

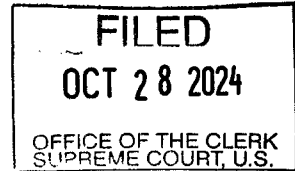
24-5946  
Case No.: \_\_\_\_\_

ORIGINAL

---

UNITED STATES SUPREME COURT

---



In re JAMES B. V. CROSBY, Pro Se Petitioner

v.

STATE OF FLORIDA,  
CITY OF JACKSONVILLE, Respondents

---

On Petition for Writ of Certiorari to the  
United States Court of Appeals for the Eleventh Circuit

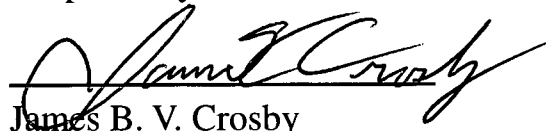
---

Petition for Writ of Certiorari

---

Filed by and for Petitioner

Respectfully,



James B. V. Crosby

7346 Paprika Ct.

Jacksonville, FL 32244

## QUESTIONS PRESENTED

1. Can the *Younger* abstention be ignored when it is clear that federal proceedings began before State and should an injunction have been/be granted to prevent arrest and/or stop prosecution? See Younger v. Harris, 401 U.S. 37, 41 (1971).
2. Can the *Heck* bar have an exception made when the government violated federal law to obtain an illegal conviction for grant money as proven by newly discovered evidence and destroyed exculpatory evidence (thus committing fraud) particularly when claims of corruption are made with actual innocence? See Heck v. Humphrey, 512 U.S. 477 (1994).
3. When Acts of Congress prove that state actions are illegal and unconstitutional; doesn't the Supremacy Clause, Necessary and Proper Clause, Contract Clause, Compact Clause, and due process violations as well as the First, Fourth, Fifth, Sixth, Eighth, Ninth, Tenth, and Fourteenth Amendments require nullification and vindication of a conviction obtained by fraud due to actual innocence?
4. Isn't it a violation of due process to state or imply what someone else believed over conduct that was not even their idea and then lie to the public, destroy evidence, and prosecute and illegally convict him by hiding the fact the State was under contract by the federal government not to do it and are members of a federal agency that prohibit such actions?
5. Don't exceptions in 28 U.S.C. §2283 apply when ICAC and SORNA are Acts of Congress and suit was brought to challenge those Acts? See Piasecki v. Court of Common Pleas, 917 F.3d 161 (3rd Cir. 2019).
6. Shouldn't counsel have been appointed during the proceedings before the lower courts as Petitioner's liberty is clearly at stake and was illegally detained like he stated he would be in Case No. 3:22-cv-00067-MMH-LLL and shouldn't counsel be appointed now as he has been refused effective representation because former representation has committed a crime against him by violating F.S. § 843.0855 to keep him in jail and sabotage relief?
7. Even if an exception cannot be made in Heck, Id despite government fraud; isn't Petitioner entitled to other relief (particularly the relief from judgment) as he is specifically asking for any other relief deemed just and proper including declaratory relief?
8. The State of Florida has clearly consented to suit by joining the ICAC Task Force in which Congress has abrogated sovereign immunity as proven by federal law and the Memorandum of Understanding (see App. H) so shouldn't this Court have original jurisdiction as the holding in Hans v. Louisiana, 134 U.S. 1 (1890) is no longer valid as the Eleventh Amendment became obsolete when the State of Florida joined a federal agency and agreed to supremacy of federal law but then violated that law and the Fourteenth Amendment as well as other amendments and articles?
9. Isn't SORNA unconstitutional pursuant to illegal ICAC tactics as in Piasecki, Id because Petitioner was framed and is NOT trying to have sex with minors as falsely alleged by the government?

### **LIST OF PARTIES**

Attorney General, CO

Attorney General, FL

Attorney General, US

City of Denver

City of Jacksonville

Department of Justice

Public Defender's Office (Fourth Judicial Circuit, In and for Duval County Florida)

State of Colorado

State of Florida

### **CORPORATE DISCLOSURE STATEMENT**

It could be possible that one or more States have 10% or more of the assets of the ICAC Task Force but no such data has been gathered or produced.

### **LIST OF PROCEEDINGS**

Crosby v. Florida, et al, Case No. 23-11112-D (11th Cir.)

Crosby v. Florida, Case No. 24-11509-J (11th Cir.)

Crosby v. Florida, Case Nos. 5D2024-0700 (mandamus & prohibition), 5D2024-1017 (habeas corpus), 5D2024-1088/1062 (appeals) 5D2024-1638 (certiorari)

Crosby v. United States, Case Nos. 3:24-cv-550-TJC-LLL, 3:24-cv-754-WWB-SJH, 3:24-cv-825-MMH-MCR (M.D. Fla Jax Div.)

Crosby v. United States, Case No. 24-1323 (10th Cir.)

Florida v. Crosby, Case Nos. 2024MM126, 2024CF101 (4th Jud. Cir.)

