No.

IN THE SUPREME COURT OF THE UNITED STATES

ALFRED HAMMAN, ETC,
Petitioners(s)
v.
UNIVERSITY OF CENTRAL FLORIDA BOARD OF TRUSTEES, ETC
Respondent

CASE NOS. FLSC 19-386 and 19-522

ON PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF FLORIDA

PETITION FOR A WRIT OF CERTIORARI

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Questions Presented

1) May we be denied procedural due process, including extraordinary process, guaranteed through the Constitution?

2) May the judicial branch leave obvious substantive due process abuses uncorrected?

3) In *Carey v. Piphus*, 435 U.S. 247 (1978), this court set the bar for relief at the denial of 20 days of statutory educational rights without the benefit of due process and an appeal on the substance. It also identified that principals and school boards were responsible for ensuring such. UCF, Valencia State College, and each public college and university in the state are mandated to provide the Dual Enrollment program which provides for eligible students to take any level of college course and concurrently receive high school credit. Florida Statute 1007.271 makes clear that the unique rights and protections afforded to all high school students are extended to Dual Enrollment students within the post-secondary institution in a way that traditionally matriculating students do not enjoy, and that the boards of each are legally responsible for upholding and executing all legislation in compliance with law.
This question is whether the president and boards for each public post secondary institution, equipped with a cadre of lawyers responsible for ensuring compliance with law, should be held to the same standard as the nations high school principals in *Piphus*.

4) Given the above seems to fit the general description of child abuse, should the judicial branch have protected the precious, time sensitive rights of my son and all 1.5 million naive minors through the

provision of council, especially when such had been prayed for with specificity numerous times?

5) May the defendant illegally change contested policy mid-trial in ways which are also directly prohibited by the Rules Regulating The Florida Bar to defraud the court of it's ability to deliver justice?

6) May Florida's Supreme Court deny us the rights granted under *Gilliam v. State,* 996 So.2d 956 (2008) which state that all prayers for relief are prayers for relief in general and that their true nature is contained in the pleadings and prayer, and furthermore that the prayer should be acted upon in it's intention, not it's caption?

7) Having been denied every whistleblower route he could find, my son set about the task of whistleblowing to the next level of authority, the courts. Given that my son was just attempting to coerce a *Piphus* hearing as a whistleblower who was denied this critical democratic oversight mechanism, should the court have acted accordingly in some meaningful way in the clear interest of justice?

8) Should that interest of justice have given rise to extraordinary cause for the court to act sua sponte?

9) Where a student is absolutely protected by constitutional guarantees without utterance of their names in school-level process, as in *Piphus*, shouldn't that student likewise be protected in the same proceedings if they need to seek a *Piphus* hearing in a court of law, especially upon any issue well pressed?

10) Should BakerHostetler have been DQ'd?

11) May a fair trial or reasonable ability to appeal be said to be had when trial court never discharged it's responsibility and resolved the case?

Parties to the Proceedings Below

The University of Central Florida (hereinafter UCF) is the respondent in the case whose order dated May 30, 2019 we make timely challenge of for certiorari.

It has become apparent since proceedings finalized in state court that the two original respondents to proceedings below, UCF and Valencia State College, were not only acting in coordination and concert but that they were simply two of forty tentacles of the same beast, as each of Florida's remaining 38 public colleges and universities are all involved in the same fraud. Bad actors should not profit from holding someone off they are abusing with one tentacle while abusing them with another, especially when those bad actors are government agents with explicit ministerial responsibility for performance of the act. The way that the true defendant's legally authorized agents, UCF & Valencia, defended the case by essentially using ever-evolving bites at the same apple; it is clear in the record that the true defendant is the state itself.

The above reality also renders a procedural understanding of the true case against the true defendant unintelligible without this because the two cases unfolded contemporaneously and both are required for a realistic understanding of the true case and the true abuse inflicted.

