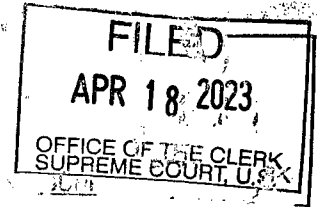


22-7656

No. _____

ORIGINAL
or in



IN THE

SUPREME COURT OF THE UNITED STATES

In Re Brad Edmonds — PETITIONER
(Your Name)

ON PETITION FOR A WRIT OF HABEAS CORPUS / or
Application to individual Justice

PETITION FOR WRIT OF HABEAS CORPUS

Brad Edmonds
(Your Name)

R.C.I 18701 Roxbury RD
(Address)

Hagerstown MD 21746
(City, State, Zip Code)

(Phone Number)

Question (S) Presented

- (1) was the united States court of Appeals previously decision regarding GPS tracking wrong and in conflict with another courts of Appeals and Supreme court?
 - (2) was this conflict regarding GPS tracking addressed in this court or any courts in the united States?
 - (3) did the officers violated MR. Edmonds fourth amendment rights when the officers physically intruded on MR. Edmonds car to obtain information by installing a GPS device without a warrant and without MR. Edmonds consent?
 - (4) was MR. Jones case already retroactively applied?
 - (5) Because trial counsel did not suppress evidence - obtained from a GPS device is this a result of ineffective assistance of counsel?
 - (6) did fairfax county police illegally entered the state of maryland without a warrant and physically intruded on Petitioner car to install a GPS device?
 - (7) did this court address GPS tracking regarding a person is the then owner of the car?
- Continued))

LIST OF PARTIES

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

[] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

The circuit court for montgomery county maryland.

The court of special Appeals of maryland.

The united states District court of maryland.

The united states court of Appeals for the Fourth cir.

The Supreme court of the united States.

RELATED CASES

united states v. Maynard, 615 F.3d 544, 392 U.S. App. D.C. 219 (2010), U.S. v. Jones, 625 F.3d 766 (2010), People v. Weaver, 12 N.Y.4d 433 (2009), united states v. Jones, 132 S.Ct 945 (2012), united states court of Appeals for the third cir, 769 F.3d 163; 2014 U.S. App. Lexis 1902, united states of America, Appellant v. Harry Katz, Jr., at dissented. The fourth cir, united states of America, Plaintiff-Appellee v. Henry Stepheas, defendant-Appellant. 764 F.3d 327; 2014 U.S. App. Lexis 15920 NO.12-465 October 30, 2013, Argued August 19, 2014, Decided, go to dissented.

INDEX TO APPENDICES

- Appendix-A, Decision of Montgomery county cir court. Exhibit-1).
- Appendix-B, Decision of court of special Appeals. Exhibit-2).
- Appendix-C, Decision of united States District court. Exhibit-3).
- Appendix-D, Decision of united state court of APPEALS. Exhibit-4).
- Appendix-E, Decision of Supreme court of the united states - Exhibits, 5-10).
- Appendix-F, Decision of united States District court. Exhibit-11).
- Appendix-G, Decision of united states court of Appeals. EX-hibit-12).
- Appendix-H, Supplemental Petition from post conviction counsel. Exhibit-13).
- Appendix-I, Decision of Supreme court. Exhibits, 14-15).

Continued)

Table of Authorities Cited

United States Court of Appeals for the Third Cir., 769 F.3d 163; 2014 U.S. App. Lexis 1902, in United States of America, Appellant V. Harry Katzin, at dissented).

United States Court of Appeals for the Fourth Cir., in United States of America, Plaintiff-Appellee, V. Henry Stepheas, defendant-Appellant, 764 F.3d 327; 2014 U.S. App. Lexis 15920 NO. 12-4625 October 30, 2013, Argued-August 19, 2014, decided, at dissented).