**TABLE OF CONTENTS**

QUESTIONS PRESENTED .....	i
LIST OF PARTIES .....	ii
CORPORATE DISCLOSURE STATEMENT .....	ii
LIST OF PROCEEDINGS .....	ii
CITATIONS OF ORDERS .....	iii
JURISDICTION .....	iii
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	iii, App. J
TABLE OF CONTENTS .....	iv
INDEX TO APPENDICES .....	iv
TABLE OF AUTHORITIES CITED .....	vi
STATEMENT OF THE CASE .....	1
SUMMARY OF ARGUMENTS .....	5
REASONS FOR GRANTING THE WRIT .....	6
CONCLUSION AND RELIEF SOUGHT .....	7

**INDEX TO APPENDICES**

- A. Eleventh Circuit order for case no. 23-11112-D denying motion to suspend local rules to enjoin criminal case for ROR, preliminary injunction, trial by jury, stay, and other relief particularly to enjoin appeal 24-11509-J as it is part of this cause.
- B. Fifth District Court of Appeal order denying habeas corpus and stay due to malicious counsel trying to sabotage relief which, of course, he did thus violating Sixth Amendment rights again.
- C. Emergency Motion for Reconsideration Due to Clerical Error and Violation of Due Process  
Case No. C3:24-cv-00754-WWB-SJH (M.D. Fla Jax Div)

Attachments: Habeas Corpus Attachments (for §2241 petition)

Emergency Motion for Appointment of Private Counsel and for Adversarial  
Probable Cause and Evidentiary Hearing

Notice of Transfer and Supplement for Habeas

**D.** Emergency Motion for Reconsideration En Banc  
Case No. 24-1323 (D. Colo)

Attachments: Appellant's Combined Opening Brief and Application for a Certificate of Appealability

Faulty Charging Indictment Proving Connection to Illegal ICAC Conviction

Motion to Disqualify Counsel and for Continuance (for 2024CF101)

**E.** Motion to Dismiss and Supplement for Habeas and Motion to Transfer Record and Motion to Vacate Illegal Sentence/Conviction or Petition for Writ of Error Coram Nobis and Motion Demanding Supplemental Discovery  
Case No. 2024CF101 (Fourth Jud. Cir. Criminal Case)

**F.** Memorandum of Law and Supplement for Motions  
Case No. 24-1323 (Dist. Colo)

**G.** Initial Brief  
Case No. 5D2024-1088 (Fifth DCA Appeal)

**H.** Memorandum of Understanding (MOU, waiving sovereign immunity and joining federal agency)

**I.** Operational and Investigative Standards (OIS, rules for enforcing State laws under ICAC)

**J.** Constitutional and Statutory Provisions Involved

U.S. Const. Amend. I, IV – XI, & XIV §1

U.S. Const. Art. 1 §8 Cl. 18, §10 Cl. 1, §10 Cl.3, & Art. VI Cl. 2

5 U.S.C. §702

18 U.S.C. §1964(c)

18 U.S.C. §3006A

28 U.S.C. §2 283

34 U.S.C. §§21111 - §21117

34 U.S.C. §21111(a)

34 U.S.C. §21113(4)

34 U.S.C. §21114(7) & (11)

42 U.S.C. §1983

42 U.S.C. §1985(3)

## **TABLE OF AUTHORITIES CITED**

<u>AMBI Distrib. Corp. v. Doe</u> , 2021 U.S. Dist. LEXIS 142282 (D. Colo 2021).....	App. D, Att. 1, pg. 4
<u>Antonelli v. Warden, U.S.P., Atlanta</u> , 542 F. 3d 1348, 1352 (11th Cir. 2008) .....	iv
<u>Ashcroft v. ACLU</u> , 542, 542 U.S. 656 (2004).....	3
<u>Baltin v. Alaron Trading Corp.</u> , 128 F. 3d 1466, 1469 (11th Cir. 1997).....	App. F, pg. 2
<u>Benton v. Cameco Corp.</u> , 375 F. 3d 1070, 1076 (10th Cir. 2004).....	App. D, Att. 1, pg. 4
<u>Berg v. Weltcher</u> , 2023 U.S. Dist. LEXIS 120131 (S.D. GA 2023) .....	App. C, pg. 4
<u>Beverly Kuenzle, Wayne Kuenzle v. HTM Sport-Umd Freizeitgerate AG</u> , 102 F. 3d 453, 459 (10th Cir. 1996).....	App. D, Att. 1, pg. 5
<u>Bishop v. Reno</u> , 210 F. 3d 1295, 1304 (11th Cir. 2000) .....	App. C, pg. 7
<u>Bousley v. United States</u> , 523 U.S. 614, 622 (1998).....	App. C, pg. 4; Att. 2, pg. 1
<u>Brady v. Maryland</u> , 373 U.S. 83 (1963) .....	1; App. C, Att. 1, pg. 1
<u>Brown v. Illinois</u> , 442 U.S. 590, 605 (1975) .....	App. E, pg. 11
<u>Carper v. Peterson</u> , 2023 U.S. App. LEXIS 17605 (10th Cir. 2023).....	App. D, Att. 1, pg. 4-5
<u>CGC Holding Col. LLC. v. Hutchens</u> , 824 F. Supp. 2d 1193, 1206-07 (D. Colo 2011) .....	
.....	App. D, Att. 1, pg. 5
<u>Clark v. Hyatt Hotels Corp.</u> , 2021 U.S. Dist. LEXIS 255416 (D. Colo 2021).....	App. D, Att. 1, pg. 4
<u>Clayton v. State</u> , 252 So. 3d 827, 830 (1st DCA 2018).....	App. E, pg. 11
<u>Coolidge v. New Hampshire</u> , 403 U.S. 443, 465 (1971).....	App. E, pg. 9
<u>Cutshall v. Sundquist</u> , 193 F. 3d 466, 482-83 (6th Cir 1999).....	App. F, pg. 5
<u>Daniels v. United States</u> , 532 U.S. 374, 382 (2001).....	App. C, pg. 5
<u>DeBardeleben v. Quinlan</u> , 937 F. 2d 502, 505 (10th Cir. 1991).....	App. D, pg. 2
<u>Dobbs v. Lovette</u> , 2023 U.S. Dist. LEXIS 196319 (N.D. WV 2023).....	App. C, pg. 5
<u>Does v. Munoz</u> , 507 F. 3d 961, 965 (6th Cir. 2007) .....	App. F, pg. 4
<u>Donnelly v. DeChristoforo</u> , 416 U.S. 637, 642 (1974) .....	App. C, pg. 6
<u>Dombrowski v. Pfister</u> , 380 U.S. 479 (1985) .....	App. C, pg. 6

