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SUPREME COURT, U.S.

22-861  
No.

In The  
Supreme Court of the United States

John F. Marchisotto, *Petitioner*

v.

Debra E. Canova, Louis P. Lepore, Louis  
Lepore, Esq., The Law Offices of Louis Lepore,  
P.C., Louis Lepore, Esq., L.L.C., and LPL885  
L.L.C.

*Respondents.*

In The Matter Of The Irrevocable Trust Of  
John L. Marchisotto, deceased

*On Petition For A Writ Of Certiorari To The  
Superior Court New Jersey Appellate Division*

**PETITION FOR WRIT OF CERTIORARI**

John F. Marchisotto ("Pro se Petitioner")  
15 Topaz Dr  
Jackson, NJ 08527  
(732) 526-7732  
mr300cclass@yahoo.com

March 8, 2023

## **QUESTIONS PRESENTED**

The Supreme Court of New Jersey denied Petitioners, Petition for Certification, from a decision of the Superior Court of New Jersey Appellate Division. That opinion includes contradicting conclusions of law, ignores all evidences presented on the finding of the same facts. Petitioner's Constitutional Rights to due process; (fair treatment through the normal judicial system, especially as a citizen's entitlement) has raised questions as follows:

1. Whether the Superior Court of New Jersey Appellate Division, and Supreme Court of New Jersey, denial opinion and orders violate the civil rights of the petitioner as protected by The Civil Rights Act of 1871 a federal statute—numbered 42 U.S.C. § 1983- Civil action for deprivation of rights?

2. Whether the lower trial courts Somerset, and Middlesex Superior courts violated Petitioners, of his Fifth, and Fourteenth Amendment Constitutional Rights and "deprived him of life, liberty or property without due process of law" in reaching its decision, opinion, and orders in this case, or is the conduct outside the scope of the law?

3. Whether the Superior Court Of New Jersey Appellate Division decision, opinion, and order be overturned because it conflicts with precedent from this court or other courts?

4. Whether the lower Somerset, and Middlesex Superior court's decision be overturned because it creates a circuit split with other courts on this issue raised by petitioner?

5. Whether the issues presented in this case of sufficient importance to warrant review by this court?
6. Whether the judges in question engaged in misconduct as alleged in the petition?
7. Whether if the judges engaged in misconduct, did it rise to the level of a due process violation?
8. Whether the lower court's decision on the issue of judicial misconduct be overturned because it conflicts with precedent from this Court or other courts?
9. Whether the issues of judicial ethics misconduct, malfeasance, and impropriety in this case of sufficient importance to warrant review by this court?

10. Whether the petitioners, petition, raised a novel or unsettled question of law that would benefit from the Court's review?

11. Whether the judges in question be disqualified from the proceedings in this case, and their orders entered be set aside?

12. Whether the judges in question be subject to disciplinary action for their alleged misconduct, misbehavior, and malfeasance?

13. Whether the lower court's precedent, interpretation of the provisions of the estate, and irrevocable trust agreement regarding John L. Marchisotto, deceased correct?

14. Whether the lower court's correctly applied applicable state, and federal laws in its determination of the estate, and irrevocable

trust agreement regarding John L. Marchisotto, deceased?

15. Whether the lower court's decision be overturned because it conflicts with precedent from this Court or other courts on the issues of estate, and irrevocable trust cases?

16. Whether the lower court's malfeasance determination of order sanctioning the Pro se plaintiff to pay \$81,841.72 and the additional \$3,000 in expenses and costs to respondents an abuse of discretion, setting a bad precedent?

17. Whether the Superior Court Of New Jersey Appellate Division, Supreme Court of New Jersey, and Superior Somerset/Middlesex lower courts judges malfeasance had failed to properly consider relevant evidence in the determination of the Petitioners case, appeal, and to only deny him, and the minor children, subpoenas, a trial, and justice

of: In the Matter of the Irrevocable Trust of  
John L. Marchisotto, deceased?



## **LIST OF PARTIES, AND RELATED CASES**

**Petitioner**, John F. Marchisotto is a citizen of the United States of American, and resides in Jackson, New Jersey.

**Respondent** Debra E. Canova, is a citizen of the United States of American, and resides in Tottenville, Richmond County, Staten Island, New York.

**Respondent** Louis P. Lepore, Louis Lepore, Esq., The Law Offices of Louis Lepore, P.C., Louis Lepore, Esq., L.L.C., and LPL885 L.L.C. is a citizen of the United State of America, and resides in Pleasant Plains, Richmond County, Staten Island, New York. Louis Lepore Esq., has numerous Professional Corporations, Limited Liability Corporations, registered to him in New York State connected with his law offices located at 885 Huguenot Ave., Staten Island New York 10312. Louis Lepore, Esq., also has listed a virtual satellite office located at 331 Newman Spring Road Bldg. 14th Floor Suite 143 Red Bank, NJ 07701. Louis Lepore, Esq., law license in New Jersey is Out of State, and connected to his New York law offices. Louis Lepore, Esq., also has an Out of State Florida law license.

Louis Lepore, Esq., has continuously perjured himself to every court in the State of New Jersey, State of New York, U.S. District Court of New Jersey, that he operates his law business offices (in three states) ONLY as a Sole Proprietorship, and does not need to maintain the required mandatory Professional Liability Insurance as required by NJ Courts for the Practice of Law; Rule 1:21; Practice of Law, N.J. Ct. R. 1:21. This attorney continues to commit business, attorney, and tax fraud to date, and the New Jersey State, and Federal Judges continue to look the other way to this attorneys' perjury, and fraud.

There are no other participating parties involved in any of these proceedings.

**Related Cases**, arising from the same initial trial court case;

**Currently Active, –** In the Matter of the Irrevocable Trust of John L. Marchisotto, deceased, **Docket No. A-001889-21** (res judicata appeal of same lower court docket number) due to Judicial Misconduct by Middlesex County, Recalled Judge, Roger W. Daley, and Appellant Division Judges Accurso, and Enright, who have allowed Louis Lepore, Esq., to backfile back to the lower trial court on an already disposed of case since April 1, 2020, that had an already pending appeal, desperately trying to get his accountings, and supplemental accountings approved (never were approved in lower courts by Judge Goodzeit or Judge Rivas before the case was disposed of), and was desperately trying to get an order by another Middlesex County dirty judge, to withdraw approximately \$612,541.94 of monies that were being held for safekeeping in the New Jersey State Trust Fund Unit, by

falsifying a proposed order document with a false statement attached, and allegedly bribing Judge Roger W. Daley to sign the false document that states: "No other person is entered to any of those monies being held". Middlesex County Judge Roger W. Daley has committed fraud. This case created Marchisotto v. Daley et al; Case No.: 3:22-cv-01276-MAS-TJB, and Judicial Misconduct complaints have already been filed against the two prior federal judges to this matter.

**Currently Active, -** Appellate Division, 2nd Judicial Dept *JPMORGAN Chase Bank, N.A. v. Debra E. Canova et al*; Docket No. 2020-06261, Petitioner has filed this appeal in 5/2021, to date his appeal still has not been calendared. It appears to petitioner that the Appellee Division 2<sup>nd</sup> Judicial Dept is purposely trying to avoid hearing his appeal

from lower New York Supreme Court Docket No: 152396/2019 (*JPMORGAN Chase Bank, N.A. v. Debra E. Canova et al*).

