

23-5284  
No. \_\_\_\_\_

ORIGINAL

IN THE  
SUPREME COURT OF THE UNITED STATES

FILED  
JUL 24 2023  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

John Wesley Lee Jr. — PETITIONER  
(Your Name)

vs.

Charles J. Peters — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

The Fourth Circuit Court  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

John Wesley Lee Jr.  
(Your Name)

P.O. Box 549  
(Address)

Jessup, Maryland, 20794  
(City, State, Zip Code)

N/A  
(Phone Number)

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## QUESTION(S) PRESENTED

1. Whether an Indigent Pro Se Petitioner Entitled to counsel; where DNA Testing Results and Video Recording exist; but, never given to the trial attorney at the trial, despite omnibus Motion For Discovery Prior to Trial.
2. Whether a failure to disclose DNA Testing Results and Video Recording is a clear violation in the case of Thompson v. Greene, 427 F. 3d 263 (4<sup>th</sup> Cir. 2005); and,
3. Whether the Honorable Judge Charles J. Peters violated Maryland Rule Chapter 744 of The Law of Maryland Criminal Procedure Article 4-332 (e)(3) & (d), (d)(10) and (d)(13)

## STATUTES AND RULES

Fifth, Sixth, Eighth, Ninth and Fourteenth Amendments to the United States Constitution.

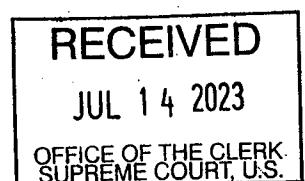
Maryland Laws Chapter 744 – Criminal Procedure Article 8-301.

Maryland Rules 4-332 (d)(7) and 4-332 (d)(8)

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

Petitioner respectfully prays that a writ of certiorari is issued 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[ ] is unpublished.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[ ] is unpublished.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 C 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 of Court 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: \_\_\_\_\_

[ ] 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

539-23 . A copy of that decision appears at Appendix Q .

5-30-23

[ ] A timely petition for rehearing was thereafter denied on the following date: N/A, 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).

## 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:

## RELATED CASES

Appendix B Case No 2311; Appendix C Case No. 1147; Appendix D; Appendix E; Appendix F – case No. 478 & 781; Appendix G, H, & I No. 8719; No. 2629; Appendix K. No 0200; Appendix J, No. 1916; Appendix L and M; Appendix N, No. 116 (No. 1738) and Appendix O, document 4 and Appendix P, document 454 and Case No. 774

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

**Fifth, Sixth, Eighth, Ninth and Fourteenth Amendment to the U.S.  
Constitution**

**Maryland Laws Chapter 744 – Criminal Procedure Article 8-301**

**Maryland Rule 4-332 (d)(7)**

**Maryland Rule 4-332 (d)(8)**

**Maryland Rule 4-345 (a)**

## **STATEMENT OF THE CASE**

The Appellant, John Wesley Lee, was charged with first degree and conspiracy to murder. On January 16, 1998, a jury in the Circuit Court for Baltimore City convicted Appellant Lee of First Degree Murder and related weapon offenses. Appellant Lee,..Appealed and the Court of Special Appeals Affirmed John Wesley Lee v. State of Maryland, 774, Sept. Term 1998 (Filed April 27, 1999).

In 2012, Appellant Lee filed a Pro Se Motion to Correct an Illegal Sentence which was denied and the Court of Special Appeals affirmed. John Wesley Lee v. State of Maryland, No. 1916, Sept. Term 2014 (filed October 9, 2015).

March 24, 2021, Appellant Lee, filed a Pro Se Petition for Writ of Actual Innocence rather than scheduled a hearing, re-assign Mr. L. Robert Cooper (Trial Attorney) and or Mr. Michael Braudes (Appellate Attorney). The Circuit Court directs Appellate Lee to amend the petition to comport with the pleading requirements of Maryland Rules 4-332 (d)(7) and 4-332 (d)(8).

Appellant Lee found these Maryland Rules to be ambiguous; prejudicial and differential from his Fifth Amendment and Sixth Amendment Constitutional Rights.

Where DNA Testing Results and Video Recording is evidence that never went to either the Trial Attorney Mr. L. Robert Cooper; or, Mr. Michael R. Braudes, the appellate attorney. Hence, it was the State Attorney Mr. Mark P. Cohen or Mr. Mathis, State Attorney who chose to conceal the DNA Testing Results and Video Recording from the Trial and Appellate Counsel

### Statement of the Case

The United States Fourth Circuit, by way of Thompson V. Greene, 427 F. 3d 263 (4<sup>th</sup> Cir. 2005) Orders that all the documents the State has in its files must be given to Appellant Lee...But they were not. There is more, there is video recording that the State still has yet to turn over to Appellant Lee's Defense – see Appendix P Order, case 8:00-CV-03323-CCB

Finally, all the DNA Testing Results and video recording must be turned over to Appellant Lee's Defense, not as a matter of fact; but rather, a matter of law – see Thompson v. Green, 427 F. 3d 263 (4<sup>th</sup> Cir. 2005). Subsequently, Appellant Lee's case was pending and before the Courts at the time of Thompson v. Greene, above. Wherefore, Counsel must be appointed and or Mr. Cooper, Trial Attorney and/or Mr. Braudes must be ordered to litigate this matter, for that is whom the DNA Testing results and video recording should have been given to at Trial

## REASONS FOR GRANTING THE PETITION

A United States Circuit of Appeals has entered a decision in conflict with the decision of another United States Court of Appeals on the same important matter; has decided an important federal question in a way that conflict with a decision by a State Court of last resort; or has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as call for an exercise of this Court's supervisory power.

See also, State of Maryland v. George Matthew, No. 135, September Term, 2009 (filed July 27, 2010); 2009 Maryland Laws, Chapter 744 [Criminal Procedure Article] 8-301; Gideon v. Wainwright, 372 U.S. 335 (1963); Schlup v. Delo, 513 U.S. 298 (1985) – A host of trial errors, beginning with the use of tainted identification and several Trial Jury Instruction Errors. Gideon v. Wainwright Petitioner not appointed counsel, Petition of Illegal Sentence; or, for Petition for Writ of Actual Innocence and Thompson v. Greene, 427 F. 3d 263 (4<sup>th</sup>. Cir. 2005) DNA Testing Results and Video Recording where not given.

Innocence and Brady v. Maryland. 373 4.5. 83 (1963) The State suppressed DNA Testing Results Favorable to Appellant, in addition to video recording which still has not been disclosed May 2023, signed John Wesley Lee Jr., John Wesley Lee, under penalty of perjury.

## TABLE OF AUTHORITIES CITED

### CASES

State of Maryland v. George Matthews, No. 135 September Term, 2009

Gideon v. Wainwright, 372 U.S. 335 (1963); and ,

Schlup v. Delo, 513 U.S. 298 (1985); and ,

Thompson v. Greene, 427 F. 3d 263 (4<sup>th</sup> Cir. 2005)

## Conclusion

The Appellant request that this Court return this case to the Circuit Court for Baltimore City for a hearing with Counsel where found indigent wherefore the petition for a writ of certiorari should be granted.

Respectfully submitted,

John Wesley Lee Jr.  
Date: July 5th, 2023