

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES
Washington DC

Emmanuel Uzoechi — PETITIONER

(Your Name)

Dr. David Wilson, President of Morgan state University

Dr. Kevin Banks, President of Division of student affairs

Mr. Seymour E Chambers, Chief Judicial Affairs officer

VS.

Stacie Sawyer, Assistant Prosecutor of State of Maryland.

Matthew Paul Reinhart, Office of the Attorney General of Maryland. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

The United States 4th Circuit Court of Appeals

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Emmanuel C Uzoechi

(Your Name)

5 greens Landing Court Randallstown

(Address)

Baltimore, Maryland 21133

(City, State, Zip Code)

410-521-3889

(Phone Number)

QUESTION(S) PRESENTED

1. Did the State of Maryland intentionally inflict emotional distress on Emmanuel C Uzoechi, and was Emmanuel C Uzoechi Maliciously prosecuted?
2. Did Morgan State University violate Title IX of the Education Amendment of 1972 during the criminal case of Emmanuel C Uzoechi Vs State of Maryland? Case number: 115085001
3. Did Morgan State University Violate Emmanuel C Uzoechi's Due process right, and was Emmanuel C Uzoechi falsely convicted of RAPE at Morgan State University? Did Morgan State discriminate against Emmanuel C Uzoechi during the course of the case?

Issue the petitioner wishes the Court to decide:

Due to damages;

- (i) The petitioner wishes the court to grant the petitioner a permanent legal status.
- (ii) A fully funded medical school education
- (iii) Monetary compensation

LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

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APPENDIX A	The decision of the United States District Court upheld by the 4th circuit court of Appeals.
APPENDIX B	The Decision of the United States District Court
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APPENDIX F	Defense Attorney requesting part of the other part of the surveillance video.

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

No related cases has been found

STATUTES AND RULES

OTHER

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

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix C to the petition and is

☒ reported at Maryland Case Search; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the Morgan State University court appears at Appendix D to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was August 20th 2018.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A .

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A .

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- To prevail on a claim of malicious prosecution under the fourth amendment, a plaintiff must be able to prove that: (i) A criminal proceeding was initiated (ii) Criminal proceeding ended in the plaintiff's favor (iii) Proceeding was initiated without probable cause (iv) Prosecutor acted maliciously or for purpose other than bringing the plaintiff to justice. Appendix C
- Human rights acts article 3 condemns torture, inhumane or degrading treatmentAppendix C
- Title IX states that "No person in the United States shall, on the basis of sex be excluded from participation in, be denied the benefits of or be subjected to discrimination under any education program receiving federal funding..... Appendix D
- Intentional infliction of emotional distress (IIED), sometimes called the tort of outrage is a common law that allows individuals to recover for severe emotional distress caused by another individual or authority that intentionally or recklessly inflicted emotional distress by behaving in an "extreme and outrageous" wayAppendix C
- According to the American Civil Liberties Union (ACLU), the due process clause of Fourteenth amendment holds that there is a fundamental, constitutional guarantee that all legal proceedings will be fair and that one will be given notice of the proceeding and an opportunity to heard before the government/authority acts on a particular issue..... Appendix D
- The right to freely choose what school to attend especially after such a tragedy is a human right Appendix D

Statement of Case

Please see attachment

Statement of the Case

On **February 24th 2015**, Petitioner **Emmanuel C Uzoechi** was falsely accused of **RAPE** on **Morgan State University** campus.

According to the complainant's false allegations, " **Emmanuel C Uzoechi** DID penetrate her without protection and that during the unprotected penetration, Emmanuel C Uzoechi did say that he will NOT stop until he ejaculates." In other word the complainant affirmed that Emmanuel C Uzoechi did ejaculate in, on or around her! However, after two consecutive DNA probe, the serological result came back **NEGATIVE**! When God wants to fight for the Innocent, the wicked will say things that will hurt them at the end of the day.

On **February 25th 2015**, **Emmanuel C Uzoechi** was arrested and charged with the following charges:

- Rape first degree
- Sex offense second degree
- Assault-first degree
- Assault-sec degree
- Sex offense 4th degree- sex contact

Due to the false allegations, **Emmanuel C Uzoechi** was denied Bail!

Some charges were dropped and some counts were indicted:

- Rape second degree
- Sex offense second degree
- Sex offense fourth degree
- Assault second degree

Due to the changes in the charges, a **\$500,000 bail** was posted. **Emmanuel C Uzoechi** was still unable to bail out. After a series of hearings that ended up with postponements, **Emmanuel C Uzoechi** was preparing for trial that was set to commence on **August 26th 2015** with a Fake testimony that was prepared using the complainant's false allegations that authorities already believed.

Surprisingly, all charges ended up getting a **nolle prosequi disposition** and **Emmanuel C Uzoechi** was subsequently released on **August 27th 2018**. Therefore the fake testimony that was made in preparation for trial ended up not being used.

