PROVIDED TO
ARTIN CORRECTIONAL INSTITUTION
ON 10/15/26
FOR MAILING

26-6026

No. _____

ORIGINAL

FILED
MAY 11 2026
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

JASON E. DANIELS PETITIONER

Vs.

CHESTER R. KWITOWSKI JR. RESPONDENT

ON PETITIONER FOR A WRIT OF CERTIORARI TO

SECOND DISTRICT COURT OF APPEAL OF FLORIDA

PETITION FOR WRIT OF CERTIORARI

From: Jason E. Daniels, pro se

QUESTION PRESENTED

DID AN EXPERT WITNESS WHO "COMMITTED PERJURY BY FALSIFYING HIS CREDENTIALS," TWICE DURING PRE-TRIAL HEARING, AND ONCE AGAIN DURING THE TRIAL OF A CAPITAL PROCEEDING, ARISE TO A DEGREE OF "FRAUD" IN WHICH VIOLATES A DEFENDANT'S DUE PROCESS CAUSE UNDER THE FIFTH, SIXTH, AND FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION?

LIST OF PARTIES

JASON E. DANIELS - Petitioner.

CHESTER R. KWITOWSKI JR. - Respondent.

RELATED CASES

State v. Daniels, Polk County, Florida. Case No: 2015-CF-003007

State v. Kwitowski, Polk County, Florida. Case No:16-CF-007839

TABLE OF CONTENTS

OPINIONS BELOW..... 7

JURISDICTION..... 7

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED... 8

STATEMENT OF THE CASE..... 9

REASONS FOR GRANTING THE WRIT..... 16

SUMMARY OF ARGUMENT..... 17

CONCLUSION..... 31

INDEX TO APPENDICES

APPENDIX (A) Decision of Second district Court..... Ap. 1

APPENDIX (B) Order Denying Rehearing..... Ap. 3

APPENDIX (C) Order of Hillsborough County, Granting Defendant Summary Judgment..... Ap. 6

APPENDIX (D) Order Denying Plaintiff's summary Judgment..... Ap. 8

APPENDIX (E) Affidavit Supporting Petitioner Summary Judgment. Ap.10

APPENDIX (F) Amended Complaint for Damages..... Ap. 15

APPENDIX (G) Initial Brief on Appeal..... Ap. 51

TABLE OF AUTHORITIES CITED

CASES **PAGE NUMBER**

Anderson v. Liberty Lobby Inc.

477 U.S. 242, 91 L. Ed2d 202, 106 S.Ct. 2505 (1986)..... 18,23,27,

Bonar v. Dean Witter Reynolds, Inc.

835 F. 2d 1278 (11th Cir1987)..... 18,27

Celotex Corp,. v,. Catrett,

477 U. S. 317, 91 L.Ed 2d 265, 106 S. Ct. 2548 (1986)..... 18, 27

Brown v. Shinbarn,

828 F.2d 707, 708, (11th Cir. 1987)..... 20

Griffin v. Wainwright,

772 F.2d 822, 824-825, (11th Cir. 1985)..... 14

Hickson Corp. v. Northern Crossarm Co,

357 F. 3d 1256, 1259 (11th Cir., 2004)..... 23

Kashyap Bakhai v. B. D. O. USA, P.C.,

(11th Cir. July 29, 2025), (at Lexis 144907),..... 18

STATUTES AND RULES

Fed. R. Civ. P. 56 (c)..... 18,20,27

Fed. R. App. P. 9.030 (a) and (b)..... 16

28 U.S.C. § 1257 (a)..... 16

Others

Michigan v. Long,
463 U.S. 1032, 1038, 103 S. Ct. 3469, 77 L. Ed 2d 1201 (1983)..... 16

Foster v. Chatman,
578 U.S._____ 136 s. Ct. 1737, 195, L. Ed 2d 1, 10 (2016)..... 16

R. J. Reynolds v. Durham County,
79 U. S. 130, 136-139, 107 S. Ct. 499, 93 L. Ed. 2d 449 (1986)..... 17

Ake v. Oklahoma,
470 U.S. 68, 75, 105 S. Ct. 1087, 84 L. Ed 2d 53 (1985)..... 17

IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

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

OPINION BELOW

State courts:

- The opinion of the highest state court to review the merits appears at Appendix (A) to the petition and is unpublished.
- The opinion of the Second district court of appeal appears at appendix (A) to the petition and is unpublished.