<u>Easton v. United Dist. of the Se. Region</u> , 2024 U.S. Dist. LEXIS 168534 (N.D. Fla 2024) .....	App. C, pg. 7
<u>Florida v. Jardines</u> , 569 U.S. 1, 133 S. Ct. 1409 (2013).....	App. E, pg. 9, 10
<u>Florida v. J.L.</u> , 529 U.S. 266, 271 (2000).....	App. E, pg. 8
<u>Gennette v. State</u> , 124 So. 3d 273 (1st DCA 2013).....	App. C, Att. 1, pg. 3
<u>Gideon v. Wainwright</u> , 372 U.S. 335 (1963).....	App. C, Att. 2, pg. 1
<u>Hans v. Louisiana</u> , 134 U.S. 1 (1890) .....	i
<u>Heck v. Humphrey</u> , 512 U.S. 477 (1994).....	i
<u>Herrera v. Collins</u> , 506 U.S. 390, 407-08 (1993) .....	App. C, pg. 6
<u>Hiteshaw v. Butterfield</u> , 262 F. App'x. 162, 164 (11th Cir. 2008) .....	App. C, pg. 4
<u>Hughes v. Att'y Gen. of Fla</u> , 377 F. 3d 1258, 1262 (11th Cir. 2024) .....	App. C, pg. 5
<u>Intercon v. Bell Atlantic Internet Solutions, Inc.</u> , 205 F. 3d 1244, 1247 (D. Colo 2012).....	
.....	App. D, Att. 1, pg. 5
<u>Johnson v. Florida</u> , 32 F. 4th 1092, 1099 (11th Cir. 2022) .....	App. C, pg. 3
<u>Johnson v. United States</u> , 333 U.S. 10, 14 (1948).....	App. E, pg. 11
<u>Johnson v. United States</u> , 544 U.S. 295, 304 (2005).....	App. C, pg. 5
<u>Jordan v. State</u> , 560 So. 2d 315, 317 (1st DCA 1990).....	App. F, pg. 5
<u>Katz v. United States</u> , 389 U.S. 347-88 S.Ct. 507 (1967) .....	App. E, pg. 10, 11
<u>Kentucky v. King</u> , 131 S. Ct. 1849, 1862 (2011) .....	App. E, pg. 9, 10
<u>Lackawanna Cnty. Dist. Atty v. Coss</u> , 532 U.S. 394, 401-02 (2001) .....	App. C, pg. 5
<u>Lassiter v. Dept. of Social Servs.</u> , 452 U.S. 18 (1981).....	5; App. C, Att. 2, pg. 1; App. D, Att. 1, pg. 1, 5
<u>Lewis v. United States</u> , 2015 U.S. Dist. LEXIS 162198 (S.D. Ala 2015).....	App. C, Att. 2, pg. 1
<u>Medberry v. Crosby</u> , 351 F. 3d 1049, 1058-62, (11th Cir. 2003) .....	App. C, pg. 8
<u>Medina v. California</u> , 505 U.S. 437, 445-46 (1992).....	App. C, pg. 6
<u>Miller-El v. Cockrell</u> , 537 U.S. 322, 336 (2003).....	App. D, Att. 2, pg. 1
<u>Mitchell v. Motazedi</u> , 2021 U.S. Dist. LEXIS 161758 (D. Colo 2021) .....	App. D, Att. 1, pg. 5
<u>Murray v. Carrier</u> , 477 U.S. 478, 496 (1986) .....	App. C, pg. 9

