

21-384

No. 20-7060

IN THE SUPREME COURT OF THE UNITED STATES

MOREH J. BUCHANAN,

Petitioner,

v.

SONY MUSIC ENTERTAINMENT, WARNER MUSIC GROUP
CORP., UMG RECORDINGS, INC., SONY/ATV MUSIC
PUBLISHING LLC, AND UNIVERSAL PICTURES

Respondent.

On Petition for Writ of Certiorari to the
United States Court of Appeals for
The District of Columbia Circuit

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COPYRIGHT CASE

QUESTIONS PRESENTED

Petitioner is a songwriter, music publisher, singer /rapper, artist/composer that wrote, produced and recorded 5 in particular original demo/demonstration rap songs. These 5 (five) songs were distributed to the respondents, various music industry professionals, including an Atlanta entertainment lawyer, throughout the music industry. This lawyer, has even testified before Congress. Furthermore, Petitioner's 5 songs were copied on 62 other songs and a major motion picture franchise, resulting in massive success and profits for the respondents.

U.S. District Court for the District of Columbia Judge Ketanji Brown Jackson was assigned to Petitioner's case when it was filed in 2018. Judge Jackson dismissed Petitioner's (jury demanded requested trial), filed case, in 2020, without prejudice. Petitioner filed an appeal in 2020, to the U.S. Circuit of Appeals for the District of Columbia Circuit. The Circuit erred upon the merits of Petitioner's meritorious claims for relief. In particularly, regarding the facts affirming the leading issue that there was a particular chain of events that show access of Petitioner's songs, and that demonstrate that the 5 songs were widely disseminated throughout the music industry. Also, the direct evidence statement from the 1997 issue of the popular magazine entitled The Source. This statement was made by the Hollywood actor/ Columbia Records rap artist "**Will Smith**," regarding flipping concepts.

TABLE OF CONTENTS

QUESTIONS PRESENTED.....	ii
TABLE OF CONTENTS	iii
TABLE OF AUTHORITIES	iv
BUCHANAN V. WILL SMITH/COLUMBIA RECORDS (1998).....	v
BUCHANA V. DAVID MCPHERSON/EPIC RECORDS (2002)	v
PETITION FOR WRIT OF CERTIORARI.....	1
OPINIONS BELOW.....	1
JURISDICTION.....	1
FEDERAL AND STATUTORY PROVISIONS INVOLVED.....	1
STATEMENT OF THE CASE.....	1-4
REASON FOR GRANTING THE WRIT.....	4
CONCLUSION.....	4
APPENDIX.....	5
CERTIFICATE OF SERVICE.....	6

TABLE OF AUTHORITIES

Dred Scott v. Sanford (1857)

Selle v. Gibbs (1984)

Satriani v. Coldplay (2008)

Bright Tunes Music v. Harrisongs Music 420 F. Supp.177 (S.D.N.Y., 1976)

Jones v. Blige 558 F. 3rd 485, 491 (6th Cir. 2009)

Sturdza v. United Arab Emirates 281 F. 3d 1287, 1295 (D.C. Cir, 2002)

Towler v. Sayles, 76 F. 3d 579, 583, (4th Cir. 1996)

Bouchat v. Baltimore Ravens, Inc. 9 Jeffreys S Moorad Sports L.J. 97 (2002)

Scott Blanton v. universal City Studios Prods. LLLP (D.C. Cir 2009)

FEDERAL STATUTES

17 U.S.C. 106(1) (2) (3)

17 U.S.C. 501

17 U.S.C. 201

17 U.S.C. 408

17 U.S.C. 411 (a)

17 U.S.C. 410(c)

17 U.S.C. 114

RULES

U.S. Supreme Court Rule 10.

OTHERS

Buchanan v. Will Smith/Columbia Records- complaint (1998)

Buchanan v. David McPherson/Epic Records, Eastern District of Missouri. Jean Hamilton. (2002)

BUCHANAN V. WILL SMITH/COLUMBIA REOCRDS (1998)

This case was a 1998 complaint brought forth from Moreh J. Buchanan to his Atlanta lawyer E. Earle Burke regarding copyright Infringement. After watching Black Entertainment Television and Music Television, Buchanan noticed similarities of his copyrighted songs I Gos Ta Roll and Comin' Tight and Smith's versions of Just Crusin' on the Men in Black motion picture sound track and Getting Jiggy Wit It on the Big Willie Style album. Buchanan contacted Burke to file a complaint and lawsuit. Burke contacted Columbia Records.

