

No. _____

19-8189

IN THE

SUPREME COURT OF THE UNITED STATES

FILED

MAR 16 2020

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Jose Eric Ramos

(Your Name)

— PETITIONER —

vs.

ORIGINAL

STATE OF CONNECTICUT — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

STATE OF CONNECTICUT SUPREME COURT / Appellate Court
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Jose Ramos

(Your Name)

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(City, State, Zip Code)

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RECEIVED

MAR 24 2020

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

1. Must all future action(s)/proceeding(s), in a case, come to a halt if the jurisdiction of the trial court, to decide the issue(s), is called into question as indicated/stipulated in the Ripeness Doctrine?
2. If the jurisdiction of the trial court to decide the issue is called into question does the party who seeks the exercise of Jurisdiction in his favor have a/the burden or/and obligation to demonstrate that he/she is the proper party to invoke judicial resolution of the dispute before any future action(s) can proceed in the case, including but not limited to the sentencing (phase) its self?
3. If the jurisdiction of the trial court to decide the issue is called into question can a sentence(ing) be legal (even) if it is imposed or takes place before the party, seeking the exercise of Jurisdiction in his favor, satisfies his burden to demonstrate that he/she is the proper party to invoke resolution of the dispute?
4. If the trial court does not comply with its own practice Book Rules/Codes — i.e. deliberately bypassing a: Motion for arrest of judgement; a challenge of Jurisdiction; etc — does its' lack of compliance constitute as a violation of Due Process and ~~and~~ or equal protection of the law?

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 _____ 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 Connecticut Superior Court, J.D. New London court appears at Appendix _____ to the petition and is

☐ reported at 194 Conn. App. 594 (2019); 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 _____.
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

1) When the jurisdiction of the trial court to decide an issue is called into question all other action ~~must~~ come to a halt. *Bellman v. Town of W. Hartford*, 96 Conn. App. 387, 393 (2006) and *Gurliacci v. Mayer*, 218 Conn. 531, 545 (1991)

2) Ripeness is a justiciability doctrine which implicates the courts subject matter jurisdiction.

Lee v. Harlow, Adams, and Friedman P.C., 116 Conn. App. 289, 296 (2009) (quoting *Bloom v. Miklovich*, 11 Conn. App. 323, 335-36 (2008))

3) The burden rest with the party who seeks the exercise of jurisdiction in his favor... clearly to allege facts demonstrating that he is the proper party to invoke judicial resolution of the dispute. *Goodyear v. DiScala* 269 Conn. 507, 511 (2004); and *Fort Trumbull Conservancy, LLC v. New London*, 265 Conn.

4/23, 430 n.12 (2003). *McNutt v. General Motors Acceptance Corp.*, 298 U.S. 178 (1936) *MAXFIELD v. LEVY*, 4 U.S. 330 (1797), 4 U.S. 330 (Dall.) 2 Dall. 381, 2 U.S. 381, 1 L.Ed. 424

4) Article VI of the United States Constitution. A C

5) STATE OF Connecticut Practice Book Section 10-33 A.

6) Amendments to the United States Constitution:

Article I. A. C

Article IV. A. C

Article V. A. C

Article VI A. C

Article VIII A. C

Article IX A.

Article XIV A. C

7) State of Connecticut Practice Book Section 41-8 A C

8) State of Connecticut Practice Book Section 42-56

CONSTITUTIONAL AND STATUTORY PROVISIONS CONTINUED

Article VI of the United States Constitution:

"This Constitution and the laws of the United States which shall be made in Puruance thereof;... shall be the Supreme Law of the land; and the Judges in every state shall be bound thereby, any thing in the Constitution or Laws of any state to the Contrary notwithstanding.

Amendments to the United States Constitution:

Article I: Congress shall make no law(s) respecting an establishment of religion, or prohibit the free exercise thereof: or abridging the freedom... to petition the Government for a redress of grievances.

Article IV: The right of the people to be secure in their persons, houses, pappers and effects, against unreasonable Searches and siezures, shall not be violated...

Article V: ~~No~~ person shall be held to answer for a Capital, or otherwise infamous crime... nor be deprived of life, liberty, or property without due process of law.

Article VIII: Excesive bail shall not be required... nor cruel and unusual punishments inflicted.

