21-6910

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

January 2022 Term

JUAN M. CRUZADO - LAUREANO
Petitioner-Pro-Se

Vs.

W. STEPHEN MULDROW
U.S. District Attorney of PR
Respondent

NO:

On Petition for Writ of Certiorari to the U.S. Court of Appeals for the First Circuit- Case **#20-1590**

ON PETITION FOR A WRIT OF CERTIORARI TO U.S. COURT OF APPEALS FOR THE FIRST CIRCUIT OF APPEALS - CASE NO. 20-1590

PETITION FOR WRIT OF CERTIORARI

JUAN MANUEL CRUZADO-LAUREANO (PRO-SE)

PO BOX 405, VEGA ALTA, PR, 00692

TEL- (787) 371- 4373

Email: manecruzado@gmail.com

IN THE
SUPREME COURT OF THE UNITED STATES

JUAN M. CRUZADO - LAUREANO
Petitioner-Pro-Se

Vs.

W. STEPHEN MULDROW
U.S. District Attorney of PR
Respondent

NO:

On Petition for Writ of Certiorari to the First Circuit -Case **#20-1590**

QUESTIONS PRESENTED FOR COURT REVIEW

1- An **Indictment** whose ***"True Bill"*** is only signed by the US District Attorney to arrest and criminally prosecute an accused is valid, even when the signature or signatures of the AUSAs that normally act as **"attorney for the government"** is absent from said ***"True Bill"*** before the Grand Jury?

2- Does **Rule #7 (c) (1)** of Federal Criminal Procedure require that every *"attorney for the government"* that participates before a Grand Jury be a signatory to the **True Bill** of the indictment produced, for it to be valid?

3- Can a federal judge or magistrate authorize an amendment and substitution of an ***Indictment***, when it is requested by an **AUSA** that did not participate in the supervision of the Grand Jury as ***"attorney for the government"*** in its determination of probable cause?

4- Did the Court of Appeals for the First Circuit commit an abuse of judicial discretion in upholding the dismissal of the **Mandamus** requested by the petitioner, when the Respondent did not submit a response to the Appellant's **Brief** and the Court refused to discuss and evaluate the absurd interpretation of the District Court on **Rule # 7** of Federal Rules of Criminal Procedure, which said Court used to dismiss the **Mandamus?**

IN THE
SUPREME COURT OF THE UNITED STATES

JUAN M. CRUZADO - LAUREANO
Petitioner-Pro-Se

Vs.

W. STEPHEN MULDROW
U.S. District Attorney of PR
Respondent

NO:

On Petition for Writ of Certiorari to the First Circuit -Case **#20-1590**

Table of Contents

Pages

TABLE OF AUTHORITIES

PAGE

CONSTITUTION & STATUTES

United States Supreme Court

Federal Legislation

Department of Justice Manual for handling of Grand Jury

IN THE
SUPREME COURT OF THE UNITED STATES

JUAN M. CRUZADO - LAUREANO
Petitioner-Pro-Se

Vs.

W. STEPHEN MULDROW
U.S. District Attorney of PR
Respondent

NO:

On Petition for Writ of Certiorari to the First Circuit -Case **#20-1590**

Petition for a Writ of Certiorari

Jurisdiction

This request for certiorari is brought before this Honorable Supreme Court of the United States upon the affirmation on June 10, 2021, of **Appeal No. 20-1590**, by the United States Court of Appeals for The First Circuit. On October 19, 2021, a **Request for Rehearing** was denied by the Panel that decided the Case on June 10, 2021 and the request for **Rehearing en banc** submitted within the indicated term, was also denied on **October 19, 2021** by a majority for the actives Judges. The Petitioner on November 2, 2021 filed a **Request for Reconsideration** regarding the denial of **Rehearing Request**, which was considered by the Panel as a **Request to Recall the Mandate**. The Panel denied this request for **Reconsideration** on December 20, 2021 in an Order of Court. This petition for a **Writ of Certiorari** is being filed on Friday, January 14, 2022 with special delivery in the US Mail within the 90-days term established by this Court since **Rehearing's** request ***was denied***, which was on **October 19, 2021**.

IN THE
SUPREME COURT OF THE UNITED STATES

JUAN M. CRUZADO - LAUREANO Petitioner-Pro-Se	NO: ----------
Vs.	On Petition for Writ of Certiorari to the First Circuit -Case **#20-1590**
W. STEPHEN MULDROW U.S. District Attorney of PR Respondent	

Statutory Provisions

Constitution, Article III, Section 2 provides:

> The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority *** to controversies to which the United States shall be a party;-to controversies between two or more states; between a state and citizens of another state; - between citizens of different states; - between citizens of the same state claiming land under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.

Section 1651(a), Title 28 of the United States Code, "the all writ of act", provide as follows:

> (a)The Supreme Court and all courts established by Act of Congress may issue writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.

IN THE
SUPREME COURT OF THE UNITED STATES

JUAN M. CRUZADO - LAUREANO Petitioner-Pro-Se	NO: ----------
Vs.	On Petition for Writ of Certiorari to the U.S. Court of Appeals for The First Circuit – Case # 20-1590
W. STEPHEN MULDROW U.S. District Attorney of PR Respondent	

WRIT OF CERTIORARI

Appears before this Honorable Supreme Court of the United States, Juan Manuel Cruzado-Laureano exercising his right to legal self-representation **(Pro-Se)**, Exhibits, Alleges and Request:

PRAYER

This Petition for Certiorari Pro-Se, is very particular due to its form, content and precedents it establishes. This could be the first Petition for Certiorari before this Honorable Supreme Court where they only have the version of the facts and interpretations of the **Federal Rules of Criminal Procedure** #6 and #7 made by the Petitioner before the Court of Appeals. The Respondant refused to answer the Appellant's Brief and the Court of Appeals made an award against the Petitioner, without elaborating or discussing the absurd interpretations of **Rules #6 and #7**, made by the District Court, used to dismiss the Mandamus filed by the Petitioner. The

issue to be decided by this Honorable Supreme Court is whether or not the **Federal Rules of Criminal Procedure** #6 and #7 were violated in the production of **Indictment 01-690 of 10-24-2001** used to indict, prosecute and imprison the Petitioner.

The Petitioner asks for benevolence and understanding of this Honorable Supreme Court of the United States for the presentation of this atypical Writ of Certiorari, which seeks to do justice to a victim who had to serve 63 months in federal prison and 3 years of supervised release for a theft of municipal funds that never happened. A gross fabrication of public corruption imputed to the Petitioner in the period of the first 10 months of 2001 that he was Mayor of the Municipality of Vega Alta, PR. Fabrication orchestrated in the years 2001-2002 by the acting US Attorney of PR in collaborration with a federal district judge and the Office of the Comptroller of PR, in order to advance the interests of the territorial political party of annexation in PR.

The fact that the current US Attorney for PR, W. Stephen Muldrow, Defendant in **Case # 20-1590** that motivated this Certiorari, has refused to answer the Brief of Appeal submitted by the Petitioner, established a precedent that this Honorable Supreme Court must take into consideration to honor this Writ of Certiorari. Defendant Muldrow's message in his refusal to file his Brief is clear: The current head of the Office of the US Attorney for PR does not support the criminal acts that were committed in the production of the illegal **Indictment 01-690 of 10-24-2001**.

