

APPENDIX A

AARON JOHNSON,

Applicant,

v.

STATE OF MARYLAND,

Respondent.

* IN THE
* APPELLATE COURT
* OF MARYLAND
* No. 445, SEPTEMBER TERM, 2024
* MDEC: ACM-ALA-0445-2024
* (Cir. Ct. No. 114115007)

* * * * *

ORDER

Upon consideration of applicant's pro se "Motion for Emergency Order & Petition for a Writ of Habeas Corpus," and the fact that this case has been mandated and is closed, it is this 11th day of April 2025, by the Appellate Court of Maryland,

ORDERED that the motion is denied.

(CHIEF JUDGE'S SIGNATURE
APPEARS ON ORIGINAL ORDER)
Gregory Wells, Chief Judge

Appendix B

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

AARON FRANKLIN JOHNSON JR, *

Petitioner, *

v. *

Civil Action No. GLR-23-879

THOMAS L. WOLFE, Warden et al, *

Respondents. *

ORDER

Petitioner Aaron Franklin Johnson Jr. filed the above-captioned Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241.¹ (ECF No. 6). The 49-page Petition, initially submitted by Johnson's wife (see ECF No. 1), provides a detailed outline of the history of Johnson's criminal case and makes numerous claims that his constitutional rights were violated throughout the procedures. (Id.). Consequently, Johnson asks that he be released from custody.² (Id.).

Pretrial federal habeas relief is available under § 2241 if the petitioner is in custody, has exhausted state court remedies, and special circumstances exist that justify intervention by the federal court. See Dickerson v. Louisiana, 816 F.2d 220, 224-26 (5th Cir. 1987).

¹ The Petition references 28 U.S.C. § 2254, however, because Johnson was a pretrial detainee at the time of filing, the Petition was construed under 28 U.S.C. § 2241. (See Suppl. to Pet. Writ Habeas Corpus ["Suppl. Pet."] at 13, ECF No. 7).

² In addition to allegations regarding the criminal proceedings against him, Johnson makes allegations regarding the conditions of his confinement. (See, e.g., Suppl. Pet. at 22-26) (alleging that Johnson is not receiving adequate medical care). To the extent that Johnson contends that he is being subjected to unconstitutional prison conditions, he may file a civil rights complaint under 42 U.S.C. § 1983.

Exhaustion is established where both the operative facts and controlling legal principles of each claim have been fairly presented to the state courts. See Baker v. Corcoran, 220 F.3d 276, 289 (4th Cir. 2000) (citations omitted). In the pretrial context, federal courts must abstain from exercising jurisdiction over a claim that may be resolved through trial of the merits or by other state procedures available for review of the claim. See Braden v. 30th Jud. Cir. Ct., 410 U.S. 484, 489–90 (1973).

Special circumstances justifying this Court’s intervention do not exist where there are procedures in place to protect the petitioner’s constitutional rights. See Moore v. DeYoung, 515 F.2d 437, 449 (3d Cir. 1975) (assertion of appropriate defense at trial forecloses pretrial federal habeas relief); Drayton v. Hayes, 589 F.2d 117, 120–21 (2d Cir. 1979) (double jeopardy claim justified pretrial federal habeas intervention because constitutional right claimed would be violated if petitioner went to trial); see also Younger v. Harris, 401 U.S. 37 (1971). Johnson’s claims that he is illegally confined may be litigated in a state forum without harm to his constitutional rights.

Additionally, to the extent Johnson seeks mandamus relief, this Court lacks jurisdiction to grant such relief. Under 28 U.S.C. § 1361, the federal district courts have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or one of its agencies to perform a duty owed to a petitioner. However, this federal district court has no mandamus jurisdiction over State employees, such as Respondents in this case. Gurley v. Superior Ct. of Mecklenburg Cty., 411 F.2d 586, 587 (4th Cir. 1969). Furthermore, a writ of mandamus is an extraordinary writ that is

only available in cases where no other means by which the relief sought could be granted.

In re Beard, 811 F.2d 818, 826 (4th Cir. 1987).

Finally, it appears that Johnson is no longer a pre-trial detainee. Court records show that Johnson pleaded guilty and was sentenced to a term of imprisonment of eight years for a violation of probation on April 15, 2024, in the Circuit Court for Baltimore City. See State v. Johnson, Case No. 114115007, <https://casesearch.courts.state.md.us/casesearch/casesearch.courts.state.md.us/casesearch/> (last visited May 20, 2024). Therefore, Johnson is no longer a pretrial detainee seeking the dismissal of the charges against him or pretrial release, but rather a post-conviction inmate who may raise any constitutional claims by first exhausting his state court appellate and post-conviction remedies and then filing a Petition for writ of Habeas Corpus under 28 U.S.C. § 2254.

