NO. 25-6155

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Christopher J. Rahaim (aka)Rahim - -

PETITIONER

Vs.

Bruce Bartlett, STATE OF FLORIDA, UNITED STATES OF AMERICA etal

State of Florida, United States of America

RESPONDENTS.

ON PETITION FOR WRIT OF CERTIORARI TO

THE ELEVENTH CIRCUIT COURT OF APPEALS

PETITION FOR WRIT OF CERTIORARI

CHRISTOPHER J. RAHAIM

11064 N.W. DEMPSEY BARRON RD.

BRISTOL, FLORIDA 32321

QUESTIONS PRESENTED

1. Should the unsettled issue in Heck v. Humphrey and Spencer v. Kenma, to be reviewed where this court has not definitively ruled that criminal defendants may use a §1983 lawsuit for evidence suppression when the accused has exhausted all state remedies, a habeas petition is not an adequate remedy, and the accused has been irreparably injured by bad faith concealment of evidence needed to show fraud and unlawful arbitrary detention?

2. Do established laws protect and prevent the indefinite suppression of public records that show fraudulent prosecutions of non–existent crimes, impeachability of all prosecution witnesses, an insufficiency of evidence to sustain any conviction and the lack of any lawful authority by non-elected, appointed judges and prosecutors to perpetrate and conceal unconstitutional processes facilitating extrinsic fraud and false imprisonment?

3. Do established Federal and International laws enforce the right to a fair, speedy trial and correct the deprivation of that right, perpetrated through trickery, deceit, extrinsic fraud, depriving face to face confrontation, material evidence of impeachability and actual innocence?

4. Does the deprivation of self-representation/access to courts, with the purpose of preventing challenges to rights violations, entitle the victim, through established law, to review of the disqualified challenges and or dismissal of criminal charges and release from custody?

5. Does established law protect an enforce rights violated through vague, ambiguous, conflicting state legislation, non–elected appointed officials and prolonged ex–parte influence/inadmissible evidentiary support and arguments?

6. Is this court obligated to revisit, under stare decisis, impact of actuality, highest level of controversy, the internal constitutional conflict between the 9th and 14th Amendments for vague and ambiguous wording in the 9th Amendment, violating International law, when the application results in arbitrary detention perpetrated by non-elected, appointed judges and assistant prosecutors falsely claiming a lawful authority?

7. Does the manifest disregard of established laws and rights, through intentional plain errors and the abuses of discretion, by federal appellate and district judges, require the

enactment of legal precedent to correct and settle the variations in issues leaving discretionary authority unbound to deprive rights condoning and concealing fraud on the court by the court, Petitioner challenging state court jurisdiction?

8. Does stare decisis, established laws and rights, prevail over judicial political partisanship, concealment of fraud by unlawful rulings, and judicial immunity facilitating and authorizing abuses of discretion disregarding federal rights doctrine, state evidentiary breach of contract laws, new light evidence, fundamental miscarriage of justice doctrines?

9. Where the courts have shown the appearance of bad faith, bias and political partisanship, disregarding stare decisis principle, but has an intent to divert petitioners case to the United States Supreme Court for the proper administration of justice, only the highest court can render, does this not obligate this court to review, rule and prevent a fundamental miscarriage of justice for either a bad faith obstruction of justice, or diversionary, scenario, regardless of the good or bad faith of the judiciary?

10. Will this court accept the duty to acknowledge Petitioner's proven, supported, allegations and the deprivations of rights under color of law, as his final adequate remedy, and fully resolve the entanglement/dilemma in favor of the American Spirit of Liberty or all party's?

LIST OF PARTIES

[X] All parties appear in the caption of the cover page.

RELATED CASES

1. State Circuit Court cases: 06-23073 C. F. A. N. O., 06-26725 C. F. A. N. O.

2. Rahaim v. State of Florida, 2D18-5096 Second District Court of Appeals Judgment on May 22nd 2020.

3. Rahaim v. State of Florida: 2D19-3568 Second District Court of Appeals Judgment on June 17th, 2020.

4. Rahaim v. State of Florida: 2D19-4211 Second District Court of Appeals Judgment on July 15, 2020.

5. Rahaim v. State of Florida: 2D20-1986 Second District Court of Appeals.

6. Rahaim v. State of Florida: 2D20-1804.

7. Rahaim v. State of Florida: 2D21-1757.

Florida Supreme Court

1. Rahaim v. State: SC20-918.

2. Rahaim v. State: SC20-1218.

3. Rahaim v. State: SC21-1438

Florida District Court

1. Rahaim v. State: 8:22-cv-2868-TPB-SPF.

2. Rahaim v. State: 8:22-cv-0303-WFJ-JSS.

3. Rahaim v. State: 8:22-cv-02448-KKM-CPT.

4.Rahaim v. State: 8:22-cv-01721-TPB-SPF.

Eleventh Circuit Court of Appeals

1. Rahaim v. State: 24-12630-G

2. Rahaim v. State: 24-14175-J

3.Rahaim v. State: 25-10142-F

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REFERENCE TO OPINIONS

The opinion that the District Court gave, dismissing the Complaint, citing the Heck Bar, appears in Appendix B. Both District and Appellate Courts opinions, that both Rule 60 motions were insufficient for relief, appear in Appendices A, D, and H.

JURISDICTION

[X] For cases from federal courts:

The date on which the United States Court of Appeals decided my case was June 10th 2025.

[X] A timely Motion For Extension of Time was sent to Justice Thomas on July 25th, 2025.

[X] A timely petition for rehearing was denied by the United States Court of Appeals on July 5th, 2025 denying the Rule 59 motion. A copy of the order for no action taken appears in Appendix H.

The jurisdiction of this court is invoked under 28 U.S.C. § 1254(1); 28 U.S.C. §1367; 28 U.S.C. §1331; 28 U.S.C. § 1343(a); 42 U.S.C. § 1983; Article III § 2 Clause 2 United States Constitution. 28 U.S.C. §2403(a) may apply for the unconstitutional legislating of Amendment 9, U.S. Constitution, to abridge, what is represented to be the Guaranteed Bill of Rights, violating International Law when the application results in arbitrary detention by elected officials, or other falsely claiming a lawful authority.

No notice or opinion was given by the Eleventh Circuit Court of Appeals in reference to the challenges against the 9th Amendment, U.S. Constitution or Article 1 § 1 Florida Constitution.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Constitution: 1st, 4th, 5th, 6th, 9th, and 14th Amendments

Florida Constitution: Article 1 § 1; § 9; § 21; § 24; Article 3 § 2; § 6 Article 10 § 13.

Federal Statutes and Rules: 18 U.S.C. § 241, § 242, § 1512(b)(c), § 3161(h)(8), § 3500,

28 U.S.C. § 1331, § 1343, § 1915, § 2241, § 2244, (d)(1)(b), § 2254.

42 U.S.C. § 1983.

Rules: 16(a)(1)(c); 44; 48 (b) federal rules criminal procedure; 9(b);

12; 56 (c)(1)(B); 59, federal rules civil procedure.

301; 802; 803 federal rules of evidence.

State Statutes and Rules

Florida Statutes § 90.104(1)(b); § 90.302; § 90.501; § 90.608(5); § 90.803(6), (7), (10); § 119.01; § 454.18; § 768.28; § 794.011; § 843.0855(3), (5)(a)(c).

Rules of Criminal Procedure: 3.140(g); 3.191, 3.220

Rules of Professional Conduct: 4.37, 4.84(c).

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STATEMENT OF THE CASE

1. Petitioner is a falsely imprisoned victim by a pre-meditated fraudulent scheme by adverse civil litigants using an abuse of process to prevail through bad faith civil litigation over real estate disputes.

2. Police were paid and employed confidential informant prostitutes, they were using for sex, to seek out petitioner and falsely claim forced sex when no sex occurred with petitioner Rahaim. He is actually innocent, imprisoned by obstruction of justice.

3. Both informants, holding petitioner in prison, refused to prosecute. The fraudulent prosecution is fueled only by the states intent to conceal and preserve arbitrary, unlawful power and prevent exposure of secretive conduct at Petitioner's expense.

4. This case originated over money disputes not sex crimes. With fraudulent intent, obstruction of justice, conspiracy against rights and knowledge of petitioner's actual innocence, probable cause to arrest Rahaim was manufactured. All evidence of these claims, definitively corroborating the 129 verifying exhibits submitted to all courts, is being fraudulently concealed with bad faith, obstructing justice, resulting in prolonged arbitrary detention and a fundamental miscarriage of justice.

5. The chronology of events, multiple contradicting statements and physical evidence proves the actual innocence of the petitioner and that the accusers are fabricating non-existent criminal charges. In one state case #06-26725, alibi witnesses and video, proving Rahaim was elsewhere on the night and time in question, has been deprived by filing of charges after video was erased and the state refusing to provide purchased alibi witness deposition transcripts and public records.

6. A list of 111 facts, proofs and elements, with over 129 supporting exhibits was presented to all State and Federal courts. These documents overwhelmingly prove actual innocence and obstruction of justice.

7.Invoice contracts, listing specific prices for specific documents, were paid but were breached depriving 32 pieces of exculpatory, impeaching evidence. No jury or reasonable finder of fact was ever made aware of the true facts and evidence. The production of these

public records would result in a different outcome, because no reasonable finder of fact could ever find petitioner Rahaim guilty. There is an insufficiency of evidence to sustain any conviction entitling him to a judgment of acquittal and release from custody.

8.Evidence, suppressed by judges' unlawful rulings, abusing their discretion, will show only fabricated evidence and false testimony is falsely imprisoning Petitioner Rahaim. These concealed documents also prove that prosecutors and the court knew about the fraud and false accusations prior to the filing of formal charges and failed to correct the constitutional rights violations depriving due process.

9. A written order compelling the state to produce DNA paperwork, to the defense, was never complied with and was removed from the file, judge Nancy M. Ley claiming, in her order denying, the order was never filed in an attempt to prevent the exposure of state perpetrated conspiracy to obstruct justice and prolong Rahaim's false imprisonment and the exposure of the true facts showing a total insufficiency of evidence to convict. The DNA evidence exonerates Petitioner Rahaim.

10. Petitioner filed a §1983 action which was erroneously dismissed, citing the Heck Bar, claiming he must use a habeas petition for the relief he seeks. He filed a rule 60 motion arguing why he cannot use a habeas petition and the Appellate court dismissed the Appeal by plain error and erroneous findings of facts.

11. All motions,complaints and appeals, in all state and federal courts, have been denied or dismissed by a tyrannical abuse of government authority refusing to allow Rahaim an opportunity to be heard. He is impeded and prevented from presenting fraudulently concealed new light evidence and witness testimony of actual innocence, bad faith prosecutions of non-existent crimes, and connivance by officials obstructing justice through unlawful dismissals depriving rights under color of law.

12. All court and public records officials have never denied the existence of evidence supporting petitioner's facts and claims of fraud. The burden has shifted to the state and defendants to disprove Petitioner's claims. He still has the burden to show a habeas court clear and convincing evidence of actual innocence and bad faith constitutional violations of substantive and procedural due process. These violations entitle petitioner to the records, the reversal of any conviction, and the disqualification of any claim of lawful authority or compelling government interest prolonging his arbitrary detention.

13. The need for Petitioner to provide evidence is also supported and mandated by established laws providing for pre-trial evidence proving witness impeachability, the freestanding right to public records, evidence proving invalid charging documents, filed in bad faith, failing to establish state court jurisdiction and breach of contract, implied covenant of good faith and fair dealing, by refusals to provide the purchased records.

