

SUPREME COURT OF THE UNITED STATES

Docket No. 23-6678

IN RE TINA Lynne WAGONER

Motion on Leave to File Reargument
On Writ of Mandamus

State Of New York
Atty. General's Office
Letitia James, Esq.
Department of Law
State Capitol
Albany, N.Y. 12224-0341
Respondent

Tina Lynne Wagoner
ACF-1660694
3545 State School Road
Albion, N.Y. 14411-9399
Petitioner, Pro Se or
att'y-in-fact - POA appended;
NYS DOCKETS Legal Certificate # 120-009-17
issued November 17, 2017

QUESTIONS PRESENTED

1. * Based on the appended records: June 17, 2021 Decision and Order, Appellate Division 4th Judicial Dept. - verses - Cattaraugus County "Jail Time Certificate" signed by Sgt. Grange; and Cattaraugus County Trx. June 15, 2016, pp. 44-45 - verses - October 30, 2020 Brief for Respondent and Indictment 15-018 Instrument.

1. Whether this Court will compel the intermediate appellate court to recognize its court-created, obvious and indisputable "erroneous factual findings"¹ and correct the plain errors adverse affect on the substantial rights of defendant; and
2. Whether this Court will compel the intermediate appellate court to unspoliate and include the bottom-line diagnostics from the medical specialists testimony on such evidence in direct damage to state's case; and recognize that excluding such damaging information from its weight of the evidence review was a miscarriage of justice; and whether to
3. Compell the prosecutor to recognize and admit that the decision to charge multiple-counts of sexual abuse and/or multiple-counts of sexual intercourse related charges against multiple-defendants was not only a "misapplication of a properly stated rule of law"¹ but was not justified by legal sufficiency or weight of evidence would be in the best interest of preserving the public reputation of judicial proceedings; and
4. Whether this Court will require the attorney general to recognize her fiduciary duty to participate in this motion on leave by responding to the questions presented herein and in response to the questions raised in the writ of Error Coram Nobis appendages?

Supreme Court of the United States
Office of the Clerk, Scott S. Harris
Washington, DC 20543-0001

Re: In Re Tina Lynne Wagner
Motion on leave No. 23-6678

Date: June 13, 2024

Chief Justice John Roberts:

The aggrieved party herein makes motion for leave to appeal on Writ of Mandamus, so sought under the original jurisdiction of this Court which shall extend to all cases in law and equity, arising under this United States const. art. III, whereupon neither timely nor adequate remedy at law or replevin is found under the New York State court system, but for the absence of democratic mark in traditional orderly proceedings requiring appearance and participation in practice in the two-party adversarial process, the necessity of this Court's intervention would not be required.

Moving parties have a reasonable expectation of some sort of equitable relief ~~from~~^{from} injury, whether civil or criminal, whether by complaint or accusatory instrument filed and given a return date; the reasonable expectation

From the court is that the duty and obligation of respondent or defendant will be met by appearing in person or by service of answer or objection by the given return date; or suffer the consequence of contempt, whether default judgments in civil actions or a warrant of arrest, an equital remedy or relief from injury is at minimum the functional purpose of a court of law. Except in New York State, unless either its agency or its court officer ~~initiates~~ initiates the action itself, the district officers of the court feel no duty or obligation to respond, to appear or to participate, in a proceeding by answer or objection by the return day; they have no fear of consequence, no expectation of adverse judgments, and in the case involving a district policy-maker there is no expectation of obligation to accept responsibility or accountability for the affects or results from such decisions.

Left unchallenged, the complexion of affects from district policy-making has emerged as an all consuming appetite to exercise control over the capacity from which other legal professionals function or practice in court. The lowly "advocate" of the People — working and arguing in support of the Legislative bodies' cause — statutes — by way of that branch's policy intentions — acting in defense on penal law violations: before an unbraced court whose decisions were based upon legislative policy is now, decades later, the advocate who wears many hats: hearsh,

has through the avenue as administrator usurped and assumed the roles, so as to exert exclusive control over court proceedings through policy making decisions, and is recognized as top judge, chief law enforcement officer, and law maker with extended reach over the "adversaries" professional capacity to reasonably function, but for lack of accountability redress will likely remain unaddressed. A place where neither a timely or adequate remedy at law or replevin is found in sham proceedings, bolstered by the appearance of issue duly placed under process in New York State.