This Honorable Supreme Court of the United States has before it a request for **Writ of Certiorari** in a unique and unrepeatable case. In this case justice is demanded against the abuses of power and violations of the law of an acting US Attorney that used the power and prestige of its Office to personally fabricate charges of public corruption against the Petitioner using the absolute control that the US Attorney's Office has over the constitutional institution of the Grand Jury. This unprecedented illegal action in the judicial history of the US, deserves that the Petition of Certiorari

be attended since the constitutional institution of the Grand Jury is part of the Judicial Power of the US, whose operation is under the control of this Honorable Supreme Court. Failure to respond to this request for Certiorari is to turn one's back on the rule of law guaranteed by the just Federal Constitution of 1787 and send the wrong message that in the Commonwealth of PR, the rule of law guaranteed by the Federal Constitution does not exist.

Background of facts and relevant judicial processes to evaluate the questions in the Writ of Certiorari

The acting US Attorney for PR, Guillermo Gil Bonar, in mid-July 2001 endorsed a complaint of public corruption by the New Progressive Party (PNP) against the Petitioner. By the end of August 2001, Gil Bonar convened a Grand Jury to investigate the PNP's political complaint against the Petitioner. For October 24, 2001, the **Indictment** were the PNP political complaint was collected, was registered in the Clerk's Office under **#01-690.**

In the first call of the Grand Jury convened by Gil Bonar, where he submitted the draft of the indictment, he was alone without the assistance of an AUSA from his Office. From the second session of the GJ, the acting US Attorney Gil Bonar joined the ***AUSA Lynn Doble Salicrup*** as an "*attorney for the government*". Although the AUSA Doble Salicrup appeared in the covers of the transcripts of the deponents before the GJ as one of the *attorneys for the government*, it did not carry out any interrogation according to the transcripts. The acting US Attorney Gil Bonar supervised from the first to last session of the summoned GJ and was the one who conducted all interrogations of the deponents. The ***"True Bill"*** of **Indictment 01-690 of 10-24-01** issued by the Grand Jury where the ***AUSA Lynn Doble Salicrup*** was one of the

"attorneys for the government", does not appear signed by it. The ***"True Bill"*** of **Indictment 01-690 of 10-24-01** was only signed by US Attorney for PR Guillermo Gil Bonar.

Once the acting US Attorney Guillermo Gil Bonar obtained the accusations from the Grand Jury against the Petitioner on October 24,2001, it did not personally attend the incidents before the criminal trial. The first and only *"Status Conference"* of 11/16/2001 in the criminal case **01-690(JAG) of 10-24-01** was held without the presence of the only *"government attorney"* who signed the **"True Bill"** of Indictment 01-690, US Attorney Guillermo Gil Bonar. The person who represented US Attorney Gil Bonar at the ***"Status Conference"*** before Judge Jay A. García-Gregory (JAG) was Gil Bonar's Especial Assistant, Attorney Rebecca Kellogg De Jesús. On January 25, 2002 the special assistant to the US Attorney Gil Bonar, Attorney Kellogg De Jesús, presented to the Court an amendment to **Indictment 01-690 (JAG)** to add 3 new counts and make it **Superseding Indictment 01-690(JAG)**. With this amendment, Kellogg De Jesús becomes ***"attorney for the government"*** of the **Superseding Indictment 01-690(JAG)**, who will take the accusations at the trial.

On March 1, 2002, Judge Jay A. García assigned to **criminal case 01-690** since October 24, 2001, waives to continue seeing the case and exchanges it for another with Judge José A. Fusté. Judge Fusté sets the start of the trial for May 20, 2002. Judge Fusté begins the criminal trial on the stipulated date with the acting US Attorney for Puerto Rico Guillermo Gil Bonar and AUSA Rebecca Kellogg De Jesús as Prosecutors. During the Trial, US Attorney Gil Bonar was the one who took the lead as prosecutor of the case before the Jury, obtaining on June 7, 2002 a conviction on 12 of the 14 counts charged to the Petitioner. Judge Fusté ordered the Petitioner's incarceration on the same day of his conviction. The acting US Attorney Guillermo Gil Bonar ceased his functions as head of the Office of the US Attorney of PR on

June 30, 2002 when he was replaced by "Bert" García, who was nominated by President Bush Jr. and confirmed by the Federal Senate.

On November 13, 2002 Judge Fusté at the request of prosecutors Guillermo Gil Bonar and Rebecca Kellogg De Jesús for the 12 conviction counts imposed on the Petitioner 63 months in prison, 3 years of supervised release, a fine of $10,000 and a payment of $100 for each convicted count. The Defense had objections to the restitution requested by the Prosecutor's Office and Judge Fusté left the economic restitution of the Judgment for a future hearing. The Prosecutors requested restitution for 4 victims, among them for the Municipality of Vega Alta.

According to a note of congratulations from the newspaper on the *"Nuevo Día-Entrelíneas"* section of 1/1/2003, the Federal Prosecutors Guillermo Gil Bonar and Rebecca Kellogg De Jesús had contracted a civil marriage on ***12/30/2002*** in a ceremony presided over by Federal Judge José A. Fusté. As the date that Judge Fusté officiated ***(12/30/2002)*** the civil marriage between Gil Bonar and Kellogg De Jesús, he had yet to completed the Sentence process, awarding financial restitution to the victims on the Counts that the Petitioner was convicted of.

On November 24, 2003, one year after the Petitioner was "sentenced", Judge Fusté completed the sentencing process by assigning financial restitution to the victims. The Hearing for restitution was attended by the marriage of Prosecutors Guillermo Gil Bonar and Rebecca Kellogg De Jesús and the Petitioner's Defense. The Petitioner was absent due to being incarcerated in the federal prison of FCI Schuylkill, PA, serving the 63 months sentence impose by Fusté. As a result of the Hearing, Fusté issued an ***Opinion and Order (DR #156) on 11/24/2003***, where it recognize a single victim to make restitution: ***$14,251.82*** for the Municipality of Vega Alta.

The Judgment against the Petitioner finalized with the Order of Restitution dated 11/24/2003 to the ***"Municipality of VA for $14,251.82"***, was appealed to the First Circuit on 10-21-2004, 28 months after Petitioner was incarcerated for his conviction. On appeal, the Court was asked that if the Judgment was revoked, it should not to be assigned to Judge Fusté, due to his ethical violation of having civilly married Prosecutors Gil Bonar and Kellogg De Jesús without having concluded the Sentencing process in against the Petitioner. The Court of Appeals ignored the Petitioner's request that the unethical Judge Fusté be removed from the appeal process.

On April 5, 2005, the First Circuit affirmed the convictions but vacated the sentences and remanded to the US District Court for resentencing. On May 31, 2005, the Judge José A. Fusté re-impose the same sentence of 63 months and the same **restitution of $14,251.82**. In this Re-Sentence of May 31,2005, the **$14, 251.82** ordered by Judge Fusté to be restored on 11/24/2003 to the Municipality of VA, they were distributed among 4 victims, of which none was the Municipality of VA.

