

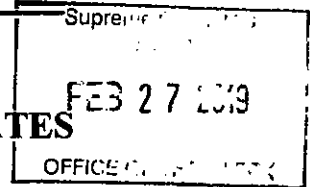
18-8543 ORIGINAL

No. TO BE ASSIGNED

#1) 1ST DISTRICT 3:17-CV-00190-LC-CJK
#2) U.S.C.A. 11th CIR 18-13573-D

IN THE
SUPREME COURT OF THE UNITED STATES

FIRST STREET, N.E.
WASHINGTON, DC 20543-0001



ANTHONY P. PEOPLES - Petitioner
(Your Name)

VS.

SEC. DEPT. OF CORRECTIONS - Respondent(s)

on

PETITION FOR A WRIT OF CERTIORARI

to
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT (1) PALAFOX ST.
PENSACOLA, FLA. 32502

(Name of Court that last ruled on merits of your case)

PETITION FOR A WRIT OF CERTIORARI

Legal Mail
Provided to
Blackwater River Correctional
and Rehabilitation Facility
on 2/27/19 for mailing. initials

ANTHONY P. PEOPLES
(Your Name)

F.D.O.C. # 215707

BLACKWATER RIVER CORRECTIONAL FACILITY
5914 JEFF ATES ROAD
MILTON, FLORIDA 32583

3rd

QUESTION(S) PRESENTED

WAS PETITIONERS CONSTITUTIONAL RIGHTS TO EFFECTIVE ASSISTANCE OF COUNSEL UNDER THE 6th AMENDMENT AND DUE PROCESS 5th AND 14th AMENDMENT, VIOLATED BY, PLEADING TO A FRAUDULENT INFORMATION FILED MARCH 26th 2013?

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:

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TABLE OF AUTHORITIES CITED

Cases:

Page(s):

- 1). HOLMES VS. U.S. 524- U.S. 236, 247, E 118, S. CT. 1969
1975, E141, L. ED. 2D, 242, 256, (1998)
- 2). INVOLUNTARY PLEA DUE TO MISADVISE OF COUNSEL, U.S. - VS - LOUGHERY
908, F.2. 1014 (DC. CIR. 1990.)
- 3). DUSKY - VS - UNITED STATES - 80 S. CT. 788
- 4). U.S. - VS - QUINTANA 300. F3D. 1227 (11th CIR. 2002.)

Statutes and Rules:

3.210-3.219

Other: 6th AMENDMENT, 14th AMENDMENT, 5th AMENDMENT
OF THE UNITED STATES CONSTITUTION.

8th

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari 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 and is;

☒ reported at JAN 23 2019; 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☐ is unpublished.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 3rd DAY OF AUGUST 2018; 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 C to the petition and is;

☒ reported at (1st DCA DIRECT APPEAL) #1-D13-3473; or, #1
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ Court appears at Appendix _____ to this petition and is;

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

#1 12-30-2013 AND

POST CONVICTION CASE # 1-D16-5632

MARCH 28th 2017

JURISDICTION

☒ For cases from **Federal Courts:**

The date on which the United States Court of Appeals decided my case was 1-23-, 2019.

- ☒ 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).
HONN-VS-US. 524. US. 236, 247, 118.5 CT. 1969, 1975, 141 L.ED, 2D 242, 256, (1998).

☐ For cases from **State Courts:**

The date on which the highest State Court decided my case was 1-27-2014.
A copy of that decision appears at Appendix C.

- ☐ A timely petition for rehearing was thereafter denied on the following date: _____, 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).

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CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- 1). VIOLATIONS OF THE DUE PROCESS CLAUSES OF THE UNITED STATES CONSTITUTION 5th AND 14th AMENDMENTS.
- 2). Hohn vs. US. - 524 US. 236, 247, 118, S. CT. 1969, 1975, 141 L.ED, 20, 242, 256, (1998.)
- 3). VIOLATIONS OF PETITIONERS CONSTITUTIONAL RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL 6th AMENDMENT U.S. CONSTITUTION.
- 4). INVOLUNTARY PLEA DUE TO MISADVICE OF COUNSEL
US. - VS. - LOUGHERY, 908 F.2D (DC.CIR 1990).

