No. 18-278

Supreme Court of the United States

Leon R. Koziol, individually, as natural parent of Child A and Child B, and on behalf of parents similarly situated,

Petitioner

-vs-

Janet DiFiore, Chief Judge of the New York Unified Court System; James Tormey, Chief Judge of the Fifth Judicial District; James McClusky, New York Supreme Court Judge; Family Judge; James Eby; Magistrate Natalie Carraway and Kelly Hawse-Koziol

Respondents.

On Petition for Writ of Certiorari to the New York State Court of Appeals

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SUPPLEMENTAL BRIEF

Leon R. Koziol, J.D.
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QUESTIONS PRESENTED

In light of escalating state court retributions since the filing of this petition on August 14, 2018 including, inter alia, an unlawful arrest warrant, fraudulently procured child support judgment, secret police bullet leaked to media, and a "shoot on sight" threat by a traffic cop, is a writ of certiorari now critical to the life and liberty of a civil rights attorney?

Taken as a whole, does the relentless persecution of a judicial whistleblower and foreclosure of appellate access to this Court for the purpose of punishing constitutionally protected activity qualify the victim for an alternate writ under this Court's Rule 20?

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Supplemental Statement of the Case

This is a judicial whistleblower case featuring a civil rights attorney and model dad persecuted by his profession due to widespread exposure of corruption in family courts. The recurring persecution over a ten-year period has cost him all access to his precious daughters, permanent diverse alienations, a nine-year indefinite suspension of his law license, calculated destruction of a stellar lifelong reputation, and incessant threats of incarceration based on a money debt euphemistically termed "child support."

The victim petitioner, Leon Koziol, has been deprived access to this Court to review the constitutionality of this "witch hunt" and continuing validity of an archaic statutory scheme which destroys countless parent-child relationships. Judges intent on punishing his exercise of federal rights have erected obstacles, both on and off the record, to foreclose such access. Among other things, they include a venue statute and joinder rules together with a denial of a hearing transcript by a family judge to conceal systemic corruption.

The background here has been summarized in the petition for writ of certiorari filed on August 14, 2018. That petition also seeks alternate conversion to an extraordinary writ under Rule 20. Since petition filing, the witch hunt and retributions have escalated to where petitioner can no longer speak at local public meetings, participate in organizations committed to court reform or function safely as a citizen. He was subjected to an unlawful arrest warrant and "shoot on sight" warning by a traffic cop on August 30, 2018.

That incredible warning necessitates elaboration here because corroborating evidence is being undermined, hence the additional support for Rule 20 treatment. The transcript deprivations are in addition to denials of all discovery rights in domestic, appellate and attorney proceedings since the current witch hunt was conceived on June 9, 2008. Such evidence is also crucial to a report now summited to the Senate Judiciary Committee and discussed with members of both major parties such as Senator Lindsey Graham.

The "shoot on sight" statement came during a traffic stop at the intersection of interstate routes 87 and 90 in Albany, New York. The events are presented in a witness affidavit filed among the papers submitted in support of a stay order in this case (latter affidavit of Michael Brancaccio). The grave warning was made despite the civil nature of a subject arrest warrant procured unlawfully in a child support proceeding.

This threat was issued despite the lack of any violent or criminal background, weapon ownership or arrest experience. It was made to the driver of a vehicle insured by petitioner and targeted by adversaries, occurring within days of a secret police bulletin that was "leaked" to the media consistent with prior unlawful disclosures by the Oneida County Family Court. Such a malicious act placed this father and law enforcement at serious risk of bodily harm. It was an ultimate edict in an originally uncontested divorce.

The risk of harm to law enforcement did not derive from this petitioner. It arose from the background of the driver which these officers could not know let alone understand. Michael Brancaccio was a former

client of petitioner and fellow child support victim. He had been placed on regular suicide watch by prison officials and agency personnel due to a six-month child support confinement order issued by the same respondent judge, Daniel King, who was named by petitioner in prior petitions filed with this Court.

