

FILED: August 8, 2024

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-4027
(1:19-cr-00036-JKB-5)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

RICHARD GRIER, a/k/a Rich Homie

Defendant - Appellant

JUDGMENT

In accordance with the decision of this court, the judgment of the district court is affirmed and this case is remanded to the district court for further proceedings consistent with the court's decision.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ NWAMAKA ANOWI, CLERK

APP. A

UNPUBLISHED**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT****No. 23-4027**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RICHARD GRIER, a/k/a Rich Homie,

Defendant - Appellant.

Appeal from the United States District Court for the District of Maryland, at Baltimore.
James K. Bredar, Senior District Judge. (1:19-cr-00036-JKB-5)

Submitted: August 1, 2024

Decided: August 8, 2024

Before GREGORY, HARRIS, and HEYTENS, Circuit Judges.

Affirmed and remanded by unpublished per curiam opinion.

Richard Grier, Appellant Pro Se. Patricia Corwin McLane, Assistant United States Attorney, Brandon Keith Moore, Assistant United States Attorney, OFFICE OF THE UNITED STATES ATTORNEY, Baltimore, Maryland, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Richard Grier pled guilty, pursuant to a written plea agreement, to conspiracy to participate in a racketeering enterprise, in violation of 18 U.S.C. §§ 1962(d), 1963. The district court sentenced Grier to 15 years' imprisonment, followed by a five-year term of supervised release, to run concurrently with his state sentence of life imprisonment. Grier, who proceeds pro se on appeal, argues that his guilty plea was not knowing and voluntary, the district court denied his right to self-representation, and the court erred in denying his motions for discovery. We affirm, but we remand for correction of a clerical error in the judgment.

Because Grier did not move to withdraw his guilty plea or otherwise object to the plea hearing in the district court, we review the validity of his guilty plea for plain error.

United States v. Sanya, 774 F.3d 812, 815 (4th Cir. 2014). “Under the plain error standard, this [c]ourt will correct an unpreserved error if (1) an error was made; (2) the error is plain; (3) the error affects substantial rights; and (4) the error seriously affects the fairness, integrity, or public reputation of judicial proceedings.” *United States v. Harris*, 890 F.3d 480, 491 (4th Cir. 2018) (internal quotation marks omitted). “In the Rule 11 context, this inquiry means that [the defendant] must demonstrate a reasonable probability that, but for the error, he would not have pleaded guilty.” *Sanya*, 774 F.3d at 816 (internal quotation marks omitted).

A guilty plea is valid if the defendant knowingly, voluntarily, and intelligently pleads guilty “with sufficient awareness of the relevant circumstances and likely consequences.” *United States v. Fisher*, 711 F.3d 460, 464 (4th Cir. 2013) (internal

quotation marks omitted). “In evaluating the constitutional validity of a guilty plea, courts look to the totality of the circumstances surrounding it, granting the defendant’s solemn declaration of guilt a presumption of truthfulness.” *United States v. Moussaoui*, 591 F.3d 263, 278 (4th Cir. 2010) (cleaned up).

Before accepting a guilty plea, the district court must conduct a plea colloquy in which it informs the defendant of, and determines he understands, the rights he is relinquishing by pleading guilty, the charges to which he is pleading, and the maximum and any mandatory minimum penalties he faces. Fed. R. Crim. P. 11(b)(1). The district court also must ensure that the plea is voluntary and not the result of threats, force, or promises not contained in the plea agreement, Fed. R. Crim. P. 11(b)(2), and that there is a factual basis for the plea, Fed. R. Crim. P. 11(b)(3). Any variance from the requirements of Rule 11 “is harmless error if it does not affect substantial rights.” Fed. R. Crim. P. 11(h).

The district court fully complied with Rule 11. Grier confirmed that he pled guilty voluntarily and that his plea did not result from force, threats, or promises other than those in the plea agreement. The court also appropriately determined that Grier was competent to plead guilty and that a factual basis supported the plea. Because his guilty plea was valid, Grier waived his claim that the court erred by denying his motions for discovery.

United States v. Glover, 8 F.4th 239, 245 (4th Cir. 2021) (noting that, “when a defendant pleads guilty, he waives all nonjurisdictional defects in the proceedings conducted prior to entry of the plea” (cleaned up)).

“The Sixth Amendment guarantees to a criminal defendant the right to the assistance of counsel.” *United States v. Ziegler*, 1 F.4th 219, 226 (4th Cir. 2021) (internal quotation

marks omitted). Yet, “it is equally clear that the Sixth Amendment also protects a defendant’s affirmative right to self-representation.” *Id.* (internal quotation marks omitted); *see Faretta v. California*, 422 U.S. 806, 819-20 (1975). “We review a district court’s denial of a defendant’s right to self-representation *de novo*.” *United States v. Bush*, 404 F.3d 263, 270 (4th Cir. 2005).

Grier argues that the district court and the magistrate judge denied Grier’s right to self-representation by appointing his then-dismissed counsel as standby counsel and by requiring Grier to rely on standby counsel to view discovery. Because Grier explicitly stated that he wanted standby counsel to represent him during the joint Rule 11 and sentencing proceeding, he waived his right to self-representation during that proceeding.

McKaskle v. Wiggins, 465 U.S. 168, 176 (1984) (“A defendant can waive his *Faretta* rights

A defendant’s invitation to counsel to participate in [a court proceeding] obliterates any claim that the participation in question deprived the defendant of control over his own defense.”). Moreover, a defendant does not have the right to decline having standby counsel appointed. *Id.* (noting that *Faretta* created “no absolute bar on standby counsel’s unsolicited participation”). Thus, the magistrate judge did not abuse his discretion by appointing standby counsel.

The magistrate judge also did not abuse his discretion by determining that Grier would have to view discovery through standby counsel. *United States v. Hunt*, 99 F.4th 161, 164 (4th Cir. 2024) (noting that “district courts have broad discretion to decide how much assistance, if any, standby counsel may provide”). Here, the magistrate judge denied Grier’s motions for personal copies of the discovery in his case because of safety concerns

related to Grier having discovery files at his facility. Instead, Grier had to view his discovery files through his standby counsel. This restriction did not constitute an abuse of discretion. *See United States v. Galloway*, 749 F.3d 238, 242 (4th Cir. 2014) (determining that district court did not abuse its discretion by denying pro se defendant's requests for personal copies of discovery in his detention center “[i]n view of the legitimate security concerns and [defendant's] failure to show any prejudice from the arrangement”). Additionally, the magistrate judge suggested moving Grier to a federal facility that was closer to his standby counsel so that Grier could more easily access his discovery; however, Grier elected to remain at his state facility.