United States V. Chadwick, 433 U.S. 1, 12, 97 S.Ct 2476, 53 L.Ed 2d 538 (1977). See, e.g. United States V. Aguilar, 737 F.3d 251, 260-61 (2d Cir 2013). Wongsun V. United States, 371 U.S. 471, 487-88 (1963). United States V. Maynard, 615 F.3d 544, 392 U.S. App. D.C. 219 (2010). U.S. V. Jones, 625 F.3d 766 (2010). People V. Weaver, 12 N.Y. 4d 433 (2009). United States V. Jones, 132 S.Ct 945 (2012). Stone V. Powell, 428 U.S. 465 (1976). Strickland V. Washington, 466 U.S. 668, 102 S.Ct 2052 (1984).

Continued)

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF HABEAS CORPUS

Petitioner respectfully prays that a writ of habeas corpus issue, *or application to individual Justice.*

OPINIONS BELOW

☐ For cases from **federal courts**:

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

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

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

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

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is *did not have the right to file a petition to the highest state court.*

- ☐ 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 _____.

A copy of that decision appears at Appendix _____.

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

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

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

did not have the right to file a petition to the highest state court

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Fourth Amendment Violation/constitutional violation
Six Amendment Violation/constitutional violation
Fourteenth Amendment Violation/constitutional violation

Statement of Proceeding

on March 22, 2011, Petitioner was found guilty by a jury in Montgomery county. July 5, 2011, Petitioner was sentence to 33 years. Judge, Ronald B. Rubin, presiding at trial and sentence. Petitioner was represented at trial and sentence by Ronald Gottlieb, of the public defender office. The court of special Appeals, in a unreported decision issue on Aug 6, 2013, vacated the sentence for breaking and entering a motor vehicle - rogue and vagabond. But otherwise affirmed the other conviction and sentence on appeals. on Nov 23, 2012, Petitioner filed a post conviction, Judge, Boynton, presiding Aug 15, 2014, the motion was denied. on Sept 2, 2014, Petitioner filed a application for leave to appeal. July 7, 2015, the application for leave to appeal was denied. July 13, 2015, Petitioner filed a habeas corpus, Judge, George J. Hazel, presiding - on June 26, 2018, habeas corpus was denied. July 5, 2018, Petitioner filed a habeas corpus 28 use 2244 requesting relief under 2254. Aug 9, 2018, the 2244 habeas corpus was denied review. Aug 27, 2018, Petitioner file a writ of certiorari. Jan 15, 2019, Supreme court could not accept review because the highest state court or united states court of appeals did not make a decision on the merits. Dece 2, 2019, Petitioner filed a habeas - corpus 2241, to supreme court. The habeas corpus was filed on october 20, 2019, and placed on the docket -

continued)

Dece 9, 2019, as no. 19-6887. Jan 13, 2020, a decision for denial was decided. March 23, 2020, a decision to deny the rehearing petition. - June 29, 2022, Petitioner file an application to individual Justice, to the United States Court of Appeals for the Fourth Cir. July 18, 2022, Petitioner received a letter from the Fourth Cir. that the application Petitioner submitted under their rules is for Supreme Court and does not apply in their court. Aug 5, 2022, Petitioner filed an application to individual Justice, allotted Justice, Ketanji B. Jackson. Sept 15, 2022, Petitioner received a letter from Supreme Court regarding first habeas corpus was file and application to individual Justice. stated in that letter if Petitioner wish to file another original habeas corpus Petitioner must comply with rules of court. Nov 16, 2022, Petitioner filed an habeas corpus 2241, to the United States District Court of Maryland. Dece 6, 2022, Petitioner received an order form from the Federal District Court ordering Petitioner to file an habeas corpus 2244. civil action number for that case is, GLR-22-3028. Dece 15, 2022, Petitioner filed a habeas corpus 2241, to the United States Court of Appeals for the Fourth Cir. Feb 7, 2023, the case was dismissed under docket no. 22-2311. Feb 22, 2023, Petitioner filed a habeas corpus 2244 for a order authorizing District court to consider relief under 2254. March 30, 2023, the court denies the motion. April 10, 2023, Petitioner filed an habeas corpus 2241, to Supreme Court. April 24, 2023, Petitioner had to resubmit the habeas corpus 2241. May 5, 2023, Petitioner received a letter from Supreme Court, mention information he already know.

