

No.

26-5582

ORIGINAL

FILED

MAY 23 2026

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT of the UNITED STATES

JAMAL KNOX,

PETITIONER

v.

UNITED STATES of AMERICA,

RESPONDENT

PETITION FOR WRIT of CERTIORARI

On Petition for Writ of Certiorari

To the United States Court of Appeals

For the Third Circuit

Jamal Knox, Pro Se

Register No. 397740168

Federal Correctional Institution Talladega

P.O. Box 1000

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SUPREME COURT, U.S.

QUESTIONS PRESENTED

1. Whether the First, Fourth, and Fifth Amendments permit the Government to obtain a federal Title 3 Wiretap conspiracy conviction through guilt-by-association evidence and interpretive narrative testimony where the evidence failed to establish any sufficiently reliable evidence to constitute a knowing and intentional conspiratorial agreement.

2. Whether the admission and repeated emphasis on rap music, rap videos, artistic identity, neighborhood reputation, and alleged gang affiliation violated Petitioner's rights under the First Amendment, the Due Process Clause of the Fifth Amendment, and Federal Rule of Evidence 403.

LIST OF PARTIES

Petitioner:
Jamal Knox

Respondent:
United States of America

No party is a corporation. Therefore, no corporate disclosure statement is required.

RELATED CASES

United States District Court
United States v. Jamal Knox, No. 2:19-cr-00190-MJH-9,
United States District Court for the Western District of Pennsylvania.
Judgement entered February 22, 2024.

United States Court of Appeals for the Third Circuit
United States v. Jamal Knox, No. 24-1341,
United States Court of Appeals for the Third Circuit
Judgement entered November 25, 2025.

United States Court of Appeals for the Third Circuit
Order Denying Petition for Rehearing En Banc
entered February 24, 2026

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18 U.S.C. §§ 2510 2523

(Title 3 of the Omnibus Crime Control and
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OPINIONS BELOW

The Opinion of the United States Court of Appeals for the Third Circuit, case No. 24-1341, filed November 25, 2025, is included in Appendix A

The Judgement of the United States Court of Appeals for third Circuit, Case No. 24-1341, filed November 25, 2025, is included in Appendix B

The Order Denying Petition for Rehearing and Rehearing En Banc, United States Court of Appeals for the Third Circuit, Case No. 24-1341, filed February 24, 2026, is included in Appendix C

The Judgement in a Criminal Case, United States District Court for the Western District of Pennsylvania, Case No. 2:19-cr-00190-MJH-9, entered February 22, 2024, is included in Appendix D

JURISDICTION

The judgement of the United States Court of Appeals for the Third Circuit was entered on November 25, 2025.

A timely petition for rehearing was denied on February 24, 2026.

This Court has jurisdiction pursuant to 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

This Petition involves the First Amendment to the United States Constitution.

This Petition further involves the Fourth Amendment to the United States Constitution.

This Petition further involves the Due Process Clause of the Fifth Amendment.

This Petition also involves Title 3 of the Omnibus Crime Control and Safe Streets Act of 1968, 18 U.S.C §§ 2510-2523, together with the authorities cited throughout this Petition.

STATEMENT OF THE CASE

Petitioner incorporates the facts and procedural history as set forth below.

This case arises from Petitioner's conviction in the United States District Court for the Western District of Pennsylvania, which was affirmed by the United States Court of Appeals for the Third Circuit.

The prosecution relied primarily upon cooperating witness testimony, interpretive narrative testimony, contextual inference, and guilt-by-association evidence, despite years of electronic surveillance conducted under Title 3.

Petitioner contends that no intercepted conspiratorial communications involving Petitioner were produced, no recorded discussions established Petitioner's knowing agreement to join the charged conspiracy as there were none to present, and the evidence that was presented was legally insufficient to establish participation beyond a reasonable doubt in the charged title 3 wiretap conspiracy indictment.