The Re-Sentence of May 31, 2005 decreed by Judge José A. Fusté was appealed to the First Circuit. In the Appeal request the Appellant was again requested that if the Re-Sentence was revoked, it should not be assigned to Judge Fusté. On March 14, 2006, the First Circuit again vacated the Re-Sentence of May 31, 2005 and remanded for the District Judge José A. Fusté for a second Re-Sentencing. On April 26, 2006 the Judge Fusté re-impose the same sentence of 63 months that he imposed on May 31, 2005, including the restitution of $14,251.82 for 4 victims, among which the Municipality of VA was not included. The second Re-Sentence of April 26, 2006 was appealed to the First Circuit and it affirmed it on June 4, 2008. As of the date of the appeal of Re-Sentence II, the Petitioner only had 6 months in jail remaining and he was released on 12-30-2006 to serve his 3 years of superv/ release.

STATEMENT OF FACTS MATERIAL TO THE CONSIDERATION OF THE QUESTIONS PRESENTED

Question No. ONE:

An **Indictment** whose ***"True Bill"*** is only signed by the US District Attorney to arrest and criminally prosecute an accused is valid, even when the signature or signatures of the AUSAs that normally act as **"attorney for the government"** is absent from said ***"True Bill"*** before the Grand Jury?

Indictment 01-690 of 10-24-2001, the first in modern federal judicial history whose ***True Bill*** only contains the signature of the ***US District Atttorney,*** as ***attorney for the government*** before the Grand Jury.

13
Indictment
U.S. v. Juan Manuel Cruzado Laureano
a/k/a Manny

acts of extortion by defendant Juan Manuel Cruzado Laureano a/k/a Manny.

All in violation of Title 18 United States Code Section 1512(b)(1)(2).

TRUE BILL.

Olga Rivera

FOREPERSON
Dated: 10/24/01

Guillermo Gil

GUILLERMO GIL
United States Attorney
Dated: 10/24/01

Certified to be a true and exact copy of the original.
FRANCES RIOS DE MORAN, CLERK
U.S. District Court for the District of Puerto Rico
By: _____ Deputy Clerk
Date: 10-30-01

On October 24, 2001 at 6:00 pm, the US District Attorney of PR Guillermo Gil Bonar, personally presented in the Clerk's Office of the Federal District Court of PR an **Indictment** against the "Popular" Mayor of Vega Alta, Juan (Mane) Cruzado. The **Indictment**, which only signed its **"True Bill"** by the US Attorney Guillermo Gil Bonar, was given the no. **01-690** and assigned to Judge Jay A. García-Gregory(JAG). Mayor Cruzado was arrested at his home at 6:20 pm by FBI agents from El Paso, Texas and they led him to the Guaynabo Federal Detention Center, where he was jailed. On October 25, 2001, Magistrate Judge Jesús Castellanos set bail for the only accused of **Indictment 01-690(JAG) on 10-24-01**, against the will of US Attorney Gil Bonar, who postulated that Mayor Cruzado was a risk of leakage. At the bail hearing, the only as an ***"attorney for the government"*** was the US Attorney for PR, Guillermo Gil Bonar.

Petitioner's Arguments Regarding Question No. One

The Petitioner in his "Writ of Mandamus" of December 19, 2019 established the following about the illegality of **Indictment 01-690 (JAG) of 10-24-01** whose **"True Bill"** is only signed by the US Attorney of PR Guillermo Gil Bonar *(page 8, first* paragraph*):*

"Indictment 01-690(JAG) *was registered in the Office of the Clerk of this Court on 10-24-01 with the only signature of US Attorney Guillermo Gil Bonar, lacking such accusations of the AUSA signature that attend to the determination of probable cause of the Grand Jury against me. Rule 7 clearly states that the Government attorney before the Grand Jury must sign the Indictment that produces it."*

The Honorable Court in its argument to defend the legality of **Indictment 01-690(JAG)** and therefore decree that the ***"Mandamus Petition"*** is frivolous, reads as follows (*page 9 first paragraph of* ***V. DISCUSSION)***:

"Mr. Cruzado-Laureano's mandamus petition is frivolous. First, the law does not invalidate an indictment because it was signed by the USA, not by an AUSA. Federal Rule of Criminal Procedure requires only that an indictment be signed "*by an attorney for the government.*" Fed. R. Crim. P. 7(c) (1).

Rule 7 does not require that an indictment be signed by an assistant united states attorney and specifically does not require that the indictment be signed by all the government attorneys who participated in the indicted case before the grand jury. Rule 7 does not say that all government attorneys who appeared before a grand jury must sign the resulting indictment, only that *"an attorney for the government"* must sign..."

In the first paragraph of the aforementioned of the argument put forward by the Court in defense of the illegal Indictment 01-690(JAG), the concept of ***"an attorney for the government"*** before the institution of the Grand Jury is addressed. This figured of the ***"an attorney for the goverment"*** is mentioned in Rule 6 as one of the persons who is authorized to be present at the grand jury sessions but who must not disclose a matter ocurring before grand jury. In ***"Notes of Advisory Committee on Rule 6 Amendment of 1977"*** says so:

> As defined in Rule 54©, *"Attorney for the government"* means the Attorney General, an authorized assistant of the Attorney General, a US Attorney, an authorized assistant of a US Attorney, an when applicable to cases arising under the laws of Guam..." The limited nature of this definition is pointed out in *In Re* Grand Jury Proceedings, 309 F .2d 440 (3rd Cir. 1962) at 483: *"The term attorneys for the government its restrictive in its application"*

By analysing the term ***"attorney for the government"*** in Rule 6 and applyng it to the political and judicial reality of any of the 94 judicial districts, we see that it is only possible that the US District Attorney or an "AUSA" designated by it, can be classified as ***"an attorney for the goverment"*** before the grand jury. By reviewing the functions that the US District Attorney is required to carry out by law, we can concluded without fear of being mistaken, that the AUSA appointed by the USA, is the only one that has within its delegated functions the supervision of the grand jury. The Department of Justice has established that all US District Attorneys will have the following funtions in their district:

> *"Prosecute for all offenses against the US; (2-) prosecute or defend, for the Government, all civil actions, suits or proceeding in which the United States is concern. (3) appear in behalf of the defendants in all civil actions, suits or proceeding pending in his.... (4) institute and prosecute proceedings for the collections of fines... (5) make suchs reports as the Atorney General may direct".*

The US District Attorneys within their day-to-day statutory and regulatory functions, do not have, among them, the supervision of the institution of the Grand Jury in their determination of probable cause against a defendant, although the law allows it. The signature of the US District Attorney Guillermo Gil Bonar in the **"True Bill"** of **Indictment 01-690(JAG) of 10-24-01** cannot be considered as the signature that would correspond to the ***"attorney for government"*** of Rule 7 (c)(1), to classify said **Indictment 01-690(JAG) of 10-24-01** as valid and in compliance with the provisions in said Rule 7 (c) (1) . The Department of Justice in its manual for handling of the Gran Jury by its prosecutors says the following in its Section 9-11-241 paragraph two:

"The authority for a United States Attorney to conduct grand jury proceedings is set forth in the statute establishing United States Attorney duties , 28 U.S.C. Sec. 547. United States Attorneys are directed in that statute to *"prosecute for all ofenses against the United States"*. Assistant United States Attorney similarly derive their authority to conduct grand jury proceedings in the district of their appointment from their appointment statute, 28 U. S. C. Sec. 542."

