ORIGINAL

24-6918

No. _____

IN THE

Supreme Court of the United States

JOHN BERMAN,

Petitioner,

v.

DAVID MODELL et al.,

Respondent

On Petition for a Writ of Certiorari to the Supreme Court of Maryland

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

"State courts, in appropriate cases, are not merely free to — they are bound to — interpret [and not flout] the United States Constitution." (Arizona v. Evans, 514 US 1, 8 (1995).) This mandatory directive to State courts is ignored with no accountability. The due-process free-for-fall (including other "guaranteed" rights) in State courts—together with the Feldman MISTAKE (the omission of the word, "highest," on p. 464 of DC v. Feldman; sentence beginning, "these provisions") is the root cause of George Floyd's death and countless other ruinations and terminations of lives. The Sixth Circuit has aptly described the Feldman MISTAKE as a "quasi-magical means of docket-clearing" (e.g. Hohenberg v. SHELBY COUNTY, TENNESSEE, 68 F. 4th 336, 340 (6th Cir. 2023). It has "cleared-out" a great many lives by their termination at the hands of corrupt state officials—judges in particular.

There were many more egregious due process violations in "Frankenstein's MoCo laboratory of novel due process creations," [1] but since this petition will be DENIED (among the

[1]Berman v. Jordan et al, 8:22-cv-02695 Dist. C.t Md Dkt 6

thousands of other denials in this broken system that maximizes inefficiency and lawyer job-security over the Constitution), one question here will suffice to add to the expanding record of court-unaccountability, which I will discuss in upcoming presentations in Germany and elsewhere in Europe[2] concerning the Russian invasion of Ukraine and, in particular, Ukraine corruption, which on a properly adjusted basis pales in comparison the US courts.

1. Does a judge's deeming "moot" (because "this Court dismissed the [petitioner's] captioned appeal") a respondent's request for a filing extension for opposition to the petitioner's appellate brief constitute a pre-judgment on the still-open opportunity for the petitioner to file for "reconsideration," as stated in the judge's own previous order?

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[2] The HTT (Holier Than Thou) corruption-adjustment factor https://bulloney.com/f/to-intl-monetary-fundre-corruption-minnesota-courts-mr-floyd

YES, because a neutral judge would have simply waited 11 days to see if the petitioner filed a motion for reconsideration.

But because Maryland courts generally—and Montgomery County courts in particular— are, in important ways, the most corrupt in the US, no consideration is given to "neutrality," because the only consideration is preserving and protecting lawyer fees.

This is one small, focused *but telling* example—easily understandable to the public, who will be the ultimate judge—of a court system's avoidance (by hook or crook, with emphasis on the latter) of the merits of a case that exposes court-corruption in particularly glaring terms. Court corruption is the root cause of every major US domestic problem, and a major reason is it is the pinnacle of white-collar crime. It sets the standard for all financial crimes, and lawyers are nearly always involved in those. Those inclined to crime—white collar or otherwise—pay attention and are emboldened to shoplift (a non-violent, quasi-financial crime) or pass bad checks or counterfeit bills; and these are "gateway drugs"

to violent crimes. Anyone who watches the news hears about "minor offenses" as precursors to headline crime.

. (""[J]ustice must satisfy the appearance of justice." (citation) It follows that public perception of judicial integrity is "a state interest of the highest order."" (Williams-Yulee v. Florida Bar, 135 S.Ct. 1656, 1666 (2015).)

And it should be a federal interest (or "state" in the general sense of "power of the state"), but the evidence is overwhelming that it is of no concern to courts, which merely issue summary (or boilerplate) DENIALS of the most glaring court-corruption cases.

So, while there was a broad array of due process violations in "Frankenstein's MoCo laboratory of novel due process creations," this one question is enough to make the point to the public *on the public record*, whose opinion in the end is the only opinion that counts.

PARTIES TO THE PROCEEDING

Plaintiff/Petitioner Berman has been a

victim of torture (under the definition of the UN Convention Against Torture[3]), attempted (and successful) extortion (as a matter of law; Hobbs Act and Md §3-705) of trust funds of which he was a beneficiary. The extortionists were lawyers in Minneapolis and Montgomery County (MoCo) Maryland. The MoCo lawyers also came to court and admitted—in their impossible, retroactive request (*nunc pro tunc* for added perceived "legitimacy" but applicable only to ministerial errors made in court)—that they had made secret (embezzled; MD §7-113)

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[3] Berman submitted his complaint to the UN CAT committee and learned, in the response, that although the US is a signatory to the Convention, it does not "recognize the competence" of the Convention's enforcing committee (Article 28: "Each State may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not recognize the competence of the Committee provided for in article 20"), which absurdity allows the Convention to be toothless, pro-forma phony treaty, and, in the case of the US, one more free pass for lawyers to perpetrate financial crimes and "enrich themselves at the expense of [others]." https://theintercept.com/2018/05/22/joseph-crowley-alexandra-ocasio-cortez-new-york-primary/ .

transfers of trust monies and concealed (money-laundered; US §1957) the transfers.

