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22-7568

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

In the  
Supreme Court of the United States

John B. Freitas

Petitioner

v.

SUPERIOR COURT OF ALAMEDA COUNTY, JUDGE J. WHITMAN, et. al.

RESPONDENTS

COMMUNITY FUND, LLC

REAL PARTY IN INTEREST

On Petition for Writ of Certiorari to the

SUPREME COURT OF THE STATE OF CALIFORNIA

Case #S 278001

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**PETITION FOR WRIT OF CERTIORARI**

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SUPREME COURT, U.S.**ORIGINAL**

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## ISSUES PRESENTED

1. No one is above the law. Local, State and Federal judges are not above the law.

Local, state and federal judges who assume that they are above the law should realize the following:

- a. that they can be impeached or otherwise removed from the bench;
- b. that their law license is at risk;
- c. severe sanctions including disbarment may be imposed;
- d. their financial assets and real property assets may be seized;
- e. ownership, possession and control of their assets may be forfeited; and
- f. that they may be prohibited from ever again holding any public office.

“The United States Attorneys and the U.S. Attorney General, vested with such dignity and power, are especially entrusted with the duty to protect the interests of all people...” *United States v. Butler*, 567 F.2d 885, 894 (9<sup>th</sup> Cir. March 15, 1978).

The idealism of our democracy is undermined and subverted when local, state and federal judges (“Judges”) and other officers of the court knowingly and intentionally acquiesce to and in many cases participate in criminal conspiracies

being committed in real estate foreclosure proceedings. *Id* at 894.

2. The U.S. Constitution's First Amendment Freedom of Speech includes:

- a. The Right to Access the Courts;
- b. The Right to Expose Corruption in the Court(s);
- c. The Right to Petition the Court for redress of grievances;
- d. The Right to be heard in a meaningful manner and at a meaningful time; and
- e. The right to a fair and impartial judge and a jury.

3. Superior Court Judge Jenna Whitman ("Judge Whitman"), Superior Court Judge Noel Wise ("Judge Wise"), of Alameda County, California Federal District Court Judge James Donato, Federal District Court Judge Jon Tigar (collectively herein referred to as "**the Judges**"), and their co-conspirators, accomplices, surrogates and proxies have weaponized the judicial branches of the State and Federal government(s) in order to achieve the goal(s) of their conspiracy and successfully complete their "end game" which includes, among others, the commission of the substantive crimes including but not limited the following:

- a. to commit Domestic Terrorism;
- b. to finance Domestic Terrorism;
- c. to destroy the democracy of the United States;
- d. to disrupt the economy of the United States;
- e. to overthrow and undermine the government of the United States;
- f. to commit the crime of sedition;

- g. to commit the crime of subversion;
- h. to commit the crime of Misprison of treason;
- i. to commit the crime of a Misprison of felony;
- j. to commit the crime of Honest Services Fraud;
- k. to violate the Racketeer Influenced Corrupt Organizations (“RICO”);
- l. to gain ownership and control of all real estate in the United States; and
- m. to gain control of the U.S. [Dollar] currency.

Real estate in the United States is the foundation for the U.S. [Dollar] currency; obtaining effective ownership and control of the majority if not all U.S. real estate vests in the Conspirators control over everything.

**4.** The “End Game” of the judges and their co-conspirators represents a clear and present danger and a very real existential threat to our U.S. Democracy.

**5. “The Judges”** and their co-conspirators, accomplices, surrogates and proxies (“co-conspirators”), by their acts of commission and acts of omission, have committed “misconduct” defined as “conduct prejudicial to the effective and expeditious administration of the business of the courts, including a substantial and widespread lowering of the public confidence in the courts among reasonable people and bring the judicial branch of the U.S. Government into disrepute.

**6.** The Judges and their co-conspirators have violated:

- a. each respective judges’ code of judicial ethics to which they swore when they accepted the appointment as a federal judge or a state court judge; and

b. each respective judge's sworn oath of allegiance to the United States of America and to uphold and defend the U. S. Constitution.

7. "Harm, Injuries and Damages" suffered by Petitioner/Freitas in this entire proceeding destroys Judge's labeling Freitas' appeal as "frivolous or taken in bad faith".

Judge Whitman and her co-conspirators conspired to commit intentional concealment and fraudulent concealment of their acts of commission, causing harm injuries and damages to Petitioner Freitas.

