No. 20-7039 ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Thomas P. Keelan - PETITIONER

VS.

UNITED STATES OF AMERICA - RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO

Eleventh Circuit Court of Appeals, No. 20-11487-E

PETITION FOR WRIT OF CERTIORARI

Thomas P. Keelan

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QUESTIONS PRESENTED

1. Does an overview of facts collected at trial, sentencing, restitution, direct and collateral review, (and from startling new evidence), which exposes violations of Jencks, Brady, and Giglio (knowing use of perjured testimony) "put the whole case in such a different light as to undermine confidence in the verdict" (Wearry v. Cain, 2016), even for a homosexual? (Evidence, Appendix A: Exhibits)

2. If a police agent manipulates IMPLICIT bias against homosexual men to assert two highly prejudicial falsehoods to enable the federal indictment itself, are the indictment and any subsequent decisions incorporating the falsehoods constitutionally invalid?

3. Are statutory rape to stop a suicide, forcible rape, and "persuasion," legally identical for homosexual men? Was the invoking of FRE 412 both procedurally mishandled, leading to accidental falsehood (See #5) and incorrectly applied to a "persuasion" case?

4. Driving someone to suicide has recently been recognized as manslaughter in several jurisdictions; does the fact that J.S.'s family and FDLE Agent Cannon knowingly and intentionally framed the defendant for "attempted manslaughter," (that in truth they they caused, and he

stopped) constitutionally prejudice the case and require exposure for the future safety of all gay men, including J.S.?

5. J.S. was an active homosexual who believed eliciting love from his (admittedly unusual) choice of partners saved his life. The district court and court of appeals now claim that J.S.'s prior sexual activity was known. This means that J.S., his family, Agent Cannon, and AUSA Altman knowingly lied to the grand jury, the trial jury, the sentencing court, the restitution court, and Hebrew Academy's insurance company. Even FBI "expert" Terri Patterson and Keelan's attorneys (Randall and particularly Tony Moss) were fooled by false testimony into brutal homophobic prejudice. Is such a prejudicial falsehood fatal to a prosecution?

6. The new evidence found in prison (Fort Dix) was so shocking that Judge Goodman LITERALLY did not SEE clear statements by Attorney Petruzzi in the 2255. Goodman is NOT intentionally biased; does IMPLICIT bias that makes evidence invisible constitutionally disqualify a ruling?

7. Judge McAliley's restitution ruling clearly states that gay male sex itself constitutes "bodily injury." Must such a bigoted ruling be overturned in light of Obergefell's guarantee of equality?

8. The Eleventh Circuit ruling on direct appeal asserts that SUICIDE for gay men is MENTAL HEALTH, and that happiness for gay men is a "precipitous deterioration in mental well-being." Must such a bigoted ruling be overturned in light of Obergefell's guarantee of equality?

9. Is the brutal physical and psychological, homophobic-based torture of J.S. and Keelan for other's gain in this case civilly and criminally actionable?

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

OPINIONS BELOW

In Federal Courts:

Southern District of Florida, Miami Division: Keelan v. United States, U.S. Dist. LEXIS 24595 (Feb., 2020)

Eleventh Circuit Court of Appeals: Keelan v. United States, U.S. App. LEXIS 25762 (Aug., 2020) (Appendix B)

JURISDICTION

A timely petition for rehearing was denied by the United States Court of Appeals on September 14, 2020, and a copy of the order denying rehearing appears at Appendix C.

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

LIST OF PARTIES

All parties appear in the caption on the case on the cover page.

RELATED CASES

Eleventh Circuit Court of Appeals No. 20-11487-E
Case Style: Thomas Keelan v. USA

District Court Docket No: 1:17-cv-20158-JEM

Secondary Case Number: 1:12-cr-20496-JEM-1

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Federal Rules of Evidence

Rule 412 - On the admissibility of prior sexual conduct of the victim as evidence

Rule 702 - On the validity of expert witness testimony

Brady v. Maryland and its progeny as to the withholding of exculpatory evidence

Giglio v. United States in its effect on both undeclared benefits to a key witness, and its more grave aspect on the knowing use of perjured testimony by the government.

Lawrence v. Texas, Supreme Court (2003), in its prohibition against "moral disapproval" of a class of citizens, homosexuals as a point of law.

Obergefell v. Hodges, Supreme Court (2015), in its promise of full equality for homosexuals.

United States v. Godwin, (11th Cir., 2010)

STATEMENT OF THE TRUTH

According to the CDC, suicide is the second leading cause of death for LGBTQ youth.

They contemplate suicide at three (3) times the normal rate.

According to the Family Acceptance Project, they attempt suicide at five (5) times the normal rate.

White and Latino young gays from high-rejection families commit suicide at 8.4 times the normal rate. J.S.'s family is defined as high-rejection.

J.S.'s progressively worsening suicidal behavior was a clear prelude to the act.

I did not act because I was "lured or enticed" as AUSA Johannes says I claimed. I acted because I was coerced, not with malice, but with J.S.'s statement "I need the relationship TO LIVE" in the context of clear suicidal intent.

The 11th Circuit was exactly opposite of the truth; I stopped, not caused, suicide (See #8).

THE SUPREME COURT'S ROLE

I fully expect the clear truth of my statements, and the government's dizzying array of contradictory and dishonest positions to be dismissed without comment by the random clerk assigned. No matter how true, the unorthodox claims defy heterosexual confirmation bias, and all courts and attorneys have been from the heterosexual majority.

Psychologist Daniel Kahneman says in his seminal work on

cognitive bias "Facts that challenge basic assumptions...are simply not absorbed."

Dishonesty about money and murder are the keys to Cannon's and the family's conspiratorial falsehoods. J.S.'s Giglio enticements to perjury are clear.

