

U.S.
No. 18-8462

ORIGINAL

Supreme Court, U.S.
FILED

MAR 08 2019

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

William James Truesdale — PETITIONER
(Your Name)

State of Florida, Prosecutors,
Defense Attorneys, Secretary-FOC, vs.
FOC Prison Officials, et al., — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO
The United States Court of Appeals
For The Eleventh Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

WILLIAM JAMES TRUESDALE DC# 129643
(Your Name)

Okeechobee Correctional Institution
(Address)

3420 N.E. 168th Street, Okeechobee, FL 34972
(City, State, Zip Code)

141A
(Phone Number)

QUESTION(S) PRESENTED

Whether the erroneously admitted evidence reviewing objectively in light of the entire record before the jury, was sufficiently material to provide the basis for conviction or to remove a reasonable doubt that would have existed on the record without it. In short it must have been "crucial critical, highly significant" purpose of accomplishing some concerted action was plan or design, that denied Truesdale a fundamentally fair and unbiased trial, exculpatory evidence. -

Whether deliberately withholding existence exculpatory evidence, fabricating the original Pinellas County Florida Sheriff's Office Jail Visitation Video-Tapes, that splice or altered evidence, knowingly fabricated or conspiracy at trial, by the state and defense attorneys, reasonable likelihood exists that the false evidence would have affected the decision of the verdict, is an error so pervasive as to have denied Truesdale a fundamentally fair, unbiased trial. The erroneously admitted reviewed objectively in light of the entire record before the jury as well as the entire video-tapes, sufficiently material provide the basis for conviction or to remove a reasonable doubt that would have existed on the record if the entire video-tapes was played and not splice, altered or docket. -

Whether the REGISTER OF ACTION Case No. 0525009CF AND Truesdale's "NOTICE OF INTENT TO SUE / WAIVER OF SOVEREIGN IMMUNITY'S" Pursuant to Florida Statute 768 in accordance to [Section 42 USC § 1983] Filed In The Circuit Court of the Sixth Judicial Circuit, In And For Pinellas County, Florida (Trial Court) never "detained or response too," by the Trial Court "TOZZED" Truesdale entire state conviction under the "equitable tolling" principle. -

QUESTION(S) PRESENTED

CONTINUAL - PAGE

Whether Florida Department of Corrections Prison Officials have "DENIED" Truesdale a Fundamentally rights under the Constitution of the United States and Florida, The United States District Court's as a cover-up, by the Clerk's of the United States Appeal Court, "Fraudulent Claim of Dismissal," Truesdale (June 5, 2018 DE #11 Demand For A Jury Trial) Clerk's Order "ENTRY OF DISMISSAL" December 10-2018, Clerk's Order "RETURNED UNFILED" December 18-2018, Clerk's Order "RETURNED UNFILED" December 18, 31, 2018 Denying Truesdale his Due Process of Equal Protection right to "ESTABLISHING A RECORDS". -

R. Michael Hursey, P.A. (BRIEFS) Question Presented

PERTINENT :

Whether a state trial court's brief colloquy and abbreviated 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. Snyder v. Louisiana, 552 U.S. 472, 478 (2008).

This Briefs Case No. 16-1187 In The Supreme Court of The United States "PETITION FOR A WRIT OF HABEAS CORPUS" March 30, 2017 DENIED June 5, 2017 without being place on the court docket sheet before the "JUSTICES" of the court to decide on its legal merits, is an error so pervasive as to have denied Truesdale a Fundamentally Fair review that existed on the record at trial.

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:

All parties do appear in the body of the Appendixes in the LIST OF PARTIES SEPARATE PROVIDED TO CHARLOTTE CORRECTIONAL INSTITUTION ON APR 11-2016 FOR MAILING WJT Filed April 11, 2016 "Missing" title pages pertinent in part:

U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT
CERTIFICATE OF INTERESTED PERSONS
AND CORPORATE DISCLOSURE STATEMENT

Appeal No. 16-11010-C See Appendix _____
Case Style: William Truesdale v. State of Florida, et al
District Court Docket No. B:13-cv-03029-REH-MAP

And some of the same parties and other also appear in the body of the Appendixes of the second LIST OF PARTIES SEPARATE PROVIDED TO OKEEHOBEE CORRECTIONAL INSTITUTION ON 6-5-18 FOR MAILING _____ WJT, this title pages pertinent in part:

U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT
CERTIFICATE OF INTERESTED PERSONS
AND CORPORATE DISCLOSURE STATEMENT

Appeal No. 18-14778-D See Appendix _____
Case Style: William Truesdale v. State of Florida, et al
District Court Docket No. 1718-cv-22286-JEM

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 Fed R. Civ. P. Rules 38 (4)(b) Demand Jury Trial / 702 Expert Testimony
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Appendix A 11th Circuit Court of Appeal docket sheet

Appeal No. 18-14778-D

Case Style: William Truesdale v. State of Florida, et al

District Court Docket No. 1:18-cv-22286-JEM

Clerk's Entry of Dismissal December 10, 2018

Order by Clerk 11th Circuit Court of Appeal

RETURNED UNFILED: Re: Inquiry - Correspondent

Filed December 11, 2018 with Appendixes

Grievance Procedures December 18, 2018

Order by Clerk 11th Circuit Court of Appeal

RETURNED UNFILED: Motion for extension of

time with Appendixes (USDL) Southern District of

Florida Document #: 4 and Document #: 9 with

FDOC TRUST FUND ACCOUNT STATEMENTS, To the

Federal Prison Litigation Filing Fee's

Appeal No. 18-14778-D, Dkt. No. 1:18-cv-22286-JEM

Date Filed December 21, 2018

Date Returned December 21, 2018

Order by Clerk 11th Circuit Court of Appeal

RETURNED UNFILED: Notice of Appeal, to Filed

Petition for A writ of Certiorari in the

United States Supreme Court

Date Filed January 10, 2019

Date Returned January 18, 2019

Appeal Number: 18-14778-D

Case Style: William Truesdale v. State of Florida, et al

District Court Docket No. 1:18-cv-22286-JEM

Appendix B

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CONTINUANCE

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001
February 21, 2019

RE: Truesdale v. Florida, et al.

USCA 11 No. 18-14778 1 Correspondance

PETITIONER'S APPLICATION TO FILE PETITION FOR A WRIT
OF HABEAS CORPUS: Clerk's "ENTRY OF DISMISSAL" December 10-
2018; Clerk's Order "RETURNED UNFILED" December 18-2018;
Clerk's Order "RETURNED UNFILED" December 31-2018 and
"APPENDICES RETURNED" December 18-31, 2018 Denying
Truesdale his Due Process of Equal Protection Rights to
"ESTABLISHING A RECORDS"

Returned Appendix A

11th Cir. Ct. of App. (Ala.) Ga docket sheet Case No.
18-14778-D Petitioner Truesdale December 11-2018
Re: Inquiry - Correspondent, "RETURNED UNFILED"
And APPENDIX" attached clerk's order December 18-2018

Returned Appendix B

11th Cir. Ct. of App. (Ala.) Ga Truesdale December 21-2018
Application To Prison Litigation Debt with FDOC Trust Fund
Account statements "RETURNED UNFILED" Clerk's Order
December 31-2018 with APPENDICES RETURNED UNFILED"

Returned Appendix C

Assistant State Attorney Document 14 Filed 03/27/14
RESPONSE NOTICE OF FILING EXHIBITS
Case No. 8:13-cv-03029-SDM-MAP

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Ralph Michael Hursey, P.A. (Law Firm) and ROCKLE
Legal Briefs (Application and copy of Briefs)

Returned Appendix E

Pinellas County, Florida Forensic Technical Brent
G. Goodman Sworn Deposition, with attached copy of
EXHIBIT H scale from the crime scene of the
Newport Cigarette other evidence's

