

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

Quincy Tremayne Bloodworth — 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 Sixth Circuit.
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Quincy Tremayne Bloodworth (#22221-040)
(Your Name)

United States Penitentiary, Hazelton (P.O. Box 2000)
(Address)

Bruceston Mills, West Virginia 26525
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

① Are minorities and poor people in America provided adequate protection from unreasonable searches and seizures?

Does the Fourth Amendment of the U.S. Constitution truly apply to everyone in America?

Why were petitioner, Quincy Tremayne Bloodworths, rights really violated?

How can the standard of "review," with respect to Fourth Amendment claims, be changed to make it more fair and just?

② Should the "smell of marijuana" still constitute "probable cause" after it has been decriminalized?

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:

RELATED CASES

① United States v. Quincy Bloodworth, 18-cr-0149
(U.S. District Court for Western District of Michigan)

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Fourth Amendment of the United States Constitution .

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 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☒ is unpublished.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 United States district court appears at Appendix unavailable 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☐ is unpublished.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 _____ 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☐ is unpublished.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 May 4, 2020 (date) on March 6, 2020 (date) in Application No. 19 A 973.

By: Justice Sonja Sotomayor

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

The Fourth Amendment of the United States Constitution^o protecting "the right of the people to be secure in their persons, houses, papers, and effects" by prohibiting "unreasonable searches and seizures." (U.S. Const. amend. IV.)

STATEMENT OF THE CASE

Petitioner Quincy Tremayne Bloodworth is presently serving a ten year prison sentence. He pled guilty to possessing a stolen gun, after the Court denied his motion to suppress the weapon. He reserved his right to appeal this issue.

The Sixth Circuit subsequently agreed with the District Court and AFFIRMED its judgement. Petitioner respectfully requests that the Supreme Court of the United States look at the bigger issue presented by this case: whether the Fourth Amendment is real protection for an entire class of people like Mr. Bloodworth?

The seizure of Bloodworths person was unjustified and illegal. The weapon should clearly have been suppressed. The District Court failed to protect Bloodworths rights and sided with the government. The Courts decision was blatantly wrong and contrary to the facts. "Clear error" occurred precisely when the Court found the police officer to be credible. The officers explanations and testimony were highly suspicious.

Mr. Bloodworth should be entitled to have his convictions vacated and the evidence suppressed. He should be treated fairly. It seems that he is the victim of systematic racism perpetuated to keep minorities and poor people powerless. Even if the courts and government participate unconsciously, it is still a huge problem.

Petitioner Bloodworth hereby respectfully requests that the Supreme Court grant Certiorari and address this issue. He asserts that his case, coupled with the Supreme Courts discretion, can help a vast multitude of people. He sincerely believes in his heart that this petition can make America even better. Thank you for your consideration.

REASONS FOR GRANTING THE PETITION

Certiorari needs to be granted because this will be the most important case the Supreme Court will hear next semester. Simply because it will have the greatest impact on American society as a whole. The Supreme Court now has the opportunity to exercise its discretion to effectively begin to dismantle the reputation for "mass incarceration" that currently plagues our nations criminal justice system.

Still today, in 2020, minorities and poor people are still routinely subjected to illegal searches and seizures on a grand scale. The "waters are being tested." Tomorrow this can be a big problem for anyone. Nobody wants their government breaking down their doors without a warrant. An issue of this sort and magnitude has not been addressed in a long time. There are also quite a few new Justices on the bench.

Our country is ~~due~~^{due} for a change. There is no better time to act than the present.

Petitioner, Quincy Tremayne Bloodworth, hereby humbly beseeches the Supreme Court of the United States of America, to read his petition for Certiorari, and to grant him, and all of America, relief.

(Please read the following Eight pages, appropriately titled: "Reasons For Granting The Petition; Brief for Certiorari." Thanks)

Reasons For Granting The Petition: Brief For Certiorari

In reality, the Fourth Amendment of the U.S. Constitution does very little to protect many American people. It has great intentions, but not much substance behind it to back it up. A grand and noble ideal, but consisting of merely words with no real power or force. A real tragedy. The poorest people and minorities always pay the highest price.

Petitioner Quincy Tremayne Bloodworth never had a fighting chance. He was born with strikes against him. A young, black, man from Kalamazoo, Michigan; he had a very rough childhood and a lot less opportunities than other people. His mother was a drug addict and his father was in prison his entire life. Quincy has admittedly made some poor decisions in his life, but that is exactly what "the system" is designed for him to do. The vicious cycle of incarceration must keep turning forever. Yet, Mr. Bloodworth still takes responsibility for his actions, as evidenced by when he pled guilty in connection with this case.

