

No. 20-8142

IN THE
SUPREME COURT OF THE UNITED STATES

Charlene
(Your Name)

PETITIONER

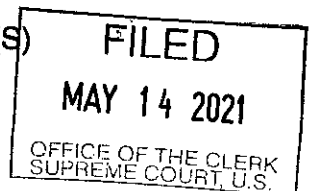
ORIGINAL

vs.

Howard Finkelstein et al

RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO



United States Court of Appeals 11th Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Charlene Rosa
(Your Name)

Lowell Correctional Annex
(Address)
1120 NW Gainesville Road
Ocala, Florida 34482
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

1. Whether the district Court clerk improperly filed Ms. Rosa civil liability Complaint as a petition for a writ of habeas corpus.
2. Whether Ms. Rosa have a right to file a legal Malpractice civil rights Action against her trial Attorney for Fraudulent Misrepresentation and Discrimination on the Basis of her national Origin.
3. Whether the district Court and the 11th Circuit Court of Appeal improperly dismiss Ms. Rosa Legal Malpractice civil rights Complaint submitted to the clerk as a §1983 civil rights Complaint.
3. Whether both the district Court and the 11th Circuit Court improperly dismiss Complaint as a writ of habeas corpus. Second and/or successive petition for a writ of habeas corpus.
4. Whether Ms. Rosa was entitled to proceed on in the district Court on her civil Malpractice suit against the trial attorney who knowingly and intentionally misrepresented her.
5. Whether Ms. Rosa timely and properly Exhaust petition for a writ of habeas corpus in criminal collateral attack on the Judgment which give rise to a cause of Action for professional Malpractice.
6. Whether Ms. Rosa civil rights Complaint was timely filed in the district Court.
7. Whether Ms. Rosa is denied Justice due to poverty and incarcerated and lack of professional Assistance, and COVID 19 epidemic, and Inadequacy Lack of Education and Intellectual Disability under Florida Law.

LIST OF PARTIES

M 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:

Harry John Williams Jr.
David Frankel
Michael Satz
Heidi Bettendorf.

RELATED CASES

- Walker Rosa V. Finkelstein et al case no: 0:20-CV-60051-RKA judgment entered 9/24/2020
- Rosa V. Satz, et al. case no: 20-CV-60163 judgment entered 4/9/2020
- Rosa V. Mark Ingh 20-60207-CV-Bujz
- Rosa V. Mark Ingh 20-CV-60208-Dimitrouleas judgment entered 7/4/2020
- Rosa V. Satz et al 0:18-CV-62422 judgment entered 12/21/18
- Rosa V. Howard Finkelstein et al case no: 2017-025774-CA-01 section 25) section order Oct. 2020 judgment entered doct 2020
- Rosa V. North Broward Bureau case no: 0:18-CV-62447-MGC judgment entered 3/27/2019.
- Rosa V. Julie Jones Department of correction case nos 16-CV-62332-Bloom/white judgment entered May 31, 2018
- Rosa V. State of Florida case no: 05-14414 CF10A judgment entered 06/20/2007
- Rosa V. State of Florida case no: 04-10827 CF10A judgment entered 07/05/2007

Notes

Due to incarcerated and limit storage spaces ms. Rosa do not have access to keep extra legal papers. therefore she do not possess any and all other case related case and number in this action.

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	<u>Civil rights complaint 81983</u> United States Court of Appeals 11 th Circuit dismiss 12/11/2020. Rehearing denied 10/16/2020.
APPENDIX B	United States District order dated 1/10/2020 and 3/4/2020 & 3/19/2020 & 3/24/2020
APPENDIX C	11 th Judicial Circuit Court order Oct. . . 2020.
APPENDIX D	<u>Habeas corpus proceeding</u> United States Court of Appeals 11 th Circuit denied 3/1/2019, Rehearing denied 3/10/2019.
APPENDIX E	United States District court denied May 18, 2018 reconsideration denied 12/9/2018.
APPENDIX F	Supreme Court United States Case no. 18-9065 entered entered June 24, 2019.
APPENDIX G	17 th Judicial Circuit Court case no. 04-10827C F01A dated July 5, 2007.
APPENDIX H	4th DCA January 2010 not attach

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

Sarak V. Broida & Napier P. H 545 so 2d 380
(Fla. 2d DCA 1989);
Diaz V. Pigwette, 496 so. 2d 239 (Fla. 3d DCA 1986)
Haghayegh V. Clark, 520 so. 2d 58 (Fla. 3d DCA 1988)
Occhicone V. State 768 so. 2d 1037 (Fla. 200)

STATUTES AND RULES

Section 95.11(4)(a) Fla. Stat. (1989)

OTHER

42 USC § 1981

42 USC § 1983

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 N/A; 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 N/A; 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 12/11/2020.