The intimate relationship between the affected practice and policy decisions is prominently displayed through the writ of error coram nobis proceeding: A proceeding in which the "Hon." advocate of the People is called to defend the practice of his or her adversary during the "defendants" appeal as "a right." Or, more to the point, called to defend stipulations which may have prevented such diligence as a reasonable person under the same circumstances might practice in connection with the performance of ^{his or her} professional or fiduciary duty, but for district policy reach into the intermediate appellate court process to the disruption of traditionally ordered proceedings to the point of contempt and resulting prejudice shown to deprive the aggrieved from enjoying meaningful access to the court, from enjoying equitable relief from the deprivation

of a wide-range of liberty interests. Including the wide-spread public interest in the fairness, integrity, and public reputation of judicial proceedings and the knowledge that attorney general has standing as a representative of the public interest in the general welfare and rights of the public that are to be recognized, protected, and advanced, as a stakeholder in a specific public benefit as much as the public interest in controlling crime. Such is the executive department's department of law and its district advocates duty in the main.

Whereupon the question arising under this United States const. art III is whether under equity this Court will intervene to place restraint against policy decisions which affront the rule of law and abridge the rights of other advocates and court officers participating in practice in the adversarial arena, so as to prevent such and other from recognizing and acting against manifest error - an error that is obvious and indisputable and that warrants reversal on appeal, or a plain error - an obvious and prejudicial error that affects the substantial rights of the parties and that results or probably results in a miscarriage of justice?

Such a plain error which warrants reversal on appeal even in the absence of objection to the

at trial is equitable on the grounds of the absence of counsel's practice of interlocutory appeal made on the material substance or interest produced from having a single hearing, or other such movements which may bear fruit to exonerate or prove clean hands of an innocent party. The burden of proof or production or persuasion is of equitable interest held by one falsely accused, as is the reasonable expectation from counsel to participate or make movements in any given proceeding to advocate for fundamental rights, whether ^{criminal} civil or property interests are at stake.

In this example, and over the course of directly related actions, the marked absence of participation of counsel's movements d/b/o his client in Family court is a glaring indictment against the right to have the "benefit" of counsel in the State-initiated proceedings. This was followed closely by the minimum of mechanical movements, more a matter of form rather than substance. Then in the intermediate appellate court, pattern of practice bore on prejudice, tending more toward injuring or impairing affected rights from trial court conduct than bringing important substance at issue to the court's attention, or brought a substantial issue to light in an ~~ineffective~~ manner by presenting what should have

been argued as prosecution's failure of substantial compliance to standard of proof or the legal concept of the burden of proof encompassing both the burdens of statutory production and lawful articles of persuasion. Instead issue was argued as a timeliness issue and a matter of proceeding on bald, self-serving statements which warranted full vetting.

Possibly, a court concerned with equity rather than infected with policy may have given this issue due consideration, but for the fact the court itself created a manifest error embodied within its published decision and below the surface it spoliated evidence which caused direct damage to the prosecutor's case, evidence which she presented and entered in the appeal proceeding boldly bearing the mark of tampering.

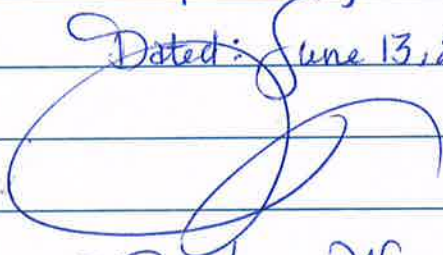
Possibly, the right to counsel in all equity would have brought such errors to attention of the State Court of Appeals on application, but for bad policy conducive to legal malpractice.

Perhaps the spirit of the time is calling on this Court to defend the embodiment of the institution of democracy, to defend its Constitution and the rights and privileges of its officers and advocates placed under process and constraint of capacity to enjoy protected liberty interests adversely affected from

policy decisions or ministerial acts which reach beyond legal and especially statutory mandate without exercise common sense or reasoning. From the Administrative Procedures Act (1946), but for the object of exercising universal jurisdiction to the abolishment of all democratic principles, all freedoms, all rights and all liberty interests including those most fundamental to every-day life.

Respectfully Submitted.

Dated: June 13, 2024



Tina Lynne Wagoner - ACF-16G0694

3595 State School Road

Albion, N.Y. 14411-9399

**Additional material
from this filing is
available in the
Clerk's Office.**