

18-9816

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

ORIGINAL

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

FILED  
JAN 25 2019  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

KABIL ANTON DJENASEVIC, Pro-Se

— PETITIONER

(Your Name)

vs.

UNITED STATES OF AMERICA

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

THE ELEVENTH CIRCUIT COURT OF APPEALS

\_\_\_\_\_  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

KABIL ANTON DJENASEVIC

FED.# 41112-018

\_\_\_\_\_  
(Your Name)

c/o/ F.C.I. SHERIDAN P.O. Box 5000

\_\_\_\_\_  
(Address)

SHERIDAN, OREGON 97378

\_\_\_\_\_  
(City, State, Zip Code)

\_\_\_\_\_  
(Phone Number)

## QUESTION(S) PRESENTED

Questions presented:

1)- WHETHER PETITIONER WAS DENIED HIS FOURTH, FIFTH, SIXTH, AND FOURTEENTH AMENDMENTS RIGHT'S SECURED BY

THE UNITED STATES CONSTITUTION, AND DUE PROCESS OF THE LAW, BY THE AGENT'S FALSE FACT TESTIMONY, AND

REPORT'S, THAT ARE ALSO IN VIOLATION OF DEA/POLICE POLICY, AND PROCEDURE?

2)- AFTER PETITIONER REFUSED TO GO MEET INFORMANT AT THE PRE-ARRANGED AMOCO FILLING STATION

LOCATION ON JANUARY 3rd, 2001-DID PETITIONER WITHDRAW FROM THE CHARGED OFFENSE OF CONSPIRACY WITH HIM?,

AND DID THE AGENT'S THEREAFTER COMMIT FRAUD ON THE COURT'S WITH FABRICATED FACT'S?

3)- WHEN DOES A COOPERATING DEFENDANT/INFORMANT COUNT AS A CO-CONSPIRATOR IN ANY CASE, OR STOP

COUNTING AS A CO-CONSPIRATOR IN ANY CASE, AND WAS THERE BIAS, AND CONFLICT'S OF INTERESTS THAT PREVENTED

PROPER ASSESSMENT' OF FACT'S?

4)- DID THE AGENT'S OMIT FACTS AND EVIDENCE, THEN LUMP-UP MULTIPLE CONSPIRACIES AS ONE-TO FALSELY CHARGE

PETITIONER DJENASEVIC WITHOUT SPECIFIC PROOF OF CONSPIRACY. AND DID THE COURT FAIL TO TAKE

JUDICIAL NOTICE IN CONTRAVENTION OF RULE 201(d)?

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### APPENDIX A

1-APPEAL'S COURT-AMENDED JUDICIAL NOTICE 11TH CIR., 2-COPY OF THE 11TH CIRCUIT DENIAL OF PETITIONER'S MOTION. 3-PETITIONER'S MOTION FOR RECONSIDERATION, 4-COPY OF THE 11TH CIRCUIT DENIAL IN CASE # 17-15744-1 FOR NOT PAYING THE LUMP SUM FEE OF \$505.00. 5-Copy to reinstate Motion, that was also sent to the appeals court, with Termination of Counsel Seidler for not filing Petitioner's Issue's and the C.I. December 7th, 2000 arrest.

### APPENDIX B

1- COPY OF THE COURT'S DENIAL, 2- petitioner'S OBJECTION'S TO THE MAGISTRATE'S R&R, WITH A COPY OF "MOTION AND NOTICE TO THE COURT" FILED ON AUGUST 23, 2011 IN CASE # 8:09-CV-212-T-27-MAP [DKT#54] WITH THE COURT'S DENIAL [DKT#55] COPY OF THE 11CA JUDGMENT [DKT# 46 IN CASE CV0212]; 3- COPY OF THE COURTS (MAGISTRATE'S DENIAL); COURT'S ORDER 12/7/2017; 4-ORDER 11/30/2017; 5-COPY OF MOTION WITH EXHIBIT'S 1-T0-20; 6-JUDICIAL NOTICE.

### APPENDIX C

1-RELEVANT POLICE REPORT # 00-107160; 2- VELASQUEZ PLEA DEAL; 3- 5 PAGES OF RELEVANT TRANSCRIPTS; 4-E-MAIL; DEA AGENT RONALD L. GEER'S "RAW-NOTES" FOR JANUARY 3 AND 4TH, 2001.

### APPENDIX D

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### APPENDIX- E

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Title 21 U.S.C. @ 841(b)(1)(A)(i), 846; 21 U.S.C. @ 841(a)(1), (b)(1)(C); 21 U.S.C. @ 841(a)(1), (B)(1)(B)(i); 18 U.S.C. @ 922 (g)(1), 924(a)(2)  
RULE 11(c)(1); RULE 201(d).

OTHER- DEA PROCEDURE AND POLICY RULE'S WERE VIOLATED AS WELL, HERE LISTING SOME EXAMPLES: 1- "MONEY LIST" @ 6624(a); @ 6133.34 B & C, MONEY LIST RULES AND RECOVERED FUNDS RULES 2- @ 6135 A & C; 1&2 @ 6612.22; 3-INFORMANT CODE NUMBER RULES ; 6612.31 @ F 5 & G. 4- PROCESSING OF DEFENDANT'S RULES, @ 6641.3 + 6641.31 AT SUB-SECTION'S, A, B, D, E, G, & H. WERE VIOLATED, BECAUSE THE PRE-RECORDED MONEY WAS NEVER FOUND. THE INFORMANT RICHARD LEE BARTHEL WAS ON PROBATION AND DEA DID NOT GET AUTHORIZATION TO USE HIM FROM HIS PROBATION OFFICER. AND, -AT NO TIME DID THIS DEFENDANT MAKE STATEMENT'S THAT DEA AGENT GEER STATED, AND CHARACTERIZED, AS STATED-AND THIS DEA POLICY PROTOCOL PROVES THE SAME LAW VIOLATIONS.

## TABLE OF AUTHORITIES CITED

### CASES

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2-Brady v. Maryland, supra.	11
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### STATUTES AND RULES

Title 21 U.S.C. @ 841(b)(1)(A)(i), 846; 21 U.S.C. @ 841(a)(1), (b)(1)(C); 21 U.S.C. @ 841(a)(1), (B)(1)(B)(i); 18 U.S.C. @ 922 (g)(1), 924(a)(2)  
 RULE 11(c)(1); RULE 201(d).

### OTHER

OTHER- DEA PROCEDURE AND POLICY RULE'S WERE VIOLATED AS WELL, HERE LISTING SOME EXAMPLES: 1- "MONEY LIST" @ 6624(a); @ 6133.34 B & C, MONEY LIST RULES AND RECOVERED FUNDS RULES 2- @ 6135 A & C; 1&2 @ 6612.22; 3-INFORMANT CODE NUMBER RULES ; 6612.31 @ F 5 & G. 4- PROCESSING OF DEFENDANT'S RULES, @ 6641.3 + 6641.31 AT SUB-SECTION'S, A, B, D, E, G, & H. WERE VIOLATED, BECAUSE THE PRE-RECORDED MONEY WAS NEVER FOUND. THE INFORMANT RICHARD LEE BARTHEL WAS OM PROBATION AND DEA DID NOT GET AUTHORIZATION TO USE HIM FROM HIS PROBATION OFFICER. AND,-AT NO TIME DID THIS DEFENDANT MAKE STATEMENT'S THAT DEA AGENT GEER STATED, AND CHARACTERIZED, AS STATED-AND THIS DEA POLICY PROTOCOL PROVES THE SAME LAW VIOLATIONS.

