No. 19-14

IN THE SUPREME COURT OF THE UNITED STATES

October Term 2018

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In re Thomas F. Williams

Petitioner.

On Petition for an Original
Writ of Habeas Corpus

# PETITION FOR WRIT OF HABEAS CORPUS

Thomas F. Williams #095608
Union Correctional Institution
P.O. Box 1000
Raiford, Florida 32083

Petitioner pro se

## QUESTIONS PRESENTED

Question one: Whether the federal district & circuit court and the Florida State courts violated the Petitioner's 6th & 14th Amendment rights—when they failed to apply the plain language in Martinez v. Ryan, 566 U.S. 1, 132 S.Ct. 1309 (3/20/2012); Trevino v. Thaler, 569 U.S. ____, 133 S.Ct. 1911 (5/28/2013), and Edwards v. Carpenter, 529 U.S. 446, 120 S.Ct. 1587 (2000) to address the merits of the Petitioner's ineffective assistance of counsel claims and prosecutor & trial Court issues for procedural default reasons which resulted in a miscarriage of justice?

Question two: Whether the Petitioner's due process and sixth amendment rights were violated when the trial counsel, appellate counsel and the court failed to apply the standards for bias jury members found in Smith v. Phillips, 455 U.S. 209, 102 S.Ct. 940 (1982); Remmer v. U.S., 350 U.S. 377, 76 S.Ct. 425 (1956); U.S. v. Wood, 299 U.S. 123 (1937)?

Question three: Whether the trial judge violated Petitioner's constitutional rights by enhancing the sentence beyond the signed scoresheet sentence (20 years, App. 19) for all nine charges and by overstepping his authority by disallowing the jury to be involved or to consider the recommended scoresheet causing Petitioner's right of trial by jury to be denied?

Question four: Whether the trial judge violated Petitioner's rights when he established a rule (R. 91, App. 98-99) that disallowed defense counsel from inquiring the accusers on cross-exam in order to show one of the accusers was the

person committing the acts charged against the innocent Petitioner?

Question five: Whether the Petitioner's rights were violated by the state and federal courts by not rendering a complete decision on the merits of each claim?

Question six: Whether the State of Florida's statutes governing sexual battery can administer a capitol sentence of life with only a six person jury when a murderer obtains the exact same sentence but with a twelve person jury, thus violating the constitutional rights of the offender and rendering an illegal conviction?

Question seven: Whether a conviction can be upheld with only the accusers claiming an offense when others were present and testified they did not see any offense and where there is no factual evidence existing beyond the allegation and where there's no eye witnesses, and no admittance by the petitioner thus resulting in malicious prosecution, an miscarriage of justice?

## PARTIES TO THIS PROCEEDING

The parties to this proceeding are as follows:

1. Mark S. Inch, Secretary of the Department of Corrections.
2. Ashley Moody, Attorney General of the State of Florida.
3. Thomas F. Williams, the Petitioner.

## TABLE OF CITED AUTHORITIES

**FEDERAL CASES:**

**FLORIDA STATE CASES:**



**STATUTES & CODES:**



**RULES OF COURT:**



**CONSTITUTIONS:**

## INDEX TO APPENDIX

## ORDERS BELOW

The order of the United States District Court of the Southern District of Florida pertaining to the issues herein Fed. R. Civ. P. Rule 60(b) (6) and Martinez and Travino in which the Court denied Mr. Williams' 2254 Habeas Petition (case: 8:14-cv-1275-T-33EAJ) was entered on June 3, 2014, and is unreported. Accordingly, citations to it and all subsequent orders and documents filed in a lower federal court that are material to this Petition are by the docket numbers assigned to them by the District Court, which are available on the Southern District of Florida's internet website and found in the Appendix at pages 90-92

The order of this Court dated October 5, 2015 which denied the Petitioner to file a certiorari in forma pauperis due to a misinterpretation/misapplication of this Court's Rules 33.1 by the Clerk of this Court is found in the Appendix page 20.

The order of the Clerk of the U.S. Supreme court dated November 17, 2015 denied the Petitioner's letter to Clerk and Motion for Clarification of October 5th order that Rule 33.2 (pro se inmates apply, not Rule 33.1) is in the Appendix at page 29.

On January 7, 2019, the Petitioner sent an application to Justice Thomas to be able to file the Petition on 8 ½ x 11" paper. This was returned by clerk without action on January 15, 2019.

## STATEMENT OF THE BASIS FOR JURISDICTION IN THIS COURT

The Petitioner has exhausted his attempts in state and federal courts trying numerous times to have his claims ruled upon on their merits. These exceptional circumstances warrant this Honorable Court's consideration of the claims herein. Without this Court's acceptance will deny his basic constitutional rights.

Petitioner respectfully requests that this Court exercise its original habeas jurisdiction, appointing counsel if necessary, accepting a full review of the claims and providing an evaluation of each on their merits.

The procedural history of this case and the most recent of the district & circuit court opinions show not only that arguments were summarily denied on all of Petitioner's 2254 proceedings based on the Court's refusal to apply the Martinez rule to resolve the merits of each ineffective assistance of counsel claims, but it also denied Petitioner's authorization to appeal—due to no fault or lack of diligence on the Petitioner's part, adequate relief cannot now be obtained in any other form or from any other court.

## PROCEDURAL HISTORY

On June 20 and July 10, 1984, the Petitioner was charged with three counts of sexual battery on a child under the age of 12 contrary to Florida Statute 794.011(2), four counts of sexual battery by exercising custodial authority contrary

to Florida Statute 794.011(4) (e), and two counts of lewd and lascivious acts in the presents of a child under the age of fourteen contrary to Florida Statute 800.04. Petitioner entered a plea of not guilty and he went to trial on September 18-20, 1984, before the Honorable Philip A. Frederico, Circuit Judge for the Sixth Circuit in and for Pinellas County, Florida.

Two days after trial, Petitioner wrote Judge Federico (App. 1-2) claiming ineffective assistance of counsel. The letter was sealed until sentencing but never ruled upon or considered the claims but instead replaced counsel with a public defender.

Petitioner convicted on all counts, was sentenced only by the judge as follows: on each of the three sexual battery counts on a child under eleven, to three life imprisonment with twenty-five years minimum mandatory; on each of the four sexual batteries with custodial authority counts, to thirty years imprisonment for each one; and on the two lewd and lascivious charges, to fifteen years imprisonment on each count.

