

7/2/19

No. 19-50

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In The  
Supreme Court of the United States

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JOHN DERAFFELE,

*Petitioner,*

-against-

UNITED STATES OF AMERICA,

*Respondent.*

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On Petition for a Writ of Certiorari to  
the United States Court of Appeals for the First Circuit

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**PETITION FOR A WRIT OF CERTIORARI**

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## QUESTION PRESENTED

Does a Pro Se litigant under Supreme Court Rule 10 have the right to request a Writ of Certiorari when the United States Court of Appeals has upheld a lower Court ruling on an important Federal question in a way that conflicts or has so far departed from the accepted and usual course of Judicial proceedings, or sanctioned such a departure by a lower Court as to call for an exercise of this Court's Supervisory Power; when a jury verdict and Judgment was ordered against me by a lower Court knowing the Plaintiff's case was based on the erroneous use of the Fair Housing Act since the Complainants were not bonfide tenants which is a requirement in order to use the Fair Housing Act in discrimination cases. My complainants who are not bonfide tenants as defined in the Fair Housing Act, nevertheless received and obtained relief under this act.

The Federal District Court should have dismissed the case because the complainants lacked standings under the act and a jury errored in awarding compensation to the complainants. The Plaintiff and the lower courts awards should have been reversed since the jury found the complainants not to be bonfide tenants under the Fair Housing Act and did so in replying to question 1 of the jury verdict form as to that fact. The presiding Judge errored in refusing my request to reverse the compensation and legal fees to the Plaintiff and the complainants.

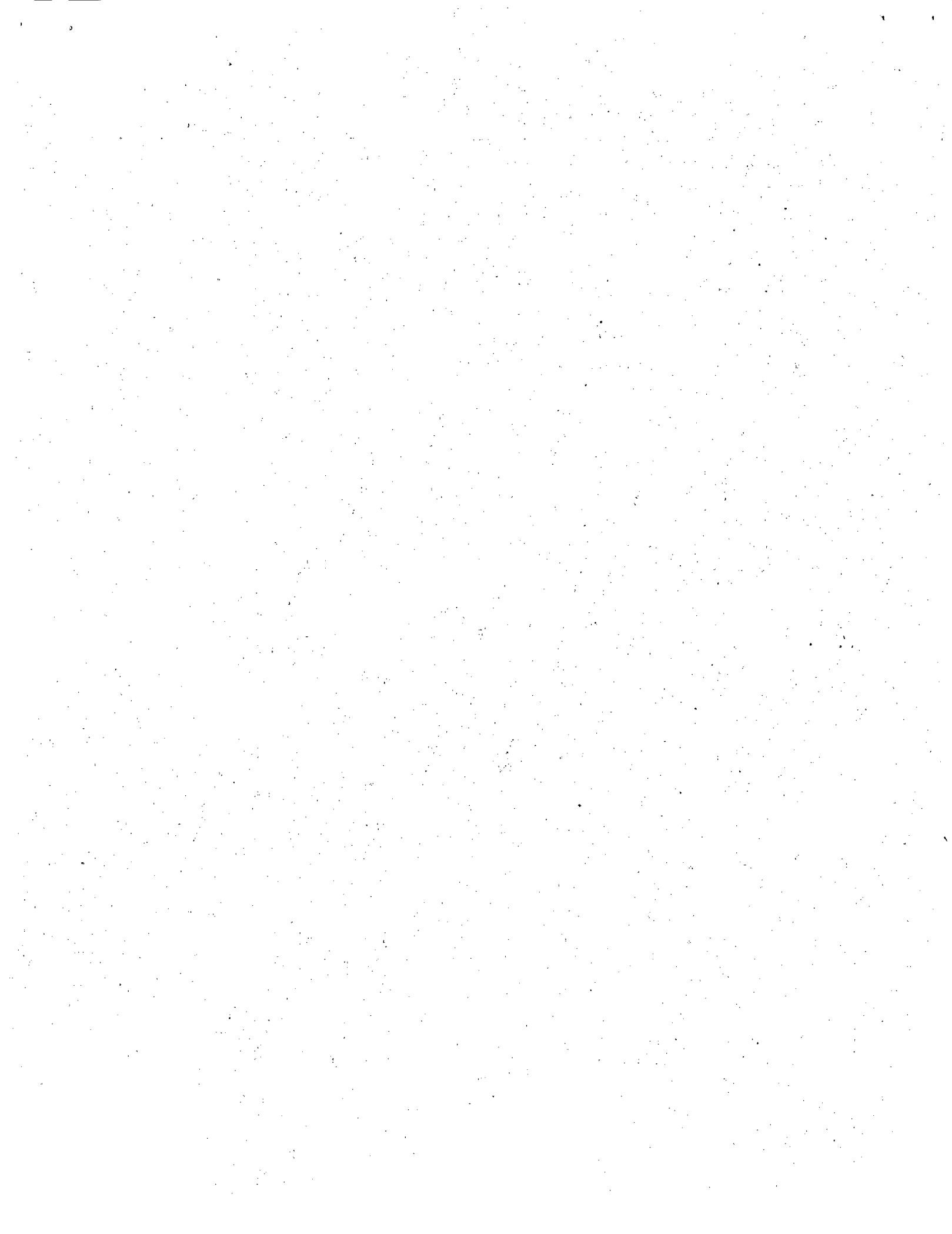
The Federal District Court's Order should have been reversed by the US Court of Appeals because the proceedings against me should never have been commenced.