Returned Appendix F

Petitioner's Truesdale (Appendix F) 11th Cir. Ct.
of App. (Ala.) Ga Clerk's Order "RETURNED UNFILED"
January 18-2019 Petitioner January 10-2019 "Notice
of Appeal" Case No. 18-14778-D to the U.S. Supreme
Court Honorable Circuit Justice Clarence Thomas

Returned Appendix G

Petitioner Truesdale Defendant's Motion Requesting
Public Records "Exculpatory Evidence" Denied

Returned Appendix H

6th Judicial Circuit - Pinellas County, Florida
Trial Court and State Response's

EXHIBIT A Order Striking In Part Defendant's
Motion For Records; Order Dismissing In Part March 11-2008;
EXHIBIT B Order Striking Defendant's Motion Requesting
Public Records; Order Striking Motion For Records;
Order Striking Notice of Request For Records March 20-2008;
EXHIBIT C Order Denying Defendant's Motion To Supply;
Order Denying Defendant's Motion To Compel; Order
Denying Defendant's Discovery And Disclosure

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EXHIBIT D State Response To Defendant's Motion To Compel Disclosure of State Attorney Jury Selection Data February 26-2009;
EXHIBIT E Order Denying Defendant's Motion In Limine, Motion For Discovery And Disclosure, Motion To Supply Form of Affidavit And Subpoena, Motion of Non-compliance April 07-2009;
EXHIBIT F Order Denying "Defendant's Motion Requesting Public Records"; Order Denying "Defendant's Motion Requesting Records From Attorney's"; Order Denying "Defendant's Motion For Postconviction Relief To Obtain DNA Testing, Seeking Immediate Release From False Imprisonment July 21-2011; and
EXHIBIT G Order Denying Defendant's Motion For Postconviction Relief July 22-2011

Appendix C DEPOSITION OF STEPHANIE STEWART
FDLE Forensic Technical (Tampa Division)
July 9, 2008

Appendix D Petitioner Truesdale Response With Money Orders
To State Response To Public Records

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Appendix E DEFENDANT'S EXHIBIT IN EVIDENCE
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Appendix F TRIAL TRANSCRIPT PROCEEDINGS
(T: 533-554, 609-622, and 934-945)

Appendix G REGISTER OF ACTION, Page 10 of 15 - Page 15 of 15
Case No 0526009 CRANO, EALOS-25009 CRANO

Appendix H COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(Prisoner Complaint) (DEF: 1 June 5, 2018)
April 11, 2016

Appendix I PETITIONER FILING DOCUMENTS PERTINENT
MOTION FOR PERMISSION TO APPEAL IN FORMA
PAUPERES, WITH AFFIDAVIT OF INDIGENCY FORMS;
PETITIONER STATE ISSUES ON APPEAL, PURSUANT
TO DENIAL OF CONSTITUTIONAL RIGHTS UNDER
BATSON CLAIMS AND JURY PERJUDICE. -
April 11, 2016

Appendix J U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT
CERTIFICATE OF INTERESTED PERSONS
AND CORPORATE DISCLOSURE STATEMENT
December 3, 2018

Appendix K U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT
CERTIFICATE OF INTERESTED PERSONS
AND CORPORATE DISCLOSURE STATEMENT

A
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July 03, 2018

Appendix L (AMEND'S) COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(Prisoner Complaint)

Re: Affidavit From AC Confinement of (Inmate)
De # 129643 William James Truesdale and
Witness (Inmate) De # T 37335 Dudley Lawrence
Davis, Truesdale being force to sleep on Floor. -

September 10, 2018

Appendix M Re: Subpoena or Subpoena Duces Tecum & Notice). -
(SUBPOENA)

Plaintiff William James Truesdale in the above entitled
cause proceed Pro-Se, and pursuant to Florida Statute
chapter 119 Public Records Act (4) S.U.S.C. § 552 The
Freedom of Information Act (FOIA) ordering the
Defendant's to preserve and release specific
documents or recordings evidences and Prison
Officials and unknown Prison Officials or Witnesses

Appendix N Formal Grievance Log No. _____ Date Feb 22-2019
Informal Grievance Log No. 404-1902-0040 Date 02-04-19
Inmate Request Date 01-31-19 (STAMPS) on Envelopes
Mail Room "Memo" with Four (4) Envelopes Cover's

Appendix O Formal Grievance Log No. _____ Date Mar. 04-2019
PART B-RESPONSE-Formal Grievance 1902-404-098 2-25-19
Informal Grievance Log No. 404-1902-0115 Date 02-13-19
Inmate Request Date 01-28-2019

November 22, 2018

Appendix P Re: Inquiry, Complaint The Florida Bar
Against David F. Runk, Esq.

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 A to the petition

The Petitioner Truesdale January 29, 2019 (Appeal) Title page pertinent in part:

PETITIONER'S APPLICATION TO FILE PETITION FOR A WRIT OF CERTIORARI: Clerk's "ENTRY OF DISMISSAL" December 10, 2018; Clerk's Order "RETURNED UNFILED" December 18, 2018; Clerk's Order "RETURNED UNFILED" December 31, 2018 and "APPENDICES RETURNED UNFILED" December 18-31, 2018 Denying Petitioner Truesdale his Due Process of Equal Protection Rights to "ESTABLISHING A RECORDS". see S.Ct. R. 13.1, 3. The jurisdiction of this Court is invoked under 28 U.S.C. §§ 1651, 1915 and C] in accordance to 11th Cir. R. 41-4, R. 42-1(Lb), R. 41-2 and R. 41-3. -

Supreme Court of the United States RETURNED February 21, 2019
RE: Truesdale v. Florida, et al.

USCA 11 No. 18-14778 1 "RETURNED APPLICATION WITH APPENDICES A, B, C, D, E, F, G, AND H, appear at Appendix B -

JURISDICTION

[] For case From Federal courts:

The date on which the United States Court of Appeal decided my case was December 10, 2018
Case Style: William Turesdale v. State of Florida, et al
District Court Docket No. 1:18-cv-22286-JEM
Clerk's Entry of Dismissal for Failure to prosecute in the above referenced appeal is issued as mandate of this court. See 11th Cir. R. 41-4

Appeal From the United States District Court
For the Southern District of Florida

ENTRY OF DISMISSAL: Pursuant to the 11th Cir. R. 41-1(b), this appeal is ~~DISMISSED~~ for want of prosecution because the Appellant William James Turesdale failed to pay the filing and docketing fees (or file a motion in the district court for relief from the obligation to pay in advance the full fee) to the district court within the time fixed by the rules, effective December 10, 2018

The jurisdiction of the Supreme Court of the United States is invoked under 28 U.S.C. §§ 1254(1), 1651, 1915(a)(5)(4) and [section 42 USC § 1983] Civil Rights Act.

Pursuant to: COMPLAINT FOR VIOLATION OF CIVIL RIGHTS (Prisoner Complaint) (DE #1 June 5, 2018) Demand for A Jury Trial, in accordance with Fed. R. Civ. P. Rule 38 (a)(6),

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fourteenth Amendment to the United States Constitution provides, in pertinent part: "... 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. ..."

The Fifth Amendment to the United States Constitution provides, in pertinent part: "No person shall ... be deprived of life, liberty, or property, without due process of law. ..."

The Fourth Amendment to the United States Constitution provides, in pertinent part: "... prohibiting unreasonable searches and seizures and the issuance of warrants without probable cause. ..."

The Sixth Amendment to the United States Constitution provides, in pertinent part: "... guaranteeing in criminal cases the right to a speedy and public trial by jury, the right to be informed of the nature of the accusation, the right to confront witnesses, the right to counsel, and the right to compulsory process for obtaining favorable witnesses.

42 U.S.C. § 1983 Civil action for deprivation of rights provides, in pertinent part: "... Every person who, under color of any statute, ordinance, regulation, custom, or usage, subject, or causes to be subjected, any citizen of the United States or other within the jurisdiction thereof, to the deprivation of any rights, privileges, or immunities secured by the Constitution and law, suit in equity, or other proper proceedings for redress. ..."

