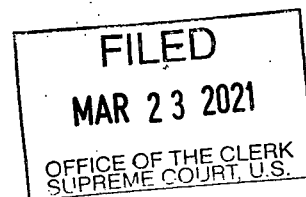


No. 20-7624 ORIGINAL



IN THE
SUPREME COURT OF THE UNITED STATES

JEREMY RANDOLPH MARTIN — PETITIONER
(Your Name)

vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

USSS COURT OF APPEALS FOR THE FOURTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

JEREMY RANDOLPH MARTIN
(Your Name)

P.O. BOX 420
(Address)

FAIRTON, NJ 08320
(City, State, Zip Code)

NOT APPLICABLE
(Phone Number)

QUESTION(S) PRESENTED

- 1) Do the conditions of petitioner's supervised release requiring petitioner to have his probation officer's prior approval to own, purchase, possess, or use the internet or electronic communication devices and requiring him to allow the FBI to install internet activity monitoring software on his devices violate the decision of this court in Ashcroft V. Free Speech Coalition? 152 L.Ed 2d 403?
- 2) Do above mentioned conditions violate U.S. Const. Amends. I & V?
- 3) Do any of above mentioned conditions conflict with the decision of the 3rd Cir. Court of Appeals in United States V. Holena 905 F 906 F.3d 288 on same important issue?

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

United States V. Martin 5:15-cr-00086-FL-1 (EDNC); No. 20-6387 (4th Cir.)(currently pending case before SCOTUS)

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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☒ is unpublished.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☒ is unpublished.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 _____; 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 Oct. 1, 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: Nov. 3, 2020, and a copy of the order denying rehearing appears at Appendix C.

☐ 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

United States Constitution Amendment I: Freedom of Speech Clause

Congress shall make no law...abridging the freedom of speech.
speech.(full quotation omitted)

United States Constitution Amendment V: Deprivation of Liberty

No person shall...be deprived of life, liberty, or property,
without due process of law.(internal quotations omitted)

STATEMENT OF THE CASE

Petitioner pro se, Jeremy Randolph Martin, filed a motion to modify conditions of his probation in the U.S. District Court for the Eastern District of North Carolina seeking to eliminate two conditions involving use of electronic communication devices, and internet; and the installation of monitoring software on such devices. The court denied his motion, and he then appealed to the U.S. Court of Appeals (COA) for the Fourth Circuit. COA affirmed, and denied rehearing, rehearing en banc. Now petitioner seeks relief from this court to address Constitutional violations.

REASONS FOR GRANTING THE PETITION

Petitioner pro se, Jeremy Randolph Martin, seeks to challenge two conditions of his Supervised Release. Specifically he seeks to eliminate the conditions requiring him to have his probation office's prior approval to purchase, own, possess, or use computers or other electronic communication devices or the internet. He also seeks to eliminate the condition requiring him to allow the FBI to install internet activity monitoring software on his internet connected devices.

QUESTION 1: DO THE CONDITIONS OF PETITIONER'S SUPERVISED RELEASE REQUIRING PETITIONER TO HAVE HIS PROBATION OFFICER'S PRIOR APPROVAL TO OWN, PURCHASE, POSSESS, OR USE THE INTERNET OR ELECTRONIC COMMUNICATION DEVICES AND REQUIRING HIM TO ALLOW THE FBI TO INSTALL INTERNET ACTIVITY MONITORING SOFTWARE ON HIS DEVICES VIOLATE THE DECISION OF THIS COURT IN ASHCROFT V. FREE SPEECH COALITION 152 L.ED 2D 403?

Petitioner contends that both of the conditions he seeks to eliminate conflict with the decision of this court in Ashcroft V. Free Speech Coalition 152 L.Ed 2d 403,407 (2002) (The free speech guarantee of the Federal Constitution's First Amendment gives significant protection from overbroad laws that chill speech within the First Amendment's sphere. [Under this principle, a [condition of supervised release] is unconstitutional on its face if the [condition] prohibits or chills a substantial amount of protected speech.]) (emphasis added) Petitioner argues that the above mentioned conditions chill protected speech of petitioner by preventing him from even using internet or other

electronic communication devices which are venues of protected speech. These conditions are, according to Ashecroft 152 L.Ed2d 407, "unconstitutional on their face" for the reasons stated herein.

QUESTION 2: DO ABOVE MENTIONED CONDITIONS VIOLATE U.S. CONST. AMENDS. I & V?

petitioner has mentioned in question 1 how these conditions violate the First Amendment. But Packingham V. North Carolina 198 L.Ed 2d 273,275 says that "it is well established that, as a general rule, the government may not suppress lawful speech as the means to suppress unlawful speech." This is exactly what these conditions are doing.

As to the Fifth Amendment, Shelton V. Tucker 5 L.Ed 2d 231, 232(1960) says that "even though governmental purpose be legitimate and substantial, that purpose cannot be pursued by means that too broadly stifle fundamental personal liberties when end can be more narrowly achieved; breadth of legislative abridgment must be reviewed in light of less drastic means for achieving same basic purpose." The government's objective in placing these conditions may be legitimate, but they stifle more liberty than is necessary to rehabilitate petitioner.

QUESTION 3: DO ANY OF ABOVE MENTIONED CONDITIONS CONFLICT WITH THE DECISION OF THE 3RD CIR. COURT OF APPEALS IN United States V. Holena 906 F.3d. 288 ON SAME IMPORTANT ISSUE?

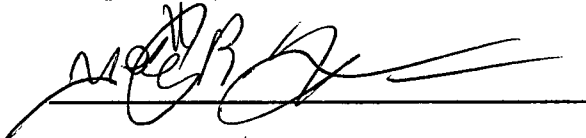
Petitioner contends that the first condition conflicts with the 3rd Cir. COA's decision in that United States V. Holena 906 F.3d 288 says "conditions of defendant's supervised release requiring him not to possess or use computers or other electronic communication devices or to use the internet without his probation officer's approval were contradictory and swept too broadly, raising

First Amendment concerns and depriving him of more liberty than was reasonably necessary to deter crime, protect the public, and rehabilitate defendant under 18 U.S.C.S. § 3583(d)(2)." This same important issue is the exact same situation in petitioner's case.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "M. B. B.", written over a horizontal line.

Date: 03/21/2021