No. 22-5273 ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

BRADLEY BEAUCHAMP — PETITIONER
(Your Name)

vs.

UNITED STATES of AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

BRADLEY BEAUCHAMP
(Your Name)

[redacted]
FEDERAL CORRECTIONAL COMPLEX-USP-1, P.O. BOX 1033
(Address)

COLEMAN, FLORIDA 33521-1033
(City, State, Zip Code)

N/A
(Phone Number)

QUESTIONS PRESENTED for REVIEW

1). whether the DISTRICT COURT CAUSED REVERSABLE ERROR by not SUPPRESSING EVIDENCE obtained by an illegal traffic stop where the officer lacked articulable REASONABLE SUSPICION ?

2) whether the District court caused REVERSABLE ERROR by dismissing PRETRIAL motions pertaining VENUE and due PROCESS violation's pursuant to U.S. Const. ?

3) whether the District court caused REVERSABLE ERROR by applying a "LEADER ORGANIZER" enhancement at sentencing under § 3B1.1(c), sentencing guideline. ?

4). whether the District court caused REVERSABLE ERROR by applying "STOLEN goods" Enhancements under § 2B1.1(b)(4) sentencing guideline. ?

5). whether the district court caused REVERSABLE ERROR by failing to PROPERLY ANALIZING the ACTUAL LOSS V. GUIDELINE RANGE ?

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

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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[✓] is unpublished.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[✓] is unpublished.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 MARCH 30, 2022.

[✓] 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).

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SIXTH AMENDMENT, U.S CONSTITUTION.

U.S. CONST. ART. III § 2. CL3

U.S. CONST. AMEND. VI. CL.6.

STATEMENT OF THE CASE

On May 16, 2017, the Government indicted 83 individuals, and Mr. Beauchamp, for a range of criminal offenses allegedly related to gang activity. JA 6. A second superseding Indictment was filed on January 17, 2019, which listed the same allegations against the Petitioner as the original indictment. JA 262. He was alleged to have taken part in wire fraud and in doing so, was alleged to be a part of a RICO conspiracy. JA 330. While the indictment alleges that acts took place in the Western District of North Carolina, the allegations of fraud against the Petitioner occurred in Florida. JA 323-27

The Government relied substantially on evidence obtained from a Florida traffic stop in 2016 where evidence tending to show the involvement of credit card fraud was seized and later tendered at trial.

The District Court heard a motion to suppress the stop of the Petitioner by a Florida highway patrolman (Trooper Crabe) who claimed he could accurately determine the window tint of the Defendant's car was greater than Florida state law allowed. JA 35; 93. After it was revealed the officer had made a prior false statement regarding his employment, the District Court re-opened the hearing to allow for additional examination. JA 182; 186.

The Trooper claimed that he identified the Petitioner's vehicle as a car driving with tinted windows exceeding the 28% standard in Florida. JA 108. The only reason for the stop was the alleged window tint violation. JA 133, ln 10-12. The car was white, with a dark interior. JA 133-34. The Trooper initiated the stop shortly before noon on a clear Florida day. JA 121.

While Trooper Crabe claimed his tint meter device, which was possibly beyond its lifespan (JA 126), registered a 26% reading, he acknowledged the window could have been within legal tolerance based on the unit's margin of error. JA 125. This, all despite that light transmittance measurements are, by Florida statute, also "subject to a tolerance of plus or minus 3 percent." Fla. Stat. Ann. § 316.2955. The Petitioner argued that with an effective margin of

error of 5%, it was not reasonable for Trooper Cabe to suspect, by visual observation or otherwise, what turned out to be a "measured" value of only 2% difference could have violated Florida Law.

The petitioner also moved to dismiss due to pretrial delay and venue. JA 35 ; 40. The court denied the defendant's motions. JA 243, 255, 257.

The Government did not authorize a conditional guilty plea that would have allowed the appellant to preserve his appellate rights. JA 339. However, the court accepted a joint motion by the parties for a bench trial. JA 346.

