No: 25-6030

IN THE

SUPREME COURT OF THE UNITED STATES

United States of America
Respondent

vs

Terry Lee Miksell
Petitioner

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS

FOR THE EIGHTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

By: Terry Lee Miksell
34664-045
Federal Correctional Institution
P.O. Box 1000
Marion, IL 62959

pro se

QUESTIONS PRESENTED

1. It is asked of this High Court as to whether the District Court had jurisdiction under Gozales v Raich, 545 US 1 (2005) to prosecute this case, which occurred entirely within the borders of one state, just because the cell phone was manufactured elsewhere?
2. Was the finding of the evidence being sufficient to support the Petitioner's conviction when trial counsel neither moved to suppress nor to expand the record to include all electronic messages sent and received by the Petitioner and victim?
3. Was the finding of the evidence was sufficient and fair when counsel failed to depose witnesses or victim, inhibiting a full and fair defense and Due Process under the Sixth Amendment of the United States?
4. Does the Eighth Circuit precedent bar ineffective assistance of counsel claims against trial attorney in the direct appeal violate the Supreme Court decision under Garza, Jr. v Idaho,

LIST OF PARTIES

All parties appear in the caption on the cover page.

RELATED CASES

United States v Miksell

United States District Court for the Western District of Missouri

3:20-CR-05008-RK-1

TABLE OF CONTENTS

TABLE OF AUTHORITIES CITED

CASES PAGE NUMBERS

TABLE OF AUTHORITIES CITED (cont)

Other

United States Code Service (USC)

18 U.S.C.

21 U.S.C.

United States Constitution

INDEX TO APPENDICES

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

Cases form Federal Courts:

Case No. 3:20-CR-05008-RK-1

In the United States District Court for the Western District of Missouri

United States v Miksell

The Opinion of the United States District Court appears at Appendix to the Petition and is unpublished.

United States Court of Appeals
for the Eighth Circuit

Appellate No. 22-3226

United States v Miksell

JURISDICTION

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Code Service (USC)

18 U.S.C.

21 U.S.C.

United States Constitution

STATEMENT OF THE CASE

On February 19, 2020 the Petitioner, Terry Lee Miksell, was charged by indictment in the United States District Court for the Western District of Missouri with Count 1, Sexual Exploitation of a Minor, and Count 2, Coercion and enticement of a Minor.

On March 28, 2020 Mr. Miksell informed the court of an oral motion to dismiss for selective prosecution. This was based upon the limitations under the Commerce Clause and government overreach. A second reason for this motion was another party who was involved with the same victim in the case was not prosecuted.

The court rejected this motion.

At trial, the government's first witness was Brian Martin, a task force officer with the Southwest Missouri Cyber Crimes Task Force and Homeland Security Investigations. He testified that on September 19, 2019 he received two cybertips regarding child pornography that FaceBook had submitted to the National Center for Missing and Exploited Children. Officer Martin testified that he reviewed the cybertips and they contained suspected images of child pornography. From the cybertip, Officer Martin was able to determine the Petitioner, Terry Lee Miksell was a potential suspect.

Officer Martin obtained a search warrant for Mr. Miksell's residence. During the execution of the warrant, the police seized Mr. Miksell's cell phone.

Officer Martin also interviewed Mr. Miksell after reading his Miranda rights.

Officer Martin obtained a search warrant for the FaceBook accounts of both Mr. Miksell and the victim for the timeframe of July 10, 2019 through September 30, 2019.

Officer Martin testified that during his review of the messages between the two he suspected sexually explicit conversations from both. Officer Martin described several of the messages in court.

Officer Martin verified that all of the messages he read to the jury had been sent using FaceBook or FaceBook messenger, which use the internet to function.

The government's next witness was Larry Roller, a Joplin detective assigned to the Southwest Missouri Cyber Crimes Task Force as a digital forensics examiner. Roller testified that he was present for the execution of the search warrant at Petitioner's residence, and he identified the cell phone taken from Petitioner. Detective Roller made an exact copy of all the data from the phone and then prepared a report that shows the data, including messages, videos, pictures and applications on the phone, in a more readable format.

On March 29, 2022 a jury found Mr. Miksell guilty of both counts. On October 20, 2022, the Honorable Roseann Ketchmark sentenced Mr. Miksell to 30 years on Count 1 and life imprisonment on Count 2, to be served concurrently. He was further ordered to pay the mandatory special assessment fee of $100.00 on each count.

