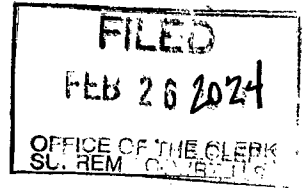


24-5569 ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



Barbara MARTIN — PETITIONER
(Your Name)

vs.

STATE of New Jersey — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Supreme Court of New Jersey
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Barbara MARTIN
(Your Name)

7234 Belmont AVE
(Address)

Maryland, M.J. 08330
(City, State, Zip Code)

707 480 3375
(Phone Number)

QUESTION(S) PRESENTED

Should an individual be kept waiting 2,820 days for trial, 8 years of waiting on a misdemeanor charge of Obstruction of Justice? I.E. - Petitioner was accused of interfering with a local police function. Petitioner's elderly Aunt was being heckled by same. (July 26 2016)

Shouldn't the "Speedy trial guarantee" suffice. Shouldn't the right to a Speedy Trial apply and be granted? When requested by defendant?

Should the local police be deserving of delays and special favors due to military leave's. Where this municipal court charge continue for 8 years?, with excessive work load, Judge shortages, insufficient staffing, and lack of docket time? Conflicts and transfers?

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

TABLE OF AUTHORITIES CITED

CASES

Strode v. United States 412 U.S. 434, 439-40¹⁹⁷³ PAGE NUMBER
RASHAD V. STATE OF NEBRASKA Appellant CASE S-22-097
CITE AS 316 Neb. 101

Klopfers v. North Carolina Ref. 386 U.S. 213

Baugh v. Wingo 407 U.S. 514 (1972)

STATUTES AND RULES

The New Jersey Speedy Trial Act.
The Speedy Trial Act 18 U.S.C. §§ 361-74

US constitution, 14th Amendment, Due process clause (2)

OTHER

The New Jersey Speedy Trail Act 2017
The New Jersey STATE Constitution Article I,
Section 10
6th Amendment to the US Constitution
MARTIN VS County OF ATLANTIC 1:18-11931 et al

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APPENDIX F	Appellate Court ORDER
Appendix G	ORDER / MOTION to Stay, Municipal Court 11-30-2022

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 _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished. - NO OPINION WAS WRITTEN

The opinion of the New Jersey Supreme 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.

NO OPINION WAS WRITTEN

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 2-2-2024.
A copy of that decision appears at Appendix _____.

[] A timely petition for rehearing was thereafter denied on the following date: 4-10-2023, and a copy of the order denying rehearing appears at Appendix F - RECONSIDERATION - Appellate Court

[] 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 New Jersey Speedy Trial Act 2017

The Speedy trial Act 18 USC §§ 3161-74

US Constitution, 14th Amendment, Due process clause (2)

The New Jersey state constitution, Article I, Section 10
6th Amendment to the constitution

STATEMENT OF THE CASE

July 26 2016 Petitioner was given ticket for "obstruction of Justice" for attempting to question police why they were accosting her elderly Aunt. This is a Municipal ticket and ordinance violation charge. 2C:29-1 Disorderly Persons.

Petitioner requested speed trial. It has been 8 years this July. NO trial. Stall tactics, hanky panky by the government. 2 key witnesses have died. One being petitioners elderly Aunt Helen Hugo, and family friend & FBI Agent Craig Dotto who was visiting petitioners farm at the time of the alleged incident.

Petitioner has made her way to the US Supreme Court standing on principle that her Speedy Trial rights have been violated.

REASONS FOR GRANTING THE PETITION

Petitioner has suffered great emotional duress over 8 years. Petitioner loves children and was not allowed in school bus driver job. The fact that the Petitioner is not guilty and was charged weighs on the mind bringing about anxiety as being ostracized by the community is difficult for Petitioner. Petitioner is oppressed.

8 year delay is prejudicial to Petitioner. Petitioner's key witness has passed away Mr. Craig Dotto, retired FBI agent & family friend. 4-10-2017.

key witness Aunt Helen Hugo passed away Sept. 2023. Prejudicial to Petitioner in losing another key witness for defense.

It is prejudicial to petitioner for prosecutor & Judge to cater to police who take military leave absences.

Comment from Municipal Court Judge "why do I have this case"? This is a conflict case. "I don't want to be the one to decide this case. Court had from July 2016 until early 2019, before COVID 19 to try petitioner. (TRIAL) Over 3 years. Went by.

The municipal court violated the New Jersey Speedy Trial Act and the New Jersey state Constitution, Article I, Section 10 by not bringing Petitioner's case to trial within the 2 year rule. 8 years will have passed this July 2024

REASONS FOR GRANTING THE PETITION

The practical time frame has been violated. This is repugnant to the Constitution. Dismissal is the only remedy. Petitioner did indeed assert her rights to Speedy Trial. The delay for an ordinary misdemeanor is considerably less than for a serious complex charge. Petitioner asserted the right to a Speedy Trial numerous times.

The reason for the delay is that the state is stalling. Petitioner has a commented (2018) 1983 42 U.S. Code § civil rights suit against the city, county, several police officers (captain, lieutenant) to include city & local county employees as witnesses for the defense. This suit is only the second of its kind in New Jersey. The county of Atlantic is quite upset over this suit, brought about by the incident which caused the citation / ticket of obstruction for petitioner. The municipal judge has made several comments on record. "I don't want to be the one who gets the county sued", "why am I getting this case"? This case has been transferred between July 2016 and 2018 to five different judges in 5 municipalities. Each judge calling a conflict, not wanting to "get involved". If petitioner prevails at trial, her Civil Rights

Suit can continue. IF Petitioner loses and is found guilty it may not. The civil rights procedure code states all criminal charges must be found "not guilty of". Currently the civil rights case/suit is stayed. The US District Judge has stayed this case 7 years; waiting for municipal court change to be eradicated.

PETITIONER believes the Municipal Court Judge is hampering and stalling with the state. IF the Municipal Judge finds the Petitioner "not guilty", she will suffer the wrath of Atlantic County for letting Petitioner now sue the County, as well as the township officers. Nor does it seem she wishes to enter to those to have Petitioner found guilty. She is between a rock and a hard place, which is why the 8 year delay, from one motion count to another across the County. The Government's "Lackadaisical" behavior is inexcusable. By law the state has 180 days to bring to trial. Petitioner filed her civil rights suit in 2018. 1 and $\frac{1}{2}$ years after the charge. The state had plenty of time to get their act together and find a home for Petitioner's case.

May 2017 Petitioner's case was yet transferred to another vicinage. Discovery was demanded again and again. The prosecution stalled, delayed and

continuously interrupted trial and need for Speedy trial
This was addressed in the May 18 2017 letter to the
Prosecutor. A trial date was set for June 26 2017
by the Municipal Judge. Again Prosecutor stalled
Again, this municipality decided they did not want to
get involved in Petitioner's case for the same
reasons described in this petition. Petitioner's case was
shipped / transferred to get another township.

After finally receiving discovery in 2020 a motion was
filed for suppression of evidence. This sat in the
Superior Division for 7 months unanswered. No oral
argument was requested. - A motion for Speedy
trial denial was filed, requesting disposal of case.
Both denied by Municipal Judge and Superior Court
as well as Appellate Court. Please see Appendix B
and C.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Burlana Martin

Date: 2-23-2024