14. Every constitutional right to self-representation, speedy trial, public records production, and due process has been knowingly and willfully violated. The bad faith exception for federal relief has been established, as well as the legal liability of prosecutors, judges and officials that have no immunity for declaratory or injunctive remedies and no lawful authority, being appointed, not elected by state vote, mandating the production of the purchased records and that all rulings must be in Petitioner's favor.

15. Petitioner's challenges to the deprivation of rights to self-representation, speedy trial, public records production and due process, were legally sufficient to both state and federal standards thoroughly arguing and complying with court rules, statutory law and federal rights. All courts have willfully refused to apply and follow established law, stare decisis doctrine, prejudicing the petitioner, permanently continuing pre-trial investigatory tactics, without the lawful authority, depriving any relief from fraud resulting in irreparable injury

and a fundamental miscarriage of justice. Violations of the First, Fourth, Fifth, Sixth and Fourteenth Amendments continue.

16. The states failure to provide and adequate process to remedy provides for federal court jurisdiction under the Fifth and Fourteenth Amendments due process clauses. The district and appellate court's written reasons for dismissing the Complaint and Appeal are invalid. Plain error citing the Heck Bar and the erroneous dismissal of the Appeal proves an ongoing willful intent to deprive substantive rights resulting in prolonged arbitrary detention violating International law, Article 9 International Covenant on Civil and Political Rights.

17. Challenges to vague and ambiguous wording in Article 1 § 1 Fla. Constitution and the Ninth Amendment, U.S. Constitution, show Petitioner's entitlement to favorable rulings as well as the willful intent of the courts to deceive the public and fraudulently govern by false imprisonment void of any primary lawful authority.

18. The great public interest, the highest level of controversy, the impact of actuality, stare decisis principles, no other adequate remedy, and the unsettled, conflicting laws providing the right to public records in criminal proceedings, all provide for the granting of *certiorari* review in this case. Petitioner has made a showing that there is a justiciable case or controversy.

19. The court rulings in Heck, Spencer, and Edwards, only somewhat address a criminal defendant's proper procedure in whether to file a habeas petition versus a §1983 complaint. It may appear that the court does not desire a resolution of the conflicting issues of habeas versus §1983 filings by decades of denying certiorari review for fraudulent suppression of evidence cases. These controlling cases do not specifically address the issue of intentional sealing and concealment of public records and evidence to willfully deprive an actually

innocent criminal defendant from proving his innocence and the perpetration of intrinsic and extrinsic fraud.

20. The judiciary is abusing its discretion by concealing official corruption and scandal by a false claim of lawful authority having no compelling government interest to justify any evidentiary privilege to permanently conceal. This requires review to enforce rights of criminal defendants to be free from fraudulent prosecutions brought in bad faith, without the hope of obtaining a valid conviction and to ensure the integrity of the judicial process holding officials accountable for continuing arbitrary detention.

21. The evolution and history of the courts shows a degradation of standards facilitating the fabrication of evidence, false testimony, and the prosecutorial roles of bias judges sending all accused defendants to prison, arbitrarily, by malicious violations of canons, constitutional rights and International Law.

REASONS FOR GRANTING THE WRIT

22. Petitioner is the actually innocent victim of fraudulent prosecutions of non–existent crimes. A fraudulent scheme is concealing a pre–meditated unconscionable set–up by police and prosecutors. Overwhelming evidence supporting these facts has been presented to all courts. Petitioner exhausted all state remedies and brought a title 42 U.S.C. § 1983 civil rights lawsuit to correct the willful conspiracy of multiple defendants depriving public records and evidence. The records and evidence will prove actual innocence and bad faith prosecutions facilitating prolonged arbitrary detention. The highest level of controversy, the great public importance and the impact of actuality provides a justiciable case or controversy requiring the supervisory, corrective power of this court to settle and define

constitutional failsafes by granting certiorari review. see: *Sibron v. New York*, 392 U.S. 40 (1968).

23. The 11th cir. Court of Appeals has irreparably injured the Petitioner denying him the right to be heard and relief from extrinsic fraud,pursuant to Rule 60 (b). Appeal judges erroneously dismissed claiming the filing in the district court was untimely when there are no time limits for challenges for lack of state court jurisdiction and extrinsic fraud. The district court committed plain error by the original dismissal citing the Heck Bar. Rule 60 applies in criminal cases where procedural due process rights were deprived by the states failure to provide an adequate remedy for violations of substantive state and federal constitutional rights

24. The district court's orders,dismissing the complaint,and denying the Rule 60 Motion For Relief From Judgment or Orders, that cited plain error / mistake,dismissing the Complaint, pursuant to the Heck Bar, shows an abuse of discretion. see: United States v. Chambers, 441 F. 3d 438 (5th and 11th Cir.1983). (see Appendix G Rule 59 motion to alter or amend judgment). The multiple errors of law, in the order dismissing, that Rule 60 was untimely, did not allege mistake or lack of prejudice, requires the correcting to prevent manifest injustice. see: *Arthur v. King*, 500 F.3d 1335 (11th Cir.2007); *Jacobs v. Tempur – Pedic Intern Inc*, 636 F. 3d 1327 (11th Cir.2010). The appellate courts dismissal of the appeal, with an erroneous finding, that Petitioner is not entitled to Rule 60 relief, requires U.S. Supreme Court review to settle court claims of a compelling interest verses rights to records.

HECK BAR NOT APPLICABLE

25. The Heck Bar is not applicable to the claims of the Petitioner. The dismissals of the Complaint and Appeal shows plain errors and abuses of discretion. Both federal courts have deprived procedural and substantive due process rights, in bad faith, irreparably injuring the Petitioner who has shown clear and convincing evidence of fraud. See; Gupta v. U.S. Attorney General, 556 Fed. Appx. 648 (11th cir.2011).

26. The district courts order, dismissing the Complaint and denying the Rule 60 Motion, erroneously ruling Petitioner must use a Habeas petition for the relief he seeks, must be reversed by corrective legal precedent. The Heck Bar cannot apply because Petitioner is no longer in custody for case 06-23073 where that 15 year sentence has fully expired. (see Appendix E in Certiorari Petition for Appeal $24-12630 - G). Petitioner cannot bring habeas petition as erroneously ordered by the district court. see: Paul v. Florida, 2018 U.S. Dist. LEXIS 73389 (11th cir.2018); Blanco v. Florida, 817 Fed. Appx. 794 (11th cir. C. O. A. 2020); Hastings v. Jones, 2018 U.S. Dist. LEXIS 50983 (11th cir. 2018) ruling: not in custody leaves the court without jurisdiction to entertain a habeas petition. see also: Maleng v. Cook, 490 U.S. 488 (1989). A §1983 lawsuit is the only adequate remedy because there is no habeas detention. see: Skinner v. Switzer, 562 U.S. 521 (2011); Daker v. Warden, 805 F. Appx 648 (11thcir.2020); Spencer(supra).

27. A former prisoner, who is no longer in custody, may bring a §1983 action establishing the unconstitutionality of a conviction without being bound by Heck to satisfy a favorable termination requirement, that would be impossible, as a matter of law, to satify. see: Spencer(supra). Individuals without recourse to the habeas statute, because they are not in custody, fit within the broad reach of §1983. see: Morrow v. Fed. Bureau of Prisons, 610

F.3d 1271 (11thcir.2010). Conviction always satisfies the case or controversy requirement by the deprivation of good name rights, voting rights, employment and stigma of conviction.

28. Petitioner has brought procedural challenges, that also invoke due process rights, permitting actions under 42 U.S.C. S. §1983 rather than being required to seek relief exclusively under federal habeas statutes. see: Wilkinson v. Dotson, 544 U.S. 74 (2005); Harden v. Pataki, 320 F.3d 1289 (11thcir. C. O. A. 2003).

29. The overwhelming evidence showing fraud on the court proves prosecutors fabrication of evidence, knowledge and intent to defraud with false testimony. This shows an unconscionable scheme which is designed to improperly influence the court in its decisions. see: Maradiaga v. United States, 679 F.3d 1286 (11thcir.2012); Booker v. Dugger, 825 F. 2d 281 (11thcir.1987); Aldana v. Del Monte, 741 F. 3d 1349 (11thcir. 2014). This all provides entitlement to Rule 60 relief for the district court's abuse of discretion applying the wrong legal standards. see: Aycock v. R. J. Reynolds Tobacco, 769 F. 3d 1063(11thcir.2014); Lafferty v. District of Columbia, 227 F. 2d 348, 107 U.S. App. D.C. 318 (DC cir. 1960).

30. The Heck Bar is also not applicable when a party must show the impeachability of witnesses. In this state case and federal complaint, evidence showing the impeachability and false testimony of every prosecution witness was requested, purchased and deprived by all officials and state actors under color of law through an unlawful custom and policy. The rampant, complete concealment of every record is evidence, in and of itself, to fraudulently conceal a pre-meditated scheme to falsely imprison the Petitioner Rahaim.

31. The district court's application of the Heck bar is erroneous by multiple standards of law. Firstly, Petitioner's request for documents showing impeachability are not barred by Heck. The Heck bar does not prevent a party from impeaching a witness. see: Viramontes v. City of Chicago, 840 F. 3d 423 (7thcir. C. O. A. 2016). The documents requested proves all

states witnesses lied in pre-arrest and pre-trial statements and sworn depositions. In Heck, this court refused to make a distinction for the preclusion by the resolve of a necessary element to a likely challenge to a conviction. The requested, purchased public records would produce evidence for impeaching states witnesses in a future challenge.

32. In Kyles v. Whitley, 514 U.S. 419 (1995) this court ruled impeaching evidence must be produced if the evidence shows there would have been a different outcome had the evidence not been suppressed. Materiality, does not require, by a preponderance, that disclosure of suppressed evidence would have resulted in the defendants acquittal only that the defendant received a fair trial. Therefore, impeaching evidence, that could be material to put the credibility of the witness in question, and not necessarily invalidate the conviction, must be produced and would not be barred by Heck. Impeaching evidence documents should have been produced to prove pre-trial deposition testimony was knowingly false. see: United Statesv. Bagley(supra).

33. Petitioner's requests for DNA paperwork, purchased, and the order document compelling this paperwork, if provided, will not necessarily invalidate a conviction, but will, in the paperworks absence, prove deprivations of due process / access to courts rights. see: Wade v. Brady, 460 F. Supp 2d (1stcir.2006), ruling: denied DNA evidence deprived Petitioner's access to court rights when police suppressed key facts which would form the basis for redress of the Petitioner. see: Bell v. Milwaukee, 746 F.2d 1205 (7thcir.C. O. A. 1984) ruling: if the suppressed evidence is exculpatory, the same Petitioner's conviction would stand unless specifically challenged in the future. The district court disregarded Petitioner's primary claim for public records for future challenges. (see Appendix C, Complaint, clause 101 pg. 48, and prayer for relief pgs. 49, 50). DNA evidence must be produced for impeachability purposes. see: Skinner; Ryland; Giglio; Sargent (supra).

34. The perpetration of extrinsic fraud by the defendants and state shows entitlement to Rule 60 relief and the favorable judgment, pursuant to stare decisis principles. The efforts by the defendants to conceal the evidence shows their bad faith and knowledge that it exonerates the Petitioner in future proceedings. Petitioner is being impeded and prevented from filing a meaningful habeas petition in state case 06-26725. All of the elements defining extrinsic fraud have been met. see: U.S. v Standard Oil(supra) and clause 41 of this petition).

