

No. \_\_\_\_\_

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In The  
**Supreme Court of the United States**

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CHARLES A. DREAD,

*Petitioner,*

vs.

MARYLAND STATE POLICE,

*Respondent.*

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**On Petition For Writ Of Certiorari  
To The United States Court Of Appeals  
For The Fourth Circuit**

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**PETITION FOR A WRIT OF CERTIORARI**

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CHARLES A DREAD, Pro Se  
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Bowie, Maryland 20720  
240-731-5294

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## QUESTIONS PRESENTED

- (1) Was the Trial Court's denial of the Petitioner's Motion for Summary Judgment and Request for Hearing without granting the Petitioner a Hearing he requested, legally correct when **Maryland Rule 2-311(f)** requires the Trial Court to hold a Hearing before rendering a decision disposing of a claim or a defense?
- (2) Petitioner's evidence raised substantial issues of fact as to whether Petitioner was Fired/Retired because of a Subjective belief, and if so, whether his Discharge/Retirement eventuated from the Racial Disadvantage permitting a White Woman in his Patrol Unit where a Hand Gun was Found while assisting this Person from and to Police Units. See, (**Battle v. Mulholland, 439 F.2d 321, C. A. Miss. 19971.**)
- (3) Whether State Respondents knew or reasonably should have known that the Action they took within their shear of Official responsibility when they evicted Petitioner from Public Market would violate Constitutional Rights of Petitioner and whether Respondents took such Action with Malicious Intention to cause a Deprivation of Constitutional Rights or Other Injury to Petitioner are Questions of Fact. See, (**Wilder v. Irvin, 423 F. Supp. 639 (N.D. Ga. 1976.)**)

**LIST OF CASE PROCEEDINGS  
CASE CAPTION:  
APPEAL FROM ADMINISTRATIVE HEARING  
(IAU CASE NO. U-31-00037)**

<u>COURT IN QUESTION</u>	<u>DOCKET NO.</u>	<u>DATE/JUDGMENT</u>
1) Circuit Court for Baltimore Co;	Docket No. 94 Page 295; May 24, 1991	Case No. 91CG2266/ April 25, 1991
2) Circuit Court for Baltimore Co;	Docket No. 94 Page 295; July 14, 1994	Dismissal Deferred
3) Court of Special Appeals	Docket No. 94 Page 295; Nov. 14, 1994	Notice of Appeal
4) Court of Appeals of Maryland	Docket No. 264; Oct. 12, 1995	Petition Denied
5) U.S. Supreme Court	Docket No. 95-7631 1996	Jan. 11, Petition Filed
6) Circuit Court for Baltimore Co;	Docket No. 94 Page 295; July 22, 1996	Respondent's Motion Denied
7) Circuit Court for Baltimore Co.	Case No. 03-C-96-0 04893	April 10, 1997 Summary Judgment Filed
8) Circuit Court for Baltimore Co	Case No. 03-C-96- 004893	July 2nd, 1997 Vacated/Due Process Denied
9) Section 735 ILCS 5/13-218	Revival of Judgement Section 2-1601	20 Year Statute/Filed
10) U.S. District Court of MD.	Memorandum Opinion & May 25, 2018	Civil Action No. PX-18-1177

**LIST OF CASE PROCEEDINGS – Continued**

- 11) U.S. District Court for MD. GLR 20 CV 0592  
March 4th, 2020 Case No. 18-7063
- 12) U. S. Supreme Court Appeal October 18, 2021  
Case No. 21-236/ Denied
- 13) U.S. District Court for MD. Order of the Court  
June 06, 2022 No. GLR-22-01014
- 14) U.S. District Court for MD. Order of the Court July  
18, 2022 No. GLR-22-01014
- 15) U.S. Supreme Court Notice of Appeal/Rule 18.1  
August 11, 2022 From U.S. District Court
- 16) U.S. Court of Appeals (4thCT) Informal Brief Oc-  
tober 14, 2022 No. 22-1861 (1:22-CV-01014  
GLR)
- 17) U.S. Court of Appeals(4thCT) Disclosure State-  
ment October 20, 2022 No. 22-1861 (1:22-CV-  
01014 GLR)
- 18) U.S. Court of Appeals (4thCT) Order of the Court  
February 23, 2023 No. 22-1861 (1-22-CV-  
01014-GLR)
- 19) U.S. Court of Appeals (4th CT) MANDATE March  
17, 2023 No. 22-1861(1:22-CV-01014-GLR)

**SUMMARY JUDGMENT**  
U.S. District Court for Maryland

- 20) Summary Judgment
- 21) Unlawful Discrimination (Premeditated Malice)

**LIST OF CASE PROCEEDINGS – Continued**

**RECORD EXTRACT**  
(ADMINISTRATIVE HEARING)

- 22) Decision and Order of the Superintendent Of the Maryland State Police (Dated Exhibit 1(a) April 25, 1991)
- 23) Report of the Administrative Hearing Board IAU Case No. U-31-00037 (Exhibit 2(a) April 25, 1991)
- 24) Maryland State Police April 25, 1991 Notification of Charges (Exhibit 2(b))
- 25) Petitioner's Detailed Report of Personnel Complaint (Exhibit 3(a) April 25, 1991)
- 26) The Time-Line (Exhibit 3(b) April 25, 1991)
- 27) Found Property Report by Tpr. *Sroka* November 1st, 1991
- 28) Accident Report No. T-66-18632 (Exhibit 4(a) April 25, 1991)
- 29) Property Held Record No. P-64615 (Exhibit 4(b) April 25, 1991)
- 30) Incident Report T-66-18651 (Exhibit 4(c) April 25, 1991)
- 31) Found Property Report by Tpr. Paolucci Exhibit 4(d)) April 25, 1991
- 32) Complaint against Personnel (IAU-31-00037) (Exhibit 5(a) November 1, 1988)
- 33) Interview of Mrs. Dwyer (Exhibit 5(a) November 01, 1988)

**LIST OF CASE PROCEEDINGS – Continued**

- 34) Interview of Tpr. Paolucci (Exhibit 6(b) November 14, 1988)
- 35) Interview of Tpr. Sroka (Exhibit 6(c) November 15, 1988)
- 36) Interview of TFC Dread (Exhibit 6(d) (Dated 11/15/1988 & Dated 11/20/1988) November 20, 1988)
- 37) Maryland State Police (Exhibit 7(a) Official Miles Message January 5, 1991)
- 38) Article 88B Section 15(b)16 Annotated Code April 25, 1991
- 39) Article 27 Section 733, Annotated Code April 25, 1991
- 40) Statement of Disability Form April 25, 1991

## TABLE OF CONTENTS

	Page
OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTION AND STATUTORY PROVISIONS INVOLVED .....	16
STATEMENT OF THE CASE.....	20
REASONS FOR GRANTING THE WRIT.....	22
CONCLUSION.....	36

## INDEX TO APPENDICES

U.S. Court of Appeals Order 2/23/2023 .....	App. 1
U.S. Court of Appeals Judgment Dated 2/23/23 ...	App. 3
United States District Court For the District of Maryland – Order .....	App. 4
Letter Regarding Personnel Complaint Filed By Mrs. Dwyer .....	App. 7
Timeline .....	App. 14
Complaint Against Personnel Report .....	App. 15

## TABLE OF AUTHORITIES

	Page
<b>CASES</b>	
<u>Battle v. Mulholland C. A. Miss.</u> , 439 F.2d 321, 1971; App. Separate Volume/Summary Judgment.....	26
<u>Bond v. Slavin</u> , 157 Md. App. 340 (2004).....	6
<u>Burner v. Washington D.C.</u> , 399 F. Supp. 44, D.C. 1975; App. Separate Volume/ Summary Judg- ment.....	26
<u>Francois v. Alberti Van &amp; Storage Co., Inc.</u> , 404 A.2d 1058, App. Separate Volume/Summary Judgment.....	15, 29
<u>Gross v. Pomerleau.</u> , 465 F. Supp. 1167, D.C. M.D. 1979 .....	26
<u>Hiob v. Progressive Am. Ins. Co.</u> , 440 Md. 466, 103 A.3d 596, 2014 Md. LEXIS 779 (2014) .....	8
<u>Houghton v. County Commissioners of Kent County's</u> , 504 A.2d 1145 (1986) .....	8
<u>Town of Somerset v. Board</u> , 245 Md. 52 (1966).....	15
<u>Wilder v. Irvin</u> , 423 F. Supp. 639, D.C. GA. 1976, Apps. Separate Volume/Summary Judgment .....	26
 <b>CONSTITUTIONAL PROVISIONS</b>	
U.S. Const. amend. I .....	15, 16, 21, 29
U.S. Const. amend. XIV .....	15, 17, 23, 29
 <b>STATUTES, RULES AND REGULATIONS</b>	
18 U.S.C. Section 3771(d)(3) .....	15, 21

