

20-7488

No. _____

Supreme Court, U.S.
FILED

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OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

WILLIAM D. HAMPTON — PETITIONER
(Your Name)

vs.

UNITED STATES — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

WILLIAM DOUGLAS HAMPTON
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(Address)

LISBON, OHIO 44432
(City, State, Zip Code)

N/A
(Phone Number)

ORIGINAL

QUESTION(S) PRESENTED

1) DOES 28 UNITED STATES CODE SERVICE § 2241'S SPECIFIC WORDING PERMIT THE JUDICIAL SUBMISSION AND CONSIDERATION OF A HABEAS CORPUS IF THE STATUTE'S SUBSECTIONS OF 1, 2, 3, 4, OR 5 AT 28 USCS § 2241(c) IS SATISFIED?

2) DOES 18 USCS § 2251(a)'S SPECIFIC WORDING REQUIRE THAT ". . . ANY VISUAL DEPICTION OF SUCH CONDUCT . . ." MUST ALSO REQUIRE THAT ". . . IF SUCH PERSON KNOWS OR HAS REASON TO KNOW THAT SUCH DEPICTION WILL BE TRANSPORTED OR TRANSMITTED USING ANY MEANS OR FACILITY OF INTERSTATE OR FOREIGN COMMERCE OR MAILED, . . ." TO SATISFY THE STATUTE'S REACH FOR FEDERAL PROSECUTION?

3) DOES A PLEA AGREEMENT HAVE IDENTICAL CONSTRAINTS IMPOSED UPON IT AS DO CONTRACTS UNDER CONGRESS LEGISLATED CONTRACT LAW?

4) DOES EVERY DEFENDANT HAVE THE CONSTITUTION RIGHT TO HAVE A JURY DETERMINE OR DEFENDANT PLEAD GUILTY TO EVERY "ELEMENT OF THE OFFENSE" REGARDING A CRIMINAL ACT WHEN SUCH UNCONVICTED "ELEMENTS" SIGNIFICANTLY INCREASE DEFENDANT'S SENTENCE?

5) DOES A CONSUMER'S "FLOOR MODEL" RETAIL PURCHASE OF A PIECE OF ELECTRONIC EQUIPMENT BECOME SO DISCONNECTED FROM THE "INTERSTATE COMMERCE CLAUSE" NEXUS ARGUMENT SO AS TO OBLITERATE ANY STATUTORY CLAIM AS TO FEDERAL CONSTITUTIONAL REACH?

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:

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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 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 B 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 N/A; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the N/A court appears at Appendix _____ to the petition and is

☐ reported at N/A; 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 JULY 10, 2020.

☐ 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: NOVEMBER 3, 2020, and a copy of the order denying rehearing appears at Appendix C.

N/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).

☐ For cases from **state courts**: N/A

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

N/A ☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

N/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. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

CONSTITUTION ISSUES

ARTICLE I, SECTION 8, CLAUSE 17: "TO EXERCISE EXCLUSIVE LEGISLATION IN ALL CASES WHATSOEVER. . . ."

ARTICLE VI, CLAUSE 2: "THIS CONSTITUTION, AND THE LAWS OF THE UNITED STATES WHICH SHALL BE MADE IN PURSUANCE THEREOF; . . . SHALL BE THE SUPREME LAW OF THE LAND, AND THE JUDGES IN EVERY STATE SHALL BE BOUND THEREBY, . . ."

AMENDMENT XIV, SECTION 1: ALL PERSONS HAVE THE RIGHTS, LIBERTIES, AND RESPONSIBILITIES, AS CITIZENS WITH DUE PROCESS PROTECTIONS AND EQUAL PROTECTION AND EQUAL JUSTICE UNDER THE LAW.

AMENDMENT X: STATE SOVEREIGNTY RIGHTS AND THE FEDERAL GOVERNMENT'S USURPATION OF STATE'S RIGHTFUL POLICE POWER.

AMENDMENT V: NO PERSON HELD WITHOUT COMPLETE CHARGED INDICTMENT WITH FULL DUE PROCESS RIGHTS INCLUSIVE OF ALL "ELEMENTS OF THE OFFENSES" MADE KNOWN.

AMENDMENT VI: SPEEDY AND PUBLIC TRIAL RIGHTS WITH ALL "ELEMENTS OF THE OFFENSES" A PART OF JUDICIAL PROCESS.

CONSTITUTION AND STATUTORY PROVISIONS INCLUDED

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STATEMENT OF THE CASE

PETITIONER/DEFENDANT WAS APPROACHED AT HIS HOME ON SEPTEMBER 22, 1999 REGARDING A STOLEN CAMERA FROM HIS HOUSE. DETECTIVES ARRESTED AND CHARGED PETITIONER/DEFENDANT WITH (4) COUNTS OF VIOLATING 18 USC § 2251(a) - SEXUAL EXPLOITATION OF CHILDREN AND (1) COUNT OF VIOLATING 18 USC § 2252(a)(4)(B) - POSSESSION OF CHILD PORNOGRAPHY. INDICTMENT WAS ISSUED. PETITIONER PLED GUILTY TO COUNTS 1, 2, 3, 4, AND 5 AND WAS SENTENCED ON SEPTEMBER 1, 2000 TO A TERM OF (293) MONTHS IMPRISONMENT. APPEALS AND HABEAS CORPUS'S FOLLOWED IN THE ENSUING YEARS. THIS APPEAL TO THIS SUPREME COURT FOLLOWS.

REASONS FOR GRANTING THE PETITION

1) PETITIONER WAS DENIED HIS CONSTITUTION RIGHT AND CONGRESS'S LEGISLATED STATUTE MANDATE TO GRANTED ACCESS TO 28 UNITED STATES CODE SERVICE §2241 FOR HABEAS CORPUS RELIEF. IT IS A CONSTITUTION REQUISITE (UNITED STATES CONSTITUTION - ARTICLE I, SECTION 8, CLAUSE 17) THAT CONGRESS LEGISLATES ALL LAWS AND (ARTICLE VI, CLAUSE 2) ALL LAWFULLY MADE STATUTES " . . . SHALL BE THE SUPREME LAW OF THE LAND; . . . " THE SPECIFIC VERBIAGE IN 28 USCS §2241 IS CONGRESSIONALLY MANDATE SPECIFIC AND JUDICIALLY DISCRETIONARY FORBIDDEN. 28 USCS §2241 CLEARLY AND SPECIFICALLY STATES WHO CAN AND WHO CAN NOT UTILIZE §2241 FOR HABEAS CORPUS RELIEF. THE STATUTE ITSELF HAS ITS FOCAL POINT AT §2241(c) IN CLEARLY STATED WORDS. PETITIONER SATISFIES MULTIPLE CRITERIA SET. PETITIONER " . . . IS IN CUSTODY UNDER OR BY COLOR OF THE AUTHORITY OF THE UNITED STATES . . . " AND PETITIONER " . . . IS IN CUSTODY FOR AN ACT DONE OR OMITTED IN PURSUANCE OF AN ACT OF CONGRESS, . . . " AND PETITIONER IS IN CUSTODY BY " . . . ORDER, PROCESS, JUDGMENT OR DECREE OF A COURT OR JUDGE OF THE UNITED STATES; . . . " AND PETITIONER " . . . IS IN CUSTODY IN VIOLATION OF THE CONSTITUTION OR LAWS OR TREATIES OF THE UNITED STATES; . . . " 28 USCS §2241(c)(1) & (c)(2) & (c)(3), RESPECTIVELY. CONGRESS HAS GRANTED PETITIONER HAMPTON THE RIGHT TO UTILIZE 28 USCS §2241 FOR HABEAS CORPUS PRAYER FOR RELIEF. THE GOVERNMENT AND THE COURT'S PRESUMPTION THAT PETITIONER'S §2241 USAGE IS NOT PERMISSIBLE IS NOT SUPPORTED BY CONSTITUTION NOR BY CONGRESS'S LAWFULLY LEGISLATED STATUTE NOR THE DEFINITELY CLEAR WORDING USED IN THE STATUTE. IT IS AXIOMATIC THAT, 'AS ALWAYS', THE U.S. SUPREME COURT

WILL FIRST START WITH THE STATUTE'S WORDING. PETITIONER PRAYS THIS HIGH COURT'S UNDERSTANDING. PETITIONER KNOWS THIS COURT KNOWS STATUTE; BUT A COPY OF 28 USCS § 2241 IS INCLUDED AT APPENDIX D FOR REFERENCING. THE GOVERNMENT AND SOME COURTS HAVE LONG MISINTERPRETED AND BLITHELY DISMISSED THE SPECIFIC AND UNEQUIVOCAL READING OF THE § 2241 STATUTE'S WORDING.

THE GOVERNMENT AND MANY LOWER COURTS HAVE STEADFASTLY HELD TO THE FALSE PRESUMPTION THAT THE 28 USCS § 2241 CAN NOT BE USED FOR ATTACKING A CONVICTION AND/OR SENTENCE; EXCEPT IF THE § 2255 IS INADEQUATE OR INEFFECTIVE FOR TESTING THE LEGALITY OF THE DETENTION. BUT, IF A STATUTE'S WORDING AS THIS SUPREME COURT HAS SO CLEARLY SET; THEN "[3] "WE BEGIN, AS ALWAYS, WITH THE LANGUAGE OF THE STATUTE".

MUNAF V. GEREN 171 L. Ed. 2d 1, 14. NOWHERE IN 28 USCS § 2241 DOES CONGRESS ENUMERATE ANY THING REGARDING § 2255 OR "SAVINGS CLAUSE". ADDITIONALLY, NOWHERE IN 28 USCS § 2255 DOES CONGRESS IDENTIFY 28 USCS § 2241. THIS IS STATUTORY. . . . NOTICE PROCEDURE DICTATED BY STATUTE MUST BE STRICTLY FOLLOWED. " 26 USCS

§ 7425(I)(4), PARA. 1. . . . , FOR, AS STATUTE STATES, "

"[5] THAT STATUTE STATES (AS RELEVANT) " 28 USCS

§ 2241(I)(1), PARA. 6 AND ADAOCTO CHAVEZ-MEZA V. UNITED STATES 201 L. Ed. 2d 359, 372, RESPECTIVELY. IT IS

WELL-SETTLED THAT CONGRESS LEGISLATES AND COURTS ADJUDICATE - STATUTES AND LAWS ONLY AS WRITTEN.

