

20-7297

No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

ORIGINAL

Demetres Sturgis PETITIONER
(Your Name)

vs.

State of Maryland RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

The Court of Appeals of Maryland
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Demetres Sturgis
(Your Name)

13800 McMullen Hwy. Sw.
(Address)

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

(Phone Number)

FILED

JAN 05 2021

OFFICE OF THE CLERK
SUPREME COURT, U.S.

DEMETRIES STURGIS

Petitioner

V.

State of Maryland

Respondent

In the

Supreme Court

of the

United States

Case No(s):

Court of Appeals: No. 337 (2020)

Special Appeals: No. 762 (2019)

Circuit Court for Balt. City

106334001, 2

Petition For A Writ of Certiorari to The Court of Appeals of Maryland

Now Comes petitioner Demetries Sturgis, Prose, in Accordance with Rules 10-14, 29, 30, 33.2, 34, 39 of the Rules of the Supreme Court, in which petitioner Asks this honorable Court to review and overturn the judgment of the lower court, the Court of Appeals of Maryland, In Support petitioner presents the following

The Application of this Claim -

- (1) Resulted in a decision that was contrary to, or involves An Unreasonable Application of Clearly established Federal Law, As determined by the Supreme Court of the United States; or
- (2) Resulted in a decision that was based on An Unreasonable Determination of the facts in light of the evidence presented in the state court proceeding.

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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 _____; 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☐ is unpublished.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 _____ 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☒ is unpublished.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 A 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☒ is unpublished.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 of Special Appeals court appears at Appendix B to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

1.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____

☐ 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 10-23-70.
A copy of that decision appears at Appendix A.

☐ 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).

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STATEMENT OF THE CASE

The instant case was charged under Baltimore City Circuit Court Case Nos. 106334001 and 106334002. Sturgis was charged with offenses relating to the attempted murder of Larry Reed and the murder of Rasheed Stevenson. After a jury trial before the Honorable Kaye A. Allison, Sturgis was convicted of the first-degree murder, second-degree murder, first-degree assault, and second-degree assault of Stevenson. The jury also convicted Sturgis of the first-degree assault and second-degree assault of Reed. On August 14, 2007, Judge Allison sentenced Sturgis to life imprisonment for the first-degree murder of Stevenson, and a consecutive twenty-five years' incarceration for the first-degree assault of Reed. This Court affirmed Sturgis's convictions on direct appeal. *Sturgis v. State*, No. 1684, Sept. Term, 2007 (Md. Ct. Spec. App. Jan. 22, 2009) (unreported) (Apx. 1-39).

On November 7, 2014, Sturgis filed a motion to correct an illegal sentence. On February 3, 2015, the Honorable Yolanda A. Tanner denied his motion. (R.24-28). Sturgis appealed this ruling, and this Court dismissed the appeal for Sturgis's failure to file a brief that conformed with the Maryland Rules. *Sturgis v. State*, No.

217, Sept. Term, 2015 (Md. Ct. Spec. App. Oct. 13, 2015) (order) (Apx. 40).

On January 15, 2016, Sturgis filed another motion to correct an illegal sentence. On April 22, 2019, Judge Tanner found that this motion raised the "same allegations" as Sturgis's 2014 motion, and denied the motion "as having already been determined."

Questions Presented

- 1). What is the sufficiency of the returning of Verdicts in the U.S.
- 2). If the Constitution requires Unanimous Verdicts How/Why Can States Get Around that and their own precedent
- 3). Did the State of MD. Err in denying petitioners Motion to correct an illegal sentence

STATEMENT OF FACTS

The Court summarized the evidence at Sturgis's trial in its opinion in Sturgis's direct appeal. (Apx. 14-23). As Sturgis's claim

¹ The text of the order indicates that it issued on April 22, 2019, but the order was date-stamped by the circuit court on April 23, 2019. (R.29).

² The State has omitted procedural history not pertinent to the issue raised on appeal.

³ For clarity, the State has combined Sturgis's issues into a single question presented.

relates solely to the verdict, the State will set forth only those facts pertaining to the return of the verdict.

The jury's verdict was returned on June 25, 2007.⁴ The foreperson announced the verdict as follows:

THE CLERK: Madam Forelady, please rise. As to the case of the State of Maryland v. Demetries Sturgis, case no. 106334001, the verdict relating to the victim Larry Reed, how say you, is Demetries Sturgis guilty of (inaudible) or not guilty? Question 1, how do you find as to the charge of attempted murder in the first degree, not guilty or guilty?

