

26-5043
NO.

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
MAY 22 2026
OFFICE OF THE CLERK
SUPREME COURT, U.S.

SHAE-VON EDWARDS,
PETIONER,

V.

STATE OF MARYLAND,
RESPONDENT.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE SUPREME COURT OF MARYLAND

PETITION FOR A WRIT OF CERTIORARI

SHAE-VON EDWARDS-PETITIONER, PROSE

#493477

NORTH BRANCH CORRECTIONAL INSTITUTION

14100 MCMULLEN HIGHWAY S.W.
CUMBERLAND, MARYLAND 21502

QUESTION PRESENTED

DID THE SUPREME COURT OF MARYLAND ERR BY FAILING TO GRANT SHAE-VON EDWARDS PETITION FOR WRIT OF CERTIORARI FOR HIS CONSTITUTIONAL SIXTH AMENDMENT RIGHT TO A SPEEDY TRIAL BEING VIOLATED WHEN THE MARYLAND COURT OF APPEALS DENIED APPELLATE RELIEF DUE TO THE FACT THE MARYLAND COURT OF APPEALS DID NOT WANT TO OVER RULE THE SUPREME COURT OF MARYLAND AS THEY WERE THE COURT WHO ORDERED COURTS TO BE CLOSED DUE TO THE COVID-19 PANDEMIC?

LIST OF PARTIES

* PETITIONER - SHAE-VON EDWARDS

* RESPONDENTS: STAE OF MARYLAND (NO STOCK TICKER SYMBOL)

RELATED PROCEEDINGS

SHAE-VON EDWARDS V. STATE OF MARYLAND NO. 0799,
SEPTEMBER TERM, 2023. REPORTER 26f MD. App. 392 (2025)

edwards v. state, 2026 MD LEXIS 78 (FEBRUARY (23, 2026)

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FEBRUARY 23, 2026

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IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

PETITIONER RESPECTFULLY PRAYS THAT A WRIT OF CERTIORARI ISSUE TO REVIEW THE
JUDGMENT BELOW.

OPINIONS BELOW

SHAE-VON EDWARDS V. STATE OF MARYLAND NO.0799,
SEPTEMBER TERM, 2023. REPORTER 267 MD. App. 392 (2025)

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EDWARDS V. STATE, 2026 MD. LEXIS 78 (FEBRUARY 23, 2026)

APPENDIX H.

JURISDICTION

THE JUDGMENT OF THE MARYLAND SUPREME COURT WAS ENTERED ON FEBRUARY 23, 2026.
THIS COURT HAS JURISDICTION OVER THIS CASE.

CONSTITUTIONAL AND STATUTES INVOLVED

CONSTITUTIONAL SIXTH (6) AMENDMENT RIGHT TO SPEEDY MD. DECL. OF RTS., ART 21.

STATEMENT OF THE CASE

BY INDICTMENT FILED IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND, THE STATE CHARGED PETITIONER WITH FIRST DEGREE MURDER OF RODERICK DANIELS, ATTEMPTED FIRST DEGREE MURDER OF ABDOUL OUEDRAOGO, AND RELATED OFFENSES. AFTER TRIAL BY JURY ON FEBRUARY 22-27, 2023, THE HONORABLE LYNN STEWART MAYS, PRESIDING, THE JURY ACQUITTED PETITIONER OF FIRST DEGREE MURDER OF RODERICK DANIELS, AND ATTEMPTED FIRST DEGREE MURDER OF ABDOUL OUEDRAOGO, HOWEVER, CONVICTED PETITIONER OF SECOND DEGREE MURDER OF RODERICK DANIELS, AND ATTEMPTED- SECOND DEGREE MURDER OF ABDOUL OUEDRAOGO, USE OF A HANDGUN IN THE COMMISSION OF A CRIME OF VIOLENCE; WEARING/ CARRYING/ TRANSPORTING A HANDGUN IN A VEHICLE, AND WEARING/ CARRYING/ TRANSPORTING A HANDGUN ON ONE'S PERSON.

ON JUNE 9, 2023, JUDGE MAYS SENTENCED PETITIONER TO A TOTAL OF 93 YEARS INCARCERATION. A TIMELY NOTICE OF APPEAL WAS FILED. ON APPEAL PETITIONER RAISED THE FOLLOWING ISSUES:

- 1) DID THE TRIAL COURT ERR BY DENYING MR. EDWARDS MOTION TO DISMISS THE INDICTMENT FOR VIOLATION OF HIS CONSTITUTIONAL RIGHT TO A SPEEDY TRIAL?
- 2) DID THE TRIAL COURT ERR BY PERMITTING DEFENSE COUNSEL TO GIVE MR. EDWARDS AN INCORRECT ADVISEMENT ABOUT THE RIGHT TO TESTIFY?
- 3) DID THE TRIAL COURT ERR BY REFUSING TO INSTRUCT THE JURY ON SELF-DEFENSE, DEFENSE OF OTHERS, AND MISTAKE OF FACT?

ON OCTOBER 31, 2025, THE MARYLAND COURT OF APPEALS DENIED PETITIONER APPELLATE RELIEF IN SHAE-VON EDWARDS V. STATE OF MARYLAND NO. 0799, SEPTEMBER TERM, 2023, REPORTER 267 MD. App. 392 (2025)

PETITIONER FILED A TIMELY PETITION FOR WRIT CERTIORARI TO THE MARYLAND SUPREME COURT, IN WHICH WAS DENIED ON FEBRUARY 23, 2026, EDWARDS V. STATE, 2026 MD.LEXIS (FEBRUARY 23, 2026)

ON WRIT OF CERTIORARI TO THE MARYLAND SUPREME COURT, PETITIONER RAISED ONE (1) ISSUE FOR THE COURTS REVIEW. "CONSTITUTIONAL SPEEDY TRIAL VIOLATION. PETITIONER IS RAISING THE SAME CONSTITUTIONAL SPEEDY TRIAL VIOLATION TO BE REVIEWED BY THIS COURT.