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.

The opinion of the United States Court of Appeals appears at Appendix "A" to the Petition and is reported at 2018 U.S. App. LEXIS 31835 from the United States Court of Appeals from the Eleventh Circuit Court on November 8, 2018.

The opinion of the United States District Court appears at Appendix "B" to the Petition and is reported at 2018 U.S. Dist. LEXIS 65174, and at LEXIS 66014 From the United States District Court for Middle District of Florida Tampa-Division-with a copy of the motion with exhibits 1-to-20, and relevant document's in Appendix "C", along with the DEA agent's "Raw-Notes", showing what he documented for January 3, and 4th, 2001.

JURISDICTION

The date of which the United States Court of Appeals decided my case was on August 31, 2018.

A Petition for rehearing was timely filed, September 12, 2018 and denied by the United States Court of Appeals on the following date November 8th, 2018.

The Jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

LIST OF PARTIES

All parties appear in the caption of the case on the Cover page.

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Constitutional and statutory provisions involved;

Amendment IV. The right of the People to be secure in their persons, house, 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 thing to be seized.

Amendment V. No person shall be held to answer for 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 offense 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 VI. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witness against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

Amendment XIV. "...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.

## STATEMENT OF THE CASE

### 1. Statement of the Case

Defendant was convicted of one count of conspiracy to possess, with the intent to distribute, one kilogram or more of heroin, in violation of 21 U.S.C. §§ 841(b)(1)(A)(i), 846; two counts of distribution of heroin, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(C); one count of possession, with intent to distribute, 100 grams or more of heroin, in violation of 21 U.S.C. § 841(a)(1), (B)(1)(B)(i); and one count of being a felon in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2.) Defendant was initially sentenced to 324 months on March 3, 2006. Following his appeal and remand from this Court for a Rule 11(c)(1) violation for impermissible judicial participation in the plea process, and a retrial on May 30, 2012 Defendant was found guilty and resentenced to 292 months.

Following the retroactive amendment to the United States Sentencing Guidelines known as Amendment 782, Defendant was again resentenced on December 7, 2017 to a term of 235 months.

Defendant filed a timely collateral appeal under Section 2255 that was denied on June 8, 2018.

### 2. Defendant Received Ineffective Assistance of Counsel in Violation of the Sixth United States Constitution

Amendment of the

#### A. Defense Counsel Violated Defendant's Constitutional Right To Effective Representation .

Defendant's conviction was vacated and a retrial was conducted in 2011. With new trial counsel Brent D. Armstrong made illegible copies of photographs that show forced entry into Defendant's girlfriend's ("Miss. Mafilas") apartment on January 3, 2001, which directly contradicts officer's testimony that Defendant gave consent to search. This directly contradicts the fabricated "written consent" claim that was presented by the Drug Enforcement Agent ("DEA") Geer, who violated DEA policy # 6641.31G. Defense counsel had an obligation to investigate and present a clear copy of the picture showing the illegal entry and search under the Sixth and Fourth Amendments of the United States Constitution.

Along with the unlawful search investigating officers committed fraud and perjury related to testimony and police reports for the alleged controlled buy between Confidential Informant Richard Barthel (CI Barthel") and Defendant. Detective Jones provided false testimony to the court related to a meeting and sale between Defendant and CI Barthel on January 3, 2001 that never happened. Agent Geer falsely claimed that Defendant sold narcotics to Detective Jones in his memorandum submitted in

objection to Defendant's suppression motion. This also never occurred as the record reflects. Officer's blatantly lied in support of Defendant's extradition and subordinated perjury at Defendant's 2011 retrial. Defense counsel failed to address the false claims which would have resulted in a dismissal of the charges against Defendant, thus meeting the cause and prejudice standard set forth by the Supreme Court in Strickland v. Washington, 466 U.S. 668, 687-88 (1984). Following his arrest CI Barthel, and Raymond Velasquez attempted to make a controlled buy with Defendant in order to receive consideration for their cooperation. When Defendant did not show up at the prearranged location to meet the CI's he was arrested at another location later in the evening. At trial Agent Jones testified that Defendant met and sold narcotics to the CI's at Bennigans when, in fact, Defendant was arrested hours after the prearranged meeting was supposed to take place miles from the location at an Amoco Filling Station. Defendant counsel was aware of the facts related to this case yet he failed to object to the blatant false testimony. Based upon this false testimony and the unchallenged illegal searches Defendant was ultimately convicted. The law is clear and the constitution explicitly prohibits deliberate fabrication of evidence whether or not the officer knows that the person is innocent or suspects he is guilty. There is an established constitutional due process right for a defendant to not be subjected to criminal charges on the basis of false evidence that was deliberately fabricated by the government.

Event's and Motives influence one another because the occurrence of an event creates a new human intention that leads to an action that in the absence of the event, would not have been considered.

COMES NOW, the Petitioner Kabil Anton Djenasevic Pro-Se in this case, respectfully request's that this Honorable Court to issue an Order Vacating and Setting aside the Eleventh Circuit Orders of dismissal for failure to Prosecute denial of Poor-



