No. 25-7576

ORIGINAL

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SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

Keith LeVan 371451 — PETITIONER
(Your Name)

vs.

Warden, Lee Correctional Instit... — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Keith LeVan 371451
(Your Name)

990 Wisacky Hwy
(Address)

Bishopville, SC 29010
(City, State, Zip Code)

N/A
(Phone Number)

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Questions Presented

1. Was trial counsel's failure to properly develop and implement a meaningful self-defense theory for his trial strategy, which manifested erronous and incomplete jury instructions therefrom, Constitutionally defective performance at trial?

2. Are confidential communications permitted as evidence in State court proceedings and in federal habeas 28 USC §2254 determinations?

3. Are electronic communications protected under the Fifth Amendment when a person invokes his "Miranda Rights" under that pretense?

4. The U.S. Supreme Court defined "text messages" as "Calls" in cases such as Campbell-Ewald Co. V. Gomez using Statute 47 USCA §227(e)(8) for determinations, yet State courts and the U.S. Appeals Court disagree with the U.S. Supreme Court's definition from those cases, what is the actual authority of definition of text message evidence?

5. Are prosecutors and trial attorneys immune to violating the Prison Rape Elimination Act and any adjective sexual misconduct laws?

LIST OF PARTIES

A list of all parties to the proceeding in the court whose judgment is the subject of this petition is provided below. If a party is a corporation with a stock ticker symbol, that symbol is also included.

Keith S. LeVan v. Warden, Lee Correctional Institute

RELATED CASES

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Petition For Writ Of Certiorari To The Supreme Court of The United States

The Petitioner, Keith S. LeVan, respectfully prays that a Writ of Certiorari issue to review the judgement of the Fourth Circuit Court of Appeals, the judgement and opinion of the U.S. District Court, and the bench ruling of the S. Carolina 15th Circuit Court. Appendix C1a, D2a

Opinions Below

The Fourth Circuit Court of Appeals denied petitioner's appeal and Certificate of Appeal with no opinion. The same Court denied Petitioner's request for rehearing and rehearing en banc. Appendix D5a

Juristiction

The original decision of the Fourth Circuit Court of Appeals was entered December 22, 2025. A timely motion to that Court for rehearing was overruled on January 21, 2026. Appendix D5a

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

Statutory And Constitutional Provisions Involved

The following statutory and constitutional provisions are involved in this case.

U.S. Const. Amend 1

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

U.S. Const. Amend 4

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

U.S. Const. Amend 6

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

U.S. Const. Amend. 8

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

U.S. Const. Amend 14, Section 1

All persons born or naturalized in the United States, and subject to the juristiction thereof, are citizens of the United States and of the State of wherein they reside, No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the U.S.; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its juristiction the equal protection of the laws.

Act of 1866

28 USC §2254

(a) The Supreme Court, a Justice thereof, a circuit judge, or a district court shall entertain an application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgement of a State court only on the ground that he is in custody in violation of the of the Constitution or laws or treaties of the United States.

(b)(1) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgement of a State court shall not be granted unless it appears that --

(A) the applicant has exhausted the remedies available in the courts of the State; or

(B)(i) there is an absence of available State corrective process; or

(ii) circumstances exist that render such process ineffective to protect the rights of the applicant.

(b)(2) An application for a writ of habeas corpus may be denied on the merits, notwithstanding the failure of the applicant to exhaust the remedies available in the courts of the State.

(b)(3) A State shall not be deemed to have waived the exhaustion requirements or be estopped from reliance upon the requirement unless the State, through Counsel, expressly waives the requirement.

(c) An applicant shall not be deemed to have exhausted the remedies available in the courts of the State, within the meaning of this section, if he has the right under the law of the State to raise, by any available procedure, the question presented.

(d) An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgement of a State court shall not be granted with respect to any Claim that was adjudicated on the merits in State court proceedings unless the adjudication of the claim --

(1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States; or

(2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding.

(e)(1) In a proceeding instituted by an application for a writ of habeas corpus by a person in custody pursuant to the judgement of a State Court, a determination of a factual issue made by a State Court shall be presumed to be correct. The applicant shall have the burden of rebutting the presumption of correctness by clear and Convincing evidence.

(e)(2) If the applicant has failed to develop the factual basis of a claim in State Court proceedings, the Court shall not hold an evidentiary hearing on the claim unless the applicant shows that --

(A) the claim relies on --

(i) a new rule of Constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable: or

(ii) a factual predicate that could not have been previously discovered through the exercise of due diligence: and

(B) the facts underlying the claim would be sufficient to establish by clear and convincing evidence that but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.

(f) If the applicant challenges the sufficiency of the evidence adduced in such State court proceeding to support the State court's determination of factual issue made therein, the applicant, if able, shall produce that part of the record pertinent to a determination of the sufficiency of the evidence to support such determination. If the applicant, because of the sufficiency of the evidence to support such determination. If the applicant, because of indigency or other reason is unable to produce such part of the record, then the State shall produce such part of the record and the Federal court shall direct the State to do so by order directed to an appropriate State official. If the State cannot provide such pertinent part of the record, then the court shall determine under the existing facts and circumstances what weight shall be given to the State court's factual determinations.

(g) A copy of the official records of the State court, duly certified by the clerk of such court to be a true and correct copy of a finding, judicial opinion, or other reliable written indicia showing such a factual determination by the State court shall be admissible in the Federal Court proceeding.

(h) Except as provided in section 408 of the Controlled Substances Act, in all proceedings brought under this section, and any subsequent proceedings on review, the court may appoint counsel for an applicant who is or becomes financially unable to afford counsel, except as provided by a rule promulgated by the Supreme Court pursuant to statutory authority. Appointment of counsel under this section shall be governed by Section 3006A of title 18.

(i) The ineffectiveness or incompetence of counsel during Federal or State collateral post-conviction proceedings shall not be a ground for relief in a proceeding arising under section 2254.

Federal Rules of Evidence Rule 501, USCA 28

The common law - as interpreted by United States courts in the light of reason and experience governs a claim of privilege unless any of the following provides otherwise:

- the U.S. Constitution - a federal statute - or rules prescribed by the Supreme Court

But in a civil case, State law governs privilege regarding a claim or defense for which State law supplies the rule of decision.