SUPPORTING FACTS FROM CIRCUIT COURT

ON JANUARY 26, 2023, PETITIONER SUBMITTED A MOTION TO DISMISS THE INDICIMENT FOR A VIOLATION OF HIS CONSTITUTIONAL RIGHT TO A SPEEDY TRIAL. AT THE HEARING ON THE MOTION, DEFENSE COUNSEL WENT OVER THE HISTORY OF THE CASE LEADING UP TO THAT DATE. SEE TRANSCRIPTS IN APPENDIX A-E, DATED NOVEMBER 15, 2022; NOVEMBER 22, 2022; NOVEMBER 30, 2022; DECEMBER 14, 2022; FEBRUARY 21, 2023 (APPENDIX E.)

ON JUNE 20, 2020, PETITIONER WAS ARRESTED, AND SUBSEQUENTLY DENIED BAIL. ON JULY 6, 2020, PETITIONER WAS INDICTED IN THE CIRCUIT COURT OF MARYLAND, BALTIMORE CITY.

DEFENSE COUNSEL ENTERED HIS APPEARANCE IN THE ON AUGUST 5, 2020. HE FILED ALL APPROPRIATE MOTION INCLUDING A DEMAND FOR A SPEEDY TRIAL.

ON AUGUST 30, 2020, ASSISTANT STATE'S ATTORNEY ROBERT RENDER BEGAN PROVIDING DISCOVERY. THE FIRST TRIAL DATE ASSIGNED TO THIS CASE WAS FEBRUARY 18, 2021. THAT TRIAL DATE WAS POSTPONED DUE TO THE COVID PANDEMIC (WITH JURY TRIALS TO RESUME IN APRIL OF 2021). BASED ON MR. RENDER'S SCHEDULE, THE CASE WAS ASSIGNED A NEW TRIAL DATE OF AUGUST 23, 2021.

ON AUGUST 16, 2021, MR. RENDER INFORMED DEFENSE COUNSEL THAT HE HAD RESIGNED FROM THE STATE'S ATTORNEY OFFICES. THE PROSECUTOR ASSIGNED TO TAKE OVER THE CASE FROM MR. RENDER, DANIEL SALEM ~~REQUESTED~~ ^A POSTPONEMENT, AS HE HAD JUST RECEIVED THE CASE. A POSTPONEMENT WAS GRANTED, AND THE CASE WAS ASSIGNED A NEW TRIAL DATE OF FEBRUARY 22, 2022.

IN DECEMBER OF 2021, JURY TRIALS ~~WERE~~ ^{WERE} AGAIN SUSPENDED DUE TO THE COVID PANDEMIC. BASED ON MR. DANIEL SALEM'S SCHEDULE (HE STATED THAT HE WAS BOOKED THROUGH EARLY NOVEMBER), THE CASE WAS ASSIGNED A NEW TRIAL DATE OF NOVEMBER 15, 2022 (SPECIALLY SET BEFORE JUDGE MAYS).

IN OCTOBER OF 2022, DEFENSE COUNSEL LEARNED THAT MR. SALEM HAD RESIGNED FROM THE STATES ATTORNEY OFFICE. THE PROSECUTOR ASSIGNED TO TAKE OVER THE CASE FROM MR. SALEM, MR. DONALD WALTER, INFORMED DEFENSE COUNSEL THAT HE WOULD NOT BE ABLE TO TRY THE CASE ON THE NOVEMBER 15th, 2022 TRIAL DATE, BECAUSE HE WAS ABOUT TO LEAVE ON A MILITARY DEPLOYMENT. MR. WALTER INFORMED DEFENSE COUNSEL THAT THE CASE HAD NOT YET BEEN REASSIGNED TO ANOTHER PROSECUTOR.

ON OCTOBER 28, 2022, DEFENSE COUNSEL WAS INFORMED BY HOMICIDE DIVISION CHIEF MICHAEL DUNTY THAT THE STATE WOULD BE REQUESTING ANOTHER POSTPONEMENT, AS THERE WERE NO PROSECUTOR'S IN THE OFFICE AVAILABLE TO TRY THE CASE ON NOVEMBER 15, 2022.

ON OCTOBER 28, 2022, JUDGE MELISSA PHINN INFORMED THE PARTIES THAT THE CASE WOULD BE REMOVED FROM JUDGE MAYS TRIAL DOCKET FOR NOVEMBER 15, 2022, AND HEARD ON THE RECEPTION ~~COURT~~ DOCKET.

ON NOVEMBER 14, 2022, DEFENSE COUNSEL RECEIVED AN EMAIL FROM ELIZABETH STOCK (THE PROSECUTOR WHOM ULTIMATELY TRIED THE CASE), STATING THAT SHE HAD JUST RECEIVED THE CASE FILE, WAS NOT FAMILIAR WITH THE FACTS OF THE CASE, AND WAS PICKING A JURY IN ANOTHER MURDER TRIAL ON NOVEMBER 15, 2022.

ON NOVEMBER 15, 2022, ASSISTANCE STATE'S ATTORNEY PAUL CROWLEY REPRESENTED THE STATE IN RECEPTION COURT AND REQUESTED A POSTPONEMENT OF THE TRIAL DATE.

THE RECEPTION COURT JUDGE GRANTED THE POSTPONEMENT, BUT ALSO SCHEDULED A CALL FOR THE PARTIES TO DISCUSS A NEW TRIAL DATE.

ON NOVEMBER 22, 2022, A STATUS HEARING WAS CALLED WITH JUDGE PHINN. ALTHOUGH MS. STOCK WAS STILL IN TRIAL JUDGE PHINN SET A TENTATIVE NEW TRIAL DATE OF FEBRUARY 21, 2023, AND SET A REVIEW HEARING FOR NOVEMBER 30, 2022, SO THAT MS STOCK COULD CONFIRM THE NEW TRIAL DATE.

ON NOVEMBER 30, 2022, ANOTHER STATUS HEARING TOOK PLACE. MS. STOCK CONFIRMED HER AVAILABILITY ON FEBRUARY 21, 2023, BUT REQUESTED TWO WEEKS TO CONFIRM HER WITNESSES AVAILABILITY ON THAT DATE.

ON DECEMBER 14, 2022, MS. STOCK CONFIRMED THE FEBRUARY 21, 2023, TRIAL DATE WORKED FOR AND HER WITNESSES.

