

No. 18-0462

In The

Supreme Court of the United States

WILLIAM JAMES TRYESDALE,

Petitioner,

v.

STATE OF FLORIDA, STATE ATTORNEYS,

DEFENSE ATTORNEYS, COURT REPORTERS,

SECRETARY-FAAR, FARR PRISON OFFICIALS, et al.,

Respondent(s).

INTERLOCUTORY PETITION FOR REHEARING
TO THE CHIEF JUSTICE:

Pursuant to the Act(s) of Congress of 1791, 1868,
1871, 1873, 1875 accordance with Article 1, Section 21 of
Florida Constitution and Supreme Court Rule 44.-

PRO SE

(Inmate) ACH 129643

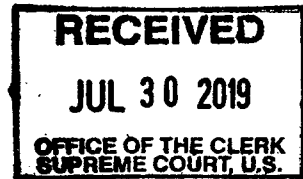
WILLIAM JAMES TRYESDALE

PROCEED IN FORMA PAUPERES Okeechobee Correctional Inst.

3420 N.E. 168th Street

PETITIONER

Okeechobee, Florida 34972-4826



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QUESTIONS PRESENTED

Whether Truesdale's constitutional rights to due process of law as well as equal protection of law been violated pursuant to the Act of Congress of 1791, 1868, 1871, 1875 accordance with Article 1, Section 16, of Florida Constitution as well as Article 1, Section 9, 16, 21, of Florida Constitution, review of evidence relevant to a Batson Challenge satisfies its obligation under step three of the Batson inquiry to consider "all of the circumstances that bear upon the issue of racial animosity".

Whether Prison Officials have denied Truesdale access to the Courts, to state his claims, was proven with numerous of grievance procedures submitted and issues in Truesdale prior Appellant Exhibits filed to the Courts. -

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CONTROLLING PRINCIPLES OF LAW

Amendment IV [1791]

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by and Oath or affirmation, and particularly describing the place to be searched, and the persons or thing to be seized,

Amendment V [1791]

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.

Amendment VI [1791]

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 and have Assistance of Counsel for his defense.

Amendment XIV [1868]

Section 1. All person 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 laws.

This amendment also gave Congress the power to enforce these provisions, leading to legislation such as the "Civil Rights Act".

V

Article 1, Section 21

Pursuant to Article 1, Section 21, of the Florida Constitution guarantee the defendant a Constitutional Right to access to Court, under said law the Court shall be open for redress of any injury, and Justice shall be administered without sale, denial or delay under Florida Law there is a two step test to determine if a defendant is being denied access to Court: (1) if the challenged sanction obstructs or infringes the Defendant's access to Court to any significant degree then the defendant's right is violated, Florida Courts have addresses the scope of the access-to-Courts Provision found in the Florida Constitution on many occasion, the Court held; (2) the right to go to Court to resolve disputes and injury is one of our fundamental right. The Court held that where the right of access to the Court for redress for a particular injury has been provided by Constitution Law. The Court is without power to abolish such a Constitutional right without providing a reasonable alternative way to protect the Right of the defendant. To redress injuries.

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Petitioner William James Truesdale, "petition" the United States Supreme Court "CHIEF JUSTICE," for an INTERLOCUTORY PETITION FOR REHEARING TO THE CHIEF JUSTICE: The Petitioner pursuant to the ACTS of Congress of 1791, 1868, 1871, 1873, 1895 in accordance with Article I, Section 2 of Florida Constitution and Supreme Court Rule 44.

Petitioner Truesdale refer this Honorable Court, to keep in mind, this "Rehearing" set grounds pursuant to the "Abuse of Process Rules" claims or grounds for his unconstitutional conviction as part of the grounds set forth in his [Section 42 U.S.C. § 1983 Action], with sought, among other things, compensatory, punitive and monetary damages, which also seeks [injunctive-relief], where damage challenged the legality of conviction, although, neither conviction nor sentence had been reversed on direct appeal, expunged by executive order, declared invalid by state tribunal authorized to make such determination, or called into question by Federal court's issuance of writ of habeas corpus. 42 U.S.C.A. § 1983; 28 U.S.C.A. § 2254.

Petitioner Truesdale claims that respondents acting under color of State law, had engaged in an unlawful act that led to his arrest and conviction. This unlawful act cross over into color of Federal laws.

That this unlawful act set forth a trial conviction obtain by "racial bias" jury selected and impanel of seven (7) White Females, to tried an ("Black-male") African-American that was accused of one count of second-degree murder of a ("Black-female") African-American descent.