STATEMENT OF THE CASE

Petitioner seek review of the decisions of the United States Court of Appeals For the Eleventh Circuit Appeal Number: 18-14778-D Case Style: William Truesdale v. State of Florida, et al District Court Docket No. 18-CV-22286 JEM Eleventh Circuit Clerk's "ENTRY OF DISMISSAL" December 10-2018; Clerk's "RETURNED UNFILED" December 18-2018; Clerk's "RETURNED UNFILED" December 31-2018 and "APPENDICES RETURNED UNFILED" December 18-31, 2018 Denying Petitioner Truesdale his Due Process of Equal Protection Right to "ESTABLISHING A RECORDS". -

BACKGROUND

Petitioner case arises from his state conviction for 2nd degree murder and a life sentence (with a 25 years mandatory minimum per §§ 782.04(2) and 775.087 Fla. Stat. 2005) Petitioner's pursued his Florida State Post-Conviction remedies, Have filed a 28 U.S.C § 2254 remedy in the U.S. District Court in Tampa, Florida Case No. 8:13-cv-03029-CEH-MAP, Appeal to the U.S. Court of Appeals- Eleventh Circuit Appeal No. 16-11010-e and Appeal to this Honorable Court Supreme Court of the United States No. 16-1187 See "BRIEF'S" Booklets Filed by R. Michael Hursey, P.A. March 30, 2017 DENIED June 5, 2017 without being place on docket sheet before the "Justice's" or review on legal merits.

Petitioner have filed numerous of Grievance Procedures against Prison Officials from being Denied Access to Legal Boxes and mailed "Obstructed or Tumped".

ISSUE I

QUESTION PRESENTED

Whether the erroneously admitted evidence reviewing objectively in light of the entire record before the jury, was sufficiently material to provide the basis for conviction or to remove a reasonable doubt that would have existed on the record without it. In short it must have been "crucial, critical, highly significant" purpose of accomplishing some concerted action was plan or design, that denied Truesdale a fundamentally fair and unbiased trial, exculpatory evidence.

Petitioner William James Truesdale January 29, 2019
Filed and (Appeal) to the United States Court of Appeals
for the Eleventh Circuit and Supreme Court of the United
States "RETURNED UNFILED" by both Federal Court. But
the title page of this (Appeal) pertinent in part:
"... Application to File a Petition for a Writ of Certiorari..."
it contain numerous of Appendices A, B, C, D, E, F, G and H.

This application is being logged as Appendix B, but
the Appendices in the body of the Application A-H, will
still be list as (Application Appendix A-H) but, here, is
the first question, (Application Appendix H EXHIBIT C
mention numerous of "exculpatory evidence" I have been
denied since (2005) and request since (2008), I'm still
being DENIED.

¹ "T" refers to the trial transcript, followed by the
page number (e.g. T: ____).

DEFENDANT'S EXHIBIT IN EVIDENCE
Appendix C

- a) No. 1 copy - Photo of City of St. Petersburg
Business Card on Ground
- b) No. 2 copy - Photo of Business Card and Cigarette
on Ground
- c) No. 3 copy - Photo of Gold Truck
- d) No. 4 copy - Photo of Gold Truck
- e) No. 5 copy - Photo car Seat w/ Items: Metal
Tool, Lottery Tickets, Lighter and
305 Cigarette
- f) No. 7 copy - Photo of Grey Truck

First, Petitioner Truesdale enclose (LT: 533-554) it gives notice of numerous of "exculpatory evidence" mention in the January 29, 2019 Application Appendix H EXHIBIT C where the State introduce at trial (1) State Witness Leroy Johnson Shotgun, a long barrel shotgun that Leroy Johnson clean it so good, it haded (No) prints.

Second, (LT: 533-554) shows the State introduce into evidence a Shotgun shell casing unfiled from the sleeper cab of the semi-truck DEFENDANT'S EXHIBIT IN EVIDENCE No. 7 copy - Photo of Grey Truck, this shotgun shell casing has a fingerprint I'm being DENIED "exculpatory evidence".

Petitioner Truesdale enclose (T: 533-554) it gives notice to numerous of portion of "exculpatory evidence" in the (Appendix H remark Appendix B under Exhibit C) Application, state use "Fabricated evidence" at trial to tie Truesdale to state witness Leroy Johnson (Shotgun). It also mention the "Fingerprints" on the (brass portion of the shotgun shell) retrieved from the semi-truck, the original owner, of this semi-truck was petitioner nephew Verlet Smith, I got it from him, was repairing it, to put back on the "road long distance", I even put... a new point job on this semi-truck myself. I have been working on "vehicle's" since I was Thirteen (13) Year old, I started my own business in Jersey City, New Jersey at age Nineteen (19) Year old, so I have all kind of skills.

Truesdale nephew Verlet Smith went an buy a (379 Pete's) so I tooked the (Freightliner semi-Truck) started repairing it, to place back on the road, hurted my Leg, it open again, so I was running back and force to numerous of Doctors, I never checked the Sleeper portion of the semi-truck, cause I was still working on it. First, the State and Detective used "Fabricated evidence" at trial to tied Truesdale to state witness Leroy Johnson shotgun. Second Shotgun shell from the cab-sleeper of the semi-truck with a (Fingerprint on the brass portion of the shell casing). This "Fingerprint" belong to Verlet Smith, is "exculpatory evidence" being withheld or suppress by the State. Pursuant to Giglio v. United States, 405 U.S. 150 (1972), (quoting Brady v. Maryland, 373 U.S. 83 (1963)) the State introduce into evidence at trial, a shotgun shell, collected from the sleeper cab of the semi-truck.

The shotgun shell collected From the sleeper-cab of the semi-truck compartment have a (Fingerprint on the brass portion of the shell casing) belong to my nephew Verlet Smith "exculpatory evidence", I'm being DENIED illegall being suppress that the state of Florida, Assistant State Attorneys Aaron Slavin, Janet Hunter-Olney, Forensic Brent G. Goodman, Stephanie Stewart, Detectives Karl Souer, Gary Gibson, Russell Zitzelberg, et al., have Denied Truesdale Due Process of Equal Protective of Laws.

Hear, Assistant State Attorney Ms. Olney after Truesdale request to see the (Photographs) and made Defense Mr. Potts challenges the (Newport Cigarette, Drop of the Crime Scene, by the Perpetrator), that I request DNA Testing on, I hoded Mr. Potts, to place DEFENDANT'S EXHIBIT NO. 5 IN EVIDENCE Copy- Photo Car seat w/Items: Metal Tool, Lottery Tickets, Lighter and 30S Cigarette Pack (T: 533, 539, 554) Newport Cigarette. That I smoke 30S Cigarette on the pick-up Truck seat. Ms. Olney, took the "Aluminum Foil, the Newport Cigarette was being keep in, out the Aluminum Foil, In Open Court, In present of the all White Females Jurors, looked Truesdale, In his Eyes and Laugh, Crash's it up, with her hands, Threw it on the Court Room Floor, Took her Foot, and Crash ~~it~~ into the Courtroom Floor while they all stood and Laugh, with Ms. Olney, even my so call appointed Defense Counsel Mr. Potts, "exculpatory evidence" destroyed in open court in present of the jurors. Then they "Altered, Docket and Embellished, the Trial Transcript's, Proceedings, along with Court Reporter Stephanie A. Walters, preparing "Fraudulent Transcript's", Forwarded to the Appellate Counselors and Appeal Court for and (Appeal).

In contrast, *Haley v. City of Boston*, 657 F.3d 39, 47-49 (1st Cir. 2011). The Haley court, however, went on to consider a deliberate suppression claim, and concluded that it was clearly established prior to 1972 that the due process clause protects against the deliberate suppression of evidence by police officers. *Id.* at 49-50.