Mr. Bloodworth may have ran because he had a gun, but he should have never been seized in the first place. He did not need to finish school to know that he did not have the same rights as other people. He never had the privilege of being a middle-class white guy, from a nice neighborhood. He was raised by a society that taught him that he was only three-fifths of a man. Put yourself in his shoes and you will understand why he believed flight was his best option.

When you are Mr. Bloodworth, you know immediately at the sight of the police cruiser roaring towards you, that you are in big trouble. Experience taught you that if a cop wants to grab you and search you, that is his preference. The cop knows he does not need any real justification. That there is really no such thing as an "illegal search and seizure." Police Officers are trained to do what they want because the courts and judges are their friends. They are permitted to get away with almost everything. It's just the way it is.

A lot of courts are not much better. It is nearly impossible to get relief on any Fourth Amendment claim. It was set up to be extremely hard. As an initial matter, most courts are not criminal friendly. It can be expected that the court will side with the government and police. That is natural. A problem occurs when a judge stops being fair and impartial. It transforms into a persecution when it is flagrantly obvious and you do not have the power to do anything about it. The courts will almost always find the police officer to be credible. Even when his testimony seems full of holes, contradictions, and sounds highly suspicious. A court knows that their determinations and decisions are lent a presumption of finality, and that nothing short of a miracle would cause a Court of Appeals to disturb it. When it comes to the Fourth Amendment, the "standard of review" is also wrong, and is an invitation to violate our constitutional rights.

The words even sound crazy. What exactly is the "due weight" that a District Court should get from its "inferences drawn from facts?" Sounds simply like, "whatever the judge says goes." That his position of authority is subject to neither challenge or question. An absurdity compounded when its review is then conducted in a "light most likely to support the district courts decision." This is a recipe for disaster. There are no checks and balances here. You cannot protest a courts "credibility determination." You are forced to just take what you get.

"Due deference" should not have been given to the District Court in Bloodworth's case because its determinations were clearly a sham. The "clear error" occurred when the judge blatantly took Officer Oliver's word at face value without any additional, meaningful corroboration or evidence. The Court simultaneously ignored all of Bloodworth's legitimate questions and proven facts that directly contradicted and undermined much of what Officer Oliver said. There can be no question; Bloodworth was the victim of an illegal search and seizure. This case boils down to; that you really have no Fourth Amendment rights when you are a black kid in the 'hood.' Racism, in its many different forms, still exists and is actually thriving. Police Officers are instructed to target minorities and poor

people because they have the highest probability of possessing illegal contraband. It is racial profiling at its best and is very similar to the "stop and frisk" laws that were eventually ruled to be unconstitutional in New York City. The cop is told that it is okay to gamble when the odds are in his favor. Plus he has the ability to hedge his bets as much as possible. All they have to do is make up some type of faulty explanation later on. And they have a playbook of fake "pretexts" they can utilize to automatically give them "probable cause." What more do they need? They essentially have a license to do whatever they want. These officers continue to operate "above the law" because they know they will never be held accountable for their misconduct. Even an "educated guess" should not amount to a "reasonable suspicion."

Quincy Bloodworth was not engaged in any criminal activity when Officer Oliver decided to harass him. He may have possessed a gun for his own protection, but he was minding his own business. He was just riding around in the backseat of his friends vehicle. Bloodworth was only talking to his neighbors when the cop car came flying up the one-way street, in the wrong direction, lights and siren blaring. Mr. Bloodworth resided on this street and grew up there.

Most inner-city neighborhoods, consisting primarily of minorities and poor people, are considered "problem" and "high crime areas" by law enforcement. There can be drug activity and many of the luxuries afforded the nicer neighborhoods are conspicuously absent. Everything is more compact here and there is a much higher volume of people. Houses are not as spread out. The people are usually very poor and receive some type of government assistance to survive. Regular activity and normal behaviors in these neighborhoods are often used as justification for police intrusion. Any person in a more affluent part of town would never face any police scrutiny for the exact same conduct. It is time that the same standards be applied to everyone, regardless of how you look or where you live.

A black person leaning into a car window should not warrant any further investigation. It could be a drug deal, or entirely innocent. A white person doing this would not be categorized as "possible criminal activity." This is racist. Police departments should have to let the

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residents of their city know that they cannot do this. Maybe make it illegal.