A simple reading of the previous Department of Justice directive that officials in a judicial district can supervise a Grand Jury in its probable cause determination process against a defendant, leads us to concluded that it is the assistant united states attorney (AUSA) that has primary responsibility for supervise the Grand Jury. Although the US District Attorney is authorized to act as an ***"attorney for the government"*** before the Grand Jury, it has as its primary and exclusive obligation ***"prosecute for all ofenses against the United States"***. There is no precedent in the 94 judicial districts, including PR, from an Indictment like **01-690 (JAG) of 10-24-01,** whose **"True Bill"** is only signed by the US District Attorney, which has been used to criminally prosecute a defendant.

The claim of the Honorable Senior Judge Woodcock that the **Indictment 01-690 (JAG) of 10-24-01**, whose **"True Bill"** was only signed by the US District Attorney Guillermo Gil Bonar, be accepted as valid, is based on an erroneous interpretation of the Rule 7. Interpretation away from the operational reality of the 94 judicial districts in their handling of the indictments produced by them. **Appellant position is that no Indictment whose True Bill is not signed by an AUSA is legally valid.** That Appellant position is supported by hundreds of thousands of indictments produced in the 94 judicial district of the USA since the US Supreme Court enacted the Rules of Criminal Procedure in 1946. The Honorable Court was unable to cite a single case or produce a single indictment whose **"True Bill"** does not contain the signature of at least one AUSA, of any of the 94 judicial district of the USA, similar to the **illegal indictment 01-690 of 10-24-01**, to support his novel legal theory that ***Rule 7 does not require that indictment be signed by an AUSA to be valid.***

In the only ***MOTION*** for dismissal submitted by the Defendant, which was the one submitted in the District Court since he refused to present "Brief" on the Plaintiff's Appeal, the following is argued about the Plaintiff's point about the absence of the signature of the ***AUSA*** or the ***AUSAs*** in the ***True Bill*** of ***Indictment 01-690***, signature or signatures that are required in all Districts, including PR. This is how paragraph 2 of page 5 in ***III. Argument*** says:

> *"Plaintiff overlooks, however, that Congress delegated on United States Attorneys the power to prosecute all offenses against the United States. See Title 28, United States Code Section 547.* ***Accordingly****, Guillermo Gil, as United States Attorney in 2001 had unquestionable authority to sign the indictment and file charges against Cruzado-Laureano in Criminal Case No. 01-690(JAF)".*

In the previous paragraph, where the Defendant intends to ***"legalize"*** the illegal fact that the US District Attorney Guillermo Gil is the only signer of the ***True Bill*** of ***Indictment 01-690(JAG) of 10-24-2001***, it is unknown what the Federal Rules of Criminal Procedure are, under ***Title III***, who govern the issuance of Grand Jury indictments and not USC Title 28, Section 547. In none of other 93 Judicial Districts is there a record of the US District Attorney has he ***"acted alone"*** as a ***"government attorney"*** before a grand jury, has signed and filed an Indictment and has been during the trial the main prosecutor in the presentation of the charges before the Jury.

This criminal case, which occurred in 2001, has been the first case since the US Supreme Court promulgated the Federal Rules of Criminal Procedure, in the middle of the last century, where a person has been accused, prosecuted and imprisoned, using an ***Indictment*** whose ***True Bill*** only contained the signature of the US District Attorney as ***"attorney for the government"***.

Question No. TWO:

Does **Rule #7 (c) (1)** of Federal Criminal Procedure require that every *"attorney for the government"* that participates before a Grand Jury be a signatory to the **True Bill** of the indictment produced, for it to be valid?

Petitioner's Arguments Regarding Question No. Two:

Cover of the transcript FBI Agent Brenda Díaz before the Grand Jury-10-02-01

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

Plaintiff,

Vs.

JUAN M. CRUZADO LAUREANO,

Defendants.

Hato Rey, Puerto Rico
October 2, 2001

TESTIMONY OF: **BRENDA DÍAZ**

GRAND JURY INVESTIGATION
BEFORE THE GRAND JURY
FEDERAL BUILDING, HATO REY

APPEARANCES

FOR THE PLAINTIFF: Guillermo Gil Bonar, Esq.
Lynn Doble Salicrup, Esq.

COURT INTERPRETER:

The US Attorney of PR Guillermo Gil Bonar appeared on October 24, 2001 in the afternoon before Federal Magistrate Jesús T. Castellano to validated the **Indictment 01-690** with 11 Counts against the Petitioner. Gil Bonar with his the only signature on the ***"True Bill"*** of **Indictment 01-690**, assured the Court that he was the only ***"attorney for the government"*** who had assisted the Grand Jury in its determination of probable cause against the Petitioner.

> Did US Attorney Guillermo Gil Bonar lie to Magistrate Castellanos by assuring him that he was the only ***"attorney for the government"*** before the Grand Jury that issued the Indictment against the Petitioner ?

YES, US Attorney Guillermo Gil Bonar lied to Magistrate Castellano. The Petitioner when filing the **Writ of Mandamus** on December 19, 2019 against US Attorney Muldrow, submitted evidence of the deponents' transcripts to the Grand Jury. These certified that US Attorney Guillermo Gil Bonar was not the only ***attorney for the government*** who assisted the Grand Jury that issued **Indictment 01-690** against the Petitioner.

The Petitioner to demonstrate that the USA Gil Bonar was not alone in the sessions of the Grand Jury, included in the Mandamus a copy of the cover of the transcript of October 2, 2001 by FBI Agent Díaz, where it is reflected that there were **"two attorneys for the government"** before the Grand Jury in the sessions after the initial: ***USA Guillermo Gil Bonar*** and ***AUSA Lynn Doble Salicrup***. In the Mandamus the Petitioner postulates that since the AUSA Lynn Doble Salicrup was together with the USA Gil Bonar ***as attorneys for the government*** in the sessions of the Grand Jury, the **True Bill** of the **Indictment 01-690 (JAG) of 10-24-01** had that contain the signatures of both for this to be legally valid, as provided in Rule 7(c)(1).

Absence of AUSA signature Lynn Doble Salicrup on the **"True Bill"** invalidated **Indictment 01-690(JAG) of 10-24-01**. Responding to the Petitioner's position on the requirement for the signatures of both attorneys for the government in the **"True Bill"** of **Indictment 01-690(JAG) of 10-24-01** the Honorable Court outlines the legal theory in its page 9 of the Judgment, paragraph 2, DISCUSSION (V.) where expands its novel interpretation of Rule 7 (c) (1)- Fed. R. Crim. P. and says:

> **"Rule 7 does not require that an indictment be signed by an assistant united states attorney and specifically does not require that an indictment be signed by all the government attorneys who participated in the indicted case before the grand jury. Rule 7 does not say that all government attorneys who appeared before a grand jury must sign the resulting indictment, only that *"an attorney for the government"* must sign".** (Judgment Case 3:19-cv-02142-JAW, page 9, V. DISCUSSION, paragraph 2)

The novel and meaningless interpretation that Judge Woodcock made in his ***Judgment*** on the text of ***Rule 7***, where the issue of the signature or signatures required of ***attorneys for government*** is mentioned in the ***True Bill*** of indictment that is issued, rest on erroneous literal interpretation of the text of ***Rule 7(c) (1)***. Said text orders the signature of the ***attorney or attorneys for the government*** before a grand jury in all indictments issued by it. The final part of the first sentence of ***Rule 7 (c)(1)*** says: ***"and must be signed by an attorney for the government".*** Is the interpretation of the Court correct in its ***Judgment***, that in ***Rule 7*** the Supreme Court meant that although there was more than one ***"Attorney for the Government"***, attending the grand jury, only the signature of one of them is required in the indictment what is issued for this to be valid? !NO!

