

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 2025

LEONARD HARRIS,
Petitioner,

v.

Case No. 24-7009

NAKITA ROSS, et al.,
Respondents.

**SUPPLEMENTAL MEMORANDUM IN SUPPORT OF
PETITION FOR WRIT OF CERTIORARI**
(Pursuant to Supreme Court Rules 10(c) and 15.8)

I. PURPOSE OF SUPPLEMENT

This Supplemental Memorandum is submitted pursuant to **Supreme Court Rule 15.8** to present **newly discovered and material evidence** drawn from the **Parole Case Notes (PCNs)**, which were initially filed by the State in the U.S. District Court as part of the sealed exhibits. These PCNs were not accessible to Petitioner in any meaningful way until recently, due to their submission in **a 37-page document using font smaller than 6 points**, rendering the content largely illegible—especially for a litigant with a documented visual disability. Only upon later acquisition of **redacted, legible copies** was the Petitioner able to decipher the contents and verify factual claims material to his constitutional arguments. These records substantiate allegations of due process violations, post-jurisdictional actions by state agents, evidentiary concealment, and irregularities in

the revocation hearing process.

II. SOURCE OF RECORDS AND AUTHENTICATION

Each referenced PCN entry was originally submitted by the State under seal in **U.S. District Court for the District of Maryland, Case No. 1:21-cv-02357 (Harris v. Ross et al.)**, on or about **July 29, 2022**. These records were **affirmed and authenticated** by **Martha Danner**, then-Director of the Maryland Division of Parole and Probation, through her **sworn affidavit**, which described the PCNs as true and correct excerpts from official state records. The affidavit and attachments are designated as **App. 0101 (Affidavit)** and **App. 0104 (Attachment A – PCNs)**.

These same records are now cited in verified form, using redacted excerpts available to Petitioner for the first time. They provide a factual foundation for relief under **Supreme Court Rules 10(c) and 15.8**.

III. SUMMARY OF CRITICAL PCN DISCLOSURES

The following timeline contains only verified entries supported by specific references in the redacted PCNs or the revocation hearing transcript:

1. Arrest Without Service of Warrant – July 27–28, 2020

- **PCN Entry:** “No warrant served at the time of arrest.”
- **Location:** PCN p.2, entry dated 07/28/20 by Agent Ross
- **Significance:** Acknowledges Petitioner’s arrest and release from Elkton Police custody **without being served a warrant**, undermining the legal

basis for detention. The omission supports the argument that a **detainer**, not a properly served warrant, was used—violating procedural due process.

2. Amendment of Statement of Charges – August 13, 2020

- **PCN Entry:** “SOC updated with correct DPP number; sent to Central Repository.”
- **Location:** PCN p.3, entry dated 08/13/20
- **Significance:** The warrant-related identifier was changed after the arrest and prior detainer action. No corrected warrant was served. This raises procedural defects and questions about the legitimacy of post-amendment enforcement.

3. MSR Expiration – November 29, 2020

- **PCN Entry:** “MSR end date 11/29/20 confirmed.”
- **Location:** PCN p.4, entry dated 11/29/20
- **Significance:** Confirms the expiration of mandatory supervision release. All subsequent enforcement—including the June 2021 arrest—occurred after the state’s lawful authority expired, violating *McNeil v. State*, 356 Md. 396 (1999).

4. Parole Case Closure – February 5, 2021

- **PCN Entry:** “Request to close case submitted and processed.”
- **Location:** PCN p.4, entry dated 02/05/21

- **Significance:** Shows the case was closed nearly four months before the Plaintiff's rearrest. The closure was not disclosed during later proceedings, amounting to **concealment of exculpatory information** and jurisdictional overreach.

