

No. **26-5772**

ORIGINAL

Supreme Court, U.S.
FILED

APR 22 2026

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

JOSEPH THOMAS SAARI

— PETITIONER

(Your Name)

vs.

STATE OF MINNESOTA

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

The Minnesota Court of Appeals

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

PETITION FOR WRIT OF CERTIORARI

Joseph Thomas Saari

(Your Name)

1000 Lakeshore Drive

(Address)

Moose Lake, MN 55767

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

This case presents important nationwide issues concerning the First Amendment of the United States Constitution. The cases that your petitioner has cited, in his belief, has fundamentally reshaped the freedom of speech clause in the First Amendment.

- (1) Did Counterman v. Colorado, 600 U.S. 66, 73, 143 S. Ct. - 2106, 216 L. Ed. 2d 775(2023), announce a new substantive rule that has retroactive effect in cases on collateral review?
- (2) Did Moody v. Natchoise, LLC, 603 U.S. 707, 144 S. Ct. 2383-, 219 L. Ed. 2d 1075(2024), announce either a new rule of ~~priminaty~~ procedure or substantive Law that has effect in cases on collateral review?

LIST OF PARTIES

A list of all parties to the proceeding in the court whose judgment is the subject of this petition is provided below. If a party is a corporation with a stock ticker symbol, that symbol is also included.

1. Saint Louis County Attorney's Office-Minnesota*
2. Attorney General of the State of Minnesota-Keth M. Ellison*
3. Kris Rish-Warden of MCF-Moose Lake *
4. The Saint Louis County District Court-Minnesota *
5. The Appellate Courts of Minnesota-Court of Appeals and the Supreme Court. *
6. The Public Defender's Office of the State of Minnesota-Appellate and of the district courts.
7. Joseph Thomas Saari as the petitioner
8. The State of Minnesota(* denotes the specific party of the State).-as the Respondent.

RELATED CASES (No Related Cases)

DISCLOSURE OF CORPORATE AFFILIATIONS AND FINANCIAL INTEREST

Pursuant to Supreme Court Rule 29.6, Joseph Thomas Saari, makes the following disclosure:

- 1) Mr. Saari is not a subsidiary or affiliate of a publicly owned corporation.
- 2) There is no publicly owned corporation, not a party to the appeal, that has a financial interest in the outcome of this case.

By: _____

Joseph T. Saari, Pro Se
#205469
1000 Lakeshore Dr.
Moose Lake, MN 55767

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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 Minnesota intermediate appellate court 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.

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 3/13/2026.
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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

First Amendment- Which states in part: "Congress shall make no Law...abridging the freedom of speech..."

Fourteenth Amendment- Which States in part: "Nor shall any State deprive any person of Life, Liberty, or Property, without due process of Law..."

Minn. Stat. § 609.498.1b(a)(6). Tampering with a Witness-Aggravated First Degree. Which states that: "[W]hoever causes or, by means of an implicit or explicit credible threat, threatens to cause great bodily harm or death while intentionally retaliating against a person who has provided information to law enforcement authorities concerning a crime...is guilty of a crime."

Minn. Stat. § 609.749.5. Stalking. Which states in part: "[A] person who engages in stalking with respects to a single victim or one or more members of a single household which the actor knows or has reason to know would cause the victim under the circumstances to feel terrorized or to fear bodily harm and which does cause this reaction on the part of the victim...For the purposes of this subdivision, "stalking" means two or more acts within a five-year period..."

Minn. Stat. § 617.261. Nonconsensual Dissemination of Private Sexual Images. Which states in part: "It is a crime to intentionally disseminate an image of another person who is depicted in a sexual act or whose intimate parts are exposed, in whole or in part..."

STATEMENT OF THE CASE

On or about March of 2019, Mr. Saari was found guilty of all eight counts charged by complaint after a Jury Trial. Mr. Saari did file an Direct Appeal of his convictions and sentences, the governing and longest of the concurrent sentences was for his conviction under Minn. Stat. § 609.498.1b(a)(6)-Tampering with a Witness in the First Degree, Aggravated, 158 Months.

