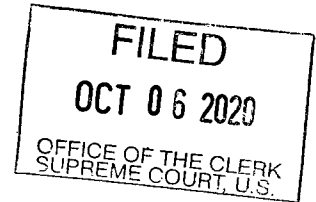


No. **20-6145**

ORIGINAL



IN THE

SUPREME COURT OF THE UNITED STATES

ANTHONY QUENTIN KELLY — PETITIONER
(Your Name)

VS.

WARDEN, FRANK B. BISHOP, JR. — RESPONDENT(S), et al.

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

ANTHONY QUENTIN KELLY #352736
(Your Name)

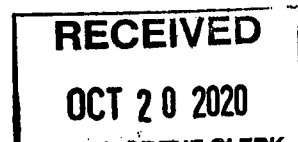
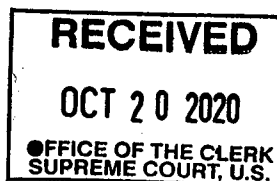
North Branch Correctional Institution

14100 McMullen Hwy S.W.
(Address)

Cumberland, Maryland 21502
(City, State, Zip Code)

(Phone Number)

No. 18-6898
(1717-CV-02065-RDB)



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QUESTION(S) PRESENTED

In the extraordinary circumstances of this case, United States Court of Appeals for the Fourth Circuit (hereafter "Fourth Circuit") has entered July 17, 2020 and September 8, 2020 decisions in conflict with the decisions of *Stack v. McDaniel*, 529 U.S. 473, 484 (2000); *Buck v. Davis*, — U.S. —, 137 S.Ct. 755, 773-74 (2017); *Jennings v. Woodford*, 290 F.3d 1006, 1010 (9 Cir. 2002) [citing *Stack* at 483]; *Lambright v. Stewart*, 220 F.3d 102, 1025 (9 Cir. 2000) [en banc] on the same important matter.

United States Court of Appeals for the Ninth Circuit has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court.

~~This Court~~

Fourth Circuit clearly abuse its authority without writing an explanation of how Fourth Circuit reached its July 17, 2020, September 8, 2020 & September 22, 2020 decisions.

Petitioner Anthony A. Kelly notify the Clerk of this Court, that he believe no parties below have no interest in the outcome of the petition.

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:

Warden, Frank B. Bishop, JR.; John McCarthy, State Attorney; Attorney
General of Maryland, et al.

respondents - Appellees

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	5
CONCLUSION.....	6

INDEX TO APPENDICES

APPENDIX A	Decision of (State Trial Court) Circuit Court for Montgomery County, Maryland. SEE ATTACHED.
APPENDIX B	Decision of State Court of Special Appeals. SEE ATTACHED
APPENDIX C	Decision of State Court of Appeals. SEE ATTACHED
APPENDIX D	Decision of U.S. District Court Denying Review. SEE ATTACHED
APPENDIX E	Decision of U.S. Fourth Circuit. SEE ATTACHED
APPENDIX F	Order of U.S. Fourth Circuit Denying Rehearing. SEE ATTACHED

"Everything is being quote from the record" See Rule 12.7.

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Stack vs McDaniel, 529 U.S. 473, 484 (2000)	II
Buck vs Davis, — U.S. — 137 S.Ct. 759, 773-74 (2017)	II
Jenning vs. Woodford, 290 F.3 1006, 1010 (9 Cir. 2002) [citing <u>Stack</u> at 483]	II
Lambright vs. Stewart, 220 F.3d 102, 1025 (9 Cir. 2000) [en banc]	II

STATUTES AND RULES

Rule 12.7	IV
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OTHER

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 E 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 D 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 _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ 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 7-17-20.

☐ 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: 9-8-20, and a copy of the order denying rehearing appears at Appendix F.

☐ 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 _____.
A copy of that decision appears at Appendix _____.

☐ 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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The right of a state prisoner to seek federal habeas corpus relief is guaranteed in 28 U.S.C. 2254. The standard for relief under "AEDPA" is set forth in 28 U.S.C. 2254 (d)(1).

STATEMENT OF THE CASE

Petitioner Kelly was convicted on July 2, 2008 on first degree of rape sentence to life without possibility of parole.

REASONS FOR GRANTING THE PETITION

Petitioner Anthony Q. Kelly submits that he is unlawfully, and unconstitutionally, confined and restrained of his liberty in violation of the United States Constitution and the Maryland Constitution, Declaration of Rights.

Petitioner Kelly asserts that Frank B. Bishop, Jr., warden, is the official currently holding petitioner Kelly unconstitutionally and restrained of his liberty while in illegal confinement at North Branch Correctional Institution, located in Cumberland, Maryland 21502.

In the extraordinary circumstances of this case, this writ will be in aid of this Court's appellate jurisdiction, that exceptional circumstances warrant the exercise of this Court's discretionary powers, and that adequate relief cannot be obtained in any other form or from any other court.

There are new argument in this case that this Court should accept to prevent manifest injustice would otherwise result.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Anthony Recartin Kelly

Date: 9-29-20