Accordingly, we affirm the criminal judgment. We deny Grier's motion to vacate his conviction, and we deny as moot his motions for this court to decide his appeal. We remand for the limited purpose of correcting a clerical error in the criminal judgment, which incorrectly indicates the statute of conviction as 18 U.S.C. § 962, rather than 18 U.S.C. § 1962. *See Fed. R. Crim. P. 36* (governing clerical errors). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED AND REMANDED

FILED: September 10, 2024

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-4027
(1:19-cr-00036-JKB-5)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

RICHARD GRIER, a/k/a Rich Homie

Defendant - Appellant

O R D E R

The petition for rehearing en banc was circulated to the full court. No judge requested a poll under Fed. R. App. P. 35. The court denies the petition for rehearing en banc.

For the Court

/s/ Nwamaka Anowi, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

Crim. No. JKB-19-36

RICHARD GRIER

MEMORANDUM ORDER

Currently pending is the United States of America's Motion for Transcript requesting that the Court permit access to an attorney inquiry hearing conducted on December 19, 2022, and production of a transcript of the hearing. ECF 1136. The motion is not opposed. For reasons stated herein and in the government's motion, the motion is GRANTED.

On November 22, 2022, this matter was referred to the undersigned magistrate judge pursuant to 28 U.S.C. § 636 and Local Rule 301 to conduct an attorney inquiry hearing. ECF 1013. While represented by court-appointed counsel, defendant Richard Grier had filed pro se a document with the Court stating that he "d[id] not wish to have the assistance of counsel" and "d[id] not require the service of the public defender and/or appointed counsel." ECF 1009. The undersigned conducted the attorney inquiry hearing on December 19, 2022, as well as an initial appearance and arraignment on the Fourth Superseding Indictment. The attorney inquiry hearing was conducted on a sealed record and ex parte with Mr. Grier and his then-appointed counsel without objection from the government. During a colloquy pursuant to *Faretta v. California*, 422 U.S. 806 (1975), conducted on the public record, Mr. Grier waived his right to counsel and requested leave to proceed pro se, which was granted. Mr. Grier subsequently filed a Motion to Receive Discovery Files. ECF 1057.

On January 6, 2023, the undersigned conducted a *Lafler* hearing in this matter, assigned stand-by counsel, and denied Mr. Grier's discovery motion. On the same date, Mr. Grier entered a plea of guilty to one count of the Fourth Superseding Indictment before Judge Bredar and was sentenced.

Within days of entry of judgment in this matter, Mr. Grier filed two letters requesting transcripts of the proceedings on December 19, 2022, and January 6, 2023. ECF 1072; ECF 1073. One of the letters indicated a need for the transcripts to prepare an appeal. ECF 1073. Mr. Grier filed a notice of appeal on January 13, 2023. ECF 1078. The matter was assigned appeal number 23-4027 in the U.S. Court of Appeals for the Fourth Circuit and remains pending. The appeal concerns, in part, matters that occurred during the hearing on December 19, 2022. In at least one public filing with the Court of Appeals, Mr. Grier recounts statements he made in court during both sealed and public portions of the attorney inquiry hearing, with citation to a transcript of the hearing. *United States v. Grier*, Appeal No. 23-4027, Doc. 10 at 10-17 (4th Cir. Feb. 15, 2023). No transcript is attached to the brief, however, *see id.* at 50, and it does not appear that a transcript of the December 19, 2022, hearing was ever produced.

In its Motion for Transcript, the government now requests production of a transcript of the December 19, 2022, hearing and disclosure of the transcript to both parties. Mr. Grier's then-appointed counsel takes no position on the motion, and Mr. Grier has not filed an opposition.

Judge Timothy J. Sullivan has concisely explained the nature of attorney inquiry hearings and the importance of confidentiality in such proceedings:

Attorney inquiry hearings in this district are designed to address a wide variety of problems that can arise between criminal defendants and their counsel. A great majority of these problems can only be addressed by the Court if the parties involved are invited to speak openly and with candor to the Court. This openness would be frustrated if counsel for the Government were permitted to attend

the hearings, because the defendant would have to choose between openly explaining his problem with his attorney (in which case the Government may catch a glimpse of his defense strategy and takes steps to frustrate it) and explaining his problem in very general terms (leaving the presiding judge to guess at the nature of the problem and its solution).

United States v. Byrd, Crim. No. RDB-14-0186, 2015 WL 221769, at *2 (D. Md. Jan. 13, 2015).

However, reasons for denying the government access to the attorney inquiry hearing in this case are no longer present. In the appeal, Mr. Grier has publicly disclosed the substance of statements he made during the *ex parte* portion of the hearing, and it appears that he intended to file and rely upon a copy of a transcript of the hearing in the appeal, although the transcript itself is missing. In this way, Mr. Grier has implicitly disclaimed any expectation of confidentiality he had in the attorney inquiry hearing. Moreover, the government has shown a need for a transcript of the hearing to respond to matters raised by Mr. Grier on appeal.

For the foregoing reasons and others explained in the Motion for Transcript, the motion is GRANTED.¹ The government may order a transcript of the hearing conducted on December 19, 2022. The Clerk is directed to send a copy of this Order and a copy of the transcript, when it is produced, to counsel for the government and to the *pro se* defendant, Richard Grier.

April 20, 2023

Date

/S/

Matthew J. Maddox
United States Magistrate Judge

Although an appeal of the judgment entered in this matter is pending with the Court of Appeals, this court may retain jurisdiction of ministerial matters in aid of the appellate process. *See Doe v. Pub. Citizen*, 749 F.3d 246, 258 (4th Cir. 2014) (stating the “general rule” that filing of a notice of appeal divests the district court of jurisdiction and transfers it to the appellate court but noting “limited exceptions . . . that permit district courts to take subsequent action on matters that are collateral to the appeal . . . or to take action that aids the appellate process”) (citations omitted); *Grand Jury Proc. Under Seal v. United States*, 947 F.2d 1188, 1190 (4th Cir. 1991) (“[A] district court does not lose jurisdiction to proceed as to matters in aid of the appeal.”); *Stewart v. Donges*, 915 F.2d 572, 575 (10th Cir. 1990) (“The district court only retains jurisdiction over tangential matters such as . . . performing ‘certain ministerial functions in aid of the appeal, such as correcting clerical mistakes in the record, approving appeal bonds, and issuing stays or injunctions pending the appeal.’”) (citations omitted).