THE CASE WAS AGAIN SPECIALLY SET BEFORE JUDGE MAYS. TR. 2/21/2023 AT 5-22; MOTION HEARING FOR VIOLATION OF SPEEDY TRIAL.

PETITIONER WAS ARRESTED ON JUNE 20, 2020. AT THE TIME THE SUPREME COURT OF MARYLAND HAD ORDERED IT'S FIRST SHUT DOWN WAS FROM MARCH 16, 2020 - OCTOBER 5, 2020; THE SECOND SHUT DOWN WAS FROM NOVEMBER 16, 2020 - APRIL 25, 2021; THE THIRD SHUTDOWN WAS FROM DECEMBER 29, 2021 - MARCH 6, 2022. PETITIONER WILL INFORM COURT THAT THESE SHUT DOWNS TOTALED 430 DAYS, WHICH IS FOURTEEN (14) MONTHS. PETITIONER WASN'T TRIED UNTIL THIRTY TWO (32) MONTHS AFTER HIS JUNE 20, 2020 ARREST. AGAIN, PETITIONER DID NOT REQUEST ANY POSTPONEMENT.

THE STATE OF MARYLAND IS INSINUATING THAT BASED ON THE SUPREME COURT OF MARYLAND ORDER TO CLOSE COURTS DUE TO THE COVID PANDEMIC FOR 14 MONTHS (430 DAYS) THAT IT PROHIBITED THE STATE OF MARYLAND FROM TRYING PETITIONER IN A TIMELY MANNER. HOWEVER, THE SUPREME COURT OF MARYLAND'S COURT ORDER TO CLOSE COURTS DUE TO THE COVID PANDEMIC, DOESN'T NEGATE THE FACT THAT PETITIONER HAS A CONSTITUTIONAL RIGHT TO BE TRIED SPEEDYLY. THE STATE OF MARYLAND HAD TIME TO TRY PETITIONER AFTER THE SECOND SHUTDOWN WAS OVER ON APRIL 25, 2021. from

APRIL 25, 2021 UNTIL THE THIRD SHUTDOWN ON DECEMBER 29, 2021, THE COURTS WAS OPEN FOR EIGHT (8) MONTHS. THE STATE OF MARYLAND ALSO INSINUATE THAT THE SHUT DOWNS ALSO PROHIBITED THEM FROM STUDYING AND GETTING FAMILIAR WITH PETITIONERS CASE. THE STATE OF MARYLAND PROSECUTORS PINGPONGED PETITIONER CASE FROM ASA TO ASA ONLY (FOR THEM TO FIND EXCUSES NOT TO TRY PETITIONER. THERE WERE INDIVIDUALS GETTING ARRESTED AFTER PETITIONER AND THE STATE WAS SCHEDULING THEIR TRIAL DATES BEFORE PETITIONER. SEE APPENDIX B NOVEMBER 22, 2022 TRANSCRIPT, AT 10, WHERE THE COURT MENTION THE ZACHARY ALLISON CASE. ALLISON WAS ARRESTED IN 2021 AND HAD A TRIAL DATE SCHEDULED BEFORE PETITIONER WHO WAS ARRESTED IN 2020, AND NEVER REQUESTED A POSTPONEMENT. PETITIONER ACTUALLY HAD TO ASK THE COURT AND STATE PROSECUTORS TO PUSH THE ALLISON FEBRUARY 21, 2023 TRIAL DATE BACK TO BE TRIED FROM FEBRUARY 21, 2023 - FEBRUARY 27TH.

PETITIONER WOULD LIKE TO INFORM THIS COURT THAT MARYLAND HAS A STATE CREATED RULE TO BE TRIED SPEEDILY UNDER HICKS V. STATE, 285, 310 (1979), TO BE TRIED WITHIN 180 DAYS FROM YOUR FIRST APPEARANCE IN COURT OR WHEN YOUR ATTORNEY ENTER HIS/HER APPEARANCE. PETITIONER WAS ARRESTED ON JUNE 20, 2020. ALTHOUGH COURTS WAS CLOSED DUE TO THE COVID PANDEMIC. DEFENSE COUNSEL ENTERED HIS APPEARANCE ON AUGUST 5, 2020. PETITIONERS FIRST TRIAL DATE HAD TO BE SCHEDULED WITHIN 180 DAYS FROM AUGUST 5, 2020 WHEN DEFENSE COUNSEL ENTERED HIS APPEARANCE. PETITIONER TRIAL DATE WAS SET FOR FEBRUARY 18, 2021. (197 DAYS FROM AUGUST 5, 2020. THE STATE HAD NO INTENTIONS ON TRYING PETITIONER SPEEDILY EVEN WITH THEIR OWN STATE CREATED RULE TO BE TRIED WITHIN 180 DAYS. PETITIONER WENT TO TRIAL TWO (2) YEARS AFTER HIS FIRST TRIAL DATE.

CONSTITUTIONAL RIGHT TO SPEEDY TRIAL

AND BARKER V. WINGO

THE SIXTH AMENDMENT TO THE UNITED STATE CONSTITUTION PROVIDES THAT "(I)N ALL CRIMINAL PROSECUTIONS, THE ACCUSED SHALL ENJOY THE RIGHT TO A SPEEDY TRIAL". PHILLIPS V. STATE, 246 MD. App. 40, 55 (2020) (QUOTING U.S. CONST. AMEND. V1).

THIS RIGHT IS "FUNDAMENTAL AND IS IMPOSED BY THE DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT ON THE STATES" BARKER V. WINGO, 407 U.S. 514, 515 (1972). SEE ALSO MD. DECL. OF RTS., ART. 21.

TO ASSES WHETHER A DEFENDANT HAS BEEN DEPRIVED OF THEIR RIGHT TO A SPEEDY TRIAL, THE BARKER COURT IDENTIFIED FOUR KEY FACTORS; THE LENGTH OF THE PRE-TRIAL DELAY THE REASONS FOR THE DELAY, THE DEFENDANTS ASSERTION OF THE RIGHT, AND PREJUDICE TO THE DEFENDANT RESULTING FROM THE DELAY. 407 U.S. AT 530. THE COURT STRESSED THAT NONE OF THE FACTORS ARE DISPOSITIVE OF THE ANALYSIS; (R)ATHER, THEY ARE RELATED FACTORS AND MUST BE CONSIDERED TOGETHER WITH SUCH OTHER CIRCUMSTANCES AS MAY BE RELAVANT." ID AT 533.

