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IN THE
Supreme Court of the United States
NO. _____

MICHAEL QUATTROCCHI
v. JULIE JONES
Petitioner(s)

Sect., Dept of Corr.
STATE OF FLORIDA
Respondent(s)

HABEAS CORPUS PETITION

§ 2241 (b)

BY A PRISONER IN STATE CUSTODY

My NAME

MICHAEL E. QUATTROCCHI
Petitioner in proper person.

D.C. no. O-M 43508

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QUESTION(S) PRESENTED

If an unborn fetus physically survives an abortion, and is born alive a child, but at the same time remains administratively aborted - is it protected under the United States Constitution?

If a person is not physically dead, but at the same time is documented as administratively deceased - is he protected under the United States Constitution?

If an unborn fetus was pretended to be aborted, and is born alive a child, but at the same time remains fraudulently administratively aborted - is it protected under the United States Constitution, prior to the fraud being discovered?

If a person is fraudulently documented as administratively deceased, yet physically alive - does he have any legal status, prior to the fraud being discovered?

If a person is fraudulently documented as administratively deceased, and yet physically alive, prior to the fraud being discovered - does the Court have jurisdiction over that person under the Constitution of the United States?

QUESTION OF LAW

It is a question of law whether or not the Applicant's "administrative deceased status" due to a fraudulent act by an "Officer of the Court" was an active "Breach of Contractual Agreement and/or Obligation" by failure to provide performance, with respect to "Equal Protection Under the Law," guaranteed to "all persons" by Amendment XIV of the United States Constitution, in addition to a termination of all rights contained in the United States Constitution, and constitutions of the individual states contained within the United States of America.

ARGUMENT

Is the BORN ALIVE INFANT PROTECTION ACT, Federal paragraph (c) states:

"Nothing in this section shall be construed to affirm, deny, expand, or contract any "legal status" or "legal rights" applicable to any member of the species homo sapiens at any point prior to being born alive",

It stands to reason that it should be equally applicable at any point after a physical, civil, or an administrative death.

ITS RELEVANCE TO THE CONSTITUTION

Administrative "deceased status" by artifice, initiated and executed by an "Officer of the Court", renders a person's "person" incapable of rights and duties. It breaches and terminates the contract of the Constitution of the United States, entered into upon being born and naturalized a citizen of THE UNITED STATES, and negates references contained in the U.S. Const., to and by:

(1) the word "everyone" contained in Article(s); 2; 3; 6; 8; 10; 11(1); 13(1); §(2); 14(1); 15(1); 17(1); 18; 19; 20(1); 21(1); §(2); 22; 23(1); (2); (3) & (4); 24; 25(1); 26(1); 27(1) & (2); 28; 29(1); and

(2) the word "all" contained in Articles: 4; 5; 9; 11(2); 12; 15(2); 17(2); 20(2); and

(3) the word(s) "Men" and "Women" contained in Article 16(1) of the Preamble to the Constitution of the United States; and

(4) the word(s) "no person" contained in Amendment V; "all persons" and "any person" contained in Amendment XIV, Section 1; of THE CONSTITUTION OF THE UNITED STATES. p. 4

QUESTIONS PRESENTED

(Structural errors)

WHETHER structural errors constituted a "fundamental flaw" in the trial and sentencing proceedings that undermined the structural integrity of the criminal tribunal itself, warranting a new trial, irrespective of prejudice.

See: Valasquez V. Hillery, 474 U.S. 254 263-64 106 S.Ct. 617, 623 88 L. Ed. 2d 598 (1986)

WHETHER sentencing was a harmless error when the 18-prior conviction points for the 03-9000 V.O.P. convictions, resulted in a "mandatory" prison sentence, after that probation was completed, terminated, and finalized. See: Ex. "A", p. 47.

WHETHER there was an abuse of discretion with respect to the November 30th, 2007 V.O.P. convictions, when a probation under either case number, was not in effect at the time.

See: Cox V. State, 407 So. 2d 633 (Fla. 3RD DCA 1987)

WHETHER his 04-12958 trial sentence under case 03-9000, for the V.O.P. became an illegal sentence on July 23rd, 2018, when the 20-years exceeded the 15-year statutory maximum for the three (3) third-degree felonies.

See: Ex. "B", pp. 50-52 ; or p. 53 . p. 7

QUESTIONS PRESENTED

"SENTENCING"

WHETHER the November 30th, 2007 Probation Violation Convictions were under case 04-12958 or case 03-9000 Ex. "B", pp. 50 - 52; and p. 53, supra.

