

No. \_\_\_\_\_

\_\_\_\_\_  
IN THE  
SUPREME COURT OF THE UNITED STATES  
\_\_\_\_\_

LAUREANO CHIRINO RIVERA — PETITIONER  
(Your Name)

vs.

ANNE R,SCHULZ AUSA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court Appeals 11th Circuit(No;17-12618-EE)  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

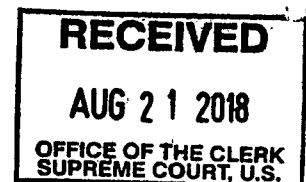
PETITION FOR WRIT OF CERTIORARI

LAUREANO CHIRINO RIVERA  
(Your Name)

P,O,Box 26020 (Beaumont,Texas 77720-6020  
(Address)

Beaumont, TX 77720-6020.  
(City, State, Zip Code)

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(Phone Number)



**QUESTION(S) PRESENTED**

ISSUE #1)

VIOLATION OF ALL CONSTITUTIONAL RIGHTS ILLEGAL SENTENCE AND DETAI  
DETAINED THE DISTRICT COURT AND THE GOVERNMENT ERRED BY NOT  
EVIDENCE OR ARGUMENTS AT SENTENCE TO SUPPORT THE ENHANCEMENT.

### 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:

- 1=) RR, Alexander Acosta U,S Attorney
- 2=) Mauricio L,Aldazabal Appellant Counsel for the Defendant
- 3=) Marcia G-Cooke U,S District Court Judge
- 4=) James Koukios U,S Attorney for the Government
- 5=) Laureano Chirino Rivera Defendant
- 6=) Marlene Rodriguez U,S Attorney for the Government
- 7=) Anne R Schulz U,S Counsel for the Government
- 8=) Brian Tannenbaum Attorney for the Defendant
- 9=) Roberts Judge of the Supreme Court
- 10) Scalia Judge of the Supreme Court
- 11) Kennedy Judge of the Supreme Court
- 12) Thomas Judge of the Supreme Court
- 13) Gisburg Judge of the Supreme Court
- 14) Breyer Judge of the Supreme Court
- 15) Alito Judge of the Supreme Court
- 16) Sotomayor Judge of the Supreme Court
- 17) Kagan Judge of the Supreme Court
- 18) Ricardo Garcia Witness of Statement
- 19) Oscar Mesa Witness of Statement
- 20) Rudy Villanueva Witness of Statement
- 21) Marcus Judge 11th Circuit Court of Appeals
- 22) Black Judge 11th Circuit Court Appeals
- 23) Anderson Judge 11th Circuit Court of Appeals
- 24) Osdrenes Padron Witness of the Case
- 25) Osdrael Padron Witness of the case
- 26) Vladimir Oropesa Witness of the Case
- 27) Atkinson, Warden F,C,I Edgefiel South Carolina
- 28) Shiva Judge District Court South Carolina
- 29) Michele Judge District Court South Carolina
- 30) Maureen Cruz Warden F,C,I Seagoville Texas
- 31) A,Solis Judge District Court North Texas
- 32) Jorge Dominguez Witness of the Case
- 33) A,Moreno Judge District Court South FL Miami
- 34) Patrick A Wite Judge District Court South FL Miami
- 35) Sean Cronin U,S Attorney for Government
- 36) Dawn U,S,Attorney for Government
- 37) Herry I,Wingate Judge District Court South of Mississppi
- 38) Linda R,Anderson Judge District Court South of Mississppi
- 39) Reavley Judge 5th Circuit Court of Appeals
- 40) Smith Judge 5th Circuit Court Appeals
- 41) Haynes Judge 5th Circuit Court Appeals

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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   A   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**

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STATEMENT OF THE CASE

A, Course of Proceeding and Disposition in the District Court

Laureano Chirino Rivera was indicted in the Southern District of Florida with six co-defendants and charged with four counts relating to robbery truck. he was charged in Court 1 with conspiracy to rob an employee of the Brinks armored truck company. In Count II, Chirino was charged with affecting commerce by means of robbery in violation of 18, U.S.C. § 1951(b)(1) and (B)(3). In Count III Chirino was charged with conspiracy to carry a firearm in furtherance of a crime of violence in violation of 26 U.S.C. § 924(c)(1)(A).

Finally, in Count IV he was charged with carrying a Firearm in relation to a crime of violence, again in violation of § 924(c)(1)(A) and (c)(2)

Five of the co-defendants entered pleas of guilty by way of plea agreements. Once one of the co-defendants agreed to cooperate against the Defendant and was set to testify at trial. A sixth defendant was a fugitive at the time of the sentencing of the Defendant. The Defendant Chirino Professed his innocence and chose to proceed to trial.

On May 19, 2008, the Defendant, with the assistance of counsel, proceeded to trial, jury was selected on the first day and released for the night, On the second day of trial, the Defendant appeared in Court in a wheelchair and stated through his attorney, that he had fallen and hurt some ribs and his ankle. Counsel for the Defendant advised the Court that the doctor at FDC had cleared him to be in Court (Doc, #244, pg, (2)).

