

No. 18-10-1275

CF3-20345-12

IN THE

SUPREME COURT OF THE UNITED STATES

GARY MAYE — PETITIONER
(Your Name)

VS.

UNITED STATES — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

Petitioner's affidavit or declaration in support of this motion is attached hereto.

Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

The appointment was made under the following provision of law: _____
_____, or

a copy of the order of appointment is appended.


(Signature)

**AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, Gary May, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

| Income source | Average monthly amount during the past 12 months | | Amount expected next month | |
|--|---|---------------|---------------------------------------|---------------|
| | You | Spouse | You | Spouse |
| Employment | \$ <u>0</u> | \$ <u>0</u> | \$ <u>0</u> | \$ <u>0</u> |
| Self-employment | \$ <u>0</u> | \$ <u>0</u> | \$ <u>0</u> | \$ <u>0</u> |
| Income from real property (such as rental income) | \$ <u>0</u> | \$ <u>0</u> | \$ <u>0</u> | \$ <u>0</u> |
| Interest and dividends | \$ <u>0</u> | \$ <u>0</u> | \$ <u>0</u> | \$ <u>0</u> |
| Gifts | \$ <u>0</u> | \$ <u>0</u> | \$ <u>0</u> | \$ <u>0</u> |
| Alimony | \$ <u>0</u> | \$ <u>0</u> | \$ <u>0</u> | \$ <u>0</u> |
| Child Support | \$ <u>0</u> | \$ <u>0</u> | \$ <u>0</u> | \$ <u>0</u> |
| Retirement (such as social security, pensions, annuities, insurance) | \$ <u>0</u> | \$ <u>0</u> | \$ <u>0</u> | \$ <u>0</u> |
| Disability (such as social security, insurance payments) | \$ <u>0</u> | \$ <u>0</u> | \$ <u>0</u> | \$ <u>0</u> |
| Unemployment payments | \$ <u>0</u> | \$ <u>0</u> | \$ <u>0</u> | \$ <u>0</u> |
| Public-assistance (such as welfare) | \$ <u>0</u> | \$ <u>0</u> | \$ <u>0</u> | \$ <u>0</u> |
| Other (specify): <u>Mother</u> | \$ _____ | \$ _____ | \$ _____ | \$ _____ |
| Total monthly income: | \$ _____ | \$ _____ | \$ _____ | \$ _____ |

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

| Employer | Address | Dates of Employment | Gross monthly pay |
|----------|---------|---------------------|-------------------|
| NA | N/A | N/A | \$ N/A |

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

| Employer | Address | Dates of Employment | Gross monthly pay |
|----------|---------|---------------------|-------------------|
| N/A | N/A | N/A | \$ N/A |

4. How much cash do you and your spouse have? \$ _____
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

| Type of account (e.g., checking or savings) | Amount you have | Amount your spouse has |
|---|-----------------|------------------------|
| Inmate Account | \$ _____ | \$ _____ |
| | \$ _____ | \$ _____ |
| | \$ _____ | \$ _____ |

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home
Value _____ N/A

Other real estate
Value _____ N/A

Motor Vehicle #1
Year, make & model _____ N/A
Value _____

Motor Vehicle #2
Year, make & model _____ N/A
Value _____

Other assets
Description _____ N/A
Value _____ 0

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

| Person owing you or your spouse money | Amount owed to you | Amount owed to your spouse |
|---------------------------------------|--------------------|----------------------------|
| <u>N/A</u> | \$ <u>N/A</u> | \$ <u>N/A</u> |
| | \$ <u>N/A</u> | \$ <u>N/A</u> |
| | \$ <u>N/A</u> | \$ <u>N/A</u> |

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

| Name | Relationship | Age |
|------------|--------------|------------|
| <u>N/A</u> | <u>N/A</u> | <u>N/A</u> |
| | | |
| | | |

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

| | You | Your spouse |
|--|-------------|-------------|
| Rent or home-mortgage payment (include lot rented for mobile home) | \$ <u>0</u> | \$ <u>0</u> |
| Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| Utilities (electricity, heating fuel, water, sewer, and telephone) | \$ <u>0</u> | \$ <u>0</u> |
| Home maintenance (repairs and upkeep) | \$ <u>0</u> | \$ <u>0</u> |
| Food | \$ <u>0</u> | \$ <u>0</u> |
| Clothing | \$ <u>0</u> | \$ <u>0</u> |
| Laundry and dry-cleaning | \$ <u>0</u> | \$ <u>0</u> |
| Medical and dental expenses | \$ <u>0</u> | \$ <u>0</u> |

| | You | Your spouse |
|---|--------------------|--------------------|
| Transportation (not including motor vehicle payments) | \$ <u>0</u> | \$ <u>0</u> |
| Recreation, entertainment, newspapers, magazines, etc. | \$ <u>0</u> | \$ <u>0</u> |
| Insurance (not deducted from wages or included in mortgage payments) | | |
| Homeowner's or renter's | \$ <u>0</u> | \$ <u>0</u> |
| Life | \$ <u>0</u> | \$ <u>0</u> |
| Health | \$ <u>0</u> | \$ <u>0</u> |
| Motor Vehicle | \$ <u>0</u> | \$ <u>0</u> |
| Other: _____ | \$ <u>0</u> | \$ <u>0</u> |
| Taxes (not deducted from wages or included in mortgage payments) | | |
| (specify): _____ | \$ <u>0</u> | \$ <u>0</u> |
| Installment payments | | |
| Motor Vehicle | \$ <u>0</u> | \$ <u>0</u> |
| Credit card(s) | \$ <u>0</u> | \$ <u>0</u> |
| Department store(s) | \$ <u>0</u> | \$ <u>0</u> |
| Other: _____ | \$ <u>0</u> | \$ <u>0</u> |
| Alimony, maintenance, and support paid to others | \$ <u>0</u> | \$ <u>0</u> |
| Regular expenses for operation of business, profession, or farm (attach detailed statement) | \$ <u>0</u> | \$ <u>0</u> |
| Other (specify): _____ | \$ <u>0</u> | \$ <u>0</u> |
| Total monthly expenses: | \$ <u>0</u> | \$ <u>0</u> |

No. 18-10-1295

CFB-20345-12

IN THE
SUPREME COURT OF THE UNITED STATES

GARY MAYE — PETITIONER
(Your Name)

vs.

UNITED STATES — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

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

PETITION FOR WRIT OF CERTIORARI

Gary Maye #465B3001
(Your Name)

P.O. Box 26040

(Address)

Beaumont, TX 77720
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

Ineffective Assistance of Counsel:

- 1) Was defendant denied effective assistance of counsel?
- 2) Was defendant misadvised by counsel to plea-guilty?

Denial and/or Violation of Due-Process of Law:

- 3) Did the Trial Court errored in prosecuting defendant for Voluntary Manslaughter while Armed + Mr. Chase's Robbery pursuant the Conspiracy Clause?
- 4) Did the Trial Court lack Factual Basis to substantiate Convictions: Vol. Mans. w/ Armed + Mr. Chase's Robbery?
- 5) Is it reasonable to believe that similarly to Garcia, Rosado + Staln, the Trial Court lacked the "REQUISITE ELEMENTS" to substantiate conviction?
- 6) Did the Trial Judge errored in failing to examine the record to ensure defendant's alleged criminal acts where in accordance to the Federal Court Rules?
- 7) Was Defendant's Guilty Plea Involuntary?
- 8) Plain Error Review:

- a) Trial Court's irregularities and/or procedural errors
- b) Did the Trial Judge plain Errored by failing to state in open court the reasons for imposition of Defendant's sentence?

