

**UNITED STATES DISTRICT COURT
IN THE
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO: 12-cr-60049-KMW
CASE NO: 17-cv-62428-KMW**

ROGERIO CHAVES SCOTTON,)
Defendant,)
)
vs.)
)
)
UNITED STATES OF AMERICA,)
Respondent.)
)

On March 15, 2012, Race Car Driver Rogerio Scotton was arrested under false allegation of mail. After two years pretrial, a second superseding indictment was lodged against Mr. Scotton, charging him with 27 counts of mail fraud pursuant to 18 U.S.C. § 1341 and 18 U.S.C. § 1001(a)(2), false statement. After outrageous two years pretrial, Scotton trial began on January 26, 2014. After running out of money, Scotton was provided with three different Court appointed attorneys who want to force him to enter on a plea agreement despite his innocence. No one single investigation was conducted by the attorneys, nor was any witness interview. The attorneys refuse to inspect the government’s discovery including the unverified and inaccurately spreadsheets unlawfully presented during trial in violation of **Fed. R. Crim. P. 1006.**

The bias judge Rosenbaum on the other hand, insisted on suggested that Scotton have not cooperated with the appointed attorneys. The judge statement and finding on the attorney’s issues have no merit and is not support by any evidence. In fact, the Judge finding is fabricated and false.

During trial the government (prosecutor) unlawfully amended the indictment in violation of Scotton due process rights. Introducing 27 packages in open court suggesting to be the packages mentioned on the second superseding indictment that were delivered in Brazil. **NO LOSS AMOUNT MENTIONED.** Furthermore, the government introduced numerous **unverified** and **inaccurately** spreadsheets containing thousands of packages shipped to Brazil under numerous different shipping accounts. Scotton objected to the introduction of said spreadsheets, stating that he has not receive before trial as required by Fed. R. Crim. P. 1006. The judge overruled the objections and falsely stated on record that the government had already provide said spreadsheets during the discovery process. **THIS IS ABSOLUTE FALSE.** Thus, there is no business records provided it.

When the government introduced unverified and inaccurate spread-sheets, Scotton informed to the bias judge that he had not receive such nor, have had the opportunity to inspect for accuracy. The government provide the Court with assurance that such was given under the CD's discovery. Hence, six of the government's CD's discovery were blank (empty). After the Judge inspected these CD's herself and conclude that the CD's were in fact blank, the BIAS Judge ordered the juror out from the Courtroom, then proceed into telling the prosecutor to go to her office and to creating a fresh copy of said CD's and given such to Scotton. This despite that trial has already began that Scotton didn't have the opportunity to inspected said CD's.

The Judge overrule Scotton objections made toward the unlawful spreadsheets and allowed the government to mislead the jury by introducing false evidence.

The Judge falsely suggested on the public record that Scotton had some inappropriate behavior toward the Court appointed attorneys. Hence, **NO ONE SINGLE ATTORNEY INSPECTED THE SPREADSHEETS FOR ACCURANCY NOR HAVE REVIEW THE DISCOVERY CD'S**. The fact that these CD's was blank, clear demonstrate and establishes that **NO ONE ATTORNEY INSPECTED**. This despite that all the attorneys suggested spend HOURS reviewing those CD's discovery as way of charge the Court for legal services alleged provided to Scotton under the CJA vouchers. **WHAT A FRAUD TOWARD THE TAXPAYERS'**. The spreadsheets themselves are duplicated and contained repeated invoices. Thus, no one single business records were provide.

Scotton asserts that numerous unlawful conducts were done to secure his conviction at any cost. In fact, now that he is out, he will be able to provide substantial evidence of the corrupt judicial system, government misconduct, judge's bias, witness's intimidation made by FBI agent Roy Vanbrut and others act of fraud.

Scotton served over eight years in prison under a sentence imposed in violation of the U.S. constitution. During the time in prison, he studied law and attempted to prove his innocence. In fact, numerous other inmates' unlawful sentence, received Scotton's assistance which resulted on numerous sentencing reductions, terms vacated and cases overturn.

Today Scotton habeas corpus still pending resolution in front the Southern District Court. See, **ROGERIO CHAVES SCOTTON vs., UNITED STATES, case no: 12-CR-60049-KMW**. This section 2255 was filed on December 11, 2017. Three days after filed, magistrate Judge Patrick submitted his recommendation report that such motion should be denied, suggesting that Scotton already had filed a habeas corpus and that he need to get authorization form the appeals Court to file a second one. On December 28, 2017, BIAS and Corrupt Judge Federico Moreno denied Scotton habeas corpus adopting the Magistrate report.

On December 11, 2017, Scotton filed his section 2255. On December 18, 2017, Magistrate Patrick submit a recommendation report suggesting that his section 2255 need to be dismissed. On December 28, 2017, Judge Moreno dismiss Scotton 2255 without further explanation. Scotton objected to both, the magistrate and Judge decision under four (4) different motion which Scotton mentioned the Supreme holds In **CASTRO vs. UNITED STATES**. The Southern District Court completely ignored the law and denied Scotton his constitutional rights.

