

No. 24-5075

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES
APR 19 2024
Supreme Court, U.S.
FILED
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DeTron L. Perry — PETITIONER
(Your Name)

vs.

Jacob L. Streitmatter — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Nebraska Supreme Court

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

PETITION FOR WRIT OF CERTIORARI

DeTron L. Perry
(Your Name)

4912 Ruggles St
(Address)

Omaha, NE 68104
(City, State, Zip Code)

(531) 721-9441
(Phone Number)

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QUESTION(S) PRESENTED

- A. Whether the lower court erred in applying Nebraska Civil Procedure Rules and Evidence, prejudicing the plaintiff's case;
- B. Whether the lower court's failure to rule on the Motion to Limine and preclusion of relevant evidence deprived the plaintiff of a fair trial;
- C. Whether the defendant's affirmative defense and contradictory testimony were properly addressed by the lower court.

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:

RELATED CASES

Nebraska District Court of Douglas County:

DeTron L. Perry v. Jacob L. Streitmatter; No. CI 21-8914

Nebraska Supreme Court of Appeals:

DeTron L. Perry v. Jacob L. Streitmatter; No. A-23-034

Nebraska Supreme Court:

DeTron L. Perry v. Jacob L. Streitmatter; No. A23-034
No. CI 21-8914

United States Supreme Court:

Perry v. Streitmatter No. NESCT 23-34

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	5
CONCLUSION.....	6

INDEX TO APPENDICES

- APPENDIX A - Nebraska Supreme Court of Appeals overruled on Appellant Motion to Continue Oral Argument.
- APPENDIX B - Nebraska Supreme Court of Appeals submitted without oral argument.
- APPENDIX C - Nebraska Supreme Court of Appeals overruled on Appellant motion for Rehearing.
- APPENDIX D - Nebraska Supreme Court of Appeals affirmed the judgement by the District Court.
- APPENDIX E - Nebraska Supreme Court overruled on Appellant petition for further review as untimely filed.
- APPENDIX F - Nebraska Supreme Court overruled on Appellant motion to extend brief date for lack of jurisdiction.

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Werner v. County of Platte, 284 Neb. 899, 824 N.W.2d 38 (2012)	7
Equitable Life v. Starr, 241 Neb. 609, 489 N.W.2d 957 (1992)	7
Huffman v. Huffman, 236 Neb. 101, 459 N.W.2d 218 (1990)	7
Alliance Nat. Bank v. State Surety Co., 223 Neb. 403, 390 N.W.2d 487 (1986)	7
DeCamp v. Lewis, 231 Neb. 191, 435 N.W.2d 883 (1989)	7
Dowd v. Conway, 1 Neb. App. 230, 491 N.W.2d 575 (1992)	5, 7, 16
Wolfe v. Abraham, 244 Neb. 387, 504 N.W.2d 692 (1993)	5, 7, 16
Beauford v. Father Flanagan's Boys' Home, 241 Neb. 606 (C. 20, 486 N.W.2d 854, 857 (1992))	7
Brandon v. County of Richardson, 264 Neb. 1020, 1027, 653 N.W.2d 829, 836-37 (2002)	8
Nolan v. Campbell, 13 Neb. App. 212, 229, 690 N.W.2d 638, 654 (2004)	8
Crowdson v. Burlington Northern RR Co., 234 Neb. 631, 452 N.W.2d 270 (1990)	8
Haffke v. Signal 88, LLC, 306 Neb. 625, 947 N.W.2d 103 (2020)	5
	5, 10

STATUTES AND RULES

Neb. Rev. Stat. 27-1101 (Nebraska Civil Rules of Evidence)

Neb. Ct. R. Pldg 6-1108(c)

Neb. Ct. R. Discovery (Article 3)

OTHER

Martin v. Roth, 548 N.W.2d 553 (1997)	6
Burkey v. Royle, 233 Neb. 549, 446 N.W.2d 720 (1989)	6
Pink v. Meister Et Al., 196 N.W.2d 122 (1972)	6
Smithwick v. Campbell, 864 S.E. 2d 462 (Ga. Ct. App. 2021)	7, 11
James v. Berkley Insurance Company, 206 So. 3d 393 (La. Ct. App. 1 st Cir. 2016)	7
Harrington v. Kern, 52 A.D. 3d 473, 859 N.Y.S.2d 480 (3d Dept. 2008)	7
Dominguuez v. Fontanella, 26 Misc. 3d 1079, 896 N.Y.S.2d 572 (Sup. 2009)	7

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 A to the petition and is

- reported at NEB. CT. R. App. P. 2-102 (E); or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the Nebraska Supreme Court of Appeal court appears at Appendix A to the petition and is

- reported at NEB. CT. R. App. P. 2-102 (E); 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 Feb. 26, 2024.
A copy of that decision appears at Appendix A.

[X] A timely petition for rehearing was thereafter denied on the following date: March 1, 2024, 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

The lower court's ignored the Appellant rights during the civil procedure pertaining to the Nebraska Rules and Evidence.

The failure of the lower court to follow Nebraska Civil Procedure Rules and Evidence led to prejudicial errors, particularly in the preclusion of relevant evidence concerning the Appellant's medical bills and loss wages.

The lower court's failure to rule on the parties motion to dismiss and preclusion of relevant evidence deprived the Appellant of a fair trial and violated his rights under Nebraska Civil Rules and Evidence.

The Defendant negligent operation of his vehicle, as well as shifting affirmative defense, were not appropriately addressed by the lower court impacting the outcome of the trial.

The Defendant's contradictory testimony during pre-trial and trial, coupled with his failure (discovery) to establish contributory negligence by the plaintiff. The errors of the lower court went against the plaintiff - Appellant constitutional, civil rights and other rights which warrants a review by this court.

STATEMENT OF THE CASE

The nature of this action is a personal injury action which occurred when Jacob L. Streitmatter (Defendant) rear ended Plaintiff, DeTron L. Perry at a high rate of speed during 4:30 - 5:30 PM rush hour traffic causing serious bodily injuries and property damages.

The Defendant Streitmatter affirmative defense was that he admits negligence but put Plaintiff on his strictest proof to the extent and nature of his injuries. However, the Defendant then switched to Plaintiff was contributory negligence to his own injuries. The burden was on the Defendant to proof that Plaintiff was contributory negligence to his own his. The Court allowed the Defendant to submit as evidence his own testimony which was in question that it was inconsistent throughout pre-trial discovery and trial. The Defendant testimony was incompetent to be accepted as admissible evidence.

Plaintiff designated expert witnesses and relevant witnesses to the case that had personal knowledge, He also identified tax returns, employment history, missed job opportunities, medical records and bills.

The lower Court failed to rule upon the parties motion to Limine before trial which caused the outcome of the trial.

REASONS FOR GRANTING THE PETITION

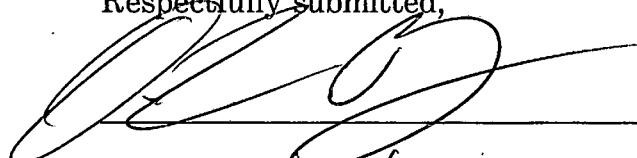
For all the reasons, and in the interest of Justice, the Plaintiff respectfully requests that this Court grant his petition for review, and reverse the decision of the Appellate Court and remand the matter for trial.

CONCLUSION

The petition for a writ of Certiorari should be granted.

The petition for a writ of certiorari should be granted.

Respectfully submitted,


Date: 5/31/2024