No. 18 - 1063

In the Supreme Court of the United States

JOHN COTTAM,
Petitioner

v.

DOUGLAS PELTON,
Respondent

PETITIONER'S REPLY TO PELTON'S RESPONSE TO PETITION FOR A WRIT OF CERTIORARI

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Pelton's response irrefutably confirms the huge number of issues in dispute here, precluding summary judgment.

The Mollen report, July 1994, concluded: "Today's corruption is not the corruption of *Knapp Commission* days. Corruption then was ...corruption of accommodation, ...criminals and officers giving and taking bribes, buying and selling protection. ...in its essence, consensual. Today's corruption is... **brutality**, theft, **abuse of authority and active police criminality.**"

Things have not improved, have they? What role do the federal courts have in this behavior?

The Courts cannot claim they don't have anyone intelligent enough to read simple, clear evidence. Either the evidence was not read, or it was purposefully ignored. Based on the DC's statements, it is impossible to come to the conclusion that at least some of the evidence was not read.

Who, other than corrupt Law Enforcement, can claim egregious (criminal) activity by Law Enforcement against innocent citizens is not of "national importance", and evidence of such is "immaterial".

Pelton's claim that Cottam has presented "no evidence" is nothing less than disingenuous. Speeding and crossing railroad tracks that have **one** "no trespassing" sign are not enough for "probable cause" to fabricate a felony eluding charge. The Courts have clear evidence Pelton lied when he said (when asked when Dr. Cottam stopped): "Another patrol car come from the other direction and..., he stopped then". **This claim was made to fit a "true" car chase**; there is no "true" car chase where the person "running" simply stops voluntarily; this

includes "real" shows or fiction. Pelton now claims his testimony was misspoken, but clearly stated the same claim (heading-off-at-the-pass) in his interrogatories and RFA's when stating he didn't know if Cottam stopped due to "approaching vehicles". Per the call log and other Officers' (Smalt, Kelly, Torminades) testimony, there were no "approaching vehicles". It all turned out to be a lie about this very important issue. What else is he lying about?

The Courts have clear evidence Pelton lied... when he said: "I was calling it out.. that a car wouldn't stop". The "relevance" of this is clear to any novice: **to make his "car chase" sound legitimate.** It is required police protocol to call out for an eluder due to the significant danger posed.

This also turned out to be a lie: **The call log, audio, call supervisor's testimony, and Officer Smalt's actions all prove there was no call for a car "not stopping" in any way;** precisely the reason Cottam retrieved the call log in the criminal case. What else is Pelton lying about?

The Courts have in their hands proof that Pelton lied when he said his: "..siren was on". The call audio, the fact that Pelton claims he had his siren on from the get go (not used in a speeding stop unless later if the driver doesn't stop), **eye witness**, and by the SA's charge (subsection (1) – no siren) all prove this was yet another lie. **The siren** is another material issue because it **would have been on in a "true" eluding case**; Pelton knew this and lied. What else is he lying about?

The Courts have clear evidence Pelton lied when he said Cottam: "Made an extremely abrupt, reckless turn" onto Oxford St.. **Pelton's claim is completely**

inconsistent with the evidence; the turn could not occur as Pelton described due to simple physics: 1. Dr. Cottam's car is a "boat"- a Lexus LS460, 2. the turn was a sharp right angle turn, 3. the road was wet, and 4. The car's tires were almost bald. Cottam stated (consistent with the evidence) that he took the corner **slower than normal (because he had to).**

Pelton's claim of this "reckless" turn ended up being another lie. What else is Pelton lying about?

The Courts have clear evidence Pelton lied when he said he saw Cottam: "..looking in his rear view mirror at me". Pelton took pictures at the scene, showing you can't even make out Cottam's rear head rests, (because of the car's rear shade, and tinted glass). After this point was raised early in this case, Pelton changed his story to "side" rear view mirror; an impossibility for several reasons: 1.Physical optics make it impossible, even if Cottam's rear view mirror was pointed directly behind his car; 2. which it wasn't; 3. also, why would someone look in their side rear view mirror at someone behind them when they have a perfectly good rear view mirror right in front of them?