ANSWER: Affirmative

**PARTIES TO THE PROCEEDING**

The parties involved are listed on the cover page  
of the Writ of Certiorari.

**CORPORATE DISCLOSURE STATEMENT**  
No corporations are involved in this case.



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## **OPINIONS BELOW**

On March 7, 2019, the U.S. Court of Appeals for the First Circuit denied the Petition for Rehearing en banc. See App. 1a-2a.

On January 18, 2019, the U.S. Court of Appeals for the First Circuit affirmed the district court judgment. See App. 4a-5a.

On October 30, 2017, the United States District Court, District of Massachusetts entire judgment for the Plaintiff in accordance with the jury verdict. See App. 3a.

On October 27, 2017 in the United States District Court, District of Massachusetts, the jury signed the Jury Verdict form. See App. 6a-11a.

## **CONCISE STATEMENT OF BASIS OF JURISDICTION ON WRIT OF CERTIORARI**

Rule 10: Considerations governing review on Certiorari

- a) A United States Court of Appeals has entered a decision in conflict or has decided an important Federal question in a way that conflicts with a decision by a State Court of last resort; or has so far departed from the accepted and usual course of Judicial proceedings, or sanctioned such a departure by a lower Court, as to call for an exercise of this Court's supervisory powers.

The Fair Housing Act was used by the complainants to obtain relief from the plaintiff when in fact the complaint should have never been filed by

the respondent since the complainants were not "Bon Fide Tenants" due to insufficient income and lacked standings to use the Fair Housing Act in seeking discrimination protection.

The first prerequisite of the Fair Housing Act is that the complainants be "Bon Fide Tenants" and the respondent knew that the Complainants had insufficient income to qualify yet the respondents filed their complaint, amended complaint and proceeded to trial with this knowledge in hand.

The jury verified the Plaintiff's contention in question number one of the jury verdict form stating the complainants were not Bon Fide tenants yet proceeded to grant relief to the complainants and the respondent.

#### **CONCISE STATEMENT OF FACTS**

- 1) On or about April 22, 2015, I received the first call by an unidentified individual who stated he wanted to rent my apartment for \$750 a month plus utilities but stated his income was less than \$1,000 a month, I denied the caller the apartment, based on lack of sufficient income.
- 2) On or about July 8<sup>th</sup>, the unidentified individual called a second time and I was able to speak to him, he told me that he just got a second job and I told him that based on his previous income that he did not qualify as well as the length of employment on his second job.
- 3) On or about July 13, 2015, I was served with the first complaint of discrimination based on familial status by the MCAD.

