

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

Brian L. Davis — PETITIONER
(Your Name)

VS.

York County Board of Supervisors
Sherriff V.D. Dennis, District 225 in his individual capacity
County of York, Virginia in his official capacity
County of York, Virginia in his individual capacity
RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Fourth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Brian L. Davis
(Your Name)

571 Lullwood Dr
(Address)

Newport News Va 23602
(City, State, Zip Code)

757-977-6331
(Phone Number)

QUESTION(S) PRESENTED

1. is it correct that if fretwell body camera footage on September 4, 2016 is not shown the court, district court, cannot be able to know what fretwell said to me when I was sitting in my vehicle therefore would it be bias for to determine what happen without full footage of the traffic stop on September 4, 2016?
2. is it correct that I should and all american citizen should be able to review the body camera footage, dashboard camera footage of fretwell if I or American choose to review it?

3. The case manager named Eileen at the united states District of Virginia Newport News Division, told me on the phone, that I could not do a subpoena duces tecum because I am not a lawyer, is it correct that I could not do a subpoena duces tecum because I am not a lawyer?

4. is it correct I have a right as an american citizen, that is a man of the Alpha And omega, to review deputies fretwell and mccay. full body camera footage, dashboard camera footage without it being tampered with of the traffic stop on September 4, 2016?

is it correct as in going to respecting a american citizen, that a respectful Sheriff, deputies, lawyer, should respect a american citizen civil rights and constitutional right if they are just, as an American citizen?

5. Is it correct the deputies fretwell, McCay, in their individual capacity and official capacity should've presented to me the owner of the vehicle of what they claimed was in my car to ensure due process 14 amendment to the U.S. Constitution, my well being and others, even though I did not see any marijuana in my vehicle?

6. Is it correct that illegal marijuana and illegal drugs can have toxic parasites in it that can be harmful to the body? Thus do you agree that if deputies fretwell and McCay see any illegal drugs in my vehicle they should've presented what they claimed?

7. is it correct it become more than a traffic stop on September 4, 2016 when deputies Fretwell, Mccay, acting under color of state law in their individual capacity, official capacity claim there is marijuana in my car? is it correct if constitutional officers deputies claim they went in the car because they seen marijuana but does not present to the owner of the vehicle any evidence of marijuana they violated the fourth amendment to the U.S. Constitution doing a unreasonable search and seizure because they did not present what they claimed? is it correct If I request on paper such as a complaint paper to Sheriff J.D. Danny Diggs to review deputy fretwell body camera footage, dashboard camera footage, It is similar of asking on the Phone for a request to him?

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:

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CASES

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OTHER

Explained herein deprivation of
rights Section 1983, constitutional
Rights.

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

☐ For cases from **state courts**:

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

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was December 27, 2017.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

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

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. 14 amendment to the U.S. Constitution.
2. 4 amendment to the U.S. Constitution.
3. 5 amendment to the U.S. Constitution.
4. Section 1983,

STATEMENT OF THE CASE

1. The deputies Fretwell, Mccay, acted under color of state law, in their individual capacity and official capacity did an unreasonable search and seizure in my vehicle by not presenting to me what their claim was the reason they went in my car. And in my opinion it becomes more than a traffic stop when the deputies Fretwell, Mccay, claimed that marijuana is in my car.

REASONS FOR GRANTING THE PETITION

1. Every American citizen should be entitled to due process, the 14 amendment to the U.S. Constitution is suppose to ensure this; therefore I should be entitled to review the full video footage, of the traffic stop on September 4, 2016.