Pelton also claims he saw this (physically impossible feat), from 100 feet, at high speed, when he was at Cleveland Ave. However, eye witness places him at Lion St. when Cottam was already past Cleveland Ave.; a distance of over 1800 feet! To say that Sarah Akay knew "nothing" beyond Lion St. is disingenuous.

Pelton's claim Cottam was looking in his rear view mirror again was needed to paint the picture of someone actively eluding. It was yet another lie. What else is Pelton lying about?

The Courts have clear evidence Pelton lied when he said he: "Never lost sight of..[Cottam]". Eye witness (Sarah Akay), saw Pelton from the beginning. She testified **Cottam was already over the peak of a bridge there when Pelton had just turned his lights on. A survey of this road shows Cottam was over 1600 feet (16 seconds) down the road at this point, over the peak of the bridge (out of sight of Ms. Akay, and therefore Officer Pelton).**

This is key since it explains why Pelton took over a mile to catch up with Cottam; by that time Cottam turned to cross the railroad tracks taking him on the shortest path to the I-75, where he needed to be.

Pelton made this claim again to paint the picture of being in close pursuit for a long time. It turned out to be yet another lie. Pelton never knew there was an eye witness who worked with Dr. Cottam (therefore on the road at the same time).

Pelton used this scenario (Cottam speeding and crossing tracks) after he blew up in a tirade, to predatorily fabricate an eluding charge against Cottam. Cottam clearly remembers Pelton's words: **"I know what I'm gonna to do with you.. You're getting an eluding charge!!"** after Pelton's tirade. **Then after Cottam protested he wasn't eluding, Pelton responded: "That's the way it's gettin' written up!!"**

Pelton lied about never losing sight of Cottam. What else is he lying about?

The courts have clear evidence Pelton lied when he said Cottam: "Accelerated away from me..". Again, **eye witness and the mathematics of the situation clearly dictate that Pelton was never in such a position to make any such**

observation. The mathematics completely concur with Cottam's contention he was slowing down from the time he got to the top of the bridge.

What else is Pelton lying about?

The courts have clear evidence Pelton lied in his charging document that Cottam told him he was lost. When Cottam stopped (of his own volition after Pelton finally caught up to him because Pelton was so far behind from the beginning), Cottam was heading toward the I-75 on the physically shortest possible path: **Not the actions of a "lost" person.**

Cottam never told Pelton he was lost. In fact, he told Pelton he knew exactly where he was. Pelton's claim that Cottam was "..unfamiliar with the area" makes no sense. **What are the odds that someone "unfamiliar" with an area and "lost" is somehow heading directly to where they need to get on the shortest possible path**? Why would Pelton (or any officer) engage in such a conversation (which he claims, but lies about the nature of the actual conversation) with a supposed "eluder". **Why was there no "felony stop" which would be standard in such a scenario**?

So far, we have proof of: 1. **No car heading Cottam off** at the pass (per his own partners' testimony); 2. **No felony stop** (per his own testimony) – No car chase; 3. **No call to dispatch** (per call log, audio, call supervisor testimony, and Officer Smalt's actions); 4. **No reckless turn** (per laws of physics); 5. **No siren** (per eye witness, audio, and SA charging subsection(1) – no siren); 6. **No close pursuit** (per eye witness and mathematics/distance between clocking and stopping); 7. **Pelton lying about never losing sight of Cottam** (per eye witness); 8. **No seeing**

Cottam looking in his rear view mirror (per laws of physics, common sense and eye witness); 9. **No accelerating away from Pelton** (Per eye witness and mathematics); 10. **Cottam not being/saying he was "lost";Cottam was clearly "familiar" with the area** (per Cottam's location/direction of travel).

