

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Bruce L. Small — PETITIONER
(Your Name)

vs.

State of Florida — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

11th Judicial Circuit Court Miami-Dade County Florida
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Bruce L. Small
(Your Name)

Walton Correctional Inst.
(Address)

Defuniak Springs, FLa 32433
(City, State, Zip Code)

(Phone Number)

Provided to Walton CI
On 9/17/18 for Mailing
Date _____

By (officer initials) AJ BSS

Question(s) Presented

- 1) can the state of Florida violate my constitutional rights against cruel and unusual punishment by using an illegal application of an ex post facto law to enhance my sentence?
- 2) can the state of Florida deny me my constitutional rights to freedom, liberty and justice from incarceration based on an illegal application of an ex post facto law?

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:

- Eleventh Judicial Circuit Court of Miami-Dade County, Fla
- Third District Court of Appeals State of Florida
- Florida Department of Corrections
- Attorney General State of Florida

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TABLE OF AUTHORITIES CITED

CASES

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Statutes and Rules

FLA Statute 775.084

OTHER

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 is unpublished.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 is unpublished.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 B 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 is unpublished.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 Third District Appeal court appears at Appendix D 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 July 17, 2018. A copy of that decision appears at Appendix 1.

[] A timely petition for rehearing was thereafter denied on the following date: August 9, 2018, and a copy of the order denying rehearing appears at Appendix F.

[] 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

- United States Constitution Prohibition of Ex Post Facto Laws
Article 1 & Section 9.
- Amendment V. United States Constitution.
- Amendment VIII United States Constitution Against Cruel and unusual punishment
- Amendment XIV United States Constitution

STATEMENT OF THE CASE

- On June 29, 2006 in the first instance that the federal question was presented my trial counsebr filed an APPLICATION OF The Ex Post Facto Doctrine To Mr. Smalls Habitual Offender Status petition advising the trial court judge of an ex post facto violation. (See Appendix A)
- On June 29, 2006 in an open court hearing, over my trial Counselors objection the trial court judge denied my Application of the ex post facto doctrine violation claim. (See Appendix B)
- On August 2006, my direct appeal (case no 3D06-2023) was filed wherein my court appointed appeal counselor never raised the preserved ex post facto violation claim on direct appeal.
- On July 8, 2018 in the second instance that the federal question was presented I filed a Petition for Writ of Habeas Corpus, appealing the trial courts denial of my APPLICATION OF The Ex Post Facto violation claim. (see Appendix C)
- On July 17, 2018 the appeals court denied my petition for writ of habeas corpus petition (see Appendix D)
- On July 27, 2018 I filed a Motion For Rehearing. (see Appendix E)
- On August 9, 2018 the appeals court denied my Motion For Rehearing (see Appendix F)

Reason For Granting The Petition

The petitioner states that the reason this honorable court should grant this petition, is because the state of Florida (trial court judge) used an illegal application of an ex post facto law (Fla Statute 775.084) to enhance his sentence which is denying the petitioner his constitutional rights of freedom, liberty and justice from incarceration and an unjust sentence.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Bruce L. Small

Date: September 17, 2018