

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

In re WILLIAM HENRY HAMMAN

ON PETITION FOR A WRIT OF HABEAS CORPUS

**PETITION FOR A WRIT OF HABEAS CORPUS
VOLUME 2 - APPENDIX**

WILLIAM HENRY HAMMAN

WILL@FREEWILL.ROCKS

ALFRED RISIEN HAMMAN

ALFRED@HAMMAN.NET

1209 N. WESTMORELAND DR.

ORLANDO, FL 32804

407-421-9323

**FLSC 19-386 Mandamus Pet. 3-8-19 pp. 12,13
“Illegal Testing Requirements”**

**COUNT 2 - ILLEGAL ENTRANCE TESTING
REQUIREMENTS**

UCF requires SAT or ACT results for both math and english for initial eligibility. (Appendix pg# 1; note #2)
This requirement is in direct contradiction to the black letter law of Florida Statute 1008.30(1) and Florida Statute 1008.30(6).

The State Board of Education, in conjunction with the Board of Governors, shall develop and implement a common placement test for the purpose of assessing the basic computation and communication skills of students who intend to enter a degree program at any public postsecondary educational institution. Florida Statute 1008.30(1)

and

A student may not be enrolled in a college credit mathematics or English course on a dual enrollment basis unless the student has demonstrated adequate precollegiate preparation on the section of the basic computation and communication skills assessment required pursuant to subsection (1) that is appropriate for successful student participation in the course. Florida Statute 1008.30(6) (emphasis added)

The “common placement test” developed and implemented by the State Board of Education referred to in subsection 1 is clearly the P.E.R.T. test
It is equally clear that subsection 6 requires only the

one piece of the P.E.R.T. test which would demonstrate “adequate precollegiate preparation on the section of the basic computation and communication skills assessment” corresponding to either English or math IF the eligible student elects to take either of those.

This is actually not an initial eligibility requirement at all, as one is an “eligible student” per Florida Statute 1007.271(13) with the successful completion of the three conditions in (13)(a). The P.E.R.T. requirement only comes into enforceable effect in the program should one elect to enroll in an English or math course, not before. The choice of an English or math course could be seen to be necessary jurisdictional elements for the enforcement of the corresponding P.E.R.T. assessment test requirement

FLSC 19-386 Mandamus 3-8-19 pp. 18-22
“Cook Confrontation”

COUNT 4 - COUNSELOR COOK’S FRAUDULENT REPRESENTATION OF LAW AND THE DUAL ENROLLMENT PROGRAM

Over 2 years ago, we attempted to show Dr. Hitt that UCF’s policies directly conflicted with Florida Statutes. We were holding the Department of Education Dual Enrollment FAQ which does not have authority over UCF but the 38 times it cites Florida Statutes do and every bit of the reasoning is valid and sound and must apply to UCF as well. We were referred to Counselor Youndy Cook, who misrepresented the state of law materially in the following ways:

A) First, she claimed that the word “shall” was not legally imperative. She said

that since the law we were showing her used the word "shall" that it just meant that they didnt actually have to legally provide the program to Will, that the choice to offer the Dual Enrollment program at all was fully within their discretion. This is not true

B) Second, she claimed that UCF was not responsible for providing Dual Enrollment specifically because UCF was chartered differently than the State Colleges. This is not true

C) Third, to paraphrase, she claimed that the words we were reading together did not have plain language meaning in the context of the law and that we would basically just have to trust them to tell us what was right and just and that Will was in fact not legally eligible. This is not true

D) Fourth, she said that Dual Enrollment courses are not fully paid for by the School Board through whom the eligible student took the Dual Enrollment course. She said that we should seek early admission instead of Dual Enrollment because those courses were fully compensated while Dual Enrollment was only funded at a rate of 2/3. This is not true

E) Additionally, my Dad told her straight up that we did not agree with her reading and that my task was to research it and to return if we still disagreed. Let there be no mistake that we in essence declared that we would be entering an adjudicative action seeking relief if her judgement were incorrect. This is true

