

UNREPORTED
IN THE COURT OF SPECIAL APPEALS
OF MARYLAND

No. 1485

September Term, 2012

CLIFFORD ANTHONY JACKSON

v.

DAYENA CORCORAN, WARDEN, BCDC

Meredith,
Woodward,
Friedman,

JJ.

Opinion by Meredith, J.

Filed: August 20, 2015

* This is an unreported opinion, and it may not be cited in any paper, brief, motion, or other document filed in this Court or any other Maryland Court as either precedent within the rule of stare decisis or as persuasive authority. Md. Rule 1-104.

Clifford Anthony Jackson, appellant, a State inmate, appeals from an order of the Circuit Court for Baltimore City which denied his petition for a writ of habeas corpus.

QUESTION PRESENTED

Appellant, who is self-represented, presented two questions on appeal:

1. Did the lower court abuse its discretion when erroneously using false and misleading information contrary to the fact and said Rules for a Petition for a Writ of Habeas Corpus seeking immediate release from a void Judgment, in absence of all common law Jurisdiction that denied Appellant of a fair adjudication of the legality of confinement?
2. Where Appellant had submitted to the prosecutor/court Jurisdictional Challenge by affidavit sworn true, correct, and complete demanding proof of Jurisdiction, and by the parties defaults are in full agreement and no controversy exists for adjudication, hence there is no Common Law Jurisdiction and Judgment is Void, did the lower court abuse its discretion in an erroneous ruling contrary to the facts to deprive Appellant of a fair adjudication of the legality of confinement?

For the reasons stated herein, we conclude that the Circuit Court for Baltimore City did not abuse its discretion in either respect, and we affirm the judgment of that court.

FACTS AND PROCEDURAL HISTORY

In April 2011, appellant was arrested in Baltimore City while in possession of 24 or 25 heroin gel caps. He does not contend — and appears never to have contended — that he was not physically present in Baltimore City at the time of his arrest, that possession with intent to distribute heroin is not a crime in Maryland, or that he was not in possession of heroin in a quantity sufficient to warrant convicting him of possession of the drug with intent to distribute.

On November 23, 2011, appellant was convicted of possession of a controlled dangerous substance with intent to distribute, and, on January 24, 2012, he was sentenced to

fifteen years' imprisonment. The State notes in its brief that appellant did not file a direct appeal of the conviction.

On June 19, 2012, appellant filed a handwritten paper captioned "The Supreme Court of Maryland Petition for the Great Writ of Habeas Corpus," in which he contended, *inter alia*, that he was "a sovereign citizen" who was being "restrained of his liberty and unlawfully imprisoned by" the warden of the Maryland Reception Diagnostic Classification Center. In his petition, appellant asserted that he was being held in the correctional facility

as a captive contracted indentured servant by way of the UCC, DIVISION OF CORRECTION, and the Respondent as an accommodation party for the commercial crimes of Possession W/I intent to distribute the alleged 25 gel caps of heroin (#111208009) leveled against the corporate entity CLIFFORD JACKSON created by the corporate STATE OF MARYLAND without Clifford Anthony Jackson's consent, proof of any maritime or admiralty contract, or Common Law jurisdiction under the Constitution.

The petition argued that, as of the time of his sentencing, the prosecution had not responded to his post-trial demand that the State provide proof that it had jurisdiction. He asserted that the failure of the prosecutor and/or the circuit court to respond to his demand for proof of jurisdiction resulted in there being no jurisdiction over him. He recited, *inter alia*:

Petitioner Clifford Anthony Jackson has made public record of his explicit reservation of rights UCC 1-308/1-207, Sovereignty, and Citizen of the republic, and has done so for the court in writing by way of the Jurisdictional challenge submitted into the record and was purpos[e]ly ignored by the prosecutor and court. (See Case # 11208009). I, Clifford Anthony Jackson reserve my right not to be compelled to perform under any contract or commercial agreement that I did not enter knowingly, voluntarily and intentionally. I do not accept the liability of the compelled benefit of any unrevealed contract or commercial agreement. Further, Petitioner is a natural citizen of the republic of Maryland.