The petition should be granted for that reason. And The petition should be granted for these reasons, The full video footage is not presented, therefore no judge would've known what was said, when I was in the vehicle, when deputy fratwell walk up to my vehicle on September 4, 2016. As an American citizen, As a strong believer of the Alpha And Omega, I request that the petition be granted for the following reasons

I was pulled over by deputy Fretwell in his individual capacity and official capacity acting under color of state law on

September 4, 2016. Deputy fretwell claims I was speeding, nevertheless I don't agree that I was speeding,

nor

does it show on mccay body camera

footage that I was speeding. On September 4 2016 deputy Fretwell and

deputy Mccay said there was

Marijuana in my car. The deputies fretwell and mccay are white American citizen. They did not

Present to me any marijuana, in my vehicle. By not doing so they treated me differently than a white

American citizen, treated me differently than there self. The deputies' fretwell and mccay are white American

citizens. The deputies fretwell and mccay in their

individual capacity and official capacity deprived me of my right of due process, under the 14

amendment to the united states constitution equal protection under the laws. The deputies deprive me of fair

treatment (due process) by not treating

me equally the same as them being white American citizens, the same as an white American Citizen, by them

not presenting to me any

evidence of marijuana that they claim was in my vehicle.

2. The deputies fretwell and mccay in their individual capacity and official capacity acted under color of state

law also deprive me of the

fourth amendment to the united states constitution, by them doing a unreasonable search and seizure.

By not

Presenting to me what they claimed was in my vehicle. That the deputies claimed marijuana was the reason

why

they said that they

went into my vehicle. the two deputies claimed that they observe marijuana. the deputies fretwell and mccay in their individual capacity and official capacity acted under color of state law, did not show me any loose

Marijuana in my vehicle, nor did I see any loose marijuana in my vehicle, nor when I was in my vehicle, nor when I

came back to vehicle on

September 4 2016.

3. The deputies' fretwell and mccay IN their INDIVIDUAL CAPACITY AND OFFICIAL

CAPACITY **deprive me of my right to equal protection under the fourteenth amendment by them not presenting to me what they claimed they both seen in my vehicle. As**

can be seen on the first exhibit, that says mccay body camera footage. It can be seen that I was

treated differently than the two white American citizens, deputies fretwell, mccay in their individual

capacity and their official capacity. I am a American citizen that is truly a man of the Alpha And Omega. I am a honest man I will not ever lie on any culture or race I stand for what is right as an American citizen, as a man of the Alpha And Omega !

4. I was treated differently as an African American citizen, because they did not present to me what they claimed they seen



In the vehicle, thus the two deputies in their individual capacity and official capacity acted under color of State law, treated me differently than their self and deprive me of my 4th amendment right to be free of Unreasonable search and seizure. The unequal treatment was the result of intentional or Purposeful discrimination because the two deputies that are white American citizens, knowingly claim That they see marijuana in my car on September 4, 2016, but did not show me any evidence of Marijuana thus the two deputies treated me differently than their self, because the two Deputies that are white American citizens, did not present to me what they claimed to be in my car on September 4, 2016 thus the deputies deprived me of due process, my right under the 14 amendment to the united states constitution equal protection clause and deprive me of my 4th amendment to be free of unreasonable search and seizure.

5. I also notice what can be heard on Mccay body camera footage, after I leave the area, the two deputies in their individual capacity and official capacity keep speaking about the drug called marijuana, the Fact should have been considered by the court. Nevertheless the deputies did not present any evidence to me of any marijuana. At Almost to the end of the video the deputies still talking about the drug called marijuana thus that is Unreasonable search and seizure violation of my rights under the

4th amendment to the United States constitution and violation of my right under the 14 amendment to the united states constitution equal protection clause.

6. The two deputies did not show me what they claim that they

seen in my vehicle; thus it was a unreasonable search and seizure because they claimed that the reason why they went to search

my car because they observe loose marijuana. But the deputies did not show me any strict proof of loose marijuana, to me by not doing so they did an unreasonable search and seizure. The deputies have an obligation as an constitutional officers to protect constitutional rights, during the

traffic stop on September 4, 2016 in York County Va. Thus by not presenting what they claimed they seen

in my car is a violation of my

my due process rights under 14 amendment to the united states equal protection under the law, because the two deputies treated me differently than their self. It is a violation of my rights under 4th amendment to the united states constitution because it is a unreasonable search and seizure

because the two deputies claimed the

reason why they went in my car, is because they observe marijuana. But the two deputies that are white

American citizens in their individual capacity and official capacity acted under color of law treated me

differently than their self because they did not present to me any proof or evidence of marijuana being in my vehicle. When the two deputies claim they

went

to

my car because they claimed they observe marijuana in my vehicle, they are supposed to present

the marijuana to me, but by not doing so they did in fact an unreasonable search and seizure because they did not present to me what they claimed was in my vehicle, they are in violation of my 4th amendment to the united states constitution right to be free from unreasonable searches and seizure. The deputies did not present to me any marijuana to me nor when I came back to my vehicle.

