

ORIGINAL

23-759

Case no.

FILED
JAN 10 2024

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
Supreme Court of the United States

GARY EUGENE MADDOX JR

Petitioner

v

THE PAROLE COMMISSION OF MARYLAND
AND ITS AGENTS' CHAIRMAN DAVID R
BLUMBERG
COMMISSIONER JASON KECKLER
COMMISSIONER JOHN SMACK
AGENT DE'ANGELO PATTERSON AGENT
ROBIN D HALL AGENT TIMOTHY MOXLEY

Respondents

ON PETITION FOR WRIT OF CERTIORARI
TO THE COURT OF APPEALS FOR
FOURTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

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Questions Presented:

- i. Did chairman David R Blumberg unlawfully and knowingly commit perjury in an affidavit entered into the circuit court for Baltimore City?
- ii. Did Robin D Hall violate Maddox's right of privacy and right of due process? By unlawfully tracking Mr. Maddox's whereabouts and not providing documentation to the parole Commission or to Maddox for doing so.
- iii. Did De'Angelo Patterson knowingly violate Maddox 's 4th and 14th constitutional right of privacy and right of due process when he unlawfully placed the GPS tracking device on Maddox without permission from the parole commission?
- iv. Did agent Patterson commit perjury in the impartial tribunal on 11,2,2021 when questioned about who gave him permission to track Maddox?

I.

- v. Did John smack knowingly violate Mr. Maddox's fourth amendment right? By issuing an unlawful warrant without probable cause?
- vi. Did agent Moxley aid and abet both D'Angelo Patterson and Robin D Hall, in the unlawful, detainment and tracking of Mr. Maddox on two separate occasions?
- vii. Did the parole commission forge untrue and unlawful documents about Maddox's conviction?

II.

Cases For Review:

United States, District Court for Baltimore Maryland order granting defendants motion to dismiss or in the alternative for summary judgment. judgment entered on May 25, 2023, Case no.1:22-cv-01769-JRR.

Motion for reconsideration judgment entered June 15, 2023, Case no.1:22-cv-01769-JRR.

III.

Related Proceedings:

Impartial tribunal held on 11/2/2021.
Commissioner Miller presided.

Baltimore, City circuit Court
Case no. 24-C-21-003086

The special Court of Appeals, Maryland
Case no. CSA-REG-1222-2021

United States, District Court for Baltimore
Maryland,
Case no.1:22-cv-01769-JRR

United States Court of Appeals for the fourth
circuit
Case no. 23-6632

All state cases arguments judicial reviews, stop
agency order, exhibits, brief impartial tribunals
and unreported opinion were hand-delivered by
Maddox and entered into the United States District
Court for Baltimore as Exhibits. see US civil docket
report in appendix -A. transcript history and forged
documents were entered into US fourth circuit
case.

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Order from the United States, District Court of Maryland, denial of rehearing / motion for reconsideration filed June 15, 2023, at ECF 38.

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Introduction

Since the 14th amendment was Passed by the Senate on June 8, 1866, and ratified two years later, on July 9, 1868, this court has enforced that the Fourteenth Amendment grants citizenship to all persons “born or naturalized in the United States,” including formerly enslaved people, and has provided all citizens with “equal protection of the Constitutional Bill of Rights.

This petition arises from the Maryland federal district court and fourth circuit courts relaxation of the constitutional standard. Which provides the equal protection of the constitutional rights of all United States citizens.

In applying such a lax standard, the federal district courts denial of the complaint and amended complaint with definitive exhibits as proof of several violations of the constitution is a contradiction of the equal rights protection provided by the United States Constitution which contravenes the constitutional provisions for the United States citizens. For this reason, the federal district courts decision is improper and warrants reversal.

Opinions below

The district courts opinions finding summary judgment, in favor of the defendants and denial of motion for rehearing are available at ECF 34, and respectively reprinted at Appendix-B.....A18, A19

The fourth circuit, for Richmond Virginia affirmed the district court judgments, as reported and respectfully reprinted at
Appendix-B..... A15, A16, A17,

Statement Of The Basis For Jurisdiction

On May 25, 2023, the United States District Court for Maryland Granted the defendants motion ECF 16 to dismiss, or in the alternative for summary judgment and judgment in favor of defendants against plaintiff, on all counts, set forth in complaint and amended complaint signed by the honorable judge Julie Rebecca Rubin on May 25, 2023, ECF 32

In the United States District Court for Maryland, on June 15, 2023, Order from the United States, District Court of Maryland, denial of rehearing / motion for reconsideration filed June 15, 2023, at ECF 38., The motion for reconsideration was denied at ECF 38. The fourth circuit court of Richmond Virginia affirmed the United States, District courts judgments. this court possesses jurisdiction pursuant to 28 U.S.C. § 1254(1). and

Also 28 U.S.C. § 1331 of This courts rule, 12.4 states: when two or more judgments are sought to be reviewed on a writ of certiorari to the same court, and involve identical or closely related questions, a single petition for a writ of certiorari covering all the judgments suffices.

