

Supreme Court of the United States

STEPHEN D. LEONARD,
Petitioner,

Case No.: 18-5602

* November 29, 2018 *

v.

FLORIDA

Respondent.

STATEMENT OF CIRCUMSTANCES OF SUBSTANTIAL OR
CONTROLLING EFFECT OR OTHER SUBSTANTIAL GROUNDS
NOT PREVIOUSLY PRESENTED AND CERTIFICATE OF GOOD
FAITH AND NOT FOR DELAY

May it please the Court, comes now the Petitioner, Stephen D. Leonard, Pro se, in the above styled cause, pursuant to Rule 44 of this Court's Rules, and respectfully moves this Court to accept this Statement of Circumstances of Substantial or Controlling Effect or Other Substantial Grounds Not Previously Presented, and, Certificate of Good Faith And Not for Delay. In support of this Statement the petitioner says:

1. On October 30, 2018, Petitioner filed a Petition for Rehearing Pursuant to Rule 44, as a pro-se litigant. *Erickson v. Pardus*, 551 U.S. 89 (2007).
2. On November 06, 2018, the Honorable Clerk of this Court, Scott S. Harris, returned the Petition for Rehearing for non-compliance within Rule 44.
3. On November 29, 2018, Petitioner received the Clerk's Order along with the returned Petition at Dade Correctional Institution, through the legal mail delivery procedures. *Fallen v. United States*, 378 U.S. 139, 144 (1964).

4. Petitioner hereby files this "Statement" in effort to Comply as best he can with Rule 44 and says:

A. The petitioner hereby Swears and affirms that grounds stated in the Petition for Rehearing are limited to intervening Circumstances of Substantial or Controlling effect or to other Substantial grounds not previously presented. (See Petition For Rehearing, (013012018)); and

B. The Petitioner hereby Certifies that the Petition For Rehearing is presented in good faith and not for delay.

Respectfully Submitted,

Stephen J. Leonard, Jr.
1900 S.W. 377 St.
Miami, FL 33034

CERTIFICATE OF SERVICE

I hereby Certify that a true and correct Copy of the foregoing has been furnished to the following parties on this 30th day of November, 2018:

1. Attorney General Pamela Jo Bondi / Ashley Moody, c/o Casol Eaton - Cherry, A.A.G., and, Magaly Rodriguez A.A.G. 1 S.E. 3rd Ave. #700 Miami, FL 33131

Ex:
REHEARING
18-5602

No. 18-5602

Legal Mail
Received

OCT 30 2018

Dade C.J.

IN THE

SUPREME COURT OF THE UNITED STATES

STEPHEN DANIEL LEONARD — PETITIONER
(Your Name)

VS.

FLORIDA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

FLORIDA Supreme Court

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR REHEARING

STEPHEN J. LEONARD # 448091
(Your Name)

19000 S.W. 377 St.

(Address)

Miami, FL 33134

(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

1. Did the United States Supreme Court violate Petitioner's rights to appeal by denying appellate review of Petitioner's case where the State of Florida deprived and denied Petitioner a full and complete record on appeal in a Criminal direct appeal?
2. Did the Supreme Court of the United States violate Petitioner's right to due process Equal Protection of the laws clause when denying appellate review of Petitioner's Constitutional violations case where State of Florida Appellate and Supreme Courts deprived and denied Petitioner a full and complete record - on - appeal in a Criminal direct appeal?
3. Did the United States Supreme Court violate Petitioner's Constitutionally protected and guaranteed Human Rights under Articles 1, 2, 3, 5, 6, 7, 8, 10, 11(1), 12, 14, 28, and 30 of the Universal Declaration of Human Rights when refusing to accept review of a case involving State Corruption, Corrupt Practices and Constitutional and Law Violations by Court officers whom denied Petitioner a Record - on - appeal and appellate review of illegal actions by State officer's?
4. Is the United States Supreme Court violating the rights of American Citizens and Litigants by Selectively and/or Arbitrarily denying Cases which clearly set-forth Violations of Federal Laws, Treaties and Constitutional Privileges and immunities defined and described in the U.S. Constitution and Universal Declaration of Human Rights?

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

[] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

1. Attorney General of Florida Pam Bondi, 1 S.E. 3rd Ave. #900 Miami, FL. 33131
2. Dominguez, Christina L. A.A.G., 1 S.E. 3rd Ave. #900 Miami, FL. 33131
3. Fernandez, Ivan F., Judge, 2001 S.W. 117 Ave. Miami, FL. 33175
4. Lagoa, Barbara, Judge, 2001 S.W. 117 Ave. Miami, FL. 33175
5. Martinez, Carlos J., P.D., 1320 N.W. 14th St. Miami, FL. 33125
6. Martinez, Jose E., Judge, 400 N. Miami Ave. Miami, FL. 33128
7. Marvin, Michael W., Chief Crim. App. Div. A.A.G., 1 S.E. 3rd Ave. #900 Miami, FL 33131
8. Polin, Richard L., Former A.A.G., 1 S.E. 3rd Ave. #900 Miami, FL. 33131
9. Rodriguez, Maglay, A.A.G., 1 S.E. 3rd Ave. Miami, FL. 33131
10. Miller, Wayne M., Former Judge, 500 Whitehead St. Key West, FL. 33040
11. Scull, Paulette R. A. State Atty., 530 Whitehead St. Key West, FL. 33040
12. Suarez, Richard J., Judge, 2001 S.W. 117 Ave. Miami, FL. 33175
13. Vogel, Catherine F., Former S.A., 530 Whitehead St. Key West, FL. 33040
14. Ward, Dennis W. S.A., 530 Whitehead St. Key West, FL. 33040
15. White, Patrick A., Magistrate, 400 N. Miami Ave. Miami, FL. 33128

