No. 24-7374

ORIGINAL

ORIGINAL

Supreme Court, U.S.
FILED
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IN THE

SUPREME COURT OF THE UNITED STATES

CHAYCE AARON ANDERSON— PETITIONER

Vs.

THE PEOPLE OF THE UNITED STATES— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Colorado Court of Appeals, Colorado Supreme Court
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Chayce Aaron Anderson

~~**Centennial Correctional Facility**~~
~~**P.O Box 600**~~ C.C.C.F.
6564 St. Hwy. 96
Olney Springs, CO 81062

~~**Canon City, CO 81215**~~

N/A

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QUESTION(S) PRESENTED

I. **What weight is due to considerations of *stare decisis* in evaluating the constitutional rights or protections against warrantless or unconstitutional searches and seizures, as are given to U.S. Citizens by the Particularity Clause within the Fourth Amendment of the U.S. Constitution?**

II. **Whether an indictment that was the fruits of an illegal search and seizure without a lawful warrant was "unreasonable"; and Whether the State of Colorado can rule that a 7 month constitutionally deficient warrant or past-due People's Exhibit Four is lawful? Whether the indictment is therefore unlawful, as there was no legal warrant to justify the searches conducted? Whether the "fruits" of the tainted tree prohibit inadmissible evidence to be used to seek a conviction as such searches violate the Fourth Amendment?**

III. **Whether a police detective can disregard the court orders or parameters of a 44.1 warrant when that warrant explicitly stated in sub court order #7: "No search of Chayce Aaron Anderson may be made, except a protective search for weapons," *(verbatim)* and when the 44.1 rule itself explicitly prohibits searches under 44.1. Since 44.1 states explicitly that there must be two warrants for a search, a 44.1 and a separate search warrant having been issued prior to the search before a search is conducted; does the police detectives search become unconstitutional when warrant is breached? Whether it was unconstitutional to conduct a warrantless search, seize a white I-phone 6, and hook up four different police software to the phone, file a police complaint, and then file for a search warrant that is nearly 7 months constitutionally delinquent? Specifically; the search warrant wasn't issued till the day after the serving of the police complaint.**

IV. **Whether Defendant Anderson received his adversarial function under the right to counsel and particularly effective counsel when a week prior to trial, counsel claimed *inter alia*, or that his attorney-client privilege had been breached?**

V. **Whether the evidence was constitutionally sufficient to meet the constitutional standard of elements of offense having been proven beyond a reasonable doubt. When considering intent is a core required element failed to be proved when Defendant Anderson's intoxication level was stated by an expert as coma-tose, near death, of .45 to .48 B.A.C.; expert testimony that was deliberately withheld from the eyes of the jury? Whether if the elements had not been constitutionally reached; justifying a judicial acquittal verdict on several counts? Whether the defendant was constitutionally entitled to an acquittal judgment by the trial judge?**

VI. **Whether the State of Colorado can reach "Intent" required in the Criminal Culpable Mental state required in charged counts when a Defendant is documented by toxicology reports as having a "Coma" level intoxication of .45 to .48; amounting to unconsciousness and near death symptoms?**

LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page.

[X] 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:

Defendant:

CHAYCE A. ANDERSON, #175290;
~~Centennial Correctional Facility~~ C.C.C.F.
~~P.O Box 600~~
~~Canon City, CO 81215~~ 6564 St. Hwy. 96
Olney Springs, CO 81062

People:

PHILIP WEISER; Colorado Attorney General;

Ralph L. Carr Judicial Center
1300 Broadway, 10th Floor
Denver, Colorado 80203

~~RYAN FLORES~~, Warden
GUI BOSCH
~~Centennial Correctional Facility~~
~~P.O. Box 600~~
~~Canon City, CO 81215~~
C.C.C.F.
6564 St. Hwy. 96
Olney Springs, CO 81062

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"Motion To Suppress"

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.

[X] For cases from state courts:

The opinion of the highest state court to review the merits appears at Appendix B to the petition and is

[ ] reported at_____; or,
[ ] has been designated for publication but is not yet reported; or,
[X] is unpublished.

The opinion of the Colorado Court of Appeals court appears at Appendix C 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).

[X] For cases from state courts:

The date on which the highest state court decided my case was 04/07/2025 A copy of that decision appears at Appendix B.

[ ] 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).

No Court heard or issued an order on legally filed Rehearing until a week or two later. See: Appendix E

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1) ***U.S. Const. amend V; Double Jeopardy Protection, Due Process right to be heard and offer testimony, Guarantee against compelled testimony or Protection against Self-Incrimination***
2) ***U.S. Const. amend VI; Compulsory Process Clause or right to call witnesses in one's favor, Right to fair and impartial jury trial, Right to "reasonably effective assistance of counsel" and Right to Assist in their own defense.***
3) ***U.S. Const. amend XIV; Due Process right to be heard and offer testimony, Equal Protection of the Laws, Right to "reasonably effective assistance of counsel."***
4) ***U.S. Const. amend VI & XIV; Violated by the cumulative effect of trial errors amounting to ineffective assistance of counsel***
5) ***U.S. Const. amend IV; Protection against warrantless or unconstitutional searches and seizures, Protection against conviction gained by use of inadmissible evidence under the Fourth Amendment standard, Violation of the Particularity Clause and "Warrant having been issued" before search, Warrant improperly executed and terms of Court Orders illegally breached***

STATEMENT OF THE CASE

The Sixth Amendment grants to the accused personally the **right** to make his defense; it is the accused, not counsel, who must be informed of the nature and the cause of accusation, and who **must** be accorded **compulsory** process for obtaining witnesses in his favor; even more fundamental to an accused's personal defense than an accused's **right** of self-representation, which is necessarily implied by the structure of the Sixth Amendment, is the accused's **right** to present **his own version of events** in **his own words**; an accused's opportunity to conduct his own defense by calling witnesses includes the right to present himself as a witness.

An accused's right to call witnesses whose testimony is material and favorable to his defense, which is found in his Sixth Amendment right to have compulsory process for obtaining witnesses in his favor, a right that is **guaranteed** in the criminal courts of the States by the Fourteenth Amendment.