STATEMENT OF THE CASE AND FACTS

- (1) NATURE OF THE CASE. THIS IS A DIRECT APPEAL FROM A FINAL JUDGMENT IMPOSED IN A CRIMINAL CASE. MR. PEOPLES ENTERED A PLEA AND WAS SENTENCED TO PRISON BASED ON THAT PLEA. HE THEN FILED A MOTION TO WITHDRAW HIS PLEA. THE JUDGE'S DENIAL OF THIS MOTION IS REVIEWED UNDER RULE 9.14(d)(2)(A)(ii)C, FLORIDA RULES OF APPELLATE PROCEDURE.
- (2) COURSE OF PROCEEDINGS. BY INFORMATION IN TWO CASES, MR. PEOPLES WAS CHARGED WITH A NUMBER OF CRIMES. (R1-1) (R1-178) THE MOST SERIOUS CRIME WAS A BURGLARY OF DWELLING, A SECOND DEGREE FELONY. (R1-1) HE THEN ENTERED A PLEA TO ALL CHARGES IN BOTH CASES. (R1-142) HE AGREED THAT UPON DISPOSITION WAS A TEN YEAR PRISON SENTENCE. (R1-142) HE AGREED THAT HE QUALIFIED TO BE SENTENCED AS A HABITUAL FELONY OFFENDER. (R1-142) PURSUANT TO THE PLEA, THE JUDGE ADJUDICATED MR. PEOPLES GUILTY OF THE CRIMES IN BOTH CASES. (R1-147) THE JUDGE THEN SENTENCED HIM TO THE AGREED UPON SENTENCE OF A TOTAL OF TEN YEARS IN PRISON. (R1-150) THE SENTENCE WAS IMPOSED ON JUNE 19, 2013. (R1-155) ON JULY 14, 2013, MR. PEOPLES FILED A PRO SE MOTION TO WITHDRAW HIS PLEA. (R1-168) HE SAID THAT "I WOULD HEREBY WITHDRAW MY PLEA..." (R1-168).
- (3) DISPOSITION IN THE LOWER TRIBUNAL. THE JUDGE DENIED THE MOTION TO WITHDRAW THE PLEA. (R1-169) A NOTICE OF APPEAL WAS FILED AFTER THE MOTION TO WITHDRAW THE PLEA BUT BEFORE THE DENIAL OF THE MOTION. A TIMELY MOTION TO WITHDRAW A PLEA POSTPONES RENDITION OF THE FINAL JUDGMENT UNTIL THE MOTION IS RULED UPON. THIS INITIAL BRIEF FOR THIS FRIVOLOUS APPEAL FOLLOWS.

STATEMENT OF THE FACTS

Plea/Sentencing Hearing

THE PARTIES ANNOUNCED READY FOR TRIAL AND PROCEEDED TO SELECT A JURY. (R1-27,80) MR. PEOPLES HAD REJECTED A NON-HFO SENTENCE.

STATEMENT OF THE CASE AND FACTS

OFFER OF TEN YEARS. (R1-27) HE SAID HE WOULD RATHER "DIE IN PRISON." (R1-27) ON THE DAY OF THE TRIAL, DEFENSE COUNSEL SAID MR. PEOPLES WANTED TO TAKE THE TEN YEAR OFFER BUT THE STATE WAS NO LONGER OFFERING IT. (R1-86) MR. PEOPLES THEN DECIDED TO PLEA STRAIGHT UP TO THE JUDGE. (R1-95) AFTER FURTHER DISCUSSION, THE PARTIES AGREED TO A TEN YEAR HABITUAL FELONY OFFENDER SENTENCE. (R1-97) MR. PEOPLES WAS PLACED UNDER OATH. (R-91) THE JUDGE EXPLAINED THE PLEA AGREEMENT, INCLUDING HIS JAIL CREDIT ON THE PRISON SENTENCE. (R1-104) THE JUDGE TOLD HIM THE SENTENCE WOULD BE IMPOSED UNDER THE HABITUAL FELONY OFFENDER STATUTE. MR. PEOPLES SAID HE WOULD STIPULATE TO THIS FINDING. (R1-106) MR. PEOPLES SAID HE HAD NOT TAKEN ANY MEDICATION, ALCOHOL, OR ILLEGAL DRUGS. (R1-106) HE SAID HE UNDERSTOOD WHAT WAS GOING ON. (R1-106) MR. PEOPLES SAID HE UNDERSTOOD, THAT BY ENTERING HIS PLEA, HE WAS NOT GOING TO HAVE A JURY TRIAL. HE SAID NO ONE HAD FORCED OR THREATENED HIM TO ENTER THE PLEA. (R1-108) HE SAID NO ONE HAD PROMISED HIM ANYTHING OTHER THAN THE TEN YEAR SENTENCE. (R1-108) HE SAID HE WAS SATISFIED WITH THE SERVICE OF HIS LAWYER. (R1-108) HE SAID HE READ AND UNDERSTOOD, THE WRITTEN PLEA AGREEMENT. (R1-110).