Person" status to pay for the appeal, denial of Judicial Notice, and to appoint Counsel in Appeal # 17-15744-1, for failure to pay in one lump-sum \$ 505.00 for this appeal, on the district Courts order and denial to appeal in forma pauperis (dkt.# 492 & 494) i.e., On the magistrate's order and recommendation, to also deny in forma-pauperis, on Petitioners motion to Suppress, Return properly and dismiss the case of Conviction for fraud. Petitioner filed a "Verified Amended Motion to Suppress, Return Properly, and Dismiss-expanding the record with verified facts and evidence. The district Court struck that motion from the civil Docket in the 28 USC @ 2255 15-cv-00914-JDW-MAP, who denied the prior filed in (dkt.# 482) Motion to Suppress, return Property, and Dismiss the case of Conviction. This Petitioner had also filed a "Motion and Notice to the Court" on August 23, 2011, that was entered in case docket number 8:09-cv-00212-JDW-MAP- as (dkt.# 54), that the magistrate judge Mark A. Pizzo issued an Order (dkt.# 55) in case Number 8:09-cv-00212-JDW-MAP-1. See, Appendix B. Petitioner requested at that time to for the Court to address issue Number three (# 3) in his 28 USC 2255 in case 8:09-cv-00212-JDW-MAP. That was the suppression issue raised, with Photo evidence showing that the agent's lied in the case records and at the hearing on July 28, 2005, and in fact did an illegal destructive search of petitioner's then girlfriends apartment # 908, located at 851 Bayway Blvd. Clearwater Beach Florida. Those photo's and case law clearly showing that the agent's did an illegal search without any warrant; written Consent, and /or any Consent with "key's" as they falsely claimed. Because petitioner never gave them Consent nor any "Key's" nor did he have his girlfriends key's with him in his 1982 BMW on January 3, 2001, after he was falsely arrested "after" he did not show-up to meet the DEA/Police informant Richard Lee Barthel on January 3, 2001 at the Amoco Filling Station! Petitioner was arrested hours later over 3 miles away in the Bennigan's Restaurant Parking lot, while he was seated in his legally parked Vehicle, while very-sick. Petitioner's conviction and sentence and/or Orders entered against him are Void and Voidable due to infringement of his right's guaranteed by the Fourth, fifth, sixth and fourteenth Amendment to the United States Constitution. Fact's and Evidence discussing the case in detail is attached in Appendix B. A memorandum of law discusses each issue and Question presented, and each Violation in detail and is incorporated herein. Several of the aforementioned Constitutional right's Violations involve Proof of fact's, which some exist outside the records, but can be flushed out at a hearing or proper argument. Additionally, Petitioner's testimony to specific factual matters contained within the record may, or may not require additional development, if the Court is satisfied with his evidence. Petitioner states that in search for truth, Petitioner present's only those fact's and evidence that establish that all his claims facts and evidence can withstand any test and challenge. Therefore, Petitioner request's that [a]ny lingering or remaining questions that the Court's might have to order a hearing-and put petitioner's fact's and evidence to any test. If they choose to. Not just deny him his right's due to his poverty. Petitioner submits that when there is not reasoned opinion from the highest court to consider the Petitioner's Claims, the Court looks to the last reasoned opinion. See, Ylst v. Nunnemaker, 501 U.S. 797 at 801-806 (1991). Here Petitioner Djenasevic Submit's that opinion's from the lower Court's were [n]ot reasoned.

Petitioner Djenasevic appearing Pro-Se in these proceedings, who requested Counsel and was denied. invoking Pro Se status, is incarcerated at the federal correctional Institution, FCI Sheridan, P.O. Box 5000, Sheridan Oregon 97378.

Petitioner herein appeals the lower courts' decisions denying petitioner's Motion to Suppress, Return his Property and dismiss this case Indictment with Prejudice. Regarding this case petitioner incorporates the fact's in his Motion, and in his Verified Amended Motion to Suppress, Return his Property and to Dismiss this case, with exhibit evidence that he submitted numbered one (1) to twenty (20). Petitioner submits he was prosecuted based of false statement's by Drug Enforcement Administration ("DEA") agent's Joint-taskforce Police from the Tampa Police Department, the Hillsbough County Sheriff's Office and the Pinellas County Sheriff's Office. Petitioner was arrested at the Bennigan's Parking Lot on January 3rd, 2001. That is, after he refused to go meet Informant named Richard Lee Barthel at the Amoco filling station on U.S. 60 west, earlier that morning.

The agent's surrounded Petitioner with guns drawn, taking him out of his vehicle, handcuffing him, and placing him into a Pinellas County Cruiser, while displaying an 8 X 11 Photograph of his then Girlfriend Miss. Helen Mafilas. At about over 10 miles away part of this same DEA Joint-taskforce broke into apartment number 980 at 851 Bayway Blvd. on Clearwater Beach Florida, that was owned by Miss. Helen Mafilas. The DEA Joint-taskforce agent's thereafter wrote fake reports switching the Pre-arranged Meet Location from the Amoco Filling station, to the Bennigan's parking lot. The DEA joint-taskforce did not stop there, but further invented false facts to cover their own illegal actions by manufacturing a "consent" for the illegal destructive search for Miss. Mafilas apartment # 908, and a "key" that did not exist in petitioner's possession when he was arrested on January 3rd, 2001.

The DEA agent's further coerced Petitioner to write a DEA consent to search form for a Bank of America off of Ulmerton road on January 3rd, 2001, after being illegally held in a Pinellas County Police Cruiser for hours, while DEA Joint taskforce agent's were coercing him over NEXTEL radio's from one location the apartment # 908 while holding Miss. Mafilas Hostage. Petitioner was at a off-Cite location, where he was illegally being held Chained, in the back-seat of a Pinellas County police cruiser. See, [T.1/24/12 pp240-26].

When they discovered that Petitioner had no-such account, at the Bank of America, they illegally altered that DEA form 88, to read the First Union Bank, that was ONLY discovered the next day on January 4th, 2001, under Miss. Mafilas name. On January 4, 2001 after being illegally taken from the jail to the Bank first Union, then after to a sub-station, Petitioner, In an attempt to leave evidence and document the fact's and truth of these illegalities. Petitioner while he was being coerced, and while he was sick, called the Informant Richard Lee Barthel, on a controlled call [in reverse], that is, on January 4th, 2001, to prove that he did not go meet him and withdrew from any Conspiracy. That call is still withheld to this day.

FROM: 41112018  
TO: Djenasevic, Drita  
SUBJECT: Issue-1  
DATE: 01/23/2019 11:23:42 AM

Whether Petitioner was denied his 4th, 5th, 6th, and 14th amendment Right's secured by the United States Constitution, and due Process of the Law, by the agent's false-fact testimony, and report's in violation of DEA/Police policy?

Petitioner Djenasevic argues that the January 3rd, 2001 arrest, and subsequent searches's, were illegally done in Violation of his Fourth Amendment right's, Secured by the United State's constitution, because he was (only) seized after he withdrew, and did not go meet DEA Joint taskforce informant Richard Lee Barthel at the Amoco filling station hour's earlier. Petitioner was arrested hours later in the Bennigan's Parking lot, over 4 miles away form the filling station. Upon arrest the agents handcuffed him, and showed him a 8 X 11 photograph of his Girlfriend Miss. Helen Mafilas, placing him into a Pinellas County cruiser. Tampa Police Department officer Kenneth Morman threatened Djenasevic "to do whatever it takes to f..k you and and your girlfriend over, and you'll, never come out of jail." The other agent's while at the Bayway Blvd. location, seeing Miss Mafilas leave her Condominium Complex gained entry, and broke into apartment # 908 without a warrant, then did a destructive illegal search. Hours later the TPD officer Kenneth Morman used his NEXTEL radio to threaten Petitioner Djenasevic, by calling TPD officer Carlos Borges's, who was holding petitioner Djenasevic, and, was allowed him to hear those threat's [Tr.1/24/12pp240-6] while he was being illegally held in a secluded location. Petitioner was only after 9 hours in a police cruiser and illegal sub-station interrogation taken to the 49 street jail, where he signed "Defendant's Invocation of Constitutional Right's form on record, and Upon seeing Medical Staff was placed in the infirmary. The next day on January 4th, 2001 petitioner was illegally taken to the First union Bank and made with threat's to charge Miss. Mafilas, sign a entry card, for Miss. Mafilas account, who was in that bank at the time trying to access her account's to post bail for Petitioner. Later at the sub-station, Petitioner was illegally interrogated without a lawyer, Who Reverse-Called Informant Richard Lee Barthel, (his version of his "Reverse-Sting" on the agent's lies) to prove that he did not go meet informant Richard I. Barthel on January 3, 2001-because that call was made on January 4th, 2001. The agent's at the First Union Bank illegally seize \$65000, and fabricated false reports, that Petitioner was arrested after a meeting, and drug deal with informant Richard L. Barthel on January 3rd, 2001, then lied in Court, along with not reporting the proper amount of money they seized, and other currency Miss. Mafilas had, that was taken without any warrant nor Probable cause. The agent's would later only report \$45920 and \$46000. Upon return to the 49th Street Jail Petitioner was thrown into isolation, and cold storage.

