

ORIGINAL

SUPREME COURT OF THE UNITED STATES

FILED
JUL 29 2023
OFFICE OF THE CLERK
SUPREME COURT, U.S.

ON PETITION FOR A WRIT OF CERTIORARI TO

PETITION FOR WRIT OF CERTIORARI

Mays Landing New Jersey 08330
(City, State, Zip Code)

CONFIRMED / UNKNOWN
(Phone Number)

QUESTION(S) PRESENTED

1. From the very conception of these united States of America, and throughout the course of our two hundred-forty seven years of co-existence now, has not the Sovereignty rested with and in "We the People"? (2 U.S. 419; 517 U.S. 44; and 992 F.3d 765)
2. Is not any State statutory law (enactment) which has been declared "unconstitutional" by our Supreme Court for these united States essentially deemed to be as is "no law" at all, with any offense created by it essentially deemed to be "no crime" at all, and any conviction, confinement or imprisonment had by it essentially deemed to be absolutely "void and illegal"? (209 U.S. 123; 100 U.S. 371; 514 U.S. 749; 122 N.J. Eq. 388; and 6 A.2d 388)
3. Does not a court lack subject-matter jurisdiction over any claim and/or cause of action alleged in which the plaintiff or prosecuting party lack constitutional and/or statutory standing? more specifically, does not the party which brings or asserts a claim or cause of action have to meet (satisfy) the Article III constitutional standing requirements, or the analogous Corpus Delicti rules pursuant to the State's law, in order for the attending court to exercise and retain jurisdiction over the subject-matter?
4. Once subject-matter jurisdiction is challenged by a defendant, does not the burden of establishing the court's jurisdiction by way of competent proof fall on the prosecution and/or the plaintiff party asserting it?
5. Are not "We the Moors" of America, a priori, part and pertinent to "We the People" of these united States in America?

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:

Noble Christo El, AA 222141 A-1 (Petitioner) - formerly known as
CHRISTOPHER NATHAN JONES, 138 724820 (Third Party Plaintiff by Compulsory Joinder)

v.

THE STATE OF NEW JERSEY, 06 737 3258;

Xavier Evans, #781

Matthew Laielli, #747

Miracle Mays, #742

Kendall Washington, #780

Miguel Lugo, #740

Arturo Bruno, #774 (Respondents)

NEW JERSEY STATE LEGISLATURE

NEW JERSEY STATE GOVERNOR, PHILLIP D. MURPHY;

NEW JERSEY STATE ATTORNEY GENERAL, MATTHEW J. PLATKIN;

ATLANTIC COUNTY PROSECUTOR, WILLIAM E. REYNOLDS;

NEW JERSEY STATE PUBLIC DEFENDER, JOSEPH E. KRAKORA;

ATLANTIC COUNTY JUSTICE FACILITY WARDEN, DAVID KELSEY;

THE COUNTY OF ATLANTIC;

THE CITY OF PLEASANTVILLE;

THE PLEASANTVILLE POLICE DEPARTMENT

(Third Party Defendants by Compulsory Joinder)

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

<u>Chisholm v. Georgia</u> , 2 U.S. 419...	Q.P.
<u>Ex parte Rose</u> , 6 A. 2d 388...	Q.P.
<u>Ex parte Royall</u> , 117 U.S. 241...	7
<u>Ex parte Siebold</u> , 100 U.S. 371...	Q.P.
<u>Ex parte Young</u> , 209 U.S. 123...	Q.P.
<u>Fay v. Noia</u> , 372 U.S. 391...	7
<u>Fla. v. J.L.</u> , 529 U.S. 272...	4
<u>Massenburg</u> , 654 F.3d at 488...	4
<u>Montgomery v. Louisiana</u> , 577 U.S. 190...	7
<u>Moresh v. O'Regan</u> , 122 N.J. Eq. 388...	Q.P.

STATUTES AND RULES

<u>N.J. Stat. Anno. § 20:58-4</u> (P.L. 2018, c. 31, Assembly No. 2758)
<u>N.J. Stat. Anno. § 20:58-4.2</u> (P.L. 2022, c. 131, Assembly No. 4769)
<u>N.J. Stat. Anno. § 20:39-5b(1)</u>
<u>Title 39 N.J.m.v.c. § 3-74</u>
<u>Title 39 N.J.m.v.c. § 3-75</u>
<u>Fed. R. Civ. P. 12(b)(1)</u>
<u>Fed. R. Civ. P. 12(b)(6)</u>

OTHER CASES / PAGE NUMBER cont'd...

