

24-7413

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

GREGORY MAKOZY — PETITIONER

(Your Name)

vs.

USA

— RESPONDENT(S)

FILED
JUN 11 2025
OFFICE OF THE CLERK
SUPREME COURT, U.S.

ON PETITION FOR A WRIT OF CERTIORARI TO

3rd CIRCUIT COURT OF APPEALS

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

PETITION FOR WRIT OF CERTIORARI

GREGORY MAKOZY

(Your Name)

4599 SW HALLMARK ST

(Address)

PORT SAINT LUCIE, FL 34953

(City, State, Zip Code)

954-218-2947

(Phone Number)

QUESTION(S) PRESENTED

- 1.) CAN AN ORDER OF COURT BE IGNORED WHEREBY IT CAUSES A VIOLATION OF RIGHTS UNDER DUE PROCESS?
- 2.) IF A DEFENDANT WAS CHARGED FOR A CRIME INVOLVING AN UNPAID IRS DEBT, AND THE DISTRICT JUDGE STATES ~~THE~~ DEBT WAS NOT PART OF THE CRIME, WOULD THE DEFENDANT BE WRONGFULLY CHARGED?
- 3.) IS IT A CRIME FOR THE AUSA TO PROVIDE FALSE STATEMENTS TO THE DISTRICT JUDGE AND THE STATEMENTS WERE USED AGAINST THE DEFENDANT?
- 4.) DID THE COURT CONFLICT WITH THE SUPREME COURT UNDER 2024 DECISION FISCHER VS USA?
- 5.) WAS DEFENDANT'S RIGHTS VIOLATED UNDER 8TH AMENDMENT?
- 6.) WERE DEFENDANT'S RIGHTS VIOLATED FOR DUE PROCESS?

LIST OF PARTIES

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

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

RELATED CASES

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FISCHER VS USA (2024)
- THERE IS NO CASE HISTORY FOR AN ORDER OF COURT THAT IS NOT FOLLOWED

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- 18 USC 1001
- 18 USC 1517(c)(1) AND (2)
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OTHER

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

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

OPINIONS BELOW

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

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

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 is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

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 is unpublished.

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

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

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

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

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

JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 3-29-75.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

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

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

For cases from **state courts**:

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

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

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

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The issues requiring the full Court's resolution concern the Due Process clause of the 14th Amendment along with the 8th Amendment, 18 USC 1001, 18 USC 1512 (c)(1)and (2). Finally review a recent Supreme Court decision on Fisher vs USA 2024. Review by the full Court is "necessary to secure or maintain uniformity of the Court's decisions." Fed. R. App. P. 35(a)(1). The questions are also one of "exceptional importance." Fed. R. App. P. 35(a)(2).

STATEMENT OF THE CASE

On or about 2013, Defendant filed BK with numerous debts listed. Some of the debts involved the DOL and IRS. The DOJ was involved. On or about April 2015, Defendant entered into a Civil Agreement with the DOJ to pay 4 debts which included the DOL. In the agreement the Defendant immediately paid \$100k to pay off 2 of the debts. A third debt had to be paid off by the end of Dec 2015. The IRS debt had no time limit on it because the BK court was considering dismissing the debt in the proceedings. It was a rush to judgement. The DOJ never believed the Defendant was going to pay the agreement as was entered into. Instead of waiting, the DOJ charged the Defendant in Aug 2015 with different counts including BK Fraud. Defendant still paid the third debt according to the agreement by the end of 2015. The only debt left open was the IRS debt. The AUSA wanted a plea deal by end of 2015. Defendant did not have a choice but to plead guilty to the only remaining debt; the IRS debt. Defendant pled guilty to BK fraud. Defendant was facing over 5 years if he did not take a plea. The BK court dismissed the debt in April 2016. Defendant appeared at sentencing in the beginning of May 2016. At the sentencing, AUSA Melucci told the judge on the record that he did not know if the IRS debt was owed or not. In stead of having a hearing to determine the validity, the court sentenced the Defendant to 30 months imprisonment with restitution to pay the IRS debt of appx \$46K with information provided to the judge and the judge considered the information from AUSA attorney Melucci.