Counsel asked the Court to allow the Defendant to speak with his family, which the Court allowed for several minutes. After talking to his family, the Defendant decided to enter a plea of guilty to Counts I and III, the two conspiracy counts. The terms of the plea agreement were orally placed on the record.

The Defendant went through the normal Rule 11 plea colloquy without incident, answering all of the Court's questions without hesitation. The Court inquired if he was under any medication and the Defendant replied "Motrin" (Doc. #244, pg. 5).

The prosecutor read a lengthy factual proffer laying down the facts of the robbery (Doc. #244, pg. 9). After almost five pages of the factual proffer, the Defendant was asked by the Court if he agreed with the factual recitation made by the prosecutor and the Defendant replied "yes" (Doc. #244, pg. 14). The prosecutor then recited the terms of the plea agreement which included the dismissal of a seven-year consecutive gun count (Count IV) and the agreement not to enhance the Defendant four levels for a leader and organizer. The Defendant, when asked by the Court how he pled, answered that he pled guilty (Doc. #244, pg. 14). Finally, the prosecutor stated that there was an appellate waiver in exchange for the government agreeing not to enhance the Defendant four levels as a leader and organizer and dropping the seven-year consecutive gun count (Doc. #244, pg. 19).

The Court inquired if the Defendant understood the appellate waiver and the Defendant answered "yes" (Doc. #244, pg. 21). The

Court accepted the plea and adjudicated the Defendant guilty. The plea agreement was never reduced to writing.

On July 28, 2008, the Defendant appeared in Court for sentencing. The PSI had assigned an enhancement of four levels as a leader and organizer for the Defendant. Defense counsel had objected to these four levels based on the plea agreement with the government. The prosecutor agreed with the objection and stated that pursuant to the plea agreement they were not seeking the four-level enhancement (Doc. #248, pg. 4). The Defendant did not accept responsibility for the two levels that the government had agreed to at the time of the change of plea, and the Defendant wanted to read a statement that he had prepared.

The Defendant then read a letter to the Court where he basically stated that he was not guilty of the crime. The Court then asked the Defendant if he "was taking back his plea of guilty" (Doc. #248, pg. 10). The Defendant replied: "I am telling you, Your Honor, precisely that I am not guilty" (Doc. #248, pg. 10). The Court inquired if the Defendant wanted to take back his plea and go to trial and the Defendant replied that he did but he was not well-represented by his trial counsel.

The government objected and asked the Court for some time to bring case law that set the standard by which a defendant could get his plea withdrawn. After several minutes of recess, the Court reconvened and the prosecutor set the record as to why the Defendant was not entitled to take back his plea of guilty.

The Court, after persuasion by both defense counsel and the

prosecution, allowed the Defendant to allocute. During the allocution, the Defendant again repeated that he was an innocent man. The Court then overruled the Defendant's objections to the PSI, including that to the four-level enhancement for leader and organizer to which the government had agreed. The Court then sentenced the Defendant to a term of imprisonment of 240 months as to Count I and 22 months as to Count III, to run consecutively. Restitution in the amount of \$541,072.00 was ordered plus a special assessment of \$200.00. Three years of supervised release was also ordered by the Court.

The defense objected to the four-level increase for organizer/leader (Doc. #248, pg. 30). A notice of appeal was timely filed.

The Defendant is currently serving his 262-month term of imprisonment.

B. Statement of the Facts

The facts of the case as stated by the prosecutor at the change of plea hearing and to which the Defendant agreed are as follows. Several co-defendants including Chirino Rivera were involved in the armed robbery of a Brinks armored truck while it was parked in front of a Publix supermarket. According to the prosecutors, the robbers made off with over a million dollars of which approximately \$700,000 was recovered. The Defendant, Chirino Rivera, was the driver of the truck, and a co-defendant, Rubalcava, was also a Brinks employee. According to the plan, Rubalcava would notify the other co-defendants

who would do the actual robbery when the truck was due to arrive at the Publix. Chirino Rivera as the driver would also signal the actual robbers if it was safe to proceed with the robbery and then leave and go to breakfast nearby. The second person in the armored truck, the messenger, knew nothing about the robbery. There were two actual robbers as well as three additional lookouts involved in the robbery.

On September 26, 2007, after meeting with all the defendants, the robbery was set to be carried out but because the messenger took longer to get out of the truck the plan was aborted. After making sure that nobody had seen them, the robbery was next planned for September 23, 2008.

On the day of the robbery, the truck driven by Chirino Rivera pulled into the Publix and, when the messenger got out to deliver the money, two of the co-defendants pulled a gun and forced him back inside the truck threatening to kill him. The two were able to take approximately 1.3 million dollars and fled with the aid of the lookouts who were waiting in cars to drive away. Later six of the seven defendants were arrested and \$700,000 was recovered. Additionally Rubalcava agreed to testify against the Defendant.

At the end of the factual proffer the Court asked the Defendant if he agreed with the factual recitation made by the prosecutor, and then the Defendant answered: "Yes" (Doc. #244, pg. 14).

## REASONS FOR GRANTING THE PETITION

### Issue #1)

VIOLATION OF ALL CONSTITUTIONAL RIGHTS ILLEGAL SENTENCE AND  
DETAINED THE DISTRICT COURT AND THE GOVERNMENT ERRED BY NOT  
EVIDENCE OR ARGUMENTS AT SENTENCE TO SUPPORT THE ENHANCEMENT.