JURISDICTION

State Courts:

- The date on which the highest state court decided my case was March 12, 2026. A copy of that decision appears at Appendix A-1.
- A timely petition for rehearing was thereafter denied on January 21, 2016, and a copy of the order denying rehearing appears at Appendix B.
- An extension of time to file the petition for a writ of certiorari was granted by (See Reference number: FL2D COA 2D2025-0020).
- The jurisdiction of this court is invoked under 28 U.S.C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISION INVOLVED:

- 5TH Amendment of the United States Constitution. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or navel; forces, or in the Militia, when in actual service in time of Ivar or public danger, not shall any person be subject to the same offense to be twice put in jeopardy or life or limb; nor shall be compelled in any criminal case to be a witness against himself, not be deprived of life liberty, property,, without due process of law; nor shall private property be taken for public use, without just compensation.

- 6th Amendment of the United States Constitution; In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which distract shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

- 14th Amendment of the United States Constitution. All persons born or naturalized in the United States, and subject to the jurisdiction thereof,

are citizens of the Unites States And of the state wherein they reside. No state shall make or enforce any law, which shall abridge the privileges or immunities of citizens of the United Sates, nor shall any state deprive any person of life, liberty, or property, without due [process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

STATEMENT OF THE CASE

1. Mr. Daniels was charged by the state of Florida with numerous violations of Florida Criminal laws. Mr. Daniels was represented in his criminal case by Joshua Adams, Esq. (The Adam's law Firm.)

2. The state disclosed to Mr. Daniels' counsel that it intended to use a digital audio recording of a telephone call between Mr. Daniels and his, -then wife-, Morgan Daniels. (Digital telephone recording.")

3. The Digital Telephone Recording was altered or manufactured in order to make it appear as if Mr. Daniels had made admissions to at least one of the alleged offenses.

4. After listening to a copy of the Digital Telephone Recording on a C.D. supplied by the State to Mr. Daniels' counsel, Mr. Daniels was convinced and told his counsel that the digital telephone Recording was not accurate and stead, appeared to be a composite digital recording that was created from portions of several other digitally recorded telephone

conversation that Mr. Daniels had with his then wife, Morgan Daniels, a short time before his arrest.

5. To confirm that the recording of the Digital Telephone Recording was not an original, but was manufactured, Mr. Daniels' counsel undertook to search for an expert to examine the Digital Telephone Recordings.

6. Polk County Jail inmates, William J. Teets, and Jessie Rittehouse, were aware that Mr. Daniels needed to retain an expert to confirm that the Digital Telephone Recording had been manifested. They both then approached Mr. Daniels and recommended he retain Mr. Chester R. Kwitowski Jr. as an expert, as they had recently retained Mr. Kwitowski and impressed with Mr. Kwitowski's credentials disclosed on his curriculum vitae ("CV") he had provided them. (Ap "H" p. 60).

7. Based on this recommendation of his fellow Polk County Jail inmates, Mr. Daniels told his counsel that Mr. Kwitowski may be someone that could determine that the Digital Telephone Recording was manufactured.

8. Mr. Daniels; counsel's actions on Mr. Daniel's behalf, e-mailed Mr. Kwitowski to see if he was interested in serving as Mr. Daniel's expert witness in digital audio forensics to confirm that the digital Telephone Recording was manufactured.

9. On January 13, 2016, Mr. Kwitowski replied to the e-mail from Mr. Daniels's counsel and indicated his willingness to serve as an expert witness in digital audio forensics for Mr. Daniels by sending his curriculum vitae and his fee schedule.

