

19-8361

No. _____

ORIGINAL

Supreme Court, U.S.
FILED

APR 10 2020

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

TYRONE PRICE

— PETITIONER

(Your Name)

vs.

UNITED STATES OF AMERICA

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS SIXTH CIRCUIT

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

TYRONE PRICE

(Your Name)

P.O. BOX 4000

(Address)

Manchester, KY 40462

(City, State, Zip Code)

None

(Phone Number)

QUESTION(S) PRESENTED

Does §924(c) conviction support assault with a dangerous weapon in aid of racketeering under 18 U.S.C. 1959(a)(3)? Does the elements clause of a §924(c) conviction support "crime of violence" physical force? And are the §924(c) and 18 U.S.C. 1959(a)(3) contrary to the above statutes?

Was counsel ineffective for failing to investigate alibi witness? Was counsel ineffective for failing to file motion to suppress evidence seized from a warrantless search? Was the indictment prejudicial? Was defendant due process violated by police use of his mugshot as witness-identification photo line up? Was the warrant supported by probable cause if not signed by affiant? Does M.C.L. 750.82 support crime of violence under *Burris* 912 F.3d 386 (6th Cir. 2019 (en banc))?

LIST OF PARTIES

☐ All parties appear in the caption of the case on the cover page.

☒ All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Ms. Patricia Gaedeke
United States Attorney's Office
211 W. Fort Street Suite
Detroit, MI 48226

RELATED CASES

Blackburn v. Foltz 828 F.2d 1177 (6th Cir. 1987)
Knight v. U.S. 936 F.3d 445 (6th Cir. 2019)
Manners v. U.S. No. 17-1171, 2020 WL 130432 (6th Cir. 2020)
In re Gordon No. 18-3444 2018 WL 3454184 (6th Cir. 2018)
U.S. v. Butler, 253 F.Supp. 3d 133, 148-49 (D.D.C. 2017)
Brown, 249 F.Supp. 3d at 297 (2017)
U.S. v. Milton 2019 U.S. Dist. Lexis 102369 (2d Cir. 2019)
Rodney v. U.S. 2019 U.S. Dist. Lexis 103520 (2d Cir. 2019)
U.S. v. Garza 68 F.Supp. 802 (6th Cir. 1999)
U.S. v. Solorzano 2017 U.S. Dist. Lexis 75344 (4th Cir. 2017)
U.S. v. Brown 2019 U.S. Dist. App. Lexis 38056 (2d Cir. 2019)
Neil v. Biggers 409 U.S. 188 (1972)
B.S. v. Radle 904 F.2d 357 (6th Cir. 1990)
~~Garcia~~ Garza v. ~~HS~~ Idaho 203 L. Ed. 2d. 77 (2019)

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CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Tyrone Price

Date: 4/29/2020

TABLE OF AUTHORITIES CITED

CASES

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Guraz V. Idaho 203 L Ed. 2d 77 (2019)

U.S. V. Solorzano 2012 U.S. Dist. Ltrs 75344 (4th Cir 2017)

U.S. V. Garcia 68 F Supp. 2d 802 (6th Cir 1999)

Neil V. Biggers 404 U.S. 188 (1972)

U.S. V. Radka 904 F.2d 357 (6th Cir 1990)

Blackburn V. Foltz 822 F.2d 1177 (6th Cir 1987)

STATUTES AND RULES

Fed. R. App. P. 4(b)(1)(A)

18 U.S.C. 924(c) and 18 U.S.C. 1954(c)(3)

18 U.S.C. 1959 and Fed. R. Crim. P. 12(b)(2)

18 U.S.C. 1962(d) and 1961(c)

Constitution due process

Constitution Fourth Amendment

Constitution Sixth Amendment

OTHER

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☒ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

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

☒ For cases from **state courts**:

The date on which the highest state court decided my case was None.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: None, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including None (date) on None (date) in Application No. ____ A ____.

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

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☒ reported at Case No. 19-1184 Jan 17, 2020; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

Jan. 15, 2020 Dec. 13, 2018
☒ reported at Criminal No. 15-20472 (Gov) No. 17-11365; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☒ reported at None; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the None court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Sixth Amendment Constitutional

Fourth Amendment Constitutional

Fourteenth Amendment Constitutional

18 U.S.C. 924(c)

M.C.L. 250.82

18 U.S.C. 1459(a)(3)

Fed. R. Crim. P 12 (b)(2)

Fed. R. App. P. 4 (b)(1)(A)

STATEMENT OF THE CASE

Petitioner Tyrone Price was charged with racketeering, assault with intent to murder in aid of racketeering and discharging a firearm in furtherance of a crime of violence.

Price was a member of the Vice Lords. In May 2015, Price and several other Vice Lords members attempted to kill a former gang member in Detroit. Several of the Vice Lords (allegedly) drove to a residence and "one" fired on the victim and other family members with an AK47. Some were injured. No one was killed.

Price was not the shooter nor did he help plan the assault and traveled to the scene with other gang members.

Evidence can be shown that defendant was at doctor appointment and the counsel did not investigate alibi witness. The sign in sheet and phone records shows defendant else where.

REASONS FOR GRANTING THE PETITION

Ineffective Assistance of Counsel for failing to investigate ~~to~~ a 1761 witness. Sixth Amendment.

Due Process Violation of photo identification.

Fourth Amendment search & seizure.

Plain Error.

§ 924(c) does not support 18 U.S.C. 1454(c)(3) or M.C.L. § 250.82 Assault as crime of violence.

Ineffective Assistance of counsel fail. to file appeal Fed. App. R 4(b)(1)(A)