

PROVIDED TO  
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No. \_\_\_\_\_

IN THE

SUPREME COURT OF THE UNITED STATES

Solomon Roberts — PETITIONER  
(Your Name)

vs.

State of Florida — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

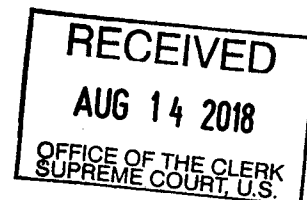
Intermediate (3rd Dist) Appellate Court Miami-Dade  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Solomon Roberts  
(Your Name)  
Charlotte Correction Inst.  
33123 Oil Well Road  
(Address)

Punta Gorda, FL 33955  
(City, State, Zip Code)

UNKNOWN  
(Phone Number)



### QUESTION(S) PRESENTED

Whether [A] New Rule of Constitutional law by the Supreme Court to the United States Made [R]etroactive to the States is Subject to Exclude Particular litigants based on Previous Filings.?

Whether Petitioner's Sentence Following VOP to Life without Parole for Simple Robbery Pursuant to (s. 812.13) Fla. Stat. [Is] the Kind of Punishment Contemplated in [Miller v. Alabama]. [APP. F AND EX. C]

Whether the Instant Case is Entitled to Mandated Evidentiary hearing on the threshold Issue that Sentence Violates the Eighth Amendment of Life without Parole on Juveniles who was Under the Age of 18 when their Crimes Occurred Under Townsend v. Seay; Accord Keeney v. Tamayo-Reyes.

## 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:

## TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
<u>Ableman v. Booth</u> , 62 U.S. 506, 16 LED 169	7
<u>Keeney v. Tamayo Reyes</u> , 504 U.S. 1 (1992)	5, 7
<u>Miller v. Alabama</u> , 132 S.Ct. 2455 (2012)	5, 6
<u>Townsend v. Sain</u> , 372 U.S. 293 (1963)	<del>5</del> 5
<u>U.S. v. Peters</u> , 310 F.3d 709 (11th Cir 2002)	5
<u>Falcon v. State</u> , 162 So.3d 954 (Fla. 2015)	5
<u>Knight v. State</u> , 42 Fla. L. Weekly D2501 (Fla. 3rd Dist)	6
<u>Shultz v. State</u> , 136 So.3d 1232 (Fla. 2d Dist)	6

### STATUTES AND RULES

S. 775.082, Fla. Stat.	5
S. 921.1401 And 921.1402, Fla. Stat.	5
S. 812.13, Fla. Stat.	6

### OTHER

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IN THE  
SUPREME COURT OF THE UNITED STATES  
  
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari 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 Attached in Full; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the Eleventh Judicial Circuit court appears at Appendix D to the petition and is

- ☒ reported at Attached in Full; 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 7/2/18.  
A copy of that decision appears at Appendix A.

☒ A timely petition for rehearing was thereafter denied on the following date: 7/24/18, and a copy of the order denying rehearing appears at Appendix C.

☐ 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

The Eighth Amendment Prohibit [Life without Parole] for Juveniles whose Crime Occurred when they was under 18 years of Age.

More so for Non-Homicide offense. U.S.C.A. Const. Amend. 8

The Equal Protection Clause of the Fourteenth Amendment is directed to the states and essentially Mandates that: Those likely situated be treated the same U.S.C.A. Const. Amend. 14

Substantive Due Process [is] Freedom From Arbitrary governmental Action; Coupled with Equal Operation of the law. Id.



### STATEMENT OF THE CASE

1. On July 27, 2017 Petitioner Filed Fla. R. Crim. P. Rule 3.802 Motion for Review, of Juvenile offender sentence.  
[APP. E] [APP. A Ex. ~~3~~]
2. On Nov 21, 2017 Petitioner Filed Notice of Inquiry  
[APP. E APP. B]
3. On December 22, 2017 Circuit Clerk responded to Inquiry  
[APP. E APP. C]
4. Circuit Court entered its Judgment of denial  
[APP. D]
5. A timely APPEAL was sought followed by dismissal without having obtained a "Complete Record" from L.T.