STATEMENT OF THE CASE:

In this case, there are several additional glaring reasons to grant the petition, that will be laid out concisely in the following paragraphs:

To commence, there were numerous motions that were filed by Mr. Anderson honorably, a Colorado State University Senior that has 170 college credits with an accumulated G.P.A of 3.5-3.7, and has overcome great adversity in his life. As a faithful United States Citizen that has studied and applied the principles of our founding fathers, our founding documents, and faithfully supported the doctrines of the United States Constitution since youth, at great personal cost to himself. To deny this motion without hearing would amount to a great travesty of justice, and would deny justice to a man who has waited a long time to be heard, and furthermore would deny our civilization, one of the greatest, humblest, and aspiring legal minds to advocate zealously on behalf of our great citizens, and furthermore would deny our country a great tactical mind for further global conflicts. It should be noteworthy to this Honorable Court, that Mr. Anderson had enlisted with the United States Navy prior to his illegal apprehension, and would have been an officer in our great Navy on his way to serving our nation in the Judge Advocate Generals core, prior to the great fraud that was committed on himself, and on his family, with particular significance added to the pain and trauma committed against the great United States citizen, Dr. Kevin J. Anderson, who has faithfully served our communities for over thirty years. To deprive this man of his only biological child when the constitutional violations are glaring and obvious, is to deny justice and liberty, the very virtues our founding fathers fought for zealously against the British.

The motions that were filed were:

1. "Motion for Procedural Default and Reconsideration of 35 (c) Denial"
2. "Motion to Supplement 'Notice of Appeal', Warrant-less Search, Violation of 44.1 (f) (5) and (I)
3. "Motion for Rehearing (C.A.R. Rule 40)

For ease of the court, the following explanation is provided. The first motion was filed as a result of the People having filed their answer brief on July 10th, 2022, two days following the July 8th, 2022 deadline. This means that the People waived their right to file an answer and they procedural defaulted. It was unconstitutional for the trial judge to use procedural defaulted arguments against Mr. Anderson, and to ignore the post-judgment motion filed within the 14 day rule, according to institutional logs, with no response from any court. This violates the Due Process Clause of the Fourteenth Amendment.

Honorable Judge Michelle Brinegar's 44.1 Order on Non-Testimonial Identification, is attached to the *pro se* post-conviction motion at *Exhibit A*, pg. 546 of the Record.

The dates relevant to the warrant-less search are as follows:

1. Cargill Burglary: September 14th and 15th, 2014.
2. LDS Temple: October 15th, 2014
3. Complaint and Information Filed: February 23rd, 2016
4. Peoples Exhibit Four: Warrant to search the white I phone 6 was signed by Judge Lynch on February 24th, 2016.

5. First warrant to search separate black galaxy phone: October 23rd, 2014, the warrant came with a 14 day expiration clause attached to forbid future searches after 14 days.

6. Initial search of white I phone 6 was warrant-less, when was seized incident to police arrest on August 29th, 2015, and therefore, all evidence obtained from that search should have been suppressed.

7. The warrant for the truck had expired, and there was no consent by Mr. Anderson to search his white I phone 6, and the People fraudulently acquired his service records by deceiving him into signing a release of information for his public defender Daniel Jasinski, who then conflicted off immediately proceeding an indictment with no search warrant, followed by Mr. Anderson being appointed a Chief Deputy District Attorney to conduct his defense at trial. These conflicts of interest were never explored by any judicial officer in violation of Mr. Anderson's significant constitutional rights.

Under *Riley v. California*, 573 U.S. 373; Defendants' cell phones were unlawfully searched upon their arrests since the arresting officers generally could not, without a warrant, search digital information on the cell phones seized from the defendants as incident to the defendants' arrests which did not pose a threat to the officers.

In *Napue v. Illinois*, 360 U.S. 264. 79 S. Ct. 1173, 3 L. Ed. 2D 1217, which held that prosecutors have a constitutional obligation to correct false testimony; the U.S. Supreme Court held that a conviction **knowingly** obtained through the use of false evidence violates the Fourteenth Amendment's *Due Process Clause*. To establish a *Napue* violation, a defendant must show that the prosecution knowingly solicited false testimony or knowingly allowed it to go uncorrected when it appeared. If the defendant makes that showing, a new trial is warranted so long as the false testimony may have had an effect on the outcome of the trial – that is, if it in any reasonable likelihood could have affected the judgment of the jury. In effect, this materiality standard requires the beneficiary of the constitutional error to prove beyond a reasonable doubt that the error complained of did not contribute to the verdict obtained.

The *Due Process Clause* imposes the responsibility and duty to correct the false testimony on representatives of the state, not defense counsel. It is established that a conviction obtained through the use of false evidence, known to be such by representatives of the state, ***must*** fall under the Fourteenth Amendment. As *Napue* made clear, a lie is a lie, no matter what its subject. Nothing in *Napue* requires ignoring the fact of a witness's perjury in the prejudice analysis. To the contrary, materiality instead always requires courts to assess whether the error complained of could have contributed to the verdict.

The U.S. Supreme Court's only power over state judgments is to correct them to the extent that they incorrectly adjudge federal rights. Where a state court relies on a procedural rule whose application turns on whether federal constitutional error has been committed, the U.S. Supreme Court may remand for a new trial if it has confidence that no other state ground could support the decision below. A new trial is the remedy for a *Napue* violation. *See: United States v. Bagley*, 473 U.S. 667, 680, n. 9, 105 S. Ct. 3375, 87 L. Ed. 2D, 481; *Chapman v. California*, 386 U.S. 18, 24, 87 S. Ct. 824, 17 L. Ed. 2D 705.

Relevant to the admissibility of evidence obtained by illegal search and seizure as it applies to U.S. Supreme Court cases, *See: Wolf v. Colo.*, 338 U.S. 25; *Stefanelli v. Minard*, 342 U.S. 117, *Irvine v. California*, 347 U.S. 128; & *Rea v. United States*, 350 U.S. 214.

Where here, there was a violation of federal constitutional rule, as seen in *Mapp v. Ohio*, 367 U.S. 643, excluding evidence obtained through unreasonable search and seizure, as constituting reversible or harmless error. 30 ALR3d 128.

The question before this most Honorable Court Panel, is whether, as a matter of federal law, including federal constitutional law, evidence obtained by an unlawful search is admissible in a criminal trial, considering only the pertinent cases decided by the Supreme Court of the United States. Whether evidence obtained by a search and seizure in violation of the Fourth Amendment is not admissible in a criminal trial?

Pursuant to the *Due Process Clause* of the Fourteenth Amendment, evidence obtained by a search and seizure in violation of the Fourth Amendment was ***inadmissible*** in the state's prosecution of defendant for possessing obscene literature. *See: Mapp v. Ohio*, 367 U.S. 643.