Buchanan paid Burke \$1,500 for a music comparison of the 4 works. Burke contacted musicologist Judith Finnell. Finnell's first reaction to Burke was "I hear money!" Finnell claimed there was only 1 similar word. Buchanan found over 80. Burke did not file a lawsuit on Buchanan's half. Burke then abandoned Buchanan on a record deal with Universal and stalled and flat out lied to Buchanan for over the next 2 years. Burke and Buchanan had a falling out. Burke told Buchanan "Long Dollars is what's going on!"

BUCHANAN V. DAVIS MCPHERSON/EPIC RECORDS (2002)

This was an actual civil lawsuit filed in the Eastern District Court of St. Louis, in 2002. Judge Jean Hamilton read the briefings. Buchanan and McPherson both from St. Louis, were best friends in middle and high school. They spoke by telephone and kept in touch. McPherson traveled to New Jersey and interned for a music executive in Manhattan, New York. McPherson told Buchanan that he had achieved his success, not by merit, but by an interning opportunity offered to him from a happy gentleman and music executive at Mercury Records. It was through this fawn hustle that McPherson was granted an executive Vice President position of A&R. Unlike Buchanan, who was suffering in torment year after year, from dealing with his Atlanta music relatives.

Buchanan asked McPherson if he could send him his music with the hope of McPherson signing him. McPherson listened to Buchanan's music but did not sign him. Buchanan later noticed similarities of his songs from another music artist song that McPherson had signed. And that artist had sold 4 million copies. Buchanan called McPherson and told him of the copyright Infringement. McPherson would no longer take Buchanan's calls. Buchanan sued in the Eastern District Court of Missouri. Having no legal experience, Buchanan became overwhelmed with the stress of representing himself and withdrew, and dismissed the lawsuit. McPherson counter sued Buchanan for court cost and legal fees of over \$8,000. Judge Jean Hamilton denied McPherson request.

PETITION FOR WRIT OF CERTIORARI

Moreh J. Buchanan petitions the court for Writ of Certiorari to review the February 5, 2021 judgement of the United States Court of Appeals For The District of Columbia Circuit, No. 20-7060.

OPINION BELOW

The United States Court of Appeals For The District Of Columbia Circuit published opinion denying Petitioner's appeal, No. 20-7060. In accordance with the judgement of February 5, 2021, and pursuant to Federal Rule of Appellate Procedure 41, that constitutes formal mandate of the court.

JURISDICTION/FEDERAL AND STATUTORY PROVISIONS

The District of Columbia Circuit entered judgement on February 5, 2021. This Petition is timely filed pursuant to Supreme Court Rule 13.1. This court has jurisdiction under Article 111 Section 2, 28 U.S.C. 1251&1254(1). Provisions involved are at 17 U.S.C. 106, 17 U.S.C. 501, 17 U.S.C. 201, 17 U.S.C. 408, 17 U.S.C. 411(a), 17 U.S.C. 410(c). D.C. Circuit Rule 28(a) (1) (c) and Federal Rule of Appellate Procedures 26.1.

STATEMENT OF THE CASE

This petition arises from a copyright infringement claim made by an American songwriter-musician named Moreh J. Buchanan. On December 19, 2018, Buchanan filed the instant lawsuit in the U.S. District Court for the District of Columbia. Buchanan had pursued a music career for more than 30 years beginning in his high school years. Buchanan selected this location because of his oppression, persecution, and poverty, as he was inspired by the actions of the late Rev. Dr. Martin Luther King Jr, whom had represented millions of African Americans in their struggle for freedom, equality, and civil rights within the U.S.A.

District Judge Ketanji Brown Jackson was assigned to Buchanan's case. Buchanan named four music record companies and one film movie studio, as defendants, under the copyright Act 17 U.S.C. 501, 504(c), negligence and strict liability. Judge Jackson granted defendants motion to dismiss, without prejudice on May 26, 2020.

