

22-5618

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

SEP 15 2022

OFFICE OF THE CLERK

Ronald J. Brooking — PETITIONER
(Your Name)

vs.

Prince George's County — RESPONDENT(S)
Maryland

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

Ronald J. Brooking
(Your Name)

RECEIVED

SEP 19 2022

OFFICE OF THE CLERK
SUPREME COURT, U.S.

5954 South Hill Mar Circle
(Address)

District Heights MD 20747
(City, State, Zip Code)

(240) 422-7783
(Phone Number)

RECEIVED

SEP 19 2022

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

1. Did the Circuit Court err when vacating the Order of Default?
2. Did the Circuit Court err, and not apply the Maryland Rules of Civil Procedure?
3. Was the Petitioner's 14th Amendment Constitutional Rights violated?
4. Did the Circuit Court err when granting a Motion to Dismiss?

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

~~[X]~~ 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:

1. Attorney Dawn Barnett
1301 McCormick Drive Suite #4100
Largo Maryland 20774
2. Solicitor General of The United States Department of Justice
950 Pennsylvania Avenue N.W. Room 5614
Washington, D.C. 20530 - 0001

RELATED CASES

Circuit Court

1. Ronald J. Brooking - Plaintiff
VS.

Prince George's County Maryland - Defendant
CAL 19-29700

2. Court of Special Appeals
Ronald J. Brooking - Appellant
VS.

Prince George's County Maryland - Appellee
Appeal September Term 2020 No. 1162 - 2020

3. Court of Appeals
Ronald J. Brooking - Petitioner
VS.

Prince George's County Maryland - Respondent
Appeal Petition Docket No. 71 September Term 2022

Circuit Court

1. Ronald J. Brooking - Plaintiff
VS.

Daniel Moloney - Defendant
CAL 20-18849

2. Court of Special Appeals
Ronald J. Brooking - Appellant
VS.

Daniel Moloney - Appellee
No. 0342 - 2021

3. Court of Appeals
Ronald J. Brooking - Petitioner
VS.

Daniel Moloney - Respondent
Appeal Petition Docket No. 33
September Term 2022

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION	

INDEX TO APPENDICES

APPENDIX A - Court of Special Appeals Opinion	Appendix Q Request to Add MDDOT SHA
APPENDIX B Circuit Court Record	APPENDIX R Court of Appeals Order
APPENDIX C Notice of Default	APPENDIX (S) Record
APPENDIX D Order Granting Default	
APPENDIX E Respondant's Motion For Extension of Time to Respond w/ Falsehood (Date sent 1/9/2020 Not before 1/7/2020)	
APPENDIX F Respondant's Motion to Vacate (stated 1/7/2020 Extension was sent	
APPENDIX G Petitioner's Request to Apply Sanctions	
APPENDIX H Petitioner's Motion to Vacate Order	
APPENDIX I Petitioner's Motion to Vacate Order For Summary Judgment	
APPENDIX J Petitioner's Motion in Limine	
APPENDIX K Court Order Granting Respondant's Motion to Vacate	
APPENDIX L Civil Case Information Form	
APPENDIX M Petitioner's Request For An Emergency hearing	
APPENDIX N Circuit Court Order of Court	
APPENDIX O Circuit Court Order of Court Reconsideration	
APPENDIX P Request For Order of Default	

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

1. Peay v. Barnett, 236 Md. App. 306, 317 (2018) - Order of Court pg. —
2. Shirdon v. Parker No. 1136 (Md. Ct. Spec. App. Apr. 14 2017 -
Motion to Vacate, Failure to Plead & Legal and Factual basis pg. —
3. Matulewicz v. Indian Acres Club of Chesapeake Bay, Inc.
No. 841-2021 (Md. Ct. Spec. App. May 12, 2022) Motion to Vacate
Failure to Plead pg. —
4. Worsham v. MacGregor No. 00236 (Md. Ct. Spec. App. Aug. 14 2018)
A Written Motion and Response pg. —
5. Boyd v. United States, 116 U.S. 616 at 635 (1885) Constitutional
Rights pg. —
6. Downs v. Bidwell 182 U.S. 244 (1901) Constitutional Rights pg. —
7. Gomillion v. Lightfoot, 364 U.S. 155 (1966) also in, Smith v. Allwright,
321 U.S. 649, 644 Constitutional Rights

