

Case, NO: 18-8811

June 20, 2019

Supreme Court of the
United States

IN RE: Antonio Darset King, SR.
Petitioner

v.

The United States of America

On Petition for Rehearing of A Writ of Certiorari
from the United States Supreme Court

NO: 18-8811

Antonio Darset King, SR.
Russell County Jail
P.O. Box. 640
Phenix City AL. 36868

Petitioner King. is before the Court on a Petition for Rehearing in the Above Style Matter

This Court entered A order in this matter on May 28, 2019. Denying Petitioner Request for writ of Certiorari. Petitioner feels that the writ of Certiorari in this matter were due to be granted. for the following reasons.

the first issue raised concerning the Motion to suppress was Plausibly Argued. the facts of the Matter was properly demonstrated. with supporting Law. Rule 10. of the Supreme Court Rules. section-A of Rule 10. states in part.

Considerations Governing Review on Certiorari

- (1.) A. A United States Court of Appeals has entered A decision in Conflict with the decision of Another United States Court of Appeals on the same important matter.

On the issue raised Concerning the Motion to suppress the evidence from the search warrant in King's Petition. And on Appeal. two (2) District Judges agreed that without the benefit of the Davis Statement placed within the Lt'smith Affidavit the finding of probable Cause would not exist. (Doc. #120. At 18-19). Also see (Doc. # 308. At 3.) District Judges Recommendations Concerning this matter.

1. its Clear that critical information that were material

to the probable cause factor found in the Affidavit to support Lt. Smith's claim of probable cause. Omissions such as these warrant application of the exclusionary rule under *United States v. Leon*, 468 U.S. 897, 104 S.Ct. 3405 (1984). Because the warrant has been prepared with a reckless or knowing disregard for the truth. Lt. Smith's subjective motivations for leaving out Davis's interviews ~~of~~ out of his Affidavit were due to the fact that his belief was that they were untrue. The information was left out intentionally, not negligently. This amounts to a *Franks* violation. And a *Franks* hearing should have taken place on these facts.

117 F.3d 1117 - *Lombardi v. City of El Cajon* and its progeny. The Fourth Amendment was clearly violated here.

After the removal of the false Davis statements, there was nothing left but some complaints of alleged threats. Even after that, Lt. Smith testified at the suppression hearing that he knew King exactly whereabouts at the time of the murder. And agreed that King had not been to the scene of the crime where the items he was looking for had been alleged to have been taken. Neither did Davis or anyone else state that I was in possession of them.

According to *Leon*'s "good faith" rationale, it doesn't apply in this situation. The Affidavit with a *Franks* violation obviates

the need for any good faith analysis under *Leon*, 468 U.S. at 914, *United States v. Martin*, 297 F.3d 1308, 1308, 1314 (11th Cir. 2002) "it is critical to a showing of probable cause that the affidavit state facts sufficient to justify a conclusion that evidence or contraband will probably be found at the premises to be searched. This affidavit in support of the search warrant sworn to by Lieutenant Smith in this case does not satisfy this criterion. even with the Davis statement it was lacking. Due holdly to the fact that King were being tracked by GPS monitoring. Lt'smith knew for a fact that King had not killed the victim, or was not or had not been to no murder scene. Lt'smith Affidavit for the most part were intentionally fabricated. the Davis's statements that were admitted into evidence (Doc #23, Exhibit-B) were partial statements. And the whole truth were with held from the record intentionally. The family meeting interview audio were also with held from the record. As it would have shown what Lt'smith understanding were as to any part petitioner King may have been in this matter. As stated in the petitions.

SUMMARY OF ARGUMENTS AND CITATIONS OF AUTHORITY

IN ACCORDANCE WITH *FRANKS v. DELAWARE*, 438 U.S. 154 (1978),
 IN LINE WITH THE FOURTH AMENDMENT TO THE UNITED STATES CONSTITUTION
 CONCERNING WARRANTS AND AFFIDAVIT AND THE ISSUING THERE OF.

The fourth Amendment demands a factual showing sufficient to comprise probable Cause. the obvious assumption is that there will be a truthful showing. emphasis in original. "and that the information put forth is appropriately accepted."

(1.) Lt'smith has not only omitted several material untrue statements of Davis from the Affidavit. But the ones he used in the Affidavit or the very words he himself Authored.

(2.) As previous stated, the Davis statement as false as they were. Lt'smith structure them as if they were voluntary given within his Affidavit. in conjunction with the omitted untrue statements, you would have to conclude that these acts were done to mislead the Judge by designed. *Col Kley, 899 F.2d at 301; see Reivich, 793 F.2d at 961. 8th Cir. 1986.*

(3.) the third Misrepresentations, the Judge were mislead to believe that at or around the time of the murder. that the GPS monitoring system placed King at the scene of the crime. Which were simply not true.

(4.) the only thing that were somewhat true were that there were allegedly threats made against the victim from King. that the leg monitoring system even remedied that issue. With all these intentional misrepresentation within Lt'smith Affidavit. improprieties.

As these facts were proven at the suppression hearing held October 30, 2014. for the most part, the GPS leg monitoring records were undisputed fact concerning King's whereabouts at the time of the crime. in seeking A search warrant to King's Home for evidence of or from A crime that Lt'smith knew King hadn't committed was inappropriate. According to the fourth Amendment in connection with the FRANKS v Delaware, 438 U.S. 154 (1978). Rule established by this Court.

For All the reasons stated above Petitioner King feel A rehearing in this matter should and due to be granted. As the above facts and circumstances of this matter or supported by law. And it should be no dispute that Lt'smith actions were done intentional and with A reckless disregard for the truth of the matter, and the false representations, violates the fourth Amendment. And clear established case law to the Constitution of the United States of America.

Respectfully Submitted

June 20, 2019

Antonee Darroch King Sr.