10. On March 29, 2016, Mr. Daniels' counsel mailed Mr. Kwitowski and informed Mr. Kwitowski that:

a. Mr. Daniels' counsel had obtained a court order to spend up to $5,000.00 for Mr. Kwitowski's services as a digital forensic expert;

b. Mr. Daniels and counsel wanted Mr. "Kwitowski to analyze the audio to the extent able to looking for possible irregularities.

c. that Mr. Daniels did not believe that the digital telephone recording was accurate and

d. Asking where Mr. Kwitowski wanted "to go with it."

11. On March 29, 2016, Mr. Kwitowski replied via e-mail stating that the had C.D. containing the digital telephone recording and asked for particulars on the possible irregularities.

12. After March 29, 2016, Mr. Darnels' counsel and Mr. Kwitowski engaged in a series of back and forth e-mails confirming Mr. Kewtowski's agreement to serve as a digital forensic expert on Mr. Daniels behalf to determine if the digital telephone recording had been manufactured.

13. To induce Mr. Daniels and his counsel to retain his services, Mr. kwitowski misrepresented his education, credentials qualifications, training, and experience on the C.V., that Mr. Kwitowski supplied to both Mr. Daniels and his counsel,

14. Mr. Kwitowski knowingly and intentionally committed perjury by testifying falsely under oath at this deposition taken on September 7, 2016, and again at a pre-trial herring on a motion to suppress held on September 13, 2016, and once again in his trial testimony on Mr. Daniels' behalf on September 14, 2016. (Ap "J" p. 74).

15. Mr. Kwitowski did not opine at Mr. Daniels' trial that the digital telephone recording was altered or manufacture. This was contrary to what Mr. Kwitowski instead Mr. Daniels to believe - that his opinion at his trial could be that the digital telephone recording was altered or manufactured.

16. After Mr. Daniels rested his case-in-chief, the state called Detective Brian Cogswell of the Polk County Sheriff's Department as a rebuttal witness (A.K.A. Mr. Kwitowski's investigating and arresting officer) to testify as a digital forensics expert.

During Det. Cogswell's testimony, Mr. Daniels learned fo the first time that: (AP "190").

A. Mr. Kwitowski did not correctly perform a forensic program to create what is known as a case report.

B. That the report created by Mr. Kwitowski in analyzing the Digital Telephone Recording did not confirm to industry standards, and was not a full report, instead it was only a partial report;

C. In conducting his analysis of the Digital Telephone Recording, Mr. Kwitowski did not acquire and utilized a forensic preserved copy of the digital telephone recording, known as an "E01" file, (AP P.190).

17. Mr. Kwitowski did not correctly perform a forensic program to create the encase report n Mr. Daniels ace, nor did Mr. Kwitowski's analyzing confirm to industry standards, nor was it a full report, instead it was only a partial report. (Ap. "C").

18. Mr. Daniels was convicted of several of the crimes the state charged him with committing because Mr. Kwitowski was unqualified lacking of education, credential, qualifications, training, and experience to conduct a competent analyst of the Digital Telephone Recording to establish that the Digital Telephone Recording was not reliable enough to use as evidence in a criminal trial.

19. Had Mr. Kwitowski been truthful regarding his qualification and experience, his unqualified testimony would not have tainted the jury or impacted their own life experience or understating of the evidence.

20. After Mr. Daniels' trial had concluded, Mr. Kwitowski was arrested and charged in Polk County Circuit Court Case No.: (16-CF-007839), with perjury in a proceeding that relates to the prosecution of a capital felony. (Ap "J"), (A.. "k").

21. The basis for the state's charges against Mr. Kwitowski was his false testimony given under oath about his education, credentials, qualification, and training experience in several criminal cases, including Mr. Daniels' case.

22. The false testimony in Mr. Daniels' case was given in Mr. Kwitowski's deposition taken on September 7, 2016, in a pretrial hearing on a motion to suppress held on September 13, 2016, 2016, and in his trial testimony on Mr. Daniels' behalf on September 14, 2016.

23. Mr. Kwitowski was adjudicated guilty of the offense and sentence to a four-year term of probation under the supervision of the Department of Corrections, Polk County, Florida, Circuit Case no.: (16-CF-007839).

