

No. 20-5461

IN THE

SUPREME COURT OF THE UNITED STATES

JOSE CAMILO — PETITIONER  
(Your Name)

FILED  
JUN 29 2020  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

vs.  
NEW JERSEY PAROLE BOARD,  
NJ-APPELLATE DIVISION — RESPONDENT(S)  
(ET. AL.)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

JOSE CAMILO  
(Your Name)

EAST JERSEY STATE PRISON  
(Address)

LOCK BAG "R"-RAHWAY, NJ 07065  
(City, State, Zip Code)

(Phone Number)

## QUESTION(S) PRESENTED

THE PETITIONER CONTENDS THAT HIS CASE IS VERY SIMILAR TO TRANTINO V. STATE OF N. J. PAROLE BOARD. AFTER HAVING SERVED THE PUNITIVE ASPECTS OF HIS SENTENCES, THE BOARD ISSUED A 36 MONTH HIT (FUTURE ELIGIBILITY TERM (F.E.T.)) WHEN THAT SANCTION WAS APPEALED AND VACATED, THE BOARD CAME BACK WITH RETALIATORY MEASURES USING STATEMENTS FROM 39 YEAR OLD PRESENTENCE REPORTS ALLEGEDLY MADE BY PETITIONER WHICH WERE USED TO ILLEGALLY AND UNCONSTITUTIONALLY ISSUE A DISCRETIONARY EXTENDED TERM. THEY GAVE THE PETITIONER A 240 MONTH (20 YEAR) DEATH SENTENCE BECAUSE HE EXERCISED THE RIGHT TO APPEAL. NOW HAVING HAD THAT SANCTION ALSO APPEALED AND VACATED. A SIMILAR 16 YEAR, EIGHT MONTH (200 MONTH) FUTURE-ELIGIBILITY TERM WAS ISSUED AND RECENTLY UPHELD APPELLATE DIVISION DECISION, DESPITE EVIDENCE OF VIOLATIONS IN THE INTERPRETERS LAW. HE NOW ASKS THIS COURT TO INTERCEDE AND VACATE THE BOARDS AND APPELLATE DIVISIONS DECISION, RELEASING PETITIONER TO THE IMMIGRATION ~~DETAINER DECISION~~ AND DEPORTATION ORDER, THAT HAS BEEN IN PLACE NOW FOR <sup>38</sup> ~~42~~ YEARS.

## 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:

THE NEW JERSEY STATE APPELLATE  
DIVISION,  
THE NEW JERSEY STATE PAROLE  
BOARD,  
THE NEW JERSEY PASSAIC COUNTY  
COURTHOUSE  
THE NEW JERSEY SUPREME  
COURT.

## TABLE OF CONTENTS

OPINIONS BELOW.....	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	
STATEMENT OF THE CASE .....	
REASONS FOR GRANTING THE WRIT.....	
CONCLUSION.....	

## INDEX TO APPENDICES

APPENDIX A - THE NEW JERSEY STATE PAROLE  
BOARDS DECISION

APPENDIX B - THE NEW JERSEY APPELLATE  
DIVISION'S DECISION

APPENDIX C - THE NEW JERSEY SUPREME  
COURTS DECISION .

APPENDIX D

APPENDIX E

APPENDIX F

## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
STATE v. ARIASAS, 198 N.J. SUPER. 575	
STATE v. DUNBAR, 108 N.J. 80 (1987)	
STATE v. PENNINGTON, 154 N.J. 344 (1998)	
STATE v. SWINT, 328 N.J. SUPER 236 (2000)	
TRANTINO v. N.J. STATE PAROLE BOARD 166 N.J. 113	
NICHOLS v. U.S. 75 F. 3d 1137	

## STATUTES AND RULES

N.J.S.A. 2C:43-7a(2).  
N.J.S.A. 2C:43-7.1a(2)(b).  
N.J.S.A. 2C:44-3  
N.J.S.A. 2C:44-3(a).  
N.J.S.A. 2C:44-6(e).  
R.3:21-4(e).

