

Brad Edmonds, 370076/1524250

M.C.T.C

18800 Roxbury RD

Hagerstown MD 21746

Criminal case no. 117335C

Supreme court docket no. 19-6887.

Jan 24, 2020

References To: Rehearing case, and very important information in this letter and Petition, so please read all.

Dear, clerk,

On Jan 23, 2020, I received a letter that the Petition for writ of habeas corpus is denied. And the only thing I can think of why this court denied my motion is the opposing counsel or somebody provided a false statement knowingly to this court, and this court believe it then denied my motion. And if this is the case the court or clerk should had notify me first before denying my motion to see if that was true. Because I notify the opposing counsel of the filing and the case was place on the docket and have not yet receive a respond. And I showed I have constitution violations and beyond, and in fact illegally imprisoned, detained, and retrained, of my liberty and beyond. And this court should had known that the state don't mind telling a false statement knowingly. And the record speak for its self, in this case the officers got

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OFFICE OF THE CLERK
SUPREME COURT U.S.

on oath and stated they was physically following me - in unmarked car's, when in fact it was GPS tracking, and illegal information was in fact provided to montgomery police. And you still have other parties still - trying to cover - up for the prosecutor and the rest of the corrupt parties and beyond and beyond. That's why the court or clerk should had appointed counsel to represent me, then set a court hearing argument to get the truth and fairness of the fact finding process before denying my pro se, habeas corpus Petition. And these claims in this letter and rehearing Petition - was raised in my original habeas Petition and original actual innocence Petition. And I help the opposing - counsel did not state that I did not raise these claim previously. If so that's a never false statement was - told knowingly by the state or some other source - clerk or Judge. Now please see attached Petition for rehearing the original habeas corpus Petition.

Thank you for your time and attention regarding these matter.

Very truly yours
Brad Edmond

Continued)

(2)

NO.

IN The
Supreme Court of The United States
Washington DC

Brad Edmonds - Petitioner
VS.

Jan 24, 2020

State of Maryland - Respondent

Petitioner For Rehearing by Rule 44, of
The denial of writ of habeas corpus
28 U.S.C. 2241

The Petitioner asks leave to file the attached Petition for a writ for rehearing of habeas corpus without prepayment of costs and to proceed in Pauper's.

The Petitioner, Brad Edmonds, 370076/1524250, Pro se, Petitioner in proper person Petitioner the Supreme Court, requesting this issuance of a motion for rehearing the writ of habeas corpus 28 U.S.C. 2241.

Petitioner affidavit or declaration in support of his motion of habeas corpus was already submitted in original Petition and that affidavit or declaration in support of that motion, should also support the rehearing Petition request as well.

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NO. _____

IN The
Supreme Court of The United State
Washington DC

Jan 24, 2020

Brad Edmonds - Petitioner

VS.

State of Maryland - Respondent

The Petitioner, Brad Edmonds, 370076/1524250, pro se, -
Petitioner in proper person Petitioner the Supreme Court -
requesting this issuance of a motion for rehearing of -
the writ of habeas corpus 28 U.S.C. 2241.

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(2).

ARGUMENT

On December 2, 2019, Petitioner filed a habeas corpus 28 U.S.C. 2241. The Petition for a writ of habeas corpus in the above entitled case was filed on October 20, 2019, and placed on the docket December 9, 2019, as no. 19-6887. On January 13, 2020, the Petition for writ of habeas corpus was denied or denial. Now by act of Congress: writ of habeas corpus may be granted by the Supreme Court, any judge thereof, the district courts and any circuit judge within their respective jurisdiction... The writ of habeas corpus shall not extend to prisoner unless... He is in custody in violation of the constitution or law or treaties of the United States... 28 USC 2241(c)(3) 28 USC 2241(c)(3) in parallel, 2254(a) provides: The Supreme Court, a justice thereof, a circuit judge, or a district court shall entertain an application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a state court only on the ground that he is in custody in violation of the constitution or law or treaties of the United States. To the extent the court had actually premissing its holding on an interpretation of 28 USC 2241 or 2254, 28 USC 2241 or 2254, then overruling the heretofore settled principle that federal habeas relief is available to redress any denial of asserted constitutional rights, whether or not denial of the right affected the truth or fairness of the fact-finding process. IN

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(3)

This case here, Petitioner clearly showed evidence and beyond that he is in fact in prison, and in custody in violation of the constitution, law and beyond. And Petitioner showed this evidence in his original habeas corpus Petition. And this Petition should had been — granted then denied or denial. Now Petitioner have to go through all these difficult proceeding to get his case reviewed. Now Petitioner believe he might have — due process violation in his habeas corpus proceeding. Because when the clerk file and place the case on the docket the opposing counsel, the attorney General have 30 days to file the waiver then the clerk must — provide 40 copies to 9 Supreme court Justice within 14 days for the court consideration. And the two — forms Petition received from Supreme court with the docket number 19-6887, Petitioner mailed them form — to the attorney General to fillout the waiver, and — mail copies to Petition and Supreme court, and Petition have not yet receive them copies whatsoever. Again — denial of habeas ~~Petition~~ are not final order when — not accompanied by entry of Judgment. see, Hamilton V. Gonzales, 485 F.3d 564, 566 (10th cir. 2007). A denial — of habeas Petition on some claims not final order until all remaining claims disposed. In this case it was not. Petition mention these claims in his specific legal — issues in his original habeas corpus Petition. In 1867, congress