FILED: September 18, 2024

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-4027
(1:19-cr-00036-JKB-5)

UNITED STATES OF AMERICA

Plaintiff - Appellee

RICHARD GRIER, a/k/a Rich Homie

Defendant - Appellant

M A N D A T E

The judgment of this court, entered August 8, 2024, takes effect today.

This constitutes the formal mandate of this court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure.

/s/Nwamaka Anowi, Clerk

APP. C

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATE OF * CASE I:19-CR-00036-CCB
AMERICA

v.

* CRIMINAL NO. JKB-19-0036

RICHARD GRIER

* * * * *
PRO SE DEFENDANT ENTRY OF APPEARANCE

NOW COME (S), Richard Grier, pro se, to enter
his Appearance pro se. The Defendant does not
wish to have the assistance of counsel. In
accord with Defendant states the following:

1. Richard L. Grier Jr. #474750/#3837825

[D.O.B: 07-29-2000] Address: [N:B.C.I]

14100 McMullen Hwy S.W. Cumberland, MD 21502

2. CASE I: 19-CR-00036-CCB
CRIMINAL NO. JKB-19-0036

3. This pro se Defendant cannot accept
service electronically.

APP. D

4. This Defendant does not require the
service of the Public Defender and/or
appointed counsel: [Attorney Christopher
J. Purpura] his address: "The Bonaparte Building"
8 East Mulberry Street Baltimore, MD, 21202-2105

Respectfully submitted this 16th day of
November, 2022.

R. Hinn #474750
Defendant, pro se

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the
foregoing Pro se Defendant ENTRY OF APPEARANCE,
was Mailed, postage paid, on this 16th day of
November, 2022 to the : The Clerk of Court
101 west Lombard street
Baltimore, Maryland (21201)

Respectfully,

R. Hinn # 474750
Defendant, pro se



U.S. Department of Justice

United States Attorney
District of Maryland

Patricia McLane
Assistant United States Attorney
Patricia.McLane@usdoj.gov

Mailing Address:
36 S. Charles Street, 4th Floor
Baltimore, MD 21201

Office Location:
36 S. Charles Street, 4th Floor
Baltimore, MD 21201

DIRECT: 410-209-4642
MAIN: 410-209-4800
FAX: 410-962-3124

January 3, 2023

VIA EMAIL ONLY

Christopher Purpura, Esq.

Re: United States v. Richard Grier
Criminal No. JKB-19-0036

Dear Counsel:

This letter, together with the Sealed Supplement, confirms the plea agreement (this "Agreement") that has been offered to Richard Grier (hereinafter "Defendant"), by the United States Attorney's Office for the District of Maryland ("this Office"). If the Defendant accepts this offer, please have the Defendant execute it in the spaces provided below. If this offer has not been accepted by **January 31, 2023**, it will be deemed withdrawn. The terms of the Agreement are as follows:

Offense of Conviction

1. The Defendant agrees to plead guilty to Count 1 of the Fourth Superseding Indictment, which charges the Defendant with conspiracy to participate in the affairs of a racketeering enterprise in violation of 18 U.S.C. § 1962(d). The Defendant admits that the Defendant is, in fact, guilty of the offense and will so advise the Court.

Elements of the Offense

2. The elements of the offense to which the Defendant has agreed to plead guilty, and which this Office would prove if the case went to trial, are that on or about the time alleged in the Fourth Superseding Indictment, in the District of Maryland:

- a. There was an agreement among two or more persons to participate in an enterprise—namely, CCC, as identified in the Fourth Superseding Indictment—that would affect interstate commerce through a pattern of racketeering activity;
- b. The Defendant unlawfully, willfully, and knowingly became a member of the agreement;
- c. The Defendant or another member of that conspiracy agreed to commit two or more racketeering acts; and

d. The racketeering acts included first degree murder, in violation of Maryland law.

Penalties

3. The maximum penalties provided by statute for the offense to which the Defendant is pleading guilty are as follows:

Count	Statute	Minimum Prison	Maximum Prison	Supervised Release	Maximum Fine	Special Assessment
1	18 U.S.C. § 1962(d)	N/A	Life	5 years	\$250,000	\$100

a. Prison: If the Court orders a term of imprisonment, the Bureau of Prisons has sole discretion to designate the institution at which it will be served.

b. Supervised Release: If the Court orders a term of supervised release, and the Defendant violates the conditions of supervised release, the Court may order the Defendant returned to custody to serve a term of imprisonment as permitted by statute, followed by an additional term of supervised release.

c. Restitution: The Court may order the Defendant to pay restitution pursuant to 18 U.S.C. §§ 3663, 3663A, and 3664.

d. Payment: If a fine or restitution is imposed, it shall be payable immediately, unless the Court orders otherwise under 18 U.S.C. § 3572(d). The Defendant may be required to pay interest if the fine is not paid when due.

e. Forfeiture: The Court may enter an order of forfeiture of assets directly traceable to the offense, substitute assets, and/or a money judgment equal to the value of the property subject to forfeiture.

f. Collection of Debts: If the Court imposes a fine or restitution, this Office's Financial Litigation Unit will be responsible for collecting the debt. If the Court establishes a schedule of payments, the Defendant agrees that: (1) the full amount of the fine or restitution is nonetheless due and owing immediately; (2) the schedule of payments is merely a minimum schedule of payments and not the only method, nor a limitation on the methods, available to the United States to enforce the judgment; and (3) the United States may fully employ all powers to collect on the total amount of the debt as provided by law. Until the debt is paid, the Defendant agrees to disclose all assets in which the Defendant has any interest or over which the Defendant exercises direct or indirect control. Until the money judgment is satisfied, the Defendant authorizes this Office to obtain a credit report in order to evaluate the Defendant's ability to pay, and to request and review the Defendant's federal and state income tax returns. The Defendant

agrees to complete and sign a copy of IRS Form 8821 (relating to the voluntary disclosure of federal tax return information) and a financial statement in a form provided by this Office.

