

24-7529
No. _____

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
JUN 10 2025
OFFICE OF THE CLERK
SUPREME COURT, U.S.

Matthew Carter — PETITIONER
(Your Name)

vs.

United States of America — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Eighth Circuit Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Matthew Carter
(Your Name)

P.O. Box 5911 / 1600 North Drive
(Address)

Sioux Falls, SD 57117
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

- 1.) Was Matthew Carter framed by detective Joseph Erickson?
- 2.) Was Matthew Carter illegally seized and searched on December 31st 2020 and should this searchers' yield have been used against him?
- 3.) Did Matthew Carter's lawyer fail him?
- 4.) Did the statute of limitations already run its due course and was Matthew Carter legally allowed to be prosecuted for a crime over 10+ years old in violation of (18 USC. § 3282)?
- 5.) Was Matthew Carter properly sentenced under the (Amy, Vicky, and Andy Child Pornography Act of 2018) and the (Justice for Victims Trafficking Act of 2015) when these videos were allegedly downloaded sometime in February or March of 2010?
- 6.) Should judge Karen Schreier have handled Matthew's federal habeas corpus, being the same judge that imposed sentence upon Matthew Carter, in violation of South Dakota state law (SDCL § 21-27-14.1) and did this prejudice Matthew?

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

- * United States v. Contentos, 651 F.3d 809 (2011)
- * United States v. Evans, 48 F.4th 888 (2022)
- * Paroline v. United States, 572 U.S. 434

Appendix

Appendix	i
Table of Authorities (Constitutional & Statutory)	ii
Jurisdiction	iii
Appeals Case Summary / Statement of Case	pgs. 1-6
The Exhibits	pg. 7
Matthew's Father (Steven) Charges	(Exhibit 1)
Dates of Downloads / Phone calls	(Exhibit 2)
Yankton, SD Booking Dates	(Exhibit 3)
Yankton, SD Inventory & Receipt	(Exhibit 4)
Search Warrant	(Exhibit 5)
Indictment	(Exhibit 6)
Superceding Indictment	(Exhibit 7)
Trial Transcript Keys	(Exhibit 8)
Affidavit of Lynn Easter	(Exhibit 9)
Affidavit of Nycole Morkve	(Exhibit 10)
Judgment in Criminal Action	(Exhibit 11)
Civil Docket for (4:21-CR-40073-1)	(Exhibit 12)
Civil Docket for (4:23-CV-04007-KES)	(Exhibit 13)
Miscellaneous Filings / Judgment	(Exhibit 14)
Notice of Appeal	(Exhibit 15)
Civil Docket for (24-2409)	(Exhibit 16)
Judgment in Appeal - Eighth Circuit	(Exhibit 17)
Order on Rehearing En Banc / Panel	(Exhibit 18)

Table of Authorities

SDCL § 1-1-1

SDCL § 1-1A-1

SDCL § 1-1A-2

SDCL § 1-1A-3

SDCL § 21-27-1

SDCL § 21-27-5

SDCL § 21-27-14.1

SDCL § 22-24A-3

SDCL § 23A-42-1

SDCL § 23A-42-2

SDCL § 23A-42-3

SD Constitutional Article 6 § 7

SD Constitutional Article 6 § 20

18 USCA § 1746

18 USCA § 2252A(a)(5)(B)

18 USCA § 2252A(B)(2)

18 USCA § 2256(8)(A)

18 USCA § 3282

28 USCA § 1331

28 USCA § 1621

28 USCA § 1651

28 USCA § 1652

28 USCA § 1915

28 USCA § 2255

28 USCA § 2513

United States Constitutional Article 3 § 2 (Clause 1)

United States Constitutional Article 4 § 2 (Clause 1)

United States Constitutional Article 6 (Clause 2)

United States Constitutional Amendment 6

United States Constitutional Amendment 14

Justice for Victims of Trafficking Act of 2015

Amy, Vicky, & Andy Child Pornography Act of 2018

United States v. Contentos, 651 F.3d 809 (2011)

United States v. Evans, 48 F.4th 888 (2022)

Paroline v. United States, 572 U.S. 434

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 16~~ to the petition and is

reported at 24-2409; 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 16~~ to the petition and is

reported at 4:23-CV-04007-KES; 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 4th 2025.

[] 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: April 18th 2025, and a copy of the order denying rehearing appears at Appendix 18.
Exhibit

[] 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).

Rule 8(a) Claims for Relief

Your Honorable Supreme Court Justices [REDACTED]

[REDACTED],

Today I petition you to please take my case on Writ of Certiarari. I believe you will see that I am innocent of these crimes in which I was accused of in this South Dakota courtroom ma'am.

Jurisdiction

You have the power to hear this case pursuant to (28 U.S.C. § 1254(1)).