Petitioner Djenasevic (Booked at the Jail as Kabil A. Kraja) posted bond on February 9th 2001 with help of Edward Pero and Miss. Mafialas, who would again be arrested on March 1st, 2001, after meeting with Lawyer Eric J. Kuske (Leanza) a second time, and after complaining about the agent's illegal action. Petitioner, and Miss Mafilas left the County due to the complete

denial of their right's, the agent's theft and out-right, being terrorized. The DEA Agent named Ronald L. Geer went on a vengeance, and contacted the Mafilas family in South Africa, telling them that their daughter was in danger, and will be charged if they don't help to locate petitioner Djenasevic. Petitioner Djenasevic was subsequently arrested on October 29, 2002 in South Africa, and denied his right's of due Process in the Extradition hearing, the Federal court arraignment, the subsequent hearings and coerced plea's with threat's and Promiss of a Treaty Transfer to serve any sentence in Montenegro that were illegally unconstitutional and Void. The Eleventh Court of appeal's Reversed and Remanded the Case with instruction on April 29, 2011. In the District Court Petitioner was again denied due process of the Law in Violation of his Right's secured by the United State's Constitution, in what amount's to be "out-right" sham hearings and fraudulent trial-that makes his conviction and sentence unconstitutional and Void. Petitioner was denied his right's due to the False records, ineffective counsel's, Coercion, perjury and fraud in the Case. see DEA agent Ronald L. Geer's own "Raw-Notes" for January 3rd and 4th, 2001. See, Appendix \_\_\_\_\_

On January 26, 2012 Petitioner Djenasevic was wrongly convicted of Conspiracy in four drug count's, and for being a felon in possession of a weapon (of which one was not reported stolen) legally belonging to other's. Petitioner Djenasevic Argues that those Convictions and sentence on May 30, 2012, along with all his property, and money that were illegally taken, were done in Violation of his Constitutional right's to due Process, notice, and Ineffective assistance of Counsel-that were appointed to undermine those "right's" by [n]ot raising the Violations, with the relevant fact's and evidence to protect Petitioner Djenasevic's Right's, and to show the agent's illegalities. Petitioner Djenasevic appealed to the Eleventh Circuit, with Private Counsel Mr. B. Alan Seidler, who sought to Supplement the record with the Illegal search photograph's of Apartment # 908, at 851 Bayway Blvd Clearwater Beach Florida, taken by the Owner Miss. Mafilas that depict a destructive illegal search by the agent's on January 3, 2001, and subsequent perjury with false report's by them in the Trial Record contradicting their Agent's false-version of false facts. However, The Eleventh Circuit Court refused to consider the "Photos" because the government counsel filed an opposition motion in bad-faith to omit those photo's-by falsely claiming they were not presented to the district Court, when they were in fact, and in the 28 USC 2255 in case 09-cv-00212-JDW-MAP as exhibit A, with an affidavit, that were not contradicted nor addressed-by the Court. In fact they were also part of the appeal and "COA" to the appeal's Court that Reversed and Remanded that case in April 29, 2011. The Eleventh Circuit Court denied Petitioner's appeal in 2013 and Denied the "same" evidence Photo's-And the Same Photo evidence supplementation for that appeal is a fraud, and was a Omission that resulted in Injustice, and unreasonable. The illegal conviction of an innocent-man who simply beat the agent's in their own-game of Entrapment by not-showing-up to meet their informant on January 3, 2001, Who in fact "reverse-called", their "Own" Informant Mr. Barthel that is, Stung-them Back, with their-own "controlled-call" the next day, on January 4th, 2001 to the Informant. That is while being Coerced, proving their "AGENT'S" Own Lies, false report's, false testimony

they would commit, and "commit they did, and the Court not to grant Justice is Shocking to the Universal sense of Justice, that makes the whole legal system by them a farce. Because Petitioner Djenasevic has proven the agent's false report's and perjury, with "their-own" hand and mouth. An agency (including Agent's) must conform it's action's to the procedures that it has adopted. See, VonderMolen v. Stetson, 571 U.S. 199 at 235(1974) "Where the right's of individuals are affected, it is incumbent Upon Agencies to follow their-own procedures." see, Gonzales v. Reno, 212 F.3d 1338 at 1349 (11thCir. 2000). Agencies must respect their own procedural rules and regulations." Bonillo v. Sec'y, 497 Fed. Appx. 913 (11th cir. 2012). Petitioner Djenasevic was arrested, handcuffed and placed in a Pinellas Police cruiser, who should have been taken to the Jail about 5 miles away, and was not. The agent's went on a frenzy doing illegal searches's without any warrant's nor authority, nor Probable Cause. Petitioner had a DUI warrant on a .04 breath test, while officer Spiva ( petitioner had dated his ex-wife) had his fellow officer's follow petitioner, after he left a nightclub, and arrested him on that case illegally. Petitioner paid \$250 dollar's and did not go to Court because he was under the legal limit of .08. Nonetheless, it was a warrant, and Petitioner Djenasevic (aka as Kraja in the records) should have been taken to the Jail, and to Court on January 3rd, 2001. The Agent's/Police Violated Petitioner's right's secured by the Constitution, and their-own Agency Policy, conducted illegal searches without authority made threat's and violated Djenasevic's "Defendants Invocation of Constitutional Right's" from the Onset. The agent's and Police subsequently would write fake report's after their-own illegal actions, and theft to bring false charges-Contrary to the Truth, and Beyond the Physical Facts. See, Appendix A, B, C, D, E.

Petitioner Djenasevic was denied his Right's to Liberty and Property without any Notice, having to defend himself to the agent's falsely fabricated charge's while the agent's were allowed to withhold evidence at crucial time's is a denial of Due-Process of Law. See, Brady v. Maryland and Kyles v. Whitley, 514 U.S. 419 at 432-437 (1995). The Court's stated that "an interviewer who deliberately mischaracterizes witness statement's in her investigative reports...commits a constitutional violation." Plaintiff Djenasevic herein Produces direct evidence of deliberate fabrication, and demands relief and Justice in this case. Obviously the district court and appeal's Court refuse to allow him poor-person status to stop him from presenting the fact's, i.e., of these agent's deliberate fabrication of evidence, and gambling that this Court with not Grant Certiorari. This would be real sad for "we the People" as this case, represent's a Gross injustice needing redress.

