

22-7534

No. _____

FILED

MAY 08 2023

OFFICE OF THE CLERK
SUPREME COURT U.S.

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Charles Claude Ramsey ^{Pro-se}
(Your Name) — PETITIONER

vs.

Commonwealth of Virginia — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO
United States Court of Appeals
For the Fourth Circuit
1100 East Main Street
Richmond, Virginia 23219

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

PETITION FOR WRIT OF CERTIORARI

Charles Claude Ramsey ^{# Pro-se}
(Your Name) 516688

VCBR P.O. Box 548
4901 E. Patrick Henry Highway
Burkeville Va 23922-0548

(Address)

Burkeville VA 23922

(City, State, Zip Code)

N/A

(Phone Number)

QUESTION(S) PRESENTED

§ 6.32 Privilege Against Self-Incrimination

As the Supreme Court put it in *Brown v. United States*, defendant must weigh "the advantage of the privilege" against "the advantage of putting forward his version of the facts" and may elect not to testify. If he decides to testify, he cannot claim "immunity from cross-examination on the matters he has himself put in dispute," because this approach would make the Fifth Amendment "a positive invitation to mutilate the truth." ¹ As in *Jackson Standard*. (1980) Criminal law.

See *RE: Ramsey V. Commonwealth*

Record No. 0083-01-3 April 2, 2001 Page 6

Although Ramsey chose not to testify, it is clear from the record that he denied ever committing this crime. [S.T.J. pp. 11, 15-16]. He never really understood why he had even been charged with the crime [T.T.J. pp. 4-5].

Matters of Ramsey because upon a Petition for a Writ of Actual Innocence
Record No. 1263-21-3

However, Ramsey Right to present exculpatory evidence As in *Winship, Canada v. United States*, 5:11 gr. 16 Civil Action No: 2:11 CV 396
at C. Respondent's Objections, 15-3-4-

Appropriate remedy As in white, *Evidentiary Privileges and the Defendant's Constitutional Right to Introduce Evidence*, 80 J. Crim. L. & Criminology 377 (1989), 5:5 gr. 45, FOURTH CIRCUIT your paperwork is returned that you may properly redirect it. Nwamaka Agbowi Chief Deputy Clerk § 10.1.1 Gilbert, The law of Evidence Ramsey Stating: 'THE BEST EVIDENCE DOCTRINE not to look beyond the record.

'THE FOURTH CIRCUIT': allowing upon a notice to appeal in leave to proceed in forma pauperis Order December 29, 2022 However as in No. 22-7434 The Court claim it lack jurisdiction to act. However, the petitioner put his motion in to Strike or reconsider *Hanna v. Plumer*, 5:4 gr. 2 and Rule 1.1, Rules of the Supreme Court of Virginia, says that the trial court loses jurisdiction over a case 21 days after a conviction becomes final. This means that the only place Ramsey can argue his case is in the appellate courts and he has been doing that. The Court, Stating: April 5, 2023 TEMPORARY STAY OF MANDATE April 25, 2023 Order 'The court denies' the petition for rehearing and motion for certificate of appealability.

However, in the matters of Ramsey, Ramsey Constitutional Challenge (VSPA) binding *United States v. Cornstock*, No. 07-7611, No. 07-7612, No. 07-7673 4th Cir. Dec 06, 2010 However, this binding comes into Record No. 1263-21-3 Chain of causation. If the Fourth Circuit lack jurisdiction to act, 'The Court wouldn't had given the petitioner leave to proceed in forma pauperis Abel, must apply as in 6.33 gr. 1 all parties of Commonwealth of Va.

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

RE: Ramsey V. Commonwealth
Record No. 0083-01-3

Record No. 1263-21-3 Record No. CL01000073-00
Record No. 220133 Court of Appeals No. 1263-21-3
2nd day of May, 2022

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

NO. 22-7434

(2:11-cv-00396-RBS-FBS)

CHARLES CLAUDE RAMSEY
Petitioner-Appellant

V.

