UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

STEPHEN LYNCH MURRAY, IN HIS CAPACITY AS A TAXPAYING CITIZEN OF FLORIDA AND THE UNITED STATES,

Plaintiff,

v.

CASE NO. 6:24-CV-01993-PGB-EJK

OFFICIAL CAPACITY OF THE GOVERNOR OF FLORIDA SURVIVING CHANGE IN OFFICEHOLDER, KNOWN AS "THE GOVERNOR'S OFFICE",

CHIEF JUSTICE CARLOS G. MUÑIZ OR WHOEVER ANSWERS TO THE **OFFICIAL CAPACITY OF THE SUPREME COURT OF FLORIDA**

Defendants.
_______________________________________/

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Arguing an Abstract Economic Model of Due Process and the Jurisdiction of Federal Courts to Regulate It Supported by Observations and Injuries of Plaintiff as Firsthand Witness

1. COMES NOW the undersigned Plaintiff Stephen Lynch Murray. Plaintiff previously filed a similar case. No court made any rulings on that case so far as accepting facts or measuring law on them, other than page length and that no other legal or factual content could be recognized and considered from the filing. With that complaint invisible to law, Plaintiff files this petition to declare illegal and enjoin all present and future agents of the State of Florida from holding criminal hearings or spending taxpayer funds enforcing criminal-law orders, which are designed and created by Florida law without such process as is due to deter and mitigate perjury, in violation of enumerated and traditional rights and national contracts and subverting

the jurisdiction of this Court, until such illegal processes are cured by:

i) Establishing a politically-independent SEC-like institution in the Florida executive branch, to compel central reporting of local criminal-justice activity, proactively investigate and prosecute perjury and other misconduct, and publish information about this for consideration by the finder of fact, and

ii) Establishing standards and rules as are due to produce and make this information about state-witness perjury legally visible and put into use by the finder of fact, such as by disclosure and instruction to defense and jurors, and to guarantee due examination by the finder of fact of the process by which Florida deters and mitigates perjury during the investigation and production of coerced witnesses, to use true information and remove prejudices material to weighing the incentives and reliability of state witnesses, rather than exploit this weak point to change the character of the judicial process to a political process.

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LIST OF CLAIMS

107 I Fourteenth Amendment Right to Due Process
108 II Contract with Plaintiff as Taxpayer and Citizen
109 III The Public's Right to be Summoned as Jurors

RELIEF REQUESTED

111 A Certify judicial and executive-branch defendant classes if necessary.
111 B Enter a judgment against all defendants (declaring that the present framework of Florida law as put into practice by them is in violation of federal law).
111 C Issue preliminary and permanent injunctive relief or mandamus (against holding trials and enforcing court orders made illegal by a deficient process to mitigate perjury).
112 D Specify remedies and compliance.
1 framework to prosecute perjury
2 jury instruction and disclosures
116 E Prohibit jailhouse witnesses.
119 F Enjoin conviction integrity/review units.
119 G Award Plaintiff costs of suit and expenses.
119 H Retain jurisdiction after judgment to enforce injunction and compliance.
120 I Grant any other proper relief.

120 CONCLUSION

MATERIALITY OF FACTS

No Single Institution Providing Checks on Perjury

2. There is no currently single actor or department in Florida, whose only job and ambition is to deter and mitigate perjury by initiating cases as an accuser, by producing evidence, and by requesting penalties. There is only a patchwork and shell game of imagined checks on perjury, spread around various actors whose performances are influenced and measured using incentives other than did they deter and mitigate perjury.

3. There is therefore not any one person or structure or institution Plaintiff can point to as a target of this Complaint, to examine whether that actor is doing his job deterring and mitigating perjury. The most Plaintiff can say is perjury is not deterred or mitigated anywhere, as would be necessary to measure fact against law rather than contrive fact to obtain politically favorable outcomes. And then Plaintiff has to run around turning over shells in the shell game, to show perjury is not deterred and mitigated anywhere that political actors will tell you it is. And quite the opposite of politics seeping into all these nodes to provide the final oversight deterring perjury, it is politics which encourages perjury at every turn to corrupt each node to political convenience.

4. Plaintiff's previous complaint was called immaterial, because it traveled all over to prove perjury is nowhere checked and why not, absent the burden being on Defendants to show they do provide such process as is due to deter and mitigate perjury, to reliably find fact and measure it against law. Plaintiff pointed out on appeal, that this was in effect a ruling that there is nothing Plaintiff can point to, and say that is what provides such process as is due, that is the institutional structure in Florida, to deter and mitigate perjury. If none of the people and places Plaintiff mentions are relevant to such process as is due to protect Plaintiff against state-witness perjury, that is a ruling that there is nothing providing that check on perjury in Florida law and institutions as is due.

5. Plaintiff cannot point to the structure that for example, stops cops lying in affidavits. Plaintiff has been lied about himself multiple times and seen countless other people lied about. And there is almost never any political or other price to the liar, balanced against a public desire to stop drugs or harass undesirables or whatever, which ambition is greased by such lying. Police departments are supposed to investigate themselves which seems like some kind of joke, but is recited with a straight face out of political convenience. Lawyers have an incentive to mitigate the results of perjury for their clients, but an ethical obligation not to go beyond cutting such deals for their clients as make the perjury disappear for everyone's benefit. Lawyers have a disincentive from the local legal community and their own interests, to seek any further penalty or future deterrence for perjury.

No Clear Legal Definition of Due Process

6. Courts will then say the fact that they have no idea what "due process" means (and perjury is not explicitly mentioned in the Bill of Rights), means Plaintiff cannot make any complaint about due process that fits their non-existent definition of due process, or plead in any way that perjury is plausibly tied to such a concept which does not exist in the first place. And therefore the fact that police departments protect their liars, or these various other actors have some incentive to encourage or ignore, rather than to deter and mitigate perjury, is not relevant to any right Plaintiff can complain to a federal court about. Plaintiff has no clear federal right to police who

lie being prosecuted, which clear right judges can copy-paste without having to arrive at it through abstract thought. Was there a jury present? Then that is due process, they will say, and all your blather about perjury is immaterial.

7. Plaintiff is therefore burdened to define and describe "due process" in this Complaint as an abstract economic model, that is not based in history or democracy but rather contrasts with both and evolves away from them, by conveying social benefits as incentives to distributed decision makers. Decisions made by due process operate at a vantage point different from decisions made by executive-branch discretion or the will of the political majority. Due process attempts to produce decisions where facts are viewed only from the vantage point of law, rather than legal outcomes being viewed from some single vantage point of a political collective. Due process is designed to filter out other incentives, impulses, and social dynamics in favor of law, by creating such apolitical decision makers whose vantage point is different from and competes with traditional collective tribal or political vantage points to make decisions.

8. Plaintiff can then discuss how this process is corrupted at every node to revert to and more closely resemble historic and democratic processes, by actors whose incentive is something other than to deter and mitigate perjury. And then refute that perjury is checked anywhere, other than as directed by this Court.

9. Participants in the justice system have more immediate priorities than state witnesses who commit perjury being prosecuted. It doesn't save anyone money or power or help anyone get elected (except when done in isolated instances for the occasional theater). So prosecuting state-witness perjury will never be negotiated into any horse-trading in a particular case, or be pursued by politicians as a broad program. Telling the truth in court creates power for no man, and only the law.

10. There is a dispersed faction of innocent people, and people who are tired of being lied about in traffic stops, who care about state-witness perjury. But they have wishy-washy ideas about the cause of it, such as racism or culture. And their solutions are somewhat shortsighted, from providing more habeas proceedings to defunding the police. They see cops lying and wrongful convictions as a social-influence problem, rather than thinking in terms of checks and balances disrupting the social influence that causes perjury. Plaintiff sees it as the opposite, politics will always be the cause of perjury, never the solution.

11. You cannot vote to stop cops lying, because whatever outcome you want to vote for, can always be obtained more easily by greasing off courts with lies so that executive-branch actors can obtain your outcome directly without court interference. So people will not vote for a general system that deters perjury in court decisions, but for state governors to let some specific person out of prison, or for prosecutors to prosecute this person not that person. None of the people's demands which they

clamor for politicians to provide, seem to require the middleman of laws or court fact-finding, for executives to know what people want them to do and do it. People will never demand of their sheriffs "We want you to do what the judge tells you to do, rather than what I tell you to do." In summary, "the people" do not demand the middleman of courts, but rather a way to cut out the middleman, and that way is lying.

12. People generally don't see politics as a way to cure problems by designing checks and balances, but as a way to demand outcomes. And they are right, because we already have enough law to create adequate checks such as the prosecution of perjury, but people don't want those checks and prefer political discretion. So that the Fourth Amendment is interpreted as whatever is demanded by local politics not needing the exclusionary rule. And state witnesses lying in court is okay if the local prosecutor gets reelected.

13. Much of today's lying seems to be conceived to insulate court decisions from politics and even from law, which would otherwise let the guilty go free. So that it is seen as a moral duty to protect this racket and break the law, for public safety and to save our nation from supposed communists and invaders.

14. People will say just don't do anything wrong and police won't have to lie about you. When police lie, it is a direct and inevitable consequence of other people's poor

life decisions. "The people" support cops lying as a practical necessity, to overcome the inconvenience of law.

15. The autonomy of cops to obtain popular justice while sparing judges work, is not due process, but its opposite, and stopping it is the reason we wrote Federalist 51 and 78, passed the 14th Amendment, and pay people to come to work robed in the law as a shield against politics.

16. So great is the convenience of fixing cases with perjury and the cult of moral smugness surrounding it, including the brazen jailhouse confession witness scam, that Plaintiff is forced to make heroic legal arguments to obtain something so simple as the reliable prosecution of perjury, rather than himself be injured by it.

17. To say Plaintiff's paragraphs are immaterial is to say none of this exists.

LEGAL ARGUMENTS ON FEDERAL JURISDICTION

Jurisdiction over State Criminal-Justice Processes

18. Federalist 51 details the purpose of checks and balances as to protect rights against the majority political will. Federalist 78 defines the purpose of separation of powers in federal courts as to defend rights against the majority. Marbury v. Madison confirms the power of federal courts to mandate and enjoin members of the executive branch as necessary to prevent the executive branch usurping, evading, and infringing this jurisdiction of courts.

19. “Without a secure structure of separated powers, our Bill of Rights would be worthless, as are the bills of rights of many nations of the world that have adopted, or even improved upon, the mere words of ours.” Morrison v. Olson, 487 U.S. 654, 697 (1988)

20. The 11th Amendment was created to stop states being sued for Civil War debts. Article III and the Judiciary Act of 1789 gave Federal Courts final appellate jurisdiction as to law and fact. These powers include issuing writs of mandamus, injunction, and habeas. Jurisdiction over state-level criminal-justice matters is written in 14th Amendment Section 1, 42 USC 1983, Ex Parte Young, and Fitzpatrick v. Bitzer.

21. 42 USC 1983 and Declaratory and Injunctive relief and Ex Parte Young create a venue for Plaintiff's to ask for general supervisory governance of state criminal-justice actors, in advance of action by any state actor who is an imminent threat to violate the Constitution (elevated by Justice Thomas in 22-807 "planning to violate, federal law" Armstrong v. Exceptional Child Ctr., Inc., 575 U.S. 320, 326 (2015)).

22. Appellants have come to federal courts arguing whether the Fourth Amendment implies the exclusionary rule, and whether the Fourth Amendment has any meaning except as a process right standing between the state and rights

infringement. They did not come saying violations of the Fourth Amendment were not deterred in advance of their searches, or having standing to say future criminal defendants needed a deterrent.

23. Deterring future violations of the Fourth Amendment using the exclusionary rule, is not something criminal defendants have standing to request in an appeal, but a role of federal courts that is either exercised spontaneously, or pursuant to some complaint or petition.

24. Federal judges such as Scalia and Roberts then interpreted the Fourth Amendment as a general jurisdiction of federal courts to investigate the behavior of state actors, and impose process requirements upon them. In other words, to create such surrounding process as is due, to fulfill rights under the Fourth Amendment.

25. The jurisdiction of federal courts to require deterrents in state courts, not as part of any current dispute before the court but spontaneously as a general exercise of their future jurisdiction, is confirmed in Hudson v. Michigan and Herring v. United States 555 U.S. 135, 147 (2009).

26. Scalia said (in Plaintiff's opinion incorrectly) that the Fourth Amendment is not even a process right sitting between state actors and infringement. It is rather a supervisory right of federal courts to review the management philosophies and

dispositions and political incentives of state actors, and impose various requirements and elements in state criminal-justice processes to shape their behavior, as necessary to achieve what are otherwise just hopes expressed in the Bill of Rights, without enforcement mechanism or remedy. Pursuant to this doctrine, conviction without a jury trial would not just be subject to habeas relief after, but federal courts could require advance deterrents in the processes of state criminal-justice actors, the same as the exclusionary rule is a deterrent.

Due Process is Not Finite

27. Plaintiff can bring to this Court a completely novel Complaint with novel factual circumstances not indexed to any previous case law. Plaintiff needs only allege that the facts comprise an injury to his liberty interests without due process, i.e. an injury created by executive-branch discretion, not pre-screened by a process measuring fact against law. And where state interest justifying executive-branch discretion has never been proved. ("It appears that no court has interpreted this provision. But applying traditional principles..." State of Florida, US-FL-SD 2:24-cv-14348 ECF 1 page 9)

28. This novel set of facts then creates a question of whether the facts comprise a rights violation. No matter how novel the facts are, or unknown to case law, this then becomes a legal question, not a "shotgun" question of communications or materiality of facts or notice of previous case law. If Plaintiff says a giant frog jumped out of the

sky and landed on him, this creates a legal question of whether a giant sky frog credibly existed and is a state action which deprived Plaintiff of liberty interests, not "100 pages of immaterial facts about a frog which fails to communicate to defendants what they are being accused of". A court saying such a plaintiff fails to plead facts which are plausible, is a measure of credibility by which the court accepts facts as true and reads them in the light most favorable to the plaintiff, not a poorly-drafted shotgun pleading.

29. Whether a given fact amounts to a rights violation is the legal issue to be decided. Saying a defendant or the Court does not understand how a fact is relevant costumes a legal ruling that it does not amount to a rights violation, as a communications problem. Like "Okay the government did that, but what is the rights violation?" Any harm with a process that does not reliably measure fact against law is a rights violation, no matter how elaborate the process, or how long it has evolved to circumvent regulation by this Court. Any fact which is a material element in such a process is a material fact.

30. Federalist 84 and “generally applicable principles” (Vidal v. Elster, No. 22-704, 36 (U.S. Jun. 13, 2024)), say that due process is a finite list of things the government can do, not a finite list of previous cases a plaintiff must index to. Hamilton said "the people surrender nothing, and as they retain every thing, they have no need of particular reservations." This means Plaintiff's Complaint need not cite or index to

any previous case; such a citation to case law is not required to make the set of factual circumstances Plaintiff presents illegal or give this Court jurisdiction over them. By searching for previous case law, we would search for "various exceptions to powers which are not granted; and on this very account, would afford a colourable pretext to claim more than were granted", to say government can do anything not previously addressed in some law enumerating a restriction on a specific government activity. Plaintiff does not have to give fair notice of a specific restriction on government power, only describe a set of facts that comprise a harm to his liberty interests without due process.

31. Government powers are created by laws, limited by the Constitution, with probable cause and juries sitting between those laws and rights infringements. Novel innovations of executive discretion must be screened for legality. Any violation of liberty interests can be the subject of a complaint. So Plaintiff needs only show that he is harmed by the State without due process, and particularly harmed in a novel way. Not cite previous case law that says the State can't do exactly what they did. The more novel the claim, the longer the complaint to give defendants fair notice of what they are being accused of and how it is violative, both factually and legally.