THE STATE PROVIDED A FACTUAL BASIS FOR CRIMES. (R1-112-113) MR. PEOPLES SAID HE WANTED TO ENTER THE PLEA. (R1-114) THE JUDGE ACCEPTED THE PLEA, FINDING IT WAS FREELY AND VOLUNTARILY ENTERED WITH A SUFFICIENT FACTUAL BASIS. HE ALSO FOUND THAT MR. PEOPLES HAD STIPULATED TO FINDING THAT HE QUALIFIED TO BE SENTENCED AS A HABITUAL FELONY OFFENDER. (R1-115) THE JUDGE THEN SENTENCED HIM TO A TOTAL OF TEN YEARS IN PRISON. (R1-116)

MOTION TO WITHDRAW PLEA

AFTER SENTENCING, MR. PEOPLES FILED A PROSE MOTION TO WITHDRAW HIS PLEA. (R1-168) THE WRITING SAID THAT HE "WOULD HEREBY WITHDRAW MY PLEA...." MR. PEOPLES DID NOT EXPLAIN WHY HE WANTED TO DO SO. THE JUDGE DENIED THE MOTION, FINDING IT WAS "FACIALLY AND LEGALLY INSUFFICIENT." (R1-169).

STATEMENT OF THE CASE AND FACTS

3.950 POST CONVICTION

- 1) AUGUST 19th 2016 PETITIONER FILED A 3.950 THE DEFENDANT'S CONVICTION BECAME FINAL ON JAN. 27th 2014. THE MOTION WAS FILED BEYOND THE 2 YR LIMITATION APPLICABLE TO RULE 3.950 IT WAS DISMISSED BY ORDER ON 11-1-2016.
- 2) ON JAN. 25th 2016 DEFENDANT FILED A 2nd AND 3rd POST CONVICTION MOTION WITH MEMORANDUM OF LAW. IT WAS DENIED APRIL 13th 2016 ON 4-28-2016, A REHEARING WAS FILED AND ON 5-16-2016, IT WAS DENIED. A NOTICE OF APPEAL WAS FILED ON 5-17-2016. MANDATE(S) OF PERCURIUM WERE ISSUED ON 1-17-2017 AND 3-29-2017 (CASE) #1-D16-233) AND #1-D16-5632.)

2254 HABEAS CORPUS

- 3) PETITIONER FILED A 2254 TO FEDERAL DISTRICT COURT IN PENSACOLA (CASE # 3:17-CV-190-LC-/CJK ANTHONY PEOPLES-VS-SEC. DEPT. OF CORRECTIONS ON 3-22-2017 # D.O.C. 1. IT WAS DENIED. THE ORDER AND JUDGMENT DISMISSING THE 2254 DOCKETS # 30 AND #31 WERE DATED 8-3-2018
- 4) A NOTICE OF APPEAL TO THE U.S. 11th CIRCUIT WAS FILED ON 8-22-2018 D.O.C. #32.

5) 11th CIRCUIT OF APPEALS

PETITIONER/APPELLANT ORDER DENYING HIS CERTIFICATE OF APPEALABILITY ON CASE # 18-13573-D WAS ISSUED ON 1-23-2019, NO MOTION TO RECONSIDER WAS FILED.

