

No. 18-8572

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SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

CHRISTOPHER L. JONES — PETITIONER
(Your Name)

vs.

STATE OF FLORIDA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

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

PETITION FOR WRIT OF CERTIORARI

CHRISTOPHER L. JONES

(Your Name)

Century Correctional Institution
400 Tedder Road

(Address)

Century, Florida, 32535

(City, State, Zip Code)

N/A

(Phone Number)

QUESTION(S) PRESENTED

1. whether there is, within the minimum requirements of due process, a minimum set of guidelines to be considered by a Court, in violation proceedings, before denying an unrepresented community controllee's request for a continuance to retain counsel of choice, and, whether he has a minimum due process right to be represented by retained counsel of choice at those violation proceedings?
2. whether the doctrine of unconstitutional conditions is applicable in community control violation proceedings where a state trial Court deprives an unrepresented defendant his Sixth and Fourteenth Amendment rights by denying him a continuance to retain counsel of choice, unless he agreed to waive his right to speedy trial in an unrelated case?

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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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

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☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

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☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

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☐ is unpublished.

The opinion of the Florida Supreme court appears at Appendix C to the petition and is

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

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was July 27, 2018. A copy of that decision appears at Appendix A.

☒ A timely petition for rehearing was thereafter denied on the following date: December 27, 2018, and a copy of the order denying rehearing appears at Appendix D.

☐ 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).

☒ A request for discretionary review was dismissed on the following date: January 10, 2019, and a copy of the decision appears at Appendix C.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

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

Amendment 6, U.S. C. A.

"Section 1. [citizens of the United States] All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny any person within its jurisdiction the equal protection of the laws."

Amendment 14, U.S. C. A.

STATEMENT OF THE CASE

After review, consideration, and subsequent denial, of a Motion for Post-Conviction Relief, in the Second District Court of Appeal of Florida, a State Court of last resort, hereinafter, the State Court. This honorable Court is petitioned for review and consideration of the instant case. Pertaining to violation of community control proceedings where the State Court "Affirmed" the State trial court decision on an appeal from a Motion for Post-Conviction Relief, Florida Rules of Criminal Procedure, 3.850(a)1. That was taken pursuant to Florida Rules of Appellate Procedure, 9.141(b)(2). see Appendix A.

It was the Thirteenth Judicial Circuit Court of Hillsborough County, Florida, where the motion for Post Conviction Relief was initially reviewed. The federal questions presented in the instant petition were raised in various respects communicating the deprivation of petitioner's Sixth and Fourteenth Amendment rights. They were denied by that Court stating,

"The Court finds claims one through six and eight to be without merit. In particular, the Court finds claims of trial court error are procedurally barred in a rule 3.850 motion because they should have been raised on direct appeal."

Appendix B, pg. 3.

A motion for Rehearing was filed afterwards in the trial court, and was "denied" also, see Appendix H, and, G.

When the State Court affirmed the lower tribunal's decision. A motion for Rehearing was filed in that instance,

recounting the due process violations, see Appendix E. That motion was "denied" after nearly ninety days of consideration, see Appendix D. Petitioner also filed a request for "discretionary review" to the Florida Supreme Court, which was "dismissed" on account of lack of "jurisdiction to review an unelaborated decision from a district court of appeal that is issued without opinion or explanation", see Appendix C.

This Writ of Certiorari follows that decision.

A time before the aforementioned proceedings took place. There was a direct appeal from the original judgment of petitioner's violation of community control proceedings, in the State Court. That appeal raised two claims, one of "Trial Court Error", the other of, "The Trial Judge's Vindictive and Punitive" behavior in the proceedings. See Appendix J. On appeal the State Court "Affirmed" the trial court's decision, see Appendix I.

Thereafter petitioner pursued relief by means of a Writ of Habeas Corpus to the State Court. ~~Demon~~strating the ineffectiveness of appellate counsel as it's single claim.