The disservice done to gay men is profound. I have asked for this to be distributed online so that the unequal protection of gay men by police will be seen in spite of the court's dismissal.

If my death would expose the truth about government bigotry, I would gladly give it. If my life will expose the truth, I will attempt to hang on to the bitter end.

STATEMENT OF THE CASE

The government convicted me of two counts of persuading, enticing, or inducing a minor student, J.S., to have sex. Count One charged me with using a means of interstate commerce to persuade or entice a minor (J.S.) to engage in sexual activity, in violation of 2422(b). Count Two charged me with knowingly attempting to commit the same offense, with the same person, J.S.

I am, as far as I can research, the only person ever charged with two counts of 2422(b) with the same person.

It is, of course, double jeopardy, since to say I did the crime and then tried to do the same crime again is incoherent. The government claims our relationship was ongoing through his psychological incarceration, and then that it wasn't, a non-sensical position.

The incongruity was necessary to obscure the issue of jurisdiction. There was a sexual relationship, certainly, without any interstate nexus when I was in Florida. Having moved to Roanoke, Virginia, FDLE Agent Cannon used over 500 text messages, 90 pages of emails (mutilated and concealed until after trial), and 6 phone calls from the real J.S. to bully me into Count Two. The guilty plea he expected would have shielded the family's charade about the cause of suicidal behavior, and their concealment of multiple Giglio violations at his direction.

I will use first person when appropriate since I am witness, victim, and attorney, and speaking as myself is sometimes clearer. FDLE Agent Cannon knew that any relief on collateral review is near impossible in federal courts, and his immoral and potentially illegal falsification of facts and narrative were less likely to be exposed in federal courts.

PROCEDURAL DEFAULT

Judge Goodman says about my due process claims, "to show cause for procedural default, a defendant must show that some objective factor external to the defense prevented him from raising his claims on direct appeal and that this factor cannot fairly be attributable to the defendant's own conduct (DE20 p.10)"

The prejudice produced by the reprehensible falsehood that I caused suicidal behavior (#4) in an "innocent virgin" (#5) disabled any due process, and poisoned even my OWN attorneys,

Tony Moss being the exemplar of bias. (See #5).

Goodman incorrectly rules that my 2255 does "not pertain to actual innocence," when Question #3 will clearly show I am actually innocent of BOTH Counts of 2242(b).

Agent Cannon falsified elements and evidence of 2422(b), and Goodman's claim that I must be guilty of whatever charge claimed because I am a disgusting faggot is a gross violation of the 5th Amendment.

His claim in a footnote on page 6 that "KEELAN was provided with substantial discovery...including material regarding the minor victim's sexual relations with others," is a falsehood by a judge too bigoted to see evidence.

Goodman, not to pun, IS a good man, but his assertion demonstrates the profundity of unconscious bias, and the extraordinary level of perjury and false testimony in Question #5.

Question #6 is best explained at this time, to show how the fag-bashing slanders propagated by Cannon stilted all proceedings. Goodman says "However, Keelan fails to explain what new evidence was discovered after the direct appeal was filed and how Keelan's counsel obtained that information."

Petruzzi says "...at the very time J.S. was testifying before this court, he was involved in a sexual relationship with a man more than 50 years older than him. Worse, the older man J.S. was dating during Petitioner's trial was well known to other older men who participated in the same internet sex chat rooms as J.S.;

so well known, in fact, that he shared pictures of himself and J.S. with a convicted pedophile, who is now incarcerated with the Petitioner...J.S. married this man after Petitioner's sentencing." (2255 p. 12)

If a judge cannot SEE, what does that imply about the validity of proceedings? If, as Kahneman says "Facts that challenge basic assumptions...are simply not absorbed," then my conviction is based on assumptions, and NOT facts or evidence.

The terror of being in this position, with no review possible because of the cunning appeal of police to the bigotry of human beings is emotionally exhausting.

Courts should be chastened when fooled, but the straight, white, and tilted-right courts of Miami will most likely double-down, and encourage more of the abuse, extortion, beatings and rape to which I have been subjected because of lawyers in Miami.

The love of gay men disgusts you, and you become tyrants in your private straight mini-kingdoms.

You KNOW an older man must have corruptly seduced a young male virgin, the way you KNEW no white woman would consent to sex with a black man. Cognitive bias is corrosive of true justice.

QUESTION ONE

Exhibit A is two photos found IN PRISON at Fort dix. They show J.S. with his husband-to-be two months before trial, and three weeks before my sentencing, and four weeks before the marriage of J.S. and Art F. Art was 70 and J.S. 18 at the time of

their marriage. Finding these photos in prison is so shocking that neither AUSA Johannes nor Judge Goodman were able to process what they were.

Another witness IN PRISON, Knute Rondum, met J.S. in Younger-for-Older chat rooms on gay internet sites. J.S. met Rondum between one and two YEARS before Keelan, and both J.S. and Rondum tell the the story of J.S. ASKING RONDUM FOR SEX at a Florida rest stop. Rondum declined. His affidavit accompanies the 2255.

The evidence is NOT meant to slander J.S.. That is a heterosexual construct; neither I, nor any gay man slanders J.S. when we say he is actively gay, with unusual taste in men.

Only heterosexuals Goodman and Johannes see these as slanderous.

What they clearly establish in a startling way is the truth that FDLE Agent Cannon KNOWINGLY and INTENTIONALLY concealed from the courts, that J.S. was the pursuer, and was made happy by Keelan's acquiescence to his pressure, and thus stopped his suicidal behavior!

If J.S. had pursued older straight women with the same truly needy, but manipulative appeals, THEY would not be falsely charged with persuasion. This is a failure of equal protection.

An example exists on the international stage: French President Emmanuel Macron fell in love when he was 15 with his decades-older teacher, and eventually married her. She is not arrested when they visit America; in fact, it is seen as a charming, if eccentric love story.