32. Due process is not a finite preexisting list in case law, of government actions a plaintiff can complain about. So that a plaintiff not citing to the existing list, constitutes failing to give defendants fair notice of what predefined limitation on

government power the plaintiff came to purchase. Case law is finite, courts will say the exceptions to state power are finite, so the list of things states can't do is finite. The thing a plaintiff is saying defendants did, is not in our list and is not relevant. Due process does not say the State can do any harm, except where blocked by these specific restrictions. It says the state can do no harm, except as permitted through these enumerated processes.

33. Plaintiff is not legally required to show some previous case law that says the State is not allowed to lie to move the locus of decision making from the judicial to the executive branch. Defendants are burdened to prove that their discretion to use and not prosecute perjury, and ignore this at the finder of fact in court, does provide due process (or legitimate state interest) between government action and rights infringement

34. So the Court is burdened to make a first impression interpretation, and Defendants are burdened to argue, is using perjury without the threat of prosecution, because voters don't demand perjury prosecution but only court outcomes, due process to limit executive action to that screened by law?

Jurisdiction to Enjoin a State as Defendant

35. The difference between money suits for state debt and suits under criminal justice rights, is the rights in the first are created by a private business contract

between an individual and the State, the second is created by a contract between a State and the United States. There is no difference between the criminal-justice jurisdiction of federal courts in appeals, writs, and 42 USC 1983 lawsuits. The difference is only based on confusion of the different words or paths by which the same jurisdiction to invoke federal law is sought. Suits and appeals invoke the same federal oversight and remedy jurisdiction in criminal justice.

36. The executive branch will not initiate a complaint to the judicial branch that the executive branch has too much power, or is usurping the jurisdiction of the judicial branch with lies. Therefore someone else with a right to federal court jurisdiction has to initiate the complaint.

37. The jurisdiction of federal courts over individual rights in state criminal justice, whether in appellate law or injunction, should not be materially different. One is arrived at by appeal, another by private complaint, another by state suit (attorney general), or even criminal complaint for violations of 18 USC 241 or 242.

38. A law is a universal permanent injunction. Injunctions are interpretations of laws on specific facts upon specific actors. Prosecutions are measurements of specific actions against interpretations of law. A declaration of rights details the scope of law. So a declaration of rights extends or details the injunction created by law, just as a writ does.

39. A declaration of law is an injunction regardless of the consequences by which it is enforced. A mandate is a remedy, regardless of the law creating the federal venue to seek it.

40. The differences are not in federal jurisdiction, but in state actors targeted for remedies, with no state actor being immune to federal oversight in criminal justice by the 11th Amendment.

41. The differences between who is petitioning against whom for Constitutional rights, and between the remedies, do not change that the result of the petition is for the federal government to commandeer or enjoin state actors, pursuant to federal jurisdiction over state action and individual rights in criminal justice.

42. State actors are "commandeered" to conduct jury trials according to federal decisions. State courts are enjoined by federal law from trying people without a jury. If local elected officials conspired to convict someone without a jury trial - or to do it in the judge's basement - they would hopefully be arrested and charged using 18 USC 241 or 242. The word "jury trial" does not appear in these laws 18 USC 241 or 242. But the declaration of the right to a jury trial combined with 18 USC 241 and 242, exercise the same federal jurisdiction as an injunction against trying people without a jury, or a petition or appeal after the same federally-regulated act.

43. A judge who acts outside his declared authority is presumably stripped of immunity and subject to arrest. This is materially an injunction against acting outside the limits of his authority under federal law.

44. Plaintiff has a venue to sue a state for his federal rights rather than private contracts, in federal court. There is no need for silliness about enjoining specific state actors to pretend you are not suing the State, when it is state law that creates the violation and federal courts are designed to have jurisdiction over state criminal-justice processes. There is only a need as a practical matter, for specific respondents to argue against the petition, and specific actors to mandate to cure the violation. A recent order by this court enjoined and commandeered the State without naming a specific judge and prosecutor, saying only "unless the State of Florida initiates new trial proceedings in state court".

Respondents and Remedy Targets

45. Plaintiff has factual examples proving the laws of the State of Florida create and are interpreted as a standardized process for infringing liberty interests without due process or legitimate state purpose (i.e. creating political opportunities to infringe rights). In effect moving actions colored as criminal justice into a Marbury space of executive discretion evading judicial jurisdiction subject only to politics.

46. Plaintiff has factual examples of the primary elements of this scheme, which consist of a) using prosecutorial discretion to not prosecute or deter perjury and to encourage and reward state-selected perjury, in proportion as the perjury is selected by the state and politically convenient. And b) arranging for the finder of fact to ignore that state-selected perjury is rewarded not prosecuted, with some charade that it is a matter of individual witness credibility (which is also gamed in various ways such as avoiding the production of Brady and Giglio records). This moves court decisions to this executive-branch selection determining what testimony is produced and accepted. The executive branch and social consensus thereby dictates court decisions upon a set of facts contrived, selected, and shaped, by the executive branch in proportion to the social popularity or agreeability of the court outcome thereby obtained.

47. Plaintiff has factual examples of supporting elements of this scheme, such as controlling the political prospects of judges, controlling the financial incentives of lawyers, and controlling the financial incentives facing publishers by making them immune from suit or needing witnesses of fact, but only when they broadcast state-approved content. This and other factors subvert the intended and imagined checks by voters, judges, and federal courts, as regulators of the state executive branch. This set of laws and schemes amount "extant factors" which Scalia says in Hudson v. Michigan federal courts have jurisdiction to examine, to create deterrents and prevent state actors subverting the separation of powers and usurping the power of courts

and legislators as decision makers.

48. Some utopian ideal of saying it is up to "the people", or local voters are virtuous and have "collective wisdom" that courts and law don't have, is used as an excuse to insulate state actors from various checks, balances, and governance and regulatory mechanisms. The executive branch rewards witnesses for lying to the jury, forbids curing the jury of any bias thinking this doesn't happen by instructing them that it does, and then says it wasn't the executive branch, it was the jury deciding credibility. Saying this subversion by the executive branch is valid because it has been passed on by a jury or "the people", is a dumber scam than like a plushy claw machine or Santa Claus for adults.

49. This process (of saying it is up to the finder of fact and voter to mitigate perjury) has evolved to easily influence any court outcome, and free any government actor from the shackles of law in favor of personal or political expedience. So that court outcomes can be negotiated and decided based on local social consensus using political discretion, rather than by reliably measuring fact against law. "The people" don't like independent decisions whether by businessmen or courts, but the people's approval of making court decisions by social consensus does not supersede this Court.

50. When it comes to checks and balances, the absence of a check makes an

action violative. If a judge does not provide an arraignment or fails to instruct jurors, then the ordinary action of the jailer becomes violative. The injunction is ordinarily directed to the party whose action is unchecked, the jailer. The broad subversion of checks using discretion to reward and not prosecute state-witness perjury, makes all executive-branch action unchecked by courts and law and therefore violative. All prospective state action in criminal justice that is measured by politics rather than fact against law, is violative.

51. When a state starts a habit of casting off court regulation it is not that one person is violating your rights. It is that any state actor is granted discretion to violate your rights without regulation by law, restrained only by what they can get away with politically. All state action harming rights based on political convenience, done without separation of powers and checks and balances is illegal, violating due process as in Morrison v Olson, and the design in the Federalist Papers.

52. Federal courts cannot try every case where a state executive has been unchecked, and give him the orders the state court failed to give him. Federal courts cannot substitute their own findings telling all Florida government employees what to do, in the absence of state courts regulating them. An absence of state-court checks cannot be cured by replacing every missing check one-by-one with a federal order to every state employee. State courts abdicating jurisdiction cannot be cured entirely by individual appeals and habeas petitions afterwards, but must be cured in

advance by requiring process in state courts and enjoining activity that lacks process.

53. So while the action of any state actor unchecked by law is violative - the power to violate rights could be given by Florida to any State Actor at any time - the appropriate target for remedy is not every state actor. It is the Governor and Supreme Court of Florida, together and separately in all claims, who between them hold the on-off switch for all rights violations and remedies. There is no need to explain exactly why that is here, unless all parties want to play dumb. Unless the Court finds a different or broader class of remedy targets is appropriate.

54. The problem is subverting the courts, which requires preventative and retrospective fixes in two branches of government. 1) courts have to mitigate perjury by what testimony they allow and choose to believe and what disclosures they require and consider to make that decision. That is in the supervisory jurisdiction of the Supreme Court of Florida. And 2) the executive branch has to investigate and prosecute perjury, and produce disclosures to honestly inform decisions on witness credibility. It is in the jurisdiction of the Governor of Florida to make sure no process takes place absent complying with oversight by such a department.

55. Plaintiff asks a remedy of enjoining any state actors from executing state criminal-justice powers, using the eyes and arms of these two supervisory authorities, until they satisfy the provision of due process, by using two cures necessary to make

sure fact is reliably determined by such process as is necessary, before being measured against law. These remedies are 1) creating an independent State institution as satisfactory, with the incentives to proactively investigate, prosecute, and thereby deter perjury. And 2) the State must produce and report and courts must use rather than obfuscate and ignore, such Brady and Giglio (and Diaz) information as necessary, for finders of fact to determine the reliability of witnesses, to check the executive branch simply gaming courts with lies.

56. Plaintiff seeks a preventative remedy against likely future harm, whether this comes in the form of a general supervisory declaration like the exclusionary rule, a writ of mandamus, or an Ex Parte Young injunction on specific state actors. The Court might even mandate federal prosecutors prosecute specific state actors who subvert the appellate jurisdiction of this Court with records containing lies.

NON-HISTORICAL NON-DEMOCRATIC DUE PROCESS

Comity and Interpolating Conflicts

57. Comity is not about erasing conflicts but extrapolating them, making sense of adjustments to law without micromanagement necessary in the text of law. Courts should not play like the genie who grants you wishes, but always screws you by using the details you didn't think to include in your wish, to worsen your condition rather than improving it.

58. Scalia said the exclusionary rule is not actually written in the Fourth Amendment, the text as written does not provide for any remedy or enforcement. If the Fourth Amendment is not a process right sitting between state actors and liberty infringements, then it has no effect, it is an expression of hope. It seems implausible that James Madison would have taken up space between "shall make no law" and the right to a jury trial, to write something that has no effect and is merely an expression of hope.

59. Scalia then observed that human nature had become more virtuous ("professional"), which was somehow prophesied by the Constitution not created by it. And this improvement made the Constitution irrelevant and therefore obsolete, with rights created by local politics and human nature ("extant factors") without the Constitution doing anything. It is frankly amazing the crap people will accept as Constitutional interpretation, if it says the state executive branch has an ancient unchecked arbitrary right to torture people.

60. Scalia then started blathering about words like "good faith", "intend" and "mistakes", and periodic musings about the utopian political incentives and management philosophies of no sheriff in particular. All of that is also not written in the Fourth Amendment. But Scalia probably thinks he got it from somewhere, some wishy-washy interpretation of history and democracy that allows us to piece together a lot of crap from somewhere, and say that is what the Fourth Amendment means.

Scalia looked outside of process roadblocks like a jury trial or confronting witnesses which inform a general principle, to invent something that fit more with his own whims and prejudices. Scalia said if an enforcement mechanism is not written in there, then I will say it is up to democracy not the courts to regulate compliance with the Fourth Amendment; it is the jurisdiction of local political forces to interpret the Constitution.

61. As if we need courts or law, for the local majority to tell cops what to do. Rather than seeing how the Bill of Rights moved away from a tribal society, Scalia simply concluded it didn't. Because he saw no pattern in process rights, and legislators didn't adequately explain it to him. 14th Amendment Section 1 does not say "without previously established or politically popular process of law", but Scalia chose to define "due process" as something else found in history or democracy.

62. The job of judges is to find some external structure not their own whim. You can't just mush everything old and new into one paragraph, and then argue for some way to resolve any contradictory phrases. Judges want some model, some logical order, for how they find the circumstances of the present case on a line drawn between two existing dots of law.

63. The problem of law is similar to the problem of particle physics, to locate the law based on incomplete and uncertain observations of location and direction, based

on law and case law. If it was only location, we would need explicit articulation of new location, to override comity with existing law. But if law has location and direction, you can make logical judgments about how law has moved away from historical contracts and arrangements, to extrapolate a general pattern of how comity repeals and overrides existing law.

64. Due process cannot be synthesized as a simple triangle of history, democracy, and the limited explicit written intent of new laws. Due process is almost the opposite of comity. Comity must be interpreted in a way that due process is meant to move away from history and democracy, to displace preexisting political or executive authority, to abrogate preexisting political or executive prerogative. The uncertain location and direction of due process can be inferred by drawing a line from the new law to the old one, and then extrapolating in the opposite direction rather than gravitating to the anchors of history and democracy.

65. Judge Easterbrook and many academics have promoted the idea that you have to use a consistent logical model to fill in the missing structure of law extrapolated from observations. Plaintiff argues due process can be summarized as an abstract model, which model can be applied to observations to tie them together, to determine the location and direction of the new "due process" law relative to various landmarks of history and democracy.

Interpreting Law as Distributed Decision Making

66. There is no way to get around arguing what due process means, or what the purpose of courts is, it cannot all be constructed by looking at common law. Courts cannot erase various parts of the Bill of Rights, or interpret them down to nothing or something politically convenient based on prejudices for executive discretion, based on not knowing what they mean. And nor is there any settled super-precedent defining and limiting due process. A discussion of what due process is, is inescapable not immaterial.

67. It seems obvious that the executive branch being able to decide court outcomes by just having the law applied to lies is a violation of due process. A separate department prosecuting perjury in proportion as it happens not in proportion as the public demands, is necessary to have decisions made by the jury not by whoever decides whether to prosecute perjury and what statements to reward and prosecute.

68. But some judge will say the Constitution doesn't say "there needs to be an independent department to prosecute perjury" or "jurors must be cured of bias about whether perjury is deterred or rewarded". Both these processes "move power away from the executive branch", but due process doesn't specifically call for that. Beyond simply having 12 people present as jurors, there is nothing explicitly written that makes your rights so expansive, that prosecutors can't walk right around those 12 people by lying. So we need something external to look at to fill in the blanks of

what due process is.

69. There is no simple concept tying the various manifestations of due process, into a generally accepted principle that supports Plaintiff's specific remedies. Absent such a logical model,judges will instead look to history or democracy as simple or guiding logical principles to fill in the blanks of what law means, including due process. Some judge will argue "The Constitution doesn't say what due process is, so it must be something that happened at some point in history that you can point to." Judges are rarely blamed for saying history or democracy informed a decision.

70. Neither history where the king can do whatever he wants, nor democracy where the majority can do whatever they want, need written laws and courts to function. Law is not a codification of history or democracy, but of our move away from it. Due process is not a manifestation of democracy or historical executive power, but a competing decision process that removes and takes over decisions from the executive branch or the political majority.

71. There is an equally simple unifying theme of what law moves us toward, which brings together such various concepts as checks and balances and unanimous juries. That theme is distributed decision making. Distributed decision making is the opposite of history and democracy, and the purpose of law. So if you ask a question like in what way does 42 USC 1983 move us away from common law, the answer is

informed by the distributed decision model.

72. Law is not the idea that you should be punished for wrongdoing, and did not introduce this concept. Law is simply a communications system for disseminating established preferences to distributed decision makers without prices.

Model of Distributed Decision Institutions and Processes

73. Processing as much information as possible to make decisions that benefit society, is done using distributed decisions made by independent local specialist decision makers. The more things are decided by a single social collective, the fewer decisions can be made, the less information and expertise they will use, and the worse the decisions will be. It is not efficient to vote in the town square on every decision, from what factories should make to who is guilty of crimes, or to have a single executive decide all these things.

74. The general properties of a distributed decision maker is one that brings together:

1) knowledge of the domain, e.g. farming,

2) information the knowledge is applied to, e.g. the precipitation in a certain tract of land, and

3) incentives and constraints that convey public costs and benefits to decision makers, e.g. the price system.

