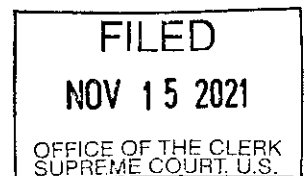


No. 21-6417



IN THE
SUPREME COURT OF THE UNITED STATES

MAUSEAN CARTER — PETITIONER
(Your Name)

vs.

STATE OF MARYLAND — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

COURT OF APPEALS OF MARYLAND
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

MAUSEAN CARTER # 2697075
(Your Name)

13800 McMullen Highway S.W
(Address)

Cumberland MD 21502
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

- 1) Is the lower courts decision in conflict with an important federal question in a way that conflicts with relevant decisions of this court.
- 2) Did the lower courts depart from the accepted and usual course of judicial proceedings in violation of the Maryland Declaration as is incorporated by the U.S. Constitution 14th Amendment.
- 3) Was the court of Appeals decision entered in conflict with the court of Special Appeals on the same important matter of a decision by a state court of last resort.
- 4) Does the Court of Appeals decision to uphold the conviction in State of Maryland v. Mausean Carter, require the precedential cases of: Miranda v. Arizona, 384 U.S. 436 (1966), Sibron v. New York, 392 U.S. 40, 76-77 (1968), and Wong Sun v. United States, 371 U.S. 471 (1962) to be overturned and reversed to sustain the convictions.
- 5) Did the government agents and lower courts deprive Mr. Carter of the Constitutional right to equal protection of the law and due process when his constitutional rights were nullified.

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

- 1) State of Maryland v. MawSean Carter
nos 118005024, 118005025, 118005026 and 118005027,
Circuit Court for Baltimore City
- 2) State of Maryland v. MawSean Carter
nos 1360, 1362, 1363 and 1364 Sept. Term, 2019
Court of Special Appeals of Maryland
- 3) State of Maryland v. MawSean Carter
no. 158 September Term, 2021
The Court of Appeals of Maryland

Cases cited in Certiorari

- Miranda v. Arizona, 384 U.S. 436 (1966) - "specified a Code of Conduct for Police interrogations of Criminal suspects..."
- Wong Sun v. United States, 371 U.S. 471 (1968) - "applied the exclusionary rule to verbal statement obtained in connection with an illegal arrest."
- Sibron v. New York, 392 U.S. 40, 76-77 (1968) "An arrest or a search is invalid if the probable cause needed to support the arrest or search is acquired only during the actual arrest or search."
- Whitehead v. State, 116 Md. App. 497, 505-06 (1997) "the Court of Special Appeals held that detention of a driver, following a pretextual vehicle stop for traffic violation, was unlawful when the purpose of the detention was to determine whether police could acquire probable cause or obtain a waiver."
- Johnson v. State, 355 Md. 420, 735 A.2d 1003 (1999) "a precise 'checklist' that must be strictly complied with before a defendant's waiver can be considered valid."
- Goeller v. State, 119 Md. 61, 85 A. 954 (1912) "The traverser must be informed of the whole charge."
- Young v. State, 5 Md. App. 383, 247 A.2d 751 (1968) "The accused is guaranteed that he need not stand alone against the state at any stage of the prosecution, formal, or informal, in court or out, where counsel's absence might derogate the accused's right to a fair trial."

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	5
REASONS FOR GRANTING THE WRIT	6
CONCLUSION.....	<u>10</u>

INDEX TO APPENDICES

APPENDIX A - Court of special Appeals of Maryland opinion

APPENDIX B - Court of Appeals of Maryland decision

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
miranda v. Arizona, 384 U.S. 436 (1966)	_____ 6, 7, 8, 9
Wong Sun v. United States, 371 U.S. 471 (1962)	_____ 6, 7, 8, 9
Sibron v. New York, 392 U.S. 40, 76-77 (1968)	_____ 6, 7, 8, 9
Whitehead v. State, 116 Md. App. 497, 505-06 (1997)	_____ 6, 7, 8, 9
State v. Wright, 791 N.W. 2d 791 (S.D. 2010)	_____ 7
Johnson v. State, 355 Md. 420, 735 A.2d 1003 (1999)	_____ 6, 9
Young v. State, 5 Md. App. 383, 247 A.2d 751 (1968)	_____ 6, 9
Kardy v. Shook, 237 Md. 524, 207 A.2d 83 (1965)	_____ 6
Goeller v. State, 119 Md. 61, 85 A. 954 (1912)	_____ 6, 9

STATUTES AND RULES

1 st , 4 th , 5 th , 6 th , 8 th , 14 th U.S. Constitution Amendments	_____ 3, 7
42 U.S.C. § 1983	_____ 3

OTHER

Maryland Declaration Articles 21, and 22	_____ 6
--	---------

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 _____ 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 of Maryland court 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.

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 8-26-2021.
A copy of that decision appears at Appendix B.

