



Las Colinas

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April 20, 2009

Committee on the Judiciary
Senate of Puerto Rico
PO Box 902-3431
San Juan, PR 00902-3431

Dear Sirs (or Madam):

I want to bring to your attention the highly questionable conditions regarding the appointment, in September 2007, of Lcdo. Jose R. Negrón-Fernández as a Superior Court Judge of the Court of First Instance of Fajardo, PR. I am an essential party and co-defendant or plaintiff in two cases that Lcdo. Negrón is presiding in that court:

Harold Santiago Martell, et al., v. Marina Las Gaviotas, et al, Civ. No. NSCI-2001-0378, Estado Libre Asociado de Puerto Rico, Tribunal de Primera Instancia, Sala Superior de Fajardo (Case dismissed with prejudice but without notice, September 10, 2008).

Las Colinas Development Corp., Vigdor Schreiber v. Banco Popular de Puerto Rico, Walter E. Heller & Co., et al. Estado Libre Asociado de Puerto Rico, Tribunal de Primera Instancia, Centro Judicial de Fajardo, Sala Superior, Civil Núm: NSCI-2008-1050 (Case presented December 18, 2008).

The appointment of Lcdo. Negrón to preside these two cases is part of the continuing horror stories of the pernicious “Big Money” assault on the global “free market” systems and emergence of courts of despotism in Puerto Rico, Involving the following incidents:

- Prior to his appointment as presiding judge in the above cited two cases Lcdo. Negron-Fernandez was an Associate bank lawyer in the firm of bank super lawyers Fiddler González & Rodríguez.¹
- On July 28, 1977, the bank super lawyers Fiddler González & Rodríguez signed a Complaint In the matter of Walter E. Heller & Co. v. Las Colinas Development Corp., et al., Civil No. 77-1075, US District Court for Puerto Rico, for execution of an inexistent \$4,000,000.00 mortgage that was **absolutely null and void**, as described in my **Letter to the Chairman**, Part II, Courts of Robbery.² Upon information and belief, the majority stock interest in Heller was previously acquired in secret by Banco Popular.
- On August 9, 2007, Citibank announced the sale of its retail offices in Puerto Rico with \$1.1 billion of deposits, to Banco Popular. Fiddler González & Rodríguez was appointed to represent Banco Popular in the closing of that sale.
- In September 2007, Fiddler González & Rodríguez bank lawyer Negron-Fernandez, was appointed with a direct conflict of interest as presiding judge in our lawsuit for revendication of our property caused by an **absolutely null and void** 1977-78 Federal Court foreclosure of an inexistent \$4,000,000.00 mortgage.³
- Subsequent to his appointment to preside over my lawsuit Lcdo. Negron-Fernandez dismissed the case with prejudice but without any official notice to me, thereby unlawfully preventing any appeal from his unconstitutional Orders: e.g., He committed treason to the constitution,⁴ by failing and refusing to rule on the previous unconstitutional lockout by the Clerk of the Court, prohibiting me from filing any document in Court without prepayment of court fees that I was exempt from paying as an indigent litigant, in violation of the right of access to court, and due process of law. These fundamental constitutional rights are enforced by the equal protection provisions of the Bill of Rights of Puerto Rico,⁵ by the *in forma pauperis* statute of Puerto Rico,⁶ and by the *in forma pauperis* statute of the District of Columbia, where I reside.⁷

An indigent corporate litigant who cannot afford to pay for the services of a licensed attorney may exercise their fundamental right of access to court by self-representation.

1 See Professional Staff persons in law firm Fiddler González & Rodríguez, at the authentic website of the Bomchil group, available online at URL: <http://www.bomchilgroup.org/puertorico/staff.html>

2 Letter to the Chairman, available online at the authentic website of Doctrines of Injustice, at URL: http://sunsite.utk.edu/FINS/Doctrines_Injustice/Fins-DI-13.pdf

3 Id.

4 *Cohen v. Virginia*, 19 U.S. (6 Wheat.) 264, 404 (1821).

5 1 L.P.R.A. Preamble, & Art. II, § 1, 7, *Molina v. U.R.H.C.*, 114 D.P.R. 295 (1983) (per curia) (J. Wizardry Yunque, and C.J. Trias Monge, concurring) 14 Official Translations of the Opinions of the Supreme Court 382, 387, 397-402 ("Any classification based on [a person's poverty] should be regarded with suspicion and be strictly scrutinized.").

