

22-6070

No. \_\_\_\_\_

FILED

Aug 22 2022

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

ORIGINAL

SUPREME COURT OF THE UNITED STATES

CHARLES ROCHESTER (Petitioner pro-se)

Vs.

THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT  
BRONX 44<sup>TH</sup> PCT., AND NBBX/NARCBBX UNIT FIELD TEAM-, Lt. Camhi,  
Det. Daniel Rivera , Det. Mazza, Sgt. Massa , and Undercover Officers,  
female/male John Doe's (Respondents)

ON PETITIONER FOR WRIT FOR CERTIORARI TO  
NEW YORK STATE COURT OF APPEALS

BY CHARLES ROCHESTER -petitioner pro-se

9-15 Adrian Avenue # 6E- BRONX N.Y. 10463

646-245-4984

## QUESTION (S) PRESENTED

1. Can the New York Supreme State Judge and the Opposing Attorney's join FORCER, to defeat pro-se, by being silent, on each one's Official Misconduct, in violation of A.B.A. 8.1, and 8.3 (a) and (b) Also Rule 2.11; as well as N.Y.S. C.P.L.R PART 100 and PART 1200, Which is Similar to Federal Laws 28 U.S. Code § 455 - Disqualification of Justice, Judge, or Magistrate?
2. **Can** the presiding Judge that try to Marshall Off your decease mother homes to his Friend who was a Bronx N.Y. Court Clerk, who open a Guardianship Network out of his apartment, Sued in United State District Court and reported to Judicial Commission Conduct sit on your next case.
3. **Can** the presiding judge refuse to recusal and the petitioner approach him and the Court Clerk and demand he remove himself sit on your next case?
4. **Can** the Judge allow act as a defense Attorney, and dismiss all your motions and aid the City of New York Law Corporation Attorneys, by telling them what to put in to their next motion to dismiss as well as look the other way of them violating his Court Orders by favoritism?
5. **Can** the Judge Retaliate and seek Revenge, because Petitioner sue him twice, wrote him up three times, had him disqualified twice, and file suits in the United States District Court twice refuse all your oral demand to remover and his Court Attorney states he doesn't have to.
6. **Can** the Judge who was disqualified appoints, his former Court Assistant, who now a Judge and knew of our bad history, with I and the Judge rule on Motions to set a side his verdict when she also rules on a Motion in the prior Conflict of Interest and was the final Judge who he appointed that denied my motion for RECONDISIDERATION, as well as conceal other victims to a Monell Claim. IS THIS EXTREAME CONFLICT OF INTEREST THAT DENY DUE- PROCESS?
7. **Does** the Back Doctrine Applies when New York City Conceal demand for information that is not Privilege, and is need to make a Diligent Effort to make sure all parties have exact documents?
8. **Does a known prior Conflict of Interest, between Opposing Attorney's and the Presiding Judge's and the Petitioner all knowing, another conflict of Interest, is re-occurring a, violates petitioner due-process and equal protection, and right to fari trial 14<sup>th</sup> Const.?**
9. When intentionally, abuse of power, unfairness to the pro-se- by both New York Judge and Opposing New York Corporation Counsel's, bringing 5 attorneys into conference, petitioner not knowing who they represent violates A.B.A. Rule 3.1, 3.4, 2.11 does these acts deprive the pro-se to present his affirmative defense, to the correct attorney, by their Abuse of Power, thus Violating the right to fair trial 5<sup>th</sup>, 6<sup>th</sup> amend.?
10. Can the New York City claim they represent multiple defendants, different entries, and set dates for demand of deposition, discovery, production of documents, and Interrogatives dates, then claim the defendants are not their Clients s, undercover officers and arresting officer with no address, put in motion to dismiss due to the defendants were not serve?
11. When a pattern practice, and custom, that is known to the City of New York and the arresting officers, and Entities have knowledge of false arrests, that Brought 31 civil cases against the NBBX Unit , and you bring proof, by a preponderance of facts and evidence, this is corrupt drug unit ,in the Bronx N.Y. also working the Yankee Stadium area with false arrests, can the Judge dismiss a valid Monel Claim (436 U.S. 658 (1978)) and conceal the other victims, in her Order that states there is no other victims?

12. Can the United States Court enforce, under the Doctrine of Preemption based on the Supremacy Clause that preempts state law, from violating its own laws that denied due- process and show the appearance of bias and prejudice and retaliation as well as sabotage a plaintiff claims thus violating his 1<sup>st</sup> 4<sup>th</sup> 5<sup>th</sup> and 14<sup>th</sup> amendment rights?
13. Can the defense Attorney trick the petitioner by giving him the wrong address of deposition hearing, and refuse to answer phone to correct location, forcing cancellation?
14. Can the City of New York violate Court Order and cancel Second Deposition date, and lie on the Court, that they notified the Deposition was cancel on the Date of the Deposition d - thus intentionally delaying times and running out the clock when Judge said No cancellation with out leave of the Court is this Deception?
15. Can the City of New York switch to 5 or 6 different Attorney each time they get caught in lying in compliance conferences remove attorney to force delay so the next Attorney can study the case using as a tactic not to comply to demand of discovery is this legal deception?
16. Can the City of New York switch to 5 or 6 different Attorney each time they get caught in lying in compliance conferences remove attorney to force delay so the next Attorney can study the case using as a tactic not to comply to demand of discovery is this legal deception?
17. Can the City of New York destroy pre-recorded buy money evidence without naming who destroy this evidence in your favor that you asked for in discovery.
18. Can the City of New York deny a lack of training when plaintiff did testify three different times with three different Indictment Numbers, as well as been arrested 7 times, deny the NBBX Unit and officers are using a pattern practice and custom that is not train properly which forces them to make false arrests, of innocent Bronx communities citters, can suit move forwarded?
19. Can the Court retaliate when you seek REDRESS AND GRIEVANCES when he sees my **Opposition Answer**, is stronger than defense Motion to Dismiss the claim, the Judge Dismiss the Attorney Motion and reprimand him, and then tells him what to put inside his next Motion is this denying pro-se a fair trial ?
20. When the petitioner exhausted his argument with the State, can he petition seeks Federal Examination, to report scheme to violate the Treaty that gave the States rights to hear 42 USC 1983 under the to guard the 14<sup>th</sup> amendment, by the 16 Congress is this violating

## **LIST OF PARTIES**

**ALL PARTIES APPEAR IN CAPTION, OF THE CASE ON THE COVER PAGE**

Charles Rochester vs. New York City et.al **Index NO. 251498/2016**

1. THE CITY OF NEW YORK,
2. NEW YORK CITY POLICE DEPARTMENT,
3. BRONX 44<sup>TH</sup> Pct.
4. NBBX/NARCBBX Unit Field Team
5. Lt. Camhi,
6. Det. Daniel Rivera,
7. Det. Mazza,
8. Sgt. Massa,
9. Unknown Undercover Officers, Female/Male a.k.a. John Doe's (**OTHER PARTIES**)

RESPONSDENT (S)

**Two Judgement were Entered November 11, 2019 and May 27<sup>th</sup> 2020  
ABOVE CASE**

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## **RELATED CASES**

These cases below came **AFTER**, and out of the original case above, due to Acts of Fraud upon the Court, Serve Conflict of Interest, Obstruction of Justice, Discriminatory Practice on pro-se, and by Intentional Violations of Model Rules or Professional Conduct, and American Bar Association Rules, and Canon Code #1 also the Oath of Judge's, that aided in the loop hole to violate the constitution, a new way to preclude hearing 42 U.S.C. 1983

### **New York State Supreme Court -Bronx County Article 78 Special Proceeding Refused to turn over Discovery**

1. Charles Rochester -vs.- NYPD - F.O.I.L -Index NO. 0260123/2018 at, Supreme Court of the State of New York **Judgement Entered December 17, 2018**  
**e.g. Appendix-F**
2. Charles Rochester vs. N.Y.P.D.-F.O.I. L - New York State Court of Appeals Mo. NO. 2020-23 – **Decided and Entered May 7, 2020**  
**e.g. Appendix-G**

Charles Rochester v. NYPD -FOIL- New York State Court of Appeals  
REARGUMENT-Mo. NO.2020-530 Decided and Entered November 23, 2020

**e.g. Appendix -H**

**State of New York Grievance Committee for Ninth Judicial District -  
NO.17367/2019 Judgement Entered November 14, 2019**

CHARLES ROCHESTER, Plaintiff, v. Chief Attorney ZACHARY CARTER; N.Y.C.; N.Y.C. CORPORATION; JOHN DOE COUNSEL; CIVIL BRONX SUPREME COURT ADMINISTRATIVE JUDGES; MITCHELL DANZIGER; MARNI WEINER; YANDY REYES; FRANK DELUCIA, Defendants.

**e.g. Appendix -I**

**These are the N.Y.C. Attorneys and Judge assigned to case with the  
Judge presiding to the original case, all being sued for irregularities**

3. CHARLES ROCHESTER, Plaintiff, v. Chief Attorney ZACHARY CARTER; N.Y.C.; N.Y.C. CORPORATION; JOHN DOE COUNSEL; CIVIL BRONX SUPREME COURT **ADMINISTRATIVE JUDGES; MITCHELL DANZIGER**; -Also Attorneys > MARNI WEINER; YANDY REYES; FRANK DELUCIA, Defendants. Docket NO 1:20-CV-3427 (LLS) **United States District Court -Southern District New York -Judgement Entered 06-01-2020**

**e.g. Appendix -J**

4. United State Court of Appeal Second Circuit Judgement Entered November 9<sup>th</sup> 2020

CHARLES ROCHESTER, Plaintiff, v. Chief Attorney ZACHARY CARTER; N.Y.C.; N.Y.C. CORPORATION; JOHN DOE COUNSEL; CIVIL BRONX SUPREME COURT **ADMINISTRATIVE JUDGES; MITCHELL DANZIGER; MARNI WEINER; YANDY REYES; FRANK DELUCIA**, Defendants. Docket NO. 2021146

**e.g. Appendix-K & Ka**

5. U.S.D.J.-S.D.-N.Y. Order and Decision dated June 1, 2020 stated I can appeal to the New York State Court of Appeals, each time, I went with an prior argument, to the Court of Appeals of New York they denied redress grievances and all appeals and arguments, leaving nowhere to go on any constitutional complaint

The Petitioner quotes 28 U.S. Code § 1746 - **Unsworn declarations under penalty**, the information is true and all of the above cases arises out of acts in the original case on a Writ of Centerior before the S.C.U.S.

Charles Rochester Petitioner pro-se

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**Appendix -A) DECISION's of State of New York Court of Appeals Mo. No.2021-940 (Ordered Decided March 22, 2022 DENYING POOR PERSON APPLICATION**

Charles Rochester v. The City of New York, et.al.

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**Appendix -B) State of New York Court of Appeals Mo. No.2022-343 Reconsideration Ordered Decided July 2022 DENYING POOR PERSON APPLICATION**

Charles Rochester v. The City of New York, et.al.

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**Appendix- C) DECISION of New York State First Department Motion #3513 & Case NO. 2020-04280 Decided December 8<sup>th</sup> 2020 DENYING MOTION TO APPEAL AS POOR PERSON, Appendix -C-a (DENYING SECOND TIME, TO APPEAL AS POOR PERSON) -ORDERED JULY 12,2021 APPENDIX – C-b (DENYING THIRD TIME, TO APPEAL AS POOR PERSON) -ORDERED ENTERED SEPTEMBER 28,2021**

Charles Rochester v. The City of New York, et.al.

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**Appendix D) DECISION of New York State -Bronx Supreme Court Index NO. 251498/2016 Decided November 14, 2020 – MARCH 4, 2020 DATE OF RESCUSAL-**

Charles Rochester v. The City of New York, et.al.