Federal Rules of Evidence Rule 505, USCA 28

(a) General Rule of Privilege; An accused in a criminal proceeding has a privilege to prevent his spouse from testifying against him.

(b) Who may claim the Privilege; The privilege may be claimed by the accused or by the spouse on his behalf. The authority of the spouse to do so is presumed in the absence of evidence to the contrary.

28 CFR §115.54

The agency shall establish a method to recieve third-party reports of sexual abuse and sexual harrassment and shall distribute publicly information or how to report sexual abuse and sexual harrassment on behalf of inmate.

28 CFR 115.6

Sexual harrassment includes -

(1) Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate, detainee, or resident directed to another: and

(2) Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, Contractor, or Volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Telephone Protection Act of 1991, 47 USCA §227 (e)(8)

(C) "Text Message".

(i) means a message consisting of text, images, sounds, or other information that is identified as the receiving or transmitting device by means of a 10-digit telephone number or N-11 service code;

(ii) includes a short message service (SMS) and a multimedia message service (MMS).

(D) "Text Message Service"

The term text message service means a service that enables the transmission or reciept of a text message, including a service provide as part of or in connection with a voice service.

Statement Of The Case

Petitioner was indicted in April 2016 by the Horry County grand jury for murder. App 512. On February 13, 2017, Petitioner was called to trial before a jury. App 1. Trial was conducted in Horry County, South Carolina.

At trial, Petitioner was found guilty of murder. The judge sentenced him to forty years imprisonment. App. 387, ll. 8-12; App. 324, ll. 7-9. The sentence was imposed February 15, 2017. App. 396.

Petitioner timely appealed the decision February 17, 2017.

Petitioner's appellate attorney withdrew the Direct Appeal on July 19, 2017; under his advisement after reviewing the transcripts and him not finding any identifiable or meritous issues preserved for appeal. App. 397, Appendix A1a

Appellate counsel found overwhelming amount of ineffective assistance of counsel issues and he filed an Application for Post-Conviction Relief for Petitioner on October 24, 2017. At that point, Appellant Counsel then became PCR Counsel.

Petitioner filed for his trial transcripts to have an understanding of the nature and cause of his conviction, but was denied by various Clerk of Courts under the State's determinations in Miller V. State, 388 SC 347, 697 S.E. 2d 527 (2010); which prohibits persons, whom are represented by counsel, access to the courts.

The State's attorney filed a Return to the PCR Application on February 6, 2018; and wherefrom a hearing was requested. App 406-411. In response, PCR Counsel filed an Amended Application For Post-Conviction Relief on August 3, 2018 App 413-416.

PCR Hearing was held on November 30, 2018 in the Horry County Court of Common

Pleas. App 417 PCR Judge concluded that hearing without a final decision and by "taking [matters] under advisment." App. 481, ll. 14-15.

January 28, 2019, PCR Counsel misinformed Petitioner that the PCR judge had denied the PCR petition and that Petitioner himself must appeal. Counsel had then concluded his representation,(before the case was actually decided). Appendix A2a

Unknowing of the misinformation, Petitioner filed a "pro se" writ of certiorari to the State Appeals Court on February 12, 2019. That court then transferred the "pro se" writ to the State Supreme Court that same day.

The State Supreme Court responded to Petitioner's Writ on March 8, 2019. That Court reviewed the Writ, but had to dismiss it on procedural grounds that the PCR Court had not yet made any determinations. The State Supreme Court had then mistakingly sent its findings to the wrong attorney, not PCR counsel. Appendix A4a

The Court's error caused Petitioner to miss his opportunity to Rebut the State's Claims at PCR response, before the case was decided on May 13, 2019, where the PCR judge filed an "Order of Dismissal" denying Petitioner relief.

Petitioner himself had to contact the State's Commission On Indigent Defense for counsel, whom filed a Writ of Certiorari to the State Supreme Court on December 27, 2019. That same counsel later filed an amended Petition for Writ of Certiorari to correct several syntax errors in the original, but failed to correct question presented. Appendix B1a

The State Supreme Court transferred the Writ to the State Appeals Court, whom later denied the Writ without explanation. B19a

Appellate Counsel then sent the requested trial transcripts, after he concluded representation. Petitioner relies on those Appellate transcripts and cites pages therefrom in this petition, wheras "Appeal" is referenced for convenience.

The State Supreme Court transferred the Writ to the State Appeals Court, whom then denied the writ without explanation. Appendix B19a

Petitioner's counsel then concluded representation, and noted by the court.

Petitioner then filed a "pro se" Writ of Certiorari, but was denied by the Court wrongfully in error under Miller v. State, claiming he had counsel when Petitioner did not. Appendix B20a

After exhausting his state court remedies, Petitioner filed a federal habeas petition under 28 USC §2254, on November 10, 2022. The Respondent filed a Return and Motion For Summary Judgement in March 13, 2023, which Petitioner responded with a volumous Response in Opposition to Motion For Summary Judgement. Petitioner also filed two Writ of Mandamus petitions, to the U.S. District Court's claims, under 28 USC §2254 (f) challenging the sufficiency of the Respondent's claims to facts and evidence not found in State court proceedings records. The U.S. District Court denied the federal habeas petition on March 28, 2024. The U.S. District Court failed to inform Petition of a Certificate of Appeal (COA) process, yet Petitioner Appealed, only to get rejected by the U.S. Appeals Court due to the absence of a COA. Appeal filed March 4, 2024. Petitioner filed for an extension of time to submit a COA with the U.S. District Court but was denied. Petitioner filed a timely appeal with a COA to the U.S. Appeals Court, whom denied both the COA and appeal on December 22, 2025. Appendix D2a

Petitioner then filed a timely rehearing and en banc request, which was denied on January 21, 2026. Appendix D5a

On February 21, 2015, law enforcement responded to the parking lot of a Home Depot in Myrtle Beach and found a vehicle that had crashed into a median with its engine still running. App 77 L. 16-78, L. 25. The driver of the vehicle, Barry Selmon, was slumped over in the driver's seat and had been shot in the back of the head. App. 82, L 20-85, L. 7; App 92, LL. 7-22.