Continued)

(5).

Specific legal issues

The court of special appeals of Maryland decision in 2010, in *Kelly v. State*, was flat out wrong. No such binding existed. Some federal Judges mention this is not appropriate binding and rejected the court of special appeals 2010 decision and agreed with Supreme court 2012 decision that this GPS tracking is a violation if the officers did not obtain a search warrant, and the evidence should be suppressed. See, United States court of appeals for the third cir, 769 F.3d 163; 2014 U.S. APP. Lexis 1902, In, *United States of America, Appellant v. Harry Katzin*, at dissented. Also see, The fourth cir, decision at dissented regarding GPS tracking in, *United States of America, Plaintiff - Appellee, v. Henry Stephaes, Defendant - Appellant*. 764 F.3d 327; 2014 U.S. APP. Lexis 15920 NO. 12-4625 October 30, 2013, Argued August 19, 2014, Decided. So if Maryland courts follow case law precedent established by the Supreme court. Therefore the Maryland courts should follow this law that a car been a effect and a constitutionally protected area. See, *United States v. Chadwick*, 433 U.S. 1, 12, 97, S. Ct 2476, 53 L. Ed 2d 538 (1977). So it don't matter if the device was old or new because a car been protected by the fourth amendment. So this law would had been in fact been suppressible under extant

Continued)

Law. Also, it is evident that supreme court decisions are binding precedent in every circuit. see, e.g. United States v. Aguilar, 737 F.3d 251, 260-61 (2d Cir 2013). Petitioner showed overwhelming evidence in very good cause or good faith and not for any delay that supreme court writ will be a aid of the court appellate jurisdiction and the courts discretionary powers, and Petitioner can not obtain relief in any form or from any other court. And Petitioner know longer have any state nor federal remedies available to hear and decide on these constitutional violation and to resolve the conflict disagreements among the lower courts about specific important legal questions. Petitioner showed in his Petition the state and federal courts decided a important federal question of law in a way that conflict with relevant decision of supreme court of the united states. And the reason why Petition can not obtain relief from any othe court because it's a conflict is in fact involved. Petitioner request for a response from Supreme court to make and determination on the merits of the case and my request is in very good cause or very good faith.

(Continued)



Reason for Granting the Application

on Nov 9, 2010, or before that date Fairfax county police illegally entered ~~the~~ state of Maryland and physically intruded on a constitutionally protected area the car to obtain information by installing a GPS device without a warrant and without Petitioner consent, then used that device to monitor the car movements, then provide illegal information to Montgomery county police of - Petitioner and his close relationship the (car) location and movements from one place to another and Montgomery police used that illegal information then Fairfax police and Montgomery police performed a warrantless arrest of Petitioner and made a extensive warrantless search of the car he own and was in fact driving, a blue 1999 Oldsmobile bearing Maryland tag no. 1AD2963. The charges underlying the conviction in this case directly arose from a warrantless placement and subsequent tracking of a GPS device on Petitioner property or own effect the (car) in violation of the fourth amendment of the United States Constitution prohibiting unreasonable searches. Finally, because the arrest and the searches and seizures at issue in this case are derivative of the first constitution violation of the warrantless placed GPS device on Petitioner car, any evidence obtained as a result of subsequent searches must or should therefore, be suppressed under the fruit of the

continued))