**THIS CASE UP FOR REVIEW**

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**Appendix E) DECISION of New York State -Bronx Supreme Court Index NO. 251498/2016 RECOOSIDERATION -CPLR 5015 Decided May 27<sup>th</sup> 2020-**

Charles Rochester v. The City of New York, et.al.

**THIS CASE UP FOR REVIEW**

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IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI

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

**OPINIONS BELOW**

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the United States district court appears at Appendix \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

reported at Appendix A NY Court of Appeals; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the NY Appellate Court First Department court appears at Appendix B to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

No. \_\_\_\_\_

IN THE

SUPREME COURT OF THE UNITED STATES

PRTITION FOR WRIT OF CERTIORARI

CHARLES ROCHESTER (Petitioner -pro-se )

Vs.

THE CITY OF NEW YORK, NEW YORK CITY POLICE DEPARTMENT.  
BRONX 44<sup>TH</sup> Pct., and **NBBX/NARCBBX** Unit Field Team-Lt. Camhi, Det. Rivera-  
Det. Mazza, Sgt. Massa, and Undercover Officers, Female/Male a.k.a. John Doe's  
(Respondent (s)

Petitioner respectfully prays that a writ of certiorari be issued to review the judgement below

## OPINION BELOW

**Appendix -A** there is no opinion of the Supreme Court, of the State of New York Bronx County decision in short form order dated **November 14, 2019** (unpublished)

**Appendix -B** the opinion of the **Supreme Court of the State of New York Bronx County**, explaining their reason for denying the petitioner Motion and arguments for Rehearing/ Reconsideration to set aside the verdict CPLR 5015 that, was entered in the Court Decision/ Order 4pages dated **May 27<sup>th</sup> 2020** was (unpublished)

**Appendix -C** there is no opinion of the **New York State Appellant Court First Department**, denying poor person application three times and denying petitioner to submit brief until he paid the Court Fees. **December 8<sup>th</sup> 2020 (unpublished) July 12, 2021, and Sept. 28, 2021**

**Appendix -D** There is no opinion of New York State Court of Appeals – denying review and denying poor person application Decision Entered **March 22, 2022** (unpublished)

**Appendix -E** There is no opinion of the **New York State Court of Appeals** – denying Reconsideration, and poor person application Order entered **July 21, 2022** (unpublished)

## JURISDICTION

For cases from **federal courts**:

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

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No.   A  .

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was March 22, 2022. A copy of that decision appears at Appendix D.

A timely petition for rehearing was thereafter denied on the following date: July 21, 2022, and a copy of the order denying rehearing appears at Appendix E.

An extension of time to file the petition for a writ of certiorari was granted to and including 60 days (date) on October (date) in 10/12/22 Application No.   A   by letter of Court Clerk

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

1. The State of New York Supreme Court dismissed by short form Order my civil lawsuit for false arrest and Monel Claim of deprivation of civil rights by a pattern practice and custom and Conflict of Interest throughout litigation of unusual, and extraordinary circumstances, that my constitutional rights . . . contradict the rule of law and Judges oath, arguments were denied on the date of **November 14, 2019**, which presiding Judge was forced to Recusal after egregious and nefarious behavior. the new assigned Judge dismissed **Motion to Set a Side Verdict CPLR 5015** attempting to cover up the official misconduct of the City of New York Law Corporation, and presiding judge working together to defeat the pro-se meritorious claim.  
The 2<sup>nd</sup> Judge also was a party to the conflict of interest Dismissed reviewing of **May 27, 2020**.
2. Notice of Appel was filed in the **State of New York Appellant Court First Department**, that Decline my Poor Person Motion and refuse to hear arguments entered **Decision on December 8<sup>th</sup> 2020** and refuse all request for poor person application thereafter, forcing petitioner to go to the Highest State Court
3. Application was filed in the **New York State Court of Appeals**, that declined to hear the case, due to Academic and denied poor person application on the Date of **March 22, 2022**
4. **Petitioner again file for Reconsideration and the New York State Court of Appeals Order motion for rearmaments, was denied and motion for poor person is dismissed as academic.**  
On **July 21, 2022**
5. **The petitioner files a poor person application and petition for writ of certiorari, on August 22, 2022 and it was return on October 12, 2022 papers was returned with notice to refiled within 60 days**

This petition is filed under Supreme Court Rule 11, and the Court's jurisdiction is invoked under 28 U.S.C. §§ 1254(1) and 2101(e).

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

**4<sup>th</sup> Overview.** Procedural due process refers to the constitutional requirement that when the federal government acts in such a way that denies a citizen of a life, liberty, or property interest, **the person must be given notice, the opportunity to be heard, and a decision by a neutral decision-maker.**

**5<sup>th</sup>** The Fifth Amendment says to the federal government that **no one shall be "deprived of life, liberty or property without due process of law."** The Fourteenth Amendment, ratified in 1868, uses the same eleven words, called the Due Process Clause, to describe a legal obligation of all states.

**14<sup>th</sup> amend.** No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection also invoking the Equal Protection Clause and Extreme Due -process.

Jurisdiction due to the New York State Grievance Committed for Attorney and Judges Decline and stated these arguments is best appropriated to be decided by the Courts which the State of New York presiding judges and New York Corporation Attorney's attempting to shield Fraud upon the Court, by trespassing on the laws

- a. 1<sup>st</sup> 4<sup>th</sup> 5<sup>th</sup> 6<sup>th</sup> 14<sup>th</sup> of the U.S.C
- b. New York State CPLR Part 100
- c. CPLR Part 1200 also
- d. Judges Oath of Office and
- e. A.B.A Rule 8.1, 8.3 a-b -
- f. Canon Code 1
- g. A.B.A. Rule I.7 as well as
- h. Similar Rule to the Supreme Court of the United States 28 U.S. Code 455

When State is intentionally changing the laws of the ~~16~~ Congress that allows State to hear 42-USC 1983 to protect the 14<sup>th</sup> amendment of the Constitution by implementing new Court Procedure that allows the Judge to disobey their own laws of conflict of interest thus created a new way to preclude 42 USC 1983 from reaching the Grand Jury by aiding and abetting the opposing Attorneys with favors to overlook the Court Actions,

#### **Civil Practice Law & Rules Article 30 - R3016 -**

Essentially, fraud upon the court requires a showing 'that a party has sentiently set in motion some unconscionable scheme calculated to interfere with the judicial system's ability impartially to adjudicate a matter by improperly influencing the trier or unfairly hampering the presentation of the opposing party's There was no State of New York ~~Romey~~ for the Attacks on the petitioner rights and no remedy to enforce the meaning of conflict of interest that is in contradiction to states and federal conflict of Interest and is left up to the State Judge to decide not by Model Rules of Professional Conduct Integrity, Not by A.B.A. Rules Conflict of Interest with the JUDGES OATH OF OFFICE and left confusing to the point the presiding Justices granted their own laws on what is a Conflict of Interest , thus destroying due- process for the poor and can aid and abet the opposing party.

#### **Quoting the Supremacy Clause Article VI Paragraph 2 of the U.S. Constitution**

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any ...

1. The State of New York Supreme Court dismissed by short form Order my civil lawsuit for false arrest and Monel Claim of deprivation of civil rights by a pattern practice and custom and Conflict of Interest throughout litigation of unusual, and extraordinary circumstances, that my constitutional rights and contradict the rule of law and Judges oath, arguments were denied on the date of **November 14, 2019**, which presiding Judge was forced to Recusal after egregious and nefarious behavior. the new assigned Judge dismissed **Motion to Set a Side Verdict CPLR 5015** attempting to cover up the official misconduct of the City of New York Law Corporation, and presiding judge working together to defeat the pro-se meritorious claim.  
The 2<sup>nd</sup> Judge also was a party to the conflict of interest Dismissed reviewing of **May 7<sup>th</sup> 2020**
2. Notice of Appeal was filed in the **State of New York Appellant Court First Department**, that Decline my Poor Person Motion and refuse to hear arguments entered **Decision on December 8<sup>th</sup> 2020** and refuse all request for poor person application thereafter, forcing petitioner to go to the Highest State Court
3. Application was filed in the **New York State Court of Appeals**, that declined to hear the case, due to Academic and denied poor person application on the Date of **March 22, 2022**
4. **Petitioner again file for Reconsideration and the New York State Court of Appeals Order motion for reargument, was denied and motion for poor person is dismissed as academic.**  
On **July 21, 2022**
5. **The petitioner files a poor person application and petition for writ of certiorari, on August 22, 2022 and it was returned on October 12, 2022 papers was returned with notice to refiled within 60 days**

This petition is filed under Supreme Court Rule 11, and the Court's jurisdiction is invoked under 28 U.S.C. §§ 1254(1) and 2101(e).

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

- 1) 4<sup>th</sup> Overview. Procedural due process refers to the constitutional requirement that when the federal government acts in such a way that denies a citizen of a life, liberty, or property interest, **the person must be given notice, the opportunity to be heard, and a decision by a neutral decision-maker.**
- 2) 5<sup>th</sup> The Fifth Amendment says to the federal government that **no one shall be "deprived of life, liberty or property without due process of law."** The Fourteenth Amendment, ratified in 1868, uses the same eleven words, called the Due Process Clause, to describe a legal obligation of all states.
- 3) 14<sup>th</sup> amend. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its

: jurisdiction the equal protection also invoking the Equal Protection Clause and Extreme Due -process.

4) Jurisdiction due to the New York State Grievance Committed for Attorney and Judges Decline and stated these arguments is best appropriated to be decided by the Courts which the State of New York presiding judges and New York Corporation Attorney's attempting to shield Fraud upon the Court, by trespassing on the laws

5) a. 1<sup>st</sup> 4<sup>th</sup> 5<sup>th</sup> 6<sup>th</sup> 14<sup>th</sup> of the U.S.C right to petition the government , Liberty,

6) due-process for discovery demands

7) New York State CPLR Part 100

8) CPLE Part 1200 also

9) Judges Oath of Office and

10) A.B.A Rule 8.1, 8.3 a-b -

11) Canon Code 1

12) A.B.A. Rule I.7 as well as

13) Equal Protection Clause

14) Due-process Clause

15) **Similar Rule to the Supreme Court of the United States 28 U.S. Code 455**

16) When State is intentionally changing the laws of the 42 Congress that allows State to hear 42-USC 1983 to protect the 14<sup>th</sup> amendment of the Constitution by implementing new Court Procedure that allows the Judge to disobey their own laws of conflict of interest thus created a new way to preclude 42 USC 1983 from reaching the Grand Jury by aiding and abetting the opposing Attorneys with favors to overlook the Court Actions,

17) **Civil Practice Law & Rules Article 30 - R3016 - *FRCP - 60-b***

Essentially, fraud upon the court requires a showing 'that a party has sentiently set in motion some unconscionable scheme calculated to interfere with the judicial system's ability impartially to adjudicate a matter by improperly influencing the trier or unfairly hampering the presentation of the opposing party's There was no State of New York Ramey for the Attacks on the petitioner rights and n o remedy to enforce the meaning of conflict of interest that is in contradiction to states and federal conflict of Interest and is left up to the State Judge to decide not by Model Rules of Professional Conduct Integrity, Not by A.B.A. Rules Conflict of Interest with the JUDGES OATH OF OFFICE and left confusing to the point the presiding Justices granted their own laws on what is a Conflict of Interest , thus destroying due- process for the poor and can aid and abet the opposing party.

## **Quoting the Supremacy Clause Article VI Paragraph 2 of the U.S. Constitution**

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any ...

### **Retaliation in the Court, by Conflict of Interest and Abuse of Power**

Retaliation is, by definition, an intentional act by the Court, and powerful New York City Law Corporation Counsel's assigned to the civil law suit, that is Extremely Rare and Unusual and Extraordinary. It was a form of "discrimination" because the complainant pro-se was subjected to differential treatment. Due to petitioning the court for redress and grievance and filing prior complaint against the presiding Judge's who would not recusal themselves , even when both of them was fully aware of the conflict as well as the Supervisors and Assigned Lawyers who was aware of prior case they were on with the Judge who was ~~force~~ off the case prior to this one thus bring in sometime five Attorneys into back of the Judge, at the compliance conference.