F) Saving the worst for last, all of the above are specific violations of the Rules Regulating The Florida Bar which clearly show that the actions are in fact simply acts of fraud if perpetrated by a lawyer

regardless of the underlying fraud or crime. The Florida Bar says this is true

Count 4 - Argument

First, the above points of fact are not in dispute as the parties have long ago agreed on all points of fact. In 5D18-2806, the above points were made and none of them disputed by UCF. It should be noted that Counselor Cook had inexplicably chosen in 5D-2806 to be a named attorney in an action in which she was the stated target of a criminal conspiracy investigation with charges stemming from individual acts and acts in conspiracy with other named defendants, attorneys Schachter and Muldowney

The R.R.T.F.B. 4-3.3(b) shows that each of UCF's actions particularized in counts 4 - 6 are fraudulent themselves, as they are acting in furtherance and fraudulent deception covering up the underlying 14 year old Dual Enrollment Fraud. The R.R.T.F.B. 4-3.3(b) specifies what should have been done immediately upon being shown controlling legal authority if they had been simply unaware until that moment. Law demanded that she inform the Board of an immediate need for change in policy in order to fulfill her ministerial duty of ensuring that UCF operates "within law" Florida Statute 1001.706(1). Not participate in an arbitrary abuse of rights for students and citizens nor a direct abuse of the Board of Governors

A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows or reasonably should know is criminal or fraudulent R.R.T.F.B. 4-1.2(d) (emphasis added)

Counselor Cook &/or UCF have clearly crossed the line from legal representative to defrauder of millions of children's rights, since each 6-12th grader in the state has a legal right to attend UCF if eligible under the Dual Enrollment program, as there are no limits on which Florida public post-secondary institution anyone chooses to participate in the program through, regardless its location nor the student's home county.

Additionally, she clearly

fail[ed] to disclose a material fact to a tribunal when disclosure is necessary to avoid assisting a criminal or fraudulent act by the client; R.R.T.F.B. 4-3.3(a)(2)

As well as having

fail[ed] to disclose to the tribunal legal authority in the controlling jurisdiction known to the lawyer to be directly adverse to the position of the client R.R.T.F.B. 4-3.3(a)(3)

My dad and I do testify on pain of perjury that we did in fact make controlling legal authority known to counselor Cook which is cited and quoted in the FAQ, which means that she had then an indisputable legal responsibility to act upon as

A lawyer who represents a client in an adjudicative proceeding and who knows that a person intends to engage, is engaging, or has engaged in criminal or fraudulent conduct related to the proceeding shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal R.R.T.F.B. 4-3.3(b) (emphasis added) early as Spring 2016 while more than 1.5 million children's rights indisputably went abused since that time.

What began as a quest for the education for which I was legally eligible has turned squarely into a fraud investigation of epic proportion

These agreed-upon events show a new level of malice in the mens rea (or criminal intent) of the criminal, Counselor Cook and/or the Board of Trustees. Remember that mens rea, or criminal intent, of the Dual Enrollment Fraud already exists in the form of the building slush-fund (as the E&G account was treated.) Mens rea is now completely explicit, overt, and indisputable. Which proves that each day of deprived rights beyond this moment were premeditated and done with malice aforethought.

FLSC 19-386 Mandamus 3-8-19 pp. 22-24
“Illegally Changing Disputed Policy Mid-Trial”

COUNT 5 - UCF DEFRAUDING THE LEGAL SYSTEM

There just don't seem to be words for how wrong this is. To change official university policy concerning a program directly governed directly by statute in order to cover up long term fraud is unconscionable enough. UCF circumvented and defrauded the process of law by changing policy just enough to avoid a loss from a case which was a ministerially-promised win. This is beyond my ability to comprehend, account for, nor properly score from a legal standpoint. UCF's Counselor Cook appears to effect such change herself in procedures which are countermanded by black letter law, as the power is solely vested in the Board to make and or enforce any additional policy for the program per Florida Statute 1007.271(3)

For her to destroy UCF Board credibility by betraying what was a sacred trust is utterly incomprehensible. The fact that she abused through fraud all of these childrens' fundamental rights to education specifically granted by legislature and statute for the glory of the game is the sinister act of a true monster

Appendix pg# 1 (just before Note 1) clearly shows that the policy which we sought the mandamus for, eligibility for Home Education students, (which again, was a ministerial grant) has been changed on the web site to now allow what we sought relief for but still includes hurdles every bit as easily sussed out as being illegal.

