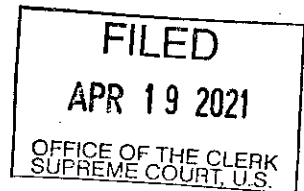


No. 21-5988 ORIGINAL



IN THE

SUPREME COURT OF THE UNITED STATES

Stephen B. Jones SR PETITIONER
(Your Name)

vs.

State of Maryland RESPONDENT(S)
Warden Werner
ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Stephen B. Jones, SR
(Your Name)

MC1-H 18601 Roxbury Road
(Address)

Hagerstown, md 21746.
(City, State, Zip Code)

none.
(Phone Number)

QUESTION(S) PRESENTED

Q2 "Warrant Requirement" Was defendant illegally confined? Under probable cause? Outside the charging venue?

2) Did the trial court error? After I did not see a judicial officer? Under the initial appearance hearing?

3) Did court error? When he was not informed? Of any charges; until arraignment? Which was six-weeks after; he was taken into custody?

4) Did court error? When he did not, receive a speedy trial? Within, one-hundred and eighty days?

5) Was his lawyer incompetent? Both at the original trial? And on his direct Appeals?

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:

RELATED CASES

(one) Frank v. Delaware 438 U.S. 154 at 171-72 (1978)

(two) County of Riverside v. McLaughlin, 500 U.S. 44 (1991)

(three) U.S. v. Dominguez 783 F.3d 702 at 704-05 (7th Cir 1986)

(four) Hayes v. Faulkner-Cnty 388 F.3d 669-675 (8th Cir 2004)

(iii)

TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	(2)
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.....	3 thru 9
STATEMENT OF THE CASE.....	9 thru 10
REASONS FOR GRANTING THE WRIT.....	10 thru 13
CONCLUSION.....	13 thru 15

INDEX TO APPENDICES

APPENDIX A	<u>Petition Docket NO: 370, September</u> <u>term 2020 denied on: 1-29-2021:</u>
APPENDIX B	<u>leave to Appeals Court of Special</u> <u>Appeals,</u>
APPENDIX C	
APPENDIX D	
APPENDIX E	
APPENDIX F	

Table of Authorities Cited

"Cases" Wolf V. Colo 338 US 25 at 27-28
(1949) page (3)

Mapp V. Ohio 367 U.S.
643 (1961) page (3)

County of Riverside V. McLaughlin
500 U.S. 44 (1991) (at 62) page (67) (3)

Mallory V. United States 354 US
449 (1957) (at 451-52) page (1482)

Gerstein V. Pugh 420 US 103 at
114- (1975) page (66) (3)

U.S. V. Griley 814 F.2d 967 at 973
(4th Cir 1987) page (4)

U.S. V. Melendez-Carrion, 790
F.2d 984; at 990 (2d Cir 1986) page (4)

U.S. V. Dominguez 783 F.2d 704-
05 (7th Cir 1986) page (4)
(V)

Table of Authorities Cited

Cases"

U.S. V. Cotton 535 U.S. 625, at
630 (2002) page (4)

Samey U.S. V. Bizer 667 F.2d 452
at 454 (4th Cir) page (4)

Frank V. Delaware 438 U.S. 154
at 171-72 (1978) page (5)

(next) see Gerstein, 420 U.S. at 119, (5)
page (5)

Hayes, V Faulkner - cnty 388
F.3d 669-675 (8th Cir 2004)

Fairley V. Luman 281 F.3d 913
918 (9th Cir 2002) page (5)
page (6)

U.S. V. Salerno 481 U.S. 739 (1987)

Harris V. Angelina - county
31, F.3d - 331-334 (5th Cir 1994)

U.S. V Blasini - Lluberas 144
F.3d - 881-881 - (1st Cir 1998) page (6)

(VI)

Table of Authorities Cited

"cases" same U.S. V. English 629 F.3d 311
321 (2d Cir 2011) page (6)
U.S. V. Swanquist 125 F.3d 573
574-76 7th Cir (1997) (same) U.S.
V. Cisneros 328 F.3d 610 612
(10th Cir 2003) page (6) (7)

"cases" Klopfer V. N.C., 386 U.S. 213
at 222-23 (1967) (same) Smith
V. Hoey 393 U.S. 374 (1969) at 377
page (7)
U.S. V. Ewell 383 U.S. 116 (1966) at
120; page (7)

United States V. Marion 404
U.S. 307 (1971) at 313-320 (see
also eg. U.S. V. Casas 425 F.3d 23
at 33 (1st Cir 2005) page (8)
Strunk V. U.S., 412, U.S., 434-440
(1973) page (8)