Waiver of Rights

4. The Defendant understands that by entering into this Agreement, the Defendant surrenders certain rights as outlined below:

a. If the Defendant had pled not guilty and persisted in that plea, the Defendant would have had the right to a speedy jury trial with the close assistance of competent counsel. That trial could be conducted by a judge, without a jury, if the Defendant, this Office, and the Court all agreed.

b. If the Defendant elected a jury trial, the jury would be composed of twelve individuals selected from the community. Counsel and the Defendant would have the opportunity to challenge prospective jurors who demonstrated bias or who were otherwise unqualified, and would have the opportunity to strike a certain number of jurors peremptorily. All twelve jurors would have to agree unanimously before the Defendant could be found guilty of any count. The jury would be instructed that the Defendant was presumed to be innocent, and that presumption could be overcome only by proof beyond a reasonable doubt.

c. If the Defendant went to trial, the Government would have the burden of proving the Defendant guilty beyond a reasonable doubt. The Defendant would have the right to confront and cross-examine the Government's witnesses. The Defendant would not have to present any defense witnesses or evidence whatsoever. If the Defendant wanted to call witnesses in defense, however, the Defendant would have the subpoena power of the Court to compel the witnesses to attend.

d. The Defendant would have the right to testify in the Defendant's own defense if the Defendant so chose, and the Defendant would have the right to refuse to testify. If the Defendant chose not to testify, the Court could instruct the jury that they could not draw any adverse inference from the Defendant's decision not to testify.

e. If the Defendant were found guilty after a trial, the Defendant would have the right to appeal the verdict and the Court's pretrial and trial decisions on the admissibility of evidence to see if any errors were committed which would require a new trial or dismissal of the charges. By pleading guilty, the Defendant knowingly gives up the right to appeal the verdict and the Court's decisions.

f. By pleading guilty, the Defendant will be giving up all of these rights, except the right, under the limited circumstances set forth in the "Waiver of Appeal" paragraph below, to appeal the sentence. By pleading guilty, the Defendant understands that the Defendant may have to answer the Court's questions both about the rights being given up and about the facts of the case. Any statements that the Defendant makes during such a hearing would not be admissible against the Defendant during a trial except in a criminal proceeding for perjury or false statement.

g. If the Court accepts the Defendant's plea of guilty, the Defendant will be giving up the right to file and have the Court rule on pretrial motions, and there will be no further trial or proceeding of any kind in the above-referenced criminal case, and the Court will find the defendant guilty.

h. By pleading guilty, the Defendant will also be giving up certain valuable civil rights and may be subject to deportation or other loss of immigration status, including possible denaturalization. The Defendant recognizes that if the Defendant is not a citizen of the United States, or is a naturalized citizen, pleading guilty may have consequences with respect to the Defendant's immigration status. Under federal law, conviction for a broad range of crimes can lead to adverse immigration consequences, including automatic removal from the United States. Removal and other immigration consequences are the subject of a separate proceeding, however, and the Defendant understands that no one, including the Defendant's attorney or the Court, can predict with certainty the effect of a conviction on immigration status. The Defendant is not relying on any promise or belief about the immigration consequences of pleading guilty. The Defendant nevertheless affirms that the Defendant wants to plead guilty regardless of any potential immigration consequences.

Advisory Sentencing Guidelines Apply

5. The Defendant understands that the Court will determine a sentencing guidelines range for this case (henceforth the "advisory guidelines range") pursuant to the Sentencing Reform Act of 1984 at 18 U.S.C. § 3551-3742 (excepting 18 U.S.C. § 3553(b)(1) and 3742(e)) and 18 U.S.C. §§ 991 through 998. The Defendant further understands that the Court will impose a sentence pursuant to the Sentencing Reform Act, as excised, and must take into account the advisory guidelines range in establishing a reasonable sentence.

Factual and Advisory Guidelines Stipulation

6. This Office and the Defendant stipulate and agree to the Statement of Facts set forth in Attachment A, which is incorporated by reference herein.

a. This Office and the Defendant further agree that, pursuant to United States Sentencing Guidelines ("U.S.S.G.") § 2E1.1, the base offense level is the offense level applicable to the underlying racketeering activity.¹ The underlying racketeering activities are murder, attempted murder, armed robbery, and drug possession with the intent to distribute.

i. Murder (August 19, 2017): Pursuant to U.S.S.G. § 2A1.1, the base offense level is **43** because the offense involves first degree murder;

ii. Murder (August 28, 2017): Pursuant to U.S.S.G. § 2A1.1, the base offense level is **43** because the offense involves first degree murder;

¹ Pursuant to U.S.S.G. § 2E1.1 note 2, if the underlying conduct violates state law, the offense level corresponding to the most analogous federal offense is used.

iii. Attempt Murder (December 13, 2017): Pursuant to U.S.S.G. § 2A2.1, the base offense level is 33 because the offense would have involved first degree murder;

iv. Attempt Murder (August 18, 2018): Pursuant to U.S.S.G. § 2A2.1, the base offense level is 33 because the offense would have involved first degree murder;

v. Murder (August 18, 2018): Pursuant to U.S.S.G. § 2A1.1, the base offense level is 43 because the offense involves first degree murder.

vi. Conspiracy to Possess with Intent to Distribute (January 2015 through May 2021): Pursuant to U.S.S.G. § 2D1.1(a)(5)(c)(5), the base offense level is 30. A 2-level increase applies pursuant to U.S.S.G. § 2D1.1(b)(1) because a dangerous weapon was possessed. The adjusted offense level is 32.

b. Grouping: Pursuant to U.S.S.G. § 2E1.1, application note 1, the offense level for each predicate crime must consider the grouping rules under U.S.S.G. Chapter Three. None of the predicate crimes group under U.S.S.G. § 3D1.2(d) because offenses that fall under the § 2A1.1 and § 2B3.1 guidelines are excluded from grouping. However, pursuant to U.S.S.G. § 3D1.4(c), the Group for the attempted murders and drug offense are disregarded because they are 9 or more levels less serious than the Group with the highest offense level. Each of the murders gets one unit pursuant to 3D1.4(a), resulting in more than 3 units. As a result, 3 levels are added to the group with the highest offense level, resulting in an offense level of 46, pursuant to § 3D1.4.

c. This Office does not oppose a 2-level reduction in the Defendant's adjusted offense level pursuant to U.S.S.G. § 3E1.1(a) based upon the Defendant's apparent prompt recognition and affirmative acceptance of personal responsibility for the Defendant's criminal conduct. This Office agrees to make a motion pursuant to U.S.S.G. § 3E1.1(b) for an additional 1-level decrease in recognition of the Defendant's timely notification of the Defendant's intention to enter a plea of guilty. This Office may oppose any adjustment for acceptance of responsibility under U.S.S.G. § 3E1.1(a), and may decline to make a motion pursuant to U.S.S.G. § 3E1.1(b), if the Defendant: (i) fails to admit each and every item in the factual stipulation; (ii) denies involvement in the offense; (iii) gives conflicting statements about the Defendant's involvement in the offense; (iv) is untruthful with the Court, this Office, or the United States Probation Office; (v) obstructs or attempts to obstruct justice prior to sentencing; (vi) engages in any criminal conduct between the date of this Agreement and the date of sentencing; (vii) attempts to withdraw the plea of guilty; or (viii) violates this Agreement in any way.

