

NO. 23-5646

In The
Supreme Court of the United States

ABRAHAM K. JAH EL,
Petitioner,

v.

TOWN OF PALM BEACH, ET AL.,
Respondents,

On Petition for Writ of Certiorari to the United States
District Court for the Southern District of Florida and/or
The Circuit Court of Appeals for the Eleventh Circuit

**APPENDIX OF EXHIBITS TO BRIEF IN OPPOSITION TO
PETITION FOR WRIT OF CERTIORARI**

Lyman H. Reynolds, Jr. #380687

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Attorney for Respondent Town of Palm Beach

APPENDIX OF EXHIBITS

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EXHIBIT A

MONDAY, JULY 05, 2021 04:15:30 AM

21CF5545MB

PAGE 1 OF 1

PALM BEACH COUNTY SHERIFF'S OFFICE BOOKING FACE SHEET

NAME
ABRAHAM, JOHN CALVIN

JACKET #
0497253

BOOKING #
2021016393

PAGE: 1 OF 1



ALIAS NAMES OVER 8 NAMES: ☐

INCARCERATION DATE/TIME
07/04/2021 15:04:22

BOOKING LOCATION
MDC INTAKE

PRISONER TYPE
LOCAL CHARGES

BOOKING BY
8548

DOB
12/15/1975

AGE AT BOOKING
45

RACE/SEX
B/M

HEIGHT
6 FT 00 IN

HAIR COLOR
BLK

WEIGHT
200

EYE COLOR
BRO

SSN
YES

ADDRESS
8114 STIRRUP CAY CT

CITY
BOYNTON BEACH

STATE
FL

ZIP CODE
33436

COUNTRY OF ORIGIN
USA

ID #
20210704049

NCIC

AFIS
2018011734

DOC #

ALIEN #

INCIDENT #
21-000796

OBTS #
5003465249

CASE #

ARREST ADDRESS
1900 BLK S. OCEAN BLVD

CITY
PALM BEACH

STATE
FL

ZIP CODE
12345

ARREST DATE
07/04/2021

ARREST TIME
06:49

BOOKING DATE
07/04/2021

BOOKING TIME
17:06

WARRANT #

COURT DIVISION

CURRENT BOND
\$1,000.00

IN CUSTODY BOOKING
☐

ARRESTING OFFICER
BIDO

ARRESTING AGENCY
76-PALM BEACH

TRANSPORT OFFICER
BIDO

TRANSPORT AGENCY
76-PALM BEACH

CASE TYPE
FELONY

HOLDS
NO

NOTE
PALMS -&- SHOWCASE CLEAR

STATUTE COUNT DESCRIPTION

STATUTE	COUNT	DESCRIPTION
790.01 2 (FT)	1	CARRYING CONCEALED WEAPON - UNLICENSED FIREARM
790.23 1A (FS)	1	POSSESSION OF WEAPON - OR AMMO BY CONVICTED FLA FELON
843.01 (FT)	1	RESIST OFFICER - WITH VIOLENCE
316.1935 1 (FT)	1	FLEE/ELUDE POLICE - FAIL TO OBEY LEO ORDER TO STOP
784.07 2B (FT)	1	BATTERY - ON OFFICER FIREFIGHTER EMT ETC
322.03 4 (MS)	1	MOVING TRAFFIC VIOL - OPERATE MOTORCYCLE WO LICENSE

CASE FLAG
NO BOND

VOFC	BOND TYPE	CURRENT BOND
<input type="checkbox"/>	INITIAL	\$1,000.00
<input type="checkbox"/>	NO BOND	\$0.00
<input type="checkbox"/>	INITIAL	\$1,000.00
<input type="checkbox"/>	INITIAL	\$1,000.00
<input type="checkbox"/>	INITIAL	\$1,000.00
<input type="checkbox"/>	O.R.	\$0.00

JOSEPH AGUIRREZ, CLERK
PALM BEACH COUNTY, FL
GUN CLUB

2021 JUL -5 AM 5:19

FILED

EXHIBIT B

IN THE CIRCUIT COURT OF THE FIFTEENTH
JUDICIAL CIRCUIT, CRIMINAL DIVISION
IN AND FOR PALM BEACH COUNTY, FLORIDA

CASE NO. 21CF005545AMB DIV "V"

STATE OF FLORIDA

vs.

John Calvin Abraham,

Defendant.

VERDICT

WE, THE JURY, FIND as follows:

As to Count I, we find the Defendant

☒ Guilty of Felon in Possession of a Firearm, as charged in the Information.

If you find the Defendant guilty of Felon in Possession of a Firearm, you must answer the following question:

During the commission of the offense, did the Defendant actually possess a firearm?

☒ Yes ☐ No

☐ Not Guilty.

As to Count II, we find the Defendant

☐ Guilty of Resist Officer With Violence, as contained in the Information.

☒ Guilty of Resist Officer Without Violence, a lesser included crime.

FILED
Circuit Criminal Department

JUL 19 2022

JOSEPH ABRUZZO
Clerk of the Circuit Court & Comptroller
Palm Beach County

_____ Not Guilty.

As to Count III, we find the Defendant

☒ Guilty of Fleeing or Attempting to Elude, as contained in the Information.

_____ Reckless Driving, a lesser included crime.

_____ Willfully Failing or Refusing To Comply With A Lawful Order, a lesser included crime.

_____ Not Guilty.

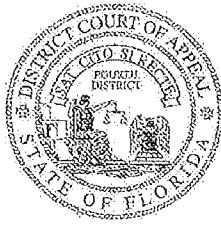
SO SAY WE ALL, this 19 day of July, 2022, in West Palm Beach,
Palm Beach County, Florida.



JURY FOREPERSON SIGNATURE

Katherine Fletcher
PRINT NAME

EXHIBIT C



**Fourth District Court of Appeal
110 South Tamarind Avenue
West Palm Beach, Florida 33401
(561) 242-2000**

ACKNOWLEDGMENT OF NEW CASE

DATE: October 10, 2022

STYLE: JOHN CALVIN ABRAHAM v. STATE OF FLORIDA

4DCA#: 22-2722

The Fourth District Court of Appeal has received the Notice of Appeal reflecting a filing date of October 7, 2022.

The county of origin is Palm Beach.

