

No. 18-8971 ORIGINAL

IN THE

FILED
DEC 18 2018
OFFICE OF THE CLERK
SUPREME COURT, U.S.

SUPREME COURT OF THE UNITED STATES

William Liepe — PETITIONER
(Your Name)

vs.

State of New Jersey — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Superior Court Appellate Division N.J.
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

William Liepe
(Your Name)

NJSP PO Box 861
(Address)

Trenton, New Jersey 08625
(City, State, Zip Code)

none
(Phone Number)

QUESTION(S) PRESENTED

I. Did the warrantless search of petitioners-defendants blood for the purpose of determining his blood alcohol level violate the established constitutional principals and therefore should have been suppressed?

I

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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TABLE OF AUTHORITIES CITED

CASES Federal	PAGE NUMBER
Missouri v McNeely 569 US 141 (2013)	
Schneckloth v Bustamonte 412 US 218, 248, (1973)	
Winston v Lee 470 US 753, 760 (198)	
State NJ v Adkins <u>221 NJ</u> 300, 309 (2015)	
State v Johnson 68 NJ 349 354 (1975)	
State v Pena Flores 198 NJ 6, 18 (2009)	
State v White 305 NJ Super 322 (1997)	

STATUTES AND RULES

NJSA 2C:11-4 (a)

NJSA 2C:11-5

NJSA 2C:12-1 (b) (1)

NJSA 2C:12-1 (c) (2)

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[] is unpublished.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[] is unpublished.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 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[] is unpublished.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 _____ 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 _____.

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 Oct 3, 2018. A copy of that decision appears at Appendix 3.

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

U.S. Constitution IV amend

N.J Constitution Art I para 7

STATEMENT OF THE CASE

Defendant-petitioner was convicted of first degree aggravated manslaughter NJSA 2C: 11.4 (a); two counts second degree vehicular homicide NJSA 2C: 12.5; two counts second degree aggravated assault NJSA 2C:12.1(c)(2) one(degree 3rd) count assault by auto NJSA 2C:12.1(c) fourth degree assault by auto NJSA 2C: 12.1 (c)(2) for a total of 32 years subject to NERA, by Superior Court of Atlantic County. The NJ Appellate Division on appeal affirmed the convictions, deferred on the issue at hand, and vacated the sentence on remand. The NJ Supreme Court then dismissed defendants appeal and denied the defendants Cross-Petition accepting the States Petition for Certification regarding the sentence, pending. Arguments for defendant are found in Appendix.

REASONS FOR GRANTING THE PETITION

Clearly the state of New Jersey wishes to avoid the consent issue. Note my affidavit in Appendix. As the consent was not valid and the only reason the trial judge allowed the evidence was consent, no exigent circumstances were claimed at trial this question of Constitutional rights need be addressed. The trial judge erred in assuming the right to refuse is common knowledge as reason to claim valid consent, my legal arguments so question. How the state of New Jersey failed to review this basic fourth amendment issue and error by trial judge is mind blowing. Page 6 Appellate opinion point III

The standards have been set and this very simple question HAS AN important resolution. The trial judge erred, the Appellate deferred and NJ Supreme Court dismissed.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

William Sieje

Date: 2-10-19