

19-6473

No. _____

ORIGINAL

Supreme Court, U.S.
FILED

OCT 16 2019

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

GELO TOPR — PETITIONER
(Your Name)

vs.

TEOFILO HELENDEZ, ET AL RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. COURT OF APPEALS, ELEVENTH CIRCUIT, ATLANTA, GEORGIA
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

GELO TOPR
(Your Name)

P.O. BOX 111381
(Address)

NAPLES, FLORIDA 34108
(City, State, Zip Code)

(139) 601-6265
(Phone Number)

(17)

QUESTIONS PRESENTED

My case has a lots of facts, but because this court wants me to be concise, I will mention a few, the most important and relevant to my case.

In the police report (appendix-index-1) my wife Daniela Topa and Mrs. Amy, who was also outside saw Gelu Topa lurking in the area. The victim is under impression that G. Topa wants to confront her about their pending divorce.

In Daniela Topa's sworn statement (index-2), she said on Oct. 24th/2012 at 8.30 a.m. saw G. Topa driving around in the parking lot and immediately call 911 and her detective.

Why in Donna Marie Amy's sworn statement (index-3) she change completely her story, so she was not in the parking lot anymore like Cpl. N. Shaffer wrote in police report but she saw Gelu Topa (Gelu is not my name, it's normal to make such a mistake because she doesn't know me and I never saw this person in my life) at 6.00 than cover with black and put 8.34 a.m. (this is second mistake, it's obvious somebody was dictating to her) , she was entering, I was exiting and saw my dodge van with sheriff stickers on rear of vehicle .

Why Mrs. Amy could not see the big plate from sheriff in front of my van which was very easy to see when she was entering but she could see 2 little small stickers always down by the license plate when in between is a wall divider and 5 feet tall green fence. Appendix- index- pictures nr. 5, 6, 8, 9 and 10.

Why, when I went to police records and ask for 911 tape at 8.30 a.m. on Oct./242012 from my wife the lady said she has only a written one, than she left and a supervisor came and told me she can not give me because it's not for public record.

Why, when I came next day with a subpoena from the Middle Court to police records and I ask again for the 911 tape, she left and talk on the phone, than for 45 minutes she was busy with her computer and comes to the window with 24 pages where 350 calls all the activity in 24 hours of all the policemen. They call it C.A.D. I told her I don't want this. She said, she can not give me what I want because it's confidential, than she told me not to go there anymore because she has nothing for me.

In her sworn statement D. Topa said: she called 911 at 8.30 a.m. and immediately her detective. How it is possible for me to be in 2 places in the same time, when I was home on the phone with my cousin Cornela in Germany from 8.02 a.m. to 8.56 a.m. for 53.55 minutes. Index-picture nr. 1 at the bottom you can see the name Cornela at 8.02 a.m. Oct. 24, in picture nr. 2 shows 53.55 minutes, duration of the call.

In C.A.D. Report by District, at page 18 of 24, call nr. 14 circled by me, it shows officer N. Shaffer at 8.45.41 a.m. I was arrested on misdemeanor and on the same page call nr. 6 circled by me officer N. Shaffer at 8.49.26 a.m. he was someplace else in less than 4 minutes but forget this one, how is possible for me to be arrested before I called the police, when in picture nr. 1 also it shows (second call from the bottom) at 10.03 a.m. I called the police and talked to Sgt. M. Rodrigues at 10.14 again with Sgt. M. Rodrigues. First call was 10.56 minutes (index pic. Nr. 3) and 2nd call was 11.29 minutes (picture nr. 4).

Why, when I subpoena Mrs. Amy to come and be interview by me and I hire Verbatim to video the whole thing to have it in court, she did not show up and att. Matthew Wilner which agree to bring her.

Me, I never said once no to him, I always was there for him. When I called him and told him, why he did not come with the eyewitness to the meeting, he gave me an evasive answer like : I did not ask for it, I know: I asked for it.

Why, when I went to the police to complain of Mrs. Amy not coming to the meeting, an officer told me , he only serves subpoena, he cannot bring her.

