

23-7259

IN THE SUPREME COURT OF THE UNITED STATES

In re: Quelyory A. Rigal,  
In Propria Persona, Petitioner

ON PETITION FOR WRIT OF HABEAS CORPUS TO  
ELEVENTH CIRCUIT COURT OF APPEALS (0:12-cr-60088-WPD, 13-14841-A USCA, 17-13068-CC, 17-  
CV-61953-WJZ, 19-13219-K USCA, 24-CV-60130-DIMITROULEAS)

PETITION FOR WRIT OF HABEAS CORPUS

QUELYORY A. RIGAL – PETITIONER

Vs.

UNITED STATES OF AMERICA – RESPONDENT

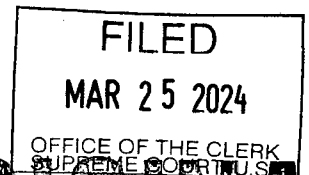
In Care of:

12295 Southwest 151<sup>st</sup> Street; Unit E-302, Miami,  
Florida Real Land [33186]

305-771-2244

Phone Number

In Propria Persona Proceeding in Sui Juris capacity



ORIGINAL

ISSUES PRESENTED FOR REVIEW

**Whether newly discovered evidence, which directly undermines the reliability of the petitioner's conviction and establishes a plausible claim of factual innocence, meets the materiality threshold necessary to satisfy the demands of the Due Process Clause of the United States Constitution, where the evidence creates a substantial likelihood that no reasonable juror, acting fairly, would have convicted the petitioner in light of the totality of the evidence?**

## LIST OF PARTIES AND CORPORATE DISCLOSURE STATEMENT

The parties are:

Quelyory A. Rigal;  
UNITED STATES OF AMERICA;  
UNITED STATES DEPARTMENT OF JUSTICE;  
UNITED STATES ATTORNEY'S OFFICE;  
FEDERAL BUREAU OF PRISONS;  
INTERNAL REVENUE SERVICE;  
UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT;  
UNITED STATES PROBATION OFFICE;  
Albin Calixte, Probation Officer;  
Joslyn Wilkerson, Acting Chief U.S. Probation;  
Merrick B. Garland, United States Attorney General.  
Allen, Wilfredo Oscar, Esq.  
Caruso, Michael, Federal Public Defender  
Contrywide Home loans, Inc. Acquired by Bank of America (BAC)  
Dimitrouleas, Hon. William O., United States District Judge  
Fannie Mae Loan servicing (FNMA)  
Federal Deposit Insurance Corporation (FDIC)  
Fernandez, Luis, Esp.  
Ferrer, Wifredo A. Former United States Attorney  
Freddie Mac Loan Services (FMCC)  
Gailey, James Robert, Esq.  
Golembe, Stephen J., Esq.  
Greenberg, Benjamin G., Former United States Attorney  
Gregorie, Richard, Assistant United States Attorney  
Hunt, Hon. Patrick M., United States Magistrate Judge  
Kefalinas, Julia, Esq.  
Klugh, Ricahrd Carrooll, Jr, Esq.  
Kreiss, Jason Wyatt, Esq.  
Lanigan Thomas, Assistant United States Attorney  
Lopez, Bernardo, Assistant Federal Public defender  
Lopez-Romo, Francisco Miguel, Esq.  
Onore, Todd Alan, Esq.  
O'Sullivan, Hon. John J., United States Magistrate Judge  
Petruzzi, Paul Domenic, Esq.  
Recoba Raul C., Esq.  
Rodriguez, Hugo A., Esq.  
Rosenbaun, Hon. Robin S., United States Magistrate Judge  
Seltzer, Hon. Barry Seltzer, United States Magistrate Judge  
Smachetti, Emily M., Assistant United States Attorney  
Smith, Michael Gary, Esq. Snow, Hon. Lurana S., United States Magistrate Judge  
Solicitor General of the United  
Trachman, Robert H., Esq.  
Trivedi, Erick, Esq.  
United States of America, Plaintiff  
White, Hon. Patrick A., United States Magistrate Judge  
Williams, Hon. Kathleen M., United States District Judge  
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1. Case No: 0:12-cr-60088-WPD *United States v. QUELYORY A. RIGAL*, Entry of Judgment: October 15, 2013. District Court Southern District of Florida.
2. Case No: 13-14841-A USCA *QUELYORY A. RIGAL v. UNITED STATES*, Entry of Judgment: February 3<sup>rd</sup> 2016. Eleventh Circuit Appeal Court.
3. Case No. 17-CV-61953-WJZ *QUELYORY A. RIGAL v. UNITED STATES*, Entry of Judgment: August 13, 2019. District Court Southern District of Florida.
4. Case No: 17-13068-CC *QUELYORY A. RIGAL v. UNITED STATES*, Entry of Judgment: August 30, 2018. Eleventh Circuit Appeal Court.
5. Case No: 19-13219-K USCA *QUELYORY A. RIGAL v. UNITED STATES*, Entry of Judgment: December 27, 2019. Eleventh Circuit Appeal Court.
6. Case No. 22-60180-CV-DIMITROULEAS *QUELYORY A. RIGAL v. UNITED STATES*, Entry of Judgment: January 28, 2022. District Court Southern District of Florida.
7. Case No. 24-60130-CV-DIMITROULEAS *QUELYORY A. RIGAL v. UNITED STATES*, Entry of Judgment: March 21, 2024. District Court Southern District of Florida.

## PROCEDURES AND ORDERS BELOW

1. Following sentencing, retained counsel moved for leave to allow Ms. Rigal to appeal in forms pauperis and to have appellate counsel appointed Mr. Richard Klugh to represent her. The court granted the motion and appointed Mr. Richard Klugh to represent her in the appeal. Filed an appeal to the Eleventh Circuit Court Case No. 13-14841-A USCA on November 15, 2015. Ms. Rigal's conviction and sentence were affirmed on appeal. The Entry of Judgment for this Appeal was on February 3<sup>rd</sup>, 2016.
2. On April 25, 2016, Ms. Rigal filed a motion for a new trial by and through counsel Richard Klugh. The motion was based on newly discovered evidence demonstrating the Government's violation of Brady v. Maryland, 373 U.S. 83 (1963) and Giglio v. United States, 405 U.S. 150 (1972). Following an evidentiary hearing, the District Court denied the motion for a new trial.
3. On July 16, 2018, Ms. Rigal appealed Eleventh Circuit of Appeal case Number 17-13068-CC, and on appeal, the court of appeals affirmed the denial. The Entry of Judgment for this Appeal was on August 30, 2018.
4. On October 3, 2017, Ms. Rigal, through counsel, filed a motion pursuant to 28 U.S.C 2255, Case No. 17-CV-61953-WJZ, raising the following grounds for relief: 1.) ineffective assistance of sentencing and appellate counsel in failing to resolve factual inadequacies in the Government's loss calculation for sentencing. 2.) Failure to disclose material exculpatory evidence in violation of Brady and Giglio. Counsel for both parties filed a joint status report. The status report included a stipulated resolution to the 28 U.S.C 2255 motion. Specifically, as to issue one raised in the 28 U.S.C 2255 motion, the parties stipulated that a proper calculation of loss at the time of Ms. Rigal's initial sentencing would have brought the total amount of sentencing below the \$ 7 million thresholds under U.S.S.G 2B1.1 (b)(1)(K) of the sentencing guidelines applicable at the time of her initial sentencing. As to issue two, the parties stipulated that Ms. Rigal agreed to withdraw that issue.
5. Based on the parties stipulation, the Magistrate Judge issued a report and recommendations. Specifically, the Magistrate Judge recommends that Ms. Rigal's 28 U.S.C 2255 motion be Granted as to issue one that she should be resentenced with the advisory range of 135 to 168 months. As to issue two, the Magistrate Judge recommended that the motion be denied with prejudice.



Judge Zloch adopted the report and recommendations of the Magistrate Judge and ordered that Ms. Rigal's sentence 'will be vacated, and the court will resentence Ms. Rigal to a term of imprisonment, considering the correct sentencing range based on the correct calculation of her loss amount.

6. On July 1, 2019, Judge Zloch issued an order of recusal, and the matter was reassigned to a different district court judge for resentencing. The parties agreed that Ms. Rigal would be resentedenced with the new advisory range. Before sentencing counsel, Ms. Rigal filed a sentencing memorandum and a request for a downward variance. The Government filed an opposition to the request. At the sentencing, Judge William P. Dimitrouleas denied the request for a downward variance and sentenced Ms. Rigal to 156-months of terms of imprisonment. The Entry of Judgment for this resentence was on August 13, 2019.

7. On December 27, 2019, Ms. Rigal's counsel appealed the resentence disparity to the Eleventh Court of Appeals 19-13219-K USCA. The Entry of Judgment for this Appeal was on April 13, 2020.