Statement of Facts

On December 31st 2020 Matthew Carter was illegally seized and searched by a corrupt detective named Joseph Erickson. Matthew was jailed for 12 days without any charges whatsoever until January 11th 2021. On January 14th 2021 Matthew's residence was then searched and seizures were made of harddrives belonging to Matthew's father Steven Carter. Steven Carter was previously found guilty in 2013-2014 of Possession, Manufacturing, (A)

and distribution of Child Pornography. The record reflects that Matthew had never physically ~~had~~ touched the harddrive, nor had Matthew ever accessed the harddrive containing this Child Porn.

That said, the images were downloaded in February and March of 2010, making these images over 10+ years old; The exact time frame that Matthew's father was caught for his Child Pornography. Matthew had no idea what was on that harddrive and Matthew's father Steven had brought the harddrive to Matthew's house unknowingly to Matthew. Elevating Matthew of ever "Knowingly" possessing Child Pornography in violations of 18 U.S.C. § 2252A or 18 USC. § 2256.

Next, Matthew was tried and convicted of this crime in the South Dakota District Court in Sioux Falls, SD. The Child Pornography was over 10+ years old in violation of 18 U.S.C. § 3282 and the 5 year statute of limitations period. Where he should've never been indicted in the first place, also in violation of SD law (Z3A-42-2).

Matthew has maintained his innocence this entire time and filed a federal habeas corpus which was heard by District Court Judge Karen Schreier; the same judge that heard the case originally and pronounced judgment. This is a

direct violation of South Dakota law too, (SDCL § 21-27-14.1), which completely prejudiced Matthew and denied him a fair chance of fighting his wrongful conviction entirely.

For these reasons I petition you Your Honorable Supreme Court Justices [REDACTED] [REDACTED] to please help me! I am innocent of this crime and if you please give this case some time [REDACTED] you will see that I am innocent too.

-Thank you for your time

IN THE
Supreme Court of the United States

Matthew Carter

(Appellant)
[REDACTED]

Case No. :

v.

United States of America; et al.

[REDACTED]
(Appellee)

PETITION FOR WRIT OF CERTIORARI

REASONS FOR GRANTING THE PETITION

Original Federal Criminal Case #: 4:21-CR-40073-KES

8th Circuit Appeal #: 22-1823

Federal Habeas Corpus Case #: 4:23-CV-04007-KES

COMES NOW, Matthew Allan Carter (Petitioner), through and by himself, in support of his claims of “**ACTUAL INNOCENCE**” and (ALL) ‘**OTHER**’ claims herein. In that, Matthew Carter NEVER “**factually**” or “**knowingly**” possessed ANY child pornography **AT ANY TIME** whatsoever, and that Matthew was **FRAMED** by detective Joseph Erickson; the prosecution; his ‘**incompetant**’ lawyer, Melissa Fiksdal; and the State of South Dakota. Furthermore, that Matthew was ‘**illegally**’ and ‘**unlawfully**’ indicted by the United States of America (making his entire judgment of conviction ‘**VOID**’); Matthew was **prejudicially deprived** of numerous **constitutionalities, immunities, laws, privileges, etc.**; Matthew was **completely failed** by his lawyer, Melissa Fiksdal; and that Matthew was ‘**illegally**’ and ‘**unlawfully**’ searched and seized

in direct violation of Matthew's **Fourth Amendment** (South Dakota Constitutional Article 6 § 11) rights prohibiting illegal, unlawful, and warrantless searches and seizures.

Matthew has taken the 'liberty' of enclosing serious documentations, proofs, explanations, and undisputable **FACTS** as to why Matthew could **NOT** have **EVER**, possibly or "knowingly" possessed ANY child pornography at ANY TIME whatsoever. This document also summarizes why the government's arguments and **LIES** do **NOT** "hold any water" and why this conviction should **NOT** be allowed to stand. Matthew also knows that you, Your Honor, have a "heavy caseload" to attend to and would like to **ONLY** make your job easier with the following:

1.) Matthew is the only son of Steven Eldon Carter. Steven E. Carter was convicted in 2013-2014 of the possession, manufacturing, or distribution of child pornography (in violation of SDCL § 22-24A-3) which is a Class 3 / Class 4 (**Maximum**) Felony. This conviction stemmed from many years of disgusting appetites, behaviors, and "addictions" to children. Matthew's father struggled with this for years. SEE (**Exhibit #1; Exhibit # 9; & Exhibit #10**). As a child growing up Matthew, his mother Lynn, and his father Steven (**ALL**) shared the same "family computer," because computers were a "luxury" back then and computers were very expensive too. That said, Matthew would **occasionally** use his father and mother's computer to purchase items on ebay or use MSN messenger or do school work or to look for a job or to access his email; which explains why 1 or 2 receipts or an email from Matthew could've been on this hard drive. Matthew's lawyer **NEVER** brought this up once. "The defense did **not** put on any witnesses or evidence." **CR Docket No. 104 at p.6 (JT Vol. 2 at p.147)**.