☐ 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

This case involves Amendments 1st: "...Prohibiting the free exercise thereof; or abridging the freedom of speech..."; 4th: "The right of the people to be secure in their persons, ... against unreasonable searches and seizures, ..."; 5th: "...nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, without due process of law"; ...; 6th: "the accused shall enjoy the right to... be informed of the nature and cause of the accusation, ... to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense."; and 14th to the United States Constitution which provides:

Section 1: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Section 5: "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

The Amendments are enforced by Title 42, section 1983, United States Code: "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges,

or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia."

STATEMENT OF THE CASE

This matter is about whether the petitioner was deprived of the protections of the United States Constitution as is incorporated by the Maryland Declaration of Rights. Pursuant to the regular procedure of due process, the petitioner had been stripped of these immunities from the initial: 1) Pretextual stop under false pretenses depriving the petitioner the right to be informed, 2) being refused his right to refuse a search and seizure without an articulated warrant or probable cause, 3) being refused his request for counsel during interrogation, 4) being compelled to be a witness against himself, and 5) being deprived of effective assistance of counsel by not being permitted to assist with preparing his defense to establish guilt or innocence, obtain evidence and witnesses on his behalf, or argue the violations of his Constitutional immunities. None of the Constitutional violations were addressed from a preliminary or effective procedural argument at trial or on appeal due to ineffective assistance of counsel, therefore the Circuit Court for Baltimore City upheld the convictions. The Court of Special Appeals of Maryland and the Court of Appeals of Maryland affirmed the lower court decision.

Reasons For Granting The Petition

A. Conflicts with the Constitution and decisions of other courts.

The holding that the constitutional violations or that this matter do not serve a desirable interest for the Public is directly contrary to the holdings of 2 Federal courts. see Miranda v. Arizona; Wong Sun v. United States; Sibron v. New York; Whitehead v. State; and Johnson v. State.

In addition the Maryland Declaration of rights Articles 21 and 22 has held under Kardy v. Shook, "The object of this article was to declare and secure the pre-existing rights of the people as those rights had been established by usage and the settled course of law."

B. Importance of the Questions presented.

This case presents a fundamental question of this court decisions in Miranda; Wong Sun; and Sibron. The questions presented is of great importance because it affects the operations of citizens immunity in all 50 states, the District of Columbia, and hundreds of cities and counties. In view of the large amount of litigation over public law and civil rights, guidance on the questions is also of great importance ^{for} citizens to serve in the interest of public law, because it affects the public's ability to receive fair and impartial decisions in proceedings that may result from false imprisonment, wrongful death, excessive force, racial profiling and police brutality cases.

The issues importance is enhanced by the fact that the lower courts have overlooked their own interpretation of Whitehead, Greeller, Young, Kardy, and Johnson. This court held in Whitehead "the Court of Special Appeals held that detention of a driver, following a pretextual vehicle stop for traffic violation, was

REASONS FOR GRANTING THE PETITION

unlawful when the purpose of the detention was to determine whether police could acquire probable cause or obtain a Waiver."

This Court reiterated this point in State v. Wright explaining that "mistake of law cannot provide grounds for a stop."

The common understanding of "Due Process" is that "No state shall make or enforce any law which shall abridge ~~the~~ privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." Both the U.S. Constitution and the Maryland Declaration acknowledge the purpose and importance of due process. However, those concerns are accommodated by permitting the state to bar when these Constitutional provisions are applicable to serve the "desirable interest of the public" which simply does not support Miranda, Wong Sun, Sibron, Whitehead and the 14th Amendment equal protection of the law clause.

The lower courts reasoning that this matter does not serve a desirable interest to the public is unconvincing. This standard challenges the use of the state authority to exercise discretion to include or exclude when a particular case warrant to safeguard due process and equal protection of the law, while in certain circumstances partially abridging the right to be protected by constitutional immunities when there is no penological justification to exclude or nullify these rights.

Reasons For Granting The Petition

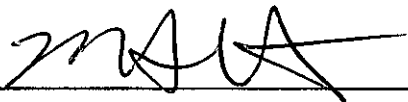
Nothing in the argued cases in the appeals by ineffective assistance of counsel is contrary to the distinction made in Miranda, Wong Sun, Sibron, and Whitehead, between an accused right to due process, and nothing in those cases alters the established precedent of Miranda, Wong Sun, Sibron, and Whitehead to individuals right to due process and equal protection of the law.

Thus the ineffective assistance of counsel and the court below nullified the due process clause for the petitioner by failing to distinguish between the public interest and the arbitrary actions of government. This court should correct that misapplication and omission by either overturning Miranda, Wong Sun, Sibron, and Whitehead to sustain the petitioner's conviction, or overturn the petitioner's convictions REVERSE and REMAND this matter for a new trial GRANTING an order barring further prosecution of this matter to safeguard and protect the constitutional immunities of the citizens of the United States to deter arbitrary actions of the government.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: November 12th 2021