All sentences were run consecutive to each other amounting to 225 years with seventy-five minimum mandatory. Please note, the signed scoresheet (App. 19) nor the jury was allowed nor their opinions were considered regarding the sentence thereby denying a fair trial by jury. Petitioner timely filed his notice of appeal.

On January 29, 1986, the Florida Second District held the trial court erred in

departing from the guidelines regarding counts IV, V and VI of the information. The trial court reapplied the same sentence without a jury and without consideration of the scoresheet (20 years for all charges). (App. 19).

On August 11, 1986 Petitioner appealed his resentencing to the Second District Court of Appeals. The Second District per curiam affirmed the judgment and sentence on December 19, 1986.

On February 9, 1987, Petitioner filed a writ of mandamus (App. 3-5) against the trial judge for the illegal sentence with the Supreme Court of Florida, Williams v. Federico, 509 So.2d 1119 (case 70,105) (Fla. 1987) (App. 17). This writ was dismissed as was the motion for rehearing without ruling on the merits. The Petitioner then filed a writ of certiorari to the United States Supreme Court which was denied for want of jurisdiction.

While a petition in the Florida Supreme Court was still pending, on May 28, 1987, Petitioner filed his first Motion for Postconviction Relief pursuant to Rule 3.850, which was returned for being unsworn. Petitioner filed a properly sworn statement and the court denied claiming Fancios v Klein, 431 So.2d 165 (Fla. 1983), stating all issues were presented in the petition for writ of mandamus in the Florida Supreme Court (which was not true) and the circuit court was without jurisdiction. The Second District Court affirmed. (See App.30).

On July 12, 1988, Petitioner sought habeas relief from the U.S. Middle

District of Florida (Williams v. Dugger, 88-1030-civ-T-17B). Magistrate Thomas F. Wilson dismissed the petition without prejudice because the State argued the issues had not been exhausted.

Petitioner then filed his second Motion for Postconviction Relief claiming all issues contained herein. On February 20, 1990 the motion was denied stating 'all grounds could have and should have been raised on direct". On March 6, 1990, a motion for rehearing with supplement was filed. The rehearing was denied and the Second District Court of Appeals per curiam affirmed without ruling on the merits. (App.34-35)

On December 12, 1990, Petitioner filed a petition for writ of habeas corpus in the Florida Supreme Court containing all the issues herein. The Florida Supreme Court denied the writ without ruling on the merits on May 8, 1991, case 77,307 581 So.2d 1312. The Rehearing was also denied. Petitioner filed a writ of certiorari to the United States Supreme Court (case 91-5109) which was denied on October 7, 1991. 112 S.Ct. 215 (1991).

Please note, up until this point the State had not provided counsel for any of the filings that challenged this conviction, denying the right to counsel.

Petitioner filed a second federal habeas corpus on January 31, 1992. **Matthew L. Evans**, Esquire, was appointed as the attorney to assist the Petitioner on May 22, 1992. Case: 92-134-CIV-T.

**Mr. Evans'** amended the habeas corpus petition which denied the Petitioner to a full review of all of the issues contained in the pro se petition because the grounds relating to Petitioner's trial counsel, prosecutor misconduct, trial court error and illegal sentencing statutes **were all omitted** by Mr. Evan's without any waiver or consideration from the Petitioner.

As a result of **Mr. Evans'** amended habeas not being complete, on November 20, 1992, Magistrate Judge Charles R. Wilson entered his Report & Recommendation that the petition for habeas corpus action be denied. On December 3, 1992, Petitioner objected to the findings of the Report & Recommendation explaining **Mr. Evans'** omissions. Never-the-less U.S. Judge Harvey Schlesinger adopted the Report & Recommendation on January 12, 1993 after a de novo review. There was no ruling on the merits of the pro se habeas corpus.

Petitioner wrote the Eleventh Circuit Court of Appeals again explaining the omitted claims. The Eleventh Circuit Court of Appeals per curiam affirmed in an unpublished opinion and stated Petitioner was represented by counsel and the issues could not be heard. Thereafter, the Petitioner through **Mr. Evens** filed a petition for writ of certiorari in the United States Supreme Court which was denied on May 23, 1994.

Petitioner then filed a pro se petition for extraordinary writ in the Eleventh Circuit Court of Appeals on May 17, 1995 claiming ineffective assistance of counsel

and conspiracy of **Mr. Evans** for omitting crucial and fundamental errors caused by the Petitioner's trial counsel, prosecutor's misconduct, trail court error & illegal statutes and sentence. The Petition to proceed in forma pauperis was denied on June 23, 1995.

On December 9, 2010, Petitioner retained counsel **Cary Rada** who filed a petition for writ of habeas corpus in Pinellas County and on May 3, 2011 the writ was denied. A notice of appeal was filed to the Second District Court of Appeals and the appeal was denied by per curiam affirmance May 4, 2012.

On July 25, 2012, Mr. Rada, applied to the 11th Circuit Court of Appeal for leave to file a successive federal habeas corpus and was denied. Then on March 18th, 2013, (App. 39-61). Mr. Rada filed a Petition for All Writs in the Florida Supreme Court which was dismissed on July 22, 2013. (App. 62).

Within the time allowed for after the Trevino case, on May 27, 2014, a federal habeas corpus was filed pro se in the Tampa District Court claiming Martinez v. Ryan, 132 S.Ct. 1309, 566 U.S. 1 (2012) and Trevino v. Thaler 133 S.Ct. 1911, 569 U.S. _____ (5/28/2013), and Fed. R. Civ. P. Rule 60(b)(6) and was given case number 8:14-cv-01275-T-33EAJ. On June 3, 2014, the Court dismissed the habeas corpus without prejudice as successive and ordered the Petitioner to pay $505.00 to appeal.

June 30, 2014, a motion for rehearing including a Rule 60(b) motion was filed in the district court arguing that the Court had justification to entertain the habeas

per Martinez & Trevino. July 7, 2014, the rehearing was denied without prejudice. July 24, 2014, a notice of appeal was filed. (July 21, 2014, the $505.00 filing fee was paid; Eleventh Circuit case number 14-13331-F). The appeal was denied on December 12, 2014 without reaching the merits. On December 30, 2014, a motion for panel rehearing was filed and denied on March 25, 2015, again, without reaching the merits.

June 17, 2015, the Petitioner filed a writ of certiorari with the United States Supreme Court and was assigned case number 15:5179. October 5, 2015, the Petitioner was denied forma pauperis status and this Court issued an order that Petitioner could not file the Writ of Certiorari concerning his criminal case on 81/2" x 11" paper per rule 33.2. Instead he was ordered to file the Writ of Certiorari concerning his criminal case in booklet format as required by rule 33.1 & pay the filing fee of $300.00.

