18-9028

IN THE SUPREME COURT OF THE UNITED STATES

LOCHILD REED

PETITIONER.

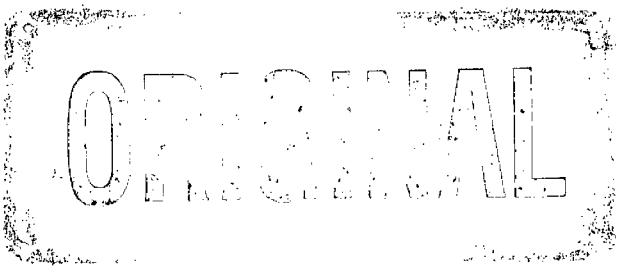
V.

JAMES FLOOD JR.

ACTING WARDEN OF MCIJ:

AN THE ATTORNEY GENERAL

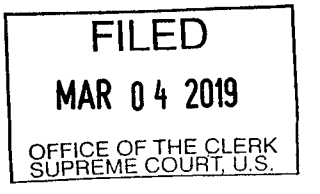
OF MARYLAND. RESPONDENTS



ON PETITION FOR A WRIT OF CERTIORARI,

FROM THE UNITED STATES COURT OF THE FOURTH CIRCUIT.

PETITION FOR WRIT OF CERTIORARI.



LOCHILD REED

MCIJ:

7803. MARYLAND HOUSE OF CORRECTION ROAD.

JESSUP, MARYLAND,20794-054949.

This Petition is 22, pages.

QUESTIONS OF THE SUPREME COURT OF THE UNITE STATES PRESENTED.

1. Did the District Court err by not granting an evidentiary hearing to address Seventeen (17) Constitutional Violations of gross structural errors? 2. Did the Fourth Circuit Court err by not granting certificate of appealability After evaluating the issuses in defendent petition that show merit enough to hold A evidentiary hearing. 3. Did the State Court fact finding procedure adquately Provide a full and fair hearing? T.T. Nov,8,1996. pg. 157, at 7. statements By officer Sulivan concerning another crime sceen witness. 4. Did the prosecutor, Commit a Brady Violation concerning DNA Blood testing evidence? T.T. Nov,13,1997. Pg. 11, at 4-21. 5. Did the prosecutor commit a Brady Violation by withholding a Witness statements at trial that was favorable to the defendant case? Andre Robinson Statements speaking about another suspect that commited the crime. T.T. Nov,8,1996. Pg,157, at 7. 6. Is trial counsel constitutionally ineffective by not objecting To the statements of the trial judge instructions to the jury concerning the, Mind state of intent? see. Brown v. Keane 355,F.3d.82,87. 2d. Cir.2004. 7. Is the issuses of errors in this case structural or plain error by the Cronic Standard, US. v. Cronic 466, US.645. 1984. 8. Is the State denial of petitioner Second post status a right of entitlement or due process failure by the States Post Conviction Act of 1995. see. Gardner v. US. 680 F.3d.1006. 7th.Cir.2013. US. Fed. Appx. 159. 2017. General Assembly of Maryland Article 27-645-A. (a)-2-1-(a) 11. FN7-FN8. 9. Was the trial judge in err by not declaring the trial, Void because of two felones being on the jury during deiveration. see. evidentiary Hearing, see. T.T. Jan,28,1997.pg.8. lines 4-8. 10. IS trial judge in err to aquit On two lesser counts and allowed the jury to deliverate on only the count Of First Degree Murder. see. MD. Rule - 758 (a). Sherman v. State.288,MD.638.1980.

Protection Clause and the State of Maryland enactment of the amended post Conviction Procedure Act of 1995, allowed a defendant two full post conviction By State Rule Article 27 § 645-A (a)-(2) that a person may not file more than 2-Petitions for relief under this subtitle and the enactment of the amended Post Conviction Procedure Act of 1995, was not to be applied retroactively To those who were convicted prior to Oct,1,1995.see; State v. Marvin Williamson 408,MD.269,A.2d.300,2009. Grayson v. State 354,MD.1,728,A.2d.1280,1999.Amended By Ch.258. Acts of 1995. Oct,1,1995. see.408.MD.257.Section 2.