"IF THE WORDS OF A STATUTE ARE

UNAMBIGUOUS, THIS FIRST STEP OF THE INTERPRETIVE

INQUIRY IS OUR LAST. *CONNECTICUT NAT. BANK*

V. GERMAIN, 503 U.S. 249, 254, 112

S. Ct. 1146, 117 L. Ed. 2d 391 (1992)."

ROTKISKE V. KLEMM 205 L. Ed. 2d

291, 297.

"WE, THEREFORE, DECLINE TO READ

SUCH A LIMITATION INTO UNAMBIGUOUS TEXT. *JIMENEZ*

V. QUARTERMAN, 555 U.S. 113, 118, 129

S. Ct. 681, 172 L. Ed. 2d 475, (2009)

([9] "[W]HEN THE STATUTORY LANGUAGE IS PLAIN,

WE MUST ENFORCE IT ACCORDING TO ITS TERMS");

BARNHART V. SIGMON COAL CO., 534 U.S.

438, 450, 122 S. Ct. 941, 151 L.

Ed. 2d 908 (2002) ("THE INQUIRY CEASES

IF THE STATUTORY LANGUAGE IS UNAMBIGUOUS

AND THE STATUTORY SCHEME IS COHERENT AND

CONSISTENT. " (INTERNAL QUOTATIONS OMITTED)). "

MILLBROOK V. UNITED STATES 185 L. Ed. 2d

531, 539.

THERE IS NO AMBIGUITY IN 28 USCS § 2241.

§ 2241(c) IS CLEAR, CONCISE, AND UNAMBIGUOUS. SEE APPENDIX

D. SEE ALSO APPELLATE COURT DECISIONS.

"RECOGNIZING THAT DAY WAS A

FEDERAL PRISONER CHALLENGING THE FACT OR

DURATION OF HIS CUSTODY, THE DISTRICT COURT

TOLD DAY HE WOULD HAVE TO PROCEED UNDER

28 U.S.C. § 2241. " DAY V. WATSON
798 FED. APPX. 27. (7TH CIR. 2020).

"A § 2241 HABEAS PETITION IS
THE PROPER PROCEDURAL VEHICLE FOR CHALLENGING
AN ACTION THAT " DIRECTLY IMPLICATES THE
DURATION OF " A PRISONER'S CONFINEMENT.

DAVIS V. FECHTER 150 F.3d 486, 487,
490 (5TH CIR. 1998). IT IS NOT,

HOWEVER, THE PROPER PROCEDURAL VEHICLE
FOR CLAIMS, SUCH AS BOYLES, REGARDING
CONDITIONS OF CONFINEMENT. SEE *id.*,

AT 490; CARSON V. JOHNSON 112 F.3d
818, 820-21 (5TH CIR. 1997). "

BOYLES V. WILSON 2020 U.S. APP.
LEXIS 24507. (5TH CIR. 2020).

WHILE THE SIXTH CIRCUIT DENIES THIS STATUTE
RIGHT THAT THE FIFTH AND SEVENTH CIRCUITS GRANT AND THIS SUPREME
COURT HAS SET COMPLIANCE TO STATUTORY TEXT; PETITIONER IS
STATUTORILY DEPRIVED DUE TO GEOGRAPHICAL PLACEMENT. EVEN THE
FEDERAL GOVERNMENT ACKNOWLEDGED A DEFENDANT HAS THE STATUTE
RIGHT TO UTILIZE 28 USCS § 2241 FOR HABEAS ARGUMENT IN
THE FIRST CIRCUIT REGARDING SENTENCING.

"SPECIFICALLY, THE GOVERNMENT
POINTS TO 18 U.S.C. § 3582(c)(1)(A),
28 C.F.R. § 542.10, THE
BUREAU OF PRISONS' ADMINISTRATIVE
REMEDY PROGRAM; OR, ALTERNATELY,

JUDICIAL ACTION UNDER 28 U.S.C.

§ 2241, A WRIT OF HABEAS CORPUS."

UNITED STATES V. ALMONTE-REYES 814
F.3d 2d 24, 26. (1st CIR. 2016).

WHILE THERE DOES SEEM TO BE UNANIMOUS AGREEMENT
ON STATUTORY TEXTUAL COMPLIANCE, THE APPLICATION EXERCISE SEEMS
SOMEWHAT LACKING. IT IS UNDERSTOOD THAT - "THAT IS APPARENT FROM
THE STATUTE'S PLAIN LANGUAGE, WHICH LIMITS COURT'S DISCRETION
" OF DENYING 28 USCS § 2241 PURSUANT TO § 2241(c),
WHICH SHOULD HAVE BEEN GRANTED, AND IS " . . . CONCLUDED THAT
SUCH A RESULT IS " DICTATED BY THE PLAIN LANGUAGE OF THE STATUTE. "
Id., AT 1117." MARX V. GENERAL REVENUE CORP. 185
L.ED.2d 242, 257, AND LOUGHRIN V. UNITED STATES 189
L.ED.2d 411, 419; RESPECTIVELY.

TENN. WINE, AS WITH MANY OTHERS, ARE CLEAR AND
WITHOUT ANY COUNTERARGUMENT.

" ITS CRITICAL PROVISION [THE WILSON
ACT] SPECIFIED THAT ALL ALCOHOL BEVERAGES
" TRANSPORTED INTO ANY STATE OR TERRITORY "
WERE SUBJECT " UPON ARRIVAL " TO THE SAME
RESTRICTIONS IMPOSED BY THE " IN THE
EXERCISE OF ITS POLICE POWERS " OVER
ALCOHOL PRODUCED IN THAT STATE. " 8 THUS,
THE WILSON ACT MANDATED EQUAL
TREATMENT FOR ALCOHOL PRODUCED WITHIN
AND OUTSIDE A STATE, NOT FAVORABLE
TREATMENT FOR LOCAL PRODUCTS. "

TENNESSEE WINE AND SPIRITS RETAILERS
ASSO. V. THOMAS 204 L.Ed.2d 801, 819,
820. [ADDED]. SEE ALSO GRANHOLM V.
HEARD 161 L.Ed.2d 796, 813.

"[3] WE BEGIN, AS ALWAYS, WITH
THE LANGUAGE OF THE STATUTE "[4] THAT
SECTION APPLIES TO PERSONS HELD " IN

CUSTODY UNDER OR BY COLOR OF THE AUTHORITY
OF THE UNITED STATES. " §2241(c)(1). AN

INDIVIDUAL IS HELD " IN CUSTODY " BY THE

UNITED STATES WHEN THE UNITED STATES

OFFICIAL CHARGED WITH HIS DETENTION HAS

" THE POWER TO PRODUCE " HIM. WALES V.

WHITNEY, 114 U.S. 564, 574, 5 S.

CT. 1050, 29 L. Ed. 277 (1885);

SEE ALSO §2243 ("THE WRIT. . . .

SHALL BE DIRECTED TO THE PERSON HAVING

CUSTODY OF THE PERSON DETAINED "). THE

DISTINCTIVE " OR " IN §2241(c)(1)

MAKES CLEAR THAT ACTUAL CUSTODY BY THE

UNITED STATES SUFFICES FOR JURISDICTION,

EVEN IF THAT CUSTODY COULD BE VIEWED AS

" UNDER . . . COLOR OF " ANOTHER

AUTHORITY, SUCH AS THE MNF-1. "

MUNAF V. GEREN 171 L.Ed.2d 1, 14.

GIVEN THE CONTINUING TREMENDOUS DICHOTOMY BETWEEN
THE VARIOUS CIRCUIT COURTS AND EVEN THE GOVERNMENT, ITSELF,

REGARDING § 2241 HABEAS APPLICATION; THIS ARGUMENT IS RIPE FOR THIS HIGH COURT'S REAFFIRMATION OF ITS EARLIER DETERMINATION OF THE SPECIFIC CONGRESSIONAL INTENT OF 28 USCS § 2241'S VALID APPLICATION. APPELLATE COURT DECISION DIFFERENCES REGARDING A STATUTE'S REACH AND/OR ITS ACCESSIBILITY IS UNCONSTITUTIONAL, JUDICIALLY REPREHENSIBLE, AND "SERIOUSLY AFFECTS THE FAIRNESS, INTEGRITY, OR PUBLIC REPUTATION OF JUDICIAL PROCEEDINGS." ROSALEZ-MIRELES V. UNITED STATES 201 L. Ed. 2d 376, 379.

2) AGAIN; IT IS A CONSTITUTION REQUISITE THAT CONGRESS LEGISLATE ALL LAWS AND ALL LAWFULLY ENACTED STATUTES " . . . SHALL BE THE SUPREME LAW OF THE LAND; . . . " ARTICLE VI, PARA. 2. THE SPECIFIC VERBIAGE IN 18 USCS § 2251(a) IS CONGRESSIONALLY MANDATE SPECIFIC AND JUDICIALLY DISCRETIONARY FORBIDDEN. 18 USCS § 2251(a) STATES UNEQUIVOCALLY A SPECIFIC SET OF ACTIONS THAT MUST TRANSPIRE TO BE GUILTY OF THE CHARGED STATUTE AND HAVING COMMITTED A FEDERAL CRIME ALLOWING FOR FEDERAL JURISDICTION.

TO VIOLATE 18 USCS § 2251(a), A PERSON MUST:

- a) ACTIVELY (IN SOME FORM OR FASHION) HAVE ANY MINOR ENGAGING IN SEXUALLY EXPLICIT CONDUCT; AND
- b) THE DESIGNATED MINOR MUST NOT HAVE ATTAINED THE AGE OF (18) YEARS; AND
- c) FOR THE PURPOSE OF PRODUCING A VISUAL RECORD OF SAID MINOR'S SEXUALLY EXPLICIT CONDUCT; AND
- d) BY USAGE OF MATERIALS IN OR AFFECTING INTERSTATE OR FOREIGN COMMERCE OR MAILED; AND

c) ADULT PERSON KNOWS OR HAS REASON TO KNOW THAT SUCH VISUAL RECORD OF SEXUALLY EXPLICIT CONDUCT OF MINOR WILL BE TRANSPORTED OR TRANSMITTED USING ANY MEANS OR FACILITY OF INTERSTATE OR FOREIGN COMMERCE OR IN OR AFFECTING INTERSTATE OR FOREIGN COMMERCE OR MAILED OR IF SUCH VISUAL DEPICTION HAS ACTUALLY BEEN TRANSPORTED OR TRANSMITTED USING ANY MEANS OR FACILITY OF INTERSTATE OR FOREIGN COMMERCE OR IN OR AFFECTING INTERSTATE OR FOREIGN COMMERCE OR MAILED.

