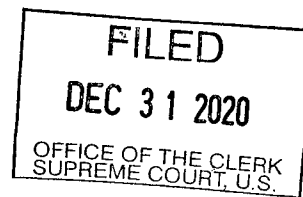


HEMMINGWAY M. SAISI,
124 HILLSIDE AVENUE # 28,
HILLSIDE NJ 07205.

20-7011
PRO - SE

DATE: DECEMBER 31ST 2020.

THE HONORABLE JUSTICES
SUPREME COURT
OF THE UNITED STATES
1 FIRST STREET NE
WASHINGTON, DC 20543.



ORIGINAL

RE: PETITION FOR CERTIORARI

JURISDICTION: FINAL JUDGEMENT OF
US DISTRICT COURT - THIRD CIR.

CASE # 19-2427

DISTRICT COURT CASE:

2-16-CV-05064

HEMMINGWAY SAISI V. CAROLYN MURRAY,
et al

SUPREME COURT DOCKET
NUMBER:

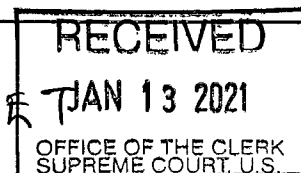


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TO: B. ALFARO ORTIZ - ESSEX COUNTY CORRECTIONS
DIRECTOR.
- C. JUDGE MICHAEL PETROLLE - ESSEX COUNTY NJ.
- D. JUDGE PETER VASQUEZ - ESSEX COUNTY NJ
- E. NOTICE OF CLAIM - GLENN FERGURSON - CEO
ANN KLEIN FORENSICS, TRENTON NJ
COPIES to - GOV. CHRIS CHRISTIE &
KENYAN GOVERNMENT NAIROBI KENYA
- F. My POST CONVICTION BRIEF by John P. Monaghan
ESQ.
- G. My INFORMAL APPEAL BRIEF TO THIRD CIRCUIT
COURT of APPEAL.
- H. JUDGEMENT OF THIRD CIRCUIT
- I. Amended svit against defendants.
- J. Motion for leave to proceed IN FORMA PAUPERIS
- K. PROOF of service (NJ Attorney General, Essex county counsel)

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SUPREME COURT CASES CITED:

1. FARMER V. BRENNAN (1994)
2. BIXENS V. SIX UNKNOWN DEFENDANTS (1971)
3. COLLINS V. CITY OF HARKER HEIGHTS
503 U.S. 115, 127 112 S.Ct. 1061, 1069 (1992)
4. BAKER V. WINGO
407 U.S. 514 (1972)
5. DOGGETT V. UNITED STATES
505, U.S. 647 (1992)

THIRD CIRCUIT CASE:

1. NICOLE HERBELE V. BOROUGH OF
NAZARETH NO: 18-3429

NJ SUPREME COURT CASE:

STATE V. RODRIGUEZ 195 N.J. 165, 949
A.2d 197 (2008)

STATEMENT OF THE MATTER PRESENTED.

This petition challenges the 'heightened' pleading standard applied to my suit against NJ state officials who kept me imprisoned for 7 years (SEVEN) without trial and subjected me to TORTURE because I refused to plead guilty and invoked my right to a jury trial since the first day of my arrest on MAY 9TH 2008.

The District court and court of appeal - THIRD CIRCUIT, have in essence treated my pleadings as defendant's motion for discovery. My pleadings do not have to be 'cloathed' in a specific constitutional amendment deprivation for the court to discern the apparent harm and INJUSTICE.

Procedurally, I was arrested on March 29th 2004 after being brutally attacked by THREE thugs on the front stoop of my apartment in Jersey city NJ.

COREY DENNIS currently serving a life sentence in the state of Georgia for two grizzly murder's in 2009, JAMES CLARK who was on probation for drug possession, gun and hollow point bullets and JEFFREY SHEPPARD - deceased, who had just been released from state prison and had a lengthy record of violent crimes.

NJ officials in Hudson county arrested and imprisoned me as though I was NOT entitled to SELF DEFENSE as codified at NJSA 2C:3-4.

Self defense was NOT raised even during trial and subsequent direct appeal and NJ SUPREME COURT certification.

The NJ SUPREME COURT in
State v. RODRIGUEZ

195 N.J. 165, 949 A.2d 197 (2008)
affirmed the decision of an
appellate court that reversed and
remanded the above case that
involved the use of force to
protect himself.

Defendant RODRIGUEZ Incidentally
was arrested and tried by the
same Hudson County prosecutor's
office and the trial error's
are similar to the 'tactics'
deployed to gain conviction.

The only difference is that I am
African - Kenyan and Mr. Rodriguez
is American.