Pursuant to U.S.S.G. Ch 5, Pt. A, app. note 2, because the total offense level would be more than 43, the offense level is treated as 43. (40) (I) 292-365 Guided the Party

7. There is no agreement as to the Defendant's criminal history and the Defendant understands that the Defendant's criminal history could alter the Defendant's offense level. Specifically, the Defendant understands that the Defendant's criminal history could alter the final offense level if the Defendant is determined to be a career offender or if the instant offense was a part of a pattern of criminal conduct from which the Defendant derived a substantial portion of the Defendant's income.

8. Other than as set forth above, no other offense characteristics, sentencing guidelines factors, potential departures or adjustments set forth in the United States Sentencing Guidelines are in dispute or will be raised in calculating the advisory guidelines range.

9. The parties reserve the right to bring to the Court's attention all information with respect to the Defendant's background, character, and conduct that the parties deem relevant to sentencing, including the conduct that is the subject of any counts of the Third Superseding Indictment.

Obligation of the Parties

10. At the time of sentencing, this Office agrees that it will not recommend any sentence greater than ~~240~~¹⁸⁰ months' imprisonment to run concurrent with the Defendant's Maryland state sentence in Criminal Case number 118257005. The Defendant is free to recommend any sentence. This Office and the Defendant further reserve the right to advocate for a reasonable period of supervised release, and/or fine considering any appropriate factors under 18 U.S.C. § 3553(a). This Office and the Defendant reserve the right to bring to the Court's attention all information with respect to the Defendant's background, character, and conduct that this Office or the Defendant deem relevant to sentencing, including the conduct that is the subject of any counts of the Indictment. At the time of sentencing, this Office will move to dismiss any open counts against the Defendant.

Waiver of Appeal

11. In exchange for the concessions made by this Office and the Defendant in this agreement, this Office and the Defendant waive their rights to appeal as follows:

a. The Defendant knowingly waives all right, pursuant to 28 U.S.C. § 1291 or any other statute or constitutional provision, to appeal the Defendant's conviction on any ground whatsoever. This includes a waiver of all right to appeal the Defendant's conviction on the ground that the statute(s) to which the Defendant is pleading guilty is unconstitutional, or on the ground that the admitted conduct does not fall within the scope of the statute(s), to the extent that such challenges legally can be waived.

b. The Defendant and this Office knowingly and expressly waive all rights conferred by 18 U.S.C. § 3742 to appeal whatever sentence is imposed (including any term of imprisonment, fine, term of supervised release, or order of restitution) for any reason (including the establishment of the advisory sentencing guidelines range, the determination of the Defendant's criminal history, the weighing of the sentencing factors, and any constitutional challenges to the calculation and imposition of any term of imprisonment, fine, order of forfeiture, order of restitution, and term or condition of supervised release), except as follows:

i. The Defendant reserves the right to appeal any sentence that exceeds the statutory maximum; and

ii. This Office reserves the right to appeal any sentence below a statutory minimum.

c. The Defendant waives any and all rights under the Freedom of Information Act relating to the investigation and prosecution of the above-captioned matter and agrees not to file any request for documents from this Office or any investigating agency.

Forfeiture

12. The Defendant understands that the Court may enter an Order of Forfeiture as part of the Defendant's sentence, and that the Order of Forfeiture may include assets directly traceable to the offense(s), substitute assets, and/or a money judgment equal to the value of the property derived from, or otherwise involved in, the offenses.

13. Specifically, but without limitation on the Government's right to forfeit all property subject to forfeiture as permitted by law, the Defendant agrees to forfeit to the United States all of the Defendant's right, title, and interest in the following items that the Defendant agrees constitute money, property, and/or assets derived from or obtained by the Defendant as a result of, or used to facilitate the commission of, the Defendant's illegal activities.

14. The Defendant agrees to consent to the entry of orders of forfeiture for the property described herein and waives the requirements of Federal Rules of Criminal Procedure 11(b)(1)(J), 32.2, and 43(a) regarding notice of the forfeiture in the charging instrument, advice regarding forfeiture during the change of plea hearing, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment.

15. The Defendant agrees to assist fully in the forfeiture of the above property. The Defendant agrees to disclose all assets and sources of income, to consent to all requests for access to information related to assets and income, and to take all steps necessary to pass clear title to the forfeited assets to the United States, including executing all documents necessary to transfer such title, assisting in bringing any assets located outside of the United States within the jurisdiction of the United States, and taking whatever steps are necessary to ensure that assets subject to forfeiture are made available for forfeiture.

16. The Defendant waives all challenges to any forfeiture carried out in accordance with this Agreement on any grounds, including any and all constitutional, legal, equitable, statutory, or administrative grounds brought by any means, including through direct appeal, habeas corpus petition, or civil complaint. The Defendant will not challenge or seek review of any civil or administrative forfeiture of any property subject to forfeiture under this Agreement, and will not assist any third party with any challenge or review or any petition for remission of forfeiture.

Defendant's Conduct Prior to Sentencing and Breach

17. Between now and the date of the sentencing, the Defendant will not engage in conduct that constitutes obstruction of justice under U.S.S.G. § 3C1.1; will not violate any federal, state, or local law; will acknowledge guilt to the probation officer and the Court; will be truthful

in any statement to the Court, this Office, law enforcement agents, and probation officers; will cooperate in the preparation of the presentence report; and will not move to withdraw from the plea of guilty or from this Agreement.