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Enacted a statute providing that federal courts "shall — have power to grant writ of habeas corpus in all cases where any person may be retrained of his or her liberty in violation of the constitution, or any treaty or law of the united states..." Act of Feb. 5, 1865, ch 28, § 1, 14 — state 385. And a federal court to overturn a state-court decision only if it contrary to clearly established federal law or if it involve an "unreasonable application of clearly established federal law to the facts". see, William V. Taylor, 529 U.S. 362, 146 L Ed 2d 389, 120 S Ct 1495, Decided April 18, 2000. Now when this court denied or denial of Petition habeas corpus, Petitioner think this-court is saying that a person not the owner of his-car this GPS tracking violation applies. And the person is the then owner of his car have no rights over his-personal effect or car. Because in Jones case, the-Jeep was register in his wife name. In this case— here, the car is register in Petitioner name. Fourth— amendments protections, which again protects only a— persons own "persons, houses, papers, and effects only. Petitioner showed evidence and beyond in his habeas — corpus 28 U.S.C. 2241, that he is in fact in custody in— violation of the constitution, illegally imprisoned, deta— ined, and retrained, of his liberty. Additional issues, in Pe— tition original pro se, habeas corpus 28 U.S.C. 2241, under docket no. 19-6887, Petitioner raised claims that —

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Fairfax county police physically intruded on a constitutionally protected area the (Car) to obtain information by installing a GPS device without a search warrant and without Petitioner consent, then used that device to track the car location and movements, then provided information to montgomery county police of Petition and his close relationship the (Car) location and movements - from one place to another, and montgomery police used that illegal information, then both counties police performed a warrantless arrest of Petition and made extensive-warrantless search of the car he own and was in fact-driving a blue 1990/dsmobile bearing maryland Tag no. 1AD2963. The charges underlying the convictions in this case directly arose from a warrantless placement and-subsequent tracking of a (GPS) device on Petition property or own effect the (Car) in violation of the fourth amendment of the united states constitution prohibiting-unreasonable searches. And because the arrest and the searches and seizures at issue in this case are derivative of the first constitutional violation of the warrantless placed GPS device on Petition car, any evidence obtained-as a result of subsequent searches must therefore, be-suppressed under the fruit of the poisonous tree. See, -wong sun V. united states, 371 U.S. 471, 487-88 (1963). And-because of the warrantless installation of the GPS device on Petition car with a -

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Continuous tracking of the car and a violation of the fourth amendment of the United States Constitution - this case must be vacated. See, United States v. Jones, 132 S. Ct 945 (2012). Also see, United States v. Maynard, 615 F.3d 544, 392 U.S. App. D.C. 291 (2010), and see, U.S. v. Jones, 625 F.3d 766 (2010). Petitioner also pointed out to the court that his GPS issues is greater than Jones GPS-tracking because Jones did not own that car but his wife did, and this court said it was a violation of his fourth amendment rights and he was not the owner. — And this should be in fact a violation of Petitioner fourth-amendment rights because he is the owner of his car, a blue 1999 Oldsmobile, bearing Maryland tag no. 1AD2963. Also Petitioner showed Jones could not attack ownership, — and failure to attack police jurisdiction that DC police illegally entered the state of Maryland without a warrant and physically intruded on his wife's car to install a GPS device. Petitioner in this case attacked both claims, but the police physically intruded on his car. Again Petitioner — notify the opposing counsel that the case was docketed. And if the opposing counsel state something different — then Petitioner the court or Justice, or by the clerk — should order extended time under rule 30.4 or rule 15 or the appropriate rule. It's a double standard — for pro se litigants that is unaware of procedure — defaults, but when it comes to the state, the courts

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Early and often pushing the state extra time, for the same procedure defaults winning. In Murray V. Carrier, the court stated that procedural default — would be excused, even in the absence of cause, when a constitutional violation has probably resulted in the conviction of one who is actually innocent, "477 US at 496"; see also House V. Bell, 547 U.S. 518, 536-37 (2006). And in Petitioner original prose, habeas corpus Petition — showed that evidence and beyond.

Respectfully submitted
Brad Edmonds

Brad Edmonds, 370076/152425 @
M.C.T.C 18800 Roxbury Rd
Hagerstown MD. 21746

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(8).

Relief Sought

wherefore, Petitioner requests:

- (1). Petitioner requesting for rehearing by rule 44, and any other rule should be or be granted.
- (2). To appoint counsel to represent Petitioner should be or be granted.
- (3). The writ of habeas corpus 28 U.S.C. 2241 should be or be granted.
- (4). his convictions and sentence should be or be granted.
- (5). He should be or be granted the right to a new trial.
- (6). for any and all such further relief Supreme court — deems fair and appropriate under all of the exceptional circumstance this courts discretionary power to grant-sought, and beyond.

Respectfully submitted
Brian Edmond

Date: January 24 2020

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Certificate of Service

I hereby certify that on this 24 day of January 2020, a copy of the foregoing Petition for rehearing by rule 44, and any other rule to rehear the habeas corpus Petition was mailed to the Supreme court of the United States, 11 First Street, N.E Washington DC 20543-0001, and office of the attorney General, the opposing counsel, 200 Saint Paul place, Baltimore MD, 21202.

Bead Edmund
Signature

Executed on, Jan 24 2020

End:

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