The proper and natural response when a police car is coming at you head-on is to get out the way. Pulling immediately into a driveway is not evasive. Mr. Bloodworth has not done anything that can be deemed even remotely "suspicious."

It is probably unnecessary to bring up the fact that Bloodworth was in the same make, model, and color car as some "made-up" person with an arrest warrant. One has to wonder if this "Mark Ross" even really exists. Officer Oliver's "reasonable suspicion" is all frivolousness. You can be under arrest for riding in a white Saturn.

Officer Oliver was highstrung and looking for action. Anything would "pique" his interest. He testified that even while he was off-duty he would want people arrested. Officer Oliver is a professional at conducting illegal search and seizures that are easy for him to cover up. His preferred method is to make it his word against yours. He knows he will win that battle every single time. This encourages him to act like the Nazi Storm Trooper that he aspires to be. And he got to beat Quincy up. There are a lot of cops out there like Officer Oliver.

The "smell of marijuana" is critical and of monumental importance in this case. It is the oldest trick in the book. It forms "probable cause" and is all an officer needs to justify disrupting your life. It cannot be proven, so it is perfect to lie about. There is no putting a smell in an evidence bag. Cops are human like the rest of us. Only one Man in history was truly good. Clear up the smoke & mirrors and look at situations as they really are. Turning a blind eye, and ignorance, are two completely separate things.

It was a hot summer day in Michigan when the petitioner was arrested. IF, the officer did in fact "smell marijuana", it could have come from anywhere. Perhaps there was a skunk in the area. Please take note now that no marijuana, or drugs, were ever recovered in connection with this case. So far nobody has been able to come up with a "reasonable" explanation for how Officer Oliver could pinpoint the exact location where the "smell of marijuana" was emanating from, while in his car, and more than twenty feet away. It is just not realistic. That is a significant distance for anything short of a field of marijuana. Officer Oliver must have a nose like Pinocchio, that grows more everytime he lies, for him to be able to do this. It is more believable that he is part dog, and as part of his police training, received K9 training in the detection of drugs.

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The District Courts only comment on this was that "some plants emit strong odors." This was an assist to try to make Officer Oliver's testimony seem slightly more credible. The Court and the police are obviously on the same team and will even try to cover for the other. They take turns violating our rights.

This brings up another question: should the "smell of marijuana" continue to constitute "probable cause" after it has been decriminalized? Legalized? Marijuana is still illegal federally, but a lot of federal charges today were actually the result of state investigations. These officers have usually ~~not~~ been deputized as federal agents, and they have no federal jurisdiction. More and more states, including the State of Michigan where the events of this petition transpired, have legalized the recreational use and possession of marijuana. Marijuana is not that serious, and in many places is not even criminal. The big question is: can the police continue to use it to justify "probable cause" which will ultimately harm lives and destroy families, heading into the future? It is only a matter of time before it is legal everywhere, including federally. Too much money to be made. And in petitioner Bloodworth's case, it is legal in his home state of Michigan.

Notwithstanding Officer Oliver's dubious testimony about "smelling marijuana" he was also very equivocal about other important matters. Yet the Court bought every word he said. When asked about "why did he not have his dash camera turned on?" his only reply was that "he did not want to make his civilian 'ride-along' uncomfortable." Not a great explanation. Especially when he never even disclosed that he had a "ride-along" on his original report, even though policy required him to. This is all incredibly suspicious because the "ride-along" could have corroborated, or maybe discredited, Oliver's version of the events. Officer Oliver did not want that, and the Court by default agreed that was okay. There is no expectation of privacy when a civilian is riding around with an on-duty police officer. Dash cameras have been installed to protect both the police and the public. All you have to do is flip a switch to turn them on. Officer Oliver did not want this whole interaction captured on video because he was preoccupied with violating Bloodworth's rights.

Kalamazoo police do not have a good reputation. They are well known as a rogue police force. There have been countless complaints, civil suits, and even criminal charges that have been lodged against them. The feds have even

been called in to investigate them. Laws were even enacted because the civilians needed protection from illegal police conduct. (see *People v. Moreno*, 814 N.W. 2d 624 (Mich. 2012)) The District Court was not familiar with Officer Oliver and put too much blind faith in him. Not every officer is good and honest.