See Memorandum

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:

| | |
|---|---|
| <u>U.S. Supreme Court</u> | <u>U.S. Court of Appeals for the District of Columbia</u> |
| <u>1 First Street N.E.</u> | <u>Clerk for Court: Mr. Julio A. Castillo</u> |
| <u>Washington, D.C. 20543</u> | <u>430 E. Street, N.W.</u> |
| | <u>Washington, D.C. 20001</u> |
| <u>Solicitor General of the United States</u> | |
| <u>Department of Justice</u> | |
| <u>950 Pennsylvania Ave. N.W. 20530</u> | |
| <u>Washington, D.C. 20530 -0001</u> | |

RELATED CASES

United States vs. Gary Maye, No. CF-3-20345/Superior Court for the District of Columbia, Judgment entered: 6-11-19: Exhibit #5

Gary Maye vs. United States, No. 18-00-1215, Court of Appeals for the District of Columbia, Judgment entered: 3-26-20

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| APPENDIX B: Appellant's Brif/Exhibits 12-18 Dated: 1-31-19 |
| APPENDIX C: Court of Appeals' Request For Brif/Exhibit 11 Dated: 6-28-19 |
| APPENDIX D: District Court's Order Denying Motion/Exhibits 9+10 Dated: 10-17-18 |
| APPENDIX E: Appellant's Motion For Actual Innocence/Exhibits 6-8 Dated: 9-19-18 |
| APPENDIX F: District Court's Order Denying Motion For Time served + Et. Seq. Exhibits - Dated: 6-11-19 |
| APPENDIX G: Appellant's Motion For Time served + demonstration To correct- Manifest Injustic Conduct An Evidentiary Hearing Ex.1-4 Dated: 8-18-18 |
| APPENDIX H: Exhibits In Support 21-28 |

TABLE OF AUTHORITIES CITED

| CASES | PAGE NUMBER |
|---|-------------|
| <u>Strickland Vs. Washington</u> , 466 U.S. 668, 104 S.Ct. 2052 | Memo. p.2 |
| <u>Powell Vs. Alabama</u> , 287 U.S. 45 | Memo. p.2 |
| <u>U.S. Vs. Garcia</u> , 587 F.3rd 509 | Memo. p.4 |
| <u>Ex Parte Francisco Rivera Rosado</u> , 369 F.Supp. 479 | Memo. p.4 |
| <u>U.S. Vs. Sue Ellen Stetin</u> , 450 F.3rd. 384 | Memo. p.4 |
| <u>U.S. Vs. Maher</u> , 587 F.3rd. 509 | Memo. p.5 |
| <u>U.S. Vs. Baker</u> , 538 F.3rd. 324 | Memo. p.6 |

STATUTES AND RULES

| | |
|--|-----------|
| <u>U.S. Const. Amend. 6th. Right To Effective Assistance of Counsel</u> | Memo. p.2 |
| <u>U.S. Const. Amend. 14th. Right To Due Process of Law</u> | Memo. p.3 |
| <u>Federal Rule of Criminal Procedure: Rule 11(b)(3) Abuse of Discretion</u> | Memo. p.5 |
| <u>18 U.S.C. § 3553 (c)(1): Plain Error Review</u> | Memo. p.6 |
| <u>BUT FOR CLAUSE:</u> | Memo. p.3 |
| <u>EQUAL PROTECTION CLAUSE:</u> | Memo. p.5 |
| <u>LIBERTY INTEREST CLAUSE:</u> | Memo. p.6 |

OTHER

SEE MEMORANDUM:

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 A1 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 D9 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 3-26-20

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: 3-26-20, and a copy of the order denying rehearing appears at Appendix 194010
Note: Petitioner erroneously proceeded with Motion For Actual Innocence (SIL EX#1)

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

U.S. Cons. Amend. 6th: Right To Effective Assistance of Counsel

Pursuant the Sixth Amendment, an accused shall be provided with effective assistance of counsel during all phases of prosecution.

U.S. Cons. Amend. 14th: Due-Process of Law

No state shall make or enforce any laws which abridges the rights or privileges of the U.S. citizens. Nor, 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 Law."

EQUAL PROTECTION CLAUSE: wherefore, similarly situated defendants shall receive equal treatment.

BUT-FOR CLAUSE: "BUT-FOR," Counsel's acts, conducts, omissions and/or emissions; Petitioner's trial most probably would have differentiated.

LIBERTY INTEREST CLAUSE: wherefore, Liberty Interest exists, the record "SHALL NOT BE TAINTED," by misstating the facts, misrepresenting the evidence, or, omission of vital statistics.

Fed. R. Cr. Proc, Rule 11(h)(3): Plea-Colloquy

The abovementioned rule holds that [prior] to accepting an Accused Guilty Plea, the Trial-Judge must examine the record to ensure that Defendants' acts/conducts do in fact constitute the charged offense."

Plain Error Review: 18 U.S.C. § 3553(c)(1)

Plain Error, is error that is clear and obvious and that effects a defendant's substantial rights. Hence, warrants reversal on appeal even in the absence of objection to the error at trial.

(See Memorandum)

STATEMENT OF THE CASE

In the present case, "BUT-FOR" Counsel's misadvice, Petitioner was unlawfully convicted of Invalid Charges pursuant the Conspiracy Theory: Voluntary Manslaughter while Armed + Robbery.

Wherefore, the arresting officers insidiously exploited incriminating information. Hence, the Prosecutor contorted and/or subverted criminal procedures in-order to prosecute Petitioner for Victim's: Mr. Griffins Homicide + Mr. Chase's Robbery.

Hence, the Prosecutor craftily manipulated Petitioner's prosecution by contorting legal parameters, subverting essential and/or required elements in the Conspiracy Theory: wherefore, nothing in the record indicates, [verifies] that Petitioner acquised to the [alleged] conspiracy. Nor, did Petitioner participate, or, at the very least, instigate alleged offenses.

Wherefore, at the time of Mr. Griffins Homicide + Mr. Chase's Robbery, Petitioner was not in the immediate area. Hence, even "IF" Petitioner [had] intended to participate in the [alleged] malice, numerous obstacles prohibited same. Therefore, excluding Participation and/or Action in furtherance of a alleged crime, hence, said prosecution lacked the "REALIZED ELEMENTS" to invoke the Conspiracy Theory.

Thus, a thorough review of the record shall conclude that due to Counsel's deficiency, Petitioner was maliciously and/or illegally convicted.

(See Summary)

REASONS FOR GRANTING THE PETITION

In conformity of the Due-Process Clause and/or the Administration of Justice in Equality & Fairness, the following issues warrant Certiorari Review.

1) The matter of "Great Public Importance" and in Deterrence of Further Injustice.

2) The Severity of The Sentence and/or insidious manner of contemplating and administering said malfeasance.

3) The sixth Amendment "Guarantees" Effective Assistance of Counsel. Hereto, Defense Counsel's craftily cunnings mislead Petitioner into Pleading Guilty to Invalid Charges.
"A Tragedy of Justice"

(See Memo.)

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Mary Mayo

Date: 11-15-2021

**District of Columbia
Court of Appeals**

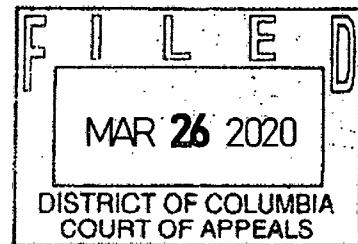
Nos. 18-CO-1275 & 19-CO-602

GARY MAYE,

Appellant,

v.