75. By giving only a small part of each decision to each decision maker, no decision maker holds power to choose the outcome, rather the rules and the information determine the outcome. So a farmer is forced to choose whether to plant corn or wheat based on the market price of corn and wheat, and the cost of producing each. The farmer cannot choose what people eat, and nor can people choose to eat corn if it is too expensive to grow. A judge cannot decide what the law is, a cop cannot determine if someone is guilty. No central planner can attempt to sort everything.

76. The problem with courts, is you cannot turn deciding who is guilty over to the price system and "the free market", to create independent decision makers informed of the public good through prices. You have to make the decision using some combination of voters and government employees. That is where judges and juries come in, which are supposed to function like independent businessmen, making private decisions which nobody else will ever have the information to know if they were right. The purpose of "due process" is to manufacture such an incentivized and informed private decision maker without the price system, replacing prices with rules and laws. The purpose of courts and juries is to create such independent decision makers incentivized by laws and penalties instead of prices.

77. For jury trials, the judge brings the domain expertise by instructing the jury.

The decision-specific information is provided to the jury by the prosecution and defense (needing separate institutions to make sure they don't lie), and the public benefit is conveyed to the jury in the rules of the laws themselves, rather than by prices. And the interest of the prosecutor to convict the innocent for votes, or of the public to decide who is guilty based on gossip - the human impulse for the collective to decide - is removed, by handing the decision on guilt over to this independent decision maker. Similar to how requiring two different people turn a key, and a remote person provide a code, filters local impulses out of the decision to launch nuclear missiles.

78. Extending the metaphor, a cop who imagines probable cause of a crime is like someone with a business idea he thinks people will like. The cop's decision of whether some action is harmful to society is initially informed by law, similar to how he would be informed whether his business idea is a good one, by his relatives when he asks them for money to start his business. When the cop has a little revenue and applies for a bank loan to expand his business, that is like going before a judge to see if you can hold the accused criminal or the judge may dismiss the case. Or the cop may lie on the loan application, consumed with his own agenda. Finally jurors decide guilt the way customers decide the success of a business. Or you can commit a fraud like Bernie Madoff or a snake oil salesman, telling the customers you are giving them a benefit when they are actually being harmed.

79. A decision made by an elaborate process with a jury rather than a cop deciding alone, may not seem like an efficient decision process, when it costs a lot to hold a trial. But it is cheaper than providing all the same information to every voter, and having every voter decide every case, which they want to do and then exercise their influence over the cop. The voters don't want the cop to exercise his own values or agenda, but theirs. Rather than the cop transmitting the case-specific information to the voter in every case, the voters design one law or rule and transmit the law to the cop and court.

80. Rights are the authority to dispose of one's property. The purpose of law and rights is to create independent decision makers with authority to dispose of property. Societies with rights are selected for survival because they create distributed decision makers, maximizing the productive power of the human mind. So the purpose of law is to convey social benefit to independent decision makers, by empowering them only to follow or enforce the law, and incentivizing them with penalties for violating the law. The purpose of courts is to protect distributed decision makers against collective decision makers and collective decisions, by protecting rights.

81. The purpose of courts and jurors is to limit the power of government employees to enforcing the law, to have outcomes decided by law not collective will. This uses the basic properties that jurors are provided all information (and are cured of biases and preconceptions), are independent, and that they follow the law. This

strips away the corruptibility and political incentives of government officials, to make court outcomes as close as possible to a measurement of fact against law. This strips away or filters out the low quality of collective decisions.

82. So the purpose of due process, is whatever process is due within this paradigm, to produce fact reliably and measure it against law. And the purpose of measuring fact against law is to convey the benefit to society to the distributed decision maker through law. And the general purpose of monitoring and oversight is to make sure decision makers follow the rules for how they make their decisions, not to make the decisions for them. So that the rules not the decisions are monitored by the collective. And people who commit fraud are deterred with punishment.

83. Checks and balances, and various forms of oversight and governance, provide a limited form of competition, where different departments make sure other departments are following the rules to reach their decisions (deter breaking the rules with occasional severe punishments). Even though decision makers at a second vantage point can never have the resources to double-check whether every decision was right.

84. According this model, a process is due to make sure the prosecutor cannot produce fact and determine guilt or hold too much power in a single department. And a process is due to make sure the jury decision is not made by the decision of

the prosecutor to reward or prosecute perjury (and hiding this from the jury), which decision is influenced by politics so that politics dictates the outcome made by the intended decision maker (rather than politics just dictating the rules to convey political preferences to decision makers). To make sure the jury rather than the collective or voting majority decides guilt,

85. So a system for separating the power to investigate and prosecute perjury (to filter it out from the political incentives of the prosecutor), and for instructing the jury about the biases of this system that provides the information, is part of the process due to make independent decision makers comparing information to the public benefit. The remedies which Plaintiff asks for are part of this "due process" which is grounded neither in history or democracy, but from the evolution of society away from both, and towards distributed decision making.

86. Plaintiff's remedies constitute due process; such process as is due to reliably measure fact against law, as necessary to create distributed decision makers to whom the interests of the public are conveyed as incentives by law not politics.

87. And Plaintiff's Complaint is a legitimate use of 42 USC 1983 in federal jurisdiction, because it invokes the Court's authority to examine and supervise whether state decision makers are doing this activity of measuring law against fact, or concentrating power in the executive branch to make decisions influenced directly

by the political collective, rather than indirectly through law.

Substituting the "Second Vantage Point Mirage" for Due Process

88. The "second vantage point mirage" is the idea that there is some second vantage point where the correct decision can be known, and the goal of the actual decision maker is to arrive at this same decision which we know is correct. Motivated by this mirage, know-it-all voters subvert rather than demand due process in courts, the same as they do in business. Voters would prefer to get rid of the actual decision maker relative to which they are the second vantage point, and instead somehow have a single vantage point, their own.

89. The second vantage point mirage implicitly assumes that there is some infinite repository of decision-making capacity which can have all the information, to do as well as and second-guess every decision made by the actual decision makers. Rather than the remote vantage point just being used to monitor whether the actual decision makers are following the rules, to deter them with punishment when they are caught violating the rules, and to adjust the rules based on an examination of outcomes.

90. The general error people make, is a perception that there is a second, free, infinite layer of decision making, that can review every other decision in the world, and make sure it is being made correctly. And if those decisions are unsatisfactory, voters can choose to bypass the rules of who makes decisions - legislators, jurors,

business owners, whoever - to instead obtain the outcome known to be correct at the second vantage point. So that voters can look at what factories are making bread, can examine which medicines are safe, can see why housing is so expensive, and can then vote to build houses here, bake bread there, and use one medicine while avoiding another.

91. So if I see people are hungry, I can know that the correct decision for the baker is to bake bread and give it to them. And if I see someone on death row is innocent, the job of the court or government is to produce this same decision I have discovered using my same information, and let him out. This implies a world where businesses can decide how much bread to bake, courts can decide who to convict, and then voters and monitors can examine those choices and decide whether they are right or not. Or voters can just decide in the public square, and petition elected officials to produce that outcome using executive-branch discretion.

92. This idea of governance by a higher truth that exists independently, which can then be implemented by courts or businesses, might be promoted using such ideas as the voters possess collective wisdom, or the people know what is actually going on in their communities and are virtuous. And so "the people" have an opinion, and want to control everything they see in the best interest of their own moral judgment, by directly deciding outcomes rather than rules. Any decision I make is likely to be better for me than one made by some stranger on my behalf, times infinity.

Democracy provides direct oversight of decisions to ensure courts are producing justice (or by lynching if necessary).

93. There is nothing more obvious and more wrong, than you are smart and good, therefore if you control the decision the best decision will be made. Because this will limit how much information can be utilized and how many decisions can be made on your behalf. There will be thousands of innocent people in prison whose names you will never know, while your voter governance is limited to rooting for outcomes in a few court cases that are used to create a theater in the news. Just like if voters try to micromanage business, they will be deprived of industry and innovation.

94. The purpose of all this is in courts is the same as in industrial production, to be efficient and distributed and atomistic, and process as much information as possible (and to give more people a fair trial than the public ever would). There is supposed to be one decision maker who makes each decision based on one set of information, one time, using a predetermined set of rules.

95. If someone cheats, like if someone walks out of the grocery store without paying, you have to call the cops and start a new court proceeding, and suddenly what was supposed to be an efficient transaction all becomes very expensive. So first you argue with the security guard, then the manager, then finally you call the cops, and maybe even go to trial. Or maybe the security guard just lets you go because it is

not worth it. And if some sadistic cop cheats and harms you, usually they just let the cop go also. If you spend all day on one decision, things get backed up and all the decisions become garbage or left to politics to handle the overflow.

96. In the case of the retail theft, local politics favors punishing cheaters above a certain threshold, to deter theft and keep the general level of cheating at some minimum level, below which it is not cost-justified to reduce it any further. When cops and prosecutors cheat in court voters actually want them to get away with it as much as possible - voters want a minimum level - because it obtains the outcome the local voters want. (That minimum level might include cops lying to pull over undesirables and search their cars.)

97. Local politics wants judges and prosecutors to look the other way on witnesses lying and make biased rulings, to allow that a convenient level of cheating takes place, the minimum level necessary to get reelected. But higher court judges will cite costs and every other argument including total nonsense, rather than say this real reason why they are letting cops and prosecutors get away with breaking the rules.

98. At the end, there is no political will to spend the money to give everyone a trial in the first place; people don't want to pay for a process they don't actually want. So that even having a trial is usually avoided by coercing witnesses to lie in plea bargains, and financially rewarding defense lawyers who persuade their clients to

cooperate arranging outcomes, thereby foregoing due process and a public trial. The public has little idea what is going on in the majority of cases, during the years and decades after the news media initially quotes the cops.

99. So higher court judges and legislatures will try to stop you starting any new sequence of court proceedings (so they can instead use the courts to create a theater they are stopping fentanyl). And innocent people serving life sentences have to hope for a trial by politician in the executive branch, where some prosecutor sees letting one innocent person out as a way to get elected, decades after there is any political cost to the cops and prosecutors who lied in court to railroad him. The fairytale process intended by law is corrupted by competing interests at every turn.

100. Where the public is interested in the outcome, the pressure is on courts to deliver those popular decisions instead of doing their job. At each stage there will be pressure to insert the facts the public believes, and create the outcome the public wants, and insulate that outcome against appeals courts needing only appeal to the voters.

101. Or absent the public caring, court officers arrange the outcome that is most convenient to the lawyers, and screw the people whose lives are affected. In cases where the public is not interested, court officers are left to ignore the law with only the most superficial appearance of rituals, while doing whatever is in their own

backroom interests. Where the public is not interested, the incentive is to just lie to finish the case with minimal work. And insert minimal superficial facts and decisions often completely invented nonsense, to give the casual appearance of law to appeals courts as if anyone even cares.

102. Every designed decision maker can obstruct this collective will or local social consensus, and is supposed to do so by making a decision independent of or other than the one demanded by the crowd or the self interests of lawyers. But political levers are applied at every point, to subvert such independent decision makers into a railroad for the popular will.

103. And there are various points in the process, where outcomes can be fixed along lines of political convenience, whether in response to the public, or based on some backroom dealings among the local lawyers' clique. And there are various tricks to make sure these outcomes are insulated against interference from higher courts.

104. A legal decision has three elementary steps, 1) hear testimony, 2) decide some accepted set of facts based on that testimony, 3) apply the law to that set of facts to decide the punishment.

105. A legal proceeding (in a local "trial court" or "originating venue") has three

stages of such legal decisions, where three different people take the sub-steps of finding fact and measuring it against law, the accuser, the judge, and the jury. The first A stage is decided by the accuser, the second B stage is decided by a judge, the third C stage is decided by a jury.

106. None of these decisions is decided by the voter or in the public square, not any more than they decide for the farmer or baker. Rather, the public demand for justice is obtained - or often obstructed - by the designated decision makers applying the law to the information at their unique vantage points.

107. The three stages are A) the accuser says what he believes the facts to be and how they violate the law, B) the judge decides whether to accept or reject those facts and whether they seem to violate the law, C) the jury decides whether to accept those facts and whether they violate the law. In stage A the accuser decides whether to file a case, in stage B the judge decides whether the preliminary accusations merit further proceedings or should be dismissed. Stage C is the proceeding in front of the jury to decide what the facts are, to measure them against the law without being corrupted by politics, and decide the punishment.

108. This is distributed decision-making, where each decision maker has a different set of facts visible at his vantage point, different knowledge, and different incentives. The judge brings the expertise on the law (and rations court resources). The jury is

supposed to be the least corruptible, deciding facts without bias, and then measuring those facts against law with no personal benefit or incentive from deciding one outcome versus another.

109. Notice the weak point in process, in the sort of synthetic price system to create distributed decision makers who have an incentive to follow the law and a deterrent to ignore it. The cop is not supposed to decide whether people broke the law, and certainly not punish them for having the wrong religion, he is supposed to collect information. The main decision he makes is whether he asks the judge for permission to collect information, to harass someone, to then bring the facts and law to the jury.

110. But the trick to move the actual decision to the cop is to fix all the other decisions by using his role as information collector to fake information, to obtain the outcome he wants. This also helps the other elected officials - the mayor, the judge, the prosecutor - because it doesn't force one of the three to lose an election for being wrong, when the court outcome disagrees with the cop's allegations which have already been sold to the voter.

111. The synthetic price system fails, because the cop is paid for his information in proportion to whether it obtains the outcome the voters want based on their information, not based on the benefit of the law applied to the actual information, which is achieved by the cop following the law. The cop is penalized by voters as

regulators for following the law, and rewarded for breaking it. And the other elected officials are paid based on whether their decisions are in conflict with the dominant social narrative, the cop's narrative, which is the only narrative newspapers can publish immune from lawsuits and investigative costs.

112. The most robust way to fix court outcomes is to allow whatever testimony is politically convenient, based on the theory it is not up to the court to bar the testimony, it is up to the finder of fact to decide if it is credible. And then in a shell game, the finder of fact ignores the low standard under which the testimony was admitted, not considering whether the witness is deterred from lying as the theater of the Oath suggests, or is actually rewarded by the government for lying in proportion as it dovetails with the popular narrative. So the idea that the finder of fact is examining the testimony critically, rather than politics deciding what facts are manufactured and accepted, is collective theater. The cop lying, or the jailhouse confession witness lying - both to obtain the politically convenient outcome - is conveniently blamed on the jury, and so colored as distributed decision making.

113. It's supposed to be easier for the law than for politics, to capture all 12 jurors. But it is easy for politics to capture all 12 witnesses, including the witch herself who is forced to confess. An independent department to deter witnesses lying, prevents one department or political incentives or social consensus, from capturing witnesses.

114. The average person has trouble thinking about these different stages and decision makers. He just wants to know "What did the accused criminal do?" And then decide whether the accused is guilty, as if there is one set of facts and decision maker - the social collective - one vantage point shared by everyone. What does the cop say the criminal did? Okay, then lock him up. If we think he is guilty, and the court found him guilty, then courts are functioning correctly and officials get reelected.

115. The idea that the different decision makers, accuser and jury, have different sets of facts and different incentives, is as easy to gloss over as saying the homebuilders should just build a home for everyone. And police should put the bad people in prison, we all know who those bad people are. (Attorney General William Barr once said police know who the shooters are, the courts and public just obstruct police doing the right thing.)

116. People imagine the world as if seen from a single vantage point, by an actor who has perfect control and information, like a laboratory experiment. They focus on the outcome, not the problems of the real-world process. They say "If I combine hydrogen and oxygen, it will burn." They gloss over the problem of "What process will combine hydrogen and oxygen? Who will combine hydrogen and oxygen, where will he get it?" They say if the cops know who the shooters are, the cops should just put them in jail without interference.

117. Everything is collapsed and oversimplified in the mind, so that imposing those decisions on other people - leaving it to the cop and voter - would be disastrous. Socialists always create government power, with a utopian blindness to how the real world works and how it is corrupted. Because their minds are blind to the complex social processes, and knowledge and control limitations.

