

22-7483

No.

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

MAY - 1 2023

OFFICE OF THE CLERK

Farres Alkhayer

— PETITIONER

(Your Name)

VS.

Bay Ridge at Nashua

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

The New Hampshire Supreme Court

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

PETITION FOR WRIT OF CERTIORARI

Farres Alkhayer

(Your Name)

18 Chadwick Cir, Suite L

(Address)

Nashua, NH. 03062

(City, State, Zip Code)

(603) 233 - 1073

(Phone Number)

RECEIVED

MAY - 5 2023

OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTION(S) PRESENTED

Is rendering a judgement in a civil case without a trial constitutional?

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:

- Farres Alkhayer
- Nashua-Oxford-Bay Associates,
L.P. d/b/a Bay Ridge at Nashua
- Nour Al Assad

RELATED CASES

Nashua District Court (NDC), Case #: 459-2022-LT-00671;
Nashua-Oxford-Bay Associates, L.P. d/b/a Bay Ridge at Nashua
V. Nour Al Assad and Farres Alkhayer.
Judgement entered: November 21, 2022
New Hampshire Supreme Court (NHSC), Case #: 2022-0731;
Nashua-Oxford-Bay Associates, L.P. d/b/a Bay Ridge at Nashua V. Nour Al Assad & a
Judgement entered: January 30, 2023

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TABLE OF AUTHORITIES CITED

CASES

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STATUTES AND RULES

Nashua Court Rules

New Hampshire Constitution, Article 15

United States Constitution, Amendment XIV

28 U.S. Code § 1257

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☐ is unpublished.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☐ is unpublished.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 E 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 Nashua District Court 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 January 30, 2023
A copy of that decision appears at Appendix G.

☐ 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

N.H. Constitution, [Art.] 15. [Right of Accused.]

....Every person held to answer in any crime or offense punishable by deprivation of liberty shall have the right to counsel at the expense of the state if need is shown; this right he is at liberty to waive, but only after the matter has been thoroughly explained by the court.

U.S. Constitution, Amendment XIV.

Rules of Nashua Court

STATEMENT OF THE CASE

On November 15, 2022, the 9th circuit, Nashua District Division was supposed to hold a hearing on the merits "The above referenced case(s) has/have been scheduled for: Hearing on the Merits" to decide whether to issue a Writ of Possession against me and my roommate, Nour Al Assad, who had moved out long before even my landlord seeking entry of a Writ of Possession. The District Court DID NOT hold a hearing on the merits, and did not ask if Nour was served properly since she was not present, then the judge decided the case after just an offer of proof which was on November 21, 2022, without any respect to my rights; no trial, and no proper cross examination opportunity, which violated my Due Process Rights, as the judge's decision would deprive me of my contract with my landlord, which is both a liberty and a property; this judicial conduct is not allowed by the rules of that very court, not allowed by the state of New Hampshire constitution, article 15, and according to the fifth amendment of the United States Constitution no person should be "deprived of life, liberty, or property, without due process of law."

After a motion for reconsideration on November 29, 2023, which was rejected by the District Court on December 8, 2022, I filed a notice of appeal to the New Hampshire Supreme Court (NHSC) on December 21, 2022, in which I explained that the District Court denied me Due Process and Equal Protection of Law. The NHSC rejected my appeal on January 30, 2023 and then on March 16, 2023 denied a motion for reconsideration in which I further elaborated on how my due process rights were violated. The NHSC then issued a Mandate on March 20, 2023

But, I on March 17, 2023, filed a Motion to stay to appeal to this court, that the judge decide as Granted 40 days later, on April 27, 2023. I only received that order on April 29, 2023, a few working hours before the deadline of this petition.

REASONS FOR GRANTING THE PETITION

The NHSC, by its rejection of my appeal, has sanctioned a judicial practice that undermines the entire judiciary branch of the United States and its long standing and well founded high standards of fair trials, and contradicts with all accepted and usual procedures all across the country, in state and federal courts.

An offer of proof setting is not close to a trial setting. And, the question of whether an offer of proof can replace a trial is a federal question of fundamental legal importance.

The right of the accused to cross examination, which is to face their accusers and question them while under oath is one of the reasons why we go to court, not to a coffee shop or a bookstore, as in an ordinary conversation or a setting that is like an ordinary conversation, neither side would be reminded, and probably would not feel obligated, to tell the truth.

A testimony is called a testimony because it has to be made under oath, which helps to ensure that the accused can test the credibility of the witnesses to ensure that the truth is brought out in the light of day, and is not convicted on the basis of false testimony.

Furthermore, the standard trial helps the judge overcome any biases they might have, and put their emotions aside, and without that, a human judge is susceptible to any bias just as anyone else, and the fact that the district judge took 40 days to decide a simple motion, lie or at least try to mislead this court by saying "following a hearing", knowing fully well that there was no hearing, and then decided to end her order on that motion with an unrealistic threaten to take what might be illegal measures if I don't, which is definitely going to happen even if I was a highly experienced SCOTUS attorney; all of that is just proof that the process we went through in the district court did not comply with due process requirements, and that judges can intentionally or unintentionally set a party to a case to fail and abuse their power trusted to them by the people if they are sanctioned to do so.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Farres Alkhayer

Date: *May 1, 2023*