FROM: 41112018  
TO: Djenasevic, Drita  
SUBJECT: issue #2  
DATE: 01/23/2019 11:23:21 AM

After Petitioner refused to go meet informant at the Pre-arranged Amoco filling Station location on January 3rd, 2001-did Petitioner withdraw from that charged offense of Conspiracy with him?

#### BACKGROUND FACTS

United States assistant Attorney Kathy J.M. Paluso presented false-fact's with Tampa Police Officer Kenneth Morman, and later with DEA agent's Ronald L. Geer to get the indictment. The AUSA with these officer's claimed that petitioner Djenasevic made drug sale's to officer Johnny Jone's and Informant Richard Lee Barthel on January 23 and 28, 2000. See, [December 15th, 2003 on page 26 hearing and AUSA's "factual basis.] The AUSA Then stated falsely that petitioner was arrested at a "pre-arranged' location" on January 3, 2001. (Officer's Jone's claimed at trial and in his report that the arrest, was after a meeting and drug sale to informant Barthel. See, January 24th, 2012 page 220-222.

DEA agent Mr.Geer in his memorandum Claimed that the sale on January 3, 2001 was made to Officer Jone's and then Petitioner was arrested. The AUSA Peluso also sated that after Consent searches of Miss. Mafilas residence and the First Union Bank, that "marked money" was found from controlled sale's (to the Informant and Officer Jone's) on December 23 and 28, 2000 was found in the # 908 Apartment and First Union Bank. These false statements were made in the Grand jury, in the Court and in the Extradition of petitioner, while the AUSA was withholding evidence proving that those statements were false. See, Trial transcript's on January 26, 2012 Page 25 by AUSA Mr. Ruddy:

"December 28th, let's look at the deal at the Bennigan's. It went so badly with the undercover on the 23rd, we said, we're not even going to have him there. He's not even going to be with Richard Barthel. We're going to let Richard Barthel do it..."

Then AUSA stated:

"You heard it. What's he saying? He wants Richard Barthel to be a Courier for Richard Barthel's--if Richard Barthel can get the Money together for a half kilo, yeah, we'll go up. We can get as much as we want. If you have the Money, we can get it. You get a half kilo, I'll get a get a half kilo."

This is Knowingly direct deliberate fabrication of a false statement by AUSA Ruddy. The the AUSA Mr. Ruddy state's:

"Now, December 5th, the Money. The invoice sheet, cover sheet, whatever you want to call it that has the--may have had December 23, 28th, whatever, may have some date on it originally, scratched out. Then Sergeant Morman puts five on it, 12/5, these are the amounts. That's an error. Everybody makes errors." See, Trial transcript's on January 26, 2012 on Page 55.

Petitioner did not ever Meet Officer Jones, as stated by AUSA Peluso to get the indictment,

extradition, and at the Hearings. To allow this falsity to go on would send a signal that Every time a Petitioner like Djenasevic showed his attorney a false piece of evidence, of which that contradict's the Prior AUSA statement, to the Jury, in court hearing's and extradition of petitioner-where the AUSA Peluso lied to South African Authorities to illegally extradite Petitioner Djenasevic, and again in the Suppression hearing-where the "written-Consent" false claim in DEA agent' Mr. Geer's affidavit, is allowed to be altered--this would be the wrong signal to send in a country that takes pride of being a country of laws. This is not just an error that AUSA Mr. Ruddy so lightly claims an error of fact, i.e., that was used in the case that Origanally charged the offense of, then the false conviction. If AUSA Mr. Ruddy wanted to correct the "error" he should have moved to vacate all the adverse rulings made against Petitioner Djenasevic first-then re-indicted the case!

It is clear that the attempt to discover and communicate truth in any sense is made impossible by lying, made equivocal by suspicion, and made perplexing by exaggeration(s) or the withholding of information as is the case here. In sum the court's stated that, the Constitution prohibits the deliberate fabrication of evidence whether or not the officer knows that the Person is innocent. And there is a clearly established constitutional due process right not to be subjected to criminal charges on the basis of false evidence that was deliberately fabricated by the government. Petitioner did not ever meet, and do drug deals with officer Jone's, and Informant Barthel on December 23 and 28, 2000. And In fact Petitioner Djenasevic did not go to meet informant Barthel on January 3rd, 2001- at the Amoco filling station. See, [Tr 1/24/12pp 85].

Petitioner withdrew from any Conspiracy with Informant Richard Lee Barthel, and there is fraud on the Courts. All Court's have the inherent equitable power to vacate a judgment that has been obtained through the commission of fraud upon the Court. See, e.g., Universal Oil Prods. Co. v. Root Ref. Co., 328 U.S. 575 at 580 (1946). Rule 60(d)(3) allows a court to relieve a party of judgment upon the showing of fraud, misrepresentation, or other misconduct of an adverse party. Moreover, not only does a court possess the inherent authority to consider such fraud, the Court "has a duty to consider whether there has been a fraud on the Court, and if so, to order an appropriate remedy, whenever such fraud comes to the Court's attention." In Re M.T.G. Inc., 366 B.R. 730 at 754 (R.D. Mich. 2007). Further, "the inherent power of a court to set aside its judgment if procured by fraud, and the Court is not dependent on the filing of a motion by a party; the Court may assert this Power Sua Sponte." United States v. Buck, 281 F.3d 1336, at 1342 (10th Cir. 2002).

Respectfully this issue is of Vital importance in the administration of Justice. Moreover, the Extradition Treaty U.S.T. Doc. 106-24 state's that a person must be tried on "Proof" of the "same fact's" used for the Extradition, and obviously in this case, those were "false-facts" used in the Extradition, that were changed to yet, another set, of "false facts" at each hearing. The Chickens have come home to Roost.

Petitioner Djenasevic respectfully request's this Court remedy this injustice in this case for Violation of the Constitution, laws and treaty.

FROM: 41112018  
TO: Djenasevic, Drita  
SUBJECT: Issue #3  
DATE: 01/23/2019 01:25:00 PM

(3) When does a cooperating defendant/Informant count as a "Co-conspirator in any case, or stop Counting as a Co-Conspirator in any case, and was there Bias, and conflict's of interests that prevented proper assessment of facts?

BACKGROUND FACTS:

"On December 7, 2000, detective F. Losat, PID # 3664, and writer were contacted by Confidential informant # 00-54, hereafter referred to as CI, who advised detectives of a B/M known to the CI as Roger Lee involved in the sale of heroin."