<u>Pandaw Am. Inc. v. Pandaw Cruises India Pvt. Ltd.</u> , 842 F. Supp. 2d 1303 (D. Colo 2012).....	
.....	App. D, Att. 1, pg.4
<u>Peay v. BellSouth Med. Assistance Pan</u> , 205 F. 3d 1206, 1209 (10th Cir. 2000).....	App. D, Att. 1, pg. 5
<u>Patterson v. New York</u> , 432 U.S. 197, 202 (1977) .....	App. C, pg. 6
<u>People v. Aguirre</u> , No. G045009 (CA 2012) .....	3
<u>People v. Grizzle</u> 140 P.3d 224, 227 (Colo. Ct. App. 2006).....	2; App. D, Att. 1, pg. 3; App. F, pg. 7
<u>Piasecki v. Court of Common Pleas</u> , 917 F.3d 161 (3rd Cir. 2019) .....	i; App. C, pg. 2, App. F, pg. 5
<u>Powell v. State</u> , 120 So. 3d 577 (1st DCA 2013) .....	App. E, pg. 8, 10
<u>Rapid Transit Lines, Inc. v. Witchita Development Inc.</u> , 435 F. 2d 850, 852 (10th Cir. 1970).....	
.....	App. D, Att. 1, pg. 6
<u>Reeves v. State</u> , 987 So. 2d 103 (5th DCA 2006) .....	App. D, Att. 3, pg. 1
<u>Reno v. ACLU</u> , 521 U.S. 844 (1997) .....	3; App. F, pg. 2
<u>Rogers v. Clipper Cruise Lines, Inc.</u> , 650 F. Supp. 143 (D. Colo 1986) .....	App. D, Att. 1, pg. 4
<u>Ruggieri v. General Well Service, Inc.</u> , 535 F. Supp. 525, 531 (D. Colo 1982).....	App. D, Att. 1, pg. 4
<u>Rumsfeld v. Padilla</u> , 542 U.S. 426, 440 (2004).....	App. C, pg. 5; App. F, pg. 5
<u>Sawyer v. Holder</u> , 326 F. 3d 1363, 1365-67 (11th Cir. 2003).....	App. C, pg. 7
<u>SCC Commons Corp. v. Anderson</u> , 195 F. Supp. 2d 1257, 1260 (D. Colo 2002).....	App. D, Att. 1, pg. 5
<u>Schlup v. Delo</u> , 513 U.S. 298, 339 (1995) .....	App. C, pg. 8
<u>Scott v. Harris</u> , 550 U.S. 372, 381 (2007) .....	App. E, pg. 8
<u>Sebo Am, LLC v. Red Vacuums LLC</u> , 2024 U.S. Dist. LEXIS 39467 (D. Colo 2021).....	
.....	App. D, Att. 1, pg. 5
<u>Shell v. Am. Fam. Rts. Ass’n</u> , 899 F. Supp. 2d 1035, 1053 (D. Colo 2012) .....	App. D, Att. 1, pg. 4
<u>Sherman v. United States</u> , 356 U.S. 369, 381 (1958).....	4; 6; App. C, pg. 4
<u>Silverman v. United States</u> , 365 U.S. 505, 509-11 (1961) .....	App. E, pg. 9
<u>Simmons v. Warden</u> , 661 F. App’x. 957 (11th Cir. 2016) .....	App. C, pg. 8
<u>Slack v. McDaniel</u> , 529 U.S. 473, 484 (2000) .....	App. D, Att. 2, pg. 1



<u>Sorrells v. United States</u> , 287 U.S. 435, 445 (1932) .....	4; App. E, pg. 8
<u>Stallworth v. Moore</u> , 827 So. 2d 974, 976 (Fla 2002).....	App. F, pg. 4
<u>Stano v. Duggar</u> , 921 F. 2d 1125 (11th Cir. 1991).....	App. C, Att. 2, pg. 1
<u>State v. Morsman</u> , 394 So. 2d 408, 409 (1981) .....	App. E, pg. 8
<u>T.R.W. V. State</u> , 363 So. 3d 1081 (4th DCA 2023) .....	App. E, pg. 12
<u>Umbarger v. Michigan</u> , 2013 U.S. Dist. LEXIS 15264 (W.D. Mich 2013) .....	App. F, pg. 4-5
<u>United States v. Carloss</u> , 818 F. 3d 988 (10th Cir. 2016) .....	App. E, pg. 9
<u>United States v. Cronic</u> , 466 U.S. 648 (1984) .....	
.....	3; App. C, Att. 1, pg. 1; Att. 2, pg. 1; App. D, Att. 1, pg. 6; App. D, Att. 3, pg. 2
<u>United States v. Gregory</u> , 497 F. Supp. 3d 243 (E.D. KY 2020) .....	App. E, pg. 10, 11
<u>United States v. Holmes</u> , 2014 U.S. Dist. LEXIS 184961 (M.D. Jax 2014).....	App. E, pg. 8, 9
<u>United States v. Jones</u> , 565 U.S. 400, 409 (2012) .....	App. E, pg. 9, 10
<u>United States v. Karo</u> , 468 U.S. 705, 717 (1984).....	App. E, pg. 11
<u>United States v. Knotts</u> , 460 U.S. 276, 286 (1983) .....	App. E, pg. 10
<u>United States v. Williams</u> , 615 F. 3d 657, 670 (6th Cir. 2020).....	App. E, pg. 11
<u>Waldo v. State</u> , 975 So. 2d 542, 543 (1st DCA 2008) .....	App. E, pg. 9
<u>Wenz v. Memory Crystal</u> , 55 F. 3d 1503 (10th Cir. 1995) .....	App. D, Att. 1, pg. 5
<u>Whatley v. Davenport</u> , 2014 U.S. Dist. LEXIS 37433 (M.D. Ala 2014) .....	App. C, pg. 8, 9
<u>Wood v. State</u> , 750 So. 2d 592 (Fla 1999).....	App. E, pg. 6
<u>Young v. Borders</u> , 850 F. 3d 1274 (11th Cir. 2017).....	App. E, pg. 8
<u>Younger v. Harris</u> , 401 U.S. 37, 41 (1971).....	i; 5; 6; App. C, pg. 4, 8

