

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Donna Anna Black (PROSE) — PETITIONER
(Your Name)

vs.

Jerome W. Lindsey Jr. (AKA) RESPONDENT(S)
Jerome W. Lindsay Jr.
ON PETITION FOR A WRIT OF CERTIORARI TO

DC COURT OF APPEALS

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

PETITION FOR WRIT OF CERTIORARI

Donna Anna Black
(Your Name)

805 Rittenhouse Street NW
(Address)

Washington, DC 20011
(City, State, Zip Code)

202-600-5039
(Phone Number)

QUESTION(S) PRESENTED

1. Why is our family left homeless when the landlord Jerome W. Lindsey Jr. AKA Jerome W. Lindsay Jr. had a job to maintain and keep a home in habitable living condition?
2. Why is our family homeless when DC Housing Authority had a job to do by protecting our family from this type of maltreatment and dishonesty?
3. Why does our 13-year-old have to suffer with Asthma that she was diagnosed with living in the poor conditions of an unmaintained property due to the landlords neglect to maintain and repair the property?
4. Why does our 5-year-old have to suffer and live his life as an abnormal child due to the uninhabitable living conditions causing our son to be lead poisoned and found to have high levels of lead in his blood stream the first year of his life?
5. Why was DC Housing and Community Development allowed to award the landlord with a grant to abate the property after our family was issued a judgment for possession and we completed the tenant portion of the application for the grant so, our family could live lead free and comfortable?
6. Why would I file a precipe I believe would void my DC Court of Appeals case?
7. Why are landlords allowed to file another writ after the US Marshalls cancel the first one?
8. What does our family do when we are threaten with eviction and threaten to loose our DC housing Choice Voucher to rent or find a new home?
9. What does our family do when we cannot find a home free of needed repairs or lead?

10. How do our family find a home when realtors are allowed to raise the rent higher than the DC Housing Choice Voucher amount or discriminate and not rent to us at all?
11. Why are realtors allowed to take application fees and give no explanation why my application was not accepted or give false explanations?
12. Why is our family still homeless after a year and a half of searching exhaustingly for a home with a DC Housing Choice voucher?

The issue our family wish this honorable Supreme Court of the US to decided is it rightfully and justified that our family was removed from our home after being maliciously, emotionally, physically, tormented, abused, neglected and downgraded for trying to live in our monthly paid rented home and do we deserve to continue to suffer being homeless or do we deserve our home that honestly is our home after all that this landlord has put our family through for no apparent reason because he did not want to stand up and take responsibility as landlord and responsibility for his actions that caused my family harm and suffering.

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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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 _____ 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 _____ court appears at Appendix _____ 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 ~~SEPTEMBER 12, 2018~~. JULY 23, 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: SEPTEMBER 12, 2018, and a copy of the order denying rehearing appears at Appendix A.

☐ 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

STATEMENT OF THE CASE

This case was brought against our family **IN RETALIATION** of our son being diagnosed with lead poisoning on his first birthday of his life, which was August 19, 2014 and for our family exercising our rights for the landlord to repair and maintain the property in habitable condition. At the time we applied for the property on October 25, 2012 the listing stated home would be available on September 21, 2012. We were not really in a position to wait because the home we resided in by law the landlord is a military family returning home and we had 90 days to move and there were no other homes on the market large enough for our family and the ones that were was not being rented to **DC HOUSING VOUCHER HOLDERS** so, we actually could not be choosy so, we applied for the property 805 Rittenhouse Street NW Washington, DC 20011 we waited and we continue to inquire on the status of the move in date because we were told the property has not passed inspection. Finally, we received information in 2013 the property passed inspection. The property was pretty old, but we questioned the property manager if we have any problems will they be addressed right away she assured us we would have no problems that end up being the worst lie ever as soon as the check started rolling in the owner dragged his feet on repairing the property and when he did decide to repair he send unqualified repair people and botched up the repair job and masked the underlining true problem and the improperly repair just got worst and worst to where the house walls, ceiling, pipes, furnace, floor boards started decaying, falling down and apart, the pipes were rupturing and we had no access to the basement to shut off the main pipe which caused us a very high water bill on several occasions and then our water was shut off and requested to be shut off by landlord, the mouse and street rats started infesting the property, the rats ate up the stove gas pipe,