The constitutional questions presented concern the limits imposed by the First, Fourth, and Fifth Amendments upon conspiracy prosecutions relying upon guilt by association, artistic expression, and interpretive testimony rather than sufficiently reliable evidence of a knowing conspiratorial agreement.

REASONS FOR GRANTING PETITION

Introduction

This case presents exceptionally important federal constitutional questions of recurring national importance concerning the constitutional limits of federal conspiracy prosecutions under the First, Fourth, and Fifth Amendments.

The questions presented extend beyond Petitioner's individual conviction and affect the administration of federal criminal justice throughout the Nation.

As the use of Title 3 wiretap investigations, cooperating witness testimony, interpretive narrative testimony, and the evidence concerning artistic expression becomes increasingly common in federal prosecutions, guidance from this Court is necessary to ensure that constitutional protections are applied uniformly.

This Petition presents recurring questions regarding the constitutional limits of guilt-by-association theories, the admissibility of artistic expression as evidence of criminal intent, and the minimum evidentiary requirements necessary to satisfy due process under *Jackson v. Virginia*, 443 U.S. 307 (1979).

Because these recurring constitutional questions arise with increasing frequency in federal courts, affect criminal prosecutions throughout the Nation, and require uniform guidance from this Court, this Court's review is warranted.

Petitioner further submits that the affidavit authorizing GPS surveillance failed to articulate a particularized factual basis establishing probable cause that petitioner's vehicle was then being used in furtherance of criminal activity.

The affidavit presented by Federal Agent Goucher stated that the GPS tracking device was placed on petitioner's vehicle (white infiniti Q50) in June 2019, yet relied on an alleged October 2019 transaction to establish the requisite nexus and justify probable cause, but did not explain how that information established the requisite nexus supporting the GPS placement at the time it occurred in June 2019, as this is required by the 4th amendment and *United States v. Jones*, 565 U.S. 400 (2012).

Instead, the affidavit relied upon highly inflammatory assertions and reckless misstatements, including allegations that petitioner was responsible for multiple pittsburgh homicides together with references to prior rap lyrics, artistic expression, the same alleged officers petitioner allegedly made a rap song about who were pursuing petitioner and prior 1st Amendment litigation involving rap song titled "Fxx the Police" [explicit] which was leaked by an unknown third party.

GOVERNMENT REPRESENTATIONS CONCERNING INTERCEPTED COMMUNICATIONS

On November 13, 2019, pursuant to Grand Jury Transcripts, Federal AGENT GOUCHER informed the Grand Jury and/or the Magistrate Judge that investigators were:

"Only able to intercept a few conversations (wiretaps) in regards to Mr. Knox..." (see 11/13/2019 Grand Jury transcripts.)

Yet on November 27th, 2019, during Petitioner's Bail Hearing, defense counsel Adrien Roe at the time asked Detective Rucker the lead Detective Supervising the Title 3 wiretap investigation whether investigators intercepted any wiretaps involving petitioner

Detective Rucker responded:

"No we did not intercept any wiretaps of Mr. Knox..."
(see 11/27/2019 Bail Hearing Transcripts)

These representations became and still become constitutionally significant because the government nevertheless portrayed petitioner as a central conspiratorial participant while relying heavily upon: interpretive cooperator testimony, contextual narration, artistic-identity evidence, neighborhood reputation and inferential association testimony rather than any sufficient intercepted conspiratorial communications involving petitioner himself.

At trial the prosecution played a frivolous conversation petitioner had with a friend named Taron Brown who's phone number was at the time 304-919-7810 where he asked petitioner, "where are you at?" and petitioner replied, "I'm down East Liberty with 'Chink Drugs.'" which is a name we refer to a friend/artist as do to his past drug abuse. Petitioner asserts that this did not constitute any sufficiently reliable evidence of a title 3 wiretap conspiracy and/or conspiratorial agreement.

Despite years of electronic surveillance, GPS monitoring, Title 3 interception authority pursuant to 18 U.S.C. § 2510 et seq., and sweeping federal investigation, the government failed to produce any intercepted conspiratorial communications involving petitioner himself.