THERE ARE VARIOUS ARGUMENTS TO BE MADE REGARDING THE CONSTITUTIONAL INVALIDITY OF 18 USCS § 2251(a). PETITIONER STARTS WITH CONGRESS'S WORDS. PETITIONER HAS, HE BELIEVES, MADE THE REQUISITE CONSTITUTION STANDING FOR 'JUDICIAL ADHERENCE TO THE SPECIFIC WORDING OF ALL DULY ENACTED LAWS AND STATUTES'.

"[1c][2] WE START, AS WE MUST, WITH THE LANGUAGE OF THE STATUTE. SEE UNITED STATES V. RON PAIR ENTERPRISES, INC., 489 US 235, 241, 103 L. Ed. 2d 290, 109 S. Ct. 1026 (1989)." BAILEY V. UNITED STATES 133 L. Ed. 2d 472, 481.

IT IS ACCEPTED THAT UNDER OUR CONSTITUTION-SET DUEL SYSTEM OF SOVEREIGNTY, THAT WE HOLD "TO THE CONTRARY, THE CONSTITUTION DIVIDES AUTHORITY BETWEEN FEDERAL AND STATE GOVERNMENTS FOR THE PROTECTION OF INDIVIDUALS." NEW YORK V. UNITED STATES 120 L. Ed. 2d 120, 154.

"(a) ANY PERSON WHO [IN ANY WAY CAUSES] . . . ANY MINOR TO ENGAGE IN,

... , WITH THE INTENT THAT SUCH MINOR ENGAGE
IN, ANY SEXUALLY EXPLICIT CONDUCT FOR THE PURPOSE
OF PRODUCING ANY VISUAL DEPICTION OF SUCH CONDUCT
OR FOR THE PURPOSE OF TRANSMITTING A LIVE VISUAL
DEPICTION OF SUCH CONDUCT, SHALL BE PUNISHED AS
PROVIDED UNDER SUBSECTION (a), IF SUCH PERSON
KNOWS OR HAS REASON TO KNOW THAT SUCH VISUAL
DEPICTION WILL BE TRANSPORTED OR TRANSMITTED
USING ANY MEANS OR FACILITY OF INTERSTATE OR
FOREIGN COMMERCE OR IN OR AFFECTING INTERSTATE
OR FOREIGN COMMERCE OR MAILED, IF THAT VISUAL
DEPICTION WAS PRODUCED OR TRANSMITTED USING
MATERIALS THAT HAVE BEEN MAILED, SHIPPED, OR
TRANSPORTED IN OR AFFECTING INTERSTATE OR FOREIGN
COMMERCE BY ANY MEANS, INCLUDING BY COMPUTER, OR
IF SUCH VISUAL DEPICTION HAS ACTUALLY BEEN
TRANSPORTED OR TRANSMITTED USING ANY MEANS OR
FACILITY OF INTERSTATE OR FOREIGN COMMERCE OR IN
OR AFFECTING INTERSTATE OR FOREIGN COMMERCE OR
MAILED. " 18 USCS § 2251(a). (EMPHASIS
ADDED).

THE SOUND CONGRESSIONAL ACTION REGARDING 28 USCS
§ 2251(a) AND ITS SPECIFIC WORDING AND ITS DELIBERATE
ABSENCE OF "OR" BETWEEN " . . . COMMERCE OR MAILED, . . . "
AND " . . . IF THAT VISUAL DEPICTION . . . " IS INFORMATIVE.
THE DISTINCTIVE "OR" ABSENCE TIES " . . . IF SUCH PERSON
KNOWS " . . . TO THE ACTIONS DESCRIBED AFTER IT. THERE

IS NO SEPARATION BETWEEN THE SPECIFIC ENUMERATED ACTS. BOTH
MUST APPLY BEFORE " . . . SHALL BE PUNISHED AS PROVIDED
UNDER SUBSECTION (c), . . . " WILL ATTACH.

THERE ARE ACTUALLY TWO SEPARATE POINTS TO PRESENT.

THE FIRST IS CONGRESS'S PROPER UNDERSTANDING OF THE

"INTERSTATE COMMERCE CLAUSE" AND CONGRESS'S CORRECT

"INTERSTATE COMMERCE CLAUSE" APPLICATION TO CONSTITUTIONALLY
VALIDATE 28 USCS § 2251(a). THE SECOND IS THE

FEDERAL GOVERNMENT'S ADVERTENT OR INADVERTENT

MISUNDERSTANDING AND MISAPPLICATION OF 28 USCS § 2251(a)'s

CONSTITUTION'S REACH AND ITS DETERMINATION TO PROSECUTE EVERY

CHILD PORNOGRAPHY CASE. SUCH CAN HAVE THE VISIBLE APPEARANCE

OF A FEDERAL USURPATION OF RIGHTFUL STATE SOVEREIGNTY.

THE SPECIFIC WORDING IN THE § 2251(a) STATUTE IS
CLEAR AND IT CAN NOT BE MISSED IF CONTEXTUALLY LOOKED AT. SEE

APPENDIX E FOR A FULL COPY OF 28 USCS § 2251(a).

FIRST, CONGRESS IS CLEAR ON OUR FOUNDING FATHERS'
INTENT ON INTERSTATE COMMERCE. IT IS COMMERCE BETWEEN STATES,
OR INDIVIDUALS IN DIFFERENT STATES; NOT INDIVIDUALS "INTRASTATE".

"GOODS ARE IN INTERSTATE OR
FOREIGN COMMERCE WHEN THEY HAVE ACTUALLY
STARTED IN COURSE OF TRANSPORTATION TO
ANOTHER STATE OR COUNTRY OR HAVE BEEN
DELIVERED TO CARRIER FOR TRANSPORTATION."

"BEGINNING OF INTERSTATE
COMMERCE IS TIME WHEN GOODS BEGIN THEIR
INTERSTATE JOURNEY BY DELIVERY TO CARRIER

OR OTHERWISE, THUS PASSING BEYOND STATE AUTHORITY
INTO DOMAIN OF FEDERAL CONTROL. "

" IF SHIPMENT COMES TO REST WITHIN
STATE OF ORIGIN AND GOODS ARE THEREAFTER DISPOSED
OF LOCALLY, INTERSTATE CHARACTER OF SHIPMENT
IS LOST, "

" PROTECTION AFFORDED BY INTERSTATE
COMMERCE CLAUSE OF FEDERAL CONSTITUTION
TO MERCHANDISE SHIPPED FROM ONE STATE TO ANOTHER
CONTINUES UNTIL TERMINATION OF SHIPMENT BY
DELIVERY AT PLACE OF CONSIGNMENT EVEN THOUGH
ACT OF CONGRESS ALLOWS STATE AUTHORITY TO
ATTACH TO ORIGINAL PACKAGE BEFORE SALE BUT ONLY
AFTER DELIVERY. "

" INTERSTATE TRANSPORTATION ENDS
WHEN ARTICLE REACHES ITS DESTINATION. "

" INTERSTATE COMMERCE CONTINUES
AS SUCH UNTIL IT REACHES POINT WHERE PARTIES
ORIGINALLY INTENDED THAT MOVEMENT SHOULD
FINALLY END. "

" GOODS STORED IN STATE FOR
SALE LOSE INTERSTATE CHARACTER. " U.S.

CONSTITUTION - ARTICLE I, SECTION 8,

CLAUSE 3, ANNOTATIONS (II) WHAT CONSTITUTES

COMMERCE, (B)(4)(a). Nos. 93, PARA. 2;

93, PARA. 4; 95, PARA. 7; 98, PARA. 1; 98,

PARA. 3; 98, PARA. 4; AND 99, PARA. 7-

(RESPECTIVELY).

"1. THE BUSINESS OF BUYING AND SELLING
LIVE STOCK AT STOCK YARDS IN A CITY . . . IS
NOT INTERSTATE COMMERCE ALTHOUGH MOST OF THE
PURCHASES AND SALES ARE OF LIVE STOCK SENT FROM
OTHER STATES, . . . " HOPKINS V. UNITED

STATES 43 L. Ed. 290, 291.

SECOND. THE UNITED STATES SUPREME COURT HAS ALSO
'WEIGHED IN'. STARTING WITH THE ORIGINAL UNITED STATES
SUPREME COURT JUSTICES, THERE IS THEIR ORIGINAL ACCEPTED
AND DISPENSED DECISIONS REGARDING THE NATURE OF, AND
CONSTITUTION CRITERIA FOR, MANDATING THE FEDERAL GOVERNMENT'S
"INTERSTATE COMMERCE CLAUSE" JURISDICTIONAL REACH.

"THAT ALL THOSE POWERS WHICH RELATE
TO MERELY MUNICIPAL LEGISLATION, OR WHAT
MAY, PERHAPS, MORE PROPERLY BE CALLED INTERNAL
POLICE, ARE NOT THUS SURRENDERED OR RESTRAINED;
AND THAT, CONSEQUENTLY, IN RELATION TO THESE,
THE AUTHORITY OF A STATE IS COMPLETE,
UNQUALIFIED AND EXCLUSIVE. " THE MAYOR,
ETC. OF THE CITY OF NEW YORK V. MILN
9 L. Ed. 648, 662.

"IT IS NOT INTENDED TO SAY THAT THESE
WORDS [ARTICLE I, SECTION 8, CLAUSE
3] COMPREHEND THAT COMMERCE WHICH IS
COMPLETELY INTERNAL, WHICH IS CARRIED
ON BETWEEN MAN AND MAN IN A STATE, OR

BETWEEN DIFFERENT PARTS OF THE SAME STATE,
AND WHICH DOES NOT EXTEND TO OR AFFECT
OTHER STATES. SUCH A POWER WOULD BE
INCONVENIENT, AND IS CERTAINLY UNNECESSARY.
COMPREHENSIVE AS THE WORD "AMONG" IS, IT
MAY VERY PROPERLY BE RESTRICTED TO THAT
COMMERCE WHICH CONCERNS MORE STATES
THAN ONE. THE PHRASE IS NOT ONE WHICH
WOULD PROBABLY HAVE BEEN SELECTED TO INDICATE
THE COMPLETELY INTERIOR TRAFFIC OF A STATE, BECAUSE
IT IS NOT AN APT PHRASE FOR THAT PURPOSE, AND
THE ENUMERATION OF PARTICULAR CLASSES OF
COMMERCE TO WHICH THE POWER WAS TO BE EXTENDED,
WOULD NOT HAVE BEEN MADE HAD THE INTENTION
BEEN TO EXTEND THE POWER TO EVERY DESCRIPTION."

