

20-5966  
IN THE  
SUPREME COURT OF THE UNITED STATES

ORIGINAL

KEVEN ANTHONY MORGAN

PLAINTIFF

VS.

STATE OF NORTH CAROLINA

DEFENDANT

CASE NO.

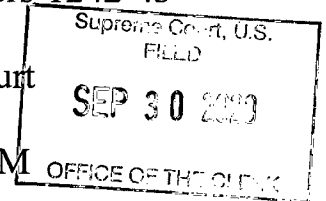
State Of N.C case no.15crs-52140-43\

16crs-1242-43

United States District Court

For The Eastern District

Case no.5:19-HC-2153-M



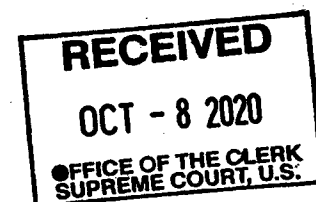
United States Court Of Appeals

For the Fourth Circuit

Case no.20-1458

PETITION FOR WRIT OF CERTIORARI

KEVEN ANTHONY MORGAN  
IRWIN COUNTY DETENTION CENTER  
132 COTTON DRIVE  
OCILLA GEORGIA,31774.



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For the Fourth Circuit  
Case no.20-1458

PETITION FOR WRIT OF CERTIORARI  
QUESTION PRESENTED

LAW ENFORCEMENT AND DISTRICT ATTORNEY FAIL TO ATTACHED THE  
UNITED STATES ATTORNEY GENERAL SPECIAL DESIGNATED  
AUTHORIZATION ORDER AND AUTHORIZATION MEMO FOR THE WIRE-  
TAPPING AT MAY 8,2017 JURY TRIAL.

## LIST OF PARTIES

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

Pitt County Superior Court, State Of North Carolina Case no.15crs52140-43/16crs1242-43.

United States District Court, for the eastern district of North Carolina case no.5:19-HC-2153-M.

United States Court Of appeals, for the fourth circuit Case no.20-1458.

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APPENDIX-B:United States Court of Appeals for the fourth circuit timely filed petition for Rehearing and Rehearing en banc that was denied.

APPENDIX-C:The order from the United States District Court judge,Honorable Louise Wood Flanagan,that granted and amended motion to dismiss,vacate charges and conviction.

APPENDIX-D:The motion to compel discovery that was order by the trial judge,which the discovery for the United States attorney general special designated authorization order and authorization memo for the wire-tapping was not produce by Law Enforcement and district attorney at may 8,2017 jury trial.

## TABLE OF AUTHORITIES CITED

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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 JUDGEMENT below.

OPINIONS BELOW

The opinion of the United States Court Of Appeals appears at Appendix-A to the petition is unpublished.

The opinion of the United States Court of appeals appears at Appendix-B to the petition for the rehearing and rehearing en banc .

The opinion of the United States District Court for the eastern district of N.C by judge Louise wood Flanagan appears at Appendix-C to the Petition.

The motion for discovery for the United States attorney general for the United States,for the special designated authorization order and authorization memo that was order by the trial judge,judge Marvin Blount,Pitt County Superior Court judge,after the mistrial for the retrial on may8,2017 appears at Appendix-D to the petition.

## JURISDICTION

The United States Court Of Appeal For The Fourth Circuit,has decided an important question of federal Law that has not been,but should be,settled by this court,or has decided an important federal question in a way that conflicts with relevant decision of this court.

The date the Judgement or order sought to be reviewed was entered on July 27,2020 before the United states Court Of Appeals for the fourth circuit judges,Judge Wilkinson,Judge Motz,and Judge Richardson circuit court judges appears at Appendix-A

The date the order denies the timely petition for Rehearing and Rehearing en banc entered on September 1,2020 by circuit judges,judge Wilkinson,judge Motz and judge Richardson appears at Appendix-B to this petition.

Statutory provision believe to confer on this court jurisdiction to review on a writ of CERTIORARI the JUDGEMENT or ORDERS in question.

