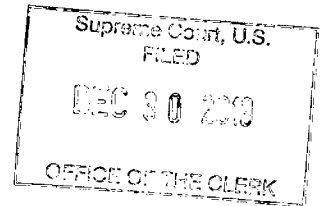


19-7906
No.

ORIGINAL

IN THE SUPREME COURT OF THE UNITED STATES

Angello A.D. Osborne, Petitioner



v.

Corporal Peter Georgiades, et al., Respondents

ON PETITION FOR A WRIT OF
CERTIORARI
TO THE UNITED STATES COURT OF
APPEALS FOR THE FOURTH
CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

Angello A.D. Osborne
Petitioner, Pro Se
112 Rockspring Church Road
Forest Hill, MD 21050

Corporal Peter Georgiades
Defendant
C/O Harford County
Sheriff's Office
Bel Air, MD 21050

Question Presented for Review

1. Where a police officer has fabricated evidence against a wrongfully accused criminal defendant, does the entry of a "STET" in the criminal prosecution preclude the defendant from recovery in a lawsuit against the police officer for violation of his rights against unlawful seizure.

List of Parties to the Proceeding

Angello A.D. Osborne
Plaintiff / Petitioner

Peter Georgiades, Police Corporal
Defendant / Respondent

Meredith Pipitone
Defendant

Dione White
Defendant

List of Proceedings in Lower Courts

Osborne v. Georgiades, et al.
Case No.: 14-00182, District of Maryland
Date of Judgment: September 11, 2017

Osborne v. Georgiades
Case No.: 17-2179, Fourth Circuit
Date of Judgment: September 30, 2019

Osborne v. Georgiades
Case No.: 15-2468
Date of Judgment: February 8, 2017

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
DISCLOSURE OF CORPORATE AFFILIATIONS AND OTHER INTERESTS

Disclosures must be filed on behalf of all parties to a civil, agency, bankruptcy or mandamus case, except that a disclosure statement is **not** required from the United States, from an indigent party, or from a state or local government in a pro se case. In mandamus cases arising from a civil or bankruptcy action, all parties to the action in the district court are considered parties to the mandamus case.

Corporate defendants in a criminal or post-conviction case and corporate amici curiae are required to file disclosure statements.

If counsel is not a registered ECF filer and does not intend to file documents other than the required disclosure statement, counsel may file the disclosure statement in paper rather than electronic form. Counsel has a continuing duty to update this information.

No. 17-2179

Caption: Angello Osborne v. Peter Georgiades

Pursuant to FRAP 26.1 and Local Rule 26.1,

Angello Osborne
(name of party/amicus)

who is appellant , makes the following disclosure:
(appellant/appellee/petitioner/respondent/amicus/intervenor)

1. Is party/amicus a publicly held corporation or other publicly held entity? ☐ YES ☒ NO
2. Does party/amicus have any parent corporations? ☐ YES ☒ NO
If yes, identify all parent corporations, including all generations of parent corporations:
3. Is 10% or more of the stock of a party/amicus owned by a publicly held corporation or other publicly held entity? ☐ YES ☒ NO
If yes, identify all such owners:

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U.S. COURT OF APPEALS
FOURTH CIRCUIT

4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation (Local Rule 26.1(a)(2)(B))? ☐ YES ☒ NO
If yes, identify entity and nature of interest:
5. Is party a trade association? (amici curiae do not complete this question) ☐ YES ☒ NO
If yes, identify any publicly held member whose stock or equity value could be affected substantially by the outcome of the proceeding or whose claims the trade association is pursuing in a representative capacity, or state that there is no such member:
6. Does this case arise out of a bankruptcy proceeding? ☐ YES ☒ NO
If yes, identify any trustee and the members of any creditors' committee:

Signature: Angella QuinnDate: 11/1/17

Counsel for: _____

CERTIFICATE OF SERVICE

I certify that on 11/1/17 the foregoing document was served on all parties or their counsel of record through the CM/ECF system if they are registered users or, if they are not, by serving a true and correct copy at the addresses listed below:

Angella Quinn
(signature)11/1/17
(date)

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Table of Authorities

Constitutional Provisions

U.S. Constitution, 4th Amendment
U.S. Constitution, 14th Amendment

Statutes

28 U.S.C., Section 1983

Statement of Jurisdiction

This Court has subject matter jurisdiction pursuant to 28 U.S.C., Section 1254(1). The matter was originally filed in the United States District Court for the District of Maryland pursuant to 28 U.S.C., Section 1331.

Statement of the Case

The facts of this case are set forth in two Memorandum Opinions issued by the U.S. District Court for the District of Maryland, Case No. 14-00182, Document No. 49, dated October 23, 2018 and Document No. 79, dated September 11, 2017, and by the Fourth Circuit in Case No. 15-2468, Document No. 50 dated February 8, 2017.

Osborne and Meredith Pipitone ("Pipitone"), a former defendant in this case, are the natural parents of two minor children, a girl and a boy. At all relevant times to this action, the girl ("JMLO") was five years old, and the boy ("CJP") was two years old. On November 1, 2010 Pipitone contacted the Harford County Child Advocacy Center alleging that the Plaintiff had sexually assaulted JMLO. Memorandum Opinion at 2 (App. at 323).