I. History of Case.

On Nov,14,1996. a jury in the Circuit Court of Batimore City found ReeD guilty Of First Degree Murder and carrying a concealed weapon. On Feb.11,1997. Reed, Was Sentenced to Life Imprisonment on the First Degree Murder Charge, with a Consecutive Three yrs. on the weapon offense. On Dec,17,1997. The Court Of Special Appeals of Maryland affirmed, Reeds conviction and sentence to issued The Mandate on Jan,16,1998. Reed did not pursue further reviwe,consequently, Reed judgment of conviction became final for the purpose of direct appeal on Feb,2,1998. Because of Reeds Attorney imforming him to not file a writ of, Certiorari to this appeal and to use this issue on post,that it was normal Procedure. see, MD. Rule 8-302. On Feb,12,2003. Reed filed a petition for, Post Conviction Relief in the Circuit Court of Baltimore City, which was Denied on Oct,14,2004. Reed filed an application for leave to appeal. the, Court of Special Appeals denied it and issued the mandate on June,9,2005. On June,27,2006. Reed filed his first motion to reopen post conviction proceedings The Circuit Court of Baltimore City denied that motion on Aug,30,2006. However, Reed could not file for leave to appeal because he was placed in MCAC.Supermax Without any personal property including his legal transcripts and court papers

see.Lochild ReeD v. Secretary of Public Safety. Circuit Court of Baltimore City Case No. 24-C-08-000547. Reed was found not guilty in all investigations by the State. yet Reed lost his time of appealing rights due to no fault of his own and This consequently creates the time barr for the State and hinders Reed procedure Action to file and became final Sept,29,2006. On Oct, 26,2009. ReeD filed his Second motion to reopen post conviction proceedings, that was denied Aug,4,2010. In the Circuit Court of Baltimore City. ReeD did not seek appeal and the ruling, Became final Sept,3,2010. On Jan,21,2011. ReeD fied his third motion for Reopen, Post Conviction Proceedings, which was denied on May,25,2011. ReeD Application For leave to Appeal was denied by the Court of Special Appeals, with the mandate Issue on Aug,31,2012. ReeD filed his fourth motion to reopen post conviction, Proceedings on May,6,2015. and was denied on Juy,1,2015. ReeD application for eave to appeal was denied by the court of Special Appeals, mandate issued on, Mar,14,2016. On May,2,2016. ReeD filed a Writ of Habeas Corpus, which was docket By the United States District Court on May,4,2016. that was dismissed as time, Barred. on June,26,2018. on Oct,9,2018. ReeD filed a Notice of Appeal in The United States Court of Appeals for the Fourth Circuit Informal Brief it was Dismissed and decided Jan,25,2019. ReeD filed a Petition for Writ of Habeas Corpus on Mar,11,2019. that was mailed back to Petitioner on Mar,29,2019. With the correct imformation pamplet. On April, 8th 2019. ReeD mailed Petition, For Writ of Certiorari Motion for leave to proceed in Forma Pauperis to the, Supreme Court of the United States, Office of the Chief Clerk, to One First Street,N.E. Washington, D.C. 20543-0001.

On Jan,25,2019. The United States Court for the Fourth Circuit. Denied and dismissed, Petitioner request for a certificate of, Appealabilty. 28 § U.S.C. 2253. (c) (1) (A) 2012. a certificate, Of appealability will not be issuse absent a substancial showing, Of the denial of a constitutional right. 28 U.S.C. § 2253 (c) (2) Slack v. Mc Daniel 529 U.S. 473,484,200. Miller-El v. Cockell 537 U.S. 322,336,38,2003. Stating Petitioner had not made a requisite Showing. wherefore petitioner claim is a disregard for the legal, Rights to the fair trial due-process of the rights of the States, Constitution and that right compounded by 17 illegal violations. (See). Arizona v. Fulminate 499,U.S. 279,307.1991. Rose v. Clark. 478.U.S. v. Cronic. 466 U.S. v. Edwards 442 F. 3d.258.262.5th.Cir (2006) The District Court should conduct a evidentiary hearing, Only if the defendant produces independent indicia of the likely, Merit of the allegation. once independent evidence is presented a Motion brought under § 2255 can be denied without a hearing only, If the motion files and records of the case conclusively show, That the prisoner is entitled to no relief. U.S. v. Bishop 629.F. 3d.462,2010. U.S. App. Lexis-263,35. 5th. Cir. 2010.

Issuse On Appeal,

(One).