WHETHER "special conditions" were contained in the 04-12958 or the 03-9000 probation, Ex. "D", p. 61; Ex. "C", p. 56-58.

WHETHER there was a probation in effect under case 04-12958 on November 30th, 2007, or at any other time, Ex. "E", p. 63;

WHETHER uniform commitment papers were issued under case 03-9000, after that probation was completed and terminated, Ex. "A", p. 47; supra.

WHETHER a bond issued under case 04-12958, or a bond was discharged under case 03-9000, Ex. "F" p. 67, line 12;
If not, why was there a sentence under case 03-9000, Ex. "B", pp. 50 - 52; supra.

If the November 30th, 2007 V.O.P. Convictions were not under either case number as the "State" suggested and the judge adopted, Ex. "G", pp. 69 - 70,
where did the 18-prior conviction points used to score the Applicant out to a "mandatory prison sentence" come from, Ex. "E" p. 64.

QUESTIONS PRESENTED "SENTENCING"

IRRESPECTIVE OF THE APPLICANT'S
[F]ACTUAL INNOCENCE, AND
ADMINISTRATIVE "DECEASED"
STATUS CLAIMS;

WHETHER THERE WERE "OTHER"
EXCEPTIONAL CIRCUMSTANCES
THAT WARRANT THE EXERCISE
OF THIS COURT'S DISCRETION; AND

WHETHER UNDER THESE
CIRCUMSTANCES, COULD
ADEQUATE RELIEF BE
OBTAINED IN ANY OTHER
FORM, OR IN ANY OTHER
COURT.

THE 04-12958 VIOLATION OF PROBATION HEARING

Whether the Applicant was denied
minimal procedural due process
rights, at the November 30th, 2007
Violation of Probation Hearing because
he was not informed of the charges,
nor the hearing, and there was no
probation in effect at the time that
he could violate, see: Ex. "E", p. 63;

Whether by the time it was discovered,
there were provisions for:

1. informing the court, that the November 30th, 2007 V.O.P. Conviction Hearing, was not valid under case 04-12958, because the 20-year probation portion of his 20-year prison/20-year probation split-sentence which was imposed on November 30th, 2007, hasn't started yet, and therefore, it could not have been violated;

2. informing the court, that the November 30th, 2007 V.O.P. Conviction Hearing was not valid under case 03-9000 because:

(a) the 59-June 5th, 2002-September 22nd, 2002, 04-12958 trial convictions, were invalid as 03-9000 new law violations;

(b) they were never alleged to have occurred during the two(2)-year, July 2nd, 2003-2005, 03-9000 probationary period; and

(c) the 03-9000 probation, which included withheld adjudication, was completed, and terminated before the November 30th, 2007 hearing, and assumed finalized

See: Ex. "A", p. 47, supra.

QUESTIONS PRESENTED WAS BOND DENIED

Whether bond under case 04-12958 was judicially approved but administratively inoperative for over $3\frac{1}{2}$ -years, while the Applicant was awaiting trial.

Whether a 25,000.00 bond was approved under case 04-12958 after 6-months, upon the dismissal of the 04-12958 allegations as 03-9000 new law violations, because they were not alleged to have occurred during the 03-9000 probationary period. Ex. "D", p. 61, supra.

Whether State remedies with respect to these claims have been exhausted.

1. It was newly discovered that the original 03-9000 bond was discharged in 2015, (see: Ex. "F", p. 67, line 12) and there was no bond under case 04-12958.

2. The 59-June 5th, 2002-September 22nd, 2002 04-12958 allegations were not alleged to have occurred during the 03-9000 two(2)-year July 2nd, 2003-2005 probationary period. Ex. H, p. 72;

3. See: Motion for Arrest of Judgment, filed on the 27th day of December, 2011 (R.O.A. - 3012-505, p. 48).
Ex. "I", pp. 74-79;

QUESTIONS PRESENTED

WHETHER THE APPLICANT
IS ACTUALLY INNOCENT

WHETHER his Family "set him up"
for the — million dollar inheritance

Ex. "J", pp. 81 - 84;

His Father, who had the same name
died on September 19th 1999.

The Applicant is documented as
"deceased" as his Father, in a
document under seal in the Probate
Division, effecting an interest in
property. (Ex. "K"), p. 86;

WHETHER his Family collected on his
— million dollar Life Insurance Policy.