118. Imagine for a moment if you had no arms. Then how to combine hydrogen and oxygen would be a bigger problem. That is the problem society faces. Because only in totalitarian societies, do the arms of government exist to eliminate the problem of social processes and autonomous actors, to achieve ideal ends. The first impulse of someone who wants an ideal outcome, is therefore to create that absolute power, such as by electing a virtuous prosecutor and letting him ignore the law. And bypass social processes and institutions which assemble free actors into beneficial patterns, in favor of a top-down ordering. But once that power is created - the arms - it ends up not used for the ideal ends, but for self preservation.

119. It is hard for voters to oversee something which it is hard to think about or even write about, and when they don't even understand what they are being asked to do, whether demand outcomes, or demand courts follow the law. And when elected officials encourage them to vote based on outcomes rather than whether rules were followed. Elected officials get elected by promising and lying about outcomes, rather

than by promising something so boring as following the law to let juries decide.

120. Are voters supposed to vote for a judge who follows the rules? Or who gets the correct outcome by convicting whomever police have told voters is guilty, who police have selectively immunized newspapers to only say is guilty? Voters just want to know a) is he guilty, and b) did the court find him guilty? If so, I will vote for the judge or prosecutor, if not I will vote to replace them. Which leaves it to this federal court, not local voters, to enforce due process.

121. Are voters supposed to be making sure courts use the facts, which newspapers have been immunized to recite as true quoting local executive-branch officials? The answer is no, but every voter would say yes.

122. Schoolchildren are taught to let the baker decide, but not the jury. Americans commonly believe collectivism in business is bad, but in court decisions is good. Voters mistake their role and the role of this Court as to monitor whether the outcome of a decision was correct, rather than whether the rules were followed, and whether the rules need to be adjusted. Many may prefer or accept breaking the rules, if the results is an outcome which appears correct to the collective. Their adjustment to the rules would not be "jurors need to be cured of prejudice", it would be "we decide the outcome".

123. Today there are millions of voters who know nothing about courts (who don't need to know anything), and who nobody cares what courts do to those same voters as individual nobodies. And there are more laws and infractions than can ever hope to receive a fair trial even if people wanted for there to be. So people want courts that enact their popular will like an executive, rather than protect their individual rights by enforcing the laws (which laws enable society to survive despite people's impulses).

124. When voters oversee courts, they want courts that act more like elected executive-branch officials without the extra steps. They see courts as more like getting married, where people decide outside of court who wants to get married, and then they go to the judge to ask him to put the government stamp on it. Like "Free Mumia" or "Free Julian Assange", they would prefer to petition the executive who goes to prison, like they did with the shire reeve 1,000 years ago. People actually want an executive officer who simply enacts their democratic will, rather than a judge who makes the decision in an aloof manner like a money-lender or private businessman.

125. And the purpose of courts is specifically to ignore this, specifically to resist the public and the collective will, and to instead create distributed decision makers with private fact sets. And to measure those facts against the genetic code of law rather than human instinct, to create the outcome which benefits the public. Where which

outcomes are beneficial is dictated not by direct public oversight, but by law passed by the legislature, and validated through natural selection for survival of the civilization with the best laws, even if the citizens hate their laws and the process.

126. Historically in a tribe, or a shire reeve before the Magna Carta required a witness be measured against law, the cop would simply be the executive of the majority's collective will. Genuine court processes are incompatible with this collective decision-making instinct, where everyone knows the same set of facts as if there is one vantage point, and everybody can decide anything for anyone else.

127. But as we will see, not only the public, but court officers themselves such as prosecutors and lawyers see this as unfortunate and unnatural drudgery, which everyone involved would rather dispense with while keeping up only the minimal appearances. And instead just go through a more natural social process, and make the people who matter happy with the politically popular outcome. People actually believe due process is a cost without a benefit, a traditional ritual imposed for no reason, when everyone knows what the outcome should be, and even the witch herself eventually confesses.

FACTUAL INVENTORY AND DESCRIPTION OF FLORIDA PROCESS

Perjury as Witnessed by Plaintiff (plaintiff standing as harmed)

128. Plaintiff swears as firsthand witness, that Florida police swore lies about him

in an arrest affidavit and multiple street and traffic contacts.

129. Plaintiff firsthand witnessed in public records, investigation, and multiple live court hearings, more than 10 state witnesses commit more than 50 instances of material perjury in Florida, to give someone life without parole for a crime that didn't happen, invented by police and others for personal gain. (See ECF 1, Appendix A, page 14-22, Appendix page a17-a22)

130. Plaintiff reported this perjury to police Internal Affairs, the elected State Attorney, the Florida Bar, the Florida Department of Law Enforcement, the Florida Inspector General, the Florida Office of Executive Investigations, federal and state Florida legislators, the judge in the case, voters, commentators, on social media, and elsewhere including on multiple websites documenting state-witness perjury.

131. The Office of Executive Investigations said that only the local police have jurisdiction to investigate themselves. The FDLE said police perjury is investigated by private defense attorneys not the government. The Florida Inspector General said it is up to the local voters to regulate whether sheriffs and prosecutors use perjury, no Florida law or institution in Tallahassee has jurisdiction to regulate it. The Florida Bar refused to respond, or said it is up to the judge in the individual case what happens. Police Internal Affairs refused to respond, but apparently contacted the state attorney and Florida Inspector General about it in secret.

132. Plaintiff was pulled over detained on a local road without a traffic violation, and told he was being warned not to send emails to Washington. The Florida Governor had local police detain Plaintiff under false pretense, and threaten that they would lock Plaintiff up without going before a judge if Plaintiff ever reported perjury to the Florida Inspector General again. Plaintiff has been contacted, followed, and investigated by police constantly, undisclosed search warrants have been used to search his accounts, police trespassed on Plaintiff's property multiple times after being told to stay off, including with fingers on triggers on a military formation with a military rifle. Through six years of being harassed and investigated by police, Plaintiff has not been charged with any crime.

133. Plaintiff petitioned the Florida Supreme Court and Fifth District Court of Appeal for writs of mandamus to prosecute and otherwise mitigate adjudicated perjury and other examples of perjury Plaintiff proferred. Plaintiff provided examples of a judge ruling a cop lied, and another judge ruling two private witnesses were supervised to lie by a state prosecutor, none of which adjudicated perjury was prosecuted. Plaintiff provided a witness list and evidence by which he promised to prove numerous additional instances of perjury in Florida courts which instances were known and obvious and never prosecuted, and petitioned for a mandate by the Supreme Court to elected officials to do something about it. Plaintiff provided examples of felons in prison being coerced by Florida prosecutors, to lie that Plaintiff

conspired to commit a (his own) murder (see ECF 1, Appendix I, page 14, Appendix page a108).

134. The Fifth District seemed to say Plaintiff had no standing to demand perjury be prosecuted, and the Supreme Court said Plaintiff had no clear legal right to any mandate for the deterrence and mitigation of perjury in Florida courts.

135. Plaintiff swore in a federal court that he witnessed and was injured by state-witness perjury (see for example ECF 1, Appendix O, page 6, Appendix page a153), and engaged in political grievance speech about it. Plaintiff was ruled to be lying and ruled as not engaging in political speech, despite Plaintiff's sworn statements not being controverted by a single witness. Plaintiff pleaded in another federal court that he firsthand witnessed state-witness perjury which injured him, and judges willingly relying on unregulated perjury, and his statements were ruled as immaterial to any possible liberty interest.

136. Plaintiff has witnessed plenty of other examples and evidence of other people being lied about by state witnesses in courts in Florida, and even being given life without parole for crimes they had nothing to do with, such as William Dillon and many others.

137. Plaintiff being of lawful age hereby swears all this under penalty of perjury,

and even petitioned the federal 11th Circuit for a writ of mandamus to prosecute Plaintiff's sworn statements adjudicated false. But despite Plaintiff's sworn firsthand witness statements being ruled lies over and over, Plaintiff has never been prosecuted for perjury.

No Institutional Structure to Monitor and Regulate Perjury

(federal courts regulating)

138. Myths and prejudices about perjury in Florida courts, or about human nature demanding the prosecution of perjury, cannot be used to controvert what Plaintiff has actually witnessed as citizen-regulator and victim: There is no institutional structure in Florida, with an incentive and mandate to investigate and prosecute state-witness perjury. As Scalia said in Morrison v. Olson, without such a structural separation of powers the good intentions of all our rights is meaningless under the winds of politics and realities of human nature.

139. No Florida government institution or actor - no state investigator - is compelled by law to prosecute state-witness perjury in Florida, regardless of initiation of any complaint.

140. Florida prosecutors are not required by any state law to prosecute any perjury used in support of criminal prosecutions, cannot be compelled to by mandamus, and ordinarily do not or never do. (See ECF 1 Appendix N, page 1, Appendix page a146)

141. The lack of any institutional structure to prosecute perjury, and the lack of record-keeping to show how much perjury was observed or prosecuted, amount to a lack of process to deter and mitigate perjury adequate for this Court's oversight or to insulate court decisions from politics.

142. The Florida government strenuously avoids producing, collecting, publishing, and using in the course of finding fact or by the finder of fact, standardized or accurate or honest information on instances of state-witness perjury.

143. All this is made invisible to federal court oversight, by the intentional isolation of local court activity from exposure to practical scientific examination, and by simply not making any court record such as by cutting plea bargains, and by events which never rise in the local public awareness for citizens like Plaintiff to know they need advance relief from perjury until it is too late.

144. An undocumented and unexamined political or social process, or the political demands of voters, are not an adequate process for mitigating perjury for oversight by the Fourteenth Amendment obligations of federal courts.

145. When common citizens accuse police of lying in Florida and report it to a government institution, the policy of the Attorney General of Florida is not to

investigate or prosecute the cops for lying, but to "back the blue" and "save lives by not handcuffing the police", by providing lawyers to defend those cops from consequences for lying (and to thereby defend the arbitrary will of the voter from the rights of the individual).

146. The best available official description of the Florida process for mitigating perjury is stated in response to a complaint about perjury in "Chief Inspector General Correspondence # 2021-08-15-0002" (see US-FL-MD 6:23-cv-1351 ECF 29 pages 27, 34), which says it is a political check by voters. But it is not specified how this is supposed to work, such as who must disseminate what information to voters about who has lied in court. The actual process for checking state-witness perjury in Florida is therefore vague and disjointed, at best.

> ***"...Please understand that the Governor's office does not oversee local law enforcement agencies and the State Attorneys operate independently of the Governor's office. As elected officials, local Sheriffs and State Attorneys answer to the voters of their individual jurisdictions. Please be advised that this office does not have jurisdiction over elected officials, such as a State Attorney, a Florida House of Representative, or Sheriff..."***

147. Myths and prejudices that prosecutors are honest when choosing how to use perjury, or that jurors can detect perjury, are not supported by any empirical data; reciting such myths does not show adequate process to insulate court decisions from

the use of perjury shaped by politics.

148. For the most part, state-witness perjury such as in arrest affidavits, police reports, and jury trials, is not prosecuted or ever expected to be.

149. Rather Florida law is designed to utilize state-witness perjury as a standard element of criminal justice. (Plaintiff incorporates examples firsthand witnessed in ECF 1, Appendix A, page 14-22, Appendix page a17-a22).

150. The fact that perjury might be prosecuted on some occasion when the majority of people are aware of it and want it prosecuted, or that most voters are happy or don't complain about the non-prosecution of perjury as far as they know about it, does not disprove that there is no department to deter and mitigate perjury in courts independent of politics.

151. Plaintiff has himself firsthand witnessed dozens of instances of perjury used to injure government targets, this includes himself. This includes all his traffic interactions with police, court proceedings he has attended, and examination of court documents in numerous cases.

152. Plaintiff has confirmed by speaking to other witnesses who witnessed the same patterns of perjury use, and by his own inability to obtain the prosecution of

perjury as citizen regulator, that perjury is rewarded and utilized, not deterred and prosecuted in Florida.

153. The failure of the state to compel reporting and publish a central database of instances of perjury as requested in Plaintiff's remedies - the reluctance of the state to corroborate what Plaintiff has witnessed by testifying against themselves or by volunteering evidence of their own crimes - does not make Plaintiff's allegations as firsthand witness implausible, that perjury is not recorded and published rather this is avoided.

154. There is no logical or honest reason to say someone situated as Plaintiff cannot be a witness of whether perjury is utilized or deterred by Florida government.

155. The very idea that state citizens somehow regulate court processes, including Scalia's "extant factors" and Gorsuch's "collective wisdom", is incompatible with the idea that Plaintiff cannot know enough about perjury in Florida court processes to talk about it as witness, but could completely regulate it as voter. Claiming Plaintiff is ignorant or a liar, is proof that federal courts are necessary to protect defendants from a mob of ignorant idiots like Plaintiff.

156. There is not expected to be any Supreme Court Justice with a firsthand experience of being framed for murder. Or many people with firsthand experience of

patterns of being lied about by cops, who can subsequently afford a good lawyer.

157. No dismissal of this Complaint on its face based on a religion that what Plaintiff says is not true, or based on political convenience like "the emperor's new clothes" under color of being "conclusory" or "implausible", could survive actual examination of the facts which Plaintiff alleges. Plaintiff, not the preconceptions, religion, or agenda of the Court, is the witness. Gossip assertions and characterizations in motion to dismiss before response are irrelevant.

158. No prejudices or beliefs of any judge about whether voters or prosecutors or someone else dislikes or prosecutes perjury, provide any material witness or evidence to controvert Plaintiff's allegations, or meet the burden to show perjury is prosecuted regardless of politics, to show Florida court outcomes are decided by fact and law not politics.

159. Any judge that considers himself a witness to these facts relevant to his decisions in this case or to the plausibility of the allegations, should recuse himself from this case, and file a sworn affidavit to provide data of what he has witnessed so far as perjury being used and deterred in Florida courts, rather than acting as a silent witness in his decisions.

160. Plaintiff has seen no opinions of judges compiled anywhere, detailing how

much perjury they have seen or how much prosecution of perjury. Therefore no such dataset of the opinions of judges should be weighed as undisclosed evidence in this case. Plaintiff advocates as remedy in this case, that such a dataset should be compiled so that it can be used. Until then, Plaintiff is the witness and the parties in this case will provide the evidence.

161. The State of Florida cannot prove that they have any stringent process for discovering, documenting, mitigating, prosecuting, and deterring state-witness perjury. They cannot tell you whether it did or didn't happen a million times or a billion times.

162. Defendants are invited to respond with a detailed inventory of where and by whom - by what due process - state-witness perjury is deterred and mitigated in Florida, including detailed records of the reporting system and instances of prosecution.

163. "See no evil" is not an adequate process for mitigating perjury for oversight by the Fourteenth Amendment obligations of federal courts.

Political Incentives for State Investigation of Perjury (state actors regulating)

164. It is conclusory to what degree any process checks state-witness perjury in Florida. It is not even clear that voters don't want courts to lie about their neighbors

some material percentage of the time. It is nowhere discovered or assumed that voters don't want the government to lie about people whom they consider undesirable. It is not clear why we even have courts, if a social process and the executive branch can select what statements are true and provide due process.

165. State judges allow lies in court under pressure of politics, which needs a check in the form federal court due process requirements. Again, Plaintiff has seen this multiple times as firsthand witness, and has corroborated this pattern with other witnesses.

166. Perjury is prosecuted in proportion to political convenience in particular cases, meaning politics decides whether and how perjury will be penalized, meaning politics decides how and when it is used to dictate court outcomes.

167. This is a conflict of interest with real consequences, where prosecutors have an incentive to orchestrate perjury, but cannot be compelled to prosecute the perjury they orchestrate.

168. The official policy of the state government in Tallahassee, is that nobody has to prosecute perjury because voters don't care if they do.

169. The Florida government does not deter state-witness perjury; it is used by

police and prosecutors more comfortably and casually than people lying about their speed when cops ask them how fast they are going.