8. In March 2020, The Cares Act qualified to Ms. Rigal for home confinement, where she was with excellent conduct. On August 17<sup>th</sup>, 2020, Ms. Rigal filed to the District Court C.D.FL. # 0:12-cr-60088-WPD an Emergency Motion for Reduction in Term of Imprisonment under 18 U.S.C 3585 (C)(1)(a)(1) Amended by The First Step Act. On August 21, 2020, the Judge dismissed and alternatively denied the motion using disrespectful language, calling her “rat” or “mouse.”

9. On January 25, 2022 Petitioner filed 28 U.S.C. § 2241 Petition C.D. FL Case No. 22-cv-60180-CV-DIMITROULEAS on January 25, 2022. The Entry of Judgment for this § 2241 Appeal was on January 28, 2022.

10. On January 23, 2024 Petitioner filed 28 U.S.C. § 2255 Petition based on newly discovered evidence, C.D. FL Case No. 24-cv-60130-CV-DIMITROULEAS on March 22, 2024 was denied. The Entry of Judgment for this § 2255 motion was on March 22, 2024.

## REASONS FOR NOT MAKING APPLICATION TO THE DISTRICT AND/OR CIRCUIT COURT

Petitioner decides not to make further applications to the district or circuit court after facing several denials of a 28 U.S.C. § 2255 motion and appeals. Here are solid and reliable reasons why the petitioner seeks help in this honorable Supreme Court:

- 1.- Relative to the issues presented in this Petition, the foregoing proceedings in the District Court and Circuit Court have shown to be inadequate and ineffective for providing an expeditious habeas corpus remedy as intended by Congress. See *United States v. Hayman*, 342 U.S. 205, at 206-207 (1952) - Congress enacted § 2255 in 1948 as an alternative to the § 2241 writ of habeas corpus. The remedy is intended to be as broad as habeas corpus and “provide an **expeditious remedy** for correcting erroneous sentences without resort to habeas corpus.” *Id.* at 218. The “Savings Clause” provision (§ 2255(e)) allows federal courts to grant writs of habeas corpus to federal prisoners pursuant to § 2241 when § 2255 is inadequate or ineffective to test the legality of detention. See 28 U.S.C. § 2255. See *Hayman*, at 209-210, 219, 223 – when § 2255 procedure is inadequate and ineffective, it precludes resort to habeas corpus and amounts to an unconstitutional “suspension” of the writ of habeas corpus. See *Hernandez v. Campbell*, 204 F.3d 861, at 864-865 (9<sup>th</sup> Cir. 2000).
- 2.- Exhaustion of her Remedies: The petitioner has exhausted all available remedies in the district and circuit courts; further applications to those courts are futile. Under legal exhaustion principles, a petitioner must present all available claims in their initial 28 U.S.C. § 2255 motion and on direct appeal. Once all avenues of relief within the trial and appellate courts have been pursued and denied, there may be no legal basis or procedural mechanism for the petitioner to bring additional claims before those courts. In such cases, seeking relief through alternative avenues, such as habeas corpus under 28 U.S.C. § 2241 or other collateral remedies, might be more appropriate. This is why the petitioner has no reason to apply to those courts and is appealing to this honorable Supreme Court.
- 3.- Change in Circumstances: If circumstances have changed significantly since the denial of the § 2255 motion and appeals, it may warrant pursuing alternative avenues of relief rather than returning to the district or circuit court with the same claims. In this particular case, newly discovered material evidence has come to light that was not available at the time of the original trial, 28 U.S.C. § 2255 motion, and appeals.

All evidence and arguments were presented to the district court on January 23rd, 2024, but they were denied and not considered under the common sense of the law. That is why the petitioner seeks relief through a different avenue, such as a habeas corpus petition under 28 U.S.C § 2241 motion based on the materiality of this new evidence.

4.- In accordance with 28 U.S.C. §§ 2241, 2242, 2255, Petitioner has made application to the district and circuit court of the district and circuit in which the Petitioner is held. See Case No: 0:12-cr-60088-WPD, Case No. 17-CV-61953-WJZ, and Case No. 22-cv-60180-CV-DIMITROULEAS, Eleventh Circuit Appeal 0:12-cr-60088-WPD, 13-14841-A USCA, 17-13068-CC, 19-13219-K USCA, 24-CV-60130-DIMITROULEAS.

## JURISDICTION

1. The Supreme Court possesses inherent supervisory authority over the federal court system to ensure the uniform application and interpretation of federal law. This supervisory authority encompasses the power to grant certiorari to correct errors of exceptional importance or to address issues of national significance that impact the administration of justice. In this case, the petitioner submitted and presented to the district court material and exculpatory newly discovered evidence relevant to her case that was ignored and denied without pondering the seriousness of the case and the relevance to the constitutional principles.

The lower court's decision raises substantial questions regarding the interpretation and application of federal law and constitutional principles that have far-reaching implications beyond the immediate parties involved.

Moreover, the decision conflicts with established precedent of this court and creates a circuit split, thus warranting this Supreme Court's review to resolve conflicts and promote consistency in the interpretation of federal law.

Furthermore, the issues presented in this case are of exceptional importance to the federal court system and the administration of justice. The resolution of these issues by this Honorable Supreme Court is necessary to provide guidance to lower courts and ensure the proper and uniform application of federal law nationwide.

Granting certiorari in this case would not only serve the interests of justice for the parties involved but also promote the overarching principles of fairness, consistency, and uniformity in the federal court system. Therefore, this court should exercise its supervisory authority and grant certiorari to review the decision presented here.

2. The habeas corpus jurisdiction of the Supreme Court is pursuant to 28 U.S.C. §§ 2241, 2255. Also, Original jurisdiction is pursuant to the Constitution Article III, Section 2, Clause 1; 28 U.S.C. § 1251; Judiciary Act of 1789; and Supreme Court Rule (S. Ct. R.) 17. Moreover, the Supreme Court has jurisdiction pursuant to Federal Rules of Appellate Procedure (Fed. R. App. P.) 23(b), (d), and S. Ct. R. 36.3(a), 36.4.

3. This Petition For Habeas Corpus is in aid of the Supreme Court's appellate jurisdiction, which includes the Supreme Court's exercise of its general supervisory control over the federal court system. See *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 147 (1803) – the term “' appellate jurisdiction' is to be taken in its larger sense and implies in its nature the right of superintending the inferior tribunals.” See *Connor v. Coleman*, 440 U.S. 612, 624 (1979) – when a lower federal court refuses to give effect to or misconstrues the mandate of the Supreme Court, its action may be controlled by the Supreme Court.

## STATEMENT OF THE CASE

### **SUPPORTING FACTS ON GROUNDS WARRANTING RELIEF**

Movant Quelyory Rigal (hereinafter "Rigal"), acting pro-se, respectfully submits this writ of certiorari under 28 U.S.C. 2241 based on materiality of newly discovered evidence and the due process clause of the Fifth Amendment and her request for further states: In the history of justice, few cases possess the gravity and significance of the one before this Honorable Court. At its heart lies a pivotal question of constitutional interpretation that reverberates far beyond the confines of the parties involved, touching upon the very essence of our nation's founding principles. This case presents an extraordinary opportunity for this Court to address a pressing issue of national importance and to provide clarity on a matter of profound constitutional significance. The petitioner asks for this honorable court intervention to clarify the materiality of newly discovered evidence that satisfies factual innocence in federal procedures.

1. Protecting the petitioner's constitutional rights, particularly the right to due process under the Fifth and Fourteenth Amendments of the United States Constitution, is fundamental. All the presented newly discovered evidence in the district court meets the common sense criteria to demonstrate that petitioner was an innocent woman wrongfully accused of conspiracy, where the prosecutor (government) did not prove nor offer direct evidence that she knew the unlawful purpose of the "conspiracy" and that she knowingly and willfully joined it. No witness testified in her case that she joined the conspiracy knowingly and willfully, and there is no record of these two elements.

What is worse, the government purportedly hid material exculpatory evidence, in violation of Brady material, negotiated sentence reduction, and created other federal cases with the mastermind and principal criminal of the case, Juan Carlos Sanchez, in exchange for keeping the only person who did not plead guilty incarcerated because she executes her right to take the case to a trial. Petitioner presented the material newly discovered evidence to the district court showing that her statement and factual innocence were demonstrated as her attorneys presented in previous motions and appeals. The district court denied the 28 U.S.C. 2255 on the grounds of "no materiality," "procedural default standard," "untimely," and "nothing new for the court."

Such exculpatory material newly discovered evidence meets all the Constitutional and common-sense law standards and demonstrates that the factual innocence, in this case, is satisfied. The newly discovered evidence directly implicates the fairness and integrity of the petitioner's conviction, making it imperative for this Supreme Court to uphold constitutional rights.