## 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 C to the petition and is

[✓] reported at JOSE CAMILO V. N.J.S. PAROLE BOARD; or,  
[ ] has been designated for publication but is not yet reported; or,  
[✓] is unpublished.

The opinion of the N.J. APPELLATE DIVISION court appears at Appendix B to the petition and is

[✓] reported at DOCKET NO. A-2445-17T1; 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 5.5.20. A copy of that decision appears at Appendix C.

[ ] 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

CONSTITUTIONAL PROVISION INVOLVED ARE THAT THE DUE PROCESSES WERE VIOLATED WHEN THE STATUTORY PROVISIONS OF NEW JERSEY COURT RULE R. 3:21-4(e) WAS INVOKED ILLEGALLY WITHOUT ADHERING TO THE PROPER PROCEDURES AND THE EQUAL PROTECTIONS UNDER THE COLOR OF LAW. THE JUDGES DECISION TO ENACT THIS STATUTE INVOKING HIS DISCRETIONARY POWERS IN THIS INSTANCE WAS IN VIOLATION OF THE PETITIONERS CONSTITUTIONAL RIGHTS TO DUE PROCESS. THE PAROLE BOARD IS NOW EQUALLY IN COLLUSION IN THE VIOLATION OF THE ABOVE MENTIONED RIGHTS. BY ATTEMPTING TO FURTHER EXPLOIT THE CONSTITUTIONAL VIOLATIONS OF PETITIONERS DUE PROCESS.

## STATEMENT OF THE CASE

ON SEPT. 15, 1982 JUDGE BRUNO LEOPIZZI,  
SENTENCED PETITIONER TO AN ILLEGAL DIS-  
CRETIONARY EXTENDED TERM UNDER R.  
3:21-4(e) IN HIS STATEMENT OF REASONS  
ON PETITIONERS JUDGEMENT OF CONVICTION.  
AFTER TWICE ON THE RECORD IN THE  
SENTENCING TRANSCRIPTS SAYING THAT  
HE WILL DISREGARD STATEMENTS HE  
KNEW WERE NEVER A PART OF ANY  
OFFICIAL RECORD. THESE SAME ILLEG-  
ALLY MISREPRESENTED STATEMENTS ARE  
NOW BEING USED BY THE N.J. STATE  
PAROLE BOARD TO ISSUE PETITIONER  
ADDITIONAL TWENTY (20) AND SIXTEEN  
(16) YEAR EIGHT (8) MONTH DEATH  
SENTENCES IN RETALIATORY ~~ARMED~~  
AS WELL AS BIAS MEASURES.

## REASONS FOR GRANTING THE PETITION

PETITIONER HAS SERVED BOTH THE PUNITIVE ASPECTS AND THE PRE-SUMPTIVE TERMS OF A SENTENCE THAT IS BOTH ILLEGAL AND UNLAWFUL WHERE A JUDGE HAS MISUSED AND ABUSED HIS DISCRETIONARY POWERS IN THE FIRST INSTANCE. NOW THAT ABUSE IS BEING FURTHER INFRINGED UPON WITH THE PAROLE BOARDS USAGE OF ILLEGALLY AND UNLAWFULLY CREATED STATEMENTS WHICH ONLY ADD FURTHER INSULT TO INJURY. THIS ON GOING ABUSE CANNOT CONTINUE TO GO ON UNABATED, THIS IS THE DEFINITION OF CRUEL AND UNUSUAL PUNISHMENT. THEY ARE FURTHER COMPOUNDING AN ALREADY EGREGIOUS VIOLATION OF THE PETITIONERS CONSTITUTIONAL RIGHTS.

IT IS FOR THE WITHIN MENTIONED ARGUMENTS AND REASONS THAT THE PETITIONER RESPECTFULLY REQUESTS THAT,

#### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Fossamilo".

Date: 10.29.20