Later that day, Pipitone brought JMLO into the Advocacy Center. When they arrived, Georgiades and former Defendant, Dione White ("White"), a licensed social worker, interviewed Pipitone. After speaking with Pipitone, White interviewed JMLO. This interview lasted approximately thirty-eight minutes and

was both visually and audibly recorded. Georgiades monitored the interview from an adjoining room via live video feed for purposes of conducting a criminal investigation. Georgiades also maintained telephone contact with Defendant White as she questioned JMLO, and he interrupted White's interview at least three times. Specifically, Georgiades interrupted twice because he had specific questions he wanted White to ask JMLO, and a third time to terminate the interview.

During the initial part of the interview, White was able to successfully establish a rapport with JMLO resulting in JMLO becoming comfortable with the process. After rapport had been established and the touch inquiry began, JMLO (1) denied that she had ever been touched on those parts of her body where a bathing suit might cover; (2) denied that anybody ever asked to touch her or tried to touch her; (3) denied that anybody ever asked her to touch their privates with their penis; (4) denied that "anyone tried to make her, or asked her, or told her to touch their [privates]"; (5) denied that she ever told her mother that someone touched her; and (6) denied that she ever told her mother that somebody put their penis on her private.

After these persistent denials, JMLO denied that she told her mother that she did not want to go trick or treating because someone touched her private. She continued to deny the allegations, for the eighth time, after she was asked if anyone had touched her private parts and told her not to tell anyone.

After enduring White's exhaustive line of questioning, JMLO stated that

Osborne committed an act of abuse. However, JMLO first indicated that the alleged abuse occurred twice. Later during the interview, she indicated that acts of abuse occurred three times. Even more incredibly, JMLO then claimed that Plaintiff penetrated her vagina with his penis, hands, mouth and foot. Georgiades, upon hearing the absurd claim that Osborne used his foot to sexually abuse JMLO, abruptly concluded the interview.

After Georgiades and White abruptly terminated the interview, Georgiades had Pipitone telephone Osborne. The purpose of the call was, "to gather evidence or what Mr. Osborne would have stated during that conversation to a one party consent." Additionally, Georgiades, "[w]as looking for more probable cause to an element of the crime." During the conversation, Pipitone repeatedly accused Osborne of sexually abusing JMLO. However, Osborne continually denied the allegations and even agreed to submit to a polygraph examination. App. at 309-321.

Two days later, on November 3, 2010, Dr. Paul Lomonico examined JMLO.

His evaluation noted the following information:

- JMLO was not interviewed;
- Her past medical history was not remarkable;
- She had no problems with constipation or diarrhea;
- She did not suffer from any urinary problems;
- She was pleasant, comfortable and very talkative;
- She was noted to be in no acute distress (NAD);
- Her genitals were normal;
- Her labia was clean;
- Her hymen was smooth and without clefts;
- Her vaginal walls were normal; and
- Her rectal exam was normal.

Dr. Lomonico's final assessment specifically stated, "there [are] no physical signs on today's exam for *sexual* abuse."

Several weeks later, on January 24, 2011, Georgiades applied to a court commissioner for an arrest warrant for Osborne. Georgiades' two paragraph affidavit relied solely on selected inculpatory excerpts from the interview with JMLO. However, his affidavit failed to mention that JMLO consistently denied the allegations. Furthermore, he failed to mention whether or not the minor child had been medically examined and that the medical examination failed to reveal any evidence whatsoever of sexual abuse.

Subsequently, an arrest warrant was issued on January 24, 2011, and Osborne was arrested the following day, January 25, 2011. Initially, Osborne was charged in the District Court for Harford County with the following charges:

- 1) Second Degree Rape;
- 2) Second Degree Sex Offense;
- 3) Third Degree Sex Offense;
- 4) Second Degree Child Abuse;
- 5) Sodomy;
- 6) Sex Abuse – Minor;
- 7) Sexual Solicitation of a Minor; and
- 8) Second Degree Assault.

The above crimes were alleged to have occurred on October 16, 2010. As a result of the indictment, Osborne was held without bail. He remained incarcerated from January 24, 2011 until October 3, 2011, when his bail was reduced to \$25,000. On December 3, 2011, the state declined to prosecute Osborne, opting instead to place his case on the inactive "stet" docket.

On January 23, 2014, Osborne filed suit in the U.S. District Court for the District of Maryland. Defendants White and Pipitone were subsequently dismissed from the suit, but the district court denied Georgiades' summary judgment motion. On appeal, the Fourth Circuit affirmed, and the matter was set for trial. However, prior to the trial date, Georgiades filed a second motion for summary judgment arguing, among other things, that Osborne was not entitled to recover because his criminal case had been "stetted". This time, the district court granted summary judgment in favor of Georgiades. Osborne timely appealed, *pro se*, and the decision was affirmed by the Fourth Circuit. Osborne now petitions this Court for a writ of certiorari.


Reasons for Granting the Writ

As a result of the false allegations, Osborne suffered incarceration, damage to his reputation, and loss of employment opportunities and familial relationships. The district court did not adequately address the fact that Georgiades fabricated the evidence against him and omitted evidence that would have exonerated him.

Conclusion

Based upon the facts and circumstances of this case, the Court should grant Osborne's petition for a writ of certiorari.


Respectfully submitted,



Angello Osborne
Petitioner, Pro Se
112 Rockspring Church Road
Forest Hill, MD 21050

Certificate of Service

I HEREBY CERTIFY that on this 30th day of December, 2019, that three (3) copies of the foregoing petition for writ of certiorari with appendices were mailed via regular first class mail, postage prepaid, to Bradley Neitzel, Esquire and Deborah Street Duvall, Esquire, Harford County Department of Law, 220 South Main Street, Bel Air, MD 21014-3865.



Angello Osborne