Berman had survived a plane crash in January 2018, with a broken neck, back, legs, ankles and more; and has extensive neurological damage that caused him relentless neuropathic agony, as he battled opioid addiction from February 2018 (after he weaned himself off the opioid, as much as he could) to October 2018. Berman needed money for a novel neuropathic pain therapy not covered by insurance (which therapy he finally got in October 2018). He was a 50% beneficiary of his late mother's trust that was scheduled for distribution in early 2018. Instead, the trust was 100% frozen and held hostage by Respondent (lawyer-trustee) Modell and his insurance company, Minnesota Lawyers Mutual (MLM), as described infra.

After two years of court records that built more and more evidence of court corruption, Berman began political action in the week following George Floyd's death. Six weeks prior, he had petitioned the Minnesota Supreme Court to call its attention to the "military

regime" operating in Hennepin County courts,[4] which had bailed-out MLM, a provider of liability insurance to lawyers (and judges when they were lawyers) in approximately 15 states. It had become obvious that MLM was able to leverage the court protection racket (judges protecting judges who protect lawyers) by its well-known presence in states where it operates.

Berman filed in Minneapolis federal court (properly, under the *correct* Feldman rule[5]) five days before Mr. Floyd's death, to put the appalling state-court record on PACER, with the idea that a *real* news operation in Minneapolis (assuming one existed) would be interested in investigating court lawlessness that leads to general lawlessness, which Berman had seen

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[4] "[T]he appellate Court's affirmation of the mere unreasoned 'belief' of a judge, as a valid exercise of discretion, defines pure arbitrariness, as from countries run by military regimes." 0:20-cv-01199 Dkt 8-1, p. 223.

[5] "The Rooker-Feldman doctrine interprets 28 U. S. C. §1257 as ordinarily barring direct review in the lower federal courts of a decision reached by the HIGHEST state court, for such authority is vested solely in this Court." Asarco Inc. v. Kadish, 490 US 605, 622 (1989).

firsthand in another jurisdiction.

When Berman saw the Floyd video, he had no choice—based on his post-trauma survivor's guilt—to call-out the courts (politically, since the court-system's hardened corruption is invulnerable from within the "dues process" controlled by lawyer fees) as the root cause of lawlessness and the termination of those who had not beaten astronomical odds.

Respondent David Modell was the lawyer-trustee who was insured by MLM and under its unlawful subrogation clause that negates *all* the vaunted trustee duties to beneficiaries, in favor of 100% loyalty to MLM in the event of a conflict. Under contract with MLM, Modell instantly kowtowed to MLM's 100% freeze of the trust distribution to Berman and his brother, scheduled for early 2018. With the trust held 100% hostage, MLM and its conspirators immediately started making "settlement offers" for the trust's release, in an obvious hostage-ransom extortion campaign.

Modell also paid (out of the trust) a conspirator-lawyer, Draper, to write a petition in

MoCo courts on behalf of MLM's claim against the trust. Berman objected, needless to say, to the obvious extortion and stated that a true trustee—not under the unlawful, subrogation clause that negates the core of the "punctilio" policy everywhere on trusts—would have told MLM to write and file its own petition. Thus began a multi-year extortionate saga where the trust was held hostage while "fees for extortion services" were drained from the trust.

All of this was, in addition, in violation of Hastings, [6] Maryland's supposedly controlling authority requiring trustees (or a subrogating entity that intends to "step into the shoes" of a trustee) to inform beneficiaries of a purportedly-growing, enormous liability and not keep it a secret. But all that matters in Maryland (and most other courts) is the protection racket of judges protecting judges protecting lawyers collecting fees— here, from a "sacred"

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[6] [T]rustees seeking similar indemnification agreements in the future should adhere to the principle of "full information" in order to allow beneficiaries to make informed decisions. Hastings v. PNC BANK, NA, 54 A. 3d 714, 726 (Md 2012) fn/10.

(Maryland's word) trust.