KIMBERLY H. RUMON Director of the Virginia Center for Behavioral
Rehabilitation
Respondent-Appellee

ORDER

The Court grants leave to proceed in forma pauperis.
For the Court - By Direction /s/ Patricia S. Connor, Clerk

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The Constitution of the United States of America 1-14th Amendments

APPENDIX A From the Court of Appeals of Virginia. Finding that the appeal was not perfected in the manner provided by law harmless error No. 220133 No. 1263-21-3

APPENDIX B See Ferguson v. Com 396 S.E. 2d 675 1990 September 26 1990, Newberry 8.80 Idaho v. Wright 8.80 n.1 Wright added that reliability for Constitutional purposes must be determined by "inherent" factors and not by reference to independent corroborative evidence. 1

APPENDIX C Idaho v. Wright 8.66 n.14 child abuse victims Statements by 8.66 Many factors Count

APPENDIX D § 8.48 Public Records Under FRE 803(8) Varieties of Public Records "Matters observed" Chu Kong Yin United States v. 8.48 n.3 with Commonwealth attorney's permission officer England's January 15 report was read into the record. Public record FRE 803(8)

APPENDIX E The evidence is insufficient to convict the petition of aggravated Sexual battery

APPENDIX F No. 0083-01-3

AS This document indicates of the discovery of new evidence to base a new claim pursuing relief in Ramsey's case

CRO0000044-00 Pursuant to the authority enunciated in

Brady v. Maryland 373 U.S. 83 (1963);

The Commonwealth withheld as in CRO0000044-00

See Continuation Sheet 22 REF: Ramsey, Charles

Mrs. Hardy also went on to state that the victim had told her husband first and that at the time she stated the subject had only touched her breasts.

Professional legal services 5.11 as in civil Action no.: 2: 11 cv 396 at page -3- -4- Scrivenor, 16 as in Canada v. United States 5.11 n.16 Brown v. United States 6.32 n.1

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Bass V. Corn., 523 S.E. 2d 543, 31 Va. App. 2000	
Ferguson V. Corn 396 S.E. 2d 675 1990	
Fisher V. Commonwealth, 228 Va. 299 (1994) ^{SCV} Jackson Standard	9
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STATUTES AND RULES

Virginia Code Section 18.2-67.3. 1

Mr. Ramsey was charged with aggravated sexual battery (violation of Virginia Code Section 18.2-67.3) in the Virginia Circuit Court for the City of Buena Vista. Mr. Ramsey pleaded not guilty and a bench trial began on August 25, 2000. Judge Franklin found that Knight had told the truth during her testimony and ordered a presentence investigation report upon finding Mr. Ramsey guilty.

On January 5, 2001, Mr. Ramsey was sentenced by Judge Franklin to eight years imprisonment (Circuit Court no. CR44-00).

Criminal Cases § 3.11 Meaning of term

Merlos, United States V., 3.11 n. 10

OTHER

Re: Commonwealth of Virginia v. Charles Ramsey
 CLO700073-00 Canaday V. United States, 5.11 n. 16

Idaho V. Wright, 8.66 n. 14

Chu Kong Yin, United States V., 8.48 n. 3

binding United States V. Comstock, Winship, In re 3.11 n. 1, 4

Addington V. Texas, 3.3 n. 5 Constitutional Challenge.

Brown V. United States (356 U.S. 148), 6.32 n. 1

Jackson V. Virginia, 443 U.S. 307, 99 S. Ct. 2781 1979

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 Ferguson v. Cm 396 S.E. 2d 615 1990; 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 F to the petition and is vacted/remanwed distict Court

☐ reported at Canada v. United States 5:11 n. 16; 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 B, F to the petition and is

☐ reported at Idaho v. Wright 8. 80 n. 1 Brown v. U.S.; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the was not perfected by law court appears at Appendix All to the petition and is

☐ reported at Scv Record no. 220133; Cal Record no. 1263-21-3; 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 February 2, 2023.

☐ 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: NO. 22-1434 April 25 2023, 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).

I guess

☐ For cases from **state courts**:

The date on which the highest state court decided my case was May 2 2022.
A copy of that decision appears at Appendix All.

☐ A timely petition for rehearing was thereafter denied on the following date: it was, can't remember, 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).

