

23-6530

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

JAN. - 2 2024

OFFICE OF THE CLERK

JOSEPH R BRODIE — PETITIONER

(Your Name)

VS.

UNITED STATES OF AMERICA

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

COURT OF APPEALS FOR THE THIRD CIRCUIT

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

JOSEPH R BRODIE

(Your Name)

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(Address)

WEST PITTSTON, PENNSYLVANIA 18643

(City, State, Zip Code)

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(Phone Number)

QUESTION(S) PRESENTED

1. DOES THE DISCLOSURE OF ALTERED, MODIFIED, AND DELETED FEDERAL VETERANS AFFAIRS MEDICAL RECORDS -IN VIOLATION OF 18 U.S.C. 641 & 2071(b)- IN RECIPROCAL DISCOVERY BY THE GOVERNMENT CONSTITUTE A DEPRIVATION OF MR. BRODIE'S CONSTITUTIONAL RIGHT TO TRUE, ACCURATE AND CORRECT RECORDS WHEN THE UNMODIFIED FEDERAL RECORDS EXIST AS IMPEACHMENT EVIDENCE OF GOVERNMENT WITNESS TESTIMONY IN EVIDENTIARY HEARINGS IN THE CRIMINAL RECORD i.e. NEW JERSEY CR-18-162-NLH.
2. DID MR BRODIE'S INVOCATION OF HIS RIGHT TO REMAIN SILENT IN NEW JERSEY SUPERIOR COURT TO CHARGES INCLUDING A CHARGE IDENTICAL TO THE FEDERAL CHARGES CONSTITUTE A DEPRIVATION OF A CONSTITUTIONAL RIGHT -5TH AMENDMENT RIGHT TO NOT INCRIMINATE ONESELF- AS IT APPLIES TO AN FBI INTERVIEW 4 DAYS AFTER THE INVOCATION AND WHILE MR BRODIE WAS HELD IN SOLITARY CONFINEMENT WITHOUT BEING PROPERLY MEDICATED FOR 5 DAYS PRIOR TO THE FBI INTERVIEW.
3. IS THE STATEMENT ALLEGED BY OFFICIAL 2 AND IN ELECTRONIC COMMUNICATIONS CONSTITUTE STATEMENTS THAT WERE UNCONSTITUTIONALLY VAGUE AND THE CRIMINALIZATION OF SUCH CONSTITUTE A VIOLATION OF MR. BRODIE'S CONSTITUTIONALLY PROTECTED RIGHT TO FREE SPEECH IN LIGHT OF THE ABSENCE OF ANY USE OF MURDER, DEATH OR KILL IN THE AFOREMENTIONED STATEMENTS.
4. DID THE DISTRICT COURT ERR BY NOT GRANTING A MISTRIAL ONCE IT WAS CONCEDED BY THE GOVERNMENT AND ITS WITNESSES THAT TWO WITNESSES SHARED THEIR TESTIMONY WHILE UNDER SEQUESTER AND THAT IT WAS NOT PROPERLY REVEALED TO THE TRIAL JURY; ESPECIALLY AS IT CAUSED CONFUSION EVIDENCED IN THE JURY NOTES AND QUESTIONS TO THE COURT DURING DELIBERATION.
5. DID THE DISTRICT COURT ERR BY ALLOWING PHOTOS OF MR. BRODIE'S FIREARMS SHOWN TO THE JURY IN AN ASSEMBLED STATE WHEN CRIME SCENE PHOTOS DEMONSTRATES THEY WERE FOUND DISASSEMBLED AND WITH A SMALL GAME HUNTING LICENSE WAS ATTACHED TO THE RIFLE WHEN FOUND; i.e., DID THE DISTRICT COURT RULING CONSTITUTE A DEPRIVATION OF A CONSTITUTIONAL RIGHT UNDER THE SECOND AMENDMENT AND UNFAIRLY CRIMINALIZED HIS FIREARMS THAT WERE NOT INVOLVED IN THE ALLEGED THREATS OF VIOLENCE.
6. DOES THE ACCESS OF MR. BRODIE'S CELLULAR PHONE -EVIDENT BY USAGE RECORDS- WHILE IN THE NEW JERSEY STATE POLICE'S POSSESSION CONSTITUTE A DEPRIVATION OF MR. BRODIE'S CONSTITUTIONAL RIGHT TO PROTECTION FROM ILLEGAL SEARCH AND SEIZURE AT A TIME IN WHICH THE NJSP DID NOT HAVE A SEARCH WARRANT FOR SAID DEVICE; ESPECIALLY SINCE CELLULAR RECORDS AND DEVICE EXTRACTION RECORDS DEMONSTRATE THE ABSENCE OF NO LESS THAN 656 SMS MESSAGES BETWEEN BRODIE AND A NJSP TROOPER IN THE 4 WEEKS IMMEDIATELY PRIOR TO HIS ARREST.
7. DID THE NJSP DELIBERATE CORRUPTION (UNPLUGGING CAMERA WIRES DURING THE EXECUTION OF A SEARCH OF HIS RESIDENCE) OF MR BRODIE'S HOME SURVEILLANCE SYSTEM -IN COMBINATION WITH AN ABSENCE OF BODYCAM AND/OR DASHCAM RECORDING OF MR BRODIE'S ALLEGED MIRANDA INVOCATION AT HIS RESIDENCE- CONSTITUTE A DEPRIVATION OF MR BRODIE'S DUE PROCESS RIGHTS THROUGH AN ACT OF OBSTRUCTION OF JUSTICE AND EVIDENTIARY TAMPERING BY NJSP.
8. DID THE DISCLOSURE OF ALTERED RECORDS REFERENCED IN 1.ABOVE CONSTITUTE VIOLATIONS OF RULES 3.6., 3.8, AND 8.4 BY THE GOVERNMENT IN ORDER TO SWAY THE DISTRICT COURT'S EVIDENTIARY RULINGS, THEREBY CONSTITUTING AN ACT IN WHICH THE STRUCTURAL ERROR DOCTRINE APPLY.