**Currently Active, - Marchisotto v. Daley et al; Case No.: 3:22-cv-01276-MAS-TJB; This federal lawsuit stems from the res judicata appeal of – In the Matter of the Irrevocable Trust of John L. Marchisotto, deceased, Docket No. A-001889-21.** Please note this is the same exact lower court trial docket number 18-00394 being brought by Petitioner here to the United States Supreme Court. The New Jersey Courts judges continuously engage in judicial misconduct, fraud, and coverup for one another's criminal behaviors.

**Currently Active, Marchisotto v. Malik et al 3:20-cv-20426-MAS-TJB Judicial Misconduct complaints have also already been**

filed against the four prior federal judges to this matter.

**Currently Active, In the Matter of J.M.**  
DOCKET NO. A-001026-20; awaiting for a decision from New Jersey Appellate Division, on appeal from Ocean County Superior Court; Re: Illegal Weaponized Red Flag, Illegal entry of Petitioners home without a valid search warrant order, and illegal gun removal with a valid order. This case created Marchisotto v. Malik et al; 3:20-cv-20426-MAS-TJB.

**Non-Active (Disposed of)** – U.S. Supreme Ct. Docket No.:19A1066; U.S. Supreme Court Justice Samuel Alito failed to recuse himself from hearing another petition, petitioner had escalated from New Jersey State Court to the U.S. Supreme Court against Justice Alito former colleague, corrupt state judge buddy, “Dirty Judge Alberto Rivas”. Judge Rivas also

served as a federal prosecutor, and becoming Deputy Chief of the Criminal Division under then-U.S. Attorney Samuel Alito, who is now associate justice of the U.S. Supreme Court, and also the Circuit Justice For The Third Circuit. Judge Rivas worked directly for Alito in the New Jersey U.S. Attorney's Office when he was a Chief Prosecutor of the Criminal Division. Justice Alito was the former boss of Judge Rivas who was continuously criminally harassing both myself, and my family.

**Non-Active (Disposed of) - Marchisotto v. Goodzeit et al**; U.S. District Court of New Jersey; 3:19-cv-12540-BRM-DEA. **Non-Active (Disposed of) - Marchisotto v. Rivas et al**; U.S. District Court of New Jersey; 3:19-cv-21440-BRM-DEA.

**Non-Active (Disposed of) - USCA For The Third Circuit; In re: John Marchisotto**; Case

No.: 20-2271; Petition For Writ Of Mandamus Against Defendant Judge Alberto Rivas, JSC, Middlesex County. Petitioner, and his family want Judge Alberto Rivas Arrested. He filed a false police, and judiciary incident report.

**Non-Active (Disposed of) – USCA For The Third Circuit; John Marchisotto v. Margaret Goodzeit, et al; Case No.; 20-1870.**

**Non-Active (Disposed of) – USCA For The Third Circuit; Marchisotto v. Margaret Goodzeit, et al; Case No.; 20-2134.**

**Other:** New Jersey State Tort Liability

Title 59, Re: 12/12/2019, State Risk file No.: 19-7704

Title 59, Re: 01/05/2020, State Risk file No.: 20-762

Title 59, Re: 02/07/2020, State Risk file No.  
20-762

Judge Alberto Rivas **False Judiciary Gun Threat** Incident report: I-8121.

Judge Alberto Rivas, Respondents / Defendant's Debra E. Canova, and Louis Lepore, Esq., **False TERPO Gun Threats: In the Matter of John Marchisotto** Petition No.: 1511 XTR 2020 000002. U.S. Supreme Court please take note of the judicial criminals at Superior Court of New Jersey Ocean County; who backdated, and created a new court matter on 06/29/20, called; **In The Matter of J.M.** to coverup the illegal search, of petitioners home, and weaponized false Red Flag gun removal without any legal authority, or any valid search warrant orders on 02/07/20.

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## **TABLE OF AUTHORITIES**

### **Cases**

*Abtrax Pharm. V. Elkins-Sinn, Inc.*, 139 N.J. 499, 517 (1995).

*Adedoyin v. Arc of Morris Cty. Chapter, Inc.*, 325 N.J. Super.173, 181 (App. Div. 1999).

*Arizona v. Fulmanante*, 499 U.S. 279, 306 (1991).

*Atalesa v. U.S. Legal Services Group, L.P.*, 219 N.J. 430 (2014).

*Borough of Jamesburg v. Hubbs* 6 N.J. 578 (1951)80 A.2d 100

*Battle v. State*, 298 Ga. 661, 784 S.E.2d 381 (Ga. 2016)

Belfer v. Merling, 322 N.J. Super. 124, 144 (App. Div.), certif. denied, 162 N.J. 196 (1999).

Brett v. Great Am. Recreation, 144 N.J. 479, 503 (1996).

Brokaw v. Mercer County, 235 F.3d 1000 (7th Cir. 2000).

Capital Health System, Inc. v. Horizon Healthcare Services, Inc., 230 N.J. 73, 79-80 (2017).

Carey v. Lovett, 132 N.J. 44, 64 (1993)  
Pressler & Verniero,

Current N.J. Court Rules, comment 4.7(b) on R. 2:10-2 (2019)).

State v. Harvey, 151 N.J. 117, 167-68 (1997)).

Center for Molecular Medicine and Immunology v. Twp. of

Belleville, 357 N.J. Super. 41, 48 (App. Div. 2003).

Central R.R. v. Neeld, 26 N.J. 172, 177 (1958).

Chapman v. California, 386 U.S. 18, 24 (1967).

Clark v. Pomponio, 397 N.J. Super. 630, 645 (App. Div.), certif. denied, 195 N.J. 420 (2008); accord Pressler & Verniero, *supra*, comment 1.1 on R. 4:23-5 (quoting 1990 Report on the Committee on Civil Practice.)

Cooper v. Leatherman Tool Group, 532 U.S. 424, 431 (2001).

Crews v. Garmoney, 141 N.J. Super. 93, 96 (App.Div. 1976).

Eatough v. Bd of Med. Exam'rs 191 N.J. Super 166, 173 [465 A2d 934] (App Div, 1983)  
Constant v Pac. Nat'l Ins Co, 84 N.J. Super 211, 216 [201 A2d 405] (App [Law]Div.1964).

Elliot v. Piersol, 1 Pet. 328, 340, 26 U.S. 328, 340 (1828)

Estate of Hanges v. Metro. Prop. & Cas. Ins. Co., 202 N.J. 369, 384-85 (2010). Gonzalez v. Safe & Sound Security, 185 N.J. 100, 115 (2005).

Green v. Branson, 108 F.3d 1296, 1305 (10th Cir. 1997)

Hillig v. Commissioner, 916 F. 2d 171, 174 (4th Cir. 1990).

In re Appeal of Howard D. Johnson Co., 36 N.J. 443, 446 (1962).

In re Itel Sec. Litig., 791 F.2d 672, 675 (9th Cir. 1986), cert. denied, 479 U.S. 1033 91987.

Jadlowski v. Owens-Corning, 283 N.J. Super. 199, 221 (App. Div.1995).

Kavanaugh v. Quigley, 63 N.J. Super. 153, 158 (App. Div. 1960).

Kreager v. Solomon & Flanagan, P.A. 775 F.2d 1541, 1542-43 (11<sup>th</sup> Cir. 1985).

Liljeberg v. Health Servs. Corp., 486 U.S. 847, 859-60, 108 S.Ct. 2194, 2202-03, 100 L.Ed.2d 855 (1988).

Link v. Walbash R.R., 370 U.S. 626, 632 (1962).