35. DNA expert, Kim Sutton (F.D.L.E.),lied in deposition about Petitioner being a match to fluid claimed to be inside informant/accuser Peck. However, all of Peck's documented statements contain triply contradicting versions of how Petitioner allegedly pulled out, later claiming and contradicting that he masturbated on the boat cushions, but no fluid was found by the light scans of forensic investigators anywhere in the boat, and none of Peck's fingerprints were found in the boat. (see Appendix C exhibits 11, 14, 69, 109 in Certiorari Petition for 11thcir appeal case #24-012630-G)

36. The custody requirement to file habeas petitions, Petitioner's multiple challenges to the deprivations of procedural and substantive due process rights, the request for injunctive declaratory relief and the entitlement to evidence and documents, that show the impeachability and false testimony of all prosecution witnesses, all clearly shows mistakes, plain errors and abuses of discretion by the dismissal of the Complaint, citing the Heck Bar, the denial of the Rule 60 motion, and the plain errors cited to justify the dismissal of the appeal. This court has an obligation to correct constitutional rights violations and deter future misconduct of lower courts see: Sibron(supra). These facts show the impact of actuality, stare decisis violations and the public importance to hold lower courts accountable for abuse of discretion.

37. If there has been or will be an unconditional release from custody, before an inquiry can be made into the legality of detention, Federal Habeas Corpus and the Heck case do not apply. see: Carafas v. Lavalee, 391 U.S. 234 (1968); Skinner(supra).

BREACH OF INVOICE CONTRACTS

38. Petitioner alleged and cited multiple invoice contracts containing specific prices for specific documents. The sole invoice for each document created a contract where the quantity of specific goods,shown in writing,is enforceable. see: *Owens v. Clow Corp.,* 491 F. 2d 101 (5th and 11th Cir. 1974). Federal Courts have accepted and enforced written contracts where the only document was an invoice. see: *Werner Enters v. Westwind Mar International,* 554 F. 3d 1319 (5th and 11th Cir. C. O. A. 2009); *Fla. Stat. § 672.207(3),* parties actions show conduct that recognizes an agreement was made.

STATE LIABILITY FOR BREACH OF CONTRACT

39. The defendants and State of Florida are liable for the ministerial, proprietary act of selling public records. see: *Dalehite v. United States,* 346 U.S. 15 (1953). Any proprietary act is ministerial not discretionary. see: *Tapp v. Washington Metro,* 306 F. Supp. 3d 383 (D.C. Dist. 2016).

40. The duty of the defendants to provide the contracted records and their bad faith efforts, in secondary acts, to implement a fraudulent scheme to conceal, including theft of file documents and creating forgeries, are operational tasks. They are secondary decisions as to

how the state's custom and policy will be implemented and carried out. see *Shehada v. Tavss,* 965 F. Supp. 2d 1358 (11th Cir. 2013).

41. Florida has waived its sovereign immunity for any operational functions in which an individual in similar circumstances could be held liable for a duty of care. see: *Cook v. Monroe County Sheriff,* 402 F. 3d 1092 (11th Cir. 2005). The selling of public records, by invoice contracts, did not involve broad policy or planning decisions and is a ministerial, proprietary, operational task not immune from liability in accordance with Article 10 § 13 Fla. Constitution and Fla. Stat. § 768.28(5). Pursuant to § 768.28, petitioner Rahaim sent Notices of Intent to File Lawsuit to both Florida Attorney General and the Florida Dept. of Financial Services. (see: Appendix C exhibit 130 in Certiorari Petition for 11th Cir. Appeals case 24-12630-G). State immunity is waived for breach of contracts. see: *Pinkston v. Univ. of S. Fla. Bd. Of Trs.*, 2019 U.S. Dist. LEXIS 52374 (11th Cir. 2019).

BREACH OF CONTRACT CLAIMS ARE FEDERAL

42. The district court's order erroneously states that Plaintiffs breach of contract claims do not apply to federal lawsuits, the court refusing to accept supplemental jurisdiction under 28 U.S.C. § 1367 (a). (see appendix B in Cert. Pet. For Appeal cs 24-12630).

43. Petitioner's breach of contract claims are federal claims for the deprivation of property, with underlying liberty interests, as alleged in complaint counts 9-24.[c2448] The state denied all requests for hearings, subpoenas duces *tecum* and the requested relief, violating the 5th and 14th Amendments due process clauses. citing: *McKinney v. Pate*, 20 F. 3d 1550 (11th Cir. 1994); *Shows v. Morgan*, 40 F. Supp. 2d 1435 (11th Cir. 1999) ruling: where Plaintiff had a protected liberty or property interest that was deprived by a state actor and the plaintiff

was not afforded a hearing prior to the deprivation of that right or the hearing was fundamentally unfair, he has a procedural due process claim as applied through 42 U.S.C. § 1983.

EXTRINSIC FRAUD CLAIMS

44. Plaintiff/Petitioner additionally invoked the district and appellate courts jurisdiction under 28 U.S.C. § 1331 and § 1343(a) for extrinsic fraud claims. see: *Moffett v. Robbins*, 14 F. Supp. 602 (Dist. Kansas 1935); *United States v. Throckmorton*, 98 U.S. 61(1878). The fraudulent concealment, delayed discovery, of exculpatory evidence, invokes federal rights, deprived in bad faith, protected under the 6th and 14th Amendments, U.S. Constitution.

45. The state courts order denying Petitioner's discovery claims may be attacked for extrinsic fraud, breach of contract. Title 28 U.S.C. §1343(a) can be used as a jurisdictional basis in an action under § 1983 where property rights are deprived where a clerk of courts failed to return property. This is on point applying to this case's defendant clerk, Ken Burke. see: *Clayton v. Shaw*, 548 F. 2d 1155 (5th Cir. 1977). see: Appeal, 11th Cir #24-12630. Burke confiscated purchased deposition transcripts and removed the court order, compelling DNA from the file. Any claim, by the defendants of a lack of due diligence, by Petitioner cannot void entitlement to reversal for extrinsic fraud on the court. see: *Hazel Atlas Glass v. Hartford Empire Co.* 322 US 238 (1944).

46. Extrinsic fraud exists because Petitioner Rahaim has never had his day in court and he has been prevented from developing an exculpatory record and the full development of all facts in this case. see: *Chambers v. Mississippi*, 410 U.S. 274 (1973). This court should take judicial notice of this evidence, showing consciousness of guilt, why, in 19 years, petitioner

Rahaim has not been allowed to set foot in a courtroom and be heard, because he is armed with knowledge and evidence of a criminal conspiracy to falsely imprison and obstruct justice.

47. Petitioner has shown that all six elements exist to meet the criteria defining extrinsic fraud on the court. 1). An unconscionable scheme or plan, 2) by opposing party 3) of which the government was aware or in which it participated 4) Designed with intent to deceive or improperly influence the court 5) by the suppression of documents material to the party the fraud injures 6) Resulting in the prevention of the injured party from fully presenting its defense in the government case. see: *United States v. Standard Oil Co.*, 73 F. R.D. 612 (9th Cir. 1979). The showing of extrinsic fraud proves entitlement to the reversal of the appeal order dismissing by plain error claiming the Rule 60 motion was untimely when established law, state and federal, provides no time limits for extrinsic fraud on the court.

THE UNLAWFUL CUSTOM AND POLICY UNDER COLOR OF LAW

48. All defendants acted under color of state law. The defendants implemented operational functions under a custom and policy of Florida. The custom and policy is the moving force of the constitutional violations. see: *Monell v. New York Dept of Social Services*, 436 U.S. 658 (1978).

49. The State of Florida, The Florida Department of Law Enforcement, Pinellas County, The City of Saint Petersburg and the Office of the State Attorney in Pinellas County, are persons for a custom and policy within the meaning of § 1983. They have waived their sovereign immunity for negligent activities that are operational tasks which, a duty of care

exists to provide the Petitioner the requested, purchased records under Article 10 § 13 Fla. Constitution and Fla. Stat. § 768.28. see *Cook (supra)*.

50. The defendants are acting under the color of the following state laws: Fla. Stat. § 843.0855(5)(a); Article 1 § 1 Florida Constitution; rule 4.84(c) Fla. R. prof. conduct. These laws, rules and Articles fail to provide the lawful authority exception required by § 843.0855(5)(a) to fabricate fraudulent documents, including court orders, judgments and public records as provided by § 843.0855(3). The state cannot create an evidentiary privilege by a false claim of a compelling government interest. see: *Towbin v. Antonacci*, 287 F. R. D. 672 (11th Cir. 2012) ruling Florida statutes create a privilege where the federal statutes do not. Requested documents, dealing with the alleged wrong doing of public officials, did not apply the state evidentiary privilege. see: *American Civil Liberties Union v. Finch*, 638 F 2d 1336 (5th and 11th Cir. 1981); *Newspress. Pub. Co. v. Wisher*, 345 So. 2d 646 (Fla. 1977) ruling personnel records showing misconduct must be provided to the public.

51. The following reasons eliminate the state's false claim to this lawful authority: The corrupted uses of undercover investigations, provided by rule 4.84(c), are unlawful by statute in the contradicting wording contained in §843.0855(5)(c) against (5)(a). The method of secrecy employed within undercover investigations obviously will prevent a party from instituting or responding to a legitimate and lawful legal process, contained in the wording of (5)(c), because the party cannot know how, or what to respond to. This fundamentally prevents, prohibits, and limits a person's lawful and legitimate access to courts provided in § 843.0855 (5)(c). see: *Bowen v. City of New York*, 476 U.S. 467(1986) ruling it is unconstitutional to prevent a party from knowing about constitutional rights violations by the governments secretive conduct. see: *Imbler v. Craven* 298 F Supp. 795 (9th Cir. 1969), where a prosecutor knowingly permits false evidence to be introduced at trial,

and such evidence will inevitably create a false impression in the minds of a jury, no legal justification can exist for that misrepresentation. see: *Zahrey v. Coffee*, 221 F. 2d 342 (2nd Cir. 2000) ruling: it is a 5th Amendment violation for a prosecutor to fabricate false evidence and testimony with knowledge that the evidence will send the accused to prison.

52. State prosecutors cannot claim ignorance to evidence insufficiency to subvert the judicial process. see: *A.L.H. v. State*, 773 So. 2d 1192 (Fla. 4th DCA 2000) ruling the prosecutor is presumed to have knowledge of all documents in the states file. This knowledge is imputated to all prosecutors and they must correct fraud and false testimony even if a prosecutor did not solicit the false evidence and allows it to go uncorrected. see: *Sargent v. Fla. Dept. of Corrections*, 480 Fed. Appx. 523 (11th Cir. C. O. A.2012). Obstruction of justice is found where there is perjury, the prosecutor knew the testimony was false and failed to correct the fraud. see: *United States v. Vallejo*, 297 F. 3d 1154 (11th Cir. 2002); *Booker v. State*, 503 So. 2d 888 (Fla. 1987) ruling: the fraud must be exposed.

53. A conviction obtained using false testimony cannot stand. see: *Giglio v. United States*, 405 U.S.150 (1972) ruling constitutional error occurs regardless if the prosecutor had knowledge of the fraud or acted in good faith or bad faith. see: *Mooney v. Holohan*, 294 U.S. 103 (1935) totally false testimony amounts to a sham trial.