GIBBONS V. OGDEN 6 L. Ed. 23, 69, 70.

"[6] UNDER OUR FEDERAL SYSTEM, "[1]T

GOES WITHOUT SAYING THAT PREVENTING AND DEALING

WITH CRIME IS MUCH MORE THE BUSINESS OF THE

STATES THAN IT IS OF THE FEDERAL GOVERNMENT."

ARIZONA V. MANYPENNY 68 L. Ed. 2d 58, 69.

"THIS COURT HAS ALWAYS RECOGNIZED
THAT THE POWER TO REGULATE COMMERCE, THOUGH
BROAD INDEED, HAS LIMITS. . . . THE

SUBJECT OF FEDERAL POWER IS STILL 'COMMERCE',
AND NOT ALL COMMERCE BUT COMMERCE WITH

FOREIGN NATIONS AND AMONG THE SEVERAL

STATES. THE EXPANSION OF ENTERPRISE HAD VASTLY
INCREASED THE INTERESTS OF INTERSTATE COMMERCE
BUT THE CONSTITUTIONAL DIFFERENTIATION STILL
OBTAINS. " MARYLAND V. WIRTZ 20 L.Ed.2d
1020, 1031

MORE RECENTLY, THE SUPREME COURT JUSTICES HAVE HANDED
DOWN DECISIONS THAT HAVE MORE CLOSELY MIRRORED THE ORIGINAL HIGH
COURT JUSTICES' CONSTITUTIONAL UNDERSTANDING OF THE "INTERSTATE
COMMERCE CLAUSE" AND ITS FEDERAL JURISDICTIONAL REACH.

"[4] AS WE HAVE REPEATEDLY STRESSED,
THE NATURAL GAS ACT " WAS DRAWN WITH
MATICULOUS REGARD FOR THE CONTINUED EXERCISE
OF STATE POWER, NOT TO HANDICAP OR DILUTE IT IN
ANY WAY. "" ONEOK, INC. V. LEARTET, INC.
191 L.Ed.2d 511, 522.

"THE SUPREME COURT NOT ONLY HELD
THAT THIS WAS NOT A SUBJECT WITHIN CONGRESS'
POWER UNDER THE COMMERCE CLAUSE BUT THAT
THE GRANT OF POWER TO CONGRESS OVER THE
SUBJECT OF INTERSTATE COMMERCE WAS TO
ENABLE IT TO REGULATE SUCH COMMERCE AND
NOT TO GIVE IT AUTHORITY TO CONTROL THE
STATES IN THEIR EXERCISE OF POLICE POWER
OF A LOCAL TRADE AND MANUFACTURE. THE
COURT STATED THAT THE GRANT OF AUTHORITY
OVER A PURELY FEDERAL MATTER WAS NOT INTENDED TO
DESTROY THE LOCAL POWER ALWAYS EXISTING AND

CAREFULLY RESERVED TO THE STATES IN THE TENTH AMENDMENT. "TENTH AMENDMENT - III.

EFFECT OF TENTH AMENDMENT ON PARTICULAR TYPES OF LEGISLATION - 7[a], 72 L. Ed. 2d 965.

"[136] WE HELD IN NEW YORK THAT

CONGRESS CANNOT COMPEL THE STATES TO ENACT OR ENFORCE A FEDERAL REGULATORY PROGRAM. TODAY WE HOLD THAT CONGRESS CANNOT CIRCUMVENT THAT PROHIBITION BY CONSCRIPTING THE STATES' OFFICERS DIRECTLY.

THE FEDERAL GOVERNMENT MAY NEITHER ISSUE DIRECTIVES REQUIRING THE STATES TO ADDRESS PARTICULAR PROBLEMS, NOR COMMAND THE STATES' OFFICERS, OR THOSE OF THEIR POLITICAL SUBDIVISIONS, TO ADMINISTER OR ENFORCE A FEDERAL REGULATORY PROGRAM. IT MATTERS NOT WHETHER

POLICYMAKING IS INVOLVED, AND NO CASE-BY-CASE WEIGHING OF THE BURDENS OR BENEFITS IS NECESSARY, SUCH COMMANDS ARE FUNDAMENTALLY INCOMPATIBLE WITH OUR CONSTITUTIONAL SYSTEM OF DUAL SOVEREIGNTY. "PRINTZ

V. UNITED STATES 138 L. Ed. 2d 914, 944, 945.

TWO DIFFERENT CONSTITUTION ISSUES UNDER THE FOURTEENTH AMENDMENT APPLY HERE: THE "EQUAL PROTECTION

CLAUSE " AND THE "EQUAL RIGHTS CLAUSE". AN UNCONSTITUTIONAL
VARYING OF THE "INTERSTATE COMMERCE CLAUSE" DEFENDANT
SELECTIVE PURSUIT BY THE FEDERAL GOVERNMENT AND ITS
NON-UNIFORM AND DISCRIMINATORY CRIMINAL APPLICATION IS CLEAR
AND DISTINCT.

CONSIDER COURT'S ACCEPTANCE OF A LIMITED
"INTERSTATE COMMERCE" APPLICATION TO "INTRASTATE"
BUSINESSES AND THE RESULTANT STATE SOVEREIGNTY
RECOGNITION AFFORDED THEM. THIS HIGH COURT HAD ONCE
RULED "INTERSTATE" COMMERCE IS THAT: "IT IS INTERSTATE
COMMERCE SUBJECT TO REGULATION BY CONGRESS TO CARRY
LOTTERY TICKETS FROM STATE TO STATE.

... SO ALSO IS IT INTERSTATE COMMERCE TO
TRANSPORT A WOMAN FROM LOUISIANA TO
TEXAS IN A COMMON CARRIER. ... TO CARRY
ACROSS A STATE LINE ... FIVE QUARTS
WHISKEY ... TO DRIVE A STOLEN
AUTOMOBILE FROM IOWA TO SOUTH DAKOTA,

... DISEASED CATTLE RANGING BETWEEN
GEORGIA AND FLORIDA. ... AND THE
TRANSMISSION OF AN ELECTRICAL PULSE
OVER A TELEGRAPH LINE BETWEEN
ALABAMA AND FLORIDA. ... " UNITED

STATES V. SOUTHEASTERN UNDERWRITERS, ASSO. 88
L. Ed. 1440, 1445. [CAPS ADDED].

IT IS CLEARLY EVIDENT THAT THE SINGLE AND
FOUNDATIONAL CONNECTING FACT IN EACH LISTED ACTIVITY IS

ITS CONSTITUTIONALLY PERMISSIBLE FEDERAL INVOLVEMENT DUE TO THE ACTIVITY STRETCHED "ACROSS STATE LINES". WHILE THE FEDERAL GOVERNMENT ZEALOUSLY PUSHES TO EXPAND ITS "INTRASTATE" POLICE POWERS; FORTUNATELY, THIS SUPREME COURT HAS REIGNED THEM IN SOME. ONE MAJOR "BENCHMARK" CASE THIS HIGH COURT CONSTITUTIONALLY DECIDED WAS UNITED STATES V. LOPEZ 1312 Ed. 2d 626. WHILE PETITIONER DISAGREES WITH A FEW POINTS PRESENTED, HE AGREES WITH THE DECISION. IT IS OPAQUE TO STATE THAT 'FEDERAL INTERVENTION IN "INTRASTATE" AFFAIRS CAN NOT BE SO REMOTE AND INDIRECT SO AS TO OBLITERATE STATE AUTONOMY AND THE STATE'S RIGHT TO SOVEREIGNTY GRANTED BY THE TENTH AMENDMENT'; THEN TO STATE THE FEDERAL GOVERNMENT CAN 'INTERVENE' ANYTIME IN STATE AFFAIRS IT BELIEVES IS NEEDED " . . . TO KEEP THE CHANNELS OF INTERSTATE COMMERCE FREE FROM IMMORAL AND INJURIOUS USES. . . . " Id., at 637. CARRYING A GUN INTO A SCHOOL CAN CERTAINLY BE INJURIOUS. NO DISCUSSION IS NEEDED REGARDING CHILDREN AND WEAPONS. AND SHOOTING A CHILD IS AXIOMATICALLY IMMORAL. BUT STILL THIS COURT RULED THAT " . . . § 922(a) IS NOT A REGULATION OF THE USE OF THE CHANNELS OF INTERSTATE COMMERCE, NOR AN ATTEMPT TO PROHIBIT THE INTERSTATE TRANSPORTATION OF A COMMODITY THROUGH THE CHANNELS OF COMMERCE; NOR CAN § 922(a) BE JUSTIFIED AS A REGULATION BY WHICH CONGRESS HAS SOUGHT TO PROTECT AN INSTRUMENTALITY OF INTERSTATE COMMERCE OR A THING IN INTERSTATE COMMERCE. " LOPEZ, SUPRA, AT 637, 638. HAMPTON'S CAMERA AND TAPES AND LOPEZ'S GUN BOTH

HAD PREVIOUSLY TRAVELED FROM OUT OF STATE. HAMPTON'S VIDEO EQUIPMENT MUST BE AFFORDED SAME STANDARD AS LOPEZ'S GUN.

"[1d] SECOND, § 922(g) CONTAINS NO JURISDICTIONAL ELEMENT WHICH WOULD ENSURE, THROUGH CASE-BY-CASE INQUIRY, THAT THE FIREARM POSSESSION IN QUESTION AFFECTS INTERSTATE COMMERCE." LOPEZ, SUPRA, AT 639.