The District Court never truly considered the facts. Instead, it focused on not suppressing the weapon, which would have let the petitioner go free. This is understandable. At the same time, a judge's responsibility is not only to exact punishment, but to also protect an accused's rights. A proper balance needs to be found. The spirit of the law requires that everyone adhere to the letter of the law. That goes for the government and criminals alike. This is necessary in order for true justice to prevail. In the lawbooks and treatises, that we have evolved from, our law is very beautiful. Even with its imperfections, it is still the most perfect system yet. Respect the law enough that we all do what it says. Courts, police, and prosecutors should be setting the example. Please stop violating our rights.

The Supreme Court can right a wrong, starting with petitioner Bloodworth's case. This will help everyone. Preventing illegal searches and seizures was a principle our great nation was founded on. Wars were fought and people sacrificed for this, including many black people. When evidence is obtained illegally, courts need to do the right thing and suppress it. When a decision is not supported by the facts, we need a mechanism to challenge a court's almost unlimited discretion. Make our "system" great not only in words, but in action.

Not only is it unjust, it is morally wrong to take advantage of the weakest and most vulnerable members of our society. The same ones we have marginalized. As human-beings we have a responsibility to correct this. To believe that everyone, regardless of any perceived differences, is equal. That we have all been created in the image and likeness of the Creator. Nobody is blameless, we all need to be more fair.

While we are at it, let's stop fueling "mass incarceration." It has gotten out of control and now has a life of its own. Stop the

exploitation of people for cheap gain. Cease the warehousing of human-beings in cages like animals. We treat our pets better. To put an end to the systematic racism that affects large groups of minorities and poor people. Most Americans have a family member, or loved one, who was abused by "the system." We are much better than this; our country is full of amazing people.

Quincy Tremayne Bloodworth pled guilty to his indictment after his failed attempt to suppress the gun. He is currently serving an unduly harsh ten-year prison sentence. He did not waste judicial time or resources. He knew that he did not have a win. Quincy is a twenty-nine year old father who wants to get back to his family. He recently learned a valuable lesson; that it is never too late to right a ~~wrong~~. This is growth. Granting this petition for Certiorari would reinforce this truth. Hopefully, Quincy will be able to guide his young children so they do not take the same route that he did. Change is always possible for anyone who believes.

All of the "contextual factors" used to trample Mr. Bloodworth's rights do not show anything even remotely "suspicious". It was all just a bunch of the ordinary pretexts the police use to perpetuate their agenda; lock up as many people as possible and throw away the keys. ANYTHING will be able to give a bad cop "reasonable suspicion." Anyone can say that because your shoes are untied, that they believe you must have a bomb in them. This situation is really that absurd. We are guilty by association for allowing this. It is time to stop the madness.

It is very dangerous to give a judge too much unbridled power. They are held accountable only by God. The people need the ability to be able to effectively dispute with them when they are wrong. To be able to call foul when more questions than answers are produced. A completely separate entity involved in the process would be nice. It would guarantee that situations

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like Bloodworths happen alot less frequently. That is the goal. Arbitrariness is evil. It ruins the world. I entreat the Supreme Court to bridge the gap between the perfection that the law requires, and the imperfect humans that we actually are.

Liberty is the greatest of human desires. It is instilled deep in our soul. It is our very nature. What we strive for. No worse punishment for man than a deprivation of his freedom. Death is better. Let those marginalized claim their freedom and independence. We are the land of the free.

The Fourth Amendment failed to protect Quincy Bloodworth. This shortcoming is all of our fault. Thankfully, there is a day in the not-too-distant future where this does not happen anymore. Where nobody has to be afraid, and anyone has the capacity to call a spade a spade. Do not shy away from addressing these issues. We owe future generations a more promising tomorrow. Our world should be a better place when we leave it. That is where our focus should be. A place where Officer Oliver is just as criminal, if not more than Mr. Bloodworth. Where a court will not just let him get away with it because he's "the man." Everyone can be treated fair and equal. This is indeed obtainable. Life does not need to be a headache. Please do not allow this case to defy logic any longer.

May petitioner Quincy Tremayne Bloodworth's voice be heard. This petition a step in the right direction. When it comes to the Fourth Amendment of the United States Constitution, the ends should never justify the means. We very humbly and respectfully request that Certiorari be granted, and that Mr. Bloodworth, and all Americans, receive the relief they are entitled to. We PRAY for a REMAND with "clear instructions." Thank you and may God bless America. Thanks.

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April 30, 2020

Very Respectfully Submitted,
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Bruceston Mills, West Virginia

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Quincy Tremayne Bloodworth

Date: April 30, 2020

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