"For failing to raise on direct appeal that the trial Court palpably abused it's discretion in denying motion for continuance, to retain counsel of choice, at a critical stage in the proceedings, and did not make an determination of record, that petitioner made a knowing and intelligent waiver of the right to counsel, depriving him of his right to counsel and his right to due process."

Appendix L, pg. 5.

The petition was "denied", see Appendix K. Rehearing was filed and subsequently "denied" as well.

see Appendix N, and, M.

These are mentioned here to show petitioner's numerous failed attempts to demonstrate before the State Courts the deprivation of his due process rights.

The immediate petition is presented before this Court enumerating several questions of constitutional dimension. In relation to counsel of one's choice, and the due process rights of a community controllee in violation and revocation proceedings. That which petitioner believes he was deprived in the State Courts. Also, here now, before this Court, for review and consideration, is a case that may potentially prove to be of national relevance, where it concerns those of similar circumstances.

REASONS FOR GRANTING THE PETITION

Reasons for granting this petition are to consider whether the Second District Court of Appeal of Florida, a state court of last resort, has decided an important federal question in a way that conflicts with a decision of another state court of last resort, namely, the Fourth District Court of Appeal of Florida. In addition to that this same state court, the Second D.C.A., has decided an important question of federal law that has not been, but should be, settled by this Court. Also this state court has decided an important federal question in a way that conflicts with relevant decisions of this Court.

Petitioner avers,

The Second District Court of Appeal of Florida, hereinafter, the State Court, has decided a federal question within the instant case in a way that conflicts with a decision of the Fourth District Court of Appeal of Florida, in Deal v. State, 145 So. 3d. 212, (Fla. 4th D.C.A. 2014).

Where the Fourth D.C.A. has decided that the trial court errors when it fails to make an adequate inquiry into the surrounding circumstances, and clear findings, to show that constitutional rights are not being arbitrarily denied. Before denying a probationer a continuance to retain private counsel, even at the outset of a violation hearing. Deal at 213, supra. The Fourth D.C.A. declared,

"Therefore 'having failed to make a adequate inquiry into the surrounding circumstances and to make a clear finding that Deal's constitutional right was not being arbitrarily denied, we hold

that the trial court erred in denying his motion for a continuance to retain private counsel. ”

Deal at 215, *supra*.

This case is analogous to petitioner's where a continuance was sought to retain private counsel, prior to the commencement of the final violation hearing. The trial court denied the request without making an adequate inquiry, and clear findings, in order to preclude the arbitrary denial of a constitutional right. Also the State did not object to a continuance nor did they point out whether they would be prejudiced if one was granted. Neither did the trial court question the want or need for private counsel at that time. see Appendix D, pp 3-10, and Deal at 213, 214, *supra*.

What distinguishes Deal's case from petitioner's is that he was altogether unrepresented at the time he was denied a continuance retain private counsel. Where Deal was represented by court appointed counsel at the time he was denied. In addition to that, the private counsel which was to be retained for petitioner appeared before the trial court requesting the continuance herself. Where in Deal's case his mother requested the continuance for private counsel whom was not present at the time. see Appendix D, pp: 3-10, and Deal at 213, *supra*.

The most distinguishing aspect between the instant case and Deal's is that petitioner was given a Hobson's Choice to make, which resulted in being given what has been termed "unconstitutional condition". Petitioner recalled the trial court's attention to this fact in "Ground 4" of his Post conviction motion stating,

“ Movant asserts, he was arbitrarily forced, by the trial court, to make a 'Hobson's choice' between two constitutionally protected benefits.

When he was made to make the choice between waiving his speedy trial in an separate unrelated case, in order to receive the assistance of counsel of choice at a critical stage in the proceedings; or forgo the assistance of counsel of choice, in order to receive a speedy trial in the unrelated case." Appendix E pg. 9.