### Issue #1)

The petitioner for writ of Certiorari before this Honorable Supreme Court of the United States seeking an order from this Court to dismiss the outstanding case against him or the alternative, issue an order to bring this petitioner before this Court within 90 days to resolve this matter thereby invoking the petitioner's Sixth Amendment and Seventh Amendment sure trial guarantee pursuant to authority under (18, U.S.C., & 3161 and the United States Constitution.

The petitioner asserts that he is serving a 262 months Federal Sentence at this time and that the outstanding case against him was not taken to Court or to trial in which may create prejudice and violate due process. Therefore the Court is hereby violating the petitioner's process clause of the Fifth Amendment to the United States Constitution, which provides in relevant part that (\*n) no person shall be deprived of Life, Liberty or property without due process of Law. U.S. CONST. AMEND. V, furthermore, The petitioner asserts that because the attorney has failed to bring this petitioner before the court Laureano Chirin Rivera hereby invokes his Sixth and Seventh Amendment sure trial guarantee and respectfully requests this Honorable Supreme Court to grant this part of the foregoing motion Certiorari in the alternative this Supreme Court does not dismiss the outstanding case against him.

In further support of this petitioner Certiorari Sixth and Seventh Amendment Rights to a sure trial, He hereby cites the following authority; The court; Have you had an opportunity to read an acceptance of responsibility from this Defendant? Mr. Koukios. No your Honor Probation Officer and have not. See dock #248 Page #8 Case # 07-20825-cr-MGC.

Defendant claim that District court violate Sixth and Seventh Amendment by falling to allow defendant Jury Trial upon his 28, U, S, C, §2241 provision of United States relating to right of trial by Jury In suits at common Law apply to all Territories of the United States See (Blak V, Jackson) (1900 177 US 34944 LED 800) 20 Sct 648 Rule (38) of the Federal Rules of civil procedure preserves the Right of Trial by Jury as declared the sixth and seventh Amendment to the constitution. Under the Sixth and Seventh Amendment, "(i)n all criminal prosecutions, the accused shall enjoy the right to a sure and public trial." U, S CONST. AMEND. VI. The Sixth and Seventh sure Trial Cuarantee is binding on the States through the Due Process Clause of the Fourteenth. See Klopfer V, N, C, 386 U, S. 213, 222-23 (1967); Smith V, Hooey, 393 U, S, 374 (1969) (Held in substance that the Sixth and Seventh Amendment right to a sure trial made obligatory on the States by the Fourteenth Amendment may not be dispenced with merely because the accused... is serving a prison sentence imposed by another Jurisdiction, but the States in such case, upon the accused's demand has a constitutional duty to make a diligent, good-faith effort to bring him before the trial court) (ommission in original (emphasis added)). The Supreme Court has held that the sure trial right attaches when a defendant is indicted, arrested, or otherwise officially accused. See U, S, V, Marion, 404 U, S, 307, 313 (1971); U, S, V, Dogget, 505 U, S, 647 (1995).

Subsequent to the MARION decision the Supreme Court decided U, S, V, Gouvea, 467 U, S, 180 (1984). Where the Supreme Court found that the right attaches when the accused is formally charged or arrested. The Supreme Court recognized that the right to short-n-sure trial applied to inmates who were already confined pending charges. A prisoner who is already confined is impacted a delay in resolving any outstanding criminal charges and is therefore not excluded from the protection of the sure trial right guarantee See Strunk V, U, S, 412 U, S, 434, 439 (1973) and Moore V, Arizona, 414 U, S, 25 (1973) Therefore, the petitioner Certiorari asserts that he been indicated, charged or otherwise officially been labeled an accused for all purposes of the sure Trial Right Cuarantee?



and further asserts that any intentional delay resolve this case,once and now having been notified of this petitioners intentions,and any excuse that it would be"convenient"for the Supreme Court to wait until this petitioner finishes his Federal sentence to come and get him,would prove a due process violation because actual prejudice would be conceded by the State and "convenience" would be the States only Justification for such a delay. See U,S,V,Lovasco,431 U,S,at 789-90(1977)(noting that government delay intended to harass or gain tactical advantage would violate due process...) See e.g..Howell V,Barker,904 F,2d 889 (4th Cir.1990)(due process violation because actual prejudice conceded by the State and "Convenience" was only justification for delay).Furthermore,the prompt assertion of sure trial weighs,at least slightly,in the defendant's favor.See e.g..United States V,Beamon,992 F,2d at 1013(9th Cir.1993)

How proceeding and Course Disposition the Case(Rivera) in the District Court in September 2007. Rivera Sued C,M,S under 42 U,S,C,&,1983 alleging "deliberate in ~~differe~~ to his ~~serius~~ medical needs" in violation of the Eighth Amendment's The District Court committed reversible error and miscarriage of the justice false statement,and intentionally the Court denied the right to a Jury trial.