In this case, the accused was deprived of effective assistance of counsel and deprived of due process of law. There was tainted evidence. There was inadmissible evidence used to convict the accused. There was and are glaring violations of the fourth amendment against illegal and unconstitutional searches and seizures; *See Riley* precedent; *Riley v. California*, 573 U.S. 373. "Defendant's cell phones were unlawfully searched upon their arrests since the arresting officers generally could not, ***without a warrant***, search digital information on the cell phones seized from the defendants as incident to the defendants' arrests (the trial court in Mr. Anderson's case ruled in direct opposite of this precedent, that officers may search phones incident to arrests)[emphasis added], which did not pose a threat to the officers."

Where the United States pertinent case stated explicitly: "The United States asserts that a search of all data stored on a cell phone is 'materially indistinguishable' from searches of these sorts of physical items. *See Brief for United States* in *No.* 13-212, p. 26." As well stated explicitly, "The United States concedes that the search incident to arrest exception ***may not*** be stretched to cover a search of files accessed remotely, that is, a search of files stored in the cloud. *See: Brief for United States* in *No.* 13-212, at 43-44. Such a search would be like finding a key in a suspect's pocket and arguing that it allowed law enforcement to unlock and search a house. But officers searching a phone's data would not typically know whether the information they are viewing was stored locally at the time of arrest or has been pulled from the cloud." Finally, the Honorable Justice concludes: "Our cases have recognized that the Fourth Amendment was the founding generation's response to the reviled 'general warrants' and 'writs of assistance' of the colonial era, which allowed British officers to rummage through homes in an ***unrestrained*** search for evidence of criminal activity. Opposition to such searches was in fact one of the driving forces behind the Revolution itself. In 1761, the patriot James Otis delivered a speech in Boston denouncing the use of writs of assistance. A young John Adams was there, and he would later write that 'every man of a crowded audience appeared to me to go away, as I did, ready to take arms against writs of assistance.' 10 *Works of John Adams* 247-248 (C. Adams. ed. 1856). According to Adams, Otis's speech was 'the first scene of the first act of opposition to the ***arbitrary*** claims of Great Britain. Then and there the child ***independence*** was born. *Id.* At 248 (quoted in *Boyd v. United States*, 116 U.S. 616, 625, 6 S. Ct. 524, 29 L. Ed. 746 (1886)). Modern cell phones are not just another technological convenience. With all they contain and all they may reveal, they hold for many Americans 'the privacies of life,' *id., at 630, 6. Ct. 524, 29 L. Ed. 746.* The fact that technology now allows an individual to carry such information in his hand does not make the

information any less worthy of the protection for which the Founders fought. Our answer to the question of what police must do before searching a cell phone seized incident to an arrest is accordingly simple – ***get a warrant***."(Emphasis Added).

Therefore; A motion to suppress would have been successful, because; as the United States Supreme Court explained in Riley, where a cell phone is searched in absence of a valid warrant, the defendant's Fourth Amendment rights have been violated and suppression is required. *Riley*, 573 U.S. At 401. Additionally relevant here, no court has ruled on the argument presented in the original post conviction petition or appeal therein that was subsequently denied erroneously, of the *"Fruit of the Poisonous Tree doctrine"*, under which evidence otherwise admissible at trial, but discovered as a result of an earlier violation of the U.S. Constitution would be excluded as "tainted."No relevant court has made a ruling on this argument, nor has any Judge mentioned in their briefing the original Non-Testimonial Warrant issued by Judge Brinegar that explicitly forbid searching Mr. Anderson's person in sub-court order 7. The legislature in 44.1 also explicitly forbid searches in consideration of the Fourth Amendment in their statutes. How were police able to search a defendant or an accused in violation of his substantial constitutional rights, when the very search was originally forbidden by a Judge's warrant since day one. The violation of the scope of this warrant, the covering up of the search with no warrant, and the finality of the verdict, requires in the interests of justice for this court to grant this petition and to investigate how the State of Colorado has violated the Fourth Amendment of the great and illustrious United States Constitution, and Mr. Anderson should be commended for his integrity and astute attention to detail to have discovered and litigated such a substantial violation of a constitutional right against great opposition from foes far greater than himself.

Additional precedent was violated when considering; *Carpenter v. United States,* 585 U.S. 296*;* in which the government's acquisition from wireless carriers of defendant's historical cell-site location information (C.S.L.I.) was a search under the Fourth Amendment; a court order obtained by the government under the Stored Communications Act was not a permissible mechanism for accessing C.S.L.I. ***As a warrant was generally required.***

Therefore the federal question is appropriately before this most Honorable panel, and is relevant to the fundamental rights stated above. Would the verdict have been different had the evidence acquired without a valid search warrant been suppressed? The answer is quite clearly yes, as the jury was able to see evidence that was constitutionally barred by Mr. Anderson's substantial rights from being presented. This means that there is more than a reasonable probability that Mr. Anderson would have benefited from an acquittal verdict, or been the beneficiary of a more reasonable plea deal, had the evidence been suppressed before the trial. The deliberate indictment of an U.S. Citizen without a valid warrant, and then filing for a valid warrant through deceiving a second judge who was unaware of the previous constitutional violations, must not stand.

This section was added to original petition for ease of the court and to cite the relevant cases as it applies to the present action. For any handwritten changes to the original petition, Mr. Anderson would pray that the court would understand the difficulties of litigating from within a prison, and due to facility transfers, Mr. Anderson presented the most thorough and legally appropriate motion for this Honorable Court to consider.

Mr. Anderson bids all parties to have a good day, and wishes that all parties are kept safe and secure in their courageous duty by the Almighty God. May the Lord Jesus bless our great United States, and May He bless all of you, and all that you each hold dear to your hearts.

Sincerely,

X _____

Mr. Chayce A. Anderson, #175290
Crowley County Correctional Facility
6564 St. Hwy. 96
Olney Springs, CO 81062
An Aggrieved U.S. Citizen
Colorado State University Senior
A Faithful Son, A Great Legal Mind,
A Disciple of the Great Lord Jesus.