Petitioner filed a Notice of Appeal on October 25, 2022.

The Court of Appeals for the Eighth Circuit affirmed the District Court's judgment on April 27, 2023.

The Petitioner submitted a writ of certiorari in July 2023. After this filing of the Certiorari the Petitioner then sent two letters inquiring as to any progress or status in the case. There was never a reply to these requests.

The Petitioner had his brother contact the court that stated there had been no filing as of yet in the Petitioner's case. At this point this court directed him to submit another copy with a declaration as to the events described herein. (See attached affidavit).

In a letter dated July 2, 2025 the Court gave the Petitioner 60 days to correct each of the defects in this filing. This brief is that corrected response. (See Exhibit " ")

Reasons for Granting the Petition

I. Fair Notice

"Before one can be punished for violation of a statute, it must be shown, that his offense is plainly within the statute." Fasulo v United States, 272 U.S. 620 (1926);

This has been reiterated time and time again throughout our country's history. The Framers wanted a fair system which would notify the public as to criminal offense passed by Congress.

"There are no constructive offenses." McNally v United States, 483 U.S. 350 (1987);

Every statute presented to the American people must use clear common language so that the average person may read a statute, or portion thereof, and understand its meaning. Because of our wide diversity through the country, such as educational differences, economic class structure, language barriers and unequal access to simple information due to technological limitations in underdeveloped or poor areas, Congress must be exceptionally careful to word each statute with a clear intent.

The Petitioner's federal court indictment states the offense charged, and later convicted of was 18 U.S.C. § 2251(a) for Count 1, which reads:

"Any person who employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who transports any minor in or affecting interstate or foreign commerce, or in any Territory or Possession of the United States, with the intent that such minor engage in, any sexually explicit conduct for the purpose of transmitting a live visual depiction of such conduct,

shall be punished as provided under subsection (e), if such person, knows or has reason to know that such visual depiction will be transported or transmitted using any means or facilities of interstate or foreign commerce or in or affecting interstate or foreign commerce or mailed, if that visual depiction was produced of transmitted using materials that have been mailed, shipped, or transported in or affecting interstate or foreign commerce by any means, including by computer, or such visual depiction has actually been transported in or transmitted using any means or facility of interstate or foreign commerce or mailed."

Or, as the United States Court of Appeals for the 11th Circuit has stated, "[T]he most natural reading of this provision ~~[18 U.S.C. § 2251(a)]~~ is that jurisdiction extends to child pornography (1) produced with the intent that it eventually travel in interstate commerce; (2) produced with materials that have traveled in interstate commerce; or (3) that has traveled in interstate commerce." United States v Smith, 459 F.3d 1276 (2006);

It is important to note that simple intrastate production is not referenced in 18 U.S.C. § 2251(a), which the Petitioner was convicted under.

To use the simplified interpretation in Smith, under section (1), jurisdiction could not be proper as there was never any intent for the material to be transported in interstate commerce. Further, under Section (3), jurisdiction was not proper because the produced materials (videos) had never traveled in interstate commerce.

Finally, under Section (2), it states that as long as the image was produced with materials that have traveled in interstate commerce, prosecution may proceed. This particular section has been challenged in various courts. There were multiple rulings which stated it was an unconstitutional application of the Commerce Clause to regulate activity.

18 U.S.C. §§ 2251(a) and 2252A(a)(5)(B) are unconstitutional as applied to simple intrastate production and possession of images of child pornography, or visual depictions of minors engaging in sexually explicit conduct, when such images and visual depictions were not mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer, not intended for interstate distribution or economic activity of any kind, including the exchange of pornographic recordings for other prohibited material; statutes as applied to facts on which each count of the indictment was based exceeded the powers of Congress under the Commerce Clause of the United States Constitution. See: United States v Matthews, 300 F. Supp. 2d 1220 (N.D. Ala. 2004), aaf'd, 143 Fed. Appx. 298, (11th Cir. 2005), vacated, remanded, 184 Fed. Appx. 868 (11th Cir. 2006);

For § 2252(a)(4)(B)(simple intrastate possession) it was decided:

18 U.S.C. §§ 2252(a)(4)(B) was unconstitutional under the U.S. Constitution Article I, § 8, Clause 3, as applied to a mother's simple intrastate possession of a pornographic photo of her daughter where the photo had not been mailed, shipped, or transported interstate and was not intended for interstate distribution.