170. A short rule which covers most cases seems to be if the prosecutor wants to prove someone is guilty, or decides voters would support punishing whoever the person is or whatever he did, or if the voter will never know or care (or if the perjury took place decades ago and people just want the innocent person out of prison), then the perjury is not prosecuted. Whereas if a cop steals cookies from Walmart and lies about it in an official report (having nothing to do with cleansing undesirables), local officials might put on a show speaking on TV about high ethical standards, and prosecute the cop for lying about it in his police report.

171. The process for mitigating perjury in Florida has the effect of police and prosecutors finding fact as to who is guilty and telling this finding to the public, and then the witness is rewarded in proportion as his testimony brings the jury to the same conclusion. Then the elected officials are seen as working well together and being effective, and cannot be accused during campaigns of being subversives letting criminals go.

172. Voters in effect prefer if Florida doesn't prosecute perjury by preferring the outcomes, if it lets elected officials tell them the bad people have been arrested, and makes prosecutors "fearless" (Imbler v. Pachtman) to do what they need to get

elected. (See "Chief Inspector General Correspondence # 2021-08-15-0002" in US-FL-MD 6:23-cv-1351 ECF 29 pages 27, 34)

173. There is no means by which any Florida citizen or defendant can report and reliably obtain the prosecution of (or even public visibility of) state-witness perjury (“the respondent must have an indisputable legal duty to perform the requested action” Huffman v. State, 813 So. 2d 10, 11 (Fla. 2002), see also ECF 1, Appendix P, page 1, Appendix page a164, Appendix N, page 1, Appendix page a146).

174. Orlando prosecutor's Andrew Bain's recent decision to prosecute one cop out of many who were observed to commit perjury, does not show adequate institutional structure of checks and balances to prosecute perjury, except at the occasional and at best reactionary cyclical political discretion of the executive branch. Prosecution of perjury cannot be done according to a political reform cycle, rather a permanent rational structure is due. When your engine vibrates, you don't say that's great because it is in the right position part of the time. You fix the structure so that it is in the same position all the time.

175. The idea that it is up to local people to decide in their social or political process how much perjury they are going to use, and some social process will regulate perjury used and prosecuted by elected officials, is incorrect, is in conflict with the expectations of human nature expressed in the Federalist papers, and is

incompatible with federal rights. There needs to be a set, articulated state office and process to deal with perjury, which action is publicly visible and the results of which can be examined by federal courts.

Perjury in the Probable Cause Burden (cops being regulated)

176. Cop perjury is only prosecuted as an occasional theater to show cops are ethical, and is generally not prosecuted as an element of the theater to show elected officials are successfully prosecuting crime.

177. Lawyers and their client are offered deals, that make it in the ethical interest of the lawyer and his advice to his client to let the state sweep cop perjury under the rug rather than examine it in court testimony.

178. Other coercive tactics and resistance are used to bury cop perjury, such as refusing to accept reports or simply ignoring them. Plaintiff reminds the Court, he has firsthand witnessed these things and never anything but these things.

179. No outside authority has jurisdiction to investigate police in Florida Statute 112.533. Citizen review is outlawed in Florida Statute 30.61.

180. Recent cases by Florida prosecutor Andrew Bain show he cannot compel police to investigate or report Brady information or perjury, just ask them to and try

to create political pressure.

181. Florida judges are not forced to consider a cop's past lies, or the fact that cops face no penalty for lying, when they sign warrants. A judge who admits doing so may even be moved to the civil division to prevent him using his knowledge that a cop lied and was not prosecuted in a previous case, like Judge Frederic Schott after Seminole County 2014-MM-010265A.

182. Florida judges do not consider these facts when signing warrants obtained under Oath; no Florida judge has ever said upon reading an affidavit "But isn't it possible this is all lies, since you know you won't be prosecuted if it is found to be, and the public generally supports using whatever excuse you can make up to cleanse undesirables off the streets?" Plaintiff has never heard of a probable cause judge using a Brady database, or a defendant appealing probable caused based on the judge not being critical of the cop's general credibility or political permission to lie.

183. Florida law extends qualified immunity with the assumption that cops are part of an inherently virtuous activity, or are inherently virtuous people who generally only lie when they have a good reason for it. And where those good reasons are as common as the bad people, whose very existence poses an immediate threat to the community. So that you can lie about them as soon as shoot them without judicial intervention, as immediate public safety demands.

184. By the time someone lies about you in legal cases, it is too late to do anything about it. This is particularly true in Fourth Amendment judgments. You can't recover that harm. As a result, police lying produces probable cause and all the harms probable cause allows without a jury trial, without due process.

185. Victims cannot deter cops lying using 42 USC 1983, because of an impossible burden to prove not that cops lied, but that cops are innocent of imagining the possibility of a crime, based on things witnessed by the plaintiff. The plaintiff only knows he didn't break the law and the cop lied, but has little idea or proof how he came to be lied about or about the cop's activities, and cannot plead or himself produce documents of what the cop knew and saw.

186. In this manner, a cop who plants the weapon on a suspected murderer, is immune from suit only needing to claim he thought it was possible you were the murderer. And your injury is the fault of some immune party like the judge or jury who was dumb enough to believe the cop.

187. If 42 USC 1983 is the enforcement mechanism of the Fourth Amendment, then that is what we are doing here today.

Perjury in the Jury Trial Decision (jurors regulating)

188. In a series of recent opinions, the "tcpalm.com" news website argued that click promoters and the elected sheriff both benefit when they work together rather than operating adversarially; Unless the sheriff feeds them news and public records which they can copy-paste to get clicks and sell advertising, they will speak against the sheriff's reelection campaign. And if they are critical of the sheriff, the sheriff will use his executive privilege to ignore public records law and deprive them of gossip about drugs at the local middle school and what not. They argue that a relationship where the local news is forced to investigate the sheriff rather than reciting his statements with "no duty to go behind" as in Ortega v. Post-Newseek, is untenable and puts public safety at risk and endangers children. They even went so far as to say that a news promoter which has to use its own investigative reporters rather than get all its content for free from the sheriff is "like North Korea" (see "St. Lucie County Sheriff Keith Pearson's childish media embargo puts public safety at risk", March 15, 2024 https://www.yahoo.com/news/st-lucie-county-sheriff-keith-091151518.html).

189. In a related following opinion published in multiple outlets, elected Florida State Attorney Tom Bakkedahl argued the credibility of various types of witnesses is a religious prejudice manufactured outside the court, which jurors then bring with them. And such sacred beliefs are put at risk by an adversarial relationship between the local news and the sheriff. Bakkedahl said he could not convict criminals unless jurors were pre-programmed by a cooperative local news with the religion of the

state, by reciting the statements of government as true without investigation or criticism (https://www.msn.com/en-us/news/us/state-attorney-st-lucie-county-sheriff-adds-to-crisis-of-confidence-change-is-needed/ar-BB1mEA04):

> ***"As your state attorney and the chief law enforcement officer of the 19th Judicial Circuit, I feel compelled to take this stand. My ability to ensure public safety and to honor my oath to support, protect and defend the constitutions of the United States and the state of Florida are almost exclusively dependent upon the public's perception of and respect for law enforcement's credibility and transparency. The law requires that jurors, to be qualified to serve, reserve judgment on a witness' credibility until the witness has testified, regardless of the witness' occupation. When I began my career as an assistant state attorney in 1991, jurors universally respected and believed in the credibility of law enforcement, thus according their testimony more weight. Today the opposite is often true. Jurors simply will not convict if they don't have confidence in the badge. This is an unsustainable condition and I feel it is my obligation to do what I can to assist in the restoration of the public's confidence in this noble and honorable profession."***

190. These local publishers actually see the government as their source of free content. They have no problem with being immune to needing a civil witness or jury to defame people, only so long as the government approves their local gossip, regardless of how false and defamatory it may be. The difference compared to

advocating for the glory of some cop rather than some law like an abortion ban, is the almost universal percentage of readers who enjoy reading about some heroic cop stomping on some evildoer.

191. State credibility is manufactured by working together with local news promoters who get free content and immunity in return. Truth used to regulate private political speech about criminal matters using defamation law, is decided not by witnesses and juries in civil courts, but by possibilities imagined by cops and judges in criminal courts. The theories of cops, and judges signatures, are legally allowed to select, encourage, financially reward, and regulate private political speech.

192. The elected Florida State Attorney Bakkedahl clearly states that credibility is judged as the credibility of the government not the individual witness, and that the government cooperates with and reward newspapers who help bolster that state-witness credibility by getting along and playing nice with each other. The bias or reliability of state witnesses is not weighed separately for each individual witness, but by jurors as from the credibility of the building, of the legislature, and of the judge's robe, which give weight to the theater of the Oath.

193. Whether the state encourages or deters perjury is forbidden to be examined in front of the jury, at the same time as it is deterred being examined by click promoters. Unlike a detective or CSI, the prosecutor is never examined as witness

about whether he heard proffers from other jailhouse witnesses who "came forward" with different stories, and selected to keep those stories hidden. Whether the state's process for entertaining proffers and providing benefits to witnesses has created wrongful convictions in the past, and whether state witnesses risked or received any penalty for lying, is never examined in front of the jury. Pretending it is individual witness not state credibility is a charade, betrayed by Bakkedahl's contradictory statements. The courts then carry on a charade, that counsel has been effective if individual credibility rather than state credibility has been weakly examined in front of the jury.

194. Voters support cops and courts using lies to streamline court regulation out of the process of attacking people whom voters have been told are undesirable.

195. The use of perjury is generally accepted and supported, because it provides a way to nullify various points of the legal process into rituals on the railroad to the socially determined outcome, and thereby subverts and changes the character of the judicial system to a social one, where outcomes are decided in a more conscious manner by the social collective. This is the same as such collectivism is popular to usurp the decisions of every other independent knowledge institution from businesses to drug regulators as "not answering to the people".

196. Lax regulation and encouragement of perjury is used to reduce costs, and is

supported and accepted, because stakeholders and political factions influencing court processes prefer a social and political process rather than a court process to decide who should be cleansed off the streets.

197. Prosecuting perjury is therefore seen as obstructing justice, by obstructing the cheap means for arriving at the socially preferred outcome. Whereas the perjury itself is not seen as a problem when the outcome of the legal process is socially accepted.

198. Perjuring state trial witnesses are selected and coached to lie without contradicting the state narrative. And the naivete of jurors is left uncured and exploited to doubt the state would produce liars even when they do contradict themselves. Rather the court puts on a theater intended to tell the jury "we're not allowed to lie". There is no other use for the theater of the Oath, except to mislead jurors that there is a penalty for state witnesses lying which there is not.

199. It is not clearly specified anywhere in Florida law or case law what the actual check on state-witness perjury at trial is supposed to be, what is to stop prosecutors from simply finding or paying people to tell brazen lies. It is sometimes casually offered that jurors have a magical ability to detect lies beyond a reasonable doubt by facial expression. Or that public defenders can expose lies in court in proportion as prosecutors have total immunity to orchestrate them, as if they are all hero lawyers in

a movie script (smoking cigarettes and living out of their cars to get justice, with no worry about getting elected). But the actual instruction of jurors is not shaped by science or historical experience or logic as is due, but by a political process which demands greasing the wheels of conviction, while using whatever such myths to give cover.

200. There is no scientific evidence that jurors have a reliable ability to detect lies by facial expression beyond a reasonable doubt, but evidence they do not. Rather, the entire circumstances which led to the testimony of a witness must be examined for some reason to doubt them, and any juror preconceptions or assumptions about that process must be removed, to judge credibility.

201. The prejudice of jurors to imagine the fairytale reality of how court processes work such as that witnesses and prosecutors face a penalty for lying, is never cured but is exploited with the fake theater of the Oath and numerous other tricks and lies.

202. Jurors intuitively understand that witnesses who have been given a benefit, are credible in proportion to the credibility of the state actor or process that chooses to give them the benefit and induce their testimony, not in proportion to the witness's own independent credibility choosing what to say. Because the witness does not choose what to say, the prosecutor chooses what the witness says.

203. Jurors are never told the truth, that prosecutors can knowingly let dangerous felons out of prison for swearing lies in court, and face no legal penalty but only a reward from voters who have no idea what is going on.

204. Florida's way of deterring and regulating perjury is no less retarded than "We only let witnesses say things which we already think are true. So how can the witness or anybody else possibly be expected to know it was perjury? Well everyone thought what they were saying was true, they helped us convict the people we thought were guilty, so why would we want to punish them for saying it? We're just doing the good thing taking the bad people off the street. If you had your way the jury would find them not guilty like OJ and Casey Anthony and they would get away with it. Not here, Florida is a law-and-order state, where we convict the people we think are guilty. If they can prove they are innocent, okay, but I don't believe it. If you are not obviously guilty and doing bad things, then you have nothing to worry about us using lies to prove it."

205. Florida prosecutors game the system, by jamming in as much perjury as possible before the appeals bottleneck, which intentionally clogs up federal courts with more garbage than they can ever hope to sort through.

206. All this is made invisible to federal courts by AEDPA which codifies accepting brazen lies as true (based on a fake state right to finality while ignoring the written

federal right to due process).

Jailhouse Confession Witness Scam (courts regulating)

207. Jailhouse confession witnesses have never been and are not expected to be prosecuted in Florida, when they are judged or reasonably suspected to have lied, such as when the defendants they were let out of prison for convicting are exonerated with DNA (much less when they are obviously lying on day one, usually obvious to everyone but the jury).

208. Jailhouse confession witnesses have been found to often lie and convict the innocent as a basic, documented, undeniable property of what they are. There is no reason based in logic or evidence, to expect the average jailhouse confession witness is telling the truth. If jailhouse witnesses who somehow know to get confessions and "come forward" also somehow know they will be rewarded not prosecuted for lying - which Plaintiff has firsthand witnessed is the case for most inmates - there is zero reason to believe a given inmate confession witness is telling the truth (apart from an inappropriate bias to be suspicious of the defendant and have those suspicions confirmed).

209. These known and accepted facts are relevant to curing the prejudice of jurors who may imagine otherwise. But jurors are never told that state witnesses have often been discovered to lie and convict the innocent, and have not been prosecuted and

are not expected to be.

210. Jurors have a long track record of incorrectly judging the credibility of jailhouse confession witnesses, which has intentionally not been cured.

211. The present jailhouse witness jury instruction in Florida was not designed based on law or case law or any scientific study, but by a sheriff "Doughnut Bill" Cameron who when faced with the fact that jailhouse witnesses are often used to convict the innocent, did not want to do anything to save jurors from continuing to make this error based on their prejudice. There is no evidence the jury instruction they created is read or understood by jurors, or improves their finding of fact. It is likely that if the instruction is even noticed and considered at all, it has the effect of gentrifying jailhouse witnesses into something investigated, manufactured, and validated by the court and state government. So that the question confronting jurors is not "Would this witness lie?" but "Would the court and state government fail to deter this witness from lying, and let this witness out of prison as a reward for lying, and present this witness even if the prosecutor believes he is lying after reasonable investigation?"

212. Telling jurors that jailhouse witnesses were selected by and got a benefit from the prosecutor fraudulently increases the credibility of jailhouse confession witnesses, by moving the judgment of credibility from the witness to the government who jurors

imagine would be penalized for producing liars.

213. According to Diaz v. United States 23-14, juries can examine and gain insight into the mental state of a witness, by learning incentives facing general categories of third parties. Therefore, the mental state of a jailhouse confession witness (or of any coerced witness or any state witness) can be examined as general incentives and patterns of prosecutors and jailhouse confession witnesses.

214. Giving jurors instructions about jailhouse witnesses that say anything other than the truth that they are a known scam and are allowed to lie without penalty, fraudulently increases the credibility of jailhouse confession witnesses by suggesting they are something the government has looked into and gentrified and homologated, and it is not just a complete scam by the local lawyers cartel.

215. Inaccuracies in jailhouse confession witness stories are documented to be ignored by jurors, and can be attributed to the evil confessor, not the repentant confession-hearer the prosecutor is letting out of prison, given the state has validated the credibility of the witness and is imagined to not let people out of prison for lying or allow fake witnesses to prosecute people who are innocent.