Keelan's persuasion was falsified, J.S.'s trauma was falsified, and an insurance claim via restitution was falsified.

Dr. S.'s homophobic rant at sentencing openly threatening Keelan's murder is openly dishonest. If he was so worried about an older lover destroying J.S.'s life, how could he allow this marriage to a 70 year-old?

The truth was that he had caused a death with an Oxycontin prescription; he was a "pill-mill" doctor and his license was curtailed in October 2011, before Keelan's set-up and arrest in June 2012. Claiming Keelan was first AND caused suicidal behavior gave access to Hebrew Academy's insurance policy.

When J.S. got the money from the falsified claim (STOPPING a suicide is not damage), Dr. S. sued his now-disowned son.

This is a blatant manipulation of federal courts by Cannon and Dr. and Elyse S. to falsify a claim for a deep-pockets insurance claim. Dr. S. was a falsifier of prescriptions for money, a fact known to Cannon.

The Oxy death was swept under the rug. PD Samual Randall knew or should have known (I told him). AUSA Johannes seems to have been in the dark. The extent of AUSA Altman's knowledge or understanding of this is unknowable.

Agent Cannon knew all.

Exhibit B, "Re:IAY" is the most exculpatory of some 90 pages of emails not given to Keelan by Randall until after the trial. They are obviously mutilated, badly printed with vital header info manually removed on the most important section.

"Re:IAY" demonstrates that Cannon knew of J.S.'s insistence that Keelan's love could save his life.

I did MY due diligence. I told Randall that an email existed that told the "true story" and that it was available on my computer in police custody. He did nothing.

To impute to me the inexplicable sloth of my attorney is a violation of Strickland.

Exhibit C1 and C2 show that on Count Two Agent Cannon impersonated J.S., a real person, and approached me on the internet, the opposite of what is required for 2422(b). Many rulings say the defendant made the approach, and in these you can see Cannon as J.S. hectoring me into a response.

Exhibit D shows a real email from J.S. demonstrating the quality possible from the SAME account controlled by Agent Cannon. The reason entrapping and exculpatory emails from Cannon were printed badly is intentional and obvious obstruction of justice.

The discovery stamp (867) on Exhibit D is clearly absent from B. C. and E2.

The withholding and mutilation of evidence by Cannon is openly corrupt, and that alone should invalidate a conviction.

Look at the Discovery version of Exhibit E: it is impossible to read. Exhibit E2 shows the withheld version, still difficult to read, and printed out 9 days BEFORE the illegible version.

Why?

The opening line by me in the second paragraph "Hearing you

in pain causes me interminable grief," is by itself a convincing argument for entrapment by its revelation of emotional duress.

How much corruption is allowed before a false conviction is overturned?

QUESTION TWO

The falsehoods in Questions #4 and #5 demonstrate the prejudice knowingly manipulated by Agent Cannon to achieve an invalid indictment.

QUESTION THREE

I am at most guilty of statutory rape. The maximum federal guideline for that would have been 51 months. I have served 102 as of December 12, 2020, precisely double. The proper jurisdiction, the State of Florida, would have allowed me a necessity defense, that stopping J.S.'s suicide was exculpatory.

I will be released, if I lose no good time, in August of 2026.

Judge Martinez at the first restitution hearing is revelatory:

> The Court (Martinez): But my question is how do I have any evidence that this ($100,000 to the family) was related to the -- I would like to say the sexual abuse, but that's not even really what we're talking about. We're talking about the statutory rape, correct?
>
> Mr. Altman: No, your Honor. The defendant was never charged with statutory rape. He was charged with enticing, inducing, and persuading a minor to engage in sex, which is a psychological effect on the minor...

> The Court: All right, Mr. Altman. That's what my problem is, I guess is that if they were here in Miami and had never used a telephone or the phone lines or the -- you know, the internet and had a relationship...
> (1st restitution hearing, p. 9)

Judge Martinez acknowledges the falsity of the charge of 2422(b), the falsity of abuse, the existence of a relationship (inappropriate) and the artificiality of federal jurisdiction.

I never used the phone or the internet to persuade, entice, induce or coerce J.S..

I never would do so to anyone in person or on the phone or the internet.

FRE 412 is the "rape shield" rule.

Discussion of prior sexual liaisons in a forcible rape case is repulsive. To claim that an active sex life justifies rape is justly disallowed.

2242(b) is NOT a rape charge, it is a persuasion charge. NO ONE believed that a 15 year-old male, gay or not, would be attracted to a 51 year-old. Frankly, no one was more surprised than me.

But the photos of J.S. marrying a man 15 years my senior PROVE that what no one believed was nonetheless true.

Three exceptions to FRE 412 are 412(b)(1)(A) "if offered to prove someone other than the defendant was the source of...injury" which would have applied here. If I was not first, I could not have caused either suicidal behavior, or, caused his

pursuit of other older men as (oddly) Judge McAliley claims to be true. 412(b)(1)(B) says "if offered by the defendant to prove consent," 412(b)(1)(C) violating my constitutional rights.

As Judge Goodman says repeatedly in his ruling, 2422(b) is an attempt to create "mental assent." According to Webster's Collegiate, "consent" is "to give assent" and thus J.S.'s prior lovers would have proved "consent/assent," what Cannon and Goodman claimed I was trying to create.

FRE 412 was thus misapplied; proving that J.S. was an active homosexual, which is only "slander" to homophobic heterosexuals, would have proved that 2422(b) was an inappropriate charge, as Judge Martinez seems to have known.

Again, without the bigotry and the horror of J.S.'s suicidal behavior, perhaps the violation of my rights would have been clear.

No less a source than Altman himself pointed out the inapplicability of 2422(b), or the rape shield in his summation.