STATUTES AND RULES

1. Md. Rule 2-311(a)(b) Motions
2. Md. Rule 2-321(a) Time for Filing Answer
3. Md. Rule 2-613(a)(b)(d)(e) Default Judgment
4. Md. Rule 19-304.1 Title 19 Chapter 300 - Truthfulness in Statements Other to
5. Md. Rule 2-535(a)(b) Revisory Powers
6. Md. Rule 2-648 Enforcement of Judgment Prohibiting or Mandating Action
7. Md. Rule 15-206(a)(2)(c)(2) Constructive Civil Contempt
8. Md. Rule 2-534 Motion to Alter or Amend A Judgment - Court Decision
9. Md. Rule Rev. Ct. App. & Spec. App. 8-131(i) Scope of Review
10. Md. Rule Rev. Ct. App. & Spec. App. 8-605(b)(3)(4) Reconsideration
11. Md. Rule 2-322(e) Motion to Strike

OTHER CASES

8. Miranda v. Arizona, 384 U.S. 426, 491; 86 S. Ct. 1603 Constitutional
Rights pg. —
9. Norton v. Shelby County, 118 U.S. 425 p. 442 Constitutional Rights pg. —
10. Duncan v. Missouri, 152 U.S. 377, 382 (1894) Due Process pg. —

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix ~~1~~ to the petition and is Court of Appeals

☐ 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 _____.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was June 17, 2022
A copy of that decision appears at Appendix B.

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

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. United States 14th Amendment to the Constitution

STATEMENT OF THE CASE

Upon bringing a complaint to the attention of the court, one trusts fairness, as well as impartiality will be at the forefront of all that entails the proceedings of the action. When decisions are made opposite of the written laws, our Maryland Rules of Civil Procedure, the questions floating can be, under whose authority are the decisions governed and executed.? 1

In the Petitioners' complaint, in the trial court, in the Circuit Court, clear, and convincing evidence was presented of falsehoods that resulted in rendering an unjust judgment. Petitioner presented Motions accompanied with actual proof of the falsehood for reconsideration to the presiding Judge, Judge Snoddy. The evidence, and motion concerning the vacating of the Petitioner's Order of Default was not considered, not discussed and the case continued as if such evidence, and fraud of court, was non-existent. Md. R. Civ. P. Cir. Ct. 2-535(a) states, On motion of any party filed within 30 days after entry of judgment, the court may exercise revisory power and control over the judgment. Rule 2-535(b) states, On motion of any party filed, at any time, the court may exercise revisory power and control over the judgment in the case of fraud, mistake, or irregularity.

**Just, fair, right decisions, in accordance to the law , by
legal definition, needs no revision.**

MEMORANDUM OF LAW IN SUPPORT OF WRIT OF CERTIORARI

1. On September 23, 2020 the Circuit Court conducted a ZOOM hearing with the Petitioner Ronald J. Brooking, and Respondent, Prince George's County Maryland.
2. The Honorable William Snoddy was the presiding Judge in this case.
3. Motion To Dismiss was granted on behalf of the Respondent.

