

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

JAIME TRAVERSO

(Your Name) — PETITIONER

vs.

STATE OF MARYLAND

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

COURT OF APPEALS OF MARYLAND

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

JAIME TRAVERSO, #200453/1155479

(Your Name)

ECI-30420 Revells Neck Road

(Address)

Westover, Maryland 21890

(City, State, Zip Code)

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(Phone Number)

QUESTION(S) PRESENTED

DID THE MARYLAND COURT ABUSED ITS DISCRETION BY REFUSING TO REOPEN THE LAW OF THE CASE ESTABLISHED BY THE TESTIMONY OF A CONVICTED PERJURER, WITHHELD FROM THE DEFENSE AND TO REVIEW THE CONSTITUTIONAL FULL FAITH & CREDIT CLAUSE?

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:

Attorney General of Maryland

TABLE OF AUTHORITIES CITED

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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☐ is unpublished.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☐ is unpublished.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 C 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☒ is unpublished.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 of Special Appeals of Maryland 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☒ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

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 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 8/31/18.
A copy of that decision appears at Appendix C.

☐ 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

Article IV, Section 1, Full Faith & Credit Clause

Doctrine of Stare Decisis

Law of the Case Doctrine

Constitutional Due Process Clause

STATEMENT OF THE CASE

Petitioner was first tried and convicted of first degree murder in the Circuit Court for Loudoun County, Virginia in Commonwealth of Virginia v. Jaime Traverso, No. C-4871. Under appeal, the Court of Appeals of Virginia in Traverso v. Commonwealth, Record No. 0953-86-4 (366 S.E.2d 719 (1988)), reversed and the Mandate ordered dismissal of the indictment. Thereafter, the Attorney General of Virginia filed a Petition for Rehearing on April 19, 1988 (App. D). While the appeal was pending, William Burch, Commonwealth Attorney for Loudoun County, Virginia began searching for a new way to have Petitioner prosecuted in any jurisdiction. He contacted prosecutors in Frederick County, Maryland whom decided that there was no evidence to indicate the murder occurred in their county and declined to take and prosecute. Mr. Burch then turned to the U.S. Attorney's Office in Alexandria, Virginia, but federal prosecutors also declined to prosecute. He then turned to prosecutors in Prince George's County, Maryland, as a last resort by contacting Mr. Bonsib, Assistant State's Attorney for Prince George's County, Maryland and after a meeting, Mr. Burch agreed to provide Prince George's County, Maryland prosecutors with copies of all his records (App. E).

Detective Hatfield of the Prince George's County Police, Maryland and Investigator Sheldon of the Loudoun County Sheriff, Virginia, went out and found a dirt road beside Bolling Air Force Base in Washington, DC as described to them by the jailhouse witness, Dexter Drake Coffin, III, during an interview, alleging that this was the situs of the crime. It was then determined by Maryland prosecutors to present such evidence and testimony before the Grand Jury sitting in Prince George's County, Maryland to gain an indictment..

The Court of Appeals of Virginia on 19 July 1989, issued a new decision upon rehearing ordering the Mandate issued on April 5, 1988 be amended. Accordingly, said Mandate is

vacated, reversing the case for a new trial (App. F). Unfortunately, there was no new trial in Virginia because the Commonwealth Attorney for Loudoun County, Virginia had successfully extradited Petitioner to Maryland to face the same charge.

At the second trial in the Circuit Court for Prince George's County, Maryland, in State of Maryland v. Jaime Traverso, Case No. CT-88-1623X, the prosecution presented the testimony of two jailhouse witnesses, Mr. Dexter Drake Coffin, III and Thomas Kirk Doyle to testify against Petitioner. Mr. Coffin's testimony helped the prosecution secure a conviction and his testimony provided jurisdiction of the trial court as well as the occurrence of the murder in Maryland.

