

No. 21-6496

ORIGINAL

Supreme Court, U.S.
FILED

AUG 23 2021

OFFICE OF THE CLERK

In The Supreme Court of
The United States

Christopher Wood, - Petitioner,

v.

State of Florida - et.al, Respondents.

ON PETITION FOR WRIT OF CERTIORARI TO
The State of Florida, Supreme Court

PETITION FOR WRIT OF CERTIORARI

Christopher Wood, prose

Doc. Number: 990846

Walton Correctional Inst.

691 Institutional Rd.

Defuniak Springs Florida

32433

Questions Presented

A. Did The State Court Violate The 14th, 5th, and other, Amendments To The United States Constitution as well as clearly established federal law when it refused to seal its court records and otherwise made public confidential information revealing that I am a Confidential Informant on past and presently pending investigations for state and federal agencies?

B. Did The State Court Violate The 14th Amendment due process clause of The United States Constitution when it refused to allow me the opportunity to file disqualification documents when it was discovered mid-proceeding that non-administrative ex parte communications were taking place regarding barring me from court and the proceedings continued and I was barred from court without an opportunity to be heard?

C. Did The State Court Violate The 5th and 14th Amendments due process clauses to The United States Constitution when it issued an order prohibiting me from filing pro se pleadings without an opportunity to be heard and on an issue that the federal court had granted a COA on stating that the state court had tacitly denied and which required a mandatory Remmer hearing?

List of Parties

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:

- State of Florida
- Judge Robin C. Leonardis, Brevard County Florida
- Prosecutor Julia Lynch, Brevard County, ASST. ST. ATTY.
- Darlyne Jones, Orlando, Florida Channel 9 News Reporter

Related Cases

- Brevard County, Florida Circuit Court Case Number 05-2007-CF-049458-~~xxx~~-x, Judge Robin C. Leonardis presiding, with Prosecutor Julia Lynch (ASA) exposing information that I am a confidential informant and refusing to seal court records of the same. Then pro se barring me from that court without any notice or opportunity to be heard.

- Fifth District Court of Appeals for the State of Florida Case Number 5D20-386, refused to allow me to file a brief on the denial of petition showing jurors received extrinsic evidence and contact during trial about me and my case, then refused to allow me to file a motion for disqualification regarding non-administrative ex parte communications regarding me and my case, then pro se barring me without the opportunity to be heard. (Cited at Wood v. State, 204 So.3d 319 (Fla 5th DCA 2020).

- Florida Supreme Court Case Number SC21-4 regarding Petition for writ of Mandamus directing Judge Leonidis to Seal records containing Confidential information and remove The sanctions on pro se barring me for refusing to provide me with notice and an opportunity to be heard on The matter.
- Fifth District Court of Appeals of Florida Case Number 5020-0530 where That court had to previously order Judge Leonidis to Seal The Lower court records revealing That I am a Confidential Informant
- Florida Supreme Court Case Number SC21-1750 requesting The Court to accept jurisdiction on The issues of The Fifth District Court of Appeals pro se barring me; refusing to allow me an opportunity to file disqualification documents and proceeding while bias against me; Judge Leonidis pro se barring me without notice and opportunity to be heard and refusing to seal records revealing That I am a Confidential informant; Changing venue due to a conflict of interest due to me investigating criminal activities of Prosecutors in Brevard County who are now judges.
- United States District Court of Florida, Orlando Division, Case Number 6:21-cv-01338-CEM asking That court to issue an injunction and other equitable relief on The above stated issues, however That court dismissed The Petition as a 2254 not a 1651 petition
- United States District Court of Florida, Orlando Division, Case Number 6:21-cv-01525-CEM-DCI answering The New 1651 petition on The merits This time regarding The above issues, however stating it did NOT have jurisdiction to act.

- United States Court of Appeals for The Eleventh Circuit Case Number 21-12762-E where I filed a 1651 petition on The above issues, however That Court treated The petition as one requesting a writ of Mandamus to The State Court even though I never requested That as it cannot be ordered and That Court issued an order granting COA on The juror extrinsic contact in ITS Case Number 17-13416-A (The subject of The original petition for writ of habeas corpus filed in This case).

- I have also filed letters to The Florida Governor and Justice Barrett ^{of This Court} regarding Sealing The court records in Brevard County, Florida. These letters were dated on or about 8-19-21. I have not received any response Therefrom. The letter to Justice Barrett also detailed The above due process violations and juror misconduct and asked That The letter be treated as an equitable relief petition.

- I also file The enclosed petitions on August 16th, 2021, rendering it timely filed, however The Clerk of This Court returned it pursuant to rule 14.5 for corrections. It is not timely filed within That 60 day rule.

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In The Supreme Court
of The United States.

Petition For Writ of Certiorari

I, Petitioner, respectfully prays That a Writ of Certiorari
issue to review The judgment below and any other equitable
relief available by This Court.

Opinions Below

For Cases from State Court:

* The opinion of The highest State Court to review The merits
appears at Appendix A to The petition and is reported at Wood v. State,
2021 Fla. Lexis 782 (Fla. 2021) (jurisdictional review)

* The opinion of The highest State Court to review The merits also
appears at Appendix B to The petition and is reported at Wood v. State,
2021 Fla. Lexis 412 (Fla. 2021) (mandamus petition on sealing & pro se bar).