Buchanan appealed to the court of appeals for the District of Columbia Circuit. On February 5, 2021 the court affirmed the lower District Courts order. The inferior courts affirmation appears not just erroneous, but outlandishly so.

Buchanan did in fact state a claim, and has proved a reasonable inference of access and striking similarities. Buchanan's songs I Gos Ta Roll and Comin' Tight were both previously registered with the library of Congress in 1998. The other three songs Gangsta Bass, Zombie Beat and Krazy Bad, (all three from his 1993 album The St. Louis Rhyme Slayer), were also registered with the library of Congress in July, 2019. Attempts were made in the guise of mistakes and mishaps to prevent Buchanan from registering this copyright document that summer. See 17 U.S.C. 106 (1) (2) (3), 502, 201, 408, 411(a), 410(c), and 114.

The songs Gangsta Bass, Krazy Bad, and Zombie Beat were validly published by Buchanan beginning in 1991 through Missouri State Articles of Incorporation, registration of Buchanan's record label, local radio station airplay, retail outlet sales in music stores, and local performances by Buchanan in night clubs. The copyright symbol was placed upon the songs. See Bright Tunes Music v. Harrisongs Music (1976). Zombie Beat was also again published and copyrighted and re-released on line, in the new 21st century digital age, by Buchanan on his record label. See Bouchat v. Baltimore Ravens Inc. (2002).

In 1991 Buchanan traveled from St. Louis to Atlanta to meet his famed music relative, the late Curtis Mayfield. Curtis Mayfield introduced Buchanan to his son, and Buchanan's cousin Todd. Buchanan presented his music to the Mayfield's whom owed the Curtom/Conquest music record labels. Buchanan spent the next 6 year of his life presenting demo songs to the Mayfield family. See Satriani v. Coldplay (2008). By 1997, the conquest label failed. Buchanan was never signed to any contract with Curtis Mayfield or other family members. However, Curtis Mayfield did like Buchanan and invited him into an Atlanta recording studio in 1996, and asked Buchanan to sing background vocals on a song track off Curtis Mayfield's Warner Music Group album. See Jones v. Blige (6th cit. 2009)

Buchanan continued to search for a record deal and worked with a prominent entertainment lawyer name E. Earle Burke. See Towler v. Sayles (1996). Burke submitted Buchanan's 5 demo songs to the Vice Presidents and A&R departments at Sony Music, Sony ATV, MCA/Universal, UMG/Universal Pictures, and Warner Music Group. See Scott- Blanton v. Universal City Studios Prods. LLLP (D.C. Cir. 2009) and Sturdza v. United Arab Emirates, (D.C. Cir 2002). Burke opted to have Buchanan contract with UMG/Universal Pictures. Burke told Buchanan the corporate labels were restructuring. While waiting to sign, Buchanan stumbled upon the 1997 Source magazine interview from Will Smith. See Bouchat v. Baltimore Ravens (2002).

Buchanan asked Burke to file a copyright infringement lawsuit over his song I Gos Ta Roll v. Smith's copied/flipped version Just Crusin', and Buchanan's song Comin' Tight v. the copied/flipped Getting' Jiggy Wit It. See Sturdza v. United Arab Emirates, (D.C. Cir 2002). Burke did not file a claim. Buchanan received an intimidating threatening bully statement letter from Will Smith through Beverly Hills, Ca lawyer Kenneth Hertz. This letter was by no means a cease and desist. In fact, Hertz stated that they were not prejudice towards him, leading Buchanan to believe that Will Smith had admitted to wrong doing. 2

By 1999-2000, Burke admitted that he was receiving “long dollars”, and had completely abandoned Buchanan. See *Selle v. Gibbs* (1984). Burke and Buchanan had a falling out. See *Buchanan v. Will Smith/Columbia Records* (1997). The restructured Universal Motown label had signed another hometown local rapper from St. Louis, in Buchanan’s place. Nelly’s album country grammar, had infringed on Buchanan’s song Krazy Bad and his album, The St. Louis Rhyme Slayer. Along with, imitating comedy skits Buchanan had used on The St. Louis Rhyme Slayer. Having local comedian Cedrick the Entertainer on country grammar, as Buchanan had conversed and discussed in (1992) person, and over the phone with Cedrick, “The Entertainer” Kyles, (about being an opening act for Buchanan in concert in St. Louis at a local club) years prior to the Universal contract signing of Nelly.