2012 CF3 20345



UNITED STATES,

Appellee.

BEFORE: Fisher, Thompson, and McLeese, Associate Judges.

JUDGMENT

On consideration of appellee's motion to dismiss, or in the alternative for summary affirmance; appellant's motion to compel appointment of counsel and for writ of error and/or review, appellant's lodged brief and limited appendix, and the record on appeal, it is

ORDERED, *sua sponte*, that appellant's lodged brief and limited appendix are hereby filed. It is

FURTHER ORDERED that appellee's motion is granted to the extent that the orders on appeal are summarily affirmed. *See Watson v. United States*, 73 A.3d 130 (D.C. 2013); *Oliver T. Carr Mgmt., Inc. v. Nat'l Delicatessen*, 712 A.2d 914, 915 (D.C. 1979). Appellant's claims that he is actually innocent and his guilty plea was not supported by sufficient evidence are not supported in the record. To the extent argues that he did not personally commit the offense, he is not entitled to any relief on appeal because he pled guilty based on aiding and abetting and conspiracy theories of liability. Specifically, in his plea, appellant acknowledged that he brandished a gun, said he did not personally hold the knife but agreed that it was reasonably foreseeable that someone could be killed. And although appellant argues the knowledge requirement in *Rosemond v. United States*, 572 U.S. 65 (2014) is applicable to the offenses of conviction in this case, this court has held that “[i]n determining whether a coconspirator may be held liable for the commission of a substantive offense that the defendant did not directly commit, the government must

Ex-H20

Nos. 18-CO-1275 & 19-CO-602

prove ‘that an agreement existed, that a substantive crime was committed by a coconspirator in furtherance of that agreement, and that the substantive crime was a reasonably foreseeable consequence of the agreement between the conspirators.’” *Tann v. United States*, 127 A.3d 400, 455 (D.C. 2015) (quoting *Collins v. United States*, 73 A.3d 974, 982 (D.C. 2013)). Finally, liberally construing appellant’s brief to challenge the trial court’s denial of his motions that raised issues under Super. Ct. Crim. Rules 11 and 35, D.C. Code § 23-110, and the Innocence Protection Act, D.C. Code § 22-4131, *et seq.*, we conclude that the trial court did not abuse its discretion by denying appellant’s most recent post-conviction motions. *See Cook v. United States*, 932 A.2d 506, 507 (D.C. 2007) (stating an appellate court reviews the denial of a motion for the reduction in sentence for an abuse of discretion); *Bell v. United States*, 871 A.2d 1199, 1201 (D.C. 2005) (explaining in determining whether to grant relief under the IPA, the trial court is required to consider specific statutory factors, including the “new evidence” that is being offered as proof of actual innocence); *Alston v. United States*, 838 A.2d 320, 324 (D.C. 2003) (stating that the trial judge’s denial of a motion for collateral relief without hearing is reviewed for abuse of discretion). It is

FURTHER ORDERED and ADJUDGED that the orders on appeal are affirmed.

ENTERED BY DIRECTION OF THE COURT:



JULIO A. CASTILLO
Clerk of the Court

Copies mailed to:

Honorable Ronna Lee Beck
Director, Criminal Division

Copy e-served to:

Elizabeth Trosman, Esquire
Assistant US Attorney

Gary Maye
FR #46583-007
FCI Beaumont Medium
P.O. Box 26040
Beaumont, TX 77720

cml

Appendix A2

Ex. #12

IN THE DISTRICT OF COLUMBIA
COURT OF APPEALS

Gary Maye Appellant }
VS. }
UNITED STATES OF AMERICA Et. Al. }
Appellee }
Case No. 18-CO-1275
(CF3-20345-12)

MOTION FOR RESPONSE TO ORDER
FOR APPELLANT'S BRIEF / LIMITED APPENDIX

COMES NOW: Gary Maye, Appellant, Petitioner, pro se, for request of entrance, respectfully, into this Honorable Court pursuant to the Order dated June 28, 2019, to 'apply' the brief and appendix pursuant to D.C. App. R. 30(f).

Gary Maye, avers that the claim(s) within this document are of the veracity and for necessity, sincerity, and severity, so that the claim(s)/document shall be construed as an Affidavit, so help me God.

I, Gary Maye, further aver that the Court shall prayerfully review the contention(s) within this brief under the well established precedent of Haines V. Kerner, 404 U.S. 519, 520 (1972) wherein the Court construes a pro se brief liberally. Windland V. Quarterman, 578 F. 3d 314 (5th Cir. 2009).

TABLE OF AUTHORITIES CITED

Francis V. Franklin 471 U.S. 307, 309, 105 S. Ct. 1965, 85L. Ed. 2d 344 (1985) Due Process Requires the government to prove every element of a criminal offense beyond a Reasonable Doubt.

Henderson V. Morgan 426 U.S. 637, 49 L. Ed. 2d 108, 96 S. Ct. 2253 (1976) The Supreme Court held that the judgment of conviction was entered withOUT Due Process of Law. Since the Defendant/Petitioner's plea of guilt was involuntary in that he did not receive adequate notice of the offense.

In re. Winship 397 U.S. 358, 364, 90 S. Ct. 1068 25 L. td. 2D. 368 (1970) The Due Process clause protects the accused against conviction except upon proof beyond a reasonable doubt of every Fact necessary to constitute the crime with which he is charged.

Fiore V. White 531 U.S. 225, 148 L. Ed. 2d 629, 121 S. Ct. 712 (2001). The Supreme Court found lack of evidence supporting

Ex.#13

The Supreme Court found lack of evidence supporting the criminal offense violates Due Process and Reversal of the Conviction.

U.S. V. Borders 992 F. 2d 563 (5th Cir. 1993)

Counsel induced petitioner to plead guilty to a plea that was AMBIGUOUS which amounted to Ineffective Assistance of Counsel.

Woodard V. Collins 898 F. 2d 1027 (5th Cir. 1990)

The court held that a remand was required to determine whether petitioner was prejudiced by his counsel(s)' Failure to Investigate (Emphasis Added) a crime to which, upon counsel's advice, petitioner pled guilty; Thus, Reversed and Remanded.

Herring 422 U.S. at 862, 95 S. Ct. at 2555

Petitioner Galovich failed to review the evidence and point out the weaknesses of the prosecutor's case.

U.S. V. Valarde Gomez 269 F. 3d 1023 (9th Cir. 2001)

"Physical Evidence" includes a person's Fingerprints, Handwriting, Vocal Characteristics, Stance, Stride, Gestures, and Blood Characteristics.

UNITED STATES V. Rivera 58 F. 3d 600 (11th Cir. 1995)

Defendant was sentenced on the WRONG count.

Trezevant V. City of Tampa

* A standard amount of 1.6 Million U.S. Dollars of account is Due and Payable to a Claimant per each Day of unlawful incarceration. This case may be utilized to establish Damages in the following complaint under actual damages.

FAIRNESS/OBJECTIVITY AND EQUALITY

Gary Maye, points out that the Washington D.C. Metropolitan Police Department has a necessity for exposure to Rapid and Senseless Allegations against young black males for violent alleged crimes, without any sense of objectivity at all, resulting in a GROWING HYPOCRISY OF FAIRNESS AND DUE PROCESS, AND A COMPLETE LACK OF FAIRNESS AND OBJECTIVITY. ALL OF THE PREPONDERANCE OF EVIDENCE, CIRCUMSTANTIAL EVIDENCE, HE SAID, SHE SAID, IS MOOT WITHOUT MY MENS REA. PERIOD.