"cases" Mcmann V. Richardson 397, U.S.
759, at 771 n. 14 (1970) page

Table of Authorities Cited

'cases' Cuyler v. Sullivan 2446 U.S.
335 at 344-45 (1980) also (see)
Strickland v. Washington 466
U.S. 692 (1984) page

McElrath v. Simpson 595 F.3d
624 at 631-33 (6th Cir 2010)
page;

(Statutes And Rules)

(See Gerstein 420 U.S. 109-110-11,
"probable cause" (see) (355 F. Supp 1286,
and (483 F.2d 778-79)
at 444. U.S. 1062 38 L. Ed 2d 467
94. S. Ct. 597 (1973))

"Rules" (see 5(A) 6(A) and 9(A)
R. Crim P. 18,

(See Exhibits (A)(B)(C)(D)(E)
page's (11) and (12) enclosed
as evidences, And docket ent
ries, To prove it! (one thru five)
(VIII)

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 Special Court IS unreported 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.

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 Jan 29, 2021.
A copy of that decision appears at Appendix A.

☐ A timely petition for rehearing was thereafter denied on the following date: November 05, 2020, and a copy of the order denying rehearing appears at Appendix B.

☐ 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

(Warrant requirement)

The right of the people; to be secure; in their person; and no warrants shall issue; but upon probable cause, supported by oath, or "False Affidavit"¹⁰ (see Wolf v. Colo 338 U.S. 25 at 27-28 (1949) (same) Mapp v. Ohio 367 U.S. 643 (1961))

Any detention beyond the period within, which a warrant could have been obtained, rendered, the officer liable, for false imprisonment, (see County of Riverside v. McLaughlin 500 U.S. 44, at 62 (1996))

(a) Appearance Before the Commissioner. (see Mallory v. United States 354 U.S. 449 at 451-52 (1957) now (see Gerstein v. Pugh 420 U.S. 103 at 114-15 (1975)) (see) page (66)

Constitutional and Statutory provisions involved

see, Constitutional Guarantee under venue. Prosecution must show; by a preponderance, of evidence; that venue was proper. (see) United States v. Griley 814 F.2d 967, at 973 (4th Cir 1987) In removal case, The "First appearance" occurs in the district of prosecution. (see e.g. U.S. v. Mcclender-Carrion, 790 F.2d 984; at 990 (2d Cir 1986) The first appearance is "in charging" not arresting jurisdiction. (see) U.S. v. Dominguez 783 F.2d at 704-05 (7th Cir 1986) Challenge to indictment, may be raised, at any time. U.S. v. Cotton 535 U.S. 625, at 630 (2002) (same) U.S. v. Bizer 667 F.2d 452, at 454, (4th Cir) Falsity started

With the Arrest Warrant's

And charging documents,
causing State courts to
move trials within one-
hundred and eighty days
from arrested. Applied in
the fruit, of the poisonous
tree, Citing *Frank v. Delat-
ware*, 438 U.S. 154 at 157
L. Ed. 2d 667 98 S. Ct. 2674

(next) 1978) If detainer is sought;
must have probable cause,
hearing within 48-hour from
arrest. (see *Gerstein v. Pugh*
420 U.S. 103 at 113-14 1975,
see *Gerstein* 420 U.S. at 119,
An unnecessary delay betwe-
en arrests, and the initial
appearance violate due pro-
cess, and is unconstitutional,
(see *Hayes v. Faulkner-
Cnty* 388 F.3d 669-675 (8th
Cir 2004) 38 days before bring-
ing person before a judicial
officer, for an initial app-
earance violates due process.

see fairley v. Luman 281 F.3d 913 918 (9th Cir 2002) Same U.S. v. Salerno, 481 U.S. 739 (1987) where detention is unconstitutional, Defendant not formally arrested and no hearing held to assess probable cause, (see Harris v. Angelina-County 31 F.3d 331-334 (5th Cir 1994))

(next) District court must state in writing, or orally, on the record, "the reasons" for detaining, or releasing a defendant (see e.g. U.S. v. Blasini-Lluberas, 144 F.3d 881-881 (1st Cir 1998) Same U.S. v. English 629 F.3d 311-321 (2d Cir 2011) District court can't satisfy requirement, when findings and reasons, for detention order. Because (no) hearing happen, (see U.S. v. Swanguist 125 F.3d 573 574-76 (7th Cir 1997)) And they can't

provide transcript. Same
U.S. v. Cisneros, 328 F.3d 610
617 (10th Cir 2003)