## TABLE OF AUTHORITIES

	Page
Article 88B section 15(b)(16) of the Annotated Code of Maryland .....	28
Annotated Code of Maryland, Article 27 section 733 .....	6, 18, 29, 30
Maryland Rule 2311(f) .....	6, 19
Maryland Rule 2601 .....	7
MD RULE 7-207/Summary Judgment's Memorandum (Separate Volume) .....	5, 22
MD RULE 2-501.1 and 2/Summary Judgment, Request for Hearing (Separate Volume) .....	6, 19, 23
Md. Rule 8-204 .....	8
Md. Rule 8-303 .....	8
Md. Rule 8-602 .....	9
Md. Rule 8-602(a)(3) .....	8
Rule 41(a) of the Federal Rules of Appellate Procedure .....	15
Rule 45 of the Federal Rules of Appellate Procedure .....	15
Rule 2-532, 2-533, or 2-534 .....	19
TITLE 42 USC Section 1983 .....	17, 19

**OPINIONS BELOW**

**ADMINISTRATIVE HEARING BOARD REPORT**

ACCUSED: CHARLES A. DREAD (0964)

COLLEGE PARK BARRACK "Q"

IAU CASE NO. IJ-31-00037 -

DATED: APRIL 25, 1991

(1) Violation of the Provision of the Agency's Administrative Manual, Chapter 5, Section I, Sub-section 15-4. All reports submitted by Employee of this Agency will be truthful; No employee shall knowingly report or cause to be reported any false information.

(2) Violation of the Provision of the Agency's Administrative Manual, Chapter 5, Section I, Sub-section 15-5. All reports submitted by Employees of this Agency will be Complete and will not contain improper or inaccurate information.

(3) Violation of the Provision of this Agency's Administrative Manual, Chapter 5, Section I, Sub-section 34-0. Weapons shall not be. . . . Handled in a careless or imprudent fashion or contrary to Maryland State Police policy.

(4) Violation of the Provision of the Agency's Administrative Manual, Chapter 5, Section I, Sub-section 28-3. The Failure of a Police Employee to take appropriate action, either on or off duty, on the occasion of a crime, disorder, or other condition deserving police or Agency Administrative attention is considered neglect of duty.

(5) Violation of the Provision of the Agency's Administrative Manual, Chapter 5, Section I, Sub-section 21-0. Property which has been received as evidence in connection with Investigations or which, for any other reason, comes into custody of this Agency, will be processed in accordance with established procedures. An Employee shall not . . . Misappropriate any evidence or any other material or property found in connection with an Investigation or other police action, except in accordance with established Agency procedures.

(6) Violation of the Provision of the Agency's Administrative Manual, Chapter 5, Section I, Sub-section 3-1. Every Employee shall conduct himself at all times, both on and off duty, in a Manner which reflects Most Favorably" on the Agency. The Phrase "reflects most favorably" pertains to the perceptions of both citizens and Agency Employees. Conduct unbecoming an Employee shall include that which tends to bring the Agency into disrepute, or reflects discredit upon the Employee as representative of the Agency, or that which tends to impair the operation or efficiency of the Agency or Employee.

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## **JURISDICTION**

*Comes now Petitioner, Charles A. Dread, Pro Se, files this Appeal under Rules 13, 14, 17.3, and 33.2 of the Supreme Court of the United States, and the Individual Federal and Local Rules of Appellate Procedures, which the "PETITION FOR WRIT OF*

MANDAMUS PURSANT To 18 U.S.C. Section 3771 (d)(3) CRIME VICTIMS' RIGHTS", will be in Aid of the Court's Appellate Jurisdiction, in that Exceptional Circumstances warrants the Exercise of the Court's Discretionary Powers, and that Adequate Relief cannot be obtained in any other Form or from any other Court.

The Administrative Trial Board Hearing in Maryland State Police v. Charles A. Dread IAU. Case No. U-31-00037 dated April 25, 1991; David L. Moore (Attorney at Law) Files an Appeal in the Circuit Court for Baltimore County Third Judicial Circuit for Maryland, under Case No. 91CG2266 Docket 94 page 295 for Due Process Violations. Attorney David L. Moore files a Motion to withdraw his Appearance as Counsel for Petitioner, in which, the Court ordered on the 21st day of August 1991 after obtaining the Appeal from The Administrative Hearing (IAUCase No. U-31-00037) in the Circuit Court for Baltimore County.

On July 14, 1994; Dismissal deferred for 30 days, in which, the Petitioner files a request for Rehearing on August 11, 1994. On August 19th; 1994, Petitioner files a Petition for Rehearing with Memorandum. August 25, 1994, the Honorable L. R. Daniels Rules that there was no Certificate per Rule 1-323 on paper #12. Petitioner's Certificate of Compliance per Rule 1-323 was filed on September 22nd, 1994, and on November 3rd, 1994; Order of Default denied.

On November 14, 1994, Petitioner Appeals to the Court of Special Appeals, filing a Petition for Appeal

with Memorandum. On December 13, 1994; Order from the Court of Special Appeals Directs that the above Captioned Appeal (Case No. 91CG2266) proceed without a Prehearing Conference filed (rec'd 12/12/94). January 30th, 1995, notice from the Court of Appeals, Denied Motion and Motion for Leave to Appeal in Forma Pauperis.

The Brief of the Petitioner is to be filed with the Office of the Clerk on or before March 14th, 1995. (Rule 8-502(a)(1)). On April 3rd, 1995, the Motion to Dismiss filed by Counsel for Respondent. April 24th, 1995, Petitioner files his Opposition to Respondent's Motion to Dismiss. April 25th, 1995; Respondent's Motion to Dismiss was Granted.

May 8th, 1995, Petitioner files a Motion for Reconsideration of Dismissal. On May 31st, 1995, Petitioner's Motion was denied. The Mandate from the Court of Special Appeals was issued on June 8th, 1995. On October 12th, 1995, the Petition Docket No. 264, Sept. Term 1995; (No. 1991, Sept. Term 1994, Court of Special Appeals), the Court of Appeals of Maryland denied Petitioner's Petition and Supplements, as there has been No Showing that Review by Certiorari is desirable and in Public Interest.

Upon Consideration of the Motion for Reconsideration, filed in the Court of Appeals of Maryland, the Court Ordered, on the 15th day of December, 1995, that the Motion be, and it is hereby, denied.

In the Supreme Court of the United States, the Petitioner filed a Petition for a Writ of Certiorari in the Case of **Charles A. Dread v. Maryland State Police** that was filed on January 11, 1996 and placed on the Docket January 25th, 1996 as No. 95-7631. The Form enclosed for notifying opposing Counsel, dated February 7th, 1996. The Petition for Writ of Certiorari is denied, as of March 4, 1996. The Petition for Rehearing is denied, as of April 15, 1996.

Petitioner, Charles A. Dread, filed the Petition for Judicial Review on the 15th day of May 1996, in the Circuit Court for Baltimore County, Third Judicial Circuit for Maryland, in the Appeal from the Administrative Hearing Board pursuant to Maryland Rule 7-207; after receiving notice to file. Respondent files Motion to Dismiss the Petitioner's Motion for Judicial Review on June 19, 1996, in that, Petitioner files a Motion in Opposition to Respondent's Motion to strike Petitions on the 25th day of June. **The Court Denied Respondent's Motion on the 22nd day of July, 1996. Respecting Rehearing under the Law. See, (App. Pgs. 5&6)**

Petitioner files his Memorandum, as the Court requested, on the 2nd day of August, 1996. The Memorandum pursuant to Maryland Rule 7-207, list the Exhibits in the Petitioner's Memorandum, that are references to the Petitioner's Record Extract (Separate Volume) containing the Official Documents and Reports of the Maryland State Police Administrative Trial Board Hearing.

In March 1997, The Petitioner receives Notice to file a Motion for Summary Judgment pursuant to Maryland Rule 2-501.1 and 2 of the Maryland Rules of Procedure by the Permission of the Circuit Court.

In April 1997, on the 10th day, Petitioner files the Motion for Summary Judgment, & Request for Hearing under Case No. 03-C-96-004893 in the Circuit Court for Baltimore County in a Timely Manner pursuant to the Maryland Rules of Procedure, that Appeals a Final Decision and Order of the Superintendent of the Maryland State Police in the Agency proceeding Maryland State Police v. Charles A. Dread, IAU case No. U-31-00037 dated April 25th, 1991 See, (Summary Judgment/App., pg. 6)

The Petitioner's Motion for Summary Judgment and Request for a Hearing has been Vacated on the 2nd day of July, and the 4th and 5th day of August 1997, that denies Petitioner's Due Process Rights under the **Law Enforcement Officer's Bill of Rights** that guarantees the Petitioner a Hearing from any Acts of Discrimination under Article 27 Section 733 of the Annotated Code of Maryland, that the Merits of his Claims are to be **HEARD**.