* The opinion of The 5th District Court of Appeals appears at
Appendix C to The petition and is reported at Wood v. State, 294 So.
3d 319 (Fla 5th DCA 2020) (order pro se barring me from That court).

* The opinion of The Circuit Court, Brevard County, Florida appears
at Appendix D to The petition and is unpublished (order pro se barring me).

* The opinion of The Circuit Court, Brevard County, Florida appears
at Appendix E to The petition and is unpublished (order refusing to seal
Court records That reveal confidential information).

Jurisdiction

For cases from State Court:

The date on which The highest state court decided my case was May 18, 2021. A copy of That decision appears at Appendix A to The petition.

I timely file a petition for writ of certiorari combined with a petition for all writs act injunction and a petition for writ of habeas corpus on August 16th, 2021, however The Clerk of This Court dismissed The petition and asked That I separate The Three petitions pursuant to Supreme Court Rule 14.5. The date on which This petition must be filed in order to be timely is November 1st, 2021. Pursuant to The Prison "mailbox" rule This petition is timely filed.

The Jurisdiction of This Court is invoked under 28 USC Section 1257 (a).

I am also requesting equitable intervention by This Court pursuant to *Kugler v. Helfant*, 421 U.S. 117, 123, 95 S.Ct. 1524, 44 L.Ed.2d 15 (1975) (where This Court held That a "federal Court may provide equitable intervention in a state criminal proceeding... when extraordinary circumstances in which The necessary irreparable injury can be shown are present"). I have raised These issues in all state court, in every pleading possible, as well as The United States District and Circuit Courts, none of which have yielded results in This emergency situation where irreparable injury could result if action is NOT taken.

Therefore, jurisdiction of This Court is invoked under 28 U.S.C. Section 2101(e), 28 U.S.C. section 1651(a), 28 U.S.C. section 1254(1), and Supreme Court Rule 11.

Constitutional And Statutory Provisions Involved

- ~~§ 87(2)(b)~~ Fifth Amendment due process clause to The United States Constitution
- Eighth Amendment protection against cruel and unusual punishment clause to The United States Constitution
- Fourteenth Amendment due process clause to The United States Constitution
- 28 U.S.C. Section 1651(a)
- 28 U.S.C. Section 2101(e)
- 28 U.S.C. Section 1254(1)
- 28 U.S.C. Section 1257(a)

Statement of The Case

In January 2007, I was arrested on charges stemming from my wife saying that I forced her to make a pornographic movie. In July of 2007, represented by a public defender (his first trial), I was found guilty by my family. Then hired a private attorney to represent me at sentencing. This attorney, John Albert, suggested that because I was a long time confidential informant for various agencies, that I help a Brevard County detective locate the body of a young woman who was murdered by suspect Vahiece Kirkman. I acquired the information from Kirkman, that he killed her and where her body was located, but by the time of my sentencing they were unable to locate the body and charge Kirkman.

My attorney intended to use my assistance with the police as a basis for a departure sentence. The Detective testified that the information that I provided him was credible, however he had yet to locate the body and charge Kirkman. I have no prior record, however, because the state charged multiple counts of sexual battery from this one murder, the minimum guideline sentence was 51.75 years. The Sentencing Judge stated that because Kirkman had not been charged with the murder - "The only reason" he could not give a departure sentence - he had to sentence me to 51.75 years in prison.

Later, I filed a motion to correct illegal sentence because the victim injury points were scored too high when there was no injury at all. I also argued that Kirkman had now been arrested, charged, and convicted of the murder because of the information I provided to the detective and is now awaiting a death sentence (Kirkman v. State, 233 So.3d 456 (Fla 2018), and questioned whether this constitute newly discovered evidence for the purpose of sentencing since the judge said he wanted to sentence me to less time but could not because the crime was not resolved at that time; and if so, could the court grant me a departure sentence. I also provides a large number of past and active

Cases that I have been and am assisting State and Federal agents with where many people have been charged with: escape from prison; attempted escape from prison; attempted murder of judge, prosecutor, Senate member; murder for hire; kidnappings; drug and gun sales; and much, much more; all of which I have been doing while in prison. Thus I asked that since the court should recalculate the erroneously scored victim injury points, to sentence me to less time as a result of my cooperation with the police.

