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18-6627

IN THE

SUPREME COURT OF THE UNITED STATES

FILED

JUL 17 2018

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

DAVID T. CURRY — PETITIONER  
(Your Name)

vs.

State of Florida — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

4<sup>th</sup> District Court of Appeal, State of Florida  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

DAVID T. CURRY #106409

(Your Name)

Hamilton Corr. Inst. - Annex  
10650 S.W. 46<sup>th</sup> Street

(Address)

Jasper FL 32052-3735

(City, State, Zip Code)

\_\_\_\_\_  
(Phone Number)

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SUPREME COURT, U.S.

QUESTION(S) PRESENTED

1) Where A State Appellate Court Takes The Time To Issue A "Written Opinion" Should They Be Required To Address Every Issue That Was Presented When they Pertain to other Charges?

2) Does Meaningful Access To The Court Require Addressing Every Issue Presented In A Direct Appeal Setting?

## 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) Supreme Court of Florida

2) 19<sup>th</sup> Judicial Circuit Court In And For Saint  
Lucie County, Florida

3) 4<sup>th</sup> District Court of Appeals

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**TABLE OF AUTHORITIES CITED**

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**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☐ is unpublished.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☐ is unpublished.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 \_\_\_\_\_ 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 4<sup>th</sup> District Court of Appeal court appears at Appendix A to the petition and is

☐ reported at 4D15-462; 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 April 18<sup>th</sup>, 2018  
A copy of that decision appears at Appendix D.

☐ 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 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

4<sup>th</sup> Amendment, The Right To Be Free From Unreasonable Search And Seizure

5<sup>th</sup> Amendment, The Right To A Fair Trial, To Call And Confront Witnesses

6<sup>th</sup> Amendment, The Right To Effective Assistance Of Counsel

8<sup>th</sup> Amendment, The Right To Be Free From Cruel And Unusual Punishment

9<sup>th</sup> Amendment, The Right To Equal Application of The Law

14<sup>th</sup> Amendment, The Right To Due Process



## STATEMENT OF THE CASE

The Petitioner proceeded to jury trial as fully set forth in the Appellate Court's "Written Opinion" (see: Appendix "A").

In the Petitioner's Amended Initial Brief, he set forth four (4) issues for consideration, but, the Appellate Court failed to address each issue presented by ignoring issue 2, 3 and 4 (see: Appendix "B", Amended Initial Brief; and Appendix "A", Corrected Written Opinion).

The Petitioner's Appellate Attorney fail to timely notify the Petitioner of the Appellate Court's "Written Opinion" that failed to address issue 2, 3 and 4 so that the Petitioner could seek a timely Rehearing and petition the Appellate Court to address all the merits that were raised in 2, 3 and 4; Then, if necessary, timely invoke the Florida Supreme Court's Jurisdiction (see: Appendix "C", Appellant's Jurisdictional Brief).

This caused the Florida Supreme Court to decline to accept Jurisdiction (see: Appendix "D", Florida Supreme Court's decision).

The Petitioner requested a Faretta hearing, prior to trial in Circuit Court, where the requirements of Faretta were not followed and the Petitioner was forced to trial with ineffective Counsel (see: Appendix "E", Motion for Faretta hearing).

The Petitioner's Federal Constitutional Rights were violated by the Appellate Court's failure to address each issue raised for relief. U.S.C. 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 8<sup>th</sup>, 9<sup>th</sup> and 14<sup>th</sup> amendments.

The Petitioner would assert that the Questions presented effect a large class of litigants within Florida — and possible other states — when Courts fail or refuse to address ALL claims presented to the Court, and thus, this Honorable Court should accept jurisdiction and correct this manifest Injustice.

### REASONS FOR GRANTING THE PETITION

1) The case at bar presents an opportunity to make a uniform rule that would require, when a "Written Opinion" is issued, that ALL ISSUES for relief be addressed on the merits raised. The search for truth and justice can only be accomplished when ALL relevant facts presented to the Court are addressed. Failure to address all claims raised would cast doubt on the entire process by which the findings was reached, and hence, on the correctness of the findings.

2) In the interest of justice that can only be fully obtained when all issues presented to the Court are addressed.

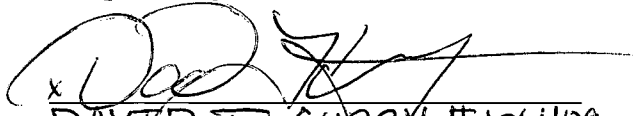
This present writ was prepared pursuant to doctrine of Johnson v Avery, 393 U.S. 483 (1969) for the Petitioner by a "Fellow Inmate/Next Friend" who is also a layman at the law and as seeks this Honorable Court's indulgence in viewing this pleading with the less stringent standards than pleadings that were drafted by bar certified attorneys.

Pro se motions are to be liberally construed regardless of how inartfully they are pleaded, Haines v Kerner, 404 U.S. 519 (1972).

#### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

  
x DAVID T. CURRY #106409  
Date: July 16<sup>th</sup> 2018