The person, Gary Maye, (Not a piece of merchandise) will further illustrate why an Evidentiary Hearing resonates of utmost necessity, because the ambiguity WREAKS HAVOC OVER THIS CASE FOR CORRECTION OF MANIFEST INJUSTICE.

SUBSTANTIATION FOR RIGHT OF PETITIONER

The VERY same video is EXONERATORY EVIDENCE FOR Gary Maye's

Ex. # 14

behalf, that the prosecution utilized to illegally convict Gary Maye which results in 'correction' AND to enter into record the mind set/ Mens Rea of/for Gary Maye because without 'that' (Mens Rea), it is IMPOSSIBLE TO CONVICT THE PERSON, Gary Maye, because a conviction is IMPOSSIBLE when someone did NOT Knowingly commit an 'act'. Then, here, we have Exculpatory Evidence, Emphasis Added, which further proves beyond any and all doubt(s), that Gary Maye NEVER robbed anyone, NOR "killed" anyone, for God's sake. So, correction via an Evidentiary hearing is imperative as erroneous charges and falsehoods have been pronounced and propounded upon the man, Gary Maye. Defendant, Gary Maye states that while a plea of guilt was entered into the record, the plea was out of threat, duress, and coercion, DESPITE an 'understanding' of some concocted consequence unbeknownst to the petitioner, Gary Maye. At the time of such a plea, Gary Maye was of an adolescent stage of maturity, albeit intellectually, emotionally, or otherwise. Furthermore, the attached Motion by the Honorable Judge Beck, states that Gary Maye was armed with a knife. Emphasis Added. Video Surveillance will, beyond any doubt, prove the contrary. Additionally, a very bothersome 'phrase' continues to 'pop up' as has surfaced again in said Motion, which is, reasonable foreseeable outcome. Oh Dear Lord, help us all. Not only did Gary Maye did NOT have a knife, NOT, NOT, He also did NOT ever Rob anyone. (Emphasis Added). Video confirms such a statement. There was NO gun, knife, etc... and all of the subject of robbery is pure speculation and purely assumptive, and holds no leverage whatsoever, and so Gary Maye, objects emphatically as there's no evidence to substantiate the charge(s).

Maturity and state of mind are critical to this case. Gary Maye further implores the Appellate Court to subpoena the 'D.C. Holding Facility' (jail), as the housing or medical records shall retain the evidence of medications prescribed for the physical and mental well being of the man, Gary Maye, further proving the state of mind of the Minor (Emphasis Added) which was that of instability, to say the least.

COLLATERALLY REVIEWABLE

When realization of Gary Maye's case is of serious consequential recourse pursuant to error from an Invalid Plea, Prosecutorial Misconduct, the Brady Violation, purposefully evading the mindset of the

Ex. #15

Defendant, and Phsyochologically, and realtime Exculpatory Evidence, NOW EXPECTED for review, and all subsequent contentions, discovery, discussion(s), and Gary Maye's strong, yet respectful, prayerful, statement that *inter alia*, under Rosemond VS. United States, No 12-895, (2014) that Gary Maye ^{WAS} actually convicted of a wrongful conviction of Armed Manslaughter; Hence, a Non-Existent offense because the indictment and the Government were not required to prove that Petitioner had "Advanced Knowledge" of the alleged charge and subsequent conviction. Gary Maye, further reveals that his response(s) within these documents and specifically, within the category entitled 'Standard of Review', Gary Maye emphatically explains how Theoritical Implications are tossed out based upon a specific requirement of the law, which is to have cross examined the true mens rea of Gary Maye, conducted a ^{of} and ordered a Psychological Evaluation by a professional Psychiatrist for Gary Maye, especially when he was under Psychiatric Medications and of Adolescence Immaturity, AND had he known his assistance of counsel had possession of surveillance video profoundly exhibiting Gary Maye's lack of knowledge conduct conducive to an act of Armed Manslaughter, then Mr. Maye NEVER would have pled to any such charge. Theory of Armed Manslaughter, or the act of aiding & abetting and conspiring to commit the crime does NOT 'fit' here under Rosemond, as Mr. Maye is allowed to implore this Court to review Gary Maye's contention under the well established precedent of Haines V. Kerner, 404 U.S. 519,520 (1972) wherein the court construes a pro se brief liberally. Windland V. Quarterman, 578 F. 3d 314 (5th Cir. 2009).

THIS SECTION INTENTIONALLY LEFT BLANK

STANDARD OF REVIEWTHE EFFECT OF ROSEMOND V. UNITED STATES

Petitioner, Gary Maye, avers that the decision in Rosemond V. United States, which is a Supreme Court decision, No. 12-895, addresses the federal aiding & abetting statute 18 USC 2, which states that a person who furthers-more specifically who aids, abets, counsels, commands, induces or procures the commission of a federal offense is punishable as a principal.

Now, on the 17th day of October, 2018, The Honorable Judge Ronna Lee Beck, respectfully, stated that under District of Columbia Law, a defendant can be found guilty based on the conduct of others with whom he is acting in concert under aiding & abetting and conspiracy theories. As we see attached of Judge Beck's 'writing/response', respectfully, "the government's prosecution of Defendant was based on those theories". However, since Gary Maye was unaware of any murder, or manslaughter, and furthermore, had no intention whatsoever, (Emphasis Added) of a horrific act/incident occurring, then one must, as this Appelate Court be implored, without bias, to further 'realize' the very Effect of Rosemond, in this instance, for the specific charge, and subsequent conviction of 'armed manslaughter'.

Petitioner, Gary Maye, respectfully, contends that under Rosemond V. United States, No. 12-895, (2014), the Theoretical Presumptions that the government's "basis" was theorized upon, must be extremely examined, for error is prevalent, because the Supreme Court decision was of a recent interpretation re. the federal statute, namely, 18 USC 2, Aiding & Abetting. The statute has substantively defined what constitutes a violation of "INTENT", as required in 18 USC 2 directly affects the petitioner in two ways to wit:

Since Gary Maye, in case # 2012 CF3 020345, had never knowingly committed an act of murder and or manslaughter, OR, HAD ANY ADVANCED KNOWLEDGE OF AN INTENT TO COMMIT SUCH AN ACT, which NEVER entered the mind of state of mind/mens rea of Gary Maye, then all theoretical views, basis, presumptions, etc... are erroneous, beyond any reasonable doubt. Additionally, WITHOUT the mens rea established by Gary Maye, the conviction of Armed Manslaughter is an Impossibility. Thus, Gary Maye, stands convicted of a NON-EXISTENT OFFENSE.

Invalidity Of Charge & Conviction

The federal aiding & abetting statute, which derives from common law

Ex. #17

standards for accomplice liability, has two components. A Person is liable under "2" only if he (1) Takes an affirmative act in furtherance of the underline offense. (2) With the Intent to facilitate that offense commission. Gary Maye never committed either of the two, or conspired to an act of giving directives to commit manslaughter and or murder. In answering the second question, the Court stated, (Rosemond) In addition to conduct extending to some part of the crime, aiding & abetting requires "INTENT" extending to the whole crime. The Defendant must not just associate himself with the venture but also participate in it as something that he wishes to bring about and seek by his actions to make it succeed. Nye & Nissen V. United States 336 U.S. 613, 619. That requirement is satisfied when a person "actively" participates in a criminal venture with FULL KNOWLEDGE of the circumstances constituting the charged offense. Here, Gary Maye, is actually innocent of armed manslaughter.