## **STATUTES AND RULES**

U.S. Const. Amend. I .....	i, 1, 2, 5, 7
U.S. Const. Amend. IV.....	i, 4, 5
U.S. Const. Amend. V .....	i, 1, 2, 4
U.S. Const. Amend. VI.....	i, 5

U.S. Const. Amend. VII .....	i, 5
U.S. Const. Amend. VIII .....	i, 4, 5
U.S. Const. Amend. IX .....	i, 1
U.S. Const. Amend. X .....	i, 1
U.S. Const. Amend. XI .....	i, 1, 5, 6, 7
U.S. Const. Amend. XIV §1 .....	i, 1, 2, 4, 5
U.S. Const. Art. 1 §8, Cl. 18 .....	i, 2, 8
U.S. Const. Art. 1 §10, Cl. 1 .....	i, 2, 8
U.S. Const. Art. 1 §10, Cl. 3 .....	i, 2, 8
U.S. Const. Art. VI, Cl. 2 .....	i, 2, 8, App. C, pg. 9
5 U.S.C. §702 .....	App. C, pg. 4; App. C, Att. 2, pg. 2; App. D, Att. 1, pg. 4
18 U.S.C. §1964(c) .....	3
18 U.S.C. §3006A .....	4, 5
28 U.S.C. §2283 .....	i, 5, 7
34 U.S.C. §§21111 – 21117 .....	i, 6, 7
34 U.S.C. §21111(a) .....	4, 6, 7
34 U.S.C. §21113(4) (MOU) .....	i, 4, 5, 6, 7
34 U.S.C. §21113(7) (OIS) .....	i, 2, 3, 6, 7
34 U.S.C. §21113(11) (MOU) .....	i, 4, 5, 6, 7
42 U.S.C. §1983 .....	3
42 U.S.C. §1985(3) .....	3

#### **OTHER**

MOU .....	i, 4, 5, 6, 7
OIS .....	i, 2, 3, 6, 7
Separation of Powers Doctrine .....	8, App. D, pg. 2

## CITATIONS OF ORDERS

- I. To the extent that these motions seek reinstatement of this appeal and suspension of the requirement that Appellant file an appendix, the motions are GRANTED. This appeal is reinstated and Appellant may proceed without filing an appendix. The motions are otherwise DENIED.
- II. Upon consideration of Petitioner's Response... it is ORDERED that this original proceeding is dismissed. It is further ORDERED that Petitioner's Emergency Motion for Stay... is denied as moot.

## JURISDICTION

Judgment was rendered on Oct. 2, 2024, by the Eleventh Circuit and jurisdiction is conferred pursuant to 28 U.S.C. § 2101(b); Younger, Id; and Bousley v. United States, 523 U.S. 614, 622 (1998). Jurisdiction is also conferred pursuant to 28 U.S.C. §1254(1) & 2101(e) under Rule 11 as the *Younger* abstention is being misapplied as it is inapplicable in this situation. I.e. The lower courts are ignoring this Court's rulings, the Supremacy Clause, and the Bill of Rights in general and it must be corrected. See App. C. (Note: The same judge that dismissed the lawsuit denied habeas relief and the appointment of counsel.) Also, Rule 29.4 (b) & (c) do not apply as the government is a party. Finally, App. D from Crosby v. United States, Case No. 24-1323 (10th Cir.) is merely being provided as an example (as well as other Apps.) to prove the merits and provide supporting facts to show actual innocence, not for certiorari.

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Const. Amend. I, IV – XI, & XIV §1

U.S. Const. Art. 1 §8 Cl. 18, §10 Cl. 1, §10 Cl.3, & Art. VI Cl. 2

5 U.S.C. §702

18 U.S.C. §1964(c)

18 U.S.C. §3006A

28 U.S.C. §2283

34 U.S.C. §§21111 - §21117: §21111(a), §21113(4), 34 U.S.C. §21114(7) & (11)

42 U.S.C. §1983 & §1985(3)

Memorandum of Understanding (MOU)

## STATEMENT OF THE CASE

This case started on April 1, 2007, when Petitioner was framed as a child predator because the government destroyed evidence and had adopted illegal tactics from a television show cancelled for framing men<sup>1</sup>. Petitioner made the mistake of trusting counsel who lied to him about sex offender registration as well as probation and he involuntarily accepted a plea that was also violated due to serious *Brady* violations. Counsel was supposed to withdraw an involuntary plea but obviously did not and a 15-year court battle began.