The literal interpretation made by Judge Woodcock, which is found in the provisions of the ***case Niz-Chavez v. Garland (04-29-2021) #19-862 US Supreme Court***, is not correct. The following is said in this case about readings and literal interpretations:

*- Westlaw-Headnotes [**11**]-Statues- Singular and Plural*

Pursuant to the Dictionary Act, when reading the US Code, one is to assume that words importing the singular include and apply to several persons, parties or things, unless statutory context indicate otherwise. ***1 U.S.C.A. Section 1***.

-Westlaw-Headnotes [***12***]- *Statutes – Singular and Plural*

The Dictionary Act does not transform every use of the singular "a" into the plural "several" but, instead, it tells that the reader only that, when reading the US Code, a statute using the singular "a" can apply to multiple persons, parties or things. ***1 U.S.C.A. Section 1***.

The ***Indictment 01-690 (JAG) of 10-24-01***, is invalid because it only contains the signature of US Atttorney Guillermo Gil-Bonar on his "***True Bill***" and in no District, the US Attorney has the function of acting as ***"attorney for the government"*** before the Grand Jury. The **Indictment 01-690** is in violation of **Rule #7**, because it lacks in its **True Bill** the signature of the AUSA or the AUSAs that assists in all Judicial Districts the Grand Jury, as ***"attorney for the government"***, in their process of producing an indictment. Judge Woodcock in his Judgment erroneously equates the signature of US Attorney Gil-Bonar in the **True Bill** of Indictment 01-690 to that of the AUSA that participates as ***"attorney for the government"*** before the Grand Jury, in order to give legal validity to said **Indictment**. Without a doubt, **Indictment 01-690 of 10-24-2001** a legally invalid one, which could not be used to arrest, prosecute and incarcarcerate the Petitioner.

"Rule 7 does not require that an indictment be signed by an AUSA" [1]

1-Judge John Woodcock Judgment, Civil Case No. 19-2142(JAW)

Court makes a novel interpretation of Rule 7 (c)(1) and the required signatures of the ***"attorneys for the government"*** in the "True Bill" of indictment issued by a grand jury, collides with the operational reality of handling indictments in the 94 judicial district of the USA. In all judicial districts, including the Maine district from which the Honorable Senior Judge Woodcock comes, all the ***"attorneys for the government"*** who participate in the supervision of a grand jury in the issuance of an indictment, all are AUSAs and all are required to be signatories of the ***True Bill*** of the Indictment produced, if they have no objections to it. The Rule # 1 of the Federal Rules of Criminal Procedure , told us that the ***"attorney for the government"*** at the district level could be the ***US Attorney*** or an ***AUSA***. The reality that in the 94 Judicial Districts of USA, which is where indictments are generated, the figure of the ***attorney for the government*** is embodied exclusively by that of the ***Assistant of the US Attorney*** (AUSA).

The above quote on ***Rule 7*** of Federal Rules of Criminal Procedure was prepared by Judge John Woodcock in his ***Judgment*** of ***Civil Case 19-2142***. Wodcock is aware of the presence of AUSA Lynn Doble Salicrup as attorney for the government before the Gran Jury that issued Indictment 01-690, based on the evidence presented by the Petitioner. That erroneous thesis on ***Rule 7***, Woodcock, did to justify the absence of the signature of the ***AUSA Lynn Doble Salicrup*** in the ***True Bill*** of ***Indictment 01-690(JAG) of 10-24-01***. The ***AUSA*** Doble Salicrup together with the ***USDA*** Gil-Bonar, had acted as ***"attorney for the government"*** before the Grand Jury that issued ***Indictment 01-690(JAG)***.

An Indictment issued by a Grand Jury, which lacks the signature of the AUSA that supervised it in its determination of probable cause, have legal validity?

What is said in its **Section 15.1(d)(4th ed.) of LaFave Crim. Proc.,** about ***Rule 7(c)***, the signature of the ***attorney for the government*** before the ***GJ***, and implications on the accusatory validity of an indictment that does not contains the signature of the ***attorney for the government*** who has attended to the Grand Jury?

LaFave Crim. Proc, *Excerpts from page 2, paragraphs2 and 3:*

> 2"-***Rule 7(c)*** **mandated that the indictment be "signed by an attorney for the government." Thus, for an indictment to be valid, not only did it have to be approved by the grand jury, but the prosecutor also had to signify approval by her or his signature."**
>
> **"Although *Rule 7* was less than crystal clear in denying to federal grand juries the authority to initiate prosecutions over an objection by the prosecutor, the lower federal courts considering that issue have concluded uniformly that *Rule 7* does exactly that. In the leading case on point, *United States v. Cox*, a divided Fifth Circuit, sitting en banc, concluded that the prosecutorial act of signing (and thereby completing) an indictment was discretionary rather ministerial; the United States Attorney had no obligation to convert an accusation favored by the grand jury into a formal charge and to thereby initiate prosecution. Relying on *Cox*, federal lower courts have repeatedly noted that, as the Second Circuit put it, "[n]ot only must the prosecutor wait for the grand jury's determination before he or she may proceed in a felony case, but the grand jury may not issue an indictment where the prosecutor is opposed."**

Rule #7 of Federal Rules of Criminal Procedure ***(FRCP)*** mandate that the ***indictment*** be ***"signed by attorney for the government"*** in order for it to be considered valid. In the ***Judgment*** issued by Judge John Woodcock dismissing the ***Writ of Mandamus*** presented by the Petitioner, it is clearly established that: ***"Rule 7 does not require that an indictment be signed by an AUSA."*** That twisted interpretation of ***Rule 7*** by

Judge Woodcock arises as a defense to the Petitioner's claim that ***Indictment 01-690(JAG) of 10-24-01*** was invalid since it only contained the signature of US Attorney Guillermo Gil-Bonar on his ***True Bill***.

As the signature of ***attorney for the government*** (AUSA) was absent from the ***True Bill*** of ***Indictment 01-690(JAG) of 10-24-01, it had no accusatory value.*** In no other Judicial District of the USA has the ***US Attorney*** acted as ***attorney for the government*** before the Grand Jury, summoned it and personally question the witnesses cited and sign the True Bill of the resulting indictment as the sole ***attorney for the government.*** The version of ***Rule 7*** of the District Court, designed to validate the illegal ***Indictment 01-690(JAG)of 10-24-2001,*** it does not correspond to Law and it is a custom version to protect the US Attorney's Office and the professional prestige of the federal judges who handled the illegal **Indictment 01-690 of 10—24-2001**.

Question No. THREE:

> Can a federal judge or magistrate authorize an amendment and substitution of an ***Indictment***, when it is requested by an **AUSA** that did not participate in the supervision of the Grand Jury as "***attorney for the government***" in its determination of probable cause?