Lipsig v. Nation Student Mktg. Corp., 663 F.2d 178, 180-81 (D.C. Cir. 1980).

Manalapan Realty v. Manalapan Tp. Comm., 140 N.J. 366, 378 (1995).

Maul v. Kirkman, 270 N.J. Super. 596, 619-20 (App. Div. 1994).

Molecular Medicine and Immunology v. Twp. of Belleville, 357 N.J. Super. 41, 48 (App. Div. 2003).

Musto v. Vidas, 333 N.J. Super. 52, 74 (App. Div. 2000) (prejudgment interest).

N.J. Div. of Youth & Family Servs. v. M.C. III, 201 N.J. 328, 340 (2010).

Navarro v. Cohan, 856 F. 2d 141, 142 (11th Cir. 1988).

Neder v. United States, 527 U.S. 1, 7 (1999).

Packard-Bamberger & Co. v. Collier, 167 N.J. 427, 443-44 (2001) (attorneys' fees).

Packard-Bamberger & Co. v. Collier, 167 N.J. 427, 443-44 (2001).

PANITCH V. PANITCH, 339 New Jersey Superior Court at 63, Pages 66 to 67,

Appellate Division 2001 In STATE V. BILAL  
(phonetic), 221 New Jersey 608 (2018)

Peterson v. U.S. Wallin v. Miller Ex Parte  
James 713 So. 2d 869 (Ala. 1997)

Printing Mart-Morristown v. Sharp Elecs.  
Corp., 116 N.J. 739, 746 (1989).

Serenity Contracting v. Fort Lee, 306 N.J.  
Super. 151, 159 (App.Div. 1997).

St. James AME Dev. Corp., supra, 403 N.J.  
Super. At 484.

State v. Camacho, 218 N.J. 533, 554 (2014),  
State v. Erazo, 126 N.J. 112, 131 (1991); State  
v. Ramseur, 106 N.J. 123, 266 (1987).

State v. Gillispie, 208 N.J. 59, 93 (2011).

State v. Harper, 128 N.J. Super. 270, 276-77  
(App. Div. 1974).

State v. Lykes, 192 N.J. 519, 534 (2007).

State v. Macon, 57 N.J. 325, 333 (1971).

State v. Macon, 57 N.J. 325, 338 (1971); State v. Slobodian, 57 N.J. 18, 23 (1970).

State v. Marshall, 148 N.J. 89, 186-87 (1997).

State v. Nantambu, 221 N.J. 390, 402 (2015), (quoting State v. Harris, 209 N.J. 431, 439 (2012)).

State v. Pomianik, 221 N.J. 66, 80 (2015).

State v. Prall, 231 N.J. 567, 581, 587-88(2018).

State v. Riordan, 146 N.M. 281, 209 P.3d 773, 776 (2009)

State v. Scherzer, 301 N.J. Super. 363, 441 (App. Div. 1997).

State v. Steele, 92 N.J. Super. 498, 507 (App. Div. 1966).

State v. Thomas, 362 N.J. Super. 229, 244 (App. Div. 2003).

State v. Wilson, 57 N.J. 39, 50-51 (1970).  
Strickland v. Washington, 466 U.S. 668 (1984)  
Haworth v.

Superior Court, 235 P.3d 152, 50 Cal.4th 372, 112 Cal. Rptr. 3d 853 (Cal. 2010)

Tagayun v. AmeriChoice of New Jersey, 2016 N.J. Super. LEXIS 127 (App. Div. Sept. 20, 2016).

The U.S. Supreme Court, in Scheuer v. Rhodes, 416 U.S. 232, 94 S.Ct. 1683, 1687 (1974).

Toll Bros. v. Township of West Windsor, 190 N.J. 61, 67 (2007).

McKeown-Brand v. Trump Castle Hotel & Casino, 132 N.J. 546 (1993).

See Belfer v. Merling, 322 N.J. Super. 124, 144 (App. Div.), certif. denied, 162 N.J. 196 (1999).

Supreme Court's holding in McKeown-Brand v. Trump Castle Hotel & Casino, 132 N.J. 546 (1993),

Toll Bros. v. Township of West Windsor, 190 N.J. 61, 67 (2007); Toll Bros., 190 N.J. at 67-68.

United States v. Cooley, 1 F.3d 985, 993 (10th Cir. 1993)

United States v. Greenspan, 26 F.3d 1001, 1005 (10th Cir. 1994)

Universal Folding Box Co., supra, 351 N.J. Super. At 233(quoted Zimmerman v. United

xxx

Servs. Auto. Ass'n, 260 N.J. Super. 368, 374 (App. Div. 1992)).

*Wolosoff v. CSI Liquidating Trust*, 205 N.J. Super. 349, 306 (App. Div. 1985).

*U.S. v. Will*, 449 U.S. 200, 216, 101 S.Ct. 471, 66 L.Ed.2d 392, 406 (1980); Cohens v. Virginia, 19 U.S. (6 Wheat) 264, 404, 5 L.Ed 257 (1821) (TREASON BY A JUDGE)

*Zimmerman v. United Services Auto.*, 616 A.2d 957 (N.J. Super. Ct. App. Div. 1992)



## **OPINIONS BELOW**

The trial court, Superior Court New Jersey Chancery Division Probate decided verified complaint on 1st day of April 2020, and dismissed the verified complaint of the petitioner (Appendix ("Pet. App. B" 56a; 60a; 63a; 67a). On the 7<sup>th</sup> day of May 2020, the trial court denied Petitioners Motion for Reconsideration ("Pet. App. B" 77a).

On the 2<sup>nd</sup> day of June 2020, the trial court sanctioned the Pro se Petitioner for over \$85,000.00 in retaliatory sanctions (Appendix ("Pet. App. B" 42a; 43a), and ORDERED that the plaintiff, John F. Marchisotto, pro se shall pay \$81,848.70 in legal fees and an additional \$3,976.33 in expenses and costs, for a total of \$85,825.03, to the defendant, Debra Canova, from the same judge who was a defendant in

numerous federal district court lawsuits for criminally harassing, and threatening the petitioner in his court room violating his constitutional rights. On the 5<sup>th</sup> day of June 2020, trial court denied Petitioner a Stay (Appendix (“Pet. App. B” 46a).

On the 21<sup>st</sup> day of April 2022, The Superior Court New Jersey Appellate Division; Docket No.: A-3453-19 (Accurso, and Enright, Appellate Judges) decided (Appendix (“Pet. App. A” 1a; 2a) against petitioners 11/11/20 appeal against the decision of the trial court (Appendix (“Pet. App. B” 56a; 60a;). Petitioners appeal was very detailed, and lengthy, which also included a five-volume appendix attached. The petitioner also filed the petition for certification in the Supreme Court of New Jersey (Docket No. 087075) which was also denied. On the 9<sup>th</sup> day of May 2022, petitioner filed his Notice of Petition for Certification

/ Motion for Extension to file brief, and on July 5, 2022, filed his petition brief (petitioner was granted his 2 motions for two 30-day extension to file his brief). On the 19<sup>th</sup> day of October 2022, with a filed date of 21<sup>st</sup> day of October 2022, the Supreme Court Of New Jersey Ordered the Petition for Certification is Denied (Appendix (“Pet. App. C” 95a; 96a).



## **JURISDICTION**

The Supreme Court of New Jersey filed its order on 21<sup>st</sup> day of October 2022, and ordered Petitioners, Petition for Certification is Denied (Appendix (“Pet. App. C” 95a; 96a). Petitioner invokes this Court's jurisdiction under 28 U.S.C. §1257.