See United States v McCoy, 323 F.3d 1114, 1122-23 (9th Cir. 2003).

The McCoy court held that the Commerce Clause did not reach home-grown child pornography intended for personal use only, as the Defendant's conduct did not have, nor was intended to have, any significant interstate connection or substantive effect on interstate commerce. This view of economic reach of the child pornography laws under the Commerce Clause has been changed by Gonzales v Raich, 545 U.S. 1, 125 S.Ct. 2195, 2205 (2005), where the Supreme Court reaffirmed that the Commerce Clause empowers Congress to regulate purely local intrastate activities, so long as they are part of an 'economic class of activities that have a substantial effect on interstate commerce".

IN United States v Forrest, 429 F.3d 73, 78 (4th Cir. 2005) the Fourth Circuit interpreted Raich and reasoned that Congress had a rational basis to conclude that prohibition of mere local possession of a commodity was essential to the regulation of "an established, albeit illegal interstate market."

The Court of Appeals for the Ninth Circuit reasoned the problem with the expansion of the Commerce Clause in United States v Stewart, 348 F.3d 1132 (2003):

> "[A]t some level, everything is composed of something that once traveled in commerce. This cannot mean that everything is subject to federal regulation under the Commerce Clause, else that Constitutional limitation would be entirely meaningless. Congress' power has limits, and Courts must be mindful of these limits so as not to obliterate the distinction between what is national and what is local and create a completely centralized government."

II. The "Aggregate Effect" Doctrine

The Supreme Court of the United States has held that "Congress may regulate, among other things, activities that have a substantial aggregate effect on interstate commerce." See Wickard v Fiburn, 317 U.S. 111, 125 (1942). This includes 'purely local activities that are part of an economic 'class of activities' that have a substantial effect on interstate commerce." See Gonzales v Raich, 545 U.S. 1, 17 (2005), so long as those activities are economic in nature. See United States v Morrison, 529 U.S. 598, 613 (2000).

Justice Thomas' dissenting opinion in Raich, 545 U.S. at 54 states in part:

> "The majority also inconsistently contends that regulating respondents' conduct is both incidental and essential to a comprehensive legislative scheme...I have already explained why the CSA's ban on local activity is not essential...However, the majority further claims that, because the CSA covers a great deal of interstate commerce, it 'is of no moment' if it also 'ensnares some purely intrastate activity'...So long as Congress cast its net broadly over an interstate market, according to the majority, it is free to regulate interstate and intrastate activity alike. This cannot be justified under either the Commerce Clause or the Necessary and Proper Clause. If the activity is purely intrastate, then it may not be regulated under the Commerce Clause. And if the regulation of the intrastate activity is purely incidental, then it may not be regulated under the Necessary and Proper Clause."

According to United States v Tedder, 2008 US Dist. LEXIS 119379 (E.D. Ca. 2008), the court explained the change Gonzales v Raich made upon previous decisions:

> "Defendant argues that Ninth Circuit precedent, United States v McCoy 323 F.3d 1114, 112-23 (9th Cir. 2003), found §-2251(b) unconstitutional when applied to a simple intrastate possession case in which visual depictions of the sexual exploitation of minors had not been mailed, shipped, or transported in interstate commerce, was not intended for interstate distribution, nor for any economic or commercial use (including trading for other pornographic images."

and;

"The McCoy court held that the Commerce Clause did not reach home-grown child pornography intended for personal use only, as the Defendant's conduct did not have, nor was intended to have, any significant interstate connection or substantive effect on interstate commerce. this view of the economic reach of the child pornography laws under the Commerce Clause has been changed by Gonzales v Raich, 545 U.S. 1, 125 S.Ct. 2195 (2005), where the Supreme Court reaffirmed that the Commerce Clause empowers Congress to regulate purely local intrastate activities, so long as they are part of an economic class of activities that have a substantial effect on interstate commerce,' citing Wickard v Filburn, 317 U.S. 111, 128-29, 63 S.Ct. 82 (1942).