The Honorable District Court in its **Judgment** in the last paragraph of page 10 and principles of 11, establishes that the Appellant was criminally prosecuted with a **Superseding Indictment** whose **"True Bill"** was signed by US Attorney Guillermo Gil Bonar and AUSA Rebecca Kellogg De Jesús who replaced **Indictment 01-690(JAG) on 10-24-01**. Says so:

"Second, even if the original indictment were defective because the USA signed it (which it is not), Mr. Cruzado-Laureano did no go to trial, was not convicted, and was not sentenced on the original indictment. On January 25, 2002, a federal grand jury issued a superseding indictment containing three additional counts and Mr. Cruzado-Laureano went to trial and was sentenced on the superseding indictment, not the original indictment. *See Original J.* The superseding indictment was signed by both USA Gil Bonar and AUSA Rebecca Kellogg De Jesús." (Judgment, last paragraph of page 10 and principles of 11)

Petitioner's Arguments Regarding Question No. Three:

Accordings to the transcripts of the testimonies of the deponents before the Grand Jury summoned to attend the political complaint against the Appellant, the sessions began with the sole presence of the USA Guillermo Gil Bonar acting as ***"an attorney for the government"*** and from the second sesssion AUSA Lynn Doble Salicrup joins as the ***"second attorney for the government"***.

When the **Indictment 01-690** produced by the Grand Jury was filed with the Office of the Clerk of the District Court on October 24, 2001, its **"True Bill"** only contained the signature of the US Attorney Guillermo Gil Bonar as an ***"attorney for the government"***, the signature of AUSA Lynn Doble Salicrup, the other "***attorney for the government"*** before the Grand Jury, was absent. That filing of **Indictment 01-690(JAG)** with the sole signature of US Attorney Guillermo Gil Bonar in the **"True Bill"** established an illegal precedent, being the first "Indictment" in the 94 Judicial Districts whose **"True Bill"** has been signed only by the US District Attorney to criminally arrest and prosecute a defendant.

Once the US Attorney Guillermo Gil Bonar personally obtained the accusations of **Indictment 01-690 of 10-24-2001** against the Petitioner, his personal participation in the incidents of the hearings prior to the criminal trial, were none. From the first *"status conference"* held before Judge Jay A. García-Gregory on November 16, 2001, to those held by Judge José A. Fusté prior to start of the trial, US Attorney Gil-Bonar was always absent. In the first and only *"status conference"* held by Judge García-Gregory, in the 4 months he heard the case before turning it over to Judge José A. Fusté, US Attorney Gil Bonar who was the sole signer of the ***True Bill*** of **Indictment 01-690 of 10-24-2001**, was absent. Gil Bonar was represented at this first *status conference* by Attorney Rebecca Kellogg De Jesús, who was his special assistant in the PR US Attorney's Office.

Judge García-Gregory, in open violation of Rules #6 (d) ((1) of Federal Rules of Criminal Procedure, allowed Attorney Rebecca Kellogg De Jesús, who had not been ***"attorney for the government"*** before the Grand Jury that produced the **Indictment 01-690** against the Petitioner, to have access an power to dispose of the evidence aired before the Grand Jury at the first status conference on 11-16-2001.

Attorney Rebecca Kellogg De Jesús, represents US Attorney Gil Bonar in the first status conference of the criminal case 01-690-*(Docket Report #10 and #11)*

11/02/2001	9	APPEARANCE BOND entered by Juan Manuel Cruzado-Laureano in Amount $ 100,000 Real Property (Originals in Vault) (ft) (Entered: 11/02/2001)
11/16/2001		Status conference as to Juan Manuel Cruzado-Laureano held before Judge Jay A. Garcia-Gregory (ft) (Entered: 11/20/2001)
11/16/2001	10	Minute entry as to Juan Manuel Cruzado-Laureano : S/C held. Atty for dft will pick up the disc. He req until 12/3/01 to study the same and will inform the Ct if there is any need to file motions or set a furhter S/C. (Judge Jay A. Garcia-Gregory) (ft) (Entered: 11/20/2001)
11/16/2001	11	NOTICE of Appearance for USA by Attorney Rebecca Kellogg-De-Jesus (ft) (Entered: 11/20/2001)

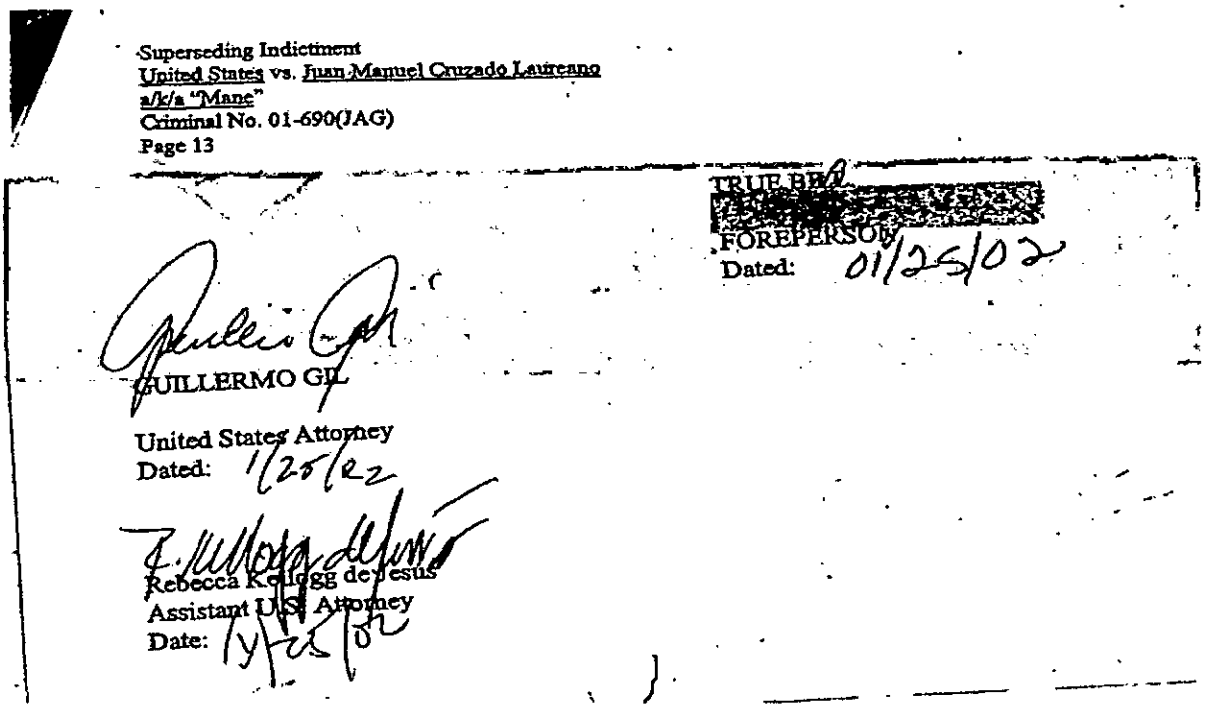
Ninety days later, on January 25, 2002, after Indictment 01-690 of 10-24-01 was filed by US Attorney Guillermo Gil Bonar, whose True Bill only contained his signature as attorney for the government before the Grand Jury, a superseding indictment was filed to replace the Indictment 01-690. This superseding added 3 new Counts to Indictment 01-690 and preserve the original 11 Counts that the Grand Jury issued with US Attorney Gil Bonar as the only attorney for the government. The superseding indictment request on his True Bill contained the signature of US Attorney Gil-Bonar and that of his special assistant, AUSA Rebecca Kellogg De Jesús.

