

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

AKIN SEAN E PRECISE BEN – PETITIONER
(Your Name)

vs.

UNITED STATES – RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE 4TH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

AKIN SEAN E PRECISE BEN
(Your Name)

U.S.P. LEE, P.O. BOX 306
(Address)

JONESVILLE, VA 24263
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

1. WHETHER ARREST WITHOUT PROBABLE CAUSE AND WARRANTS VIOLATED FOURTH AMENDMENT RIGHT AND EXCLUSIONARY RULE REQUIRING THE SUPPRESSION OF EVIDENCE DISCOVERED AND SEIZED IN VIOLATION OF THE "FRUIT OF THE POISONOUS TREE", UNDER SUPREME COURT HOLDINGS IN *WONG SUN V. UNITED STATES*, 371, U.S. 417 (1963);
2. WHETHER SEARCH WARRANTS WERE VALID BY CALL TO AND LISTING THE EASTERN DISTRICT OF NEW YORK RATHER THAN THE EASTERN DISTRICT OF NORTH CAROLINA, CONSTITUTES A "REASONABLE SEARCH AND SEIZURE AND THE ISSUANCE OF WARRANTS", UNDER FOURTH AMENDMENT;
3. WHETHER SIXTH AMENDMENT CONFRONTATION CLAUSE RIGHTS WERE VIOLATED WHEN DENIED THE RIGHT TO DIRECTLY CONFRONT ADVERSE WITNESS AGAINST DEFENDANT, UNDER THE SUPREME COURT HOLDING IN *MARYLAND V. CRAIG*, 494, U.S. 836. (1990);
4. WHETHER INTRODUCTION OF HEARSAY STATEMENTS BY A NONTESTIFYING VICTIM, WITNESS VIOLATED SIXTH AMENDMENT RIGHTS;
5. WHETHER HEARSAY STATEMENTS BY A NONTESTIFYING VICTIM VIOLATES SIXTH AMENDMENT RIGHT TO CONFRONTATION CLAUSE UNDER THE SUPREME COURT'S HOLDING IN *CRAWFORD V. WASHINGTON*, 541, U.S. 36 (2004);
6. WHETHER KNOWINGLY EXCLUDING MR. BEY FROM COURTROOM CONSTITUTES "FAIR TRIAL" UNDER SELF-REPRESENTATION, SIXTH AMENDMENT;
7. WHETHER SIXTH AMENDMENT RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL WAS VIOLATED BECAUSE COUNSEL STATED COULD NOT PROPERLY REPRESENT DEFENDANT AT TRIAL AND SENTENCING;
8. WHETHER THERE'S JURISDICTION TO KIDNAPPING WHEN ALLEGED VICTIM NEVER CROSS STATE BOUNDARY, AND WAS RECOVERED LESS THAN TWENTYFOUR HOURS. 18 U.S.C. § 1201 (A)(2)(b)
9. WHETHER DOUBLE JEOPARDY IS BEING IMPOSED, BY BEING REPUNISHED FOR PAST CONVICTIONS BY POINT SYSTEM, A FIFTH AMENDMENT VIOLATION.

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:

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TABLE OF AUTHORITIES CITED

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OTHER

FOURTH AMENDMENT
SIXTH AMENDMENT
FIFTH AMENDMENT

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 _____ 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 _____ 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.

1.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was OCTOBER 18, 2017.

☐ 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: DECEMBER 11, 2017, 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

18 U.S.C. 1201

18 U.S.C. 3742

18 U.S.C. 922 (g)(1)

18 U.S.C. 924

18 U.S.C. 924 (c)

18 U.S.C. 1201 (A)(1)(b)

STATEMENT OF THE CASE

ON MAY 5, 2015 THE RALEIGH POLICE DEPARTMENT IN WAKE COUNTY, NORTH CAROLINA, RECEIVED A CALL REGARDING A MISSING PERSON. AN HOUR LATER THE ALLEGED VICTIM WAS RECOVERED DRIVING HIS OWN VEHICLE. WHEN ASKED WHAT HAPPENED, HE CLEARLY IDENTIFIED TWO MASKED MEN 5'10-190 POUNDS. VICTIM IS 5'11. MR. BEY 6'5-220 PLUS POUNDS, HOME WAS SHORTLY AFTER PUT UNDER SURVEILLANCE. NO POSITIVE IDENTIFICATION, THROUGH ONSTAR TRACKING BY LICENSE TAG NUMBER SEEN BEFORE. DURING THIS WARRANTLESS PROCESS, OVER 8 HOURS LATER MR. BEY FIRST SEEN COME OUT HOUSE. FEDERAL OFFICERS, RPD, AND SHERIFFS ARE NOW WAITING TO CONDUCT A TRAFFIC STOP WHEN MR. BEY DEPARTS HIS HOME. AFTER A FEW MILES CONDUCTING THE TRAFFIC STOP. MR. BEY WAS DEMAND OUT RENTAL TRUCK AT GUN POINT BY NUMEROUS OFFICERS. THE SEARCH AND SEIZURE RECOVERED IN PLAIN VIEW, LATEX GLOVES, FLASHLIGHT, AND TWO BRAND NEW BOLT CUTTERS. ALL ORIGINAL NEW YORK WARRANTS REQUESTED AFTER ARREST.

MR. AKIN BEY WAS CHARGED IN A SUPERSEDING INDICTMENT FILED ON JULY 21, 2015 WITH CONSPIRACY TO COMMIT KIDNAPPING IN VIOLATION OF 18 U.S.C. § 1201(A)(2) AND (C) (COUNT ONE); KIDNAPPING IN VIOLATION OF 18 U.S.C. § 1201(A)(2) (COUNT TWO); AND BRANDISHING A FIREARM DURING AND IN RELATION TO A CRIME OF VIOLENCE, IN VIOLATION OF 18 U.S.C. § 924(G)(2) AND 924(C)(1)(A)(ii), (3) AND (4) (COUNT THREE). MR. BEY WAS ADDITIONALLY CHARGED WITH UNLAWFULLY POSSESSING A FIREARM AND AMMUNITION, IN VIOLATION OF 18 U.S.C. § 922(G)(1) AND 924 (COUNT FOUR). THE GOVERNMENT DISMISSED COUNT THREE AGAINST APPELLANTS ON NOVEMBER 30, 2015. ON DECEMBER 7, 2015, THE JURY RETURNED GUILTY VERDICTS AGAINST MR. BEY AND STANLEY ON ALL COUNTS. THE COURTS SENTENCED MR. BEY TO LIFE ONE COUNTS ONE AND TWO AND A CONCURRENT SENTENCE OF 120 MONTHS ON COUNT FOUR.

REASONS FOR GRANTING THE PETITION

PETITIONER, AKIN SEAN EL PRECKE BEY RESPECTFULLY REQUESTS
THAT A WRIT OF CERTIORARI ISSUES TO REVIEW THE
JUDGEMENT.

THESE ISSUES DONT ONLY EFFECT MR. BEY BUT A VAST
MAJORITY.

I PRAY YOU SEE MR. BEY DID NOT HAVE A FAIR TRIAL.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Alim Sean El Recise Bey

Date: March 12 2018