"This isn't rape...I want to be very clear, I am not suggesting that the defendant pressured J.S. against his will. That is not an issue here..." AUSA Altman, trial p. 593.

That is an incoherent understanding of persuasion, enticement or inducement, all of which involve pressure, but certainly not rape, as Altman says.

The truth, again invisible to a heterosexual world prejudiced by Cannon's lies, was that I was trying to convince him NOT to have sex!

PD: Now, when it came to you two having sex, didn't Tom tell you that it was a bad idea for you to have a relationship?

JS: Yes, he did.

PD: Didn't he tell you he could love you just as a friend?

JS: Yes, he did.

PD: That he could love you without sex?

JS: He said that, yes.

PD: At the time, didn't you feel like you needed this relationship to live? And I know that's sort of overdramatic, isn't that what you felt like at the time?

JS: Yeah.

PD: I mean you told him that, right?

JS: I was very dependent, yes.

Any legitimate review which acknowledges that young homosexuals, like heterosexuals, can themselves <u>persuade or coerce</u>, <u>must</u> admit the impropriety of charging me with 2422(b).

<u>QUESTION FOUR</u>

Reveals as exposed in the testimony above that J.S. believed that the relationship could STOP the progressively worsening suicidal behavior.

In fact, trial testimony CLEARLY blamed the suicidal behavior on his family:

A. There was a period in my life, I have to put it around the summer year of my 9th grade, a lot was going on. You know, finding out who I was with religion and stuff like that, I got very depressed and I started to cut myself.

Q. Could you just lay out a little bit more for the jurors why you would cut yourself?

A. Well, there are a couple of reasons. I mean one, I couldn't deal with the emotions that were going on, that was the easiest way to do it for me. I -- well, religiously my parents were pretty religious and I wasn't so sure that I wanted to be religious. And, you know, at the time, I just felt like my parents couldn't accept that. So I brought it up a couple of times, but it was easier to cut myself.

And also, I felt like I had feelings towards guys at the time and I didn't know how to bring that up, especially in the religious society that, you know, the community that I was living in at the time.

Q. Now, with what kind of things would you cut yourself with?

A. Well, first it wasn't very frequent. It was, you know, maybe once a month, once a week, once a month. It progressively got worse, eventually I did it during school hours. Anything I could find, get my hands on: knives, scissors, pens, anything sharp enough that would do the job.

. . .

Q. Was it like you would cut your arms? Is that where you would cut?

A. In the beginning I would cut my arms. Eventually would move on to ankles, legs stomach occasionally.

A review of "Re: IAY" (mutilated and withheld) shows that Cannon KNEW the truth about J.S. telling Keelan he "needed the relationship" to live!!

In her email to attorney David Seltzer, Exhibit F, Elyse S. falsely blamed me for causing the suicidal behavior that started BEFORE we met, caused by the family, in an attempt to access Hebrew Academy's liability policy:

> "Keelan is militantly gay and a proud former Catholic, groomed Jacob to hate Jews, women and any form of religion/morality/legal authority that would shun or prevent them to being together. Jacob started cutting himself, becoming depressed, stopped eating, and at one point had suicidal tendencies during the beginning of Keelan's abuse"

It is a pernicious lie. Cannon knew this, and used it to coerce me back to see J.S.

> "You give me the freedom and security I need to survive, you know that!...my family was hurting me...without you...I didn't value my life at all. I was hurting bad."
> (Cannon in Exhibit B)

The bias spawned from this falsehood is so profound as to render truth invisible beneath a cloak of bigoted belief.

Compare J.S.'s testimony that I repeatedly said no, and tried to convince him that some other way than a sexual relationship would work, to Judge Goodman's presumption:

> "...the defendant intended to commit the underlying criminal offense with the requisite mens rea..."
> (DE 20 p. 15)

My repeatedly saying "no" to sexual overtures shows the requisite mens rea?

Again, what is obvious is that the court COULD NOT SEE evidence that clearly contradicted homophobic confirmation bias; the older man must have been intending to persuade by saying no.

There is no truth allowed in American courts if it is favorable to gay men.

Remember the court's "it is the <u>defendant's intention</u> to cause a minor...to assent..." (DE 20 p. 10).

The proof of my intent to cause assent/consent is <u>refusing</u> sexual overtures until J.S. threatens suicide if I continue to say no, or to go to the street for random sex with a real predator.

American courts are blind to truth for homosexuals. Justice without truth is the fiction of fascism.

QUESTION FIVE

On the issue of J.S.'s prior sexual activity, the government takes contrary positions at different phases of the proceedings. They simply assert either side of the point to win arguments at the level. In a civil case (Brandt Trust v. United States, S.C., 2004) the court clearly characterizes this tactic as out of bounds, saying "The Court is right to criticize the government when it takes "self-serving" and contradictory positions."

This issue alone should overturn, but I doubt the clerk is still reading. When one can simply stamp "Cert Denied" and avoid revealing corrupt acts by lawyers, witnesses, and police, the automatic heterosexual self-defense denial is triggered.

Nonetheless, the sheer mendacity on the issue is startling. Earlier argument showed that FRE 412 is not appropriate in a persuasion case, but even in a forcible rape case implementation requires "...the court must conduct an in camera hearing and give the victim and parties a right to attend and be heard."

Randall never gave me a copy of the motion, but Goodman quotes it saying it sought to introduce evidence that J.S. had "engaged in consensual activity with 40-50 individuals, all of the same age and demographic background as Mr. Keelan..."

Randall's wording implies that the 40 to 50 could be after me, which would be completely inappropriate to raise. But if as the new evidence showed he was an online performer, trolling younger-for-older rooms for older partners TWO years before me, the issue is profoundly different.