As the Circuit Court failed to follow the requirements of Maryland Rule 2311(f), its decision in denying (vacating) the Petitioner's Motion without a Hearing, was not Legally Correct. Bond v. Slavin, 157 Md. App. 340 (2004); By Denying or Vacating the Petitioner's Motion for Summary Judgment and Request

for Hearing lacks Due Process. The Trial Court's Decision was not Legally Correct.

The Civil Statute of the Illinois General Assembly Section 13-218, states "Revival of Judgment." A Petition to Revive a Judgment, as provided by Section 21601 of this Code, may be filed No Later than 20 years next after the Date of Entry of such Judgment. The Provisions of this Amendatory Act of the 96th General Assembly are Declarative of Existing Law. (Source: P.A. 96-305, eff. 8-11-09.) See, (735 ILCS 5/13-218) (from Ch. 110, par. 13-218)

In filing an Appeal on the 26th day of July, 2017 in the Circuit Court for Baltimore County, Third Judicial Circuit for Maryland and the Court of Special Appeals on the Same Day noted the sequence of dates for perfecting a Timely Appeal. Since the 20 year Statute applies to the Date of Entry of Judgment entered in the Captioned Case of July 2nd and August 5th, 1997 substantially complies with the Above Statute.

In Order to Constitute a Judgment under Maryland Law, an Order must Settle the Rights of the Parties and Conclude the Cause of Action. The Two required Acts for an Action of the Court to be deemed the granting of a Judgment are the Issuance of a Final Order and the Entry of the Order on the Docket.

There has not been a Trial on the Merits of Claims presented in the Summary Judgment or a Final Order. The 1997 Amendments to Maryland Rule 2601 have changed the Analysis from whether Finality Exist to whether an Order, which finally resolves all the issues,

has been set forth on a Separate document; **Houghton v. County Commissioners of Kent County's**, 504 A.2d 1145 (1986), the Focus on Finality is still relevant, but it is not sufficient, without the Separate document, to start the time for Filing an Appeal. **Hiob v. Progressive Am. Ins. Co.**, 440 Md. 466, 103 A.3d 596, 2014 Md. LEXIS 779 (2014).

On July 26, 2017, The Petitioner files in the Circuit Court for Baltimore County the Application for Leave to Appeal from the Malicious Allegations of the Maryland State Police Administrative Trial Board Hearing in **Maryland State Police v. Charles A. Dread**, IAU Case No. U-31-00037 dated April 25, 1991; Pursuant to Md. Rule 8-204, that applies for leave to Appeal from the Judgment entered in the above Caption Case and on the same day files the Application in the Court of Special Appeals No. 01005, September Term, 2017.

On November 13th, 2017; the Maryland State Police, Respondent, files a Motion to Dismiss Appeal. Upon Consideration of the Appellee's Motion to Dismiss Appeal, and No opposition having been filed, it is this 11th, day of December 2017, the Court of Special Appeals, Ordered, that Appellee's Motion to Dismiss Appeal be, and is hereby, granted; and it is further Ordered, that the Appeal be, and is hereby, dismissed as being untimely filed. Md. Rule 8-602(a)(3).

On January 24th, 2018, The Petitioner files for a Writ of Certiorari in the Court of Appeals of Maryland, September Term, 2017, Petition Docket No. 0473 pursuant to Md. Rule 8-303 and 8-602 affirming Section

1983 of Title 42 of the United States Code that Petitions the Court to Review the Lower Court Statutory Interpretation made by an Administrative Agency of the Maryland State Police.

The Entry of Judgement Not Directed under Rule 2-602 for being “untimely” in filing a claim for Intentional Racial Discrimination of Police Misconduct, detailing of the Willful Act of filing False Allegations under the Pretext of Black Inferiority (Lack of Insight, Permanent in Nature) which violates Section 1983 of Title 42 United States Code which makes it unlawful for anyone acting under the Authority of State Law to Deprive Another Person of his or her Rights under the Constitution or Federal Law.

On January 30th, 2018, the Maryland State Police, Respondent, files an Answer to Petition for Writ of Certiorari. The Court of Appeals of Maryland, Petition Docket No. 0473, September Term, 2017, (No. 1005, Sept. Term 2017, Court of Special Appeals) and on March 23rd, 2018, the Court of Appeals ORDERED, that the Petition be, and it is hereby, denied as there has been No Showing that Review by Certiorari is desirable and in Public Interest.

On April 20th, 2018, the Petitioner files a Petition for Writ of Habeas Corpus in the United States District Court for the District of Maryland, in Greenbelt, Maryland. On May 25th, 2018, Petitioner receives an Order dated April 25th that Cautioned the Petitioner to file a Supplement within twenty-one days and the Petitioner, also received on the same date a Memorandum

Opinion that the failure to timely supplement the Petition, providing the required information, may result in dismissal of this Action without prejudice. In filing his Supplement on June 7th, 2018, substantially complies with the Latest date of receiving the above two (2) Notices on May 26, 2018.

On June 07, 2018, Petitioner files his Motion for Reconsideration with the Memorandum of Law in Support of Motion and the Revised Version of the Petition for Writ of Habeas Corpus in the Civil Action No. PX-18-1177, in the United States District Court for the District of Maryland, in Greenbelt, Maryland. On the 13th day of June, 2018, by the United States District Court for the District of Maryland, hereby ordered that the Motion for Reconsideration (ECF No. 6) is DENIED.

The Requirement that State Remedies be Exhausted before Relief is sought in the Federal Courts is Grounded primarily upon the respect which Federal Courts have for the State Judicial process, and upon the Administrative necessities of the Federal Judiciary. State Courts are duty bound to give full effect to Federal Constitutional Rights, and it cannot be assumed that they will be derelict in their duty. Only after State Remedies have been Exhausted without the Federal Claim having been vindicated may Federal Courts properly Intervene. But the reason for this Exhaustion Principle cease after the Highest State Court has rendered a decision on the Merits of the Federal Constitutional Claim.

Petitioner, by filing his Petition for Judicial Review on June 25th, 2018, substantially complied with the requirements of Rule B2c. The real purpose of Rule B2 and B4 is to require that a party aggrieved by an Administrative Decision to perfect his Appeal by no more than forty (40) days from the date of the Final Agency Decision. Rule B4a provides that the Order of Appeal is filed within thirty (30) days of the Final Decision; and if No Petition accompanies the Order for Appeal, then Rule B2e provides that the Petition be filed within Ten (10) days of the Order. Consistent with that timetable, the last possible date for perfecting Petitioner's Appeal would have been July 17, 2018.

On December 14th, 2018, I filed in the Supreme Court of the United States a Petition for a Writ of Habeas Corpus, in which, the Court Denied the Petition for Financial Reasons, as I was unable to file in Forma Pauperis. I had to file with Booklet Format; Authorized by the Clerk of the Supreme Court.

On February 12th, 2019, I filed Certified to the Supreme Court, the Petition for An Extraordinary Writ of Habeas Corpus (Booklet Format). The Court Denied the Petition on March 18th 2019.

On April 12th, 2019, I filed the Petition for Rehearing, (Booklet Format) under Article III of the Constitution, invoking the Courts ORIGINAL JURISDICTION, of which, the Petitioner is entitled to a Judgement in his favor, as a Matter of Law. The Petition for Rehearing (No. 18-7063) was denied on May 13th, 2019.

March 4, 2020, the Complaint in the United States District Court for the Southern Division of the District of MARYLAND, and November 24, 2020; the United States District Court Denied Due Process of Complaint and Due to File Play, Exhibit 10 has been altered, the Second Page of the Order has been Accidentally Misplaced.

The Informal Brief was filed in the Court of Appeals for the Fourth Circuit on January 21st, 2021 describing the Acts of Discrimination.

The Disclosure Statement filed in the Court of Appeals for the Fourth Circuit on the First (1) Day of March 2021. The Unpublished Per Curium Opinion was Decided on July 1st, 2021. Petitioner's Legal Rights of Equal Protection has been Denied.

On July 13th, 2021. Petitioner files Petition for Rehearing pursuant to Rule 4(a)(4)(B)(ii) and Rule 41(d)(1) with Memorandum requesting a STAY of the MANDATE in accordance to the Federal Rules of Appellate Procedure and Title VII of the Civil Rights Act of 1964 as Amended, on the Grounds that there is No Genuine Dispute as to any Material FACT describing a Pattern or Practice of Discrimination against a Class of Individuals in a Petition for Rehearing.

On July 18th, 2021, Petitioner receives a Temporary Stay of Mandate in accordance with Rule 41(b), and Order of the Lower Court on August 17, 2021 Denying Discretionary Review receiving the Official Mandate on August 27, 2021 from the United States Court of Appeals for the Fourth Circuit.

October 18, 2021, receives ruling, after filing in the U.S. Supreme Court, Denying Discretionary Review.

The United States Supreme Court ruled in this Matter on the Eighteenth (18) Day of October, 2021, in which, the Ruling gave the Petitioner Ninety (90) Days to file Petition for a Writ of Certiorari in the State Supreme Court, in that, the Last Day for filing Appeal would have been January 16, 2022.