After Selmon was discovered deceased in the Home Depot parking lot, Petitioner and his wife Penny arrived at the Myrtle Beach Police Department to report being harrassed by Selmon. App. 128, L. 18 - 130, L. 16. During that meeting, Petitioner informed the police officers that he shot Selmon in self-defense. App. 507-508. Petitioner was placed under arrest. App 135, LL. 11-13

Petitioner testified in his own defense at trial since trial counsel failed to establish any defense strategy without his testimony. Petitioner was an Horry County employee (Badge 8202). App. 275, LL. 18-25; App 429, LL. 8-9.

Petitioner had grown increasingly concerned for his and his wife's safety as Selmon's aggressive actions towards them since Selmon was terminated from employment at Grand Strand Healthcare (GSHC) in August of 2014, the same employer of Petitioner's wife. App. 277, L. 15-288, L. 5. Petitioner testified that he reported his concerns regarding Selmon to his co-workers in the Horry County Law Enforcement Division and other of his co-workers in the 15th Circuit Court Solicitor's Office in Horry County. App 277, L. 15-278, L. 5; App 429, LL. 8-25. Trial counsel presented the court with a photograph of Selmon posing with a "large [and] intimidating firearm," which Selmon had sent to Petitioner's wife's Facebook accompanied with a threatening message, shortly after Selmon lost his job at GSHC months prior to the shooting. App. 278, l. 6-280, l. 10.

As a direct result of Selmon's ominous behaviour to Petitioner and his wife, Petitioner asked his wife to stop communicating with Selmon, but she was too scared to discontinue and her strategy was to pacify him by the communication. App 280, ll. 12-15.

In the early morning hours on the day of the shooting, Petitioner was awakened to Penny crying and emotionally disraught. App. 281 ll. 12-23. Selmon threatened Penny to meet him in the Walmart parking lot or harm would occur to her son. App 283, ll. 7-14. Petitioner decided that he would go to the Walmart parking lot to confront Selmon to tell him to leave him and his wife alone and to stop terrorizing Petitioner's (an Horry County Government employee) family; which was advice given to Petitioner from his superiors in the 15th Circuit Court Solicitor's Office. App. 284, ll. 17-24; App. 429, ll. 8-25. Also, Solicitor informed Petitioner he had the right to carry a firearm for protection against an aggressor per State V. McCaskill. App 448, ll. 15-17.

Petitioner had recieved the same advice from Detective Kitelinger, whom informed Petitioner that he made it a habit to carry a firearm after Kitelinger left the Marines. App. 450, ll. 6-23. Selmon had made it known he carried firearms by bragging of his Concealed Weapons Permit, showing his 9mm semiautomatic pistol to Petitioner's wife and co-workers, and carrying stores of ammuhition in his vehicle. App 285, ll. 1-25; App. 278, l. 6 -280, l. 10. Defendant's Exhibit 1, App 278, ll. 6-12.

After Petitioner arrived at the Walmart, he changed his mind to confronting Selmon so he attempted to leave. App 287, ll. 9-17. Before Petitioner could leave though, Selmon pulled up next to him. App. 287, l. 19-288, l. 22. Petitioner began to leave by driving away from Selmon and drove around the parking lot in the visibility of Walmart's surveillance cameras. App. 287-288. Selmon caught up to Petitioner a second time and pulled up directly next to him. App. 288, ll. 20-25. Selmon rolled down his passenger side window and then realized that the person in the other car was Petitioner and not his wife. When Selmon realized that Petitioner's wife, Penny, was not in the car, only the Petitioner himself, Petitioner recalled: "[Selmon] was furious and started making violent gestures and yelling out obscenities and threatened to kill me." App 289, ll. 19-24.

Petitioner drove away to flee and withdraw from conflict by leaving the Walmart property onto Seaboard Street and turned onto Oak Forrest Lane to Petitioner's place of business, the H.H. Gregg, Michaels, and Home Goods strip mall, where he had attempted to call 911, while thereon. App. 290, ll. 11-25; Defendant's Exhibit 2, App. 286, l. 23.

Selmon followed, aggessively and unlawfully, the Petitioner on the subsequent location of Petitioner's place of business which was closed to the public. Selmon caught up to Petitioner, by suprise, had cut Petitioner off with his vehicle. App. 291, ll. 1-6.

Petitioner recalled: "Selmon, who had pulled his vehicle in front of mine, rolled his window down yelling that I'm a dead son-of-a-bitch and pointed and started pointing it at me like that... with something in his hand." App. 291, ll. 8-12. Believing that Selmon had a firearm, Petitioner jumped out of the car so that he could flee. App. 291, ll. 16-22. However, when Petitioner got out of the car, Selmon had aggressively and intentionally backed his vehicle up, struck Petitioner's person to the ground inflicting bodily injuries of broken teeth which bled onto his jacket, and ran over his right foot spraining it. App. 292, ll. 2-17.

After sustaining injuries from the attack, Petitioner recovered the only firearm he had with him and charged (loaded) that firearm. Petitioner discharged that firearm with the intent to repel the attack and disable the vehicle by either shooting out the tires or disabling the in-tank fuel pump, to prevent any subsequent attacks. App. 291, l. 21 - 293, l. 12. Petitioner, a federal certified Emergency Vehicle Technician (EVT), knew gas tank explosions are an Urban Myth and surely knew, no explosion would occur if he struck the gas tank, by his own experience, knowledge, training, education, skill, and federal laws regarding vehicle construction after "Grimshaw v. Ford Motor Co." and the Pinto model. App. 275, l. 20 - 276, l. 4. App. 262, ll 13-18. Appendix A13a, A14a

After the shooting, Petioner voluntarily went to the Myrtle Beach Police Dept. to explain the situation, despite injuries and inability to properly communicate. App 293 l. 18 - 294, l. 13. Petitioner was placed under arrest.

At trial, counsel did not explain the Petitioner's version of events in either opening or closing arguements, failed to subject the prosecution's claims to any adversarial testing, and relied on Petitioner's testimony for defense strategy.

App. 75, l. 19-76, l. 20

Trial counsel, in opening arguments, instructed the jury to rely on the imprimatur of the government through the judge's instructions. App. 75, l. 24. Counsel also advised the jury to rely on "in the evidence will happen from that Stand and from the exhibits, not from my arguments," App. 75, ll. 24-25. The prosecution laughed.

Counsel solely relied on Petitioner's testimony and only introduced two exhibits to compliment that testimony. App. 4. l. 15; App 8, ll. 20-21.