Ineffective Assistance of all counsels of structural errors. T.T. Nov,13,1997. pg.11. lines 4 through 21. State Witness. Detective Pennington being cross - examined by defense counsel. Is this a copy of the report you got back on the knife handle? Detective Pennington, yes it is. Counsel, and what did the report Say? Pennington, that it was examined for traces of human blood,

Counsel; and you got back the lab report indicating that they did found blood, On it correct? Pennington; that is correct. Counsel, the victims blood was, Submitted? Pennington; yes. Counsel, but you never submitted anyone else blood To see was it on the knife did you? Pennington no.' Critical DNA Evidence here Which should have been tested by the lab experts,yet was not due to trial, Counsel not objecting to the prosecutor suggestion that the State had no need, To do so, therefore petitioner rights to a constitutional fair trial with equal Protection under the law was violated. (see. Brady v. MD.373,U.S.83,1963.) and Argersinger v. Hamlin 407 U.S.25,27, The Supreme Court stated in Re-winship,90 S.Ct.1068,25,L.Ed.2d.368,1970. That in order to satisfy the constitutional, Requirement of Due-process, a criminal conviction must be base upon proof, Beyound a reasonable doubt, (Two).Trial counsel failure to interviwe the crime Scene witness and investigate his statements given at the police station of, Another person; trial counsel failed to produce Andre Robinson as defense, Witness. denying defendant his minimum levle of effective assistance this being Guaranteed by the Sixth Amendment Constitutional Rights. Bower v. State 320. MD.416,1990. Harris v. State 303 MD.68,A.2d.1074.had the jury heard statement, From this witness, judged his credibility and considered exculpatory evidence, There is a reasonable probability that the outcome may have been different. Counsel failure to present any witness severely harmed petitioner. Bruce v. State 218,MD.87,96,145,A.2d.1958. (T.T. Nov,8,1996.pg.157, at.7.Statements of. Officer Sullivan, concerning the crime scene witness Mr. Robinson.(Younie v.MD 23,MD. App.138,139,328,A.2d.43.) The Maryland Court of Special Appeals stated. That WHERE TRIAL IS BY JURY ALL REASONABLE DOUBT AS,

To the effective of erroneously admitted evidence upon the jurys, Determination of guilt must be resolved in favor of the objecting Party' Emphasis Added; there is no sound reason for drawing any, Distinction between the treatment of those errors which may have, Been committed during a trial, although the amendments to the, United States Constitution are commonly considered a source of, Fairness and are offten a defendant primery source of protection. (Three) Trial Counsel misadvised defendant directing to reject, A plea offered by the States Attorney in open court, counsel also Advised him not to testify at trial. (see. Sandstorm v. Montana, - 442 U.S. 510,99,S.Ct.245,61,L.Ed.39,1970. Turner v. Tennessee, 858,2d.1201. Beckham v. Wainwright 639,F.2d.262,265. unlike the, State, the defendant dose not belive that in order to prevail it, Is necessary that the record contain objective evidence that he, Would have accepted the plea. (see. People v. Stokes 96 N.Y.2d. 633,638,744,NE.2d.1153,1156,722,N.Y.S.2d.217.220.2001.Mask v. Mc Ginnis 233,F.3d.132,139,2d.2000. Finding that reasonable, Probability that the defendant may have accepted a plea if his ,, Counsel effectively advised him. constitutions ineffectiveness, Of counsel; United States v. Gordon 156,F.3d.376,382,2d.1999.Gray v. Lynn 6,F.3d.265,271,5th.Cir.1993. Finding counsel fell below, Objective standard of reasonable assistance, thereby providing, Ineffective assistance where counsel failed to object to erroneous Jury Instructions regarding elements of first degree murder. (Four) Trial counsel was unaware that the legal penalty for felony Murder was a mandatory life sentence, contrary to the State,there Is facts that there was a plea, and legal demonstration of such a