18. If the Defendant engages in conduct prior to sentencing that violates the above paragraph of this Agreement, and the Court finds a violation by a preponderance of the evidence, then: (i) this Office will be free from its obligations under this Agreement; (ii) this Office may make sentencing arguments and recommendations different from those set out in this Agreement; even if the Agreement was reached pursuant to Rule 11(c)(1)(C); and (iii) in any criminal or civil proceeding, this Office will be free to use against the Defendant all statements made by the Defendant and any of the information or materials provided by the Defendant, including statements, information, and materials provided pursuant to this Agreement, and statements made during proceedings before the Court pursuant to Rule 11 of the Federal Rules of Criminal Procedure. A determination that this Office is released from its obligations under this Agreement will not permit the Defendant to withdraw the guilty plea. The Defendant acknowledges that the Defendant may not withdraw the Defendant's guilty plea—even if made pursuant to Rule 11(c)(1)(C)—if the Court finds that the Defendant breached the Agreement. In that event, neither the Court nor the Government will be bound by the specific sentence or sentencing range agreed and stipulated to herein pursuant to Rule 11(c)(1)(C).

Court Not a Party

19. The Court is not a party to this Agreement. The sentence to be imposed is within the sole discretion of the Court. The Court is not bound by the Sentencing Guidelines stipulation in this Agreement. The Court will determine the facts relevant to sentencing. The Court is not required to accept any recommendation or stipulation of the parties. The Court has the power to impose a sentence up to the maximum penalty allowed by law. If the Court makes sentencing findings different from those stipulated in this Agreement, or if the Court imposes any sentence up to the maximum allowed by statute, the Defendant will remain bound to fulfill all of the obligations under this Agreement. Neither the prosecutor, defense counsel, nor the Court can make a binding prediction, promise, or representation as to what guidelines range or sentence the Defendant will receive. The Defendant agrees that no one has made such a binding prediction or promise.

Entire Agreement

20. This letter, together with the Sealed Supplement, constitutes the complete plea agreement in this case. This letter, together with the Sealed Supplement, supersedes any prior understandings, promises, or conditions between this Office and the Defendant. There are no other agreements, promises, undertakings, or understandings between the Defendant and this Office other than those set forth in this letter and the Sealed Supplement. No changes to this Agreement will be effective unless in writing, signed by all parties and approved by the Court.

If the Defendant fully accepts each and every term and condition of this Agreement, he should sign the original and return it to me promptly.

Very truly yours,

Erek L. Barron
United States Attorney

Patricia McLane
Assistant United States Attorney

I have read this Agreement, including the Sealed Supplement, and carefully reviewed every part of it. I understand it and I voluntarily agree to it. Specifically, I have reviewed the Factual and Advisory Guidelines Stipulation and I do not wish to change any part of it.

Date

Richard Grier

ATTACHMENT A

STIPULATION OF FACTS

The undersigned parties stipulate and agree that if this case had proceeded to trial, this Office would have proven the following facts beyond a reasonable doubt. The undersigned parties also stipulate and agree that the following facts do not encompass all of the evidence that would have been presented had this matter proceeded to trial.

Cruddy Conniving Crutball or "CCC" is an Enterprise primarily based in east Baltimore City founded by Gary Creek and others around 2014. The Enterprise's main purpose was to commit violent acts to promote the reputation of the Enterprise and to command respect from the neighborhood. The Defendant, Richard GRIER, is a member of the Enterprise and has been a member of the Enterprise since at least October 2015. He and other defendants are responsible for more than a dozen murders and numerous non-fatal shootings, robberies, and carjackings between 2015 and 2020. Other names for the Enterprise are "SCL" and recently, "TRD".

The Enterprise benefitted financially from, and affected interstate commerce by, selling narcotics, murdering drug dealers, taking contract killings, and engaging in street robberies. The Enterprise also robbed dice games for cash and occasionally carjacked vehicles. Members of the Enterprise would divide the proceeds of the robberies and murders among members who participated, and often contact each other to commit a robbery if that member needed money.

The Enterprise routinely used social media to identify and locate victims, and to communicate with each other and share information so each member could be aware of possible retaliation. If a member was arrested, other members of the Enterprise would start new communication group chats or threads out of fear of law enforcement finding previous threads from an arrested member and following other members. The Enterprise also existed to conceal their acts.

The Enterprise used at least fourteen firearms to commit crimes, often trading with each other or other groups to avoid detection through ballistic evidence. They limited conversations about criminal plans to members of the Enterprise regardless of the danger such acts posed to associates. Enterprise members also critiqued each other after committing crimes regarding ways to improve their actions.

At least two or more members of the enterprise agreed to commit the following racketeering acts in furtherance of the Enterprise, which are linked together through cell-site information, ballistic evidence, witness testimony, and the contents of the Defendant's and conspirators' cellphones and social media accounts. Specifically, to further the Enterprise, the Defendant participated in the following events:

- the murder of Devonte Monroe on August 19, 2017 in the 1700 block of Durham Street. The firearm that killed Monroe, a Springfield XD-9, 9mm handgun bearing serial number

GM714614, was recovered from a vehicle operated by a co-defendant on September 4, 2017;

- the murder of Carlos Jones on August 28, 2017, in the 100 block of S. Highland Avenue;
- the attempt murder of A.J. on December 13, 2017, in the 1600 block of Clifview Avenue;
- the attempt murder of rival gang members on or about August 18, 2018, in the 2300 block of Harford Road in response to the members shooting at a co-defendant's father who was shot in the leg that same night; and
- the murder of Vuai Green on August 18, 2018, in the 2300 block of Harford Road.

In addition to these violent acts, the Defendant also agrees that he and at least one other member of Enterprise agreed to distribute and possess with the intent to distribute controlled substances, in violation of 21 U.S.C. § 846 and that it was reasonably foreseeable that the Enterprise would be responsible for possessing with the intent to distribute over 280 grams of crack cocaine. Evidence of this agreement includes controlled buys by ATF agents in and around the Enterprise's territory; pole camera footage of the drug shop; and social media posts and messages between the Defendant and other Enterprise members about how to sell drugs, where to sell drugs, and what to spend on drugs to make a profit from re-sale.