Prosecution, without evidentiary support, accused Petitioner of extramarital affairs between him and an unidentified person, "a phantasm." App. 74, l. 1-8. Prosecution presented the jury with text messages made between Petitioner and his wife from their private cellular devices. States Exhibits S64A, S64B, S68, and S70.

Despite objections from counsel on the basis of State Statute 19-11-30 and State Rules of Evidence Rule 501 (also Federal Rule 501), trial judge permitted the text messages as trial evidence as there was no law or case that handwritten letters could be defined as confidential communication privilege, and text messages were "apropos" to a handwritten letter between a husband and wife. App. 50, ll. 6-16; App 56, l. 10-57, l. 25. Counsel continued to object to the use of Marital Communications throughout trial, but trial judge overruled ~~the~~ objections.

Counsel emphasized to the court that Petitioner, after been taken into custody, had invoked his rights to counsel, Miranda Rights, as law enforcement still pressed to interview him. App. 40, l. 22-41, l. 7. Petitioner had contacted an attorney after he invoked his rights to counsel, but police deceptively recorded that

Conversation and later accessed Petitioner's cellular device and retrieved the attorney-client Conversation and marital communications text messages. App. 52, l. 14 - App. 53, l. 6.; State's Exhibits S64A, S64B, S68.

Trial judge permitted the privileged communications at trial, despite Petitioner invoking his Miranda Rights and trial counsel's objections. App. 55, ll 10-18.

When on the Stand, Petitioner denied authoring the text messages that the State presented at trial. Petitioner argued with the prosecutor, claiming the text message evidence is false evidence and not accurate as he had used false accusations and harsh words in those messages with intent to cause emotional harm tit-for-tat conversation, not actions. App. 303, ll. 10-21.

Prosecutor, without evidentiary support, accused Petitioner's wife of setting up meetings with the victim. App. 303, ll. 9-17. Prosecutor also presented text message from evidence that was intended to describe a different Barry and claimed to the jury that was Selmon. Prosecution misidentified evidence. App. 304, ll. 3-8. Prosecution knowingly misidentified the text message evidence here and at several points of trial as the message portions were out of context and materially altered. App. 304, ll. 8-9.

At PCR Hearing, Petitioner challenged the trial counsel's failure to investigate the text message evidence as it was counterfeit. App. 465, ll. 3-10. The State's Exhibit 68 introduced at trial is an alleged download of the entire Content of the Petitioner's Notebook cellular device (Samsung Note 4) App. 191, ll. 1-11. Petitioner provided the actual T-Mobile phone bill, which trial and PCR counsel had failed to obtain, to the PCR Court but was denied under Miller V. State. No phone bill was provided at any State court proceeding and State Rules of Evidence Rule 901 (Federal RoE Rule 901) were completely ignored. App 492-493

"2. Failure to Obtain Cellphone Records."

The actual phone bill record reveals that the State provided counterfeit text messages and false evidence at trial.

Petitioner's PCR counsel argued the self-defense theory trial strategy at PCR. App. 462-463. PCR counsel cited State V. Graham, which entitles an aggressor who decides to withdraw from conflict in "good faith" to avoid harm, but is subsequently attacked by the opposing party at a different place or time, the self-defense doctrine can still be claimed. App. 461, l. 18 – 462, l. 13.

Trial counsel admitted that the self-defense strategy was challenged as he relied on the Petitioner's testimony at trial to substantiate it, as his trial strategy. App. 462, ll. 14-21. Trial counsel also admitted he had no trial experience prior to Petitioner's trial. App. 452, ll. 4-11.

PCR counsel walked through the elements of a trial strategy and self-defense theory, at PCR, to trial counsel on the witness stand. App. 461, ll. 18-463, l. 25. PCR counsel provided trial transcript page 289 to trial counsel and had to explain to trial counsel that, "he was scared and running from Mr. Selmon." App. 480, ll. 11-13. Trial counsel candidly admitted that he did not understand the legal theory that if a person withdraws from conflict, that person is precluded from fault of any subsequent conflict while in withdrawal. App. 480, ll. 16-22. This issue was raised on the initial PCR application. App 414-415, "Trial." contra-Appendix C1a

Petitioner's federal habeas grounds reflect the aforementioned Statement of case.

Reasons For Granting The Writ

I. When a citizen's First Amendment right to petition the government for a redress of grievance is denied by a State through procedural bar, it is a deprivation of Constitutional rights that affects the citizens of that State, an issue of public importance that this Court needs to review.

As noted in Statement of the Case, Petitioner faced unnecessary procedural obstacles when exhausting his post-Conviction legal remedies. He was procedurally barred due to both a combination of multiple attorneys' unprofessional errors and further compounded by the controlling factors of case Miller V. State, 388 SC 347, 697 SE 2d 527 (2010) which prohibits a person the right to petition the Government for redress process, asserting that counsel is the "Master."

While incarcerated, Petitioner was denied access to the Courts and legal materials, no access to law library, and prohibited to having possession of Stationary and legal mailing supplies, which is noted in his habeas petition.

For a person to truly understand the legitimacy to the nature and cause of the accusation against them, including post-Conviction, resources to achieve that understanding must be provided or accessible to them. Those resources were denied to Petitioner when requested, under the procedural bar of Miller V. State, supra, determinations that posits counsel as "Master" of Control. Appendix B18a, B20a, B21a

Access to trial transcripts and evidence are paramount for any person's quest to Challenge their conviction through post-Conviction legal remedies, a collateral attack

method known as a right "...to petition the Government for a redress of grievances." See: U.S. Const. Amend. 1.

Under those conditions, Petitioner had to solely rely on the advice from Appellate Counsel, instead of knowlege and understanding he could have acquired himself from those transcripts, which he was denied access. Appendix B18a, B21a.

Appellate Counsel informed Petitioner that there were no appealable issues in his case and he should waive the Direct Appeal in favor of a Post-Conviction Relief Case, Appeal Tr. 397, Appendix A1a

Without any legal resource materials for Petitioner to draw an intelligent and informed decision otherwise, he soley relied on counsel to waive the appeal and move for a PCR action, Appeal Tr. 397. Appendix A1a , which he later regretted after finding meritous Constitutional issues to appeal.