THE GOVERNMENT SPEAKS OF 'APPETITE WHETTING', 'SHARING PICTURES AND STORIES', 'ENTICEMENT', 'GROWING THE MARKET', AND/OR 'ENBOLDEN OTHERS'. THE GOVERNMENT IS WRONG. PETITIONER HAD NO CONTACTS, DID NOT SEARCH OUT OTHERS, KNEW NO SITES, AND KEPT COMPLETELY SOLITARY. THERE WAS NO COMPUTER USAGE AND NO EVIDENCE OF OTHER CHILD PORNOGRAPHY ANYWHERE. THE INTERNET WAS NEVER ACCESSED.

CONSIDER (EVEN IN THE AGGREGATE) IF EVERY CHILD PORNOGRAPHER MADE NO CONTACTS, ADVERTISED NOTHING, TALKED TO NO ONE, AND SHARED NOTHING. THIS IS HAMPTON'S CASE. IN THE AGGREGATE, NOTHING WOULD BE SOLD, BOUGHT, SHARED, TALKED ABOUT, OR KNOWN ABOUT. THERE WOULD BE NO INTERNET SITES AT ALL. ONE. IF THERE WERE NO INTERNET WEBSITES/CHAT ROOMS OF ANY KIND FOR ACCESSING, WOULD THE FEDERAL GOVERNMENT STILL CLAIM A JURISDICTION RIGHT? TWO. IF THE FEDERAL GOVERNMENT DOES A "CASE-BY-CASE INQUIRY" WHICH SEEMS A REQUISITE, HOW DOES HAMPTON SUPPORT AND ENLARGE THE MARKET? THE GOVERNMENTS AND THE COURTS KNOW OF PETITIONER'S SECRETIVE AND SOLITARY ACTS. ANY AGGREGATE AT ALL WOULD NOT APPLY HERE. AS WITH LOPEZ, SO WITH HAMPTON.

"THE POSSESSION OF A GUN

IN A LOCAL SCHOOL ZONE [PRIVATE HOME] IS IN NO SENSE AN ECONOMIC ACTIVITY THAT MIGHT, THROUGH REPETITION ELSEWHERE, SUBSTANTIALLY AFFECT ANY SORT OF INTERSTATE COMMERCE. RESPONDENT [PETITIONER] WAS A LOCAL STUDENT [STATE RESIDENT] AT A LOCAL SCHOOL [ST. LOUIS, MISSOURI]; THERE IS NO INDICATION THAT HE [OR ANY VIDEO] HAD RECENTLY [OR EVER] MOVED IN INTERSTATE COMMERCE, AND THERE IS NO REQUIREMENT THAT HIS POSSESSION OF THE FIREARM [VIDEO] HAVE ANY CONCRETE TIE TO INTERSTATE COMMERCE. "LOPEZ, SUPRA, AT 642, 643. [ADDED].

GIVEN THE SPECIFIC CIRCUMSTANCES OF PETITIONER'S CASE:

NEVER USED INTERNET FOR CHILD PORNOGRAPHY, NOR TALK, NOR MATERIALS, NOR PHONE, NOR MAIL USAGE. PETITIONER KNEW NOONE. NOONE KNEW PETITIONER. TO ARBITRARILY ATTACH OTHERS ACTIONS AS PETITIONER'S ACTIONS FOR "AGGREGATE ARGUMENT, . . . WE WOULD HAVE TO PILE INFERENCE UPON INFERENCE IN A MANNER THAT BID FAIR TO CONVERT CONGRESSIONAL AUTHORITY UNDER THE COMMERCE CLAUSE TO A GENERAL POLICE POWER OF THE SORT RETAINED BY THE STATES." LOPEZ, SUPRA, AT 643.

FIVE YEARS LATER, LOPEZ WAS REAFFIRMED IN UNITED STATES V. MORRISON 146 L.ED.2D 658. PETITIONER'S CASE CARRIES NO "JURISDICTIONAL NEXUS". HOW CAN "ACROSS STATE LINES" BE A JURISDICTIONAL REQUISITE AND HAMPTON DID, NOT ONLY DID NOT MOVE ANY CHILD PORNOGRAPHY "ACROSS STATE LINES", NO MOVEMENT WAS MADE OUTSIDE OF HIS HOME? THE U.S. SUPREME COURT CLEARLY ARTICULATES DOWN THROUGH TIME THAT "INTRASTATE ACTIVITIES

WITHIN A STATE AND COMMERCIAL IN FACT (NOT FICTION) BELONG TO THE STATE, ABSENT CLEAR REASONING WITH A SPECIFIC AND ADHERED TO "JURISDICTION NEXIS". STATE SOLE JURISDICTION EXTENDS TO:

"... THE GRAZIER, THE MANUFACTURER, THE MACHANIC, ... THE COLLIERIES, AND MINES AND FURNACES OF THE COUNTRY;"

(UEAZIE V. MOOR 14 L. Ed. 545, 547); " ... THAT

OPERATION OF AN INTERSTATE BRIDGE IS NOT INTERSTATE COMMERCE

" (NEWELL BRIDGE & RAILWAY CO. V. DAILY 68 L. Ed. 331, 332); " ... THE BUSINESS OF DEALING IN

NEGOTIABLE NOTES WITHIN THE STATE ... IS NOT INTERSTATE

COMMERCE. " (HEMPHILL V. ORLOFF 72 L. Ed. 978, 984);

" NEITHER THE SELLERS WHO DELIVER THE OIL NOR THE RAILROAD COMPANY THAT AID IN THE DELIVERY ... HAS ANY INTEREST IN IT;

" (ATLANTIC COASTLINE RAILROAD CO. V. STANDARD OIL CO. 72 L. Ed. 270, 275); " GINNING COTTON,

TRANSPORTING IT TO GREENWOOD, AND WAREHOUSING, BUYING AND COMPRESSING IT THERE, ARE ... A TRANSACTION IN INTRASTATE

COMMERCE. " (GHASSANIOH V. GREENWOOD 78 L. Ed. 1004, 1006); " ... SENATOR JOHNSON, ... DECLARED THAT

" ... IT KEEPS THE FEDERAL GOVERNMENT OUT OF STATE AND LOCAL

POLICE POWERS; NO FEDERAL OFFICIAL IS GOING TO BECOME AN ENFORCEMENT OFFICER IN ANY STATE OR LOCALLY. ... THESE CASES, IF SUSTAINED,

WOULD SUBSTANTIALLY TAKE UNTO THE FEDERAL GOVERNMENT THE

ENTIRE PURSUIT OF THE GAMBLING DEVICE. " (UNITED STATES V. FIVE GAMBLING DEVICES 98 L. Ed. 179, 188-189); " A SALE OF

GOODS [UNCOLLECTED TAXES FROM INTERSTATE TRAVEL BUS TICKETS]

IS MOST READILY VIEWED AS A DISCRETE EVENT FACILITATED BY THE

LAWS AND AMENITIES OF THE PLACE OF SALE [NOT WASHINGTON, DISTRICT OF COLUMBIA], AND THE TRANSACTION ITSELF DOES NOT READILY

REVEAL THE EXTENT TO WHICH COMPLETED OR ANTICIPATED INTERSTATE ACTIVITY AFFECTS THE VALUE ON WHICH A BUYER IS TAXED. " (OKLAHOMA

TAX COMMISSION V. JEFFERSON LINES 131 L. Ed. 2d 261, 272)

[ADDED]; "UNDER THE THEORIES THAT THE GOVERNMENT PRESENTS IN SUPPORT OF § 922(a), IT IS DIFFICULT TO PERCEIVE ANY LIMITATION ON FEDERAL

POWER, EVEN IN AREAS SUCH AS CRIMINAL LAW ENFORCEMENT OR EDUCATION

[OR FAMILY CHILD REARING/PROTECTION] WHERE STATES HISTORICALLY HAVE BEEN SOVEREIGN. " (UNITED STATES V. LOPEZ 131 L. Ed. 2d

626, 641) [ADDED]; "[13a][14a] WE ACCORDINGLY REJECT THE

ARGUMENT THAT CONGRESS MAY REGULATE NONECONOMIC, VIOLENT CRIMINAL CONDUCT BASED SOLELY ON THAT CONDUCT'S AGGREGATE EFFECT ON

INTERSTATE COMMERCE. . . . THE REGULATION AND PUNISHMENT OF

INTRASTATE VIOLENCE THAT IS NOT DIRECTED AT THE INSTRUMENTS, CHANNELS,

OR GOODS INVOLVED IN INTERSTATE COMMERCE HAS ALWAYS BEEN THE

PROVINCE OF THE STATES. " (UNITED STATES V. MORRISON 146

L. Ed. 2d 658, 676); AND "THIRD, THE FEE DOES NOT IMPLICATE THE

COMMERCE CLAUSE BECAUSE IT FALLS ONLY ON INTRASTATE, NOT

INTERSTATE, COMMERCE. " (AMERICAN TRUCKING V. MICHIGAN

PUBLIC SERVICE COMMISSION 162 L. Ed. 2d 407, 412).

PETITIONER'S EXPANSIVE (AND BY NO MEANS EXHAUSTIVE)

LISTING OF THE EARLIER AND LATER U.S. SUPREME COURT DECISIONS,

SUPPORTS PETITIONER'S POSITION THAT THE FEDERAL GOVERNMENT'S

UNCONSTITUTIONAL 'GRAB FOR MORE POWER' IS FAR OUTSIDE THE

FOUNDING FATHERS' CONCEPT AND CREATION OF THE "INTERSTATE

COMMERCE CLAUSE" AND ITS INTENDED FEDERAL REACH.

AS IS SO AXIOMATICALLY APPARENT, THE FEDERAL GOVERNMENT USES WORDS WITH SUCH INTERPRETATIONS AS SUITS THEIR DESIRE.

PETITIONER STARTS WITH THE WORDS. "INTERSTATE" : ACTION(S) INVOLVING MORE THAN ONE STATE. "COMMERCE" : THE ACT(S) OF ACQUIRING SOME FORM OF GAIN. THERE WAS NO "EXCHANGE" OF ANY THING.

A SOLITARY ACTION WITH NO "EXCHANGE" WITH ANY ONE. THE ONLY CONNECTION THAT THE FEDERAL GOVERNMENT CAN FABRICATE IS THAT PETITIONER IS PERSONALLY RESPONSIBLE FOR THE CAMERA'S AND THE TAPES ORDER, SHIPMENT, AND CONSIGNED DELIVERY AND PAYMENT. THIS NEVER HAPPENED AND THE GOVERNMENT DOES NOT CONTEST THIS FACT.