Plaintiff Truesdale's, due process claim is not barred by officers or the prosecutors or the court's qualified immunity if the claim is based on a failure to disclose evidence in violation of *Brady*. Because the *Brady* rule was extended to evidence known to police officers, or prosecutors, (citing *Kyles v. Whitley*, 514 U.S. 419, 115 S.Ct. 1555 (1995)). However, by these defendants deliberate suppression is involved by Truesdale, the First Circuit has explained that "[t]here can be no doubt that, under the line of cases running from *Mooney* and *Pyle* to *Brady*, the law was firmly settled [by 1989] that a law enforcement officer may not deliberately suppress material evidence that favorable to a defendant."

More than a 51 years ago, in (1967) the United States Supreme Court held that the Fourteenth Amendment cannot tolerate a state criminal conviction obtained by the knowing use of false evidence. *Mooney v. Holohan*, 294 U.S. 103, 55 S.Ct. 340 (). There has been no deviation from that established principle. *Napue v. People of State of Illinois*, 360 U.S. 264, 79 S.Ct. 1173 (); *Pyle v. State of Kansas*, 317 U.S. 213, 63 S.Ct. 103 (); cf. *Alcorta v. State of Texas*, 355 U.S. 28, 78 S.Ct. 103 (). There can be no retreat from the principle standard in the petitioner *Truesdale v. State of Florida, et al.*, this Court must apply the same standard principle above to *Truesdale*.

In evaluating the sufficiency of a complaint, the court adheres to certain well-recognized parameters. For one, the court "must consider only those facts alleged in the complaint and accept all of the allegations as true." *ALA, Inc. v. CCAIR, Inc.*, 29 F.3d 855, 859 (3d Cir. 1994). Also, the court "must accept as true all reasonable inferences emanating from the allegations, and view those facts and inferences in the light most favorable to the non-moving party."

Jenkins v. Louisville - Jefferson Cty. Metro Gov't, 2018 U.S. Dist. LEXIS 3414 (6th Cir. 2018)

Jenkins's § 1983 Due Process Claims

In Count II of his complaint, Jenkins alleges violation of due process under § 1983 against Beatty and McKinley (A.M. 1-2, Page 10 # 18) Specifically, Jenkins claims that "Detectives Beatty and McKinley deprived [him] of liberty without due process of law by intentionally falsifying testimony and report that were used to arrest and indict [him]." (Id.)

Defendants moves to dismiss this claim based primarily on the recent Ohio Federal district court decision in *Stillwagon v. City of Delaware*, 175 F. Supp. 3d 874 (S.D. Ohio 2016). There, the court held that "if fabricating, destroying, or failing to preserve evidence constitutes a due process violation is likely remedied through *Brady* v. Maryland, 373 U.S. 83, 83 S.Ct. 1194 (1963), claim." Id. at 900 (citing *Moldovan v. City of Warren*, 578 F.3d 351, 379-81, 391-92, 396-97 (6th 2009)). This court recently rejected the notion, however, that a fabrication-of-evidence claim must be treated as a claim for violation *Brady*. Moreover, in *Gregory v. Louisville*, the Sixth Circuit held that the plaintiff could proceed with his § 1983 claim for deliberately concealing exculpatory evidence despite

the claim's similarity to a Brady claim, 444 F.3d 725
750 (6th Cir. 2006). In so holding, the court approvingly
cited a decision that reached result of Stillwagon, Ed
citing *Atkins v. City of Riverside*, 151 F. App'x 501,
505-06 (9th Cir. 2005) (unpublished opinion) (permitting the
plaintiff to pursue, simultaneously, both a fabrication-
of-evidence claim and a Brady violation claim); see
also *Morris v. Boyd*, No. 00-1249, 2000 U.S. App. LEXIS 29187,
2000 WL 1720621, at *3 (6th Cir. Nov. 7, 2000) ("A claim of
fabricated evidence is a constitutional tort distinct from
malicious prosecution, and can be shown without proving
that the state lacked probable cause).

Torlton v. Sealey, 2018 U.S. Dist. LEXIS 33393 (4th Cir. 2018)
As to plaintiffs' due process claims arising out of the
fabrication of evidence or use false evidence, "the
violation of [the] constitutional right not to be deprived
of liberty as a result of the fabrication of evidence
by an investigating officer, ... has clearly established in
1983, when the events relevant to this litigation took
place." *Washington v. Wilmore*, 407 F.3d 274, 283-84 (4th Cir. 2005)
citing *Miller v. Pate*, 386 U.S. 1, 7, 87 S. Ct. 785 (1967)).
While there is no constitutional duty on law enforcement to
investigate independently every claim of innocence or
conduct an error-free investigation, *Baker v. McCollon*,
443 U.S. 137, 146, 99 S. Ct. 2689 (1979), it has long been
established that when law enforcement acts in reckless
disregard of the truth and makes a false statement or
material omission that is necessary to a finding of
probable cause, the resulting seizure will be determined
to be unreasonable, *Franks v. Delaware*, 438 U.S. 154, 156,
98 S. Ct. 2674 (1978); see also *Miller v. Prince George's City*,
MD, 475 F.3d 621, 627 (4th Cir. 2007).

Finally, "it is established that a conviction obtained through use of false evidence, known to be such by representatives of the state, must fall under the Fourteenth Amendment..." *Napue v. People of State of Ill.*, 360 U.S. 264, 269, 79 S.Ct. 1173 (1959).

Echovarrio v. Roach, 2017 U.S. Dist. LEXIS 144589 (1st Cir. 2017)

Qualified Immunity

The individual defendants claim that they are qualifiedly immune to some or all of the federal claims brought against them. "Under the doctrine of qualified immunity, police officers are protected from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known."

Mlodzinski v. Lewis, 648 F.3d 24, 32 (1st Cir. 2011) (en banc)

Plaintiff's Truesdale, due process claim is not barred by officers or the court qualified immunity if the claim is based on a failure to disclose evidence in violation of *Brady*, because the *Brady* rule was extended to evidence known to police officers, prosecutors or court's April 1995, by *Kyles v. Whitley*, 514 U.S. 419, 115 S.Ct. 1555 (1995). However, by these defendant(s) deliberately withheld exculpatory evidence. Where deliberate suppression is involved by Truesdale, the First Circuit has explained that "[t]here can be no doubt that, under the line of cases running from *Mooney* and *Pyle* to *Brady*, the law was firmly settled [by 1989] that a law enforcement officer may not deliberately suppress material evidence that favorable to a defendant." *Drumgold v. Callahan*, 707 F.3d 28, 43 (1st Cir. 2013)

ISSUE II

QUESTION PRESENTED

Whether deliberately withholding existence exculpatory evidence, fabricating the original Pinellas County Florida Sheriff's Office Jail Visitation Video-Tapes. That splice, altered evidence, knowingly fabricated or conspiracy at trial, by the state and defense attorneys, reasonable likelihood exists that the false evidence would have affected the decision of the verdict, is an error so pervasive as to denied Truesdale a fundamentally fair unbiased trial. The erroneously admitted reviewed objectively in light of the entire record before the jury as well as the entire video-tapes, sufficiently material provide the basis for conviction or to remove a reasonable doubt that would have existed on the record if the entire video-tapes was played and not splice, altered or docket. -

Petitioner Truesdale challenges the splice, altered or docket, Pinellas County Jail Visitation Video-Tapes. That portion was played in open court, while the jurors was not present and played behind Truesdale back wear the jurors was escorted back in the court room during deliberations and request to review the visitation video-tapes critical stage in the trial proceedings, wear Truesdale is not presented to place "objection" on the records.

First, (T: 609-621) shows the State and Defense "illegally proffer examination" Margaret Smith, Truesdale sister, I want this honorable court to keep in mind, its forth (40) some minutes to these splice, altered tapes.