Judge Goodman says that information was included in J.S.'s confessional letter and thus was available to the defense, which is just wrong. The letter telescoped two years before me into two weeks after me, to fulfill Elyse's need for the family's civil suit. I had to be first, and have caused the suicidal behavior I stopped to justify a large sttlement.

Judge Goodman says on page 16 of DE-20 "...the District Court denied the motion without a hearing. Indeed the government never filed a response, and none was requested by the district court."

He describes here the clear flouting of a rule of evidence as if it was correct, and obvious in a homosexual case. This is in a ruling <u>against</u> me. How the ignoring of rules proves justice I do not know. A hearing would have at least allowed a just review of a complex issue.

In fact, AUSA Altman wrote a 16-page argument, but by the time he submitted it, the Martinez court had already improperly ruled. Randall told it to me as an amusing anecdote.

Altman seems to have correctly expected argument and a hearing on such a pivotal issue.

More shocking is AUSA Johannes' response to my Rule 33, (untimely because of the time to find concealed evidence) in which she transmutes the motion to J.S.'s "sexual activity with adult men prior to his relationship with KEELAN."

Since the motion and ruling were sealed, I have never known if Judge Martinez misread the motion, or assumed Randall's wording was no accident, that he ignored my statements about the

false timeline, and did not want to call Altman or J.S.'s family liars. His sympathy was for the "abused," in violation of his constitutional duty to his client. I hope he is granted immunity so he can say if he was influenced in any way by the government.

The shocking line in Johannes' response is the patently false claim that the evidence was "...properly excluded by the Court AFTER A THOROUGH RULE 42 HEARING."

AUSA Johannes seems to assume that the court must have followed clear rules. I am thus forced to fight a government that will cynically take any position to defeat a homosexual. (Johannes' response is the criminal DE-207 p. 5)

She also admits in a footnote that "Before ruling on a motion for a new trial on the basis of newly discovered evidence, the court should conduct an evidentiary hearing, regardless of whether the court is inclined to grant or deny the motion." (United States v. Culliver, 11th Cir., 1994).

She says the government need not in this case since my Rule 33 "should be denied as untimely."

In other words, if the government hides evidence long enough, they win on a lie by default. This cannot be so in American justice. Likewise, a gay-bashing family can lie for money with the help of police in falsely claiming cash for damage they caused.

She then says "...did KEELAN entice a minor to engage in sexual relations?"

Again, the government (and the society) simply cannot imagine

a young homosexual manipulating for what he NEEDS to negate the suppression of his sexuality by a brutal, criminal family.

A more disturbing aspect is the ongoing attempt by someone on the side of the government to continue to suppress even the knowledge of the evidence found in prison.

In 2016, when I had discovered Knute Rondum and the pictures with another inmate, over 15 consecutive phone calls to my defense fund coordinator, Jennifer Corny, AT THE MOMENT I MENTION THE PHOTOS OR RONDUM, were cut off for TWO MONTHS, in April and May of 2016.

Someone live-listened to the phone calls, and disconnected them WHEN EVIDENCE WAS MENTIONED. SIS and an AW both claim such actions are not done by them at the institution. They do not have the manpower to do more than listen to recordings as time is available. Officer Virgillo and AW Grissom both said it must have been "certain federal agencies" which have the power to do this from Regional.

So, the US Attorney, Homeland Security, or the FBI tried to prevent even the knowledge of the existence of this evidence from becoming public. Inquiries through the remedy process all disingenuously dismissed the attempt to discover who, as if I were questioning a Trulincs phone bill.

If the government attempted to HIDE evidence, the tolling on my Rule 33 deadline was unjust. I did not know the difference between direct and collateral review until it was too late. PD Randall should have told me, and in fact should have filed the

Rule 33 based on the Cannon emails he gave me after the trial. He has never explained where they were for trial.

Nonetheless, a FRE 412 ruling does not make J.S. a sex-post facto virgin. Discussion of his previous liaisons being outlawed, wrongly or rightly, does not rewrite history to say they don't exist. The "innocent virgin" lie prejudiced everyone.

Again, it is only the government bigots who say proving J.S. pursued gay sex is "blaming the victim." J.S. deserved protection from anyone trying to hurt him, virginal or promiscuous. He deserved protection from his family.

I called Dr. S. three times, and three times went to two rabbis to attempt to stop the cutting.

Society refused to intervene when a queer was being psychologically tortured to death, but let him achieve happiness through his sexuality and someone must pay.

Dr. S accused me at sentencing of causing the suicidal behavior, and three times said he wanted to kill me.

The Miami courts paid a killer to lie.

The "virgin lie" was suborned from J.S. to get the faulty indictment, proving that the whole federal case must be dismissed. In the interview presented to the grand jury (rehearsed, by Cannon admission on tape) in response to the question. "What was sex?" said

J: UHM, I mean, I never experienced anything sexual before.

This is a young man who the government now admits had

performed fellatio in a public theater. He should not be ashamed; the government should be for bringing this case.

J.S. then checks his performance and Cannon stops the tape: J.S. "How did I do was doing?" (Beeping noise).

He then lies about the approach; compare it to the unrehearsed testimony on cross about my trying to talk him out of it:

J: Ah, and then, we finally made a date to do it.

D: To do "it"?

J: To have sex.

D: Okay

J: Uhm.

D: Was it brought like that you were going to have sex?

J: Uhm...yeah.

The knowing use of perjured testimony to get a federal indictment must overturn. The government (As here) saying there were no prior sexual liaisons, a known lie, excuses ANY PROCEDURAL DEFAULT.

The final bit lies about lying:

D: (UI) the truth to the best of your knowledge?

J: Yes, sir.

D: You've told no lies?

J: No lies.

D: You haven't held anything back?

J: No.

Agent Cannon intentionally suborned perjury; the Supreme

Court requires proof, and it exists.