FORELADY: Not guilty.

THE CLERK: As to question no. 2, how do you find as to the charge of attempted murder in the second degree, not guilty or guilty?

FORELADY: Not guilty.

THE CLERK: As to question no. 3, how do you find as to the charge of assault in the first degree, not guilty or guilty?

FORELADY: Guilty.

THE CLERK: And as to question no. 4, how do you find as to the charge of assault in the second degree, not guilty or guilty?

⁴ All transcript references ("T.") are to June 25, 2007. When this brief was filed, this transcript was not part of the appellate record. The State has a copy of the transcript from a prior proceeding in Sturgis's case, and has included pertinent pages in the Appendix. (Apx. 41-50).

FORELADY: Guilty.

THE CLERK: Thank you. As to the case of the State of Maryland v. Demetries Sturgis, case no. 106334002, again how say you is Demetries Sturgis guilty of the matter (inaudible) or not guilty? As to question no. 1, this is a verdict relating to the victim Rasheed Stevenson, how do you find as to the charge of murder in the first degree, not guilty or guilty?

FORELADY: Guilty.

THE CLERK: As to question no. 2, how do you find as to the charge of murder in the second degree, not guilty or guilty?

FORELADY: Guilty.

THE CLERK: As to count no. 3, how do you find as to the charge of assault in the first degree, not guilty or guilty?

FORELADY: Guilty.

THE CLERK: And as to question no. 4, how do you find as to the charge of assault in the second degree, not guilty or guilty?

FORELADY: Guilty.

(T.47-49; Apx. 43-45).

Defense counsel then requested a poll of the jury, and the clerk polled Jurors 2 through 12, who each indicated their agreement with the verdict. (T.49-51; Apx. 45-47). The clerk did not poll the foreperson.

The clerk hearkened the verdict as follows:

Harken to the verdict as the court has recorded it, we find in case no. 106334001 that Demetries Sturgis is not guilty of attempted murder in the first degree, not guilty of attempted murder in the second degree but is guilty of assault in the first degree and is guilty of assault in the second degree.

As to case no. 1036334002 [sic] the case relating to the victim Rasheed Stevenson, we find that Demetries Sturgis is guilty of murder in the first degree, is guilty of murder in the second degree, is guilty of assault in the first degree, is guilty of assault in the second degree and so say you all. Thank you.⁵

(T.51; Apx. 47). The trial court then thanked and released the jury.

(T.51-52; Apx. 47-48).

ARGUMENT

IF THE ALLEGED ERROR IS COGNIZABLE ON A MOTION TO CORRECT AN ILLEGAL SENTENCE, STURGIS'S SENTENCE IS LEGAL.

In appealing the denial of his motion to correct an illegal sentence, Sturgis appears to attack the unanimity of the jury verdict underlying his convictions. He argues that the jury was improperly polled because the clerk did not poll the foreperson

⁵ Undersigned counsel has reviewed the video recording of the clerk's hearkening of the verdict. As the verdict was hearkened, there was no audible response from the jury, nor was there an appreciable pause between the clerk's saying "and so say you all" and "Thank you."

HEIR

after she announced the verdict. He also argues that the verdict was not hearkened. Sturgis claims that, in the absence of proper polling or hearkening, the verdict was invalid, and his sentences are therefore illegal.⁶

Discussion And Memorandum of Law in Support

The decisions of the lower courts are erroneous because (1) the lower courts have contradicted one another within the court of Appeals And with the court of special Appeals of this state, (2) the decisions contradict the decision that this state holds as precedent on the issue And, (3) Refuse to Address the issue at hand.

This issue has National importance because (1) this court And the U.S. Constitution Guarantees the entire nation a trial by jury And a Unanimous Verdict of the jury, (2) A National precedent would cement the procedure for returning Verdicts in every state with more Constitutional Authority, (3) Address an issue the lower courts do not want to Address And, (4) preserves the rights of defendants And jurors across the country.

The decisions are first in conflict with its own courts, Rules And Constitution, (2) the U.S. Constitution, And (3) No other jurisdiction has ruled that the law is correct in allowing a jury foreperson not to be polled Nor hearkened, Nor (4) does any other jurisdiction allow (1) to (1) Jury Verdicts without permission or Acceptance by the state, Court or defendant.