LIST OF PARTIES

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

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

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APPENDIX A	Evidence of evidentiary tampering by a federal entity in reciprocal discovery, 43 pages, Veterans Health Administration (VHA) federal records altered to exclude custodial interrogation and impeachment evidence.
APPENDIX B	Evidence of falsified reports by United States Capitol Police; Perjury by New Jersey State Police in pre-trial evidentiary hearings.
APPENDIX C	Motion for New Trial pursuant to Rule 33 citing evidence of prosecutorial misconduct & Crime Scene evidentiary tampering.
APPENDIX D	ORDER DENYING PANEL RE-HEARING, December 22, 2023

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
BRADY v. MARYLAND, 373 U.S. 83 (1963)	ENTIRETY
WATTS v. UNITED STATES, 394 U.S. 705 (1969)	ENTIRETY
18 U.S.C. 641 & 2071(b), The Federal Records Act	As submitted

STATUTES AND RULES

BRADY RULE
STRUCTURAL ERROR DOCTRINE
18 U.S.C 115 (a)(1) & (B)(4)
18 U.S.C. 641 & 2071(b)
STRUCTURAL ERROR DOCTRINE

OTHER

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

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

OPINIONS BELOW

[] For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix ^A ____ to the petition and is

[X] reported at 20-12713 NEW JERSEY DOCUMENT 71,72; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

The opinion of the United States district court appears at Appendix ^B ____ to the petition and is

[X] reported at 23-2250 COA 3RD CIR. DOCUMENT 13-1,2; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

[] For cases from **state courts**:

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

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

The opinion of the _____ court appears at Appendix ____ to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

JURISDICTION

[] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 6 DECEMBER 2023.

[] No petition for rehearing was timely filed in my case.

[x] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: DECEMBER 22 2023, and a copy of the order denying rehearing appears at Appendix D.