54. The defendant's possible argument, that no official trial has been held, does not relieve the constitutional obligation to provide Petitioner the requested, purchased public records because they show all state's witnesses lied in pre–trial depositions and are impeachable. See: *United States v. Bagley*, 473 U.S. 667 (1985); *Kyles v. Whitley*, 514 U.S. 419 (1995); *United States v. Agurs* 417 U.S. 97 (1976) all ruling evidence showing the impeachability of witnesses must be provided. see: *Rogers v. State*, 782 So. 2d 373 (2011); Fla. Stat. § 90.104(1)(b); § 90.608(5). Withholding evidence affects the substantial right of a party if the

evidence contains material facts proving fraud. see: *Strickler v. Green*, 527 U.S. 263 (1999) evidence favorable to petitioner puts the case in a whole new light. The outcome of the proceeding would have been different had the concealed evidence been provided. see: *Bagley*, *Kyles*, (supra). Police have a duty to disclose exculpatory evidence to the prosecutor, further obligating the duty to have knowledge of all true facts.

55. The undercover investigations provided for in administrative rule 4.84(c) Fla. r. prof. conduct, are superseded and nullified by the access to court provision in Fla. Stat. § 843.0855(5)(c). see *Willette v. Air Pods*, 700 So. 2d 577 (Fla. 1st DCA 2003) ruling statutory laws take precedent over administrative rules. The fraudulent concealment of purchased public records prejudices and prevents the petitioner Rahaim from filing meaningful challenges in state court. see: *Wolff v. McDonnell*, 418 U.S. 539 (1974), ruling the right of access to courts is found in the Due Process Clause and assures that no person will be denied the opportunity to present to the judiciary allegations concerning violations of constitutional rights.

56. Petitioner cited the issue of vague and ambiguous wording doctrines in clause 88(b) of the Complaint, citing *United States v. Bass*, 404 U.S. 336 (1971) ruling: any challenges to vague and ambiguous wording failing to give a man, of common intelligence, fair warning of the law's intent, having to guess at the laws meaning, must be ruled on in favor of a criminal defendant. see also: *Crandon v. United States*, 494 U.S. 152 (1990); *Shevin v. International Workers*, 353 So. 2d 89(Fla. 1977); *Brunell v. State*, 360 So. 2d 70 (Fla. 1978). Both the 9th Amendments and Article 1 § 1 employ the word "others" and are vague and ambiguous, intentionally creating doubt and failing to give fair warning. This conflicts with the 14th Amendments provision that no state shall enact any law that abridges the rights of citizens. see: *Perkins v. State*, 576 So. 2d 1310 (Fla. 1991). Petitioner must be heard for the

correction of evidence concealment proving he is unlawfully detained, because of the false testimony and fabricated evidence of prosecutors, proving all witnesses are impeachable. Denial of a fair trial cannot be justified and violates "International Law" "Universal Declaration of Human Rights" Articles 10, 11.1 and 30; Article 9 of the International Covenant on Civil and Political Rights. see: *Martinez* (*infra*).

57. Petitioner is being victimized through a fraudulent scheme to force him to be represented by appointed counsel, the court lying he is not. Hybrid representation nullifies any motion submitted, except the motion for discharge and petition for prohibition in appellate court case # 2D20–1986 which were both denied. Petitioner met the exception to have his state criminal cases discharged, because the issue of self-representation was pending before the Florida Supreme Court, case SC20–918, when petitioner filed the rehearing motion for the petition for writ of prohibition and habeas corpus on July 16th 2020 and the Circuit Court lost jurisdiction when it denied both discharge motions as the issue of self-representation was before the court. see: *Logan v. State*, 846 So. 2d 472 (Fla.2003), providing an exception for motions to discharge a state case if the issue to discharge counsel is before the court. Under rule 4.37 Fla. r. prof. conduct, petitioner's state appointed lawyer cannot be a witness and an advocate for the petitioner. His lawyer must give truthful testimony, pursuant to Fl. Stat. § 90.501 about exonerating DNA evidence suppression and multiple state perpetrated acts of fraud.

58. The defense lawyer, Richard N. Watts, know DNA evidence is a match to undercover handler Jerry (Rexrod?). Rexrod had sex with his informant/alleged victim on the night she falsely accused petitioner of sexual battery. Rexrod stated to petitioner, as he abandoned his informant "Mary" at "Gators" nightclub, "I hope you like sloppy seconds". This is material to show the impeachability of DNA expert Kim Sutton. DNA public records,

requested in case 02448 complaint counts 4, 7, 13, 14, 15, 21,22, show impeachability, therefore this issue does not fall under the Heck Bar. (*infra*). The false testimony given by Sutton, in pre – trial deposition, provides for the purchased records because they show the impeachability and false testimony that the DNA matches Rahaim when it matches Rexrod the undercover officer. see: *Bagley; Kyles; Agurs; Rogers(supra).*

ENTITLEMENT TO RECORDS SHOWING IMPEACHABILITY

59. Petitioner is additionally entitled to documents to assist in cases where witnesses gave false testimony and are impeachable. see: Jencks Act 18 U. S. C. S § 3500; Rule 16(a)(1)(c) fed. r. crim. proc.; Fla. Stat. § 90.104(1)(b); § 90.608(5) rule 3.220 Fla. r. crim. procedure.

60. Records showing the impeachability of witnesses must be produced before trial. see: *Kyles; Bagley* (supra). The evidence is material and must be produced if it will show the result of the proceeding would have been different had the evidence not been suppressed. Defense counsels "Motion for Judgment of Acquittal" may have had a different result. see: *Rogers* (supra). Petitioner's 14th Amendment rights were lost when officials concealed key facts that would form the basis for redress by the impeachability of witnesses. see: *Ryland v. Shapiro*, 708 F. 2d 967(5th and 11th Cir.1983).

61. In *Kyles,* the court ruled materiality does not require demonstration, by a preponderance, that disclosure of the suppressed evidence would have resulted in the defendant's acquittal, only that defendant received a fair trial. Therefore, impeaching evidence, that could be material to put the credibility of the witness in question, and not

necessarily invalidate the conviction, could be produced and not be barred by *Heck v. Humphrey*, 512 U.S. 477 (1994). see: *Wade v. Brady*, 460 F. Supp. 2d 226(1st Cir.2006) ruling: denied DNA evidence deprived petitioner's access to courts when police suppressed key facts which would form the basis for redress. see: *Bell v. Milwaukee*, 746 F. 2d 1205 (7th Cir. C. O. A. 1984). If the suppressed evidence is exculpatory, the same criminal conviction would stand unless specifically challenged in a separate action in the future.

62. Nothing in Petitioner's requests for DNA paperwork, court order, Fire Department records, alibi witness depositions, original police reports, implies anything about an underlying conviction. In *Heck*, the court refused to make a distinction for preclusion by the resolve of a necessary element to a likely challenge to a conviction. The purchased public records would produce evidence for impeaching states witnesses. The Heck bar does not bar a petitioner from impeaching a witness. see: *Viramontes v. City of Chicago*, 840 F. 3d 423 (7th Cir. C. O. A. 2016). Impeachment evidence is used to challenge a witness's reliability, not to prove the truth of the matter asserted.

63. DNA analyst, Kim Sutton, gave false testimony in deposition, although possibly unsworn, (see exhibits 44, 128 and Fla. Stat. § 90.605.1 in case 8:22–cv–02448), she lied about the existence of incriminating matches to petitioner Rahaim in state case 06–23073 and also lied that there was DNA evidence in case 06–26725. Sutton is impeachable even though her statements may be unsworn, pursuant to the 6th Amendment U.S. Constitution; Article 1 § 16, Fla. Constitution. see: *Garcia v. State*, 816 So. 2d 554 (Fla.2002).

64. Petitioner has shown he has been prejudiced by the defendant's fraudulent concealment of documents and that he has a valid claim for the suppressed records. see: *Knight v. State*, 76 So. 3d 879 (Fla.2012) claims for the production of evidence must include that party was prejudiced.

65. The U. S. Supreme Court ruled in *Skinner v. Switzer*, 562 U. S. 521(2011), that DNA material could be produced for testing because the evidence would not necessarily invalidate the conviction and is cognizable under § 1983. This court further ruled that any element, that may lead to a challenge of conviction, does not fall under the Heck Bar. Petitioner Rahaim cannot use a habeas petition as required by the Heck Bar. He is not in custody for the primary case # 06–23073. (see appendix J in Cert. Pet. For Appeal. cs. 24-12630-G). That sentence has fully expired. Furthermore, a *habeas* court cannot enforce public records laws, address the impeachability of witnesses or correct errors of fact. This § 1983 challenge was the only adequate remedy to produce the purchased records and correct the states breach of contract, access to courts violations. see: *Cullen v. Pinholster*, 563 U. S. 170 (2011). ruling: new evidence is not cognizable and the record, as it stands, must be utilized to insure finality in state court decisions. Falsified records must be corrected.

66. Petitioner must be granted the fraudulently concealed evidence to challenge his underlying actual innocence claim. Statements of accusers prove non–existent crimes and actual innocence. see: *Murray v. Carrier*, 477 U. S. 478 (1986). The reasonable doubt of petitioner's guilt can be established by the production of the requested purchased public records. see: *Sawyer v. Whitley*, 505 U. S. 333 (1992). Reasonable doubt is still the standard of proof in a criminal case. Petitioner is being irreparably injured by the bad faith prevention to exhaust state remedies. The State created impediment must be removed. The prevention is a cognizable injury under the 14th Amendment. see: *Lewis*; *McMillan* (*infra*).

DENIED ACCESS TO COURTS

67. Right of access to courts challenges arise from several sources including the 1st, 5th and 14th Amendments of the U. S. Constitution. see: *Christopher v. Harbury*, 536 U.S. 407 (2002); *Chappell v. Rich*, 340 F. 3d 1279 (11th Cir. 2003). § 1983 access to court claims must show injury. see: *Lewis v. Casey*, 518 U. S. 343 (1996) ruling that depriving a person of an arguable, though not yet established claim inflicts injury. State actors have fraudulently concealed exonerating evidence. see: Ryland (*supra*).

68. The failure of police officers, including defendant Chief Anthony Holloway, to disclose material exculpatory or impeachment evidence is a cognizable injury under the Due Process Clause of the 14th Amendment. see: *McMillan v. Johnson*, 88 F.3d 1554(5th and 11th Cir. 1996). Law Enforcement had a duty to disclose evidence to prosecutor. see: *Ryland*, *Kyles* (supra). The district court committed plain error finding Petitioner's access to court claims showed no injury and the appellate court ruled the case was frivolous abusing its discretion.

69. Obstruction of justice is found where there is perjury, the prosecutor knew the testimony was false and failed to correct the fraud. see: *Sargent*; *Vallejo*; *Giglio*; *Mooney* (supra). In this case, the requested, purchased documents, petitioner seeks, are fraudulently concealed in bad faith. Once produced, they will provide non–frivolous causes of action for judgments of acquittal, abuse of process, insufficiency of evidence to sustain any conviction, actual innocence, ineffective assistance of counsel, *habeas corpus*, malicious prosecution.

THE FRAUDULENT SCHEME CONCEALING RECORDS

SHOWING CONSCIOUSNESS OF GUILT

70. There is an overwhelming showing of bad faith by Petitioner's false arrest, fraudulent prosecution and fraudulent scheme to conceal clear and convincing public records.

By his office, defendant Bartlett has employed other defendants, exerting undue influence over them, to be co–conspirators in the continuing suppression of exculpatory records and the creation of document forgeries to defraud.

