

JAN 08 2018

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No. _____

IN THE

SUPREME COURT OF THE UNITED STATES

Joseph J. Gentile JR. — PETITIONER
(Your Name)

VS.

STATE OF NEW YORK — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO
(Queens County Ind. No. 2642-05) App. Div. 2nd Dept.
(App. Div. docket No's: 2016-13006, 2016-13121)

QUEENS Supreme Court, STATE OF NEW YORK
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Joseph J. Gentile JR.
(Your Name)

Fishkill CORR, FAC.
P.O. Box 1245
(Address)

Beacon, NEW York, 12508
(City, State, Zip Code)

NONE FOR ME
(Phone Number)

my Father Joseph J. Gentile SR, ESQ (AB 1953)
(718) 726-1252

my wife Tameka Gentile
(516) 787-4245

QUESTION(S) PRESENTED

- 1) First Question. Did the Queens Supreme Court Error when it Failed to address a clear Brady violation in its "Decision and order" Dated December 1, 2016 (see! Appendix A pages 7 & 8) For the Queens District Attorney hid my co-defendants plea transcripts for twelve and a half years. Only when I had submitted several 440.10 motion's over the last decade stating that he was given a "plea deal" of one year only if he testified against me did the Queens District Attorney A.D.A N. Talcott use his plea transcripts as an Exhibit to prove there was no "plea deal" This was in the year two thousand and sixteen (2016) I immediately submitted both a 440.10 motion to the trial court (Queens Supreme court) as well as a Article 70, state writ of habeas corpus (Matter of Gentile v Capra, Appellate division second department No: 2016-13121)
- 2) Second Question, Should this HONORABLE COURT Recognize "Actual Innocence" In the case at BARR the Queens A.D.A. J. Carroll at my sentencing on the Record as well as to the N.Y.C. Daily News spoke of recorded phone calls he listened too, Recorded by N.Y.C. Dept. of Corrections, between myself and my ex-girlfriend, the alleged victim where he claimed I tried to scare and bribe her into dropping the charges, when pre trial I told my Attorney about these phone calls where I said "vashti I Beg you, go to the District Attorney and tell the truth!" my Family is old and they need me" my ex-girlfriend said "IF I tell the truth I will go to Jail, I will not go to Jail For you," when I said "who bruised you and burned you vera (her-sister)" she said "I do not want to talk about that" I have submitted many 440 motions as well as request of the District court for these phone calls which prove I am completely innocent, as well as bank and phone records proving this was a shake down. Yet no court cares, Should our Nation recognize "Actual Innocence"?

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:

New York STATE Attorney General
The Capital
Albany, New York 12224-0341

New York
OFFICE OF the District Attorney
OF Queens County,
ADA, N. Talcott
125-01 Queens Boulevard
Kew Gardens, New York 11415

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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.

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 _____.

☐ 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 _____.
A copy of that decision appears at Appendix _____.

☐ 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

STATEMENT OF THE CASE

As recorded by many pleading I have submitted to both state and Federal courts I Did not rape OR hurt my ex-girlfriend in any, way, shape OR Form. The recorded phone calls recorded by N.Y.C. Department of corrections prove so, when I was First arrested I belived Vashti (my exgirlfriend) was Just angry I broke up with her because she cheated. After her calling my fathers Law office and telling my Aunt Mary Gentile I better call her I learned she was influvenced by an ex-employee to make up the story of Rape and assault, IF This Honorable COURT Granted A WRIT CERTIORARI It would see Motion to Fix bail 2006 where after a heavy investment Into my company "Patriot Records" I had a one million dollar deal with Universal Motown, Then looking at the AFFIDAVITS submitted in multiple 440 motions 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015 2016, These phone calls, phone records and bank records prove I was set up For money, Vashti Persad called my family demanding money as well as deeds to houses, All I did July 29, 2005 was come to her Aid, From Queens Newyork to the bronx because she said men pulled a gun on her and her little (then 15yrs old) brother. when we arrived at my home I Found marks (hickies) on her breast while we were together so I broke it off, Police picked her up From my home with out a mark on her (see Ex A) then I was arrested days later (7 days later) For this story of hers.

REASONS FOR GRANTING THE PETITION

Because In a decade I have gathered evidence, along with my Father which prove ~~I~~ am Innocent and many states, commonwealths and territories of our Great nation need to acknowledge "Actual Innocence" Americans are always on the news who spent ten, twenty or more years in prison for crimes they did not commit. Either it be D.N.A. or other evidence they receive relief but only for a select few (see people v. Hamilton, second dept, App. Div. (115 A.D. 3d 121) who have the right attorney. Here the lower courts of New York have not lifted certain bars as ordered by N.Y.S. law in Hamilton for me. Granting the Petition and clearly looking at all the evidence (i.e. phone conversations) ~~which~~ would give other wrongfully convicted patriotic Americans a chance to pursue their life liberty and their happiness ~~gar~~ guaranteed by our Beautiful Constitution, NOT ONLY for those with a large budget for the best attorneys, But for all Americans,

Please I implore you to see Appendix A, The Honorable Richard L. Buchter spent seven pages out of an eight page Decision and order against my 440.10 on this brady violation, and only four lines in reference to peter diplano plea transcripts but never addressed the brady violation.

As a matter of law the Queens District Attorney is guilty of a ~~clear~~ clear Brady violation, with all the evidence which proves I am innocent they are guilty of far worse putting an innocent man in prison for the last thirteen years.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Joseph J. Gentile Jr.
28 U.S.C. 1746

Date: 2-7-18