Violation of Fourth Amendment:

Once it has been established that a search has indeed taken place, it is thereafter unconstitutional only if a valid warrant was not obtained prior to the search. The warrant is evidence that the proposed search has been examined, and considered not to infringe upon the suspect's rights. The leading case detailing the constitutionality of the search when a warrant is provided is **Katz v. United States**, which examined the constitutionality of wiretap surveillance by the government. The petitioner had been convicted based on improperly-obtained evidence because the safeguard of first obtaining a search warrant before bugging the phone booth had been ignored. On appeal the court stated that ***"in the absence of such safeguards, this Court has never sustained a search upon the sole ground that officers reasonably expected to find evidence of a particular crime and voluntarily confined their activities to the least intrusive means consistent with that end."***

Once it has been established that a search has occurred, the Fourth Amendment protections insure that the search is even permissible under certain conditions: that a warrant has been issued and that the search is **described with particularity**. That "particularity" requirement of the Fourth Amendment is to prevent over-broad searches which impinges upon an individual's privacy rights.

In this case, Detective Shutters disregarded the law that he needed two warrants to search Defendant Anderson. At the time of his execution of Judge BRINEGAR's *44.1* warrant, he had no search warrant. It appears apparent that Detective Wagner at the preliminary hearing claimed they had a warrant for a truck. That warrant seized a black galaxy 5 phone nearly two years earlier. The phone that was in Defendant Anderson's pocket at the time of his apprehension was a white I Phone 6, a phone that was never authorized to be searched by warrant and the search was forbid by BRINEGAR'S explicit Court Rule 7 "No Search" Clause. **The law enforcement used several police tools on that phone without a warrant**;

1. Cell Hawk
2. Cellebrite
3. Forensic Data Extraction Device
4. Data Analyzer

Then it appears that law enforcement filed their complaint on **February 23rd, 2016.** The indictment was issued without a lawful search warrant. Hence, the People chose to file for a search warrant on the following day of **February 24th, 2016.**

This is illegal and violated Defendant Anderson's substantial fourth amendment rights, **as there was no warrant from the date of the seizure: August 29th, 2015** until the filing on February 23rd, 2016 to justify the use of police software or even to notify a judge the seizure of the phone. Detective Shutters testified to immediately accessing the contents of the phone, even changing security settings on the first day, even after lying about how he had acquired the phone in direct contradiction to the truthful testimony of patrol officer Edmonds.

The United States and Colorado Constitutions guarantee a criminal defendant's right to receive reasonably effective assistance of counsel. *USCS Const. Amend VI, XIV; Colo. Const. Art. II, § 16. The United States and Colorado Constitutions grant U.S. Citizens with the right to a fair and impartial jury trial and the right to be able to assist in their own criminal defense. USCS Const. Amend VI; Colo. Const. Art. II § 16.* These rights encompass the right to have competent counsel to assist in their defense, the right to meet the witnesses against him **face-to-face**, and the right to compel the attendance of witnesses in his behalf; as it applies to the rights to confrontation, subpoena or compulsory process, under both constitutions.

All persons have certain natural, essential and inalienable rights, among which may be reckoned the right of enjoying and **defending their lives and liberties**; of acquiring, possessing, and **protecting property**; and of seeking and obtaining their safety and happiness. *Colo. Const. Art. II, §3.* Furthermore, no state may **abridge** the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without **due process of law**; nor deny to any person within its jurisdiction the **equal** protection of the laws. *USCS Const. Amend. V, XIV, Sec. 1; Colo. Const. Art. II, § 6, § 25. Both constitutions state that a criminal defendant has a constitutional right to present a defense at trial, constitutional right to have an impartial jury decide case, and constitutional right to have a prosecutor prove to the jury beyond a reasonable doubt, each and every element of the offense charged.* USCS Const. Amends. VI, XIV; Colo. Const. Art. II, *§ 16, § 25.*

The precedent determining Courts have stated, **"Through the institution of trial by jury that Citizens have an opportunity to exercise 'the ultimate control over the administration of justice' and to 'insure it's fairness.'"**

As well, a criminal defendant is presumed innocent. Accordingly, the U.S. Supreme Court in *In re Winship*, has held he cannot be convicted "*except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime.*" Other cases have held reasonable doubt is a "*square and honest doubt,*" *"a doubt growing out of the "evidence or lack of evidence," a doubt for which "you can state a reason."*

To prevail on an ineffective assistance of counsel claim, the defendant must establish that:

1) Counsel's performance was constitutionally deficient; and
2) The deficient performance resulted in prejudice to the defendant. *Strickland v. Washington, 466 U.S. 668, 687, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984).*
    a. Put simply, a defendant must allege that his trial counsel had been ineffective at trial by failing to present what he asserted was an objectively reasonable defense, or must allege that counsel failed to investigate and present such a defense because:

Elements of Offense not Proven beyond a Reasonable Doubt:

Due Process – *U.S. Const. Amends. V, XIV; Colo. Const. Art. II, §25:* insufficient

evidence to meet elements of:

1) Criminal Attempt to Commit Theft - $20,000 - $100,000.
    i. Mr. Anderson
    ii. Knowingly
    iii. Engaged conduct constituting a substantial step toward the commission of theft.
    &. Failed to prove value of items beyond a reasonable doubt.
2) Four Counts of Second Degree Burglary
    i. The defendant,
    ii. Knowingly
    iii. Broke an entrance into, entered unlawfully in, or remained unlawfully after a lawful or unlawful entry in
    iv. A building, or occupied structure
    vi. With the intent to commit therein the crime of theft (intent to permanently deprive) against another person or property.
3) Criminal Attempt to Commit Second Degree Burglary
    i. The defendant,
    ii. Knowingly
    iii. Engaged in conduct constituting a substantial step toward the commission of Second Degree Burglary (cut-mark on a lock)
4) Theft
    i. The defendant
    ii. Knowingly
    iv. Obtained, retained, or exercised control over anything of value of another
    v. Without authorization or by threat of deception
    vi. Intended to deprive the other person permanently of the use or benefit of the thing of value
    &: Failed to prove value of the items beyond a reasonable doubt.

Additionally relevant here, the People of the State of Colorado failed to prove the required "intent" behind the statutes they charged Defendant Anderson with; when Defendant Anderson provided adequate documentation that was verified by law enforcement that he had consumed 20-30 drinks at a minimum of four bar establishments; which a toxicologist expert estimated amounted to .45 to .48 Comatose level intoxication that negates the intent required to be proved by the People; as is claimed by ChemaTox Laboratory, Inc; report conducted on January 28th, 2022; by Sarah Urfer, M.S., D-ABFT-FT; Chief Forensic Toxicologist, where the approximate BAC (g/100mL) was amounted to 0.48-0.45 by calculation using the Widmark Equation and presumed upon the basis that subject "absorbs and metabolizes ethyl alcohol at an average rate."