The lower tribunal case number provided is 502021CF005545AMB.

Fee Status: Due

Case Type: Criminal Judgment and Sentence Final

The Fourth District Court of Appeal's case number must be utilized on all pleadings and correspondence filed in this cause. Moreover, ALL PLEADINGS MUST INCLUDE THE ATTORNEY'S FLORIDA BAR NUMBER and a physical address.

ELECTRONIC FILING IS MANDATORY FOR ALL ATTORNEYS

Incoming filings must be submitted through the Florida Courts E-Filing Portal.
Outgoing filings will be sent by the Court through eDCA Casemail (<https://edca.4dca.org>).
Attorneys who have not registered for eDCA will not receive paper documents from the court.

NEW FONT REQUIREMENTS EFFECTIVE JANUARY 1, 2021

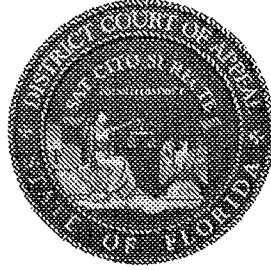
All computer-generated documents are required to be filed in either Arial 14-point font or Bookman Old Style 14-point font. See Fla. R. App. P. 9.045(b).

FILING FEES MAY NOW BE PAID ELECTRONICALLY THROUGH THE FLORIDA COURTS E-FILING PORTAL – SEE THE COURT'S WEBSITE FOR INSTRUCTIONS

cc: Attorney General-W.P.B. Public Defender-P.B. State Attorney-P.B.
Clerk Palm Beach

kw

FOURTH DISTRICT COURT OF APPEAL



NOTICE TO ATTORNEYS AND TO PARTIES REPRESENTING THEMSELVES REVISED OCTOBER 1, 2022

Please read the following court policies and requirements concerning the case you have filed.

IMPORTANT REMINDERS

- **FILING FEES MAY NOW BE PAID ELECTRONICALLY THROUGH THE FLORIDA COURTS E-FILING PORTAL – SEE THE COURT'S WEBSITE FOR INSTRUCTIONS.**
- **PURSUANT TO ADMINISTRATIVE ORDER 2014-1, ALL EMERGENCY FILINGS MUST BE ACCOMPANIED BY A SEPARATELY FILED REQUEST FOR EMERGENCY TREATMENT.**
- Electronic filing is mandatory for all attorneys. Incoming filings must be submitted through the Florida Courts E-Filing Portal. Outgoing filings will be sent by the court through eDCA Casemail. Please visit edca.4dca.org to register for eDCA. The court will not send paper documents to non-registered attorneys.
- **Parties representing themselves without a lawyer may file electronically.** Please visit www.myflcourtagency.com to register.
- **Parties representing themselves without a lawyer who are not in custody and have not been excused from e-mail service pursuant to Florida Rule of General Practice and Judicial Administration 2.516(b)(1)(D) must register for eDCA to receive filings issued by this court by e-mail using their designated primary e-mail address.** Please visit edca.4dca.org to register for eDCA.

ELECTRONIC FILING TIPS, COMPUTER GENERATED DOCUMENTS, AND APPENDICES

- All electronic filings are required to be "filed in a format capable of being electronically searched." Fla. R. Gen. Prac. & Jud. Admin. 2.520(b). Searchable PDFs may be created by:
 - *For documents composed using a word processing application*, using the "Save As" function to save the document directly to PDF format. There is no need to run Optical Character Recognition ("OCR") to make the document searchable – it is done automatically.
 - *For scanned documents*, use the Adobe Acrobat "Text Recognition" function. Adobe Acrobat can also be used to check and fix suspected OCR errors.
- Computer-generated documents which do not comply with the font requirements of Florida Rule of Appellate Procedure 9.045(b) and electronically filed appendices which do not comply with Florida Rule of Appellate Procedure 9.220(c) will be stricken.

NOTICES

1. **MOTIONS** (Fla. R. App. P. 9.300)
 - Excessive motion practice is strongly discouraged.
 - Any record material supporting a motion shall be contained in an appendix with the motion.

- Motions concerning preparation of the record or brief, extensions of time (see paragraph 2 below), or to reschedule oral argument, shall contain a certificate that opposing counsel has been consulted and shall state whether opposing counsel has an objection to the motion. Attempts to contact opposing counsel are not sufficient.
- Any response to a motion shall be promptly served, and in any case not later than 15 days after service of the motion.
- Motions for extension of time or to supplement the record may be ruled on without waiting for a response.
- **No reply to the response will be considered unless specifically authorized by this Court.** Any unauthorized reply will be stricken without consideration.

2. EXTENSIONS OF TIME

- Limited extensions for briefs can be granted by the Clerk, unless the motion certifies that the opposing party opposes the motion and the opposing party files a response which contains a valid opposition to the motion.
- The court may limit extensions in any appeal. See paragraph 1 above for motion requirements.
- In lieu of an agreed motion for extension of time to file an initial, answer, or reply brief, the court will accept a notice from a party that the parties have agreed to a specific extension of time. An agreed notice will be accepted for up to a total of 90 days for an initial or answer brief, and 15 days for a reply brief. The notice need not be signed by both parties. No order will issue from the court: please check the docket entry. This procedure shall not apply to appeals from adoptions, dependency, termination of parental rights, nonfinal orders, or any expedited or emergency appeal. See Administrative Order No. 2018-1 on the court's website for details as to the form of the notice.
- Extension requests beyond the time frames set forth above, whether the prior extensions were by agreed notice or by order granting an extension, are disfavored and will not be granted absent a detailed explanation for why the brief was not filed and a showing of extraordinary circumstances.

3. SERVICE OF FILINGS (Fla. R. App. P. 9.420)

- All filings, e.g., motions, petitions, notices, briefs, appendices, etc., must contain a certificate of service. All certificates of service, including those on notices of appeal, must contain the name and physical address of the attorney or party served, not just the e-mail address. Certificates of service must comply with Florida Rule of General Practice and Judicial Administration 2.516(f).

4. STATUS INQUIRIES

- Any request for the status of a pending case must be made to the Clerk's Office and may not be made to a judge of the court or the personal staff of any judge. Attorneys and parties representing themselves may access case documents and dockets for their own cases via eDCA. Public case dockets for all cases are available online at www.4dca.org.