4. On November 2, 2020 Petitioner filed a Request to Appeal with the Circuit Court.
5. On November 2, 2020 Petitioner filed a Civil Appeal Information Report with the Court of Special Appeals.
6. On November 6, 2020 The Clerk of the Circuit Court of Prince George's County sent a letter stating Documents are being returned for the following reasons with a (X) affixed at title, Other Reason, signature needed for Request for Waiver of Appellate Court Cost form.
7. On December 3, 2020 the Court of Special Appeals sent Petitioner a letter noting the above captioned case has been appealed to the Court of Special Appeals and has been assigned case number CSA-1102-2020.
8. On December 8, 2020, the Circuit Court for Prince George's County, ORDERED that Plaintiff's Motion for Reconsideration, filed on October 7, 2020 is DENIED.
9. On December 29, 2020 the Court of Special Appeals Order stated pursuant to Maryland Rule 8-206(c) the above captioned appeal will proceed without a Prehearing Conference or Alternative Dispute Resolution.
10. On January 7, 2021 Petitioner submitted to the Circuit Court for Prince George's County Maryland Office of The Court Reporters Petitioner's Transcript Order for Appeal.
11. On January 22, 2021 the Court of Special Appeals ORDERED, that pursuant to Maryland Rule 1-323, the Petitioner's Motion for Informal Briefing, and the Petitioner Informal Brief, submitted to the Court on January 8, 2021, are stricken because they were not filed with a certificate showing the date and manner of service. All filings with the Court must be accompanied by such a certificate, or they will be struck, and it is further, ORDERED that, pursuant to this Court December 28, 2020 Order, the parties to this appeal may file informal briefs that comply substantially with

the Court's guidelines on Informal Briefs (including service and certificate of service requirements). Upon receipt of the record from the Circuit Court for Prince George's County, the Court will issue a Scheduling Order establishing the deadlines for the parties brief's to be filed.

12. On January 29, 2021 the Circuit Court for Prince George's County Maryland sent Petitioner a Notice stating Petitioner has failed to comply with the Maryland Rules of Procedure as indicated below: An (X) was affixed by #3 , The Petitioner has failed to deposit with the clerk of the lower court the filing fee of \$121.00, or request of Waiver of Prepaid Appellate Cost required by MD Rule 8-201. It is HEREBY ORDERED, this 15 day of January, 2021 that the Petitioner show cause in writing within 15 days after service of this Notice, why the Notice of Appeal filed on November 2, 2021 should not be stricken.
13. On February 1, 2021 Petitioner filed in the Court of Special Appeals, Petitioner's Certificate of Service.
14. On February 3, 2020 the Court Vacated the Order of Default granted on January 7, 2020.
15. On March 15, 2021 Petitioner received a Briefing Notice stating the record on appeal has been received.
16. On April 30, 2021, Petitioner filed his Brief.
17. On May 5, 2021, Respondent filed a Motion for en Extension of Time
18. On May 10, 2021 the Court of Special Appeals ORDERED that the Respondent's motion for brief extension be granted;and it is further ORDERED, the Respondent's brief shall be filed on or before August 2, 2021.
19. On July 23, 2021 the Clerk of The Circuit Court sent the Record and Transcripts, and included the docket entries.
20. On July 30, 2021 Respondent filed a Motion for an Extension of Time.

21. On August 2, 2021 Respondent Motion for an Extension of Time was granted.
22. On August 20, 2021 Petitioner filed a Motion to Supplement the Record.
23. August 31, 2021 Order on Petitioner's Motion to Supplement was granted.
24. On September 13, 2021, the Court of Special Appeals received the record.
25. On October 4, 2021, the Respondent filed her Brief.
26. On October 28, 2021, Petitioner filed a Motion to Strike Respondent's Brief.
27. On November 1, 2021 Petitioner filed a Reply Brief to Respondent's Brief.
28. On November 16, 2021 the Court of Special Appeals ORDERED that the Petitioner's Motion to Strike Respondent's Brief was DENIED.
29. On April 5, 2022, the Court of Special Appeals presented its Opinion - Unreported.
30. June 17, 2022, the Court of Appeals presented its decision.

1. Did the Court of Special Appeals err in its decision, not rendering an Opinion on Petitioner's Issues No. 1- 5?
2. Did the Circuit Court err in dismissing Petitioner's complaint on three grounds, one of which was the Statute of Limitations which the Respondent relied on in the Motion to Dismiss which was in err?

Facts in the Case

On September 21, 2016, the Petitioner's only biological daughter, Jadene B. Brooking was fatally killed while crossing in the crosswalk, on highway 214, Central Avenue in Capitol Heights, Md, at the Addison Road Metro Station by Mr. Barry Baccus-Wills.