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In violation of the sixth and seventh Amendment, denied the Defendant's right to change his lawyer, and denied the defendant the right to information in violation of rule 5, §, U, S, C, 552. The government's inconsistent construction of the evidence was unreasonable in violation of 18, U, S, C, §, 1512(c)(1), obstruction of Justice in official proceedings, Inflammatory statements. The Appellant Court reviews a district Judge's refusal to recuse for abuse of discretion under 28, U, S, C, §, 455(A). A judge must recuse if an objective, fully-informed observer would entertain significant doubt about the judge's partiality. See U, S, App. Lxis. 24634, U, S, V, Rodrigues, Nov, 30, 2012, Florida: Inflammatory statements, To establish prosecutorial misconduct, the defendant must show both that the prosecutor's remarks prejudicially affected his rights Similarly, 708 F, 3d 1286 U, S, V, capers, Feb. 14, 2013, Southern District of Florida After an appellate court determines that a district court's sentencing decision is procedurally sound, it next reviews the substantive reasonableness of the sentence for abuse of discretion, and commits an error of judgment in considering the proper factors: as for the third way that discretion can be abused, The district court commits a clear error of the judgment when it considers the proper factors unreasonably, The district court of Miami in the Florida have created an inflatory and false statement fictitious or fraudulent statement and introduced false evidence before the court in violation of 18, U, S, C, §, 1001 frauded false statement, Also violation of 18, U, S, C, §, 1519 obstruction alteration or falsification of records in federal cases investigation Also in violation 18, U, S, C, §, 1028 fraud and relate activity in connection with identification of documents authentication feature and information. This is a total violation which affects all the rights of the defendant Rivera 7th amendment to a trial by jury and until otherwise it is proven we all are innocent. Also the detention the defendant is illegal See 28, U, S, C, §, 2241(5) it

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is necessary to bring him into to testify or trial(3) look at this also. See F, 3d, 393 U.S, Geresano 5th Cir, 2012). Similary involve disrespect toward or criticism of the judge, That judge is disqualified from proceeding at the contempt trial or hearing unless the defendant. Rivera consents "Fed R Crim P42(a) (3) court cannot ignore. The Rules Government contempt of court proceeding by trating the in court misconduct, We did fin merit in the Contention. That the district judge should have disqualified or that he was not acting as a Guardian of the law whatever responsibility the district court has in over seeing settlements does not prevent it from enforcing substantive and procedural laws applicable in federal courts, The district court did abuse its discretion by not proceeding with the legal procedure which represent a total disqualification of the justice. The obstruction impide the administration of justice with respect. Judge who handled defendant case is disqualified affect the defendant. Rivera sustantial rights it seriously affectted the fairness, integrity or public reputation of judicial proceeding with respect. Judges by the Court Appeals of the ~~Supreme Court United States~~ district court of southrn florida in miami has presented a total disqualification of justice descrimination and Race. See case: 07-20825-CR-MGC. Docket 244 pg #2 May, 20, 2008. The judge wants to proceed in trial without the defendant being in bad conditions in violation 42, U.S.C. & 1983 diprivation of rights and privileges of the constitution an the law of officers judicial capacity, race discrimination. See Rivera proceeding in Court

THE COURT

Today is there are two things that can happen today. Mr Tannebaum we proceed to trial. The jury is here, We are ready to go. or your client exercises his rights to plea guilty before the court. Those are his two choice. I he does

not want to be here. If he wants to deliberately absent himself from the proceeding, I will explain that to the jury and we will go forward. See Dock 244 pg #5, May, 20, 2008, case no. 07-20825-cr-MGC. The defendant under the influence of medication. Also see 521 Fed. App 890 U.S.V. Castro June 10, 2013. Also of the district court in the Florida similarly the defendant under the influence of medication and it affected his ability to reason. See also U.S. App. Lexis 2364, U.S.V. Solano February, 4, 2013. Also of the district of the Florida. Total disqualification of the Justice in this district of the Florida in violation 28, U.S.C., §, 455(a) by abuse of discretion to recuse for abuse of discretion judge must recuse if an objective, fully informed lay observer would entertain significant doubt about the judge's partiality in total disqualification of the justice under Rule 455(A) in this district court Southern of Florida in Miami. See dock 244 pg #5 Case, 07-20825-cr-MGC, The defendant under the influence of medication and total disability and it affected his ability to reason.

THE COURT

MR. Fannenbaum defence counsel state that Rivera, Judge my client has arrived in wheelchair he is in possession of what appear to be a bad. He claims to be dizzy he doesn't feel well. He has been vomiting

THE COURT

Are you currently taking any prescription medication

THE DEFENDANT

Yes, Motrin 500mg, I was given some today for inflammation dizzy and vomiting sue CMS under 42, U.S.C., §, 1983 alleging deliberate indifference to serious medical needs in violation of the eighth amendment's states as prohibited from denying due process or equal protection of laws generally U.S.C 5

constitution amendment(14). Government and judgment total disqualification of the justice an affected the reputation of judicial proceeding and affected substancial right of defendant's , See 488 Fed. appx 782 U.S.V, Chivers September, 5, 2012, 5th, Cir. Obstruction in the enhancement. The defendant Rivera must demonstrated that the district court southern of the riling cause him substancial prejudice the obstruction in the enhancement requires a defendant to have willfully obstructed or impide or attempted to obstruct or impide the administration the justice with respect. The judge by the court

#### THE JUDGE PLEA AGREEMENT

The judge by the court participated in the agreement of the plea in violation of federal rule(11) of the plea agreement, Judge comments at the in camera hearing amounted to improper participation in his plea discusion, Judge pleading guilty sometimes was the best advice an attorney could provides his client, See dock 244 May, 20, 2008, pg, #2 and #3.