5. RELATED CASES – NOTICE OF RELATED CASE

- All parties shall promptly bring to the court's attention the pendency in this court of any related case, or any case involving related issues.
- In criminal cases where multiple defendants participated in a joint trial, the parties shall notify the court of any other appeals, whether pending or concluded, from the same trial.

6. **TRANSCRIPTS**

- All transcripts submitted as part of the record must appear as one page of transcript per page. Four pane transcripts (four pages of transcript on a page) will be rejected.

7. **PHYSICAL EXHIBITS**

- No physical evidence (excluding documents) or outsized exhibits shall be included in the record on appeal without the party first requesting permission of the court. It is the responsibility of the party to ensure that the lower tribunal clerk has included any relevant documentary evidence introduced at trial in the record on appeal.

8. **SUPPLEMENTAL AUTHORITY (Fla. R. App. P. 9.225)**

- A copy of the newly discovered authority should be attached to the notice. The notice should also designate clearly the issue to which the supplemental authority is pertinent. The notice shall not contain argument, but may identify briefly the issues argued on appeal to which the supplemental authorities are pertinent.

9. **ORAL ARGUMENT (Fla. R. App. P. 9.320)**

- A request for oral argument shall be a separate filing, clearly designated as such, and shall contain no other subject. It shall not be made as part of a brief or appendix. The request must contain a specific but brief reason as to why oral argument is necessary. A request to participate in oral argument through communication technology must be included within the request for oral argument and must state the reason why oral argument through communication technology is requested.
- The request for oral argument may contain a designation of 10, 15 or 20 minutes as the amount of time requested for oral argument. Oral argument for each side shall not exceed 20 minutes.
- At any time before oral argument the court in its discretion may dispense with, limit or expand the time for oral argument as it deems appropriate to the issues raised.
- Cases without oral argument are subject to the same review, analysis and consideration by a three judge panel as are cases that are orally argued.

10. **SCHEDULING CONFLICTS**

- Calendar conflicts shall be resolved in accordance with Florida Rule of General Practice and Judicial Administration 2.550. **"Notices of Unavailability"** are unauthorized and will be automatically stricken. **Requests for continuances of oral argument** must be based on either a substantial commitment preexisting the receipt of the oral argument calendar or an emergency situation.

11. **REHEARING**

- Although motions for rehearing are permitted by Florida Rule of Appellate Procedure 9.330, they should be rare. *See Lawyers Title Ins. Corp. v. Reitzes*, 631 So. 2d 1100, 1100-01 (Fla. 4th DCA 1993).
- The court strongly discourages the practice of routinely filing such motions or the filing of those which merely re-argue the merits or question the court's decision. Where there has been an award of attorney's fees on appeal in connection with our decision on the merits, additional fees will be awarded upon a denial of a motion for rehearing.

12. **RIGHTS OF CHILDREN** (Fla. R. App. P. 9.146)

- Cases involving adoption, termination of parental rights, and those involving families and children in need of services are expedited. Consult the rule for the time and procedure requirements. Cases relating to child custody, visitation privileges, or other substantial interests of children will be expedited upon proper motion.

13. **ATTORNEYS NOT LICENSED IN FLORIDA**

- Attorneys who are members in good standing in other jurisdictions may be granted permission by court order to appear in proceedings in this court. See Fla. R. App. P. 9.440(a); Fla. R. Gen. Prac. & Jud. Admin. 2.510.
- Pursuant to Section 35.22(3)(a), Florida Statutes, the Clerk is required to collect a \$100 filing fee from each attorney appearing pro hac vice, an order for the payment of which will be issued when and if the motion to appear is granted. An additional fee of \$250 is required by the Florida Bar.

14. **MAINTENANCE OF EDCA EMAIL ADDRESSES AND CHANGES OF ADDRESS**

- eDCA users must ensure that their primary and secondary email addresses are up to date.
- Parties representing themselves who receive paper filings must **promptly notify** this court of any change of address.

15. **DROP BOX**

- The Court does not maintain a physical drop box. If you are representing yourself or an attorney exempt from electronic filing and would like your paper filing to be clocked-in and filed for the previous business day, you must file the document at the Clerk's Office BEFORE 9:00 A.M. If it is after 9:00 A.M., no filings will be clocked-in for the previous business day.
- **IMPORTANT:** The drop box does not extend jurisdictional time limits. See *Capone v. Fla. Board of Regents*, 774 So. 2d 825 (Fla. 4th DCA 2000). Petitions for original writs, notices of appeal, and notices to invoke discretionary jurisdiction will be clocked-in for the date they are electronically filed or received as a paper filing in the Clerk's Office.

16. **AMERICANS WITH DISABILITIES ACT**

- If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, the provision of certain assistance.
- At least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days, please contact:

Marshal Daniel DiGiacomo
Fourth District Court of Appeal
110 South Tamarind Ave.
West Palm Beach, FL 33401

Telephone (561) 242-2000; (800) 955-8771 (TDD) or (800) 955-8770 (V) via Florida Relay Service

If you are hearing or voice impaired, call 711.

EXHIBIT D

Florida Appellate Case Information System

Case View Abraham v. State of Florida

FOURTH DISTRICT COURT OF APPEAL

JOHN CALVIN ABRAHAM,
Appellant(s)

v.

STATE OF FLORIDA,
Appellee(s).CASE NUMBER
4D2022-2722

CLASSIFICATION NOA Final - Circuit Criminal - Judgment and Sentence

DOCKET DATE 10/07/2022

OPEN / CLOSED Open

PARTIES

Shows the first few parties on the case.






John Calvin Abraham
APPELLANTRichard Gordon Bartmon
REPRESENTATIONState of Florida
APPELLEEAttorney General-W.P.B.
REPRESENTATION





ORAL ARGUMENTS

No future oral arguments were found.