Moreover, retaliation is discriminatory "based on the petitioner did petition the State Entities for redress and grievance, on the Court Procedures, that denied a Fair Trail quoting First Amendment & Six Amendment and was done with knowledge and willful acts by officers of the courts and was sweep under the rug to avoid being disposed.

The petitioner had a prima facie case that was a cause of action with a preponderance of evidence and with the City of New York well aware of exhibits and another victim,

**Jurisdiction:** No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by [Title VI], or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under this subpart.

Jackson, 544 U.S. at 173-74 (citations omitted). The Court also noted that the language in the statute itself supplies sufficient notice to a recipient that it cannot retaliate against those who complain of discrimination.

The Defendants open a Paradox that is so absurd and self-contradictory that will allow other states to decline to investigated or explained, how can a Judge that was just disqualified off a prior case ,two moth before this one and have a history where he sat on the petitioner Surrogate Guardianship case ,and was sued in the United States District Court, irregularities, then was Written up to the New York State Judicial Commission twice, and reported to the Chief Supreme Court Judge of the Bronx, and then appointed the next Judge who was his Court Assistance, who knew me from prior litigation and bounces my civil lawsuit case back and forth ,to each other ,this hook up and paradox is becoming infested and prove to be well founded to be true.

## STATEMENT OF THE CASE

### **Introduction**

1.: The State of New York has, in its Constitution and statutes, Article I - Bill of Rights. Section 2 -N.Y. **Constitution Article. 1, § 6:** No person shall be deprived of life, liberty or property without due process of law. Especially for individual states courts who was granted by the 16 congress representatives to hear 42 U.S.C. 1983 Cases that established clear policies for resolving disputes with defendants,, plaintiff, government, in the Supreme Court, when there a clear breach of their legal responsibility under State and Federal Constitution, and statutes affecting States residents (plaintiff), This case could have been resolved in the year of 2015 through the enforcement of CPLR Part 100 and the A.B.A rules for Judges to disqualify quoting A.B.A. 2.11 and Judges Oath of Office of - but it was obstructed by the Bronx Supreme Court presiding Judge, and the Defense Attorneys, of the New York City Law Corporation Counsels engaging in irregularities, to violate with intent , to benefit off a Conflict of Interest, with the presiding Judge, and the plaintiff, who acrimonious history and serve conflict of interest, did lead to official misconduct, that was cover up, by other State Agencies , such as State of New York Grievance Committee for Ninth Judicial District/ New York State Commission on

Judicial Conduct who are in charge with forcing the law on Attorneys and Judges, who is in violation the Oath of the Constitution or a parties rights, with intent to violate the constitution, under the color of law 2..The petitioner testifies at a **Petit Grand Jury** on December 22, 2015 and the probable cause to arrest the plaintiff was dismissed and untimely all charges that came after was dismissed, this should have ended the case, and rewarded civil damages to the petitioner and settlement after he file civil lawsuit ,October 31,2016, but it was obstructed by defendants, and the Judge, who dislike for the petitioner, and knew I just had in him remove prior and file charges on the Judge ,and sued the Judge. a Even brought Administrative action against the N.Y.C. Law Corporation. All the entities that heard these kinds of case failed in their duties and dismiss an obvious Conflict of Interest, in the year of 2013 and 2019 this case should have had a Jury trial or settlement hearing that could have PREVENTED additional litigation, if not for the Judge refusal to disqualify himself.

The City of New York saw a loop hold and allied who was willing to obstruct Justice and aide the defendants, in the conflict of Interest, they all knew the petitioner, and had the same Attorney on the prior conflict the Judge was force to recusal and knew of past present charges against the Judge, and sued the Judge, in U.S.D.C. Southern District of N.Y. and Even had Administrative action brought against the Judge and N.Y.C. Law Corporation, together. which these entities that heard these of this case, failed in their duties and dismiss an obvious Conflict of Interest, in the year 2013 and 2016, 2019 Even the **Administrative Chief Judge Doris Gonzalez failing to intervened, who was also aware irregularities by the Judges assigned to this case, and had direct knowledge of my complaints. Thus, leaving petitioner without no redress of grievances, as of this date, neither defendants, or their lawyers, or any New York States Appeals Judges have addressed the core allegations, by petitioner Charles Rochester who awaits to be heard as 7 years as passed for the Courts to address.**

1. *Monell v. Department of Social Services* that “Congress did intend municipalities and other local government units to be included among those persons to whom § 1983 applies.” By overturning its earlier decision in *Pape*, the Supreme Court exposed municipalities to liability in police misconduct lawsuits involving constitutional violations.

**2.** Petitioner aver the City of New York immediately claim they're representing the arresting officers, the City of New York , demand the petitioner sent all documents and communication to the City Law Department, even before the Summons and Complaint wasn't sent to the arresting offices , the reason why is due to whereabouts 'of the arresting officers were un-known and when the petitioner request the whereabouts' by DISCOVERY DEMANDS the Defendants refuse to comply, the petitioner did sent copies to the 44<sup>th</sup> Police Station , the City of New York Law Corporation and the **Defendants Lieutenant Camhi arresting officer and Supervisor , the NBBX undercover officers are a moving unit, and at any time can take on different addresses, Also it was several officers, and the only way to obtain information, was due to discovery and making a diligent effort to locate the defendants through 44<sup>th</sup> Bronx N.Y. Police prescient, Lawyers ,and Lt.Camhi Police Commissioner all was contacted, and be Certified Mail**

**3.** Once the City of New York Law Department took control, and notified me they're the Attorneys for all of the Defendants the petitioner is not obligated to serve unknown defendants, documents and therefore the defendants were served through their respective City of New York Attorneys, and thus the case should not have been dismissed against the City Claim or the Federal

**4.** If a defendant is not served within 120 days after the complaint is filed, the court — on motion or on its own after notice to the plaintiff — must dismiss the action without prejudice against the defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

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#### **PROCEDURAL HISTORY AND STATEMENT OF THE CASE**

1.. This action was brought to recover damages, for personal injuries sustained and emotional distress inflicted over a period of times, by the NBBX Unit and one of the defendants, who falsely arrested petitioner multiple times, that forced the petitioner to testify, in front of three different New York State Grand Juries, each time in front of 20 or more juries. Each set of Jury pools, that heard my testimony and heard the District Attorney presented the NBBX UNIT and arresting officers ' statements, as well as let the Grand Jury reviewed the evidence, they dismissed the false allegations each year, I appeared, the last arrest by the NXXB Unit was **November 25<sup>th</sup> 2015**, and in the same year other victims were arrested , the petitioner gather their names and addresses, and file a Monel Claim for a pattern practice and custom for creating false arrest, as well as a Claim against the City of New York as well as Federal Civil Right, known to the City of New York, who took

no action to remedy the violations, even though they settle with the other victim they decide to take my case to the Supreme Court where they had a protector in the Judge who was my adversary and known to be unfair in presiding over my prior cases and present.

**NOTICE OF CLAIM, WAS FILE WITH THE NEW YORK CITY COMPTROLLER, ON FEBRUARY 3<sup>rd</sup> 2016**

2. The City of New York, was place on Notice, of false arrest; perjured; False Imprisonment, gross harassment; illegal search and seizure; official misconduct, intentional creating crimes; deprivation of civil rights; fraudulent filing police reports, by U.S.C. 42 1983; violation of equal protection, emotional distress; failure to train; malicious prosecution

3.. The presiding **Judge Mithcell J. Danzigerr** from New York Supreme Court already knew, we had a very long acrimonious history, that resulted in this Judge being wrongfully assigned to my case again , knowing we just had a bad history, that he was force to Recusal from prior case , this Judge already knew he was violating N.Y. State and Federal Laws , whereas the Bronx Supreme Court was creating a system, that automatically destroy due- process and equal protection, which there is no New York State Remedy to prevent, these New York State Judges from disrespecting, the rule of law. When all the New York State Appeals Court and Attorneys Grievance Committees, as well as State Commission of Juridical Conduct dismiss your complaint, that has a preponderance of evidence proving the Judge is in violations, of pro-se constitutional rights and due-process and 1<sup>st</sup> 4<sup>th</sup> 5<sup>th</sup> ,6<sup>th</sup> and 14<sup>th</sup> amendment, as well as the A. B. A. Rule 2.11 of Disqualification. Judicial Conduct. The State of New York is not enforcing the constitution, instead they're protecting State Entities, by abusing their power and tampering on basic Federal Rights, of the due- Process Clause

4.. **On the date of November 25<sup>th</sup> 2015** officers from the NBBX/ NAR Unit also known as the Buy and Bust Operation, did falsely arrested me, near the intersection of Ogden Avenue between 164<sup>th</sup> Street and 165<sup>th</sup> Street Bronx County -New York. For Criminal Sale and Criminal Procession in the 3<sup>rd</sup> degree both B Felonies Dismissed- No Mark Money, No Drugs in my procession, only \$7 dollars cash, and lose change in my pocket, nowhere near what the officer claim they spent drugs on. Also, I was arrested right there and undercover officers was present at the scene, this was false as well, false arrest of Black and Latino.

5.. On petitioner requested to the Judge to testify in front of the Grand Jury at arrangement and was R.O.R. the Judge granted CPLR 190.05

6.. **On the Date of December 22<sup>nd</sup> 2015** a Grand Jury was assemble and I was brought into a room, and question by the District Attorney who requested I sign a waiver of my immunity and then asked what documents I have to present to the Grand Juries as exhibits, were rehabilitation - a N.Y.S. Nurse Assistant, and N.Y.S. Substance Abuse Counsel and documents to show I work in a after school program as a Health care Facilitator also two days after, I was going on a Job interview – The District Attorney denied and said only what is relevant to the case. Never the less, I went out, and waive my immunity and told the truth, and presented the facts, and told compelling testimony, the officer was not truthful, and there was no way I sold any drugs on that day. Of November, 25<sup>th</sup> 2015

7. The District Attorney was up-set with the dismissal by the Grand Jury Decision, and still charge me with procession in the 7<sup>th</sup> knowing the probable cause to arrest, was defeated when the actual arrest was base on, false testimony by the officers, I'm the one who sold drugs to undercover cops, when I never had any drugs or money at the scene of the buy and bust.

8. The petitioner commenced a civil law suit by filing a Summons and Verified Complaint against the arresting officers, for false arrest and false imprisonment assault and battery, malicious prosecution, retaliation, due to the same drug unit re-arresting me prior and in the past, Also **Monell Claim** deprivation of my rights, negligent, in hiring, training and retention and punitive damage, due to act of intention abuse of process, under 42 U.S.C. -1983 pattern, practice, and custom. The petitioner establishing by a preponderance of evidence 8.3-A.2. of repeated Acts of a policy and Practice with other victims and their Attorneys who sue the City of New York, and these arrests were happenning in the exact same location.