See, Appendix.-C-

The detective's were familiar with the Richard Lee Barthel and set up a Buy-along with member's of the Tampa Police department and DEA taskforce unit. The drug deal was conducted and Mr. Richard Lee Barthel was pulled over on the advice of Kenneth Morman, searched, and 2 grams of heroin were located in the ashtray. However, Mr. Barthel was not charged for the drugs and was arrested for a Domestic Battery and a Violation of Probation. At the jail Barthel cooperated with Police and made Phone call's to his Co-Conspirator's. He called his girlfriend Ms. Theresa Shields at (813)-221-4982 instructing her to take what was in his top dresser draw and give it to his sister. His sister was to return it to "that girl". Mr. Barthel indicated that it was paid paid for, and to get his "money back" because he may need it to get out of jail. Another call was to Mr. Barthel's brother-in-law, asking him to take \$ 2000 out of the freezer for Bond money. Barthel's bond was \$500. And DEA agent Mr. Geer would record \$1500 as "pre-recorded" buy money on December 13th, 2000 as the "Pre-recorded" Buy money for a December 5th, 2000 sale. See, Appendix.-B @ attach. #2; & Appx.-(C)

Mr. Barthel "preempted" the agent's and shifted his blame to other's, because he "knew how the system worked." See, [T 1/24/12pp 99-100]

Prior to this, On October 1, 2000 Raymond Sherry Velasquez (AKA "CHINO") would make a drug sale to police and start cooperating with them. At that time Petitioner was fighting with a drug addiction that was a result of injury after being hit by a Vehicle while he was riding his Motorcycle. That's how he met Mr. Raymond Velasquez a drug source for Use Amount. [These facts, are also reflected in DEA agent Geer's Raw-Notes- As that was what Petitioner thought motivated this case]

Moreover, one does not Conspire with informant's as a matter of law. The subsequent Trial bias denied due Process, due to personal bias, including conflict's with the "Outlaws" case, with petitioner's prior lawyer's Eric J. Kuske (Leanza), and with David T. Weisbrod, and district Judge, James D. Whittemore-that were all involved with the Outlaws case, and James Lee Wheeler case. Petitioner had fired Eric J. Kuske, who, who tried to flip petitioner Djenasevic, and was the same lawyer was the informant's lawyer in that "Outlaws" case. Petitioner told James Lee Wheeler about that The lawyer's were



plotting, against his, and with the Prosecutor Mrs. Peluso, who had prosecuted Toco Bowman prior to Wheeler.

However, this petitioner had fired Counsel Kuske, and was given David T. Weisbrod, who then undermined petitioner's suppression hearing, and switched the NLPA motion for his own. See dkt# 132 transcripts and termination of Counsel.

Moreover, the police had testified and stated at Petitioner trial that petitioner's name was first mentioned Only on

December 23, 2000 by the C.I.'s with this drug investigation, proving that petitioner was falsely injected in this

Conspiracy falsely after the fact. See. Transcript's on January 24, 2012 on page35:

Question: "Okay. Would you please refer to your report."

Answer: Okay. The first contact we have as far as the name Lucky (aka Djenasevic) would be on December 23rd, 2000."

Question: Okay. December 23rd, 2000?

Answer: Correct.

Question: When he actually did a transaction with--when Mr. Barthel had--was cooperating and did a transaction with another individual, correct?

Answer: Correct.

Question: Okay. I'm talking about before he was arrested, during the transactions prior to his arrest on December 2nd or December 3rd, the only source of his [ ] cocaine that he mentioned was, quote, unquote, his brother, Correct?

Answer: His Brother, Yes, or Brother.

Question: Brother. Right. And so the following day, on November 29th, you again met with Barthel, Correct?

Answer: That's Correct.

Words Convey meaning, and it is clear that this case trial proceedings were a sham, farce, and a denial of Due Process

because the officers of that Court fabricated a tale by manufacturing a conspiracy to charge Petitioner Djenasevic with a

known Tampa Police department informant's. Moreover, The DEA violated their-own Policy by fabricating records and DEA 6

forms on hearsay, i.e., after the fact, and without personal knowledge. The MAP below list's the relevant locations as: A)

Miss. Mafilas Apartment # 908; B) the Amoco Filling Station; C) The Bennigan's Arrest Location; D) Defendant's Hotel; E) The

Off of Ulmerton Road Bank Of America; F) Pinellas County Sub-station; G) the First Union Bank, and H) The Pinellas County

Jail or Sub-Station. The time-line's also proves this case sham, and trail farce, and that the AUSA lied to foreign government

to extradite Petitioner Djenasevic. See, United State's v. Struckman, 611 F.3d 560 At 574 (9th Cir. 2010).

(4)Did the agents omit facts and evidence, then Lump-up multiple conspiracies as one-to falsely charge Petitioner

Djenasevic without specific proof of conspiracy? did the Court fail to take Judicial Notice in contravention of Rule 201(d).

#### BACKGROUND FACT'S:

Petitioner Djenasevic was arrested after he did not show-up to meet with DEA joint-taskforce Informant Richard Lee Barthel

at the Amoco 'filling station' on U.S. 60 west ( T.1/24/12pp71-86;111-112;170; T.7/28/05pp202) on January 3rd, 2001 he

was seized in the Bennigan's Parking lot, he was taken out of his Vehicle, handcuffed, searched and shown a Photograph of

his girlfriend Miss Helen Mafilas (T.7/2805pp80L7). All subsequent searches's were illegal, including a second "frontal

Search" while handcuffed in a public parking lot. On January 18, 2012 a hearing took place and Petitioner testified as

follows:

Q: Well, you're going to be taken to jail, you're going to be processed and then there going to find the drugs, right?

Answer: Well, I didn't know I was going to be taken to jail because, like I said before, the--this prearranged entrapment, sting g, whatever you want to call it, is supposed to have taken place at another place, which was the Amoco gas station on 60, and I didn't show up.

Obviously this is material to the charge and case-that the agent's/police seem to want to strong-arm a false conviction with false records and perjury contrary to the truth and their own witness C.I. Mr. Barthel who testified as follows on January 24, 2012 page 71:

Q: Was there a time when lucky (aka Djenasevic) got arrested?

A: Yes.

Q: Where was that?

A: At a filling station.

Obviously C.I. Mr. Barthel thought that Petitioner went to this trap-however he did not-on Cross-examination on page 85:

Q: Good Morning Mr. Barthel.

A: How you doing, sir.

Q: Oh, fine. Thanks. You indicated that on January 3rd, Lucky (Djenasevic) was arrested at a filling station, correct?

A: Yes, sir.

Q: And originally that was where you and he were supposed to meet on January 3rd Correct?

A: Yes, sir.

Obviously C.I. Richard Barthel was not told this part of the agent's false script, C.I. Barthel made the call and the Meet location where he thought petitioner Djenasevic was going to go meet him, but he did not, and in fact told him prior no to call Petitioner ever again. Hoping he would get the point petitioner mad him drive cross-town-, however the agent's then falsely arrested Petitioner at Bennigan's and falsely fabricate reports and commit perjury thereafter. See. Officer Jones testimony as follows on the same day on page 220-222:

Q: Good. Okay. In December 23 you were with Barthel, and you testified a transaction occurred at the Best Buy correct?

A: That's correct, sir.

Q: And the individual who actually sold the drugs, you never--you never met him, correct? You didn't meet him on the 23rd?

A: No, I did not.

Q: Okay. And on January 3rd, when Mr. Kraja (aka Djenasevic) was arrested, where were you? Were you present in the Bennigan's Parking Lot?

A: Yes, I was sir.

Q: And the arrest occurred in the Bennigans Parking lot?

