

No. 21-5771

FILED  
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OFFICE OF THE CLERK  
SUPREME COURT, U.S.

IN THE  
SUPREME COURT OF THE UNITED STATES

**ORIGINAL**

Sirshun Burris — PETITIONER  
(Your Name)

vs.

UNITED STATES OF America RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES OF America Court of Appeals 6<sup>th</sup> Circuit  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Sirshun Burris  
(Your Name)

FCI Gilmer Box 6000  
P.O.  
(Address)

Glenville, WV 26351  
(City, State, Zip Code)

—  
(Phone Number)

QUESTION(S) PRESENTED

1. Whether officers had the right to be a Appellant house do to the fact the search warrant for his house was in his Alleged Codefendant's name Douglas Davis Jr (See Appx.E AFFIDAVIT For Search Warrant)
2. Appellant had no Warrant for his person On October 23, 2019 is that a violation of Burns 4<sup>th</sup> and 6<sup>th</sup> Constitutional Rights
3. Will the Court Consider if the petition Shows that there is a split among the Circuits Courts on the law, or if there is new question of law to decide about the sufficiency of evidence.

## **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**

UNITED STATES VS Martinez-Fuerte  
428 U.S. 543, 554, 96 S. Ct. 3074,

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Court of Appeals Sixth Circuit CASE NO: 20-1607 NO: 1:19-cr-00272-2

006 — APPENDIX B United States v. Sirshun Burris, No. 20-1607  
Document 21 Filed 1/25/21 Reply Brief of Defendant

011 — APPENDIX C District Case No. 1:19-cr-272-2  
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6/23/20

015 — APPENDIX D UNITED STATES VS Sirshun Burris, Brief of Defendant  
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016 — APPENDIX E AFFIDAVIT FOR SEARCH WARRANT 10/23/19  
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## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Brown 828 F.3d at 382	
UNITED STATES vs. Ellison 632 F.3d 347 (6 <sup>th</sup> Cir 2011)	
UNITED STATES vs. Frazier 423 F.3d 526 (6 <sup>th</sup> Cir 2005)	

### STATUTES AND RULES

18 U.S.C. § 3231

21 U.S.C. § 846

28 U.S.C. § 1291

U.S. Const. amend. IV.... Passim

U.S. Const. amend. VI.... Passim

### OTHER

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. THE Fourth Amendment, which provides:

The right of the people to be secure in their persons, houses, papers, and no warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

2. Sufficiency of Evidence Standard was not correctly applied.

3. Whether a innocent bystander Fourth Amendment Constitutional Rights is violated when he flees out of fear of being harmed by individuals who later is determined to be law enforcement although no warrant has been issued for the bystander who is on his own property.

STATEMENT OF THE CASE

The Government charged Burris and Douglas Davis in an indictment containing nine charges plus a forfeiture Count. Count 1 charges them with Conspiracy to distribute methamphetamine from September, 2019 to on or about October 23, 2019. Counts 2, 3, 5, 6, and 7 charged Davis with distributing methamphetamine on various dates in September and October 2019. Count 4 charged Burris with distributing methamphetamine on October 8, 2019. Count 8 charged Davis and Burris with Possessing with intent to distribute 50 grams or more of Methamphetamine.

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## STATEMENT OF THE CASE pg 1

On October 8, 2019. Count 8 charged Davis and Burris with possessing with intent to distribute 50 grams or more of Methamphetamine. On October 23, 2019. Count 9 charged Burris with possessing a firearm after a felony conviction. On March 3, 2020 Burris had a three day jury trial. During trial and after the verdict was handed down although the court gave a invitation for a Rule 29 Appellant counsel refused to entertain it. The jury found Appellant guilty on all counts and defense Counsel still refused to entertain it. At sentencing the district court reasoned

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## Statement of the Case pg 2

That the lower Sentence was justified due to appellants age early 40's at Sentencing because it was his first Conviction for drug distribution offense. In addition, the amount of methamphetamine involved, although significant, was not as much as the district court had seen in other cases. The district Court Sentenced Appellant to 180 months and Sentenced his alleged Co-defendant to 60 months when he was the Appellant number one One the Conspiracy. The District Court gave Appellant a six point enhancement 2 points for a drug house when there were no drugs found in Appellants house or on

(continue pg 3)

## Statement of the CASE pg 3

Appellant property. A two point enhancement for obstruction of justice do to officers testimony Conflicting with Appellant testimony And a two point enhancement for a gun being around drugs which Appellant never had any drugs. That really was the District Courts Alleged reason for Appellant exercising his Constitutional rights to prove his innocence at trial. The Judge Said at sentencing its sure not of the jury trial transcripts but it is on the Record of your Codefendant DAVIS Plea transcripts where he stated you Both use the same phone Sold in Concert to your respective Customers and Split profits down the middle So therefore

(continue pg 4)

# Statement of the Case

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I have to place the drugs found over the fence in a'alley in your house. Unknowingly the District had Davis Plea transcripts before Appellant went to trial and before sentencing Appellant Codefendant plea transcripts was public 1/14/20 Appellant jury trial was March 3, 2020 and Sentencing was June 19, 2021.

## REASONS FOR GRANTING THE PETITION

The lower Federal courts missapplied the sufficiency of evidence standard as those standards have been properly applied by other federal courts and by state courts. Suppression of the search warrant was requested by Appellant but his trial counsel nor his Appeal Counsel argued the 4<sup>th</sup> and 6<sup>th</sup> Amendment violations. Reason for granting the petition is to let law enforcement officials know that they are not above the Constitution of the United States which is the law and is to protect citizens rights.

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Sirshun Burnis

Date: August 24, 2021