216. There is a hard and clear record of jailhouse witnesses telling lies selected by prosecutors, including lies that contradict mountains of physical evidence, and juries

believing them. This proves that jurors are being misled in some way about the nature and credibility of the process producing jailhouse confession witnesses. This proves no process has been put in place as is due to mitigate this.

217. Jurors are people selected by being so naive, that they imagine they might go to jail if they don't show up for jury duty. They similarly imagine incorrectly, that prosecutors and dangerous felons would face some penalty for torturing the innocent with lies in a known, documented scam.

218. Jurors are never told the truth, such as that jailhouse witnesses are often found to have lied when convicts are exonerated, and neither the witness nor the prosecutor ever pay any penalty but rather their reward is unchanged regardless.

219. Plaintiff even witnessed the State of Florida lie to a jury that a jailhouse confession witness Kaylee Simmons would get life in prison if she lied (in Seminole County 2016-CF-3668B).

Q Would you commit perjury?

A No.

Q And why would you not commit perjury?

A Because that would just give me more time, and I want to go home as soon as I can.

Q And if -- if you committed perjury and violated your agreement,

would you then be looking at a life sentence?

MR. BARK: Objection. Improper bolster.

THE COURT: Overruled.

BY MR. STONE:

A Yes, sir.

220. When Simmons later admitted on a recorded prison phone call that she lied, and given her testimony contradicted a mountain of physical evidence, Plaintiff petitioned the Florida Supreme Court to hear evidence and testimony that could easily prove she lied, and give her life in prison as the jury was promised. That never happened, Defendant Supreme Court of Florida rather supports lying to the jury.

221. The actual investigative process by which prosecutors select coerced witnesses, and the historical track record of whether this process has produced liars, is never examined in front of the jury. The prosecutor is never asked did you let witnesses out of prison in the past for lying? Did the state? How many? Were those witnesses punished? How many jailhouse confessions or coerced-witness narratives did you have to choose between in this case? How many of them told you different stories that we never heard? Why did you choose to let this witness out of prison rather than those others? Did it bother you that this witness changed his story, or some of what he said does not fit other physical evidence? Does it bother you that there is no real way to ever prove that a word was said between two people, any more than you can

prove whether I am lying if I say I drank two glasses of water yesterday? Do you think this witness is telling the truth? If not, what are some of the indications whether he is or not?

222. History cannot tell you that no process is due to mitigate jailhouse confession witnesses, or what process is due. Various historical indicators include laws against perjury calling for severe penalties, and the right to a jury trial including curing jurors of bias and providing true information on the incentives influencing witness credibility. Another historical indicator is the Fifth Amendment, which you can imagine would have been extended to saying other inmates in the jail also cannot be coerced to say you confessed to move court decision to the executive branch, if there were jails full of drug inmates at the time the Fifth Amendment was written. The purpose of the Fifth Amendment is not some weird thing about testifying about yourself, but simply guilt not being decided in the executive branch by coercing and influencing whomever they have in chains with no bathroom breaks.

223. A perverted reading of history can only be used to avoid logic, to use jailhouse confession witnesses to move the decision of guilt to the executive branch (Bernal-Obeso says the prosecutors chooses whether or not to fix the trial and Imbler says these decisions are done under the external incentives of politics not justice).

224. Bayes theorem can be used to formally express that there are more than ten

times as many inmates in the jail who will lie that someone else confessed, than there are inmates who make true confessions to other inmates, making a confession 10 times more likely to come from the pool of liars. A simple application of Bayes theorem to the relative numbers of actual confessions versus inmates who simply want an easy way to get out, suggests jailhouse confession witnesses are lying perhaps 99% of the time. This theory fits empirical observations.

225. There is no scientific study, historical evidence, or data set based on which any judge, lawyer, or citizen, can say that jailhouse confession witnesses ever tell the truth or do anything but convict the innocent and discredit courts in the long run, and no judge or lawyer can provide any logical reason why any such witness would ever be telling the truth. They only argue it is not forbidden by law to lie.

Mitigation of Perjury by Science and Enlightenment (human progress mitigating)

226. It is always sold that the politicians in the past were the witch-prickers, and the politicians in the present would never do that. Even as they pay to produce an endless stream of bite mark, arson, recovered memory, and shaken baby evidence. Or tell jurors the chance someone else's DNA was on the murder weapon is 1 in 16 billion, while it only takes three seconds for a CSI to lie where she got the DNA.

227. It is very convenient to blame past wrongful convictions on bad science or inanimate objects or processes which have since been reformed. Rather than on the

lack of deterrent for perjury and courts accepting testimony in proportion to political convenience, and on sociopathic sadist cops and prosecutors, who are rewarded for witch theater the same today as then and always, with no hard evidence of change.

228. Rather than Florida having improved on some dark past of wrongful and overturned death penalty convictions (far more than any other state), the Internet makes it easier than ever for misinformation to spread and influence investigators, witnesses, jurors, voters, and elected officials.

229. New crime-scene science has not made the necessity of prosecuting perjury obsolete.

230. Lying in court and wrongful convictions are human failings not scientific failings, as much as any politician will claim to be different from those politicians in the past or blame it on bad science.

231. Advances in science have not made it more likely to catch the real perpetrators and thereby cured the problems of wrongful convictions from the past. It has made it easier to frame the innocent, by just giving witnesses something new to lie about, a new witch-pricking device. The problem was always lying in court, and the incentive and ability to use physical props and the veneer of science dishonestly, not the science itself.

232. Prosecutors are able to finance, cultivate, and produce scientific theories of guilt, which a defense attorney would be laughed out of court by the same judge if he came up with some similar new science to prove innocence. These "junk science" theories such as bite mark and arson evidence, recovered memories, and shaken baby syndrome, are cultivated not in proportion as they are accurate, but are politically accepted as they solve a political problem of moving power to the executive branch and pandering to preconceptions of guilt.

233. The fact that physical objects can be used to catch liars years later, has confused people that physical evidence was unreliable and lied in the past, when it was always simply the witnesses using it who lied. Witnesses are encouraged to lie in all cases. It is then possible to overturn wrongful convictions in some rare subset of those cases, only if enough physical objects have been preserved to figure out what really happened. And only years later when the lying police and prosecutor have been retired long enough to permit a political benefit for doing so. The physical objects make it possible to catch liars years later when the liar faces no penalty. Politics makes it possible to lie with or without using physical objects as props, without fear of penalty.

234. Rather than curing the problem of wrongful convictions, DNA evidence is the easiest evidence to fake of all. Because it is invisible and is not corroborated with a

physical object like a bullet or a fingerprint tape, it is the easiest to lie about where and when it was obtained and what the scientific result was. And because testing of DNA swabs is rationed selectively and results are introduced last in the process after all the other evidence is known, DNA results can be conformed to the other evidence and used to fill in holes in the case. And nobody can disprove years later, where the CSI said she got a swab. While juries are prejudiced to imagine just the opposite, that CSI's are apolitical nerds like Star Trek, and DNA is some kind of un-fakeable evidence.

235. Video is often selectively obtained and edited, and video times can be faked. This has been caught and documented in numerous cases in Florida and elsewhere.

236. Literally nobody other than Plaintiff cares, that the state crime lab does not use "double blind" testing which is shown to be necessary to obtain honest results in real science such as drug trials. They do the exact opposite of scientific process, validating the testing results with public perceptions of guilt.

237. When Plaintiff asked an FDLE tech whether the numeric result he obtained in a standard test is considered positive or negative, he refused say unless provided with the case number the common test was used in.

238. Not only does the Florida Department of Law enforcement not collect and

publish any central data as to the accuracy or discovered failures of their testing, they actively hide any failures from disclosure in court, such as by saying a tech who was found to produce incorrect results retired in good standing rather than was fired for faking results or otherwise getting them wrong.

239. At least the veneer of science can be pulled back years later when there are physical objects, which can be examined honestly when politics allows. You can never "prove" a jailhouse witness or neighbor didn't hear the defendant say "I committed the crime I am accused of". The human nature to use this scam is no closer to being pulled back today than in the past.

240. Law says courts are supposed to believe such state witnesses when they are under coercion and social pressure, but to ignore them when they change their stories years later. So it is always just a scam to accept testimony in proportion as it is politically convenient, unchanged today as in years past, there is no other consistent rule as to what types of testimony and experts are allowed.

Deterrence of Perjury by Voters and Media ("the people" regulating)

241. As a practical matter, voters cannot object to perjury because they don't see any court records or evidence and have little idea what is going on in court or what actually happened in crimes, other than the state narrative.

242. Publishers are immunized by Florida law, in such a way that shapes their speech in favor of inciting against whomever the government wants to incite against, and glorifying state actors, often with misinformation (Ortega v. Post-Newsweek).

243. News publishers cannot be compelled by any law to say anything accurate about criminal cases, and do not make money in proportion to accuracy. Their reports are generally copy-pasted from some garbage fed to them with an agenda by government employees, but embellished up to be more sensational, and reduced to garbage by saying things like people who died in motorcycle crashes were "ejected" from their motorcycles.

244. A recent article in FirstCoastNews.com shows that click promoters don't know any other world, to even realize their "reporting" is free content created by government to promote government, and by elected officials to promote themselves. ("DeSantis facing criticism for holding press conferences to advocate against Amendment" https://www.firstcoastnews.com/article/news/politics/gov-desantis-facing-criticism-for-holding-press-conferences-to-advocate-against-amendment-4-election-florida/77-d0d48e26-a741-4059-b564-313d6cb46a29)

245. For various reasons, public records cannot be used by voters to gain insight into court events. This includes that such records are legally limited, and government employees have the discretion to hide them behind a collection of real and dishonest

barriers, including by setting the price arbitrarily high or just lying in response to requests. And then generously giving you a contrived subset of documents for free.

246. Florida voters neither understand nor have any value for legal court processes, and instead think opposing sides saying "this person is guilty, no that person is guilty" on social media is how we decide whom to put in prison.

247. Florida voters generally prefer a social gossip process, and petitioning for the arbitrary power of the executive branch, rather than any rigorous judicial due process, and do not even know any other process much less demand one.

248. Voters will complain more when the state doesn't coerce, coach, or otherwise produce such liars as are necessary, to get the public's preferred gossip through the courtroom door to obtain the outcome they have been told is justice. For example, the lying cops in the Crosley Green case who say Kim Hallock did it.

249. Voters see the way to win a shouting match as having more people shout louder on their side. For all the millions of people who think some witness lied in court such as in the Crosley Green case, almost none of them ever advocate that anyone should be prosecuted for perjury (probably because these preferred social processes are dominated by people who like to lie).

250. There are thousands if not millions of people who think Crosley Green is innocent, and Plaintiff has encountered many people who spend energy as activists for this cause. Plaintiff for years asked such people who think Crosley Green is innocent for a copy of the original depositions or police reports of Sergeant Clarke and Deputy Rixey who told them Crosley is innocent. Zero percent of them had this information or any interest in it whatsoever.

251. The average person in a place like Brevard County will lie all day as a normal social process to advance whatever his agenda is. Like if a cop pulls someone over in the 35mph zone and asks "Do you know how fast you were going?", the average person in Brevard County will answer "35" regardless of his speed. They don't expect any less zealous efforts from their courts or witnesses, in pursuit of whatever their agenda is.

252. The people of Florida imagine they are virtuous, not that their own impulses for gossip and witch trials and communism are the reason we need courts to oppose their decisions. Like addicts, they twist their impulses into morals and rationalizations. They see courts as a vehicle to manifest their gossip.

Deterrence of Perjury by Lawyers (defense lawyers regulating)

253. All other court officers and politicians whom lawyers must work with every day, essentially say to defense lawyers "Get your client to give up his rights and keep

his mouth shut, or you will go broke. You are going to go broke, and your client could get new additional charges or spend life in prison, unless your client takes a plea bargain and agrees to no more discovery or hearings and never complain again."

254. Defense lawyers who don't play nice by accepting lies to settle cases and plea deals to sweep lies under the rug, risk disfavor from their prosecutor and judge peers, who can bankrupt them by not offering them deals and making them go to trial all the time.

255. Defendants in jail cannot even see the evidence against them, except to the extent their lawyers tell them about it. So they have no knowledge of either their case or the law, except what their lawyers tell them. A lawyer can just show up and say "I got you a plea bargain, I am a great lawyer, take it or die", and earn great favors from the local prosecutor by never telling the defendant it is because the evidence was full of lies and tampering.

256. Lawyers eagerly cut deals which avoid producing Brady and Giglio information when police and other state witnesses are found to lie. Plaintiff has asked lawyers about this, and witnessed lawyers say this.

257. Defense lawyers look the other way on defects in the process rather than demanding cures for them, in exchange for outcomes that immediately benefit

themselves or their clients, or at least can be presented to their clients as good deals while saving lawyers time.

258. Those lawyers who have represented accused murderers who are lied about in court, financially benefit from plea bargains, and from The Bar giving them this loophole to screw their clients. Those who are most familiar with what is going on and have witnessed it as defense lawyers, are not going to complain about their own free money.

259. Cops pick people to lie about because they know what kind of lawyers those people will have, maybe even the specific lawyer. And the cops know exactly how it will go in the local court and appeals court when the cops lie about them. Only a tiny fraction of criminal defendants can afford to pay the amount it costs to go to trial. And they are already broke by the time they figure out lawyers advocate to them on behalf of the state to take deals, and ignore cops lying.

260. Defense lawyers have no ethical or financial incentive to publicize instances of perjury or stop it from happening in the future.

261. For years Brevard County used a witch-pricker John Preston to lie that a dog could detect guilt, and no local lawyer said anything.

262. Plaintiff has never seen a lawyer happier, than when a client got himself out of jail by testifying lies as jailhouse confession witnesses.

263. Defense lawyers get angry and attack Plaintiff on social media when he suggests people who lie in court should be prosecuted, presumably because they see the deal-making process which uses perjury to fix court outcomes as a cost-saving way of settling cases that enables them to make money. Felons lying lets them settle 10 cases in the time it would otherwise take to go to trial in one, and felons are broke. Due process is too expensive on the defense side also.

264. In every case that Plaintiff has had information about, when there was potential to expose evidence of cops or state witnesses lying, attorneys advised their clients to take plea bargains or other arrangements that would result in no further discovery or examination in the record of state witnesses lying. They advised their clients that some arrangement other than talking about the lies in court was most advisable, and they took huge risks otherwise. Lawyers who could not persuade their clients to take deals or successfully advocate on behalf of the state to get along, or who brought up state-witnesses lying court, were seen to suffer adverse consequences from it, as were judges who cooperated to make trouble for the state when this happened.

Judges Don't Deter Perjury (bar associations regulating)

265. A defense lawyer who published a record of the things Plaintiff has witnessed and publicly complained about it, would be disbarred.

266. The Florida Bar will respond to complaints about payment disputes and sometimes lawyers lying to clients, but will not consider complaints about state witnesses lying in court which they consider a matter for the judge.

267. Neither individual lawyers who are not activists, nor the Florida Bar, provide deterrence of state witnesses committing perjury (separate from or in addition to the minimal degree dictated by politics).

268. Criminal justice reformers and legal advocates of innocence believe, for example, that Crosley Green's sister Sheila lied in court to give Crosley the death penalty. But they generally get angry and block Plaintiff on social media when Plaintiff suggests Sheila should be prosecuted for perjury.

269. Criminal justice reformers and legal advocates of innocence do not promote due process in trials or fixing jury trials by deterring lying. They promote trial by politician, using petitions to judges and governors and prosecutors to get court orders based on the "second vantage point" for a few cases, not mitigate perjury in all cases where it is used at the actual decision maker in the original jury trial.

270. Trial by politicians and appeals courts gives innocence lawyers, judges, and governors the power to decide who goes to prison, which power enables them to raise money and create political theater in a few cases. All years after the liars who fixed the original trial will pay any political price, so that the theater always benefits the politicians and lawyers whether the defendant is being railroaded or exonerated 15 years later.

271. Judges are denied a political voice, and cannot advocate for themselves or their judicial decisions when other lawyers don't like them.

