

No. 19-292

---

**In the Supreme Court of the  
United States**

---

ROXANNE TORRES, *PETITIONER*,

v.

JANICE MADRID AND RICHARD WILLIAMSON,  
*RESPONDENTS.*

---

**On Writ of Certiorari to the  
U.S. Court of Appeals for the Tenth Circuit**

---

**BRIEF FOR PETITIONER/RESPONDENTS**

---

JAZMIN MARTINEZ  
Petitioner  
Judge Barefoot Sanders  
1201 E 8th St  
Dallas, Tx 75203  
214-347-6410  
jm862513@gmail.com

JULIAN JONES  
PETITIONER  
JudgeBarefoot Sanders  
1201 E 8th St  
Dallas, TX 75203  
469-719-2369  
julian.northjones@icloud.com

---

02/15/2021

---

**QUESTIONS PRESENTED**

IS A SUCCESSFUL ATTEMPT TO DETAIN A SUSPECT BY USE  
OF PHYSICAL FORCE A "SEIZURE" WITHIN THE MEANING  
OF THE FOURTH AMENDMENT OR MUST PHYSICAL FORCE  
BE SUCCESSFUL IN DETAINING A SUSPECT TO  
CONSTITUTE A "SEIZURE"

**TABLE OF CONTENTS**

<b>COVER SHEET</b>	<b>1</b>
<b>QUESTION PRESENTED</b>	<b>2</b>
<b>TABLE OF CONTENTS</b>	<b>3</b>
<b>TABLE OF AUTHORITIES</b>	<b>4</b>
<b>SUMMARY OF THE ARGUMENT</b>	<b>5</b>
<b>ARGUMENT</b>	<b>6</b>
<b>CONCLUSION</b>	<b>7</b>

**TABLE OF AUTHORITIES**

**TERRY V. OHIO 392 U.S. 1**

**MARYLIN V KING 569 U.S. 435**

## SUMMARY OF THE ARGUMENT

A seizure is defined by common law arrest, common law arrest involves application of physical force. It doesn't have to be successful you just have to mean to do it. The purpose of the fourth amendment is to protect interference with personal security (Terry v. Ohio 392. U.S. 1) (Marilyn v. King 569 U.S. 435) . Physical intrusion into the body invades personal security, that is surgery, cheek swab, fingernail scrape. A bullet violates personal security as well and therefore is a violation into the body, therefore there is a fourth amendment violation. A seizure is taking control, possession, or custody of a person or stopping them. A person cannot be stopped without taking custody, control, or possession of. If someone grabs your shirt for even a moment then it can be said that they have taken possession of you even if it is momentarily. Since the bullet actually got Torres they intruded into her personal space and took possession of her momentarily The fourth amendment puts intent into the question. If you are using a tool meant to restrain someone then simply having the intent to do something is enough. Just because the action fails does not mean that there was not an attempt to actually stop the person. The supreme court has not held in our favor but the logic of their president pushes this case in our direction.

## ARGUMENT

### I. Part I

4th amendment is to protect interference with personal security

#### A. Subpart A

physical intrusion into the body invades personal security

- A bullet violates personal security as well and therefore a violation of a seizure under the fourth amendment
- The court has held that any intrusion is a violation of that personal security

### II. Part II

Common law - The application of being restrained

The police shot her hoping to stop her, INTENT

#### A. Subpart A

If you are using a tool meant to restrain you, intent matters, does not matter whether the attempt is successful if there is intent behind it.

**CONCLUSION**

Taking into consideration the arguments presented we pray this court reverses the lower court's decision and sends this case back to the trial court.

Respectfully submitted,

JAZMIN MARTINEZ  
*PETITIONER*  
JUDGE BAREFOOT SANDERS  
1201 E 8TH ST.  
DALLAS, TX 75203  
214-347-6410  
JM862513@GMAIL.COM

JULIAN JONES  
Judge Barefoot Sanders  
1201 E 8th St.  
Dallas, TX 75203  
469-719-2369  
julian.northjones@icloud.com

02/15/2021