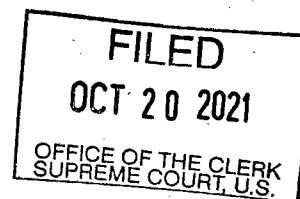


ORIGINAL

No. 21-6442

3:07 cr. 135 001



IN THE

SUPREME COURT OF THE UNITED STATES

Armando Caydon Cortez — PETITIONER
(Your Name)

vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

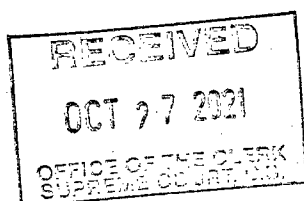
PETITION FOR WRIT OF CERTIORARI

Armando Caydon Cortez
(Your Name)

F C I Gilmer P.O. Box 6000
(Address)

Glenville 26351
(City, State, Zip Code)

(Phone Number)



-1-

QUESTION(S) PRESENTED

The petitioner have one question this

Honorable court

11- Ineffective assistance of Counsel as

mixe questions of 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:

RELATED CASES

ARMANDO CARDON CORTER H-6875-017 FCI Bilmer

P.O. Box 6000 Glenville WV. 26351 defendant

Roger Vinson Judge one palafax st. pensacola

Division FL. 32502

EDWIN E KNIGHT 21 E GARDEN ST. STE 400

Pensacola FL. 32502 Attorney of United States

George F. Murphy Valparaiso FL. 1173 N.

Bayshore Dr. Valparaiso FL. 32580 Counsel

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
<u>Brown V. Tex. 443 U.S. 475 52</u>	<u>346</u>
<u>STRIKLAND V WASHINGTON 466 U.S.</u>	<u>676</u>
<u>668 104 S.Ct 2052 (1984)</u>	
<u>United states V Antonio THones 562 U.S.</u>	<u>912</u>
<u>132 S.Ct 945 952 Kimmenman V. merrison</u>	<u>311</u>
<u>477 U.S. 365 375 Florida V. JARDINES US</u>	<u>496</u>
<u>185 LED 2d 405 NewYor V. Harris 495 US</u>	<u>17</u>
<u>United states V. Ramirez 523 U.S. 65 118</u>	<u>195</u>
STATUTES AND RULES	

EXCLUSIONARY RULE

Under the Fourth amendment

OTHER

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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 B to the petition and is

☐ reported at 322 Fed Appx 659; 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 March 27 2009.

☐ 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: Sept. 20 2021, and a copy of the order denying rehearing appears at Appendix 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**:

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

denying the sixth and Fourth

amendment of the Constitution of the

United States of America. please For

Review

STATEMENT OF THE CASE

on November 3, 2007, The petitioner was with his Friend Amber Girard in a motel Wingate in Room Q37 in Destin, Florida. The Front desk Called The Sheriff's Department informing them that someone left without paying a telephone bill. The police Knocked The door. Amber girard opened The door, and the police without asking permission start to search The Room. As opposed to asking For The money To Resolve The Telephone bill. upon rumming The names of the occupants. IT was Found that amber Girard had an out standing a order The arrest Subsequently taken into Custody. The petitioner was Released of The place they questioning For The Room was Registered to Amber Girard. upon searching the Room without Search warrant The police Found a Camara that was opened without warrant The Following day The Agent Corey aittma took Note The petitioner car. And istalled a tracking device G.P. S. see exhibit-A.

Aproximately 345 am. The next⁺ day the petitioner car was in the parking lot of Golf terrace apartments in Destin Florida. The police opened the car without a warrant. the same day the petitioner was driving a minivan when he was pulled over by police. The petitioner was arrested along with passenger George Gomes Montes. The minivan was searched without permission from the owner or a warrant. Inside of the minivan the police found a Niceville FL. utility power bill for a residence at 200 white street #22. on November 5-2007 in Destin FL. The DEA went to the residence which was 200 white street unit #22. Inside the house were Shannon Reed and George Armando Salmorán. The police knocked on the door and George Armando Salmorán answered the door. The police entered the residence and immediately started searching. When they came upon a room that they found locked, The police proceeded to break the door down once inside they searched the room without permission. After the search George Armando Salmorán was arrested and Shannon Reed was let go.