Article IX: The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparge others retained by the people.

Article XIV: ... no state shall make or inforce any law which shall abridge the privileges or immunities... nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of laws.

CONSTITUTIONAL AND STATUTORY PROVISIONS CONTINUED

Any claim of lack of Subject Matter Jurisdiction (SMJ) cannot be waived and whether found after the suggestion of the party or otherwise that the court lacks SMJ, the Court must dismiss the action Connecticut State Practice Book Section 10-33 and;

The following defenses or objections, if capable of determination without a trial of the general issue, shall, if made prior to trial, be raised by a motion to dismiss the information:

... (4) Absence of jurisdiction of the court over the defendant or the subject matter; and

... (9) Any other grounds; and

On motion of the defendant, the judicial authority shall arrest judgment if the indictment or information does not charge an offense or if the judicial authority was without jurisdiction of the offense charged. The Motion in arrest of judgment shall be made prior to the imposition of sentence. Connecticut Practice Book Section 42-56

STATEMENT OF THE CASE

On 7-25-2012 petitioner was seized by New York City Police on behalf of the Norwich Connecticut City Police Department regarding a murder of a man named Tyrel Hardwick.

The petitioner called into question the jurisdiction of the trial court to decide the issue on multiple occasions before the trial and sentencing that took place on 4-29-16 after a jury returned a verdict of guilty to which the Petitioner also objected preserved it and notified the trial court of his intent to raise said objection(s)/issue(s) on direct appeal. And Motion in arrest of Judgment was entered same time.

Due to the high volume of issues to be raised on direct appeal petitioners Appellate Counsel: Jeremiah Donovan requested permission, in writing, for an extended Brief to add pages to the brief to raise additional issues but the request was denied by Chief Justice Rogers.

Petitioner filed a Motion to Correct and was denied by the trial court see A. A³B. A timely Appeal followed and the Appellate court remanded back to the trial court with a recommendation to dismiss claiming in part that the issue(s) were to be brought on direct appeal. See A. A

State Supreme Court denied Certiorari and thus timely petition follows.

REASONS FOR GRANTING THE PETITION

Petitioner called into question the jurisdiction of the trial court to decide the issue(s), multiple times, before trial and the sentencing (Phase) to which the Party asserting Jurisdiction did not demonstrate that he was/is the proper party to invoke judicial resolution of the dispute, even to date, in violation of: the States' Appellate and Supreme

Courts own rulings, in previous cases; the Ripeness Doctrine; the First, Fourth, Fifth, Sixth, Eighth, Ninth, and Fourteenth Amendments, of the United States Constitution, which guarantees

Petitioners' right(s) to: Petition for redress of grievance(s); Due

Process of law; and equal treatment of law without infringement; and Article Six (VI), of the United States Constitution, which states in part(s) that "The Constitution...

shall be the Supreme law of the land; and the Judges in

every state shall be bound thereby, any thing in the...

laws of any state to the contrary notwithstanding";

and because, while the State Appellate and Supreme Court assert that petitioner's said claim(s) should have been brought on direct appeal, after petitioner raised and preserved said issue(s) with the trial court and notified the trial court of his intent to raise issue(s) on direct appeal petitioner was denied a request for an extended brief by Chief Justice Rogers and, were for, petitioner can show cause and prejudice (by the courts).

In addition, by the State of Connecticut's own practice Book/rules of Criminal procedure "Any claim of lack of Subject Matter Jurisdiction can not be waived and whether found after the suggestion of the party or otherwise that the court lacks Subject Matter Jurisdiction the Court must dismiss the action. Connecticut Practice Book Section 10-33 and Pursuant to Connecticut Practice Book Section(s) 41-8(4) and (9) "Absence of jurisdiction of the court over the defendant or Subject matter"; or "Any other grounds" are sufficient defenses or objections to have the states information challenged and, if applicable, dismissed. In addition, Pursuant to Conn. Pract. Book Sect.

42-56... Also, A Motion for Arrest of Judgment was made challenging the indictment, information and the Jurisdiction of the trial court to decide the offense charged before the imposition of sentence in this case, and the Trial court should be forced to follow their own rules

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Jose Ramos, petitioner,

Date: 3/3/2020