NO RECORDED CALL CAPTURED PETITIONER:
discussing narcotics trafficking, negotiating narcotics prices, arranging conspiratorial deliveries, planning narcotics distribution, or communicating conspiratorial agreement with any indicted co-defendants.

Instead, the prosecution constructed its case through: cooperating witnesses, interpretive testimony, contextual inference, artistic-identity evidence, rap/music association

and inferential narrative framing.

Throughout trial, prosecutors repeatedly asked witnesses: "What did you understand that to mean?" "Who did you understand that to be?" "What did white shit mean?" "What did dragons mean?" "What did fire mean?"

Petitioner asserts that witnesses thus became interpretive narrators of:

Slang, social relationships, third-party conversations, contextual assumptions, and inferential conclusions.

At the same time, the prosecution repeatedly intertwined petitioner's artistic identity and rap affiliation with the conspiracy narrative itself. The jury heard repeated testimony regarding:

"Hustlas Don't Sleep, rap performances, rap videos, petitioner's artistic identity, musical reputation and neighborhood reputation.

The government thereby encouraged jurors to associate: rap culture, artistic expression, social familiarity, and neighborhood identity with criminal conspiracy itself.

YET THE PROSECUTION'S OWN WITNESSES simultaneously undermined the government's central organizational theory and supplied exculpatory testimony directly negating the essential element of **AGREEMENT** that is required to sustain a federal conspiracy conviction.

Wesley Ellis-Barnes expressly testified:

"He doesn't have anything to do with us, honestly.

He's not part of our organization." (TIII at 62).

Brandon Campbell-Taylor likewise testified:

"[Appellant] was not a member." (TIII at 123)

Those admissions struck directly at the heart of the prosecution's theory that petitioner knowingly joined a unified criminal organization associated with "Hustlas Don't Sleep."

Petitioner asserts that the admission and repeated emphasis on rap music, rap videos, artistic identity (Mayhem Mal),

neighborhood reputation, and "Hustla's Don't Sleep" affiliation created unconstitutional unfair prejudice under the 1st amend., the 5th amend. Due Process Clause, and Federal Rule of Evidence 403 by encouraging jurors to equate rap identity, artistic expression, and social association with criminal agreement. As it raises serious 1st amend. and due process concerns when it moves beyond motive/context and becomes: "he raps about violence, therefore he is violent." and "They (his raps) are about gruesome violence, drug trafficking, that is who he is."

The government's own evidence additionally established: multiple outside narcotics suppliers, rotating sources of supply/suppliers, and narcotics sources unrelated to petitioner. One witness specifically in addition to another specifically acknowledged that another supplier provided ounces of heroin to HDS. Particularly significant, the government's own Principal KEY cooperating witness was rejected by the JURY, acquitting petitioner of the 400 grams or more conspiracy and convicting only on a lesser included offense with no evidence that petitioner knowingly and/or intentionally joined a conspiracy.

The jury's apparent rejection of significant portions of the government's higher quantity allegations therefore substantially undermined the reliability of the prosecution's inferential conspiracy theory and reinforced the constitutional concern that the government's core narrative depended heavily upon interpretive cooperator testimony rather than sufficiently reliable evidence establishing a knowing and/or intentional conspiratorial agreement.

GOVERNMENT RELIANCE UPON INCENTIVIZED UNRELIABLE TESTIMONY

The government's case depended overwhelmingly upon cooperating witnesses facing extraordinary sentencing pressure.

One witness admitted cooperating after facing: "30 years to life." Robert Howell admitted he faced: "360 months to life."

Defense counsel then asked: "And that's why you decided to testify and cooperate in this case?"

Howell answered: "Yeah, pretty much." Additional testimony established: cooperating witnesses concealed ongoing heroin and fentanyl addiction, concealed unmonitored narcotics purchases from law enforcement, continued illegal narcotics activity while cooperating, and received substantial compensation from the government (\$12,000)

Witness further admitted: relying upon assumptions, interpreting communications, and inferring petitioner's involvement without direct observation.

