

No. 18-7063

In The
Supreme Court of the United States

IN RE CHARLES A. DREAD,

Petitioner,

vs.

MARYLAND STATE POLICE,

Respondent.

**On Petition For An Extraordinary
Writ Of Habeas Corpus To The Circuit
Court For Baltimore County,
Third Judicial Circuit For Maryland**

PETITION FOR REHEARING

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PETITION FOR REHEARING

Charles A. Dread, Petitioner, Pro Se, pursuant to the Supreme Court Rule 17 and Rule 44 including Maryland Rule 2-501.1, and Title VII of the Civil Rights Act of 1964, as Amended; files this Petition, on the Grounds that there is Absolutely NO Genuine Dispute as to any Material Fact, in filing a Petition for Rehearing, under Article 111 of the United States Constitution, invoking the Courts ORIGINAL JURISDICTION, of which, Petitioner is entitled to a Judgement in his favor as a Matter of Law because:

1. Petitioner Appeals the Final Decision and Order of the Superintendent of the Maryland State Police in the Agency proceeding, *Maryland State Police v. Charles A. Dread*, IAU Case No. U-31-00037 dated April 25, 1991.

2. The Decision and Order of the Superintendent of the Maryland State Police affirms a Recommended Decision of the Maryland State Police Administrative Trial Board Hearing. The Trial Board found Petitioner guilty of various Disciplinary Rules in Violation of Chapter 5 of the Administrative Manual. The Penalty imposed for the alleged violations is dismissal from employment.

3. The Decision of the Superintendent of the Maryland State Police is Arbitrary and Capricious because it is not supported by substantial Evidence on the Record.

4. The Hearing before the Administrative Trial Board was conducted in the Violation of Petitioner's Due Process Rights, in that, the Trial Board considered Improperly, Irrelevant and Inconclusive Evidence based on a Subjective Belief.

5. The Decision of the Superintendent of the Maryland State Police substantially Prejudices Petitioner and for other Reasons to be Assigned at the Hearing on this Appeal.

6. **WHEREFORE**, Petitioner respectfully requests that the Decision and Order of the Superintendent of the Maryland State Police, Dated April 25, 1991, be reversed.

7. **WHEREWITH**, Petitioner respectfully requests Appropriate Relief.

MEMORANDUM

Charles A. Dread, Petitioner, Pro Se, submits this Memorandum, under The Supreme Court Rule 17, and Title 42 United States Code, section 1983 (Intentional Racial Discrimination), to provide Exceptional Circumstances, in support of his Petition for Rehearing, Petitioner States as follows:¹

¹ Pursuant to MD Rule 7-207, the Exhibits listed in Petitioner's Memoranda are references to the Record Extract (separate volume) containing the official reports.

STATEMENT OF FACTS

The Time Line (Joint Exhibit) exposes Inconsistencies with Exhibits that were Intentionally Overlooked, reveals Questions of Fact concerning the Unsubstantiated Allegations which Eventuated to the Administrative Trial Board's Dismissal from Employment, that was Executed and Finalized by the Superintendent of the Maryland State Police, Dated April 25, 1991. See, (Exhibits #2b, 1 thru 6)

ARGUMENT

On November 1, 1988 at approximately 0708 hours (off duty/night shift), Petitioner was leaving the College Park Barrack taking the Inner loop (to residence) from northbound U.S. route I (Baltimore Avenue) and arriving to the Area North of Maryland route 201 (Kenilworth Avenue) at approximately 0710 hours.

I, Petitioner, noticed at this time the Beltway becoming Congested. As I became Curious, I Observed a gap in Traffic ahead, which had slowed down to a Minimum Speed (approximately 5 mph), so I immediately went to Investigate, turning on the Overheads (Lights without Siren) and taking the Left Shoulder for Immediate Access.

Upon approaching the Scene, I immediately contacted the Barrack at 0712 hours to inform the Police Communication Officer (PCO) of a Multi-Vehicle Accident on Southbound 1-95 at Maryland Route 193

(Greenbelt Road) Greenbelt, Prince George's County, Maryland. I blocked off Southbound 1-95 approximately thirty (30) yards North of Maryland Route 193 (Greenbelt Road), stopping all lanes from moving into the Immediate Area in case Emergency Medical Services (EMS) were needed.

