

No. 24-5849

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Elizabeth Johnson on behalf of Aaron Johnson Jr.
and
Aaron Johnson Jr.
-PETITIONERS

vs.

Jeremiah Kinney
-RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of Maryland

PETITION FOR REHEARING

Elizabeth Johnson obo Aaron Johnson Jr.
2861 Chesterfield Avenue
Baltimore, Maryland 21213
443-339-4878

Aaron Johnson Jr. - SID 3547590
Maryland Correctional Training Center (MCTC)
18800 Roxbury Road
Hagerstown, Maryland 21476

REASON FOR GRANTING PETITION
Intervening Circumstances of a Substantial or Controlling Effect
or to Other Substantial Grounds Not Previously Presented

1. Incarcerated Petitioner (IP), Aaron Johnson Jr., has been parole-eligible since he was sentenced in April 2024 for a violation of probation. This is because he spent over three years in pre-trial detention. The Incarcerated Petitioner never waived his right to a speedy trial under the 6th Amendment to the United States Constitution, or his rights under the HICKS Rule which states that a defendant must be brought to trial within 180 days.
2. Maryland Parole Commission (MPC) has refused to conduct a parole hearing for the Incarcerated Petitioner, and it has refused to provide copies of the IP's parole record, as required by Code of Maryland Regulations (COMAR) section 12.08.01.17. IP has completed approximately 70 percent of the time, when the requirement for parole is 25 percent.
3. In October 2024, the MPC forced the IP to sign documents against his will, and it did not provide copies of the requested documents at the time the IP signed, or immediately afterwards. MPC finally provided the letter the IP was forced to sign, after multiple unaddressed requests, in January 2024. Copies were provided during the weekend prior to the IP's transfer on January 21, 2025 to a State hospital for a competency evaluation. The document essentially stated that the IP waives his right to a parole hearing, which is not what he intended to do. He made that very clear, however, he still has not been provided with a hearing date or requested records in preparation for a parole hearing.
4. On January 23, 2025, as ordered by the Court, the Maryland Attorney General (AG) filed a response to the IP's Application for Leave to Appeal his violation of probation sentence. In his response, the AG downplayed and dismissed the seriousness and relevance of the State's violation of the IP's civil and human rights while held in State custody. The AG sent the IP's copy of the documents it filed in response to his Application to the prison instead of to the hospital. The AG should have been aware of the IP's location, as Petitioner informed the Maryland Parole Commission of the response deadline during communication about a week prior to their filing a response to the IP's application. This was due to their refusal to set a parole hearing, and to provide required records to the IP.
5. While housed at the hospital, Clifton T. Perkins Hospital (CTPH), the IP's basic human, civil and legal rights were again violated. The IP was unable to sign necessary legal documents due to unlawfully being prevented access. Therefore, combined with

the fact that the AG's reply was sent to another location and it had to be rerouted, the IP was unable to file a timely response. The Office of the Public Defender (OPD) says that it cannot provide legal counsel unless the Application for Leave to Appeal is granted and set for briefings. However, the Appellate Court of Maryland denied the Application on or about February 24, 2025, while the IP was housed at the hospital. Petitioner presented letters of testimony on February 25, 2025 to the Appellate Court of Maryland following the denial.

6. During the IP's stay at CTPH, IP was prevented from having visits with clergy and family, in violation of HB 145 (2016), the Maryland Department of Health Patient Bill of Rights, Maryland Health General Code Sec. 10-703, COMAR 10.21.09.08, and COMAR 10.21.09. Assistant Attorney General Dominique Gordon stated:
 - a. *"You ignore COMAR explicitly stating that "clergy" visits are at the discretion of the Clinical Director of the Hospital".*
 - b. When asked to provide the COMAR where that is stated, and for the release of medical information and FOIA forms, AAG Gordon responded, *"Are you trying to tell me what to do? Let me be very clear that I am not beholden to you. I will not educate you on the law. I will not provide documents to you by COB today and most importantly, I will not respond to you anymore as you are not my client - Clifton T. Perkins Hospital is my client. Have a good day".*
 - c. AAG Gordon also made threats to contact the Judge in the IP's pending case, stating: *"Please be advised that further legal action may be taken by the Hospital to advise Judge Rasin of your actions to thwart our efforts to stabilize Mr. Johnson's behavior. Please cease and desist your emails citing the same COMAR regulations and HGA statutes I provided to you".* It should be noted that the IP was not there for treatment, was in stable condition both prior to and upon his arrival to the hospital, and that he had no infractions while imprisoned at the facility prior to his transfer to the hospital. He was sent to the hospital for court-ordered evaluation, only. The hospital forced treatment upon the IP and placed unlawful restrictions that it did not notify of or provide requested written justification for when asked. All in violation of COMAR.
 - d. All regulations clearly state that visits with attorneys and clergy may not be restricted during reasonable hours, and that visits may not be used as a means of punishment. COMAR also states that treatment plans may not be needed for individuals there for court-ordered evaluation, only.
7. On or about 2/1/2025, the IP was placed in illegal-restraints which violated COMAR 10.21.12; whereby, he was accosted while in his room, placed in restraints and injected at least two times with an incapacitating substance. While under restraint, the IP

reported being assaulted by the staff. The IP remained restrained while sedated for hours during which time his pulse and blood pressure drastically decreased to the point that the patient experienced bradycardia. The Hospital did not properly monitor the IP during the restraint process, as required by COMAR, and it is believed that the IP's life was placed in danger during the incident.

