

No. 2165

ORIGINAL

Supreme Court, U.S.
FILED
MAR 26 2019
OFFICE OF THE CLERK

VS.

(Phone Number)

QUESTION(S) PRESENTED

I.) AN ERRONEOUS INSTRUCTION ON FORCE WAS GIVEN TO THE JURY...

A.) "There was no evidence, whatsoever, of false and fraudulent representations amounting substantially to a fraudulent coercion of the will".....

B.) An instruction on such an irrelevant topic was likely to be confusing and misleading to the jury.....

II.) THE EVIDENCE WAS INSUFFICIENT TO SUSTAIN THE TWO CONVICTIONS FOR FALSE IMPRISONMENT.....

III.) AN IMPERMISSIBLE CONSIDERATION WAS USED BY THE COURT AT SENTENCING.....

ALL THE ISSUES ABOVE WAS PRESENTED ON DIRECT APPEAL IN THE COURT OF SPECIAL APPEALS OF MARYLAND. RE: CASE NO. 2165
SEPTEMBER TERM. 2017

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:

IN THE
COURT OF THE UNITED STATES, Supreme Court

JOHN BOWLING # 458-180
VS

United STATES, STATE OF MARYLAND

Writ of CERTIORARI from Court of Appeals
of Maryland.

JURISDICTION :

JOHN BOWLING v. STATE OF MARYLAND, "Court of Appeals"
Sept. Term. 2018 Petition Docket NO: 409

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TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

BARNES v. State, 31 Md. App. 25, 354 A.2d 499 (1976)	
Burks v. United States, 437 U.S. 1, 98 S.Ct. 2141, 57 L.Ed.2d 1 (1978)	
GARFINKLE v. BARNES, 232 Md. 402, 194 A2d 91 (1963)	
JACKSON v. VIRGINIA, 443 U.S. 307, 99 S.Ct. 2281, 61 L.Ed.2d 560 (1972)	
JONES v. State, 414 Md. 686, 997 A2d 131, 135 (2010)	
SHARP v. State, 446 Md. 669, 133 A3d 1089 (2016)	
TRIMMELL v. State, 287 Md. 695, 415 A2d 830 (1980)	
WATKINS v. State, 59 Md. App. 205, 428 A2d 326 (1984)	
WINTROBE v. HART, 178 Md. 289, 13 A2d 365 (1940)	

STATUTES AND RULES

MARYLAND LAW ENCYCLOPEDIA, § 281	
MPJI-CR 4:13	
FED. RULES PROCEDURE	

OTHER

AFFIDAVITS pursuant to 28 U.S.C. § 1746	
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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 _____ to the petition and is

- ☐ reported at Court of Appeals of Maryland; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the Court of Special Appeals of MD 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 _____.

☐ 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 JAN 2019.
A copy of that decision appears at Appendix A.

☐ 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 2019 (date) on 2019 (date) in Application No. 409 A ____.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- 1.) United STATE CONSTITUTION'S Violations of my;
 - A.) Amendment II; Grand jury, Double jeopardy, self-incrimination
Due process...
 - B.) Amendment VI; Criminal prosecutions, jury trial, Right to Confront and to counsel...
 - C.) Amendment VIII; Excess BAIL or Fines, Cruel and Unusual Punishment...
 - D.) Amendment XIV; Privileges and Immunities, Due process, Equal protection, Apportionment of representatives, etc...

- 1.) MD. Rule § 8-131
- 2.) MD. Rule § 4-324
- 3.) MD. Rule § 4-325
- 4.) MD. Rule § 4-342
- 5.) MD. Rule § 4-252-263

I.) Maryland STATE BAR ASS'N = M P J I

II.) Maryland STATE BAR ASS'N = MD. CRIMINAL PATTERN

STATEMENT OF THE CASE

By charging document filed in the Circuit Court for Baltimore City, the State charged Appellant, JOHN Bowling with car theft and kidnapping. After a trial held on September 11, 12, and 13, 2017 the Honorable Judge Jennifer B. Schiffer, presiding a jury convicted Mr. Bowling of car theft, Two counts of false Imprisonment, and Two counts of reckless endangerment. On December 22, 2017, the court imposed consecutive sentences totaling seventy-three years, with all but thirty-one years suspended, and five years probation upon release...

The petitioner Appealed and was Affirmed by Both the Court of Special Appeals as well as the Court of APPEALS for the State of Maryland.

REASONS FOR GRANTING THE PETITION

Because Maryland State courts has had the case before it and has failed to apply the Constitutional requirement of our Amendments that were violated and by doing so violates the laws given to the states. Based on the United States Constitutions And it's violations Maryland laws and Rules of procedure are violated by not following what our forefathers have developed many years ago...

That the state of Maryland has overlooked the Constitutional violations by allowing the state to make a single issue into a multitude of issues that in it's simple form has failed, the lack of intent to even change kidnapping and to allow

The state to throw a multitude of charges up against a wall and hope some will stick has abused the rights to a fair trial and judicial process.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

① John Bowling 458-180
JOHN BOWLING # 458180
Date: ¹¹ March 2019