant after release, or in any other number of ways. This makes every action after a release a potential roulette with a return to prison as a prize. Stone risks arrest and prosecution, not to stand on his rights, but by walking out his door, exactly what this Court has forbidden, Susan B Anthony List v Dreihaus, 189 L.Ed.2d 246, 255-56 (2014) (collecting cases).

The unreasonableness of letting the conditiosn stand unchallenged is only aggravated by the ease of correcting them. As the 7th Circuit recognized in United States v Siegel, 753 F.3d 705 (2014), there are dangers to such vague conditions that leave a defendant's freedom to the exercise of discretion, or lack thereof, of probation officers. When the literal reading of a condition leads to absurd results, in effect criminalizing daily life, it must be reworded, and/or have scienters added. Stone has provided such an alternative wording that still fully gives effect to the Court's intentions while providing protection for Stone living daily life.

Such requests are common and are routinely entertained in the 1-3 year remaining range that Stone is in, and was in when he placed his request, United States v Mercer-Kinser, 2016 U.S. Dist LEXIS 20038 (ED Mich, 2016); Siegel, at 717 (7th, 2014). Forcing Stone to risk violation before his concerns are met is contrary to the Court's precedents, common practices, the purpose of release and good policy, as well as common sense. This Court could save valuable resourced by simply issuing a GVR with instructions to speedily address the challenge.

III. Given the lack of scrutiny to supervised release at sentencing, must a Court address challenges raised later to ensure that statutory and Constitutional limites are being complied with? Must a releasee be given a meaningful opportunity to contest that his conditions or term serve no valid purpose or unnecessarily deprive him of liberty, to ensure release is not a hindrance to successful reintegration?

Commentators and Courts alike have noted, and criticized, the lack of serious attention given to the imposition of conditions of supervised release at sentencing. See, for example, United States v Thompson, 777 F.3d 368, 372 (7th, 2015)(citing Christine S. Scott-Hayward, "Shadow Sentencing: The Imposition of Federal Supervised Release", 18 Berkley J.Crim.L 180 (2013); Fiona Doherty, "Indeterminate Sentencing Returns: The Invention of Supervised Release", 88 N.Y.U.L.Rev. 958 (2013)). Regardless of the reason why it occurs, the fact is that few defendants challenge the length or conditions of supervised release, and, absent such a challenge, Courts do not examine it, meaning that no examination of the propriety of the Court's action is undertaken. What appellate review occurs is deferential to the point of slavish blindness, with the higher courts refusing to "second-guess"-read: actually review-the lower court's "discretion," which was not exercised-conditions were mechanically imposed.

For most defendants, the conditions of release do not matter until they are about to be released and the force of those restrictions either becomes imminent or actually applies. A condition may not even seem onerous until the probation officer chooses to enforce it. It is impossible to predict how, or even if, a condition will be interpretted before it occurs. Not using a computer or contacting minors without prior approval may seem innocuous-from the outside-until it is learned that approval is universally denied, without

exception or explanation.

Only upon a request for modification, or worse, at revocation, may these conditions actually be examined for the first time. Why was the condition imposed? Is it, in fact, necessary? Does it serve a valid peneological goal? is there actually a connection between the condition and one of the four categories of §3583(d), and does that condition actually comply with the §3553(a) factors? Does it restrict more liberty than reasonably needed? In almost any case, there will have been no examination of any of this; none of these questions has ever been asked, let alone answered. Often times, even the probation officer, who has recommended them, has given no thought as to why, Thompson at 374.

Even the basic conditions of supervised release have long been understoood to be significant, Gall v United States, 552 US 38, 48 (2005); Jones v Cunningham, 371 US 236, 242 & n 19 (1963), and the special conditions often imposed, especially in sex offender cases like this, are far more severe, both quantitatively and qualitatively. Just the two complained of here, barring from computer use without permission (and never at home) and complete prohibition on any contact with minors, no matter how brief or incidental-for life-are especially severe. Such dramatic and draconian restrictions need equally dramatic explanation, lacking in virtually every case.

Stone will not dispute that either of the conditions has a connection to the offender or offense as the statute requires. But that such a connection exists surely cannot, standing alone, justify such significant deprivations of liberty. Barring Stone from internet use certainly has no peneological reason, other than to punish him, which statute forbids. Unless the Court believes Stone is likely to reoffend, there is no purpose to any restriction whatsoever. That Stone used a computer in the commission of his crime no more

justifies banning him from its use than it would be justified to ban someone who transported drugs in a car from ever driving again. Since no explanation was given for the condition, we have no idea why it is "necessary."

Even acknowledging that some limitation may be warranted, whether in this case or any other, there is no attempt to comply with the statutory command that the condition deprive Stone of no more liberty than reasonably necessary to serve the goals of release. Requiring Stone to install monitoring software, allowing random inspections of any computer owned, or some combination of the two, would adequately serve any legitimate societal purpose without needlessly burdening Stone's rights. That requirement was ignored.

The failure to explain these conditions' need or to comply with the statutory factors is troubling on its own, but it signals a larger problem. By failing to conform to the statutory limits, the Court is, of course, acting in excess of Congressional authority, but is acting directly contrary to Congress' intended purpose underlying release. After all, release is intended to help the releasee transition from prison and to successfully reintegrate into society, United States v Johnson, 529 US 53, 59 (2000). By imposing conditions that are unnecessary or are more restrictive than need be, the Court is inhibiting that reintegration.

The hindrances these conditions can create was recently expounded upon by the Court in United States v Jenkins, 854 F.3d 181 (2nd, 2017). Being prevented from using computers or the internet, or from dealing with even related minors at family functions, essentially bars the individual from daily life and meaningful interactions with loved ones. In sex offense cases, condition may ostracize the offender to the periphery of society, hardly a redemptive or rehabilitative endeavor, Packingham v North Carolina, 198 L.Ed.2d 273, 282 (2017); Werner v Wall, 826 F.3d 751, 766 (7th, 2016);

Doe v Snyder, 854 F.3d 696, 702-05 (6th, 2016).

The carless imposition of conditions with adequate, or rather any consideration, has potentially severe consequences on the releasee. Not only do they restrict constitutionally protected activities which may be essential to reintegration, they directly contribute to increased recidivism. Under even the Sentencing Commission's (admittedly manipulated) numbers, one in three releasees violate, primarily for technical violations of such conditions, Thompson at 372. These pointless prison sentences hurt notjust the offender, but his family and burden society and the system with significant costs to reincarcerate people for legal behavior.

With the significant liberty interests at stake, releasees who come up with substantive arguments against conditions must be given a chance to argue them. The burdens of release must impose obligations on judges to seriously address, and Appellate Courts to seriously review, the propriety and necessity of conditions. That did not occur for Stone. And, judging by the available case law, it isn't occurring in other challenges raised.

This Court's intervention is need to provide actual review.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Date: 9/5/18