

No. **20-8319**

ORIGINAL

Supreme Court, U.S.
FILED

JUN 11 2021

OFFICE OF THE CLERK

**IN THE
SUPREME COURT OF THE UNITED STATES**

JOHN J. WILSON, JR.—Petitioner

vs.

STATE OF FLORIDA—Respondent(s)

ON PETITION FOR A WRIT OF CERTIORARI TO

SUPREME COURT OF FLORIDA

PETITION FOR WRIT OF CERTIORARI

**John J. Wilson, Jr. DC# M86232
Tomoka Correctional Institution
3950 Tiger Bay Road
Daytona Beach, Florida 32124**

QUESTION(S) PRESENTED

1. Can same criminal counsel misrepresenting defendant in the same L.T. case, and other cases in the trial court documenting instances of “torture” to induce “plea(s),” be appointed to same defendant’s direct appeal?
2. Can same counsel lawfully represent defendant with Florida Bar investigation and disciplinary action pending against him? See collateral civil action pending in the U.S. Court of Appeals under No. 21-11152-‘D’ (20-25204-CV-ALTMAN).
3. Can appeal filed pursuant to Rule 9.120(d) of the Fla. R. App. P. be dismissed for ineffective assistance of appellate counsel pursuant to Rule 9.141 of the Fla. R. App. P., with (2) two pending civil state tort actions and open Florida Bar file investigation unresolved, by the Florida Supreme Court?

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:

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APPENDIX B: Opinion filed by the Third District Court of Appeal denying ineffective assistance of appellate counsel on April 8th, 2021.

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APPENDIX E: Transcript of OSCAR HERRERA, state’s witness who invited Petitioner into the occupied property.

APPENDIX F: Evidence of failure by the state courts of Florida and *ultra vires* counsel, CHARLES G. WHITE, to uphold Florida records request pursuant to § 119 Fla. Stat. and 5 U.S.C. § 552 et. seq. (2012) (Freedom of Information Act), resulting in Petitioner’s false imprisonment on an uncharged crime, due to **malicious prosecution**.

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
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§ 768.28 Fla. Stat (Tort Claim(s))	
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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 _____ 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 _____ 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 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 THIRD 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.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ 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 1/13/2021.
A copy of that decision appears at Appendix A.

☐ 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 6/11/2021 (date) on 3/19/2020 (date) in Application No. ____ A ____.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1st Amendment violations pertaining to the systematic obstruction to “access-of-the-courts” of the United States by the *ultra vires* counsel, CHARLES G. WHITE. **5th and 14th Amendment violations** due to circumvention of the conflict-free public defender and regional counsel of Miami-Dade County, Florida, or to have relevant information re: Bar Complaints, *inter alia*, from state and federal agencies published. Fraudulent “conflicts-of-interest” were alleged to deprive Petitioner conflict-free counsel.

4th Amendment violations based on false arrest lacking probable cause on 1/15/15 at 4667 Park Lane, Coconut Grove, Florida.

6th Amendment violations: relating to the systematic deprivation of conflict-free counsel resulting in false imprisonment on an uncharged crime (§ 810.02(3)(b) v. § 810.02(3)(a)), and the omission or material editing of official records, omission of an exculpatory evidence, defense witnesses, discovery, or the ability to be physically present during proceedings and/or portions of trial in which Petitioner was forced to represent himself to avoid being appointed *ultra vires*, non-conflict-free counsel, CHARLES G. WHITE.

8th Amendment violations related to the “torture” of Petitioner to induce “plea(s)” and to prevent or obstruct exculpatory record testimony from reaching a competent courtroom for jurisdiction. See collateral pending appeal No. 20-7046 in the United States Court of Appeals for the District of Columbia.

I.

STATEMENT OF THE CASE

JOHN J. WILSON, JR. (herein "*Petitioner*"), was falsely arrested at his longtime friend and business partner's home at 3667 Park Lane, in Coconut Grove, Florida, on January 15th of 2015, after being invited into the occupied property by state witness, OSCAR HERRERA, the groundskeeper, who also knew WILSON as a welcome guest at the property on previous occasions. HERRERA had testified at trial he had personally invited WILSON inside the residence to use the laptop computer, where WILSON had remained while awaiting arrival of ALEXIS KORYBUT, the homeowner to stay at the residence following his return from overseas as a business partner and personal friend of Korybut dating back to 2004. WILSON had stayed at the property previously, a fact established at trial. See Appendix 'E': Transcript.