## **NATURE OF SUPREME COURT REVIEW**

Petitioner, John F. Marchisotto, respectfully petitions for a writ of certiorari to review a federal question that has been properly presented to the highest state court in the State of New Jersey, the Supreme Court of New Jersey in this case, which issued a final order that denied the petition for certification (Appendix ("Pet. App. C" 96a), to certify the decision of the Superior Court Of New Jersey Appellate Division ("Pet. App. A" 2a) denying petitioners appeal of trial court Judge Alberto Rivas, who was criminally harassing both he Petitioner, and his family, who filed both federal lawsuits, and federal applications for an temporary restraining order against him. Judge Rivas is a public's safety danger, and should not be sitting on any courts bench.

The Superior Court Of New Jersey Appellate Division ERRED and should have found that Judge Rivas should have recused himself from this entire matter. Judge Rivas was partial, bias, abusive, threatening petitioner, criminally harassing him, and interested in the events of such trial court actions, before him; Haworth v. Superior Court, 235 P.3d 152, 50 Cal.4th 372, 112 Cal. Rptr. 3d 853 (Cal. 2010). In interpreting a comparable provision of the federal law requiring recusal of a judge when his or her “impartiality U.S.C. § 455(a)) ...

The Superior Court Of New Jersey Appellate Division ERRED that on December 9, 2019, Judge Rivas “threatened” Petitioner, and made him afraid to speak before his court, and said “-- dire consequences. You’re not a child. Last warning, because I have a time out

room for you, where you can cool your heels.” (4T59).” (Pet. App. B” 80a).

A judge should respect and comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary, N.J. Ct. R.2.1. Judge Rivas clearly acted outside the scope of his judicial duties, and violated NJ Ct. R. 2.1(2).

The Superior Court Of New Jersey Appellate Division ERRED Referring to case law that was cited by Judge Rivas (4T), In State v. Marshall, 148 N.J. 89, 186-87 (1997), which is factually deficient to Petitioners matter: “In State v. Marshall, 148 N.J. 89, 186-87 (1997), says a judge cannot be considered partial or biased merely because of rulings that are unfavorable toward the party seeking recusal. Here Judge Alberto Rivas,

was a defendant in Federal U.S. District Court New Jersey lawsuit, directly pertaining to the In The Matter Of The Irrevocable Trust Of John L. Marchisotto, deceased, before him, and rigged all the court hearings, dismissal with prejudice, because he's a dirty judge. Petitioners interrogatories were done correct.

The Superior Court Of New Jersey Appellate Division ERRED Judge Rivas false gun threat, caused a serious public alarm, and placed Appellant, and his family, in serious risk of imminent harm. The filing false Police Reports, by anyone, is a very serious matter. A judge is not above the law, to criminally harass, terrorized, and intimidate the family, of a federal court plaintiff. The Petitioner, and his family could have been seriously harmed, believing he threatened a judge in his chambers with a gun, having an immediate

response of heavily armed police to surround his home. The Supreme Court should be extremely disturbed at PIGHEADEDNESS by the Appellate Division judges Accurso, and Enright.

Chief Justice Stuart J. Rabner, and the entire Supreme Court of New Jersey (highest court in State of New Jersey) are also defendants in numerous active, and deposed of federal lawsuits. Therefore, it was the final judgment of the highest state court in New Jersey that the federal question was properly raised by petitioner and was expressly passed upon in the state court proceedings, due to their continuous criminal harassment, and biased outrageous treatment of the Petitions from the very start of his litigations before a very corrupt, and bias New Jersey State Court System.

The Supreme Court of New Jersey ERRED, Rule 2:12-4. Ground for Certification, should have granted. Judge Alberto Rivas, "harmful error" entered for April 1, 2020, (56a; 60a; 63a; 67a), and June 2, 2020, (43a; 46a), by a judge, in a proceeding in which his impartiality might reasonably be questioned". "Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or privilege protected by the Constitution or laws of the United States.

The Honorable Justices of the U.S. Supreme Court should note the consideration of this case is the importance to the public of the issue. lower State, and Federal trial court judges, and State, and Federal Appellate courts regularly ignore evidences, the law, and enjoy abusing Pro se litigants who frequently

file for help with limited monies in these courts nationwide, vs those persons, and entities who are in power with unlimited money's. Both the State, and Federal courts are bias, and don't level the playing field as they are required to do for someone like petitioner who has been abused by both State, and Federal judges to this matter respectfully being brought to this honorable elite court for review.



## **REQUESTING JUSTICE ALITO** **RECUSAL**

Petitioner is respectfully requesting for Justice Samuel Alito to recuse himself from

participating for the consideration in hearing or ruling upon hearing this Writ of Certiorari. Justice Alito failed to recuse himself from hearing another petition, petitioner had escalated to the U.S. Supreme Court against his former colleague corrupt State judge buddy, "Dirty Judge Alberto Rivas"; (See U.S. Supreme Ct. Docket No. 19A1066; Pet. App. D" 99a). Justice Alito was the former boss of Middlesex County Judge Alberto Rivas who was continuously criminally harassing both petitioners, and his family. Judge Rivas filed a FALSE judiciary incident report falsely reported being threatened with a GUN in his chambers, when no such occurrence had ever taken place; See Marchisotto v. Malik, et al; January 17, 2020, Judge Alberto Rivas False Judiciary Incident Report, Gun Threat Chambers, Incident No.: I-8121. Judge Rivas should have been arrested, and criminally charged with this very serious

crime. The New Jersey State Attorney General's office is corrupt, and have continuously defended this criminal from petitioners federal lawsuits.

Justice Samuel Alito denied petitioner for a one justice stay on over \$85,000.00 in retaliatory sanctions (Pet. App. D" 99a) he had escalated to the U.S. Supreme Court through the State Courts, that Dirty Judge Rivas would not recuse himself from, and rigged the dismissal, and all the court trial court proceedings before him.

Justice Alito should have recused himself hearing petitioners one justice appeal against his former colleague because "Dirty Judge Rivas" uses Justice Alito as his "superpower" whereas Rivas mostly enjoys abusing women litigants, women attorneys, and Pro ses; (See In The Matter Of Alberto Rivas Assignment

Judge of the Superior Court Docket No.: ACJC  
2019-215; See links / cases of importance  
below:

<https://www.njcourts.gov/sites/default/files/acjc/RivasPresentment.pdf>

<https://www.njcourts.gov/advisory-committee-on-judicial-conduct/rivas-alberto>



## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

### **Constitutional Provisions**

1. 28U.S.C.§1257.
2. U.S. Constitution; XIV,§ Section 1, 14th Amendment Constitutional Rights, of the Federal Constitution; (The Due Process Clause of the Fourteenth Amendment U.S. Const. amend. XIV, § 1, provides:

[N]or shall any State deprive any person of life, liberty, or property, without due process of law.

3. Section 242 of Title 18 makes it a crime for a person acting under color of any law to willfully deprive a person of a right or

privilege protected by Constitution or laws of the United States.

4. Fourteenth Amendment Rights  
Guaranteed Privileges and Immunities of Citizenship, Due Process and Equal Protection.
5. The Civil Rights Act of 1871 is a federal statute—numbered 42 U.S.C. § 1983
6. 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.