- 6) PETITIONER NOW FILES THIS EXTRAORDINARY WRIT TO THE U.S. SUPREME COURT ON

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REASONS FOR GRANTING THE PETITION

1) THE REASON FOR GRANTING THIS PETITION IS, THE COURT, STATES ATTORNEY, AND DEFENSE ATTORNEY FOR PETITIONER, ALLOWED, AND SANCTIONED, THE PETITIONER, A CHALLENGED DEFENDANT, TO PLEA TO A "FRAUDULENT INFORMATION", ON 19TH DAY OF JUNE 2013, AND DEFENDANT SUBMITTED TO THEIR AQUINENCE AND MISADVICE RESULTING IN A INVOLUNTARY PLEA AND MANIFEST INJUSTICE.

SENTENCING

A) THE SENTENCING HEARING DATE WAS THE 19TH DAY OF JUNE, 2013 AT THE M. C. BLANCHARD JUDICIAL BUILDING, 190 GOV. CENTER PENSACOLA FLA, 32502. SEE: TRANSCRIPTS; APPENDIX D (A CAREFULL READING IS NECESSARY.) FOR THE STATE WAS RAVEN REID ESQ. ASSISTANT STATE ATTORNEY, REPRESENTING PETITIONER, DEFENSE ATTORNEY, NICHOLAS THOMAS. CASES REVIEWED 2013-CF-001637 & 2013-CF-001086. THE HONORABLE, TAN SHACKELFORD, CIRCUIT JUDGE PRESIDING.

APPENDIX D

B) DEFENSE ATTORNEY EXPLAINS TO THE COURT ON PAGE 86 LINES 12-16 THAT (ONE) PETITIONER SUFFERS FROM "UNTREATED PARANOIA SCHIZOPHRENIA AND THAT HE IS PRESENTLY NOT TAKING HIS MEDICATION, A REASONABLE JURIST AND A COMPETANT STATES ATTORNEY, AT THIS TIME, SHOULD HAVE OUT OF ABUNDANCE OF CAUTION, PUT A STAY ON THE SENTENCING PROCEEDINGS, AND COURT ORDERED A PSYCHOLOGICAL EVALUATION FOR COMPETENCY. SEE: FLA RULES OF COURT 3.210 - 3.219, ESTABLISHING BY THE SUPREME COURT SEE: DUSKY - VS - UNITED STATES (30 S.C.T. 788)

C) APPENDIX: EXHIBIT D, PAGE # 91 - LINES 10-25, PETITIONER, UNDER OATH, EXPLAINS IN DETAIL HIS PSYCHOLOGICAL DISTRESS AND NUMEROUS CONCERNS IN FACT ON PAGE # 91 LINE # 25 HE STATES "I DON'T HAVE NO CONTROL ON HOW MY MIND COME AND HOW MY MIND GO."

#16
REASONS FOR GRANTING THE PETITION

ALARMING, THE COURT DIDN'T EXIGENTLY STOP THIS SENTENCING, AS IT IS APPARENT PETITIONER IS "CONFUSED".

PAGE #104 LINES 1-10

- 1) THE COURT: DO YOU KNOW WHY WE ARE HERE TODAY?
- 2) THE DEFENDANT: "YES MAMM"
- 3) THE COURT: WHY ARE WE HERE?
- 4) THE DEFENDANT: FOR CHARGES I *COMMITTED
- 5) DEFENDANT CONFUSED, STATED:

1) "FOR THE CHARGES THAT I COMMITTED."

THIS SWORN TO STATEMENT, WAS THE BEST WAY HOW PETITIONER WAS CONFUSED. SEE: APPENDIX (E), REVEALS PETITIONER'S CONCERNS AND CONFUSION. PETITIONER IS CHARGED BY A CERTIFIED NOTARIZED OFFICIAL INFORMATION CONTAINING A SWORN STATEMENT BY THE STATES ATTORNEY REPRESENTATIVE THAT, PETITIONER IS:

2) "CHARGED" WITH BURGLARY TO 3429 ANDREW AVE.