Prior to concluding the trial, the trial judge reflected some doubt as to Petitioner's guilt. As both the trial judge and the prosecutor noted during closing arguments, "this is a classic circumstantial evidence case. There was no evidence tying Mr. Traverso to the murder of his wife." After these remarks, the prosecutor aptly recognized that "in the end, the court will have to determine the credibility of the witnesses and what version the Court wants to accept." As to the credibility of the jailhouse witnesses that provided the confession, the prosecutor noted that "there was no testimony regarding any deals," although she did note that "there may have been a suspicion that the witnesses harbored a subjective belief that they would receive a deal for their testimony. (App. G).

Thereafter, Petitioner was sentenced to Natural Life. He filed an appeal with the Court of Special Appeals of Maryland alleging the lack of jurisdiction of Maryland and the lack of evidence for the conviction. Thus, in Traverso v. State, 83 Md.App. 389, 574 A.2d 923, cert. denied, 320 Md. 801, 580 A.2d 219 (1990), the appellate court affirmed the judgment of the trial court.

On January 17, 2017, after uncovering new evidence withheld by the prosecution, Petitioner filed a Motion to

Correct an Illegal Conviction and Illegal Sentence due to Fraud, Mistake or Irregularity, alleging that the new discovered evidence negates his guilt because the State violated his due process rights by failing to disclose the following:

1. The deal given to all jailhouse witnesses; see Coffin, III v. Murray, 983 F.2d 1992 (4th Cir. 1992);

2. Mr. Coffin's conviction for perjury in the 1970's in the State of Florida and his true and accurate criminal records;

3. Mr. Coffin's psychitric history showing motive, and his long history of testifying falsely against other criminal defendants in exchange for sentencing leniency; see (App. H).

4. The letter written by Maryland and Virginia prosecutors to the Virginia Parole Board requesting expedited parole release for Mr. Coffin which was granted some 20 days after testifying against Petitioner (App. I).

5. The letter written by Maryland and Virginia prosecutors to the Governor of Virginia requesting the granting of extraordinary service credits for their cooperation with Maryland authorities in obtaining a conviction against Petitioner.

All of the above were never disclosed to the defense under the Supreme Court ruling in Brady v. Maryland which tended to negate guilt and would have proven motive by the jailhouse witnesses to obtain their freedom from incarceration which they received.

Petitioner had uncovered new evidence showing that the prosecution lied to the trial court concerning any deals given to the jailhouse witnesses in exchange for their testimony as revealed in Coffin, III v. Murray, 983 F.2d 563 (4th Cir. 1992), where the Fourth Circuit recognized that "in return for their cooperation with Maryland authorities, Mr. Dexter Drake Coffin, Mr. Thomas kirk Doyle, and Mr. Thomas Lee Jones, received from the Virginia Board of Corrections, with the consent of the Governor ... a 36-month extraordinary service

credits." Id. at 565.

In his Motion to Correct an Illegal Conviction and Sentence, Petitioner alleged that he was unlawfully and unconstitutionally confined in the State of Maryland in violation of Article IV, Section 1 of the Full Faith and Credit Clause of the U.S. Constitution and the Doctrine of Stare Decisis, because the Maryland Courts had disregarded and failed to recognize the decision from the Court of Appeals of Virginia and that jurisdiction was obtained due to fraud by the prosecution of Maryland and Virginia.

Another ground raised by Petitioner was that he was unlawfully and unconstitutionally restrained of his liberty and wrongfully convicted due to fraud because the State of Maryland lacked jurisdiction and Prince George's County lacked proper venue to try him. This ground was based on the fact that during the trial, the jailhouse witness testified that Petitioner had confessed to him that he went down a dirt road beside or near the Bolling Air Force Base in Anacostia, Washington, DC and strangled his wife; but when asked how he knew of this dirt road, the witness stated that he had been around that area many times because his brother lived close by. Unfortunately, the prosecutor viewed this as a part of Prince George's County, Maryland and not Washington, DC, although no independent corroboration was presented before the trial court on this matter.

The trial court granted a hearing which was held on April 14, 2017 at which time Petitioner represented himself pro-se because he was unable to obtain representation from the Public Defender of Maryland and lacked funds to retain counsel.