For purposes of criminal culpability test; there was a 5th bar location called Road 34 that the prosecution concealed the ticket receipt from; as Defendant Anderson has no memory of this bar and it occurred before any alleged event, as is evident by the Expert Testimony of Sarah Urfer.

Ansari Testimony: Pg. 11-12

1. "I went one way, Anderson went another. I did my own thing. I don't know what he did." *TR 10/23/17, p. 171-172, 175-176*
2. "I put the tools in the back of the truck. I don't know what he did." *TR 10/23/17, p. 176: 21-24.*
3. Ansari started cutting locks and when he heard someone yelling, he dropped everything and ran. *TR 10/23/17, p. 181-182*
4. When questioned if they were working together to open the trailers, Ansari testified, "No, I was by myself."
5. On December 13th, 2014, during an interview nearly 18 months prior to his testimony in this trial, he stated that "he and Mr. Anderson were not involved in any burglaries, and if someone said he was, then that person would be lying."

All of these statements were deliberately withheld from the eyes of the jury, to include the video recording of the December 13th, 2014 interview. The law enforcement and prosecution claimed that they had a "computer virus" and that it was unable to be shown to either defendant or the jury.

People v. Bergerud

Where here, the *Bergerud* factors favored a finding that there was **good cause** for the appointment of substitute counsel. *Pg. 15*. That there were **cogent grounds** to reverse his convictions. *Pg. 14* Specifically, that *People v. Bergerud* would justify replacement of counsel. *Pg. 16*

Furthermore, the *Due Process Clause* of the Fourteenth U.S. Amendment protects a defendant from conviction except upon proof beyond a reasonable doubt of every fact ... *Pg. 19.*

That the Sixth Amendment of U.S. Const. Amend VI; Colo. Const. Art. 2, *§ 16*, as they apply to substitute counsel, right to counsel and right to effective assistance of counsel apply here. The constitutional implications of substitute counsel are:

1. Timeliness
2. Adequacy of Inquiry
3. Total Lack of Communication that prevented an adequate defense
4. Extent Defendant Contributed to the Conflict.

Letter Provided to Judge French:

On October 15th, 2017; prior to the trial representation in this case, a letter was delivered by Defendant Anderson to Judge French. In combination with this letter, counsel filed a Motion to withdraw claiming *inter alia*, or **"The attorney-client relationship has been irreparably broken."** At the hearing, Mr. Taylor claimed that he was unprepared for trial and that his continual representation of Defendant Anderson would cause him to not receive a fair and impartial jury trial. Judge Fields denied his motion while completely disregarding the constitutional right to a fair and impartial jury trial.

The letter was unfinished due to the sheriff deputies transporting Defendant Anderson in the middle of writing the letter to an unscheduled surprise hearing. However; the letter stated explicitly:

1. Defendant Anderson wished to fire court appointed attorney.
2. Mr. Taylor was not representing him to the best of his ability.
3. Mr. Taylor was intentionally providing Ineffective Assistance of Counsel.
4. Mr. Taylor was attempting to sabotage Defendant Anderson's right to fair and impartial jury trial.
5. Defendant Anderson requested substitute counsel.
6. Mr. Taylor refused to provide numerous items of discovery to his client.
7. Mr. Taylor had done little jury trial preparation, with particular emphasis on Defendant Anderson's desire to testify in both trials.
8. Mr. Taylor refused to file constitutionally lawful pre-trial motions as it applies to recusal of prosecutor and suppression of illegally seized evidence.
9. Mr. Taylor threatened his client with 30.5 years prison if no plea deal was taken, even while knowing the maximum sentence exposure by law was 18 years due to double jeopardy requirement of burglary and thefts having to run together.
10. Mr. Taylor threatened his client with client's own father's threat to disown his son. Mr. Anderson never consented to any breaches to attorney-client privilege as it applies to his father.
11. Defendant Anderson was extremely uncomfortable proceeding to trial.
12. Mr. Taylor refuses to answer his client's questions.
13. Defendant Anderson requested the Court to appoint new Alternate Defense Counsel. The motion to withdraw included the following elements:
    1. Defendant Anderson was uncomfortable speaking to Mr. Taylor.
    2. Defendant Anderson will not answer questions of counsel and has fired him.
    3. That there was an ineffective assistance of counsel element raised in 15_CR_1466.
    4. That this means Attorney-Client privilege had been waived, and that Mr. Taylor would testify against him, having specifically threatened his client to testify against him while currently representing him.
    5. Defendant Anderson has an ineffective lawyer and is forced to proceed with Attorney-Client privilege lost.
    6. Both Mr. Taylor and Mr. Anderson both agree that Mr. Anderson would be better served with new counsel.
    7. **"The attorney-client relationship has been irreparably broken."**

Later at the hearing, Mr. Taylor stated explicitly, **"certainly, Mr. Anderson and I have a different view of this trial."** *Pg. 10*

Additionally important; at this hearing, Judge French asked Mr. Taylor; if he thought that I had grounds for a Suppression motion. When counsel answered no and that the prosecution had conducted the case within the "four-corners of a warrant," it becomes clear how Defendant Anderson's rights were further violated. Judge French never even asked Defendant Anderson what the grounds of the suppression motion were. Specifically; that the original warrant forbid a search. That evidence was taken without a search warrant and the indictment was unauthorized by warrant. That the search warrant issued as "Peoples Exhibit Four" wasn't issued until the day after the police filed their complaint. How do law enforcement have evidence off a phone that they extracted and compiled in a police complaint the day before any Judge considered the constitutional implications in such a search or indictment? If this Counsel was allowed to represent a client with such disregard for his client's substantial rights, how can it be said that the Defendant Anderson even received a fair and impartial jury trial?

"Liberty For All"
Written by: Chayce A. Anderson

The fundamental question about the historic power of the judiciary. The right to petition for habeas corpus, or judicial review, in order to ask a judge to release you from **unjustified incarceration** by the executive branch, was so important to the framers that they put it in the U.S. Constitution itself, not just the Bill of Rights.

