

20-5246

No. 19-5569

ORIGINAL

Originating case

6:15-CR-0010

FILED
JUL 01 2020
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Jerry Luke — PETITIONER
(Your Name)

vs.

United States — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Sixth Circuit Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Jerry Luke
(Your Name)

P.O. Box 340
(Address)

Salters, SC. 29580
(City, State, Zip Code)

(Phone Number)

RECEIVED
JUL 10 2020
OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

1. How can There Be interstate Commerce? IF there is no internet. Or Federal jurisdiction when the FBI report states "Method of Distribution unknown"
2. How can evidence Be saved? When both Magistrate and District Judge say "There was no probable cause." How did the 4th Amendment lose its power to protect people.
3. Why does The Sixth Circuit Appeal Court grant one 2255 because Defense Attorney Did not Appeal the Conviction of one Defendant. And then ~~or~~ not grant one with similar case. Both in the Sixth Circuit

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 CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A

APPENDIX B

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Robert Jenkins v. United States
Michael Flynn v. United States
Rahiff v. United States

STATUTES AND RULES

OTHER I am sorry but I can not comply with page numbers in my case. The District Court will not grant my motion. It states that my Attorney will get what I need. But I Filed a 2255 against my Attorney, and I Filed Pro se. I have no Attorney. Could you order the District Court to send my motion

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 19-5569; 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 _____ 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 4/15/20.

☐ 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 _____.
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

4th Amendment

5th Amendment

14th Amendment

STATEMENT OF THE CASE

I was charged with Custodial Interference and unlawful Transaction with a minor. Both charges were dismissed because no minor or crime was committed.

January 16 2013 Claude Hudson went to a Family Court Judge to get a search warrant for a missing person. The Judge should not have issued that search warrant. Claude Hudson waited to enter my house after missing person was found to execute said search warrant. which made search warrant void. Any other officer, 1000 out of 1000, during these exigent circumstances would have kicked the door in whether anyone was home or not. Claude Hudson rode around for 2 days, why is it because no crime was happening? If a person's life is in danger they can do a wellfare check. But Claude Hudson asked neighbors if they have seen anyone here neighbors said they saw none. So Claude Hudson after finding the so called missing person in perfect health and no crime being committed. Then chose to enter my house. Therefore showing Claude Hudson acting either in incompetance or bad Faith or Both. The Court using "Leon" to preserve the evidence is plain Error.

The FBI report stated "Method of Distribution Unknown". Which means during their investigation they (the FBI) could not find any means to download these images. No Cell phone no Laptop no Internet. which means no interstate commerce and no Federal Jurisdiction. I was a garbage man and found All Computers and zip drives in the trash, (and I witnesses who would have testified to this) but my Attorney would not say anything. Under the Reasoning of *Rahif* (*Rahif v United States*) the prosecutor has to prove intent and they can't

REASONS FOR GRANTING THE PETITION

First and Foremost I am Innocent. Other than that after executing a Fraudulent search warrant for a missing person that had been found unhurt and an FBI Report stating "method of Distribution Unknown" the fact that as a garbage man (with witnesses) and all the other Brady Violations 4 1/2 years in a County Jail with Fiscal and Verbal abuse almost every day, facing life in prison. I finally plead guilty to 150 months, and only 150 months in prison, not 150 months plus lifetime supervision not being able to go to movies and not being able to be anywhere children gather. So much has been wrong with this case and so many things that has ~~been~~ not been said.

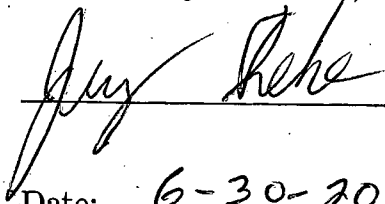
Like Michael Flynn (Flynn v United States) I didn't have all the facts at that time. And even though I was denied my motion of discovery and the prosecutor withholding Brady evidence. If I had that evidence I would not have taken a plea.

In conclusion a manifest Injustice has
occured and I pray that this Court
will do what is Right and Vacate
my sentence

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: 6-30-20