DOCKET ENTRIES




Docket Date	Type	Subtype	Description	On Behalf Of	View
10/02/2023	Order	Order on Agreed Extension of Time	30 Days from 10/06/2023 to 11/07/2023		
10/02/2023	Notice	Notice of Agreed Extension of Time - Initial Brief	Notice of Agreed Extension of Time - Initial Brief	Abraham, John Calvin	
09/26/2023	Record	Supplemental Record	Supplemental Record; 53 Pages		

Docket Date	Type	Subtype	Description	On Behalf Of	View
			(Pages 1,042 to 1,094)		
08/21/2023	Misc. Events	Court Reporter Acknowledgement Letter	Court Reporter Acknowledgement Letter		
08/17/2023	Order	Order to Transmit Record/Supplemental Record on Appeal	Order to Supplement Record w/trans. & ext. brief ~ ORDERED that appellant's August 16, 2023 amended motion to supplement the record is granted. The material requested in the motion shall be included in the record on appeal. The court reporter shall have thirty (30) days from the date of this order in which to prepare the transcript. The clerk of the lower tribunal shall prepare and file the supplemental material in this court within ten (10) days from receipt of the transcript. Appellant shall monitor the supplementation process. Further, ORDERED that appellant's August 16, 2023 motion for extension of time is granted in part, and appellant shall serve the initial brief within ten (10) days from receipt of the supplemental record.		
08/16/2023	Motions Relating to Records	Motion to Supplement Record & EOT/Toll Briefing	Motion Supplemental Record & Eot For Brief ~ AMENDED	Abraham, John Calvin	
08/16/2023	Misc. Events	Court Reporter Acknowledgement Letter	Court Reporter Acknowledgement Letter		
08/15/2023	Order	Order to Transmit Record/Supplemental Record on Appeal	Order to Supplement Record w/trans. & ext. brief ~ ORDERED that appellant's August 14, 2023 motion to supplement the record is granted. The material requested in the motion shall be included in the record on appeal. The court reporter shall have		

Docket Date	Type	Subtype	Description	On Behalf Of	View
			thirty (30) days from the date of this order in which to prepare the transcript. The clerk of the lower tribunal shall prepare and file the supplemental material in this court within ten (10) days from receipt of the transcript. Appellant shall monitor the supplementation process. Further, ORDERED that appellant's August 14, 2023 motion for extension of time is granted in part, and appellant shall serve the initial brief within ten (10) days from receipt of the supplemental record.		
08/14/2023	Motions Relating to Records	Motion to Supplement Record & EOT/Toll Briefing	Motion Supplemental Record & Eot For Brief	Abraham, John Calvin	
07/26/2023	Notice	Notice	Notice ~ MOTION OF SUBSTITUTION OF COUNSEL WITHIN OCCCRC-4	Abraham, John Calvin	
07/24/2023	Motions Extensions	Motion for Extension of Time to Serve Initial Brief	Mot. for Extension of time to file Initial Brief	Abraham, John Calvin	
07/24/2023	Order	Order on Motion for Extension of Time to Serve Initial Brief	Order Granting EOT for Initial Brief ~ ORDERED that appellant's July 24, 2023 motion for extension of time is granted, and appellant shall serve the initial brief within thirty (30) days from the date of this order. In addition, if the initial brief is not served within the time provided for in this order, the above-styled case may be subject to dismissal or the court in its discretion may impose other sanctions.		
06/28/2023	Order	Order	Miscellaneous Order ~ ORDERED that appellant's June 26, 2023 motion to restart briefing schedule is granted, and		




Docket Date	Type	Subtype	Description	On Behalf Of	View
			appellant shall serve the initial brief on or before July 24, 2023. In addition, if the initial brief is not served within the time provided for in this order, the above-styled case may be subject to dismissal or the court in its discretion may impose other sanctions.		
06/26/2023	Notice	Notice of Appearance	Notice of Appearance	Abraham, John Calvin	
06/26/2023	Motions Other	Miscellaneous Motion	Miscellaneous Motion ~ MOTION TO RESTART BRIEFING SCHEDULE	Abraham, John Calvin	
06/23/2023	Order	Order on Motion To Withdraw as Counsel	W/draw as counsel; Appt OCCRC ~ ORDERED that the June 22, 2023 Motion to Withdraw and Motion to Appoint the Office of Criminal Conflict and Civil Regional Counsel as Appellate Counsel is granted. The Public Defender for the Fifteenth Judicial Circuit is withdrawn as counsel for appellant, John Calvin Abraham, in the above-styled appeal. The Office of Criminal Conflict and Civil Regional Counsel shall enter an appearance in this court within ten (10) days from the date of this order.		
06/22/2023	Motions Relating to Parties and Counsel	Motion To Withdraw as Counsel	Motion To Withdraw as Counsel ~ FOR CONFLICT OF INTEREST AND TO APPOINT REGIONAL CONFLICT COUNSEL	Abraham, John Calvin	
05/17/2023	Record	Supplemental Record	Supplemental Records ~ 18 PAGES		
05/08/2023	Notice	Notice of Appearance	Notice of Appearance	Abraham, John Calvin	


Docket Date	Type	Subtype	Description	On Behalf Of	View
04/27/2023	Misc. Events	Miscellaneous Docket Entry	Memorandum ~ RE: SUPPLEMENTAL RECORD ON APPEAL	Abraham, John Calvin	
04/14/2023	Order	Order Striking Filing	ORD-Stricken as Unauthorized ~ ORDERED sua sponte that pro se appellant's April 13, 2023 letter is stricken as unauthorized as appellant has counsel.		
04/13/2023	Notice	Notice	Notice ~ **STRICKEN**	Abraham, John Calvin	
03/20/2023	Record	Supplemental Record	Supplemental Records ~ 26 PAGES		
03/16/2023	Order	Order on Miscellaneous Motion	Deny Miscellaneous Motion ~ ORDERED that appellant's March 14, 2023 "motion for evidentiary hearing" is denied.		
03/14/2023	Record	Appendix	Appendix ~ TO MOTION FOR EVIDENTIARY HEARING	Abraham, John Calvin	
03/14/2023	Motions Other	Miscellaneous Motion	Miscellaneous Motion ~ MOTION FOR EVIDENTIARY HEARING	Abraham, John Calvin	
03/02/2023	Order	Order on Miscellaneous Motion	Deny Miscellaneous Motion ~ ORDERED that appellant's February 27, 2023 "motion to remove counsel" is denied. See Garcia v. Schneider, 305 So. 3d 15, 16 (Fla. 3d DCA 2019) ("A criminal defendant's right to self-representation does not extend to appellate proceedings.").		
02/28/2023	Notice	Notice of Pending Motion Correct Sentencing Error	Notice of Pending Motion to Correct Sentencing Error	Abraham, John Calvin	
02/27/2023	Motions Relating to Parties	Motion For Substitution of Counsel	Motion For Relief of Counsel ~ MOTION TO REMOVE COUNSEL	Abraham, John Calvin	

