

No. \_\_\_\_\_

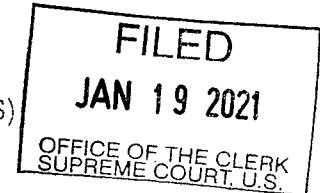
20-7508

IN THE  
SUPREME COURT OF THE UNITED STATES

**ORIGINAL**

James Willis Campbell, Sr. PETITIONER  
(Your Name)

Tammy Brown, WARDEN.  
vs.  
Wilkinson, Moitz and — RESPONDENT(S)  
Richardson, circuit Judges.  
ON PETITION FOR A WRIT OF CERTIORARI TO



United States Court of Appeals / Fourth circuit West. Dist.  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

James Willis Campbell, Sr.  
(Your Name)

Deerfield Correctional Center  
(Address)

21360 Deerfield Drive, Capron, Va. 23829  
(City, State, Zip Code)

\_\_\_\_\_  
(Phone Number)

QUESTION(S) PRESENTED

"Federal Question"

- (1) As to whether exigent circumstances can validate an otherwise invalid search under a defective search warrant?
- (2) As to whether such ruling violates the U.S. Constitution of the Fourth Amendment and Eleventh Amendment?
- (3) As to whether such ruling infringes upon the constitutional rights of citizens protected by the Fourth Amendment and Eleventh Amendment of the U.S. Const.?
- (4) As to whether such ruling is contrary to Federal law?

## 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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denied 8/20/2020

## TABLE OF AUTHORITIES CITED

| CASES  | PAGE NUMBER |
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| <u>Buck v. Davis</u> , 137 S.Ct. 759, 773-74 (2017) exhibit (A) P. (2)       |             |
| <u>Slack v. McDaniel</u> , 529 U.S. 473, 484 (2000) exhibit (A) P. (2)       |             |
| <u>Estelle v. Mcgwire</u> , 502 U.S. 62, 67-68 (1991) exhibit (D) P. (9)     |             |
| <u>Wright v. Angelone</u> , 151 F.3d 151, 158 (4th Cir. 1998) EX. (D) P. (9) |             |
| <u>Stone v. Powell</u> , 428 U.S. 465, 494 (1986) EX. (D) P. (9)             |             |
| <u>Doleman v. Muncy</u> , 579 F.2d 1258, 1265 (4th Cir 1978) EX. (D) P. (9)  |             |
| <u>United States v. Leon</u> , 468 U.S. 1250 (1984) EX. (D) P. (10)          |             |
| <u>Harrington v. Richter</u> , 562 U.S. 86, 99 (2011) EX. (D) P. (11)        |             |
| <u>Wilson v. Sellers</u> , 138 S.Ct. 1188, 1192 (2018) EX. (D) P. (12)       |             |
| <u>William v. Taylor</u> , 529 U.S. 362, 412 (2000) EX. (D) P. (12)          |             |

### STATUTES AND RULES

Review exhibits (A) Thru (G)

### OTHER

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 D 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 F to the petition and is

[✓] reported at N.Y.D.; or,  
[ ] has been designated for publication but is not yet reported; or,  
[ ] is unpublished.

The opinion of the Court of Appeals court appears at Appendix F to the petition and is

[✓] reported at N.Y.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 27, 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: \_\_\_\_\_, 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 Dec 14, 2017. A copy of that decision appears at Appendix \_\_\_\_\_.

[ ] A timely petition for rehearing was thereafter denied on the following date: Dec, 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 and  
Eleventh Amendment of the  
U. S. Const.

## STATEMENT OF THE CASE

This case involves convictions of possession with intent to distribute methamphetamine and manufacturing methamphetamine. However, the main issue of convictions and evidence presented during trial is whether exigent circumstances can validate an otherwise invalid search ~~warrant~~ under a defective warrant?

## REASONS FOR GRANTING THE PETITION

- (I). The main issue is whether exigent circumstances can validate an otherwise invalid search under a defective search warrant.
- 2). This is an issue that has never been squarely addressed by the United States Supreme Court. I direct your attention to Page (4) and footnote 2) of the Opinion of the Supreme Court of Virginia.
- 3). This issue involves more than just the Petitioner. Issue involves all citizens of the U.S.A. and United States Constitution.
- 4). Decision by Supreme Court of Virginia violates due process of the "Fourth Amendment" guaranteed by the Eleventh Amendment of the U.S. Const.
- 5) This issue is "First Impression" Ripe to be set a precedence by the United States Supreme Court.

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

James W. Campbell, S.R.

Date: \_\_\_\_\_