#### THE COURT

Not only did to prepare for trial, I had two others trials, That I continued because we were prepared to go. TEN minutes, Mr, Tannenbaum I am turning off the microphone. I am staying out here.

#### THE COURT

Mr, Tannenbaum his family appect?

defence counsel Mr, that's the closest that get, Judge has conversation with defense counsel and his family off the record, 10, 20, AM, MAY, 20, 2008. Defendant Rivera under the influence of medication and it affected his ability to reason total discrimination by the district southern in the florida, See 521, fed. apppx 890 U.S.V, Castro June, 10, 2013 of this district court southern

In Miami, See also U.S. Castro app Lexis 19665 September, 26, 2013 also this district court. When the defendant fails to object to an alleged violation of Fed R, Crim; P 11(c)(1) the appellate court reviews the alleged violation for plain error occurs, Violation (42, U.S.C., §, 1983 and 42, U.S.C., §, 2000(E) discrimination racial color and Laws. Immunities secured by the constitution and Laws in such officers judicial capacity, The violation FED, R, CRIM, P, rule 11(c)(1)(2)(3)(4) Fed, rule crim, P, 11 an unambiguous mandate prohibiting any participation by the sentencing court in plea discussion under any circumstance without exception. In the Corbett decision the United States court of appeals for the 5th Cir held that the district court violated former Rule (11)(c)(1) when in response to request for additional time to negotiate at the commencement of a status conference and change of plea hearing, the district court state that it would not play games, the defendant had a couple of hours to file any plea agreement if they opted not to change their pleas they would get a fair trial, and if found guilty they would also get a fair sentence. fairly high the United States court of appeals for the 5th Cir held in the Casallas decision that the sentencing court violated Fed, R, Crim, P, 11

THE COURT

The court violates 6 and 7 amendment a right to trial see dock 248 pg 7 and 8 July. 28. 2008 case: no. 07-20825-cr-MGC. and a adequate representation §3006.(A)

THE COURT

There was no acceptance of responsibility is in this record. Mr. Koukios  
Mr. Koukios (no your honor.

THE COURT

Probation officer and I have not. The right of trial by Jury shall be preserved and no fact testified by a Jury shall be otherwise re examined in any

court of the United States, than according to the rule of the common laws,  
The prosecutor declare in open court that the jury was favorable to the  
government: (see dock 248 pg #15 July.28.2008 case: no-07-20825-cr-MGC

THE PROSECUTOR

In your honor will recall as will that happened is we finally got every body  
lined up. We had a jury which in our estimation was a very favorable jury to  
U S total discrimination race and misconduct of prosecutor. See inflammatory and  
misconduct U.S. App lexis 24634 U.S.V. Rodrigues November 30, 2012 total  
disqualification of prosecutor was no justified produced false enhancement  
of official proceeding and. The district court committed a clear and reversible  
error and miscarriage of justice admitting certain false evidence in violation  
of federal rule of evidence 403 an official proceeding the obstruction  
impided. The administration of justice with respect. See dock 248 pg#22 July  
28.2008 in the case: 07-20825-cr-MGC. The judge who handled defendant's case  
loses patience in total disqualification of justice in the 28.U.S.C.&.455(A)  
see dock 248 pg#22 July 28.2008 in the case.07-20825-cr=MGC of this district  
court miami southern florida in discrimination race and misrepresentation  
in violation &3006(A) adequate representation

THE COURT:

Mr Tannenbaum do you have anything that you would like to say?

DEFENSE THE COUNSEL

Mr, Tannenbaum your honor I don't believe it would be appropriate to say  
anything the allegation that my client is making that are in support of this  
motion are allegation against me so I find myself in conflicted position of  
possible arguing my own client's wishes. It is unethical and unprofessional  
for the court to use the laws in violation of (3006(A) adequate representation

process for in his favor. And to have the assistance of counsel for his defence. See U.S.V. Geresano. Agust. 27, 2012, 5th. Cir. case no; 692 F3d 393 involves disrespect toward or criticism of the district judge should have been disqualified or that she was not acting as a guardian of the laws applicable in federal court. The judge who handled defendant's case was disqualified by abuse discretion race discrimination.

THE COURT DENIAL OF FREEDOM EXPRESSION

I am also going to do something that I have never done and that is I am not going to hear anything further from this defendant Rivera in terms of his ability to allocated before this court. See, Dock #248, pg #23, July, 28, 2008 in the case; no. 07-20825-cr-MGC. The district court did abuse its discretion by not proceeding with the legal procedures which represent a total disqualification of the laws and discrimination race in the proceeding of the justice the obstruction impide the administration of justice with respect. The judge who handled defendant's case is disqualified, See: 692 F3d 393 Agust. 27, 2012 5th, Cir.

VIOLATION THE FEDERAL RULE 403.

