

No. 18-7647

**In The
Supreme Court of the United States**

LYNN SMITH, et al.

Petitioner

v.

MANASQUAN SAVINGS BANK, et. al.

Respondents

On Petition For Writ of Certiorari
To The New Jersey Supreme Court

PETITIONER FOR WRIT OF CERTIORARI

PETITION FOR REHEARING

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CONSTITUTIONAL PROVISIONS**AMENDMENT IV.**

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized. The Supreme Court centered its judgment on May 8, 2013 with an amendment dated May 30, 2013. The jurisdiction of this Court is invoked under 28 U.S.C. § 1257.

AMENDMENT V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.



AMENDMENT VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

AMENDMENT XIV.

SECTION. 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law, which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.



REASONS FOR GRANTING REHEARING

Constitutional Issue of Fundamental Fairness

The due process guarantee expressed in the Fourteenth Amendment to the United States Constitution requires assurance of fundamental fairness during legal proceedings. In F-40519-09 Lynn and Brian Smith were denied fundamental fairness because the State of New Jersey under Attorney General Stuart Rabner and Attorney General Anne Milgram fraudulently and criminally concealed misconduct, possibly influence peddling and other public corruption by Attorney General Rabner and other state officials.

The above facts are not in dispute and were made public within the New Jersey Superior Court system, including directly to Attorney General Rabner, since January 2007.

Attorney General Rabner chose to protect his political career, a promised appointment as Chief Justice of the New Jersey Supreme Court by Governor Jon Corzine of MF Global infamy, rather than 201 families who he knew were defrauded of \$5 Billion in cash and assets.

Attorney General Milgram covered Rabner after Lynn and Brian Smith asked their attorney to force the DAG to admit in the judge's chambers that the 201 families indeed owned and/or controlled the \$5 Billion in assets. After the judge heard the admission, he asked the DAG to settle the matter quickly and drop the case. Knowing that would destroy the career of Chief Justice Rabner and the reputation of the Office of the Attorney General, Attorney General Milgram filed a motion to name Greenberg Traurig as the receiver of the \$5 Billion in assets. This was a criminal act, since Milgram knew that Rabner was provided with evidence in January 2007 that Greenberg Traurig was in league with the criminals and assisted them in stealing Digital Gas assets after Attorney General Rabner filed the complaint on the basis of their word that Digital Gas was "a scam with no assets".

After AG Milgram's DAG was forced to admit that Digital Gas had assets and tried to direct those assets to the criminals who lied to the State of New Jersey to initiate C-316-06, Digital Gas was placed into involuntary bankruptcy in Eastern Michigan by a major shareholder. In order to prevent the company from reorganizing under Chapter 11, AG Milgram told her DAG to do two things to thwart the reorganization:

- (1) Threaten the person's family who was paying the legal bills for Brian Smith and Digital Gas; and
- (2) After admitting to the trial judge that Digital Gas had assets, turn around and lie to Judge Tucker and deny that Digital Gas had assets.

This removed the attorney defending Digital Gas and resulted in the company being converted from Chapter 11 to Chapter 13.

At no time from November 2008 through her leaving office in 2010 did AG Milgram move to liquidate the assets for the benefit of Digital Gas shareholders whom AG Rabner said were defrauded. In addition to casting doubt on the purpose and intent of the State of New Jersey, it permitted the criminals and their attorney to continue to benefit from the \$5 Billion in assets stolen from 201 families.

In 2018 one of the criminals was reported to be using the cash generated from the stolen assets to buy several pineapple plantations in the State of Hawaii. Thus extending the statute of limitations on the original criminal act by several more years.

Lynn and Brian Smith reported this to AG Grewal and Governor Murphy and they chose not to respond.

Instead, AG Grewal proceeded with his fraudulent \$809,237 claim against Lynn Smith in bankruptcy court, and, finally, after 13-years her \$2 million home was sold in a rigged

auction – rendering the Smith Family paupers on paper, but not in spirit.

So Lynn and Brian Smith once again seek justice for their family and 200 other families.

You have had the facts in your hands and you can read the history of this travesty of our Constitution over 13-years in the dockets of the state and federal courts that fraudulently conceal the truth.

Both Stuart Rabner and Anne Milgram had special relationships with Jon Corzine.

