

Filed

MAR 02 2022

Suzanne C. Johnson, Clerk
Court of Appeals
of Maryland

IN THE MATTER OF 2022
LEGISLATIVE DISTRICTING OF
THE STATE OF MARYLAND
DAVID WHITNEY,

Petitioner

* IN THE
* COURT OF APPEALS
* OF MARYLAND
* September Term 2021
* Misc. No. 24

RESPONSE TO THE RENEWED MOTION TO DISMISS PETITION
BY THE ATTORNEY GENERAL OF MARYLAND

The renewed motion by the Maryland Attorney General to dismiss the petition I, David Whitney filed in Misc. 24 claims that my amended petition does not relate back to my original petition Filed on February 9, 2022 because it is a new claim altogether and bears “no resemblance to the allegations of his original petition.” The Maryland Attorney General further claims that for this reason my petition should be rejected for being “eight days after the deadline” when petitions had to be filed by Thursday, February 10, 2022 at 4:30 p.m. with the Clerk of the Court of Appeals and serve it on the Attorney General of Maryland in accordance with Maryland Rules 2-124 and 20-205.

STATEMENT OF FACTS

The Maryland Attorney General admits that my initial petition was filed on February 9th with the Court of Appeals and that I contemporaneously served copy to the Maryland Attorney General well within the deadline.

During the scheduling conference conducted on February 17, 2022, I was questioned about the identity of the district I had challenged. The Special Magistrate directed me to amend my petition to specify the district(s) I was challenging. As directed by the Special Magistrate I amended my “petition to specify the district(s) I was challenging.” I submitted that amended petition the next day, February 18, 2022, as the Special Magistrate directed, and contemporaneously served copy to the Maryland Attorney General on that same day.

ARGUMENT

The Maryland Attorney General’s claim that my petition was “Untimely” ignores the fact that I was directed by the Special Magistrate to amend my petition which had been submitted before the deadline on February 9, 2022 and contemporaneously served copy to the Maryland Attorney General.

When conducting a search for redistricting in google, using these words, “Current Maryland legislative district maps due to redistricting” The following page is the 9th item that appears on the list:

<https://planning.maryland.gov/Redistricting/Pages/default.aspx>

This was chosen rather than the previous eight items as they were all news

reports from various sources and not websites published by the State of Maryland.

At the bottom of that page is a link to Legislative District maps:

http://mdpgis.mdp.state.md.us/Legis_District/index.html

That link takes you to 2012 Legislative District map not the one passed by the Legislature January 27, 2022

When you go to another Maryland State resource:

<https://msa.maryland.gov/msa/mdmanual/07leg/map/html/map.html>

At that link you are also given a list of 2012 maps as well as prior maps, but no map of the Legislative Districts the Legislature voted for on January 27, 2022

Through all the Maryland State online resources I found this map voted for on January 27, 2022 was not available.

I ultimately found redistricting maps by a link through “Maryland Matters” article to a map that appeared to be the Redistricting map. It was that upon that which I based my petition filed February 9, 2022.

Being directed at the February 17, 2022 Scheduling Conference to amend my petition I went back to searching for the elusive January 27, 2022 Maryland General Assembly Legislative Redistricting Map.

Again I found nothing directly available through the Maryland State resources

online. I came to the following link through a Maryland Matters article.

<https://mgaleg.maryland.gov/Other/Redistricting/Final/LRACFINAL-LEGISLATIVE/lrac-legislative.pdf>

The page is titled,

“Maryland General Assembly Legislative Redistricting Advisory

December 20, 2021

(click on map for interactive version)”

When, however, you click on map to enter the interactive map this is what appears.

“404 - File or directory not found.

The resource you are looking for might have been removed, had its name changed, or is temporarily unavailable.”

Thus it was not even possible to look in detail at the edges of these new districts the Legislature voted in on January 27, 2022.

It would be appropriate to investigate why the maps have been difficult and near impossible to access in their entirety by the citizens of Maryland. It might appear to the average citizen, one who doesn't have the entire apparatus of State Government at his disposal, that the actual map has been well hidden from We

the People.

A civil government should always be looking to the question of its legitimacy in the eyes of the citizens. When it loses the grounding of legitimacy in the eyes of even a small proportion of the populace, a regime change is underway. Thus it was at the beginning of the contest with Great Britain.

CONCLUSION

I have not abandoned my petition, nor is my petition untimely as the Maryland Attorney General claims.

For the foregoing reasons the renewed motion to dismiss should be denied.

Respectfully Submitted,



Mr. David Whitney

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March 2nd in the year of our Lord Jesus Christ 2022

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of Maryland

Certificate of Service

I, David Whitney served a copy of this filing upon the following party
Maryland Attorney General Brian E. Frosh
hand delivered this day
March 2nd in the year of our Lord Jesus Christ 2022
at 200 St. Paul Place, Baltimore, MD 21202.

Time 10:55am 3/2/22

Received by

Ann M. Sheridan (print)

Signature of party served 

Signature of server 