Petitioner, Gary Maye, strongly contends, that upon application of factual circumstances surrounding Gary Maye's ADOLESCENCE, at the time of 'offer' of plea agreement, MEDICATIONS, that Gary Maye was taking for SCHIZOPHRENIA AND PARANOIA, AND, the LACK OF KNOWLEDGE THAT A SURVEILLANCE VIDEO EXHIBITED ALL ACTS OF CONDUCT OF GARY MAYE, despite Gary Maye's attorney possessing said surveillance video, that Gary Maye would NEVER HAVE PLED to any such charge(s) of Manslaughter, because the INTENT was NEVER 'present' in the mind of Gary Maye for such conduct, and the EXCULPATORY EVIDENCE within the surveillance video further proves WITHOUT DOUBT OF REASONABLE NATURE, that Gary Maye never committed nor had any ADVANCED KNOWLEDGE of such a horrific crime ever taking place. Since the government must prove "Advanced Knowledge", under Rosemond, AND the Plea Agreement was erroneous, based on the underlying circumstances regarding Gary Maye's 'knowledge', or lack thereof, and understanding consequential ramifications of such 'pleas', pleading, waiver of rights, etc... because Gary Maye has the right to the proposed hearing herein requested, respectfully, for the at a minimum, a PSYCHOLOGICAL EVALUATION, for the mind of Gary Maye, for Due Process.

DUE PROCESS CLAUSE

"It is well established that the Due Process Clause requires the prosecution to prove beyond a reasonable doubt 'every fact necessary to constitute the crime with which [Petitioner] is charged'. (In re Winship, 397 U.S. at 364). Therefore, when a

Ex. #18

CERTIFICATE OF AFFIRMATION: COMPLIANCE: & SERVICE

I hereby affirm that I prepared and have read this Affidavit and that I believe the foregoing statements in this Affidavit to be true. I hereby further affirm that the basis of these beliefs is either my own direct knowledge of the legal principles and historical facts involved and with respect to which I hold myself out as an expert or statements made or documents provided to me by third parties whose veracity I reasonably assumed. Thus, the statements are made under penalty of perjury. Further the Affiant sayeth naught.

Date: January 31, 2019

Gary Maye

COMPLIANCE

I certify that the foregoing brief is not more than 17 pages in length. I also certify that it is in compliance.

SERVICE

I, Gary Maye, Affiant, herein certify that I have read the following brief and that it is true and correct to the best of my ability. I also certify that, pursuant to 28 U.S.C. Section 1746, on the day of 31, IN the month of January, 2018, I have placed a copy of the foregoing pleading in the United States Mail with U.S. Postage pre-paid and affixed thereto to be mailed to the following below by placing said pleading in the hands of prison officials here where I am located pursuant to the 'mailbox rule' . I am at F.C.I. Beaumont (Medium)

Reg. # 46583-007
c/o P.O. Box 26040
Beaumont Texas 77720

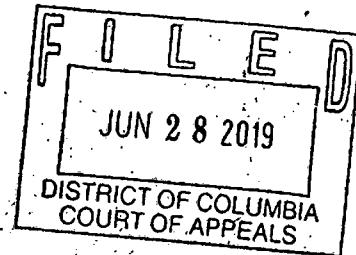
DISTRICT CLERK:

January 31, 2019

U.S. Court of Appeals
House 430 E. Street, N.W.
Washington, D.C. 20001

Ex. #11

District of Columbia
Court of Appeals



No. 18-CO-1275

GARY MAYE,

Appellant,

v.

CF3-20345-12

UNITED STATES,

Appellee.

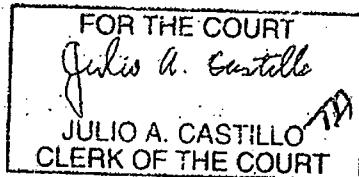
ORDER

It appearing that the complete record on appeal has been filed with this court, it is

ORDERED that appellant's brief and limited appendix including the documents required by D.C. App. R. 30(f), shall be filed within 40 days from the date of this order, and appellee's brief shall be filed within 30 days thereafter. See D.C. App. R. 31.

Copies e-served to:

Elizabeth Trosman, Esquire
Assistant US Attorney
555 4th Street, NW
Washington, DC 20530



Copies mailed to:

Gary Maye
FR# 46583-007, FCI Beaumont Medium
P.O. Box 26040
Beaumont, TX 77720

pmg

Appendix C11

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CRIMINAL DIVISION

UNITED STATES OF AMERICA

CASE NO. 2012 CF3 020345

v.

JUDGE RONNA LEE BECK

GARY MAYE

ORDER DENYING DEFENDANT'S MOTION

Before the court is Defendant's *pro se* "Motion as Appellant for Actual Innocence; Inquiry for Evidence as Only Appropriate to Wit; Motion within Appellate Court of District of Columbia Entitlement for Petition Discovery for Evidence." Although Defendant's motion is addressed to the District of Columbia Court of Appeals, no notice of appeal from an order of this court has been filed. Moreover, the new issue raised by Defendant in this motion that has not been addressed before is his request for a copy of the video surveillance film that captured many of the events that underlie the crimes for which Defendant pled guilty. That request is properly addressed by this court.

Defendant seems to contend that the video will demonstrate his innocence because it will show, for example, that he personally was not armed with a knife, and that he personally did not rob anyone, although he pled guilty to and thus was convicted of robbery while armed with a knife, robbery, and voluntary manslaughter while armed.

Central to Defendant's rationale for production of the video surveillance film is a misunderstanding about the controlling law. Under District of Columbia law, a defendant can be found guilty based on the conduct of others with whom he is acting in concert under aiding and abetting and conspiracy theories. Indeed, the government's prosecution of Defendant was based on those theories. See Superseding Indictment,

EX-#10

04/09/2013, at 2-9 (detailing the conspiracy). Thus, it does not demonstrate Defendant's innocence that the video does not show that Defendant personally was armed with a knife or that he personally stabbed the decedent, or that he personally robbed someone. Accordingly, it is this 17th day of October, 2018, hereby

ORDERED that Defendant's motion is **DENIED**.

Ronna Lee Beck

Judge Ronna Lee Beck
(Signed in Chambers)

Copy Eserved on:

Special Proceedings, United States Attorney's Office
through Jessie Liu, United States Attorney

Copy mailed from chambers to:

Gary Maye, 46583-007
FCI Beaumont Medium
PO Box 26040
Beaumont, TX 77720
Pro Se Defendant

Appendix D10

Exhibit

DISTRICT OF COLUMBIA COURT OF APPEALS
DISTRICT OF COLUMBIA OF APPEALS

UNITED STATES OF AMERICA

V.

) Case No. 2012 No. 2012 CF3 020345
18CO-1275

Gary Maye for GARY MAYE

MOTION AS APPELLANT FOR ACTUAL INNOCENCE

Inquiry For Evidence As Only Appropriate To Wit

MOTION WITHIN APPELATE COURT OF District of Columbia
ENTITLEMENT FOR PETITIONER
DISCOVERY FOR EVIDENCE

Comes Now: Gary Maye, petitioner, pro se, for right(s) to bring forth secured evidence, as direct relation is apparent by surveillance video, which was utilized to convict petitioner, Gary Maye, and the possession of prosecutors, U.S. Attorney's office, or other governmental offices known, and/or unknown to be discovered is of the right(s) of Gary Maye, for further evidence on behalf of the Defendant, Gary Maye, and at a minimum an HONORABLE JUSTICE is respectfully requested for prosecution oversight within case/cause stated herein, to be Case No. 2012-CE3 020345 in the Superior Court of the District of Columbia.