The court violates the federal rule 403 of evidence see dock, 248, pg #28, July 28, 2008 case 07-20825-cr-MGC of this district court southern of florida in miami. In violation 8, U.S.C., 1028 in fraud of documents, what will demonstrate a total disqualification of justice by the district court of southern of florida in miami.

THE COURT

Mr. Koukios; The button was there, Mr. Koukios your honor whether it worked or not we can't opine on Brinks management felt that it did but other witnesses in this case have said that either Chirino said it was broken or had experience



that it was broken.

THE COURT

But that does affect the guideline sentence in this matter in any way, The defendant must demonstrate that the district court's ruling cause him **substantial** prejudice and discrimination race, The obstruction in the enhancement **requires** a defendant to have willfully obstructed or attempted to obstructed or impide. The administration of justice with respect, See 488 Fed. appx. U.S.V, Chiver, September 5 2012 5th Cir in obstruction of justice semilary, case no; 07-20825-cr-MGC of the district court of southern in the florida in miami of the defendant Rivera, See also the no; 1:10-CV-22290 MGC Magistrate judge P, A white made a report based on Frud and the judge Marcia G Kooke adopted, Also the Government accept that defendant has no participation in the robbery See P.S, I pg # 4,5,6, and (7,21,2008) by Ricardo Garcia Probation officer, Mr. Judges by the Court of Appeals of the Supreme Court U.S. the defendant, Laureano Chirino Rivera in this case appeal to the Supreme Court of Appeals United States asks with respect that a resolution be made that, I count on everything to clarify my innocence. This court southern district of florida in miami never respond, And the court denied everything information in violation rule (5 U.S & 552 Public information in the rules opinion orders, record and proceeding tex (1)(b)(c)(d), tex (2)(a)(b)(d). See 510 Fed 880 Mlaughin V. Pasco, Febraury 26, 2013 of this district court southern in the florida Freedom of information and violation U.S.C, & 1915(A) by abuse of discretion in discrimination race.

Arguments Relevant to False Accusations made by government. In violation 18, U.S.C, & 1001 Fraud false statement, Also violation of 18, U.S.C, & 1519 obstruction alteration or falsification of records in federal cases investigation.

MS, Mariene Rodriguez Acknowledges that Mr, Valdez took most of the money from the Robbery. The government has admitted in documents that this defendant is actually in fact innocent. See new evidence case #NO; 10-CIV-22290 pg#6, Dock

#(7)-9/07/11-Cook/White recognized that the accusation (by U,S,Attorney Anne R,Shults (in brief Dock # 08-14962:DD...pg #3-6/16/09),Stating that MR.Rivera (this defendant) was going to receive the third largest share of the money is false.Since the government has admitted in documents that this defendant... Laureano Chirino Rivera is actually in fact innocent-In that the government, reversed their accusations against defendant,and stated that Mr.Valdez took all the money(which would include the ~~third~~ largest share the government accuse the defendant of taking) the government in essence took away any(and all) motive for this defendant to have participated in the robbery(and thus, confirms what this defendant has proclaimed all along...this defendant was never a participant in the robbery,and all contradictory accusations are false To; the Honorable judge of the Supreme Court of Appeals United States : My contention is(mainly) this...I was brought into the court to Plea guilty,or not guilty(if this was not the case),why even bring me before the court (just sentence me,and send me to prison along with the files containing my charges),Just for the record, I never signed anything stating I would plea guilty, and never agree(with anyone) to plead guilty(not even in court).My lawyer(on his own) worked out a guilty plea with the prosecutin attorney.This is what brought about the conflict of interest that provoked(and forced) me : to ask the court for a different Attorney...and him(my attorney) to ask to be recused from my case(the day I was sentenced,and the same day the court refused to let me withdraw his(not my) guilty plea.See U,S,V,BAKER,432 F,3d,1189 (11th Cir,2005)and U,S,V,GRIGGS,713 F2d 672(11th Cir,1983)(will this court deny a person the riht to prove their innocence,when the evidence points at their being imocent?).

LAUREANO CHIRINO RIVERA:with respect ~~for~~ laws and the JUSTICE

See Course and Rivera Case No;08-14962-DD proceeding Case in Courts,

On May 28,2009 Attorney Mauricio L Aldazabal specialist in appeals by the Court of Southern of Florida presented a brief of appeal of appellant Rivera before the (Judges Black,Marcus and Anderson) of the 11th Circuit Court of Judges in Atlanta Georgia.In which reference to the violation of all constitutional rights of defendant Laureano Chirino Rivera and miscarriage of the Justice.The District Court of Southern of the Florida in Miami.

On October 5,2009 gave a contradictory decision that the appeal was (Affirmative in part) and Dismissed in part) and not return the part Affirmative for the Court of Southern Florida in Miami District Court(and affirmed the Sentence knowing that one part of the appeal was correct,But proceeding of the Court that demonstrates total disqualification of the Justice and Violation of all rights constitutional in this Court of Appeals and total violation of the constitutional rights of Defendant Laureano Chirino Rivera.

Case;No;09-8272.