6 32 L.P.R.A. § 1482 (2004).

7 DC Code § 15-712 (2001). "Any person who makes an affidavit .. and states therein that he or she receives public assistance ... under title XVI of the Social Security Act (Supplemental Security Income) (76 Stat. 197) shall be presumed eligible to proceed without prepayment of fees and costs or security therefore."

The right of corporate self-representation of an indigent corporation is famously established in Puerto Rico.⁸ This is the law of the case regarding corporate self-representation in Puerto Rico,⁹ a precedent established by Vigdor Schreiberman for Las Colinas, Inc., the original owner of *Las Colinas Properties*!

The constitutional basis of the right of indigent corporate self-representation is clearly established in Puerto Rico. The Bill of Rights of the Commonwealth of Puerto Rico prohibits discrimination against poor persons.¹⁰ Moreover, the Supreme Court of Puerto Rico following the Supreme Court of the United States recognize the due process right of all persons to balanced consideration of the critical personal circumstances that may affect their access to court.¹¹

Opposition by the legal profession to the claim of an indigent corporate right of self-representation, is based on the following argument:¹²

... la solicitud de Las Colinas para que se le autorizara comparecer ante este Honorable Tribunal por derecho propio, por conducto del señor Schreiberman, era imprecedented (sic) en derecho y debia ser denegada conforme lo establecido en Benito Muñoz, Inc. v. Productora Puertorriqueña de Alimentos, Inc., 109 D.P.R. 825 (1980).

The case of Benito Muñoz, Inc clearly has nothing whatever to do with self-representation and the right of access to court of **an indigent corporation**, which is what this case is all about. The lawyers' argument is designed to expand the corrupt lawyers' monopoly over legal services that are not offered in the market for an indigent corporate litigant. Any action based on this argument must be rejected as a **sham**.¹³

⁸ Las Colinas, Inc. v. Mason, 377 F.2d 99 (1st Cir. 1967) (Aldrich, Chief Judge, Maris and McEntee, Circuit Judges) (Vigdor Schreiberman, president and majority stockholder, "for appellants"), *after first remand, sub nom, In re Las Colinas, Inc.*, 426 F.2d 1005 (1st Cir. 1970) (Aldrich, Chief Judge, McEntee and Coffin, Circuit Judges) (Vigdor Schreiberman, "pro se and as attorney-in-fact for appellants"), *after second remand*, 453 F.2d. 911 (1971) (Coffin, Circuit Judge, Van Oosterhout, Senior Circuit Judge, and Stephenson, Circuit Judge) (Vigdor Schreiberman "pro se for Las Colinas, Inc. and others"); In re Victor Publishers, Inc., 545 F.2d 285, 286 n.* (1st Cir. Nov 29, 1976) (per curiam) (Coffin, Chief Judge, Aldrich and McEntee, Circuit Judges) (determination that the non-lawyer officer of Las Colinas, Inc. was a person with "extraordinary legal ability").

⁹ E.E.O.C. v. Trabucco, 791 F.2d 1, 4 (1st Cir., 1986) (discussing the principles of *stare decises* "a precedent to be followed").

¹⁰ 1 L.P.R.A. Preamble, & Art. II, § 1. Molina v. U.R.H.C., 114 D.P.R. 295 (1983) (per curiam) (J. Irizarry Yunque, and C.J. Trias Monge, concurring) 14 Official Translations of the Opinions of the Supreme Court 382, 387, 397-402 ("Any classification based on [a person's poverty] should be regarded with suspicion and be strictly scrutinized.").