Poisonous tree. See, Wongsun V. United States, 371 U.S. 471, 487-88 (1963). Because of the warrantless installation of the GPS device on Petitioner car with a continuous tracking of the car and a violation of the fourth amendment of the United States constitution, this case — also should be vacated. See, United States V. Maynard, 615 F.3d 544, 392 U.S. App. D.C. 219 (2010), see, U.S. V. Jones, 625 F.3d 766 (2010) see, People V. Weaver, 12 N.Y.4d 433 (2009), also see, United States V. Jones, 132 S. Ct 945 (2012). The Supreme court should accept Petitioner habeas corpus in good cause or good faith at this time in light of Supreme court retroactive decision in, United States V. Jones, 132 S. Ct 945 (2012), and this court express — this court view on the merits to address the conflicts. In addition, in Petitioner case no warrant was — never issue to install the GPS device. The evidence — in this case was obtained from this device was in fact issue by the state has turned up incriminating and admissible evidence to be consider by the jury at trial — obtained from a warrantless GPS device. The only conceivable harm done by such evidence is to Petitioner rights under the fourth and fourteenth amendment which have nothing to do with Petitioner guilt or innocence of a crime with which he was charged. Also at the time Fairfax county police illegally install the GPS —

continued)

Device case law was in place by the D.C. Cir. and N.Y. Cir. And by time trial started this case law was in fact in place and by time the post/leave to appeal, habeas corpus 2254 was filed case law was in fact in place by Supreme court. So by time these courts obtained them Petition no such binding existed in any courts at the time of the execution of the warrantless illegal search in this case alone. Again, it is evident that Supreme court decisions are binding precedent in every circuit. See, e.g., *United States v. Aguilar*, 737 F.3d 251, 260-61 (2d Cir. 2013). In *Powell*, that intrusion is a serious constitutional violation if a person suffers an unconstitutional loss of liberty result in serious intrusion on values important to our system of government. See, *Stone v. Powell*, 428 U.S. 465 (1976). In Petitioner case was in fact involve in a physically intrusion on values of personal property, his car. The officers in this case did not ask a prosecutor, attorney General, magistrate, nor Judge what was required by the fourth amendment regarding this new world of GPS tracking. But instead physically intruded on Petitioner car for the purposes of developing evidence of a crime to be committed, violating MR. Edmonds fourth amendment rights. In this case trial counsel failure to file a motion to suppress evidence obtained from the warrantless placement and continuous tracking of a GPS device on Petitioner -

continued)

Car Nov 17, 2010, and failure to argue such motion - at a suppression hearing attacking the evidence was obtained by GPS tracking, if so the outcome would have been different. See, Strickland v. Washington, 466 U.S. 668, 102 S.Ct 2052 (1984). Petitioner did not just raise illegal GPS tracking but also attack jurisdiction claim that Fairfax county police illegal entered the State of Maryland and enforce the law in a never-jurisdiction without the proval by a magistrate or Judge supported by probable cause. These officers enforce the law in a never jurisdiction without a search warrant. This is a violation of Petitioner fourth and fourteenth amendment rights under federal and state constitution. This argument would have been suppressible under extant law. If trial counsel had raise this argument at a suppression hearing the outcome would have been different along with the illegal GPS installation and illegal GPS tracking. Petitioner is in fact illegally imprisoned, detained, and restrained of his liberty by Bivens, warden. MR. Edmonds is unlawfully confined and such confinement contravenes protections afforded by state and federal constitutions.

(Respectfully submitted)

Brad Edmonds

Brad Edmonds, 370076/1524250

R.C. I 18701 Roxbury RD

Hagerstown MD 21746

(continued)

(H).

Relief Sought

wherefore, Petitioner requested:

- (1) his habeas corpus be accepted in good cause or good-faith.
- (2) Petitioner be allowed to freely amend his Petition for issuance of his habeas corpus once he is appointed counsel because Petitioner has a very limited knowledge of the law and it would be in the best interest of Justice.
- (3) He be granted the right to a new trial or
- (4) transfer the case back to the state courts or the federal courts with instructions why the court should have granted Petitioner relief.
- (5) Petitioner be granted any and all such further relief the supreme court deems fair and appropriate at this time under all of the exceptional circumstances surrounding this case.

Respectfully submitted
Paul Ebnal

Date: ~~April 10, 2023~~

May 8, 2023

Continued)

(12).