The law used in support of the claim asserted that,

"The government may not deny a benefit to a person because he exercises a constitutional right." Williams v. State, 167 So.3d 483, 486, (Fla. 5th D.C.A. 2015), citing, Koontz v. St. John's River Water Mgmt Dist., 133 S. Ct. 2586, 186 L. Ed. 2d 697, 707, 708, (2013).

Also,

"The doctrine, [of unconstitutional conditions], vindicates the Constitution's enumerated rights by preventing the government from coercing people into giving them up." Williams, supra.

Still further,

"The Supreme Court has found it intolerable that one constitutional right should have to be surrendered in order to assert another." Simmons v. United States, 390 U.S. 377, 394, 88 S. Ct. 967, (1968). see Appendix E, pp. 6, 7, Memorandum in Support of Motion for Post-Conviction Relief.

The court record reflects that after the trial court was informed of the request for a continuance of the final violation hearing, and that petitioner did not want to continue the trial in the unrelated new case. That it only inquired as to

whether the State would be ready that day or not, before denying the request to continue the violation hearing. The trial court declared,

"I'm not going to continue the violation of probation hearing. If you want to retain [counsel], you're welcome to do that. You need to be aware, [counsel] that the State is prepared to go forward on the violation of probation. If you want to represent [petitioner] on that violation of probation and he is not willing to waive his right to a speedy trial, then we will have that violation of probation hearing today. If you want to explain his right to a speedy trial and you want to represent him, if you ask for a continuance so that you can represent him, I will allow you to do so, but it's going to necessitate a waiver of his right to a speedy trial."

Appendix O pp. 5, 6.

Clearly it can be noted that the trial court was depriving petitioner of his constitutional right to due process, and the equitable administration of justice. Under the circumstances, could not a continuance to retain counsel have been granted by the trial court? The fact that the state was prepared was irrelevant based on the above statement by the trial court. The trial court plainly told Counsel a continuance would be granted, but, "it's going to necessitate a waiver of his right to a speedy trial," in an unrelated new case. Is this not unconstitutional?

After the decision of the trial court to deny the continuance on account of petitioner not waiving speedy trial, He entreated the trial court numerous times to reconsider

it's ruling before the violation hearing began, only to be condemned and hotly scolded by the trial court. See Appendix Q, pp. 4-10, and, 13-17.

Reluctantly, petitioner had to move forward to the violation hearing unrepresented by his counsel. Which resulted in his losing the hearing to a well trained assistant state attorney.

In regards to Deal petitioner initially illustrated that both cases were similar in "Ground 1" of his motion for post-conviction relief stating,

"[T]he trial court palpably abused it's discretion in denying a motion for continuance, to retain Assistance of Counsel, at a critical stage in the proceedings." Appendix E, pg. 5. Postconviction Motion and Memorandum.

While the memorandum of law clearly demonstrated this fact. The trial court decided that the claim was "without merit" and it was "procedurally barred" from being raised at that time. The trial court ruled,

"The Court finds claims one through six and eight to be without merit. In particular, the Court finds claims of trial court error are procedurally barred in a rule 3.850 motion because they should have been raised on direct appeal."

Appendix B pg. 3.

Petitioner requested a Rehearing informing the trial court that it was overlooking the fact that,

"Florida Courts have ruled, 'There are several types of errors which can occur in a criminal proceeding which

affords a defendant the right to receive post-conviction relief. One type includes errors which are classified as 'structural defects in the trial mechanism.'"

Pinardi v. State, 718 So. 2d. 242, 244, (Fla. 5th D.C.A. 1998); also, Arizona v. Fulminante, 499 U.S. 279, 111 S. Ct. 1246, (1991); Appendix H, pg. 2.

Also explaining that,

"Trials contaminated by structural defects include those in which the defendant has been deprived of counsel and those presided over by a biased judge." App. H pg. 3.

The trial Court held to its "Final Order" and "denied" the Rehearing request. Appendix G.