Title 28, Section 2255 is, as Gary Maye understands, to be applied for serious constitutional violations and petition the Court to vacate or set aside sentence pursuant to Section 2255 and new rules of law and newly discovered evidence. Thus, Gary Maye, further states to the Appellate Justice for the Honorable Judge of said Court, that IF the document herein is to be construed as a Section 2255, petitioner relies on justice for which it stands, according to texts within grade school, as there is a very perplexing, or peculiar 'air' surrounding the entire federal judicial system. (See attached 'Order Denying Motion' from Judge Ronna Lee Beck).

SUBSTANTIATION FOR RIGHT OF PETITIONER

The VERY same video utilized by the prosecution is of utmost necessity to view by the petitioner, Gary Maye, and an evidentiary

Exhibit 1

hearing is imperative as erroneous charges and falsehoods have been pronounced and propounded upon the man, Gary Maye. Defendant, Gary Maye states that while a plea of guilt was entered into the record, the plea was out of threat, duress, and coercion, DESPITE an 'understanding' of some concocted consequence unbeknownst to the petitioner, Gary Maye. At the time of such a plea, Gary Maye was of an adolescent stage of maturity, albeit intellectually, emotionally, or otherwise. Furthermore, the attached Motion by the Honorable Judge Beck, states that Gary Maye was armed with a knife. Emphasis Added. Video Surveillance will, beyond any doubt, prove the contrary. Additionally, a very bothersome 'phrase' continues to 'pop up' as has surfaced again in said Motion, which is, reasonable foreseeable outcome. Oh Dear Lord, help us all. Not only did Gary Maye did NOT have a knife, NOT, NOT, He also did NOT ever Rob anyone. (Emphasis Added). Video confirms such a statement. There was NO gun, knife, etc... and all of the subject of robbery is pure speculation and purely assumptive, and holds no leverage whatsoever, and so Gary Maye, objects emphatically as there no evidence to substantiate the charge(s).

Maturity and state of mind are critical to this case. Gary Maye further implores the Appellate Court to subpoena the 'D.C. Holding Facility' (jail), as the housing or medical records shall retain the evidence of medications prescribed for the physical and mental well being of the man, Gary Maye, further proving the state of mind of the Minor (Emphasis Added) which was that of instability, to say the least.

ACTION REQUESTED

The very evidence utilized to convict Gary Maye, is the very same evidence necessary and rightfully the property of Gary Maye, to prove the very innocence of the man, Gary Maye. Thus, manifest injustice is exhibited, or demonstrated because such evidence is imperative to illustrate the right to Life, Liberty, and the pursuit of Happiness, and further illustrate the true mens rea of said petitioner, Gary Maye. Therefore, such audacious statements as stated within the Motion or Order Denying Motion are in dire necessity of correction, and further proves an evidentiary hearing is quite frankly, imperative. Presumptions and presumptive statements are inadmissible as evidence and "reasonable

Ex. #8

foreseeable outcome" is mind bogglingly ridiculous, as only God can foretell tomorrow.

Conspiracy to convict the petitioner, Gary Maye, is well within reason if Gary Maye conspired to voluntarily 'manslaughter' someone when there was absolutely NO weapon possessed and NO robbery occurred. So, an emphatic request for oversight, correction, and evidentiary hearing is more than welcome for demonstration of innocence, mens rea, and mental state of mind, heart, and soul, and further prove what really conspired in the setting of this case.

Defendant further requests for the Clerk of the Court to forward a copy of the Court's ultimate disposition of this matter to him at the address : F.C.I. Beaumont (Medium)

Reg. # 46583-007
c/o P.O. Box 26040
Beaumont, Texas 77720

Respectfully submitted and pursuant to Title 28, United States Code Section 1746, I declare under penalty of perjury that the foregoing is true, complete, and correct to the best of my knowledge.

Executed this day of September 19, 2018.

Without Prejudice/ Without Recourse
UCC 1-308 for Gary Maye
Authorized Representative, Attorney in Fact
in behalf of GARY MAYE, Ens Legis, DEBTOR

Ex-HS

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CRIMINAL DIVISION**

UNITED STATES OF AMERICA

v.

GARY MAYE

CASE NO. 2012 CF3 020345

JUDGE RONNA LEE BECK

ORDER DENYING MOTION

Before the court is Defendant's second "Motion for Credit for Time Served, Demonstration to 'Correct Manifest Injustice,' Conduct an Evidentiary Hearing." This motion is identical to a motion previously filed by Defendant and denied by the court in an order dated September 6, 2018. Nothing has changed that would warrant granting Defendant the relief he requests. Accordingly, it is this 11th day of June, 2019 hereby

ORDERED that Defendant's motion is **DENIED**.

Ronna Lee Beck

**Judge Ronna Lee Beck
(Signed in Chambers)**

Copy Eserved on:

Special Proceedings, United States Attorney's Office
through Jessie Liu, United States Attorney

Copies Emailed to:

Special Proceedings Division
USADC.ECFSpecialProceedings@usdoj.gov
Margaret Chriss, Chief Special Proceedings
T. Anthony Quinn, Deputy Chief, Special Proceedings

Ex. #1

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CRIMINAL DIVISION

UNITED STATES OF AMERICA
vs
GARY MAYE

CASE NO. 2012 CF3 020345
JUDGE RONNA LEE BECK
18-CO-1275

MOTION FOR CREDIT FOR TIME SERVED
DEMONSTRATION TO "CORRECT MANIFEST INJUSTICE"
CONDUCT AN EVIDENTIARY HEARING

COMES NOW: Gary Maye, a living, breathing man, in behalf of GARY MAYE, a fictitious entity (corporation) in the above named Superior Court in the District of Columbia, to bring forth petitioner's right, pro se, pursuant to the Constitution of the United States, and the United States Supreme Court decisions, specifically, Roper v. Simmons, Graham v. Florida, J.D.B. v. North Carolina, and Miller v. Alabama. Gary Maye, at the time of alleged crimes committed, according to records in Case # 2012 CF-3 020345, Gary Maye, not GARY MAYE, the fictitious corporation, which, not who, was actually charged and convicted of alleged crimes, and when Gary Maye was of an age, psychologically known to be of immaturity, impetuosity, and failure to appreciate risk and consequences of specific behavioral conduct, if Gary Maye even committed such actions in the first place. Emphasis Added.

Be it known, Gary Maye, further propounds to this Court, named herein, respectfully, that the alleged crimes were NOT EVEN committed by Gary Maye. Emphasis Added. Furthermore, Proof beyond any and all reasonable doubt(s), shall be evident within an Evidentiary Hearing, whereby Gary Maye shall testify to the veracity of what is under God, true, correct, and complete, for justification of such a bold statement.

For the record, if one were to assume that Gary Maye committed such a violent act of conduct, for which the man, Gary Maye, is confined to DeHumanizing incarceration; the Court in the case 2012 CF-3 020345, remained oblivious, with prejudice, to Gary Maye's inability to interact with law enforcement, prosecutors, his own assistance of counsel, albeit INEFFECTIVE, (and Gary Maye will whole heartedly attest to that very fact) enter into an appalling contract, (plea agreement) for which Gary Maye was of age known to be an adolescent (Emphasis Added) and of Rule 11, Colloquy, despite Judge Canan presiding over such a proceeding, because

Appendix G1

Gary Maye was under EXTREME duress, confusion, (designed by the prosecutors) coercion, and threat, (of life sentence of which Gary Maye will attest under oath, EMPHASIS ADDED) of which proof will be sustained in an Evidentiary Hearing.