Docket Date	Type	Subtype	Description	On Behalf Of	View
	and Counsel				
02/14/2023	Misc. Events	Court Reporter Acknowledgement Letter	Court Reporter Acknowledgement Letter		
			ORD-Supplement Record w/Trans & Toll Time for Brf. ~ ORDERED that appellant's February 10, 2023 motion to supplement the record and toll time is granted. The material requested in the motion shall be included in the record on appeal. The court reporter shall have thirty (30) days from the date of this order in which to prepare the transcript. The clerk of the lower tribunal shall prepare and file the supplemental material in this court within ten (10) days from receipt of the transcript. Appellant shall monitor the supplementation process. Further, ORDERED that the time for filing appellant's initial brief is tolled until ten (10) days after the supplemental record is received.		
02/13/2023	Order	Order on Motion to Supplement Record & EOT/Toll Briefing			
02/10/2023	Motions Relating to Records	Motion to Supplement Record & EOT/Toll Briefing	Mot. file supp'l ROA & toll time	Abraham, John Calvin	
01/27/2023	Order	Order Striking Filing	ORD-Stricken as Unauthorized ~ ORDERED sua sponte that appellant's January 25, 2023 pro se "notice of status correction" is stricken as unauthorized as appellant is represented by the Office of the Public Defender.		
01/27/2023	Notice	Notice of Agreed Extension of Time - Initial Brief	Notice of Agreed Extension - Initial Brief	Abraham, John Calvin	

Docket Date	Type	Subtype	Description	On Behalf Of	View
01/27/2023	Order	Order on Agreed Extension of Time	Recognizing Agreed Extension of Time ~ 30 DAYS TO 02/26/2023		
01/25/2023	Record	Appendix	Appendix ~ TO NOTICE OF STATUS CORRECTION	Abraham, John Calvin	
01/25/2023	Motions Relating to Parties and Counsel	Motion For Substitution of Counsel	Motion For Relief of Counsel ~ **STRICKEN** NOTICE OF STATUS CORRECTION	Abraham, John Calvin	
01/20/2023	Order	Order Striking Filing	ORD-Stricken as Unauthorized ~ ORDERED sua sponte that appellant's January 19, 2023 pro se supplemental brief is stricken as unauthorized as appellant is represented by the Office of the Public Defender.		
01/19/2023	Record	Appendix	Appendix ~ TO SUPPLEMENTAL BRIEF	Abraham, John Calvin	
01/19/2023	Misc. Events	Miscellaneous Docket Entry	Miscellaneous Entry/Document ~ **STRICKEN** SUPPLEMENTAL BRIEF	Abraham, John Calvin	
01/13/2023	Order	Order on Miscellaneous Motion	Deny Miscellaneous Motion ~ ORDERED that appellant's December 22, 2022 letter is treated as a motion to discharge counsel and is denied. See Garcia v. Schneider, 305 So. 3d 15, 16 (Fla. 3d DCA 2019) ("A criminal defendant's right to self-representation does not extend to appellate proceedings."); Blunt v. State, 820 So. 2d 1032 (Fla. 4th DCA 2002) (denying criminal defendant's request to remove public defender because the petition "failed to allege any cognizable basis for such relief").		

Docket Date	Type	Subtype	Description	On Behalf Of	View
01/09/2023	Response	Response	Response	Abraham, John Calvin	
01/06/2023	Order	Order to File Response	ORD-To File Response ~ ORDERED that the Office of the Public Defender is directed to respond, within ten (10) days from the date of this order, to pro se appellant's December 22, 2022 letter titled Cease and Desist.		
12/28/2022	Notice	Notice of Agreed Extension of Time - Initial Brief	Notice of Agreed Extension - Initial Brief	Abraham, John Calvin	
12/28/2022	Order	Order on Agreed Extension of Time	Recognizing Agreed Extension of Time ~ 30 DAYS TO 01/27/2023		
12/22/2022	Record	Appendix	Appendix ~ *Filed by John Calvin Abraham		
12/15/2022	Notice	Amended Notice of Appeal	Amended Notice of Appeal		
12/07/2022	Record	Exhibits	Received Exhibits ~ ONE ENVELOPE CONTAINING CD-ROMS		
11/29/2022	Notice	Notice of Appearance	Notice of Appearance	Abraham, John Calvin	
11/28/2022	Record	Record on Appeal	Received Records ~ PAGES 1-982		
11/28/2022	Record	Record on Appeal	Received Records ~ PAGES 983-997		
11/28/2022	Record	Transcript	Transcript Received		
10/14/2022	Misc. Events	Determination of Indigency/LT Order Insolvency	Order LT Insolvency & Appointing PD		

Docket Date	Type	Subtype	Description	On Behalf Of	View
10/12/2022	Misc. Events	Court Reporter Acknowledgement Letter	Court Reporter Acknowledgement Letter		
10/10/2022	Letter	Acknowledgment Letter	Acknowledgment Letter		
10/10/2022	Order	Order on Filing Fee	<p>ORD-Pay Filing Fee-Criminal Appeal ~ The jurisdiction of this court was invoked by filing of a Notice of Appeal in the lower tribunal. The \$300.00 filing fee required by the applicable rule of procedure and Section 35.22(2) (a), Florida Statutes (2021), is due and payable REGARDLESS OF WHETHER THE APPEAL IS LATER DISMISSED VOLUNTARILY OR ADVERSELY.ORDERED that appellant shall pay the \$300.00 filing fee or file a lower tribunal clerk's determination of indigency status in this court within ten (10) days from the date of this order. The fee may be paid electronically through the Florida Courts E-Filing Portal – see the court's website for details. Failure to comply within the time prescribed will result in dismissal of this cause and may result in the court sanctioning of any party, or the party's attorney, who has not paid the filing fee. The attorney filing the Notice of Appeal has a duty to tender the filing fee to the appellate court when the appeal is initiated. See In Re Payment of Filing Fees, 744 So. 2d 1025 (Fla. 4th DCA 1997). Failure of the attorney to pay will result in referral to the Department of Financial Services for collection.If appellant has already been found indigent for purposes of</p>		

