

No. 19-5416

PROVIDED TO TOMOKA  
CORRECTIONAL INSTITUTION  
ON 7/26/19  
FOR MAILING BY DC



IN THE  
SUPREME COURT OF THE UNITED STATES

JOHN J. WILSON, JR., PETITIONER

vs.

APEX REPORTING GROUP, INC. et al., RESPONDENTS

ON PETITION FOR A WRIT OF CERTIORARI TO  
U.S. COURT OF APPEALS, ELEVENTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

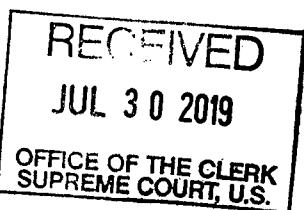
ORIGINAL

Supreme Court, U.S.  
FILED

JUL 26 2019

OFFICE OF THE CLERK

JOHN J. WILSON, JR. DC# M86232  
TOMOKA CI 3950 TIGER BAY RD.  
DAYTONA BEACH, FL 32124



## QUESTIONS PRESENTED

- 1) Can fraud be allowed to be committed as the underlying reason for dismissal of a complaint?
- 2) Can evidence of fraud used to dismiss the complaint be obfuscated through the failure by the clerk's office to docket plaintiff's motions, resulting in dismissal of the overall appeal, and plaintiff's false imprisonment?
- 3) This case involves an initial civil complaint filed pursuant to 42 U.S.C. § 1983 against the court reporting firm, and others, responsible for the falsification of state court transcripts that were deliberately altered to falsely imprison plaintiff. At USCA's directive, plaintiff also filed a subsequent petition of writ of habeas corpus pursuant to 28 U.S.C. § 2241. Can the underlying 42 U.S.C. § 1983 complaint be dismissed on appeal, effectively absolving named defendants from any liability for the intentional altering and falsifying of trial transcripts, prior to plaintiff's petition for writ of habeas corpus being ruled on, outlining cause as the falsification of transcripts utilized to falsely imprison plaintiff?
- 4) Are federal "whistle blower protections" available to litigants exposing fraud in the state and federal judicial systems, to prevent retaliation for exposing such criminal malfeasance? Or to prevent retaliation for exposing such criminal malfeasance? Or to prevent their cases from being erroneously dismissed?
- 5) Is excluded evidence in a party's motion that was intentionally failed to be recorded or docketed, and attempted to be hidden, valid grounds to reopen case if such evidence proves material to such fraud committed? Or for USCA to rule?

## **LIST OF PARTIES**

All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

- 6) Eduardo Bolanos, of Apex Reporting Group, Inc.
- 7) Kattia Mantrana, of Apex Reporting Group, Inc.
- 8) Dinora Gomez, of Apex Reporting Group, Inc.
- 9) Marvalencia Miller, of Apex Reporting Group, Inc.
- 10) Harvey Ruvin, Clerk of Miami-Dade County, Florida.
- 11) Steven Lance Kramer, Formerly of Miami-Dade Public Defender.
- 12) Victoria Cueto Goldberg, Formerly Ass't. State Attorney of Miami-Dade County, Florida.
- 13) Dominique Elden, of Office of State Attorney, Miami-Dade County, Florida.
- 14) Charles G. White, PCAC Counsel Assigned From Palm Beach County, Florida
- 15) Carlos Fuentes, P.I. Retained By Miami-Dade County, Florida.
- 16) Officer Juan Fonesca, of City Of Miami Police Dept.
- 17) Mary Williams, C.S.I. Investigator responsible for the fabrication of trial discovery exhibits depicting the # "26".
- 18) "Emanuel", Court Bailiff During Trial Of Case No. F15001083 Within The Eleventh Judicial Circuit Court Of Miami-Dade County, Florida, Employed By M.D.C.R.
- 19) Steven Taylor, Of The Office Of Regional Counsel Of Miami-Dade County, Florida.

## TABLE OF CONTENTS

Opinions Below

Jurisdiction

Constitutional and Statutory Provisions Involved Pg. 8

Statement of the Case Pg. 10

Reasons for Granting the Writ Pg. 15

Conclusion Pg. 16

## INDEX TO APPENDICES

Appendix A: Denial for motion for rehearing by USCA, Eleventh Circuit, on 2/28/2019, failed to be recorded for the docket, with plaintiff's corresponding motion for clarification, also failed to be recorded after several attempts at mailing to U.S. district court. Petition for writ pursuant to Fed.R.App.P. 22 was already filed in both courts by the time of this order, i.e. Memorandum.