I did not see any marijuana nor did I see any little pieces of marijuana in my vehicle on the floor when I was there, nor when I look down when I came back to my vehicle after talking to the deputies on September 4 2016. As the exhibit named mccay body camera footage greatly shows that I was treated

differently than white American citizen because the deputies that are white American citizens that acted under color of state law claimed that they seen

Marijuana in my car which can be heard at the end of the mccay body camera footage, but did not show it to me that is African American. Thus deprive me of due process I was treated differently than white American citizen, I WAS TREATED DIFFERENTLY then two white American deputies fretwell and mccay.

The two deputies treated me differently than their self in their individual capacity and official capacity acting under color of state law, thus the deputies treated me differently than their self violation of the 14 amendment to the united states constitution equal protection under the law, due process.

7.



Sheriff J.D. Danny Diggs, York county board of supervisors, had actual

or constructive

knowledge that Fretwell body camera

footage, is not showed or given to me after I have request for Fretwell body camera

footage and fretwell dashboard camera footage. To make a judgement on an video on wither I was or not search improper, touch improper, the district court must

be able to view the full or entire footage without it being tampered with.

I have been deprive of my unalienable rights deprive of

my 14 amendment to the

united states constitution right of due process, as an American citizen, that cares about

Constitutional rights and civil rights as an American Citizen.

The third exhibit that is audio footage of a related hearing in state court I explained

certain things, that I was concerned about in details during that time

I was very upset how I was treated as an American citizen. As a man of the Alpha And

Omega. As an man that

respects all culture, that I

did break down and cry about it at home as American citizen, on how I was treated by them lawyer Sherry A. Fox, Sheriff J.D. Danny Diggs, Deputy Fretwell, Deputy Mccay. Because I

look up to

these

individuals to do what is just, because one is a lawyer, two are deputies, and one is a sheriff.

thus I

am not ashamed to tell the truth, that I would not ever

want any Culture, Race,

Dog, nor Alpha And Omega to be

treated like I did by them that's why, I am speaking out about what happen and bringing this

information out to the supreme court to let it be known because I am an American Citizen and a man of the Alpha And Omega. The third exhibit I request

that the supreme court, listen to I explained in details what happen to me on that third exhibit

and I request the supreme court judges listen to it and the

other exhibits as well. I strongly hope as a man of the alpha and omega, that **Justice** will come.

8. In counsel's judgment, one or more of the following situations exist (1) a material

factual or legal matter was overlooked the video footage from deputy mccay's body

camera footage. In deputy fretwell affidavit deputy fretwell claims that he stopped me

for speeding after radar indicated that I was travelling 54 miles per hour in a 35

miles per hour zone on route 17. Nevertheless that what is claimed by deputy fretwell

is not showed on mccay body camera footage. Fretwell aff. 4 fretwell claims he told me

to pulled my vehicle over and deputy fretwell claims that I exited my vehicle rapidly. Id. 5.

deputy fretwell claims he asked me to return to my car and pull over in a safe location. Id. 6.

deputy fretwell claims I drove to a parking lot and again exited my car. Id. deputy fretwell

claims he asked me to remain in my car.” but deputy fretwell in his individual capacity

and official capacity acting under color of state law does not present any actual

footage of this claim nor is what he claiming showed on mccay body camera footage thus it should

shift on him to present actual footage because he is a constitutional officer.