The Petitioner files his Petition for a Writ of Certiorari by Mail to the U.S. District Court for the Southern District of Maryland on the Fifteenth (15) Day of January, 2022, delivered by the U.S. Postal Service Certified to the U.S. District Court and Respondent. See, (E1187382175US), Court's Copy and (E1187383621US), Respondent's Copy.

The Rebuttal from the Respondent would have been due within Ninety (90) Days. Ninety (90) Days would have been April 16th-20th, 2022, at the Earliest. There was No Response File by the Respondent. The Petitioner, filed in the U.S. District Court for the Southern District of Maryland, his response, within the Ten (10) Days Allowed, due to the Mishandling of the Mail or No Response.

The Petitioner files Appeal in a Timely Manner, filling a Second Appeal on the Twenty-Fifth (25) Day of April, 2022, in that, Respondent failed to respond a Second Time. **On June 6, 2022, the U.S. District Court for the District of Maryland** provided Twenty-Eight (28) Days to Show Cause Why His

Amended Complaint should not be Dismissed, as untimely.

On June 24, 2022, Petitioner Files the Summary Judgment in the U.S. District Court for the Southern District of Maryland. On July 18, 2022, the Order of the Ruling from the U.S. District Court for the District of Maryland received by the Petitioner on the Twenty-Second (22) Day of July, 2022. The Ruling of the U.S. District Court for Maryland prejudices Petitioner, in that, the Ruling Dismissed Appeal, as Untimely.

On August 11, 2022, Petitioner files Notice of Appeal, In the Supreme Court of the United States from the U.S. District Court for the Southern District of Maryland, in a Timely Manner, under Rule 18.1 of the Rules of the Supreme Court of the United States.

On August 18th, 2022, Petitioner received another Informal Briefing Order, in which, Petitioner file one earlier under 1:20-cv-00592 should suffice the Court. Petitioner receives also, a Notice of Judgment on the 25th, Day of August in accordance with Rule 13 of the Supreme Court of the United States. Petitioner was unable to respond Due to Rule 18 of the Supreme Court of the United States, that requires a Direct Appeal from the State Supreme Court.

Petitioner Files in the U.S. Supreme Court under Rule 18.3 of the Rules of the Supreme Court of the United States on October 6, 2022, in a Timely Manner. See, (Tracking No. #EJ488319985US)

On October 15, 2022, Petitioner receives the Order (Dated 10/11/2022) that dismisses the proceeding for failure to prosecute pursuant to Local Rule 45, and on the same day receives the Rule 45 Mandate, that constitutes the formal mandate of this Court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure. Moreover, Petitioner files Appeal in accordance with Local Rule 21(c) & (d) and Rule 45 of the Federal Rules of Appellate Procedure, providing a Writ of Mandamus for Crime Victim Rights pursuant to 18 U.S.C. Section 3771(d)(3) in the United States Court of Appeals for the Fourth Circuit mailed Certified, Postage Prepaid, on the 7th Day of November, 2022, in a Timely Manner with the United States Postal Service Priority Mail Express. See, (Tracking No. El 036 674 551 US)

On February 23, 2023, The United States Court of Appeals for the Fourth Circuit Denied Due Process Rights of the Petitioner's First and Fourteenth Amendment Rights of the United States Constitution.

In Francois v. Alberti Van & Storage Co., Inc., 404 A.2d 1058, 1061, the Court of Appeals, quoting its Decision in Town of Somerset v. Board, 245 Md. 52 (1966), stated that “[W]here there is Compliance with the Substance of the requirements of Statutes or Rules and the other parties have not been prejudiced, Technical Irregularities cannot be made the Basis for Depriving Persons of the Opportunity to Assert their Legal Rights.”

Rule B5 provides for dismissal of an Appeal if the Petition for Appeal is not Timely Filed “unless caused to the contrary is shown.” In Francois, *supra*, the Court stated that this Language indicates “some Elasticity is allowed if “Cause” (meaning ‘Good Cause’) is shown.” *Id.* at 1063. Therefore, the Term “Cause” is equated to Good Cause. The Court stated:

[G]ood Cause must be Evidence by a Display of Diligence to Prosecute the Case during the Period of Alleged Inaction; and that, the Trial Court’s Discretion will not be Set Aside on Appeal Except in Extreme Cases of Clear Abuse. [CITATIONS OMITTED]. *Id.* at 1063-64.

Accordingly, where a Petitioner has demonstrated diligence in prosecuting an Appeal, dismissal is unwarranted.

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#### **CONSTITUTION AND STATUTORY PROVISIONS INVOLVED**

##### **(1) First Amendment to the United States Constitution**

Congress shall make No Law respecting an Establishment of Religion, or prohibiting the free Exercise thereof, or Abridging the Freedom of Speech, or of the Press; or the Right of the People Peaceably to Assemble and to Petition the Government for a Redress of Grievances.

**(2) 14th Amendment to the United States Constitution**

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 the Laws.

**(3) TITLE 42 USC Section 1983 – Civil Action for Deprivation of Rights of Rights**

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 inequity, are 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 Declaratory Decree was violated or Declaratory Relief was unavailable.

**(4) ANNOTATED CODE OF MARYLAND; Article 27 section 733**

A Law Enforcement Officer may not be discharged, disciplined, demoted or denied promotion, transfer, or reassignment, or otherwise discriminated against in regard to his Employment or be threaten with any such treatment, by reason of his Exercise of or Demand for the Rights Granted in this subtitle, or by reason of the Lawful Exercise of his Constitutional Rights.

**(5) ANNOTATED CODE OF MARYLAND, Public Safety; Title 3**

Law Enforcement Subtitle 1- Law Enforcement Officer's Bill of Rights, section 3-113. False Statement, Report, or Complaint. Prohibited- A Person may not knowingly make a False Statement, report, or complaint during an Investigation or Proceeding conducted under this subtitle.

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**TEXT OF CITED STATUTES & RULES**

**(1) Annotated Code of Maryland, Article 27 section 733;**

A Law Enforcement Officer may not be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated against in regard to his Employment or be Threaten with any such treatment, by reason of his Exercise of or Demand for the rights granted in this subtitle, or by

reason of the Lawful Exercise his Constitutional Rights.

**(2) Annotated Code of Maryland, Public Safety; Title 3**

Law Enforcement Subtitle 1 – Law Enforcement Officers’ Bill of Rights Section 3-113 – False statement, report, or complaint. Prohibited – A person may not knowingly make a false statement, report, or complaint during an investigation or proceeding conducted under this subtitle.

**(3) Maryland Rule 2-311(f)**

A party desiring a hearing on a motion, other than a motion filed pursuant to Rule 2-532, 2-533, or 2-534, shall request a hearing in the motion or response under the heading “Request for Hearing.” Except when the Rule expressly provides for a hearing, the court shall determine each case whether a hearing will be held, but the court may not render a decision that is diapositive of a claim or defense without a hearing if one was requested as provided in this section.

**“Request for a Hearing” in accordance to Maryland Rule 2-501.1 & 2.**

**(4) TITLE 42 USC Section 1983-Civil Action for Deprivation of Rights**

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 declaratory decree was violated or declaratory relief was unavailable.

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#### **STATEMENT OF THE CASE**

I was Wrongfully Discharged in May 1991, while under the Appeal of an Administrative Agency of the Maryland State Police filed on April 25, 1991. The Trial Board Hearing violated Due Process Rights, as described in Title 3 Public Safety, Annotated Code of Maryland. I filed the Appeal in the Circuit Court for Baltimore County, Third Judicial Circuit for Maryland under Docket 94 page 295, (Case No. 91CG2266) by Attorney David L. Moore on May 24, 1991. (Law Enforcement Subtitle 1 LEOBR'S Section3-113). **See, (Petition for a Writ. Pgs. 2-15).**

On August 11, 2022; Petitioner files Notice of Appeal, in a Timely Manner, in the Supreme Court of the United States from the United States District Court for the Southern District of Maryland, under Rule 18.1

of the Rules of the Supreme Court of the United States of America.

Petitioner files in the Supreme Court of the United States under **Rule 18.3** of the Rules of the Supreme Court of the United States on **October 6, 2022** in a Timely Manner, in Accordance with the Rule of Law.

Petitioner files in the U.S. Court of Appeals for the Fourth Circuit in Accordance with Local Rule 21(a) and (d) including Rule 45 of the Federal Rules of Appellate Procedure providing a **Writ of Mandamus for Crime Victim Rights** pursuant to **18 U.S.C. Section 3771(d)(3)** in the United States Court of Appeals for the Fourth (4th) Circuit. See, (**Petition for Writ.**)

It's only after State Remedies have been Exhausted without the Federal Claim having been vindicated may Federal Courts properly Intervene. But the Reason for this Exhaustion Principle cease after the Highest State Court has rendered a Decision on the Merits of the Federal Constitutional Claim.