Appendix B: USCA denial of appeal on 1/07/2019 with plaintiff's motion for rehearing containing evidence of fraud also failed to be docketed.

Appendix C: District court judge's adoption of magistrate's erroneous report and recommendations for failure to amend complaint: the complaint was amended. See attached amended complaint, filed under D.E. # 19, failed to be recognized or acknowledged. Amended complaint dated 10/06/2016.

Appendix D: Petition for writ of habeas corpus denoting evidence and instances of fraud to falsely imprison plaintiff, by and through the material altering and/or falsification of official court records, filed pursuant to Fed.R.App.P. 22, then filed in the district court pursuant to 28 U.S.C. § 2241, as the result of USCA's failure to rule on said writ,

pursuant to Fed.R.App.P. 22. USCA should have ruled pursuant to Fed.R.App.P. 22 in light of the obstruction and fraud at issue, which is the crux of this petition for review.

## TABLE OF AUTHORITIES CITED

### CASES

- 20) ex parte HULL, 312 US 546 (1941); Obstruction to "Access-the-Court."
- 21) JOHNSON v. AVERY, 383 US 483 (1969); 1st Amend. Violations.
- 22) BOUNDS v. SMITH, 430 US 817 (1977); 1st Amend. Violations.
- 23) GIGLIO v. UNITED STATES, 92 S.CT. 763 (1972); Exclusion of Exculpatory Evid.
- 24) BRADY v. MARYLAND, 83 S.CT. 1193 (1963); Exclusion of Exculpatory Evid.
- 25) PEMBAUR v. CINCINNATI, 475 U.S. 469 (1986); Concerted Campaign to Obstr.
- 26) LOPEZ v. STATE, 536 So.2d 226, 229 (Fla. 1988); "Manifest Injustice."
- 27) OLSON v. JOHNSON, 961 So.2d 356 (Fla. 2nd DCA 2007); Malicious Prosecution.
- 28) STATE v. BURTON, 314 So.2d 136 (Fla. 1975); Fraud.
- 29) BOOKER v. STATE, 503 So.2d 888 (Fla. 1987); Fraud.
- 30) STATE v. GLOVER, 564 So.2d 191 (Fla. 5th DCA 1990); Fraud.
- 31) PROCUNIER v. MARTINEZ, 416 U.S. 396 (1974); Denied Access to Counsel.
- 32) GOMEZ V. VERNON, 225 F.3D 1118 (9th Cir. 2001); 6<sup>th</sup> Amend. Violation.

### STATUTES AND RULES

- 33) 42 U.S.C. §1983 (Instant Complaint Filed Pursuant Violations of Const. Rights.)
- 34) FED.R.APP.P. 22: (Petition for Habeas Corpus.) See D.E. #73-83.
- 35) 28 U.S.C. § 2241 (Jurisdiction for USCA to Rule in Light of Fraud Committed to Falsely Imprison Plaintiff and Obstruct Relief in the Southern District)
- 36) RULE 1.540 of the Fla.R.Civ.P.: (Addressing Fraud in the State of Florida Judicial System).

- 37) 28 U.S.C. § 1915(e)(2)(B)(i): (Erroneously Cited As Basis for USCA to Dismiss Plaintiff's Entire Action As "Frivolous", Lacking Ruling on Habeas Corpus Pursuant to Rule 22).
- 38) 11th CIR. R.27-2: (Addressing Plaintiff's Motion for Reconsideration in USCA's 2/28/2019 Denial Where All Physical Evidence of the Fraud in Question Was Excluded by the Court, and/or Failed to Be Recorded or Memorialized on the District Court Docket.
- 39) FED.R.CIV.P. 8(a) and 10(b): See Compliance by Defendant of Magistrate's Order Plaintiff Provided Amended Complaint Detailing "Who He Is Suing and Why." See Appendix 'C'. See D.E. # 19. Clerk Failed to Docket Plaintiff's Entire Defendant List.

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

40) 1<sup>ST</sup> Amendment violations when criminal defendant was deprived of access to a law library DR all law books after being forced to represent himself. After the trial, all material trial transcripts in direct appeal no. 3d15-2653 that would have qualified the case for a new trial and/or mistrial were either altered or omitted altogether from the record, after appellant was abandoned by all conflict-free appellate counsel from both the office of the Miami-Dade county Public Defender and Office of Regional Counsel. See D.E. # 5, 10, 11, 14, 15, 17 and 18.