On July 23, 2012, the Circuit Court for Baltimore City denied the habeas petition by written order, noting, “Petitioner asserts no cognizable cause of action and the Petition does not comply with Md. Rule 15-302,” which sets forth procedures applicable to a petition for writ of *habeas corpus*.

On September 2, 2012, appellant filed a paper entitled “Timely Appeal.” It was not a timely appeal of the July 23, 2012, judgment denying his petition, but, because appellant “asserted that he did not receive a copy of the circuit court’s judgment until August 24, 2012,” this Court ruled that, although neither we nor the circuit court have the option of permitting appellant to file an untimely appeal, appellant might be able to demonstrate that he was entitled to file a belated appeal. Accordingly, on October 11, 2012, we remanded the case to the Circuit Court for Baltimore City, without affirmance or reversal, for “an evidentiary hearing as soon as practicable to determine whether Appellant is entitled to file a belated appeal.”

On December 6, 2012, the circuit court conducted the evidentiary hearing, and determined that appellant was entitled to file a belated appeal. The court’s order of December 10, 2012, gave appellant thirty days to file his belated appeal. On December 20, 2012, appellant filed a “Notice of Appeal” in the Circuit Court for Baltimore City, noting his appeal “from a judgment of the Circuit Court for Baltimore City (Civil Division) in the above captioned proceeding on the 6th day of December, 2012, relating to an erroneous decision rendered upon Petitioner’s Supreme Court of Maryland Petition for a Great Writ of Habeas Corpus.”

MOTIONS TO DISMISS

Counsel for the appellee filed a motion to dismiss the appeal, pointing out that appeals from the denial of a petition for writ of habeas corpus are permitted only in limited instances. *Gluckstern v. Sutton*, 319 Md. 634, 652 (1990). As we explained in *State v. Thornton*, 84 Md. App. 312, 313 (1990), the *Gluckstern* Court held that:

“[a]n appeal may be taken from a final order in a habeas corpus case only where specifically authorized by statute.” The Court identified four statutes that permit appeals or applications for leave to appeal in habeas corpus cases[:] [1] Cts. & Jud.Proc. art., § 3-707, applicable to the “denial of relief in habeas corpus cases regarding the right to bail or allegedly excessive bail,” *id.* at 652, 574 A.2d 898; [2] art. 41, § 2-210 applicable to the denial of habeas corpus relief in extradition cases; [3] Cts. & Jud.Proc. art., § 3-706, applicable where a writ is issued on the ground that the law under which the petitioner is held is unconstitutional; and [4] art. 27, § 645A(e), which is part of the Post Conviction Procedure Act.

Accord Green v. Hutchinson, 158 Md. App. 168, 172-74 (2004).

The appellee asserts that none of the four *Gluckstern* exceptions applies to this appeal. But because it is arguable that appellant is contending that the law under which he is held is unconstitutional, we will deny the appellee’s motion to dismiss.

After the appellee filed its motion to dismiss, appellant responded by filing a motion to dismiss the appellee’s brief. Appellant asserted that the brief had not been filed on behalf of a party to this appeal. We disagree, and deny appellant’s motion to dismiss.

DISCUSSION

The gravamen of appellant’s argument is his contention that he “is not under the Jurisdiction of the entity the CIRCUIT COURT FOR BALTIMORE CITY from a void Judgment absence [sic] all common law Jurisdiction, consent, admiralty or maritime

contracts, which requires reversal.” An analogous jurisdictional argument was considered and rejected in *U.S. v. Mitchell*, 405 F. Supp. 2d 602 (D. Md. 2005), where Judge Andre Davis wrote:

The exact theory relied on by the defendants is difficult to ascertain, but it seems to be related to their common statements insisting that, “I do not consent. I did not sign anything. And I do not understand the attached documents [the front page of the Second Superceding Indictment].” The defendants also persistently claim that they are not properly identified in the caption of the indictments because their names are printed in all capital letters, thereby failing to properly represent them as “flesh and blood” men.

