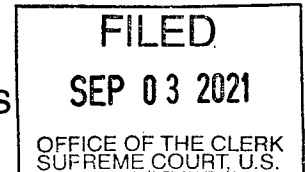


No. 21-5646

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



CERTIORARI

PETER KLAH — PETITIONER
(Your Name)

vs.

ATTORNEY GENERAL ET AL RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

PETER KLAH-959782B-653390
(Your Name)

NEW JERSEY STATE PRISON, P.O. BOX 861
(Address)

TRENTON, NEW JERSEY 08625
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

- 1) Trial Court Erred in Denying motion to suppress
- 2) Trial Court Erred in charging the Jury on flight, and the Supreme Failure to hear case.
- 3) Prosecutor's comments during his opening statement
- 4) Dr Ahmed testimony that the Cause of Death was "Homicide"
- 5) Asserted his seventy-five-year sentence was excessive
- 6) The trial Court Erred in Permitting the State to Admit Crime Scene Photo Without laying a Proper foundation.
- 7) Counsel was ineffective when he failed to call witnesses
- 8) Counsel was ineffective in failing to retain a ballistics expert.
- 9) Counsel was ineffective for failing to sever that Count from the murder Charge.
- 10) ineffective of Counsel in failing to object to opening and closing statement from the Prosecutor and Appellate Counsel ineffectiveness for not addressing the State vouching for the Police officer (A) Prosecutor statement 'no other gun in the world could have committed the murder' (B) Prosecutor speculated that not only did the victim had marijuana in his bloodstream but marijuana was found at the foot of the Defendant.
- 11) Defendant reserves the right to supplement these issues -
(A) Counsel was ineffective in failing to corroborate the testimony of Detective Moreland, stated that Przemieniecki Partner was Det. Bernstein Przemieniecki being his Partner and a witness to the crime.
(B) Counsel was ineffective in failing to call D'Ambrosio concerning Przemieniecki being his Partner and a witness to the crime.
(C) Failure to obtain co-defendant's statement who was offered a deal for RIT, and never testified.
- 12) Cumulative error deprived the Defendant's Due Process of law and a fair trial

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:

Respondent of the State

RELATED CASES

Joseph B. Paravecchia
Mercer County Office of Prosecutor
209 South Broad Street
Third Floor
P.O. Box 8068
Trenton, NJ, 08650

Boyd v. Nish et al, 2007 U.S. Dist. Lexis 7176.
Jackson v. Commonwealth of Virginia et al, 443 U.S. 307, 61 L. Ed. 2d 560, 99 S. Ct 2781, reh den Argued March 21, 1979 - Decided June 28, 1979.
United States v. Di Loreto, 888 F.2d at 998-99.
Darden v. Wainwright, 477 U.S. 168, 181, 91 L. Ed. 2d 144, 106 S. Ct 2464 (1986)
White v. Gerardot, 2008 U.S. Dist. Lexis 70234 (N.D. Ind. Sept 10, 2008)
Daubert v. Merrell Dow Pharmaceuticals, Inc 509 U.S. 579, 113 S. Ct. 2786 (2007)
United States v. Myers, No. 76-1489, 550 F.2d 1036 (1977)

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APPENDIX B	Decision of the state trial Court. Petition for Post-Conviction Relief, Superior Court of New Jersey Law Division, Criminal Part, Mercer County Ind No: 07-06-0681-Pos. File No. 06-3891, opinion issued June 30, 2014 UNPub.
APPENDIX C	Decision of the State Supreme Court Petition File July 10, 2012 Denying Review, On Petition for Certification, January 16, 2013
APPENDIX D	Order of state Supreme Court Denying Rehearing on Post-conviction Relief Appeal, on Certification September 20, 2016
APPENDIX E	United State District Court, District of New Jersey. Petition for Writ of habeas Corpus, (Civ. No. 16-8791 (PSG)) order September 23, 2020.
APPENDIX F	Decision from the United States Court of Appeal, Third Circuit Case No: 20-3192, May 18, 2021 Petition for Rehearing No: 20-3192, United States Court of Appeal for the Third Circuit June 21, 2021.

TABLE OF AUTHORITIES CITED

CASES

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State v. Latney, 415 N.J. Super 169, 176 A.3d 741 (2000) <u>Direct Appeal</u> = 24, 26.	
State v. Mann, 132 N.J. 410 (1993) <u>Direct Appeal</u>	
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STATUTES AND RULES

N.J.S.A. 2C-11-2	R. 3:22-4(a)
N.J.S.A. 2C-11-3A(2)	3:22-2
N.J.S.A. 2C-11-3b(1)	N.J.R.E. 104
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N.J.S.A. 2C-39-4A	
N.J.S.A. 2C-39-5b	
N.J.S.A. 2C-43-7, 2d	
N.J.S.A. 2C-44-1(a)(3)(b)(9)	

R. 2:11-2
2:6-1(a)
2:6-1(a)(2)
3:10-2-b
3:15-2(b)
OTHER

Klyles v. Whitley, 514 U.S. 419, 434, 115 S.Ct. 1555, 131 L.Ed. 2d 490 (1995)
State v. Ashakoor Walden, 320 N.J. Super 549, 851 A.2d 758 (2004)
Wearry v. Cain, 136 S.Ct. 1002, 194 L.Ed. 78 (2016).
giglia v United States, 405 U.S. 150, 153-54, 92 S.Ct. 763, 31 L.Ed. 2d 1021 (1972)
State v. Fritz, 105 N.J. 42 (1987).
State v. Cofield, 127 N.J. 328 (1992)
State v. William, 2014 N.J. Super. UNPUB; Lexis 2322 (App Div. Sept. 25, 2014.)