41) 4<sup>th</sup> Amendment violations regarding the false arrest from which the underlying 42 U.S.C. § 1983 and subsequent Rule 22 writ petition stems.

42) 5<sup>th</sup> and 14<sup>th</sup> Amendment violations occurred during two episodes where pro se defendant was physically accosted during his attempts to cross examine witnesses by the court bailiff which would have qualified the case for mistrial, yet were “edited” from the trial transcripts; June 22<sup>nd</sup>, 23<sup>rd</sup>, and 24<sup>th</sup> of 2015 in state of Florida case no. F15001083 presided over by trial Judge Cristina Miranda of Miami-Dade County, Florida.

- (i) Defendant was also denied all discovery for trial.
- (ii) Defendant was denied the ability to call or depose any and all witnesses, an absolute right under the Florida Constitution.
- (iii) Defendant was attempted to be assigned a private attorney from a distant county he could never reach that was also assigned to other cases of same defendant in the circuit court, creating a “conflict-of-interest,” sua sponte, refused by the courts either to be acknowledged or recognized; same attorney was assigned to appellant’s direct appeal.

(iv) This same attorney was not assigned from “the wheel,” but hand selected for the deliberate purposes of not attending court, or able to be contacted. Defendant’s complaints to the Florida bar were either never heeded or failed to be processed by sitting grievance committee chair (Maury Lorne Udell).

(v) Trial judge’s constant interruptions and rueful admonishments during trial deprived pro-se defendant of the ability of an unbiased defense. Defendant was not physically present during key parts of the trial. He was his own lawyer; “stand-by” counsel denied.

43) 6<sup>th</sup> Amendment violations occurred when defendant was deprived of all conflict-free trial and appellate counsel. Transcripts were later altered to make it appear criminal defendant was being represented by the Miami-Dade county public defender when cases were “merged” to deny defendant all discovery, through “copy-and-pasting” portions of alternate proceedings. See appendix “d.” See D.E. # 73 through 83 of district court docket: collateral habeas corpus writ filed pursuant to 28 U.S.C. § 2241.

## JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 1/07/2019.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: 2/28/2019, and a copy of the order denying rehearing appears at Appendix A.

An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. A.

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

For cases from **state courts**:

The date on which the highest state court decided my case was \_\_\_\_\_. A copy of that decision appears at Appendix \_\_\_\_\_.

A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix B to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the United States district court appears at Appendix C to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

## STATEMENT OF THE CASE

I.

### PROCEDURAL HISTORY AND STATEMENT OF FACTS

- 44) This case originally arises from a false arrest occurring on 1/15/2015 at plaintiff's long time friend and business partner's home after he was let into the residence to use the laptop computer by the gardener, who also knew plaintiff. Plaintiff was homeless at the time and needed a place to stay, and assumed he was calling upon an old friend who owed him a favor. Plaintiff made breakfast and opened a bottle of wine while he waited.
- 45) Instead, after being let in, the police were called without any warning, and plaintiff was falsely arrested and charged with trespassing on an unoccupied dwelling, resisting officer without violence, and disorderly conduct.
- 46) Later, after the ass't. State attorney had learned plaintiff had filed a criminal complaint to the securities and exchange commission on behalf of their mutual business investors, naming the alleged victim of the trespass as party to the complaint, all initial charges were nolle prossed, and new felony charging information was filed, resulting in state of Florida criminal case no.(s) f15001083 and f15001084. See attached addendum: e-mails.

To wit:

Burglary of an unoccupied dwelling (810.02(3)(b)); grand theft in the third degree (812.014(2)(c)); and resisting officer with violence (843.01) Fla. Crim. Stat.: f15001084. These new charges lacked the central elements of the alleged crimes, and plaintiff was maliciously prosecuted Olson, id.

- 47) Plaintiff was then abandoned by his conflict-free public defender, and office of regional counsel through falsely claimed, and erroneously granted, "conflicts-of-interest," forcing

plaintiff/petitioner to represent himself before the county courts of Miami-Dade county, Florida in these two cases. Procunier v. Martinez, id.; Gomez v. Vernon, id.