Such Reversals have been upheld in The Supreme Court.

The Court cause/case in this subject matter failed to consider the mitigating qualities and circumstances of "youth", and, or was biased, perhaps by prejudice pursuant to, or concerning media coverage of said case, to act with unjust and quick decisions for quite frankly, fraudulent conviction(s) of the Defendant, Gary Maye.

Culpability of a class of offender and the severity of the sentence is further necessity for an Evidentiary Hearing. See Kennedy vs. Louisiana 554 U.S. 407, 128 S.Ct.171C.Ed2d525.

Roper vs. Simmons, Graham vs. Florida established that Children are different from adults, in relation to sentencing. See Roper S.Ct 161L Ed.2d1. As stated, "under developed for sense of responsibility, recklessness, impulsivity leads to more vulnerable and negative influences". Graham emphasized that the distinctive attributes of youth diminish the penalological justification for imposing the harshest sentences against juvenile offenders, even for the most horrific crimes.

The 8th Amendment prohibits cruel and unusual punishment, which constitutes cruel and unusual treatment, and guarantees the right not to be sentenced to excessive sanctions. See Roper S.Ct 161L (2d.2d1).

Petitioner, Gary Maye, further implores this Court, respectfully, to call upon a psychologist with expertise in the field of adolescent behavior and cross examine the true mens rea of Gary Maye, within an Evidentiary Hearing, for the purpose of fair and equitable treatment and rights, and proof that Gary Maye will establish that an observable error occurred for cause of an involuntary plea of guilt. Hence: Manifest Injustice. (Black's Law Dictionary-Tenth Edition).

Ex#3

ACTION REQUESTED

The Defendant, Gary Maye, in the above entitled matter respectfully moves this Honorable Court, pursuant to the order dated August 4, 2017 signed by Judge Ronna Lee Beck, whereby the theme so states that the Defendant may only withdraw a guilty plea after sentencing "in order to correct manifest injustice." Therefore, movement by the Defendant, Gary Maye, is pronounced by and through this motion for clear and obvious demonstration of several points of manifest injustice to do one of three things:

1. Grant Defendant, Gary Maye, Time Served, and allow the Defendant to exhibit recidivism as a NON Existent term as it relates to the man Gary Maye.
2. Conduct an Evidentiary Hearing for right(s) stated within this document, which allows Gary Maye to completely demonstrate his true mens rea AND manifest injustice. Emphasis Added.
3. Release the Defendant, Gary Maye, to probation via supervised release for a period not to exceed twelve months. Thus, allowance for Gary Maye to focus on his pursuit of life, liberty, and his pursuit of happiness. Make the example right now, Gary Maye, WILL have Zero recidivism.

PRAYER

Allowance is granted for a full Evidentiary Hearing for Gary Maye to convey his literal innocence and demonstrate his True Mens Rea, further explain to the court that the legality of a signatory of a SEVENTEEN Year Old Child on a contract (Plea Agreement) is indeed Illegal and furthermore that was of a person at the time under Extreme Duress, Threat, Confusion, and Coercion, and so consequently the 'contract' is null and void. So shall it be done.

Without Prejudice/Without Recourse
UCC 1-207

Gary Maye on behalf of
GARY MAYE Ens Legis

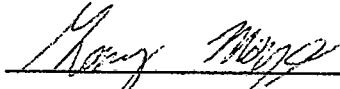
Exhibit

CERTIFICATE OF SERVICE

I, Gary Maye, Petitioner, pro se, do hereby certify, pursuant to 28 U.S.C. § 1746, that on this 8th day of August, 2018, I have placed a true and correct copy of the foregoing Motion & Demonstration to Correct Manifest Injustice in the legal mail system for prisoners located herein at the Beaumont Medium Federal Correctional Institution, to be forwarded to the foregoing party(s):

Motion for Credit for Time Served
& Demonstration to Correct Manifest
Injustice AND Pronouncement for
Evidentiary Hearing for Correction stated
above. SUPERIOR COURT OF THE DISTRICT
OF COLUMBIA --CRIMINAL DIVISION
ATTN. District Clerk 500 Indiana
Ave Washington, DC 20001
U.S. ATTN. Office 555 Fourth St. NW
Washington, DC 20530

Respectfully, Without Prejudice UCC 1-207



Gary Maye in behalf of
GARY MAYE
Ens Legis

7-7-13Charges

| | | | |
|---|----------------------|------------------|----------------|
| ① | Conspiracy - | 18-60 | 1 1/2 - 5 |
| ② | Armed robbery (K) - | 36-84 | 3-7 |
| ③ | Poss Firearm Cr | 36-84 | 3-7 (5) |
| ④ | CPWL | 6-24 | 1/2-2 |
| ⑤ | Armed rabb (K) - | 36-84 | 3-7 (5) |
| ⑥ | Poss Firearm Cr - | 36-84 | 3-7 (5) |
| ⑦ | ADW - | 18-60 | 1 1/2 - 5 |
| ⑧ | Asst w/ SI - | 6-24 | 1/2-2 |
| ⑨ | 1° murder w/ armed - | 360-720 | 30-60 (30) |
| ⑩ | Poss Firearm Cr - | 36-84 | <u>3-7 (5)</u> |

49-109

Plea Offer

| | | |
|---------------------|--------|--------------------|
| Vol. man w/ armed - | 90-180 | 7 1/2 - 15 |
| Armed rabb (K) - | 36-84 | <u>3 - 7</u> |
| | | <u>10 1/2 - 22</u> |

"I does not want to accept
Plea offer"

Ex. #12

From: "Dillon, Justin (USADC)" <Justin.Dillon@usdoj.gov>
Subject: RE: Gary Maye
Date: September 9, 2013 11:04:03 AM EDT
To: Betty Ballester <slam13@aol.com>
Cc: "Flynn, Kevin (USADC)" <Kevin.Flynn@usdoj.gov>, "Connolly, Kathleen (USADC)" <Kathleen.Connolly@usdoj.gov>

Betty,

Here is an official plea offer for Mr. Maye: If he pleads guilty to Voluntary Manslaughter While Armed, Armed Robbery (of Olijawon Griffin, by the Exxon), and Robbery (of Isaac Chase, on the platform), we will dismiss all greater and remaining counts, reserve stepback, waive enhancement papers, and reserve allocution. Also, as with the earlier plea offer, we would agree that his liability for the Armed Robbery account would be the applicable guideline range for Armed Robbery and would not include the five-year mandatory minimum for actually holding the gun. The other terms would be the standard terms for any plea—both sides would agree to allocate within the guidelines, etc.

Let me know if you have any questions.

Thanks,

Justin

| | | |
|-------------|----------|----------------|
| 12 | 90 - 180 | 7 1/2 - 15 |
| 80 | 34 - 84 | 3 - 7 |
| <u>9.60</u> | 18 - 60 | 1 1/2 - 5 |
| | | <u>12 - 27</u> |

527
80
2140

From: Betty Ballester [mailto:slam13@aol.com]
Sent: Monday, September 09, 2013 8:04 AM
To: Dillon, Justin (USADC)
Subject: Gary Maye

Justin,

Could you get me an official plea offer. I want to make sure that Mr. Maye knows all his options at this point. I probably will go see him either tomorrow afternoon or Wednesday afternoon. While I know that you believe that he started all of this with the robbery, I would remind you that he has no record, that he didn't have the jacket or the gun at the end of the day, and he was not "one of the three" and actively saw what was taking place and went back down the escalator. I hope that counts for something. I think that his Mom wants him to go to trial. She has been monitoring all the hearings and various pleas and apparently doing some investigation on her own. I can't say that Mom's always know best altho as a mother I certainly do.