### REASONS FOR GRANTING THE PETITION

State Circuit Court Failed to "Address" And Conduct An Adequate Fact Finding hearing on the Adversarial Issue [APP. ~~F~~ ~~Ex. C~~] that Petitioner's Life without Parole on Non-Homicide offense of "Simple Robbery" Committed Prior to Petitioner's 18<sup>th</sup> Birthday Violates the 8<sup>th</sup> Amendment Contemplated in Miller v. Alabama, 132 S.Ct., 2455, 2469 (2012). Made retroactive in Florida [in] Falcon v. State, 162 So.3d 954 at 955 (Fla. 2015) See Chapter 2014-220 laws. of Fla., Codified in 775.082, 921.1401 And 921.1402, Fla. Stat.

The Failure to develop the Constitutional Claim at a State Court hearing is not Attributable to the Petitioner. Where for the intermediate Appellate Court [APP. A] Dismissal Satisfies (1), (3) and (6) Circumstances delineated in Townsend v. Sain, 372 U.S. 293 at 312 (1963) Accord Keeney v. Tamayo-Reyes, 504 U.S. 1 at 15 (1992)

[APP. A] Dismissal is based on Prior Judgment of Procedural technicalities [cited therein] which is Unreasonable in light of Circuit Court's ["Lack of Jurisdiction"] to Impose said Sentence [APP. ~~F~~ ~~APP. A~~ And ~~Ex. B~~] in the First Instance. See U.S. v. Peters, 310 F.3d 709 at 712 (11<sup>th</sup> Cir. 2002) (holding that "Lack of Jurisdiction" is not Subject to the doctrine of Procedural default.)

In this Context the State Court initial Sentence [APP. ~~F~~ ~~A~~ Ex. ~~B~~] As A youthful offender was entered without

Jurisdiction because the term "Exceeded" the six year limitation contemplated by legislation. See Shultz, 136 So.3d at 1233 [App. F Ex. F]

Moreover, the term imposed following violation of Probation [App. F(A) Ex. C] was entered without jurisdiction because the initial judgment in [sic] was entered for simple robbery (s. 812.13) [App. F(A) Ex. B] a second degree felony punishable by a term not exceeding 15 yrs See Knight, 42 Fla. L. Weekly D2501 [App. F Ex. E]

Finally at which time the court violated my probation [11-16-82] it could only impose up to six years (as in) Shultz Id. at 1234 [App. F Ex. F]

Wherefore, based on state court judgment-sentence in [sic] petitioner's life sentence violates the 8th Amendment prohibition of life without parole on juvenile offenders whose crimes occurred before their 18th birthday contemplated by Miller. And particularly for "Non-Homicide" offenses.

Thus, Intermediate Court was rightfully advised of these facts on [REHEARING EN BANC] [App. B] and substantial question of great public importance regarding "all" juveniles and to no avail rehearing was denied [App. C]

Petitioner was and [is] entitled to equal operation of Ch. 2014-220 laws of Florida rightfully argued in [his] initial brief [App. E] including the equal protection of law accorded [Rolland A. Shultz] 136 So.3d 1232 [App. F Ex. F] U.S.C.A. Const. Amend 14

Thus, In this Context [A] hearing Were And [is] Constitutionally Mandated because Petitioner's Continual detention Violates the Fundamental liberties of [His] Person, Safeguarded against State 'Arbitrary' Actions by the Federal Constitution Articulated by this Court Keeney decision [504 U.S. 15]

Wherefore, the Judicial officers of the Local government Failed to Support the Federal Constitution And its Guarantees by which they Are bound. See Ableman V. Booth, 62 U.S. 506, 16 LED 169

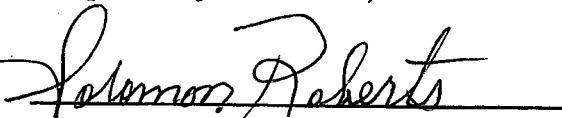
#### CONCLUSION

TO Uphold And Enforce The Supremacy Clause this Court Should REVERSE State Court Judgments, to which

The petition for a writ of certiorari should be granted.

At Minimum for [A] hearing to be Conduct in the U.S. Dist. Ct. (S.D. Fla) or State Court

Respectfully submitted,

  
Solomon Roberts

Date: August 6, 2018

No. \_\_\_\_\_

\_\_\_\_\_  
IN THE  
SUPREME COURT OF THE UNITED STATES  
\_\_\_\_\_

Salomon Roberts — PETITIONER  
(Your Name)

VS.

State of Florida — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

☒ Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

U.S. District Court (S.D. Fla.)  
U.S. Court of Appeals (11th Cir.)

☐ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

Petitioner's affidavit or declaration in support of this motion is attached hereto.

Salomon Roberts  
(Signature)