The government also presented witness Joseph Posey who was charged with raping a child during this pre-trial stage in approximately 2021. And admitted that HDS had multiple suppliers within their organization.

The prosecutions evidence repeatedly depended upon inferential narration rather than first hand observation.

Government witnesses repeatedly admitted:

They did not directly observe alleged transactions, they relied on what others told them, they assumed narcotics originated from petitioner, and they inferred petitioner's involvement from contextual interpretation.

One witness admitted:

"I did not physically see him hand him the fentanyl."

The same witness further admitted: "I did not see the transaction."

The witness additionally acknowledged: "I'm just stating what I was told."

Other testimony repeatedly relied upon:

"I believe so," "pretty much," "basically," "maybe," "I can't really recall."

Witness further admitted:

assumptions regarding text messages, assumptions regarding flip-phone communications, and assumptions regarding narcotics sourcing.

Another witness admitted: "No, I didn't see him."

yet the prosecution repeatedly transformed those assumptions into substantive proof of conspiratorial agreement.

The EVIDENCE further established:

Petitioner was absent during Key alleged deliveries and multiple individuals, yet not petitioner, occupied or used the residence.

Additional testimony established that alleged interactions frequently involved: construction work, property renovation, occupancy inspection preparation, repair projects, informal compensation and recurring small barter-style exchanges and admission he was introduced to petitioner to do repair construction work to his house at the time. Witnesses described compensation as "here and there."

THE DECISION BELOW PERMITTED CONSPIRACY LIABILITY TO REST UPON ASSOCIATION, INTERPRETIVE NARRATION, AND SPECULATIVE ATTRIBUTION THAT AT MOST "IF" CREDITED PROVED A BUYER-SELLER RELATIONSHIP RATHER THAN A SUFFICIENTLY RELIABLE EVIDENTIARY KNOWING AGREEMENT

This court has repeatedly recognized that: mere association, familiarity, presence, or recurring interaction cannot substitute for proof of intentional conspiratorial agreement.

See:

Jackson v. Virginia, 443 U.S. 307 (1979);

United States v. Wexler, 838 F.2d 88 (3d Cir. 1988);

United States v. Gibbs, 190 F.3d 188 (3d Cir. 1999);

United States v. Cartwright, 359 F.3d 281 (3d Cir. 2004);

United States v. Pressler, 256 F.3d 144 (3d Cir. 2001);

United States v. Idown, 157 F.3d 265 (3d Cir. 1998);

United States v. Caraballo-Rodriguez, 726 F.3d 418 (3d Cir. 2013);

Petitioner DOES NOT contend that conspiracy convictions require direct evidence.

Circumstantial evidence may unquestionably sustain conviction.

But constitutional sufficiency still requires sufficiently reliable evidence establishing knowing and intentional agreement to join the charged conspiracy itself.

That constitutional boundary was crossed here. Particularly significant were the government witnesses own EXCULPATORY ADMISSIONS directly negating the essential AGREEMENT element of conspiracy itself.

WESLEY ELLIS-BARNES testified:

"He doesn't have anything to do with us, honestly. He's not part of our organization."
(TTIII at 62).

BRANDON CAMPBELL-TAYLOR likewise testified:

"Appellant was not a member."
(TTIII at 123).

Those admissions directly contradicted the prosecutions overarching organizational theory while simultaneously reinforcing the constitutional danger that petitioner was convicted through:

inferential association, artistic identity, contextual familiarity, interpretive narration, and guilt by association themes rather than sufficiently reliable evidence establishing knowing conspiratorial agreement.

Despite years of electronic surveillance in this matter, Title 3 surveillance and/or interception authority, GPS monitoring, and sweeping federal investigation, the government failed to produce direct intercepted conspiratorial communications involving petitioner himself and instead relied predominantly upon:

interpretive cooperator narration, inferential association testimony, artistic-identity evidence, neighborhood reputation, speculative attribution, and narrative reconstruction.