At sentencing, the petitioner argued the Court should have applied acceptance of responsibility pursuant to U.S.S.G. § 3E1.1 given the circumstances of the case as well as the stipulations offered at the bench trial. JA 626; 639. As articulated in his waiver of jury trial, the only reason the petitioner asked for any trial was to preserve his appeal on pretrial motions, JA 339, and citing U.S.S.G. § 3E1.1, that "conviction by trial, however, does not automatically preclude a defendant from consideration for such a reduction. In rare situations a defendant may clearly demonstrate an acceptance of responsibility for his criminal conduct even though he exercises his constitutional right to a trial. This may occur, for example, where a defendant goes to trial to assert and preserve issues that do not relate to factual guilt (e.g., to make a constitutional challenge to a statute or a challenge to the applicability of a statute to his conduct)." Id. n.2.

At sentencing, the District court engaged in a colloquy where it opined the only way acceptance of responsibility would have been appropriate would be for a defendant to waive his appellate rights. JA 646-48 and denied the objection.

REASON FOR GRANTING PETITION

PETITIONER, BRADELY BEAUCHAMP, contends THAT This HONORABLE COURT MUST GRANT This PETITION in whole due to THE following REASONS LISTED, and VACATE his SENTENCE.

i) THE DISTRICT COURT CAUSED REVERSABLE ERROR BY NOT SUPPRESSING THE EVIDENCE obtained during AN illegal TRAFFIC STOP BY FLORIDA STATE TROOPER NATHANIEL CABE AS HE LACKED ARTICULABLE REASONABLE SUSPICION to conduct A TRAFFIC STOP FOR A FALSELY window TINT VIOLATION inwhich THE RECORD showed that THE window TINT on PETITIONER'S VEHICLE WAS in FACT LEGAL in THE STATE of FLORIDA.

TO SUPPORT a CONSTITUTIONALLY VALID TRAFFIC STOP, an officer MUST HAVE "SOME factual CIRCUMSTANCE THAT SUPPORTS a REASONABLE belief THAT a TRAFFIC VIOLATION HAS OCCURED." United STATES V. SOWARDS, 690 F.3d 583, 593 (4th CIR. 2012). PRIOR to initiating a TRAFFIC STOP, THE officer MUST BE ABLE to ARTICULATE MORE than AN 'inchoate and unPARTICULARIZED SUSPICION OR "hunch" of CRIMINAL ACTIVITY." ILLINOIS V. WARDLOW, 528 U.S. 119, 123-24 (2000) (quoting TERRY V. Ohio, 392 U.S. 1, 27 (1968).

IN This CASE, FLORIDA HIGHWAY PATROL TROOPER CABE claimed to have STOPPED MR. BEAUCHAMP while DRIVING on a FLORIDA highway FOR a VIOLATION of FLORIDA'S window TINT LAW'S. (note: MR. BEAUCHAMP WAS NOT SPEEDING NOR DRIVING ERRATICALLY), HE WAS in a white CAR with DARK interior. THE TROOPER initiated THE STOP SHORTLY before NOON on a CLEAR FLORIDA day. THE TROOPER CLAIMED that HE identified MR. BEAUCHAMP'S VEHICLE AS a CAR driving with tinted windows EXCEEDING THE 28% standard in FLORIDA. THE ONLY REASON for the STOP WAS the alleged window TINT VIOLATION.

IN A similar CASE in the NORTHERN DISTRICT of FLORIDA, only a few months before THE STOP of MR. BEAUCHAMP, TROOPER CABE'S ability to MEASURE light TRANSMITTANCE WAS found WANTING BY ANOTHER district COURT. United states V. LONGORIA, 183 F. SUPP. 3d 1164, 1177 (MD. Fla. 2016). AS in the CASE at hand, LONGORIA ALSO involved a white VEHICLE STOPPED in broad daylight, JANUARY 2016, with DARK windows. THAT ENVIROMENTAL FACTOR alone IMPAIRED TROOPER CABE'S ABILITY to MAKE AN ACCURATE window tint determination. ("In other words, THE ENVIROMENTAL conditions WERE such that a REASONABLE officer could not RELIABLY distinguish between lawful and unlawful tinting. under this VIEW, THE PROBLEM WASN'T of

"mistake", really, but rather one of the impossibility of forming reasonable suspicion given the circumstances." Id at 1177)

In the case at hand, Trooper Cabe admitted in open court that his actual light measurement of the tinted windows in question (26%) showed that it was not only within the margin of error for the measuring device (+/- 2%), but also within Florida's statutory margin of error. Fla. Stat. Ann. § 316.2955. (Light transmittance measurements are subject to a tolerance of plus or minus 3 percent).