71. Defendant's scheme to defraud intends to induce a false belief of the non–existence of evidence by depriving property in the form of public records that petitioner paid for. see: *McNally v. United States*, 483 U.S. 350 (1987); *United States v. Setser*, 568 F.3d 482 (5th and 11th Cir. 2009).

72. The defendant's concealment and omission of material information is part of a scheme to defraud. See: *Emery v. General Financial Corporation*, 71 F.3d 1343 (7th Cir. 1995). Defendant's falsifying of records was part of a fraudulent scheme. see: *Battlefield of American Holding v. Baird*, 45 F. Supp. 2d 1049 (10th Cir.1999).

73. Willful deprivations of constitutional rights are shown by the defendants' actions, violating 18 U. S. C. S. § 1506; § 1512(b)(c) The Fourteenth Amendment, U.S. Constitution, Article 1 § 9, Article 1 § 24, Fla. Constitution.

Their failure to produce purchased records shows consciousness of guilt. see: *United States v. Baldeo*, 2014 U.S. Dist. LEXIS 12410 (2nd Cir. 2014); *Twilegar v. State*, 42 So. 3d 177 (Fla. 2010) ruling: concealing evidence by acts or statements is evidence of consciousness of guilt. Alteration of records shows consciousness of guilt. see: *Potts v. Beard*, 2014 U.S. Dist. LEXIS 147092 (9th Cir. 2014). Suppression of material records shows

consciousness of guilt. see: *United States v. Mastropieri*, 685 F. 2d 776 (2nd Cir. 1982). Petitioner has shown the fraudulent concealment of documents and the ongoing fraudulent means to conceal them. see: *Arrington v. Hausman*, 760 Fed. Appx. 705, 2019 U. S. App. LEXIS 591(11th Cir. 2019) quoting, *Arce v. Garcia*, 434 F. 3d 1254 (11th Cir. 2006). The Defendant's ongoing suppression of evidence is a continuing violation. see: *Havens Realty Corp. v. Coleman*, 455 U.S. 363 (1982); *Odeh v. City of Baton Rouge*, 191 F. Supp. 3d 623 (5th Cir. 2016).

74. The suppression of evidence is a state created impediment preventing the filing of a meaningful *habeas* petition, pursuant to *28 U.S.C. § 2241*, see: *28 U.S.C. § 2244*(d)(1)(b). The documents show states witnesses lied and are impeachable requiring the production of the evidence documents pursuant to *18 U. S. C. S. § 3500.* Petitioner's list of 111 facts, proofs and elements, with over 120 verifying exhibits, raises the presumption of fraud, pursuant to *Fla. Stat. § 90.302*. The public records fraudulently concealed are substantive evidence containing material facts which are different from all states witnesses testimony and must be provided, pursuant to *Fla. Stat. § 90.608(5).*

The last act in an ongoing scheme provides equitable tolling, pursuant to *Fla. Stat. § 90.031*. The access to courts provision in *Fla. Stat. § 843.0855 (5)(c)* combined with *Rule 3.220 Fla. r. crim. procedure*, and these prior listed statutes, all overwhelmingly mandates the production of the purchased documents. The fraud must be exposed. see: *Booker v. State*, 503 So. 2d 88 (Fla. 1987). Article 1 § 1, Fla. Constitution cannot create any compelling interest or evidentiary privilege that takes precedence over Federal rights to the production of new light, everyman's evidence.

THE FREESTANDING RIGHT TO PUBLIC RECORDS

75. Petitioner has a freestanding absolute constitutional right to the public records he purchased. This common law right has been characterized as fundamental to a democratic society. The enforcement of this right does not depend on whether the Petitioner needs the records for a proprietary interest or as evidence in a lawsuit. see: *Nixon v. Warner Communications Inc.* 435 U. S.589 (1978); *Dretke v. Haley*, 541 U. S. 386 (2004); *Newman v. Graddick*, 696 F. 2d 796 (11th Cir. 1983); *Henderson v. Florida*, 754 So. 2d 319 (Fla.1999). Petitioner's right is freestanding not requiring him to show anything except that he paid for the records, pursuant to *Fla. Stat. § 119.01* and *Article 1§ 24 Florida Constitution*.

76. Florida law gives petitioner Rahaim a substantive right to the public records he paid for and requested. see: *Article 1 § 24* Fla. constitution, *Fla. Stat. § 119.01* "Public Records Act"; *Bryan v. State*, 748 So. 2d 1003 (Fla. 1999); *Buenoano v. State*,708 So. 2d 941 (Fla. 1998). Records must be produced despite incriminating results to their makes. see: *Conner v. Alderman*, 159 So. 2d 890 (Fla. 2nd DCA 1964). *Rule 3.220* Fla. r. crim. proc. may not be limited or expanded by *Florida Statute § 119.01.*

77. The liberty and property interests, in these criminal proceedings, gives Petitioner a stronger entitlement to the public records. see: *Chicago Tribune Co. v. Bridgestone Firestone Inc.*, 263 F. 3d 1304 (11th Cir.2001) ruling: criminal trial access is more essential than civil proceedings. Public records production is a substantive right. see: *Orlando v. Desjardins*, 493 So.2d 1027 (Fla.1986). Records proving misconduct by state officials must be produced. see: *Newspress Publishing v. Wisher*, 345 So.2d 646 (Fla. 1977).

78. Petitioner's showing of materiality, additionally gives substantive rights by federal law and the 14th Amendments equal protection and due process to the requested documents,

pursuant to Rule 16(a)(1)(c) fed. r. crim. procedure; The Jencks Act, 18 U. S. C. S. § 3500; Every–man's Evidence Doctrine, Fundamental Miscarriage of Justice Doctrine: New Light Evidence Doctrine.

79. Public records must be made available to all members of the public. Material, in connection with pre–trial motions, that require judicial resolution on the merits, is subject to the common law right to public records. see: *Romero v. Drummond,* 480 F. 3d 1234 (11th Cir. 2007). This right is what secures the integrity of the judicial process. see: *United States v. Wright,* 2023 U.S. Dist. LEXIS 74388(11th Cir.2023) ruling: any motion presented to the court to invoke its power or affect its decisions is subject to the public's right of access, pursuant to the 1st Amendment U.S. Constitution. see: *Callahan v. United Network for Organ Sharing,* 17 F 4th 1356 (11th Cir. 2021).

80. The police report requested in Complaint 8:22-CV-02448 Counts 2, 10, and 19 is a public record. The Fire Department dispatch records requested in Counts 3, 5, 11, 13 and 20 in the Complaint are public records. The deposition transcripts of alibi witnesses, giving support to the Petitioner's alibi claim and pre–trial notice of alibi, are public records requested, purchased and seized, and are in counts 1, 9, 18 cs. 02448 where defendant Burke cashed Petitioner's check for $65.10 for 64 pages, but never issued a receipt or the two eyewitnesses transcripts. Liberty and property rights, pursuant to Article 1 § 12 Fla. Constitution are invoked pursuant to 28 U. S. C. 1343(a) in an action under §1983, where purchased public records were withheld by a clerk. see: Clayton v. Shaw, 548 F. 2d 1155 (5th Cir 1977) (supra). The order document, granting defenses motion to compel DNA paperwork is a public record that was literally stolen out of the court file and eyewitnessed as missing by Minister Frank Martin (see complaint affidavit exhibit 39 in Cert. Pet. For Appeal. cs. 24-12630-G). The St. Petersburg Fire Department received certified payment and refused to

respond. (See complaint exhibits 39 and 41). The non–response of these defendant's shows they concede and admit to Petitioner's claims and merits. see: *Sandoval v. Godinez*, 2015 U.S. Dist. LEXIS 146108 (7th Cir. 2015): *Jackson v. Walker*, 2007 U. S. Dist. LEXIS 60782 (7th 2007); *State v. Kalergeropolous*, 758 So. 2d 110 (Fla.2010).

81. Evidence, of the non–occurrence of events in state case 06–26725, is provided by Fla. Stat. § 90.803(6), (7), (10) by the lack of entry or record of regularly conducted business activity. Federal rules of evidence 803 also mandates the production. The documents prove all witnesses gave false testimony knowingly testifying to facts they know did not occur, prejudicing the Petitioner sending him to prison. Prosecutors willfully provided fabricated testimonial evidence violating the 6th and 14th Amendments due process clauses. see: *Giglio, Sargent, Vallejo, Agurs, Mooney*(supra).

82. The refusal by the state and federal officials to correct violations of Fla. Stat. § 843.0855(5)(a),(c); § 90.302 and rule 301 fed rules of evidence, for the failure of the defendants to rebut Petitioner's showing of fraud and violations of constitutional rights, waiving immunity, pursuant to Fla. Stat. § 768.28, proves entitlement for this court to review and settle false claims of lawful authority in Petitioner's favor. Petitioner has a substantive right, by multiple legal doctrines, for this court to cease the state created impediment, violating federal rights, pursuant to 28 U.S.C. § 2244(d)(1)(b) providing for equitable tolling. see: *Holland* (supra).

83. In the district courts order dismissing, the court omits any finding or legal analysis about public records laws and rights. On page 4 of the order, Appx. J app cs. 24-12630, the district court erroneously limits the Petitioners claims to only two categories. Only access to court and breach of contract claims, which the court dismisses by an abuse of discretion disregarding Petitioners federal right and primary claim to public records, he purchased by

invoice contracts, are cited as being claims for which relief cannot be granted. (see appendix J). The appellate court's standard of review De Novo, which must take Petitioners claims as being true, was disregarded ruling Petitioner's appeal and claim for public records is "Frivolous" eviscerating establish law and stare decisis doctrine. The blatant obstruction of justice by the Appellate court violating 18 USC § 1506, § 1512(b)(c) must be corrected to prevent a fundamental miscarriage of justice.

84. The Appellate court cannot rule in favor of Florida where there is no federal evidentiary privilege or compelling interest, no lawful authority, vague and ambiguous wording and a duty of care exists where the ministerial operational tasks of providing purchased records are not immune from liability, pursuant to Article 10 § 13 Fla. Constitution, Fla. Stat. § 768.28 where a state agency entered into a contract. see: Cook (supra).

85. The purchased public records all prove the fraudulent manufacturing of probable cause, impeachability of all states witnesses who lied to send Petitioner to prison, and the existence of bad faith intent by the defendant's actions relentlessly concealing and refusing to produce the records. This all shows evidence of consciousness of guilt. see: State Farm; Baldeo, Mastropieri, Twilegar(supra). The willful, rampant, fraudulent concealment and obstruction of justice cannot be justified to avoid scandal, exposure and the disregard of established laws and rights.

THE SHOWING OF BAD FAITH

86. Every step of due process was violated by police, prosecutors and judges. Petitioner is the victim of a pre–meditated conspiracy over civil suits involving real estate. All evidence

proves actual innocence and fraud on several levels to conceal and misrepresent the true facts. The fraudulent concealment by the defendants, the plain error and abuses of discretion by all judges depriving, shows bad faith. The creation of forgeries to deceive, the stolen file documents, the non–responses, the tampering with of records custodians, all shows bad faith.

87. One hundred and eleven 111 facts, proofs and elements, with verifying exhibits, proves accusers fabricated lies and prosecutors knew of the fraud, failed to correct, and filed charging documents in bad faith. One prosecutor even refused to take material witness testimony to conceal fraud, violating the 4th Amendment and Rule 3.140(g) Fla r crim. procedure. Any state assertion of abstention for injunctive relief disappeared by the state's denial of the records and Petitioners right to be heard. see: *Younger v. Harris*, 401 U.S. 37 (1971).