As Justice Kennedy wrote in his opinion in *Boumediene v. Bush*; **"The framers viewed freedom from unlawful restraint as a fundamental precept of liberty, and they understood the writ of habeas corpus as a vital instrument to secure that freedom."**

Justices O'Connor, Souter and Kennedy believed there was more to constitutional interpretation than just divining the intent of the framers, including such factors as subsequent decisions of the Court, the expectations of the public, and the underlying values in the Bill of Rights, not just the text itself. These three justices believed in a *"Living Constitution."*

In *Casey*, Justice Kennedy wrote, **"Liberty finds no refuge in the jurisprudence of doubt"** & **"At the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life."**

While Justice Blackmun regarded a denial of certiorari as tantamount to a decision on the merits, so he would want to grant a writ of certiorari whenever he had disagreed with a lower court's view or ruling.

And Justice Roberts states, **"I think the framers when they used broad language like *'liberty'*, like *'due process'*, like *'unreasonable'* with respect to searches and seizures, they were crafting a document that they intended to apply in a meaningful way down the ages."**

These quotes are relevant to the fundamental elements of liberty and constitutional rights in this present matter; but of more national importance would be the exclamations from the framers themselves:

James Madison would state **"We've allowed the secularists to pervert Our Constitution into something that the Founding Fathers did not intend."**

Samuel Adams, the leader of the Sons of Liberty and the Father of the Revolution, was quoted in one of his orations as stating, **"We have this day, restored the Sovereign to whom Men ought to be obedient: He reigns in Heaven, and with a propitious Eye beholds his Subjects affuming that freedom of thought, and dignity of self-direction, which he bestowed on them. From the rising to the setting Sun, may his Kingdom come."**

Or the wise counsel of Dr. Benjamin Rush, the Father of Medicine, Founder of Five National Colleges, the Father of the Anti-Slavery and National Absolution movement, the Father and Founder of the Sunday School Movement, The Founder of the Bible Society in Philadelphia who stated, **"The Constitution of Said Society"** and **"A defense of the use of the bible in Schools."** More importantly, Dr. Rush was quoted as stating, **"In America, there is no proper education without religion. Without religion there can be no virtue. Without virtue there can be no liberty. Without liberty, there can be no freedom."**

One of the least religious founders, Thomas Jefferson was the founder who as Secretary of State started church services at the Capital and further started Sunday

services at both the War Department and the Treasury. He was quoted explicitly as stating, **"God who gave us life gave us liberty. And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the Gift of God? That they are not to be violated but with His wrath. Indeed, I tremble for my country when I reflect that God is Just, that His Justice cannot sleep forever."**

Habeas corpus has been an important means by which the availability of federal court review of the constitutionality of state-imposed incarceration checks ***"the prevalency of a local spirit"*** and the dangers to federal law and right inherent in granting *"jurisdiction of national causes"* to *"state judges, holding their office during pleasure, or from year to year, who are too little independent"* of the local spirit *"to be relied upon for the **inflexible execution** of the national laws."*

The most fundamental of the "national laws" is the Bill of Rights, and the principle source of habeas corpus claims, was in part at least to protect unpopular persons, causes, and classes, from just this *"prevalency of a local spirit."*

Nothing, of course, is more likely to arouse a *"local spirit"* against an individual than his apparent commission of a crime that seriously jeopardizes or destroys the health, well-being, and safety of the community and its citizens. Notwithstanding the justifiability of that reaction, our system of government requires that even as unpopular an individual as this be protected by an ***"inflexible execution of the national laws"*** that safeguard his and our liberties.

As a matter of fact and law, **the petitioner's possible innocence is clearly *"relevant,"*** and counsel for a petitioner with a colorable claim of innocence or in whose case the state may have **violated a right tied to the accurate ascertainment of guilt** is obliged to make that fact plain to the habeas corpus court.

To assure Federal Court Redress for:

(a) "Structural defects in the constitution of the trial mechanism."
(b) Violations of "fundamental," "bedrock," or "water shed" rules that undermine fundamental fairness of proceeding;
(c) Procedures that "had the effect of foreclosing meaningful exploration of . . . defenses," "precluded the development of true facts or resulted in admission of false ones" or "served to pervert the jury's deliberations concerning the ultimate question."
(d) Constitutional "errors" – Ineffective Assistance of Counsel – that "so upset the adversarial balance . . . that the trial rendered unfair and the verdict rendered suspect," and
(e) "Deliberate and especially egregious errors of the trial type, or ones that are combined with a pattern of prosecutorial misconduct that so infect the integrity of the proceedings as to warrant the grant of habeas relief."

Justice Holmes' words, "What we have to deal with is not the petitioner's innocence or guilt but solely the question whether their constitutional rights have been preserved."

Richard Henry Lee, a man who collectively reviewed all of the founding father's writings and came to the following conclusion: "**The wise and great men of those days were not ashamed publicly to confess the name of our blessed Lord and Saviour Jesus Christ!** In behalf of the people, as their representatives and rulers, they acknowledged the sublime ***documentation of their mediation***."

Or in 1837, John Quincy Adams stated, "Is it not that, in the chain of human events, the birthday of the nation is ***indissolubly linked*** with the birth-day of the Saviour?"

Or the phrase "Give me Liberty, or give me death."

God Almighty is the One who brings freedom and liberty.

Our legal system, our founding documents, our civil rights are founded upon the rock principle that our liberties come explicitly from God.

The Sacrifices that make our nation so strong. The courage and bravery of D-Day. This is our time; our watch. We must protect our liberties for our future generations. With blessings come responsibilities. God is a God of Justice, Truth and Judgment; with due rewards for due conduct.

America is supposed to be a beacon to the world. The Liberty bell rings 7 times, once for each letter in liberty, in order to promote the rights and freedoms of the peoples across the world. Our priceless symbol of our American way of life.

John Adams said the three most influential founding fathers were George Washington, Benjamin Franklin and Dr. Benjamin Rush. They lived in a time where congress called the nation to prayer 15 times during the American Revolution. Where John Hancock proclaimed prayer and fasting proclamations as the governor of Massachusetts, or Samuel Adams having been so poor that he had to borrow John Adams horse, have cloths bought for him to replace his suit full of holes. Who one day proclaimed loudly, "***We have this day, restored the Sovereign to whom Men ought to be obedient: He reigns in Heaven, and with a propitious Eye beholds his Subjects affuming that freedom of thought, and dignity of self-direction, which he bestowed on them. From the rising to the setting Sun, may his Kingdom come.***"

Where George Washington in his farewell speech as president stated, "Of all the dispositions and habits which lead to political prosperity, religion and morality are ***indispensable supports***," and "No people can be bound to acknowledge and adore the Invisible Hand, which conducts the affairs of men more than those of the United States."