See: Fraudulent Insurance Claims and
Lawyers; punishable under Fla. Crim.
Procedure Rule § 817.234(3).

WHETHER he did not wish to testify
at trial, because his Mother was involved,
and he did not want to testify against
her, or to see her prosecuted.

His Mother died September 2nd, 2017,
and he was not notified by his Family.

See: Probate Docket Sheet; and
Letter from his former Lawyer.
Ex. "L" p. 89; and Ex. "L" p. 90.

QUESTIONS PRESENTED

WHETHER THE APPLICANT IS "FACTUALLY" INNOCENT

If the jurors knew:

1. The June 5th, 2002-September 22nd, 2002 image data was contained in the March 10th, 2001-October 3rd, 2002 data continuum (Ex. "O", p. 96, line 14), and not in the Applicant's computers January 26th, 2003-March 20th 2003 data continuum (Ex. "P", pp. 99-100), that was exclusive to its interactive operating system environment;
2. The "Applicant's" Apple Systems Computer was a "Quicksilver 2002 model", with a January 28th, 2002 commercial availability date (Ex. "Q", p. 103, line 14); and
3. The 59-April 1st, 2003 dates (Ex. "R", pp. 105-108) added to the 59-June 5th, 2002-September 22nd, 2002 dates (Ex. "H", p. 72, supra., for the first-time, after the jury was sworn, were fictitious,

no reasonable juror would have concluded, that the June 5th 2002-September 22nd, 2002 image data was contained in the Applicant's computer's interactive operating system environment, where they could have been accessed, viewed, and "knowingly possessed" on April 1st, 2003, or at any other time.

QUESTION(S) PRESENTED

WHETHER "FACTUAL INNOCENCE"
MAY BE OF GREAT SIGNIFICANCE
IN A HABEAS CORPUS CASE³²

See: Herrera V. Collins, 506,
U.S. 39 113 S. Ct 1604 140
L. Ed. 2d 203 (1993)

See also; U.S. Supreme Court
Vol. 24, No. 9, May 31st, 2013
S 213-HC Actual Innocence;

Actual Innocence Issue, 133
S. Ct. 1924 (2013) citation; and

Greg McQuiggin, Warden, Pet.
V. Floyed Perkins, S. Ct. case
no. 12-126 Argued Feb. 25th,
2013, Decided May 28th, 2013.

WHETHER "ACTUAL INNOCENCE"
REQUIRES THE ACCUSED TO
SHOW "ACTUAL INNOCENCE"
AND NOT JUST MERE LEGAL
INSUFFICIENCY

See: Bousely V. United States,
523 U.S. 614, 623 118 S. Ct.
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Child must be "Born Alive" before
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Rptr. at 93, 409-11, U.S. 754
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617, 623 88 L. Ed 2d 598
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RELATED PUBLIC INTEREST

Born Alive Infant Protection Act,
Federal paragraph (C), Supra.

Child must be "Born Alive" before a
charge of homicide can be sustained.
Id., at 639, 87 Cal. Rptr. at 494, 470
P. 2d, at 36.

Pretended Abortion, S.Ct. Rptr. at
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Roe V. Wade, S.Ct. Rptr. 93, 1- 1561
409-411 U.S.; 410 U.S., 179, 35
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See also;

English Law (Chancery), Legal
History of England and Wales,
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Fla. Crim. R. 775.01

Notice To Rely On Foreign Law;
Federal Crim. R. 26.1, effective
December 1st, 2002.

SOVEREIGN IMMUNITY; DEATH,
Fla. Jur. 2d § 54.

WHETHER EXCEPTIONAL CIRCUMSTANCES WARRANT THE EXERCISE OF THIS COURT'S DISCRETIONARY POWERS.

In this case, Federal Rule ensued deep prejudice with respect to "legitimate" procedural due process by not permitting the Applicant's constitutional rights violation claims, from two (2) criminal cases, under two (2) different case numbers, intermingled by the same scheme of fraud, to be platformed together, in their entirety, so that his claims may be seen in the context of the totality of the circumstances.

WHETHER UNDER THESE CIRCUMSTANCES ADEQUATE RELIEF COULD BE OBTAINED IN ANY OTHER FORM, OR IN ANY OTHER COURT.