That said, Steven E. Carter, in 2013-2014, was found to be in possession of **numerous** child pornography images and videos ranging from the early 90s through the early 2000s up until his arrest and conviction in Rapid City, South Dakota. Steven E. Carter had been '**ACTIVELY**' downloading more child porn via a torrent site while he was away on business; further stressing his sick "addiction" to children. A task force sought a warrant and executed it on the house that same day, giving Matthew's mother (who doesn't even know how to use a computer) a terrible scare. Shortly after this, Matthew's parents got a divorce and Matthew's father packed his 'possessions' and Matthew's mother packed her 'possessions.' Matthew had been long gone by then.

Fast-forward many years later, a box was placed on Matthew's doorstep in mid-July 2020 by his father Steven and Matthew saw a few items inside that were his, however, the hard drives were **NOT** his; so he did **NOT** touch them whatsoever. As such, Special Agent Kendra "Russell also greed that the Western Digital hard drive was examined for fingerprints and Mr. [Matthew] Carter's fingerprints were **not** found on that device." **Id. at p.113 (JT Vol. 1 at p.113)**. Also,

"On cross-examination Ms. [Special Agent Kendra] Russell admitted that she could **not** say who accessed the child pornography on the Western Digital hard drive on December 19, 2020." CR Docket No. 103 at p.103 (JT Vol. 1 at p.103) also SEE (Exhibit # 8). This explains **EVERYTHING** and should've been enough **ACQUIT** Matthew of the charged offenses of "knowingly possessing" child pornography, but was ignored instead.

2.) On December 31st 2020, Matthew was 'illegally' and 'unlawfully' seized SEE (Exhibit #3) and later 'illegally' and 'unlawfully' searched SEE (Exhibit # 4) by the malicious actions of a small-town detective named Joseph Erickson. Then after the 'illegal' and 'unlawful' arrests and seizures occurred a search warrant was then issued a day later... SEE (Exhibit # 5). This was NEVER once addressed or motioned to suppress or anything by Matthew's lawyer and "The defense did **not** put on any witnesses or evidence." CR Docket No. 104 at p.6 (JT Vol. 2 at p.147). Instead, Matthew's lawyer did **NOTHING** and then pulled out via an Ander's Brief on direct appeal. This error was NOT harmless, but was a completely prejudicial mistake (which you will see shortly herein) and also deprived Matthew of his rights to "effective assistance" of counsel reserved under the **Sixth Amendment** (South Dakota Constitutional Article 6 § 7) and further preserved in landmark cases like (*Strickland v. Washington*) or (*United States v. Cronic*).

3.) Next, we need to address the Statute of Limitations of the charged offense... Possession of child pornography is **NOT** a capital offense, nor does it require the possessor to "actively engage" in the image / video depictions whatsoever with the "child victims." This is a well-settled matter by the Courts, but more closely related, **to this case**, in (*United States v. Coutentos*, 651 F.3d 809 (8th Circuit (Iowa) – 2011)). As such the State of South Dakota and the Federal Government (United States) provides that the Statute of Limitations is as follows:

(SDCL § 23A-42-1) – No Limitation on Prosecutions for Class A, Class B, or Class C Felonies:

"There shall be no limitation on the time within which a prosecution for Class A, Class B, or Class C felony must be commenced."

(SDCL § 23A-42-2) – Seven-year Limitation on Other Prosecutions:

"In all other prosecutions for a public offense and all proceedings quasi-criminal or penal nature, including the forfeiture of existing rights, the proceedings shall be commenced within **seven** years after the commission of the offense or crime which is the basis of the prosecution or proceedings, except as provided in § 23A-42-3."

18 U.S.C.A. § 3282 – Offenses Not Capital:

“(a) In general. – Except as otherwise expressly provided by law, no person shall be prosecuted, tried or punished for **any offense, not capital**, unless the indictment is found or the information is instituted within **five years** next after such offense shall have been committed.

(b) DNA profile indictment. –

(1) In general. – In any indictment for an offense under chapter 109A for which the identity of the accused is unknown, it shall be sufficient to describe the accused as an individual whose name is unknown, but who has a particular DNA profile.

(2) Exception. – Any indictment described under paragraph (1), which is found not later than five years after the offense under chapter 109A is committed, shall not be subject to

—
(A) the limitations period under subsection (a); and

(B) the provisions of chapter 208 until the individual is arrested or served with a summons in connection with the charges contained in the indictment.

(3) Defined term. – For purposes of this subsection, the term “DNA Profile” means a set of DNA identification characteristics.”