9. Whereas I was Force to Testify at N.Y.S. Grand Juries on other false arrests drug sales, by same NBBX/NAR UNIT - I appeared back in front of the District Attorney and the Grand Jury Forman and Assist Forman, who again listen to false testimony and dismissed all charges. It was obvious, I was being arrested for past history which is understandable, but not to the point, where the officers are placing drug charges on you, while knowing full well, it never happens, sending you threw the system do to their negligence and lack of training, and abuse of

power and abuse of process, as well as a low time in my life, so I had to go to the Grand Juries and make my point this NBBX Unit was hostile and evil to my Bronx Community near the Yankee Stadium Area to the point other people was being arrested in the same area of the crime 164<sup>th</sup> Street and 165<sup>th</sup> Street was the feeding ground for this unit. This stated the Monell Doctrine, which establish the municipality can be held liable for an officer's actions when the plaintiff establishes the officers violated petitioner constitutional right, and that violation resulted from an official municipal policy, an unofficial custom, or because the municipality was deliberately indifferent in a failing to prove the proper training thus given days of training and placing officers on the street -Officer admission of lack of training inside first set of Interragoties

New York City Law Corporation Counsels Assigned to the Case were Benefiting off the Conflict of Interest and Acrimonious History with the Two Bronx Supreme Court **Judges Mitchell J. Danziger and Justice Julia I. Rodriguez, knowing the history before hand**

The Record will reflect these City Attorneys were all benefiting, off the Judge denying due- process, and discovery, and production of documents as well as the Judge Retaliating, due to our past history, and Dismissing all of my motions and ignoring my complaints, while allowing the City Attorneys to violate his oral and written orders at the compliance conferences.

Here in this instant case we see that a system, is in place in the Bronx County whereas there is no redress or reprimand for Attorneys, and Judges in the State of New York even when petitioner follow the change of command and report a case, the Black Code come to life and the hypocrisy, in the Judicial rules of Professional Conduct, where the Constitution is secondary law of the land. The City Law Corporation Counsel can't be allowed to benefit off a Conflict of Interest, and accept the Judge favoritism and enjoin as a coconspirator.

May this Writ be accepted as consider due to the constitutional claim as I question of Jurisdiction of my arrest for past history and addiction, the officers was aware of, and created a crime against my constitutional right as a free man **Robinson v. California, 370 U.S. 660 (1962)**

The petitioner had more than enough for a Jury Trial and enough witnesses, who were victim of the same NBBX UNIT- how can any of the State Courts, not act on a common sense situation, that a layman will see, that the Judge was in violation and a Trespasser of the Law No Appeal Court can allow it to be freely overlooked, when this kind of behavior, will surely allow many more violation

by the State Court across the land , and open a Pandora of Wicket and Nefarious Behavior, and Create Criminal Activity, in out last Resource of Justice.

The petitioner had no choice but to come here and it not looking to reargue my case here, that is for a Jury to hear, the purpose of this Argument is,

6. A matter of what constitute a Conflict of Interest, that must be enforce?
7. Where does the poor go for redress, when a U.S.C. is violated on a Extreme Level?
8. What happens when a State Appeals Court don't enforce the integrity of their own State Constitution and disobey Federal Constitution "?
9. What happen since a federal issue is a part of a state court decision to intentional violate the constitution and change the oath of judge's rules & the A.B.A. and Judicial Conduct laws, to fix his bad behavior, can the federal court review a decision by the state court. Why the overlooked a universal law of the basic due-process for accepting blandly bad faith.

**Please Take Notice** of the Judge Julia I. Rodriguez

**Decision /Order Page 4** - she states falsely > **(Notably)** the Judge said, the petitioner does not include any allegations of other individual who have experienced this policy/practice, the Judge was trick by the City Law Attorneys, due to the fact they had my **PROPOSE WITNESS LIST, WITH THE NAMES OF OTHER INDIVIUALS WHO WAS ON MY WITNESS LIST TO TESTIFY ON MY BEHALF.**

**EXHIBIT INDEX TEXT**

**Judge Error**

10. **Notice of Claim** was file with the City Comptrollers officer at 1- Center Street New York N.Y. 10007 and sent to the N.Y.C. Counsels

11. **On October 5<sup>th</sup> 2016**, I testified at a 50-H deposition hearing by the N.Y.C. Lawyers

**14 On October 31, 2016** - I file Summons and Verified Complaint and Modell v. Social Service 436 U.S. 658 – 691 also damage against City of New York under U.S.C. 1983 8.3 - A2 - B.3 - B.3b

**15 On November 16, 2016**, the New York City \*Chief Attorney ZACHARY W. CARTER CORPORATION COUNSEL \* submitted **Notice of Deposition and Verified Answer and Demands**. Petitioner Complied with what he had in his procession.

16. On December 1<sup>st</sup> 2016 City Attorney Frank Deluccia wrote a letter confirming he's the Defendants Attorneys, this contradict the defendant's statement, the officers were not served, due to the City claiming custody, and control, as well as the NBBX/NAR is a Unit that Work out of any Police Station in N.Y. ---- When I asked for their unit address, the defendants Never Answer my Discovery Demand, a diligent effort was made to served them, and the City of New York was acting Attorneys, and continue to represent them throughout these litigations, which the Back Doctrine apply the moment the City took the Case, and notified the petitioner they're the Lawyers for all of the defendants.

**PLEASE TAKE NOTICE**, that the NEW YORK CITY CHIEF COUNSEL informed petitioner he is she Attorney for all of the defendants including the arresting officers and the City of New York, as well as the next assigned Attorney Steve Bennett who again informed petitioner he is the substitute Attorney for all of the defendant and sent all concern and document to Frank Deluccia

16 On December 19, 2016 - I submitted my Demand for Discovery and Production of Documents on the Defendants. See page 3 and 4 demanding the address of officers,

#### **FIRST -PRELIMINARY CONFERENCE**

17. On May 24, 2017 the Parties Held Preliminary Conference on May 24, 2017 with a City substitute Attorney who took the place of the assigned Attorney name Frank Deluccia on this day , the Substitute name Michael Bennett City Attorney who claim he is the Substitute for the Defendants, and informed me to send all communication to Frank Deluccia , Attorney Mr. Bennett proceeded to make the **Preliminary dates for Deposition**, and he wrote the address incorrectly ,where the deposition will be held incorrectly, forcing, both deposition dates ,to be cancel, due to the Fact the Assigned Attorney never, answer my phone calls to obtain the correct dates, where the deposition will be held at , so they were cancel due to false information – Unbeknown to the petitioner the Deposition was at two different address on the same date and time which was confusing , the petitioner call the Attorney name **Frank Delucci over** 6 times and he would not return my phone calls until the last day of deposition , and only confirm he is the Attorney for the Defendants, and stated there will be a new date set up for deposition, after that phone call, I never hear from this Attorney until I sue him

and made a Complaint for detouring me with bogus information and benefiting by deceit of practice. BAD FAITH -also- I sued him in the United States District Court - Southern District of New York along with the all New York City Attorney who were assigned to this case and engaged and benefited off the CONFLICT OF INTEREST

**On August 16, 2017**- This City Attorney violated Discovery Demands and Deposition Court Order by intentionally giving the wrong address

**On August 23, 2017** the City Attorney violated Deposition by having me come to their office at 1775 Grand Concourse and when it came time for discovery at 1775 Grand Concourse City of New York Attorney's Office, there was no Court Stenograph, Court Reporter, I told the receptionist my name and I was here to testify, she call the Attorney **Miss Marni Weiner**, she came to the front and said oh we cancel the deposition for today, you didn't get a notice, right there she was being dishonest, they stalled me for months, and still didn't turn over the whereabouts of the arresting officer address or pct. where I can mail them notice they're being sued, after, I started to complain she made a call to the Court, and said we going to reschedule Deposition again, discovery demands again .

#### 2<sup>ND</sup> COMPLIANCE CONFERENCE

**18. On September 20, 2017**, the 1<sup>st</sup> **Compliance Hearing** was held, the Attorney name Miss Marni Weiner came with two folders in her procession-index number 020588/2016 another civil law suit that **Judge Mitchell Danziger** had to Recusal, this attorney knew of the Conflict of Interest of the last lawsuit, due to the fact she had the old case folder, and was warn of a prior cases the Judge sat on , she was sneaking the old case files in to the Judge chambers that had Judge Order to disqualified. Also, at the Compliance Conference held **September 20, 2017** she was brief of the conflict of Interest and that the Judge refused to resign. She apologizes for cancelling the deposition on **August 23, 2017** and the mistakes of the prior lawyers. We had to start over, so the City Attorney **Marni Weiner** made out a **New Compliance Conference** and Back Dated to the same date **September 20, 2017, continuance...** The Court Attorney said there will be NO canceling of deposition or this Court order without leave from the Court. We agreed with new demands, for discovery for me to release H.I.P.P.A. from Doctor and Psychotherapist. Also, inside the Compliance conference a new date for Deposition, the plaintiff couldn't find a Court

Stenograph, in time, even when I call Diamond Stenograph Inc. and a diligent effort to fine one, most want an Attorney to be present. So, the deposition for the officers was cancel before the date of **November 13, 2017**

The Defendants was schedule to take my deposition, on **November 20, 2017** I appeared to the New York Law Corporation Office at 1775 Grand Course Bronx N.Y. to give testimony, and, when I got there the **Attorneys Marni Weiner** was in her office I spoke to the receptionist, and she called the Attorney who was dishonest by saying we cancel the deposition, and call you, I said you can't cancel without leave form the Court ,and that what the Court Attorney said, I also told her no one never contacted me – all calls are store in my phone, she call the Court and said we will make a new schedule , this was the second time the City dealt in Bad Faith and used the trickery to push back the Court dates and not comply to demands of discovery and use the stalling to not comply to the Compliance Order , the Judge was fully aware of the Bad Faith and not complying to his orders , so made and issues against the Attorney and ask for a new Judge for taking no action to enforce his order and allowing them to deal in Bad Faith.

#### **THE CITY ATTORNEY WAS REMOVE OFF THE CASE, WHEN I MADE COMPLAINT**

##### **3<sup>RD</sup> COMPLIANCE CONFERENCE ORDER- AGAIN**

**City Back Dated to September 20, 2017**

**New Attorney Assigned**

**On January 6<sup>th</sup> 2018-** I file a Notice of Issues and Certificate of Reediness to get to Court, due to the Conflict of Interest, and Bad Faith, favoritisms, and violation of due- process, the defendants Motion to Dismiss this case was prematurely

##### **4<sup>TH</sup> COMPLIANCE CONFERENCE**

**Was Held on April 18. 2018**, and issues and demand for discovery still concealed and non-compliance and Court Attorney Rios Matthew still haven't told the Judge he must remove my case to another Court Room as well as the City Attorneys being silent, each time I wanted a public hearing, we are drag into the back of the court, and I'm surround, by two three New York City lawyers , not assigned to the case, and the Judges kept on allowing the New York City Lawyers to SWITCH ATTORNEYS AND FORCE THE CASE TO START OVER. New Deposition, New Discovery, Concealed Witnesses, Partial answer to Interrogatives Question,

Knowing the F.R.C.P. Rule 33 The grounds for objecting to an interrogatory must be stated with specificity. Any ground not stated in a timely objection is waived.

WHEREAS I HAD TO KEEP SIGNING FOUR H.I.P.P.A FORMS AND C.P.L.R. 160.50 too release my criminal history, and Medical, all this was done to afford discovery and production of documents as well as to prevent the arresting offices to answer my questions, thus denying me access to the Court and keeping, this case with a hostile Judge who don't enforce his own Court Orders, as well as operating partial and assisting my adversary by allowing them to continue to post pone the function of court procedures.

**On August 8<sup>th</sup> 2018 the plaintiff couldn't depose none of the defendants, due to schemes to cancel dates without leave from the Court as per Court Orders.**

**September 12, 2018** the petitioner was ready to testified at 1775 Grand Concourse New York City Law Corporation Office Defendants cancel without notice again, I call and found it was no deposition this is the third time the City dealt in Bad Faith, and reason why I file complaint to the Attorney Grievance Committee, and sue all of them in the Unites States District Court.