Therefore we move that the case *Hamman v. Valencia State College* be consolidated with the underlying *Hamman v. UCF* and both be responded to by the true defendant in the case, the State of Florida. UCF and Valencia shall be served in addition to the governor and attorney general.

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Petition for Writ Of Certiorari

I am denied procedural due process, extraordinary process and equal protection of law guaranteed under the 14th amendment of the Constitution of the United States. Therefore, I humbly petition this court for a writ of certiorari to review the case in Florida state court for uncorrected errors

Opinions Below

Opinions below are reprinted in the appendix

Jurisdiction

The petition for mandamus in Florida's Supreme Court was denied on May 30, 2019. I invoke this Court's jurisdiction under 28 U.S.C. § 1257, having timely filed this petition for a writ of certiorari within ninety days of the order denying

Constitutional Provisions Involved

United States Constitution, Amendment XIV

> "No State shall ... deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

Introduction

In spring of 2016 my then-13 year old son presented to both Valencia State College and UCF as legally eligible for the Dual Enrollment program per Florida

Statute 1007.271(13). At that time, both schools fraudulently claimed on their web sites that Will did not meet the bar for legal eligibility. Also at that time, Will presented the relevant statute to both.

UCF began fraud in the furtherance of the underlying fraud in the meeting in spring 2016 in which UCF's counselor Cook misrepresented the state of law in ways which are prohibited by the Rules Regulating The Florida Bar. (Florida has an integrated bar whose rules have the force of law.) UCF's fraud upon the court continues to this day, having included lies which are 100% indisputable in record and which prejudicially abused our case in appeals court. UCF's fraud also includes having fraudulently used their police force to defraud me of my right to attend UCF's board meeting which is open under the Florida's Sunshine law.

The effect is that my son Will has been denied the explicit educational rights he is granted under FS 1007.271 for over three years. The procedural due process abuse of the denial of substantive due process guarantees to education, the willful and wanton malice of the abuse, and the resulting injury are truly unique amongst case history dating back to the Magna Carta.

Statement of the Case

In trial court Will initiated suit as declaratory judgement seeking injunctive relief as a means of getting the issue before the schools' lawyers who would immediately see the discrepancy and (we thought) correct the illegal policies. They instead hired Baker Hostetler within a week of their being disqualified from representing Vladimir Putin through his cutout

Prevezon in *U.S. v. PREVEZON HOLDINGS LTD*, 839 F.3d 227 (2016) and they continued the exact same behavior that had BakerHostetler DQ'd in *Prevezon* of lying to the tribunal. So Will got serious and went to the law library and it was obvious that the appropriate form of relief was extraordinary relief in mandamus.

We approached the bench ex parte to bring a facially sufficient petition for mandamus to the judges attention per law. 16 year old Will spoke for himself and was told that mandamus was equivalent to a writ of replevin and that the petitions would not be read until defendants served. Will strenuously objected over the microphone referring to Fla.R.Civ.P. 1.630 and cited case law he was attempting to hand the Judge. At that time Will explained that proceedings under 1.630 were ex parte and that he did have to accept and consider what we were giving him. This was not well received by the bench and Judge Weiss issued the following order on May 4, 2018:

> "A hearing on Defendant's Pending Motion to Dismiss Plaintiffs Complaint for Declaratory Judgment is already scheduled for May 23,2018. The sufficiency of the pleadings will be determined thereafter. Furthermore, "[m]andamus is not a favored remedy when controverted issues of fact must be resolved. The Plaintiff is reminded to serve documents and./or pleadings on opposing counsel and provide a certificate of service. Pet. App. A

Motion for reconsideration was denied and we were forced to attend that hearing on the motion to dismiss the irrelevant Complaint for Declaratory Judgement referenced above. Record will show the abuses

cascaded in trial court further in that hearing, which led to the petition for certiorari to appeals court challenging the interlocutory order May 4, 2018.