While **Emmanuel C Uzoechi** was in detention, a hearing was held on **Morgan State Campus**. That hearing resulted in **Emmanuel C Uzoechi** being **expelled** from **Morgan State University**.

- **CLEAR VIOLATION OF DUE PROCESS RIGHT**

When **Emmanuel C Uzoechi** was released from detention, **Emmanuel C Uzoechi** was admitted to **Towson University** but due to Morgan State's delay in clearing **Emmanuel C Uzoechi**, the admission to Towson was revoked and the transfer was canceled.

According to **Morgan State University**, an appeal to the expulsion was submitted on **May 7th 2015** and an Answer to the appeal was received on **January 20th 2015**. After having been held by the assistant state's attorney for **6 months** over a false allegation, Morgan State took **8 months** in clearing **Emmanuel C Uzoechi**.

- **Blatant Intentional infliction of Emotional Distress**

Due to the unwarranted arrest and detention of **Emmanuel C Uzoechi**, he did lose his job, and hasn't been able to get one since his release from detention. **Emmanuel C Uzoechi** is a pre-med student whose aspiration has been to go to Medical School. **Emmanuel C Uzoechi** was **maliciously prosecuted** for **6 months**.

A thorough examination of Title IX shows **MORGAN STATE UNIVERSITY** at **FAULT**.

Legal Questions to be reviewed

*According to the **American Civil Liberties Union (ACLU)**, the due process clause of the **fourteenth amendment** holds that there is a fundamental, constitutional guarantee that all legal proceedings will be fair and that one will be given notice of the proceeding and an opportunity to heard before the government/authority acts on a particular issue.*

- Did Morgan State University (State of Maryland) give **Emmanuel C Uzoechi** an opportunity to attend the hearing that was held on campus in connection to the false allegation? **NO**. "**Emmanuel C Uzoechi** was in detention when a university hearing was held which resulted in him being expelled from the university on **April 28th, 2015**." (Please see Morgan State's Letter to USCIS).

Intentional infliction of emotional distress (IIED sometimes called the tort of outrage) is a common law that allows individuals to recover for severe emotional distress

caused by another individual or authority that intentionally or recklessly inflicted emotional distress by behaving in an "extreme and outrageous" way.

- Morgan State University **DID** say in the Expulsion letter issued to **Emmanuel C Uzoechi** that the complainant **"told him several times that she did not want to engage in any sexual activity."** Morgan State University added, **"Mr. Uzoechi did not comply with the complainant's wish not to engage in sexual activities and proceeded to penetrate the complainant."**
- From every indication, Morgan State University **DID** believe the complainant's false allegation, which is why an expulsion was made! Expelling a rapist is a normal thing to do no argument about it.
- Being called a RAPIST when you are not a RAPIST is not a good thing; every normal person would suffer emotional distress just from that labeling. Due to the "RAPIST" label **Emmanuel C Uzoechi** had at Morgan State University, **Emmanuel C Uzoechi** decided to seek admission to Towson University after explaining all that had happened at Morgan State University. **On November 10th 2015, Emmanuel C Uzoechi** was admitted to Towson (please see attachment).
- Morgan State University Refused to clear the "RAPIST" they convicted during their hearing, preventing **Emmanuel C Uzoechi** from going to Towson.

The distress Emmanuel C Uzoechi suffered tripled because he was systematically FORCED to be re-enrolled where he was falsely convicted of RAPE extremely unpleasant feeling. Emmanuel C Uzoechi was heavily confused as it wasn't clear whether or not Morgan State University wanted Emmanuel Uzoechi to "Re-RAPE" the complainant or "RAPE" another student since they had expelled him as a Rapist. **(Violation of Human rights acts article 3 that condemns torture, inhumane or degrading treatment.)**

To prevail on a claim of malicious prosecution under the fourth amendment, a plaintiff must be able to prove that: (i) A criminal proceeding was initiated (ii) Criminal proceeding ended in the plaintiff's favor (ii) Proceeding was initiated without probable cause (iv) Prosecutor acted maliciously or for a purpose other than bringing the plaintiff to justice.

- State of Maryland did initiate criminal proceeding against Emmanuel C Uzoechi.
- Criminal proceeding ended in Emmanuel C Uzoechi's favor.
- Proceeding was initiated without probable cause

- Prosecutor acted maliciously by having Emmanuel C Uzoechi in detention for six months without probable cause. (**Violation of Human rights acts article 3 that condemns torture, inhumane or degrading treatment**).