I also filed a Motion to Determine Confidentiality of Court records asking the court to seal those sentencing transcript pages revealing my assistance in the Kirkman case, as well as those pages in the Motion to Correct Illegal Sentence revealing that I am a Confidential Informant on past and active investigations. However, and this next part is hard to believe but true and disturbing, the sitting judge, Robie C. Lenoir, denied the Motion regarding sentence and ignored the Motion to seal court records. Thirty days later, the clerk of the court notified the court of the filed document containing confidential information and the rule stating that it was mandatory for the court to set a hearing on the issue, then it requested the court for a hearing. Lenoir ignored the clerk's request to hear and seal the confidential records. Thus, I immediately petitioned the 5th DCA in an emergency petition for writ of mandamus to order Lenoir to seal those records. I also asked the 5th DCA to seal the records in their court containing the same in the petition's appendix. In 72 hours that court sealed its records after finding that they contained confidential information and ordered Lenoir to hold that mandatory hearing and seal the records. (See case number BD20-0530 for the 5th DCA petition and order)

The hearing was held only because the state objected to sealing the court records. At the hearing, Prosecutor Julia Lynch objected, and object, and objected to the court sealing these records. She stated that if I wanted to be a Confidential Informant, then

Write about it in a court document to receive a departure sentence, then I should suffer the consequences of this. The public should see that I am a Confidential Informant and whatever comes of it comes of it. (The transcripts of this hearing would be worth reading to understand the hate they have for me). Leonidis, however, said that she had to seal the records, not because it was the proper and legal thing to do, but because the 5th DCA sealed their records on the same documents and issued an order on the subject to her. She had to because they were watching. Then, over more objections by Lynch, she sealed the records but only for 6 months. The 5th DCA sealed their records permanently.

Shortly thereafter, I discover that Lynch used her position in the office of the Brevard County State Attorney to acquire documents and recordings that are only to be used by officials, and provided them to reporter Darlyne Jones of Channel 9 News, Orlando, Florida. Jones then took this information that reveals that I am a Confidential Informant and reported a story on me, playing these recordings in the broadcast. The Orlando Sentinel and several other news agencies in Florida and across this country ran the same story. I filed this in a document to Leonidis to change venue or recuse from my case and take action against Lynch for abusing her authority by providing confidential information to the reporter and to order the removal of the stories, because obviously there is a serious conflict of interest with me since they are trying to murder me by exposing the cases I have/am working as a confidential informant in court records, the details of which are in my own handwriting, then exposing the same in a news story, then transferring me to the deadliest prison in the state of Florida, then telling everyone who reads the story or watches it that I live at Martin Prison. Obviously, something very evil is going on. Leonidis denied this request.

Then I filed a Motion asking That Court to correct an error it made in a ruling on jury misconduct regarding a witness who came forward stating in an affidavit that she sat down with two jurors during the middle of my trial at lunch. From her conversations with them she learned that they were prematurely discussing my case and concluded my guilt prior to me taking the stand, watched news coverage about my case, talked to friends and family about my case, heard "The whole story" about me and my case from my wife via third person - a juror's girlfriend who knew my wife, and received extrinsic information from this witness about me and my case. I filed this as Newly Discovered Evidence. The court denied it without a hearing stating that juror interviews are not allowed and ignored the claims. I appealed but that got lost, as the federal court found better equitably tolling my federal habeas petition. After the district court denied the issue identically as the state court did, the 11th Circuit granted a COA stating that the state court "tacitly" denied the claim and a hearing was required. (The decision panel denied the issue stating a hearing was not needed. That issue is before this court on the pending petition for writ of Habeas Corpus). Though, because of the 11th Circuit Courts ruling I asked the Supreme Court to correct its errors on the issue found by the 11th Circuit court and on abundance of state and federal case law. Leonidis immediately denied the motion stating that she would not (not that she could not) correct the erroneous ruling, and that I should have appealed the tacit ruling. She forgot that I did appeal but the clerk "lost" that appeal. I also filed a motion to rescind those records because the 6 months of sealing were over. That motion went unanswered for several months until the 5th DCA issued its ruling, pro se barring me. Thus I could not seek mandamus review again.

I appealed to the 5th DCA the order denying the motion to correct the jury misconduct error. I also asked for an opportunity to file a brief explaining that the court had just went under

a state of emergency and I did not have access to the prison law library due to Covid-19. That Motion was denied. During the beginning of a world-wide pandemic, I was not allowed time to file a brief showing that the trial court committed serious constitutional errors when denying the jury misconduct claim. Then, the following day, the 5th DCA issued an order affirming the trial court's decision, without an opinion, without providing me an opportunity to be heard on the appeal. Then it asked me to show cause why I should not be pro se barred from that court.

My family went to work trying to figure out why the courts are doing this. Through public records requests and people inside the court and office of the Brevard County State Attorney they discovered the Brevard County Court was communicating with the State Attorney's office and 5th DCA on the subject of denying my claims and preventing me from filing anything else in those courts. I immediately asked the 5th DCA to stay the proceedings until I had the opportunity to file a recusal motion citing Florida Supreme Court case laws showing ex parte communications are a basis for recusal and that the court must stop the proceeding when a party discovers a conflict of interest calling for a recusal. The court denied my request, even though I explained why I was requesting it - what my family found - and then it pro se barred me from that court.

Shortly after the 5th DCA barred me from their court, I received an order from Leonardi's stating that I was barred from the Brevard court. No reason was given as to why I was barred. No opportunity was given for me to be heard nor notice of the proceeding. Prison Legal Mail Logs will show this. Next, I receive an order from Leonardi's stating that she denied my motion to reveal the records because "sealing is no longer necessary." (Appx. E) Now I cannot appeal or petition to the 5th DCA regarding sealing the records nor barring me without due process. Nor can I appeal due to the conflict

of interest disclosed due to the ex parte communication. A situation which is not new to this case, when a few years ago my family also discovered court staff attorney Susan Bausch remaining on my case when it was transferred to other judges, not of her assignment, and communicating with her husband, an assistant state attorney in Brevard County, about my case; or, Lynch threatening a new witness to not testify in my case. (See actual influence claim in Habeas Petition pending in this Court). Staff attorney Bausch removed herself from my case admitting several conflicts of interest. Lynch threatening the witness is yet to be resolved. (The order prose barring me is located on the docket in the 5th DCA, case # CSW SD. I do not have a copy of this order, see request for judicial notice filed in this case.)

