

In The Supreme Court Of The

United States

Washington, DC 20543-0001

No: 16-20744 - (R-Jem)

February of 2017

Bonnie Junior Rodriguez
Petitioner

versus

The United State of America
Respondent

On writ of Certiorari To The
United States Southern District of
Florida Miami Division

Petition for Writ of Certiorari

Bonnie Rodriguez

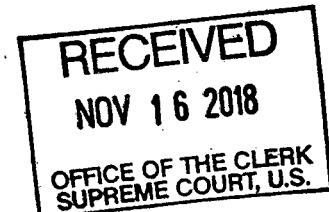
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Pre-Trial Retention Center

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comes Now Pro Se Petitioner

1 Bonnie Rodriguez is Petitioning for Writ of Certiorari after proceedings in a federal criminal trial in the United States Southern District of Florida - Miami Division court. On February 6, 7 and 8, 2017 In front of the honorable Judge Jose E. Martinez and jury of "12" twelve. The Petitioner's trial was a "3" three day lasting trial with a "9" nine hour deliberation that came back to a guilty verdict. The Petitioner represented his Self Pro Se at his trial with a stand by counsel Aimee Ferrer from the Federal Public Defenders office But did not proceed his appeal (No: 17-11822-CC) In the United States Eleventh Circuit of Appeals Court Pro Se and was represented by Lori Barrist Assistant Federal public Defender The judgement on the petitioners appeal was denied and Affirmed from the petitioners understanding sometime in May of 2018 The United States Attorney where named Matthew Langley and Jonathan Stratton at the Petitioner's trial.

Questions Presented for Review

How is it that a Federal Criminal case goes to a trial without the key elements of its constitutional rules of law. A defendant is to be presumed innocent to proven guilty. If the defendant exercises his right to not answer any question with respect to the self-incrimination or entrapment law being or not being the issue to remain silent. The United State Attorney used a persons constitutional right as a form to move a jury to push guilty. All criminal cases whether it's State or Federal is formed by evidence. The Constitutional law of the United States of America is a manual to how the laws is to be professed. The law is not a law with out equal rights. A defendants words against a victims or any law enforcement agent is weighted by mere word of mouth and credibility or physically proven evidence. When a defendant could stand in front of a jury pre se with evidence showing perjury and not given

the equal honorable justice is unlawful. Mere word of mouth does not make a criminal case the evidence that could show physical factors is the foundation of any case. The petitioner was fighting a case that was based on hear say and when the declarant was found in a conflicting purgriest state. The petitioner had to keep on his fighting arguments. There's issues with the law when a witness confesses to trying to rob the defendant (see Miami-Dade County Florida state court deposition Officer Jasterly Mitial page 16) and the defendant still goes to jail. The defendant was also denied the chance to show the jury pictures of the witness holding the same gun in question of being in possession of the defendant when there is so much in favor of a defendant arguing his case pro se. The matter where the defendant is in a federal trial and the only proof against him is mere word of mouth of law enforcement witnesses. A juror with active federal agency employment is in fact unfavorable for any

defendant The United States Attorney showed forms of manipulation to prove a case that should have never went to trial. There was two C.S.I agents at the scene of the alleged crime One agent was dusting for finger prints and collecting evidence and the other one was a photographer The United States Attorney called as a expert witness the C.S.I agent photographer to testify at the petitioners trial. The C.S.I agent could not show no link between the defendant and the gun. With the C.S.I agent being just a photographer the testimony given was acted as a confusement and manipulation to the jury. And a key factor in the petitioners case was there was three Miami-Dade county police officers wearing three body cameras on each of there persons But only one had video showing nothing of the allegation just there mere word of mouth of what happen after the fact When the petitioner moved for a lawful acquital it was denied The

petitioner is an uneducated individual
that represented his self pro se at his
Federal trial The Petitioner may have not
went to school to be a lawyer but when
the facts speak for its self the law should
be prevailed.

The question is based on facts
in which stands at Did the Petitioner
have a fair trial Was the petitioner in
fact really guilty Did the trial court error
in not granting the petitioner an
acquittal Was the jurors qualified to
stand as jurors when there employment
or record retains a conflict of interest
Where theres a question such as is this
juror in favor with the government Did
the juror work or help the government
prosecute an individual in any other crime
State of Federal as an informant or an
arresting agency Is it fair by law to
have petitioners case brought in front of
such a jury When there is no physical

evidence but mere word of mouth of law enforcement agents/officers Did the witnesses in fact commit perjury at the petitioners trial Did the court error in telling the jurors that they can not be found as a hung jury Was the government witnesses a manipulation to the some jurors knowledge of the law Should evidence of government key witness holding the said gun be allowed to be shown to the jury Did the petitioner receive key material and documents in his case to persent his defence.