On January 30, 2002, AUSA Kellogg De Jesus before Federal Magistrate Gustavo A Gelpi requested that 3 new Counts be added to Indictment 01-690 of 10—24-01 and that it be replaced by superseding 01-690 of 01-25-2002. Magistrate Judge Gustavo A. Gelpí authorized the illegal amendment to **Indictment 01-690 (JAG) of 10-24-01**, to make it the **Superseding Indictment 01-690(JAG) of 01-25-02**, with AUSA Rebecca Kellogg De Jesús as the new government attorney in the accusations against the Appellant. From the inception of superseding 01-690, Rebecca Kellogg De Jesus became the prosecutor for criminal trial 01-6990 against the Petitioner.

01/25/2002	32	SUPERSEDING INDICTMENT as to Juan Manuel Cruzado-Laureano (1) count(s) 1s, 2s, 3s, 4s, 5s, 6s, 7s, 8s, 9s, 10s, 11s, 12s, 13s, 14s (ft) (Entered: 01/28/2002)
01/25/2002	33	Minute entry as to Juan Manuel Cruzado-Laureano : Return of Superseding Indictment by the GJ. Dft is on bond. set Arraignment for 10:00 1/30/02 for Juan Manuel Cruzado-Laureano before Magistrate Judge [redacted] (Magistrate Judge Jesus A. Castellanos) (ft) (Entered: 01/28/2002)
01/28/2002	34	ORDER as to Juan Manuel Cruzado-Laureano granting [28-1] motion to Amend [5-1] order of pretrial rls of cond related to home of record for Juan Manuel Cruzado-Laureano (Signed by Magistrate Judge Jesus A. Castellanos) (ft) (Entered: 01/28/2002)
01/28/2002		[redacted] (ft) (Entered: 01/28/2002)
01/28/2002		SUMMONS(ES) issued for Juan Manuel Cruzado-Laureano (ft) (Entered: 01/28/2002)
01/30/2002		Arraignment on Superseding Indictment as to Juan Manuel Cruzado-Laureano held before Magistrate Judge [redacted] Gelpi (ft) Modified on 01/31/2002 (Entered: 01/31/2002)
01/30/2002	35	Minute entry as to Juan Manuel Cruzado-Laureano : Dft arraigned. PONG entered as to cnts 1-14. Dft remains on bond. Magistrate Judge [redacted] (ft) (Entered: 01/31/2002)

Federal Magistrate Gustavo A. Gelpí by authorizing the superseding 01-690 violated Rules # 6 and #7, since he turned AUSA Rebecca Kellogg De Jesús into ***"attorney for the government"*** of the 11 Counts of **Indictment 01-590 of 10-24-01.** Gelpí knew that she was not present before the Grand Jury in its determination of cause of the 11 Counts contained in said **Indictment 01-690**. The only who could request Magistrate Gelpí to add Counts to **Indictment 01-690 of 10-24-01** and request its replacement by a superseding indictment was US Attorney Guillermo Gil Bonar, who was the only one who appeared as a signatory in the **True Bill** of said **Indictment 01-690** .

The inclusión of AUSA Kellogg De Jesus as ***attorney for the government*** in criminal trial 01-690, made it possible for US Attorney Gil Bonar not to have to withdraw Indictment 01-690 of 10-24-01. The criminal trial 01-690 against the Petitioner could be carried out because AUSA Rebecca Kellogg De Jesús was willing to sign 3 new Counts made by US Attorney Gil Bonar to add them to Indictment 01-690.



Superseding Indictment
United States vs. Juan Manuel Cruzado Laureano
a/k/a "Manc"
Criminal No. 01-690(JAG)
Page 13

TRUE BILL
[redacted]
FOREPERSON
Dated: 01/25/02

GUILLERMO GIL
United States Attorney
Dated: 1/25/02

Rebecca Kellogg de Jesus
Assistant U.S. Attorney
Date: 1/25/02

The "sacrifice" made by Kellogg De Jesús to asume the fabricated Counts and become a "second" prosecutor in the Trial that his boss Gil Bonar had the upper hand in the Counts before the Jury, it produced good benefits . One of them was that she managed to marry her Boss Gil Bonar on 12-30-02, in a civil wedding officiated by the judge of the criminal case 01-690, José A. Fusté.

Question No. Four:

Did the Court of Appeals for the First Circuit commit an abuse of judicial discretion in upholding the dismissal of the **Mandamus** requested by the petitioner, when the Respondent did not submit a response to the Appellant's **Brief** and the Court refused to discuss and evaluate the absurd interpretation of the District Court on **Rule # 7** of Federal Rules of Criminal Procedure, which said Court used to dismiss the **Mandamus?**

United States Court of Appeals
For the First Circuit

No. 20-1590

JUAN MANUEL CRUZADO-LAUREANO,

Petitioner - Appellant,

v.

W. STEPHEN MULDROW, U.S. Attorney for Puerto Rico,

Respondent - Appellee.

Before

Howard, Chief Judge,
Lynch and Thompson, Circuit Judges.

JUDGMENT

Entered: June 10, 2021

We have reviewed the record and the parties' submissions. Essentially for the reasons set out in the district court's decision dated May 15, 2020, we allow the respondent's motion for summary disposition, and we affirm. See In re Pearson, 990 F.2d 653, 656 (1st Cir. 1993) ("[M]andamus must be used sparingly and only in extraordinary situations.").

Affirmed. See 1st Cir. R. 27.0(c). Petitioner's motion for default judgment is denied.

The Judgment issued on June 10, 2021 in Appeal #20-1590 by the Panel consisting of Howard, Chief Judge, Lynch and Thompson, Circuit Judges, is disappointing and is an outrage against the Truth and Justice. This Panel in the short and only paragraph that includes its Judgment, denotes that it intended to confirm the dismissal of the Mandamus decreed by District Judge Woodcock, regardless of the allegations made by the Petitioner and what the Respondent alleged. The short paragraphs in which they decree their Judgment begins by saying: ***" We have reviewed the record and the parties submissions",*** but what about "parties" does the Court speak, when the only party that submitted its Brief was the Petitioner ? The Judgment's closing sentence acknowledges that Respondant did not submit his Brief in response to Petitioner, and yet Petitioner was not granted Motion For Default Judgment.

("[M]andamus must be used sparingly and only in extraordinary situations ")

With the previous citation of the **In re Pearson Case, 990 F.2d**, the Panel justified the ratification of the dismissal of the ***Writ of Mandamus*** decreed by Judge John Woodcock. Following the citation, the Panel reports that: ***"Petitioner's motion for default judgment is denied"***. Both what was raised in the ***Mandamus*** and in the ***Motion for Default Judgment*** involve extraordinary situations of law, which the Panel refuses to evaluate. Judge Woodcock had to invent a new version of ***Rule 7 (FRCP)***, to determine that the ***Mandamus*** presented by the Petitioner ***was frivolous.*** The two issues presented by the Petitioner to this Panel, the gross violation of ***Rule 7*** addressed in the ***Mandamus*** as the ***Motion for Default Judgment***, they are unprecedented in US judicial history. ***Rule 7*** had never been violated by a US Attorney as it was in the case of ***Indictment 01-690(JAG) of 10-24-01***. Without a doubt, the Circuit Panel, under no circumstances was going to agree with the Petitioner.