During the hearing, the prosecution handed Petitioner a copy of it's response to the filed motion and argued that all the grounds raised in the motion were previously raised and decided, without providing any evidence to the trial court. The prosecution never raised nor argued the law of the case doctrine before the trial court and at the conclusion of the hearing, the Court denied relief. (See App. B).

In spite of the fact that Petitioner had presented overwhelming evidence showing that the State withheld material evidence from the defense tending to negate guilt, the trial court disregarded all the evidence submitted by Petitioner.

A timely Notice of Appeal was filed with the Court of Special Appeals of Maryland and after Petitioner filed his appellate brief's, the Attorney General of Maryland filed his response raising for the first time the law of the case doctrine and arguing that the State lacked knowledge of Mr. Coffin's conviction for perjury (App. J)..

The Court of Special Appeals of Maryland sided with the State and denied relief. (See App.A).

Petitioner filed a timely Petition for Writ of Certiorari with the Court of Appeals of Maryland arguing that the State should have never been allowed to raise nor argue the law of the case doctrine because this issue was never raised nor decided in the trial court. Petitioner argued that he met the burden required and established by the Court of Appeals of Maryland and by the Supreme Court of the United States establishing when the law of the case doctrine can be reopened because the original decision was clearly erroneous and adherence to it would work a manifest injustice because Petitioner has been unconstitutionally and wrongfully convicted in the State of Maryland.

Petitioner further argued that he had presented overwhelming evidence in support of his argument and merited the appellate court reopening the law of the case doctrine which had been established by the testimony of a jailhouse witness whom the State had withheld material evidence in violation of Petitioner's due process rights.

REASONS FOR GRANTING THE PETITION

The Court of Appeals of Maryland abused its discretion when it failed to grant certiorari and review the law of the case doctrine and the fact that the original decision from the Court of Special Appeals of Maryland was clearly erroneous and caused a manifest injustice to Petitioner.

The law of the case doctrine does not apply to Petitioner's case primarily because the earlier appellate decision in Traverso v. State, 83 Md.App. 385, cert. denied, 320 Md. 801 (1990) addressed the jurisdiction of the trial court based on the testimony of a jailhouse witness who helped the prosecution prove jurisdiction in exchange for a deal, not disclosed to the defense, see Coffin, III v. Murray, 983 F.2d 563 (4th Cir. 1992), his conviction for perjury; which this Court in United States v. Wells, 519 U.S. 482 (1997) determined that materiality of falsehood-meaning having a natural tendency to influence, or being capable of influencing the decision of the decisionmaking body to which it was addressed. In addition to all of this, Mr. Coffin has a lengthy psychiatric history as well as a lengthy criminal history never disclosed to the defense, prior, during or after the trial of Petitioner that could have been used to disqualify Mr. Coffin from testifying; thus, the manifest injustice arose from the State's withholding material evidence from the defense while allowing a wrongful conviction to go without intervention and the truth.

In fact, the Court of Appeals of Maryland in Baltimore City v. FOP, 449 Md. 713 (2015) held that "Courts have identified three set of circumstances in which the law of the case doctrine is not applied: (1) the evidence in a subsequent trial is substantially different from what was before the Court in the initial appeal; (2) a controlling authority has made a contrary decision in the interim on the law applicable to the particular issue; (3) the original decision was clearly erroneous and adherence to it would work a manifest injustice. See also, Garner v. Archers Glen Partners, Inc., 405 Md. 43, 949 A.2d 639 (2008).

The Fourth Circuit Court of Federal Appeals has also established that according to the law of the case doctrine, earlier decisions of a court become the law of the case and must be followed unless (3) the prior decision was clearly erroneous and would work manifest injustice. Am. Canoe, 326 F.3d at 515 (quoting Sejman v. Warner-Lambert Co., Inc., 845 F.2d 66, 69 (4th Cir. 1988). Under 4 Corpus Juris §3088, p. 1106 as a general rule the doctrine of the law of the case applies to all questions of law identical with those on the prior appela, and on the same facts, and to such questions only. And under 2A FED. PROC. L. ED. §3:793, p. 542, the doctrine applies to determinations only of questions of law and not questions of fact.