This case also arises from a ("BRIEF'S Booklet") S.Ct. No. 16-1187 40. Copies Filed March 31, 2017 by BOCKLE Legal Briefs prepare by Mr. Michael Hursey, P.A. (Law Firm) Counsel for Petitioner William James Truesdale ("Appeal") on Petition for A Writ of Certiorari To The United States Court of Appeals For The Eleventh Circuit; 11th Cir. Ct of App. Case No. 16-11010-C; (LUSDC) Docket No. 8113-cv-03029-CEH-MAP, Denied by the Clerk, not the Nine (9) Justice's on June 5, 2017.

Petitioner Truesdale's case, lies at the intersection of four, fertile sources of Federal-court prisoner litigation as pertinent by statutes: (1) the Federal Habeas Corpus Statute, 28 U.S.C. § 2254; (2) the Illegal Antiterrorism and Effective Death Penalty Act ("IAEDPA") of Congress of April 24, 1996, 110 Stat. 1214; (3) the Civil Rights Act of Congress of 1871, Rev. Stat. § 1979, as amended, 42 U.S.C. § 1983; and (4) Civil Rights Act of Congress of March 1, 1875, 18 Stat. 335, Civil Rights Cases of 1883 (citing Civil Rights Act of Congress of 1871 encompass state-court judgment or decisions, whether they be civil or criminal.

In *Carey v. Piphus* , 435 U.S. 247, 257-258, 98 S.Ct. 1042, (1978), The Supreme Court, Mr. Justice Powell, held that: (1) damages awards under the Civil Rights Act of 1871 should be governed by the principle of compensation; (2) rule governing compensation for injuries caused by the deprivation of constitutional rights should be tailored to the interests protected by the particular right in question; (3) Procedural due process rules are meant to protect persons not from deprivation of life, liberty or property. U.S.C.A. Const. Amend. 14.

(4) Mental and emotional distress cause by denial of procedural due process itself is compensable under Civil Rights Act of 1871; and (5) Denial of procedural due process should be actionable for nominal damages without proof of actual injury. 42 U.S.C.A. § 1983; U.S.C.A. Const. Amend. 14.

In *Collins v. Walker*, 335 F.2d 417 (1964), the actual holding in *Cassell v. Texas*, 339 U.S. 282, 70 S. Ct. 629 (1950), has been digested accurately in 31 Ann. Jur., Verbo Jury § 98, as follows: "Discrimination in selecting a jury on racial grounds means purposeful, systematic noninclusion because of color. The Supreme Court earlier stated the same rule in this manner:

*** What an accused is entitled to demand, under the Constitution of the United States, is that, in or organizing the grand jury as well as in the impaneling of the petit jury, there shall be no exclusion of his race, and no discrimination against them, because of their race or color. *Martin v. State of Texas*, 200 U.S. 316, 26 S. Ct. 338 (1906);

5

Petitioner Truesdale have stated numerous of times, that I also mailed David F. Ranck, Esq. and his (Title Company) The Miami Criminal Defense Firm, my "only set" of my Trial Transcript Proceedings Transcribe, that I send Mr. Ranck, all my (Motions, Petitions, Notices or Complaints) I filed in the State Courts, (including The Florida Bar 264 Pages Complaint with 44 Exhibits) filed to The Florida Bar and Appellate Counselors.

That's it's no-way, this United States Supreme Court, with all the (Records) petitioner Truesdale have filed this Honorable Court, I going to ever believe, this Honorable Court, can't see the illegal "Misconduct of Justice" or the violation of my rights to Due Process or Equal Protection of Laws, pursuant to the Constitutional Amendments, as well as my civil rights, under the Act of Congress violated. Mr. Ranck, received my legal documents and Trial Transcript Proceedings in (2009). But holded my Legal Document until (Jan 27, 2011) before, he return them, deliberately (Time-Barred) my case,

Mr. Hursey, (Law Firm) received my Trial Transcript Proceedings Transcribe and Legal Documents, December 2016, and March 31, 2017 they file 40 copies of a BAEFF'S Booklet with COCKLE Legal Briefs No. 16-1787.

Other words, it took them less than Four Months to challenges Thuesdale Batson "Objection"; The same "Records" both Appellate Attorneys, Mr. Ronck, and his (Law Firm) review, refusing to address the Batson claims.

See [AP] Associated Press Jeff Amy story from Jackson, Mississippi June 21, 2019 20:44
 Flowers v. United States — U.S. — (2019)
 Court tosses black man's murder conviction over racial bias. The removal of black prospective juror deprived inmate Curtis Flowers of a fair trial, the court said in a 7-2 decision written by Justice Brett Kavanaugh. The Supreme Court tried to stamp out discrimination in the composition of juries in Batson v. Kentucky, 476 U.S. 79 (1986)

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I refer this Honorable Court, to it ruling in
Wollice v. Kato, 549 U.S. 384, 388-390 (2007) (quoting
Allen v. McCurry, 449 U.S. 90, 95-96 (1980), where
Justice Stewart, held a Federal court gives preclusive
effect to constitutional determinations as to issues
already litigated in state court). Moreover, an
appropriate equitable tolling principle would apply
not only to state criminal proceedings as here, but
also to state appellate proceedings, state collat-
eral attacks and Federal habeas proceedings.