- 48) F15001084 was “merged” with case no. F15001083 on same day the office of regional counsel had erroneously “conflicted” off the case, and plaintiff/petitioner was stuck without an attorney. This unlawful tactic was utilized to deprive pro-se defendant access to all discovery in both cases on which he was now forced to represent himself, or be assigned the same attorney in the other cases he could never reach, from a distant county, and not from “the wheel,” constituting violations of the 5<sup>th</sup>, 6<sup>th</sup>, and 14<sup>th</sup> Amendments.
- 49) This same attorney was assigned to plaintiff/petitioner’s appeal (3d15-2653) of the conviction in these two cases where plaintiff/petitioner was forced to represent himself following erroneous conflicts again filed by the appellate division of the public defender.
- 50) All material transcripts and/or the record was altered, edited, and/or omitted by this same attorney or court officials in collusion with apex reporting group, inc. The court reporting firm, named as principal defendant in petitioner’s civil action filed pursuant to 42 U.S.C. § 1983, cited as the sole reasoning for petitioner’s denial of direct appeal by the third district of Florida on 11/21/2018: stating “that petitioner unequivocally [demanded] to represent himself before the courts of Miami-Dade county, Florida.” See appended opinion to attached writ: Appendix “D”. All other arguments and/or constitutional violations were excluded and/or ignored. See D.E. # 84 and 85.
- 51) Annotated of the actual falsified transcripts in question were submitted to the southern division of u.s. district court—including evidence of exactly where the dates had been “copy-and-pasted”—on may 9<sup>th</sup>, 2016, but not actually filed until several re-mailings later, on 8/15/16, the date of the original filing of the instant complaint, leading to belief of possible collusion between the parties responsible, in light of the fraud at issue to have the

instant complaint dismissed. See appended: “request for investigation.” See subsequent motions failed to be docketed or recorded in U.S. district court: appendix “a” and “b”. Booker, id.; Burton, id. And Glover, id. See also *ex parte* hull, id., Johnson, id. And bounds, id., regarding denial of “access-to-the-courts” of the United States.

52) The same attorney in question, Charles G. White of palm beach county, assigned to direct appeal 3d15-2653 of the L.T. case in which petitioner was forced to represent himself as a result of never being able to reach this attorney, was also assigned to state of Florida criminal case no. F15006748, currently the subject of a post-conviction application for “ineffective-assistance-of-counsel,” after defendant was left to languish in county jail for two years without being taken to court, and tortured into “pleas” to prevent incriminating evidence of criminal activity and fraud from reaching the record, or actual trial scenario. See collateral civil action no. 1:16-cv-20651-kmw (18-10291-‘e’).

## II. LEGAL ARGUMENT

53) This instant complaint and appeal were intentionally and erroneously dismissed for ulterior reasons other than what were stated in each of the court’s orders, to prevent fraud from being exposed, through the falsification and/or omission of state court transcripts and official court records, to falsely imprison plaintiff, and then to perpetuate that false imprisonment through the compounding of fraud committed in the civil complaint. See appended motions to appendices “a” and “b.” Brady v. Maryland, id., and Giglio v. United States, id.

To wit:

(a) The magistrate’s order issued on 9/14/2016 to amend complaint was fully complied with, and filed under D.E. # 19. See copy of amended complaint dated 10/16/2016 clearly entitled, “amended complaint stating who plaintiff is suing and

why," yet never acknowledged by the magistrate or judge: appendix "c." Pembaur v. Cincinnati, id.

(b) On the basis of magistrate's erroneous "report & recommendation," stating plaintiff failed to comply with his 9/14/2016 (D.E. # 8) order, the district court judge adopted the report by the magistrate, while also failing to acknowledge plaintiff's amended complaint, filed in compliance under D.E. # 19. Plaintiff would submit this deliberate oversight occurred to protect the county officials of Miami-Dade county responsible for the wanton falsification of transcripts and omission of records in state of Florida criminal case no. F15001083 & 84 and direct appeal no. 3d15-2653. See Appendix 'C': amended complaint.

54) The U.S. Court of appeals alleges in its 1/07/2019 order that the appeal is being dismissed because [it's] "frivolous" pursuant to 28 U.S.C. § 1915 (e)(2)(B)(i), but makes no argument and provides no evidence to support such an assertion.