I then ask the Florida Supreme Court to accept discretionary jurisdiction on these issues (see case number SC21-1750). In addition, I filed a petition in that court regarding Leonardo's barring me without due process, explaining that I cannot file it in the 5th DCA because they just barred me. In addition, in that petition, I explain the issue of sealing the records. I wanted to make sure I tried every option in every state court. That court denied the petition. (See Appx A).

In the jurisdictional brief, the main issue was due to the 5th DCA prose barring me, however, according to Florida Supreme Court Justice Philip J. Padovano, Florida Appellate Practice "The Parties may inform the court of their intention to raise issues other than the issue upon which Supreme Court jurisdiction is based. A Petitioner who intends to raise an issue that is independent of the jurisdictional issue on review must identify that issue in the statement of issues in the Petitioner's jurisdictional brief" Id at Section 29.4 Page 795 (2021). Thus I raised, in addition to the 5th DCA prose barring me, the Brevard Court prose barring me, and Leonardo's not sealing confidential information in Court

records I also raised the issues pertaining to Prosecutor Lynch using her position to gather and provide confidential information to reporter Jones, and Jones providing confidential information to the public. I then moved that court to impose sanctions on these 3 actors for making public confidential information pursuant to Fla. R. Jud. Admin. Rule 2.420 (a). Then I moved the court to seal its records revealing confidential information. The assistant Attorney General assigned to that case agreed that the information in the court documents were confidential and must be sealed. Therefore the Florida Supreme Court sealed its records pertaining to this issue, but declined to accept discretionary jurisdiction and denied my motion to impose sanctions.

In preparing to file the instant petition in this court, I filed a petition for all writs act injunction in the 11th Circuit Court of Appeals for the United States. I requested, among other things, that that court intervene in the state criminal case citing its previous order granting a COA on the jury misconduct ground. Oddly enough, that court treated the petition as a request for writ of Mandamus even though I did not request this nor is it legally permissible for the court to issue a mandamus to a state court. We are still in the process of getting this right (see case number 21-12762-E).

Meanwhile I filed the same petition in the District Court in Orlando Florida asking them to order Hernandez, et al, to seal the court records and otherwise remove the information that reveals that I am a confidential informant. I also asked that the petition be treated as an emergency as I did the same in the 11th circuit court. The District Court, however, dismissed the petition stating that it should be filed pursuant to 28 U.S.C. SECTION 2254, NOT SECTION 1651, and that it was NOT an emergency (see case number 6:21-cv-01338-CEM).

As a result, I filed the 1651 petition again, this time being more specific with my request and the law, citing the case law

Showing That Sealing records revealing Confidential Information is an emergency situation. I also filed a Motion to Judicially Notice These Law as well as The fact That had I listed in The State Court documents That I had obtained That District Courts Judges Social Security Number and other personal information off of The Dark-Net from a case I was working with The FBI. Then, of course, That judge would immediately act on The emergency petition. This time The District Court Judge treated The petition as what it was filed and as an emergency, but dismissed The petition because he believed The Court lacked jurisdiction to issue such an order or intervene in The State criminal court proceedings. (See Case Number 6:21-CV-01525-CEM)

I Now file The instant petition for writ of Certiorari and The attached emergency petition for all writs act injunction. I have tried everything in every court, both State and federal, to obtain an order to seal This information. I, as well as The undercover agents and our families, have every legal right to be free from This exposure which will cause us great physical harm, or even death, and destroy years of investigative work on pending cases. (The agents have even tried to get Leonardo to seal The records, but were turned away). Additionally, I have rights as a United States Citizen. The laws of This country apply to me and This case however no one is following them.

As This is a Court of equity, I respectfully request This court act immediately to order The Confidential information removed from public view and impose an order on The State of Florida to follow The law. This is ridiculous. This case is one of first impression in This court but it should not be. It should have been resolved long ago.

Reasons For Granting Petition

A This court should grant a writ of certiorari in this case because if you do not, people will die, criminals will go free, and investigations in several states will be lost. Sadly, This is the last and only court that can prevent these injuries from occurring. Why the Brevard County Circuit Court refused to seal these records and order the news stories to be removed is a question that should be on everyone's mind. There was no reason given other than Judge Leonardis felt it was "no longer necessary" (Id. at App. E). But why is it no longer necessary? Kukron received the death sentence because of my information. Others are in prison in Florida's DOC as well as federal prison because of my assistance to these agencies. And there are many other people who will be arrested once the pending investigations are over. To have to write these questions and prevent this case to this court is extremely disturbing. These are very illegal acts being committed by a Brevard County Judge and prosecutor.