First, the State Attorneys and Defense Attorney, knowingly, fabricate evidence, to set-me-up. Along with the Pinellas County, Sheriff's Jail, Tiler or Jailor with Detective Karl Souer and Trial Judge Jack Day. Its two (2) different Visitation video - tapes. But, the State and other will L" splice, altered and embezzle") Forty (40) some minutes, down to "2 1/2 to 5 minutes". Appendix F

The State Mr. Slavin illegally proffer examination" Margaret Smith, while the jury's is not presented in the court. Second, State Ms. Olney, during this proffer showing of about 5 minutes of two splice, altered and embezzle, Jail Visitation Video Tapes. Ms. Olney, left from behind the State's Desk, over the court room in front of the Defense's Desk. She stood or stand at the "Defense Desk, right in front, of the accused Defendant Truesdale, to block my view". But, before she could block my view, I was able to "notice" a few things. They hated me, or some-body pretending to be Truesdale. Because on the dates and times of these tapes, I'm house in Pinellas County Jail Basement Floor in Protective Custody, one person cell-block.

Your Honor's my sister Margaret Smith, is not and certify Florida Bar Lawyer, in fact, she is not a Lawyer at all, but they got Truesdale or somebody stand in front of a TV screen, with L" Paper, Pen(cil or Pen") in his hands, writing down (Notes). I told Mr. Potts, if you hated told me, the state was going to shows, these tapes, or brought these tapes, before trial and showed me, I would have request a "Subpoena" for Corporal Thomas, as my

witness, to state she, aloud Truesdale, to leave his "... Protective Custody cell, to go visited his sister Margaret with paper, pencil or pen, in his hands...". I know, right then, this was more of the State and Defense set-up.

Third, they have me, asking my sister Margaret can she see me. Now, there is a jail visitation video tape, wear yes, I am asking my sister can you see me, but on this tape, "wear I'm asking my sister can she see me," is because they had me, on a (Black-out-TV-screen) wear my sister can see me, but I can't see her, and on this day, I'm talking about, Two (2) Ports, and not a shotgun. I order a ("Brake-Light-Switch") for my niece State Witness Sharon Marcus car, on her credit card, from the dealer. They gave me a "bad-switch" so I took it back, this is one of the part, I'm talking about, and I put a new starter on the semi-truck, me and "Pop" Mr. Russell Williams, while I'm under the semi-truck, I hurt my hand, so I drop the starter and I ("Brake the starter switch") on top of the starter. If you refer back to (DEFENDANT'S EXHIBIT No. 7 IN EVIDENCE Copy- Photo of Grey Truck) you see the semi-truck is park in front of the house, instead, in the back side yard, wear I keep it. I was telling my sister to tell my nephew her son, Verlet Smith, to go get the starter switch, put on the semi-truck and move it out the front of the house. But, the State, make sure that did not play, this portion of the jail visitation video tape, wear I'm telling my sister about the "starter switch" on the semi-truck.

Forth, (T: 622) you will see, wear the Trial Court Judge own words pertinent in part:

But it would be coming in with or without Ms. Smith's authentication, but I don't think it is appropriate, in considering all of the circumstances, from -- for Ms. Smith to be presented to the jury.

And with that, Ms. Smith, I'm going to thank you for your time, ma'am, and you can resume your seat.

The Trial Court don't want the jury's, to be aware of the facts, that my sister Ms. Smith, notice she have on to different outfit, and the tapes have two different dates and time. That Ms. Smith, said the tapes wear splice and tampered, that they wear trying to make something out of nothing.

Fifth, (T: 934-945) T: 934 (THEREUPON, the court is in recess awaiting the jury's verdict from 1:55 p.m. to 2:15 p.m., and the proceeding resumes as follows:) T: 935 state vs. William Truesdale. This is about ten minutes after the jury retired. And the jury requested to see the videotape as we anticipated.

Next, (T: 935-945) part in which is a critical stage in the proceeding, and I'm Truesdale is not call back into the courtroom, to make "Objection on the Records," and "Request, the hole Forty (40) some minutes of the videotapes are played, in my presented as well as in presented of the jury's. (T: 940) (THEREUPON, the court is in recess awaiting the jury's verdict until 3:20 p.m., and the proceeding resumes as follows:)

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Federal Rule of Evidence; Testimony by Expert Witnesses
Rule 702.

A witness who is qualified as an expert by knowledge, skill, experience, training, or education may testify in the form of an opinion or otherwise if:

(a) the expert's scientific, technical, or other specialized knowledge will help the trier of fact to understand the evidence or to determine a fact in issue;

(b) the testimony is based on sufficient facts or data;

(c) the testimony is the product of reliable principles and methods; and

(d) the expert has reliably applied the principles and methods to the facts of the case.

Rule 702 has been amended in response to *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), and to the many cases applying *Daubert*, including *Kumho Tire Co. v. Carmichael*, ___ U.S. ___, 119 S.Ct. 1167 (1999). In *Daubert* the Court charged trial judges with the responsibility of acting as gatekeepers to exclude unreliable expert testimony, and the Court in *Kumho* clarified that this gatekeeper function applies to all expert testimony, not just testimony based in science. See also *Kumho*, 119 S.Ct. at 1178 (citing the Committee Note to the proposed amendment to Rule 702, which had been released for public comment before the date of the *Kumho* decision).

Daubert set forth a non-exclusive checklist for trial courts to use in assessing the reliability of scientific expert testimony. The specific factors explicated by the *Daubert* Court are (1) whether the expert's technique or

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theory can be or has been tested — that is, whether the expert's theory can be challenged in some objective sense, or whether it is instead simply a subjective, conclusory approach that cannot reasonably be assessed for reliability; (2) whether the technique or theory has been subject to peer review and publication; (3) the known or potential rate of error of the technique or theory when applied; (4) the existence and maintenance of standards and controls; and (5) whether the technique or theory has been generally accepted in the scientific community. The court in Kumho held that these factors might also be applicable in assessing the reliability of non-scientific expert testimony, depending upon "the particular circumstances of the particular case at issue." 119 S.Ct. at 1175. See, e.g., *Heller v. Shaw Industries, Inc.*, 167 F.3d 146, 155 (3d Cir. 1999) ("not only must each stage of the expert's testimony be reliable, but each stage must be evaluated paretically and flexibly without bright-line exclusionary (or inclusionary) rules.")

Sixth, show Truesdale wear under Rule 702 Federal Rule of Evidence, Testimony by Expert Witnesses, wear my sister Margaret Smith qualify as an "Expert Witness".

See Florida Rule of Criminal Procedure 3.410 states:
After the jurors have retired to consider their verdict, if they request additional instructions or to have any testimony read to them they shall be conducted into the courtroom by the officer who has them in charge and the court may give them the additional instructions or may order the testimony read to them. The instructions shall be given and the

testimony read only after notice to the prosecuting attorney "818, and to counsel for the defendant White v. State 31 So.3d 816, 35 (Fla. App. 2 Dist. 2010), Meek v. State, 487 So.2d 1058, 1059 (Fla. 1986). However, the supreme court holds that rule 3.410 requires more than the mere presence of counsel. Bradley v. State, 513 So.2d 112, 114 (Fla. 1987) (citing Ivory v. State, 351 So.2d 26, 28 (Fla. 1977)). When the trial court responds to a jury request, the defendant has a right, through defense counsel, to participate in the proceedings, and this includes the right to place objections on the record as well as the right to make full argument as to why the jury request should or should not be honored. Id. Moreover, the supreme court in Bradley, in response to the state's argument that defense counsel was in fact present during the trial court's consideration of jury's question, held:

The court in Ivory, held that it is prejudicial error for a trial judge to respond to a request from the jury without the prosecuting attorney, the defendant, and defendant's counsel being present. Hear, again (T: 934-945) shows "prejudicial error" that they knowingly and willfully, admitted fabricated false evidence ("splice, altered and embezzled") jail visitation video-tapes, submitted to the jury through "conspiracy among conspirator" that a fundamentally fair unbiased trial, was DENIED to this accused, defendant Truesdale. (quoting Jenkins v. Louisville; Stillwagon v. City of Delaware; Moldawon v. City of Warren; Gregory v. Louisville; Morris v. Boyd; Tarlton v. Sealey;

ISSUE III

QUESTION PRESENTED

Whether the REGISTER OF ACTION Case No. 0525009 CFANO Truesdale's "NOTICE OF INTENT TO SUE: WAIVER OF SOVEREIGN IMMUNITY'S, Pursuant to Florida Statute 768 in accordance to [Section 42 U.S.C. § 1983] Filed In The Circuit Court of the Sixth Judicial Circuit, In And for Pinellas County, Florida (Trial Court) never "detained or response too", by the Trial Court "TOLLED" Truesdale entire state conviction under the "equitable tolling" principle.-

In Wallace v Kato, — U.S. —, 127 S.Ct. 1091 (2007)
Federal Courts

State statute of limitations for personal-injury tort applies in § 1983 action. 42 U.S.C.A. 1983. Aspects of § 1983 which are not governed by reference to state law are governed by Federal rules conforming in general to common-law principles. State law generally supplies rules for tolling limitations periods in § 1983 action.