Petitioner appealed to the State Court who also considered the motion and eventually "Affirmed" the lower tribunal's ruling.

Appendix A.

Petitioner followed that decision with a motion for Rehearing as well. Appendix E.

As in the motion for Rehearing submitted in the trial court petitioner highlighted points of fact and law he felt was being overlooked according to his research. Particularly that,

"[C]laim one of appellant's motion... presents deprivations of the Sixth and Fourteenth Amendments of the United States Constitution, as well as, Article I §16 of the Florida Constitution. The U.S. Supreme Court has long held... 'If the accused however is not represented by counsel and has not competently and

intelligently waived his Constitutional right, the Sixth Amendment stands as a jurisdictional bar to a valid conviction and sentence depriving him of his life or his liberty.”

“Johnson v. Zerbst, 304 U.S. 458, 464, 465, 468, (1938); also, Appellant's Post Conviction Motion and Memorandum of Law in Support, Claims one and three.” Appendix E, pp. 6, 7.

Petitioner, in the same motion, continued, “[T]his claim presents what have been termed as ‘structural defects in the trial mechanism.’ see U.S. v. Gonzalez-Lopez, 548 U.S. 140, 126 S. Ct. 2557, 2563, 2564, (2006).”

and, “Florida Courts have determined if ‘structural defects’ are found to exist in a case it ‘affords’ a defendant the right to receive postconviction relief.” Wilson v. State, 764 So. 2d. 813, 816-18, (Fla. 4th D.C.A. 2000); and Jones v. State, 74 So. 3d 118, 121, (Fla. 1st D.C.A. 2011). ”

Appendix E, pg. 7.

By calling attention to the law cited above, petitioner attempted to apprise the State Court on what exactly the trial court's decision had overlooked. Also, the fact that they, the trial court, had jurisdiction to correct the error. Petitioner also requested in the rehearing that the State Court certify Deal v. State, 145 So. 3d 812, (Fla. 4th D.C.A. 2014), to the Florida Supreme Court, As its decision in the instant case was in direct conflict with the decision in that one, on the same question of law. In addition to that they should consider hearing the instant case En Banc because the panel decision in it is “in conflict

with other decisions of this District on the same point of law." Decisions offered to consider were as follows:

Rice v. NITV, 19 So.3d. 1095, (Fla. 2d. D.C.A. 2009);
Brown v. State, 38 So.3d. 212, (Fla. 2d. D.C.A. 2010);
Hill v. State, 157 So.3d. 48, (Fla. 2d. D.C.A. 2013);
Brady v. State, 91D So. 2d. 388, (Fla. 2d. D.C.A. 2005).
see Appendix E, pg. 12.

Though the Florida Supreme Court would have considered review they "dismissed" the case due to an "unelaborated" opinion from the denial of a rehearing by the State Court.
see Appendix C, and, D.

The present petition follows that decision because of the great importance of the Assistance of Counsel in safeguarding one's constitutional rights. In a criminal proceeding where one's life and liberty is concerned.
see Johnson v. Zerbst, 304 U.S. 458, 462, 58 S.Ct. 1019, (1938).
This Court has held,

"The Sixth Amendment to the Constitution guarantees that "[i]n all criminal prosecutions, the accused shall enjoy the right, ... to have the Assistance of Counsel for his defence."

Wheat v. U.S., 486 U.S. 157, 159, 108 S.Ct. 1692, (1988).

Also,

"[T]he right to select and be represented by one's preferred attorney is comprehended by the Sixth Amendment," ... though, "circumscribed in several important respects."

Wheat, supra.

The Deal court considered this holding when making their decision that his constitutional right was arbitrarily denied.
Deal at 214, supra.

That Court also considered U.S. v. Gonzalez-Lopez, 548 U.S. 140, 126 S.Ct. 2557, (2006); see Deal at 215, *supra*. Where this Court considered the question of, "Whether a trial Court's erroneous deprivation of a criminal defendant's choice of counsel entitles him to a reversal of his conviction." see Gonzalez-Lopez at 2560, *supra*.