Was Stuart Rabner that stupid to have trusted the criminals and Greenberg Traurig in October 2006?

A simple check on federal computers, a simple placement of the names of the criminals in FBI or other government computers would have revealed that there were pending federal Bank fraud charges pending against them for:

- (1) having gone to the Community State Bank in Ankeny, Iowa with 3 million shares of stock,
- (2) telling the bank that Digital Gas had \$5 billion in assets to secure the loan;
- (3) obtaining \$1.5 million cash (part of which had gone to Greenberg Traurig in legal fees earlier in 2006);
- (4) failing to pay interest on the fraudulent loans;
- (5) filing false loan documents and perjuring themselves.

Or, was Stuart Rabner and others participants in a corrupt influence peddling scheme with moneys being diverted from the criminals for the personal use of state or federal officials or political campaign?

We will never know it seems, unless this court acts.

What we do know is that Lynn Smith was foreclosed on under suspicious circumstances after federal wiretaps told the DAG that Brian Smith was about to change lawyers from his lawyer who suspiciously failed to press the issue of DAG threats to legal fee payers, investors and shareholders.

We know that in the 9-year history of F-40519-09 every state court from the Chancery through the New Jersey Supreme Court ignored court rules, regulations and procedures, as well as state and federal laws and protections, including 42 U.S.C. § 1983.

We know that Lynn and Brian Smith asked for the recusal of both Chief Justice Rabner and Justice La Vecchia for their prior violations of 42 U.S.C. § 1983 and their judicial Code of Conduct during the 2012-2013 period when Brian Smith appealed C-316-06 – and that Judge Rabner would not permit judges not under his control to handle F-40519-09, so it was handled under questionable circumstances by Justice La Vecchia.

How else would the nine justices of this Court describe what has occurred here other than by acknowledging that we have a state sponsored RICO situation?

The following points bring this to a close.

Point 1

The subject case of the Petition for our Writ of Certiorari, F-40519-09 in foreclosure court, is inextricably tied to C-316-06 in Monmouth County Chancery Court.

Point 2

Petitioners have demonstrated that Attorney General Stuart A. Rabner violated 42 U.S.C. § 1983, other state and federal laws and his Code of Conduct as Attorney General in C-316-06.

Petitioners have demonstrated that Chief Justice Stuart A, Rabner and Justice Jaynee LaVecchia violated §1983, other state and federal laws and their Judicial Code of Conduct in C-316-06 in 2012-2013.

Petitioners have demonstrated that Chief Justice Stuart A, Rabner and Justice Jaynee LaVecchia violated §1983, other state and federal laws and their Judicial Code of Conduct in F-40519-09 in 2017-2018.

Point 3

The Office of the Attorney General Operated as A Criminal Enterprise and violated Lynn and Brian Smith's constitutional rights under 42 U.S.C. § 1983.

The Superior Court of New Jersey Operated as a Criminal Enterprise and violated Lynn and Brian Smith's constitutional rights under 42 U.S.C. § 1983.

The Appellate Division of New Jersey Operated as a Criminal Enterprise and violated Lynn and Brian Smith's constitutional rights under 42 U.S.C. § 1983.

The Supreme Court of New Jersey Operated as a Criminal Enterprise and Violated Lynn and Brian Smith's constitutional rights under 42 U.S.C. § 1983.

Point 4

Officials of the State of New Jersey, including within the Office of the Attorney General and the New Jersey Court System enjoy broad immunity from the federal government when they act within the guidelines and mandates of their respective offices.

Officials of the State of New Jersey, including within the Office of the Attorney General and the New Jersey Court System should not enjoy broad immunity from the federal government when they deliberately and maliciously act outside the guidelines and mandates of their respective offices. Petitioners have demonstrated that the above Officials

of the State of New Jersey deliberately and officially acted outside the guidelines of their respective offices.

Point 5

Although it may not have been expressly stated as such, the Petitioners have informed and demonstrated to this Court that Officials of the State of New Jersey have acted as a criminal enterprise in their treatment of Lynn and Brian Smith in C-316-06 and F-40519-09, as well as 200 other families who are persons of interest in the theft of \$5 Billion in cash and assets by their fraud, misconduct, criminality and fraudulent concealment at taxpayer's expense over the period from 2006 through 2019.