According to what should not be forgotten about TITLE IX of 1972;

- No institution of higher education can discriminate against anybody on the basis of his or her sex and gender.
- Title IX is important because the law requires universities to respond promptly and effectively to address any report of sexual harassment or sexual misconduct and actively take steps to prevent it.
 - DID Morgan State respond promptly and effectively? **YES!**
 - DID Morgan State prevent it from happening? **NO!** Morgan State University literally allowed the student who they believed to have **RAPED** a fellow student back on their campus. The initial complainant or another student could have been re-victimized/victimimized.
- The law also does not just apply to female students. Any form of discrimination against men is a Violation of **Title IX of 1972**.
 - DID Morgan State University Discriminate against Emmanuel C Uzoechi during the proceeding of the case? **YES!** Evidence surrounding the case (surveillance video was deleted) with the intention to hurt Emmanuel C Uzoechi' criminal case. According to Morgan State's expulsion letter, it is clearly stated that Mr. Uzoechi went into the young lady's room. However, the surveillance video that Morgan State University released to Emmanuel C Uzoechi defense team shows Emmanuel C Uzoechi being signed into the building by the complainant, but the video showing Mr. Uzoechi being signed out of the building by the complainant was **DELETED!!!!** (Please see tape).
 - DID Morgan State University Discriminate against Emmanuel C Uzoechi because he is a male/foreigner? Answer: There is No evidence to show that the discrimination was done because Emmanuel C Uzoechi is a male/foreigner, Neither is there any evidence to show that the discrimination was **NOT** done because

Emmanuel C Uzoechi is a male/foreigner. **The blatant evidence we have is Morgan State University DID discriminated against a male/foreigner, therefore because the act of discrimination was posed against a male/foreigner Morgan State University gets exposed to violate Title IX.**

- Title IX recognizes all students have the right to due process. Schools are required to be fair, parties have the right to present their case.
 - DID Morgan State University grant Emmanuel C Uzoechi due process? **NO! Emmanuel C Uzoechi** was expelled when he was in detention.
 - DID Morgan State University prevent Emmanuel C Uzoechi from transferring? **YES!** They took **8 months** to decide whether or not to let a student they believed to have **RAPED** another student go.
 - DID Emmanuel C Uzoechi get admission during this 8 months period of time? **YES!**
 - Was Emmanuel C Uzoechi's admission to Towson revoked because of Morgan State University's delay in clearing him? **YES!** (Freedom to make choices is a **human right**; Morgan State University systematically violated this right by impeding a student's right who they believed raped another student to choose what school to attend).
 - DID Emmanuel C Uzoechi present his own side of the story after Morgan State University had expelled him? **YES! On December 3rd 2015 a private meeting between Emmanuel C Uzoechi and Dr. Kevin Banks was held to hear my side of the story.**
 - DID Morgan State University Re-instate **Emmanuel C Uzoechi** after he presented his side of his story? **YES!** Therefore if **Emmanuel C Uzoechi** was granted due process right to present his side of the story during the hearing, **THERE WOULD HAVE BEEN NO EXPULSION.**
 - DID Morgan State University re-instate **Emmanuel C Uzoechi?** **YES after 8 months.**

Dated on September 14th, 2018

Respectfully submitted

Emmanuel C Uzoechi



Reasons for granting petition

*** The United States District Court:**

The main and initial complaints that were filed at U.S district court level pointed out (i) Violation of Title IX (ii) Negligence (for preventing the student they believed to have raped a student from transferring) (iii) Tampering with evidence during the case (iv) Malicious prosecution

Rulings has not been fair on this case from the beginning. The judge preceding this case at the federal level has repeatedly laid emphasis on the immunity that the State employees involved in this case enjoy, which is true. However, the judge didn't show any sign of fairness by pointing out that, it is a violation of human rights to intentionally harm the "weak" just because of immunity shielding. Every favorable ruling that should have been done in favor of the petitioner is blocked by immunity.

*** Fourth Circuit Court of Appeals:**

Initially, fourth circuit court of appeals had the case remanded back to U.S district court for them to rule on the following;

- (i) Violation of Due process rights and
- (ii) intentional infliction of emotional distress

After U.S district court had ruled on these two points, Fourth Circuit Court of appeals chose to be technically Neutral by affirming what the U.S District court has ruled without really taking a stand on their own. The facts and legal contentions that have been upheld by court of appeals are those laid by the U.S district court. Meanwhile the other true facts and legal contentions laid by the petitioner has been ignored or not taken into consideration.

*** National importance of the Supreme Court decide in this case:**

(i) The supreme court's ruling of the first question raised, will prevent a cascade of damages (on alleged rapist) if law enforcement officers around the nation are ordered do investigate and evaluate every nature of a reported and unreported case of sexual assault (RAPE) before filling charges. That way, one will need to be a RAPIST to be placed into the lane of prosecution. It is a devastating reality to prosecuted for an ugly crime like rape with in effect you are not a rapist. Another growing threat to MEN across the Globe is the notion of women having consensual sex with men and having them sent to prison for RAPE on the basis of the presence of their semen. When law enforcements officers stand for what is good, the entire community benefits.

(ii) The supreme court's ruling of the second question raised, will encourage Educational institutions to rightfully observe Title IX of the Education amendment of 1972.

(iii) (a) The supreme court's ruling of the third question raised, will encourage Educational institutions to rightfully grant students a fair due process right and (b) assure students from foreign countries that there no stigma of discrimination held against them just because they are foreigners.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Emmanuel C Uzoechi

Date: September 14th 2018