

19-6218

No. MSCA NO. 374

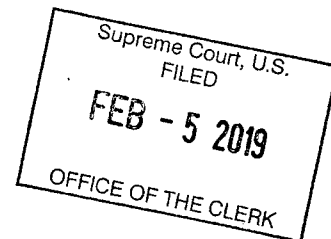
ORIGINAL

Sept Term, 2018

IN THE

SUPREME COURT OF THE UNITED STATES

Timothy Milton Boone PETITIONER
(Your Name)



vs.

STATE OF MARYLAND RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Post Court Conviction
COURT OF APPEALS SPECIALS APPEAL
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Timothy Boone
(Your Name)

Patuxent Institution
(Address)
7555 Waterloo Road
Jessup, MD 20794
(City, State, Zip Code)

240-520-1461
(Phone Number)

Timothy Boone

QUESTION PRESENT

1 DID THE LOWER COURT ERROR BY FAILING TO PROVE THE FIRST DEGREE ASSAULT ELEMENTS WITH INTENT TO COMMIT CRIME OF VIOLENCE ?

2 DID THE LOWER COURT ERROR BY FAILING TO PROVE THE FIRST DEGREE BURGLARY WITH THE INTENT TO COMMIT THE ELEMENTS ?

**CONSTITUTION STATUTE PROCEDURE
REQUIREMENTS.**

The 14 Amendments of Due Process of proving elements beyond a reasonable doubt which the prosecutor is required to prove each element for crime charged.

Article 27 Maryland Code of First Degree Assault and First Degree Burglary which the prosecutor is required to show that an assault to place on the victim, that a burglary took place, and that it was the defendant who committed it.

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 NO 374 Sept-term 2018; or, 12-4, 18
☐ 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☐ is unpublished.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 CIVIL NO. CCB-13-1116; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished. Habeas CORPUS MAY 14, 2015

☐ 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 SPECIAL Appeal - leave to Appeal; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished. NO. 2845 Sept 2011 - 12-19-2012

The opinion of the SPECIAL Appeal NO 1573 court appears at Appendix _____ to the petition and is

- ☐ reported at Sept Term 2015 2/11/16; 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 12/14/2018.

*No. 374
Sept Term 2018*

☒ 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 December 19, 2012.
A copy of that decision appears at Appendix _____.

*No. 2845
Sept term 2011*

[] 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).

STATEMENT OF FACTS

On November 19, 2005. Angela Contee testified that about 6:15pm that night she heard the sounds of someone kicking and banging at her back door and glass breaking. She then heard someone come up the stairs to the second floor. She locked herself in the bedroom and called 911. While speaking to the dispatcher, Ms. Contee saw the knob of her bedroom door turn. She heard sirens and then heard the person walk back down the stairs and leave the home. She never identified the person who entered her home.

Officer Black of the Prince Georges County Police Department testified that he responded to Ms. Contee Town house for a burglary in progress. He was in uniform and drove a marked cruiser. As he approached the front of the town house he cut off the car lights. He exited his car and saw a man later identified as petitioner come around the corner of the end of the town house toward him. The officer yelled to the petitioner to "stop" but he turned and ran to area behind the Town House. Officer Black chased petitioner who was 10 to 15 feet in front of the officer. The officer saw a flash and heard a gunshot and he pulled his service weapon and fired striking Petitioner in Back.

ARGUMENTS

The First Degree Assault with the use of a Firearm elements was not proven on Officer Clarence Black.

Transcript 1- page 88 Question by Defense Attorney Ms. Janet Hart: Now is it fair to say that you couldn't see the face of the person with the gun? Officer Black stated "Yes". Ms. Hart: You've never described the face of the person with the gun, right? Officer Black: "Correct". Ms. Hart: because you couldn't see him? Officer Black: "Correct" Ms. Hart: and you couldn't see the gun before it was fired? Officer Black: "NO" Ms. Hart: And you couldn't see the person hand on the gun? Officer Black: "NO".

What the petitioner is trying to say is that the officer never identified me out of court and in court as the one who fired a shot at him because it didn't happen. It was an accidental discharge towards the fence or ground and he never saw the pointing of the weapon nor did he see my face because my back was towards him the entire time, that I why I was shot in the back area. Petitioner states that Due Process and Article 27 has been violated.

Arguments

The First Degree Burglary Element was not proven of Ms. Angela Contee Transcript 1-page 72 Wednesday July 05, 2006. Question by trial Attorney Ms. Janet Hart: Did you ever see the person that came into your house? Ms. Contee : "NO".

The petitioner states that the prosecutor was required to prove a burglary in the First degree and that it was done by the defendant. They failed to prove this matter. There was none of the victim's property on the petitioner. They finger printed the house and no prints of the petitioner was found. No eye witness to put petitioner in the house or coming out of the house because the petitioner did not commit the burglary. The petitioner was walking on the sidewalk at the same time 6:15pm when Ms. Contee house was broken into. Officer Black was chasing the petitioner 6:15pm when the dispatch call out. The petitioner states that the presence of a person at the scene of a crime is not enough guilt to say that person committed the crime. The circumstantial evidence the state had was insufficient against the petitioner committing a crime.

Wherefore, THE Petitioner prays that the Honorable Supreme Court respectfully grants the WRIT OF CERTIORARI and reverse the judgement of the Lower courts.

Granting a..

- 1) Hearing
- 2) New Trial
- 3) New Sentence

Respectfully Submitted,

Timothy Boone

Date 2/2/19