It would be an extension of this Court's jurisdiction to be able to "bridge" the "procedural gap" between the two (2) separate, but intermingled cases, to allow the "bigger picture" to be seen, and the Applicant may obtain co-terminate relief from the fraud of which he continues to remain a victim, so that justice may be served.

TO BETTER UNDERSTAND THIS CASE

THE APPLICANT HAD ONLY
TWO (2) COMPUTERS

1. An Apple Systems, Macintosh,
"Quicksilver 2002", G4/OS-X
computer that he used for his
"Graphics", and

2. a Microsoft Systems (P.C)
that was for the sole purpose
of managing the printing process.

The two (2) systems were otherwise
incompatible with each other; and

THERE WERE TWO (2) SEPARATE
APPLE SYSTEMS DATA CONTINUUMS

1. The March 10th, 2001 - October 3rd,
2002 data continuum, generated
from an "unknown" Apple Systems
computer, which contained the 59
original image allegation dates from
June 5th, 2002 - September 22nd 2002,
and

2. The Apple Systems January 26th 2003 -
March 20th, 2003 data continuum of
the Applicant's "Quicksilver 2002"
computer.

WHETHER "BRADY" VIOLATIONS PREVENTED A FAIR TRIAL

There was an omission of computer model, and operating system information, with respect, to the computer-generated "print-out" evidence, and the non-computer generated "printed" evidence, as computer generated "print-out" evidence, selectively presented, or not presented at trial, that was the underlying cause of his incorrect convictions, and resulting sentences.

It concealed the exculpatory separate-ness of the evidence, because no distinction was made between:

1.) the computer-generated June 5th, 2002-September 22nd, 2002 "print out" evidence; and

the non-computer generated "printed" April 1st, 2003 dates, that were added to them;

2.) the computer-generated March 13th, 2002-April 11th, 2003 "print out" evidence, from the Applicant's Microsoft Systems Computer, which had a "Windows Professional 2000" operating system, that was incompatible to the Apple Systems operating systems. See: Ex. "M", p. 92; and also Ex. "N", p. 94.

3) the computer-generated January 26th, 2003 - March 20th, 2003 "print-out" evidence, from the Applicant's "Quicksilver 2002" Apple Systems Computer, that did not contain the June 5th, 2002 - September 22nd, 2002 image data; and

4) the computer-generated March 10th, 2001 - October 3rd, 2002 data continuum, from an Apple Systems Computer "other than" the one the Applicant had, that did contain the June 5th, 2002 - September 22nd, 2002 "print-out" evidence.

The State elected to withhold information regarding the "other" computer or computers necessary to create the March 10th, 2001 - October 3rd, 2002 data continuum, that contained the June 5th, 2002 - September 22nd, 2002 image data, and "copy" it onto one (1) of the five (5) outboard hard-drives, at some later date. Ex. "Q", p. 103, line 14.

This in addition to,

the trial presentation of the "fictitious" April 1st 2003 dates, introduced for the first-time after the jury was sworn, "printed" next to each one of the 59- June 5th, 2002 - September 22nd, Ex. "R", pp. 106 - 108, supra.

2002 data particulars, without re-write times, to appear as if each one was re-written on April 1st, 2003, the last-day the Applicant had "possession" of his computer,

severely prejudiced the Applicant by preventing his trial attorney from preparing and presenting an effective defense.

WHETHER THERE WAS FALSE TESTIMONY

The State's Computer Expert stated, in trial testimony (T.T., p. 6, lines 3; 4; & 5) that OS-9 was the operating system of the Applicant's computer. See: Ex. "S", p. 114, line 3.

The false testimony ensued deep prejudice, by allowing the jurors to draw false and incriminating inferences, that the June 5th, 2002 - September 22nd, 2002 image data, said to be in OS-9, was on his OS-X computer.

See: Brady v. Maryland, 373 U.S. 83 (1963); United States v. Cronin, 466 U.S. 648, 657 104 S. Ct. 2039 - 44 U.S. (1984) and THE CONCEALMENT RULE.

WHETHER THE OUTCOME OF TRIAL WOULD HAVE BEEN DIFFERENT

The Applicant's Apple Systems Computer has been identified as a "Quicksilver 2002 model, which had a January 28th, 2002 public purchase availability date, Ex. "Q", p. 103, line 14),

that means,

the March 10th, 2001 - October 3rd, 2002 data continuum that contained the June 5th, 2002 - September 22nd, 2002 image data was not created on the Applicant's Apple Systems Computer, nor contained in its January 26th, 2003 - March 20th, 2003, interactive operating system environment. Ex. "P", pp. 99 - 100.