☒ 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: MARCH 04/2021, and a copy of the order denying rehearing appears at Appendix 4.

☒ An extension of time to file the petition for a writ of certiorari was granted to and including MARCH 20, 2021 (date) on MAY 20, 2021 (date) in Application No. USCA11 NO. 20-11276

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

Discrimination on the Basis of National Origin under 42 USC § 1981, breach of contract, breach of fiduciary duty & legal Malpractice under state law.

The statute of limitation governing professional Malpractice action under Section 95.11(4)(a), Florida Statute (1989)

Fifth Amendment Privilege / rights.

Sixth Amendment rights.

STATEMENT OF THE CASE

On January 07 the United States Court of Appeals 11th circuit denied Certificate of Appealability on collateral attack on the judgment and sentence finding that because Mrs. Rosa did not show that she was denied a constitutional right(s). See Appendix d, which give rise to a Cause of action for professional Malpractice civil rights action against Mrs. Rosa Trial attorney for:

D. Discrimination on the Basis of her national origin, where Harry John Williams Jr. Intentionally Fraudulent and Material Misrepresent her, he conceded to the State and the Trial Judge that if there is a conviction Mrs. Rosa will lose her Fifth Amendment rights. He also informed Mrs. Rosa that all Americans believe that Jamaicans are known drug smugglers and murderers. Therefore all interested persons that would ever make a decision in this case would make an Adversarial decision. Mr. Williams informed Mrs. Rosa that because of her Jamaican accent, he could not go before a jury in American and tell them that he is a Jamaican she was innocent and was not involved in the crime to which she was being tried for murder. During the trial Mr. Williams informed the jury that he has never from the start of the trial indicated to them that his client was innocent and was not involved in the crime to which she is being tried, he would lose his credibility with them if he did. See Exhibit E page 15. He further informed the jury that the alleged telephone conversation was authentic. In 2018 he mailed Mrs. Rosa copy of memorandum where he made statement that he told the client that he recognized the voice on the alleged tapes to be hers. The district court Judge Beth Moon on reconsideration finds that was a tactical decision by Mr. Williams. Mr. Williams also told the trial judge and Mrs. Rosa that as a Jamaican Mrs. Rosa is not entitled to the constitutional protections like Americans do. Based on those facts show that Mr. Williams Jr. discriminated against her set the pace for all other proceeding for the judges to make an Adversarial decision give rise to a civil action against him. prior to the 11th circuit finding that Mrs. Rosa did not make a substantial showing of the denial of a constitutional right, Mrs. Rosa could only know that she had a constitutional violation claim against Mr. Williams for the violation of her Fifth and Sixth Amendment rights. She did not suffer redressable harm until the United States Court of Appeals denied Certificate of Appealability. She have Trial Transcript Page 261 lines 20-21 to prove that she was intentionally discriminated against. Based on the courts Adversarial decision she suffer harm and Mr. Williams Jr. who misrepresented her in a jury trial in 2007 is responsible for the harm that Mrs. Rosa suffered from the interested persons Adversarial rulings. Mrs. Rosa is claiming her right to know (a) under what authority Mr. Harry John Williams Jr. had to authenticate an alleged taped telephone conversation that she informed him and the trial court that is not her voice as a individual and requested a reasonable investigation to proof that as a individual she did not have the alleged telephone conversations yet, because of Conflict of Interest he coincide with the defendants

David Frankel and Michael Satz to material and fraudulently prosecuted Ms. Rosa on a Coconspirator theory that she was not being accused of by the state of Florida but Mr. Williams make statement that if she convicted then the state could get Dutch later on this Coconspirator theory. see trial transcript page 861 limiting out of the presence of the jury and Mr. Rosa.