The sort of unlawful detention remediable by the tort of false imprisonment is detention without legal process, e.g., W. Keeton, D. Dobbs, R. Keeton, & D. Owen, Prosser and Keeton on Law of Tort § 11, p. 64, § 119, pp. 885-886 (5th ed. 1984). See Allen v. McCurry, 449 U.S. 90, 95-96, 101 S.Ct. 411, (1980) (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 collateral attacks, and Federal habeas proceedings.

Of course, § 1983 ordinarily borrows its limitations principles from state law. 42 U.S.C. § 1988(a). And I do not know whether or which States have comparable equitable tolling principles in place. If a given state court lacks the necessary tolling provision, however, § 1983, in my view, permits the Federal courts to devise and impose such principles. *Hack v. Humphrey*, 997 F.2d 355, 358 (A.A.7 1993) (Posner, J.) (articulating why Federal tolling regime may apply to § 1983 claims),

Heav, Petitioner Truesdale did Filed his § 1983 suits in the state trial court. See Appendix 6 Register of Action Case No. 0525009 & FAND Page 10 of 15 - Pages 15 of 15 STATE OF FLORIDA VS. TRUESDALE, WILLIAM JAMES although "JAMES" is my middle name under "appeal" in a 3.800 Motion now. Case Type: FELONY Date Filed: 12/19/2005 Case Number History: ERC0525009 & FAND UNIFORM CASE NUMBER: 522005ER025009XXXXX it shows Dates TO: 09/20/2017 From: 12/19/2005

SUE / WAIVER

- a) Page 2 of 15 10/07/2013 Sue / Waiver Federal Court
- b) Page 2 of 15 04/18/2018 Sue / Waiver Federal Court
- c) Page 4 of 15 06/01/2010 Sue / Waiver State Court
- d) Page 4 of 15 08/31/2009 Sue / Waiver State Court
- e) Page 6 of 15 07/09/2008 Sue / Waiver State Court

This "Documentation Register of Action" show Three (3) "NOTICE OF INTENT TO SUE / WAIVER OF SOVEREIGN IMMUNITY" show petitioner Truesdale, wear the Trial Court detained these

"Notice of Intent to Sue/Waiver's", the one on Page 4 of 15 date 08/31/2009 as being "logged" by the Clerk of the Circuit Court is the main sue/waive filed 08/28/2009. If your apply Chapter 768, 28 Florida Statute Four (4) years time frame, to litigate or litigant a party to a law suit, this petitioner Truesdale was arrested on 12/18/2005 so I huded before 12/18/2009 to litigate the Four (4) years statutes time frame.

Its now, 03/0__/2019 Thirteen (13) years later, and before the Four (4) years expired on 08/28/2009 I filed a valid Law/sue, that under the [Equitable Tolling Principle] and the [Mail Box Rule] on August 28, 2009 Truesdale criminal conviction proceedings was [ETolled] by the Trial Court of the Sixth Judicial Circuit, In And For Pinellas County, State of Florida "never detained my Law/sued" [citing Allen v. MeCurry 449 U.S. 90, 95-96, 101 S.Ct. 411, moreover, the appropriate equitable tolling principle, would also apply to Truesdale "state criminal proceedings, state collateral attacks and my Federal habeas proceedings] [quoting Wallace v. Kato under the approach propose, supra, at 1102-1103 potential §1983 Plaintiff Truesdale claim was tolled as long as the issues was pursued in state court, was never detained.

Hear, you got the Clerk's For the United States Court of Appeals-Eleventh Circuit December 10, 2018 Filed on *** [FRAUDULENT CLAIM OF ENTRY OF DISMISSAL] *** Appeal No. 18-14778-D / (45PE) Docket No. 1:18-cv-22286-JEM Petitioner Truesdale Fed. R. Civ. P. Rule 38 (a)(6) Demand For A Jury Trial, Not a Bench Hearing, Truesdale received.

ISSUE IV

QUESTION PRESENTED

Whether Florida Department of Corrections Prison Officials have "DENIED" Truesdale a Fundamentally rights under the Constitution of the United States and Florida and the United States District Court's as a cover-up, by the Clerk's of the United States Appeals Court, "Fraudulent Claim of Dismissal," Truesdale (June 5, 2018 DE #1 Demand for A Jury Trial) Clerk's Order "ENTRY OF DISMISSAL" December 10-2018, Clerk's Order "RETURNED UNFILED" December 18-2018, Clerk's Order "RETURNED UNFILED" December 18-31, 2018 Denying Truesdale his Due Process of Equal Protection rights to "ESTABLISHING A RECORDS". -

See Appendix H (June 05, 2018 DE #1 COMPLAINT FOR VIOLATION OF CIVIL RIGHTS (Prisoner Complaint)) the Grievance Procedures or Appendixes of Exhibits Filed 6-5-18 are not enclosed. But, this complaint explain how "Prison Officials" of Hamilton Correctional Institution Annex, property sergeant Mrs. T.L. Curry and to Mr. T. Buda Li Ignored the United States Court of Appeals - Eleventh Circuit Court Order Date May 20, 2014 that pertinent in part:

COURT ORDER

MEMORANDUM TO COUNSEL OR PARTIES

Appeal No: 14-11088-FF

Case Style: William Truesdale v. State of Florida, et al

District Court Docket No: 1:13-cv-23633-MGE

Eleventh Circuit Rule 31-1 requires that APPELLANT BRIEF BE SERVED AND FILED ON OR BEFORE June 9, 2014

2
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It mention how these two Correctional OFFICERS
(Refuse to give Truesdale his Legal Boxes to State his
Claims) that I was (Denial of Constitutional Rights to
Due Process of Equal Protection of Law) and (Access to
Courts). It contain to explain all the THREATS OR
REPRISAL OR RETALIATION... I received by numerous of
Prison OFFICIALS at Hamilton C.I. Annex, how I hated to have
my Sister and Family to call the Governor OFFICE's, to stay
(Alive) at Hamilton C.I. Annex.

How the inside ground Correctional OFFICERS, called me
to Inside Grounds and (Force Truesdale to Push and Pull
and Manual Mower, causing Truesdale Leg to swell and
Back to Hurt, Working Truesdale about his physical Abilities).
How, they were "conspiring with colleague" from other
Institutions, to keep Truesdale out the courts, with his
Law suit.

How they was also "inconveniencing themselves" into
Truesdale criminal conviction, that was denying Truesdale
Constitutional Rights to ("Public Records") being denied
by the State and counselors. (Application-Appendix B remark as
Appendix ~~H~~ EXHIBITS, that this is and ongoing situation,
From Institution-to-Institution, etc. or et al.,

See also in (June 05, 2018 DEH:1 Page 3.) Within 180 Days
I will demand a Jury Trial, wear the United States District
Court held and illegal (Bench Hearing) without my consent.
In violation of Truesdale Constitutional rights Pursuant
to Fed. R. Civ. P. Rule 38 (a)(6) wear I never waiver my
Demand For A Jury Trial DEH:1 June 05, 2018 Low, sued.