Why did Leonardis ignore my request to seal the records in the first place? Then why did she ignore the Clerk's request to hold a hearing on the issue and seal the records? And why did it take the appellate court issuing an order to get her to hold that hearing and seal the records. And then, when she knows that I can no longer petition the appellate court for help - to correct her wrongdoing - why did she deny my request to rescind those same records, stating it was no longer necessary? I am still a Confidential Informant. I am still working on several very serious cases. And I, the undercover agents, and our families are still in danger of being discovered, retaliated against for past and present investigations which will cause us serious personal injury and most likely death. Any criminal Judge who has sat through the trial of a gang member murder knows how brutal they are. What is Leonardis thinking? And why?

Then we have assistant state attorney of Broward County, Julia Lynch. She uses her position, her office, to obtain recordings and documents that reveal that I am a Confidential Informant. Then she gives this information to CNN News reporter Darlene Jones. Jones then runs the story with this information and plays the recordings. Everyone watching the news now knows that I am a Confidential Informant for the F.B.I. D.E.A. and several other state and federal agencies. Then the Orlando Sentinel and several other news agencies pick up the story and run it in this state and several other states. Why did Lynch do this? Between Lynch and Leonardo's, the two have effectively exposed via the media that I am a Confidential Informant, left unsealed court documents that prove this to be true to anyone who wishes to confirm it. Then placed at risk several people - including officers who are simply doing their job - to being seriously injured or murdered by gang members. Why? These are the facts and there is no two ways about it. Even when undercover agents contacted Leonardo's and asked to have those records sealed, they were told, No. Why?

Obviously they do not care about my life. But in addition, these two-three people do not care about undercover agents' lives and our families' lives. (I incorporate by reference hereto the Petition for all courts act injunctive which outlines some of the cases I am working on and the serious dangers of leaving these records unsealed). The question everyone should be asking is: Why are they doing this? The other question is: Why has no state nor federal court acted to intervene in this case and order the records sealed and the information removed?

I have been doing this work my whole life. I have gathered evidence on a lot of people. Some of those have been officers. (My wife in her deposition even said that I had gathered enough evidence against her to put her in jail and get custody of our children - a fact the jury never heard). One case was against

former prosecutor Christopher White whose son raped several little girls and White and some people in The Brevard County office of The State attorney covered it up by paying off The families and threatening them. The girls are now women and I know them. They want to come forward - to go public - but I have been trying to keep them from doing this so as not to undermine public confidence in the judicial system. I have been in contact with Christopher White personally about this trying to resolve it. Prior to my arrest I was in contact with The State Attorney of Brevard about it. The women do not think it is fair that the man who raped them - James White who now has 2 little girls - goes free while I, who is obviously innocent, has to spend my wife in prison for making porn with my wife. No. The public should not know about this, but it is coming which is why I contacted them to try and resolve their issues. (They are subject to interview if an outside agency investigates this).

This is pure speculation, but Leonardo was a prosecutor at this time, so was Lynch. Why was I prosecuted in this stupid case? Why will they not follow the law in my case? Why do they want to expose me to the public in the media and court files as a confidential informant? Is it because I gathered evidence on them and their own or some very serious crimes and cover ups, or is it because I help catch some very serious bad guys and make the communities safer. I have no idea but an investigation must be conducted as to why this is going on.

I do believe that this is a 5th and 14th Amendment due process clauses to the United States Constitution violation. Florida Rules of Judicial Administration Rule 2.420 (A) states that sealing the identity of a confidential informant within court files is mandatory. Every Court in The State of Florida (as well as The federal district and circuit court) that I have presented this issue to agree to seal their records on this issue. And although I have found very

little case law on this issue. The few that I have found state that Sealing Court records that reveal the identity of Confidential Informants are done for "compelling reasons" because "discussing their identities would jeopardize the success of [open] investigations and subject the informant to threat of physical harm." *Dish Network LLC v. Sostarnew USA, Inc.*, U.S. Dist. Lexis 63429 @ p. 18-20 (9th Cir 2009). See also *Riker v. Fed. Bureau of Prisons*, 315 Fed Appx 752, 755 (10th Cir 2009) (finding that courts have a "compelling cause to continue to seal documents revealing the identity of an informant" because "The nature and degree of the potential injury to [the informant] could be quite significant" if the records were not sealed.) Thus, I believe due process would mandate that these records be sealed and those news stories revealing that I am a confidential informant be removed.

As to the issues of the news stories, I submit that Jones became an agent of the state when she assisted Prosecutor Lynch in exposing me as a Confidential Informant - at the very least she became her accomplice. Lynch could not have exposed me via the media without Jones' help. Thus, since Lynch employed Jones to commit this illegal act, Jones became a state agent.

As to the Eighth Amendment to the United States Constitution violation, I submit that both Prosecutor and Judge, Lynch and Lenczowski, respectively, have acted in a manner that inflicts punishment - without due process of law - that constitutes cruel and unusual punishment. Effectively, these two have sentenced me to death by exposing me as a Confidential Informant. The others - the undercover agents and our families - are collateral damage to my sentence. For whatever reason - whatever harm I did to Lynch and Lenczowski - they have taken upon themselves to punish me for that act - whether it be the white investigation, making fun with my wife, or whatever it is. They have violated every law and right concerning this issue. They have used their position as prosecutor and judge^{to} punish me as they deem fit without a court of

law, without due process of law. Where do we live that this can be allowed to happen? Allow them to do this to me and they will continue to abuse their positions and the judicial system. This is pure corruption. It cannot stand.