## **Statutory Provisions**

- 7. Section 2 of Article III, Title 42 US code 1983. (4T)**
- 8. NJ Rev Stat § 3B:31-27 (2015)**
  - a. NJ REV STAT § 2A:15-49 (2013)**
  - b. UTC Trust Code, N.J.S.A. 3B:31-1 et seq. (Public law 2015, chapter 276).**
- 9. N.J.S.A. 14A:17-1 through 18**
- 10. N.J.S.A. 4:4-3**
- 11. N.J.S.A. 2C:28-4 (a)**
- 12. Title 2A:15-49 (2013) No judge of any court shall sit on the trial of or argument of any matter in controversy in a cause pending in his court, when he: c. R. 1:12-**

1(d) has given his opinion upon a matter in question in such action; d. R. 1:12-1(e) is interested in the event of such action; g. R. 1:12-1(g) when there is any other reason which might preclude a fair and unbiased hearing and judgment, or which might reasonably lead counsel or the parties to believe so. (Judge Rivas falsely claimed Petitioner threatened him with a GUN in his chambers how can this Judge possibly be fair and impartial).

**13. N.J.S.A. 2C:33-4**

**14. N.J.S.A. 2A:1549**

**15. Article VI. VI (4) N.J Const.**

**16. Article VII. Public Officers and Employees**  
**Section I Section III (1) The Governor and**  
**all other State officers, while in office and**

for two years thereafter, shall be liable to impeachment for misdemeanor committed during their respective continuance in office.

**Cannons**

**RULE 1.1 Integrity and Impartiality of the Judiciary**

**RULE 1.2 A judge shall respect and  
comply  
with the law**

**RULE 2.1 Promoting Confidence in the Judiciary**

**RULE 2.2 External Influences on Judicial Conduct**

**RULE 2.3 Avoiding Abuse of the Prestige  
of Judicial Office**

**RULE 3.6 Bias and Prejudice RULE 3.7**

**Ensuring the Right to Be Heard**

**RULE 3.8 Ex Parte Communications**

**Federal Court**

*Annis v. Cnty. of Westchester*, 136 F.3d 239, 245 (2d Cir. 1998).

*Cornejo v. Bell*, 592 F.3d 121, 127 (2d Cir. 2010).

*Kenner v. C.I.R.*, 387 F.3d 689 (1968); 7 Moore's Federal Practice, 2d ed., p. 512, ¶ 60.23.

Section 242 of Title 18 U.S.

Deprivation of Rights, under color of law,  
Section 2 of Article III, Title 42 US code  
1983.

U.S.C., Section 242, Title 42 US code  
1983, U.S. Const.. XIV, § Section 1, 28  
U.S.C. §§ 1331, 1343, and 1367.

18 U.S. Code \$1621, and 18 U.S. Code  
\$1623.

440 Civil Rights – Other Civil Rights, for  
the cause of 42:1983, Civil Rights Act.

Section 2 of Article III, Title 42 US code  
1983, Fed. R. Civ. P. 4(e)(1).

42 U.S. Code § 1985(2)(3).

Fed. R. Civ. P. 65(a), and 65(b) 28 U.S.C.  
§ 455

28 U.S.C. § 144 and 455(a).



## STATEMENT OF THE CASE

### 1. Factual Background

On March 15, 2018, Petitioner filed civil action, In the Matter of the Irrevocable Trust of John L. Marchisotto, deceased, before the Somerset County, Superior Court Chancery Division, Probate Part, seeking relief by way of

summary action, based upon the facts set forth in OTSC, and Verified Complaint Docket No. 18-00394.

Petitioner was requesting subpoenas for all of Decedent's accounts, to unveil all account number changes, and owner changes, and where Decedent's liquidated monies were moved to. Petitioner was requesting subpoenas for Decedent's entire signature signed financial account changes, to unveil financial account signature tampering. Petitioner was requesting subpoenas for all of Decedent's medical, hospital, nursing home records, and home health care records, for the last year of his life. Petitioner was requesting the court to compel Respondents to provide a full, and complete formal accounting, with certified copies of bank statements, tax returns, with supporting 1099's, to show were all the

numbers came from, for the last year of decedents life.

Petitioner was requesting for the court to compel Respondents for a full formal accounting, of Decedent's, Revocable trust assets, to Irrevocable trust assets, that was used to fund; The June 2, 2016 newly created Irrevocable Trust of John L. Marchisotto, deceased, prior to his death, while Respondent Debra E. Canova was acting as his HealthCare Proxy, Power of Attorney, in last year of his life.

The June 2, 2016, Irrevocable Trust of John L. Marchisotto, deceased, was created by Respondent Debra E. Canova in the last four months of his life. The decedent died on October 2, 2016. The Respondent Canova was already acting as Decedents HealthCare Proxy, Power of Attorney in the last year of

decedents life under his 11/03/2003 Revocable Trust POA; (See Commonwealth Durable General Power of Attorney 11/03/2003 (New York Statutory Short Form (Pa976)).

In October 2015, John L. Marchisotto, deceased, sustained a concussion to his head, after falling down hitting the pavement, at the Bridgewater Diner, in Bridgewater New Jersey. In July 2015, months prior, Decedent had prostate cancer, and went for a cycle of cyber knife radiation treatments. In November 2015 Decedent was already very weak, confused, and unable to stay alone. Decedent had the start of an untreatable infection, causing his body to become septic, causing numerous high fevers, bizarre hallucinations, confusion, and vulnerability, medical and physical instability. Respondent Canova was already acting (last year of his life) as

Decedents HealthCare Proxy, Power of Attorney, using the Commonwealth Durable General Power of Attorney 11/03/2003 (New York Statutory Short Form (Pa976)).

In March 2016, and June 2016, John L. Marchisotto, deceased, had major surgeries, at Columbia Presbyterian Hospital in Manhattan New York, by Dr. Steven Brandes, and Dr. Steven Lee-Kong, for a fistula in his colon, causing reoccurring septic infection's, hallucinations, high fevers, congest heart failure, numerous emergencies, and repeat hospital admissions, at the same time some of his assets were used to fund; The June 2, 2016 Irrevocable Trust of John L. Marchisotto, deceased, four months prior to his death, while Respondent Debra E. Canova was acting as his HealthCare Proxy, Power of Attorney, in last year of his life.

Decedent was not making any of his own medical or financial decisions. Decedent was physically impaired, and was dependent on Respondent Canova for his healthcare, and wellbeing. Respondent Canova was in total control of John L. Marchisotto, deceased, medication, and in a position to apply undue pressure. Respondent Canova threat of withholding medication, or food, or threaten to keep him living at the Roosevelt nursing home, that she put him in, and he did want to stay at, can be enough to force a victim to sign documents, or take actions, he otherwise would never do. And these "threats" need not be expressed. Just knowing that someone who controls your medicine and food, medical care, hospital care, home health aide care, and that wants you to do something, is enough of a "threat" to overcome the victim John L. Marchisotto, deceased, free-will.

Respondent Canova even forced Decedent, to break up with his longtime girlfriend / fiancé for over 12 years (Elizabeth Rose Cofone), because she saw her as a threat to her, and because she was being continuously questioning her on, all the poor decisions she was making. (Pa910). Respondent Canova was not providing, Decedent with adequate, and proper care, and was waiting for him to die, so she could get away with stealing all his Chase, Fidelity, Broker, IRA, Investments, Bank Accounts, Liquid Monies, Personal Property, and his Home. (See Commonwealth Durable General Power of Attorney 11/03/2003 (New York Statutory Short Form (Pa976)).