2. Failure to consider the materiality of this newly discovered evidence would result in a manifest injustice. The attached evidence, the public criminal confession of Juan Carlos Sanchez, the mastermind, owner, and teacher of the only real estate and mortgage broker school where petitioner assisted and worked, demonstrates a fundamental miscarriage of justice, as it suggests that the petitioner is innocent of the crime for which she was convicted. It's crucial to prevent petitioners from continuing to be accused of wrongful convictions and uphold the criminal justice system's integrity.

3. Granting certiorari to review the materiality of the newly discovered evidence would promote judicial integrity and public confidence in the legal system. Verdicts must be based on reliable evidence and fair proceedings, as it fosters trust in the judiciary and maintains the rule of law. In this case, the verdicts were based on a manipulated six week trial full of circumstantial and manipulated evidence that was not directly related to petitioner but other "similar cases." What is worse, the prosecutor/ government negotiated and hid the testimony of the mastermind, Juan Carlos Sanchez, in exchange for sentence reduction. All to obtain the conviction of an innocent person who decided to take the case to trial, trusting in the fairness of the judicial system.

### **Procedural history**

The indictment charged Rigal, and seven co-defendants with conspiracy to commit wire fraud and mail fraud in violation of 18 USC 1341, 1343, and 1349 [Document 3] (count 1). The indictment also charged Rigal with wire fraud in violation of 18 USC 1343 (counts 2, 5, and 11) and mail fraud in violation of 18 USC 1341 (count 12) [Document 3].

The jury, after a six-week trial, convicted Rigal on all counts. [Document 362], the court imposed a sentence of 200 months, followed by a three-year supervised release [Document 413].

The court ordered restitution, joint and several with Juan Carlos Sanchez, in the amount of \$7,104,473.32 [Document 443].

Rigal appeal, her conviction and sentence, and the 11th Circuit affirmed the judgment below. *United States v. Rigal*, 632 Fed. Appx. 608 (11th. Cir. February 3, 2016). Rigal filed a petition for panel rehearing, which was denied on April 20, 2016. Rigal filed a petition for a writ of certiorari in the United States Supreme Court, which was denied on October 3, 2016. Rigal found new evidence on December 25<sup>th</sup>, 2023; this motion for relief under 28 USC 2255 is therefore timely filed.

On April 25, 2016, Rigal filed a motion for a new trial pursuant to Fed. R. Crim. P. 33 and *Brady v. Maryland*, 373 US 83, 83 S. Ct, 1194 (1963). (Document 495:1). In her motion, Rigal claimed that during her trial, the government was aware that Juan Carlos Sanchez had been involved in a major international drug trafficking and money laundering conspiracy that related to his organizing the mortgage fraud for which Rigal was implicated in the indictment. (Document 495) Rigal stated that the prosecution "hid Sanchez's actual status, the vast scope of his criminal activities, and his cooperation with the government, impeding the defense from learning and presenting crucial information that would have significantly supported Rigal's theory of defense at trial." (Document 495:2). Rigal explained that her defense was that she was "a novice in real estate matters." (Document 495:2). As a result, for the real estate transactions that gave rise to the offenses charge and the indictment, she has been "relying on what she was taught in courses by Sanchez, who run real estate schools and was, by all counts, reputed to be successful and knowledgeable in the field." (Document 495:2-3). Had the prosecution disclosed Sanchez activities, Rigal's defense "would have been immeasurably enhanced." (Document 495:3). Rigal added: "By depriving the defense of this critical information, the defense was left in the dark as to key evidence that would have sustained rigorous case that... The alleged conspiracy was not one of equals in the real estate business, but that, in truth, Sanchez served as the criminal mastermind who manipulated both [co-defendant Edward] Mena and Rigal." (Document 495:3). The Magistrate judge held an evidentiary hearing on two separate days regarding Rigal's motion for a new trial. (Document 526; Document 532).

During the evidentiary hearing, the Magistrate Judge reviewed *in camera* government documents related to Sanchez. (Document 532:13). The Magistrate Judge determined that the materials did not qualify as *Brady* materials and were not to be disclosed to Rigal. (Document 532:13).

At the conclusion of the hearing, the Magistrate Judge issued a report and recommendation, recommending the denial of Rigal's motion for a new trial. (Document 533). Among other findings, the report concludes that "even if the evidence would likely have produced an acquittal, the undersigned finds that the evidence could have been discovered... prior to trial. Although [Rigal's trial counsel] testified that he was actually unaware of the evidence, [counsel for Sanchez] provided [Rigal's trial counsel] with multiple opportunities to interview Sanchez in persona," but no interview was conducted. (Document 533:12). With regard to a sentencing error in the calculation of loss attributed to Rigal, the report concluded, *inter alia*, that "Rigal previously had the opportunity to review and challenge the evidence used to calculate loss, but did not, in... failed to present a specific proof of error on appeal." (document 533:14). Rigal filed written objections to the report and recommendation. (document 534). The court overruled Rigal's objections in adopting the report and recommendation. (Document 540). Rigal's appeal from Rule 33 was denied.

### **Factual background**

Rigal's prosecution arose out of several real estate transactions in 2007, focusing on the Marina Oaks condominium complex in Fort Lauderdale, Florida. (Document 3:8- 9). Rigal was charged with fraud, along with seven co-defendants, one of whom was Juan Carlos Sanchez, under whom she had studied to learn the real estate business. (Document 495:3). Before Rigal's trial, Sanchez had pled guilty and had been sentenced to 180 months. (Document 526:16). All the defendants pleaded guilty except Quelyory Rigal.

In advance of Rigal's trial, Sanchez was listed as a potential witness on the prosecution's witness list. (Document 526:48). However, the prosecution did not call Sanchez as a witness at Rigal's trial. (Document 526:16). Sanchez eventually did become a major prosecution witness in another federal criminal case in the Southern District of Florida, *United States v. McTurk*, N° 13-20930- C.R. (Document 495:2 n. 1; Document 495:5).



The government learned of those matters on approximately March 14, 2013, but did not begin to interview Sanchez regarding the McTurk case until April 9th, 2013, more than two weeks before the conclusion of Rigal's trial on April 24, 2013. (Document 526:99). Rigal learns of Sanchez's role in the McTurk case only after her sentencing and the filing of brief in her appeal. (Document 495:5; Document 526:23). (Rigal's trial counsel has no awareness that Sanchez had become a witness and cooperating source for the government); (Document 526:30) (Rigal's trial counsel had "absolutely" no awareness of the extent of Sanchez's criminal activities, other than his involvement in the charge against Rigal).

Had Rigal's trial counsel known about Sanchez's involvement in large-scale criminal activities, the trial counsel would have been able to request financial information pertaining to Sanchez. (Document 526:35). He would have hired a forensic accountant who would have been able to explain to the jury all the financial crimes that Sanchez was part of and how they helped to explain who was involved in various aspects of the fraud. (Document 526: 35- 36).

Trial counsel added: "I think that that will have had a substantial effect on the way that the jury would have perceived the government's case. And I really think that I would have driven the point in the entire cause case was a **confabulation of the government**." (Document 526: 36). Trial counsel explained:

*My case has taken a totally different preparation. The order of my questions would have been different. I would have made sure that... every government witness who had been asked about the knowledge of Juan Carlos Sanchez in money laundering scheme, I would have had plenty of opportunities to use those facts in a way that would have fashioned the defense for Miss Rigal in entirely different fashion.*

*That was an atomic bomb. I was never made aware of that tool. Had I known it I would have prepared my trial in a totally different way. (Document 526:40) (emphasis added).*

Had he known about Sanchez, trial counsel would have advised Rigal to testify at trial in her defense. (Document 526:40).

### **Procedural Background and Newly Discovered Evidence.**

Due to the recent district court denial, petitioner begs this honorable Supreme Court to revise this case under the light of its supervisory faculties.

The evidence that meets the materiality requirement for newly discovered evidence, satisfying the factual innocence standard, should possess several key characteristics; in this particular case, the newly discovered evidence meets all the above stated standards:

1. **Relevance to the Crime:** The presented evidence is directly related to the crime for which the petitioner was convicted. All pertain to the elements of the offense and the circumstances surrounding the alleged criminal conduct.
2. **Substantiality:** The evidence presented is substantial and weighty, not trivial or insignificant. It can potentially impact the outcome of this case significantly and cast doubt on the petitioner's guilt.
3. **Credibility and Reliability:** This evidence is credible and reliable. It comes from trustworthy sources and is supported by corroborating evidence and documentation that can be verified as credible and reliable.
4. **Exculpatory Nature:** This evidence exonerates the petitioner and undermines the prosecution's case against her. It creates doubt about the petitioner's guilt and supports a plausible claim of her innocence.
5. **Consistency with Other Evidence:** The evidence is persuasive because it is consistent with other evidence and facts presented in this case when Attorney Richard Klug requested the second trial under Rule 33.
6. **Independence from Previously Presented Evidence:** This newly discovered evidence is independent of evidence presented at trial and in previous proceedings. It does not simply rehash or repackage evidence stated by district judge Dimitrouleas that was known or available at the time of trial. This evidence was recently discovered, as explained in this document.
7. **Impact on the Totality of the Evidence:** Considered alongside the totality of the evidence, this newly discovered evidence significantly alters the overall picture of this case. It creates a substantial likelihood that no reasonable juror would have convicted the petitioner in light of this new evidence is evidence presented at trial.