Since Appellate Counsel was still representing Petitioner after waiving Appeal, (Appeal Tr. 397) Petitioner was denied his right to file the PCR Application himself, under the procedural bar of Miller V. State's, supra, "hybrid representation" clause, which asserts that a client's counsel is the "Master" and not the "assistant" in representation. Here is the First Amendment violation where Petitioner is prohibited from his right "...to petition the Government for a redress..." without counsel having full control, Appeal Tr. 399-405, in filing PCR Application.

PCR counsel (Same person as Appellate Counsel) convinced Petitioner that trial counsel's complete failure to develop any meaningful defense of trial strategy, (Appeal Tr. 414 "Trial") which resulted in trial court's confusion, causing improper and incomplete self-defense citation of law in jury instructions.

Since trial attorney had no strategy whatsoever, he was deficient by not recognizing the err and failed to object to the improper and incomplete instructions the Court gave the jury on self-defense law.

Petitioner agreed to this, but did not understand the legal jargon. Despite legal terminology, Petitioner disagreed with the PCR Application issues not being particularly comprehensive. Appeal Tr. 401 L.10. He argued with PCR counsel whom then filed an Amendment to PCR Application, Appeal Tr. 413-416, which was still broadly worded but did include trial strategy, which also is a very broad term. Appeal Tr. 414 "Trial."

Since Petitioner could not convince counsel that he believed the terminology in the Amended PCR Application was not specific of his claims, he filed his own PCR Application. That filing was denied by the Clerk of Court by reasons of Miller V. State, supra. Appendix A9a . This is another First Amendment right denied.

PCR hearing was held on November 30, 2018, where judge had taken matters under advisement and no final decision was made. Appeal Tr. 481. LL 14-15. A month later, State's Attorney filed a Motion for Dismissal. Petitioner contacted his Counsel and requested a Rebuttal and Objections to State's Motion, but PCR counsel only replied on January 28, 2019, Appendix A2a , that the case was denied and he concluded his representation; which was false that the case was denied.

Since Petitioner was grossly misinformed by his PCR Counsel again, he filed a "pro se" Writ of Certiorari within the State Appeals Court, whom forwarded it to State Supreme Court. That Court's Response informed Petitioner the PCR case was still pending a final decision. Appendix A4a . That Court also cited the

Miller V. State, supra, Case to enforce the State's rule that counsel is the "Master" and not the "assistant." Appendix 4a

May 7, 2019, PCR Judge filed the Order of Dismissal. Appeal Tr. 483-518

Petitioner filed for Indigent Defense on Appeal, whom filed a Writ of Certiori December 27, 2019, Appendix B1a, which had numerous syntax errors and failed to address the issues that Petitioner requested. Those issues were PCR Judge's bias focus on the prosecution's ability to develop a meaningful trial strategy and the judge's improper self-defense references to law. Appeals Tr. 496-501. Second, PCR Judge failed to recognize trial counsel's failure to develop any meaningful defense strategy other than to place his client on the stand to testify in his own defense at trial.

Appellate counsel then filed an Amended Writ of Certiorari December 30, 2019 with some corrections, but still failed to properly address the claims. Appendix B1a

Due to Appellate Counsel's unprofessional errors, the writ was denied.

Petitioner filed a "pro se" petition for a rehearing and rehearing "en banc" with his version of corrections, but was denied under Miller v. State, supra. A subsequent Writ of Certiorari was filed "pro se" and officially without any Counsel assigned to Petitioner, but still denied by the Court under Miller V. State, supra. Appendix B20a. This was clearly a First Amendment right denial.

Any citizen who grievances against an attorney or Court is a grievant against the Government. When an attorney's unprofessional errors causes a person's Constitutional rights to be violated or denied by the Court, that violation or denial of rights is imputed to the State. That State has the dual duty to uphold the Constitution in a manner that impartially accords all citizens therein those protections thereof, without disparagment.

The application of Miller V. State, supra, is a disparagement of the First Amendment right to petition in certain circumstances, such as in Petitioner's. Miller V. State, supra is applied as an un-Constitutional and unnecessary procedural bar that interferes and obstructs the right of due process. It also deprives the according citizens their right to correct attorney unprofessional errors that result in Sixth Amendment rights violations. Appendix A, B

Our Founding Fathers who framed the Constitution had this same experience under the oppressive British Government in the 1700's, thus drafted the Sixth Amendment with deliberate terminology which states "...assistance of counsel." Supreme Court Justice Stewart clearly notes this in Faretta V. California, 422 U.S. 806, 95 S.Ct. 2525 (1975):

> "The Counsel provision supplements this design. It speaks of the 'assistance' of counsel, and an assistant, however expert, is still an assistant... To thrust Counsel upon the accused, against his considered wish, thus violates the logic of the Amendment. In such a case, Counsel is not an [*2534] assistant, but a Master; and the right to make a defense is stripped of the personal character upon which the Amendment insists."

In this State, "pro se" petitions are generally ignored or denied as the courts favor petitions prepared by counsel due to expectations of expertise in law. Miller V. State, supra, exemplifies this by making counsel the "Master," despite the fact that the "pro se" litigant may have their motions or pleading prepared by the "assistance of counsel."

Miller V. State conflicts with the United States Supreme Court's findings in Haines V. Kerner, 404 U.S. 519, 92 S.Ct. 594 (1972). Additionally, Miller V. State conflicts with the Eleventh Circuit U.S. Appeals Courts determination in Sanders V. United States, 113 F3d 184 (11th Cir. 1997) whereas it was observed that:

> "We have a duty to liberally construe assertations to discern whether juristiction to consider his motion can be found on legally justifiable bases."

Petitioner's grievances, to the State's Courts, were legally justifiable bases of attorneys' unprofessional errors being corrected by "pro se" litigant. In this situation, a litigant is entitled to a plenary review by the court to determine any meritous justification of his petitions with the court that can be corrected before the litigant prevails. Failure to do so dually deprives the accused his First Amendment right to petition and forces the accused to accept no "assistance of counsel" under the Sixth Amendment, as Mr. Justice Stewart explains in Faretta V. California, supra.

As an "assistant," Counsel's interests are focused on the client. As "Master," counsel's interests are focused on the State, where the accused's "...right to make a defense is stripped..." For both Petitioner and State residents, This Court needs to settle this Constitutional issue.