If not for the omission of computer model, and operating system information, the "false testimony" and "fictitious" April 1st, 2003 dates, introduced for the first-time, after the jury was sworn, Ex. "R", pp. 105 - 108.

the outcome of trial would have been different, because no reasonable juror, who knew the "real facts", would have found the Applicant guilty of "knowingly possessing" the alleged illegal image data.
Ex. "H", p. 72.

JURY INSTRUCTIONS:

The incomplete set of jury instructions that were read to the jury, (Ex. "I", p. 120) may be found in their complete context in the 3012-505 Motion To Arrest Judgment Record On Appeal, see also: Ex. "I", pp. 74-79.

The complete standard set, not read to the jury (Ex. T p. 121) may be found in the 3007-3283 Record on Appeal in its complete context.

Please note: neither set of instructions contained the "knowingly possessed" precedent, essential to § 827.071(5) on which the Applicant was tried and convicted. see also: Letter from the Public Defender's Office, dated October 16th, 2007, (Ex. "I", p. 119, par. no. 3), all of which may be found self-authenticated by "affidavit" in:

"Petition For Compulsory Judicial Notice" contained in the "Petitioner's Objections To Recommendations In The Magistrate's Report, filed on the 28th day of September, 2015, in the U.S. District Court, Southern District of Florida,

Case 1:13-cv-23797-MGC

Document # 20

Entered on the FLSD Docket
the 8th day of October, 2015.

WHETHER "LEGITIMATE" PROCEDURAL DUE PROCESS WAS DENIED AT TRIAL, AND ON DIRECT APPEAL

The "Knowingly Possessed Precedent" essential to violation of Fla. Stat. §827.071(5), on which the Applicant was tried and convicted, was not contained in either set of jury instructions.

59-"fictitious" April 1st, 2003 end dates were added to each of the 59-June 5th, 2002-September 22nd, 2002 image data particulars, as an additional particular, for the first time, after the jury was sworn.

ANALYSIS

Those issues were not considered on Direct Appeal, and the resulting "Affirmation would not pass the TOTALITY OF THE CIRCUMSTANCES TEST because,

the jury instructions, that lowered the standards for the State to obtain a conviction, and

the 59-"fictitious" April 1st, 2003 end dates, which allowed the jury to draw false and incriminating inferences, were not harmless errors.

WHETHER AN EVIDENTIARY HEARING ON THE THE EVIDENCE PREVIOUSLY DISCOVERED AFTER TRIAL, AND NEW EVIDENCE RECENTLY DISCOVERED, IS MANDATORY

There was an intentional omission and misrepresentation of material fact upon which the Applicant and his two(2) trial attorneys, who were computer illiterate, relied, to the Applicant's detriment.

Computer and operating system information was intentionally omitted from all computer-generated and non-computer generated computer evidence, presented and not presented at trial.

Misrepresentation of computer information presented in trial testimony, contaminated the exonerating separateness of the three(3) date continuums that passively concealed that the April 1st 2003 allegation "end dates", introduced for the first-time, after the jury was sworn, were non computer-generated, and "fictitious".

New information of the Applicant's Computer's public purchase availability date verifies, the charged image data was not created on his computer, nor was it ever contained in his computer's interactive operating system environment, where he could have "knowingly possessed" it.

WHETHER
AN EVIDENTIARY HEARING
IS NECESSARY TO DETERMINE
THE FOLLOWING:

1. THE FILE EXCHANGE PREFERENCE RESOURCE PAGE (Ex. "M", p. 92) was generated from the Applicant's Microsoft Systems Computer and not his Apple Systems Computer;
2. The allegation images were on an Apple Systems format, but not from "his" Apple Systems (Quicksilver 2002) Computer;
3. The 59-April 1st, 2003 dates, that were added to the 59-original June 5th 2002-allegation (image) dates, for the first time, after the jury was sworn, were not computer-generated;
4. The original 59-June 5th, 2002-September 22nd, 2002 allegation data was not a part of the Applicant's Apple Systems Computer's January 26th, 2003 - March 20th, 2003 data continuum, which was exclusive to his computer and its operating system environment; and
5. He could not have "knowingly possessed" the 59-allegation images on his computer, April 1st 2003, as charged and convicted; and he is factually innocent.