Plea. Williams v. State 326,MD.367,605,A.2d.103. Strickland v. Washington 466,U.S.668,1984. United States v. Cronic 466,U.S. 648 104,S.Ct.2039,80,L.Ed.2d.657,1984. Footnote at 6.in Strickland -. Supra; the standard for a attorneys performance is that of a, Reasonable effective assistance. Id. at 104,S.Ct. at 2064.(Five). Trial,Appellant,Post Counsel failed to identified the errors that Prejudiced the defendant by not being able to recognize errors in The record transcripts befor the appeal and post hearing to address At certiorari and evidentiary hearing. Turner v. State 303 F.2d. 507. Moore v. United States Supra.432,F.2d.735,Ct. Redman v. State 363,298,304,768,A.3d.656,2001. Cugler v. Sullivan 466,U.S.335,350 100 S.Ct.1708,64,L.Ed.2d.333,1980. Whether there is a reasonable, Honest probability that absent the errors, the fact finder would, Have had a reasonable doubt respecting guilt, when a defendant, Challenges a death sentence the question is whether there is a, Reasonable probability that the errors in the sentence including, An Appellate Court to the extent that it independently re-weigh, The evidence would conclude that the balance of aggravating and, Mitigating circumstances did not warrant death or conviction. Carriger v. Stewart 132,F.3d. 463,478-79.9th.Cir.1997. (en banc). Finding a violation of due-process when the prosecutor failed to Disclose that the man whom the defendant claimed had commited the Crime was also the prosecutors main witness and had a history of, Lying to the police and shifting the blame on others. (Six). Trial court failure to clairify and give sufficient instructions. The failure of the trial court to clarify and give sufficient, Understanding to it's statements concerning the mind state of,

Intent and the legal requirements of a conviction base on accusations Of a single eye witness were confusing and misleading to the jury, As they helped to gain a wrongful conviction which denied defendant A fair trial, (Brown v. Keane 355 F.3d.87,2d.Cir.2004.finding that The admission of an anonymous 911 call was unconstitutional dispite The prosecutors arguments that the call fell within the present, Sense impression. (see. Apprend v. New Jersey 530 U.S. 466,477,120 S. Ct.2348,2356,147,L.Ed.2d.435,447,2000. Holding that Due-process, Clause and the Six Amendment entitle a criminal defendant to a jury Determination that he is guilty of every element of the crime which He is charged beyond a reasonable doubt. (Seven). The Presumption, Of Innocence was not stated in it's entirety. the presumption of, Innocence Principle was not stated in completeness, which hindered, And prejudiced appellant. the failure of the trial court to not, Convey the presumption of innocence principle to the jury denied, Petitioner his constitutional rights to a fair trial and equal, Protection of the law. (Coffen v. United States.) Without question The trier of fact in a criminal case is enjoined by law to give, Due Force to the presumption of innocence, it is firmly fixed in the Common laws of Maryland. Berry v. State 202,MD.62,67.1953. Malcolm-v. State 252,MD.222,225,1963. Thomas v. State 251 MD.232,235,1980. Landown v. State 251 MD.232,235,1980. William v. State 322,MD.35,40 1991. In a criminal case the term presumption of innocence conveys, A Special and perhaps useful hint over and above the other forms of Rule about the burden of proof, in that it causes the jury to put, Away from their minds all of the suspicion that arises from arrest, The indictment and arraugnment and to reach their conclusion solely

From the legal evidence adduced nothing but the evidence no surmises Based on the present situation of the accused.(Wigmore Evidence§2511 AT 407,3d.1940. Footnote Ommitted. Mc Cormick pointed out beyond a, Reasonable Doubt it at lease indicates to the jury that if a mistake Is to be made, it should be in favor of the accused.Montgomery v. State 292 MD. 84.1981. Estelle v. William 425,U.S. 501,503,1976. Dorsey v, State 276 MD. 638 1976. in the case subjudice, in mere, Mentioning the term presumption of innocence, which is no substance As the heart of the principle is what at issuse here and the phasing Should be adequate to convey the heart of the principle to any, Reasonable juror, defendant was told not to testify and counsel put No witness or evidence before the court on his behalf, therefore he was left to rely solely on the presumption of innocence clause; Trial counsel failure to object unconstitutionally accepting the, Trial courts insufficient instructions failed to preserve this Issuse for appellate reviwe and prejudiced defendant. (Eight). Trial counsel failure to object to errors in the court instructions Can not be deemed harmless error. Appellant alleges that since the, Jury was not legally instructed he in fact did not received a lawful Verdict of guilt beyond a reasonable doubt on the charge of first, Degree Murder. Maryland Art.27 § 4-412 MD. Code.1967. Repl-Vol. At no time did the complete jury stated in open court that they had Found the defendant guilty of First Degree Murder, even after the, Jury was hearkened by the clerk of the court. (see, T.T. 11,14,1996 Pg.2-4.) Ford v. State 12 MD.515, Act.1809. Ch.138. Sec.3. Williams v. State 60 MD. 402 1883. Price v. State 159 MD. 491. The jury had,