Like Walter Scott, the unarmed father murdered by a traffic cop in 2015 South Carolina, Mr. Brancaccio was not about to submit to any more debtor prisons. The last one placed him in a near death condition and three-week hospital stay. As explained in his earlier affidavit of the petition appendix, Mr. Brancaccio was acquitted of criminal assault charges which petitioner defended in 1994. They involved an off-duty Utica city police officer brandishing a badge and gun during a house party. A civil rights recovery afterward added to the many reasons fueling the current witch hunt.

During the stop at issue here, Mr. Brancaccio was on parole for an assault conviction related to a sister's abusive boyfriend aggravated by yet another warrant for child support issued by Judge King. The latter was discovered by one of the many officers rushing to the scene, one featuring as many as seven state and local police cars with law enforcement priorities elsewhere.

The Brancaccio support warrant was issued after the putative contemnor was being committed to a full year term of confinement for arrears accumulating during his prior jail and hospital stays. It prompted him to run out of the courtroom and leap over an obstacle to his exit from the courthouse. Neither the "suspect" nor these traffic officers could predict what might later erupt during this highway confrontation.

After hours of abusive threats in a shackled condition, a thorough but vain ransacking of petitioner's vehicle for drugs, and Mr. Brancaccio's steadfast refusal to honor the "shoot on sight" statement by delivering the armed officers to petitioner, the driver was released without any drunk driving charge as the stated basis for this stop. It left petitioner in a highly isolated state, unimaginable by any member of this Court, and it occurred because he was duped into believing that his basic human rights would be protected, that they would take precedence over the unbridled greed of his profession, or the revenue interests of his government.

The malicious treatment derived from a series of petition denials by this Court. They are itemized in the petition's "Statement of the Case." As stated there, judges, lawyers, court staff and local sheriff have acted in lawless fashion on the presumption that those denials represented carte blanche permission to violate petitioner's federal rights with impunity.

These and other calculated retributions arose in proximity to petitioner's 2017 published book and 2018 editorials in Syracuse and regional media. They were all critical of respondents, family court and New York Chief Judge Janet DiFiore. An unlawful process for obtaining jurisdiction over this father was then orchestrated, a $45,500 child support payment was never credited to him by the state Child Support Collection Center, and an arrest warrant with maximum jail term resulted as a punitive device.

The fraudulent support delinquency was clearly shown in the record of a violation (contempt) hearing conducted by a New York support magistrate on May

17, 2018. In contrast to three pretrial transcripts obtained prior to this hearing, two retained court reporters mysteriously reneged on their commitments to produce the one showing the $45,500 fraud. That transcript would also show the combined liberty impairments which foreclosed income capacities. It would also be necessary for any misconduct reports.

A first adjournment request was granted by a reviewing family judge. However, when the fraud was cited in a second request, that judge confirmed the willful violations based on his purported, exclusive review of the CD recording. Further adjournment to provide similar access or transcript was denied by this "acting" family judge who was assigned out of Utica, New York city court by respondent (Syracuse) administrative judge James Tormey.

Because the transcript was usurped, it cannot be added to an appendix here. For the same reason, the newly arising facts behind this supplemental brief cannot be made part of any other original or appellate proceeding. A federal court anti-filing order was the subject of Koziol v United States District Court, Case No. 15-1519. A 2010 disqualification of New York's appellate Fourth Department was the subject of Parent v New York, also filed with this Court and cited in the petition. That state appeals court has inexplicably resumed jurisdiction and denied relief.

As stated in the petition and available record, this latest (41st) assigned family judge, Gerald Popeo, possessed a racist history with the petitioner civil rights attorney. He was publicly censured by a state judicial commission on February 12, 2015 after being

found guilty of making racist remarks to an African-American attorney, violent threats from the bench and wrongful contempt commitments. He improperly accepted a calculated assignment to petitioner's case not for legitimate deliberation but to avenge his false belief that petitioner was a part of that 2015 censure, or judicial "witch hunt" as he called it during a bar conversation initiated with petitioner months earlier.

For his part, the same sheriff deputy who improperly served the violation summons at the request of a family court clerk during a separate custody hearing placed a call after this petition was filed for petitioner to "turn himself in." Like the abuse of his security duties, such a call was unlawful after already giving free service of process to petitioner's opponent. Such service required a fee as prescribed by law in his Civil Division, a criminal act by any other perpetrator.