I Contacted the Victims of the Accident, and found out that No One was claiming to be injured. I notified the Barrack at 0720 hours to advise the PCO of Property Damage Only and to Request Tow Service (10-51) for a Gold Colored Dodge (Omni). The PCO advised that two (2) Troopers are in route to Investigate. I Acknowledge the Report.

Again, I immediately contacted the Owners of each Vehicle to Assist with the Removal of their Vehicles off the Roadway, to Prevent any further Congestion, as soon as possible. Shortly thereafter, Trooper Sroka (Q-25) arrived, parking on the left shoulder (due to no shoulder area on the right) approximately thirty yards south of Maryland Route 193 to Conduct the Accident Investigation. See, (Exhibit #3b & c)

As I was holding Traffic and assisting Persons who could apparently move their Vehicles to where Trooper Sroka was Conducting the Investigation, the Operator of the Gold colored Dodge (Mrs. Dwyer) asked to have a seat in my Maryland State Police (MSP) Unit Q-28. In Consideration of her Age and Humble Character combining the Inclement Weather and the Distance of the Investigation Sight, I permitted (to do so).

I walked over to the Driver side to get in and unlocked the Passenger door, so Mrs. Dwyer could out of the rain. I had Reports on the front Seat, so I commenced to Move them in the Back. Mrs. Dwyer assisted in moving Papers on the End (near door) of the Front Seat before Entering or taking Her Seat. Mrs. Dwyer never mentioned a gun, the fact being that there was No Gun there.

Mrs. Dwyer stated: "I asked him did he mind if I sat in his car because I was getting wet. I did not have an umbrella and he said yes. So he took me across to the opposite side of the road (North of Maryland route 193) and he got in his side of the car, the other, the passenger side front and back was locked. He slid over, unlocked the car door. I got ready to get in and there were so many papers, there was papers on the passenger seat. He commenced to move them in the back—I helped him and I got in." (See, Exhibit #6a, page 1)

The above report is inconsistent with the complaint filed against the Petitioner by Sargent McKeon, who gave a brief description of the allegation that stated: "Complainant reported that upon being seated she pointed out to the Trooper (Dread) that a gun was located between the patrol vehicle's seat and door frame. According to Mrs. Dwyer the trooper told her to put the weapon in her bag, as he (Dread) didn't want to do the paperwork." (See, Exhibit #5a)

The complaint is also inconsistent with my character which is described by Mrs. Dwyer. "He was tall, he was the first gentlemen on the scene, the first

trooper on the scene. He was tall, black, light skinned, probably six foot. I think he had a mustache. I think he had a little mustache, well mannered, very polite. That's all I remember about him." (See, Exhibit #6a, page 1)

At approximately 0730 hours, the tow service had arrived, which time I directed him to vehicle (Mrs. Dwyer) previously Identified.

The Tow Service could not pick up vehicle from the front, so he turned around on the beltway to lift the wrecked vehicle from the rear. At which time, I observed Trooper Paolucci (Q-36) arriving on the Scene approximately five (5) minutes after the Tow Service. (See, Exhibit #3b)

After the removal of her vehicle from the roadway, I opened all lanes of Traffic, pulling over to the left shoulder in front of Trooper Sroka (Q-25) at approximately 0745 hours. I advised Mrs. Dwyer to remain in the MSP Unit Q-28 until Contact was made with an Investigator. I exited the Unit at that time and approached Trooper Sroka's Unit (Second vehicle) to inquire about the Investigation of Mrs. Dwyer's Vehicle. Trooper Sroka advised that Trooper Paolucci were Investigating her vehicle. (See, Exhibit #4a & c)

As I began to approach Trooper Paolucci's Unit (Third Vehicle), I instinctively looked back and noticed Mrs. Dwyer moving around in the MSP Unit Q-28 but, continued on. I approached Trooper Paolucci and inquired, "Where do you want Mrs. Dwyer to sit?" He responded, "Put her in the Back Seat." I went back to my

Police Unit on the Passenger's side Considering her Age and to Ensure her Safety back the other MSP Unit (Q-36), since the Beltway's Rush Hour Traffic was in Progress, on the Passenger's Side.