V
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Petitioner Truesdale also enclosed copy of the "Missing" April 11, 2016 as Appendix G title page pertinent in part:
PETITIONER FILING DOCUMENTS PERTINENT MOTION FOR PERMISSION TO APPEAL IN FORMA PAUPERIS, WITH AFFIDAVIT OF INDIGENTLY FORMS; PETITIONER STATES ISSUES ON APPEAL; PURSUANT TO DENIAL OF CONSTITUTIONAL RIGHTS UNDER BATSON CLAIMS AND JURY PREJUDICE.-

Petitioner also enclosed copy of the "Missing" April 11, 2016 as Appendix J title page pertinent in part:
U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT
CERTIFICATE OF INTERESTED PERSONS
AND CORPORATE DISCLOSURE STATEMENT

Appeal No. 16-11010-C

Case Style: William Truesdale v. State of Florida, et al

District Court Docket No: 8:13-cv-03029-LEH-MAP

These two petitions was already mailed to the Courts below "missing or unknown" and the Attorney General Office's so I will not be filing them another copy, see Return Grievance Procedures filed in the Application being return as Appendix B filed January 29, 2019 return by the Supreme Court of the United States February 21, 2019. Filed back with Appendices A through H.

The Appendix I and Appendix J above show Truesdale Batson claim not response to on its legal merits by the Eleventh Circuit Court of Appeals, and the List of Parties sued, including Legal Mail Supervisor Mr. Peter J. Vartiainen Charlotte C.F. who made all the envelopes disappear and Prison Officials at CCF "conspiring colleagues" to keep Truesdale out the courts, for other institutions.

V
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Petitioner Truesdale also enclosed as Appendix V December 31, 2018 petition title page pertinent in part:

U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT
CERTIFICATE OF INTERESTED PERSONS
AND CORPORATE DISCLOSURE STATEMENT

Appeal No. 18-14778-D

Case Style: William Truesdale v. State of Florida, et al
District Court Docket No. 8:13-cv-03029-CEH-MAP

Again, this petition also have been filed to the Courts below and the Attorney General Office so they have their copies, I now enclosed as Appendix L title page pertinent in part:

LAWYER'S COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(Prisoner Complaint)

Re: Affidavit From AZ (Confinement of (Inmate) DC# 129643

William James Truesdale and Witness (Inmate) DC# T37335

Dudley Lawrence Davis, Truesdale being force to sleep on floor,-

It was filed July 03, 2018 against numerous of Prison Officials at Okeechobee R. See attached FDC charging Disciplinary Report Log# 404-180728 Infraction Date: 06/14/18 Time: 08:15 wear Legal Mail Personnel Mrs. D. Boivie, Captain Mr. H. Rogers, Lt. Mr. D. Jimenez and Sgt. Mr. D. Macedo set-me up at Legal Mail for the "colleagues, conspiring" to keep me out the Courts, from filing June 05, 2018 DE#1 Law Sued, and had confinement Correctional officials to & threw Truesdale in confinement to sleep on the floor, no mattress or pillow, like a dog) with medical condition Reports enclosed. All see some Log # 404-180728 Hearing 06/21/2018 DR DISMISSED.

V
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Petitioner Truesdale also enclose September 10, 2018 (Subpoena) as Appendix M title page pertinent in part:

Re: Subpoena or Subpoena Duces Tecum (Notice). -

(SUBPOENA)

Plaintiff William James Truesdale in the above entitled cause proceed Pro-Se, and pursuant to Florida Statute Chapter 119 Public Record's Act (4) and 5 U.S.C. § 552 The Freedom of Information Act (FOIA) ordering the Defendants to preserve and release specific documents or recording evidences and Prison Officials (Names or New Addresses) or relocate Prison Officials and Unknown Prison Officials or Witnesses. -

These two Appendix L and Appendix M is where Truesdale was illegally set-up and place in "A & Confinement" using numerous of Prison Officials and Medical Staffs at OCE in the December 31, 2018 List of Parties and on the missing parties, this is an ongoing continuous act of "conspiracy" by Prison Officials from "Institution-to-Institution" to keep Truesdale out the Courts for "colleagues" since I litigated, the First Swell Waiver Appeal No. 14-11088-FF or No. 14-11088-F District Court Docket No. 1:13-cv-23633-MGE

The December 31, 2018 list numerous of Prison Officials at Okeechobee C.I. Mailroom Personals Mrs. Bevis in with its numerous more Grievances Filed on OCE Mailroom Personals where they were, holding my "Court Orders, For 8 to 13 Days" before placing Truesdale on Legal Mail Callout, from Dates of being Mailed by the Courts, It also mention my medical condition from eating, their ("Poisoning Soy-Laden Prison Diet") my stolen (Medical Therapeutic Shoes) and violating medical Pass's, etc.

ISSUE V

QUESTION PRESENTED

R. Michael Hursey, P.A. (BRIEF'S) Question Presented
PERTINENT :

Whether a state trial court's brief colloquy on abbreviated 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." *Snyder v. Louisiana*, 552 U.S. 472, 478 (2008).

This (BRIEF'S) Case No. 16-1187 In The Supreme Court of The United State "PETITION FOR A WRIT OF HABEAS CORPUS" March 30, 2017 DENIED June 5, 2017 Without being place on the court docket sheet before the "JUSTICE'S" of the court to decide on its legal merits, is an error so pervasive as to have denied Truesdale a fundamentally fair review that existed on the record of trial. -

Petitioner Truesdale, haded his sister Martha to call the (Law Firm) of R. Michael Hursey, P.A. to review the same legal documents and Trial Transcript Proceedings I haded my sister Annette, to mailed to David F. Runk, Esq, his (Title Company) The Miami Criminal Defense Firm, after Mr. Runk, deliberately hold my ("Documents") From 2009 until JAN 27-2011 to "time barred" my case for his ("colleagues") Former prosecutors and prosecutors see Appendix P. Mr. Runk, letter March 18, 2010 of The Florida Bar Complaint Filed November 22, 2017 (No-Response) From The Florida Bar. Petitioner Truesdale have re-write From Mr. Hursey (BRIEF'S) the cover page and pages 1, 2, 3, 4, 5 and 6. pertinent part:

QUESTION PRESENTED

BY R. MICHAEL HURSEY
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William James Truesdale

No. 16-1187
In The
Supreme Court of the United States

WILLIAM JAMES TRUESDALE,
Petitioner,
v.
JULIE JONES, Secy, Florida Dept. of Corrections,
Respondent.

On Petition For A Writ of Certiorari
To The United States Court of Appeals
For The Eleventh Circuit

PETITION FOR A WRIT OF CERTIORARI

COCKLE LEGAL BRIEFS (800) 225-6964
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QUESTION PRESENTED

Whether a state trial court's brief colloquy and abbreviated 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."

Petitioner William James Truesdale respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Eleventh Circuit

OPINIONS BELOW

The opinion of the court of appeals is reprinted at App. 1 and App. 3. The order of the district court denying Truesdale's motion for 28 U.S.C. § 2254 habeas corpus relief is reprinted at App. 10. Selected excerpts from the voir dire portion of the trial transcript are reprinted in the Petition.

JURISDICTION

The judgment of the court of appeals became final on November 3, 2016. This Court's jurisdiction rests on 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

BRIEFS

The Fourteenth Amendment to the United States Constitution provides, in pertinent part: "... 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 law...."

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The Fifth Amendment to the United States Constitution provides, in pertinent part: "No person shall ... be deprived of life, liberty, or property, without due process of law...."