Like Longoria, it was not reasonable for Trooper Cabe to suspect, by visual observation or otherwise, that Mr. Beauchamp had violated Florida's window tint laws by an only 2% difference wich was, regardless, within tolerance of Florida law.

Also, during this illegal traffic stop Trooper Cabe obtained a "non-valid search warrant" as to Trooper Cabe did not have probable cause as to during said traffic stop was clearly not for window tint violation as the record shows that the window tint test was done after an illegal search of the vehicle. The search warrant is void as the procedure to obtain a search warrant was improperly done as an affidavit is suppost to be done before the warrant can be issued. this affidavit must be in writing and the procedures have been violated by Trooper Cabe.

Warrant Clause. (1962) The clause of the Fourth Amendment to the U.S. constitution requiring that warrants be issued only on probable cause.. Here a false suspicion of window tint violations does not constitute as probable cause.

Trooper Cabe violated police procedure as to during this illegal traffic stop, Trooper Cabe claimed he smelled raw marijuana. after this he placed Mr. Beauchamp in his patrol vehicle in hand cuffs. if he did in fact find marijuana then the protolcall to search the vehicle would to have defendants placed in custody and tow the vehicle then obtain a search warrant the search the vehicle. as this court can see this was not done.

Due to the numerous violation issues that Trooper Cabe conducted. The District court caused reversable error by not suppressing the evidence pertaining the illegal traffic stop and this Honorable court should grant this petition and vacate Mr. Beauchamps sentence.

2) MR. BEAUCHAMP CONTENDS THAT THE DISTRICT COURT CAUSED REVERSABLE ERROR BY DISMISSING PETITIONERS PRETRIAL MOTIONS FOR LACK OF VENUE AND DUE PROCESS VIOLATIONS INWHICH PETITIONERS SIXTH AND FIFTH AMENDMENTS OF THE U.S. CONSTITUTION HAS BEEN VIOLATED.

THE COURT REVIEWS DE NOVO QUESTIONS OF LAW GOVERNING VENUE. UNITED STATES V. STEWART, 256 F.3d 231, 238 (4th CIR. 2001).

THE CONSTITUTION PROVIDES, IN RELEVANT PART, THAT "THE TRIAL OF ALL CRIMES SHALL BE HELD IN THE STATE WHERE THE SAID CRIMES SHALL HAVE BEEN COMMITTED." U.S. CONT. ART. III § 2, CL.3. THE SIXTH AMENDMENT TO THE UNITED STATES CONSTITUTION PROVIDES: "IN ALL CRIMINAL PROSECUTIONS, THE ACCUSED SHALL ENJOY THE RISHT TO A SPEEDY AND PUBLIC TRIAL, BY AN IMPARTIAL JURY OF THE STATE AND DISTRICT WHEREIN THE CRIME SHALL HAVE BEEN COMMITTED, WHICH DISTRICT SHALL HAVE BEEN PREVIOUSLY ASCERTAINED BY LAW." U.S CONST. AMEND. VI. CL. 16. FURTHERMORE, RULE 18 OF THE FEDERAL RULES OF CRIMINAL PROCEDURE, STATES THAT UNLESS A STATUTE OR THE RULES OF PROCEDURE THEMSELVES PERMIT OTHERWISE, THE GOVERNMENT MUST PROSECUTE AN OFFENSE IN THE DISTRICT WHERE THE OFFENSE WAS COMMITTED. FED. R. CRIM. P. 18.