Docket Date	Type	Subtype	Description	On Behalf Of	View
			proceedings in the lower tribunal, in this or any other criminal case and has remained incarcerated since that time, please file a copy of that order in this court. See Fla. R. App. P. 9.430(c)(1)(B). **NOTE: This order does not toll the time for filing any pleadings necessary to prosecute this appeal and no extensions of time will be entertained. Once the fee is paid, it is not refundable. Except for dismissal, this court will take no action in this appeal until the filing fee is paid or until a lower tribunal clerk's determination of indigent status is filed.		
10/07/2022	Notice	Notice of Appeal	Notice of Appeal Filed	Abraham, John Calvin	
10/07/2022	Misc. Events	Fee Status	WV:Waived		

1 to 58 of 58

PARTIES

Role	Name	Status	Representation
Appellant	Abraham, John Calvin	Active	Bartmon, Richard Gordon Forte, Danielle Nicole Office of Criminal Conflict, Palm Beach
Appellee	State of Florida	Active	Attorney General-W.P.B.

1 to 2 of 2

ORAL ARGUMENTS

Oral Argument Date	Location / Room	Type	Status	Video Streaming Link
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No records were found

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EXHIBIT E

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FOURTH DISTRICT, 110 SOUTH TAMARIND AVENUE, WEST PALM BEACH, FL 33401

October 16, 2023

JOHN CALVIN ABRAHAM,
Appellant(s)

v.

STATE OF FLORIDA,
Appellee(s).

CASE NO. - 4D2023-2013
L.T. No. - 502021CF005545AMB

BY ORDER OF THE COURT:

ORDERED sua sponte that this appeal is dismissed for lack of jurisdiction.

GROSS, CIKLIN and LEVINE, JJ., concur.

Served:

John Calvin Abraham
Attorney General-W.P.B.
Clerk - Palm Beach
Palm Beach Public Defender
State Attorney-P.B.

KH

I HEREBY CERTIFY that the foregoing is a true copy of the court's order.

Lon Weissblum
LONN WEISSBLUM, Clerk
Fourth District Court of Appeal
10/20/23 2023 October 16, 2023

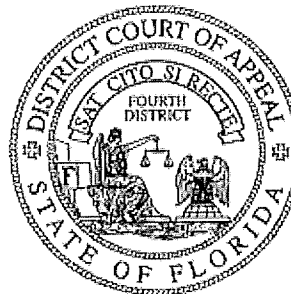


EXHIBIT F

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 22-80733-CIV-SINGHAL

ABRAHAM K JAH EL, et al.,

Plaintiffs,

v.

CITY OF PALM BEACH TOWNSHIP, et al.,

Defendants.

ORDER

THIS CAUSE is before the Court upon Plaintiffs' Application to Proceed in District Court without Prepaying Fees or Costs (DE [3]). Courts are permitted to authorize a party to proceed *in forma pauperis* in any suit, or appeal thereof, so long as the party complies with the proscriptions of 28 U.S.C. § 1915(a)(1). Plaintiff¹ has filed an Application to Proceed in District Court without Prepaying Fees or Costs (DE [3]); therefore, the screening provisions of 28 U.S.C. § 1915(e) are applicable.

Pursuant to 28 U.S.C. § 1915(e)(2), courts are permitted to dismiss a suit "any time if the court determines that . . . (B) the action or appeal (i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief." 28 U.S.C. § 1915(e)(2). Generally, *pro se* complaints are held to a less stringent pleading standard than pleadings drafted by lawyers. See *Tannenbaum v. United States*, 148 F.3d 1262, 1263 (11th Cir. 1998). However, a court may not "serve as de facto counsel for a party, or . . . rewrite an

¹ The Court will generally refer to the Plaintiff in the singular throughout this Order.

otherwise deficient pleading in order to sustain an action.” *GJR Invs. v. Cty. of Escambia*, 132 F.3d 1359, 1369 (11th Cir. 1998) (citations omitted). Furthermore, *pro se* litigants still must comply with procedural rules. See *Moton v. Cowart*, 631 F.3d 1337, 1340 n.2 (11th Cir. 2011).

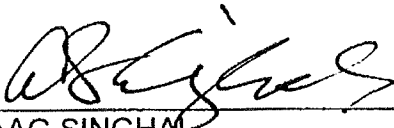
To state a claim, a pleading in a civil action must contain “a short and plain statement of the grounds for the court’s jurisdiction . . . [and] show[] that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(1)-(2). Although a plaintiff need not provide “detailed factual allegations,” a plaintiff’s complaint must provide “more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007); see *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (explaining that Rule 8(a)(2)’s pleading standard “demands more than an unadorned, the-defendant-unlawfully-harmed-me accusation”). Furthermore, vague and conclusory statements are insufficient under the Federal Rules. See *Iqbal*, 556 U.S. at 678–679. “[A] complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Id.* (quoting *Twombly*, 550 U.S. at 570).

Assuming, without deciding, that Plaintiff satisfies the indigency requirement of 28 U.S.C. § 1915, Plaintiff’s Application to Proceed in District Court without Prepaying Fees or Costs (DE [3]) must be denied because the Complaint (DE [1]) fails to state a claim. Abraham Kennedy Jah El identifies John Calvin Abraham as the Plaintiff but does not clarify which is the plaintiff in this matter or if both are plaintiffs or if Abraham Kennedy Jah El John Calvin Abraham is the full name. Plaintiff brought suit against ten Defendants including a Circuit Judge, a Public Defender, and the City of Palm Beach for “attempt to convict,” “bodily injury [which] occurred during arrest . . .,” and “civil rights violation of Title

18 U.S.C. § 1983.” (Compl. (DE [1]) at 5). Plaintiff also asserts federal question and diversity of citizenship as the basis for federal court jurisdiction. For relief, Plaintiff seeks writ of *quo warranto*, removal of all public restrictions, and \$9,000.00 per court appearance in real money, which is defined as silver or gold, because his face was forever changed. (Compl. (DE [1]) at 5). Even under the relaxed pleading standard afforded *pro se* litigants, Plaintiff’s Complaint (DE [1]) fails to include facts or state a claim on which relief may be granted. See *Abele v. Tolbert*, 130 Fed. Appx. 342, 343 (11th Cir. 2005) (explaining when a plaintiff is proceeding *pro se*, a court must construe plaintiff’s complaint more liberally than if it had been drafted by a lawyer). Accordingly, it is hereby

ORDERED AND ADJUDGED that Plaintiff’s Complaint (DE [1]) is **DISMISSED WITHOUT PREJUDICE**. Furthermore, Plaintiff’s Application to Proceed in District Court without Prepaying Fees or Costs (DE [3]) is **DENIED**. The Clerk of Court is directed to **CLOSE** this case and **DENY AS MOOT** any pending motions. Furthermore, all deadlines are **TERMINATED**, and all hearings are **CANCELLED**.