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 F to the petition and is

☐ reported at Case No. 20-3192 May 18, 2021; 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 E to the petition and is

☐ reported at KIAH V. D.C. CIVIL ACTION NO. 3-16-CV-08771; 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 _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the State Court of Appeal court 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.

JURISDICTION

☒ For cases from federal courts:

The date on which the United States Court of Appeals decided my case was May 18, 2021.

☒ 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: June 21, 2021, and a copy of the order denying rehearing appears at Appendix E.

☐ 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 June 28, 2012
~~January 16, 2013~~
A copy of that decision appears at Appendix A.

☐ A timely petition for rehearing was thereafter denied on the following date: January 16, 2013, and a copy of the order denying rehearing appears at Appendix C.

☐ 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

IN APPENDIX A- N.J. Const., ART I, 7,
United State Const, Amend V, VI
IN APPENDIX B- Decision of state trial Court, Post-conviction Relief
N.J. Const: ART. I Par 1, 9, 10
United States Amend. V, VI, XIV, VIII

STATEMENT OF THE CASE

There are too many errors by trial court, prosecutor, and counsel first off at the motion to suppress hearing, Judge Hon. Thomas P. Kelly heard the testimony of the state witness, Detective Przemieniecki, the only witness at the hearing for the state. The Judge stated that someone is lying and the testimony giving was a ruse and a pretext, also at the grand Jury Indictment the prosecutor said to the grand Jury that he has evidence D.N.A., fingerprint, that would link Defendant to the shooting. If they indict Defendant now, prosecutor will bring the evidence to them when he received it. If you check the dated on the evidence report the prosecutor already had it, and knew Defendant was excluded from all forensic evidence, also no gun power residue on Defendant also the code - Defendant Chadd Dillard, how the prosecutor give a deal to testify ~~for~~, then the prosecutor off Defendant a deal, the Defendant had his attorney to notified the judge on record, that we are not rejecting the deal, we just would like to view the statement from Dillard before except it. The Defendant never got to view the statement and Dillard never testified, but what he said was use as motive to convict Defendant at trial. after Defendant lost trial his attorney for Post-conviction-Relief arrange for Defendant to view the statement at the Prison, the prosecutor stated he never stated a motive but when you watch Dillard statement, you will see he use it to built a case to convict the Defendant, what Dillard said about Defendant was about "Drug and gun", the prosecutor use that to impeach Defendant at for 1992 and 2006 Prior If Defendant testified at trial, also at trial Det Przemieniecki stated he was driving a unmark car with his Partner D. Ambrosio and was 100 yard or 200. away and saw a Defendant standing in the middle of the street, with his arm extended out in front of him, Przemieniecki stated he had to back up, then Przemieniecki stated again that he was probably 50 yard away from the Defendant in the middle of the street. also Det Moreland testified and said Przemieniecki's partner was Det. Bernstein not D. Ambrosio, because they signalled each other as he got to the body, and Det. Bernstein was driving the car, and Moreland proceed to the body, he was a female with the body screaming ms. Coleman who said she witness the crime. But was scare to say anything.

REASONS FOR GRANTING THE PETITION

In Appendix A, Point two of the Decision from the Appeal Court, the Court Decision is inconsistent with the case they use in State v. Cathey, 415 N.J. Super 169, 176 (App. Div. 2010) and in Appendix C - the Supreme Court was wrong not to hear this case. In Appendix A, the Court Decision on Defendant Pro SE Pg. 15: The Court fail to give a opinion stating R. 2:11-3(c)(2) and In Appendix E, the District Court stated Defendant must show how Admitting Photograph made trial fundamentally unfair, Defendant will state because Authentic give Defendant a fair trial it show Crime Scene just as it was the night the Crime Happen at 11:09 p.m. with car Park on Both side of the street and the Crime scene on the sidewalk, like the expert said from the eyewitness testimony of Detective Przemieniecki stated that the Defendant could not have committed this crime. In Appendix A and E point one Defendant was "seized" handcuffed place in a car for a fourth Amendment Purposed. State v. William 281 N.J. Super 612, 620 (Law Div 1991) officer stated Defendant was not under arrest. From Appendix A to Appendix B, In Point two the Defendant was giving a chance to supplement the Record and the expert stated from the Crime scene and the test done and the Witness Statement ~~or~~ officer Przemieniecki their no way Defendant could have committed this crime. In Appendix B, letter D, Improperly vouched for the state's witness credibility (officer) was never addressed in Appendix A, In Appendix B, Appeal from the trial Court to the state Court, State v. Walker 190 N.J. 397, 437 (2007) and Defendant cumulative effect the Court state lack sufficient merit, R. 11-3(c)(2). With all the error Defendant should get a new trial and Appendix D, this Court failure to hear: Appendix A-E, the Defendant will challenged the Decision of Both Court because the District Judgesard on Pg. 15, that Defendant right to a fair trial was Prejudiced by the medical examiner's See Estell v. McGuire, 502 U.S. 62, 67, 68, (1991) and Appendix E, this issued was raised and respondent fail to respond in the District Court and the District Judge said even if these two witnesses were not raised as potential witnesses Counsel failed to call at trial (neither Party supplied this Court with Petitioner P.C.R. Filing). In Appendix E, Pg. 33 In Both Point Defendant way deny the right to confront witness and Code-Defendant was giving a statement and was ~~not~~ said to Counsel, and then Prosecutor stated in open court Code-Defendant statement will change, when Prosecutor offer Defendant a deal, Counsel stated to trial Judge we are not rejecting the Deal we just want to view the statement from Code-Defendant, Defendant never got a chance to view the statement before trial, until he lost, and after Defendant was on Post-Conviction-Relief.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Peter Klah

Date: September 1, 2021