*I guess However, I'm layman See
Underwood The Thumb on the Scales of Justice:
Burdens of Persuasion in Criminal Cases
86 Yale L. J. 1299 (1977). 3.12.20*

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Constitutional Challenge, VSPA 37.2-900 ALSO
The Petitioner binding U.S. v. Comstock
on behalf of all Sex offenders of the Commonwealth

WinShip 397 U.S. at 363 By that same
logic the clear and convincing Standard
mandated by the SVP Act does not satisfy
due process.

Article III Section 2. of the United States
Constitution

Article I. Section 9. Virginia's State Constitution
Prohibition and Section 10 U.S. Constitution

See The Constitution of the United States of
America

Article I Section 10.

As in CL07000073-00 and on behalf of all
Sex offenders of the Commonwealth of Virginia
WinShip Court must Apply the reasonable doubt
Standard in proceeding pursuant to SVP Act.

STATEMENT OF THE CASE

See RE: Ramsey v. Commonwealth

Record No. 0083-01-3 Page(1) However,

Knight testified that she and Mr. Ramsey were watching television and that her two sisters had fallen asleep. Allegedly, Mr. Ramsey repeatedly requested that Knight "stay awake with him" and that "he asked me [Knight] to suck his dick for \$20.00." Knight also claimed that Mr. Ramsey's hand was underneath the covers on her "private part" and that she was wearing a gown and underpants. However, Knight was unable to state whether Mr. Ramsey's hand was inside or outside of her underwear, and also didn't know if Mr. Ramsey's hand was under her nightgown or on top of her nightgown.

Knight explained these allegations to her stepfather approximately two months later and he notified the police. Initially, Knight did not tell anyone that Mr. Ramsey actually touched her. Instead, she only alleged that Mr. Ramsey offered her \$20 to perform fellatio on him. It was not until close to six months later that Knight alleged the actual touching of her private parts to officer Wheeler.

January 27, 2000

Bass v. Com., 523 S.E. 2d 534, 31 Va. App. 2000

to rebut the presumption of unreliability must "be drawn from the totality of circumstances that surround the making of the statement and that render the declarant particularly worthy of belief." *Idaho v. Wright*, 497 U.S. 805, 820, 110 S. Ct. 3139, 3149, 111 L. Ed. 2d 638 (1990). Evidence admitted based upon the existence of particularized guarantees of trustworthiness must be so trustworthy that adversarial testing for 5 or 6 months, there is no "credible explanation" as to why Knight lied to officer Ragland - She doesn't know why she lied. Right to present exculpatory evidence § 5.5-91.11 stating: 11. 418 U.S. at 711

REASONS FOR GRANTING THE PETITION

In Clear, Mr. Ramsey pleaded not guilty and a bench trial. AS in (CR44-00).
Judge Franklin found that Knight had told the truth during her testimony.
AS in Meaning of Term, Judge Franklin Understated the beyond a reasonable doubt requirement.¹⁰

Merlos, United States V., 3.11 n. 10

As a reflection of this judgment the Standard was developed at early Common law that the State must prove an accused guilty "beyond a reasonable doubt."²

2. See Morano, A Reexamination of the Development of the Reasonable Doubt Rule 55 B. U. L. Rev. 507, 512-520 (1975) See generally Shapiro, "Beyond Reasonable Doubt" and "Probable Cause": Historical Perspectives on the law of Anglo-American Evidence (1991); Thayer, Preliminary Treatise on Evidence at the Common Law 558, 559 (1898) (tracking historical development of "beyond reasonable doubt" Standard).

The critical distinction indicates, pursuant to the Supreme Court's direction Winship, Court must Apply the reasonable doubt Standard when finding facts in proceedings pursuant to SVP Act. Such findings Surely equal or exceed any Stigma associated With juvenile delinquency and Criminal punishment

Winship, In re, 3.11 nn. 1. 4

Conflict in the 4th Cir

CONCLUSION

The Fourth Circuit order
The court grants leave to proceed in forma pauperis
NO. 22-7434 (2:11-cr-00396-RBS-FBS)

The petition for a writ of certiorari should be granted.

VIRGINIA: the court, on its own motion and pursuant to Code § 19.2-327.1(D),
hereby issues a writ of certiorari, directed to (CR00000044-00).
Respectfully submitted, Conflicts in the 4th Cir U.S. v. Comstock

Charles C. Ramsey
Pro-Se

Date: 5-8-2023