The importance of this case to Appellant And others is (1) the importance And difference between life in prison And Another opportunity to prove what that one person saw or heard for innocence instead of Guilt, (2) A chance to Allow others to see or hear evidence that they may have missed, (3) Knowing that their right to an Unanimous Verdict is Actually protected, A fair trial is Actually fair, thus saving lives because an innocent man with a life sentence is ~~dead~~ too And a juror living with regret is too in prison.

The 5th and 14th Amendments to the U.S. Constitution Guarantee the Right to procedural due process

Art. 21 of Maryland's Declaration of Rights Guarantees the right to a Unanimous Verdict.

The Court of Appeals of Maryland has made (2) two different decisions that Confuses the language of Art. 21 and totally ignores (in part) the 5th and 14th Amendments.

Historically in Maryland, the protocol for returning Verdicts was established by *Giles v. State* 26 Md 485 (1893), which is still precedent today.

In *Joos v. State* 384 Md. 609 (2005) Judge Battaglia Rules that the Return of the Verdict has (3) distinct procedures.

Maryland has recently been ignoring those (3) distinct procedures and violating the procedural due process rights of defendants by adopting Judge Barbera's opinion in *Colvin v. State* 450 Md. 718 (2016), which states that the foreperson does not need to be polled and even if so there is no error unless there is a error in or an improper heartening.

To Return a Verdict and it be Unanimous the Verdict must be (1) Announced; (2) polled (if requested); (3) heartened.

Unanimity is All (12) Jurors Agreeing in each separate procedure. Procedures that are protected by the procedural due process rights of each and every defendant.

Before deliberation in the case at hand the instruction given to the jury
MPJ 1-CR 2:01:

The Verdict must be a conscious judgement of each of you. In order to reach
A Verdict, All of you must Agree. Your Verdict must be Unanimous, You must
Consult with one Another and deliberate with a view to reaching An
Agreement, If you do so without violence to your individual judgement, Each
of you must decide the case for yourself, But do so only After an impartial
consideration of the evidence with your fellow jurors. During deliberations,
Do not hesitate to re-examine your own views. You should change your
opinion if convinced you are Wrong. But do not Surrender your honest belief
As to the weight or effect of the Evidence only because of the opinions of
your fellow jurors for the mere purpose of reaching a Verdict.

The State of Md has made the Argument that "it's highly Unlikely that
the jury would have Agree to designate as foreperson A juror who do not Agree
with the Verdicts they would be Announcing".

MD Rule 4-312(H): Provides that the trial judge shall designate A sworn
juror as foreperson.

Regardless of if the jury chose the foreperson or not, the instruction by the court
gives Any juror the right to change their opinion if convinced they were Wrong.
If A juror is instructed to be seated by the court/clock, is silencing that juror
and not giving that juror an opportunity to voice that change in opinion in which
the right was given to that juror and the defendant by Art. 21 and MD Rule 4-327

The foreperson by legal definition is "the presiding member of the jury and
the person who speaks on the jury's behalf when communicating with the
court as in rendering the jury's Verdict."

The Court of Appeals of MD is blatantly showing a systemic injustice by allowing a practice that is contrary to not only its state constitution but the U.S. Constitution and the very Rules they are to enforce and the rights they are supposed to protect.

As this issue of Juror Unanimity becomes more common, the Court of Appeals of MD continues to move the needle.

There's no cases that address the sufficiency of the return of Verdicts in MD or any state for that matter because this court has not been asked to go so until now and states take that as a free pass to continue to move the needle regardless of what the precedent is in the states law and constitution.

The precedent in MD is Givens but the Court of Special Appeals and Court of Appeals will not go use Briscoe, why?

Then comes the decision in Colvin which adds another element/challenge to the issue.

The Givens court was clear and Judge Barberis updated it and made it perfectly clear that returning Verdicts has (3) distinct procedures and none of the procedures overlap at any point, procedures in which all the jurors are apart of (2) of the (3) procedures.

In those procedures there is no excuse for not polling the foreperson and there is no contingency that there has to be any error within the hearing.

In no rule nor case law does polling consist of the other (1) jurors and hearing requires a response by the jury and says nothing about a response is a non-verbal way.

