

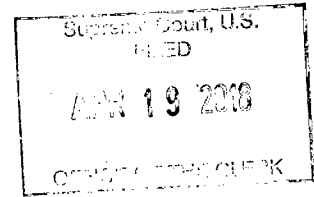
18-7617

Nb.

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES



Talbert Hinton — PETITIONER  
(Your Name)

Supreme court of the  
United States  
~~Supreme court of the~~ -- RESPONDENT(S)  
~~United States~~

ON PETITION FOR A WRIT OF CERTIORARI TO

Superior court of New Jersey - Appellate Division  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Talbert Hinton #1915640  
(Your Name)

Bayside State Prison - P.O. Box F-1  
(Address)

Leesburg, NJ 08327  
(City, State, Zip Code)

N/A  
(Phone Number)

## QUESTION(S) PRESENTED

① The trial court violated Defendant's constitutional rights to present a complete defense by prohibiting counsel from asking the victim's mother about violence in the home, which served as an alternative explanation for the victim's purported behavioral changes after the incident.

② This case should be resentenced because the sentencing court improperly weighed the aggravating and mitigating factors, resulting in an excessive sentence.

③ The trial judge improperly permitted the fresh-complaint witness to testify as to the details of the alleged assault, provided the jury with an misleading instruction on the tender-years hearsay exception. The judge failed to limit (the teacher assistant) fresh-complaint testimony to general information, and in addition to the victim's testimony, the judge permitted three hearsay statements under the fresh-complaint doctrine resulting in cumulative evidence that improperly bolstered the victim's testimony and prejudiced defendant.

## 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:

① Superior court of New Jersey  
Appellate Division

② New Jersey Supreme court  
Appellate Division

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# TABLE OF AUTHORITIES CITED

## CASES

Chapman V. California, 386 U.S. 18 (1967)  
 Crane V. Kentucky, 476 U.S. 683 (1986)  
 State V. Bieri, 200 N.J. 601 (2010)  
 State V. Branch, 182 N.J. 338 (2005)  
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## 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 \_\_\_\_\_ 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 \_\_\_\_\_ 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 ~~BB~~ to the petition and is

- ☐ reported at N/A; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the <sup>Superior</sup>~~Supreme~~ court of New Jersey court appears at Appendix ~~BB~~ to the petition and is

- ☐ reported at N/A; 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 \_\_\_\_\_.

☐ 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 March 6, 2018.  
A copy of that decision appears at Appendix B.

☒ A timely petition for rehearing was thereafter denied on the following date: March 6, 2018, and a copy of the order denying rehearing appears at Appendix B.

☐ 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

Violated constitutional right to present a complete defense by prohibiting counsel from asking questions pertaining to case, asking the victim's mother about violence in the home, which served as an alternative explanation for the victim's purported behavioral changes after the incident.

N.J. CONST., ART. 1

U.S. CONST., AMEND. 5

U.S. CONST., AMEND. 6

U.S. CONST., AMEND. 14



## STATEMENT OF THE CASE

The trial court Judge prohibited counsel from questioning victim's mother about violence in the Home. The mother and victim mentioned violence in the Home. AND counsel questioned her about that, which served AS AN alternative explanation for the victim's Behavioral changes.

## REASONS FOR GRANTING THE PETITION

To get conviction over-turned due to violation of constitutional rights.

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Tall + 25

Date: April 19, 2018