88. Petitioner has a right to be free from fraudulent prosecutions of non–existent crimes, brought in bad faith, without the hope of obtaining a valid conviction. See: *Shaw v. Garrison*, 467 F.2d 113 (5th and 11th Cir. 1972); *Kugler v. Helfant*, 421 U.S. 117 (1975). The showing of bad faith is the equivalent of showing irreparable injury. Where there is evidence of state proceedings motivated by bad faith and there is no adequate or fair state forum where the constitutional violations were corrected, because of the official's refusal and fraud, the Younger Abstention Doctrine does not apply. see: *Hughes v. Attorney General of Florida*, 377 F. 3d 1258 (11th Cir. 2004).

89. By dismissing the Complaint citing Heck, the district court refused, in bad faith, to conduct evidentiary hearings to determine bad faith prosecutions, committing reversable error. see: *United States v. Leonard*, 50 F. 3d 1152 (2nd Cir. 1995). The Appellate Court deprives the right to De Novo review and for Petitioner to be heard about discovery

violation disputes perpetrated by the defendants. Outrageous conduct is preventing the truth-seeking function of state and federal courts. Bad faith equates to irreparable injury creating liability for judges to be enjoined from fraudulently concealing evidence. see: Pulliam v. Allen 466 U.S. 522 (1984).

90. The records sought in the Complaint will confirm the claims of the Petitioner and show only fabricated evidence and false testimony is imprisoning him. These concealed records, the dismissal of the complaint, the denial of The Rule 60 Motion, all show proof of obstruction of justice, criminal conspiracy and bad faith.

DEPRIVATION OF RIGHTS TO SPEEDY TRIAL JUDGEMENT OF ACQUITTAL

91. The abuses of discretion by federal judges further deprives Petitioner of the right to a Speedy Trial and a true contest of his merits. The state and defendants cannot use a fraudulent scheme to prevent Petitioner from a trial, acquittal and release from custody. see: *Klopfer v. North Carolina*, 386 U.S. 213 (1967); *Barker v. Wingo*, 407 U.S. 514 (1972) providing constitutional rights to a Speedy Trial.

92. Any delay in bringing a criminal defendant to trial, even by waiver of speedy trial, cannot exceed one year. see: *United States v. Ortega*, 2002 U.S. Dist. LEXIS 14967 (8th Cir. 2002). Defendant's waiver of speedy trial is not adequate to satisfy the requirements of 18 U.S.C. § 3161 (h)(8). This federal right and statute cannot be invalidated by Article 1 § 1 Fla. Constitution or by Fla. Stat.§ 843.0855 (3),(5)(a). see: *Walker v. San Francisco Unified School District*, 46 F. 3d 1449 (9th Cir. 1995); *Sanchez v. Degoria*, 733 So. 2d 1103 (Fla. 4th DCA 1999), state rules and laws cannot invalidate federal rights.

93. Petitioner/Appellant re–invoked his right to speedy trials filing Demands for Speedy Trial, pursuant to the 6th and 14th Amendments, complying with rule 3.191 Fla. r crim. procedure. Petitioner/Appellant filed Notices of the Expiration of Time for Speedy Trial and Motions for Discharge in both state cases 06–23073 and 06–26725. The fact that Petitioner was still represented by counsel, and the hybrid representation doctrine preventing him from submitting motions, was defeated, by the exception that motions to discharge counsel had been filed and the issue of the right to self–representation was pending in the Florida Supreme Court when Petitioner/Appellant filed Motion for Rehearing for the denial of the Petition for Writ of Prohibition and Habeas Corpus on July 16th 2020. see: *Logan v. State,* 846 So.2d 472 (Fla.2003); see cases: SC20–918; 2D20–1986; (see appendix C exhibit 112). App. cs. 12630

94. The Federal district and appellate courts dismissals facilitates and enables the State and defendants to not be accountable for their deprivation of rights and their refusal to provide an adequate process to remedy. Petitioner's entitlement to evidence for future challenges to lack of state court jurisdiction and his entitlement to judgments of acquittal, for insufficiency of evidence to sustain any conviction, all is eliminated by the dismissals prejudicing Petitioner by the refusal to correct fundamental miscarriages of justice prolonging arbitrary detention. Petitioner should be relieved of the ongoing governmental impediment to secure his release from custody.

95. Petitioner is being deprived of the right to a judgment of acquittal by the criminal acts of obstructing justice, conspiracy against rights, deprivation of rights under color of law. The evidence proving his entitlement to judgments of acquittal is being fraudulently concealed in and ongoing conspiracy and continuing violation. There is an insufficiency of any corroborating evidence to give needed credibility to false sexual battery accusations. The sole determining evidence is the statements of the alleged victims. They have made a clear

and convincing showing that they are fabricating charges by multiple prior inconsistent statements and statements by informant Peck prove she was never on Petitioner's boat and sex could not have occurred with her claim that Petitioner was straddling her with his legs constricting her legs closed. This position would make intercourse impossible especially with a person resisting with her legs closed. See appendix C exhibit 67 pg. 1. in Cert. Pet. For Appeal. cs. 24-12630-G

96. The insufficiency of evidence, the evidence of actual innocence, and the consciousness of guilt evidence by the government's fraudulent concealment of documents and exonerating DNA results, all entitle Petitioner to judgment of acquittal. see: *Burks v. United States*, 437 U.S. 1(1978) the government's case was so lacking it never should have been submitted to the jury.: *Tibbs v. Florida*,457 U.S.31 (1982) there can be no retrial for the insufficiency of evidence. see: *Greene v. Massey*, 437 U.S. 19 (1978) ruling: the insufficiency of evidence requires a judgement of acquittal not retrial. see: *Insko v. State*, 969 So.2d 992(Fla.2007) evidence is insufficient to show a crime was committed at all. The fact that me–too accusers were prompted, after the pending cases, from the Pinellas County jail,without any prior accusation,proves a conspiracy to falsely imprison the Petitioner who is actually innocent. These additional 3 cases all were dismissed. (See appendix J exhibits 1,2,3 in Cert. Pet. For Appeal. cs. 24-12630-G). Furthermore, the bad faith obstruction of justice by all judges to prevent the convincing evidence from being brought to light, shows Petitioners claims are true and the judiciary is willfully, knowingly concealing a criminal conspiracy and evidence proving conspiracy.

97. The deprivation of the right to self–representation may be facilitating the ongoing fraud by violations of Fla. Stat. § 454.18; § 843.0855(5)(c) depriving access to courts through the disregard of Petitioner's re–invoking of the right to speedy trials, pursuant to rule 3.191

Fla. r. crim. procedure; rule 48(b) Fed. r. crim. procedure. Petitioner's court appointed attorney is a material witness to all claims of fraud by the Petitioner. The attorney must give truthful testimony and cannot refuse to be a witness, pursuant to Everymans Evidence, New Light Evidence doctrines and Fla. Stat. § 90.501. The attorney must be discharged pursuant to Petitioners motions and rule 4.37 Fla. r. prof. conduct. Attorney cannot be a witness and an advocate. Petitioner's deprived right to self–representation is absolute. see: *Faretta*, *Chapman*, *Plattner* (supra). The governments secretive conduct cannot hide constitutional rights violations. See: Bowen (supra).

EX-PARTE VIOLATIONS

98. Secretive conduct, by the government, that prevents a party from knowing about constitutional violations, cannot prevail against an unknowing party preventing any challenges to seek relief from rights violations. see: Bowen (supra).

99. Multiple arguments showing judges abuses of discretion, political partisanship and stare decisis violations, must be determined and settled by an impartial process, void of ex-parte influence, providing an opportunity for both sides to present its case on the merits without ex-parte communications, submissions and considerations.

100. Lack of state court jurisdiction and due process / access to courts violations, where there is an appearance of bias, undue influence and fraud, by unlawful rulings, these rulings should be subject to reversal and correction for their questionable validity.

101. Ex-parte communications, by an adversary party, to a decision maker in an adjudicatory proceeding, are prohibited as fundamentally at variance with our conceptions of due process. see: Doe v. Hampton, 566 F. 2 265 (D.C Cir. C.O.A 1977). A presumption

arises that the ex-parte contact was prejudicial. see: *Palmer Trinity Private School* v. *Village of Palmetto Bay*, 802 F. Supp 2d 1322 (11th Cir. 2011).

102. Any government claim of compelling interests cannot trump or disregard Petitioner's claim challenging procedural and substantive due process violations, pursuant to stare decisis application of established laws, through ex-parte communications,not affording him the right to be heard and present rebuttal evidence. see: Ford v. Wainright, 477 U.S. 399 (1986); McAffee v. Procunier, 761 F.2d 1124 (5th cir. 1985); Depree v. Thomas, 946 F.2d 784 (11th cir. C.O.A. 1991); Stone v. Powell, 428 U.S. 465 (1976).

103. The merit in Petitioner's arguments is proven by consciousness of guilt evidence by all judges refusing to allow hearings to settle discovery violation disputes and ex-parte argument disputes. The evidence submitted ex-parte conflicts regarding the truthfulness of the information as well as if it was properly before the court. see: McAffee. Appellate judges have no justification to disregard the De Novo standard of review about truthful claims that evidence, proving actual innocence and bad faith fraudulent prosecutions, is being fraudulently concealed obstructing justice requiring favorable, corrective rulings.

104. Appeal §751 provides the federal constitutional rule requires the U.S. Supreme Court to review a state court's findings of fact where a conclusion of law, as to a federal right, and the findings of fact are so intermingled that it is necessary to analyze the facts. see: Hurley v. Irish American Group, 515 U.S. 557 (1995). This court is under an obligation to lower courts to decide cases upon proper constitutional grounds in a manner which permits them to conform their future behavior to the demands of the Federal Constitution. see: Sibron v. New York, 392 U.S. 40 (1968).

COMPELLING GOVERNMENT INTERESTS NOT APPLICABLE

105. Any government contention, in this case, that its interests trump the rights to fair trials and public records, cannot prevail, especially when the contentions are presented ex-parte refusing to allow the submission of opposing evidence and arguments. see: Gifford v. Dennis, 2024 U.S. Dist. LEXIS 78718 (4th Cir. 2024) ruling the proponent of continued confidentiality bears the burden of persuasion. It does not create a compelling government interest that precludes or automatically passes a First Amendment right to access.

106. This cases defendant state officials cannot bypass the truth-seeking function of the court. First Amendment violations and the use of the cover of continuing undercover investigations, as a compelling interest, cannot be given deference to deprive substantive rights and federal law. Federal courts have ruled provisions, for confidentiality requirements for the production of documents, specifically declines to extend confidentiality to an evidentiary privilege. Nothing will be construed to prevent the production of evidence to the U.S. courts, pursuant to federal rules of evidence and federal rules of civil procedure. see: Towbin v. Antonacci, 287 F.R.D. 672 (11th Cir. 2012) ruling: Florida Statutes create a privilege where the federal statutes do not. The state privilege ceases when the material or testimony is intended for trial. see: Huet v. Tromp, 912 So.2d 336 (Fla. 5th DCA 2005). The state confidentiality needs do not outstrip federal rights. see: Walker; Sanchez; Towbin. (supra). State law will not have effect and will be pre-empted by federal law where they stand as obstacles to the execution of the purposes of congress. see: Cippollone v. Liggett Group Inc., 505 U.S. 504 (1992); Maryland v. Louisiana, 451 U.S. 725 (1986); English v. General Electric Corp., 496 U.S. 72 (1990).