Statement OF Parties [Optional And Affiliates]

The caption of the case in this court contains the names of all parties to the proceedings in the United States Southern District of Florida - Miami Division and for good faith The United States Eleventh Circuit of Appeals Court.

Barrist Lori Assistant Federal Public Defender
Caruso Michael Federal Public Defender
Ferrer Aimée Allegra Assistant Federal Public Defender
Ferrer Wifredo A. Former United States Attorney
Garber Barry L. United States Magistrate Judge
Goodman Jonathan United State Magistrate Judge
Greenberg Benjamin G. Acting United States Attorney
Holt Julie Assistant Federal Public Defender
Langley Matthew John Assistant United States Attorney
Lehr Alison Whitney Assistant United States Attorney
Martinez Jose E. United States District Judge
Rodriguez Ronnie Junior Defendant Appellant Petitioner
Simanton Andrea M United States Magistrate Judge
Smachetti Emily M. Assistant United States Attorney
Stratton Jonathan Douglas Assistant United States Attorney
Turnoff William C. United States Magistrate Judge
United States Of America Plaintiff Appellee Respondent

Opinion Below

The opinion of the United States Southern District Court of Florida Miami Division and The United States Eleventh Circuit Appeals court Judgement is here sought to be reviewed The Appendix in this petition will be limited to the material the petitioner could present do to the fact of his incarceration in a Miami-Dade County Florida State jail With no ability to access documents and pictures that will also come with the petitioners ability to quote law But the law should be known by the Said factor present alone The documents though out the Appendix should be common factor of what the petitioner points out if looked through with knowledge of basic law.

Statement Of Jurisdiction

The district court had jurisdiction of this case pursuant to 18 U.S.C. § 3231 because the defendant was charged with an offense against the laws of the United States. The court of appeals had jurisdiction over the appeal pursuant to 28 U.S.C. § 1291 and 18 U.S.C. § 3742. The Supreme Court of the United States now has jurisdiction over this case pursuant to § 1742.

Constitutional Provision, Treaties, Statutes, Rules, And Regulations Involved

Note the Petitioner is in a Miami Dade County Florida jail for the same case as for what he is petitioning and does not have access to a law library or any legal material except by putting all legal information on a Miami-Dade Corrections and Rehabilitation Department Legal Information Request Form which makes the limitation to accessing and quoting law. Petitioner puts forward that his trial was based on mere hear say. The declarant made statements in a state of Florida document under oath and under the penalty of perjury that pertains to the facts of Petitioner's case which later came to light that the declarant changes storys and lies under oath.

Petitioners trial is a violation to
the right of an accused The law should
be proven by shown facts not mere word
of mouth The Federal law on bear say,
DNA evidence, General evidence, perjury,
due process in general is being over ruled
to what could be believed rather then what
could be proven The law are to be followed
not just by a defendant but by all Law
where made for equal justice for the people
I the petitioner Bonnie Junior Rodriguez am
too the people By law if an accused of a
crime is charged with a crime Theres rules
to follow to prove a crime was really committed
In petitioners case laws have been broken
One cant inforce law or teach law with out
following them them self The law needs to
prevail

MEMO FROM LEGAL RESEARCH ASSOCIATES

RE: PHYSICAL ACCESS TO LEGAL BOOKS and/or COPYING ENTIRE BOOKS /VOLUMES

LRA is unable to provide inmates with physical access to books such as Title 42 U.S.C.A. 1983, Black's Law Dictionary, entire sections/indexes of U.S. Code, complete Acts, Florida Statutes and/or Rules of Court, Florida Bar Rules, Annotated and Unannotated, entire Florida Jurisprudence, Florida/Fed Law Weekly, Uniform Commercial Code, Florida Administrative Code, Legislative Session and other legal reference volumes. We are also unable to provide photocopies of entire books/volumes.

If you need the definition of a *legal* word or term, please submit a legal research request with a list of the words to be defined. Definitions of words or phrases that are not legal in nature will not be provided by LRA. LRA also does not provide any addresses or phone numbers. The jail will provide some or most of this information.

All other requests for information should briefly state the specific issues you are researching and the facts in your case that require you to research these issues.
Example: "I need the sections from the Florida Jurisprudence that covers sentencing guidelines."

When you provide this information, we will send you current, relevant legal information regarding these issues in reasonable amounts. However, be advised that LRA will **NOT** provide legal advice or opinions. In closing, please remember to list only (3) items per request form. If you need additional items, please fill out another request.