All these criteria demonstrate the materiality of this newly discovered evidence and its potential to satisfy the factual innocence standard, thereby warranting reconsideration of the petitioner's conviction or sentence through federal habeas corpus review.

Regarding meeting the standards of actual innocence and gateway actual innocence, the concepts of "actual innocence" and "gateway actual innocence" are both relevant to this habeas corpus petition based on this newly discovered evidence. Here's a breakdown of the criteria satisfying the actual innocence standard and the gateway actual innocence standard in arguments based on this newly discovered evidence:

#### 1. Regarding Actual Innocence Standard:

**Definition:** Actual innocence refers to demonstrating, with newly discovered evidence, that the petitioner is factually innocent of the crime for which she was convicted. It requires presenting evidence that would establish that no reasonable juror would have found the petitioner guilty beyond a reasonable doubt. It's so evident that the presented evidence meets this standard.

**Threshold:** To satisfy the actual innocence standard, the petitioner must demonstrate a high probability that she did not commit the crime for which they were convicted. The evidence must directly undermine the conviction and provide a credible alternative explanation of innocence. The reason for her innocence is stated and satisfied in the presented document.

**Effect:** Meeting the actual innocence standard can entitle the petitioner to habeas corpus relief, even if procedural bars would normally prevent such relief. It allows the court to consider the merits of the petitioner's underlying constitutional claims in light of the newfound evidence of innocence. This element is also supported in this case.

#### 2. Regarding Gateway Actual Innocence Standard (Schlup standard):

**Definition:** The gateway actual innocence standard serves as a procedural mechanism to overcome barriers to federal habeas corpus review, such as procedural default or untimeliness, based on a showing of actual innocence. It allows petitioners to present new evidence that undermines confidence in the reliability of their convictions. The petitioner satisfied this standard, which can be considered in her case.

Threshold: To satisfy the gateway actual innocence standard, the petitioner must present new evidence that, when considered alongside the existing evidence of guilt, raises sufficient doubt about the petitioner's guilt to meet the actual innocence standard. This means showing that it is more likely than not that no reasonable juror would have convicted the petitioner in light of the new evidence. Also, this standard is satisfied in this case and must be considered.

Effect: Meeting the gateway actual innocence standard permits the court to consider the petitioner's constitutional claims on the merits despite procedural barriers that would otherwise preclude review. It acts as a "gateway" through which the court can assess the petitioner's claims of innocence and the fairness of their conviction or sentence.

In summary, both standards are met and demonstrate petitioner's actual innocence based on her newly discovered evidence; the actual innocence standard focuses on the substantive innocence of petitioner, while the gateway actual innocence standard serves as a procedural mechanism to overcome procedural bars to federal habeas corpus review. Both standards were satisfied in this case.

Relevant to issues presented at trial, material newly discovered evidence, dozens of videos, and Juan Carlos Sanchez's seminar material promotions, all connected to the key elements of this case that could have influenced the jury's decision had it been available during the original trial, were found for the first time on December 25, 2023, by the petitioner's family's friend visiting for Christmas in Miami, Florida, United States. He met someone who commented at a social dinner that he attended a seminar made by a Venezuelan man who taught in an immoral, impudent, boastful, and mocking manner how he scammed \$39,000,000.00 in real estate fraud from the U.S. government, his students, and victims and how he used his talent to manipulate the system and other people. The "mentor" teaches how to become rich in the United States in only two days and how to make \$100,000.00 while drinking a smoothie. [See Exhibit A-1 and Exhibit I].

The person who attended the seminar told the petitioner's family friend how terrified he was in the seminar and felt that he was in danger.

The petitioner's family's friend commented that it sounded similar to a Venezuelan man who manipulated and involved in his scam scheme a young and innocent lady [petitioner Rigal] who was a family member of one of his friends and was unjustly accused and deprived of her freedom for almost 12 years.

The petitioner's family's friend asked for documents or evidence of the Venezuelan man's seminars and/or material. He provided most of the information, including the picture of Juan Carlos Sanchez's course manual, TikTok, and Instagram videos that the petitioner is presenting in this motion as material evidence relevant to this case that directly impacts the facts of this case as was presented by the prosecutor, Thomas Lanigan. All conversations and material provided occurred and were delivered in Spanish and translated by the petitioner using reliable software. All the material evidence in this motion is relevant to issues presented at trial and sentence, all connected to the key elements of this case that could have influenced the jury's decision had it been available during the original trial; these pieces of evidence show the first-hand public confession of the mastermind criminal, Juan Carlos Sanchez, who served as a central player in the alleged mortgage improprieties for which the petitioner was unjustly tied – is, in fact, part of the material evidence that the honorable and reputable attorney Richard Klugh persistently requested from the government/prosecution [Thomas Lanigan] and/or his team when he filed the motion for a new trial pursuant to Rule 33 of the Federal Rules of Criminal Procedures [Read Doc 495] and during years of seeking justice filing different appeals and objections and the court denied without further investigations. [Document 533]. In the petitioner's motion for a new trial [Doc 495], petitioner Rigal and Reputable attorney Richard Klugh alerted the court. ***Defendant Rigal is Entitled to a New Trial, Discovery, and an Evidentiary Hearing Based on a Newly Discovered Evidence that the Government Conceal the Availability of the Key Witness in Government's Control of the Key Witness Whose Testimony Would Have Supported the Defense Theory and Undermined the Prosecution's Case at Trial.*** The court denied, ignored, and blocked our seeking of justice and a fair defense supporting the highly secretive fashion of the government/prosecution who hid Sanchez's actual status, the vast scope of his criminal activities, and cooperation with the government, impeding the defense from learning and presenting crucial information that would have significantly supported petitioner's theory of defense at trial.

The theory and fact that the petitioner was only a low-level pots-and-pan seller, a victim student of Juan Carlos Sanchez's scam and fraudulent activities and teachings. *[Confessed by Juan Carlos Sanchez himself in the attached evidence Exhibit A-1, B, C, K]*. She was one of Juan Carlos Sanchez's students and a novice in real estate matters taught by Sanchez in his seminars, real estate and mortgage school, relying on what she was conducted in the classes, conferences, and seminars by Juan Carlos Sanchez, who ran real estate schools and was, by all accounts, reputed to be a successful and knowledgeable in the field *[as Sanchez stated in Exhibit 1-A: "I know the truth and the lie"]*— same practice that he still taught until today presented in the attached pieces of evidence *[Exhibit 1-A and 8-A]*, promising "change your entire life in United States and become rich in two days." On the contrary, Magistrate Judge stated in his report and recommendation:

***"Rigal's motion is essentially premised on a subjective belief that some favorable evidence may exist that was not disclosed by the Government in violation of Brady. Some would call this a "fishing expedition." ... Rigal Appears to have been fishing in an empty pond."*** [Document 533:9]. As per the present evidence, which is relevant to issues presented at trial, all connected to the key elements of this case that could have influenced the jury's decision had it been available during the original trial, it is evident that the court made a huge error in not investigating further or abused its discretion because, in this particular case, the "pond" wasn't empty as stated by the honorable Magistrate judge, but the "pond" was so full that has similitude to the famous underwater city named the Atlantis. The claim in Rigal's motion Rule 33 was not a ***"subjective belief"*** at all but extremally objective, factual, material, relevant to all issues presented at trial, all connected to the key element of this case, scientific, accurate, and very real, that could have influenced the jury's decision had it has been available during the trial, as Sanchez confesses his own objectivity. [Exhibit 1-A, 3-A, 6-A, B:48-51, 57-58 and K].