Upon Opening the door, a Gun fell unto the door frame. I immediately picked up the Weapon and asked Mrs. Dwyer, who does this (Gun) belongs to? Mrs. Dwyer responded, "It's not mine, I never saw that gun, I am afraid of guns." I stated, "It's not mine." Mrs. Dwyer again denied having any knowledge of ever seeing the Weapon (before incident). I recovered (taking away) the Gun to the Area in back of the MSP Unit (Front of Unit Q-25) near Median Wall/barrier to Clear found Weapon (No Ammunition, No Magazine). At which Time, *I Motioned for Trooper Paolucci to Contact Me*, we met at the rear of Trooper's Sroka's MSP Unit Q-25 in front of Q-36 near the Median Wall/barrier. I advised him of the Incident that had just occurred, turning over the Weapon. (See, Exhibit #4b & d)

Trooper Paolucci took the Weapon back up to MSP Unit (Q-28) as I accompanied him, entering my Unit on the Driver Side, as Trooper Paolucci approached Mrs. Dwyer from the Passenger side, immediately telling her to put this (gun) back in her bag. I, Petitioner, stated, *"I wouldn't want to do the Paper work either."* Thinking that he (Paolucci) was attempting to get Mrs. Dwyer to own up to the gun. Again, Mrs. Dwyer refused to acknowledge ownership of the Gun. (See, Exhibit #3a)

Trooper Paolucci went to Consult with Trooper Sroka in reference to Incident, as I remained in the Unit with Mrs. Dwyer, as requested by Trooper Paolucci. (See, Exhibit #4d) After a Few minutes had passed, I exited to Join the discussion to hear what was being Said. On my Arrival, to Area of Discussion, everything appeared to be over and they Decided to put the Weapon on Property Held. I advised them that there Should be an Arrest. Trooper Paolucci said that he wanted to check her Vehicle, for a Magazine & Ammunition.

I Requested for the Weapon, to Notify the Barrack of found Property and to have the Police Communication Operator (PCO) Enter the Weapon's Serial Number into the Computer. I used Trooper Sroka's Unit, since the other two (2) were occupied (Trooper Sroka's Unit was vacant) calling in the found Weapon at 0803 hours. Again, turning over the Weapon to (Trooper Paolucci), the Investigator. (See, Exhibit #3b)

All Troopers observed the Weapon at this Time. Trooper Sroka stated; *"I was approached by Troopers Dread and Paolucci who were Investigating a Second Accident at the same location."* Trooper Sroka also stated, *"At this point, Mrs. Dwyer became visibly upset stating, 'that is not my gun'."* (See, Exhibit #3c)

This Expression Identifies the Weapon being in the Presence of all three (3) Troopers on the Scene while (she) Mrs. Dwyer was sitting inside MSP Unit Q-28. It also identifies the Fact that the weapon was not left in the MSP Unit Q-28 at any time.

Again, after agreeing with the Investigator and Calling the found Property into the BARRACK (turning over the weapon), the Investigator (Trooper Paolucci), returned to MSP Unit Q-28 to take Mrs. Dwyer (victim) back to (his) MSP Unit Q-36, calling her License Number into the Barrack at 0807 hours. (See, Exhibit #3b, Time-Line)

The Petitioner returned to MSP Unit Q-28 to write down a report of the incident, leaving the scene at approximately 0815 hours, notifying the College Park Barrack of changing to Forestville's channel 4 at 0826 hours. (See, Exhibit #3b)

Petitioner has sought to appeal a final decision of the employer that has terminated his employment; and his diligence, in an effort to perfect the appeal, should not preclude him a hearing on the merits of his claims.

CONCLUSION

WHEREFORE, Petitioner respectfully requests the Honorable Court to review the Unsubstantiated Allegations in Compliance to the Rule of Law.

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CERTIFICATE OF PETITIONER

Pursuant to Rule 44.2, Petitioner certifies that the Petition is restricted to the grounds specified in the Rule with substantial grounds not previously presented. Petitioner certifies that this Petition is presented in good faith and not for delay.

CHARLES A. DREAD