WHEN REVIEWING A TRIAL GROUNDS, AN APPELLATE COURT MUST ACCEPT THE TRIAL COURT FINDINGS OF FACT, UNLESS THOSE FINDINGS ARE CLEARLY ERRONOUS. PETER V. STATE, 224 MD. App. 306, 359 (2015). THE APPELLATE COURTS CONSTITUTIONAL APPRAISAL, HOWEVER, IS DE NOVO. PETITIONER NEVER REQUESTED ANY POSTPONEMENTS.

1. THE LENGTH OF DELAY

THE LENGTH OF THE DELAY IS NOT ONLY THE FIRST FACTOR, IT IS ALSO THE THRESHOLD FACTOR, BECAUSE, ~~(U)NTIL THERE~~ IS SOME DELAY WHICH IS PRESUMPTIVELY PREJUDICIAL, THERE IS NO NECESSITY FOR INQUIRY INTO THE OTHER FACTORS THAT GO INTO THE BALANCE. BARKER, 407 U.S. AT 530. SEE STATE OF MARYLAND V. KANNEIT, 403 MD. 678, 688 (2008) ("A DELAY OF SUFFICIENT LENGTH IS FIRST REQUIRED TO TRIGGER A SPEEDY TRIAL ANALYSIS.").

TWO YEARS AND EIGHT MONTHS PASSED BETWEEN THE TIME PETITIONER WAS ARRESTED ON JUNE 20, 2020, AND TRIED ON FEBRUARY 21, 2023. THE LENGTH OF DELAY "IS MEASURED FROM THE DATE OF ARREST OR FILING OF INDICIMENT, INFORMATION, OR OTHER FORMAL CHARGES TO THE DATE OF TRIAL". THE STATE OF MARYLAND IS WELL AWARE OF THIS. SEE DIVVER V. STATE, 356 MD. 379 (1999). ALTHOUGH MARYLAND HAS NOT ESTABLISHED THE MINIMALLY LENGTH OF A PRE-TRIAL DELAY TO TRIGGER THE BARKER V. WINGO ANALYSIS, THE DELAY IN PETITIONER'S CASE OF THIRTY-TWO (32) MONTHS BEFORE TRYING PETITIONER CLEARLY TRIGGER A CONSTITUTIONAL ANALYSIS, AS IT FAR EXCEEDS OTHER PRE-TRIAL DELAYS THAT HAVE BEEN CONSIDERED OF CONSTITUTIONAL DIMENSION. SEE GLOVER V. STATE OF MARYLAND, 368 MD. 211, 224 (2002) ("FOURTEEN - MONTHS DELAY CERTAINLY REQUIRES CONSTITUTIONAL SCRUTINY"). DIVVER V. STATE, 356 MD. 379, 390 (1999) (DELAYING TWELVE AND HALF MONTHS DELAY INORDINATE"); STATE V. RUBEN, 127 MD. App. 430, 440 (1999) (DEEMING ELEVEN MONTHS DELAY TO BE OF CONSTITUTIONAL DIMENSION".); DORSEY V. STATE, 34 MD. App. 525, 533 (1977) ELEVEN MONTH DELAY PRESUMPTIVELY PREJUDICIAL); STATE V. HIKEN 43 MD. App. 259, 272 (1979) ("FIRMLY REJECT(ING) THE STATES CONTENTION" THAT A DELAY OF NINE MONTHS AND TWENTY-THREE DAYS WAS NOT OF CONSTITUTIONAL DIMENSION; STATE V. GEE, 298 MD. 565, 579 (1984) (SIXTHMONTHS DELAY "NOTPRESUMPTIVELY PREJUDICIAL"). THE ^{DELAY}IN PETITIONER'S CASE WAS OF CONSTITUTIONAL DIMENSION AND PETITIONER SAT FOR TWO (2) YEARS EIGHT

(8) MONTHS, DURING ONE OF THE DEADLIEST TIMES ON THE PLANET. (COVID - 19), AND THIS FACTOR WEIGHS HEAVILY AGAINST THE STATE. THE SAID SAID FOR 14 OF THE 32 MONTHS PETITIONER SAT, WAS AS IF "TIME STOOD STILL", AND JUST DON'T COUNT BECAUSE THE COURTS WAS CLOSED FOR FOURTEEN (14) MONTHS, DUE TO THE SHUTDOWN. IT IS EASY FOR THE STATE TO SAY THAT TIME STOOD STILL, BUT PETITIONER FELT EVERY SECOND OF THEM FOURTEEN (14) MONTHS, AS HE LOST FAMILY MEMBERS, WAS IN AN ENVIRONMENT WHERE THE VIRUS WAS EASILY PASSED ALONG. PETITIONER IS NOT INFORMING THIS COURT TO DISREGARD THE FOURTEEN MONTHS AS THE STATE PROSECUTORS HAVE DONE ON RECORD BUT DELVE INTO THE FACT THAT THE STATE HAD THOSE SAME FOURTEEN (14) MONTHS TO PREPARE FOR PETITIONERS TRIAL. PETITIONER SAT AN ADDITIONAL EIGHTEEN (18) MONTHS OUTSIDE OF THE FOURTEEN (14) MONTHS FOR A TOTAL OF THIRTY-TWO (32) MONTHS.

11 THE REASON FOR THE DELAY

___ "CLOSELY RELATED TO THE LENGTH OF DELAY IS THE REASON THE GOVERNMENT ASSIGNS TO JUSTIFY THE DELAY". BARKER, 407 U.S. AT 531. THE COURT INSTRUCTED THAT "" DIFFERENT WEIGHTS SHOULD BE ASSIGNED TO DIFFERENT REASONS, ELABORATING:

A DELIBERATE ATTEMPT TO DELAY THE TRIAL IN ORDER TO HAMPER THE DEFENSE SHOULD BE WEIGHTED HEAVILY AGAINST THE GOVERNMENT. A MORE NEUTRAL REASON SUCH AS NEGLIGENCE OR OVERCROWDED COURTS SHOULD BE WEIGHTED LESS HEAVILY BUT NEVERTHELESS SHOULD BE CONSIDERED SINCE THE ULTIMATE RESPONSIBILITY FOR SUCH CIRCUMSTANCES MUST REST WITH THE THE GOVERNMENT RATHER THAN WITH THE DEFENDANT." ID.