But this is nothing new for Judge Lomandis. In November 2019, she was publicly reprimanded and ordered to enter treatment programs for violating several canons of the Code of Judicial Conduct in multiple cases. See *Inquiry Concerning a Judge (Lomandis)*, 283 So.3d 799, 800 (Fla. 2019) ("Misconduct by Judge Robin C. Lomandis of the Eleventh Judicial Circuit," *Brevard County, Florida*). Obviously she could care less about what the laws states and who she injures in the process. Obviously she has not learned her lesson from this reprimand. Thus, these are not allegations against an honorable judge God forbid. Lomandis is corrupt and this court should not, under any circumstances, allow her to continue doing whatever she pleases. Something is wrong with her and now people are about to die as a result of her actions.

Please, provide equitable intervention and intervene in this case. I meet every standard for you to do so and I beg this court to act. I do not want to sue or cause harm to anyone. I simply want the laws to be followed. If they are then everything will be fine. But I do request an investigation be conducted into this case to determine why this occurred, why everything started in here occurred, so as to prevent it from occurring again in future cases with others. If you do not stop this the confidence in the judicial system will be lost. My case is high profile. John Albot Turgeon from the Florida Today News paper is always writing stories about my case. He has discovered the unsealed records and asked why we are not returning his correspondence because the public should not know. Please stop this before it gets out of control. Now so then it already has. Imagine what would happen if nothing is done to fix this and someone dies. Who is to blame. Not this court because I knew you will fix this. Thank you.

(No Notice nor opportunity to be heard prior to Pro Se barring me)
(Violation of 5th and 14 Amendments to US Constitution (Pro Se Barring))

B. The Fifth District Court of Appeals for The State of Florida Violated The 14th Amendment due process clause of The United States Constitution when it refused to allow me to file disqualification documents when it was discovered mid-proceeding that that Court was ex parte communicating with The Circuit Court of Brevard and The Brevard County office of The State Attorney regarding my case and preventing me from filing pleadings in their courts again. This is an interesting use of which this Court should issue a writ of Certiorari to prevent pure injustice.

This started when I received newly discovered evidence from a witness who sat down with two jurors at lunch in the middle of my trial. The jurors were talking about my case, told the witness - Ms. Rowe - that they had concluded my guilt prior to me submitting any evidence, watched news stories and spoke to friends and family about my case, heard "The Whole Story" about me and my case from my wife who knows the jurors girlfriend, and received information about me and my case from Ms. Rowe. Now, anyone else who raised this issue would have received a Remmer hearing, juror interviews, etc. But not me. The Brevard County Circuit Court said juror interviews were not allowed and denied the issue without any hearing. The State then moved to pro se bar me as a result of filing this issue and the court ordered me to show cause why I should not be pro se barred. I responded by explaining the legal process of dealing with jurors who come into extensive contact about a matter pending before them and further explained that it would have to answer the issue on the merits - which it ignored 4 out of the six grounds raised due to the affidavit showing juror misconduct - and then show how it is frivolous, which it could not do. They dropped the issue. So I appeal. Someone lost the notice of appeal, sent The United States District Court when granting equitable tolling in the habeas proceeding, however they denied habeas relief stating exactly the same thing the state court said.

I file an application for COA in The 11th Circuit Court of appeals. It is granted on 3 grounds - The jury issues being one of them. The Court said The State court "tacitly" derived The issues, found that The jurors did' come into exnissive contact and received exnissive evidence about me and my case and then it explained The procedures for dealing with This issue. The verdict is now invalidated unless The State can show harmlessness. (See Case number 17-13416-A order granting COA)

From This I petition The Eleventh Circuit Court to correct its ruling on The issue. (The State Courts should fix Their errors and not leave it to The federal court). I cited all of The controlling case law showing that "Every court, ~~is~~ is vested with inherent power to vacate its own order, judgment, or decree, and indeed, every such court is duty bound to do so when appropriate procedure is invoked for That purpose. Moreover, orders, decrees, or judgments procured Through [inadvertence] or mistake, may be opened, vacated, or modified at any time, on The proper showing made by The party injured." State v. Burton, 317 So.2d 136, 138 (Fla. 1975). "This is an inherent power of courts of record, and one essential to ensure The true administration of justice and The orderly function of The judicial system." Id. See also State v. Gilson, 72 So.3d 263 (Fla. 3d DCA 2011); A Costa v. State, 515 So.2d 338 (Fla. 3d DCA 1987); and Goetz v. State, 577 So.2d 1306 (Fla. 1991) (each holding The same) (These I cited)

Then I showed That in order to ensure The true administration of justice and The orderly function of The judicial system, The court should go back and correct its erroneous ruling on The jury misconduct issue, showing what The 11th Circuit Court of appeals stated, how it tacitly derived The issues, and That a Remmer hearing was mandatory. I Then cited hundreds of cases from The State of Florida, every Circuit in The United States, and This Court's precedents on The subject showing That every similarly situated defendant receives a Remmer hearing in accordance with due process and until The State

Shows harmlessness, The verdict is Void. Thus, I must be afforded relief. "Due process entitles a defendant to a hearing in the trial court to ascertain actual prejudice following allegations of extrinsic contacts with the jury." United States v. Moore, 954 F.3d 1322, 1332 (11th Cir. 2020) (citing Remmer) (A "court must conduct a Remmer hearing whenever there is evidence of outside influence.") Crowe v. Hall, 490 F.3d 840, 847 (11th Cir. 2007).