Ms. Rosa is suing Mr. Williams Jr. who fraudulently misrepresented her in trial after she ask him to withdraw from her case and subsequently she filed a motion to discharge him from representing her during her criminal trial and he refuse to withdraw from fraudulently misrepresent her. see motion denied on October 19, 2006 again she attempted to verbally renew her motion during the trial see trial transcript page 3:6-9-10. show that Mr. Williams intentionally intended to inflict emotional mental distress on the Plaintiff Rosa and her reputation of character.

2. For Mr. Williams Jr. to pursue harm upon Ms. Rosa he also conspire to administer unknown substances to Ms. Rosa that altered her mind during the trial and even years later she still suffer memory loss. Ms. Rosa is requesting remedy for; the interested persons to Cease their Adversarial rulings and restore her Fifth Amendment Privilege against Self Incrimination and her Sixth Amendment rights to conflict free counsel as an individual of a Jamaican national origin under the United States Constitution and Treaties like other Americans have rights under the Equal protection of the Law.
3. both the United States district Court and the 11th circuit Court discriminated against her by denying her civil rights complaint as a impermissible second and or successive writ of habeas corpus see ~~Appellate A~~ and to establish her claim of discrimination deprive her of her right to file a civil complaint after a cause of

action for professional malpractice arise and, on the existence of redressable harm has been established.

4. Likewise, the clerk of the Court commit a clerical misprision when entered Ms. Rosa civil rights complaint as a writ of habeas corpus. Ms. Rosa asserts that's discrimination, because she submitted to the clerk three civil suit and two was filed as civil right complaint because the clerk knew well that it is difficult to succeed on the claim against the defendant Michael Satz and David Franks due to Heck bar and for the complaint against Mark Tuck the district court entered judgment against Ms. Rosa.

This is a very sad case. Ms. Rosa asserts that she do not know how to really prepare this claim due to incarceration and she has no professional assistance. The prison law clerk said they don't know how to fill the form out.

Ms. Rosa ask them to give her in writing so that she can send to this Court to let them know that I do not have any professional assistance to assist her with this heavy burden that the Court put on her. The law clerk instead wrote on the request that the form is self explanatory and that the Supreme Court gave the attach instructions. See Exhibit _____.

5. Ms. Rosa asserts that she cannot get the relief to which she seeks and is Entitled because of her poverty and incarceration. She is denied justice, she asserts that she is Entitled to proceed with her civil action claim against the defendants.

6. The district judge finds that Mr. Williams present a preview of Telephone calls where Ms. Rosa admit to solicit Dutch. Mr. Williams say Dutch kill the victim. Do ~~she~~ have the right to know what kind of reasonable Investigation he did before he authenticate The Fabricate Tape and Misrepresent False allegation that harmed Ms. Rosa. See Appendix E page 13-14 order adopting Magistrate report. 6.

REASONS FOR GRANTING THE PETITION

Ms. Rosa suffers redressable harm after the United States Court of Appeal 11th circuit denied rehearing on collateral attack on the Judgment and Sentence finding that Ms. Rosa did not make a substantial showing of the denial of a constitutional right.
Appendix D and;

After the United States District Court finds that Mr. Williams action that affected Ms. Rosa substantial rights was a Strategic Decision Appendix E and,

because Ms. Rosa's claims presented to the District Court is cognizable on a USCS 1983 and USCS 1981 civil right Action and she have the right to bring an action against Mr. Williams and Mr. Finkelstein the defendants in this case for a legal malpractice. See Appendix A and B

because Ms. Rosa claim in complaint is meritorious as a matter of rights. she have the right to know what kind of reasonable Investigation Mr. Williams conduct in determine that the alleged telephone conversations is authentic Ms. Rosa's voice, and to arrive at his theory that Dutch killed Ms. Salzman before he rejected Ms. Rosa statement to him that it is not her voice and that she did not have the alleged Taped Telephone conversations with the State witnesses because Ms. Rosa have the right to present Evidence to prove her claim of Discrimination, malicious prosecution, Fraudulent and material misrepresentation, she was drugged by the defendants. therefore the district court finding a strategic decision, where Ms. Rosa have prove of intentional harm inflicted by Mr. Williams conflict of interest.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

~~CP 508A~~

Date: May 14, 2021