- 4) On or about July 15, 2015, I replied to the complaint and also sent out a Notice to Cure to my tenant, Ana Collazo, the legal tenant at 27 Loring Street, Apartment 1R, the mother of the complainant for allowing the complainants to move into the apartment without my permission.
- 5) On or about July 23, 2015, I received a second complaint for retaliation from the MCAD and I sent in my reply regarding the second complaint.
- 6) On or about August 10, 2015, I received a call from an individual from the MCAD stating he was a conciliator and demanded \$15,000 from me to end the case.
- 7) On or about August 15, 2015, in order to seek protection as an out of state owner, I filed in the Federal District of Massachusetts a complaint against MCAD and the two complainants, Esteban and Aileen Hernandez. NOTE: The complaint I filed against the MCAD and the complainants later resulted in the Plaintiff filing an amended complaint against me stating that I used this Federal complaint as retaliation against the two complainants.
- 8) On or about September 1, 2015, MCAD transferred the two complaints to HUD.
- 9) On or about September 15, 2015, I met with the HUD investigator, Mark Butler and his attorney in Springfield and I brought all my files for them to review.

- 10) On or about March 15, 2016, Mark Butler completed his final report.
- 11) On or about March 20, 2016, Daniel Weaver, Mark Butler's boss called and said he was a conciliator and demanded \$30,000 to resolve the case in which I responded "no".
- 12) On or about April 1, 2016, Daniel Weaver recommended to the US Attorney's Office that I be prosecuted for discrimination under the Fair Housing Act.
- 13) On or about April 15, 2016, I was served with a Federal complaint for violating the Fair Housing Act by the Respondent.
- 14) On or about July 25, 2016, Judge Stearn, the presiding Judge dismissed the retaliation complaint against me.
- 15) On or about September, 2016, I filed for summary judgment against the Respondent.
- 16) On or about October 12, 2016, Judge Stearns ordered the Respondent to prove that the complainants were bonfide tenants.
- 17) On or about October 30, 2016, US Attorney's Office supplied its second opposition reply with a declaration and three affidavits stating that the complainant's income was \$2,600 a month, when in fact it was less than \$1,000 a month based on actual paystubs for that period.
- 18) On or about December 1, 2016, depositions began for Esteban Hernandez, Aileen Hernandez, Ana Collazo, Mark Butler, Daniel Weaver and others.

- 19) On or about June, 2017, amended complaint was filed by the US Attorney's Office against me.
- 20) On or about September 23, 2017 the trial began.
- 21) On or about September 27, 2017 the jury verdict was announced.
- 22) On or about October 30, 2017, a judgment was granted by the Federal District Court.
- 23) On or about November 4, 2017 a Notice of Appeal was submitted.
- 24) On or about January 18, 2019 a decision of U.S. Court of Appeals upheld the lower court's decision.
- 25) On or about March 7, 2019, a petition for rehearing was denied.

### **CONCISE STATEMENT PRIOR TO THE QUESTION PRESENTED**

In order to use the Fair Housing Act as a protection against discrimination, the Complainants must be first qualified as bonfide tenants. Esteban Hernandez and Aileen Hernandez were not bonfide tenants when their income of less than \$1,000 equated to approximately 100% of the rent and utility costs for an apartment they wished to rent at 27 Loring Street, Apartment 2L, Springfield, Massachusetts. It took the plaintiff 2 years and a scheduled trial before the Plaintiff's investigator would admit this fact under oath and on the record "that the complainants were not bonfide tenants under the Fair Housing Act" and therefore, nullifying their frivolous complaint against me. This was later affirmed by the jury in answering question 1 on the jury verdict form (Pet. App. 1a-6a).

In addition, the Fair Housing Act was not created to violate the Constitutional rights of others. In this case, it would be me because I had every right to deny the complainants the apartment based on their stated and insufficient income of less than \$1,000 a month for an apartment which would cost them approximately 1000 a month.