Within that decision this Court affirmed Wheat and decreed,

"Where the right to be assisted by counsel of one's choice is wrongly denied, therefore, it is unnecessary to conduct an ineffectiveness or prejudice inquiry to establish a Sixth Amendment violation. Deprivation of the right is 'complete' when the defendant is erroneously prevented from being represented by the lawyer he wants, regardless of the quality of the representation he received."

Gonzalez-Lopez at 2563, *supra*.

This Court went on to qualify this constitutional error as a 'structural defect', as before mentioned, which,

"defy analysis by 'harmless error' standards" because they affect[] the framework within which the trial proceeds; and are not "simply an error in the trial process itself."

Gonzalez-Lopez at 2564, *supra*; citing, Arizona v. Fulminante, 499 U.S. 279, 111 S.Ct. 1246, (1991).

The Deal court after considering the holdings of this Court, as cited above, reversed and remanded his case to the trial court. Deal at 215, *supra*. Though petitioner has made the courts of the state of Florida aware of the above facts.

with the constitutional provisions and federal law pertinent to to facts. He has suffered a different fate contrary to that of Deal's, in regard's to the same question of law.

Resulting in a conviction and imprisonment in opposition to the Sixth Amendment right to choose one's counsel, and the Fourteenth Amendment right to due process of law.

Rights guaranteed to every citizen of the States of the United States of America. Due to this fact petitioner seeks review by and through this High Court.

Furthermore, petitioner made the trial court aware that the decision in his case contravened Morrissey v. Brewer, 408 U.S. 471, 92 S.Ct. 2593, (1972); and Gagnon v. Scarpelli, 411 U.S. 778, 93 S.Ct. 1756, (1973). Although he did not specifically submit for the trial court to consider in his motion for post conviction relief, that it's decision breached that of this Court in Morrissey and Gagnon in several respects. Other than in "Ground 8", where he asserted,

"[T]he trial court committed fundamental error by having a partial and bias disposition against him. Depriving him of his due process rights rendering the proceedings unfair and structurally defective."

See Appendix E pg. 12.

Petitioner highlighted the trial court's bias disposition towards him. By elaborating upon it's discontentedness with petitioner, that showed forth through the trial court's condescending treatment of him. After he elected to dismiss his court appointed attorney and proceed unrepresented. On account of that decision the trial court, throughout all proceedings thereafter, displayed an "unreasonably im-

patient disregard for his defense." see Appendix E, pp. 12, 13.
Not the "neutral and detached" as spoken of by this Court.

"A probationer does not enjoy the same status as an ordinary citizen, but even so a probationer is entitled to some but not all due process rights... These include the right to preliminary and final revocation hearings under the same conditions provided in 'Morrissey'... which include - a neutral and detached hearing body... The United States Supreme Court has held that the requirement of a neutral factfinder in VOP hearings is an indispensable part of elemental due process of law." see McFadden v. State, 732 So. 2d. 1180, 1184, 1185, (Fla. 4th D.C.A. 1999); Citing Morrissey v. Brewer, 408 U.S. 471 (1972); and Gagnon v. Scarpelli, 411 U.S. 778 (1973), see also Appendix E, memorandum of Law, pp. 10, 11.

Once the State Court affirmed the trial court's decision denying petitioner relief, He set forth in plain words, in his motion for Rehearing, how it transgressed this Court's decisions in Morrissey and Gagnon. Concerning the minimum requirements of due process in violation of probation proceedings.

"The United States Supreme Court has mandated the minimum requirements of due process that should be met in every preliminary and revocation of probation hearing. Appellant has detailed in his post conviction motion several lower tribunal errors that are a deprivation of his right to due process as outlined in 'Morrissey' and 'Gagnon'." see Appendix E pg. 1.
17.