WHEN MULTIPLE COUNTS ARE ALLEGED IN AN INDICTMENT, VENUE MUST BE PROPER ON EACH COUNT. SEE UNITED STATES V. BOWENS, 224 F.3d 302, 308 (4th. CIR. 2000). VENUE ON A COUNT IS PROPER ONLY IN A DISTRICT IN WHICH AN ESSENTIAL CONDUCT ELEMENT OF THE OFFENSE TOOK PLACE. Id. AT 304. THE BURDEN IS ON THE GOVERNMENT TO PROVE VENUE BY A PREPONDERANCE OF THE EVIDENCE. UNITED STATES V. AL TALIB, 55 F.3d 923, 928. (4th CIR 1995)

"IN PERFORMING THIS INQUIRY, A COURT MUST IDENTIFY THE CONDUCT CONSTITUTING THE OFFENCE (THE NATURE OF THE CRIME) AND THEN DISCERN THE LOCATION OF THE COMMISSION OF THE CRIMINAL ACTS." UNITED STATES V. RODRIGUEZ-MORENO, 526. US. 275, 279 (1999) THE WIRE FRAUD STATUTE MAKES NO REFERENCE TO THE VENUE OF THE OFFENSE. ACCORDINGLY, THE PROVISIONS OF 18 U.S.C. § 3237(a) APPLY, AND PROSECUTION MAY BE INSTITUTED IN ANY DISTRICT "IN WHICH SUCH OFFENSE WAS BEGUN, CONTINUED, OR COMPLETED."

WHILE "THE OVERT ACT OF ONE CONSPIRATOR IN A DISTRICT SUFFICES TO ESTABLISH VENUE FOR ALL OTHER CO-CONSPIRATORS IN THAT DISTRICT" UNITED STATES V. MITCHELL, 70 F. APP'X 707, 711 (4th CIR 2003), THE OVERT ACTS ATTRIBUTABLE TO MR. BEAUCHAMP IN THE INDICTMENT ALL BEGAN AND ENDED IN THE STATE OF FLORIDA, AS DID THE OVERT ACTS OF THE CO-CONSPIRATOR'S FOR THE PART OF THE WIRE FRAUD CONSPIRACY INVOLVING MR. BEAUCHAMP.

The government did not meet its burden to establish he was involved in other acts in North Carolina, through co-conspirators or personally. Though the entire conspiracy may have ranged to North Carolina, mr. Beauchamp is only accused of the acts that are all reasonably foreseeable as having been committed in the state of Florida. "venue for a criminal prosecution must be determinded solely in reference to the essential conduct elements of the charged offense." United states v. Bowens 224 F.3d 302, 314 (4th Cir. 2000) cert denied, 532 U.S. 944 (2001)

(Finding that essential elements of a crime occurred outside of Trial district dismissal is warranted as lack of venue).

Mr. Beauchamp's due process Rights have clearly been violated by the district court delaying petitioners Arraignment hearing for two months. "Fifth Amendment of the united states constitution"

"no person shall be held to answer for a capital, or otherwise infamous crime unless on a presentment or indictment of a Grand Jury, nor be deprived of life, liberty or property without due process of law"

Arraignment - (16c) The initial step in a criminal prosecution whereby the defendant is brought before the court to hear the charges and to enter a plea.

At the time the indictment was returned in this case, may 17, 2017, mr. Beauchamp was in Florida state custody. On July 28, 2017, the court issued a writ of Habeas corpus ad prosequendum as to petitioner. The writ was served by U.S. Federal authorities and mr. Beauchamp was transferred to a Federal, pre-trial detention facility in miami Florida on or about August 17, 2017.

However, for reasons that are unclear, the government did not cause mr. Beauchamp to appear in the western district of North Carolina until October 19, 2017. mr. Beauchamp was not brought before any Federal Judicial official in Florida and was not transported to the District of North Carolina for over two months.

Dismissal is warranted for a Flagrant violation of Rule 5.

Rule 9 of the Federal Rules of criminal procedures govern the issuance of process following indictment. That rule directs officers serving such warrants to "proceed in accordance with Rule 5(a)(1)". Rule 5(a)(1). provides in pertinent part "a person making a arrest within the

THE United States "must" take the defendant without unnecessary delay before a magistrate Judge, or before a state or local Judicial officer as RULE 5(c) provides, unless a statute provides otherwise".

