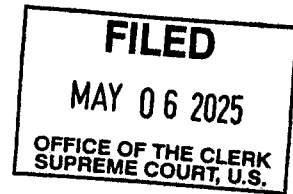


25-5646

No. \_\_\_\_\_



IN THE  
SUPREME COURT OF THE UNITED STATES

ORIGINAL

JOHN C. MILLER ---PETITIONER  
[Enter your name]

vs.

STATE OF INDIANA ---RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

INDIANA SUPREME COURT - Indianapolis, IN  
[Name of the court that last ruled on the merits of your case]

PETITION FOR WRIT OF CERTIORARI

JOHN C. MILLER  
[Your name]

#287904 (E2-R6-9)  
[DOC#, Housing Location]

Indiana State Prison Minimum Sec.  
201 Woodlawn Ave.  
Michigan City, In 46360

## QUESTION(S) PRESENTED

Whether of not the decision made on March 13, 2025 by the Indiana Supreme Court was in error. Based on the substantive argument made by the Defendant's Counsel based on this Courts decision in Terry v. Ohio, 392 US 1 (1968). State provisions provided the petitioner with additional constitutional protections under the Indiana State Constitution Art. 1 § 11 and its benchmark ruling in Litchfield v. State, 2005 Ind. LEXIS 254. Counsel's failure to preserve the argument was considered 'waived' by the Indiana Court of Appeals on December 27, 2022. The Petitioner's Counsel failed to seek a transfer in order that its Constitutional import be reviewed. Hence this petition for full and complete exhaustion of rights to be guaranteed under the 4th Amendment and this Court's ruling in 'Terry' Id.

(Reference: explicitly Exhibit/Appendix marked 'E' Pg. 2/17.)

## LIST OF PARTIES

[ X] All parties appear in the caption of the case on the cover page.

[ ] All parties **do not** 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:

## TABLE OF CONTENT

OPINIONS BELOW .....	1
JURISDICTION .....	2.
CONSTITUTIONAL AND STATUORY PROVISIONS INVOLVED .....	3.
STATEMENT OF THE CASE .....	4-5.
REASONS FOR GRANTING THE WRIT .....	6.
CONCLUSION .....	7.
CERTIFICATE OF SERVICE .....	8.

## INDEX TO APPENDICES

<u>APPENDIX A</u>	-Appellate Opinion (Indiana) Court of Appeals 2022 Ind. App. LEXIS 422 (December 27, 2022)	<u>1-11</u>
<u>APPENDIX B-1</u>	-Trial Order (Motion To Supress) 92C01-2006-F4-458 July 28, 2021. (Dual -Sided - <u>1-4</u> )	
<u>Appendix B-2</u>	- Sentencing Order - 92C01-2006-F4-458 (April 25,2022)	<u>1-2</u>
<u>APPENDIX C</u>		
[	- Petition for Belated Transfer (09/03/2024)	<u>Pg. 1-7</u>
<u>APPENDIX D</u>	- Order GRANTING Belated Petition for Transfer (09/19/2024)	<u>Pg. 1/1</u>
<u>APPENDIX E</u>	- Petition For Transfer (IRAP)	<u>Pg. 1-17</u> (11/27/2024)
<u>APPENDIX F</u>	- State's Opposition to Transfer (12/20/2024)	<u>Pg.1-5</u>
<u>Appendix G</u>	- Petitioner's Reply to Opposition (02/10/2025)	<u>Pg. 1-6</u>
<u>Appendix H</u>	- Order - Denying Transfer (03/13/2025)	<u>Pg. 1/1</u>

## TABLE OF AUTHORITY CITED

CASES	PAGE NUMBER
<u>Terry v. Ohio</u> , 392 US 1 (1968)	(ii), 4, 5,
<u>Litchfield v. State of Indiana</u> , 2005 Ind. LEXIS 254,	(ii), 3, 5,
<u>Miller v. State of Indiana</u> , 2022 Ind. App. LEXIS 422, (Dec. 27, 2022)	4,
<u>Wong Sun v. US</u> , 371 US 471 (1963);	5,
<u>Brown v. Texas</u> , 99 S. CT. 2637 (1979)	6,
<u>Furman v. GA</u> , 408 US 238, 367, n. 158 (1992)	6,

### STATUTES AND RULES

#### UNITED STATES

Title 28 USC § 2101(c) 3.

Rule (Supreme Court no. 13.1 and 13.2) 3.

#### Indiana Statutes and Rules

IC § 35-48-4-6.1(a)/F4; 5.

IC § 35-48-4-8.3(B)(1) 5.

Appellate Rule No. 57 (B)(1), (C), (H)(3), (6);  
(Indiana Rules of Appellate Procedure) 6.

#### OTHER

US Constitutional Amendment No. 4; 3-6.

Indiana Constitutional Article 1 § 11 3-6.

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:** Not Applicable.

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 'A' to the petition and is:

☒ reported at 2022 Ind. App. LEXIS 422; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the Indiana Supreme court appears at Appendix 'H' to the petition and is:

☒ reported at 2025 Ind. LEXIS 170; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

## JURISDICTION

☐ For cases from **Federal Courts:** Not Applicable.

The date on which the United States Court of appeals decided my case was \_\_\_\_\_.

☐ 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: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for Writ of Certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in application No. \_\_\_\_\_; Appendix \_\_\_\_\_.

