

No. 19-6585

ORIGINAL

Supreme Court, U.S.
FILED

OCT 23 2019

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

GELU TOPA — PETITIONER
(Your Name)

vs.

OFF. R. KERBS 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

GELU TOPA
(Your Name)

P.O. BOX 111381
(Address)

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

(239) 601-6265
(Phone Number)

QUESTIONS PRESENTED

Why in ARREST/NOTICE TO APPEAR page nr. 1 they do not have a video with me if I committed an offense on location Fowler/Colonial Ave Ft. Myers, FL 33916 and I was arrested in the same location.

Why they do not provide a video when officers R. Kerbs and G. Almonte pulled behind my car on a rainy day on rush hour where cars were all around me bumper to bumper and officer R. Kerbs run to my car and pull me out and slammed my head to the roof of my car and puts handcuffs and pushed in the back of the police car without telling me why I am arrested and reading the Miranda rights.

Why officer Kerbs drove my car to the parking lot of jail, instead of calling the tow company.

Why in VEHICLE/PROPERTY REPORT the Alligator Towing doesn't mention the address and the date, when and where my car was picked up.

Why officer Kerbs after he drove my car in jail's parking lot he pulls me out of the police car and put me behind my car and takes a picture of me.

Why in PROBABLE CAUSE STATEMENT is mention a different address (Cleveland Ave and Maravilla Ave) where they had a sting operation which is far from Colonial Ave and goes West to East and Cleveland/Maravilla is South to North and takes 30 minutes in a rainy day on rush hours to get from one place to the other. *SEE PAGE NR. 4, MAP DRAWN BY ME*

Why, when I told my public defender Aisha Coleman to show me a video because I am innocent, she called me after 2 days and she showed me a few seconds video and I told her that's not my car, but the prosecutor did not want to drop the charge.

Why the public defenders they do not have any power in the court.

Why, when I hired a private attorney and told to the prosecutor, at 8.30 a.m. before the judge came to the bench, "Look, that's not Mr. Topa's car, she dropped my case and sent me the bail's money.

Why the video is only a few seconds where was very hard for me to discover was not my car, I would like to see before and after, the whole video

Why the only 4,5 seconds video is recorded from the chest of this prostitute. The undercover detective they have nothing, no video recording capabilities, not even one second.

Why, when I went to police to serve 5 subpoenas for the 5 officers, lady from liaison took 4 and one for the big detective Donald Weathers which was fired from police in Fort Myers and I have to drive 60 miles in a small town where I found out he is not even a cop. I have to pay 40 \$ to served to him because he is just a deputy in the court house in Mabelle.

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:

- OFFICER : G. ALMONTE
- OFFICER : ROCHELLE MEJIAS
- DETECTIVE : DONALD WEATHERS
- DETECTIVE : DANIEL WOLFGANG

RELATED CASES

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION.....	
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	
STATEMENT OF THE CASE	
REASONS FOR GRANTING THE WRIT	
CONCLUSION.....	

INDEX TO APPENDICES

APPENDIX A

APPENDIX B

APPENDIX C

APPENDIX D

APPENDIX E

APPENDIX F

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

STATUTES AND RULES

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 ELEVENTH CIRCUIT 07/29/2019

☐ 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 02/11/2019.
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

