

18-9610

No. 18A1131

ORIGINAL

Supreme Court, U.S.
FILED

MAY 17 2019

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Mr. Keith Womack Jr. — PETITIONER
(Your Name)

vs.

STATE of Florida — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Florida Supreme Court
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Mr. Keith Womack Jr.
(Your Name)

3139 Col. Greg Malloy Rd
(Address)

Crestview, FL 32539
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

- 1) Does the state have unlimited absolute discretion to deny a petitioner a removal if petitioner qualifies under Florida and federal statutes?
- 2) If Florida Statute § 800.04(4)(a)1 clearly states "the alleged victim has to be 12 yrs old or older but less than 16 yrs old. does petitioner met this criteria?
- 3) Is a petitioner allowed to be removed from sexual offender/predator registration if petitioner qualifies under state and federal law but uses an inaccurate criminal background to deny petitioner?
- 4) When there is no cases that qualifies under both state and federal criteria and the only case that matches those same exact criteria how is it petitioner isn't best candidate?
- 5) Does petitioner qualify under 42 U.S.C.S § 16911 (1) , 42 U.S.C.S § 16911(5)(C) 42 U.S.C.S § 16901 and fl. Stat. § 943.04354(1)(a),(b) & (c) but never met criteria under fl. Stat. § 800.04(4)(a)1 by law that's shown on the face of the record?

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

Miller v. State, 17 So. 3d 773 (5 DCA 2009) APPENDIX: 6

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STATUTES AND RULES

42 U.S.C §16901 (Amie Zylka)

42 U.S.C §16911 (5)(C) Adam Walsh Act

800.04 (4)(a)(1)

943.04354 (a)

943.04354 (b)(1)

943.04354 (c)

OTHER

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

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

OPINIONS BELOW

For cases from **federal courts**:

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

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 is unpublished.

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

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 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix 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 3 District Court of Appeals court appears at Appendix B 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. 18 A 1151.

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

For cases from **state courts**:

The date on which the highest state court decided my case was April 18, 2018. A copy of that decision appears at Appendix A.

[] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[] An extension of time to file the petition for a writ of certiorari was granted to and including May 17, 2018 (date) on May 7, 2019 (date) in Application No. 18 A 1151.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- 1) 800.04 (4)(a)(1) states a person commits lewd or lascivious battery on engaging in sexual activity with a person 12 yrs of age or older but less than 16 yrs of age
- 2) 943.04354 f. Stat. (1) for purposes of this section, a person shall be considered for removal of the requirement to register as a sexual offender or sexual predator only if the person:
 - (a) 1. was convicted, 800.04, regardless of adjudication and is required to register as a sexual offender or predator solely on the basis of this conviction
 - 2) is not more than 4 yrs older than the victim of this violation who was 13 yrs of age or older but younger than 18 yrs of age at the time the person committed this violation
- 3) 42 U.S.C.S § 16911 (a) Jamie Zylka expansion of sex offense means:
 - (a) offenses involving consensual sexual conduct. An offense involving consensual sexual conduct is not a sex offense for the purposes of this title if the victim was an adult unless the adult was under the custodial authority of the offender, at the time of offense, or if the victim was at least 13 yrs old and the offender was not more than 4 yrs older than the victim
 - 4) 42 U.S.C.S § 16901 Adam Walsh Act states clearly "that only persons who have engaged in consensual sexual conduct can be exempt from registering as sexual offenders.

STATEMENT OF THE CASE

On Sept. 13, 1999 petitioner Mr. Keith Wommas Jr. was originally charged with lewd and lascivious battery on child 12 yrs old or older but less than 16 yrs old,

On Aug. 11, 2000 petitioner was arrested for the charge of lewd and lascivious battery.

On May 2, 2002 petitioner was sentenced to (3) three years state prison after violating probation with a new commitment (FDI-41291), and sentences were run concurrent,

The petitioner Mr. Wommas Jr. is the defendant in this criminal case in Miami-Dade County. On Sept. 3, 2009 the respondent denied petitioner's original letter as motion to be removed because petitioner never stated "it wouldn't conflict with federal law", whereas it doesn't conflict with federal law due to consensual sex and the age window period between both parties. There was never a hearing conducted to present evidence on behalf of petitioner and all future motions were denied due to inaccurate and incorrect information on criminal background.

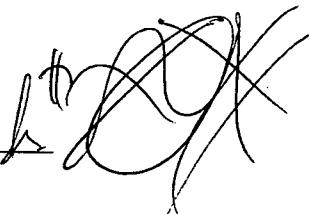
REASONS FOR GRANTING THE PETITION

- 1) reason for granting this pursuant to fl. stat. § 320.04 (4)(a) I gave a criteria that I didn't meet whereas the alleged victim was not less than 16 yrs old
- 2) pursuant to fl. stat. § 943.04354 requirements where met but petitioner was never obligated that right for removal
- 3) pursuant to 42 U.S.C. § 160411 granting is warranted due to consensual sexual conduct on both parties as well as by federal law
- 4) pursuant to 42 U.S.C. § 160401 Adam Walsh Act where granting is also warranted due to the consensual sexual conduct on both parties as well as by federal law

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Mr. Keith Whisman 

Date: _____