Pertinent, Statutory, Provisions

Title 18 of the United States Code regards accessories to crime. Aiding and Abetting

Title 18, United States Code § 2

Provides in relevant part:

1. Whoever commits an offense against the United States or aids, abets, counsels, commands, induces or procures its commission, is punishable as a principal.
2. Whoever willfully causes an act to be done which if directly performed by him or another would be an offense against the United States, is punishable as a principal.

1621. Perjury generally provides

Whoever—

1. Having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true; or

2. In any declaration, certificate, verification, or statement under penalty of perjury as permitted Under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true; is guilty of perjury and shall, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States. (June 25, 1948, ch. 645, 62 Stat. 773; Pub. L. 88-619. §1. Oct 3, 1964, 78 Stat. 995; Pub. L. 94-550, §2, Oct. 18, 1976, 90 Stat. 2534; Pub. L. 103-322, title XXXIII. §330016(1)(l), Sept. 13, 1994, 108 Stat. 2147.)

TITLE 18, U.S.C., SECTION 242 provides in relevant part: deprivation of rights under the color of law: Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, ... shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both;

If death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

28 U.S.C. § 1331 provides in relevant part:
Federal question: The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

4th Amendment

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

14th Amendment Provides in relevant part:

Section 1. 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 law; nor deny to any person within its jurisdiction the equal protection of the laws.

899. Other statutes. administrative procedure act/review appeal of agency decision

STATEMENT OF FACTS

On October 5, 2023 Maddox drove to Maryland to pick up a family member Amina Philip who is his uncles wife's daughter and her friend miss Reid both women were supposed to be paying Maddox for a ride up to New England Amina had the money but Reid didn't have the money for her ride Amina then told Maddox to leave Reid there because she didn't have the money for the ride Maddox then picked up Amina and went to his uncles house with Amina after leaving his uncles home Maddox then attempted to leave Maryland stopping on Washington Blvd. for gas.

Amina then handed Maddox money to top off the gas tank and the cops surrounded Maddox's vehicle and arrested Maddox and Amina. after being placed under arrest and brought to the police station Maddox was then given a charging document which stated a list of human trafficking charges and that Maddox had driven both women to Maryland leaving Rhode Island on the 1st of October stopping in several states New York, New Jersey and then to Maryland on October 5th never going back to Rhode Island. Also, that Maddox was 6'5 and that Reid had never left Maddox's side.

At trial Maddox proved that this was a lie, because on the very same days in question from the first to 5th of October, Maddox was at several doctors' appointments, and his vehicle was getting an oil change, and a sway-bar linkage kit placed on it.

On the first and second day of October Maddox was getting prepped for a colonoscopy at a hospital in Providence, Rhode Island on the third day Maddox went to the orthodontist to have fillings pulled out of his teeth and on the fourth Maddox dropped his vehicle off for oil change and sway-bar link kit and picked the vehicle up on the fifth both doctors and the mechanic gave testimony and documentation pertaining to Maddox's whereabouts on all of the days and question and also the whereabouts of the vehicle that was in question which did not leave the state of Rhode Island until October 5th when it was picked up from M&M Auto.

In the conclusion of that trial Maddox was acquitted of several human trafficking charges all except human trafficking beneficial financially, 11-303 A1, E1.MD code. for picking up his codefendant Amina Philip which was at the prosecutor Jennifer Ritter's request in her closing statement to the jury. Maddox 's attorney stated for the record at sentencing that Maddox did not have a duty to register as a sex offender and that the charge was malum prohibitum, and that Maddox was convicted of participating in the venture of giving his codefendant a ride and also that Maddox was acquitted of everything that miss reid alleged.

At sentencing, Maddox was ultimately given the maximum penalty of 10 years to serve in jail for the nonviolent non sex offense misdemeanor Charge of human trafficking, beneficial financially, 11-303 A1 E1.MD code.

In October of 2019, Maddox was released from Jessup correctional institution and extradited to Providence Rhode Island. Upon arrival in Maddox's home state of RI The parole commission of Rhode Island called Maddox in and stated that they were informed by the Maryland's parole commission that Maddox was a sex offender and that Maddox had left the state of Maryland without permission.

They then had Maddox arrested for not giving a Change of address to the sex offender's registry and failure to register. which can be seen when running a background check on Maddox. See NCIC App-C 20A. After Maddox 's attorney spoke with the judge and prosecutor in Rhode Island They realized that this was a mistake and released Maddox and explained that they couldn't fix this and that he should go back to the state of origin of the charge and fix it.