SEE: INFORMATION DATED 3/22/2013

3429 ANDREW AVE. IS A NON-EXISTANT DWELLING SEE: APPENDIX "E" ESCAMBA CO. PROPERTY APPRAISERS LETTER DATED 2/7/2017 AND THE 4/20/2016 LETTER. BOTH LETTERS CERTIFIED FACTUALLY THAT 3429 ANDREW AVE. IS NON-EXISTANT. REMEMBER PETITIONERS, WHEN ASKED BY THE COURT "WHY HE WAS HERE." HE STATED UNDER OATH

3) "FOR THE CHARGES THAT I COMMITTED".

OBVIOUSLY CONFUSED WHY HE WAS BEING MISADVISED BY THE COURT, DEFENSE ATTORNEY AND THE STATE ATTORNEY TO PLEAD OUT TO BURGLARY CHARGES OF A "NON-EXISTANT" ADDRESS. IN FACT, THE PROBABLE CAUSE AFFIDAVIT IN APPENDIX E IS ALSO FRAUDULANT. THE AFFIDAVIT ALSO STATES UNDER OATH, PETITIONER BURGLARIZED A NON-EXISTANT 3429 ANDREW AVE.

REASONS FOR GRANTING THE PETITION

E.) PETITIONER SWEARS AND AFFIRMS THAT THE FACTS HEREIN ARE UN-REFUTABLE IN FACT THEY ARE NOTARIZED UNDER SEAL AND SWORN TO.

1) THE QUESTION HEREIN FOR REVIEW IS CONCISE IN RELATION TO THE CASE AND FACTS ON THE RECORD.

2) PETITIONER HAS PRESENTED HIS REASON IN BREVITY AND CLARITY, AND IN GOOD FAITH THAT THIS COURTS SUPERVISION POWERS ARE NECESSARY FOR THE EXTRA-ORDINARY WRIT.

3) THIS WAS A INVOLUNTARY PLEA, AND A MANIFEST INJUSTICE U.S.-VS-QUINTANA 300 F.30,1227 (11th CIR:2002)

F.) CONCLUSION:

PETITIONER HUMBLY PRAYS THIS HONORABLE COURT ACCEPT JURISDICTION OF THIS WRIT, AND FURTHER RESOLVE THE QUESTION HEREIN. PETITIONER PROCEEDURLY EXHAUSTED THIS ISSUE IN 3,850 PROCEEDINGS AND IN THE 2254 HABEAS CORPUS FEDERAL COURT. THE TRIAL COURT SAID THIS "MANIFEST INJUSTICE" / INVOLUNTARY PLEA, WAS "SCRIBERS ERROR". THE FEDERAL 2254 COURT EXPLAINED IT AS A TYPO-ERROR, IN THE 2254 COURT EXPLAINED IT AS IN THEIR REPORT AND RECOMMENDATION.

1) IN NO CIRCUMSTANCE WOULD THE PUBLIC OR A SEASONED JURIST, THAT IS REASONABLE, AGREE, THAT A "CHALLENGED CONFUSED PETITIONER" / DEF, PLEAD TO A FRAUDULENT INFORMATION, THAT WAS SUPPORTED BY A FRAUDULENT PROBABLE CAUSE AFFIDAVIT, THAT WAS THE BASIS FOR ARREST. WHEREFORE: PETITIONER HUMBLY PRAYS THIS COURT EXERCISES IT SUPERVISORY, POWERS, AND ACCEPTS JURISDICTION OF THIS EXTRAORDINARY WRIT. EMPHASIZING, THE FACTS HEREIN, ARE NOT DEBATABLE OR AT ISSUE AND GRANT THIS WRIT AND ADDRESS THE QUESTION HEREIN. RESOLVING THIS MANIFEST INJUSTICE INVOLUNTARY PLEA, WHERE A CHALLENGED CONFUSED DEFENDANT WAS PLACED BEFORE THE COURT AND THE PUBLIC TO PLEAD TO A FRAUDULENT INFORMATION.

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CONCLUSION

This Petition for a Writ of Certiorari should be granted.

Respectfully submitted,

• /s/ Anthony J. Perez

• Date: 2-27-19