#### **The Petitioner comply to the Defendants Demands in Good Faith**

Inside the Compliance Conference Order, I was order to make F.O.I.L. request to retrieve NBBX offices record, so I contact the Freedom of Information Officer at One Police Plaza Police Headquarter New York, N.Y. 10005- I was denied information , I file and Article 78 Special Proceeding in the Bronx and this is what happen, the Bronx Supreme Court assigned another Judge name Mary Ann Briganti who presided over the Article 78 , The Assigned City New Attorney met me, in Court and said there is no Court Date for the Article 78 as of yet both took noted , we have another hearing pending, so we agree to postponement while discovery is still in delinquent and the Article 78 hearing, to obtain information from the F.O.I.L. at One Police Plaza Ny.10005 was assigned to Judge Mary Ann Brigantti Court Room, this Judge suddenly transfer the Article 78 to a new Judge without notice to the petitioner, However Later on the petitioner found, out that Judge Mitchell J. Danziger gave the City Attorney Yandy Reyes for the defendants a **Court Alert** of the New Judge Paul Alpert, and the date of the Court Hearing for the Article 78, which I was never notified of the **New Judge** or date of

Court Hearing, so the **New Judge Paul Albert** Dismissed Art.78 0260123/2018-  
**No Appearance**, and right after the dismissal the **City Attorney Yandy Reyes** gave me a copy of the Court Alert WITH date of the Hearing , FOR Article 78 Judge gave Mitchel J .Danziger a copy of Court Alert and the Judge Mitchell Danziger gave the New York City Law Corporation counsel a copy, which is Fraud and Retaliation by this Judge, who was sabotaging my case as well as refusing to disqualified himself, while inflicting Reprehensible harm and Retaliation, due to prior conflict of Interest. The Petitioner had to appeal to the, New York State Appellant Court First Department, and was denied poor person application and the New York State Court of Appeals denied my Motions and Request to reverse, the Court denying poor person Motion that prove Fraud and Retaliation and reasons why this Judge should have been removed, all Courts Order and Decision will be attached as exhibits, and civil suit filed in the U.S.S.C.

These are Irregularities being inflicted on the pro-so, and how State of New York deny access to the Jury and fair trial, where a public interest, is being suppressed and these Judges are disobeying the oath of office, and **New York State CPLR Part 100, and A.B.A. 2.11 disqualification for Judges.** It was obvious the parties were stomping on the Constitution and destroying 42 U.S.C. 1983 case submitted by pro-se, as well as working as a defense Attorney Judge for N.Y.C. Law Corporation Counsel who had evidence he was Obstruction of Justice and force the Judge to work as a Team with the City of New Attorneys to destroy any constitution privileges.

#### NEW YORK STATE UNIVERSAL LAWS OF JUDGE'S CONDUCT

**New York State CPLR Part 100, and A.B.A. 2.11 disqualification for Judges and professional responsibility code of conduct 1.7 apply to those, who under the A.B.A. rules and regulations**

**19.** **PLEASE TAKE NOTICE**, that on MAY 24<sup>TH</sup> 2017, I believe the Court Attorney and the City Lawyer was notified together that I have a conflict of interest, which the Judge and New City Attorney were fully aware, I and the presiding judge had bad dealing with each other. The Court Attorney allowed me to speak and I explained what happen at the Preliminary Hearing, and, ON SEPTEMBER, 20. 2019 the cancellations of the dates of FOR DEPOSITION AND DISCOVERY DEMANDS, AGAIN THEY WERE TOLD OF CONFLICT OF INTEREST, ATTORNEYS WAS RUNING OUT TIME AS WELL AS THE **JUDGE MITCHELL DANZIGER**, MADE SURE, THE SWITCHING OF ATTORNEYS AND TRICKERY, KEPT THE CASE RUNNING, IN CIRCLES, AND USING THE STATURE OF LIMITAION LAWS, BY FRAUD, AND RETALIATION ON THE PETITIONER, KNOWING THE DEFENSE ATTORNEY WERE NOT COMPLYING, WAS GROUNDS FOR BACK DOCTRINE.

**20 The Judge kept on allowing DATES OF CANCELLATION OF DEPOSITION WITHOUT LEAVE FROM THE COURT AS WELL AS THE JUDGE MITHCELL J. DANZIGER ALLOWING THEM TO VIOLATE HIS COMPLIANCE COURT ORDER, THAT THERE WILL BE NO CANCELING OF DISCOVERY AND DEPOSITION WITHOUT LEAVE FROM THE COURT.**

**21. On November 13, 2017** Defendants cancel without notice forcing long postponements

**22. August 8<sup>th</sup> 2018** Defendants cancel without leave of the Court or notification to the petitioner just waiting until the very last day when I come to testify they cancel the deposition, running up income and using trickery while the Judge who I complain to just ignored my grievances, and motions and interrogative, these are Facts and inside the Record and this practice of the City and this Judge is bond by Fraud and intentional due- process that inflict harm on the Bronx residents.

22. the next Compliance Date this Attorney Disappeared and another Attorney was assigned, and the Second Compliance Hearing was held with a New City Law Attorney name **Yandy Reyes** was assigned and a new Compliance Order was made, the new and their Attorney was also told of the Conflict of Interest held on this date, and apologize for his co/ workers bad deeds, and assured he was different.

The Court claim the Statute of Limitation was past and he dismissing the State Claim was done, by fraud and favoritism and retaliation due to conflict of interest and the renegeing of the Compliance Order that there is no cancellation of the Court Order without leave from the Court, and the demand for discovery for the address or information of the officers unit, the Court sided with the City Law Corporation Attorney's , stating the officers, was not served , when the Court Knew the New York City Law Corporation was REPRESENTATING ALL OF THE DEFENDANTS, and NOT COMPLYING TO DISCOVERY DEMANDS, THE BACK DOCTRINE WAS DENIED BY TRICKERY AND AIDING AND ABETTING TO HELP THE CITY ATTORNEY , WHO WERE BENEFITING OFF THE CONFLICT OF INTEREST. Whereas any motion I put in was being denied, denied and denied Illegally

23. Petitioner was force to file Notice of Issues and Certificate of Readiness January 6<sup>th</sup> 2018 because Judge allowing the New York City Attorney favoritisms letting withholding documents in my favor, & the name of 2 witnesses who were

arrested with me on other charges, and witness the officers looking for someone else, the Defendants were concealing the whereabouts of witnesses in the Defendants Control still violating discovery demands.

24. Petitioner was force to file **Motion to Compel** Justifying for filing Notice of Issues also See Index Text 02601234/2018 forcing Article 78 to obtain non-privilege information.

25. When the City Law Corporation and a New York State Siting Judge all are aware this is a Hostile Judge, who is in violation of his own rules and regulation, and Administrative duties ,and is a Dangerous to the Constitution and every 42 U.S.C. 1983 pro-se case that is before him, and with the City Law Corporation Chief Counsel and his designees Assistance Attorney condoning these constitutional violations, who have actual knowledge I'm being denied a fair trial, the Federal Court Must Act . the Attorney have a duty not to the petitioner but to the Administrative Court, and Constitution, due to the fact they're officers, of the Courts and knew this Judge was attacking, the petitioner in a way that is wicket and wonton, nefarious, and unusual and criminal retaliation, and out of the scope of an Honorable Judge, and aiding the Attorney to be un-ethical,

**26. Nevertheless, the Court has emphasized that Only Exceptional Circumstance, will Justify Federal Courts to disagree with the States- The Petitioner must show Exceptional Circumstance - a decision of the U.S. Supreme Court, Federal Court, is binding on state courts when it decides an issue of Federal Law, such as Constitutional Interpretation.**

According to Fed.R. Civ.P. 4(e), proper service upon individuals must be made: (1) by serving the individual personally or by leaving copies at the individual's home, **(2) serving an agent authorized by law to receive service of process**, or (3) in the manner prescribed by state law. Moultry v. City of Poughkeepsie, 154 F.Supp.2d 809, 811 (S.D.N.Y. 2001). **The Attorneys were served and discovery deny**

27. Still the New York Appellant Court First Department and the New York Court of Appeals, denied access to appeal and continue to denied my poor person application, as of this present, when the right to appeal is not frivolous, and good cause to ask why this kind of behavior is acceptable against a pro-se. Knowing, **the** grounds for objecting to our interrogatory stipulation and court agreement must be stated with specificity. Any ground **not** stated **in** a timely objection is waived unless **the** court, for good. cause stated it in the record as we all agreed upon I can obtain discovery through interrogative. See Agreement Made at Compliance hearing 11/14/2019 Stipulated again 12/18/19 also notice the Fraud Judge Dismissed Entire Case on same date he of my motion to Compel them for discovery and this agreement was to drop Motion and obtain Discovery through INTERROGATIES, this is fraudulent discovery, bad faith and Revenge

## REASON FOR GRANTING THE PETITION

1. The petitioner has a *prima facie* case in which all the pre-trial evidence was reviewed by a judge, and would have been determined to be sufficient to warrant the trial, if not for the presiding Judges who never, ever should have been allowed to sit on this case, especially just month we had an argument for him to remove himself See Index N0. 020588.2014, and it was known by other Court 'Hearing) Surrogates Court; Supreme Court Civil Lawsuit; the Judge sued inside the United States District Court; the Judge appealed in the United States Court of Appeal, Judge was written up to the Commission of Judicial Conduct which the petitioner file twice on the Judge for Bad Faith and Official Misconduct. As well as Sue again in the United states, the conflict of Interest destroyed my right to Jury trial.
2. The Fifth Amendment creates a number of rights relevant to both criminal and civil legal proceedings. In criminal cases, the Fifth Amendment guarantees the right to a grand jury, forbids "double jeopardy," and protects against self-incrimination. It also requires that "due process of law" be part of any proceeding that denies a citizen "life, liberty or property," and requires the government to compensate citizens when it takes private property for public use. (Petitioner denied this right)
3. The Eleventh Amendment was the first Constitutional amendment adopted after the Bill of Rights. The amendment was adopted following the Supreme Court's ruling in *Chisholm v. Georgia*, 2 U.S. 419 (1793). In *Chisholm*, the **Court ruled that federal courts had the authority to hear cases in law and equity** 61 Page brought by private citizens against states and that states did not enjoy sovereign immunity from suits made by citizens of other states in federal court. Thus, the amendment clarified Article III, Section 2 of the Constitution, which gives diversity jurisdiction to the judiciary to hear cases "between a state and citizens of another state."
4. Amendment XJV Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws

5. 28 U.S. Code 455, Disqualification of justice, judge or magistrate judge Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned. He shall also disqualify himself in the following circumstances: (1) Where he has a **personal bias or prejudice concerning a party**, or personal knowledge of disputed evidentiary facts concerning the proceeding; Where in private practice he served as lawyer in the matter in controversy, or a lawyer with whom he previously practiced law served during such association as a lawyer concerning the matter, or the judge or such lawyer has been a material witness concerning it; Where he has served in governmental employment and in such capacity participated as counsel, adviser or material witness concerning the proceeding or expressed an opinion concerning the merits of the particular case in controversy; He knows that he, individually or as a fiduciary, or his spouse or minor child residing in his household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding; He or his spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person: Is a party to the proceeding, or an officer, director, or trustee of a party; Is acting as a lawyer in the proceeding; Is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding; Is to the judge's knowledge likely to be a material witness in the proceeding. (c) A judge should inform himself about his personal and fiduciary financial interests, and make a reasonable effort to inform himself about the personal financial interests of his spouse and minor children residing in his household. (d) For the purposes of this section the following words or phrases shall have the meaning indicated: 'proceeding" includes pretrial, trial, appellate review, or other stages of litigation; the degree of relationship is calculated according to the civil law system;

#### UNIVERSAL INTEGRITY OF THE COURT

- a. Many codes of judicial conduct also include general language that urges judges to preserve the integrity of the judiciary, and avoid even the appearance of impropriety. For example, the preamble to the Arkansas Code of Judicial

Conduct states that, "judges should maintain the dignity of the office at all times and avoid both impropriety and the appearance of impropriety in their professional and personal lives."