Maddox then contacted agent, Ingrid Salazar, at the federal interstate compact building in Rhode Island, filled out the paperwork and returned to Maryland. upon arrival Maddox sent a letter to the parole commission of Maryland, voicing his concerns about the issue. The parole commission then ordered Seven copies of Maddox 's trial transcript see attachments 9-11 entered in the US fourth circuit case. Soon after that chairman Blumberg called Maddox 's phone. Agreeing that Maddox was not a sex offender. See recording of Blumberg.

Maddox then sent a cease-and-desist letter trying to fix the issue. At this point the parole commission had already stated that they knew that Maddox did not have sex offense charges and that they were still going to supervise Maddox as a sex offender. see impartial, tribunal recording from 11/2/2021.

Maddox then persisted in legal action to try and stop the irreparable harm that was to come from the parole commission's actions. Maddox then filed two separate judicial reviews and a stop agency order all three documents were ultimately dismissed by civil court judge John S Nugent of the Baltimore City Circuit Court.

Maddox then sent a legal document back to the courthouse voicing his concerns about the civil court judge John S Nugent and district attorney Brian Frosh for colluding together to Dismiss the judicial reviews and the stop agency order. In the document Maddox stated that judicial reviews were supposed to go to the administrative law judges and not to a civil court judge for review and that this was impeding the judicial process of the case. see original complaint from the United States, District Court, and the brief from special Court of Annapolis, and all exhibits entered.

Overview of issues:

Did Robin D Hall violate Maddox's right of privacy and right of due process? see amendment 4 and 14. After the first unlawful warrant was issued commissioner cluster, released Maddox back to his home plan without ordering Maddox to undergo GPS monitoring. Robin D Hall then chose to place a GPS monitor on Maddox and unlawfully tracked Maddox's whereabouts From September 26, 2020, up until October 16, 2020, without any permission from the parole commission of Maryland and without providing any documentation for doing so. see Exhibit 31 of US district court complaint.

On November 2, 2021. during the impartial tribunal hearing it was found that these officers had placed Mr. Maddox on GPS monitoring without permission from the parole commission see recording from 11/2/2021 of commissioner Miller, entered into the United States, District Court for Baltimore. After the hearing Mr. Maddox sent a written request to the parole commission at 6776 Reisterstown Rd., Baltimore, MD 21215 and to the Hyattsville division for all documents pertaining to these issues. Both places did not respond back. See Exhibit 31. And brief from special Court of Appeals, Annapolis.

Each agent and commissioner received a copy of Maddox 's cease and desist letter directly after Maddox was transferred to Maryland on the interstate compact offenders transferring system. Robin D-Hall had full knowledge that she was violating Maddox 's constitutional rights, because no lawful given order was given from the parole commission for her actions. Therefore, Robin D-Hall made a conscious decision to unlawfully track Mr. Maddox 's whereabouts from September 26, 2020, up until October 16, 2020.

Did chairman David R Blumberg, unlawfully and knowingly commit perjury in an affidavit entered into the circuit court for Baltimore City. In an attempt to re-create a recorded conversation that he had with Maddox. in the affidavit Blumberg made several false statements about Maddox 's supervision and supervisinal level. because Blumberg chose to give an inaccurate and untruthful account of what was stated in the phone call With Maddox, Maddox then entered the recorded conversation into the circuit court for Baltimore after Blumberg entered the sworn affidavit proving that Blumberg consciously committed perjury in an attempt to cover up the truth, which then caused Mr. Maddox to suffer an irreparable harm due to this dishonesty. See exhibit 1 recording of Blumberg. and Exhibit 2. sworn affidavit of Blumberg. and also Exhibit 20 writ of mandamus. Entered into the US district court.

Did De'Angelo Patterson knowingly violate Maddox's constitutional right of privacy and right of due process and commit perjury when he lied in an impartial tribunal on 11,2,2021 about permission for the unlawful placing of the GPS tracking device on Maddox tracking Maddox's whereabouts from June 2022 up until October 2022, without permission from the parole commission of Maryland, and when he was questioned about this under oath by his superior Attorney/commissioner Miller on November 2, 2021.

De'Angelo Patterson lied under oath committing perjury stating that commissioner cluster gave him permission to place Maddox on GPS Monitoring Patterson's superior commissioner Miller immediately objected and corrected the false statement for the record.

Miller stated that "she would not make that statement for the record" and then attorney Miller stated that "at no time did commissioner cluster or anyone from the parole commission give De'Angelo Patterson permission to place Maddox on GPS monitoring.

Miller then asked agent Patterson to provide documentation for the actions that he had taken against Mr. Maddox. But agent Patterson could not provide any documentation for doing so. See recording from impartial tribunal on November 2,2021 entered into the United States District Court for Baltimore.

