

20-5568
No. _____

OPENS TO PUBLIC
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IN THE
SUPREME COURT OF THE UNITED STATES

ALEX ALBERTO CASTRO — PETITIONER
(Your name)

vs.

UNITED STATES OF AMERICA — RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO
UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

FILED
AUG 25 2020
OFFICE OF THE CLERK
SUPREME COURT, U.S.

PETITION FOR WRIT OF CERTIORARI

Alex Castro, Reg. No. 56769-112
(Your Name)

FCI Milan
P.O. Box 1000
(Address)

Milan, MI 48160
(City, State, Zip Code)

I am in the custody of Federal Bureau of Prison and
therefore do not have a phone number. The main number
for FCI Milan is 734-439-1511.
(Phone Number)

QUESTION PRESENTED

1. Whether the Court of Appeals erred in affirming the District Court's Order denying the defense motion to suppress wiretaps.

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:

RELATED CASES

None

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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 _____; 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 is unpublished.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 _____ to the petition and is

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 is unpublished.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 is unpublished.

The opinion of the _____ 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 is unpublished.

JURISDICTION

For cases from federal courts:

The date on which the United States Court of Appeals decided my case was June 3, 2020.

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. _____.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

18 U.S.C. §2518

U.S.S.G. §3C1.1

STATEMENT OF THE CASE

I was indicted in the United States District Court for the Western District of Michigan and charged with Conspiracy to Distribute Controlled Substances. The government's evidence against me included intercepted communication obtained through a wiretap. Prior to trial, through counsel, I moved to suppress the intercepted communications arguing that there was no necessity for the wiretap. My motion to suppress was denied by the district court. The case proceeded to trial. At trial the government introduced evidence obtained from the wiretaps and I was convicted. I was sentenced to the Bureau of Prisons for a term of 504 months.

On appeal, I challenged the district court's order denying my motion to suppress the wiretap. The Sixth Circuit affirmed.

REASONS FOR GRANTING THE PETITION

18 U.S.C. §2581(1)(c) provides that a wiretap cannot be approved unless "other investigative procedures have been tried and failed or . . . they reasonably appear to be unlikely to succeed if tried or to be too dangerous." This is known as the "necessity requirement." In this case the necessity requirement was not satisfied. The district court erred by failing to suppress the wiretaps because the government failed to establish necessity. The Court of Appeals erred in affirming the district court's order.

CONCLUSION

I respectfully request that this petition for a writ of certiorari should be granted.

Respectfully submitted,



Alex Castro

Date: 08/24/2020