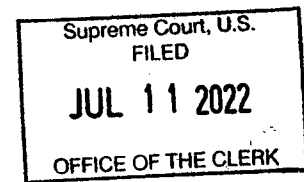


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**EMERGENCY APPLICATION FOR A STAY**

**To: Chief Justice John Roberts**

In criminal law, a malicious prosecution can be defined as: *"initiating a criminal prosecution or civil suit against another party with malice and without probable cause"*.

This application concerns a case which, if exposed, could be deemed the worst malicious prosecution in American history. The applicant, Graham Schiff, plans to file a writ of certiorari stemming from a case where, in a malicious prosecution, he was put on trial for insults and name-calling directed at an individual who is not only an Assistant State Attorney, but the daughter of a Maryland judge.

When faced with the reality that it is not legal to charge someone with Stalking and Harassment for non-threatening content speech directed towards a public official, the state and its respective courts claim that it is not free speech, but rather, speech integral to criminal conduct. Their reasoning completely inverts the basic principle of the supremacy clause, because using their logic, it would lead to the following example:

The state of Maryland could pass a law, in blatant violation of the first amendment, whereby they make it a crime to say one hates cats. An individual would get arrested for saying they hate cats, and their lawyer would try to dismiss it on free speech grounds, only to have the state say: *"Its not free speech, but rather, speech integral to criminal conduct"*.

The facts of this case, are based on the same fundamentally flawed logic that was just described in that example. In order to cover this up, and prevent Schiff from having his actual innocence vindicated, the various courts claim that as long as speech fits within the parameters of the Stalking law, it constitutes speech integral to criminal conduct.

As a result, Maryland's precedent regarding free speech, is now completely contrary to federal law. To add insult to injury, the Maryland appellate courts cited a 1999 case from Montana which erroneously claimed speech directed to a third party can be criminalized if it emotionally affects a case victim. According to the Chief Judge of Maryland's Court of Special Appeals, this unconstitutional case from Montana is "compelling".

This is a direct quote from that Judge, in that opinion (Court of Special Appeals #725 September Term, 2021):

*"The rationale of the Supreme Court of Montana in a case cited in the State's brief is compelling. That court rejected a similar contention by a defendant under a stalking statute, which, like CR § 3-802, contained no express requirement that the communication be made directly to the victim."*

Not that I need to explain this, but the reason why Maryland's Stalking law doesn't contain an

express requirement that the communication be directed to a victim, is because speech to a 3<sup>rd</sup>-party is completely protected by the first amendment. To show you how absolutely full of shit these people are, consider one of the cases cited by the applicant in his judgment of acquittal (the transcript of which, will be provided in Appendix)

*MR. SCHIFF: Cohen v. California, I don't have the year, I believe, it's 1975.*

*THE COURT: Who decided it?*

*MR. SCHIFF: Oh, the Supreme Court of the United States.*

*THE COURT: Okay.*

*MR. SCHIFF: "The ability of government consonant with the Constitution to shut off discourse, solely to protect others from hearing it, is depending upon a showing that substantial privacy interests are being invaded in an essentially intolerable manner.*

***Any broader view of this authority would effectively empower a majority to silence dissidents simply as a matter of personal pre, predilections. In addition, from the same case, most situations where the State has a justifiable interest in regulating speech will fall within one or more various established exceptions to usual rule that governmental bodies may not prescribe the form or content of individual expression.***

*And also from the same case, the constitutional right of free expression is designed and intended to remove governmental restraints from the arena of public discussion, putting the decision as to what view shall be voiced largely into the hands of each of us, in the hope that such freedom will ultimately produce a more capable citizenry."*

Please note the bolded language. So what we have here, is a bunch of corrupt state judges, trying to say that Montana law can supersede federal law in Maryland, because federal law does not allow them to put someone on trial for criticizing a judge's daughter.

In compliance with Rule 23:

The applicant is asking this court to review the denial of a stay and certiorari from Maryland's Court of Appeals, in COA-PET-0115-2022.

Relief is not available from any other court, because Maryland's Supreme Court, the Court of Appeals, denied both an application for a stay, and for certiorari.

The granting of a stay is justified because it is probable that this case will be granted certiorari, and that five justices will vote to reverse the judgment. Free speech could be called the bedrock of constitutional law. Similar cases to this have arisen in Illinois (People of Illinois v. Walter

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Relford) and North Carolina (State of North Carolina v. Brady Shackelford), whereby both states reversed a Stalking conviction on the grounds that non-threatening content speech is protected by the first amendment, and cannot be considered speech integral to criminal conduct.

The state of Maryland, using a Montana court case as precedent, held the exact opposite. Because of this, this court would likely grant certiorari to settle the issue of whether content speech can be deemed speech integral to criminal conduct.

In addition, this court would likely grant certiorari, because this case undermines this court's clearly established "Public-Concern Test" for free speech. The fake victim in this case, is a prosecutor, and is thus, a public official. As you will read in the transcript of the judgment of acquittal, the state and court held that a prosecutor is a private citizen, and that Public-Concern speech does not apply. Maryland's state court of last resort, decided an important federal question in a way which conflicts with relevant decisions from this court.

Based on these facts, not granting a stay will lead to irreparable harm for United States law. The state of Maryland's free speech precedent is now based on a decades-old unconstitutional Montana court case. This court must demonstrate that it is serious about holding corruption in judiciaries accountable, and granting a stay would be a step in the right direction.

**Jurisdiction:**

The Maryland Court of Appeals denied certiorari and Stay application. This court has jurisdiction to stay and review that decision under:

28 U.S.C. §2101; §1651, §~~1651~~1257.