24. During an interview with the Polk County Sheriff's Department (Report #16-42278), Mr. Kwitowski made several admissions and confessions in relation to the investigation of perjury to include, but limited to the following:

Q. "What about your CFE (Certified Forensic Examination)?"

A. "I do not hold a C.F.E."

Q. "why did you create a C.V. with fictitious qualifications?

A. "I don't know."

Q. "Was it to set a higher retainer or hourly rate?"

A. "I don't know." (a) ("I") pg. 65.

25. Had Mr. Daniels known that Mr. Kwitowski had fabricated his educations, credentials qualifications training and experience and was not qualified to perform the task he had assured, Mr. Daniels that he could perform, then Mr. Daniels would not have gone to trial with Mr. Kwitowski representing him as an expert, instead, Mr. Daniels would have sought a different and more qualified expert to represent him. (Ap "F").

26. Had Mr. Kwitowski been truthful regarding his credential, Mr. Daniels would have, and could have moved for continuous to obtain a truly qualified expert, (Ap "F" p. 190).

27. Because of Mr. Kwitwoski's acts of deceptions, Mr. Daniels had been placed in a worse position then he was before. (Ap "G").

REASONS FOR GRANTING THE PETITION

The reasons that the United States Supreme Court should grant petitioner's Writ of Certiorari is two parts: (a) Conflicts with decision of the other fours, and (B) Importance of the question presented are to maintain uninformative of state and federal law statutes and constitution provisions.

AS TO ALL QUESTIONS PRESENTED

28. The five District Court of Appeal. In Florida are generally the highest state court a defendant can appeal a decision by a trial court, as the Florida Supreme Court has very limited jurisdiction to review decisions from the District Court of Appeals.[1] In this case, the Second District Court of Appeal is the higher state appellate court that could issue a decision on Mr. Daniels appeal of granting defendant's summary judgment.

29. Under 28 U.S.C. § 1257 (a) this court may review the "judgments or decrees rendered by the highest court of a state in which a decision could be had, "but only if such a judgment or decree raises a question of federal law. [2]

30. To determine if a state court holding in an unreasoned summary order of an appellate court is independent of federal law this court reviews the

---

[1] Fla. R. App. P. 9.030 (a) and (b)
[2] Michigan v. Long, 463 U.S. 1032, 1038, 103 S. Ct. 3469, 77 L.Ed 2d 1201 (1983); Foster v. Chatman, 578 U.S. ___, 136 S.Ct. 1737, 195 L.Ed 2d 1, 10 (2016).

lower court's reasoned written decision to glen the reason(s) for the appellate court's decision.[3] Thus, to determine why the Second District Court of Appeal affirmed the Thirteenth Judicial Circuit Court's order and to ascertain whether a federal question may be implicated, this court must look to the Thirteenth judicial Circuit Court order-granting defendant's summary judgment. Such an examination clearly shows that this court has jurisdiction to entertain this petition.

31. Mr. Daniels alleged violation of his rights under the United States Constitution claims in each ground in his initial brief appealing the Thirteenth Judicial Circuit court's decision granting defendant's summary judgment. Thus, the Circuit court's granting judgment depended on a Federal Constitutional ruling. This court's jurisdiction is not precluded when applications of a state law bar depends, as in this case, on a federal constitutional ruling.[4]

ARGUMENT AS TO QUESTION

32. The plaintiff (Mr. Daniels) argues that the defendant [Mr. Kwitowski] was the proximate cause of his criminal conviction when Mr. Kwitowski

---

[3] R. J. Reynolds v. Durham, County, 479 U.S. 130, 136-139, 107 S.Ct. 499, 93 L.Ed. 2d 449 (1986) (exercising 81257 jurisdiction over unreasoned judgment by North Carolina Supreme Court after examining grounds of decision posited by North Carolina Court of appeal).

[4] Ake v. Oklahoma, 470 U.S. 68, 75, 105 S. Ct. 1087, 84 L.Ed.2d 53 (1985).