This case is about lousy and lazy bunch of detectives, (instead of doing the real detective work), which decided to stay cozy in the car in the car on a rainy day in the afternoon at rush hours when people wants to go home after work, on the biggest Ave., which goes from Tampa to Miami to entrap and frame people for prostitution, so correctional officers have work that evening in jail and work for prosecutors in the morning. Can you imagine a surveillance staying in the car with rain drops on your windshields? No, it's not possible, that's why the detectives hook a video camera on this female/hooker's chest and she is running in the rain on the streets and parking lots to bring victims in an empty parking lot of a closed business next to their car so they can be arrested for the biggest crime of prostitution. Even in a socialistic country where I came from, militiamen wouldn't stoop so low to arrest people because you entice them first, then entrap them and arrest them. Only in America, not even in Banana republic. Than, the technics the prosecutors have, offering you to plead guilty because is going to cost you a lot less than if you plead not guilty. This not fair, the public defenders have no power, they are not funded like prosecutors, which have 5 times more funds than the public defender. Me, I paid 1500\$ to a lawyer, that's 3 times more than the amount of 500\$ my bail, where I could've plead guilty and end up paying only 200\$ out of my bail. This kind of techniques the prosecutor uses even on General Flynn, if at that level you can frame a big general, tell me what kind justice these poor people have, they are victims with a record. When I was in jail, one inmate told me; from now on you belong to them, now I know what he meant. I know, I am unconventional, but I am here to tell you what's going on in real world in the courts, because you have the power to do something for these poor people which don't stand a chance to be victimize.

Me, I am not guilty because the police report is a big lie. They know they made a big mistake, that's why they hide behind a lawyer. They have the burden of proof. I am PRO SE, English is not my first language, I never been in a law school, so there is no risen to be afraid of me. I come to fight with you in a court of law with my bear hands, why you come with a gun.

Come in court and show a video with me in Colonial/Metro where I committed the offense and I was arrested, show a video of me driving on Maravilla st. (which is miles away from the arrest point) looking for prostitutes and waiving at them like you wrote in the police report. If you have all that, bring them to court, you don't need a lawyer.

SUMMARY. YOUR HONORS, this case is kind of related to the first one which I sent it to the Supreme Court a week ago. On July/10/2014 at 11.00a.m. I saw FOX Tv. In the parking lot of Lee Memorial Hospital because two cops shut at each other, the male cop was dead and the female was in hospital. They both work in my town, Naples but live together in Fort Myers. For me I saw a big chance to be on tv. and tell my story what cops did to me. So, instead of being on tv. telling my story, I end up on the morning news, I did not know but people sow me and they told me. How is possible to put you on tv. without being in court first and find you guilty. Some people tell me, all this happened because I was born on 13 and americans are afraid of nr. 13

that's why there is no floor nr. 13 on high buildings. But that's not true, over here they arrest you than they make up charges. I went 6 months at David Lawrence, one staff member saw me kind of different from the others, so he invited me in his office and asked me; why I am there. After he listen to my story he told me to go to library and look for a book intitle: The Trial by Franz Kafka. After I read the book I understood why my old neighbor, after I told him what happened to me he said: these are the Gestapo counties. Recently a woman wrote an article about cops in our area which they chase women and they get caught having sex. She wrote: this is a problem 365 days, 24 hours a day. I knew that because from Atlanta a clerk told me, the most complains about cops comes from S.W. Florida and I am a victim of their bad behavior.

Your Honors: if I am guilty ... I am guilty of:

- I am guilty, because I married a Moldavien/Russian woman which is 26 years younger than me, 3 inches taller and 10 pounds heavier than me but I have to marry her because she was pregnant and I did not want my son to have a birth certificate without father
- I am guilty because I married her, so having my son and being married she change, she became all of a sudden more powerful.
- I am guilty of bringing her to America, once she was here, she try to bring her mother, than her mother to bring her boyfriend and two more villages from Moldavia in America.
- I am guilty of letting her work grave yard shift at a gas station in the middle of Naples where cops drink coffee all night where she knew many cops until one of them like Melendez, who is a C.O. who told her he is a detective and try to teach her how to entrap me so I can sign her papers to get the citizenship.
- From now on I let your imagination to figure out what exactly happened to me, because like me there a lots of middle aged American men which get married with young women from eastern bloc countries. One judge said on tv. once: stupid middle age American men looking for love in the wrong country.
- That's why I got in double trouble, if the first one wouldn't happened I had no risen to come 50 miles away on a rainy day to tell my story on tv.
- Thank you for reading my story and I apologies for being unconstitutional.