But this did not happen. In 9 days the Brever Court denied the pleading stating that it "would" not (not that it could not) correct its error. It admitted that it was error. It also said that as to the issues it did not address, I should have appealed it. But as I explained to that court, I did appeal it, it just "somehow" got "lost" by the clerk. What is the point in having these laws if the courts do not follow them?

Interestingly, that court "forgot" to send me the order denying the pleading. Thus I had to initiate mandamus proceedings and show with prison mail logs that it never came (this happened again later as shown below). I finally got the appeal going to the 5th DCA and ^{asked} for an extension of time to file the brief because the rules stated that one had to be filed in 15 days from filing the notice of appeal, and a state of emergency had just been enacted due to Covid-19. That request was denied - probably the only person to have an extension of time denied during a state of emergency when no one can access the courts or law libraries - and the next day the order was affirmed on appeal along with a show cause order as to why I should not be pro se barred from the court.

At this point my family had had enough. Even some of the undercover agents and special agents I work with were starting to see corruption. Thus, they started to investigate what they discovered is that the Brever County Circuit Court, the Brever County office of the State Attorney, and the 5th DCA were

ex parte communication - on non administrative issues - about me and my case. As one agent said "They hate you," but I cannot conclude why." They were discussing how to prevent me from filing anything in their courts again. Interestingly, Lynch filed a document in Breard Court stating that, even though I had retained counsel to represent me as a new witness, she wanted the court to bar me from ever filing anything in that court again - pro se or with private counsel. Disturbing.

From this I requested an extension of time to respond to the pro se barring scan and asked for time to file Disqualification documents explaining what was discovered by my friends and family. These requests were denied (The subject of the following issue) and I was pro se barred. Thus I petition the Florida Supreme Court to accept jurisdiction to hear the case. (Appx C).

During this time it was discovered that Lemonidis had denied my request to seal the court records and issued an order pro se barring me from that court. In that order she said it was because I argued the same thing again in her court as to why I was barred and I did not show cause why I should not be barred. The reason I did not respond is because I did not receive any notice of the proceedings (prison legal mail logs prove this again). What issue I was barred for I can only assume is the jury misconduct issue that the 5th DCA barred me for - it is the only thing I argued twice in that court, but only because the merits were never ruled on initially - it was "tactically denied" said the 11th Circuit. (Appx D), (Appx E).

Thus I file a petition for writ of Mandamus in the Florida Supreme Court about Lemonidis and these two issues. That was dismissed (Appx B). Therefore I raise all issues in the jurisdictional brief in the Florida Supreme Court. They decline to accept jurisdiction. (Appx A). After further trying to resolve these issues in the United States District and Circuit Courts to no avail, I present it here in a petition for writ of certiorari.

Because both The 5th DCA and Broward County Circuit Court pro se barred me without notice and opportunity to be heard (The 5th DCA did provide me notice but no opportunity to be heard), They violated due process and Their orders are void. "Due process requires notice and a hearing before a court sua sponte enjoins a party from filing further papers in support of a frivolous claim." Smith v. United States, 386 Fed Appx 853, 856 (11th Cir 2010). "A judgment is void... if The court that rendered it acted in a manner inconsistent with due process of law" Id. "The Constitutionally-guaranteed right to due process of law is, at its core, the right of notice and the opportunity to be heard. Notice is the very bedrock of due process." Whiteside v. Greco Indem Co., 977 F.3d 1014, 1018 (11th Cir 2020).

I did not receive notice and the opportunity to be heard. Thus my constitutional guaranteed right to due process of law has been violated by both Leonards and The 5th DCA. In addition, There was no legal reason to pro se bar me which is likely why These Two Courts did not want to hear me. The issue was not frivolous. Every Court in The United States and State of Florida Mandates That a Remer hearing is Mandatory on That issue. Why is it That I am not afforded The same relief as every citizen in This Country. The Florida Courts have - and let be - exposed me as a confidential informant placing me, my career agent, and our families in a very dangerous position - even deadly position, refuse to follow The law and grant me a Mandatory Remer hearing in accordance with due process of law, Then pro se bar me with out notice and opportunity to be heard in accordance with due process of law, (Not to mention They prosecuted me on a ridiculous case when every bit of evidence and multiple witness prove That I am innocent - see original habeas petition filed in This Court). Why? Why me? Who am I? What did I do to These people That justifies ignoring all of These laws and doing This knowing

That I will be killed by gang members. This is sick and flat out wrong. What point is there in this court creating laws if no one abides by them - at least in my case? I have no idea what else to say other than I have a legal rights or issue here that are indisputably clear which are being flagrantly violated. What purpose is the oath that these judges have taken if they do not follow the laws? What good is it in having the canons of the Code of Judicial Conduct if any of this conduct is acceptable and left uncorrected?