A: That's Correct.

Q: Did the subject who was arrested actually make contact with the Confidential informant Mr. Barthel?

A: Yes, he did.

Q: And did the individual actually deliver the half ounce of heroin to the Confidential informant, Mr. Barthel?

A: Yes, he did.

Q: So Mr. Barthel was present at the Bennigan's on January 3rd?

A: Yes.

THE COURT: JUST A MOMENT PLEASE MR. ARMSTRONG.

Pinellas County officer Johnny Jones Gave false testimony that was not corrected, this is also reflected in his fake reports.

Other than illegal agent's/Police activity with illegal searches (Sp.T. 7/28/05pp15-16;T. 1/24/12pp223) Theft,

(Sp.7/28/05pp17L20-23) Perjury with false reports and altered evidence, there is no credible Non-tainted evidence linking

Djenasevic to any drug "Conspiracy" nor sale as stated to get the indictments. The December 23, and 28th, 2000 sale's, and marked "money" with Officer' Jones (T.1/24/12pp221L8) is false. There is no Agent/Police officer as falsely claimed as a "witness" with C.I. Barthel. It does not exist (T.1/24/12pp215L16), and contrary to the "physical facts." Petitioner Djenasevic did not show-up to meet C.I. BARTHel on January 3rd, 2001. See, DEA agent Geer's prior testimony (Sp.T.7/28/05pp79-80;T.1/25/12p 147) at the hearing, at trial and his reports. The AUSA making an end-run with false facts is foul-falsely claiming that Djenasevic gave "consent" and a "Key" to search Miss. mafilas apartment # 908-a Key that he did not have nor exist. See, Officer Ron Graham testimony on [T. 7/28/05 pp 151-152Line-9] :

Q: And do you know how you were supposed to get access to the Condominium?

A: with a Key.

Q:And where'd the key come from?

A: Sergeant Morman produced a key, and we made entry into the residence.

Detective Morman testified on January 24, 2012 on page 129 as follows:

Q: Okay, did-how did you enter the residence?

A: I don't recall who had the Key or who went there with me initially opened it. But in any event, there was access that was gained to it.

Q: A key?

A: Yes, sir.

Then On Cross-examination detective "Morman" stated on Page 166:

Q: Does it appear from this document that the Tampa Police department took into evidence a key from Mr. Djenasevic?

A: Well, that a little bit of an ambiguous question, I'd like to explain my response to it.

Q: Well, first of all, let me just ask the question and then you can respond: Does that [document Def. Ex.# 8] include a listings for a key?

A:"...No"

Q: Do you know which agency took custody of the Key?

A: My recollection is that the Key went to the impound lot with the Vehicle.

Q: With the car Keys?

A: Yes, sir.

Q: I'm sorry. So the Key that was used to access the Condominium was on the Key ring to one of his Vehicles which eventually was forfeited?

The Vehicle was over 10 miles away from the Condominium, and there was never any Key, nor testimony on how this falsely stated "Key" moved. The DEA agent's July 28, 2005 testimony stated the following on page 89-line-19:

Q: Now, you stated earlier he gave you a key and you sent Sergeant Morman and other officers to the Condominium?

A: Yes.

Then On January 25, 2012 trial Now former DEA agent Mr. Geer testified as follows on Page 162:

Q: Okay, Now, as far as keys to the Condo, did you ever have a key to this Condominium?

A: No, sir, I did not. There was no reason for me to have the "Key".

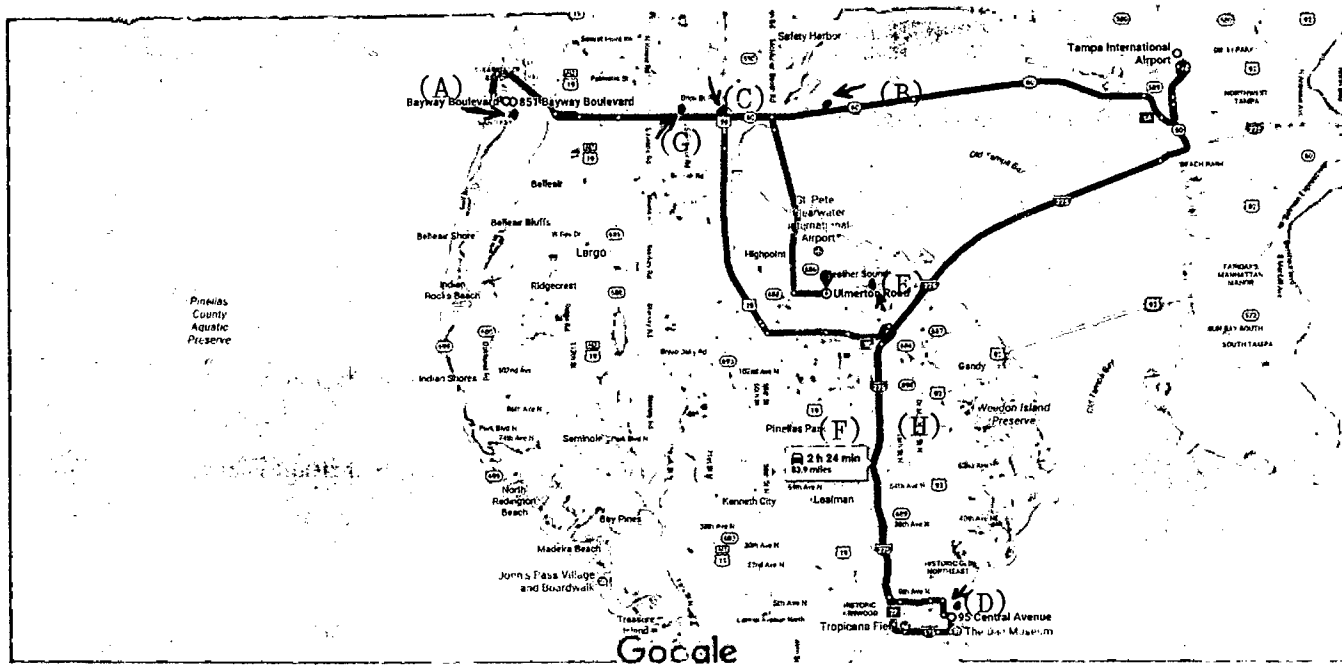
This testimony sounds more like a skid of Abbot and Costello of "Who's on First!"

There was no meeting, no consent, no Key and the agent's did an illegal search on January 3rd, 2001. See, Phelps v.

Alameida, 569 F.3d 1120 (9th Cir. 2009). Petitioner filed Judicial notice to the Court per rule 2019d) at

dkt#316;329;343;357;361;403 in case 8:02-cr-424-T-27-JDW-MAP, and in case 8:15-cv-00914-JDW-MAP in dkt # 37; 67; 69;

70 and 98. The court refused to take judicial Notice with provided evidence in Support of the same, in Contravention of Rule 201(d). This whole case is false and unreasonable.