After investigations by an attorney friend, and email evidence from Delegate, Erek L. Barron was provided to the Petitioner of years of tragic deaths and injuries at the exact location of Petitioner's daughter Jadene Brooking's final resting place, the Petitioner moved forward with a complaint in the Circuit Court against Prince George's County Maryland.

The complaint was filed on September 12, 2019. In accordance with Md. Rule 2-321, a party to a complaint, shall file an answer to an original complaint in 30 days after being served. The Respondent did not respond to the Writ of Summons as written in the Maryland Rules, but requested an extension. This began a series of extension requests, resulting in no answer to the original complaint. An ORDER OF COURT granted the extension, ORDERED the Respondent to respond by February 15, 2020, and no later. With the Order in place, still no response to the original complaint by the Respondent. The Respondent was served by Certified Mail on 11/18/2019. The Response date for the Respondent was 12/18/2019. On 12/19/2019, Petitioner filed a Request for Order of Default. In accordance with Md. Rule 2-613(b). An ORDER, signed by Judge William Snoddy granted Petitioner's request for Order of Default for failure by the Respondent to file a responsive pleading. Subject to the right for the Respondent to move to vacate the Order. On January 9, 2020 a Motion for Extension of Time was filed by the Respondent, and the Respondent filed a Motion to Vacate on January 15, 2020. In the Motion to Vacate, the Respondent stated prior to the granting of Petitioner's Request for Order of Default, the Respondent filed a motion for extension of time to respond. This statement in writing, in the Respondent's Motion to Vacate is false. The certificate of service date of the Respondent's Motion to Vacate is January 9, 2020. Why is this significant, you ask, I, the Petitioner, will tell you. Judge Snoddy relied on this statement in writing by the Respondent to vacate the Order granted to the Petitioner on January 7, 2020.

Md Rule 2-613(b) Notice, upon entry of an Order of Default, the clerk shall issue a notice informing the Respondent that the Order of Default has been entered, and the Respondent may move to vacate the Order within 30 days.

Notice of Default Order states, You may move to vacate the Order of Default within (30) days of the date of entry. **The motion shall state the reasons for the failure to plead, and the legal and factual basis for the defense to the claim.**

If the court finds that there is a substantial and sufficient basis for an actual controversy as to the merits of the action, and that it is equitable to excuse the failure to plead, the court shall vacate the Order. At the time of the granted Order of Default on behalf of the Petitioner, there had not been any responsive pleading of the original complaint, so there could definitely not be any arguments of the merits of the case if the Respondent had not provided a responsive pleading.

Now, let's first start with the legal basis. A legal basis is needed to guarantee decisions made are in total compliance with the laws. In the Respondents Motion to Vacate, a legal basis was not provided. Consequently, the Motion to Vacate was granted.

The Petitioner will now address the factual basis for failure to respond.

Factual

Factual Basis- of, or relating, to facts: restricted to, or based on facts. Factual Basis is a true, real, and actual account, or statement given, leaving zero argument for personal interpretation.

In the Respondent's Motion to Vacate, second page, number 8, the Respondent states, " The Defendant, County prior to receiving the Order granting Plaintiff's Motion for Default, filed a motion for extension of Time to File an Answer and an a Motion to Dismiss, or in the Alternative, a Motion for Summary Judgment." This statement by the Respondent was totally false. It, by no means, or stretch of the legal, logical definition is Factual. The Petitioner has provided by way of

Appendix, the certificate of service from the Respondent with the date opposite of the written statement in Respondent's motion.

Petitioner filed with the court, as well as sent to the Respondent, the original complaint and 14 Motions. To date of the ZOOM hearing on September 23, 2020, the Respondent had not provided a responsive pleading to complaint, nor had the Respondent file an response, or Opposition to any of the Motions filed by the Petitioner.

The equivalency of time totals, 281days, that's, 9months, 6 days to date of the hearing, without responses from the Respondent. The egregious stance taken by the Respondent was not addressed, or sanctioned, by the presiding Judge.