<u>N.Y. State Rifle & Pistol Ass'n. v. Bruen</u> , 142 S.Ct. 2112...	7
<u>Reynoldsville Casket Co. v. Hyde</u> , 514 U.S. 749...	Q.P.
<u>Seminole Tribe of Florida v. Florida, et al.</u> , 517 U.S. 44...	Q.P.
<u>State v. Nyema</u> , 2022 N.J. LEXIS 67...	5
<u>Terry v. Ohio</u> , 392 U.S. 1...	5
<u>United States v. Beasley</u> , 2020 U.S. Dist. LEXIS 203273...	4
<u>Ybarro v. Ill.</u> , 444 U.S. 85...	5
<u>Young v. Hawaii</u> , 992 F.3d 765...	Q.P.

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4-7
REASONS FOR GRANTING THE WRIT	8
CONCLUSION	9

INDEX TO APPENDICES

APPENDIX A	Decision of U.S. Court of Appeals (3rd Cir.) Denying Certificate of Appealability
APPENDIX B	2022 U.S. Dist. LEXIS 233636 [Decision of U.S. District Court (N.J.) Denying Habeas Corpus Relief
APPENDIX C	N.J. State Supreme Court Denying Habeas Corpus Procedure
APPENDIX D	
APPENDIX E	
APPENDIX F	

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 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 United States district court appears at Appendix B to the petition and is

☒ reported at 2022 U.S. Dist. Lexis 233636; 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 _____ 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 June 01, 2023.

☒ 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 June 21, 2023. 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).

STATEMENT OF THE CASE

On April 03, 2022 at approximately 12:47 p.m. during the noon, officers of the Pleasantville Police Department unlawfully seized this Petitioner at gun point, unlawfully searched him at gun point after falsely arresting him, and further held him in unlawful confinement without bail under color of state statutory laws which have been declared unconstitutional by our united states Supreme Court.

It is alleged that on April 03, 2022 at 12:37 pm during the noon, an anonymous 9-1-1 caller reported observing "a male brandish what was believed to be a handgun before entering a black Chevrolet Impala" in the area of 301 W. Delilah Rd.. This call was reportedly stacked from 9-1-1 dispatch to local police dispatch at 12:39 p.m., and then further dispatched to local police patrol units at 12:41 p.m.. The first responding local police unit/officer Xavier Evans #781 reportedly arrives in the area of 301 W. Delilah Rd. at 12:43 p.m.. According to Officer Xavier Evans #781, upon his arrival in the area, and with the only information in his possession being that of which the anonymous 9-1-1 caller reported, he observed a vehicle matching the description leaving the area and conducted a high-risk m.v. stop of the vehicle. Officer Evans #781 does not observe any suspicious or criminal activity when he arrives in the area, he does not conduct an independent investigation in attempts to corroborate the alleged man with a gun tip, nor does he witness any m.v. code infractions or traffick violations prior to seizing the automobile and its occupants at gun point. It has been held that an anonymous tipster's allegation that [a person] brandished a firearm does not, by itself, justify a Terry stop because "the Supreme Court has rejected 'an automatic firearm exception to our established reliability analysis.'" Massenburg, 654 F.3d at 488 (quoting J.L. 529 U.S. at 272; see also United States v Beasley, 2020 U.S. Dist. Lexis 203273). Also, the narrow scope of the Terry exception does

STATEMENT OF THE CASE

not permit a frisk for weapons on less than reasonable belief or suspicion "directed at the person to be frisked", even though that person happens to be on premises where an authorized [narcotics] search is taking place (Ybarra v. Ill., 444 U.S. 85) and, ultimately, the validity of the frisk narrows down to whether there is or is not a right by police to touch the person questioned (Terry v. Ohio, 392 U.S. 1). In this case, the anonymous tipster's information did not carry any indicia of reliability, nor was the information corroborated by independent police work in order to furnish reasonable suspicion for an investigatory or "Terry" stop and frisk, let alone a high-risk motor vehicle stop. The information of the caller provided absolutely no description of the "male", stated that he/she "believed" he/she saw a gun, provided absolutely no description of the suspected gun, and described the vehicle as a "black Chevrolet Impala with tinted windows", but gave no license plate number or specification of which and how many of the windows were allegedly tinted. Such innocent details and general descriptions of a bare bones tip essentially placed every "male" and every "black Chevrolet Impala" with any one, some, or all of its windows tinted that was in the area under the veil of suspicion and are, therefore, insufficient to justify the warrantless stop of the vehicle, State v. Nyema, 2022 N.J. LEXIS 67. Moreover, a thread of American Fourth Amendment jurisprudence has remained constant, the proposition that the Government may not detain a person and prevent her from going about her business without having at least a minimum level of objective justification for making a stop and the guarantee of the right of each individual to be left alone. (Citations omitted...).