Before 2003 other courts had begun to come to the same conclusions as above. In United States v Matthews, 300 F.Supp.2d 1220 (N.D. Ala. 2004), the court ruled:

"The U.S. Supreme Court has rejected the argument that Congress may regulate noneconomic, violent criminal conduct based solely on that conduct's aggregate effect on interstate commerce. The U.S. Constitution requires a distinction between what is truly national and what is truly local."

and;

"The mere possession of an object is not 'commerce'".

and;

"While the exploitation of a minor in home-made child pornography is detestable, and deserving of strong criminal condemnation, it is not 'commerce' or 'economic activity' subject to congressional regulation in the absence of any evidence indicating that the pornographer intended to mail, sell, distribute, or exchange the images within an interstate market."

The dissenting opinion by Justice Thomas in Morrison, states in part:

The majority holds that the federal commerce power does not extend to such 'noneconomic' activities as 'noneconomic, violent criminal conduct' that significantly affects interstate commerce only if we 'aggregate' the 'effect[s]' of individual instances." Morrison, 529 U.S. at 656.

See also, Julie Goldscheid, United States v Morrison and the Civil Rights Remedy of the Violence Against Women Act: A Civil Rights Law Struck Down in the Name of Federalism, 86 Cornell

L. Rev. 109, 111 (2000)("[Morrison] established that Congress cannot enact laws under the Commerce Clause that regulate noneconomic, violent criminal conduct based only on the conduct's aggregate effect on interstate commerce.")

This "aggregate doctrine", as applied, violates Due Process and the protection against government interference with fundamental rights and individual liberty interests, and the rights to have each element of a crime, including jurisdiction, proven beyond a reasonable doubt.

18 U.S.C. 2251(a) is overbroad and unconstitutionally vague as applied to intrastate activities.

This purely intrastate incident of production of child pornography can in no way be construed as commerce or any type of economic activity since it was not ever in interstate commerce, nor was it intended to be.

This incident of production of child pornography was not economic nor a gainful activity, but a purely private activity with no intention of selling, buying, bartering, trading or transporting for any purpose. This was done within the jurisdiction of state prosecution, not federal.

The statute in which Raich was convicted under, the Controlled Substances Act (CSA), 21 U.S.C. § 801 et seq., states at § 810(5):

> "(5) Controlled substances manufactured and distributed interstate cannot be differentiated from controlled substances manufactured intrastate. Thus, it is not feasible to distinguish, in terms of controls, between controlled substances manufactured and distributed interstate and controlled substances manufactured and distributed intrastate."

This statute has a tangible link to interstate commerce in the statute itself. Contrary to being able to tell the difference

in locally manufactured controlled substances, it would be much easier for law enforcement to make the distinction between purely intrastate and interstate versions of child pornography. Law enforcement has databases that can be used to identify interstate child pornography, while purely local intrastate versions of child pornography quite often have a local victim easy to identify due to the proximity of the production and producer.

In the recent Supreme Court case Standing Akimbo, LLC, et al. v United States, 141 S.Ct. 2236 (2021), Justice Thomas wrote a dissent, which reads in part:

"Whatever the merits of Raich when it was decided, federal policies of the past 16 years have greatly undermined its reasoning."

And;

"If the government is now content to allow States to act 'as laboratories' 'and try novel social and economic experiments,' then it might no longer have authority to intrude on '[t]he States' core police powers...to define criminal law and to protect the health, safety and welfare of their citizens."

III. Federal and State Separation of Powers

The Supreme Court's Commerce Clause jurisprudence emphasizes that, in addressing the constitutionality of Congress' exercise of its commerce authority, a relevant factor is whether a particular federal regulation trenches on an area of traditional state concern. See Morrison, 529 U.S. at 611, 615-16; Lopez, 514 U.S. at 561, n.3, 564-68.

The Supreme Court has expressed concern that "Congress might use the Commerce Clause to completely obliterate the Constitution's distinction between national and local authority." Morrison, 529 U.S. at 615; See also Raich, 545 U.S. at 35-36 (Scalia, J., concurring); Lopez, 514 U.S. at 557 (Kennedy, J., Concurring) (Stating that if Congress were to assume control over areas of traditional state concern, "the boundaries between the spheres of federal and state authority would blur and political responsibility would become illusionary. The resultant inability to hold either branch of the government answerable to the citizens is more dangerous even than devolving too much authority to the remote central power." (Citation omitted).