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR ~~REHEARING~~

Petitioner respectfully prays that a writ of ~~rehearing~~ issue to review the judgment below.

OPINIONS BELOW

[] For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

[] For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

The opinion of the Florida Third D.C.A. court appears at Appendix A to the petition and is

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

JURISDICTION

[] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

[] No petition for rehearing was timely filed in my case.

[] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___ A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[] For cases from **state courts**:

The date on which the highest state court decided my case was 12/27/2017.
A copy of that decision appears at Appendix A.

[] A timely petition for rehearing was thereafter denied on the following date: 01/10/2018, and a copy of the order denying rehearing appears at Appendix A.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___ A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Article III §1, §2, United States Constitution, which states in relevant parts:

"The judicial Power of the United States, Shall be vested in one Supreme Court.... The judicial Power shall extend to all Cases in Law and Equity, arising under this Constitution, the Laws of the United States, and treaties made under their Authority... to Controversies... between a State, or the Citizens thereof..."

Article IV §1, United States Constitution, which states in relevant part:

"Full Faith and Credit shall be given in each State to the Public Acts, Records, and judicial Proceedings of every other State..."

Article VI, Section 2, United States Constitution, which states in relevant part:

"This Constitution, and the Laws of the United States... and all Treaties made... under the Authority of the United States, Shall be the Supreme Law of the Land; and the judges in every State shall be bound thereby..."

Article XIV, Section 1, United States Constitution, which states in relevant parts:

"No State shall make or enforce any law which shall abridge the Privileges or Immunities of Citizens of the United States; nor shall any State deprive any Person of life, liberty, or property, without due Process of law; nor deny to any Person within its jurisdiction the equal protection of the laws."

Article 1, Universal Declaration of Human Rights, which states in relevant parts:

"All human beings are born free and equal in dignity and rights..."

Article 2, Universal Declaration of Human Rights, which states in relevant parts:

"Everyone is entitled to all the rights and freedoms set forth in this declaration,

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."

Article 3, Universal Declaration of Human Rights, which states in relevant part:
"Everyone has the right to life, liberty and the security of person."

Article 5, Universal Declaration of Human Rights, which states in relevant part:
"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."

Article 6, Universal Declaration of Human Rights, which states in relevant part:
"Everyone has the right to recognition everywhere as a person before the law."

Article 7, Universal Declaration of Human Rights, which states in relevant part:
"All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this declaration and against any incitement to such discrimination."

Article 8, Universal Declaration of Human Rights, which states in relevant part:
"Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the Constitution or by law."

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Article 10, Universal Declaration of Human Rights, which states in relevant parts:
"Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in their determination of his rights and obligations and of any criminal charge against him."

Article 11 (1), Universal Declaration of Human Rights, which states in relevant parts:
"Everyone charged with a penal offence has the right to be presumed innocent until proven guilty according to law in a public trial at which he has had all the guarantees necessary for his defence."

Article 12, Universal Declaration of Human Rights, which states in relevant parts:
"No one shall be subjected to arbitrary interference with his privacy, family home or correspondence, nor to attacks upon his honour and reputation."

Article 14, Universal Declaration of Human Rights, which states in relevant parts:
"Everyone has the right to seek and enjoy in other Countries asylum from prosecution."

Article 28, Universal Declaration of Human Rights, which states in relevant parts:
"Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized."

Article 30, Universal Declaration of Human Rights, which states in relevant parts:
"Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at destruction of any of the rights and freedoms set forth herein."

STATEMENT OF THE CASE

Petitioner Stephen D. Leonard is a State Prisoner challenging the Judgment and Sentence of a Criminal Conviction for Grand Theft and Fleeting and Eluding in a Vessel, in a direct appeal. The Court appointed Counsel altered the record-on-appeal, the Clerk of Court and Court Reporter omitted the records requested for appeal, and the appellate and Supreme Court of Florida Categorically deprived Petitioner of the records by denying or dismissing Petitioner's Mandamus, Certiorari, Habeas Corpus Petitions and Motions to Confir the Record on Appeal.

Petitioner then filed a Petition for Writ of Certiorari to this Court under Multiple holdings from past Cases this Court has heard, and Statutory Laws, Rules, Procedures, Policies, Practices, Customs and Treaties of the State of Florida and United States of America, which, as clearly as a Prose Litigant can, Set forth facts of Constitutional Violations by those under color of law.