272. Judges must get elected, and must keep their dockets moving to give attention to the cases that actually matter politically.

273. Judges who make trouble about state-witness perjury, or create friction allowing state testimony, face serious consequences along every avenue that other lawyers and the executive branch can attack them, whether political, regulatory, financial, or whatever.

274. Judges like being lied to, to the extent it enables them to close cases with politically convenient outcomes, while having something they have discretion to point to, to justify their decisions as appearing legal.

Deterrence of Perjury in Legal Philosophy or Human Nature

(federal law regulating)

275. Interpretation of law by federal judges, is informed by beliefs about human nature. Do you believe local courts and prosecutors in Florida manifest the will and natural tendency of local people to protect individual rights from rogue cops? Or do local courts exist to defend individuals from the irrational impulses and tendencies of the local majority, which otherwise manifests in dutiful cops violating rights with public support?

276. Much of the Federalist papers discussed mitigating basic defects of human nature, whether of kings or religious factions. Checks and balances were designed to mitigate man's natural inclinations to war and different factions imprisoning and torturing each other. Madison in Federalist 51 said without checks and balances, people would torture each other like animals in the wild.

277. Adam Smith argued in "Wealth of Nations" and "Theory of Moral Sentiments" that people are self-interested and indifferent to the torture of strangers. And that a system of legal rights not collective good will, externally incentivizes the baker to feed people not because he is generous, but because he is greedy. Checks and balances were designed to channel man's aggression for the good, in law the same as in commerce.

278. There is no proof that the impulses of man to imprison and torture competing tribes and religions, or to cull and depopulate strangers as competitors for land resources, have changed recently, to justify abandoning any old protections of law in a "Living Constitution".

279. There is no reason to assume that the "public interest" which immune prosecutors will represent in Imbler, will be some unseen force in human nature protecting rights, rather than some force of evil originating in human nature, which rights need to be protected from by written law.

280. Federal judges seem to have lived such insular lives, that they are unable to imagine police and prosecutors would want to lie about innocent people or that the public would want to torture them. They therefore see no need for aspects of federal law and checks and balances which prevent this. Federal judges seem to live in a fake hippie reality that assumes state actors and local voters will do good unless blocked, rather than do bad unless blocked into doing good.

281. It never occurs to federal judges that "the people" are benighted and irrational not virtuous. Federal judges don't imagine the people are inclined to witch trials, lynch mobs, and genocide, and that the purpose of courts is not to advance the impulses of "the people" but to actually mitigate and frustrate their natural inclinations.

282. There is no need for jury trials, except because prosecutors are corruptible liars who cannot be trusted and whom defendants need protection against. But in U.S. v. Bernal-Obeso (989 F.2d 331, 335 (9th Cir. 1993)), a judge says he simply trusts prosecutors not to orchestrate lies, and to instead make sure they just provide information to let the jury decide. Juries are not required because prosecutors and the people are willing and eager to let them decide.

283. Federal judges seem unable to imagine that they would need to protect defendants from prosecutors letting dangerous felons out of prison as a reward for lying, or would need to make sure local officials take basic steps to deter perjury such as by enforcing Florida Statute 837.02. They cannot imagine the local majority would do anything else, so that these forces need to be imposed from federal court.

284. The necessity to deter and prosecute perjury, to prevent it from corrupting court process, is not taken care of by local voters or human nature,.

285. This is some new-age nonsense and dangerous intellectual fads. The idea that voters have some virtue or wisdom not codified in law to protect rights, is simply wrong. Federal law and court jurisdiction exist for the reasons given in Federalist 51 and 78 and the Ku Klux Klan Act, because "the people" are nasty violent benighted animals.

286. The force of law is not applied from voters or bar associations, but from nowhere outside this Court. Perjury is not stopped by human goodness or other social phenomena, but by rights enforced by this Court.

287. Rather than buy into crazy theories no matter how popular, about the virtue of collective decision-making by "the people", it is necessary to simply carry out established traditions, like enforcing Florida Statute 837.02, using an independent SEC-like institution that is run by an appointed tribunal with maximum terms of 12 years.

Trial by Politician - Legal Decisions Made Entirely in the Executive Branch (executive branch avoiding regulation)

288. Many Florida criminal-court orders are determined entirely by the executive branch, without any participation of jurors and without the defendant even violating any law passed by the legislature.

289. This includes for example Leonard Cure. Police faked probable cause by showing a lineup containing only pictures of Cure. Police lied to the jury to obtain the outcome selected by the prosecutor. Politicians who doubted Cure's guilt did not summon a new jury, but decided in private that Cure was innocent

290. This includes, for example, Robert Duboise whose guilt was faked by the executive branch producing a scam jailhouse confession witness. And then an elected prosecutor Andrew Warren boasted of proving DuBoise's innocence in the executive branch, and of elected officials not a jury deciding DuBoise's compensation.

291. This includes many others such as William Dillon in Brevard County whose guilt was determined by the executive branch producing scam jailhouse confession witnesses, without telling the jury they all faced a reward and no penalty for perjury. And then innocence was determined years later at the whim of politicians, without jurors or the public ever knowing what was going on. And only after those who convicted Dillon no longer faced any political or legal cost, so that politicians are able to look virtuous doing anything, as long as opposite executive choices are done 15 years apart.

292. A recent article in the "Florida Today" newspaper repeated a statement by a Florida Assistant State Attorney William Scheiner that "He said he is currently leading an effort to review of a piece of evidence in a controversial, high-profile local conviction..."
(https://www.floridatoday.com/story/news/politics/elections/2023/10/09
/brevard-state-attorney-candidate-cusmano-drops-out-scheiner-in-race-
archer-retirement/71082666007/)

293. Such review is meant to be done by a jury. If Scheiner thinks the evidence is suspect, and a jury was not told of this questionable credibility, then any conviction based on it should be immediately thrown out and a new trial held, publicly examining the reasons and information that cause Scheiner to question the evidence. This paradigm of hiding credibility information from the jury, and having the executive branch evaluate evidence in private to decide who is guilty, violates Plaintiff's right as a member of the public to have a chance to observe the presentation of information to the trier of fact, and be represented by jurors and judges and a legal process.

294. Plaintiff has a right not just as a defendant, but as citizen-plaintiff in criminal cases, to fact being found by designed finders of fact such as the judge and the jury in formal processes in public and on the public record, not by prosecutors who decide behind closed doors whom to lie about and what dangerous felons to let out of prison for lying, and not by conviction integrity/review units deciding who is actually innocent after the jury has been nullified.

295. The public has a right to be summoned as jurors and decide guilt based on real information as jurors, not be fed gossip and misinformation and played for suckers as voters. Plaintiff has a right that Plaintiff, or citizens representative of Plaintiff, be summoned as jurors (and not lied to), and be given the opportunity for public observation, when guilt is decided.

296. Numerous cases have recognized that a citizen's interests in the activities of his government are represented by his participation as a unanimous juror, not as an uninformed 51% voter or an irrelevant 49% voter. These rights are necessary 1) to protect the rights of the defendant in the immediate case, 2) so citizens can be represented in the decision of what is guilt, and 3) so that citizens can monitor and regulate the process which they as citizens are parties to and subject to the jurisdiction of. If black people were never allowed to participate as jurors, white people would have no problem passing a law that gives the death penalty for jaywalking, knowing that as jurors they could simply find members of their own community not guilty and only enforce it against black people. Participation as a juror is therefore necessary to represent your interest that other people are forced to live under the laws they pass for you to live under.

297. Members of the local majority faction will not object to lying in court or demand a process to protect them from it, if they know the friendly prosecutor from their own faction will intervene to protect them from lies, rather than being left at the mercy of jailhouse witnesses or Plaintiff as juror. They will only demand fair trials in general if they realize it will be Plaintiff as juror, not their prosecutor friend exempting them – not a trial by politics – deciding guilt and what is true. Non-public non-jury trials therefore prevent Plaintiff from making sure he won't someday himself be lied about in court while others are protected. Public jury trials are

necessary so that citizens other than the defendant can protect their own rights and interests.

298. Lenience and exoneration have been given to "the people" in various forms since antiquity. But even this subverts equal treatment when popular people will support unusual laws and punishments, expecting to be exempted from such punishments by their faction, while they are exclusively used on the unpopular. Lenience decided by majorities is inherently biased against someone, based on criteria other than the law.

299. Letting dangerous felons out of prison as a reward for lying based on the prosecutor deciding who is guilty, and having the public decide as voter through the informal gossip process, and then using “conviction integrity/review units” to decide who is actually innocent after the jury has been nullified, are examples of illegal executive power not regulated by the judicial process and the appropriate finder of fact, whether the judge or the jury. This illegal political process doesn't specifically bar minority groups from participating in the fact-finding, but bars federal oversight of whether it does, and bypasses the whole citizen participation and legal process necessary to make sure it is fair. It illegally substitutes a 51% majority indirect political oversight process for the judicially-supervised jury, to represent citizen interests. The CRU could be made up of Black Panthers.

300. Everything is designed to move the power to decide guilt or innocence into the hands of someone other than the jury, whether prosecutors, governors, appeals judges, or innocence lawyers. They all seek to profit from making these decisions as a business, whether by fundraising or getting elected or simply having a job or whatever. Judges can even win support for themselves or their political party by knowingly letting the innocent be tortured with lies, as Imbler says judges will do for political benefit. The power and theater to decide guilt can be turned into money or public office or whatever, benefiting and corrupting anyone who touches it, for everyone other than the lowly juror.

301. So nobody, innocence lawyers, judges, or politicians, advocates deterring perjury to restore power to the juror, who has no idea what to do with it or how to get any advantage from it and will completely squander this precious power like a Hobbit tossing the Ring of Power into a volcano, and then go home and keep his mouth shut. Any system that lets anyone else decide guilt in any other process gives that person power, and the way to get that power has the prerequisite of blowing off and nullifying the jury with lies.

Processes Created by Florida Law Violate Plaintiff's Rights as Citizen (legislature ignored)

302. The intent of our laws and legal design, is for citizens to communicate their values by electing legislators who pass laws, and otherwise through duly passed laws,

not by direct political influence over court processes which creates outcomes that conflict with or ignore written law.

303. Florida law basically says police and prosecutors have discretion to obtain whatever outcome the voters support, and ignore other laws.

304. Plaintiff has a right as a citizen, to have courts enforce and spend his money on written laws passed by the legislature, not on the arbitrary whim of the local voter or executive branch to torture some undesirable witch like Mandi May Jackson with lies and false gossip.

305. Using perjury and political regulation rather than due process results in false convictions and court processes which are garbage if you actually value truth and real judicial processes. This violates the contract with Plaintiff as citizen and taxpayer of Florida and the United States to provide real court processes using separation of powers as the law intends, and to only spend his taxpayer treasure on real court processes and on incarcerating people who have been convicted in such processes.

Processes Created by Florida Law Violate Plaintiff's Right to Due Process

306. Plaintiff himself has been lied about numerous times by state actors, including in traffic stops, in an arrest affidavit, by jail inmates who were encouraged by the

state to falsely accuse Plaintiff of planning a (his own) murder, and by web publishers whom Florida law immunizes to defame Plaintiff without witness, in a process regulating private speech requiring only selection by the state to further the agenda of state actors.

307. Plaintiff has a due process right, that perjury be mitigated in Florida courts more than it is, where it is actually encouraged and rewarded by voters and state law.

308. Plaintiff is owed this due process right in advance of being victimized by lying state witnesses, as it is too late to try to prove they lied when they are not deterred in advance from lying.

309. The process due includes deterring perjury by finding and prosecuting instances of it, and releasing prisoners who were convicted when there was not an adequate process for mitigation of perjury.

310. The process due includes recording and making available all discovered and suspected instances of perjury, which are necessary for future Brady and Giglio disclosures, and making sure this information is considered by judges and juries.

311. To protect the right to due process, the standard of appellate review cannot be "Was the state able to produce a liar which we can blame the jury for believing?" It

must be "Was the defendant protected with whatever process was due to stop the state producing liars and hiding this likelihood from the jury?"

CLAIMS AND RELIEF

Plaintiff And Defendants

312. Plaintiff Stephen Lynch Murray is a taxpaying citizen of Florida and the United States, with rights as a citizen at the state and federal level to the enforcement of laws and the administration of courts and justice, with standing for the legally regulated spending of taxpayer treasure, and with rights that are chilled and violated as a criminal defendant.

313. Plaintiff's sues the State of Florida over the laws of the state of Florida which create processes that violate rights without due process, with the Governor and Justice as Respondents and Remedy targets, jointly and severally for all claims. Plaintiff objects to any recommendation that a federal court does not have jurisdiction to regulate the criminal justice activity of the State of Florida, or to be petitioned to do so. Plaintiff is not suing a cop who lied, in supposed violation of state policy. Plaintiff is suing over the state policy that lets him lie. Plaintiff doesn't have to go through any nonsense about suing individual actors who violated state capacity to get around the 11th Amendment, because state criminal-justice processes are subject to federal orders from end to end, petition, appeal, ex parte young, whatever. Prosecutors who choose to reward and not prosecute perjury are not violating state law, rather state law lets them violates due process. To the extent

actual actors are necessary as remedy targets, at the very least, Plaintiff can enjoin the Supreme Court and Governor as necessary to stop Florida violating federal law.

314. The jurisdiction is the same as if Florida voters passed an amendment that people could be put in jail for 10 years on the word of a cop without a jury trial, so that someone would risk years in jail before getting relief from a federal court. The only difference is the superficial checkboxes of ritual and theater and misdirection - "the jury believed them". And the fact that nobody told these slack-jawed federal judges in college, that human beings actually do these things to each other, so they are predisposed and ready to swallow even the most superficial scam and color.

315. Defendants are therefore The Governor of Florida, the Supreme Court of Florida, and any class of defendants this Court finds appropriate as this matter affects their conduct and interests, in their capacity to regulate and hold the on-off switches for criminal prosecution, trials, and courtroom activity, and enforcing and spending money to enforce court orders, that administer federal rights and national contractual obligations in the State of Florida.

Jurisdiction And Venue

316. Plaintiff brings Claims created by the Fourth, Fifth, Sixth, and Fourteenth Amendments, Article III Section 2, Article 6, and the original intentions of the United States Constitution, as well as Federalist 51 and 84, The Great Charter of

Liberties, rights both established at common law and grounded in history, and 42 USC 1983, 1988, and Ex Parte Young, 209 U.S. 123 (1908), for relief from the deprivation under color of state and federal law of enumerated and traditional rights, with no recourse or remedy available in Florida courts.

317. This Court has subject-matter jurisdiction to hear Plaintiff's Claims pursuant to 28 USC 1331, 1343(a)(3), 1367(a), and 1651 (if the Court finds appropriate).

318. This Court is authorized to grant Plaintiff's petitions for declaratory and injunctive relief by 28 USC 2201 and 2202. This Court's authority to enter a declaratory judgment and to provide preliminary and permanent injunctive relief is invoked pursuant to Rules 57 and 65 of the Federal Rules of Civil Procedure (as well as Rule 21 of the Federal Rules of Appellate Procedure and local modifications for extraordinary writs if permitted), and pursuant to the general legal and equitable powers of the Court, including the Court’s authority to enforce the supremacy of federal law as against contrary state law. This Court's authority is permitted, if necessary, by 28 USC 2283, in aid of its jurisdiction and as otherwise found in law and case law.

319. This Court's jurisdiction to examine the management philosophies and political incentives of State Actors, and to mandate deterrents to violations of rights, is held in Hudson v. Michigan, 547 U.S. 586, 599 (2006) and Herring v. United States

555 U.S. 135, 147 (2009).

320. This Court's jurisdiction to examine and specifically issue mandates and injunctions as necessary to maintain the integrity of government agents and prosecutors to not introduce untrustworthy evidence, is supported by U.S. v. Bernal-Obeso (“we have chosen to rely on the integrity of government agents and prosecutors not to introduce untrustworthy evidence into the system” U.S. v. Bernal-Obeso, 989 F.2d 331, 335 (9th Cir. 1993)). Such a "choice" implies this Court can choose to examine and not rely on the integrity of government agents as the finder of fact, and this Court can choose such process as necessary, when such choice becomes due. The 9th Circuit did not say "we are bound by precedent to rely on the integrity of government agents and prosecutors" and 14th Amendment Section 1 does not say "without previously established or politically popular process of law".