## CONSTITUTION AND STATUTORY PROVISION INVOLVED

4,5,6,8 and 14 Amendment to the United States Constitution

TITLE 111 of the omnibus crime control and safe act 1968

Both the fourth Amendment and Title 111 requires that certain procedures be follow when Law enforcement conduct electronic surveillance and wire-tapping.

18 U.S.C. § 2511(2)(c)(d)

Ineffective assistance of a counsel violation of Amendment 6, to the constitution of the United States, and prosecutorial misconduct.



## STATEMENT OF THE CASE

Pursuant to 18 U.S.C. §2511(2)(c)(d) that applies both to persons acting under color of Law and to private individuals not acting under color of law, provided that they do not intercept with the purpose of committing any criminal or tortious act, thus when a Law enforcement officer or government informant participates in and records a conversation without prior judicial authorization, the evidence is inadmissible.

Law enforcement official must first receive authorization from a designated senior official in the department of justice to apply for a court order authorizing the interception of wire, oral or electronic communication in connection with the investigation of certain enumerated crimes.

Only the United States attorney general or deputy attorney general may authorize application for wire-tapping or oral interception.

The application must be submitted to a court to secure the requisite court order.

According to the discovery provided by the state as part of the controlled purchase of drug allegedly supposedly made from petitioner on December 16, 2014, the confidential informant placed a phone call to petitioner which was recorded by Detective R. Pearce, which has not been provided or made available at trial May 8, 2017 to the defense of the petitioner.

Another controlled purchase was allegedly supposedly made from petitioner on December 29, 2014 as part of the ongoing investigation and although the narrative reports for this date of offense do not specifically mention a recorded phone call on this date it is possible or even likely that one or more phone calls mentioned in the narrative were in fact recorded.

See petitioner Appendix-D: motion to compel discovery that was order by the trial judge from the mistrial, submitted by former defense attorney, FARIS DIXON,

Attorney-at-Law

The FARIS DIXON LAW FIRM PLLC

Suit B

200 WEST 3<sup>rd</sup> STREET

GREENVILLE N.C 27858.

That have withdrawn from the case and is now the head DISTRICT ATTORNEY for PITT COUNTY PROSECUTORIAL DISTRICT.

Which the case was assign to JOHNNIE L. FINCH JR, Attorney for the petitioner.

THE LAW OFFICE OF JOHNNIE L.FINCH,JR PLLC  
110 E.ARLINTON ST  
SUIT G  
GREENVILLE N.C 27858  
TEL:252-331-1176

That is ineffective assistance of a counsel,violation of amendment 6,to the constitution of the United States,and also prosecutorial misconduct by the District attorney.

### REASON FOR GRANTING THE PETITION

This petition should be granted with Dismissal,vacate charges,conviction and suppression requires when government fail to attached attorney general special designation authorization order and authorization memo.

In 1967 the supreme court clarified in two cases that wire-tapping and electronic surveillance are subject to fourth amendment limitation,consequently congress passed TITLE 111 of the omnibus crime control and safe act 1968.

TITLE 111 prohibits the interception and disclosure of wire,oral and electronic communication except as provided by statute,an order for electronic surveillance,both the fourth amendment and TITLE 111 requires that certain procedures be followed when law enforcement conduct electronic surveillance and wire-tapping.

See United States V. Lomeli,676 f.3d,734,741-42 (8<sup>th</sup> cir-2012)-suppression requires when government fail to attached attorney generals special designation authorization order and authorization memo.

## CONCLUSION

Both the fourth amendment and TITLE 111 requires that certain procedures be followed when law enforcement conduct electronic surveillance and wire-tapping,

In this case the law enforcement and the district attorney did not follows the required procedures for the wire-tapping, and the district attorney and law enforcement did not produce the attached U.S attorney generals special designation authorization order and authorization memo for the wire-tapping at may 8,2017 jury trial.

The United States supreme court clarified in two cases that wire-tapping and electronic surveillance are subject to fourth amendment limitation.

Consequently congress passed TITLE 111 of the omnibus crime control and safe act 1968. TITLE 111 prohibits the interception and disclosure of wire, oral and electronic communication.

The petition for a writ of CERTIORARI should be granted.

RESPECTFULLY SUBMITTED

KEVEN ANTHONY MORGAN

DATE: SEPTEMBER 29, 2020.