DONE AND ORDERED in Chambers, Fort Lauderdale, Florida, this 28th day of October 2022.



RAAG SINGHAL
UNITED STATES DISTRICT JUDGE

Copies furnished to counsel of record via CM/ECF
And by U.S. Mail to Plaintiff(s)

EXHIBIT G

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 22-80733-CIV-SINGHAL

ABRAHAM K JAH EL, et al.,

Plaintiffs,

v.

CITY OF PALM BEACH TOWNSHIP, et al.,

Defendants.

ORDER

THIS CAUSE is before the Court upon Plaintiffs' Application to Proceed in District Court without Prepaying Fees or Costs (DE [29]) and Plaintiffs' Application to Proceed in District Court without Prepaying Fees or Costs (DE [31]). Courts are permitted to authorize a party to proceed *in forma pauperis* in any suit, or appeal thereof, so long as the party complies with the proscriptions of 28 U.S.C. § 1915(a)(1). Plaintiff has filed Application to Proceed in District Court without Prepaying Fees or Costs (DE [29]) and (DE [31]); therefore, the screening provisions of 28 U.S.C. § 1915(e) are applicable.

I. PROCEDURAL HISTORY

Plaintiff filed an Amended Complaint (DE [28]) on May 26, 2023, and a corresponding Application to Proceed in District Court without Prepaying Fees or Costs (DE [29]) on May 31, 2023. On June 5, 2023, Plaintiff filed another Amended Complaint (DE [30]) and Application to Proceed in District Court without Prepaying Fees or Costs (DE [31]). As such, Amended Complaint (DE [30]) is the operative complaint and

Plaintiff's Application to Proceed in District Court without Prepaying Fees or Costs (DE [29]) is denied as moot.

II. LEGAL STANDARD

Pursuant to 28 U.S.C. § 1915(e)(2), courts are permitted to dismiss a suit "any time if the court determines that . . . (B) the action or appeal (i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief." 28 U.S.C. § 1915(e)(2). Generally, *pro se* complaints are held to a less stringent pleading standard than pleadings drafted by lawyers. See *Tannenbaum v. United States*, 148 F.3d 1262, 1263 (11th Cir. 1998). However, a court may not "serve as de facto counsel for a party, or . . . rewrite an otherwise deficient pleading in order to sustain an action." *GJR Invs. v. Cty. of Escambia*, 132 F.3d 1359, 1369 (11th Cir. 1998) (citations omitted). Furthermore, *pro se* litigants still must comply with procedural rules. See *Moton v. Cowart*, 631 F.3d 1337, 1340 n.2 (11th Cir. 2011).

To state a claim, a pleading in a civil action must contain "a short and plain statement of the grounds for the court's jurisdiction . . . [and] show[] that the pleader is entitled to relief." Fed. R. Civ. P. 8(a)(1)-(2). Although a plaintiff need not provide "detailed factual allegations," a plaintiff's complaint must provide "more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007); see *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (explaining that Rule 8(a)(2)'s pleading standard "demands more than an unadorned, the-defendant-unlawfully-harmed-me accusation"). Furthermore, vague and conclusory statements are insufficient under the Federal Rules. See *Iqbal*, 556 U.S. at

678–679. “[A] complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Id.* (quoting *Twombly*, 550 U.S. at 570).

III. DISCUSSION

Assuming, without deciding, that Plaintiff satisfies the indigency requirement of 28 U.S.C. § 1915, Plaintiff’s Application to Proceed in District Court without Prepaying Fees or Costs (DE [31]) must be denied because the Amended Complaint (DE [30]) fails to state a claim. In the third Amended Complaint (DE [30]), Plaintiff Abraham Kennedy Jah El (“Plaintiff”) identifies himself as the Plaintiff but also indicates there are other plaintiffs in this matter. Plaintiff brought suit against ten Defendants including two detectives, two officers, the Palm Beach Police Department, a Palm Beach Circuit Judge, a state attorney, and the City of Palm Beach. (Compl. (DE [31]) at 1–2). Plaintiff asserts violations of his first, second, fourth, fifth, eighth, ninth, and tenth amendment rights as the basis for federal court jurisdiction by the defendants. For relief, Plaintiff seeks \$250,000.00 for the loss of his liberty during imprisonment, \$12,000.00 for the loss of property in storage, \$7,000.00 for the loss of property in storage, \$50,000.00 for broken nose and scar on his face, and punitive damages. (Compl. (DE [31]) at 3).

As to each defendant, in the Amended Complaint (DE [31]), Plaintiff claims as follows: Detective Giselle Bido (“Detective Bido”) violated his constitutional right to religious freedom by prohibiting him to be on the beach, his right to bear arms by prohibiting him from bearing a sword, his right to be secure against unusual searches and seizures but does not elaborate on the details. (Am. Compl. (DE [31]) at 3). Plaintiff claims he was held on an infamous crime without an indictment from a grand jury but does not specify what crime. *Id.* at 3, 5. Plaintiff alleges he was deprived of liberty without

due process of law, without more. *Id.* at 5. Finally, Plaintiff alleges he was subjected to cruel and unusual punishment when Detective Bido tased him, held him face down on the grass, handcuffed him and kept him in her custody for a day, and denied his request for transport to the judge who signed his warrant. *Id.* He claims he informed Detective Bido of a breach of his right to travel freely by preventing him from making a video of praying by the beach. *Id.* The events, which do not specify a date or location, purportedly left the Plaintiff traumatized and physically scarred from the taser. *Id.*