Upon his return to the U.S. from Argentina, WILSON had filed a criminal complaint to the Brickel/Regional Offices of the Securities and Exchange Commission on behalf of his defrauded investors based in the U.K. and Europe, implicating U.S. shareholders of the company KORYBUT was the chief executive officer at the time he and Wilson were business partners, Tactical Air Defense Services, Inc., Public Company ("PUBCO"): TADF.PK.

As a result of the criminal complaint filed by WILSON to the S.E.C. regarding (TADF.PK"), KORYBUT vindictively called the police on WILSON, despite never having warned WILSON to leave the property, leading to the false arrest of Wilson on 1/15/15, with WILSON and HERRERA both at the residence at the time. See Appendix 'E': (R.) Transcript. All emails corroborating such facts were entered into discovery by ASA VICTORIA CUERTO GOLDBERG, who had been corresponding with KORYBUT on-line about WILSON and KORYBUT's business partnership from 2004-2006 in Miami at PLUMTREE CAPITAL

MANAGEMENT, LLC; and from 2006-2011 at "Dock 5," Alicia Moresu de Justo, Puerto Madero, Argentina.

The transcripts for proceedings on the day these documents and evidence were introduced were deliberately omitted from the records of appeal in case No. 3D15-2653, by CHARLES G. WHITE, appellate counsel unlawfully appointed while ineffectively representing Appellant in the same L.T. case (F15-1083), as well as other cases in the same trial court, before the same state trial court judge (F15-6748). See 16th June 2015 proceeding and other material proceedings gone mysteriously missing from the record; see CHARLES G. WHITE '5 explanations regarding such material on pg. 11 of Appellant's "Initial Brief" yet never filing a motion to correct the record pursuant to Rule 9.200(f) of the Fla. R. App. P., evidencing the fact *Petitioner* WILSON is currently falsely imprisoned at Tomoka Correctional Institution in Daytona Beach, Florida, on an uncharged crime, due to false imprisonment, malicious prosecution. *Hartman v. Moore*, 547 U.S. 250, 265, 126 S. Ct. 1695 (2006); *Christopher v. Harbury*, 536 U.S. 403, 414, 416 n. 13, 122 S. Ct. 2179 (2002). See interlocutory evidence filed in 28 U.S.C. § 2254 actions 1:19-CV-23173-MGC, 1:19-CV-23582-MGC of criminal acts committed in these same (2) two cases by this same ultra vires attorney involving documented instances of "torture" to induce "plea(s)" to prevent this evidence from reaching a competent state or federal courtroom of competent jurisdiction; or in the alternative a jury trial scenario. See applicable federal statutes 28 U.S.C. § 1605A (Torture Victim Protections Act of 1991); 18 U.S.C. § 1001 (False Statements, Material Omissions); 18 U.S.C. § 953 (The Logan Act), and 18 U.S.C. § 1512(a)(2) (Criminal Obstruction From Appellant Engaging in His Protected Conduct to File a Lawsuit).

To wit,

WILSON was falsely convicted of an uncharged crime: § 810.02(3)(a) v. § 810.02(3)(b) Fla.

Stat. WILSON was invited into the occupied property by an authorized party at the residence, state's witness Oscar Herrera. See Appendix 'E': Transcript. See violations of Rule 9.200 of the Fla. R. App. P. by same subject attorney in question. See obfuscation of exculpatory evidence constituting deliberate and intentional omissions to maliciously imprison Petitioner, due to a covert campaign of harassment waged by Miami-Dade County as retaliation against Petitioner for filing a civil rights federal law suit pursuant to 42 U.S.C. § 1983 before trial of case No. F15-1083 (3D15-2653). See 1:15-CV-22098-MGC, naming the same state court, trial judge of Miami-Dade County as a defendant for prospective relief for many of the same constitutional violations documented in Petitioner's motion for ineffective assistance of appellate counsel pursuant to Rule 9.141(d) of the Fla. R. App. P. See Appendix A: Rule 9.141(d) motion. See ipso factor conflict requiring rectification under article V, § 12 Fla. Const.

II.

LEGAL ARGUMENT

The gravamen of the claims against WHITE documented in Appendix 'A': Petitioner's Rule 9.141(d) motion, hinge on documented record evidence of actual "torture" as defined under provisions of ("C.A.T.")(Convention Against Torture)("T.V.P.A.")(Torture Victim Protections Act of 1991) was committed against pre-trial defendant to induce "plea(s)" and deny *Petitioner* conflict-free counsel or lawful "access-to-the-court" as guaranteed by the 1st and 6th Amendment of the United States Constitution; and violations of Petitioner's 8th Amendment right to be free from "[c]ruel and unusual punishment" as defined under provisions of the 8th Amendment of the United States Constitution.