THUS THE TRANSCENDENT PRINCIPLE HERE IS THAT IT IS THE RESPONSIBILITY OF THE STATE TO ENSURE THAT THE DEFENDANT IS BROUGHT TO TRIAL IN A TIMELY MANNER. SEE DIVVER, 355 MD. AT 391; DICKEY V. FLORIDA, 398 U.S. 30, 38 (1970) ("THE RIGHT TO PROMPTLY INQUIRY INTO CRIMINAL CHARGES IS FUNDAMENTAL AND THE DUTY

OF THE CHARGING AUTHORITY IS TO PROVIDE A PROMPT TRIAL."). THE SUPREME COURT OF MARYLAND HAS ADDRESSED HOW COURTS ARE TO WEIGH DELAY CAUSED BY COURTS OR PROSECUTOR SCHEDULING ISSUES:

A DELAY IN AFFORDING A CRIMINAL A " SPEEDY TRIAL" BECAUSE OF OVER CROWDED COURT DOCKETS AND SCHEDULING PROBLEMS, THE RESPONSIBILITY FOR WHICH RESTS UPON BOTH THE COURTS AND THE PROSECUTOR'S, CANNOT BE CLASSIFIED AS WHOLLY "NEUTRAL" AND MUST BE INCLUDED WITHIN THE PERIOD OF DELAY IN DETERMINING WHETHER THERE HAS BEEN A DENIAL OF THE CONSTITUTIONAL RIGHT. EPPS V. STATE, 276 MD. 96, 114 (1975). SEE ALSO SMITH V. STATE, 276 MD. 521, 529 (1976) (HOLDING THAT "PROLONGATION OF TRIAL DUE TO THE NEGLIGENCE OF STATE OFFICIALS, UNDERSTAFFING OF STATE OFFICES OR OVER CROWDED COURTS" IS NOT TO BE CONSIDERED NEUTRAL").

ALL OF THE PRE-TRIAL DELAY IN PETITIONER'S CASE WAS CAUSED BY CONDITIONS IN THE STATES ATTORNEYS OFFICE OUTSIDE OF THE FOURTEEN (14) MONTHS COURTS WERE CLOSED DUE TO THE COVID PANDEMIC. THE PROSECUTORS OFFICE COULD HAVE USED THAT FOURTEEN MONTHS TO STUDY PETITIONERS CASE TO BECOME FAMILIAR WITH, SO WHEN THE COURTS RE-OPENED, PETITIONER COULD GO TO TRIAL. IN RULING ON PETITIONERS MOTION TO DISMISS, HOWEVER, THE COURT ONLY CHARGED (8) MONTHS OF THE DELAY TO THE STATE. TR. 2/21/2023 AT 34. APPENDIX E. BY THE MOTIONS COURTS MATH, IF A TRIAL DATE HAD TO BE POSTPONED FOR PANDEMIC REASONS, NONE OF THE LENGTH OF THE RESULTING POSTPONEMENT MAY BE ATTRIBUTED TO THE STATE. THE COURTS REASONING WAS NOT LOGIC UNDER THE CIRCUMSTANCES.

IN THE CASE SUB JUDICE, ALTHOUGH PETITIONER'S TRIAL DATE HAD TO BE MOVED ON TWO OCCASIONS DUE TO THE SUSPENSIONS OF JURY TRIALS IN MARYLAND, THE ACTUAL LENGTH OF THE DELAYS RESULTING FROM THESE POSTPONEMENTS WAS CAUSED BY THE CHAOS GOING ON IN THE STATES ATTORNEYS OFFICE. FOR EXAMPLE, ALTHOUGH, PETITIONERS FEBRUARY 2022 TRIAL DATE HAD TO BE POSTPONED DUE TO THE SUSPENSION OF JURY TRIALS, THE REASON THE CASE WAS POSTPONED UNTIL NOVEMBER 15, 2022 -- A FULL NINE (9) MONTHS LATER -- WAS BECAUSE THIS WAS THE NEXT AVAILABLE TRIAL

DATE FOR THE PROSECUTOR ASSIGNED TO PETITIONER CASE.

AS DEFENSE COUNSEL ARGUED IN THE LOWER COURT, ALMOST 100% OF THE DELAY AFTER THE AUGUST 2021 TRIAL DATE CAN BE CHARGED TO THE STATE. ACCORDINGLY, THE REASON FOR THE DELAY FACTOR MUST WEIGH HEAVILY AGAINST THE STATE.

III ASSERTION OF THE RIGHT

ACCORDING TO THE BARKER COURT, A DEFENDANTS ASSERTION OF THE RIGHT TO A SPEEDY TRIAL "IS ENTITLED TO STRONG EVIDENTIARY WEIGHT IN DETERMINING WHETHER" ONE IS BEING DEPRIVED OF SPEEDY TRIAL RIGHTS. 407 U.S. AT 531-32. IN THE CASE SUB JUDICE, THE MOTION COURT CORRECTLY FOUND THAT PETITIONER DID ASSERT THE RIGHT. TR. 2/21/2023 AT 34, AND THIS FACTOR MUST BE WEIGHED AGAINST THE STATE.

IV PREJUDICE TO PETITIONER

THE BARKER COURT EMPHASIZED THAT PREJUDICE "SHOULD BE ASSESSED IN THE LIGHT OF THE INTERESTS OF THE DEFENDANT WHICH THE SPEEDY TRIAL RIGHT WAS DESIGNED TO PROTECT." 407 U.S. 532. THE COURT THEN IDENTIFIED THREE SUCH INTERESTS: (i) TO PREVENT OPPRESSIVE PRETRIAL INCARCERATION; (ii) TO MINIMIZE ANXIETY AND CONCERN OF THE ACCUSED; AND (iii) TO LIMIT THE POSSIBILITY THAT THE DEFENSE WILL BE IMPAIRED." ID.