The basis for Jurisdiction of my Writ of Certiorari is the United States Court of Appeals decision not to reverse the lower Court's Judgment has so far departed from the accepted and usual course of Judicial proceedings or sanctioned such a departure by a lower Court as to call for the exercise of this Court's supervisory power. The lower Court erred in regards to a conspiracy of various State and

Federal Agencies to cover up the fact that two complaints were filed against me without first qualifying the complainants as bonfide tenants under the Fair Housing Act in order for them to use the protection afforded by the Fair Housing Act in discrimination cases.

The case before you, United States of America v. John DeRaffele, should never have been, except for the fact that various individuals using their governmental powers, were able to form a conspiracy to cover up their inadequacies of the case in order to win a discrimination case at the expense of violating my 14<sup>th</sup> Amendment rights of due process and a fair trial, by willfully deceiving the Court and by using perjurious documents and perjurious testimony in the process and finally by suborning witnesses to lie under oath. These accusations are substantiated by the Court record and prior submissions to the trial.

A brief preview of the cast of characters involved.

This case started when Esteban Hernandez and Aileen Hernandez, the complainants were turned down by me for insufficient income, on or about July 8, 2015. Esteban Hernandez and Aileen Hernandez then went to the Massachusetts Commission Against Discrimination (hereinafter “MCAD”) and a summer intern prepared two complaints against me. First complaint was for discrimination of familial status and the second complaint was for retaliation. After the complaints were filed, Beth Tedeschi, MCAD Investigator, who stated at the trial that “she was away at a seminar and then on vacation and never qualified the complainants as being bonfide under the Fair Housing Act” and which is a requirement to

use the Fair Housing Act in discrimination cases. Thereafter, an unnamed MCAD employee, under the guise as being a conciliator demanding \$15,000 from me in order to settle the case. The MCAD had no legal right to issue two complaints under the Fair Housing Act until they qualified those complainants as bonfide tenants nor demand monies without a proper conciliation hearing of which neither of these requirements were performed by MCAD.

I sought protection in Federal District Court naming the MCAD and the two complainants, Esteban Hernandez and Aileen Hernandez on or about August 15, 2015. Once my Federal complaint was filed, the MCAD transferred their two complaints to HUD and it was put in the hands of their investigator, Mark Butler on or about September 10, 2015. Mark Butler then provided a final report after his so-called investigation on or about March 15, 2016 and suggested to his boss, Daniel Weaver, that I be prosecuted. It should be noted that Mark Butler stated three important facts during the trial, a) he knew I was guilty from day one showing his bias, b) it wasn't about the income but for the fact that I didn't want to de-lead the apartment, when in fact the apartment had already been de-leaded, showing his inability to investigate properly and c) most importantly the fact that he stated under cross-examination and after I made him read the paystubs out loud to the Court that the tenants were not bonfide tenants under the Fair Housing Act. When Mark Butler recommended, I be prosecuted for the two complaints, his boss, Daniel Weaver based his recommendation on bias and not facts. Daniel Weaver acting as a conciliator then

demanded \$30,000 from me based on Mark Butler's bias recommendation to resolve the case. When I said no, the case was then transferred to the US Attorney's Office and put into the hands of Gregory Dorchek for prosecution.

Gregory Dorchek did not at any time, check to see if the complainants were bonfide tenants although he had proof that they were not based on the complainant's own admission at the depositions and at trial and Esteban Hernandez's paystubs. Later he sat through the depositions and heard the lies of Esteban and Aileen Hernandez, Mark Butler and Daniel Weaver uncovered in my cross and recanted by his own witnesses yet he continued to prosecute the case which I am assuming was based on the demands of his boss' beliefs as a Pro Se that I would cave in to their demands. Later Jennifer Serafin became his co-council and both suborned their witnesses during the trial to perjure themselves knowing that what they said was proven to be incorrect and false at the depositions. At trial, when Mark Butler stated that the complainants were not bonfide, the jury and the Judge heard this statement yet at the end of the trial when I asked the case be dismissed, the Judge refused and after the jury verdict came in the jury had stated that they were not bonfide tenants yet they continued to proceed and award \$8,500 to the complainants and also \$35,000 in legal fees to the plaintiff knowing that they prosecuted a frivolous case where the complainants were not bonfide and not able to use the Fair Housing Act for their protection. This is why I have come to the United States Supreme Court to seek your help because I believe that the

lower Court departed from the accepted and usual course of Judicial proceedings and affirmed by the Court of Appeals, I am requesting that the Court of Appeals Decision be reversed and that this case be sent back for a new trial in the US District Court, 1<sup>st</sup> Circuit.