Petitioner continued to explain to the State Court that they had overlooked this fact and he categorized his claims for the State Court to reconsider in light of Morrissey and Gagnon. Appendix E, pp. 3, 4.

"The following claims one, three, A+B, four, six, and seven, are due process claims that fall under 'Gagnon'. Where the Court stated...

"If the request for counsel is refused...
'In every case a request for counsel at a preliminary or final hearing is refused, the grounds for refusal should be stated succinctly in the record.'")

Gagnon at 791, supra; see Appendix E pg. 3.

As previously noted, there are no grounds specified by the trial court as to why counsel was refused, that would adequately fit the circumstances. In addition to that,

"Though 'Gagnon' determined that the right to Counsel was based on a case by case basis, of which appellant met the requirement to have that right, see 'Gagnon' at 790, supra. The Florida Supreme Court mandated that in all probation re-vocation hearings the right to counsel must be afforded the alleged violator before he is required to answer to the alleged violations. Unless an informed waiver of the right is secured.

State v. Hicks, 478 So. 2d. 22, 23, (Fla. 1985).")

Appendix E, pg. 3; and Appendix E,
Grounds 1 and 3.

Following that petitioner demonstrated how claims,

"two, and five, are due process claims that are under 'Morrissey' where it concerns the undertakings of a probationer refuting the violations via letters, documents, or witnesses, and a conditional right to confront and cross-examine adverse witnesses, in a preliminary and final revocation hearing." see Appendix E, pg. 3.

Again petitioner submitted for the State Court to reconsider that,

"Claim eight is a due process claim under 'Morrissey' also, where it concerns a preliminary and final hearing be heard by an independent decision maker that is 'neutral and detached' from either of the parties." see Appendix E, pg. 4.

Lastly, "In addition to that of the decision maker being 'neutral and detached,' 'a written statement by the factfinders as to the evidence relied on and reasons for revoking parole,' is required. There is no written statement, by the lower tribunal, of the evidence relied on, to support the revocation of community control, nor are there any written reasons by the Court. see Morrissey at 489, *supra*. A careful review of appellant's claims, in conjunction with the record, will demonstrate that he was not afforded the minimum requirements of due process in the proceedings." see Appendix E, pg. 4; and Appendix P.

By reason of the numerous ways in which Morrissey and Gagnon were not considered and followed in petitioner's case, He is led to believe that he could not have possibly been afforded the "minimum requirements of due process" this Court envisioned when deciding those cases. This question is left for this honorable Court to decide.

In light of the foregoing constitutional due process violations of petitioner's rights, and the posture of the state courts in respect to them. Petitioner proposes to this Court whether the circumstances of his case presents the opportunity to answer the question left unanswered in Morrissey and Gagnon. Which is, whether a probationer or parolee, (or in petitioner's case a community controllee), has a right to be represented by retained counsel at a violation hearing? see Morrissey at 408 U.S. 489, *supra*; and Gagnon 411 U.S. at 790, 791, *supra*.

The questions of federal law the instant case proposes, it is believed, makes it a compelling one to be considered on a national level. They have come to this Court after being passed upon by the State Court of last resort. That this Court may consider and side with equity and justice in deciding whether petitioner was indeed deprived of his Constitutional rights. For petitioner has diligently attempted to inform the state courts of the facts and law as demonstrated above. He has shown as a matter of law, what may involve complex legal reasoning, the application of relevant case law, and the thorough and careful analysis of certain defense provisions. He has articulated the particular significance of the constitutional violations in his case.

Not only is his case enormously significant and of great public importance. But through answering the questions presented herein and those that have been in want to be answered by this Court for many a year. This Court will reaffirm the fair and equitable constitutional due process rights of a criminal defendant in our Nation. Whether he be on probation, parole, or community control, as was petitioner in the instant case.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

_____

Date: 3/20/19

APPENDIX A

APPENDIX A