Deputy fretwell's back up officer, was

deputy mccay, on september 4 2016 on the traffic stop told deputy fretwell that he observed some marijuana residue (shake)

inside my vehicle which I did not see in plain view nor did the white American citizens

deputies fretwell and mccay in their individual capacity, official capacity did not show me any

marijuana residue (shake) inside my vehicle thus they treated me differently than

their self, which deprive me of due process thus is a violation of the 14 amendment to the united states constitution

equal protection under the law (due process).

9. Because the two deputies treated me differently than

their self by them not presenting to me what they claimed they seen in vehicle on

September 4, 2016, which when I came back to the vehicle I did not see anything what they

claimed that they seen in the vehicle on September 4 2016.

10. Deputy Fretwell in his individual capacity and official capacity claims I

immediately

exited my car on two separate occasions which he claimed that is a behavior I

see

when someone does not want the police to approach their car. but what he claims

is not showed on mccay body camera footage, thus it should had shift on him to

present such footage.

My understanding on a Specific fact demonstrating that there is a genuine issue for trial

is 4th amendment to the united states constitution my right to be free of unreasonable search and seizure and 14 amendment to

the united states constitution my right to due process explain

herein.

+ + + + + + + + + + +

It is one sided or bias to Believe that the claims that is said by deputy fretwell because

he does **not present**

his own

body camera footage, dashboard camera footage, nor the entire footage of what happen on the traffic stop on

September 4 2016. Mccay body camera footage is not the entire footage on what happen on the traffic stop on September 4, 2016. Mccay body camera footage, it does not show me in any

way coming out of the vehicle immediately two times on deputy mccay body camera footage, nor does it show the first search only the second search. Therefor no court can validate how many times, I been search without the entire footage on September 4, 2016.

search without the entire footage on September 4, 2016.

11. Deputies violated clearly established constitutional rights of which a reasonable person would

have known, as constitutional officers.

A reasonable official would have understood

that what he is doing violates my constitutional right of the 4th amendment to the united states constitution and my rights of the 14 amendment to the united states constitution.

12. My complaint was brought pursuant to 42 U.S. Code § 1983 - Civil

action for deprivation of rights. Section 1983 prohibits any

person acting under color of state law from depriving an

individual of any rights, privileges, or immunities secured by the

constitution and laws. My constitutional concern is that deputy

fretwell and deputy mccay subjected me to an unlawful search

and seizure on september 4 2016, by not presenting marijuana

which the deputies fretwell and mccay claimed that it was in my

vehicle thus violating my fourth amendment rights.

Deputy fretwell and deputy mccay claimed that the fourth amendment right

were not violated because the traffic stop was lawful, claims that the

requirement for me to exit the vehicle was lawful. The two deputies also claimed that the reason

why they went inside my vehicle is due to seeing marijuana which they did

not present to me the owner of the vehicle which they both knew I was the

owner of the vehicle thus is a violation fourth amendment to the united

states constitution thus it is an unreasonable search and seizure

because they did not present what they claim which the deputies claimed that marijuana was the reason why they

went inside my vehicle thus it is an unreasonable search and seizure because they did not present what they claimed was in my vehicle.

13. ABOUT THE TRAFFIC STOP ON SEPTEMBER 4, 2016

There was no justified probable cause to search my vehicle on September 4, 2016 because the

deputies fretwell and mccay acting under color of state law in their individual capacity and

official capacity and did not present to me any marijuana thus deputies fretwell, mccay, acted

under color of state law in their individual capacity and official capacity and did an unreasonable search and seizure in violation of the fourth amendment to the united states constitution.

14.

thus a reasonable supervisor would

Have presented the body camera from the one who did the traffic stop, thus some of the claims that are stated by them are not even seen on mccay body camera footage, for instance nowhere on mccay body camera footage shows me coming out of the vehicle two times.

This should be a great concern to all American citizens that believe in constitutional rights and civil rights no matter what color they are and it should be a great concern to the court system, it should be a great concern of justice if justice is truly the concern !

fretwell body camera footage, dashboard camera footage, is not presented this shows bias against, me as an African American citizen and deprive me of due process.