#### **REASONS FOR GRANTING THE WRIT OF CERTIORARI**

The Federal District Court of Massachusetts misinterpreted the requirements of the Fair Housing Act which resulted in a judgement against the Plaintiff in favor of the Respondent and the Complainants in this case.

The Fair Housing Act specifically states that the Complainants must be Bon Fide in order to use the Fair Housing Act in discrimination cases. The Complainants with an income of less than \$1,000.00 a month were not Bone Fide tenants to rent the Plaintiff's apartment and the Respondents knew this prior to filing their complaint, amended complaint and then proceeding to trial.

The jury, on the jury verdict form, stated that Complainants were not Bon Fide tenants yet continued to grant relief to the respondents and the Complainants when in fact, they should have not gone any further once they determined the Complainants were not Bon Fide tenants under the Fair Housing Act.

A judgment was granted by the Federal District Court and affirmed by the U.S. court of Appeals for a frivolous complaint that did not meet the requirements of the Fair Housing Act.

The United States Supreme Court has the power to reverse this erroneously judgement and prevent future abuse of the use of the Fair Housing Act regarding complainants who are not Bon Fide under the Act.

In this specific case, the respondents over stepped their boundaries and misinterpret the requirement of the Fair Housing Act causing the Plaintiff monetary harm by the misuse of this Act and by correcting this use it will prevent other from being harmed in the future. When, the Justice Department does not prequalify a tenant prior to filing a complaint.

A Writ of Certiorari will be the first step in righting a wrong caused by the misuse of the Fair Housing Act.

In the past the US Attorney's Office has been looked upon as the protector of the rights of citizens of this Country. In recent years their image has been tarnished and in my specific case has shown the US Attorney's Office in Boston to be guilty of prosecutorial misconduct and as co-conspirator which resulted in the process of robbing me of my due process rights under the 14<sup>th</sup> Amendment of the Constitution. The prosecutors in this case knew from the beginning based on the paystubs of the complainants on the date of the last call on or about July 8, 2015, that they did not qualify as bonfide tenants because of insufficient income to use the Fair Housing Act in their case of discrimination against me.

The paystubs on the week of the last call ending on July 8, 2015, show the income of the complainant

to be approximately \$257 and the three prior weeks of \$211 each with a total monthly income of less than \$1,000.00 for that month. This was provided during the trial and submitted into evidence.

See Kyles v. Whitney (US 1995) – accused entitled to a new trial because the prosecutor failed to comply with due process obligations to disclose material facts and evidence favorable to the accused concerning his possible innocence of the crime).

See US v. Bagley (US 1985) – prosecutors' duty to disclose material favorable evidence that exist regardless whether the Defendant makes a specific request.

See Core v. Bill (US 2009) – prosecutors' pretrial obligation to disclose favorable and impeachment evidence under prosecutors ethical and statutory obligations.

On or about April, 2016 I was charged by the Plaintiff under the Fair Housing Act with discrimination based on familial status and a retaliation complaint. The MCAD was specifically created to protect the rights of bonfide tenants, a requirement of the Fair Housing Act yet these two complainants were never bonfide based on insufficient income and without being prequalified by the MCAD. The MCAD after sending the two complaints and receiving my two reply's, tried to extort \$15,000 from me in order to resolve the case. After what I believed to be an extortion attempt, I sought protection in the Federal District Court of Massachusetts and filed a complaint against the MCAD and the two complaints which was later used against me by the Plaintiff by amending its

complaint, stating, "it was retaliation against the complainants", even though I was protecting my civil rights by two bogus and frivolous complaints.

I believe the MCAD was the originator of the conspiracy since my replies to the complaints should have led to a disqualification of the two complainants unable to file under the Fair Housing Act.