Respondent Lepore, Unjustly Enriched himself, by lying to, and defrauding Decedent, telling him, his 11/03/2003 revocable trust, and prior will was not legal, because it had his

Brooklyn, N.Y. address affixed to it. The Supreme Court Of The United States should reverse, Petitioner dismissal with prejudice, and revoke in it entity "in the interest of justice", the entire June 2, 2016, Irrevocable trust, and new will created, because it's a product of fraud, deceit, deception, undue influence, and Petitioner believes it was not legal under the law. (Pa910).

**2. Procedural History** (See Appendix ("Pet. App. D" 53a; 54a)

On March 15, 2018, Petitioner filed civil action, in the matter of the Irrevocable Trust of John L. Marchisotto, deceased, before the Somerset County, Superior Court Chancery Division, Probate Part, seeking relief by way of summary action, based upon the facts set forth

in an OTSC, and Verified Complaint; Docket No. 18-00394.

On or about May 2019, this case was transferred to Middlesex County after Petitioner filed a federal lawsuit against Judge Margaret Goodzeit, and others in Marchisotto v. Goodzeit, et al; U.S. District Court of New Jersey Case No.: 3:19-cv-12540-BRM-DEA, that Petitioner later appealed by to the United States Court of Appeals for the Third Circuit; John Marchisotto v. Margaret Goodzeit, et al; Case No. 0:20-cv-01870, for 440 Civil Rights - Other Civil Rights.

On December 9, 2019, Petitioner was subjected to a very abusive, threatening court hearing before Middlesex County Judge Alberto Rivas, On December 17, 2019, Petitioner thereafter filed a 2<sup>nd</sup> Federal lawsuit in U.S. District Court of New Jersey;

Marchisotto v. Rivas, et al; Case No. 3:19-cv-21440-BRM-DEA, due to the outrageous and threatening biased behavior of trial judge Rivas (Pet. App. B" 80a). Judge Rivas abused the Petitioner in his courtroom and made him afraid to speak violating him of his constitutional rights. On December 27, 2019, Petitioner served Judge Rivas civil division manager with a U.S. District Court Summons, and Complaint, for violating his constitution rights (Pa440).

On April 1, 2020, Judge Rivas trial court's orders of dismissal with prejudice (Pet. App. B" 56a; 60a; 63a; 67a) without a trial, were in violation of Petitioner's Civil, and Constitutional Rights, guaranteed to us by the Fourteenth Amendment to the United States Constitution; Rights Guaranteed Privileges and Immunities of

Citizenship, Due Process and Equal Protection.

Whereas The Supreme Court Of The United States should reverse, the Petitioners dismissal with prejudice, should reverse and dismiss Judge Alberto Rivas retaliatory outrageous sanctions he imposed upon the Pro se Petitioner, and Grant Petitioners Writ of Certiorari, for review, further consideration, and “in the interest of justice”, before the highest court in the land.

The Superior Court Of New Jersey Appellate Division dismissed Petitioners appeal while giving the remarks for filing the petition for certification in the Supreme Court of New Jersey Appendix ("Pet. App. C" 95a; 96a). The petitioner filed the Petition for Certification in Supreme Court of New Jersey; Appendix which was

denied by the said court; (Appendix ("Pet. App. C" 95a; 96a).

The Petitioner also filed an emergent application justice, pursuant to U.S. Supreme Court Rule, 22, and 23, for an order for the immediate Stay in case number (084541;S-120-19) against Defendant Judge Alberto Rivas order, 06/02/2020, Orders for Harsh Sanctions of \$85000.00 against the Petitioner which was denied on July 14 2020 Application for stay (19A1066) was denied by Justice Alito; (Appendix ("Pet. App. D" 98a; 99a).

Petitioner had fully complied with all discovery orders to the best of his abilities, before both trial court judges; Rivas, and Goodzeit. It is the Petitioner's position, that the trial court judges denied him of his legal rights, and prevented him the ability, to prove his legal matter before the trial court. The

court's dismissal with prejudice was erroneous, legally defective, retaliatory, and resulted in "harmful error", The Supreme Court Of The United States should Grant Petitioners Writ of Certiorari, for review, further consideration, and "in the interest of justice", before the highest court in the land.



## **REASONS FOR GRANTING THE PETITION**

The petition for writ of certiorari should be granted for the following reasons:

1. Conflicts in the lower courts; If different federal or state courts have issued conflicting decisions on the same legal issue, the Supreme Court may choose to grant certiorari in order to resolve the conflict.
2. National importance: If the case has significant implications for the country as whole, the Supreme Court may choose to grant certiorari in order to provide guidance on the issue at hand.
3. Overruling of precedent: If the lower court's decision is based on an incorrect interpretation of a Supreme Court precedent, the Court may choose to grant certiorari in order to correct the precedent, and provide clarity on the law.
4. Requests from other parties: If a party other than the petitioner (such as the United

States government or a professional association) files a “friend of the court” brief requesting that the court grant certiorari, this may be a factor in the Court’s decision.

5. Public interest: If the case has attracted significant public attention or media coverage, the Court may choose to grant certiorari in order to provide clarity on the issue, and ensure that the public has a clear understanding of the law.

6. The Court’s intervention is necessary to protect Petitioner, and his minor children’s A.M. (19 now), J.M., and M.M. interests, and rights for: In The Irrevocable Trust of John L. Marchisotto, deceased. Petitioner’s OTSC, and Verified Complaint was only the method petitioner was able to bring his complaint before the Somerset County / Middlesex

County Superior Court Chancery Division,  
Probate Part, seeking relief.

7. The court must intervene; trial court judge Rivas, who dismissed the Petitioner's verified complaint without due process, and against the rules, regulations and statutes of New Jersey State, by adopting harmful error. This "harmful error" is properly raised by the petitioner in the said court that produced an unjust result." and violated the basic rule R.2:10-2. (Pa540; Pa614; Pa620; Pa625; Pa627; Pa632; Pa644; Pa645; Pa657; Pa663).

8. The court must intervene to the bias criminal behavior of the trial court judge Rivas taken against the petitioner and his family. On December 17, 2019, Petitioner filed a Federal Lawsuit against Judge Rivas (Pa248) in U.S. District Court of New Jersey; Marchisotto v. Rivas et al, pertaining to

matter of threatening, abusing, and violating Petitioner of his Constitutional rights. Trial Court Judge Rivas also was threatening petitioner's family. On December 27, 2019, Petitioner served Judge Rivas with a U.S. District Court Summons, and Complaint, for violating his constitution rights (Pa440). The trial judge clearly violated basic rule, regulations and statutes of the New Jersey State during the hearing of this complaint.

9. The court must intervene, and should set aside the trial court's orders of dismissal with prejudice (Pa7; Pa11) in volume 1, April 1, 2020, which was without hearing properly, legally, or having a trial, nor did he rule upon petitioners matter on the merits of the case. Judge Rivas should have immedicably recused himself from this matter after a federal lawsuit, TRO, and Preliminary

Injunction was filed against him in federal court. As it is clearly described in the NJ REV STAT § 2A:15-49 (2013) that constitute “No judge of any court shall sit on the trial of or argument of any matter in controversy in a cause pending in his court, when he: “Has given his opinion upon a matter in question in such action; or “Is interested in the event of such action”. Or “When there is any other reason which might preclude a fair and unbiased hearing and judgment, or which might reasonably lead counsel or the parties to believe so”. A federal lawsuit was filed against Rivas, and he thereafter files a false gun threat in his chambers upon himself on a Judiciary Incident Report. Judge Alberto Rivas should have been immediately arrested, and his license to practice law should have been suspended / revoked indefinitely.