The two deputies claiming certain things but not presenting them thus the district court should have not qualified deputies with immunity because clearly establish constitutional right was violated 14 amendment to the united states constitution equal protection under the law, due process and 4th amendment to the united states constitution right to be free of unreasonable searches and seizures.

15.

Deputy fretwell claims I was nervous and uncomfortable, that I had twice exited the vehicle without being asked, nevertheless none of that claim is presenting on mccay body camera footage that should give great suspicion of misconduct on the part of deputy fretwell in his individual capacity and official capacity acting under color of state law.

16. My statements in my complaint explain in great details what happen and my written responses what happen on appeal, on the informal opening brief and my other informal which should be review by the supreme court. Exhibits explain in great detail what happen which should be review for evidence purposes by the supreme court.

17. As I have said fretwell did not present his body camera footage, dashboard camera footage, which should show what happened,

and would show what fretwell did towards me if not tampered with. However, mccay body camera

footage from deputy mccay which does not depict all of the searches because it is not the entire footage of the traffic stop on September 4 2016 which denies me of the 14 amendment to the amendment to the united states constitution due process because I am treated differently than white American, treated differently than WHITE AMERICANS CITIZEN deputies fretwell and mccay, THUS DEPRIVE me OF DUE PROCESS AS AN AMERICAN CITIZEN THAT RESPECT ALL CULTURES !

18. The deputies fretwell and mccay in their individual capacity and official capacity acted

under color of state law claim to me that there was marijuana was in my vehicle but did not present to me any marijuana ! If there was any illegal substance in my vehicle the deputies most present it to me to ensured my constitutional rights are protected but they did not and I did not see any in my vehicle when I came back to it on September 4, 2016 nor when I was in it on September 4, 2016.

19. I understand that district court claimed that on the contrary to plaintiff assertion, the video footage from

deputy mccays body camera shows plaintiff checking his pants pocket when questioned by deputy fretwell about a weapon. But I want them to understand that was not the only time I was search by deputy

- my FOIA rights have been deprive. I have request from the defendants fretwell body camera footage, mccay dashboard camera footage, fretwell dashboard camera footage none of the defendants sent me the footages nor contacted me about the footage by phone, which all of the defendants have my contact number.
- I have rights under 14 amendment to the united states constitution equal protection under the law, due process. I request that the Board of supervisors, sheriff J.D. Danny Diggs send me fretwell body camera footage and fretwell dashboard camera footage, mccay dashboard camera footage, if you all need to contact me please contact me on 757-977-6331. And I request to speak to you all concerning these issues.

From a Righteous, Honorable, Respectful,
Just, Knowledgeable, Aware, Loyal

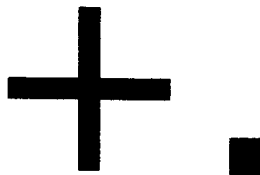
Man of the Alpha And Omega that respects
Constitutional rights, Civil rights,
and respects all honorable judges.

Brian L Davis

Sign : 

Email LoyaltyJustice2222222@yahoo.com

Phone number 757-977-6331. In Alpha
And Omega I Trust



fretwell in his individual capacity and official capacity acting under color of state law. Thus without

the entire footage district court would have not known how many time I was search without full traffic stop
footage September 4 2016, deputy mccay body camera footage does not show the entire footage of what
happen to me on September 4 2016.

20. The Virginia Freedom of Information Act (FOIA), located § 2.2-3700 et. seq. of the Code of Virginia, guarantees citizens of the Commonwealth and representatives of the media access to public records held by public bodies, public officials, and public employees.

21. A public record is any writing or recording -- regardless of whether it is a paper record, an electronic file, an audio or video recording, or any other format -- that is prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business.

22.

My FOIA

Rights

- I have the right to request to inspect **or** receive copies of public records, or both.
- I have the right to request that any charges for the requested records be estimated in advance.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Brian L. Davis

Date: May 1 2018