During the war after being illegally denied relief in Jan. of 2015 by the M.D. Fla (Tampa Div.) because Petitioner's actual innocence claim and newly discovered evidence were ignored, he had since discovered through his non-profit called "Florida Scandal" that law enforcement were framing men. This is how the story "How law enforcement turns law-abiding men into sexual predators" came about by Noah Pransky. See Ex. 3, Crosby v. Florida, et al, 23-11112-D. See also Ex. 1 for other facts concerning the illegal conviction. Essentially, Petitioner's innocence has been buried under years of lies that were created and spread into a national epidemic over paranoia and fear created by MSNBC with sensationalistic, false, and certainly exaggerated claims about men using the Internet to prey upon vulnerable children.

Petitioner really was framed as proven by the facts in the Initial Brief and exhibits below (as well as the jurisdictional statement and brief Petitioner was prevented from filing with this Court) but there was nothing he could do about it. However, this did not stop the assault and harassment by the population at large causing Petitioner to literally fight for his life. So as not to repeat the voluminous record, Petitioner was forced to sue over the harassment and his sting<sup>2</sup> particularly because his confidential informant had found two more documents proving that the government is knowingly engaged in

---

<sup>1</sup> See "Suicide of Bill Conratt" (Wikipedia) that essentially details how television was using fantasy for ratings and none of the other arrests were prosecuted over his suicide.

<sup>2</sup> Petitioner sent a picture of his genitals to an undercover officer on an adult website pretending to be a minor and antagonized him or her to get them to try to attempt an arrest.

racketeering<sup>3</sup>. Basically, what the government did was hide federal law that proved what they were doing was/is illegal to make it legal. In the meantime, Petitioner's innocence was slowly being illegally destroyed while he was trying to prove it. The stings the governments are performing are illegal under federal law and illegal and specious under states laws including CO.

The government wanted to prohibit speech that appeared to have an interest in adolescent sex (whether fantasy or not) and Florida is the State that convinced the entire nation to do the same even though it was/is common knowledge that adults do fantasize about having sex with teenagers even if they actually want to or not. Grady Judd (with the former Central Florida ICAC Task Force that lost his host status due to violating federal law) professed on national television that criminals hid behind the First Amendment and begged the nation to use his tactics that were adopted from the illegal television show all the while everyone knew they were illegal under federal law. By using adult websites where men are looking for sexual encounters which is prohibited by App. I; law enforcement are actually tricking men in violation of the Necessary and Proper Clause, Commerce Clause, Compact Clause, and Supremacy Clause and First, Fifth, and Fourteenth Amendments. The right to peaceably assemble, speech, freedom of the press<sup>4</sup>, due process, and equal protection were violently attacked in the name of protecting children and the disgust about using the Internet to find sexual encounters and fantasize about illegal sex which is exactly where such fantasies are supposed to be professed<sup>5</sup>. These exact same tactics used by the illegal television show known as "To Catch a Predator" were already declared illegal in Colorado without the violations of federal law through the due process provision of the Constitution in People v. Grizzle 140 P.3d 224, 227 (Colo. Ct. App. 2006) (cert. denied)

(It is, perhaps, inevitable that such an operation will ensnare an otherwise law-abiding citizen with sexual fantasies — involving conduct which is illegal, immoral, taboo, or all three — upon which he or she would not otherwise act were the opportunity not presented to them.)

---

<sup>3</sup> Exhibit 16 in the case below (App. I herein) on the last page proves that if law enforcement are enticing men with sex and violating the terms of use for websites they are engaged in racketeering.

<sup>4</sup> The Internet has made it possible for everyone in the world to be a broadcaster and/or reporter of news, events, views, etc. that the press held captive before its inception.

<sup>5</sup> The Internet was, is, and always has been "virtual reality" where people go to fantasize about things that are not considered moral or legal to escape from reality.

(cited in People v. Aguirre, No. G045009 (CA 2012))<sup>6</sup>. So what do these facts and the footnotes prove:

The law is being violated and suppressed over fantasy for political and monetary gain!

Grady Judd tried to ban sexually explicit websites (particularly those used for sexual encounters) but couldn't, so he convinced the nation to frame men with them. The government is without a doubt practicing the Communications and Decency Act of 1996 this Court struck down in Reno v. ACLU, 521 U.S. 844 (1997). Why? Because people could not figure out how to keep their teenagers from looking for sex on the Internet as proven by Ashcroft v. ACLU, 542, 542 U.S. 656 (2004). This Court kept protecting the First Amendment (peaceable assembly included) so the States violated federal law to usurp this Court's and United States Congress' authority. *Ashcroft* was decided in 2004 and the illegal stings started at the same time on MSNBC!