The Defendant agrees that he knowingly and willfully became a member of the agreement to participate in the enterprise and that he or another member of the conspiracy agreed to commit two racketeering acts, as that term is defined in 18 U.S.C. § 1961(1), including the racketeering acts discussed above. The Defendant also agrees that it was reasonably foreseeable to him that a victim could be murdered or shot during the course of the conspiracy. The Defendant also admits that it was reasonably foreseeable that his co-conspirators would commit other acts that he did not participate in, including, but not limited to:

- On or about October 27, 2015, the murder of Quinton Heard;
- On or about June 1, 2016, the attempted murder of A.F. in the 3200 block of Tivoly Avenue;
- On or about November 19, 2016, the murder of Jamere Ricks in the 1700 block of E. 25th Street;
- On or about June 13, 2017, the murder of Antonio Griffin and Tereze Pinkney and the attempted murder of C.S. and A.M. in the 1200 block of Bonaparte Avenue;
- On or about August 11, 2017, the murder of Thomas Johnson, a/k/a "Bunchy" in the 4100 block of Chesterfield Avenue;
- On or about August 20, 2017, the murder of Allen Rice, a/k/a "Freaky";

- On or about November 26, 2017, the attempted murder of A.H. in the 1600 block of Clifftview Avenue;
- On or about April 4, 2018, the attempted murder of rival gang members in the 2900 block of Mayfield Avenue;
- On or about April 10, 2018, the attempted robbery of a dice game in the 1400 block of North Montford Avenue;
- On or about April 16, 2018, the robbery of J.A. in which his 2018 Mercedes Benz c300 was taken in the 2600 block of Reisterstown Road;
- On or about April 21, 2018, the murder of Diamante Howard;
- On or about April 22, 2018, the attempt murder of M.G. and R.V.;
- On or about April 27, 2018, the attempted murder of S.J. in the 2200 block of Harford Road;
- On or about June 9, 2018, the murder of Dwayne Cheeks;
- On or about July 15, 2018, the murder of Joshua Bessick on Eagle Street;
- On or about July 22, 2018, the murder of Rashard Queen in the 900 block of 37th Street;
- On or about August 11, 2018, the attempted murder of K.T. in the 3000 block of Lavender Avenue;
- On or about August 14, 2018, the attempted murder of J.S.;
- On or about August 23, 2018, the attempted murder of D.D. during a dice game in the 1500 block of Madison Avenue;
- On or about August 25, 2018, the attempted murder of A.L. and C.G. at the intersection of St. Patrick Street and Dale Avenue in Baltimore County;
- On or about October 10, 2018, the carjacking of K.W. in the 400 block of Cherry Blossom Place;
- On or about October 10, 2018, the attempted murder of D.G. in the 3400 block of Miford Avenue;
- On or about October 11, 2018, the attempted murder of rivals in the 2600 block of Garrison Avenue;

- On or about November 23, 2018, the murder of Howard Gibson, a/k/a "Chico", a member of "LTMN" at 3808 Echodale Avenue;
- On or about December 31, 2018, the murder of Corey Moseley, in the 4900 block of Green Rose Lane;
- On or about February 24, 2019, the attempted robbery and murder of Q.W. in the 5200 block of Cedonia Avenue;
- On or about March 2, 2019, the attempted murder of Bel Air Road rivals in the 3300 block of Brendan Avenue;
- On or about April 14, 2019, the attempted murder of rival gang members D.C., E.S., and A.J. in the 3500 block of Pehlam Avenue;
- On or about April 22, 2019, the murder of Larry Matthews in the 1600 block of Clifftview Avenue;
- On or about July 4, 2019, CCC members carjacked W.J. of his 2003 black Honda Accord in the 3500 block of Shannon Avenue;
- On or about July 4, 2019, CCC members attempted to murder A.C. and D.R. in the 5500 block of Bowley's Lane;
- On or about August 24, 2019, CCC members shot and killed CCC member Avery Rich during a retaliatory shooting of a rival gang member;
- On or about October 19, 2019, the attempted murder of A.T. during a dice game in the 1900 block of Hollins Street;
- On or about March 17, 2020, the attempted murder of T.B., A.V., I.F., J.F., A.O., D.P., G.M., T.C., T.F., in the 300 block of McMechen Street;
- On or about August 5, 2020, the murder of Donya Short and attempted murder of D.W. in the 1700 block of McCulloh Street and
- On or about October 10, 2020, the murder of Brimar Livingston and the attempted murder of C.J. in the 5900 block of Moravia Road.

All events occurred in the District of Maryland.

SO STIPULATED:

Patricia McLane
Assistant United States Attorney

Richard Grier, Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

RICHARD GRIER,

Defendant.

CRIMINAL NO. JKB-19-0036

UNDER SEAL

SEALED SUPPLEMENT TO PLEA AGREEMENT

This is not a cooperation agreement

1 and that the jury may return a verdict that you are guilty of
2 some or all of the offenses charged against you for reasons
3 that I've explained?

4 THE DEFENDANT: Yes.

5 THE COURT: And you're waiving your right to counsel
6 aware of the potential penalties that you face if convicted of
7 the offenses which include lifetime imprisonment?

8 THE DEFENDANT: Yes.

9 THE COURT: And in light of all this, I urge you to
10 reconsider your decision to waive your right to counsel and to
11 proceed pro se but, again, the choice is yours.

12 So do you wish to waive your right to counsel and
13 represent yourself from this point forward in this criminal
14 case?

15 THE DEFENDANT: Yes.

16 THE COURT: Was there anything else, Ms. McLane, that
17 you wanted the Court to cover with Mr. Grier before we proceed?

18 MS. McLANE: No. Thank you, Your Honor.

19 THE COURT: Okay. Mr. Purpura, did you have anything
20 to add?

21 MR. PURPURA: No. Thank you, Your Honor.

22 THE COURT: So I'll enter an order permitting
23 Mr. Purpura to be excused from this matter and then from this
24 point forward, Mr. Grier will represent himself pro se.

25 Ms. McLane, is there anything else for us to cover

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here today?

MS. MCLANE: The only thing that occurs to me is in terms of discovery, but I guess we'll maybe bring that up with Judge Bredar in terms of his access to it. Obviously, there's a lot of witnesses and safety concerns in terms of that.

THE COURT: Right. But I understand that Jencks disclosure is at some point much closer in time to the trial in this case?

MS. MCLANE: Yes, it is.

THE COURT: Yeah, I would encourage you to have dialogue with Judge Bredar. I'll also let him know the outcome of this proceeding, so he'll know to expect to hear from you.

MS. MCLANE: Great. Thank you, Your Honor.

THE COURT: Anything else, Mr. Purpura?

MR. PURPURA: No, thank you, Your Honor.

THE COURT: Thank you, Mr. Grier. Good luck to you.

THE CLERK: All rise --

THE DEFENDANT: How am I going to get my discovery?

THE COURT: That's something that's going to have to be taken up by the trial judge. So you'll hear about it.

THE CLERK: This Honorable Court now stands adjourned.

(Proceedings concluded at 1:07 p.m.)