Point 6

This Rehearing Petition requests that the United States Supreme Court make a definitive precedential ruling to protect the public, particularly Pro se litigants, who have been abused and damaged by state law and public safety and judiciary officials who have violated §1983 and denied civil, due process and property rights of their citizens in instances where petitioners have provided unimpeachable evidence that final judgments in state courts have resulted entirely or substantially from fraudulent or criminal acts by individuals and companies licensed to conduct business by state and the federal government, as well as state regulatory and judicial officials, as has occurred in both C-316-06 and F-40519.

A corollary of the above occurs when victims of the above civil right violations often end up seeking protection in the United States Bankruptcy Court. Debtors in Bankruptcy Court often ask the judge and the trustee to investigate their objections to the size of claims attributable to errors, misconduct or perjuries by plaintiffs in state courts that were concealed by state Attorney General officials or ignored by state judiciary officials. The lower federal courts often respond by citing Rooker-Feldman and ruling that the debtor

is attempting to relitigate a final judgment when in fact they are seeking to reduce the size of false or fraudulent claims.

Point 7

Revised Questions Presented:

Considering Point 6:

What will the United States Supreme Court do in instances where Pro se and/or other litigants are victims of collusive violations of §1983 and civil, due process and property rights by state law enforcement and judicial officials acting as an ongoing criminal enterprise - as occurred to Lynn and Brian Smith and 200 families from Attorney General Rabner's initial act of filing an immediately discredited civil complaint, C-316-06, on October 10, 2006 through his deploying Justice Jaynee LaVecchia, against a motion for her recusal, to deny a foreclosure appeal demonstrating misconduct and criminal behavior in the New Jersey Superior Court system, including mail fraud by the Chief Judge of the Appellate Division, in F-40519-09?

What will the United States Supreme Court do in instances where Pro se and/or other litigants are told by bankruptcy court judges and trustees that, despite the evidence they present of §1983 and civil, due process and property right violations by state officials in state courts, they refuse to investigate their objections to the size of claims attributable to errors, or egregious misconduct or perjuries by plaintiffs and/or prosecutors in state courts that were concealed by state Attorney General officials or ignored by state judiciary officials?

Since C-316-06 and F-40519-09 were cases caused by the Attorney General Rabner's violations of Lynn and Brian Smith's constitutional rights under 42 U.S.C. § 1983, as well as his denial of their and 200 family's civil, due process and property rights, should this Court not have responded thusly to the petitioner's request for review of the final judgment by the New Jersey Supreme Court in F-40529-09, in light of the failure of that court to grant the recusal request of both Chief Justice Rabner and Justice LaVecchia, and as an alternate and reasonable remedy to granting a one-hour review by the entire Supreme Court, either:

- (1) Issue an order summarily granting certiorari, vacating Judge LaVecchia's final judgment, and remanding to members of the New Jersey Supreme Court who have never participated in a ruling involving C-316-06 or F-40519 for reconsideration?
- (2) Instruct Lynn and Brian Smith to file a Writ of Mandamus seeking the same basic relief:

an order vacating Judge LaVecchia's final judgment, and remanding to members of the New Jersey Supreme Court who have never participated in a ruling involving C-316-06 or F-40519 for reconsideration?

Prior to ruling on these questions, each member of this court should be aware that Lynn and Brian Smith have published evidence that the person the State of New Jersey claims was her "alleged victim" of \$809,237 actually presented evidence under oath at trial that unquestionably proves the state presented a fraudulent claim against her to Bankruptcy Court.

In addition, this Court should also be aware that the person whose false report to Attorney General in October 2006 that led to the discredited complaint, C-316-06, that has destroyed 200 families in the United States, Canada and several foreign companies had up to \$617 million in cash in

U.S. banks and banks and two foreign countries – all earned by leveraging \$5 Billion in natural resource assets owned by Lynn and Brian Smith and 200 families – which Attorney General Rabner failed to report to the New Jersey Superior Court in January 2007 and to the New Jersey Supreme Court when he was Chief Justice in 2013.

In addition, Attorney General Anne Milgram failed to report to the Superior Court in 2008 that Greenberg Traurig of New Jersey, who aided and abetted their criminal clients in October 2006 to falsely claim that the \$5 Billion in assets did not exist, proceeded after C-316-06 was filed, to do the legal work for the criminals to secure a \$50 million SEC-registered debenture to steal more Digital Gas assets – as such, when Milgram filed a motion to appoint Greenberg Traurig as the receiver for Digital Gas assets, after the trial judge indicated the matter should be settled – Milgram committed a criminal act.