The void "Deed of Trust" recorded on October 25<sup>th</sup>, 2005, the void non-judicial foreclosure action, sale and subsequent felonious acts of the Judges, Quality Loan Services, Inc. ("Quality"), Community Fund, LLC ("Community) and Community's attorney, Tim Larsen, caused substantial harm, injuries and damages to Freitas.

Freitas and millions of homeowners in the State of California were defrauded out of their homes by reason of the actions of Judge Whitman, Judge Wise the judges and their co-conspirators in this matter.

8. The judges and their co-conspirators committed a "fraud on the court. The actions of Federal District Court Judge Donato and Federal District Court Judge Tigar (including participating in the conspiracy to commit Domestic

Terrorism, Misprison of treason, Misprison of felony, Honest Services Fraud and their refusal to issue the summons order to serve Defendants) defiles the court itself and resembles an "unconscionable plan or scheme which is designed to improperly influence the court in its decision".

The actions of the judges and their participation in the conspiracy to accomplish the described "end game" of the conspiracy constitute extraordinary circumstances meriting relief under Rule 60(b)(6) setting aside the order, allegedly dated February 15, 2023 (**Appendix A**) of the Supreme Court of the State of California denying Petitioner's Petition for Writ of Mandate filed November 17, 2022 that .. "...the Appeal was frivolous and not in good faith".

8. The following is a **jurisdictional issue**: The "Deed of Trust" Recorded Oct. 25, 2005, (**Appendix "H"**) is altered, forged **defective and Void**, the Power of Sale **is Void**, and the "Trustee's Deed upon Sale" recorded June 11, 2019, by Quality, **was, is and always will be Void.**

**a. Void-is-Void - This is jurisdictional**

Quality, on July 1, 2016, more than three years PRIOR to the initiating conducting and concluding the non-judicial foreclosure sale, **was substituted OUT** as a substituted trustee. Thereafter, Quality had no standing and no authority

to initiate, conduct and/or conclude the Non-judicial Foreclosure Sale. “Dimock”

“A later sale by a prior Trustee is **Void**.” *Dimock V. Emerald Properties, LLC* (“Dimock”), Court of Appeal, Fourth District, Division One. 97 Cal.Rptr.2d 255 (2000) 81 Cal.App.4<sup>th</sup> 868.

“A forged document is void ab initio and constitutes a nullity; **as such it cannot provide the basis for a superior title as against the original grantor**”(Freitas); *Wutzke v. Bill Reid Painting Ser. Inc.* 1984 151 Cal.App.3d 36, 43, *Halajian v. Deutsche Bank Nat. Trust Co.* (E.D. Cal Feb.14<sup>th</sup>, 2013, No. 1:12-CV-00814 AWIGSA) 2013 WL 593671, at p. \*7.

9. “Due process rights come into play ‘if the other side’ uses dishonorable means to prosecute a case.” *Rainsberger v. Benner*, 7<sup>th</sup> app.cir.no. 17– 2521-Jan. 15, 2019 [Hon. Judge Amy Coney Barrett](Applies to civil and criminal cases). See also U.S. Supreme Court case *McDonough v. Smith*, U.S. sup.ct.no. 18-485. June 20, 2019.

10. The mountain of tangible, admissible evidence establishes the following:

- a. The existence of a conspiracy to commit Domestic Terrorism;
- b. Judge Whitman and Judge Wise and their co-conspirators knowingly and intentionally became members of the conspiracy; and
- c. Judge Wise, Judge Donato or a co-conspirator knowingly and intentionally committed at least one overt act in furtherance of the conspiracy during the life of the conspiracy.

## LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Petitioner: John B. Freitas;

Defendant No. 1 – Alameda County Superior Court Judge Jenna Whitman  
– The Superior Court of the State of California, Alameda County  
(RESPONDENT)

Defendant No. 2 – Community Fund, LLC (REAL PARTY IN INTEREST).

Because no Petitioner is a corporation, a corporate disclosure statement is not required under Supreme Court Rule 29.6.

## RELATED CASES

### IN THE SUPREME COURT OF THE UNITED STATES

JOHN B. FREITAS,

Plaintiff-Appellant,

v.

SUPERIOR COURT OF THE STATE  
OF CALIFORNIA, COUNTY OF  
ALAMEDA,

Respondent;

COMMUNITY FUND, LLC, et.al.

Real Party in Interest

Supreme Court of U.S.

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

on appeal from the Supreme

Court of California  
Case # S278001