In collateral case 3D20-548 (F15-6748), WILSON was denied an appellate attorney altogether. See *Martinez v. Court of Appeals of California*, 528 U.S. 152 (2000) (holding [t]hat

[a] criminal defendant's right to self representation does not extent to appellate proceedings.)

Here, Wilson was forced to represent himself at trial in L.T. case No. F15-1083 to avoid being appointed same *ultra vires* attorney ineffectively representing him in other L.T. case No. F15-6748, linked to documented incidents of "torture" to induce "plea(s)" to prevent incriminating evidence from reaching the record of a competent courtroom of jurisdictions, implicating collaterally named officials in the civil action(s). See 1:15-CV-22098-MGC; 1:16-CV-23511-MGC, and 1:16-CV-20651-KMW. See ECF #93, *Id.* Documenting "torture" in a motion for summary judgment, never answered by named defendants, or addressed by the Southern District of Florida.

In the instant criminal case in which Petitioner was coerced to represent himself at trial to avoid being represented by non-conflict-free counsel, ample evidence was proffered for the court(s) to surmise a deliberate campaign by the state actors named in the antecedent civil complaint(s) of targeted harassment, to deprive WILSON meaningful access to the courts, and to obstruct him from engaging in his "protected conduct." See *Pembaur v. Cincinnati*, 475 U.S. 469 (1986); see "Monell claim" for injunction filed against Miami-Dade County as a jurisdiction, to have all applications for postconviction relief transferred to the District of Columbia. See civil action No. 1:20-CV-00387-UNA, *Monell v. Dep't of Social Services of the City of New York*, 436 U.S. 659 (1978). See obstruction from meaningful access through meeting the "active" *fraudulent concealment* requirement pursuant to 29 U.S.C. § 1113, resulting in WILSON'S false imprisonment on uncharged crime. See *Schefer v. Arkansas Medical Soc'y*, 883 F. 3d 1487, 1491 (8th Cir. 1988), and conflict with this Court's holding in *Brennan v. Hobson*, 470 U.S. 1083, 105 S. Ct. 1843, 85 L. Ed. 2d 142 (1985).

See related mandamus to compel the Florida Bar to publish its findings regarding

attorney CHARLES G. WHITE (USCA No. 21-11152-‘D’); see *Helling v. McKinney*, 509 U.S. 25, 33, 113 S. Ct. 2475 (1993). *Id.*, 509 U.S. at 33-34. (“Being safe from physical assault(s).”)

REASONS FOR GRANTING THE MOTION

Petitioner in this case was forced to represent himself to avoid being appointed same ultra vires lawyer misrepresenting him in other cases in the L.T. court, in which he was “tortured” into “plea(s).” See L.T. F15-6748 (1:19-CV-23582-MGC).

In direct appeal No. 3D20-0548, *Appellant* was denied counsel altogether as a direct result of dual conflicting representation by this same attorney, that was also assigned to the direct appeal of same case in which *Petitioner* was forced to represent himself, to avoid representation by this same non-conflict free attorney in the lower court. See L.T. No. F15-1083)(3D15-2653). See 1:19-CV-23173-MGC, documenting all evidence in the allegations asserted in this writ, warranting this Court’s judicial review through GRANTING of certiorari.

The Third District’s sole reason of denial of direct appeal 3D15-2653 cited in its opinion issued on 11/21/2018 was that *Petitioner*... “[w]anted to represent himself.” The facts of the case prove otherwise, that *Petitioner* wanted conflict-free criminal counsel and was deliberately deprived of one.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted, -

Date: 06/09/2021

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

John J. Wilson — PETITIONER
(Your Name)

VS.

STATE OF FLORIDA RESPONDENT(S)

PROOF OF SERVICE

I, John J. Wilson, Jr., do swear or declare that on this date, 6/9, 2021, as required by Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

ASHLEY MOODY, FL. ATT. GENERAL, THE CAPITOL -
PL-01, TALLAHASSEE, FL 32399-1050; MICHAEL
MERVINE, 1 SE. 3RD AVE., SUITE 900, MIAMI, FL 33131

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 6/9, 2021

[Signature]
(Signature)