Again, I refer this Court to review (Appellant
Exhibit E Register of Actions Case No. 0525009 (FANO)
Pages 4 of 15, 5 of 15 and 6 of 15 citing Wollice and
Allen, Truestale criminal conviction is [TOLLED]
where these "Sue/Weaver(s) was never ("Response
Too, or Detained") by the Trial Court, nor does
a Act of Congress or Constitutional Claim, can
be (Barred), given this Court Jurisdiction.

The "ruling" of this panel of nine Justices,
should also reflect, the decision(s) of prior justices.

Apply this analysis to *Truesdale* case, upon Russell loose language was used to effect that; an accused is entitled to have charges against him considered by a jury selection of which there has been neither inclusion nor exclusion of his race because of race or color.

In *Holman v. Hilton*, 712 F.2d 854 (3rd Cir, 1983) (statute prohibiting suits by prisoners against state official held unconstitutional). James Hunter, III, Circuit Judge, held that New Jersey's statute which prohibits prisoners from bringing action against public entities or employees until they were released from confinement deprived prisoner sentenced to life imprisonment a protected interest in bringing action against the state under the state tort claims.

Please keep in mind, the 190 of the cases this court answer, as a "poor-man" in prison, with out access to "Protesters or Internet", protesting in front of you building on my behalf, I have a right to be heard on the legal merits of my case's.

REASONS FOR GRANTING THE REHEARING

A. The Acts of Congress call into question(s) and the Constitutional Amendments(s) reciting that 28 U.S.C. § 2403(c) may apply.

At issue here, the Civil Rights Act of Congress governing by the principles pursuant to due process of law and equal protection of law, citing *Covey v. Phipps*, 435 U.S. 247; *Collins v. Walker*, 335 F.2d 417; *Cassell v. Texas*, 339 U.S. 282; & quoting *Martin v. Texas*, 200 U.S. 316; *Strouder v. West Virginia*, 100 U.S. 303 grand jury as well as petit jury, there shall be no exclusion of his race, and no discrimination against them, because of their race or color.

CONCLUSION

The Eleventh Circuit's decision to let stand the state trial court's Botson ruling, squarely conflicts with decisions from the Second, Third, Seventh, and Ninth Circuits, hold that step three Botson inquiry cannot be satisfy merely by engaging in a perfunctory exercise.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this foregoing INTERLOCUTORY PETITION FOR REHEARING TO THE CHIEF JUSTICE: Pursuant to Supreme Court Rule 44 and all other applicable rules that applied. That also contain notarized affidavit or declaration in compliance with 28 U.S.C. § 1746 have been served to the following:

- | | |
|-------------------------------|-----------------------------------|
| 1) Supreme Court of the U. S. | 2) Solicitor General of the U. S. |
| Office of the Clerk | Room 5416 Dept. of Justice |
| One First Street N.E. | 950 Pennsylvania Ave., N.W. |
| Washington, DC 20543-0001 | Washington, DC 20530-0001 |

- 3) Ashley Moody - AG, Office of the Attorney General
The Capitol PL-01 Tallahassee, Florida 32399-2500

I declare, I also served the Solicitor General, a copy of R. Michael Hursey, P. A. BRIEFS AND MY CERTIFICATE.

PRO SE

C Enmote) DEH: 129643

WILLIAM JAMES TRUESDALE

PROCEED IN FORMA PAUPERES Okeechobee Correctional Inst.

3420 N.E. 168th Street

PETITIONER

Okeechobee, Florida 34972

NOTARIZED AFFIDAVIT OR DECLARATION

UNDER DECLARATION PENALTIES OF PERJURY, I,
William James Truesdale, certify that I read and
write English (my native language), and I have read
and written this foregoing "REHEARING" to the Chief
Justice. The facts herein are true and correct.

William James Truesdale DC# 129643
Prisoner (Signature)

July 11th 2019
Date

STATE OF FLORIDA

COUNTY OF _____

THE FOREGOING INSTRUMENT WAS SWORN OR AFFIRMED
before me, WILLIAM JAMES TRUESDALE who is _____
personally known to me, or _____ provided me with the
following means of personal identification. _____

IN WITNESS WHEREOF, I have hereunto set my hand
and affixed my seal this _____ day of _____, 2019.

NOTARY PUBLIC

Commission expires

**Additional material
from this filing is
available in the
Clerk's Office.**