This Honorable Court has the power to issue an extraordinary writ or a writ of supervisory control, or a writ issued to correct an erroneous ruling made by a lower court either when there is no appeal or when an appeal cannot provide adequate relief and the ruling will result in ***gross injustice***.

Where Benjamin Franklin, the only man to sign all 4: Declaration of Independence,

Treaty of Alliance, Treaty of Paris, and the U.S. Constitution, who was born in 1706 as the 15th of 17 children, and at 10 years of age, no longer attended schools but was self-taught or self-read educated, released in his 1791 autobiography the following statements:

"I never was without some religious principles. I never doubted, for instance, the existence of the Deity…"

"And had governed it by **His Provinence** and the best service to God was **good governance.**"

"I firmly believe this, and I also believe that without **His concurring aid** we shall succeed in this political building no better than the builders of Babel."

Where Thomas Jefferson, born in 1743, created the Jefferson Bible where he

cut out Jesus' teachings and used them to evangelize Native American Indians. He stated, "Yet fragments of the most sublime edifice of morality which hade ever exhibited to man." In speaking to John Adams, he stated, "An atheist, I could never be." And "that there may be justice and peace at home and that through obedience to Thy law, we may show forth Thy praise among the nations of the earth."

Where Samuel Adams was quoted as stating, "I'm no biget, I can pray with any man who loves his God and his Country."

Or Where George Washington was quoted as stating, "We need to follow Christ, or we will never succeed as a Nation."

In today's constitutional jurisprudence, equal protection means that legislation that discriminates *must have* a rational basis for doing so. And if the legislation affects a ***fundamental*** right, or involves a suspect classification, it is unconstitutional unless it can withstand *strict scrutiny*. (*Black Law's Dictionary, Third Pocket Edition*).

"*Strict Scrutiny*; Constitutional law – the standard applied to suspect classifications in equal protection analysis and to fundamental rights. Under Strict Scrutiny; the State must establish that it has a compelling interest that justifies and necessitates the law in question." (*Black's Law Dictionary, Third Pocket Edition*).

I would expand further on this analysis of constitutional jurisprudence to state that all actions that a State deems necessary that are inherently unconstitutional must withstand a *Strict Scrutiny* test on the *merits*.

Where here, the State of Colorado has chosen to completely ignore a lawfully brought fourth amendment challenge with ***fruit-of-the-poisonous-tree doctrine*** implications. Criminal procedure, the rule that evidence derived from an illegal search, arrest, or interrogation is inadmissible because the evidence (the *"fruit"*) was tainted by the illegality (the "*poisonous tree.*") Under this doctrine, for example, a murder weapon is inadmissible if the map showing its location and used to find it was seized during an illegal search. (*Black's Law Dictionary, Third Pocket Edition*).

The State of Colorado did not assert the *attenuation doctrine*, *independent-source rule*, or *inevitable-discovery rule* to challenge the *exclusionary rule.* The rule that excludes or suppresses evidence, a rule that **excludes or suppresses evidence obtained in violation of an accused's person's constitutional rights.** (*Black's Law Dictionary, Third Pocket Edition).* Therefore, there was no lawfully relevant exception to the *fruit of the poisonous tree* doctrine; but rather the State of Colorado has elected to completely ignore the doctrine all together. It appears apparent that the State of Colorado has further ignored the ramifications of the violation of the fourth amendment of the U.S. Constitution or precedents of the United States Supreme Court such as **Katz v. United States**, when Defendant Anderson's claims were summarily denied with a statement of "the phone was lawfully seized upon his arrest." When the arresting warrant explicitly prohibited the search in sub court order 7. The mention of Honorable Judge Michelle Brinegar's warrant was not even mentioned; even though it was appendix'd to original filing with her signature. Neither this warrant, the 44.1 challenge, the fourth amendment argument, the fruits of the poisonous tree doctrine, nor the mere mention of the Honorable Judge's name were included in the summary denial. This is **flagrantly unconstitutional** and requires investigation and constitutional

instructions to be passed down from the U.S. Supreme Court.

Furthermore the rule created by the legislature for the *Rule 41.1* warrant or *Court Order for Non-Testimonial Identification* states explicitly in *(f) (5) and (i)*:

(f) Execution and Return

*(5): "**No search of the person who is to give non-testimonial identification may be made**, except a protective search for weapons, **unless a separate search warrant has issued.***

(i) Motion to Suppress:

*"A person aggrieved by an order issued under this Rule may file a motion to suppress non-testimonial identification seized pursuant to such order and the said motion shall be granted if there were insufficient grounds for the issuance or the order was improperly issued. The motion to suppress the use of non-testimonial identification as evidence shall be made **before trial** **unless** opportunity therefor did not exist or the defendant was not aware of the grounds for the motion, but the court, in its discretion, may entertain the motion at trial."*

Additional precedent of the U.S. Supreme Court states the following analogy:

Once it has been established that a search has indeed taken place, it is thereafter unconstitutional only if a valid warrant was not obtained prior to the search. The warrant is evidence that the proposed search has been examined, and considered not to infringe upon the suspect's rights. The leading case detailing the constitutionality of the search when a warrant is provided is ***Katz v. United States***, which examined the constitutionality of wiretap surveillance by the government. The petitioner had been **convicted based on *improperly-obtained* evidence** because the safeguard of first obtaining a search warrant before bugging the phone booth had been ignored. On appeal, the court stated that ***"in the absence of such safeguards, this Court has never sustained a search upon the sole ground that officers reasonably expected to find evidence of a particular crime and voluntarily confined their activities to the least intrusive means consistent with that end."***

Once it has been established that a search has occurred, the Fourth Amendment protections insure that the search is even permissible under certain conditions: **that a warrant has been issued** and **that the search is described with particularity**. That "particularity" requirement of the Fourth Amendment is to prevent over-broad searches which impinges upon an individual's privacy rights.

Where here, a *Dunaway hearing*, or a hearing was merited to determine whether evidence has been seized from an accused in violation of his or her Fourth Amendment rights, as by a search conducted without probable cause. *Dunaway v. New York*, 442 U.S. 200, 99 S. Ct. 2248 (1979). (*Black Law's Dictionary, Third Pocket Edition*).

This hearing should be to determine whether the evidence used to convict Defendant Anderson was derivative evidence, fabricated evidence, illegally-obtained evidence, or tainted evidence. If illegally-obtained inadmissible evidence was used to convict a U.S. Citizen with malicious intent; the only remedy is for this Honorable Court to reverse and remand with instructions.

