

In The Supreme Court of the United States

No.

Keishon Thompson

Petitioner

V.

Charles County Detention Center et al.
Respondent

On Writ Of Certiorari to the Maryland Court of ~~Appeals~~ Appeal

Application to Justice John Roberts for Bail ~~and~~

Relief Sought

Applicant Keishon Thompson applies to Justice John Roberts, the Honorable ~~Chief Justice~~ Chief Justice, pursuant to Rule 22 of the United States Supreme Court Rules for an order granting Applicant's release on bail of no more than \$50,000 and whatever other conditions are deemed appropriate from the denial by the Maryland Court of ~~Appeals~~ Appeals for the setting of proper bail prior to trial on ~~January 28, 2021~~ ^{January 28, 2021} in proceeding numbered ~~COA-PET-0343-2021~~ COA-PET-0343-2021

Judgment Being Appealed

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MAR 4 - 2022

OFFICE OF THE CLERK
SUPREME COURT OF THE UNITED STATES

On February 17, 2022, the Charles County Circuit Court of Maryland (the Honorable James H. West) remanded the Applicant to custody without bail prior to trial on ~~January 28, 2021~~ ^{January 28, 2021}

ing a danger to the community due to the nature of the charges which is murder in the first degree. A certified copy of the Circuit Court's proceedings is attached to this application as Exhibit B. The Applicant has been confined prior to trial. Since his arrest on December 10, 2020 and upon hearing, the Applicant stated various claims for relief including Maryland Rule 4-216.1(f) which contains the consideration of factors in determining release from custody and Maryland Rule 7-77(a) which states "prior to trial an accused shall be entitled to be admitted to bail". A certified copy of the ~~the~~ Court of Special Appeals order is attached to this application as Exhibit A.

Application for Release on Bail in Court of ~~Appeals~~ Appeals

On February 23, 2022, the applicant filed an application for leave to appeal in the Maryland Court of Special Appeals.

On April 4, 2022, the Maryland Court of Special Appeals denied the applicant's application for leave to appeal. The order of the Maryland Court of Appeals dismissing the petition appears at Exhibit C.

Applicant Should Be Released

The applicant is not a bail risk, does not have a history of flight and has voluntarily made all appearances as ordered before the Circuit Court. The Applicant does not have any prior criminal history and has been confined nearly 17 months awaiting trial. The Applicant's continued confinement is causing considerable hardship. The Applicant has been separated from his family and has lost his employment due to the excessive pretrial detention.

do not have out of state ties. The applicant does not have assets and does not present a danger to the community or anyone if released pending trial. The weight of the state's evidence is not sufficient to hold the applicant in custody pending trial. The circuit court's finding that the applicant is a danger to the community due to the nature of the charges violates due process and the presumption of innocence. The denial of bail by both the circuit court and the court of special appeals is in conflict with decisions by the court of special appeals and the supreme court of the United States. The court of special appeals ruled "prior to conviction, one accused of murder is entitled to be admitted to bail, the amount thereof being in the discretion of the trial court, so long as it is not excessive. (McLaughlin v. Warden of Baltimore City Jail, 16 Md. App. 451). The court of special appeals ruled "preventive detention based on the fact that the defendant poses a danger to society requires proof of that fact by clear and convincing evidence and unless persuaded by clear and convincing evidence that the defendant is a danger to another person or to the community, a judicial officer does not have discretion to conclude that the defendant is too dangerous to be released pending trial. (Wheeler v. State, 160 Md. App. 566). The supreme court of the United States ruled "The commandment of the Eighth Amendment that excessive bail shall not be required at the very least obligates judges passing on the right to bail to deny such relief only for the strongest reasons. (Sellens v. United States, 89 S. Ct. 211, 48 Ed. 2d 64). The supreme court of the United States ruled "pretrial detention on dangerousness has been held to be unconstitutional by the Bail Reform Act of 1984. Continued

without an adjudication of guilt. (United States v. Frisone 795 F.2d 1). The evidence presented on the habeas corpus petition ~~and~~ in the Circuit Court and the application for leave to appeal in the Court of Special Appeals will conclusively establish that the applicant is unlikely to flee and does not pose a danger to the safety of any other person or to the community in which the applicant has resided with his family all of his life. The applicant has good reputation in the community among his family and friends, no prior criminal record. The Circuit Court's summary conclusion is without factual or legal bases since the denial of bail and the continued confinement violates the right to due process and equal protection of the laws.

Conclusion

The order of the Court of Special Appeals denying the application for leave to appeal effectively denied the applicant's rights on the merits in this case, and this type of procedure will serve only to discourage the applicant and others from asserting their constitutional rights. For these rights are all but illusory if one must be confined until trial to overcome the allegations that one is supposed to be innocent until proven guilty of.

Thus, for the reasons stated, the applicant is entitled to his right of immediate bail and the applicant requests that the Court act with dispatch and release him on bail pursuant to the Due Process Clause of the Fifth Amendment and the Excessive Bail Clause of the Eighth Amendment in an amount not to

exceed \$50,000, that being the extent of the applicant's at present beyond those needed to support his necessities of living and to accommodate a bail standard for the seriousness of the charges against him. The applicant seeks review from the Supreme Court of the United States since Maryland Annotated Code 12-202 prevents the State's highest court, the Maryland Court of Appeals from reviewing decisions of the Maryland Court of Special Appeals on Applications for leave to appeal regarding bail.

Dated: 04/30/2022

Respectfully
Submitted

By: Keishon Thompson
Keishon Thompson