This in essence invalidates the
doctrine of STARE DECISIS for
even my then attorney MR. ANTHONY
GUALANO said to me that I was
a stupid ungrateful African and
that I was going to be deported!

③

I was on front pages of newspapers in Kenya and Kenyans and my family at large were shocked.

I contacted the FBI immediately and my late dad sent my mother to the U.S., my older sister came from the U.K and dad wrote a protest letter to the American Embassy in Nairobi Kenya.

Dad came on August 2007 and I was released from NJ state prison on parole on October 24th 2008. While in the U.S., there was a brazen attempt to kill him. Dad went back home in 2008 and my sister Jacqueline found out that my former Attorney Mr. Anthony Gualano was inquiring from the parole office why I hadn't been deported. This led to him making allegations that I had called and threatened him and this led to my arrest on May 9th 2008 and 7 years without trial and TORTURE!

QUESTIONS PRESENTED

1. Were my constitutional rights to the Equal protection clause violated?
2. Were my Due process rights violated when defendants by ACTION or OMISSION were deliberately indifferent and amplified TORTURING ~~me~~ after receiving letter's of concern from the Kenyan Embassy in Washington DC and my sister Jacqueline filing notice to sue them?
3. The appellate court opined that I was being treated for a mental disease that I do NOT suffer from for the 7 (SEVEN) years I was detained without trial. What basis and evidence did the court use to reach this conclusion?
4. Are my Two convictions for reckless manslaughter and terroristic threat constitutionally valid?
5. Does the doctrine of 'STARE DECISIS' mean anything?
6. The NJ supreme court was lucid on SELF DEFENSE in state v. Rodriguez 195 N.J. 165, 949 A.2d 197 (2008), am I not entitled to it because of being African?

LEGAL ARGUMENT

The SUPREME COURT has held that section 1983 does allow immunity defenses with some caveats.

Actions taken with DELIBERATE INDIFFERENCE may impose liability (Farmer v. Brennan, 1994).

My Imprisonment and TORTURE is a conscious disregard beyond negligence. In BIXENS V. SIX UNKNOWN DEFENDANTS (1971) the court held that for every wrong, there is a remedy. That lawsuits could be brought for violations of 4TH Amendment rights even in the absence of a statute that authorizes litigation.

The Government can be held liable under the substantive due process clause where an official's ACT or OMISSION is arbitrary or conscience shocking. COLLINS V. CITY OF HARKER HEIGHTS 503 U.S. 115, 127 112 S. Ct 1061, 1069 (1992). This is a perfect example that defendants knew and remained DELIBERATELY INDIFFERENT.

LEGAL ARGUMENT.

In NICOLE HERBELE V. BOROUGH OF NAZARETH
NO 18-3429

the Third circuit court of appeals reversed and remanded it's own decision when the complaint raised plausible claim that the Police Department was DELIBERATELY INDIFFERENT.

It defies logic that the court could opine that I was being treated for a mental disorder for the 7 years I was held without trial and TORTURED that I dont suffer from using evidence that I do NOT know but yet claim that I had provided insufficient evidence to support or establish that defendants knew and were deliberately indifferent out of fear and desperation to hide the scandal of my imprisonment and TORTURE that began on March 29th 2004. The attached letter's from the Kenyan Embassy in Washington DC as far back as 2011 are self evident.

LEGAL ARGUMENT.

In *BAKER V. WINGO*, 407 U.S. 514 (1972)
The supreme court set out a four factor test:

1. The length of the delay.
2. The cause of the delay.
3. Defendant's assertion to right of speedy trial.
4. The presence or absence of prejudice resulting from delay.

In *DOGGETT V. UNITED STATES*, 505, U.S. 647 (1992) The supreme court held that an $2\frac{1}{2}$ year delay violated defendant's right to a speedy trial even in the absence of affirmative proof of particularized prejudice.

Because of these two unjust convictions, I have my permanent residency revoked and I am facing deportation.

My dad died crying because of the humiliation and I respectfully submit to the court that Americans are NOT treated like I have in Kenya. I am married with three son's who are American citizens.

CONCLUSION

My petition should be granted because the Equal protection clause of the constitution is at stake.

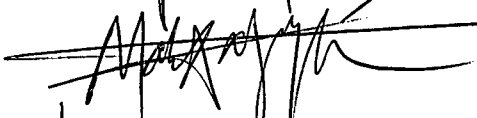
I respectfully submit to the court that I am only here today because I am African; the proverbial shit-hole African as U.S. president once said.

It should be granted too because of the due process clause of the constitution.

The scandal of my ARREST, IMPRISONMENT and TORTURE stinks to the high moon. The court can NOT rubber stamp patently criminal actions by NJ officials acting under the color of Law.

The U.S. constitution is at stake and the court has to rule whether this is a nation of laws or men.

Respectfully submitted,



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