This Court in Agostini v. Felton, 521 U.S. 203, 236 (1997) noted that the law of the case doctrine, a court should not reopen issues decided in earlier states of the same litigation. In the absence of evidence that those rulings were clegrly erroneous or would work a manifest injustice. Id. as cited in Pavlock v. Golden Inv. Acquisitions, LLC, 2017 U.S. Dist. LEXIS 11630 (2017).

Petitioner is complaining here that the Court of Appeals of maryland abused its discretion when it failed and disregarded to grant certiorari to review the law of the case doctrine and its applicability to Petitioner's conviction by reviewing the overwhelming evidence presented, withheld by the prosecution during the trial of Petitioner that produced a manifest injustice and which appellate ruling was clearly erroneous because of the withholding by the prosecution of material evidence in violation of Petitioner's due process rights under this Court's holding in Brady v. Maryland.

It is further submitted that with respect to the third circumstance or exception to the law of the case doctrine, Petitioner submits that he lacked any knowledge as to Mr. Coffin's conviction for perjury, the deal he received after his testimony, his long psychiatric history and his long criminal history, all withheld by the prosecution; thus, had

the prosecution disclosed all of the above, there's no doubt that Mr. Coffin would have not been allowed to testify and the decision of the Court of Special Appeals of Maryland would have never been decided and made the law of the case doctrine. It is further submitted that had the undisclosed evidence been given to Petitioner, he would not have been suffering from a manifest injustice. Accordingly, this exception apply to the law ofm the case doctrine which was not applied to Petitioner's case and merits reopening.

This Court in Durfee v. Duke, 375 U.S. 106 (1963) held that the United States Constitution requires that Full faith and Credit shall be given in each State to the ... judicial Proceedings of every other state. Thus full faith and credit generally requires every state to give to a judgment at least the res judicata effect which the judgment would be accorded in the State which rendered it. By the Constitutional provision for full faith and credit, the local doctrine of res judicata, speaking generally, become a part of national jurisprudence, and therefore federal questions cognizable here. See also Riley v. New York Trust Co., 315 U.S. 343, 349.

This Court went to further hold that a judgment is entitled to full faith and credit even as to questions of jurisdiction when the second court's inquiry discloses that those questions have been fully and fairly litiugated and finally decided in the court which rendered the original judgment.

The issue of jurisdiction although previously litigated in the trial court, the newly discovered evidence which was withheld by the prosecution in this case, is enough to challenge this issue by reopening the question, at which time any court, after a complete review and application of the new evidence presented by Petitioner, would disallow jurisdiction to the State of Maryland and all its courts from having a trial against this Petitioner.

What is found in this case, is the failure of the maryland appellate courts in entertaining the full faith and

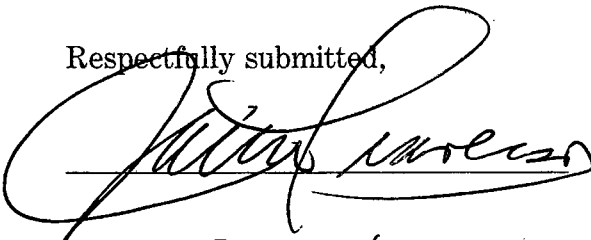
credit clause of the U.S. Constitution as invoked and raised by Petitioner on his motion in the trial court. This Court will find that not one word with reference to this constitutional provision was stated or reviewed by any of the Maryland appellate courts.

In fact, not even by the trial court who also disregarded this important aspect of the U.S. Constitution and failed to safeguard Petitioner's constitutional rights, including the application of the Doctrine of Stare Decisis which was also invoked by Petitioner. No word of any of these doctrines; thus, the conviction continues to be an erroneous and manifest injustice that can only be cured by this Court.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter J. Caruso", written over a horizontal line.

Date: 9-24-18