¹¹ Lizarribar v. Martinez Gelpi, 121 D.P.R. 770, 786 (1988), following Faretta v. California, 422 U.S. 806, 826-34 (1975)

¹² MOCIÓN DE DESESTIMACIÓN dated March 31, 2009, at pp. 14-15, presented by the law firm McConnell Valdéz, in the matter of Las Colinas Development Corp., Vigdor Schreiberman v. Banco Popular de Puerto Rico, Walter E. Heller & Co., et al. Tribunal de Primera Instancia, Centro Judicial de Fajardo, Sala Superior, Civil Núm: NSCI-2008-1050

¹³ See e.g., Clipper Express v. Rocky Mountain Tariff Bureau, Inc., 690 F.2d 1240 (9 Cir. 1982); Wilmarite, Inc. v. Eagan Real Estate, Inc., 454 F. Supp. 1124, (NDNY 1977); Citicorp v. Interbank Coral Asso., 474 F. Supp. 756

These lawyers do not intend to guarantee effective legal services for any indigent corporation. They seek, instead, only to defeat the right of access to court of an indigent corporate litigant, thereby, establishing the monstrous Court of Robbery. This argument is obviously not consistent with any legal precedent in Puerto Rico.

Any lawyers' monopoly over indigent corporate self-representation especially when effective legal representation by a lawyer is not guaranteed, is not explicitly authorized by any law.¹⁴ Any such implicit monopoly is presumably a violation of the anti-monopoly law;¹⁵ it is a violation of equal protection guaranteed by the Bill of Rights of the Commonwealth of Puerto Rico;¹⁶ and it is a violation of access to court and due process guaranteed by the Constitution of the United States.¹⁷ Equal access to law is absolutely essential to any system of justice.

Without equal access to law, the legal system not only robs the poor of their only protection, but places in the hands of their oppressors the most powerful and ruthless weapon ever invented. The law itself becomes the means of extortion.¹⁸

Underscoring the doctrine of conflict of interest, the Senate Committee on the Judiciary appointed bank lawyer Negron-Fernandez from a firm of super bank lawyers who were given a billion dollar closing contract with Banco Popular just one month previously, to preside over a lawsuit involving some of the largest banks, including: Citibank (USA), Banco Popular (PR), Banco Santander (Spain), and many others corruptly engaged in Puerto Rico!

Indeed, Chairman of the Senate Committee on the Judiciary when bank lawyer Lcdo. Negron-Fernandez was approved as a Superior Court Judge to preside our lawsuits against the "Big Money" cabal, was none other than Sen. Jorge de Castro Font.¹⁹ He pleaded guilty on January 21, 2009, to twenty one charges of honest services fraud and conspiracy.²⁰ De Castro Font admitted,

from Jan. 2, 2005, through August 2008, he directly and indirectly solicited between approximately \$500,000 and \$525,000 in cash payments and other

(SDNY 1979); Cf. *California Motor Transport Co. v. Trucking Unlimited*, 404 US 508 (1972).

14 *Schifrim v. Chenille Mfg. Co.*, 117 F.2d 92, 95 (2 Cir. 1941); *Reshard v. Britt*, 839 F.2d 1499, 1502-04 (11 Cir. 1988) (en banc) (Tjoflat, J., dissenting) (equally divided court).

15 *U.S. v. Philadelphia Nat. Bank*, 374 U.S. 321, 350-51 (1963).

16 See authorities cited, *infra*, note 10.

17 *Silver v. Cormier*, 529 F.2d 161, 163 (10 Cir. 1976) (applied to a businessman); *California Transport Co. v. Trucking Unlimited*, 404 U.S. 508, 510, 513 (1972); *Societe Internationale v. Rogers*, 357 U.S. 197, 209 (1958); *Matter of N.C. Trading*, 586 F.2d 221, 231, n.28 (C.C.P.A. 1978); *Hampton Bays Connections, Inc., v. Duffy*, 127 F. Supp.2d 364, 373 (E.D.N.Y. 2001); *Chandler Natural Gas Corp. v. Barr*, 110 F. Supp.2d 859, 867, 871-72 (S.D. Ind. 2000); *Capital Mortgage Bankers, Inc. v. Cuomo*, 77 F. Supp.2d 690, 697-98 (D. Md. 1999); *Defendini Collazo v. E.L.A.* 134 D.P.R. 28, 63-68 (1993) (applied to a corporation).

18 R.H. Smith, *Justice and Law* (1919), reviewed by Conyers, *Undermining Poverty Lawyers*, in VERDICTS ON LAWYERS 129, 131 (R. Nader & M. Green, eds. 1976).