Again, This Appeal involves the Defamation of Character (Libel) in the Review of the Maryland State Police Administrative Trial Board Hearing, that ignored Due Process Rights with Impunity, which details the willful Act of Retaliating for Exercising his First Amendment Rights, in that, Files False Allegations under the Pretext of Black Inferiority (Slander) violating Section 1983 of Title 42 of the United States Code, which makes it unlawful for anyone Acting under the Authority of State Law to deprive another Person of

his or her Rights under the Constitution or Federal Law. See, **(Petition for a Writ.)**

Petitioner, Charles A. Dread, filed the Petition for Judicial Review on the 15th, day of May 1996, in the Circuit Court for Baltimore County, Third Judicial Circuit for Maryland, in the Appeal from the Administrative Hearing Board pursuant to Maryland Rule 7-207; after receiving Notice to file. Respondent files Motion to Dismiss the Petitioner's Motion for Judicial Review on June 19, 1996, in that, Petitioner files a Motion in Opposition to Respondent's Motion to Strike Petitions on the 25th, day of June. **The Circuit Court for Baltimore County, Third Judicial Circuit, Denied Respondent's Motion to Strike Petitions requiring a Hearing under the Rule of Law, on the 22nd day of July, 1996.** The Petition for Review, page 4, Third (3rd) Paragraph of the Jurisdiction Section.

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#### **REASONS FOR GRANTING THE WRIT**

This Case involves the Review of the Maryland State Police Administrative Agency's Trial Board Hearing that ignored Due Process Rights with Impunity, Right's afforded by the Constitution and Civil Rights Laws that Governs our Nation, and in Planting the reported Stolen Weapon in the Police Unit, Overlooking these Rights of the Fourteenth Amendment of Equal Protection and State Law of Falsifying the Charging Documents are Prohibited. See, **(Writ for Certiorari, 2044)**.

For Reasons Set forth Above, Petitioner, Charles A. Dread, asks this Court to Grant its Petition seeking an Extraordinary Writ that will be in Aid of the Court's Appellate Jurisdiction in Order to Answer the Questions raised herein, and Protect Petitioner's Rights vis-a-vis a Flawed Legislative Enactment and an Overzealous and Unwarranted Enforcement Action by the Administrative Agency of the Maryland State Police.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
MOTION FOR SUMMARY JUDGEMENT**

Charles A. Dread, Petitioner, Pro Se, pursuant to the Maryland Rule 2-501.1, and Title VII of the Civil Rights Act of 1964, as Amended; files this Motion, on the Grounds that there is Absolutely NO Genuine Dispute as to any Material Fact, in filing a Petition for Re-hearing, under a Writ of Mandamus pursuant to 18 U.S.C. Section 3771(d)(3), "Crime Victim Rights" invoking the Courts ORIGINAL JURISDICTION, of which, Petitioner is entitled to a Judgement in his favor as a Matter of Law because:

I. Petitioner Appeals the Final Decision and Order of the Superintendent of the Maryland State Police in the Agency proceeding, Maryland State Police v. Charles A. Dread, IAU case No. U-31-00037 dated April 25, 1991.

2. The Decision and Order of the Superintendent of the Maryland State Police affirms a Recommended Decision of the Maryland State Police Administrative Trial Board Hearing. The Trial Board found Petitioner guilty of various Disciplinary Rules in Violation of Chapter 5 of the Administrative Manual. The Penalty imposed for the alleged violations is dismissal from employment.

3. The Decision of the Superintendent of the Maryland State Police is Arbitrary and Capricious because it is not supported by substantial Evidence on the Record.

4. The Hearing before the Administrative Trial Board was conducted in the Violation of Petitioner's Due Process Rights, in that, the Trial Board considered Improperly, Irrelevant and Inconclusive Evidence based on a Subjective Belief.

5. The Decision of the Superintendent of the Maryland State Police substantially Prejudices Petitioner and for other Reasons to be Assigned at the Hearing on this Appeal.

6. **WHEREFORE**, Petitioner respectfully requests that the Decision and Order of the Superintendent of the Maryland State Police, Dated April 25, 1991, be reversed.

7. **WHEREWITH**, Petitioner respectfully requests Appropriate Relief in Punitive Measures of Four Million \$4,000,000.00 Dollars with Retirement.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**MEMORANDUM OF LAW IN SUPPORT  
OF SUMMARY JUDGEMENT**

Charles A. Dread, Petitioner, Pro Se, submits this Memorandum of law, under Title 42 United States Code, section 1983 (Intentional Racial Discrimination), to provide Exceptional Circumstances, in support of this Motion for Summary Judgement, pursuant to Md. Rule 2-501.2 of the Maryland Rules of Procedure.

**STATEMENT OF THE CASE**

Petitioner was fired (wrongfully discharge) from Employment based on the UNETHICAL Assumption of BLACK Inferiority (Lack of insight), in that, Respondent Fabricated Alleged Violations of Chapter 5 of the Administrative Manual that Eventuated from the Racial Disadvantage permitting a WHITE woman in his Patrol Unit where a handgun was found while assisting this person from and too Police units.

**STATEMENT OF MATERIAL FACTS AS TO  
WHICH THERE CAN BE NO GENUINE DISPUTE**

1. Petitioner's Evidence raised substantial issues of fact as to whether Petitioner was Fired/Retired because of a Subjective Belief, and if so, whether his Discharge/Retirement Eventuated from the Racial Disadvantage permitting a White Woman in his Patrol Unit where a handgun was found while assisting this

person from and too Police units. (See, Battle v. Mulholland, 439 F.2d 321, C. A. Miss. 1971.)

2. Whether State Respondents knew or reasonably should have known that the action they took within their shear of official responsibility when they evicted Petitioner for public market would violate Constitutional Rights of Petitioner and whether Respondents took such action with Malicious Intention to cause a Deprivation of Constitutional Rights or other Injury to Petitioner are Questions of Fact. (See, Wilder v. Irvin, 423 F. Supp. 639, D.C. GA. 1976.)

3. Respondent's Procedures for Admitting Petitioner suspected (Subjective Belief) of Mental Illness to Psychiatric Evaluation concerning whether Respondent acted in Good Faith. Accordingly, Intent or Good Faith is No Defense in Cases of Racial Discrimination. (See, Gross v. Pomerleau, 465 F. Supp, 1167, D.C. MD. 1979; See also, Burner v. Washington D.C., 399 F. Supp. 44, D.C. 1975.

## ARGUMENT

On November 1, 1988, the Petitioner assisted in the Investigation of a Motor Vehicle Accident where a handgun was found while assisting a WHITE person from and too police units.<sup>1</sup> November 20, 1988, the Petitioner was Interrogated three (3) times as long as the

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<sup>1</sup> Memorandum, Racial Exploitation

other two (2) White Employees. There were No Inconsistencies in any Statement by the Petitioner.<sup>2</sup>

On September 14, 1989, the Petitioner was charged with six (6) violations of Chapter 5 of the Maryland State Police Administrative Manual. See, **Petition for a Writ**

On November 1, 1990, the Administrative Trial Board Hearing, (IAU Case No. U-31-00037) was administered two (2) years after the fact in the Waterloo Barrack, Waterloo, Howard County, Maryland. The Fabrication of Alleged charges, Intentionally created a Foundation that provides a Dramatic Portrayal of Medical Experiments, involving Extreme Prejudice, Dishonesty, Libel and Fraud, in creating the illusion, "Lack of Insight," as a Prerequisite for the Alleged Medical Disability Retirement, resulting in a Wrongful Discharge.<sup>3</sup>

On January 26, 1991, the Petitioner was discharged from Employment for alleged Medical reasons by Capt. Hall, Personnel Management Division of the Maryland State Police. On January 25, 1991, Capt. Hall wrote an Official Miles Message<sup>4</sup> that stated:

"Effective January 26, 1991, TPC Charlie A Dread, College Park Barrack will be removed from long term light duty status canceling personnel order no. 0190303. TFC Dread will

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<sup>2</sup> Record Extract, (Exhibit 12 thru 15) Interviews/interrogation

<sup>3</sup> Record Extract, Official Miles Message, page 57

<sup>4</sup> Record Extract, Official Miles Message, page 57

be placed in an off duty status for medical reason. Time off will be covered utilizing leave earned and/or accumulated by TFC Dread. The appropriate personnel order will be forth coming.”

On February 28, 1991, the Superintendent of the Maryland State Police subscribed Petitioner’s dismissal under Article 88B section 15(b)(16) of the Annotated Code of Maryland that states:

“To apply for disability retirement on behalf of a State Police Officer who is permanently physical or mentally incapable of performing his assigned duties if the State Police Officer has refused to apply for disability retirement and if there is sufficient medical evidence to support a determination of permanent disability.”

The Superintendent’s Decision and Order were both based on a Subjective Belief of a Subordinate Race. The Stereotype “Pop Guess” that Persons of African Decent (Black) participating in boxing are ignorant of the law. Therefore, Unable to pursue Justice and Maintain Due Diligence for Trial on the Merits. This is the Hallmark of “EQUAL PROTECTION” clause Violations.