October 28, 2015, the Petitioner filed a motion for clarification explaining that the pro se Petitioner could not produce the certiorari in booklet format. This motion was returned citing the October 5, 2015 order as the reason for that return; the clerk refusing to follow rule 33.2 for inmates without counsel.

June 27, 2016, the Petitioner filed a motion for permission to file a certiorari pursuant to Rule 33.2 to Justice Clarence Thomas. The entire package was returned again citing the October 5, 2015 order.

Because the Petitioner was unable to create the Petition for Certiorari in booklet format and because case 15-5179 was closed, on or about April 19, 2018, the Petitioner again tried to file an ***Original Jurisdiction Habeas Corpus*** concerning his ***criminal case*** with the Clerk of Court, April 24, 2018, was sent back for not being in booklet format citing order dated 10/5/2015.

On or about May 15, 2018, the Petitioner again tried to submit the Original Habeas Corpus. June 6, 2018, it was sent back citing order dated 10/5/2015.

August 14, 2018, the Petitioner sent the Original Habeas Corpus including a $300.00 check. August 14, 2018, it was sent back citing order dated 10/5/2015.

May 7, 2018 & June 8, 2018, Petitioner tried to resolve the issue through the case analyst of this Court explaining that booklet format is not provided by the Department of Corrections.

August 20, 2018, Petitioner spoke to Mr. Yonn, Librarian at Union Correctional Institution, about saddle stitch to meet the October 5, 2015 order. Mr. Yonn stated:

> **"the library does not have that service. The providing of a publisher is also not allowed"**

September 20, 2018, the Petitioner sent a letter to Justice Clarence Thomas pleading for help. At the time of this writing, an answer has not been given.

November 28, 2018, the Clerk of this Court responded to the Petitioner that

he could not re-open case number 15-5179 to revisit the 10/5/2015 order.

The Petitioner has no other court now to turn to in order to finally get a proper review on the merits of his case in a habeas corpus petition. The Petitioner is simply trying to exercize his rights to get his Habeas Corpus Petition, containing **criminal matters**, before this Court.

Due to bad advice from inmate law clerks and paid attorney prior to 2015 the Petitioner had filed a few Petitions for Writ of Certiorari, causing the order to be issued in case number 15-5179.

The Petitioner tried several times to explain to the Clerk that he cannot create booklet format petitions without any resolution. The Petitioner's Family has called the Clerk to obtain the name & address of an official printer but was denied.

The Petitioner understands the burden imposed by the Court pertaining to case number 15-5179, for a Petition for Writ of Certiorari but he cannot understand why an ***Original Jurisdiction Petition For Writ of Habeas Corpus*** that contains criminal issues resulting in manifest injustice is also being held to the requirements of the October 5, 2015 order?

According to the United States Constitution concerning the Great Writ of Habeas Corpus, it states in Article I, Section 9, of the United States Constitution that:

**"...The privilege of the writ of Habeas Corpus [SHALL**

**NOT BE SUSPENDED], unless when in Cases of Rebellion or Invasion the public Safety may require it...."**

January 7, 2019, the Petitioner sent an application to Justice Thomas to waive the October 5, 2015 order allowing the Petitioner to file on 8 ½ x 11" paper instead of booklet format. This was returned by Clerk without action citing the October 5, 2015 order on January 15, 2019.

For more than three years Petitioner has tried to obtain a printing company to produce booklets resulting in the Peitioner doing it be hand..

This is a final attempt to have the issues and errors that violated the Petitioner's rights and to have them ruled upon their merits. No state or federal court has protected the Petitioner's right for review nor ruled upon their merit, due to no fault of Petitioner. This Petition for Writ of Habeas Corpus follows.

## GROUND ONE

**THE SIXTH JUDICIAL CIRCUIT OF PINELLAS COUNTY, FLORIDA DENIED ALL CLAIMS OF INEFFECTIVE ASSISTANCE OF TRIAL COUNSEL, PROSECUTOR MISCONDUCT, CONSTITUTIONAL ERRORS, TRIAL COURT ERRORS AND FAILING TO RULE ON THE MERITS OF THE CLAIMS, PLUS THE U.S. DISTRICT COURT'S APPOINTED COUNSEL (CASE 92-134-CIV-T) DENIED THE REVIEW OF VALID CONSTITUTIONAL VIOLATIONS.**

After direct appeal a Petition for Writ of Mandamus (App.3-5) was filed in the Florida Supreme Court claiming an illegal sentence. The petition was dismissed without ruling on the merits.

While the above was pending, the first 3.850 pro se postconviction motion was filed claiming ineffective assistance of counsel, prosecutor misconduct and trial court errors. The 3.850 motion was denied by saying the issues were already presented to the Florida Supreme Court and pursuant to Francois v. Klein, 413 So.2d 165 (Fla. 1983) the issues were barred. The Francois case was misapplied because the only issue that was presented to the Florida Supreme Court was sentencing. Not a single issue raised in the 3.850 was ever ruled on their merits in State Courts. As a result, the Petitioner's constitutional rights to due process was violated and a manifest injustice occurred.

The Florida U.S. Middle District Court appointed counsel Matthew Evans who then omitted all grounds found in the January 31, 1992 pro se petition for habeas corpus. Because of Evans' omission the Petitioner did not receive a full review on the merits. The 5th, 6th, & 14th Amendments were denied as a result of Evan's abandoning claims. Even though the Petitioner personally wrote the District and Eleventh Circuit Court, they refused to review any issue saying the Petitioner was represented by Evans and neither court would hear the Petitioner's plea for review. Petitioner's constitutional rights were denied.

## GROUND TWO

**PETITIONER WAS DENIED HIS DUE PROCESS AND FOURTH AMENDMENT RIGHTS WHEN THE STATE WAS ALLOWED WITHOUT OBJECTION TO USE EVIDENCE SEIZED THROUGH**

**A WARRANTLESS SEARCH OF HIS PROPERTY, WHEN PERMISSION FOR THE SEARCH WAS GIVEN ONLY BY HIS EX-WIFE WHOSE DIVORCE BECAME FINAL ON 12 JUNE 1984 BEFORE PROPERTY WAS TAKEN.**

## STATEMENT OF FACTS

Trial counsel was ineffective when he failed to motion to suppress evidence belonging only to the Petitioner which was seized by ex-wife without a search warrant or without legal permission from the Petitioner after divorce was final.