"committed; perjury by falsifying his credential" during the course of a capital proceeding and trial of Mr. Daniels, because if Mr. Kwitowski had been truthful about his qualifications and credential, Mr. Daniels would not have proceeded to trial represented by Mr. Kwitowski, and Mr. Kwitowski would not have been permitted [by trial court] to testify as an expert witness, thus resulting in tainting the minds of the jury with un-qualified opinion of the evidence, and misleading the jury from their own understanding with hi impressive - but false - qualifications and credentials. Therefore, violating Mr. Daniel's due process right under the Fifth, Sixth, and Fourteenth Amendment to the United States Constitution.

PART "A" - CONFLICT WITH DECISION OF OTHER COURTS

33. The court below decision to grant defendant summary judgment reasoning the "Defendant could never have been proximate cause of plaintiff's criminal conviction" is in conflict with their authorities holdings of Bonar v. Dean Witter Reynolds, In., 835 F.2d 1378 (11th Cir. 1988); Kashyap Bakhai v. BDO USA. P.C., (11th Cir. July 29, 2025 at lexis 144907) [citing Bonar]; Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 91 L.Ed 2d 202, 106 S.Ct. 2505 (1986); Celotex corp. v. Catrett, 477 U.S. 317, 91 L.Ed 2d 265, 106 S.Ct. 2548 (1986); and Federal Rule of Civil Procedure 56(c).

34. **Bonar v. Dean Witten Reynolds, Inc.**, the district court of appeal for the Eleventh Circuit found "fraud" because an expert witness "committed perjury by falsifying his credential" and because it concluded that, if the exert had been truthful, "it is extremely doubtful that he would have been permitted to testify as an expert and the court would have herd none of his testimony." (835 F.2d at 1385).

35. Anderson v. Liberty Lobby, Inc.

In Anderson the court held "if a [plaintiff presents evidence which either directly or by permissible inference, supports all of the elements he needs to prove in order to prevail on his legal claim, has made out a prima facie case, and a defendant's motion fro summary judgment must fail regardless of the burden of proof that the plaintiff must meet."

36. Celotex Corp. v. Catrett

"Where parties rely on affidavits pleading, deposition, answers to interrogatories, admissions of file, and face of the court record to support the case should be submitted for jury determination.

37. Federal Rule Civil Procedure 56(c)

Under Rule 56(c) of the Federal Rules of Civil Procedure, the judge's function at the summary judgment stage is no himself to weigh the evidence and determine whether there is a genuine issue for trial.

38. It is elementary that summary judgments may only be granted where there are no genuine issues of material fats and the moving party is entitled as a matter of law to said judgment. Where such issues exist, it is not the court's function to decide them.

Federal Rule of Civil Procedure 56

39. Summary judgment may not be entered against a party unless the court has strictly compiled with the notice requirements mandated by Fed. R. Civ. P. 56(c). "Brown v. Shinbaun, 828 F.2d 822, 824-25 (11th Cir. 1985)."

40. The court must give notice of the summary judgment rules of the right to file affidavits of other material, and the consequences of default; i.e., the fact that find judgment may be entered without a trial and that the moving party's evidence may be accepted as true if not contradicted by sworn affidavits.

41. Summary judgment will not lie under Rule 56 (c) of the Federal Rules of Civil Procedure if the dispute about material facts if "genuine," that is if the evidence is such that a reasonable jury could return a verdict for the nonmoving party; if the evidence is merely colorable, or is not significantly probative, summary judgment may be granted; on the other hand, that is not the case here.

42. Prior to the State of Mr. Daniel's trial, Det. Cogswell had commenced a felony perjury investigation into Mr. Kwitowski for testifying falsely oath concerning his qualifications and credentials in Mr. Daniels' trial. Det. Cogswell had commenced a felony perjury investigation into Mr. Kwitowski for testifying falsely oath concerning his qualifications and credentials in Mr. Daniel's criminal proceedings and in other criminal proceedings. (ap. 70).

43. As part of his investigation. Det. Cogswell contracted Macro Focus Training to determine if they had any records of any certifications that Mr. kwitowski claimed he had. On September 13, 2016, (the same day Mr. Daniels' trial started), Micro Focus Training sent an email to Det. Cogswell stating that Micro Focus Training had no record of Mr. Kwitowski or of awarding him an certifications. (Ap. 70).

