

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

PROVIDED TO  
CHARLOTTE CI  
ON 10-18-18  
FOR MAILING

IN THE  
SUPREME COURT OF THE UNITED STATES

WILLIE J. SAFFORD - PETITIONER  
(Your Name)

vs.

STATE OF FLORIDA - RESPONDENT(S)

ON PETITION FOR WRIT OF CERTIORARI TO

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

**PETITION FOR WRIT OF CERTIORARI**

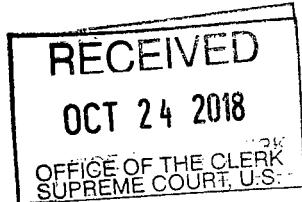
WILLIE J. SAFFORD  
(Your Name)

Charlotte Correctional Institution  
(Institution)

33123 Oil Well Road  
(Address)

Punta Gorda, FL 33955-9701  
(City, State, Zip Code)

None  
(Phone Number)



## **QUESTIONS PRESENTED FOR REVIEW**

Defendant asks this Court to review this matter about letting the Defendant return to the lower tribunal as to the statement that were made by Mr. Rodney Hartmyer, Mr. Jerry Gay and Mr. Robert Schran. And Defendant asks this Court to review that testimony of Mr. Hartmyer, and Mr. Robert Schran, and Mr. Jerry Gay. And Defendant asks this Court to review the testimony of Mr. Hartmyer, and Mr. Robert Schran, and Mr. Jerry Gay evidence in the testimony, as of aggravated battery. If the Court will reconsider, in this matter, a polygraph test will show that Mr. Rodney Hartmyer, Mr. Jerry Gay and Mr. Robert Schran all perjured in the trial. For the Jury to have found Defendant guilty as is of Aggravated Battery. By stating and testifying that, Mr. Hartmyer was punched in the nose by Defendant. Question (5) presented is that is it admissible to take an polygraph test after the fact that Defendant had just found out what had happened in the case, by the State using said statements from the discovery to place an Aggravated Battery, with the original charge of Aggravated Battery with a deadly weapon. Defendant asks this Court as to the Aggravated Battery to please send Defendant by to Court so that Defendant can take a polygraph test because a polygraph test would prove that Mr. Rodney Hartmyer, Mr. Jerry Gay and Mr. Robert Schran statement were false and it could show that perjury was used against Defendant for the State to have received a guilty verdict as of aggravated Battery...

## 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 proceedings in the court whose judgment is the subject of this petition is as follows:

Willie J. Safford: Defendant

Rodney Hartmyer: Victim

Jerry Gay: Witness

Robert Scharn: Witness

Judge: Phillip J. Federico (Circuit Court)

Judge: Black, Salario and Badalament (DCA Second District)

Attorney General: Pamila Jo Bondi, Helene S. Parnes

## TABLE OF CONTENTS

OPINIONS BELOW .....	1
JURISDICTION .....	
CONSTITUTIONAL AND STATUTORY INVOLVED .....	
STATEMENT OF THE CASE .....	
REASON FOR GRANTING THE WRIT .....	

## INDEX TO APPENDICES

**APPENDIX A** CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT OF THE STATE OF FLORIDA IN AND FOR PINELLAS COUNTY. DCA SECOND DISTRICT

**APPENDIX A**

**APPENDIX A**

**APPENDIX A**

**APPENDIX A**

## TABLE OF AUTHORITIES CITED

<u>CASES</u>	<u>PAGE NUMBER</u>
--------------	--------------------

AGGRAVATED BATTERY WITH DEADLY WEAPON

AGGRAVATED BATTERY

## STATUTES AND RULES

784.045 AGGRAVATED BATTERY

A Person commits aggravated battery who, in committing battery

- (1) Intentionally or knowingly causes great bodily harm, permanent disability, or permanent disfigurement; or
- (2) Uses a deadly weapon

(b) A person commits aggravated battery if the person who was the victim of the battery was pregnant at the time of the offense and the offender knew or should have known that the victim was pregnant.

## 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 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 appeals 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 Lower \_\_\_\_\_ court to review the merits appeals 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 district court of appeals appears decided my case was \_\_\_\_\_.

A timely petition for rehearing was thereafter 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 writ of certiorari was granted to an 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 8/22/18 \_\_\_\_\_.  
A copy of that decision appears at Appendix A \_\_\_\_\_.  
.

A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

An extension of time to file the petition for writ of certiorari was granted to an 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 FIFTH AMENDMENT**

“No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.”

### **UNITED STATES CONSTITUTION SIXTH AMENDMENT**

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

### **UNITED STATES CONSTITUTION FOURTEENTH AMENDMENT (SECTION 1)**

“All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. 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.”

## **STATEMENT OF THE CASE**

On April 22, 2010, Mr. Rodney Hartmyer, Mr. Jerry Gay and Mr. Robert Schran gave statements to Officer Laliberte that Mr. Hartmyer's was punched by Defendant. And that Defendant had hit Mr. Hartmyer with an barstool. Due to the statement that were given, that Mr. Hartmyer was punched the state in the lower tribunal tried the case as an aggravated battery with a deadly weapon. Mr. Rodney Hartmyer, Mr. Jerry Gay and Mr. Robert Schran alsohad testified to the punch at Defendant's trial which was on May 12, 2011. The punch is what's the main issue in this case the punch is what's allegedly cause the break to the nose of Mr. Hartmyer. Because of Mr. Rodney Hartmyer, Mr. Jerry Gay and Mr. Robert Schran statements the State added and tried the case a Aggravated Battery... Defendant had asked the lower tribunal to bring Defendant back for an polygraph test, the lower tribunal had dismissed and Defendant appealed to the DCA Second District and was P.C.A,[ed]. In Defendant's trial Defendant had admitted to hitting Mr. Hartmyer with a barstool and denied punching Mr. Hartmyer, the main fact in the Defendant's case is that Mr. Hartmyer and a polygraph test would prove that Mr. Rodniey Hartmyer, Mr. Jerry Gay and Mr. Robert Schran all committed perjury for the State to get an conviction for Aggravated Battery...

## **REASONS FOR GRANTING THE WRIT**

As I would wish that this Court grant this petition. Is for the reason that during trial Defendant didn't have the opportunity to see what was going on with the State using the statements of Mr. Rodney Hartmyer, Mr. Jerry Gay and Mr. Robert Schran that Mr. Hartmyer was punched, Defendant was giving a chance to postpone the trial to get depos but had refused maybe that would have helped Defendant but as for the reason that Defendant feels this petition should be granted is because Defendant have been incarcerated in prison for over seven years and in that time Defendant have exhausted all remedies to fluke grounds to the courts in this matter... now Defendant feels that this motion is on the right path, by Defendant catching what's happened in Defendant case. Defendant is hoping that this Court will grant this motion due to the facts that a polygraph test would show that Mr. Rodney Hartmyer, Mr. Jerry Gay and Mr. Robert Schran all perjured in Defendant trial for the State to receive a guilty verdict for Aggravated Battery. If the Court grants this motion for that reason, then maybe Defendant would be granted a new trial based on the theory that Mr. Rodney Hartmyer, Mr. Jerry Gay and Mr. Robert Schran want to go back to the Court to do an Affidavit affirming their guilt. Defendant is trying to right their wrong for perjury.

## CONCLUSION

The petition for writ of certiorari should be granted.

Respectfully submitted,

Willie Safford

Charlotte Correctional Institution  
33123 Oil Well Road  
Punta Gorda, FL 33599

Date: 10/18/18