Counsel allowed the State to introduce a tackle box, personal letters written to Petitioner's mother, deck of playing cards alleged by the ex-wife to be found inside the fastened closed tackle box, and which box belonged to the Petitioner and **"NO ONE"** had any authority to unlock or open.

After divorce was final, law enforcement and/or ex-wife's attorney instructed her to obtain the tackle box and bring the material to her attorney who gave it to the prosecutor without having to legally obtain a search warrant. The use of the material prejudiced the Petitioner violating his constitutional rights. Defense counsels failure to suppress resulted in the jury viewing extremely prejudicial evidence toward the Petitioner contributing to him being convicted.

The Prosecutor also failed to give proper notice to Defense required by rules of discovery (R139). A Richardson-hearing[1] was required but not held.

[1] Richardson v. State, 246 So. 2d 771 (Fla. 1971).

## GROUND THREE

**TRIAL COURT CREATED RULE RESULTING IN DENIAL OF PETITIONER'S RIGHT TO A FAIR TRIAL.**

## STATEMENT OF FACTS

Before the trial started, the Court was informed that the State intended to show other offenses not charged under evidence code § 90.404(2)(c). After discussing the State's intent and then not satisfying the statute, the judge stated:

> **"if there is any indication of prior activity, I'm going to declare a mistrial and it's going to be because of prosecutor misconduct"**

(App.98-99). This rule permeated the entire trial. On several occasions during examination of Brad Williams, the State introduced allegations of assaults that were not charged (App. 174).

During cross examination of Brad Williams and M. Lehing, the Petitioner asked his attorney to question each accuser about their sexual involvement with each other during the same time periods that were charged. The defense attorney, said he could not ask questions like that, it was not permitted. The effect of the rule denied the Petitioner the ability to cross examine and to show the jury that M. Lehing was the person committing all the crimes charged—not the Petitioner. The jury could have been shown M. Lehing was sexually involved not only with Brad Williams but also with S. Falzone, his sister, the Suger brothers, a Crowson boy and R. Buckley, but because of the court's rule defense was not allowed to show the jury

that Petitioner was innocent.

Finally when the Petitioner took the stand as soon as he mentioned that Brad Williams and M. Lehing were engaging in apparently a sex act in the Petitioner's presence, the Petitioner was not allowed to testify what Brad and Mike said on February 12th, but was removed from the stand, nor given the ability to recall the State's key accusers for further questioning to prove his innocence.

When the Petitioner gave the date February 12th, 1984, which was outside all charge dates, he was not allowed to tell the jury about M. Lehing and B. Williams telling the Petitioner that they both had sucked each other and that Lehing had learned to do it from his neighbors the Sugar brothers who were older.At that time Lehing said he liked doing it, Petitioner told his attorney about the February incident and other things Lehing had said. (R300-301, App. 170-171).

Lehing, if questioned, would have told of his sexual contact with; The Sugar brothers, Crowson boy, Scott Falzone and Brad Williams. Counsel due to the court's rule did not question the State's witnesses to establish a defense, nor did counsel call Lehing's sister and friends to show Lehing committed similar acts with them and that he was accusing the Petitioner of committing the acts he enjoyed doing himself. Examining the record will show that no one felt their activities were wrong.

As a result an innocent person was convicted. Petitioner's constitutional rights were denied by the judges rule and by counsel not protecting those rights for

review. Defense counsel did not properly cross examine the accusers to establish a defense because of the rule. Counsel did nothing to show that the Petitioner was innocent of the charges thus withholding important information from the jury.

## GROUND FOUR

**TRIAL COUNSEL FAILED TO INVESTIGATE WITNESSES FOR THE PETITIONER.**

## STATEMENT OF FACTS

Petitioner requested the following people to be questioned and investigated to obtain evidence against Lehing being the one involved with sex acts and was the person committing the offenses not the Petitioner:

(1) Ms. Smites, Principle at Tarpon Springs Fundamental School Teachers, and janitor at the school, about Lehing's involvement in the boys restroom.

(2) Crowson boy, who lived next door to Lehing in Palm Harbor, whom Lehing had told Petitioner he played with.

(3) Sugar brothers, who Lehing had told the Petitioner about having similar sex acts with and other sex acts that they had been doing with him.

(4) Lehing's sister, who would have testified Lehing had performed similar acts with her.

(5) Scott Falzone's neighbor who had performed similar acts, which he indicated they did in the pool.

(6) Ryan Buckley's neighbor and friend and a Eddie Lake (a fellow student of Lehing's).

(7) Lannon brothers who lived near Petitioner would have provided character witness testimony. But because the ex-wife learned they were to testify, the ex caused their mother to disallowed them.

(8) Tom Crane the friend of B. Williams found in garage looking at sexual in nature magazines with accuser would have testified about B. Williams' intent of looking at magazine, they found, plus questioning Crane to gain defense information.

These witnesses would have presented valuable evidence to prove that Petitioner was innocent and that Lehing was the one performing sex acts charged to the Petitioner.

## GROUND FIVE

**TRIAL COUNSEL, PROSECUTOR AND TRIAL JUDGE DENIED PETITIONER'S RIGHTS BY ALLOWING DIRECT LEADING QUESTIONS, ALLOWING A CONVICTION WHEN THERE IS NO SCIENTIFIC OR PHYSICAL EVIDENCE NO PROOF OF ANY OFFENSE AND NO ADMITTANCE.**

## STATEMENT OF FACTS

The Prosecutor throughout the trial used **direct** leading questions to establish crucial dates, times, places, events and matters to meet the legal requirements of the law without objection freely leading each witness on direct. Plus, throughout the trial, the Prosecutor repeatedly stated the charges over and over to reinforce the repulsiveness of the jurors feelings in order to gain a conviction. The judge allowed these constitutional violations to occur without corrections when counsel failed to

object. (App.100-132, 135, 138-139, 144-154, 158).

There was no scientific factual evidence of any kind. No eye witnesses present other than the accuser's and not one testified to anything being done upon others even though they were there. On cross Ryan Buckley's allegation was made a "FEW MONTHS" before trial, but he had waited to speak to his mom alleging the movie incident, (App. 116). Ryan's and Brad's stories about the movie incident do not match.

Brad on cross says Lehing was present on the boat when the acts happened to him but Lehing says he didn't see anything. Lehing alleges when he was involved that things occurred to him while Brad was there but (App.142-143). Brad said he saw nothing. Lehing said he did not see anything being done to anyone.