10. The court must intervene, set aside, and dismiss trial court Judge Alberto Rivas outrageously harsh retaliatory sanctions order which is a misapplication of the law, imposed upon the Pro se Petitioner, ordering him pay \$81,848.70 in legal fees and \$3,976.33 in expenses and costs, for a total of \$85,825.03 to the Respondents, Debra Canova, and Louis Lepore, Esq., All orders entered by Rivas in favor of Canova, and Lepore, should be reversed, and dismissed in its entirety. The trial court judge sanction orders was “harmful error”, R. 2:10-2, saying Petitioner solely brought, The Irrevocable Trust of John L. Marchisotto, deceased, to court, to harass, or subdue, an adversary, labeling him as a “vexatious litigant”, and saying Petitioner Complaint and legal matter, was nothing but a “junk suit” (Pa1). This act of the trial judge Rivas is clearly shows the biased behavior

against the petitioner. Judge Rivas is a criminal who believes he is above the law, unremovable because his buddy is U.S. Supreme Court Justice Samuel Alito, who petitioner believes protects him.

11. The court must intervene, should consider, and take the appropriate actions against trial Judge Rivas, because he has purposely made “harmful error”, in his December 9, 2019, orders (Pa19), violate the res judicata doctrine. Judge Rivas, allowed Respondent Louis P. Lepore, Esq., to relitigate, enumerated document requests discovery tape recordings he, and Respondent Canova, did not like, which was already ruled upon, and was already accepted by Judge Margaret Goodzeit, and was not discovery requirement as per rules, as per April 26, 2019, orders (Pa24). Judge Rivas

“harmful error” allowed Respondent Lepore, and Respondent Canova, another bite at that apple. (4T). Alberto Rivas is a “Dirty Judge”!

12. The court must see this act and opinion by Judge Rivas that entire treatment of the Petitioner was totally retaliatory, outrageous”, abusive”, “one-sided, judicial misconduct and “fraud upon the court” On December 9, 2019. The trial Judge Rivas conducted an abusive, retaliatory, and harassing, court proceeding during hearing against the Petitioner, whom had pending litigation in U.S. District Court of New Jersey, against Judge Margaret Goodzeit. On December 9, 2019, during an abusive, retaliatory, and one-sided, bias, court hearing, Judge Rivas, threatened the Petitioner, and made him afraid to speak freely in his courtroom, and said “dire consequences. You’re not a child. Last warning, because I have a

time out room for you, where you can cool your heels." (4T59). The trial Judge Rivas entire "harmful", "harassing", and "abusive", treatment of Petitioner, was "threatening", clearly outside the scope of his judicial duties, and a clear deprivation of rights of the petitioner, under Section 2 of Article III, Title 42 US code 1983. (4T). Judge Rivas was required to recuse himself from further consideration to the trial court matter after a federal lawsuit was personally filed against him for his outrageous threatening courtroom antics, behaviors outside the scope of his judicial, and judiciary duties.

13. The court must intervene, and see the acts committed by Judge Rivas during the trial courts hearings, violating Petitioner's Constitutional rights, to hear his motion to disqualify, The Law Offices of Louis Lepore,

P.C., Louis Lepore, Esq., P.L.L.C., and Louis P. Lepore, Esq., for directly violating Rule 1:21., Practice of Law. Petitioner had filed his motion properly, with the Middlesex County court, and R. 1:21. had never been heard before, in any prior court proceedings. Judge Rivas “harmful error”, “abuse of discretion”, “misapplication of law”, accepting Respondent Lepore, res-judicata doctrine, argument, was so erroneous. Judge Goodzeit August 9, 2018, orders, had nothing to do with Rule 1:21. Practice of law (Pa55).

14. The court should take action against trial Judge Rivas who on April 1, 2020, had a conflict of interest stemming, from a December 17, 2019, Federal Lawsuit, Petitioner filed against him (Pa248). Judge Rivas is a Respondent in U.S. District Court of New Jersey, pertaining to this matter, and

threatening, abusing, and violating Petitioner rights. (4T). Petitioner claims “harmful error” was properly raised, “clearly capable of producing an unjust result.” the standards that govern that type of error were harmful and the Appellate Division should reverse but adopted same biased behavior as trial court judge. Judge Rivas referred to case law, *State v. Marshall*, 148 N.J. 89, 186-87 (1997), was a “harmful error” and is factually deficient, and would not apply to Petitioners matter. *State v. Marshall*, 148 N.J. 89, 186-87 (1997), says a judge cannot be considered partial or biased merely because of rulings that are unfavorable toward the party seeking recusal. N.J. R. 1:12-1(g.), say’s recuse or be disqualified, When there is any other reason which might preclude a fair and unbiased hearing, and judgment, or which might reasonably lead counsel or the parties to believe so. “No judge

of any court, shall sit on the trial of, or argument of, any matter in controversy, in a cause, pending in his court, when he is interested in the events of the action"; N.J. Ct. R.1:12-1(e),(g), R.1:12-2, N.J.S.A. 2A:1549., and R. 2:10-2. Canon 2A says a Judge should avoid impropriety and the appearance of impropriety in all activities. A judge should respect and comply with the law, and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. (R. 1.2; R. 1.1; R. 2.1; R. 2.2; R. 2.3; R. 3.6; R. 3.7; R. 3.8).

15. The court must intervene, and take appropriate action, and disqualified from any consideration to this matter, because Judge Rivas was partial, bias, abusive, threatening, harassing, and interested in the events of such trial court actions, before him. Under § 455(a),

"a judge has a continuing duty to recuse before, during, or, in some circumstances. The Superior Court Of New Jersey Appellate Division ERRED, and ignored to specifically consider whether Judge Rivas, violation of section 455(a), is "harmful error". In interpreting a comparable provision of the federal law requiring recusal of a judge when his or her "impartiality might reasonably be questioned"(28U.S.C. § 455(a). Judge Rivas is a Respondent in U.S. District Court, and U.S. Court of Appeals for the Third Circuit, for violating Petitioners Constitutional Rights pertaining to this matter before him. As the Supreme Court noted in Liljeberg v. Health servs. Corp., 486 U.S. 847, 859-60, 108 s.ct. 2194 2202-03, 100 1.ed.2d 855(1988), the purpose of section 455(a) is "to promote public confidence in the integrity of the judicial process.

16. The court must intervene to protect the petitioner rights as guaranteed by the United States constitution. Judge Rivas, violated Petitioner's Constitutional rights, to hear his motion to disqualify, The Law Offices of Louis Lepore, P.C., Louis Lepore, Esq., P.L.L.C., and Louis P. Lepore, Esq., for directly violating Rule 1:21., Practice of Law. Petitioner had filed his motion properly, with the Middlesex County court, and R. 1:21., had never been heard before, in any prior court proceedings. Judge Rivas "harmful error", "abuse of discretion", "misapplication of law", accepting Respondent Lepore, res-judicata doctrine, argument, was so erroneous. Judge Goodzeit August 9, 2018, orders, had nothing to do with Rule 1:21., Practice of Law. (Pa55).