In support of this motion, the petitioner requests that this honorable court take into consideration the alert of reputable attorney Richard Klugh; in the petitioners' motion for a new trial, Rule 33 stated that remarkable new evidence disclosed for the first time and documents uncovered by him while working on another unrelated criminal case shows that Juan Carlos Sanchez, who served as a central player in the alleged mortgage improprieties for which petitioner was tied,

in fact, a confidential government source who was actively involved in a major international conspiracy involving Venezuela to protect international drug trafficking during the investigation and prosecution of petitioners case including through a vast network of money laundering, bribery, and extortion none wish was disclosed to the defense prior to or during the trial or sentencing proceedings. The prosecution never produced any statement by or about Sanchez, whom the government avoided calling as a witness and whose identity and activity were maintained by the government in a highly secretive fashion. The defense, which reasonably understood Sanchez's unavailability to be due simply to his status as a codefendant possessed of concomitant Fifth Amendment privilege, has no knowledge and no way of knowing of the extent of Sanchez's criminal activities, which encompassed bribery, extortion, money laundering, and drug trafficking, and provided a major incentive for Sanchez cooperation with the government. Had the prosecution fulfilled its obligation to disclose Sanchez's actual status activities and statement to the government, the credibility and impact of Mena's exculpatory testimony, the accompanying theory of defense present at trial, and the testimony of the forensic expert who worked for the F.B.I.'s cases analyzing signatures and handwritings, who proved in the trial with more than 100 analyzed documents that were not signed or wrote by Rigal, would have been immeasurably enhanced.

By depriving the defense of this critical information, the defense was left in the dark as to key evidence that would have sustained the petitioner's case that, contrary to the government, the alleged conspiracy was not one of equal in the real estate business, but that in truth, Sanchez served as the criminal mastermind who manipulate both Mena and the petitioner to engage in transactions for which Rigal was held culpable. Finally, we can prove today that Juan Carlos Sanchez himself publicly confessions his crimes and *modus operandi* in many media, such as TikTok, Instagram, and his own website, showing that Rigal was a victim of Sanchez's scam and manipulations. Sadly, today, Juan Carlos Sanchez continues doing the same, manipulating and misleading hundreds of thousands of vulnerable Latin people inside and outside of United States territory, more than half a million people attending his "online and live seminars," where he teaches the exact same practices he taught to Rigal. [See Exhibit 1-A, 2-A, 3-A, 4-A, 5-A, 8-A, B, E, F, G, I, K, N, O and P]. This material evidence would also have supported the petitioner's sentencing in substantiating the disparate nature of Rigal's and Sanchez's roles in the offense activities.

Critically, the government purposely, unethically, and improperly withheld disclosure of evidence that Sanchez's additional criminal activities were the driving engine for his fraud scheme in the instant case as well as the source of his need to drive up the revenue for the criminal scheme in the petitioner's case in order to keep at bay his antagonist in the criminal conspiracy in the Venezuelan matters, curiously present to a judge in another division different from where Rigal's case was opened. A strategy very planned by the prosecutor. In doing so, the government purposely, unethically, and improperly conceals from the defense and the jury the scope and nature of Sanchez's involvement, the context of the criminal activity, and the present case. The Eleventh Circuit has found such crucial limitation of the defense to warrant reversal. *See, e.g., United States v. Word*, 129 F.3d 1209 (11<sup>th</sup> Cir. 1997) (*abuse of discretion to exclude evidence of abusive relationship where government argued inference of defendant's knowledge from romantic relationship*); *United States v. Todd*, 108 F.3d 1329 (11<sup>th</sup> Cir. 1997) (*abuse of discretion to exclude evidence supporting good faith defense where government concealed good faith was viable defense*); *United States V. Sheffield*, 992 F. 2d 1164, 1170 (11<sup>th</sup> Cir. 1993) (*abuse of discretion to exclude explanation of context of offense supporting legitimate defense theory*); *United States v. Lankford*, 955 F.2d 1545, 1551 (11<sup>th</sup> Cir. 1992) (*abuse of discretion to exclude evidence of good faith defense to crime requiring specific intent*). The exclusion of the evidence prevented presentation of defense evidence to allow the jury to draw the opposite inference from the sought by the government, that petitioner Rigal did not act with the requisite fraudulent and criminal intent based on the entire activities and circumstances involved. Evaluating the petitioner's Rigal case without a complete understanding of the scope and pervasive power connection of the Juan Carlos Sanchez criminal network would be like trying to understand the acclaimed Breaking Bad television series without viewing seasons 2 through 4.

Rigal requests by the best interest of the United States Federal laws, this honorable court to vacate sentence and conviction and/or grant evidentiary hearing pursuant to 28 U.S.C. 2255 newly discovered evidence and the Due Process Clause of the United States Constitution Fifth Amendment based on newly discovered evidence showing movant innocence, being a victim of the criminal mastermind,



co-defendant Juan Carlos Sanchez who the government's suppression of defense favorable evidence in violation of the constitutional rules established in Brady v Maryland 373 U.S. 83 1963, all of which vitiated the trial outcome unfairly prejudiced movant and undermined movant ability to present a defense.

### SUPPORTING FACTS GROUND ONE

**Newly discovered evidence and violation of the Due Process Clause of the Fifth Amendment, based on Juan Carlos Sánchez's own public confessions about his criminal activities on how he had manipulated, abused, broken, and victimized the system, students, and his victims. Additionally, Juan Carlos Sánchez's credible public confession - directly related to the charges for which Rigal was convicted and sentenced - about how easy it is for him to scam and turn his students into victims without them realizing it, as well as more of his public criminals' confessions, which are material to this case, all connected to the key elements of this case that would have changed the outcome of the trial if known at the time and challenge the validity of the conviction, sentence, and indictment against Rigal.**

#### Materiality

Movant emphasizes that this newly discovered evidence in its entirety presented in this motion is material to this case and is relevant to issues presented at trial, all connected to the key elements of this case that could have influenced the jury's decision had it been available during the original trial. Juan Carlos Sanchez's multiple public confessions exposed in this newly discovered evidence substantially impact this case.

Exhibit 1-A shows how he confesses: *[“my talent is in manipulating the system and other people. My gift of speech allowed me for years to use my knowledge and skill to break the laws of this country and defraud many... just like I did, there are thousands of people, some lawyers, other engineers, doctors, accountants, mechanics, Realtors, bankers, etc. That using their talent and ability they dedicate themselves to taking advantage of people who do not know the system; or worse yet, they pose as experts in a system that they are completely unaware of and unfortunately many of them at some point were my students, my employees, or my victims... I know the system, I have manipulated it, I have abused it, I have broken it and I have victimized it. 33.5 million dollars is my debt to the federal government, the result of my last scam. I know the truth and the lie.”* This written confession alone, stated in Juan Carlos Sanchez's training material book that he registered in the introduction,

is a clear confession of this criminal mind and pre-meditate plan on how he manipulated Rigal and many others, making them believe that he was a successful, trustful businessman with a reliable and trusted real estate school and his multiple “investment businesses.” Juan Carlos Sanchez’s confession is relevant to issues presented at trial and is directly connected to the key elements of this case that could have influenced the jury’s decision had it been available during the original trial. The closing of his manual’s introduction is even better in his criminal confession: *“Thank you for giving me the opportunity to share a little of my experiences with you and I hope that with what you learn here you will never be a victim of some glib scammer who reminds me of my former self. Your friend, Juan Carlos Sanchez.”*

This single piece of evidence, with such a material confession, could have had a substantial impact on the entire case. In fact, it does today; the accusation, the theory, and the desperation of Thomas Lanigan (prosecutor) to accuse an innocent person as he did with Rigal would have been immediately dismissed by any juror or judge. And this is just the beginning of a flood of confessions from the mouth of Juan Carlos Sanchez himself.

**Exhibit 2-A** shows his current school, PARSON INSTITUTE LLC, which, as he stated in his website Exhibit 3-A, is “2 Days that will change your finances in the USA FOREVER!!!” “How to obtain corporate credit with the new changes in Federal laws. **Teaching since 2001**, our classes have been redesignated to adapt to today’s legal “standards.” Observe that he is stating that he has been teaching the same classes since 2001 and has adapted to today’s legal “standards,” but he did not declare that he adapted to his scam and fraudulent standards. In fact, in further videos, the court will notice that he is misleading and teaching the people the same illegal, scam, and fraudulent teachings she taught to Rigal that the prosecutor used to accuse and convict her. This evidence is also material relevant to issues presented at trial, all connected to the key elements of this case that could have influenced the jury’s decision had it been available during the original trial. In 2007, He made the exact same promises to Rigal, her ex-boyfriend Mena, and many others when they enrolled and attended one of Juan Carlos Sanchez’s seminars invited by one of Rigal’s pan-and-pots clients. [See the picture of the classroom full of people]. **Exhibit 6-A** shows the confession of Juan Carlos Sanchez using his “**hard earned money to supply 200 children with school supplies...**” Shamelessly, he wrote, “**God is good.**” God is good,

but he is an evil person who, in confabulation with the prosecutor, hid much evidence that could be used to prove Rigal innocence that she continues paying for money that she never got, not even one penny. Even worse, she was dispossessed of all her belongings and accused of a scam and fraud that she never participated in or benefited from any money. At sentencing, the “probation or court officer” could not prove that Rigal had the money she was accused of. This piece of evidence alone connects to the key element of this entire case, the alleged accusation that Rigal kept money from Juan Carlos Sanchez's scam scheme, which she was convicted of. Moreover, it is relevant to issues presented at trial, all connected to the key elements of this case that could have influenced the jury's decision had it been available during the original trial.