Beginning in 1992-2002, Buchanan had mailed his 5 demo songs to his former high school best friend named David McPherson. McPherson had become a Vice President at Sony Music Entertainment and had signed artists such as Joe Thomas, Mandy Moore, Ruff Endz, and Backstreet Boys. See *Buchanan v. McPherson/Epic Records* Eastern District of Missouri (2002).

Buchanan distributed his 5 (five) original songs to Sony Music Entertainment, Sony/ATV Music publishing LLC, Warner Music Group Corp, Universal Music Group/ UMG Recordings Inc., and Universal pictures between 1992-1997. The respondents/defendants engages in 62 individual acts of copyright infringement. 57 of these songs were discovered during the time duration of the December, 2018 filing in District court. 4 other songs were discovered before the court of appeals filing. At present, there has been one new song of discovery. This song at the time of this Supreme Court Writ, is the 2003 platinum song entitled “I don’t want to be” recorded by J Records artist Gavin DeGraw, from the platinum album Chariot. This song infringes upon Buchanan’s song I Gos Ta Roll. The original guitar solo melody at the end of I Gos Ta Roll, starting at 4:37 seconds, and ending at 4:39 seconds, is looped continuously from start to finish in the song I don’t want to be. As this is copyright infringement. Buchanan should receive and be granted credit for the discovery.

Buchanan is at times embarrassed at the slow progress of his life. However, he remains steadfast and believes that truth will set him free someday, and end his long suffering poverty. He longs for the American dream and his pursuit of a music career. Whether or not human history repeats itself, in some sense may be a matter of personal human opinion and perspective. Buchanan thinks that there are eerie similarities between his life and a famous case of the nineteenth century. See *Dred Scott v. Sanford* (1857).

Buchanan is considered a low income poor black man of European/African ancestry. He is from the state of Missouri and was born into poverty. Buchanan represents himself pro se in this Writ, and the district and court of appeals, to the best of his ability, without having any higher legal education or training.

Although Buchanan can read, write, and spell, (because of the physical abolishment of U.S. slavery and the civil right movement) he was denied motion to appoint counsel request, before the District of Columbia Appeals Circuit court judges: Pillard, Katsas and Walker. Dred Scott was an enslaved Missouri black man, whose master/owner transported him from the slave holding state of Missouri, into the free Illinois and Wisconsin U.S. territories. See Scott v. Sanford (1857).

Similar to Dred Scott, Buchanan traveled from Missouri to Georgia of his own free will in search of career help. Buchanan presented his music to his wealthy black African relatives. Having much merit, Buchanan was denied his freedom and success into the American society music industry. Buchanan was further fully exploited by having his published and copyrighted songs infringed by the respondents/defendants. Buchanan's contributions to the entire world music industry and whole American society has resulted in sales, revenue and profits in excess of hundreds of billions of dollars. Simply put, Buchanan is a priceless gem, an American treasure of talent and personality.

REASON FOR GRANTING THE WRIT

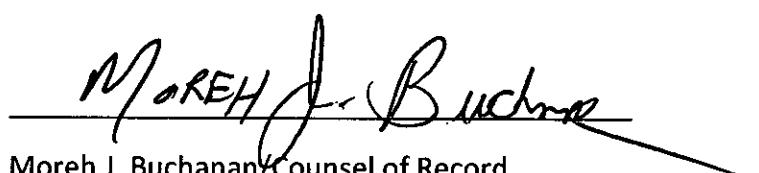
This court's intervention is necessary to resolve a conflict. This conflict calls for an exercise of the court's supervisory power. A U.S. court of appeals had decided an important question of federal law that has not been, but should be settled by this Supreme Court. For this case echoes one of national importance, that screams merit, merit, merit, bloody merits based!

CONCLUSION

For the foregoing reasons, Mr. Buchanan respectfully request that this Court issue a Writ of Certiorari to review the judgement of the Court of Appeals for the District of Columbia Circuit.

DATED this 24th day of June, 2021.

Respectfully submitted,



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