DEA JOINT TASKFORCE #122 REPORT - FACTS  
AND THE MATERIAL FALSITY AND VARIANCE

DATE OF DRUG BUY	GOV. EXHIBIT LIST #	H.C.S.O. REPORT # AND MONEY USED	T.P.D. REPORT C.I. USED	F.D.L.E. LAB GROSS/NET DRUGS	DEA EXHIBIT LIST #	DEA AMOUNT OF DRUGS	DEA MONEY USED	DETECTIVE JONES P.C.S.O. FACTS	MONEY VARIANCE
08/08/2000		069681 \$120	C.I. #0041	0	#1	4.3g	\$120		+ \$120.00
09/06/2000	BARTHEL SALE	OMITTED			?				
11/14/2000	#1	100310 \$500		4.9-2.5 GRAMS	#2	4.9g	\$120		+ \$380.00
11/20/2000									
11/28/2000	#2	104289 \$1500		10.9-9.6 GRAMS	#3	10.9g	\$840		+ \$660.00
11/29/2000	#3	104643 \$3100		28.1-27.5 GRAMS	#4	28.1g	\$3100		
11/29/2000	?	OMITTED 104600 \$1170	#00-186 C.I. USED	5.8 GRAMS	?				+ \$1170.00
12/05/2000	#4	106405 \$3200	00-90252 \$1700 USED	37.7-36.4 GRAMS	#5	37.7g	\$3500		- \$300.00
12/07/2000	?	OMITTED 107160	0054 00186 C.I. USED	2 GRAMS OMITTED	#6	2g	\$0		
12/14/2000	#5	109371 \$4200		48.3-46.1 GRAMS	#7	48.3g	\$3600		+ \$600.00
12/21/2000	#6	111482 \$5000		67-62 GRAMS	#8	67.1g	\$3200		+ \$1800.00
12/23/2000	#7	112010 \$4200		43.7-34.2 GRAMS	#9	47.6g	\$3200	XXX	+ \$1000.00
12/28/2000	#8	113202 \$3200		26.2-27.9 GRAMS	#10	42.7g	\$3200	XXX	
01/03/2001	#9	000757		9.6-7 GRAMS	#11	16.1g	\$0	XXX	
01/03/2001	#10	000757		16.2-14-4 GRAMS	#12	10.3g	\$0	XXX	
01/03/2001	#11	000757		208.7-147.2	#13	207.2g	\$0	XXX	

## REASONS FOR GRANTING THE PETITION

Petitioner Djenasevic appearing Pro-Se in these proceedings, who requested Counsel and was denied. invoking Pro Se status, is incarcerated at the federal correctional Institution, FCI Sheridan, P.O. Box 5000, Sheridan Oregon 97378.

Petitioner herein appeals the lower courts' decisions denying petitioner's Motion to Suppress, Return his Property and dismiss this case Indictment with Prejudice. Regarding this case petitioner incorporates the fact's in his Motion, and in his Verified Amended Motion to Suppress, Return his Property and to Dismiss this case, with exhibit evidence that he submitted numbered one (1) to twenty (20). Petitioner submits he was prosecuted based of false statement's by Drug Enforcement Administration ("DEA") agent's Joint-taskforce Police from the Tampa Police Department, the Hillsbough County Sheriff's Office and the Pinellas County Sheriff's Office. Petitioner was arrested at the Bennigan's Parking Lot on January 3rd, 2001. That is, after he refused to go meet Informant named Richard Lee Barthel at the Amoco filling station on U.S. 60 west, earlier that morning.

The agent's surrounded Petitioner with guns drawn, taking him out of his vehicle, handcuffing him, and placing him into a Pinellas County Cruiser, while displaying an 8 X 11 Photograph of his then Girlfriend Miss. Helen Mafilas. At about over 10 miles away part of this same DEA Joint-taskforce broke into apartment number 980 at 851 Bayway Blvd. on Clearwater Beach Florida, that was owned by Miss. Helen Mafilas. The DEA Joint-taskforce agent's thereafter wrote fake reports switching the Pre-arranged Meet Location from the Amoco Filling station, to the Bennigan's parking lot. The DEA joint-taskforce did not stop there, but further invented false facts to cover their own illegal actions by manufacturing a "consent" for the illegal destructive search for Miss. Mafilas apartment # 908, and a "key" that did not exist in petitioner's possession when he was arrested on January 3rd, 2001.

The DEA agent's further coerced Petitioner to write a DEA consent to search form for a Bank of America off of Ulmerton road on January 3rd, 2001, after being illegally held in a Pinellas County Police Cruiser for hours, while DEA Joint taskforce agent's were coercing him over NEXTEL radio's from one location the apartment # 908 while holding Miss. Mafilas Hostage. Petitioner was at a off-Cite location, where he was illegally being held Chained, in the back-seat of a Pinellas County police cruiser. See, [T.1/24/12 pp240-26].

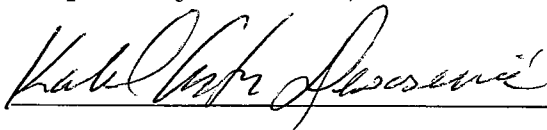
When they discovered that Petitioner had no-such account, at the Bank of America, they illegally altered that DEA form 88, to read the First Union Bank, that was ONLY discovered the next day on January 4th, 2001, under Miss. Mafilas name. On January 4, 2001 after being illegally taken from the jail to the Bank first Union, then after to a sub-station, Petitioner, In an attempt to leave evidence and document the fact's and truth of these illegalities. Petitioner while he was being coerced, and while he was sick, called the Informant Richard Lee Barthel, on a controlled call [in reverse], that is, on January 4th, 2001, to prove that he did not go meet him and withdrew from any Conspiracy. That call is still withheld to this day.

There was no consent, no key, and this petitioner did not have any listings for any bank on January 3, 2001 on Ulmerton road. The agents created a false narrative with false reports after the fact. After the agents illegally broke into Miss. Mafilas apartment and did a illegal destructive search without any authority while exploiting petitioner with threats via NEXTEL radio. See, (T.1/24p240-6;T. 7/28/p45L-14-17 and photo's). The warrant to search apartment # 908 claimed in state court case # CRC-01-01CFANO on August 2, 2001, does not exist, because its false. The "written Consent" claimed in the extradition affidavit of DEA agent Geer before magistrate Pizzo on November 25, 2002, doe not exist, because its false. Petitioner did not ever 'consent', nor make the purported statements claimed by DEA agent Geer who did not follow DEA policy @ 6641.31G, that mandate a second witness signing. This does not also "exist", because it's false. The DEA "money list" policy @ 6133.34;6135(A)(C)(D); (E);(F) was not followed (pre or post) and there is no evidence of pre or of post "money"-other than fabricated reports dated January 4th, 2001, before the claimed 'money' was even examined on January 5th, 2001. Again in the extradition, and in open court (dkt.32pp26) it was falsely claimed that "marked money" from controlled sales on December 23&28, 2000 was found in the Condominium and first Union safety deposit box # 168 at the First Union Bank , which was closed, and last opened December 19th, 2000.

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: January 30, 2019

⇔41112-018⇔

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