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

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

[] For cases from **state courts**:

The date on which the highest state court decided my case was _____. A copy of that decision appears at Appendix _____.

[] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

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

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

FIRST AMENDMENT RIGHT TO FREE SPEECH, PRESS

SECOND AMENDMENT RIGHT TO BEAR ARMS

FOURTH AMENDMENT RIGHT PROTECTION FROM UNLAWFUL SEARCH AND SEIZURE

FIFTH AMENDMENT PROTECTION AGAINST SELF INCRIMINATION

FOURTEENTH AMENDMENT DUE PROCESS PROTECTIONS

18 U.S.C. 641 & 2071(b) THE FEDERAL RECORDS ACT

STATEMENT OF THE CASE

JOSEPH BRODIE WAS CONVICTED BY A JURY TRIAL ON TWO COUNTS OF VIOLATING 18 U.S.C. 115 (a)(1) & (b)(4) MR BRODIE'S DIRECT APPEAL WAS DENIED AND THE DISTRICT COURT'S RULING AFFIRMED IN 19-4003. IN SEPTEMBER 2020, BRODIE FILED A 2250 MOTION CITING VARIOUS INSTANCES OF PROSECUTORIAL MISCONDUCT AND OBSTRUCTION OF JUSTICE BY THE NEW JERSEY STATE POLICE AS IT INVOLVED EVIDENCE SEIZED DURING THE EXECUTION OF A SEARCH WARRANT. BRODIE'S CRIMINAL DEFENSE COUNSEL FILED A MOTION FOR A NEW TRIAL RULE 33 CITING CRIME SCENES PHOTOS OF THE EXECUTION OF THAT SEARCH WARRANT AND DELIBERATE TAMPERING WITH EVIDENCE FOUND AT THE SCENE AS WELL AS CORRUPTING MR BRODIE'S HOME SURVEILLANCE SYSTEM TO DESTROY THE EVIDENCE OF MR BRODIE INVOKING HIS FIFTH AMENDMENT RIGHT TO NOT SELF INCRIMINATE AND TO HAVE LEGAL COUNSEL PRESENT. THE MOTION WAS DENIED BY THE DISTRICT COURT STATING IT WAS MORE APPROPRIATE FOR A 2255 PROCEEDING.

MR. BRODIE RESUBMITTED THESE ALLEGATIONS IN HIS AMENDED 2255 MOTION AND INTRODUCED FURTHER EVIDENCE OF PROSECUTORIAL MISCONDUCT, SEPARATE INSTANCES FROM THOSE PREVIOUSLY ALLEGED BY HIS CRIMINAL DEFENSE COUNSEL, THAT IRREFUTABLY DEMONSTRATED THE UNITED STATES DISCLOSED ALTERED, MODIFIED, AND DELETED COPIES OF HIS FEDERAL VA MEDICAL CENTER RECORDS FROM THE NIGHT OF HIS ARREST TO CONCEAL IMPEACHMENT EVIDENCE AND FACILITATE SUBORNATION OF PERJURY BY THE GOVERNMENT TO SWAY THE DISTRICT COURT'S CREDIBILITY FINDINGS AS IT RELATED TO THE DISTRICT COURT'S EVIDENTIARY HEARINGS. BRODIE ALLEGED THE ABSENCE OF MORE THAN 2/3 OF THE ORIGINAL RECORDS WAS DONE TO CONCEAL EVIDENCE FROM A 3RD PARTY MEDICAL PROFESSIONAL THAT CONTRADICTED AND REFUTED THE TESTIMONY OF THE GOVERNMENT'S NJSP WITNESSES.