**Exhibit A** shows Juan Carlos Sanchez talking about a local government program called the Hometown Heroes Program, which assists first-time buyers with money for down payments. The relevance to the issue presented at trial and the key element to this case is in the video transcript lines 28-30, where Sanchez stated: *“If you qualify, take advantage of this. If not, don't worry, I will be teaching you how to buy nevertheless.”*

This evidence is relevant to the issue presented at trial and the entire case because the main accusations since the indictment were based on Rigal helping customers obtain assistance with the down payment to buy their houses or apartments and her own apartments. The fact is that Rigal assisted some customers with down payments using her own savings because Juan Carlos Sanchez taught her in his real estate mortgage courses and seminars that that practice was outstanding and valid. As shown in the evidence, Sanchez stated: *“I will be teaching you how to buy nevertheless.”* The prosecutor knew about Juan Carlos Sanchez's scam fraudulent scheme and that Rigal was a victim of these illegal practices taught by Sanchez. The prosecutor, still knowing the facts, accused and convicted Rigal in this case.

This evidence connects to the key element of this case, which was based on the prosecutorial accusation of Rigal assisting the buyers with a down payment, which was illegal. She did it because her “mentor and teacher” with knowledge and experience and running a school in “good standing” in Florida at that time taught her how to assist customers with down payments when they didn't have it. *“I will be teaching you how to buy nevertheless.” Juan Carlos Sanchez.*

How was Rigal to know that her “mentor and teacher” was manipulating, deceiving, and lying to her? How will about 3,599 people who watched this TikTok and Instagram video and/or attended and still attend Juan Carlos Sánchez's courses or seminars know today that he is manipulating, scamming, deceiving, and lying to them? It's so evident that this piece of evidence alone could potentially have impacted the jury's decision and the verdict if it had been available during the trial.

**Exhibit B**, titled by Juan Carlos Sanchez, “*How easy it is to scam!!!! Thanks to social media and toxic optimism.*”, shows Sanchez's public confession of how easy it is for him to take people's money when everything sounds so good. **Exhibit K** titled by Juan Carlos Sanchez, “**DID YOU JUDT ARRIVE IN THE USA????? LET ME SCAM YOU OFF!!!**” Has similitude and it's material. In his own words, in the video transcript, lines 45-51 and 57-58, he stated: “...*The project never existed and these people stole over two million dollars in deposits from people like you who suffered from toxic optimism...For years, I scammed just like these two people and served nine years in prison for thirty nine million dollars in fraud. It's very easy to take people's money when everything sounds so good... don't be a victim of people like these or people like me...*”

This piece of evidence strongly connects to the key element of this case because Sanchez himself posted the press release article in the middle of this video with the whole statement and details of this particular case; in this video, he was referring to the facts of this specific case. The relevance to the issue presented at trial directly impacts the fact of the case that Rigal was the leader and the one instructing Juan Carlos Sanchez, and she was who manipulated him and taught him what to do in the scheme, as the prosecutor presented the case at trial and misled the jurors to believe that lies. When the truth is so evident that explaining it more and more is redundant, however, the movant will continue exposing the facts that she was Sanchez's student and victim “*who suffered from toxic optimism... very easy to take her money when everything sounded so good...*” until the court understands the relevance of this injustice. (emphasis added)

If this evidence had been available during the trial, it would have highly influenced the jury's decision in favor of Rigal, and she would have been immediately acquitted.

**Exhibit C** shows Juan Carlos Sanchez's confession about being “*named one of the biggest scammers in the state*”

*of Florida in two thousand twelve, Thirty million dollars... [2012] I leave prison and I realize, gentlemen, that the market is worse than ever. Realtors are scamming worse than ever. They are practically giving their money away."* This piece of evidence, equally as previously presented, is relevant to issues of real estate and mortgage brokers matters presented at trial, all connected to the key elements of this case that could have influenced the jury's decision had it been available during the original trial.

**Exhibit D** is one of the most material, relevant, and key element pieces of evidence to grant Rigal all her claims; in this video, Juan Carlos Sanchez shows the exact same approach he used when Rigal and Mena attended his seminar for the first time, with the slight variant that in 2006 Sanchez did not invite them to "watch the next post videos" but to attend to the next classes or seminars where he was going to teach step by step, in detail, how to buy properties at an auction and with his developer's friends (This included Marina Oaks and all properties mentioned in this case used by the prosecutor to accused and convicted Rigal.) The confession in the video transcript, lines 89-104, states: "...*But if you haven't bought yet and you are in the market, this is the time when you can negotiate. You set your terms gentlemen, at this moment the properties are sitting on the market. The market is cooling, don't you believe me? Here, let me show you again what the others are doing. I remember you, constructors trying to sell properties. As a buyer, this is your time, take advantage of it, ask for a contribution towards closing costs. Ask to lower the price, This is your time to negotiate. We are entering a buyer's market, Interests are going to rise again in December and They are going to go up again in January. Ah, and if what you want is not to buy but to invest, they are two different things. Watch the videos I'm going to be posting this week, where I'm going to teach you step by step, in detail, how to buy at an auction.*"

This approach connected to the key element of this case that the prosecutor, Thomas Lanigan, accused Rigal of being part of a conspiracy where the seller and/or Juan Carlos Sanchez gave money as a contribution or incentive of \$30,000 and \$40,000 to buy the properties and/or apartments mentioned in this particular case. Sanchez used and still uses this scheme to create urgency for his seminar's attendees in "invest with him," saying that the interest will rise next week and next month, and as a buyer, this is your time, take advantage of it, ask for a contribution towards closing costs. Ask to lower the price, This is your time to negotiate.

The same approach Sanchez presented to Rigal and Mena created urgency and pressure to be involved in his fraud scheme. Also, Sanchez presented a plan of “investment” where Rigal, Mena, and many other seminar attendees could buy multiple properties at once, and he (Sanchez and his “expert team”) could be in charge of doing all the paperwork for the investors (Rigal, Mena, and many other seminar attendees). They could only start the business with a bit of money. That is how Sanchez scammed Rigal and Mena with all their savings earned with scarify and honest work as a pan-and-pot salesperson. Rigal was never part of any “conspiracy,” as the prosecutor deceitfully manipulated the evidence presented the case to the jury at trial, but she was one of Sanchez’s seminar attendees and victim that days after Sanchez recruited her with the false promise and manipulations to make her a successful realtor for Sanchez’s “honest companies” because of her capacity of being a successful pan-and-pots seller.

The worst part of this fact is that the prosecutor, Thomas Lanigan, presented at trial to the jury and judge Juan Carlos Sanchez as a victim of Rigal and others, a manipulated man, and also, Lanigan presented to the jury Sanchez’s factual “expert team,” Yoalis Garcia, Marina Superlanos, Jose Tortoledo, Lorna Nanita, Amarilis Adorno from Miami Law Title and many other’s Sanchez factual co-conspirators as a witness against Rigal at trial and none of them were indicted but protected by the government when the fact is they were part of Juan Carlos Sanchez’s team expert of scammers and co-conspirator and the ones who were in charge of the fraud scheme faking all type of documents and paperwork, they even forged Rigal and Mena’s signatures on all the documents and applications. In fact, at trial, Rigal’s attorney presented the testimony of the forensic expert who worked for the F.B.I.’s cases analyzing signatures and handwriting, who proved in the trial with more than 100 analyzed documents involved in this case that such documents and applications were not signed or written by Rigal. Here, we don’t have only evidence of Rigal’s actual innocence but a severe case of prosecutorial misconduct, subjects that will be addressed in further grounds. This piece of evidence, equally as previously presented, is relevant to issues of real estate and mortgage brokers matters presented at trial, all connected to the key elements of this case that could have influenced the jury’s decision had it been available during the original trial.

**Exhibit E** is the evidence of Rigal’s factual innocence relevant to an issue presented at trial by the prosecutor

accusing her of having the intention of hiding three of the apartments she bought at Marina Oaks, which was one of Juan Carlos Sanchez's investment properties. As Rigal explained in multiple meetings conducted by the prosecutor Thomas Lanigan and Ronald Sullivan (prosecutorial team) in Lanigan's office located in Fort Lauderdale, Florida, three years before the indictment, where these two "agents" contacted her to cooperate to clarify Sanchez's frauds but told her that they knew she had nothing to do with Sanchez's scheme and deprived her of having an attorney during the investigation, she explained that she did not know why those three apartments were under a trust land document prepared by Amarilis Adorno at Miami Law Title where Rigal and Mena paid at closing about \$10,500.00 for such documents that Sanchez and Adorno recommended her to do without further explanations. Also, Rigal explained to Lanigan and Sullivan that the payment for such a document made no sense to her, but Sanchez's team expert recommended it, saying that that would separate her three apartments from the three belonging to Mena and protect her properties from Mena in case of a separation. Today, Rigal realized that it was part of the scam scheme to steal more and more money from her and her boyfriend, Mena.

