

United States of America
Plaintiff,

v.

Case# 22-cr-639

Joseph Cammarata
Defendant.

MOTION TO MOVE THIS COURT TO RULE ON RIPE AND OUTSTANDING MOTION
FOR RECONSIDERATION OF DEFENDANT'S RULE 60 and 33 MOTIONS

Mr. Cammarata comes before this court with a motion to have the newly appointed judge to please rule on the outstanding Motion for Reconsideration that was in fact filed prior to the Notice of Direct Appeal. The government, in their response noted and conceded that there was a certification of being filed on Friday, May 24th, 2024, prior to the notice of appeal filing. Mr. Cammarata, certified that the critical reconsideration motion was put in the prison mailbox system on May 24th, pursuant to *Houston v. Lack*, 487 U.S. 266, 276 108, S. Ct. 2379, 101 L. Ed. 2d 245 (1988) and is deemed to be filed on that day. Because of that filing, this court still maintains jurisdiction, and is required to respond prior to the Third Circuit beginning on the direct appeal, which will be an absolute waste of judicial resources, once the facts and the record is reviewed by a competent jurist; that is not suffering from undisclosed medical issues impacting his mental faculties.

The Defendant apologizes for this court having to inherit a Constitutional disaster and egregious prosecutorial misconduct that is not only proven by the record, but will need to be dealt with accordingly. The two prosecutors in both criminal prosecutions against the Defendant was corrupted from the defective indictments to the post trial motion responses. This court, or any court that would have actually read and reviewed the post-trial motions would have been obligated to grant an acquittal or new trial.

There is an undeniable miscarriage of justice as a result of willful prosecutorial misconduct and a previous court that was clearly overwhelmed with medical issues and concluding all of his open cases, which the record shows he missed my post-trial motions. At this point this court can take this opportunity to review the facts that there was never any elements of tax evasion, and certainly no tax due and owing, as there were well over \$18 million of business expenses and deductions that the government knew of and had in their possession, but never provided them to the pro se Defendant, the IRS agent who calculated the tax due and owing, or the jury. There was much more that will demonstrate to Your Honor that there was never a fair trial, and the sheer amount of misconduct and Constitutional violations will shock the conscience.

Respectfully submitted,

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AUG 07 2024

Joseph Cammarata

August 2nd, 2024

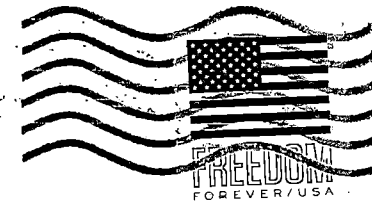
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CLERK, U.S. DISTRICT COURT - DNJ

Joseph Cammarata
02555-506
Federal Correction Institution - Camp
P.O. Box 420
Fairton, NJ 08320

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U.S. District Court
Attn: Clerk of Court
402 East State Street
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