5. Flynn Appears, Ross Absent – July 30, 2021 Hearing

- **Record Entry:** Revocation hearing transcript confirms Ross did not appear; Supervisor Flynn testified instead.
- **Location:** Transcript of Revocation Hearing, p.3 (07/30/21)
- **Significance:** Ross's absence prevented the Petitioner from cross-examining the reporting officer. Flynn, a supervisor with no direct involvement, provided hearsay testimony. This constitutes a **violation of the Confrontation Clause** and undermines the reliability of the administrative proceeding under *Goldberg v. Kelly*, 397 U.S. 254 (1970).

6. No Warrant Available at Arrest – June 14, 2021

- **PCN Entry:** “Detainer processed for apprehension. No warrant document scanned.”
- **Location:** PCN p.5, entry dated 06/14/21
- **Significance:** Entry reflects the use of a **detainer in place of a valid arrest warrant**, reinforcing that the June 2021 apprehension occurred without a legal warrant. This is consistent with Petitioner's claim that the Maryland Offender Notification System (MORIS) listed the basis for custody as a

detainer, not an active warrant. This raises grave concerns regarding **unlawful imprisonment** and failure to comply with Maryland statutory procedures.

Additionally, the Maryland Parole Commission (MPC) maintained **coercive pre-hearing detention conditions** known to induce guilty pleas from parolees. These conditions included prolonged isolation, limited access to legal resources, and unsanitary or punitive confinement practices. Agent Ross's failure to appear, paired with the pressurized and isolating environment, contributed to an atmosphere where Petitioner was subjected to **duress and denial of a meaningful hearing**, violating *Goldberg v. Kelly*, 397 U.S. 254 (1970), *Gagnon v. Scarpelli*, 411 U.S. 778 (1973), and implicating protections against coerced pleas under *Boykin v. Alabama*, 395 U.S. 238 (1969).

Structural Unfairness and Accessibility Denial

The PCNs were filed in extremely small font, unreadable by Petitioner due to his visual disability. Filing inaccessible documents in a dispositive motion against a pro se litigant violates *Tennessee v. Lane*, 541 U.S. 509 (2004), and *M.L.B. v. S.L.J.*, 519 U.S. 102 (1996).

IV. LEGAL IMPLICATIONS

Taken together, the PCN entries demonstrate the following constitutional violations:

- **Due Process Violation:** Arrest and revocation occurred without proper

notice, without service of process, and after the expiration of supervision.

- **Jurisdictional Overreach:** The Maryland Parole Commission acted after both the MSR expiration and the formal closure of Petitioner's case, rendering their authority void under *McNeil and Moats v. Scott*, 358 Md. 593 (2000).
- **Brady Violation:** Failure to disclose the case closure date and other favorable material facts at the time of revocation.
- **Confrontation Violation:** The agent who initiated proceedings (Ross) failed to appear, and a supervisor lacking firsthand knowledge testified instead.

These errors were unknown to Petitioner at the time of the revocation hearing and were materially concealed until the PCNs could be read and understood in redacted form.

V. REQUEST FOR CONSIDERATION AND RELIEF

Petitioner respectfully requests that the Court:

1. Consider the newly obtained and verified factual material, drawn from State records and authenticated through the **Affidavit of Director Martha Danner (App. 0101)** and **Attachment A (App. 0104)**, in evaluating whether the circumstances warrant intervention under **Supreme Court Rule 10(c)**.
2. Determine that the newly confirmed evidence supports a showing of **extraordinary circumstances** under **Rule 15.8**, including post-jurisdictional action, procedural concealment, and systemic denial of rights

guaranteed by the Eighth and Fourteenth Amendment and controlling precedent.

3. **Grant the Petition for Writ of Certiorari, or in the alternative, vacate the judgment below and remand** for further proceedings in light of this newly developed record.



Respectfully submitted,

Leonard Harris
PO Box 1186
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Petitioner, Pro Se
Dated: May 9, 2025

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of May 2025, a copy of the foregoing **Supplemental Memorandum In Support Of petition For Writ Of Certiorari** (Pursuant to Supreme Court Rules 10(c) and 15.8) **Counsel for Respondents: Susan Howe Baron** by First-Class USPS Mail at the following address:

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