Thank you,

LRA

Federal Rules of Evidence Rule 801, 28 U.S.C.A.

Rule 801. Definitions That Apply to This Article; Exclusions From **Hearsay**

Currentness

(a) Statement. "Statement" means a person's oral assertion, written assertion, or nonverbal conduct, if the person intended it as an assertion.

(b) Declarant. "Declarant" means the person who made the statement.

(c) Hearsay. "Hearsay" means a statement that:

(1) the declarant does not make while testifying at the current trial or hearing; and

(2) a party offers in evidence to prove the truth of the matter asserted in the statement.

(d) Statements That Are Not Hearsay. A statement that meets the following conditions is not hearsay:

(1) A Declarant-Witness's Prior Statement. The declarant testifies and is subject to cross-examination about a prior statement, and the statement:

(A) is inconsistent with the declarant's testimony and was given under penalty of perjury at a trial, hearing, or other proceeding or in a deposition;

(B) is consistent with the declarant's testimony and is offered:

(i) to rebut an express or implied charge that the declarant recently fabricated it or acted from a recent improper influence or motive in so testifying; or

(ii) to rehabilitate the declarant's credibility as a witness when attacked on another ground; or

(C) identifies a person as someone the declarant perceived earlier.

(2) An Opposing Party's Statement. The statement is offered against an opposing party and:

(A) was made by the party in an individual or representative capacity;

(B) is one the party manifested that it adopted or believed to be true;

(C) was made by a person whom the party authorized to make a statement on the subject;

(D) was made by the party's agent or employee on a matter within the scope of that relationship and while it existed; or

(E) was made by the party's coconspirator during and in furtherance of the conspiracy.

The statement must be considered but does not by itself establish the declarant's authority under (C); the existence or scope of the relationship under (D); or the existence of the conspiracy or participation in it under (E).

§ 1623. False declarations before grand jury or court

Currentness

(a) Whoever under oath (or in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code) in any proceeding before or ancillary to any court or grand jury of the United States knowingly makes any false material declaration or makes or uses any other information, including any book, paper, document, record, recording, or other material, knowing the same to contain any false material declaration, shall be fined under this title or imprisoned not more than five years, or both.

(b) This section is applicable whether the conduct occurred within or without the United States.

(c) An indictment or information for violation of this section alleging that, in any proceedings before or ancillary to any court or grand jury of the United States, the defendant under oath has knowingly made two or more declarations, which are inconsistent to the degree that one of them is necessarily false, need not specify which declaration is false if--

(1) each declaration was material to the point in question, and

(2) each declaration was made within the period of the statute of limitations for the offense charged under this section.

In any prosecution under this section, the falsity of a declaration set forth in the indictment or information shall be established sufficient for conviction by proof that the defendant while under oath made irreconcilably contradictory declarations material to the point in question in any proceeding before or ancillary to any court or grand jury. It shall be a defense to an indictment or information made pursuant to the first sentence of this subsection that the defendant at the time he made each declaration believed the declaration was true.

(d) Where, in the same continuous court or grand jury proceeding in which a declaration is made, the person making the declaration admits such declaration to be false, such admission shall bar prosecution under this section if, at the time the admission is made, the declaration has not substantially affected the proceeding, or it has not become manifest that such falsity has been or will be exposed.

(e) Proof beyond a reasonable doubt under this section is sufficient for conviction. It shall not be necessary that such proof be made by any particular number of witnesses or by documentary or other type of evidence.

18 U.S.C.A. § 1622
§ 1622. Subornation of perjury

Currentness

Whoever procures another to commit any perjury is guilty of subornation of perjury, and shall be fined under this title or imprisoned not more than five years, or both.

§ 1621. Perjury generally

Currentness

Whoever--

(1) having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true; or

(2) in any declaration, certificate, verification, or statement under penalty of **perjury** as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true;

is guilty of **perjury** and shall, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States.

Federal Rules of Evidence Rule 806, 28 U.S.C.A.

Rule 806. Attacking and Supporting the Declarant's Credibility

Currentness

When a hearsay statement--or a statement described in Rule 801(d)(2)(C), (D), or (E)--has been admitted in evidence, the declarant's credibility may be attacked, and then supported, by any evidence that would be admissible for those purposes if the declarant had testified as a witness. The court may admit evidence of the declarant's inconsistent statement or conduct, regardless of when it occurred or whether the declarant had an opportunity to explain or deny it. If the party against whom the statement was admitted calls the declarant as a witness, the party may examine the declarant on the statement as if on cross-examination.