- b. At what point is a judge's ruling so far afield of precedent and legal code or such an egregious violation of fundamental rights that it appears the judge is acting with impunity towards the law? The petitioner made a diligent effort time and time again to avoid this Judge, since he is a Senior Judge who handles most of the New York City Lawsuits that are not E-file cases he enjoys a lot of special privileges other a judge doesn't enjoy.
- c. Violating due process, this judge was inventing improper remedies for cases, and breakdown the rule of law, that raised to the level of judicial misconduct. Regulating that his bad faith behavior with impunity and with the complaint committees dismissing any complaints that pro-se make thus being hypocritical to their own State Laws and Constitution. Judicial integrity involves **making judicial decisions that will show the court's commitment to lawfulness and justice**. Courts should act so as not to appear to condone or be associated with unlawful acts by government agents.

### Quoting these old cases that shows how there is no real Freedom to Address issues in the State Courts

- a. To quote former United States President **Theodore Roosevelt**: "No man is above the law and no man is below it; nor do we ask any man's permission when we ask him to obey it. Obedience to the law is demanded as a right, not asked as a favor." The judges who administer justice in our countries must be seen as ethical and subject to meaningful correction when it is necessary. Nothing less than the rule of law is at stake
- b. The petitioner requests this Supreme Court 'obtain the record and review scrutinize this case for reversal back to the lower court for further litigation, and correct the injustice on my constitutional rights, and set the law on what constitute on Conflict of Interest more in debt, due to loop holes when it affects the petitioner rights to a fair due- process when States hear 42-U.S.C. 1983 thus violating six and fourteenth amendment with ease.'
- c. To quote former United States President Theodore Roosevelt: "No man is above the law and no man is below it; nor do we ask any man's permission when we ask him to obey it. Obedience to the law is demanded as a right, not asked as a favor." The judges who administer justice in our countries must be seen as ethical and subject to meaningful correction when it is necessary. Nothing less than the rule of law is at stake.

**THE COURT CONTRADICTING THE LAW  
AND PRACTICE THE BLACK CODE TO DENY ACCESS  
TO COURT, SIMILAR TO CASES BELOW**

1 Scott v. Sandford, 60 U.S. (19 How.) 393, 404–06, 417–18, 419–20 (1857). 2 The controversy, political as well as constitutional, which this case stirred and still stirs, is exemplified and analyzed in the material collected in S. KUTLER, THE DRED SCOTT DECISION: LAW OR POLITICS? (1967). 3 “That all persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States; and such citizens, of every race and color, without regard to any previous condition of slavery or involuntary servitude . . . shall have the same right[s]” Ch. 31, 14 Stat. 27. 4 The proposed amendment as it passed the House contained no such provision, and it was decided in the Senate to include language like that finally adopted. CONG. GLOBE, 39th Cong., 1st Sess. 2560, 2768–69, 2869 (1866). Judge denying basic rights to the 6<sup>th</sup> amendment The Judge abuse his power and precluded a fair trial.

The sponsor of the language said: “This amendment which I have offered is simply declaratory of what I regard as the law of the land already, that every person born within the limits of the United States, and subject to their jurisdiction, is . . . a citizen of the United States.” Id. at 2890.

d. The legislative history is discussed at some length in Afroyim v. Rusk, 387 U.S. 253, 282–86 (1967) (Justice Harlan dissenting). 5 United States v. Wong Kim Ark, 169 U.S. 649, 688 (1898). 6 Slaughter-House Cases, 83 U.S. (16 Wall.) 36, 74 (1873). 7 United States v. Wong Kim Ark, 169 U.S. 649 (1898). 8 Id. at 682. 9 Id. at 680–82; Elk v. Wilkins, 112 U.S. 94, 99 (1884). 10 United States v. Gordon, 25 Fed. Cas. 1364 (C.C.S.D.N.Y. 1861) (No. 15,231); In re Look Tin Sing, 21 F. 905 (C.C.Cal. 1884); Lam Mow v. Nagle, 24 F.2d 316 (9th Cir. 1928). 11 387 U.S. 253 (1967).

THE NEW YORK STATE BRONX SUPEME COURT WAS ATEMMPPTIG TO ELIMINATE AND NULLIFY MY RIGHT AS AMERICAIN CITIZEN, BY THE JUDGES ABUSE OF DECRETION, AND ABUSE OF POWER, AND NO REDRESS IN THE APPEAL PROCESS OR STATE GRIEVANCE COMMITTEE OR ATORNEYS A.B.A. RULE 1.7 ALSO ALLOWING THE CITY OF NEW YORK TO CONCEAL DISCOVERY DEMANDS THAT WAS STIPULATED IN THE

COMMPLAICNE CONFERENCES THAT I WILL RECEIVE THE ADDRESSES OF THE ARRESTING OFFICERS TO MAIL SUMMONS AND COMMPLAINT AS WELL AS REENFOVCED IN THE DEMAND OF DISCOVERY DATED DECEMBER 19, 2016

=====

The State of New York Court of Appeal, and New York State Appellant Court First Department and the Bronx Supreme Court were taking away my citizens **of the United States** by depriving me of my rights as a citizen involuntarily by practicing personal laws .to deny me access to the Courts, knowing I'm poor person and couldn't afford to defend what the lower courts knew was un -usual and exceptional practice, that are preform on non- citters. 387 U.S. 253 (1967), was a landmark decision of the Supreme Court of the United States.

The State destroyed my right to petition the Court for redress and Grievance, that penalized the petitioner for petitioning the Courts, and New York State Agencies, with a valid complaint, and valid arguments on conflict of Interest and false arrest ,that is changing the State Courts to give single ,Judges the power to rewrite conflict of Interest laws on abuse of power thus violating the Federal Constitutions that protect the constitution, which was minimizing , the very foundation of basic, due process , is now in jeopardy, as well as hiding the practice that put at risk, any Grievance to report and any Judges, from violating the law , will pay a tremendous price and will have no access to the court, these kind of trespassing on the Constitution, but me immediately halted.

The petitioner was confined to Judges who refused to remove themselves. Literally keep the petitioner in the back room, where all other civil case was in the public eyes, in the front of the Court room, while having Court Attorney and Supervisors for the City not assigned to the case in the back room as well as unknown enteritis. The City and the Defendants were properly served and it was error by the Court to dismiss the entire case with so much merit and evidence I was falsely arrested, by a practice pattern and custom, and the Monel Claim should of went to a Grand Jury and not **SUA SPONTA** by a known Judge who had no business or right to sit on my case with this nefarious behavior.

As I argued the multiple false arrests of the petitioner, and the other victims, the Bronx Supreme Court Judge Julia I Rodriquez erroneous error, and the New York City Law Attorneys attempting deceive the Courts by stating, I never mention any other victims, when the petitioner ANSWER THE ATTORNEY NOTICE OF CROSS MOTIONS BY THE CITY DEFENDS ATTORNEYS. -- I CLAIMED THEY MUDDYING THE WATERS -CLEARLY SHOWS THE NAMES OF OTHER VICTIMS ON PAGE 16 -DATED RECEIVED BY CITY ATTORNEY **JANUARY 13, 2020**, AND THE BRONX SUPREME COURT RECEIVED ON **JANUARY 15, 2020**

Continue Reason to Grant the Petition

DUE TO THE EXRAORDINARY CIRCUSTANCES that was practice on the pro-se and the destruction of the constitutional rights by the N.Y.S. Courts and N.Y.S. State Grievance Committee , and the N.Y.S. Commission, on Judicial Conduct looking the other way, while State Judges, ignored their duties, and code of code of Professional Responsibility and A.B.A. Model Rules, as well as not to let their personal bias, prejudice, interfere with their decision ,with their duty to be partial and fair, when presiding over cases, or investigating allegation of official misconduct that precludes 42-U.S.C. 1983 cases, and ignore due-process and equal protection, under the law, as well as changing, the State and Federal Constitution to fit a unjust Order, and Decision, on the rights of New York City Poor, While contradicting a Universal Law on the meaning of Conflict of Interest, that deny a fair trial. It also condoned Judges aiding and abetting to help the opposing party, defeat the pro-se petitioner.

Unrelated Case that have my case being recited, in other cases, when the evidence that shows facts that, I was not the person who violated the law on November 25, 2015, now this case is being falsely used in other cases and recited in correctly is FRAUD

Footnote 15: A final lawsuit, **Charles Rochester v. The City of New York, et al, Index No. 251498-2016**, was brought by the plaintiff pro se rather than by counsel. But Rochester also named as defendants "Bronx 44th Pct. and NBBX/NARCBX Unit," "Undercover Officers, Female/Male a.k.a. John Doe's," and named officers including Det. Daniel Rivera.

Moreover, Rochester did not state what if any specific actions Rivera took in any of the seven drug arrests that gave rise to his civil suit. Here again the allegations are not specific enough as to Rivera to permit cross-examination. This Officer was a material witness and gave misleading statements, inside the INTERROGATIES, ALSO OMMITT THEY WERE NOT TRAINED, ALSO HE WAS ON THE SET AND KNEW IT WAS OTHER PEOPLE OUT SIDE ALSO He arrested me before - I TESTIFY AT THE GRAND JURY CASE DISMISSED

All the Defendants inside my case knew they were all perpetrators of the false arrest and had each other back and destroy the Fake Mark Money or Prerecorded Buy Money, that would of show they had a indeed photo copy the money before going out to used it in undercover buy , truth to the case I was allegedly arrested on the spot, with no Mark Money or Drugs with under cover at the scene, this Det Daniel Rivera arrested me before on trump up charges and is known for his false arrests tactics.

He was there on November 25, 2015 the day of my arrest and remained Quiet, when he knew his partners were engage of false arrest and made their decision to arrest me due to mere present at the scene of a crime the officer created and thus attempted to take their statement to the Grand Jury who REJECTED THEIR TESTIMONY AND THE DISTRICT ATTORNEY CASE. NOW AT THE SAME TIME I WAS ARRESTED THIS OFFICER BELOW HAVE A BAD TRACK REOCORD AS THE COURT CAN SEE BELOW.,

**PLEASE TAKE NOTICE** , in this same case I ask for information on how many time these officers were sued, they refused to turn this information over , which Force and Article 78 Special Proceeding Index Number 0260123/2016, and I was denied to obtain this document due to the presiding Judge Mitchell J. Danziger never mentioning the Article 78 was transfer to another Judge who schedule a Court Hearing that ONLY THE CITY OF NEW YORK ATTORNEYS KNEW THE ARTICLE 78 DATE , THE JUDGE PAUL ALBERT BRONX SUPREME COURT DISMISS AS A NO SHOW THUS GIVEN NOTICE TO THE CITY AND PREVENTING ME FROM OBTAINING EVIDENCE AND PREVENTING MORE INTERROGATIES QUESTION .DUE TO HIM NOT BEING ONEST AND EVAISIVE DURING INTERROGATIES QUESTION ,

The Defendant **Det. Daniel Rivera**, who is mention above, and below, is a trespass of the law and gave conflicting testimony, as well as invasive answers, to petitioner - **INTERRAGOTIES**

QUESTIONS, ALSO This Def. Daniel Rivera, is known for acts of misconduct, and always condone false arrests he is one of the defendants inside the caption

1. Ronald Cook v. City of New York Det. Daniel Rivera et. al. Index N0. 301140-2015
2. Ronald Pena v. City of New York Det. Daniel Rivera et.al. Index N0. 23414-2016E
3. Luis Semiday v. City of New York Det. Daniel Rivera et.al; Index N0. 27480-2017E

[a] judge's jurisdiction must be construed broadly where the issue is the immunity of the judge." *Stump v. Sparkman*, 435 U.S. 349, 356 (1978). An amendment to § 1983 prohibits injunctive relief against a judge in his or her judicial capacity unless a declaratory decree was violated or declaratory relief is unavailable. *See § 1983*.