CONCERNING THE FIRST TWO INTERESTS, THE COURT RECOGNIZED THAT "EVEN IF AN ACCUSED IS NOT INCARCERATED PRIOR TO TRIAL. HE IS STILL DISADVANTAGE BY RESTRAINTS ON HIS LIBERTY AND BY LIVING UNDER A CLOUD OF ANXIETY, SUSPICION, AND OFTEN HOSTILITY." ID. AT 533. BUT THE COURT WENT ON TO EXPLAIN THE PARTICULAR DISADVANTAGE EXPERIENCED BY A PERSON INCARCERATED PENDING TRIAL:

THE TIME SPENT IN JAIL AWAITING TRIAL HAS A DETRIMENTAL IMPACT ON THE INDIVIDUAL. IT OFTEN MEANS LOSS OF A JOB; IT DISRUPTS FAMILY LIFE; AND IT ENFORCES IDLENESS. MOST JAILS OFFER LITTLE OR NO RECREATION OR REHABILITATIVE PROGRAMS. THE TIME SPENT IN JAIL IS SIMPLY DEADTIME. MOREOVER, IF A

DEFENDANT IS LOCKED UP, HE IS HINDERED IN HIS ABILITY TO GATHER EVIDENCE, CONTACT WITNESSES, OR OTHERWISE PREPARE HIS DEFENSE. IMPOSING THOSE CONSEQUENCES ON ANYONE WHOM HAS NOT YET BEEN CONVICTED IS SERIOUS. ID. AT 533-34

PETITIONER SAT IN JAIL FOR THIRTY-TWO (32) MONTHS, DURING THE WORST TIME OF THIS GENERATIONS HISTORY, WHILE THE DEADLY COVID 19 VIRUS WAS IN RARE FORM, AND PETITIONER WAS IN FACT SUBJECTED TO THE VIRUS DUE TO THE FACT THAT THE CORRECTIONAL OFFICER'S WERE BRINGING "IT" INTO THE JAIL. THE JUSTICES OF THE BARKER COURT COULD HARDLY HAVE IMAGINED THE EXPERIENCE OF BEING INCARCERATED FROM 2020 TO 2023. AS DESCRIBED BY TRIAL COUNSEL IN THE MOTION TO DISMISS. NOR DID THE SUPREME COURT OF MARYLAND COULD HAVE IMAGINED THAT DUE TO THE COURTS ORDER CLOSING COURT'S FOR FOURTEEN (14) MONTHS ON THREE DIFFERENT OCCASIONS WOULD HAVE LED TO PETITIONER SITTING IN JAIL FOR THIRTY-TWO (32) MONTHS BEFORE BEING TRIED. TRIAL COUNSEL DESCRIBED PETITIONERS THIRTY-TWO (32)^{MONTHS} AWAITING TRIAL IN HIS MOTION TO DISMISS AS FOLLOWS:

"MR. EDWARDS HAS BEEN INCARCERATED SINCE HIS ARREST ON JUNE 20, 2020, AND WHILE PRE-TRIAL INCARCERATION IS RECOGNIZED AS A LEGITIMATE PREJUDICE, THE PREJUDICE IN PETITIONERS CASE IS EXACERBATED BY THE FACT THAT MUCH OF HIS INCARCERATION CAME DURING THE HEIGHT OF THE COVID 19 PANDEMIC DURING A SUBSTANTIAL PORTION OF PETITIONERS INCARCERATION IN 2020 AND 2021. HIS DAILY SCHEDULE ALLOWED FOR ONLY ONE (1) HOUR OF EXERCISE/ ACTIVITY OUTSIDE OF HIS CELL, AND THIS ONE HOUR WAS OFTEN CANCELLED, HIS PERSONAL HYGIENE WAS OFTEN RESTRICTED TO ONE (1) SHOWER PER WEEK, HIS FAMILY VISITS WERE LIMITED AND OFTEN CANCELLED, AND EVEN PROFESSIONAL VISITS WITH COUNSEL WERE RESTRICTED. SECONDLY, THE DAILY ANXIETY, FOR MONTHS ON END, OF CONTRACTING A DEADLY VIRUS SHOULD NOT BE DISCOUNTED BY THE COURT. (MOTION TO DISMISS AT 8-9)

AS TO THE THIRD PREJUDICE IDENTIFIED BY THE BARKER COURT (THE

POSSIBILITY THAT THE DEFENSE WILL BE IMPAIRED, A DEFENDANT'S INABILITY TO PRECISELY PINPOINT IMPAIRMENT TO THEIR DEFENSE DOES NOT INDICATE AN ABSENCE OF PREJUDICE. BRADY V. STATE, 291 MD. 261, 269 (1981) ("[W]HILE BRADY MAY NOT HAVE BEEN ABLE TO ANTICIPATE SPECIFIC INDIA OF IMPAIRMENT TO HIS DEFENSE," CIRCUMSTANCES SUCH AS FOURTEEN (14) MONTHS DELAY "MILITATED AGAINST THE STATE'S ASSERTION THAT THERE HAD BEEN NO IMPAIRMENT AND RENDERED" THE EFFECT OF THIS ELEMENT TO BE NEUTRAL"); SEE ALSO SMITH, 276 MD. AT 532. (THE SUPREME COURT HAS STATED THAT UNDER THE BARKER GUIDELINES AN AFFIRMATIVE DEMONSTRATION OF PREJUDICE BY THE DEFENDANT IS NOT NECESSARY IN ORDER TO PROVE A VIOLATION OF THE SIXTH AMENDMENT SPEEDY TRIAL RIGHTS"). DECADES AFTER BARKER THE UNITED STATES SUPREME COURT AFFIRMED THIS PRINCIPLE. AS ENUNCIATED IN THE MARYLAND CASES. SEE DUGGETT V. UNITED STATES, 505 U.S. 647, 655 (1992) ("EXCESSIVE DELAY PRESUMPTIVELY COMPROMISES THE RELIABILITY OF A TRIAL IN WAYS THAT NEITHER PARTY CAN PROVE OR, FOR THAT MATTER IDENTIFY." THIS FACTOR MUST BE WEIGHED AGAINST THE STATE.