The basis for my conspiracy theory starts with the Fair Housing Act. In order for a complainant to be able to use the Fair Housing Act, the complainants must be bonfide tenant which these two complainants were not based on inadequate income from their own statements starting with the first call and thereafter.

A) The conspiracy started when the MCAD had a summer intern take two complaints from Esteban Hernandez and Aileen Hernandez and serve those complaints on me without any investigative work and without determining if the complainants were bonfide tenants under the Fair Housing Act.

Thereafter, when their chief investigator, Beth Tedeschi arrived back from vacation and a work seminar as she stated during the trial, she never took the time to qualify the tenants as bonfide and continued with the frivolous complaints even though I supplied two replies to the complaint outlining my conversation with the complainants where they stated their income was less than \$1,000 a month or 100% of the rent and utility costs for that apartment. It was the duty and responsibility of Beth Tedeschi as an MCAD investigator to ensure the complainants were bonfide and she didn't, in

addition to knowing that even though the complaints were not signed properly and in the second complaint the complainant's mother's signature was forged, she transferred the two complaints to HUD. Based on these facts and evidence that was submitted at trial, Beth Tedeschi was the first co-conspirator in the case against me because she simply did not do her job and continued with two frivolous complaints against me. Beth Tedeschi then had a co-worker posing as a neutral conciliator, demanded \$15,000 from me in disregard of the proper conciliatory process under the Fair Housing Act. Beth Tedeschi described under oath and during the trial, the steps and conditions of a conciliatory hearing and identifying my conciliation process as being noncompliant. At the time, I felt that I was being extorted because there was never a meeting between the parties in order to try to resolve the case, so as an out of state owner, I sought protection in the Federal District Court of Springfield, Massachusetts and filed a complaint against MCAD and the two complainants in order to protect my rights under the Constitution.

Once I started the lawsuit in the Federal District Court against MCAD, the MCAD sent the two frivolous complaints over to their sister agency, HUD.

B) When HUD received the two complaints, they were turned over to their investigator, Mark Butler and at this time he became a knowing or unknowing co-conspirator since he did not qualify the complainants, Esteban Hernandez and Aileen Hernandez as bonfide tenants under the Fair Housing Act. Mark Butler knew it was his

obligation to first qualify the complainants before beginning his investigative work and if he did his job, the complaints would have been withdrawn since the complainants had insufficient income to qualify as bonfide tenants under the Fair Housing Act.

Mark Butler was bias and from day one believed I was guilty as he so stated under oath and during the trial. Based on his bias, Mark Butler did not provide a complete and accurate final report and when the report was completed without sufficient proof or proper qualification of the complainants, Mark Butler recommended to his supervisor, Daniel Weaver, that I be prosecuted under the Fair Housing Act. Mark Butler knew these complaints were frivolous, he knew the income was insufficient yet he believed his bueruacratic power could prevail in a case against me and that is why he qualifies as a co-conspirator because he continued with the frivolous case.

C) When Daniel Weaver received the final report on or about March 15, 2016 and the recommendation of Mark Butler, it was his obligation to certify the complainants were bonfide tenants under the Fair Housing Act before he recommended to the US Attorney's Office that I be prosecuted under the Fair Housing Act. Daniel Weaver, in his deposition, showed he knew nothing about the case or the final report based on the numerous questions he was asked by me and answered "I don't know", "I don't remember", "I'm not sure", etc. yet Daniel Weaver had the audacity to act as a neutral conciliator in demanding \$30,000 from me to resolve the case and I believe this qualifies him as a co-conspirator in

continuing this frivolous case and two complainants knowing or should have known that the complainants were not bonfide under the Fair Housing Act. Daniel Weaver simply relied on the bias recommendation of Mark Butler. When I replied "no" to his \$30,000 extortion demand, he then decided to recommend to the US Attorney's Office that I be prosecuted.