The "I never experienced anything sexual before" is a lie according to AUSA Johannes and Judges Goodman and Rosenbaum.

The "setting the date" is a lie from cross by J.S.

The email "Re:IAY" shows Cannon had PRIOR knowledge about threatening J.S.'s suicide to coerce my acquiescence.

Remember "Re:IAY" was used to effect my arrest. I told NO ONE the true story.

Cannon's knowledge, as well as proving the knowing use of perjured testimony, shows the violation of the Jencks Act. No notes of any meeting with J.S. (and they both testified) ever appear. It is my belief that Cannon believed the false indictment would force me to plead, and neither conformed to due process or truth. J.S. met with him before J.S. was locked up.

In a great irony, I offered to go to state authorities, and try to have J.S. removed from the abusive home that was making him suicidal.

He told me his family would pretend they were innocent religious people and have him locked up, which they did.

At the time, I assumed that would push him to suicide. An investigation would also have revealed his profligate sexual activities.

J.S. TWICE at trial said he had never had sex, the knowing use of suborned perjury.

There can be no doubt of the centrality of the lie. AUSA Altman hammered it in his summation:

"And so soon, Jacob was doing things he'd never done or frankly never dreamed of doing before." (Trial p.540)

and

"Jacob was a 15-year old Orthodox Jewish boy who had never had sex before." (Trial p. 562)

Randall only objected when head PD Michael Caruso told him to from the audience.

Caruso's decency and ethics are another innocent victim of government perfidy. Randall left me alone early with investigator Matt Stiegman who bullied me to tears in attempts to force me to plead guilty. I refused, saying I never persuaded, never used federal machines to do so. Randall then told me Stiegman should not have done that, and that he told Caruso and had Stiegman disciplined.

I realized it was a set-up when I found out Caruso knew nothing of it (nor did PD Abi Becker). I found out later that my plea had to be voluntary, and that Randall could not ethically try to force a guilty plea. Stiegman said to "save the family embarrassment." No faggot deserves representation.

I offered to polygraph to Caruso, and he declined to ask Stiegman. The whole plea-deal system has destroyed due process. 49 out of 50 fed cases going to plea deals is totalitarian.

At sentencing, Altman leaned into the defense table, looked me in the eyes and invited Randall and his fiancee to dinner. It was a tacit admission of collusion, and Altman seemed to relish crushing a fag. Starting quarterback, school bully.

They could not deny this as it was done in front of witnesses

(Abi Becker being one).

PD Caruso did say "That was disgusting behavior."

The sentiment was kindly, but a defense would have been just.

Even worse, is the performance of Tony Moss. He sabotaged my direct appeal, unbeknownst to lead attorney Paul Petruzzi.

The "virgin lie" revealed the frothing homophobe that Moss is. The faulty FRE 412 ruling produced this:

> "Here's what you don't seem to get, Tom: your case was lost the minute you admitted to Cannon and Carpintieri that you and Jacob had had a sexual relationship."

Moss, like the government, says statutory rape MUST be persuasion, obviously, if you're gay.

This shows the deep source of his bigotry:

> "A fifty-two-year-old man being emotionally 'coerced' or overwhelmed by a 15-year-old kid, and **a virgin at that?**...C'mon, how do you think you'd have ever sold a jury on a tale like that?" (letter, 6/9/14)

It is the "virgin lie" that prevents his considering my case. How does one defend himself, if his own lawyer calls truth a lie? He could, however, defend his friend Randall:

> "(Come to think of it, I feel bad for Randall and Becker myself. Talk about being stuck with an impossible task)" (ibid)

Has Moss seen the photos? He said J.S. "had no idea what you were leading him into," (Letter 7/10/14).

Moss was splitting the CJA fees with Petruzzi. He shared an office, and intercepted my phone calls to try to get Petruzzi information for the direct appeal. Altman used his challenges to eliminate every never-married male over 21, including one man who

had been foreman on three federal criminal trials, all with guilty verdicts.

Altman profiled "never married" males as gay. It was a legitimate issue, one that had overturned a civil ruling in the 9th Circuit. Randall had mumbled something that I realized years later was "Batson challenge." Moss did not want Altman's bigotry or Randall's collusion exposed, and never told Petruzzi. I mistakenly assumed that he must have been doing this with Petruzzi's knowledge, and I gave up calling.

I was shipped to Elkton, and lost effective communication. (It is a theme. The BOP refused to give me Trulincs to communicate with Petruzzi, in spite of a court order from Goodman. Johannes opposed my being returned to Miami. I ended up with NO legal calls past the filing of my 2255).

If there is any doubt about Moss's attitude, the statement should end it;

> "Your own son...was once 15. If you as his father, were to have found out that some male teacher your age was giving him blowjobs in a parked car, or butt-fucking him in some fleabag motel,...would you be so quick to say...if it makes him happy so be it?" (Letter of June 9, 2014)

Like everyone, Moss assumes mostly incorrectly about who did what to whom. J.S. complained that I was not "aggressive" enough sexually, and I will reveal no more. He has a right to privacy on these issues.

Again, "make him happy" underplays suicide a bit.

I gave in to his requests to stop a suicide. Abi Becker called it "emotional blackmail" and saw that I never tried to get

him back after HE ended the relationship. All I cared about was his well-being.

To Moss and all the other heterosexual men involved, J.S. would have been "Better dead than gay."

I refused to accept this fate for J.S.

This is what the "virgin lie" did. Notice that Moss's apopletic response centers not on persuasion, enticement, inducement, or coercion. Like Goodman (who is by no means this hateful) it is homosexuality itself that triggers the immediate belief that J.S. had no idea, that he had to have been persuaded.

Why do you assume a heterosexual teen will do anything for sex, and you giggle at it?