The Maryland State Police submitted a Fraudulent Typed Document and claims Petitioner voluntarily submitted the Document to the Retirement System for Consideration. This is the Act of Premeditated Malice.

In the Superintendent's Final Order<sup>5</sup> dated April 25, 1991, He stated:

“I have reviewed the report of the Administrative Hearing Board and, in this regard, I am in Agreement with the Hearing Board's recommended penalty.”

The Superintendent of the Maryland State Police had absolutely NO legal or Factual Evidence to support a Decision of Terminating Petitioner's Employment. The Blatant disregard for the Law Enforcement Officers Bill of Rights (Article 27, Section 733) and the United States Constitution's First (1st) and Fourteenth (14th) Amendments are unwarranted and shall be rectified by the Law of the Land.

Article 27, Section 733 of the Annotated Code of Maryland States:

“A Law-enforcement Officer may not be discharged, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated against in regard to his employment or be threatened with any such treatment, by reason of his exercise of or demand for the rights granted in this subtitle, or by reason of Lawful exercise of his Constitutional Rights.”

In Francois, supra, The Court stated that this language indicates “some elasticity is allowed if ‘Cause’ (meaning ‘Good Cause’) is shown. Id. at 1063.

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<sup>5</sup> Record Extract, Exhibit 1 (a) Superintendent's Final Order; also see Exhibit 2 (a) pursuant to Article 27, section 731.

Therefore, the term 'Cause' is equated to Good Cause. The Court stated:

"Good Cause must be evidenced by a display of diligence to prosecute the case during the period of alleged inaction; and that the trial Court's discretion will not be set aside on Appeal except in extreme case of clear abuse."

IN CONCLUSION, Petitioner submits that He is entitled to Summary Judgement in his Favor against the Respondent.

### **UNLAWFUL DISCRIMINATION IN EMPLOYMENT DISPUTE**

1.) What Rights you feel have been violated?  
A.) **The Law Enforcement Officer's Bill of Rights** under Article 27 Section 733 of the Annotated Code of Maryland that states:

"A Law Enforcement Officer *may not be discharged*, disciplined, demoted, or denied promotion, transfer, or reassignment, or otherwise discriminated against in regard to his Employment or be Threatened with any such Treatment, by Reason of his Exercise of or Demand for the Rights granted in this Subtitle, or by Reason of the Lawful Exercise of his Constitutional Rights." See, **(page. 16)**

<sup>6</sup>The Time-Line was ignored in the Trial Board Hearing, a Direct Violation of Petitioner's Constitutional (Due Process) Rights.

In the Administrative Hearing, the Time-Line (Radio Logs) was entered as Joint Exhibit in the Accident Investigation. The Time-Line was ignored Intentionally, in the Administrative Hearing, that would have verified the Inconsistency, SNUGGED- a- way, in the charging document. The Root of the Inconsistency is found in the Malicious Act of Falsifying the Charging Document dated 1111/88 at 0946 hours that states: "Complainant reported that upon being seated she pointed out to the Trooper (Dread) that a Gun was located between the Patrol vehicle's seat and door frame."

According to the Time-Line, Mrs. Dwyer asked to have a seat in the MSP Unit Q-28 at approximately 0725 hours, due to the fact that Trooper Sroka had just arrived on the scene at 0724 hours. At this time, Mrs. Dwyer helped pick up papers off the front seat before entering the vehicle. There was No Mention of a gun being found or Seen.

The Inconsistency in the complaint **ABOVE**, is that, the weapon was not discovered until Petitioner was making the transfer of Mrs. Dwyer from MSP Unit Q-28 to MSP Unit Q-36 at approximately 20 to 25

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<sup>6</sup> Compare (See, Transcript of Administrative Hearing) Record Extract, (Table of Contents E-1 and E57) and. See, Summary Judgment-Exhibits w/ Memorandum (001- 057).page No. Bottom Right Corner.

minutes after she (Dwyer) was initially in the MSP Unit (Q-28).

#### **FACTS TO SUPPORT THIS CONTENTION THE TIME-LINE**

After the removal of Mrs. Dwyer's vehicle from the roadway, I opened all lanes of traffic pulling over to the left shoulder in front of Trooper Sroka (Q-25) at approximately 0745 hours. I advised Mrs. Dwyer to remain in the MSP Unit Q-28 until contact was made with an Investigator. I exited the MSP Unit at that time and approached Trooper Sroka's Unit (second vehicle) to inquire about the Investigation of Mrs. Dwyer's vehicle. Trooper Sroka advised that Trooper Paolucci was investigating Mrs. Dwyer's vehicle.

As I began to approach Trooper Paolucci's Unit (Third Vehicle), I instinctively looked back and noticed Mrs. Dwyer moving around in the MSP Unit Q-28, but continued on. I approached Trooper Paolucci's Unit and inquired, where do you want Mrs. Dwyer to sit? He responded, "Put her in the back seat." I went back to my MSP Unit Q-28 on the passenger's side, considering her Age and to ensure her safety back to Trooper Paolucci's Unit Q-36, since the Beltway's rush hour traffic was in progress on the passenger's side.

Upon opening the door, a Gun fell unto the door frame. I immediately picked up the weapon and asked Mrs. Dwyer, "Who does this belongs to?" Mrs. Dwyer responded, "It's not mine, I never saw that Gun, I am afraid of Guns." I stated, "It's not mine." Mrs. Dwyer

again denied having any knowledge of ever seeing the weapon. I recovered (taking away) the Gun to the area in back of the MSP Unit Q28 (FRONT OF Q-25) near median wall to clear found weapon (No Magazine, No Ammunition). At which time, I motioned for Trooper Paolucci to contact me, we met at the rear of Trooper Sroka's Unit (Q-25) in front of Q-36 near the median wall. I advised him of incident that had just occurred, turning over the weapon.

Trooper Paolucci took the weapon back up to MSP Unit Q-28 as I accompanied him, entering my Unit on the driver's side, as Trooper Paolucci approached Mrs. Dwyer from the passenger side, immediately telling her to put this (Gun) back in her bag. I, Petitioner, stated, "I wouldn't want to do the paper work either." Thinking that he (Paolucci) was attempting to get Mrs. Dwyer to own up to the Gun. Again, Mrs. Dwyer refused to acknowledge ownership of the Gun. See, (**Detailed Report**).

Trooper Paolucci took the Weapon back up to MSP Q-28 as I accompanied him, entering my Unit on the Driver's Side, as Trooper Paolucci approached Mrs. Dwyer from the passenger's side, immediately telling her to put this gun back in her bag. Again, Mrs. Dwyer refused to acknowledge ownership of the Gun.

Trooper Paolucci went to consult with Trooper Sroka in reference to the incident, as I remained in the MSP Unit Q-28 with Mrs. Dwyer, as requested by Trooper Paolucci. After a few minutes had passed, I exited to join the discussion to hear what was being said.

On my arrival, to area of the discussion, everything appeared to be over and they decided to put the weapon on property held. I advised them that there should be an Arrest. Trooper Paolucci said that he wanted to check her vehicle for a Magazine & Ammunition.

I requested for the weapon, to notify the Barrack of found property to have the PCO enter the weapon's serial number into the Computer's (NCIC). I used Trooper Sroka's Unit, since the other two (2) were occupied (Trooper Sroka's Unit was vacant) calling in the found weapon at 0803 hours. Again, turning over the weapon to (Trooper Paolucci) the Investigator. See, **(Time-Line)**

All Troopers observed the weapon at this time. Trooper Sroka stated; "I was approached by Troopers Dread and Paolucci who were investigating a second accident at the same location." Trooper Sroka also stated, "At this point. Mrs. Dwyer became visibly upset stating, "that is not my Gun."

This Expression identifies the weapon being in the presence of all three (3) Troopers on the scene while (she) Mrs. Dwyer was sitting inside MSP Unit Q-28. It also identifies the fact that the weapon was not left in the MSP Unit Q-28 at any time.

The Petitioner, will identify an inconsistency here; that is revealed in both Troopers found property reports, compare **(E.27) and (E.34 to E.35)** in their entirety. Trooper Paolucci stated; "Mrs. Dwyer, who was sitting in MSP Unit Q-28 unattended, came back to where we were and became argumentative. I

instructed Mrs. Dwyer to take a seat in my vehicle. TFC Dread was persistent that I take the Gun to the Barrack. At this time I agreed to take the Gun and secured it in the trunk of MSP Unit Q-36.

Trooper Sroka stated, "At this point Mrs. Dwyer became visibly upset stating 'that is not my Gun'." Trooper Dread then asked Mrs. Dwyer to go back to his car, Mrs. Dwyer refused. I then requested Mrs. Dwyer to return to Trooper Dread's vehicle, Mrs. Dwyer reluctantly did. I then continued investigating the accident that was assigned to me.