With all stated above by the Petitioner, the case still continued.

It Was Clear Errors for the Circuit Court to Disregard Evidence Presented, Allow Violations of the Rules, Disregarding the Maryland Rules Force of Law, and Mandatory Authority's Applicability in This Matter. In Addition, the Court of Appeals Must, I Pray, Intervene to Vacate the Order on Motion, Because the Presiding Judge Committed Clear Errors In Rendering A Fair, Just, Balanced Credible Finding.

United States 14th. Amendment to the Constitution

Boyd v. United, 116 U.S. 616 at 635 (1885)

Justice Bradley, "It may be that it is the obnoxious thing in its mildest form; but illegitimate and unconstitutional practices get their first footing in that way; namely, by silent approaches and slight deviations from legal modes of procedure. This can only be obviated by adhering to the rule that constitutional provisions for the security of persons and property should be liberally construed. A close and literal construction deprives them of half

their efficacy, and leads to gradual depreciation of the right, as if it consisted more in sound than in substance. It is the duty of the Courts to be watchful for the Constitutional Rights of the Citizens, and against any stealthy encroachments thereon. Their motto should be *Obsta Principiis*."

Downs v. Bidwell, 182 U.S. 244 (1901)

"It will be an evil day for American Liberty if the theory of a government outside supreme law finds lodgement in our constitutional jurisprudence. No higher duty rests upon this Court than to exert its full authority to prevent all violations of the principles of the Constitution."

Gomillion v. Lightfoot, 364 U.S. 155 (1966), cited also in Smith v. Allwright, 321 U.S. 649.644

"Constitutional 'rights' would be of little value if they could be indirectly denied."

REASONS FOR GRANTING THE PETITION

When the Maryland Rules of Civil Procedure, the Rules that govern our Great State of Maryland are violated throughout the entire case by the Respondant, and not applied in accordance to the written laws, the Petition must, respectfully be granted. When decisions are made by the Respondant to provide a written falsehood to have an Order of Default vacated, the Petition must, respectfully, be granted. When the Petitioner has provided a motion with exhibits to the Judge, Judge Snoddy, of errors made by vacating the Order of Default, and nothing is done the Petition must, respectfully, be granted. When the Respondant does not provide a written response to Petitioner's Complaint, the Petition must, respectfully, be granted. When 281 days, 9 months 6 days, have passed without any Motions in Opposition filed by the Respondant to all of Petitioner's filed Motions and Complaint, with zero sanctions imposed by the Judge, the Petition must, respectfully, be granted. When the Respondant provides information of other falsehood concerning the Statute of Limitations expiring and the Petitioner files a Motion with exhibits showing

that the Maryland Rules have not been applied correctly, and the decision is made to grant the Order ~~at~~ to Dismiss, the Petition must, respectfully be granted. When in the Court of Special Appeals the Respondant's brief with provided exhibits show the reason the court must, respectfully, remand the case back to the Circuit Court and does not do^{so}, the Petition must, respectfully be granted. When the Motion to Dismiss is granted for the Respondant and part of the granting of this motion, is based on violations of the Maryland Rules concerning the Statute of Limitations ~~exp~~ expiration, which did not occur, the Petition must, respectfully be granted. When the Petitioner has not been given the opportunity to have a fair hearing, even when all the rules have been followed ^{by the Petitioner}, the Petition must be, respectfully granted. When the Petitioner's 14th Amendment Rights have been violated, without the correcting of the violations

The Petition must, respectfully, be granted
Unless every single party to any Complaint
has had all of the Maryland Rules of Civil
Procedure disregarded, not applied and violated
from the beginning of all the ^{Maryland} Courts first day of
opening and to the current day, then no party
to any litigation can have this egregious
unlawful, unconstitutional acts ever occur.

CONCLUSION

The Petitioner's 14th Amendment Constitutional Rights have been violated, and the Maryland Rules of Civil Procedure Rules that apply to Petitioner's case were not applied, nor followed.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Donald Brinkley

Date: September 15, 2022