Again, this claim in entirety was put forward in 5D18-2806, and all points of fact were procedurally agreed upon in that case by UCF in pleadings which include

Counselor Cook as a listed lawyer. Their only objection to a set of events whose substance was agreed upon was that the conversation in which they took place occurred a while ago and shouldn't count in this action. This is as incorrect as it sounds on it's face

The mens rea of this crime is self-evident. That is to say, Counselor Cook is a good lawyer. Very good. I've been told by previous adversaries of hers to tread lightly around her and be very careful, as she is dangerous. This is true. It is indisputably her professional and legal responsibility to know all of the points of law and legal ramifications surrounding all relevant issues.

She knew that these actions were criminal prior to and while she perpetrated them. She had to. Literally, as it is her oath-sworn duty to this court, the Supreme

Court of Florida with it's integrated Bar, to do. There is no way that she did not have the requisite specific knowledge of the illegality of this act - before, during, or a single moment since. She is a good lawyer. Very good.

FLSC 19-386 Reply to Response 3-22-19 pp. 7-10
“Fraudulent Use of Entrusted Police Force”

In the near future we will be able to lean on the testimony of two of UCF's finest. Sergeant Robby and officer Augustin.

They will testify (and the video from the room cameras will confirm) that they approached me only after i went to talk to the press and give them copies of the petition. They are good and honorable men and i will bet everything that they will testify that i quietly asked them what seemed to be the issue. They answered that they had received a complaint that i intended to attempt to give President Seymour papers. I quietly responded that this was not at all true and first and foremost told them that i would comply with their request. I next asked them politely if we might continue this conversation outside, then i did politely and explicitly refuse to take any further risk that my presence be a disruption, including speaking another word. i motioned politely toward the closest door. Officer Augustin exited swiftly and Sargeant Robby motioned for me to follow, I did speak again to beg Robby to go next (and it was their insistence that we be on first name and familiar basis,) because I'm old and crippled and i begged to get this show outside as fast as possible. I was and will be forever grateful that Robby heard my humble prayer and hustled out leaving me to follow which i doubt is SOP for an officer in such a situation.

Through tears of gratitude in the dark i remember fighting through tears of rage as the gravity of what had happened set in. I truly cannot tell you how incredible both these men were in this moment. I was trying to get my head around how to tell them, two really nice guys who i DEFINITELY want to take out for tacos, that they had just been tricked into joining the biggest criminal fraud of their professional career. Now i am battle-oath-sworn to tell the police, the people with guns and badges and properly entrusted with the arrest privilege; that i am charging them with a unimaginable crime. Perfect. This is going to go great. Then i realize that Ava & Will have their bets placed on "will get arrested", so i kind of laugh.

So, to recap:

My old Chum has lied to two of UCF's finest and made me seem like some sort of deranged lunatic there to attack President Seymour with a small stack of paper. Then my unfortunate defense response of laughing at inappropriate times has conspired with my old Chum to gaslight me to them. Now the trap Chum has set requires me to charge them with heinous crimes and ask them to preserve the specific words spoken to them and their understandings of these words in context with the crime. AND these are nice guys, so now i am literally apologizing to them for having to arrest me, which was weird. And i motioned for officer Augustin to turn on his body camera, which i was grateful to hear chirp on. Because i at least wanted a record if i was about to get screwed, again. BOHICA. But, whatever.

Then something happened that shocked even my old jaded self

They allowed me to restate my charges with the body cam rolling.

They completely calmly allowed me to tell them exactly how they had been used to fraudulently deny my access to the Board meetings. They allowed me to assert that they had been lied to about my intent, because i had sworn in testimony before the Supreme Court that i would not attempt to inform President Seymour about this action. They allowed me to apologize to them for all of this, and i clearly remember saying that i understand that they have a job to do and its a tough one. I clearly remember them blessing me with the opportunity to humbly beg that they appreciate that i was in exactly the same position as they. I said I've just got a job to do too. And it is a tough job, overseeing the Board of Trustees but that it is my sacred right and responsibility do so and i have every legal right to have been there and that they were used to further the fraud.