The proceedings below thus permitted inferential narration and
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guilt by association themes to substitute for constitutionally reliable proof of conspiratorial agreement.

THE GOVERNMENT'S USE OF RAP-MUSIC-IDENTITY, AND REPUTATION EVIDENCE CREATED EXTREME DANGER OF UNFAIR PREJUDICE

The prosecution repeatedly emphasized: rap videos, rap performances, artistic identity, neighborhood conduct and prior expressive conduct.

The government fused: artistic expression, criminal propensity and criminal intent.

This court has repeatedly warned against conviction through generalized reputation evidence and guilt by association reasoning.

see:

Dawson v. Delaware, 503 U.S. 159 (1992);
Old Chief v. United States, 519 U.S. 172 (1997).

The constitutional danger was especially acute because:

The prosecution lacked direct intercepted conspiratorial communications involving petitioner himself in the Title 3 wiretap conspiracy investigation and the government's own witnesses denied petitioner's organizational membership.

The proceedings therefore risked encouraging jurors to equate:

rap identity, controversial artistic expression and social association with criminal agreement itself.

For example, the prosecution utilized petitioner's Jail call with another artist to establish witness intimidation and/or obstruction of Justice when truly petitioner's artistic expression was completely taken out of context as he asserts it was again improperly weaponized. Coming up in the

music business and even social media it is ones sole desire to acquire Fortune and Fame so therefore getting recognized and "heard on the AIR" is of extreme importance to ones success, so when petitioner said "don't let none of those names breath", it simply means that if those names are ever heard on the AIR (or on Social Media etc.) to assure that their names/characters are suffocated (defamed) by letting the people know that they (witnesses) lied in testimony and made petitioner a scapegoat which subsequently stole him from his family, society and dream. Petitioner asserts its simply artistic expression from an Artist to another Artist.

THE PROCEEDINGS BELOW PRESENT IMPORTANT QUESTIONS REGARDING INTERPRETIVE COOPERATOR TESTIMONY AND INFERENTIAL NARRATIVE RECONSTRUCTION

The prosecution repeatedly relied upon witnesses interpreting: slang, code words, third-party conversations, contextual meanings, and alleged implied relationships. Again, witnesses repeatedly admitted: assumptions, uncertainty, lack of firsthand observation, and reliance upon what others told them.

At the same time, the witnesses: faced extraordinary sentencing exposure, recieved government compensation (\$12,000), concealed continued illegal narcotics purchases, and admitted ongoing heroin and fentanyl use during cooperation.

This case therefore presents exceptionally important constitutional questions concerning whether due process permits conviction through: layered interpretive narrative, inferential cooperator reconstruction, guilt-by-association themes, and speculative attribution where sufficiently reliable evidence establishing knowing or intentional conspiratorial agreement was absent and at MOST "if" evidence was credited soley established a buyer-seller relationship which by law

is legally insufficient to sustain a conspiracy conviction.

CONCLUSION

This case presents exceptionally important federal constitutional questions of recurring national importance concerning:

- Guilt-by-association prosecutions,
- 1st Amendment rap-expression evidence
- 4th Amendment wiretap nexus concerns where Federal Agents claimed to believe the "Mayhem" spoken on others intercepted wiretaps to be Petitioner and also Federal Agent Gouchers 11/13/2019 misstatement contradicted by Detective Ruckers 11/27/2019 statement admission at Petitioners Bail Hearing.
- 4th Amendment GPS Surveillance and investigative nexus concerns.
- 5th Amendment Due Process
- interpretive cooperative/cooperator testimony,
- inferential conspiracy liability,
- and the constitutional limits of conspiracy convictions unsupported by sufficiently reliable evidence establishing knowing and intentional conspiratorial agreement.

Based on the grounds aforementioned Petitioner prays and asserts the petition for Writ of Certiorari should be granted.

Respectfully submitted,

Jamal Knox, pro Se

Date: August 11, 2026