II. Lower courts liberally bypass Statutes and Rules of Court that protect confidential communications and from compelling testimony against oneself by misidentification of tangible evidence that dually conflicts with decisions from other appellate courts and the United States Supreme Court interpretations of laws in Campbell-Ewald Co. V Gomez and Miranda V. Arizona. Misidentifications force involuntary and compelled testimony against accused, a serious issue this Court must exercise its authority to resolve due to prevalent evolution of technology and lower court's lack of understanding thereof.

The United States Fifth Amendment to the Constitution provides protections from a person being compelled to self-incriminate by involuntary testimony.

Compelled testimony against oneself can be accomplished not only by forcing the accused to provide testimony unwilling and directly, but indirectly through other mediums, such as electronic communications that are stored in the curtilage of an electronic device. Today's "paperless" Society relies on electronic communication data.

Confidential communications are also referred to as privileged communications, such as any communication made between a husband and wife, attorney and client, government employee, and any form of communication that was done in privacy without the warnings and waivers of the Fifth Amendments characterization of rights as defined and explained in Miranda V. Arizona, supra. These privileges are defined in both State and Federal Rules of Evidence Rule 501; based on the Fifth Amendment to the U.S. Constitution.

Federal Rules of Evidence Rule 501 states:

"...rules prescribed by the Supreme Court to statutory authority, the privilege of a witness, person, government, State, or political subdivision thereof shall be ground by the principles of the common law as they may be interpreted by the courts of the United States in light of reason and experience."

This Rule gives this Court the ultimate authority in determining the privileges and protections of a witness and the interpretation of what material form that witness may be comprised.

South Carolina Rules of Evidence Rule 501, based on Federal Rule 501, further specifies what communications are privileged:

"Among those privileges which would be covered by this Rule are: husband and wife (S.C. Code Ann. §19-11-30); attorney and client; and privilege against self-incrimination (U.S. Const. Amend. V; S.C. Art. I, §12; S.C. Code Ann. §19-11-80).

State and Federal Rules 501 do not particularly describe what form or medium the communication can be conveyed: spoken word, letter, sign language, or telecommunications. Neither does State Statute §19-11-30: which openly states:

"No husband or wife may be required to disclose ANY confidential or, in a criminal proceeding, ANY communication made by one to the other during their marriage." [emphasis added]

The keyword is "ANY," which does not isolate spoken word, but rather ANY form of communication. An example of ANY communication includes handwritten letters.

In 1887, the U.S. Appeals Court applied Marital Communications privilege in the case of Bowman V. Patrick, supra, by prohibiting handwritten letters, between husband and wife, from the court as evidence under the principle of the Fifth Amendment. This same privilege was applied in a separate case over one hundred years later, U.S. V. Montgomery (2004) supra.:

"...letter written by defendant's wife excludable by defendant under Marital Communications Privilege."

These two cases were from the Ninth Circuit U.S. Appeal Court, which contradicts the determinations made by the Fourth Circuit Appeals Court and U.S. District Court subordinate, whom solely relied on Petitioner's Marital Communications to deny Petitioner's federal habeas petition under 28 USC §2254. Appendix C1a, and ignoring Federal Rule 505.

The U.S. Supreme Court's determinations in Blau V. U.S., 340 U.S. 332, 71 S.Ct. 301, 95 L.Ed. 306, that control privately disclosed communications between husband and wife, were never applied to Petitioner's communications between him and his wife in neither State Court proceedings nor in federal court petition reviews and determinations. When these lower Courts fail to abide by the U.S. Supreme Court's decision in Blau v. U.S., supra.. Petitioner's Fifth Amendment rights were denied him through successive levels of higher courts, which is now an issue before this Court. Appendix C1a, C11a, C37a, D

When the U.S. District Court based its decision on the State's claim that "...petitioner then text message his wife confessing to killing victim..." the U.S. District Court and the State conflicted with the U.S. Supreme Court's determinations in Wolfle v. U.S., U.S. Wash. 1934, 54 S.Ct. 279, 291 US 7, 78 L.Ed. 617; where that Court found that:

> "Basis of immunity given to communication between husband and wife is protection of marital confidences, regarded as so essential to preservation of marriage relationships as to outweigh disadvantages to administration of justice which privilege entails."

The State Courts and U.S. District Court relied on Petitioner's Marital Communications made through SMS text messages from State's Exhibits S64A, S64B, S68, and S70. Appeal Tr. 8. Decisions made by the U.S. District Court are based on these Marital Communications, Appendix C1-37a which ignored this Court's findings in Wolfle v. U.S., supra.

The "ANY communication" rule applies to SMS messages sent from one spouse's personal cellular telephone (computer device) to the other's via peer to peer telecommunication pathway. That peer to peer communication is stored within the curtilage of those electronic devices. The user of those devices have an expectation to be secure in privacy of the device's content because the device's service provider required the user to agree to a legal contract agreement with the privacy provision, where no permission is stated or implied for third-party access.

The "ANY communication" clause of Marital Communications Privilege also applies to persons with disabilities whom rely on specialized medical electronic communication devices as their "crutch." An example would be the famous physicist Stephen Hawkin whom relied on an electronic device to communicate with his wife. Those electronic communications to his wife are Marital Communications which are legally protected. Although they are not his "spoken words," the "... equal protection of the law" must be applied to include persons with such disabilities, under the 14th Amendment. To deny a person, of such circumstances beyond their control, those equal rights is clearly un-Constitutional.

SMS text message's TTY feature works the same way but inverted to where speech is translated to words of text and sent as messages.

The State's trial judge of the 15th Circuit Court disagreed with all of the aforementioned definitions, of electronic communications and hand written letters, made by higher courts in cases involving privileged Communications, Tr. 56-57, which includes State and Federal Rule 501 supra, U.S. Const. Amend 5; State Statute 19-11-30; Jackson V. Denno, infra; and the U.S. Const. Amend 4 "particularly describing" warrant clause.

