

SEP 02 2021

OFFICE OF THE CLERK

No.

21-6377

IN THE

SUPREME COURT OF THE UNITED STATES

Anthony Harris — PETITIONER
(Your Name)

vs.

J. Morgan, Maryland ^{Attorney General} — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals For the Fourth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Anthony Harris #447582
(Your Name)

P.O. Box 544
(Address)

Tessup, MD. 20794
(City, State, Zip Code)

(Phone Number)

ORIGINAL

RECEIVED

SEP - 9 2021

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SUPREME COURT, U.S.

QUESTION(S) PRESENTED

1. Did the U.S. District Court err in ruling that the state court violated petitioner's Fourth, Sixth, and Fourteenth Amendments of the United States Constitution when the state presented no witness testimony or evidence to support a search and seizure warrant when the state court denied his motion to suppress the warrant?
2. Did the U.S. District Court err in denying the petitioner's Writ of Habeas Corpus?

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

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A	<i>Decision of the United States District Court</i>
APPENDIX B	<i>Decision of the United States Court of Appeals</i>
APPENDIX C	
APPENDIX D	
APPENDIX E	
APPENDIX F	

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Marshall v. State 415 MD. 399, 410 (2010)
Agurs v. State 415 MD. 62, 79 (2010)
Fensterer v State 509 A 2d 1106 (1986)
Casper v. State 70 MD App 576 A 2d 1281 (1987)
Townsend v Sain

STATUTES AND RULES

When hearsay evidence is present, the opportunity for immediate cross-examination is unavailable. The fact-finder cannot adequately evaluate either the credibility of the person who made the hearsay statement. Hearsay evidence is therefore rejected on the grounds that it is incompetent (Confrontation Clause Sixth Amendment.)

OTHER

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 A 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 May 28, 2021.

☐ 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: June 18, 2021, 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 _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied 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. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Fourth Amendment

Sixth Amendment

Fourteenth Amendment

STATEMENT OF THE CASE

By charging document, Anthony Harris, was charged under Baltimore County Circuit Court case's No 03K14003188 with CDS^o posses - Large amount, CDS^o possess with intent to distribute nar, (two counts), CDS^o possess not marijuana, (two counts), Firearm/Drug trafficking crime, (two counts), Firearms posses with felony conviction, (eight counts). Rifle/shotgun possession with felony conviction, Rifle/shotgun possession with felony conviction - mental disorder / violent behavior, Possession Bulletproof Armor (two counts). Under a conditional guilty plea judgment was entered for the following counts Count 2, CDS^o possess with intent to distribute narc, for which petitioner was sentenced to 10 years, Count 7, Firearm/Drug Trafficking Crime for which Mr. Harris was sentenced to 5 years consecutive to Count 2, for a total of 15 years.

Prior to the conditional plea in this case, Mr. Harris filed a motion to suppress evidence. A hearing was held on that motion on June 3, 2015, at which time the State presented neither witness nor any evidence to support the warrant that was issued by the Baltimore City Court.

REASONS FOR GRANTING THE PETITION

Prior decisions on the issue of probable cause not properly generated or based upon a "barebones affidavit" is not sufficient to overcome the "good faith exception" *Marshall v. State* 415 MD.399, 410 (2010) and *Aguirre v. State* 415 MD.62, 79 (2010).

When hearsay evidence is present, the opportunity for immediate cross-examination is unavailable. The fact-finder cannot adequately evaluate either the credibility of the person who made the hearsay statement. Hearsay evidence is therefore rejected on the grounds that it is incompetent, *Fensterer v. State* 509 A 2d 1106 (1986) and *Casper v. State* 70 MD.App 576 A 2d 1281 (1987) Confrontation Clause Sixth Amendment.

Petitioner could not appeal his guilty plea due to petitioner waived his trial rights (Transcript from May 13, 2016 page 17, Lines 16-18). On May 13, 2016 Judge Ensor states Appellate Court prefer ineffective assistance of counsel to be determined via the post conviction route (Transcript from May 13, 2016 pg 19, Lines 2-5 and Line 8-14). Furthermore petitioner's Appellant attorney told petitioner he could not appeal his guilty plea and withdraw the appeal because of the above mentioning from May 13, 2016.

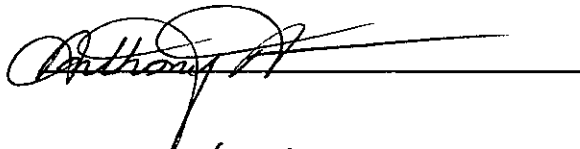
Petitioner is arguing under state's error because the state's factual determination is not fairly supported by the record as a whole; the state court's fact finding procedure did not adequately provide a full and fair hearing; the state judge did not afford the applicant a full and fair hearing for any reason. In *Townsend v. Sain*, the Supreme Court lists these situations in which State's error require the federal court to hold an evidentiary hearing. The petitioner did properly mailed his application for leave to appeal from the denial of post conviction relief because under the prison mailbox rule it was filed on November 14, 2017.

It is important that the Supreme Court decide on these question because the state court is abusing it's discretion as to being bias.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Anthony A. [unclear]", is written over a horizontal line.

Date: 8/28/21