As early as Moses the law of justice required two or three witnesses before anyone could be convicted of a crime[2]. Our forefathers created the constitution based on the teaching found in the Holy Bible. But when it comes trial an allegation made by just one accuser without any witnesses is permitted even when there are others present at the scene who testify they did not see any offense committed upon anybody. The record shows at least two other accusers were present who testified they did not see any crime being committed upon another and yet the trial judge allowed an innocent man to be convicted against his rights established in the

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2 Deuteronomy 19:15.

United States Constitution. Only this Court can correct the manifest injustice found in this case.

There was no physical examinations taken from the boat or anyone to show any alleged force or any harm, or to prove any allegation. There was absolutely no proof of anyone being abused, or harmed, or a battery being committed. Simply alleging a crime is not facts to support the offense occurred. The Petitioner should be acquitted.

Finally there is no admittance from the Petitioner. In retaliation the frustrated Prosecutor throughout the trial poisoned the jury by diligently stating the allegations over and over plus he alleged others were involved that were not a part of the charges, nor were they present or mentioned in discovery and repeatedly violated the Court's rule. During trial the prosecutor without objection or correction by judge alleged the following prejudicial and harmful statements:

a) The Petitioner was abusing other little boys at IBM. A most derogatory allegation, inflaming the jury's mind, prejudging Petitioner to a fair trial, (App.162).

b) There was a lot more incidents involved. This violated the judge's rule. This was again without any evidence, and prejudiced the Petitioner. (App.159-160).

c) That another school mate of the accusers named Scott Berry (not a witness) *"if he claimed you abused him he would be lying"*. This violated the judge's rule and prejudiced the Petitioner. (App.168).

d) When the Prosecutor asked the Petitioner if the dates are a

mistake was prejudicial, (App.163, 166).

e) When the Petitioner was asked if he had ever told anyone that he had been involved in a homosexual act was prejudicial and violated the judge's rule. (App.167).

f) When the Prosecutor continuously used allegations without evidence like "little boys at IBM", "weiner", "suck", "stick into buts", throughout trial was highly prejudicial. None of these allegations was supported by proof and it violated the judge's rule, and a fair trial. (App.136, 137-138, 140-141, 144-146, 148, 155-156, 157, 161-162, 168-169, 173, 175).

g) After the Petitioner was removed from testifying, Prosecutor told the jury that the accusers were "going to tell the whole story this time" was highly prejudicial in leading the jury to believe that they had not heard the truth or complete facts. (App.172)

h) When the Prosecutor continually gave his interpretations as to intent, beliefs and feelings which tainted the jurors minds was prejudicial.

i) The Prosecutor's attitude was "them is the breaks", referring to his prejudicial remarks. (App.134).

j) The prosecutor went far beyond the scope of the charges.

Trial counsel failed to have a doctor examine each accuser both physically and psychologically after the Petitioner asked him to do so but he refused. A medical doctor would have discovered each accuser had not been abused thus falsely accusing the Petitioner. Counsel told the Petitioner prior to trial, that the Prosecutor asks if the Petitioner would take a lie detector test and the Petitioner replied he would if the accusers would also. The State refused the offer.

There is no evidence or facts to prove any of the charges. When Scott Falzone

was questioned during direct he did not testify to any offense as charged regarding his second time on the boat (App.148). Petitioner was charged, convicted and sentenced when no crime was alleged or committed according to the accuser.

Trial counsel failed to acquire expert examiners to show the jury that leading questions were extremely prejudicial and they would taint the jurors mind as well as they were used to program the State's witnesses into saying things happened to them but didn't. Nationally known experts: Doctors Gardner, Raskin, Dent and Melton, anyone of whom, would have testified regarding the use of leading questions being the common practice used when questioning alleged victims before trial and leading them during trial which was extremely harmful toward the Petitioner especially when a divorce was in progress prior to trial. These experts were necessary to show the jury how much influence improper questioning plays on the minds of accusers.

Florida Statutes § 90.612 provides protection to the Petitioner regarding the use of leading questions on direct. But defense counsel and the trial judge ignored the law, allowing an illegal conviction. This case is a prime example of malicious prosecution.

## GROUND SIX

**PROSECUTOR MISCONDUCT OCCURRED WHEN HE INTENTIONALLY INTRODUCED SIMILAR FACT EVIDENCE THAT PETITIONER WAS NOT CHARGED WITH BY**

INDICTMENT OR INFORMATION AND THE TRIAL COURT ERRORED WHEN THE JUDGE FAILED TO DECLARE A MISTRIAL FOR VIOLATING HIS RULE BY THE PROSECUTOR. JUDGE FEDERICO SHOWED BIAS TOWARD PETITIONER BY NOT ENFORCING HIS RULE. (APP. 98-99).

## STATEMENT OF FACTS

On more than one occasion the State was allowed to introduce testimony of past activity by soliciting Detective Walker during examination about the accusers telling her of other acts done other than those charged (App.159). Testimony from a law enforcement officer was heresay, highly prejudicial toward the Petitioner since there was no proof the allegations happened and she was no eye witness to support any claim.

Even for one instance of violating the rule created by judge (App.98-99) and especially since defense counsel's motion for acquittal, the judge was obligated to declare an acquittal according to the plain language of his rule and the fact it was clearly violated by the officer. The State deliberately violated the rule many times, in order to taint the jury's mind. The judge knowingly violated Petitioner's rights by not declaring a mistrial and again when he failed to grant the Petitioner's motion for judgment of acquittal, convicting an innocent man.

## GROUND SEVEN

TRIAL COUNSEL FAILED TO STRIKE AT LEAST FOUR BIAS JURY MEMBERS. HIS INEFFECTIVENESS DENIED PETITIONER'S CONSTITUTIONAL RIGHTS TO AN IMPARTIAL

JURY.