Petitioner is sick and tired (exasperated in fact) of getting followed around and losing jobs because he was framed. Therefore, he sued pursuant to 28 U.S.C. §1332(a), 28 U.S.C. §1331, 18 U.S.C. §1964(c), 42 U.S.C. §1985(c), and 42 U.S.C. §1983. He did not sue just because of his sting but because of the years of assault and harassment over lies that violated his right to due process and the conviction itself also violates due process as he is actually innocent. The newly discovered evidence specifically states the government is engaged in racketeering thereby making Petitioner's conviction invalid. The evidence also proves that this Court has original jurisdiction but the clerk of this Court refused to docket the case. See attachments to "Initial Brief" below. Simply speaking, Petitioner is highly intelligent and has overcome/discovered the greatest fraud in human history but he's so stigmatized he's "railroaded" and dismissed as crazy. This is why appointed counsel in the criminal case below illegally committed him to a state hospital. Counsel was actually preventing his release and making him serve time for falsely alleged crimes (that are not even crimes except under SORNA) and the only reason why he pled out to a false misdemeanor was to get out of jail to locate witnesses to prove his innocence. See United States v. Cronin, 466 U.S. 648 (1984). As stated in several previous documents below: Society is knowingly

---

<sup>6</sup> Both of these decisions were decided not to be published and a current presidential candidate known as Kamala D. Harris was Attorney General for CA when the Aguirre decision was rendered.

breaking the law because they think they are protecting minors and the courts are shirking their responsibility because the government has deliberately amended statutes to violate the constitution and the law! See Sherman v. United States, 356 U.S. 369, 381 (1958). The problem is that Congress was NOT silent and stated what were acceptable means for enforcement but the States and the U.S. Attorney General decided to violate that mandate because of television. See MOU (App. H). See also Sorrells v. United States, 287 U.S. 435, 445 (1932)

(when the criminal design originates with law enforcement the government is “estopped by sound public policy from prosecution therefore”).

However, because horny teenagers pretending to be adults are the topic the law is not just being ignored but violated!

Petitioner repeatedly requested assistance of counsel in all collateral attacks of the criminal prosecution and to present his actual innocence claim in the lawsuit but was repeatedly denied only to use his allegedly deficient complaint against him because it was not drafted properly. His liberty was at stake as he made clearly evident but was accused of being a liar by the district court because he was not being arrested! He was not arrested because he was avoiding all people, particularly law enforcement, and was illegally confined to his house due to stalking because society is acting like his probation officers. Law enforcement before they illegally breached his home to arrest him actually stated that they were his probation officer! Petitioner’s liberty was at stake (and still is) over lies and an illegal conviction obtained by fraud because society and law enforcement were following him around trying to arrest him over a falsely alleged fear of child predation because he was framed by the government. Petitioner repeatedly motioned for preliminary injunctions before and after his arrest that used SORNA as an excuse to violate the Fourth Amend. because SORNA actually is a punishment in this situation as Petitioner is NOT a child predator as falsely accused over violations of federal law and does NOT try to have sex with minors. While trying to prosecute the lawsuit and avoid arrest someone stole Petitioner’s mail notifying him of his requirement to file an appendix in the appeal with the Eleventh Circuit so the case was dismissed AFTER his arrest.

Thinking that the appeal was still active, Petitioner repeatedly motioned the Eleventh Circuit for preliminary injunctions, habeas corpus, and to join the falsified criminal case where SORNA violations were manufactured to illegally breach his home to arrest him over a note placed on a patrol car basically stating his disapproval over the stalking. The note was only written because the Eleventh Circuit REFUSED to grant a preliminary injunction to protect him despite him repeatedly stating that he was being illegally stalked! The appeal was only necessary because the district court did not see any reason to grant a preliminary injunction nor to appoint counsel despite Petitioner REPEATEDLY BEGGING for counsel and protection as he was and still is under attack!

### **SUMMARY OF ARGUMENTS**

Counsel has been refused to be appointed in violation of federal law and *Younger* is being misapplied that caused Petitioner to be illegally arrested and the courts are refusing to intervene. See Lassiter v. Dept. of Social Servs., 452 U.S. 18 (1981); App. C. (“Emergency Motion for Appointment of Private Counsel...”). Appointed counsel in 2024CF101 illegally committed Petitioner to keep him from getting out of jail and caused the Fifth DCA and Tenth Circuit to deny relief. See Apps. B & D – G. The Middle District of Florida is protecting the racket and will not follow *Younger*; 18 U.S.C. §3006A; Bousley v. United States, 523 U.S. 614, 622 (1998); or the constitution and any other case law pertaining to actual innocence, the First Amendment, and habeas corpus. Congress has abrogated sovereign immunity and given this Court original jurisdiction to fix this problem. See MOU (App. H).

As proven by the “Motion to Dismiss...” for 2024CF101 (App. E) and other documents; Petitioner was illegally in jail for over 289 days for standing up for himself and over things that never occurred. Warrants were falsified not to protect children but to harm Petitioner, violate the Fourth and Eighth Amendments, and retaliate over the lawsuit. Moreover, Petitioner involuntarily pled to a lesser included charge just to get out of jail as the Public Defender’s Office lied to him yet again about the plea agreement that he was accepting. The lawsuit was supposed to fix his life, not make it worse. However, the courts are not following the law because they don’t know how. This is why Petitioner pled to a crime he is innocent of again just so that he could get out of jail to find witnesses and file this petition. This



Court has still not decided what to do about *Younger* when claims are alleged and proven before arrest. This Court has still not decided what to do concerning *Heck* when the government is the cause of an illegal conviction due to violating federal law. Petitioners' actual innocence is being ignored and this Court has original jurisdiction to fix these issues. Furthermore, the States have joined a federal agency and agreed to follow federal law but instead decided to engage in racketeering so *Hans*, *Id* is no longer valid nor is the Eleventh Amendment. See 34 U.S.C. §§21111 – 21117.