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The July 10, 2023 Order from the MD Appellate Court stated: "any motion for reconsideration of this dismissal must be filed within twenty (20) days of the date of this Order." The July 19, 2023 Order stated:

"On July 6, the appellee filed a Motion to Extend Time to File Appellee's Brief. On July 10, this Court dismissed the captioned appeal pursuant to Maryland Rule 8-602(c)(6). Upon consideration of the foregoing, it is, this 19th day of July 2023, by the Appellate Court of Maryland, ORDERED that the appellee's motion is denied as moot." (See Attachments—Group #1.)

The request for extension was "deemed moot" 11 days before the deadline for reconsideration had passed. Therefore, any motion for reconsideration had been prejudged as DENIED.

On 11/21/23, the MD Supreme Court denied my Petition for Review as untimely, which they would have denied regardless of anything because to address these issues would expose the rampant MD court corruption. Apparently, the reason for my missing the 15-day filing deadline—about which I got confused and thought was 30 days because I was away and worried about my cat who was not doing well—was suggested by the MD Supreme Court as possibly having some bearing on their dismissal. This, however, is one more example of Maryland's court-fraud. If the MD Supreme Court had really been concerned about the obvious due process violations that were necessary to cover the glaring corruption, they would have given me 10 days to show cause why I missed the deadline. This is why, ultimately, the lawyer-monopoly will be end. At every turn, judges provide ample evidence of their corruption.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fourteenth and Fifth Amendments, which are supposedly enforced by the federal courts — and on state courts — guarantee that federal due process and property rights are adhered to by the States. As previously stated, they have become a sad joke in the hands of the courts. Here, as is always the case in Maryland (but many States run a close second), lawyer fees have priority over everything.

STATEMENT: This Court's authority is supposed to control over State court proceedings, but the reality is nothing of the kind. So, the only solution is a political one, and creating a public record, as here, is one of the most important components for that.

The two orders from the MD appellate court speak succinctly for themselves as to the irrefutable prejudgment of the supposed "opportunity" for "reconsideration." There was no actual opportunity for reconsideration, just like every other aspect of the fraudulent "process" in Maryland courts.

"[D]ue process does not require a showing that the judge is actually biased as a result of his self-interest. Rather, our cases have "always endeavored to prevent even the

probability of unfairness." Republican Party of Minn. v. White, 536 US 765, 815 (2002).

It would have taken only a moment's thought—if that—to realize that the second order (on the "denial as moot;" see Attachments—Group #1) could have waited 11 days to see if a motion for reconsideration had been filed. But Maryland courts are fully-geared to cover-up as quickly and with as little trace as possible of any hint of the merits of a case that will show, in particular, the depredations of "sacred trusts."

REASONS FOR GRANTING: If this Petition were to be granted, it would significantly hasten the inevitable result that the UnConstitutional ABA lawyer-monopoly will be eradicated by Congress exercising its Art III authority to "regulate" the lower federal courts.. So there is no way that this Petition will be granted.

ATTACHMENTS: The attachment in Group #1 document this example here. Twenty days are allowed for filing for reconsideration, as stated in the July 10, 2023 order. Yet my motion for reconsideration was implicitly prejudged as denied, since the judge dismissed the other party's time-extension request "as moot" ignoring the fact that the 20 days had not elapsed.

The Group #2 attachments (not discussed above) show how Maryland trial court judge McAuliffe stuck the notice of appeal, never mind that he did not actually

address the issue. This "stricken" notice was referenced for the "administrative closure" of the appeal. Minimal words. No reasons stated.

Maryland judges—the corruption professionals—use the bare minimum of words in order to ignore facts, issues, and law, so as to protect the lawyer-monopoly-mob and its protection racket of judges protecting other judges protecting lawyers and their fees. The fees are the raison d'etre of lawyers/judges—whose polysci and similar undergrad degrees are worthless outside of government (and in government might get them a mid-level paper-pushing job after 20 years). The fees are the lawyer-monopoly's most basic benefit—a guaranteed part-time income writing demand letters for Craigslist clients, which keeps them above the poverty level. The real money-benefit, of course, is representing corporations; and then getting money and power contacts to get elected to Congress.

CONCLUSION: This is the end game of the corrupt, royal-class, ABA lawyer-monopoly, which, among other things, gives lawyers privileges in federal court, which are plain equal protection violations. I have pegged the endgame (in rough correlation with a chess match) from the 1983 Feldman MISTAKE that crippled our Bill of Rights and killed due process and property rights. The exact timing isn't important, but I have repeated dozens of times that reading the riot act (on the corrupt courts) into the Congressional Record is the first step to, one

hopes, averting further riots on the grounds of Congress—and more and escalating action.

~~December~~ March 14, ~~2024~~ 25

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