NEWLY DISCOVERED EVIDENCE "IDENTIFIED"

The Applicant's computer was specifically identified as an Apple Systems, Macintosh model G4/OS-X, "Quicksilver 2002" computer

It had a January 28th 2002 public purchase availability date.

that means:

the "Applicant's Apple Systems computer was not available throughout the March 10th, 2001 through January 27th 2002 dates contained in the March 10th, 2001-October 3rd, 2002 data continuum, that contained the June 5th, 2002-September 22nd, 2002 image data, on which he was tried and convicted.

The June 5th, 2002-September 22nd, 2002 image data was not created on his Apple System computer, nor were the images ever contained in its "exclusive" January 26th, 2003 - March 20th, 2003 interactive operating system environment, on April 1st, 2003, or at any other time.

He was without the capacity to have "knowingly possessed" them. He could not access them, view them, or ascertain their legality or, illegality.

DISCOVERY ANALYSIS

What distinguishes the "Quicksilver 2002" model computer, with its January 28th, 2002 release date, from all other Power Mac G4 models, including its predecessor, the "Quicksilver 2001" model, with its July 18th, 2001 release date, is its THREE LEVEL CACHE feature, Ex. "Q", p. 103, lines 17-21.

See: The THREE LEVEL CACHE LOGO, on the htm print-out page, generated from the Applicant's "Quicksilver 2002 computer, 3007-3283 R.O.A., p. 626; Evidence Vault Number - 200707144; and Ex. "U", p. 124.

IN CONCLUSION

Since the "Quicksilver 2001" model, would not accommodate the March 10th 2001 through July 17th, 2001 dates, and the "Quicksilver 2002 model would not accommodate the March 10th, 2001 through January 27th 2002 dates,

of the March 10th, 2001 - October 3rd, 2002 data continuum, which contained the June 5th, 2002 - September 22nd 2002 image data,

it would be safe to say, that the June 5th, 2002 - September 22nd, 2002 image data, on which the Applicant was tried and convicted,

could not have been created on any "Quicksilver" model computer.

The "fictitious" April 1st, 2003
"re-write date added to each
of the 59 - June 5th 2002 -
September 22nd, 2002 allegation
dates, for the first-time after
the jury was sworn,

denied the Applicant "legitimate
procedural due process at trial,
on appeal and throughout subsequent
proceedings, and the sentences
which resulted subjected him
to undue punishment,

contrary to the "fair trial", "cruel
and unusual punishment" and
"due process" clauses contained
in Amendments VI VIII; and XIV
of the United States Constitution,
and corresponding provisions
in the Florida Constitution.

See: "Fruit From The Poisonous
Tree Doctrine", Wong Sun V.
United States, 371 U.S. 471,
484 (1963).

JURISDICTIONAL STATEMENT

The Applicant is in custody as a result of a judgment rendered by a Florida State Court.

He seeks relief in the United States Supreme Court, on the grounds his imprisonment was the result of an unfair trial, in violation of his VIth, VIIIth, and XIVth Amendment rights, under the United States Constitution, and corresponding provisions in the Florida Constitution.

The United States Supreme Court has jurisdiction over this Petition.

The circumstances are sufficiently "exceptional" to warrant utilization of this Court's Rule 20.4(a), Title 28 U.S.C., § 2241(b) original habeas corpus jurisdiction.

See: Byrnes V. Walker, 371 U.S. 937, 83 S. Ct. 322, 9 L. Ed. 2d 277 (1962); and

Chaapel V. Cockran, 369 U.S. 869, 82 S. Ct. 1143, 8 L. Ed. 2d 284 (1962); IN RE: "DAVIS", cited as 130 S. Ct. 1 (2009).

REASONS FOR NOT MAKING A § 2254(b) APPLICATION TO THE U.S. DISTRICT COURT, SOUTHERN DISTRICT OF FLORIDA

It is a "matter of record" that the Applicant's § 2244(b)(ii) Application, filed on the 14th day of December, 2017, to the U.S. Court of Appeals, 11th Circuit, seeking permission to file a second or successive § 2254(b) Application in the U.S. District Court, Southern District of Florida, was denied on the 14th day of December, 2017, without provisions for reconsideration, Ex. "V", p. 127.

The Applicant filed his § 2244(b)(ii) Application, because the newly discovered evidence, and/or evidence information supports the facts of his underlying claims.

If proven to be true, and viewed in the light of the evidence as a whole, it would be sufficient to establish, by clear and convincing evidence, that if not for the constitutional error(s), no reasonable fact-finder would have found him guilty of the offense of which he was [incorrectly] convicted.