Now i am certain that video footage which i could not have yet seen includes Robby, the Sargent, agreeing and admitting that i did in fact have every right be where i had been doing what i had been doing, but that he had been told that i had to leave. So i told them my deepest prayer is for them to see me as friend of theirs and of UCF's, because I've got a job to do and i WOULD be around A LOT because it is MY UNIVERSITY which is being fraudulently managed with my funds. They completely agreed and made sure to send me on my way with a bottle of water because they still were worried about me being good and healthy and safe.

These two men are credits to the badge and i am honored that they are truly Knights

FLSC 19-386, 3-25 Appendix
“email to Reps. Oliva, Eskamani & Smith”

March 24, 2019 Speaker Oliva,

The previous charges of lack of candor by UCF must be amended.

On Monday March 18 we brought serious charges before this panel that UCF has been less than forthright and transparent with this panel in that there is at least a credible threat of UCF being found guilty of fraudulently putting funds in the “left-over E&G fund” bucket from which Colbourn Hall was built.

The suits will be successful. It is ministerially demanded that the Supreme Court grant the underlying relief; those three counts we refer to as the underlying fraud. That is because it meets the pleading standards for mandatory relief in mandamus. Mandamus may lie in relief when the petitioner has a right to demand the relief sought, the respondent has a duty to perform the relief sought, and there is no other available remedy. The three underlying counts clearly meet such standards, therefore the Justices may grant the Order to Show Cause why such relief ought not be granted. This means that a “prima Facie” case for such relief has been shown to a Judge and that Judge may order the respondent to answer the petition. If the respondent does not answer successfully, relief is granted.

Mandamus is a “discretionary writ”. This means that a Judge presented with a petition for relief in mandamus which meets the above requirements may grant such relief if they choose to do so. It is within

their discretion to do so, and it is also within their discretion to not. This is called "Judicial discretion"

The unique thing about Mandamus, an ancient form of relief which comes from the Magna Carta, is that it turns justice on it's head. These, the common law extraordinary writs, were turned against the king in the 1200's and are the foundation of our legal system and guarantees of liberty from arbitrary, or

tyrannical, rule. These writs are how democracy holds the government accountable. They are plenary, absolute.

In even more rare circumstances, relief through a Writ of Mandamus becomes a direct constitutional right. That is to say that any Judge presented with a facially sufficient petition for mandamus demanding relief which is written in a valid Florida Statute must issue the Writ. The Writ of Mandamus is a discretionary writ, but that discretion is judicial, not arbitrary. And judicial discretion demands that a petition demanding such explicitly guaranteed relief must be granted, even though it is still discretionary. (For the record, we are humbled that the 5DCA broke this law in the interest of justice to move this case up. See Topps. We look forward to learning how to clean up our mess with them)

It is fraud because UCF has clearly been deceptively denying minors their explicit rights as granted in the black letter of 1007.271.

It is criminal fraud because it also meets the pleading standards for such as Will clearly laid out in his Supreme Court petition in common language before he got laid out sicker and i had to start doing the writing.

But i ONLY brought the sole charge of lack of candor that they didnt tell the panel about this action which is a sufficient threat to have warranted such disclosure out of the other side of their mouth while they were proclaiming transparency and candor before this panel last week. This omission of a lawsuit which is ministerially granted on counts 1-3 with it's claimed implications should be proof of a lack of candor to this panel.

Now i bring serious charges of fraud showing malice aforethought before this panel.

Also on March 18, i filed our 2nd supplemental which clearly stated my intentions and the boundaries which i accepted and swore to on pain of perjury before the Supreme Court. The video evidence from the in-room surveillance cameras will clearly show i did exactly and only what i stated that i would - no more and no less. It is MY university now.

I am a citizen. It was ALWAYS my university, i have always had the right and responsibility to oversee this investment made on my behalf in the Florida Sunshine. The video evidence will show that i did exactly and only that.

My 2nd supplemental could not be more clear nor specific. The context of the entire case supports this as well. I agreed to UCF's (unreasonable) demands at how i will conduct myself in relation to certain public offices, officers in their official capacity and persons who fill those roles personally. But i clearly voluntarily bind myself to the agreement counselor Muldowney demanded in the email from last Thursday, the same day that the panel report gave UCF a "Charge ON, live & learn" mulligan because they were operating with a new spirit of disclosure and candor