Mr. Saari also filed two subsequent postconviction actions, and they were both denied. Mr. Saari sought Habeas Corpus relief in Federal Court, it to was denied without a certificate of appealability issuing and Mr. Saari applied for the COA all the way up to this Court. See, Saari v. Rish, No. 23-7467.

In this proceeding, Mr. Saari seeks direct-collateral review of his claims asserted under Minn. Stat. § 590.01 Subd.-4(b)(3), an exception to procedural foreclosure in Minnesota. The District Court summarily dismissed the petition and then the Minnesota Court of Appeals affirmed the District Courts Order.

Finally, the Minnesota Supreme Court denied further review on March 13, 2026. Mr. Saari has maintained his innocence throughout the entirety of this case.

This petition for Certiorari follows the above stated facts.

REASONS FOR GRANTING THE PETITION

The first ground for relief, Mr. Saari asserted that he in fact was prosecuted for crimes involving a true threat of violence and at least one of the charged offenses only required negligence as a ~~mens rea~~, it violated Counterman v. Colorado, - 600 U.S. 66(2023). Counts 3, 4, 5, and 6 of the eight count complaint were based on a single act, a facebook communication, alleged to have happened on December 4, 2018. In Teague v. Lane, 489 U.S. 288(1989), a federal habeas case, set forth a framework for the retroactive application of a new constitutional rule to convictions that were final when the new rule was announced. The Minnesota Court of Appeals affirmed the decision of the district court order, stating that because the court had dismissed the charge, Minn. Stat. § 609.749.5-stalking, before sentencing that it remedied the Counterman violation. That is inconsistent with both this court's precedent and Minnesota precedent: "[E]ven the use of impeccable factfinding procedures could not legitimate a verdict" where "the conduct being penalized is constitutionally immune from punishment." Montgomery v. Louisiana, 577 U.S. 190-(2016). And Hengel v. Hyatt, 312 Minn. 317, 252 N.W. 2d 105(1977)*, "A void judgment has no effect and must be set aside...No question of discretion is involved in setting aside a void judgment." Therefore, a State cannot simply dismiss a charge to remedy a Counterman violation following a jury trial, neither the State had the power to charge, nor did the court ~~acquire the authority~~ to hear the case. The Counterman rule retroactively applies all the way back to the point in time affecting prosecution decision making, not only when the conviction was entered.

The second ground, that Moody v. Netchoice, LLC, 603 U.S.- 707(2024), was either a new watershed rule of criminal procedure or a new substantive rule of constitutional criminal law, Mr. Saari understands that Edwards v. Vannoy, 593 U.S. 255(2021) did foreclose his claim in this court that it is a procedural rule that has retroactive effect, however the Minnesota Court of Appeals has opened the door by addressing the issue if the rule

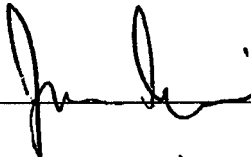
* Bode v. Minn. Dep't of Natural Resources, 612 N.W. 2d 862-~~862~~ (Minn. 2000)

...of Natchoice constitutes a new substantive decision. In the State of Minnesota, State v. Casillas, 952 N.W. 2d 629 (Minn. - 2020), upheld Minn. Stat. § 617.261, holding that it is not a blatantly unconstitutional statute in the face of the First Amendment. In Casillas the Supreme Court of Minnesota used the Strict Scrutiny Analysis to overrule State v. Casillas, 938 N.W. 2d 74 (Mn. Ct. App. Dec. 23, 2019), where the lower court found that ~~that § 617.261~~ § 617.261 did cover a substantial amount of protected speech, under the Overbreadth doctrine. The Natchoice rule is clearly irreconcilable with Minnesota's Highest Court's holding. Minnesota Courts have taken the same stance as the State of Texas and the Fifth Circuit U.S. Court of Appeals, that a [State's] interest alone can outweigh weigh a private actors' speech to advance its own vision of ideological balance.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: April 22, 2026