FURTHER, THE GOVERNMENT CLAIMS PETITIONER'S PRIVATE PRODUCTION AND PRIVATE POSSESSION SUPPORTS THE WORLD-WIDE MARKET. YET, THE GOVERNMENT PRESENTS NO FACT OF SUCH A FALLACY. AN INTERESTING ANALOGY WOULD BE PETITIONER BUYING LEMONS, MAKING AND DRINKING THE LEMONADE IN SECRET, AND IT SOMEHOW AFFECT THE WORLD MARKET OF LEMONADE. THE ACTIONS OF CHILD PORNOGRAPHY BEING HEINOUS AND SICKENING; OBVIOUSLY. IS THE ACT ILLEGAL IN ALL (50) STATES? ABSOLUTELY. AND IT IS A STATE ADDRESSABLE CRIMINAL PURSUIT IF NO VERIFIABLE "INTERSTATE" INVOLVEMENT. THE COURTS ROUTINELY ACCEPT THIS OUTSIDE OF SELECTIVE CHOICES.

"EQUAL PROTECTION" AND "EQUAL RIGHTS" SHOULD FORBIDE THIS. THE ABOVE CASES ARE UNDENIABLY INVOLVED IN "COMMERCE". YET, INVOLVEMENT OF THE FEDERAL GOVERNMENT WAS ALLAYED. TO RECOGNIZE SELECTIVE PROSECUTION AND GOVERNMENT ILLEGALITY, ONE NEED ONLY LOOK AT APPENDIX G. APPENDIX G IS A COPY OF AN ARTICLE FROM THE POLITICAL NEWS MAGAZINE THE WEEK; DATED SEPTEMBER 17, 2010. IT INVOLVES A GOVERNMENT COVER-UP OF

GOVERNMENT EMPLOYEES INVOLVED IN CHILD PORNOGRAPHY ACTIVITIES.

ONE ADDITIONAL FACT ON THIS POINT TO PRESENT IS THE FEDERAL GOVERNMENT ALWAYS MAKING THE ACTUAL "ACROSS STATE LINE" ARGUMENT VIA ROAD, COMMUNICATION, MAIL, INTERNET, etc. WHEN THE EVIDENCE IS THERE. WHEN THERE IS NO EVIDENCE OF ACTUAL "ACROSS STATE LINE" MOVEMENT, THE GOVERNMENT CLAIMS COMPUTERS, DISKS, DRIVES, PHONES, CAMERAS, TAPES, PHOTO PAPER, etc. CROSSED STATE LINES SOMETIME IN THE PAST. IF MATERIALS' MOVEMENT ACROSS ANY STATE LINE BY SHIPPER IN THE PAST QUALIFIED FOR § 2251(a), THEN DEFENDANT'S "MENS REA" OR THE ACTUAL MOVEMENT INTERSTATE IS SUPERFLUOUS. IT IS NOT. WITHOUT THE ACTUAL "ACROSS STATE LINES" MOVEMENT, THERE SHOULD BE NO FEDERAL CASE.

PETITIONER'S FURTHER ARGUMENT NULLIFYING FEDERAL INVOLVEMENT COMES FROM CONGRESS'S OWN WORDS. UNDER BAILEY, SUPRA, AND OTHERS, DEMAND ADHERENCE TO THE STATUTE'S WORDING. FOR OUR PURPOSE HERE, PETITIONER EXAMINES 28 USCS § 2251(a). SEE APPENDIX E FOR FULL TEXT. PETITIONER'S FOCUS POINT IS THE WORD "OR". ITS ABSENCE AT A PARTICULAR PLACE IN THE STATUTE IS EVERYTHING. IN FACT, CONGRESS'S DELIBERATE ABSENCE OF THE "OR" AT THAT ONE SPOT IS WHAT CAN BE SAID TO CONSTITUTIONALIZE THE STATUTE. AS EARLIER STATED, THE MISSING "OR" BETWEEN "... FOREIGN COMMERCE OR MAILED," AND "IF THAT VISUAL DEPICTION WAS PRODUCED..." THERE IS NO SEPARATION BETWEEN THE TWO.

THERE ARE OBVIOUS CRIMINAL ACT QUALIFIERS IN § 2251(a). FIRST, "(a) ANY PERSON WHO EMPLOYS, USES, PERSUADES, INDUCES, ENTICES, OR COERCES ANY MINOR TO ENGAGE IN, OR WHO HAS A MINOR ASSIST ANY OTHER PERSON TO ENGAGE IN, OR WHO TRANSPORTS ANY MINOR

IN OR AFFECTING INTERSTATE OR FOREIGN COMMERCE, OR IN ANY TERRITORY OR POSSESSION OF THE UNITED STATES, WITH THE INTENT THAT SUCH MINOR ENGAGE IN, ANY SEXUALLY EXPLICIT CONDUCT FOR THE PURPOSE OF PRODUCING ANY VISUAL DEPICTION OF SUCH CONDUCT OR FOR THE PURPOSE OF TRANSMITTING A LIVE VISUAL DEPICTION OF SUCH CONDUCT, ". THIS IS THE FIRST CRIMINAL ACT QUALIFIER. IF THIS ACT IS COMMITTED, THE PERSON WILL BE PUNISHED UNDER SUBSECTION (a); BUT ONLY IF THE REQUISITE SECOND CRIMINAL ACT QUALIFIER IS ALSO COMMITTED. SPECIFICALLY; " IF SUCH PERSON KNOWS OR HAS REASON TO KNOW THAT SUCH VISUAL DEPICTION WILL BE TRANSPORTED OR TRANSMITTED USING ANY MEANS OR FACILITY OF INTERSTATE OR FOREIGN COMMERCE OR IN OR AFFECTING INTERSTATE OR FOREIGN COMMERCE OR MAILED, IF THAT VISUAL DEPICTION WAS PRODUCED OR TRANSMITTED USING MATERIALS THAT HAVE BEEN MAILED, SHIPPED, OR TRANSPORTED IN OR AFFECTING INTERSTATE OR FOREIGN COMMERCE BY ANY MEANS, INCLUDING BY COMPUTER, OR IF SUCH VISUAL DEPICTION HAS ACTUALLY BEEN TRANSPORTED OR TRANSMITTED USING ANY MEANS OR FACILITY OF INTERSTATE OR FOREIGN COMMERCE OR IN OR AFFECTING INTERSTATE OR FOREIGN COMMERCE OR MAILED. " 28USCS § 2251(a).

[CAPS ADDED]. THERE ARE TWO POSSIBLE ACTS THAT WILL SUSTAIN THE SECOND CRIMINAL ACT QUALIFIER. EITHER CRIMINAL ACT SATISFIES THE STATUTE. ONE. IF THE PERSON " KNOWS OR HAS REASON TO KNOW " THE VISUAL RECORD WILL PHYSICALLY MOVE " ACROSS STATE LINES " IN SOME FORM. TWO. IF THE PERSON IS RESPONSIBLE FOR THE VISUAL RECORD ACTUALLY MOVING " ACROSS STATE LINES " IN SOME FORM. THE CORE CRITERIA FOR FEDERAL STATUTE ATTACHMENT REGARDING THE SECOND CRIMINAL ACT QUALIFIER IS THE INTENDED MOVEMENT OR THE ACTUAL PHYSICAL MOVEMENT OF THE VISUAL RECORD " ACROSS STATE LINES ". THE SECOND CRIMINAL ACT QUALIFIER SATISFIES THE " MENS REA " REQUISITE FOR " INTERSTATE " MOVEMENT OF CHILD PRONOGRAPHY. HERE;

CONGRESS CARVED OUT REASONING TO ATTACH FEDERAL JURISDICTION. IF THE INTENDED OR ACTUAL MOVEMENT OF CHILD PORNOGRAPHY "ACROSS STATE LINES" WAS NOT CONGRESSIONALLY DETERMINED AS A REQUIREMENT, THEN IT WOULD NEVER HAVE INCLUDED THE SECOND CRIMINAL ACT REQUISITE. IF ALL THE FEDERAL GOVERNMENT NEEDED FOR FEDERAL INDICTMENT CHARGES UNDER § 2251(a) WAS A VISUAL RECORD OF SOME CHILD PORNOGRAPHY PRODUCED; THE WHOLE SECOND HALF OF 18 USCS § 2251(a) IS USELESS. THE FIRST PART OF THE STATUTE: "(a) ANY PERSON WHO" AND ENDING AT "PUNISHED UNDER SUBSECTION (a)" WOULD SUFFICE. SINCE ELECTRONICS AND THEIR COMPONENT PARTS ARE FROM 'ELSEWHERE', FEDERAL JURISDICTION IS ASSURED IF ALL THAT IS NEEDED IS THE USING MATERIALS THAT HAVE BEEN "CONVEYED FROM OUT OF STATE. EVERY WORD IN § 2251(a) AFTER "PUNISHED UNDER SUBSECTION (a)" WOULD BE SUPERFLUOUS. CONGRESS IS NOT SUPERFLUOUS.

IT IS NOT LOGICAL TO READ THAT PART OF THE STATUTE ANY OTHER WAY. THE SPECIFIC SECTION MUST HAVE THE PERSON INTEND TO TRANSPORT SUCH IMAGE(S) THAT WERE PRODUCED WITH OUT-OF-STATE EQUIPMENT/COMPONENTS OR SUCH IMAGE(S) WERE ALREADY TRANSPORTED OUT-OF-STATE. BUT WITH THE UNDERSTANDING OF THE LEGAL REASONING OF THE NEEDED CONSTITUTION NEXUS UNDER THE "INTERSTATE COMMERCE CLAUSE", THE NEED FOR THE INCLUSION OF THE SECOND HALF OF THE STATUTE BECOMES CLEAR. THIS HIGH COURT HAS SET CONSTITUTIONAL REQUISITES FOR FEDERAL ENCROACHMENT. THE CONGRESS HAS SET CONSTITUTIONAL REQUISITES FOR FEDERAL ENCROACHMENT. THE CONSTITUTION HAS SET REQUISITES FOR FEDERAL ENCROACHMENT. SEE GIVEN CASE LAW, STATUTES, AND CONSTITUTION STATED LIMITATIONS AND AUTHORITY. SEE ALSO APPENDIX H. APPENDIX H IS A COPY OF CONSTITUTION'S FEDERAL AUTHORITY LIMITS REGARDING THE "INTERSTATE COMMERCE CLAUSE".