The Fabrication here is inaccurate, due to the fact, that Mrs. Dwyer remained in MSP Unit Q-28 and did not exit and approach Troopers at any time.

Again, after agreeing with the Investigator and calling the found property into the Barrack (turning over the weapon), the Investigator (Trooper Paolucci) returned to MSP unit Q-28 to take Mrs. Dwyer back to (his) MSP Unit Q-36. Calling her license number into the Barrack at 0807 hours.

I, Petitioner was later advised by Trooper Sroka that I should do an incident report. The Petitioner returned to MSP Unit Q-28 to write down a report of the incident, leaving the scene at approximately 0815 hours, notifying the College Park Barrack of changing to Forestville's channel 4 at 0826 hours.

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**CONCLUSION**

The petition for writ of certiorari should be granted.

Respectfully submitted,  
CHARLES A DREAD, Pro Se  
14024 Gulliver's Trail  
Bowie, Maryland 20720  
240-731-5294

Originally filed: April 6, 2023  
Refiled: May 30, 2023

## APPENDIX TABLE OF CONTENTS

	Page
U.S. Court of Appeals Order 2/23/2023 .....	App. 1
U.S. Court of Appeals Judgment Dated 2/23/23 ...	App. 3
United States District Court For the District of Maryland – Order .....	App. 4
Letter Regarding Personnel Complaint Filed By Mrs. Dwyer .....	App. 7
Timeline .....	App. 14
Complaint Against Personnel Report .....	App. 15

App. 1

**APPENDIX A**  
**UNPUBLISHED**

**UNITED STATES COURT OF APPEALS**  
**FOR THE FOURTH CIRCUIT**

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**No. 22-1861**

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CHARLES ANTHONY DREAD,  
Plaintiff - Appellant,  
v.  
MARYLAND STATE POLICE,  
Defendant - Appellee.

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Appeal from the United States District Court for the  
District of Maryland, at Baltimore. George L. Russell,  
III, District Judge. (1:22-cv-01014-GLR)

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Submitted: February 21, 2023 Decided: February 23, 2023

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Before NIEMEYER and DIAZ, Circuit Judges, and  
MOTZ, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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App. 2

Charles A. Dread, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

**PER CURIAM:**

Charles Anthony Dread appeals the district court's order dismissing his amended complaint asserting multiple claims under Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e to 2000e-17, based on his failure to timely file an administrative change. On appeal, we confine our review to the issues raised in the informal brief. *See* 4th Cir. R. 34(b). Because Dread's informal brief does not challenge the basis for the district court's disposition, he has forfeited appellate review of the court's order. *See Jackson v. Lightsey*, 775 F.3d 170, 177 (4th Cir. 2014) ("The informal brief is an important document; under Fourth Circuit rules, our review is limited to issues preserved in that brief."). We deny Dread's petition for review and a writ of mandamus and deny as moot his motion to reopen this appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

***AFFIRMED***

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App. 3

**APPENDIX B**

FILED: February 23, 2023

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 22-1861  
(1:22-cv-01014-GLR)

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CHARLES ANTHONY DREAD

Plaintiff - Appellant

v.

MARYLAND STATE POLICE

Defendant - Appellee

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**JUDGMENT**

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In accordance with the decision of this court, the judgment of the district court is affirmed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ PATRICIA S. CONNOR, CLERK

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**APPENDIX C**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

CHARLES ANTHONY DREAD, \*  
Plaintiff, \*  
v. \* Civil Action No.  
\* GLR-22-1014  
MARYLAND STATE POLICE, \*  
Defendant. \*

\*\*\*

**ORDER**

(Filed Jul. 18, 2022)

This case was initiated on April 25, 2022, upon receipt of Plaintiff Charles Anthony Dread's Complaint. (ECF No. 1). Dread paid the filing fee and filed an Amended Complaint on April 26, 2022. (ECF No. 2). For the reasons that follow, the Court will dismiss the Amended Complaint.

Dread files this employment discrimination suit pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.* ("Title VII"), generally alleging that the Maryland State Police terminated his employment, retaliated against him, and falsified charging documents on the basis of his race, color, national origin, sex, and disability. (Am. Compl. at 5, ECF No. 2). He alleges that the discrimination occurred in April 1991 and July 1997. (*Id.*). Dread does not provide substantive details in support of his claims, instead he

## App. 5

attaches a “Petition for a Writ of Certiorari,” which outlines the lengthy procedural history of Dread’s claims as well as a complaint filed with the U.S. Equal Employment Opportunity Commission (“EEOC”), including a Right to Sue letter, signed December 23, 2021. (ECF Nos. 2-2, 2-3). Additionally, Dread includes documents related to a previous complaint filed in this Court, Civil Action No. GLR-20-592, along with a judgment from the Court of Appeals for the Fourth Circuit affirming the judgment of this Court. (ECF Nos. 2-4, 2-5, 2-6, 2-7).

Dread filed both this case and Civil Action No. GLR-20-592 against the Maryland State Police alleging discrimination against Dread in 1991 and 1997, violating Title VII. (See ECF Nos. 2, 2-5). On November 24, 2020, this Court dismissed the Complaint in Civil Action No. GLR-20-592 upon finding that Dread’s claims were untimely. (Civil Action No. GLR-20-592, ECF No. 9). By statute, Dread had 300 days following the alleged unlawful employment actions occurred in which to file a claim with the EEOC. See 42 U.S.C. § 2000e5(e)(1). Accepting Dread’s allegations as true, if he suffered an adverse action in 1997 and filed an EEOC charge on December 16, 2021, almost twenty-four years passed between the unlawful actions and Dread’s EEOC filing. (Am. Compl. at 6). Therefore, it appears that Dread’s claims are untimely and are substantially similar to his prior lawsuit.

On June 6, 2022, the Court directed Dread to show cause why his Amended Complaint should not be dismissed as untimely. (ECF No. 3). The Court provided

App. 6

Dread twenty-eight days to show cause why his Amended Complaint should not be dismissed and warned Dread that failure to respond to the Court's Order would result in dismissal of the Amended Complaint. (*Id.*) That deadline passed on July 5, 2022.

To date, Dread has not responded to the Court's Order. Instead, on June 24, 2022, Dread filed a Motion for Summary Judgment. (ECF No. 4). Inasmuch as Defendant has not even been served, much less had the opportunity to conduct discovery, the Motion is clearly procedurally improper. In any event, the Motion is unresponsive to the Court's June 6, 2022 Show Cause Order. This Court will thus dismiss the case.

Accordingly, it is this 18th day of July, 2022, by the United States District Court for the District of Maryland, hereby ORDERED that:

1. The Amended Complaint is DISMISSED as untimely;
2. Dread's Motion for Summary Judgment (ECF No. 4) is DENIED without prejudice as procedurally improper;
3. The Clerk is directed to CLOSE this case; and
4. The Clerk shall SEND a copy of this Order to Dread.

/s/

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George L. Russell, III United  
States District Judge

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**APPENDIX D**  
**STATE OF MARYLAND**  
**DEPARTMENT OF**  
**PUBLIC SAFETY AND CORRECTIONAL SERVICES**  
**MARYLAND STATE POLICE**

[SEAL]	[Illegible]
[ILLEGIBLE]	[Illegible]

(301) 345-3101  
Barrack "Q", Washington Metro Troop  
College Park, Maryland  
November 11, 1988

TO: First Lieutenant R. D. Kirk, Commander,  
Barrack "Q" College Park

Subject: Personnel Complaint Filed By Mrs. Dwyer

On November 1, 1988 at approximately 0710 hours I, Trooper First Class Charles A. Dread (0964), had an occasion to come up on a multi-vehicle accident on southbound I-95 at Maryland Route 193, Greenbelt, Prince George's County, Maryland, 20770.

Upon approaching the scene, I immediately contacted the College Park Barrack to inform them of the accident at the above location.

I contacted the victims of the accident, and found out that no one was claiming to be injured. I notified

App. 8

the barrack at 0720 hours to advise the PCO of property damage only and to request tow service (10-51) for a Gold Colored Dodge (Omni). The PCO advised that two (2) troopers are in route to investigate. I acknowledged the report.

Again, I immediately contacted the owners of each vehicle to assist with the removal of their vehicles off the roadway, to prevent any further congestion as soon as possible. Shortly thereafter, Trooper Sroka (Q-25) arrived, parking on the left shoulder (due to no shoulder area on the right) approximately thirty (30) yards south of MD Route 193.

As I was holding traffic and assisting persons who could apparently move their vehicles to where Trooper Sroka was conducting the investigation, the operator of the Gold Colored Dodge (Mrs. Dwyer) asked to have a seat in my Maryland State Police (MSP) unit (Q-28). In consideration of her age and humble character combining the inclement weather and the distance of the investigation site, I permitted (to do so).