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 March 13, 2025.

A copy of that decision appears at Appendix 'H' (See) Ind. App. Rule 57 (C)

NO Petition for Rehearings to transfer applications are allowed.

☐ 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 Writ of Certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in application No. \_\_\_\_\_; Appendix \_\_\_\_\_.

The jurisdiction of this Court is invoked under 28 U.S.C. § 1257(a)

## CONSTITUTIONAL AND STATUTORIAL PROVISIONS INVOLVED

### Amendment 4 - Unreasonable Searches and Seizures

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, 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.

Compliance with Title 28 USC § 2101 (c) Judgment issued on March 13, 2025. Filing Date: May / 05 /2025

(Refer: Certificate of Service Date.)

Supreme Court Rule -- 13.1 and 13.2 respectively.

State Protections guaranteed: Indiana Const., Art. 1 § 11,  
Unreasonable Search or Seizure: Benchmark ruling set by the  
Indiana Supreme Court: Litchfield v. State, 2005 Ind. LEXIS 254;  
"Where [specific] evidence must be presented whether the Officer(s)  
had articulable individualized grounds for suspicion that the -  
Petitioner [at that time] was involved in some form of illegal -  
activity. There was no substantive evidence presented as re:  
Cause No: 92C01-2006-F4-458" (Emphasis - Petitioner)



## STATEMENT OF THE CASE

(Reference: of any/all facts may be obtained @ 2022 Ind. App. LEXIS 422 - Dec. 27, 2022) Marked as Exhibit/Appendix 'A' incorporated - herein. This narrative is taken from Brief of Appellant for brevity.

Evidence in Miller v. State, 92C01-2006-F4-458, was admitted in error. The stop reviewed and analyzed under Terry v. Ohio, 392 US 1 (1968) lacked reasonable suspicion, and said evidence should have been suppressed.

On Memorial Day of 2020, The Petitioner was at a rural residence in Whitley County, IN that had purportedly been the scene of another crime almost six (6) months prior (i.e. January '2020).

Officer(s) were dispatched to [a] supposedly defined "high - crime" residence due to a anonymous call that there was a "disturbance involving loud male and female voices and a loud vehicle." When Officers arrived at the property, the Petitioner along with two (2) other persons (a male and a female) were outside and allegedly near vehicle(s). but there was no loud disturbance or noise. At the time, and as the Petitioner had nothing whatsoever to do with the disturbance as reported. [He] started to walk, not run towards his pick-up truck. The Petitioner made no furtive gestures. Nonetheless, he - complied although not legally required to do so. After conducting a 'pat-down' the Officer(s) claimed to have found paraphernalia on the Petitioner (to wit: a methamphetamine pipe) and methamphetamine. The circumstances of the search which are not distinctive as denoted by the Officer(s) 'dash-cam' were in violation of the 4th Amendment -

of the US Constitution as well as the augmented protections that are guaranteed under the Indiana Const., Art. 1 § 11. The trial court erred in denying the Petitioner's Motion to Suppress (See) Exhibit-Appendix marked 'B-1', as well as the Petitioner's renewed objections raised at his trial. The "fruit of the poisonous tree" doctrine under Wong Sun v. United States, 371 US 471 (1963) applies and said - evidence should have been mandated and ruled inadmissible. As previously stated: the Petitioner's conviction in 92C01-2006-F4-458 should be overturned, the contraband suppressed, and the case remanded for a new trial. The Petitioner sought review by the Ind. Supreme Court based on a procedural default by the Petitioner's trial counsel. Said Motion was granted on 09/19/2024. (See) Record in 22A-CR-1055, and Exhibit/Appendix marked 'D' herein.

After a series of applications for additional evidence, the High Court denied transfer on March 13, 2025. (See) Exhibit/Appendix marked 'H' Pg. 1/1. The Petitioner now seeks this review under [a] constitutional standard under federal question. (Whether or not the state court erred in admitting said evidence and if so, under 'Terry' 392 US 1 (1968) it is mandated that the Petitioner's conviction(s) under IC §§ 35-48-4-6.1(a)/F4 and 35-48-4-8.3(B)(1) be overturned and relief granted in conjunction with the applicable standard as invoked under 'Litchfield' 2005 Ind. LEXIS 254 and Terry Id., as the stop of the Petitioner by Officer(s) did in-fact lack reasonable suspicion, mandating the conviction and sentence in 92C01-2006-F4-458 'null and void'.

## REASON FOR GRANTING THE PETITION

The Petitioner has sought review in the most earnest and honest way. That the State of Indiana's guarantee that issues under Article 1 § 11 (Ind. Const.) are mandatory and cannot be subject to waiver. Review should have been done before this application under their own rules. (See) App. R. 57 (B)(1), (H)(3), & (H)(6) respectively. This Court additionally has elicited that citizens are to be protected against arbitrary and abusive police practices as mandated in this Court's ruling in Brown v. Texas, 99 Supreme Court Reporter @ 2637 (1979).

The Petitioner believes that this is a true case of Constitutional Import and this Court in the interests of fundamental fairness & justice should grant review herein. (See) premise in Furman v. Georgia, 408 US 238, 367 n. 158 (1992); Where: "[i]t is preferable to let ten guilty men go free than to convict one innocent man."