On November 15,2009 after the District Court of Southern FL assigned attorneyMauricio L,Aldazabal he communicated to me that he no longer proceed to Defend me because the District was no longer paying him.I stated on appeal(Certiorari) for the Supreme Court of the United States.Before the Judges of the Supreme Court,Roberts,Scalia,Kennedy,Thomas,Ginsburg Breyer,Alito and Sotomayor.

A motion (Certiorari) in the which it was the first time I had contact with the Laws,in which it was evident that it was ridiculous without knowledge of the Laws and in English I tried to express all of the violations of my Constitutional rights which was the reason for my appeal and notify the courts of the errors of the District Court Southern Florida in Miami,so it can be returned to trial I Never declred myself Guilty and neither was found Guilty by a Jury.See Dock 248 Page #8 Case No; 07-20825 cr-MGC,Therefore my rights violate my surprice was when I see a document which was a resignation of the Government denying to respond.Violating (Rule 46,3) of this Court) the appeal was Denied February 22,2010.

(Issue#2)

CASE NO: 1-10-22290

One time I seen that the Supreme court denied to review my case. I on July 12 2010 started a 2255 motion to the district court of south (FL) in miami. Once again I notified the court of the bad representation that attorney Brian Tannambaum did on my behalf, which was adopted by the district court of south (FL). In which he in court, he said he did not want to represent me (see dock # 248.PG.22 July 28, 2008, and the violation of my constitutional rights. Even though the motion was denied in March 28, 2011 Magistry judge Patrick A White in document # 13 of the report and recommendation in page #12 and 13 recognized and describes that the actions, performance of the public defender were dishonest, and even judge Marcia G. Kooque agrees with the recommendation she denied my return to the courts for a new trial. Isn't this a total disqualification of justice of the district of south (FL) I've always told the courts that in my records there is no declaration of guilty plea, therefore me being detained is illegal.

CASE: 11-12047-11

CASE: 12-10129-F

CASE: 12-10756-B

Before Judges Carnes, Barkett and Marcus of the 11th Circuit in Atlanta, Georgia I presented on April 6, 2011, On January 6, 2012 and February 6, 14 2012 three successive motions (2255). Due to evidence added by the court of the Southern district of (FL) in miami and affidavit by witnesses, and a public video. I presented these successive motions as new evidence. But to my surprise was when the 11th circuit court of appeals communicated to me that the evidence was already on record and that attorney Brian Tannambaum didn't use them. 11th circuit court admitted the bad representation of the attorney and if all this evidence are in record how is it that on Oct 5, 2009 the court of the 11th circuit gave the verdict that the appeal that Mauricio L Aldazabal was (Affirmed in part and dismissed in part). If everything the registry says in the record. Where is the justice, why are they obstructing the process for me to get back court if there is sufficient evidence and witnesses to demonstrate my innocence.

Issue#1

CASE NO:12-cv- 21139-F,A,M.

By error and unknown knowledge in the legal steps to present a 2241 motion before the court of Southern in miami(FL) Before judges Patrick A White and Federico A Moreno and even the judges that they were out of jurisdiction didn't transfer violating the procedure of this rule 21 of transfer by not jurisdiction in documents

CASE:No.1:12-1226-JHC-SVH

Before the judges of the district of South Carolina because the court of the district of Southern(FL) in miami didn't transfer the 2241. I presented another one to the district court of South Carolina and the Majesty S.V.H responded that they didn't have to fix what others had made error, Since I was transferred from prison the document stayed out of jurisdiction. The court of South Carolina denied to transfer it to the district of Texas, Dallas division. Violating the procedure of this document. It's evident that this court Recognize the errors of the district court of South(FL) in miami.

CASE:No;3;12-cv-2954-P

On August 14,2012 Before the judge Jorge A Solis of the Northern district of Texas, Dallas division presented another 2241. For the first time the court of appeals recognize all the wrong proceeding in my case. On August 21,2012 they transferred the case to the district court of South(FL) in miami for Consideration.

CASE:No;1;12-cv-23070-FAM.

The case was recieved in the district and assigned #;1;12-cv-23070FAM and like always the court communicated that they didn;t understand what I was expressings, but in texas they understand and 8 months affter they made a desision I was notified.

CASE:No;1;13-14751-C

I took this case to the appeal court in 11th Circuit of appeal but the Judge Prior of this court notified me that there was no argument to appeal the case.

Issue #1

Case No: 14-6251

On July 7, 2014 I presented another Certiorari before the judges of the Supreme Court; Robert, Scalia, Kennedy, Thomas, Ginsburg, Breyer, Alito, Sotomayor justice Kagan did not participate in the decision of the case, Once again the Government denies violating rule 46,3 of this court. therefore violating all my constitutional rights, On October 20, 2014 was denied.

Case: No; 314-cv-00935 HTW-LIA

On december 4, 2014 before judge Henry T Wingate I presented my tenth appeals which I sent copies of all the proceedings of my case and on Jan 15, 2015 I received a negative where the judge notified me that he affirmed the plea. Having documents that demonstrate that in my record there is no declaration of a guilty plea, so therefore there can be no fixed plea.