Petitioner relied on this Courts Certiorari jurisdiction to correct the Constitutional Violations that occurred in the lower tribunals to Petitioner's Federal Constitutional rights and Petitioner's Human Rights protected by the Treaty Universal Declaration of Human Rights pursuant to Art. 1, 4, 6 U.S.C.A.; Amend 14, U.S.C.A.; and Art. 1, 2, 3, 5, 6, 7, 8, 10, 11(1), 12, 14, 28, and 30 of the U.D.H.R. (12/10/1948).

On October 15, 2018, this Court ignored the Constitutional Violations of Petitioner's rights and Violations of Petitioner's Human Rights, and denied Certiorari, which raises the question of whether this Court and the United States Government

STATEMENT OF THE CASE

has become destructive of the very rights protected by Laws and Treaties defined in Article III, IV, VI of the Federal Constitution. As Clearly Stated in the United States Declaration of Independence (July 4, 1776):

"We hold these truths to be self evident, that all men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are life, liberty and the pursuit of happiness - That to Secure these Rights, governments are instituted among men, deriving their just powers from the Consent of the governed, that whenever any form of government becomes destructive of these ends it is the right of the people to abolish it", and institute a new government..."

Petitioner has a legal right to have this Controversy reviewed and heard by a Competent national tribunal as the Rights that the State of Florida Violated were in fact Federal Constitutional Rights Protected and Secured by the U.S. Const. and the Laws and Treaties that were made by authority of the United States, regardless of this Courts bias, prejudices or discriminations against the American Citizens, litigants acting pro se, prisoners incarcerated, or aliens seeking Supreme Court intervention.

If this Court isn't Protecting the Rights, Laws and Treaties, we the people have the right to abolish it. If the United States Government is Violating the Rights, Law and Treaties of the United States, then we have a tyrannical government, whose political agendas Supersede the Constitution and Laws, which we the people have the right to abolish

STATEMENT OF THE CASE

Petitioner filed a Petition for Writ of Mandamus with the Third District Court of Appeal of Florida, after petitioner filed a "records request" to the Monroe County, Florida Clerk of Court and Monroe County, Florida Court Reporter for the Sixteenth Judicial Circuit Court of Florida, which the said Clerk and Court Reporter failed to prepare and transmit pursuant to Florida Rules of Appellate Procedure 9.140(a) & 9.200(a), (b), and (d) (2015).

The Florida appellate court lost petitioner's first Petition for Writ of Mandamus. Petitioner filed a "Second" Petition for Writ of Mandamus with the appellate court generating Case number 3D17-2031. The Florida appellate court denied petitioner's Mandamus Petition as follows: "Petitioner's Motion is a duplicate of a Motion to Produce Records in Case No: 3D16-2298, which is pending before this Court, therefore, this petition is dismissed as duplicative of the pending appeal.", on September 18, 2017. Petitioner appealed the appeals court order to the Florida Supreme Court, which the Florida Supreme Court Clerk issued two Case numbers for Sct7-1951 and Sct7-2084. On December 08, 2017 the Florida Supreme Court transferred Sct7-2084 to the Third D.C.A. for consideration in the context of Case number 3D16-2298...." On December 27, 2017 the Third D.C.A. "dismissed" the petition "as Moot...." in Case number 3D17-2661. Petitioner moved for rehearing which the Florida Supreme Court denied on January 10, 2018.

Petitioner then filed this Case 18-5602 in the Supreme Court of the United States.

REASONS FOR GRANTING THE PETITION

1. Petitioner is entitled to a writ of Mandamus because the Petitioner has shown: (1) the existence of a legal right on his part to the records and transcripts; (2) a ministerial duty on part of the State of Florida to produce the records per. Florida Statute § 119.07 (2015) and Florida Statute § 924.28 § Article IV, Section 1, United States Constitution; (3) the State of Florida failed to comply with the records request as directed by Fla.R.App.P. 9.200 (a), (b), and (d) and Fla.Stat. § 119.10 (2015), and there is no other adequate legal remedy to obtain the "public records" on "direct Criminal appeal". Chandler v. City of Greenacres, 140 So.3d. 1080 (Fla. 4th D.C.A. 2014).
2. Petitioner is entitled to Public Information under Fla.Stat. § 119.07, and Federal Stat. 5 U.S.C. § 552 (a).
3. Petitioner has a Constitutional right to "Full Faith and Credit... to the public Acts, Records, and judicial Proceedings..." under Article IV § 1, U.S.C.A.
4. The Florida Supreme Court and Florida Third District Court of Appeal have denied Petitioner records-on-appeal and issuance of Mandamus to force the Clerk and Court Reporter to fork over the records, which is required pursuant to Constitutional guarantee.

CONCLUSION

The petition for a rehearing should be granted.

Respectfully submitted,

SK

Date: October 30, 2018