INTERESTINGLY, IT IS NEVER A MISSED ARGUMENT ABOUT A

DEFENDANT'S PROVABLE INTENT OR EXECUTION OF MOVEMENT OF CHILD PORNOGRAPHY "ACROSS STATE LINES" BY THE GOVERNMENT. IN CARROLL, APPELLANT'S NIECE GAVE TESTIMONY "IF BELIEVED, THIS TESTIMONY, IN AND OF ITSELF, WOULD FORGE THE REQUISITE INTERSTATE LINK." EVEN THAT COURT AFFIRMED THE REQUISITE SHOWING "THAT THE DEFENDANT" KNEW OR HAD REASON TO KNOW THAT SUCH VISUAL DEPICTION WOULD BE TRANSPORTED OR TRANSMITTED IN INTERSTATE COMMERCE." UNITED STATES V. CARROLL 105 F.3d 740, 742. (1st CIR. 1997). MANY APPELLATE COURTS RECOGNIZE AND DECIDE THAT THE ACTUAL VISUAL IMAGES MUST MOVE OR INTEND TO MOVE "ACROSS STATE LINES."

"THUS, OUR PRECEDENT INDICATES THAT CRIMINAL STATUTES PUNISHING THE TRANSMISSION OF THE RELEVANT MATERIAL "IN INTERSTATE OR FOREIGN COMMERCE" REQUIRE THE MATERIAL ITSELF TO CROSS STATE LINES."

(UNITED STATES V. WRIGHT 625 F.3d 583, 594 [9TH CIR. 2010]);

"... THE GOVERNMENT STILL HAD TO PROVE THAT THE TRANSMISSION ALSO MOVED THE IMAGES ACROSS STATE LINES." (UNITED STATES V. SCHAEFER 501 F.3d 1197 [10TH CIR. 2007]);

"IN REACHING ITS CONCLUSION, THE COURT SAID IT WAS "INCLINED TO AGREE" WITH THE THIRD CIRCUIT IN UNITED STATES V. RODIA, ... , WHICH FOUND THAT "[§2252(a)(4)(B)'s]

JURISDICTIONAL ELEMENT--THE REQUIREMENT THAT PRECUSOR MATERIALS LIKE FILM OR CAMERAS MOVED IN INTERSTATE COMMERCE--IS ONLY TENUOUSLY RELATED TO THE ULTIMATE ACTIVITY REGULATED: INTRASTATE POSSESSION OF CHILD PORNOGRAPHY." (UNITED STATES V. HOFFMEYER 2001 U.S. DIST. LEXIS 25618);

"HAVING CONCLUDED THAT §2252(a)(2) DOES REQUIRE THAT THE GOVERNMENT PROVE ACTUAL INTERSTATE TRANSMISSION OR SHIPMENT OF THE IMAGES, ... "

(UNITED STATES V. LEWIS 554 F.3d 208, 214 [1ST CIR. 2009]);

"AT DEFENDANT'S TRIAL, THE GOVERNMENT DID NOT ESTABLISH THAT THE CHILD PORNOGRAPHY MOVED ACROSS STATE LINES. . . . THE COURT DISCERNED NOTHING COMMERCIAL OR ECONOMIC ABOUT THE POSSESSION OF CHILD PORNOGRAPHY, EVEN IF THAT PORNOGRAPHY WAS SAVED ON COMPUTER DISKS THAT WERE IMPORTED FROM OUT-OF-STATE. . . . DEFENDANT'S CONVICTIONS WERE REVERSED. "(UNITED STATES V. MAXWELL 386 F.3d 1042 [11TH CIR. 2004]); "TO PROVE THE JURISDICTIONAL REQUIREMENT OF THIS STATUTE, THE GOVERNMENT MUST PRESENT SUFFICIENT EVIDENCE THAT THE PROSCRIBED IMAGES MOVED ACROSS STATE LINES. " (UNITED STATES V. ESPINOZA 403 FED. APPX. 315, 317 [10TH CIR. 2010]); AND "FURTHERMORE, WE DO NOT DETERMINE THE AGGREGATE ON INTERSTATE COMMERCE OF THE PURELY INTRASTATE DEALING IN CHILD PORNOGRAPHY. "(UNITED STATES V. CORP 236 F.3d 325, 332 [1ST CIR. 2001]).

PETITIONER PRAYS UNDERSTANDING IN THE 'ROLLING LITENY' OF PARADED CASES BEFORE THIS COURT. PETITIONER IS JUST SEEKING A JUDICIAL CONSTITUTIONAL CONSIDERATION OF PETITIONER'S CLAIMS. THERE IS A TREMENDOUS CIRCUIT SPLIT ON THE TEXTUAL ANALYSIS OF THE "INTERSTATE COMMERCE CLAUSE" JURISDICTIONAL FEDERAL REACH GRANT.

PETITIONER BELIEVES ARTICLE I, SECTION 8, CLAUSE 3, PARA. 3, OF THE U.S. CONSTITUTION IS CLEAR - "TO REGULATE COMMERCE . . . AMONG THE SEVERAL STATES". YET, THE FEDERAL GOVERNMENT DOES NOT CARE IN ITS MARCH FOR MORE POWER; AND SOME JUDGES ARE REFUSING TO TAKE A CONSTITUTIONAL STAND. THE GOVERNMENT'S ACE CARDS (THE DORMANT COMMERCE CLAUSE AND THE NECESSARY AND PROPER CLAUSE) HAVE NO DEFINABLE "OUTER LIMITS" INVITING ABUSES

FROM THE FEDERAL GOVERNMENT. THE CONSTITUTIONAL AND LEGISLATIVE
FALLOUT FROM THIS IS STAGGERING. THE PROGRESSING DESCIMATION OF THE
STATES' RIGHT TO POLICE THEMSELVES IS EVAPORATING. 18 USCS § 2251(a)
IS ONE AMONG MANY. CONGRESS CLEARLY LEFT OUT THE PERTINENT "OR"
TO REQUIRE: a) INTENT TO MOVE CHILD PORNOGRAPHY "ACROSS STATE
LINES", OR b) ACTUALLY MOVE CHILD PORNOGRAPHY "ACROSS STATE LINES".

"THAT CONGRESS WANTED TO PROSECUTE
MORE CHILD PORNOGRAPHERS IS UNDERSTANDABLE, BUT
IT HAS LITTLE TO DO WITH INTERSTATE COMMERCE. . . .
THEY DO NOT, HOWEVER, SUPPORT THE PROPOSITION THAT
PURELY INTRASTATE PRODUCTION AND POSSESSION FOR
PERSONAL USE HAVE A SIMILAR EFFECT.¹⁰ IN MAXWELL,
WE CONCLUDED THAT ANY LINK BETWEEN THE DEFENDANT'S
CONDUCT AND A SUBSTANTIAL EFFECT ON INTERSTATE
COMMERCE WAS, AT BEST, "EXCEEDINGLY ATTENUATED."

. . . . HIS PRODUCTION AND POSSESSION WAS INTRASTATE,
CRIMINAL, AND NONECONOMIC. THEREFORE, AGGREGATION
IS NOT APPROPRIATE. . . . IN SUM, WE HOLD THAT SMITH'S
CONDUCT DOES NOT SUBSTANTIALLY AFFECT INTERSTATE
COMMERCE. BECAUSE IT IS A NONECONOMIC, PURELY INTRASTATE
CRIMINAL ACTIVITY, WE MAY CONSIDER ONLY ITS ISOLATED
EFFECTS, NOT THE AGGREGATE EFFECT OF ALL SUCH ACTIVITY
AFFECT THAT OCCURS NATIONWIDE. " UNITED STATES
V. SMITH 402 F.3d 1303, 1320, 1321. (11TH
CIR. 2005).

THE GOVERNMENT STATES CHILD PORNOGRAPHERS WILL ALWAYS
SEEK OUT NEW MATERIAL, LIKE-MINDED PERSONS FOR TALK AND TRADE,

THEREBY INCREASING THE MARKET, IGNORES THE REQUIRED "CASE-BY-CASE STUDY". PETITIONER HAD NO EVIDENCE OF NEW MATERIAL, NOR SEEKING NEW MATERIAL, NOR FANTASY TALK, NOR ANY INTERNET CRIMINAL CONNECTIONS. ALL CHILD PORNOGRAPHY ACTIVITY IS ILLEGAL IN EVERY STATE. STATES DO NOT NEED AN INTERSTATE NEXUS. IN FACT, PETITIONER IS SERVING A CONCURRENT (360) MONTH STATE SENTENCE; (67) MONTHS LONGER THAN THE FEDERAL SENTENCE. THE CONSTITUTION OBJECTIVE IS THE LIMITING OF FEDERAL OVERREACH.

"IF THIS ALONE WAS THE TEST [SIMPLY "LOGICAL" SENSE] THERE WOULD BE NO ACTIVITY WHICH CONGRESS COULD NOT REGULATE UNDER ITS COMMERCE POWER.

... INDEED, IF THE FRAMERS INTENDED TO GIVE CONGRESS THE POWER TO OPERATE IN ALL SPHERES, IT WOULD HAVE BEEN UNNECESSARY TO LIST SOME OF THOSE SPHERES IN THE CONSTITUTIONAL TEXT. ...

UNDER THIS STANDARD, CONGRESS COULD REGULATE SHOPLIFTING BECAUSE IT REDUCES THE SUPPLY OF GOODS.

IT COULD REGULATE THE USE OF CABS OR BUSES BECAUSE IT REDUCES THE DEMAND FOR CARS. IT COULD REGULATE

DIETING BECAUSE IT REDUCES THE DEMAND FOR

CERTAIN TYPES OF FOOD. IT COULD REGULATE BREAST-FEEDING

BECAUSE IT REDUCES THE DEMAND FOR FORMULA. IT COULD

REGULATE VIDEO RENTALS BECAUSE IT REDUCES THE

DEMAND FOR THEATERS. IT COULD REGULATE THE USE

OF COMPUTERS AND COMPUTER SOFTWARE BECAUSE IT

REDUCES THE DEMAND FOR TYPEWRITERS, BOOKS, etc."