8. The State of Maryland failed to report the assault by staff against the IP within the 24-hours, as required by COMAR 10.01.18.06, and it unlawfully made efforts to prevent the Maryland State Police (MSP) from independently investigating the incident. The hospital reported the February 1, 2025 incident, on or about February 26, 2025, after the Petitioner contacted the MSP again for a formal report to be made. The Hospital and its administrators denied the IP a clergy visit on or about February 5, 2025, in which the IP sought to make a formal complaint and to sign necessary documents. The unlawful acts by the State prevented earlier reporting of the incident to the proper authorities.
9. On February 26, 2025, the State of Maryland held an impromptu competency hearing directly after IP met with the Maryland State Police to make a formal report about the assault, and in the absence of the IPs assigned-counsel. During the hearing, the Court deemed the IP competent. The Court assigned a substitute who did not adequately defend the IP during the hearing, and very few words were said on record during the brief hearing. Afterwards, the assigned counsel said she was unaware that the IP was already represented. The IP's competency evaluation report was submitted to the Baltimore City Circuit Court on or about February 24, 2025. Hearings on the report are held on the Wednesday of the next week, following the submission. Thus, the hearing should have convened on March 5, 2025. IP's legal counsel was not provided adequate time to review the report, and was not notified of the hearing on February 26, 2025. This violates the IP's right to due process of law, and fundamental judicial fairness and ethics. This also violates Md. Code, CP § 3-105.
10. CTPH attempted to immediately transport the IP to prison following the impromptu hearing, but it eventually transferred the individual the following day to the wrong location, Baltimore Central Booking and Intake Center (BCBIC), where the IP spent hours waiting in a cell without food or a phone call. He was transferred to the correct location when Petitioner Elizabeth Johnson contacted the Warden of the facility who then facilitated the IP's transfer back to the Maryland Correctional Training Center (MCTC) in the after hours.
11. Upon arrival at MCTC, the IP was not issued clothing for one week. He was then issued a single change of clothes about a week later, and he is still awaiting other garments. While indigent and in State custody, he has been asked to pay for clothing. While in State custody, he has also been previously asked to pay 2 dollars for sick call visits. IP has also not received his pay for periods worked while in State custody which is exploitative and against the regulations.

12. State of Maryland and its previously-contracted health care provider, YesCare Corp., violated the IP's medical privacy rights under HIPAA by altering and transferring a substantially-altered version of the IP's medical records. Removed were records that showed the medical negligence and abuse the IP experienced while in custody. Both YesCare and the new contractor, Centurion, have refused to provide requested, unaltered medical records for the IP in violation of COMAR Sec. 12.02.24.07, MD Health General Code Sec. 4-309 (2024), and MD Health General Code Sec. 4-304 (2024). It leaves the question as to how often has the practice of 'scrubbing' the medical files of potential litigants with claims against the State of Maryland and YesCare has occurred. YesCare justified its actions claiming that the IP was in litigation with them but he has not filed any legal action against them yet.
13. The State of Maryland, Maryland Department of Health, has also refused to provide requested health records release forms and Freedom of Information Act (FOIA) request forms, and will not accept the patient's power of attorney which authorizes the release of his medical records. Requests of MDH are for the patient's medical records and files while at CTPH during January and February of 2025. Video footage of the assault of the IP/ patient on 2/1/2025, is also being requested.
14. IP has been subject to human and civil rights violations that continue to occur while he is in State custody. He is being disallowed access to the Court and to clergy. The civil rights violations have been reported to the Department of Justice (DOJ) in case number OCR 22-1520.
15. The State of Maryland continues to fail to protect the IP from abuse while in custody, to infringe on his constitutional rights, to unlawfully prevent his parole, and to deny the IP access to the Court.
16. IP has been incarcerated since a juvenile and he is now 27 years old. He has spent less than one year free since age 15. His brain has now reached full development and he is able to be a contributing member of society if given the chance.
17. IP did file a petition for a writ of habeas corpus in the U.S. District Court of Maryland in about February 2023. It was denied in or about May 2024; however, the Petitioner was unable to file a timely appeal because he was relocated and his mail was sent to the wrong location. Although it was eventually forwarded, the IP did not receive the mail until after the appellate period expired and therefore, he could not appeal the decision. Other petitions for a writ of habeas corpus made in the Circuit Court have been denied without the IP being presented / brought to court, as required. Applications for bail have been denied. Petitions for rehabilitative treatment have also been denied.

CONCLUSION

Zora Neale Hurston once wrote, "If you are silent about your pain, they'll kill you and say you enjoyed it". We continue to seek review and intervention of this Court so that the IP has the chance to live. For the reasons outlined in this Petition, it will be difficult to do so without the Court's assistance.

Wherefore, Petitioners respectfully request that this Petition for a Rehearing be Granted.

CERTIFICATION

This Petition for Rehearing is restricted to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented. It is presented and submitted in good faith and not for delay.

Elizabeth Johnson, March 12, 2025
Elizabeth Johnson, Petitioner, pro se

Aaron Johnson, P.O.A., March 12, 2025
Aaron Johnson, Incarcerated Petitioner (unable to sign due to illegal-detainment and restrictions; pro se Petitioner; Elizabeth Johnson has power-of-attorney).