Base upon the facts and the parties knowing the Law and rules of A.B.A. **Rule 8.3:**

**Reporting Professional Misconduct (A) and (B)** had a solemn oath that the Defendants Attorneys ignored, because they were benefiting, so much that the Judges ignored them concealing evidence, witnesses and receive favors to disobey court orders, miss discovery dates, postpone case whenever they wanted and cancel deposition dates on the date of the deposition, without notice to pro-se, ignored INTERRAGOTIES and had Multiple #5 Attorneys, present in the Judge's chambers, away from public view, Same Attorney with two files, that Attorney Mis Marin Weiner. was on the prior case when the Judge was force to RECUSAL, and knew of the Conflict of Interest, all the Attorneys assigned to the case were violating the Rules 8.3. and this made it possible to destroy my due- process in Secret Conference between the Judge and New York Law Corporation and the Original Defendant s in the Bronx Supreme Court.

556 U.S. \_\_\_, No. 08-22, slip op. at 6 (citations omitted).

556 U.S. \_\_\_, No. 08-22, slip op. at 7, 9.

556 U.S. \_\_\_, No. 08-22, slip op. at 11 (citations omitted).

The State of New York was in error to keep on denying , me access to the court , while knowing I made an extreme diligent effort to comply to all the Defendants tricks , appearing at ever deposition date , answering all of the City Law Corporation Counsel Motion , Question , turning over all discovery demands ,and witnesses and documents, in my procession, turning over signing H.I.P.P.A. Forms 4 different time when they kept saying they don 't have it by changing Attorneys using this as Delay Tactics, Releasing Medical Reports and Psychotherapist Reports and CPLR 160.50 to release mt criminal history . The petitioner informed each attorney of the Conflict of interest even when one of the Attorneys assigned to this case , was the same attorney handling the other prior case , under a different docket, as well as gave them multiple evidence this is a rouge unit and these arrests of 7 other false arrest was a preponderance of evidence and meritorious claim, that the only way they had to win was on Fraud upon the Court that the Entities engaged in thus destroying my career, lively hood and causing hardship.

The evidence will reflect that discrimination and bias and prejudice and conflict of interest that the Judge and the City Law Corporation Counsel are operating as a team to prevent 42 U.S.C. 1983 to be barred in State Court by pro-se litigates thus violating the public trust and the Integrity of the Constitution Federal Court must intervene, when the State is forcing Appeals to go in to default, when having direct evidence, the pro-se is indigent

## In this Article,

Professor Lloyd Anderson examines the recent decision *M.L.B. v. S.L.J.*, in which the United States Supreme Court held that due process and equal protection converge to require that states cannot require indigent parents who seek to appeal decisions terminating their parental rights to pay court costs they cannot afford. Noting that this decision expands the constitutional right of cost-free appeal from criminal to civil cases for the first time, Professor Anderson discusses the characteristics a civil case should have in order to qualify for such a right. Professor Anderson proposes a number of other civil cases, primarily those in which a fundamental right is at stake, in which poor people should also have a constitutional right to appeal without payment of court costs.

The petitioner is requesting the Supreme Court review the conflict of interest laws of the States and put them in line of the Federal Conflict of Interest for Federal Judges , due to the facts the States don't have to follow the constitution or due- process or equal protection of pro-se and is allowed to decide their own laws , that contradict their States laws and by doing so trumper over the constitution, thus leaving no Declaratory Oder for the Courts, as well as precluding the poor and punishing them for making complaints , and making decision that the only way you will be head is to pay your food stamp and public assistance grant, to get redress on a valid appeal that have question on the Constitution rights of pro-se.

Continue Reasons to Grant Petition

Quoting these old cases that Address New Issues in the State Courts

- a. To quote former United States **President Theodore Roosevelt**: "No man is above the law and no man is below it; nor do we ask any man's permission when we ask him to obey it. Obedience to the law is demanded as a right, not asked as a favor." The judges who administer justice in our countries must be seen as ethical and subject to meaningful correction when it is necessary. Nothing less than the rule of law is at stake
- b. The petitioner requests this Supreme Court 'obtain the record and review scrutinize this case for reversal back to the lower court for further litigation, and correct the injustice on my constitutional rights, and set the law on what constitute on Conflict of Interest more in debt, due to loop holes when it affects the petitioner rights to a fair due- process when States hear 42-U.S.C. 1983 thus violating six and fourteenth amendment with ease.
- c. To quote former United States President Theodore Roosevelt: "No man is above the law and no man is below it; nor do we ask any man's permission when we ask him to obey it. Obedience to the law is demanded as a right, not asked as a favor." The judges who administer justice in our countries must be seen as ethical and subject to meaningful correction when it is necessary. Nothing less than the rule of law is at stake.
- d. **the Dred Scott Case, IS SIMILAR TO CHARLES ROCHESTER CASE AT HAND BY DENYING ACCESS TO THE COURT**, when I'm a Citizen thus **SEPERATING me from others** , AS THE Chief Justice Taney for the Court ruled that United States citizenship was enjoyed by two classes of individuals: (1) white persons born in the United States as descendants of "persons, who were at the time of the adoption of the Constitution recognized as citizens in the several States and-[who- became also citizens of this new political body," the United States of America, and (2) those who, having been "born outside the dominions of the United States," had migrated thereto and been naturalized therein. The States were competent, he continued, to confer state citizenship upon anyone in their midst, but they could not make the recipient of such status a citizen of the United States. As these cases are for banishment to the United States as anegre," or "African race," according to the Chief Justice, was ineligible to attain United States citizenship, either from a State or by virtue of birth in the United States, even as a free man descended from a Negro residing as a free man in one of the States at the date of ratification of the Constitution. 2 Congress, first in § 1 of the Civil Rights Act of 1866 3 and then in the first sentence. Also - in - **James Kirkland BATSON, Petitioner v. KENTUCKY 476 U.S. 79 106 S.Ct. 171290 L.Ed.2d 69** Court Denied Equal Protection of the Law, these cases may not mean nothing to this claim pre-se but the mere fact this Judge can banish me from due process is similar of taking away my rights, due to race, hatred, or other wicket ways to prevent me to have access to Court, as an American.

Also, the judge, who previously served as assistant court clerk to Judge Mitchell J. Danziger who been supervising Judge Julia I. Rodriquez and she Just rule on a Motion in a prior civil lawsuit of the petitioner and is the one who sent the case right to Judge Mitchell, and he sent it right back to her when he was force to close Recusal, and she attended events at the Judge's home, and never disclose her relationship in cases involving the supervising Judge's. However, because disclosure is MANDATORY, the judge must disqualify herself, if a party in the case is appearing without counsel/ pro-se

This Judge also concealed other victim who was on my propose witness list

Rules: Judiciary Law §14; 22 NYCRR 100.2; 100.2(A); 100.2(B); 100.3(E)(1);

Opinions 14-27; 12-45; 11-125; 11-124; 07-87/07-95; 07-04.

All three of the Supreme Court was aiding and abetting to intentionally violate my rights as officers of the court and the Judge Paul Albert who this render a Fraud Decision, that I was a No Appearance to the Article 78 Special Proceeding, that was NEXUS LINK, TO JUDGE MITCHELL J. DANZIGER CASE, DEPRIVED ME OF DUE- PROCESS BY THE JUDGES GIVING THE NEW YORK CITY LAW CORPORATION ATTORNEYS THE DATE OF THE ARTICLE 78 AND THE SWITCHING TO THE JUDGE PAUL ALBERT WHO NEVER GAVE PETITIONER NOTICE HE IS THE JUDGE AND THE HEARING DATE - SEE INDEX NO. 0260123/2018

The petitioner had more than enough for a Jury Trial and enough witnesses who were victim of the same NBBX UNIT- how can any of the State Courts, not act on a common sense situation, that a layman will see, that the Judge was in violation and a Trespasser of the Law No Appeal Court can allow it to be freely overlooked, when this kind of behavior, will surely allow many more violation by the State Court across the land , and open a Pandora of Wicket and Nefarious Behavior, and Create Criminal Activity, in out last Resource of Justice.

The petitioner had no choice but to come here and it not looking to reargue my case here, that is for a Jury to hear, the purpose of this Argument is,

A matter of what constitute a Conflict of Interest, that must be enforce?

Where does the poor go for redress, when a U.S.C. is violated on an Extreme Level?

What happens when a State Appeals Court don't enforce the integrity of their own State Constitution, and disobey Federal Constitution "?

What happen since a federal issue is a part of a state court decision to intentional violate the constitution, and change the oath of judge's rules & the A.B.A. on Judicial Conduct laws to fix his bad behavior, can the federal court review a decision, by the state court. Since its evident the State is overlooking a universal law of the basic due-process and conflict of Interest laws that been in place for years, in both courts, it strongly appears to be contradiction in the law, while rewarding bad faith.

**On the date of November 25<sup>th</sup> 2015** officers from the NBBX/ NAR Unit also known as the Buy and Bust Operation, did falsely arrested me, near the intersection of Ogden Avenue between 164<sup>th</sup> Street and 165<sup>th</sup> Street Bronx County -New York. For Criminal Sale and Criminal Procession in the 3<sup>rd</sup> degree both B Felonies. No Mark Money, no drugs in my procession, only \$7 dollars cash, and lose change in my pocket, nowhere near what the officer claim they spent for drugs on. Also, I was arrested right there and undercover officers was present at the scene, this was false as well, as attacking other Black and Latino people.

The petitioner requested at arrangement, in front of the Judge to testify in front of a Grand Jury, and Court took notice, and was R.O.R. the Judge granted CPLR 190.05

**On the Date of December 22<sup>nd</sup> 2015** a Grand Jury was assemble and, I was brought into a room, and question by the District Attorney who requested I sign a waiver of my immunity and then asked what documents I have to present to the Grand Juries as exhibits, were rehabilitation - a N.Y.S. Nurse Assistant, and N.Y.S. Substance Abuse Counsel and documents to show I work in a after school program as a Health care Facilitator also two days after, I was going on a Job interview – The District Attorney denied and said only what is relevant to the case. Never the less, I went out, and waive my immunity and told the truth, and presented the facts, and told compelling testimony, the officer was not truthful, and there was no way I sold any drugs on that day. of November, 25<sup>th</sup> 2015

The District Attorney was up-set with the dismissal, by the Grand Jury Decision, and still charge me with procession in the 7<sup>th</sup> knowing the probable cause to arrest, was defeated ,when the actual arrest was base on, false testimony by the officers, I'm the one who sold drugs to undercover cops, when I never had any drugs or money at the scene of the buy and bust, and the person, sold the drug ran from them, and they arrested me, due to one of the backup Det. Denial Rivera arrested me before, it my belief, I was target by abuse of their power.

The petitioner commenced a civil law suit by filing a Summons and Verified Complaint against the arresting officers, for false arrest and false imprisonment assault and battery, malicious prosecution, retaliation, due to the same drug unit re-arresting me prior and in the past, Also **Monell Claim** deprivation of my rights, negligent, in hiring, training and retention and punitive damage, due to act of intention abuse of process, under 42 U.S.C. -1983 pattern, practice, and custom. The petitioner establishing by a preponderance of evidence 8.3 A.2. of repeated Acts of a policy and Practice with other victims and their Attorneys who sue the City of New York, and these arrests were happening, in the exact same location. Whereas I was Force to Testify at N.Y.S. Grand Juries on other false arrests drug sales, by same NBBX/NAR UNIT - I appeared back in front of the District Attorney and the Grand Jury Forman and Assist Forman, who again listen to false testimony and dismissed all charges. It was obvious, I was being arrested for past history which is understandable, but not to the point, where the officers are placing drug charges on you, while knowing full well, it never happens, sending you through the system do to their negligence and lack of training, and abuse of power and abuse of process, as well as a low time in my life, so I had to go to the Grand Juries and make my point this NBBX Unit was hostile and evil to my Bronx Community near the Yankee Stadium Area to the point other people was being arrested in the same area of the crime 164<sup>th</sup> Street and 165<sup>th</sup> Street was the feeding ground for this unit.