DEPRIVED RIGHTS TO FACE-TO-FACE CONFRONTATION AND EXPOSED CONFIDENTIAL INFORMANT STATUS OF ACCUSERS

107. Due process / access to courts rights have been violated by the fraudulent concealment of the confidential informant status of accusers, pursuant to the 14th Amendment, U.S. Constitution, and Article 1§9 Fla. Constitution. see: *Banks v. Dretke*, 540 U.S. 668 (2004); *State v. Glossum*, 462 So.2d 1082 (Fla. 1985). These case laws provide for the dismissal of criminal charges for the concealment.

108. The state is applying rule 3.220(g) Fla. R. Crim. Procedure, providing they do not have to disclose the status if they are not calling the informant to testify as a witness in court. Additionally, the 11th circuit has ruled that a victim of a crime, participating in a criminal trial, does not need to be present in view of the jury if the defense had one opportunity to cross examine the witness. see: U.S. v. Campbell, 743 F.3d 802 (11th Cir. C.O.A. 2014). Although this was not in effect in 2008 when Petitioner went to trial, the intent to prevent the production of evidence, showing impeachability, is clear. The informant in this case 06-23073 is the alleged victim and must appear to comply with Petitioner's 6th and 14th Amendment right to face to face confrontation rule and established laws in Crawford v. Washington, 541 U.S. 36 (2004); California v. Green, 399 U.S. 149 (1970); Olden v. Kentucky, 488 U.S. 227 (1988). No valid conviction can exist by her absence, the state failing to make its prima-facie case. Prosecutors knowledge of fraud provides for reversal. see; Sargent; Giglio (supra)

109. The alleged victim / confidential informant, paid to lie, must be cross examined in view of the jury. Her testimony is the sole uncorroborated evidence to convict and the main

determining factor to prove her lack of credibility and intent to defraud. In this case, the informant told triply contradicting claims and versions of 5 events and instances proving fabricated allegations, false testimony, all showing Petitioners actual innocence and reasonable doubt providing for his right to an acquittal. (see: Appx. C clauses 52-62). This material evidence, in 25 prior inconsistent statements and facts, must be displayed in front of a jury to show the alleged victims reactions being caught in several lies. Under proper cross examination, she would most likely confess to fabricating the whole charge, on the night in question, to avoid being arrested for carjacking the Petitioners jeep, wallet and cell phone. All facts prove she was a panicking car thief not a sex victim. She never called 911. The assistant prosecutor even listed the informant twice in the investigation report as the "defendant". See exhibit 109 in Cert. Pet. For Appeal. cs. 24-12630-G in district court case 8:22-cv-02448).

110. In court, prosecutors showed consciousness of guilt and their knowledge of Petitioner's actual innocence by refusing to put her on the stand to testify. Prosecutors feared the informant, who has a history of mental illness, would break down and confess she was never sexually battered, collapsing the whole case. Unconstitutionally, the state deprived Petitioner of the evidence of false testimony, prior inconsistent statements actual innocence, judicial misconduct. Petitioner was robbed of his right to confront this sole material witness in open court. see; California(supra). Her impeachability is material and would have produced a different outcome as new light evidence. Defense Attorney failed to raise multiple prior inconsistent statement evidence in front of the jury.

111. In an unconscionable scheme to defraud, the state used a look-a-like imposter on the stand in place of the informant / alleged victim showing bad faith and an intent to defraud.

The imposter's testimony was completely fraudulent violating every ethical duty of everyone involved. see; Olden (supra); Crawford (supra); Rule 3.220(g) conflicts with Petitioner's federal rights and is pre-empted by constitutional law. No valid conviction exists in the alleged victims absence. Due process / access to court rights are violated. see: Cunningham v. District Attorney's Office for Escambia County, 592 F.3d 1237 Ryland; Wolff (supra); United States v. Throckmorton, 98 U.S. 61 (1878) the false representation, that a witness is before the court, is the perpetration of extrinsic fraud. Against defense counsel's objections, trial judge Robert Timothy Peters, allowed and facilitated the fraud and denied the defenses Motion for Judgment of Acquittal.

112. All concealed and submitted evidence, and the informants statements, alleging sexual battery on Petitioner's boat, prove she was never on the boat and sex could not have occurred in the position she claims her attacker was in, "straddling her, his legs constricting her legs closed". (see: List of Facts, exhibit #67 Appendix C in Cert. pet. App. cs. 12630

113. Petitioner's initial false arrest was perpetrated by a lack of trustworthy information from a confidential informant. See: Case v. Eslinger, 5550F.3d 1317 (11th cir. 2009). There was no independent corroboration to the informants allegations and in state case 06-23073 the informant/alleged victim was referred to twice in the investigation report, prior to arrest, as the defendant, not the victim. (see: Appendix C exhibit 109). In case 06-26725, the informant gave no sworn statement to lawfully establish probable cause to arrest Petitioner. The supporting oath or affirmation, needed to establish probable cause, may not be satisfied by the mere filing of an unsworn information signed by a prosecutor. see: Gerstein v. Pugh, 420 U.S. 103 (1975). The charging document is invalid. The state court

jurisdiction was never lawfully established. Petitioner is in custody for a charge with no sworn testimony, alibi video (suppressed) and two alibi witnesses proving actual innocence (transcripts also concealed) showing consciousness of guilt of bad faith, obstruction of justice, due process rights violations.

114. The totality of circumstances, in both state cases, shows bad faith and is the proper standard for determining probable cause based on the information of a confidential informant. see: Illinois v. Gates, 462 U.S. 213 (1983). The detective, defendant Edward R. Judy, lied there was semen on the informant Pecks buttocks to manufacture probable cause at the petition for a search warrant and at the investigation hearing. He lied they recovered sunglasses belonging to the informant on Petitioner's boat. Planted evidence violates rights. see: Napue v. Illinois, 360 U.S. 264 (1959).

115. Overwhelming evidence of the informants own prior inconsistent statements, including her deposition statements "I imagine" 7 times, (see exhibit 105 Appendix C) proves she was never on the boat and Petitioner is falsely imprisoned by a non-existent crime. She gave 3 different versions of events about where she was sitting. The seat, she claims she was in, does not exist. Prior inconsistent statements made in reference to her request for the Petitioner to wear a condom, and discrepancies about Petitioner "pulling out" ejaculating on the cushions versus statements she cant remember if he did ejaculate shows fabrication, and actual innocence. She was told about the presence of semen at the examination versus her claim Petitioner masturbated in her statement to the investigating prosecutor. (see appendix C exhibit 109). Forensics proved no semen was found anywhere in the boat by luminescence.

in Cert. Pet. 12630

EVIDENCE SHOWING LACK OF STATE COURT JURISDICTION

116. The Florida statute §794.011, that Petitioner is being held under, contains no enacting clause as required by Article III §6, Florida Constitution. The state court has no jurisdiction because the statute is a void, invalid law.

117. Evidence showing bad faith and the fraudulent manufacturing of probable cause was requested and purchased. The state court is concealing documents in bad faith. Federal judges refuse to correct the criminal actions of the defendants. They are trying to prevent the production of documents for use in an official proceeding, violating 18 U.S.C. S. §1512(b)(c) by and through a conspiracy against rights 18 U.S. C. S. §241 engaging in a fraudulent scheme by alleging facts about self-representation, denied speedy trial rights, and that Petitioner's claims to Rule 60 relief are frivolous. These are all errors of fact, and due process violations depriving rights under color of law 18 U.S.C.S §242.

118. The state court lost jurisdiction when it denied both motions for discharge. see: *Salser v. State*, 613 So.2d 471 (Fla. 1993). Petitioner's issue of deprived self-representation, before the court, allows motion for discharge to be filed pro-se. see: *Logan v. State*, : 846 So.2d 472 (Fla. 2003) providing an exception for Motion to Discharge filed pursuant to rule 3.191 Fla. R. Crim. Procedure, if the issue to discharge counsel is before the court. Otherwise, the hybrid representation doctrine nullifies every other motion filed by a pro-se defendant. The issue of self-representation was before the Florida Supreme Court in case #SC20-918 when Petitioner filed the motion for rehearing of the Petition for Writ of Prohibition and Habeas Corpus in the 2nd DCA on July 16th, 2020, case 2D20–1986, for lack of the court's jurisdiction, because it denied both motions for discharge in both state cases 06-23073 and

06-26725. see: Salser (supra) see: Appendix C exhibit 112 in Cert. Pet. For Appeal. cs. 24-12630-G).

119. Under rule 4.37 Fla. R. Prof. conduct, Petitioner's state lawyer, Richard N. Watts cannot be a witness and an advocate. He informed Petitioner by paper-note, after trial, that DNA evidence is a match to undercover police officer and handler of the informant / alleged victim, Jerry (Rexrod) who had unprotected sex with his informant Mary on the night she falsely accused Petitioner of sexual battery. Watts can confirm all facts of fraud and conspiracy alleged by Petitioner. All officials are preventing any hearings to record and accept this evidence, and these documents, purchased by the Petitioner, are being suppressed in bad faith obstructing justice.

120. The confidential informant in state case 06-26725 never gave sworn testimony prior to the filing of the charging document. (see appendix C, exhibit 108 in Cert. Pet. For Appeal. cs. 24-12630-G) see: *State v. Gonzalez,* 212 So.3d 1094 (Fla. 5th DCA 2017) citing: *State v. Weinberg,* 780 So.2d 214 (Fla. 5th DCA 2001), ruling hearsay testimony of a detective is insufficient, pursuant to rule 3.140(g) Fla. R. Crim. Procedure, to establish material witness testimony. Pure hearsay testimony is not admissible to find probable cause under oath. This charge was not sworn to by any alleged victim / material witness and is void. see: *Brent v. Tetlow,* 328 F.2d 890 (11th cir. C.O.A. 1964). These cases are on point with the factual series of events that occurred. This violates the 4th Amendment by the lack of finding of probable cause under oath rendering the charging information void.

121. A charge not sworn to is subject to dismissal. A charge is insufficient where it appears the complaining officer had no knowledge of the matter on which the charge was based. see: *Giordenello v.United States,* 357 U.S. 480 (1958). The detective / defendant, Edward R.

Judy, is not a material witness. see: *Metzler v. Kenner City*, 695 Fed. Appx. 79 (5th and 11th cir. 2017). The detective cannot produce admissible corroborating evidence to support the fact. see: Rule 56 (c)(1)(B) fed. R. civ. Procedure. Pure hearsay testimony is not admissible. see: Rule 802 fed. R. evidence. The facts why the state did not swear in the alleged victim are material. She would have most likely given testimony that showed the actual innocence of the Petitioner and that no probable cause existed for an arrest. No sworn deposition was ever taken from her. (see exhibit 45 Appendix C in cert. pet. 12630).

122. Absent a valid charging document, the state court lacks jurisdiction. see: State v. Anderson, 537 So.2d 1373 (Fla. 1989). The court lost all jurisdiction because of the constitutional violations and an invalid charging document. see: *Farnsworth v. Zerbst*, 98 F.2d 541 (5th and 11th cir. C.O.A. 1938). The supporting oath or affirmation, needed to establish probable cause, may not be satisfied by the mere filing of an unsworn information signed by a prosecutor. see: *Gerstein v. Pugh*, 420 U.S. 103 (1975). The charging document holding Petitioner in custody in case 06-26725 is invalid, void. The state court has no jurisdiction. Documents proving these facts must be produced. This issue of fraudulently concealed evidence documents proving lack of state court jurisdiction, by invalid charging documents, needs review and new law to correct extrinsic fraud, prolonged arbitrary detention, perpetrated by the judiciary and defendants.

