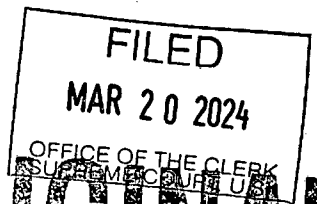


23-7069
No.



ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

JESSE R. REDMOND, JR. — PETITIONER
(Your Name)

vs.

DISTRICT OF COLUMBIA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

DISTRICT OF COLUMBIA/COURT OF APPEALS
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

JESSE R. REDMOND, JR.

(Your Name)

1424 4th STREET, S.W.

(Address)

WASHINGTON, D.C. 20024

(City, State, Zip Code)

202-878-2224

(Phone Number)

QUESTION(S) PRESENTED

1. Whether the District of Columbia Court of Appeals fails to apply the law on the precedent by the United States Supreme Court pursuant to Criminal Rule 4(a)(b) ?
2. Whether the petitioner's Fourth Amendment Constitutional rights has been violated by not following the Criminal procedures ?

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:

1. Jesse R.Redmond.
2. District of Columbia.

RELATED CASES

1. Frank v.Del.,438 U.S.154,165 (1978)
- 2.Gerstein v.Pugh,420 U.S.103,113-14 (1975)

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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 _____ 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☐ is unpublished.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 _____ 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☐ is unpublished.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 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☒ is unpublished.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 District of Columbia Court of Appeals 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.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ 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 January, 16, 2024.
A copy of that decision appears at Appendix A.

☒ A timely petition for rehearing was thereafter denied on the following date: Feb, 9, 2024, and a copy of the order denying rehearing appears at Appendix B.

☐ 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

1. The IV Amendment, where it states,

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

2. The Statutory Provision involved,

District of Columbia Superior Court Criminal Rule 4.

STATEMENT OF THE CASE

The petitioner, Jesses R. Redmond, Jr., filed a civil action complaint before the District of Columbia/Superior Court/Civil Division on the grounds that the District employee signed a criminal complaint where the victim pose to sign. The said employee of the District filed the fraudulent criminal complaint to the court to get a warrant for the petitioner. The court order that the District to response to the petitioner civil action complaint.

Thereafter, the District filed a motion for dismissal alleging that the petitioner claims are time barred. The court dismissed the District pleadings for dismissal to allow the petitioner to response to the District pleadings. The petitioner filed a opposition to the District motion for summary judgment, and in the alternative a motion for dismissal. On March, 22nd 2023, the court written an order granting the District pleading. In the court order, where its states in relevant parts:

Contrary to the plaintiff's understanding, the factual allegations in a criminal complaint filed in this court are always sworn to by a law enforcement proceedings in a felony case. See Super. Ct. Crim. R. 3. In our judicial system, criminal prosecutions are brought by the government, and charging decisions are made by prosecutors, not civilian complainants. See United States v. Panza, 1133, 1133 (W.D. Pa. 1974).

Thereafter, the petitioner filed a timely notice of appeal. On January, 16, 2024, the District of Columbia/Court of Appeals written a judgment denying the petitioner relief, where its states in relevant parts:

REASONS FOR GRANTING THE PETITION

This Court should grant cert because there has been a miscarriage of justice. The petitioner concede with the lower court's that the prosecutor has broad discretion to initiate and conduct criminal prosecution, because of the separation of power doctrine. See United States v. Fokker Servs. B.V. 818 F.3d 733, 741 (D.C. Cir. 2016) (decision to prosecute "long settled" to be within executive authority).

The reasons for granting the petitioner petition, because (1) Specifically the petitioner contend that the detective who signed the criminal complaint was entirely unreasonable, (2) The court did not consider facts known to the affiant outside the affidavit, and (3) The court abandoned its judicial role and acted as a rubber stamp for the police.

Under the Federal Rules of Criminal Procedure, a compliance requesting an arrest warrant must contain "essential facts constituting the offense charged." Fed. R. Crim. P. 3. Information supporting probable cause must be "truthful" in the sense that the information put forth is believed or appropriately accepted by the affiant as true. See Franks v. Del., 438 U.S. 154, 165 (1978). Statements that are knowingly false or exhibit a reckless disregard for the truth must not be used by the magistrate to determine probable cause. See D.C. Super. Rule 5. Also See Gerstein v. Pugh, 420 U.S. 103, 113-14 (1975) (if detainer sought, must have probable cause hearing within 48 hours).

Herein the petitioner case there was not a probable cause

to determine the facts known to the affiant outside the affidavit.^{1/}
The petitioner was denied his right to a adversary proceeding. See Payton v. N.Y. 445 U.S. 573, 602 (1980) (arrest warrant requires evidence of participation in crime and interposes the magistrate's determination of probable cause between the zealous officer and the citizen. The petitioner Fourth Amendment Constitutional rights and his statutory rights also been violated by denying the petitioner an adversary proceeding. Accordingly to the petitioner there was no hearing held to determine probable cause under D.C. Super. Ct. Rule 3, accordingly to a Frank, hearing to determine whether the affiant conceded with the statements made. Due to the facts that there was no Frank, held, and its is not determine whether its is the affiant heresay statements. See D.C. Super. Ct. Crim. R. 4(a)(b).

The exclusionary Rule, as it is known is a judicially created remedy designed to safeguard Fourth Amendment rights generally through its deterrent effect. See United States v. Leon, 468 U.S. 897, 922, 104 S.Ct. 3405, 82 L.Ed.2d 677 (1984) (stands for the principle that the court's generally should not render inadmissible evidence obtained by police officers acting in reasonable reliance upon a search warrant that is ultimately found to be unsupported by probable cause. This Court does not require that all statements in an affidavit be completely accurate. Instead, the Court simply

^{1/} The trial court alleges the criminal complaint document was likely produced to the plaintiff in discovery at or before trial, and there is no basis in the record on which to believe the document was ever filed in the criminal case or played any direct role in the plaintiff's prosecution or imprisonment.

requires that the statements be believed or appropriately accepted by the affiant as true. See Frank, 438 U.S. at 165. The petitioner has demonstrated before the lower court's that the criminal complaint included false informations. See Frank, 438 U.S. at 155. The lower courts has precluded the petitioner from having access to the court to establish his claims that the police officer fraudulently, reckless disregarded of the truth. Because the Constitution prohibits an officer from making perjurious or recklessly false statements in support of a warrant. See Kelly v. Curtis, 21 F.3d 1544, 1554 (11th Cir. 1994).

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Lesse E. Redmond

Date: March 22, 2024
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