18 U.S.C.A. § 3297

§ 3297. Cases involving DNA evidence

Currentness

In a case in which DNA testing implicates an identified person in the commission of a felony, no statute of limitations that would otherwise preclude prosecution of the offense shall preclude such prosecution until a period of time following the implication of the person by DNA testing has elapsed that is equal to the otherwise applicable limitation period.

Federal Rules of Evidence Rule 703, 28 U.S.C.A.
Rule 703. Bases of an Expert's Opinion Testimony

Currentness

An expert may base an opinion on facts or data in the case that the expert has been made aware of or personally observed. If experts in the particular field would reasonably rely on those kinds of facts or data in forming an opinion on the subject, they need not be admissible for the opinion to be admitted. But if the facts or data would otherwise be inadmissible, the proponent of the opinion may disclose them to the jury only if their probative value in helping the jury evaluate the opinion substantially outweighs their prejudicial effect.

Federal Rules of Evidence Rule 802, 28 U.S.C.A.

Rule 802. The Rule Against Hearsay

Currentness

Hearsay is not admissible unless any of the following provides otherwise:

- a federal statute;
- these rules; or
- other rules prescribed by the Supreme Court.

Federal Rules of Evidence Rule 702, 28 U.S.C.A.
Rule 702. Testimony by Expert Witnesses

A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if:

- (a)** the expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue;
- (b)** the testimony is based on sufficient facts or data;
- (c)** the testimony is the product of reliable principles and methods; and
- (d)** the expert has reliably applied the principles and methods to the facts of the case.

Statement Of The Case

On February 19, 2016 the Defendant Bonnie junior Rodriguez was at his self storage at Northwest 2nd Avenue and 19th Street running errands. Once he was done he went for a walk to visit a near by friend at Northwest 4th Avenue and 77th Street. That is where the defendant got stopped by the Miami-Dade Police Department. When the Miami-Dade Police Department stopped the defendant he had no idea what was the reason for him being stopped. He assumed it was part of another harassment stop that he endure on a day to day basis. As the defendant having some common knowledge of the law. When he was stopped he told the police officer that under his amendment 4 he wishes to keep walking. That's when the officer drew his gun and ordered the defendant to the ground. The defendant was left on the ground for 2 or 3 minute before being asked any questions. In confusion the defendant did not answer any questions. The defendant did not give his name or any information to the Miami-Dade Police.

The Defendant just asked for a lawyer and the officers supervisor The Defendant was denied all request and was treated and told he was going to go to jail for a Terry Stop. The defendant then once again told the officer he wanted to talk to the officers supervisor and a lawyer When the defendant was booked to the Miami-Dade County Jail Turner Guilford knight Correctional Center he received an arrest Affidavit stating that he was being charged with being in possession of a 357 revolver that he never seen before Along with statements saying an individual by the name of Angel Rodriguez claimed the defendant robbed him When that individual was later pressed by officers he made admission of being the one that was planing to rob the defendant The individual first claimed that the defendant robbed him for an amount of money the defendant didn't even have on him. The defendant asked the State and Federal Public Defenders to get receipts from his self storage The defendant also ask for the stores video Surveillance that's on Northwest 5th Avenue and 79th Street That was meant to have been the said place the defendant

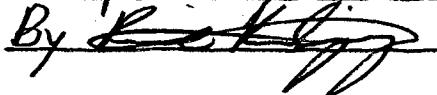
and the individual Angel Rodriguez meet To show who was at the store doing what the defendant asked to have employees questioned about ever seeing the defendant or the other individual at the store before The defendant was a frequent customer to that store These facts where said to be irrelevant to the defendants case by the Federal public defender which was one of the main reason the defendant went pro se at his trial The defendant also had many friends in the area that could of came to court on his behalf if they didn't fear the legal system Body camera video would show many young people passing by looking as in a celebration do to the fact the following day was going to be the defendant birth day And was not sure to celebrate his birth day in that area the following day The defendant was a respected member of that community Although he did not live in the area he was constantly in that area of 4th Avenue and 77th Street Angel Rodriguez is not from that area of 4th Ave. and 77th St. nor did he have reason to be in the area unless he was planing a burglary or Robbery.

Reasons For Granting The Writ

The Judgement of United States Southern District Court of Florida - Miami Division Should be reviewed because of it's error in its judgement against the petitioner In such case where the evidence is held against its value The Justice system was built on the foundation of justice. In a case such as the petitioners the constitutional value should be upheld Therefore with good faith the petitioner moves the said honorable court to grant his petition in his favor for relief or a new fair trial

Conclusion

This honorable Court should
reverse and dismiss the petitioners
conviction or remand his case for
a new trial

Respectfully Submitted
By 

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November 6, 2018