At about this time, petitioner received former inmate information that if he turned himself in, a plan was in place to have another inmate admit himself to a "protective custody" location for punitive assault purposes. As a trial attorney, petitioner had secured civil rights recoveries of $300,000 against the relevant Oneida County Sheriff and jail. Prior to license suspension, his last jury trial in Syracuse federal court featured a Russian national subjected to cruel treatment and injury during his incarceration there.

By the time of this August, 2018 deputy sheriff phone call, the criminal activity was escalating without even the courtesy of a reply to petitioner's complaints to the county sheriff, state attorney general and Chief Judge Janet DiFiore as the chief court administrative

officer. Those complaints began in January, 2018 and remain unanswered. Faced with the choice of a jail beating or outside self-defense, petitioner advised this deputy that he would resist any unlawful arrest.

In court papers over the past few years, petitioner depicted his brutal mistreatment as a "Rodney King beating with the fists and batons replaced by orders and edicts." This was proven again by a post filing ethics complaint containing three 2018 recordings of public statements made by petitioner at a town board meeting. As a state resident, he was seeking to gain public access to a stated owned lake being privatized by this town. No specifications were provided to allege how an 8-year license suspension order was violated. There were no fees, legal opinions or clients involved.

On September 4, 2018, petitioner filed for a stay of state proceedings designed to incarcerate this judicial whistleblower using a federal child support statute as justification. Justice Ruth Bader Ginsburg denied the stay on September 24, 2018 despite life-threatening events graphically depicted therein. Such events were predicted in a 2015 report to a congressional oversight committee and U.S. Justice Department after the traffic cop murder of Walter Scott in South Carolina.

Supplemental Reasons for Granting Writ

In Apodaca v Raemisch, Case No. 17-1284 (October 9, 2018), a statement was published by Justice Sonia Sotomayor after this petition was filed to emphasize that cruel and unusual punishment has long included mental anguish. While agreeing with a denial of writ in that case, she evidently felt compelled to address

the vast human injury inflicted by protective or solitary confinement. This case raises the very same manner of confinement without commission of any crime in the county jails of upstate New York.

Petitioner became a near victim of such confinement due to his status as a whistleblower, civil rights attorney and police target. The driver of his vehicle on August 30, 2018 did incur such confinement in another county jail and was nearly killed because of it. Due process and Fourth Amendment are typically the textual rights employed in detainee and arrest cases, but a "cruel and unusual punishment" analysis is proper here under a "shocks the conscience" rule announced in Rochin v California, 342 US 165 (1953).

In Sessions v Dimaya, Case No. 15-1498 (2018), a deportation case invalidating a vague statute, Justice Neil Gorsich wrote that "vague laws invite arbitrary power." In this case, a "best interests of the child" law is challenged due to the arbitrary power abused so extensively during petitioner's ten-year ordeal. It has reached an arguable extreme of "murder for money" in light of the vast carnage resulting from mandatory custody classifications. For the Title IV-D funding scheme to work, American-born children are routinely removed or permanently alienated from one parent who is then made to pay for the state kidnapping even to a point of terminal incarceration.

In the highly praised statement of Senator Susan Collins at the Senate Judiciary Committee hearings, various standards of proof were analyzed which led her to vote in favor of Justice Brett Kavanaugh's confirmation. In family court, there is no standard for a growing variety of lucrative forensic orders that

purportedly assist in decisional processes. They range from "comprehensive psychological evaluations" to "parent education programs" that can bankrupt or addict a parent on the whim of a judge acting without a jury. The ones exposed here provide ample proof that many suffer from worse disorders

The still escalating fact pattern here is not one that can be ignored based on any development of a record that has been foreclosed in a myriad of ways. It is also not one to be ignored based on political affiliations or a desire to avoid reputational harm to our justice system. As Justice Elana Kagan emphasized in public comments on October 7, 2018, such allegiances will impair the "legitimacy" of our nation's highest court.