44. As part of his investigation, Det. Cogswell requested the state attorney to issue an investigation subpoena to obtain records from Sloth Florida University concerning Mr. Kwitowski, On September 15, 2016, before the end of Mr. Daniels' trial, the State Attorney and Det. Cogswell, received records they had subpoenaed from South Florida University. These records show that Mr. Kwitowski did not attend the courses and did not have the degrees that he testified under oath on all three occasions in Mr. Daniels

case that he had attended and obtained from South Florida University. (ap. "I" Pg. 69).

45. Detective Cogswell contacted Cisco System Inc., to inquire whether Mr. Kwitowski possessed a certification as a "Cisco Certified System Engineer" of as a "Cisco Certified Trainer" as Mr. Kwitowski testified under oath in Mr. Daniels' case that he possessed. On September 15, 2016, before the end of Mr. Daniel's trial Cisco Systems replied via email to Det. Cogswell that it did not issue such certifications. (Ap. Pg. 69).

46. Thus, both the **State** and Detective Cogswell knew both before and during Mr. Daniel's trial that Mr. Kwitowski had committed perjury on at least three occasions in Mr. Daniels case by testifying falsely under oath about his credentials and qualifications he did not possess. Nevertheless, Det. Cogswell and the **State** waited until after Mr. Daniels' trial had concluded to inform Mr. Daniels and his counsel of the critical information that Mr. Kwitowski had testified falsely about his credential and qualification. By intentionally remaining silent and not disclosing this critical information to Mr. Daniels and his counsel, the **State** and Det. Cogswell corrupted the criminal justice system by allowing perjured testimony to be given or gone uncorrected once discovered, thus denying Mr. Daniels a fair trial. (Ap. "F" G).

47. After Mr. Daniels' trial had concluded, the state charged Mr. Kwitowski with three counts of perjury, each a second-degree felony for testifying falsely under oath about his credentials during each time he testified in Mr. Daniels' criminal proceedings. Mr. Kwitowski entered a negotiated guilty to plea to one count, of felony perjury committed during Mr. Daniels's trial. (Ap. "J") (Pg. 75-79).

48. "Credibility determinations, the weighing of the evidence, and the drawing of legitimate inference from the facts are jury functions, not those of a judge, whether the judge is ruling on a motion of summary judgment or on a motion for directed verdict." (Anderson 477 U.S. at 207). The court must decide whether the evidence presents a sufficient disagreement to require submission to a jury or whether it is so one-sided that one party must prevails a matter of law, Hickson Corp v. Northern Corssarm Co. Inc. 357 F.3d 1256, 1259 (11th Cir. 2004) (quoting Anderson) [Hickson further state that an issue of fact is "material" if it should affect the outcome of the case.]

49. In this case, Mr. Daniels has developed a Factual Court Record through affidavits, admissions, and pleading, which support the fact that Mr. Daniels had established a prima facile case in relation to the six separate counts within Mr. Daniels complaint for damages. (AP. "F" 15).

50. Furthermore, Mr. Kwitowski's testimony was "material" because had Mr. Kwitowski been truthful about his qualification and credentials, then:

a. Mr. Daniels would not have gone to trial with Mr. Kwitowski unqualified representation.
b. The trail court would not have permitted Mr. Kwitowski to provide as an expert.

51. The lower court's reasoning for its decision, that "the defendant could never have been proximate cause of plaintiff' criminal conviction; is not only in conflict with the authoritative law cited above, but also conflicts with any reasonable minded jury and their common sense understanding of the defined meaning of "proximate cause."

"Proximate Cause" - [Defined]

52. An injury or damage is proximately caused by an act whenever it appears from the evidence in this case that the act or omission played a substantial part in bringing about or actually causing the injury or damage, and that the injury or damage was either a direct result, or a "reasonably probable consequence of the act or omission."

53. The key to proximate cause is two parts:

A. "Played a substantial part in bringing about the injury or damage;"
B. That the injury or damage was either a direct result of a reasonably probable consequence of the act or omission."

54. It appears that the defendant [Mr. Kwitowski] is Attempting to argue that he did not give false testimony when under oath during Mr. Daniels' criminal proceedings.