F-409-09 was filed by Manasquan Bank in 2009 after federal wiretaps of Lynn and Brian Smith's phone were handed over to the Deputy Attorney General and his investigators a week before the commencement of the trial in C-316-06 which informed them that the Smiths intended to submit an application to refinance their mortgage to obtain \$50,000 in legal fees to retain a criminal attorney to go after the DAG and his investigators for violations of 42 U.S.C. § 1983, including threatening to charge persons paying defense legal fees with incarceration, threatening to deny access to "recovered cash and assets" to any shareholder or investor who testified on behalf of Lynn and Brian Smith.

Now that the nine members of the United States Supreme Court know a bit more of the backstory as to why no court in New Jersey gave Lynn and Brian Smith equal protection under the law:

Will the Supreme Court, after rejecting the Writ of Certiorari of two indigents that have suffered emotionally and physically for 13-years seeking justice for 201 families, victims of a state-sponsored criminal enterprise, refuse the remedies (1) or (2) suggested above?

CONCLUSION

The above is the truth of this matter.

Nothing more need be said.

If this Court is going to let Pro se and indigent litigants die on the state vine of misconduct, criminality and corruption, what need is there for the glass bead game of parsing precedent for those denied the rights promised in 42 U.S.C. § 1983 or the civil, due process and property rights of citizens?

Other than those that can buy their way through the corrupt regulatory and judicial system currently in place in New Jersey, do those made indigent by criminal and corruption financial institutions merely have the right to:

Pay taxes?

Die?

The Governor of New Jersey, like Jon Corzine a former executive of Goldman Sachs, praises a new bi-partisan bill that will help "those facing foreclosure". What is certain at this point is that the new law does nothing to protect families who have already been victimized by banks, loan servicing companies, county Chancery Courts, corruption in the Attorney General's office and in the court system.

A quick review reveals it is a handhold to the cliff of home loss, as opposed to the drag and final push to financial oblivion and family destruction.

For sure, the shift of stolen middle-class property to the domain of "affordable housing" appears fair and socially beneficial, but is its intent that or to make the process of housing securitization cleaner and the money-laundering that occurs behind it forgettable?

Serfdom Redoux?

Closing Statement

We are indigent.

Brian Smith who prepared 6 x 9 booklets and temporarily lost certain rights to redress lower federal court atrocities, cannot do it again. He is under physician's care for several physical conditions.

Lynn Smith's checking account has a negative balance as of this date:

Chase Home (...8616)

-\$1,151.55
Available balance

and she does not get another paycheck until August 30th.

We are including a motion to file this motion Petition for Rehearing out of time if this court would like a more formal treatment of this petition by an attorney, since we may enjoy the free services of one in two weeks, but, sadly, not today. If the court desires this, after we have filed this on a timely basis in 25-days, so'advise and the pro bono attorney can also file a letter to the court attesting to the fact that he, she, they

are not being paid – and a formal motion for in forma pauperis status for us, meanwhile, please accept my statement that we are functionally, effectively broke, courtesy of the State of New Jersey, aiders and abettor of the criminals who destroyed 201 innocent families.

For the 201 families and the other tens of thousands abused then raped before, during and after their visits to New Jersey Courts and those brutally ignored in lower federal courts, and those turned away by this court because their stories are not exciting enough or lack proper credentials for the glass bead game, this petition is

In the interest of justice, respectfully submitted with the request that our Writ of Certiorari be granted or better, since we would not want to dirty this court with this story and know it is uncomfortable reading and hearing, we request either option #1 or #2 be granted.

We believe the Justices of the Supreme Court of the United States have a great capacity to see the truth in this case.

It is now time to act.

Brian Smith
Wynne Z. Smith

CERTIFICATE OF GOOD FAITH

The undersigned hereby certifies that this Petition for Rehearing is restricted to the grounds specified in Rule 44.2 of the Rules of the Supreme Court of the United States and is presented in good faith and not for delay.

A copy is being timely served upon the Respondent.

Respectfully submitted,

Brian Smith

Wynne Z. Smith