These arguments are patently without merit. Perhaps they would even be humorous - were the stakes not so high. **To begin with, the U.C.C. has no bearing on criminal subject matter jurisdiction.** In crossing out the front page of their indictments, the defendants cite “U.C.C. 3.501.” The court takes this to mean U.C.C. § 3-501. This section of the Uniform Commercial Code, however, pertains to presentment of negotiable instruments. It is unfathomable how such a provision has any relevance in a criminal proceeding.

* * *

Although unique by conventional legal standards, the defendants’ arguments are not new. Increasingly, they have been asserted in criminal cases pending in this district, and have been summarily rejected. Similar challenges have been advanced in other districts as well, but the results have been the same. In [*United States v.*] *Singleton* [2004 WL 1102322, (N.D. Ill. May 7, 2004)], for example, the defendant argued first that the capitalization of his name referred not to a flesh and blood man, but to a treasury account the government had set up for each citizen in the 1930s. *Id.* at *2. Second, the defendant argued that Congress had illegally adjourned without a quorum in 1861, thereby invalidating every law passed since then. *Id.* The court rejected these assertions. See also *United States v. Secretary of Kansas*, 2003 WL 22472226 (D.Kan. Oct. 30, 2003) (criminal defendant who filed a lien against property owned by a federal judge sought dismissal of injunctive action filed by the United States on the ground, in part, that he was a “flesh and blood man with a soul”).

These assertions are equally unimpressive as invoked in the instant case. This court clearly has jurisdiction over the defendants and over the criminal charges contained in the indictment. By statute, federal district courts “have original jurisdiction, exclusive of the courts of the States, of all offenses against the laws of the United States.” 18 U.S.C. § 3231. The defendants are all charged with crimes that were established by acts of Congress, including racketeering under 18 U.S.C. § 1962 and drug offenses under 21 U.S.C. § 841. They were indicted by a properly assembled federal grand jury. Now they must stand trial in federal court.

Id. at 603-05 (footnotes and internal headings omitted) (bolded emphasis added).

In *Gutloff v. State*, 207 Md. App. 176, 185 n.5 (2012), this Court commented on a similar challenge to the jurisdiction of the trial court and noted: “This jurisdictional argument has been characterized by the Fourth Circuit as ‘patently frivolous.’ *United States v. Burris*, 231 Fed. Appx. 281, 282 (4th Cir.2007).” *Accord United States v. Bonobo*, 654 F.3d 753, 767 (7th Cir.2011) (“Regardless of an individual’s claimed status of descent, be it as a ‘sovereign citizen,’ a ‘secured-party creditor,’ or a ‘flesh-and-blood human being,’ that person is not beyond the jurisdiction of the courts. These theories should be rejected summarily, however they are presented.”).

Here, there is no question that the appellant was subject to the jurisdiction of the Circuit Court for Baltimore City for personally committing an act prohibited by the criminal laws of Maryland within Baltimore City. The jurisdiction of the Circuit Court for Baltimore City is clearly established by Maryland Code (1973, 1989 Repl. Vol.), Courts and Judicial Proceedings Article, § 1-501, and was not a matter that required further proof. Section 1-501 provides:

The circuit courts are the highest common-law and equity courts of record exercising original jurisdiction within the State. Each has full

common-law and equity powers and jurisdiction in all civil and criminal cases within its county, and all the additional powers and jurisdiction conferred by the Constitution and by law, except where by law jurisdiction has been limited or conferred exclusively upon another tribunal.

(Emphasis added.) Accordingly, appellant was legally tried and convicted in Baltimore City, and is legally being held in custody. Therefore, the Circuit Court for Baltimore City did not err in denying his petition for a writ of habeas corpus. We affirm the judgment of the Circuit Court for Baltimore City.

**MOTIONS TO DISMISS DENIED.
JUDGMENT OF THE CIRCUIT
COURT FOR BALTIMORE CITY
AFFIRMED. COSTS TO BE PAID BY
APPELLANT.**