Note how in every instance, everything here has evidence beyond Cottam's "statements". Nothing here is "self-serving" and "uncorroborated" as Pelton claims.

Ten genuine issues of dispute... Not enough for you? There's more...

The Courts have proof Pelton lied when he said he noted: "No other traffic on the road". It was this "traffic" causing Pelton such delay in coming after Cottam. Pelton was on the opposite side of a four-lane highway; forced to wait for several cars to pass (many at 50mph and higher) before he could start. Eye witness *and* common sense tells us he lied.

The Courts have proof Pelton lied when he said he "didn't have to pass any vehicles". Per eye witness and Cottam, several vehicles were ahead of Pelton (three cars at minimum to pass). Why would he lie about this?; **Again, to make it look like he had a clear approach, and was not "delayed"**. If he admitted he was delayed, this would show he never caught up to Cottam until they were on the tracks, where Cottam stopped voluntarily. **Why would someone just "stop" in the middle of railroad tracks unless it was precisely the time the patrol car caught up with them?**

Pelton's words alone in his charging document are consistent with a fabrication, and Pelton was caught in his criminal acts.

In his charging document, he lies about a conversation regarding Cottam finding a way back to a missed turn. Why would an officer engage in such a conversation with an "eluder"? Please read it.

The lower Courts did not take Cottam's description (**and** eye witness **and** officer Smalt's testimony **and** call log **and** call audio **and** call supervisor's testimony, **and** Pelton's own pictures **and** Pelton's own charging document **and** Pelton's testimony) of these many events (**which is completely consistent with every single piece of actual evidence and witness's testimony**) in the light most favorable to Cottam. Rather, they **took one or two events in the light most favorable to Pelton, then granted him "qualified immunity" for "arguable" probable cause (and claimed irrefutable evidence against him was "immaterial")**. The truth is, in many situations, a police officer could likely come up with some "arguable" probable cause, but the evidence of fabrications tells the true story.

Take a similar example to the instant case: A man, suspected of previous bank heists, goes into a bank... An officer sees him go in and sees he has a gun. The officer waits patiently. When the man comes out of the bank, the officer confronts him, asking him what's in his pocket. The man takes out $2000 cash. The officer, knowing he has a chance to predatorily fabricate a charge, says: "I know what I'm going to do with you, you're getting an armed bank robbing charge!!" The officer never goes into the bank, but arrests the man for armed robbery, throwing him in jail. The case goes to deposition where the officer says things to make the case sound "real", like: "I saw the man approach the teller with a note, demanding

money.". However, the teller states this never happened, and video shows the officer never in the bank! No alarms, no call for backup; nothing. It is clearly a fabrication. The charge (after the man spends $17,000 on defense), is abandoned by the SA.

The man files a federal calim for false arrest, but the courts, ignoring the evidence, claim the officer had "arguable" probable cause, since a possibly known bank robber going into a bank (with a gun) ***could be "suspected" of robbery***. In addition, the courts say the man "could have been arrested" for having a firearm in public without a concealed carry permit, therefore exonerating the false arrest, siding with an officer who clearly fabricated a felony bank robbing charge against an innocent person.

Clearly, even in such an obvious fabrication case, the officer can "argue" probable cause, but the fabrication proves the lack of probable cause. Our legal history is rife with such cases.

What the imaginary courts did in the illustrative case is completely reverse Rule 56; giving **any** officer carte blanche to fabricate **any** felony against **any** innocent citizen, and as long as there was some "arguable" probable cause, and possibly some other (minor but "arrestable") offense. The crime of fabricating a major criminal charge is completely exonerated.

The instant case parallels this "imaginary" case almost identically; **Pelton saw an opportunity to engage in criminal behavior, arrested Cottam knowing he was innocent, then made claims needed to make the case sound "real", but got caught in his lies by irrefutable evidence: his own documents and deposition, his own partner(s) testimony and actions, his own call**

log, audio, simple mathematics, physical situations, and eye witness. Yet the courts have sided with him.