Rendered a verdict of guilty of murder in the first degree without, Finding on the sanity issuse, which had been raised the Price court Said as in the crime of murder, it is indispensable for the jury to find the degree in order for the court to know what sentence or, Judgment may be given, after the indictment it is similarly made, Requisite by Statute that the party's sanity both at the time of, The alleged offense and the trial must be found by verdict before, Sentence or judgment maybe passed. on the fatally incomplete verdict Given in the appeal at bar the trial court had no jurisdiction to, Proceed to a judgment which should have been a nullity according to, Annotated Code of Maryland Article 27 §4-412. Code.1967.Repl.Vol. Appellant maintains that the verdict in this case is illegal as well As the Sentence. (see.Boone v. State 3 MD. App.11 A.2d.787.1968,MD. Code 1957, Art.27. 4-412. Constitutional Article. Ch.15. Sec.#5.see. State v. Shields Supra. Cochran v. State.119, MD.539,87,A.400. State v. Rosen 131 MD.167,28,A.2d.829. (Nine). Trial counsel failure to, Object to the removal of the lesser counts. (see. T.T. 11,13,1996.) The counts of second degree murder and mansloughter were not in the, Jurys consideration, this perjudiced petitioner violating his right, To equal protection of the law, when a defendant maybe guilty of some Offense and the evidence is legally sufficeient for a trier of facts To convict of either the lesser or greater offense,it fundamentally, Unfair under Maryland Common Law for the State over the defendant, Objections to nol-proses the lesser offense. Taylor v. State 83 MD. App.399,1990. Hook V.State 315 MD.251 1989. Kinder v. State 81 App. 1989. Fairbanks v. State 22 MD. 566 1989. Echols v. State 82 MD.1980 Kimmelman v. Morrison 477 U.S. 365,106, S. Ct. 2574.91. L.Ed.2d.305.

1986. Brown v. Myers 137,F.3d.1154,1157, 9th. Cir.1998. (Ten). Trial Counsel failed to investigate two disqualified jurors; an evidentiary Hearing was held on Jan,28.1997. regarding jurors number 6. and 7. The prosecuting attorney did disclosed that both jurors had felonys, Which she had to know befor the voir-dire process. therefore she and Them should have divulge this information to the court and attorneys Prior to the trial to ensure petitioner a fair trial by impartial, Jury. Dorsey v. Chapman 262 F.1181,1185, 11th. Cir. 2001. Williams v. Taylor 529 US. 362,412,120, S. Ct.1495,1523,L.Ed.2d.389.2000.Ramdass v. Angelone 530 US.120.S.Ct.2113,2020.L.Ed.136.2000.Cage v.Louisiana 498 U.S. 39,111,S. Ct.328.L.2d.339.1990.(REED V. State,Sept Term. 1997. Unreported Opinion filed 12/18/97.) State v. Wooten 277 MD.144 1976. Evans v. State 151 MD. App.365,2003. Anrams v. State 179,MD. App.600,2007. (Eleven). Trial counsel failed to request or accept the Court suggestion of a presentence investigation (PSI). if a court was Satisfied that a presentence investigation report should be prepared For consideration at sentencing, that the report could help in the, Sentencing process, counsel failure to accept the court request did, Perjudice the defendant. (see. T.T. 11.14,1996. at pg.#6. Eze v. - Senkowski 321,F.3d.110,128,2d.Cir.2003. Yarbough v. State 529,50, 2d.659. Miss.1988. Ey v. State 982,90,2d,618, Fla.2008. Gersten v. Senkowki 426,F.3d.588.610.2d.Cir.2005. People v. Cole 775,P,2d.551. 555. Colo.1989. Alvord v. Wainright 461,US.956 1984. (Twelve) Trial, Counsel failure to object to unsworn testimony. trial counsel was, Ineffective by failing to object to this error at his sentencing, Hearing. (see, T.T. 11/11/1997. at pg.3-6. Although this testimony, Was clearly erroneous, the court of Special Appeals declined to hear