Without any other resource, Scotton requested the Eleventh Circuit Court of Appeals review toward the unlawful denied of his habeas corpus section 2255, lodged a lawsuit against Judge Moreno at Southern District of Georgia and filed a motion to remove Judge Moreno from the case under section 445 and 144 for bias, racism and discrimination.

After almost two years, the Eleventh Court of Appeals agree with Scotton and vacated and reversed Judge Moreno denial order which result also Judge Moreno been removed from the case when BIAS was clear established.

On April 27, the Judge William reopened the case, and order Scotton to amend his section 2255 and to the government to respond the allegations set forth under the motion.

On numerous occasion Scotton request from the Court and also from the Clerk's office a copy of all lawyers CJA vouchers. The Court refuse to release said public record which is a crucial evidence of ineffective assistance provided by the court appointed attorneys and fraud toward the tax payers.

Nonetheless, the government once again was endorsed by the Court and was allowed to violate another rule. Normally, there is a limitation of 15 pages allowed for the government to respond the allegations under section 2255. With the Court's approval, the government responded by submitted a 91-page response which once again did not address any of the substantial constitutional issues raised by Scotton in his request for justice. Rather the Court was presented with **91 pages filled with more smoke and mirrors**. Nothing more than **none-sense** from a **Courtroom Magician who has nothing further left in her bag of tricks**.

All this after Scotton already served the entire term imposed in violation of HIS CONSTITUTIONAL RIGHTS.

In this case, the government have constantly embarked on a clear, unlawful & concise incorrect process when they issued the second superseding indictment against Scotton. The government insisted on a trial, which seem to, on the part of the prosecutor, involving a game of CATCH ME IF YOU CAN.

The quest for the truth has been overtaken with one singular goal. The goal to win at any cost.

On November 15, 2019, Homeland Security (ICE) served Scotton within a form I-851 and I851A (intent to issue a final administrative removal order and final administrative removal order). Both notices issued on November 13, 2015 and both served on November 15, 2019. On November 25, 2019, Scotton filed with the Appeal Court a petition for judicial review the Department of Homeland Security wrongfully decision to classified Scotton as an aggravated felon based solely on the restitution. The government avoid to address Scotton's claims and, using procedural shenanigans, provided the Court with false assurance that all administrative orders **was dismissed**. However, on the same day, lodged another final administrative order against Scotton with the same wrongfully allegation of aggravate felon under INA 101(a)(43)(M)(i). This new final administrative removal order was issued on January 17, 2020 and served on January 29, 2020. Also, March 13, 2020, a third final administrative removal order was lodged against Scotton.

On May 13, 2020, 23:00, Scotton was **handcuffed and shackled** by ICE agents. Scotton was then tacked to Atlanta airport where he was placed on a U.S. Marshals to Louisiana.

Upon arrived in Louisiana, Scotton was taken out from the airplane and placed next to another airplane for **more than 2 hours under rain whiled handcuffed and shackled**. Altogether he was handcuffed and shackled for 3 straight days. Scotton then was placed inside to another airplane with destination of El Paso, Texas. At Texas, Scotton was placed inside an inmate **bus for over four (4) while handcuffed and shackled**.

He was then placed inside another airplane within final destination to Brazil. Scotton **was handcuffed and shackled during the entire flight**. Third minute before arrival in Brazil the U.S. marshals began into taken the handcuffs and the shackles.

Scotton asserts that his removal from the United States was unlawful since he asserts that his conviction does not classified as an aggravated felon under INA 101(a)(43)(M)(i) and since is had two petitions pending on the Appeals Court, a section 2255 and had a I-130 application filed by his mother on his behalf approved. Scotton also has lived on the United Stater for over 32 year.

Scotton contends that he was deported from the United States with the clothing on his back after living in the United States for over three decades.

Still today the Southern District of Florida have not rule on Scotton's section 2255.

Furthermore, the allegation set forth under the second superseding indictment suggested that Scotton committed the violation of mail fraud pursuant to 18 U.S.C. § 1341. However, the allegation suggested that Scotton used FedEx, UPS and DHL shipping services without paying. Scotton never mailed anything to these companies with the intention to take money or property as required to established the mail fraud. There was never any loss amount mentioned under the 27 counts of conviction which is another requirement to established mail fraud.

The government suggested under the three indictment that all 27 counts were delivered in Brazil. However, during trial introduced in open court 27 packages suggesting that was the same once mentioned delivered in Brazil. Still no loss amount mentioned.

Scotton have make numerous calls to the Court's record department in order to obtain public records and all calls ignored, transferred to different extension or given the promises to look under the issue and that he would receive a call back.

There is no such a thing as DUE PROCESS in the United States. This is just lines written by politicians to cover-up their own sorry ASS.

Scotton didn't receive any justice with on America is another fabricate and abused word.

Under the internet, numerous sites tell a one side of the history. NO ONE CAME TO Scotton to give him the opportunity to tell his part of the History. Would be a different result if Scotton had have it half million to retain a respected attorney to defended him properly. This because under the federal Criminal justice system on American, either you have lost of money or you get to became a federal inmate under numerous for-profit private prisons that Judges owns stock.

May GOD HAVE mercy on US.