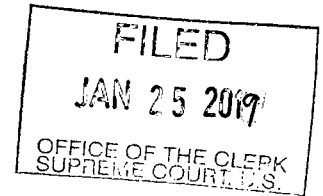


19-5002 ORIGINAL
No. ~~19-5002~~



IN THE
SUPREME COURT OF THE UNITED STATES

Jared Len Cruse #1708081 — PETITIONER
(Your Name)

vs.

The State of Texas — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

The Court of Criminal Appeals of Texas
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Jared Len Cruse #1708081
(Your Name)

12071 Fm 3522
(Address)

Abilene, Texas, 79601
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

QUESTION 1:

Whether the cell phone evidence was the product of a warrantless search and seizure and/or an illegal detention; and thus, whether this evidence can be used to convict Petitioner to life in prison?

QUESTION 2:

Whether a Defendant's 14th Amendment rights are violated and whether it is a conflict of interest when a Defendant files Ineffective Assistance of Trial Counsel claim and the Defendant's trial attorney is now District Attorney over Defendant's habeas corpus writ?

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:

TABLE OF AUTHORITIES CITED

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Dickerson, 508 U.S. at 372	5
Minney v. Arizona, 98 S.Ct. 2408	5
Nester v. US, 44 S.Ct. 445	5
Terry v. Ohio, 88 S.Ct. 1868 (1968)	5

STATUTES AND RULES

OTHER

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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

☐ 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☐ is unpublished.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☐ is unpublished.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 _____; 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

☐ 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 11-7-2018.
A copy of that decision appears at Appendix A.

☐ 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

> AMEND. IV OF THE UNITED STATES CONSITUTION:

The right of the People to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be search, and the persons or things to be seized.

> AMEND. XIV OF THE UNITED STATES CONSTITUTION:

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 law; nor deny to any person within its jurisdiction the equal protection of the laws.

STATEMENT OF THE CASE

Petitioner was charged in an indictment with Aggravated Sexual Assault of a child in Cause No. CR29782 alleged to have occurred on or about October 25th, 2010. Included in the allegation were that Petitioner caused vaginal and oral penetration by his sexual organ. Petitioner was tried and convicted. The trial court imposed sentence on ~~December~~ ^{November} 28th, 2012. Petitioner timely filed notice of appeal on ~~December~~ ^{November} 28th, 2012. Petitioner filed his appeal on July 12th, 2013 in cause number 01-13-00077-PR with the First Court of Appeals. The judgment was affirmed, but the sentence was modified; the sentence was changed from ~~with~~ ^{life} without parole to life with parole.

REASONS FOR GRANTING THE PETITION

A State Court has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court. Supreme Court Rule 10(c).

On December 9th, 2010, Petitioner was detained by a Police Officer from the Cleveland Independent School District at Samuel Walley Park, two miles from CISD. Petitioner was told he was being taken back to school for truancy despite the fact he had graduated seven months earlier (APPENDIX B).

Petitioner arrived at the school and as he was being taken to a room Officer Ford heard a noise emanating from the Petitioner's pocket. Officer Ford then reached into the Petitioner's pocket and removed a cell phone. Petitioner was then placed into a room. petitioner was never read his Miranda Rights. The cell phone was seized without a warrant, and the video subsequently obtained from it was used to convict Petitioner to life in prison.

The question is of great public importance because it concerns a non-protective evidentiary search of an individual detained on less than probable cause, and a warrantless seizure beased upon false pretenses. This Court has held that individuals generally maintain a reasonable expectation of privacy in their bodies, clothing, and personal belongings. Nester v. US, 44 S.Ct. 445.

This Court has further held that the Constitution expresses a preference for searches, seizures, and arrests conducted pursuant to a lawfully executed warrant. Minney v. Arizona, 98 S.Ct. 2408. Under these prcedent, this Court has observed that searches and seizures conducted outside the judicial process, without prior approval by a judge or magistrate are per se unreasonable. Dickerson, 508 U.S. at 372.

Specifically in Terry v. Ohio, 88 S.Ct. 1868 (1968), this Court explains that the limited search is not to discover evidence of a crime, but to allow an officer to pursue his investigation

without fear of violence. Thus the fruit of a search that goes beyond what is necessary to determine if a suspect is armed will be suppressed.

In the context of an on-the-street seizure based on less than probable cause, there is no balancing of interests to be undertaken in determining whether a particular search of a stopped suspect is reasonable, and therefore, permissible under the Fourth Amendment.

Considering the facts of this case, the Texas Courts have clearly ignored all these Supreme Court precedents, and come to the conclusion that directly conflicts with them.

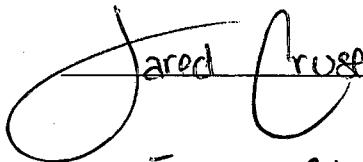
It is clear that Petitioner was subject to an impermissible evidentiary search. The government agent detained him without a warrant and on false pretenses, then probed into his clothing to seize a cell phone - also without a warrant.

Texas is corroding the integrity of this Court's clear interpretation of the 4th and 14th Amendments. This Court should issue the Writ of Certiorari to ensure that Texas clearly understands the Constitutional Protections that they are not allowed to unduly violate. It is obvious by this case that Texas has lost sight of this and needs this Court's guidance. Thank You.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

 _____

Date: January 25, 2019