That said, the government “officially” indicted Matthew (*** 11 years ***) after the last time **any** of this material was EVER accessed or “timestamped” by anyone SEE (Exhibit # 2) and on May 4th 2021 SEE (Exhibit # 6) and later superceedingly indicted SEE (Exhibit # 7) on December 21st 2021 stating that:

“On or about between February 15th 2010 and January 14th 2021, in the District of South Dakota, the Defendant, Matthew Carter, knowingly possessed and attempted to possess material which contains an image of child pornography...” “... all in violation of 18 U.S.C. §§ 2252A (a)(5)(B); 2252A (B)(2) and 2256 (8)(A).”

That said, as you can clearly see, Steven Eldon Carter (Matthew’s father) was charged and convicted of this child pornography that he was “disgustingly addicted to” in 2013-2014 SEE (Exhibit # 1). As such, Matthew “truthfully” states that: “**This is NOT my pornography**

and these were NOT my hard drives. PERIOD! " Also, this indictment should've been and should now be dismissed as being FAR PAST the Statute of Limitations set by the State of South Dakota and well-established State and Federal Laws (above). And Matthew's sentence and conviction is 100% 'VOID' and thus 'illegal' too. Also, these are direct violations of Matthew's **Sixth Amendment** (South Dakota Constitutional Article 6 § 7) rights to a 'competent' and 'knowledgeable' attorney who should've argued and known these major issues persisted; and Matthew's **Fourteenth Amendment** (ALL South Dakota equivalents) rights to due process and equal protections of laws too. Amongst 'other' immunities and constitutionalities, also. If Matthew's lawyer would've raised this issue prior to trial or on direct appeal... Instead of just bailing out completely... The outcome would've been more than drastically different here. This in turn makes Matthew "ACTUALLY INNOCENT" too. See (U.S. v. Courtentos, 651 F.3d 809 (2011-8th Circuit)).

4.) ~~Next~~, Matthew Carter was sentenced under the provisions of the (Amy, Vicky, & Andy Child Pornography Act of 2018); the (Justice for Victims of Trafficking Act of 2015); and 'other' non-applicable and non-retroactive acts and laws unavailable at the time this child pornography had been downloaded, placed on the hard drives, or accessed in February and/or March of 2010. SEE (Exhibit # 2 & Exhibit # 11) Also, the child pornography had to have been older than 2006 also. As such, the Statute of Limitations had FAR & LONG PAST RAN its life and course pursuant (18 U.S.C.A. § 3282). "Crucifess provided that defendants who committed child pornography offenses prior to the date of the enactment but are sentenced thereafter shall be subject to the statutory scheme that was in effect at the time the offenses were committed." See (United States v. Evans, 48 F.4th 888 (2022)); See also (Paroline v. United States, 572 U.S. 434).

5.) ~~Matthew~~ Matthew Carter, pursuant South Dakota State law (SDCL § 21-27-14.1), Knows that Judge Karen Schreier should not have handled this case/writ of habeas corpus AT ALL because she was the judge who imposed sentence upon Matthew Carter. Instead, he believes she should have recused herself from this case and by not doing so Matthew was completely prejudiced against; upholding her own sentence. This was completely unfair practice and Matthew Carter's Federal writ of habeas corpus didn't get a fair chance to be heard on the merits of his case.

6.) Finally, on December 19th 2020 Matthew Carter did not "Knowingly" access or view any item on the hard drive, whatsoever. See (Exhibit #19) The newly acquired Affidavit of Ryan Jorgensen fully proves Matthew's innocence in these matters.

Conclusion

As you can clearly see here, the Government loves to LIE and CHEAT to 'FRAME' innocent people (like Matthew Carter) here, Your Honor. These maliciously unconstitutional deprivities should NEVER be allowed to occur EVER, NOT HERE, and NOT EVER!!! To allow this horrific behavior to continue is "plain error," prejudicially harmful, and completely unconstitutional behavior in and of itself. Matthew was completely FAILED by his attorney and her Ander's Brief should've NEVER been granted as a means to withdraw as my counsel, when there were multiple non-frivolous issues at hand. Matthew addressed ALL of these issues, promptly, on his direct appeal and "ProSE Brief" and NOBODY would listen to him. Matthew is NOT some hot-shot lawyer and knew NOTHING about "the law," back then, until recently, so that is why he has diligently pursued this 'timely' Federal Habeas Corpus § 2255. The Case's Itemized Docket Sheet proves that 100%. SEE (Itemized Case Docket Sheet). This is NOT the type of behavior our Country was founded upon, Your Honor. That is why Matthew is asking for a, long overdue, acquittal be granted to himself and the prompt issuance of a Certificate of Acquittal / Exoneration be issued by the Court pursuant (28 U.S.C.A. § 2513). Thank you for your time.

Dated this 18th day
of June, 2025

Respectfully,



Matthew Carter (Petitioner)