D) When the US Attorney's Office received the complaint, Gregory Dorchek was put in charge of the case and we began to communicate regarding the two complaints received by me from HUD. Gregory Dorchek at this time became a co-conspirator because his first obligation was to determine if the two complainants were bonfide in order to use the Fair Housing Act in protecting their rights against discrimination. Gregory Dorchek had the paystubs available to him to prove that they were not bonfide tenants in order to use the Fair Housing Act since their income was insufficient. Gregory Dorchek continued with the frivolous case and became a co-conspirator when he did not withdraw this case knowing the complainants were not bonfide, later Gregory Dorchek sat through depositions, hearing his witnesses lie under oath and then recant especially the complainants yet Gregory Dorchek did not withdraw the complaints when he heard that the complainants income on the date of the last call, was less than \$1,000 a month based on the actual paystubs for that period of time.

See Giles v. Maryland (US 1967)

Gregory Dorchek when confronted by a Court Order by the presiding Judge, to prove that the

complainants were bonfide, submitted a, knowingly false reply with perjurious affidavits of Mark Butler, Esteban Hernandez, Aileen Hernandez all submitted to the Court exaggerating the complainant's income from under \$1,000 a month to \$2,600 a month. This was knowingly done to keep the case from being dismissed by the presiding Judge knowing that the complainants were not bonfide tenants under the Fair Housing Act.

See Spicer v. Roxbury 4<sup>th</sup> Circuit 1999 – Brady violation cross-prosecutor did not disclose witnesses' prior inconsistent statements.

This qualifies my contention that Gregory Dorchek was a co-conspirator and continued with his conspiracy up until the end of the trial by suborning witnesses to lie under oath, answering questions that he knew were answered improperly since he sat through the depositions and heard them recant the same testimony and lies that he was asking during the trial. Gregory Dorchek and his co-council, Jennifer Serafin prepped and suborned their witnesses to lie under oath at the trial believing that I, as a Pro Se would not be able to properly cross-examine the government witnesses and expose the perjurious statements made by them. During the trial when I cross-examined Esteban Hernandez, he had testified previously that his income was \$2,600 a month. When I presented his actual paystubs, which were submitted into evidence, I had him read them out loud to the Judge and jury, he had to recant his previous testimony because it was a lie. Gregory Dorchek before he put on Esteban Hernandez as a witness, knew he was going to lie as to his income and suborned him to lie. This was also

true for Aileen Hernandez, when she testified that her husband received extra monies from his job in complete contradiction to Esteban Hernandez's statements during his deposition attended by Mr. Dorchek. Aileen Hernandez also lied about her previous rental history and eviction proceedings with the full knowledge of Gregory Dorchek who had this information in his possession prior to the trial. When I cross-examined Mark Butler and I forced him to read out loud the paystubs of the complainants, he had to state for the Jury and Judge to hear that the complainants were not bonfide tenants and could not use the Fair Housing Act. Mark Butler knew this prior and lied as a Plaintiff's witness since he had recanted his previous testimony in his depositions and knew from day one that the two complainants were not bonfide under the Fair Housing Act but his bias towards me kept him from withdrawing his two complaints, knowing they were frivolous.

Perjury involves intentionally making a false statement or misleading statement that is material to the outcome of a trial. Gregory Dorchek and his co-council, Jennifer Serafin were fully aware of the perjurious answers of their witnesses yet allowed their witnesses to lie under oath without disclosing those lies to the judge and jury and in so doing violated my due process rights and a fair trial and once again qualifying them as co-conspirators.

See *Spicer v. Roxbury* 4<sup>th</sup> Circuit 1999 – Brady violation because prosecutor did not disclose witnesses prior inconsistent statement.

See Giles v. Maryland US 1967 – prosecutor used perjury testimony against them violating due process of law.

See 19 USC 1622 – whoever procures another to commit any perjury is guilty of subordination of perjury.