19 Wikipedia bio of *Jorge De Castro Font*, onlineRL: http://en.wikipedia.org/wiki/Jorge_de_Castro_Font

20 US Department of Justice, *Puerto Rico Senator Jorge De Castro Font Pleads Guilty to Honest Services Wire Fraud and Conspiracy to Commit Extortion*, January 21, 2009, available online at the authentic website of US Department of Justice, at URL: <http://www.usdoj.gov/opa/pr/2009/January/09-crm-055.html>

benefits, such as campaign contributions in excess of the legal limits, lodging, private flights, meals and other things of value, from individuals. De Castro Font admitted that he engaged in official acts on behalf of some of these individuals who had provided him with these undisclosed benefits, including but not limited to, proposing legislation, preventing legislative projects to be voted or acted upon, and persuading other legislators to vote for or against legislation

Senators, as well as the judges in every state are bound by Oath or Affirmation to support the Constitution of the United States,²¹ including the Fifth Amendment principle of due process of law, which guarantee the conduct of court proceedings in the Courts of Puerto Rico, with an impartial Judiciary. The appointment of a Fiddler González & Rodríguez super bank lawyer as the presiding judge in a lawsuit against these banks cannot be described as "impartial" by any sane and reasonable interpretation of law!

Indeed, the Court of Appeals and the Supreme Court of Puerto Rico, have both obstinately failed and refused to rule on any of the critical constitutional issues I presented to those Courts. This was treason to the constitutions of the United States and Puerto Rico, and a flagrant violation of the Puerto Rican Judiciary Act of 2003, and appellate regulations, which were enacted by the Legislative Assembly of Puerto Rico to guarantee "effective appearance by self-representation of the appellant *in forma pauperis*,"²² as reviewed in my **Letter to the Chairman**.²³

This is a story driven by "Big Money" of Courts of Robbery running riot in Puerto Rico! This is part of the larger story of the threatened loss of the promise of democracy also driven by "Big Money": as told by best-selling author and national affairs correspondent for *The Nation*, William Greider, in *Come Home, America* 278 (2009) . It is a story requiring reemergence of striving Americans and striving Puerto Ricans, and the willingness to explore the next chapter in the belief that it will be better than the past.

I am a striving American who is a citizen both of the United States of America and the Commonwealth of Puerto Rico, where I resided from 1954 to 1978, until I was subjected to an armed assault and forced evicted from my office and home in Old San Juan by an unconstitutional Order issued by Superior Court Judge Carmen Sonia Zayas in blatant violation of a Federal Court stay Order.²⁴

The Senate of Puerto Rico, Committee on the Judiciary should investigate these conditions affecting indigent litigants who are protected by the Bill of Rights of the Commonwealth of Puerto Rico,²⁵ to assure the integrity of the Judiciary of Puerto Rico

21 US CONST. Art, VI, cl. 2.

22 4 L.P.R.A. § 24u (Cumulative Pocket Supplement 2004); In re: Reglamento del Tribunal de Apelaciones, 2004 TSPR 121, 162 DPR ___, Rule 12.1, Commentario

23 Letter to the Chairman, Part II, Courts of Robbery, ¶¶ 51-58, pp. 29-32, available online at the authentic website of Doctrines of Injustice, at URL: http://sunsite.utk.edu/FINS/Doctrines_Injustice/Fins-DI-13.pdf.

24 Assassination by Suicide, available online at the authentic website of Doctrines of Injustice, at URL: .

25 1 L.P.R.A. Preamble, & Art. II, § 1. *Molina v. U.R.H.C.*, 114 D.P.R. 295 (1983) (per curiam) (J. Irizarry

and to fulfill the purposes of the Bill of Rights and Acts of the Legislative Assembly of Puerto Rico.

Lcdo. Negrón-Fernández should be impeached and removed from his appointment as a judge of the Superior Court of Puerto Rico in a lawsuit regarding the "Big Money" robbery of Las Colinas Properties.

From Washington with Love.

Víctor Schreiber, *pro se*
Attorney-in-fact for co-defendants Las Colinas Development Corporation and Víctor Schreiber In the Matter of Harold Santiago Martell, et al., v. Marina Las Gaviotas, et al, Civ. No. NSCI-2001-0378.

cc:

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Yunque, and C.J. Trias Monge, concurring) 14 Official Translations of the Opinions of the Supreme Court 382, 387, 397-402 ("Any classification based on [a person's poverty] should be regarded with suspicion and be strictly scrutinized.").