321. Venue in this District is proper under 28 USC 1391(b)(2) because a substantial part of the events or omissions giving rise to the Claims occur in central Florida, owing to state criminal prosecutions talking place there, and examples of standardized rights violations taking place there. While Defendants operate their official offices out of Tallahassee, Plaintiff has considered that they operate in concert with a larger class of defendants, and might arguably claim to “reside” in every part of Florida including this Court's territory for 28 USC 1391(b)(1).

LIST OF CLAIMS

Claim I

322. Violation of Plaintiff's Fourteenth Amendment right to due process, in criminal justice processes in the Fourth, Fifth, and Sixth Amendments such as rights to a jury trial and warrants obtained under Oath, with standing as criminal defendant including in past and prospective future cases, in the illegal judicial processes created by Florida law and enacted and overseen by both Defendants without such process as is due to mitigate perjury and thereby check the discretion of any state actor.

323. All Defendants threaten and violate Plaintiff's right to due process with standing as criminal defendant, to the extent the Florida Constitution gives them joint and separate control to start, stop, and regulate legal processes and enforce resulting criminal orders, that do not include such deterrence and mitigation of perjury as is due to discover fact for the purpose to measure it against law and restrain executive-branch attacks on Plaintiff to those prescribed by law and the balance of powers. Florida law allows state actors in general to violate Plaintiff's rights by not requiring the deterrence and mitigation of perjury in any legal process. Both Defendants reserve the right to reinterpret their powers at any time to create and control such illegal processes, so that both must be enjoined until Florida has a mechanism to provide such process as is due to deter and mitigate perjury. Otherwise any Florida government employee is given freedom to operate beyond the shackles of law and separation of powers.

Claim II

324. Violation by all Defendants of the contract with Plaintiff as taxpayer and citizen of Florida and the United States, which contract requires judicial enforcement of the written law as designed, and government activities created and confined thereby.

325. Processes created and overseen by both Defendants, violate the right of Plaintiff as citizen to real legal processes, which don't intentionally clog up appeals courts with politically convenient lies, which manifest the separation of powers by courts finding actual fact and measuring it against actual laws passed by the legislature, and which enforce the written law rather than the whims of the executive branch and their local voters.

326. Both Defendants violate their common law and written contract, to restrain the activities and power of the executive branch in each state to the laws passed, and to only spend Plaintiff's taxes on what is so provided for by law. You cannot spend Plaintiff's taxes incarcerating someone who was convicted using jailhouse witnesses, which are shown to be a way to subvert court processes with lies, and to incarcerate people who did not break the law passed by the legislature. You can't make Plaintiff pay for the incarceration of undesirable witches like Mandi May Jackson, who did not actually commit the crime written by the legislature. You can't expose citizens of other states to cops who are allowed to lie to judges in Florida courts.

Claim III

327. Violation by all Defendants of the public's right to be summoned as jurors and have judicially-supervised public proceedings for the fact-finding process.

328. The arbitrary executive power that is used in choosing to let dangerous felons out of prison as a reward for lying even after a jury has convicted them, for the purpose to fix jury outcomes with lies, and the arbitrary and unregulated executive power that is then used in "conviction integrity/review units" as a standard and regular process to mitigate this regular and frequent occurrence, violates Plaintiff's right to public trials of fact by judges and juries, and that Plaintiff or someone representative of Plaintiff be summoned as juror to unanimously decide guilt.

329. The process of "conviction integrity/review units" finding reasonable doubt, and then proving innocence, is illegal. The reasonable doubt is the only necessary step to release the prisoner. If the CRU has a reason to doubt or review a conviction based on something the jury didn't know, like if the conviction review unit found out some cop lied or was known for lying, then the fact that this was never told to the jury means there was a Brady or Giglio or effective counsel violation and the conviction should immediately be thrown out, not wait for the CRU to prove innocence. Anybody who objects that this will result in innocent people being stuck in prison, is demanding to keep using the arbitrary executive power and illegal political processes that put the innocent people in prison in the first place, and is just

too much of a political pussy or liar to demand a fix to the actual problem.

330. Florida elected officials review convictions based on general credibility knowledge (forbidden to jurors) that state witnesses lie in court, and suspicions that the fact-finder in a specific process was nullified with lies, and with knowledge that Florida law allows the fact-finder to frequently be nullified with lies, in standard ways such as by cops and jailhouse witness who are rewarded rather than penalized for lying, any time the accused cannot prove innocence (which allowing lies without credibility doubts burdens him to do). But they do not seek to immediately cure the specific case with a new jury trial, or to cure Florida law by requiring due process at the time of the original jury trial, deterring such lies and informing such jurors. Rather the executive branch provides an arbitrary remedy, with a new burden to prove innocence after the original required legal process has been found deficient. The creation of such review units and processes amounts to elected officials admitting what Plaintiff is telling this Court, that Florida law produces convictions without such process as is adequate to enforce federal law and protect rights.

331. Both Defendants are responsible for these violations and are appropriate respondents and injunction targets, to the extent they create, oversee or look the other way on, and hold the on-off switch for these illegal processes.

RELIEF REQUESTED

WHEREFORE, Plaintiff asks this Court:

Relief – A To certify if necessary classes of Florida executive-branch and judicial-branch defendants beyond the Governor of Florida and Supreme Court of Florida, pursuant to Federal Rules of Civil Procedure 23(b);

Relief – B To enter a judgment against all Defendants declaring that the present processes put into practice by them as created and allowed by Florida law (including non-prosecution of perjury, inadequate defense disclosures and jury instructions, jailhouse witnesses, non-judicial conviction-review processes) violate the federal right to such process as is due to deter and mitigate perjury and illegally move fact-finding to the executive branch and political process, and therefore also violate the state's national contractual obligations to judicial processes restrained by written law and the separation of powers and federal oversight, rather than by arbitrary executive power pursuant to political currents;

Relief – C To issue preliminary and permanent injunctive relief (or writs of mandamus) preventing all actors of the State of Florida holding hearings and spending taxpayer funds on court orders which thereby deprive Florida and United States citizens of due process and governance rights, and federal courts of appellate jurisdiction, and specifically that:

(1) enjoins the Florida Constitution which creates illegal mock court activities that do not meet common law norms and traditions and the contract with national law,

by creating prosecutorial discretion to use and not prosecute lies,

(2) restrains the executive-branch defendants from prosecuting crimes, from enforcement of criminal orders, and from spending taxpayer money on courts and orders, and

(3) restrains the judicial-branch defendants from carrying out all criminal trials and hearings, as the present framework of Florida law makes all such activity unconstitutional,

until the remedies hereinafter specified are put into action;

Relief – D To require the following remedies before removal of injunction, or by using other authority such as extraordinary writ:

(1) Prosecute Perjury - Establish a confident regulatory framework and compliance system, by creating an independent SEC-like institution at the state level, to guarantee the reporting and prosecution of perjury, to deter rather than invite lies, to protect rights, traditions, and this Court's jurisdiction as to law and fact, and to make perjury legally visible in the court record so that it can be referred to in future proceedings and arguments.

332. The State of Florida is likely to at most prosecute a handful of unpopular state witnesses for perjury, to put on a public show of prosecuting perjury. They might even prosecute a defense witness and his lawyer, as a scare tactic to remind defense attorneys that you don't really want to point the finger at perjury. This is why it will require mandatory reporting and review of large amounts of data like the SEC, to verify compliance.

(2) Jury Instruction - Establish standards, rules, and institutional structure, to produce and provide "legally visible" information and instruction to defense and jurors, to use true information and remove prejudices material to weighing the credibility of state witnesses, in the form of disclosures, allowed expert witnesses, and jury instructions, to immediately mitigate ongoing perjury.

333. The same "remarkably uncritical attitude" of prosecutors when coercing witnesses which must be reported to the jury (Kyles v. Whitley), reports also to this Court the need to enforce compliance which Florida otherwise resists, and reveals to this Court the need for ongoing oversight of due process which Florida otherwise has no interest in producing (as intended by Fourteenth Amendment Section 1).

This requirements mandate can be broken down into sub-elements none of which can have the necessary effect in isolation, including all of a) reporting, b) disclosure, c) expert-witness permission, and d) jury instruction, on witness perjury as follows:

(a) Florida prosecutors (or some body determined by this Court) must assemble a record including 1) all times state witnesses were found to have lied, whether by appeals courts, by judges, by actual innocence, or by other criteria to be determined, 2) the type of trial and charge, the outcome, and the type of witness and any benefit, and 3) whether those lying witnesses were ever prosecuted for perjury, and the outcome.

(b) All such research to include the entire State of Florida must be disclosed to the defense in a timely manner. Failure to demand or use this information shall be considered ineffective representation, or a Brady or Giglio violation.

(c) The defense must be allowed an expert witnesses to examine this history of state-witness perjury in front of the jury, and the process according to which any testimony in the present case was obtained (just like examining the scientific process and investigative attitude and controls for producing any evidence).

(d) Criminal trial juries in relevant matters must be given written and oral instructions as follows:

JURY INSTRUCTIONS

(i) The prosecutor may select which witnesses to offer benefits to, for the sole reason that their story corroborates the State narrative. The prosecutor is under no duty to

determine if the witnesses are lying, and is legally allowed (and immune) to ignore his own personal knowledge or belief that they are lying.

(ii) There is no reason to believe a jailhouse witness actually heard what he said he heard, rather than that he simply knows the prosecution will give him a benefit for saying he did, for which he will never be prosecuted if he is caught lying.

(iii) If it is proven that state witnesses lied to you, there is no reason to expect they will ever be prosecuted for it. There is no reason to believe that state witnesses expect to be prosecuted if they are caught lying, or have any fear of being prosecuted for lying. In the past, many state witnesses have admitted they lied and have even sworn they lied, and have never been prosecuted for it.

(iv) In the past, such jailhouse witnesses have many times been found to be lying, resulting in many false convictions in cases similar to this one. Nobody has ever been prosecuted for such lying. Few if any such witnesses ever pay any penalty for lying.

(v) The history of this judicial circuit and its use of jailhouse and other state witnesses who were found to be lying, and whether they were ever prosecuted, as well as the history of such witnesses in Florida, has been disclosed to the defense. An expert witness may go over that disclosure in front of you. Use this information to weigh the credibility of jailhouse witnesses and other types of state witnesses.

Relief – E To prohibit the use of coerced hearsay jailhouse confession witnesses, under criteria such as new witnesses in custody with no original connection to the crime.

334. The criteria for any rule (which finds support in Bayes Theorem) is to reduce the pool of people who constitute potential fake perjuring confession witnesses (presently everyone in the jail who watches TV, etc.), to where this number is small relative to the number of major crime defendants who actually make true confessions to strangers in the jail (approximately zero), so that any such witness is far more likely to come from the second pool rather than the first. The most practical numbers to use for the calculation of the size of both pools are zero and zero.

335. Token prosecution is unlikely to dent the informal or unspoken inducement where jailhouse witnesses know the State will be more than remarkably uncritical when it comes to ever prosecuting them. The beauty of the jailhouse witness scam, is these are the last people whose informal arrangement will be threatened by prosecution, to deter them from lying. Because as a standard they are used in cases where there is no hard evidence of what really happened, the prosecution narrative is well publicized so that prosecutors don't have to tell them what to say or that they will never be prosecuted (which they already know), and their testimony is fabricated at this late stage of discovery and publicity when it is widely known what story needs

to be corroborated, and what guilt the defendant has so far failed to prove innocence of.

336. It is actually the prosecutor who is free to select from a large variety of stories from different jailhouse witnesses, to use the one hardest to prove false. The prosecutor will then coach such witnesses and limit his own questions, to elicit the even narrower subset of statements that is hardest to impeach, to where jailhouse-witness testimony is as finely-tuned a contrivance as their inducements are evolved to be unspoken. It's a tricky fish that really makes this Court look stupid and clumsy fumbling around with legalese, when you could just shoot the thing if your purpose wasn't specifically not to and instead let states continue their scam.

337. In practice, jailhouse witness testimony is observed to somehow get additionally fixed before deposition and trial even after being selected for sufficiently fitting the prosecution narrative and lack of disprovability; this is their nature as miraculous late additions to cases which lack evidence. And even when their testimony contradicts physical evidence, the jury still believes them. Because jurors are so prejudiced to never suspect that their government would let dangerous felons out of prison as a reward for lying to take the lives of innocents. Which their government has been proven to do over and over, and is hidden from them. Rather the jury is led to assume the confessor lied, other than about the sole relevant detail of his own guilt.

338. All these real-world observed factors make jailhouse witnesses the last and toughest nut to manage with any kind of deterrence and witness examination. They are hard to prove liars individually (though always reasonable to doubt), and hit-and-miss prosecution is unlikely to put a dent in jailhouse witnesses and their informal arrangement, which are proved to be used over and over to torture the innocent for votes. The subset of selected jurors will still imagine the judge and prosecutor are good honest people who wouldn't be allowed to let dangerous felons out of prison for lying, and will miss the plot in any instruction recited to the contrary. And even if successful prosecution of jailhouse witnesses were possible, it would not stop professional victimizers facing 30 years in prison, from lying on a gamble to get out of it. Especially when they know the prosecutors will protect them by simply not using their story if it is provably false. The pool of such people in the jail can only be expected to get larger with fentanyl sentences.

339. For these reasons no perjury prosecution can likely cure jailhouse witnesses, but only jury instruction as to that fact. Removing the jury's prejudice, by enlightening them to the true condition of the world that the State of Florida lets dangerous felons out of prison as a reward for lying to take the lives of innocents and there is nothing to stop it except the wise choice of never believing jailhouse witnesses, is necessary but still imperfect. The better solution is to change the reality which juror's must be informed of, by prohibiting coerced in-custody hearsay

confessions by people with no original involvement at the time of the crime.

Relief – F To permanently enjoin the use of "conviction integrity/review units" wherein the executive branch finds fact or doubt without summoning citizens in public as jurors. And instead require the executive branch provide the information that makes cases interesting to conviction integrity units to the public defender, to bring in front of a judge as evidence that the state believes there is reason to doubt the conviction, which evidence or grounds for suspicion was not disclosed to the defense for investigation, or was never presented to or known by the jury; To declare that prisoners must be released when such doubt is raised or such information is discovered that was not known to the jury, or when the original process is known to be deficient. Rather than prisoners whose juries were deprived of the information raising doubts, only being released after being proved innocent (this should be a lot of prisoners).

Relief – G To award Plaintiff costs of suit and expenses, including any reasonable attorney fees and other expenses, pursuant to 42 USC 1988;

Relief – H To retain jurisdiction after judgment for the purposes of resolving any future fee disputes between the parties and issuing further appropriate injunctive relief if the Court's declaratory judgment is violated;

Relief – I To Grant any other and further relief as the Court may deem just and proper.

CONCLUSION

340. A political and legislative solution to these problems was won long ago, when the separation of powers was agreed upon and this Court was bound with a mandate to deliver due process.

341. Wherefore Plaintiff humbly asks this Court to declare illegal and enjoin Florida law and court activities as described, and enforcement of orders made illegal by the non-prosecution of perjury and misleading the jury about it, in violation of the rights of defendants and taxpaying citizens and the jurisdiction of this Court, until such cures can be instituted as specified, including institutions and rules to discover and prosecute perjury, and to provide disclosures of what is going on to judges, defense, and jurors and require their use.

Respectfully submitted on November 8, 2024 by:

s/Stephen Lynch Murray/________________________

stephenmurrayokeechobee@gmail.com
+1 305.306.7385
Stephen Murray
3541 US Hwy 441 S Box 141
Okeechobee, FL 34974