To quote Shylock "We are like you in this." Fifteen is the age of consent in Australia and Israel, ironically. Their civilizations have not crumbled. For Count Two, J.S. was months short of 18, and already dating a 70-year old. Cannon had to have it for jurisdiction.

Did any court notice that I offered to turn myself in twice to J.S.? At this point he was an agent of the police, under Cannon's direction (his claim on the phone transcripts). Can the police refuse to allow someone to confess just to get a crime more to their liking?

To Judge Rosenbaum and Brasher, "actual incocence" and the "knowing use of perjured testimony" are not "arguments of merit" for a faggot.

On Count Two, 16 is the federal age of consent, but 2422(b)

allows them to make a federal arrest for a state sex crime.

On federal ground Count Two is not a crime at all, in Florida it is a federal crime that carries a sentence of mandatory 10 to life.

How is this equal protection?

Since there was little (no) evidence of actual persuasion, the government had FBI "expert" Terri Patterson testify about the long term "grooming" of J.S..

Grooming is taking time, most often years, getting close to a victim, to eventually get sex. I know. It was done to me (and some dozen others) by a Jesuit priest in Boston. Because of that I cannot even ask for sex, which is why I go to gay clubs or websites.

An FBI document, Exhibit G, says we met when J.S. was "at the age of 13," and "during the course of the next six to seven months, KEELAN...began an inappropriate relationship..." and "over the next two years, while the victim was 15 and 16 years old, Keelan continued to engage in sexual activity with the minor."

The long times (which don't really add right) and the "virgin lie" were essential to the grooming theory. Neither was true. I met him at 15, but 6 months does not fulfill the grooming theory.

I expect Agent Carpintieri was lied to by Cannon/Elyse S., who had pushed the grooming theory. If she did this herself, I hope she is prosecuted.

Regardless, FRE Rule 702(b) says expert testimony must be

"based on sufficient facts or data." I told Randall, he said it was a typo. It cannot be such because it lists "six to seven months" followed by "the next two years."

I could spend 100 pages listing government falsehoods, but I will try to just hit the highlights.

Dr. Patterson's expert testimony was based on WRONG data, and false virginity, and was unconstitutional. It never should have been allowed at all for its possibility of confusing the jury.

Such testimony was disallowed in 2010 in the 11th Circuit in United States v. Godwin, 399 Fed. Appx. 484, in which a defendant tried to have a psychologist say he was neither a pedophile nor predator. The court said "The issue of whether Godwin was a pedophile or predator was not relevant to the elements of 2422(b)." In fact, "...testimony on the subject of pedophilia and predators, moreover, would have confused or misled the jury as to whether Godwin was on trial for being a pedophile or a predator rather than the crime for which he was actually charged."

In other words, my jury could have been afraid they were releasing a predator, even if they saw no persuasion. And pedophile is upsetting; J.S. had been physically adult for years. He had more chest hair than me, which should offput a "pedophile." He's short, not childish.

As an 11th Circuit ruling in 2010, Randall was grossly incompetent (or colluding) for not raising the issue. Mr. Altman summed up Patterson's testimony at sentencing, saying I was a "prototypical predator."

I asked Petruzzi to raise it on direct appeal but as best I understood it might not have been "preserved." In that case, it should have been in the 2255. I have no idea why I am held accountable for things my lawyers will not do.

I believe Petruzzi made a good faith effort on the 2255. When he saw the new evidence, he gallantly offered to be re-appointed for my Rule 33 motion, but it was untimely.

Again, should deadlines toll when the government HIDES evidence?

Petruzzi removed Moss when he saw the letters, and assured me he was not negatively affected. People raised money to pay him for the 2255, but frankly government falsehoods were ingrained from the FALSE INDICTMENT on.

In a curious by-product, Warden David Ortiz said he was "just not comfortable with the case details," and denied me a phone interview with National Public Radio's flagship program "This American Life." It was to have been with another former student who credits me with "saving her life." Not with sex, luckily.

Ortiz's action was unconstitutional, particularly since he allowed a straight inmate, Joe Furando, a phone interview with CBS less than a year before. The interview could have helped me expose all the falsehoods, but I would have had to sue to get it. That was June of 2019. The government does not stop my being beaten or raped because of the false case details, but a potentially lifesaving interview they can prevent.

REMEMER! This issue was not cognizable until the government

and courts, Johannes/Goodman/Rosenbaum ADMITTED J.S. had prior sexual relationships, casting a backward light on the hidden, false structure of the case.

This court will be the first to allow the knowing use of perjured testimony, BECAUSE the participants are queer.

QUESTION SIX

This was Goodman's inability to SEE favorable, but unlikely truth in the 2255. Cognitive bias blinds against the hated.

QUESTION SEVEN

Again, the government will say "outlandish" or "crazy" or "unlikely," a response AUSA Johannes uses whenever I make a claim about outrageous government conduct. She does this rather than answer the issue with law or evidence. Like the 412 hearing that never existed, I believe she knew of none of the skullduggery at the time, and struggles to believe it. I believe she is NOT operating with malice; I'm sure she'll correct me if I'm wrong!

If, as the government now admits, I was not first, Judge McaLiley's bad guy got away. The family caused the suicidal behavior, and she was wrong about that as J.S.'s testimony shows.

She also said "to the extent the minor victim engaged in self-destructive behavior with other adult male predators, these activities occurred **only after** he was abused by the defendant, and were a reasonable foreseeable result of the defendant's abuse." (Cri. DE 144, 2013)

Since I now was not first, the REAL monster got away. And is his marriage "self-destructive behavior" with another adult male predator? Madness.

In her restitution ruling, Judge McAliley also said this:

> "In short, J.S. testified that he asked the defendant to bring lubricant because, after so much time, he was afraid the anal sex would "hurt" (Cri. DE 144, 2013).