55. Fortunately, the State of Florida has already resolved this argument by finding the defendant, Mr. Kwitowski, guilty of perjury in a capital proceeding. (Polk County Circuit Court Case No.: 16-CF-007839), see also; State v. Kwitowski, 250 So.2d 210 (Fla. 2nd DCA 2018); which reads:

> Mr. Kwitowski was hired as a defense expert on computes. According to the state, Mr. Kwitowski told Lies about his qualifications as a computer expert during a deposition, a pretrial hearing, and the trial in Mr. Daniels' case. He is alleged to have falsely stated that he had degree, certifications, security clearances, and experience the he did not in cat have. The state charged Mr. Kwitowski with, among other things three counts of second-degree perjury in violation of Section 837.02(2).

56. In this case, there are several points of constitutional interest. The defendant [Mr. Kwitowski] argues that it cannot be said that his perjury of his credentials had an effect on the jury's verdict. There can be nothing further from the truth. Although no one can see into the minds of a jury, in this case, it cannot be expressed enough that the services retained of the defendant was the bounding point for the scale of justice. His was a typical case of she said, he said with no physical evidences and no eyewitnesses.

57. The cut and spiced digital recording that Mr. Daniels ex-wife constructed and offered to law enforcement was very harmful and Mr. Daniels relied heavily on the defendant's so-called expertise for Mr. Daniels' defense.

58, The defendant is correct that Mr. Daniels had a lengthy trial, but what the defendant fails to admit is that two and one halve days of Mr. Daniels trial was spend arguing the production handling, and reliability of the Digital Recording.

59. Thus, Mr. Kwitowski's perjury of his credentials and his lack thereof, "played a substantial part in bringing about the injury or damage, and" Mr. Daniels has established a prima facie case that the injury or damages was a direct result, or reasonable probable consequence of the injury or damage" (i.e., Mr. Daniel's conviction that violated his Constitutional Rights).

60. Mr. Daniels has consistently incorporated constitutional rights violations throughout this amended complaint for damages and is only now reached the ability to be addressed as a Federal Constitutional Rights Violation means of relief within a civil matter.

61. The question presented is clear. Mr. Kwitowski committed perjury by falsifying his credential. Mr. Kwitowski was convicted for his perjured testimony.

62. In **Bonar**, the Eleventh Circuit found "fraud" because an expert witness committed perjury by falsifying his credential and if the expert had been truthful, it is doubtful he would have been permitted to testify as an expert making the lower court's decision in conflict with prior courts decisions. Mr. Kwitowski's "fraud," during the course of Mr. Daniels' criminal trial violated Mr. Daniels' due process rights. Thus, greening himself the proximate cause of injury and damages, putting Mr. Daniels in a worse position than he was in before.

B. Importance of the Question Presented

63. This case presents a fundamental question of the interpretation of the Eleventh Circuit Court of appeal decision in Bonar v. Dean Witter Reynolds, Inc., 835 F.2d 1378 (11th Cir. 1988); Anderson v. Liberty Lobby, Inc., 477 U.S. 242 91 L.Ed 202, 106 S.Ct. 2505 (1986); Celotex Corp. v. Catrett, 477 U.S. 317, 91 L.Ed2d 262, 106 S.Ct. 2548 (1986); and Federal Rule Civil Procedure 56(c).

64. In view of the large amount of experts relied upon, for their expertise, guidance on this question is of great importance because expert witnesses assist and testify during trials through all 50 states.

65. The issue's importance is enhanced by the fact that guidance by the United States Supreme Court is very limited on the issue of "experts committing ;perjury by falsifying their credential and whether such perjury violates a party's Constitutional Rights."

66. Thus, the court's guidance is of great public importance in order to maintain uninformative of law, and fairness of justice.

67. The fact that the lower court in their review has seriously misinterpreted the basic foundation of summary judgment by failing to distinguish between the function of judge and jury. In this case, it appears that the judge is attempting to fulfill both roles.