Within 2 weeks of sentencing, the judge realized the problems and dismissed ALL the charges against the Defendant.

REASONS FOR GRANTING THE PETITION

A few months ago, the Defendant and his wife were throwing out old paperwork and discovered 2 documents that were NEVER presented to this Panel to review. The first document was the Criminal history report by AUSA attorney Melucci. Some the information was false and misleading. The report was falsified by Greg Melucci. The evidence (see ECF 7). 18 U.S.C. § 1001 makes it a felony to falsify a material fact in a document or to make materially false and misleading statements to a governmental official. This information was used by the district judge (See ECF 7) Not only was this a crime committed by Melucci, it violated the Defendants rights under the 14th Amendment for Due Process. Furthermore, 18 USC 1512(c)(1) is a section of the United States Code that deals with obstruction of justice. It states that whoever corruptly alters, destroys, mutilates, or conceals a record, document, or other object with the intent to impair its integrity or availability for use in an official proceeding, or otherwise obstructs, influences, or impedes any official proceeding, can be fined or imprisoned for up to 20 years. Title 18 U.S. Code § 1512(c)(2) makes it a crime to "otherwise obstruct, influence, or impede any official proceeding". The statute applies to corrupt obstruction of an official proceeding and carries a penalty of up to 20 years imprisonment. Both of these were violation committed by Melucci.

All of these are grounds for an immediate dismissal of any and all charges.

The second document that was found was the ruling by Judge Schwabb whereby he states the Defendant was NEVER charged for the 2009 IRS debt. (see ECF 7). The judge totally ignored the statements at the sentencing hearing whereby AUSA Melucci told the judge that he is not sure if the IRS debt is owed. The judge ignored this statement and never requested a hearing to determine the truth. Instead, the judge sentenced the Defendant to 30 months in prison and order to pay the 2009 IRS debt as restitution for appx \$46K. This violates the Defendants rights under the 8th amendment for excessive fines. Defendant should never have been ordered to pay a debt that was discharged in a BK proceeding. This also violates the Defendants rights under the 14th Amendment for Due Process. If Defendant was never charged or was never to be charged, the IRS was the last remaining debt of the Civil case. Without it being owed, there is

no case against the Defendant and it means all charges MUST be dismissed. There would be no case. The judge realized this and thus dismissed ALL the charges against the Defendant almost 2 weeks after sentencing him. The only item the court states at every appeal is the Defendant pled guilty to BK fraud. Defendant has provided to this Panel the reason of the plea. It should be very clear to the Panel the prosecutor and the district judge trampled on the rights of the Defendant. The AUSA Melucci committed a crime by providing false information to the judge and also did not know if the IRS debt was owed even though he charged the Defendant. The district judge used the false information from the AUSA for sentencing. He states that Defendant was never charged for the 2009 IRS debt even though it is in the indictment. Then the judge charges an excessive fine to the Defendant making him pay for the IRS debt that he

The district court order the Defendant to pay the 2009 IRS debt of appx \$46K as restitution. This is excessive and violates the 8th Amendment. If, according to the district judge, Defendant was not charged for 2009 IRS debt, then Defendant should never had been ordered to pay it. This again needs oral arguments before this Panel. It must be noted that the Defendant paid the appx \$46K and should be refunded.

The prosecution again keeps telling the court and the Panel that there are 2 IRS debts. There Never was. Defendant has asked the government in numerous pleadings to prove it. They never did. This is why the District Judge should have requested a hearing to find out the truth. Instead, he violates the Defendants rights and sentences him along with ordering him to pay the money without any evidence.

CONCLUSION

This Panel needs to get all of the facts (ECF 7). There are serious flaws with the entire case. The Defendants rights have been violated under the constitution of the UUnited States. This was purely a rush to judgement case. Once rushed, rights have been violated and a crime committed by the AUSA Melucci. The rights were also violated by the district judge. The judge realized it and dismissed ALL the charges. This Panel must conclude that ALL the charges be dismissed and all the rights of the Defendant are restored in full.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

George Mahony
Date: 6-3-25