This issuse on direct appeal because no objection was made by trial Counsel; (see, REED v. State Unreported Opinion. Sept Term.1999. No,234.) Caldwell v. Mississippi. 472 U.S. 320, 329.105, S. Ct.2639. L.Ed.2d.231.239.1985. Murry v. Carrier 477 US. 478-96.106.S.Ct.2639. 49.91.L.Ed.2d.397.413.1986. The court first stated the standard for, A fundamental miscarriage of justice and said a prisoner must show a Constitutional violation has probably resulted in the conviction of, One who is actually innocence in order to meet the fundamental, Miscarriage of justice exception. In Shclup, the court explained, That this standard requires the defendant to show that it is likely, Than not that no reasonable juror would have found defendant guilty, Beyond a reasonable doubt if the constitutional errors not occurred. (Thirdteen).Trial counsel failed to present any mitigating evidence, At his sentencing hearing. counsel was ineffective for failing to, Speak on behalf of the defendant and made no last rebuttal arguments At his evidentiary hearing concerning juror six and seven.(see T.T.T. 2/11/97. at pg. #7.) Judges are vested with broad discretion at, Sentencing hearings, they can consider facts and circumstances of, The crime, the back ground of the defendant, his or her reputation Prior criminal and mental history, heath or moral propensity. Ey v. State 982 So. 2d. 618,Fla. 2008. US. v. Berkowitz 927,F.2d. 1382,7th. Cir.1991. although there is no law regarding the minimum Amount of hours an attorney must spend on a case or with a client In order to properly prepare for a trial, it should be an exercise Of good common sense. (Forthteen) Trial,Appellate, and Post, Counsel provided ineffective assistance of counsel not being aware of these errors to object, suggest and address the court submission

To the jury a dead count first degree murder deliveration sheet,to, Consider in a murder trial. (T.T. 11/13/96. pg.50-65. by removing All lesser counts from the jurys consideration, with instructions To fine the defendant guilty of First Degree Murder nothing else, This being an illegal dead count charge by the laws of 1980. (Sherman v. State 288,MD.638,1980. in the only Reported Opinion, To yet apply this rule, the court of appeals concluded that the, Submission to the jury of a five count indictment, where the trial Where the trial judge granted motion to aquit on two of the lesser counts were reversible error. in so holding the court said of MD. Rule 758 (A) that it provide in mandatory terms that no dead count Of a charging ducument be before a jury during it deliveration. Id. at 641. State v. Ward 284,MD. 189,1978. (Fifthteen). Appellate And Post Counsels were ineffective by neglecting to provide equal Justice and equal protection of the law. Both counsels were, Ineffective by not challenging the record of trial counsel neglect To provide equal justice and equal protection of the law by, Forcing defendant to sign a Hicks Waiver. MD. Rule 4-271. The States expiration time to tried the defendant had elapsed. (see. Court Docket #195235001, B.C.J.#224-630. Honorable Ellen, Heller. (7/9/1996.) and Honorable Hammerman. (11/7/1996.)MD.Rule. 4-271. Defendant recognize a certain amount of delay is inherent, Ordinarily in the scheduling of a speedy trial purpose in a State Case. But for ones own attorney to request of his client to sign, A Hick Waiver on the very last day of 180 days expiration date, This granting the State another six months of the same process. Trial Counsel violated defendant constitutional right to a speedy

Trial by twenty months of delays and trial errors that prejudiced And hindered him by denying his Eighth Amendment Right to equal, Protection and equal justice of the law. Wise v. State 47,MD.App. 675.1981. Darby v. State 45,MD.App.584,589,1979. Barker v. Wingo. 17,US. 514.92,S.Ct.2182,33.L.Ed.2d.101.1972.Rule.4-271. Requiring Consideration by the court of at lease four factors. (1)The lenght Of the delay. (2)The reason for the delay.(3)The assertion of his Rights. (4)Prejudice to the defendant useing orderly case process -ing is appropriate. (Sixteen) Trial counsel failed to filed, A motion for modification of sentence. Appellate and Post counsel Were ineffective for not bringing these errors of trial counsel, To the court attention at prior litigation hearings. (see; court, Docket #19523001. B.C.J.# 224-630.2/21/1997.) Petitiioner pro'se, Motion for Modification of sentence was denied. defendant was very Prejudiced by this being ignorant to the law and these procedures Had counsel to have filed his motion for modification of sentence The outcome may have been different. MD.Rule.4-345.(B) State v. Flansburg 345, MD. 649,1997. MD. Rule.4-214. (B) provides when, Counsel is appointed by public defender or courts,private sector. Representation extends to all stages in the proceeding including, But not limited to custody,interrogations,preliminary hearings, New trials,pertrial motions and modification of sentence.prisoner Was denied effective assistance of counsel by trial counsel failure To filed a motion for modification of sentence within the ninty, Day after sentence guildlines because there was no risk of greater Sentence being imposed. Evans v. Jones 151,MD.App.365,374.827,A.-2d.157,2003. State v. Jones 138,MD.App.178,209,771,A.2d.407,2001.