(next) State is responsible trial
even, where defendant is
in federal prison, see Klop
fer, v. N.C., 386 U.S. 213 (222-
237) (1967) also (see Smith v.
Hodges 393 U.S. 344 at 377
(1969) Right to Speedy trial
imposed, on States, by due
process clause of 14th Amend
ment, see U.S. v. Ewell 383
U.S. 116, at 120 (1966) The
right to speedy trial, attac
hes, at the time, "of arrest"
or formal charges; whiche
ver comes first. (see United
States v. Marion, 404 U.S.
307 at 313-320 (1971) Arraign
ment time must be calcula
ted from date of arrest; see
e.g., U.S. v. Casas, 425 F.3d
23, at 33, (1st Cir 2005) And
the remedy, for a violation,
(7)

of this right! Is to dismiss, the indictment and vacate any sentence, that has been imposed, (see Strunk v. U.S., 412 U.S. 434 440 (1973) For denied right to speedy trial; While serving state prison sentence),

"Next" (see Conflict of interest) Under 6th amendment, Right to counsel; is right to effective counsel. (see) McMann v. Richardson 397 U.S. 759, at 771 n. 14, (1970) The right to effective applies; to both retained, and appointed counsel; (see) Cuyler v. Sullivan 446 U.S. 335, at 344-45 (1980) also (see) Strickland v. Washington 466 U.S. at 692 (1984) "Counsel breaches, the duty, of loyalty perhaps the most basic of counsel's duties, Because counsel took (8)

no action, on behalf of defendant. (See McElrath v. Simpson 595 F.3d 624 at 631-33 (6th Cir 2010) Counsel knew About warrant requirement and charging document; Was serve outside the charging venue, making paperwork (ineffective) And Void.

(Statement of the Case)

The states, swore affidavit; ~~I~~ voluntary surrender; to a county, outside the charging venue. That date, was August 13, 2009. And sense the commissioner's, wasn't authorized person; to serve that process. She scheduled; me" an initial appearance hearing. In front
(9)

of a "Judge" For August 18, 2009; The next day, August 14, 2009; I was transported; to that county. Then on: September 23, 2009; which was forty-two days after my arrests, "Charges" were filed; in the circuit court; which violated the commissioner's orders. And violated; my speedy trial rights, under due process procedures. Possibly be construed; as a "Brady" violation.

(Reasons for Granting the Writ

Petitioner was charged; in the District court, for (Kent) county. On: August 07, 2009. By a Commissioner's. Id. No: 3082. And by a M.S.P. Officer
(10)

Id. no: 2185: Then on: August, 13, 2009: Petitioner surrendered; to (Dorchester) County. There the warrant, was signed by a M.S.P. Officer, Id. no: 9058-5359: (See the warrant, exhibit (B) now (See The application, for statement of charges, exhibit (A). I believe; that made; the warrant ineffective; also at that time; the Commissioner's sign: the commitment pending hearing, Id. no: 2079: exhibit (C) and the bail review summary, exhibit (D) and the initial appearance report, exhibit (E) which does, prove, the Commissioner's, And the M.S.P. officer, wasn't authorized person's; to serve that process. Requirement a hearing; In the charging venue, which is why!
(11)

she scheduled an initial appearance hearing. For August 18, 2009; which I have not received; (see the docket entries; in the District court; to prove it. And the right to a speedy trial, attached at the time of arrests; or formal charges, whichever occurs first. Arrest date: August 13, 2009; Trial dates: were April 12, 13, 2010; which is, two-hundred and forty-five days. And petitioner, has received ineffective assistance, of counsel, during all stages, of trial, and post conviction proceedings. This arrested, applied in the fruit, of the poisonous tree. Citing *Franks, V. Delaware* 438, U.S. 154, 1978)

(Conclusion)

Petitioner's Prays, the Honorable; Court; will grant this

motion for the following relief.

- (1) An order, ordering an hearing very soon.
- (2) An order, granting immediate release, of the petitioner,
- (3) Grant such, other relief, as law's, and justice may require.
- (4) Vacated sentence, and conviction.
- (5) That counsel's be appointed,
- (6) Petitioner's now, seeks "twenty-four, million dollars, in relief,

I Hereby certify Under the penalties, of perjury, and upon personal knowledge, that the content, of this motion,

(13)

are true and correct,

Sign
Stephen B. Jones

The petition for a writ
of certiorari should be
granted.

Respectfully
Submitted

Stephen B. Jones SR
MCJ-H #363311

Sid no: 0025264
18601 Roxbury Road
Hagerstown, MD

21746

Sign
Stephen B. Jones

#363311

Sid no: 0025264