Coupled with this consideration, the Supreme Court recognizes that the Constitution "withhold[s] from Congress a plenary police power." Lopez, 514 U.S. at 566, 115 S. Ct. at 1633; see also Morrison, 529 U.S. at 618-19, 120 S. Ct. at 1754; cf. Comstock, 560 U.S. 126, 130 S. Ct. 1949 (2010)(Kennedy, J., concurring) (stating that the police power "belongs to the States and the States alone").

If accepted, and the conviction upheld in the instant case, reasoning would allow for Congress to regulate any crime as long as the nationwide, aggregated impact of that crime in any way effects interstate commerce through employment, production, transit or consumption, even if the crime wholly was contained within the boundaries of one state.

In the dissenting opinion of Taylor v United States, 579 U.S. 301 136 S.Ct. 2074 (2016), Justice Thomas states:

"Finally, today's decision weakens longstanding protections for criminal defendants. The criminal law imposes especially high burdens on the government in order to protect the rights of the accused. The Government may obtain a conviction only "upon proof beyond a reasonable doubt of every fact necessary to constitute the crime with which (the accused) is charged." Winship, 397 U.S. at 364. Those elements must be proved to a jury. Amdt. 6; See Alleyne v United States, 570 U.S. 99, 133 S.Ct. 2151 (2013)(Opinion of Thomas)(slip op. at 3). Given the harshness of criminal penalties on "the rights of the individuals," the Court has long recognized that penal laws "are to be construded strickly" to ensure that Congress has indeed decided to make the conduct at issue criminal. United States v Wiltberger, 5 Wheat. 76, 95 (1820)(Marshall, C.J.). "Thus, before a man can be punished as a criminal under federal law his case must be plainly and unmistakenly within the provisions of some statute." United States v Gradwell, 243 U.S. 476, 485 (1917). When courts construe criminal statutes, then, they must be especially careful. And when a broad reading of a criminal statute wold upset federalism, courts must be more careful still. "[U]nless Congress

"conveys its purpose clearly," we do not deem it" to have significantly changed the federal-state balance in the proseuction of crimes." Jones v United States, 529 U.S. 848, 858 (2000)(internal quotation marks omitted)" - end Justice Thomas' quote.

Allowing for the Government to forego its burden to prove, beyond a reasonable doubt, that the Petitioner's intrastate production and possession of child pornography affected interstate commerce, will allow Congress to reach the sort of purely local crimes such as this; those crimes which the States prosecute.

In summary, the Petitioner's conviction and sentence should be set aside because "Congress cannot punish felonies generally." Cohens v Virginia, 6 Wheat, 264, 428 (1821);

"A criminal act committed wholly within a State "cannot be made an offense against the United States, unless it have some relation to the execution of a power of Congress, or to some matter within the jurisdiction of the United States." United States v Fox, 95 U.S. 670, 672 (1878);

IV. Justice Thomas' Commerce Clause View

Through the years, Justice Thomas has remained consistent with his view that Congress has specific limits when it comes to it's power under the Commerce Clause. In his opinions in Raich, Lopez, Morrison, and Taylor, among others, he has set forth an interpretation much like that of former Chief Justice John Marshal (1801-1835); See McCulloch v Maryland, 17 U.S. 316, 4 Wheat. 316 (1819). The term commerce has been defined as buying, selling, bartering or trading.

Even if the production of child pornography were found to outside the reach of Congress through the Commerce Clause, and thus beyond the reach of federal jurisdiction, each state has similar laws criminalizing the act of production of child pornography, ensuring that violators would still face consequences and prosecution under State jurisdiction.

Justice Thomas has warned that allowing the expansion of the powers of Congress under the Commerce Clause would obliterate and eliminate the essential distinction between federal and state powers and Constitutional limits concerning prosecutions in each.

Justice Thomas has forewarned, and thus been correct, that Congress is overstepping their Constitutional boundaries and treading upon the rights of the States and the People.
The instant case before you is an opportunity to place the power of prosecution for a purely local crime back to the States. Since there was no logical or tangible affect on interstate commerce, the federal government lacked the jurisdictional power to prosecute this case.