I walked over to the driver side to get in and unlocked the passenger door so Mrs. Dwyer could get in out of the rain. I had reports on the front seat, so I commenced to move them in the back. Mrs. Dwyer assisted in moving papers on the end (near door) of the front seat before taking her seat. Mrs. Dwyer never mentioned a gun, the fact being, that there was no gun there. Mrs. Dwyer stated, "I asked him did he mind if I sat in the car because I was getting wet. I did not have an umbrella and he said yes. So he took me across to

App. 9

the opposite side of the road (north of Maryland Route 193) and he got in his side of the car, the other, the passenger side front and back was locked. He slid over, unlocked the car. I got ready to get in and there was so many papers, there was papers on the passenger's seat. He commenced to move them in the back; I helped him and I got in."

The above report is inconsistent with the complaint filed against the petitioner by Sgt. McKeon, who gave a brief description of the allegation that stated, "Complainant reported that upon being seated she pointed out to the trooper (Dread) that a gun was located between the patrol vehicle's seat and door frame. According to Mrs. Dwyer, the trooper told her to put the weapon in her bag, as he (Dread) didn't want to do the paperwork."

The complaint is also inconsistent with my character described by Mrs. Dwyer. Mrs. Dwyer stated, "He was tall, he was the first gentleman on the scene, the first trooper on the scene. He was tall, black, light skinned, probably six (6) foot. I think he had a mustache. I think he had a little mustache, well mannered, very polite. That's all I remember about him."

At approximately 0730 hours, the tow service had arrived, which time I directed him to vehicle (Mrs. Dwyer) previously identified.

The tow service could not pick up the vehicle from the front, so he turned around on the beltway to lift the wrecked vehicle from the rear. At which time, I

## App. 10

observed Trooper Paolucci (Q-36) arriving on the scene approximately five (5) minutes after the tow service.

After the removal of her vehicle from the roadway, I opened all lanes of traffic pulling over to the left shoulder in front of Trooper Sroka (Q-25) at approximately 0745 hours. I advised Mrs. Dwyer to remain in the MSP Unit (Q-28) until contact was made with an investigator. I exited the unit at that time and approached Trooper Sroka's unit (second vehicle) to inquire about the investigation of Mrs. Dwyer's vehicle. Trooper Sroka advised that Trooper Paolucci was investigating her vehicle.

As I began to approach Trooper Paolucci's unit (third vehicle), I instinctively looked back and noticed Mrs. Dwyer moving around in the MSP Unit (Q-28) but continued on. I approached Trooper Paolucci and inquired, "Where do you want Mrs. Dwyer to sit?" He responded, "Put her in the back seat." I went back to my police unit, on the passenger side, considering her age and to ensure her safety back to the other MSP Unit (Q-26), since the Beltway's Rush-Hour traffic was in progress, on the passenger's side.

Upon opening the door, a gun fell on to the door frame. I immediately picked up the weapon and asked Mrs. Dwyer, "Who does this (gun) belong to? Mrs. Dwyer responded, "It's not mine, I never saw that gun, I'm afraid of guns." I stated, "It's not mine."

Mrs. Dwyer again denied having any knowledge of ever seeing the weapon before incident. I recovered (taking away) the gun to the area in back of the MSP

## App. 11

Unit (front of Q-25) near the media wall/barrier to clear found weapon (no ammunition, no magazine). At which time, I motioned for Trooper Paolucci to contact me, we met at the rear of Trooper Sroka's MSP Unit (Q-25) in front of Q-36 near the median wall/barrier. I advised him of the incident that had just occurred, turning over the weapon.

Trooper Paolucci went to consult with Trooper Sroka in reference to incident, as I remained in the unit with Mrs. Dwyer, as requested by Trooper Paolucci.

After a few minutes had passed, I exited to join the discussion to hear what was being said. On my arrival to area of discussion, everything appeared to be over and they decided to put the weapon on property held. I advised them that there should be an arrest. Trooper Paolucci said that he wanted to check her vehicle for a magazine and ammunition.

I requested for the weapon, to notify the barrack of found property, to have the PCO enter the weapon's serial number into the computer. The other two (2) units were occupied (Trooper Sroka's unit was vacant) calling in the weapon at 0803 hours. Again, turning over the weapon to (Trooper Paolucci) the investigator.

All troopers observed the weapon at this time. Trooper Sroka stated, "I was approached by Troopers Dread and Paolucci who were investigating a second accident at the same location." Trooper Sroka also stated, "At this point, Mrs. Dwyer became visibly upset stating, "that is not my gun."

App. 12

This expression identifies the weapon being in the presence of all three (3) troopers on the scene while (she) Mrs. Dwyer was sitting inside MSP Unit Q-28. It also identifies the fact that the weapon was not left in the MSP Unit (Q-28) at any time.

There's inconsistency in both Troopers' Found Property Reports.

Trooper Paolucci stated Mrs. Dwyer, who was sitting in MSP Unit 28 unattended, came back to where we were and became argumentative. I instructed Mrs. Dwyer to take a seat in my vehicle. TFC Dread was persistent that I take the gun to the barrack. At this time I agreed to take the gun and secure it in the trunk of MSP Q-36."

Trooper Sroka stated, "At this point Mrs. Dwyer became visibly upset stating, "That is not my gun." Trooper Dread then asked Mrs. Dwyer to go back to his car, Mrs. Dwyer refused. I then requested Mrs. Dwyer to return to Trooper Dread's vehicle, Mrs. Dwyer reluctantly did. I then continued investigating the accident that was assigned to me.

The fabrication here is inaccurate, due to the fact that Mrs. Dwyer remained in MSP Unit Q-28 and did not exit and approach troopers at any time.

Again, after agreeing with the investigator and calling the found property into the barrack (turning over the weapon) the investigator (Trooper Paolucci) returned to MSP Unit Q-28 to take Mrs. Dwyer back to

App. 13

his MSP Unit Q-36, calling her (Mrs. Dwyer) license plate in to the barrack at 0807 hours.

I, Petitioner, was later advised by Trooper Sroka, that I should do an Incident Report. Petitioner returned to MSP Unit Q-28 to write down a report of the Incident, leaving the Scene at approximately 0815 Hours, Notifying the College Park Barracks of changing to channel 4 at 0826 Hours.

When I returned to my next shift I advised Corporal Sullivan of this incident. Corporal Sullivan advised that he would check into the incident and get back to me later.

Charles A. Dread  
Trooper First Class  
Maryland State Police

CAD:bjk

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App. 14

**APPENDIX E**

**TIME LINE**

0712	Dread/Q-28	8 car DD acc. (10/50)
0720	Dread/Q-28	Tow (10/51)
0724	Sroka/Q-25	lower loop 193 (accident site)
0734	Sroka/Q-25	Calls in auto id info
0735	Paolucci/Q-36	Hipu. accident site (illegible)
0758	Sroka/Q-25	Tag #816 369 for Thomas in veh #3
0803	Dread/Q-28	Calls in found weapon
0807	Paolucci/Q-36	calls in auto id info (1) Applegate A 142 758 497 422 tag # 537-347 (2) Hawkins H 252 125843 686 tag # 518-693 (3) Dwyer D 600 149 572 020
0826	Dread/Q-26	channel 4
0953	Paolucci/Q-36	To LNH towing w/Broger

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## APPENDIX F

COMPLAINT AGAINST PERSONNEL REPORT

Employee Involved		Rank	Assignment
Name Charles A. Dread		TFC	66-College Park
Complainant	Residence Address	Res. Phone	
Name Dorothy Mae Dwyer	6 Austin Drive Edgewater, A.A. Co. ,MD. 21037	301-721-2649	
Employed By	Business Address	Bus. Phone	
Witness or Other Complainant's Name	Address	Phone	
N/A	N/A	N/A	
Name	Address	Phone	
N/A	N/A	N/A	
Date & Time of Incident 11/1/88 @ 0710 hours	Location S/B I-95 at Md. Rt. 193, Greenbelt, Prince George's County, MC 20770		
Date & Time, Reported 11/1/88 @ 0946 hours	By: Phone      Letter <u>In Person</u>		
Received by – Title	Date Received	Time	Assignment
Sgt. D. R. Chipley (0592)	11/1/88	0946	66-College Park

## App. 16

### Brief Description of Allegation

The complainant reported that on the above date and location she had the occasion to be involved in a motor vehicle collision in that Tfc. Dread happened to be the first uniformed trooper on the scene to investigate. Ms. Dwyer stated that due to the rainfall at the time she asked Tfc. Dread if she could be seated in his patrol car. Complainant reported that after the trooper rearranged some papers from the right front passenger's seat of the police vehicle she entered same. (Complainant reported that upon being seated she pointed out to trooper (Dread) that a gun was located between the patrol vehicle's seat and door frame.) According to Ms. Dwyer the trooper told her to put the weapon in her bag, as he (Dread) didn't want to do the paperwork.

Investigated By	Rank
George P. McKeon	Sergeant

Distribution: 1. Original remains with original case file.  
2. Copy to Internal Affairs Unit.

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