WEIGHING THE BARKER V. WINGO, FACTORS IN THIS CASE LEADS TO THE CONCLUSION THAT PETITIONER WAS DENIED HIS CONSTITUTIONAL RIGHT TO A SPEEDY TRIAL. IT TOOK THIRTY-TWO (32) MONTHS FOR THE STATE TO BRING PETITIONER TO TRIAL. THE BULK OF THE DELAY WAS THE RESULT OF STAFFING AND RETENTION PROBLEMS IN THE STATES ATTORNEY OFFICE (AND THE SUBSEQUENCE REPEATED REASSIGNING OF PETITIONER'S CASE TO PROSECUTORS WHO WERE NOT AVAILABLE OR PREPARED TO TRY THE CASE. PETITIONER WAS NOT THE CAUSE OF A SINGLE DAY OF DELAY, AND THE POSTPONEMENT DUE TO THE PANDEMIC WERE ACTUALLY ONLY THE CAUSE OF A MINIMAL AMOUNT OF THE DELAY IN THE CASE SUB JUDICE. THIS WAS, AT BOTTOM A STATES ATTORNEY'S OFFICE PROBLEM. THE LENGTH OF THE DELAY AND THE REASON FOR THE DELAY FACTORS WEIGH EXTREMELY HEAVILY AGAINST THE STATE AND THE ASSERTION OF THE RIGHT AND PREJUDICE FACTORS WEIGH AGAINST THE STATE AS WELL. UNDER THE

CIRCUMSTANCES, THE MARYLAND APPELLATE COURT ERRED IN DENYING APPELLATE RELIEF, THE MARYLAND SUPREME COURT ERRED IN NOT GRANTING CERTIORARI.

INTERESTINGLY, THE MARYLAND APPELLATE COURT IN JUDGE MOYLAN'S OPINION, SHAE-VON EDWARDS V. STATE OF MARYLAND, NO. 0799 (PETITIONER) PAGE 45-46, SEE APPENDIX F JUDGE MOYLAN STATED "AS WE PROBE FOR THE FEELING," "THE FEELING," "THE SENSE," "THE IMPRESSION" PRODUCED BY BARKER V. WINGO'S, FOUR FACTORED BALANCING, WE WILL LOOK FIRST AT THE LENGTH OF DELAY AS A KEY FACTOR." JUDGE MOYLAN FURTHER STATED, "APPELLANT RELIES HEAVILY ON THAT GROSS LENGTH OF DELAY OF TWO (2) YEARS AND EIGHT (8) MONTHS. THAT LENGTH OF DELAY, HOWEVER, IS NOT AN IMMUTABLE FIGURE. IT MAYBE SUPERSEDED. IN THIS CASE IT WAS SUPERSEDED." OPINION NO. 0799 AT PAGE 45-46 APPENDIX F.

JUDGE MOYLAN, FURTHER STATED, "IN THIS CASE THERE WAS AN EXTRAORDINARY AND SUPERSEDING CIRCUMSTANCE THAT RENDERED THAT ORDINARY LENGTH OF DELAY MEASUREMENT INADEQUATE FOR A SPEEDY TRIAL ASSESSMENT." JUDGE MOYLAN OPINION AT 46.

IN A NUTSHELL, DUE TO THE PANDEMIC, AND THE FOURTEEN (14) MONTHS AND SIX (6) DAYS DUE TO THE MARYLAND SUPREME COURT'S ORDER TO CLOSE THE COURTS, JUDGE MOYLAN STATED THAT PETITIONER DID NOT ENJOY THE ENTITLEMENT TO HIS CONSTITUTIONAL RIGHT TO A SPEEDY TRIAL. JUDGE MOYLAN'S OPINION AT 46. APPENDIX F.

HOWEVER, WHAT ABOUT THE OTHER EIGHTEEN (18) MONTHS PETITIONER SAT WHEN THE COURTS WERE OPEN? PETITIONER SAT FOR A TOTAL OF THIRTY-TWO (32) MONTHS. NOT FOURTEEN (14) MONTHS, AND NOT (18) MONTHS. THE STATE CONTINUED TO ASSIGN PROSECUTORS TO PETITIONERS CASE WHOM HAD TO START ANOTHER TRIAL THE SAME DAY PETITIONER'S TRIAL WAS TO START. WHICH THEY WERE AWARE OF BEFORE THEY ASSIGNED THE PROSECUTOR. KNOWING PETITIONER WOULDN'T BE TRIED SO A POSTPONEMENT REQUEST WAS GOING TO BE INITIATED BY THE STATE.

IN JUDGE MOYLAN'S OPINION, JUDGE MOYLAN STATED:

"IN TERMS OF GETTING THIS CASE TO THE TRIAL TABLE PROMPTLY WITHIN A CONSTITUTIONALLY MANDATED TIME LIMIT, WHAT LOOKED INITIALLY LIKE A GROSS LENGTH OF TWO (2) YEARS AND EIGHT (8) MONTHS, WAS THEREBY REDUCED, FOR PURPOSES OF BARKER V. WINGO'S, FOUR-FACTORED BALANCING TEST, TO AN OPERATIONAL NET LENGTH OF DELAY OF ONLY ONE (1) YEAR AND SIX (6) MONTHS (18 MONTHS). OPINION AT 46-47 APPENDIX F. AS IF TIME STOOD STILL."

JUDGE MOYLAN FURTHER STATED IN HIS OPINION, "ALTHOUGH HIS COURT POSSESSES THE AUTHORITY TO ASSESS THE PERFORMANCES OF THE LOWER COURTS AND THOSE ON THEIR BEHALF, HE DOES NOT HAVE THE AUTHORITY TO ACCESS THE PERFORMANCE OF THE CHIEF JUDGE OF THE SUPREME COURT OF MARYLAND." JUDGE MOYLAN STATED IT WILL BE BEYOND THEIR PAY GRADE. SEE JUDGE MOYLAN'S OPINION AT 47-48 APPENDIX F.

CLEARLY, THE MARYLAND APPELLATE COURT COULDN'T EVEN EXERCISE THEIR AUTHORITY UNDER THESE RARE CIRCUMSTANCES WHICH IS WHY THE MARYLAND SUPREME COURT SHOULD HAVE GRANTED CERTIORARI. PETITIONER DIDN'T RECEIVE A FAIR APPEAL PROCESS DUE TO THIS RARE CIRCUMSTANCE.