Did John smack knowingly violate Mr. Maddox 's fourth amendment right? By issuing an unlawful warrant without probable cause. See exhibit 3 and amended complaint from US District Court of Baltimore. The fourth amendment states that no warrant shall issue without probable cause.

John Smack did sign and issue a sex offender labeled warrant on the date of December 20, 2021. John smack had full knowledge of Maddox not having ever been convicted of a sex offense from Maddox being transferred back To Maryland by way of the federal interstate compact offender's system which provided the parole commission with Maddox 's supervisory level and all stipulations pertaining to Maddox's supervision. also, when Maddox arrived back in Maryland, he sent a cease-and-desist Letter to the entire parole commission see writ of mandamus in exhibits.

This cease-and-desist letter was then placed inside Maddox 's base file for the parole agents and commission to view. also, on November 2,2021 one-month earlier Commissioner Miller stated for the record that "the parole commission of Maryland knows that Mr. Maddox has never been convicted of any sex offenses.

Also 4 months prior to the warrant being issued chairman Blumberg stated the same in the conversation with Maddox. "That he knew that Maddox did not have a sex offense charge and that he didn't think that anyone was trying to pull the wool over Maddox's eyes."

While ultimately leaving Maddox in harm's way for this irreparable harm to continue. See Exhibit 1 recording of Maddox and Blumberg from the United States District Court of Baltimore.

Commissioner John smack did have full knowledge that he was issuing an unlawful warrant, because he would have had to review Maddox 's base file in order to issue this kind of warrant. and then the commissioner would make the decision to violate Maddox and issue the warrant.

Also, during this time Maddox had already filed a stop agency order and two separate judicial reviews and the writ of mandamus within the circuit court for Baltimore which ultimately made it to the special Court of Appeals in Annapolis which was against the parole Commission of Maryland pertaining to these specific issues. which would then be plain knowledge to the parole commissioner's that it was against. see United States District Court case Exhibit 1-30.

Did agent Moxley play a superficial role in aiding and abetting both De'Angelo Patterson and Robin D Hall, in the unlawful, detainment and tracking of Mr. Maddox? The first-time agent Moxley tracked Mr. Maddox's whereabouts in real time without an order from the parole commission. was for Robin D Hall from August 26,2020 up until October 16,2020.

The second time was for De'Angelo Patterson from June 2022 until October 2022. Moxley assisted in the removal of these devices and also brought Maddox in on several occasions to Gay St. in Baltimore to go over and confirm Maddox 's specific locations by way of a global positioning satellite tracking system within the office. agent Moxley also viewed Maddox 's file upon Maddox's request and began to read the cease-and-desist letter out loud to Maddox.

Agent Moxley could also see that there was no order for the tracking of Mr. Maddox within the file but still chose to help agent DeAngelo Patterson and agent Robin D Hall on two separate occasions track Mr. Maddox. Maddox then requested by mail to the parole commission any documentation pertaining to the unlawful tracking. and received no response. see Exhibit 31 from US district court. Amended complaint, original complaint, and all exhibits.

When this case reached the United States District Court the parole commission ordered Maddox to undergo a sex offender evaluation from a doctor of their choice by the name of Doctor Tashica Halyard at the HBH wellness after a three-part evaluation doctor Tashica Halyard deemed that Maddox was not a sex offender and should not be viewed as such. see correspondence from HBH wellness entered into the United States District Court case.

Even after Maddox did this at the parole commissions request, they still continued to supervise Maddox as a sex offender causing more harm and the proof for this is the forged documents from the parole commission that Maddox entered into the fourth circuit court of appeals case which are dated January 21,2023 see Attachments 1-7 of US fourth circuit case. Which begs the question. who in the parole commission has forged the documents?

Reasons For Granting The Writ Of Certiorari

For the forgoing reasons Granting this petition would provide this court the opportunity to address an otherwise neglected area of law. for instance, if the policies and procedures of parole and probation permitted that the parole-commissions can only govern over a person for charges that which he or she has been convicted of past or present, it would eliminate the possibility of unlawful warrants being issued by parole commissioners and would stop any manipulation that could occur. Without this practice in place, it causes commissioners, to take different or additional measures that could result in the public being harmed.

It would be a great benefit to make clear the line that can or cannot be crossed so that violations of the United States constitution are never implemented in the duties of parole and probation.

The case law on the subject matter on the policies and procedures of parole and probation are very meager. Granting this petition would provide much needed guidance in this area of law which in-turn would be for the public's interest in large and would insure fair and impartial protection under the US constitution for all united states citizens.

Conclusion

For the aforementioned reasons, I respectfully request that the petition for a writ of certiorari be granted and the reversal of the District Court judgments and also the relief that was sought throughout this case and that the order of law be upheld in every facet of its understanding to ensure that violations of the United States Constitution and criminal acts are not imparted on the public by the above-mentioned defendants or any other parole commissions within the United States.

Respectfully Submitted
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