note to subdivision (a). The time within which a prisoner must be brought before committing magistrate is defined differently in different statutes. The Rule super-sedes all statutory provisions on this point and fixes a single standard, i.e., "without unnecessary delay" what constitutes "unnecessary delay", i.e., reasonable time within which the prisoner should be brought before a committing magistrate, must be determined in the light of all the facts and circumstances of the case. The following authorities discuss the question what constitutes reasonable time for this purpose in various situations. CARROLL V. PERRY, 48 APP. D.C. 453; JANUS V. UNITED STATES, 38 F.2d 431, C.C.A. 9th; COMMONWEALTH V. DI STASIO 294 MASS. 1, N.E. 2d 184; STATE V. FREEMAN 86 N.C. 683, PELOQUIN V. HUBNER, 231 WIS 77, 285 N.W 380; SEE ALSO WARNER, 28 VA. L.R. 315, 339-341.

In this case, once in federal custody in the southern district of Florida as of August 2017, agents neither presented mr. Beauchamp before a Judicial official in that district, nor transferred him for appearance in the western district of North Carolina for over two months. He was held in a federal facility in the southern district of Florida during that period without any information on why he was in federal custody.

mr. Beauchamp maintains that such a flagrant violation of FED. R. CRIM. P. RULE 5, amounts to a violation of his Fifth Amendment Rights to due process.

The remedial sanction of dismissal has been contemplated for flagrant unnessary delays in bringing an arrested person before a magistrate. The 106-day delay which occurred in the matter at bar would appear to present the appropriate facts warranting dismissal.

United States V. Osunde, 638 F. Supp. 171, 176-71 (N.D. Cal. 1986)(citations omitted) see. United States V. Melendez, 55 F. Supp. 2d 104 (D.P.R. 1999); contra Tarkington V. United States, 194 F.2d 63, 67 (4th Cir. 1952).

While it is the petitioner's position that such a flagrant violation of Due process should not require prejudice, mr. Beauchamp has nevertheless been prejudiced by having been placed in the first trial grouping, yet was of the last defendants to have brought for appearances and appointment of counsel. In stark contrast, all of the other defendants in his Trial group, Joe Tarpeh Johnson (37), Barrington Luttibeaudiere (41), and Isaac McIntosh (51).

had been ARRESTED and All had made APPEARANCES in this District by MAY 19, 2017. Consequently, the defendant has been PREJUDICED, inter alia, by the lack of time with which Counsel could have bothered. PREPARED defenses for TRIAL.

While the GOVERNMENT has not identified an INTERROGATION of MR. BEAUCHAMP during this two month PERIOD of PRE-TRIAL delay while in FEDERAL detention, MR. BEAUCHAMP would additionally REQUEST any statements that were elicited such as any RECORDINGS in TROOPER CABE's PATROL VEHICLE and while being held, be SUPPRESSED. "If any confession or statement occured before PRESENTMENT and beyond SIX HOURS, however, the court must decide whether delaying that long was UNREASONABLE OR UNNECESSARY under the MCNABB-MALLORY CASES, and if it was, those STATEMENTS OR CONFESSIONS is to be SUPPRESSED." CORLEY V. United States 556 U.S. 303, 322, (2009)

THEREFORE, MR. BEAUCHAMP RESPECTFULLY REQUESTS THIS HONORABLE court to dismiss All CHARGES against him for the GOVERNMENT'S willful FAILURE to BRING him BEFORE JUDICIAL AUTHORITIES for OVER two months despite holding him in FEDERAL custody in VIOLATION of his RIGHTS enumerated under the DUE PROCESS CLAUSE of the U.S. constitution.

3). MR. BEAUCHAMP contends that the District CAUSED REVERSABLE ERROR BY FALSELY APPLYING a "LEADER ORGANIZER" ENHANCEMENT at SENTENCING PURSUANT to § 3B1.1(a) United STATES sentencing Guideline. As to MR. BEAUCHAMP IS CLEARLY not A GANG MEMBER due to NO factual EVIDENCE links PETITIONER to BEING AN ACTIVE UBN GANG MEMBER. THE ONLY thing PETITIONER IS to this GANG IS that HE KNEW a COUPLE of PEOPLE that ARE active GANG MEMBERS.