However, our Courts have developed the system of "well delineated exceptions to the warrant requirement" with regards to our American

STATEMENT OF THE CASE

Fourth Amendment jurisprudence which includes the "objective standards" and "totality of the circumstances" tests. In this instant matter, it would appear, at first blush, that the automobile exception to the warrant requirement has been satisfied by officers issuing a citation to the driver for allegedly having tinted windows in violation of N.J. M.V.C. Title 39:3-75 to justify the warrantless intrusion of a high-risk motor vehicle stop at gun-point (emphasis added). This was a subterfuge done by officer Xavier Evans #781 being used to deceive and further commit a fraud upon the court. Officer Evans #781 makes no mention of observing any motor vehicle infractions in either his Affidavit of Probable Cause, Incident Report, or Arrest Report at all. Also, having tinted windows in New Jersey is not an offense unless the tints are so dark that the officer cannot see inside of the automobile at all. What's more in making it apparent that the issuance of a citation is being used as a subterfuge is the fact that, once officer Evans #781 either realized on his own or was made aware by the reviewing officer that the factory tints on the Impala's windows were completely legal, officer Evans #781 changed the m.v. citation to "obstruction of windshield for vision" in violation of Title 39:3-74, furthering the deceit and fraud upon the court. However, it would appear that officer Evans #781 forgot to deceitfully amend the Complaint-Warrant in the process. (See "Complaint-Warrant" and "Ticket Number 000255" attached as Exhibit in the Appendices). The automobile exception to the warrant requirement does not apply, nor does probable cause exist in this case to justify the warrantless seizure or search of this petitioner. The tangible evidence obtained as a result must be suppressed as fruits of the poisonous tree, pursuant to U.S. Const. amend. IV, and the analogous N.J. Const. art. I, para. 7.

STATEMENT OF THE CASE

In addition to the foregoing, there appears to be issues of importance beyond the particular facts and parties involved. In this case, the Petitioner is being prosecuted by the State and state actors under an ex post facto law and held in confinement for allegedly violating a former state statute which has been declared unconstitutional by our U.S. Supreme Court. This is illegal according to the law. On April 03, 2022, Petitioner, after having been unreasonably seized and searched as described above, was charged and confined for allegedly violating N.J.S.A. § 2C:58-4 / P.L. 2018, c. 37, Assembly No. 2758 and the offense(s) that it created N.J.S.A. § 2C:39-5(b)(1), inter alia. On June 23, 2022, our United States Supreme Court, in the case of N.Y. State Rifle & Pistol Ass'n v. Bruen, 142 S.Ct. 2111, declared New Jersey's statutory framework governing issuance of handgun "carry" permits, N.J.S.A. § 2C:58-4(c), to be unconstitutional, and by extension, also invalidated the unlawful possession statute, N.J.S.A. § 2C:39-5(b)(1), of which Petitioner was being prosecuted under. Petitioner brought this to the attention of the U.S. District Court for the District of N.J., the U.S. Court of Appeals for the 3rd Circuit, and the N.J. Supreme and Superior Courts by way of Petition for a Writ of Habeas Corpus pursuant to U.S. Const. art. I, sec. 9, cl. 3; N.J. Const. art. I, para. 14; and 28 U.S.C. § 2241 as of right, and as further in line with Ex parte Rose, 6 A.2d 388, 1939 N.J. Sup. LEXIS 163 (See also: Ex parte Royall, 117 U.S. 241; Ex parte Siebold, 100 U.S. 371; Montgomery v. Louisiana, 577 U.S. 190; and Fay v. Noia, 372 U.S. 391). In this sense, Petitioner challenged the lower court's subject-matter jurisdiction, and maintains his claim to relief pursuant to F.R.C.P. 12(b)(1) and 12(b)(6), as of right. Furthermore, the State is currently prosecuting Petitioner under ex post facto law N.J.S.A. § 2C:58-4.2 / P.L. 2022, c. 131, Assembly No. 4769. Such prosecution is repugnant to the Constitution's Ex post facto clause, U.S. Const. art. I, sec. 9, cl. 3; art. I, sec. 10, cl. 1.

REASONS FOR GRANTING THE PETITION

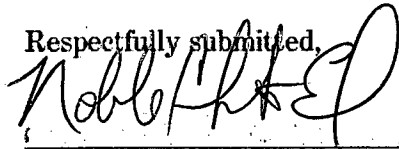
For the foregoing reasons, and in light of the fact that Petitioner has proffered evidence in the nature of GPS location "Trip Summary" records proving that the black Chevrolet Impala seized by police was not in the area of the alleged incident at the time of the anonymous 9-1-1 caller's report, or at any time at all on that day prior to 12:45 p.m., and therefore, further proving that officers seized the wrong automobile and people, this petition should be granted for good cause in the interest of truth and justice. Petitioner has been deprived of his right to life, liberty and property without due process of law, denied equal protection of the law and his right to petition the government for a redress of his grievances, all while suffering physical, mental, and emotional injury from being confined, and will continue to suffer irreparable harm if the relief herein requested is denied.

Please grant this Petitioner certiorari, enjoin the State's prosecution and afford injunctive relief.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



I am: Noble Christie All Rights Reserved

Date: July 27, 2023 