Fabrication is clearly probative of lack of probable cause here. **A "probable cause" defense cannot be legitimate in the face of such overwhelming evidence of fabrication.**

Who could possibly claim fabricating charges against innocent citizens is not of "national importance"? The core of our most important legal foundations are based on this concept: being presumed innocent before being proven guilty, the right to be free from illegal search and seizure, the right to have redress when actors under the color of law fabricate evidence, etc.. These issues go to the very heart of many of our legal doctrines and cases.

Anyone with ***any*** sense of duty, morals, compassion for innocent citizens, and knowledge of the actual legal precedent(s) knows protection of lying officers is completely incompatible with any "lawful" society.

Pelton again cites cases which all support Cottam's position, not his. In using *Nelson*, as he did in the lower Court(s), Pelton again shows his disingenuous nature. *Nelson* is by no means illustrative of the instant case: In *Nelson*, the Officer's own partner corroborates the Officer's testimony; **the complete opposite of the instant case**. Also, in *Nelson*, there was no independent eye witness, call log, audio, pictures, etc., completely refuting the Officer's testimony, as there is in the instant case.

The multiple issues of material fact are ones to be decided by a jury, not by a stunningly biased judge who enjoys complete impunity for

the incredible act of reversing the very concept and intent of Rule 56; exactly what was done in this case, and upheld by the Eleventh Circuit.

How many people will read this? How many will refuse to acknowledge the truth, and in the process, engage in complicity with a lying officer engaged in criminal activities?

There is nothing that can reverse the fact that this information has been received and reviewed. There is no hiding the truth; it's there for anyone who has ***honestly*** read this.

The actions of lying Law Enforcement, who themselves coined the term "testilying", are a despicable scourge on all "free" people. Anyone who has the evidence in their hands, and can write (or even condone): "I can see no reason why Pelton would lie..", and : "Cottam **boasts** that the charges were completely dropped without a judge or jury hearing the case ...".. and: "Pelton is due immunity because of "arguable" probable cause..." are no less of a scourge on all of us.

The lower Courts' actions make it abundantly clear they could care less about damages inflicted upon countless innocent citizens by corrupt officers. In fact, the lower Courts are literally handing these corrupt foxes the keys to the hen house. The actions of the lower Courts, therefore, are not merely in error; they are a shame and a disgrace to our entire system, and the concept of "justice".

Why would ***anyone,*** with the evidence in their hands, rule in such a manner? Why would ***anyone*** use obvious false legal precedent and astonishing bias, literally reversing the intent and purpose of rule 56, unless they ***wanted*** the citizenry to be subject to corrupt Law Enforcement?

Are these people purposefully complicit in the crimes of lying law enforcement? Given the obvious facts in this case, the only answer, at least up to the Eleventh Circuit, must be: "Yes".

You, however, are not the Eleventh circuit. You.., the reader, are not the DC. You can choose..., to do the right thing..., **or not**. I cannot change a corrupt system if the Courts (meaning the **real people** in them) are only interested in being an essential, complicit part of that corrupt, criminal system.

Cottam went from having a felony charge, to absolutely nothing; without a judge or jury hearing the evidence or any of the lies in the case, without any testimony from Cottam or eye witness, and without the prosecution stopping the prosecution. How is this even possible, given Pelton's elegant description of a "perfect" eluding case? The answer lies in the truth, but apparently nobody (so far) wants a jury to hear the truth. Why not?

If you choose to engage in complicity with these crimes, I hope the future you create does not result in you, your family..., or your children's children becoming victims of the lying law enforcement you unleashed. If this does happen, you will know who to blame, and when (not if) this happens to uncounted innocent citizens, they, and you..., will only have the same person to blame.

Sincerely,

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