State's trial judge relied on the Act of 1866 to base his decision. His reasoning was that when the Act of 1866 was proposed, electronic communications did not exist, therefore Marital Confidences in electronic communications are not privileged or protected. Tr. 57

Trial judge's decision was prejudicial because the Act of 1866 did contain provisions for the telegraph, the Grand father of modern text messages, which both operate on binary language of electronic impulses. Another prejudicial factor is that Miranda V. Arizona and Jackson V. Denno are negated from the decision process as neither of them were around in 1866 either. Tr. 56

Despite trial counsel's numerous objects throughout trial against the U.S. Const Amend 5 violations, trial judge denied the objections, permitting the Petitioner's and his wife's Marital Communications to be read off line by line of text message printouts to the jury. Those text messages were involuntary and compelled testimony against Petitioner, of his own prior statements to his wife made without the warnings and waivers explained in Miranda V. Arizona, supra, by Chief Justice Warren, and are prior statements before his arrest as explained in Jackson V. Denno, 84 S.Ct. 1774 (1964).

The jury's verdict was determined by the Marital Communications by text message and the U.S. District Court applied those privileged communications to its determinations, such as in the Statement of the Case accusing "paramour" and "triangle relationship," terms derived ONLY from the privileged communication context.

When trial judge misidentified the text messages as handwritten letters, he completely misidentified the laws and juristictions pertaining to them, Tr. 56-57. This includes the U.S. Const Amend 4 which "particularly describing" clause dictates the validity of a warrant. Since electronic messages and handwritten letters are so different materially, the warrant for electronic messages is not valid for handwritten letters, which no warrant existed for handwritten letters. That would make the text message evidence an un-Constitutional search and seizure under the Fourth Amendment if trial judge's decision at Tr. 57 held any merit.

To clarify the State trial judge's prejudicial definition of text messages as hand written letters, the Supreme Court case of Campbell-Ewald Co. V. Gomez clearly defined "telecommunications," such as text messages:

> "...is defined by law as any means of communication electronically such as text, email, telegraph, television, telephone, etc.... any means of communication other than by a physical 'letter.'"

The U.S. Supreme Court further substantiates its determinations that a "text message" is a "call" by referring to actual law, the Telephone Consumer Protection Act (TCPA) of 1991, §3(e)(8)(C)(D); 47 U.S.C.A. §227(e)(8)(C),(D), which conflicts with State trial judge's decision at Tr. 56-57.

The reason trial judge could not find State case law on electronic communication is that communication is in Federal Interstate juristiction. That would be apropos to trial judge looking for State case law for

Uranium U-235, it is not in State juristiction! State trial judge had no juristiction to intrude and invade Petitioner's cellular telephone device.

According to TCPA, supra, and Campbell-Ewald Co. V. Gomez, Supra, where a "text message" is defined as a "call," it is relavant to consider accessing stored text messages as apropos to "wiretapping" a call. A call between husband and wife of their "spoken words" is no different than text data. Again, the cases of Jackson V. Denno, supra, and Miranda V. Arizona share similar distinct charateristics to Fifth Amendment Rights, to text data.

As described throughout this section, trial and lower courts can redefine and tailor evidence in any manner they may seem fit to use against the accused, one of the ingredients to wrongful convictions and mass incarceration. With society's ever evolving technological advancements in communication, how can any citizen of the United States be secure in their persons, homes papers, and effects (electronic devices) against unreasonable searches and seizures of these things which can be misidentified in any manner to compel a person to involuntarily be a witness against themself?

Therefore, by all the aforementioned conflicts caused by State trial judge's misidentification of evidence and law, Tr. 56-57, which caused a miscarriage of justice at trial and in higher courts through lack of procedural due process; this Court must review and establish proper and sound definition and rights to confidential communications made via electronic communications, such as text messages, for use in the Court of law.

To accord all citizens of this country such protections, this Court must decide.

III. There is a conflict between federal habeas corpus Statute 28 USC §2254(f), also concerning Prison Rape Elimination Act, and the method of due process determinations made by the U.S. District and Fourth Circuit Appeals Court.

In Petitioner's federal habeas corpus petition under 28 USC §2254(f), he challenged the sufficiency of the evidence adduced in the State court proceeding where the State Court's determinations falsely claimed of factual issues that actually had no evidence or record to merit them.

Petitioner challenged those issues under 28 USC §2254(f), which is a statute that provides an avenue for a petitioner to:

"... challenge the sufficiency of the evidence adduced in such State Court proceeding..."

The federal courts denied Petitioner's Grounds as unexhausted, contrary the state court proceeding record. PCR records at Appeals Tr. 399-416.

Since the U.S. District Court denied a review of facts under 28 USC §2254(f), Petitioner's only option was to file a Writ of Mandamus, to compel the Court to provide the proof of facts claimed to be in record and provide location of those claimed facts in State trial record. The U.S. District Court refused to comply and gave the excuse that States are immune from satisfying burden of proof in federal courts. Appendix C19a

The State's inconsistent and contradictory claims to facts confuses Petitioner beyond understanding the nature and cause of the accusation leading to his conviction. Appendix C1-37a

When a federal habeas corpus petition under 28 USC § 2254 is filed in a federal Court, federal rules, procedural due process, and United States Constitutional rights apply. When a person petitions the State Government in a federal court, the State must also comply with those rules and rights in that Court.

The U.S. District Court's decision to deny Petitioner's Writ contradicts 28 USC §2254(d)(1) by negating those rules and rights that were determined through the U.S. Const. Amend. I and 14 by:

1. Denying Petitioner's right to challenge the sufficiency of the evidence through the avenue of right to petition for proof of merit.
2. Denying 28 USC §2254(f) procedural due process and equal protection of law, by properly applying law as it is stated.

The questionable evidence that Petitioner challenged in PCR, habeas, Writ of Mandamus, and the Fourth Circuit Appeals Court are (Appendix C11a):

1. Paramour and triangular relationship claims: which contradicts both the State's claims at trial Tr. 320, LL. 18-19 and Petitioner's PREA Complaints. Appendix A15a-16a
2. Several Guns claim: which contradicts Tr. 304, LL 24-25, Tr. 8 State's Exhibit S61 and witness testimony
3. Luring the victim: a false claim made by the State which has no evidentiary support. It was a false light intended as "ad hominem."

