

02-6320 FELLERS v. UNITED STATES

Ruling below: CA 8, 285 F.3d 721.

QUESTIONS PRESENTED

I. Did the Court of Appeals err when they concluded that Petitioner's Sixth Amendment right to counsel under *Massiah v. United States*, 377 U.S. 201 (1964), was not violated because Petitioner was not "interrogated" by Government agents; when the proper standard under Supreme Court precedent, is whether the Government agents "deliberately elicited" information from Petitioner?

II. Should the second statements- preceded by Miranda warnings- have been suppressed as fruits of the illegal post-indictment interview without the presence of counsel, under this Court's decisions in *Nix v. Williams*, 467 U.S. 431 (1984), and *Brown v. Illinois*, 422 U.S. 590 (1975)?

CERT. GRANTED: 3/10/03