Why, when I send my case to the appeal court circuit 11th to Atlanta, Att. Mathew Wilner resign and another Att. R. Giuffreda from the same firm took over.

Why, this lawyer never want to talk to me, always he change lawyers which were his helpers and the last one was a female by the name Jisa which was hostile towards me and noncooperative with me. I asked to help me with Mrs. Amy to bring her to the meeting because I want to subpoena her again and she moved from Collier cty. on the east coast. She told me to look for her an she hung up on me.

Why the police choose to hire the biggest lawyer's firm from the East Coast, when cops all the time come in court with facts, I come in court with no lawyer. Why they are afraid of. I will stop here even if I have a lot to say, but this is more than enough.

(Sa)

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

✓ 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:

- CPL. NICOLA SHAFFER

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OTHER

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 A 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 B 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.

JURISDICTION

[] For cases from federal courts:

The date on which the United States Court of Appeals decided my case was 7/19/2019.

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: _____, 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. § 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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

STATEMENT OF THE CASE

On 1st Aug/2017 att. Mathew Wilner for the defendants called me for mediation. The mediator took me to a room where I met 4 people, the Att. M. Wilner, two men participants in the mediation and C.O. Teofilo Melendez but not Cpl. Nicola Shaffer which is the only one mention in the police report because he is a real cop, but he couldn't look into my eyes and lie because he knew, I knew he did not write that police report and he did not arrest me. After the mediator talk for 20 minutes ask me if I have any questions for them. I ask them: where is my son? I would like to have my son first, after we will talk, they look at each other without saying anything. Then I told them: you will give me the money and I will pay 100,000\$ to the best lawyer to get my son back. The mediator felt was going on, so the meeting was short cut. Next day, on 2nd Aug/2017, I called Att. M. Wilner and told him if we have any other meeting because I would like to go overseas to see my relatives. He said; yes I can go, because he is going in vacation and he is coming back in 9th. Sept/2017 so I bought a ticket from 19/Aug to 9/Sept for 3 weeks. When I was overseas att. Wilner put summary judgement on me. I wrote to the judge to review and reverse the judgement, but he did not. I sent my case to the Court of Appeals in Atlanta and I won and my case reopen on July/18/2017. The lawyer resigns and another lawyer from the same office firm took over. This lawyer never wants to talk to me, to cooperate and help me with subpoena. I complain to the judge but he never answered back, I did not expect him to help me after I won the appeal so I called the Supreme Court and I explain to a clerk of the court what is going on with my case and I would like to send my case to the Supreme Court. The clerk advises me to send it one more time to the Court of Appeals. So, I did send it on 29/April/2019. After a while I called Court of Appeals I ask the clerk, why I did not get any answer from the defense, she said: they have two more day to answer. I called after 2 days and she said, they ask for 2 weeks extension. In July, I called Mrs. Tiffany Tucker, the clerk which she handles my case and told her I booked a ticket to Europe at 24/July/2019 and I would like to make sure it is o.k. because first when I sent my case to the same court, the answer came after 7+ months so if the answer come faster to keep it until I got back and was o.k. In 29/July/2019 I got the answer and my case was dismissed because I filed my case on 29/April/2019 and my last day should be 8/April/2019. The statute of limitation. In my mind was to send my case to the Supreme Court and not to Appeal court again. The C. O. T. Melendez is hiding behind a big Lawyers firm which want to win my case in some technicality because they know very well, they cannot stand a chance in front of a jury trial. Shame on them. I would like the Supreme Court to dismiss their case, because for 3 years their case looks more like Muller report and Att. Gregory Jolly never contact me and never even wrote me a letter that he is going to be part of my case. His name pops up like a shadow at the end.

REASON FOR GRANTING THE PETITION

Because my civil rights were violated, because I was arrested on a fake and fabricated charge. The charge has two lies – 1) first was the lurking in the parking lot of my wife place of work which is a big lie and – 2) I was lurking because I received divorced papers and that's a good reason for me to come and lurk, that's even a bigger lie because I never received such papers, my wife will never want to divorce, but c.o. Melendez wanted her to divorce because she was a young, tall beautiful woman so what he did, he mastermind this web where he made my wife guilty because he had to arrest me and take my laptop from my house where my wife was trying to frame me if I do not sign the papers from the immigration to get the citizenship and I discover this audio video and I took it to a lawyer which betray me because he was good friend with my wife lawyer.