THE RECORD CLEARLY SHOWS that the GOVERNMENT USE FORCE PLAY AT TRIAL AS to the ONLY two WITNESSES USED to TESTIFY WHERE ACTIVE GANG MEMBERS and had cut DEALS with ISAAC McINTOSH, and MAQUAN NELSON to tie MR. BEAUCHAMP to be INVOLVED with the UBN Blood GANG. PROSECUTION made THREATS to McINTOSH that the GOVERNMENT would BRING CHARGES AGAINST him if he didn't ANSWER QUESTIONS when he didn't WANT to. and the RECORD CLEARLY shows that McINTOSH didn't HAVE AN ATTORNEY PRESENT during the last INTERVIEW AS he was not REPRESENTED by COUNSEL.

Also, by mcintosh's testimony clearly shows that he was the person in charge of his territory, and that he only knew his play in the credit card scheme and that no one taught him how to do his part and it clearls shows that he was coersed by the prosecuter as to what to say and when to say it.

There is no proof as to mr. Beauchamp being a leader ar organizer in this gang of UBN Bloods as a person would have to be an active gang member to even speak about gang activity.

mr. Beauchamp has no gang tattoos to show he's in any type of gang. and during trial government witness mcintosh proves that when a photo was shown of a true ranking gang member holding up gang signs clearly shows by testimony that he didnt recognize any true signs mr. Beauchamp was holding due to petitioner was not holding any signs that would indicate him as being a UBN Blood gang member. much less a leader. and/or organizer.

To be an organicer leader one must be of some type of controller, manager, or some one whom gives orders. and just because a statement used while being illegally recorded during an illegal traffic stop does not make him a Boss,

Also, goverments witness maquan Nelson also clearly proves he truely has no knowledge of mr. Beauchamp being a ranking person in his gang other than who he hung around with known as Bandana, mr. Nelson can only place petitioner as a hang around as he's only seen mr. Beauchamp a couple of times with Bandana,

In a nut shell, each gang member will know who the ranking gang members are through tatoos and ledgers. and mr. Beauchamp has no tatoos and is not in any ledger. and last but not least gang intelligence would have mr. Beauchamp identification through investigations of the UBN Blood gang, But there is none. why because mr. Beauchamp is only guilty of association, not guilty of organizing gang activity.

There is no proof on record nor investigation that mr. Beauchamp is in this UBN Blood gang and the government clearly caused error by enhancing petitioner's sentence under § 3B1.1.(a) as an organizer leader.

4). MR. BEAUCHAMP contends that the GOVERNMENT CAUSED REVERSABLE ERROR by APPLYING "stolen goods" ENHANCEMENT under U.S.S.G. § 2B1.1(b)(4) AS THE GOVERNMENT LACKS PROOF that the ITEMS found on PETITIONER were actually stolen due to THERE IS NO TRUE victim of the CRIME.

NO ONE REPORTED the SIEZED ITEMS AS stolen NOR did ANYONE take the STAND AS to being a VICTIM of LOSS. IN OTHER WORDS. NO ONE took the STAND AT MR. BEAUCHAMPS TRIAL and SAID PETITIONER STOLE ITEMS OR MONEY. HE MAY HAVE BEEN ACCUSED of WIRE FRAUD, But NO AGENCY, STORE, OR CREDIT CARD COMPANY CAME FORWARD and took A LOSS. and CLAIMED to BE A VICTIM of ANY CRIME. and this ALSO COVERS, 5) AS the district court ERRED by not failing to PROPERLY ANALYZE the ACTUAL LOSS V. GUIDELINE due to ONCE AGAIN, NO ONE CLAIMED to BE A VICTIM of LOSS, and the RECORD shows that when EACH CARD WAS SWIPED and EACH ONE CAME BACK AS ZERO, other than The LEGAL gift CARDS. ONCE AGAIN there IS NO VICTIM of LOSS and the district COURT CAUSED REVESABLE ERROR by NOT PROVING that a BANK, STORE, OR CREDIT CARD COMPANY took ANY LOSS.

This CONCLUDES that the FORESOING REASONS STATED in this PETITION should RESULT in MR. BEAUCHAMP' CHARGES to BE DROPED and DIRECT the DISTRICT COURT to REVERSE his CONVICTION and RELEASE PETITIONER.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

B. Beauchamp

Date: July 3, 2022