EXCEPTIONAL CIRCUMSTANCES WARRANT THE EXERCISE OF THIS COURT'S DISCRETIONARY POWERS

The Applicant is documented as "deceased", under seal in a document effecting an interest in property, in the Probate Division of a Florida State Court, and was committed to state custody in the Criminal Division.

IT WOULD BE AN AID TO THIS COURT'S APPELLATE JURISDICTION

Theoretically, if the court did not have the jurisdiction to commit him to state custody, the state court does not have the jurisdiction to release him.

ADEQUATE RELIEF CANNOT BE OBTAINED IN ANY OTHER FORM OR IN ANY OTHER COURT

State remedies have been exhausted, and the Applicant's § 2244 (b) (ii) petition has been denied, without provisions for reconsideration.

See: Ex. "V", p. 127, *supra*.

STATEMENT OF THE CASE

The Applicant was charged with, and convicted of "knowingly" possessing 59- (alleged) illegal, pornographic computer images, pursuant to Fla. Stat. § 827.07(5), in the Eleventh Judicial Circuit Court, of Miami Dade County Florida, on the 30th day of November, 2007, under case F04-12958.

See also: Ex. "B", pp. 50 - 53, supra.

He was committed to state custody, with his prison sentence under another case number, where the 20-year prison portion of his 20-year prison/20-year probation, split sentence under the 04-12958 case, exceeded the 15-year statutory maximum for the three (3), third-degree felonies under the 03-9000 case, as a violation of probation, after that probation was completed, terminated, and "assumed" finalized. See: Ex. "C", pp. 56 - 59, supra.

See: Valasquez V. Hillery, 474 U.S. 254, 263-64, 106 S.Ct. 617, 623 88 L. Ed 2d 598 (1986); and

Cox V. State, 407 So. 2d 633 (Fla. 3rd DCA 1981).

CONSTITUTIONAL VIOLATION ALLEGATIONS

The Applicant was denied a fair trial, due to Mistake of Facts presented at trial, in violation of the "Fair Trial Clause" contained in Amend. VI, he was subjected to cruel and unusual punishment due to his wrongful incarceration and a judicially approved, administrative-ly inoperative bond during the almost four (4)-years he was awaiting trial, in violation of the "Cruel and Unusual Punishment" and "Excessive Bail" Clause contained in Amend. VIII, and denied legitimate procedural due process due to the Mistake of Facts not only at trial, but on Direct Appeal, and throughout subsequent proceedings in violation of Amend. XIV of the United States Constitution, and corresponding provisions of the Florida Constitution.

RELIEF REQUESTED

The fundamental miscarriage of justice would be perpetuated by the continued incarceration of the Applicant who is [factually innocent. See: Ward V. Hall, 592 F.3d 1144, 1155-57 (11th Cir. 2010).

WHEREFORE, Michael Quattrocchi, the Petitioner, prays this Court,

conduct a hearing, or have one conducted, at which proof may be offered concerning the allegations in this Petition that the State does not admit, and

to issue a writ of habeas corpus to have the Petitioner brought before the court to the end that he may be discharged from his unconstitutional convictions and resulting sentences.

It is so prayed and respectfully submitted on this 5th day of

July A.D., 2018.

Michael E. Quattrocchi

MICHAEL EDWARD QUATTROCCHI

Petitioner

D.C. no. 0-MN-3508

s/o South Florida Reception Center

13910 N.W. 41st Street, D2-46

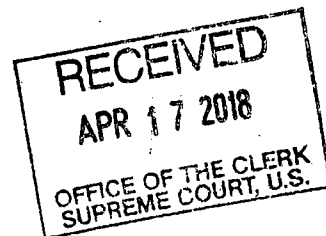
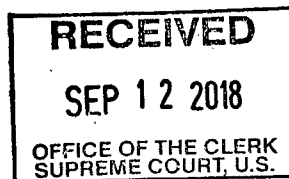
Doral, Fl. 33178-3014

No.

IN THE

Supreme Court of the United States

APPENDIX



My NAME

PROVIDED TO
SOUTH FLORIDA RECEPTION CENTER
on 04/09/18 FOR MAILING.

BY: [Signature]
OFFICER'S INITIALS

MICHAEL E. QUATTROCCHI
Petitioner in proper person.
D.C. no. O-M43508
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