## STATEMENT OF FACTS

Trial counsel was ineffective for failing to strike jury members for being bias. The Court asked each potential jury member if there was anyone who felt they could not give this case their fair and impartial treatment. Everyone of the following responded negatively (App. 177-178) Each juror stated:

## SELECTED JURY MEMBERS

1. Ruth Mitton: Sat on a criminal jury previously, would try to be impartial, worked for an attorney (App.201, 205, 209)

2. J. Steven Roberts: Cannot be fair & impartial, can not follow the law, "Should be castrated" (App.179-180, 196)

3. Norma Bown: Molested at foster home (App.186)

4. Elaine Long: Has three boys all would tell her, not holding back (App. 187)

5. David McBane: Has boys, all would tell him, not holding back (App.187)

6. Alice G. Ryan: Never heard anything like this charge, shocked (App. 191)

7. Robert Sheehan: Does not like being on jury and had a friend who was charged with molestation (App.206-207)

## PROSPECTIVE JURORS

8. Robert Cater: Friend is a police officer. Has three boys, would tell him if they had such experience. Could not be fair or impartial. (App.189-190)

9. Agnes Bedell: Could not be fair or impartial, nature of charge, does not want to be a juror and husband is retired cop. (App. 192, 198)

10. Rose Goodloe: Works in psychiatric unit and wants to be on the jury. (App. 193-194)

11. June Schreck: Could not follow the law and not be fair and impartial. (App. 180)

12. Cathleen Hunt: Knows this crime happens and not be fair and impartial. (App. 194)

13. Joann Love: Has four boys the oldest was molested and told her immediately and could not be fair and impartial. (App. 195)

14. Nancy O'Leary: Does not like being on jury. (App. 188)

15. Victoria Crafa: Could not be fair or impartial and has strong feelings works with prisoners. (App. 181)

16. James Pierson: Has thirteen year old son and could not be fair or impartial charges are disgusting. (App. 182)

17. Lorraine Douglas: After hearing charges, could not be fair or impartial, has strong feelings.(App. 182-183)

18. Armin Schuette: Could not be fair or impartial and would not respond to questions. (App. 176)

19. Doug Casey: Could not be fair or impartial and had homosexual incounter. (App. 184-185)

20. Cheryl Sluppy: Could not be fair or impartial and children do not lie. Teacher has strong feelings about charges. (App. 200)

21. Steve Chesley: Does not want to be on jury and Defendant

deserves the chair. Could not be fair or impartial and does not believe an 11 year old would lie. (App. 202-203)

22. Andrew Regetz: Deserves the chair and had homosexual encounter. Could not be fair or impartial. (App.199, 203)

23. Lorraine Regina: Could not be fair or impartial and does not want to be a juror. (App. 204)

24. Sally Boyd: Defendant looks familiar and could not be fair or impartial. (App. 208)

25. John Colley: Would have problems with length of trial and could not be fair or impartial. (App. 197)

26. Amos Jackson: Has five kids and could not be fair or impartial. (App. 179)

Jury only included whites. Blacks and oriental races were deliberately removed by prosecutor, denying the Petitioner to a fair mixture of the county population and to a fair trial.

## GROUND EIGHT

**TRIAL COUNSEL WAS INEFFECTIVE WHEN HE FAILED TO OBJECT OR FILE A MOTION FOR MISTRIAL WHEN THE WITNESS WAS ALLOWED TO INTRODUCE TESTIMONY OF ALLEGED PAST CRIMINAL ACTS CONTRARY TO LAW, OUTSIDE CHARGE DATES AND VIOLATING JUDGES RULE.**

## STATEMENT OF FACTS

Counsel failed to object or preserve for appeal that the State witness in alleging prior acts was contrary to law, the State did not give notice of their intent to introduce similar fact evidence as required by law.

During the trial, Detective Walker was allowed to introduce activity by the alleged victims that were not charged.

The ex-wife of the Petitioner, an illegal witness alleged the Petitioner had participated in a homosexual sex act when he was a teenager before she knew him and over fourteen years before she met him in 1970, when she lived in New York and he in Florida.

Alleged acts were, prejudicial, unproven, irrelevant and outside any charged dates. Furthermore, all were denied by Petitioner as ever happening. Testimonies were deliberately used to taint the jury's mind into believing they were true and sufficient to prove the alleged charges beyond a reasonable doubt. The Petitioner's right to a fair trial was violated.

## GROUND NINE

**TRIAL COUNSEL WAS INEFFECTIVE FOR FAILING TO OBJECT AND TO FILE A MOTION TO DISCHARGE PETITIONER'S EX-WIFE, AN INTERESTED AND ILLEGAL STATE WITNESS.**

## STATEMENT OF FACTS

The ex-wife who recently had obtained a divorce (3 months prior to trial) was working diligently with the assistance of her divorce attorney, Detective Walker and Prosecutor to obtain a conviction so that she would receive all property and full custody of their two children. She had a special interest, She even traveled from Florida to Athens, Georgia to obtain a personal letter without a court order that the

Petitioner had written his elderly mother. She delivered the letter to the Prosecutor who used it in the trial, violating Petitioner's rights.

The ex-wife's testimony was outside all charged dates, not a eye witness, she had no knowledge of any facts, her testimony was hearsay and used to taint the juror's minds.

The ex-wife also tampered with a sex ad addressed to her, an exhibit presented at trial. She removed the label and alleged the ad belonged to the Petitioner.

The ex-wife alleged our son, when she drove into the driveway surprising him, placed one or more sexual magazines[3] inside the Petitioner's locked tackle box. She then delivered the tackle box to the State for use in the trial denying Petitioner's rights. There was no search warrant, tackle box was illegally entered.

When the ex-wife testified she caught our son with a friend of his, Tom Crane, viewing girly magazines, a deck of nudist playing cards and sex ads, which trial counsel knew about but did not even investigate Tom Crane or call him to testify to the facts thus denying Petitioner's ability to impeach one or more accusers and the ex-wife. Ownership of these items was never proven.

Counsel's representation fell below the required standard for effective assistance of counsel. The ex-wife was an illegal witness and none of her testimony

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3 These magazines can be purchased at a local grocery store.

should have been heard by the jury, thus denying a fair and impartial trial.

## GROUND TEN

**(A) TRIAL COUNSEL DENIED PETITIONER'S RIGHT BY NOT PRESERVING ISSUES FOR APPEAL; (B) PROSECUTOR VIOLATED PETITIONER'S RIGHTS CONCERNING DISCOVERY; (C) TRIAL COURT DENIED PETITIONER'S RIGHTS TO RECEIVE AN ACQUITTAL; (D) PROSECUTOR USING NO SPECIFIC DATE PREJUDICED AND HINDERED DEFENSE; AND THE USE OF A FLORIDA ROAD MAP MISLEAD JURY**

## STATEMENT OF FACTS

Trial counsel failed to suppress and preserve for appeal several items that were shown the jury where the prosecutor violated discovery: photo of a man, alleged to be ex-wife's uncle, sitting on a boat: road map used as pin point navigational locations: tackle box obtained illegally (ex-wife brought to court: personal letters obtained illegally: and when the State alleged a time frame of several days, up to weeks and months for one alleged incident hindered and prejudiced defense.