I beg you to please exercise either criminal or equitable jurisdiction and fix this. It is wrong and defies the United States Constitution and the honor of this country.

C. This court should issue a writ of certiorari in this case because the courts violated my due process right by remaining on my case during a conflict of interest. "Due process entitles the defendant to a proceeding in which he may present his case with assurance that no member of the court is predisposed to find against him." *Williams v. Pennsylvania*, 579 U.S. 136 S.Ct. 1899, 195 L.Ed.2d 132 (2016). "Both the appearance and reality of impartial justice are necessary to the public legitimacy of judicial pronouncements and thus the rule of law itself." *Id.* However, this did not even come close to being true in my case.

When it was discovered mid-proceeding in the 5th DCA that the court was conducting non-administrative ex parte communications about preventing me from filing in either that court or the Second Circuit Court, I filed a motion to stay the proceedings in order to file the necessary disqualification documents. I cited Florida Supreme Court case law stating that when a party discovers the need for disqualification during the middle of the proceeding and requests time to prepare the necessary documents for recusal, the request must be granted. *Rogers v. State*, 630 So.2d 513, 516 (Fla 1993). ("Judge must afford a

petitioning party, a reasonable opportunity to file its Motion for recusal when the need for disqualification is discovered mid-proceeding). I then cited the case law showing that ex parte communications on this level are grounds for recusal see e.g. Pearson v. State, 11 So.3d 248, 249 (Fla 2d DCA 2004) (holding that an ex parte communication alone is legally sufficient to require recusal); Robbins v. State, 742 So.2d 395, 397 (Fla 2d DCA 1999) ("It is because of its effect on the appearance of impartiality that an allegation of an ex parte communication is legally sufficient to require recusal"). R.J. Reynolds Tobacco Co. v. Alamo, 268 So.3d 151, 156 (Fla 4th DCA 2019) (ex parte communications with opposing counsel regarding the judge's thoughts on the matter require recusal).

However, the court continued the proceeding and immediately pro se barred me despite the fact that these ex parte communications were regarding my court access and how to prevent me from filing in either court. Thus the decision to pro se bar me and my appeal denied must be overturned. "Judges' decision must be overturned when the [reviewing] court cannot determine if the judges' actions were harmless because the court order was based on communications outside the record" Albert v. Rogers, 57 So.3d 233, 236 (Fla 4th DCA 2011).

As a result of the 5th DCA's action, it violated the Code of Judicial Conduct canon 3 B(1) by considering ex parte communications which were non-administrative in nature. Stating that they have no in the communications is not a neutral position in judge complaints. But this is nothing new in my case. Brevard County Court staff attorney Susan Bausch appointed herself to my case - to the judge on my case because she was the head staff attorney at that time - right after my arrest. When my case was transferred to other judges who had their own staff attorney, she remained on my case drafting orders after reviewing the pleadings - all denied regardless of the law. When my friends and family investigated this they discovered that she was communicating with her husband - a Brevard County Assistant State Attorney - about my case in a very negative way. She also knows

My mother-in-law - The alleged victim's mother. When The issue was presented to The Court and The Florida Bar, she immediately removed herself from my case admitting That she had a very serious conflict of interest with me, and my case. But The damage was done. Again, What is going on in The State of Florida with my case? Who did I wrong?

Nevertheless, This is a 14th Amendment to The United States Constitution due process violation. If This Court could please fix it in you, Please, all I want is a non-bias court to follow The law and hear my case. I am not asking for anything special. Just The same thing afforded to every other citizen of The United States.

Conclusion

In Conclusion, I beg This Court to exercise its Certiorari or equitable jurisdiction and grant This Petition to correct This pure injustice.

The state court and state officials revealing That I am a Confidential Informant and assisting a news reporter to run a story revealing The same is disturbingly wrong. It violates due process on every level and, I submit, could and should be punished. This is a case of first impression before This Court and Though it should not have been ignored This long, I beg This Court to issue The appropriate writ correcting This before someone is seriously injured or dies.

The fact That The state Courts got together to figure out a way to keep me from Their courts expressing That They hate me, not allowing me an opportunity to file recusal documents Then barring me from The court without notice and The opportunity to be heard simply adds to The disturbing actions of exposing me as a Confidential Informant. Here too, I beg This Court to exercise its Certiorari and equitable jurisdiction and issue The appropriate writ to correct These severe Constitutional violations.

Lastly, because of The serious and disturbing nature of The absolute defiance of The state court to respect human life and safety and The rule of law itself, I beg This Court to issue an order for an investigation into This matter and This case. You will find absolute corruption if you do. The evidence is there. The witnesses will testify. The victims will speak. All you have to do is act. And if you feel my safety is a concern as a result, please allow me time after notice to wrap up some of These investigations. We have put too much work and time into Them just to abandon Them. Please do what is right here. Hear This case, please.