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA

v.
RICHARD GRIER

Appellate No.: 23-4027
District No.: JKB-19-0036

RESPONSE TO APPELLANT'S PRO SE MOTION TO SELF-REPRESENT

Now Comes, Christopher J. Purpura, as appointed counsel for Appellant herein, and in response to Appellant's Pro Se Motion to Self-Represent (ECF Doc. 5) respectfully requests that this Honorable Court allow the Appellant to appear Pro Se, appoint substitute counsel, or appoint substitute standby counsel, and in support thereof does state:

1. That the Appellant, Richard Grier, has filed a motion titled Pro Se Appellant's Entry of Appearance, which was docketed on February 1, 2023, as ECF Doc. 5. In said motion Mr. Grier indicates that "any representation by him (undersigned counsel) would prejudice Appellant's claim(s)." This seems to suggest that Mr. Grier intends to challenge the voluntariness of his plea, competency of counsel's representation, and/or other ineffective assistance of counsel claims before this Court.
2. That undersigned counsel was appointed to represent Mr. Grier in the United States District Court for the District of Maryland beginning in 2019.
3. That Mr. Grier filed a similar request to represent himself before the District Court, which resulted in the Court scheduling an attorney inquiry or hearing on counsel before a Magistrate Judge of the District Court. This hearing was held on December 19, 2022, at which time Mr. Grier indicated to the Court that he wished to represent himself.

APP. G

4. That Court scheduled a second hearing for January 6, 2023, with the purpose of addressing potential discovery issues and to conduct a *Lafler* Hearing. That, after the hearing, Mr. Grier asked to speak with Government Counsel about an amended plea offer, that if approved, he would accept. Undersigned counsel was present and acting as standby counsel at this time.
5. That the amended offer was approved and the parties were able to schedule a Rule 11 proceeding before Chief Judge of the District Court James K. Bredar. At the Rule 11 proceeding Mr. Grier agreed to allow undersigned counsel to assist in the proceeding as counsel of record. The plea was accepted and the Court allowed the parties to proceed directly to sentencing at which Mr. Grier received the sentence he negotiated.
6. That Mr. Grier filed a Pro Se Notice of Appeal.
7. That based upon the foregoing there are significant issues with undersigned counsel's continued representation of the Appellant and substitute counsel be permitted to assist Mr. Grier with his claims.

Wherefore, it is respectfully requested that undersigned counsel's appearance be withdrawn and that substitute counsel be appointed to assist Mr. Grier in his pro se representation.

Respectfully submitted,

/s/

Christopher J. Purpura
Purpura & Purpura
8 E. Mulberry Street
Baltimore, Maryland 21202
(410) 410-727-8550
Fed Bar # 27237
Counsel of Record/CJA Counsel

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on or before this 8th day of February, a copy of the foregoing was delivered to counsel for the Government via ECF and with a copy mailed to the Appellant Richard Grier, #474750, North Branch Correctional Institution, 14100 McMullen Highway S.W., Cumberland, Maryland 21502

/s/

Christopher J. Purpura

Y.E.D.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

CRIMINAL NO. JKB-19-0036

RICHARD GRIER

Defendant

* * * * *

ORDER

Now pending before the Court is Defendant Richard Grier's Motion to Compel Attorney to Produce Client's File (ECF No. 830) and Motion to Receive Discovery Files (ECF No. 768).

Defendant is currently represented by counsel. The Court does not permit "hybrid" representation wherein a defendant is represented partially by himself and partially by an appointed attorney. It's either one or the other. At this point, Mr. Grier has elected to be represented by counsel. Accordingly, any motions or request that he wishes to make must be presented to the Court only by his counsel. The Motions now before the Court (ECF Nos. 830, 768) are DENIED WITHOUT PREJUDICE.

DATED this 18 day of October, 2022.

BY THE COURT:

James K. Bredar

James K. Bredar
Chief Judge

APP. H

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

RICHARD GRIER

*
*
* Criminal No. CCB-19-0036
*
*

ORDER

Defendant Richard Grier has filed on his own behalf a motion for dismissal (ECF 757).

Mr. Grier is represented by appointed counsel, who will be responsible for filing any appropriate motions within the time to be set by the court. Accordingly, Mr. Grier's current motion is Denied.

So ORDERED this 29th day of November 2021.

/S/

Catherine C. Blake
United States District Judge

COURT FOR THE DISTRICT OF MARYLAND E.O.

UNITED STATES

OF AMERICA

CASE 1:19-CR-00036-CCB

RICHARD GRIER CRIMINAL NO. JKB-19-0036

* * * MOTION TO RECEIVE DISCOVERY FILES * *

NOW Comes, Richard Grier #3833825/474750,
pro se and respectfully Moves, this
Honorable Court to "GRANT" this Motion.

This MOTION is SUPPORTED by an AFFI-
AVIT. As grounds for this Motion (ECF No.768)
alleges and states as follows:

1. I bring the intent Motion in good
faith and said Motion is not being
interposed for purpose of UNNECESSARY
delay or other dilatory reasons.

2. I AM indigent.

3. As of December 19th, 2022, I AM
NO LONGER being represented by
appointed counsel . . . "Christopher
J. PURPURA" And is Now REPRESENTING
MYSELF "pro se".

4. Defendant is in the process of researching and preparing for trial and needs a copy of all paper(s) and documents the (STATE) have pertaining to "INDICTMENT."
5. Defendant is incarcerated which makes it impossible for him to photocopy the requested file(s) on his own.
6. The "STATE" has a duty to SURRENDER the requested file(s) under the Rules of Professional Conduct.
7. Defendant is entitled to the file(s); to withhold any EXONERATORY evidence would violate - BRADY - and my right to a fair trial under the 6th and 14th Amendments.

CONCLUSION

I AM Not "CCC" and this is alleged to be a "CCC" indictment. I AM UNAWARE of the reasons for in this indictment and I AM in need of the requested files in order to prepare an adequate defense.

WHEREFORE, Defendant requests the Court to issue an order compelling the STATE to surrender the requested files under the Rules of Professional Conduct. OR to show cause why the STATE should not be punished for contempt.

Respectfully submitted this 21st day of December, 2022.

R. Idier #474750

Defendant, pro se
return address: N.B.C.I
14100 McMullen Hwy. S.W.
Cumberland, MD 21502

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing "Motion to Receive Discovery File(s)" (ECF No. 768), was mailed, postage paid, on this 21st day of December, 2022, to the: Clerk of The United States (S) District Court 101 W. LOMBARD Street Baltimore, MD 21201-2691

Respectfully,
R. Idier #474750