Affd.379,MD.704,843,A.2d.2004.Flansburg Supra.Althrough the court Made no reference to the Strickland case nor mention any prejudice It is clear that the court implicitly concluded that Flansburg was Prejudiced by the loss of an opportunity to have a reconsideration Of sentence hearing, accordingly when a defendant in a criminal, Case ask his,attorney to file a motion for modification of sentence And the attorney fails to do so, the defendant is entitled to post Conviction remedy of being allowed to file a belated motion for, For modification of sentence without any necessity of presenting, Any other evidence of prejudice. State v. Williamson 408 MD.269, 961,A.2d.300,2009. Harris v. State 406 MD.115,956,A.2d.204,2008. Owens v. State 299,MD.388,408,09,924,A.2d.1072,2007. Alton v. State 177,MD.App.1,934,A.2d.949,2007.Cert.Granted.403,MD.304,941,A.2d. 1109.2008. (Seventeen).Appellant contends that where similarly, Harmless error analysis presumably would not apply if a court, Directed a verdict for the State in a criminal trial by jury, the Court stated a trial judge is prohibited from entering a judgment Of any conviction or directing the jury to come forward with a, Verdict regardless of how overwhelming the evidence may point in, That direction. Carpenter v. US.330,US.395,408,1948. US. v. Frady 456,US.171,174,1982. United States v. Hastings 461 US. at 509.103 1980. Wainwright v. Sykes 433,US.72,97,S.Ct.2497,53,L.Ed.2d.594, 1977. Duncan v. Louisiana 391,US. 145,88,S.Ct.1444,20,L.Ed.2d.491 1968. Ballenbach v. United States 326,US. at 514,66,S.Ct. at 466, *596. Bastson v. Kentucky 476,US.79,100,1986. Turner v. Murry 476 US.28,37,1986. In Turner the court explicitly rejected the dessents Suggestion the Death Sentence should stand because no actual,

Prejudice was evidence from the record, yet the court stated other Wise, (Plurality Opinion). the inadequacy of the voir-dire, about The possibility of racial prejudice in this case requires that, Petitioner Death Sentence be vacated or the judgment in this case Is that there was unacceptable risk of racial prejudice infecting The Capital Sentencing Procedure. appellant belives he deserves no Lesser consideration from the court where the record can prove, That two juror on his jury had felony records. (Court Records. #195235001. ID.224-630.) Evidentiary Hearing of Juror #7. (T.T.). (2/11/1997. Subcuria.) Arizona v. Fulminate, 499,US.279,307,09,1991. Distinquished from mere trial errors which occurred during the, Presentation of the case to the jury which may therefore be, Quantitatively assessed in context of other evidence in order to, Determine whether its admission is harmless, Id. at 307,-08. Structural Error is an error that affects the frame work within. Which the trial process it self from beginning to end. Id. at 309 And necessarily renders a trial fundamentally unfair. Rosen v. Clark, 478,US. 570,1986. It is because structural error is, Imposible to quantify that it defie analysis by the harmless error Standard. The Supreme Court concluded that when structural error, Is present that the criminal trial cannot reliably serve it's, Function as a vehicle for the determination of guilt or innocence Thereby mandating reversal of conviction. US. v. Cronic 466 US.645 1984. The Supremr Court has found an error to be structural error Mandating Automatic Reversal, in a very limted number of cases. Moreover in those cases the courts have found structural mandating Automatic reversal the errors appears to be of constitutional,