REASONS FOR GRANTING THE PETITION

This case involves a federal question of first impression. The question involves the substantial constitutional rights of an "aggrieved" United States Citizen. The violations are glaring and obvious. This Court remains the last court of action to enforce the Federal rights that have been deprived from a U.S. Citizen. The disregard of the rights of any United States citizen would cause the rights to no longer exist. The protections encompassed within the Bill of Rights would no longer have significance. The constitutionality requirements of warrants would no longer apply. The depriving of "aggrieved" citizens would be considered just and proper.

The denial of this writ of certiorari should cast a strong conclusion that structural defects in the constitution of the trial mechanism do not matter. That violations of fundamental, bedrock or watershed rules, particularly constitutional rules, that undermine the fundamental fairness of court proceedings nationwide do not matter. That procedures that ultimately have the effect of foreclosing meaningful exploration of defenses are allowed to be used in court rooms across the nation. That the precluding of the development of true facts or even the deliberate admission of false ones are lawful. That the use of false evidence, false facts or even false warrants or false circumstances are allowed to be used in order to serve to pervert the jury's deliberations concerning the ultimate question in debate. That the constitutional "errors" such as Ineffective Assistance of Counsel that so upset the adversarial balance resulting in trials that are fundamentally rendered unfair and verdicts rendered suspect do not matter. That the deliberate and especially egregious errors of the trial type, or ones that are combined with a pattern of prosecutorial misconduct that so infect the integrity of the proceedings as to warrant the grant of relief, are allowed to be utilized without consequence.

This case should cast a wide net across the nation. The denial of this case should be seen as the justification of a prosecutor's corruption. This meaning that the oaths of office, the duty of candor, and the professional ethical requirements of their positions do not matter. That they may break every court rule as to procedure, and break every court rule as to the rules of evidence. That you may even indict a United States citizen without a lawful search warrant, then cover up that illegal indictment by filing for a search warrant with an alternative judge the day after the filing of the police complaint. This means that United States Citizen's do not have Fourth Amendment protections. That the people in power can subvert, sabotage, and inert the United States Constitution's protections of its citizens. Furthermore, it means that this Court would deem this conduct as justifiable and would approve of the promoting and elevation of an individual to district court Judgeship. That the conduct that would normally be considered disbarring is now called barring and branding as to promotion. That one of the most controversial prosecutors in the state of Colorado that had violated several United States' citizen's substantial constitutional rights may be elevated to the position of arbitrator and sentencer.

The conduct in this case deserves recognition and investigation by this most Honorable Panel of Judges. There involves several judicial officers who have perverted and subverted the United States Constitution **knowingly**.

CONCLUSION

In the words of Justice Homes, "What we have to deal with is not the petitioner's innocence or guilt but solely the question whether their constitutional rights have been preserved."

Writs of Certiorari have always been an important means by which the availability of Supreme Court review of the constitutionality of state-imposed incarceration. This means of action has particularly checked "the prevalence of a local spirit" and the dangers to federal law, federal constitutional rights and rights inherent in granting "jurisdiction of national causes" to "state judges, holding their office during pleasure, or from year to year, who are too little independent 'of the local spirit to be relied upon for the **inflexible execution** of the national laws.'"

The most fundamental of the "national laws" is the Bill of Rights; and the principle source of constitutional review, was in part at least to protect unpopular persons, causes, and classes, from just this "**prevalency of a local spirit**."

Nothing, of course, is more likely to arouse a "local spirit" against an individual than his apparent commission of a crime that seriously jeopardizes or destroys the health, well-being, and safety of the community and its citizens. Notwithstanding the justifiability of that reaction, **our** system of government requires that even as unpopular an individual as this be **protected** by an "**inflexible execution of the national laws**" that safeguard his and **our** liberties.

As a matter of fact and matter of law, the petitioner's possible innocence is clearly "relevant" and counsel for a petitioner with a **colorable claim of innocence** or in whose case the state may have **violated a right** tied to the **accurate** ascertainment of guilt is **obliged** to make that fact plain to this Honorable Court.

If this Honorable Court does not see the importance of safeguarding and protecting a prominent member of society from unlawful violations of his and our constitutional liberties, it should be said, that our liberties no longer exist. That regardless of innocence or guilt within a criminal case, an **alleged criminal even if innocent**, is barred from reasonable access to the courts. That in a situation where the Fourth Amendment has clearly been violated, **that inadmissible evidence was used to convict a United State's Citizen in violation of his personal constitutional liberties**, that in that situation review is not necessary, casts a very dark suspicion across this Honorable Court and particularly across the nation.

Put more plainly, this means that law enforcement are allowed to enter any property without a warrant, seize any piece of evidence without a warrant, utilize any advanced police software or techniques to extract information without the explicit authorization of a search warrant, compile their complaint, file their complaint, and rather than the oath bound prosecutor and oath bound judge investigating the lack of a search warrant, they are allowed **to file for a search warrant 7 months delinquent**. This means that law enforcement may enter any locked device, enter any locked residence or business, without a warrant, indict a United States citizen without a warrant, then the arbitrators will cover up the lack of a warrant by requesting a second judge issue a search warrant even after the trial judge had reviewed a police complaint that was acquired without a lawful search warrant. **That a United States citizen may be indicted, and the following day, a search warrant is issued.** If this case does not justify review by this court, and this court does not deem it necessary to instruct the lower courts of the constitutional ramifications of these actions, then it is reasonably certain to be a reoccurring problem. It would ultimately be telling all of the lower courts that they have free reign to apply constitutional elements to the cases they choose and deny constitutional elements from the cases they also choose. This would fundamentally cripple

the Constitutional Rights that were laid out in the Bill of Rights.
The Interest of Justice weigh heavily in favor of granting review. This petition for a writ of certiorari should be granted. For any just determination or action to be determined by this Honorable Panel to include possibility of reversal and remand with instructions, as this Honorable Panel determines to be lawful and constitutionally required.

Additionally, Defendant Anderson would respectfully request an opportunity to present his claims in front of the entire 9 judge panel with a suit and tie; and explain explicitly why and how the Fourth Amendment was violated in oral arguments. Thank you for allowing me a reasonable opportunity to address the Court and the Nation. May God bless you all; and May God bless the United States, for we know truly; that God is a good, good father; and all of the affairs of mankind are diligently and faithfully under His Eye.

Respectfully submitted, This 10th Day of April Month of 2025

X _____

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