This started the Monell Doctrine, which establish the municipality can be held liable for an officer's actions when the plaintiff establishes the officers violated petitioner constitutional right, and that violation resulted from an official municipal policy, an unofficial custom, or because the municipality was deliberately indifferent in a failing to prove the proper training thus given days of training and placing officers on the street - Officer admission of lack of training inside first set of Interrogatives,

## **CONCLUSION**

1. Under 42 U.S.C. § 1983, is a public official, whose reckless conduct proximately causes another official to violate a plaintiff's federally protected right, liable for the plaintiff's injuries, even though the latter official is entitled to qualified immunity 42 U.S.C. 1983 was meant for these kinds of crimes and Jury Trial is warranted as a right to a fair trial, to hear my verified complaint, and witnesses.
2. When a public official violates clearly established law through his pre-seizure conduct, and the conduct, causes constitutional violations, and discriminatory practices, and the State Judge is protected, by State Entities and the New York Court of Appeals intentionally fails to enforce State laws. The rights to come to the United States Supreme Court -Washington D.C. for redress

The petitioner exhausted all of his remedies, and now brings his reasons to the Supreme Court of the United States to clarify for the States Judges and Administrative Branches. what constitute a conflict of interest, whereas a State judge can't violate a petitioner Federal Rights in their Courts, and Render decisions and orders that aid and abet adversary Attorneys, who violates the laws with no penalties, with no sanction, and it when the complaint reaches the highest State Court, there is no redress, on constitution issues, that should have merit in any Court in the land base on the Integrity of our Court

The petitioner for Writ of Certiorari Should be Granted, Due to Article by the

**JANET DIFIORE CHIEF JUDGE OF  
THE NEW YORK STATE COURT OF APPEALS  
THIS IS HER OATH**

THE PETITIONER ASKS THIS \*SUPREME COURT OF THE UNITED STATES\* TO REFORM THE JUDGES CONFLICT OF INTEREST LAWS, AND WARN ALL STATE JUDGES, NOT TO ENGAGE, IN KNOWN CONFLICT OF INTEREST, AND ABUSE OF POWER AND DECRETION, THAT TRAMPLED ON THE CITIZEN'S CONSTITUTION RIGHTS AND FEDERAL JURISDICTION 42.U.S.C.1983

**THIS IS CHIEF JUDGE JANET DIFIORE AFFIRMATION INTRODUCTION TO  
MODERNIZE NEW YORK STATES COURT FROM ALL IRRUGALITIES**

Chief Administrative Judge Lawrence Marks and I fully embraced Secretary Johnson's findings and determined to do better – much better – to address the shortcomings identified in

the report. The Equal Justice Report contained an excellent set of practical recommendations to guide our reform efforts, and we have pledged to faithfully implement all of them, starting with the first and most important recommendation: our commitment on behalf of the entire New York State Unified Court System to a policy of “zero tolerance” **for racial bias and discrimination**. During the 2021 State of Our Judiciary Address that I delivered to our partners in government and all New Yorkers, I expressed my “solemn, unshakeable commitment to achieve a policy of zero tolerance for racial bias and discrimination … for as long as I have the privilege of serving as Chief Judge.” Recognizing that our commitment to equal justice will be measured not by the eloquence of our words but by our actions and ability to get things done, we appointed and empowered Hon. Edwina Mendelson, Deputy Chief Administrative Judge for Justice Initiatives, to lead our day-to-day efforts to implement the Equal Justice recommendations. Chief Administrative Judge Marks and Judge Mendelson convened an Implementation Committee of judicial leaders and managers which met with judges, court staff and representatives of fraternal organizations, affinity groups, bar associations and stakeholders to develop a detailed and effective strategic plan to guide our institutional efforts to implement short- and long-term equal justice reform.

- Adopting policy changes to specifically support our zero tolerance policy;
- Creating and supporting initiatives to expand access to justice and court services in courts that serve low-income communities and people of color;
- Mandating comprehensive education and training to address critical issues such as implicit bias; and
- Initiatives to strengthen existing court-based institutions and enable them to better carry out their respective missions of combating bias and discrimination and promoting equity and inclusion.

In addition to the dozens of statewide initiatives and reforms described in this Report, I am proud of the efforts that are underway at the local court level to change our institutional culture from the bottom up. Our Administrative Judges, Supervising Judges and Court Managers have led the way in their respective jurisdictions, engaging judges and court staff in the work that needs to be done to make good on our obligation to treat everyone we work with, and everyone who appears before us, with the utmost fairness and equity. Over the last year, we have made it our highest institutional priority to fully implement Secretary Johnson’s Equal Justice recommendations, and our judges and staff across the state and at every level of our court system have rededicated themselves to combatting racism and bias and maintaining public trust and confidence in our ability to ensure equal justice for all. I am grateful to Judge Mendelson for her strong leadership of our Equal Justice in the Courts Initiative, and for preparing this Year in Review Report to mark our progress and catalogue the work that has been done. Importantly, that work cannot and will not cease when the Equal Justice recommendations are all implemented. Our commitment to equal justice must be an ongoing, open-ended process in which we continuously strive to achieve the highest standards of fairness, equality and meaningful inclusion within our court system. I want to acknowledge and thank our Independent Monitor, Hon. Carmen Beauchamp Ciparick (retired Senior Associate Judge of the Court of Appeals), for carefully reviewing and evaluating our ongoing efforts and future plans. She will make certain that we follow through faithfully on our Equal

Justice commitments. And I want to thank Alphonso David for his valued past service in this capacity. Finally, I want to express my heartfelt thanks and appreciation to the judges and professional staff of the New York State Unified Court System. The courts, above all institutions, have a solemn obligation to ensure that every person who appears before us, and every colleague we work with, is treated with equal justice, dignity and respect. As demonstrated in this Report, our judges and staff have answered the call to equal justice and are leading by example.

**This is Janet DiFiore Chief Judge  
of the Court of Appeals  
of the State of New York Oath**

On April 20, 1871, President Ulysses S. Grant, shown with Secretary of the Navy George M. Robeson and presidential advisor General Horace Porter in this *Frank Leslie's Illustrated* print, signed the Ku Klux Klan Act, which enforced the Fourteenth Amendment by guaranteeing all citizens of the United States the rights afforded by the Constitution and providing legal protection under the law.

On this date, the House approved "An Act to enforce the Provisions of the Fourteenth Amendment to the Constitution of the United States, and for other Purposes," also known as the "Ku Klux Klan Act." Introduced as H.R. 320 on March 28, 1871, by Representative Samuel Shellabarger of Ohio, the bill passed the House on April 6 and returned from the Senate with amendments on April 14. After nearly a week of heated debate in the House and the Senate, the chambers reconciled their differences on April 20 when the House agreed to the conference report on H.R. 320 and the Senate concurred. The Ku Klux Klan Act, the third of a series of increasingly stringent Enforcement Acts, was designed to eliminate extralegal violence and protect the civil and political rights of four million freed slaves. The Fourteenth Amendment, ratified in 1868, defined citizenship and guaranteed due process and equal protection of the law to all. Vigilante groups like the Ku Klux Klan, however, freely threatened African Americans and their white allies in the South and undermined the Republican Party's plan for Reconstruction. The bill authorized the President to intervene in the former rebel states that attempted to deny

"any person or any class of persons of the equal protection of the laws, or of equal privileges or immunities under the laws." To act against this newly defined federal crime, the President could suspend habeas corpus, deploy the U.S. military, or use "other means, as he may deem necessary."

Opponents denounced the bill as an unconstitutional attack on state governments and individual liberty. "All the powers of the Government . . . will be absorbed in the hands of one man," warned James M. Leach of North Carolina. Administration supporter William E. Lansing of New York rejected the "mischievous doctrine of State sovereignty" and cited the prevalence of "acts of outrage and violence . . . which the States where they occur have either no power or will to prevent." David P. Lowe of Kansas stressed that the legislation fulfilled the Fourteenth Amendment's promise of equal protection under the law. "Let the different classes of our populations feel that the interest and welfare of one is the interest and welfare of all." After both chambers of Congress agreed to the conference report on April 20, President Ulysses S. Grant signed the bill into law later that day. Nearly six months later, in October 1871, Grant used these powers in several South Carolina counties, demonstrating the willingness of the Republican-led federal government to take decisive action to protect the civil and political rights of the freed people during Reconstruction.

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*David J. Sachar is currently serving as the Executive Director of the Judicial Discipline and Disability Commission in Arkansas, United States and as an Advisory Board Member of the National Center for State Courts. He previously gained experience as a litigator and prosecuting attorney in the United States. Mr. Sachar recently shared his views on judicial misconduct with UNODC, as part of the Organization's on-going work to exchange good practices in the investigation of misconduct. All opinions expressed in this piece are solely those of the author as an external expert and do not necessarily reflect the official position of UNODC.*

### **The petitioner just recited this as a *syllabus***

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Judicial misconduct breaks down the very fibre of what is necessary for a functional judiciary-citizens who believe their judges are fair and impartial. The judiciary cannot exist without the trust and confidence of the people. Judges must, therefore, be accountable to legal and ethical standards. In holding them accountable for their behavior, judicial conduct review must be performed without invading the independence of judicial decision-making. This task can be daunting. More than any other branch of government, the judiciary is built on a foundation of public faith-judges do not command armies or police forces, they do not have the power of the purse to fund initiatives and they do not pass legislation. Instead, they make rulings on the law. Rulings that the people must

believe came from competent, lawful and independent judicial officers. The petitioner, and the judges and defense counsel knows the law and knew I was being attacked and violated, when the petitioner was up holding the integrity, and obeying Court procedures as well as the conduct of the court even when I they shown no sign to deal in good faith, and with the history , and document cases I had with the two judges and the N.Y. City Attorney is undisputed they all knew who I was and form as one team to defeat this claim and deny witnesses that experience the same violation of deprivation of out rights, did attempted to erase evidence and the witness from court records in the Court Orders and Decision.

Judicial misconduct comes in many forms and ethical standards address problematic actions, omissions and relationships that deplete public confidence. Common complaints of ethical misconduct include improper demeanor; failure to properly disqualify when the judge has a conflict of interest; engaging in *ex parte* communication and failure to execute their judicial duties in a timely fashion. Behavior outside of the courtroom can also be at issue. Judicial conduct oversight should not attempt to regulate purely personal aspects of a judge's life. However, a judge can commit misconduct by engaging in personal behavior that calls their judicial integrity into question. This is true even if the same behavior would merely be considered unwise for the average citizen. As the saying goes, the robe magnifies the conduct. Obvious examples are violations of criminal law, sexual misconduct with staff/attorneys/parties, joining discriminatory organizations and using the judicial position to enhance a private interest.

Many codes of judicial conduct also include general language that urges judges to preserve the integrity of the judiciary and avoid even the appearance of impropriety.

### **CANDOR TOWARD THE COURT RULE 3.3**

a) A lawyer shall not knowingly: (1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer

**The Judge and the Defense Attorney concealed together the conflict of interest and**  
2. fail to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly averse to the position of the client and not disclosed by opposing counsel; or

**The Judge is an Attorney is bound by rules of professional conduct and knew better** (3) offer evidence that the lawyer knows to be false. If a lawyer, the lawyer's client, or a witness called by the lawyer, has offered material evidence and the lawyer comes to know of its falsity, the lawyer shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal. A lawyer may refuse to offer evidence, other than the testimony of a defendant in a criminal matter, that the lawyer reasonably believes is false. Attorney knew the arresting officer who gave Interrogative testimony testified falsely

The Attorney knew , he was signing off on false interrogatives statements on November 14, 2018 December 18, 2019 at compliance conference as well as knew interrogatives answer was parti