Respondents will then argue that the defense attorney did not object to any error in the returning of the Verdict, But,

With Any Attorney's Failure to object to the "incomplete poll" does not constitute A knowing and intelligent Waiver of his/her Constitutional right to A Unanimous Jury Verdict. Since while a defendant's right to A Unanimous Jury Verdict may be waived, but only when a defendant receives consent from the state and the court, And the defendant "competently and intelligently" Waives the right. State V. McBay 280 MP 558 (1977)

In Lattisaw V. State 619 A.2d 548 (1993), The Court of Appeals of MD. states "It is a trial judge's duty to take corrective action that also applies when the Verdict of an individual juror is Ambiguous or otherwise defective, for it takes but one juror to threaten the Constitutional requirement of A Unanimous Verdict." JP at 551

This is A Continuation to show that this State continues to dictate the opinions and rulings of this issue in the manner that best protects the State instead of the rules and Constitution, then the rights of the defendants, Appellants and jurors that they swore to protect.

The practice allows cannot be sufficient because the law of the state doesn't allow it, the protocol doesn't allow it and the Constitution doesn't allow it.

The State is afraid that A Ruling that would go in the favor of an Appellant would be retroactive and result in the overturning of Verdicts the State wish not to overturn, but the Constitution dictates they go. The political and financial Backlash or Scolding of the State is also A determining factor in the State continuously reflecting the issue.

The State of MD wants Calvin and Briscoe to Control here, That cannot possibly suffice because Briscoe was overruled by Givens. The case at bar has an element that does not exist in Calvin.

In this case the state itself provided that not only was the foreperson not polled but upon the attempt to hear the jury, the clerk did not allow the jury to respond.

The requirement of hearthening for the jury to respond is the duty of the clerk to ensure, and an error of the court to not correct.

The defendant at no time gave any "competent and intelligent" waiver of his right to a Unanimous Verdict.

With the foreperson only announcing the Verdict and giving it's right to retract, or express his dissent after further consideration, results in an (11) to (1) jury Verdict which is not Unanimous and thus Null and Void.

In Keller v. State 33 Md. L. Rev 359, 359 n.2 (Noting that hearthening is the procedure whereby the court clerk verifies the Accuracy of the Verdict as recapped; And it is Not Necessary for a defendant to request that the court hearth the Verdict because the court clerk as a matter of routine, "Automatically hearthens the Verdict after it is Announced").

Judge Barbara is reasoning and allowing the lower courts to accept a practice that - the foreperson of a jury, when delivering the jury's verdict is also announcing the foreperson's own verdict, consequently polling of the foreperson individually is not necessary to ensure jury unanimity.

According to the procedural due process rights of a defendant the (3) distinct procedures are to be followed as stated

As Judge Butzalia explained - The foreperson renders the verdict (speaking for the entire jury); Polling (if requested) in which each juror is polled (individually); then Heavkening, which the jury is asked (collectively) that they agree with the verdict given. *Jones v. State*, 384 Md 669 (2005)

The plain language in - (3) distinct procedures - does not imply that any (2) of them may be combined.

Procedural due process is defined as guaranteeing procedural fairness where the Gov't attempts to deprive one of his/her property or liberty.

Is protected by

Fifth Amendment to the U.S. Constitution

(14), that neither life liberty or property may be taken without due process of law.

Fourteenth Amendment to the U.S. Constitution

"Protects all persons from state laws that attempt to deprive them of life, liberty or property, without due process of law", or "that attempt to deny them equal protections of the laws".

This Honorable Supreme Court has Numerously Aligned with the opinion of Justice Brennan in Asserting that the return of A Verdict is comprised of (3) distinct procedures.

In Maryland, it Given is the Historical way leading precedent when it comes to Jury Verdicts and the return of Verdicts, why Are the Courts in MD. Quoting and Ruling As if Boscor is the Controlling precedent when it is not?

Also why is it that MD will not officially nor formally Address the returning of Verdicts and its sufficiency in this state?

The Court of Appeals in Jones 384 MD. 469 (2005) States

An oral Announcement is mandated to Enable the defendant to exercise the right to poll the jury to the Verdicts.

This means the first procedure is mandated for there to be A possible second procedure (polling), if no poll is requested then the jury is just hearthened, in which, it is Also mandated that the entire jury (including the foreperson) must respond.

Once the Verdict is Announced, A request for a poll Activates the second procedure which is polling the jury. This request is not to poll the other (11) Jurors, My right is to poll the entire jury which consists of (12) persons and is protected by Art. 21 of the Fed. of Rights of MD.