STATEMENT OF THE CASE

Over a century ago, this Court held that the government denies a black defendant equal protection of the laws when it puts him on trial before a jury from which members of his race have been purposefully excluded. *Strawder v. West Virginia*, 100 U.S. 303, 310 (1879). The principle that the government violates the Equal Protection Clause where it purposefully or deliberately denies an individual's participation on a jury on account of that individual's race has been "consistently and repeatedly" reaffirmed. *Batson v. Kentucky*, 476 U.S. 79, 84 (1986). As this Court explained in *Batson*, the harm from discriminatory jury selection extends beyond the defendant alone, and touches the entire community: "[S]election procedures that purposefully exclude blacks persons from juries undermine public confidence in the fairness of our system of justice." *Id.* at 87

To prevent racial bias in juror selection, the Court placed a duty on trial judges to adhere to *Batson's*

BRIEFS

three-step evaluative process. *Id.* at 89. This process culminates with the trial court's obligation under step three to assess "the persuasiveness of the prosecutor's justification for his peremptory strike." *Miller-EI v.*

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Rockwell, 537 U.S. 322, 329 (2003) ("Miller-EI I"). At step three, the trial judge is required to "assess the plausibility of [the prosecution's race-neutral] reason in light of all evidence with a bearing on it." *Miller-EI v. Dretke*, 545 U.S. 231, 251-52 (2005) ("Miller-EI II"). This Court has described the duty of assessing the credibility as the "decisive question" in the Batson analysis *Hernandez v. New York*, 500 U.S. 352, 385, 395 (1991).

Here, the Florida state trial court attempted to satisfy its obligations under step three of the Batson process by engaging only in a brief colloquy and abbreviated review of relevant evidence (T: 205-07).¹ The Eleventh Circuit let stand the state trial court's Batson ruling on appeal, by not ruling on the merits. Yet the Eleventh Circuit's decision squarely conflicts with decisions from the Second, Third, Seventh, and Ninth Circuits, which held that a trial court cannot satisfy its obligation under the third step of the Batson inquiry merely by engaging in a perfunctory exercise. See *Jordan v. Lefevre*, 206 F.3d 196, 201 (2d Cir. 2000); *Coombs v. Diguglielmo*, 616 F.3d 255, 263 (3d Cir. 2010); *United States v. Brown*, 809 F.3d 371, 375-76 (7th Cir. 2016); *Lewis v. Lewis*, 321 F.3d 824, 832 (9th Cir. 2003).

¹ "T" refers to the transcript, followed by the page number (e.g. T: 26).

BRIEFS

This case presents an important question concerning the actions a trial court must take to fulfill

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its responsibilities under step three of the Batson process. The courts of appeals have delivered conflicting answers. Unless this Court provides guidance, the requirements under step three of the Batson framework will continue to vary circuit by circuit and case by case.

A. Batson's Three-Step Process

Batson v. Kentucky, 476 U.S. 79 (1986), establishes a three-step procedure for determining whether a peremptory challenge violates the Equal Protection Clause. The first step requires the opponent of a peremptory challenge to make a prima facie case of racial discrimination, *id.* at 94. Second, if a showing is made under step one, the government must offer a race-neutral justification for the strike. *Snyder v. Louisiana*, 552 U.S. 472, 476-77 (2008). Finally, the trial court must evaluate all relevant evidence and determine whether the opponent of the strike has proved purposeful discrimination. *Miller-El II*, 545 U.S. at 252.

Here, in response to Mr. Truesdale's Batson objection, the state prosecutor offered a purported race-neutral justification mooted step one of the Batson process, *Hernandez v. New York*, 500 U.S. 352, 359, 365, 395 (1991) and ostensibly satisfying step two (7:205).

This case therefore turns on step three of the Batson inquiry, which requires the trial judge to "assess the plausibility of [the prosecution's race-neutral] reason

BRIEFS

in light of all evidence with a bearing on it." Miller-EL II, 545 U.S. at 252; see also Snyder, 552 U.S. at 478

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(holding "[A]ll of the circumstances that bear upon the issue of racial animosity must be consulted.").

B. The Underlying Case and the Batson Objection.

1. Factual Background.

Truesdale was charged with 2nd degree murder (T:37). Truesdale pled not guilty, and the state trial court set a jury trial to begin on August 28, 2007 (T:9). The jury was selected the same day (T:212). The jury comprised six white females and a white female alternate to try Truesdale, a black man, charged with second degree murder of a woman (T:213).

2. The Venire

The venire comprised 37 people, five or six of which were African American ("black"), and one ethnic minority (Syrian?) (T:206, 209, 212). In 2005 Pinellas County, FL was 82% white, 10% black, and 8% other (see 2005 U.S. Census http://factfinder.census.gov/servlet/tableservices/jsf/page/productview.xhtml?_ser=6F).

The venire was seated on August 28, 2007 (T:33). The trial judge used the struck-jury method of jury selection (performing voir dire using the "struck-jury" method) (T:33, 59). See Roger Allan Ford, Modeling the Effects of Peremptory Challenges on Jury Selection and Jury

BRIEFS

Verdicts, 17 GEO. MASON L. REV. 377, 384 (2000) (describing the struck-jury selection method). Under that method, voir dire, excuses, challenges for cause

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and peremptory challenges are performed once on the entire panel of potential jurors and alternates, rather than being repeatedly performed on smaller subjects as would be the case under the sequential-selection method. At the time the Truesdale prosecution and defense exercised their peremptory challenges, counsel had reviewed jury questionnaires and had heard the court's voir dire of all the potential jurors and alternates.

Thirty-seven potential jurors sat in the venire, including any potential alternates (7:206, 209, 212). Only five or six member of the 37 were black, with one ethnic minority (Juror No. 8 Jamal).

Petitioner Truesdale bring this (BRIEFS) prepared by REDKLE LEGAL BRIEFS for the (Law Firm) of R. Michael Hursey, P.A. Counsel for Petitioner William James Truesdale, Case No. 16-1187 Supreme Court of the United States. This 40 Forty copies of this BRIEFS booklet was serve on the 30 day of March, 2017 in its entirely a fundamentally erred of Constitutional rights not answer, that should been filed by the appellate counselors or David F. Ronck, Esq. postconviction relief private hired counsel.

² Petitioner has reproduced un-redacted excerpts from the voir dire transcript, day on of the jury trial, and Juror Questionnaires in this Petition.

REASONS FOR GRANTING THE PETITION

- A. Florida Department of Corrections Prison Officials have inconvenienced themselves into my criminal conviction since December 26, 2007 at Gulf Correctional Institution, Threaten my life so bad, I had to get my Family members numerous of times, to call the Governor Office's. I even had in 2008 got out Family member involve from South Carolina "Retire Senator Rev. Washington", who my sister Mrs. Washington was marriage to his nephew, ... and other Family member involve of authority. This have been an ongoing situation from Institution-to-Institution, by Prison Officials, Mailroom Personals and Medical Staffs. After I Filed the First Lawi Sued, I have been "DENIED" access to legal books, courts, threaten from Filing Grievance Procedures, from Institution-to-Institution, to keep me out the courts for "Colleagues" and mail tampering.
- B. The United States Court of Appeals-Eleventh Circuit now, this Supreme Court of the United States, have answer Petitioner Truesdale "Batson Claim or Batson Objection", on it legal merits.
- C. Petitioner Truesdale case was never "Time-Barred", although David F. Ranck, Esq. "conspiracy for his colleagues" Former prosecutors, to deliberately time-barred my case. Appendix 6 Register of Action Issue IFE, shows "equitable tolling principle" apply, wear the trial state court never detained the Lawi Sued, Filed to the trial court.

D. In *United State v. Gagnon*, 721 F.2d 672 R.E.A. 9 (Ariz) (1983) show "revid" wear the (T: 934-945) show the jury requested to see the videotape, splice and altered. See Issue II (T: 609-622, T: 934-945) wear dose it shows petitioner Truesdale was presented. And Issue I, and Issue II, shows numerous "exculpatory evidences" been DENIED and Appendices enclosed.

E. Finally, Fed. R. Civ. P. 38 (a)(b) Demand a Jury Trial, see (D.E. H:1 June 05, 2018). And Appendix A December 10, 2018 11th Ct of App. Clark's filed and "Fraudulent Claim",

CONCLUSION

See February 26, 2019 Petition of Objection enclosed.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

William James Truesdale

Date: March 08-2019

PRO SE

PROCEED IN FORMA PAUPERIS

PETITIONER

WILLIAM JAMES TRUESDALE

DC # 0-129643

Okeechobee Correctional Inst.

3420 N.E. 168 Street

Okeechobee, Florida 34972