

NIKOS STANFORD LIDDY,

*

IN THE

Petitioner,

*

COURT OF APPEALS

v.

*

OF MARYLAND

LINDA H. LAMONE, et al.,

*

November Term, 2006

Respondents.

*

Petition No. _____

* * * * *

PETITION FOR WRIT OF CERTIORARI

COMES NOW Petitioner, Nikos Stanford Liddy, by and through counsel Jason W. Shoemaker, and respectfully petitions this Honorable Court for a writ of certiorari to review the decision of the Circuit Court for Anne Arundel County, Maryland in the case captioned Liddy v. Lamone, et al., Case No. C2006-11729. A copy of said decision by the Circuit Court is attached hereto and incorporated fully herein as Exhibit "A". Review is warranted in this matter to resolve an issue regarding the constitutional eligibility of a candidate for statewide office. As this case presents a legal question of first impression and this Honorable Court's decision will potentially affect the management and facilitation of the upcoming general election to be held on November 7, 2006, the parties have been advised of an expedited schedule should this Petition be granted.

Specifically, the issue presented in this matter is whether Defendant Douglas F. Gansler, Esquire is constitutionally qualified as a candidate for Attorney General of Maryland. This appeal centers around the interpretation of Article 5, § 4 of the Maryland Constitution, which requires that an individual "practice Law" in the State for at least ten (10) years before he or she is qualified to become Attorney General. This Honorable Court must review the decision made by the Circuit Court in that said decision incorrectly

interprets the aforementioned constitutional provision based on non-binding and inapplicable law. Further, this case warrants review in that, regardless of the Circuit Court's interpretation of the constitutional requirements at issue, any application of the facts set forth in Defendant Gansler's testimony would result in a ruling that he is not currently constitutionally qualified to become Attorney General of Maryland.

Moreover, the interpretation of Article 5, § 4 of the Maryland Constitution is vital to assure that any subsequent review of qualifications be performed pursuant to a set of parameters and guidelines delineated by this Honorable Court. That is, pursuant to Article 5, § 2 of the Maryland Constitution, the Governor may disqualify an elected Attorney General *after the election* due to failure to pass constitutional muster. Without review of this matter and interpretation of those requirements, that constitutional right must be performed without the advantage of parameters set forth by the highest court in this State.

Should the Circuit Court's decision's holding and decision be left standing, we risk a situation in which *every citizen of this State* becomes a constituent of an unconstitutional Attorney General or, worse, that the majority of Maryland voters go to the polls unaware of the fact that a vote may be wasted on an ineligible candidate.

QUESTIONS PRESENTED

While Petitioner is aware (and will brief accordingly) issues involving the Circuit Court's denial of dispositive motions filed by Defendants related to statutes of limitations and the doctrine of laches, Petitioner seeks review solely of the following question:

Did the circuit court err in ruling that, based on the facts set forth in the record and testimony at trial, Douglas F. Gansler, Esquire has "practiced Law" in Maryland for at least

ten (10) years as that phrase is interpreted as a requirement to become Attorney General pursuant to Article 5, § 4 of the Maryland Constitution?

CONCLUSION

As agreed upon, the law and authority for Petitioner's argument shall be set forth in a brief to be filed no later than 2:00 p.m. on Tuesday, October 31, 2006.

WHEREFORE, Petitioner respectfully requests that this Honorable Court issue a writ of certiorari to either the Court of Special Appeals or the Circuit Court for Anne Arundel County, Maryland, or both.

Respectfully submitted,

/s/

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CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY that on this 30th day of October, 2006, a copy of
the foregoing was sent via electronic mail to:

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/s/

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