PROCEDURAL HISTORY

The petitioner don't have Direct Appeal. Because

Anders brief not appear under record.

On March 27, 2009, The eleventh circuit denied

The petitioner Appeal what that means they

denied anders brief

On 12-13-2011 The petitioner Filed to the

District Court 2255 motion on - 1-08-2014, The

Judge denied the motion was illegal search and

seizure. Why the police chose to side step the

Constitutional Rights of the petitioner is why the

defendant is entitle to this claim or settin for the

claim. There is not activities that probable cause exist.

When his car was searched on 11-5-2007, and they Report

It's 11-6- on this date the defendant already was in Jail,

BROWN V Tex. 443 U.S. 475 52 see ex. A

When probable cause not exist whether miss the Facts

The six amendment provides that all Criminal Cases
of the accused shall enjoy the right to adequate
assistance of Counsel for his defense, see ---

STRICKLAND V. WASHINGTON, 466 U.S.

668 104 S.Ct 2052 (1984) to prevail a claim

ineffective assistance of Counsel, A movant must

demonstrate that this Counsel's Performance was

both deficient and Prejudice. The Representation

of this case Fell below issues illegal search and seizure

whether a Lawyer Fail to make a motion for suppress evidence

whether the police had 3 days to obtaining Valid warrant's

Also UNITED STATES V. antonio JHones 565 U.S 132 S.Ct 945 952

The Gps Violated the Fourth amendment. the Supreme Court determine

that the government installation of the Gps device on defendant Vehicle,

and its use of that device to monitor the Vehicle movements, constituted

a search. under the common law, trespassory test, the government

physically occupied property for the purpose of obtaining

information.

See exhibit B

Such a physical intrusion would have been

Considered a search, within the meaning of the Fourth amendment, is Warrantless

Kimmelman v. Morrison 477 U.S. 365, 375 106 S.Ct. 2574 2583 91 LEd 2d 305 (1986)

Regardless of whether a defendant guilty is established by the excludable evidence.

and the proper question is whether the outcome of the proceedings would have been different, if had the motion to suppress been filed and the evidence been excluded.

FLORIDA V. JARDINES 539 U.S. 121 125 LEd 2d 405

At trial Jardines move to suppress the marijuana on

The ground that the canine investigation was an unreasonable search. But introducing a trained police

dog to explore the area around the home in hope of discovering incriminating evidence is something

else. There is no customary invitation to do that,

An invitation to engage in canine forensic investigation surely does not let officer go around

with drug sniffing^{to} any door they wanted. This

Wholes sale wanton behavior violating the petitioner

Constitutional Rights, then all evidence obtaining illegally

they can use in any Court. --- see New York V. Harris

495 U.S. 14, 110 S.Ct. 1640 109 LEd 2d 13 and

United States V. Ramirez 1998 523 U.S. 65 118

S.Ct. 992 140 LEd 2d 191 - CA2 whether announce.

(B) whether the discovery violated the Fourth amendment

The supreme court had adopted, or supported, and exclu-

sionary Rule For evidence seized in violation of the

Fourth amendment. -- litigation a Fourth amendment Claim.

in order to demonstrate actual Prejudice, with the above mentioned

I am prove that the Fourth amendment Claim is meritorious and that

there is Reasonable that the Veredict would have been different.

Exhibit C

see Docket 81 then all evidence should be suppressed in this case

see The discovery

Respectfully Armando Cardon Cortez

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Pro-se 11-17-21

REASONS FOR GRANTING THE PETITION

The Constitution protects the petitioner

Right's

The petitioner is entitled For Relief

the petitioner request to this Honorable Court

For Remended this case

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

ARMANDO CARPON Cortez pro-se

Date: [REDACTED] - 21