UNITED STATES V. WILSON 880 F. SUPP. 621,

625, 626, FOOTNOTES AT 631".

THAT IS WHAT THE COMMERCE CLAUSE WAS CREATED TO PREVENT. 18 USCS § 2251(a) HAS THE PROTECTION OF THE ABSENT "OR". PRAYERFULLY, THIS COURT WILL TAKE UP THIS CASE. THE SEVENTH CIRCUIT JUST RECENTLY DECIDED A § 2251(a) PRODUCTION CASE AND SPECIFICALLY ADDRESSED THE WORDING. SEE APPENDIX F - A COPY OF THE DECISION, UNITED STATES V. MATTHEW HOWARD 19-1005. "THE GOVERNMENT'S INTERPRETATION OF § 2251(a) STRETCHES THE STATUTE BEYOND THE NATURAL READING OF ITS TERMS CONSIDERED IN CONTEXT. ACCORDINGLY, THE TWO CONVICTIONS CANNOT STAND. WE VACATE THE JUDGMENT ON THESE COUNTS AND REMAND FOR RESENTENCING." *Id.*, AT PAGE 2. THIS SUPREME COURT SHOULD HEAR THIS CASE. IF PETITIONER WERE IN THE SEVENTH CIRCUIT, HE WOULD PROBABLY HAVE BEEN GRANTED RELIEF.

3) IN THE PUBLIC AND PRIVATE SPHERE, THE GOVERNMENTS, THE BUSINESSES, AND THE PEOPLES, ACCEPT, PARTICIPATE IN, AND STAUNCHLY PROTECT THE TENETS OF CONTRACTS. THE VIABILITY OF OUR VERY COUNTRY DEPENDS ON THE BINDING AUTHORITY TO ABIDE BY ITS GIVEN BENEFITS AND OBLIGATIONS. CONTRACTS ADHERE TO AMERICAN JURISPRUDENCE 2d 17A (AmJur2d).

GOVERNMENTS UNDERSTAND THAT THEIR JUDICIAL PLEA AGREEMENTS ARE PLEA CONTRACTS. IT IS WELL-ESTABLISHED. CONTRACTS BIND THE CONTRACTING PARTIES. FACT. THEREFORE, WHEN THE FEDERAL GOVERNMENT ENTERED INTO A PLEA CONTRACT WITH THIS PETITIONER; THE FEDERAL GOVERNMENT WAS BOUND BY ALL SUCH CONTRACT WORDING; AS WOULD BE PETITIONER. CONTRACT LAW REASONING IS THAT CONTRACTS ARE MEANT TO PROTECT ALL PARTIES

FROM ANY UNSCRUPULOUS PARTY'S ACTIONS. PETITIONER HAMPTON HAD AGREED TO PLEAD GUILTY TO SPECIFIC CHARGES SAVING SOME PAIN AND AGONY, JUDICIAL TIME, MONEY, AND OTHER GOVERNMENTAL RESOURCES. THE GOVERNMENT AGREED TO DROP ALL REMAINING CHARGES. THE INDUCEMENT FOR HAMPTON WAS A LIMITING OF WHAT THE GOVERNMENT WOULD SEEK AS PRISON TIME AT SENTENCING.

PETITIONER AND THE GOVERNMENT ENTERED INTO A BINDING CONTRACT FOR THE PLEA OF GUILTY TO ONLY COUNTS 1, 2, 3, & 4:
EXPLOITATION OF A MINOR - 18 USCS § 2251(a) AND COUNT 5:
POSSESSION OF CHILD PORNOGRAPHY - 18 USCS § 2252(a)(4)(B).
NOTHING ELSE. NO EXTRA CHARGES. NO EXTRA ENHANCEMENTS. CONTRACT LAW (AM JUR 2d) IS CONTROLLING.

THE GOVERNMENT BREACHED THE PLEA CONTRACT BY ADDING BASE OFFENSE LEVEL POINTS NOT INCLUDED IN THE PLEA CONTRACT AND NOT CONVICTED OF. FOLLOWING THE ACCEPTANCE OF THE PLEA CONTRACT BY BOTH CONTRACTING PARTIES AND ACCEPTED IN THE COURT, A QUASI PROSECUTOR (THE UNITED STATES PROBATION DEPARTMENT) DID CREATE AND PRESENT A PRE-SENTENCE INVESTIGATION REPORT (PSIR). IN THE REPORT, THE PROBATION DEPARTMENT OFFICER UNILATERALLY MADE BASE OFFENSE LEVEL POINTS ENHANCEMENTS WITH NO PARTY'S AUTHORIZATION TO DO SO. AT SENTENCING, THE JUDGE PERFUNCTORILY APPROVED THE (PSIR) IN FULL, AND SENTENCED THIS PETITIONER TO (293) MONTHS IMPRISONMENT. THE UNCONVICTED POINTS ENHANCEMENT OF (12) POINTS ADDED ABOUT (10) TO (12) ADDITIONAL YEARS TO THE TERM OF IMPRISONMENT. THE "ELEMENTS OF THE OFFENSE" WERE THE FOUNDATION OF THE CONTRACT BREACH.

FAILURE TO ABIDE BY THE CONTRACT VIOLATED (§ 181) AND

OTHERS. THE APPARENT GOVERNMENT DELIBERATENESS OF THE ACT CONSTITUTES FRAUD IN THE INDUCEMENT AND EXECUTION OF THE CONTRACT VIOLATED (§ 214) AND OTHERS. THE GOVERNMENT'S BREACH OF PROMISE TO STAY BOUND TO THE CONTRACT VIOLATED (§ 412) AND OTHERS. THE DISTRICT COURT'S BREACH OF THE CONTRACT BY NOT HONORING THE CONTRACT TERMS AT SENTENCING AND FOR NOT DISMISSING UNCONVICTED CONDUCT AT SENTENCING VIOLATED (§ 416). (590, 591, & 706) AND OTHERS ALLOW FOR CONTRACT VOIDING, QUESTIONING OF LAW & FACT, AND WHAT CONSTITUTES A MATERIAL BREACH AND REMEDIES.

4) "ELEMENTS OF THE OFFENSE" WERE NEVER DISCUSSED, NOT RECOGNIZED, NOT CHARGED NOR INCLUDED IN THE PLEA CONTRACT, NEVER PLED TO, AND NEVER CONVICTED OF. THE "ELEMENTS" POINTS WERE ADDED DURING A NON-JUDICIAL DETERMINATION AND ADDED AT SENTENCING TO INCREASE PETITIONER'S SENTENCE.

IT IS ALREADY WELL-ESTABLISHED LAW THAT "EVERY ELEMENT OF THE OFFENSE" MUST BE PROVEN BEYOND A REASONABLE DOUBT BY PLEA OR JURY. NEITHER HAPPENED. IN APPENDI V. NEW JERSEY 147 L.Ed.2d 435, 439, 451, THIS COURT RULED ANY SENTENCING ENHANCEMENT(S) THAT INCREASED ONE'S SENTENCE ABOVE THE STATUTORY MAXIMUM (EXCLUDING PRIORS) MUST BE PROVEN BEYOND A REASONABLE DOUBT. SUCH ENHANCEMENTS WERE NOT SENTENCING FACTORS, BUT "ELEMENTS OF THE OFFENSE". SEE ALSO MIDDLETON V. McNEIL 158 L.Ed.2d 701, 706, 707. IN ALLEYNE V. UNITED STATES 186 L.Ed.2d 312, 326, 328, THIS COURT EXPANDED APPENDI TO INCLUDE ANY SENTENCING ENHANCEMENT(S) THAT INCREASED ONE'S SENTENCE ABOVE THE STATUTORY MINIMUM (EXCLUDING PRIORS) MUST BE PROVEN BEYOND A REASONABLE DOUBT. MANY OTHER CASE DECISIONS SUPPORT

THIS WELL-SETTLED LAW. PETITIONER WAS ASSESSED WITH VARIOUS EXTRA UNCONVICTED ELEMENTS THAT AMOUNTED TO (12) EXTRA BASE OFFENSE LEVEL POINTS WHICH INCREASED PETITIONER'S SENTENCE BY ABOUT (10) TO (12) EXTRA YEARS INCARCERATION. THEY WERE UNCONSTITUTIONALLY APPLIED AND PETITIONER SEEKS THEIR REMOVAL AND A CORRESPONDING SENTENCE REDUCTION.

5) PETITIONER'S FINAL QUESTION FOR THIS COURT'S CONSIDERATION IS WHAT CAN CONSTITUTE A FINAL AND COMPLETE SEPARATION OF A PRODUCT'S

"INTERSTATE COMMERCE" ORIGINAL SUPPLIER ATTACHMENT.

WHILE PETITIONER HOLDS TO CONSTITUTION CONSTRUCTION AND SUCH DETERMINATIVE CASES REGARDING "INTERSTATE COMMERCE'S" TERMINATION POINT. PETITIONER ADDS THIS ADDITIONAL QUESTION. DOES A BUSINESS'S CONSUMER DISPLAY OF, PUBLIC'S AND EMPLOYEE'S CONTINUAL USE OF, THE INEVITABLE DEPRECIATION AND DAMAGE OF, AND THE EVENTUAL CONSUMER SALE OF, DISPEL ANY RHETORIC OF CONTINUED FEDERAL "INTERSTATE COMMERCE" ATTACHMENT? THIS QUESTION IS BELIEVED TO BE UNIQUE; BUT POSSIBLY RIPE FOR CONSIDERATION. DOES A STORE'S 'FLOOR DISPLAY MODEL' CANCEL ALL INTERSTATE NEXUS ATTACHMENT? PETITIONER BELIEVES SO.

IN CONCLUSION, PETITIONER PRAYS THESE SUPREME COURT JUSTICES CONSIDER STATUTORY QUESTIONS AND ISSUES RAISED IN LIGHT OF CONSTITUTION ORIGINALISM, STATUTORY LITERALISM, RULE OF LENITY AS DETERMINED, AND UNDER ORIGINAL "SUPER STARE DECISIS" AS DETERMINED. PETITIONER THANKS THESE JUSTICES FOR THEIR CONSIDERATION OF THIS WRIT.

CONCLUSION

THE PETITION FOR A WRIT OF CERTIORARI SHOULD BE GRANTED.

RESPECTFULLY SUBMITTED,

DATE: JANUARY 28, 2021