The State using a regular road map to have the witnesses point to where the alleged crime took place into Gulf of Mexico. Counsel failed to object instead of requiring a **Certified Navigational Chart**.

The Petitioner is convicted of alleged sexual acts that occurred SEVERAL MILES off the coast. The boat was in international waters in which FLORIDA

COURTS HAD NO JURISDICTION to prosecute.

According to federal law, a person is in international waters after they are more a few miles shore. The accusers pointed to an area on the road map that was over the limit. The alleged crime scene would have been in federal jurisdiction not state, using official charts. JUSTICE demands that the conviction be vacated.

The Petitioner ASKED his attorney to call witnesses who could have testified to the location of the fishing area where the alleged crime was suppose to have occurred: **Joseph Hohl** (father-in-law), **Ed Fisher** (from work), Steve and his son (from work), and **Bob Proctor** (from work), would have testified that the fishing area was several **miles off the coast of Florida**.

Had counsel called these witnesses, he could have impeached the State's main witnesses and proven that the State did not have jurisdiction and that using a road map to show a position in the Gulf of Mexico was extremely misleading tthe jury.

Using a state road map to point a special location in water is an inaccurate illustration to describe a distance from shore was prejudicial. Nautical miles are substantially different from land miles. The jury was mislead due to the road map. Had counsel motioned the court to use a nautical chart the area described by each accuser would have placed the alleged area in federal waters where the State and Pinellas County had no jurisdiction to prosecute. The State relied upon the map to

make the alleged crime scene appear within the state boundary. The jury was mislead into believing the alleged crimes occurred in Pinellas County.

Trial counsel knew there were several defense witnesses who that were willing to testify as to the location where fishing trips took place.

On cross, not even one accuser could give a date when an alleged offense took place. The prosecutor always gave a range of dates in direct leading questions suggesting to the witness the time frame specified in the charge. When it came time for cross exam not a single accuser could stand by any time frame. The accuser's dates ranged from 10, 15, 27, 30 and 51 days with no single date specified. The accuser's became confused on what month and year on cross examination. Reversal was required by the court, a date is required by law. The State has the burden of proving the act occurred on the specific date. The State's failure to produce sufficient evidence to prove all elements charged should produce a direct verdict of acquittal. Use of direct leading questions further violated Petitioner's constitutional rights requiring acquittal.

A date must be specified, a range hinders defense is prejudicial and unconstitutional. Range of dates given by the State does not fully advise the Petitioner of the nature or to prepare defense. The indictment and all charging documents as well as the prosecutor's leading questions containing the ranges of dates were unconstitutional, seriously violating Petitioner's rights to a fair trial

plus it misled the jury.

## GROUND ELEVEN

**TRIAL COUNSEL WAS INEFFECTIVE FOR FAILURE TO CHALLENGE THE QUALIFICATIONS OF THE STATES EXPERT WITNESSES.**

## STATEMENT OF FACTS

The State called policeman Holt who testified of his personal encounters, outside of his legal jurisdiction, with nudist and homosexuals on Honeymoon Island. Officer Holt also gave his opinion as to why the accusers delayed over a year to come forward. He was also allowed to express his experiences that were totally non-related to the case. This witness was prejudicial, not an eyewitness, knew nothing about the case and violated Petitioner's constitutional rights.

Detective Walker stated she did not have professional training regarding the charges nor could she offer any valuable evidence to prove any crime occurred on any given date. She was not an eyewitness and she was not qualified as an expert, regarding the truthfulness of a witness.

Neither Officer Holt nor Detective Walker had any facts or direct knowledge of the alleged crimes. Trial counsel failed to suppress and preserve for appeal their testimony; they were used to further taint the jury into believing the Petitioner was guilty based upon sexual activities that occurred in other areas of Pinellas County, that were unrelated.

By counsel not objecting and removing these witnesses, his performance fell below the required standard and allowed the jury to hear testimony that invaded their providence of fact finder and to hear highly prejudicial statements violating Petitioner's rights.

## GROUND TWELVE

**TRIAL COUNSEL WAS INEFFECTIVE DENYING PETITIONER'S RIGHTS TO SEPARATE TRIALS.**

## STATEMENT OF FACTS

The Petitioner was charged with nine (9) separate offenses alleged to have occurred on separate time frames without any specific date among four different accusers all of which were present at each alleged offense. The Petitioner requested counsel for separate trials for each accuser. Counsel refused saying Petitioner did not have sufficient funds to pay for four trials.

The Petitioner was highly prejudiced from receiving a fair trial because the State was allowed to use allegations and testimonies pertaining to one range or time frame or one incident for all charges. The jury could not differentiate between each charge by having a range of dates rather than a single date between the charges specified in the charging document. The charges did not have any connection with each other; they did not apply to another. Each accuser's allegation had a different time frame. Combining all charges into one trial benefitted the State

and increased the risk of a conviction. From the beginning once the juror's heard the allegations they were poisoned. The jury was also influenced by the prosecutor repeating the alleged charges throughout the trial. Comments during voir dire show repulsive feelings even before any of the unsupported and unproven allegations are made.The jury was repeatedly fed words such as suck, wiener, stick into butt, ETC., and by the Prosecutor continually citing the nine offenses caused the jury to be convinced the Petitioner was guilty simply by the allegations, not by any facts or proof of any offense for there isn't any.

The innocent Petitioner was convicted by the combination of all charges into one trial due to ineffective assistance of counsel.

Dates given by accusers differed from statement of particulars. The only way the State could keep control was using direct leading questions denying a fair trial.

## GROUND THIRTEEN

**TRIAL JUDGE DENIED PETITIONERS DUE PROCESS RIGHTS BY DENYING ACCESS TO CRUCIAL INFORMATION, THE ABILITY TO CHALLENGE GRAND JURY, DISCOVERY DATA AND DETECTIVE INTERVIEW RECORDINGS FOR DEFENSE PURPOSES.**

## STATEMENT OF FACTS

The Petitioner was arrested on 4/2/1984. The grand jury was qualified on 5/8/1984 and indictments issued 6/19/1984. The grand jury was selected without any prior notice to allow the Petitioner the ability to challenge their qualifications.

Defense counsel filed a motion to challenge proceedings and for disclosure of testimonies, judge denied. It was the court's duty to allow the Petitioner access to all testimony which any accuser provided in any phase of the trial.