Because the police report office refuse to give me the evidence written in the police report giving me an excuse like: is not for public service and I went second time with a subpoena from Middle Court of Florida and they told me: it is confidential but they gave me the C.A.D. , instead of being honest and tell me in my face there is not such a 911 tape but of course they cover the officers and hide the truth.

Because, Matthew Wilner the first Att. for the defenders did not come to the appointment Donna Marie, Amy, the eyewitness like we agree, I hire Verbatim from the east coast to video our meeting, of course she does not want to come because she is liar and she can not face me knowing she destroy my life and my family life and she is protected by the police because she did them a favor so now she is protected even if I complain to the police because she did not come, they do not care less.

Because the police and the Att. do not cooperate with me, I still can prove in a court of law only with a jury in less than 3 hours I am not guilty 110% for the charge and I am a victim, and they keep bouncing my case for 3 years.

Because on 1st/August/2017 at the mediation, the Att. M. Wilner and three other people came at the meeting and C.O. T. Melendez came but Cpl. N. Shaffer which the police report has his signature did not show up. WHY, because he could not face me and lie, when he was in my apt. for at least 25 minutes and waiting for C.O. Melendez to come to arrest me after 11.00 a.m. when in C.A.D. I was arrested by him at 8.45 a.m., that's absurd.

Because English is not my first language and I never been in a law school, they take advantage of me and abuse me with all kinds of lawyer's tricks instead of coming to court and try to prove their case the honest way. How come I have the burden of proof but they do not have it. I believe they should have it and defend what they wrote in the police record.

Because Att. R. Giuffreda never sent me a letter saying Gregory Jolly is going to be in this case like he did it three times before with other lawyers and the last was att. Jisa. His name, Gregory Jolly I saw it for the first time when he sent to the court of appeal after Att. R. Giuffreda ask for 2 more weeks extension.

Because Att. Jisa when I called her and I told her I will subpoena again the eyewitness Donna-Marie, Amy and I would like her to help me and bring her to the meeting because she moved from Collie cty. She told me to go find it and she hung up on me.

Because I am telling the truth and only the truth, help me GOD.

Like I mention before I never been in law school, but in a simple way with my own words and common sense, I am telling the truth and when you tell the truth you do not need all that complicated language which hides the truth. In 3 years that I fight for justice for my case, I knocked in many doors from tv., newspapers, etc., etc. and I met many people they sit in high chair and they are unqualified for the job because they are afraid they loose the job, but only two people they stood out and one of them is: Att. David Mourick which was referred to me by mrs. E. Guyton that 24 people spent 4 hours for divorce and parenting with her, she believed my story and she gave me the name of this att. and indeed he was honest and told me I have to sue a lots of people even my own lawyer Salim Bazaz and what he did to me. After one year I went back to him and I told him how I fight to bring justice to my case and he said: we believe justice should prevail all the time but that's not true. The 2nd is somebody from David Lawrence, after 6 months somebody realize I am different from all the others, I am not there for drugs, alcohol because I do not drink and smoke at all. He invited me in his office and try to talk to me, so I told him in 30 minutes what happened to me. He said, your story is much like Franz Kafka and to go to library and ask for this book title; The Trial by Franz Kafka. I read the book and I understood that starting in 1933 only Gestapo arrest people first than they come up with a charge later. Years ago my old neighbor told me the police in S.W. Florida act like Gestapo and the court of appeal from Atlanta told me the most complains of police comes from S.W. Florida. I am like little David fighting the Goliath.

My life is in your hands, you are my last chance to bring me justice and to get my son, I apologize because I do not have the language and the skill of a lawyer, but that's the way I lived my life and nobody complained. Thank you for reading my case. ... , ... , ...

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Glen Tofa

Date: Oct 16 / 2019