The deep problem is this was NOT said as testimony; it was in one of the six phone calls set up and monitored by Agents Cannon and Rawson. When Altman asked who told J.S. to say this, Cannon testified "I did."

In other words, a police officer told a police informant to say it on the phone, and the court then used it as a "true" statement. It is a deep violation of due process, and frankly, "crazy."

As well, the court again makes automatic (incorrect) assumptions about who was doing what to whom, reversing our usual roles. Even worse is the following:

> In any event, putting "physical pain" aside for a moment, J.S.'s testimony that the sexual intercourse "hurt" supports the natural inference that the anal penetration, at least towards the beginning of the relationship, caused a "cut, an abrasion, a bruise, ...or any other injury to the body, no matter how temporary." 18 U.S.C. §§ 1365(h)(4) and 1515(a)(5). Thus ,the defendant's offense resulted in "bodily injury" to J.S. (DE 144, p. 8)

Again, "intercourse 'hurt'" was not testimony, and who was doing what to whom is reversed. In general, he complained I was too gentle, to which I said the whole point of everything was that he not get hurt, and I refused to even risk it.

Worse,

> **If any kind of intercourse "hurts," the government, by law has defined that as bodily injury."**

This defines gay male sex as assault, from a legal perspective. Even, if one thinks a bit, heterosexual intercourse is now assault.

This decision, defining the great human joy of sex as a violent crime, is one of the worst in the history of jurisprudence. This decision was also upheld by the Supreme Court, in denying cert on the direct appeal.

Pure madness. And all to define J.S.'s parents as "victims" in the next line, as "third-party payers" entitled to the almighty dollar.

They almost killed J.S., and the government gave them money for lying about it.

QUESTION EIGHT

The flaw in the restitution ruling is that they said the suicidal behavior started before me, but I still caused enough to give the family money. Week if true, but it is not even that. Jacob's FAMILY caused, our relationship REVERSED IT. And if you look again at "Re:IAY," the police knew they were lying. Check the record. No matter what psychologists said, they all "presumed in retrospect," and ignored actual evidence.

The evidence is unequivocal.

The 11th Circuit said J.S.'s <u>testimony</u> said he worsened because of me.

The ruling by Hull, Black and Melloy:

> "Jacob's mental well-being, ACCORDING TO HIS OWN TESTIMONY, DETERIORATED PRECIPITOUSLY AFTER Keelan sexually exploited him. United States v. Keelan, (2015 CA11 Fla) 786 F.3d 865, 25 FLW FED C 1194, cert den (2016) 136 S. Ct. 857, 193 L. Ed. 2d 756 (SENTENCING section)

The proof that his family caused it, and its progressive worsening:

> Direct exam by AUSA Roy Altman: "I got very depressed and I started to cut myself...I wasn't sure that I wanted to be religious...my parents couldn't accept that...it was easier to cut myself...I felt like I had feelings towards guys at the time...in the religious society that I was living in..." (Trial testimony p. 227) "...IT PROGRESSIVELY GOT WORSE...knives, scissors, pens, anything sharp enough that would do the job...in the beginning I would cut my arms...move on to ankles, legs, stomach occasionally..." (P. 228)

The testimony that the 11th circuit says proves a decline in mental well-being? Decrease in cutting, and a belief in happiness:

> PD: At the time, didnt you feel that you needed this relationship to LIVE?...
> JS: Yeah.
> PD: And then you started sleeping with him, you were happy right?
> JS: At the time, I thought I was happy, yes...
> PD: ... (you) cut yourself...with less frequency?
> JS: Yes, with less frequency.

Cognitive bias. You kill us. Then you see what you believe in spite of facts.

THIS must be overturned, regardless of what happens to me. For the sake of J.S.'s future.

QUESTION NINE

I could spend days. J.S. was slapped by his mother, and when he slapped back, his family had him brought in by the POLICE. This is on page 10 of the trial transcript. His family could beat and murder him, but sex is against the law.

He was forced to live outdoors in a Georgia summer for 100 days, no prepared food, phone, fun. It was an incarceration more torture than mine. He wrote the confession about "sexual promiscuity," not abuse, putting me first as Elyse demanded to make the lawsuit claim. His "cri de couer" showed what really happened, and that it was not "persuasion," but his agency with me that saved his life. IT was his sexuality, used as a weapon against the destruction of his being.

> **"I did those acts for freedom, for love and belonging, and for power and control...It was power and control because it was my body, and NO ONE, not even you, could tell me to stop,..."**

The list of psychologists who abused him is terrifying. They should ALL be sued. When he told them he wanted sex, they said he was "not cooperating" or not "coming to terms with the abuse." They listened to his parents, and TOLD him what was in his soul. They, and you, slandered homosexuality itself.

Then he had to repeatedly lie at trial, and be sued by the family that tried to kill him.

My son abandoned me after Tony Moss's letter. It was too much. I hope that he retires as a lawyer, but before he does he send=s the money he stole from Petruzzi and the CJA to my son with his letter of apology.

The system encourages judges to deny appeals, because in this case the legal and financial repercussions could be profound.

Better to lie, find a procedural denial, and leave Jacob and me as nameless victims of a corrupt system.

The BOP killed Epstein and Bulger. Lock Epstein alone in despair in the SHU, he either kills himself or has help. Bulger was given to a Mafia hitman who hates rats.

The BOP will kill me before they will implicate police in fraud and violence.

If you would tell the world I saved Jacob's life, I would gladly let you have mine.

CONCLUSION

I ask for redress from my government for the abuse of all homosexual men by a society rife with hatred, and slander against homosexuality itself.

Our love brings us joy. Let us be.

The petition for a writ of certiorari should be granted.

Respectfully Submitted,

Thomas P. Keelan

December 12, 2020