E) The presiding Judge of this case, knowingly or unknowingly became a co-conspirator in this case due to the following actions on the part of the presiding judge. The presiding Judge Mastroanni was the presiding judge in my first complaint against the MCAD and showed bias towards me because I acted in a Pro Se manner. In the second case during the trial, and prior to the trial the presiding Judge seemed to have a problem with my Pro Se status and I believe violated my rights of due process and a fair trial when he refused to allow me to call Daniel Weaver as a witness in my defense so that I could show the jury that he recommended prosecution against me under the Fair Housing Act without ever qualifying the complainants as bonfide tenants, that he tried to extort \$30,000 without knowing any facts of the case all on the record and transcripts of this case. The presiding judge refused to allow me to call Ms. Berrios, a Section 8 coordinator as a witness in my defense and also refused to allow me to put into evidence, two orders of the Court of the former presiding Judge Stearns to have available for the jury during deliberation, 1) dismissing a former retaliation complaint on July 25, 2016 and 2) the Order of the Court dated October 12, 2016, requesting the Plaintiff to prove that the complainants were bonfide under the Fair Housing Act in order to proceed with the case. These Orders

resulted in the Plaintiff's amended complaint and thereafter with the submittal of perjurious affidavits and false and misleading replies by Gregory Dorchek in order to deceive the Court by inflating the income of the complainants and thereby allowing the case to move forward.

The presiding Judge heard the testimony of Mark Butler, when the HUD investigator stated on the record and transcript, that the complainants were not bonfide under the Fair Housing Act. This acknowledgement meant the case was frivolous from day one, and when I requested at the end of the trial that the case be dismissed, the presiding Judge knowing there was no legal basis for this case to move forward, refused to dismiss the case and again after the jury verdict was recited, and when I asked for a re-hearing and a dismissal of the jury verdict award to the complainants and the Plaintiff. At this time, hearing that testimony of Mark Butler, the presiding judge should have dismissed this case.

Finally, when the presiding judge after hearing the jury's verdict that the complainants were not bonfide refused the Defendant's request to reverse the jury award of money to the complainants and the Plaintiff knowing that the case was frivolous once the complainants were deemed non-bonfide tenants under the Fair Housing Act. This is why I believe the presiding judge became a co-conspirator in this case.

Judicial misconduct occurs when a judge acts in a way that is unethical abuse of his power and not being impartial.

See 18 USC §1621 - a judge allowing perjury during a trial can lead to miscarriage of justice

F) The jury became co-conspirators once they determined on the jury verdict form that the complainants were not bonfide under the Fair Housing Act which should have ended their deliberation yet they continued to award money to the non-bonfide tenants, the complainants, Esteban and Aileen Hernandez, in the amount of \$8,500 and to the Plaintiff, legal fees of \$35,000 when the jury verdict in question 1 should have ended the case and deemed it a frivolous case and in Defendant's favor (Pet. App. 1a-6a). The Plaintiffs profited by their unethical, unprofessional and illegal conduct by knowingly lying to the Court by submission of untruthful papers and perjurous affidavits of the complainants and Mark Butler.

Finally, after I received the judgment against me by the Court, I asked the Court to reconsider the Judgment which was denied even after hearing the testimony of Mark Butler stating the complainants were not eligible to use the Fair Housing Act as a protection against discrimination since they were not bonfide tenants based on insufficient income (Pet. App. 7a).

**SUMMARY**

I believe that the requirements of the Fair Housing Act speak for themselves. The complainants based on lack of income were never bonfide tenants and could not use the protection of the Fair Housing Act. I believe my accusations of a conspiracy seem extreme but the fact that this frivolous lawsuit continued for approximately 4 years when it was the obligation of each and every agency to qualify the complainants as being bonfide yet knowing they were not and in the continuation of this frivolous lawsuit against me simply believing that a Pro Se would cave in and submit to their demands simply not to go to trial before a judge and jury. I believe the US Supreme Court in order to protect the due process rights under the Constitution and to not allow this atrocity to happen again needs to step in with their supervisory powers and correct the wrongs done against me by the Plaintiff and the governmental agencies involved.

### **CONCLUSION**

I am asking the US Supreme Court to reverse the decision of the Court of Appeals and the lower Court's judgment and send this case back to be re-tried so that justice may be done and my Pro Se rights will be protected under the 14<sup>th</sup> Amendment to the Constitution.

Dated: July 2, 2019

Respectfully yours,

/s/ John DeRaffe  
JOHN DERAFFELE