123. The charging document in case 06-23073 is also invalid, failing to properly establish the state court's jurisdiction. The same detective, defendant Edward R. Judy, lied there was semen on the informant's buttocks and lied they found her sunglasses in Petitioner's boat. All evidence proves the informant/alleged victim was never on the boat and sex did not occur. (see: clauses 52-62 in the complaint in appendix C pgs. 26-36 The assistant

state attorney, defendant Broderick Levert Taylor, refers to the alleged victim as the defendant twice in the invest document. (see exhibit 109 8:22 – cv – 303). Informant has told 3 different versions of multiple events proving non–credibility. (see: cls52 – 62). She is not the victim and lied to avoid being arrested for carjacking Petitioner's Jeep Grand Cherokee. No reasonable finder of fact would find there was probable cause to arrest Rahaim. The charging document was filed in bad faith and is void ab-initio. The state court has no jurisdiction.

124. The Heck Bar and the Younger abstention doctrine cannot be applied where a state courts jurisdiction is being challenged and evidence, supporting that challenge, is being concealed in bad faith. The Petitioner is being held in prison on the only remaining charge, case #06-26725, with no sworn statement or deposition, alibi witnesses placing him 40 miles away from a non-existent crime scene (alibi witness transcripts suppressed) and the total fabrication of evidence by prosecutors. See: Zahrey (supra). Evidence shows prosecutors knew before filing and withheld testimony from the alleged victims that showed the manufacturing of probable cause by two informants paid to lie. see: Case; Illinois; Kyles; Sargent (supra).

125.The evidence showing bad faith and fraudulent intent by police and prosecutors is overwhelming. Fabrication of evidence, the willful false testimony by the accusers and defendants, and the proof of the lack of state court jurisdiction, all supports the level of controversy, public importance, stare decisis principles, requiring certiorari review by this honorable court. Violations of procedural and substantive due process must be corrected and settled. All cited events prove federal judges are acting as advocates for the state in a prosecutorial role, depriving substantive rights to public records, claiming this case is

"Frivolous". They are abusing their authority to prevent scandalous facts and criminal acts from being exposed. The bias, political partisanship, errors in the application of law, the disregard of the De Novo standard of appellate review, all provide for the enactment of legal precedent to correct and settle the variations in issues leaving discretionary authority unbound to obstruct justice and deprive rights to be free from fraudulent prosecution , and prolonged arbitrary detention.

HABEAS CORPUS IS NOT ADEQUATE REMEDY

126. There is a conflict in laws that leaves a victim of fabricated evidence and false testimony with no remedy requiring this court's ruling to set precedent under the fundamental miscarriage of justice doctrine.

127. Challenges to fabricated evidence issues, pursuant to Napue, Giglio, Strickler, Zahrey, Kyles Sargent, where the courts favorable judgment would invalidate any conviction, exclusively requiring only habeas petitions, pursuant to Heck v Humphrey, 512 U.S. 477(1994), the rulings in the 11th Cir. Disqualify relief under habeas petitions for any evidentiary errors. See: Lewis v McNeal, 2009 U.S. 59378(11th Cir. 2009). Errors in the post-conviction evidentiary process are not cognizable.

128. In a habeas court, the defendant has the burden of proof that a constitutional violation resulted in the conviction of one who is actually innocent. Credibility of a witness is beyond the scope of review. see: Schlup v Delo, 518 U.S. 298(1995)A habeas court will not correct errors of fact, enforce public records laws and there is no constitutional right to discovery in habeas proceedings. see: Garcia v McDonough, 2008 U.S. Dist. Lexis 31429(11th Cir. 2008); Harris v Nelson, 394 U.S. 296(1969); Cullen v Pinholster, 563 U.S. 170(2007).

129. The federal rule giving the presumption of correctness, even when intrinsic and extrinsic fraud is being perpetrated against a defendant, is defeated by Petitioner's clear

and convincing showing of evidence of fraud or violations of due process. see: Schriro v Landrigan, 550 U.S. 465(2007); Chavez v. Sec. Fla. Dept. of Correction, 647 F.3d 1057(11 Cir. 2011) This mandates any production of records for Petitioner to meet his burden under only §1983 in addition to public records laws and rights.

130. The somewhat unsettled §1983, habeas corpus issue, in Heck and Spencer v Kenma, 523 U.S. 1(1998), was considered in Edwards v Balisok, 520 U.S. 641(1997), ruling a prisoner, unable to seek a habeas petition was permitted to use a §1983 lawsuit for the prevention of the use of exculpatory evidence in prison disciplinary hearings that involved a liberty interest in the loss of gaintime. This principle must be settled and found to be applicable to judgments in criminal courts, because the touchstone of due process is protection of the individual from arbitrary action.

131. This challenged, settled legal precedent is properly applied to the case, because Petitioner cannot use a habeas petition being a non-prisoner, in the main case, and he has exhausted all state remedies where the issue of exhaustion was a primary factor of concern in this courts decisions in Heck and Spencer. Petitioner has thoroughly and diligently petitioned the courts for relief giving the state more than its opportunity to correct the evidentiary rights violations and rebut the presumption of fraud failing to meet its burden, pursuant Fla. Stat. §90.302 and Rule 301 Fed. R. Evidence.

132. The state has proven bad faith and an intent to permanently suppress evidence through criminal obstruction mandating the correction by the federal rights doctrines. This court has an obligation to review and rule because the federal appellate court has disregarded the De Novo standard of review and dismissed the appeal and substantive rights to public records as "frivolous". The state court closed Petitioner's trial to the public. The federal district court refused to correct misconduct.

133. Petitioner has invoked this courts jurisdiction, pursuant to 28 U.S.C. §1331 and §1343(a) for extrinsic fraud perpetrated by the state and federal courts. See: Moffett v Robbins, 14 F. Supp 602(D. Kansas 1935). Supplemental jurisdiction for state law claims is invoked under §1367 for state violations of Breach of Contract that provide federal jurisdiction for due process violations of the 5th and 14th Amendments. See.: McKinney v Pate, 20 f.3d 1550(11th Cir 1994);Wilkinson v. Dotson, 544 U.S. 74(2005) ruling: Petitioners procedural challenges, to the states refusal to correct the suppression of material exculpatory evidence, can be brought under §1983 rather than being required to seek relief exclusively under a federal habeas statute. See: Harden v Pataki, 320 F.2d 1289(11 Cir COA 2003). Chapter 133§2104, the Supreme Court will hear cases in the same manner as district courts. The district court erroneously dismissed all 24 counts of the ↑02448 complaint requiring the supervisory correcting power of this court where the appellate court denied due process and relief.

EQUITABLE TOLLING FOR DEPRIVED RIGHTS AND PUBLIC RECORDS

134. Equitable tolling applies to this case because Petitioner is impeded, by state created violations, from filing meaningful challenges to secure relief and the release from custody. see: Holland v Florida, 560 U.S. 631(2010) ruling: Time is tolled until the date the state created impediment is removed. See: 28 U.S.C. §2244(d)(1)(b). Equitable tolling is appropriate when a movant untimely files because of extraordinary circumstances that are both out of his control and unavoidable even with diligence. see: Arce v Garcia, 434 F.3d 1254(11th cir 2006); Pace v Diguglielmo, 544 U.S. 408(2005).

135. The failure of defense counsel to find public record and evidence, showing

impeachability and fraud, cannot be charged to the defendant. see: Bailey v State, 768 So.2d 508(Fla. 2nd DCA 2000), ruling: where police reports were available but lawyer failed to find them, defendant could not be charged with constructive knowledge. Newly discovered evidence claims did not apply to the two year time limit for ineffective assistance claims. see: Williams v Taylor, 529 U.S. 362(2000), voluminous evidence documents were not produced by diligence entitling relief to the defendant. Williams is the established law of the time applicable and is on point throughout this case.

136. Petitioner must receive the F.D.L.E. record showing no DNA submission in case 06-26725, (alibi case w/non existent crime, non-existent 911 call), and the requested, purchased police report, filed on September 19th, 2006. These records prove all states witnesses falsely testified to events they know did not occur, prejudicing the petitioner sending him to prison. These records show the non-occurrence of events by the lack of entry in the record, pursuant to Fla. Stat.§90.803(6),(7),(10); Rule 803(6),(7) fed r. evidence. See: Terranova v State, 474 So.2d 1206(Fla. 2nd DCA 1985); Hughes v Slomka, 807 So.2d 98(Fla. 2nd DCA 2002).

137. The records prove prosecutors knew prior to Petitioner's arrest, 30 days later, that there was no probable cause. See: Giglio , Sargent (supra) They employed confidential informant Mary Peck to set up Petitioner filing both cases in bad faith failing to lawfully establish state court jurisdiction. Federal judge William Jung's dismissal of the complaint refuses to enforce rights and refuses to remove the state created impediment prejudicing the petitioner leaving him in a state of litigation limbo until evidence can show a habeas court clear and convincing proof of fraud.

CONCLUSION

138. The Petitioner prays this honorable court recognizes its obligation to settle what has evolved into a tyrannical system of government, by carefully making precedent to bind and limit the judiciary's abuse of authority. Rights, laws and constitutional protections do not exist if judges can easily rule with bias, political partisanship and fraudulent intent exercising powers permitting them to be above the law and rules. This is exactly what America fought to be free from 250 years ago and courts, secretly defrauding the public, preventing the exposure of unconscionable realities our founding fathers would be ashamed of, must be mitigated on the side of liberty. Otherwise members of the judiciary have become the criminals.

139. The Petitioner did not ask to be falsely arrested and sent to prison. He is not a criminal and has no mannerisms or motives to harm anyone. This case is the public's as well as the victimized Petitioner. Facts and evidence cannot be permanently eliminated by an erroneous application of law citing the Heck Bar. Sexual accusations have become a poisonous vehicle to commit fraud, deprive rights, and disregard law and moral compass dismissing §1983 Complaints filed in lieu of habeas petitions.

140. Petitioner has cited overwhelming amounts of evidence, issues, established laws and abuses of discretion, dismissing the Complaint and Appeal by plain errors. The issue of §1983 lawsuits, versus habeas petitions, in criminal proceedings, must be settled by new legal precedence. Irreparable injury and a fundamental miscarriage of justice will continue if this court does not acknowledge its obligation to correct and protect American citizens from arbitrary action.

141. This Petitioner Rahaim was victimized and falsely imprisoned by a pre-meditated

scheme, with bad faith criminal intent, obligating this great nation to subdue evil avenues facilitating governments ability to falsely imprison citizens by playing on public naivete through false accusations and fabricated evidence. Failure to review, address and resolve this case simply continues the conspiracy to obstruct justice incriminating and including negligent officials who refuse to live by their oath to honor the constitution and the Supreme Laws of the Land.

142. The great public importance, the level of controversy, stare decisis principles, judges tyrannical unbridled disregard of law, all provides the obligation of this court to finally settle citizens rights to Rule 60 relief and public records in criminal proceedings under §1983.

SWORN OATH

143. Under the penalties of perjury, the Petitioner/Appellant Christopher J. Rahim does swear and affirm that all facts and assertions contained in this petition for writ certiorari are true and correct.(18 U.S.C.§1621)

signed: Christopher J. Rahim

Sworn to affirmed and signed before me on this 9th day of September, 2025 by Christopher J. Rahim who is personally know by me or has produced an identification card.

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Notary Public: LaTonya President
My Commission Expires: _____

LaTonya President
Notary Public
State of Florida
Comm# HH488641
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