PETITIONER WOULD LIKE TO INFORM THIS COURT OF A 9TH CIRCUIT CASE THAT IS IDENTICAL TO PETITIONER'S CASE. SEE UNITED STATES V. OLSEN, 21 F. 4TH 1036 (JAN. 7, 2022). IN U.S. V. OLSEN, THE COURT EXPLAINED WHAT THE PANDEMIC AND THE COURTS CLOSURES COUPLED WITH A DEFENDANT'S CONSTITUTIONAL RIGHT TO A SPEEDY TRIAL. HOWEVER, OLSEN WASN'T GRANTED RELIEF DUE TO THE FACT HE WAS ON HOME DETENTION, WAS NOT INCARCERATED PENDING TRIAL, AND OLSEN REQUESTED MULTIPLE POSTPONEMENTS. THE OLSEN COURT HAD SOME INTERESTING LANGUAGE THAT GOES AGAINST THE STATE OF MARYLAND'S UNDERSTANDING OF THE COVID 19 PANDEMIC AND COURT CLOSURES.

THE OLSEN COURT STATED, "THE RIGHT TO A SPEEDY AND PUBLIC JURY TRIAL PROVIDED BY THE SIXTH AMENDMENT IS AMONG THE MOST IMPORTANT PROTECTIONS

GUARANTEED BY THE CONSTITUTION, AND IT IS NOT ONE THAT MAY BE CAST ASIDE IN TIME OF UNCERTAINTY. EXCEPT FOR THE RIGHT OF A FAIR TRIAL BEFORE AN IMPARTIAL JURY NO MANDATE OF U.S. JURISPRUDENCE IS MORE IMPORTANT. EVEN IN A PANDEMIC, THE CONSTITUTION CANNOT BE PUT AWAY AND FORGOTTEN. HN15. THE COURT FURTHER STATED: "GIVEN THE CONSTITUTIONAL IMPORTANCE OF A JURY TRIAL TO OUR DEMOCRACY, A COURT CANNOT DENY AN ACCUSED HIS RIGHT TO A JURY TRIAL UNLESS CONDUCTING ONE WOULD BE IMPOSSIBLE. THIS IS TRUE WHETHER THE UNITED STATES IS SUFFERING THROUGH A NATIONAL DISASTER, A TERRORIST ATTACK, CIVIL UNREST, OR THE CORONA VIRUS PANDEMIC THAT THE COUNTRY AND THE WORLD ARE CURRENTLY FACING. NOWHERE IN THE CONSTITUTION IS THERE AN EXCEPTION FOR TIMES OF EMERGENCY OR CRISIS. THERE ARE NO IFS OR BUTS ABOUT IT. SEE U.S. V. OLSEN, 21 F. 4TH 1036 (JAN. 7, 2022) APPENDIX G

ACCORDING TO THE MARYLAND COURTS AND JUDGE MOYLANS OPINION. APPENDIX F. THEY BELIEVE DUE TO THE PANDEMIC, THE FOURTEEN MONTHS AND SIX DAYS. "TIME STOOD STILL" AND THAT FOURTEEN MONTHS DIDN'T COUNT. IT WAS JUST DEAD TIME. CLEARLY THE CONSTITUTION DOESN'T HAVE THAT LANGUAGE, NOR DOES BARKER V. WINGO, NOR THE OLSEN COURT. MOREOVER, JUDGE MOYLAN COULDN'T EXERCISE HIS AUTHORITY UNDER THE CIRCUMSTANCES THAT THE MARYLAND SUPREME COURT ORDERED THE CLOSURE. THE MARYLAND SUPREME COURT FAILED TO GRANT WRIT OF CERTIORARI TO CLARIFY WHAT EXACTLY THE CLOSURE MEANT COUPLED WITH PETITIONER CASE. APPENDIX H

REASONS FOR GRANTING THE WRIT

THIS COURT SHOULD GRANT PETITIONER WRIT OF CERTIORARI FOR THE FOLLOWING REASONS:

1) THE MARYLAND STATE COURT(S) I.E. CIRCUIT COURT OF BALTIMORE CITY; MARYLAND COURT OF APPEALS; AND THE SUPREME COURT OF MARYLAND CLEARLY HAS A MISCONCEPTION OF A DEFENDANTS CONSTITUTIONAL RIGHT TO A SPEEDY TRIAL.

JUDGE MOYLAN'S OPINION PROVES THAT HIS INTERPRETATION OF THE SPEEDY TRIAL RIGHT, ~~BARKER~~ V. WINGO, AND THE COURT CLOSURE FOR 14 MONTHS DUE ^{TO} THE PANDEMIC, DOESN'T MEAN THAT "TIME STOOD STILL". JUDGE MOYLAN STATED THAT IT WAS ABOVE HIS PAY GRADE AND AUTHORITY TO MAKE A RULING FROM A CHIEF JUDGE COURT ORDER IN THE SUPREME COURT OF MARYLAND SHOULD HAVE GRANTED CERTIORARI.

2) PETITIONER WAS READY FOR TRIAL AND NEVER REQUESTED A POSTPONEMENT. PETITIONER INVOKED HIS CONSTITUTIONAL RIGHT TO BE TRIED SPEEDILY, NOT THIRTY-TWO (32) MONTHS AWAITING TRIAL. THE MARYLAND COURTS ARE AGREGIOUSLY WRONG, FOR THE REASONS IDENTIFIED IN THIS PETITION. IT WILL BE A "MISCARRIAGE OF JUSTICE" TO NOT GRANT WRIT OF CERTIORARI AND ALLOW PETITIONER CASE BE HEARD UNDER THESE RARE CIRCUMSTANCES. THE MARYLAND COURTS NEED TO BE INFORMED OF THE IMPORTANCE OF ONE'S SPEEDY TRIAL RIGHTS SO THIS WILL NOT HAPPEN IN THE FUTURE.

CONCLUSION

___ THE PETITIONER SHAE-VON EDWARDS, RESPECTFULLY ASKS THIS COURT TO GRANT CERTIORARI.

RESPECTFULLY SUBMITTED,

SHAE-VON EDWARDS #493477

NORTH BRANCH CORRECTIONAL INSTITUTION
14100 MCMULLEN HIGHWAY, S.W.
CUMBERLAND, MARYLAND 21502

PRO SE