The importance of Defense Experts

a. **Computer forensics experts** play a crucial role in assuring that juries understand the evidence against individuals who are accused of crimes. Sloppy work by an expert, left unchallenged, can lead to a wrongful conviction.

b. **Jack Townley**, the president of the Florida Chapter of the Forensics Witness Association, stated that "once someone has testified as an expert, lawyers tend to assume that the expert's credentials have been verified. That isn't always the case as Kwitowski's history demonstrates.....it's better to learn about an expert's problematic resume before making a decision to put

the expert on the witness stand, than watch the expert's credibility be destroyed on cross-examination. "(Ap "K"). P. 82.

c. **Sheriff Grady Judd stated**, "This goes to the heart of our judicial system," "when we swear people in as experts to testify under oath, we expect the truth, we have to have the truth."

He [Kwiotowski] claims to have testified in at least 50 different States and Federal proceedings as an expert witness in computer forensics. (Ap "K"). Pg. 82-84.

68. In this case, the plaintiff [Daniels] argues that the court below prior decision should not be applied in this case because it would result in extreme unfairness or injustice under the circumstances of this case. No reasonable minded jurist could say that the criminal acts of Mr. Kwitowski, during Mr. Daniels' case, did not "play a substantial part in bringing about Mr. Daniels injury or damage, or that the injury of damage was not a reasonable probable consequence."

69. The fact remains that because of Kwitowski's criminal act, and his lack of knowledge, frustrated Mr. Daniels' preparation and presentation of his criminal defense, and violated Mr. Daniels' due process.

70. Furthermore, Mr. Kwitowski's fraud and lack of knowledge deprived Mr. Daniels criminal jury from the assistance of a fully qualified expert to assist them with their understanding of the evidence presented.

71. It is just as much of the role of an expert to educate and assist counsel in preparation to possible defense as it is for the expert to assist jury in their

own understanding of their evidence at trial.

72. It was reasonable for the jury to believe that because of Mr. Kwitowski's impressive - but false - credentials, that he would inform the jury about available evidence that pointed to someone altering the recording. However, Kwitowski lacked the qualifications required to analyze the recording to detect the anomalies arising from the background noise and the variations in the quality and tone of Mr. Daniels' voice in order to demonstrate and opine to the jury the evidence suggested that someone had tampered with the recording. Thus, the jury did not hear this critical evidence, because Mr. Kwotowski was not qualified to function as a digital audio forensics expert and Mr. Daniels ' effort to show that someone had tampered with the audio file containing the recording came to naught.

73. After Mr. Daniels rested his case - in - chief, the state called Det. Cogswell as a rebuttal witness to testify as a digital forensics expert.

74. During Det. Cogswell's testimony, Mr. Daniels learned for the first time that: (Ap 190-198, trial testimony)

> a. Mr. Kwitowski did not correctly perform a forensic program to create what is known as an Encase Report;
> b. The Encase Report created by Mr. Kwitowski was not a full report, instead, it was only a partial report;
> c. The forensic methodology utilized by Mr. Kwitowski in analyzing the Digital Telephone Recording did not confirm to industry standards;

d. In conducting his analysis of the Digital Telephone Recording, Mr. Kwitowski did not acquire and utilize a forensic preserved copy of the Digital Telephone Recording, known as an E.O.I. file (Ap, "L").

75. Mr. Daniels has consistently incorporate this issue of constitutional rights violations throughout his complaint for damages as a factor basis within statements of case facts and is only now (i.e. upon the floor of this U.S. Supreme Court) reached the ability to be addressed as a Federal Constitutional Rights violation means of relief within a civil matter.

76. Nevertheless, Mr. Daniels should not be expected to be held to such stringent standard of normally trained attorneys. Instead, each word of Mr. Daniels pro se litigation shall be individually construed and when complied the more just of an adverse intended of the understanding be put forth to the best of one's ability, shall be recognized as raised issue and prejudice presented as a means of provoke jurisdiction of the court.

CONCLUSION

Therefore, reasons stated above, this court should grant Mr. Daniels Writ of Certiorari on this issue.

Respectfully submitted,

Jason E. Daniels, pro se
Petitioner, DC#H49355

Date: Oct. 15. 2026