Sadly, the prosecutor, making false statements and manipulating the evidence presented to the jury, used this subject to accuse Rigal at trial, but the fact is that Rigal followed what her mentor and teacher taught her to do, as he (Sanchez) explains in this video. The Key element connected to this case can be read in the video transcript line 125-140: ***"Sometimes we get confused between what it means to hide and to protect. A Land Trust hides an asset. What does that mean? That if someone is actively looking for you, they are not going to find the properties that are under a Land Trust. That's called hiding possessions. But if they sue you, the judge will ask you to declare all the properties you have in your name or under a Land Trust that you control. In the same way, if you file for bankruptcy, the Federal Bankruptcy Court can go after the properties you have in a Land Trust. So please, if your goal is to hide your assets, either because the source of the money may not be reputable or you simply don't want them to know what you have, a Land Trust is ideal. If you want to protect your assets, do not use a Land Trust because you will end up becoming another case like the ones I mentioned."***

This piece of evidence, equally as previously presented, is relevant to issues of real estate and mortgage brokers matters presented at trial, all connected to the key elements of this case that could have influenced the jury's

decision had it been available during the original trial. The worst is that Sanchez still misled hundreds of thousands of people today, teaching the same fraudulent and false information. **(Exhibit O has similitude with this evidence).**

**Exhibits F and J** are also some of the most material, relevant, and key element pieces of evidence to grant Rigal all her claims; in this video, Juan Carlos Sanchez shows the exact same approach he used when Rigal and Mena attended his seminar the first time at Marriott Hotel in downtown Kendall, Miami, Florida, where Sanchez in an exited manner invites all his attendees to apply to personal loan with his team expert (Yoalis Garcia, Marina Superlanos, Jose Tortoledo, Lorna Nanita, Amarilis Adorno from Miami Law Title and many others) that in 2006 were located in some tables at the seminar's door handling the loan applications, documents, pamphlets, etc. and approving immediately the approved loan amount. It's crucial that this honorable court watch the videos saved in the USB yellow color attached to this motion and marked as exhibit Q-1 to estimate the presented point. As shown in these two pieces of evidence relevant to the issues presented at trial, Sanchez asked all his seminar attendees to raise their hands and state the personal loan amount they were approved of. To better understand the connection to the key element of this case, the movant begs this honorable court to watch both videos. Two more pieces of evidence relevant to issues of real estate and mortgage brokers matters were presented at trial, all connected to the key elements of this case that could have influenced the jury's decision had it been available during the original trial.

**Exhibit G** is the evidence of Rigal's factual innocence relevant to an issue presented at trial by the prosecutor accusing her of conspiracy of fraud due to opening multiple LLCs (Limited Liability Corporations) in the State of Florida under her name, using her name as the corporate name. **(Exhibit N has similitude with this explanation).** As Rigal explained in various meetings conducted by the prosecutor Thomas Lanigan and Ronald Sullivan (prosecutorial team) in Lanigan's office located in Fort Lauderdale, Florida, three years before the indictment, where these two "agents" contacted her to cooperate to clarify Sanchez's frauds but told her that they knew she had nothing to do with Sanchez's scheme and deprived her of have an attorney during the investigation, she explained that she did not understand why she had to open those LLCs, but her mentor and teacher Sanchez recommended her to do it. Also, Rigal explained to Lanigan and Sullivan that the payment for such an opening



of LLCs made no sense to her, but Sanchez and his team expert (Yoalis Garcia) recommended it, saying that that would be: “...*he will going to pay you at a corporate level instead of at a personal level. What does that mean? You're going to save a lot of money on Self Employment Tax, Social Security, all those things that you don't really need to pay. But in addition to that, you will have all the corporate deductions, plus your personal deductions, and you can apply for corporate credit with your real estate license.*” Juan Carlos Sanchez’s teachings. (Emphasis added)

Rigal, before and after this case, conviction and/or accusations never worked in real estate and/or mortgage broker matters; the only time she worked in this field was when Sanchez recruited her in one of his seminars. Juan Carlos Sanchez and his right-hand assistant, Yoalis Garcias, were responsible for the real estate commissions, payments, and deductions. They never provided Rigal with any pay slip or legal IRS document to report taxes. When one year of working with Sanchez passed, Rigal requested the 1040 IRS form to pay her taxes; Sanchez insulted and threatened her; that was when she faced him and decided to leave the office and the job; she did not have any direct or indirect contact with him or any person related to him until today, and never will have it. Rigal used her bank statements to report and pay all taxes on time, evidence given to Thomas Lanigan and Sullivan in their investigation meetings before the indictment. Today, Rigal realized that it was part of the scam scheme to steal more and more money from Rigal; Sanchez charged \$1,500.00 to open each LLC or corporation. Sadly, the prosecutor, making false statements and manipulating the evidence presented to the jury, used this subject to accuse Rigal at trial, but the fact is that Rigal followed what her mentor and teacher taught her to do, as he (Sanchez) explains in this video titled: “*If you are REALTOR you must watch this video \$\$\$\$\$\$.*” The Key element connected to this case can be read in the video transcript lines 177-179 and 183-204: “...*realtor in any of these states, you can register your license as a corporation. That's how it is. And you can have all the corporate benefits... Step number one, you are going to open a corporation with your name and at the end of the name, you are going to put the initials P.A. This means Professional Association. In other words, you are transforming your license into a company. Step number two, once you have this corporation open, you are going to go to the IRS.gov and get an EIN. Step number three, you're going to go to the real estate division.*”

*That is, the government entity that gave you your real estate license in your state and you are going to ask them to make the change in your license so that you now identify yourself to the consumer as a corporation. Once you have done all this, you are going to go to your broker, you are going to tell him to make the change in the records and he is going to pay you at a corporate level instead of at a personal level. What does that mean? You're going to save a lot of money on Self Employment Tax, Social Security, all those things that you don't really need to pay. But in addition to that, you will have all the corporate deductions, plus your personal deductions and you can apply for corporate credit with your real estate license...”.*

This piece of evidence is relevant to issues of real estate and mortgage brokers matters presented at trial, all connected to the key elements of this case that could have influenced the jury’s decision had it been available during the original trial.

**Exhibit H** is super relevant to the issue presented at trial, in fact, to the entire case, because in this evidence, Juan Carlos Sanchez is recommending “banks that lend money,” the same practice he used when Rigal worked for him, which the key element, in this case, is that Thomas Lanigan at trial accused and convicted Rigal to be the leader of this fraud and scam scheme and using manipulated evidence and incomplete emails provided by Yoalis Garcia (Sanchez assistant not indicted) made the jury to believe that Rigal was the one recommending and contacting the banks that approved the loans involved in this case. The fact is that Lanigan used multiple bankers and mortgage brokers at trial as witnesses, and all of them, without any exception, stated under oath that they did not know Rigal directly or indirectly. That is why Lanigan made a six-week trial, flooding it with fake and manipulated evidence and many witnesses who testified about other cases unrelated to Rigal. It’s a shame how this prosecutor could have committed this type of misconduct and focused on preparing an extended trial with an overwhelming quantity of documents to try to make an innocent person look like a criminal. Lanigan intended to cause the jury to be tired, confused, and exhausted as they were at trial instead of focusing on a fair trial, as the United States Constitution stated. Here, the movant raises another issue: a clear violation of her Constitutional Right to have a fair trial. This is another piece of evidence relevant to issues of real estate and mortgage brokers matters presented at trial, all connected to the key elements of this case that could have influenced the jury’s

decision had it been available during the original trial. **Exhibit I**, titled by Juan Carlos Sanchez, “*Watch the whole video... I made 100 thousand dollars while I had a smoothie*,” is highly significant to this case and relevant to the main issue presented at trial and this entire case. This video is evidence of how Sanchez manipulates and lies to his students, course, and seminar attendees about the procedure of real estate transactions. He uses this fraudulent scheme to show how making a lot of money quickly and legally is possible. The reality is that all his teachings are illegal, false, and misleading all the time. The clear proof is that Rigal followed all his teachings, and the prosecutor accused her and convicted her of five fraud charges. In this video, this honorable court can perceive the same approach that Sanchez used in the first course Rigal and Mena attended in 2006, a beginner course or seminar, as Sanchez called it. As explained in prior videos and evidence, it was, and still is today, a hook to attract his clients or victims and request money for different services, including the loan approvals to invest with him, which is the backbone of this entire case. Sanchez’s scam scheme practice has been the same since 2006, as he stated in exhibit 3-A, the translation of his current website, since 2001. This fact was what Rigal explained to the prosecutor Thomas Lanigan and Ronald Sullivan for three years before the indictment, but they preferred to indict Rigal, an innocent woman, perhaps because of the need for money or cases. One of the relevant issues presented in the trial related to this piece of evidence is that Lanigan manipulated the evidence, hid Sanchez’s recorded seminars and classes, and told the jury that Rigal was the leader, owner, and the one teaching Sanchez what to do. A fact that is so evident it’s a lie, manipulation, confabulation, and prosecutorial misconduct. Sadly, this has cost twelve years of a young and innocent woman's life that never could be recovered. Movant begs this honorable court to watch and analyze the whole video to appreciate all the lies and manipulation stated by Sanchez. Some relevant parts of this piece of evidence are in the video transcript lines: “...*Okay, now we've seen that property because I'm going to show you how I calculate the values to where I want to go. We have already seen that property is worth approximately one hundred and forty-three thousand dollars. But it's a property that I know you'll have to invest a lot of money into, at least forty or fifty thousand dollars. Which means that if I want to reach eighty percent, I can't pay more than sixty or sixty-five thousand dollars for that property. So let's bid. Sixty thousand... (lines 382-391)*...