ate out the refrigerator and cabinets. The raccoons and squirrels invaded my older sons room and if we left his room open they would wander the home when we were not home. The roof leaked and rain water came destroying the ceiling light fixtures and walls, dining room, living room and bedroom that I was temporary sleeping in due to being pregnant I could not really move and rearrange our things that we moved in so pretty much the entire home was storage everywhere because at the time I signed the lease it was brought to our attention by the property manager on the spot at **DC HOUSING AUTHORITY** that we will not have access to the basement that was hand written on the lease and already signed by the owner so, as we was moving in we were putting our things from our old property of twelve years all over the home in the living room, dining room and bedrooms because where we thought we would have storage it was unrightfully thrown on us the day of signing the lease **MARCH 31, 2013**. Upon moving in the property the owner breached the lease contract by allowing his handyman plumber to enter the property on April 4, or 5, 2013 and flip the lock that access the basement around so that the key would be facing us and the turner knob in the basement we did not get any notice of anyone entering the property and I clearly put it in writing and made the property manager and owner aware of what they did and told them if it happen again I would seek a legal claim against them for entering a lease property we took possession of on April 1, 2013 he also breached and voided the lease according to **DC Regulation 302, 302.1, 302.2 (a), (b) VOIDING LEASE FOR VIOLATION OF REGULATIONS** moving forward the property started deteriorating fast and I reported every last problem that started to arise anytime we requested repairs the owner did not want to repair the property he made lots of excuses and made up false stories of sending people to do repairs and no one showed up. When our son was diagnosed with high levels of lead in his blood on August 19, 2014 the **DC HEALTH DEPARTMENT** stepped in and issued a referral to **THE DEPARTMENT OF THE ENVIRONMENT** who administered A

LEAD -BASED PAINT RISK ASSSSMENT which was done on September 30, 2014 and October 1, 2014 **A HEALTHY HOMES HAZARD ASSESSMENT & TECHNICAL ASSISTANCE REPORT** was done on October 16, 2014 and he started making more excuses why he was not repairing the property and pushing blame on our family and our family pet he started making false claims against our family then after we started the process to get the property abated after we completed the application tenant portion and he completed the landlord portion he serves us with a notice to vacate dated January 14, 2015 now he knows he is about to receive a large grant to abate and repair the property our family is facing eviction and nowhere to go and now I'm face with not knowing what to do now and how to move forward so, we put the application on hold for the abatement so, I could seek legal assistance because the landlord wants us out and we just completed a **DC DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT LEAD SAFE WASHINGTON GRANT APPLICATION** the first one on **DECEMBER 1, 2014** and the second one on **JUNE 9, 2015** for someone else to enjoy living when this grant he is getting is due to our son being lead poisoned in his property and so, that our son and family can live clean and clear of lead and a deteriorating property. The property failed inspection twice on **DECEMBER 19, 2013** and **JANUARY 16, 2014** and **DC HOUSING AUTHORITY** continued to pay him our subsidy payments for rent after the property failed inspection. Our family eventually did seek and find legal representation who helped initiate and start a **DC HOUSING CODE VIOLATION CASE** on **MARCH 20, 2015** **CASE: 2015 CA 001909 H** against the landlord, but his attorney, his handyman's, and him did a great job of making us look like terrible tenants by having dishonest workers he paid to take the stand and lie under oath even after a licensed **DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS** inspector came out twice on **APRIL 7, 2015** and **MAY 18, 2015** she stated this was the most extensive four pages of housing code violations she has seen in her five year

career of working for this department and she knew if she condemned the home we would be homeless and still was allowed to get away with it because the case was dismissed on **JANUARY 23, 2017** with all those outstanding housing code violations. In the process of this our **LANDLORD AND TENANT CASE 2015 LTB 6044** we had over ten or more attorneys that came and left they did not keep up with each other every last one did what they wanted to do they went against our advice and how we wanted our case presented they did not use a lot of important evidence that we had that could have been very useful and the last attorneys that went to trial with us excluded ninety nine point nine percent of our evidence that was submitted during our discovery period and during trial the landlord put on an annoying show of how he could not hear when our counsel was trying to present our case, but when his counsel spoke no one interrupted not once all he did was cause them to lose focus and forget and one of our counsel has a disability and could not hear in one ear this also was their first trial and the behavior of the landlord was so inappropriate the judge seemed like he was trying to be sympathetic because he's an elderly man in a wheelchair which is not right he is a human just like myself and he had a job to maintain and keep his property in habitable living conditions and free of harm to my family as a tenant so, that we could live peacefully and enjoy our tenancy and we did not do that at all we did was suffer and loss so much trying to live as a family in a home the landlord did not and would not take care of and maintain. Our family suffered terribly, our children suffered terribly, our innocent and loving dog suffered terribly and had to be Euthanized, our five year old had to be ripped of a normal life as a little boy born happy and healthy breastfed for a year and a month now, suffers from all types of side effects of being lead poisoned, our thirteen year old has to suffer being diagnosed with Asthma from breathing and inhaling Black mold and unhealthy air due to improper ventilation, our children had to live and suffer in a home that was uninhabitable for humans and held from moving for an entire