This Court has ruled in Graham v. Wright 430 U.S. 651 (1977)
"The Eighth Amendment is violated when the State fails to secure a formal
Adjudication of Guilt."

A Majority Verdict is not a Unanimous one And is a Failure to secure
A formal Adjudication of Guilt.

The State of MP. Admits Contradicts itself in Mills v. State
310 MP 33 (1987), in which, it states "The Burden and Standard of proof
operate upon each juror individually and not upon the jury collectively
on a majority basis, And... The Failure to Achieve Unanimity on either
Side of an issue ordinarily results in a hung jury. Mills 310 MP. At 61

Thus, the State of MP And its Court of Appeals decision And its lower
Courts opinions

(1) Results in a decision that was Contrary to, or involves an Unreasonable
Application of clearly established Federal Law, As determined by the Supreme
Court of the United States.

First by Violating the 5th, 8th, 6th, 9th And 14th Amendments
to the United States Constitution.

U.S. Constitution

5th Amendment reads in part - "(4) Neither life, liberty nor property may be taken without due process of law"

6th Amendment reads in part - "these rights form the foundation of the Accused's right to a fair trial by an impartial jury"

8th Amendment reads in part - "prohibiting Cruel and Unusual punishment" And "A failure to secure a formal Application of Guilt"

9th Amendment reads in part - "that the rights enumerated in the Constitution shall not be construed to deny or disparage other rights retained by the people. These rights are those so basic and fundamental and so deeply rooted in our society to be truly essential rights."

14th Amendment reads in part - "protects all persons from state laws that attempt to deprive them of 'life, liberty or property', without due process of law, or that attempt to deny them equal protection of the laws and almost all of the provisions of the Bill of rights to citizens of every state."

Fsp. R. Crim. P 23(b)(3) - Requires a (12) person jury unless Authorized by the Court, state and defense.

The states decision to Rule that a jury Verdict by (11) jurors without permission, was Unanimous and legal, in Addition to being outside of the protocol that was set forth for returning Verdicts opens by the same Court Violates the petitioners and the forepersons Constitutional rights.

(2) Resulting in a decision that was based on an Unreasonable determination of the facts in light of the evidence presented in the state court proceedings.

The facts supported by the precedent in *Givens* and the Court of Appeals of Maryland and supporting Case law assert:

"When a Verdict has been reached the jury returns to the jury box and the foreperson, 'speaking for the jury', orally answers the clerk's inquiry as to whether the members of the jury have agreed upon a Verdict. The foreperson then announces the jury's Verdict.

"The purpose of requiring the foreperson to give 'An oral announcement' of the Verdict in open court is 'to enable the defendant to exercise the right to poll the jury as to the Verdicts'. *Id.* at 684 Jones.

Although a defendant has an 'Absolute right to poll the jury', in order to exercise that right the defendant must request to do so. *Id.* at 683.

"The object of a poll of the jury", the Court of Appeals says long ago, "is to call on each juror to answer for himself, and in his own language."

Ford v. State 12 Md. 514 (1859)

This process "ensures the Unanimity of the Verdict prior to its entry on the record" *Id.* at 682 Jones.

"When the Courtroom Clerk calls upon the jury to hearken to its Verdict, the jury is addressed collectively" and

"hearkening requires the jury 'to listen carefully and indicate its Assent to the Verdict as Announced to ensure Unanimity and the Agreement of each and every juror to the Verdict as Announced.

Smith v. State 412 Md. 28, 38 (2009)

Contrary to the facts, protocol and precedent put forth for the returning of Verdicts, the State puts forth the rulings in

Strong V. State 261 M2 371 (1971); Conley V. Warden of the M2 House of Correction 196 M2 250; Briscoe V. State 68 M2 294 (1888); Calvin V. State 468 M2 718 (2016) and Brightwell V. State 223 M2 App 481 (2015)

Where the State is Arguing, is (1) that the Briscoe rule is still precedent and applicable to cases today and, (2) that even with the foreperson not being polled there has to be a error within the hearing or, (3) there was no objection to either the polling or hearing.

These cases and excuses for the State have been overruled by the same Court(s) in cases

Givens V. State 76 M2 485 (1993) - which is the precedent for the return of Verdicts in M2. Which overrules Briscoe, Strong and Brightwell

Jones V. State 384 M2 669 (2005) - That reiterates that the return of a Verdict consists of (3) distinct procedures and a detailed explanation of those procedures which overrule Calvin

State V. McKay 235 M2 558 (1977) and Lathrop V. State 619 A.2d 548 (1993) Clears concerns about objections to the polling and/or hearing, where the State concedes that the duty to correct is on the trial court

Honzo V. State 412 M2 42 (1945) - Holds the duty of the clerk to receive the Verdict and a mandated response from the jury during hearing.

