

25 - 5838
No. _____

ORIGINAL

Supreme Court, U.S.
FILED

JAN 28 2025

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

KENNETH KENNEDY SHANNON — PETITIONER
(Your Name)

vs.

UNITED STATES OF AMERICA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEAL For The Fourth Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

KENNETH KENNEDY SHANNON #13632-016

(Your Name)

FCC Williamburg
P.O. BOX 340

(Address)

SALTERS, S.C. 29590

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

- (1) Did Court of Appeal err and overlook petitioner fourth Amendment claim?
- (2) Did Court of Appeal err and overlook petitioner Sixth Amendment claim?
- (3) Did Court of Appeal err and overlook petitioner 404(b) inadmissible evidence (prior transaction) claim that prejudice jury?

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

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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Franks v. Delaware, 438 U.S. 154, 98 S.Ct. 2674	pg 6, 7
57 L.Ed 2d: 667 (1978)	
U.S. v. TATE, 524 F. 3d 449 ; 2008 U.S. App Lexis	pg 6, 7
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29876.	

STATUTES AND RULES

Franks hearing
Fed. R. Evid. 404(b)
Fed. R. Crim. p. 8(a)

21 U.S.C 846
21 U.S.C 841(a)(1)
21 U.S.C 851
21 U.S.C 841(b)(1)(c)
21 U.S.C 841(b)(1)(A)
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OTHER

21 U.S.C 843(b)

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 August 1, 2024; 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☐ is unpublished.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 June 6, 2018; 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☒ is unpublished.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 August 1, 2024.

☐ 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: November 8, 2024, and a copy of the order denying rehearing appears at Appendix C.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including 90 day (date) on April 23, 2025 (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 Rights

Sixth amendment Rights

STATEMENT OF CASE

ON March 12, 2014, Kenneth H. Kennedy Shannon was arrested. On April 9, 2014, "Shannon" was indicted in single-count indictment NO. 2:14-cr-0213, possession with intent to distribute hundred (100) grams of heroin. On August 12, 2014, the government added "Shannon" to an already existing indictment that was returned November 12, 2013, 2:13-cr-0977-Sen. That charged him and seven co-defendants with conspiracy to possess with intent to distribute hundred (100) grams of heroin. On September 10, 2014, government named "Shannon" in second superseding indictment with ten (10) co-conspirators, charging him with seven (7) counts. (Count 1) Conspiracy to possess with intent to distribute one (1) kilogram or more of heroin. 841(a)(1), 841(b)(1)(A), 841(b)(1)(B) and 841(b)(1)(C). 851
(Count 2) Possession with intent to distribute a quantity heroin (March 26, 2010). 841(a), 841(b)(1)(C). 851
(Count 20) Possession with intent to distribute hundred (100) grams or more heroin. (February 28, 2014). 841(a)(1), 841(b)(1)(B). 851
(Counts 32, 39, 40, 47) use a communication to facilitate namely telephone in the commission of a felony. 21 USC 843(b). 851
"Shannon" Jury trial started on July 12, 2016. a Jury returned a guilty verdict against "Shannon" on all counts. "Shannon" was sentence to mandatory life sentence. The Fourth Circuit affirmed the convictions and sentence on appeal (June 6, 2018). Post-conviction motion to vacate pursuant to 28 U.S.C. 2255 denied. (August 1, 2024).

REASONS FOR GRANTING THE PETITION

Petitioner is serving a life sentence for a non-violent drug offense. Petitioner would like this honorable Supreme Court to review violations of his Fourth and Sixth Amendment Constitutional rights that was overlooked by lower courts (Court of Appeal and District Court). During his Suppression hearing and trial. Both the Court of Appeal and District Court overlooked numerous of errors by government in its capacity of obtain a valid Search Warrant. There are numerous of discrepancies that was on display at Suppression hearing on the Search Warrant (DOC. 655). Law enforcement agent admitted to a number of them at Suppression hearing. Police reports show that affiant was not truthful in his affidavit of Search Warrant (exhibit A). Affiant states "officers observe Shannon throw a softball size clear plastic baggie out of the driver side window." North Charleston police report does not support or corroborate affiant affidavit in Search Warrant. (exhibit A) Docket Records (DOC. 635) will show that Shannon counsel file motion for Franks hearing, but Judge never ruled on motion. (Frank v. Delaware, 438 U.S. 154, 98 S.Ct. 2674. Also the date Search Warrant was sign and executed procedure is another discrepancy. (exhibit A) Search Warrant show it was sign on February 28, 2013 and executed on February 28, 2014. Clearly shows a year between sign date and execution date. Under South Carolina legislature Section 17-13-140 (D) states "a warrant issued pursuant to this section must

be executed and return made only within ten (10) days after it is dated." These discrepancies and more show that there was no probable cause and government agents violated defendant fourth Amendment rights. It is important that this honorable court review the record (DOC. 635) shows "Shannon" made the "Substantial Preliminary Showing" under *Franks v. Delaware* 438 U.S. 154, 98 S.Ct. 2674, 54 L.Ed. 2d 667 (1978). Also prior transaction claim was overlooked that took place on (March 26, 2010) before the 2014 conspiracy indictment 2:13-cr-0977. This prior transaction (March 26, 2010) should not have been join into 2014 conspiracy indictment. Government only use videotape from (March 26, 2010) to prejudice the jury. *U.S. v. Hawkins*, 776 F.3d 200; 2009 U.S. App. Lexis 29876, Fed. R. Crim. P. 8(a) "misjoinder affected defendant's substantial rights. It is important that this honorable court to review docket records that will show ineffectiveness of counsel by failing to include prior transaction as part of 404(b) in admissible evidence motion (DOC. 658). While arguing government witness testimony from same year (2010). *U.S. v. Johnson* 617 F.3d 286; 2010 U.S. App. Lexis 17087 "testimony of alleged drug transactions admitted in violation of Fed. R. Evid. 404(b). Evidence was too tenuous and remote as it dealt with alleged drug transaction that took place nearly five years before the charged conspiracy. It did not link defendant to any of his co-defendants. It is also important that this honorable court review all indictments (DOC. 3), (DOC. 28), (DOC. 51) to see "Shannon" was the only defendant indicted for conspiracy to distributed a Kilogram or more of heroin.

under 21 U.S.C. 846 Statute; "Conviction for conspiracy to distribute narcotics requires proof beyond reasonable doubt of three elements: (1) an agreement between two or more persons to engage in conduct that violates a Federal drug law. So if no other co-defendant was ever indicted for a kilogram or more. So how can one person be guilty of conspiracy of kilograms or more! Government Witness was only indicted for hundred (100) grams of heroin and testify under oath that he pled to hundred (100) gram on record. Its very important that this honorable Court all these and more discrepancies, because "Shannon" is serving a life sentence.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Kenneth R. Shaaron

Date: 6-26-2025