17. The court must intervene, and should take cognizance of misconduct trial court judge

Rivas who was purposely committing “harmful erred” in granting order on 06/02/2020 by making biased and illegal opinion without taking any evidence into consideration during the hearing, The Judge was extremely bias, was personally being sued in federal court, and said the following about the petitioner; “he filed numerous actions in new york and new jersey making baseless allegations causing the financial institutions not to cooperate with the respondent/defendant (indiscernible) dismiss the claims against (indiscernible)”. “the court found Marchisotto’s (indiscernible) to be incomprehensible in an august, 2018, (indiscernible) have not improved. This continues to be repetitive and (indiscernible) and is numerous. The record is crystal clear that Mr. Marchisotto is a vexatious litigant. He ignores court orders. He engages in (indiscernible) – therefore, the court will grant

(indiscernible) application and will order Marchisotto to pay \$81,841.72 and the additional 3,000 (indiscernible) in expenses and costs. the court reviewed the plaintiff's affidavit (indiscernible) consistent with the rates customarily charged in new jersey. The hours spent were not excessive. Considering Marchisotto's (indiscernible) (indiscernible) specifically, the arguments he has made are not warranted either by the facts or the law. an order will be entered upon (indiscernible)". "The record is crystal clear that Mr. Marchisotto is a vexatious litigant. He ignores court orders, he engages in". The trial judge said: "you/petitioner have filed federal cases against judge Goodzeit. you/petitioner have filed federal cases against me, and there is other proceedings that you have filed, and you have done so in an attempt to(indiscernible) this litigation under State v. Bilal (phonetic),

221 new jersey 608 (2018), the court stated, a petitioner is seeking, cited the united States v. Greenspan, 26 f. 3d (indiscernible). State v. Bilal cited case said, “when a plaintiff seeks to obtain another judge (indiscernible) seeks to delay the proceedings, seeks to harass the litigants and has filed (indiscernible), all of which the court finds have taken place in this case. When he was specifically asked on the record, what is your basis for the statement that was contained in his so-called answers? He goes, it is a belief that he has. He has no factual background, no factual evidence or anything to sustain that (indiscernible)”. “The court in December gave him another opportunity to answer the interrogatories. He came back with essentially the same answers, clearly cut and paste, clearly not tailored specifically to what asked. Mr. Marchisotto/petitioner cites the fact that he is

self- represented. But he has been involved in this litigation and it's been explained to him several times how he (indiscernible) the particular matters and he refuses to do so. Instead, he goes and he files other actions in an attempt to deflect, delay, and obstruct".

18. The court must intervene, and grant the petition for a writ of certiorari, Judge Rivas falsely reported Petitioner/Appellant threatened him with a gun, in his chambers, after being served with a federal summons, and complaint, to interfere with, and disrupt a federally regulated activity. For these false implications in themselves this court should also order criminal / judicial disciplinary proceedings be brought against the trial judge Rivas in accordance with law, and recommend for his license to practice law be immediately suspended, and revoked (NY, NJ, and FL)

indefinitely. This trial judge has committed a very serious crime, and because he is a judge with a connection to Justice Alito he has not been properly prosecuted. Judge Alberto Rivas arrest, and prosecution would be in the interest of justice, and in accordance with the law.

19. The court must intervene, and grant the petition for a writ of certiorari, and should consider the Petitioner's claims that Decedent's financial accounts were being liquated 5 months prior to his death, and never transferred into the Irrevocable Trust of John L. Marchisotto, deceased. Instead monies were moved to a joint account in the names of Decedent, and Respondent/Defendant Canova. Respondent Canova acted in an illegal manner without lawful authority. Canova, and Lepore, Esq., both have engaged in fraud, and theft of

numerous trusts, and estate assets owned by the decedent that was covered up by the trial courts below.

20. This court should grant this petition for writ of certiorari because the trial court purposely created “harmful error”, and rulings deprived Petitioner Due Process of law, and adjudication of this matter on the merits.

21. The court must intervene, see the good faith and good intention of petitioner, that will knock on the door of all courts against the biased behavior of judges.

22. This court should grant the petition for writ of certiorari because, On March 9, 2022, Petitioner filed a Federal lawsuit against Judge Allison E. Accurso; *Marchisotto v. Daley* et al; Case No.: 3:22-cv-01276. Judge Accurso, April 21, 2022, Judgment of the Superior

Court Of New Jersey Appellate Division; Docket No. A-3453-19; was bias, and in violation of Local Civil Rules 103.1, N.J. R.1.1, R.1.2, R.2.1, R.2.2, R.3.1, R.3.2, R.3.3, R.3.6, R.3.7, R.3.8, R.3.15, R.3.17, and R.5.1(B); Rules Governing The Courts Of The State Of New Jersey Code Of Judicial Conduct; Canon 1, Canon 2, Canon 3, Canon 5, and 18 U.S.C. § 1503 defines "obstruction of justice" as an act that "corruptly or by threats or force, or by any threatening letter or communication, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice" and 42:1983 Civil Rights Act. The United States Supreme Court should reverse, and set aside that decision, opinion, and order because the Appellate Division judge who signed her name to it was personally being sued in federal court prior to that decision being filed.

23. This court should grant the petition for writ of certiorari because, Superior Court Of New Jersey Appellate Division Judges Accurso, and Lisa Rose violated petitioners due process rights allowing Respondents Lepore, Esq., and Canova to file motions, and supplemental spreadsheets back to the lower Middlesex court to get another corrupt, and bias judge; Judge Roger W. Daley rig more proceedings in their favor, and issue more adverse orders against petitioner. On November 16, 2021, judges Accurso, and Rose denied Petitioners 10/25/2021 motion to stay all filings in the trial court pending disposition of 11/11/20 Appeal; Docket No. A-003453-19T, Motion No: M-001161-21.

24. This court should grant the petition for writ of certiorari because, Superior Court Of New Jersey Appellate Division judge “harmful error” impropriety, and malfeasance had purposely ignored that “Dirty Judge Rivas”

made a false gun threat upon himself after a federal lawsuit was filed against him, causing a very serious public alarm, placing Petitioner and his family, in serious and grave risk of imminent harm. The filing of false Police Reports, by anyone, is a very serious matter. A judge is not above the law, to criminally harass, terrorized, and intimidates the family, of a federal court plaintiff. The Petitioner, and his family could have been seriously harmed, and killed, believing he threatened a judge in his chambers with a gun, having an immediate response of heavily armed police to surround his home. The United State Supreme Court should be extremely disturbed, and appalled at the “PIGHEADEDNESS” by the Superior Court Of New Jersey Appellate Division judges, Accurso, and Enright.

25. This Court should grant the petition for writ of certiorari because Judges Accurso,

and Enright have both purposely failed to address petitioners appeal on; In The Matter Of The Irrevocable Trust of John L. Marchisotto, deceased; Docket No.: 18-00394, on the merits, and on the law. Their entire decision, opinion, order entered on April 21, 2022, was bias, not in alignment with the law, and its precedent, “harmful error” will create harm to other cases similar to petitioners in the future.



## **CONCLUSION**

Petitioner respectfully requests the court intervene, and grant petition for a writ of certiorari. The lower courts opinions, orders, judgments, and are not in alignment with the

law, ignored all evidences presented, and were not ruled upon on the merits. The precedent without this courts intervention will do more harm than good to future cases, and allow other courts to erroneously apply the law in the same manner to cases with the same facts. Some judges have stated that precedent ensures that individuals in similar situations are treated alike instead of based on a particular judge's personal views.

Any other relief the honorable court deems fit be granted, and in the interest of justice. Thank you, and pray for any consideration to hearing my matter that in turn will become precedent, and help many others in the future.

March 8, 2023

Respectfully submitted,



John F. Marchisotto,  
("Pro se Petitioner")  
15 Topaz Dr  
Jackson, NJ 08527  
(732) 526-7732  
mr300cclass@yahoo.com



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