Finally in Smith V. State 279 M2 158 (1984) also made it clear that all 12 jurors must agree with the Verdict announced.

This is not being followed in the State of MD. And at every turn there is a new wrinkle, obstacle or barrier in a procedure that its language is absolutely clear.

In Calvin Judge ZARNICH Expresses - "It is better practice for the clerk to poll the foreperson in addition to the other jurors" If the protocol and procedure is to poll, the practice should also be exactly that, Any other practice is not in Accord with protocol or procedure and thus A Violation and Contrary to the prescribed protocol and procedure.

In Smith 299 MD 158 - The Court opined - "Neither hearkening nor polling cures a Verdict that is defective when it is polled or hearkening in its defective form".

How is it now that not polling the foreperson, which makes the polling defective, be cured by the hearkening but,

In the case at hand the foreperson was not polled and the clerk did not allow the jury to respond during the attempt to hearken them.

Furthermore, if polling followed hearkening, proper practice and protocol is for the foreperson to be polled with the other jurors.

What's the difference with the procedures in a different order? If I have to ask for the poll to Access the right to poll, How can the foreperson be automatically spoken for before I Access the right?

The Clerk's failure to Allow the jury to respond Gives rise to liability because of the duty to Act.

The Unreasonableness of the lower courts and the State of MP starts with the Unwillingness to Address the issue at hand, the Sufficiency of Returning Verdicts and the Constitutional Value.

In this case the Court of Special Appeals of MP when confronted with this issue and proof from the State that during the attempt to hear the jury, the clerk did not allow the jury to respond.

The State in its brief on page 5 (also page 5 of this petition) provides:

"Under Signer's Counsel has reviewed the video recording of the clerk's hearthening of the Verdict. As the Verdict was hearthened there was no Audible response from the jury, nor was there an Appreciable (long enough) pause between the Clerk saying "And so say you All?" and "Thank you".

But the Court of Special Appeals rules

"Even if the polling were to be deemed deficient, the Verdict was hearthened and there is no evidence before us that the jury did not Assent to that hearthening."

What more proof is to be needed, when the State tells the Court they seen and have proof that the clerk did not allow the jury to respond during the attempt to hear them. The language was clear and plain.

This is not just Unreasonable, this is clearly a miscarriage of Justice because even with the facts supported by the State, the petitioner is still forced to deal with it. This is why this Court needs to settle this for the entire country and the many others just like petitioner that are waiting away in prison trying to fight a system that is deliberately performing systemic injustice at this magnitude.

In Conclusion Md. Rule 4-345(A) reads in part -

"An illegal sentence, for purposes of Rule 4-345(A), is one in which the illegality "inheres in the sentence itself"; i.e., there either has been No Conviction Warranting Any Sentence for the particular offense(s) or the sentence is not a permitted one for the conviction upon which it was imposed, and for either reason, is intrinsically and substantively unlawful"

Sentences corresponding to Verdicts of conviction that were not properly finalized have been, under certain circumstances, held to be illegal.

Brightwell v. State, 223 Md. App. 481 (2015)

If this procedure and protocol set forth was followed as the Md. Rules, Decl. of Rights and Constitution dictate, this issue would never arise nor have been a problem in any court in this country.

I ask this honorable court to fix this problem and overturn petitioners convictions and sentences and create a precedent for this state and country when it comes to returning Verdicts and its sufficiency.

Respectfully Submitted,

Dimitrios Sturgis #345-5265
DOMOTRIOS STURGIS

13800 McMullen Hwy, SW
Cumberland, Maryland 21502

Certificate of Service

I, Demetrius Sturgis, do swear or declare that on this date January 3, 2021 As required by Supreme Court rule 29 I have served the enclosed Motion for leave to proceed in forma pauperis and petition for a writ of certiorari on each party to the Above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the Above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

The Solicitor General of the United States Room 5614
Department of Justice 950 Pennsylvania Ave.
N.W. Washington D.C. 20530-0001

I declare under the penalties of perjury that the foregoing is true and correct.

JAN. 3, 2021

Demetrius Sturgis