For these reasons, the Petition shall be dismissed without prejudice.

Accordingly, it is this 29th day of May, 2024, by the United States District Court for the District of Maryland, hereby:

ORDERED that the Petition for Writ of of Habeas Corpus is DISMISSED without prejudice;

IT IS FURTHER ORDERED that the Clerk shall PROVIDE a copy of this Order to Johnson: and

IT IS FURTHER ORDERED that the Clerk shall CLOSE this case.

/s
George L. Russell III
Chief United States District Judge

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AARON JOHNSON,

Applicant

v.

STATE OF MARYLAND,

Respondent.

• IN THE

• APPELLATE COURT

• OF MARYLAND

• No. 443 September Term, 2024

• VDEC-ACV-ALA-0443-2024

• (Cir. Ct. No. 114115007)

• • • • •

ORDER

On March 26, 2025, Elizabeth Johnson (applicant's wife) filed two "Request(s) for Emergency Order & Petition for a Writ of Habeas Corpus" in the captioned case. Elizabeth Johnson is not a party nor an attorney for a party in the matter. See Md. Rule 1-311.

Accordingly, it is this 26th day of March 2025, by the Appellate Court of Maryland,

ORDERED that Elizabeth Johnson's "Request(s) for Emergency Order & Petition for a Writ of Habeas Corpus" are stricken.

(CHIEF JUDGE'S SIGNATURE)
APPEARS ON ORIGINAL ORDER
Gregory Wells, Chief Judge

APPENDIX D

IN THE APPELLATE COURT OF MARYLAND

Aaron Johnson,
Applicant

v.

State of Maryland,
Respondent

*
* No. 0445, September Term 2024
* ACM-ALA-0445-2024
* Circuit Court No. 114115007
*
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* * * * *

MANDATE

JUDGMENT: February 24, 2025: Application for leave to appeal denied. Any costs to be paid by applicant.
Per Curiam filed.

STATE OF MARYLAND, Sct.:

I do hereby certify that the foregoing is truly taken from the records and proceedings of the said Appellate Court of Maryland. In testimony whereof, I have hereunto set my hand as Clerk and affixed the seal of the Appellate Court of Maryland, this 27th day of March, 2025.



Rachel Dombrowski

Rachel Dombrowski, Clerk
Appellate Court of Maryland

APPENDIX E

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

AARON FRANKLIN JOHNSON, JR., *

Petitioner, *

v. *

Civil Action No. GLR-23-879

WARDEN THOMAS WOLFE, and *
MARYLAND ATTORNEY GENERAL, *

Respondents.

AARON FRANKLIN JOHNSON, JR., *

Petitioner, *

v. *

Civil Action No. GLR-23-880

THOMAS L. WOLFE, and *
MARYLAND ATTORNEY GENERAL, *

Respondents.

ORDER

The above-captioned Petitions for Writ of Habeas Corpus were received for filing on March 30, 2023.¹ The Petitions filed in each case are identical except for their attachments. Due to their similarity and in the interest of judicial economy, Civil Action Number GLR-23-880 will be consolidated with Civil Action No. GLR-23-879, and the Clerk will be directed to docket the Petition in Civil Action Number GLR-23-880 and its attachments as a "Supplemental Petition" in Civil Action No. GLR-23-879.

¹ The Petitions state that they are filed pursuant to 28 U.S.C. § 2254. However, because the Petitions indicate Johnson is in pre-trial status, the cases were opened as having been filed pursuant to 28 U.S.C. § 2241. Because neither Petition was signed by the Johnson, his intent is unclear and thus no determination will be made at this time as to the type or viability of the Petitions.

IT IS FURTHER ORDERED that Petitioner IS REMINDED that all future pleadings related to this claim must note Civil Action No. GLR-23-879 as the case number;

IT IS FURTHER ORDERED that the Clerk SHALL PROVIDE a copy of this Order and a copy of the Petition and Supplemental Petition, including all attachments, to Petitioner;² and

IT IS FURTHER ORDERED that the Clerk SHALL CLOSE Civil Action No. GLR-23-880.

_____/s/
George L. Russell, III
United States District Judge

² According to the Maryland Inmate Locator, Petitioner is currently incarcerated at Baltimore Central Booking and Intake. See <https://www.dpscs.state.md.us/inmate/> (last visited June 6, 2023). The Clerk shall mail the documents to Petitioner at this address.