### **REASONS FOR GRANTING THE WRIT**

Federal law and the constitution are clearly being violated to oppress Petitioner because this Court has not established what to do in this situation and nobody really cares that his rights are being violated. The *Younger* abstention is REPEATEDLY being used against Petitioner despite the lawsuit that was specifically requesting relief from the stalking and repeated assaults on his liberty and person. The *Heck* bar is being abused because Petitioner specifically stated in his complaint that he was not only seeking monetary damages but any other relief deemed just and proper to stop the constitutional infringements and mental (and physical) torment and anguish over the original frame orchestrated by the government. The courts are shirking their responsibilities as warned about in *Sherman*, *Id* because the government has adopted illegal methods on how to frame men as child predators as proven by an Act of Congress. See 34 U.S.C. §§21111 - §21117.

The problem is that society, the government, and the judicial system are trying to tell Petitioner what he believes over something that was not even his idea and was executed in violation of federal law. In fact, federal, CO, and CA law proves that what was done to him is illegal. Petitioner does not run a daycare center and he certainly doesn't expect a minor to be looking at porn and soliciting him for sex by pretending to be an adult! Essentially, the government committed a crime and blamed it on Petitioner and he is still suffering for something that he didn't even do nor was he planning to do! See OIS pg. 15, (App. I). Before the arrest, Petitioner was approached by an undercover officer in the same adult chat room that he was in when he got arrested in which he deliberately antagonized the undercover officer and admitted that he did not believe that he/she was a minor looking for sex with random men. After the sting arrest

detective Vickie Callahan actually told Petitioner that she had talked to him previously and knew that he “talked trash” but law enforcement still decided to frame him as a child predator simply because he was curious to see who this person actually was after playing THEIR ILLEGAL GAME and illegally tracking his phone after he decided not to show up at all. Nobody is going to tell Petitioner what he believes and that is the whole premise behind this case and is why the methods used to arrest him are illegal under federal law and several states in the Union. Petitioner is actually innocent, has proven his claims, and deserves relief as he is only convicted of the crime requiring registration under SORNA due to government created crime and fraud as prohibited by Apps. H – J. Finally, and most importantly, if Petitioner was in CO in 2007 he would have never been framed as the stings were not occurring and the illegal tactics were already declared illegal under CO law and due process. Thus, Petitioner is also entitled to relief under CO law as proven by App. D.

#### **CONCLUSION AND RELIEF SOUGHT**

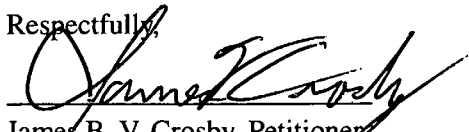
Petitioner is seeking relief from illegal convictions obtained by government fraud and destruction of evidence by means of actual innocence for the reasons stated herein, in the Appendix documents, and in the Initial Brief with attachments below. The underlying conviction requiring registration needs to be vacated as well as the recently obtained one by means of an involuntary plea that resulted because the lower courts are violating his rights and applying inapplicable law that has not yet been resolved by this Court. See also 28 U.S.C. §2283. This Court should issue this writ as the federal laws at issue in this case clearly do not prohibit the relief that Petitioner is seeking and Petitioner was entitled to counsel to help resolve the dispute that ultimately did result in his illegal arrest and conviction due to the unresolved issues of this Court. This writ should also issue because the State of Florida and several states in the Union have joined a federal task force and are now susceptible to suit pursuant to an Act of Congress that has abrogated sovereign immunity and nullified the Eleventh Amendment.

This writ should also issue as actual innocence and newly discovered evidence are being ignored and unresolved issues of federal law apply. Petitioner respectfully requests this relief as well as any other relief deemed just and proper as due process of law and effective assistance of counsel have clearly been

violated and Petitioner is both factually and legally innocent under federal and CO law. Moreover, Petitioner has been repeatedly "knocking on this Court's door" since the lawsuit was filed as his life has been ruined over government fraud and the Court's are allowing the violations of his rights because they think he is a scumbag over said fraud! Simply speaking, the Supremacy Clause, Contract Clause, Compact Clause, Necessary and Proper Clause, Equal Protection, Separation of Powers Doctrine, and due process of law are being violated because the States have been allowed to frame people as child predators in violation of federal law but said violations prove Petitioner is both factually and legally innocent as the only people that broke the law are government officials as proven by newly discovered evidence.

Crimes are illegally being created by government officials in clear violation of an Act of Congress because the government wanted grant money and were concerned about minors searching for sex by posing as adults on websites used for sexual encounters. Essentially, the government created all the elements necessary for a crime to occur, orchestrated the crime (because Florida was paid to do it), and then framed Petitioner by destroying evidence and hiding the law to force him to involuntarily plea by slandering and libeling him on NATIONAL TELEVISION! Then, when he repeatedly raised his actual innocence claim with newly discovered evidence he was rebuked and called a liar over something the government did to him and the lower courts were allowing the government and society to illegally stalk, harass, and assault him instead of correcting the fraudulent conviction because they are trying to hide and change federal law!

Respectfully,



James B. V. Crosby, Petitioner  
7346 Paprika Ct.  
Jacksonville, FL 32244

Date: 11/5/2024