*No, I'm not going to post this live, but I'm going to post something very similar. I'm going to make a video of this specifically because I want to teach you several things. Although. But look where we are. Up to now, I'm still here. The guy isn't letting me buy it. But again, you have to know the secret about this. Know how far the property extends. No, the mortgage is cancelled, gentlemen. (lines 400-407 "very relevant to this case)... Now, how do I know how much money to put into it? Because I have already applied for commercial lines of credit. I have the money already accessible. I have the money already accessible, I have the line of credit already open, available, because I just bought this property, what is the problem? I have twenty-four hours to get the money and pay it in court. Which means that I have to have a tightening button somewhere. Push the button and get the money, right? So, let's see how we go here. I am going to put the land up for sale immediately. That's correct, okay? So there you have it, gentlemen. Well, I am very blessed that I have a daughter who is a realtor, so she takes care of all that. And that, gentlemen, is how things are done. If you want to learn where to get the money or want to learn how to buy this type of property, just watch my course. We have all that information there. (lines 431-447 super connected to the key elements in this case)... They're watching. So any day where you can make a hundred thousand dollars sitting here in a café, is a good day. I mean. There are always people who say yes, including those from Nigeria. Well, it's eleven forty in the morning and it's been a good Tuesday so far. But we still have a few hours left. Anything can happen, okay? So if I pay for everything, I pay for everything in my life with a credit card. And with the best coffee in the world, indeed. But right now, I'm having a smoothie. Okay? So this week I'm going to give a little gift to all of you. Go to the ultimate course. That's right, the final course this year in Orlando. Give it to someone for Christmas, take someone along. Believe me, you just saw me make a hundred thousand dollars here sitting in a decent café. That's nothing compared to what my students earn. You can't afford to miss out. You can't. (lines 45-474 relevant to the issue presented at trial)... Sadly, more than 21,434 people were witness of these lies and manipulations. The bottom line is that this piece of evidence alone is relevant to issues of real estate and mortgage brokers matters presented at trial, all connected to the key elements of this case that could have influenced the jury's decision had it been available during the original trial.*

## SUPPORTING FACTS GROUND TWO

**Actual Innocence Claim based on Juan Carlos Sanchez's public confessions establishes Rigal's actual innocence, based on the fundamental injustice of keeping an innocent person convicted. New and credible public evidence has surfaced since the trial, providing a compelling reason to evaluate Rigal's conviction; these include many videos of Juan Carlos Sanchez's public confessions, statements on his website, Juan Carlos Sanchez's public courses recorded in videos that were not available during the original trial; this evidence is so strong that no reasonable jurors would have to convict Rigal in light of this evidence which is highly persuasive by itself.**

## SUPPORTING FACTS GROUND THREE

**Prosecutorial misconduct undermining the integrity of this criminal justice system, resulting in miscarriages of justice. Unethical or/and improper actions committed by Thomas Lanigan during the whole course of this case. Actions that violated the legal and ethical standards, compromising the fairness of this judicial process. Thomas Lanigan's prosecutorial misconduct at least includes:**

**Suppression of Exculpatory Evidence:** Intentionally suppressed evidence that could exonerate the petitioner and undermine the prosecution's case. **Failure to Disclose Evidence (Brady Violation):** Withheld and failed to disclose evidence that was favorable to the petitioner and material to the case. **Making False Statements and Presenting False Evidence and Manipulated:** Provided misleading information, made false statements, and presented evidence known to be untrue. **Misleading the Jury:** Engaged in conduct that misled and prejudiced the jury, affecting the petitioner's right to a fair trial. **Improper Closing Arguments:** Made inflammatory and prejudicial statements during closing arguments that went beyond the scope of admissible evidence. **Failure to Correct False Testimony:** Allowed false testimonies to go uncorrected, which impacted the credibility of the trial proceedings. **Excessive Sentencing Recommendations:**

Advocated for disproportionately severe sentence and made improper sentencing recommendations.

**Exhibit PP-1** titled by Juan Carlos Sanchez; *“Don’t let me tell you that it can’t be done!!!! Do you want to see how I made \$60,000 in 15 minutes?”*, this piece of evidence alone is relevant to issues of real estate and mortgage brokers matters presented at trial, all connected to the key elements of this case that could have influenced the jury’s decision had it been available during the original trial.

## REASONS FOR GRANTING THE PETITION

The newly discovered evidence in this case is of such profound materiality that its consideration by this Honorable Supreme Court is essential to uphold the integrity of our justice system and ensure the fair administration of law. The evidence directly undermines the reliability of the petitioner's conviction and presents a substantial claim of factual innocence. If left unaddressed, the failure to consider this material evidence would perpetuate a manifest injustice and erode public confidence in the legal system.

The materiality of the newly discovered evidence cannot be overstated. It goes to the heart of the petitioner's guilt or innocence and raises significant doubts about the accuracy of the original conviction. The evidence presents a credible alternative narrative that would exonerate the petitioner and demonstrate a fundamental miscarriage of justice.

Moreover, the issues presented in this case have far-reaching implications beyond the immediate parties involved. They touch upon fundamental constitutional principles of due process and the right to a fair trial, which are of paramount importance to the functioning of our legal system. Granting certiorari to review the materiality of the newly discovered evidence would provide this Honorable Supreme Court with an opportunity to clarify and reaffirm the standards for evaluating such evidence, thereby promoting consistency and fairness in the application of federal law nationwide.

In light of the exceptional significance of the newly discovered evidence and its materiality to the petitioner's claims of innocence, there exists a compelling need for this Honorable Supreme Court to exercise its discretionary authority and grant certiorari. Doing so would serve the interests of justice, uphold the integrity of our legal system, and ensure that no individual is wrongfully deprived of their liberty based on flawed or unreliable evidence.

## CONCLUSION

In conclusion, the materiality of the newly discovered evidence presented in this petition for a writ of certiorari cannot be overstated. It represents a critical turning point in the petitioner's pursuit of justice, offering a pathway to rectify a potential miscarriage of justice and restore faith in the integrity of our legal system.

The evidence at hand strikes at the very core of the petitioner's conviction, casting substantial doubt on the reliability and fairness of the trial proceedings. Its consideration by this Honorable Court is not only warranted but imperative to ensure that justice is served and constitutional rights are upheld.

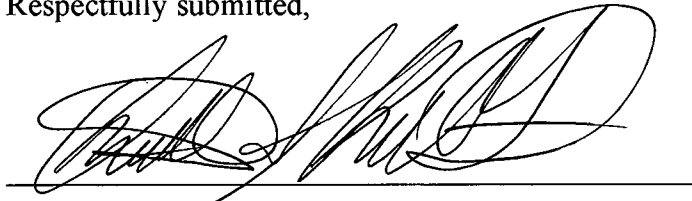
Furthermore, the issues raised in this case extend far beyond the confines of the immediate parties involved. They touch upon fundamental principles of due process, fairness, and the right to a fair trial, which are essential to the preservation of our democratic society.

Granting certiorari to review the materiality of the newly discovered evidence provides an opportunity for this Court to reaffirm its commitment to safeguarding the rights of all individuals and promoting the equitable administration of law. It is a chance to rectify injustices, uphold the rule of law, and reaffirm the principles upon which our legal system stands.

In light of the exceptional significance of the newly discovered evidence and its potential to right a grave injustice, petitioner respectfully urge this Court to grant certiorari and provide her with the opportunity to present their case before the highest tribunal in the land.

Thank you for your attention to this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Quelyory A. Rigal', is written over a horizontal line.

Quelyory A. Rigal

March 25<sup>th</sup>, 2024.