The corruption exposed here threatens this legitimacy on a far broader scale given the public impacts and inhumane retaliation inflicted on a whistleblower who enjoys no legal protection. Beyond that, a self-imposed judicial immunity offers no compensation to such victims while judicial misconduct commissions exemplified by those in New York and California routinely act on only ten percent of complaints.

A favorable outcome on this petition will show that recourse will be provided when the judicial branch of government breaks down as seriously as it did here. Such a break-down allows victims to take matters into their own hands for life saving purposes. A writ could reverse the suppression of a nationwide epidemic caused by a federal funding program that incentivizes parental conflict in our domestic relations courts.

The human rights tragedies here have now reached epic levels. Suicides, homicides, domestic violence,

worker productivity, and the psychological, financial and physical harm to parents, families and children make this a national concern. Such harm may eclipse that caused by tobacco, drug and chemical companies. It is an epidemic suppressed by a media policy of avoiding family issues and federal abstention practices which defer such matters to state courts.

All too often, a growing epidemic is ignored until a horrific event captures national attention. The recent wave of violence is exemplary. As relevant here, a scathing Justice Department Report on March 4, 2015 was triggered by the police shooting of 18-year old Michael Brown in Ferguson, Missouri. It identified routine violations of federal rights by judges and patrol officers engaged in false arrests in a scheme to raise revenues through court fines. The petition here provides an identical revenue driven abuse of parents.

The extraordinary record of this case provides all the necessary support for a writ under Supreme Court Rules 10 or 20. If its highly uncontested facts are insufficient to draw the Court's interest, such civil rights statutes are meaningless for those who do not satisfy traditional victim status, that is, those who act on a government promise of fair treatment for all.

A white male parent raised in poverty conditions whose own father spent five years in a Nazi camp should not have to endure all the man-hating prejudice that is being fomented everywhere today. It has taken father discrimination to unprecedented levels. A severe back-lash is underway because our courts continue to pretend that dads, victimized only by their birth status, are getting fair treatment.

Conclusion

The American public cannot know about judicial misconduct unless the professionals within the court system are allowed the liberty to report it. Due to abused federal court abstention practices, state domestic relations courts have seized the power to destroy families. Such power would be the envy of the CIA, FBI and IRS. A resulting crisis promises to bring infinitely more harm to our schools, communities, workplaces, families, and moral fiber as a nation.

Like parent victims, our national government is going bankrupt trying to put out all the fires which this assault upon moms and dads is causing. Indeed, illegal alien fathers are receiving far greater legal recognition as demonstrated only last year by the opinion of Justice Ruth Bader Ginsburg in Sessions v Morales-Santana, 580 US __ (2017).

Shared parenting and consensus are crucial to reversing this ominous trend. Exemplary is a 2010 agreement here approved by court order which set the stage for a repayment plan of support money pilfered by petitioner's ex-secretary. It called for license reinstatement, a productive future and prevention of the many court filings that followed.

However, an improper tax lien on support arrears enabled law enforcement to execute a swat team invasion of dad's suburban home. Armed police and tax agents converged to seize vehicles prohibited by that court order (in the case Appendix). It occurred only weeks after that order was sent to state officials.

The arrangement collapsed, and the "shoot on sight" order was its outcome, all for the "best interests" of these two little girls. As innocent victims of unchecked government oppression, they have been severely harmed well beyond the mental capacities of their "custodial parent" to understand.

The abuses of power in this case range from an admitted pedophile custody judge to an administrative judge successfully sued for directing clerks to commit "espionage." Most are still on the bench including the racist, vengeful city judge who caused this petition and seeks approval by denial.

On each morning for a period of years, this whistleblower victim awoke with the severe pain of knowing nothing about his precious daughters. The sadistic, oversensitive judges who inflicted such punishment upon a model parent, attorney and citizen must now be held accountable for the federal crimes clearly demonstrated here.

This Court has declared the parenting right to be the "oldest liberty interest protected by the Constitution," Troxel v Granville, 530 US 57 (2000). If that is still true, this case presents a watershed opportunity to show it. Free speech, due process and equal protection are additional rights ruthlessly violated. Action is now required because no one is above the law in America.

October 29, 2018

Respectfully submitted,

Leon R. Koziol, J.D.