THE DISTRICT COURT OF NEW JERSEY RULED ON JULY 6, 2023 DENYING BRODIE'S REQUEST FOR AN EVIDENTIARY HEARING TO DEMONSTRATE HOW THE UNALTERED RECORDS CONTAINED IMPEACHMENT EVIDENCE RELEVANT TO HIS INVOCATION OF RIGHTS TO LEGAL COUNSEL. THE DISTRICT COURT DENIED THE HEARING REQUEST AND PREEMPTIVELY EXONERATED THE GOVERNMENT OF ALL WRONG DOING, DESPITE THE GOVERNMENT DISCLOSING THE RECORDS IN RECIPROCAL DISCOVERY. THE COURT DID NOT OPINE ON THE IRREFUTABLE EVIDENCE OF CRIME SCENE TAMPERING BY THE NJSP. MR. BRODIE HAS EXPRESSED CONCERN OF BIAS AND PREJUDICE AGAINST HIM AND SUBMITTED SEVERAL ARGUMENTS IN SUPPORT OF SUCH. THE MISCONDUCT BY THE GOVERNMENT AND ITS WITNESSES, AS WELL AS OTHER WITNESSES SHARING THEIR TRIAL TESTIMONY WHILE UNDER SEQUESTERING BY THE COURT, RESULTED IN THE DEPRIVATION OF SEVERAL CONSTITUTIONAL PROTECTIONS. THE COURT EXONERATED THE GOVERNMENT DESPITE ACKNOWLEDGING THE CONTRASTING DIFFERENCES AND ABSENCE OF COMPLETE RECORDS. THE COURT RULED IT WOULD NOT HAVE Affected ITS CREDIBILITY FINDINGS WHILE DENYING MR BRODIE AN EVIDENTIARY HEARING TO PRESENT ORAL ARGUMENTS AND CROSS EXAMINE WITNESSES TO COMPARE PREVIOUS TESTIMONY WITH THE COMPLETE RECORDS CONTENTS. THE DENIAL OF AN EVIDENTIARY HEARING AND CERTIFICATE OF APPEALABILITY IN LIGHT OF THESE INDISPUTABLE FACTS AND SUBSEQUENT RULINGS THAT MR BRODIE IS BEING DEPRIVED CONSTITUTIONAL PROTECTIONS AS A RESULT OF BIAS, PREJUDICE AND MALICE.

ON DECEMBER 5, 2023, THE COURT OF APPEALS DENIED MR. BRODIE'S REQUEST FOR AN EVIDENTIARY HEARING AND APPEAL ARTICULATED IT IN HIS PRO SE BRIEF SUBMITTED TO THE COURT OF APPEALS. THE COURT OF APPEALS DENIED THE APPELLANT'S REQUEST CITING A LACK OF A CERTIFICATE OF APPEALABILITY. MR. BRODIE SUBMITS THE COA WAS DENIED BY THE DISTRICT COURT TO CONCEAL ITS BIAS, PREJUDICE AND MISCONDUCT BY GOVERNMENT ATTORNEYS AND NJSP. ON DECEMBER 7, 2023, THE APPELLANT FILED A PETITION FOR REHEARING BEFORE THE COURT OF APPEALS WHILE EXPRESSING INTENT TO FILE THIS WRIT OF CERTIORARI.

REASONS FOR GRANTING THE PETITION

THE INTERESTS OF JUSTICE DEMAND IT. THE RULING OF THE DISTRICT COURT IN THE FACE OF IRREFUTABLE INSTANCES OF EVIDENTIARY TAMPERING UNDERMINES THE APPEARANCE OF FAIRNESS AND INTEGRITY IN OUR CRIMINAL JUSTICE SYSTEM. WHEN THE GOVERNMENT BECOMES A LAWBREAKER, IT BREEDS CONTEMPT FOR THE RULE OF LAW AND THE COURTS. THE COURT OF APPEALS DENIAL TO GRANT AN APPEAL, DESPITE BEING PROVIDED VARIOUS INSTANCES AND EXHIBITS SUPPORTING THE ALLEGATIONS OF MISCONDUCT, EXISTS AS A MERE "RUBBER STAMPING" OF THE DISTRICT COURT'S TYRANNY.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Josh R. Burd". The signature is fluid and cursive, with a horizontal line underneath it.

Date: DECEMBER 31, 2023