United States Court of Appeals
For the First Circuit

No. 20-1590

JUAN MANUEL CRUZADO-LAUREANO,

Petitioner - Appellant,

v.

W. STEPHEN MULDROW, U.S. Attorney for Puerto Rico,

Respondent - Appellee.

Before

Howard, Chief Judge,
Lynch, Thompson, Kayatta
and Barron, Circuit Judges.

ORDER OF COURT

Entered: October 19, 2021

The petition for panel rehearing is denied. The petition for rehearing having been denied by the panel of judges who decided the case and the petition for rehearing en banc having been submitted to the active judges of this court and a majority of the judges not having voted that the case be heard en banc, it is ordered that the petition for rehearing and petition for rehearing en banc be denied.

The denial of the Rehearing en banc petition decreed in an Order of Court of October 19, 2021, shows that it is useless act to make such request where the Panel that ordered the confirmation of the dismissal, is the one who continues to decide the course os Appellate Justice. The Petitioner in the request for Rehearing en banc made a detailed account of the crimes, ethical misconduct and ilegal handling of the Grand Jury institution committed by acting US Attorney Guillermo Gil Bonar in order to be able to accuse, prosecute and imprison the Petitioner for some crimes of corruption that never happened. The extraordinary and unique events that the Petitioner detailed in the Rehearing request, never occured in any other Judicial District, where acknowledged and accepted by Respondant W. Stephen Muldrow.

W. Stephen Muldrow, recognizing that **Indictment 01-690 of 10-24-01** was illegal and indefensible, decides not to respond to the Appellant's Brief, where it is requested that the criminal charges of said **Indictment 01-690** be dropped. The enlarged Panel of 5 Judges, composed of two experienced Judges (one of them the Chief Judge) and 3 with 11 years or less of having been appointed, who ratified the refusal to grant the **Rehearing** requested by the Subscriber, they do not care that Respondent Muldrow does not share the distorted version of Rule 7(c)((1) that Judge Woodcock use when he dismissed Petitioner's Mandamus.

It is very difficult to understand that a Panel of 5 Circuit Judges, where two of them are graduates of the prestigious Harvard Law School, can uphold on Appeal a Judgment of a district court that is based on a nonsensical and disconnected interpretation of the daily application of **Rule 7(c)(1)** in the 94 judicial district of the USA. According to Judge Woodcock **Rule 7 (c)(1)** states that:

1- Rule 7 does not require that an indictment be signed by an AUSA
2- Rule 7 does not require that the indictment be signed by all the government attorneys who participate in the indicted case before the grand jury.
3- Rule 7 does not say that all government attorneys who appeared before the grand jury must sign the resulting indictment, only that "an attorney for the government" must sign.

The previous erroneous interpretation of ***Rule 7 (c)(1)*** is outlined by Woodcock in the face of Petitioner's core argument that ***Indictment 01-690 of 10-24-01*** was invalid, because was in open violation of the ***Rule 7***. The ***True Bill*** of said ***Indictment 01-690*** was only signed by the US Attorney Guillermo Gil-Bonar , implying that the US Attorney was the only ***attorney for the government*** who oversaw the Grand Jury. With the rejection of Rehearing's request, these 5 Appellate Judges demonstrated that their motives are not to seek and apply Appellate Justice. Very sad and unfortunate for the Federal Judiciary.

United States Court of Appeals
For the First Circuit

No. 20-1590

JUAN MANUEL CRUZADO-LAUREANO,

Petitioner - Appellant,

v.

W. STEPHEN MULDROW, U.S. Attorney for Puerto Rico,

Respondent - Appellee.

Before

Howard, Chief Judge,
Lynch and Thompson, Circuit Judges.

ORDER OF COURT

Entered: December 20, 2021

We are in receipt of the "request for reconsideration" filed on November 2, 2021. As mandate issued on October 26, 2021, we treat the filing as a request to recall the mandate, and we deny the request. See Calderon v. Thompson, 523 U.S. 538, 550 (1993) (recalling the mandate is a remedy "of last resort, to be held in reserve against grave, unforeseen contingencies").

By the Court:

Maria R. Hamilton, Clerk

On November 2, 2021, the Petitioner filed a ***"Request for Reconsideration"*** to the Panel that denied the request for ***"Rehearing en banc"*** and the Panel composed of Howard, Chief Judge, Lynch and Thompson, Circuit Judges, denied it. The reason for the denial of the request for Reconsideration according to the **Order of Court** of December 20, 2021, was that the request for Reconsideration did not have the merits to be considered as a ***"Recall of Mandate"***. With this third refusal of the Court of Appeals to evaluate the arguments made by the Petitioner regarding the erroneous interpretations made by District Judge Wodcock of Rules #6 and #7, to dismisss the Mandamus against US Attorney Muldrow, it is confirmed that this The Court of Appeals is at the service of injustice and impunity.

The Appellate Court of the First Circuit accepted as interpretation of Rule #7, the absurd thesis of said Rule that Woodcock made to dismiss the Petitioner's Mandamus. Undoubtedly, Judge Woodcock's interpretation of **Rule 7(c)(1)** was a commissioned one, with the sole purpose of "legalizing" the illegal **Indictment 01-690 of 10-24-01.** The case under discussion is one that is unprecedent in any of the 93 other US judicial districts. A case where the Respondent, the US Attorney for PR W. Stephen Muldrow, by refusing to answer the Brief submitted by the Appellant, grants him the reason on the illegality of **Indictment 01-690 of 10-24-01** used to accuse, prosecute and imprison the Petitioner. With the First Circuit's refusal to confront Judge Woodcock's flawed tesis on Rule #7, Justice is being obstructed.

REASONS FOR GRANTING THE PETITION OF CERTIORARI

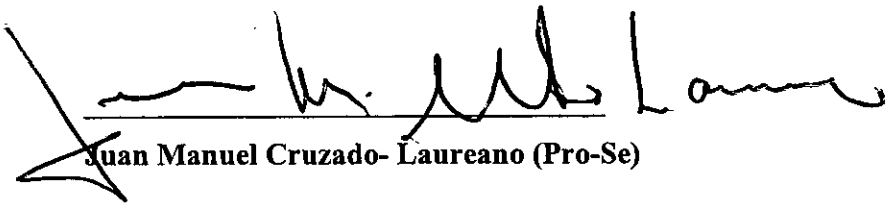
Questions #1, #2 and # 3 submitted for review by this Honorable Supreme Court, are directly related to the ***Federal Rules of Criminal Procedure*** #6 and #7. These three questions must be answered because ***Rules #6 and #7*** determine the signatures required in the ***True Bill*** of ***Indictment*** that a Federal Grand Jury decrees, for it to be considered valid to accuse and prosecute criminally. The importance of ***Rules #6 and #7*** lies in the fact that the US Constitution establishes that in all criminal charges at the federal level, ***the determination of probable cause*** must be made by a Grand Jury through an ***Indictment*** issued by it.

In the Question #4, this Honorable Court must answer whether the First Circuit could adjudicate a Case to a Respondent, when he refused to answer to answer the Petitioner's Brief.

CONCLUSION

The petition for a Writ of Certiorari should be granted.

Respectfully submitted,



Juan Manuel Cruzado- Laureano (Pro-Se)

Date: 01/14/2022