Case: No: 15-60071

On March 2, 2015 I submitted my appeal to the fifth Circuit Court of Appeals before judges Reavley, Smith and Havnes Circuit Judges, And on december 10, 2015 I received the Order of the Court Affirming the District Court ruling and was informed that if keep submitting the same issues that i was going to be sanctioned, That cause me mental and emotional distress, is this the justice of the greater Nation of the world? I am always going to present the same issues of my case were my Constitutional rights were violated. I have all the documents to prove what I have been arguing and the witnesses and evidence to prove that I am an innocent man to show that I was wrongly convicted and incarcerated, I am desperately want somebody with the power and the desire to do what is right to hear my arguments, as you know my english is not good enough to present my issues the correct way but I don't have the means to hire a lawyer that really wants to help me, I pray that you allow me to present to you the issues that I have been arguing

With all respect for the laws and the justice  
Laureano Chirino Rivera

Issue(1).

## SUMMARY QUESTION(S) PRESENTED

The ditrict court committed reversible error and misscarriage of justice by admitting certaing false evidence in violation of(federal rule of the evidencé 403 an official proceeding,by using inflamatory and false statements to establish prosecutorial misconduct... the defendant must show(both) that the prosecutor's remarks were improper and that those remarks prejudicially affected his substantial rights. See Dock,#248,pg(8),(Also see Dock,248,pg,#22)(Dock,248,pg,#15),(Dock,#248,pg,11)(See Dock,#248,pg,10)(See DOCK,#244,pg,8) Case no;07-20825-cr-MGC) District of florida. Presecutor exceeds the evidence presented at trial during his closing arguments...while he may state conclusions drawn from the evidence presented at trial he may not make an argument directed at positions of prejudicing the jurors without understanding the facts,nor make colorful and perhaps flamboyant remarks if they relate to the evidence adduced at trial. The defendant charges the government in this case; no; 07-20825-cr-MCG.(specifically the prosecution) of making false fictitious,or fraudulent statements,and with introducing false evidence before the court involving the conspiracy defendant is charged with-under 18,U,S,C,&,(1915(A) (924(0)(1) conspiracy to commit robbery, and conspiracy to carry a firearm in furtherance of a crime. The prosecutions statement that the defendant unsuccessfully attempted to withdraw his guilty plea is false(defendant never did enter a guilty plea...the guilty plea was entered by defendants(Appointed lawyer).this is what caused the conflict of interest forcing the defendant(myself) Laureano Chirino Rivera) To refuse allowing this lawyer to continue representing me (and to ask the court for another lawyer).There can not be a plea agreement because there is not acceptance of responsibility on record(See,Dock,248,pg#8.

SUMMARY OUESTION(S) PRESENTED

The prceeding in the case defendant (Rivera) has been since the begining based on false accusations and violation of his constitutional rights See dock 244 page 2and 5 may 20,2008 case;No;07-20825-cr-MGC defendant(Rivera) is taken to court in a wheelchair under the influence of medication,vomiting,dizziness and total disability-the court loses patience and takes defendant (Rivera) Right to express himself giving the example that he was not in good mental State.See dock 248,page# 23 July 28,2008 case No;07-20825-cr-MGC. The State Attorney accuses defendant (Rivera) with arguments and evidence,that he himself is not sure they exist See dock 248,page#28 of this case.

Also in open court and admits saying that the jury was favorable to the government (see dock 248 page #15.Deferndant(Rivera) was never found in his possession nor in his house any evidence that can be part to the robbery(See page# 4,5,6 and.7 PS1) Done by Ricardo Garcia,U,S Probation officer.Even though State Attorney Kouwuios and Ms,Marlene Rodriguez accused me that I was going to receive the third largest sum of the robbery.2 years later,accept that the accusation was false when they accept that somebody,got captured in mexico had taken everything or if not more than half of the sum of the robbery (See pg #6and 7 (9/07/11) Cooke/white in the case No;10-22290 in the response of my 2255 by the government Anne R,Schuse. All the documents done by defendant(Rivera) mention his innocence and that he is incarrcerated without any record of him accepting guilty or without a jury finding him guilty(See dock,248 page#8 even though the courts have covered their eyes with there hands not to see and have dedicated themselves to cover the errors of the distrcet court of south miami in (FL) the errors are plastered in the documents.Although North district court of texas notify and reflect the errors.Even with the threats done by 5th circuit of appeals in Louisiana,New Orleans Swying that if I continued to say the something theyre going to sanction me. I'm not going to stop saying the truth (threats are Criminal acts),Where are the human rights,equality,and respect of the constitution,that the goverment of united states defends. Lets be just asks defendant(Rivera) for him,not injustice.So we can have respect for the people that do) the administration ethic,and and professionalism



Based on the foregoing arguments and citations of authority LAUREANO CHIRINO RIVERA would request that this Honorable Court vacate the sentence and remanded the case for rehearing as to his motion to withdraw his Plea, And be granted his rights for Trial. In the alternative, he asks that the sentence be vacate and case remanded for resentencing without the four Level enhancement.

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NOTA

On three separate occasions the Government has refused to submit their response in violation of Supreme Court Rule 46.3 I am still confident that the order and Laws set forth by the Constitution of the United States will return. As President Donald Trump stated during an event in November 2016 "The Laws and order will return once more to the United States of America."

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

LAUREANO CHIRINO RIVERA.

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Date: July 19, 2018.