Next, Plaintiff alleges Detective Robert Mastrangelo ("Detective Mastrangelo") violated his constitutional rights by holding him on an infamous crime without an indictment from a grand jury, depriving him of liberty without due process of law, and inflicting cruel and unusual punishment by attempting to detain him for a non-moving traffic violation. (Am. Compl. (DE [31]) at 6). Plaintiff claims Detective Mastrangelo broke his nose and attempted to conceal the fact in the police report, EMS report, and hospital record. *Id.*

Plaintiff also names a Circuit Judge as a defendant in this matter claiming he was forced to give evidence against himself at trial in the form of his fingerprints. Am. Compl. (DE [31]) at 8). Plaintiff, again lists many constitutional rights, including the right to a speedy trial because he was arrested on July 4, 2021, and trial commenced July 18, 2022. *Id.* Again, Plaintiff claims defendants conspired to deprive him of constitutional rights, and alleges the jury was bribed to convict him with a certified certificate of participation. *Id.*

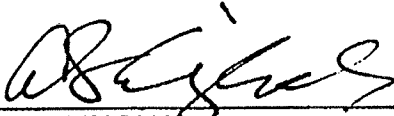
In naming the two officers of the Palm Beach Police Department and the Palm Beach Police Department itself, Plaintiff claims his constitutional rights were violated

because the officers' bodycams were not produced at trial, because they took him to the Palm Beach Police Department and not county jail as he requested, and because his rights were violated. Additionally, Plaintiff alleges Victoria Suarez committed fraud by failing to produce the victim to his crime at trial. This Court cannot find any allegations against the City of Palm Beach.

In sum, Plaintiff alleges the defendants conspired to deprive him of his constitutional rights. Plaintiff fails to assert a basis for the exercise of federal jurisdiction and the Complaint is insufficient to state a claim for relief that is plausible on its face. "Federal courts are obligated to inquire into subject-matter jurisdiction *sua sponte* whenever it may be lacking." *Williams v. Chatman*, 510 F.3d 1290, 1293 (11th Cir. 2007) (internal quotation marks omitted). Even under the relaxed pleading standard afforded *pro se* litigants, Plaintiff's Complaint (DE [1]) fails to include facts or state a claim on which relief may be granted. *See Abele v. Tolbert*, 130 Fed. Appx. 342, 343 (11th Cir. 2005) (explaining when a plaintiff is proceeding *pro se*, a court must construe plaintiff's complaint more liberally than if it had been drafted by a lawyer). Accordingly, it is hereby

ORDERED AND ADJUDGED that Plaintiff's Amended Complaint (DE [30]) is **DISMISSED WITHOUT PREJUDICE**. Furthermore, Plaintiffs' Application to Proceed in District Court without Prepaying Fees or Costs (DE [29]) is **DENIED AS MOOT**. Plaintiffs' Application to Proceed in District Court without Prepaying Fees or Costs (DE [31]) is **DENIED**. The Clerk of Court is directed to **CLOSE** this case and **DENY AS MOOT** any pending motions. Furthermore, all deadlines are **TERMINATED**, and all hearings are **CANCELLED**.

DONE AND ORDERED in Chambers, Fort Lauderdale, Florida, this 30th day of
June 2023.



RAAG SINGHAL
UNITED STATES DISTRICT JUDGE

Copies furnished to counsel of record via CM/ECF
And by U.S. Mail to Plaintiff(s)

EXHIBIT H

IN THE (1) US District Court-Southern District of Florida

(2) Abraham K. Tah EL et al.,
Appellant(s),

Fourth DCA Case No.: 9:22-CV-80733-AHS

v.

Lower Tribunal Case No.: (4) _____

(3) City of Palm Beach et al.,
Appellee(s).

NOTICE OF APPEAL

NOTICE IS GIVEN that (2) Abraham K. Tah EL, Appellant, appeals to the Fourth District Court of Appeal the Order of this Court rendered [see rule 9.020(h)] (5) 7-5-2023. The nature of the order is a final order (6) Dismissal Without Prejudice and direction of Clerk of Court to close case and to deny pending motions as moot.

(7) Abraham K. Tah EL
Name: (8) Abraham K. Tah EL
Address: (9) 500 Bay Bottom Road
Pahokee, Florida 33476
Sago Palm Re-entry Center

CERTIFICATE OF SERVICE

I hereby certify that a copy hereof has been furnished to (10) Sago Palm Re-entry Center mail clerk for mailing to US District Court Southern District and US Supreme Court, 4th DCA by (11) Mail this (12) _____ day of (13) August 20(14) 23.

(7) Abraham K. Tah EL
Signature

2023 AUG 14 AM 9:35
JOSEPH ABRUZZO, CLERK
PALM BEACH COUNTY, FL
CIRCUIT CRIMINAL

FILED

EXHIBIT I

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 23-12735-H

ABRAHAM KENNEDY JAH EL,

Plaintiff - Appellant,

JOHN CALVIN ABRAHAM,

Plaintiff,

versus

CITY OF PALM BEACH TOWNSHIP,
VICTORIA SUAREZ,
JUDGE HOWARD K. COATES,
GISELLE BIDO,
ROBERT MASTANGELO,
Police Officer, Palm Beach, Palm Beach, FL,
ESMERALDA NEGRON,
Public Defender, West Palm Beach, Palm Beach, FL,
JUDGE ROSEMARIE SCHER,
JOSEPH ABRUZZIO,
GLEN D. KELLEY,
Circuit Judge,
CAREY HAUGHWOUT,
Public Defender, et al.,

Defendants - Appellees.

Appeal from the United States District Court
for the Southern District of Florida

ORDER: Pursuant to the 11th Cir. R. 42-1(b), this appeal is DISMISSED for want of prosecution because the Appellant Abraham Kennedy Jah El failed to pay the filing and docketing fees (or file a motion in the district court for relief from the obligation to pay in

advance the full fee) to the district court and failed to comply with the rules on Certificates of Interested Persons and Corporate Disclosure Statements within the time fixed by the rules.

Effective September 14, 2023.

DAVID J. SMITH
Clerk of Court of the United States Court
of Appeals for the Eleventh Circuit

FOR THE COURT - BY DIRECTION