4. Facebook message evidence claim: There is NO Facebook evidence in any State court proceeding records and counsel testified it was never seen because it was deleted. Appeal Tr. 465, LL. 12-15; PCR Tr. 49, LL 12-15; Order of Dismissal of PCR page 12-13, Tr. 494-495

The State's misconduct of false and contradictory claims to evidence in State Court proceeding records were adopted by the U.S. District Court. Appendix C1a

To prevent the State's misconduct from infecting the U.S. District Court's decisions, Statute 28 USC §2254(f) is necessary. By following the Statute, a Petition's claims to Constitutional rights violation can be made validated. Failure to adhere or follow it is a due process violation.

The State's false claim of "Paramour" and "Triangle relationship" in this situation is a criminal act of sexual misconduct that unlawfully inflicts harms of sexual harrassment onto Petitioner. State Statute §15-75-10 (1976) and the Prison Rape Elimination Act 28 CFR §115.6 both define the false and offensive claims of one as unchaste as sexual misconduct. When these misconducts are able to control and implement physical force by incarceration, it then becomes physical sexual violence under PREA 28 CFR §115.6.

When the State and U.S. District Court were made aware of the sexual harrassment, but failed to report it as lawfully required under PREA 28 CFR §115.54, these Courts knowingly and willfully inflict sexual trauma upon Petitioner in violation of U.S. Const Amends 8 and 14. Petitioner had subsequently made PREA complaints to the U.S. Appeals Court (4th Cir.), with no reply.

It is clear in trial transcripts that there was no "Paramour" nor any "Triangle relationship." These claims by the U.S. District Court are false lights that have absolutely no merit and contradict the evidence in the State Court proceeding. Appendix C 1a-37a

Prosecution at trial clearly and candidly admitted that:

"...we have no evidence that there was an actual affair."

"We don't have any evidence in the record that there actually was adultery." Tr. 319, ll. 18-19

The State knew that Petitioner's wife was terrified of the victim, it is in the text message evidence from State's Exhibit 68, page 28:

line 52 "He was evil...but he knows things..."

line 57 "Barry was crazy...he knew where heather elvis and brittanee drexel was the whole time..."

These are messages Petitioner's wife sent him and were in trial evidence available to the jury. Note: The persons heather elvis and brittanee drexel are missing women, drexel's body was located a year before this petition. The person who murdered her was one of Barry Selmon's (victim) contacts from his cellular telephone.

Prosecutor knew there were no extramarital affairs, but lied to the jury anyway. Tr. 74 ll 2-8. Throughout trial, prosecution constantly and repetatively falsely accused Petitioner and his wife of an affair, when he absolutely knew the accusation and his claims to evidence were false.

This behaviour is a violation of the Fourteenth Amendment and commonly known as prosecutor misconduct. The Supreme Court found this same exact method of prosecutor misconduct of falsifying evidence to the jury in its review of Miller V. Pate, 386 US 1, 7 (1967); a case where the prosecutor showed the jury a pair of the defendant's shorts and pointed at paint stains on those shorts. Even though that prosecutor fully knew that they were paint stains, he lied to the jury telling them that he had those stains tested by a professional who said they were blood, which matched the victim's blood type. The defendant was found guilty of murder as a direct result of the prosecutor's misconduct.

When the Supreme Court reviewed Miller V. Pate, supra, it found that:

> "...this Court held that the 14th Amendment cannot tolerate a state criminal conviction obtained by the knowing use of false evidence [citations omitted] There has been no deviation from that established principle."

The Court had vacated and remanded the conviction.

What makes this type of prosecutor misconduct possible is that the jury is more partial to the prosecutor before the trial begins because of their natural incipience to believe the Government. This is explained in U.S. v. Young, 470 US 1, 17-19 (1985) where two evils manifests such injustice through prosecutor misconduct:

> "...Such comments can convey the impression that evidence not presented to the jury, but known to the prosecutor, supports the charges against the defendant and can thus jeopordize the

defendant's right to be tried solely on the basis of the evidence presented to the jury." Young, 470 US at 18

Secondly, "...the prosecutor's opinion carries with it the imprimatur of the government and may induce the jury to trust the government's judgement rather than its own view of the evidence." Id. at 18-19

Both U.S. v. Young and Miller v. Pate, prosecutor misconduct that had manifested injustice, perfectly explains the misconduct in Petitioner's case, but worse. The false imputation of unchastity of both Petitioner and his wife by the prosecutor is a criminal sexual misconduct violation under the Prison Rape Elimination Act, an Eighth Amendment and civil rights violation. See: 28 CFR § 115.6 and State Statute § 15-75-10

The jury was induced to believe the prosecutor because of the human nature to be entertained by negative drama "ad hominem." Even though the State fully known that "Paramour" and "Triangle relationship" were entirely false claims to evidence, it proceeded anyway despite Petitioner's objections and challenging that claim. Challenges include use of 28 USC §2254 (f).

When Petition challenged the sexually derogatory remarks made by the State, the U.S. District Court was required by law to report the crime under PREA, not participate with it by including it in its Order of Dismissal. Appendix C1a, C11a, D

When the U.S. District and Appeals Court of the Fourth Circuit reviewed the case against the Petitioner, it should have been stark and clear that procedural due process was not followed by the State. Further more, when Petitioner exhausted all his remedies to specifically report the prosecutor's criminal sexual misconduct and the courts failed to follow PREA Statute 28 CFR §115.54, it proves that the PREA laws and the U.S. Const Amend 8 are ineffective in protecting the citizens of this Country whom are imprisoned.

The State and prosecutors should not enjoy full immunity from criminal sexual misconduct violations and utilizing government agency to Commit those crimes under color of the State. It should NOT be tolerated!

Petitioner, and any citizen of this country similularly situated, demand this Court to prevent sexual violence committed through the judicial system and its agencies, by reviewing these claims in this section where a 28 USC §2254(f) would have revealed. In the interest of public safety and public importance, this Court need review the adjective Statutes and laws that the State is being accused of violating by the Petitioner as the State has bias and prejudices against those who challenge its authority by accusation of wrong doing, thus 28 USC §2254(b)(1)(B)(ii). This Court has the responsibily and authority to provide a corrective process for this Situation of civil rights and Constitutional rights violations.

Conclusion

For these reasons, a Writ of Certiorari should issue to review the judgement of the Fourth Circuit Court of Appeals, the judgement and opinion of the U.S. District Court, and the bench ruling of the State trial Court. Petitioner prays for relief

Respectfully Submitted,

April 9, 2026

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