year because the landlord reported us for an unpaid water bill and our family was placed on termination status until our case with **DC HOUSING AUTHORITY** was resolved by that time we were in proceedings of the landlord and tenant court. The landlord eventually won **JUDGEMENT OF POSSESSION** on **DECEMBER 14, 2016** of the property and it was won under lies and dishonesty of his witness and himself. When I filed an Appeal **DECEMBER 19, 2016** it was clear I was going to have no counsel because I was told that right after the judgement which was pretty unfair and should have been made aware when they became counsel not right after judgement, but I took on the case and did my best I did search for representation and there was none in all the low income assisted programs that deal with Appeal cases and I followed all the appeals guide lines requested transcripts and I was denied so, I submitted my own brief of the case that should have been presented in the landlord and tenant presiding as I was checking the public records I noticed counsel for the landlord seek a new writ after he clearly knew were no longer in the property and we attended court I seek counsel from the resources center and clearly explained that I have an Appeals case and I was told that the precipe would not hurt my Appeal case so in order to not have an eviction on our record and continue to obtain my voucher to my knowledge I signed. Later on I received document from landlord counsel and it explained my case is moot so, I contacted Legal Aid Society and seek more legal advice and I was told again just because signed a precipe does not moot my appeals case and if this statement and representation did the lawyer gave advice in error. Then I received **MEMORANDUM OPINION AND JUDGMENT** on **JULY 23, 2018** mooting our Appeals case due to the signing of the precipe. I did not work this hard to come into court and agree and sign over our Appeals case by explaining to the court we left the property so, we would not be evicted and lose our DC Housing Voucher so, I submitted request for **REHEARING AND**

REHEARING EN BANC and the DC COURT OF APPEALS DENIED IT ON SEPTEMBER 12, 2018.

REASON FOR GRANTING THE PETITION

The reason this honorable Supreme Court of the United State should **GRANT OUR WRIT OF CERTIORARI** is because our family was maliciously removed from our home and the landlord only seek to remove us because he could not manage or maintain the property he listed on the market. It is his duty to stand up and take on the responsibility by law to maintain and keep his property in a condition that is livable for all tenants as myself. All he did was cause a family to suffer in conditions of an old home at least 100 years old that needed to be gutted out and renovated. Instead he accepted rent and left the property to decay and fall he use an unfortunate situation to get his property repaired when he was not rightfully entitled to that grant because by law the grant is for a family living in the property and we were removed due to the Judgment of Possession. When a landlord assume responsibility to put a property on the market to rent he is responsible for any and everything that needs to be repaired not just accept and pocket the rent for his enjoyment and allow a low-income family to live for months and years in poor conditions. When the facts are very visible that he cannot afford to maintain and care for this property and he relied on a government assistance and that is not how property management works he should be able to provide and care for this property at any given time and that clearly shows that he is not rightfully entitled to this home because he allowed a family to suffer in a home he could not maintain. We moved into this home with hopes to become self-sufficient and off the government assistance and we did just the opposite this home living conditions really hinder us from progressing as a family. We always tried to do the right thing by reporting all issues to property manager and owner whether they seek to repair or not, we reported them to DC Housing Authority as well and he persuaded them to continue

to pay him after the property failed inspection and that was wrong and unfair to my family and we moved to the courts for assistance and somewhat of the same response and that's not right we are fighting for our rights and justice and we won't give up until we are heard. Our family is homeless and full of debt because of the condition of this home if this home was properly cared and maintained we could live and enjoy our home and community and that's just what our family deserves after three full years of living in poor conditions and our children and ourselves harmed by lead, black mold, mouse and rat feces, pipe ruptures, decay walls, loss of electricity, loss of hot water, loss of water, loss of heat, loss of refrigerator, loss of stove use etc.. then a year and a half of being homeless our family deserves this home in a community that we enjoy and love because we did not ask for this type of treatment all we asked to live and enjoy a peaceful clean home that we could come home to and have peace and that is what a home is for when we have had a long day and we want some peace and relaxation we go home and that supposed to be our sanctuary to revive and rejuvenate and that was just the opposite of our home we could not go home and enjoy our sanctuary because it was like walking into hell. This home can be such a wonderful home for a family if the right person such as our family got the help and assistance we rightfully deserve to bring this home back to life. I believe and trust that the court of last resort will see that a judicial discretion should be upheld in regard to this petition and our family deserves the most highest relief that this **SUPREME COURT OF THE UNITED STATES** can issue to our family.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Donna Anna Black

Date: December 9, 2018