BB

Notix Counsel dissuaded Mom, then both intimidated Defendant

Betty Ballester

Appendix H22

1 DETECTIVE PARTMAN: What made you out with them
2 today?

3 ISAIAH GANT: Because I ain't had nothing else to
4 do. It was Friday.

(5) DETECTIVE PARTMAN: Did you know what they were
6 going to?

(7) ISAIAH GANT: [No.] We just was on a train and
8 went everywhere. We went to Gallery first. We was
9 cooling. I didn't know they had that.

10 DETECTIVE PARTMAN: All right.

11 ISAIAH GANT: I'm dead serious.

12 DETECTIVE PARTMAN: Prints come back on that gun.

13 ISAIAH GANT: I'm telling you I didn't touch no
14 gun.

15 DETECTIVE PARTMAN: And you don't know who did.

16 ISAIAH GANT: I don't know.

17 DETECTIVE ADAMS: All right. So it was just you
18 and Big Ant. The rest of them --

19 [Detective Partman left the room.]

20 ISAIAH GANT: The rest of them (inaudible).

21 DETECTIVE ADAMS: All right. Is Big Ant related
22 to you?

23 ISAIAH GANT: No. He live around my way though.

24 DETECTIVE ADAMS: Okay.

25 [Detective Adams and Detective Washington left]

L.S Det. Partman exploiting testimony

1.1 Gant Denying Knowledge of alleged conspiracy "No predisposition"

Diversified Reporting Services, Inc.
1101 16th Street, NW, 2nd Floor
Washington, D.C. 20036
Phone: 202-46 9208
Fax 202-293 254

1 ISAIAH GANT: I think it was Gator.

2 DETECTIVE ADAMS: Who is Gator?

3 ISAIAH GANT: Gary.

4 DETECTIVE ADAMS: Who's that? You didn't mention
5 that.

6 ISAIAH GANT: Yeah, chipped tooth.

7 DETECTIVE ADAMS: Okay. So the dude with the
8 chipped tooth, you call him Gator?

9 ISAIAH GANT: Yeah.

10 DETECTIVE ADAMS: Or Gary? Okay. So Gator,
11 Gary -- who says I kind of want that jacket?

12 ISAIAH GANT: He did.

13 DETECTIVE ADAMS: To who, who does he say it to?

14 ISAIAH GANT: [I think] he was talking either J.R.
15 or David, one of them.

16 DETECTIVE ADAMS: Okay. And where are you when
17 he's saying this?

18 ISAIAH GANT: I'm like across the street. I'm
19 waiting for them to hurry up.

20 DETECTIVE ADAMS: So how can you hear him say I
21 want that jacket?

22 ISAIAH GANT: Because he said it when we was over
23 there in the McDonald's at first.

24 DETECTIVE ADAMS: Okay. [Then say that.] While in
25 the McDonald's.

1.2+4-D. Adams exploiting testimony against panel interest

1.14-Assumption

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annexit 1424

1 ISAIAH GANT: Yeah.

2 DETECTIVE ADAMS: All right. When the dude asked
3 for some weed, he said what?

4 ISAIAH GANT: He came out there and was like, I
5 kind of want that jacket..

6 DETECTIVE ADAMS: Okay.

7 ISAIAH GANT: Then --

8 DETECTIVE ADAMS: He told --

9 ISAIAH GANT: He told the dude, yeah, let's step
10 over here so I can serve you and stuff.

11 DETECTIVE ADAMS: Uh-huh.

12 ISAIAH GANT: Then they had went down by the
13 Exxon and stuff and got down a little bit farther and stuff
14 and we waiting down there for them and stuff.

15 DETECTIVE ADAMS: Who is we?

16 ISAIAH GANT: The people I told you about.

17 DETECTIVE ADAMS: Okay. Well, tell me who they
18 are.

19 ISAIAH GANT: Immanuel and me and Big Ant and
20 them.

21 DETECTIVE ADAMS: All right. So the five of you
22 all were waiting.

23 ISAIAH GANT: Yeah, while they (inaudible).

24 DETECTIVE ADAMS: Or the six of you all were
25 waiting for him, where was the curly-haired dude?

1.8 Det. Adams exploring testimony

1 had -- who had the stolen jacket on?

2 ISAIAH GANT: I think he did. I think that was
3 it.¹¹

4 DETECTIVE ADAMS: J.R.?

5 ISAIAH GANT: Yeah.

6 DETECTIVE ADAMS: Okay. All right. Go on and
7 describe the other guys.

8 ISAIAH GANT: And then, uh, Gator had on like a
9 sweater, like a sweater joint.

10 DETECTIVE ADAMS: Uh-huh. What color was it?

11 ISAIAH GANT: It was black. It was straight
12 black.

13 DETECTIVE ADAMS: Okay. What did the curly-
14 haired dude have on?

15 ISAIAH GANT: He had on like, like the coat I
16 have but smaller. It was like a greenish joint, like a
17 greenish type joint.

18 DETECTIVE ADAMS: Uh-huh.

19 ISAIAH GANT: Yeah, it was smaller. It wasn't
20 like the long one. It came like to right here, so like a
21 regular joint.

22 DETECTIVE ADAMS: What color pants?

23 ISAIAH GANT: I don't -- I think he had on some
24 blue joints, yeah.

25 DETECTIVE ADAMS: All right. What about Big Ant,

L2: Assuming against panel interest

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1 DETECTIVE ADAMS: This is Detective Partman. So
2 we're clear on things, right; who was with you? I mean,
3 who went to -- like by the Exxon and robbed the dude? Give
4 me the guys again.

5 ISAIAH GANT: It was Gator.

6 DETECTIVE PARTMAN: What did Gator have on?

7 ISAIAH GANT: He had like a regular sweater on,
8 like a black.

9 DETECTIVE PARTMAN: Black?

10 ISAIAH GANT: Yeah.

11 DETECTIVE ADAMS: Okay. What else?

12 ISAIAH GANT: Then Huntwood went --

13 DETECTIVE ADAMS: Huntwood?

14 ISAIAH GANT: Yeah.

15 DETECTIVE ADAMS: Uh-huh.

16 ISAIAH GANT: The curly-haired guy.

17 DETECTIVE ADAMS: The curly-haired dude.

18 ISAIAH GANT: [I think] J.R. went.

19 DETECTIVE ADAMS: J.R.

20 ISAIAH GANT: And David went.

21 DETECTIVE ADAMS: David. Who was with you
22 watching them?

23 ISAIAH GANT: Big Ant stayed with me.

24 DETECTIVE ADAMS: Big Ant stayed with you?

25 ISAIAH GANT: Yeah.

L.18-Assuming + against panel interest

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No. 18-10-1275

CF3-20345-12

IN THE
SUPREME COURT OF THE UNITED STATES

GARY MAYE — PETITIONER
(Your Name)

VS.

UNITED STATES — RESPONDENT(S)

PROOF OF SERVICE

I, Gary Maye, do swear or declare that on this date, November 15, 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:

U.S. Supreme Court: 1 First street, N.E., Washington, D.C. 20543

Solicitor General of the United States: 950 Pennsylvania Ave. N.W. 20530 (Washington, D.C. 20530-0001)

U.S. Court of Appeals for the District of Columbia: 435 E. Street, N.W. Washington, D.C. 20001

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

Executed on November 15, 2021

Gary Maye
(Signature)