The problem of Congress overstepping their Constitutional boundaries regarding the Commerce Clause rests upon the previous Supreme Court decision, Gonzales v Raich, 545 U.S. 1 (2005) which stated that the Commerce Clause gives Congress authority to regulate the national market for marijuana, including the authority to regulate the purely intrastate production, possession, and sales of this controlled substance. Through this decision, courts began applying the standard to purely local instances of production of child pornography under 18 U.S.C. § 2251(a), among other local crimes.

V. Was the Finding of Evidence Sufficient to Support Conviction When Counsel Failed to Suppress nor Expand the Record for Further Evidence to Present to Court

The Court of Appeals declined to address whether counsel was ineffective and the tie to the case that the record was never adequately developed. The evidence used against the Petitioner did not include the entirety of text messages that would have proven the Petitioner did not in fact use coercing measures in this case.

Counsel should have brought forth witnesses, and the victim, but stated that sex offenses that deal with a minor are protected by laws. This creates an unbalance sense of justice.

If counsel had questioned the victim he would have allowed the jury to hear how she had sexually pursued the Petitioner while her father was in the hospital dying. The victim was already sexually active with a 27 year old male that her family had no issues with her having a relationship with. Her family, and the community had known of this relationship for about 2 years at this point. During the investigation of the Petitioner, the investigators, FaceBook, the prosecutors and defense counsel all had knowledge of these facts but did not allow for the Petitioner to use these in his defense.

In a larger sense, there were never any charges brought against the "boyfriend" who had actively been sexually involved with the victim.

Having the entire record of texing messages would have put a different light to the jury where the victim had been sending sexual advances to the Petitioner beginning much earlier. Counsel not pursuing the entire record was ineffective.

VI Was the Finding of Evidence Sufficient to Support Conviction Proper When Counsel Failed to Depose Witness and Victim, Violating Due Process and the Fifth, Sixth and Fourteenth Amendments of the United States Constitution

It is an attorney's duty to fully investigate and to give a full defense to those that are under their representation.

In this case the Petitioner has proven that counsel failed to interview witnesses that would have shown he did not entice and should not have been convicted of the offense.

The attorney also failed to interview the witness to show the inconcistency of statements made and accusations filed.

Due Process was so important that the Framers put it in the Constitution 3 times. 5th, 6th and 14th Amendments.

It is for these reasons that the lower courts were wrong in their assessments.

VII. Ineffective Assistance of Counsel Claims on Direct Appeal of a Federal Criminal Conviction in a US District Court

In the Petitioner's Appellate attorney's brief, it states that the Petitioner clearly intended to bring ineffective assistance of counsel claims up in the direct appeal. Counsel chose to defer those claims for a collateral attack under 28 U.S.C. § 2255, Motion to Vacate, Correct or Set Aside a Convict of a Person in federal Custody.

Counsel referred to United States v Woods, 270 F.3d 728, 730 (8th Cir. 2001) which reads, in part:

"Except where a miscarriage of justice would obviously result or the outcome would be inconsistent with sustainable justice, ineffective assistance of counsel issues are more appropriately raised in collateral proceedings because they normally involve facts outside the original record."

The decision of counsel failing to review the record and bring forth any ineffective claims are in direct conflict with Garza, Jr. v Idaho, 586 US 232 (2019). This case states that it is the determination of the court, not the attorney, to determine whether certain claims may move forward, are barred, or are frivolous. Counsel failed in their duty in this case.

VIII. Eighth Circuit Precedent Barring Ineffective Assistance of Counsel Claims on Direct Appeal

As stated in the previous ground, the government relied upon United STates v Woods, 270 F.3d 728, 730 (8th Cir. 2001) that basically bars most instances of ineffective assistance of counsel from being brought in a direct appeal.

The Petitioner asks this Court to grant Certiorari in this case to determine whether this Eighth Circuit president is constitutional and if it violates the Due Process rights of the Petitioner.

CONCLUSION

In conclusion the Petitioner asks that this conviction be overturned, or remanded back to a lower court for the defects listed herein.

The Court lacked subject matter jurisdiction under the Interstate Commerce Clause.

The evidence in this case was insufficient to support a conviction.

Counsel was ineffective and the Court of Appeals, and their precedent, were wrong to not allow the issues to be presented at the appellate court level.

With all things considered, the Petitioner asks a Writ of Certiorari to be granted.

Respectfully Submitted;

Terry Lee Mikell Dated: 8/21/2025
34664-045