

No. 22-7411

IN THE
Supreme Court of the United States

MARIO SIMS, *Petitioner*,

v.

PETE BUTTIGIEG, ET AL., *Respondents*.

On Petition for Writ of Certiorari to the
Court of Appeals of Indiana

BRIEF IN OPPOSITION

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COME NOW all Respondents in this matter, by their counsel, James F. Groves, and object to Sims' Petition for Certiorari and state:

There has been no opinion by the Indiana Court of Appeals or by the denial of Sims' Petition to the Indiana Supreme Court which conflicts with any decisions of other State Courts or United States Courts of Appeal. Neither the Indiana Court of Appeals nor the Indiana Supreme Court has decided any important question of Federal Law that should be resolved by this Court. Sims' Petition for a Writ of Certiorari in no way complies with Rule 10, as his Petition is merely another diatribe which the Indiana Court of Appeals and the Indiana Supreme Court have rejected on several occasions.

REASONS FOR DENYING THE PETITION

This Petition arises from one of many appeals from the Courts' rejections of his frivolous filings which have never complied with the Indiana Court of Appeals rulings in *Sims v. Scopelitis*, 797 N.E.2d 348, 352 (Ind. Ct. App. 2003) and *Sims v. Buttigieg et al.*, Court of Appeals of Indiana, Opinion 21A-CT-2309, August 12, 2022.

In the last go-around by Sims, the Court of Appeals in Indiana affirmed the trial court's finding that the complaint was barred by the doctrines of collateral estoppel and law of the case. In that trial court opinion, from which Sims appealed, the court stated:

This is yet another action in Sims' decades-long effort to show that his 1995 convictions for burglary, rape, and criminal deviate conduct are the result of a purported conspiracy against him within St. Joseph County. By October of 2003, Sims had been involved in at least forty-

seven state court appeals, nearly all of which—civil and criminal—had been unsuccessful and were directly or indirectly related to his arrest, prosecution, conviction, or confinement for burglary, rape, and criminal deviate conduct. *Sims v. Scopelitis*, 797 N.E.2d 348, 349 n.2 (Ind. Ct. App. 2003), *trans. denied* (2004). Due to Sims’ continued filing of meritless actions, in *Scopelitis* we imposed conditions upon future lawsuits he may initiate. Assuredly, in these intervening years, Sims has initiated several more appeals, including the present action.

Sims v Buttigieg, et al., Court of Appeals of Indiana, Opinion 21A-CT-2309, August 12, 2022 p. 3.

In rejecting this last action by Sims, the court pointed out that Sims had a decades long effort through the courts to show that his 1995 convictions for burglary, rape, and criminal deviate conduct were the result of some kind of conspiracy among all of the defendants. Those defendants included everyone from the mayor of South Bend through the South Bend City Attorney’s Office, the St. Joseph County Board of Commissioners, and the homicide investigator. In fact, Pete Buttigieg, the Mayor of South Bend at the time was not the mayor in 1995 when Sims was convicted. In any event, the Court of Appeals in *Sims v. Buttigieg* held as follows:

In reviewing the Verified Complaint, the Court **FINDS** that the proposed Verified Complaint at Law is barred by the doctrines of collateral estoppel and law of the case. The basic gravamen of the Verified Complaint is the same – it sues a similar cast of individuals – then Mayor Buttigieg, his Chief of Staff Mike Schmul, Tim Corbett, St. Joseph County, the City of South Bend, and two former corporation counsel for the City of South Bend, Cristal C. Brisco and Stephanie Steele. The Verified Complaint goes on to allege a host of conspiracies across various levels of local government but all centered on the actions of Defendant Corbett and the alleged fraudulent concealment of evidence and retaliation against Plaintiff. In fact, the only real “new” element as set out in the proposed Verified Complaint is the conduit of

these actions which is a local news anchor and a reported conversation that she allegedly had with Defendant Corbett.

Appellant's App. Vol. II, pp. 16-17.

Following Sims' unsuccessful appeal to the Indiana Court of Appeals, he then filed a Petition for Transfer to the Indiana Supreme Court. Ind. Rule 56(H) allows the Supreme Court to grant transfer after certain conditions under the Rule are met. However, the Supreme Court has total discretion such that it does not have to grant transfer, even if any of those conditions was met. None was met, and the Indiana Supreme Court denied transfer on Sims' petition. The denial of transfer was without opinion.

CONCLUSION

WHEREFORE, Respondents pray that the Writ filed herein be rejected.

Respectfully submitted:

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