REASONS FOR GRANTING THE PETITION

Because I was arrested on a fake charge and they try to hide the truth writing different things on different papers which doesn't make sense. The guy which was on that video should be arrested because I believe he waived to the female prostitute because he was driving on that side passing by the two motels where she was trying to attract men inside the parking lot and if they couldn't stop there they stop next parking lot which use to be a- All you can eat Chinese buffet- but no more business.

When I told my public defender the police report is a lie and I demand a video, after 2 days she called me and show me a few seconds video and you can not see the car, you can see only the passenger window and this female voice talking to the driver but you can not see the driver and he never talked in this short video. Was very hard for me to see and prove to my public defender is not me but I told her to showed to me a few times until I detected the side door mirror is different than my car. Aisha Coleman, my public defender told me to go back at Taco Bell parking lot and try to figure out exactly. In court a young man recognizes me from jail and talked to me and he told me about The Chinese Buffet where he was caught with the female inside his car. He is a martial art instructor and he is training two cops and they told him to plead not guilty because in the police report they wrote he was caught in the motel parking lot. He was a big help for me to figure out exactly where the sting operation took place. The man in the video, I believe he is local because he was smart enough not to park in motel or Chinese parking and pull in Taco Bell. He knew she is a police woman because he is closing the window on the passenger side and she is insisting to open the door for her.

I demand the detectives to bring all the videos in court and prove exactly what they said about me being on Colonial/Metro or I committed the offense or far away on Cleveland/Maravilla where they conducted the sting operation. These lousy detectives were parked in this big parking lot, was raining for 2 days, around the parking lot was 6 feet green fence and they were waiting for this female, which was running in the rain to bring pigeons next to their car. They did not respect any rule of a sting operation. When you see on Tv. a sting op. nobody gets arrested if he is talking to a prostitute until he is in the room and pulls his wallet and pays.

I believe the police should have the burden of proof, they should come in court and prove in front of a jury, for the charges, only a jury, because I do not trust lawyers and local judges, they convince me they are bias. If they bring the whole video I will prove, I never waved to her, I never drive by her and when this man smell the trap, I guess she saw me far away exiting the door from T. Bell and went to my car fast because was raining. Because she was unlucky with this man she was looking for another victim and she was trying to coerced me but it did not work because me I came 50 miles away to be on FOX Tv. for something very serios to my heart and I end up in the morning on WINK Tv. on prostitution.

How dare, they put you on tv. before it's proven you are guilty, that shows you the power police they have on media, shame on them.

In S.W. Florida where cops they do so many bad things, they have the audacity to arrest people for prostitution, they should arrest themselves because they are not icons.



A worker from Court of Appeals from Atlanta said to me: the most complains about policemen come from S.W. Florida.

I drove 50 miles on a rainy day because I saw FOX Tv. on the parking lot of Lee Memorial Hospital covering the story of two cops, which they shut each other, one female one male, both are divorced, both with children and they live as boyfriend and girlfriend and they work in Naples where I live.

I was so thirsty to be on tv. and tell my story to show what kind of character some cops they have.

I waited for 3 hours and a half in the emergency from 12.00 noon to almost 4.00 p.m. for FOX Tv. to come at the hospital for 4.00 o'clock news. They wouldn't put me on tv. but in the back of a business card they wrote the phone nr. And the Email address. Appendix – page 5

How hard it is for me to prove I am a victim, when no lawyer wants to help me prove I am innocent of the charges when I tell them is against the police, but they are happy to defend the bad policeman.

My last and not least, I would like to know why the police hire lawyers to defend them if I don't have one, if they are honest they will fight me with bare hands like I am.

FOR THE JUDGES OF THE SUPREME COURT

Your honors, I would like you to take in consideration, English is not my first language, I never been in law school, I do not know to write like a lawyer but I express myself like I did all my life and I did not have problems. When you tell the truth it is very easy to say it and you do not need lawyer for that.

I would appreciate if you have some patience with me, maybe you don't meet cases like mine every day, but I thank you for taking time to read my case

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Gelu Topa

Date: Oct / 23rd / 2019