55) Instead, the opinion hinges upon 28 U.S.C. §§ 144 and 45s: plaintiff's incidental motion for recusal of the magistrate judge for bias or prejudice, no mention of the reason the complaint and/or appeal is dismissed—because it is "frivolous"—is contained in the order(s). See erroneous dismissal of appeal pursuant to 28 U.S.C. § 1915 (e)(2)(B)(i): the irrefutable evidence submitted, proving state court transcripts were altered to falsely imprison plaintiff constitutes material violations under the 1<sup>st</sup>, 5<sup>th</sup>, 6<sup>th</sup> and 14<sup>th</sup> Amendments.

56) All supporting affidavits and evidence was submitted to both courts for recusal of magistrate through bias rulings in collateral cases, yet failed to be acknowledged, clearly refuting USCA's assertion plaintiff failed to submit such documents pursuant to 28 U.S.C. § 144, irrespective of the fact such issue was irrelevant to the basis of denial of appeal for

allegedly being “frivolous”, see appended copies of filed affidavits and interlocutory evidence of bias nevertheless, under Appendix “C” contradicting USCA’s order.

III.

USCA’S FAILURE TO RULE ON APPELLANT’S HABEAS ACTION PURSUANT TO FED.R.APP.P. 22, IN LIGHT OF THE SPECIAL CIRCUMSTANCES OF OBSTRUCTION AND FRAUD EVIDENT IN THE STATE AND DISTRICT COURT

57) USCA’S 2/28/2019 memorandum dismissing appellant’s Rule 22 habeas action without prejudice to refile in the district court is moot in light of the fact plaintiff had already done so.

To wit:

- (c) While USCA’S Rule 22 memorandum was issued on 2/28/2019, plaintiff had already filed said habeas action, subject of USCA’s memorandum, in the district court on 1/16/2019. See D.E. # 73
- (d) Appellant’s subsequent motion for clarification was failed to be docketed or recorded in the district court, or responded to by USCA, in light of the evidence of fraud committed that was contained in the motion. See Appendix “A”: Motion. See Rule 1.540 of the Fla.R.Civ.P. that directly addresses fraud in the State of Florida judicial system.
- (e) In light of the overwhelming evidence of fraud committed, which is the underlying cause of plaintiff’s false imprisonment, through the material falsification of state court records and transcripts—and now evidence of the compounding of that fraud through the southern district by the obfuscation of such evidence—USCA should have ruled on appellant’s Fed.R.App.P. 22 writ, or issued a writ of mandamus for the district court to rule, while keeping the appeal open. Brady, id.; and Giglio, id.
- (f) Instead, USCA dismissed the appeal, absolving the named parties as defendants in the instant case of the crimes of fraud committed, without being aware of the fact the writ addressing the injury of false imprisonment that resulted from such crimes

committed against plaintiff, was already filed pursuant to 28 U.S.C. § 2241 and pending in the district court at the time of the issuance of its 2/28/2019 order/memorandum. See conflict inherent to this court's precedent held in *Pembaur v. Cincinnati*, 475 U.S. 469 (1986) regarding plaintiff victimized by a "concerted campaign" of [fraud] within the state jurisdiction of Miami-Dade county, Florida.

#### **REASONS FOR GRANTING THE PETITION**

- 58) Blatant fraud cannot be allowed to be committed or condoned, then all applications for relief systematically ignored to have a civil rights action erroneously dismissed, for reasons other than what the court's opinions reflect, to obfuscate such malfeasance in the state court of last resort and in this case, as an intentional means to falsely imprison plaintiff, and then prevent such relief through a lawful hearing of a Fed.R.App.P. 22 petition.
- 59) The falsification and omission of official court records for political or personal motives to falsely imprison an advocate of a cause or personal grievance a court may not agree with, is an injustice this court cannot allow to "slip through the cracks" or tacitly be seen to condone, through failure to take notice, but not granting writ of certiorari.
- 60) This court's decision to undertake review of the issues at hand will ideally send a strong reverberation throughout the united states judicial system as a whole that such specious activity will not be permitted to go either officially unchecked or collectively unrectified.
- 61) Evidence in this case is presented in USCA's failure to rule in Fed.R.App.P. 22 motion that has so far departed from the accepted and usual course of judicial proceedings in light of the abject fraud committed in the state court of last resort, or its sanction as such in the lower state courts trial proceedings, as to warrant an exercise of this court's supervisory power in accordance with rule 10(a).

## **CONCLUSION**

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Date:

7/26/19