Even the interviews the detective's conducted, any recordings were a part of discovery and were required to be turned over to the defense, but they were not.

The Petitioner's due process and equal protection rights were seriously violated by these errors.

## GROUND FOURTEEN

**TRIAL COURT DENIED THE PETITIONER'S DUE PROCESS AND HIS CONSTITUTIONAL RIGHT TO HAVE ALL ISSUES APPEARING IN POSTCONVICTION MOTIONS TO BE RULED ON THE MERITS.**

## STATEMENT OF FACTS

The Petitioner filed several postconviction motions, including petitioning the Florida Supreme Court.

After direct appeal, the Petitioner filed a petition for writ of mandamus in the Florida Supreme Court, (App. 3-5). Examining this petition will show it only contained illegal sentencing issues, nothing was raised regarding ineffective assistance of counsel, prosecutor errors or trial court errors as claimed by the trial court. While the mandamus was pending, a postconviction motion was filed. The trial court claimed procedural default denying postconviction. The Florida Supreme

Court dismissed the Petition for Writ of Mandamus when the State claimed the rule 3.850 had been filed. The denial of Petitoner's 3.850 claims and facts without any review on the merits seriously violated a legal right to a review causing manifest injustice against the Petitioner.

***All state and federal courts have refused to rule on the merits of the claims.*** Petitioner's due process, equal protection, access to courts and right not to be treated in a cruel manner under his 5th, 6th, 8th and 14th Amendment rights have been denied resulting in a miscarriage of justice in that an innocent man was illegally convicted for a crime he did not commit. The trial court failed to appoint counsel to overcome this constitutional violation.

## GROUND FIFTHTEEN

**THE PETITIONER IS FACTUALLY AND LEGALLY INNOCENT REQUIRING ACQUITTAL AS REQUIRED BY HIS RIGHTS PROVIDED BY THE 4TH, 5TH, 6TH, 8TH AND 14TH AMENDMENTS OF THE U.S. CONSTITUTION WHICH HAVE BEEN VIOLATED.**

## STATEMENT OF FACTS

The Petitioner alleges this case is FULL OF constitutional violations requiring an acquittal.

The prosecutor did not present any eye witness to any offense or physical evidence, nor any facts to support any crime was committed. There were no witnesses other than another accuser being present and they testified they saw

nothing. There was no admission by the Petitioner. Only through direct leading questions is any portion of the alleged charges shown. Without the accusers replies to the direct leading questions there is insufficient evidence to support any crime occurred. An allegation is not proof, and that is all that exist. It must be noted that the boat wasn't a yacht but only a twenty-three foot fishing boat with lots of open space.

The ends of justice require at the very least that this Petitioner receive a fair trial and an impartial postconviction proceeding which he has NEVER RECEIVED in any state or federal court regarding these constitutional violation. The Petitioner is factually and legally innocent of these charges. Herrera v. Collins, 506 U.S. 390 (1993).

All the Petitioner ask is a ruling on the merits of each ground and for the Respondent to show where there is absolute proof to support a conviction.

## GROUND SIXTEEN

**CONSIDERING THE CUMULATIVE EFFECTS OF THE CONSTITUTIONAL VIOLATIONS IS SUFFICIENT EVIDENCE TO RENDER AN ACQUITTAL.**

## STATEMENT OF FACTS

The cumulative effect of the errors shown herein are substantial causing a deficiency that is obvious and affected the fairness and integrity of the trial, and constitutes an acquittal. The trial court was obligated to protect Petitioner's

constitutional rights in all areas. The State did not make out its case with proof or sufficient evidence to support the allegations. Allegations cannot be made to prove or support an allegation. There must be proof and factual evidence because allegations alone are not proof.

When the trial judge alone, without any input or agreement from the jury, gave a sentence totaling 225 years with 75 years minimal mandatory thus overriding the 20 year scoresheet for all nine offenses with no mandatory was a denial of trial by jury. At least, the signed scoresheet (App. 19) should have been approved by the jury, for them (not the judge) to consider a lessor sentence.

Instead the judge took it upon himself without any jury and gave the exact same sentence that is given for first degree murder. The problem being the murderer obtains a 12 person jury but the sexual battery offender only gets six. Violating Petitioner's equal and protected rights.

To add more injury, Florida Department of Corrections does not credit any good time or work credits against the presumed release date because of the 75 years minimum mandatory, further causing a denial of the Petitioner's constitutional rights. As of the filing Petitioner has served thirty-five years and through March 2019 has forty one years six months incentive and work gaintime. The problem is the time served, Work gaintime and incentive gaintime is not applied to any release date (presently set at 99/98/9999). The Petitioner was 77 years old last 1/6/2019.

Without this courts review and resolution he has no chance of ever being released to see his loved ones again.

## CONCLUSION

With no factual evidence, no confessions, no eye witnesses and no scientific evidense, this case is a prime example of malicious prosecution and a miscarriage of justice. In conclusion the Petitioner states that based on the above facts and arguments, this Honorable Court should vacate the Petitioner's conviction and sentence and order the Department of Corrections to immediately release, and grant any further relief it deems just and proper.

## CERTIFICATE OF COMPLAINCE TO WORD COUNT

I, Thomas F. Williams, do swear or declare that the **word count** for this document is **8502** as counted by the word processor that I am using to complete the **Habeas Corpus** in booklet format. The program that I am using is: **"OpenOffice 4, Text Document"**.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this JUNE 18, 2019

Respectfully submitted:

/s/ Thomas F Williams

Thomas F. Williams #095608
Union Correctional Institution
P.O. Box 1000

Raiford, Florida 32083

Petitioner pro se

**PROOF OF SERVICE**

I, Thomas F. Williams, do swear or declare that on this date, 18th day of June, 2019, as required by Supreme Court Rule 29 I have served the enclosed **PETITION FOR WIT OF HABEAS CORPUS** with **APPENDIX** on each party to the above proceeding or that parties counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within three calender days. The names and addresses of those served are as follows: **Ashley Moody**, Attorney General, The Capitol, PL-01, Tallahassee, Florida 32399-1050; **Mark S. Inch**, Secretary, c/o: General Counsel, Department of Corrections, 501 South Calhoun Street, Tallahassee, Florida 32399-2500; and **CLERK OF COURT**, U.S.Supreme Court, One First Street, N.E., Washington, DC 20543

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 18th day of June, 2019.

/s/ Thomas F. Williams
Thomas F. Williams #095608
Petitioner pro se

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