Magnatude. Johnson v. US.520 US.461.1997. Sullivan v. Louisiana, 5508,US. 275,1993. Defendant was prejudiced by the structural Errors, and actual ineffectiveness of all counsels failure to Object or suggest error to the court at any time during these Procedures that denied him a fair trial under the law, as with Bowers v. State, where the Appeals Court held that the cumulative Effects of counsel actions and nonactions were enough to legally Establish his representation of Bowers did'nt meet constitutional Muster'.. Defendant was not adquately represented by his counsels (see. State v. Williamson,405,MD.954,2009. Petitioner offense Occurred before the Oct,1,1995. Post Limitation Period, therefore He is entitled to Two Post Conviction Hearings. see case laws. Grayson 354,MD. at 15,728, A.2d. at 1286. Gardner v. US.680.F.3d. 1006,7th,Cir.2013. US. Fed. Appx.159,2017. General Assembly of, Maryland Article.27.645.- A.(a)-2-1.(a)11.FN7.- FN8.)

Reason for granting Writ of Certiorari.

Wherefore Defendant has sort to finalize all issues in this case By repeatedly filing a reopening post as offten as can be expected Without any closure from the Circuit Court of Baltimore City or the Appeals Court, therefore he must seek redress in the Federal Court To uptain any course of action that may grant an evidentiary Hearing to these Seventeen Allegations of trial structural errors As when a Post Conviction Court refuse to grant a petitioner his Second Post Status by their own law and enactments of the General Assembly of Maryland, without giving any reasoning other than Read,considered and denied, then where shall he find law? as this

Trial,Conviction and Sentence is illegal by the laws rules and the Constitution of this State, this City of Baltimore and this Nation So in granting this petition to go forth and gain a hearing would Be in the interrest of justice, as when dose wealth dictates the Rights of a human beings life.

Sincerely and repectfully submitted.

Lochild ReeD Petitioner.

Conclusion.

Petitioner did not filed a Writ of Certiorari to the court of Appeals Decision fifthteen days after his first appeal, because his attorney Told him to use it as a post issue. on June,27,06. Petitioner seek To reopen post conviction procedure and was denied, 08/30/06. He could not seek leave to appeal because he was placed in MCAC. On 07/26/06. Without any property due to no fault of his own. see.(Civil Action # 24 - C - 08 - 000547/AA. the records of MCAC. and NBCI. Transfer of Lochild ReeD.#262-545.#107-763.VSPSCS 03/16/10. Slack v. Mc Daniel 529, US. 473, 120,S.Ct.1595,146,.Ed. 2002. US. v. Edwards 442 F.3d.264,5th.Cir.2006. US. v. Cavitt, 550,F.3d.430,442,5th.Cir.2008. Quating US. v. Bartholomew 974,F. 2d.39,41,5th.Cir.1992. Missouri v. Frye,566.US.134,2012. Laffer v. Copper, 566,US.156,2012. US. v. Bishop,629,F.3d.462,2010.US. App,Lexis.26,335,5th.Cir.2010. Petitioner request of this court To demand of the lower courts to Honor the laws and enactments Of the Maryland Post Conviction Procedure Act, in Honoring the State and Federal Constitutional Rights he would have been entitled To by the Act of Oct,1,1995. (see. State v. Williamson 405,MD.954 2008. General Assembly of maryland Article 27,§ 645,A. -2 -1(a) - 11. FN7. FN8. Mosley v. State,378, MD.548,558-60,2003.

Wherefore Petitioner respectfully prays that this Supreme Court shall Grant him the justice which he has struggled solong to overcome and To appiont an Attorney to argue this case to uptain his relief by (1.) The Granting of a New Trial. (2.) Granting Bail andmaking Bail Reasonable, if a New Trial be Granted. (3) Granting of a Court Release Thank you; Sincere and Respectfuly Submitted.

LO' child ReeD. Pro;se

Petitioner,MCIJ: P.O. Box,549, Jessup, Md.20794-054949.

Certification of Service.

I Hereby Certify that on this 8th Day of April----2019.
I mailed a Writ For Certiorari Petition by First Class Mail prepaid Postage to The United States Supreme Court, at One First St. N.E. Washington,D.C. 20543. C/O The United States Supreme Court Clerk. And Prays that the Cheif Clerk shall forward a copy to the Attorney General of Maryland.

Signature _____ DOC.#262-545.

SID.#107-763.