The petition in appeals court contained numerous independent grounds for certiorari as well as a claim for mandamus and was perfected June 19th 2018 in 5D18-1797. It proved a prima facie case for relief and was therefore granted when response was ordered on June 27th. Pet. App. B Respondent did not respond to a single enumerated claim nor could they be said to quash procedurally, yet the court then inexplicably denied the petition that they had already granted in an unelaborated order. Pet. App. C This unelaborated denial included the claim for mandamus which was ministerially required to be granted under *Comcoa, Inc. v. Coe*, 587 So.2d 474 (1991).

In Florida's Supreme Court I was denied the protection of *Gilliam v. State,* 996 So.2d 956 (2008) which generalizes that all pleadings are prayers for relief in general and should have been recaptioned if it was the wrong relief sought. It is also arguable that the petition should have been acted upon prior to ordinary procedures of law, which it was not. And that the claims for mandamus were ministerially due under *Comcoa*.

More inexplicably, the Court's order stated that the facts should have been captioned and pled as an appeal, but the case against UCF in trial court remains undisposed to this day and the original facially sufficient petition for mandamus lies unresolved over a year later. And the reason we approached the appeals trial court with UCF is that they committed fraud upon the court by illegally

changing the disputed policy during trial just enough to gas-light us, which we raised in 5DCA-2806. But the trial court case sits open with that current fraud upon the court left unresolved. How could proper appellate procedures ever occur?

Furthermore, the case(s) leave abused the substantive rights of 1.5 million minors currently in grades 6-12. The most explicit is proven in less than three dozen words all hosted on state servers. The following is a quote from our Petition in Fl Supreme Court SC19-522

"

POINTS OF FACT

Point of Fact #1 - UCF requires proof of a 3.8 GPA for participation in the Dual Enrollment program for all students, including home education students

POINTS OF LAW

Point of Law # 1 - Florida Statute 1007.271(13)(b)(2) states that:

> "A high school grade point average may not be required for home education students who meet the minimum score on a common placement test adopted by the State Board of Education which indicates that the student is ready for college-level coursework"

COMMON LANGUAGE ARGUMENT

One single point of incontrovertible fact and one single point of law show clear conflict. Home education students are defrauded of their right to participate in the Dual Enrollment program

granted per Florida Statute 1007.271(13)" SC19-522 at pg2

This obvious substantive due process abuse was pressed extensively throughout, including being raised in trial court vs. UCF citing the 14th amendment guarantees by name. 14th amendment rights to procedural due process and equal protection under the law were also raised throughout

Reasons for Granting the Writ

a) The writ should grant for issues of fundamental legal significance.

a1) The Court should end the fraudulent abuse of due process and equal protection under the law guaranteed under the 14th Amendment.

a2) The Court should affirm and clarify the position which oversight holds and requires in this great American experiment

a3) The Court should end persistent willful abuse of my son which is historic, unique, malicious, and unconstitutional.

a4) The Court should not allow fraudsters to benefit from defrauding the legal system itself

b) The writ should grant because this is an important issue affecting a class of 1.5 million children, each child in grades 6-12 in the state. Their abuse is likewise historic and upon their precious rights which have a shelf life after which the obvious abuse can not be corrected. Each of these people and their parents are naive to the injury they suffer and

should these efforts fail, their abuse will go back into the dark

c) The writ should grant to coerce Florida to correct all the case law which now conflicts with controlling precedent concerning extraordinary procedure. For instance, in the Ninth Circuit a defendant would have precedent to challenge a petition for mandamus which wasn't served upon them prior to the grant of the writ which is in direct opposition to Florida Rules of Civil Procedure 1.630, in the Fifth DCA an unanswered petition for mandamus may be denied after a prima facie showing for relief, and Circuit judges don't actually have to resolve and discharge a case.

d) The writ should grant because state court was clearly wrong in their application of law.

e) The writ should grant because my son deserves his *Piphus* hearing. The merits should be decided.

Conclusion

The petition for a writ of certiorari should be granted.

Respectfully submitted,

William Henry Hamman
Alfred Risien Hamman